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HOUSE OF REPRESENTATIVES—*Wednesday, October 29, 1969*

The House met at 12 o'clock noon.

Rev. Paul Suder, minister, Centenary Methodist Church, Reese's Mill, and Fort Ashby United Methodist Church, Fort Ashby, W. Va., offered the following prayer:

O God, whose days are without end and whose mercies cannot be numbered, we yield unto Thee most high praise for this great country and Nation, for courageous leadership that Thou hast endowed us with, for wisdom, and knowledge that Thou hast created for our understanding, for the principles and practices upon which this country was founded. We pray for Thy guidance in the time of difficulty. Make us aware of Thy presence each day. Help us to trust in Thee, as we live, move, and have our being. Give each of us skill and courage, endurance and self-control in the work that is set before us, for Thou art a Wonderful Counselor, a Mighty God, an Everlasting Father. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 27, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: On this date, I have been served with a subpena by the Assistant U.S. Attorney in Brooklyn, New York. This subpena was issued by the U.S. District Court for the Eastern District of New York. The subpena appears to be in connection with a Grand Jury investigation of the Seafarers Political Activity Donation Committee, 67 4th Avenue, Brooklyn, New York.

The subpena requests a number of House records as is further outlined in the subpena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The **SPEAKER**. The Clerk will read the subpena.

The Clerk read as follows:

[Subpena to testify before grand jury]

U.S. DISTRICT COURT
FOR THE EASTERN
DISTRICT OF NEW YORK.

Hon. W. PAT JENNINGS,
Clerk, United States House of Representatives, The Capitol, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Eastern District of New York at 225 Cadman Plaza East, Brooklyn, New York, on the 13th day of November, 1969, at 10:00 o'clock A.M. to testify before the Grand Jury and bring with you official authenticated (within the purview of § 1733, Title 28, U.S.C.) copies of the reports and records filed with the Clerk of the House of Representatives, pursuant to the Federal Corrupt Practices Act, for the years 1962 to date and, in particular, those filed as follows:

March 8, 1968, covering the period January 1, 1968 to February 29, 1968.

June 10, 1968, covering the period March 1, 1968 to May 31, 1968.

September 10, 1968, covering the period June 1, 1968 to August 31, 1968.

October 25, 1968, covering the period September 1, 1968 to October 20, 1968.

October 31, 1968, covering the period October 21, 1968 to October 30, 1968.

November 10, 1968, covering the period October 31, 1968 to November 10, 1968.

January 10, 1969, covering the period January 1, 1968 to December 31, 1968.

This subpena is issued on application of the Grand Jury.

LEWIS ORGEL,
Clerk.
By ROSE SMITH,
Deputy Clerk.

Date: October 23, 1969.

AUTHORIZING CLERK, HOUSE OF REPRESENTATIVES, TO MAKE AVAILABLE COPIES OF CERTAIN PAPERS AND DOCUMENTS CALLED FOR BY A GRAND JURY, U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

Mr. **ALBERT**. Mr. Speaker, I offer a privileged resolution (H. Res. 601) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 601

Whereas a subpena duces tecum was issued by the United States District Court for the Eastern District of New York and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear before the grand jury of said court on November 13th, 1969, at 10:00 antemeridian to testify and to bring with him copies of certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, be authorized to appear at the place and before the grand jury named in the subpena duces tecum before-mentioned, with certified copies of the documents and papers mentioned in the said subpena, but shall not take with him the papers or documents on file in his office or under his control or in possession of the House of Representatives; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IT IN ORDER FOR THE SPEAKER TO RECOGNIZE FOR MOTIONS TO SUSPEND THE RULES ON NOVEMBER 5

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday next, November 5, for the Speaker to recognize for motions to suspend the rules.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, what is the purpose of this request?

Mr. **ALBERT**. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the majority leader.

Mr. **ALBERT**. Mr. Speaker, I am happy

the gentleman from Iowa has brought this question up so the House may be advised that normally next Monday is Suspension Day, but there are several elections, as the gentleman knows, across the country on Tuesday. The only reason for this request is to accommodate the Members who want to go home and vote on Tuesday. That is the reason for it.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Oklahoma.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, reserving the right to object, would the distinguished majority leader just tell us "flat out" whether or not we are going to put off legislation again because of elections across the length of the land, and does it involve next Monday and Tuesday, as slow and as delayed as we have been in our annual legislative process already?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, of course there are several assumptions in the distinguished gentleman's question. First of all, the gentleman from Missouri knows that we have dropped the practice in which we indulged for a number of years of putting votes off that occurred on primary days. Tuesday is a general election day, as the gentleman knows. It is the election Tuesday, the first Tuesday in November. We are not suspending rollcalls ipso facto on that day. We are merely trying to accommodate Members, many of whom must be at home for the purpose of casting a general election day vote. This does distinguish the request from the former practice we had of putting all votes over on primary days. That practice just got out control, as the gentleman recalls, when we had as many as three in 1 week.

Mr. HALL. I do recall that. I agree with the distinguished majority leader in this respect. I understood we had changed over and foregone the practice of not having legislative business and quorum calls or rollcalls of importance on primary days.

I seem to sense that we are seeping back into that, although I recognize November 4 is, of course, a general election day in the Old Dominion State and in the "Cranberry" State, and perhaps in some others. I know well the difference between the two.

Only this morning one of the chairmen of one of the outstanding committees, that has fairly well done its work, approached me to see if I would object, as one of the objectors on the floor of the House to unanimous-consent decisions and so forth; first, if we had no legislative business on Veterans' Day, November 11, and, second, if I would object to the House not coming back into the second session of this Congress too early in January 1970, if we are going to work around the calendar this year.

We just cannot have it both ways. We cannot honor all of these days that come up by not having legislative business and not be called a "do-nothing Congress" at the end of this 91st first session by whomsoever might want to put this appellation on us; and, finally, not by working around the calendar.

I, for one, am against deferring legislative business. In fact, I am for putting our shoulders to the wheel and winding up this session at the earliest possible date.

Mr. GROSS. Mr. Speaker, will my friend from Missouri yield?

Mr. HALL. I am glad to yield to my friend from Iowa.

Mr. GROSS. Does not it appear to my friend from Missouri that this is in the nature of a device to put over votes, by transferring the business until Wednesday when there might well be votes on the Monday business that is put over?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, this is an accommodation to Members on the day immediately preceding a general election day. That is all. I can assure my friend, so far as I am concerned, this is no effort to inch back to the former procedure, which I found unworkable from the standpoint of myself and the operation of the House, of putting over record votes on primary days. I can assure the gentleman of that, so far as I am concerned.

Mr. HALL. Mr. Speaker, I appreciate the reassuring words of the majority leader. I recognize the truth of the prophecy by the gentleman from Iowa.

Does the leadership anticipate great controversy on this food stamp plan coming up under suspension of the rules on Wednesday? Second, is it being brought up under suspension of the rules to avoid amendments?

Mr. ALBERT. So far as I know, no decision has been made, although I recognize it is a possibility. I do not know whether it is a matter of major controversy or not. I have not been advised that it is. I have been advised if it came up under a rule it might be. That is as much as I know.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I would say to the gentleman from Missouri, I have consulted with the Speaker and with the distinguished majority leader on this. I reemphasize what the majority leader has said. This is not to reestablish the bad practice we had of having no business and no votes on primary days.

This is a unique situation, where we are in session late in the year and where there is in effect a general election in many States. Because of the importance of this in a number of States it did seem we could accommodate those Members who have good reason to be away the day before election. For that reason I agreed with the Speaker and the distinguished majority leader that this made sense.

Mr. HALL. Mr. Speaker, in view of the leadership evident in this instance, and although I think working around the calendar itself is not a point of great benefit to the Nation or to the Congress in particular, I withdraw my reservation.

THE AUTHORIZATION AND APPROPRIATION BUSINESS OF THE SESSION

Mr. MAHON. Mr. Speaker, reserving the right to object, I should like to ask my friend, the distinguished majority leader, whether this request would in his opinion in any way delay the work of the House of Representatives on the appropriation bills?

Mr. ALBERT. To my knowledge, it would not, if the gentleman will yield.

Mr. MAHON. The President, in a letter yesterday to me and others here on the Hill, pointed out that he is in the process of preparing his budget for the next fiscal year, but that in order to do so and meet the January deadline for its submission he needed to know what Congress was going to appropriate for this year. The minority leader, the gentleman from Michigan (Mr. FORD), seemed to attack the Congress for failure to get the appropriation bills to the President.

I would like further to inquire of the majority leader if it is not true that the House has passed all of the regular appropriation bills for fiscal 1970 that it is in order under the rules to do until we get further authorization. May I say that there are five appropriation bills that have not been passed by the House for lack of related authorizations. I am wondering if this request, if granted, will in any way delay an authorization bill on defense, on military construction, on certain items in the transportation area, on foreign aid, and on the District of Columbia. The guns of criticism have been leveled at the House and at the Senate and at the Congress, and I wonder if this request in any way will tend to militate against the desire of the Committee on Appropriations to give the House opportunity to pass the unreported appropriation bills at the earliest feasible date.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I am just as sensitive to the further need for getting authorization and appropriation bills out of the way as is the gentleman. I think that the gentleman's committee has had before it and has passed through the House all the appropriation bills, with the possible exception of one, for which there are existing authorizations. We have urged, as the gentleman well knows, that authorizing committees complete action on the authorization bills as quickly as possible. I cannot answer exactly whether the fact that we will not be programing suspensions on Monday will have anything to do with what the committees can do on Monday. I cannot answer that.

Mr. MAHON. We are on the threshold of the 11th month of the year and well over half of the President's appropriation budget—some $81 billion, in fact—has not been processed by the House because of the lack of significant authorizations. With only 2 months of the year left, this is a most disturbing situation. The Committee on Appropriations has acted in every instance where we thought we could. But time is running, and is now short. I think we have to do something in self-defense, and I do rise in self-defense.

I now yield to the gentleman from Michigan, who on yesterday seemed to attack the committee and the Congress for not having gotten more of the appropriation bills to the President. We have virtually come to a grinding halt in our ability to bring out the appropriation bills within the rules. I repeat, we have tens of billions of dollars of appropriations bottled up because we do not have authorizations for them. What can the Committee on Appropriations do about it and what can the minority leader do about this situation, and does this request have any adverse impact on the unfortunate situation in which we find ourselves with respect to appropriations?

Mr. GERALD R. FORD. Mr. Speaker, would my good friend and former chairman yield at this point?

Mr. MAHON. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. I want to reassure the gentleman that I did not attack the Committee on Appropriations and I did not attack the Congress but simply said that we are in this position—and the record shows that we are—where only two appropriation bills for fiscal 1970 have reached the desk of the President. I deplore this, and I am sure that the distinguished chairman of the Committee on Appropriations deplores it. I would like to make an inquiry because I think what may come to the House Monday or Tuesday could give the green light to one of the appropriation bills still in the Committee on Appropriations.

I understand that the conferees on the District of Columbia revenue bill have agreed, and it is my understanding that the Committee on Appropriations has not acted on the District of Columbia appropriation bill pending this conference report from the legislative committee. Is there any reason why, if the conference report is ready, it cannot be considered Monday or Tuesday so that we could get the green light for this particular appropriation bill?

Mr. MAHON. I would like to yield to the majority leader for a response to this question. Let me first say that if we bring out an appropriation bill prior to the time that the legislative committees have fully acted and processed the related authorization, the legislative committees tend to be somewhat disturbed because they feel we are moving too fast and getting the cart before the horse, so to speak. In any event, we have to have a reasonable time for markup, getting the printing done, and the report drawn. It takes about a week or 10 days or more to do that. We cannot be expected to bring in our appropriation bill 30 minutes after the House has passed the related authorization measure.

Mr. ALBERT. The leadership insofar as I know has not been advised what day the conferees on the District of Columbia revenue bill will call up that bill. I know of no reason why it cannot be called up on any day.

I would like to to say to the gentleman that I would like to keep the discussion within the confines of my request. I have only asked that suspension bills be put over from Monday until Wednesday. I have not asked that any rollcalls be put over or that any other matters not be programed on Monday or Tuesday.

I would say this to the gentleman: This is not a matter which concerns just next week. Continually committee chairmen ask the leadership to call up bills on a certain day and the leadership cannot ignore these requests. In the same manner we have requests from committee chairmen not to call up bills on certain days. We attempt to schedule bills in accordance with the request of the chairmen or members in charge of legislation reported from their committees. We have habitually tried to do this throughout the session and I think it can be said in all candor that insofar as requests from committees are concerned and insofar as rules granted are concerned on bills on which committee chairmen desire to take action we have disposed of such legislation promptly. I know that the chairmen of committees now considering authorization and appropriation bills would like to have them disposed of as soon as possible.

Mr. MAHON. Would the distinguished majority leader tell us when we might have the authorizations relating to mass transportation, to highway safety, and airport aid in order that we can properly incorporate those in the transportation appropriation bill.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, the leadership is in no position to predict when a committee is going to vote or when a chairman is going to request a rule or when a rule will be granted. I can only answer the question in that way. I do not wish to direct my remarks to any committee. I think I can say in all candor that we have discussed the matters with the chairmen of the committees which have jurisdiction over authorization bills not only recently, but over the months.

Mr. MAHON. Referring again the fact that we are on the threshold of the 11th month of the year and the fact that we have had 14 bills and resolutions out of the Appropriations Committee this session, I wonder if the majority leader could tell us when we might expect an authorization on the foreign aid bill. The subcommittee headed by the gentleman from Louisiana (Mr. PASSMAN) finished its hearings some time ago. We want to bring in a bill. When can we expect action on the foreign aid authorization bill?

Mr. ALBERT. The distinguished gentleman from Ohio is present and is a member of that committee and I am sure can give the gentleman the most recent information with reference to it.

Mr. HAYS. We voted the foreign aid bill out this morning.

Let me say to the gentleman, however, that we did not get the administration's request on the foreign aid bill until the beginning of the new fiscal year. We got it in June. It has taken a long time for the administration to line up the ducks on their side and to line up the votes in order to get it out. There have been long hearings conducted on it.

However, insofar as I am concerned—and I think I can speak for the chairman of the Committee on Foreign Affairs—we have our local elections next Tuesday—he and I do—and I cannot expect folks to vote in congressional elections if I am not interested enough to vote in the local election such as the mayors elections, and so forth.

I have noticed that the President took time out to do some campaigning in Virginia yesterday and plans to do the same thing in New Jersey today or tomorrow although I hope he does not have any success in either instance.

But I am going to take time out on Tuesday to go home and vote. I could not care less whether the foreign aid bill comes up then or not, but it is not coming up because of that, so it will come up in a week or so, I think if the Committee on Rules gives us a rule.

And I might say to the gentleman that I do not even care whether they do that, but it is out of the committee.

Mr. MAHON. The Defense appropriation bill involves a little over $75 billion of the appropriation budget. We do not yet have the enacted authorization for that. The military construction appropriation budget is in the area of $1.9 billion, and there is no enacted authorization.

Is the leadership able to tell the Committee on Appropriations what we can do about those?

Mr. ALBERT. The gentleman knows that the authorization bill has passed the House. The gentleman knows that the defense authorization bill was under consideration for a long time, and I am sure for the best of reasons, in the other body.

All of these are matters we have discussed with the appropriate committee chairmen. If the gentleman feels that by putting suspensions over from Monday to Wednesday would interfere with the consideration of appropriation bills, or if I did, I certainly would not make the request.

Further, Mr. Speaker, I want to compliment the gentleman from Texas. Every year he has come in with a schedule or agenda of bills from his committee. He has followed it, I believe, as religiously as any committee in the House has been able to follow an agenda, and he has done an outstanding job. He has been thwarted time and time again by the lack of authorizations and by matters beyond his control, and I believe beyond the control of the leadership in the House.

But again, Mr. Speaker, I would like to go back to the subject of my request, and I want to emphasize to the gentleman that as far as I am concerned I will be glad to meet every day of the week, every night of the week, to get authorization bills and appropriation bills through the House.

I would also like to say to the gentleman that I conferred some time ago with most of the committee chairmen about the possibility of adjourning at a fairly early date. We received reasonable assurances, but there are two Houses of the Congress, and I was not able to get the same degree of assurance in some places as I was in others.

Mr. MAHON. Mr. Speaker, I would like to make the further observation that as we approach the 11th month of the year, the House has not done anything about authorizing the antipoverty program. That is another item on which the Committee on Appropriations is stymied, and I am looking forward to some cold day in December when somebody may come racing in with his shirttail flying, wanting us to bring in an appropriation bill for that.

Let it be said that if those concerned do not get these authorization bills processed, we may not be able to take care of the appropriations for them.

Mr. ALBERT. I have no argument with the gentleman, and I recognize the gentleman's position, and unless he wants to go to the Committee on Rules for a special rule he is of necessity bound by action on the part of the authorizing committees.

I believe the distinguished chairman of the Committee on Education and Labor commented on the subject of the OEO authorization during some of the colloquy yesterday.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I want to compliment the gentleman from Texas for bringing this matter up on the floor of the House, and for this rather lengthy debate on the matter, because I think that right now we have got not only a deadline, but there is a serious question as to what is going to happen in the next 6 weeks, or by the end of the year. I would also like to say this: that already the discussion is being held by various Members that from now on they would object to going over from now on, going over from one day to another, and I would even suggest that we might very well figure on starting working Fridays, and perhaps we should start working on Saturdays.

I would like to ask the majority leader if he would tell us what he contemplates in the way of the legislative program for Monday and Tuesday in view of the request that he has just made.

Mr. ALBERT. We have the Private Calendar and the Consent Calendar. There is another bill or two out of the Committee on Rules that might be programed if the chairman of the committee wishes to do so, and I will of course discuss this matter with the chairman.

May I say just one other thing because I want the House to have full knowledge of what is before us. So far as I know, as of now there are only 3 days left in this year prior to Christmas which are recognized and accepted as days of national importance or national holidays and they are—election day on next Tuesday, Veterans Day on the following Tuesday, and Thanksgiving Day.

We would be doing no more, insofar as I know on those days than just to accommodate Members on the Mondays before those two days, and on the Friday after Thanksgiving Day, and we are not contemplating any extended vacations. But we do think, being in session as long as we have been, that Members might be entitled to go home for Thanksgiving.

Mr. ARENDS. Might I express the hope that the majority leader will also tell the "Tuesday to Thursday Club" that they may well expect to be here on Friday from now on?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, we have announced repeatedly, during recent announcements of the legislative programs that if it is necessary to clear the deck of bills that the chairmen are ready to bring to the floor that we will meet on Friday and if necessary on Saturday.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I would like to make one further observation.

Having served as a member of the Committee on Appropriations for 14 years, I have an understanding of the problems of the committee. I also know that their problems have been multiplied because of the proliferation of authorization bills. A proposal has been made, and I joined in cosponsoring it, that if an authorization bill is not a law by the 30th of June of a particular year, the Committee on Appropriations may thereafter bring the appropriation bill to the floor of the House without the problem of a point of order being made against it. I think that proposal ought to be approved. It would be helpful for two reasons: First, in getting the authorization proposals through before June 30 and second, in helping the Committee on Appropriations to get its work done prior to June 30 or shortly thereafter.

Mr. MAHON. I would pose the question, what kind of buzz saw might we encounter, for example, on defense if we should bring up without authorization the defense appropriation bill, which, as the gentleman knows, has no enacted authorization this year because the committees have not been able to finalize it for us in the last 10 months? I do not know whether that would work or not.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield for just one further comment. I appreciate what the gentleman has said. I hope his optimistic outlook of what he calls the optimism of the majority leader is not overly optimistic. We do want to finish just as fast as we possibly can.

Mr. MAHON. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma (Mr. ALBERT)?

There was no objection.

DISCUSSIONS, IF NOTHING MORE, MAY BE HELPFUL

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, it is encouraging that American and Soviet negotiators are at long last prepared to begin discussions during November on arms limitations. The negotiations are a step toward world sanity in the arms race. But let us not place too much significance on what is happening. We should not assume that the negotiations would automatically insure progress. At this point they will show only that both sides are interested in finding out whether there is common ground to make further and more meaningful talks worthwhile.

Previous history of negotiations with the Soviets would indicate that there is a long and difficult road ahead before any genuine rollback in strategic stockpiles can be accomplished. In the meantime, it is important that the United States not indulge in the deadly luxury of unilateral disarmament. As a matter of fact, U.S. disarmament would probably have eliminated any possibility of accomplishment toward arms limitations at the conference table. The Soviets are much too clever to give up anything without a quid pro quo.

While we are effecting economies in defense expenditures we should also endeavor to modernize and to strengthen our fighting forces. This the Soviets will understand, for this is exactly what they will be doing.

The people of the world can draw some assurance from the fact that both we and the Soviets recognize the dangers of nuclear war and the cost of an arms race. Both countries should be willing to seek relief from the growing economic burden which accompanies military preparedness. Hopefully, the talks can provide the proverbial single step that marks the beginning of a long and important journey.

HIGHER PRICES? YOU CAN BE SURE IF ITS WESTINGHOUSE

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, periodically a corporation shows true public spirit and tender consideration for consumers and their already devastated buying power. Yesterday such a case came to light when Westinghouse Electric Corp. announced plans to raise prices on 1970 models of all its major appliances. Dates of increases and their amounts have not been announced yet by this noble and altruistic corporation. Translation: they have not yet figured out how much the traffic will bear.

Is it not grand and glorious to see such public spirit aimed at ending inflation and helping consumers? Can we not all picture that embattled board of directors at a conference table, figuring out how they can fight inflation and lower the prohibitive cost of living? Simply raise all prices on 1970 appliances. Imagine the rejoicing, the firm handshakes of congratulation. Patriotism by Westinghouse, next to profit, is their most important product.

With interest rates at alltime highs, unemployment soaring, and inflation annihilating consumer dollars, Westinghouse raises prices. Yet we should not be too surprised, for recently they have shown similar unselfishness. Last month, they upped room air conditioner prices by 4 percent and dehumidifier costs by 3 percent. Now we have something else to look forward to. Refrigerators, washers, dryers, ranges, diswashers, and water heaters in addition to air conditioners and dehumidifiers will all cost more, if you buy Westinghouse.

Mr. Speaker, we all know the motto of this company. Now the entire consuming public can be twice as sure if it is Westinghouse. At least they can be sure the prices will go up.

VIETNAM NEGOTIATIONS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, and Members of the House, we all recall the beginning of the Paris peace talks some 2 years ago. We recall that at that time our President dispatched Mr. Averell Harriman to be our chief negotiator at those conferences. I think we all recall the surprise that some felt that before the negotiations had even started, Mr. Harriman had seen fit to sign a 1-year lease on his residence in Paris, which indicated either, first, he expected no progress from the peace talks or, second, he really was not anxious to achieve any progress at the peace talks.

Perhaps some insight into Mr. Harriman's thinking has been granted us by a speech he delivered last night, which is reported on the Associated Press News Service. It appears that last night Mr. Harriman encouraged a Yale University audience to "keep up the pressure" on President Nixon. A more interesting insight is granted by his statement:

> The moratorium has helped to build essential confidence that we do intend to get out.

Now, Mr. Speaker, if our chief negotiator in Paris for over a year was advocating an American bugout and surrender, then the mystery of the lack of progress there is no longer a mystery. It appears that instead of having a vigorous advocate for victory, we have instead been saddled with a senile supporter of surrender.

PUBLIC SENTIMENT ON THE CONVERSION OF THE POSTAL SYSTEM INTO A GOVERNMENT PUBLIC SERVICE CORPORATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in recent months dozens of Members of this Congress have conducted polls within their districts and States to determine public sentiment on the President's proposal to convert the postal system into a Government public service corporation. As in my own poll, the Postal Corporation proves to be a very popular idea. In my poll it was second in popular support only to "economy in Government."

The results of these polls have been published, at one time or another, in the CONGRESSIONAL RECORD.

I think they should be required reading for the members of the Post Office and Civil Service Committee, and especially the 13 members of that body who recently voted against marking up H.R. 11750, the administration's total postal reform bill.

Without exception, these polls showed the public overwhelmingly opposes retaining the postal system in its present structure. With one exception, they indicated massive approval of the postal corporation concept.

The same results were obtained in polls conducted by the National Newspaper Association, the U.S. Chamber of Commerce, and numerous local newspapers, radio and television stations, and civic organizations.

Mr. Speaker, I think the voters are trying to tell us something. And I think it is incumbent upon all of us to listen closely—particularly the 13 members of the Post Office and Civil Service Committee who voted not to mark up the administration's postal corporation bill.

REPORT OF OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE, FOR FISCAL YEAR ENDED JUNE 30, 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1968, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, *October 29, 1969.*

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE ON THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13950, with Mr. STEED in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, title I of the bill was subject to amendment at any point, and amendments had been offered by the gentleman from Kentucky (Mr. PERKINS) and considered as read.

The Chair recognizes the gentleman from Kentucky for 5 minutes in support of his amendments.

Mr. PERKINS. Mr. Chairman, during the course of general debate on Monday, specifically as reported on pages 31574 through 31576 of the CONGRESSIONAL RECORD for October 27, 1969, I submitted the complete text of the amendments and at that time explained the effect of the amendments. In essence, these amendments delete the Board from the bill and substitute in its place an Interim Compliance Panel whose sole function would be to review and act upon requests by mines for waiver of dust standards and for the waiver of the use of permissible mining equipment.

Since 1952, when the Board was created, it has operated as a very effective administrative mechanism for reviewing actions of the Bureau of Mines in administering the Federal coal mine safety law. This has been possible because the Board consisted of representatives of the miners and representatives of the coal industry who worked to make the Board effective in carrying out the objective of the act. Now the committee has received information to the effect that one of the interested groups represented on the Board and directly concerned believes that the Board is no longer necessary. It is obvious that the Board's ability to effectively operate as an administrative instrument may be impaired. Hence this amendment to delete it.

As I pointed out yesterday the amendment assures appropriate review procedures of orders and decisions of the Secretary in administering the act.

First, an Interim Compliance Panel is created to review requests by mines for waiver of dust standards and to review requests for waiver of the use of permissible—nonspark—mining equipment.

Second, a public hearing will be held by the Secretary as a matter of right for any persons objecting to proposed regulations on health and safety standards. The standards are further subject to review in court.

Third, the amendment retains procedures for appealing any closing orders issued by a Federal inspector to the Secretary and makes the adjudication provisions of the Administrative Procedures Act applicable to the appeal which are, of course, then reviewable by the courts.

Fourth, the amendment permits, on a limited basis, temporary relief from any closing order except those dealing with imminent danger—while an appeal is being taken.

Further, powers that were formerly under the Board with respect to the imposition of civil penalties for violation of mandatory standards are now reposed in the Secretary. He is required by the terms of the amendment to conduct appropriate hearings on request in connection with his assessment of any civil penalties. Appeal to the courts is provided where the proceedings would be de novo.

Other functions formerly assigned to the Board under the amendment with respect to overseeing the X-ray program would be assigned to the Secretary of Health, Education, and Welfare. Those functions with respect to health and safety research programs would be assigned to both the Secretary of Health, Education, and Welfare and the Secretary of the Interior.

Mr. Chairman, that is the basis of the amendment. I have discussed it with the minority, and, so far as I know, the minority intends to accept this amendment. I think the gentleman from Illinois (Mr. Erlenborn) should speak on that point.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes. I yield to the distinguished gentleman from Illinois.

Mr. ERLENBORN. The statement just made by the gentleman from Kentucky, the chairman of the full committee, is correct. I have gone over this amendment with the chairman, the gentleman in the well, and I support this amendment, which removes the board of review and places in the legislation the compliance panel with provision for extension of the dust standards and acquisition of permissible equipment. I commend the gentleman for offering this amendment and I do support it.

Mr. PERKINS. And we agree that the amendments should be considered en bloc?

Mr. ERLENBORN. That is right.

Mr. HUNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

[Roll No. 247]

Ashbrook
Ashley
Baring
Barrett
Bell, Calif.
Bingham
Blatnik
Boland
Brown, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Carey
Cederberg
Clark
Clausen,
  Don H.
Colmer
Daddario
Dawson
Foley
Ford,
  William D.
Gubser
Heckler, Mass.
Holifield
Jarman
Kirwan
Lipscomb
Long, Md.
McClory
McCulloch
Mailliard
Mikva
Miller, Calif.
Monagan
Moorhead
O'Neill, Mass.
Ottinger
Patman
Pepper
Pirnie
Powell
Preyer, N.C.
Pucinski
Rees
Reid, N.Y.
Robison
Rosenthal
Rostenkowski
Scheuer
Skubitz
Stuckey
Udall
Ullman
Van Deerlin
Weicker
Whalley

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Steed, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13950, and finding itself without a quorum, he had directed the roll to be called, when 375 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, I desire to commend the chairman of the Committee on Education and Labor, the gentleman from Kentucky, the sponsor of these amendments, and also the gentleman from Pennsylvania (Mr. Dent), the chairman of the subcommittee. I should like to ask the gentleman from Kentucky a couple of questions concerning the amendments.

Does this Interim Compliance Panel, provided for in these amendments, include any private citizens?

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the distinguished gentleman from Kentucky, my neighbor from the adjoining district to mine.

Mr. PERKINS. It does not include private citizens. It includes a group of select Federal officials or their delegates.

They are: First, the Assistant Secretary of Labor for Labor Standards; second, the Director of the Bureau of Standards of the Department of Commerce; third, the Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare; fourth, the Director of the Bureau of Mines; and fifth, the Director of the National Science Foundation. There are no private citizens on the Panel.

Mr. HECHLER of West Virginia. Does this Panel include any power or authority to veto penalties or mine closures for safety violations? Can the Panel override the decisions of members of the President's Cabinet?

Mr. PERKINS. This Panel has nothing to do with vetoing any action of the Secretary and has no authority in the areas that the gentleman just mentioned..

Mr. HECHLER of West Virginia. I thank the chairman of the full committee for his clear answers.

Mr. PERKINS. This is an Interim Panel that goes out of existence when its duties have been carried out.

Mr. HECHLER of West Virginia. I thank the gentleman from Kentucky and commend him for sponsoring these amendments.

Mr. Chairman, I support the amendments.

For months I have been calling attention to the shortcomings of this Board of Review, which could have become the real Achilles heel of the new legislation had it remained in the bill. In the October 21 Record at page 30837, I placed in the Record the texts of five letters from distinguished experts in administrative law, calling attention to the unsound features of the device of allowing special-interest representatives to overrule the considered decisions of a responsible member of the President's Cabinet. Since having these letters printed, I have received responses from several other experts, including Prof. Kenneth Culp Davis, University of Chicago Law School; Dean Leo A. Huard of the School of Law, University of Santa Clara, Calif.; Prof. Arthur Earl Benfield, College of Law of the University of Iowa; and Prof. Walter Gellhorn, Columbia University School of Law.

Dean Huard in general supports the concept of the Board, unlike all the rest of his colleagues. He also makes some interesting and useful comments concerning the need for incorporating the practices under the Administrative Procedures Act. I am very happy to note that the gentleman from Kentucky (Mr. Perkins) has done precisely this in his amendments which tie in the Interim Compliance Panel with the Administrative Procedures Act.

Professor Gellhorn, in his letter of October 24, 1969, generally endorses the comments of Prof. Fred Davis of the University of Missouri, a copy of which I have already had printed in the October 21 Record at page 30837, Professor Gellhorn adds:

> A body that is supposed to make dispassionate judgments about disputed questions of fact should not be composed of partisan representatives. That type of tribunal has progressively fallen into disuse because no matter how detached might be the judgment of its individual members, its decisions remained suspect in some quarters and therefore failed to carry the force they should have.

I most enthusiastically support these amendments to abolish and finally lay to rest the Board of Review.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the amendment.

As I said during the time that the gentleman from Kentucky (Mr. Perkins) yielded to me, I support this amendment. I wish to make it clear that it is somewhat reluctant on the basis of removing the Board of Review, which has done a good job, I believe, but I see the realities of the situation. The gentleman from Kentucky is including in this amendment the provisions for a Compliance Panel substantially the same as is in the bill in the other body. This would make our job in the conference much easier. It is something that the Secretary of the Interior has wanted namely, the Compliance Panel. As the chairman of the committee pointed out, this Panel will function in an area which is separate from what the Board of Review did. The Board of Review would review orders, and it has done so in the past. It reviews orders of closure and other orders issued by the Secretary based on inspectors' findings at the mines. The compliance panel will have application only to the areas of extensions of time in compliance with health and safety standards and extensions of time in the acquisition of permissible equipment. This is something that the Secretary of the Interior has wanted, as I said. I am happy that the gentleman from Kentucky has seen fit to offer this amendment and I do support it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kentucky (Mr. Perkins).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Scherle: Beginning on page 38, line 18, through page 43, line 9, strike all of subsection 112(b).

Mr. SCHERLE. Mr. Chairman, I rise to ask support of the House to delete section 112(b) of the bill under consideration. We all support safety legislation, however, to inject Federal workmen's compensation would be wrong.

This section of the bill would establish a special system of Federal workmen's compensation payments for a small group of employees in one industry who are affected by one specific disease. For humanitarian reasons alone we are all sympathetic with any employee who is afflicted with an occupational disease—or, for that matter, with any disease, whatever its origin. Everyone is in agreement that the victims of occupational diseases should be adequately compensated; however, this historic, far-reaching proposal for disabled miners is the wrong way to solve this problem.

The great dangers with this bill are twofold. First, it would undermine our State workmen's compensation system. Second, it would begin a new special social security disability program on top of our existing Federal system.

The State workmen's compensation system was our first form of social insurance. Every State has its own system of providing benefits for work-connected injuries and diseases. Such systems have been functioning successfully for over 50 years. They are still being refined and perfected. This is a continuing process.

There is universal agreement that our State workmen's compensation laws should provide adequate compensation for on-the-job diseases as well as on-the-job injuries. Thirty-eight of our States have broad occupational disease coverage for disabled employees. The remaining States list a schedule of compensable diseases. Improvements are being made in these laws by the State legislatures whenever necessary.

Section 112(b) of this bill would start a new system of Federal workmen's compensation payments for retired or active coal miners with pneumoconiosis. If this section is not struck, it will be the first step toward the ultimate federalization of all workmen's compensation.

This bill offers no incentive or encouragement to the States to further improve their occupational disease laws for coal miners. In fact, if the Federal Government is going to foot the bill, the States will be encouraged to do nothing.

The payments made would be discriminatory. They would apply only to workers suffering one specific disease in one specific industry. This is a step backward. For 50 years we have been working in this country for broad occupational disease or disability benefits. It would be a mistake to begin legislating special payments for this or that group of employees, in this or that industry, for this or that particular disease.

The other great problem to consider is whether this type of legislation would not start a second fragmentary Federal social security disability program. We already have a broad disability program under our social security system. Our citizens are entitled to payments when they are totally disabled without regard to whether the disability arose on or off the job. Section 112(b) of this bill takes no recognition of the fact that coal miners who are totally disabled from black lung disease can apply for disability under the Social Security Act. In fact, a number of the disabled coal miners who appeared at the hearings stated they were receiving monthly social security disability payments.

The great danger here is that we would be starting a third system of governmental disability insurance on top of the already existing State workmen's compensation system and Federal social security disability system. We begin with coal miners with black lung, but where do you stop? The list of industries and occupational diseases is endless. If this legislation is adopted each Congress from now on will be faced with special pleas for special workmen's compensation payments to special categories of employees in various industries for specific diseases. Without question, workmen's compensation should remain the responsibility of the States.

This section of the bill would set an unwise precedent. For the reasons cited, I strongly urge that we not start down this dangerous road.

Mr. LANDGREBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from Iowa (Mr. SCHERLE).

Mr. Chairman, I support the Scherle amendment, not because I am opposed to the coal miners health and safety bill, but because I believe that the compensation measures for our various industries should remain in the States where they can best be managed and handled, perhaps better than we could possibly handle them at the Federal level.

There are many, many industries in our land; in fact, there is hardly any industry that does not have some health problems related to that industry. Of course, the industry that I know best is the motor freight industry. In this industry, back sprains, back injuries of a permanent nature, heart disease, kidney and bladder problems, hernias and ulcers are all health hazards of the trucking industry. Not only that, but the trucking industry is one of the biggest industries in the country. I need not remind the Members of this body of the importance of that particular industry. In many States it is the largest employer.

We have brown lung in the textile industry. We have lung problems in the lime quarries, grain elevators, farms, and the ammonia industry. Lead poisoning is a hazard of the gasoline industry, and of course the dairy workers and slaughterhouse workers are subject to rheumatism, a most unpleasant and crippling disease.

Then there is painters' colic, and on and on we could go. We could even mention bartenders, with that inherent health hazard of alcoholism.

I fully appreciate the coal miners' contribution to the progress and prosperity of this country, but I do believe that the Scherle amendment is right. I believe that compensation for industrial injuries and illnesses should remain with the States. Therefore, I urge my colleagues to support the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

Mr. COLLINS. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

I am not sure that all of the Members fully realize what is involved, or the particular thinking concerning this section of the bill. We are introducing for the first time the idea of workmen's compensation as a Federal responsibility. This can run into billions of dollars, and what we are doing we are doing on a single-shot basis. This raises the question, is this equity? It is not even equity to the coal miners themselves, because it is only the fellows who have black lung who get workmen's compensation. In other words, if you lost both arms or both legs you certainly would deserve workmen's compensation, but you do not get this Federal workmen's compensation. This is only for people with black lung.

Actually, we are talking about lung problems, but on only one type—black lung. That is the whole basis here. We are all very sympathetic with all lung situations because today there are probably as many as 5 million people in this country who have lung problems in one way or another.

In our section of the country we are familiar with people who have been involved with what is known as brown lung. They do not call it brown lung; some call it asthma, others consider it a chronic cough. Workers in textile mills may work with cotton, where there is cotton lint floating through the air all day. You can walk through a textile mill, and if you have on a dark suit it will be flecked all over with that cotton lint. That cotton lint has been going into the lungs of these men for years and years, and we have hundreds of thousands of men in the South who have this brown lung.

I want to tell you about another one, and that is in the asbestos industry. There are 3.5 million people in the country who work with asbestos in one form or another, and they have made X-rays of these people, and in over half of the cases of people who work with asbestos the X-rays show up with lung trouble.

Take silica. Many of you have been in some type of open mine in a rock quarry where they crush stone in one way or another and see the wind dust blowing all day long on the men working out there. These workers are developing in every case some type of lung problem.

We remember beryllium and when beryllium was considered all right to be used in fluorescent lighting. Recently, it was found out that it was poisonous. What about the people who suffered from use of beryllium?

We talk about coal being a very important item because it is a valuable national resource. Yet, take uranium. Uranium is a very highly sensitive commodity and nothing is done to provide for people involved in uranium.

From every angle this particular bill is highly partisan, highly prejudiced and this is a special interest situation. When the time comes that this country decides to take on workmen's compensation, it should take it on fairly, and should take it on equitably, and should take it on for everybody in the country who has a lung problem.

I recommend we give thorough consideration to the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

Mr. ERLENBORN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Scherle amendment.

I agree with most of the arguments made by the sponsor of the amendment and those who have so far supported it.

It is a rather difficult thing for me to do to get up on the floor of the House today to support this amendment because the provisions it would strike do have a humanitarian thrust. I am not unaware of that. I am not insensitive to the fact that there are people who suffer from this disease, and who are not compensated under State law.

The unfortunate thing is that this particular disease was not identified as a separate disease until recently. It used to be called by other names such as anthracosis and chronic bronchitis and it had other designations.

It was not identified as a separate disease and it did not become compensable as a separate industrial disease because of that lack of identification. Many of the States have since been hesitant to move into this field to provide compensation.

I realize, even when they do provide compensation, that many miners who have already retired will not be covered because you do not have the reserves to pay the benefits that would accrue to those miners who are already retired.

So from a humanitarian standpoint, this is a good provision in the bill—but it is a very bad precedent.

I had an interesting discussion in my office last week with some student leaders from the college community. One of the questions they asked me was, "How do your Christian principles either conform with or conflict with some of the things that you must do in the legislative process?"

There came to my mind right away this provision in the bill for compensation for pneumoconiosis and I told them—Here is one where my Christian principles of doing right by my neighbor and seeing that people are properly compensated for disability and my feeling that we have to keep the Government structure right and do not destroy the values that we have developed in this country.

I got an interesting response from one young lady, a college student, and she said, "I do not think that is a very Christian thing to do, to use somebody else's tax money to take care of these people. The Christian thing to do would be to use your own funds."

I think this was a pretty good observation made by this young lady.

The problem I see, and this has been pointed out by some of the other speakers, We are going to establish a precedent. I know that this has been very carefully drawn to apply to only those who presently have the disease and is apparently to be self-liquidating in operation, within a certain period of time.

I commend the ideas of those speaking in favor of this provision for keeping it thus narrowly confined and if it is going to pass, apparently, it is going to be in this form. And I think it only can pass in this form. But still what is to prevent those who suffer from brown lung, byssinosis, from coming in and saying, "Now that you have established as a principle that the Federal Government will give compensation to those who have industrial diseases, perhaps no longer in an area of the country where they have this industry, that therefore the Federal Government will compensate you for these industrial diseases?" Then there is the next step, and the next step down the line, until we can see the takeover by the Federal Government of the whole system of compensation for industrial diseases and workmen's compensation. I fear the precedent established in this bill, even though I can readily commend the purposes of those who have drafted this and support this provision.

Mr. BURTON of California. Mr. Chairman, I rise in opposition to the amendment. Of all the sections of the bill, this is the one section that by no stretch of the imagination could be called in any manner, shape, or form anything but bipartisan.

It is intended, as the committee report so very emphatically and unambiguously states:

> This payment program is not a Workmen's Compensation program. It is not intended to be so. It contains none of the characteristic features which mark any Workmen's Compensation plan, and it is clearly not intended to establish a Federal prerogative or precedent in the area of payments for death, injury, or the illness of other workers.

This is what I think most of the members of the Committee on Education and Labor would agree was an honest effort to have a very narrowly drawn bill, on a one-shot basis only, the compensation to be paid only to those miners or their widows, if their predeceased spouse had the disease at the time of death—only those miners who have complicated pneumoconiosis that has arisen as the result of breathing anthracite or bituminous coal dust.

There as several stages of pneumoconiosis, but when one has complicated pneumoconiosis, it means that the disease has reached its most serious stage.

This amendment has been worked out with key management leadership, it has the acceptance of labor, it is a one-shot effort, and I hope that the pending amendment is defeated.

Mr. Chairman, I believe that it is only fair to note—that during the early, difficult days when the payment to "black lung" miners and widows was in serious jeopardy—the only person affiliated with the Mine Workers Union that supported Chairman DENT and myself—in our successful effort to have this vital provision inserted in the subcommittee's bill—was Mr. Joseph Yablonski.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman from California yielding. I wish simply to reassert what I said during the general debate and what the gentleman from California has just now said so well, and that is that the provision to which the amendment refers is not a precedent. The committee report spells this out. The gentleman from California has stated it clearly and without equivocation. This is not a workmen's compensation provision.

My argument with the distinguished gentleman from Iowa, who has sponsored the amendment which I oppose, is that he is considering this a compensation plan, and it is not. It has none of the characteristics of such, and clearly ought not to be viewed by those who are concerned about this provision as being a precedent.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I appreciate the gentleman yielding. I associate myself with the remarks made by the gentleman from California and add this comment, that the bill has been worked out over a long period of time, very painfully, and we have come up with some limited response to the problem. I am aware of the precedent-setting possibilities of this bill, but I think the history has been such that those possibilities have been eliminated or virtually minimized.

When I view the problem at which this amendment is aimed, it becomes obvious that if there is no help in this bill, there is no help whatever that we can offer to a limited number of individuals who have suffered impairment of their health by reason of pneumoconiosis.

I am hopeful the amendment offered by the gentleman from Iowa will be defeated.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Virginia.

Mr. WAMPLER. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

Mr. Chairman, I support the intent and most of the provisions of H.R. 13950. I believe that this legislation answers the mandate which the American people have given to the Congress to abate the senseless slaughter which all too often characterizes the coal mining industry of America.

The legislation before us is tough legislation. It will impose a heavy burden on the coal mining industry. It will cost that industry money to comply with its provisions.

But, the available alternatives are even more costly, not only to the coal miner and to his family, but to the coal operators and the consumers of coal who must rely upon the productivity of the highly skilled and highly motivated work force.

This Congress is committed to passing a strong and effective health and safety bill. It is committed to including in that bill needed innovations in health and safety matters.

I would be remiss if I did not pay tribute to those people and to those sources which helped to bring this bill to the floor. I offer my congratulations to the members of the House Education and Labor Committee and the subcommittee which considered this legislation. I know full well the long and arduous task that was theirs as they took the ideas, the recommendations and the suggestions of a great many people and fashioned from these conflicting views a bill which will mean safer mines and healthier miners.

Putting this bill together was not an easy task. The committee deserves the thanks of this body and the American people.

I would be remiss if I did not pay tribute also to the officers and the members of the United Mine Workers of America. I particularly want to call to the attention of this body the efforts on behalf of the legislation by Mr. W. A. Boyle, the president of the United Mine Workers of America; Mr. Louis Evans, the safety director of the union; and Dr. Loren E. Kerr, the director of the division of occupational health. These men and the staffs which support them have given of themselves to the ultimate degree to bring the strongest possible legislation to the floor of this House where it can be enacted into a piece of legislation which can be approved by the President and made into law.

Many of the innovations contained in this bill first came from the United Mine Workers of America.

It was the United Mine Workers of America which introduced legislation calling for the establishment of a dust level of 3 milligrams of respirable dust per cubic meter of air. It was the United Mine Workers of America which urged the establishment of safety chambers to which men could go in post disaster periods. It was the United Mine Workers of America which argued for penalties on the operators who violate the law. It was the United Mine Workers of America which established an increase in the ventilation required in mining operation. It was the United Mine Workers of America which asked that a Federal mine inspector be placed at every mine which liberated excess quantities of methane gas.

Finally, the United Mine Workers of America first suggested that a Federal compensation program be established to care for the victims of pneumoconiosis or black lung, not covered by State law. This effort was made because the union realized that many of the victims of black lung would be ineligible under State laws and would thus be denied that which rightfully should be theirs.

I also want to thank the National Coal Association, the National Independent Coal Operator's Association, other representatives of the coal industry, and members and officers of district 28 of the United Mine Workers of America, which I am privileged to represent. I appreciate their help and advice on this extremely complicated, technical, and controversial legislation.

I want to point out that while all 50 States have some sort of a workmen's compensation law, only one of these States provides retroactive benefits to individuals disabled by pneumoconiosis, and not even this State extends the benefits to the widows of these miners. Many such people are therefore forced to go on the welfare rolls. I believe such facts give evidence that the States are simply not fulfilling their responsibility in the area of workmen's compensation as it applies to pneumoconiosis.

Let me emphasize that I am a firm believer in State's rights, and I think workmen's compensation is generally a matter which should be left up to the States. However, when the States either do not act at all or do not act adequately in this area, I believe the Federal Government has a bound duty and moral obligation to bridge the gap.

Let me also point out that the proposed program of Federal payments to miners disabled by pneumoconiosis or to their widows does indeed bridge the gap, but it is not a workmen's compensation plan. As the committee report clearly states, it is not intended to be a workmen's compensation plan and it contains none of the characteristic features of any workmen's compensation plan. Furthermore, it is not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers.

The plan as reported by the committee provides payments for retroactive cases of pneumoconiosis only—not for prospective cases. It provides payments for complicated pneumoconiosis, which is the fourth stage of this disease.

The committee report defines complicated pneumoconiosis as a serious disease of the lungs caused by the excessive inhalation of coal dust. The individual incurs progressive massive fibrosis as a complex reaction to dust and other factors, which may include tuberculosis and other infections. The disease in this form usually produces marked pulmonary impairment and considerable respiratory disability. This respiratory disability greatly limits the physical capabilities of the person. It can cause death by cardiac failure, and it may contribute to other causes of death as well. Once the disease is contracted, it is progressive and irreversible.

The importance of the retroactive Federal payments and the provisions for payments to the widows becomes even more evident when you consider the uniqueness of pneumoconiosis: it can take up to 10 years to develop.

Many statistics have already been given in this debate to prove the importance of the coal industry to our Nation. I want to point out that my own State of Virginia is the fifth largest coal-producing State in the country. Coal contributes from $280 to $300 million to the economy of Virginia. Buchanan County in my Ninth Congressional District is the largest coal-producing county in Virginia, and it has some of the deepest shaft mines on the North American Continent.

The late Charles Evans Hughes, a former Governor of New York, was the father of modern labor legislation. He once said:

> We are for both the man and the dollar; but if we must choose between them, we put the man above the dollar.

Let us begin to repay our debt to those miners who have helped America prosper and grow.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. BURTON of California. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, there is one other point in the committee report, and I refer the Members to the committee report. I think there is a good statement there on the question as to responsibility. When we say this is a State responsibility, it seems to me we are imposing a requirement on a State such as Wisconsin, which has no coal mines at all, to care for those who have contracted complicated pneumoconiosis in Pennsylvania or West Virginia. I am not at all sure I could recommend to the State of Wisconsin that it undertake a compensation program for a disease for which it is not responsible.

It seems to me this is a further reason for us to be in favor of retaining this provision of the bill.

Mr. BURTON of California. Mr. Chairman, the gentleman from Wisconsin has stated it much more aptly than I could possibly do.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment offered by the gentleman from Iowa.

Mr. Chairman, I have listened with interest to the arguments advanced by my friends the gentleman from Iowa (Mr. SCHERLE), who has offered this amendment, and by the gentleman from Indiana (Mr. LANDGREBE) and the gentleman from Texas (Mr. COLLINS) and the gentleman from Illinois (Mr. ERLENBORN). The very arguments which they have given are the reasons this amendment should be defeated.

Those who suffer from this disease called pneumoconiosis which has been recognized by the medical profession—within the past several years—are spread throughout the 50 States of the Union. Yet they contracted the disease when many of them, years ago, worked in the coal mines, mostly in the Appalachian fields.

After World War II, when there were approximately 400,000 men working in the mines, the demand for coal was reduced, and the men who were there had to go elsewhere to find employment. They went where the job opportunities were given to them and spread throughout the length and breadth of this land. They are in California, Florida, Alaska, Hawaii, Maine, and in States which have absolutely no coal mining.

I could not as a member of a State legislature in any one of those States in all good conscience get up and ask for a favorable vote to take care of individuals with a specific disease which was contracted in the hills of Pennsylvania or West Virginia.

If this bill is passed—and I hope it is—in the form which has been recommended by our committee, then this disease will be attacked at its source and there will be no more cases of pneumoconiosis, because this bill provides for annual inspection by X-rays, and men who are discovered as having any lung condition whatsoever are moved out of these jobs. The dust level which in many mines has been high is going to be reduced.

The amount of air which is going to the face of the mine, is going to be increased.

So this is not a workman's compensation bill. This is a responsibility of mankind—we the Congress represent the mankind of the country—it is our responsibility to take care of this in one operation. We have provided the method whereby men suffering from this dread disease and their survivors can get some benefit. This is our responsibility as a Congress. I believe it is one of the prices we have had to pay for the mistakes of the past.

I hope that this amendment will be defeated.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Michigan.

Mr. ESCH. I thank the gentleman for yielding.

I wish to associate myself with the remarks of the gentleman from Pennsylvania and to compliment him on his leadership on this bill and on this section. As one who has a personal interest, having been born in his district and having had a father who served in the mines at the age of 14 in his district, I am aware that the gentleman in the well knows firsthand the problems of the miners and our responsibility toward them.

Hopefully this legislation in total will bring about a new era in the mines, but this amendment must be defeated so that we can give recognition to a related problem; that is, with the miners who are already afflicted from the past.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I wish to associate myself with the gentleman. We represent the two largest active mining areas in the great State of Pennsylvania.

This is not a workman's compensation act, as it has been described by the proponents of this amendment. It contains none of the characteristic features which mark any workman's compensation plan. We are moving in this bill toward dust-free mines. The provisions in this bill are a limited response in a form of emergency assistance to the miners. This is not a permanent proposition.

I commend the gentleman from Pennsylvania for his remarks, and I associate myself with them.

Mr. Chairman, I rise in support of H.R. 13950, a bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States.

As a cosponsor of this bill, I find it far from perfect and I hope that it can be amended on the floor during the 5-minute rule. I have read both the majority and the supplemental views. If the amendments suggested by those who signed the minority report and the supplemental views are adopted, I feel it would definitely weaken the bill.

Mr. Chairman, this bill has many excellent provisions with regard to safety standards. I strongly feel, however, that dust levels should be measured once a shift. I am opposed to the weaker method of averaging such dust levels over several shifts as the present House bill provides.

Mr. Chairman, I was born in a coal mining community and have lived there all of my life. My father was a coal miner and I served as a coal miner's physician for over 25 years. During this time I was very close to the Nation's most dangerous occupation. A miner is constantly faced with many dangers such as mine fires, explosions, roof falls and the dreaded black lung or pneumoconiosis disease. If you will visit any mining town in the Nation you will see hundreds of disabled miners who were forced to stop work because of the gradual and progressive shortness of breath.

Mr. Chairman, for years in the medical profession there has been controversy as to whether coal dust was the cause of this progressive disability. I have always contended that clinical evidence was present to cause pneumoconiosis and that it will increase with the modern methods of coal mining.

Mr. Chairman, one of the matters of continuing interest in this bill is the manner in which the "black lung" or dust problem has been handled. The bill deals with both aspects of the problem of coal miner's pneumoconiosis, the prevention of the disease and the compensation of the victims.

With respect to prevention there is no question of what is needed. It is a dust-free mine. The problem is that, given what we now know about the technology of dust control, we cannot produce a dust-free environment in a coal mine. It will be some years before we can. But we can reduce the chance of a miner contracting the disease to tolerable levels with what we know right now. The only problem is that it takes a little while to manufacture and install the necessary equipment.

H.R. 13950 provides that after 6 months dust atmosphere in mines must be down to 4.5 milligrams per cubic meter. After 1 year, it must be down to 3 milligrams. But the bill goes further. It also prescribes that as soon as the Secretary of Health, Education, and Welfare deems it attainable—in other words as soon as research into dust-control technology catches up with the problem—he will require a standard of 2.2 milligrams or lower, a level where there is no danger of disabling disease.

And we provide in the bill for the money to finance the necessary research.

Now, what about those whom it is now too late to save from "black lung." No one knows the number, but it is estimated that probably 100,000 active and retired coal miners have pneumoconiosis and that about half of that number, 50,000 men, are already disabled from the disease. There are only about 144,000 active miners presently working in coal mines so one can readily see, Mr. Chairman, that we are dealing with a major health crisis.

One of the major accomplishments of the work here in Congress on this bill is to bring home to an aroused public that this major health problem actually existed. Thousands of men in our coal mining States are literally dying slow deaths from lungs unable to provide enough air to sustain life. Most of them are unable to work at all. Few of them are self-supporting. Many have other diseases, like tuberculosis and heart disease.

We also have a major problem to provide support for these victims of this occupational disease. The States cannot bear this burden, but H.R. 13950 provides for such support. The amount is approximately $136 a month for a disabled miner or for his widow, with additional amounts for dependents. A sick miner with three dependents would receive $272 a month.

The bill makes it very simple for a miner to establish entitlement for such disability. If the miner is obviously sick and disabled, there is no question if it can be shown that the disease arises out of or in the course of his employment in a coal mine. If the miner has a history of 10 years of employment in coal mining, it is assumed that the disease arose out of the course of his work.

Almost all of the older miners suffering from the disease will experience no difficulty establishing 10 years of employment. For those with less than 10 years of employment the bill requires that the miner demonstrate that the disease arose from his employment in coal mining. Again, this is not expected to impose any difficulty for the relatively few cases contracted in less than 10 years.

Mr. Chairman, I intend to support all the amendments which would strengthen the bill because I feel it is necessary that we send a strong bill to conference. The Senate bill passed the other body unanimously, and a strong vote for an amended bill will assure the coal miners of the Nation the first real safety bill in the history of coal mining.

Mr. DENT. Mr. Chairman, I rise in opposition to the amendment.

Monday afternoon during the debate I spent a little time on the subject matter before us today dealing with pneumoconiosis, and I tried to give the House some of the information that we gathered in our research.

I am very happy to be able to present at this time, and I shall, at the appropriate time, ask unanimous consent to include the synopsis of the work session proceedings at the Spindletop conference, the international conference attended by the best known experts in the field of dust diseases and respiratory diseases.

Mr. Chairman, what I wanted to do was to make sure that every Member of this Congress, if he so desired, could spend a few minutes reading the RECORD tomorrow, so that he will know as much as is possible to know as a layman at this point on the matter of this disease.

Its prevalence among the miners is about 10 percent of all working miners, and it is a slightly higher percentage of those who are no longer working in the mines simply because of the fact that they worked before there was any kind of an effort to try to reduce the dust density in the mines.

I do not want to take the time of the Members, but I want to compliment the gentlemen on the minority side who have all along given us as much help as it was possible to do in the face of the great opposition to this particular feature in the bill.

I want to reassure the gentleman from Wisconsin that this is not a compensation act in any way. It is a benefit payment for services rendered in an industry that did not take care of its problem and in the States that did not take care of their problem. This is a Federal obligation as this Congress sees it.

I want to compliment those on both

sides of the aisle who have done so much to have us arrive at this stage where we can undo a damage that has been done through neglect to the coal miners of the United States of America.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Iowa.

Mr. SCHERLE. It is difficult for me to comprehend the difference of interpretation—call it what you want—benefits or compensation. To me it is compensation and is for one specific group, for the coal miners. Do you not think that we owe the same compensation to all employees regardless of disease such as those mentioned by my friend from Indian (Mr. LANDGREBE). This legislation singles out one specific group and offers compensation to no one else. This is highly discriminatory. The door is now open—watch what happens next year.

Mr. DENT. I understand your question, and I might answer it very simply. We are not going to restrict this to miners except that we are restricting it to a certain disease.

Mr. SCHERLE. That is the problem.

Mr. DENT. It is a particular type of disease. Everybody that has it will be treated. If you have some corn huskers out your way and they have developed it, we will see that they get whatever it is that you call it, whether it is compensation or something else. If the gentleman wants to introduce legislation to take care of brown lung disease or any other kind of lung disease, I will give him all of the consideration that he has given to the miners today.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, we should not lose sight of the fact that we are dealing with a special compensation statute solely because this occupation is so hazardous. There are 10 times more fatal accidents in this industry than in all other industries. We have a disease here that may have been contracted 10 or 20 years ago, but the individual will never be compensated for it because the States will never enact retroactive laws to provide compensation for it. It is because of the insidious nature of this disease, pneumoconiosis, that we are enacting this special provision. We want to see that justice is done so that we can give these individuals, who have been denied workmen's compensation for this disease all through the years, compensation to cover them. They will never be compensated unless we pass this special provision. My only reservations about the provisions in the bill go to what is now obvious from the debate and that is—we have not provided broad enough coverage for those miners who have serious respiratory diseases—nor are the benefits adequate for the miner and his dependents. I fully intend that the Education and Labor Committee will continue to study this problem and the administration of these provisions to assure that they are effective in meeting the needs.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 1 additional minute.)

Mr. KEE. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from West Virginia.

Mr. Chairman, I include herewith the material which I have previously referred to:

PNEUMOCONIOSIS

PREFACE

Spindletop Research, a not-for-profit institution, chartered in the public interest, is proud of having served as the catalyst in bringing this group of eminent medical scientists together to seek new approaches to eliminating the health problems created by coal workers pneumoconiosis.

INTRODUCTION

This document contains the highlights of a series of intensive work sessions participated in by a panel of distinguished medical scientists in preparation for a conference on the medical aspects of coal workers' pneumoconiosis (CWP), to be held at Spindletop Research, September 13, 1969. Although the technical discussions centered around the medical aspects of CWP, it should be emphasized that the often expressed motivation of the participants was to develop ways to allow the coal miner to enjoy a career in the mines without impairment to his health from dust exposure or other occupational factors.

The work sessions were attended by eminent medical scientists from the United States, Great Britain, Canada, and Germany, each well recognized as a leader in his specialized field. The work session participants were selected by Drs. R. W. B. Penman and W. H. Anderson, program co-chairmen, in consultation with an advisory staff composed of Drs. George W. Wright, Ian T. T. Higgins, Eugene P. Pendergrass, Charles E. Andrews, and Paul Gross. The program advisors and co-chairmen also participated in the work sessions. Mr. Murray Jacobson, Acting Chief of the Pittsburgh Field Health Group, U.S. Bureau of Mines also joined the discussions. A specialist in dust physics, he added substantially to synthesizing the medical aspects with the problem of the work environment. Brief biographical sketches of these men as well as other participants in the work sessions are included in the formal conference program statement.

The closed work session was held at the Dupont Lodge in the Cumberland Falls State Park in Kentucky on September 10, 11, and 12, 1969. It was divided into four sections—epidemiology, pathology, physiology, and diagnosis/clinical aspects.

Each section was chaired by an eminent scientist who was assisted by a panel of highly qualified specialists in that discipline. Each session was begun by brief presentations by the panelists designed to serve as a baseline for the subsequent discussions. From these presentations key or critical issues were identified and discussed by the entire group in the light of fundamental questions posed by the chairman. The resultant multi-disciplinary considerations provided an additional dimension to the work session discussions and the conclusions of the group.

A synopsis of each work session discussion was drafted, reviewed and debated by each group. The final drafts were then revised by all of the participants and modified until consensus was reached. Thus, the synopsis presented herein represents the combined thinking of the entire work session team.

EPIDEMIOLOGY OF CWP

Synopsis of the epidemiology session

Chairman: Philip E. Enterline, Ph. D., Professor of Biostatistics, Graduate School of Public Health, University of Pittsburgh, Pittsburgh, Pennsylvania.

Panel Members: Ian T. Higgins, M.D., Mrcp, Professor of Epidemiology, Professor of Community Health Services, School of Public Health, University of Michigan, Ann Arbor, Michigan.

Murray C. Brown, M.D., Deputy Regional Environmental Control Director, Chicago Regional Office, United States Public Health Service, Chicago, Illinois.

Professor Dr. Wolfgang T. Ulmer, Chief of the Department of Medicine, Institute of Silicosis Research of the Professional Society of Mining at Bochum, Germany; and Head of the Institute for Lung Function Research of the University of Münster at Münster, Germany.

William S. Lainhart, M.D., Deputy Director, Division of Epidemiology and Special Services, Bureau of Occupational Safety and Health, United States Public Health Service, Cincinnati, Ohio.

Reviewed and concurred with by the other work session participants.

Conclusions

Coal workers' pneumoconiosis (CWP) is caused by the inhalation of coal mine dust. For epidemiological purposes it can be detected in life only by means of the chest X-ray and an occupational history. If X-rays are of good technical quality they can be classified fairly reproducibly by experienced readers into categories of increasing severity.

The classification now used by most authorities is that recommended by the international Labour Office (1958). This divides X-rays showing CWP into three categories (1, 2, and 3) of simple pneumoconiosis and three categories (A, B, and C) of progressive massive fibrosis (PMF). Simple pneumoconiosis causes little ventilatory impairment and does not appear to reduce life expectancy. It may, however, lead to the development of PMF which can cause severe disability and frequently results in premature death.

The Prevalence of CWP in the United States

Studies of random samples of coal miners in the United States have shown the prevalence of CWP among working miners to be approximately 10%. Of this, one-third is PMF. There is, however, considerable geographic variation in the prevalence of CWP. This is probably because of variations in present and past mining conditions, the age and work experience of the mining population, the rate of labor turnover in the area under study, and the quantity and quality of coal mined.

The rate at which simple pneumoconiosis gives rise to PMF and the rate of progression of PMF from its early to later stages has not been measured in the United States. In the only area (Great Britain) where this has been done, it has been found that about 1% of men with simple pneumoconiosis develop PMF each year and that of those with PMF about 5% progress. The development of PMF is much more likely to occur in those with categories 2 or 3 simple pneumoconiosis than in those with category 1. Consequently, preventing a man from developing advanced stages of simple pneumoconiosis will reduce the risk of his developing PMF.

It is well established that the development and progression of simple pneumoconiosis is due to the dosage of dust a man inhales. This, in turn, depends on the concentration of dust in the air breathed and the duration of exposure. There is less certainty about the cause of PMF. Once a certain background level of simple pneumoconiosis is present, PMF may develop irrespective of further dust exposure, and it has been suggested, that some factor other than dust is needed for the development of PMF. In the past, tuberculous infection was thought to be a frequent other factor, but the general decline in the incidence of tuberculosis has not been accompanied by a similar decline in PMF and this, along with other evidence, suggests that some other factor or factors are involved.

Other respiratory conditions related to coal mining

Coal miners are liable to all the other diseases which affect man. The most important of these in the present context are chronic bronchitis and emphysema. These diseases probably account for more disability among coal miners in this country than does CWP. The crucial question, therefore, is to what extent are they caused or aggravated by the working environment of the coal miner? Many factors, both inborn and environmental, contribute to the development of chronic bronchitis and emphysema and it is, therefore, exceedingly difficult to assess the individual importance of any one of them.

The importance of coal mining in the development of chronic bronchitis and emphysema has been assessed by comparing the prevalence of respiratory symptoms and of ventilatory lung function in representative samples of miners and ex-miners with that of men of similar age who live in the same area but who have never worked in coal mining (non-miners).

The great majority of these studies have shown that miners and ex-miners have a higher prevalence of respiratory symptoms of chronic bronchitis than other men. Miners and ex-miners also have, on the average, lower ventilatory lung function and defects in certain other tests. In some geographic areas the differences are small, while in others, the prevalence of respiratory symptoms has been found to be 2 to 3 times higher in miners than in non-miners. Curiously, however, it has not been possible to link these changes very consistently with the amount and duration of dust exposure or to other factors in the working environment of the miner. Moreover, it has been shown that the wives of men who work in mining also have a higher prevalence of respiratory symptoms and, sometimes, a lower ventilatory lung function than the wives of other men. To some extent, therefore, the difference between miners and non-miners in these other respiratory diseases appears to be due to environmental factors outside of their occupation. It seems unlikely, however, that such factors can account for all the differences.

The Relation of CWP to Chronic Bronchitis and Lung Function

There is no close relation between the prevalence of respiratory symptoms of chronic bronchitis and emphysema or level of lung function and the X-ray category of pneumoconiosis. Usually lung function is reduced in persons with PMF and it may be severely so in those with the advanced stages. On the other hand, those with simple pneumoconiosis do not differ much either in symptoms or in lung function from those with normal X-rays.

The general health of coal miners compared with that of other workers

The principal studies carried out in the United States which bear on this subject have been studies of mortality rates among coal miners. These suggest that, in the past, the risk of death among coal miners has been nearly twice that of the general population and higher than that of any other occupational group in the United States. Contributing heavily to this excess have been deaths from accidents and respiratory diseases. The fact that the excess of respiratory disease deaths increases sharply with the age of the miner strongly suggests the importance of environmental factors. Mortality rates of coal miners for most other causes are also high, and the picture obtained from studying mortality data is one of generally poor health. Unfortunately, the latest study available is for the year 1950, and health levels may have improved considerably since that time. The mortality rates of United States coal miners contrast sharply with mortality rates published for coal miners in Great Britain. In that country, coal miners' mortality for all causes is elevated only about 15% above that for the general population, although special studies of cohorts in certain areas of Great Britain do show excesses of as much as 50%.

The role of cigarette smoking

Surveys have shown that coal miners smoke cigarettes to about the same extent as the general population. However, smoking patterns probably differ somewhat, due to restrictions on smoking while at work. Cigarette smoking has not been shown to be related to CWP. Cigarette smoking is highly related to respiratory symptoms: cough, phlegm, breathlessness, and pulmonary function. In one study where a relationship between duration of dust exposure and pulmonary function was shown, division of the population into smokers and non-smokers showed that this relationship was strongest for smokers. Thus, it appears that cigarette smoking may potentiate the effects of dust on pulmonary function. Cigarette smoking by itself, however, is more important in the production of respiratory disease (other than CWP) than exposure to coal dust.

Needed research

Many of the statements on CWP and chronic respiratory diseases in miners, which have been made in this report, have been based on research carried out in other countries. While extrapolation to the United States is probably often justifiable, it is clear that it would have been better had it been possible to draw more on American experience. More knowledge about the natural history of the chronic respiratory and other diseases in miners in the United States is urgently needed.

The epidemiological research which should be carried out includes:

1. Further studies of the prevalence of pneumoconiosis, both simple and PMF, in different geographical regions.

2. Measurement of the factors which affect the rates of development and progression of both simple pneumoconiosis and PMF. Here dose-response relations based on adequate dust measurements and regular radiographic supervision are essential. But the importance of other factors both personal and environmental should also be assessed.

3. Further studies of the relationship of respiratory symptoms, chronic bronchitis and lung function changes to X-ray changes and to dust exposure and other etiological factors.

4. Further comparisons between miners and ex-miners and other men living in the same area of similar age of the frequency of chronic respiratory diseases and other diseases for which mortality statistics suggest miners have an excess. Such studies should not be confined to a single survey at one point in time, but should include longitudinal observations over a considerable period of time in order to study development, progression and mortality and the rate of decline in lung function, and the factors which are related to these. This should include further observations on the wives of coal miners to identify reasons for their apparent excess in respiratory disease symptoms. Those populations which have already been adequately studied in a cross sectional way, such as Mullins and Richwood, Beckley, and the communities in Marion County in West Virginia, should be followed up.

5. Further studies of the mortality of coal miners for various causes in different regions should be carried out.

We consider the study of dose-response relationships to be most needed at the present time. This is currently being started by the P.H.S. It can be outlined in more detail as follows:

1. Select a number of coal mines at random.
2. Monitor dust in a standardized and comparable manner in all of them.
3. Take pre-employment and periodic chest X-rays of all the employees.
4. Include at the time of X-ray brief information on respiratory symptoms, chest and other illnesses, occupational, residential and smoking habits.
5. Carry out tests of lung function.
6. Observe the relationship between dust and the development of disease and impairments.

One research group should be responsible for organizing and collecting all the data in different areas. This should ensure that the work is done comparably and that adequate checks of the instruments and other methods are made.

An attempt should be made to keep track of men who leave mining or move to other mines. Social security records provide some help in this respect, but cooperation with the U.M.W.A. would also be most helpful.

It is of vital importance that this study should receive adequate long term support. It should not be impaired by deflection of those involved to other activities which may appear momentarily to be of greater importance. The current legislation before the House and Senate to institute and enforce dust standards in the coal mines provides a good opportunity first to carry out a study of this kind and also to evaluate the efficacy of any dust levels which may be attained.

PATHOLOGY OF CWP

Synopsis of the Pathology Session

Chairman: Averill A. Liebow, M.D., Professor and Chairman of the Department of Pathology, University of California, San Diego School of Medicine, La Jolla, California.

Panel Members: Paul Gross, M.D., Director of Industrial Hygiene Foundation's Research Laboratory and Research Professor, Pathology of Industrial Diseases, University of Pittsburgh, Pittsburgh, Pennsylvania.

A. G. Heppleston, D.Sc., M.D., Professor and Chairman of the Department of Pathology at the University of Newcastle-upon-Tyne, England.

John P. Wyatt, M.D., Professor and Chairman of Pathology, University of Manitoba School of Medicine, Winnipeg, Canada.

Philip C. Pratt, M.D., Associate Professor of Pathology, Duke University School of Medicine, Durham, North Carolina.

Reviewed and concurred with by the other work session participants.

Conclusions

(1) Pneumoconiosis should be defined in anatomical terms. Pneumoconiosis is the accumulation of dust in the lungs and the tissue reaction to its presence. In some people it may reach a radiographically detectable level and in some it may be sufficient to cause clinical symptoms.

(2) The inhalation of coal mine dust is the cause of coal workers' pneumoconiosis. On the basis of epidemiological and pathological evidence, factors in addition to coal dust may contribute to pulmonary disease in coal workers.

(3) In general the extent of pneumoconiosis is proportional to the amount of dust retained. Only particles less than five microns are of significance in the development of coal workers' pneumoconiosis.

(4) The geometric mean size of particles in airborne coal mine dust is slightly less than one micron. According to U.S. Bureau of Mines data, water spray does not significantly decrease respirable size dust once it is airborne. Wet driling and cutting operations however, may keep dust from becoming airborne.

(5) In coal miners whose lung dust contains 13% or more of quartz, the lesion is

likely to be morphologically that of silicosis. As the quartz content decreases below 13% of the total dust content, the morphological lesion more closely resembles that of coal workers' pneumoconiosis.

(6) Dust accumulation tends to be greater in the upper than the lower portions of the lungs.

(7) The basic lesion of coal workers' pneumoconiosis, the coal macule, is essentially the same irrespective of the geographical location of the coal field.

(8) The coal macule evolves by the incorporation of dust filled macrophages into the walls of respiratory bronchioles and adjacent alveoli. In this process reticulin fibers are formed and collagen may be produced.

(9) It is generally believed that the cleansing mechanisms are 98 to 99% effective in removing inhaled dusts. Pneumoconiosis results from the imperfection of these mechanisms.

(10) While the inhaled particles are relatively widely distributed initially, they soon tend to aggregate in and around many respiratory bronchioles of all orders, by mechanisms not well understood at this time.

(11) In many individuals respiratory bronchioles invested by dust enmeshed in fine connective tissue (the macule) can undergo dilatation, thus giving rise to the condition known as focal emphysema. As the focal emphysema becomes more severe, disruption of bronchiolar and alveolar walls may supervene.

(12) In experimental animals, clearance of dust from peripheral alveoli can occur within four days.

(13) Other types of emphysema, as encountered in the general population, are also found in coal workers. Associated pigmentation may render difficult the distinction from focal emphysema unless serial sections are studied.

(14) In more severe cases of coal workers' simple pneumoconiosis, a second manifestation may develop, progressive massive fibrosis. This is characterized by widespread consolidation composed of large amounts of dust enmeshed in connective tissue, typically in the upper parts of the lungs.

(15) There is evidence that in addition to coal mine dust, other factors such as infection, for example by mycobacteria, and immunological phenomena or both may be involved in the pathogenesis of PMF.

(16) Cor pulmonale is common in progressive massive fibrosis, but rare with simple pneumoconiosis. Severe vascular lesions are associated with the former but rarely with simple pneumoconiosis. The presence of such vascular changes is not necessarily the major cause of cor pulmonale.

(17) There is no evidence for the existence of specific extra-pulmonary lesions associated with coal workers' pneumoconiosis.

Problems

(1) Not only the mixed dust in coal mines but other potentially injurious factors in the mining environment require further investigation. Among these are gaseous atmospheric contaminants. The influence of smoking on the development and course of pulmonary disease in coal workers requires detailed analysis.

(2) The pathogenesis of the coal macule is only partly known. More information is needed regarding the role of cellular and extracellular mechanisms in dust transport and bronchoalveolar clearance. Biochemical mechanisms of tissue injury by inhaled dusts remain essentially unknown.

(3) It is questionable whether silica has been excluded as a possible etiological factor in progressive massive fibrosis.

(4) The delayed collagenization of pulmonary lesions produced by dust requires further investigation. Possible effects of dusts on surfactant production and activity should be studied.

(5) There is need to understand the possible interrelation between pneumoconiosis and infections. Does pneumoconiosis influence the course of infection? Do infections influence the course of pneumoconiosis?

(6) Host factors have received little consideration. Do genetic factors influence pneumoconiosis? Are there acquired host factors, such as state of nutrition and alcohol intake? Can other associated diseases such as brochitis influence susceptibility to pneumoconiosis? Are there immunological factors that influence the natural history of coal workers' pneumoconiosis, particularly progressive massive fibrosis?

(7) There is pressing need for the development of studies designed to correlate structural and functional aspects of the disease in man, as well as of experimental models. Electron microscopy has a place in these investigations. Acceptable criteria for an anatomical diagnosis of cor pulmonale must be better defined. The pathogenesis and significance of vascular lesions require reassessment.

The establishment of a well financed research institute situated in the geographic area of this major problem and in close association with a university will provide the best means of its solution.

PHYSIOLOGY OF CWP

Synopsis of the physiology session

Chairman: Jay A. Nadel, M.D., Senior Staff Member, Cardiovascular Research Institute; Associate Professor, School of Medicine, University of California, San Francisco, California.

Panel Members: George W. Wright, M.D., Head, Department of Medical Research, Division of Internal Medicine, Saint Luke's Hospital, Cleveland, Ohio.

Colin B. McKerrow, M.D., FRCP, Pneumoconiosis Research Unit of the Medical Research Council, Penarth, Glamorgan, South Wales.

Robert W. Penman, M.D., Associate Professor and Director of the Pulmonary Division at the University of Kentucky, Lexington, Kentucky.

Robert E. Hyatt, M.D., Associate Professor of Physiology, Mayo Graduate School of Medicine, University of Minnesota, Rochester, Minnesota.

William K. C. Morgan, M.D., MRCP, Chief of the Appalachian Laboratories for Occupational Respiratory Diseases (ALFORD), United States Public Health Service, and Associate Professor of Medicine, West Virginia University Medical Center, Morgantown, West Virginia.

Donald L. Rasmussen, M.D., Cardiopulmonary Laboratory, Appalachian Regional Hospital, Beckley, West Virginia.

Reviewed and concurred with by the other work session participants.

Recommendations

It is the physiologist's role in this problem to characterize the functional disorders found in the diseases of coal workers. After a consideration of the studies done to date, we conclude that present data are not adequate to characterize, in sufficient detail, the changes in cardiorespiratory function in miners. This is particularly true for the situation in the United States. The following are some questions that have been raised at this conference and need answers:

(1) What are the physiological abnormalities associated with the various roentgenologic findings in miners? For example, are punctate lesions on roentgenograms consistently associated with significant abnormalities in respiratory function?

(2) Are these abnormalities present in the dust exposed miner who has a normal chest X-ray?

(3) Do the lesions of simple coal workers pneumoconiosis potentiate the physiological abnormalities associated with bronchitis?

(4) Are there significant physiologic abnormalities of small airways (i.e. bronchioles) and blood vessels in miners?

(5) How do physiologic changes relate to total dust exposure?

(6) Are there factors which make some individuals more susceptible to lung disease from coal mining? It would be desirable to characterize bronchial reactivity and lung clearance mechanisms in men entering the mines and to study what happens to these functions with time.

(7) What are the specific effects of smoking on the physiologic abnormalities in dust exposed miners?

(8) How do physiologic changes relate to anatomic changes found in miners?

To answer these and other questions, this committee recommends that:

(1) Cardiorespiratory laboratories be developed near mines having contrasting experiences in terms of lung disease; and that these laboratories have the capability to measure sophisticated respiratory and cardiac functions.

(2) They be adequately staffed with physiological and technical personnel.

(3) That funds be available for ad hoc consultants.

(4) That projects be granted long term funds.

(5) That parallel in-depth study of environmental factors be undertaken.

(6) That all workers of such mines be studied and that all parallel studies of non-miners (i.e. non-dust exposed men) and ex-miners be undertaken. A particularly important group to study is the non-smoking miner. Information obtained by such an undertaking will hopefully form the basis for intelligent periodic examinations of miners and/or further surveys that may be indicated.

We recommend that the following types of studies be undertaken:

(1) Ventilatory Studies: Pathologic data indicate that the early lesions of CWP occur in small bronchioles. Most ventilatory tests presently used to evaluate function in miners measure changes in large airways. Therefore, we recommend the following studies which are aimed primarily at evaluating the bronchioles (small peripheral airways):

(a) The expiratory flow volume loop, especially the lower one-third of this curve.

(b) The full R_A-TGV curve (includes TLC, FRC and RV determination), with attention to the lower portion of the curve.

(c) Frequency dependence of C_L.

(d) Tests of distribution of ventilation, i.e. N_2 washout curves and xenon ventilation and perfusion studies.

(e) A-a O_2 gradients.

(f) Static P-V curves of the lungs should be measured to determine the possible presence of early lung tissue destruction and to relate recoil pressure to maximal expiratory flow.

(2) Diffusion: Some studies suggest that in simple CWP there may be a decrease in diffusing capacity in the absence of demonstrable airway obstruction. These findings require confirmation and correlation with other physiological studies and pathologic changes.

(3) Gas Transfer: Further detailed studies of O_2 and CO_2 exchange are needed, especially during moderate degrees of exercise. The studies should include determination of V_E', V_D/V_T', blood gases, and heart rate.

(4) Pulmonary Circulation: Further studies of the pulmonary circulation are recommended to evaluate: (a) possible changes in the vascular bed in simple CWP, and (b) the mechanism of cor pulmonale in progressive massive fibrosis. In selected cases consider: (1) perfusion scans (iodinated albumin), and (2) cardiac catheterization including evaluation of the effect of O_2 inhalation.

Structure-function relations

There is a glaring lack of information on the structural basis of physiologic changes associated with miner's dust inhalation. We recommend: (1) Studies on lungs post mortem include as detailed measurements as possible (such as recommended in physiology sections). Also measure peripheral airway resistance by retrograde catheter technique. (2) A means be developed to increase the availability of post mortem and resected lung specimens.

Contemporary data on energy expenditure of working miners need to be obtained.

An important result of the Spindletop Conference has been the exchange of ideas. Future conferences of this type could be very useful in furthering advances in this important area of endeavor.

DIAGNOSIS/CLINICAL ASPECTS OF CWP

Synopsis of the diagonsis/clinical session

Chairman: Benjamin V. Branscomb, M.D., FACCP, Professor of Medicine and Associate Professor of Physiology, Medical College of the University of Alabama, Birmingham, Alabama.

Panel Members: Eugene P. Pendergrass, M.D., Emeritus Professor of Radiology, School of Medicine and Graduate School of Medicine, University of Pennsylvania, Philadelphia, Pennsylvania.

Charles E. Andrews, M.D., Provost for Health Sciences, West Virginia University Medical Center, Morgantown, West Virginia.

William H. Anderson, M.D., Professor of Medicine, and Chief of the Pulmonary Diseases Section, University of Louisville School of Medicine, Louisville, Kentucky.

Reviewed and concurred with by the other work session participants.

Summary of diagnosis and clinical aspects

(1) Coal workers' pneumoconiosis cannot be diagnosed in the living in the absence of radiographic changes. There is no characteristic physiological derangement which is indicative of dust in the lungs.

(2) In simple pneumoconiosis no correlation has been demonstrated between X-ray category and either symptoms or physiological impairment, except for evidence that in category 3, ventilation may be slightly impaired. Thus in simple pneumoconiosis the X-ray has no value in predicting the presence or level of functional impairment in the individual miner.

(3) PMF is associated with significant morbidity, functional impairment and increased mortality in many instances.

(4) For epidemiological and comparative purposes the UICC-Cincinnati X-ray classification should be used. The PHS modification of ILO, however, is acceptable as an alternative for clinical purposes.

(5) Macroradiographic techniques do not contribute significantly in the diagnosis of pneumoconiosis and are not applicable to radiographic surveys.

(6) Lung biopsy is not useful in the diagnosis of coal workers' pneumoconiosis since this may not include involved tissue, and is not necessarily representative of the entire lung. If dust is shown in such a biopsy specimen, this indicates exposure to dust and not necessarily disease. Furthermore, the dust burden of the lung has not been adequately correlated with functional impairment.

(7) [1] The most desirable chest radiograph for the study of pneumoconiosis or other pulmonary disease is one in which the lung is shown in greatest detail. While it is helpful to visualize the mediastinal structures as well, this is of secondary importance. Thus a film in which the vertebral bodies are faintly visible through the heart shadow will ordinarily be adequate for the study of the pulmonary detail. The maximum information can be obtained from radiographs which have a broad range of contrasts, that is, a long, gray scale. High contrast radiographs should be avoided.

The kilovoltage used ranges from approximately 110 to 140 kilovolts and exposure time is comparatively short, $\frac{1}{60}$ to $\frac{1}{30}$ second. With this technique a grid is required to reduce secondary radiation.

(a) The installation and maintenance of the radiographic equipment is of the greatest importance. The electric power source should be independent of other users. It must be of adequate capacity and should be subject to no more than a 5% fluctuation. The radiographic unit must be carefully calibrated at the time of installation and should be recalibrated periodically. Preventive maintenance at regular intervals is necessary.

(b) The generator should have a minimum capacity of 300 milliamps at 125 kilovolts. A generator with a capacity of 150 kilovolts is strongly recommended. The generator must be full wave rectified. It should be equipped with an accurate timer plus or minus 1% capable of minimum exposure of no more than 10 milliseconds.

(c) A rotating anode tube is essential. It should have as small a focal spot as feasible for the anticipated load but in no instance should this exceed two millimeters in diameter.

(d) The total filtration, added and inherent, of the primary X-ray beam should be the equivalent of two millimeters of aluminum.

(e) The radiation should be confined by means of a collimator to the portion of the subject to be examined. This will not only decrease radiation hazard but also will improve the detail by reducing scattered radiation. The collimator should have adjustable diaphragms, a light beam for centering and be designed so the projected field cannot exceed the size of the film. Evidence of collimation should be visible at the edges of the film as cone cuts.

(f) Medium speed intensifying screens should be used. They provide the best compromise between sharper definition and short exposure. The cassettes in use must contain screens of the same speed and they must be checked periodically for screen cleanliness, contact and defects.

(g) The X-ray film should be of a general purpose type and of medium sensitivity. High speed film is not recommended. To improve collimation the film should be no larger than needed to cover both lungs including the costrophrenic angles.

(h) When using kilovoltages of 80 and above, reduction of secondary radiation by a grid or other means is essential. A 10 to 100 line per inch fixed grid or an air gap of eight inches with an eight foot focal spot film distance may be used.

Technique

(a) Correct centering of the X-ray tube and careful positioning of the subject are of great importance for the proper visualization of anatomic structures and comparison of serial examinations. For the PA projection, the X-ray tube should be centered to the center of the film and the X-ray beam directed horizontally. The shoulders should be positioned so that the scapulae are outside the lungs. The exposure should be made at full inspiration and made immediately after this has been reached to avoid the Valasalva effect. It is desirable, but not essential, that all the clothes above the waist be removed.

(b) The focal spot film distance should be fixed between 5 and 6 feet (1.5 and 2.0 meters).

(c) For the reasons given above, a variable high KV, constant mAs technique is recommended. Exposure factors employed may vary somewhat with each generator and tube. The highest range of KV and shortest range of mAs obtainable should be used. For the average subject, with an AP chest diameter between 21 and 23 cm., the usual exposure factors will be 5 mAs at approximately 125 KVp. The recommended exposure time is 1/60 (.017) second. It should not exceed 1/30 (0.32) second. With larger diameters of the chest, additional exposure is obtained by increasing the kilovoltage. The mAs is increased only when the kilovoltage required to give a proper exposure exceeds the capability of the generator or X-ray tube. With focal spot-film distances of less than 6 feet (2.0 meters), the technique should be adjusted by decreasing the mAs.

When using a low kilovoltage technique, the exposure factors for an average subject will be approximately 300 mA, 0.05 second (15 mAs) at 75 kv. For larger subjects, greater amounts of radiation are obtained by increasing either the mAs or the kv.

(d) Phototimers are inaccurate with exposures of less than .03 second and are not recommended with the technique suggested above since films of variable density and contrast result. Phototiming can be very useful with exposures of longer duration. The criteria above apply to both mobile and fixed installations. The application of this technique to mobile units will result in a marked decrease in the number of inadequate films obtained from such units. No attempt should be made to evaluate pneumoconiosis from technically inadequate films.

(8) The conventional chest roentgenogram has no value in establishing the presence or severity of chronic bronchitis.

(9) It generally requires an average of 15 years of underground exposure for the development of pneumoconiosis; those miners who have radiographic evidence in a shorter period of time should be considered for removal from a dusty atmosphere.

(10) No consistent relationship has been established between carcinoma of the lung and coal mine dust exposure.

(11) There is no evidence at this time that forms of emphysema other than focal emphysema can be attributed to factors encountered in coal mining.

(12) There is a geographic variation in the prevalence of pneumoconiosis among miners.

Recommendations

(1) A mechanism should be developed for the distribution in the United States of standard ILO films to any interested physician, radiology department or investigator in pneumoconiosis.

(2) It is recommended that all men in the coal industry have a pre-employment medical examination including chest radiographs and pulmonary function studies. These examinations should be repeated at least at five-year intervals. This material should be collected in a manner suitable for scientific examination as well as clinical use.

(3) Radiographic research should be encouraged in improved survey techniques, in post mortem radiography, and in inhalation and perfusion scanning methods in the various radiographic categories of pneumoconiosis.

(4) Prospective studies of the natural history of coal workers' pneumoconiosis are needed and should be correlated with all environmental factors. One goal of these studies should be to determine the relationship between the exposure and the risk of disease, resulting in a determination of guidelines for permissible safe exposure for his working lifetime.

(5) Engineering research and action directed toward improving the enivronmental conditions of the coal miner must continue concurrent with the medical research.

(6) Because of our lack of specific knowledge concerning carcinoma of the lung, coronary disease, tuberculosis and other diseases in the miner, we urge that future sur-

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[1] To Be Published: "Essentials of Chest Radiography," G. Jacobson, M.D., H. Bohlig, Dr. Med. and R. Kiviluoto, M.D.

veys be directed toward the total health of the miner in relation to his environment.

(7) Proper correlation of pathological findings with clinical, X-ray and physiological studies have been seriously impaired by the lack of autopsy material. Effective mechanisms must be developed which will provide access to autopsy material in conjunction with other studies. An adequate central facility should be available for the study of that material.

(8) Our concern is the health of the coal miner. In order to achieve this, there must be a coordinated effort and support in order to obtain, train, and utilize personnel and equipment for dust surveillance and control as well as medical research. The miner must have continuing medical care, including adequate vocational and rehabilitative services for those who are disabled.

(9) We strongly recommend that funds be recruited for distribution by an impartial, responsible research committee to competent investigators. In addition this committee should be responsible for periodic review of progress in the understanding and elimination of pulmonary problems of coal miners.

Mr. KEE. Mr. Chairman, as the Representative of the Fifth Congressional District of West Virginia, which is the largest coal-producing congressional district in the United States, I take this opportunity to highly commend Mr. Daniels of New Jersey, chairman of the Subcommittee of the House Committee on Education and Labor, which held hearings on justly due payments to those coal miners who are suffering lung disease. Specifically lung disease due to the inhalation of dust because of exposure to dust by working underground in the mines. In addition, I commend Chairman Dent of Pennsylvania, and the most able and outstanding chairman of the House Committee on Education and Labor, my very dear friend, Congressman Perkins, of Kentucky, and Mr. Burton of California, for their leadership in guiding through the committee the Federal Coal Mine Health and Safety Act of 1969, which we are now considering.

Having been born and raised in a coal-producing area, it is my humble opinion, based upon experience, that section 112, subsection B, which provides payments to miners totally disabled from complicated pneumoconiosis and to widows of miners who suffered from complicated pneumoconiosis at the time of death, is the most important section of this historic legislation that we are now considering.

In simple words—this provision merely states that payments will be made to those disabled miners who are no longer physically able to continue working in the coal mines because of this dread and fatal disease. These are the men who are totally disabled but have been denied compensation by virtue of the fact that they are not covered under State workmen's compensation laws and—as such—they are denied these justly due benefits. It is important to note that this provision provides payments to the widows and eligible children of our coal miners who have gone to an early grave because their husbands and fathers contracted this dreaded disease during the course of their employment.

Mr. Chairman, this measure provides not only financial assistance but equally important, a renewed hope in the hearts of those who will be eligible for these benefits upon enactment of this section of the bill. It is my hope that justice will prevail and the Members of this House will vote overwhelmingly to retain this vital provision of the legislation now before us.

Not only the coal miners of America—but all Americans—owe a debt of gratitude to the members of the House Committee on Education and Labor—who guided this section through for our favorable consideration.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Chairman, I subscribe to the views expressed by the gentleman in the well and the chairman of the committee (Mr. Perkins). I think we should all be enthusiastically in support of the committee position and against the amendment offered by the gentleman from Iowa.

Mr. Chairman, we are considering today legislation which meets a long standing need. H.R. 13950 provides the needed revision of the Federal coal mine health and safety bill. It provides for the first time a health standard and provisions for the regulation of dust exposure by coal miners.

This legislation is the end product of the work of a great many men and several organizations. Prominent in this effort was the contribution made by the United Mine Workers of America and by its officers and membership.

Of special note is the contribution of the Union president, Mr. W. A. Boyle, his safety director, Mr. Louis Evans, and his director of the department of occupational health, Dr. Loren E. Kerr.

These men, over the months since January, have helped to shepherd this bill through the various stages of the legislative process. They have made themselves available to every member for counsel, for information, for interpretation, and for the practical experience which we needed in our deliberations of the bill before us.

From the long tradition of the union in the health and safety field, have come many constructive suggestions which are now embodied in the legislation. For example, some of these are 3-milligram dust level; the stationing of a Federal mine inspector at every mine considered to be liberating excessive quantities of methane; rescue chambers for postdisaster periods; an increased ventilation requirement; and Federal compensation for the victims of black lung.

These suggestions and their legislative embodiment represent both the concern of coal miners for health and safety and the expertise of officials of the United Mine Workers of America who translated theory into practical legislative language.

I would also be remiss if I did not pay tribute to the Committee on Education and Labor, which considered this legislation. That committee, under the able leadership of Congressman Perkins and Congressman Dent, has labored long and diligently to bring out an effective coal health and safety bill.

The Coal Mine Health and Safety Board of Review came into being in 1952. It was intended then to be an appeal mechanism where operators could go in the event of closure orders by Federal mine inspectors.

Under the conditions of that time, such a mechanism may have been desirable. Federal coal mine inspectors had no regulatory authority. Their inspections were authorized only for advisory purposes and their recommendations did not have to be accepted. In 1952, the law provided for effective enforcement by the inspectors. There was a fear, a perhaps legitimate fear, that unreasonable, capricious action on the part of the Secretary or his designee would severely injure the economic position of coal mining.

The Board was an attempt to forestall such a development.

However, in the years between 1952 and 1969, Federal coal mine inspectors have gained a great deal of experience in the enforcement of the Federal law. The Bureau of Mines, the Secretary of Interior, have a great body of practical knowledge upon which to base their decisions. No one can successfully argue that the Secretary or the Chief of the Bureau has been arbitrary or capricious in the enforcement of the Coal Mine Health and Safety Act. To the contrary, a great deal of criticism may be leveled because the Secretary or the Bureau has not been rigorous enough in enforcing the law.

In addition, the Federal Coal Mine Safety Board of Review as initially constituted, was of relatively narrow scope. Under the present bill, that scope has been significantly broadened. It includes the Board not only in the appeals procedure, but also in the review of standards and in the assessment and collection of money for research and development. I do not believe that the original support for the Board encompassed such a broad range of responsibilities for it.

The intervention of an appeal board of this type in administrative procedures is at best a compromise with effective law enforcement. Perhaps under some circumstances it may be necessary. I do not believe it necessary or desirable at this time.

The Federal Coal Mine Safety Board of Review has served its purpose. It has gotten the coal industry over the initial shock of Federal regulations, but now the coal industry must be prepared to accept Federal regulation in which neither industry or labor have a significant determining factor but rather in which the Federal Government will assume regulatory responsibilities.

Therefore, Mr. Chairman, I am happy we have striken the Coal Mine Safety Board of Review from this bill.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I strongly support the Federal Coal Mine Safety Act of 1969. As a cosponsor of this legislation, I am pleased that we have the bill before us. It reflects my long standing concern for the health and safety of our miners and the well being of their families.

It is gratifying to me that we are strengthening and improving our mine safety efforts and that we are focusing on the health needs of our miners. It has been 18½ years since I introduced H.R. 268 which became the foundation for the 1952 Coal Mine Safety Act. On January 3, 1951, the first day of the 82d Congress, I introduced that bill, which later served as the basis for the hearings before the House Education and Labor Committee following the terrible West Frankfort, Ill., disaster in December 1951 and from which evolved legislation which was approved by Congress and later signed into Public Law 82–522.

But it also concerns me, Mr. Chairman, that the legislation we have before us today is the result of the Farmington, W. Va., mine disaster of last November when 78 miners lost their lives. Why is it that the national conscience must be stricken before action is taken? There should be no question about the obligation of this House to the health and safety of our coal miners.

As I said in this House Chamber on July 2, 1952, when we considered the Federal Coal Mine Safety Act of 1952, an outgrowth of my bill H.R. 268:

> It is the duty of Congress to provide adequate safeguards for the lives of those courageous men who dig the Nation's coal.

It is still our duty to do so and in doing so we must enact into law the strongest possible bill; not only from the standpoint of attempting to prevent the terrible tragedies and disasters that we have witnessed in the past but also in terms of preventing the suffering and misery that comes with the day-to-day accidents and the crippling diseases afflicting miners.

I shall not go into the provisions of the bill except to state that I feel it is imperative that we establish the soundest health and safety standards possible that adequately protect our miners and that we provide for the capability to deal with new types of hazards which might arise in the future. This bill, I feel, represents a step in that direction because it is in the interest of the coal miner.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the chairman of the Select Education Committee.

Mr. DANIELS of New Jersey. Mr. Chairman, is it not true that this section was approved by the full committee by a vote of 25 to 9?

Mr. DENT. That is exactly correct.

Mr. DANIELS of New Jersey. And is it not likewise true that the Senate in its consideration of the miners health and safety bill adopted on the floor a provision which is substantially in agreement with section 112(b), the matter under consideration now?

Mr. DENT. They voted for it in the Senate, with every Member of the Senate present, with 91 votes—a unanimous vote, practically—for the same proposition that is before us now.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Section 112(b), "Entitlement to miners," is needed to save thousands of miners, their widows and children from a life of despair, illness and poverty.

The number of miners employed in coal mines has fallen from 650,000 in the late forties to a current figure of approximately 150,000.

In the last 20 years, approximately 1 million miners have been exposed to hazards of coal dust. As a result, some experts estimate that there are about 100,000 cases of miners' pneumoconiosis in this country today.

According to the Public Health Service, 20 percent of all inactive and 10 percent of all active miners show X-ray evidence of the disease, and of these, 9 percent of the inactive—18,000—and 3 percent of the active—4,300—miners have progressive massive fibrosis—the complicated form of the disease that causes severe disability and premature death.

Coal miners' pneumoconiosis was recognized as such in Great Britain as early as 1943 when it was defined as a disease separate from silicosis.

Pneumoconiosis was not generally recognized as such in the United States until this decade. Prevalence studies by the Pennsylvania Department of Health—1959–1961—and by the Public Health Service—1963–1965—confirmed the existence of the disease, documented its prevalence among coals miners and showed it was a widespread problem.

This Nation's failure to take cognizance of coal miners' pneumoconiosis as a separate clinical study some 20 years after this dreaded disease was recognized by Great Britain and other European countries has had five particularly unfortunate results:

First, it precluded attempts by private enterprise to control coal dust in the mines in order to prevent the effects of this insidious disease.

Second, it caused States to neglect the problem when it was in its inception and the cost of prevention could still be economically borne by State governments or private enterprise.

Third, it operated to prevent disabled coal miners from obtaining workmen's compensation, proper medical care, and other remedial action. Thus, many thousands of miners have died before their claims were processed or the statute of limitations expired which prevented many miners from proving their claims in time to receive benefits.

Fourth, it is economically impossible for most States to provide funds for retroactive claims.

Fifth, it is unconstitutional to make private employers pay these claims.

Therefore, section 112(b) is an attempt to do something about a situation which was created to a major extent by Federal neglect.

Section 112(b) is an emergency relief provision to aid thousands of miners and their widows and children.

For us to fail to provide for the future health, safety and protection of coal miners and at the same time to deny to the worker who has already given up precious years of life in this, our Nation's most hazardous occupation, would be both callous and unforgivable on our part.

We in Congress must concern ourselves with the unmet needs of the disabled miner and his family when his State, his employer, and his union have not met their responsibilities.

Section 112(b) is not intended to establish a Federal precedent in the area of payments for the death, injury or illness of workers. However, coal miners' pneumoconiosis is one of our Nation's most critical occupational health problems. It is up to us to act and to act now.

Mr. MINISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know how many people in this House have worked in the mines, but I had the privilege, if you want to call it that, of working in the mines. My father worked in them but died at the very early age of 36.

Mr. Chairman, I doubt that there are very many Members of Congress who would work in a mine for a full year's salary. I doubt if there is any other place of work where you actually look for rats for protection. I say this because anyone who has worked in a mine never hurts a rat. The rats can be heard moving around up in the roof of the mine, and perhaps, 2 or 3 days later you will have a cave-in. Therefore, when a miner hears a rat scurrying around in the roof of the mine, he loses no time in leaving the mine.

There is something else I want to say, Mr. Chairman, and that is this: Many of the mines are closed up now and when the disease develops, they are no longer in business. These miners, therefore, wind up on public welfare anyway.

I do not know how anyone in his right mind—I really do not—could support this amendment. It is beyond me to talk about being a Christian as the gentleman from Illinois does and not be able to support this provision of the bill. One is being a good Christian when one takes care of his brother. We are undertaking to take care of our brothers through this bill.

If you support your brother, you support the children of the miner who has been injured or disabled from this disease.

GENERAL LEAVE TO EXTEND

Mr. BURTON of California. Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks in the RECORD on this subject of the Scherle amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The amendment was rejected.

AMENDMENTS OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer a series of amendments and ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HALL. Mr. Chairman, reserving the right to object, I think it is only fair that the Members on the floor might know what the amendments are before the unanimous-consent request is granted.

May we have the Clerk read them?

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois under my reservation of objection.

Mr. ERLENBORN. Before the amendments are read, I would like to state that some of the amendments I am asking to be considered en bloc would, if adopted, amend title II which is not yet open to amendment. I serve notice that should the amendments be adopted I will move to amend the sections in title II to conform to the amendments that are being considered en bloc if such unanimous-consent request is granted.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. ERLENBORN:

(Section 101(a))

On page 5, line 18, after the word "safety" insert "and health".

On page 5, line 19, after the word "injuries" insert "and ailments".

On page 5, line 20, strike the word "shall" and insert "may".

(Section 101(b))

On page 6, line 3, after the word "safety" insert "and health".

On page 6, line 9, after the word "safety" insert "and health".

On page 6, line 11, after the word "technical" insert "and economic".

On page 6, line 13, after the word "safety" insert "and health".

Beginning on page 6, line 14, section 101(c) is amended to read as follows:

"(c) Mandatory health standards proposed by the Secretary shall be based upon criteria developed and furnished to the Secretary by the Secretary of Health, Education, and Welfare on the basis of research, demonstrations, experiments, and such other information as may be appropriate and in consultation with appropriate representatives of the operators and States, advisory committees, miners, other interested persons, and where appropriate, foreign countries."

Beginning on page 7, line 5, section 101(d) is amended to read as follows:

"(d) The Secretary shall publish proposed mandatory health and safety standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. The Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, except as provided in subsection (e) of this section, promulgate such standards with such modifications as he may deem appropriate."

(Section 101(f))

On page 8, lines 17 and 18, strike the commas and the words "in the case of mandatory safety standards".

On page 8, line 20, strike the word "safety".

Beginning on page 8, line 21 through page 9, line 4, strike the next to the last sentence beginning with the word "Upon" and ending with the word "standards."

On page 9, line 5, strike the word "either" and insert the word "the".

(Section 202(a))

On page 45, lines 6 and 7, strike the words "and the Secretary of Health, Education, and Welfare".

On page 45, line 9, strike the word "Secretaries" and insert in lieu thereof "Secretary".

(Section 202(b))

On page 46, lines 8, 9, 24, 25, and page 47, lines 16 and 17, strike the words "and the Secretary of Health, Education, and Welfare".

On page 47, line 11, strike the words "of Health, Education, and Welfare".

(Section 202(c))

On page 47, lines 20 and 21, strike the words "and the Secretary of Health, Education, and Welfare".

(Section 203(b))

On page 50, lines 4, 5, 8, 9, strike the words "and the Secretary of Health, Education, and Welfare".

(Section 204)

On page 50, lines 18 and 19, strike the words "and the Secretary of Health, Education, and Welfare".

(Section 205)

On page 51, line 5, strike the word "prescribe" and insert in lieu thereof "recommend"; and, on line 8, strike "shall" and insert "may".

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the series of amendments be dispensed with, and that they be printed in the RECORD.

I also renew my request that the series of amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Chairman, the majority on our committee are aware of what this amendment does, other Members are not. I have asked unanimous consent that further reading be dispensed with and that these amendments be considered en bloc because it is a long series of technical amendments to accomplish only one point. Only one thing is sought to be accomplished, and I will explain that so that the Members will understand.

In the bill as introduced for the administration, and in the bills as introduced for other interested parties, the Secretary of the Interior was empowered to establish and promulgate safety and health standards. During the consideration of the bill that is now before us regarding health standards, the subcommittee, and again the full committee, saw fit to change the procedure relating to health standards. The procedure that is established in this bill is a very bad procedure in my opinion.

The bill before us would give the Secretary of Health, Education, and Welfare the authority to carry on health research. Further, it would give to the Secretary of Health, Education, and Welfare the authority to develop health standards, and to direct the Secretary of the Interior to adopt these standards, and then the Secretary of the Interior would be obligated to enforce the standards.

The problem that I see here is one of, first of all, governmental organization. I happen to be the ranking minority member on the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations, and in this capacity I hope that I have some knowledge of the structure of our Federal Government, and as far as I am aware there is no place in the Federal Government where we have one Cabinet-level Secretary who can develop a set of rules and regulations and direct another Secretary to adopt them and enforce them, and yet that is what the committee, in reporting this bill to you, is asking you to do. It is bad organization. It has built-in conflict. The Secretary of Health, Education, and Welfare should not be able to dictate to the Secretary of the Interior.

Now, will the health standards so established be workable? I doubt in my humble opinion that they will be workable because nowhere in the establishment of the health standards will we get any input as to the technology that is available in the mines.

The Bureau of Mines within the Department of the Interior has the expertise. I know the argument is made that health expertise is in HEW. I agree that it is. But you cannot separate engineering technology from the control of dust in the mines. The only way you can control dust in the mines is through using existing or future developed technology.

What should be done is what was in the original bill, and that is what I would put back in with this amendment. Let the Secretary of Health, Education, and Welfare conduct studies relating to pneumoconiosis and the health of the miners. Let the Secretary of Health, Education, and Welfare recommend health standards, but then let there be the input from the Secretary of the Interior as to the reasonableness of those standards that can be obtained.

The argument that I have used in the supplemental views in the report—some of you may have read them—is carrying this to the extreme, and that is what, if the Secretary of Health, Education, and Welfare, looking at health only, should decide that it would be desirable to have no dust whatsoever in a coal mine, and he proposed a health standard of zero concentration of dust in the mine and directed the Secretary of the Interior to promulgate and enforce that regulation? It could not be done. We would close down every coal mine in this country if it were attempted. That is the sort of extreme result that could be accomplished through the kind of procedure that is in this bill, where the Secretary of the Interior and the Bureau of Mines have no input whatsoever in the establishment of health standards.

I would hope that the chairman of my subcommittee would support me in this because I think if we are going to get what we all want, workable health and safety legislation that can be enforced, and will do something to protect the miners, it can only be accomplished in the field of health if we have the input from both the HEW and Interior and if we have the man who is going to enforce the law being the one primarily responsible.

Mr. DENT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, since we are breaking new ground on this particular bill, it would be well to now consider the various arguments pro and con, especially at this moment when we are establishing the guide rules that are going to govern this legislation in the future.

We did not go into this blindly nor did we do it without a great deal of research. We found only one country in the world that has a significant program on this particular subject matter before us today, namely, the question of dust standards and the question of miner's health on a national basis.

We found that the British do have what they call a National Coal Board which would be likened unto our Secretary of the Interior and his Bureau of Mines. But we also found that they have an independent body that handles health standards and promulgates the rules and regulations dealing with dust standards and all of the rules and regulations and standards dealing with pneumoconiosis and the payments of benefits to miners.

It has everything to do with the health sector of the mining law of Great Britain.

However, we have a better reason for doing this. We also discovered that the result of all of the X-rays not going to a central body caused the British in the last 50 years to have chaos in the administration of their act.

So they finally brought it all under this particular health department where every miner's case history is before this particular group at all times. They have a laboratory that has 30,000 specimens of autopsies in it. They have a research bureau in Edinburgh that does nothing but research on miners' diseases. This is all done by that health department.

If we let our Department of Health, Education, and Welfare handle this program, it will be handled with the idea—and the only purpose of the act, so far as the Secretary of Health, Education, and Welfare is concerned—is the health of the miner. The Secretary can look to the provisions we put in the bill to get away from the dangers the gentleman from Illinois believes may occur. We say in section 101(c)—

> The Secretary of Health Education, and Welfare shall, in accordance with the procedures set forth in this section, develop and revise, as may be appropriate, mandatory health standards for the protection of life and the prevention of occupational diseases of coal miners. Such development and revision shall be based upon research demonstrations, experiments, and such other information as may be appropriate. In the development of mandatory health standards, the Secretary of Health, Education, and Welfare may consult with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and, where appropriate, foreign countries.
>
> Mandatory health standards which the Secretary develops or revises shall be transmitted to the Secretary and shall thereupon be published by the Secretary as proposed mandatory health standards.

Now, they must be published. The Secretary must publish them in the Federal Register. It will afford interested parties a period of 30 days in which they can submit written data or comments.

We are not tying the Secretary's hands. We are not saying that one member of the Cabinet has a whip over the head of another Cabinet member. We are putting the ducks in a row. We are rendering to Caesar the things that are Caesar's and to God the things that are God's. The Department of Health, Education, and Welfare handles health matters; the Secretary of the Interior handles safety.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Is it not true that under the provision you just read the Secretary of Health, Education, and Welfare would develop the standards; he would then transmit them to the Secretary of the Interior, who must then publish them as mandatory standards?

Mr. DENT. That is correct.

Mr. ERLENBORN. The Secretary of the Interior, then, would have no authority but to publish them. He would have no input at that point.

Mr. DENT. The gentleman is correct but the Secretary certainly has an input before the proposed standards are published, and it is totally unrealistic to believe the Secretaries will not be communicating with each other before the Secretary of Health, Education, and Welfare proposes a mandatory health standard.

Mr. ESCH. Mr. Chairman, I rise in support of the amendment. I recognize the sincere intent of the distinguished chairman of our subcommittee: that is that this legislation be as strong as possible. I would, therefore, agree with the intent of his remarks.

The question that the amendment addresses itself to, however, is just this: Are we or are we not going to have administratively a bill that is strong, that is direct, and places direct responsibility for the health and safety of miners in one particular office and administration? That is the essence of the amendment.

If you believe that we should develop a two-headed monster in regard to health and safety measures, then you will reject the amendment. If you believe that we should utilize to the fullest all of the expertise available in the Department of Health, Education, and Welfare; and then having given that expertise and that research and analysis—everything that our subcommittee chairman has indicated should be done in Health, Education, and Welfare, the final responsibility should be pinpointed in one particular man so that the responsibility can be clearly delineated.

If we believe we should have a pinpointed responsibility, then we will vote for this amendment. In essence, then, this is a strengthening amendment, which will strengthen the administration of this act. It will place direct responsibility on one man, yet will in no way weaken the role of HEW from the standpoint of providing the necessary expertise. I recommend strongly to this committee that this amendment be adopted.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment and move to strike the necessary number of words.

Mr. Chairman, there is no reason to anticipate conflict in the administration of this act. By placing the authority to develop health standards in the Department of Health, Education, and Welfare, we are bringing to bear on the solution of a serious national problem all the best scientific and medical expertise available in the Government.

The bill merely states that after the Secretary of Health, Education and Welfare developes the standards, he certifies them to the Secretary of the Interior, and the Secretary of the Interior must promulgate those standards as certified.

But if anybody takes exception to the standard as unfair or inequitable, he has the right to file exceptions, and the Secretary after hearings may modify in any way he wants to, and there is also the right to go to court.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I would like to straighten out that point. The chairman of the subcommittee read only a portion of that section. After the Secretary of the Interior publishes the standards, if objections are made, the Secretary of the Interior may suggest changes. He must then send those suggested changes back to the Secretary of Health, Education, and Welfare, and the final say on what are the health standards is by the Secretary of Health, Education, and Welfare, who then again directs the Secretary of the Interior to promulgate.

Mr. PERKINS. Mr. Chairman, here is the reason for this. We provide in the House bill that all mines shall achieve a 3.0-level in 6 months, with waivers for an additional 6 months. We feel the Secretary of Health, Education, and Welfare, where the technical assistance is available, is in a better position to develop the health standards and determine the effect of dust levels for example, on human health. I feel that there is no conflict here.

It is true, the Secretary of the Interior, after hearings and after modifications have been made to the standards is required to promulgate the standards as modified.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, is that not the answer to the criticism of the opposition, because they say they want to pinpoint responsibility?

Do we not then say that after the Secretary of the Interior reviews it and he believes a change ought to be made—do any of us believe that two Members working in the same Government and the same Cabinet would not be on talking terms?

Mr. PERKINS. I agree with the gentleman from Pennsylvania.

Mr. DENT. We are pinpointing it.

Mr. PERKINS. We can expect better results without a diffusion of responsibility. The Secretary of Health, Education, and Welfare in arriving at what are just and fair health standards is certainly going to consult with all interested parties. He will have resources and facilities not now available to the Secretary of the Interior.

Mr. ERLENBORN. If the gentleman will yield, I still contend it is unprecedented to have one Secretary dictating to another.

Mr. PERKINS. This is a workable arrangement that will redound to the benefit of everyone concerned.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. Erlenborn).

The question was taken; and on a division (demanded by Mr. Erlenborn) there were—ayes 26, noes 53.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

Sec. 201. The provisions of sections 202 through 205 of this title shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by mandatory health standards promulgated by the Secretary, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under the provisions of section 101 of title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in sections 105, 107, and 108 of title I of this Act.

DUST STANDARD AND RESPIRATORS

Sec. 202. (a) Each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which the miners in the active workings of such mine are exposed. Such samples shall be taken by any device approved by the Secretary and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretaries shall prescribe in the Federal Register within sixty days from the date of enactment of this Act and from time to time thereafter. Such samples shall be transmitted to the Secretary at his expense in a manner established by him, and analyzed and recorded by him in a manner which will assure application of the provisions of section 104(i) when the standard established under subsection (b) of this section is exceeded. The results of such samples shall also be made available to the operator. Each operator shall certify to the Secretary at such intervals as the Secretary may require as to the condition of the mine atmosphere in the active workings of the mine, including, but not limited to, the average number of working hours worked during each shift, the quantity of air regularly reaching the working places, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.

(b)(1) Effective on the operative date of this title, each operator shall maintain the average concentration of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed at or below 4.5 milligrams per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare). In the case of an operator who requests an extension of time beyond the operative date of this title in which to reduce such average concentration of respirable dust to or below 4.5 milligrams per cubic meter of air (or its equivalent) and demonstrates to the satisfaction of the Secretary that he is undertaking maximum efforts to so reduce such average concentration but is unable to do so because it is not technologically feasible for him to do so, the Secretary may grant such operator no more than ninety days for such purpose.

(2) Effective six months after the operative date of this title, the limit on the level of dust concentration shall be 3.0 milligrams of respirable dust per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare). In the case of an operator who requests an extension of time beyond the effective date of this paragraph in which to reduce the average concentration of respirable dust to or below 3.0 milligrams per cubic meter of air (or its equivalent) and demonstrates to the satisfaction of the Secretary that he is undertaking maximum efforts to so reduce such average concentration but is unable to do so because it is not technologically feasible for him to do so, the Secretary may grant such operator no more than six months for such purpose.

(3) Beginning six months after the operative date of this title, the Secretary of Health, Education, and Welfare shall reduce the limit on the level of dust concentration below 3.0 milligrams of respirable dust per cubic meter or air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare) as he determines such reductions become technologically attainable.

(c) Respirators or other breathing devices approved by the Secretary and the Secretary of Health, Education, and Welfare shall be made available to all persons whenever exposed to concentrations of dust in excess of concentrations of dust permitted by subsection (b). Use of respirators shall not be substituted for environmental control measures. Each underground mine shall maintain a supply of approved respirators or other breathing devices adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the limit prescribed in this section.

(d) As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

Mr. BURTON of California (during the reading). Mr. Chairman, I ask unanimous consent that section 202 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

MEDICAL EXAMINATION

Sec. 203. (a) The operator of an underground coal mine shall cooperate with the Board in making available to each miner working in an underground coal mine an opportunity to have, at least once every five years, beginning six months after the operative date of this title, a chest roentgenogram to be provided by the Board with funds derived under section 401(c) of this Act. Each worker who begins work in a coal mine for the first time shall be given, as soon as possible after commencement of his employment, and again three years later if he is still engaged in coal mining, a chest roetgenogram; and in the event the second such chest roentgenogram shows evidence of the development of pneumoconiosis the worker shall be given, two years later if he is still engaged in coal mining, an additional chest roentgenogram. Such chest roentgenograms shall be given in accordance with specifications and to the extent prescribed by the Secretary of Health, Education, and Welfare and shall be supplemented by such other tests as the Secretary of Health, Education, and Welfare deems necessary. The films shall be read and classified in a manner to be prescribed by the Secretary of Health, Education, and Welfare and the results of each reading on each such person and of such tests, shall be submitted to the Secretary, the Board, and to the Secretary of Health, Education, and Welfare, and at the request of the worker, to his physician. Such specifications, readings, classifications, and tests shall, to the greatest degree possible, be uniform for all underground coal mines and coal miners in such mines.

(b) Any miner, who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading, shows substantial evidence of the development of pneumoconiosis shall, at the option of the miner, be assigned by the operator, for such period or periods as may be necessary to prevent further development of such disease, to work either (1) in any active working place in a mine where the mine atmosphere contains concentrations of respirable dust of not more than 2.0 milligrams per cubic meter of air if measured with an MRE instrument or not more than an equivalent amount of dust if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare, or (2) in an area of the mine containing more than such 2.0 milligrams, or its equivalent, provided the miner wears respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare. Any miner so assigned shall receive compensation for such work not less than the regular rate of pay received by him immediately prior to his assignment.

Mr. BURTON of California (during the reading). Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. BURTON OF CALIFORNIA

Mr. BURTON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Burton of California: On page 50, line 9, after the period insert:

"Within one year after the enactment of this Act, any miner who shows evidence of the development of pneumoconiosis shall be assigned by the operator for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the average concentration of respirable dust in the mine atmosphere to which the miner is exposed during each shift is at or below 1.0 milligrams of dust per cubic meter of air or to whatever lower level the Secretary of Health, Education, and Welfare determines is necessary to prevent any further development of such disease."

Mr. BURTON of California. Mr. Chairman, this amendment deals exclusively and narrowly with the problem of the miner who already has any pneumoconiosis and with what should be the dust level that should be set at the working place to which he is assigned. When we started out some 9 months ago, it was believed that a 2.0 dust level was feasible at a point in time when we also believed that it was quite likely that the highest area of concentration of dust would be some 4.5. With the new data in the new tests it is clear, to our side of the committee, that the reassigned miner should have the option of being assigned to a working place where the dust level is 1.0 or lower in the event that he has already contracted any degree or level of pneumoconiosis. I ask the chairman of the committee if that is acceptable to him.

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding to me. I want to thank the distinguished gentleman from California for offering an amendment of this type. Any individual in the coal mines suffering from the beginning of this dreadful disease should certainly not be required to work in an atmosphere where there is a heavy dust concentration. I certainly want to compliment the gentleman for offering his amendment.

Mr. BURTON of California. I think the RECORD should also reflect the contribution of our distinguished colleague from West Virginia (Mr. HECHLER), who has also worked on this matter.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know what mischief we are playing with seniority rights in the unions when we give a man an option as to the place where he can work.

Again on the pneumoconiosis compensation item I was reluctant to do this, because it has the appearance of being a help to the man who has an incipient case of pneumoconiosis in the first stages which may progress into complicated massive fibrosis. So I hesitate to rise in opposition to this, but I must voice the opposition that I feel. In the first place, the recent tests conducted by the Bureau of Mines indicate that we may be able to reach in the foreseeable future this figure of 3 milligrams that we are mandating in this bill. I think at the time that our committee acted on it that the 4.5 milligram standard was not necessarily attainable and the 3 that the committee mandated in the bill were not within sight, but we may be getting to the point where it could happen.

One of the things that this report pointed out was a thing that apparently had not been recognized before, namely, that not all dust is generated at the working face of the mine. The ventilation air coming in behind the miner, in the passageway, in the halls, where the already mined coal is being taken out of the mine, picks up dust and brings it in to the working face, so that there is dust already present in the ventilation air that reaches the working face of the mine. Up until now most of us had the conception that all of the dust was created at the working face and all we had to do was get it away from the miner, but the very air that comes in to the working face, we understand now, has such a concentration of dust.

Whether we will be able to get that ventilation air down to 1 is very unlikely.

Now, there is one last point which I would like to make and then I will yield to the gentleman from California, and that is the subcommittee studies we have tell us what concentrations of dust may cause pneumoconiosis and reflect a figure of about 1.5 or 1.45 as being the figure at which a coal miner has a zero chance of contracting pneumoconiosis or having it progress.

Now, the figure that the gentleman from California suggests is well below that. The figure of 2 is a figure where there is practically no chance of the contraction or progression of the disease.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. BURTON of California. The gentleman from Illinois is well aware that we have been told there is roughly a ratio of 3 to 1 between the area of the lowest concentration of dust, based upon all past department studies. There are some points of view that the ratio may be 2.5, 3, or 7 to 1. If the gentleman from Illinois will read my amendment he will find that the effective date of the amendment is 1 year after enactment.

May I say that the continuation of even 1 in cases of pneumoconiosis is too high, and it is our belief that a lower level is likely to be found by the Secretary of Health, Education, and Welfare as necessary to prevent both the development of "black lung" and any further progression in any miner so afflicted. This amendment will not be cheap. Estimates have ranged from $30 million the balance of this first year to $100 million a year for the peak years. But at any price, the Nation's conscience dictates that these victims of inadequate health standards be assumed the minimal payments provided in this legislation.

It is particularly important for the reason, among others, spelled out by the gentleman from Wisconsin (Mr. WILLIAM STEIGER) that these hapless victims not depend on State matching funds.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Pennsylvania.

Mr. DENT. I would like to say that in a recent report that has been studied by several members of the committee—and the gentleman has a copy of it—it gives all the graphs and demonstrations illustrating what has been done by this legislation already. We have had long and continuous hearings on the bill and have established what appear to be the ground rules that we are following. We have established as a minimum 9,000 cubic feet a minute of air requirement for the last open crosscut. It establishes as a minimum a 100-foot-a-minute velocity requirement for the miner to be measured 5 feet from the face as well as an additional minimum air volume requirement for the working force. In each case, the inspector can require a substantial increase in these minimums.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, with further reference to these studies which were made by the Bureau, it shows that there is a ratio of approximately 2.7 to 1 in the diminishing amount of dust, as the dust is carried away to the face. So, we find here that we have used in this legislation a 3-milligram level from 1 year from the date of enactment of this legislation and that at that time in the return air chamber if we have men who contract pneumoconiosis they can be moved at their request or desire to the relatively nondusty areas of the mine. Those areas at that time, when we reach the 3-milligram level at the face, will be such that we will have the dust in the other sections of the mine down to less than 1 milligram. So, since we are going to have it down to at least that, the gentleman from California is merely suggesting that they establish as a criterion at least 1 milligram as the top level of dust that can be concentrated in an area where a miner with pneumoconiosis has asked to work. At that time and in that environment, if the miner has simple pneumoconiosis, he is not likely to have any progression of the disease.

Moreover, section 411(b) of the bill requires that the Secretary of Health Education, and Welfare, in his final report to the Congress, make recommendations relative to new health standards, including recommendations as to the maximum permissible individual dust exposure to the miner each shift. The objective and intent of that language is to insure that this first report will include recommendations of dust levels necessary to attain a medically acceptable mine atmosphere for each miner which will prevent new incidences of pneumoconiosis and any further development of this disease in miners who show signs of incurring the disease. We expect that these recommendations will provide the goal to which the Bureau of Mines must devote its research energies to make the achievement technologically feasible within the shortest possible period.

Therefore, Mr. Chairman, I urge the House to accept the amendment which has been offered by the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON of California. I fully concur in the statement made by the distinguished chairman of the subcommittee (Mr. DENT).

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BURTON).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DUST FROM DRILLING ROCK

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use of permissible dust collectors or by water or water with a wetting agent, or by any other method or device approved by the Secretary which is at least as effective in controlling such dust. Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided persons exposed for short periods of inhalation hazards from gas, dusts, fumes, or mist.

When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

DUST STANDARD WHEN QUARTZ IS PRESENT

SEC. 205. In coal mining operations where the respirable dust in the mine atmosphere of any active working place contains more than 5 per centum quartz, the Secretary of Health, Education, and Welfare shall prescribe an appropriate formula for determining the applicable dust standard under this title for such working place and the Secretary shall apply such formula in carrying out his duties under this title.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Chairman, there are no further amendments to title II, as I understand.

The CHAIRMAN. There being no further amendments, the Clerk will read.

The Clerk read as follows:

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 317 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary under the provisions of section 101 of title I of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in sections 105, 107, and 108 of title I of this Act.

(b) The Secretary may, upon petition by the operator, waive or modify the application of any mandatory safety standard to a mine when he determines such application will result in a diminution of safety to workers in such mine, but any action taken by the Secretary under this subsection shall be consistent with the purposes of this Act and shall not reduce the protection afforded miners by it.

(c) Upon petition by the operator, the Secretary may modify the application of any mandatory safety standard to a mine. Such petition shall state that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded miners by such standard. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the representative, if any, of persons working in the affected mine and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of such representative or other interested party, to enable the applicant and the representative of persons working in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall make findings of fact and publish them in the Federal Register.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out, except in recovery, shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the approved roof control plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities whether natural or otherwise that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall require that examinations and tests of the roof, face, and ribs be made before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The Secretary or his authorized representative may require in any coal mine a greater quantity of air when he finds it necessary to protect the safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every underground working place in that area and shall make tests in each such working place for accumulations of explosive gases with means approved by the Secretary for detecting explosive gases and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the underground working places; examine active roadways, travelways, and all belt conveyors on which men are carried, approaches to abandoned workings, and accessible falls in sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the mandatory health safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting explosive gases and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examination for hazardous conditions, including tests for explosive gases, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week, by a certified person designated the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week; except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, tests for explosive gases shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum of explosive gas is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until such explosive gas content is no more than 1.0 volume per centum of explosive gas. Examinations for explosive gases shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 volume per centum of explosive gas, changes or adjustments shall be made at once in the ventilation in such mines so that such air shall not contain more than 1.0 volume per centum of explosive gas. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other active workings.

If such air, when tested as outlined above, contains 1.5 volume per centum of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such working place shall not contain more than 1.0 volume per centum of explosive gas.

(i) If, when tested, a split of air returning from active underground workings contains more than 1.0 volume per centum of explosive gas, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall not contain more than 1.0 volume per centum of explosive gas. Such tests shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(j) If a split of air returning from active underground workings contains 1.5 volume per centum of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall not contain more than 1.0 volume per centum of explosive gas. In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or power feeder wires, and if a certified person designated by the mine operator is continually testing the explosive gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by explosive gases only when the air returning from such workings contains more than 2.0 volume per centum.

(k) Air which has passed by an opening of any abandoned area shall not be used to ventilate any active working place in the mine if such as contains 0.25 volume per centum or more of explosive gas. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator of the mine shall use means approved by the Secretary for detecting explosive gases. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of explosive gases, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) A methane monitor approved by the Secretary shall be installed and be kept operative and in operation on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machine, and such other electric face equipment as an authorized representative of the Secretary may require. Such monitor shall be set to deenergize automatically any electric face equipment on which it is required when such monitor is not operating properly. The sensing device of any such monitor shall be installed as close to the working face as possible. An authorized representative of the Secretary may require any such monitor to be set to give a warning automatically when the concentration of explosive gas reaches 1.0 volume per centum and automatically to deenergize equipment on which it is installed when such concentration reaches 2.0 volume per centum.

(n) Idle and abandoned areas shall be inspected for explosive gases and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting explosive gases and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether explosive gas is present, such person shall use means approved by the Secretary for detecting explosive gases. If in such examination explosive gas is found in amounts of more than 1.0 volume per centum, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more than 1.0 volume per centum of explosive gas.

(p) Within six months after the operative date of this title, and thereafter, all areas in all mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.

(q) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through the area so that the return split of air shall not contain more than 2.0 volume per centum of explosive gas before entering another split of air.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of explosive gas.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of six months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be compiled with on the operative date of this title.

(t) In all underground areas of a mine,

immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for explosive gases shall be made by a qualified person with means approved by the Secretary for detecting explosive gases. If explosive gas is found in amounts of more than 1.0 volume per centum, changes or adjustments shall be made at once in the ventilation so that the air shall not contain more than 1.0 volume per centum of explosive gas. No shots shall be fired until the air contains not more than 1.0 volume per centum of explosive gas.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where explosive gas is likely to accumulate are reexamined by a certified person to determine if explosive gas in amounts of more than 1.0 volume per centum exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine and portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(z) In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt and trolley haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt and trolley haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall not contain more than 1.0 volume per centum of explosive gas. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than haulage entries, are such as to adequately permit the coursing of intake or return air through such entries, (1) the belt and trolley haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt and trolley haulage entries are not necessary to ventilate the active working faces, the operator of such mine shall limit the velocity of the air coursed through the belt and trolley haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall not contain more than 1.0 volume per centum of methane.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active underground workings or on electric equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective methods approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other effective methods approved by an authorized representative of the Secretary, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where explosive gas is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of explosive gas, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subparagraphs (b) through (d) of this paragraph shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT

SEC. 305. (a) One year after the operative date of this title—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the date of enactment of this Act, to continue in use for such period (not in excess of one year) as he deems necessary to obtain such permissible equipment: *Provided, however*, That the provisions of this paragraph shall not apply to any mine which is not classified as gassy; and

(2) Only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current.

(b) (1) Four years after the operative date of this title all electric face equipment used in mines exempted from the provisions of section 305(a)(1) of this Act shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

(2) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in and thereafter maintained in a permissible condition if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

(3) One year after the operative date of this title all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate which are taken into or used inby the last open crosscut of any coal mine shall be permissible and thereafter maintained in a permissible condition.

(4) During the term of the use of any nonpermissible electric face equipment permitted under this subsection the Secretary may by regulation provide for use of methane monitoring devices, under such conditions as he shall prescribe, which will automatically deenergize electrical circuits providing power to electrical face equipment when the concentration of explosive gas in the atmosphere of the active workings permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur.

(c) A copy of any permit granted under this paragraph shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

(d) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(e) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(f) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(g) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except, when necessary, a person may repair energized trolley wires if he wears insulated shoes and lineman's gloves. No work shall be performed on medium and high-voltage distribution circuits or equipment except by or under the direct supervision of a competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.

(h) Electric equipment shall be frequently examined by a competent electrician to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(i) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(j) All joints or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All joints in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(k) Cables shall enter metal frames of motors, splice boxes and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(l) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(m) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected.

(n) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(o) In all main power circuits disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(p) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(q) Each underground exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(r) No device for the purpose of lighting any underground coal mine or flame which has not been approved by the Secretary or his authorized representative shall be permitted in any underground coal mine, except under the provisions of section 311(d) of this title.

(s) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. In any case in which a temporary splice is made pursuant to this subsection such splice shall, within five working days thereafter, be replaced by a permanent splice. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively. Methods other than grounding which provide equivalent protection may be permitted by the Secretary.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all high-voltage switchgear, transformers, and other high-voltage equipment shall be grounded to the high-voltage system ground.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall be equipped with relaying circuits to protect against overcurrent, ground fault, a loss of ground continuity, short circuit, and under-voltage.

(b) High-voltage circuits extending underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed outby the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) The grounding resistor shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage to equal to the phase-to-phase voltage of the system.

(d) High-voltage systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e) Underground high-voltage cables shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross-sectional area of not less than one-half the power conductor or capable of carrying twice the maximum fault current. There shall also be provided an insulated conductor not smaller than No. 8 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendation.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) Terminations and splices of high-voltage cable shall be made in accordance with manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of substation or switching station apparatus shall be effectively grounded to the high voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another. High-voltage cables, other than trailing cables, shall not be moved or handled while energized.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall provide protection for the circuit against overcurrent, ground fault, short circuits, and loss of ground circuit continuity.

(b) Low- and medium-voltage circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit. The grounding resistor shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously.

(c) Low- and medium-voltage circuits shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one half the power conductor and an insulated conductor for the ground continuity check circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines, employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires, unless the wires are placed 10 feet or more above tne top of the rail; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation performed on a shift, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in face areas or other underground working places in a mine shall be in portable, fireproof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. All other underground structures installed in a mine shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, continuously test for explosive gas with means approved by the Secretary for detecting explosive gas. Welding, cutting, or soldering shall not be conducted in air that contains more than 1 volume per centum of explosive gas. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt conveyer drives. Such sprays or foam generators shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches.

MAPS

SEC. 312. (a) The operator of an active underground coal mine shall have, in a surface location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale as the Secretary may require. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the effective date of this paragraph which are inaccessible or cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, elevations, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells, either producing or abandoned, located within five hundred feet of such mine, and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by persons working in the mine and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, or to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when explosive gas or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no explosive gas or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for explosive gas shall be made immediately before such shots are fired and if explosive gas is present when tested in 1 volume per centum such shot shall not be made until the explosive gas content is reduced below 1 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strengths, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) In order to be capable of stopping with the proper margin of safety each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, or shall be subject to speed reductions or other safeguards approved by the Secretary.

EMERGENCY SHELTERS

SEC. 315. The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the men while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

SEC. 316. A two-way communication system, approved by the Secretary, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than two hundred feet from a portal.

MISCELLANEOUS

SEC. 317. (a) No coal mine shall be operated in any coal seam where the coal has been or is being removed from the said seam within five hundred feet of a known gas or oil well whether producing or abandoned, except that the Secretary may permit such operation within three hundred feet of such well under regulations prescribing conditions which will assure the complete safety of all miners engaged in such operation.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Smoking shall not be permitted underground, nor shall any person carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in any underground mine except as specifically authorized by this Act.

(e) The Secretary shall prescribe the manner in which all underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(f) (1) At least two separate and distinct travelable passageways to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each mine working section continuous to the surface, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate facilities approved by the Secretary or his authorized representative shall be provided in each escape shaft or slope to allow persons to escape quickly to the surface in event of emergency.

(2) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(3) When only one main opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working face shall not exceed five hundred feet.

(4) In the case of all coal mines opened after the operative date of this title, the escapeway required by paragraph (1) of this subsection to be ventilated with intake air, shall be separated from the belt and trolley haulage entries of the mine.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent explosive gases and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall explosive gases be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for explosive gases by the Secretary within one year of the operative date of this title, and coal dust shall not accumulate in excess of limits prescribed by or under this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this title.

(j) In any mine that liberates excessive quantities of explosive gases, and if in the opinion of the Secretary such excessive liberations present or are likely to present explosion dangers, a Federal inspector shall be present at such mine, for the purpose of making mine inspections on each and every day such mine is producing coal.

(k) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment from roof falls and from rib and face rolls.

(l) The opening of any mine that is declared inactive by its operator or is abandoned for more than ninety days, after the operative date of this title, shall be sealed in a manner prescribed by the Secretary. Openings to all active coal mines shall be adequately protected to prevent entrance by unauthorized persons.

(m) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active working of the mine when such surface facilities are not readily accessible to the active workings.

(n) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this section.

(o) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(p) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(q) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground and will provide an accurate record of the miners in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(r) The Secretary shall require, when technologically feasible, that devices to suppress ignitions be installed on electric face cutting equipment.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such sections, except that, in a State where no program of certification is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification shall be by the Secretary;

(b) "qualified person" means an individual deemed qualified by the Secretary to make tests for measurements, as appropriate, required by this Act;

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 5 per centum of free and combined silica (SiO_2);

(e) "coal mine" includes areas of adjoining mines connected underground;

(f) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(g) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(h)(1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is done,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(i) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places;

(j) "electric face equipment" means electric equipment that is installed or used inby the last open crosscut in an entry or a room;

(k) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(l) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(m) "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust during a full working shift; such determination shall be the result of applying valid statistical techniques to the minimum necessary measurements of respirable dust; and

(n) "respirable dust" means only dust particulates 5 microns or less in size.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

Mr. Chairman, before the Clerk reads the amendment, may I be recognized for 5 minutes, because I want to explain the amendment to the House in order that the Clerk not have to read the amendment after I give the explanation? It is a voluminous amendment.

The CHAIRMAN. Is the gentleman asking to strike out the last word?

Mr. DENT. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DENT. Mr. Chairman, before asking that this amendment be considered, and considering the title as read, and so forth, I want to explain exactly what it is.

During all of the work on the bill most of the emphasis was placed upon the pros and cons on the pneumoconiosis section and the pros and cons of the dust standard section, and, therefore, title III of the act, which contains all of the interim safety standards carefully developed by the Committee received not as much attention from the parties directly affected until only several weeks ago. After the committee reported the bill these parties noted deficiencies in the standards—from the standpoint of safety. The committee staff then held numerous sessions with the best experts within and outside the Bureau of Mines and the result of those meetings, rereview of these standards, and literally week upon week of review, is the amendment I now offer.

Now, what does it do? Technology has changed so fast in the last year, new and different types of equipment have already been developed—and I earlier demonstrated one piece of equipment never dreamed of even a year ago regarding the detection of methane gas—that the amendment also represents an improvement in the existing language mandated by the technological change in the industry since we first began consideration of the bill.

I asked the Bureau to review these changes, developed after these many sessions by the committee's staff, carefully for us.

The Bureau is the agency of Government that must administer them. The committee and our staff depended on them for their expert advice in drafting these amendments. Once drafted, we then wanted their advice on their adequacy from a technical, nonpolicy standpoint, to insure that the end result was, in fact, better safety.

And at this point, Mr. Chairman, I would like to read the letter from the Bureau of Mines, in response to my request:

> DEAR MR. DENT: Your letter of October 22 requests that we provide a technical review of a series of amendments——

Mr. PERKINS. Mr. Chairman, will the gentleman yield briefly?

Mr. DENT. I yield to our distinguished chairman.

Mr. PERKINS. I just want to ask the distinguished gentleman if these interim standards have not already been printed in the RECORD?

Mr. DENT. Yes; I might say for the benefit of the Members that the RECORD will show that on Monday the chairman of the committee submitted this amendment, or series of amendments, as you might call it, into the RECORD, and it is now before each Member if he so desires to examine it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, since the distinguished gentleman has been interrupted in the middle of this letter, could I ask the distinguished gentleman when this material that he wants considered en bloc, and which the gentleman has had the kindness to show me in advance of his request, and I certainly appreciate the gentleman taking time out of order, in order to explain this before the unanimous-consent request is placed—when did this material become available?

Mr. DENT. I would say that changes were made as late as last Friday in some instances. We wanted to be absolutely certain that we were, in fact, making improvements to the safety of miners. We also realize that we were dealing with a highly technical subject matter and insisted on proceeding with great caution.

Mr. HALL. I understood that from the distinguished gentleman's explanation on the floor before. I find no fault with that.

I find fault with the procedures of the House, of the Committee of the Whole House on the State of the Union, or the committee that brings it here.

I wonder why we are rewriting the bill on the floor of the House just as we did another bill from another committee last week, completely revising the entire titles without a chance to study them, instead of writing them in committee and marking up a clean bill.

Mr. DENT. Very frankly, we did not change the contents to a great extent. The purpose of amending the bill by title was solely to highlight our proposed changes to all Members. We could have proceeded section by section and it would have been obvious then that we were not making many changes and thereby rewriting title III. As I have emphasized, the changes are highly technical and largely interrelated, and we offer them in this format only for the convenience and improved understanding of each Member.

Mr. HALL. I appreciate that. The gentleman has shown me this before, this preparation which is in conformance with the Ramseyer rule. As I understand from the gentleman's statement now, these are primarily technical amendments albeit they are to the entire title III?

Mr. DENT. That is right.

Mr. HALL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DENT. Mr. Chairman, I offer an amendment and ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open for discussion.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HECHLER of West Virginia. Mr. Chairman, reserving the right to object, I have an amendment to this amendment and I want to be protected.

Mr. DENT. This will not preclude that.

Mr. HECHLER of West Virginia. Mr. Chairman, since I have an amendment to this amendment, I would like to ask a parliamentary inquiry, whether it would be in order to offer this amendment after the debate on the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. It will be in order to offer an amendment to the amendment.

Mr. HECHLER of West Virginia. At this time?

The CHAIRMAN. Not at this time.

Mr. HECHLER of West Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. DENT) asks unanimous consent that his amendment be considered as read. Is there objection?

Mr. MILLER of Ohio. Mr. Chairman, reserving the right to object, what part of title III would be changed—every page—every section?

Mr. DENT. Not quite. There are some sections left untouched—most of the sections of the bill, for instance, and I might give you the sections that are untouched—sections 303, 305, 307, 308, 309, 310, and 318. This is the section, title III, affected by the changes.

Mr. MILLER of Ohio. Do we have copies of this?

Mr. DENT. I will be glad to explain it if that is what the gentleman wants. But I thought if I read the letter from the Director of the Bureau of Mines before speaking, the Members would get a picture of the situation. I will give the gentleman a copy.

Mr. PERKINS. Mr. Chairman, would the gentleman in the well refer our distinguished colleague to the RECORD of a few days ago?

Mr. DENT. I did and this is already in the RECORD.

Mr. MILLER of Ohio. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. DENT

The amendment is as follows:

Amendment offered by Mr. DENT: On page 51, line 10, strike all through page 106, line 2, and insert:

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 317 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary under the provisions of section 101 of title I of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) The Secretary may, upon petition by the operator, waive or modify the application of any mandatory safety standard to a mine when he determines such application will result in a diminution of safety to workers in such mine, but any action taken by the Secretary under this subsection shall be consistent with the purposes of this Act and shall not reduce the protection afforded miners by it.

(c) Upon petition by the operator, the Secretary may modify the application of any mandatory safety standard to a mine. Such petition shall state that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded miners by such standard. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the representative, if any, of persons working in the affected mine and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of such representative or other interested party, to enable the applicant and the representative of persons working in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall make findings of fact and publish them in the Federal Register.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out, except in recovery, shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the approved roof control plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall require that examinations and tests of the roof, face, and ribs be made before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any mine reaching each working face shall be three thousand cubic feet a minute and, in the case of a mechanized mine, there shall also be a minimum velocity of one hundred feet per minute passing to within five feet of the working face and over any miner operating electrical equipment at the working face. The Secretary or his authorized representative may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the safety of miners. Within three years after the operative date of this title, the dust level in intake aircourses shall not exceed 0.25 milligrams per cubic meter of air. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable, explosive, and noxious gases, dust, and explosive fumes.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every underground working place in that area and shall make tests in each such working place for accumulations of explosive gases with means approved by the Secretary for detecting explosive gases and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the underground working places; examine active roadways, travelways, and all belt conveyors on which men are carried, approaches to abandoned workings, and accessible falls in sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the mandatory health safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting explosive gases and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examination for hazardous conditions, including tests for explosive gases, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week; except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, tests for explosive gases shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of explosive gas is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until such explosive gas content is less than 1.0 volume per centum of explosive gas. Examinations for explosive gases shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains 1.0 volume per centum or more of explosive gas, changes or adjustments shall be made at once in the ventilation in such mines so that such air shall contain less than 1.0 volume per centum of explosive gas. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other active workings.

If such air, when tested as outlined above, contains 1.5 volume per centum or more of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such working place shall contain less than 1.0 volume per centum of explosive gas.

(i) If, when tested, a split of air returning from active underground workings contains 1.0 volume per centum or more of explosive gas, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall contain less than 1.0 volume per centum of explosive gas. Such tests shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(j) If a split of air returning from active underground workings contains 1.5 volume per centum or more of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall contain less than 1.0 volume per centum of explosive gas. In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or power feeder wires, and if a certified person designated by the mine operator is continually testing the explosive gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by explosive gases only when the air returning from such workings contains 2.0 volume per centum or more of explosive gas.

(k) Air which has passed by an opening of any abandoned area shall not be used to ventilate any active working place in the mine if such contains 0.25 volume per centum or more of explosive gas. Examinations of such air shall be made during the preshift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator of the mine shall use means approved by the Secretary for detecting explosive gases. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of explosive gases, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) A methane monitor approved by the Secretary shall be installed and be kept operative and in operation on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machines, and such other electric face equipment as an authorized representative of the Secretary may require. Such monitor shall be set to deenergize automatically any electric face equipment on which it is required when such monitor is not operating properly. The sensing device of any such monitor shall be installed as close to the working face as possible. An authorized representative of the Secretary may require any such monitor to be set to give a warning automatically when the concentration of explosive gas reaches 1.0 volume per centum and automatically to de-energize equipment on which it is installed when such concentration reaches 2.0 volume per centum.

(n) Idle and abandoned areas shall be inspected for explosive gases and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting explosive gases and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether explosive gas is present, such person shall use means approved by the Secretary for detecting explosive gases. If in such examination explosive gas is found in amounts of 1.0 volume per centum or more, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall contain less than 1.0 volume per centum of explosive gas.

(p) A ventilation system and explosive gas—and dust-control plan and revisions thereof suitable to the conditions and the mining system of the mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.

(q) Each operator of a coal mine shall provide for the proper maintenance and care of the permissible flame safety lamp by a person trained in such maintenance and before each shift care shall be taken to insure that such lamp is in a permissible condition.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of explosive gas.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of six months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) In all underground areas of a mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for explosive gases shall be made by a qualified person with means approved by the Secretary for detecting explosive gases. If explosive gas is found in amounts of 1.0 volume per centum or more, changes or adjustments shall be made at once in the ventilation so that the air shall contain less than 1.0 volume per centum of explosive gas. No shots shall be fired until the air contains less than 1.0 volume per centum of explosive gas.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where explosive gas is likely to accumulate are reexamined by a certified person to determine if explosive gas in amounts of 1.0 volume per centum or more exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(z) (1) In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of explosive gas, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to adequately permit the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working faces, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of explosive gas.

(2) In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date in any new working section of such mine, where trolley haulage systems are maintained and where trolley or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake air courses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active underground workings or on electric equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective methods approved by an authorized representative of the Secretary, shall be used to abate such dust.

In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other effective methods approved by an authorized representative of the Secretary, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All cross cuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where explosive gas is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of explosive gas, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subparagraphs (b) through (d) of this paragraph shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT

SEC. 305. (a) One year after the operative date of this title—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the date of enactment of this Act, to continue in use for such period (not in excess of one year) as he deems necessary to obtain such permissible equipment: *Provided, however*, That the provisions of this paragraph shall not apply to any mine which is not classified as gassy; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current.

(b)(1) Four years after the operative date of this title all electric face equipment used in mines exempted from the provisions of section 305(a)(1) of this Act shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

(2) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in and thereafter maintained in a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

(3) One year after the operative date of this title all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate which are taken into or used inby the last open crosscut of any coal mine shall be permissible and thereafter maintained in a permissible condition.

(4) During the term of the use of any nonpermissible electric face equipment permitted under this subsection the Secretary may by regulation provide for use of methane monitoring devices, under such conditions as he shall prescribe, which will automatically deenergize electrical circuits providing power to electrical face equipment when the concentration of explosive gas in the atmosphere of the active workings permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur.

(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine. After the operative date of this title, whoever knowingly, in the case of manufacturer, distributes, sells, offers for sale, introduces, or delivers in commerce any new electrical equipment used in coal mines, including, but not limited to, components and accessories of such equipment which fails to comply with the specifications or regulations of the Secretary, or, in the case of any other person, removes, alters, modifies, or renders inoperative any such equipment prior to its sale and delivery in commerce to the ultimate purchaser, shall, upon conviction, be subject to the sanctions in section 109(f) of this Act.

(d) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(e) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(f) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(g) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for trouble shooting or testing. Energized trolley wires may be repaired only by a person qualified to perform such repairs and the operator of such mine shall require that such person wear approved and tested insulated shoes and wireman's gloves. No work shall be performed on medium and high-voltage distribution circuits or equipment except by or under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by an agent of the operator.

(h) All electrical equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(i) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(j) All electrical connections or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(k) Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(l) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(m) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected.

(n) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(o) In all main power circuits disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(p) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(q) Each ungrounded, exposed power conductor that leads underground shall be equipped with suitable lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(r) No device for the purpose of lighting any underground coal mine or flame which has not been approved by the Secretary or his authorized representative shall be permitted in any underground coal mine, except under the provisions of section 311(d) of this title.

(s) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. In any case in which a temporary splice is made pursuant to this subsection such splice shall, within five working days thereafter, be replaced by a permanent splice. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively. Methods other than grounding which provide equivalent protection may be permitted by the Secretary.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them, except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary of his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such portion of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

(c) The grounding resistor, where required, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage, resistance grounded, wye-connected systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e)(1) Underground high-voltage cables used in resistance grounded, wye-connected systems shall be equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of portable or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment shall be effectively grounded to the high voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.

(b) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded, wye-connected systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one half the power conductor and, six months after the operative date of this title, an insulated conductor for the ground continuity check circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines, employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

Sec. 310. (a) Trolley wires and trolly feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(4) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires, (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

Sec. 311. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation performed on a shift, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in face areas or other underground working places in a mine shall be in portable, fireproof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. All other underground structures installed in a mine shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, continuously test for explosive gas with means approved by the Secretary for detecting explosive gas. Welding, cutting, or soldering shall not be conducted in air that contains 1.0 volume per centum or more of explosive gas. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire supression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt conveyor drives. Such sprays or foam generators shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

(h) On or after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements established by the Secretary for flame-resistant conveyor belts.

MAPS

Sec. 312. (a) The operator of an active underground coal mine shall have, in a surface location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale as the Secretary may require. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the effective date of this paragraph which are inaccessible or cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, elevations, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells, either producing or abandoned, located within five hundred feet of such mine, and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by persons working in the mine and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, or to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

Sec. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when explosive gas or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no explosive gas or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for explosive gas shall be made immediately before such shots are fired and if explosive gas is present when tested in 1.0 volume per centum, such shot shall not be made until explosive gas content is reduced below 1.0 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) In order to be capable of stopping with the proper margin of safety each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, or shall be subject to speed reductions or other safeguards approved by the Secretary.

EMERGENCY SHELTERS

SEC. 315. The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the men while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

SEC. 316. A two-way communication system, approved by the Secretary, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than two hundred feet from a portal.

MISCELLANEOUS

SEC. 317. (a)(1) While pillars are being extracted in any area of a mine, such area shall be ventilated in a manner approved by the Secretary or his authorized representative. Within six months after the operative date of this title, all areas which are or have been abandoned in all mines, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means or sealed, as determined by the Secretary or his authorized representative, except that the Secretary may permit, on a mine-by-mine basis, an extension of time of not to exceed six months to complete such work. Ventilation of such areas shall be approved only where the Secretary or his authorized representative is satisfied that such ventilation can be maintained so as to, continuously, dilute, render harmless, and carry away explosive gases within such areas and to protect the active workings of the mine from the hazards of such gases. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine. In the case of mines opened on or after the operative date of this title, or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revisions thereof approved by the Secretary and adopted by such operator, so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads. For the purpose of this paragraph, the term "abandoned" as applied to any area of a mine shall include, but not be limited to, areas of a mine which are not ventilated and inspected regularly, areas where mining has been started but not completed, areas where future mining is still possible, and areas that are deserted.

(2) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Smoking shall not be permitted underground, nor shall any person carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in any underground mine except as specifically authorized by this Act.

(e) The Secretary shall prescribe the manner in which all underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(f)(1) At least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person, including disabled persons, and which are to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each working section of a mine continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate and readily accessible escape facilities approved by the Secretary or his authorized representative, properly maintained, and frequently tested shall be immediately present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

(2) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(3) When only one main opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working face shall not exceed five hundred feet.

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in coal mines opened prior to such date, the escapeway required by this subsection to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be

extended for a greater or lesser distance so long as the safety of the miners is assured.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent explosive gases and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall explosive gases be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for explosive gases by the Secretary within one year of the operative date of this title, and coal dust shall not accumulate in excess of limits prescribed by or under this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this title.

(j) Whenever the Secretary finds that a mine liberates excessive qualities of explosive gases during its operations, or that a gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of twenty-six spot inspections of all or part of such mine each year at irregular intervals by his authorized representative.

(k) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment from roof falls and from rib and face rolls.

(l) The opening of any mine that is declared inactive by its operator or is abandoned for more than ninety days, after the operative date of this title, shall be sealed in a manner prescribed by the Secretary. Openings to all active coal mines shall be adequately protected to prevent entrance by unauthorized persons.

(m) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(n) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this section.

(o) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(p) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(q) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground and will provide an accurate record of the miners in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(r) The Secretary shall require, when technologically feasible, that devices to suppress ignitions be installed on electric face cutting equipment.

(s) Whenever an operator mines coal in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of men working or passing through such tunnels from cave-ins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to any such body of water that is, in the judgment of the Secretary, sufficiently large to constitute a hazard. No plan shall be approved unless there is a minimum of rock cover to be determined by the Secretary based on test holes drilled by the operator in a manner to be prescribed by the Secretary.

(t) The Secretary shall require that developed and improved devices and systems for the monitoring and detection of mine safety conditions and for the protection of the individual miner be acquired by each operator of a coal mine and that such devices and systems be used as soon as they become available.

(u) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which shall couple by impact and uncouple without the necessity of men going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

(v) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary facilities.

(w) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

(x) An employee, the duties of whose position are primarily the inspection of coal mines, including an employee engaged in this activity and transferred to a supervisory or administrative position, who attains the age of fifty years and completes twenty years of service in the performance of those duties may, if the Secretary recommends his retirement and the Civil Service Commission approves, voluntarily retire and be paid an annuity. Any such employee who attains the age of sixty years and completes fifteen years of service may voluntarily retire on an annuity, unless the Secretary determines that such retirement would not be in the best interests of the program and, in such case, the Secretary may extend such employee's service on an annual basis. An employee who retires under this subsection shall be entitled to an annuity of 2½ per centum of his average pay multiplied by his total service, except that the annuities shall not exceed 80 per centum of his average pay. As used in this subsection the terms "employee", "average pay", and "service" have the meaning ascribed to those terms in subchapter III, chapter 83, title 5, United States Code, and the provisions of that subchapter respecting payment and adjustment of annuity, survivor annuities, and related matters, shall apply with respect to employees retiring under this subsection.

(y) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to section 103(g) of this title, (B) has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the civil penalties provisions of this Act.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for or in connection with, the

institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such sections, except that, in a State where no program of certification is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification shall be by the Secretary;

(b) "qualified person" means, as the context requires, an individual deemed qualified by the Secretary to make tests and examinations required by this Act; and an individual deemed, in accordance with minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or (SiO_2), more than a total of 3 per centum of free and combined silica (SiO_2) or, where the Secretary finds that such silica concentrations are not available, up to 5 per centum of free and combined silica;

(e) "coal mine" includes areas of adjoining mines connected underground;

(f) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(g) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(h)(1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is done,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(i) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places;

(j) "electric face equipment" means electric equipment that is installed or used inby the last open crosscut in an entry or a room;

(k) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(l) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(m) "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust during a full working shift; such determination shall be the result of applying valid statistical techniques to the minimum necessary measurements of respirable dust; and

(n) "respirable dust" means only dust particulates 5 microns or less in size.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Chairman, title III of the bill contains over 50 pages of highly technical and detailed interim mandatory safety standards designed to protect the safety of the miner. It is a most unusual procedure for the Congress to even attempt to legislate such standards because of their highly technical nature. Normally, these would be developed and promulgated by the administrators as regulations. But, in this case, the committee was faced with the fact that Congress, in 1952, did legislate such standards for this industry and unfortunately, Congress did not give the administrators the power to issue regulations in this area.

Well, 17 years have passed since then. Technology in this industry has made rapid changes. Mining practices and conditions have also changed. In order to meet these, the Bureau of Mines was forced to buttress these legislated standards with an even more detailed safety code which is enforceable under the labor-management contracts. We did not want to make that mistake this time. This bill provides a fair procedure, including hearings, for promulgating mandatory standards by the Secretary. But this procedure will take time. The miners cannot afford to wait. Their very life and limb depends on the establishment of new and up-to-date standards that are enforceable now. Thus, the need for title III of this bill. As time goes on, we expect and we encourage the administrators to improve upon these standards by changing them, or superseding them, or revising them. Congress should not be in the business of setting standards, only the guidelines and procedures for such standards.

As one can imagine, when there are 50 pages of such standards, errors can creep in. Also, omissions and other deficiencies are possible.

During the hearings and subsequent public executive sessions, we were concerned that many of the interested and directly affected parties were concentrating their concern on other areas of the bill and neglected this title to see if the provisions were technically sound and, in fact, improved safety.

Within the last several weeks, representatives of industry, labor, the Bureau of Mines, and others interested in this legislation, noted a few areas in this title that were technically unsound, in some cases, would diminish, not improve, safety unless they were revised. Similarly, the committee's staff found some technical errors that needed revision.

Accordingly, a series of amendments to sections 303, 305, 307, 308, 309, 310, 311, 317, and 318 of this title were prepared which are largely of a technical or clarifying nature. Some, like a standard to prevent cave-ins when mining under a body of water, and a standard requiring a ventilation and gas and dust control plan and a standard on maintaining the permissible flame safety lamp, fill a gap not yet covered by the bill. Other sections of this title are not changed by this amendment. The title, with these amendments, was placed in the RECORD Monday.

All of the amendments were reviewed carefully by Director O'Leary of the Bureau of Mines. In requesting such a review, we emphasized that no amendment would be offered, "which, even slightly, will reduce safety to the miners. The fact that one provision provides greater safety and another only slightly less safety will not satisfy the test we are applying to these amendments."

The Director responds as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, D.C., October 23, 1969.

Hon. JOHN H. DENT,
Chairman, General Subcommittee on Labor, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. DENT: Your letter of October 22, 1969, requested that we provide a technical review of a series of amendments to Title III of HR 13950, as reported by your Committee. These amendments result from discussions between your staff and various representatives of the industry, labor, and others interested in this legislation. Some of the Bureau's senior inspection personnel as well as others from the Department participated in some of these discussions to provide technical advice.

Most of the amendments are of a clarifying nature designed to overcome problems discovered during the discussions just mentioned. This is particularly true in connection with those amendments affecting Sections 303, 305, 307, 308, 309, 310, and 318. Most of these Sections deal with highly technical problems associated with providing adequate safeguards for the installation, maintenance, and operation of electrical equipment and power circuits of significant voltages. At our suggestion, these amendments were also reviewed by the two professional electrical engineers from the General Services Administration who participated in the drafting of many of these Sections with the staff of the Senate Committee. Despite their lack of familiarity with the coal industry, they are fully competent and raised a number of points that helped to improve these amendments.

Several of the amendments are distinctly superior to existing provisions of the Bill. This is particularly true with respect to the revisions related to sealing and ventilation of abandoned areas and to the provision of flame-resistant belts in haulageways and the requirement for sensing devices to detect belt fires. We are also pleased to see the revision authorizing the Secretary to require flame suppression devices on belt haulageways when such devices are technically feasible. The provisions relative to coupling mine cars and increasing the number of spot inspections at the more hazardous mines will also make a positive contribution to safety.

We have carefully reviewed each of these amendments from the standpoint of their drafting sufficiency as related to other provisions of Title III of the Bill; from the standpoint of their technical application to the operations of the industry; and from the standpoint of their enforceability. We have concluded that each of the proposed amendments is technically sound, enforceable, and—most important—would not, if adopted, lessen the degree of protection of health and safety accorded miners by the Committee Bill, or create any additional hazards. Taken together, the proposed amendments significantly strengthen the Bill.

Sincerely yours,

JOHN F. O'LEARY,
Director.

I urge the adoption of these important amendments which will provide a greater safety to the miners.

BRIEF SECTION-BY-SECTION EXPLANATION OF THE AMENDMENTS

SECTION 303

The bill now provides that the minimum quantity of air reaching the last open crosscut in any pair or set of rooms must be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line must also be 9,000 cubic feet a minute. The bill does not, however, prescribe what the minimum quantity of air should be at the working face nor what the minimum velocity should be over any miner operating electical equipment at the working face. The amendment supplements this omission by requiring a minimum of 3,000 cubic feet a minute at the face and a minimum velocity of 100 feet per minute over the miner operating electrical equipment. The latter measurement must be made at the point where the air passes to within 5 feet of the face. As in the case of the 9,000 cubic feet minimum, the Secretary or an inspector may require a greater quantity of air where necessary for safety or health, or both.

The amendment also clarifies the present language of this section by requiring that each operator prepare and adopt a ventilation and explosive gas- and dust-control plan which must be approved by the Secretary.

Section 318(c)(1) of the bill defines the term "permissible" as applied to equipment, such as the flame safety lamp. Such equipment must comply with the Secretary's specifications for the construction and maintenance of such equipment. The amendment requires that the operator provide a maintenance program for the flame safety lamp by a person qualified in this work. Proper maintenance is required before each shift. The need for this program is demonstrated by the fact that, since 1952, there have been 17 ignitions killing five, and injuring 25, from improperly maintained flame safety lamps.

The amendment clarifies the present language of the bill relative to the percentage of explosive gas required before changes in ventilation must be undertaken or men withdrawn. The amendment makes it clear that if the explosive gas reaches 1 percent or more, but less than 1.5 percent, action must be taken to reduce the gas to less than 1.0, and if such gas reaches 1.5 percent or more, the miners must be withdrawn until the gas is reduced to less than 1 percent.

The amendment also clarifies the present language of the bill relative to separation of belt and trolley haulage entries from intake and return air courses.

In the case of new mines, intake and return entries must be separated from belt haulage entries, and the operator must limit the velocity of air coursed in such haulage entries to that needed to supply adequate oxygen to protect the health of miners, and to control methane. In addition, the air must not be used to ventilate active working places. The separation would be through the use of permanent stoppings constructed of incombustible material. When an inspector finds, in existing mines developed with more than two entries, that the conditions in the entries, other than haulage entries, are such as to permit the coursing of intake or return air, then the belt haulage entries cannot be used to ventilate, unless necessary to ventilate working places, and the operator must limit the air velocity coursed through such haulage entries to that needed to supply adequate oxygen, to protect the health of miners, and to control methane.

The objective of the section is to reduce high air velocities in belt haulageways where the coal is transported because such velocities fan and propagate mine fires, many of which originate along the haulageways. Rapid intake air currents also carry products of the fire to the working places quickly before the men know of the fire and lessen their time for escape. If they use the return aircourses to escape, the air coursed through may contain these products and quickly overtake them. Also, the objective is to reduce the amount of float coal dust along belt haulageways.

In some mines, it is not possible to isolate the intake and return airways from the haulageways. The latter is particularly true in a two or three entry system where the haulageway, of necessity, must be used to ventilate the face. Even in a multiple entry system of more than three entries, in some cases the haulageway runs for miles and some parallel entries may be blocked or partially blocked from roof falls, particularly in low coal, and, in such cases, it is not practical to open such entries.

While it is necessary to reduce the velocity of air in the haulageway, complete elimination of air in the haulageway is not desirable, because it would create a new hazard. Some air is essential. The air velocity, however, must be limited to an amount sufficient to insure an adequate supply of oxygen in the haulageway, to protect the health of miners, and to provide that the air not contain accumulations of methane.

In order to separate trolley haulageways from intake or return aircourses, doors are needed. These, however, tend to create a greater hazard to the miners. Thus, the amendment directs that, in new mines or new working sections in existing mines where there are trolley haulageways, there must be a sufficient number of entries or rooms as intake aircourses in order to limit the velocity of air currents on these haulageways. The Secretary will prescribe what these velocities should be.

Sections 305, 307, 308, and 309 of the bill are amended to clarify certain provisions and to permit the continued safe use of ungrounded, delta-connected systems for electrical equipment.

SECTION 317

The first of these amendments relates to the ventilation or sealing of abandoned areas, including areas not ventilated and regularly inspected, areas where mining has been started but not completed, areas where future mining is still possible, areas that are deserted, and partially pillared areas. While pillars are still being extracted, each operator must ventilate the area in a manner approved by the Secretary or his inspector in order to render harmless, dilute, and carry away explosive gases. In the case of abandoned areas at existing mines, such areas must be either sealed or ventilated, as determined by the Secretary or his inspector, within 9 months after enactment, but the Secretary may extend this period, on a mine-by-mine basis, for an additional 6 months. Before either method is utilized, the Secretary must be satisfied that it is appropriate given the conditions of the abandoned area. Large abandoned areas are difficult to ventilate adequately. Thus, ventilation will only be approved where it can be effectively maintained to, continuously, dilute, render harmless, and carry away explosive gases to the satisfaction of the Secretary or the inspector. When sealing is required, the seals must be approved so as to isolate with explosion-proof bulkheads these areas from the active mine workings.

In the case of new mines, and new working sections in existing mines, the mining system must be designed, in accordance with an approved plan, so that, as each section is abandoned, it can be sealed, if that is the best method to be utilized, as determined under the plan.

The next amendment clarifies the provision of the bill on requiring minimum barriers around oil and gas wells that penetrate the coal seam or mine. The Secretary can require greater barriers depending on the depth of the mine, other geologic conditions, and other factors. So long as safety is not sacrificed, lesser barriers may be permitted within limits of State laws.

The amendments clarify the present provisions of the bill relative to escapeways. The objective is to assure that each miner, even those who are injured, may escape without hinderance and quickly through the escapeway to the mine opening, in the case of a drift mine, and to the escape facilities, in the case of a shaft or slope mine. The escape facilities in a shaft or slope mine must be adequate and ever present and in workable condition so that they may be put into use with the minimum of delay. Ladders or stairs in deep mines can only be considered as secondary or backup facilities.

The amendment provides that where the Secretary finds either a mine liberates large quantities of gas, or there has been a death or serious injury in the previous 5 years caused by a gas ignition or explosion, or there exists in the mine some other especially hazardous condition that deserves particular and special attention in order to protect the miners while the condition exists, the Secretary must provide at the very least 26 spot inspections of all or part of the mine by a Federal inspector. These inspections should be spaced each year on an irregular basis. This provision broadens section 317(j) of the bill to cover more than just the excessively gassy mine. It recognizes that there are other hazards in some mines that deserve special attention by the inspectors. At the same time, it avoids the very obvious pitfalls of the present language of the bill. If the Secretary must station an inspector at every mine that liberates excessive amounts of gas, he will quickly find that most, if not all, of his trained inspectors will be at these mines, many of which have multiple shifts, and none will be available to make the minimum of four inspections per year required elsewhere in the bill of every underground mine.

Further, in connection with a recent closure order now pending before the Board of Review, where a mine was reopened pending a decision on the merits, a Federal inspector was stationed around the clock in the working section of the mine under the closing order. Within a few days, it became apparent that the operator and his supervisory personnel were making few decisions involving safety without the approval of the inspector. In short, the inspector, not the operator, was running the safety program at that working section of the mine. This result is contrary to the whole purpose of this bill and should be avoided. The operator, not the inspector or the miners, has the primary responsibility for the safety of the miners at the mine. The miners' responsibility, while important, is secondary to that of management in this area. The inspector's responsibility is to enforce the law, not direct the operations at each mine.

The amendments also provide standards relative to protecting miners from cave-in's under bodies of water, where in 1959, 12 miners tragically lost their lives while mining coal under the Susquehanna River in my home State of Pennsylvania, to requiring that modern and improved devices and systems to monitor and detect unsafe conditions at a mine be used as they become available, including, where appropriate, computer systems, to requiring the use of automatic couplers and uncouplers on haulage equipment, to providing, for the use of potable water in the mines, for the early retirement of inspectors, on a voluntary basis, and for the prevention of discharges of miners for exercising various rights under provisions of this legislation.

SECTION 318

The amendment makes some changes for the purpose of clarification in the definition of a qualified person and rock dust. In the former, as well as in the present definition of a certified person, it is intended that the Secretary and his inspectors develop quickly a program for training, retraining, examining, testing, and approving persons who must be qualified or certified to perform certain tasks under this bill. Many accidents have occurred in mines due to the fact that people are not adequately trained and examined for many of these important jobs. The Secretary must establish minimum, but rigid, requirements for these functions and require adequate training and periodic retraining. The Secretary cannot rely on the States to do this. He must first establish the minimum requirements.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the ranking minority member of the committee.

Mr. ERLENBORN. I thank the gentleman for yielding. I rise in support of the amendment. I am intimately aware of its provisions. I have gone over it with the gentleman and with the Bureau of Mines. I do support the amendment being offered by the gentleman from Pennsylvania.

Mr. DENT. I thank the gentleman very much.

I might say to all of you that I may know somewhat more than some of you about coal mining, but I would not dare to come before this House and say that I am qualified to write legislation on the technical aspects of modern-day mining, in the light of the new technology that has come into the field. I would not have the gall to try to impress you that I had that kind of knowledge or expertise. I do believe I know something has to be done in the mines. They have to have the safest kind of rules and regulations possible, and I do advise that amendment will help do the job. I ask that the Members consider them seriously and support them.

Mr. HECHLER of West Virginia. Mr. Chairman, I am pleased to support the amendments to title III because they will provide greater safety to the miners. A number of these amendments were also included in my bill, H.R. 14394, which I introduced on October 16, 1969. Some of these include: The requirement for the proper use of the flame safety lamp, the provision for a ventilation and gas and dust control plan, the provision for a minimum of 3,000 feet per second at the working face, first recommended by Mr. Joseph Yablonski, the provision requiring the use of modern devices as they are adopted, the requirement for automatic couplers, the provision for adequate escapeways to allow all miners to escape, even the injured, quickly, the provisions providing greater safety in the use and maintenance of electrical equipment, to name a few. But, most importantly, this title includes the provision which prohibits the discharge of miners or their representative or any discrimination against them who seek to exercise some of the most important rights established under this bill. The bill gives, for the first time, the statutory rights to the miners and their representatives to require inspections of the mines, to appeal closure orders and their termination and modification, and to insure generally that the health and safety standards are effectively enforced. It is an opportunity that they should exercise with care, but it must be utilized. This important provision will protect the miners and their representatives in exercising these rights.

Another important feature in this title which was in my October 16th bill is the requirement that all proposed standards and regulations are transmitted to every mine operator and then must be posted on the bulletin board at the mine for the miners—the ones who are deeply and vitally affected—to read and comment on. This an important provision because it assures that miners will get in at the ground floor when they are proposed. For the first time, the miners, not just management and the union, will have a say in these standards and regulations.

I think particular attention and thanks should be extended by all miners for all of these amendments which Chairman Dent had the foresight to include in this new title. His improvements in section 317 of the bill, particularly in connection with gas wells penetrating coal beds, with cave-in's in mines under bodies of water, and requiring a minimum of water, and requiring a minimum of 26 spot inspections on a far broader basis than anyone ever even considered, are essential safeguards. Under the previous provision, the executive branch, the Bureau of Mines, could, unfortunately have defined this provision as far too limited fashion never intended by anyone who expected it. These spot inspections on this broad basis should afford greater safety to the miners of these mines without the obviously bad effect of inspectors stationed at a mine that Chairman Dent just referred to in connection with a mine subject to a closing order where inspectors were stationed around the clock.

The miners of this country should be pleased that such dedicated members of the committee and the staff took the time to work out this title III amendment.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA TO THE AMENDMENT OFFERED BY MR. DENT

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Pennsylvania (Mr. Dent).

The Clerk read as follows:

An amendment offered by Mr. Hechler of West Virginia to the amendment offered by Mr. Dent: On page 21, strike section 305(a) and all that follows down through the bottom of page 23, and insert the following:

"Sec. 305. (a) Effective one year after the operative date of this title—

"(1) all junction or distribution boxes used for making multiple power connections in the active workings of a coal mine shall be permissible;

"(2) all hand-held electric drills, blower and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title, which are taken into, or used in the working section of any coal mine shall be permissible; and

"(3) all electric face equipment which is taken into, or used in, the working section of any coal mine classified as gassy under any provision of law prior to the operative date of this title shall be permissible.

"(b)(1) Effective one year after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a)(2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a)(3) of this section or paragraph (2) of this subsection, shall be permissible.

"(2) Effective two years after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a)(2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a)(3) of this section, which is operated entirely in coal seams located above the water table with one or more openings made prior to the date of enactment of this Act, and with a total production of coal that does not exceed fifty thousand tons annually, based on the mine's production records for three calendar years prior to such date, shall be permissible.

"(3) In the case of any coal mine subject to the requirements of paragraph (1) of this subsection, if the operator of such mine is unable to comply with such requirements on such effective date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines that such application satisfies the requirements of paragraph (6) of this subsection, he shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such requirements of not to exceed twelve months, as determined by the Secretary, from such effective date.

"(4) In the case of a coal mine subject to the requirements of paragraph (2) of this subsection, if the operator of such mine is unable to comply with such requirements on such date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (6) of this subsection, and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Secretary may issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an additional extension of time to comply with such requirement of not to exceed twelve months, as determined by the Secretary, from the date such compliance is required.

"(5)(A) Any operator of a coal mine issued a permit under paragraphs (3) and (4) of this subsection who, ninety days prior to the termination of such permit, determines that he will be unable to comply with the requirements of said paragraphs upon the expiration of such permit may file with the Secretary an application for renewal thereof. Upon receipt of such application, the Secretary, if he determines, after notice to all interested persons and an opportunity for a hearing that such application satisfies the requirements of paragraph (6) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such requirements, may renew the permit for a period not exceeding twelve months. Any hearing held pursuant to this paragraph shall be of record and the Secretary shall make findings of fact and shall issue a written decision incorporating his findings therein.

"(B) Any permit issued pursuant to this subsection shall entitle the permittee to use nonpermissible electric face equipment, as specified in the permit, during the term of such permit. Permits issued under this subsection to operators who must comply with the requirements of paragraph (1) of this subsection shall in the aggregate, not extend the period of noncompliance more than thirty-six months after the date of enactment of this Act. Permits issued under this subsection to operators who must comply with the requirements of paragraph (2) of this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

"(6) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

"(A) that he is unable to comply with paragraphs (1) or (2) of this subsection, as appropriate, within the time prescribed;

"(B) listing the nonpermissible electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine on the operative date of this title and on the date of the application for which a noncompliance permit is requested and stating whether such equipment had ever been rated as permissible;

"(C) setting forth the actions taken from and after the operative date of this title to comply with such paragraphs, together with a plan setting forth a schedule of compliance with the appropriate paragraphs for the equipment referred to in such paragraphs and being used by the operator in connection with mining operations in such mine with respect to which such permit is required and the means and measures to be employed to achieve compliance; and

"(D) include such other information as the Secretary may require.

"(7) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year after the operative date of this title such equipment shall be put in, and thereafter maintained in, a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

"(8) The operator of each coal mine shall maintain in permissible condition all electric face equipment, required by this subsection and subsection (a) of this section to be permissible.

"(9) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement lising all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in the working section of such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

"(10) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

"(11) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

"(12) As used in this title, the term 'permissible electric face equipment' means all electrically operated equipment taken into or used in the working section of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the Secretary's specification, to assure that such machines will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the Secretary's specifications, to prevent, to the greatest extent possible, other accidents in the use of such equipment. The regulations of the Secretary in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall promptly provide procedures, including, where feasible, field testing, approval, certification, and acceptance by an authorized representative of the Secretary, to facilitate compliance by an operator with the permissibility requirements of this subsection within the periods prescribed.

"(13) Any operator or representative of miners aggrieved by a final decision of the Secretary under this subsection may file a petition for review of such decision in accordance with the provisions of this Act.

"(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated"—.

Mr. HECHLER of West Virginia (during the reading). Mr. Chairman, in view of the fact that the amendment I have offered to the amendment has been printed in the RECORD at page 31616, I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ERLENBORN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. ERLENBORN. Mr. Chairman, the amendment to the amendment refers to the Secretary in granting extensions of time. Already an amendment has been adopted removing this authority from the Secretary, and the extension of time authority now resides in the Compliance Panel. I believe this amendment conflicts with and does not conform to the amendments already adopted.

My point is this—that this refers to the power of the Secretary that he no longer has as a result of the amendment which already has been adopted.

The CHAIRMAN. Does the gentleman from West Virginia wish to be heard on the point of order?

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Illinois accept an amendment clarifying that point?

Mr. ERLENBORN. Mr. Chairman, if the amendment is in good form, I will have no point of order.

Mr. HECHLER of West Virginia. Mr. Chairman, I ask unanimous consent that the amendment be redrafted to conform to the point made by the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from West Virginia have an amendment to carry out that redrafting?

Mr. HECHLER of West Virginia. May I ask the gentleman from Illinois to which particular section he refers?

Mr. ERLENBORN. I think it is throughout the amendment. I can identify some: At the top of page 2, section 3, it says "If the Secretary determines" and in section 4, it says "not in compliance with the Secretary," and again in 5(a), and it is replete throughout the amendment.

Mr. HECHLER of West Virginia. Mr.

Chairman, I ask the Chair for a ruling on the point of order.

The CHAIRMAN. The Chair is ready to rule on the point of order. The Chair does not rule on the consistency of the amendment, so the point of order is overruled.

The gentleman from West Virginia is recognized for 5 minutes in support of his amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, it is infrequently that I express agreement with the current President of the United Mine Workers of America, but I would like to point out that I have a letter from the President of the United Mine Workers of America, Mr. W. A. Boyle, who states quite explicitly in a letter dated October 9:

> The United Mine Workers of America beseeches you to remove all exemptions in the law which would permit any group of coal operators to postpone installation of spark free equipment for as long as six years or even indefinitely.

Mr. Chairman, this is in a letter which was sent to all Members of Congress, and Mr. Chairman, I subscribe to the sentiments in this letter. I might add that Mr. Joseph A. Yablonski, candidate for President of the United Mine Workers of America, recognized this point long before it was finally recognized by Mr. Boyle.

We all know that one of the greatest sources of explosions is the non-permissible electrical equipment that causes sparks at the face of a mine.

When President Harry S. Truman signed the Federal Coal Mine Safety Act of 1952—which for the most part is the law under which we are still operating—he stated:

> The legislation contains several exemptions to the safety provisions particularly with regard to replacement of dangerous electrical equipment and faulty ventilation systems which have been the causes of most recent major disasters. I am advised that these exemptions were provided to avoid any economic impact on the coal mining industry, but they are so worded that the unsafe conditions and practices could continue for years before the mines would be required to comply with the law.

The gentleman from Pennsylvania (Mr. DENT) and the gentleman from Kentucky (Mr. PERKINS) and others have done a great job in bringing this bill this far. We may not have another opportunity for several years to make a comprehensive revision of the Coal Mine Health and Safety Act. It has been 17 years since that basic act signed by President Truman was passed by the Congress. Let us do a good job here today when we have an opportunity to do so, and do the best possible job to close every loophole and protect the miners of this Nation.

The main reason why my amendment is necessary becomes obvious when you read section 305(b)(1) on page 73 of the bill:

> Four years after the operative date of this title all electric face equipment . . . shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years.

Now that adds up to 6 years in which operators of the so-called nongassy mines, large and small, have before they have to get their electrical equipment house in order. But the provision now in the bill which really disturbs me is the next sentence on page 73, which states:

> The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

Mr. Chairman, that is a very disturbing open-ended extension and exception.

The committee report, in discussing the provisions permitting 6 years for the electrical equipment to be made explosion-proof, states as follows:

> The Department of the Interior has indicated a period of five years will be required for the mine equipment manufacturing industry to produce permissible replacement equipment in sufficient quantities for all underground mines. If the Department alters its present policy of requiring all inspections of permissible equipment to be made in Pittsburgh, and permits field inspections, the period necessary to produce sufficient equipment should be reduced. (See page 23.)

The committee then goes on and says that it, and I quote, "believes the time allowances in the bill, therefore, to be exceedingly generous." Let me repeat that "The committee believes the time allowances in the bill to be exceedingly generous."

Despite the committee's recognition that it is being exceedingly generous, it includes a provision in the electrical equipment section authorizing the Secretary to grant waivers even after the 6-year period is over. To me, this is unconscionable. Six years is exceedingly generous. It provides more time than even the Department believes necessary according to the committee report. To grant further extensions makes a mockery of the conclusion that this equipment can cause methane ignitions which kill coal miners. To me this provision permitting open-ended extensions by the Secretary is tantamount to condemning our miners to the continued risks of mining operations which the Congress knows to be unsafe.

Further, the committee bill grants even the gassy mine operators up to 28 months to convert their grandfathered nonpermissible equipment to permissible after they have had 17 years to do so.

My amendment would limit the time to 15 months for grandfathered equipment, to 15 months for so-called nongassy mines below the water table and such mines above the water table that produce more than 50,000 tons annually, with authority to grant further extensions for unavailability of equipment of an additional 21 months, and to 28 months for such mines above the water table if they annually produce 50,000 tons or less per year, with authority for extensions for unavailability of equipment of an additional 20 months. My amendment would also require field testing of equipment, where appropriate, to facilitate approvals. Small horsepowered equipment would be required to be converted in 15 months.

Now I am disturbed that 4 years, plus 2 years, plus an indefinite waiver period is provided for nongassy mines. Under my amendment this would be tied down to 4 years. It would give plenty of opportunity to the operators to acquire sparkproof equipment. Four years is a long enough period of time. It would give enough of an opportunity to make this equipment permissible.

Mr. Chairman, we have heard a great deal of talk about how difficult it is for the small mines, how tough it is. They have a lobbyist who does effective work for them, and according to the reports filed with the Clerk of the House, this lobbyist is paid $35 per hour.

The gentleman from Pennsylvania (Mr. DENT) who brought in the 1966 act, and could be termed the father of that act, knows the predictions of gloom and doom that were made in 1966. In that year, safety standards were extended to mines employing under 15 men.

Mr. J. B. Taggart, the president of Wise Coal and Coke Co., testifying in September 1963, charged that this legislation, which only extended safety features to mines employing under 15, was a "conspiracy to get" those mines "out of business."

Mr. Robert H. Holcomb, president, the National Independent Coal Operators' Association, Inc., of Middlesboro, Ky., stated in 1963 that was a "bill that will, if passed destroy the truck-mining segment of the coal industry and quite possibly many small coal mines."

Those same cries have been made today, and I dare say the predictions of doom are just as inaccurate.

I see the gentleman from Illinois (Mr. GRAY) is present. I know he is interested in this amendment. I appreciate the support of the gentleman from Illinois. I appreciate the support of others.

I particularly appreciate the support of the committee, which I reiterate once again states in its own report, on page 23:

> The Department of the Interior has indicated a period of 5 years will be required for the mine equipment manufacturing industry to produce permissible replacement equipment in sufficient quantities for all underground mines. If the Department alters its present policy of requiring all inspections of permissible equipment to be made in Pittsburgh, and permits field inspections, the period necessary to produce sufficient equipment should be reduced.

My amendment does just that. It affords field inspections, which can do this at a very low price.

I ask that my amendment be adopted.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if there was any part of this bill which was more difficult than the particular section we are now considering I do not know what it would be.

All the bills introduced on behalf of the administration and on behalf of other interested parties abolished the nongassy classification which had historically been in the bill since the inclusion of title I mines.

The draftsmen of these several bills had not given much thought to the impact of doing away with the nongassy classification and the cost of complying with the requirements of having permissible equipment in all mines. They became aware of this. The members of our committee and, obviously, from the action they took, the other body became aware that something had to be done to ameliorate the impact of doing away with the nongassy classification.

We have a very carefully worked out provision in this bill that seems to satisfy, first of all, the safety requirements in seeing that as soon as possible the nonpermissible equipment will be out of the mines and also recognizing the time that it will take to reach that point. It is going to take some 4 to 6 years and maybe longer than that before the industry that is manufacturing the permissible equipment will be able to supply sufficient equipment. If the amendment offered by the gentleman from West Virginia is adopted, there is one thing that I can guarantee will happen. Many mines will be closed. Miners are not going to be helped by having their jobs destroyed.

I can assure you of one other thing. If the provisions of the committee bill are sustained on the floor and become law, then the safety of the miner will be assured. Not one miner in the last 18 years has lost his life as a result of the use of large nonpermissible equipment in the nongassy mines in this country. Not one.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Is the gentleman familiar with the accident in 1962 in the Blue Blaze Co. where a disaster resulted in the death of 11 miners?

Mr. ERLENBORN. I am not aware of individual accidents. I can tell the gentleman that the Bureau of Mines has given us a list of all of the accidents in the nongassy classified mines and identified the cause of the accident in each one. In no case was it the use of nonpermissible equipment, with the exception of the small hand drills and small equipment. The large equipment covered by the committee amendment in no case was identified as the cause of a mine explosion which resulted in death.

Mr. HECHLER of West Virginia. Will the gentleman yield further?

Mr. ERLENBORN. I yield to the gentleman.

Mr. HECHLER of West Virginia. I placed on the Record last Thursday a list of all the accidents at so-called nongassy mines. There have been even more recent cases of fires in so-called nongassy mines. Yes, there have been accidents where there wasn't supposed to be any methane, yet a spark from nonpermissible equipment caused mine accidents. I think that the gentleman will acknowledge that there is really no such thing as a nongassy mine, because there is always the danger of someone striking a pocket of methane. Up to now we have given the benefit of doubt to death. Let us in this bill give the benefit of doubt to life and try to protect the miners in every instance.

Mr. ERLENBORN. Of course, the gentleman makes an appealing argument, but I reiterate that according to the records of the Bureau of Mines the type of equipment we are talking about here, which is large equipment—the continuous coal miners and so forth—has not been a cause of one single fatality in the last 18 years in a nongassy mine. Based on this, I fought for a long time to keep the nongassy classification, and I would be fighting here today to keep this nongassy classification—and I would have good reason to do so, and I have good arguments to sustain that position—but I have agreed with the committee to stretch out this period of time for a reasonable period in order to do away with all nonpermissible equipment in the small mines.

I hope this carefully drawn provision of the committee bill is maintained.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. BURTON of California. As the gentleman from Illinois knows, I for one favor the elimination of any distinction between gassy and nongassy. The absolute fact of the matter is—and I would like to impress my colleagues on our side of the aisle—that I am not married to this proposal. The fact of the matter is we have given our word, to be sure, that this very important bill would not be encumbered with the confusion attendant on extensive division on the gassy-nongassy issue.

In this very important area we have said that we were going to support the full committee's recommendations on the floor. I stand before you urging my colleagues to do so. We have the finest piece of safety legislation that has ever been passed anywhere by any legislative body in the world. It is a little too late in the day to sweeten the package at this time. In my judgment, it would be the wrong thing to do. I hope this amendment is defeated for that reason.

In conference, I intend to join with Congressman DENT, in cutting back on the time provisions in section 305.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make it clear, although it has been said during general debate, but I would like to ask the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), insofar as the so-called small hand equipment is concerned, as I understand it much of this equipment is immediately available in many numbers which is required in many mines, gaseous or nongaseous, or what have you and will be so available upon the passage of this bill?

Mr. DENT. This equipment will be available and required within the period of 1 year after the operative date of the title. So, therefore, we put it so that they must obtain this equipment in that time period.

Might I say to the gentleman from Pennsylvania that we have done something else in this bill. We have said that no machinery can be replaced in what used to be designated as a nongassy mine, except permissible equipment. We have also said that no major overhauls could be made of nonpermissible machinery which has deteriorated to the point that it requires such overhaul repairs. In other words, that machinery has to be discarded and permissible equipment put in.

Mr. FLOOD. That was the second question I was going to ask the gentleman from Pennsylvania.

As the gentleman knows, I come from the hard coal fields. Insofar as we are concerned every mine is gaseous. I do not care what degree you look at it or anything else. Every hard coal mine is gaseous, from a dog hole down to 2,000 feet. I know my miners. My family were miners, my wife's family were miners, and my neighbors were miners. I want to be sure that this equipment, this so-called small equipment, will be available within 1 year after the passage of this bill.

Mr. DENT. I might say that the gentleman made a statement which in my opinion is an overriding factor within the minds of all of us in this Chamber today and that is this: We have been trying since the first mine safety law was enacted—on a Federal or State basis everywhere in this country—to remove the artificial and unscientific distinction between gassy and so-called nongassy mines. We are the only country in the world today that still allows the designation of a nongassy mine. There is no such animal. Some mines are more gaseous than others, but they are all gassy, as evidenced by the deaths and injuries over the years at mines that were not supposed to have gas.

Mr. FLOOD. You can be sure of that when it comes to hard coal mines.

Mr. DENT. And I might say at this time we are removing that distinction. We tried to do it in 1966, but I was defeated in that effort. We have it now. This bill removes the distinction. We are only doing that which the full committee thought had to be done in the face of all the testimony, all the testimony from the manufacturers of the equipment, from distributors of the equipment, who said it would take a considerable time to get this equipment. I want to make it clear, however, that I and the committee want this time to be the shortest possible. But the committee provided 4 years with a 2-year extension, at the discretion of the Secretary, now the Panel.

Mr. FLOOD. The reason I took this time is that I want this equipment today and insofar as this debate is concerned you would think there was only one coal mine in the entire country, a bituminous or soft coal mine. There is only one coal and that is anthracite. You know that.

Mr. DENT. I do not concede that point to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I think one of the strongest arguments for my amendment are the words of the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT) which appear in the RECORD of Monday of this week when he said, in effect, it should be noted here that a considerable segment of the Committee do not feel the additional time period for nongassy mines to obtain permissible electric face equipment was justified. It was felt that the arguments made by representatives of such mines to retain the present distinction were wholly inadequate and I am pleased that the distinction was, in fact, removed.

I think we ought to take a bold step here. Four years is certainly enough. Four years is a long time. A lot of men can be killed in 4 years. Certainly this equipment can be made permissible within that period of time.

Mr. Chairman, I ask for support of the amendment.

Mr. DENT. Mr. Chairman, if the gentleman will yield further, I think this particular section has been bandied around enough in the press. It has been misrepresented by some. I do not think they did it maliciously. It has been called a "sellout" and a "loophole."

Let me say this to you: This bill is good legislation when you take into consideration all of the facts and all of the testimony. Certainly, in connection with this one provision, there were a few of us who wanted to hold it to less than 4 years. I am sure that we will improve upon this provision in conference to everyone's, particularly the miner's, satisfaction.

Mr. FLOOD. This is the best mine law in the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. I want to just say this to you: that the overriding factor is that we are eliminating so-called nongassy mines. There are only 1,200 that are called title II mines in the United States. The manufacturers of the equipment have been attuned to the building of permissible equipment for only about 500 mines, and we are now dumping 3,500 more mines into their laps. They cannot possibly make the kind of equipment that we demand in these mines overnight. The gentleman from West Virginia should know that. He did not attend the hearings, and he may not know all we found out from questioning the witnesses. And I know that we are not going to say to the miners of America that we are going to give you an empty pocketbook. We are saying to the miners of America this is the type of permissible equipment that is needed, and this type of permissible equipment will be furnished by the end of this period of time.

We hope it can be done in 2 years and not the full 4 years. But we have also put in the Record and in the report of the committee the statement of fact that the Secretary must submit to the committee every 6 months a report on the progress of obtaining the necessary equipment, and to obtain the records on how many mines have gone over to this permissible type of equipment, and other relevant information.

Let me just read you one little statement, and I wish you would take it as a kindly bit of advice.

Mr. Chairman, I have waited a long time to see this day, as the distinguished gentleman from Pennsylvania (Mr. Flood) has; to see that we eliminate the nongassy designation. I am reminded of the parable—

> A man watches his pear tree day after day, impatient for the ripening of the fruit. Let him attempt to force the process, and he may spoil both fruit and tree. But let him patiently wait, and the ripe fruit at length falls into his lap.

And we just want to have it in our lap, and let us keep it there and let us not destroy it with any more demagogery.

Mr. OLSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes.

Mr. Chairman, I address myself to the chairman of the subcommittee, and I want to congratulate the gentleman on the great effort he has made on this bill.

I would hope that, as and when it happens, there is going to be a shorter time limit on permissible tools, and that he will, as he told us he will, go for a shorter period.

Mr. DENT. If the gentleman will yield; absolutely.

Mr. OLSEN. Mr. Chairman, we are considering today a bill of vital importance to the coal miners of the United States, to their families, and to the men who have retired after long years of service from the mining industry of America.

I am from a State with vast reserves of bituminous coal and lignite. I, with the rest of the congressional delegation from Montana, look forward to seeing to the development of those coal resources. Such development means much to my State, to its citizens, and to its future.

But I want to insure that the coal resources of Montana will be developed without causing the death and injury among the coal miners who will produce Montana's resources. I want to insure that human life and suffering is not a part of the cost of production of Montana coal.

Mr. Chairman, some years ago, 75 men were killed in an explosion in the State of Montana. That explosion came at a time when the lives of coal miners were considered to be expendable and when death, injury, and disease was an all too common companion of the men who went underground. Happily, Mr. Chairman, those days are now past. The Congress of the United States has taken cognizance of the intolerable burdens of death, injury, and disease in the coal-mining industry and has reacted to the pleas from America's coal miners for surcease.

In November of 1968, a disaster occurred at Farmington, W. Va. This disaster, which took the lives of 78 men, brought public attention to focus upon the inadequacies of coal mine safety legislation. In addition, the continuing toll of disease in our Nation's coal industry came to public attention and aroused the heretofore apathetic public to demand remedial legislation.

So it was that early in this session of the Congress, legislation was introduced to update and improve the Federal Coal Mine Safety Act and to include in it provisions to prevent occupational disease in mining.

The first and most stringent legislative proposal came from the United Mine Workers of America. This union, which had over the years, carried on efforts to bring health and safety to coal miners, asked that the Congress immediately pass legislation to bring safety and health regulations to a par with technological improvements and productivity advances.

Among other things, the mine workers requested—

A mandatory health standard of 3 milligrams of respirable dust per cubic meter of air in 1 year;

Improved ventilation throughout the mine;

A rescue chamber to which men could go in the post disaster period;

The stationing of a Federal mine inspector at any mine considered to be liberating excessive quantities of methane;

The elimination of the artificial distinction between gassy and nongassy mines; and

A provision to provide compensation for sufferers from black lung who were not covered under State compensation laws.

Over the ensuing months, legislative activity on a Federal Coal Mine and Health Safety Act has been feverish. Hearings have been held, drafting has been done and the Labor Committee has come forth with a bill which is now pending before this body.

It is a good bill, Mr. Chairman, a bill that in many ways embodies the recommendations made by the United Mine Workers in the early days of this session. It is a bill which reflects the concern that the gentleman from Pennsylvania (Mr. Dent) and the other members of the committee have for the men who work in America; for their wives and children, who each day face grim possibility that their husbands, brothers, loved ones, will die as the result of a mine accident.

I commend the Committee on Education and Labor for the work they have done. I know that they have earned the gratitude of the American coal miner and his family. This bill is a tribute to their concern and to their belief that human lives must take priority over corporate profits and to their willingness to translate their humanitarian motives into solid legislative language to protect the men they represent.

As I have read this bill, Mr. Chairman, I find myself in substantive agreement with most of its provisions. There is one, however, which I feel should be strengthened if the bill is to become responsive to the need. That is the portion having to do with the use of permissive equipment in coal mines.

At the present time, many mines are operated with nonpermissible equipment. These mines are considered to be nongassy and as such they need not assume the presence of explosive quantities of methane, and operate accordingly.

This section of the Federal Coal Mine Safety Act is a dangerous anachronism that should not have been written and it should not have remained there as long as it has. Every coal mine is potentially gassy. Every coal mine possesses a constant threat for explosion. Even as the debate on this issue was being carried on in committee, a supposedly nongassy mine in the State of West Virginia had a gas ignition which injured three men.

Certain segments of the coal operating industry have argued that the nongassy distinction should remain. Failing in that argument, they have successfully postponed the effective date when their mines would be required to operate using permissible equipment. This should not have happened, Mr. Chairman. All operators should be on notice that they must in the immediate future install, use, and maintain only equipment in a permissible manner. I would suggest, Mr. Chairman, that the time limit be reduced. I would suggest that such a limit represent a reasonable approach to a critical problem.

I recognize that this will require a certain amount of haste on the part of the nongassy operator. On the other hand, the alternative is the continued threat of death and injury because of unneeded methane explosions. That alternative to a reasonable man is obviously unacceptable.

Farmington showed the American public that death remained a constant companion of the coal miner. In view of Farmington, the Congress has received the public endorsement of an effective coal mine statute. Let us take advantage of this endorsement and pass into law legislation truly responsive. I suggest, Mr. Chairman, that such legislation would close the current loophole given to nongassy operators and would require them in the shortest possible time to operate their mines with permissible equipment.

I sincerely hope that the committee will tighten up this part of the legislation when in conference with the Senate.

Mr. GRAY. Mr. Chairman, the problem of coal mine safety is with us again as it has been year after year since the late John L. Lewis decided that coal mine safety could not be promoted in the various mining States and the Congress of the United States should be asked to do something about the slaughter of men in the coal mines. Now we have a new problem added to the one of safety. Since the advent of using machinery to cut and load the coal, more and more miners are contracting that dreaded and disabling disease known in coal-mining circles as "black lung," formerly called "miners asthma." Now the medical circles call it "pneumoconiosis." By whatever name it is called, something should be done about it. If the men who operate the coal mines will do nothing about it, the Congress of the United States should. These men who mine the Nation's coal should be protected in every way possible.

So now we have a new bill before us, just as we have had in past years. Are we going to do as we have in the past, weaken it, water it down until it bears little resemblance to what the committee brought out?

Mr. Chairman, I was for the amendment that gave the coal operators 1 year to get rid of their spark-producing machinery and replace it with permissible machinery. It was in the original bill offered by the committee. It was in the bill when it was being considered and was there until almost the last meeting. And what happened? Just what has happened over the years when mine-safety legislation was being considered by the Congress. It is a funny thing, or it would be funny if it were not so tragic.

I listened to the hearings that were held by the subcommittee, I even testified. I heard prominent men who have charge of vast mining interests tell the committee that they would cooperate with the committee and abide by the legislation the committee prepared. They were most abject, contrite and conscience-stricken. But when the Bureau of Mines and the Department of the Interior were trying to find a middle ground on a bill, the coal operators were there fighting every inch of the way against any suggestions that were going to increase the cost of mining. They made their protestations to the committee and promised cooperation but their representatives were calling on Members of Congress protesting proposed committee action on doing anything that might add to their costs.

They said, let the States write the law and enforce it. The Congress heard the same cries when the first bill was introduced in 1938 by the late Congressman Kent Keller from Illinois, one of my predecessors. The Congress heard it in every Congress from that year on and especially was it emphasized when anyone was able to get a hearing on his bill to make coal mining safer. We heard it long and loud when the small mines safety bill was passed in the 89th Congress. It will put all the small mines out of business, they said. But here they are up here with the same cry and again the Congress has listened to them.

Mr. Chairman, every disinterested man who knows anything about coal mining knows that there is no such thing as a nongassy mine. Oh, yes, they go for years and not find any gas but any day that they break into the virgin coal seam there is always the chance they will break into a pocket of gas that has been imprisoned there for centuries. Every coal miner knows it. So does every man engaged in coal mining, the coal operators as well as the Federal inspectors. The recent history of coal mining bears evidence that many mines have blown up, that were labeled nongassy. Many men have been killed in explosions of these so-called nongassy mines.

But what has happened? We heard the loud criticism from the public when the Mannington mine blew up. The Congress, the coal operators, the UMWA, were all accused of not doing their duty. The newspapers were full of criticism of all of us. The public was demanding that something drastic must be done to protect the lives and health of the men who mine the Nation's coal. How many Mannington's how many Centralias, how many West Frankforts, how many more explosions, how many more coal miners must die, buried alive in a coal mine, before the Congress of the United States quit listening to certain coal operators and give them the option of making their mines safe, taking care of their employees who contact black lung in their jobs. I say the time is now, and if the Congress does not want protection for coal miners to say so and to tell them to find work somewhere else.

Mr. Chairman, both bodies of this Congress, guided by the advice of experts in the art of coal mining, came out with a bill that provided that all mines were to be considered gassy and that operators of all mines must have permissible, nonsparking machinery in their mines within 1 year of the passing of the legislation. And what happened. Emissaries of the coal operators descended on this 91st Congress with loud wailings and protestations that we will be put out of business. The same cry that Congress has heard since 1938, in every session. Some Members of the other body listened to the same old war cry, and as a result their bill was amended to allow the coal operators 4 and 5 years to replace their dangerous machinery. Then the Subcommittee on Labor sent a bill to the full committee with a maximum time of 2 years, and when the full committee took final action, lo and behold, it was also amended to allow the coal operators, not only 4 and 5 years but, at the option of the Secretary of the Interior, to go on and on ad infinitum.

Mr. Chairman, this is the modern version of the "grandfather clause" that was inserted in the Mine Safety Act passed in 1952. In the 17 years since the Congress passed that bill, there is no history of any coal operator in a so-called nongassy mine ever replacing his old and spark-producing machinery with modern permissible machinery that would give his coal miners added protection. They have in this bill permission to continue to use this dangerous machinery, they have been permitted to continue to keep a dangerous and unhealthy amount of dust in the air, all at option of the Secretary of the Interior, and I disagree with the committee on both points.

Mr. Chairman, the bill passed in 1952 was a good bill as far as it went. It would have saved the lives of many coal miners, probably those who died and were buried in the Mannington disaster. But it was never properly administered and enforced. After Mannington, when the public indignation demanded something be done, the Bureau of Mines made a great show of enforcement. More mines were shut down in a few months than were shut down in the 17 years that passed after the Congress voted out the first mine safety bill that possessed some teeth. Now we are faced with the same situation, the identical problem that faced all the other Congresses since 1938. Are we going to back up now that the public indignation has passed and the newspapers, radio, and television no longer talks about the disaster? Are we going to wait until we have another Mannington, Centralia, West Frankfort, or a Straight Creek, Ky., before we take the action that we know is necessary? This problem of mine safety will be with us and the following Congresses until proper action is taken. I say now is the time.

Mr. Chairman, I particularly want to commend the committee for allowing our request to compensate the sufferers of pneumoconiosis, the so-called black lung disease. I appreciate the courtesy of the members of the committee in allowing me to appear before your committee in behalf of the compensation bill that Congressman KEE of Virginia and I offered to the committe and has been incorporated into the present bill H.R. 13950, now before us. This will go a long way to help our miners in southern Illinois and their families.

Mr. Chairman, in closing, let me say a few words in behalf of my good friend and a great champion of the coal miner and his family, W. A. "Tony" Boyle, the strong president of the United Mine Workers of America. His mark is on this bill. His imprint has been on every safety and welfare bill to pass this Congress in recent years. Higher pay, more liberal pensions, both for miners and their widows, better working conditions, and certainly safer mines to work in are all high priority items of "Tony" Boyle. As we give thanks to Congress today for this step forward for safety and compensation for black lung sufferers we also owe a great debt to Tony Boyle and his U.M.W. of A.

Mr. Chairman, I hope we can get concessions in conference with the other body and bring to the President for his signature a bill that will retain the good features and eliminate the bad that I have listed here today. Thank you.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. I wish to commend my colleagues on the subcommittee and the full committee for having worked so hard to resolve this problem and make passage of the bill possible. I hope that the House will sustain the judgment that they have exercised. This is a carefully drawn provision of the bill. It provides safety during the interim and will not accomplish the very undesirable consequence that I am afraid the amendment offered by the gentleman from West Virginia might accomplish, and that is closing the mines and destroying jobs for no reason. I hope his amendment is rejected.

Mr. STEIGER of Wisconsin. Mr. Chairman, I support the committee position and oppose the Hechler amendment. I am a little concerned about the kind of demagoguery that is used by some who are in support of the amendment on the basis that this is a loophole in the committee bill. I have prepared, though I hope I do not have to offer it, an amendment that was proposed in the other body by that distinguished Senator from Kentucky, which would close down any mine that has suffered two explosions.

If we are going to talk about the provisions of the bill as if there were a loophole present, then let us recognize that this bill is subject to being accused of having all kinds of loopholes by continuing in operation mines of whatever character, gassy, or nongassy, that have been subject already to explosions and loss of life.

So I merely wish to make sure that the gentleman from West Virginia and any who desire to support this amendment are aware of the fact that if we are concerned about saving lives, and if we are concerned about the economics of maintaining certain mines in operation, and the accusation is lodged against the Committee on Education and Labor that that is what the bill does in its present form, then I think you ought to be well aware of the fact that the committee provision has been carefully drawn. It ought not to be disturbed. I am fully prepared to go a lot further, but will not, hopefully, if the amendment offered by the gentleman from West Virginia is defeated, as I hope it will be.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. There have been 87 ignitions in the past 28 years with 84 miners killed and 114 injured in the type of so-called nongassy mine we are talking about here. It has been well said that a miner can be killed just as surely and just as dead in a nongassy mine as in a gassy mine. I would say that, so far as the drafting of the language is concerned, I think the best criticism of this language is contained in the remarks of the very able chairman of the subcommittee which I quoted, which indicate that there was considerable unhappiness concerning this particular provision. This covers both small and large so-called nongassy mines.

Mr. STEIGER of Wisconsin. I will say to the gentleman from West Virginia that in the same period of 16 years there were 400 explosions in only 392 gassy mines and nearly 400 people were killed, as contrasted with the figures just given by the gentleman from West Virginia in the 3,200 nongassy mines.

Mr. HECHLER of West Virginia. That is correct. Neither record is acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. Hechler) to the amendment offered by the gentleman from Pennsylvania (Mr. Dent).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment in the form of a substitute for title III offered by the gentleman from Pennsylvania (Mr. Dent).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—ADMINISTRATION

RESEARCH

Sec. 401. (a) The Board shall establish objectives for the conduct of such studies, research, experiments, and demonstrations as may be appropriate—

(1) to improve working conditions and practices, prevent accidents, and control the causes of occupational diseases originating in the coal-mining industry;

(2) to develop new or improved methods of recovering persons in coal mines after an accident;

(3) to develop new or improved means and methods of communication from the surface to the underground portion of the mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine. Such research shall consist primarily, but not exclusively, of (I) studies of the relationship between coal mine environments and occupational diseases of coal mine workers; (II) epidemiological studies to (i) identify and define positive factors involved in the diseases of coal miners, (ii) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of coal miners, and (iii) develop criteria on the basis of which coal mine standards can be based; (III) medical prevention and control of diseases of coal miners, including tests for hypersusceptibility and early detection; (IV) evaluation of bodily impairment in connection with occupational disability of coal miners; (V) development of methods, techniques, and programs of effective rehabilitation of coal miners injured or stricken as a result of their occupation; and (VI) setting the requirements, extent and specifications for the medical examinations provided in section 203 of this Act, and utilizing and studying the material, data, and findings of such examinations for the preparation and publication, from time to time, of reports on all significant aspects of the diseases of coal miners as well as on the medical aspects of injuries other than diseases, which are revealed by the research carried on pursuant to this subsection;

(5) to study the relationship between coal mine environments and occupational diseases of coal mine workers; and

(6) for such other purposes at it deems necessary to carry out the purposes of this Act.

(b) To accomplish the objectives established in subsection (a), the Board shall distribute funds available to it after reserving funds necessary for carrying out section 203(a) as equally as practicable to the Secretaries of Health, Education, and Welfare and of Interior. Activities under this section in the field of coal mine health shall be carried out by the Secretary of Health, Education, and Welfare, and activities under this section in the field of coal mine safety shall be carried out by the Secretary of the Interior. In carrying out activities under this section the Secretaries of Health, Education, and Welfare and of the Interior may enter into contracts with, and make grants to, public and private agencies and organizations and individuals. Such Secretaries shall consult and cooperate with the Board on specific projects and programs. No research shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research will (with such exception and limitation, if any, as the Secretary or the Secretary of Health, Education, and Welfare may find to be necessary in the interest of national security) be available to the general public.

(c)(1) Each operator of a mine shall, at such times as the Board may prescribe, pay to the United States a royalty equal to 2 cents for each ton of coal he produces for use or sale. When the Board determines funds available to it under paragraph (2) of this subsection are sufficient to carry out section 203(a) and the activities under subsection (b) of this section, it may reduce the royalty required in the first sentence of this paragraph for such periods as it deems appropriate. The royalties so paid are hereby appropriated to the Board for use by it in carrying out this section. In the event an operator fails to pay the royalty required by this section, he shall be liable to the United States in an amount equal to double the amount he failed to pay. The Board may require such reports and shall have such access to the books and records of the operator as may be necessary for the effective enforcement of this paragraph.

(2) In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Board for each fiscal year an amount equal to 2 cents for each ton of coal produced for use or sale by operators during the preceding fiscal year for use by it in carrying out this section. In addition, there is authorized to be appropriated each fiscal year to the Board for use by it in carrying out this section, an amount equal

to any amount granted by any State to the Board for such fiscal year for carrying out this section, except that the appropriation based on the State's grant may not exceed an amount equal to 1 cent per ton of coal produced for use or sale from coal mines in such State during the preceding fiscal year.

TRAINING AND EDUCATION

SEC. 402. The Secretary shall expand programs for the education and training of coal mine operators, agents thereof, and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines; and

(2) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for accurately detecting gases.

ASSISTANCE TO STATES

SEC. 403. (a) The Secretary, in coordination with the Secretaries of Labor and of Health, Education, and Welfare, is authorized to make grants to any State, in which coal mining takes place—

(1) to conduct research and planning studies and to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injuries in coal mine employment; and

(2) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines.

(b) Grants under this section shall not extend beyond a period of five years following the effective date of this Act.

(c) Federal grants under this section shall be made to States which have a plan or plans approved by the Secretary.

(d) The Secretary shall approve any plan which—

(1) provides that reports will be made to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to review the effectiveness of the program or programs involved, and that records will be kept and afford such access thereto as he finds necessary or appropriate to assure the correctness and verification of such reports;

(2) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State;

(3) contains assurances that the State will not in any way diminish existing State programs or benefits with respect to pneumoconiosis and related conditions; and

(4) meets any additional conditions which the Secretary may prescribe by rule in furtherance of the provisions of this section.

(e) The Secretary shall not finally disapprove any State plan, or modification thereof, without affording the State reasonable notice and opportunity for a hearing.

(f) The amount granted any State for a fiscal year under this section may not exceed 80 per centum of the amount expended by such State in such year for carrying out such programs, studies, and research.

(g) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years for carrying out this paragraph, the sum of $1,000,000.

EQUIPMENT

SEC. 404. The Secretary is authorized during the period ending five years after the date of enactment of this Act, to make loans to operators of coal mines to enable them to procure or convert equipment needed by them to comply with the provisions of this Act. Loans made under this section shall have such maturities as the Secretary may determine, but not in excess of twenty years. Such loans shall bear interest at a rate which the Secretary determines to be adequate to cover (1) the cost of the funds to the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this section, (2) the cost of administering this section, and (3) probable losses. In carrying out this section, the Secretary shall to the extent feasible use the services of the Small Business Administration pursuant to agreements between himself and the Administrator thereof.

INSPECTORS; QUALIFICATIONS; TRAINING

SEC. 405. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary under the provisions of this section shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer and by education. Such persons shall be adequately trained by the Secretary. The Secretary shall seek to develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions and operators in developing and maintaining adequate programs for the training and continuing education of persons, particularly inspectors, and, where appropriate, shall cooperate with such institutions in the conduct of such programs by providing financial and technical assistance.

EFFECT OF OTHER LAW

SEC. 406. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter, shall be superseded by any provision of this Act or order issued or standard promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or standard promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard promulgated thereunder, shall not be held to be in conflict with this Act.

ADMINISTRATIVE PROCEDURES

SEC. 407. The provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code shall not apply to the making of any order or decision made pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

SEC. 408. The Secretary is authorized to issue such administrative regulations as he deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

SEC. 409. The provisions of titles I and III of this Act shall become operative 90 days after enactment. The provisions of title II of this Act shall become operative six months after enactment. The provisions of the Federal Coal Mine Safety Act as amended, are repealed on the operative date of titles I and III of this Act, except that such provisions shall continue to apply to any order, notice, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, or finding. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

SEC. 410. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 411. (a) Within one hundred and twenty days following the convening of each session of Congress, the Secretary shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, the amount and status of each loan made under section 404, a description and the anticipated cost of each project and program he has undertaken under section 401, and any other relevant information, including any recommendations he deems appropriate.

(b) Within one hundred and twenty days following the convening of each session of Congress, the Secretary of Health, Education, and Welfare shall submit through the President to the Congress, the Secretary, and to the Office of Science and Technology an annual report upon the health matters covered by this Act, including the progress toward the achievement of the health purposes of this Act, the needs and requirements in the field of coal mine health, a description and the anticipated cost of each project and program he has undertaken under section 401, and any other relevant information, including any recommendations he deems appropriate. The first such report shall include the recommendations of the Secretary of Health, Education, and Welfare as to necessary health standards, including his recommendations as to the maximum permissible individual exposure to coal mine dust during a working shift.

SPECIAL REPORT

SEC. 412. (a) The Board shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety so as to achieve (1) maximum health and safety protection for miners, (2) an avoidance of duplication of effort, (3) maximum effectiveness, (4) reduce delay to a minimum, and (5) permit most effective use of Federal inspectors.

(b) The Board shall make a report of the results of its study to the Congress as soon as practicable after the date of enactment of this Act.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title IV be dispensed with and that it be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Beginning on page 108, line 23, through page 110, line 2, subsection 401(c) is amended to read as follows:

"(c) There is hereby authorized to be appropriated for each fiscal year such sums as may be needed to carry out the purposes of section 203(a) and of this section."

On page 110, between lines 2 and 3, insert the following new subsections (d) and (e):

"(d) No payment may be required of any coal miner in connection with any examination or test given him pursuant to subsection (a) of section 203. Where such examinations or tests cannot be given due to the lack of adequate medical or other necessary facilities or personnel in the locality where the miner resides, arrangements shall be made to have them conducted in such locality by the Secretary of Health, Education, and Welfare, or by an appropriate and qualified person, agency or institution, public or private, under an agreement or arrangement between the Secretary of Health, Education, and Welfare and such person, agency or institution. Such examinations and tests shall be conducted in accordance with the provisions of subsection (a) of section 203. The operator of the coal mine shall reimburse the Secretary of Health, Education, and Welfare, or such person, agency or institution, as the case may be, for the cost of conducting each such examination or test and shall pay whatever other costs are necessary to enable the miner to take such examinations or tests.

"(e) If the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, then with the consent of his next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for the Secretary of Health, Education, and Welfare."

Mr. BURTON of California (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ERLENBORN. Mr. Chairman, I would like to explain the amendment just very briefly. In the bill as reported by the clerk there was a provision for a 2-cent per ton tax to be levied on every ton of coal mined in the United States for the purpose of financing health and safety research and to cover the cost of the periodic X-rays that are required under the bill to be made by the Department of Health, Education, and Welfare.

This amendment would first of all strike the provision for the tax. It would, secondly, insert a provision that the cost of the X-rays made by the Department of Health, Education, and Welfare on a periodic basis would be reimbursed by the coal mine operator for each one of the coal miners employed by him who has an X-ray taken.

In addition, this provides that HEW would have the authority, given the consent of the next of kin of a deceased miner who had pneumoconiosis, to conduct an autopsy for the purpose of furthering their health research.

This amendment has been discussed with the chairman of the subcommittee and the full committee and I understand it will be agreed to by them.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, as I understand the autopsy amendment it is the amendment that was otherwise to have been offered by the gentleman from West Virginia (Mr. HECHLER). Is that correct?

Mr. ERLENBORN. The gentleman's understanding is correct.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, the Senate felt perhaps they might be treading on rather slim constitutional grounds, and therefore, they removed the requirement for payment of any royalty by the operator. We then challenged in various sectors whether or not this committee was out of order in that we were assessing the tax, and we do not have the jurisdiction to assess the tax. So when the gentleman from Illinois proposed we remove the 2 cents per ton royalty I took it up with certain individuals who are Members of this Congress and who have had a great deal more experience than I have had on questions of ways and means and prerogatives of our committee.

They said there was a question as to whether or not we had the right.

Therefore, I went to the gentleman and we discussed it. One thing was, if we took out the 2 cents, would the content of the amendment include that the operator must pay for all the charges made by HEW, not alone for the X-rays and the keeping of the records but in the instances where the opportunity to have the X-ray was not available for the miner at the place where he resided or worked that the miner would be reimbursed for his travel time and expenses through the same charge made to the operator.

Is that right or wrong?

Mr. ERLENBORN. Yes. I believe the wording the gentleman refers to is contained in the amendment at the end of the second paragraph.

Mr. DENT. Yes.

Mr. ERLENBORN. It is our understanding that the coal-mine operators will pay the cost of the X-rays and other charges which are necessary costs connected with them.

Mr. DENT. With that understanding, Mr. Chairman, I accept the amendment.

AMENDMENT OFFERED BY MR. BURTON OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. ERLENBORN

Mr. BURTON of California. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Illinois (Mr. ERLENBORN).

The Clerk read as follows:

Amendment offered by Mr. BURTON of California to the amendment offered by Mr. ERLENBORN: Insert the following:

"(f) On and after the operative date of this title, the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, in effect Oct. 1, 1969, or any such improved standards as the Secretary may prescribe shall be applicable to each coal mine and each operator of such mine shall comply with them. Beginning six months after the operative date of this title, at intervals of at least every six months thereafter, the operator of each mine shall conduct, in a manner prescribed by the Secretary, tests by a qualified person of the noise level at the mine and certify the results to the Secretary. If the Secretary determines, based on such tests or any tests conducted by his authorized representative, that such standards on noise are exceeded, such operator shall immediately undertake to install protective devices or other means of protection to reduce the noise level in the affected area of the mine, except that the operator shall not require the use of any protective device or system which the Secretary or his authorized representative finds will be hazardous or cause a hazard to the miners in such mine."

Mr. BURTON of California. Mr. Chairman, I discussed this amendment with the full committee chairman and with the subcommittee chairman, and they have indicated it is acceptable to them.

This amendment contains the current Walsh-Healey requirements set by this administration in the area of noise and provides certain minimum test check and enforcement machinery. It is something which I believe should be done, and I urge its adoption.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to my distinguished subcommittee chairman.

Mr. DENT. The Senate has a feature in its bill concerning noise in the mines. We discussed the matter, and decided to put something in the bill, so that we would have a position in the conference.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Illinois.

Mr. ERLENBORN. As the gentleman knows, he has explained this amendment to me. We have discussed it. I have not agreed to accept it.

Mr. BURTON of California. That is correct.

Mr. ERLENBORN. I feel that if it is within the field of health or safety the Secretary already has the authority to promulgate standards. One of the problems I see is that we would be adopting standards under the Walsh-Healey Act which probably apply to some mines already, and we will make them applicable to all mines. If it is truly a matter of health or safety the Secretary can do this without the amendment the gentleman offers.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Was this subject matter of noise covered in the hearings?

Mr. BURTON of California. No.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, am I correct in the belief that if the other body has adopted a section and this House does not, that does not foreclose consideration of that issue in the conference?

Mr. BURTON of California. That is correct.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question to the gentleman from Illinois (Mr. Erlenborn).

Do I understand that your amendment provides for an open ended funding authorization?

Mr. ERLENBORN. Will the gentleman yield?

Mr. GROSS. Of course.

Mr. ERLENBORN. The authorization contained in my amendment is open ended in that we have not set a dollar figure as a maximum. It will allow funds to be appropriated to the Department of Health, Education, and Welfare to conduct X-ray examinations which will then be reimbursed by the mine operators. It is anticipated that there will be little or no cost involved to the Federal Government and it will become a revolving fund. We have no estimate as to how much it will take to get it started. The moneys appropriated under this authority would be reimbursed by the coal mine operators.

Mr. GROSS. And you do not anticipate that there will be a substantial expenditure as to the amendment you offered?

Mr. ERLENBORN. If the gentleman will yield, he is correct. I anticipate no substantial expenditures.

Mr. GROSS. What about the administrative costs of the total bill itself? Do we have any estimate of the costs of this legislation and of the increased personnel, if there is to be any increase in personnel?

Mr. ERLENBORN. Will the gentleman yield further?

Mr. GROSS. Yes. Of course.

Mr. ERLENBORN. There is no estimate that I can recall from the hearings. It is anticipated that there will be additional personnel to the extent that the Bureau of Mines will be successful in having its request for additional mine inspectors honored by the Bureau of the Budget or the administration. However, others on the committee may have a better recollection of it than I. I do not recall any estimate of the cost of additional inspectors.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. DENT. The only major costs which will be assessable against the Government, the Treasury, will be for the administration of the act, such as for any additional mine inspectors, and so forth, for the payments provision, for the health provisions, and for the research. However, we have to have an open-end type of appropriation so that we will have sufficient money to do the things we have to do. At this point in time, we just do not know the exact cost and we did not want to preclude any of these activities from being undertaken by specifying a dollar authorization as such.

Mr. GROSS. But the gentleman from Pennsylvania does not anticipate that there is going to be any substantial increase in moneys taken from the Federal Treasury for the administration of this act. Is that correct?

Mr. DENT. As far as what the actual administrative expense will be, I frankly do not know. We have made changes in the legislation even today, thereby affecting its administrative cost. I hope whatever is required will be appropriated.

Mr. GROSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Burton) to the amendment offered by the gentleman from Illinois (Mr. Erlenborn).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dent: On page 112, line 10, strike out "paragraph" and insert "section".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hechler of West Virginia: On page 117, after line 17, insert: Title IV—Judicial Remedy.

"Sec. 501. Any miner in a coal mine subject to this Act who shall suffer personal injury in the course of his employment as a result of the gross negligence of the operator, may, at his election, maintain an action for damages at law, with the right of trial by jury, against the operator of the coal mine, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and, in case of death of any coal miner as a result of any such personal injury, the personal representative of such coal miner may maintain an action for damages at law, with the right of trial by jury, against the operator of the coal mine, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the operator resides or in which his principal office is located. This section shall not preempt any existing State statutes or other provisions of this Act which provides for compensation for coal miners. Any recovery obtained under this section shall be reduced by any amounts received under such compensation statutes."

Mr. ERLENBORN. Mr. Chairman, I reserve a point of order on this amendment until the gentleman has time to explain it.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from California.

Mr. BURTON of California. Is this the amendment I offered and, that appeared in the subcommittee recommendation as our title V?

Mr. HECHLER of West Virginia. That is correct.

Mr. BURTON of California. Then, I would I like to commend the gentleman from West Virginia for his interest in this matter. As the author of title V in the subcommittee deliberations obviously I thought it was well drafted and needed and I obviously support it. I am just not sure at this stage of the game what we will do with it, but I would like to commend the gentleman from West Virginia for highlighting during floor debate this very important issue as it affects the rights of those injured in their work.

Mr. HECHLER of West Virginia. I thank the gentleman from California, and I might say that this outburst of good feeling at the end of the evening is greatly appreciated, and so much so that out of deference to the subcommittee and its able chairman, the gentleman from Pennsylvania (Mr. Dent), who has done such a fine job with this bill, that I intend in 2 or 3 minutes to ask unanimous consent to withdraw my amendment.

My amendment would simply authorize suits by miners or their survivors when a miner is injured as a result of the gross negligence of the operator. Under our present State workmen's compensation laws, the compensation takes away the right of the miner to sue. He ought to have the right to sue with a trial by jury, which is a right afforded to railroad employees since 1908. And for over 60 years railroad workers have been even better protected because they only need the test of simple negligence and not gross negligence, as is contained in my amendment.

State compensation laws are totally inadequate in this area. They provide short-term payments to the injured to carry them over the period of disability, but do not compensate them fully for lost wages or pain and suffering resulting from these injuries.

I understand that experience has shown under other Federal statutes where this authority is now established that most cases are settled before they reach the trial stage. I further understand that where the employees are represented by a union contracts are generally negotiated with management whereby payments are made by management that are far higher than compensation law payments. Thus, the employee does not have to undergo the expense of lawyers' fees and the lengthy trials and appeals which might be expected to follow.

I would also like to emphasize that one of the real difficulties in the coal industry has been that there is a great economic incentive for high production. The economic incentive on the equipment manufacturers has been to produce equipment that will take the coal out faster, but will not necessarily protect those human beings who work in the coal mines. In fact the economic incentive is all against safety. I believe a provision such as the right to sue would produce a clear economic incentive on behalf of safety. It would be far cheaper to make and keep a mine safe rather than risk the expense of suit.

I feel that a provision such as this may be premature in 1969, but I am looking toward the future. I am hopeful that Congress might look with favor on the type of provision that would make it so expensive for a coal operator to maintain an unsafe mine that he would take steps on his own initiative to maintain rigorous safety standards for the protection of all miners.

We talk about workmen's compensation laws taking care of those who lose their arms and their legs that are injured in the mines, but these are totally inadequate in their amount.

The fines and penalties in the bill bring money into the General Treasury, but why should not we help directly the miners who are hurt or killed in the mines?

I would certainly hope that in the future this type of amendment could be considered and adopted.

BENEFITS FOR PNEUMOCONIOSIS

Mr. Chairman, I would like to use just 1 minute of my time to establish an intelligible, legislative history on that wonderful provision of this bill that was written in with the assistance of many Members concerning benefits for those afflicted by pneumoconiosis.

I would like to ask the gentleman from New Jersey (Mr. DANIELS), the chairman of the Select Subcommittee on Labor, two questions. I am sure the gentleman from New Jersey appreciates the fact that this measure is a giant step in the right direction and one which is fully justified by the circumstances. On behalf of thousands of West Virginia coal miners, we thank the gentleman from New Jersey, the gentleman from California (Mr. BURTON), the gentleman from Pennsylvania (Mr. DENT), the gentleman from Kentucky (Mr. PERKINS), and all others who have participated in bringing this provision out in the bill.

There are some cases which the provisions of this bill do not seem to cover, and I would like to ask the gentleman from New Jersey whether in his opinion it would be justifiable to measure the incidence of pneumoconiosis through pulmonary function tests as well as simply and strictly by X-rays?

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I appreciate the gentleman from West Virginia (Mr. HECHLER), asking that question, and I say to the gentleman that the impact of this legislation is that when diagnosis is made by means other than X-rays or biopsy that, under section 112(b)(iii), complicated pneumoconiosis can be demonstrated by a substantial loss of pulmonary functional capacity even though there was a lesser degree of X-ray abnormalities than that described in section 112(b)(i). In fact, diagnosis of complicated pneumoconiosis should include several factors:

First, significant exposure to coal dust;

Second, evidence of lung pathology; and

Third, symptomatology and impairment of pulmonary functions.

Mr. HECHLER of West Virginia. Mr. Chairman, I would further like to ask the gentleman from New Jersey if it is not true that there are many coal miners who may have serious discomfort and disability caused by pneumoconiosis whose X-rays for some strange reason do not clearly indicate the recognition of that disease?

Mr. DANIELS of New Jersey. If the gentleman will yield further, that is very true. As a matter of fact, we have had several doctors testify before our committee, Dr. Raymond Moore of the Environmental Control Administration of the Department of Health, Education, and Welfare, as well as Dr. H. A. Wells, Dr. Andrew Henderson, Dr. I. E. Buff, and Dr. Donald Rasmussen, physicians from coal mining regions with extensive experience in pulmonary diseases, who testified to the effect that X-ray is not the ultimate. It must be included as part of the diagnostic test. But the complete gamut of function tests, good, simple exercise function tests, can be performed simply, along with the physical examination periodically on these men.

Mr. HECHLER of West Virginia. I appreciate the answer of the gentleman from New Jersey. I would like to quote at this point the following letter from Dr. Donald Rasmussen, pulmonary specialist at the Appalachian Regional Hospital in Beckley, W. Va., who wrote as follows to Hon. JOHN DENT:

OCTOBER 6, 1969.

Hon. JOHN H. DENT.

DEAR REPRESENTATIVE DENT: I write this letter as a desperate plea on behalf of many thousands of coal miners disabled from respiratory diseases of occupational origin who will be denied rightful benefits under the present provisions for compensation in the pending coal mine health and safety bill. The restrictions limiting compensation only to those miners with "complicated pneumoconiosis" are unwarranted. No more than a minority of those severely disabled miners of this area would qualify for such benefits.

I am aware that most of the testimony and additional opinion upon which this decision was based supported the concept that disabling pulmonary insufficiency is encountered only in those miners with advanced X-ray changes. It must be emphasized that these opinions were based almost entirely upon European experience. Occupational health programs with periodic medical and X-ray examinations have been in operation in coal mines for over 20 years in some European countries. Miners showing early X-ray evidence of pneumoconiosis have been removed from dusty areas. In addition, dust suppression has been employed in most European coal mines. Thus, the risk to the European miner has been significantly reduced.

You are aware of the total lack of periodic examinations of American miners and the relative lack of dust suppression in coal mines in this country. Not a single miner of the more than 4,000 evaluated in this laboratory has had periodic chest X-rays. These differences in conditions may be sufficient to explain the apparent differences between European miners and miners at least in the Southern Appalachians in this country. We have observed a number of miners who were known to have X-ray evidence of pneumoconiosis for 10 to 25 years before our evaluation. These men continued working without symptoms until perhaps the last 2 to 4 years. Most showed clear-cut evidence of significant pulmonary insufficiency on testing in the laboratory. In only a small number did the chest X-rays reveal more than simple pneumoconiosis. In reviewing the laboratory studies of large numbers of miners and excluding all cases with significant bronchitis it is apparent that those miners with complicated pneumoconiosis on the average show somewhat more impairment than miners with only simple pneumoconiosis. There are wide variations in both groups, however. Many miners with minimal X-ray abnormalities have impairments of pulmonary functional capacity equal to or exceeding that of miners with advanced X-ray changes. On what basis, therefore, can one arbitrarily judge the miner with simple pneumoconiosis and severe incapacity to be ineligible for compensation?

I firmly believe that in addition to miners with complicated pneumoconiosis those with lesser degrees of X-ray abnormalities but with substantial loss of pulmonary functional capacity be considered eligible for compensation under the new bill.

I urge the Members of the Committee to give the above suggestions most thoughtful consideration. Without the additional inclusion the bill will provide relief far short of its intended goals.

Respectfully,

DONALD RASMUSSEN, M.D.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Missouri.

Mr. HALL. I just rise to a point of clarification.

I certainly agree with the answer to the gentleman from West Virginia's second question. But I do not believe he wants to establish a legislative record that one can determine pneumoconiosis or the involvement of the lung solely by pulmonary function itself?

Mr. HECHLER of West Virginia. That was not my intent, nor was this conveyed in the answers of the gentleman from New Jersey. We have merely established the fact that one cannot rely precisely or strictly on X-rays in determining the degree of disability from pneumoconiosis.

Mr. HALL. With that I agree, but there are many other things that can cause lung disease affecting the pulmonary function tests.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. HECHLER) has expired.

Mr. HECHLER of West Virginia. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969. As a member of the General Labor Subcommittee of the House Committee on Education and Labor, I took part in the drafting of this long-overdue measure establishing uniform health and safety standards for the coal miners of our Nation.

For the first time under this legislation we will have mandatory standards for all underground coal mines in the amount of respirable dust allowable in the mine atmosphere.

Approximately 100,000 active and retired coal miners are presently afflicted with pneumoconiosis, also known as black lung, a disease caused by excessive exposure to coal dust in the air over a long period of time. About half of these miners are disabled from the ailment. For many, existence in this living death is the price they must pay for the long years of hard labor in the mines.

Complicated pneumoconiosis causes progressive massive fibrosis as a complex reaction to dust and other factors, which may include tuberculosis and other infections. The disease in this form usually produces marked pulmonary impairment and considerable respiratory disability. This severely limits the physical capabilities of the individual, and may contribute to other causes of death. Once hardy and vigorous coal miners become reduced to invalids gasping for breath as they sink slowly into physical decay. When the disease is contracted, it is progressive and irreversible.

There is no specific therapy for pneumoconiosis in either its simple or complicated forms. Prevention of this disease is the only logical step. Adequate environmental dust controls, use of respirators, or removing the miners from the dusty environment as soon as they show minimal evidence of lung damage appear to be, under present technology, the only helpful preventive procedures. H.R. 13950 establishes strict environmental dust control standards and periodic medical examinations of miners as a means of combating this dread disease.

The British, after extensive study, determined that the probability of a miner contracting pneumoconiosis after 35 years of exposure to a dust concentration of 3 milligrams per cubic meter of air, is about 5 percent. This bill establishes a dust limit of 4.5 milligrams within 6 months of enactment. This level must be further reduced to 3 milligrams 6 months thereafter. The Secretary of Health, Education, and Welfare is authorized to reduce this limit further when reductions become technologically attainable.

I feel that this new safeguard will help protect the coal miners' health by lowering the amount of respirable dust they must breathe into their lungs while working in a coal mine, thereby reducing their susceptibility to contracting pneumoconiosis.

The bill also requires that respirators or other approved breathing devices be made available to all persons exposed to dust concentrations in excess of the limit established by this bill. However, the bill expressly prohibits the use of these respirators as a substitute for achieving environmental controls of the dust concentration in the mines.

Under the medical examination provision, section 203, each miner will have an opportunity to have a chest roentgenogram taken without charge at least once every 5 years. Physicians diagnose pneumoconiosis on the basis of X-ray evidence of nodules in the lungs. When a worker begins in the coal mines for the first time, he will be given a chest X-ray at the start of his employment and again 3 years later. If the second such X-ray shows evidence of the development of pneumoconiosis, the worker shall be given an additional chest X-ray 2 years later. The Secretary of HEW is responsible for reading, classifying, and recording all readings for each miner, and may prescribe such other supplemental tests as he deems necessary.

Any miner who, in the Secretary's judgment, shows substantial evidence of the development of the disease shall, at the option of the miner, be assigned by the operator to work in a relatively dust-free area of the mine, or in any other area provided he wears respiratory equipment. Any miner so assigned shall not receive less than his regular pay. This section of the bill is of equal importance with the dust-control section, insofar as prevention of black lung.

To protect miners from explosions such as the November 20, 1968, tragedy near Farmington, W. Va., in which 78 miners lost their lives, the bill codifies Interior Department safety regulations and establishes new requirements for electrical equipment for gassy mines. After a phase-in period only electrical junctions, distribution boxes, and equipment that the Secretary of the Interior designates as permissible will be allowed.

The bill provides a delay of up to 6 years in application of these electrical safety standards to nongassy mines. I would support an amendment to reduce this time period or any other amendment which will bring all mines under this safety requirement as soon as possible.

Section 103 of the bill authorizes and requires representatives of the Secretary of Interior to make frequent inspections and investigations in coal mines each year for information gathering and enforcement purposes. Each underground mine is to be inspected at least four times a year. The Secretary of Health, Education, and Welfare is also authorized entry to coal mines to enable him to carry out his functions and responsibilities under the act. I believe this joint control over the health and safety of our coal miners is an important new element.

The bill provides for limited pay guarantees to miners idled by a mine closure due to violation of health and safety standards. Miners are also entitled to payments for total disability due to complicated pneumoconiosis, and widows of such miners are also to receive benefits.

Section 103 empowers the Interior Secretary, in the event of an accident, to take whatever action he deems appropriate to protect the life of any person and to be consulted regarding any plan to recover any person in the mine. This section further provides opportunity for a miner to request the Secretary to conduct a special investigation to determine if an imminent danger or violation of a standard exists in a mine, and for the representative of miners to accompany an authorized representative of the Secretary—at no loss in pay—on any inspection. No advance notice of an inspection needs to be given.

These are some of the worthy features in this comprehensive legislation. In sum, I believe that this bill represents a long step forward in protecting our miners from pneumoconiosis or "black lung" and from explosions of the type that have taken a steady toll of life and limb.

We must not allow these dangers to continue terrorizing our miners and their families. Only by the adoption of this workable and far-reaching legislation can we assure the American people that the men who mine our coal shall work in health and safety.

Mr. FEIGHAN. Mr. Chairman, I support H.R. 13950, a bill to insure health and safety measures for the Nation's coal miners. Coal mining is crucial to our economy, providing one-fourth of our fuel energy. Yet, at the present time, it is one of our most hazardous industries.

Hundreds of coal workers die every year from much-publicized disasters; thousands of others suffer from incurable pneumoconiosis, which renders them disabled and which significantly shortens their life expectancy. No act of Congress can ever compensate for the injury and loss of life which has already resulted from coal mine safety inadequacies. This bill, however, may, if properly amended, become an insurance policy for present and future miners who will be spared from disaster and personal injury.

H.R. 13950 authorizes the Secretary of the Interior to promulgate appropriate health and safety standards and develop safety standards. The Secretary of Health, Education, and Welfare is mandated to develop health standards. The Federal Government would have the power to investigate, set policy, and revise regulations over both large and small coal operations.

It is my feeling, however, that initial review of appeals should lie with the Secretary of the Interior in accordance with the amendment to be offered by the committee and the position of the gentleman from West Virginia (Mr. HECHLER) rather than with the proposed Federal Coal Mine Health and Safety Board of Review as outlined in the bill.

The Departments of Interior and Health, Education, and Welfare should be empowered to thoroughly and frequently investigate mines, making certain that such conditions as dust standards, electrical equipment, ventilation, roof control and fire protection are meeting minimum standards.

The miner would be further protected under the provisions of this act by being provided with examinations for lung disease and by receiving some income if he is idled by mine closure under the provisions of this act. Moreover, the miner and his family would be entitled to emergency assistance if he is afflicted with or dies from complicated pneumoconiosis.

The Federal Mine Health and Safety Act is long overdue. It is late in rectifying some of the worst personal injustices in an impersonal industrial society. We must not lose sight of our humanitarian responsibility. We must not forget the widows and children in countless Farmingtons and the thousands of miners who suffer physical disability while they are performing their jobs. H.R. 13950 will not repair the loss of yesterday's lives, but it will effectively spare today's and tomorrow's miners. I therefore urge support of this bill to express our concern for a vital and long-neglected member of our working force—the American coal miner.

Mr. REID of New York. Mr. Chairman, I am happy that the House is finally acting to revise the mine health and safety code.

Last year 730 men were electrocuted, asphyxiated, crushed to death or otherwise killed in a coal mine somewhere in the world. Each day 28 coal miners suffer disabling injuries, and each disabled miner loses on the average 144 days of work a year—more than half a year off the job.

In the 17 years since the old law was signed by President Truman, almost a million miners have been exposed to a daily dose of coal dust, and a shocking 5,500 miners have been killed.

These facts do not lend a great deal of credibility to recommend the virtues of the old bill.

At present, about 100,000 miners of the 150,000 who work the mines today suffer from black lung disease, with over half of these disabled from the disease. Dust is in their skin and their eyes and their mouths; they suck it into their lungs every day of their lives and cough and strain to breathe. This is a manmade disease that can and must be prevented. To ignore it is to ignore the No. 1 occupational health problem in U.S. coal mining, which has been ignored for far too long already.

For these reasons, I strongly support the sections of this bill which provide for payments to miners who are disabled from pneumoconiosis and to the widows of miners who suffered from the disease at the time of their death. These provisions are a limited response in the form of emergency assistance, included because of the failure of the States to assume compensation responsibilities.

Clearly, the hazards of the trade we are discussing are such that this bill should include the strongest possible health and safety provisions. This bill does include numerous provisions with these aims in mind, such as those establishing a mandatory dust standard of 3 milligrams per cubic meter, requiring medical examinations, calling for frequent inspections and investigations by qualified persons and providing realistic penalties for failure to comply.

There is one section of the bill, however, which endangers its effectiveness by entrusting what could become a veto power to a five-member Board of Review. These five men could nullify orders by Federal inspectors for the closing of unsafe mines, and they could rescind penalties assessed for violations of safety rules. These powers seriously weaken the remainder of the bill and indeed seem to challenge its very purposes. I strongly support the abolition of this Board, and hope that my colleagues will consider the welfare of thousands of miners over the power of five men.

Finally, in order to make this bill the strongest and most effective one possible, I support amendments to do the following:

To measure coal dust during one shift, instead of averaging the measurement over several shifts as the bill now provides. If the averaging method is used, a "clean-up" shift can be rushed in to bring the average down;

To require the Secretary of Health, Education, and Welfare to set medically acceptable coal dust standards which protect the health of the miner, instead of being forced to raise coal dust standards to meet pressure from considerations other than health.

To require that electrical equipment in gassy mines be made safe and sparkproof in 15 months instead of the 28 months after enactment of this bill, and to eliminate the open-ended waiver which is presently provided in the bill for all nongassy mines, large and small; and

To protect miners against losing their jobs or being discriminated against for reporting health and safety violations.

Mr. Chairman, I urge that the coal mine health and safety bill be passed with these amendments, so that in the future we will know no such disaster as that of Farmington, W. Va., in November of 1968 where mine No. 9 became the tomb for 78 men for whom no rescue operation could succeed.

Mr. MOLLOHAN. Mr. Chairman, the coal mine safety legislation we are today considering constitutes a landmark for industrial health and safety. For too many years, those of us who represent districts with a concentration of coal mining have seen the death and casualty tolls mount. Generally, it is an isolated accident that claims the life of one or two men, and little notice has been given to the overwhelming danger of coal mining.

Last year, the tragedy at Farmington took 78 lives, but the small accidents which receive little notice claimed the lives of another 230 men in the same year.

And the toll of black lung is difficult to gage because it affects almost every miner who has worked in the coal mines for more than 10 years.

The safety legislation to date is far from adequate. The health standards to date are nonexistent, the compensation, except from the union's pension fund, is next to nonexistent. Only this year did West Virginia pass a comprehensive workmen's compensation legislation, and that does not cover anyone who is presently disabled because of black lung.

This legislation before us today will be the landmark for safety and health protection and it will be the landmark for compensation of men who have lost their health to black lung.

I think the House Education and Labor Committee is to be congratulated for their work on this legislation and my colleague, Mr. JOHN DENT, is to be particularly congratulated on his efforts to bring to the floor a fair and comprehensive bill to deal with the entire area of health and safety and its consequences in the coal mining industry.

I am particularly pleased that the committee has established in this legislation a basis for continuing research in health and safety; for that, in my judgment, is where we will make the real breakthrough in mine safety.

I think it is altogether proper that we attempt through this legislation to give relief to those miners, or their widows, for disabilities arising from black lung disease.

There are some important amendments to this legislation as well, and particularly important, are those which would protect the individual miner from intimidation for reporting safety or health violations. I think the dust measurement amendment is also very important and I hope you will give it fair consideration.

There are other amendments as well which should be given serious consideration here today. But, on the whole, this legislation is well conceived, it is comprehensive and it will be effective. It represents the dedication of men who have intelligently sought better working standards and health and safety standards for years.

The passage of this bill will, to no small degree, usher in a new era of industrial safety practice.

Mr. HELSTOSKI. Mr. Chairman, as a cosponsor of legislation which would provide relief for our Nation's miners, I am pleased that the Committee on Education and Labor acted with speed to bring this legislation to the floor.

I am convinced that there is a definite need for establishing Federal health standards to protect the health of our Nation's coal miners. We are aware of the fact that many of the existing standards for safety applicable to mine operators and miners are inadequate under existing Federal laws.

If anyone needs adequate standards for safety and improved conditions for health, it is the coal miners of this Nation. The bill will provide them with a new degree of safety and a healthier atmosphere in which to work.

Mr. Chairman, I would like to point out that the whole picture as it relates to the coal mining industry has brought forth a national demand that we, right here and now, enact legislation that will bring a new and significant measure of safety to the men who mine the coal in this country. That is why we are here today—to provide these safety and health standards.

As we debate this bill today, hundreds of miners are risking their lives to reopen the mine at Farmington, W. Va., to recover the bodies of the 78 miners who died in the Consolidation Coal Co.'s No. 9 mine last November, and to determine the cause of the tragedy.

Many of our miners who are lucky enough to escape the violence of death in a mine, are subject to a peril which often causes total disability or death. These miners pay the price of having to work in an atmosphere often saturated with coal dust, which is inhaled daily into their lungs, causing respiratory disability and later death. This disease is referred to in the press and other news media as "black lung." The medical profession calls it coal workers' pneumoconiosis. But no matter what it is called, the fact is that the Surgeon General estimates that over 100,000 active and retired miners are afflicted with it.

Mr. Chairman, the purpose of the pending legislation is to insure the miners that they themselves cannot cope with this problem. In this legislation we wish to insure that both the industry and the Government do, in fact, give first priority to the health and safety of the miner; to insure an end to the annual carnage in our Nation's coal mines; and to insure that the new generation of coal miners is not ravaged by "black lung."

We have enough evidence that the miners themselves are no longer willing to accept the fatalistic attitude still prevailing in the industry—the attitude which almost accepts with the shrug of the shoulder that "mining is a hazardous occupation." The miners know that coal mining need not be a hazardous occupation if only the operators and the Government will place as high a priority on the health and safety of the miner as is placed upon the economics associated with the mining industry.

This bill provides the tools for better health and safety. This Federal Coal Mine Health and Safety Act of 1969 makes an across-the-board comprehensive attack on both the health and safety problems. It not only corrects the deficiencies in the 1952 act, it takes into account all that we have learned since 1952, and provides for the development and implementation of safeguards against hazards which may develop in the future.

For the first time it covers the health of the miner, covers surface, as well as underground coal mines; authorizes health and safety standards by regulation, not just by statute, and permits administrative change of the standards in the bill to improve health and safety; establishes an extensive array of interim mandatory health and safety standards; provides for injunctions and for civil and criminal penalties for violations; requires an expansion of the sadly deficient Bureau of Mines safety and health research program and provides for a health and safety research trust fund; and expands the coverage of the law to afford protection against all accidents, not just those that kill five or more at one time, as the 1952 act provided.

Periodically, in the past 100 years, the Nation has responded to mine disasters with legislation, but the legislation has always been too timid and ineffective. Such legislation has frequently left more undone than was done.

Mr. Chairman, H.R. 13950 is a major comprehensive measure which offers our Nation's coal miners the promise of a lifetime of productive work free from the hazards that have depleted this work force. It offers the families of our coal miners the hope of relief from the daily fears that permeate their lives.

I believe that the hazards of coal mining can be substantially reduced or eliminated. Many are due to bad practices and a failure on the part of both the industry and the Government to act vigorously years ago to change them.

We owe this bill as a memorial to the many thousands who have died in coal mine tragedies and to those who are disabled because of their hazardous work.

We owe it even more to the living and the active hard-working mine workers, and to their families. No longer should they be forced to bear the cost, in pain and suffering, of the Nation's coal production.

Mr. Chairman, for these reasons, I earnestly urge passage of H.R. 13950.

Mr. GAYDOS. Mr. Chairman, after many long weeks of hearings and deliberations we now have before us, to vote up or down, H.R. 13950. Does anyone doubt the outcome?

As one who is familiar with the history of past efforts to strengthen the role of the Federal Government in the promotion of coal mine health and safety, one amazing fact about this bill stands out. This bill, Mr. Chairman, is one of the most far-reaching bills in any field to come before the Congress in many years. It extends the field of Federal regulation of working conditions and the provision of compensation for accident and disease far into an area hitherto largely reserved for State regulation alone. And yet, despite some marginal opposition to some of these compensation features of the bill, the bill is clearly going to pass the House and pass it in substantially its present form.

Of course, Mr. Chairman, I recognize that it is very difficult to be opposed to any measure to promote health and safety. No one wants to be on record in favor of death and disaster or even to seem to question the wisdom of proposals to prevent the same. But in the past, these considerations never prevented opposition arising to the form the proposed remedies took, or, a favorite objection, that "the rights of the States were being invaded," or that "the legislation was not needed, the States were doing a good job, all they needed was a little encouragement in the form of a Federal subsidy."

We have heard such objections in recent days, Mr. Chairman. But unlike in the past, they have not been trumpeted from the house tops. I have had to strain to hear them. Their voice is muted, subdued. We live today in a world where the rights of people are, at last, considered as more important than those of institutions.

I note also, Mr. Chairman, another remarkable change. This matter of health and safety has never, I think, been an area of sharp partisan conflict. Many Members from both sides of the aisle have favored coal mine safety legislation in years past. But I do find it utterly amazing that, if I read aright the report on this bill which came to me from the committee, not only did every member of the majority party vote in support of H.R. 13950, but the minority was unable to get a majority of its 15 members to join in opposition and wound up with three additional or separate sets of views, on no one of which were they able to muster more than six votes in support.

Mr. Chairman, H.R. 13950 has my complete support. Congress should move to complete action on the Federal Coal Mine Health and Safety Act without further delay.

We all understand that what prompted the consideration by this Congress of coal mine safety legislation was the Farmington, W. Va., disaster of last fall. This made clear to the American people that the Federal Government, which was then believed to have the responsibility and ability to inspect coal mines to prevent major disasters, lacked the power to take effective action. Since then, although there has been much work done on legislation no change has been made in the law. The Government has no greater ability today than it had last fall to prevent another major mine disaster. We have been talking about action for nearly a year. We have made progress. But we have not finished the job. The Senate has acted. We have not, as yet.

However, in the period of nearly a year since the Farmington disaster, while there has not been another major disaster, over 170 coal miners have been killed in mine accidents. This is well over two miners killed for each man who died in Consolidation Coal Co.'s No. 9 mine last November. And to prevent these non-disaster types of accident, the Federal Government does not now and never has had any power or responsibility to act.

These figures, in fact, are misleading. It is not that routine mine accidents are responsible for two deaths for every one killed in a major disaster. Major disasters account for only about 10 percent of the deaths and injuries in coal mines. The Federal law has never, even in its inadequate present form, been applicable to other than measures to prevent major disasters. And it has been too weak to accomplish even this limited objective.

Ninety percent of the accidents which have resulted in death or injury in coal mines are within the scope of State laws and the Federal Mine Safety Code, which are either inadequate, or which have not been or cannot be enforced. Many standards, including the Federal code, are advisory only and do not have the force of law.

Mr. Chairman, while we sit here discussing the details of this bill there is nothing to prevent another Farmington disaster. Nothing has been done to change the law since last November. And while we sit here men are being injured and killed by one's and two's in mines in every coal mining State in the Nation, and unless we act on H.R. 13950 nothing will be done to prevent such accidents.

H.R. 13950 offers the best hope we have to do something about coal mine disasters and accidents—all of them, major disasters and isolated rock falls. It was the result of weeks of work by a competent committee acting on the best advice of authorities here in America and from abroad. It is a bill to which no major exception has been taken on either side of the aisle. Let us act to pass it with no further delay and stop the slaughter in the mines.

Mr. CLARK. Mr. Chairman, today's debate represents a forward step for the coal miners of America and for the wives and the children of the men who work in that industry. It also represents a milestone for the thousands of coal miners who are now suffering or who are being exposed to the ravages of coal workers' pneumoconiosis and other mining related chest diseases.

I am from Pennsylvania, and thus I know first hand the great human price that has been paid for the coal produced over the years. Pennsylvania is an old coal producing State. From its mines comes both anthracite and bituminous coal. The quality of Pennsylvania coal is known world-wide. Much of it goes into the steel industry where quality is vital.

Over the years, the production, distribution, and consumption of coal has meant much to Pennsylvania. In fact, that industry undergirds the economic health of the Commonwealth and contributes hundreds of millions of dollars each year to the economic progress of Pennsylvania.

But, such progress has not come without cost. A part of that cost, a tragic horrifying part, is seen in the number of men who have died in the mines of Pennsylvania.

The records of fatality for the production of anthracite in Pennsylvania goes back to 1870. During the period 1870 to 1968, 31,047 men died in the anthracite industry. These figures are understated because fatalities in mines employing less than five men were not recorded until 1955, when the Pennsylvania Department of Mines and Mineral Industry, under the leadership of Mr. Joseph Kennedy and Mr. Louis Evans, now the director of the UMWA Safety Division, began to keep a record of small mine fatalities.

In the bituminous industry, the record goes back to 1877. Since 1877, 20,071 miners have died in the soft coal mines in my State. This figure is understated because of the lack of reporting fatalities in small mines until 1955.

Thus, a high price in blood has been paid for the production of Pennsylvania coal; 51,118 men died for the economic value that coal has meant to Pennsylvania and to the Nation.

Mr. Chairman, this is a horrifying record. It is a dreadful indictment of the coal mining industry and of the operators who have owned and managed it over the years.

Mr. Chairman, today we consider a bill which will hopefully abate and eventually stop the wastage of human life in coal mines. We are being asked to pass legislation which will help to protect the safety of coal miners and see to it that they can live a long and useful life. We are also being asked, Mr. Chairman, to enact into legislation provisions which will begin the long task of preventing coal workers pneumonconiosis and which will provide for compensation for those men who now carry the terrible burden of that disease.

We can no longer turn a deaf ear to the demands of coal miners for relief from the dread burden of death, injury, and disease in the mining industry.

H.R. 13950 is a good piece of legislation. It has been drafted by a committee which has shown its concern for the men who work in the mines. Its language represents an acceptance of the moral obligation of the Congress to do something in the mine health and safety field.

Through the months that this legislation was pending, we of the Congress were fortunate to have the advice and counsel of the United Mine Workers of America and their able staff in our drafting efforts. The coal miner was indeed fortunate to have as his representatives here a group of his own, a group of men who have come from the pits and who worked ceaselessly to see to it that the strongest possible legislation was introduced and passed.

The imprint of the work of the United Mine Workers of America and its president, Mr. W. A. Boyle, is clear in the legislation you have before you.

The United Mine Workers of America, in January of this year, suggested a 3 milligram dust level to prevent the increasing incident of coal workers pneumoconiosis.

The bill has a 3 milligram figure in it.

The United Mine Workers of America suggested the concept of rescue chambers to which men could go in the event of a disaster. This, too, is in the bill. The United Mine Workers of America urged the increase in the ventilation in mines. We have provided for such an increase.

The United Mine Workers of America suggested that a Federal mine inspector be placed at every mine, which in the opinion of the Secretary, liberated excessive quantities of methane. This, too, is in the legislation.

We are being asked today to vote on a measure which will mean the saving of lives, the prevention of injury, and the reduction of disease. We are being asked to help to preserve the most valuable asset which the coal industry has, that is its manpower.

If we were to come before the Congress today and say that men should live rather than die, there would be no arguments. If we were to say that disease is an inherently undesirable thing, there could be no one who would dispute it. If we were to demand on the grounds of humanity that an end be put to the cost in human lives and suffering inherent in modern coal mining, we would have unanimous agreement.

Yet, when we come to the hard practical task of writing legislation, there are those who rise in opposition. There are those who still place priority and profit above priority of life. There are those who would sacrifice human beings for the expediency of production.

This bill, hopefully, will forever put an end to such a choice. It will place the coal operators of this Nation on notice that their safety and health record must improve and must improve dramatically. It will place them on record that unless they are prepared to undertake the necessary action to reduce the human toll, currently a part of the cost of production, that they must anticipate the increasing intervention of the Federal Government into their affairs.

Mr. GILBERT. Mr. Chairman, I rise in support of H.R. 13950, the coal mine health and safety bill. As you may know, I have no coal miners in my district, but I have Americans who are shocked at the frequency of mine disasters and saddened by lethal danger from illness faced by men who work in the mines. This legislation has, indeed, been too long in coming and too many men have lost their lives while it has been discussed. I am proud, as an American, to vote for a strong coal mine safety bill.

I believe the Committee on Education and Labor has written a fine bill. It gives authority to the Secretary of the Interior and the Secretary of Health, Education, and Welfare, for the first time, to investigate and inspect mines without prior notice. It improves and speeds the process for redressing health and safety violations. It provides severe but just penalties for violation of standards. It assures miners that they will not be penalized for cooperating with the authorities on mine safety and guarantees them payment whenever mines are closed for violations.

Mr. Chairman, in 1967 a total of 533 miners died in accidents, and untold numbers died of "black lung" and other diseases. Americans cannot in good conscience permit the hazards in mines to go undetected and uncorrected any longer.

I commend the gentleman from Pennsylvania (Mr. DENT), chairman of the General Labor Subcommittee, for his efforts in behalf of a strong and effective coal mine health and safety bill. I believe H.R. 13950 represents the minimum necessary for the protection we should provide miners and I shall vote for passage of this bill.

Mr. DENNIS. Mr. Chairman, if H.R. 13950 confined itself to requiring strict health and safety standards in the Nation's coal mines—including the most stringent of standards to prevent pneumoconiosis, or "black lung" disease—I would be strongly in favor of the bill.

The bill, as presented by the committee, goes far beyond this; it sets up a system of Federal compensation for sufferers from pneumoconiosis at a cost to the American taxpayer which has been knowledgeably estimated at running in the neighborhood of $50,000,000 per year—a cost which, in my judgment, ought to be borne by the coal mining States and by the coal mining industry.

Even this might be defensible as a one-shot proposition on humanitarian grounds—at least I cannot find it in my heart to blame Members from coal mining areas and from coal mining backgrounds for so believing—but the real vice of the bill is the precedent which it undoubtedly sets for compensation for industrial injury and disease on a Federal level—a field which has heretofore been reserved for the several States, operating, and generally with reasonable success, under State statutes dealing with workmen's compensation and occupational disease.

There is no logical reason why Federal intervention in this area of concern should be confined to the Nation's coal miners alone, and I do not think we can expect that it will be so confined. I am unwilling to participate in this driving of an "opening wedge" for a Federal takeover in the industrial compensation field, and it is for this basic reason that I vote "no" on H.R. 13950.

Mr. FULTON of Pennsylvania. Mr. Chairman, strange as it seems, studies are now being made by Federal agencies and private industry to use U.S. space program techniques for mining operations.

I include in my remarks letter of October 23, 1963, to me from the National Aeronautics and Space Agency:

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., October 23, 1969.

Hon. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR MR. FULTON: This is in reply to your inquiry regarding the application of Apollo Life Support Systems to deep coal mining.

Last February, Mr. James K. Rice, President, Cyrus W. Rice and Company, wrote to NASA about a new coal mining project being proposed in Boone County, West Virginia under the direction of the Island Creek Coal Company, in which the mine would be filled with gas containing very little oxygen. The object was to eliminate the effects of methane gas that is released as a by-product of mining coal, to reduce substantially the acid mine water pollution, and to eliminate the "Black Lung" problem. Mr. Rice was interested in ways NASA might be able to help.

On March 13, 1969, a meeting was held with officials of our Apollo Test Office, the Island Creek Coal Company, the Bureau of Mines, the Federal Water Pollution Control Administration and the C. W. Rice Company to explore the ways in which our technology would be utilized in the possible solution of coal mining problems.

As a result of this meeting, NASA was requested, and we agreed, to provide technical assistance to the C. W. Rice Company and the Island Creek Coal Company in connection with its contract with the Federal Water Pollution Control Administration.

Subsequently, we have reviewed and commented on the technological proposals and made available applicable life support data and reference material. In addition, we have put personnel from the C. W. Rice Company in touch with Bendix people at the Kennedy Space Center and their NASA counterparts concerned with life support and protective equipment used during hazardous operations.

We have enclosed additional material concerning the project.

Please let me know if you require any additional information.

Sincerely yours,
ROBERT F. ALLNUTT,
Assistant Administrator for Legislative Affairs.

Mr. Chairman, I am also including in my remarks an article from the Washington Evening Star, as follows:

[From the Washington Evening Star, Aug. 5, 1969]

ASTRONAUT-TYPE BACKPACKS TO BE STUDIED FOR MINERS

The Interior Department has announced a research project to see if miners—like astronauts—can work in an oxygen-free environment, relying on backpack breathing equipment.

"If this new approach is successful," Interior Secretary Walter J. Hickel said yesterday, "we will be able to reduce lung diseases among coal miners, lessen the chances for explosions and fires in mines, and, at the same time, help prevent stream pollution by drainage of acids from both active and abandoned mines."

The project is being financed by grants of $55,178 from the Federal Water Pollution Control Administration and $15,000 from the Bureau of Mines, and a contribution of $30,047 from Island Creek Coal Co. of Holden, W. Va.

Mr. Chairman, in order to outline the proposals and programs for use of inert gases in mines, with space suits and life-support systems used by mines and mine personnel, I am including excerpts from the original application for research and development grant to the U.S. Department of the Interior, Federal Water Pollution Control Administration, from Island Creek Coal Co., Holden, W. Va., for a demonstration of a new mining technique to prevent the formation of mine acid in an active deep coal mine under date of February 20, 1969:

A DEMONSTRATION OF A NEW MINING TECHNIQUE TO PREVENT THE FORMATION OF MINE ACID IN AN ACTIVE DEEP COAL MINE

I. INTRODUCTION

Much has been written and spoken recently relative to the effective control of wastewater pollution from the coal mining industry. From the standpoint of health, safety, and environmental management, it is evident that every effort must be made to advance technology on a national basis to encourage the stability and productivity of the industry. The development of technically feasible and economically reasonable methods to achieve this end is the prime purpose of this request to the Federal Water Pollution Control Administration (FWPCA).

This application for a Research and Development Grant is indicative of the potential for the development of new technologies on a Government-industry cooperative basis. Island Creek Coal Company (ISLAND), the applicant, recognizes the potential impact of the proposed project to the coal mining industry in the areas of water pollution abatement and personnel health and safety.

II. TECHNICAL BACKGROUND

It has been established that the oxidation of sulfuritic material such as pyrites (FeS_2) leads to the production of ferrous sulfate and sulfuric acid according to the following equation:

$$2FeS_2+8O_2+2H_2\rightarrow 2FeSO_4+2H_2SO_4$$

Laboratory investigations and published studies by the deceased Dr. S. A. Braley, while at Mellon Institute, Pittsburgh, Pennsylvania, and more recently the work reported to the FWPCA by Mr. W. E. Bell, Cyrus Wm. Rice and Company, Pittsburgh, Pennsylvania, have revealed that the prevention of the entry of oxygen into a coal mine by sealing and pressurization with an oxygen-free atmosphere retards the oxidation of the pyritic material to form mine acid water.

Cyrus Wm. Rice and Company (RICE) is proposed by ISLAND as their technical associates to serve as the project systems engineers and scientists. A summary description of two project-related investigations now being conducted by RICE follows:

On June 17, 1968, RICE received from the FWPCA Contract No. 14-12-404 covering chemical engineering laboratory investigations to determine the effects of various gas atmospheres on the oxidation of pyrite. The primary objective of the study is to determine the effect on acid production by the leaching of pyrites by water. The tests were to be conducted in the following atmospheres:

Air (control).
Pure nitrogen.
Nitrogen plus carbon dioxide.
Nitrogen plus ammonia.
Nitrogen plus carbon dioxide plus ammonia.
Nitrogen plus chlorine.

The secondary objective is to determine the effect of the particle size on acid production while exposed to the above atmospheres. This FWPCA contract is in its final stages of completion.

On June 20, 1968, RICE received a contract from the Commonwealth of Pennsylvania, Department of Mines and Mineral Industries, for a demonstration of the use of inert gas to eliminate acid pollution from abandoned deep coal mines. The contract is with the Coal Research Board and is identified by Project No. WPRD-227. The contract developed as a result of a grant application to the FWPCA by the Commonwealth of Pennsylvania. The object of the program is to demonstrate the feasibility of using inert gases as an effective deterrent to the chemical and bacteriological reaction of pyrites with air and water within *abandoned* deep mines. This program is now in progress.

The project proposed herein will extend the above-mentioned investigations to *active* deep coal mines. The project, in general, will demonstrate the use of an oxygen-free atmosphere in a deep mine specifically constructed for the project. The proposed project, while attacking the problem of mine acid formation, requires a completely new technique for coal mining. The proposed technique involves the use of life support systems for the mining personnel. While much work has been done on the use of life support systems in outer space and deep sea programs, and in a number of industrial operations, there has been no significant application of this to deep coal mining.

III. ISLAND'S PARTICIPATION

Mr. J. K. Rice, President of Cyrus Wm. Rice and Company, introduced the concept of adapting life support systems to the mining industry to Mr. William Bellano, President and Chief Administrative Officer, and Mr. William F. Diamond, Vice President-Engineering of Island Creek Coal Company. ISLAND, the third largest coal producer in the United States, is well-known for their constant searching for new and improved mining methods, safety improvements, and overall performance in labor relations, mine planning and development, maintenance of plant and equipment, and personnel health. ISLAND, being highly enthusiastic about the project potentials, agreed to make available to the project an area of a virgin coal seam in a new lease they are opening at Kohlsaat, Boone County, West Virginia. The new mine is called Pond Fork Mine, and is located approximately thirty miles south of Charleston, West Virginia. This mine is located within the Island Creek Division. Project plans were directed by Mr. Stonie Barker, Jr., President, Island Creek Division, who is the proposed project director.

IV. OTHER PARTICIPANTS

The proposed project was introduced to the FWPCA by RICE during 1967. In recent months, ISLAND and RICE met with FWPCA representatives and have discussed the project in detail with Mr. Allan Cywin and his associates Messrs. E. J. Martin, R. D. Hill, J. M. Shackelford, and D. J. O'Bryan. Mr. Cywin suggested a meeting with Mr. J. F. O'Leary, Director, Bureau of Mines, United States Department of the Interior On January 31, 1969 a meeting was held in the office of Mr. O'Leary, to discuss the project. Attending this meeting were Mr. O'Leary, Mr. H. Perry, from the Office of the Assistant Secretary (Mineral Resources), United States Department of the Interior, Messrs. A. Cywin and D. O'Bryan from the FWPCA, and ISLAND and RICE representatives.

The proposed project has been discussed in detail in meetings with Mr. J. P. Brennan, Director of Research and Marketing, United Mine Workers of America (UMW). ISLAND and RICE representatives have discussed the project with UMW Director of Safety, Mr. Lewis Evans.

It is proposed that the project be conducted with the cooperation of the State of West Virginia, Department of Natural Resources, Division of Water Resources, and the Department of Mines.

V. NEED FOR PROJECT

The critical need for the proposed project has been clearly stated by United States Senator Jennings Randolph (West Virginia), Chairman, Committee on Public Works, at the hearing on S. 1870, a Bill to amend the Federal Water Pollution Control Act in order to provide for acid pollution control demonstration projects. Senator Randolph stated when discussing the control of acid mine pollution, "We do recognize the seriousness and the urgency of the problem and we need to use the techniques now in our possession and we need to have demonstration programs, I think, of a very substantial nature in this field."

Mr. Richard B. Royce, Chief Clerk and Staff Director, Committee on Public Works, United States Senate, and Mr. William J. Van Ness, Special Counsel, Committee on Interior and Insular Affairs, United States Senate were contacted during March, 1968 to discuss the need for the inert gas projects.

The completion of the proposed project could have a world-wide impact on the coal industry resulting in major advances in environmental control, and health and safety.

VI. PROJECT OBJECTIVES

The object of the proposed project is to demonstrate that mining coal in an oxygen-free atmosphere will prevent the formation of acid mine water and that all water from the mine will be acceptable for discharge into a local stream without deleterious effect on the stream. The project will involve the investigation and demonstration of the adaptability of a life support system to conventional coal mining techniques to determine the feasibility of mining coal in an oxygen-free atmosphere.

The aerospace and underwater research programs in the past few years have proven that through the use of life support systems man can be successfully sustained in foreign environments for extended periods without detriment to his health. This life support technique has successfully been applied to several industrial manufacturing processes.

Major benefits may be derived from mining coal in an oxygen-free atmosphere including a major reduction in the amount of mine acid generated, improved working conditions from a health and safety standpoint, and availability of areas for refuge in case of emergency.

The life support system will provide dust free air for the miner and will eliminate the incidents of black lung so prevalent among the miners of today. It will also insulate the miner from the clatter of the mining equipment and will reduce the incidents of hearing problems. Hearing problems are rivaling black lung as the major health problem in the mining industry today.

Besides preventing the generation of mine acid, the oxygen-free atmosphere will eliminate many of the hazards associated with mining. It should prevent the accumulation of explosive mixtures of methane thereby eliminating the explosion hazard. Mine fires started by electrical spark igniting coal dust are prevented due to the absence of oxygen to support combustion.

The greatest killer in the mine today is roof falls caused by the seasonal variation of the humidity and temperature of the ventilating air injected into the mine resulting in spalling and deterioration of the roof. The sealing of the mine and the elimination of large volumes of ventilating air and the ability to maintain a constant humidity in the mine will minimize roof deterioration and improve mine safety.

The installation of waystations will provide areas of refuge in case of accident as well as a place where miners may remove their protective clothing. Bore holes directly into the waystation will provide fresh air for the miners and would serve as a means of supplying emergency food, water, power, and communications.

VII. PROJECT PLAN

This section will describe in detail the proposed plan for conducting the project. In order to coordinate the construction of the demonstration mine with the development of a new ISLAND Pond Fork Mine, it is necessary to adhere to a rigid schedule. The present schedule for the Pond Fork Mine calls for the receipt of all mining equipment by July, 1970. The development of the Pond Fork Mine will be in three phases according to how rapidly the working faces in the mine become available. Maximum production from this mine is planned for July, 1970.

The mining equipment purchased for the project demonstration mine is equipment required by ISLAND for completion of the development of the third phase of their Pond Fork Mine. This equipment will be required by July, 1970. Because of the limited amount of time available, it becomes necessary to strictly adhere to the schedule established for the demonstration mine so that ISLAND may be able to complete their Pond Fork Mine development on schedule. Table I is the construction schedule for the Pond Fork Mine. Table II is the project schedule for the Pond Fork Demonstration Mine.

The demonstration mine project is divided into three phases: Phase I will include the engineering studies and construction of the mine; Phase II will be the operation of the mine; and Phase III will be the evaluation and final report on the project.

The following will describe each of the phases of the project:

Phase I. Engineering studies and demonstration mine construction

This phase involves the evaluation of the available life support systems, communication systems, and air lock principles. After selecting those systems most applicable to the project, engineering specifications will be drawn and detailed engineering will be completed to adapt these systems to the project. The engineering specifications, design, and construction of the auxiliary facilities at the mine, and the necessary equipment to sustain the life support systems will be completed prior to the opening of the mine.

A. Life Support Systems Studies

A thorough investigation will be made of the available life support systems currently being used by the governmental space agencies and industries to determine if these systems are applicable to coal mining operations. It is the intent of this study to utilize, wherever possible, existing life support systems, realizing that minor modifications may be required.

Due to the uniqueness of the mining application, the type of personnel breathing equipment required is critical. It is therefore necessary that a complete investigation be made of the various types of breathing and re-breathing apparatus available to determine their compatibility with the life support system chosen.

Encapsulating a miner within a "space" helmet isolates him from the surrounding noises of the mine. An investigation and evaluation of various communication systems are necessary to provide the miner with a means of communication with his co-worker in the mine, as well as with a monitoring and control station outside the mine. A miner is quite sensitive to in-mine noises and roof cracking noises. Therefore, it is imperative that his ability to hear within the "space" suit is as good as it would be normally. It is anticipated that each miner will have the capability of communicating directly with the monitoring and control station.

Since the miner will be encapsulated within a suit and working in an oxygen-free environment, it becomes necessary to provide an area (waystation) within the mine where the miner may go for lunch and for relief. In the waystation, he will be able to remove his breathing apparatus, and be supplied with fresh air from an external source. To enter the waystation, it will be necessary for the miners to pass through an air lock, the purpose of which is to prevent the infiltration of oxygen from the waystation into the mine and also to prevent the gaseous mixture in the mine from entering the waystation. A thorough investigation will be made of the methods of purging the air lock in order to prevent the infiltration of external gases into the air lock.

In order to evaluate the total effect of mining in an oxygen-free atmosphere, it is necessary to install gas analyzing equipment at all the critical points within the mine. A thorough study will be undertaken in order to evaluate the best way to continuously monitor the gases within the mine, air lock, and waystation to insure maximum safety.

Since large volumes of ventilating air will not be forced into the mine, the buildup of heat within the mine generated by the motors driving the mine equipment could become a problem. A thorough study is required to determine the methods of removing this heat so that adequate cooling will be provided for the mining equipment.

The development of a new type of personal lighting system is necessary as the current method of individual lighting will not be satisfactory. The present miner's light turns with the man's head so the light automatically points to where he is looking. When wearing life support clothing, it is possible for a man to move his head without the light moving. It is therefore necessary to design a lighting system which will be satisfactory for the miner's use.

Since the principle of the demonstration project is to operate the mine in an oxygen-free atmosphere, large quantities of inert gas will be required in order to operate a waystation, personal air locks, equipment air locks, etc. A thorough investigation will be made into the most economical methods of generating the inert gas, as well as the most economical methods of operating the waystation and air locks.

B. Demonstration Mine System Studies

After determining the most compatible life support system for use within the mine, it is necessary to determine what field modifications are necessary for the selected conventional mining equipment.

Having investigated the various procedures for operating the air locks, life support, and communication systems, the total support facilities required to sustain these systems will be determined. These facilities are those external to the mine (see Drawing No. 168.12.06.4).

The selected life support and communication systems will be tested in a ventilated mine in order to determine the problems involved. Should any problems develop, the operator being trained can remove his breathing apparatus and walk out of the mine, as is current practice. It is the intent to thoroughly check all life support and communication systems within a ventilated mine prior to operation of the demonstration mine.

Mr. SCHERLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to alert the Members of the House that I will offer a motion to recommit the bill.

I am not convinced that Federal workmen's compensation is the responsibility of this House. I hesitate to establish a precedent which this will do and one from which there can be no retreat.

This motion will delete the section beginning on page 38, section 112(b), as I did in the Committee of the Whole.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have heard this afternoon, especially from the gentleman from California, that we were not to rewrite the bill on the floor.

Yet, I was handed title III, a complete change, which includes approximately 63 pages. I am not positive that what we are doing is correct. I am not sure who made the changes and why. There are several points that certainly should be cleared up and I believe we should have someone, the chairman of the committee, or whoever is familiar with these points to answer the questions that are necessary before we vote on the bill.

On page 82 of the original bill, under

section (e); and in the amended title III, section (e)(1) it states: "underground high-voltage cables used in resistance grounded, wye-connected systems shall be equipped with metallic shields around each power conductor."

My question is: Are you aware that we may be causing more trouble in the mines than the good that we may do?

Mr. PERKINS. I have a letter from the Secretary, the Director of the Bureau of Mines, which in substance states that the overall changes in the interim standards redound to the benefit of safety.

Mr. MILLER of Ohio. Yes, but that does not answer my question.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield so that I may make some modest effort to respond in part to the gentleman?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. BURTON of California. We found ourselves with identical provisions in both the House and Senate versions. Therefore, rendering unconferenceable some of the safety standards.

Some of these amendments were made at the request of an industry that has electrical wiring setups that are just somewhat different from those mandated in the bill. We were not contacted until after the bill was out of the Senate and after the bill was out of the full committee. But any changes made in this type of change were surrounded with safeguards and certified by every safety engineer participating, including all of the experts in the Bureau of Mines, that there was no sacrifice of safety.

Most importantly, we simply had to see that these matters were subject to conference. But even knowing that we had another look at the matter, we were determined not to proceed even this far without the assurance of the safety people that there was absolutely no reduction in safety afforded mine workers. I am unaware of a single mine expert in the country who would take any view other than that expressed by the Bureau of Mines today. There is no sacrifice in safety in any of these changes.

Mr. MILLER of Ohio. Then the gentleman cannot say whether there is anyone on the committee that has any background or any knowledge as to whether that particular section is correct?

Mr. BURTON of California. Just to the extent that we had experts from the industry; we had experts from the Department; we had Mr. Nader's general counsel; we had the counsel for Congressman HECHLER; we had the subcommittee counsel. We had as many people "fail safe," double, and triple check every one of these suggestions that the mind of man could contrive. And I respectfully submit that in the first instance we had an absolute obligation to see to it that this mandate was conferenceable.

Mr. MILLER of Ohio. If the gentleman is aware of what is going on, will he answer one simple question?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. MILLER of Ohio was allowed to proceed for 2 additional minutes.)

Mr. MILLER of Ohio. I refer to section (e)(1) that states that metallic shields should be around each power conductor. The current would be AC because it follows through, that it is a wye-connected system. With AC current you achieve the effect of heating when you run each conductor separately through a solid metal tubing. With that are we going to create more problems or solve problems?

Mr. BURTON of California. It is steel tubing in the first instance. I, for myself, and I am sure those of us on the conference committee, if the gentleman has a fear that some of this may in some way be creating greater health safety hazard, would take up those matters. I suggest that you relay your concern to the Department. Call in the best safety engineers, and we will accept their input. From our point of view we felt an absolute responsibility, with tens and tens of millions of additional dollars involved for safety, that at least these matters in issue be conferenceable, particularly when they could be made conferenceable with our assurance that there was no sacrifice or diminution in terms of safety.

Mr. MILLER of Ohio. What we are after is information which would be helpful in enabling us to determine whether we should or should not vote for the bill. Right now we do not have the answers. We have another area where you talked about "permissible." I have heard it all afternoon. What is permissible? What are we talking about? Are you acquainted with class 1, group D, division 1 and division 2? I think we should have someone on the floor who would have that information and could answer our questions.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I believe the only answer that can be given to the gentleman is that we have no electrical engineers on our subcommittee or full committee that I am aware of. We have had to rely in this area on experts in the Bureau of Mines who have been approving or disapproving actual installations in the Bureau of Mines. They have looked at these requirements that they are going to have to enforce. They have approved the changes that were made in title III. We can only rely on their judgment.

If the gentleman knows of some area in which they have made a mistake, I wish he would call it to our attention so we could have them pass judgment on it, and they may be able to convince the Bureau of Mines. As the gentleman from California said, we are now in a position in which that matter could be adjusted in conference. We would appreciate your help.

Mr. MILLER of Ohio. As the gentleman said, if we are on a given section or given language, I would like to know if we are correct, whether we are in conference or back in the House.

Mr. FLOOD. Mr. Chairman, I move to strike the necessary number of words.

I am advised by the chairman, we are at the close of this debate on this bill. I want to say this. I am very grateful for my people from the anthracite coal fields to this committee under the distinguished chairman, the gentleman from Kentucky (Mr. PERKINS), and to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), we are especially grateful.

I knew the gentleman from Pennsylvania (Mr. DENT) many, many years ago, when he was a fighting, raring, tearing, bulldog minority leader of the General Assembly of Pennsylvania. In those days it was tough—but so was he.

Mr. Chairman, I appeared before two subcommittees of this distinguished committee. I appeared before the subcommittee chaired by the gentleman from New Jersey on the matter of health, and I appeared before the subcommittee chaired by the gentleman from Pennsylvania (Mr. DENT) on the matter of safety. I appeared before both subcommittees in the Senate, known as the other body, for the same purpose.

I was pleased to hear some months ago that the gentleman from New Jersey, in charge of the subcommittee dealing with health, and the gentleman from Pennsylvania (Mr. DENT), in charge of the subcommittee dealing with safety, with the approval of their general chairman, the gentleman from Kentucky, were going to merge this bill into the bill we have today.

I assure the Members that my people, after 50 years, after 100 years, are grateful to all.

I conclude by saying that without the commanding insistence of the gentleman from California (Mr. BURTON) that part of the bill, which in my district is perhaps most vital, the health provisions relating to the health and black lung payment provisions, would not be in the bill.

I told Members yesterday when I came here 25 years ago, I had 35,000 miners. Today I have 3,500. However, I have 20,000 pensioners and their widows and the children of these deceased miners who died from miners' hazards, such as anthracosilicosis, in the hard coal mines. Had it not been for this great, big, eloquent Californian, who insisted upon the health and black lung payment provisions, I am advised by the gentleman from Pennsylvania (Mr. DENT), and the gentleman from New Jersey, and the general chairman of the committee, the health provisions would not be in the bill. I express our humble gratitude on the part of my pensioners and their wives and their children for the insistence of this great big fellow, the gentleman from California (Mr. BURTON).

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

In concluding our work on this legislation, Mr. Chairman, I think that it would be a serious oversight on my part if I did not recognize the great contribution that members of the United Mine Workers of America have made over the years in insisting that Federal legislation be developed to effectively deal with providing greater and greater safety in this most hazardous of industries. When I first came to the Congress in 1949, one of the first conferences I had was with the legislative representative of the United Mine Workers, Mr. Robert Howe. He and other representatives have been working diligently since that time in the interest of improved safety for miners. I believe that the legislation that this House is on the threshold of approving this afternoon takes another giant step forward in making this industry one which will attract many young workers because of the risks that we have taken from the occupation. The small step forward that we take in this legislation in assuring adequate levels of compensation to miners suffering from pneumoconiosis and their dependents and, in the case of those who have fallen due to this insidious disease, their widows, can in large part be attributed to the insistence by the members of the United Mine Workers for adequate compensation for their disabled members.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Ohio.

Mr. MILLER of Ohio. I want to say that I am for a mine safety bill. I am disturbed, frankly, that we have a complete change in title III, which is the technical part of the bill, which includes almost 63 pages.

Mr. PERKINS. The gentleman well knows that title III contains the interim standards, and all the effected groups were consulted with a view to trying to get the best possible safety standards in the act temporarily. But I say to you, by and large, that the amendments that the gentleman from Pennsylvania sponsored today strengthened mine safety and did not weaken it.

Mr. Chairman, I certainly want to pay tribute to the distinguished chairman of the subcommittee for the way he handled title III with these amendments. Proceeding as he has was the only feasible way that we could get the latest techniques and the latest suggestions of the Department of Interior—which has been working on these standards all year—incorporated in the bill.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MILLER of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DENT. Mr. Chairman, I object.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the last word.

I will not take the 5 minutes, Mr. Chairman. I only want to state that we need to know exactly what we are doing here. I feel title III was brought out hurriedly. We need to know that we are on the right track. I am not saying that this section is wrong. There are some doubts in my mind about certain parts of it, and I think it is important that they be clarified. When the chairman mentioned the volume of methane that comes from some coal mines, that is exactly what I am concerned about. When we find methane in relation to air with a concentration at a minimum of 5.3 percent and a maximum of 14 percent of the mixture, then we know that it is explosive. If then we have an arc or the proper heat, we find that we have started a fire in the mine. We are only trying to protect against this possibility. I think it is important that we do not have a full title such as this brought out and rewritten on the floor, especially after we had heard that we should not change the bill on the floor and then we find that we have a complete title being changed here.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Might I ask the gentleman if he had read and was familiar with the original provisions of title III?

Mr. MILLER of Ohio. I say that I have title III marked up at almost every page. I would say that, no, I am not completely familiar with every word. I do not believe that there is a person here who is completely knowledgeable. If someone is knowledgeable, I have not found anyone on the committee who would attempt to answer the questions. But I would say that I have about 25 questions to ask.

Mr. ERLENBORN. If the gentleman will yield further?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. ERLENBORN. As was pointed out, title III of this bill and title III of the other body were identical. If we had adopted the provisions of that title today, we would not be able to go to conference on the item. As I suggested to the gentleman from Ohio, we welcome his help and his expertise. If he would tell us what items are questionable, we would take it up with the Bureau of Mines. They have put their stamp of approval on it. But the gentleman may be able to show where they are wrong, and we would like to work with you in the matter if we can and get the answers.

Mr. MILLER of Ohio. My main purpose in taking the time is that I am for a mine safety bill, but I want to know that what we are doing is right.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes, pursuant to House Resolution 584, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHERLE. I am, Mr. Speaker—in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SCHERLE moves to recommit the bill H.R. 13950 to the Committee on Education and Labor with instructions to report the bill back forthwith with the following amendment: Beginning on page 38, line 18, through page 43, line 9, strike all of subsection 112(b).

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 389, nays 4, not voting 38, as follows:

[Roll No. 248]

YEAS—389

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carter
Casey
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe

Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Lowenstein
Lujan
McCarthy
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix

Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz

Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Ullman
Utt
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—4

Collins
Dennis

Landgrebe
Scherle

NOT VOTING—38

Ashbrook
Baring
Barrett
Bell, Calif.
Blanton
Brown, Calif.
Buchanan
Burton, Utah
Byrne, Pa.
Cahill
Cederberg
Chisholm
Clark

Colmer
Conyers
Daddario
Dawson
Dwyer
Foley
Jarman
Jones, Tenn.
Kirwan
Long, Md.
Lukens
McClory
McCulloch

Mikva
Monagan
O'Neill, Mass.
Pepper
Pike
Pirnie
Podell
Powell
Pucinski
Udall
Van Deerlin
Whalley

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Cederberg.
Mr. Monagan with Mrs. Dwyer.
Mr. Foley with Mr. Pirnie.
Mr. Podell with Mr. McCulloch.
Mr. Pike with Mr. Ashbrook.
Mr. Byrne of Pennsylvania with Mr. Cahill.
Mr. Barrett with Mr. Whalley.
Mr. Blanton with Mr. Buchanan.
Mr. Kirwan with Mr. Bell of California.
Mr. Jones of Tennessee with Mr. Lujan.
Mr. Daddario with Mr. Burton of Utah.
Mr. Pucinski with Mr. McClory.
Mr. Brown of California with Mr. Dawson.
Mr. Clark with Mr. Jarman.
Mr. Long of Maryland with Mr. Powell.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Udall with Mr. Conyers.
Mr. Pepper with Mr. Baring.
Mr. Mikva with Mr. Colmer.

Mr. ASPINALL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. PERKINS. Mr. Speaker, pursuant to the provisions of House Resolution 584, I call up for immediate consideration the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of S. 2917 and insert in lieu thereof the text of H.R. 13950, as passed, as follows:

That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

DECLARATION OF PURPOSE

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(b) the occupationally caused death, illness, or injury of a miner causes grief and suffering, and is a serious impediment to the future growth of this industry;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to control the causes of occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in such mines cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of a coal mine accident or occupationally caused disease unduly impedes and burdens commerce; and

(g) it is the purpose of this Act to provide for the establishment of mandatory health and safety standards and to require that the operators and the miners comply with such standards in carrying out their responsibilities.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or part of a coal mine or the supervision of the employees in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal mine;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) "inspection" means the period beginning when an authorized representative of the Secretary first enters a coal mine and ending when he leaves the coal mine during or after the coal-producing shift in which he entered; and

(m) "Panel" means the Interim Compliance Panel established by this Act.

MINES SUBJECT TO ACT

SEC. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, shall be subject to this Act, and each operator of such mine and every person working in such mine shall comply with the provisions of this Act and the applicable regulations of the Secretary promulgated under this Act.

INTERIM COMPLIANCE PANEL

SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Depart-

ment of Health, Education, and Welfare, or his delegate;

(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

(f)(1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 202 and 305 of this Act and to provide an opportunity for a hearing, after notice, at the request of an operator of the affected mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 202 and 305 of this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate.

TITLE I—GENERAL

HEALTH AND SAFETY STANDARDS; REVIEW

SEC. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise, as may be appropriate, mandatory safety standards for the protection of life and the prevention of injuries in a coal mine, and shall, in accordance with the procedures set forth in this section, promulgate the mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare. No mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners below that afforded by the standards contained in titles II and III of this Act.

(b) In the development of such mandatory safety standards, the Secretary shall consult with the Board, other interested Federal agencies, representatives of States, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. In addition to the attainment of the highest degree of safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other safety statutes.

(c) The Secretary of Health, Education, and Welfare shall, in accordance with the procedures set forth in this section, develop and revise, as may be appropriate, mandatory health standards for the protection of life and the prevention of occupational diseases of coal miners. Such development and revision shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In the development of mandatory health standards, the Secretary of Health, Education, and Welfare may consult with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and, where appropriate, foreign countries. Mandatory health standards which the Secretary of Health, Education, and Welfare develops or revises shall be transmitted to the Secretary, and shall thereupon be published by the Secretary as proposed mandatory health standards.

(d) The Secretary shall publish proposed mandatory health and safety standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. In the case of mandatory safety standards, except as provided in subsection (e) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. In the case of mandatory health standards, except as provided in subsection (e) of this section, the Secretary of Health, Education, and Welfare may, upon the expiration of such period and after consideration of all relevant matter presented to the Secretary and transmitted to the Secretary of Health, Education, and Welfare, direct the Secretary to promulgate such standards with such modifications as the Secretary of Health, Education, and Welfare may deem appropriate and the Secretary shall thereupon promulgate such standards.

(e) On or before the last day of any period fixed for the submission of written data or comments under subsection (d) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested.

(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare determines that a proposed mandatory standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination.

(g) Any mandatory standard promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(h) Proposed mandatory safety standards for surface coal mines shall be developed and published by the Secretary not later than twelve months after the enactment of this Act.

ADVISORY COMMITTEES

SEC. 102. (a) The Secretary may appoint one or more advisory committees to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each such committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business, entitled to receive compensation at rates fixed by the Secretary but not in excess of the maximum rate of pay for GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

INSPECTIONS AND INVESTIGATIONS

SEC. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to health and safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards or with any notice or order issued under this title. In carrying out the requirements of clauses (3) and (4) of this subsection, no advance notice of an inspection shall be provided the operator of a mine. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year.

(b)(1) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through any coal mine.

(2) The provisions of this Act relating to inspections, investigations, and records shall be available to the Secretary of Health, Education, and Welfare to enable him to carry out his functions and responsibilities under this Act.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent, to the greatest extent possible, the destruction of any evidence which would assist in invstigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(g) If a miner or an authorized representative, if any, of the miners believes that a violation of a mandatory health or safety standard exists, or an imminent danger exists, in a mine, he may notify the Secretary or his authorized representative of such violation or danger. Upon receipt of such notification the Secretary or his authorized representative may make a special investigation to determine if such violation or danger exists.

(h) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

FINDINGS, NOTICES, AND ORDERS

Sec. 104. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue forthwith an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard but the violation has not created an imminent danger, he shall issue a notice fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c)(1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause or effect of a mine accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health and safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Secretary shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under subsection (b) of this section, or section 105. If, during any special inspection relating to such violation or during such reinspection, a representative of the Secretary finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of the mandatory health or safety standards, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) any person whose presence in such area is necessary, in the judgment of the operator, to eliminate the condition described in the order;

(2) any public official whose official duties require him to enter such area;

(3) any representative of the employees of such mine who is, in the judgment of the operator, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

(4) any consultant to any of the foregoing.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practice which cause and constitute an imminent danger or a violation of any mandatory health or safety standard and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this section may be modified or terminated by an authorized representative of the Secretary.

(h)(1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall require that either the notice issued under this subsection be canceled, or that an order be issued by such authorized representative of the Secretary requiring the operator to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) If, based upon samples taken and analyzed and recorded pursuant to section 202(a) of this Act, the applicable health standard established under section 202(b) of this Act is exceeded and thereby violated, the Secretary or his authorized representative shall find a reasonable period of time within which to take corrective action to reduce the average concentration of respirable dust to the miners in the area of the mine in which such standard was exceeded, and shall issue a notice fixing a reasonable time for the abatement of the violation. During such time, the operator of such mine shall cause samples described in section 202(a) of this Act to be taken of the affected area during each production shift. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds, based upon such samples or upon an inspection, that the violation has not been totally abated, he shall issue a new notice of violation if he finds that such period of time should be further extended. If he finds that such period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until the Secretary or his authorized representative determines through such test procedures conducted in such area as he may require, including production and sampling that the violation has been abated.

REVIEW BY THE SECRETARY

Sec. 105. (a) (1) An operator notified of an order issued pursuant to section 104 of this title, or any representative of miners in any mine affected by such order or any modification or termination of such order pursuant to section 104(g), may apply to the Secretary for review of the order within thirty days of receipt thereof or within thirty days of its modification or termination. The operator shall send a copy of such application to the representative, if any, of persons working in the affected mine. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of the applicant or a representative of persons working in such mine, enable the applicant and the representatives of persons working in such mine to present information relating to the issuance and continuance of such order.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and (1), in the case of an order issued under subsection (a) of section 104 of this title, he shall find whether or not the imminent danger as set out in the order existed at the time of issuance of the order and whether or not the imminent danger existed at the time of the investigation, and (2), in the case of an order issued under subsection (b), (c), or (i) of section 104 of this title, he shall find whether or not there was a violation of any mandatory health or safety standard as described in the order and whether or not such violation had been abated at the time of such investigation, and upon making such findings he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under section 104 of this title, together with a detailed statement giving reasons for granting such relief. The Secretary may issue a decision granting such relief, under such conditions as he may prescribe, only after a hearing in which all parties are given an opportunity to be heard.

JUDICIAL REVIEW

Sec. 106. (a) Any decision issued by the Panel under section 5 or the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel, as appropriate, and thereupon the Secretary or the Panel, as appropriate, shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

(b) The Court shall hear such petition on the record made before the Secretary or the Panel, as appropriate. The findings of the Secretary or the Panel, as appropriate, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary or the Panel, as appropriate, for such further action as it may direct.

(c) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court may, after due notice to, and hearing of, the parties to the appeal, from a decision of the Secretary or the Panel, as appropriate, except a decision from an order issued under section 104(a) of this title, issue all necessary and appropriate process and grant such other relief as may be appropriate pending final determination of the appeal.

(d) The judgment of the court shall be subject only to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the Secretary's or Panel's decision.

POSTING OF NOTICES AND ORDERS

Sec. 107. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order required by this title to be given to an operator to be mailed immediately to a duly designated representative of persons working in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine. Such notice or order shall be available for public inspection.

(c) In order to insure prompt compliance with any notice or order issued under section 104 of this title, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice or order.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health or safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

INJUNCTIONS

Sec. 108. The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order issued under section 104 of this title or decision issued under this title, or (b) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisons of this Act, or (c) refuses to admit such representative to the mine, or (d) refuses to permit the inspection of the mine, or an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary, or (f) refuses to permit access to, and copying of, records. Each court shall have jurisdiction to provide such relief as may be appropriate: *Provided*, That no temporary restraining order shall be issued without notice unless the petition therefor alleges that substantial and irreparable injury to the miners in such mine will be unavoidable and such temporary restraining order shall be effective for no longer than seven days and will become void at the expiration of such period: *Provided further*, That any order issued under this section to enforce an order issued under section 104, unless set aside or modified prior thereto by the district court granting such injunctive relief, shall not be in effect after the completion or final termination of all proceedings for review of such order as provided in this title if such is determined on such review that such order was invalid.

PENALTIES

Sec. 109. (a) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard or who violates any provision of this Act shall by order be assessed a civil penalty by the Secretary which penalty shall not be more than $10,000 for each such violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation. No penalty shall be assessed under this subsection pending the final termination, expiration, or completion of all proceedings, administrative or judicial, for review of an order or decision under this title.

(b) Upon written request made by an operator within thirty days after receipt of an order assessing a penalty under this section, the Secretary shall afford such operator an opportunity for a hearing and, in accordance with the request, determine by decision whether or not a violation did occur or whether the amount of the penalty is warranted or should be compromised.

(c) Upon any failure of an operator to pay a penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(d) Whoever knowingly violates or fails or refuses to comply with any order issued under section 104(a) of this title or any final decision on any other order issued under this title shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(c) Whenever a corporate operator violates a mandatory health or safety standard of this Act, or violates any provision of this Act, any director, officer, or agent of such corporation who authorized, ordered, or carried out such violation shall be subject to the provisions of subsection (a). Whenever a corporate operator knowingly violates or fails or refuses to comply with any order issued under section 104(a) of this title or any final decision on any other order issued under this title, any director, officer, or agent of such corporation who authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the provisions of subsection (d).

(f) Whoever knowingly makes any false statements or representations in any application, records, reports, plans, or other documents filed or required to be maintained in accordance with this Act or any mandatory health or safety standard of this Act or any order issued under this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

ENTITLEMENT OF MINERS

Sec. 110. (a) If a mine or portion of a mine is closed by an order issued under section 104, all miners working during the shift when such order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. Whenever an operator violates or fails or refuses to comply with an order issued under section 104, all miners employed at the affected mine who would be withdrawn or prevented from entering such mine or portion thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.

(b)(1) Compensation shall be paid under this subsection in respect of total disability of an individual from complicated pneumoconiosis which arose out of or in the course of his employment in a coal mine, and in respect of the death of any individual who, at the time of his death, was suffering from complicated pneumoconiosis which so arose. For purposes of this subsection, if an individual who is suffering or suffered from complicated pneumoconiosis was employed for ten years or more in a coal mine there shall be a rebuttable presumption that his complicated pneumoconiosis arose out of of or in the course of such employment, but this sentence shall not be deemed to affect the applicability of the first sentence of this paragraph in the case of claims under this subsection on account of death or total disability of an individual when such individual has not worked for as much as ten years in a coal mine. For purposes of this subsection, any individual who suffers from complicated pneumoconiosis shall be deemed to be totally disabled.

(2)(A) Subject to the provisions of subparagraph (B), compensation shall be paid under this subsection as follows:

(i) In the case of total disability, the disabled individual shall be paid compensation during the disability at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled is entitled at the time of payment under the provisions of Federal law relating to Federal employees' compensation (section 8112, title 5, United States Code).

(ii) In the case of death, compensation shall be paid to the widow at the rate the deceased individual would receive such compensation if he were totally disabled.

(iii) In the case of an individual entitled to compensation under clause (i) or (ii) of this subparagraph who has one or more dependents, his compensation shall be increased at the rate of 50 per centum of the compensation to which he is so entitled under clause (i) or (ii) of this subparagraph if such individual has one dependent, 75 per centum if such individual has two dependents, and 100 per centum if such individual has three dependents.

(B) Notwithstanding subparagraph (A), compensation under this paragraph shall be reduced by an amount equal to any payment which the payee receives under the workmen's compensation, unemployment compensation, or disability insurance laws of his State, and the amount by which such payment would be reduced on account of excess earnings under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of such Act.

(3)(A) The Secretary of Labor shall enter into agreements with the Governors of the States under which the State will receive and adjudicate claims under this subsection from any resident of the State and under which compensation will be paid as provided by this subsection from grants made to pay compensation under this subsection. Such Governor shall implement the agreement in such manner as he shall determine will best effectuate the provisions of this subsection. The Governor shall make such reports to the Secretary of Labor, subject to such verification, as may be necessary to assure that Federal grants under this subsection are used for their intended purpose.

(B) The Secretary of Labor shall make grants under this subsection to States with which he has an agreement under subparagraph (A) in the amount necessary to enable them to pay the compensation required by this subsection.

(4) If the Secretary of Labor is unable to enter into an agreement under paragraph (3), or if the Governor of the State requests him to do so, he shall make payments of compensation directly to residents of such State as required by this subsection. The administrative provisions for carrying out the Federal employees' compensation programs which are contained in sections 8121, 8122 (b), and 8123 through 8135, title 5, United States Code, shall apply with respect to claims under this paragraph.

(5) No claim under this subsection shall be considered unless it is filed (1) within one year after the date an employed miner received the results of his first chest roentgenogram provided under section 203 of this Act, or, if he did not receive such a chest roentgenogram, the date he was first afforded an opportunity to do so under such section, or (2) in the case of any other claimant, within three years from the date of enactment of this Act, or, in the case of a claimant who is a widow, within one year after the death of her husband or within three years from the date of enactment of this Act, whichever is the later. Payment of compensation under this subsection shall commence with the date the claim is filed.

(6) No compensation shall be paid under this subsection to the residents of any State which, after the date of enactment of this Act, reduces the benefits payable to persons eligible to receive compensation under this subsection, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

(7) For purposes of this subsection—

(A) The term "coal mine" includes only underground coal mines.

(B) The term "complicated pneumoconiosis" means an advanced stage of a chronic coal dust disease of the lung which (i) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the pneumoconioses by the International Labor Organization, (ii) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, (iii) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in clause (i) or (ii) if diagnosis had been made in a manner described in clause (i) or (ii).

(C) The term "dependent" means a wife or child who is a dependent as that term is defined for purposes of section 8110, title 5, United States Code.

(D) The term "widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion, who has not remarried.

REPORTS

Sec. 111. (a) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents, roof falls, and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported for periods determined by the Secretary, but at least annually.

(b) Every operator of a coal mine and his agent shall (1) establish and maintain, in addition to such records as are specifically required by this Act, such records, and (2) make such reports and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time and released to any interested person, and shall be made available for public inspection.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

Sec. 201. The provisions of sections 202 through 205 of this title shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by mandatory health standards promulgated by the Secretary, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under the provisions of section 101 of title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in sections 105, 107 and 108 of title I of this Act.

DUST STANDARD AND RESPIRATORS

Sec. 202. (a) Each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which the miners in the active workings of such mine are exposed. Such samples shall be taken by any device approved by the Secretary and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretaries shall prescribe in the Federal Register within sixty days from the date of enactment of this Act and from time to time thereafter. Such samples shall be transmitted to the Secretary at his expense in a manner established by him, and analyzed and recorded by him in a manner which will assure application of the provisions of section 104 (i) when the standard established under subsection (b) of this section is exceeded. The results of such samples shall also be made available to the operator. Each operator shall certify to the Secretary at such intervals as the Secretary may require as to the condition of the mine atmosphere in the active workings of the mine, including, but not limited to, the average number of working hours worked during each shift, the quantity of air regularly reaching the working places, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.

(b)(1) Effective on the operative date of this title, each operator shall maintain the average concentration of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed at or below 4.5 milligrams per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare). In the case of an operator who requests an extension of time beyond the operative date of this title in which to reduce such average concentration of respirable dust to or below 4.5 milligrams per cubic meter of air (or its equivalent) and demonstrates to the satisfaction of the Panel that he is undertaking maximum efforts to so reduce such average concentration but is unable to do so because it is not technologically feasible for him to do so, the Panel may grant such operator no more than ninety days for such purpose.

(2) Effective six months after the operative date of this title, the limit on the level of dust concentration shall be 3.0 milligrams of respirable dust per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare). In the case of an operator who requests an extension of time beyond the effective date of this paragraph in which to reduce the average concentration of respirable dust to or below 3.0 milligrams per cubic meter of air (or its equivalent) and demonstrates to the satisfaction of the Panel that he is undertaking maximum efforts to so reduce such average concentration but is unable to do so because it is not technologically feasible for him to do so, the Panel may grant such operator no more than six months for such purpose.

(3) Beginning six months after the operative date of this title, the Secretary of Health, Education, and Welfare shall reduce the limit on the level of dust concentration below 3.0 milligrams of respirable dust per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare) as he determines such reductions become technologically attainable.

(c) Respirators or other breathing devices approved by the Secretary and the Secretary of Health, Education, and Welfare shall be made available to all persons whenever exposed to concentrations of dust in excess of concentrations of dust permitted by subsection (b). Use of respirators shall not be substituted for environmental control measures. Each underground mine shall maintain a supply of approved respirators or other breathing devices adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the limit prescribed in this section.

(d) As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

MEDICAL EXAMINATION

SEC. 203. (a) The operator of an underground coal mine shall cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in an underground coal mine an opportunity to have, at least once every five years, beginning six months after the operative date of this title, a chest roentgenogram to be provided by the Secretary of Health, Education, and Welfare with funds derived under section 401(c) of this Act. Each worker who begins work in a coal mine for the first time shall be be given, as soon as possible after commencement of his employment, and again three years later if he is still engaged in coal mining, a chest roentgenogram; and in the event the second such chest roentgenogram shows evidence of the development of pneumoconiosis the worker shall be given, two years later if he is still engaged in coal mining, an additional chest roentgenogram. Such chest roentgenograms shall be given in accordance with specifications and to the extent prescribed by the Secretary of Health, Education, and Welfare and shall be supplemented by such other tests as the Secretary of Health, Education, and Welfare deems necessary. The films shall be read and classified in a manner to be prescribed by the Secretary of Health, Education, and Welfare and the results of each reading on each such person and of such tests, shall be submitted to the Secretary and to the Secretary of Health, Education, and Welfare, and at the request of the worker, to his physician. Such specifications, readings, classifications, and tests shall to the greatest degree possible, be uniform for all underground coal mines and coal miners in such mines.

(b) An miner, who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading, shows substantial evidence of the development of pneumoconiosis shall, at the option of the miner, be assigned by the operator, for such periods or periods as may be necessary to prevent further development of such disease, to work either (1) in any active working place in a mine where the mine atmosphere contains concentrations of respirable dust of not more than 2.0 milligrams per cubic meter of air if measured with an MRE instrument or not more than an equivalent amount of dust if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare, or (2) in an area of the mine containing more than such 2.0 milligrams, or its equivalent, provided the miners wears respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare. Within one year after the enactment of this Act, any miner who shows evidence of the development of pneumoconiosis shall be assigned by the operator for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the average concentration of respirable dust in the mine atmosphere to which the miner is exposed during each shift is at or below 1.0 milligrams of dust per cubic meter of air or to whatever lower level the Secretary of Health, Education, and Welfare determines is necessary to prevent any further development of such disease. Any miner so assigned shall receive compensation for such work not less than the regular rate of pay received by him immediately prior to his assignment.

DUST FROM DRILLING ROCK

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use of permissible dust collectors or by water or water with a wetting agent, or by any other method or device approved by the Secretary which is at least as effective in controlling such dust. Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons shall be taken.

DUST STANDARD WHEN QUARTZ IS PRESENT

SEC. 205. In coal mining operations where the respirable dust in the mine atmosphere of any active working place contains more than 5 per centum quartz, the Secretary of Health, Education, and Welfare shall prescribe an appropriate formula for determining the applicable dust standard under this title for such working place and the Secretary shall apply such formula in carrying out his duties under this title.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 317 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary under the provisions of section 101 of title I of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) The Secretary may, upon petition by the operator waive or modify the application of any mandatory safety standard to a mine when he determines such application will result in a diminution of safety to workers in such mine, but any action taken by the Secretary under this subsection shall be consistent with the purposes of this Act and shall not reduce the protection afforded miners by it.

(c) Upon petition by the operator, the Secretary may modify the application of any mandatory safety standard to a mine. Such petition shall state that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded miners by such standard. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the representative, if any, of persons working in the affected mine and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of such representative or other intested party, to enable the applicant and the representative of persons working in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall make findings of fact and publish them in the Federal Register.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out, except in recovery, shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the approved roof control plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall require that examinations and tests of the roof, face, and ribs be made before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any mine reaching each working face shall be three thousand cubic feet a minute and, in the case of a mechanized mine, there shall also be a minimum velocity of one hundred feet per minute passing to within five feet of the working face and over any miner operating electrical equipment at the working face. The Secretary or his authorized representative may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the safety of miners [Incomplete and illegible copy was received for the amended language at this point.] In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable, explosive, and noxious gases, dust, and explosive fumes.

(3) Brattice cloth used underground shall be of a flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every underground working place in that area and shall make tests in each such working place for accumulations of explosive gases with means approved by the Secretary for protecting explosive gases and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the underground working places; examine active roadways, travelways, and all belt conveyors on which men are carried, approaches to abandoned workings, and accessible falls in sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the mandatory health safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posing a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting explosive gases and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examination for hazardous conditions, including tests for explosive gases, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week; except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, tests for explosive gases shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of explosive gas is detected, electrical equipment shall not be energized. taken into, or operated in, such working place until such explosive gas content is less than 1.0 volume per centum of explosive gas. Examinations for explosive gases shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(2) If the air at the underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains 1.0 volume per centum or more of explosive gas, changes or adjustments shall be made at once in the ventilation in such mines so that such air shall contain less than 1.0 volume per centum of explosive gas. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other active workings.

If such air, when tested as outlined above, contains 1.5 volume per centum or more of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such working place shall contain less than 1.0 volume per centum of explosive gas.

(i) If, when tested, a split of air returning from active underground workings contains 1.0 volume per centum or more of explosive gas, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall contain less than 1.0 volume per centum of explosive gas. Such tests shall be made at four-hour intervals during each shift by a qualified person desgnated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(j) If a split of air returning from active underground workings contains 1.5 volume per centum or more of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall contain less than 1.0 volume per centum of explosive gas. In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or power feeder wires, and if a certified person designated by the mine operator is continually testing the explosive gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by explosive gases only when the air returning from such workings contains 2.0 volume per centum or more of explosive gas.

(k) Air which has passed by an opening of any abandoned area shall not be used to ventilate any active working place in the mine if such air contains 0.25 volume per centum or more of explosive gas. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator of the mine shall use means approved by the Secretary for detecting explosive gases. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of explosive gases, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) A methane monitor approved by the Secretary shall be installed and be kept operative and in operation on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machines, and such other electric face equipment as an authorized representative of the Secretary may require. Such monitor shall be set to deenergize automatically any electric face equipment on which it is required when such monitor is not operating properly. The sensing device of any such monitor shall be installed as close to the working face as possible. An authorized representative of the Secretary may require any such monitor to be set to give a warning automatically when the concentration of explosive gas reaches 1.0 volume per centum and automatically to deenergize equipment on which it is installed when such concentration reaches 2.0 volume per centum.

(n) Idle and abandoned areas shall be inspected for explosive gases and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties and who are trained and qualified in the use of means approved by the Secretary for detecting explosive gases and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether explosive gas is present, such person shall use means approved by the Secretary for detecting explosive gases. If in such examination explosive gas is found in amounts of 1.0 volume per centum or more, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall contain less than 1.0 volume per centum of explosive gas.

(p) A ventilation system and explosive gas—and dust-control plan and revisions thereof suitable to the conditions and the mining system of the mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.

(q) Each operator of a coal mine shall provide for the proper maintenance and care of the permissible flame safety lamp by a person trained in such maintenance and before each shift care shall be taken to insure that such lamp is in a permissible condition.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of explosive gas.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of six months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) In all underground areas of a mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for explosive gases shall be made by a qualified person with means approved by the Secretary for detecting explosive gases. If explosive gas is found in amounts of 1.0 volume per centum or more, changes or adjustments shall be made at once in the ventilation so that the air shall contain less than 1.0 volume per centum of explosive gas. No shots shall be fired until the air contains less than 1.0 volume per centum of explosive gas.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where explosive gas is likely to accumulate are reexamined by a certified person to determine if explosive gas in amounts of 1.0 volume per centum or more exists therein, and (4) to provide for withdrawal of all persons fron. the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foreman, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(z)(1) In any coal mine opened after the operative date of this title, the entries used as intake and return air-courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of explosive gas, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to adequately permit the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working faces, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of explosive gas.

(2) In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine where trolley haulage systems are maintained and where trolley or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake air courses in order to limit, as prescribed by the Secretary the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

Sec. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active underground workings or on electric equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, or water with a wetting agent added to it, or other effective methods approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other effective methods approved by an authorized representative of the Secretary, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All cross cuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where explosive gas is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of explosive gas, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subparagraphs (b) through (d) of this paragraph shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT

Sec. 305. (a) One year after the operative date of this title—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the date of enactment of this Act, to continue in use for such period (not in excess of one year) as he deems necessary to obtain such permissible equipment: *Provided, however,* That the provisions of this paragraph shall not apply to any mine which is not classified as gassy; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current.

(b)(1) Four years after the operative date of this title all electric face equipment used in mines exempted from the provision of section 305(a)(1) of this Act shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

(2) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in and thereafter maintained in a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

(3) One year after the operative date of this title all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate which are taken into or used inby the last open crosscut of any coal mine shall be permissible and thereafter maintained in a permissible condition.

(4) During the term of the use of any nonpermissible electric face equipment permitted under this subsection the Secretary may by regulation provide for use of the methane monitoring devices, under such conditions as he shall prescribe, which will automatically deenergize electrical circuits providing power to electrical face equipment when the concentration of explosive gas in the atmosphere of the active workings permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur.

(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine. After the operative date of this title, whoever knowingly, in the case of a manufacturer, distributes, sells, offers for sale, introduces, or delivers in commerce any new electrical equipment used in coal mines, including, but not limited to components and accessories of such equipment which fails to comply with the specifications or regulations of the Secretary, or, in the case of any other person, removes, alters, modifies, or renders inoperative any such equipment prior to its sale and delivery in commerce to the ultimate purchaser, shall, upon conviction, be subject to the sanctions in section 109(f) of this Act.

(d) Any coal mine which prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(e) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(f) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system including permanent cables switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(g) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for trouble shooting or testing. Energized trolley wires may be repaired only by a person qualified to perform such repairs and the operator of such mine shall require that such person wear approved and tested insulated shoes and wiremans gloves. No work shall be performed on medium and high-voltage distribution circuits or equipment except by or under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by an agent of the operator.

(h) All electrical equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(i) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(j) All electrical connections or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(k) Cables shall enter metal frames of

motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(l) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(m) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected.

(n) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(o) In all main power circuits disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(p) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(q) Each ungrounded, exposed power conductor that leads underground shall be equipped with suitable lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(r) No device for the purpose of lighting any underground coal mine or flame which has not been approved by the Secretary or his authorized representative shall be permitted in any underground coal mine, except under the provisions of section 311(d) of this title.

(s) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. In any case in which a temporary splice is made pursuant to this subsection such splice shall, within five working days thereafter, be replaced by a permanent splice. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively. Methods other than grounding which provide equivalent protection may be permitted by the Secretary.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them, except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short-circuit, and open current.

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such portion of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

(c) The grounding resistor, where required, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage, resistance grounded, wye-connected systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(c)(1) Underground high-voltage cables used in resistance grounded, wye-connected systems shall be equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor, or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of portable or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment shall be effectively grounded to the high voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

(b) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resister at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded, wye-connected systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one of more ground conductors having a cross sectional area of not less than one half the power conductor and, six months after the operative date of this title, an insulated conductor for the ground continuity check circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines, employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation performed on a shift, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in face areas or other underground working places in a mine shall be in portable, fireproof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. All other underground structures installed in a mine shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, continuously test for explosive gas with means approved by the Secretary for detecting explosive gas. Welding, cutting, or soldering shall not be conducted in air that contains 1.0 volume per centum or more of explosive gas. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt conveyor drives. Such sprays or foam generators shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

(h) On or after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements established by the Secretary for flame-resistant conveyor belts.

MAPS

SEC. 312. (a) The operator of an active underground coal mine shall have, in a surface location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale as the Secretary may require. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the effective date of this paragraph which are inaccessible or cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, elevation, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells, either producing or abandoned, located within five hundred feet of such mine, and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by persons working in the mine and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, or to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

Sec. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when explosive gas or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no explosive gas or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for explosive gas shall be made immediately before such shots are fired and if explosive gas is present when tested in 1.0 volume per centum, such shot shall not be made until the explosive gas content is reduced below 1.0 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosive electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored. shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

Sec. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(c) In order to be capable of stopping with the proper margin of safety each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, or shall be subject to speed reductions or other safeguards approved by the Secretary.

EMERGENCY SHELTERS

Sec. 315. The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the men while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection maintenance, and revisions of such chambers shall be submitted by the operators to the Secretary for his approval.

COMMUNICATIONS

Sec. 316. A two-way communication system, approved by the Secretary, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than two hundred feet from a portal.

MISCELLANEOUS

Sec. 317. (a)(1) While pillars are being extracted in any area of a mine, such area shall be ventilated in a manner approved by the Secretary or his authorized representative. Within six months after the operative date of this title, all areas which are or have been abandoned in all mines, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means or sealed, as determined by the Secretary or his authorized representative, except that the Secretary may permit, on a mine-by-mine basis, an extension of time of not to exceed six months to complete such work. Ventilation of such areas shall be approved only where the Secretary or his authorized representative is satisfied that such ventilation can be maintained so as to, continuously, dilute, render harmless, and carry away explosive gases within such areas and to protect the active workings of the mine from the hazards of such gases. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine. In the case of mines opened on or after the operative date of this title, or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revisions thereof approved by the Secretary and adopted by such operator, so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads. For the purpose of this paragraph, the term "abandoned" as applied to any area of a mine shall include, but not be limited to, areas of a mine which are not ventilated and inspected regularly, areas where mining has been started but not completed, areas where future mining is still possible, and areas that are deserted.

(2) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Smoking shall not be permitted underground, nor shall any person carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in any underground mine except as specifically authorized by this Act.

(e) The Secretary shall prescribe the manner in which all underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(f)(1) At least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person, including disabled persons, and which are to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each working section of a mine continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate and readily accessible escape facilities approved by the Secretary or his authorized representative, properly maintained, and frequently tested shall be immediately present at or in each escape shaft or slope to allow persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

(2) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(3) When only one main opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working face shall not exceed five hundred feet.

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in coal mines opened prior to such date, the escapeway required by this subsection to be ventilated with intake air shall be separated from the belt and trolly haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as the safety of the miners is assured.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent explosive gases and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall explosive gases be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for explosive gases by the Secretary within one year of the operative date of this title, and coal dust shall not accumulate in excess of limits prescribed by or under this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this title.

(j) Whenever the Secretary finds that a mine liberates excessive quantities of explosive gases during its operations, or that a gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of twenty-six spot inspections of all or part of such mine each year at irregular intervals by his authorized representative.

(k) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment from roof falls and from rib and face rolls.

(l) The opening of any mine that is declared inactive by its operator or is abandoned for more than ninety days, after the operative date of this title, shall be sealed in a manner prescribed by the Secretary. Openings to all active coal mines shall be adequately protected to prevent entrance by unauthorized persons.

(m) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(n) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this section.

(o) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(p) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(q) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground and and will provide an accurate record of the miners in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(r) The Secretary shall require, when technologically feasible, that devices to suppress ignitions be installed on electric face cutting equipment.

(s) Whenever an operator mines coal in a manner that requires the construction, operation and maintenance tunnels under any river, stream, lake, or other body of water, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of men working or passing through such tunnels from cave-ins and other hazards. Such permits shall require in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to any such body of water that is, in the judgment of the Secretary, sufficiently large to constitute a hazard. No plan shall be approved unless there is a minimum of rock cover to be determined by the Secretary based on test holes drilled by the operator in a manner to be prescribed by the Secretary.

(t) The Secretary shall require that developed and improved devices and systems for the monitoring and detection of mine safety conditions and for the protection of the individual miner be acquired by each operator of a coal mine and that such devices and systems be used as soon as they become available.

(u) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which shall couple by impact and uncouple without the necessity of men going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

(v) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary facilities.

(w) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

(x) An employee, the duties of whose position are primarily the inspection of coal mines, including an employee engaged in this activity and transferred to a supervisory or administrative position, who attains the age of fifty years and complete twenty years of service in the performance of those duties may, if the Secretary recommends his retirement and the Civil Service Commission approves, voluntarily retire and be paid an annuity. Any such employee who attains the age of sixty years and completes fifteen years of service may voluntarily retire on an annuity, unless the Secretary determines that such retirement would not be in the best interests of the program and, in such case, the Secretary may extend such employee's service on an annual basis. An employee who retires under this subsection shall be entitled to an annuity of 2½ per centum of his average pay multplied by his total service, except that the annuities shall not exceed 80 per centum of his average pay. As used in this subsection, the term "employee", "average pay", and "service" have the meaning ascribed to those terms in subchapter III, chapter 83, title 5, United States Code, and the provisions of that subchapter respecting payment and adjustment of annuity, survivor annuities, and related matters, shall apply with respect to employees retiring under this subsection.

(y) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to section 103(g) of this title, has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the civil penalties provisions of this Act.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such sections, except that, in a State where no program of certification is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification shall be by the Secretary;

(b) "qualified person" means, as the context requires, an individual deemed qualified by the Secretary to make tests and examinations required by this Act; and an individual deemed, in accordance with minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approved plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 3 per centum of free and combined silica (S_1O_2) or, where the Secretary finds that such silica concentrations are not available, up to 5 per centum of free and combined silica;

(e) "coal mine" includes areas of adjoining mines connected underground;

(f) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(g) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(h) (1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is done,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(i) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places;

(j) "electric face equipment" means electric equipment that is installed or used inby the last open crosscut in an entry or a room;

(k) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(l) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(m) "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust during a full working shift; such determination shall be the result of applying valid statistical techniques to the minimum necessary measurements of respirable dust; and

(n) "respirable dust" means only dust particulates 5 microns or less in size.

TITLE IV—ADMINISTRATION

RESEARCH

SEC. 401. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate.

(1) to improve working conditions and practices, prevent accidents, and control the causes of occupational diseases originating in the coal-mining industry;

(2) to develop new or improved methods of recovering persons in coal mines after an accident;

(3) to develop new or improved means and methods of communication from the surface to the underground portion of the mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine. Such research shall consist primarily, but not exclusively, of (I) studies of the relationship between coal mine environments and occupational diseases of coal mine workers; (II) epidemiological studies to (i) identify and define positive factors involved in the diseases of coal miners, (ii) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of coal miners, and (iii) develop criteria on the basis of which coal mine standards can be based; (III) medical prevention and control of diseases of coal miners, including tests for hypersusceptibility and early detection; (IV) evaluation of bodily impairment in connection with occupational disability of coal miners; (V) development of methods, techniques, and programs of effective rehabilitation of coal miners injured or stricken as a result of their occupation; and (VI) setting the requirements, extent and specifications for the medical examinations provided in section 203 of this Act, and utilizing and studying the material, data, and findings of such examinations for the preparation and publication, from time to time, of reports on all significant aspects of the diseases of coal miners as well as on the medical aspects of injuries other than diseases, which are revealed by the research carried on pursuant to this subsection;

(5) to study the relationship between coal mine environment and occupational diseases of coal mine workers; and

(6) for such other purposes as it deems necessary to carry out the purposes of this Act.

(b) To accomplish the objectives established in subsection (a), the Secretary shall distribute funds available to him under this section as equally as practicable between himself and the Secretary of Health, Education, and Welfare, activities under this section in the field of coal mine health shall be carried out by the Secretary of Health, Education, and Welfare, and activities under this section in the field of coal mine safety shall be carried out by the Secretary of the Interior. In carrying out activities under this section the Secretaries of Health, Education, and Welfare and of the Interior may enter into contracts with, and make grants to, public and private agencies and organizations and individuals. Such Secretaries shall consult and cooperate with the Board on specific projects and programs. No research shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research will (with such exception and limitation, if any, as the Secretary or the Secretary of Health, Education, and Welfare may find to be necessary in the interest of national security) be available to the general public.

(c) There is hereby authorized to be appropriated for each fiscal year such sums as may be needed to carry out the purposes of section 203(a) and of this section.

(d) No payment may be required of any coal miner in connection with any examination or test given him pursuant to subsection (a) of section 203. Where such examinations or tests cannot be given due to the lack of adequate medical or other necessary facilities or personnel in the locality where the miner resides, arrangements shall be made to have them conducted in such locality by the Secretary of Health, Education, and Welfare, or by an appropriate and qualified person, agency or institution, public or private, under an agreement or arrangement between the Secretary of Health, Education, and Welfare and such person, agency or institution. Such examinations and tests shall be conducted in accordance with the provisions of subsection (a) of section 203. The operator of the coal mine shall reimburse the Secretary of Health, Education, and Welfare, or such person, agency or institution, as the case may be, for the cost of conducting each such examination or test and shall pay whatever other costs are necessary to enable the miner to take such examinations or tests.

(e) If the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, then with the consent of his next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare.

(f) On and after the operative date of this title, the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, in effect October 1, 1969, or any such improved standards as the Secretary may prescribe shall be applicable to each coal mine and each operator of such mine shall comply with them. Beginning six months after the operative date of this title, at intervals of at least every six months thereafter, the operator of each mine shall conduct, in a manner prescribed by the Secretary, tests by a qualified person of the noise level at the mine and certify the results to the Secretary. If the Secretary determines, based on such tests or any tests conducted by his authorized representative, that such standards on noise are exceeded, such operator shall immediately undertake to install protective devices or other means of protection to reduce the noise level in the affected area of the mine, except that the operator shall not require the use of any protective device or system which the Secretary or his authorized representative finds will be hazardous or cause a hazard to the miners in such mine.

TRAINING AND EDUCATION

SEC. 402. The Secretary shall expand programs for the education and training of coal mine operators, agents, thereof, and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in local mines; and

(2) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for accurately detecting gases.

ASSISTANCE TO STATES

SEC. 403. (a) The Secretary in coordination with the Secretaries of Labor and of Health, Education, and Welfare, is authorized to make grants to any State, in which coal mining takes place—

(1) to conduct research and planning studies and to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injuries in coal mine employment; and

(2) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines.

(b) Grants under this section shall not extend beyond a period of five years following the effective date of this Act.

(c) Federal grants under this section shall be made to States which have a plan or plans approved by the Secretary.

(d) The Secretary shall approve any plan which—

(1) provides that reports will be made to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to review the effectiveness of the program or programs involved, and that records will be kept and afford such access thereto as he finds necessary or appropriate to assure the correctness and verification of such reports;

(2) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State;

(3) contains assurances that the State will not in any way diminish existing State programs or benefits with respect to pneumoconiosis and related conditions; and

(4) meets any additional conditions which the Secretary may prescribe by rule in furtherance of the provisions of this section.

(e) The Secretary shall not finally disapprove any State plan, or modification thereof, without affording the State reasonable notice and opportunity for a hearing.

(f) The amount granted any State for a fiscal year under this section may not exceed 80 per centum of the amount expended by such State in such year for carrying out such programs, studies, and research.

(g) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years for carrying out this section, the sum of $1,000,000.

EQUIPMENT

SEC. 404. The Secretary is authorized, during the period ending five years after the date of enactment of this Act, to make loans to operators of coal mines to enable them to procure or convert equipment needed by them to comply with the provisions of this Act. Loans made under this section shall have such maturities as the Secretary may determine, but not in excess of twenty years. Such loans shall bear interest at a rate which the Secretary determines to be adequate to cover (1) the cost of the funds to the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this section, (2) the cost of administering this section, and (3) probable losses. In carrying out this section, the Secretary shall to the extent feasible use the services of the Small Business Administration pursuant to agreements between himself and the Administrator thereof.

INSPECTORS; QUALIFICATIONS; TRAINING

SEC. 405. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary under the provisions of this section shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer and by education. Such persons shall be adequately trained by the Secretary. The Secretary shall seek to develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions and operators in developing and maintaining adequate programs for the training and continuing education of persons, particularly inspectors, and, where appropriate, shall cooperate with such institutions in the conduct of such programs by providing financial and technical assistance.

EFFECT ON OTHER LAW

SEC. 406. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter, shall be superseded by any provision of this Act or order issued or standard promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or standard promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard promulgated thereunder, shall not be held to be in conflict with this Act.

ADMINISTRATIVE PROCEDURES

SEC. 407. Except as otherwise provided in this Act, the provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code shall not apply to the making of any order or decision made pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

SEC. 408. The Secretary is authorized to issue such administrative regulations as he deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

SEC. 409. The provisions of titles I and III of this Act shall become operative 90 days after enactment. The provisions of title II of this Act shall become operative six months after enactment. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of titles I and III of this Act, except that such provisions shall continue to apply to any order, notice, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, or finding. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

SEC. 410. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 411. (a) Within one hundred and twenty days following the convening of each session of Congress, the Secretary shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, the amount and status of each loan made under section 404, a description and the anticipated cost of each project and program he has undertaken under section 401, and any other relevant information, including any recommendations he deems appropriate.

(b) Within one hundred and twenty days following the convening of each session of Congress, the Secretary of Health, Education, and Welfare shall submit through the President to the Congress, the Secretary, and to the Office of Science and Technology an annual report upon the health matters covered by this Act, including the progress toward the achievement of the health purposes of this Act, the needs and requirements in the field of coal mine health, a description and the anticipated cost of each project and program he has undertaken under section 401, and any other relevant information, including any recommendations he deems appropriate. The first such report shall include the recommendations of the Secretary of Health, Education, and Welfare as to necessary health standards, including his recommendations as to the maximum permissible individual exposure to coal mine dust during a working shift.

SPECIAL REPORT

SEC. 412. (a) The Secretary shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety so as to achieve (1) maximum health and safety protection for miners, (2) an avoidance of duplication of effort, (3) maximum effectiveness, (4) reduce delay to a minimum, and (5) permit most effective use of Federal inspectors.

(b) The Secretary shall make a report of the results of his study to the Congress as soon as practicable after the date of enactment of this Act.

Amend the title so as to read: "An Act to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13950) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2917

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 2917) and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, DENT, PUCINSKI, HAWKINS, Mrs. MINK, Messrs. BURTON of California, AYRES, ERLENBORN, BELL of California, and SCHERLE.

PERSONAL ANNOUNCEMENT

Mr. BUCHANAN. Mr. Speaker, on the vote occurring on the Federal Coal Mine Health and Safety Act of 1969 I was unavoidably detained off the floor. Had I been present, I would have voted "yea."

NIXON POLITICS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of New Jersey. Mr. Speaker, this is a very important day in New Jersey's political history. The Virginia and New Jersey gubernatorial elections are next week. The President was in Virginia yesterday and is in New Jersey today. According to the wire service today, it says that:

> Nixon was accompanied on his Virginia foray by Patrick Buchanan, often labeled his "conservative" speechwriter. There was a possibility that Raymond Price, generally regarded as his "liberal" speechwriter, might go with him to New Jersey.

Mr. Speaker, this is sort of like the fellow walking into a clothing store and they say "He wants a green suit. Turn on the green light." I wonder what color the light will be tonight in New Jersey and where Brother AGNEW is.

PERSONAL EXPLANATION

Mr. FULTON of Pennsylvania. Mr. Speaker, on Tuesday, September 30, 1969, the House of Representatives took under consideration H.R. 13300, amendments to the Railroad Retirement Act and the Railroad Retirement Tax Act.

Because of a consultation scheduled at my Pittsburgh office that evening, which included people traveling from out of town by plane, I was unable at the last minute to change these plans when the House remained in session into the evening.

If it had been possible for me to be present at the time of the vote on H.R. 13300, I would have voted "aye" to increase railroad pension payments which I have favored strongly, although I disagreed with some of the other specific provisions.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 29, 1969.

The Honorable THE SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: Under Rule III, Clause 4 (Section 647) of the Rules of the House of Representatives, I herewith designate Mr. W. Raymond Colley, an official in my office, to sign any and all papers and do all other acts for me which he would be authorized to do by virtue of this designation, in cases of my temporary absence or disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Mr. Benjamin J. Guthrie, another official in my office, shall perform such duties as are authorized by this designation.

These designations shall remain in effect until revoked by me.

Sincerely,

PAT JENNINGS,
Clerk.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14001, AUTHORIZING MODIFICATIONS OF THE SYSTEM OF SELECTING PERSONS FOR INDUCTION INTO THE ARMED FORCES

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 586

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mrs. MINK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YOUNG. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 249]

Anderson, Tenn.
Ashbrook
Aspinall
Baring
Barrett
Bell, Calif.
Bingham
Blatnik
Brock
Broomfield
Brown, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Cederberg
Chamberlain
Chisholm
Clark
Colmer
Conable
Corbett
Daddario
Dawson
Dent
Diggs
Dingell
Dulski
Dwyer
Foley
Fountain
Frelinghuysen
Hanna
Holifield
Hunt
Jarman
Keith
Kirwan
Kuykendall
Lujan
Lukens
McClory
McEwen
Mikva
Mollohan
Monagan
Morton
Murphy, N.Y.
O'Neill, Mass.
Pepper
Pike
Pirnie
Podell
Powell
Pucinski
Rosenthal
Sandman
Udall
Utt
Van Deerlin
Whalley
Widnall
Wilson, Bob

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, I have been standing in the well for the last 10 minutes and assumed my name was recorded as being present at the last quorum. I was here, but in checking I determined that my name was not recorded as being present. I ask unanimous consent that the Record show I was here in the House standing in the well and that the Record be corrected accordingly.

The SPEAKER. The gentleman's statement will appear in the Record.

PROVIDING FOR CONSIDERATION OF H.R. 14001, AUTHORIZING MODIFICATIONS OF THE SYSTEM OF SELECTING PERSONS FOR INDUCTION INTO THE ARMED FORCES

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 586 provides an open rule with 4 hours of general debate for consideration of H.R. 14001 authorizing modifications of the system of selecting persons for induction into the Armed Forces.

The purpose of H.R. 14001 is to repeal section 5(a)(2) of the Military Selective Service Act of 1967.

The section which would be repealed presently contains language which prohibits the President from modifying the method of selection of inductees. Repeal of this prohibition as contained in section 5(a)(2) will permit the President to change the method of selecting registrants for induction from the method heretofore established. Thus, it would permit him to establish a so-called random system of selection in lieu of the so-called oldest-first system which is now utilized and required by the provisions of the act to be repealed.

Mr. Speaker, I urge the adoption of House Resolution 586 in order that H.R. 14001 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this resolution, House Resolution 586, will provide 4 hours of general debate and an open rule for the consideration of H.R. 14001, to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

The purpose of the bill is to repeal section 5(a)(2) of the Military Selective Service Act of 1967. This will permit the President to institute any fair and impartial method of selecting individuals he desires to implement.

The President has already spelled out his proposed new method of selection in his message to Congress on May 13, 1969.

The prime age group each year would be those who reach the age of 19 during the year, plus those whose existing deferments expire during that year. Prior to each calendar year all dates of that year would be randomly drawn. This would establish the order in which dates of birth would be called in sequence for including persons born throughout the year.

A young man would only have to know how high on the random list his birth date was to estimate the likelihood of his induction. Local draft boards would still have the authority to authorize deferments under the existing law. The random selection only establishes an order of inducting those who are classified 1–A; it does not affect deferments.

This system would replace the existing induction system which places priority on the oldest persons in the available pool. This is somewhat disruptive to the future planning of young men.

There are no minority views. The administration strongly supports the bill. A letter from General Hershey to the Speaker is included in the report, as well as the President's message to the Congress on the matter.

Mr. Speaker, H.R. 14001, represents the President's highest priority legislative request of the Congress. It would permit him to implement fully the six changes in draft policy which he communicated in his message to Congress on May 13 and on October 13, 1969. It would, if enacted, repeal the existing prohibition against establishing a random system of selection for all inductees. Its enactment will enable the President to implement the random system over periods of time which he considers vital to his draft reform recommendations.

Now, Mr. Speaker, there was some testimony before the Committee on Rules that the President might already have this authority. But whether he does or not, I do not know. However, in connection with the several reforms which he wishes to implement, he wants this specific bill enacted so that he will very definitely have the authority. Otherwise, I assume he would have to try to do it by Executive order.

Now, Mr. Speaker, I am informed, and reliably so, that there will be efforts made to vote down the previous question. If the previous question is voted down, those who are supporting that effort would then offer a new rule which would open up the entire draft law as I understand it by making all amendments which would be germane to the present Selective Service Act germane to H.R. 14001.

Mr. Speaker, insofar as I am concerned, I think we should be able to consider the entire Selective Service Act. But I do not think that this is the correct time to do it.

I believe the House Armed Services Committee should have the opportunity and that they should hold detailed hearings and then report a bill to this House early next year so that every Member who desires to offer any amendments whatsoever, whether it be college deferments or whatever they are interested in, that the membership should have the opportunity to work its will.

But if we vote down the previous question on this rule today, in my personal opinion we will just be opening it up to what we refer to as a "Christmas tree," because we will be here until Christmas trying to work out this act.

I realize that there are a number of Members who would like to offer some amendments to the act and I would like to have that opportunity also. But, first, I would like for them to have the opportunity to testify before the Committee on Armed Services with reference to the entire Selective Service System.

Mr. Speaker, some have commented to me from the Democrat side of the aisle to the effect that they do not think the Democrat Party should give the President this political plum. Frankly, I do not understand that. It does not seem to me that it is giving the President any political plum. He only wants the six things which he has requested. I do not see any political mileage to be gained from that. In fact, if we do not give him this authority and if he can do it by Executive order, that would be more of a political plum.

Mr. Speaker, I am not looking at this from the standpoint of politics one way or the other. I think it will help some of the young men to better determine when they may be called for the draft. I, personally, support the rule and I support the passage of H.R. 14001.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Missouri (Mr. Bolling) for the purpose of debate only.

Mr. BOLLING. Mr. Speaker, I have been on the Committee on Rules for 15 years, and this is the only time I have ever attempted to lead a fight to overcome a rule. It is true that on a few occasions I have voted against rules, but I feel very strongly on this subject. I have felt very strongly for years, not just recently, that the Selective Service Act was inequitable; that it was at the base of much of the unrest that exists in this country, and on our college campuses in particular.

I voted against the amendments which passed this House in 1967 and, because I am for a draft, when it came back from the Senate I voted for the conference report.

I do not oppose the draft. I do not support a voluntary army, but I find it very nearly inconceivable that this House of Representatives will today do what I have heard so many of my friends on the left and my friends on the right say we should not do, and that is abdicate our responsibility here in the Congress and hand it over to the executive.

I do not think there are any politics in this issue. I believe that we have in the Congress an inescapable responsibility to deal with this issue.

It has been said that this will be a Christmas tree bill; that the House will be here until Christmas debating this issue. Well, I have been in Congress a little while, and I have never seen us get so far out of control on a Selective Service Act extension as to take until Christmas, or even to take a week or a month. We did have one on universal military training a long time ago that took quite a while, but it was a very long time ago. In 1967 we acted, and acted with reasonable expedition.

I urge that we vote down the previous question on this rule—which will permit me to offer an amendment which will make in order any amendment germane to any provision of the Universal Military Training Act, the Selective Service Act, as we should have the right to have in order. I do not see that it is conceivable that Members on either side would wish to engage in what amounts to a technique used before on other matters whereby an open rule is granted and no amendment is in order except to a very narrow section of the law.

Now, as I say, I feel strongly on the bill. I have put in legislation. I have spoken for years against the inequities that I conceive to be in the Selective Service Act, but if I am successful and those who agree with me are in the majority, and we do open up the whole act, I do not propose to offer a single amendment. I know others will.

But I think the fundamental issue that confronts the House tonight is the issue of the responsibility of the institution.

There may be those who disagree that the present Selective Service Act is a major cause of unrest in the country. I have not run into them. But if it is in fact, as I believe, a major cause of some of the problems that we confront, can we, as the people's representatives, pass off to another, no matter how well intentioned, no matter how high the office he holds, the responsibility to act?

I think we have a fundamental responsibility to function. This whole legislative situation was contrived to deny the Members of this House of an opportunity to consider and act on all the provisions of the present draft act.

I urge my colleagues to join me in voting down the previous question and then support the amendment to the rule which I will offer which will make all amendments that are otherwise germane to the Selective Service Act in order to be offered to this bill.

Mr. BOLLING. Mr. Speaker, now if the gentleman from Washington (Mr. HICKS) will forgive me, I have already promised to yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in support of the amendment by the gentleman from Missouri which would in practical effect open H.R. 14001 to any amendment germane to the Selective Service Act. As we know, H.R. 14001 would remove from the 1967 Selective Service Act the language which prohibits the President from instituting a random or lottery method of selecting persons from the draft pool for induction into military service.

I support the principle of random selection, and I believe that a workable system can be devised for its implementation. But random selection in and of itself does not begin to address itself to the many inequities in the system with respect to deferments, the lack of counsel for registrants, and a host of other matters. Random selection, after all, is a method of selecting people from the draft pool. It has nothing whatever to do with how people get into the draft pool. Nor does H.R. 14001 make any attempt to reorganize the system to provide more uniform treatment of registrants.

I had hoped that hearings would be held by the Committee on Armed Services on the many bills which pend before it on various aspects of draft reform. I sought such hearings. On June 20, I wrote to the gentleman from South Carolina, chairman of the committee, asking that hearings be held promptly on H.R. 7784 and related bills. That letter was cosigned by 15 of our colleagues, the cosponsors of H.R. 7784. In addition, 65 other Members of the House authorized me to advise the chairman that they associated themselves with my request that draft reform legislation be made the subject of hearings at the earliest possible date. On July 3, I was able to advise the chairman that eight more Members were in accord with that view. Thus, we have the picture of H.R. 7784 and its companion bill, H.R. 13025, being sponsored by 39 Members of the House. In addition, we have 51 other Members on record for prompt hearings on draft reform measures.

Mr. Speaker, I would imagine that there will be a number of amendments offered to H.R. 14001. If the rule is amended, it would be my intention to offer as a substitute H.R. 7784, which I might add, includes a provision for random selection. But H.R. 7784 addresses itself to the entire subject of draft reform. Time does not permit me now to discuss the bill's provisions at any length. Nevertheless, the committee cannot plead surprise at any of its provisions. In direct response to the specific request of the gentleman from South Carolina, I furnished the committee with section-by-section analysis prepared by the Legislative Reference Service for the bill on the occasion of the hearings chaired by the gentleman from Louisiana on H.R. 14001. I prefaced that analysis with a 13 page statement, both of which may be found on page 28566 of the CONGRESSIONAL RECORD of October 3, 1969. I truly believe that H.R. 7784 would meet most, if not all, of the inadequacies of the Selective Service Act.

Mr. Speaker, I respectfully suggest that there is sufficient concern on the part of the House to warrant an amendment to the rule as moved by the gentleman from Missouri so that Members may have an opportunity to vote upon substantive aspects of draft reform which go beyond the narrow issue of random selection.

It is no reflection of the President, nor is it a political plum, for the Congress to exercise its constitutional responsibility under article I, section 9, clause 8, to raise and support armies. It is our job and we should do it.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from New York.

Mr. REID of New York. I thank the distinguished gentleman from Missouri for yielding. I commend him for his initiative in this matter in opposing the rule and for the lucidity of his statement. I think it would be inexcusable for this body tonight not to open the rule to necessary and equitable amendments. It would confirm the conviction of many people in this country that this body lacks both the time and the relevance to meet one of the most pressing problems facing our Nation.

Mr. Speaker, I urge defeat of the resolution.

The bill for which this resolution would grant a rule would change but one portion of the method by which we arbitrarily and inequitably select young men to go to war. Rather, the whole system needs to be changed, and it seems quite clear that under the rule we are now considering amendments to change the whole system will not be in order.

I think we need a lottery; I think we would call the youngest men first; and I think that men should be exposed to the draft for 1 year rather than 7. I cannot quarrel with the changes that H.R. 14001 would make.

But I also think that we must adopt national standards for the administration of the Selective Service System and the determination of who is to be drafted. I think that we must reduce the number of deferments and make those which are authorized scrupulously fair to all Americans. And I think that we must extend the right of conscientious objector status to atheists and agnostics, so long as they are genuine pacifists. These are the very minimal changes needed to insure that the draft is equitable, and it appears that the House will not be able to work its will in this regard under the rule we are now considering.

I urge that the previous question be defeated and that this legislation be considered under a procedure that will enable those Members who are sensitive to the young people of America to really represent their interests in this House.

Mr. BOLLING. I thank the gentleman from New York and I thank the gentleman from New Jersey.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. I also wish to compliment the gentleman from Missouri for making this point. If we do not rule down the previous question and open up this rule and amend it and allow all amendments to the Selective Service Act to be in order, I firmly believe that we will be missing an opportunity that is available to us. The American people in many of their polls have said that the most important question in the country today is the Selective Service Act. This is what they are concerned about. They are concerned about Vietnam; they are concerned about inflation; about the third most important thing facing the country is the Selective Service Act.

We can ask ourselves who is to blame for some of the slow activity in the Congress, and I believe we can talk about the fact that the President has not pioneered a program, the Departments have not submitted reports, we have not had a miraculous 100 days. We are going to have a slow year. But the real problem is that it is not all the fault of the President.

One of the problems is the fact that with our committee system, we do not hear most of the bills that are presented to the Congress for review. We now have had our colleague from New Jersey present legislation, selective service, with I think almost 89 coauthors, asking for review of the Selective Service Act. That is, 89 Members of this House have asked for a full review of the law. Still the only thing we get is merely repeal of a very small section.

The legislative point, the procedural point at this stage of the record is that when you repeal a preclusion, nothing is germane. So as a practical matter we can have a 4-hour debate, but there will be no amendments that will be of any value to us whatsoever or in order.

You may say, "Why do we need amendments to the Selective Service Act?" I pointed out the views of the American public. I saw a newspaper article the other day, "Draft Appeals Board Paralyzed by General Hershey. General Hershey is Going to Retire." I have an article from my home newspaper in Sacramento indicating that three of my local boards are disqualified and are probably acting illegally because of the fact that the members of the board are not residents of the district in which they are recruiting. One requirement is that, at the present time, a member can serve no longer on a local board than 25 years. He can serve no longer than his 75th birthday. This is a matter that should come under the review of this House. I do not think there is any polarized opinion on either side of the aisle. I think we are capable of reviewing these questions in this Congress because we have the report of General Clark, the report of Burk Marshall, and our experience over the past 5 or 6 years with this law.

I would hope we would support the position of the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding, and I commend him for his leadership in this fight. It seems to me it is rather ridiculous to call the reported bill (H.R. 14001) a draft reform bill. It is a sham and a deception to say it is. If we are serious about correcting the inequities in the present selective service system, then it is essential that the House have an opportunity to consider all the various amendments to be offered and all the various reform proposals which have been made, including the bill proposed by the gentleman from New Jersey (Mr. THOMPSON) as well as the legislation to create a volunteer army which I have sponsored.

I also believe very strongly that, as long as Congress has not declared war, no young man should be drafted to fight the war in Vietnam. I propose to offer an amendment to prohibit the assignment of a draftee, without his consent, to Vietnam. No more young men should be drafted and sent to fight and die in that undeclared war.

This House has a responsibility to the Nation, and especially to the young men who are immediately affected, to have an open debate with full opportunity to vote upon amendments and alternatives to the present draft law, and parliamentary techniques should not be used to stifle such a debate.

Since May 25, 1967, when the Selective Service Act was extended for 4 years—I was one of nine in the House to vote against it—the inequities in the draft have become apparent to more and more Americans.

According to the Harris poll, the majority of Americans under 30 favor the repeal of the draft. A majority of all Americans favor either repeal or some type of major change.

The House Armed Services Committee and the House Rules Committee, however, do not feel that the draft is an issue that merits full debate in the House. However, the House should not shirk from facing this issue. Parliamentary tactics must not be used to block congressional debate on this matter.

I urge the Members of the House to recognize the value and necessity of free and open debate and defeat the previous question. Only then will we be able to serve the wishes of the people of this country as illustrated by their feelings on the draft.

There are numerous inequities in the present Selective Service System which the proposed random selection will not change. In fact, H.R. 14001 merely shifts the burden of the inequities.

If the House is to meet its responsibility, then we should examine and explore some very basic questions—the question of a volunteer army, the question of alternative service such as the Peace Corps, Vista, or the Teachers Corps, the question of conscientious objection, and the question of student deferments. We should devise legislation to make local draft boards representative of a cross section of the community as an amendment, which I offered to the act in 1967, was designed to do.

We should insure the right of a registrant to have counsel at each stage of the proceedings and see that procedures are consistent, fair, and conducted with due process.

H.R. 14001 may give the appearance of reform by removing the 1967 prohibition against changing the method of determining the relative order of induction. Unfortunately, it provides no basic change and ignores the major deficiencies of the Selective Service System.

Mr. BOLLING. Mr. Speaker, I repeat: The issue here is whether the House is going to exercise its responsibility. The issue here is whether we will accept our responsibility, as we have in the past on the other amendments to the Selective Service Act, and have a free and open debate. That is why I urge you to support my effort to vote down the previous question.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I have wrestled with my conscience, I have wrestled with those in the leadership of the Republican Party on just what is the right position to take, I have listened with interest to those who have taken the position we ought to open this up, and I am persuaded that they are correct. If this House passes by today the opportunity to amend the Selective Service System in portions other than that which relates to the repeal of this one section, then, in fact, we are going counter to that which some argued yesterday when the argument was made that in the interest of orderly procedure, we ought not to make the Senate abide by the House position.

The only argument I have heard this afternoon as to why we should vote for the rule is because the Senate may not take anything else. Are we now to take the position that the House should not act because the other body may not accept our position?

I am satisfied this House has its own responsibility. I am satisfied the distinguished chairman of the Committee on Armed Services is willing to open up the hearings next year on the draft, that he will have the support of the distinguished minority whip, the gentleman from Illinois (Mr. ARENDS) and that this House may come back to consideration of it. But, on balance, the Selective Service System is one law that touches more deeply the hearts and lives of the young men in this Nation, and so long as that is the case, I think we must assert our own responsibility. We must not fail to take the opportunity open to us today to work on this law.

That is not an anti-Nixon position. In fact it is only because the President has exerted his leadership that this bill is here today. It seems to me it is a pro-equity position, and the Selective Service Act deserves a greater degree of attention by the Members of this House. Two years ago I supported an amendment for a 2-year extension. This bill will be a way to review all of this act. Therefore, I shall support the gentleman from Missouri in his motion and vote against the previous question.

Mr. YOUNG. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, I rise to concur with the gentleman from Missouri (Mr. BOLLING).

On this matter I found out a new body of parliamentary law, that it was possible to introduce a bill into the Congress which, in effect, is not subject to amendment in the committee. I offered an amendment striking the enacting clause and amending the title, an amendment which would abolish college deferments with the exception of ROTC deferments. That amendment was declared out of order.

I feel, Mr. Speaker, as does the gentleman from Missouri (Mr. BOLLING) that this body is making a tremendous mistake if we abdicate our responsibilities by voting on what is, in effect, a closed rule, because the rule of germaneness does not prevail in the Senate of the United States. It will be debated in the Senate. The bill may come back in the same form, but the Senate will have exercised its responsibility.

I ask the Members of the House to vote down the previous question so the amendment of the gentleman from Missouri can at least be considered.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Speaker, I rise to associate myself with the remarks of the gentleman in the well and the gentleman from Missouri (Mr. BOLLING) who spoke previously. I am in favor of amending the pending resolution.

I think, to consider this bill under a closed rule would be, indeed, to abdicate the authority of the House of Representatives to debate one of the most pressing issues of our time at one of the most critical periods in American history.

I think the Selective Service Act should stand on its own merits. Those provisions which are correct and in the best interests of the United States of America should be retained, but there are certain provisions of it which should be discussed and should be discussed on the floor of this House of Representatives. This is the proper forum for such discussion. The previous question must be voted down in order to give the House of Representatives an opportunity to discuss it.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I especially want to commend the gentleman on his amendment. I do not believe there is any other one cause in the United States of America today for unrest on campuses that is as great as the way the draft is operating.

I think the draft will be necessary to meet manpower needs for sometime and that putting deferees together with all the pressure which naturally results from not knowing whether they will be drafted and that kind of indecision for 4 years results in a state of mind inducive to joining extremists in protests. The girl friends get involved too, because they cannot make plans or know whether their fiance will be going to service. This is causing more unrest on the college campuses than anything the Supreme Court has done, or some movies or any of the other things some people are pointing to. We need a law that permits those who are needed to know that they will be called and to avoid unnecessary periods of indecision.

Mr. ICHORD. I agree with the gentleman.

If the previous question is voted down, I will offer that amendment.

Mr. SMITH of California. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, on May 13, 1969, the President of the United States sent a message to the Congress in which he clearly stated his intention to implement six changes in draft policy.

In advising the Congress of his desire and intention to implement these changes in draft policy, he stated:

> It is my conviction that the disruptive impact of the military draft on individual lives should be minimized as much as possible, consistent with the national security. For this reason I am today asking the Congress for authority to implement draft reforms.

The report issued by the Committee on Armed Services on H.R. 14001 outlines the six changes in draft policy proposed by President Nixon. Therefore, I will not presume on the time of the Members of this body by reviewing the details of each of these proposed changes. However, I think it most significant that very few Members have expressed any disagreement with the six objectives of the President's program.

The Committee on Armed Services which has jurisdiction over legislative proposals affecting the draft law, has acted expeditiously on the President's request. Hearings were conducted on the legislative proposal, H.R. 14001, which would enable the President to go forward with his planned changes in draft policy.

This legislative proposal, H.R. 14001, was acted upon by the Committee on Armed Services immediately after the full committee had completed its exhaustive hearings on the military procurement authorization for fiscal year 1970.

I was pleased with the action of the subcommittee which conducted these hearings since that subcommittee confirmed the desirability of the change in the law requested by President Nixon and reported favorably on H.R. 14001, the bill which I sponsored.

The legislation we are acting on today is very simple—it repeals section 5(a)(2) of the draft law.

The effect of this repeal is to eliminate the existing prohibition in the law which requires the continuation of the so-called oldest first system in selecting inductees for the draft. Repeal of this prohibition in the law is necessary to permit the President, in accordance with other provisions in the law, to establish a new and impartial system of selection for these inductees.

Stripped of all the technicalities involved, and very simply stated, repeal of section 5(a)(2) will enable President Nixon to establish a random system of selection, or a lottery, to determine the relative order in which young men are to be placed in establishing their vulnerability for induction under the draft law.

The manner in which the President would establish this system of random selection is set out in detail on pages 10 and 11 of the committee report. It would be accomplished as follows:

> Prior to each calendar year, all dates of that year (365 or 366) would be randomly drawn. This drawing would establish for use by each local draft board the sequence for inducting members of the prime age group. For example, if August 3 was the first date drawn, then those in the prime age group whose birthdays are August 3 would be most draft susceptible. If November 10 was the last date drawn, then those in the prime age group whose birthdays are November 10 would be least draft susceptible—and so on in between the first and last dates drawn. At the beginning of the year, the young man has simply to examine where his birth date falls in the list of 365 and 366 dates, and he knows his relative susceptibility to the draft during his prime year.
>
> Once his place in the sequence is determined, his assignment in terms of draft order would never change. If he were granted a deferment or exemption at age 19 or 20, he would reenter the prime age group when his deferment or exemption expired, and would take the same place in the sequence that he was originally assigned.
>
> It is important to point out one thing the random selection system will not do. It will not substitute chance for reason. Draft boards would continue to be responsible for authorizing deferments on the basis of such reasons as hardship or college study. Random selection only establishes an order of inducting those who are classified I-A—that is, those who are qualified and available after deferment periods (if any) have expired. This would take the place of the mandatory oldest first procedure now used by draft boards in selecting qualified I-A's for induction.

Perhaps more important than the proposed system of random selection is the intention of the President to concentrate future draft calls on a younger age group.

President Nixon has advised that he intends to make the change from "an oldest first to a youngest first order of call so that a young man would become less vulnerable rather than more vulnerable to the draft as he grows older."

As the Members of this body will recall, the House committee report accompanying the 1967 act reflected the approval of this concept as originally proposed by the former administration.

Furthermore, in the Senate/House Conference Report on the 1967 changes to the Draft Act, the House conferees made a special effort to clearly enunciate that the changes made to the draft law in no way proscribed or inhibited the President in changing the priority of going from the older group to a younger group of inductees.

Despite this action by the conferees, President Johnson never made this change in draft policy despite the fact that he had assured the Congress that he would place such a change in effect on January 1, 1968.

President Nixon is going ahead with this change in the draft law, which should go a long way toward eliminating much of the criticism that now surrounds the administration of the draft law.

I suppose there are as many proposed changes to the draft law as there are critics of the draft law. Obviously, everyone cannot be right.

It would be folly for this body to attempt a wholesale revision of the draft law here on the floor today no matter how well intentioned each of us may be on that subject.

I would be the last to pretend that the draft law cannot be improved. Since it is man-made, it is undoubtedly imperfect. However, no matter how mightily we may strive to debate the total spectrum of possible changes to the draft law on this floor today, every Member of this body knows that we cannot legislate responsibly and intelligently without the benefit of committee hearings on such changes.

It is obvious also that the recommended reforms in the draft proposed by President Nixon have the overwhelming support of almost everyone knowledgeable on this subject. Therefore, since the President of these United States, and he is our President, be we Democrat or Republican, has developed and recommended draft reforms which are not controversial and have popular support, we would be derelict in our responsibility if we did not give him this authority which he requests here today.

The issue before the Congress is very clear. We either are in favor of instituting reforms in the draft law as recommended by the President, or we are not.

I know the American people are in favor of these changes in the draft law, and I trust that every other Member of this body feels the same.

From what I have heard reported from

some Members of the other body—there is the real possibility that unless we pass this bill as is, there will be no draft reform at all. We cannot and should not take that chance. Change is needed and now is the time to do it.

Mr. YOUNG. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Speaker, despite the allegations of some of the instant authorities on the Draft Act, our committee has been in session for about 6 months on the procurement bill—day and night.

I related to you recently how many hearings we held and how many volumes we have had on the ABM and the other military materiel, along with the military construction bill. We have been in session all of this year handling the business of the security of this country.

Many draft proposals have been introduced. Going at top speed, as we have, we could not have gotten to all of them. We were in session all day—today—with the conferees of the other body on procurement authorization.

Mr. Speaker, when the President of the United States asked me to help him to get a random selection bill, I subordinated my own feelings because he is my President, too. He has the worst job on earth. I am not playing politics with the Armed Services Committee, whether it is a plum to someone or not. When the President says he needs something, I assume he is as honorable as either you or I.

Mr. Speaker, I asked the gentleman from Louisiana (Mr. Hébert) if he would hold hearings on random selection. Mr. Hébert, too, subordinated his own feelings and came to the call of the President of the United States. He does not agree, and neither do I, that those who are tearing our campuses apart in America are doing it because of the Draft Act. I think that is ridiculous. I do not believe it, and neither would I subscribe to it.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman from South Carolina is recognized for 2 additional minutes.

Mr. RIVERS. Mr. Speaker, this bill was reported out during Mr. Arends' and my absence while in attendance at the NATO conference. It was reported unanimously by the Committee on Armed Services. Now, here it is. Are you going to turn your back on your President of the United States or not? It is as simple as that. As long as I am chairman, I am not going to permit political consideration to enter into our deliberation—regardless of who is presiding. I just will not play politics with the security of my country.

Now, I know there are those of you who want to review this Draft Act. We plan a review on it next year if we can get to it. There are just so many things that we can do in one session.

Mr. Speaker, I think the Draft Act is a good act. I cannot administer every draft board in the land. President Nixon is moving to modernize it.

Now, let us give him a chance, let us give him a chance. What if you were the President? This might give him the psychological opportunity to stop some of this iconoclastic activity on the campuses of America. This will not sink this country. Give him a chance for random selection. We cannot have a review on this floor.

Mr. Speaker, a lot of people say we want to stop the deferments. If you stop the war and bring our boys home, why do you want to stop deferments? It just does not make sense to me. It is as simple as that.

We are going to have a review next year. Mr. Hébert had a hearing day set aside to hear Members of Congress who had proposals. I do not know how many days it will take for full hearings on this, however. During debate, we will explain to you everything that is contained in the Draft Act. That Draft Act started before I came to Congress, giving the President of the United States discretionary authority and we have not touched it.

The SPEAKER. The time of the gentleman from South Carolina has again expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. RIVERS. We have had an extension of every Draft Act.

We have amplified and extended the discretionary authority of the President. The only place we have told him he could not move was in the random selection. Now President Nixon says he needs this. I am not in a position to question his intent. I want to give him my help, understanding, and active assistance.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. OTTINGER. Mr. Speaker, I strongly support the gentleman from Missouri (Mr. Bolling) in his effort to permit consideration of complete revision of our draft laws.

Few of our laws affect so vitally so many of our citizens. They are literally a matter of life and death to our youth. They are of utmost concern to their parents. They vitally affect our schools and colleges, and the health of our society.

To proceed under the proposed rule on the limited bill reported by the Armed Services Committee, dealing only with permitting a lottery, would be a travesty. There are many other inequitable features of the existing draft laws that cry for correction. Even the lottery is rendered relatively meaningless by existing restrictions on the people who may be included in the lottery pool. A lack of national standards for interpretation of the draft laws has meant that youngsters in identical situations have been treated differently by different draft boards. The autonomy of draft boards has led to many abuses. The lack of definition of the rights of persons before draft boards and their ability to be represented by counsel has led to abuses. Conscientious objector provisions are inequitable and deserve reconsideration. Indeed, the necessity for a draft board at all is greatly in question and the pros and cons of a Volunteer Army deserve debate.

We abdicate our duty as the elected Representatives of our people if we follow the restrictions sought to be imposed on us by the Armed Services Committee. It is deplorable that this committee refused to hold hearings on the draft and, having shirked its duty, now seeks to prevent this House from consideration of thorough revision.

It is said that we should not revise the draft laws on the floor of the House. Certainly this is not the ideal method for their consideration. But we are faced with the situation that this is the only means open to us for consideration of thorough revision of the draft because of the arbitrary refusal of the Armed Services Committee to undertake the matter.

We will not be legislating in a vacuum on the draft laws. There are a number of proposals for revision that have received thorough consideration in the press by the public, and by various Members of Congress. Some of us have held local hearings on them. The proposals put before us will be well drafted and will have been thoroughly considered.

I was pleased to be one of the drafters and original cosponsors of a thorough draft reform bill with Senator Edward Kennedy. I am also a cosponsor of the similar bill to be offered by the gentleman from New Jersey (Mr. Thompson) that will be offered for consideration if the rule is defeated so as to permit such consideration. These bills contain provisions that deserve consideration by this body, whether or not you may agree with every one of them.

In my opinion, the greatest disruptive force in America today, next to the Vietnam war itself, is the draft inequities under which our youth live. The uncertainties to which it subjects our young, the long time they are subject to these uncertainties, is a principal cause of their restiveness. It has caused many to become bitter, disruptive militants, many others to opt out of life, become isolated hedonists or jeopardize their futures by imbibing debilitating drugs.

If we want to restore peace to America, to achieve the unity for which the President spoke so eloquently in his Inaugural Address, there are few measures so important for us to pass than the overhaul of the draft.

We cannot satisfy this important obligation by tossing the ball to the President. It is our duty. We should exercise it, here and now.

I strongly urge my colleagues to join the gentleman from Missouri, vote down the previous question, and permit this body to consider this most important of laws, a thorough revision of the draft.

Mr. HICKS. Mr. Speaker, the opponents of comprehensive draft reform are making every effort to frustrate fair discussion of this issue on the floor. As we all are well aware, H.R. 14001 has been purposely drafted in such narrow terms that amendments going beyond the single question of "random selection" are subject to a point of order against them based on the rule of germaneness. Because of this the previous question on the rule must be defeated in order that the gentleman from Missouri (Mr. BOLLING) can propose an amendment to the rule bringing H.R. 14001 to the floor that will open the bill to much wider amendment of the Selective Service Act. I would certainly urge all of my colleagues to support this amendment which I heartily endorse.

Granted, the repeal of section 5(a)(2) of the Selective Service Act of 1967 is an important step to be taken, it falls far short of the comprehensive draft reforms which popular demand compels us to at least consider. Few were fooled by the lofty rhetoric of President Nixon's so-called Draft Reform Proposals made earlier this year. As the distinguished chairman of the Armed Services Committee (Mr. RIVERS) so ably demonstrated, of the six reforms the President proposed he already possessed ample authority to put into effect all but one of them. Both Secretary of Defense Laird, and the Director of Selective Service, General Hershey, later concurred in the views of Chairman RIVERS, that existing law authorized the President to implement all of his proposed changes in draft policy with the single exception of the establishment of a "random system of selection" or "lottery" for which H.R. 14001 is designed to give him authority.

Passage of H.R. 14001 is an important step and I am confident that it will be passed overwhelmingly, possibly without a single dissenting vote. However, a matter of even greater concern is that open and fair discussion of the broad range of draft reform proposals be allowed to take place. To frustrate open debate on this issue for fear of the measures that might gain popular support is contrary to all tenets of the democratic process.

There are a number of draft reform proposals of considerable merit which may be presented today if an amended rule is adopted. They are Mr. ICHORD's proposal to eliminate college deferments; Mr. THOMPSON's proposal for comprehensive reform of the draft board system; the proposal of measures which would allow the establishment of a volunteer army and others. I would like to speak briefly to some of them.

College deferments: The President's plan for a "random selection system" or "lottery" as it is frequently designated cannot be a random selection system as long as the current college deferment policy continues. In designing a fair lottery system it is no more important to determine how the names are to be drawn out of the hat than it is to determine which names should go into the hat in the first place. I do not care how thin we slice it, when we get down to it, even under the lottery system, when a boy gets out of high school and is capable of going to college, we are saying to him, "Do you want to go to college, or do you want to go to Vietnam, the choice is up to you." There is nothing fair about that when even a semblance of a shooting war is going on. A proposal such as Mr. ICHORD's, to eliminate almost all college deferments, is long overdue.

Volunteer army: In the floor debate on the Selective Service Act of 1967, I raised the same question 2 years ago that I raise today: What serious consideration is being given to the return to a volunteer military establishment for the security of this Nation? The lack of constructive action on this question is most disappointing.

Comprehensive reform of the draft board system: The bill H.R. 7784, introduced by Mr. THOMPSON, goes a long way toward eliminating many of the inequities and injustices of the Selective Service induction system. It has been discouraging that such an important aspect of this matter has not yet been considered in committee. In this measure as in others, those opposed to reform of a comprehensive nature have been successful in delaying debate on this matter.

It will, of course, be said that the committee has not held hearings or considered these various items. That legislation should not be written on the floor. Such arguments have much to be said for them but when the committee will not act and when the entire draft act has been so widely debated in the public press, I suggest that this is a time when it is necessary to write legislation on the floor.

Mr. NELSEN. Mr. Speaker, many American young people believe the present draft system is unequitable, and I believe their grievance is justified. We recognize, of course, that no system of compulsory military service can ever be truly popular in a free country. But for so long as some such system is necessary for the defense of the country, we owe it to those who must serve to make that system of selection as fair as can be humanly devised. That is the purpose of the legislation before us today in H.R. 14001, to distribute the risk of callup equally and impartially. I wish to urge our colleagues to support this urgently needed draft reform recommended by President Nixon.

As outlined by the President, this legislation and other actions he intends to take will reduce the period of prime vulnerability for young Americans from 7 years to 12 months and will shift the selection order from the "oldest first" concept to the more just method of random selection. The lottery system this legislation would permit will strengthen the assurance to all eligible draftees that they are being treated impartially in the selection process, and will never be subject to vindictive induction because of their political views. Our young people are entitled to this assurance.

Mr. KOCH. Mr. Speaker, I rise in support of our colleague, Mr. BOLLING, and urge that we vote down the previous question and support his request that any and all amendments might be offered to the Selective Service Act.

Ever since coming to this Congress in January of this year, I have found that the most important bills affecting this Nation receive the least time in debate. Indeed, on several occasions debate was stifled to the point where when we discussed a military authorization bill in the amount of $21.35 billion, many of us seeking to speak out in opposition to wasteful programs were given 45 seconds to talk. On October 14, 20 Members of this House wished to conduct a debate after the regular order of business in opposition to the war in Vietnam, but again debate was cut off and this body adjourned over the objections of 110 Members who wished only the opportunity to state their position. Tomorrow we will be discussing one of the most important laws affecting the youth of this country; namely, the Selective Service Act. In the presidential campaign both candidates spoke out in support of overhauling that act. Indeed, our President said he supported a volunteer army. Now, when we are to discuss the Selective Service Act again, we find that we will not be permitted to discuss it at length and in depth but will be limited solely to a change in the "lottery" system. There are some of us assembled here who cannot understand what it is that we are so busily engaged in in this House that prevents us from a full discussion of one of the most vital areas of legislation affecting this country. There are many amendments which Members would like to offer to the Selective Service Act. Those of us opposed to the rule are not unanimous with respect to any one of these amendments. But we are unanimous in our support for the right to discuss each and every one of them.

If that debate should be opened, I will be offering two amendments establishing selective conscientious objector classification.

The first amendment would have prospective application. It clarifies the definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war.

The second amendment would have a retroactive effect. It provides a "second chance" to those young men who have been opposed to participation in the Vietnam war and have been forced into the dilemma of service in a war they oppose for ethical or religious reasons or prison or flight from the country. By "second chance," I mean giving a young man the opportunity now to offer information to his local board in substantiation of his claim to exemption from military service provided he was conscientiously opposed to participation in a particular war at the time he received a notice to report for induction or at the time he left a jurisdiction to evade military service.

Under both amendments any claim to exemption which is granted would require the young man to perform noncombatant service in the Armed Forces or an acceptable form of alternative civilian service as that now performed by traditional conscientious objectors.

Mr. LOWENSTEIN. Mr. Speaker, I cannot believe that anyone here believes it would be either wise or fair to adopt this rule. It may seem to be politically clever to adopt it, but it is not even that. Every time we make a mockery of what legislative procedure ought to be we erode the credibility of this House and anyone who thinks that that is politically clever is, in my judgment, politically very stupid.

The country is in a turmoil about the draft. This House is supposed to be representative of the country. It ought not to demean itself and insult the country by refusing even to consider amendments and alternative proposals. That is one of our specific constitutional functions in the Congress—to decide how the United States shall raise the manpower for its Armed Forces. Nothing could be more "germane," and there could be no worse time to deny procedural democracy on a substantive question of such enormous importance to a functioning democracy. To adopt this rule is to engage, if I may use a phrase that has gained a certain currency, in effete snobbery of the most impudent kind.

I am grateful to the distinguished gentleman from Missouri and the distinguished gentleman from California for their leadership on this question and I thank the gentleman for yielding.

Mr. TAFT. Mr. Speaker, I am voting for the previous question on this resolution in order to bring about the most rapid possible passage of the Selective Service Amendments Act. The inequities and disruption of our draft system over the years has created much resentment and confusion. While it will not wholly end the many problems, this measure, uncomplicated by confusing amendments at this stage, will be a considerable step in the right direction. To try to rewrite the entire law on the floor at this stage seems likely to hurt greatly its chances of passage.

This does not mean we should rest here. As early as 1963, with other Republican members of the Education and Labor Committee, I called for study and action on legislation that would have started us toward an entirely voluntary system of military manpower procurement. I still believe that it is a desirable course and an achievable goal within 2 or 3 years.

The Gates Commission will report later this year on the subject and on the other proper consideration in military manpower. We should have the benefit of this report before we act further than this bill proposes, and the passage of any broader measure at this time might preclude the thorough and careful review we should have in committee and on the House floor next year.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, before I yield to any of my colleagues, I ask unanimous consent that all Members may extend their remarks at the conclusion of my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. FINDLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YOUNG. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 250]

Anderson, Tenn.
Ashbrook
Baring
Barrett
Bell, Calif.
Brown, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Carey
Cederberg
Chisholm
Clark
Colmer
Daddario
Dawson
Dent
Dwyer
Edwards, Calif.
Foley
Fraser
Frelinghuysen
Hanna
Hunt
Jarman
Kirwan
Lipscomb
Lujan
Lukens
McClory
Mikva
Monagan
Morse
O'Neill, Mass.
Patman
Pike
Pirnie
Podell
Powell
Pucinski
Reifel
Sandman
Springer
Stuckey
Udall
Van Deerlin
Whalley
Widnall

The SPEAKER. On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 14001, AUTHORIZING MODIFICATION OF THE SYSTEM OF SELECTING PERSONS FOR INDUCTION INTO THE ARMED FORCES

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that further consideration of this resolution be postponed until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TITLE AMENDMENT OF S. 2917, FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The SPEAKER. Earlier today the House passed the bill S. 2917 with an amendment in the nature of a substitute.

Without objection, the title of the Senate bill will be stricken and the title of the House bill (H.R. 13950) inserted in lieu thereof.

There was no objection.

SESSION OF THE HOUSE ON FRIDAY NEXT

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time before the Members leave, to advise that we plan definitely to have a Friday session.

HEROISM IN GREECE

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the freedom of the floor of this House is a freedom we all enjoy, but we often fail to realize the rarity of such freedom. Today I am presenting to this House a letter from fellow representatives of the people of another country, but representatives who do not have freedom of the floor of their own parliament.

On this floor we have debated the most important issues of our day often with views in direct opposition to the administration being expressed freely and without fear. For the men who signed this letter, an expression of views in opposition to their administration's policy, a dictatorial policy, means the risk of jail and even of torture. These men in using the freedom of this floor risk the loss of their own freedom.

Thus, this letter, signed by 56 former members and/or ministers of the Greek Parliament, is a precious document. Its cry for freedom in that country is a cry made at great personal risk. The letter speaks for itself and I hope the response of this Nation will speak for itself.

The United States both officially and unofficially is well aware of the Greek dictatorship. Our State Department has described the dictatorship's trampling of the civil rights and liberties of the Greek people. Unfortunately, despite such statements, our Government continues to supply arms to that dictatorship to reinforce its subjection of the Greek people. I hope that we will cease such support and I urge the administration to end such support.

Mr. Speaker, I include the letter from the 56 former members of the Greek parliament in this RECORD and I include my reply to the letter in this RECORD. In addition I include the original congressional letter in this RECORD:

ATHENS, GREECE,
September 11, 1969.

Congressman DON EDWARDS,
Chairman, U.S. Committee on Democracy in Greece, Washington, D.C.

DEAR SIR: We were informed of your letter to the Secretary of State, W. Rogers, dated July 30, 1969 and wish to express our sincere appreciation to you and the forty-nine other honorable members of the U.S. House of Representatives who expressed their concern for the prevailing situation in our country.

In your Statement, Sir, you have mentioned that Greece was "the only European nation among the Western Allies which in the post war period fell to a military coup". Allow us to remind you that Greece, in addition to her contribution to the allied victory during the war, was also the only nation in the World to have successfully opposed an armed Communist Subversion.

It was exactly twenty years ago when the Greek army, under a *parliamentary Democracy,* with the leadership of the late King Paul and the generous material assistance of the U.S. through the Marshall Plan and the Truman Doctrine, gave the final blow to the communist armies and forced them to retreat defeated and disbanded beyond the Greek borders. This aid was given by the U.S. Congress, not only to defend the country from the communist threat but especially to secure and support the free institutions and democratic system of the nation.

Having been subjected to so many sacrifices, we believe that Greece, more than any other nation in the Western World, was entitled to live in peace, freedom and Democracy. Furthermore, we believe that our country, which bleeding and shattered was able to defeat the Communist Aggression immediately after she came out of Nazi occupation, was and is in the position to defend Democracy without resorting to a military regime. The history of the last 20 years, contrary to what is being said by the present rulers, proves that Democracy was functioning in our country and that the political leadership had knowledge of its mission. The achieved progress in all spheres of public life prior to the military coup is a good confirmation of such views.

It is our view, Sir, that the moral, political, economic and military interests of Greece call for an immediate return to a free society, a government by the people and a Democracy which will safeguard, not only our freedom, but also the bonds of friendship with your great country.

As elected representatives of the last Greek Parliament, we accept your manifestation of solidarity and declare that the struggle for freedom, decency, democracy and civil rights is indivisible and knows no geographic barriers or national borders, but it is and ought to be the responsibility of enlightened leaders everywhere. We all have responsibilities for the defense of these traditions, but above all we have responsibilities to our people. Winston Churchill said: "Trust the people, make sure they have a fair chance to decide their destiny without being terrorized from any quarter." We do trust our people but they have no chance to decide their destinies and they are being terrorized.

It is for this that we declare again that the preservation of the great humanistic ideals will be better guaranteed if the U.S. of America remains a true beacon of Freedom and Democracy. Your statement and the answer of the Under Secretary of State will serve that goal if the ideas expressed will be converted into policies of decisive significance.

Please convey our friendly greetings and thanks to the other honorable members who signed the statement with you.

Sincerely yours,

President of the last Greek Parliament: Dimitrios Papaspyrous, deleted.

Ex-Members of Parliament and/or Ex-Ministers: Christos Avramides, deleted, Michael Galinos, Athanasios Gelestathis, deleted, Emmanuel Zapartas, deleted, Emmanuel Kothris, Dimitrios Kinias.

Stilianos Allamanis, Angelos Vlachothanasis, Dimitrios Georgiou, Dimitrios Davakis, E. Dentrinos, deleted, Chrisostomos Karapiperis, deleted, deleted.

George Bakatselos, deleted, Zisis Papalazarou, George Rallis, Evagelos Savopoulos, Agisilaos Spiliakos, deleted, Anthanasios Talladouros, John Tsirimokos, Iakovos Dismantopoulos.

Athanasios Yannopoulos, John Contovrakis, Helias Papaheliou, Agisilaos Spiliakos, John Tsirimokos, Constantine Maris, Evangelos Aneroussis, Christos Pipilis.

John Boutos, Panagiotis Papaligouras, Fotios Pitoulis, Theocharis Rentis, deleted, deleted, Constantine Tsatsos, John Toumbas, I. Tsoudepos.

Constantionos Aposkitis, Constantine Tsatsos, Thomas Adreadis, Achilles Papaloukas, Constantine Stefanakis, Dimitrious Chatzigakis, George Stefanopoulos, George Graphakos, Athanassios Taliathouros.

(The names deleted have been done so to protect signers who have undergone political persecution.)

To former members of the Greek Parliament.

Dear Sirs: First let me express my admiration of your courage, to you the 56 former members of the Greek Parliament who signed the brave letter calling for a return to democracy in Greece. I know that some of the members of this group have been arrested and all braved arrest in making known their views.

We in the United States, still protected by our free institutions, believe that the political fight you are waging in a country far from our own is in behalf of free men everywhere. We find it disheartening that our government has not given a clearer sign of our support of your efforts, but we hope that United States policy can be changed. As you noted in your letter, "It was exactly 20 years ago when the Greek Army, under a parliamentary democracy, with the leadership of the late King Paul and the generous material assistance of the U.S. through the Marshall Plan and the Truman Doctrine, gave the final blow to the communist armies and forced them to retreat defeated and disbanded beyond the Greek borders. This aid was given by the U.S. Congress, not only to defend the country from the communist threat but especially to secure and support the free institutions and democratic system of the nation." Today the United States continues to send military support to Greece, but sadly it is not being used to protect the "free institutions and democratic system of the nation," but to suppress those very institutions and system. Many of us in Congress wish to see this aid ended, and we will work toward that end.

Speaking for myself, and I know for many of my colleagues, our dream is to see Greece free once again, to see it rejoin the honorable company of Western European nations in the Western Alliance. It is our belief that the people of Greece should make their own choice without outside interference. We believe the United States best can support the efforts of the Greek people to regain their freedom by making clear its lack of support of the present dictatorship.

Finally, let me add my prayers to yours and all of the other Greek citizens who desire a return to freedom, that shortly democracy will once more reign in the nation which founded the concept of a free people, living together in justice and harmony.

Sincerely,

Don Edwards,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., July 30, 1969.

Hon. William P. Rogers,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: We are writing to you because of our deep concern over the situation in Greece, the only European nation in the Western Alliance in the post World War II period to fall to a military coup.

Authoritative reports indicate that in junta-led Greece the economy is in decline, fundamental civil liberties are suppressed, and people continue to be arrested and jailed without charge. What's more, anti-Americanism is reportedly on the increase because our long-time friends believe the United States is the principal support of a military dictatorship which has no popular base.

Our policy of occasional, tepid expressions of "hope" that the junta will return to democracy stands in rather hollow contrast to the repeated instances of high-ranking American military figures being pictured and quoted in the controlled Athens press lavishing generous comments on the junta.

Thus we find ourselves in a situation where at a time of moral and political crisis in Greece, our traditional friends of liberal, centrist, and conservative persuasion believe with bitterness that the United States supports the dictatorship and the dictatorship, on the other hand, boasts about it. In the short term, and in the long term, we are in danger of reaping the whirlwind of anti-Americanism, especially when the junta falls, as it inevitably must.

America's attitude is critical to the survivability of the junta. The sooner the junta falls, the greater the prospect that a responsible, democratic, western-oriented successor government will emerge to bind the economic and political wounds. The longer the junta lasts, the grimmer the prospect of political polarization, turmoil, bloodshed, and unpredictable consequences to Greece and our own political, moral, and military interests.

Accordingly, we respectfully urge your consideration of the following action:

1. Since the post of U.S. Ambassador to Greece, presently vacant, has taken on a growing symbolic and practical value, that it be filled by an experienced, civilian-oriented diplomat of superior credentials and not be treated as a political reward or routine promotion.

2. That a clearer sign of U.S. moral and political disapproval of the dictatorship be given and sustained.

3. That U.S. military aid to Greece should not be increased, and indeed, should be curtailed.

Sincerely,

Hon. Joseph P. Addabbo, Hon. Glenn M. Anderson, Hon. Jonathan B. Bingham, Hon. John Brademas, Hon. George E. Brown, Jr., Hon. Phillip Burton, Hon. Daniel E. Button, Hon. Shirley Chisholm, Hon. Jeffery Cohelan, Hon. John Conyers, Jr., Hon. James C. Corman, Hon. R. Lawrence Coughlin, Hon. Charles C. Diggs, Jr., Hon. Don Edwards, Hon. Joshua Eilberg, Hon. Donald M. Fraser, Hon. Jacob H. Gilbert, Hon. Seymour Halpern, Hon. Augustus F. Hawkins, Hon. Henry Helstoski, Hon. Floyd V. Hicks, Hon. Daniel K. Inouye, Hon. Charles S. Joelson, Hon. Robert W. Kastenmeier.

Hon. Edward I. Koch, Hon. Robert L. Leggett, Hon. Allard K. Lowenstein, Hon. Abner J. Mikva, Hon. Patsy T. Mink, Hon. William S. Moorhead, Hon. John E. Moss, Hon. Lucien N. Nedzi, Hon. Gaylord Nelson, Hon. Robert N. C. Nix, Hon. Richard L. Ottinger, Hon. Bertram L. Podell, Hon. Adam C. Powell, Hon. Thomas M. Rees, Hon. Ogden R. Reid, Hon. Henry S. Reuss, Hon. Peter W. Rodino, Jr., Hon. Benjamin S. Rosenthal, Hon. Edward R. Roybal, Hon. William F. Ryan, Hon. William L. St. Onge, Hon. James H. Scheuer, Hon. Louis Stokes, Hon. Frank Thompson, Jr., Hon. Jerome R. Waldie, Hon. Stephen M. Young.

Mr. KOCH. Mr. Speaker, I rise today to express my great admiration for the moral courage displayed by the elected representatives of the last Greek Parliament who signed this letter read by the gentleman from California. It is also my intent to express my outrage at the continued oppression of human rights and democratic principles by the ruling military junta in Greece.

This letter from those brave and determined Greek patriots is representative of the passion of the Greek people for freedom and democracy that refuses to be quelled and is still so strong in the face of continued harassment and intimidation.

I renew the plea made to the Secretary of State by 50 Members of this Congress for "clearer signs of U.S. moral and political disapproval of the dictatorship in Greece." We can ill afford to continue our tacit approval for this outrageously tyrannical government which, despite its protestations of "future democratic reform," makes no visible effort in that direction. Indeed, it is a regime that makes no effort to conceal its acts of oppression and injustice and continues to ignore pleas to restore basic human rights.

How can we hope that the ruling Greek Government will change its present course and reinstitute democratic processes when the United States does no more than pay lipservice to its interest in "full restoration of civil liberties" and the "achievement of representative government."

If we do not manifest in decisive policy statements our intention to encourage freedom and representative government in Greece we will not only betray those who signed this moving letter, but the very basic traditions and ideals of the United States.

AN APPEAL FOR A MUTUAL MORATORIUM ON ARMS TESTING

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, we are approaching a date that could be a historic turning point for a world living under the threat of nuclear warfare. On Nov. 17, the United States and the Soviet Union begin preliminary nuclear arms limitation talks at Helsinki. While I have constantly urged that such talks get underway, I have no illusions about any shortcuts for ending the arms race.

But I do believe that as a first order of business at Helsinki we must strive for a mutual moratorium on all arms testing pending the formulation of comprehensive agreements with extensive safeguards that can come only from prolonged negotiations. I think this Congress and the President should express a sense of willingness to accomplish this objective.

We have pondered too long while the world has been living under what the late John Fitzgerald Kennedy described as "a nuclear sword of Damocles." More than a year ago, our Nation and the Soviet Union pledged in the nuclear nonproliferation treaty to begin arms control talks promptly. Now, at last, we are on our way to the conference table. But the luxury of time has been lost.

Therefore, America and the Soviet Union must display a more urgent determination to reverse the arms race than either has exhibited thus far.

Both sides are continuing the development of multiple independently targetable reentry vehicles—MIRV's. This new type of multiple warhead will greatly expand the striking power of strategic missiles and further endanger all mankind.

It has been evident for too long that weapons systems have become more sophisticated and more destructive—and America and the Soviet Union are still locked in the arms race. We have reached the point where it is not enough to limit the buildup of strategic arms. We must instead reverse it.

I have often thought about the billions spent by the two superpowers for weapons from which there can be no survival. When I reflect upon this and then consider that we are spending billions more to sustain the arms race, I find myself deeply distressed and wonder whether the powers of the world have lost their senses.

Yes, I agree that we must be able to defend our Nation from attack. I am sure that this is the principal reason why we are moving ahead with the anti-ballistic-missile—ABM—system.

But when I think of our already overburdened taxpayers and America's grave urban problems—the ghettos and the crime and the underprivileged—I pray for an end to the arms race. Just think what we could do here in America to achieve tax relief, model cities, and equal opportunity for all if the Federal Government did not have to expend time, effort, and a fantastic amount of money to engage in an arms race with the Soviet Union. So much could be done for so many if we were able to divert some of the resources that are now required to sustain the arms race.

Take, for example, just one item: The cost of the anti-ballistic-missile system. Consider what America could do with that money alone at home if we did not have to spend it in the arms race.

I ask, therefore, that Congress help build the foundation for meaningful and effective talks at Helsinki. As a first and very important step, I urge expressions of support for a mutual moratorium on arms testing pending the outcome of an agreement with proper safeguards between the United States and the Soviet Union.

Such action would be an invitation to the Soviet Union to join us immediately in moving away from the shadows of war for the benefit of all mankind. It would also be a vivid demonstration of our good faith at the conference table on November 17.

REPRESENTATIVE WAGGONNER'S EFFORTS TO SAVE OUR FRATERNITIES AND SORORITIES

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. LONG of Louisiana. Mr. Speaker, an article appears in a fraternity magazine, the Shield, of Phi Kappa Psi—volume 89, No. 4, summer 1969, pages 253–262—which goes into considerable detail about the efforts of my colleague, Representative JOE D. WAGGONNER, to protect the Nation's fraternities and sororities from the meddling of HEW into their membership practices. This discussion of what has transpired in recent months is well worth the time and attention of any reader who feels as I do, that it is high time to put whatever brakes are necessary on the extralegal, sociological meddling of this Department. With unanimous consent, I insert this article in today's RECORD, as follows:

CONGRESS, FEDERAL AID TO EDUCATION, AND FRATERNITY DISCRIMINATION

(By Tom Charles Huston, assistant attorney general, Phi Kappa Psi Fraternity)

(NOTE.—This is an analysis of the legislative history of the Waggoner Amendment and an assessment of the protection it provides for the fraternity system and for universities, through the 1965 Higher Education Act.)

On June 28, 1958, President John E. Horner of Hanover College wrote to the executive secretaries of national fraternities which had chapters on his campus that he had been requested by the U.S. Commission on Civil Rights "to file with the agency an extensive questionnaire relating to policies in the civil rights area." According to Dr. Horner, "the questionnaire makes specific reference to the policies of fraternities relating to the admission to the fraternities of Negro, Jewish, and non-Caucasian students in principle? How many actually have Negro, Jewish, an non-Caucasian students as members?

President Horner requested the national fraternities to provide him with the information necessary to answer these questions. In addition "to a complete statement" from them on these matters, he asked that they send him a copy of their constitution for use in the event that he received similar inquiries in the future.

The announcement that the Civil Rights Commission had begun an investigation into the affairs of college fraternities and sororities created a stir among fraternity leaders. On July 12, Louis F. Fetterly, a California attorney and leader in national interfraternity circles, wrote to the Commission about its activities. He asked for a copy of the questionnaire and an explanation of the use to which the information elicited would be put. A week later he received a reply from Cornelius P. Cotter, Assistant Staff Director for Programs, who declared that "The Commission is not at this time conducting a study related to fraternities or their admission policies." If such a questionnaire is being distributed among fraternities, he asserted, "it comes from a source other than this Commission." However, he added, "If you have reason to believe that a questionnaire is being distributed and represented as coming from this Commission, we should appreciate your help in securing additional information concerning it."

On August 12, Mr. Fetterly wrote Dr. Cotter advising him that the letterheads, return envelopes, and title on the questionnaire all indicated they came from the United States Commission on Civil Rights, Washington 25, D.C. Mr. Fetterly reported that the questionnaire was being represented as part of a nationwide survey, and the covering letter and questionnaire were apparently sent by Mr. Will Erwin, Co-Chairman of the Subcommittee on Education for the Indiana Advisory Committee to the U.S. Civil Rights Commission.

On the basis of this new information, the Commission ascertained that indeed there was a questionnaire. It had been developed by the Indiana Advisory Committee in cooperation with the Civil Rights Commission of the State of Indiana and, "due to a misunderstanding," had been mailed without prior clearance by the Washington staff of the Commission. Mr. Peter M. Sussman, Assistant Staff Director for State Advisory Committees, to whom the ball had been bounced by Dr. Cotter, explained that since this action was "contrary to established Commission procedures," he had requested the Indiana Advisory Committee to suspend any further use of the questionnaire. He went on to point out that the reference in the letter accompanying the questionnaire to a "nationwide survey" was in error: "Neither the United States Commission on Civil Rights itself nor any of its Advisory Committees outside the State of Indiana is conducting such a survey."

Less than two months later, however, fraternity chapter presidents at campuses throughout the State of Utah received a letter from Adam M. Duncan, Chairman of the Utah Advisory Committee of the Civil Rights Commission. Mr. Duncan explained that his committee had been "commissioned by Congress to make factual findings and recommendations" on problems of racial discrimination. The "function" of his committee, he went on, was to serve as a "sounding board" and "clearing house" for civil rights problems.

Mr. Duncan enclosed a questionnaire which he requested be promptly returned "in the enclosed, self-addressed and franked envelope." The questionnaire concerned the membership practices and internal operations of the fraternity.[1] It requested information on whether members of minority groups were accepted as members by the local chapter and, if not, whether this was due to a prohibition in either the local or national governing document. It also requested that copies of these documents be attached, or if this was not possible, that a place be indicated where the Committee could examine them.

This intrusion into the affairs of a private organization by a government agency, coming as it did upon the heels of the Indiana case, aroused protests not only from fraternity leaders, but also from members of Congress. During debate on the proposed Civil Rights Act in the House of Representatives on February 6, 1964, Congressman Edward E. Willis of Louisiana, citing these incidents, moved to amend the bill by denying to the Commission the power to "authorize any investigation or study of the membership practices of any bona fide fraternal, religious or civic organization which selects its membership." [2]

Congressman Emanuel Celler, Chairman of the House Judiciary Committee and floor manager for the bill, accepted the amendment.[3] He told the House that on behalf of the Judiciary Committee he had complained to the Commission that it had gone too far and exceeded its authority. On January 29, he had received a letter from Howard W. Rogerson, Acting Chairman of the Commission, explaining that the action of the Utah Advisory Committee "was a very limited inquiry . . . into the racial practices of fraternities and sororities located at the State University." [4] "The Utah committee," Mr. Rogerson reported, "was not interested in the practices of fraternities of sororities at private colleges. Nor was the committee interested in the practices of adult fraternal organizations, such as the Masons, which are unconnected with public institutions of higher education." [5] The Commission was not, however, planning to pursue "even the limited Utah inquiry into the racial practices and sororities at the State university." [6]

Mr. Rogerson enclosed with his letter a memorandum outlining the legal basis for the inquiry which the Utah committee made. The final paragraph of this memorandum stated:

"We do not recommend that the Commission add a survey of practices at the State universities to its present program, but all of the factors discussed above indicate not only that there was a legal base for the Utah questionnaire, but that the Commission would have ample authority to inquire further into this matter if it chose to do so." [7]

Congressman Celler was not satisfied by Mr. Rogerson's letter and, apparently, not impressed by the reasoning of the legal memorandum.[8] He contacted Mr. Rogerson and requested a specific answer to the question of whether the Commission intended to pursue this sort of inquiry further. Mr. Rogerson replied in a letter dated January 30, that the Commission did not have any plans to do so. He indicated that the Utah committee had no authority to take any action if the questionnaires were not answered, and it did not plan to seek further information from fraternities and sororities. He concluded with the assurance that no other questionnaires were being sent by any of the Commission's advisory committees to fraternities or social organizations.[9]

Aware that similar assurance had been followed by more questionnaires, Congressman Celler advised the House of Representatives that it was essential to get "embedded in the statute, not correspondence or promises but some definite prohibitions against some of these activities which have been conplained of with reference to the Civil Rights Commission.[10] He felt the Willis Amendment accomplished this purpose and he was happy to accept it.

Congressman Meader of Michigan, however, had doubts that the Willis proposal was explicit enough. He offered a substitute amendment which read that "nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, any religious organization, or any other private organization." [11]

Congressman Meader argued that the Commission believed, as expressed in the legal memorandum sent to Congressman Celler, that it had every right to conduct inquiries into discriminatory membership practices by private associations, and to preclude such activity it was necessary to spell out in the most precise terms the limitations which Congress wished to place upon the Commission in this area.[12] Congressman Roosevelt of California raised a question regarding the definition of "private organizations." [13] This phrase had not been included in the original Willis proposal, and Roosevelt feared that it would be construed so broadly as to limit the power of the Commission to investigate discrimination in labor unions, corporations, and other organizations not generally included in the concept of voluntary associations.[14] On the basis of this objection, Congressman Meader agreed to the deletion of the phrase.[15]

Congressman Meader had also added another dimension to the Willis proposal by including the phrase "internal operations" in his amendment. Not only would the Commission be prohibited from investigating into membership practices of private groups, but also would be prescribed from conducting an inquiry into their "internal operations." Congressman Celler was worried that this inclusion would unduly limit the authority of the Commission.[16] It was one thing, he argued, to investigate membership practices, but quite another to look into internal operations. The latter, he reasoned, might be of legitimate interest to the Commission where they involved the denial of rights granted to members of minority groups by other provisions of the Civil Rights Act. Congressman Meader was asked what he had in mind when he referred to "internal operations." "I will tell you what 'internal operations' was intended to get at," he answered. "The Masonic Order, Knights of Columbus, and many fraternal organizations like the Eagles, Elks, or secret clubs. It is not only their membership practices which should be protected but all of their internal operations.[17]

"Would you," asked Meader of Congressman Celler, "permit a Civil Rights Commission to demand a document of the ritual of a secret society or fraternity or sorority or Masonic order?" [18] "No," the Judiciary Committee Chairman replied.[19]

Congressman Roman Pucinski of Illinois introduced a subject into the debate which would be hotly debated in the Senate a year later.[20] He objected to the amendment on the grounds that fraternities and sororities, as an integral part of a State university which received federal financial assistance, should not be permitted to discriminate on the basis of race, and therefore the Commission should be authorized to investigate their membership practices. "I know from my own experience on the Committee on Education and Labor," he told the House, "that the Federal Government is perhaps the greatest contributor to many of these universities and colleges. But we say under this amendment that while the Federal Government can spend millions of dollars in these institutions, the Civil Rights Commission cannot investigate discrimination in these fraternities." [21]

Congressman Celler replied that "In the first place, sororities and fraternities are not supported by the Government. They receive no loans or funds directly from the Government." [22] Pucinski agreed with the thrust of this argument, but maintained that "being on the campus of the university benefitting from these taxes, they are a part of the university and indirectly benefit from Federal assistance." [23] Congressman Celler countered with the simple assertion that "I do not believe that is correct," [24] and the House proceeded to adopt the substitute amendment.[25]

When the Civil Rights Act of 1964 was signed into law by President Johnson, it contained the Meader Amendment,[26] which provided that:

"Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization."

This section made it explicitly clear that the Civil Rights Commission could not under the color of Federal law investigate the activities of campus fraternities. The private acts of discrimination by voluntary student groups were beyond the realm of Federal concern or, at least, beyond the realm of the Commission's concern.

Congress, in various Titles of the Civil Rights Act, empowered specific Federal agencies to eliminate discrimination in the fields of education,[27] employment,[28] voting,[29] and public accommodations.[30] A key provision was Title VI, sec. 601, which declared that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." [31] This policy clearly applied in the area of education where millions of Federal dollars were being expended annually in aid to colleges and universities, both public and private. The implementation of Section 601 of Title VI was to be effectuated through the issuance of regulations by the Federal departments empowered to extend Federal financial assistance.[32] These regulations were to be "of general applicability" [33] and "consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken." [34]

On December 31, 1964, Francis Keppel, U.S. Commissioner of Education, sent a memorandum to the presidents of all institutions of higher education in the United States advising them that the regulation of the Department of Health, Education, and Welfare authorized under Section 602 of Title VI had been approved by the President and promulgated by the Department to become effective on January 3, 1965.[35] Each college or university which received Federal funds was required under Section 80.4 of the Department Regulation to file an Assurance of Compliance with the non-discrimination requirements of Title VI. Unless the Assurance (HEW Form No. 441) was filed with the Department, the institution would not be eligible for Federal assistance.

Mr. Keppel enclosed with his memorandum an Explanation of HEW Form No. 441, which presented examples of the type of discriminatory practices which were prohibited under the Department Regulation.[36] Of interest to educators were questions 8 and 9 which explained the effect of the Assurance of Compliance upon their administrative practices:

"8. What effect will the regulation have

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on a college or university's admission practices or other practices related to the treatment of students?

"A. An institution of higher education which applies for any Federal financial assistance of any kind must agree that it will make no distinction on the ground of race, color, or national origin in the admission practices or any other practices of the institution relating to the treatment of students.

* * * * *

"(c) 'Other practices relating to the treatment of students' include the affording to students of opportunities to participate in any educational research, cultural, athletic, recreational, social, or other program or activity; . . . making available to students any housing, eating, health or recreational service; . . . and making available for the use of students any building, room, space, materials, equipment, or other facility or property.

"9. Does the assurance of nondiscrimination apply to the entire operation of an institution?

"A. Insofar as the assurance given by the applicant relates to the mission or other treatment of individuals as students . . . of an institution of higher education . . . or to the opportunity to participate in the provision of services, financial aid, or other benefits to such individuals, the assurance applies to the entire instruction."

The lure of, or necessity for, Federal aid prompted most universities to file their Assurance of Compliance with all deliberate speed. Within three weeks of Commissioner Keppel's memorandum, 821 of the nation's more than 2,100 Federally assisted institutions of higher education had signed. This included 199 colleges and universities in 13 Southern States. By the end of the year, nearly all institutions were properly enrolled with the Office of Education.

On Friday morning, January 1, 1965, the wire services carried a story across the nation announcing that unless colleges and universities signed an assurance of full compliance with the Civil Rights Act, they would receive no new Federal funds. A paragraph in the story caught the attention of fraternity leaders:

"For colleges, full compliance means not only open enrollment but integrated dormitories, swimming pools, and college-sponsored social events. *It means also integrated sororities and fraternities unless there is proof that the organizations are completely separate and independent of the university.*"

The alarm was immediate. An Act of Congress which was thought to have extended to fraternities protection from Federal interference was now interpreted as requiring universities to force fraternities to eliminate any and all discriminatory practices or face the loss of millions of dollars in Federal aid. The danger was obvious if, in fact, there were such a requirement. A university official given the choice between Federal money and college fraternities would not find it difficult to justify jettisoning the latter. Whereas the Civil Rights Commission had represented at the most a nuisance and an invasion of privacy, the possibilities latent in Commissioner Keppel's regulations constituted a threat to the very existence of the national fraternity system.

Fraternity leaders discussed privately among themselves the potential impact of the new regulation, but publicly there was little comment. Before the regulation had been issued, an article had appeared in the Delta of Sigma Nu [37] pointing out the potential threat to the independence of the fraternity system buried deep in the Civil Rights Act, but thereafter no one seemed willing to mention the subject in public for fear it might precipitate some hostile action from the Office of Education.

All remained quiet on the fraternity front during the first few months following the Keppel Memorandum, but in early April the calm was shattered by the announcement that the Sigma Chi chapter at Stanford University had been suspended by the national organization, allegedly because the chapter had pledged a Negro. While the first such incident to occur since the adoption of the Civil Rights Act, it is unlikely it would have attracted much interest except for one fact: Senator Lee Metcalf of Montana, an ardent civil rights advocate, was a member of the Stanford Sigma Chi chapter, and he chose to fight the suspension.

On June 7, 1965, Senator Metcalf wrote to Commissioner Keppel asking whether discriminatory activity such as that which he believed had taken place at Stanford disqualified a university from receiving Federal funds under the provisions of Title VI.[38] "I would appreciate your comments," the Senator wrote, "on whether your office would recommend the continued allocation of funds to institutions receiving aid under the National Defense Education Act, for example, where these institutions officially recognized or in any way supported fraternities or other organizations shown to practice de facto racial or religious discrimination." [39]

Ten days later, Mr. Keppel replied. After quoting from the explanation of the Assurance of Compliance issued by the Department of Health, Education and Welfare, he concluded that "This language makes it apparent that an institution which maintains a fraternity system as a part of its overall program is responsible under the Civil Rights Act requirements for assuring that discrimination is not practiced by the fraternities in the system." [40] James M. Quigley, Assistant Secretary of Health, Education and Welfare elaborated on Commissioner Keppel's announcement by noting that the matter had been reviewed by the general counsel of the Department, and on that basis he was confident that HEW had "the authority and obligation to deal with questions of racial discrimination in college fraternities." [41] His opinion was of some importance since he was responsible for directing the Department's enforcement of Title VI of the Civil Rights Act.

Mr. Keppel had observed in his letter to Senator Metcalf that to his knowledge "the suspension of Sigma Chi at Stanford by the fraternity's national executive committee is the first major test involving de facto discrimination within a national fraternity to develop since passage of the Civil Rights Act of 1964. As such, it seems certain to attract wide public interest." [42] This turned out to be an understatement. Critics of fraternity discrimination lost no time in praising Keppel and damning Sigma Chi and the national fraternity system of which it was such an important part.

One editorial writer commented that it seemed wrong for Mr. Keppel to seek to penalize the colleges and universities. The government's quarrel, he observed, is more properly with the fraternities which generally operate wholly independently of the institution in which its members are enrolled. He expressed the hope that the colleges and universities would pressure the fraternities to revise their thinking about membership, but, he concluded, "a frontal attack on the government's part would be more appropriate."

William Steif, a staff writer for the Scripps-Howard chain, pointed out that colleges were turning the heat on fraternities to end discrimination while the Department of Health, Education and Welfare was turning the heat on the colleges. "Federal leverage," Mr. Steif reported, "is money, much of which has gone to college construction in recent years. Stanford, for example, has put $6 million into new quarters for eight fraternities." Commenting on Mr. Steif's report, another editorial writer disclaimed knowledge as to why "the taxpayer should get stuck for providing fraternity quarters on any campus." But, he observed, "when they accept such handouts, they subject themselves to Federal rules. Colleges, local schools, fraternities or anybody else, once they accept assistance from the Federal Treasury, are at the mercy of Washington." And the St. Louis Post-Dispatch put in the final word editorializing that "it is now clear that college administrators must make sure that there is no discrimination in fact, or face the heavy sanction of Federal funds. This ought to be enough to put an end to a practice which is on the wane and which always was unworthy of democratic educational institutions."

For fraternity leaders concerned with "the image of the system," June of 1965 was a gruesome month. Apparently they decided that silence was the greater part of valor, for not a single national fraternity spokesman made a public statement which (a) defended Sigma Chi's right to discipline a recalcitrant chapter; (b) supported Sigma Chi's denial that the action had been taken for reasons other than the chapter's pledging of a Negro; or (c) denied that Title VI of the Civil Rights Act authorized the Office of Education to cut off Federal funds from universities which tolerated the existence of discriminatory fraternities.

Harry V. Wade, an Indianapolis insurance company executive and national president of Sigma Chi, waged a one man campaign to convince the public that the suspension was not motivated by racial considerations. He explained the actions of the chapter over a ten-year period which had expressed contempt for the national fraternity. He pointed out that the chapter had not held a formal chapter meeting in a decade. He denied that the Federal government had the constitutional right to interfere with the activities of fraternities and expressed the opinion that the time had come for universities to stop controlling the fraternities on their campuses. He spoke out vigorously in favor of a change in the relationship between the school and the fraternity chapter, suggesting that "it would be much better if all fraternities and sororities operated free and independently of all colleges and universities and the members were strictly accountable to the university only for their behavior as individuals." [43] It was a gallant effort, but he stood alone. The only statement from the National Interfraternity Conference came from Joel Reynolds, a member of Delta Tau Delta and chairman of the NIC Press Relations Committee. He pointed out that there was no clear policy among national fraternities on racial discrimination and the NIC took the position that each national fraternity would have to meet its own problems in this regard.[44] As for the officers of the other national fraternities, they maintained a discrete silence, fearful, perhaps, that if they entered the fray someone might begin looking into the membership practices of their own groups.

The first 90 days following the Keppel Declaration were ones of confusion for those concerned with the future of the American fraternity system. Undergraduates were uncertain of what to anticipate from their university administrations when they returned to school in the fall. Alumni were irate, and at the national conventions being held during the summer, speaker after speaker, denounced the Commissioner of Education for his "interference" in the private affairs of fraternities.

The denunciations flowed freely, but the problem of dealing with the situation did not lend itself to easy solution. The individual national fraternities convinced themselves that alone they were powerless, and the Na-

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tional Interfraternity Conference, the National Panhellenic Conference, and the other national interfraternity organizations [45] evidenced no desire to engage the Commissioner in battle over the question of his authority to invoke the provisions of the Civil Rights Act to force fraternity "desegration." Those commissioned with the responsibility to "represent" the fraternity system and to lead it in times of trouble chose to abrogate this responsibility to a small group of individuals who, without a mandate, took it upon themselves to meet Mr. Keppel head-on: not in a battle of rhetoric, but in a struggle over authority. If the Commissioner found in the Civil Rights Act authorization to take action against fraternity discrimination, the only answer to the problem was to eliminate this authorization. And this could occur in only one way. Congress, once again, must come to the aid of the fraternity system.

On Sunday evening, August 14, 1965, six men met privately in Room 705 of the Congressional Hotel in Washington, D.C. Of the group, only three were national officers of their fraternities, and of these, only one was currently the national president. The others included a former Congressman and an attorney retained by a national sorority for the purpose of assisting the planned effort. The group decided that the only hope to frustrate Commissioner Keppel's efforts was to convince Congress to amend the Civil Rights Act in such a manner as to prohibit the Office of Education from invoking Title VI in cases of fraternity discrimination.

It was late in the session, and it was obviously impossible to get Congress to take prompt action on a separate bill amending the Act. Thus, it was decided that the only hope was to draft an amendment to a proposal which was presently before Congress for consideration.

Once the course of action was decided upon, the small group designated one of their number to draft an appropriate amendment. In less than an hour, the proposal had been prepared, and after a few changes were suggested by other members of the group, it was agreed to submit the draft to a member of the House of Representatives for consideration as an amendment to Section 704 of Title VII of H.R. 9567, the proposed Higher Education Act.[46]

On Monday morning, the group met with Congressman Joe Waggonner of Louisiana, who is a member of Kappa Sigma. Congressman Waggonner agreed to introduce the amendment, although he pointed out that its adoption was not likely to be an easy task. He encouraged his callers to proceed at once to line up as much support for the proposal as possible in both Houses of Congress.

During the next week, the self-designated fraternity lobbyists met with members of Congress. The reception was not always cordial. One prominent Senator, himself a fraternity member, told the group they were silly to think Congress would act on such a proposal. "Discrimination," he told them, "is, in the eyes of our constituents, discriminaiton, regardless of whether it is practiced by private social organizations or by governmental agencies. This certainly is not the time to attempt to draw such fine distinctions." Other members of Congress, however, were less timid, and perhaps more aware of the constitutional limitations upon the power of government to intervene in the private affairs of private groups. At the end of the week, powerful support for the proposal had been mustered on both sides of Capitol Hill.

On August 26, Judge Smith of Virginia, the venerable and powerful Chairman of the House Rules Committee, announced that an amendment to the proposed Higher Education Act was going to be introduced to restrict Commissioner Keppel's authority to regulate the affairs of college farternities.[47]

He pointed out that a year earlier Congress had written into the Civil Rights Act a prohibition on the authority of the Civil Rights Commission to investigate fraternity membership practices. "Congress thought at that time," he told his colleagues, "that we had laid down a policy on that subject which would be respected. Now under the education program that department now proposes to dictate to the universities that they must supervise the admission policies of all fraternities and social organizations that are connected with the universities." [48] Judge Smith went on to observe that he was sure Congress did not intend such a result when it enacted the Civil Rights Act and had no desire to interfere with private social organizations and their membership. "I do hope," he concluded, "that the Committee on Education and Labor will not interpose any objection to this amendment which is actually needed because of the policy that has already been laid down by the Commissioner of Education." [49]

Shortly after Judge Smith concluded his remarks, Congressman Waggonner introduced his amendment which prohibited any department of the Federal government from exercising any control over "the membership practices or internal operations of any fraternal organization, any fraternity or sorority, any private club or any religious organization of any institution of higher education." [50] Congressman Waggonner pointed out that the intent of Congress with regard to the membership practices and internal operations of fraternities had been clearly stated in Title V of the Civil Rights Act, but that this intent was being ignored by the Office of Education on the grounds that the prohibition of Title V applied exclusively to the Civil Rights Commission. "As a consequence," he said, "it would seem imperative that there be legislation making it clear that the congressional intent evidenced by the prohibition in Title V applies to the whole act and particularly Title VI and further that such prohibition will apply to this bill and any other act of Congress." [51]

At the conclusion of his brief remarks, Congressman Waggonner yielded to Adam Clayton Powell, Chairman of the Education and Labor Committee and floor manager of the bill. Congressman Powell announced that he accepted the Amendment because he did not believe that "there should be any withholding of funds from any institution of higher education because of discriminatory practices on the campus by private clubs.[52] And, thus, with a minimum of debate the House of Representatives again came to the defense of the beleaguered fraternity system. To some, it seemed remarkably easy, but the men from Room 705 knew that it had been possible only because the hours of heated discussion in members' offices, persuasive argument over the table at late evening dinners, and last minute conferences in the House Cloak Room convinced reluctant members of Congress that emotional assaults upon discrimination in every guise could not withstand the test of rational confrontation with the requirements of the U.S. Constitution. However, these men were aware that the battle was only half won. The Senate must accept the amendment, and they knew that the reception on the other side of the Hill would not be so cordial.

The speed with which the Waggonner Amendment passed the House caught potential opponents by surprise. As the battleground shifted to the Senate, supporters of the Keppel position began to muster their troops within the ranks of Senate liberals. Clarence Mitchell, the respected director of the Washington office of the N.A.A.C.P., sent a telegram to Senator Wayne Morse, the floor manager for the higher education bill in the Upper House, urging the Senate to defeat the proposal.[53] At the same time, some members of the House of Representatives apparently had second thoughts about what had been done and called upon Senator Morse to block the adoption of the amendment. [54]

Supporters of the Waggonner Amendment hoped that they could convince the Senate to adopt the proposal in terms identical to those of the House version. If this could be done, the provision would be "locked" into the bill and thus not subject to change or deletion in the Conference Committee which would meet to reconcile differences between the versions of the bill adopted by the House and Senate. The strategy of the opposition was just the opposite. If they could not defeat the proposal on the floor of the Senate, they wanted at least to adopt a version different from that approved by the House and thus throw the matter into Conference. The debate which followed the introduction of the House-approved amendment by Senator Dirksen reflected the strategic goals of the two opposing forces.

The initial thrust of Senator Dirksen's argument was that Congress, by writing Section 104 into Title V of the Civil Rights Act, had expressed its clear intent that the Federal Government should not intervene in the private affairs of campus fraternal organizations. [55] If Mr. Keppel did not accept this reading of the Act, then it was necessary to make it crystal clear by enacting a new amendment. "I wish to be sure," Senator Dirksen said, "where Federal assistance to a school is involved, that they do not come in and say, 'Sorry, you can have no scholarship money. You can have no grant. You can have no loan. You can have no project. You cannot have anything, because of the internal operation and the rules under which sororities and fraternities, strictly private, may operate.' " [56]

Senator Javits asked Dirksen if he wished, by the adoption of his amendment, "to achieve a situation in which, if a fraternity or sorority operates dormitories or lodgings or an eating establishment which is a part of a program or activity financed by Federal funds, Title VI of the Civil Rights Act of 1964 cannot reach it?" [57] Senator Dirksen denied that was the intent of his amendment,[58] but this did not satisfy the senior Senator from New York. He insisted on making one further point so that he and Dirksen would "not pass each other like ships in the night":

"If sorority A conducts a dormitory and that domitory is helped by Federal funds, that sorority may not, if it is going to continue that dormitory, discriminate against Negroes. It can remain as a sorority on that campus for 150 years, but it has to give up conducting its dormitory with the aid of Federal funds. That is all that I say, and nothing else." [59]

Senator Tower responded that as he understood the Dirksen proposal a Government agency would be prohibited from denying funds to a university merely because a fraternity or sorority on the campus exercised some discriminatory practices in its membership.[60]

This prohibition would affect very few situations in which the housing for the fraternity or sorority was provided by the university since, in most cases, the housing was privately owned. "In some cases," he observed, "it is a leasehold that the fraternity or sorority enjoys for a period of 99 years. I do not believe that this would put restrictions on such practices from that point of view merely because the university leases property to them and receives a stipend for it." [61]

Senator Tower forthrightly confronted what was to become the central point of controversy: whether housing occupied by a fraternity or sorority for its exclusive private use, yet leased from the university, would be

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covered by the provisions of the proposed amendment. *Every Senator who spoke on the amendment agreed that a fraternity which constructed a chapter house on privately owned property at its own expense and maintained it with private funds should be protected in its right to select its membership according to any criteria it wished.*[62] The opponents of the proposal, however, wished to shift the discussion to a different situation. Senator Metcalf was concerned with the situation "where the university maintains a fraternity system, owns the land, owns the houses, and borrows money from the Federal Government to build them." [63]

Senator Pastore wondered about the situation where a university begins to turn over its facilities to a fraternity, or begins to allow a fraternity the use of its land, or begins to allow a fraternity to use a dormitory and says, "You do not own these facilities; you merely rent them." [64] Senator Morse summed up the attitude of the opposition when he explained that "All we seek to make certain is that we will not misguidedly accept an amendment that will have the effect of plowing taxpayers' money into the facilities of a fraternity or a sorority that follows a discriminatory policy, based upon race, color, or creed." [65]

In an effort to eliminate some of the uncertainties which the opposition feared were latent in the proposal, Senator Sam Ervin of North Carolina proposed to add to the amendment the words "whose facilities are not owned by the institution of higher education and whose activities are financed by funds derived from private sources." [66] Senator Javits objected that Ervin's proposal did not use the word "only" or "exclusively" with regard to private financing.[67] He understood, however, that the word "financing" meant total financing that came from private sources.[68] Senator Tower asked if the term "ownership" would include land leased from the university for a long-term period,[69] to which Senator Ervin replied that it would.[70] "I gather that ownership means effective ownership," Senator Javits said.[71] "Or control," Ervin responded.[72] Senator Javits protested that they were attempting to legislate on the floor and wished to disassociate himself from the policy entirely,[73] but Senator Dirksen agreed to accept the Ervin proposal and the amendment was modified accordingly.[74]

Senator Holland felt that the result of the adoption of the amendment as modified would be "to leave in conference a discussion of the matters lying between the minimum application which would be made by the amendment in its present form and the much larger application of this question which would be made by the so-called Waggonners amendment adopted by the House." [75] He believed that the minimum the amendment provided was that "when there is a fraternity house existing on private land, owned for and paid for by the fraternity and its members and alumni, and upon which a house has been constructed, paid for by the members and alumni of that fraternity, with no public money in it, and the fraternity members live or meet in that house off the campus, by no means is it to be affected, and by no means is the university to be affected by reason of the fact that it recognizes such a fraternity as a lawful part of its entire university complex." [76] To this statement, Senator Morse agreed: "That is the clear right of the fraternity." [77]

There were, however, gray areas which were not so easily susceptible of determination. "Suppose," Holland said, "a fraternity had, under earlier law, prior to the passage of the Civil Rights Act, borrowed Federal funds for the construction of a fraternity house, belonging to it, on lands belonging to the fraternity, but outside the university campus, and without any knowledge that such a law as the Civil Rights Act of 1964 would ever be enacted?" [78] Senator Morse's reaction was direct: in cases where there are mixed funds and a fraternity is the beneficiary of the taxpayers of the United States to some degree—and to him it made no difference to what degree—the result was to support discrimination with Federal aid.[79] The response, however, missed the point which Senator Holland was trying to make. "Does that mean if any Federal money goes in from the date of enactment of that act, or does it mean that a loan made, let us say, for the construction of a chapter house years before, upon a lot owned by the fraternity off campus, would bring it within the purview of this prohibition?" [80]

Senator Morse did not answer the question, but Senator Ervin offered the opinion that Section 602 of Title VI of the Civil Rights Act exempted such a situation from the effects of the Act where the Federal Government merely guaranteed the payment of a deed, trust or mortgage.[81] This, however, as Senator Holland noted,[82] did not cover the entire situation, and the question remained unanswered throughout the debate.

Senator Robert Kennedy suggested that the proposed amendment be modified by the words "And whose activities are not financed directly or indirectly by public funds," [83] but Senator Ervin refused to agree to the proposal,[84] and it was dropped. Senator Morse asked Senator Dirksen if he would withdraw his amendment so that the matter could be considered in conference.[85] Senator Dirksen refused and expressed the opinion that the time had come for a vote, [86] at which point Senator Morse promptly requested a quorum call in order to re-group for a final assault.[87]

When the Senate again moved to consideration of the Dirksen proposal, it was obvious that the amendment as modified was assured of passage. The opposition had failed in its first line of defense: the proposal could not be defeated. The debate thus turned to the question of whether the matter would be in conference if the Dirksen-Ervin language were adopted. The Chair ruled that it would be,[88] and upon a roll call vote the proposal was approved by a vote of 60 to 28.[89]

The Senate action disappointed both the supporters and opponents of the Waggonner Amendment. The opponents had been unable to kill it, but they had succeeded in forcing the matter into conference where they might be able to further dilute its impact. The supporters had been unable to "lock" it into the bill and thus ensure the fraternities the broad protection which they sought. As is so often typical of the legislative process, both sides had to content themselves with that which was possible.

The man from Room 705 who was principally responsible for the initiation of the Waggonner Amendment had witnessed the Senate debate from the Family Gallery. When Senator Ervin suggested his modification, one of the key Senatorial supporters of the amendment rendered a pre-arranged signal, and the fraternity leader left the gallery and joined him in the Senate Reception Room. Well, this thing is getting pretty rough," the Senator said. "What do you think of the language of the modification?" "Do we have to accept it on that basis?" he was asked. "No, we can go for broke," the Senator replied. The man who had acted when other fraternity leaders were content to talk, the man who by sheer gall and determination had been able to muster support in the waning days of the session for a proposal that more knowledgeable people deemed politically impossible, weighed the alternatives. "I'd rather take nine-tenths than go home empty-handed," he said. "I'll go for the nine-tenths. I'll go for three-quarters or whatever it represents." The Senator nodded and returned to the floor. Shortly thereafter, the Ervin modification was accepted.

During the month that the Higher Education Act was in conference no one was sure exactly what the Ervin modification did represent in terms of restrictions upon the coverage of the amendment. As Senator Holland had said on the floor, the amendment as modified provided at least minimum guarantees.[90] If a fraternity owned its own chapter house and the land upon which it was situated, and if the land had been purchased and the house constructed with private funds, the fraternity was protected, and the Federal Government could not deprive a university of Federal financial assistance merely because it tolerated the existence of that fraternity and its discriminatory membership practices. It was in the realm of the "gray areas" that Senator Holland had spoken about where the uncertainties rested.

What of long-term leases? What of situations in which Federal funds had been utilized in the past to construct facilities occupied by fraternities? These were the questions with which the Senate and House conferees must deal. All that fraternity leaders could do was wait, and wait they did, anxiously for nearly a month.

On October 20, the report of the conference committee was submitted to the House and Senate. The amendment was included as Section 804(b) of the Act and provided that:

"Nothing contained in this Act or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the membership practices or internal operations of any fraternal organization, fraternity, sorority, private club or religious organization at an institution of higher education (other than a service academy or the Coast Guard Academy) which is financed exclusively by funds derived from private sources and whose facilities are not owned by such institution."

With the exception of the exclusion of service academies, the only significant change made in the amendment as adopted by the Senate was the addition of the word "exclusively." Senator Javits told the Senate that this addition "highly gratified" him since it "narrowly limited" the provisions of the amendment.[91] The inclusion of the word, which he had suggested on the floor during debate, carried out "specifically the intention I had stressed when the provision was before the Senate." [92]

If the change were as significant as Senator Javits indicated, Congressman Powell did not realize it. The Section had been reorganized, he reported to the House, "to avoid the unintended result of nullifying any application of Title VI of the Civil Rights Act of 1964 to institutions of higher education and the Senate restrictive language employed to make certain that the fraternities or sororities involved really are private within the meaning of the 14th Amendment and do not subsist on handouts from the institution in the form of cheap or no cost facilities." [93]

In an effort to ascertain the substantive nature of the changes which had been made since his proposal had been approved in the House, Congressman Waggonner posed several questions to Congressman Powell. This exchange [94] between the author of the amendment and the floor manager of the bill is extremely important in an honest effort to determine the degree of protection which Congress intended to extend to fraternities operating in the "gray area."

"Mr. WAGGONNER. When we talk about being financed exclusively through funds derived from private sources, we are talking about these organizations referred to rather than the institutions, are we not?

"Mr. POWELL. Absolutely correct, yes.

Footnotes at end of article.

"Mr. WAGGONNER. I think the language as amended is perfectly fair, and I thank the gentleman.

"It is my understanding that under the amended language of the conference report, of Section 804(b), privately owned facilities on long-term leased land would be exempt from any Federal supervision. Also, it is the intention of the language to prevent the subsidy of these organizations with public funds. Am I correct?

"Mr. POWELL. The gentleman is absolutely correct.

"Mr. WAGGONNER. Then, to further prohibit the subsidy of these organizations, with public funds, a fair service and/or rental charge must be charged any organization which might use public facilities. Am I correct?

"Mr. POWELL. Absolutely correct.

"Mr. WAGGONNER. I thank the gentleman for yielding and for his clarification."

A close study of the legislative history of the Waggonner Amendment shows that Congress intended to exclude from the realm of Federal concern the private acts of discrimination of private social organizations. To qualify for this protection, however, the fraternity must occupy privately owned facilities and must operate with funds exclusively derived from private sources.[95] However, a fraternity which occupies a facility constructed by the university is protected so long as that fraternity pays a fair rental and/or service charge. Authority in support of this latter case is derived explicitly from the exchange between Congressmen Powell and Waggonner[96] and supported by the dialogue between Senators Tower and Ervin.[97] A fair reading of the legislative history, Senator Javits' unsupported assertion to the contrary notwithstanding,[98] leads inevitably to the conclusion that the "gray area" is considerably more narrow than Senator Morse and his colleagues had hoped for.

As a result of Congressional action, fraternities are generally secure from Federal interference so long as they maintain their integrity as private organizations. The vast majority of fraternities and sororities which own their own chapter houses and the land upon which they are situated are unequivocally protected. Those who occupy university constructed facilities but occupy them under long-term leases are likewise clearly covered by the amendment. The exchange between Congressmen Powell and Waggonner suggests that those who occupy university constructed facilities, regardless of the terms of the leasehold, are also protected so long as they pay a fair rental. This seems to comply with the intent of the amendment since groups thus situated do not "subsist on handouts from the institution in the form of cheap or no cost facilities."[99]

The danger area for fraternities is those situations in which they allow the university to provide them with free services or facilities; for example, set aside meeting rooms for permanent use by a discriminatory fraternity or construct a chapter house and sell or rent to a fraternity at less than fair market value. It is unlikely that there presently exists many such situations, but wherever they may be found, the Waggonner Amendment provides them no protection.

FOOTNOTES

[1] 110 *Cong. Rec.* 2295 (remarks of Congressman Meader).

[2] *Id.* at 2291 (motion of Congressman Willis).

[3] *Id.* at 2292 (remarks of Congressman Celler).

[4] 110 *Cong.* Rec. 2292.

[5] *Ibid.*

[6] *Ibid.*

[7] *Id.* at 2293 (remarks of Congressman Meader).

[8] *Supra,* note 3.

[9] *Supra,* note 4.

[10] *Supra,* note 3.

[11] *Supra,* note 7.

[12] *Ibid.*

[13] 110 *Cong. Rec.* 2294 (remarks of Congressman Roosevelt).

[14] *Ibid.*

[15] *Ibid.*

[16] *Id.* at 2295 (remarks of Congressman Celler).

[17] *Id.* at 2295 (remarks of Congressman Meader).

[18] *Ibid.*

[19] *Supra,* note 16.

[20] *Infra,* note 57.

[21] 110 *Cong. Rec.* 2296 (remarks of Congressman Pucinski).

[22] *Id.* (remarks of Congressman Celler).

[23] *Supra,* note 21.

[24] *Supra,* note 16.

[25] 110 *Cong. Rec.* 2296.

[26] Public Law 88–352, Title V, Sec. 104(a) (6), 78 Stat. 251.

[27] Title III, 78 Stat. 246, 42 U.S.C. § 2000c (1964).

[28] Title VIII, 78 Stat. 253, 42 U.S.C. § 2000e (1964).

[29] Title I, 78 Stat. 241, 42 U.S.C. § 1971 (1964).

[30] Title II, 78 Stat. 243, 42 U.S.C. § 2000a (1964).

[31] 78 Stat. 252, 42 U.S.C. § 2000d (1964).

[32] 78 Stat. 252, 42 U.S.C. § 2000d–1 (1964).

[33] *Ibid.*

[34] *Ibid.*

[35] 45 C.F.R., § 80 (1967).

[36] *Id.*, Appendix A.

[37] Beach, "Fraternities, Discrimination and The Civil Rights Law," *The Delta,* Fall, 1964, p. 21, reprinted at 110 *Cong. Rec.* 22671.

[38] 110 *Cong. Rec.* 22673.

[39] *Ibid.*

[40] *Ibid.*

[41] The New York *Times,* June 19, 1965.

[42] *Supra,* note 38.

[43] *Supra,* note 41.

[44] *Ibid.*

[45] E.g., College Fraternity Secretaries Assn., College Fraternity Editors Assn., Interfraternity Research & Advisory Council.

[46] The proposed amendment provided that: "Nothing contained in this or any other affected or relevant Act shall be construed to authorize, permit, or empower any department, agency, officer, or employee of the United States, either directly or indirectly, to influence or exercise any direction, supervision, or control over the curriculum, program of instruction, or over the membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, or any religious organization at any educational institution, or over the selection of library resources by any educational institution."

[47] 111 *Cong. Rec.* 21877 (remarks of Congressman Smith).

[48] *Ibid.*

[49] *Id.* at 21878.

[50] *Id.*, at 21947 (remarks of Congressman Waggonner).

[51] *Ibid.*

[52] *Id.* at 21947 (remarks of Congressman Powell).

[53] 111 *Cong. Rec.* 22681.

[54] *Id.* at 22680–81 (remarks of Senator Morse).

[55] *Id.* at 22667 (remarks of Senator Dirksen).

[56] *Id.* at 22668.

[57] *Id.* (remarks of Senator Javits).

[58] *Id.* at 22668–69 (remarks of Senator Dirksen).

[59] *Id.* at 22669 (remarks of Senator Javits).

[60] *Id.* (remarks of Senator Tower).

[61] *Ibid.*

[62] "I agree with the Senator from Texas that the fraternities and sororities located off campus, owned by a building corporation, by the fraternity house, or privately owned, are not under Title VI," *Id.* at 22669 (remarks of Senator Metcalf); see also remarks of Senator Morse, *Id.* at 22681; remarks of Senator Javits, *Id.* at 22668; remarks of Senator Pastore, *Id.* at 22677; remarks of Senator Hart, *Id.* at 22695.

[63] *Id.* at 22669 (remarks of Senator Metcalf).

[64] *Id.* at 22677 (remarks of Senator Pastore).

[65] *Id.* (remarks of Senator Morse).

[66] *Id.* at 22675 (remarks of Senator Ervin).

[67] *Id.* (remarks of Senator Javits).

[68] *Ibid.*

[69] *Id.* (remarks of Senator Tower).

[70] *Id.* (remarks of Senator Ervin).

[71] *Id.* (remarks of Senator Javits).

[72] *Supra,* note 70.

[73] *Supra,* note 71.

[74] 111 *Cong. Rec.* 22675.

[75] *Id* at 22677 (remarks of Senator Holland).

[76] *Ibid.*

[77] *Id.* (remarks of Senator Morse).

[78] *Supra,* note 75.

[79] *Supra,* note 77.

[80] *Supra,* note 75.

[81] *Id.* at 22677 (remarks of Senator Ervin).

[82] *Id.* (remarks of Senator Holland).

[83] *Id.* at 22681 (remarks of Senator Morse).

[84] *Id.* (remarks of Senator Ervin).

[85] *Id.* (remarks of Senator Morse).

[86] *Id.* (remarks of Senator Dirksen).

[87] *Supra,* note 85.

[88] 111 *Cong. Rec.* 22685.

[89] *Id* at 22686.

[90] *Supra,* note 76.

[91] *Id.* at 27576 (remarks of Senator Javits).

[92] *Ibid.*

[93] *Id.* at 27677 (remarks of Congressman Powell).

[94] *Id.* at 27677–78.

[95] Higher Education Act of 1965, 79 Stat. 1270, 20 U.S.C. § 1114(b) (1965).

[96] *Supra,* note 94.

[97] *Supra* notes 69 and 70. See also *Supra,* note 61.

[98] *Supra,* note 91.

[99] *Supra,* note 93.

POSITIVE INITIATIVES ON VIETNAM TAKEN BY NIXON ADMINISTRATION

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, yesterday I participated in a press conference with my colleague, the gentleman from California (Mr. MCCLOSKEY) to discuss the war in Vietnam. Unfortunately the news account in today's Washington Post does not accurately reflect the views I expressed.

The purpose of the press conference was to highlight and to commend a specific series of positive initiatives the Nixon administration recently has taken with respect to the war in Vietnam. This included, for example, such things as the recent change in field tactics to a strategy of "defensive reaction," which has served to cut the American combat deaths in half in the last 3 weeks. We went further to express our support for the President's policy of a staged disengagement from the Vietnam war and to indicate our belief that this policy served the strategic security interests of the United States and South Vietnam.

I repeat today I am encouraged by the steps the President has taken and believe these new initiatives deserve commendation and support.

The news article in question had three incorrect references that I wish to correct.

First, I enthusiastically support the "Vietnamization" program in Vietnam and believe it is the only viable way to scale down U.S. overcommitment—while offering the South Vietnamese Government a fair, fighting chance to make it on its own. What the South Vietnamese do with that opportunity is up to them. The Secretary of Defense deserves commendation for giving the "Vietnamization" program, in his words, "the highest priority." Whatever we call it, Vietnamization or de-Americanization, it means getting out, I am for it, and I support the administration 100 percent on this matter.

Second, I have the highest regard for Dr. Henry Kissinger. I think he is doing a commendable job under difficult circumstances. The facts are that today, under the new President, we are steadily scaling down the American commitment in Vietnam. This is a breakthrough of enormous significance and certainly all the President's foreign affairs advisers deserve credit for this. While Dr. Kissinger and I do not agree on every point with respect to winding down the war in Vietnam, I believe we are in substantial agreement on the fundamental aspects of the war. I consider him a friend and a thoroughly positive influence in helping to formulate this country's foreign policy.

Finally, I believe these new initiatives with respect to Vietnam are the product of executive judgment and decisionmaking.

While the Vietnamese moratorium of October 15, the various congressional initiatives aimed at speeding up the American disengagement, and the general disenchantment of the American people toward the war, are all factors that the Nixon administration understands and considers, I believe the executive decisions that are made are based on the strategic security interests of the United States. I would not want the RECORD to indicate that I think these decisions are—or should be—made on any other basis.

FEDERAL ASSISTANCE PROGRAM FOR URBAN TRANSPORTATION

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, the need for modernized urban transportation systems in all our major cities and many of our smaller ones is beyond dispute.

By no stretch of the imagination can Federal participation in the effort to provide adequate public transportation be called partisan.

The bipartisan approach to this problem is exemplified in recent testimony by John E. Robson before the Senate Subcommittee on Housing and Urban Affairs.

Mr. Robson is a former Under Secretary of Transportation. I call his testimony, which follows, to the attention of my colleagues in both parties:

STATEMENT OF JOHN E. ROBSON, BEFORE THE SENATE COMMITTEE ON BANKING AND CURRENCY, SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS, OCTOBER 14, 1969

My name is John E. Robson. I am a lawyer engaged in private practice in Washington. Formerly I served as Undersecretary of the United States Department of Transportation and prior to that as the Department's General Counsel. While Undersecretary I also acted for a period as Administrator of the Department's Urban Mass Transportation Administration. I am a member of the Secretary of Transportation's Urban Transportation Advisory Council.

Mr. Chairman, it is a great privilege to appear before your Committee to discuss the subject of a new Federal assistance program for urban transportation.

I believe this Committee and the Congress are presented with a singular opportunity to contribute to the salvation of our cities. I am here to urge you not to let that opportunity slip by.

I need not underscore for this Committee the pathetic condition of urban transportation in this nation. You have all experienced it. And you have all heard it repeatedly described by the leaders of our metropolitan areas.

Nor need I recite at length the harsh consequences which the deficiencies in our urban transportation systems have brought down upon us—the daily agony of the commuter; isolation of the poor; jobs, recreation, and vital community services which are outside the practical reach of many; polluted air; and vast hunks of precious urban land handed over to streets and parking.

It is time to enunciate a new Federal policy and a new Federal role in urban transportation.

I say a *new* policy. Because for over a decade there has been an unarticulated Federal urban transportation policy which has had a profound effect on our urban areas and on the shape of our metropolitan transportation systems. That policy has been manifested simply by the presence of significant Federal aid for highways and the absence of meaningful assistance for urban public transportation.

Who can blame a mayor or county executive for choosing a highway-dominated urban transportation system when he is certain of getting from 50% to 90% Federal funding for it as opposed to a wait-in-line chance to share in the meagerly funded Federal mass transportation program. And who can blame urban planners for failing to plan public transportation facilities which are unlikely ever to be built.

If the frequently voiced endorsement of local self-determination is to extend to local transportation systems, it is time we put some money where our mouth is.

There have been a number of legislative proposals to enlarge and extend Federal assistance to urban public transportation. Heated debate his encircled the question of whether a new program should be trust funded, funded under a contract authority or funded by some other device.

There is an old fable about a dog with a bone in its mouth who, upon seeing its reflection in the water, opened its mouth to snap at the other dog's bone and ended up with nothing. That fable has relevance here. For nothing could be more tragic than to allow differences of opinion on the technique for funding a new program to result in no new program at all.

The essential ingredients in a meaningful Federal assistance program for urban public transportation are:

First, an absolute assurance of continuity of funding;

Second, flexibility in the Federal government's authority to commit project funds in advance so that local governments can confidently plan and implement large, long-term projects.

And, third, sufficient Federal funds to do the job on a national scale.

In my judgment the contract authority approach embodied in Senate Bill 2821 can achieve those goals. And, I endorse the concept of that Bill.

In one significant feature, however, I believe Senate Bill 2821 requires modification. That is the time limitations in Section 3(c) on the authority to obligate funds. I strongly favor removing the provisions which chop-up and stretch-out over a five-year period the Secretary of Transportaton's right to obligate the $3.1 billion there authorized. I believe that the entire authorized amount should become available for obligation upon enactment of the legislation. Orderly project planning by local governments requires that the precise extent of the Federal commitment be fixed at the outset of a project. This is especially critical if the local share is to be raised by publicly approved bond issues. It is not adequate to have a system where the Federal government can annually commit only a fraction of the known funding requirements for a six, seven or ten-year project and where certainty of Federal funding for each succeeding increment of the project must await the coming of a new fiscal year. As a practical matter this may force the Department of Transportation to use an entire fiscal year's obligational authority for one or two projects and delay any commitment on other projects until commitment of the full Federal share can be made.

However, I do not view some reasonable spreading out of the *expenditure* of obligated funds as inconsistent with the flexibility I think necessary in the government's obligation of those funds. Expenditure usually lags behind obligation and phasing of expenditure is manageable and not uncommon in public work projects.

The amount authorized for obligation by Senate Bill 2821 is $3.1 billion. This is a significant start. But the preamble of the Bill recognizes that "success will require a Federal commitment to the expenditure of at least $10 billion over a twelve-year period." So it is only a start. Some mechanism should be established in the legislation to continue the momentum and keep Congress informed of future needs sufficiently in advance to permit timely legislative action to authorize additional funds for obligation.

I particularly support the requirement in the new Bill for public hearings in any project having a substantial effect on a community or its public transportation service. I hope that the Department will implement these provisions vigorously so that all points of view can be considered in decisions for local transportation facilities. We have passed the time when public works projects can be crammed down the throats of our citizens.

There is now before you a rare opportunity to offer our urban areas some real choice in shaping their transportation systems. You on this Committee are in a position to put important tools into the hands of our metropolitan areas so that they can reach their own goals. I urge you to seize that opportunity now. Further delay means further decay for our cities.

Thank you very much, Mr. Chairman, for this opportunity to appear before the Committee.

HUMORLESS MILITANTS AND NARROWMINDED NIHILISTS DO NOT REPRESENT ANY ENLIGHTENED WAVE OF THE FUTURE

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, in these restless years for a nation in search of new directions and workable methods for social progress, the clarion call has gone out; America must be realistic; America must submit to the admittedly fascinating, but rigidly doctrinaire and wholly uncompromising politics of the "New Left." For that one I would like to quote the prominent philosopher Charlie Brown: "Rats." Mr. Theodore Sorensen, eminent adviser to national leaders and a perceptive student of American public affairs, has concluded that the "humorless militants and narrow-minded nihilists" certainly do not represent any enlightened wave of the future, and, in fact, fall far short of the genuine article which we call the "new politics." In an essay published in the November 4 issue of Look magazine, Mr. Sorensen explores this issue within the larger context of the Democratic Party in the years ahead. I commend his superlative observations to the attention of my colleagues, and I congratulate the author for a balanced and often inspiring statement on topics which have too often produced more heat than light.

DID CHAPPAQUIDDICK FINISH THE DEMOCRATS?

The incident at Chappaquiddick was more than human tragedy. It was a setback as well for the Democratic party. For the absence of Ted Kennedy from the 1972 race makes all the more difficult the defeat of Richard Nixon. The Democratic party once stood for energy and drive and hope. Now it is in danger of becoming a tired second-place defender of the status quo. Those of us who care not only about the party's survival but even more importantly about our children's future must do more than wring our hands. I intend to do so.

More Democratic candidates and incumbents must take the initiative and present constructive alternatives to the Nixon approach. It would be inconsistent with our philosophy to hamper the flexibility of the President's office, notwithstanding the incumbent's Republicanism. But we must fill the policy vacuum Mr. Nixon apparently intends to leave and fill it with something more than the bread-and-butter programs that have dominated Democratic platforms ever since the thirties, something more than a rehash of the domestic programs of the New Deal, Fair Deal, New Frontier and Great Society.

It is unfortunate that long years of power in Washington have committed many Democrats to a defense of big government, high taxes and centralized bureaucracy for their own sake. They pooh-pooh the concepts of individual involvement and community control as Republican slogans. They stubbornly cling to outmoded Democratic precedents: to public-welfare programs that humiliate those they should help; to farm-price programs not geared to feeding our hungry; to public-housing programs that create new slums; to payroll taxes that run counter to a progressive fiscal policy. New Deal liberalism, convinced that all wisdom stemmed from Washington, built traditional Government paternalism and handouts into LBJ's War on Poverty and opposed RFK's tax and credit incentives for attracting private business into the ghetto. For dramatic proof that the well-intentioned welfare approaches of the 1930's are inadequate for the 1970's, one need only look at the supposed "security" we have provided to the hapless American Indian.

To be sure, the Democratic party must offer new social programs: to make low-cost medical care available to all, to extend free public education beyond high school, and to erase the malnutrition and infant mortality that afflict the richest country on earth, to name only a few. But it must also offer new leadership with new perspectives—on the need to reallocate resources from military weaponry to the abolition of domestic deformities—on the need to give investments in our youth and our environment a higher priority than balancing the budget—on the need to treat the growing urban crisis as a clear and present danger to the prosperous white majority as well as to the black and poor minorities.

The Democratic party must remain the liberal party in the original sense; but the typical liberal-conservative analyses and labels are no longer as relevant as they were.

The movement to bring government closer to the people through decentralized control of schools and other community institutions, for example, is neither "liberal" nor "conservative." While the perils of that effort are many, it is an outgrowth of the same sense of helplessness, the same resentment of a distant, patronizing authority, that has accelerated the movement toward "participatory politics."

The mammoth Bedford-Stuyvesant ghetto project initiated by Robert Kennedy with the backing of private business sought to give those who were virtually powerless a real voice in improving their lives. It ran counter to cherished liberal notions about Federal patrimony, racial integration and corporate greed, but it was in fact in the best FDR tradition of seeking radical innovations for the future to preserve the basic values of our past.

With this and other equally new and far-reaching concepts, the Democratic party can provide a nonviolent answer to those understandably impatient youth who ask whether our system can be changed through means other than violent confrontation and coercion. Some of our goals, if they are meaningful, will no doubt sound like those now being proclaimed by all kinds of militants and revolutionaries. So what if they do? We intend to achieve them peacefully, not through violence, by changing the system, not throwing it out. "We cannot afford," as Archbishop Camara of Brazil has said, "to relinquish banners which are right merely because they have been carried by wrong hands."

Departures from old entrenched positions are also required of our party in foreign policy. Because Democrats held power immediately before and during both world wars, Korea and Vietnam, many of our traditionalists retain an emotional commitment to the cold war policies of containment. Many believe that the only alternative to isolationism is for America to be a global magistrate, an international New Dealer complete with military assistance to undemocratic regimes abroad and a security-conscious military-industrial complex here at home. That must change. Our party cannot conceal its role in the mistaken escalation of the war in Vietnam. But we can call now for a bargaining and battlefield posture that rejects the illusions of the past and seeks the earliest feasible liquidation of that basically bad investment. We can discard the negative attitudes that characterized Democratic administration on new approaches to China and Germany; and we can offer our own specific proposals for ending the East-West arms race and for building nonmilitary responses to Communism.

In both foreign and domestic policy, in short, we must shed the old liberal stereotypes. "Liberal" once meant open-minded, receptive to change, willing to try and to dare—not tied to any dogma or doctrine of the past. I do not consider myself illiberal because I am against inflation, crime, obscenity or teenage drug abuses. Nor do I think it liberal to condone violence on the campus or in the ghetto, or to pretend that the United Nations is more than it really is. Our party, to succeed, must recapture the enthusiasm of those tuned out by last year's series of tragedies. Those young and concerned voters must be shown that a peaceful revolution is possible, and that violent confrontations are unnecessary. Only if the Democrats, nationally and locally, offer that kind of action instead of clichés can we win and deserve to win.

Reports of the party's good health, following Hubert Humphrey's surprisingly narrow loss to Richard Nixon last November, were unfortunately exaggerated. The Republican-Dixiecrat coalition emerged in control of the White House, both Houses of Congress and the governorships of the principal states. The new President, unlike the last Republican President, has both the political know-how and the determination to perpetuate his party in power. Among the industrial states of the North, on which Democratic presidential candidates must depend, Republican governors sit in all but New Jersey (which holds its election this year).

Republican governors in fact control states with two-thirds of the nation's population. Republicans, if present trends continue, could organize the Senate after the 1970 election. Republican control of the House of Representatives is a distinct possibility in 1972—after the 1970 census enables Republican-controlled state legislatures to reapportion congressional districts. Even now, among the new and relatively new members of the House and Senate, Republicans have a two-to-one majority. Moreover, on most key issues dividing the 1968 Democratic platform from the Republican, roughly six out of seven Southern Democratic congressmen can be expected to vote with the Republicans.

The defection of the once Solid South typifies the erosion and division that have emasculated FDR's coalition of power-brokers. Labor unions and big city political machines can still provide important manpower and money to a Democratic candidate, as Hubert Humphrey's campaign in 1968 demonstrated. But as the members of these political, trade union and other organizations move to the suburbs, achieve economic security and make up their own minds after viewing TV, they are less influenced by a leader trying to enlist them behind some lackluster candidate. Many of these leaders are at odds with the party's young activists and intellectuals, who are in turn too often disdainful of the white nationality groups once prominent in the coalition—the Irish, Italians, Poles and others—who are in turn often resentful of the aspirations of black and Spanish-speaking groups, who can at times distrust each other. Most of the farmers who survived the agricultural revolution achieved their security and defected from the coalition long ago.

In 1968, deep-seated opposition to Nixon and Agnew had a temporarily galvanizing effect, and the patronage and other services dispensed by the party in power helped compensate for growing weaknesses. But 1968 was the last hurrah of the old Democratic coalition. For too long, its leaders had complacently counted on the loyalty of many who no longer felt they could count on the Democratic party. In 1968, some of these voters supported Wallace or fringe candidates, some stayed home, and some reluctantly voted Democratic without knowing why.

In too many places, moreover, the party had grown soft and stale. It repeatedly offered aging candidates more renowned for their past glories than for their appeal to the independent-minded, who saw no merit in automatically voting the straight Democratic ticket. Many high-quality candidates with broad appeal at the state and local level were defeated (or even discouraged from running) by party ineptitude; many ran independently of the party organization; and some ran as Republicans. In the best traditions of our party since the days of Al Smith and FDR, the national and local Democratic campaigns in 1968 were focused on those voters too hard-pressed to feel affluent or too aware of the nation's needs to feel indifferent—only to find that the affluent and the indifferent constituted, regardless of registration, a new Republican plurality.

"In stagnant pools," said Mr. Justice Holmes, "there is decay and death; in moving waters there is life and health." Unless the Democratic party moves to become a more democratic party, it faces continuing decay and decline. The 1968 election—having deprived the Democrats of much of their patronage and power, having taught them not to rely on all the big-city machines or the South, having demonstrated that the support of their middle-class members must be newly won—may prove in the long run to have been at least a partial blessing in disguise if it forces our party to cut its ties with racism and bossism and to build a new coalition from the bottom up.

The basis for the old coalition was largely class. The workingman, the relief recipient, the dirt farmer and the tenement dweller looked to the New Deal and its successors for economic salvation. The basis for the new coalition must be not only the common good but also conscience, including not only the poor but also those too recently poor to have forgotten and those too secure to feel threatened—not only realistic black and Spanish-speaking Americans but also idealistic white Americans—not only the old-time New Dealers, interested in public power and Social Security, but also their children and grandchildren, interested in black power, Vietnam and urban blight. Those in the so-called white upper middle class including suburbanites and the well-educated and their voting-age children—once largely written off as traditional Republicans—now hold the balance of political power in the big states. Largely unorganized and uncommitted, unwilling to vote by party label only, uninterested in the old-time economic issues and party history, these voters will more easily find comfort and safety in generally following the lead of their Republican fathers, employers and neighbors unless Democratic candidates can appeal to their consciences as well as their pocketbooks.

A new coalition of conscience can bring the old Democrats and new Democrats together, combining the manpower of youthful activists and part-time housewives with that of regular precinct workers, who know what it takes to keep the party functioning. It can use the energies and skills of countless numbers of young lawyers and businessmen who have expressed to me their desire to take part in elevating American politics and who have the time, money and talent to help bring that about. Nothing would be more self-defeating than to discourage their participation by surrounding the new coalition with an ideological wall so high that only the inflexible purists of the so-called New Left would be eligible for entry. Humorless militants and narrow-minded nihilists, who want freedom for the indulgence of their own moral tastes but not for the majority of Americans (whom they denounce), do *not* represent the coming wave of New Politics.

On the contrary, the most important of all Democratic party traditions—the one historic trait distinguishing it through history from other parties—is its role as a broad-based, multi-interest, internally divided political party, too diverse to be doctrinaire, too big to be unanimous.

The key word in the lexicon of the New Politics is "participation." Real political power in both parties has too often rested disproportionately in the hands of a few party officials and contributors, nearly all of them white, male, affluent. Establishment-oriented and over 50, many of them more concerned about keeping their places on the political ladder than solving the national and urban crises surrounding them.

Until we change that picture, we can hardly preach to other peoples about self-determination.

Having been in power nationally for nearly all of the last 36 years, Democrats have become too accustomed to accepting leadership from the top down and changing it too infrequently. Southern dissent inside the party was expected, but liberal dissent was considered heresy. One of the brighter spots of the dreary 1968 convention in bloody Chicago was the willingness of 40 percent of the delegates to oppose the party Establishment in voting for the minority "peace" plank. That same convention terminated most concessions to the Old South, encouraged as never before the participation of black, young and grass-roots Democrats, ended the unit-rule device by which minority voices were stilled, established one commission to modernize convention rules and established still another to insist hereafter on the democratic selection of all delegates.

These developments must continue. The frustrating sense of powerlessness that many Americans feel toward remote, impersonal institutions applies to political parties as well. I am constantly asked by dissatisfied Democrats: "What can I do?" If our party is to be responsive to its members—and we cannot otherwise succeed—it is not enough that they be "involved" stuffing envelopes or ringing doorbells, important as such activities may be.

We must formulate procedures to redistribute political power to achieve the broadest possible participation in the exercising of that power. Precinct meetings open to all must have an effective voice in the formulation of policy and in the selection of both party leaders and candidates. The notion that a few men should successfully choose the party nominee for any important office regardless of whether he reflects the will of the voters is shocking.

Through direct primaries, periodic surveys and more frequent state and national platform conventions, through more open channels of communication between party members, leaders and public officials, through increased party informational and educational activities, and through a far broader financial base of small contributions, rank-and-file Democrats can obtain new confidence in party decisions, and that kind of direct participation can produce the enthusiasm and momentum that lead to victory.

A national presidential primary would be chaotic and exorbitantly expensive without assuring as representative a choice as an overhauled convention system. It would make even more difficult the prospects of an insurgent candidate. But every presidential and every senatorial or gubernatorial nominee of our party will have greater voter confidence (and surely more workers) if his policies and appeal have first been fairly tested in a contested open primary.

All this will be to no avail, however, without high-caliber candidates at every level. We need men and women who are able to appeal to all elements in the Democratic party and to independents as well, willing to campaign hard at the grass-roots level, and more inclined to explain on TV the new and current issues than to engage in blindly partisan exaggeration. Young people and intellectuals must be involved in those campaigns, their imaginative contributions welcomed regardless of their refusal to support every Democrat or every plank in their own candidate's platform. Storefront headquarters will be more important than smoke-filled hotel rooms. A candidate's convictions, commitment and ability to inspire a majority of the voters will be more important than his acceptability to a few party leaders and donors.

Increased citizen participation does not deny the need for strong leadership. On the contrary, the very turbulence and diversity that have consistently characterized the history of the Democratic party have also made it responsive to those strong personalities who survived spirited intraparty debates and led all factions to victory.

But above all, the Democratic party must not stand still. It must not be the party of the status quo. Its leadership must not be confined to the old and the established. As Edmund Burke cried out long ago: "Applaude us when we run, console us when we fall, cheer us when we recover, but let us [press] on—for God's sake, let us [press] on."

THE ARMS TRADE—PART VIII

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, last Saturday the President announced that the long-awaited strategic arms limitation talks—SALT—between the United States and the Soviet Union would commence in Helsinki on November 17, 1969. The time was never more opportune to urge the Soviet Union to join us in discussing limitation on the international trade in conventional weapons of war.

There is no doubt that the Soviet Union's aggressive arms sales policy has been primarily responsible for the current political, military, social, and economic instability in the Middle East. The size, scope, and objectives of the Soviet arms sales effort in the area, however, are seldom appreciated fully in the West. Therefore, I thought my colleagues might be interested in certain background information, charts and statistics which I have compiled that illustrate what I believe to be the true nature of the Soviet military involvement with the Arab States.

Since 1955, the Soviet Union has shipped an estimated $7 billion worth of military equipment to non-Iron Curtain countries. This averages approximately $500 million in arms sales yearly. Of that $7 billion in sales, $5 billion has gone to 10 Arab States. Egypt alone has received nearly $2 billion in Soviet arms, and the remaining $3 billion has gone, in varying amounts, to Afghanistan, Algeria, Cyprus, Iran, Iraq, Morocco, Pakistan, Syria, and the Yemeni Republicans.

There are many reasons why the Soviets are selling arms so vigorously in the Middle East, but all are predicated—as elsewhere in the world—on the desire to destroy Western influence and to replace it with their own. In pursuit of this overall objective, the Soviets will, for instance, support "wars of liberation" such as those in Algeria and the Yemen.

Moscow will also sell arms to dilute or destroy the effectiveness of a Western military alliance—such as CENTO. Arms also are sold to protect Soviet frontiers, trade routes, and 'forward facilities" in foreign countries. Sometimes, in its war for ideological supremacy, the Soviet Union sells arms to undercut Red China; on other occasions, it sells arms because it wants the money.

With few exceptions, the Soviets have never given away anything of significant value. Usually, they sell arms at low—by Western commercial standards—interest rates, from 2 to 2.5 percent payable over a 10- to 12-year period. Occasionally, they will barter arms in exchange for commodities. One result has been that Egypt, for instance, has been forced to hock many of its cotton crops to pay for the fancy Soviet hardware.

Selling arms, the Soviets realize, satisfies the touchy pride of a poor nation; limited foreign exchange reserves are also tied up in the Soviet Union, thus restricting a poor country's trade relations with the West.

From what sources are available, it appears that all arms sales decisions come from the Politburo, and that the operative control of the Soviet arms aid program rests with the KGB, the Soviet's foreign intelligence apparatus.

In order to hide their activities, the Soviets will sometimes use their satellites as intermediaries. Thus, many arms sales of Soviet origin often end up in the record books as Czech, Polish, East German or Bulgarian sales since it was these countries that actually handled the transaction. We in the West should not be fooled: all arms sales, no matter which country initiated the transactions, are first cleared in Moscow.

Red Chinese arms aid to the Middle East, as in other parts of the world, is currently small in volume; it is designed primarily to undercut the West and the Soviet Union and to promote worldwide revolution. While small, the future potential for a large-scale infusion of Red Chinese arms into the area is always present, and may become a reality once the Peking regime shifts its primary concern from domestic to foreign affairs.

The Soviet infusion of weaponry into Egypt and the other Arab States represents the classic example—in terms of world peace and stability—of the conventional arms trade at its worst.

Emboldened by the huge arms supplies, Nasser provoked the 1956 war that gave the first frightening glimpse of what a major power confrontation could portend. Eleven years later, Nasser dared again to plunge the Middle East into war.

Nasser's Egypt—overarmed and underdeveloped—used the Soviet weapons to invoke war as an instrument of national policy. Moscow found it could not control Cairo once it had overarmed Egypt which, in reality, faced no military threat other than that raised by its own reckless policies directed at Israel and the West.

The Israelis were compelled to engage in a terrifying game of military catchup on which their very existence depended. Even now Israel must devote an excessive portion of its gross national product to defense.

It is obvious that most of the Arab States intend to use their Soviet and Chinese arms to destroy Israel. There is no question, for instance, that Nasser has twice gone to war with Israel because, with all that Soviet weaponry, he saw no need to settle his differences peaceably. Each time the Communist nations have pumped an additional quantity of arms into an Arab country, the Israelis, in self defense, have been forced to increase both the size of their military and the quality of their weapons. This process has continued unchecked for over 14 years and has so swollen military establishments, so weakened economies, and so destabilized political and military factors, that the threat of widespread violence of a very high order is quite possible at any moment. It is clear that the Soviet Union, far more than any other nation, provoked this situation, and still sustains it, with its massive arms aid to Arab States.

In order to give my colleagues some idea of the volume of Communist weapons currently deployed in the Middle East, I submit the following chart showing a breakdown of arms delivered by country. Also included are footnotes and short comments on each recipient country which, hopefully, will both clarify and put into proper perspective certain aspects of the Soviet and Chinese arms aid programs not evident in the chart.

I hope that ths chart will also encourage the President of the United States to take whatever steps are necessary to initiate multilateral discussions among the United States, the Soviet Union, Great Britain, France, West Germany, Italy, and other arms-producing countries on control of the arms trade in general and in the Middle East in particular; to take whatever other steps are necessary to begin a general debate on the subject in the United Nations; and in particular to seek to include the international trade in conventional weapons of war on the agenda for the strategic arms limitation talks.

The material follows:

MILITARY EQUIPMENT FROM COMMUNIST COUNTRIES DEPLOYED IN THE MIDDLE EAST AS OF 1968–69 [1]

AFGHANISTAN [2]

Army

Six divisions, equipped mostly with Soviet arms.

At least 100 Soviet T–54 and PT–76 tanks.[3]

Soviet artillery.

Air Force

4–5 squadrons Soviet MiG–17's.

1–2 squadrons Soviet Il–28 bombers.

Some Soviet helicopters.

Navy

Afghanistan has no Navy.

ALGERIA

Army

200 Soviet T–34, T–54 and T–55 tanks.[4]

Soviet 140mm and 240mm rocket launchers.

Soviet 85mm, 122mm and 152mm howitzers.[5]

50 Soviet SU–100 self-propelled guns.

Some Soviet SA–2 surface-to-air missiles.

Air Force

140 Soviet MiG–15's, –17's and –21's.

30 Soviet Il–28 bombers.

8 Soviet AN–12 transports.

4 Soviet Il–18 transports.

50 Soviet Mi–4 helicopters.

Navy

6 Soviet subchasers.

2 coastal minesweepers.[6]

9 Komar- and Osa-class missile patrol boats.

8 Soviet motor torpedo boats.

CYPRUS

Army

30 Soviet T–34 tanks.[2]

Some Soviet trucks.[3]

Some SA–2 surface-to-air missiles.[2]

Soviet anti-aircraft guns.[7]

Soviet and Czech small arms.[5]

Navy

6 Komar-class motor torpedo boats.[7]

IRAN

Army

Some Soviet trucks.

Soviet 57mm and 85mm anti-aircraft guns.

IRAQ

Army

300 Soviet T–54 and T–55 tanks.

100 Soviet T–34 tanks.

Some Soviet SU–100 self-propelled guns.[9]

Some Soviet armored personnel carriers.[9]

5 batteries Soviet SA–2 surface-to-air missiles.[10]

Air force

60 Soviet MiG–21's.

45 Soviet MiG–17's and –19's.

20 Soviet SU–7 fighter-bombers.

8 Soviet TU–16 jet bombers.

10 Soviet IL–28 jet bombers.

About 20 Soviet transport planes.

Navy

Some Soviet river gunboats.[9]

Some Soviet Komar-class motor torpedo boats.[9]

MOROCCO

Army

35 Soviet T–54 tanks.[11]

Some Soviet SU–100 tank destroyers.

Air Force

16 Soviet MiG–17's (in storage).

Some Soviet Yak–9 trainers.[12]

Some Soviet helicopters.[9]

PAKISTAN

Army

80 Red Chinese T–59 tanks.[3]

Air Force

40 Red Chinese MiG–19's.

28 Red Chinese IL–28 jet bombers.[13]

SYRIA

Army

150 Soviet T–34 tanks.

250 Soviet T–54, T–55 tanks.

60 Soviet SU–100 tank destroyers.

500 Soviet BTR–152 armored personnel carriers.

Soviet artillery up to 155mm.

Some SA–2 surface-to-air missiles.

Air Force

60 Soviet MiG–21's.

70 Soviet MiG–15's and –17's.

20 Soviet SU–7 fighter-bombers.

8 Soviet IL–14 transports.

14 Soviet helicopters.

Navy

2 Soviet minesweepers.

6 Soviet motor torpedo boats with Styx missiles.

17 Soviet motor torpedo boats (less than 100 tons).

UNITED ARAB REPUBLIC

Army

500 Soviet T–54 and T–55 tanks.

100 Soviet T–34 tanks.

50 Soviet PT–76 tanks.

20 Soviet JS–3 tanks.

150–250 Soviet SU–100, JSU–152 and ZSU–157 self-propelled guns.[14]

600 Soviet heavy caliber field guns and truck-mounted rocket launchers.

800 Soviet armored personnel carriers.

100 Czech amphibious armored personnel carriers.[15]

15 Soviet Frog–3 surface-to-air missiles.

20 Soviet Samlet surface-to-air missiles.

180 SA–2 surface-to-air missiles (30 batteries).

Air Force

110 Soviet MiG–21's.

80 Soviet MiG–19's.

10 Soviet TU–16 jet bombers.

40 Soviet Il–28 jet bombers.

90 Soviet Su–7 fighter-bombers.[15]

120 Soviet MiG–15's and –17's.

40 Soviet Il–14 transports.

20 Soviet An–12 transports.

50 Soviet Mi–4, Mi–6 and Mi–8 helicopters.

150 Soviet and Czech trainers.

Footnotes at end of article.

Navy

4 Soviet destroyers.

8 Soviet minesweepers.

18 Soviet missile patrol boats.

40 Soviet and Yugoslav motor torpedo boats.

13 Soviet submarines.

1 Soviet tank landing ship.

Some small Soviet craft.

YEMEN (REPUBLICANS)[16]

Army

30 Soviet T–34 tanks.

50 Soviet SU–100 assault guns.

70 Soviet armored personnel carriers.

50 Soviet light guns.

100 Soviet anti-aircraft guns.

Air Force

30 Soviet Yak fighters (flown by foreign mercenaries).

24 Soviet MiG–19's.[17]

Some Soviet Il–10 bombers.[9]

FOOTNOTES

[1] Figures taken from "The Military Balance 1968–1969" (Institute for Strategic Studies, London, 1969), unless otherwise noted.

[2] "The Middle East and The Arab World, The Military Context," by David Wood, Adelphi Paper No. 20, Institute for Strategic Studies, July 1965, except as noted.

[3] "Arms to Developing Countries 1945–1965", by John L. Sutton and Geoffrey Kemp. Adelphi Paper No. 28, October 1966. P. 26.

[4] Ibid., p. 23. New York Times, February 10, 1967 reports 600 tanks.

[5] May be Red Chinese in origin.

[6] Probably Soviet.

[7] New York Times March 30, 1965.

[8] Ibid., December 22, 1966.

[9] "The Soviet Military Aid Program As A Reflection of Soviet Objectives", Georgetown Research Project, Atlantic Research Corporation, June 24, 1965. Table I, pp. 83–4.

[10] Mimeograph document issued by the Institute for Strategic Studies at the outbreak of the Six Day War of 1967 listing equipment of countries involved in the war.

[11] Sutton and Kemp, op. cit.

[12] "The Armed Forces of African States," by David Wood, Adelphi Paper No. 27, April 1966, p. 6.

[13] "The Diffusion of Combat Aircraft, Missiles and Their Supporting Technologies," by John H. Hoagland, Jr., and Erastus Corning III, et al. Browne & Shaw Research Corporation, Waltham, Massachusetts, 1966. P. A–14.

[14] (London) Sunday Times, August 31, 1969.

[15] New York Times, May 8, 1969.

[16] "The Middle East and the Arab World, The Military Context", op. cit. Most of the equipment came via Egypt.

[17] New York Times, December 15, 1967.

COMMENTS ON RECIPIENT COUNTRIES

AFGHANISTAN

The Soviet Union is the major arms supplier. Afghanistan first received Soviet arms in 1956; much of the equipment delivered since has been routed through Czechoslovakia, East Germany, Poland and Hungary.

A permanent Soviet military mission is stationed in the country, but its members are not allowed to accompany Afghan troops on maneuvers.

Soviet aid has been given to ensure that Afghanistan maintains its historical role as buffer state between the Soviet Union and Western interests to the south and west.

ALGERIA

The Soviet Union is the major arms supplier. Small quantities of arms were received from Czechoslovakia, Red China and Egypt during its war for independence. Some post-independence arms came from Cuba. Algeria was used by the Soviet Union as an arms aid transit point during the Congo violence of 1960–65.

Many Algerian army and air force officers are trained in the Soviet Union. At least ten communist countries offer political and military training courses to Algerian students.

Communist arms have been supplied to Algeria primarily to displace French influence in the area, and to acquire refueling and repair bases for Soviet planes and ships in the Mediterranean area.

CYPRUS

Great Britain and Greece are the major arms suppliers. Most of the small arms and crew-served weapons are of Swiss, Swedish and Belgian origin. Some arms were acquired from Egypt, Yugoslavia and private dealers during the troubles.

The 1964 military aid agreement with the Soviet Union reportedly states that no bloc personnel will be stationed in Cyprus.

The Soviet military aid program to Cyprus, while relatively small, is designed primarily to displace British influence, to antagonize two NATO allies (Greece and Turkey) and to enhance the Soviet political and military position in the Mediterranean and Middle East areas.

IRAN

The United States has been Iran's major arms supplier since the end of World War II. The value of U.S. military aid to Iran since 1950 exceeds half a billion dollars.

In January, 1967, the Soviet Union agreed to sell Iran $110 million worth of arms. Iran was the first Western ally to buy weapons from the Soviets. This move was made by the Shah reportedly to erase the "U.S. client only" tag, and to encourage Washington to supply Iran with the latest military equipment (which subsequently has been done.)

On at least one occasion Iran has acted as a secret arms purchasing agent for Pakistan, who was suffering under an arms embargo imposed in 1965.

IRAQ

The Soviet Union has been Iraq's principal arms supplier since 1956. Iraqi officers and technicians have attended training courses in the Soviet Union, Czechoslovakia and East Germany. In 1963, approximately 500 Soviet technicians were stationed in Iraq. In 1966, it was reported that 58 Soviet Il–28 bombers had been transferred from Egypt to Iraq.

Soviet reasons for selling arms to Iraq are essentially the same as those for Syria and Egypt.

MOROCCO

The United States and France have been Morocco's major arms suppliers.

Morocco first received Soviet aid in 1961 when a quantity of Mig fighter planes and other advanced equipment were delivered. The only other instance of Soviet aid occurred in 1967 when spares and replacements for the above equipment were delivered.

Soviet military aid is designed to help Morocco in its border disputes with Mauritania and Algeria, and to increase the pressure on the Rabat government to end the U.S. presence in the country.

PAKISTAN

The United States is Pakistan's major arms supplier. Since 1947, the U.S. has either given or sold to Pakistan military equipment valued at an estimated $750 million.

Following the 1965 war with India, Pakistan began to buy its arms from other sources than the United States, since a general American embargo was in force. (On at least two occasions Washington has covertly broken its own embargo by allowing several NATO allies to supply U.S. arms to Pakistan.)

Red China has supplied CENTO-ally Pakistan with a small amount of combat weapons. The aid was designed both to diminish Western influence in the country and to counter Soviet aid to India.

Pakistan recently offered to send troops to its Moslem allies in their fight against Israel.

SYRIA

The Soviet Union has been Syria's major arms supplier since 1956; however, Moscow's interest in the country seems to have waned temporarily. As far back as 1957 there were as many as 300 Soviet military and technical advisors in the country, although there are probably less today.

Despite all the Soviet aid, the Syrian military is considered ineffectual. Much of its better equipment was diverted to Egypt during the Egyptian-Syrian union.

Soviet aid to Syria was designed to destroy French, British and American influence in the country.

UNITED ARAB REPUBLIC

The Soviet Union has been the major arms supplier to the U.A.R., or Egypt, since 1955 when $200–225 million worth of weapons were delivered via Czechoslovakia. The presence of these arms alone were sufficient to provoke war the following year. Between 1955 and 1967 the Soviet Union delivered an estimated $1 billion worth of arms to Egypt. To pay for each new succeeding generation of Soviet arms, Egypt has become an exporter of its second-hand arms.

During the Six Day War of 1967, Egypt lost approximately one-half of its Soviet equipment. Within a year, Moscow had completely re-equipped Egypt with even more advanced weaponry, valued at an additional $1 billion. It is estimated that there are currently 3,000 Soviet military advisors in Egypt.

Soviet military aid to Egypt is designed to undercut Western influence in the Middle East, to protect Soviet trade routes to the Far East, to provide refueling and repair bases for Soviet planes and ships, and to provide a strategic transit point for Soviet economic, military and political aid going to other nations in the area.

YEMEN (REPUBLICANS)

The Soviet Union, using Egypt as its intermediary, has been the major arms supplier to the Republicans since 1965, possibly earlier. Soviet arms have been supplied to the Yemen as far back as 1928, although post-war interest dates from 1956 when a small quantity of arms was delivered.

Soviet and Syrian mercenaries reportedly have been flying combat missions for the Republicans. Czech guerrilla instructors are active in the army. Poison and blister gases of Egyptian origin are reported to have been used against the Royalists. Egypt denies using such weapons although the evidence is strong that the Egyptians used some type of toxic gas bomb.

Soviet interest in the Yemen complements its reasons for providing arms to Egypt.

TYPICAL COMMUNIST TERROR TACTICS CONTINUE IN KOREA AS WELL AS IN VIETNAM AND CZECHOSLOVAKIA

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, the official attitude of Communist governments toward neighbors whose lands they covet was clearly brought home to us when the North Koreans ambused and murdered a patrol of U.S. servicemen south of the demilitarized zone. One of the soldiers, Bill Grimes, was a native and resident of Salinas, Calif.—a young friend of mine.

Contemporary conduct as well as history continues to remind us that neither agreements nor human life are respected by the Communists.

The geographical and political divisions of Germany, Berlin, Korea, and Vietnam were designed to purchase peace for the citizens of those places who wished to determine their own livelihoods and destinies. The Communists, however, will not relent in their aggression or terror until they dominate all of these places.

I suppose I should be tolerant and meekly excuse this preplanned terrorist murder in South Korea as just another natural nationalistic exuberance. No offense intended. Planned Communist terror and aggression is somehow, and for some unknown reason, supposed to be played pianissimo.

I believe the Congress, particularly some Members of the other body, and most citizens of this country would look upon preplanned terror and murder differently if one of the victims was one of their young friends.

We need to remember these victims and these incidents when we negotiate the Communist control of South Vietnam.

DELAY ON THE PART OF CONGRESS WILL HAMPER THE CAMPAIGN TO MAKE OEO A BETTER AGENCY

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the most serious criticisms which has been leveled at the Office of Economic Opportunity in the past is the lack of State involvement in its programs.

In his February 19 message on the Economic Opportunity Act, President Nixon recognized the problems over the relationship of State, county, and local governments to the programs administered by OEO.

Again, in the hearings before the Education and Labor Committee it was pointed out that the partnership between the State and Federal Governments in the poverty program was a nominal one at best.

Now, however, this policy has changed. The concept of a new federalism has become a part of the OEO and efforts are being made to involve the States in a meaningful relationship with this program.

A number of major steps have been taken to heighten State involvement in antipoverty efforts. A new division of State and local government has been created to promote effective relationships between State governments and field operations. An increase of nearly 30 percent in the basic funding level for the State Economic Offices has been included in the fiscal year 1970 budget. A complete revision in the OEO directive on the role of the State Economic Opportunity Offices is being circulated for review and comment by Governors. It will dramatically increase the role of the State in the planning and coordination of programs under the Economic Opportunity Act.

I believe that this example of OEO's willingness to deal effectively with a serious problem within its program shows that the Nixon administration have made a serious commitment to the improvement of the poverty program. Delay on the part of Congress will only hamper the campaign to make OEO a better agency.

LEGISLATION INTRODUCED TO DELINEATE THE GOVERNMENT'S RIGHT TO APPEAL IN CRIMINAL CASES

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I have today introduced an administration bill which would correct two basic flaws in section 3731, title 18, United States Code, which delineates the Government's right to appeal in criminal cases.

Section 3731 divides appeals by the United States into two categories—those which may be taken only directly to the Supreme Court of the United States and those which may be taken directly to the court of appeals. The problem is this: too many cases of less than landmark significance are appealable only to the Supreme Court. A typical case might be one where the defendant moves to dismiss the indictment because he has not been accorded his constitutional right to a speedy trial. The resolution of that claim may very well involve nothing more than a question of fact. That is hardly a matter for an expedited review by the Supreme Court. Thus the Supreme Court will dismiss such an appeal because it presents no substantial Federal or constitutional question. The result is that the Government has neither a trial nor an appeal. In view of the mounting crime problem, such a result is not in the best interests of an effective administration of justice.

In addition to granting the often illusory right of appeal directly to the Supreme Court, section 3731 in some cases fails to authorize any appeal at all. The statute does not presently authorize any appeal to the court of appeals in all cases where the double jeopardy clause would permit it and where there is no direct appeal to the Supreme Court. It should. It would if the proposed legislation were adopted. However, if an indictment is dismissed for technical reasons after the jury is sworn, but before the verdict, the courts have held that no appeal is authorized.

It is important to note that those court decisions are not based on constitutional grounds but on statutory grounds only. Thus, this flaw can be, must be, and should be corrected by the Congress.

I find no inconsistency between granting the United States the right to one trial on the merits and the double jeopardy clause.

The leniency of trial judges in permitting the defendant to raise an objection to an indictment at any time should not deprive the Government of its appellate rights. Such a result completely subverts traditional notions of fair play and established rights. It, frankly, encourages defense counsel to delay in making motions which could have been made before trial. The continued practice of such dilatory tactics could only lead to restrictive measures for defense counsel, such as automatic waiver of rights not pressed before trial.

The proposed legislation is therefore both constitutional and wise. I urge its prompt consideration and adoption.

THE TRAGIC CONSEQUENCES OF UNCONDITIONAL IMMEDIATE WITHDRAWAL FROM VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Oregon (Mr. WYATT) is recognized for 15 minutes.

Mr. WYATT. Mr. Speaker, for more than 4 years now the Gallup poll has shown the issue of Vietnam to be the most urgent question of public policy, foreign or domestic, in the minds of the American people.

During these 4 years there has been a dramatic shift in public opinion about the wisdom of the policy begun in 1965 of committing large American forces to combat in Vietnam. According to the Gallup poll of August 1965, 61 percent of the people approved of sending American troops to fight in Vietnam, whereas 24 percent opposed this step. The most recent Gallup poll on this subject indicates that only 32 percent now approve of the action while 58 precent call it a mistake.

During the Korean war, public opinion shifted in the same way from approval in the initial stages of the war to disapproval in the later stages. The 65 percent of the public who approved the commitment of American fighting forces to Korea in August 1950 dwindled to 37 percent by October 1952.

In the negotiations that brought the Korean war to an end, President Eisenhower faced a problem not unlike that which confronts the Nixon administration today—an impatient public opinion demanding swift termination of the war. Eisenhower did succeed in achieving an honorable settlement in Korea ending the war 6 months after taking office. In reaching this settlement, he was aided by the fact that the public, however disillusioned about the Nation's military involvement in Korea, appeared to place its trust in the President as he strove to restore the peace. Had there been widespread public demonstrations of dissatisfaction with the course the President was pursuing to achieve peace in 1953, the end of the Korean war might not have come so speedily.

So, to millions of Americans who today are impatient for an end to the war in Vietnam, I would raise the question of whether the methods of protest currently practiced advance or retard the coming of the peace which the overwhelming majority of our countrymen ardently desire. Sincere and concerned Americans should ponder the words of the respected British journalist, Victor Zorza:

> The main obstacle to a peaceful settlement now is the belief . . . that the pressure of American public opinion will in the end give the Communists all they want.

No one wants peace more earnestly than President Nixon, and he has embarked on a course of policy that leads to peace.

What the Nation needs now is a clear understanding of the President's policy and sober consideration of the real issue of Vietnam as it stands today.

The President's policy is not the policy of the past. President Nixon is reducing in swift and ready steps the responsibility, military and other, which the United States assumed in Vietnam. A total of 60,000 American troops—20 percent of our combat forces there—are being removed, and further reductions will be made. American casualties have decreased substantially.

The issue today is not whether to be pro or antiwar. The Government and the people of the United States are united in being antiwar. If Hanoi were antiwar, peace would have come to Vietnam months ago when President Nixon offered to negotiate a settlement on any terms that preserved the right of the South Vietnamese to determine their own destiny.

The issue today is not whether American troops should be removed from Vietnam. They are being removed from Vietnam.

The real issue now is whether this removal of American troops should proceed along the orderly course which it has begun so that South Vietnam will have the opportunity for self-determination or whether the United States should abruptly withdraw, leaving chaos and risking the subjugation of South Vietnam by the forces from the North.

Much has been said about our face saving and national honor. These considerations are not ends in themselves. Our purpose is to disengage, while protecting our own troops in the process, saving our prisoners of war, saving the South Vietnamese from wholesale slaughter, and preserving to the South Vietnamese the rights of self-determination.

Those who have assumed the position of spokesmen for the war protest movement in Washington call for immediate and total withdrawal of American forces.

The consequences of such a policy would be disastrous.

Whatever hope exists of ending the war through negotiation would be dashed.

The American servicemen held prisoner by the enemy, numbering somewhere between 400 and 900, would be abandoned.

The last American forces scheduled for departure could run the risk of being overwhelmed by vastly superior enemy forces. They could be the victims of a new Dunkirk or a new Corregidor.

Finally, assassinations, torture, and imprisonment would be the lot of large numbers of South Vietnamese. On the basis of the past behavior of the North Vietnamese and Vietcong authorities, this number should be put in the hundreds of thousands, perhaps as many as 1½ million.

The history of the Hanoi government and of the Vietcong is studded with heartless indiscriminate mass terrorism against any who stood in their way.

Principally for this reason, Vietnam has experienced proportionately the greatest large-scale shifts of population recorded in recent history except for those which Hitler engineered in Eastern Europe in World War II: 900,000 fled North Vietnam at the time of the Geneva settlement of 1954, and another 400,000 sought to do so but were turned back; 300,000 Montagnards abandoned their villages in the eastern highlands of South Vietnam to escape the Vietcong terrorism of 1962. Civilian refugees numbering in the millions have left their homes in other parts of South Vietnam to flee from the brutality of the enemy.

There can be no doubt that a precipitous American withdrawal from Vietnam at the present time would be followed by the full fury of a bloodbath against hundreds and hundreds of thousands of hapless people.

It might be well to reflect on the specific pattern of enemy brutality.

Dr. Tom Dooley gave an eye-witness report of the treatment given children in Haiphong in 1954 as he observed it in a staging area for refugees who had chosen to exercise the right given them to move to the south. Dr. Dooley wrote in his book "Deliver Us from Evil":

> Now two Viet Minh guards went to each child and one of them firmly grasped the head between his hands. The other then rammed a wooden chopped chopstick into each ear. He jammed it in with all his force. The stick split the ear canal wide and tore the ear drum. The shrieking of the children was heard all over the village.

Another incident I take from the report of a commission sent by the World Confederation of Organizations of the Teaching Profession to investigate the systematic Vietcong terror against teachers and schoolchildren. According to the Commission's report, the Vietcong stopped a schoolbus in a rural area and told the children not to attend school. When the children continued for another week, the Communists stopped the bus again, selected a little 6-year-old girl and cut off her fingers. They told the other children, "This is what will happen to you if you continue to go to that school." Needless to say, the school was forced to close.

The Commission's report is crammed with gruesome accounts of teachers who were shot, beheaded, or had their throats cut.

Dr. A. W. Wylie, an Australian physician, serving in a Mekong Delta hospital, has related a number of instances of barbaric treatment by the Vietnamese Communists which he has seen. He tells of a woman so mutilated by the Vietcong that her legs were dangling by ribbons of flesh and had to be amputated. Her husband, a hamlet chief, had been strangled, and her 3-year-old child had been machinegunned to death before her eyes.

Consider the fate of another hamlet chief not far from Da Nang and his family. While the residents of the hamlet were forced to look on, the chief's tongue was cut out. As he died, the Viet Cong killed his wife. Then, the 9-year-old son: a bamboo lance was rammed through one ear and out the other. Two more of the chief's children were murdered the same way. The Viet Cong did not harm the 5-year-old daughter—not physically: they simply left her crying, holding her dead mother's hand.

Except for the brutality of the Nazis, modern history records no worse instance of mass slaughter of innocent people than that which occurred at Hue at the time of the Tet offensive in 1968. There the Communist forces rounded up men, women, and children indiscriminately, killed them, and dumped them into mass graves, burying some alive. The number of bodies of victims of this massacre recovered in the vicinity of Hue is now well above 2,000. Among the victims were old people and children, teachers, Buddhist and Catholic priests and nuns.

The victory of Ho Chi Minh over the French in 1954 was accompanied by a wholesale purge of the population of North Vietnam in connection with the so-called land reform program. Death and imprisonment were visited on hundreds of thousands in this campaign which was not halted until 1956. Estimates of those who died in the land reform campaign run between 50,000 and 100,000. Each village of North Vietnam was given a quota of deaths—five per village—which it was expected to attain in the campaign to eliminate landlords. The principle on which the campaign was conducted was expressed by Dr. Nguyen Nanh Tuong at the National Congress of the Fatherland Front in October 1956 in these words:

> It is better to kill ten innocent people than to let one enemy escape.

Finally, at least 25,000 South Vietnamese civilians have been killed since the late 1950's and at least twice that number kidnaped in the unremitting campaign of terror conducted by the Vietcong against noncombatants.

The cruelty of the enemy in Vietnam has been systematic, thoroughgoing, and unrestrained. It is a fact that must be taken into our calculations when we consider the timing of redeployment of our troops from Vietnam. Few Americans would want to expose the people of South Vietnam to the vengeance of a victorious North Vietnam.

President Nixon's plan for peace involves the replacement of American troops in Vietnam as South Vietnamese become ready to assume responsibility for their own defense and to fight through a dwindling war without combat assistance from the United States. This policy is well on its way, and it is succeeding.

Every reliable indicator of public opinion shows that a substantial majority of the American people support the President in the course that he is following. The most recent Gallup poll indicates that 52 percent approve of the way President Nixon is handling the situation in Vietnam, whereas 32 percent disapprove. The Harris poll finds that 49 percent approve of the present rate of troop withdrawal against 29 percent who think it too slow.

The Nixon policy will bring the war in Vietnam to an honorable end if the time that is needed to make it fully effective is granted.

The shortest and quickest way to end this war is to quit demanding the immediate, unconditional withdrawal of our troops, and instead to unite behind President Nixon in the only practical method of disengaging in Vietnam.

GENERALLY REGARDED AS SAFE IS AN UNSATISFACTORY STANDARD

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, the public has been exposed to food additives for many years now. They are used as preservatives, to enhance flavor and to improve the appearance of foods. Yet, within the space of a few weeks we have discovered that two food additives, both of them widely used, are potentially dangerous. First, cyclamates, will be taken off the market, and the other, monosodium glutamate, will be removed from baby foods. But there are more than 600 other food additives that remain listed as safe by the Food and Drug Administration. This generally regarded as safe list eliminates any testing requirement. I question the soundness of a list that permits food additives to be widely sold without conclusive proof of their safety.

Why are food additives approached with less caution than drugs when they may prove even more formidable? Generally, a drug is prescribed for a condition that will clear up within a given timespan. But additivies are used with no such limited timetable. They may be consumed by an individual over his entire lifetime, due to their presence in the food he eats. Yet, no study has been made of the cumulative effects of any additive on people. No conclusive data provides information about the residue remaining in the body after ingestion of additives once or over a period of time.

I recommend a thorough review of additives presently listed as safe. New additives should be thoroughly tested before making them available to the public. Food additives must be specifically regarded as safe, if public confidence is to be preserved.

SUPREME COURT HOLDS ITSELF NOT BOUND BY CONSTITUTION

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, today the Supreme Court of the United States handed down another landmark decision. By tomorrow morning the news media will have loudly trumpeted that it was a unanimous opinion, ending southern school segregation forever.

There will not be one line to indicate that it was a per curiam opinion. As is well known to lawyers and judges, a per curiam is one with which none of the participating judges will associate his name.

The matter to which I refer is Alexander against the Board of Education and after reading the opinion it is quite understandable that no member of any court would wish to have its authorship attributed to him.

Mr. Speaker, I state plainly and simply that this action of the Supreme Court of the United States is founded neither in any possible construction of the Constitution nor in any possible understanding of the law.

It is a classic example of the arbitrary and unfettered exercise of naked power.

Long years ago, Thomas Jefferson warned free men of this very possibility, when he dramatically pointed out that of all tyranny, judicial tyranny is the most fearful.

If the Constitution of the United States forbids a State to assign pupils to a school solely because of their race, it makes no difference whether the object of such assignment is segregation or forced integration under the newly invented "Doctrine of Racial Proportion." If government has no power to forcefully segregate, it has no power to forcefully integrate.

It does not take genius to understand that the State either has that power or does not. Until 1954, it had such power. The Constitution did not change, but in 1954 the Warren court decided the power had vanished. The Burger court has now decided that although the State has no such power, the court has.

What this preposterous decision amounts to is that racial school assignments are unconstitutional if they are made by the States, but constitutional if made by the courts.

Today's decision is a gross distortion of any possible interpretation of the Constitution.

There is yet another problem.

The Constitution of the United States places the legislative power in the Congress. It requires that the President execute the laws. Congress has stated plainly that desegregation does not mean integration, and has prohibited the use of Federal moneys for busing to further the "doctrine of racial proportions."

The Secretary of Health, Education, and Welfare has seen fit to ignore this law. He has made his own law, and by withholding funds, has attempted to do exactly that which he was forbidden to do. Now the Supreme Court has authorized the Fifth Circuit Court of Appeals to use its judicial power to enforce as law the lawless acts of Mr. Finch.

Mr. Speaker, this is judicial tyranny in its worst form. A Cabinet officer and some Federal judges—not one of whom were elected by or are responsible to the people—have combined to promulgate and attempt to enforce a bogus law, directly contrary to the laws enacted by the Congress.

The people whose children are endangered by this usurpation of power cannot be expected meekly to submit—nor should they.

In the guise of controlling public education, the judiciary has now destroyed it. The people are not deceived. They understand the total lawlessness of this attempt. As free Americans, they will do what is necessary to protect their children, and what they can to educate them.

Freedom of choice is not an empty slogan. Freedom of choice is the heart and soul of American liberty. The American people still understand this and we must understand that there is a point beyond which the great law-abiding majority can not be pushed. We are perilously near that point.

Those of us in this House are here as Representatives of the American people. Earlier this year—in the Powell case—this same power-crazed judiciary interfered in the internal affairs of this House. Nothing was done about it, and the inaction has been construed as submission.

Now we behold a cabinet officer, and the same judges, ignore the positive statute law which we have enacted and the Constitution which they have sworn to uphold.

Our responsibility under that Constitution is plain. The American people have no redress but in this House. The power of impeachment rests with us. The power of the purse rests with us. The very existence and jurisdiction of every district court and court of appeals in the federal system rests with us. The appellate and supervisory jurisdiction of the Supreme Court is entirely ours to bestow, limit or abolish.

Mr. Speaker, when loyal Americans refuse to bow to lawless tyranny will the President use the Armed Forces, as have his predecessors, to enforce lawless judicial fiat? And if he does, how clean are our hands?

To condone tyranny which we have the power to end, makes us responsible parties with the initial perpetrators.

I include the Supreme Court per curiam in my remarks:

SUPREME COURT OF THE UNITED STATES

NO. 632.— OCTOBER TERM, 1969

Beatrice Alexander et al., petitioners, against Holmes County Board of Education et al. On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

[October 29, 1969.]

PER CURIAM.

These cases come to the Court on a petition for certiorari to the Court of Appeals for the Fifth Circuit. The petition was granted on October 9, 1969, and the case set down for early argument. The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin* v. *School Board*, 377 U.S. 218, 234 (1964); *Green* v. *County School Board of New Kent County*, 391 U.S. 430, 438, 439, 442 (1968). Accordingly.

It is hereby adjudged, ordered, and decreed:

1. The Court of Appeals' order of August 28, 1969, is vacated, and the cases are remanded to that court to issue its decree and order, effective immediately, declaring that each of the school districts here involved

may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color.

2. The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education, and Welfare, with any modifications which that court deems proper insofar as those recommendations insure a totally unitary school system for all eligible pupils without regard to race or color.

The Court of Appeals may make its determination and enter its order without further arguments or submissions.

3. While each of these school systems is being operated as a unitary system under the order of the Court of Appeals, the District Court may hear and consider objections thereto or proposed amendments thereof provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments, if any are made. No amendment shall become effective before being passed upon by the Court of Appeals.

4. The Court of Appeals shall retain jurisdiction to insure prompt and faithful compliance with its order, and may modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

5. The order of the Court of Appeals dated August 28, 1969, having been vacated and the case remanded for proceedings in conformity with this order, the judgment shall issue forthwith and the Court of Appeals is requested to give priority to the execution of this judgment as far as possible and necessary.

THE POSTAL SERVICE

(**Mr. OLSEN** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, I would first like to acknowledge that I am well aware that there are many inadequacies in the present postal system, but I do not believe the problems can be solved with one arbitrary wave of the tyrannical wand as President Nixon indicated when he recommended "that the existing postal system be scrapped."

President Nixon, as evidenced by his comment that "the U.S. postal system is inferior to many countries of Western Europe," must also be reminded that our problems are different and unique because of the large volume of mail per capita and the distance that mail must travel, which is greater than Europe in its entirety.

The President has further assumed that a corporation would automatically succeed and well it might, but, at the expense of service to the American people. The adoption of any plan to reform the Postal Department into a public corporation would certainly spell disaster to the frequency of rural mail delivery, maintenance of star routes, and the very existence of many third- and fourth-class post offices across the country. Any attempt to reach a break-even point as the corporation legislation outlines would reduce the $122.8 million public services subsidy at the expense of rural dwellers by decimating the frequency and quality of postal service.

If the public is to be given the kinds of service it has been given in the past, at reasonable rates, incorporation is not the answer.

The answer lies in implementing findings of more than 15 years of extensive studies in the area of mail standardization and postal processing already available. In testimony before the Subcommittee on Postal Rates, July 30, 1968, the then Assistant Postmaster General, Dr. Leo S. Packer, attested to this thinking when he said:

> We have estimated that if our currently developing guidelines for Government mail were implemented today, we would be saving about $4 million per year. If smiliar guidelines were implemented for business mail, we would be saving about $50 million per year . . . or . . . about $200,000 per working day in unproductive postal labor.

Standardization of mail is what Dr. Packard was referring to and a program is now in effect to realize the standardization of Government mail by the end of fiscal year 1970. In addition to standardization, the report to Congress in March 1970 will show costs on an incremental basis allowing allocation of rates by cost of handling a particular mail class—meaning rates will be increased on those classes which should rightly bear the cost.

The Congress should enact legislation demanding that the Post Office Department proceed with standardization of business mail, with penalties for noncompliance, prior to their projected date of the first session of the 92d Congress in 1971. I realize that this means an all-out effort to develop the necessary equipment and a working definition of what standard mail is, but this should be the first priority of the Postal Department.

I would like to say that we are all cognizant of the fact that change is needed and must be accomplished if we are to maintain a viable postal system to serve the needs of the American public, but, that it should be accomplished within the present Post Office Department is all important.

The Congress knows only too well what has happened to the parcel post system as the result of giving ratemaking power to the executive branch rather than to Congress—the rates have increased out of all proportion and the volume has decreased substantially.

I can only applaud the words of J. Edward Day, former Postmaster General of the United States, who said:

> If the corporation were established, as proposed, on a rigid break-even basis, with participation by Congress in the rate-making process diluted almost to the vanishing point, and with the proposed bond issue authority, the result would be that the rates for all classes of mail would have to go up as much as 100 percent . . . the whole system is on the verge of being wrecked.

Mr. Speaker, if critics think the Post Office has problems now, I can assure you a sudden leap down the stream of time into postal corporate status would carry the postal system over the brink of the falls and into a veritable vortex of confusion and chaos. It would panic the postal employee, add $400 million of extra debt to finance postal bonds, double the postage rate in 5 years, and leave service to our people at the mercy of profit-minded boards and commissions, insulated entirely from the electorate.

The House Post Office Committee recognizes the urgent need for reform. Twice weekly executive sessions are currently being held. I might say Committee Chairman Dulski is extremely dedicated to postal reform and he and other members of the committee will, I am certain, present the House with a major and memorable reform bill before the end of this year.

That bill, however, will be imbued with the basic concept that service to the American people is still the No. 1 goal of the Post Office Department.

NEW HAMPSHIRE MAN'S REPORT ON TOUR OF HUNGARY—A MOVING REBUTTAL TO THOSE SEEKING COMPROMISE WITH REDS

(**Mr. CLEVELAND** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, On October 15, the so-called moratorium day, I received and read a letter from a New Hampshire friend of mine reporting on 10 days he spent in Communist Hungary this summer.

It is one of the most eloquent rebuttals to the purposes of the moratorium—that you can afford to compromise and yield to communism—that there could be.

He describes with great feeling the grey horror of life under communism. As one reads his letter one feels the full tragedy of a brilliant, ancient people struggling to keep their spirits alive.

The one encouraging observation reported by Mal Swenson is the rather incredible fact that the young people of Hungary yearn for freedom, for a land and circumstances they never knew. It is amazing that the young, born since World War II, and brought up all their lives under communism, should yet yearn to be free. That is great evidence and a great tribute to the human spirit.

I think there is an important lesson to all of us in this, especially to our own young persons.

I would hope all my colleagues and other readers of the Record would study this moving letter from a sensitive businessman from New Hampshire—whose State motto is "Live Free or Die"—who spent 10 days among the wreckage which communism has made of an ancient, proud civilization:

THE JOHN SWENSON GRANITE CO., INC.,
Concord, N.H., October 10, 1969.

Hon. JAMES C. CLEVELAND,
Longworth House Office Building,
Washington, D.C.

DEAR JIM: You certainly receive enough mail directed to specific legislation, so that you do not need such general letters as the one I am writing. I hope you read it, however, because it contains the impressions of a New Hampshire man to a ten day stay in Hungary, this summer. It was my first trip to the Country, although I had spent a considerable amount of time, including education, in Austria, and had read quite a bit about Hungary's history and politics. However, the impressions that now seem important to me could not come from my reading. For me, they had to be sensed. It was, perhaps, the difference between reading about a funeral and being there.

Although Hungary enjoyed a quite high standard of living prior to 1945, it now looks like a Country recovering from the *first* World War. Most of the buildings, roads, and even the subway cars in Budapest were built before 1914, and are now unkempt. Hungary used to be one of Europe's major agricultural countries, but its fields now appear poorly cared for, and food is in limited supply, even in the major hotels. Consumer goods, in general, are in very limited supply and of poor quality.

A few Hungarians live very well, but they tend to be Communist politicians or scientific and academic people. My wife and I stayed at a Communist "showplace" hotel on Lake Blaton near Budapest. Just after we arrived, a meeting of the Party Central Committee in the City ended and brought an influx of Communist officials to the hotel, wearing silk suits and driving Mercedes. (New Mercedes, except for one Chevy, seemed to be the choice of Party Officials, and carried the special Party "A" plate. The few civilian cars were considerably older and more modest.) Although we saw this new elite, we had virtually no contact with it. At the hotel, people just did not speak to other people. They had a great fear of speaking to the wrong person or saying the wrong thing. This condition produced silent dining rooms and beaches, crowded, but silent. It was not a very gay atmosphere. For example, the waiters would rotate so the same one could not serve you twice and possibly become acquainted with a Westerner. If a waiter would have a second contact with you, he would be accompanied by a security man when at the table.

Almost entirely, the common people were very friendly, or as friendly as they could be under the circumstances. The ones we could talk to were very anti-Russian and very pro-American and Austrian. German is spoken widely as a second language, more so than English in the Province of Quebec. Speaking German, and a few words of Hungarian, we could make contact with people, and visited several in their homes. The Hungarians are very likable, warm and hospitable, and it is depressing to see them suffering under Russian occupation. We visited one fellow in Budapest who was a strong Catholic anti-Communist. Although he has a degree in Civil Engineering, he is not allowed to practice it, and lives with three branches of his family in one small apartment. His parents and wife were in bad health and not far from death. They were not people the Regime cared much about providing with medical attention. Most of their suffering came from their determination to follow their religion. I could only think of the Biblical films which show Christians being martyred by the Romans, and thrown to the lions. In Hungary today, it is not all that different.

Although the Engineer was a Catholic-Monarchist with strong opinions, his opinions were no stronger than those of teenagers and students we met. One university student, and students are relatively privileged within the Communist Society, asked if we were fighting in Viet Nam because we wanted missile sites there to launch an attack on Russia. When we explained that was not the case, he was terrifically disappointed. Another teenager with whom we spoke at length was, along with many other Hungarians, thrown into a railroad car, guarded by Russians, and kept for two days without food during the Czech crisis last August. His dislike of the Russians, and his feeling for a Hungary he had never known, was intense. His feeling was for a Hungarian kingdom which has not existed in fact since 1918. However, after dictatorship and Russian occupation, the Hapsburg government has remained, in the minds of the people, a good government. So much so, that any display of its double-eagle symbol is forbidden, even in antique shops. It is interesting to see the Russians, and Hungarian Communists, feel threatened by a Monarchy from past centuries. But they have provided no alternatives to it, other than misery and fear.

As we could determine, those gifts of horror remain in Hungary only because of the Russian occupation. The Russians are very much in evidence in the Country, with snappy, well equipped troops, contrasting with the relatively poorly equipped and sloppy Hungarian ones. We seemed to constantly run across them, from tank units in the fields to garrisons in the towns. From one experience we had with them, they really seem to be disappointingly brainwashed. From our own, and friends' experience, they are apparently told all the Western tourists in the Country are spies. On the way back from Budapest one evening, passing through the Russian garrison town of Székesfehérvar, we stopped to pick up a woman standing in a heavy rain. We thought she would be Hungarian, but she turned out to be a Russian, apparently the wife of one of the soldiers. She saw the Austrian plate on the car and, after she was inside, said (in mixed Russian and German), "You are with the German Military Commission. Austria is bad. We have many partisans here and will shoot you. Go back to Austria". I frankly did not dare mention I was an American, lest she die of shock on the back seat. It is unfortunate, however, to think that her ideas were probably typical of those of the soldiers there. It was one of several unnerving experiences.

There are, of course, many security police in the Country, and there were several at the hotel. Since it was, at times, almost empty they did not have many people to watch, and watched us. Late one night, we had supper in a room, empty except for the waiters, a gipsy band, a table of security police (some wearing dark glasses), and us. I think we were watched enough by them to convince some of the hotel workers that we were spies. On several occasions, they would whisper, "God be with you", or "please be careful on the rest of your mission", to us. It was somewhat unsettling, as was the hotel in general.

We were, finally, quite anxious to leave and, after exhortations from Hungarian acquaintances not to forget them but to remember they are not Communists, only an occupied people, we left for the border. As we approached it, several miles away, we passed men sitting on corners at the roadside, recording our car and license number. Shortly afterwards, we were stopped by machine gun armed soldiers at an opening in a strip of mined land and barbed wire. After that check, we proceeded on through open country with watch towers, until we came to the border station, and a log barricade. This barricade was lifted and we drove forward just far enough to face another log barricade. Then, the first barricade was lowered behind us, sealing in our car. With fellow guards watching from small towers at the station, border police then searched the car, even checking to see if the engine compartment had been modified to hold an escapee. It was good to cross the Austrian border.

I did not find it possible to go to Hungary without becoming more anti-Communist. As an economic organization, Communism appears ridiculous, and it is a fantastic oppression of the human spirit. It is significant that while we try to correct our social problems in America, with varying degrees of success, the creation and maintenance of human suffering is virtually part of government policy under Communism.

I am afraid there will be no easy settlement of our differences with it.

Sincerely yours,

J. MALCOLM SWENSON,
President.

MORATORIUM—INDEED

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Dr. George R. Davis, minister of the National City Christian Church, is an outstanding member of the clergy. From time to time he expresses "random thoughts" on the key social issues of our time, and I would particularly invite the attention of our colleagues to his "random thoughts" of Sunday, October 26. These relate primarily to the so-called "peace moratorium" and I am submitting them for the attention of all interested persons, whether they favor or oppose the moratorium:

RANDOM THOUGHTS

I was glad to see the Archbishop of the Roman Catholic Church, Cardinal O'Boyle, reject the Black Manifesto this past week, or at least the "District of Columbia version of it," and doubly glad to see the Minister of National Baptist Memorial Church reject it and renounce it with some of the strongest language to date, including the description, "Un-Christian." Not that it makes any difference, but my position was known long ago, and it remains the same now, toward it, and any other such device, threat, or project. My friends what I am about to write is not "politics." It has to do with the survival of your Nation. And it relates to the values and Institutions we should cherish.

We face now, following the so-called "Peace Moratorium" of October 15, the far worse threat of November 13–14–15, and then December, and on into the months ahead. The worst "radicals" had stated they would largely "remain out of October 15," and concentrate on November, December, etc. These additional facts should be known about even October 15. The cost of cleaning up the trash following, that bill alone was more than $100,000. And that cost has nothing to do with the costs of keeping the entire Military Command and Police Forces across the United States on alert twenty-four hours. The people pay those bills. Just as they paid and will pay the more than one million dollars cost for Resurrection City last year. Even the "normal bills" were not paid by the organizers, and the Government cancelled most of that balance. The organizers of these "street campaigns" have no intention of paying the bills. And the money cost also has nothing to do with the even more vital issue, and that is, the American way of life. It has been estimated that 1,000,000 people took part on October 15. One estimate was as high as 2,000,000, and one count less than 750,000. Let's take the higher figure, 2,000,000. On October 17, 8:00 a.m., the population of the United States was 203,890,039. Using the higher figure, that means 204 to 2 didn't take part. Using the lower figure it was 204 to 1 or less. The response is that many people not involved were nevertheless "for the Moratorium." It may likewise be argued many were not for it. So let's stay with the 204 to 2. And that 2,000,000 came as the result not only of the organization itself, but the almost total support of the press, radio, and television, men and women from Congress, college professors, and many clergy.

The lighted candles did not uplift me, they just reminded me even more strongly how much more we are "moving government to the streets," from the ballots, courts, and reason. The Three Sisters Bridge matter, and the marches and demonstrations (mostly students) in reference to it (whatever your view of the bridge may be) is another example, "government in the streets," government by pressure, threat, and ever increasing loud dissent. November will be worse, for the radicals, including SDS have promised they will "be on hand." And Miss Carol Lipman, and Mr. Sam Brown, and the others assure us they have plans not only for the streets, and the cities, and the colleges, and the high schools, but also grade schools. And I suppose once again we'll have the almost total support of press, radio, and television, not only writers like Von Hoffman of the *Post*, and McGrory of the *Star*, the "really far out," but those who are supposed to "be responsible journalists." I would like to know what "makes Von Hoffman tick," "what is bugging him," what makes him hate the United States so fully, and completely.

I think we should also remember that on October 15, one half of the participants were in three cities on the Atlantic Seaboard, Boston, Washington, and New York, and one fourth of the remainder on the West Coast. I am grateful to God, October 15, was generally non-violent. But then also remember the entire military command and police forces were on 24 hour alert. But I wouldn't bet on November.

I write all of the above for several reasons, but also to disassociate myself completely from all of these plans. I dissassociate myself even more completely from November plans, if it is possible to disassociate more than 100 percent. For Miss Lipman to state on television, "The method of the streets is the good, old American way," is a downright fabrication. There is a great deal of difference between responsible dissent, and an occasional taking to the streets, as has been done during the history of this Nation, and making "the streets the total philosophy of national life." The radical leaders have one thing in mind, and one alone, to tear this Nation apart. They have so stated, And I will not be a part of it. I am running for no office, not conducting a popularity contest, and I do not believe in "playing dangerous games with children." And I do believe in the American system, in spite of our many faults. To quote once again from Churchill, or words of the same meaning, for my purpose, "it is the worst system in all the world, except for all the other systems."

Recently in an article, Dr. Robert McAfee Brown, Professor of Religion at Stanford University, where four years ago the radical students (and Stanford was by far one of the better places, compared to Columbia, and Berkeley, and some of the others), told me, that is the radical students told me, "We intend to bring the system down," said, that is, Dr. Brown said, "Whether we like it or not, this is a time of tearing down, and not a time of upbuilding." No doubt! But woe to those who "throw fuel on dangerous fires." I will have no part in the events of November, December, and on beyond!

Dr. Eugene Rostow, former Under-Secretary of State, has warned of the consequences or a shameful and precipitate retreat from VietNam and a reversion to isolationism. Recently he repeated that warning twice, at the Assembly of NATO Association in Washington, and in an interview last week in the *New York Times*. He said "powerful voices" are advocating the "policy of abdication on the part of the United States in the world," and that the result will be calamitous. And I agree with him! And I will not join the forces, some innocent, some evil "involved now in selling the United States and the free world down the river." In the *Washington Post* on October 21, Frank Mankiewicz and Tom Braden state that the "whole matter related to Dr. Angela Davis of the University of Los Angeles is a hoax perpetrated by the extremists to throw Americans into confusion." Whether they know what they are talking about or not, anyone who reads at all, and goes beyond what he reads, knows that the way of the radical, the old left, and the new left, is to create confusion. And they have one purpose in mind, total destruction! My friends, you follow your own conscience, but be prepared to live with it.

For those who might accuse me of being reactionary, etc., I was talking for and working for "real liberal causes," before some of the "Johnny come latelys" were even born, at least before they knew the words, let alone the ideas. And I began working for "ecumenical Christianity" very early in my Ministry, before some of the "religious Johnny-come-latelys" came along, and long before the word ecumenical was "even invented." I am somewhat in the position of Dr. Teller, when he appeared on a major TV program the other night, I probably wouldn't even be writing such papers, in fact I am sure I wouldn't, had it not been that so many "clergymen" and others were talking up so openly with other views. The Vice-President may have been overly caustic in his New Orleans speech, but at least he didn't "double-talk," "talk out of both sides of his mouth," talk in such a way that he could be taken as saying everything, nor did he get lost in eight syllable words. And Mr. Sullivan of the FBI warned us last week about the "infiltration of the peace movement." He is a man noted for his integrity. My friends, I repeat, you follow your own conscience, and be prepared to live with it.

Now that the "Moratorium," and the more militant "Mobilization" Committees have united forces for November, and always "standing in the shadows the SDS, and the invisible forces," we may not predict what is to happen. They promise, "No violence." But the tactics of revolutionaries change often, their purposes never. And the purpose on the part of many is, "to tear down the country, the government, all present values," the purposes of others, "to move government from courts and laws, to the streets," and the purposes of many are sincere. But there is the "time bomb" of revolution mixed in it all. I stood against "right wing extremism" for years. But the new left, the old left, and men like Von Hoffman are just as dangerous, and perhaps much more so to our way of life. My dear friends you walk whatever road you wish, take whatever position you wish, but know where you are walking first, and be prepared to live with your conscience.

LEGISLATION TO PROVIDE FOR U.S. DISTRICT COURT IN ALLENTOWN, PA.

(Mr. BIESTER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BIESTER. Mr. Speaker, today, the gentleman from Pennsylvania (Mr. Rooney) and I are introducing legislation which provides for the sitting of the U.S. District Court in Allentown, Pa. A similar measure has been introduced in the other body by the senior and junior Senators from Pennsylvania.

The bill is being offered as an amendment to the recently Senate passed omnibus judges bill (S. 952) which provides for six additional judges for the eastern district of Pennsylvania. The eastern district comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

Presently the district court sits in Philadelphia, with the exception of occasional limited sittings in the Post Office Building at Easton.

The situation in Allentown is ideal, as the former Lehigh County Courthouse was vacated recently and is available for use as a Federal court. The facilities are in excellent condition with two large courtrooms and numerous additional rooms available for hearings, conferences, and office purposes.

The Allentown facility would provide great convenience to the citizens in this area whether they be litigants, witnesses, or jurors. Allentown is one of the largest cities in Pennsylvania and is easily accessible by all means of transportation. This is a rapidly growing area, with the estimated 1970 population being approximately 3,500,000 people, excluding Philadelphia County.

Another consideration is that there is a serious backlog of cases in the eastern district. It has been reported by the administrative office of the U.S. courts that in 1968 the median time from filing to disposition of cases was 39 months compared to 12 months for all district courts in the United States. Permitting the court to sit in Allentown would help to alleviate this problem.

This proposal is strongly supported by the members of the bar association of Lehigh County, who at their quarterly meeting on October 16, 1969, passed a resolution stating "that the Bar Association of Lehigh County urges the judges of the U.S. district court, the judges of the Circuit Court of Appeals for the Third Circuit, the Judicial Conference of the United States, and the Congress of the United States to establish a further court house facility for the eastern district of Pennsylvania in the former Lehigh County Courthouse at Allentown, the same to be in addition to the contemplated establishment of a facility at Reading."

Following is an editorial from the June 28, 1969, Allentown Morning Call urging that the court be allowed to sit in Allentown:

Bring Court to the People

Proposals that the Judicial Conference and the Congress designate Allentown as a place where the U.S. District Court for Eastern Pennsylvania may hold sessions merit wide support.

Except for Philadelphia, where the court's 15 judges now sit, this is the largest city in the 10-county jurisdiction. The city also is the fourth largest in the state, the center of the third largest metropolitan area. It is convenient to an area that generates a considerable volume of federal court business and from which jurors can be drawn.

Facilities for the court are available in the Lehigh County Courthouse. The marble-paneled chambers of what once was known as "Court Room No. 2" are spacious and comfortable and have the appurtenances necessary for the court's business. Since the Community College moved to its permanent campus, this part of the building, in effect a separate structure, has been vacant.

There is nothing unusual about a federal district court sitting at various places within its boundaries. The Central District Court has its headquarters in Scranton but also holds sessions in Harrisburg, Lewisburg and Williamsport.

A bill passed by the Senate and now waiting approval by the House calls for the appointment of six additional judges for the Eastern District. This will make 21 available to keep abreast with the increasing volume of business. Some additional court rooms will be necessary. It should be to the advantage of all who may be litigants before these courts or who may be called as witnesses and jurors to have judges sit where the business can be done most conveniently for all concerned and where proper facilities are available. Allentown meets these criteria.

The Eastern District includes Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Schuylkill and Philadelphia counties. The district is large enough to warrant the additional facilities in Reading, called for in the Senate bill, and those Sen. Hugh Scott and others have proposed for Allentown.

CONGRESSMAN GROVER TAGS 19TH CENTURY PROCEDURES AS VILLAIN IN CONGRESSIONAL LACK-WORK SESSION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, our colleague, the gentleman from New York (Mr. Grover) has won deserved recognition in the press of his district for his sound criticism of Congress for allowing procedures too out of date to meet the urgent needs of American society in the mid-20th century.

The late Suffolk Sun last month published the following editorial commending our colleague. I salute the Sun and regret the demise of so alert a newspaper. As one who has long been vitally concerned over congressional reform, I regret the closing of a newspaper so clearly attuned to the need of the present day. The gentleman from New York (Mr. Grover) has also been a fighter for congressional reform and modernization. He has rightfully been given credit for putting his finger on the chief cause of congressional inaction.

Let us hope that this year, at last, some progress will be made by enactment of the legislative reform bill now pending before the Rules Committee.

The article follows:

Those Petrified Procedures

A monumental logjam of work is faced by the nation's lawmakers. Why has the work piled up?

A recent vacation is not the whole answer, according to Congressman James R. Grover, Jr. Neither is it because Congressmen are unwilling to work, nor that the administration has failed to provide programs for congressional consideration. Nor is the foot-dragging the result of a Democratic-controlled Congress attempting to make political hay at the expense of a Republican president.

The fact is that Congress is being victimized by a legislative machinery of nineteenth century vintage, according to Rep. Grover. He makes a good point.

Previous efforts over many years to update the parliamentary procedures have gone for naught. We struggle under a system that is slow, stilted and stultified.

This year, there is a bi-partisan effort in the works, but legislation is being kept off the floor by opposition from committee chairmen whose powers would be threatened.

There is some stronger hope than usual now, however, Ralph Nader's Raiders are looking into the procedures snafu. Meanwhile, as Rep. Grover says, "we can get men 286,000 miles to the moon, but can't always get a badly needed piece of legislation out of committee 286 feet away from the floor for debate."

WHO IS THE CAREER CRIMINAL? BACKGROUND DATA ON H.R. 14426

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in doing research for the introduction of my bill, H.R. 14426, I made use of statistics in the FBI's 1968 "Uniform Crime Reports." The statistics on the career criminal graphically show that the Nation is up against a frightening trend with regard to those persons convicted of violent crimes who are later released to continue their criminal activities. In my opinion, we must first put a stop to the activities of the career criminals if we are to enlist the support of the public in putting a stop to other kinds of crime. What is needed is a national crime deterrent.

My bill is designed to be the first building block in the construction of a national crime deterrent. The bill would establish a true deterrent; that is, the price a criminal would have to pay if convicted of a violent crime would be known prior to the commission, and we hope, the contemplation of such a crime. The bill would limit the powers of judges when sentencing those convicted, would spell out the sentences to be imposed, and would establish additional sentences if a firearm had been used in the crime.

The necessity for this type of legislation is apparent; all one has to do is read the daily crime report published in most of the Nation's leading newspapers. The FBI statistics will serve to emphasize the magnitude of the problem we face and must overcome and I have included them here for the benefit of our colleagues:

Crime in the United States: Uniform Crime Reports, 1968

(By John Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice)

CAREERS IN CRIME

The study is made possible by the cooperative exchange of criminal fingerprint data among local, state and Federal law enforcement agencies. The all-important fingerprint card submitted to the Identification Division of the FBI by these law enforcement agencies contains information which serves as a basis for statistical examination of careers in crime. While there is a lack of uniformity in submissions made by all law enforcement agencies for all criminal charges, generally it is the practice to submit a criminal fingerprint card on all arrests for serious crimes, felonies, and certain misdemeanors. Fingerprinting by police is a part of the "booking" procedure of placing a formal charge against an arrested person. The arrest and charge have substance and differ from temporary detention for questioning or investigation. On the Federal level almost all persons arrested are fingerprinted by the arresting Federal agency or United States Marshals. Federal prisons, state penitentiaries and county jails also submit fingerprint cards and related data to the FBI Identification Division.

As the fingerprint card constitutes a positive means of identification it becomes possible to obtain each offender's criminal history. There is a limitation, of course, in that the offender must first be detected, arrested, and a fingerprint card submitted at the time of arrest. Of equal importance is the disposition of each arrest which is also requested. FBI Identification Division fingerprint files of known offenders in this Program are "flashed" to provide an accurate means of followup concerning any future criminal involvement.

As additional information is accumulated on these persons, it is added to the record which has been previously stored in a computer. These offenders are initially selected because they have become involved in the Federal process by arrest or release. The sample also includes serious state violators arrested as fugitives under the Fugitive Felon Act, as well as District of Columbia violators. Specifically excluded from this study and resulting tabulations are chronic violators of the immigration laws and fingerprints submitted by the military.

While the basis of selection is a Federal offense, it should be kept in mind that most Federal criminal violations are also violations of local and state laws. The offender records being examined in these tabulations are, therefore, felt to be comparable to local and state experience with the serious violator.

Since 1963, the Careers in Crime Program has been used in this publication to document the extent to which criminal repeating over time contributes to annual crime counts. The accompanying table sets forth the number of offenders processed based on an arrest in 1967 and 1968. The number was restricted to those offenders who were arrested for Crime Index type violations. A review of their prior history revealed that 39 percent had previously been arrested for one or more Crime Index type violations. Repeating in the same crime, as shown in the table, ranged from 6 percent for murder to 51 percent for burglary.

TABLE A.—PERSONS ARRESTED 1967–68

[Percent with previous charge for same offense]

Charge	Number	Percent with prior same charge
Murder	927	5.8
Forcible rape	786	15.6
Assault	4,553	30.2
Robbery	5,528	32.0
Burglary	8,984	50.7
Larceny	12,812	42.1
Auto theft	10,682	37.3
Total	44,272	39.0

An examination of all offender records processed in 1968 for new arrests in 1967 and 1968 totaled 94,467. This includes both offenders coming into the Federal process for the first time, as well as those processed since 1963 and now being rearrested for primarily local and state violations. The extent to which these offenders by type of crime had a prior arrest for any offense is set forth in the following table. Likewise, percent convicted for a prior crime are set forth, along with the percent of these offenders who previously served a prison term exceeding 90 days. It should be noted for all criminal violations 82 percent had a prior arrest, 70 percent had a prior conviction, and 46 percent of the 94,467 offenders had been imprisoned on a prior sentence of 90 days or more.

Keep in mind that this presentation is conservative and understates the amount of crime committed by these offenders since it is based on police detection, arrest and submission of a fingerprint card. As indicated in earlier pages of this publication law enforcement agencies do not clear or solve most crimes. It is also true that the prior conviction and imprisonment rates are slightly lower because police agencies do not always submit such data after arrest and conviction.

TABLE B.—PERSONS ARRESTED 1967-68

[Percent with prior arrest, conviction, and imprisonment]

Charge 1967-1968	Number	Percent with prior arrest	Percent with prior conviction	Percent with prior imprisonment
Murder	927	88.8	74.8	47.8
Forcible rape	786	83.5	68.8	41.2
Assault	4,553	92.0	77.1	47.4
Robbery	5,528	86.4	73.2	50.8
Burglary	8,984	92.2	81.6	57.1
Larceny	12,812	83.4	68.5	46.1
Auto theft	10,682	80.3	62.8	40.6
Subtotal	44,272	85.8	71.4	47.7
All other	50,195	78.3	69.1	44.7
Grand total	94,467	81.9	70.2	46.1

From the 1967 and 1968 offender records discussed above, 1,985 were persons arrested for bank robbery. Of the total arrested 61 percent were white, 38 percent Negro, and 1 percent other races. First time offenders made up 18 percent of the total bank robbery arrests and 82 percent were previously arrested for a criminal act. Young persons under 25 years of age comprised almost half of the first time offenders. Of those arrested for bank robbery in 1967 and 1968 with a prior criminal history, 52 percent had been arrested before for violent crimes.

PROFILES

A profile of criminal repeating for selected offenders is shown in the following table. This is based on criminal histories newly processed or updated after an arrest in 1968. While these samples will vary from year to year, the factors being measured, i.e., mobility, average arrests, etc., are very consistent. Average age for the first arrest is high because of the general practice not to submit criminal fingerprint cards on juveniles. Criminal career is the average years between first and last arrest. Mobility is measured by counting the number of states in which an offender was arrested during a criminal career. The offender profile is classified by type of crime for which arrested in 1968. This ratio of violent crime arrests to total arrests during the average criminal career is significant.

TABLE C.—PROFILE OF OFFENDERS ARRESTED IN 1968 BY TYPE OF CRIME

	Murder	Aggravated assault	Rape	Robbery	Total violent crime	Burglary	Heroin	Marihuana	Auto theft
Total number of subjects	688	3,640	494	4,176	8,998	6,106	1,636	2,850	6,687
Percent with prior arrest	65.6	68.5	64.6	66.8	67.3	75.1	67.1	39.6	59.6
Average age first arrest	21.2	21.3	20.5	19.7	20.5	19.5	21.4	21.0	19.9
Average criminal career years	10.7	10.4	7.6	8.3	9.3	9.5	10.4	4.6	7.1
Average number of any arrests during criminal career	7.8	8.5	6.7	7.9	8.0	9.5	9.1	4.6	7.0
Average number of violent crimes during criminal career	3.4	3.6	3.2	3.7	3.6	4.2	4.0	2.3	3.0
Frequency of arrest on specific charge (percent):									
1	86.0	59.1	78.9	61.5	63.4	42.2	61.6	78.2	55.7
2	12.6	23.6	14.8	24.7	22.8	26.0	22.5	15.8	24.0
3 or more	1.3	17.3	6.3	13.7	13.8	31.8	16.0	6.0	20.2
Leniency on specific charge (percent)	4.4	9.6	6.5	13.8	10.9	22.0	18.7	23.5	34.8
Frequency of leniency action (percent):									
0	46.5	42.6	44.5	44.0	43.7	32.7	40.2	56.6	41.8
1	29.5	31.5	31.0	29.1	30.2	33.8	28.7	31.4	32.6
2	15.6	14.9	11.7	15.2	14.9	18.1	16.3	7.1	13.0
3 or more	8.4	11.0	12.8	11.7	11.2	15.4	14.9	5.0	12.6
Mobility (percent):									
1 State	36.3	35.4	35.8	40.2	37.7	32.8	54.3	59.8	28.7
2 States	32.6	32.2	32.4	27.6	30.1	31.3	29.8	27.3	31.8
3 or more States	31.1	32.4	31.8	32.1	32.2	35.9	15.9	12.9	39.5

FIVE-YEAR FOLLOWUP

A part of the Careers in Crime Program has been the follow-up on 18,333 offenders released from the Federal criminal justice system in 1963. The records of these releasees were followed for new arrests through 1968. Charts and tables are presented in this section on the rearrest experience by offense, type of release, age, sex and race of the offender.

Of the 18,333 offenders released to the community in 1963, 63 percent had been rearrested by the end of the fifth calendar year after release. Of those persons acquitted or had their cases dismissed in 1963, 91 percent were rearrested for new offenses. Of those released on probation 55 percent repeated, parole 61 percent, and mandatory release after serving prison time 74 percent. Offenders receiving a sentence of fine and probation in 1963 had the lowest repeating proportion with 36 percent rearrest. This type of sentence is generally found in connection with violations such as income tax fraud and embezzlement. This offender has roots in a community, and as a result, detection and conviction serve as a deterrent to further unlawful activity.

When criminal repeating is viewed by type of crime for which arrested, convicted, or released in 1963, rearrests ranged from 19 percent for the income tax violators to 80 percent of the auto thieves. The predatory crime offenders had high repeat rates with 77 percent of the burglars being rearrested within five years, 74 percent of assault offenders, and 60 percent of the robbers released in 1963. Likewise, 69 percent of the narcotic offenders who are frequently users were rearrested after release. The fact that 68 percent of the forgery offenders were rearrested for new violations within the five-year follow-up documents law enforcement experience with this type offender.

CHART 19.—*Percent of persons rearrested within 5 years by type of release in 1963*

Fine and probation	36
Suspended sentence and/or probation	55
Parole	61
Fine	74
Mandatory release	74
Acquitted or dismissed	91
Total	63

CHART 20.—*Percent repeaters by type of crime in 1963—Persons released in 1963 and rearrested within 5 years*

Auto theft	80
Burglary	77
Assault	74
Narcotics	69
Forgery	68
Robbery	60
Larceny	59
Liquor laws	46
Fraud	46
Gambling	43
Embezzlement	23
All others	62
Total	63

CHART 21.—*Percent repeaters, persons released in 1963 and rearrested within 5 years by age group*

Under 20	72
20 to 24	69
25 to 29	67
30 to 39	63
40 to 49	54
50 and over	40
Total, all ages	63

The younger the age group, the higher the repeating rate has been documented many times, as it is here. Nevertheless, this fact calls for greater rehabilitation efforts directed at the young offender, if hardened criminal careers are to be aborted. Of the offenders under 20 released in 1963, 72 percent were rearrested by 1968, 69 percent of those 20–24 years of age, and 67 percent of the offenders 25 to 29 years. When viewed by race the Negro rearrest rate, 68 percent, was higher than the white offender rate of 59 percent. This was particularly true for the 20–39 year age group. All other races, made up primarily of Indian Americans, had a rearrest rate of 80 percent between release in 1963 and 1968. Of the 1,408 female offenders released in 1963 45 percent had been rearrested for new offenses by 1968. The highest rate of rearrest for females was offenders 20–29 years of age.

Table D sets forth the accumulative percentage of rearrest by age group by year after release. By the end of the second calendar year (1965) after release during different months in 1963, 52 percent of the offenders had been rearrested. The dropout (rearrest) then declines substantially to 2 percent by the end of the fifth calendar year. This pattern supports prior studies of this kind and is consistent for all age groups. Of all offenders rearrested during this five-year follow-up, over one-half were under 30 years of age. Rearrest after release in 1963 for this young age group occurred early within the second calendar year (1965).

TABLE D.—PERCENT OF OFFENDERS RELEASED IN 1963—ARRESTED ON NEW CHARGE

[By age group and year]

Year	Under 20	20–24	25–29	30–39	40–49	50–over	Total, all ages
1963	21.9	25.3	24.2	21.6	18.4	11.0	21.4
1964	51.9	49.4	45.9	42.4	34.1	24.6	42.6
1965	62.3	59.0	55.8	51.9	43.0	31.6	52.0
1966	67.5	64.0	61.8	57.4	48.1	35.7	57.2
1967	70.3	67.1	64.7	60.6	51.5	37.9	60.3
1968	72.4	69.1	67.1	63.3	53.9	40.1	62.6

During this five-year follow-up, 1963–1968, the repeating offenders contributed heavily to new crimes and administration of criminal justice costs. Of the 18,333 offenders released in 1963, 21 percent were arrested once between release in 1963 and the close of calendar year 1968. In fact, 13 percent were arrested twice, 9 percent were rearrested on three occasions and 20 percent, four or more times. Significantly, 63 percent or 11,477 of those released in 1963 were rearrested over 28,000 times for new offenses by the end of 1968. The types of crimes for which these criminal repeaters were rearrested, 1963 through 1968, can be classified as 11 percent violent crimes, 32 percent crimes against property, 24 percent crimes against morals (sex offenses, prostitution, gambling, narcotics, etc.), 16 percent contempt of justice (parole and probation violator, harboring, escape, etc.), and 17 percent crimes against public order (disorderly conduct, moving traffic violations, drunkenness, etc.).

TABLE E.—5-YEAR FOLLOWUP OF PERSONS RELEASED IN 1963 BY AGE, RACE AND SEX

Age	Total	White	Negro	Other	Male	Female
Under 20:						
With subsequent charge	1,373	984	262	127	1,331	42
With no subsequent charge	524	396	96	32	468	56
Total	1,897	1,380	358	159	1,799	98
Percent with subsequent charge	72.4	71.3	73.2	79.9	74.0	42.9
20 to 24:						
With subsequent charge	2,853	1,924	759	170	2,656	197
With no subsequent charge	1,277	1,025	220	32	1,103	174
Total	4,130	2,949	979	202	3,759	371
Percent with subsequent charge	69.1	65.2	77.5	84.2	70.7	53.1
25 to 29:						
With subsequent charge	2,039	1,261	665	113	1,906	133
With no subsequent charge	999	731	247	21	872	127
Total	3,038	1,992	912	134	2,778	260
Percent with subsequent charge	67.1	63.3	72.9	84.3	68.6	51.2
30 to 39:						
With subsequent charge	2,985	1,750	1,094	141	2,814	171
With no subsequent charge	1,728	1,210	478	40	1,520	208
Total	4,713	2,960	1,572	181	4,334	379
Percent with subsequent charge	63.3	59.1	69.6	77.9	64.9	45.1
40 to 49:						
With subsequent charge	1,561	1,000	482	79	1,487	74
With no subsequent charge	1,335	960	357	18	1,201	134
Total	2,896	1,960	839	97	2,688	208
Percent with subsequent charge	53.9	51.0	57.4	81.4	55.3	35.6
50 and over:						
With subsequent charge	666	463	161	42	649	17
With no subsequent charge	993	774	199	20	918	75
Total	1,659	1,237	360	62	1,576	92
Percent with subsequent charge	40.1	37.4	44.7	67.7	41.4	18.5
All ages:						
With subsequent charge	11,477	7,382	3,423	672	10,843	634
With no subsequent charge	6,856	5,096	1,597	163	6,082	774
Total	18,333	12,478	5,020	835	16,925	1,408
Percent with subsequent charge	62.6	59.2	68.2	80.5	64.1	45.0

TABLE F.—5-YEAR FOLLOWUP BY AGE GROUP AND TYPE OF RELEASE IN 1963

Disposition	Under 20	20–24	25–29	30–39	40–49	50 and over	Total
Probation and suspended sentence:							
With subsequent charge	711	1,112	726	981	474	203	4,207
With no subsequent charge	339	675	498	849	662	453	3,476
Total	1,050	1,787	1,224	1,830	1,136	656	7,683
Percent with a subsequent charge	67.7	62.2	59.3	53.6	41.7	30.9	54.8
Fine:							
With subsequent charge	77	267	213	367	258	117	1,299
With no subsequent charge	16	54	51	119	118	97	455
Total	93	321	264	486	376	214	1,754
Percent with a subsequent charge	82.8	83.2	80.7	75.5	68.6	54.7	74.1
Fine and probation:							
With subsequent charge	10	49	55	82	60	33	289
With no subsequent charge	14	78	56	114	121	129	512
Total	24	127	111	196	181	162	801
Percent with a subsequent charge	41.7	38.6	49.5	41.8	33.1	20.4	36.1
Acquitted or dismissed:							
With subsequent charge	127	228	205	276	136	59	1,031
With no subsequent charge	10	14	19	23	17	17	100
Total	137	242	224	299	153	76	1,131
Percent with a subsequent charge	92.7	94.2	91.5	92.3	88.9	77.6	91.2
Parole:							
With subsequent charge	345	957	439	379	182	75	2,377
With no subsequent charge	128	418	278	319	218	171	1,532
Total	473	1,375	717	698	400	246	3,909
Percent with a subsequent charge	72.9	69.6	61.2	54.3	45.5	30.5	60.8
Mandatory release:							
With subsequent charge	103	240	401	900	451	179	2,274
With no subsequent charge	17	38	97	304	199	126	781
Total	120	278	498	1,204	650	305	3,055
Percent with a subsequent charge	85.8	86.3	80.5	74.8	69.4	58.7	74.4
Total:							
With subsequent charge	1,360	2,772	2,016	2,984	1,559	666	11,477
With no subsequent charge	520	1,237	994	1,727	1,333	993	6,856
Grand total	1,880	4,009	3,010	4,711	2,892	1,659	18,333
Percent with a subsequent charge	72.3	69.1	67.0	63.3	53.9	40.1	62.6

OPERATION SPEAK OUT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, my hearty congratulations are extended to the Veterans of Foreign Wars on their proposal for "Operation Speak Out" during the week of November 9–15, 1969. This is an outstanding example of the great services performed by the VFW, not just for veterans, but all of the Nation.

"Operation Speak Out" is intended as a nationwide demonstration of patriotism in answer to the October 15 moratorium on war as well as a groundswell of support of our men in Vietnam and the cause for which they fight so valiantly. It is intended to enlist that great silent majority of civilians who fail to speak out. It is a timely effort to rekindle belief in America.

"Operation Speak Out" is very badly needed and it should have the full support and cooperation of the Congress. I consider it a particularly important program which will embrace the period in which Veterans' Day falls and focus the attention of the Nation on contributions of those who have worn the uniform of our country. In the material which has been received by all Congressmen from the Honorable Ray Gallagher, commander in chief of the Veterans of Foreign Wars, is included fine sentiments which I propose to submit for reprinting at this point in the CONGRESSIONAL RECORD:

OPERATION SPEAK OUT

Now that the self-styled 1969 moratorium manipulators have—done their thing—let's move on to some positive, two-fisted basic patriotic Americanism in action.

That means let us bury deep in memory those who staged their Communist supported street demonstrations against the Vietnam war.

Then let's re-declare, loud and clear, our determination to carry on to a conclusive, clean-cut victory against the sworn enemies of freedom.

The October demonstrations by those who would have us quit, surrender, to the Reds, are in the past. And so, for November and December and on through the coming year—let us switch the pitch to the positive.

The would-be quitters have had their day. Now let's push them to the sidelines and show them how true Americans really think and act.

We will make it very clear to them and to the entire world that real Americans always fight to win.

We will fly our Stars and Stripes flag high and proudly. Then we will reaffirm our united pledge to keep on fighting for freedom and our determination to protect all of our nation's priceless traditions, unity and ideals.

Just to help stir things up a bit let us recall the forthright declaration which was founded 194 years ago by the bold Scotch-American orator, statesman and patriot Patrick Henry. It was he who dared defy—in 1775—some of his fellow citizens who advocated surrendering to foreign enemies, rather than fighting for American freedom principles.

Yes, it was Patrick Henry who shouted—I do not know what course others may take, but as for me, give me liberty or give me death.

That did it back in the American Revolutionary era. The loyal citizens of our land rallied around Patrick Henry. They provided fighting men—and armed them—to wage war to a victory against the would-be killers of American rights and independence.

Give us liberty or give us death. That could very well be our battle cry today—in the year 1969.

Why not? The challenge is similar and our choice is that simple. It means we must fight to keep our freedoms intact or we shall suffer their loss—and that would truly mean the death of our nation.

That's what our ancestors faced back in the days when American democracy was being born. Their determined and victorious defense of freedom is the foremost reason we're here today—living as free peoples.

But not every American appreciates those facts. Some of our citizens have forgotten history. And now they're seeking to surrender everything to the current foreign enemies.

So the dissenters have taken their signals from today's enemy headquarters. And they've translated those signals into treacherous action against the security of our nation and against all American freedom ideals. They've cheered themselves on with their defeatist demand that we quit fighting Communism. They have advocated peace, peace—at any price.

Those dissenters called their demonstration a moratorium, but their actions were more suggestive of a mort-uarium—because they were really killing freedom and delivering freedom's body to our enemies so that they can do what they've always boasted they'll do. The Reds, you know, have said—we will bury you.

Well, presidents, secretaries of state, members of congress, war veteran leaders and the fighting men have all declared themselves against such a ghastly fate.

The late President John F. Kennedy said that—the cost of freedom is always high but Americans have always paid it. And he added that—one path we shall never choose is the path of surrender or submission.

President Richard Nixon has declared that our current enemies—the Communists we're fighting in Vietnam, in Korea and opposing elsewhere around the world—have said that they warmly welcome and wholeheartedly support our homefront dissenters. A message straight from Red Hanoi declared just that.

Secretary of State William Rogers, looking at the recent so-called moratorium against our continued fighting in Vietnam—said that the Communist Viet Cong enemies believe that our president does not have the support of his own people. But the secretary added that the noise which the Reds have been hearing comes only from a relatively small number of loud mouth dissenters—not from the majority of truly thinking Americans.

Some students have cried loudly for us to quit fighting in Vietnam—and to bring all of our men back home—regardless of whatever might be the final result of such a retreat. That's why some students staged their demonstrations across the country.

But other students, like T. Harding Jones of Princeton University, declared that such public displays of defeatism will lengthen the Vietnam war—rather than shorten it. And Jones added that the quit-fighting advocates are, in fact, saying to the Hanoi Red enemies—hang on, baby, you might win it all.

Our men who are fighting in Vietnam have looked at the homefront and asked—what's going on at home? Tell those silly dissenters to cool it. Then the frontline veterans say—we know why we're here. We are fighting to lick the Communists in Vietnam so we won't have to fight them later on our own shores.

The leader of my organization lays it squarely on the line. He is Raymond Gallagher of Redfield, South Dakota, Commander-in-Chief of the Veterans of Foreign Wars of the United States. He speaks for one-million 500-thousand V.F.W. members who declare that the only way to win a war is to pour everything upon the enemy until he yells quits—and surrenders.

Gallagher declares that the moratorium demonstrations against our fighting in Vietnam are Communist supported. He said they are a national disgrace which cheers the enemy, prolongs the war and increases the loss of American lives.

Gallagher adds that the time has come for the silent majority of American citizens to stand up and be counted in support of our fighting men overseas.

Never in the history of our nation, the V.F.W. leader declares, has there been greater need for national unity and support of our constituted leaders.

The Veterans of Foreign Wars calls upon our congressional leaders and upon all other loyal Americans to strengthen our government's pledge to help others gain freedom, also to help our fighting men in Vietnam win a just and honorable victory—and no compromise with the enemy.

So much has been said about Vietnam that some of our citizens have the notion that that is the only Red threat. But that is far from the truth. The Communist threat stretches around the world. It presses in upon free peoples everywhere.

All we need do is to look at the millions of unfortunate peoples in Czechoslovakia, Red China, Hungary, North Korea, East Berlin, the Soviet Union and Cuba, to name just a few places. They have been robbed of their freedoms—and the same fate is being aimed direct at us.

But we Americans are not all so stupid as to follow the few who seek to betray true Americanism through any distorted politics, or racism and radicalism, nor through just plain childish tantrums defying law and order in our land. That's what we've been seeing on our homefront recently and we're fed up with it. Yes, we are mighty sick of it.

More than 32-million American men have fought in nine major conflicts since the days when Patrick Henry spoke his mind. And well over 1-million of those men have given their lives in combat, also another million, 500-thousand were wounded in battles to defend and to perpetuate the freedoms we enjoy today.

Are we going to say that those men have fought in vain? Are we ready to surrender to the Reds all for which those men went to war and gave their lives? Certainly not.

If the homefront trouble makers of today think that they can upset our balance then they'd better calculate a little further. Because they are far outnumbered—by more than 27-million war veterans who are living in the United States today.

Those men do not know the meaning of the word—surrender—either on the fields of battle, nor through any negotiations in a phony, fruitless, Paris peace conference, or anywhere else.

Our combat war veterans—and millions of other real Americans like them—declare that there is only one answer to our true way of life. That is the steadfast loyal defense of everything we have in our country—and no crawling at the feet of any enemy, either.

Now, there are two special days in the month of November which emphasize our thinking and determination to stand firmly on all of this.

There is Veterans Day, celebrated on the eleventh of November. The other is Thanksgiving Day, November the 27th. Those days give the greatest impact to our appreciation of the men who have fought for our nation—and our deepest thanks to the Supreme Being for the freedoms we still enjoy.

Let's take a closer look at those two November days—because they do truly touch the very essence of American tradition and contemporary thought.

Veterans Day began as Armistice Day. That marked the November 11th date in the year 1918 when the First World War ended with the signing of some documents through which Kaiser Wilhelm and his Central Powers surrendered to the Allied Forces. We had defeated the Germans after four years of bloody fighting.

Woodrow Wilson, who was then president of the United States, declared that the first world conflict was the war to end all wars. That was his sincere hope for the future. It would have been mighty wonderful if the Wilson dream had come true but, as we all know, that war did not bring world peace. It merely set the stage for the power-crazed Adolph Hitler and his brutal Nazi Party. They launched the Second World War in 1939. Then we joined the fighting in 1941 and won victory in 1945.

More than 21-million Americans fought in those two world wars and close to 1-million, 500-thousand of them were killed or wounded.

Then came the Communists. And we've been combatting the Reds ever since—over in Korea, with nearly 6-million men—and in Vietnam, with more than a half-million other Americans. Our men who have been killed or wounded in Korea and Vietnam total more than 436-thousand—and we're still on those Asiatic firing lines.

So, fifteen years ago, in 1954, the United States Congress and the late President Dwight Eisenhower approved legislation which provided that, henceforth, the eleventh day of November should be celebrated as Veterans Day—instead of Armistice Day.

Our citizens are urged to make Veterans Day a very special recognition of—and tribute to—all the more than 32-million men who have defended this nation of ours since the American Revolution.

Veterans Day also gives the living ex-servicemen a special occasion upon which to redeclare their solid loyalties and to reemphasize, for the guidance of every American, both young and old, the importance of fulfilling his and her citizenship duties.

The Veterans of Foreign Wars takes the lead in declaring that the Veterans Day fight to win message is of most vital importance in this critical year of 1969. That is the fighting man's rebuttal against the so-called moratorium advocates.

Then there's Thanksgiving Day, on the fourth Thursday of November. We know the day well because it has been an American tradition nearly 350 years—ever since the Pilgrims introduced it in 1621. The hardy Pilgrims had come to our shores seeking freedom from oppression. And, after surviving a rough, hard winter they expressed their appreciation of our new land, with a feast and with the rendition of special prayers of thanks for Divine Guidance and protection.

That is why we still celebrate Thanksgiving Day. Because we, too, appreciate the good things in our mighty nation, therefore we thank God for all our blessings.

The overall answers can be summed up in five brief terms—and those are—

The United States of America forever.

The Stars and Stripes flag above all.

Fulfillment of our duty to always defend this nation, and

Heartfelt thanks for all our truly priceless freedom rights.

We in our hearts are always loyal to those principles and we shall always defend them—even unto death.

That is what Patrick Henry called for back in 1775. And that is what millions of other American patriots have upheld throughout all the history of our nation.

Yes, and that is what my organization—the Veterans of Foreign Wars—means when it declares—as it has always declared—we shall support our government and the laws of our land—today, tomorrow and to the very end of time.

So now, in line with our determination to switch from the negative to the positive let us reaffirm that we shall stand solidly against all enemies and against their homefront dupes. We shall press our fight against all of those until they cease to threaten the security of our land.

Then paraphrasing Patrick Henry, we'll add that—we care not what course others may take—but as for us—we who have fought for America—shall carry on—in peace as in war—for the ever solid defense of our nation—today and tomorrow.

As the final word here, we invite, urge every loyal citizen to join us in supporting our frontline men. Then let's thank God that they are carrying on like true Americans—fighting to win—against the enemies of freedom. Yes, they are setting the patriotic pattern of action for all of us to follow.

This We Believe

(By Raymond A. Gallagher)

The single greatest problem we face today in the United States is the security of our country because today our organization is fearful that too many people have forgotten just why we are in Vietnam and we are resentful of those who would, for reasons of political expediency, or any other reason, retreat from Vietnam no matter what the cost. The Veterans of Foreign Wars of the United States believes that our cause is just and right and proper in Vietnam, and we intend to challenge loudly and clearly those divisive elements in this which would back down from the challenge of Communism and sell out our men on the fighting front.

I say to you that it is high time that some of our amateur diplomats, armchair generals and would-be presidents in our nation be reminded that their continuing harsh and distorted criticism of America's continuing stand against aggression in Vietnam is harmful to the success of our mission and to the security of our nation.

It may not be their intention, but these self-appointed experts of international military and political strategy are providing false hope and misleading comfort to the enemy. They—no less, and perhaps even more, than the so-called anti-war demonstrators—are actually helping to prolong the war rather than to shorten it, as they so zealously claim is their objective. Their expressions of dissent and protest provide the North Vietnamese with a reason to believe that they can achieve the victory our men in uniform are denying them on the battlefront through a split in our ranks on the home front.

The divisive antics of the peaceniks, beatniks and draft card burners, can perhaps be blamed on ignorance or immaturity. It is difficult, however, to find any excuse for the increasing tendency of certain members of Congress and other elected officials to assume they somehow have acquired a special insight and wisdom which qualifies them to render better judgments on policies and actions than the Secretary of Defense, the Secretary of State or the Commander-in-Chief.

Never in the history of our nation has there been a greater need for national unity and support of our constituted leaders. The withholding of traditional bi-partisan Congressional support from the President in the conduct of foreign policy can only serve to undercut his bargaining strength with our enemies and diminish his stature among our friends.

Our military leaders report that our military position in Vietnam is sound. We have gained the offensive and the enemy has sustained crippling losses in men and materials. However, although the North Vietnamese can find little comfort in the trend of the war itself, they have only to read the statements of some of our Senators and Representatives to find reason to believe they can outlast our will even if they cannot outgun our fighting men.

It is difficult for our enemies to understand that America's freedom to debate and dissent does not mean a lack of resolve to honor our commitments. Too often they quote the words of our debaters and dissenters in their newspapers and on their broadcasts as a means of bolstering the morale of their own fighting men.

It is indeed unfortunate that the pressure that our guns and bombs bring to bear on the enemy in an effort to lead him to serious negotiations in Paris is continually negated by the words of the dissenters in this country.

Some of the dissenters say we should halt all bombing. Yet they do not ask that the enemy provide any assurances that he will respond with a comparable de-escalation in military activity, or that he will not use the occasion to build up his weaponry and manpower so that he can launch new offensives and kill more of our American troops.

Some of the dissenters want to restrict our military activities to the defense of isolated enclaves. Yet they do not explain how this will help the South Vietnamese achieve freedom for the people outside these limited areas or how this will help resolve the conflict.

Some of the dissenters even call for a complete withdrawal of our troops. Yet they do not say how we can explain this abrogation of our commitment to the other small nations of the free world who look to us as a bulwark against Communist aggression.

The dissenters do not have a monopoly on a desire for peace.

The administration has honored cease fire agreements during certain holiday observances, but the enemy has used them to infiltrate our lines and reinforce his positions.

The administration has conferred with every interested nation and used every available channel, including the United Nations . . . in its efforts to find some method for bringing about a meaningful cessation of hostilities.

Peace, unfortunately, cannot be achieved merely by making speeches on the floors of Congress or by holding demonstrations in the streets of our cities. And peace cannot be brought about by one side alone.

The enemy must be made to realize that he cannot achieve his goals of expansion and domination by military aggression. He must understand that this nation is committed to the defense of freedom in South Vietnam and that this nation honors its commitments. He must not be permitted the luxury of drawing hope, no matter how unjustified, from the misleading statements of the dissenters within our midst.

We do not need another pause in the bombing of North Vietnam to convince Hanoi of our desire for peace. We tried that, and it didn't work.

What we need to try now is a pause in irresponsible dissent to demonstrate our strength of purpose and unity of spirit. President Kennedy said "the cost of freedom is always high but Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission."

The path to a just peace is the one where we present a unified front to the enemy, so that he will not fail to recognize the futility of his aggressive course of action. The Veterans of Foreign Wars, therefore, call upon our Senators and Representatives to support our administration in fulfilling its pledge to support our fighting men in Vietnam and to work for a just and honorable peace in Vietnam.

Yes, we have reached a critical juncture in the history of our country. I urge you to raise your voices now. Make them ring with patriotism and devotion to country. Do not stop until they echo through every hamlet and city in the country. Do not permit yourselves to be shouted down by anarchists. Be not shamed into silence by soulless intellectuals and egg heads. Speak out above the ridicule of Communist sympathizers. This is your country. You have fought for it as brave men fight for it today in South Vietnam. Do not forsake it. Never has the nation been more in need of your wholehearted support and understanding. Never has it been more dependent on you for survival.

The Veterans of Foreign Wars will cry out. We shall be heard. We shall not be found wanting. We shall meet this challenge of today as we have met the great challenges of the past.

TO PROTECT THE SEAL OF THE UNITED STATES AND THE SEALS OF THE PRESIDENT AND THE VICE PRESIDENT FROM COMMERCIAL EXPLOITATION AND INDECOROUS USE

(Mr. McCULLOCH asked and was given permission to extend his remarks at this point in the Record.)

Mr. McCULLOCH. Mr. Speaker, I have today introduced the administration bill to protect the seal of the United States and the seals of the President and of the Vice President from commercial exploitation and indecorous use. Like our flags, these symbols of Government are entitled to protection and respect.

Certainly, it is inappropriate with respect to our Government for these seals to be used as paperweights and costume jewelry and be found on coffee mugs and bumper stickers. And certainly it is unfair to competitors for a business to use these seals in its advertising to convey a mistaken connection between the Government and some product or service.

At present, only the great seal is protected, and that by criminal sanctions only. The proposed legislation would accord similar protection to the seals of the President and Vice President. Thus, with respect to all the seals, it would be a misdemeanor to use seals to convey "a false impression of sponsorship or approval by the Government of the United States."

Moreover, the proposed regulation would make it a misdemeanor for anyone knowingly in violation of Presidential regulations to manufacture, reproduce, sell, or purchase for resale any likeness of these seals.

Finally, the proposed legislation would permit the Government to enjoin the illegal use of the seals. Statutory authority is necessary to permit the utilization of this civil remedy because of doubts that may be raised by the old legal maxim that equity will not enjoin violations of the criminal law. Lest the old rule cloud the Government's attempt to enforce public policy through civil proceedings, that right should be made explicitly clear.

Therefore, I urge the prompt consideration and passage of this measure.

LEAVE OF ABSENCE

Mr. Byrne of Pennsylvania (at the request of Mr. Green of Pennsylvania), for October 29, on account of illness.

Mr. Wyatt (at the request of Mr. Gerald R. Ford), for the period October 30 through November 7, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Wyatt (at the request of Mr. McKneally), for 15 minutes, today; to revise and extend his remarks and include extraneous matter:

(The following Members (at the request of Mr. Anderson of California); to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.
Mr. Minish, for 10 minutes, today.
Mr. Rarick, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hechler of West Virginia to include extraneous material in his remarks during the Committee of the Whole on H.R. 13950.

Mr. Koch immediately following the remarks of Mr. Edwards of California on Greece.

Mr. Dent and to include extraneous matter on the Scherle amendment.

(The following Members (at the request of Mr. McKneally) and to include extraneous matter:)

Mr. Pettis.
Mr. Bow in five instances.
Mr. Findley.
Mr. Lipscomb in two instances.
Mr. Foreman in two instances.
Mr. Thompson of Georgia.
Mr. Langen.
Mr. Duncan in two instances.
Mr. Roudebush.
Mr. Taft.
Mr. Wyman in two instances.
Mr. Horton.
Mr. Lujan.
Mr. Beall of Maryland.
Mr. Wold.
Mr. Bray in three instances.
Mr. Kuykendall.
Mr. Gude in two instances.
Mr. Nelsen.
Mr. Michel.
Mr. Bush in two instances.
Mr. Cramer.
Mr. Schwengel.
Mr. Whalen.
Mr. Whitehurst.
Mr. Price of Texas.
Mr. Miller of Ohio in two instances.
Mr. Pollock.
Mr. Landgrebe.
Mr. Collins in five instances.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Corman.
Mr. Fisher in four instances.
Mr. Ottinger.
Mr. Ichord.
Mr. Steed.
Mr. Murphy of New York in two instances.
Mr. Eilberg in three instances.
Mr. Gonzalez.
Mr. Carey in two instances.
Mr. Hungate in two instances.
Mr. Charles H. Wilson in two instances.
Mr. Matsunaga.
Mr. Downing.
Mr. Rarick in three instances.
Mr. Gaydos in two instances.
Mr. Hanna in two instances.
Mr. Ryan in three instances.
Mr. Kastenmeier.
Mr. Clay.
Mr. Rogers of Florida in five instances.
Mr. Griffin.
Mr. Dulski in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, October 30, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1295. A letter from the Attorney General, transmitting a report on Department of Justice activities in the enforcement of chapter 42 of title 18 of the United States Code (extortionate credit transactions) for the period May 29, 1968, through June 30, 1969, pursuant to the provisions of that law; to the Committee on Banking and Currency.

1296. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report of the Bank for fiscal year 1969, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

1297. A letter from the Comptroller General of the United States, transmitting a report on problems encountered in resolving weaknesses in State right-of-way acquisition activities, Federal Highway Administration, Department of Transportation; to the Committee on Government Operations.

1298. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 30, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1299. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases; to the Committee on the Judiciary.

1300. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President; to the Committee on the Judiciary.

1301. A letter from the Assistant Secretary of the Interior (Administration), transmitting a report on receipts and expenditures of the Department of the Interior in connection with the administration of the Outer Continental Shelf Lands Act of 1953 during fiscal year 1969, pursuant to the provisions of section 15 of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules: House Resolution 602. Resolution for consideration of H.R. 14252, a bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes (Rept. No. 91–602). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules: House Resolution 603. Resolution for consideration of House Joint Resolution 589, joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program (Rept. No. 91–603). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 14562. A bill to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. BIESTER (for himself and Mr. Rooney of Pennsylvania):

H.R. 14563. A bill to provide that the U.S. District Court for the Eastern District of Pennsylvania shall be held at Allentown in addition to Easton and Philadelphia; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself and Mr. Wyman):

H.R. 14564. A bill to require the Bureau of the Budget to submit to the Congress certain monthly estimates concerning national income and expenditures; to the Committee on Government Operations.

By Mr. DINGELL:

H.R. 14565. A bill to provide standby authority for price control; to the Committee on Banking and Currency.

H.R. 14565. A bill to provide standby authority for price control; to the Committee Committee on Banking and Currency.

H.R. 14567. A bill to amend section 301 of the Clean Air Act to require the Secretary of Health, Education, and Welfare to issue regulations relating to certain public hearings;

to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 14568. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 14569. A bill to amend section 11–931 of title 11 of the District of Columbia Code to require the clerk of the Court of General Sessions, to stamp copies of certain papers that have been filed with him to show that the original of those papers was filed with him and when and with whom it was filed; to the Committee on the District of Columbia.

By Mr. PHILBIN:

H.R. 14570. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. RIVERS:

H.R. 14571. A bill to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 14572. A bill to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14573. A bill to amend the Communication Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 14574. A bill to amend title 38, United States Code, to permit the furnishing of benefits to certain individuals conditionally discharged or released from active military, naval, or air service; to the Committee on Veterans' Affairs.

By Mr. WYMAN:

H.R. 14575. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the benefits payable thereunder, with subsequent cost-of-living increases in such benefits, and to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in social security taxes in order to assure continuing financing for such increases in benefits; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself and Mr. Lujan):

H.R. 14576. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. BROWN of California:

H.R. 14577. A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1978; to the Committee on Interstate and Foreign Commerce.

H.R. 14578. A bill to authorize a program of research, development, and demonstration projects for non-air-polluting motor vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 14579. A bill to amend the National Emission Standards Act to require standards be set at the most stringent possible levels, and to require the use of a National Bureau of Standards for certain technical service in connection with establishing such standards; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:

H.R. 14580. A bill to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DEVINE:

H.R. 14581. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 14582. A bill to abolish the position of Commissioner of Fish and Wildlife; to the Committee on Merchant Marine and Fisheries.

H.R. 14583. A bill to provide that the imposition of taxes the proceeds of which are appropriated to the highway trust fund shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditure, and to provide similar rules with respect to the land and water conservation fund and the Federal aid to wildlife-restoration fund; to the Committee on Ways and Means.

H.R. 14584. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself, Mr. Brademas, Mr. Cahill, Mr. Conyers, Mr. Corman, Mr. Edwards of California, Mr. Eilberg, Mr. Gibbons, Mr. Halpern, Mr. Hungate, Mr. Karth, Mr. Leggett, Mr. McCloskey, Mr. Mikva, Mr. O'Hara, Mr. Pettis, Mr. Reuss, Mr. Riegle, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Whalen, and Mr. Wright):

H.R. 14585. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mrs. GREEN of Oregon:

H.R. 14586. A bill to define conditions for the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. MacGregor, Mr. Smith of New York, Mr. Meskill, Mr. Sandman, Mr. Railsback, Mr. Wiggins, Mr. Dennis, and Mr. Fish):

H.R. 14587. A bill to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. MacGregor, Mr. Hutchinson, Mr. Smith of New York, Mr. Meskill, and Mr. Railsback):

H.R. 14588. A bill to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 14589. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness), with further increases in such exemptions for taxpayers who reside in States where the cost of living is above the national average; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 14590. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. WIGGINS:

H.R. 14591. A bill to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy; to the Committee on the Judiciary.

By Mr. WOLD:

H.R. 14592. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to make interest income on water and waste disposal loans sold out of the Agricultural Credit Insurance Fund subject to Federal income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 14593. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY:

H.R. 14594. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. LENNON:

H.J. Res. 976. Joint resolution to provide for the establishment of a Commission by the Secretary of Health, Education, and Welfare to review and assess all available data on smoking and health including the carrying on of original scientific research; to the Committee on Interstate and Foreign Commerce.

By Mr RUTH:

H.J. Res. 977. Joint resolution proposing an amendment to the Constitution of the United States relating to prayer and Bible reading; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H. Con. Res. 431. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. Teague of Texas, Mr. Conyers, Mr. William D. Ford, Mr. Harrington, and Mr. Farbstein):

H. Con. Res. 432. Concurrent resolution to provide that failure of executive departments, agencies or instrumentalities of the Federal Government to respond within 60 days to requests from committees of Congress for reports on pending legislation shall create the conclusive presumption that such agencies favor enactment of the legislation and that enactment is consistent with the legislative program of the President; to the Committee on Rules.

By Mr. WHALLEY:

H. Res. 604. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MAILLIARD introduced a bill (H.R. 14595) for the relief of Mrs. Kathryn S. Ports, which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, October 29, 1969*

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we give Thee thanks for all Thy servants who have witnessed to Thy grace and power in their generation. As we offer our tribute of esteem and affection for EVERETT MCKINLEY DIRKSEN, a comrade of the years, we give thanks for his piety and his patriotism, his wisdom and his humor, his love of nature and of his home, his strength of intellect and his power of speech, his devotion to duty and his support of good causes, his love of the Bible and his faithfulness to the God of the Book, for the song in his heart and the joy of his spirit.

Make us mindful of our own frailty and our immortality that we may live each day aware of Thy divine judgment. Bless this Nation and honor the service of all who are Members of this body, that we may be true as he was true, loyal as he was loyal, that this good land may be strengthened in righteousness, justice, and peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 28, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1968, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, *October 29, 1969*.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Vice President laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(For nomination this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 368) providing for the printing of copies of the eulogies on Dwight David Eisenhower.

The message also announced that the House had passed a joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna; and

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes, the time for this purpose not to extend later than 12:15 p.m.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE ACTION ON APPROPRIATION BILLS

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from the President of the United States which was on my desk this morning when I came to work. The same letter has been sent to the President of the Senate, the Speaker of the House, the distinguished minority leader of the Senate, the distinguished minority and majority leaders of the House, as well as the chairmen and the senior minority members of the Senate and House Appropriations Committees.

May I say, Mr. President, that this is a well-merited letter. It is good in tone, logical in outlook, and I appreciate the advice which the President has sought to give us in his communication.

There is, of course, enough blame to go around on the part of both the legislative and the executive branches of the Government, and enough credit, also. But, in all candor, I must point out that there are five appropriation bills which have not reached the Senate—defense, foreign aid, transportation, military construction, and District of Columbia appropriations. Until they come over, the Senate committees are not in a position to act, as the Senate well understands.

So far as the independent offices bill is concerned, the hearings have been completed. However, that measure provides funds for NASA and, as yet, the conferees on the NASA authorization have not reached agreement. So this appropriations bill cannot go forward until work on the NASA authorization has been completed.

The State, Justice, and Commerce markup starts today and should not take very long.

Labor-HEW will be completed in about 2 weeks, perhaps a little later.

The legislative and Agriculture appropriation bills are in conference, and the public works appropriation bill is ready and will be marked up in the near future. I should point out that that particular measure was just received by the Senate on October 9. Inasmuch as I see the distinguished chairman of that particular committee in the Chamber, I want to pay my respects to him for the fine work he has done not only this year but also down through the years. He is always ready, able, and willing, and on top of the job, ready to move. But, again, he cannot move unless certain authorization bills are passed and certain disagreements worked out.

I should like to suggest to the Senate, Mr. President, that in view of the fact that we are becoming a year-round institution, as attested to by the fact that we agreed to a 3-week recess during August—and will very likely do so again next year—we recognize realities and shift from a fiscal year to a calendar year basis.

I would hope, also, that if that would be given serious consideration, the idea propounded by the Senator from Washington (Mr. MAGNUSON) over the years—if not decades—could be adopted in both the House and the Senate. His proposal is that each session be divided in two, one for legislative authorization bills and the other for appropriation bills. With these proposals in operation, perhaps we could do our job a little more effectively and be able to spend the time we should on both types of measures—that is, the authorization and the appropriation bills.

This is not a reply to the President. This is just a statement of fact. As I have said, I think that the President's letter is well merited. It is an understanding letter. But he is faced with reality, just as we in this body are. So far as the joint leadership is concerned, I think we can assure him that we will do our very best to get the appropriation bills and other proposed legislation he has requested to the floor for consideration, debate, and disposal as soon as possible.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I want to express to him my thanks for the very temperate way in which he and all of us, I may add, are anxious to proceed in this very difficult matter.

I ask unanimous consent to have printed in the RECORD at the conclusion of these remarks the letter from the President to which the majority leader has referred.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. Progress on the appropriation bills is clearly of the highest possible priority. In many cases, the Appropriations Committee is not to be faulted because of the delays in securing action on some of the authorization bills. Until the authorization bills are disposed of, it is, of course, most difficult to speed the appropriations matter.

I know that we are all concerned about the budgetary complications that ensue because the preparation of the annual budget involves many months and is a volume of several pounds. It is extremely complex. It would be well if some 3 or 4 months could be devoted to it; and if those efforts could be postulated upon the actual situation rather than to speculate upon what Congress would do, the process could proceed more smoothly and more advantageously. It is, of course, essential, if we possibly can achieve it, for the President to be able to submit his 1971 budget within the statutory 15 days after Congress convenes in January.

Therefore, I am in agreement with what the distinguished majority leader has said. He is quite right, that we will do all we can to expedite the procedures. It may be necessary, I suppose, to give some notice to Senators that we may be working later on some occasions and may be working more days, if the majority leader would confirm that; and, therefore, the attendance of Senators is earnestly solicited.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, first, before I answer the question, I wish to say that I personally am very proud of all the Senate Subcommittees on Appropriations, as well as the full Committee on Appropriations, and that statement applies to members on both sides of the aisle.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, that statement applies to both Democrats and Republicans. They have worked in tandem; they have faced up to their responsibility; and they have endeavored to produce results.

Secondly, I think the Senate should be on notice that when we get to the Haynsworth nomination and the tax relief and tax reform bill, it is very, very possible we will come in early and stay late so that we can dispose of the nomination and the tax relief and tax reform bill this year along with the appropriation bills and other measures which the President and the Congress both deem necessary.

Mr. President, on the third point, the distinguished minority leader stated that under the law the President is supposed to present his budget to the Congress some 15 days after Congress convenes. That would bring it to around the 20th, under ordinary circumstances. We will do our best to meet the desires of the President in matters of appropriations, so that he can go forward with the highly technical and necessary work which must be done on a budget such as ours; but if perchance we are unable to do so, I am sure the President would be given wholeheartedly an extension of the time necessary to present the kind of budget he thinks Congress should face up to. So I am in accord with the remarks of the distinguished minority leader.

Mr. SCOTT. I thank the distinguished majority leader.

EXHIBIT 1

THE WHITE HOUSE,
Washington, October 28, 1969.

Hon. HUGH SCOTT,
Minority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: My great respect and regard for the leadership of the Congress and of the Senate and House Appropriations Committees make me extremely reluctant to send this letter.

I must, however, call attention to an impending crisis in the handling of the Nation's financial affairs. We are already almost four months into the new fiscal year. Only the second appropriation bill has come to me for signature. Authorizing legislation still lags. For the country the situation is fast becoming intolerable.

The Executive Branch has already begun the preparation of the 1971 budget. Under the law, this budget must be submitted in January. It must be completed, therefore, in December. But unless the Congressional pace is sharply accelerated, it is clear that many appropriation bills will not pass in time for Federal agencies to assemble the voluminous details necessary to meet the budget deadlines.

To array and print the vast amount of technical detail required by the Congress in time to meet this schedule, Congressional action on appropriation bills must be substantially completed within the next few weeks. *If this is not done, it may be impossible for me to transmit the 1971 budget in January.*

The Nation clearly has a right to question a Government which cannot conduct its financial affairs in an efficient manner. I urgently request your cooperation, therefore, in securing swift action by the Congress on the pending 1970 appropriation bills. Otherwise we will be frustrated in our efforts to move ahead efficiently on the 1971 budget.

I write in this vein neither to criticize the Congress for delay nor to exonerate the Executive Branch for delay. At this critical point in the appropriations and budgetary process I am less interested in why we are where we are than I am in where we now seem to be headed. I am confident that you share these concerns.

This same letter is being sent to the President of the Senate, Speaker of the House, the Majority and Minority Leaders of both Houses, and the Chairmen and senior Minority Members of the Senate and House Appropriations Committees.

Sincerely,

RICHARD NIXON.

SELECT COMMITTEE ON STANDARDS AND CONDUCT—APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Senate Resoluton 338, appoints the Senator from Idaho (Mr. JORDAN) to the Select Committee on Standards and Conduct, in lieu of the Senator from Kansas (Mr. PEARSON), resigned.

SENATE MUST CUT APPROPRIATIONS TO CONTAIN INFLATION

Mr. PROXMIRE. Mr. President, today's newspapers report that the President is concerned about the delay in appropriation bills, on which the majority leader and minority leader just commented. Certainly those of us in the Senate and on the Committee on Appropriations are also deeply concerned.

We will be acting on these appropriations bills in the next few weeks. It is important that we act promptly. It is even more important that we act to hold down these appropriations, especially the big defense appropriations, and hold them down sharply.

Today's papers also revealed that the leading economic indicators rose in September meaning that inflationary pressure is still increasing.

Because this story was obscured by other developments this morning, I think it is especially important to call it to the Senate's attention. Last month a number of administration economic policymakers said, some of them before the Joint Economic Committee, they thought we had turned the corner on inflation. The President himself seemed to share that view. It was true that the leading indicators were down in August and it seemed clear that they would decline for the third quarter. But because of the sharp rise in September there was an actual rise for the full quarter. Now the administration, according to today's news reports, seems to recognize that the August decline was not a turning point after all.

By itself this news should persuade the Senate to cut appropriation bills as sharply as possible. But there is another factor that makes such action especially desirable.

Virtually every economist who has testified recently before our Joint Economic Committee has called for an easing of monetary policy—that is, of the tight credit that keeps interest rates high—as the first step in relaxing current economic restraints.

But because of the continuing inflationary pressure, it seems unlikely that the Federal Reserve Board will feel free to ease credit. If these interest rates are to come down it is mandatory that the Congress maintain a tight fiscal policy. That especially means holding down spending.

There is every indication that the big tax reform bill will ease the tax burden and cost the Federal Government revenue.

This, of course, will increase demand and inflationary pressures. It seems clear that social security benefits will be sharply increased, probably by 15 percent or more, early next year, with social security taxes rising to a lesser extent and raising less additional revenues than increased social security payments. This, too, will stimulate demand and inflationary pressure.

Under these circumstances it is essential that the big appropriations measures, especially the defense appropriation bill that contains such a huge proportion of our total spending, be reduced decisively, well below the administration requests.

Last week Chairman McCracken of the President's Council of Economic Advisers told us that the surplus which was now running at an annual rate of $7 billion would decline to an annual rate of $3 billion early next year even on the basis of the administration's taxing and spending plans. This, of course, means an easing of fiscal restraint, an increasing in demand and further pressure on prices.

If Congress means business about holding down prices and fighting inflation, it will act in committee and on the floor to cut the spending, especially defense spending proposals that come before us and cut them sharply.

I ask unanimous consent that an article from this morning's Wall Street Journal reporting on the resurgence of inflationary pressures in the economy be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Index of Leading Indicators Rose 1.3 Percent in September After 0.5 Percent Decline in August

Washington.—The Government's index of "leading" economic indicators rose 1.3% last month, the Commerce Department reported, following an 0.5% decline in August.

Partly for this reason, Government analysts said, they'd be surprised if the Federal Reserve System decided to ease credit at yesterday's session of its secretive Open Market Committee.

The leading indicators, which tend to foreshadow broad movements in the economy, climbed in September to a seasonally adjusted 153.6% of the 1963 average from August's 151.6%. In the third quarter the report showed the index rose 0.1% to 152.5% of the base from 152.4% in the second quarter.

Five of the eight indicators rose in September; while three declined.

The strength shown by the indicators provides further reason, Nixon Administration economists said, to keep anti-inflation policies as firmly in place as possible. The latest report shows that the August decline "wasn't a turning point after all" in the protracted battle to cool the economy, one said, adding that it shows so much basic strength in the private sector that a premature easing of economic policies would almost surely bring a worse surge of inflation.

The same outlook, analysts here agreed, probably precluded any decision to ease credit policy at yesterday's meeting of the Open Market Committee. The committee, which meets every three or four weeks, basically decides whether to tighten credit by selling off Treasury securities or to ease it by buying securities with newly created funds.

Even though the "money supply" rose at only a bare 0.4% annual rate in the quarter ended Sept. 30, a Government aide said, there doesn't appear to be much risk yet that this will have the delayed impact of causing a recession sometime next year.

Failure of this measure of private bank demand deposits and currency to grow closer to the norm of about a 4% annual rate for many more months, adherents of this indicator add, would make the risks of "overkill" a major concern. Thus, there's expectation in Government circles that a slight credit easing may be adopted in another month or so. When it does come, though, sources say, the lessening of monetary restraint probably won't be anywhere near as pronounced as the New York financial community generally appears to expect.

Indicators showing increases last month included average hourly work week of manufacturing workers, new durable-goods orders, orders for plant and equipment, industrial materials prices and the prices of 500 common stocks. Declining last month were average weekly initial claims for state unemployment insurance, new building permits and the ratio of price to unit labor cost in manufacturing.

For the quarter, however, only new durable-goods orders and industrial materials prices showed gains. The average work week for manufacturing employes was unchanged, and the other indicators declined.

ORDER OF BUSINESS

The **VICE PRESIDENT**. The time of the Senator has expired.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The **VICE PRESIDENT**. Under the previous order, the Senate is to vote at 12:15 p.m. on S. 1508, the bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

Mr. **MANSFIELD**. Mr. President, in view of a situation which has developed, two of our Members are at the White House and may not return in time.

I ask unanimous consent, as a courtesy to them, that we proceed on a morning hour basis for the next 5 minutes, and that at that time the vote begin.

The **VICE PRESIDENT**. Without objection, it is so ordered.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The **VICE PRESIDENT**. Without objection, it is so ordered.

ADDITIONAL FUNDS REQUESTED BY AIR FORCE FOR C-5 AIRCRAFT

Mr. **PROXMIRE**. Mr. President, during the recent Senate debate over the C-5 cargo aircraft the question was raised as to whether in addition to the billions of dollars required to produce the aircraft additional sums would be necessary to construct special facilities for it. Apparently some of the supporters of the C-5 program were of the conviction that little if any special construction would be needed for these aircraft because it was so ingeniously designed and constructed that it could be loaded and unloaded without special equipment and, further, it would be able to land and take off on a relatively short runway so that new runway construction would also be unnecessary.

The Air Force remained strangely silent during the debate. However, now that the vote has been taken in the Senate and the House of Representatives, the Air Force has come forth with its usual timeliness to request from Congress $35.3 million to modernize and expand ground facilities in order to accommodate the C-5.

This sum includes more than $10 million for major construction at four domestic bases and a prototype C-5 jumbo jet terminal at Travis Air Force Base in California.

The sum being requested this year is more than the total amount spent on all C-5 related construction since 1967. From 1967 to 1969, $33.9 million in construction funds were spent for the C-5. The total C-5 construction outlays will be $69.2 million if the present request is approved.

Now that the Air Force has come forward with the true facts about the C-5 construction, I hope that those persons who were arguing a short time ago that no substantial new construction, facilities, or equipment would be necessary for the C-5 will be disabused of that erroneous notion. Obviously, they were given false information.

I ask unanimous consent to have printed in the Record a news story from Aerospace Daily, October 22, 1969, reporting the Air Force request for funding the C-5 construction program.

There being no objection, the article was ordered to be printed in the Record, as follows:

Air Force Asks for Funding of $35.3 Million C-5-Related Construction Program

Air Force, preparing for the jumbo jet age of the C-5 Galaxy transport and the 747, is asking Congress to fund a $35.3 million construction program this year to moderize and expand ground facilities at home and abroad.

The request is more than all C-5-related construction funds Air Force has spent since fiscal 1967. It includes more than $10 million for major construction at four continental U.S. bases.

Under the fiscal 1970 construction appropriations request, Air Force would build a prototype jumbo type jet terminal at Travis AFB in California. The FY 70 request for Travis alone, in direct and related C-5 construction, is $11.3 million.

From fiscal 1967 to fiscal 1969 Air Force spent $33,874,000 in construction of facilities for the C-5 Galaxy. With this fiscal year's request the total C-5 direct and related construction totals $69,225,000, net including construction classified for national security.

Sources on Capitol Hill told AEROSPACE DAILY that some of the $35.3 million in the FY 70 request may be deferred because of delays in C-5 delivery from Lockheed-Georgia. Delivery of the initial production planes is six months late and the sources indicated that delivery of end-run C–5's could be even later.

Although Congress has authorized and will undoubtedly appropriate for the fourth C–5 squadron of 23 planes, the House Armed Services Committee last month withdrew $52 million in authorization for long lead items for the fifth squadron.

Air Force has not publicly stated whether it will come back later this fiscal year or in fiscal 1971 for the long lead funds, or whether it will drop procurement of the giant transport at 81 planes. A total of 58 (five RDT&E and 53 production) have been funded. Total six squadron runout is 120 planes.

Nonetheless, Air Force witnesses told the House Military Construction Appropriations Subcommittee in recently-released testimony that it must move ahead for modern and expanded facilities for jumbo jets.

Deferral for one year would be "most harmful," Brig. Gen. Maurice R. Reilly, deputy director of civil engineering, testified. Deferral would "create a slippage in our operational date," he added.

Throughout the hearings he resisted suggestions by subcommittee members that some jumbo jet construction projects could be deferred.

While Travis will be the prototype C–5 terminal, Reilly said that "we don't expect an exact duplicate of this terminal building at each of the locations. However, general design, modular approach, and so on, will be used. It is generally, you might say, the pattern which we will use in the design and construction of all follow-on terminals."

The Travis air freight terminal will be 225,000 square feet at a cost of $3,529,000. Other major C–5 terminal work is programed for Dover AFB (Del.), Kelly AFB (Tex.), Charleston AFB (S.C.) and McChord AFB (Wash.).

"Like the commercial aviation world," Lt. Col. J. T. Hileman of civil engineering's maintenance office testified, "our military air terminal facilities have not kept pace with aircraft development. The existing Air Force terminals are old, inefficient, and are currently operating far beyond design capacity. With the increased airlift and movement requirements in the jumbo jet era, the terminal situation will be a major limiting factor on efficient airlift operations unless our facilities are modernized."

"Our studies indicate that the programmed fiscal year 1973 airlift force flying jets at the sustained wartime rate would more than double our current terminal workloads. In this connection industry, you may have noted, anticipates a 20% annual growth in the airfreight workload which, of course, is saying that in five years it is anticipated to double."

He testified that the fiscal 1970 request was the "minimum essential to meet existing operational requirements and the phased expansion of the airlift force." New terminals, he added, will be "austere and modular in design to the maximum extent feasible to allow for possible future expansion in the 1975 to 1980 time period."

Hileman told the subcommittee that Air Force in the fiscal 1971 budget request wants to secure construction funds for modernized terminal facilities "at those locations where we are only adding the required apron and refueling capability in this year's program."

Deployment dates and locations of the first three C–5 squadrons are:

Charleston, April, 1970 (first operational squadron); Travis, August, 1970; Dover, December, 1970. Altus AFB in Oklahoma will begin the first crew training for operational C–5's in January.

According to information Air Force supplied the subcommittee, it spent $3.997 million for C–5 construction in fiscal 1967; $19.69 million in fiscal 1968 and $9.32 million in fiscal 1969.

The fiscal year 1970 request by seven continental U.S. bases and five foreign bases for C–5 direct and related construction is:

Kelly, $2,323,000; Altus, $4,800,000; Charleston, $1,872,000; Dover, $5,984,000; McChord, $1,642,000; McGuire (N.J.), $118,000; Travis, $11,255,000.

Kadena (Okinawa), $4,016,000; Clark (P.I.), $401,000; Yokota (Japan), $2,306,000; Rhein (F.R.G.), $559,000; Milden Hall (G. B.), $1,595,000.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the call for the quorum be rescinded at 12:20 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

The PRESIDING OFFICER. Under the order of the Senate, the Senate will now proceed to the consideration of S. 1508, which the clerk will state.

The LEGISLATIVE CLERK. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from North Carolina (Mr. JORDAN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from North Carolina (Mr. ERVIN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. GOODELL) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY) and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 61, nays 25, as follows:

[No. 135 Leg.]

YEAS—61

Allott
Anderson
Baker
Boggs
Brooke
Burdick
Case
Church
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mathias
McCarthy
McClellan
McGee
McGovern
Mondale
Montoya
Moss
Mundt
Muskie
Packwood
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Stevens
Symington
Tower
Tydings
Williams, N.J.
Young, N. Dak.

NAYS—25

Aiken
Allen
Bennett
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Ellender
Gore
Hansen
Holland
Inouye
Kennedy
Mansfield
Miller
Nelson
Pastore
Proxmire
Russell
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, Ohio

NOT VOTING—14

Bayh
Bellmon
Bible
Eastland
Ervin
Goodell
Hollings
Jordan, N.C.
McIntyre
Metcalf
Murphy
Saxbe
Sparkman
Yarborough

So the bill (S. 1508) was passed.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TYDINGS and Mr. BYRD of West Virginia made a motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

EVERETT McKINLEY DIRKSEN—IN MEMORIAM

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now proceed to hear eulogies on the life and service of the late Senator EVERETT M. DIRKSEN.

The Senator from Illinois (Mr. PERCY) is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. PERCY. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I ask unanimous consent that I may be in charge of the time on the eulogies, and may be permitted to yield to other Senators to make their statements with respect to the late EVERETT MCKINLEY DIRKSEN without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVERETT M'KINLEY DIRKSEN: A RECOLLECTION

Mr. PERCY. Mr. President, apart from our collective memory of EVERETT MCKINLEY DIRKSEN—seated, standing, or pacing before this Chamber; whispering, rumbling, advocating, embellishing, pleading, cajoling, and frequently persuading—each of us retains his distinct and private memories of our departed leader.

I think I shall always remember him most vividly in the setting where I first got to know him years ago—at innumerable political dinners in our State of Illinois. Usually, their intent was to raise funds and their theme was invariably partisan. Their flavor, however, was pure DIRKSEN.

Following a version of the National Anthem—during which the assmbled audience would grope for the key—the group would sit through an all-too-frequent meal of chicken and peas and then through perhaps a dozen "brief" preliminary speeches, each of them viewing with alarm the latest outrage perpetrated by the Democrats. Hundreds, occasionally thousands of people, would patiently sit through these evenings without complaint only because of the promised finale: An address by the Honorable EVERETT MCKINLEY DIRKSEN. A political audience would pay any price, bear any burden, to hear him speak.

They were seldom, if ever, disappointed.

As often as not, EVERETT would begin with a typically Dirksenesque tale which, had anyone else dared to offer it, immediately would have fallen flat. But EVERETT would tell his story with a sly twinkle in his eye and a mischievous note in his voice, his resonant voice rolling out the vowels; and no matter how farfetched, no matter how many times it had been heard before, the punchline invariably brought down the house. The audience was his, then and forever. People would knowingly whisper to one another: "Ev is in great form tonight," or "You can't top the old boy." They would then settle back, satisfied that the evening's events had been rendered worth while by the star performer.

On these occasions, at which I usually was seated nearby, and I must say with candor not without envy, the minority leader seemingly arrived quite unprepared. He appeared hurriedly and late, often—as he liked to remind the audience—directly from the Senate floor. There was no evidence of a text, and only an occasional note scribbled on a piece of paper.

And yet, as he weaved his magic, it was soon evident that he had no need of the usual props that sustain a political speaker.

He would talk glowingly of the Republican Party: "GERRY FORD—before that it was Charlie Halleck—and I need more troops in Washington," he would say, and then predict an unquestioned Republican majority, if not in the next Congress, then most assuredly in the one just after it.

He would speak in respectful tones of "my Commander in Chief," regardless of who occupied the White House at the time and regardless of his party. Frequently, he would confide to the audience the commonsense advice he had privately offered to the President that very week.

He would share aloud his grave concern over the economy, over the high cost of the Federal bureaucracy, over the Supreme Court, the future of the marigold, the Constitution or, quite likely, over all these matters. Yet, in the end, he would talk with optimism and eloquence about our country, about its greatness and its promise, and his audience returned to their homes on the prairie, proud in their hearts to be Americans, and grateful that EVERETT MCKINLEY DIRKSEN was representing them in the highest councils of Government.

When I came to the Senate 3 years ago, I soon realized that the respect and affection he kindled at these Illinois dinners was shared by those who know him best—his colleagues in this body. And here, as in Illinois, he returned that respect and affection in full measure.

EVERETT DIRKSEN'S political prowess at home was more than matched by his legislative skill in Washington. His secret perhaps was that, while a master of the reasonable compromise, he would never compromise a principle—and he would never ask another man to do so. It would have been easy enough for Ev DIRKSEN as the leader of my party in the Senate, and as the famed senior Senator from my own State, to ask me to go his way on many an issue, even when he knew my inclination was in another direction—and it would have put me in a difficult position to refuse. But he never once did. Before I came to Washington, he said that, whenever conscience dictated, we should simply agree to disagree, and he always honored that principle between us.

Certainly one reason that his Republican colleagues elected him their leader time and time again was that he always respected each man's independence, individuality, and point of view. For he himself was an independent man of strong beliefs. Above all, he was a unique individual—an original in an era that discourages originality.

For more than 35 years, EVERETT DIRKSEN'S life was devoted almost entirely to his family, his country, and Congress. He left his vivid imprint not only on each of these, but on every individual who knew him. He touched our lives with his special vibrancy and resilience, his color and passion, his wit and wisdom. A man who so amply embodied these qualities cannot leave us without great sadness. We shall all miss him.

I know I do.

Mr. President, I am honored at this time to yield to the Senator who last served under Senator DIRKSEN as minority whip, and his successor as minority leader of the Senate: The Senator from Pennsylvania (Mr. SCOTT).

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Illinois, who has spoken so movingly of the great man we honor here today.

First, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the report to the people of Tennessee of the distinguished Senator from Tennessee (Mr. BAKER) for the week of September 14, 1969, consisting of the remarks which he made in the Rotunda of the Capitol in response to the eulogy of the late Senator DIRKSEN by President Nixon.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. Mr. President, as one who stands in his stead, but cannot presume to take his place, I rise to join in our eulogy of a great Senator. We call to mind the wonderful associations all of us in this body have had with him. While today we eulogize him, it is not possible to replace, except in fond memories, the position held by that great and distinguished leader of the Republican Party. Today we remember a man whose memory entertains the endearing recognition of all of us in this body and of millions and millions of Americans. We remember today that each day as he came to the Senate he had a bright and friendly comment. He delighted the American public and he delighted us. He contributed a spirit of accommodation to this body unsurpassed in my recollection. Yet, his spirit and stature fully recognized his responsibilities as an American first and foremost, as the senior Senator from Illinois, and as a great leader of his party.

Today we remember and recognize the warmth and compassion of EVERETT DIRKSEN. We remember his sense of humor. We remember, perhaps one of the greatest qualities which he had, the unstinting ability to view himself in due proportion as one of God's humble creatures.

With engaging humor, he played games with his own posture. We, who enjoyed that deprecating exercise, nevertheless, recognize his great position and high responsibilities in the events of this Nation which he dealt with so well, so long, and so successfully.

It was in his moments of greatest triumph that I had the honor to work with him. We all remember his unstinting role in the Nuclear Test Ban Treaty, the 1964 Civil Rights Act, the United Nations bond issue, and a long list of equally great triumphs.

His leadership was unusual but unusually effective. His personality was appealing and his ability to gain the support of others on a wide variety of matters was unquestioned.

He had the undaunting courage to oppose when he felt he was in the right. In matters of his own well-developed conscience and search for the right, he opposed his constituents, his colleagues, and even his President. In matters which he supported, he supported all the way, and those who gained his support and whose support he gained, were numerous indeed.

His works are monuments to constructive achievement on behalf of his State, his party, and his Nation. His triumphs were often the triumphs of Congress and in a very real sense every President under whom he served.

He was patient under suffering; courteous amidst confrontation; cheerful as an adversary. His spirit was the spirit of the successful, and he demonstrated his delight and gratification at each of his long line of successes.

His oratory provided the bridges over which those who had already been persuaded could walk. It was the essence of persuasion which demonstrated all the smoothness and gentleness which was his as a man. It was the icing on the cake which he had already baked.

Today we honor the Nation when we eulogize Ev DIRKSEN. We honor all those who knew and loved him and worked with him. We will remember him. We cannot forget him.

To the unique, unforgettable EVERETT DIRKSEN we say our warm, fond farewell. And to his wife, Louella, who epitomizes that oft said cliché, "Behind every great man there is a woman." To his daughter, Joy, and his son-in-law and our colleague, Senator BAKER, Marian and I extend our deepest sympathy.

EXHIBIT 1

REPORT TO TENNESSEE

(By U.S. Senator HOWARD H. BAKER)

(Due to the death of U.S. Senator EVERETT M. DIRKSEN, Senator HOWARD H. BAKER did not write his usual column this week. Below is the response Senator BAKER made in the Rotunda to the eulogy by President Nixon of Senator DIRKSEN.)

Mr. President, thank you. I speak for Mrs. Dirksen and the rest of the family when I express our deep gratitude to you and to many Americans throughout the country for their thoughtfulness at this time. We are profoundly grateful.

A century ago another man from Illinois first lay in state on this catafalque, on this spot, described by Sandburg as "midway between House and Senate chambers, midway between those seats and aisles of heartbreak and passion."

And so it is with EVERETT DIRKSEN—a man of his nation who served long and well in both of those chambers.

EVERETT DIRKSEN cherished Lincoln, but with a great humility that rejected any thought of comparison. He sought to follow many of the precepts that are the Lincoln legacy. Both men understood with singular clarity that a great and diverse people do not speak with a single voice and that adherence to rigid ideology leaves little room for compromise and response to change.

A man of imposing presence and bearing, EVERETT MCKINLEY DIRKSEN was nonetheless a man of eminent wit, humor, and perspective, who kept himself and others constantly on guard against taking themselves too seriously.

He was guided by a simple religious faith, carrying through life a sense of the Creator's presence and doing homage to the small, frail spark of immortality which defines the human spirit.

But perhaps most of all his hero was the people. He was of the people. Born of immigrant parents, his mother arrived in this country speaking no English and with a tag about her neck instructing only that she be sent to Pekin, Ill. He knew first hand "melting pot" America—its diversity and hardship, the brilliance of its people going about the business of forging a magnificent nation, and he loved them. All of them. Few people have loved so well, and I think the people saw something of their own greatness in him and understood and respected him for it.

This man was an idealist, but a realist as well; and in the end he chose calmly to risk his life, electing uncertain surgery in order to gain the opportunity to live and serve further, and he lost. But in losing, he fixed with permanence the image of a noble man of the people.

Mr. PERCY. Mr. President, I yield with great pleasure to our distinguished majority leader, for whom Ev DIRKSEN had the greatest affection and highest regard.

Mr. MANSFIELD. Mr. President, on September 7, 1969, EVERETT M. DIRKSEN died at Walter Reed Hospital in the city of Washington. His death broke a hundred relationships which he had in the Senate. It opened the links which held him to all of us as a body and to each of us as a friend and colleague. We knew him in the same way and each of us knew him in his own way.

There was the public EVERETT M. DIRKSEN who stood at that desk across this aisle—intent, relaxed, fierce, gentle, humorous, earnest—as a mood was upon him and as an issue moved him. As a group, the Senate knew that EVERETT DIRKSEN. The galleries, too, saw and heard him. The press characterized and sometimes, and without malice, caricatured him for a nation which came to delight in him.

One remembers that EVERETT DIRKSEN in flickers of remembrance, his passionate defense of flowers and above all of his beloved marigolds, the deft brush of words painting a landscape of the Illinois countryside and the little red schoolhouse, the surging references to the sagas of history, the quotations from Shakespeare and the poets and the statesmen of the past.

Above all, one remembers his keynote phrase. When he said of a measure that it was "an idea whose time has come," whether in civil rights, in nuclear testing, or other of the great issues of his time, he announced a newly formed conviction which would move him to action. With that phrase, too, he illuminated time and again his capacity for change in a changing world.

As majority leader, I owe much—very much—to that capacity of EVERETT DIRKSEN. The Senate and the Nation owe much to it for what it has meant to the legislative history of the past decade.

For me as for every Senator there was still another EVERETT DIRKSEN, a personal DIRKSEN. I knew him as a determined Member of the House and I knew him in the Senate after 1953. I knew him best during those past 10 years when I shared with him the joint leadership of the Senate.

When I think of that personal EVERETT DIRKSEN, I remember his office where we met so frequently and of his tolerance, understanding, and unfailing kindness. I remember, too, the laughter, now stilled, which so short a time ago he engendered in the Senate. I remember the tears which, on occasion, he provoked among us with the passionate vividness of his words. I remember the fierce divisions and the triumphant reconciliations in the Senate—both of which he was often the prime mover.

Others will come after him to the Senate as they have been here before him, to evoke the laughter, to bring forth the tears, to thrust and parry adroitly and then, adroitly, to suture the wounds and lay an issue to rest. They will come, but there will be in the permanence of the Senate something special about the place which is EVERETT MCKINLEY DIRKSEN's. If words must speak what his life has already spoken, let them say that he served the people of the State of Illinois, who sent him here, with a good heart and head, and the Nation with full faith and devotion. He was the Mr. Republican of an era. He was a Senator and a leader of the Senate. He was an American and a tower of strength to the Government of the United States. He will be remembered by all of us with affection, with respect, and with esteem.

Mr. SMITH of Illinois. Mr. President, will the Senator yield?

Mr. PERCY. Mr. President, I yield to the distinguished junior Senator from Illinois. It is most appropriate that he make his initial comments in the U.S. Senate about a man he greatly admired and respected. He is a man who, I know, will be a worthy successor to EVERETT MCKINLEY DIRKSEN.

Mr. SMITH of Illinois. Mr. President, my memories of EVERETT DIRKSEN are different from those of his colleagues who served with him over the years in this body. Of course, I never had that opportunity. But my memories are nonetheless clear and dear to my heart.

My first clear recollection of the Senator stems from his first campaign for the U.S. Senate in 1950, when he had the temerity to announce his candidacy against the incumbent Senator, who was then the majority leader of the U.S. Senate. The political professionals, of course, gave him only an outside chance, if any, to be successful. But EVERETT DIRKSEN stumped the State of Illinois with his campaign and emerged victorious to begin his long career in the Senate. I well remember him in that campaign, at which time I was a young lawyer in Alton, Ill., who, though an interested participant in the campaign as a worker, had never myself ran for office.

Through the years since, my association with EVERETT DIRKSEN covered many and various roads we walked together. As a candidate for the Illinois State Legislature in 1954, and every 2 years since, we shared the campaign trail and many a political platform together. His presence always swelled the crowd to capacity wherever he appeared. And when he walked up to the podium, I, with all his other friends and supporters, sat back to enjoy his always classic statements, and to share his wisdom and charm. We in Illinois were always proud to rate him with the great platform speakers of our time, and he never let us down. I always felt that the one word description of his public appearances was "charm," and we always looked forward to hearing him again, no matter how many times we had heard him before.

As I acquired some political maturity, I remember the many private conferences, either on the telephone or in person, in which we discussed the issues affecting Illinois and the Nation. And while he was always ready with good and sound advice on directions we should go, he always flattered others by seeking and listening to our advice and counsel.

Most of all, my memories of EVERETT DIRKSEN relate to three very personal incidents. None of these were matters of public interest or concern in any sense, but they will always linger in my memory as a true index of our relationship.

A number of years ago, I brought my wife and daughter east on a trip throughout this part of the country. When we stopped in Washington, I contacted the Senator's office and indicated my desire to pay my respects. He worked us into his busy schedule, and the three of us sat with Ev DIRKSEN in his office for over an hour chatting about many things. I have never forgotten his graciousness and hospitality in giving us more time than he had to spare, sharing himself with us.

The second incident relates to an occasion when Senator DIRKSEN made an appearance in my hometown of Alton as the principal speaker at one of our Lincoln Day fundraising dinners. He was to stay the night at the home of a mutual friend, who had a reception after the dinner to which some 30 or 40 people were invited. Most of the guests finally left, and the Senator, together with my family and the host family wound up sitting around the kitchen table late in the evening. Again, a chat with Ev DIRKSEN on an informal basis proved a delightful thing. When I finally realized how late it was, I suggested that we had better go home to let him get some rest, but he protested that he was certainly in no hurry to go to bed and urged us to stay longer. Notwithstanding the lateness of the hour, I understand he was up at 5 o'clock the next morning on his way to his next important engagement.

And finally, the memory I cherish most was the occasion when he appeared to speak at my alma mater, Illinois College, in Jacksonville at its commencement in 1967. I was on the campus that day for the purpose of a luncheon and specifically waited to greet him when he arrived. It was a Sunday afternoon, late in the Illinois legislative session in which I was then serving as speaker, and it was my intention to go on to Springfield after the luncheon meeting to do the work necessary to get ready for the opening of the session on Monday. When the Senator arrived, he asked if I was going to Springfield afterwards, and when I indicated I was, he asked if I would stay and drive him over since he had an airplane to catch there. When EVERETT DIRKSEN asked me for a ride, I naturally answered yes, and I was certainly delighted to stay. We left Jacksonville about 6 o'clock that evening and his airplane did not leave Springfield until 9. During that 3 hours, we drove from Jacksonville to Springfield, stopped in the State House and my office briefly, went to a small restaurant where we had a light dinner, and finally went to the airport. For that entire 3 hours I again had the chance to sit and chat in a purely private and personal way with this great man.

I do not suppose there are too many people in the world who have had 3 uninterrupted hours with EVERETT DIRKSEN in recent years, and I shall never forget them. We did not talk about the weighty problems that faced the State or the Nation. For the most part we talked about purely personal things, reminiscences of political happenings that had occurred to either one of us, and the good fun things that really make up life. To have had this opportunity is something which I feel has come to very few people, and I shall always cherish it.

My relationship with Senator EVERETT DIRKSEN, therefore, was not as a colleague in this great legislative body, but rather that of a young man, coming along in politics, sitting at the knee of the master teacher. I listened closely to what he had to say. I have tried to learn from his wisdom accumulated over the years. While I do not in any wise suggest that I or anyone else shall ever be another EVERETT MCKINLEY DIRKSEN in this body, or otherwise, you may be sure that we in Illinois revere him and will miss him, as one of the great bulwarks of our American democracy, and one of the greatest contributions of the State of Illinois to the Government of the United States throughout our entire history.

And so, while we shall always remember him together as politician, statesman, patriot, and all the other things which made him great, my memory of EVERETT DIRKSEN will be that of a true and dear friend.

Mr. PERCY. I yield to the distinguished Senator from Florida, who worked for so many years with his friend and colleague, EVERETT MCKINLEY DIRKSEN.

Mr. HOLLAND. I thank the distinguished senior Senator from Illinois.

The late and beloved EVERETT MCKINLEY DIRKSEN was my friend and I shall ever miss him. When I came to the Senate in 1946 he was a Member of the House of Representatives. I was fond of him and our friendship became closer after he came to the Senate where he soon became the Republican whip and still later, the Republican leader. My visits to his office in the Capitol—sometimes on Senate business and sometimes to participate in doing him honor—will all be remembered and cherished by me. Our visits to his home in nearby Virginia were also colorful incidents to be always recalled with great pleasure by both Mrs. Holland and me.

There is much I could say about his various activities, some of which I have already said during Senate debates and which already appears in the CONGRESSIONAL RECORD. Our service in World War I was closely related, though we were not then acquainted. We spoke often of those days. But since he maintained his winter home at DeBary in my own native State of Florida and took many occasions to show his friendship for our State, I prefer to confine my remarks largely to the complimentary editorials appearing about him in the press of my State immediately after his death. Whether liberal, moderate or conservative, whether Democratic, Republican or Independent, whether serving the public in the Gold Coast area, in the Tampa Bay region, at Cape Kennedy, in the conservative Gateway City of Jacksonville, or in the typically southern panhandle cities of Panama City and Pensacola, these editorials, although written by able men of greatly differing philosophies, all express the sorrow felt by our entire State when we lost our friend and winter visitor, the late Senator DIRKSEN.

I purposely left out the central Florida area in the list which I have just named because it was there he maintained his winter home and was best known and most beloved. I ask unanimous consent first, therefore, that there be printed in the RECORD an editorial from the Orlando Sentinel of September 9 entitled "Senator EVERETT MCKINLEY DIRKSEN."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLAND. Mr. President, in a similar vein, the evening paper in Orlando, the Evening Star, of September 10, included the editorial "DIRKSEN Was Great American," which I ask unanimous consent to have printed in full at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HOLLAND. Mr. President, one of the most interesting paragraphs in the editorial of the Evening Star is the one in which Senator DIRKSEN is compared with President Abraham Lincoln, which reads as follows:

> It is interesting that he served in the House from the same area as did President Lincoln. They were both able and convincing speakers, although their styles were as different as were their personalities. They both had wit and good humor, but Lincoln had a simple eloquence while Senator Dirksen's was a flowery, ornate eloquence rarely equaled in American political history.

From my own town of Bartow, Fla., the county seat of Polk County—a part of central Florida—there appeared in the September 8 edition of the Polk County Democrat an editorial entitled "A Man for All the Country." I ask unanimous consent that the editorial be printed in full as part of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HOLLAND. Mr. President, I quote the following paragraph from the editorial:

> His fame as an orator, a wit and a statesman will linger long in the Senate cloakroom and in the Capitol pressroom, and will outlast the coming and going of many a senator who has yet to be elected.

From the Miami Herald, the conservative paper in Miami, there appeared on September 9 the editorial "Ev DIRKSEN, Individualist," which I ask unanimous consent to have printed in my remarks in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HOLLAND. Mr. President, one of the more interesting paragraphs in that editorial was this quotation:

> He was a leader, a patriot loyal to the ideals of his country as he saw them, both a controversial and popular figure in Washington. He crossed from one line to the other,

supporting Democrats, occasionally opposing Republicans, loyal to the cause of the moment. "I live by my principles," he once said, "and the first of these is flexibility."

In the Miami News, the liberal paper in Miami, there appeared on September 9, the editorial "Senator DIRKSEN's Contributions" which I ask unanimous consent to have printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. HOLLAND. Mr. President, I quote the closing paragraph of that editorial as follows:

> He was a humorist, a philosopher, could be a "corn ball" when the occasion demanded, was unmatched as an orator. Senator Dirksen was an outstanding leader, enjoying the confidence of all those around him. He was adaptable to the changing times and successful because he knew his country came before his politics.

In the Palm Beach Times of September 9 there appeared an editorial entitled "DIRKSEN Fought the Good Fight," and I ask unanimous consent that the editorial be printed in full in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. HOLLAND. Mr. President, in the newspaper Today, published at Cape Kennedy on September 9 appeared the editorial "EVERETT DIRKSEN." I ask unanimous consent that the editorial be printed in full as a part of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. HOLLAND. Mr. President, I read the following paragraph from the editorial:

> But he was not all things to all people, nor did he try to be. He worried that the young people of today seem to be turning their backs on their American heritage. Rather than sanctioning their prodigal discontent, he sought to bring them "back into the stream of tradition."

In the Florida Times Union at Jacksonville which had highly praised Senator DIRKSEN in its news and editorial columns when he delivered a great speech there not long before his death, entitled "What's Right with America" to a wildly enthusiastic, overflow meeting of the State Chamber of Commerce, appeared on September 10 the editorial "EVERETT MCKINLEY DIRKSEN," which I ask unanimous consent to have included in full in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 8.)

Mr. HOLLAND. Mr. President, I shall quote the following two paragraphs from the editorial:

> He provided a balance to the Congress and had the stature not only to himself rise above the level of pure partisanship but to pull many of his colleagues above that level as well.
>
> "The heart of America is right," he said in his 1967 speech in Jacksonville. And the heart of Everett Dirksen was right. The nation that he loved and served will miss him.

From the Tampa Bay area there appeared in the St. Petersburg Times of September 8 an editorial entitled "DIRKSEN's Sense of the Senate," which I ask unanimous consent be printed in full in my remarks.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Without objection, it is so ordered.

(See exhibit 9.)

Mr. HOLLAND. Mr. President, this paper, a liberal one, seeking for a quotation which best fitted Senator DIRKSEN, came up with the following words from Thomas Carlyle:

> In the long run every Government is the exact symbol of its people, with their wisdom and unwisdom.

They followed this Carlyle quotation with the following:

> Sen. Dirksen was Government because he was good at it, and because his own balance of wisdom and unwisdom made him supremely human.

From the Panhandle of Florida I noted in the Pensacola Journal an able editorial entitled "A Loss to the Senate," appearing on September 9 which I ask to have copied in my remarks in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 10.)

Mr. HOLLAND. Mr. President, I shall read the closing paragraph of that editorial as follows:

> There are not many in Congress who can rate the title of statesmen. Even his enemies agreed that Dirksen rated it. He will be missed as only positive leadership can be missed.

In the Panama City Herald—also in the Florida Panhandle—there appeared the editorial "DIRKSEN Among Greats," which I ask unanimous consent to have printed in the RECORD in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 11.)

Mr. HOLLAND. Mr. President, there were many other editorials in Florida papers well worthy of preservation but I wanted in my own remarks to illustrate the fact that from all segments of the press in Florida, regardless of geography, philosophy, or other regional differences there appeared unanimous expressions of affection, respect, and sorrow for Senator DIRKSEN. In other words, I wanted the RECORD to show that the press of Florida, which is surely a cosmopolitan State, voiced feelings of deep appreciation for EVERETT DIRKSEN which I think spoke rather clearly for all segments of American thinking. He was a great statesman, an effective legislator, a warm and loyal friend and one who will be greatly missed always by every Senator and Congressman who served with him and who knew him.

Mrs. Holland and I express our deepest sympathy to Mrs. Dirksen and their daughter, Mrs. Baker, to Senator BAKER and the Baker children, along with our hope that they may find comfort in their sorrow from the expressions of appreciation of Senator DIRKSEN which have been voiced by every segment of America.

Mr. President, I thank the distinguished Senator from Illinois for yielding.

EXHIBIT 1

[From the Orlando (Fla.) Sentinel, Sept. 9, 1969]

SENATOR EVERETT MCKINLEY DIRKSEN

There was no one like Sen. EVERETT MCKINLEY DIRKSEN.

With his full head of wavy, graying hair, his rich oratorical voice, his gestures and the poses he struck to make a point, he was the most colorful member of an often somber Congress.

EV DIRKSEN was the last of a vanished breed of old-time senators who looked and acted as we think senators should look and act.

He was a spell-binder, a natural orator with a voice so compelling that in the past few years he was persuaded to cut a few records. Their sales were excellent.

Among the things which made DIRKSEN unique, in addition to his being the last of the old mold, was that he regarded the Senate as an end, an entity in itself.

He felt the Senate was a high calling, which it is, and that there was no need to try to go on to be president or vice president.

He worked hard at being a senator, a senator from the old days of the body, but he kept the common touch. Even those who had never met him felt friendly and warm toward him. They felt he was someone they knew and liked.

In his handling of legislation, Sen. DIRKSEN always acted in what he considered was the best interest of the nation. His decisions transcended parties and politics. When he felt he was right he headed straight for that goal disregarding political ties within his own party.

There was only one like EV DIRKSEN. He served his country and his world well. His death ends an era and impoverishes all of us.

EXHIBIT 2

[From the Orlando (Fla.) Evening Star, Sept. 10, 1969]

DIRKSEN WAS GREAT AMERICAN

There'll never be another Sen. EVERETT MCKINLEY DIRKSEN. His was a personality and a character all his own. To put it tritely, he was a senator's senator. He was a happy cross between an able actor and an understanding statesman.

While EVERETT DIRKSEN was one of the most powerful Republican senators to serve in this century, he was an American first, an avid patriot before being an astute and powerful politician.

He was first elected to Congress in 1926, chosen to serve in the House from the same area as that served by Abraham Lincoln. In 1950 he was elected to the Senate and served in that august body until his death on Sunday.

It is interesting that he served in the House from the same area as did President Lincoln. They were both able and convincing speakers, although their styles were as different as were their personalities. They both had wit and good humor, but Lincoln had a simple eloquence while Senator DIRKSEN's was a flowery, ornate eloquence rarely equaled in American political history.

His style was a pleasing throwback to the 19th century. He was an orator who stood out in an era of direct matter-of-fact speech making. His effectiveness was that of a sincere man. His tousled hair, his open smile, and his bass organ-tone voice were his distinguishing characteristics. He had charisma before that word was overworked. He had integrity when that virtue was not overworked. He was a grand Republican and a great American of whom Abraham Lincoln would have been proud.

(Exhibit 3)

[From the Polk County Democrat, Sept. 8, 1969]

A Man for All the Country

One of the dependably sane voices in an often frenzied Congress was that of Sen. Everett Dirksen.

Blessed with a set of vocal chords and a method of delivery that commanded instant and undivided attention, the gentleman from Pekin, Ill., was showman enough to make shrewd use of his assets, and to augment them with a carefully unkempt head of hair.

With the theatrics that quickly made him a national figure, Senator Dirksen had a canny sense of what was good for the country, and he fought with great skill for the causes in which he believed.

Whether he was aiding in a filibuster or fighting one, he was an adversary to respect, an ally to cherish.

No one is perfect, and even Senator Dirksen slipped occasionally. As, for instance, when he gave full support to his friendly enemy, President Lyndon Johnson, in endorsing Abe Fortas to be Chief Justice of the Supreme Court.

What mistakes he did make, though, seemed to be errors on the side of too much charity for individuals who perhaps were not worthy of it. In matters of principle he was true to his convictions, no matter who agreed or disagreed.

He was not as far to the right as Barry Goldwater, whom he enthusiastically nominated for the presidency, nor as far to the left as Lyndon Johnson, with whom he enjoyed a warm friendship.

Sometimes Senator Dirksen angered the conservatives, as when he supported several Civil Rights laws—on the basis that they demanded fair treatment of a segment of the population which was not being treated fairly. Sometimes he angered the liberals, as when he supported extending to all states the assignment of federal monitors to watch voting, as previously had been ordered in Southern states—on the basis that what is fair in one section of the country is fair in all the country.

When the Democrats held the White House, Dirksen was the rallying point for the Republican opposition, and for Democratic senators who disagreed with the President. With a Republican administration, Dirksen was "the man to see," and a staunch supporter of his chief.

Illness had slowed the old war horse in recent months, and yesterday it stopped him completely.

His fame as an orator, a wit and a statesman will linger long in the Senate cloakroom and in the Capitol pressroom, and will outlast the coming and going of many a senator who has yet to be elected.

(Exhibit 4)

[From the Miami (Fla.) Herald, Sept. 9, 1969]

Ev Dirksen, Individualist

"The marigold will flourish on soil not blessed with fertility. It marches through spring, summer and autumn, until the frost of early winter takes its toll . . . robust, rugged, bright, stately, single-colored and multi-colored, somehow able to resist the onslaught of insects . . . What a flower the marigold is."

When Sen. Everett M. Dirksen waxed rhetorically rhapsodical, as he once did while advocating the marigold be named America's national flower, the soft notes curled through the Senate fresh and pungent as woodsmoke and the hard ones sounded with such timbre that senators awoke and rafters rattled.

What a speaker the senator was! The language was his as though on tap, and he twisted the faucet both to illuminate and to obfuscate, as it suited the purposes of him and the Republican Party.

The great head with its wild gray hair, the well-traveled face with bags under eyes covered by thick glasses, the political finesse and the sense of humor so rich it almost seemed sinful, are gone and so a historic gem in America's infinite variety blinks out.

He was a leader, a patriot loyal to the ideals of his country as he saw them, both a controversial and popular figure in Washington. He crossed from one line to the other, supporting Democrats, occasionally opposing Republicans, loyal to the cause of the moment. "I live by my principles," he once said, "and the first of these is flexibility."

Sen. Dirksen was an individualist in an impersonal age. During his 35 years in Congress, he became the legendary loquacious senator, who in time assumed a caricature of himself and joined the nation in chuckling at Sen. Dirksen.

(Exhibit 5)

[From the Miami (Fla.) News, Sept. 9, 1969]

Senator Dirksen's Contributions

Everett McKinley Dirksen was an eloquent member of the U.S. Senate who will long be remembered for his voluble contributions to the social issues of the day.

The Illinois senator began his leadership of the august Senate when Dwight Eisenhower was President but found his niche in history as the persuasive helper of a Democratic President. Senator Dirksen was a tower of strength for Lyndon Johnson during the stormy passage of the Civil Rights Act of 1964. His stentorian tones and flowery phrases were more than a match for the Southerners who tried to filibuster against legislation for human rights.

In the nine months that Richard Nixon has been in the White House, Senator Dirksen was a powerful confidante, swaying the Chief Executive on important appointments and at the same time acting out the role of the Minority Leader in a Democratic Congress.

He was a humorist, a philosopher, could be a "corn ball" when the occasion demanded, was unmatched as an orator. Senator Dirksen was an outstanding leader, enjoying the confidence of all those around him. He was adaptable to the changing times and successful because he knew his country came before his politics.

(Exhibit 6)

[From the Palm Beach (Fla.) Times, Sept. 9, 1969]

Dirksen Fought the Good Fight

One of greats is gone.

The passing of Sen. Everett McKinley Dirksen leaves a void on the political scene that never will be filled.

Call him a politician. Call him "the Wizard of Ooze." Call him a "wheeler-dealer."

But—first, last and always—call him an American.

For the colorful Illinois statesman, as President Nixon says, "on the great issues always placed the nation first."

But for the accidents of history, Dirksen might have been President of the United States. And if he had been, history might have been painted in less somber hues. That is pure speculation, of course, but it must be admitted that there have been times when the nation seemed to play second fiddle to political expediency.

Nevertheless, Sen. Dirksen did play a major role in history as it is written, especially as leader of the "loyal opposition" during the administrations of John F. Kennedy and Lyndon Johnson. He will be particularly remembered for carrying to passage the Civil Rights Act of 1964.

He will be remembered, too, as a man whose deep insight and involvement in the grave issues of our time did not dull a delightful sense of humor. This is a mark of greatness—perspective—that is becoming increasingly rare in government.

The nation, not just those who honored him as "Mr. Republican," owe Sen. Dirksen a debt of gratitude that can be repaid only by rededication to the principles of real Americanism for which he fought the good fight.

(Exhibit 7)

[From Today (Fla.), Sept. 9, 1969]

Everett Dirksen

Sen. Everett McKinley Dirksen wasn't ashamed to change his convictions in response to the realities of the swift and ever-changing times.

This is not what made him a statesman, but without the ability to see that government must move forward, coming constantly to new grips with the changing problems of its people, Dirksen could not have become the statesman he was.

He called himself "an old-fashioned garden variety of Republican who believes in the Constitution, the Declaration of Independence, in Abraham Lincoln . . ."

But he went a step further.

His kind of Republican, he said, "accepts the challenges as they arise from time to time, and who is not unappreciative of the fact that this is a dynamic economy in which we live, and sometimes you have to change your position."

His kind of Republican was a credit to Republicans and Democrats alike.

Originally an isolationist, Dirksen became an internationalist. Originally a conservative, he moved to the center with his support of civil rights legislation, the nuclear treaty and financing for the United Nations.

But he was not all things to all people, nor did he try to be. He worried that the young people of today seem to be turning their backs on their American heritage. Rather than sanctioning their prodigal discontent, he sought to bring them "back into the stream of tradition."

Whether you agreed with what he said or not, you had to admire him for the way he said it. He was a colorful man who conformed neither to the Republican image nor to the congressional image.

Among his colleagues, Everett McKinley Dirksen was a marigold in a field of soybeans.

(Exhibit 8)

[From The Florida Times-Union, Sept. 10, 1969]

Everett McKinley Dirksen

Senator Everett McKinley Dirksen had a commitment so deep that it transcended all personal or political considerations of his public service. He had an abiding love for, and a sense of the continuity of, the United States of America.

Often he spoke, as he once did in Jacksonville, on the topic "What's Right with America." When he voted, the guiding principle was "What's Right for America."

It was this characteristic that enabled the late Senator from Illinois to be a statesman as well as a consummate politician. The most partisan of his own supporters and colleagues after a time came to realize that where the interests of the nation were at stake, Dirksen would be found on the side of what he believed to be the best interest—regardless of whether this side had been labeled conservative or liberal, Democrat or Republican.

Once assailed on this point, he explained his philosophy in this way:

"You start from the broad premise that all of us have a common duty to the country to perform. Legislation is always the art of the possible. You could, of course, follow a course of solid opposition, of stalemate, but that is not in the interest of the country."

There have been many issues arising during Senator Dirksen's 25 years of service in Congress when it was essential to distinguish between a Republican President or a Democratic President and the President of the United States. Even while he was minority leader—for most of this time, therefore, the leader of the opposition—Senator Dirksen was able to make this distinction.

It is to the credit of most of his colleagues and of the American people as a whole that this quality was recognized to the extent that he exerted a great influence on both legislation and upon public opinion.

Roger Winship Stuart, in his 1963 book entitled "Meet the Senators," started the biographical passage on Senator Dirksen with the sentence: "Every so often in the Senate—just as at sporadic intervals among other groups—a particular member will come to be recognized as something apart, something in the nature of the institution."

The "institution," indeed the walking legend that was Senator Dirksen, was founded on deeper characteristics than the flowing locks, the famous voice and the courtly speech that enabled him to rebuke a senator who spoke too much by saying he would invoke upon the offender "every condign imprecation."

It was built upon a record of hard work, effectiveness and above all that deep and abiding love for America.

He provided a balance to the Congress and had the stature not only to himself rise above the level of pure partisanship but to pull many of his colleagues above that level as well.

"The heart of America is right," he said in his 1967 speech in Jacksonville. And the heart of Everett Dirksen was right. The nation that he loved and served will miss him.

(EXHIBIT 9)

[From the St. Petersburg Times, Sept. 8, 1969]

DIRKSEN'S SENSE OF THE SENATE

In the fullest sense of its traditions and respect for individual style, Everett McKinley Dirksen was a prototype member of the United States Senate.

It was possible to strain against his actions and philosophies and yet greatly admire the man.

Because Dirksen so personified a senator, and played his role with such unabashed flourish, the Senate will have lost one of its principal actors—as well as its minority leader.

For the Republican Party the loss opens many questions.

Who will rise to the stature and power of an Everett Dirksen?

Does the passing of this old-fashioned politician mean room for a modernist?

What change in leadership tactics and relationship between party and President now will emerge?

For the Senate, the death of Dirksen expands the power vacuum begun by Sen. Edward Kennedy's summer of misfortune.

With so much on its mind that affects the nation's core, this vacuum in legislative leadership could blur the sense of direction in the Senate.

But while political strategists ponder a future without the man who has been so present for two decades of America's most changing years, the people will remember Everett McKinley Dirksen's life for what it was. And how it ended, as the summer ended.

It is difficult to sum up such a life. Or to find a quotation that fits a man who was himself such a quotable source.

Perhaps Thomas Carlyle comes close:

"In the long run every Government is the exact symbol of its people, with their wisdom and unwisdom."

Sen. Dirksen was Government because he was good at it, and because his own balance of wisdom and unwisdom made him supremely human.

(EXHIBIT 10)

[From The Pensacola (Fla.) Journal, Sept. 9, 1969]

A LOSS TO THE SENATE

The Senate has lost, through the death of Sen. Everett Dirksen, one of its most colorful and powerful figures in a generation.

While the Illinois Republican was a staunch party leader who held it together during the grim days when the Democrats controlled two-thirds of the Senate seats, he was more than that. He was a bipartisan power who never hesitated to follow his own conscience in matters affecting the country.

Consequently he was a confidant of presidents both Democrat and Republican. Without Dirksen many of the accomplishments of Presidents Kennedy and Johnson would not have been possible. Eisenhower found him a bulwark of strength and until his death he had shaped much of the course taken by President Nixon, sometimes changing it as he did in a confrontation with Secretary Finch of HEW over the assistant secretaryship.

Dirksen was a basso profundo orator of the old school, a talent he loved to display as the occasion arose. Indeed, it was this skill in dramatic debate which led his enemies to refer to the veteran from Illinois as the "wizard of ooze."

Senator Dirksen never hesitated to voice displeasure at things politic if he felt they were wrong. It mattered little whether the toes he mashed were Democratic or Republican. It was the principle of the thing, and because of his prestige and power he generally got his way.

For 37 years—except for two years when he retired because of failing eyesight—Dirksen had served in Congress, 19 of them in the Senate. He was Republican leader during the last 10 years. Few minority leaders have exercised such influence. Dirksen did it through his reputation for fairness and cooperation on measures beneficial to the country.

There are not many in Congress who can rate the title of statesmen. Even his enemies agreed that Dirksen rated it. He will be missed as only positive leadership can be missed.

(EXHIBIT 11)

[From the Panama City (Fla.) Herald, Sept. 16, 1969]

DIRKSEN AMONG GREATS

About the only things that Everett McKinley Dirksen and Ho Chi Minh had in common were that both were outstanding figures in their respective governments and both died within a week of each other.

It is not their similarities but their differences that we ought to think about.

Because of his role in freeing his country of French colonial rule, Ho was called the George Washington of Vietnam and was lavishly praised by most of the American press at his death. Such praise was perhaps his due as a tough opponent.

Actually, it was Dirksen who more resembled Washington.

To say this is by no means outrageous eulogizing of Dirksen. All the men who have held seats of power in the U.S. government since its beginning have been, almost without exception, closer in character to Washington than was Ho Chi Minh.

A man like Dirksen—outspoken, individualistic, flamboyant—could not have survived under a Communist regime. Indeed, one can only speculate as to how many Vietnamese Dirksens were liquidated over the years by Ho, who could not tolerate rivalry.

Unfortunately, the same can also be said of South Vietnam. There, banishment and imprisonment have effectively prevented the establishment of a loyal opposition.

Dirksen, like Ho, served his country over a span of time measured in decades—three and a half decades altogether; 16 years in the House and 19 in the Senate.

The crucial distinction is that at all times Dirksen was accountable to the people of his state of Illinois for his performance and at regular intervals was subject to removal from office by them.

The comparison need not be elaborated. Suffice it to say that when we honor a man like Everett Dirksen, we also honor the political system, the ideology, which produced him and which will produce other men worthy to follow in his footsteps.

That is the American system, and it works because men like Dirksen make it work.

Dirksen once told a reporter that his early ambition had been to be an actor—"a thespian treading the boards," was how he put it in his characteristically flowery fashion.

He certainly had the voice for it, and the stage presence and sense of the dramatic. But his mother, he explained, persuaded him against such a "sinful" profession. So, he said, he chose the next best thing—politics.

We err seriously, however, if we allow the cornpone facets of Dirksen's personality to obscure the real man. He, too, was a tough opponent, as several presidents came to learn quite well.

Often he appeared bullheaded, jealous of his prerogatives, more concerned with political expedience than with progressive legislation.

But he played by the rules, and when it came down to a question of fundamental principles, he was truly a leader of stature.

Everett Dirksen has now taken a place in the pantheon of other great senators—Webster, Clay, Taft (the list is a long one).

This is no sentimental twaddle. It is a fact, about which all Americans can be proud.

Mr. PERCY. Mr. President, I yield to the distinguished senior Senator from Maine (Mrs, SMITH), whose answering of quorum calls and rollcalls was a source of admiration to Senator DIRKSEN, and whose patience, knowledge, and tenacity were a source of great respect.

Mrs. SMITH of Maine. I thank my distinguished colleague.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, it was my privilege to serve both in the House of Representatives and the Senate with the late EVERETT MCKINLEY DIRKSEN. He was a great leader in both of these divisions of Congress.

He was a great leader not just because he was a dynamic leader of his political party. Instead he was more a leader because he had the courage to change his course of action and to change his mind once he became convinced that he was wrong.

In 1952, at the Republican National Convention, in a stirring speech supporting the late Robert A. Taft, and in opposing the late Dwight D. Eisenhower, he protested that Gov. Thomas E. Dewey, in leading the fight for the nomination of Dwight D. Eisenhower, was leading the Republican Party down the road to a third successive presidential defeat.

But he was wrong, as time proved—and he unhesitatingly acknowledged that he was wrong and he turned his efforts to becoming one of the strongest supporters that President Eisenhower had in the Senate.

Yes, he was one of the Senate towers of strength for all Presidents from that time on—whether it was Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, or Richard M. Nixon.

He was a tower of strength because

he gave them crucial support at crucial times—support that rose above partisanship.

But he was, as well, a tower of strength because he opposed them when he was convinced they were wrong and in many instances his opposition forced them to a more reasonable compromise on issues.

Only this year, he opposed President Nixon on some nominations and selections for major offices. President Nixon responded by withdrawing the nominations or refraining from making the nominations.

And in his mellifluous way of opposing President Nixon's choices for high office, he had a knack of doing it without being accused of party disloyalty or disloyalty to his President in his position as the leader of the President's political party in the Senate.

Not all Senate Republican leaders have been able to achieve such a remarkable result of respect rather than condemnation.

Yet, I think I have some insight as to this rare ability that Everett Dirksen had. For the last time that he talked with me was on the Senate floor after I had proposed two amendments in opposition to the President's Safeguard ABM.

Although he differed with me on that issue and stood with the President, he was kind enough to come over to my desk and expressed his admiration for what I had said in support of the amendments and for what I had done. I shall never forget the very last words he spoke to me for he said to me:

> Margaret, you rose above the crowd and you stood ten feet tall on the Senate floor today.

Everett McKinley Dirksen and I engaged in a keen but friendly fight over the proposal for the national flower. He championed the marigold. I championed the rose.

Since his untimely passing, I have had many letters urging me to take his place in carrying the banner for the marigold. I am honored that some would think that I could take his place in that one instance. I am even more grateful that they understand when I defer to someone else as his successor on this because I know he would not have me desert the rose anymore than I would have him desert the marigold.

Many have urged me to take the leadership on his prayer resolution. While I support it now as I always have, such leadership is more properly for one of his close colleagues on the Senate Judiciary Committee to which the Dirksen prayer resolution has been assigned for consideration and action.

Far more eloquent than anything I might be capable of saying is a letter to Everett Dirksen's devoted wife and his own tower of strength—Louella Dirksen, for whom all of us have so much affection, respect and admiration. It was a letter from Maurice James Moriarity of Chicago, Ill.

On September 9, 1969, Mr. Moriarity wrote Mrs. Dirksen:

> As the Nation mourns the passing of Senator Dirksen, I recognize that nothing I could say would ease your sorrow Although the Senator had thousands of friends and acquaintances throughout the world, I doubt that he ever had a more loyal or dedicated supporter than my late father. I shared in my father's respect and admiration for the Senator. We knew him and loved him as a truly great American.
>
> On September 11, 1968, a little more than a year ago, the Senator wrote a beautiful letter of condolence to the parents of one of my partners. The occasion was the death of their youngest son while in combat in Vietnam. I thought you might be interested in one of the paragraphs of that letter. The Senator concluded his letter by saying.
>
> Somewhere, sometime, death must come to us all, and fortunate is he who can cry quietus with "Well done" ringing in his ears from his country as well as his family and friends.
>
> Today, and for all time to come, the historians of this great Nation of ours will acclaim: "Well done, Everett McKinley Dirksen, well done."
>
> With deepest condolences, I remain. Sincerely yours, Maurice James Moriarity.

Mr. PERCY. Mr. President, I would like to yield at this time to the distinguished Senator from West Virginia (Mr. Randolph), who came to Congress in 1932 with Senator Dirksen and was his colleague and friend.

ILLINOIS IS THE LAND OF DIRKSEN AS WELL AS THE LAND OF LINCOLN

Mr. RANDOLPH. I thank the Senator from Illinois.

Mr. President, I am privileged to join my colleagues this afternoon in expressing our remembrances of a truly great, a gallant, and a good American—Everett Dirksen.

It was a warm September sun that bathed the countryside when Everett Dirksen's body was given to the good earth near his birthplace in Pekin, Ill.

We know Illinois as the Land of Lincoln, but it truly is the Land of Dirksen as well. Perhaps it was not fully recorded, but it is a memory that I shall continue to carry all my years—that of the funeral party as it moved from the Peoria Airport to the cemetery on the outskirts of the community which was his home.

I remember hundreds of little children who stood beside the roads and on the streets holding in their hands the American flag. They held it proudly as the body of Everett Dirksen was carried by the thousands of neighbors and friends whom he served.

I saw literally hundreds and hundreds of fathers and mothers who also stood by those roadsides and on the streets, and they, too, held the American flag. They held it without embarrassment. They held it with great pride.

In front of the Limestone High School, I remember especially 600 or 700 students who were not moving about the yard, talking one with the other. They were standing in a solid line, and they were quiet and reverent as the body of Everett Dirksen passed.

I recall very well that in front of most of the residences the American flag had been raised, and this was true also of the businesses and industries in that area.

This was done out of respect for Everett Dirksen, but I also believe in doing it those thousands of Americans were thinking of Everett Dirksen as the symbol of an America which today is very much alive. Sometimes a death causes us to realize it continues to live—an America in which there are millions of persons, who are not in the news headlines but are the good, solid stock of this country, who believe very much in what Everett Dirksen believed.

Mr. President, I have said that Illinois is the Land of Lincoln; and it is also the Land of Dirksen. It was Abraham Lincoln who said:

> The dogmas of the quiet past are inadequate to the stormy present. . . . We must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.

On many occasions in the Congress of the United States I felt that Everett Dirksen, in a very real sense, was living out the admonition of an earlier Illinoisan—Abraham Lincoln.

He was not a man to be pushed around, but he was a man with whom one could counsel. He was a man who provided an opportunity, not reluctantly, for his colleagues, both Democrat and Republican, to discuss matters that came before us in this legislative body.

Mr. President, I was sworn in on March 4, 1933, as a Member of the U.S. House of Representatives, in company with Everett Dirksen. There are perhaps only four or five of us now in the Congress of the United States who were sworn in on that date, when we still had the so-called lameduck Congress. But, from that day until the time of his going away, we were cherished friends—disagreeing very often in the votes cast here, understandably so, but we were very close, one to the other.

When it was my responsibility to be chairman of the Committee on the District of Columbia in my early days in the House of Representatives, Dirksen was the ranking minority member of that committee. We worked cooperatively then on legislative programs and projects for the District of Columbia, and the people who lived here, having come from all sections of America.

Mr. President, I often said to Everett, as he walked back and forth in the center aisle, "Please pace yourself. Please take it a little easier. Please go lie down a few minutes." And always he replied with a quick smile, rather than with words of agreement.

There are many dedicated men in public life, and certainly Everett Dirksen was one of the best of these men who devote themselves to careers in public service. Everett Dirksen was cheerful of heart. This was a blessing to unnumbered persons, constituents and friends, who came in contact with him day by day, and people before whom he appeared as a persuasive speaker and ardent advocate.

I heard a bird at break of day
  Sing from the autumn trees
A song so mystical and calm,
  So full of certainties.

Mr. President, if Jennings Randolph is certain of any fact this afternoon, it is the certainty that Everett Dirksen was truly a man of the people, by the people, and for the people.

I continue to remember him as I did when he was in the hospital on the last occasion before his death. I wrote him a note in my own handwriting. I said, "EVERETT, hurry back. We need you here." He was ever needed in this body. He gave so completely of himself—the very best that was within him—that we must not forget this man whom I have called great, gallant and good.

Mr. President, Mary, my wife, joins me in our continued thoughts to EVERETT DIRKSEN'S widow Louella, his daughter, his son-in-law, their children, and all members of the family.

It is truly wonderful along life's way to meet those persons—and there are not so many as we would like—who become a part of our own lives. EVERETT DIRKSEN shared that understanding with me, and I with him.

Mr. President, I think sometimes we forget too soon those who had responsible positions in this body. It was Shakespeare who said ingratitude is the most reprehensible of vices.

It would do all of us well to ponder a few minutes, perhaps each day, about some colleague with whom we have served, about some kindness that has been expressed toward us, about some good deed that came into being.

Mr. President, during these eulogies, we have remembered in a special way—EVERETT DIRKSEN.

Mr. PERCY. Mr. President, there is no more beloved Member of this distinguished body than the distinguished senior Senator from Vermont (Mr. AIKEN). My colleague had a great affection for him. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the usual remarks made at a time like this are hopelessly inadequate today. To properly speak of EVERETT DIRKSEN would require words beyond my ability to find.

EVERETT DIRKSEN was a most unusual man and a most unusual Senator.

He was a champion of his State par excellence, but he was also a most beloved national figure. I have never known a person who was more beloved by the people of this country, regardless of race, creed, color, or region; and we could hear, almost anywhere he was speaking, members of the audience say, "Isn't he wonderful?"—even from those who might be disagreeing thoroughly with the position which he might be expounding at the time.

He had utmost consideration for others. As a party leader, he was eminently fair, treating all alike. His ability to cooperate with the leadership of the party across the aisle was a bulwark of strength to the President and to the country in time of crisis.

Whenever he spoke, his mixture of humor, hard facts, and philosophy were particularly effective.

To honor his memory, I am almost—but not quite—persuaded to support his favorite flower, the marigold, as a national flower. I am sure he would not want me to compromise the position which I have held for so long; nevertheless I am almost tempted.

We will not forget EV DIRKSEN. It is my profound hope that the lovely Louella Dirksen will not forget us, but will continue to honor us with her presence for many years to come.

Admittedly, the words I have spoken are inadequate, but as time goes on, we will always think wistfully of EVERETT DIRKSEN—loyal, tolerant, kind, and true.

Mr. PERCY. Mr. President, for many years my late distinguished colleague served on the Committee on Finance, under the able leadership of the distinguished Senator from Louisiana (Mr. LONG). I yield now to him.

Mr. LONG. Mr. President, when one of the giants in this body passes, it leaves a great void, both physically in these halls and in the hearts of those who served with him. Those of us who served with EVERETT DIRKSEN will forever remember his eloquent voice in this Chamber, and his impassioned pleas for those things which he believed to be right and in the national interest. We recall him as a man of great courage who, even when the tide was running against him, would stand up and fight for what he believed in, even though, on some occasions, he knew it was impossible to prevail.

Perhaps above all, EVERETT DIRKSEN should be remembered for the great American that he was—a partisan, a Republican leader, who invariably had what it took to rise above partisanship for the good of his Nation. Under the administrations of Lyndon B. Johnson, John F. Kennedy, and Harry Truman—all Presidents of another party—time and again, EVERETT DIRKSEN provided the leadership among those of his own party necessary to bring us together and achieve the majority to vote for matters of vital importance in terms of national survival, national defense, foreign policy, and even some of the most difficult areas of economic policy—for those things which were in the long-term interest of the Nation, though there might have been some short-term advantage in disunity.

He was one of the truly responsible leaders of this Nation—one who represented Illinois in an outstanding fashion, and yet at the same time could bring Senators from all States together to move ahead those things which an enlightened self-interest would dictate.

As the Senator from Illinois has mentioned, he did serve on the Finance Committee for a number of years. He gave up much seniority on one of his previously assigned committees to go there. It was my great privilege to serve with him, and to serve as chairman while he was a member of that committee. He made great contributions to the work of the committee. In many instances it was my pleasure to support very important bills and amendments that he offered, having to do with taxes and with monetary and fiscal stability of our country. I believe that in most instances I was privileged to vote in support of the things he advocated.

All of us will long miss him. I know that many of us on this side of the aisle feel fully as much devoted to his memory, as a man and as a Senator, as our friends on the other side. This is one of those losses that will never be forgotten. He will always be a part of us, and we shall always remember him.

Mr. PERCY. Mr. President, no man ever had a better friend in the late Senator DIRKSEN than the Senator from Nebraska (Mr. HRUSKA); and the affection and friendship they gave each other through the years were evidence of a remarkably fine relationship.

I yield now to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I thank the Senator for his kind introduction.

EVERETT MCKINLEY DIRKSEN will long be remembered by those with whom he served, and by all in our land who take our governmental processes seriously; and most especially by those who were privileged to study, watch, and survey his talents in the national affairs of our times. Certainly, as the next ranking member of the minority in the Committee on the Judiciary to our late leader, I was in a position, on that committee, to study, watch, and be taught much by this very fine Senator.

He experienced through immigrant parents the appreciation of a land where possibilities were unlimited. He was fortunate in being born near the center of our Nation in a rural environment where initiative and hard work were complemented by both failures and successes, and to parents who had faith in man's abilities through Divine guidance. Oftentimes he mentioned his "saintly" mother, whose wisdom and examples patterned his philosophy of life.

As a leader, I believe time will place him among the greatest. He was appreciated and admired by those with whom he lived and worked, especially because of his own infallible determination to meet whatever challenge was presented. His country came before self or political party, and his ability to study and fully comprehend a matter or situation was extraordinary. The respect that was shown by his fellowmen at the time of his death, during the week of September 7, 1969, is concrete evidence of his stature as a U.S. Senator. At the memorial service held in the rotunda of the Capitol, our President memorialized him succinctly when he said:

> Everett McKinley Dirksen was one of a kind—and a remarkably likable man. To politics and government he brought a dedication matched by few and a style and eloquence matched by no political leader in our time . . . I mourn the loss of this great American—a legislator of matchless skills, and my warm personal friend since my first days in the Congress 22 years ago.

So spoke President Nixon.

These are the qualities that made him a real statesman, one of the giants in American history.

In a lighter vein, we remember his wit and humor and homespun simplicity. His zest for life was ever present and his love for nature from which he drew untold vitality and rest sustained him through the years. He could equally master the "Halls of Congress" and the simple life at his home in Pekin and at his beloved Broad Run Farm.

Woven into his rhetorical gems of wisdom and knowledge were witty and colorful words and stories only he could master and make effective. He could describe his gardens with each plant and each flower making an artist's picture unfold before his listener's eyes and he could provide a pun with equal effectiveness. One often quoted was "The oil can is mightier than a sword." He was convinced he had a place to fill in life and it was his duty to fill it. He filled it—working diligently and prodigiously—not taking himself seriously but taking his responsibilities seriously.

On the seventh anniversary of President Eisenhower's inauguration, Senator DIRKSEN on this floor eloquently phrased his own treatise on life:

> I have often said that, in my judgment, there is a quiet, brooding destiny that looks after the affairs of men and nations. I have puzzled hundreds of times how one could account for the fact that Abraham Lincoln came on the American scene when he did and make his exit when he did, if it were not the unfolding of the Divine pattery of history.
>
> I feel that way, too, about the distinguished occupant of the White House, Dwight D. Eisenhower.

Do not we all agree that the name of our friend and colleague, EVERETT McKINLEY DIRKSEN, should be added to that list of distinguished Americans?

Mr. President, this Nation has seen trying times in the past 200 years. The current times are such, with the war in Vietnam, the international scene generally, the many domestic problems, the social unrest, our cities with their many problems, and so on. From Carl Sandburg's "Remembrance Rock," these lines are in point:

> Long before this time of ours, America saw the faces of her men and women torn and shaken in turmoil, chaos and storm. In each major crisis you could have seen despair written on the faces of the foremost strugglers. Yet there always rose enough of reserves of strength, balances of sanity, portions of wisdom, to carry the nation through to a fresh start with an ever-renewing vitality.

Mr. President, I like to think of Senator DIRKSEN that on many occasions in his lifetime, and on a national scale, he was one of those "foremost strugglers," the source and the person who often brought forth those "reserves of strength, balances of sanity, and portions of wisdom" of which Sandburg wrote.

He had a sense and appreciation for history. He knew of its origins, its thread, and its thrust. He was aware that in a real sense there is no such thing as death of thought or energy. The will and vision that motivated people in colonial times and in the Republic's founding years have not disappeared. They have moved on, alive and strong, to other episodes of our history. They are still with us.

And one of the most forceful transmitters of that energy and that life of our Nation was our recently departed minority leader.

It was Sandburg, too, who wrote:

> For we know that when a nation goes down and never comes back, when a society or a civilization perishes, one condition can always be found. They forgot where they came from. They lost sight of what brought them along.

Again, one of those who always articulated so well on this point was Senator DIRKSEN. He always knew the importance of letting those who now shape the future know where the present times came from and what they are worth as a heritage. For that he should ever be remembered. For that we should ever be grateful.

Our tributes are many to the man himself. But none should finish without a special tribute to his family—his daughter, Joy, and her husband, HOWARD, and their two children, and especially to the one who stood beside him for over 40 years.

Louella Dirksen was not only his devoted mate, but she also shared many of his unique qualities of rising in gracious fashion to the top through the simple and proven values that make life worthwhile.

I believe that those thousands of homefolks who stood along the highways between Peoria and the Pekin burial ground paying their last tribute to their native son were also paying tribute to Mrs. Dirksen and telling her they also loved and honored her for the contributions she also had made in their behalf.

May God give her good health and all of the needed strength and courage for days ahead.

Mr. PERCY. Mr. President, I have always been very grateful that last year my distinguished colleague asked me to attend the UNESCO Conference as a delegate with the distinguished Senator from New Mexico.

I am happy to yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, I thank my good friend, the Senator from Illinois.

Mr. President, EVERETT McKINLEY DIRKSEN, an institution in American politics for almost four decades, now belongs to the ages of human history.

Since 1932, EVERETT DIRKSEN's charm, his sonorous voice, his eloquent oratory, and his manner have enriched the Congress and the United States in so many subtle, yet important ways.

In the Congress, it is very important for a legislator to pay attention to detail, to return to his or her home State in order to communicate with his constituents. Equally important, and synonymous with EVERETT DIRKSEN, is possessing the quality of leadership. The distinguished Senator from Illinois was a great leader. One who through his own unique and special spirit became a symbol of the Senate—in style, in word, and in action. Who can deny that EVERETT DIRKSEN's passing is a great loss to the quality, the verve, the vitality of this great deliberative body? I am deeply grieved by our loss of a great leader, a great statesman, and a great American.

EVERETT DIRKSEN's oratorical abilities are legend. Perhaps one of his greatest moments came during the 100 days of debate in the Senate concerning the 1964 Civil Rights Act. I would like to quote a portion of his final Senate floor speech immediately prior to the historic Senate vote on June 19, 1964. His thoughts serve well to illustrate the quality of the man who was among us.

Referring to the reason why he had become a crusader in the cause of civil rights he said:

> I am involved in mankind, and whatever the skin, we are all involved in mankind. Equality of opportunity must prevail if we are to complete the covenant that we have made with the people, and when we held up our hands to take an oath to defend the laws and to carry out the Constitution of the United States.

He then quoted an English poet, who said:

> Any man's death diminishes me, because I am involved in mankind.

Relating the poet's thoughts to his own, EVERETT said:

> so every denial of freedom, every denial of equal opportunity for a livelihood, for an education, for a right to participate in representative government diminishes me.

EVERETT DIRKSEN on that historic day said the poet had "left what I believe was a precious legacy on the parchments of history."

U.S. Senator EVERETT McKINLEY DIRKSEN, American, statesman, leader, poet, personality, and friend to use his own words, has left "a precious legacy on the parchments of American history."

He leaves behind his wife and daughter, relatives, and many close friends everywhere, but he also leaves with us a standard truly becoming only the greatest of Americans in our time. It is for future generations to preserve that standard and continue to pursue the unfinished tasks of the generation that has gone before. In this way EVERETT McKINLEY DIRKSEN lives on in American history, and in the history of the long human day of all mankind.

Mr. PERCY. Mr. President, I am very happy to yield to the distinguished Senator from Colorado, whom EV DIRKSEN held in the highest regard, the chairman of our policy committee.

Mr. ALLOTT. Mr. President—

> He speaks and the words emerge in a soft, sepulchral baritone. They undulate in measured phrases, expire in breathless wisps. He fills his lungs and blows wordrings like smoke. The sentences curl upward. They chase each other around the room in dreamy images of Steamboat Gothic. Now he conjures moods of mirth, now of sorrow. He rolls his bright eyes heavenward. In funeral tones, he paraphrases the Bible . . . and church bells peal, "Motherhood," he whispers, and grown men weep, "The Flag," he bugles, and everybody salutes.

The above quotation is from a cover story in Time magazine of some years ago.

As we today pay tribute to the memory of Senator DIRKSEN, I am reminded of what author Edwin McDowell said about our late colleague a half decade ago:

> . . . If Dirksen had not existed, it would have been necessary for some imaginative writer to invent the euphonic orator whose florid phrases and resplendent responses have enabled him to become a Senate institution during his lifetime . . .

Both of these quotations really describe DIRKSEN, the actor upon the political stage; DIRKSEN, the man with an appropriate response to almost any question; DIRKSEN, the crusader for what he believed could be acceptable to the Senate—the sides of the senior Senator from Illinois which were well known to the American public.

I should like to mention briefly today, the sides of EVERETT DIRKSEN which were not so well known to the public.

When I came to the Senate nearly 15 years ago. Senator DIRKSEN had preceded me in the Congress by many years and had already been in the Senate for 4 years. While 4 years is not a long time, the Senator's role in national politics and his background in the House of Representatives made him an important figure in Republican senatorial activities.

We wasted no time in becoming friends Through the years when he might need some assistance, or later when he became Republican leader and was needed, he always approached me as a friend and, as a friend, when I had to say "no" there were never any hard feelings, never any grudge, never any move to put me at a disadvantage because I could not support him.

It is in this way that one Senator can truly look upon another and say, "I trust him." EVERETT DIRKSEN was known to change his positions on occasions, but his colleagues always knew where he stood. He would inform us and unabashedly make public such a change. His word was good. I know of no finer compliment that can be paid to a legislator, particularly a Senator.

Ev DIRKSEN's sense of humor was well known. However, as most "public figures" people are never sure if an attribute such as a sense of humor is a "front" or is genuine. Having been through some tough battles with him, particularly on those early civil rights bills, I can assure anyone interested that even during tense and difficult hours, he kept his balance and most often he had something humorous, some interesting sidelight or observation, that helped to defuse a potentially explosive situation.

Again, Senator DIRKSEN's sense of the dramatic, particularly as reported by the press, sometimes hid the depth of his knowledge on a myriad of Government problems. What most of those who read and heard what he had to say did not know is that he had an almost encyclopedic knowledge of the Federal Government and its operations. Without notes, he could trace the history—and very accurately, I might add—of America's currency and financial involvements from the turn of the century. He could detail positions in relatively obscure Government agencies. His insight into the Government was virtually endless.

I can add little to the great tributes which will be paid to EVERETT DIRKSEN today. I can say that he is a man whose abilities and contributions will be greatly missed in the years ahead. I can also say how sorry I am that he will not be with us to see personally the fruition of his many accomplishments. My wife, Welda, and I share in the sorrow that his wife, Louella, his daughter, Joy, and the entire Dirksen family has known since his passing.

Upon the occasion of a crucial speech in the U.S. Senate, Senator DIRKSEN used the following quotation by John Donne, which has always been symbolic of him to me:

> Any man's death diminishes me
> Because I am involved in mankind.

A little bit of America is gone now, but Ev DIRKSEN will long be remembered.

Mr. PERCY. Mr. President, I would now like to yield to a Member of the Senate from a sister State, a colleague of EVERETT DIRKSEN's on the Committee on Finance, the Senator from Indiana (Mr. HARTKE).

Mr. HARTKE. Mr. President, 5 years ago, the English House of Commons set aside a day to pay homage to the achievements of Sir Winston Churchill. On that great occasion, Harold Macmillan declared:

> The life of the man whom we are honoring is unique. The oldest among us can recall nothing to compare with him, and the younger ones among you, however long you live, will never see the like again.

Today, as we make our final tribute to an extraordinary American parliamentarian, those words are singularly appropriate. Senator EVERETT DIRKSEN was a man of special quality, and this historic Chamber will never see his equal.

EVERETT DIRKSEN inspired the Members who served with him in the U.S. Senate with a robust understanding of the function of Government and the purpose of politics. During the 36 years that he served in Congress, his actions were motivated by the highest form of patriotism, which calls upon a man to love his country for what it ought to be.

The conduct of his senatorial responsibilities was graced by the mannerisms of a more flamboyant age, and they contributed to the appealing impression that he made upon those who knew him. EVERETT DIRKSEN was not one who believed that the human factor should be distilled from the practice of politics, and he was not embarrassed by the intrusion of emotion.

But the force of his personality should not obscure his unique accomplishments as a Senator. His bipartisanship was appreciated by President Kennedy and President Johnson; for without the assistance of EVERETT DIRKSEN, their legislative program would have remained deadlocked.

EVERETT DIRKSEN had the rare courage to question the validity of his convictions, for he was familiar with Emerson's observation that consistency is the "hobgoblin of little minds." He had the courage to change his mind, and for that courage the Nation was rewarded with the Nuclear Test Ban Treaty of 1963 and the Civil Rights Act of 1964.

From the life of EVERETT DIRKSEN we can learn a great deal, for his character exemplified the spirit of reconciliation and good will that this Nation needs so desperately today.

And I would add a final personal note. EVERETT DIRKSEN and I were from neighboring States, we faced many of the same constituent problems and concerns, and, more often than our differing party affiliations would suggest, we adopted common policy positions. But whether we agreed or disagreed on policy matters, we were always friends. And I shall miss his friendship as the Senate and the Nation miss his leadership.

Mr. PERCY. Mr. President, one of the most important responsibilities EVERETT DIRKSEN had was in connection with the aging and serving on the Special Committee on Aging. He served on that committee with his distinguished colleague from Vermont, and I am happy to yield at this time to the Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, with the passing of Senator EVERETT DIRKSEN, I lost one of my closest friends; the Senate and the Nation lost a pillar of strength and wisdom so desperately needed in these trying times.

A mighty voice has been silenced. A great man has been laid to rest. And, surely, his name will be enshrined with those whose virtues and patriotism he extolled in his dramatic recording "Gallant Men" because he, too, was a gallant man.

Last July, Senator DIRKSEN accepted an invitation to speak in my State this month. Had he lived, we would have flown to Vermont together a week ago today. But this was not to be. Instead, we took EVERETT DIRKSEN home.

Pekin's mixture of sorrow and pride was all America's. A village in Vermont, a town in Kansas, or a city in California, each would have been proud to claim him. Indeed, he belonged to them and they to him. His heart belonged to all America.

EVERETT had a warm heart. He loved well and deeply. He loved his country and its diverse people. He saw this diversity at once as a strength and reason for caution. He listened to the many voices of the people with a keen ear, and responded with a brilliant mind. Flexibility was his byword and compromise his forte.

In committee and cloak room, he delighted in the intricacies of lawmaking. He was a master legislative craftsman.

But his fondest realm was this Chamber, constantly moving, reasoning, wheedling, he wrung cohesion from contention and moved the land.

He was in a word a politician, an unrepentant politician, a great politician. He did not shirk the appellation but played the role to the hilt.

Intensely human, he could laugh at himself and make us laugh at ourselves. EVERETT reminded us to enjoy.

Never doubt that EVERETT DIRKSEN loved life. It seemed to love him too. He was enthralled by the beauty of the flower and the spoken word. He cultivated them as few could do. As raconteur, gardener, and orator, he brought us joy. The flowers continue to grow. His words still echo.

We took EVERETT DIRKSEN home not long ago. We did not leave him there. He remains with us and we with him. That is how it will stay. EVERETT would not have it any other way.

Mr. PERCY. Mr. President, prayer played a very major part in the life of EVERETT DIRKSEN. We are all aware that he attributed a miraculous cure from an illness that was taking away his eyesight to prayer.

Mr. President, it is with great pleasure that I yield to my colleague who has distinguished himself in many ways in the Senate, and as the leader of our prayer breakfast sessions, he has distinguished himself with all of us.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

The sentiments expressed here about our late friend come from the hearts and minds of people, the membership here, who knew him mighty well. I shall not attempt to enumerate all the fine things about him.

I do want to mention one thing that was the greatest asset to the Senate. But, first, we all enjoyed EVERETT's company. He was a good tonic most any time for most anyone. The people enjoyed him. As a fellow member of the Committee on Appropriations I found him to be a very knowledgeable man, particularly well versed in the problems of the times, the operation of the Government in its various departments, and the application of law that had already been tried out. I found him to be sound and accurate in predictions with respect to the application of a proposed bill and how it would work out. I found him to be a resourceful man all the way around to a very marked degree.

He would have been a great success as a practitioner of law. He would have been a great success in many different fields, but I believe his natural field was the one he chose, in the Congress of the United States, and more particularly after he became a Member of this body and then served as one of the leaders.

Over all the years I have been here, which is a few more years than he had been here, I believe that with everything considered in all the years he was here, he took an active and effective part in more legislation, perhaps, than any other man. A man who works a great deal on a committee touches many bills and some major bills, but on the floor of the Senate he had a major part in all major bills and in any small ones he might have chosen.

I believe the greatest thing to be said about his career is that he was a natural legislator. More than most of us, more than any other man or lady I have known here, he could really put the pieces of a measure together and then get a composite view of the thinking and ideas of the membership. In a very successful way, without trying to drive anybody, he could come up most frequently with a cross-section or composite view or whatever one may call it, representing a majority of the membership in a measure that was essentially sound in many of its major aspects.

He would not yield to the partisan approach—oh, some, of course, but primarily he would not yield to the partisan approach. I saw that tested many times. He would actually try to find what he thought was the best solution.

I was impressed, too, by the way in which he supported the present war, which is not a popular war. He never failed to fill in at the right place and the right time in support for any President, whether from his party or not.

I think in his natural legislative ability he rendered the greatest service to the Nation. Someone has used the word "flexibility" in connection with our late friend. Anyone who is effective—and I use that word in its best sense, as editorial writers do in a complimentary way—must have some kind of flexibility and compromise about him. This is not a one-way organization in either the House or the Senate.

I agree that one always knew where he stood. If he flexed or changed his position, he would do it out in the open and give his reasons for doing so. He was never deceitful in any way. After all, legislation is based on a great deal of give and take, and he knew how to find a way.

Many times other men who are very valuable here sometimes cannot find an approach to be effective.

He was a great asset in the Senate in the ways I have already mentioned. He was also an asset in that he gave the public a good impression and a good view, a good image, so to speak, of the Senate. The people liked him on television. They liked his approach. He was understood. He could make legislation understandable on television. He could make complicated problems much easier understood, and the people like that.

When he passed I said that in a way he always added to the stature of every Senator. He made us all look a little better because of his fine way with the people, in debate here, in his television appearances, and in his speaking. He left a good image of Senators and the institution benefited.

Mrs. Stennis and I have very high regard also for Mrs. Dirksen, who was a true companion. I remember how impressed I was after he had passed away and the funeral was over when she came out to the church the very next Sunday without any fanfare, without any show, but simply an honest, humble member of the vast congregation there. We also have high regard for their daughter Mrs. Baker, as far as we have had an opportunity to know her. She is certainly a splendid representative of that fine family.

Mrs. Stennis joins me in this expression of sympathy and condolence for all members of the family.

Mr. PERCY. I thank the Senator. The distinguished Senator is a great gentleman.

I yield to another great gentleman who is a member of the Committee on the Judiciary. I am happy now to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the passing of EVERETT MCKINLEY DIRKSEN was a singular loss to the U.S. Senate as well as to the State of Illinois and the Nation. His voice is already missed in the councils of the President and the Congress. He was a unique leader in history, and he left a void not easily filled.

The distinguished senior Senator from Illinois had served as minority leader since 1959 and his wit, charm, effervescence, and gift for expression endeared him to friend and foe alike. Many a time he brought perspective back to a tense debate with a well-phrased sentence, poem, or quote from the great orators of history. He was one of the greatest orators of our time and wove a web of words than any young person could understand, and that any contemporary would heed. In my years in the Senate it is not possible to recall a Member whose delivery of the spoken word was more admired.

Mr. President, more important than his ability to speak well, Senator DIRKSEN understood the problems faced by our Nation. While we differed on some issues, I was particularly impressed with his deep sense of patriotism and his love of this Nation which he served so long and so well. As minority leader he dealt with the great issues of the day and considered each with exacting analysis to which he applied his sense of commitment to this country.

Above all, Senator DIRKSEN was a Christian gentleman. His devotion to the affairs of his church, and to Christian activities generally, fully measured up to the outstanding performance he gave to every worthwhile activity. His devotion to God was such that, as illness came upon illness, he was able to have the feeling he could face tomorrow unafraid.

Mr. President, I wish to extend my sympathy to his gracious and charming wife in whose companionship he had a strong partner to stand with him in stress as well as in victory. And, also to his daughter goes my heartfelt sympathy, and to his son-in-law, the distinguished junior Senator from Tennessee. Their loss is great, but the loss of our Nation is equally heavy.

Mr. President, the newspapers of South Carolina paid many handsome tributes to Senator DIRKSEN, and I ask unanimous consent that the following be printed in the RECORD.

Editorial in the Lancaster News of September 11, 1969, entitled "DIRKSEN's Death Leaves A National Void"; editorial in the Dillon Herald of September 11, 1969, entitled "Ev Brightened Landscape"; editorial in the Columbia Record of September 9, 1969, entitled "DIRKSEN Joins the Noble Dead"; editorial in the News & Courier of September 9, 1969, entitled "EVERETT DIRKSEN"; editorial in the Greenville News of September 8, 1969, entitled "EVERETT MCKINLEY DIRKSEN"; and editorial in the State of September 9, 1969, entitled "Senator From Illinois, Salesman for America."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Lancaster (S.C.) News, Sept. 11, 1969]

DIRKSEN'S DEATH LEAVES A NATIONAL VOID

The unexpected death of Sen. Everett McKinley Dirksen deprives the nation not only a senator, but of an institution.

For Ev Dirksen was that—and many other things as well. He was a renowned wit, a peerless orator, a statesman and a political tactician of the highest order. He was loved and feared by members of his own Republican party. The Democrats attacked him, but they couldn't scorn him.

President Nixon said:

"To politics and government he brought a dedication matched by few and a style and eloquence matched by no political leader of our time." Dirksen, the veteran politican of the past who never let the present get away from him, "brought the embellishment of the past to the politics of the present," said Sen. Frank Church, D-Idaho. "He was an authenic product of an earlier period who remained prominent and powerful to the moment of his death. We will not see the likes of him again."

The immediate target for much of Dirksen's parliamentary foxiness was Senate Democratic Leader Mike Mansfield. The Montanan said: "His word was good. Everything was on the table."

Harry F. Rosenthal, Associated Press writer wrote:

"His language smacked of Shakespeare and the Bible and Victorian England, his delivery of William Jennings Bryan, his fervor of Billy Sunday."

Among his more recent political accomplishments, Dirksen played a vital role in passage of the Civil Rights Act of 1964 and the ratification of the Nuclear Test Ban Treaty in 1963. Both issues depended on obtaining a two-thirds vote in the Senate. On both he had the power to deliver or withhold the Republican votes needed for the two-thirds majority. He bucked powerful pressures in his own party to deliver the votes.

Attacked, praised, reviled, applauded, Ev braved all to do what he thought was best for America and Americans.

[From the Dillon (S.C.) Herald, Sept. 11, 1969]

EV BRIGHTENED LANDSCAPE

Sen. Everett McKinley Dirksen was a man of immense personality. Millions were charmed and delighted by his flamboyant style, his folksy wit, and his husky voice which has been described as organ-like and mellifluous.

His mannerisms, tousled hair and baggy eyes made him easy to caricature. He was one of these rare individuals who becomes legendary in his own time. He enlivened and brightened the political landscape which all too often seems to lack a sense of humor.

Dirksen, the senior senator from Illinois, was a product of American's heartland. He was born of what most people would consider common, hardworking people in the small town of Pekin, Ill., in 1896.

His father died when he was five and as a boy he was taught a healthy respect for work. Many of the small town values and virtues stuck with him throughout his life as he became one of the most outstanding political figures of his time.

He was known as a prodigious worker. An early riser, he routinely was at his Senate office by 8:30 a.m. At home he liked to putter in the soil, raising fruits, vegetables and flowers.

Perennially for years, he waged a personal campaign to get the marigold adopted as the national flower. At least once a year he could be counted on to make a speech in which he extolled the beauty of the marigold and enumerated the reasons why he thought it should be the national flower.

Dirksen's career in national politics spanned some 35 years. He served 16 years in the House of Representatives before first being elected to the Senate in 1950. During most of his career, the Democrats dominated the Congress and occupied the White House.

Ironically, Dirksen played his greatest political role while the opposition party was in power. As the leader of the Republican minority during the Kennedy and Johnson administrations, his favor was ardently courted.

Although his friendliness to some Democratic proposals caused his Republican associates to grumble, Dirksen refused to bend to partisan pressures. He took a practical view of the lawmaking process. He once explained it this way:

"You start from the broad premise that all of us have a common duty to the country to perform. Legislation is always the art of the possible. You could, of course, follow a course of solid opposition, of stalemate, but that is not in the interest of the country."

One of the qualities which endeared Dirksen to many Americans was his fierce patriotism. He made no bones about loving his country. In a age when some think patriotism is old-fashioned, that isn't always a popular thing to do.

It is difficult to imagine Washington without Everett Dirksen's immense personality hanging over national politics like some sort of a human equivalent to the Capitol dome.

Without Ev, Washington and the national political landscape is bound to be duller.

[From the Columbia (S.C.) Record, Sept. 9, 1969]

DIRKSEN JOINS THE NOBLE DEAD

A great American heart throbs no more; a strong American voice, mellifluous in its glorification of the grandeur of this land and its people, is silenced. Not again will the people of his beloved nation listen to the florid phraseology of the distingiushed orator of America, Everett McKinley Dirksen.

He is dead and the flowers of the field, especially the marigolds, drop their heads in sorrow and mourning along with God's favored creatures, men.

Senator Dirksen was a remarkable person—as an individual, as a Senator, as a devotee and student of our unique political system, and as an American.

Away from the duties of the Senate, to which he devoted untiring hours of his latter years, he was a devoted husband and an admiring father. In conversation of the parlor, he was not the Shakespearean actor of the Senate or public stage. He was polite, courteous, a profoundly good listener, receptive to new ideas, but strong in his own convictions.

The people knew him best for his public displays of masterful command of the language with Nineteenth Century majesty; his tousled hair and deep voice perfect counterparts to his ready flow of language, resonantly rich in the style of "belle lettres." His polysyllabic selectivity aided and did not injure the simplicities of the thought he chose to convey.

His store of wit, from which he drew often, was as large as that of Senator Sam Ervin of North Carolina—another raconteur of the Senate, noted for his "stories."

This was the surface; the placid, babbling current scarcely ever touched by the froth of anger. Beneath the surface, the dedication to country, people and causes ran deep—and was seldom fathomed by those who criticized him for seeming vacillation.

Senator Dirksen did, indeed, alter his strategy from time to time—never abandoning fundamental principles, but moving to adopt contemporary manifestations of those principles when the proper times came.

He did so because, in the historic train of U.S. Senators he has now joined, he was another of the Great Compromisers. Without such men, the American political system would fragment, fail; and freedom would be lost.

Men of totally inflexible principles, narrowly drawn and even more narrowly constricted by events, could not understand the Dirksens of our body politic. They never shall as they never have. The late President John F. Kennedy understood and cautioned the young people of America, while he lived, to be prepared to compromise to advance their causes.

Passionate advocates of small minds and smaller interests cannot understand the obligations that fall upon leaders of the U.S. Senate. Sensitive to the needs and demands of a changing, volatile public, they must assess domestic and foreign issues that come before the Senate and pass judgment thereupon. One man's ideology and one man's cause cannot prevail; the will of the majority must be served while the whole of the American people, and the republican form of government, are sustained.

At this point in the legislative process, the Dirksens of history play their roles. Everett Dirksen's name—as a Great Compromiser—will be permanently attached to memorial pieces of legislation, including the Civil Rights acts, the Nuclear Non-Proliferation Treaty.

Blessed are the peacemakers and blessed are the Great Compromisers, although they are often without honor among the ideologues of their day. Senator Dirksen was a star among stars, yet unperceived by some of his critics. Today, they should remember Wordsworth, who said: "Look for the stars, you'll say that there are none; look up a second time, and, one by one, you mark them twinkling out with silvery light, and wonder how they could elude the sight!"

In memory of a great American, Wordsworth could be paraphrased: There is one great society alone on earth: the noble living and the noble dead. Noble in life, Everett McKinley Dirksen, is noble in death.

[From the Charleston (S.C.) News & Courier, Sept. 9, 1969]

EVERETT DIRKSEN

The emphasis in obituary accounts of Sen. Everett Dirksen of Illinois, who died Sunday at 73, is on his colorful personality. He was a character actor, shrewd, witty, and subtle in argument. What really counts, however, was his role in national politics.

Sen. Dirksen came from the middle part of the country. He stood somewhere near the middle on the great issues of our time. He helped to blunt some of the extreme power drives of the Kennedy and Johnson administration, but he also smoothed the path in Congress for such measures as the Civil Rights Act of 1964 and the nuclear test ban treaty. The former opened the door to lawlessness under guise of "civil rights." The latter allowed the Soviet Union to get an edge on the United States in nuclear armament.

The senior senator from Illinois was preeminently a political log-roller. We don't say that by way of criticism. Log-rolling is necessary in the American political process. He reached the peak of his influence at a time when the GOP tide was low.

As minority leader in the Senate, Sen. Dirksen was the principal Republican figure in Washington during the Kennedy and Johnson years. After Sen. Barry Goldwater's defeat, the Republican Party was not only weak but divided. Sen. Dirksen patched the party together and preserved Republican influence on the national scene. He was an old pro in politics. His skills were used to restrain wherever possible two ruthless liberal administrations. He had few equals as a political tactician.

Though Sen. Dirksen believed in politics as the art of the possible, and acted accordingly, he stood firm on the overwhelming majority of issues affecting America's well-being. All in all, he had a difficult role, and performed it well.

[From the Greenville (S.C.) News, Sept. 8, 1969]

EVERETT MCKINLEY DIRKSEN

Everett McKinley Dirksen's silvery tongue and silver mane, both of which were at times uncontrollable, made him a familiar figure to most Americans. His position as leader of the Republican minority in the Senate made him an important national leader.

The Illinois senator's effervescent good humor, the fact that he could change position with alacrity on some political issues, and his throaty, somewhat florid oratory tended to paint a false picture of the man. Many viewed him as a "cornball" with little real depth.

It was only in his late years that the real Everett Dirksen emerged as he assumed and wisely filled positions of power in his party and in the Senate. Although he was a Republican with a staunchly conservative outlook, he came to be a tower of strength for the last two Democratic administrations. Presidents Kennedy and Johnson, both liberals, looked to Everett Dirksen for help on the really important issues—and often they got more assistance from him than from their party's leadership in Congress.

Senator Dirksen showed an amazing ability to change with the times as he aged. He frankly admitted that his views were shifting as conditions changed, although he was in no sense a radical. He was proof that old age does not necessarily make a person inflexible. The senator, therefore, was a valuable bridge between the old and the new in these rapidly-shifting times.

He fully recognized the necessity to shift the Senate's power from the old guard senators to the newcomers—and do it gracefully and without undue disruption. That he was able to work effectively with both the old men and the newcomers in the Senate and with members of both parties was a distinct asset for the nation. It is going to be difficult for anybody to fill his place in the Senate's "generation gap" that is bound to become wider in the months ahead.

Senator Dirksen also was an inspiration. He continued to serve more and more effectively despite quite a few physical ailments, any one of which could have sidelined a lesser man. He actually "retired" from politics some years ago because of bad eyesight, but came back. He suffered from a pinched back nerve, a bleeding ulcer and emphysema, a crippling lung disease. Yet he carried on.

It has been said that Senator Dirksen was proving to be a "thorn" for President Nixon by opposing some administration nominees and a few policies. The President himself undoubtedly felt otherwise. He knew that although the outspoken senator from Illinois could be difficult on minor matters, he could be relied upon when the going got rough on the really important issues.

That was Senator Dirksen's real and often hidden strength. He could play petty politics with the best (or worst) of the petty politicians—and he loved doing it. Nothing delighted him more than confounding ultraliberals. But he well knew the difference between petty politics of little effect upon the national welfare and the vital questions of the day.

When it was learned recently that Senator Dirksen had undergone surgery for removal of a malignant lung tumor, it was apparent that his days as a Senate leader were numbered and that his activities would have to be curtailed. But his death of a heart attack yesterday was an unexpected shock.

Leaders of both parties had hoped he could return to the Senate to carry on awhile longer as new leadership further matured. That he is no longer available for the difficult transitional work that still lies ahead is a distinct loss to the nation.

We will miss his leadership and wisdom, as well as his dulcit tones and winsome wit. We hardly expect to see another senator like Ev Dirksen again.

[From The Columbia (S.C.) State, Sept. 9, 1969]

Senator From Illinois, Salesman For America

Everett McKinley Dirksen was a man who could have you—conservative or liberal—cheering him one day and denouncing him the next. He fit in no particular ideological mold. Politics abound with philosophical chameleons and Senator Dirksen, responding most frequently to the practicalities of the moment, was above all a political person—an archtype, a hyperbole, a caricature—in appearance and in performance.

Those who practice the political arts often display a sense of the dramatic. There was an extra helping of "ham" in the makeup of the Senator from Illinois. If it annoyed some, it delighted millions.

The last six months of Dirksen's life were not his greatest or most enjoyable. Perhaps it was because he lost the spotlight and was shoved off center stage by the new Republican President, Richard M. Nixon.

During the Kennedy and Johnson administrations, Dirksen was the No. 1 spokesman for the Republican Party as Minority Leader of the Senate. Johnson, particularly, courted him and he responded by giving the Democratic President several of his biggest legislative victories.

The Civil Rights Act of 1964 is an example. Dirksen bragged to an audience of South Carolina Republicans that "virtually every civil rights bill has been written in my office." Yet such was the power of his oratory that he had that conservative crowd applauding wildly throughout his speech.

In that same address, Dirksen thundered that America needed a Republican President, a Republican Senate and a Republican House. Yet when the GOP President was elected, Dirksen occasionally heckled him and embarrassed him. Administration insiders were sometimes appalled when he announced White House decisions to the press in advance. It is understood that the recent Haynsworth appointment to the Supreme Court, for instance, was held up for four days because Dirksen had spilled the beans.

Yet Dirksen was a Senate and political leader of great ability, a man capable of sweeping swings from the partisan to the non-partisan. He first gained national attention as an isolationist but was closer to being an internationalist at the end. He was an avid Taft man and a Goldwater man who nevertheless worked in concert with Eisenhower and Kennedy and Johnson.

At the time of his death Sunday, he was unquestionably the best-known senator in the United States. This was due as much to his style, his flair, his histrionics, his wit, as to his political prominence. Few men have been endowed with such a glorious and memorable voice. Writers dug the word "mellifluous" from deep in the folds of the dictionary to describe its quality.

During the past few years he used his dramatic skills to make a singular contribution to the times. Disturbed by growing anti-Americanism, he became a spokesman for America and its ideals. And quite a salesman he was. His patriotism came from deep in the heart and he was not ashamed to proclaim it through any medium that presented itself.

It was left to Dirksen to describe himself best: "I'm an old-fashioned, garden variety of Republican who believes in the Declaration of Independence, the Constitution, in Abraham Lincoln, who accepts the challenges as they arise from time to time, and who is not unappreciative of the fact that this is a dynamic economy in which we live and sometimes you have to change your position."

The Senate, where stereotypes now dominate, will be a duller place with "Ev" gone. And American political life will be less rich.

Mr. THURMOND. Mr. President, in closing, I am reminded of the words of a poet who once said,

> When a great man dies,
> For years beyond his ken,
> The light he leaves behind him,
> Will shine upon the path of men.

Everett Dirksen was a great man. His light will shine for many, many generations.

Mr. PERCY. Mr. President, I am happy to yield to the distinguished Senator from the State of Washington (Mr. Magnuson).

Mr. MAGNUSON. Mr. President, I am saddened deeply—as is each of my colleagues—as I stand in this Chamber, knowing that its walls will never again echo the wisdom so eloquently expressed by Everett McKinley Dirksen.

I will miss my colleague from the opposite side of the aisle—for reasons numerous and obvious. Senator Dirksen may have approached his duties with a manner some call flamboyance. But, above all, he was a U.S. Senator of extreme dedication and ability. His service to this body—to the people of Illinois—indeed to all America and the world, is legend. His knowledge of the body politic, and his ability to work within that framework, always reflected the judgment and wisdom of a man highly dedicated to the American dream.

I could cite hundreds of examples—and Ev Dirksen and I did not share the same opinion on many. But, let me point only to one: The Civil Rights Act of 1964—today a viable and important law of the land—and a law which, without the determined minority leadership of Senator Dirksen, would probably not be on the books.

More recent events, in the minds of some, would tend to obscure that valuable contribution. But the law remains, and so does the fact that Everett Dirksen helped mightily in its passage.

Everett Dirksen had a deep sense of history, which he often used in seeking a course for the future. He stood tall and steady, as did those gallant men of whom he was so fond.

We have lost a warm, trusted friend—a great American. History will long remember Everett McKinley Dirksen.

Mr. PERCY. Mr. President, I yield at this time to the distinguished Senator from Tennessee, who not only served on the Judiciary Committee with Everett Dirksen but is also the senior Senator from the State that has given to the Senate Everett Dirksen's son-in-law.

Mr. GORE. Mr. President, I thank the able senior Senator from Illinois.

Mr. President, I have listened with admiration and approval to those extolling the virtues, capabilities, and accomplishments of the late distinguished Senator Dirksen of the State of Illinois.

Senator Dirksen possessed a power to communicate to his fellow man given to but few.

The power to communicate today in our distraught times, characterized as they are by rapidity of change, is a gift to be treasured. It is a gift which the late Senator Dirksen put to great, good use.

The recognition that can come to one who really accomplishes something in his lifetime can live after him. Senator Dirksen's contributions are many. I am inclined to think of the contributions he made to the State which I have the honor in part to serve along with his distinguished son-in-law, my junior colleague (Mr. Baker).

During a recess of Congress, or on weekends, Everett Dirksen loved to steal away to a beautiful spot, a lovely home, presided over by his charming and gracious daughter, in the mountains of Tennessee.

There he planted many a tree and many a flower.

As the years roll by, those trees will grow and the flowers will continue to bloom. The eloquence of their beauty will be symbolic of the eloquence of Senator Dirksen and the beauty of his aspirations for his country and its people, symbolic of the future of mankind.

Not only did Senator DIRKSEN give to the lawn and garden of his daughter flowers, trees, and shrubs of beauty, but he also gave to her children the love and the inspiration of a doting, affectionate grandfather. And, in this very personal way, he has contributed, to the wealth and the lore and the love of our State, a lovely daughter, a lovely home, a charming and admirable family.

It is difficult not to reminisce in recollection of Senator DIRKSEN, particularly for me, because in the House of Representatives for 10 years we served together. We served on the same committee together. We engaged in frequent debates. Sometimes those exchanges were referred to as the "Alphonse-Gaston act." This reference, I think, came about because of the courtesy, the gentility, and the respect which Congressman DIRKSEN always showed to his colleague from Tennessee.

In the Senate our relations were warm. The equation between us was characterized by confidence, respect, esteem, and affection.

His departure was a personal loss to me. It was a great loss to the State of Tennessee, in which he had thousands of admiring friends.

Mr. PERCY. Mr. President, I am happy to yield to my distinguished colleague from a sister State, the senior Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, the death of Senator EVERETT MCKINLEY DIRKSEN was a great loss to the America he loved so much.

He was a rare individual, colorful and lovable, a man who could pour oil on troubled waters when tempers grew short and patience was thin—a man who spread his irresistible humor and good fellowship everywhere he went. On many occasions he used these talents to remind his colleagues that the lighter side of life has a place—even in the U.S. Senate.

His quality of being able to laugh at himself on occasion was the mark of a humble man, and not at all inconsistent with his stature as a great leader and legislator. All of us know that his dedication to good government and to the Senate he loved so much was unsurpassed.

Although he could be as partisan as anyone, he became especially known for bringing bipartisanship to congressional action on such key programs as the Civil Rights Act of 1964, the Limited Nuclear Test Ban Treaty, and the Arms Control and Disarmament Agency.

As President Nixon put it on September 9:

> Senator DIRKSEN belonged to all of us because he always put his country first. He was an outspoken partisan—he was an individualist of the first rank—but he put his nation before himself and before his party.

No higher tribute could be made to a Senator than that "he put his Nation before himself and before his party."

The legacy left by the irrepressible "Ev" was echoed by Henry Wadsworth Longfellow, who wrote:

> So when a great man dies,
> For years beyond our ken,
> The light he leaves behind him lies
> Upon the path of men.

Mr. PERCY. Mr. President, I am ready at this time to yield to another colleague from the sister State of Kansas, the distinguished junior Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, frost has signaled the end of summer. As we move into the brisk days of autumn, the last hardy marigolds wither and fade. Next year they may not bloom with quite the same brilliance, for they have lost their champion, as has the Senate, the Republic, and the cause of liberty.

EVERETT DIRKSEN has passed from us. But he will be remembered, for he stood out from those around him with the same brilliance he attributed to his favorite blossom, and his absence will diminish the senatorial bouquet.

Perhaps the most meaningful tribute we could pay is to say simply, "He was a Senator."

By all external measures he filled the role definitely. The tousled hair, sonorous voice, and noble bearing embodied everyone's idea of how a Senator should be.

He was also what a Senator should be. A leader of his party, he placed duty to country above partisanship. He held his beliefs strongly, but could recognize an idea whose time had come. His word was good. He loved his God.

> His life was gentle and the elements so mixed in him that nature might stand on its feet to say to all the world, "This was a man."

To Shakespeare's words we might add, "This was a Senator."

Mr. PERCY. Mr. President, I am very pleased at this time to yield to the distinguished Senator from Massachusetts (Mr. BROOKE). I feel I should say that Senator DIRKSEN valued his counsel and held him in high regard.

Mr. BROOKE. Mr. President, I thank the Senator from Illinois.

Words cannot mirror or measure the stature of the leader who has been taken from us and the loss which we have known.

EVERETT DIRKSEN was an atypical man, yet in his life he exemplified the aspirations of all men: He loved his life, he lived it fully, and he used the full range of his talents in pursuit of a worthy goal.

We who were privileged to know him will always recall him with affection and respect. His lively oratory, his quick wit, his ability to turn ruffled feelings into rippling laughter, were essential to the successful operation of the legislative process. He was a leader in the finest sense of the word: He did not impose his will, he drew out the views of his colleagues and coworkers, found a common ground among them, and in so doing served his Nation and its interests well.

In his work in behalf of human rights, in his capacity to grow and to change with the times, in his love for the little things of life which always kept pace with his appreciation for greatness, EVERETT DIRKSEN set a rich example for us all.

To Mrs. Dirksen, a truly great lady, his daughter, Joy, and my colleague, HOWARD, to his family and host of friends, I extend the simple tribute so well deserved: The world is a far better place for EVERETT DIRKSEN having lived and worked in the Government of the United States.

Mr. PERCY. Mr. President, I am very happy now to yield to my distinguished colleague from Colorado, who served for many years very closely with EVERETT DIRKSEN.

Mr. DOMINICK. Mr. President, throughout our history our greatest statesmen have had at least one outstanding characteristic in common: the ability to find that common ground between the two extremes in any controversy; that middle point where adversaries could meet and resolve their differences. No one in our history more ably demonstrated that trait than EVERETT MCKINLEY DIRKSEN. Time after time, with seemingly endless patience, understanding, humor, and good will, he guided us toward that common ground where agreement could be reached.

EVERETT DIRKSEN was an eloquent and tireless champion for the principles in which he believed. Attesting to that eloquence during the Republican National Convention in 1960, David Brinkley remarked to his television audience that when EVERETT DIRKSEN got up to speak, the words flowed from his lips, perfectly formed, like little balloons. A monument to his statesmanship stands forth in the Civil Rights Act of 1963. So outstanding were his contributions toward the enactment of that legislation that it might well have borne his name.

After 7 years of service in the Senate under his leadership, I can say that I know of no individual with whom I have served who was more willing to cooperate, more generous in his offers to help his colleagues, or more understanding in his association with all of us.

The people of Illinois have lost a gallant spokesman. Our Nation has lost a great leader who gave of himself far more than he received. His presence will be sadly missed, but his memory will be deeply cherished for the contributions he made to his fellow man.

Nancy and I extend our deep sympathy and our great affection to his lovely wife, Louella, and his lovely daughter, Joy.

Mr. PERCY. Mr. President, EVERETT DIRKSEN was "Mr. Illinois," but he also had another State of residence. Louella and EVERETT DIRKSEN loved the State of Florida. They loved the warmth; they loved being able to raise flowers; and they enjoyed the respite that it provided from the stress and strain of Washington. I am happy to yield at this time to the distinguished Senator from Florida (Mr. GURNEY).

Mr. GURNEY. I thank the Senator.

Mr. President, it is difficult to add to the praise of Senator EVERETT DIRKSEN, as far as his deeds and accomplishments were concerned. His colleagues in the Senate down through the years have already done that remarkably well here today—far better than I, who am serving my first year here, can do. I can only say that he was truly one of the great men of the U.S. Senate and the U.S. Government, not just for his time and for our time, but for nearly 200 years of the history of the United States of America. His name will go down in the history books along with those of the Presidents, I do not doubt.

But besides being a superb legislator and a great leader in the Senate, he was a very human person; and I should like to recount a personal story to illustrate the kind of big heart this man had.

When I was first running for Congress, some 7 years ago, campaign funds were rather hard to come by, and I happened to drop by a meeting here in Washington of some people who had come up from Jacksonville, Fla., to ask Senator DIRKSEN if he would come down and do a fundraising for them.

I really had no part in the meeting. I knew from one of my friends that it was occurring; he asked me to drop by, and I did.

During the course of the evening, the subject came up about the Senator's coming down for this fundraising. He was not too anxious to do it; and there was no reason, particularly, why he should.

Finally he said, "I will do it, provided you people who are organizing it will do one thing for me, and that is to give half of the proceeds to GURNEY's campaign for Congress."

I mention that because I had never met Senator DIRKSEN, and he had never met me. He did not know me, except that I was a young person aspiring to public office in Florida, and needed a hand. This is why he agreed to help raise funds, with the proviso that he put upon it. That was the sort of man he was—a man with a tremendous heart; and I am sure that uncountable other people, who have known him through the years, could tell of personal incidents that happened to them of good deeds done by Senator DIRKSEN.

Many Senators have stated what a universal love and affection people had for Senator DIRKSEN. The Senator from Illinois (Mr. PERCY) has mentioned the fact that his second home was in Florida. In fact, it was very near where I used to live, in central Florida. I did not know Senator DIRKSEN before I came to Congress, but I got to know him afterward.

He came down there to central Florida to rest from the hurly-burly of politics and Government here in Washington. He really did not enter the political or social scene of Florida, because his main goal was to spend a few hours there with Mrs. Dirksen, undisturbed by politics and Government.

I think it is fair to say that he was as well loved and respected in Florida as he was in Illinois. In fact, before I came to Congress, and all during the years I spent in the House of Representatives, I well remember that he was known throughout the State as "the third Senator from Florida." The newspaper people and the public figures used to call him that, and I can state that when he died, the people of my State felt his loss just as keenly as those of his own State of Illinois. They loved him, and they feel the loss of this great man along with his wife and his family, the people of Illinois, and all Americans.

I join as wholeheartedly as I can in paying tribute to a truly great American, EVERETT DIRKSEN of Illinois.

Mr. PERCY. Mr. President, EVERETT DIRKSEN was very partisan at times, but at the right times he was absolutely nonpartisan. I know of no Senator who is more fiercely partisan than the distinguished Senator from Texas (Mr. TOWER), the chairman of the Senatorial Campaign Committee, but he, too, throughout the years, has proved himself to be absolutely nonpartisan when it came to matters of national interest.

I am happy to yield now to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I thank my colleague from Illinois.

Those of us who are engaged in politics as a profession, I think, recognize that this is probably the most fascinating business in the world. It is also perhaps the most brutal and ruthless business in the world, and those of us who make a career of it have to have pretty tough hides. I think that any number of us are given to question ourselves from time to time as to whether or not it is ice water or human blood that courses through our veins. But I know that to survive in this business, you have to be tough. You have to turn and oppose "the slings and arrows of outrageous fortune." I know that we have to steel ourselves against our critics. I know that we have to exercise a degree of cunning, and sometimes a degree of insensitivity.

I thank God that we have had among us a sensitive, warm, and human man like EVERETT DIRKSEN, who was at once an astute and a tough politician. I think in the history of politics there has been no happier blend of humanity and toughness than was found in EVERETT DIRKSEN, a man of superior dedication to principle, never capable, in the callous phrase that we have heard here, of "rising above principle"; a man who did recognize that legislation is "the art of the possible," but who always found a point beyond which there could be no compromise; a man who loved all of his colleagues, and had an infinite capacity for love, even for those who vigorously opposed him in this hall; a man with a forgiving spirit—so rare in this brutal business we find ourselves in; a man who could be a great showman; a man who could kid everybody, sometimes when they did not know it; a man who could at once be a superior parliamentarian, in the best tradition of the Anglo Saxon people, who founded modern democratic political institutions as we know them.

He was one of the most beloved men in the United States—beloved not just because of his manner, but because of his accomplishments. I think the words that one poet said of another, in another time and another place, were, in his own time, fitting:

> The Pilgrim of Eternity, whose fame
> Over his living head like Heaven is bent,
> An early but enduring monument.

Today, in paying our tributes to Ev, we have gone through an emotional experience.

I can remember as a green freshman in the Senate, a Member who came directly from a college classroom to one of the most responsible positions in government, that it was this kind and understanding man who took me by the hand. And how many other times did he take so many of us by the hand, those who came here awed and afraid and unsure? How many of us can attribute whatever success we have had to his superior knowledge and understanding?

And in this experience today, we weep not for Ev DIRKSEN, because he has in giant stride achieved that rest which is undefiled and which fadeth not away.

We weep for ourselves. And at once we think better of ourselves because we had the privilege of being his colleague.

Mr. PERCY. Mr. President, among those for whom Senator DIRKSEN had deep affection, there is no question that right at the top of that list would be the distinguished Senator from South Dakota. A man who has made a powerful impact in the U.S. Senate and who worked very closely with his friend Ev DIRKSEN.

Mr. President, I yield to the Senator from South Dakota.

Mr. MUNDT. Mr. President, I thank the Senator from Illinois.

In paying homage today to the late senior Senator from Illinois, our dear friend Ev DIRKSEN, I would like particularly to emphasize my participation in the ceremonies as a South Dakotan, for in a very great sense EVERETT MCKINLEY DIRKSEN had a strong association with the people of the State of South Dakota.

He had many, many friends in my State, not only those whom he knew personally, but also the great numbers who admired him as a national leader and respected him for his opinions and his viewpoints and his convictions.

Possibly Ev DIRKSEN's first association with South Dakota came during his college days when he was selling books, peddling them door to door to the farmers of the State of South Dakota to help pay his educational expenses.

At that time South Dakota was his territory. One of the areas in which he particularly centered his attention was in the northern part of South Dakota, in Edmunds County, near the county seat community of Ipswich.

As one who was doing the very same thing with the very same books for the very same company a few years later in Butler County, Ind., I know of the countless personal contacts and friendships which were developed while selling the People's Home Library books which were published by the Bacon Co. of Cleveland with the intriguing little slogan, "Bacon's books bring home the bacon."

EVERETT DIRKSEN was a successful salesman then, as he has been an outstanding salesman throughout his career of public service. And he made a personal impact on the people in the northern part of South Dakota because, as I became acquainted with him personally when we served together in the House of Representatives for all but the 2 tough years when he was troubled by impairment of his eyesight and had to return home, people would question me about that curly headed young man from Illinois who sold books in South Dakota—EVERETT DIRKSEN. They followed him as though he were one of their own, and they watched his ascendancy to preeminence here on the Potomac River and took pride in the fact that it was he who traveled the prairie roads of South Dakota selling what we used to call the "PHL."

There was another cause for the greatness, in my opinion, of Ev DIRKSEN. And it has been alluded to here this afternoon and has been alluded to through countless speeches and prayers in tribute to Ev DIRKSEN since his untimely passing. And that is the quality of friendship, commingling with a quality of humor.

Certainly these perhaps most of all were found in abundance in Ev DIRKSEN, for he was a tremendously warm, generous human being which, as we recall his service, was perhaps demonstrated best on those occasions when, though a parting of the ways would come on legislative or political issues, there were never any recriminations or back-biting. In fact, if one left him on a particular issue one day, the next one was always a fresh one. It was a new tomorrow. Each of those disagreements actually strengthened the bond which united us on other issues on which we found ourselves going along shoulder to shoulder.

I refer to Ev DIRKSEN as a giant of the Senate. I think the best measurement of this comes in the knowledge we have that the loss of Ev DIRKSEN marks the end of one era and the beginning of another in the history of the Senate or, for that matter, in the history of this Republic.

The Senate, of course, continues its functions as it always has, but it is not the same without Ev DIRKSEN, as it was never the same after we lost, for example, Bob Taft of Ohio and other men who likewise had earned the title of giants of the Senate.

We miss EVERETT for many reasons, but those of us who served with him, I think, miss him most of all for his great friendship and undiminished capacity to embrace within that friendship all those who were privileged to be his associates.

The country as a whole misses him because he stood forthright and foursquare for a fundamental national policy which always put the people of this Nation first, a policy predicated on preserving liberty and advancing individual opinion for all citizens by building upon and strengthening our Constitution.

In the later years, EVERETT DIRKSEN came back to South Dakota often, sometimes to hunt for the famous ringneck pheasants of our State, but more often to hunt for votes for the Republican ticket which he so loyally championed from coast to coast and border to border.

As a frequent beneficiary of EVERETT DIRKSEN's campaign efforts in South Dakota and as one who has had the privilege of being invited to his State of Illinois to lend whatever assistance I could to his political endeavors, I have had the good fortune of sharing many happy hours in a delightful friendship that goes back three decades, starting in the House of Representatives, as a result of our learning early in our congressional career that we shared together the common experience of selling books from house to house—he in South Dakota and I in Indiana.

In looking back over the years when he was a visitor to our State and I a visitor to his, perhaps the most memorable occasion was when he invited me to deliver a kickoff speech announcing his senatorial campaign in 1950.

EVERETT was returning to the political battleground from a self-imposed retirement. We all know the story of the events of those years when he retired from the House because of his eye affliction and then achieved the miraculous recovery which led to his decision to seek the Senate seat. We have heard him say many times that this was a recovery created by prayer.

I have participated in and attended hundreds of political functions, but the one near Pekin, Ill.—EVERETT's hometown—at the tricounty fairgrounds, on a happy Sunday afternoon, will always stand out in my mind for the genuine warmth and good will of the thousands of people at the fairgrounds to give him a sendoff. On that day he launched what in a sense was the beginning of a new life, as he moved to the Senate from the House with a renewed vigor and subsequently became one of our most respected national leaders.

I stayed with the Dirksen family the night before this Sunday afternoon meeting at the fairgrounds near Pekin, Ill. I recall at dinner that night when he and Louella and his charming daughter, Joy, and I were eating in the family dining room, and I was kidding him about the fact that we were all so happy to have him returning to the field of active politics again.

He told about how he really got back into politics. He said that many Republican leaders in Illinois and personal friends and others had been urging him to run. He was disinclined to start in a second career in politics. He said he finally called the family board of directors together to vote on it. There were just three—Louella, Joy, and EVERETT. He voted first, and he voted "no." They voted next, and they voted "aye." So he said, "By a 2-to-1 vote, it was determined I should make the race, because they knew me better than I really know myself. They know my life is in politics. They know I would never be quite happy if I didn't yield to these requests on the part of my associates. Gladly and freely and fully, I now have entered into this great contest for the senatorial seat from the State of Illinois."

Certainly, EVERETT DIRKSEN was not only a great national leader and a great statesman but a great Senator as well. He was one of those giants of history in every sense of the word—a brilliant floor leader, a masterful legislator, a patriot with a remarkable sense of duty, and a man of unimpeachable honor.

EVERETT DIRKSEN has been described as a unique man, one whose like shall not be seen again. Fortunately, EVERETT DIRKSEN was a product of a unique country, which has a remarkable capacity for producing unique and brilliant leaders. We have had them in the past, as we shall have them in the future. So, while EVERETT DIRKSEN passes this way only once, there happily are many more gallant men to pick up the standard of this great fallen warrior for freedom, who continue on the same road of undiminished patriotism, helping to build an even greater and better America.

This Republic is both better and greater because of the service and because of the presence and because of the inspiration of EVERETT DIRKSEN.

Mary joins me in extending to Louella and to Joy our deepest condolences, commingled with congratulations on their relationship to a great American. This country is safer and stronger and sounder because EVERETT MCKINLEY DIRKSEN passed this way.

Mr. STEVENS. Mr. President, on the first Sunday of September, late on an afternoon when the very first leaves of autumn were beginning to turn, EVERETT MCKINLEY DIRKSEN died.

In the waning days of the most turbulent decade this Nation has ever known, the Nation lost one of the most articulate and able leaders it had possessed.

It seems, in retrospect, that we have always had him with us. I was a boy of 10 when he came to the House of Representatives. He won his party's nomination and subsequently a Senate seat in 1950: the year I graduated from law school. It seems he has been with us always.

Under six administrations he has been there when the Nation needed him. He saw and presided over the transformation of this country from the sleeping isolationist giant of the 1930's to our present position as the most prosperous and powerful nation on earth.

He was called a conservative, an appellation that brought more distinction to the word than it did to him. In a dynamic and magnificent way, he believed in and fought for, the freedom of man; the dignity of man; the greatness of man. He believed that the chains of bondage holding men down must be broken—whether these chains were an insular and monolithic Federal Government, or the chains of bigotry and racial hatred.

He did not fit the comfortable mold so readily prepared for politicians who are termed "conservative." He fought hard for the 1964 Civil Rights Act and was instrumental in its passage—an occurrence that led many to ask: "Is this a new DIRKSEN?"

It was not a new DIRKSEN. It was the same man, unafraid to do what he thought was right—and, as always, doing it extremely well.

He said once—upon being questioned about his changes in position on various issues—"If a man doesn't change his mind, he is either a fool or dead." The remark in many ways epitomized the man. He was the essence of practical politics—but managed to never lose sight of the greater goals for the people of this Nation.

Perhaps an even greater key to this man's character was his reply to another query concerning what he thought his greatest legislative achievement had been. DIRKSEN replied—this is an approximate quotation:

> Although it is perhaps a negative distinction, I am most proud of the bills which I prevented from being enacted.

On another occasion he remarked:

> The American people can thank God that only 6 to 8 percent of all legislation introduced becomes law.

He realized that the most basic ingredient of democratic freedom lay in the absence of excessive regulation. He knew that it was perfectly possible for a free society to legislate itself to death. He believed that the accomplishments of a government cannot be measured in inches of statutes, and that the freedom of man could not be measured as a ratio of Federal regulation.

Yet, when events and circumstances warranted, he would not hesitate to support and work for laws as sweeping as any in history. He set a high standard, and the Nation stood taller because of it.

He looked and sounded like a Senator. He was in the great tradition of this body: a statesman, an orator, a leader of his people. His impact on the Senate and the Nation will be felt as long as free men meet together and call themselves Americans.

His sense of humor was unfailing. Not unconsciously did he cultivate his old-fashioned and courtly image. His carefully tousled silver hair; the booming stentorian voice; and his eloquent and ornate style of speaking, all served as a gentle reminder that no one, no matter how high, should be afraid to smile at themselves. And in this age of the fashionable condemnation of America, he knew, too, the difference between the smile and the sneer.

Everett McKinley Dirksen. Even his name rolls off the tongue like silver bells, bringing back reminders of great debates, crises averted, and difficulties conquered.

In the beginning of this autumn, Everett Dirksen has left us. His legacy of honor, courage and fortitude are a treasure of all generations of Americans to come. We who knew him stand humble today; humble but not bowed. For if he taught one thing, it is that we must never be bowed. Believing in what is right, we will go on, working for those things Ev Dirksen believed in.

His life was devoted to America. This devotion resulted in a better America. He certainly would ask no more than that—and we who stand here today, with many great tasks undone, can do no more than carry on, as he would have.

After every autumn comes the spring. Every apparent death beneath the snows of winter bears within itself the fruit of life for the coming summer. We must take a lesson from the good American earth, which Everett Dirksen loved so well. We must see to it that the ideals and hopes which he cultivated so lovingly in the people of this Nation are never lost.

If we do this, then we will carry on his work successfully. We will insure that the bright dreams and high ideals of Everett McKinley Dirksen are never lost beneath the drifting snows of winter, but rather, like the seeds in his garden, grow ever stronger in the promise of never-ending summer.

Ann and I enjoyed being with Ev and Lou Dirksen. We shall cherish the memories of being with them in their home and together with them at social functions. But, the moment I shall not forget was that moment when I was first on this floor—a newly appointed Senator—and he said to me:

> Let me walk you down the aisle.

And Everett McKinley Dirksen stood by me while I took my oath as a U.S. Senator.

He will, I feel, be standing by me so long as I am privileged to serve here.

Mr. PERCY. Mr. President, Everett McKinley Dirksen was tough, he was tenacious, and he had great legislative skill; and that combination made him the man that he was. He also recognized toughness and tenacity and skill in other men; and though some other men possessed a different approach, saw problems differently, and came up with different conclusions, nonetheless, they were able to work side by side toward many times a common goal. He certainly recognized in the distinguished senior Senator from New York the very qualities for which we are paying tribute to Everett Dirksen today, and I am happy to yield to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, I am grateful to my colleague for his very gracious statement in yielding to me.

I hope very much that Senator Percy is right about his appraisal, because I considered Everett Dirksen one of the most illustrious Members of the Senate.

The passing of Everett McKinley Dirksen marks the end of an era. A distinguished public servant and talented political partisan, he led as a friend and out of the regard of his colleagues. As such, he is irreplaceable. Senator Dirksen was uniquely a legislator. Indeed, the greatest compliment often paid to the memory of such great leaders as Sir Winston Churchill is to say that they were first and foremost, "House of Commons men." Much of the same thing can be said of Everett Dirksen. His first and greatest love was the Congress of the United States. His skills were those of a parliamentarian. Both in the Senate and the House, Everett Dirksen used his considerable intellectual powers to persuade, to inform, to cajole, to entreat, even on occasion to threaten—but always to stimulate action.

I served briefly with Everett Dirksen in the House, but I knew him best as a Senate colleague. All my service in the Senate was spent with him, and for most of that time he served as the leader of my party. Thus, I had the opportunity of working closely with him and of intimately observing his many qualities.

It is a nostalgic memory for each of us to think of Everett Dirksen telling the story of how he gained the votes for cloture on the Civil Rights Act of 1964. The very apogee of that story was how, when he finally had just one more vote to get and he had used every conceivable argument and every conceivable point of self-interest for the future, he finally had to appeal to the past. And he appealed to the last Senator on the ground that he "owed him one"—that is, the Senator owed Everett Dirksen one, and this was the moment he wanted to collect. As we all know, those are always the toughest votes. But Everett's character was so impressive that it could not be denied to him.

This, to me, represents the most vivid memory of Everett Dirksen.

The keenness with which Everett Dirksen understood every nuance of what we were negotiating was a matter of tremendously refreshing quality to me.

I often thought that the floor of the Senate was Everett Dirksen's jousting ground. This was where he came in the morning, full of anticipation, to find a lance worthy of his own, and on occasion he was not disappointed.

Everett Dirksen and I did not always agree, but he was a pragmatic and sensible man, who abhorred rigid ideologies. He was always capable of change and utilized the art of compromise skillfully and creatively. Thus, through almost four decades he had an important role in shaping the major laws which affect the lives of every American. I remember most clearly his role in the long and difficult struggle to enact the civil rights bills of 1964, 1965, and 1968. Indeed, I believe that history will consider the Civil Rights Act of 1964 to have been his crowning achievement, and for this the Nation should always be grateful to him.

But I do not believe that Everett Dirksen will be identified in American history with any particular piece of legislation. Rather, he will be thought of as the epitome of a very unique American political tradition—and we are unlikely to see his like again. For the flowing and mellifluous oratory of which he was so capable was of the past, but in legislative practice, he was very much of the present and future.

He was capable of exercising superbly the art of political and legislative compromise. He knew, as President Nixon said, that his friends are not always his allies and that his adversaries are not always his enemies. While he disagreed, he never hated. He played the game very hard and tough, but without personal animosity. Thus, he was able to move back and forth between contending groups and Senators, to build new and often very different coalitions, issue by issue. Most importantly, he was able to establish a series of most constructive partnerships with the four different Presidents—two of them Democrats, two of them of his own Republican Party—who held our Nation's highest office during Senator Dirksen's long tenure as Senate minority leader.

He was a man of extraordinary character—an unforgettable and majestic voice, a ringing and literary oratorical style. When he spoke, we all listened—every Senator, every member of the Senator's staffs, the entire Senate gallery. We listened, not because we might agree with him or even could be persuaded by him on the particular issue to which he was addressing himself, but to learn and to be impressed and refreshed and often amused—by his sparkling wit and style.

Finally, it must be said that Everett Dirksen had a quality which is most unusual among politicians and public servants, a quality which we, who served with him—and the press and the public, generally—will sorely miss. He had a sense of humor about himself and therefore a sense of perspective.

What newspaperman will forget Everett Dirksen going up to the Press Gallery after the Tuesday Republican Caucus, tucking his feet under him, a feat he seemed to perform effortlessly, and then giving forth, as he put it, with wisdom and information, whatever he would like to plant with the press that day.

He had a dramatic feeling for the long corridor of history and for the broad currents of political philosophy. He used humor—often self-deprecatingly—as a reminded to himself and to his colleagues that no matter how serious one's purpose, one is still a man entirely capable of erring.

Everett McKinley Dirksen had a deep and abiding love for this Nation—for its history and its promise, for its strengths and its weaknesses.

To his wife, Louella, his daughter and son-in-law, I would say: I had real affection for Everett and I miss him sorely—that is the ultimate test. I feel so, too, does the Nation and the world. I thank the Senator for yielding.

Mr. PERCY. Mr. President, the distinguished Senator from Hawaii has always presented a point of view that is exceedingly important. A fellow member of the Committee on the Judiciary and a beloved colleague, I am happy to yield to the Senator from Hawaii.

The PRESIDING OFFICER (Mr. Gurney in the chair.) The Senator from Hawaii is recognized.

Mr. FONG. I thank the Senator for his kind words.

Mr. President, Senator Everett McKinley Dirksen was one of the most colorful and remarkable men ever to serve in the U.S. Congress. His sudden passing, just when he appeared to be recuperating so well from surgery, shocked, and stunned us all. He had been so durable during other serious illnesses that somehow we expected him once again to recover.

As we try to sort out in our minds the full impact on his passing, we are acutely aware that Congress has lost one of its most distinguished and able Members, my party has lost one of its most effective leaders, and our Nation has lost one of its stanchest patriots.

Ev Dirksen served in the House of Representatives for 16 years and in the Senate for 18, the last 10 of these in the post of minority floor leader for my party. His influence as minority leader far exceeded what could be expected from a captain with a crew that for the entire decade numbered less than a majority and at one time was outnumbered 2 to 1. Time and again he demonstrated his legislative skill.

Many historic pieces of legislation bear the Dirksen imprint. We all know of his great efforts in the enactment of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Both landmark bills were due much to Everett McKinley Dirksen as any other person in Government. His efforts salvaged many vital measures.

It was Ev Dirksen's first year as minority leader that Hawaii became a State and I was elected to the Senate. Ev Dirksen had voted for statehood for Hawaii, and he was pleased that the people of the islands selected a man of his party as one of Hawaii's first two Senators.

While Ev Dirksen was indisputably Republican, he viewed his obligation as floor leader not solely as leader of a party but first and foremost as citizen of his country.

He often said there was one debt greater than the Federal debt and that was the debt he owed his country. In uniform in war and in public service in peace and war, I believe Everett McKinley Dirksen repaid that debt with interest.

Ev Dirksen was a man of courage. He had the courage to battle for his views no matter what the odds against him and to champion a just cause even though it might be unpopular at the moment.

He had the courage to change his views. He agreed with Emerson that "a foolish consistency is the hobgoblin of little minds."

He had the courage to laugh at himself and not to take himself too seriously.

He had the courage to carry on despite many physical ailments. During the years of off-and-on illnesses, his sheer determination and dedication to duty enabled him to continue.

Big in stature and big in heart, Ev Dirksen was a smalltown boy from the prairie land of Illinois. But he could take the measure of the big city boys and show them a thing or two. He could match wits and words with the best of his competition.

And with what great voice he spoke. How we all shall miss that trademark of his, the articulation which demanded and obtained the attention of all within earshot.

But behind the rumbling rise and fall of the Dirksonian oratory; beneath that rugged exterior was a gentle man, a man who loved nothing better than to work in his garden among his flowers or watch the wild birds. He was, as we all know, the champion of the lowly marigold.

Ev Dirksen was as American as apple pie and watermelon and marigolds.

He was unique, made of the stuff which will leave an indelible mark upon our Nation's highest legislative body. The name of Everett McKinley Dirksen is indeed assured an honored niche in the history of America, for he walked long and tall on the center stage of public life.

Ev Dirksen will not easily be replaced. His devoted public service, his wisdom and absolute commitment to this Nation will be sorely missed. An incomparable man has left us.

With hearts full of sorrow, my wife Ellyn and I bid a final aloha to our good friend Ev Dirksen. We extend our deepest sympathy to Mrs. Dirksen, to their daughter Joy and her husband, our colleague Senator Baker, and to all the family in this sad time of bereavement. We hope they will derive much comfort from the many expressions of high esteem accorded their beloved Everett Dirksen.

Mr. PERCY. Mr. President, I wish to announce that the distinguished Senator from Kentucky (Mr. Cooper) informed me earlier he had to leave for Kentucky shortly after noon today, to fulfill a longstanding engagement, and that he will make a statement paying his respects to our late minority leader upon his return.

I should also like to announce and indicate that the distinguished Senator from Alaska (Mr. Stevens) would have liked to have stayed to make his eulogy but he had to leave the Chamber because of a committee assignment and will insert his comments in the Record.

Mr. President, I am very pleased to recognize the distinguished Senator from Rhode Island (Mr. Pell). Everett Dirksen did not serve on the Foreign Relations Committee, but he had a deep interest in the foreign affairs of our country and I know that he respected the great contribution made by the Senator from Rhode Island in this area.

Mr. PELL. Mr. President, I rise to say how sad it is that Everett McKinley Dirksen is no longer among us.

His "joie de vie," his warm humor and oratorical prowess, and his wide and sincere friendship, all endeared him to Senators on both sides of the aisle.

He was liked by those with whom he disagreed just as he was liked by those with whom he did agree.

I know that I miss him very much.

I extend all my sympathy to his family and friends upon his death.

Mr. PERCY. Mr. President, I am happy to yield to a Senator from the sister State of Michigan, a man for whom I have the highest regard, the Sentaor from Michigan (Mr. Griffin).

Mr. GRIFFIN. Mr. President, how does anyone speak adequately of that gallant man, Everett McKinley Dirksen?

What words are of use for such a purpose?

Do we say that he was strong and wise?

Do we list his merits and achievements, one by one, and then stand back in the hope we have captured his image?

If we tried, Mr. President, we could only fail.

The essence of such a man cannot be summed up in words; not a man like the late, great Senator from Illinois.

He was honest, he was patient, and he was fair.

Simple virtues, these. Virtues that make mere acquaintances the closest of friends. But such words do not begin to describe the person, the legend, the spirit, that was Everett Dirksen.

In his wisdom, God has not seen fit to bless us with others in his mold.

His was a rarity of spirit, a gentleness of tact, a brilliance of wit, and a depth of understanding that shall not soon be witnessed again—and we are the poorer for it.

He was a politician marvelously skilled at reconciling differences—bringing together differing viewpoints into a productive whole.

He was a brilliant orator with a rumble in his throat who could evoke wordpictures as vivid as life itself.

By his life, and by his death, Everett McKinley Dirksen set an example; he illuminated goals, and he left us a worthy heritage. He was a man who evoked passion; he was a man who felt compassion.

He symbolized and reflected the greatness of America.

In this Chamber, we knew him as a giant among lawmakers.

His family knew him as a loving husband and a devoted father.

The Nation knew him as a dynamic leader loved by all.

He was a good man and a great American.

We mourn his loss. We salute his memory.

Mr. PERCY. Mr. President, there are many members of the majority party with whom Everett Dirksen worked and had a high regard. He worked closely, indeed, with the hard working floor leader of the majority party, the Senator from West Virginia (Mr. Byrd), and I am honored, indeed, at this time to recognize the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President—

Let fate do her worst.
  There are relics of joy,
Bright dreams of the past
  That she cannot destroy.

They come in the nighttime
  Of sorrow and care,
And bring back the features
  That joy used to wear.

Long, long be my heart
  With such memories filled,
Like the vase in which roses
  Have once been distilled.

You may break, you may shatter
  The vase, if you will,
But the scent of the roses
  Will hang 'round it still.

It is hard for us to visualize a U.S. Senate without the presence of the remarkable Senator from Illinois, the late Everett McKinley Dirksen. It is as if a pillar had been torn away, a pillar that furnished it central strength and stability, fashioned with grace and elegance and skill. But the memory of his smile, his voice, his effervescent spirit, his matchless sense of humor, will linger on as long as we who served with him still live.

All of us greatly admired Everett McKinley Dirksen. We admired him for his resonant voice, his effectiveness as an orator, his dexterity as a debater, his skill as a legislator.

As an orator, he ranks at the pinnacle in the tradition of great American political orators.

As a politician, he served his party well and he served his Nation well—first as a Member of the House of Representatives for eight terms and then thereafter in the Senate, serving from 1951 until his death.

As a legislator, he had few peers.

As a leader, he had few equals.

He served as minority whip in 1957. He was elected minority leader in 1959, a post he occupied with distinction during this past decade.

Throughout this time, there have been many in the Senate serving on both sides of the aisle who, in working with him, knew that he possessed an infinite store of knowledge with respect to legislative business. It was not mere appearance, nor was it happenstance that this was true. Everett Dirksen, while serving first as a Member of the other body, served on the District of Columbia and the Territories and Immigration Committees. Later he served on the Committee on Banking and Currency, on the Appropriations Committee, and also on special committees on the reorganization of the executive branch of the Government.

In the Senate, he served on the Judiciary Committee, the Appropriations Committee, the Committee on Rules and Administration, the Committee on Labor and Public Welfare, Finance, and other committees.

I felt a warm personal affinity for Everett Dirksen. In my relationship with him I found him to be always very considerate and cordial and understanding.

There are a great many tributes, deserved and fully appropriate, which can and should be paid to the memory of Everett McKinley Dirksen and his service to his country. I believe there is no greater tribute that can be paid to a great statesman than to call attention to his personal expression of his deep belief in a Supreme Being and to his personal conviction of the virtue of prayer for all Americans. This can be said of our late departed colleague, Everett McKinley Dirksen.

Senator Dirksen, as we all know, introduced a bill to provide for a constitutional amendment to permit voluntary, nondenominational prayer in public schools. Many of us are privileged to have had the opportunity to serve as cosponsors of the measure here in the Senate.

Few men have won such wide recognition, nationally and internationally, for their adroitness and skill and expertise in handling delicate problems in human relationships. Perhaps therein lies the ultimate truth of Senator Dirksen's unique capacity and the real measure of the effectiveness of his own successful years in public life—he cared enough for others to spend patiently his time and energy to weave together a more perfect pattern of human understanding and cooperation among men.

Senator Dirksen is missed. He will be missed. We are all privileged to have served with him here in the U.S. Senate.

I know we all shall always treasure our personal experience with this Senator, who I believe will be ranked by history as one of the greatest Members of this body.

Everett Dirksen was a good man, who served his country and his people. Loved and respected by all who knew him, he will always be remembered as a kindly man, from whose life will flow throughout the years ahead rich and tender blessings for all of the people of this Republic.

I saw the sun sink in the golden west;
  No angry cloud obscured its latest ray.
Around the couch on which it sank to rest
  Shone all the splendor of a summer day.
And long, though lost to view, that radiant
    light,
  Reflected from the sky, delayed the night.

Thus, when a good man's life comes to a close,
  No doubts arise to cloud his soul with
    gloom,
But faith triumphant on each feature glows,
  And benedictions fill the sacred room.
And long do men his virtues wide proclaim,
  While generations rise to bless his name.

Mr. President, to Mrs. Dirksen, to his daughter, and to his son-in-law, a distinguished Member of this body, my wife and I extend our heartfelt sympathy.

Mr. PERCY. Mr. President, the distinguished senior Senator from Oregon was a classmate of mine.

I know my own senior colleague held my classmate in affection and high regard.

I yield now to my colleague from Oregon.

Mr. HATFIELD. Mr. President, I appreciate the opportunity that has been extend to me by my friend the Senator from Illinois, now the senior Senator from Illinois, and join with him and other Members of this body in paying tribute to Senator Everett McKinley Dirksen.

At certain crucial times in our history there appear men who through their example and their oratory serve as an affirmation of the values of an age. Everett McKinley Dirksen was such a man. With the passing of the distinguished Senator from Illinois, a chapter has ended in the annals of this great deliberative body. To quote the Honorable Leslie Arends, a man to whom Everett Dirksen was a close personal friend:

> Senator Dirksen will forever stand tall on the pages of history of our day with the Clays, the Calhouns and the Websters of yesterday. It is not whether he or they were right or wrong in what they said; it is that they were fearless in what he and they believed and eloquently persuasive in expressing their beliefs.

There were many instances when I was not in agreement with the Senator from Illinois, but one can never say that he did not fight mightily for what he believed in or thought right. And there is not one man who can say that Everett Dirksen did not love this Nation and its people—although over the years both were a source of disappointment to him—and for 42 years devoted himself entirely to building this Nation and his State of Illinois into a better place for all men.

In political creed Senator Dirksen harked back to the days of Edmund Burke, the great British parliamentarian, who said it was his business to consult with his people, but it would be a betrayal of his conscience and a disservice to them if he failed to exercise his independence of judgment.

In his rugged individualism I am always reminded of the poem, "Invictus," by William Ernest Henley, in which Ev Dirksen found close identification in the words:

> I am the Captain of my Fate—and I am the Master of My Soul.

Appropriately, the poem was read by Everett Dirksen in his album entitled "Man Is Not Alone." His solace in his position of isolation was with God, and in the Bible Senator Dirksen found great comfort and assistance when the burdens of his office weighed heavily on his shoulders or his history of ill health crowded in on him and interfered with his prodigious capacity for hard work.

Thirty-seven years ago he came to the House of Representatives, and throughout his years with that body and the Senate he left an indelible mark on the history of this country. Just before his 70th birthday he summarized his philosophy as this:

> You become reconciled to the fact that, first of all, change is eternal, but there is one essential and fundamental thing to which I cling—that the essence of government is the freedom of the people.

As evidence of this personal goal, he was instrumental in affecting major issues of our time: most recently the Nuclear Test Ban Treaty with Russia and the Civil Rights Act of 1964.

The position of the Senate Republican leader, in which capacity he served for 10 years, is characterized not only by the power of the office but also the stature of the man. In an article entitled "If Man Die, Shall He Live Again?", he eloquently expressed his religious convictions:

> Except for the handiwork of the Great Designer, nothing in this world is created, and nothing is destroyed. . . .
>
> In autumn the gaily colored leaves fall gently to the earth, not to be destroyed but to be embraced by nature for future use. . . .
>
> It is the Resurrection of spring. It is an answer to the ageless question of Job "If man die, shall he live again?" Surely he shall, as surely as the day follows night, as surely as the stars follow their courses, as surely as the crest of every wave brings its trough.

Surely shall EVERETT McKINLEY DIRKSEN.

Mr. PERCY. I yield to the distinguished junior Senator from Delaware.

Mr. BOGGS. Mr. President, it has been almost 2 months since Senator EVERETT McKINLEY DIRKSEN passed from the earth, but his memory lingers in these halls and in this land.

With his death, the American people lost a statesman, his party lost a great leader, we in the Senate lost a valued colleague, and his family lost a dearly loved one.

EVERETT McKINLEY DIRKSEN was a great American leader who left his own imprint on most of the landmark legislation that has been passed through this Chamber in the last two decades. His influence and his good judgment were, in considerable measure, responsible for the enactment of many of those important bills.

As an advocate, he was without peer. Often his eloquent and reasonable oratory held us enthralled and carried the day for his point of view.

He also often was ahead of his time in his evaluation of the American mood. He recognized 8 years ago that the new generation was different from the present one. He said at Gettysburg on the 98th anniversary of Lincoln's address:

> What strange doubts assail this timid generation of today as it beholds the challenges to both liberty and equality.
>
> We seem beset with fear, not faith, with doubt not confidence, with compromise not conviction, with dismay not dedication. We are drenched with literature of fear and doubt. Survival has become the main theme.

My deepest sympathies go to Mrs. Dirksen and her family. I know that, as deeply as we feel this loss, theirs is so much greater.

This Chamber will be a lesser place without the former senior Senator from Illinois. But I am confident that recollections of his skill, his humor, his eloquence, and his honesty will serve as a memorial that will echo through these Halls for years to come.

Mr. PERCY. I yield to the distinguished junior Senator from Idaho, Mr. JORDAN.

Mr. JORDAN of Idaho. Mr. President, I join Senators in mourning the passing of Senator EVERETT McKINLEY DIRKSEN, a witty and sagacious statesman who always kept the Nation's interests in the forefront, and a warm, stalwart friend to us all.

I first met Senator DIRKSEN in Boise in 1951, when I was Governor and he came to Idaho to deliver a Lincoln Day speech. He had only recently been elected to the Senate, but he was recognized as a nationally prominent Member of Congress because of his active role in the House, his oratorical gifts, and his demonstrated political ability in unseating the powerful Senator Scott Lucas.

Senator DIRKSEN came to my office and we visited for a couple of hours. Here I was first impressed not only by the warm friendliness of the man, but also by his sincere religious faith. He told me about the near blindness that had forced him to quit his House post in 1947.

> The Man Upstairs must have felt that I had other work to do—

He said, with simple conviction—

> because my sight was restored and I was able to resume my career in Government.

The State of Illinois, the Nation, and the world have good reason to rejoice that the temporary curse of blindness was removed from this great man at what was the beginning of his richest years in Congress.

The eloquence of Senator DIRKSEN frequently obscured for observers the true nature of his success as a Senator and a congressional leader.

He was, first of all, a prodigious worker, a man who really looked at issues from all sides and who assiduously did his homework. Few realize how hard he worked at his job. He was an early riser and his senatorial duties frequently kept him at his desk far into the night. I do not know when he got any sleep, but he was on the job when it counted, even though he had more than his share of sickness and disabilities.

Senator DIRKSEN did much of his own research on legislation. Here he relied on his retentive memory and his keen analytical mind. These abilities, coupled with his long experience on the Hill, helped insure that few things got by him, and helped place his imprint on much of the major legislation of the past decade.

Senator DIRKSEN's great abilities were demonstrated during his service as minority leader under two Democratic Presidents. Because of the tight balance in the Congress, Presidents Kennedy and Johnson had to rely on him, and in that position of the balance of power he became one of the most influential Members of the Congress, a position he continued to hold under President Nixon. In his difficult role of the leader of the "loyal opposition," he never failed to keep the country's interests foremost in his mind and his legislative actions. This accounts for much of his influence and for the warm, bipartisan respect the country has for him.

Some of his critics have described the Senator from Illinois as indecisive or wishy-washy because he changed his mind on certain major issues. This most assuredly is not a fair characterization.

One of Senator DIRKSEN's great abilities as a statesman was that he remained flexible on great public issues. He refused to be locked in on a position until he had an opportunity to hear and weigh all the evidence. He also had mastered the art of political compromise, knowing from experience when and how to make a compromise to accomplish a desired objective.

Senator DIRKSEN was most persuasive, both on and off the floor. But he was no arm twister, and never abused his influence or imposed on a friendship. During my tenure in the Senate, he never once asked me for a vote, and I have never known of his twisting any Senator's arms.

One of his favorite quotations was, "The oil can is mightier than the sword." and his political life demonstrated the truth of that maxim.

This does not mean that he did not fight for his principles. He did. Everyone knows that he was tough and tenacious in debate, when the issues were joined. But he did not hold grudges, and he came up from a licking with a smile and a determination to let bygones be bygones and get on with the business at hand. Here his marvelous sense of humor was a dependable rudder.

Truly, he was unique among the great leaders of this century. His prestige and his dedication have influenced the course of the major issues of his day. Always he put what is good for the country above politics. And he could always relieve the tensions of the day by a dissertation in flowing rhetoric on why the marigold should be our national flower.

Mr. PERCY. I yield to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, EVERETT DIRKSEN was a most unusual person, unique in his time.

Over his long legislative career, he contributed indispensable leadership on many matters, among them the 1964 Civil Rights Act. I remember well the long months of meetings in his office and the final sessions in which agreement was reached with the administration on the specific provisions of that act. In those sessions Senator DIRKSEN displayed the many-sided negotiating skills for which he was so noted.

At its finest, his ability to work out acceptable compromises exemplifies a, perhaps the, basic element in our political system—the give and take through which widely differing views and interests are accommodated in a peaceful, orderly way, both as between our two major parties and within each of them.

EVERETT DIRKSEN loved the Senate, he loved the legislative process, and he loved his own part in it. In this, despite his physical ills, he was fortunate, for few men find the happiness in their work that he found in his.

Mr. PERCY. I yield to the able junior Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, it is most appropriate that the Senate has set aside time today for eulogies in memory of a great Senator, a great humanitarian, and a great American, the late Senate minority leader, EVERETT M. DIRKSEN.

Few men have served their country so well, and so long, as Senator DIRKSEN, and his sudden death came at a time when he was still serving actively and vigorously as he had for many years in the Senate.

Presidents, Senators, and Representatives alike respected his views, and recognized the significant and constructive role he played in the passage of many important, and often controversial, bills. In the early sixties, for example, he helped to champion important and far-reaching civil rights legislation, and it is accurate to say that without his active leadership many of those important measures would not have passed Congress.

I also commemorate the important role he played in the smooth working of the two-party system. As one of the most important Republican leaders in Washington during the past Democratic administrations, he did not hesitate to provide bipartisan support for important bills, and he provided a channel of communication between the Democratic administrations and the Republican Party, which is a vital part of our democratic form of government.

As a colorful spokesman, as a champion of many causes, as a constructive legislator, and as a warm human being, EVERETT DIRKSEN left a mark on Congress that will never be replaced. The Senate has lost a distinguished leader, and the country has lost a distinguished man.

Mr. PERCY. I yield now to a colleague of long standing in this body, a beloved friend of the former minority leader, the senior Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, the passing of Senator EVERETT MCKINLEY DIRKSEN has deeply saddened the hearts of people everywhere—especially in Congress, where he served with great distinction for more than 35 years. Few men in the history of the Nation have left a deeper imprint on legislation passed by Congress and on the policies of the Nation than Senator DIRKSEN.

He was a man of many talents—all of which he made good use of. He was a tremendously hard worker and deeply devoted to his country, his responsibilities as a legislator and to the Republican Party.

Ev, as he was affectionately known by everyone, was a most effective orator and debater. His outstanding effectiveness as a legislator was due not only to his great intellect and his unusual ability, but also to hard work and devotion to duty. Not much legislation of major importance passed Congress in his time in which he did not have a part in its enactment.

Our beloved friend and colleague, Senator DIRKSEN was an unusual and colorful person. He had a keen mind and a great store of knowledge on almost every subject. Beginning as a young man, he was a great student of the Bible. Through his love of the stage, he delved deeply into the writings of Shakespeare and other literary greats. He often drew on this store of knowledge in making his points—whether it was on the floor of the Senate or in speeches elsewhere all over the Nation Ev was a truly memorable and outstanding personality.

EVERETT DIRKSEN was a true Christian. Although he often engaged in heated debates, I do not believe he ever bore any ill will or hatred toward anyone. This even-tempered, personable, and lovable way of his was in a large measure, responsible for his extraordinary effectiveness.

Ev DIRKSEN, through the quarter of a century that I was privileged to work with him, was a good and true friend—one I will always remember and miss greatly. He has left a deep imprint on our lives and on this Senate that will not soon be forgotten. He was truly one of the alltime great Members of this body.

I extend my deepest sympathy to his beloved wife, Louella; his daughter, Joy; our colleague Senator BAKER and all of his family. May the world always be kind to them.

Mr. PERCY. I yield now to the distinguished Senator from Louisiana.

Mr. ELLENDER. Senator DIRKSEN was born and reared in a small country town, Pekin, Ill., where he attended elementary and secondary school. Upon graduation from high school, he studied law at what was then a small law college at the University of Minnesota. It was not until he reached Congress in 1933, during the depth of the great depression, that he began to acquire national stature.

Through self-study, he blossomed into one of the great orators of our time and of the Senate. He was a student of the Bible and of the classics. Often his Senate colleagues listened in rapt attention as he used very effective quotations to strengthen his points.

Senator DIRKSEN was an excellent story teller and was able to draw upon his personal life, as well as literature, to entertain his listeners while at the same time, fortifying his position during Senate debates.

He was a colorful and outstanding leader and I doubt that he had a peer in his ability to bring together men with differing views. He knew well the value of compromise and prided himself upon his ability to find some good in both sides of important public questions.

He was a remarkable spokesman for Illinois, his party, and the Senate, and I know that all of us here will miss him.

We live in a time when national attention is focused on the problems of our cities and those who live in our great urban areas. It seems to me that we are sometimes prone to forget that historically a great part of our national strength has always come from the small towns and rural areas. Senator DIRKSEN was the product of such an environment. I believe that he would like to be remembered as a country boy who made a lasting imprint on our national life. There have been many like him in the past, and I expect there will be many in the future.

To his wife and family, I extend my sincere regrets at his passing.

Mr. PERCY. I yield to the distinguished Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I join with Senators in expressing the sorrow and sense of loss felt by the Senate and the entire Nation at the death of the late Senator EVERETT M. DIRKSEN.

I had the honor of serving with the Senator from Illinois on the Committee on Finance. Both in the committee room and on the floor of the Senate, I came to respect the Senator for his strengths as a legislator and as a leader.

As minority leader, Senator DIRKSEN led his party in this Chamber for 10 years. His role in the Senate leadership was instrumental in securing final congressional passage of the Nuclear Test Ban Treaty of 1963 and the historic Civil Rights Acts of 1964 and 1968.

His influence as minority leader was well established, but his fame as an energetic and eloquent speaker was known throughout the Nation. Who can forget his impassioned appeals to establish the marigold as the national flower, or his best-selling patriotic recordings.

The United States is grateful for the essential part EVERETT DIRKSEN played in the Nation's affairs for more than a decade. As Representative, Senator, and national leader, his was a leading role, and Congress and the country have lost a remarkable man, a good friend, and an outstanding leader.

Mr. PERCY. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, of significance to those of us who are old enough to remember the baseball greats of bygone years is the inscription on the statue of Christy Matthewson in the Baseball Hall of Fame at Cooperstown, N.Y.: "Matty Was Master of Them All."

This is the expression that we who served with and watched EVERETT MCKINLEY DIRKSEN through long years instinctively apply to him: "Ev was master of them all."

We are not content to speak of him as "colorful," though he was colorful. We are not satisfied to call him eloquent, though his superb vocabulary and his inexhaustible knowledge of history, the classics, and of people made him almost incomparable as an orator. These terms fail to do EVERETT DIRKSEN justice. The Congress of the United States has known many profound scholars, many eloquent tongues, many striking and forceful personalities. But rarely, if ever, has it known one who combined all these qualities with both the capacity and the habit of unremitting toil that made him the master of his subject whenever his voice was raised whether in committee, on the floor, or in the public forum.

We elders, when we indulge in the golden recollections of those whom we have loved and lost, are prone to dwell on the impressions of the earlier years. I first saw and learned about EVERETT DIRKSEN when I was a delegate to the Republican National Convention of 1944 when he was a candidate for the presidential nomination. Some of us from back in the sticks said "Who is DIRKSEN?" My own Congressman replied:

> If you were in Congress, you would know, for he is running at the request and with the backing of every Republican Member of the House of Representatives.

Two years later I entered Congress. I saw him then as perhaps the most powerful Member of the House of Representatives. Whenever the door of the cloakroom opened and someone whispered, "DIRKSEN is up," every Member flocked to the Chamber to hear him. And in that body, where time is at a premium, there were always cries of "give him more time." But my most vivid recollection was seeing him leave the office building at night with a bulging briefcase, prepared to spend hours in studying legislation. Then came those sad days when we all, Democrats and Republicans alike, with a sense of our own personal tragedy watched him falter with failing eyesight and go into what he and we expected was his last retirement.

I need not speak of our years with him here in the Senate for those we all share. It was then that I came to cherish him, not so much as a leader and counselor, but as a never-failing friend. It was then that we all loved to sit with him and enjoy his wisdom and wit and humor. It was those hours of companionship that cause each of us to share with his beloved wife and daughter the sorrow and the pride.

> Over whatever seas he is sailing
>   Whatever strange winds fan his brow,
> What company rare he's regaling
>   I know it is well with him now.
>
> And when my last voyage I am making
>   May I go as he went, unafraid
> And, the Pilot that guided him taking,
>   May I make the same port he has made.

Mr. PERCY. I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, true statesmanship, they say, is the art of changing a nation from what it is into what it ought to be.

That is the context in which I remember our late beloved minority leader, EVERETT McKINLEY DIRKSEN.

He was a man of many parts.

He was the man from Pekin. Born in the Illinois heartland of America before the turn of the century, he was the product of America. Educated in the public schools of his hometown he turned to the practice of law after having served his country as a doughboy and an officer in the First World War.

EVERETT DIRKSEN was able to assume many roles in the compass of his life. He was part lawyer, poet, actor, orator, soldier, teacher, and exhorter. This magnificent blend of talent and ability found a wonderful instrument in the voice and actions of our fallen leader.

He loved to quote from the Bible. I think that harked back to his childhood and his reverence for the power of words.

He was fond of Shakespeare, the greatest of all English dramatists. That was the actor in him recognizing the flow and sweep of history as unfolding drama.

He loved the Senate, for in it he found that peculiar niche that suited no one better than this man from Illinois.

He followed public opinion much as a skilled coachman follows his horses with a firm hold on the reins and guiding them in the proper path.

EVERETT DIRKSEN was sincere in soul; in action, faithful; in honor, clear; his titles were honestly gained. His character, enobled by his leadership, was approved and praised.

Now, we pause to mourn for him.

We miss him as a friend, comrade, and esteemed leader; but I know that his wife, Louella, his daughter, Joy, and other members of the family, including the Senator from Tennessee (Mr. BAKER), miss him in a way which we cannot measure, as loving husband and beloved father. Mrs. Fannin joins me in extending our heartfelt sympathy to them.

His devotion to making the marigold our national flower is almost legendary. Far fewer realized how genuinely he loved flowers and cultivated them at his home.

His wit and charm blossomed under the most difficult and trying circumstances and we all often recall the tension breaking moments which he would introduce into heated debates that served so well to cool tempers and quiet voices by a moment of laughter.

His great power was with words. His supreme skill was with the language. It will be by his words that we remember him. It was his use of the language to inspire, to lead, and direct. Many may emulate, but none can surpass his ability in this field and I feel especially powerless to use that same language, which he used so magnificently, to pay him tribute. We cannot do it.

My friend, the Senator from North Carolina (Mr. ERVIN) often says:

> If a man requires a eulogy, he does not deserve one, and if he deserves one, he does not require it.

So it is with my friend and departed colleague EVERETT DIRKSEN. He richly deserves an eloquent eulogy and we, by his departure, are left unable to supply it.

May I, then, quote from one of his own, wonderfully extemporized eulogies for a departed brother, and so use his words to express our emotion.

> We have lost a valuable leader. We have lost a staunch patriot. We have lost a valued public servant.
>
> All hail and farewell, and a deserved salute for the constructive contribution which he made to his community, to his State, and to his country.

He was unique, Mr. President. The man who, in private, admitted he would have liked to follow a Shakespearean career, carved out for himself a far larger and more important role, and played it well.

He would have liked, I think, the short speech which Hamlet makes about his fallen father-king. In its stark simplicity yet poignant majesty the prince says what we may repeat about our departed friend, EVERETT McKINLEY DIRKSEN.

> He was a man, take him for all in all, I shall not look upon his like again.

Mr. PERCY. I yield to the distinguished senior Senator from Oklahoma.

Mr. HARRIS. Mr. President, EVERETT McKINLEY DIRKSEN was one of this Nation's great legislators. He pursued his legislative goals with determination, intelligence and wit, and, in doing so, he won the respect of his colleagues and the public which he served so faithfully.

We who were privileged to serve with him in the U.S. Senate gained much knowledge and insight on legislative procedures and on the powers and responsibilities of the Congress. This experience has benefited us and has benefited the Nation, for Senator DIRKSEN was more than the minority leader of the Senate. He was an individual institution in the Senate and in the Nation and was revered by all of us.

Mr. PERCY. I yield to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, few men in the history of the United States have attracted such widespread affection as Senator EVERETT McKINLEY DIRKSEN of Illinois. Indeed, the U.S. Senate thought so highly of the late minority leader that his colleagues bestowed upon him the rare honor of lying in state in the Capitol rotunda, only the fourth time such a privilege has been extended to a Member of Congress. But such was the respect felt for this distinguished man by his congressional colleagues.

When one thinks of Senator DIRKSEN, it is his unique and colorful personality that first comes to mind. Who can ever forget that deep, melodious voice as it rang through the Senate Chamber, begging attention to its every word? A thespian who could hold audiences spellbound with his forensic style, he shunned prepared texts, relying instead on his knowledge and his taste for literary embellishment.

A patriot, he was an eloquent defender of American traditions, principles and institutions.

A man of rare wit, he was a master of the anecdote. And while his great flair for political satire could be biting at times, he seldom used it as a vindictive weapon, more often than not making himself the target of his humor.

And who can ever forget his love for the marigold and his perennial struggle to make it the national flower?

While all these fond memories of Senator DIRKSEN will always hold a place for him in our hearts, it was his great legislative skills—so often hidden by his flamboyant personality—that will assure him of a place in history.

His talent for compromise and reconciliation, combined with an ability to rise above partisan politics in moments of critical importance to the United States, earned him that place.

He will probably best be remembered for his key roles in passage of the Nuclear Test Ban Treaty of 1963 and the Civil Rights Act of 1964. In both instances, he chose to ignore partisanship, delivering instead the necessary Republican votes to assure the success of these historic measures. These were truly his greatest moments.

While time has somewhat softened the shock of Senator DIRKSEN's death, I still deeply feel his loss and miss the zest and color his refreshing individuality brought not only to the Halls of Congress but to the entire Nation.

EVERETT McKINLEY DIRKSEN will be sorely missed, but never forgotten.

Mr. PERCY. I yield now to the distinguished and able Senator from Kansas.

Mr. PEARSON. Mr. President, each individual human is unique but EVERETT McKINLEY DIRKSEN was more unique than most.

Senator DIRKSEN was one of the greats of the U.S. Congress and he will be recorded in history as one of the more important public figures in the 20th century.

He was a modern man, in love with today but he was also keenly interested in and deeply respectful of the past. And one of his most important contributions was his ability to convey that interest and that respect to those of us who served with him in the Congress and to the American people as a whole. And it seems to me that this was an extremely worthwhile thing, especially today when we are undergoing such a critical reexamination of our present and our past.

His magnificent voice and soaring rhetoric were his trademark. But these characteristics merely served to complement other basic traits which were the source of his strength and the cause of his success as a man and as a servant of the public trust.

I believe he was deeply religious. I know he was, without embarrassment or sophistication, duly patriotic. He instinctively liked people and they in turn cared for him. Politics came to him naturally and I suggest that he became as skilled and as adept in the art of the possible—said to be the essence of politics—as any living man. He had an enormous capacity for hard work—a capacity which seemed to increase rather than diminish with age.

He continued to grow throughout his life and thus he became one of the most effective Senate leaders in history and in his twilight years one of the most powerful men in the Nation.

We in the Senate shall miss him as a leader, but we shall also miss him as a friend and counselor. Certainly I shall never forget his warm friendship and the wise counsel he gave to me, which was so valuable and so much appreciated during my first years in the Senate.

We all benefited from his understanding, experience, wit, and extensive knowledge of the legislative process. And we are all the worse that he is not here today.

Mr. President, there are two short statements which come about as close, I believe, to describing the essence of Ev Dirksen's character as any set of words can do. One is by the Senate Dirksen's counterpart, the distinguished majority leader (Mr. Mansfield) who said of his colleague:

His word was good.

Those four words not only tell a great deal about the man but they also represent for me one of the finest tributes that can be paid a man in public life.

The other statement was by Senator Dirksen himself when he on one occasion remarked:

> There is one debt greater than the Federal debt and that is the debt Dirksen owes his country.

To me, this reveals his great humility, his great patriotism, his great dedication.

We here today express our indebtedness and that of the country to Senator Dirksen, but for him the relationship was the other way around. This goes a long way in explaining the career of Everett McKinley Dirksen, a dedicated statesman, an inspirational leader, a beloved friend.

Mr. PERCY. I yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I join Senators today in paying tribute to a Senator who was a most distinguished Member of this body. When Senator Everett McKinley Dirksen died, we lost a great and loyal national leader, and the Senate lost an admirable and highly esteemed fellow Member.

Senator Dirksen's strong character was a vibrant force in this Chamber for many years. He was, in the truest sense of the word, a fine citizen, an able Senator, and a great American.

Whatever side he took during the consideration of important legislative matters, it was with the sincere belief that he was acting in the best interests of the Nation. For it was the Nation that he put first—an America which he loved and respected, a republic which he worked hard to steer along paths charted by our wise and revered Founding Fathers.

His conservative viewpoint often served as an impressive barrier against unsound proposals and untested philosophies, but he never sought to obstruct or slow the cause of real progress.

If his adherence to basic American principles and his conservatism marked him as a member of the "old school," then I earnestly hope that this brand of American thought and tradition never fades from the political scene.

Everett Dirksen had a distinctive flair for eloquent expression, a flair sometimes referred to as showmanship. This mode of conduct was a natural part of him, a manifestation of his personality and individuality—and not merely a contrivance to gain attention.

All of us were impressed by his intriguing style of expression. His eloquence, his profound logic, and his warmly human manner were strong assets in the forceful persuasion he exerted in support of the causes that he chose to promote.

Two additional outstanding attributes of Everett Dirksen's were his unfaltering faith and his remarkable capacity for doing his homework well. Every Senator can testify to his drive and ability to handle intricate and complicated legislation on the Senate floor.

The people of Illinois—his native State—whom he so faithfully served, loved and respected him for what he was—a remarkable and dedicated statesman whose services to his State and to the Nation were of that order and quality as to command the highest praise and commendation.

My association with the Senator began in 1935, when I first served in the House of Representatives. He began his first term in the House on March 4, 1933, and he served in that body for 16 consecutive years. His service in the Senate began on July 3, 1951. He carried out his duties and responsibilities faithfully and devotedly in Congress for 35 years.

It was also my privilege to serve with him on the Senate Committee on the Judiciary for a number of years. Serving on committees with a fellow Senator gives one an opportunity to more accurately judge his personal qualities, his statesmanship capacity, and his legislative accomplishments. I found him to be generous with his time and talents in any capacity that his services were required. He always approached his duties with sincere dedication, and he served the welfare of our country according to his concepts of its best interest and security.

Everett Dirksen was a gallant champion. His vivid and influential contributions added one of the brightest chapters in the entire history of this Senate. He was a Senator who gave character and courage to all his duties in public life and who blended dignity with wit and human warmth.

His advice was constantly sought, and in giving it, he drew freely upon his extensive knowledge and rich experience. He was a man who loved nature and found much beauty in it. He could be gentle, but he could also act with the strength and determination of a man who knows no fear.

His life epitomized the essence of America—a free land where opportunity is open to all and where there are no limits to the goals which an individual can achieve. He was a living example of what can be accomplished by hard work and individual initiative in this great country of ours.

From a humble beginning, he rose to become one of the Nation's outstanding legislative leaders. His keen judgment, his colorful personality, and his sparkling oratory will be missed in this Chamber for many years to come.

I shall always remember Everett McKinley Dirksen as a sagacious, resourceful, and compelling public speaker; as a gracious and eloquent colleague in the Senate Chamber; and as an experienced and capable tactician in the legislative arena. My life was enriched by having known and served with him for many years in Congress.

Mrs. McClellan joins me in extending our heartfelt sympathy to all members of the family.

Mr. PERCY. I yield to my respected colleague from Georgia.

Mr. TALMADGE. Mr. President, the Senate today honors the memory of Senator Everett McKinley Dirksen. We all miss Everett Dirksen very much.

His passing took from the Senate a legislative leader of great talent and tremendous charm. We were not always together on every issue, and the same could probably be said of every Member of this body. But one could not serve in the Senate, on either side of the aisle, and not be very much aware of the presence and the influence of Ev Dirksen.

He possessed a nimble mind and lively spirit that enabled him to be a captivating and colorful speaker. He was in my estimation the last of the Senate's old-fashioned orators, and it is not amiss to regard him as somewhat of a legend in his own time.

Senator Dirksen was a gentle and thoughtful man. I was recovering from an operation the first weekend of September, the weekend that our colleague passed away. That Sunday night I received at my home, carnations, that had been ordered sent to me prior to his death as a token of remembrance and good wishes.

Even as he lay critically ill at the hospital, he was not remiss in this thoughtfulness of others. I was deeply touched by this gesture of friendship.

I join the Senate today in mourning the passing of EVERETT DIRKSEN.

Mr. PERCY. I now yield to my able friend from Maryland.

Mr. MATHIAS. Mr. President—

> One generation shall praise Thy works to another and shall declare Thy mighty deeds.

These words from the 145th Psalm epitomize the role of the great men, whom President Nixon has described as "the common property of the country."

Quoting a eulogy of Daniel Webster and delivering one for EVERETT MCKINLEY DIRKSEN, the President was himself participating in that historic sequence whereby one generation teaches another, and succeeding generations draw upon the wisdom of the ages. This process—using the light of the past to create the future—is a kind of photosynthesis of historical change. In recent years in America, perhaps the leading figure in this immemorial process has been EVERETT MCKINLEY DIRKSEN.

A man of Illinois, he was intimately familiar with the heroes of his State and particularly, of course, with its paramount son—Abraham Lincoln.

There were occasions when Senator DIRKSEN received almost universal acclaim, and other occasions when he seemed to stand as the only bulwark, or the only obstacle, depending on one's point of view, against some change which the rest of the country seemed to want. But whether he was riding the crest of the wave of popularity or bucking the tide, he acted with a sense of the past and a consciousness of the scrutiny of history, strengthened in daily association with its symbols in the Capitol and in the Senate Chamber.

Now his death leaves a grand canyon in the memory, in the Senate, and in the Nation's politics. It cannot be filled, for he cannot be imitated or replaced. There is no reasonable facsimile. Nor does his career and personality easily submit to the conventional language of eulogy.

For all his wide popularity and his senatorial following, DIRKSEN ultimately stood alone, outside the political catalog, evoking laughter and indignation along with his honors—but always secure in the dignity of the mystery of his land. Looking back into the canyon of our loss, one sees a marvelous shifting of light and shadow, clouds and colors across the variegated bedrock of America. DIRKSEN's mellifluous rhetoric, his endless repertory of maneuver, was a play of hues and chiaroscuro on rocks of principle, evolving, almost geologically, from the national experience.

Certainly no text of political science could have predicted or explained him. He was a product and a voice of some political and cultural alchemy of that region of the country now sometimes called the Heartland. More than a geographical area, it is a region of the national consciousness. When it changed, DIRKSEN moved, and history—in cumulative majesty—shifted. A civil rights revolution, a test ban treaty, a new internationalism were ratified. But until he moved, change stood in precarious suspension and looked back over its shoulder, nervously, at the senior Senator from Illinois, through whose bloodstream the current of our history seemed mysteriously to flow.

Now his voice is still. The country moves in a widening gyre. DIRKSEN, who had held the center, is now at rest. But he retains his hold on our imagination and our memory. Looking into the canyon, watching the clouds and shifting colors, wondering about the mystery of the man, we ponder the mystery—and the greatness—of America. And in seeking an appropriate successor to his larger role in our politics, we are surprised by the dimensions of DIRKSEN's shadow, the measure of our loss.

Mr. PERCY. I yield to the distinguished Senator from Wyoming.

Mr. MCGEE. Mr. President, EVERETT MCKINLEY DIRKSEN is gone from the Chamber—gone, but certainly not forfotten. Nor will he ever be, for his powerful influence over 3½ decades of public service has been indelibly imprinted on the legislative history of this great Nation. His example remains fresh today and will be remembered so long as laws are made in Washington. Indeed, his actions as a leader in this hall present an example to those who would follow in the hope that the Government of the United States might always be a government of the people, by the people, and for the people, to borrow the phrase of an earlier giant in our history from Illinois.

EV DIRKSEN's legacy to us, then, is an example of political leadership. He knew what leadership entailed. Sometimes it meant standing fast and stubbornly resisting. Other times it meant compromising—drawing together those with differing opinions and leading them to the acceptance of a common position. It even led to changing positions on matters of significant impact. For this, EV DIRKSEN's detractors were often wont to criticize him. But his shifts in such areas as civil rights, foreign policy, and economics were not undertaken lightly. Instead, they represented much agonizing thought and careful consideration. When he acted, it was because he deemed the national interest demanded such change.

"Stronger than all the armies is an idea whose time has come," is the famous line of Victor Hugo's. No one better understood the reason for its immortality than did EVERETT DIRKSEN.

We who knew EV DIRKSEN as a leader of men also knew him as an individual. And what an individual he was. I believe that the chaplain of the Senate, Rev. Edward L. R. Elson, in his prayer at the services held last month at the National Presbyterian Church, expressed the thoughts of those of us who knew Senator DIRKSEN, when he said:

> We thank Thee for Thy servant and our comrade, Everett, who has fought a good fight, kept the faith, finished his course and is at rest with Thee. For the nobility of his manhood, the magnanimity of his spirit, the hospitality of his mind, and the inclusiveness of his friendship we give Thee thanks. For his massive mind, his matchless speech, his powers of persuasion, and his parliamentary skills we give thanks to Thee. For his elevated patriotism and his manly piety, for his grace and dignity in public service we give thanks to Thee. For his prodigious energy spent in self-sacrificing public service, for his fortitude in suffering, and his witness to values which are everlasting, we give thanks to Thee. May the integrity of his manhood, the radiance of his character, the warmth of his personality, his gentle but subtle humor and his sense of the divine in all things human, remain as an abiding legacy for all generations . . .

Mr. President, our eulogies cannot do justice to the memory of EVERETT DIRKSEN. In recent memory, perhaps one man in our midst was capable of that. But EV DIRKSEN is gone from our midst. And he was a humble man. Probably, he would have stuck with the words he used some years ago to describe his job and his life. He wrote:

> It might be said that a Senator's work is never done. But he would not have it otherwise, for his is the privilege of serving not only the people of his State to the best of his ability, but also to serve the Nation.

EV DIRKSEN so served, and his life's work will long be remembered. By his example, his work goes on.

Mr. PERCY. I yield to the able Senator from Maryland.

Mr. TYDINGS. I knew EVERETT DIRKSEN as a master legislator, a skillful adversary, a determined advocate, and a warm and good friend.

It was our lot to oppose each other almost continuously for the past 4 years on one of the central national issues of our time. In Congress and in State legistures from one corner of our Nation to another, the fate of the one-man, one-vote rule dominated our relationship. I supported this theory of representative government. The main effort to reverse it bore his name—"the Dirksen amendment."

Senator DIRKSEN liked to win, and he gave no quarter in legislative battle. But he was also magnanimous and generous. Despite our differences and our hard contests, I frequently sought his advice. He never begrudged it. He was a kind and thoughtful counselor, a gentleman, and a friend.

The news of Senator DIRKSEN's death came as a shock, for just days before he was in the Chamber, speaking with his usual eloquence. In spite of frequent illness, Senator DIRKSEN remained a superb legislator, a skilled leader, and the respected spokesman of his party in this body. The Senate will not be the same without Senator DIRKSEN. We shall miss his quick wit, his keen intelligence, and his great parliamentary skills. We shall remember him as one of the great Senate leaders of our times, and I believe that that is how he would like to be remembered.

I feel that Senator DIRKSEN's greatest moments came at the beginning of this decade: In 1962 he supported the bond issue that saved the United Nations from bankruptcy; in 1963 he backed the Nuclear Test Ban Treaty; and in 1964 he voted for the Civil Rights Act. In each of these instances, the Senator's support and leadership made the difference between success and failure for this landmark legislation. In each instance, Senator DIRKSEN was initially skeptical and under partisan pressure to oppose. But in each case the Senator ultimately stood above party, took an historical perspective, and moved our Nation forward. He understood that a Senator must be more than a sum of the interests of State and party. Such is the stuff of great leadership, and today we mourn the passing of a great leader.

Mr. PERCY. I yield to my distinguished colleague from Hawaii.

Mr. INOUYE. Mr. President, the passing of EVERETT McKINLEY DIRKSEN was a loss to the people of America, but it was an even greater loss to his Senate colleagues. For EVERETT DIRKSEN was—more than any other Member of this body in our time—a Senators' Senator.

During his years in this body, he has left his mark on so much of the legislation which has been enacted. We in Hawaii will particularly remember him for his crucial support of some of the key issues which have confronted this Nation during our decade of statehood—as well as his support for the measure which gave us statehood. It was his support which made effective civil rights legislation a fact rather than a dream during this decade. His approval was the key to the passage of the Nuclear Test Ban Treaty. We could list many more, for during these years Senator DIRKSEN was center stage on almost every piece of major legislation considered by Congress.

He will be remembered most, however, by those who have shared these labors not for the positions he upheld or the contributions he made in the form of amendments, laudatory though so many have been, but for the inconsummate flair and skill with which he made his presence known. In support he was a shining knight—in opposition he was a lovable rascal as well as a most worthy and respected opponent.

We shall miss EVERETT DIRKSEN, as will our Nation's people. But we will carry with us a host of happy memories of the days and years that we have been privileged to share together in these legislative halls. And when most of the history of this period is long forgotten, the name of EVERETT McKINLEY DIRKSEN will continue on the lips of those who follow.

Mr. PERCY. I yield to the distinguished Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, with Senators on both sides of the aisle, I join in expressing the sincere sense of loss we feel at the absence of our friend and colleague, Senator EVERETT McKINLEY DIRKSEN.

EV DIRKSEN and I first came to Congress together as freshmen Representatives in the 73d Congress, following our election in 1932. Though our views on many issues differed, we maintained a close personal friendship over the years.

EVERETT DIRKSEN's service to his country was long and illustrious. As Representative, as Senator, and as minority leader he was always most knowledgeable. It can truly be said of him that he was skilled and experienced in the science of Government.

Throughout his final few years in the Senate, he attained the heights of greatness and enjoyed the affection and admiration of millions of Americans. He suffered great pain during the last few years of his life and was frequently hospitalized. In the end he passed on painlessly, peacefully, and suddenly. Just as was written in 2 Timothy IV he could have truly said:

> I have fought a good fight. I have finished my course. I have kept the faith.

During the last 10 years of his service as a Senator of the United States, it seems probable that his speeches in the Senate and his votes as senior Senator from Illinois and minority leader of his party in support of civil rights legislation and his speeches and all-out support of ratification of the Limited Nuclear Test Ban Treaty between our Nation and the Soviet Union will be the most remembered.

EV DIRKSEN will long be remembered in the hearts of all who knew him, worked with him and had the privilege of his friendship. The Nation has lost one of its finest public servants. No words of mine can assuage the anguish and bereavement of his family, but Mrs. Young and I express our heartfelt sympathy to Mrs. Dirksen and to their daughter, Mrs. Howard Baker, for the great loss that they, together with our Nation, have sustained in his passing.

Mr. PERCY. I yield to my colleague from Alabama.

Mr. ALLEN. Mr. President, I know that the people of Alabama want me to participate in honoring the memory of Senator EVERETT McKINLEY DIRKSEN, and to convey for them a sense of their high esteem for his life and works.

It is a matter of sincere regret that I cannot speak with the same authority as can Senators who over the years have enjoyed a close association and friendship with Senator DIRKSEN. I necessarily speak from the limited acquaintance of those of us who entered the Senate at the beginning of the 91st Congress.

Yet, limited as this acquaintance may be, it began from a firm foundation of respect. All Alabamians respected Senator DIRKSEN. We came to know him over the years primarily through knowledge of his positions on important national issues and for his leadership role in helping resolve those issues.

I think it a mark of the character of Senator DIRKSEN that Alabamians could disagree with him on particular issues, just as they disagreed among themselves, but could agree and did agree in according him utmost respect in recognition of the integrity of his motives and the sincerity of his convictions. Such a respect transcends the issues and it transcends ephemeral public opinion. Such respect is a tribute to his character, and it is evidence of no mean achievement in political leadership—one to which all of us aspire.

Mr. President, my initial respect for Senator DIRKSEN was quickly allied with sincere admiration—a result attributable, in part, to exposure to his eloquence. I have never listened to Senator DIRKSEN in debate that the experience did not call to mind the words of Montaigne, who said:

> I would have my voice not only reach my listeners but perhaps strike them through.

And just as surely as the eloquence of Senator DIRKSEN made his audience captive so also did his words "strike them through." But it was not alone his eloquence that I admired. I think my admiration was as much due to his incomparable dedication to the duties of a Senator and to those of minority leader in particular.

Mr. President, all of us know that responsibilities of the minority leader carry with them arduous, time-consuming duties under the best of circumstances, and we know that these can become doubly arduous and doubly important during periods of turbulent and rapid changes in our Nation. So very often as I sat and listened to Senator DIRKSEN, I recalled the trying circumstances under which he labored as minority leader in years past; and I came to appreciate more than ever the importance of Senator DIRKSEN's leadership during those crucial years.

Mr. President, Senator DIRKSEN served as minority leader during a period in our history when the leadership of a victorious national political party had firm control of both the executive and legislative powers of Federal Government. A majority of the members of the Supreme Court were of the same political philosophy as the victorious party in control of the executive and legislative powers. The bars of separation of powers were down. At such times there is danger that national legislation may be enacted on whim and caprice uninhibited by checks and balances. Our system of checks and balances is meaningful only so long as there is genuine separation of powers between the legislative, executive, and judicial branches of Government. At the time of which I speak separation was more in appearance than in fact. During this period Senator DIRKSEN, in the role of minority leader, vigorously challenged each revolutionary innovation and warned of each new delegation of power. He was tireless in his efforts to check what seemed to me at the time to be an almost frenzied delegation of legislative powers without adequate safeguards on the powers delegated.

Mr. President, I believe most sincerely that unless our people are prepared to deny the past as mentor and guide that there must be in the Senate a courageous, dedicated, and competent opposition to defend fundamental principles of our Government to the end that these principles be neither abandoned nor temporarily forsaken for whatever reason. This was the role that Senator DIRKSEN performed so admirably and it is to his eternal credit that although overwhelmed by numbers time after time, he did not lose his taste for battle. He did not flee the fray but time and again marshaled his forces and prepared to give battle again on another front on another day.

Mr. President, these are the considerations that invoked in me an unashamed admiration of Senator DIRKSEN to add to my great respect for him. These considerations lead me to believe that the measure of Senator DIRKSEN has not yet been taken. I doubt that his contemporaries can take that measure. I suggest that from the perspective of time—when more people better understand the period in which he served as minority leader and when the real issues are dispassionately evaluated—at such time, Mr. President, I believe that many of his positions will be vindicated and that a whole Nation will gladly bestow the coveted laurel, "A Great Statesman," and revere his memory. On behalf of all of the people of Alabama I salute his memory.

Mr. PERCY. I yield now to the able Senator from New Mexico.

Mr. ANDERSON. Mr. President, the voice we are missing here today is that of EVERETT DIRKSEN himself. Since his untimely departure, the Chamber has been without the eloquence and soaring rhetoric that only he could impart. His style was perfectly suited to occasions such as this today, when an extra measure of grace and spirit was needed. And so it is today, when we miss him the most, that we need him the most.

I welcomed Ev DIRKSEN to the Senate in 1951, now almost two decades ago. During the course of those years, he became and remained a valuable friend and trusted colleague. Although we sat on opposite sides of the aisle, and although EVERETT DIRKSEN was known as a shrewd and effective operator when the need arose, he never let petty partisanship dominate him.

In retrospect, we could recall his invaluable contributions to the passage of the Nuclear Test Ban Treaty, or the Civil Rights Act of 1964, or innumerable other monumental pieces of legislation. These historic legislative landmarks give permanent proof of Senator DIRKSEN's abiding sense of decency and of his statesmanship in the national service. It is because of these contributions that he will be remembered by future generations.

And yet, for those of us who knew EVERETT DIRKSEN well, and worked with him day by day, we find that we remember him as much or more for his neverfailing wit, his flowing eloquence, that indefinable quality we know simply and inadequately as "style." This is how we knew him, and this is how we will remember him.

Mr. PERCY. I yield to the able Senator from Wyoming.

Mr. HANSEN. Mr. President, millions of words have been spoken and written about the subject of today's observavations. And within recent weeks many thousands of others have been added to those of past years, in connection with the death of Senator DIRKSEN.

The passion of momentary judgment during the years of his life, particularly in the zenith of his career as Republican leader of the Senate, and the somber assessments that always accompany the finality of death, when all contest is stilled, will doubtless both be measured by the historians of the future in their judgment of EVERETT MCKINLEY DIRKSEN. What we say here today no doubt will add little to their evaluations.

Nonetheless, I should like to offer my comments about this kindly, dedicated, and worthy man and colleague, for what ever worth they may be, for the moment or for the future, and based on my comparatively brief relationship with him over a period of some 2½ years.

My lasting impression will always be, first, of one imbued with kindness and with a tolerant and generous regard of his fellow man, and of that person's foibles and entrapments. Ev was particularly concerned with those seeking to cope with difficult or unfamiliar situations.

EVERETT DIRKSEN was essentially a kind man—with a kindness that was not just the basic distillation of sympathy, but of solicitude combined with a desire to be helpful as well, where assistance might be rendered when indicated.

For that very reason, he also had to be a simple man despite the popular impression conveyed by many observers; for it was clear that his value system was one based on fundamentals long established in our society.

His obvious and unrestrained love of a particular type of flower has been pointed to in various ways; yet this esthetic, spiritual association with the marigold also establishes both his basic simplicity and his reverence for the mysteries and wonders of nature.

This real quality in his makeup also has been misconstrued in his political leadership, especially with respect to his occasional tendency to change his mind about an issue; yet, had he not been an honest and simple man with the moral courage to alter a previous decision or stand on a matter, then he would have been something else. It is one thing to remain steadfast in one's views; it is something else to refuse to consider or to accept the advice, suggestions, recommendations, or views of others.

In his lifetime, some described his great power of oratory, one of the most remarkable gifts that has been given to any public leader in the world in our time, as old fashioned. But none denied its effect. There were frequent descriptive references to his voice as organ toned, indicative of the fact that mere words failed to adequately convey the real measure of its power. Senator DIRKSEN was likened to giants of the past such as Henry Clay or, more often, Daniel Webster; but he was none of these. He was, in his own right, his own man—and history will so record him.

Here in this Chamber, in this great building that symbolizes our Nation and its works, he for many years added immense dignity to all legislative endeavor. His keen mind cut through the emotion that can so often cloud issues in debate, and helped lay the facts before those who required them—with persuasive logic.

EVERETT DIRKSEN was the minority leader, but he was adept at compromise without forsaking basic principle, and often he was the leader of the entire Senate—a Senate willing to be led at times by a minority leader of his integrity and dedication to our great country.

He was the leader of a loyal opposition during terribly trying years when it could be extremely unpopular to offer opposition; yet his strong stands gave the Senate and the people of America time to reflect and reason—time to hear all sides of a question and often time to reconsider—and to find a better way.

History, ultimately, will record that EVERETT DIRKSEN was more often right than wrong; and even when wrong, he caused Americans to think and to find the path that was the right one. For that reason, his contributions to all of us—but above all, to the glory and majesty of the United States of America, which he revered—are vast and immeasurable.

He will always be loved by all of us; but most of all, he should be loved by the people of America, for whom he rendered so much in a relatively brief span of years.

Mr. PERCY. I yield to my colleague from Massachusetts.

Mr. KENNEDY. Mr. President, I rise today to join my colleagues in the Senate in paying tribute to one of the most capable and hardworking and forceful Members ever to serve in this body. Senator EVERETT DIRKSEN of Illinois set a standard of service to his State, to his party, and to his Nation, to which all of us can aspire, but which few of us can ever hope to achieve.

He had a talent for leadership, an insight into history, and a capacity for action which together enabled him to play a key role in one of the most productive eras the Congress of the United States has ever known. He loved the two-party system and he worked hard to keep it strong and to use its power at the right times and in the right places. But he often recognized that national interests could supersede partisan interests, and on those occasions he would not hesitate to put partisan interests aside.

For those of us who entered the Senate when his star was already in its ascendancy, he was a teacher and an example and an inspiration. He tutored us, just by being himself, in the art of eloquence, the skill of advocacy, the science of compromise, and the power of persistence. As a national official, as a Senator, as a lawyer, and as a man, he was of first rank. We will all remember him well, and we will miss his presence here.

Mr. PERCY. I yield to the able junior Senator from New York.

Mr. GOODELL. Mr. President, how a man is remembered often rests in the legacy he leaves behind him. Our late beloved colleague, Senator EVERETT MCKINLEY DIRKSEN, left to his country a legacy of public service and a legacy of life that will not be forgotten.

With undue modesty EVERETT DIRKSEN once characterized himself as "a garden variety Republican." We who knew him and served by his side in the Senate would never accept this as an accurate description of the man. Surely, he was no less than a skilled legislator, a powerful politician, and, as President Nixon said in his eulogy, "a remarkably likable man."

Throughout his years of public service, he deftly combined legislative ability and political acumen to leave us his legacy of leadership.

Few men equal his accomplishments in a congressional career spanning nearly 40 years. Through dedication, hard work, and a disciplined mind, EVERETT DIRKSEN quickly rose to prominence as a leader in the other body where he served for 16 years. The Senate, however, was his natural arena and, since his election to this body in 1950, no other Member equaled his leadership capacity.

As a legislator, he believed in the most basic of legislative principles—acceptable compromise. He said:

> Legislation is always the art of the possible. If you follow a course of solid opposition, you can create a stalemate but that is not in the best interests of the country.

With this attitude he pored over bills, line by line, to creat acceptable compromises. With this attitude, he steered critical legislation through Congress such as the United Nations Bond Bill of 1962, the Nuclear Test Ban Treaty of 1963, the Civil Rights Act of 1964, and the Voting Rights Act of 1965. Without Senator DIRKSEN's "art of the possible," these major legislative victories may not have occurred.

As a political leader, Senator DIRKSEN devoted his considerable energies in and out of Congress to the Republican Party. For almost three decades he worked for Republican election victories. In the Senate, he was fated to serve always as the minority leader—leader of the loyal opposition. But, he became a friend and counsel of Presidents and no Member of this body had a greater impact during the years of Democratic administrations. His influence extended far beyond the numbers of the minority party.

Senator DIRKSEN's conception of what was best for our country changed throughout his service. He often said that "change is eternal" and he was the first to admit that his earlier opinions did not stand up. This flexibility, often in the face of conflicting pressures from his constituency, was respected for no one doubted his devotion to this country. In 1963, Senator DIRKSEN surprised the Senate by voting for the Nuclear Test Ban Treaty, a treaty he had previously opposed. His explanation reveals the independence of a man never too old to change his mind even amidst strong opposition.

He said:

> It is no easy vote. In my office are probably 40,000 letters, and on my Capitol desk are petitions containing 10,000 names in opposition to the treaty. But I must equate those against the whole number of electors in my state. Moreover, I have admonished them over and over again that, regardless of the entreaties and presentations that have been made to me, I feel that I must follow a type of formula laid down by Edmund Burke, the great parliamentarian and prime minister of Britain, when he said it was his business to consult with his people, but it would be a betrayal of his conscience and a disservice to them if he failed to exercise his independent judgment.
>
> So today my statement that I shall support the treaty is an exercise of my independent judgment based upon what I think is best for my country.

Those of us today who feel we must exercise independent judgment have a firm precedent in the life of Senator DIRKSEN, who often exercised strong convictions in the face of strong opposition. As Senator DIRKSEN once said:

> We must stand up and be counted in our generation.

Cooperation, enthusiasm, and strength were part of EVERETT DIRKSEN, the leader. These qualities were also inherent in his legacy of life—in EVERETT DIRKSEN the "remarkably likable man."

I shall always remember him as a man who enjoyed life—a man who went about his life's work with joy and enthusiasm. This enjoyment pervaded his diverse activities no matter if that work happened to be steering a major piece of legislation through the Congress, orating before an enthralled audience on subjects ranging from marigolds to missiles, tending to his garden at home, or even making best selling record albums.

This enthusiasm was matched by a personal strength and determination which allowed him to overcome critical physical affliction. He confounded medical experts predicting loss of his eyesight. He retired from the other body, spending 2 years to recover from this affliction. When he recovered, he ran for the Senate and defeated the majority leader in that election. Later, he was continually bothered by a succession of recurring illnesses. But he never allowed these difficulties to interfere with his life's work and succeeded in spite of them.

Which one of us never felt Senator DIRKSEN's strength and enthusiasm? Because of this he was an effective leader. But because of it he also was a friend. No one of us agreed with him on every issue. And so we would drift into opposing camps for a time. But it was his style and ultimately his strength to never oppose so vigorously as to lose a friend.

We have lost a friend. We have lost a leader. But in this loss, we feel a deep respect and admiration for his memory.

Many have said that Senator DIRKSEN was a product of an earlier era, a touch of Americana in the space age. These phrases are no disservice to his memory. He served his country and spent his life with a robustness and vigor that could only be the spirit of America. He faced the failures and successes of his life with a dogged determination to correct and perfect himself. This is the essence of his legacy. May we take this legacy and have the strength to apply it in our deliberations as public officials and individual men and women.

Mr. PERCY. I yield to a colleague who was for many years a friend of the man we are honoring today. The distinguished senior Senator from Utah.

SENATOR EVERETT DIRKSEN—A GIANT OF A MAN

Mr. BENNETT. Mr. President, the death of EVERETT MCKINLEY DIRKSEN last month brought a sense of loss to the Senate—and to me in a very personal way—that will be felt for a long time to come. This Chamber will always remain a little empty without him.

Senator DIRKSEN's untimely passing has deprived the Senate and the Nation of one of its most vibrant personalities. He had come to be almost everyone's image of what the U.S. Senate was and still is.

It was not just the commanding presence, resonant voice, or patented Dirksen style that made him so vital. It was rather his forthright love of America and her noblest traditions, and his devotion to his service here on behalf of the people of Illinois.

He was unquestionably fired by a deep and very real patriotism, which fortuitously was recorded for posterity in the record albums he cut. Although some cynical commentators derided Senator DIRKSEN's unabashed Americanism, those of us who knew him well can testify to its efficacy in motivating this great statesman to help make possible the landmark legislation associated with his name.

For all his flamboyance and drive, it was Senator DIRKSEN's great genius for necessary political compromise both within his own party and between the two political parties that resulted in so much significant legislation.

On a personal basis, it was an honor to be among those who came into the Senate with EVERETT DIRKSEN in 1951, to have served with him on the Senate Finance Committee, and to have lived in the same apartment building with him and Mrs. Dirksen for many years. And, in the Senate, it was a privilege to work alongside this giant of a man whose tolerance and understanding provided so much to all of us. Truly, he was a Senator's Senator.

Senator DIRKSEN dedicated more than a third of his life to service in the House of Representatives and the Senate. Although the system inevitably carries on in the absence of any man, his passing has left a void in each of us.

The Senate is poorer for his passing.

I ask unanimous consent to have printed in the RECORD an editorial published in the Salt Lake Tribune of September 9, following Senator DIRKSEN's death.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GRAND OLD MAN OF POLITICS

No question about it. EVERETT MCKINLEY DIRKSEN will be missed. He was one of the most powerful men in Washington, a past master of political strategy, a resourceful party leader, and, perhaps most important of all, a man who was not afraid to change his mind. His death this week at the age of 73 will be mourned across the nation.

When DIRKSEN was elected to the House of Representatives in 1932, he was an isolationist, as were many of his fellow Americans. But the nation changed and so did he, and as a senator he was a staunch supporter of the foreign policies of Presidents Eisenhower, Kennedy, Johnson and Nixon. He also moved from conservatism to a middle-of-the-road position as the years passed.

DIRKSEN served more than a quarter of a century on Capitol Hill—16 years in the House followed after a two-year "recess," by 19 in the Senate where, in 1959, he was chosen majority leader. A year later, however, the Republicans lost control of the Senate and for the rest of his career he was minority leader.

Ordinarily, that is not a position of much influence except in party affairs. DIRKSEN played the game differently. Democrats Kennedy and Johnson often relied on Republican DIRKSEN for help on legislation and he usually delivered. He rallied the votes needed to break the filibuster against the civil rights bill of 1964 and played a key role in winning ratification of the nuclear test ban treaty. Interestingly enough, on several occasions Republican Nixon found himself at odds with Republican DIRKSEN.

Much has been made of DIRKSEN's oratorical style which was florid and somewhat old-fashioned. That may have been one reason the senator adopted it. He was a showman who thrived on attention. He also knew how to use the English language with telling effect. When he spoke, despite the clouds of words, his meaning was perfectly clear.

We leave it to the historians to add up

the pluses and minuses of DIRKSEN'S career. But we can with confidence say that he leaves a great vacancy. How could it be otherwise when he was at the center of affairs for so long and so intimately involved in almost everything that went on in Washington? He was in truth the grand old man of American politics.

Mr. PERCY. I yield to the able gentleman from Arizona.

Mr. GOLDWATER. Mr. President, to try to express my thoughts and my emotions wrapped up with EVERETT DIRKSEN is an impossible task from the very outset, because my mind does not know the words to express the feeling in my heart.

I first remember this wonderful man on the roof of the Adams Hotel in downtown Phoenix on a bright, moonlit night, the sky studded with the brilliant stars of the desert. He was talking to me, urging me to run for the U.S. Senate, and this was my first interest in obtaining the position I now hold. I decided that night to do it, and told him I would, and from that moment there was just a wonderful, warm, and close friendship that few men ever have the pleasure of experiencing.

He once called himself my political godfather, and I would have to admit that this is true in every sense of the word, because I cannot remember a time when I went to him for advice and counsel that he did not give it his wholehearted wisdom. I remember, in particular, his counseling me during the troubled days of 1963 when I was trying to make up my mind whether or not to seek our party's nomination, and his advice was always sound, was never pushy, was always restrained, but the message came through that he thought I should do it, and this decision on his part is one of the major reasons I made the race.

I remember the night he came to my apartment in 1964 to read to me the nominating speech he had prepared after I had asked him if he would place my name in nomination in San Francisco. I do not mind saying that there were tears in my eyes as he read this straightforward, simple, and plain message of nomination, and the night that he made it in the Cow Palace, in San Francisco, will remain with me forever as one of the highest moments of my life.

I followed him as chairman of the senatorial campaign committee and his help was ever present. He volunteered and served briefly on the Labor and Public Welfare Committee to help us work out a bill to help end the abuses practiced by some of the leaders of labor. No one will ever know his major contributions to the conference that produced the Landrum-Griffin bill, and I feel that he, with all deference to the others, more than any other member, was instrumental in putting together a bill which readily won the approval of both Houses.

Having served with him in politics for so long, it is not easy to think of continuing to serve without him. He had become so much a part of my life, and the life of the Senate. We will all miss him; I, perhaps, a little more than most of the rest. As I said at the outset, I wish there were words to convey what I really feel, but I think as Louella and the other members of his family read this, they will know in their hearts what I am trying to say.

Mr. PERCY. I yield to the able Senator from Nevada.

Mr. CANNON. Mr. President, once again we stand on this floor in sorrow to pay our respects to a departed colleague—a true, loyal and devoted patriot of our Nation.

The many years EVERETT MCKINLEY DIRKSEN served as statesman and Republican leader attest to his devotion to our great Nation and to the well-being of its citizenry.

He was motivated by the highest principles of representative government of which he was a part. He translated his firm belief in the basic tenets of democracy into actions which benefited the Nation, his State, and his constituency.

He was an American who cultivated the chivalric virtues of public life—love of combat in statesmanship, high sense of honor, practical acceptance of the standards of party loyalty, and acceptance of political life as a game to be played according to the rules.

Senator DIRKSEN'S service to his country will be sorely missed by his colleagues as well as the Nation. Presidents leaned on EVERETT DIRKSEN to provide the needed margin of support in some of the most important and historic legislation of our times. His eloquence and wit often cut through to the heart of our complex national issues and exposed the core of these problems to the American people.

The memory of EVERETT DIRKSEN will long live in these Halls and in the Nation. To his family I extend my deepest sympathy.

Mr. PERCY. I yield to the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, in the span of more than three and a half decades in which the people of Georgia have permitted me to serve in this body, I have had a unique opportunity to be closely associated with a great many Senators. High on the list of those whose memory I shall always treasure is our late colleague and my distinguished friend, EVERETT MCKINLEY DIRKSEN.

While there may have been some who were as colorful, he was unique among the figures who have passed across this stage. Through the miracle of modern communications, he was a familiar figure in every household in the country and his characteristic style and oratory endeared him to the American people. The affection with which he was held was as great in Winder, Ga., as it was in Pekin, Ill. He was loved and respected by the public at large and, as a result, the respect of the American people for this body was enhanced.

When he spoke, the Nation listened, and his eloquence was a source of national strength. His voice broke through the barrier of cynicism that characterizes so much of the spoken and written word today, and what he had to say about the values and traditions that we as a nation cherish was good for Americans to hear.

As much as he was a man of the public, he was also a Senate man and a fierce guardian of the qualities and characteristics that set this institution apart from other legislative bodies. It was always a comforting feeling to be on the same side with him on any issue and his passing has left a void in this Chamber that we can ill afford.

I feel uniquely qualified to speak about one of his more admirable traits—his capacity for dealing with physical infirmities. He had the tenacity and drive to keep his shoulder to the wheel in spite of discomfort and suffering, and he was fighting to return to his leadership desk when he received his final call. We often swapped treatments and worldly remedies, but in the final analysis he always knew his physical well-being was in the hands of providential power. I believe I know how he accepted death because I knew so well how he had lived.

Mr. PERCY. I yield to the distinguished Senator from Maine.

Mr. MUSKIE. Mr. President, EVERETT MCKINLEY DIRKSEN was a skillful, resourceful, and eloquent spokesman for his party and for the causes to which he dedicated his life.

To those of us who fought battles against him from the other side of the aisle, he was fair and he was thorough.

On other occasions, I had the honor to participate in Senate debate on the side which Senator DIRKSEN helped to lead. I know that if it were not for Senator DIRKSEN there may not have been a Civil Rights Act in 1964. I know that if it were not for Senator DIRKSEN there may not have been a Nuclear Test Ban Treaty.

The minority leader never deserted what he believed to be the best interest of the American people. And for that reason, few public figures have ever generated greater affection from so many Americans.

Mrs. Dirksen and her family have my deepest sympathies, and his colleagues and the public will always miss his presence in the Senate Chamber.

EVERETT M'KINLEY DIRKSEN: A UNIQUE FIGURE

Mr. CHURCH. Mr. President, it is appropriate that we set aside time to pay our respects to the late Republican leader of the Senate, who served his party and his country in such a memorable way.

Everett Dirksen brought the embellishment of the past to the politics of the present. His grandiloquence made him a unique figure, an authentic product of an earlier period who remained prominent and powerful to the moment of his death.

We will not see the likes of him again.

Mr. PERCY. Mr. President, I believe that I can speak for hundreds of thousands if not millions of women in Illinois who not only knew EVERETT DIRKSEN, but also have known his wife, Louella Dirksen. They have heard her speak, and they have seen her stand in, on occasion, for EVERETT DIRKSEN when he was unable to appear. She has traveled with him through the years throughout the State of Illinois. The affection and regard in which she is held, and the admiration the people of Illinois have for her, know no bounds. It would not be proper, in the eulogies that have been offered, to close without paying great tribute to Louella Dirksen, not only for what she has meant to our State, but for what she meant to EVERETT DIRKSEN. At times of illness, at times of disappointment and at times of despair, she always stood by his side and provided the necessary resilience and inspiration to help and sustain him.

His daughter, Joy Baker, has shared a life of politics. She had, I suppose, the same fortune that children of other politician became a Member of this body. than she otherwise would have. But she has been understanding and patient, and a great contributor; and she certainly knew what she was getting into when she married a politician, and that politican became a Member of this body.

The fact that we are politicians does not necessarily mean, though we are away from our children more, perhaps, than people in business and other professions, that we cannot inspire them; and, certainly, Joy Baker has had the opportunity to be inspired, not only by her father but by her husband.

Senator DIRKSEN's great pride in his son-in-law and colleague, Senator HOWARD BAKER, was apparent for all to see. They shared mutual respect and admiration.

Lastly, EVERETT DIRKSEN's two grandchildren, Darek and Cynthia, were the great joys of his life. Nothing pleased him more than to be able to be with them, to tell them stories, and to expound to them on life, and they had great affection and regard for him. I was very pleased indeed that they were able to be present in the Capitol today, as they have been many times before, to observe their grandfather work in the place he loved to be, the floor of the U.S. Senate.

Mr. BAYH. Mr. President, for 35 years EVERETT MCKINLEY DIRKSEN unselfishly and devotedly served his Nation as an elected representative with honor, dignity and everlasting credit. Now he has been removed from our midst. Although his influence upon the work of the Senate and on Federal legislation will endure for generations, the voice of one of our most eloquent Members will no longer echo within these halls. The loss of this remarkable statesman from the land of Lincoln is mourned not only by his colleagues but by the general public which respected and admired him for his many lasting contributions to the general public.

Endowed with a brilliant legislative mind, blessed with an entertaining sense of humor, and gifted with a distinctive style of oratory, Senator DIRKSEN became a legend within our times. He continually endeavored to serve the best interests of the Nation through his leadership and support for countless measures of significance, whether sponsored by his party or not, which he believed would be of public benefit. He was truly a patriot, dedicating his life to the formulation and enactment of legislation designed to improve society and the common weal.

It was my pleasure to serve for nearly 7 years on the Judiciary Committee and several of its sub-committees with Senator DIRKSEN. Although our positions on policy issues did not always concur, I found him to be a remarkable man and a devoted servant of the people, always searching for the best solutions to all problems confronting us. He was noted for his reverence for the law and his belief in upholding the fundamental concepts and basic provisions of the United States Constitution. I am personally indebted to Senator DIRKSEN for his work on the Subcommittee on Constitutional Amendments, especially his assistance in helping secure Congressional approval of the 25th amendment to the United States Constitution.

In later years Senator DIRKSEN exhibited his many diversified talents through occasional public entertainment appearances. He performed in this capacity with unmatched skill. His ability to find humor hidden within the most trying issues, his distinguished oratorical style, and his flamboyant charm endeared him to the hearts of all America. Seldom has a Member of Congress been more respected or better known by people from all sections of the country as well as his home State.

The Senate and the Nation has suffered a grievous loss with the passing of Senator DIRKSEN. The citizens of Indiana join me in expressing our sadness at the death of this great man and in extending to Mrs. Dirksen, her family, and to all the citizens of Illinois our deepest sympathy.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred as indicated:

STATUS OF APPROPRIATIONS BILLS

A communication from the President of the United States, relating to the status of appropriations bills; to the Committee on Appropriations.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on the enforcement of title II (extortionate credit transactions) of the Consumer Credit Protection Act of 1968 for the fiscal year 1969, dated October 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the Bank on its operations from July 1, 1968 through June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED AMENDMENT OF SECTION 3731, TITLE 18, UNITED STATES CODE

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 3731 of title 18, United States Code, relating to appeals by the United States ir criminal cases (with an accompanying paper); to the Committee on the Judiciary.

PROPOSED AMENDMENT OF TITLE 18, UNITED STATES CODE

A letter from the Attorney General, transmitting a draft of proposed legislation to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President (with an accompanying paper); to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. COTTON, from the Committee on Commerce:

Dean Burch, of Arizona, to be a member of the Federal Communications Commission.

By Mr. PEARSON, from the Committee on Commerce:

Robert Wells, of Kansas, to be a member of the Federal Communications Commission.

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard. Since these nominations have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

David A. Potter, and sundry other officers, for promotion in the Coast Guard;

Alan B. Pell, and sundry other Reserve officers, for assignment in the Coast Guard;

Louis K. Bragaw, Jr., and sundry other officers, to be members of the permanent commissioned teaching staff of the Coast Guard Academy; and

Tomas W. Wolfe, and sundry other officers, for promotion in the Coast Guard.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Henry J. Costanzo, of the District of Columbia, to be Executive Director of the Inter-American Development Bank;

Scott Heuer, Jr., of the District of Columbia, to be Inspector General, Foreign Assistance;

Anthony Faunce, of Massachusetts, to be Deputy Inspector General, Foreign Assistance;

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Burundi;

John F. Root, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Ivory Coast;

Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development; and

Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MATHIAS:

S. 3091. A bill to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md.; to the Committee on Government Operations.

By Mr. TYDINGS:

S. 3092. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act, to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Commerce.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. CRANSTON (for himself, Mr. Murphy, Mr. Muskie, and Mr. Nelson):

S. 3093. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cranston when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3092—INTRODUCTION OF A BILL TO BE KNOWN AS THE "CONSUMER CLASS ACTION ACT"

Mr. TYDINGS. Mr. President, last spring I introduced in the Senate, legislation, S. 1980, designed to provide consumers with an effective means, the class action, for fighting the consumer fraud and overreaching practices that are sometimes perpetrated against them. In July, the Senate Subcommittee on Improvements in Judicial Machinery of which I am chairman, held hearings to consider the merits of this legislation.

Testimony was heard from an impressive group of witnesses, including among others, Congressman Eckhardt, who had introduced a companion bill in the House of Representatives, Virginia Knauer, Special Assistant to the President for Consumer Affairs, Ralph Nader, the "consumer watchdog," and Bess Myerson Grant, commissioner of the Department of Consumer Affairs for the City of New York. Each of the witnesses called for the creation of an expeditious and effective private procedural remedy for consumer frauds, a remedy that will make it economical to litigate violations of consumer rights, a remedy sufficiently attractive in its potential financial award to enlist the aid and support of the private bar.

All of them agreed that the solution most readily at hand is the "class action" and, in particular, the broad, modern class action rule available in the Federal courts. A class action compensates for a single consumer's inability to litigate a small loss by enabling representatives of a group with similar injuries to place a group injury in issue.

The legislation that I introduced would give consumers the benefit of the Federal class action rule by permitting class actions based on violation of State consumer protection laws to be brought in Federal courts regardless of the domicile of the parties or the amount in controversy.

In her testimony before my subcommittee, Mrs. Knauer, speaking for the administration, suggested legislation to permit consumer class action suits for the broad range of practices defined as "unfair or deceptive" under the decisions interpreting the Federal Trade Commission Act. Although her proposal was somewhat different from the legislation that I had introduced, Mrs. Knauer joined the other witnesses in approving the underlying philosophy of my bill.

The administration has not, as yet, sent to Congress a bill embodying Mrs. Knauer's proposal and it is, therefore, not clear exactly what form that legislation will take. Since the hearings, however, I have had the opportunity to study the testimony of Mrs. Knauer closely and to discuss her suggestions in depth with representatives from her office. I have concluded that the proposal is a valuable one, one that complements the legislation that I introduced last spring. Congressman Eckhardt and I have now drafted a bill that combines Mrs. Knauer's proposal with our own. Today, I am introducing this bill for appropriate reference. I invite the administration to study this new bill carefully and to work with us for the enactment of strong consumer class action legislation by this Congress.

I ask unanimous consent that the bill be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3092) to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act, to consumers through civil actions, and to provide for class actions for acts in defraud of consumers, introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Class Action Act".

Sec. 2. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following:

"(m) Consumers who have been damaged by unfair or deceptive acts or practices in commerce are hereby authorized to bring consumer class actions for redress of such damages. Such actions shall be brought as consumer class actions in accordance with section 4 of the Consumer Class Action Act."

Sec. 3. (1) Congress hereby declares that the protection afforded under the existing Federal Trade Commission Act is not sufficient to prevent unfair and deceptive acts perpetrated against consumers and that consumers should be allowed to sue directly for redress in the case of such practices. Congress, therefore, finds and declares that class actions are the most effective machinery for redress of consumer rights.

(2) Congress further finds and declares that many substantive rights to protect consumers are established in the laws of the States, but there is no remedy by which many persons, each having a small claim, can obtain effective redress under State law. Therefore, it is in the public interest to embrace as Federal law certain State recognized rights and afford a uniform Federal process, by consumer class actions, as an effective remedy.

(3) Congress further finds that the lack of an effective process and remedy in these respects impairs the free flow of consumer goods in commerce and that there is an overriding Federal interest in achieving candor and fair dealing in the marketplace, an interest which, if not protected, clogs the entire economy.

Sec. 4. (a)(1) An act in defraud of consumers which affects commerce is unlawful and the district courts of the United States shall have original jurisdiction without regard to the amount in controversy to entertain civil class actions for redress of such unlawful acts.

(2) For the purposes of this section an "act in defraud of consumers" is—

(A) an unfair or deceptive act or practice which is unlawful within the meaning of section 5(a)(1) of the Federal Trade Commission Act, or

(B) an act that gives rise to a civil action by a consumer or consumers under State, statutory or decisional law for the benefit of consumers.

(3) "Consumer" means any natural person who is offered or supplied goods, services, interests in land, or intangibles primarily for personal, family, household, or agricultural purposes.

(b) In the case of any class action brought upon the basis that a deceptive act or practice which is unlawful within the meaning of section 5(a)(1) of the Federal Trade Commission Act has violated consumers' rights, the court shall in construing the terms "unfair or deceptive," give great weight to the interpretation given such terms by the Federal Trade Commission and by the Federal courts in applying section 5(a)(1) of the Federal Trade Commission Act; except that nothing in this Act or the amendments made by this Act, shall be construed to require the court to await administrative action by the Federal Trade Commission before applying Federal law to the facts of the case.

(c) In the case of any class action brought upon the basis of a violation of consumers' rights under any State law the court shall, in deciding such action, apply the following criteria:

(1) State law relating to the consumers' rights under State statutory or decisional law is adopted as Federal law.

(2) Federal law applicable to each class shall be fashioned upon the law of the State and the State statutory and decisional construction shall be applied as if jurisdiction of the Federal court were based on diversity of citizenship.

(3) In cases of conflict between State statutory and decisional construction and Federal law the latter shall prevail, and Federal law governing the case shall be fashioned from State law not in conflict, as near as may be, and from Federal law.

(4) If, prior to the date of enactment of this Act, a cause was not subject to removal under section 1441 of title 28, United States Code, the adoption of State law as Federal law by this Act shall not authorize the removal of such a cause on the jurisdictional basis of a Federal question.

(d) Whenever a class of consumers prevails in a class action under this Act, including the amendments made by this Act, the court shall award to the attorneys representing such class a reasonable fee based on the value of their services to the class. An award of attorneys' fees is to be made in addition to the damages or relief recovered by the class except that attorneys' fees may be awarded from money damages or financial penalties which the defendant owes to members of the class who cannot be located with due diligence. Such attorneys' fees awarded by the court shall not exceed 10 percent of the total judgment unless failure to award a greater amount would be manifestly unjust and not commensurate with the efforts of counsel.

S. 3093—INTRODUCTION OF THE CALIFORNIA MARINE SANCTUARY ACT OF 1969

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, for myself and Senators Murphy, Muskie, and Nelson the California Marine Sanctuary Act of 1969.

Last January's blowout of the Union Oil drilling operation beneath platform A in the Santa Barbara channel was a tragedy. But the rupture which is still leaking oil into the channel waters hides a bitter irony: the Union lease lies immediately seaward of a State-created marine sanctuary, where the granting of leases for petroleum development has been banned by California.

This Santa Barbara sanctuary was one of five marine sanctuaries established in 1955 in response in part to the recognition of the dangers involved in oil drilling.

Almost all of southern California is protected, the largest sanctuary from Newport Beach stretching down the historic coast of Orange and San Diego Counties to the Mexican border. The fabled offshore islands of San Clemente and Santa Catalina were set aside as were the heavily used metropolitan beaches of Los Angeles and the magnificent stretches of Santa Barbara—now coated with oil. The rugged and unspoiled coast of San Luis Obispo County completed the 1955 actions.

In 1963, two additional northern California coastal sites were made sanctuaries: Monterey Bay, which played such a major role in California's early history as well as the desolate grandeur of the Big Sur shoreline and the wild, redwood lands of Humboldt and Mendocino Counties.

Today these seven sanctuaries account for almost a fourth of the entire California coastline. They prohibit oil drilling on an estimated half of the tidelands suspected or known to contain oil deposits.

Mr. President, environmental pollution is at least superficially a local problem. In the far-off seats of Government and industry, it is not difficult to fall into broad generalities about national interests being so important that some incidental contamination can be overlooked. But do not try to tell that to those who must breathe, eat, and sleep in the muck which is excreted throughout our Nation daily in the name of social progress.

I believe that the right of our people to protect their life system must have priority over other values. Thus, I believe our Federal policy must be to support and sustain stronger State laws and regulations, for without Federal conformity, State laws may be useless in protecting the local environment.

The recently issued reports on the President's Panel on Oil Spills—the Du Bridge Panel—made the same point:

> As a general practice it would seem advisable that the Federal standards for safety and possible environmental damage should be at least as strict as the standards in the state whose waters are contiguous to the Federal waters.

Santa Barbara is an excellent example of failure to follow this advice. It did the people of California little good to set aside the State sanctuary when just beyond it the Federal Government proceeded to lease the stage where this year's Santa Barbara tragedy was enacted.

I agree with the conclusion reached by President Nixon's Panel on Oil Spills when it recommended that "prompt and meaningful efforts be made to incorporate the opinions, advice and policies of State and local governments into the plans for development of the Federal offshore mineral resources."

To this end, I believe that the Federal Government should not grant leases in the areas of Federal jurisdiction seaward of the California tideland sanctuaries.

The California coastline is both a State and a national treasure. It is gravely threatened by the immediate development of its oil resources.

In its October 19 report, the President's panel makes the case simply and succinctly with this blunt warning:

> The United States has neither the technical nor the operational capability to cope satisfactorily with a large-scale petroleum spill in the marine environment. The technology does not exist to prevent virtually all of the oil in a massive spill from being deposited on shore.

California's relatively unstable tectonics add to the dangers of drilling on our coastline, according to the Du Bridge report:

> Further, it appears that there are not at present adequate earthquake design guidelines for the California coast.

Certainly we can expect that techniques for safe drilling on the ocean floor and for control and containment of accidental spills will be developed in the future. Further, I am encouraged by technical progress toward ocean floor completion of oil wells, which will eliminate the unsightly towers which now pockmark the Santa Barbara Channel. When these advances are made, when the new techniques have been proven safe and workable, then both the State of California and the Federal Government can and should reconsider the need for their sanctuaries.

But until that year comes, I believe the legislation I introduce today is vitally needed.

The effect of this bill will be to prohibit further leasing for the extraction of oil and gas in those portions of the Outer Continental Shelf which are seaward of California's marine sanctuaries. At the present time only the Santa Barbara sanctuary has seaward leasing operations. This bill will not affect these operations. It does not terminate any existing lease nor the right to drill under any existing lease.

The purpose of this act is to prohibit the further issuance of leases in those areas which are seaward of California marine sanctuaries. This protection is effective until the State of California determines that the prohibition of leasing established pursuant to this bill is not desirable.

If more marine sanctuaries are created by the State of California subsequent to the enactment of this bill, the further issuance of leases for oil and gas production in the area seaward of the new sanctuaries will be prohibited. But any lease in this seaward area which was issued before the creation of the State sanctuary would not be affected.

This bill only restricts the Secretary of Interior's power to grant leases for the extraction of oil and gas from those portions of the Outer Continental Shelf which are seaward of marine sanctuaries. It would not apply off coastal areas which California does not itself seek to protect by establishing sanctuaries within its own jurisdiction. It does not limit or in any way affect the Secretary's procedures for issuing leases, granting rights of way or renewing leases. This bill does not alter the Secretary's jurisdiction over leasing and drilling operations. Scientific exploration of the Outer Continental Shelf for purposes other than oil, gas, or mineral recovery is in no way prohibited.

It should also be emphasized that this bill does not grant to California any title to or jurisdiction over any portion of the Outer Continental Shelf.

Although the bill is silent on the question of how far seaward the sanctuary should extend—as written the ban would apply to all areas in the Federal jurisdiction—I am aware that a prohibition on drilling at the outer limits of U.S. jurisdiction may not be required in order to protect the coastal Federal and State sanctuary areas. I urge that the committee deliberating on the bill request evidence and opinion on this question.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3093) to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes, introduced by Mr. Cranston (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Marine Sanctuary Act of 1969".

Sec. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

Sec. 3. Effective as of the date on which the State of California notifies the Secretary of the Interior of the enactment by such State of any law providing that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral in any area extending from the coastline of such State to the edge of lands beneath navigable waters within such State, the Secretary shall suspend, for the duration of such State law, all further leasing, pursuant to the Outer Continental Shelf Lands Act, for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of such State area. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

Sec. 4. Any suspension of leasing in any area pursuant to section 3—

(1) shall, upon notification by the State of California of law enacted by such State requesting termination of such suspension with respect to all or part of such area, be terminated by the Secretary of the Interior in accordance with such request, or

(2) if terminated pursuant to clause (1) shall be reinstated upon any such notification of any such law requesting reinstatement.

Sec. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration or development of the Outer Continental Shelf for purposes other than the recovery of oil, gas or other minerals; or

(4) to grant to the State of California any title or jurisdiction over any portion of the outer Continental Shelf. Sec. 6. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

Sec. 7. If any provision of this Act, or any section, subsection, sentence, clause or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances is not affected thereby.

ADDITIONAL COSPONSORS OF BILLS

S. 1958

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. Harris), I ask unanimous consent that, at the next printing the name of the Senator from Alabama (Mr. Allen) be added as a cosponsor of S. 1958, to provide for an equitable system for fixing and adjusting the rates of compensation of wage board employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2674

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Hawaii (Mr. Inouye), I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. Miller) be added as a cosponsor of S. 2674, to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 256

INCREASE SOCIAL SECURITY BENEFITS BY 15 PERCENT

Mr. HARTKE. Mr. President, for many Americans, retirement means poverty. A man works hard and well, and his reward for a lifetime of work is humiliation, deprivation, and economic fear. It is a sad truth of today that many elderly people fear a life of economic insecurity more than they fear death itself.

Three out of 10 persons over 65, in contrast to one in nine persons under 65, are living in poverty at this time.

This problem of extremely low incomes is further aggravated by the fact that more Americans are spending more years in retirement periods of indeterminate length and uncertain needs, thus causing a mounting strain on the limited resources which they had when they began retirement.

Yet serious as the situation is today, it will deteriorate even more dramatically in the years ahead unless something is done—and done quickly. National economic growth, while putting added dollars into the pockets of the workers, increases pressures on the retiree. A rise in earnings of 4 percent annually—a not unrealistic assumption in this era of inflation—means that consumption levels will approximately double in the next two decades, placing those on fixed incomes at a serious disadvantage in the marketplace.

This disadvantage is newly deepened by inflation—a cruel acid of our society. The cost of living rose by 5 percent last year and will exceed 6 percent this year. Our elder citizens have had $3 billion in purchasing power taken away by inflation from their pensions since 1965. Present inflation has already robbed social security recipients of the 7-percent increase in benefits most recently approved by Congress.

This pauperization of our elderly will continue unless something is done now. For these reasons, I submit an amendment intended to be proposed by me to the tax reform bill, H.R. 13270, an immediate across-the-board increase in social security benefits by 15 percent. A lot more needs to be done, but we should not fail to do at least this.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 256) was referred to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 29, 1969, he presented to the President of the United States the following enrolled bills:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna; and

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina for the term of 4 years, vice Robert H. Cowen.

On behalf of the Commitee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, November 5, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

LIBERALIZATION OF FEDERAL TRADE COMMISSION RULES

Mr. KENNEDY. Mr. President, last Friday, the Federal Trade Commission announced a number of changes in its rules concerning release of information to the public. These changes liberalize FTC policy concerning disclosures of advisory opinions, pre-merger clearance requests, and certain applications under outstanding orders. Many of these issues were discussed by the Commissioners last month before the Subcommittee on Administrative Practice and Procedure. I am pleased to see the Commission responding in such a timely and constructive manner.

One rule change provides that all ex parte communications to the Commission relating to the decisional processes are to be placed on the public record. Specifically, the new procedure provides that all communications, oral or written, received by any Commissioner or Commission employee involved in the decisional process, shall be made a part of the public record.

The subcommittee inquiry into Commission procedures pointed to the urgent need for this procedure, and it should do much to dispel any public anxiety over possible appearances of impropriety in the course of the FTC's decisionmaking process. Rather than inhibiting communication to the Commission, it provides safeguards for the public and for parties involved in Commission proceedings.

The FTC is currently considering proposed changes in its rule relating to access to and confidentiality of information under the Freedom of Information Act. We will be looking forward to progress in this area to conform the Commission's disclosure policies in every respect to the "letter and spirit" of the act.

I feel certain that Senators will be interested in the Commission's activities in this area. I ask unanimous consent that the release be printed in the Record.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

[A news release from the Federal Trade Commission, Oct. 24, 1969]

FTC LIBERALIZES PUBLIC INFORMATION DISCLOSURE POLICIES

The Federal Trade Commission today announced important changes in its rules of practice which greatly increase information available to the public on advisory opinions, per-merger clearance requests, applications under outstanding orders for approval of proposed divestitures or acquisitions, and other administrative actions by the Commission.

The rule changes are another step taken by the Commission to conform its disclosure policies to both the letter and spirit of the Freedom of Information Act.

To an increasing degree, the Commission is publicizing its actions as fully and speedily as possible, giving the public opportunity to submit views on various proposals, and taking these views into consideration in making its rulings.

Every effort is being made to formulate a maximum disclosure program that is both balanced and fair—i.e., one that gives full recognition to the public's right to know how the Commission is carrying out its law enforcement responsibilities, without unnecessarily injuring the reputation of the businessmen and companies regulated by the Commission or disclosing their trade secrets.

One of the major rule changes deals with the publication of the FTC's advisory opinions as to the legality of proposed courses of action. Under the old rule, only a digest of the advisory opinion was published and it did not identify the requesting party or disclose material as to which confidentiality had been granted.

The new rule provides that the advisory opinions themselves and the requests for them will be made public when the opinions are rendered by the Commission, and will include the names of the requesting parties and details of the request.

Before making any of this material public, however, the Commission will consider any requests made to it that all or part of this material be held confidential, and will make its decision on these requests with due regard to its own rules, any existing statutory restrictions, and the public interest.

Another revision deals with the procedure for handling requests for advice concerning proposed mergers and applications for approval of contemplated divestitures, acquisitions, and similar transactions subject to Commission review under outstanding orders.

Upon receipt, as announced on August 6, 1969, all of these requests and applications, together with supporting materials, are placed on the public record and made the subject of a press release, subject to FTC rulings on confidentiality requests based on the same criteria used in advisory opinion matters.

A new rule has been added providing that in the future, the Commission will also place on the public record, immediately upon receipt, all communications, written or oral, concerning the proposed mergers or other transactions received by any member of the Commission or by any employee involved in the decisional process. In the case of an oral communication, the recipient will immediately furnish the Commission with a memorandum in writing setting forth the full content of the communication and the circumstances under which it was received, and the memorandum will be placed on the public record.

Within 30 days after the request or application and other materials are placed on the public record, any interested member of the public may file with the Commission objections or comments concerning the proposal, which will also be made a part of the public record.

When the Commission gives its advice regarding the proposed merger or has responded to an application for approval of a proposed acquisition or divestiture, the advice or response and the Commission's supporting reasons will be published.

Under another rule revision, the Commission will announce its determination to issue a complaint when the complaint is sent to the proposed respondent under the consent order procedures rather than, as is presently done, defer making the complaint public until the time a consent order is provisionally accepted or the complaint is formally issued under the adjudicative procedures.

These revised rules and related revisions are being published in the Federal Register.

Chairman Dixon is opposed to publishing advisory opinions and requests therefor, including names and details, when the opinions are rendered by the Commission. Additionally, he is opposed to placing on the public record as soon as they are received requests for advice concerning proposed mergers under the advisory opinion procedure. He objects to these provisions for the reason that he believes these changes in the Rules would discourage parties from coming to the Commission and asking for binding advice. He believes that these provisions will place a greater load on the Commission from the point of having to consider matters after action has been consummated.

NOBEL PRIZE IN ECONOMIC SCIENCE RELATES TO CONGRESS ACTION ON TAXING AND SPENDING

Mr. PROXMIRE. Mr. President, the award of the first Nobel Prize in Economic Science to Dr. Ragnar Frisch of Norway and Dr. Jan Tinbergen of the Netherlands has recently been announced. The selection of these two distinguished European econometricians as the Nobel Prize winners is a recognition of the importance which has come to be attached to the scientific aspect of economics. It is also a recognition of the achievements of these two scholars in relating economic theory to contemporary policy needs.

Econometrics is the application of mathematical and statistical techniques to the analysis of economic data. Properly practiced, it is far from being an ivory tower activity. Indeed, because it requires the scholar to base his investigation on observed data, use of the econometric approach assures that attention is focused on how the economy actually behaves.

One of Professor Frisch's outstanding achievements is his analysis of business cycles and particularly of the way in which the normal pattern of the economy is disrupted by a sudden external stimulus, such as a war or political upset. The practical importance of this question is apparent today as we continue to struggle with the imbalances in the U.S. economy which have resulted from the 1965–66 jump in military spending.

Professor Tinbergen has pioneered in the development of dynamic aggregate economic models, the kind of models which aid in understanding and quantifying the effects of policy actions in a dynamic, growing economy. Such models have now come into widespread use and are proving their value as an aid to rational policymaking.

Although the United States has not moved as rapidly as some of the European countries to incorporate the techniques of econometrics into its policymaking machinery, there have been advances in recent years both in the quality of the economic data available and in the skill and understanding with which it is used. The Federal Government has cooperated with university economists in the development of models of the U.S. economy, and econometricians have been brought into the Government's statistical and economic agencies. The tradition of government service which has been established among academic economists has brought and continues to bring distinguished econometricians to the Council of Economic Advisers, both as members and as staff personnel.

The Council of Economic Advisers, the Bureau of the Budget, and the Treasury have worked together to develop a model of the U.S. economy which is now in regular use for forecasting the economic outlook. These forecasts are revised promptly when new quarterly data become available, and the model is particularly designed to facilitate analysis of the quantitative effects of contemplated policy recommendations. The Federal Reserve Board has now begun to incorporate into its regular economic forecasts the information obtained from the more complex model it has developed in cooperation with the Massachusetts Institute of Technology. Forecasts based on models developed outside the Government, such as the University of Michigan model and the Wharton School model, are also utilized by policymakers. The largest and most complex model of the U.S. economy has been developed recently at the Brookings Institution. It too will be of great value to policymakers.

The Joint Economic Committee, of which I have the honor to be vice chairman, has consistently supported the use of quantitative analysis as an aid to rational economic policy. Ever since its establishment, the committee has concerned itself with improving the quality of our statistical data, because dependable econometric analysis requires reliable data with which to work. The Joint Economic Committee has also sponsored and encouraged numerous analytic studies, including the now famous 1959–60 study of "Employment, Growth, and Price Levels," a study which has become a standard reference in the libraries of economists and policymakers.

Today there is a need for Congress to make arrangements to more systematically avail itself of the information which econometric models make available. Congress has the responsibility to make rational decisions with respect to taxes, expenditures, wage and price policy, and a host of other difficult economic problems. These decisions should be made in the light of all available information and with the fullest possible understanding of their consequences. We do the Nation a disservice if we ignore the quantitative information now available from economic models. The Joint Economic Committee can appropriately take the leadership in making this information systematically available to Congress. Together with my colleagues on the committee, I plan to press vigorously toward this objective.

NATO NORTH ATLANTIC ASSEMBLY

Mr. PERCY. Mr. President, from October 15 to 22, as a delegate from the U.S. Senate, and rapporteur of the NATO Balance of Payments Subcommittee, I had the privilege of attending the NATO North Atlantic Assembly meetings in Brussels, Belgium. These meetings bring together legislators from the member countries of NATO to talk over mutual concerns and problems and to plan together for solving these problems and making the NATO Alliance stronger. The delegation from the Senate was led by the distinguished Senator from Alabama (Mr. SPARKMAN).

One of the major problems mentioned time after time by American delegates at the Assembly meetings was U.S. troop commitment to NATO in Western Europe and the problems of financing that commitment. Twenty-five years after the end of World War II the United States still has in excess of 300,000 troops in Western Europe and total military personnel, including wives and dependents, of about 600,000—more Americans than are currently in Vietnam. This commitment costs the United States about $15 billion a year in budgetary terms and is a $1.5 billion drain on our balance of payments.

This NATO commitment is a major cause for the conscription of our young men into military service; it has contributed to inflation at home and to the unbalancing of the U.S. budget in most years since 1944. It has also led to the threat of inhibiting American tourism abroad as well as involuntary restrictions on American investment and lending abroad for many years.

And this sacrifice seems unnecessary to many Americans at home as well as to delegates to the Assembly meetings. It is being made by the United States for a Europe freer from military conscription, freer from inflation and unbalanced budgets, prosperous beyond anyone's wildest expectations 25 years ago with a surplus in balance-of-payments accounts. And it is being made in behalf of a Europe that has essentially not fulfilled even the commitments to NATO that it has solemnly made, much less assumed the degree of burden-sharing that conditions and circumstances would warrant.

I warned the Economic Committee of the Assembly, on which I serve, that I did not plan to continue voting to support the balance-of-payments cost or even the full budgetary cost for our NATO expenditures at their present level without substantive changes in financial arrangements between countries involved in the common defense of Europe. The alternative I posed to the other member countries of NATO was to develop a plan to make more feasible the continued existence of American forces in Europe on a more equitable and practical basis in the years ahead. This means that Western Europe must pay for more of its rightful share of the NATO union costs if that union is to survive.

Work on such a plan actually began a year ago at the November 1968 meetings of the Assembly. At that time the Assembly unanimously passed a resolution stating that multilateral approaches be examined which offer practical means of achieving more permanent political, military, and economic stability in future handling of the military balance-of-payments effects within NATO. The basic principle was that no country should gain or lose, on the balance of payments, from its military commitment to NATO.

This past June the Economic Committee of the Assembly suggested that a plan for a military balance of payments offset arrangement be worked out for military expenditures within NATO and appointed me rapporteur—working chairman—of a special Balance of Payments Subcommittee to devise such a plan. Working with the U.S. Treasury the basics of such a plan were worked out and presented to the Assembly this fall. The main points of the plan are that a clearinghouse be set up by NATO accurately to identify the balance-of-payments gains or losses to each NATO country as a result of its commitment to the common defense, and to provide the structure for adjustment of the balance-of-payments gains or losses; that this structure be set up and commence its work by July 1, 1970, so that balance-of-payments adjustments can automatically be made to begin on July 1, 1971, and in all succeeding years; that in the interim the existing bilateral arrangements between various NATO countries be continued until such time as the new adjustment mechanism takes effect; furthermore, that in computing military balance-of-payments gains or deficits of member countries, included shall be the full costs of official expenditures for goods and services for use within the host country's territory as well as spending by personnel—other than local nationals—and dependents for local goods and services and also official expenditures for goods, such as major equipment, for use outside the host country's territory; that official expenditures for goods and services within the host country's territory—including the pay of local national employees, construction, contractual services, and materials and supplies for official use within the country—shall be paid for as a budget expense by the host country; that spending by personnel and dependents for local goods and services and official expenditures for goods for use outside the host country's territory shall be paid for in blocked currency for military procurement or other purchases that clearly have an element of additionality.

This plan was unanimously approved by all the members of the Economic Committee. For the first time, other members of the NATO Alliance affirm the principle that they must help support U.S. troops in Europe through direct budgetary contributions as well as help offset the balance of payments effects of our commitment in Europe.

This plan is now being referred to member governments so that by February 1, 1970, all pertinent data and information can be gathered to see what the total budget and balance-of-payments costs are of all countries within NATO. It is then planned to establish a structure by July 1, 1970, which will automatically calculate and compute financial adjustments among member nations of NATO. This procedure would officially take over to resolve financial adjustments within NATO as soon as the existing bilateral arrangements between the United States, United Kingdom, and Germany expire on July 1, 1971.

I believe that significant steps have been taken toward putting the U.S. commitment to NATO on a sounder financial footing. European countries realize that unless they contribute more to the defense of NATO the pressure within the United States will be overwhelming for scaling down some of our NATO troops.

I am most grateful for the support I received from other members of the U.S. delegation, both House and Senate, and from the administration. I plan to continue working toward the goal of financial rearrangements within NATO so that our European partners will pick up a larger share of the cost of maintaining U.S. troops in Europe.

Mr. President, I ask unanimous consent that the motion adopted by the Economic Committee continuing the work of the Balance of Payments Subcommittee, the recommendation adopted by the Economic Committee outlining the details of the financial adjustments to be made in the future, and the speech I made at the North Atlantic Assembly, outlining the necessity for such a financial rearrangement, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A MOTION ADOPTED BY THE ECONOMIC COMMITTEE ON BALANCE OF PAYMENTS, NORTH ATLANTIC ASSEMBLY

The Economic Committee: Has examined the statement, resolution and recommendations of Senator Percy relating to a plan for offsetting military expenditure within NATO; considers that they constitute a practical rearrangement of military expenditure which is desirable and right in principle; recommends for examination by the Economic Committee the proposals put forward by Senator Percy; calls on the members of the Committee to consult their governments on the subject and to make reports to the Committee and to Senator Percy by no later than 1 February 1970; recognizing the importance of and necessity for accurate statistical data relating to the military expenditures involved, recommends that the mandate given to the Sub-Committee should be renewed in order to enable it to continue its examination of the problem and to make a further report to the Economic Committee next year.

AN ECONOMIC COMMITTEE RECOMMENDATION ADOPTED BY THE ECONOMIC COMMITTEE ON BALANCE OF PAYMENTS, NORTH ATLANTIC ASSEMBLY

Whereas the North Atlantic Assembly at its annual meeting in November 1968 recommended that multilateral approaches be examined which offer practical means of achieving more permanent political, military and economic stability in future handling of the military balance of payments effects within NATO;

Whereas in Ministerial Sessions the North Atlantic Council held that the solidarity of the Alliance can be strengthened by cooperation between members to alleviate burdens arising from balance of payments deficits resulting specifically from military expenditures for the collective defense;

Whereas the Economic Committee of the North Atlantic Assembly at its June 1969 meeting suggested that a plan for a military balance of payments offset arrangement be worked out for military expenditures within NATO;

Whereas a Balance of Payments Sub-Committee of the Economic Committee was appointed to work to develop such a plan;

Whereas, the balance of payments difficulties of certain members of NATO have worsened in the intervening period since June thereby endangering continuing troop support in Europe at the same level as currently maintained;

Whereas the Balance of Payments Sub-Committee has studied all recommendations submitted to it;

Whereas the Sub-Committee reaffirms the principle that no country should gain or lose balance of payments wise from its NATO expenditures for the common defense; *Recommends,*

That a clearing house be set up by NATO accurately to identify the balance of payments gains or losses to each NATO country as a result of its commitment to the common defense, and to provide the structure for adjustment of the balance of payments gains or losses;

That this structure be set up and commence its work by July 1, 1970, so that balance of payments adjustments can automatically be made to begin on 1st July 1971 and in all succeeding years;

That in the interim the existing bilateral arrangements between various NATO countries be continued until such time as the new adjustment mechanism takes effect; *Furthermore,*

That in computing military balance of payments gains or deficits of member countries, included shall be the full costs of official expenditures for goods and services for use within the host country's territory as well as spending by personnel (other than local nationals, and dependents for local goods and services and also official expenditures for goods, such as major equipment, for use outside the host country's territory;

That official expenditures for goods and services within the host country's territory (including the pay of local national employees, construction, contractual services, and materials and supplies for official use within the country), shall be paid for as a budget expense by the host country;

That spending by personnel and dependents for local goods and services and official expenditures for goods for use outside the host country's territory shall be paid for in blocked currency for military procurement or other purchases that clearly have an element of additionality.

Appendix to the Minutes of a Meeting of the Subcommittee on Balance of Payments, Brussels, October 15, 1969

(Statement by Senator Percy (USA), Rapporteur)

It is significant that we meet in Brussels today on October 15, 1969. This is, as you well know, a self-proclaimed day of moratorium in the United States to protest our deep involvement in a tragic war in Southeast Asia which millions of Americans feel has required a sacrifice of American lives and resources far in excess of what should reasonably be expected of us.

In all candour let me report to you that in my personal opinion there is a deep underlying feeling on the part of millions of Americans that there should be a reassessment of our NATO involvement. Today, a quarter of a century after the end of World War II, there are just as many Americans in Europe as there are in Vietnam, costing billions of dollars annually.

This NATO commitment requires the drafting of our young men into military service; it has contributed to inflation at home; the unbalancing of the U.S. budget in most years since 1944. It has also led to the threat of a tax on, or the cutting off of, American tourism abroad as well as involuntary restrictions on American investment abroad for many years.

And this sacrifice by the United States seems unnecessary to many Americans. It is being made for a Europe free from military conscription, freer from inflation and unbalanced budgets, prosperous beyond anyone's wildest expectations 25 years ago with a surplus in its balance of payments accounts, and furthermore a Europe that has essentially not fulfilled even the *commitments* to NATO that it has solemnly made, much less assumed the degree of burden-sharing that conditions and circumstances would warrant.

I feel it is only fair to advise you, in as blunt and straight forward a manner as legislative diplomacy will allow, that as one United States Senator representing 11,000,000 Americans in my own state of Illinois, I do not intend to continue voting to support the balance of payments cost or even the full budgetary cost for our NATO expenditures at their present level without substantive changes in financial arrangements between countries involved in the common defense of Europe. I can assure you I am not alone in this feeling.

What I can do beyond this commitment to action, however, is develop for and with you a plan that will make more feasible the continued existence of American forces in Europe on a fairer and more practical basis in the years ahead. The clear and unequivocal message that I want to share with you today is that a Western Europe that enjoys freedom and great affluence must pay for more of its rightful share of the NATO union costs if that union is to survive.

Today we continue our efforts to develop a plan to resolve the balance-of-payments problems caused by NATO countries' commitments to the common defense.

What we are seeking is not an agreement that will bring advantage to one party or another, but rather a sound and fair solution. Our basic principle is that no country should gain or lose, on the balance of payments, from its military commitment to NATO.

This is not a revolutionary new concept but rather one as old as the Greek city-states. In Thucydides' history of the Peloponnesian War is this account of an earlier alliance:

"The Athenians, Argives, Mantineans, and Eleans, acting for themselves and the allies in their respective empires, made a treaty for a hundred years, to be without fraud or hurt by land and by sea. . . .

"If an enemy invade the country of the Athenians, the Argives, Eleans, and Mantineans shall go to the relief of Athens, according as the Athenians may require by message, in such way as they most effectually can, to the best of their power. . . .

"The relieving troops shall be maintained by the city sending them for thirty days from their arrival in the city that has required them, and upon their return in the same way; if their services be desired for a longer period the city that sent for them shall maintain them. . . ."

We should not find it beyond our wit and will to achieve a solution which the city states of Greece were able to devise 2390 years before us.

The problems of the sending states have become even more acute in recent years. The U.K. has had serious economic difficulties and remains a deficit country in its international accounts. The deteriorating U.S. balance of payments has been a matter of concern for the past nine years. The situation is grounded in long-standing structural factors and has grown worse in recent months. The trade surplus on which we formerly relied to strengthen the payments position has been eliminated. Overall payments show a 10.7 billion dollar deficit at an annual rate for the first half of 1969. More than one-third of this deficit can be ascribed to net military transactions—3.7 billion on an annual basis. The deficit that can be directly ascribed to expenditures in NATO is 1.5 billion. This cannot be maintained.

Resolution of these payments problems is essential, not only for the U.S. and U.K. but also to maintain international monetary stability and for the U.S. to be able to continue its contribution to NATO forces in Europe.

Unless this payments problem can be resolved, there is only one alternative, U.S. troop withdrawals.

A year ago the Economic Committee began its work on this subject in hopes of creating a mechanism to multilaterally solve balance-of-payments problems within NATO before a crisis was precipitated. That crisis is now upon us. Unless procedures can be set up to eliminate the intolerable balance-of-payments strains within the Alliance, the United States will have to reduce its commitment to NATO. And I shall be among the first in the U.S. Senate calling for sufficient troop drawn down from Europe to relieve the crisis.

In June of this year we made a first step toward finding a solution to these problems by setting up the Balance of Payments Subcommittee. Over the summer the plan I presented to the Economic Committee was sent to governments for their comments. A number of these comments are now in hand. Even those countries that said the balance of payments problem was not applicable to them still recognized the danger to the Alliance as a whole if the problem cannot be solved.

Some of the specific problems expressed about the plan were that—

(1) An offset is not appropriate unless the spending country has a general payments deficit specifically caused by military expenditures on collective defense.

(2) We should not aim at a 100 percent offset.

(3) The U.S. has abandoned the concept of burden-sharing, and as procurement alone cannot cover the problem only bilateral solutions are possible.

These comments should be considered on their merits and we will be discussing them later along with other recommendations that this Subcommittee has received. None of these objections should, I feel, prevent us from moving ahead with our goal of a multilateral settlements basis. Our basic goal, to repeat, is to achieve a situation in which no country gains or loses on the balance of payments account as a result of NATO commitments with both receiving and sending countries carrying the budgetary burden. If, however, the country in surplus cannot spend its offset on military procurement or other clearly additional expenditures then we may well be talking about direct budget support as the next resort. In fact, it is my own personal view that official expenditures for goods and services for use within the host country's territory should be paid as a budget expense by the host country. Such a budgetary burden would be fair because it represents only a small portion of the total budgetary burden incurred by the sending state in maintaining its forces on the territory of its NATO partner.

A response received from several countries, as mentioned before, is that although the need for solving the balance of payments problem is readily apparent, it doesn't really apply in that country's specific case as there is no, or only a negligible, balance of payments gain or loss. This I feel however can easily be handled within a multilateral context. We can write in provisions that, for example, if a country's balance of payments gain or deficit is within a certain range that no adjustment would be necessary. If a country goes beyond those limits then the multilateral adjustments would be made. Or a country at its own option could waive settlement of its own deficit.

These provisions would retain the multilateral nature of adjustment, but would in effect reduce the number of countries actually using the clearing house. Any country in deficit through NATO expenditures but with an overall surplus could be excluded from eligibility for adjustment.

I feel that the multilateral approach still represents the only possible way to solve these problems. Our goal today should be to strive to produce recommendations to present to the Economic Committee to set up just such a multilateral mechanism to adjust NATO military balance of payments problems.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 28, the Committee on Finance met in executive session and concluded its action on that part of the House-passed tax reform bill which affects private foundations and other tax-exempt organizations. In addition, the committee agreed that pension plans of professional service corporations should be included in the classification of corporations covered under the limitations of "H.R. 10 plans."

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 28, 1969]

Tax Reform Act of 1969—Private Foundations, Part II: Committee Decisions

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee on Finance had concluded its work on that portion of the House tax reform bill dealing with the treatment of private foundations and other tax-exempt organizations. He reported that the Committee had generally approved the provisions of the House bill with respect to tax exempt organizations, but made some important changes in defining "private foundations" and "private operating foundations" and also in the Excess Business Holdings provisions.

A complete description of the actions taken at today's meeting follows:

PRIVATE FOUNDATIONS

Disclosure and Publicity Requirements.—The Committee generally adopted the provisions of the House bill which recognize the need for more current information, from more organizations which could be made readily available to the public, including State officials. It did amend the rules in some respects, however, as set forth below:

Filing Requirement—Churches and Smaller Organizations.—The Committee agreed to exempt churches from the requirement of filing annual information returns in view of the traditional separation of church and state. However, where the church is engaged in an unrelated business, it would still be required to file an unrelated business income tax return. Also exempted from the filing requirements were organizations that have gross income of $5,000 or less, where the organization is not required to file an information return under present law. These include local chapters and smaller "public-type" organizations, such as the Boy Scouts, garden clubs, etc. In addition to the two categories mentioned above, the Secretary could exempt other organizations from the filing requirements if he concluded that the information which would be obtained was not of sufficient value to require filing.

Public Disclosure.—The Committee adopted a recommendation that the names of substantial contributors not be disclosed to the public in the case of exempt organizations other than private foundations.

Such organizations would still be required to disclose these names to the Internal Revenue Service.

Change of Status.—The Committee adopted the provisions of the House bill which relate to notification to the Treasury by new exempt organizations and the treatment of existing private foundations, with the following changes:

Exceptions.—It agreed that churches would not be required to apply for exempt status in order to be tax exempt, nor would they be required to file with the Internal Revenue Service to avoid classification as a private foundation. It also decided that public educational or charitable organizations need not obtain exemption certificates or file for status as a non-private foundation where their gross income is $5,000 or less. Under the House bill, the Treasury Department may exercise its discretion in exempting other classes or organizations, where this could be done without interfering with efficient administration.

Operation as a Public Charity.—Under the House bill a private foundation may change its status after five years if it distributes all of its property to a public charity or itself acts as a public charity for at least five consecutive years. The Committee adopted a recommendation that would treat a private foundation as a public charity during the entire five-year period involved, if it indicated that it would operate as a public charity for all five consecutive years. It provided that if the organization failed to act as a public charity any time during the five-year period it would then lose its status as a public charity.

Definition of Private Foundation.—In adopting the provisions of the House bill respecting the definition of a private foundation, the Committee made several important changes:

Support.—Because the definition of a private foundation contained in the House bill depends, in whole or in part upon the proportion of support received from public sources, the Committee believed that a definition of "support" should be added. It adopted the definition contained in the current regulations modified to include amounts received from the exercise or performance by an organization of its exempt purpose or functions. The present regulations indicate that support means all forms of support, including contributions, investment income, and net income from an unrelated trade or business.

In defining the one-third of the organization's support which must come from the public, the bill specifies that amounts received from any "person" which are in excess of one percent of the organization's support will not be considered as coming from the public. The Committee decided to include the greater of one percent or $5,000 in public support. The term "person" as defined in the Internal Revenue Code does not include governmental units so that under the House bill an organization which has only one contributor whose support comes from government contract work might avoid classification as a private foundation. The Committee agreed that amounts received from Government contracts be included in the public support test, only to the extent that they do not exceed the one-percent or $5,000 test described above.

Foreign Foundations.—The Committee agreed that an organization which is formed outside the United States that meets the definition of a private foundation will be considered as being subject to the rules applicable to private foundations and to private operating foundations.

Foundations Related to Certain Publicly-Supported Exempt Organizations.—The Committee adopted the rule that a foundation operated in conjunction with a publicly-supported exempt organization (such as social welfare organizations, labor and agricultural organizations, business leagues, real estate boards, etc.), will be treated as meeting the public support test for purposes of being a public charity and would not be a private foundation.

Definition of Operating Foundation.—The Committee generally approved the provisions of the House bill which define "operating foundation". (These are organizations to which qualifying distributions may be made by other private foundations. They are not subject to the 5 percent minimum pay-out requirement and are required to expend their entire income. In addition, they qualify for the 50 percent charitable contribution deduction.) One of the tests in the House bill (and in existing law) relating to operating foundations would require that substantially more than half of the assets of the foundation be devoted directly to the active conduct of the activities for which it is organized or to "functionally related" businesses. ("Substantially more than half" was described in the House Committee report as being 65 percent.) To provide relief for those types of organizations which could not meet this test because the type of activity is such as not to require large holdings of operating assets (as in the case of a research organization), the Committee adopted a rule which would permit an organization to qualify as an operating foundation where its endowment based upon a 4 percent rate of return. is no more than adequate to meet its current operating expenses.

Hospitals.—The Committee deleted that portion of the House bill which provides that hospitals are to have the same status as churches, educational institutions, and public charitable organizations for purposes of tax exemption, charitable contributions, and other matters. The Committee decided to reexamine this matter in connection with pending legislation on Medicare and Medicaid.

Effective Dates.—The Committee adopted a series of changes with respect to effective date provisions contained in the House bill as follows:

(1) It determined that it would permit a private foundation to become a public educational or charitable organization without going through the procedures required by the change of status provision so long as the organization took such action with respect to its first year beginning after December 31, 1970. The date used in the House bill is May 27, 1969.

(2) The Committee postponed for one year the requirement that existing private foundations, operating foundations, and trusts with charitable interests must conform their governing instruments to the various limitations set forth in the bill by the start of the first year beginning after December 31, 1971. This date was extended to December 31, 1972. Foundations whose instruments could not be changed to comply with the income distribution rules or with the business ownership rules would not be affected by those rules until the instrument could be changed. Similar provisions already appear in the bill with regard to accumula-

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tions and with regard to the provision requiring existing private foundations to reform their governing instruments in accordance with the language of the bill.

(3) The House bill provides that self-dealing rules will not apply to fair price sales to disqualified persons of property held by the foundation on May 26, 1969, if the foundation is required to dispose of the property in order to meet the business holding requirement. The Committee agreed to extend this treatment to exchanges and other dispositions where the foundation receives in return amounts equal to or in excess of the fair value of what was exchanged. The Committee also agreed that this rule as to sales of business holdings would also apply to later-acquired property received under wills executed before October 9, 1969, or where the property was received under the mandatory provisions of trusts or documents transferring property in the trusts if such provisions were irrevocable on October 9, 1969, and at all times thereafter.

Divestiture of Excess Business Holdings.—The Committee decided to adopt largely the rules of the House bill regarding divestiture of business holdings acquired in the future. However, it made substantial changes with regards to the rules dealing with current business holdings of foundations. The following changes were adopted:

Future Purchases. — The Committee adopted an amendment that would apply to future *purchases* of business holdings by private foundations. If a foundation buys voting stock of a business, it will not be permitted to cast votes for more than one-half of the stock acquired in this manner. This limitation will not apply to stock acquired by gift or bequest and will not apply to stock at present held by the foundation.

50-Percent Limitation.—As to existing holdings, the Committee decided that the combined holdings of a private foundation and all disqualified persons in any one business must be reduced to 50 percent by 10 years from the date of the bill. Where the combined holdings now exceed 75 percent, an additional 5 years is allowed before the 50-percent limit must be reached. This test must be met both as to combined voting power and as to combined value of all classes of stock taken together.

Bequests and Trusts.—Property acquired by the foundation in the future under the terms of a will executed before October 9, 1969, or under a trust which was irrevocable at all times since October 9, 1969, will be treated under the same rules as property now held by the foundation. However, in such a case, the 10-year and 15-year periods are to run from the date the foundation gets the stock from the trust or the estate.

Interim Disposition.—The Committee eliminated the rules in the House bill requiring disposition of part of the excess stock within two years and another part within five years.

Sales, Etc., of Excess Business Holdings.—The House bill permits fair-price sales of excess business holdings to be made by the foundation to disqualified persons. The Committee agreed that this was an appropriate way to facilitate the foundation's compliance with the excess business holdings rules. The Committee also provided that redemptions of stock by a closely-held corporation from a foundation to comply with these provisions would not trigger imposition of the accumulated earnings tax and it would not give rise to dividend treatment to other shareholders of the corporation. These rules will apply only in the case of stock already held by the foundation or acquired by the foundation under existing wills or trusts, as described above.

Program-Related Investments.—The Committee made it clear that a program-related investment is not to be treated as a business holding that must be disposed of. This applies only to investments (such as small businesses in central cities and corporations assist in neighborhood renovation) made for charitable purposes where the making of a profit for the foundation is not one of the major purposes.

Holding Companies.—The Committee decided that if a foundation owns stock in a holding company, the foundation will be treated as owning the investments held by the holding company, in addition to any stock it holds separate from the holding company. If the total exceeds the limitation permitted under the bill, then either the holding company would dispose of some of its investments or the foundation would have to dispose of some of its stock in the in the holding company.

Passive Income.—The Committee determined to make it clear that passive income sources need not be disposed of. For example, the holding of a bond issue would not be an excess business holding. Also, the holding of the stock of a company which itself derives essentially passive income in the nature of a royalty would not be treated as a business holding subject to the limitations of the bill.

Split Trusts.—The Committee provided that a non-exempt trust that is subject, under the bill, to many of the limitations of private foundations would not be required to dispose of excess business holdings if the beneficial interest of charities in the trust is less than 60 percent of the value of the trust.

OTHER TAX-EXEMPT ORGANIZATIONS

The "Clay Brown" Provision or Debt-Financed Property.—The Committee adopted those provisions in the House bill which would prevent a tax-exempt organization from in effect, selling its tax exemption in a transaction where it purchases a going business using little or no cash, liquidates it, leases it and pays the seller with the proceeds from the operation of the business.

Property Acquired Under Life-Income Contracts.—The Committee agreed that property acquired under life-income contracts should not be treated as debt-financed property. This kind of contract is used in situations where, for example, a school will receive a charitable contribution of an asset and will agree to give the donor the income from the assets for his life.

Holding Companies.—The Committee agreed that where a debt-financed building is operated by an exempt holding company for the benefit of its affiliated exempt organizations, the property of the holding company would not be considered as debt-financed property to the extent that it is used by the related exempt organizations in the performance of their exempt functions.

Use of Property.—The House bill exempts from the definition of debt-financed property, property *all* of which is used for the exempt purpose. The Committee agreed instead that debt-financed property should not include property, *substantially all* of which is used for exempt purposes. In addition, if less than substantially all of the property's use is related, then it would not be debt-financed property *to the extent* that it was used for exempt purposes.

Extension of Unrelated Business Income Tax to All Exempt Organizations.—The Committee adopted the provisions of the House bill which extend the unrelated business income tax to all exempt organizations. Under the present law certain classes of tax-exempt organizations are not subject to the tax. In adopting the House bill the Committee made the following changes:

Rents.—The Committee adopted two rules to insure that an exempt organization pays the unrelated business income tax on income attributable to the active conduct of an unrelated business. First, it decided that rent from personal property is to be excluded from unrelated business income only when the lease of the personal property is incidental to the lease of the realty; where the rent from personalty is 50 percent or more of the total rent, all would be subject to tax. Thus, only "passive" rental income would be excluded from unrelated business income. Secondly, the Committee agreed to tax real property rentals as unrelated business income where the rentals are measured by reference to the net income from the property. It would exclude rentals based upon a percentage of gross receipts, however.

Related Income.—The Committee clarified the House bill by providing that related income includes income received from members for providing goods, facilities, or services not only to guests but also to the member's dependents.

Specific Deduction.—The Committee agreed that the $1,000 specific deduction allowed in the present law in computing the unrelated business income tax will be available for each parish, individual church, district, or other local units in the case of a diocese, province of a religious order, or convention, or association of churches. This rule would be applicable to the extent that the parish, district, etc., realized the income itself.

Voluntary Employees Beneficiary Associations.—Since the House bill removes the 85% income test in the case of a voluntary employees beneficiary association generally (section 501(c)(9)) such an association is for all practical purposes identical to voluntary employees beneficiary associations whose members are U.S. Government employees (section 501(c)(10)). Under present law the 85% income test is not applicable with respect to this latter category. Consequently, the Committee combined both types of organizations into one category. In addition, the Committee also provided that those voluntary employees beneficiary associations who have pension and retirement plans for their members but who do not satisfy the 85% income requirement (which is removed by the House bill) will be placed back in an exempt category and would be subject to the unrelated business income tax.

Religious Organizations.—The Committee decided not to extend the unrelated business income tax to those religious organizations that have held certain properties 10 years or more if they pay out no less than 90 percent of their earnings each year and it is established to the satisfaction of the Secretary or his delegate that their rates or other charges and services are competitive with similar businesses.

Consolidated Returns—Holding Companies.—The Committee agreed that when an exempt holding company and a tax-exempt organization to which it is related file a consolidated return, the holding company will be treated as organized and operated for the same purposes as an exempt-organization. Consequently, if the business activities of the holding company are related to the exempt purpose of the exempt organization, the income would be related business income and not subject to tax.

Taxation of Investment Income of Social, Fraternal, and Similar Organizations.—The Committee generally agreed to the House provisions related to the taxation of the investment income of these membership organizations with the following modifications:

Cost of Administration.—The Committee agreed that income will be treated as set aside for the specified benefits where it is used for the reasonable costs of administration of the benefit program as well as the payment of the benefits themselves.

Gain on Sale of Assets.—The Committee also adopted a recommendation which would exclude from the tax on investment income (to the extent the proceeds of the sale are reinvested in assets used for such purpose within a period of three years) the gain on a sale of assets used by the organizations in the performance of their exempt functions.

Masonic and Masonic-Related Organizations.—Masonic and Masonic-related organizations which today are exempt from tax as a "fraternal beneficiary association" (section 501(c)(8)), in the future should be placed in a separate tax-exempt category. This category would exempt a domestic fraternal society, order, or association operating under the lodge system where the fraternal activities are largely religious, charitable, scientific, literary, or educational in nature and where there are no insurance activities. The tax on investment income would not apply.

Interest, Rent, and Royalties from Controlled Corporations.—The House bill provides that where an exempt organization owns more than 80 percent of a taxable subsidiary, the interest, annuities, royalties and rents are to be treated as "unrelated business income" and subject to tax. Where the operation of the controlled corporation is "functionally related" to the exempt purposes of the controlling exempt organization, these types of income would be "related" income and would not be subject to tax. The Committee also adopted a recommendation which would provide a special rule where the controlled corporation is also an exempt organization. Under the rule, the payment received from the controlled corporation would not be subject to tax to the extent that the facilities rented or the money borrowed is used by the controlled corporation in the performance of its exempt function.

Limitation on Deductions on Nonexempt Membership Organizations.—The Committee adopted the provision in the House bill which would deny the deduction for expenses incurred in supplying services, facilities or goods to members of a taxable membership organization to the extent that such expenses were not related to income received from the members. Under this provision, no membership organization is permitted to escape the tax on business or investment income by using the income to serve its members at less than cost and then deducting the book "loss". In adopting the provision the Committee made the following modifications:

American Automobile Association.—Because certain membership organizations (such as the American Automobile Association) must compete with profit-making organizations that provide the same type of services at a loss, they must set their dues at the same loss level. These organizations offset the losses against income received from non-members (such as income from the sale of advertisements). In order to meet this problem, the Committee agreed that it will provide a special rule in cases of this type where the business practice is to provide comparable services at a loss.

Carryovers.—The Committee agreed that in cases where the deduction for furnishing services, insurance, goods, etc., to members exceeds the income from members the excess deductions can be carried over into succeeding years.

Effective Date.—The Committee adopted a recommendation that the provisions of the House bill relating to non-exempt membership organizations be effective as of December 31, 1970.

Income from Advertising.—The Committee adopted the language of the House bill which would provide that the income from advertising and similar activities would be included in unrelated business income even though the advertising is carried on in connection with activities related to the exempt purpose. The Committee adopted the approach of the House bill and instructed the staff to review the language to limit it to the matter specifically covered in the Treasury regulations.

Social Clubs—National Fraternities and Sororities.—The Committee agreed that the investment income of social clubs, particularly the national organizations of college fraternities and sororities (as distinguished from their local chapters) should be exempt from the tax on investment income to the extent that such income is set aside for charitable, educational or religious purposes.

Thrift Shops, etc.—Under present law, an organization operated primarily to carry on a trade or business for profit is not exempt even though all its profits are payable to one or more exempt organizations. The Committee decided to allow an exemption for such an organization where substantially all the work in carrying on the trade or business is performed for exempt charitable organizations without compensation.

PENSION PLAN CONTRIBUTIONS

Professional Service Corporations.—The bill does not presently deal with the limits of pension plans except to provide that small business corporations (so-called Subchapter S corporations) must in the future follow in general the limitations of "H.R. 10 plans." In general, those plans limit current distributions to pension and profit-sharing plans to no more than 10 percent of the self-employed person's earnings from the business up to a maximum of $2,500 in any one year. The Committee decided to impose essentially the same limitations upon pension plans of professional service corporations (generally, corporations under special State laws relating to attorneys and doctors).

PROHIBITION OF USE OF U.S. COMBAT FORCES IN SUPPORT OF LOCAL FORCES IN LAOS AND THAILAND

Mr. COOPER. Mr. President, on August 12, I submitted an amendment to S. 2546, the military procurement bill, to prohibit the use of U.S. forces in combat support of local forces in Laos and Thailand. The amendment was adopted by a vote of 86 to zero. The distinguished chairman of the Armed Services Committee (Mr. Stennis), the manager of the bill, argued that my amendment would not accomplish fully the purposes which I intended. Whatever the merits of his argument, which I questioned in the debate, it is clear that the Senate understood its purpose and, I consider, expressed its support by its unanimous vote.

The distinguished senior Senator from Missouri (Mr. Symington) has taken the leadership in conducting hearings concerning U.S. military commitments and operations throughout the world. He is doing thorough and magnificent work. In view of the position of the Senator from Mississippi (Mr. Stennis) and the letter of the Secretary of Defense which was introduced during the debate, that my amendment would not accomplish its stated purpose, I shall submit other amendments to appropriation bills which come before the Senate to prohibit the use of funds for combat support of U.S. forces of local forces in Laos and Thailand.

My substantive position is that no military operations in Laos or Thailand in support of local forces can be constitutionally carried on without approval of Congress.

We are in the war in South Vietnam. The President of the United States is seeking to end the war by negotiation and by positive steps in South Vietnam. We should not move step by step into new wars in Laos or Thailand as we did in South Vietnam. The only certain constitutional way to prevent American involvement in such wars is through the power of Congress to deny appropriations.

ADDRESS BY DR. KOFI A. BUSIA, PRIME MINISTER OF GHANA

Mr. McGEE. Mr. President, a recent distinguished visitor to Washington was Dr. Kofi A. Busia, Prime Minister of Ghana. I had the great pleasure of having an extended discussion with Dr. Busia which I found inspiring and informative.

Ghana deserves the admiration and cooperation of all the free countries of the world. She is one of the few countries which have slipped into domination by an authoritarian regime, emerged from this oppression through a military coup and then gone on to restore representative government after holding free elections.

During our discussion, Dr. Busia gave a vivid picture of the continuing hardships which must now be endured as a result of misrule by an authoritarian regime. The Nkrumah government has left Dr. Busia's government a staggering debt for which Ghana has little to show. As burdensome as it is to service this debt and to repay it, the Busia government is determined to meet the challenges which confront it. They deserve our continued interest and support.

I ask unanimous constent that the remarks of Dr. Busia at the National Press Club on October 21 be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Dr. Busia

President of the National Press Club, Excellencies, Honorable Secretary, and Congressmen, I appreciate highly this opportunity given me to address the National Press Club. I feel highly honoured, and I wish to thank you all for making it possible for me to express Ghana's appreciation to the World Press for the keen interest with which it followed and reported on our recent elections.

The elections were indeed a unique exercise, and we are very happy to have shown that it is possible for power to be transferred from a military regime that had seized it in a coup d'etat to a civilian government elected through orderly democratic processes. I think we may justifiably take pride in that achievement, and call the world's attention to it.

But you, gentlemen of the Press, will, I am sure, be following succeeding events in Ghana to find out how the new Government works. Will democracy succeed in Ghana? Can it work in Africa? It is our firm conviction that democracy can work in Africa as elsewhere. We believe the essential values of democracy are valid for all peoples. Our new Constitution guarantees the fundamental rights and freedoms of the individual in Article 12 which reads:

"Every person in Ghana shall be entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, that is to say,

"(a) life, liberty, security of the person, the protection of the law and unimpeded access to the Courts of law; and

"(b) freedom of conscience, of expression and of assembly and association; and "(c) protection for the privacy of his home, correspondence and other property, and from deprivation of property without compensation;

and accordingly, the provisions of this Chapter shall have effect for the purposes of affording protection to those rights and freedoms, subject to the provisions of article 3 of this Constitution and to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual shall not prejudice the rights and freedoms of others or the public interest." Because of our recent bitter experience of dictatorship and tyranny, the obvious bias of our Constitution is towards protecting the individual, and the taming of power. The doctrine of the separation of powers, so familiar to you, is accepted and embodied therein. We are determined to establish the sovereignty of the people and the Rule of Law as the foundation of our society. The Government which I have the privilege to head is pledged to uphold our Constitution and to give proof by what we do that democracy can flourish in our country. Our internal policy will be based on our yearning concern for every individual citizen. As I said to my countrymen in my inaugural address on the 1st October:

"We regard politics as an avenue of service to our fellow men. We hold that political power is to be exercised to make life nobler and happier for those who entrust it to us. We think the yardstick by which our success or failure should be judged must be the condition of the human being himself. We must judge our progress by the quality of the individual, by his knowledge, his skills, his behavior as a member of society, the standards of living he is able to enjoy and by the degree of co-operation, harmony and brotherliness in our community life as a nation. The roads we seek to build, the efforts we shall make to increase productivity in shop, farm, office, or factory, the water or electricity we wish to convey to the home, the health posts or hospitals or houses we shall endeavour to provide, are all, as we see them, aids necessary to achieve progress in individual and social life. Our goal is to enable every man and woman in our country to live a life of dignity in freedom."

To achieve this goal, we must grapple with grave economic difficulties bequeathed us by the Nkrumah regime. Ghana is paying dearly, and will have to do so for many years to come, for the corruption, the inefficiency, and the inordinate ambition of that regime. Let me emphasize here that the rejection of Nkrumah was not merely the work of a few soldiers and policemen. It received the unmistakable and massive endorsement of the people of Ghana who were the best qualified to judge in this matter. All who are outside Ghana should respect that verdict. Let no one outside Ghana, however well-informed and able he considers himself, presume to set his own judgment above that of the people of Ghana, so clearly expressed in a free and scrupulously fair election, and arrogate to himself the authority to tell the people of Ghana who their rulers should be. That arrogant presumption has no support in Ghana.

As a result of that corrupt regime, Ghana is now saddled with a national debt of just over 1,000 million dollars; it will take 13% of our total export earnings to service that debt on the basis of present agreements; the growth rate of our economy is less than one per cent, compared to a population growth of no less than 2.6 per cent per annum. In order to save us from bankruptcy, and to stabilize our economy, the National Liberation Council had to carry out deflationary policies, which inevitably added to our growing problem of unemployment. At the end of August this year, the register of unemployed carried over 600,000 names on it, as compared with a total labour force of 2.4 million. Owing to continuing foreign exchange stringency, our existing industrial capacity is running at a low level; there are essential commodities we cannot make available to our people; and national development projects have to be postponed for lack of foreign exchange.

We are determined to face the situation with courage, and by the united effort of a determined nation we hope to overcome. We are aware that we cannot do so without help from outside. We hope that this help will be forthcoming, and I wish to appeal to you to spread a sympathetic understanding of our problems, and our position through your media.

As to our international policy, it will be based upon a vision of the brotherhood of all nations and peoples; upon the faith that all nations and peoples, in spite of cultural and historic differences, belong to the same species of man, share a common humanity, and can dwell together in brotherly amity. We shall not be tied to the apron strings of any country whether East or West. We shall make our own decisions and take our stand on all international issues on the basis of two considerations: the interests of our country within the context of our international obligations, and our consideration for the welfare and peace of the world on which our own progress and prosperity will ultimately depend. We consider philosophies and practices based on racial or cultural discrimination or segregation to be wrong and pernicious, and they may even constitute a threat to world peace; so we cannot support them wherever we find them given expression.

I am happy that my visit to the United Nations has given me the opportunity of meeting you. I thank you for listening to me. I hope that all of us, in our different spheres, according to our opportunities, will co-operate in building an international community of all peoples and races into a brotherhood in which in intercourse and action, we accept and attest to our responsibility for being each his brother's keeper.

Again, I thank you all for your hospitality.

PSYCHOTROPIC DRUGS—WTIC EDITORIAL

Mr. DOLE. Mr. President, on Monday, October 27, Dr. Margaret Mead, curator emeritus of ethnology at the American Museum of Natural History and adjunct professor of anthropology at Columbia University, appeared before the Subcommittee on Monopoly of the Senate Select Committee on Small Business. Dr. Mead made a useful analysis of American attitudes toward psychotropic drugs. During her testimony, Dr. Mead made an editorial from WTIC–TV in Hartford, Conn., available to the committee, because of the pressing need for our society to come to grips with the problem of teenage drug abuse.

I ask unanimous consent that the WTIC editorial describing the action taken by the State of Connecticut be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A WTIC Editorial, October 23, 1969

It's difficult to do, but try, if you will, to put yourself in the place of a Connecticut teenager who has been using marijuana, LSD or some other drug, and wants desperately to stop. You know you need help. You're trapped, but you don't know where to turn. Of course, the best person to turn to is your mother or father. But you don't want to face your parents with the awful news that you have been on drugs. You know how it will hurt your mother and your father.

You don't want to go to the police because you've been breaking the law and you know many other people who have been breaking the law with you. You don't want to tell on anyone.

What do you do? Where do you turn? Thanks to a new law that just went into effect in Connecticut, the teenager in this difficult position now has somewhere to go and someone ready to help him . . . and no questions asked.

Since the first of October, if you are a young drug user, you can go to any city health department, any hospital or clinic and get the best of medical attention and treatment without the consent or knowledge of your parents. This is also true—and has been true for some time—of any teenager suffering from a venereal disease.

If you want to free yourself from drugs, you can seek help by approaching your school guidance counselor, school nurse or school doctor. Or, you can walk into any hospital or clinic or city health department and tell the person at the desk that you want to talk to someone about a problem with drugs.

A good place to go is one of the six clinics operated by the state. There are clinics in all sections of Connecticut: in Hartford at 2 Holcomb Street; in New Haven, 412 Orange Street; in Waterbury, 167 Grove Street; in Bridgeport, 50 Ridgefield Avenue; in Stamford, 322 Main Street, and in Norwich, in the Mitchell Building at the Norwich State Hospital. These addresses will be repeated from time to time on WTIC Radio and Television. The clinics are open weekdays from 8:30 in the morning to 4:30 in the afternoon. And we do hope the state will consider keeping them open later in the day and on Saturdays.

If you are a teenage drug user who wants to stop, take advantage of this new protection offered by your state. If you know of a teenager who has been taking drugs, let him know help is available. Tell him all this is confidential and tell him that since treatment is based on ability to pay, he or she won't have to be concerned about finding the money.

Please . . . spread the word about this new program, this new means of escape from drug dependence. You might save a teenager's life.

Leonard J. Patricelli,
President, Broadcast-Plaza, Inc.

SENATOR PERCY ON THE NOISE PROBLEM OR THE QUIET REVOLUTION

Mr. PERCY. Mr. President, Americans are becoming increasingly aware of environmental din in our society, a problem that has been aptly termed noise pollution.

Not long ago, representatives from 19 communities near O'Hare International Airport met with me to express their concern over rising noise levels at this extremely busy terminal. They were particularly disturbed over the prospect of even more noise with the introduction in 1970 of the jumbo jet.

Responding to their visit, I was assured by FAA Administrator John Shaffer that the FAA would soon impose maximum noise levels on the jumbo jets as well as other commercial aircraft. Legislation passed last year grants the FAA wide powers to regulate ground noise resulting from the Nation's rapidly growing jet air traffic. Such rules, in my judgment, are absolutely vital to insure that technological developments do not harm the quality of our environment. Loss of sleep, threatened commercial values, and general discomfort to people that results through noise pollution constitutes a major problem that must be solved within the next decade by comprehensive action.

Mr. President, the time has come for a "Quiet Revolution."

In the current issue of Life magazine, William Zinsser comments eloquently on the ironic imbalance in our national priorities. He notes that an oft repeated phrase "a nation capable of putting a man on the moon" should at least be able to redeem our polluted cities, educate our children, elevate our minorities, feed our hungry, and clean our environment.

The Life article also notes that the current budget request of the Department of Health, Education, and Welfare fails to contain a request for funds to study the effects of noise pollution, let alone to develop programs and noise-level standards to protect our environment. I sincerely hope this situation will be corrected before Congress takes final action on the HEW authorization. I intend to lend my full support to doing something about the noise problem in both the urban and rural environment.

Mr. President, I ask unanimous consent to have printed in the RECORD a news release by my office on this subject and the article entitled "Are We Hooked On Noise," written by Mr. Zinsser, and published in Life magazine for October 31.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[A news release from the office of Senator CHARLES H. PERCY, Oct. 9, 1969]

PERCY REPORTS FAA PLANS TO CURB JUMBO JET NOISE

The Federal Aviation Administration will soon issue noise abatement regulations for the new generation of jumbo jets, Senator Charles H. Percy (R.-Ill.) revealed today.

Percy said the regulations, which are expected to be published later this week, will cover maximum permissible noise levels for the new Boeing 747, the Douglas DC-10 and the Lockheed L1011.

Percy made the announcement after conferring with FAA Administrator John H. Shaffer regarding mounting jet noise pollution around Chicago's O'Hare International Airport, the nation's busiest. The Senator met this week with representatives of 19 communities near O'Hare Airport to discuss the steps that must be taken to cut noise pollution in the area.

Legislation passed by Congress in July, 1968, grants the FAA wide powers to regulate ground noise resulting from the nation's rapidly growing jet air traffic. The new set of FAA noise rules governing the jumbo jets—scheduled to be put into service early next year—are the first such rules to be issued by the agency, Percy noted.

Percy said he was assured by the FAA Administrator that the initial set of comprehensive noise rules would be soon followed by a second set governing the existing jet and piston air fleet. A final third set of regulations will cover the yet-to-be-built supersonic jet transport, the Senator reported.

"These rules are absolutely vital to insure that technological developments do not harm the quality of our environment," Percy said.

"Loss of sleep, threats to real estate values and the general discomfort which results from noise pollution around busy airports and in other densely populated areas constitute a major problem that must be solved within the next decade through comprehensive action," he continued.

"This must be done through the active cooperation between private industry and all levels of government," the Senator added.

Percy reported that the FAA planned to hold a joint meeting with high-level representatives of the National Aeronautics and Space Administration (NASA) at Langley Field, Virginia, on October 15th to discuss noise abatement problems. The FAA plans to propose a program that would cost $400,000 for each jet engine aimed directly at cutting noise levels.

"At the present state of the art, the SST cannot be allowed to fly over populated areas of the United States at supersonic speeds," Percy said, "since the resulting swath of sonic booms on the ground would be unacceptable to the vast majority of Americans. Already several Western European nations have banned all but subsonic flights of the SST over their air space to protect their people," the Senator noted.

"Hopefully, new technological advances will permit the use of all aircraft over land areas at their design speeds. But, until then, the quality of the human environment must take precedence," Percy concluded.

[From Life magazine, Oct. 31, 1969]

ARE WE HOOKED ON NOISE?

(By William Zinsser)

A group of scientists met in Chicago earlier this year to hold a symposium on noise pollution and, presumably keeping their voices low, agreed that "environmental din" is doubling with every decade and will have us all on the ropes by 1975.

It might be a good thing if people's ears would "bleed," one environmental psychologist told the meeting, which was held by the American Medical Association. Then people might get aroused. It may take a disaster like the Santa Barbara oil slick to dramatize the situation. Otherwise, noise pollution could be the last straw, on top of air pollution and all the other pollutions, that might bring our society crashing down."

Well, I've never seen a bleeding ear and never hope to see one. Still, the man has a point, and it may be that America is entering a new phase of the democratic process—government by mishap. Santa Barbara proved that the country won't stop polluting its seas and beaches until it befouls an entire region beyond the tolerance of man, bird and fish.

Therefore what the nation really needs is a Secretary of Disaster, whose job would be to turn blunder into victory. He would repair all the erosions of everyday life that Washington is too inert to cure. The first person with ear-bleed, for instance, would go to see him, or the first person driven mad by air compressors or jackhammers in the street, or by jets in the air, or by noisy plumbing in the next apartment. The Secretary would hustle them over to a joint session of Congress and get the necessary legislation started.

What makes modern noise so insidious, the symposium experts said, is that we're getting hooked on the stuff, as dependent as an addict for our daily level of din. "A vacuum cleaner that was nearly silent, while technically feasible, would not be likely to sell very well," suggested Ray Donley, an acoustical engineer, "because today's housewife wants to hear the sound of power."

Far be it from me to doubt the word of an acoustical engineer, but in this case I'll make an exception. The wail of a vacuum cleaner is one acoustical treat that I think our wives can live without. Are we to believe that Mrs. America actually revels in the decibel count of her machine as it sucks old scraps of dirt and food from under the sofa? She endures the vacuum cleaner's roar out of gratitude for its labor, and simply assumes that science hasn't yet found a way to shut it up.

But science *has* found a way—Mr. Donley let the cat out of the bag. Hey, everybody! A silent vacuum cleaner is technically feasible! Pass it on! The only catch, he says, is that no woman will buy it. Want to bet?

After all, it's not as if a silent vacuum cleaner will plunge the neighborhood into deathly stillness, the sort of place where you can hear a pin drop. Dropped pins just aren't being heard in America today. Background noise in the average community has risen so sharply that it exceeds the standards accepted by industry. So don't be surprised, ladies, if your husband starts leaving home early and returning late. He just wants to get some quiet down at the plant.

And don't try to tell him that a vacation in the country is any answer. It isn't—power tools have seen to that. A vacationer who wakes with delight at 8 to the singing of birds will be enraged at 9 by the whine of a power saw a quarter-mile away. The notion that one man with one saw should not be allowed to destroy the sanity of several hundred people evidently doesn't trouble our lawmakers; otherwise they would write some silencing laws into the manufacturing laws. Nor is going to the lake any better—Thoreau's broad margin of life has been whittled away by water-skiers. The outboard motor that pulls the water-skiers through his swoops and turns is one of the most strident creatures now loose in nature, and winter brings no relief. Then the 700,000 snowmobiles come out to play.

I'm not against water-skiing, or sawing, or any of these noise-making pastimes. I'm only against the noise that they make, which could be reduced if anybody cared enough. So what if the product would cost more? Anyone with enough money for power tools or an outboard motor is not hurting for dough. What's hurting is the central nervous system of whole communities. Authorities say that excess noise is a growing cause of, among other things, rapid heartbeat, mental illness, family strife, suicide and murder.

As for whether it's technologically possible to hush these machines, I'm assuming that it is. Any country that can achieve what its President calls "the greatest week in the history of the world since The Creation" should be able to manage such minor jobs of creativity—mere third-day stuff—as toning down the gadgets that are driving its citizens crazy.

I know this is the tritest thought now in the public domain: that if we can put a man on the moon, we should at least be able to redeem our cities, educate our children, elevate our minorities, feed our hungry, and clean our environment. Still, it's no less true for being a cliché, and I refuse to be shamed out of repeating it—anything to keep us from forgetting that our priorities are here on earth and our commitments to the quality of life.

Noise is now one of life's cruelest enemies. Yet the Department of Health, Education and Welfare didn't request in its last legislative package that Congress do anything about it. All hope, however, need not be lost. As one spokesman said, "HEW is undergoing a lot of reprogramming, and I think noise is going to get a very good looking at."

That may be the trouble right there. Washington is going to take a good look at noise. But is anybody going to listen?

A NATION OF MINORITIES

Mr. PROXMIRE. Mr. President, we are a Nation of minorities—minorities which have confronted major problems of war and peace, and self-government as a majority. The majority respects our pluralistic nature—we have even made of our heterogeneous origins a national strength and a point of national pride. We feel a natural sympathy for oppressed groups, we seek to preserve elements of our varied cultural heritage and weave them into our national fabric.

I wish to excerpt a statement made by former Chief Justice Earl Warren at a Conference on Continuing Action for Human Rights in December of 1968. Justice Warren said:

> We have failed ourselves in not ratifying two conventions which were drafted as an expression of man's readiness to recognize the special protection which the minority deserves and needs. We as a Nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention. Instead we may well be near the last to ratify the Genocide Convention which has about 80 parties to it already and the Race Discrimination Convention will probably enter into force without the United States having made any serious move to accede to it.

This sad record and the responsibility for it lies squarely with those who have a parochial outlook on our world problems. They have failed to measure the climate of change in the world. They have failed to recognize that great men and great institutions do not stand still in the face of great changes.

WITH A VOICE OF PROPHECY

Mr. BROOKE. Mr. President, earlier this year, Rabbi Larry J. Halpern, of Temple Israel, Boston, Mass., delivered one of the most moving and inspired sermons I have ever read. The occasion was Rosh Hashana, the day of atonement. The text was the challenge flung down by the Prophet Amos to the worshippers in the temple many thousands of years ago. The message was as apt to the needs of our society as it was to the needs of theirs.

I ask unanimous consent that Rabbi Halpern's sermon be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

A ROSH HASHANA SERMON BY RABBI LARRY J. HALPERN, TEMPLE ISRAEL, BOSTON, MASS.

As the worshippers sat in their places, their minds focused upon their liturgy, their spirits at peace, soothed by the lilting refrains, an unexpected voice cut through the mood. With an urgency and power which would not be shut out, even by the most complacent, the spokesman strode to the pulpit. With a vibrance and directness all too infrequent in the sanctuary, the words of the speaker sprang forth.

"Thus saith the Lord:

"'For three transgressions of Israel,
Yea, for four, I will not reverse it:
Because they sell the righteous for silver
And the needy for a pair of shoes . . .
And thus profane My Holy Name.'"

With these words, Amos challenged the Rosh Hashanah worshippers in 761 BCE. Challenged them as they sat amidst the opulence and regal splendor of the King's sanctuary in Beth El. Challenged them, frightened them, even angered them and in so doing began the tradition of prophetic calling which serves unto this day as the proud focal point, the source bed of our movement.

In our day, his echo is heard, his voice, his anger, his method relived. Worshippers confronting their God through the liturgy of their traditions are roused from their peace, the regal chambers of their hierarchies are shaken by confrontation, by deliberation precipitated by James Forman's "Black Manifesto"—a manifesto not of the prophet's care, but the victim's plea—brought to shake the establishment. Brought with a demand for radical action now. Brought with the recognition that time and the established legalism serves those already in power, those who already have made it.

Unlike the prophets' words, these demands present an emphatic voice from among the oppressed. A voice that no longer will wait submissively for the white man's condescending ceding of rights which should come with birth. A voice that seeks earnestly to create pride where now there exists but anger, to develop peoplehood where now there exists but hunger. A hostile voice, yes; spoken in anger, true; with an exaggerated self-image, undoubtedly. Listen:

"We are saying that not only are we the vanguard, but we must assume leadership, total control and we must exercise the humanity which is inherent in us. We are the most humane people within the United States . . . only a black-controlled government can stamp out racism."

Hostile, angry, the speaker's self-image exaggerated. But a beautiful voice, bespeaking a new pride in daring to be heard. A voice that clearly states its theme—shattering our complacency by its directness, its validity.

"We, the black people . . . are fully aware that white racist America has exploited our resources, our minds, our bodies, our labor. For centuries we have been forced to live as colonized people inside the United States, victimized by the most vicious, racist system in the world."

"We are, therefore, demanding of the white Christian churches and Jewish synagogues, which are part and parcel of the system of capitalism, that they begin to pay reparations to black people in this country."

And, unlike our prophets' pleas for ethics, this voice, this declaration, brings its by now well-known demands for specific solutions—the essential demand for payment of five hundred million dollars ($500,000,000), a sum computed on the basis of fifteen dollars ($15.00) per black in the United States—sought not as an empty bribe, but to construct a new black community. To establish a land bank, a black-controlled press, to create black broadcasting outlets and a center for research focusing on the problems of the black community, creating training programs for its citizenry. In addition, these demands call for the establishment of groups which would organize welfare recipients, underwrite strikes and develop an International Black Appeal similar to our CJP, which would bring additional capital into the black community.

And because of its bravado, this proud voice has affected the white community—bringing police to the sanctuary, Jewish vigilantes to the streets of New York, evoking anger, fear or hostility from those gathered in worship this night. It has spurred policy statements from the National Community Relations Advisory Council and the Union of American Hebrew Congregations, hurried meetings in the councils of the powerful amid the guardians of the ledgers. It cannot be ignored.

But in our anger, how many have listened? Struck by the hostility of the message, how many have sought to understand? Alienated by the impudent demands of those not our own, how many have harkened to its warning? On this day of beginning, of dedication, might we not listen to better view ourselves and our world?

Let me probe with you this document that together we might more fully understand what it says *of* white America, *to* Jewish Americans, and what it *demands* of all.

As one reads the Black Manifesto, he is aware immediately that the black society which authorized it holds a unique perspective on our society. One rarely brought to our attention—withheld by the blacks we employ, ignored by the blacks who seek the dollar through a pseudo-whiteness. A perspective present to those who are forced to live daily with marginality, devoid of any real hope for involvement. It is as Dr. Kenneth Clark has stated:

"The Negro in America, by virtue of the pervasive pattern of racial rejection, exclusion or a token and often self-conscious acceptance by a minority of white liberals has been forced into a degree of alienation and detachment which has resulted in . . . sharpened insights and increased sensitivity to some of the subtle forces which are significant in our complex social structure."

The black man sees our society as that of an "octopus of exploitation—tentacles stretching from Mississippi and Harlem to South America, the Middle East, Southern Africa and Vietnam; the form of exploitation varying from area to area, but the essential result the same—a powerful few have been maintained and enriched at the expense of the poor and voiceless colored masses."

None need have diagrammed this night the obvious atrocities committed by white society—the vicious cycle of poverty, poor education, inadequate housing and futility—each feeding on the other, renewing more of the same. The report of the National Advisory Commission on Civil Disorders is full of such material. Written by the Establishment, the horrors it depicts are all but beyond belief. Yes, none need go to far to be aware of the more insidious forms of racism which, too, are all-pervasive—the white control of black organizations, the spirit which brings "whitey" to believe he should select black methods, the patronizing suggestions, the unceasing erosion of pride so well depicted in Martin Luther King's famed "Letter from the Birmingham Jail": "When you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to black children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking: 'Daddy, why do white people treat black people so mean?'; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading 'white' and 'colored'; when your first name becomes 'nigger', your middle name becomes 'boy' (however old you are) and your last name becomes 'John' and your wife and mother are never given the respected title 'Mrs.'; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of 'nobodiness'—then you will understand why we find it difficult to wait."

Or that special form of racism found within so many minority immigrant peoples: "Why can't they raise *themselves* the way I did—the way my family did?" This special form of prejudice which ignores the facts of the black man's arrival in the United States bound in chains, his family unit destroyed, of the deletion from the Declaration of that passage condemning England for its support of slavery, of the Constitution's view of the black man as three-fifths of a man, of the skin—its easy recognition branding its possessors as outcasts, of an economic system vastly changed from the time of our entrance into it, the once open-ended prospect for the unskilled now all but totally destroyed by technological advances.

This unique perspective given us through the black man's eyes is most difficult for us to accept. We are part of the haves. We, too, fear change which might jeopardize our hard-won gains. We, who used our own bootstraps, now fear those who possess none. We, who but short generations ago sought our rights—cajoling, working, striking and even threatening those in power—now find our vulnerable world shaken.

But accept it we must for it is right—all men must be free. And more, we Jews, we must sense this struggle as our own. We Jews today, for all our achievements—our wealth and our apparent power—are marginal beings, a people forced by its stigma to accommodate itself, to "fit in" to interstitial spaces. If marginality be defined as an absence of true power, if it be seen as the inability of a people or an individual to determine his or her own destiny, then we Jews are truly marginal. For all of our self-aggrandizing boasts, for all of our proper claims, we remain in these United States tenants—at will—living off the good will of our neighbors, sensing ghosts in every shadow, fearing change which all too often has made us its victims.

What finer example of Jewish marginality might we view than the spectre of the early American Reform Jew trading off his uniqueness, his rights, his individuality for a chance at position and wealth? How similar this is to the black man's conked hair, his use of lotions and creams to make his skin lighter. How obvious is our marginality, when with longing Jews enter into discussions of the "Secular Society"—a society so secular in fact it has a Sunday Sabbath and a "secular" Easter or Christmas. A society in which the Jew, with but the clay shell of power can be turned against the black, whose shell is but beginning. Until the Jewish teacher or social worker baited by the black, manipulated by the established press and all too often comforted by his own, flails out, destroying himself along with the black. Weakened by his fight, the Jew is undermined by his failure to sense that the black man's call for true brotherhood, true equality, is his only hope for permanent peace. How pleased must be the anti-Semites, the compromisers and the true holders of power when they view the dissension, the furor of an Ocean Hill-Brownsville! As Michael Scott has written: "Could Hitler or Gerald L. K. Smith have dreamed of anything better . . .?" Mr. Scott has correctly sensed the ploy of the true powers—use the Jews to destroy the blacks; risk nothing; gain everything. He continues:

"Throughout history, the power to inflict harm was in the hands of anti-Semites. Black people in this country don't have that power, even if they wanted to use it. Is it black anti-Semites who have closed certain job doors to Jews? Is it black anti-Semites who operated the quota systems at Princeton and Harvard and Yale? Is it black anti-Semites who never nominated a Jew to run for President of the United States? Is it black anti-Semites who keep the oil wells in Saudi Arabia flowing?"

The answers are clear. Our marginality is obvious, our vulnerability, our susceptibility exposed.

When we Jews trade our prophetic calling, our concern for peoplehood, our Judaism for quicksilver—today's promise of acceptance becomes tomorrow's fond memories of what might have been. This night our black brothers are calling us to recognize that true brotherhood is not a compromise, a bartering of values, a gain for them equalling a loss for us. Rather they would awaken us to the reality that true brotherhood, the promise which the United States claims to offer, is the common existence of many cultures, many value systems enjoy. It is *not* a grudging ceding of rights by the oppressor to the oppressed—the yielding of the innocuous pawned off as meaningful dialogue—but the existence of parallel units, capable of self-contained existence, interacting by choice, each possessed of sufficient power to be unique—to permit pride—each possessed of sufficient pride to permit progress.

In alliance for such goals must we Jews ever be found. The stakes are too great to sell our ultimate hope for a little bread and water, a dollar here, a job there. Survival brought with pride, maintained through dependency is not worth having. The United States has given much more than any other country in our history, yet far more has it promised and far more can it deliver. We, our children, our children's children, indeed the entirety of mankind stand to lose if we do not demand that the promise be fulfilled.

But it is not enough to see the racism which is a blight upon this nation's existence, to confront what so often threatens the comfortable ease we see just around the corner . . . if only the lid can be kept on things for a little longer. It is not enough to recognize the legitimacy of the black man's view of marginality and sense our marginality, our common share in his pursuit of the ideals of brotherhood. No, all of this, and for most of us, I believe, this is indeed a great ideal, is not enough unless we recognize our common involvement both in cause and cure—an involvement clearly articulated for us by the National Commission on Civil Disorders:

"What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

"The alternative is not blind repression of capitulation to lawlessness. It is the realization of common opportunities for all within a single society.

"This alternative will require a commitment to national action—*compassionate, massive and sustained*—backed by the resources of the most powerful and the richest nation on this earth. From every American it will require new attitudes, new understanding and above all, new will."

Our involvement in the cause of true brotherhood, stirred by our understanding of the true extent of the problem, motivated by our awareness of our position as oppressor and oppressed, must be on this Rosh Hashana unshakeable. Our resolve must be unquestioned. With his Black Manifesto, James Forman has exaggerated, threatened without support, even demanded beyond his means. Yet, he is correct. Unless we are willing to seek an entire solution even unto institutional changes, we are ruined. Unless we are insistent that it be now, we are undone. Unless we are willing to risk even our hard-won status and wealth, we will obtain nothing.

You and I must go forth this year not dreaming of the Messianic Age, but acting as Elijah—paving the way. You and I must act unceasingly to remove the stumbling blocks which exist in our communities—the subtle prejudices, the voting bias, the restrictions which impede open-housing in our all too often gilded ghettoes. You and I must rip away the impediments to freedom which are in our sway—committing our resources and giving active support. You and I must be able to end our racism, subtle though it may be, restricting natural inclination to direct others, reigning in our arrogant view that we alone can judge another's feelings, his needs or even his methods. At present, this is our role: Commiting our wealth voluntarily that we might learn all we can of the problem—studying, talking, making united demands of the powerful. In addition, our black brothers and sisters must be made aware of our complete support. Our recognition of his problems and manhood, removing his need for violence, allowing him to express his own selectivity to get on with the creation, the implementation of his world. Indeed, it is presumptuous for us to direct, ludicrous of us to believe that given a full opportunity the black man cannot guide his own life. The plantation psychology dies slowly, when minds have long been channeled in it; but die it must. Now is the time. . . . ours the generation!

James Forman has given unto those who are open the first step which must be taken. He has made demands of the synagogue. Now, our answer. We must begin and begin *here* where such protest began. Here where we do have control we must see the needs and make the demands for change. We must renew our synagogue's unstinting commitment to morality for all. We must support this Temple's involvement, and accept the taxation to do the job right. We must use its strength wisely where its presence is justified . . . being prepared to rebuke friend and foe alike.

What good is a synagogue without life-sustaining values, without life-enriching action? What good is a structure without its supports? Even as is a building without its walls, so is a synagogue without its active involvements in man's struggle for his rights.

The Prophet Amos saw a failure of indifference, a loss of purpose in the opulent synagogue in Beth El and his vision stirred him to anger, his anger to action. We sit here this night in the midst of our sanctuary, the challenge placed squarely before us. Before we depart we must decide. Do we go with opulence and silence, fantasying denials to Forman's charges, fully aware of his correctness. Do we become immune, our Temple empty and unresponsive, emulating the church decried by Martin Luther King in his words: "Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent—and often even vocal—sanction of things as they are"? Or do we begin to open our doors and our minds, working to build the "just society"?

In this same situation, the prophet Jeremiah chided our ancestors, "Ye have not harkened unto me in proclaiming liberty, every one to his brother, and every man to his neighbor . . ." And we wonder—his warnings went unheeded and the result was disaster for our people, our country.

In our day Jeremiah's echo returns in the warning of Dr. Kenneth Clark:

"I read that report . . . of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot.

"I must again in candor say—it is kind of Alice in Wonderland, with the same moving picture reshown over and over again, the same analysis, the same recommendations, and the same inaction."

We ask ourselves: "Will we remain complacent?"

ENVIRONMENTAL PROTECTION

Mr. HATFIELD. Mr. President, Oregonians have always been concerned with the preservation of their environment—from the maintenance of the beautiful green forests as wilderness areas to the saving of ocean beaches from the demands of commercialization. Even in Oregon, however, as living has become more urbanized and industry has expanded, the balance between a wholesome environment and technological advancement has become somewhat upset. In fact, problems of pollution in Oregon are already threatening the inhabitability of the land and the use of its waters in generations to come.

It is with this concern that Oregonians have welcomed the environmental quality commission as a successor to the sanitary authority under the State board of health and the commission's attention to problems of both air and water quality control. Pollution is the prime public policy concern at the moment—and indeed it should be, for a threat to the human environment is a threat to human life itself.

While it is with alarm that I read the report of Director Kenneth Spies and the projection of a need for a $180 million expenditure in the next 5 to 10 years for additional sewage works alone, it is also with encouragement that I view Oregon's attentiveness to the problem area of pollution and environmental protection. In recognition of the assistance Oregon, as well as the rest of the Nation, will need in abating pollution, I ask unanimous consent that the report entitled "The Present Status of Water Pollution Control in Oregon" be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Present Status of Water Pollution Control in Oregon

(By Kenneth H. Spies, director, department of environmental quality)

From August 12 to September 30, 1968, more than 4,000 fall Chinook salmon migrated from the Columbia River through Portland harbor and over the improved fish ladders at the Oregon City falls to the upper Willamette River. In 1967 the number was slightly more than 2,000; in 1966 it was 1,000, and in 1965 it was only 79.

These migrations represent the beginning of a valuable new resource that is being developed by state and federal fishery agencies. There is no evidence that even before the coming of the white man to the Pacific Northwest was there ever a fall run of salmon in the Willamette River above Oregon City.

This new run of fish has been made possible by the construction of fish ladders at the Oregon City falls and, more importantly, by the abatement of pollution in the main Willamette River.

Beginning in the late 1920's there was so much raw sewage and untreated industrial wastes being discharged into the Willamette River system that every summer and fall when the stream flow was the lowest the dissolved oxygen content of the water in Portland harbor would be reduced to such an extent that salmon and other desirable species of fish life could not survive. On some occasions the dissolved oxygen content was completely depleted and as a result septic conditions were created.

Fortunately, the construction during the past few years of approved sewage and waste treatment works by the cities and industries in the basin has resulted in a gradual improvement of the water quality in the main stem of the Willamette so that now there is sufficient dissolved oxygen in Portland harbor year round to support fish life and to promote the upstream migration of salmon and steelhead.

This improvement is illustrated by the following data accumulated by the staff of the State Sanitary Authority in connection with routine monitoring surveys which are made of the river by that agency.

DISSOLVED OXYGEN CONTENT (PARTS PER MILLION) OF WILLAMETTE RIVER IN PORTLAND HARBOR

	Minimum monthly	Minimum daily
Year:		
1957	1.5	0.6
1963	3.0	2.0
1965	3.2	2.2
1967	3.3	2.6
1968	5.2	3.8
1969 (to Aug. 10)	5.6	4.6

The goal is to maintain not less than 5.0 parts per million at all times in the waters of Portland harbor. Higher dissolved oxygen concentrations are maintained in the upper sections of the river that are utilized by salmonid fish species for spawning and rearing of young.

The bacterial quality of the river water has also improved so that much of the river is now reasonably safe for recreation including water skiing and swimming.

Similar progress has been in other river basins of the state. But the battle to rid Oregon's public waters of pollution is far from won and probably never will be as long as the population continues to increase and industry continues to expand.

Oregonians have for many years realized the importance of preserving the high quality of their public waters—their inland, coastal and ground waters. As early as 1889 the Oregon Legislature passed a law which declared it illegal to pollute any waters used for domestic or livestock watering purposes. In spite of that and other laws passed many years ago, the pollution of Oregon's rivers, streams and lakes continued to increase.

As previously stated, pollution in the Willamette River became a serious problem more than 40 years ago. It was because of the pollution in the Willamette that the voters of Oregon at the general election in November 1938 overwhelmingly approved the state's first and one of the nation's earliest comprehensive water pollution control laws. It established a public policy to restore and maintain the natural purity of all waters of the state and it created the State Sanitary Authority as the agency responsible for carrying out that policy and for enforcing all laws of the state pertaining to water pollution control.

When the Sanitary Authority started its program in February 1939, there were less than 50 sewage treatment plants in operation in the whole state, only 23 in the Willamette Basin and none on the main stem of the Willamette. Portland, Salem, Eugene, Corvallis and the other cities along the Willamette were discharging all their sewage and wastes into the river without any treatment. Raw sewage from nearly a half million persons was being discharged daily into the state's rivers and streams. No industries in the state had any kind of treatment for their water carried wastes.

The untreated wastes from the five sulphite pulp mills in the Willamette Basin represented the largest source of demand upon the dissolved oxygen resources of the river water, but the raw discharges from the many fruit and vegetable processing, meat packing and other industrial plants did not help the situation any.

It was no wonder then that the dissolved oxygen content of the river water in Portland harbor on occasion would drop to zero, that large sludge deposits were created on stream bottoms, that conditions hazardous to health existed in many areas, and that certain streams were so polluted that they could not be used for any beneficial purpose.

In 1961, again in 1967 and more recently in 1969 the state laws pertaining to water pollution control were extensively amended and improved by the legislature. Under the 1969 amendments the State Sanitary Authority, which had always been a division of the State Board of Health, was replaced by a new and separate Department of Environmental Quality including a five-member Environmental Quality Commission, the latter being the policy and rule making and law enforcement body.

The new Department is responsible not only for water pollution control, but also for air quality control and solid waste disposal.

Under the program of the State Sanitary Authority practically every city and industry in the state has in recent years been required to install special sewage and waste treatment works in order to abate or prevent water pollution.

In 1947 the first sewage treatment plant on the main Willamette River was placed in operation. By 1957 all cities on the Willamette had installed at least primary treatment. By September 1969, when the city of Albany completes construction of its new plant, all cities and communities in the Willamette Basin will have the equivalent of secondary treatment and effluent disinfection. By July 1972 all cities in the state, including those on the Columbia River and those along the Oregon coast will be required to have a minimum of secondary treatment and effluent disinfection equivalent to 85% reduction of oxygen demand and suspended solids.

During the past 25 years the people of Oregon have spent an estimated $190,000,000 for the construction of new or improved sewage collection, treatment and disposal facilities. At the present time there are more than 250 modern sewage treatment plants in operation in Oregon serving nearly 1,250,000 persons or more than 98 percent of the population served by community sewer systems. Thirty years ago the 49 plants in existence were serving less than 100,000 persons or less than 17 percent of the population served by community sewer systems. Furthermore, most of those early plants were at that time already overloaded or otherwise inadequate.

In addition to the expenditures made for sewerage facilities, private industry during the same period has spent several millions of dollars for construction of its required waste water treatment works. Since 1952 the pulp mills in the Willamette Basin have been required to operate special waste disposal systems for reduction of their pollution loads during the critical summer and fall stream flow period each year. More recently, under a new waste discharge permit program established by the 1967 legislature, they have been required to install facilities for year round treatment of their wastes prior to discharge into the river. At the present time all 8 mills in the basin have year round treatment for removal of settleable solids. Four of them also have chemical recovery and secondary treatment and the other four are required to have this same degree of treatment by July 1972.

It was previously mentioned that the battle to rid Oregon's waters of pollution is far from won. As evidence of that fact, it is estimated that during the next 5 to 10 years the people of Oregon will have to spend another $180,000,000 or more for additional sewerage works. This expenditure will be necessary to serve the state's ever-increasing population and urban growth with required sanitary facilities and to prevent nuisance conditions, public health hazards and water pollution which would result if adequate sewerage facilities were not provided.

As the cities continue to grow and as the demand for more and cleaner water continues to increase, the cities and other communities operating sewage treatment works must periodically enlarge and improve the efficiency of such facilities in order to maintain the required degree of quality in the receiving streams. Two major problems associated with this need are how to provide the higher degrees of treatment that are required and how to raise the funds necessary for financing their construction.

A good example of this is what has happened in the Fanno Creek area of the Tualatin River Basin. Fanno Creek has very little natural flow in the summer and therefore provides inadequate dilution for conventionally treated sewage effluents. By 1966 the population of this and other drainage areas in the Tualatin Basin had increased to the point that even a high degree of secondary treatment was no longer adequate to prevent nuisance conditions from being created in the creek waters. A policy was therefore adopted by the Sanitary Authority in September of that year that no new or enlarged sewage treatment plants would be permitted until a master sewer system for the Tualatin Basin could be developed.

Growth of the areas continued to take place, however, until finally in July 1968 the State Sanitary Authority had to place a ban on all new construction in the Fanno Creek area because the secondary sewage treatment plant serving it had become grossly overloaded, and it was not practicable to increase further either its treatment efficiency or capacity.

Since then a preliminary engineering report of a proposed master sewer system for the Tualatin Basin has been prepared by consulting engineers for the Washington County Board of Commissioners. Consideration is now being given by that body to the formation of a county service district as the legal entity to design, construct, operate and maintain the required master system of sewage collection, treatment and disposal for the Tualatin Basin. This will make it possible to consolidate many of the small plants now being operated by cities, special service districts and private corporations in this portion of the Portland metropolitan area.

Some 30 to 50 million dollars will be required within the next few years to finance the Tualatin project. With property and other taxes already at record highs it will be increasingly more difficult to finance this and similar projects needed in other parts of the state.

To provide assistance in solving this financial problem the 1969 Oregon Legislature passed a bill authorizing the issuance of state bonds which can be used to make loans and 30% grants to cities, counties, service districts and other governmental units for construction of water, air or land pollution control projects. Before such a program can go into effect, however, the state constitution must be amended and therefore at the May election in 1970 the voters of Oregon will have the opportunity to approve an amendment which will permit the issuance of bonds for this purpose up to one percent of the true cash value of all taxable property in the state.

For the present biennium the amount of bonds would be limited to $50,000,000.

The Department of Environmental Quality already has on hand applications for 30% state grants for more than $50,000,000 worth of sewage treatment projects that should be constructed within the next two years.

Since 1956 Congress has annually appropriated funds to provide federal financial assistance to cities and other governmental units for construction of sewage treatment works. The amount of the federal grants was limited to 30% of the construction cost until 1966 when Congress amended the law to provide 50% grants in those states where the state government would provide 25% state grants. Unfortunately, Congress has failed to increase its annual appropriations sufficiently to provide the increased grants for all eligible projects and as a consequence many projects have been unduly delayed.

In 1967 the State Sanitary Authority adopted special water quality standards for all interstate and certain intrastate waters of Oregon. These standards require that in every instance the highest and best practical degree of waste treatment be employed. At the present time the new Environmental Quality Commission, successor to the Sanitary Authority, is engaged in the promulgation of special water quality standards for other intrastate waters including such streams as the Clackamas, Sandy and McKenzie Rivers. Because of the existing high quality of these waters and the uses being made of them, it will probably be necessary to provide advanced waste treatment for any sewage effluent that may be discharged into them. Tertiary or advanced waste treatment will also be required for any plants which continue to discharge into the Tualatin River system mentioned previously. Treatment processes of this type are available. Unfortunately, they are expensive to build and to operate but they will have to be used if the state is to continue to develop and at the same time preserve the quality of its water resources.

In summary, the state of Oregon is making outstanding progress in abating the pollution of its public waters. The job is not yet finished and probably never will be, but by the summer of 1972 the water quality goals set more than a generation ago should be fulfilled. The main task thereafter will be to maintain the high water quality standards for the benefit of future generations.

In the meantime it will among other things be necessary to raise the millions of dollars needed to finance the construction of the required waste water treatment works, to develop more economical advanced waste treatment processes that will be suitable for both large and small installations, and to find practical means for controlling the detrimental effects on water quality of certain land uses such as timber harvesting, irrigation, and cattle feeding.

In view of the great concern which Oregonians have always had for protecting their natural resources against pollution and particularly in view of their present determination to maintain the highest possible degree of livability, there is no doubt about their winning the battle to have clean waters.

OUR POLLUTED PLANET

Mr. McGOVERN. Mr. President, the quality of life, not only in the United States, but throughout the world, is being dangerously threatened. The pollution of our planet is reaching such serious proportions that life itself is at stake.

The Senator from Wisconsin (Mr. NELSON), the leading spokesman in Congress for the conservation of our natural resources and for a cleaner, more healthy world, has again presented his case. This time Senator NELSON argues in an article entitled "Our Polluted Planet," published in the November issue of Progressive magazine, that this country must make the same kind of commitment toward cleaning up pollution as we are spending to send men into space or to build a massive military machine. He calls for a nationwide college and high school teach-in next spring to enlist the youth of America in a great crusade to save our pollution-threatened environment.

I ask unanimous consent that this important article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR POLLUTED PLANET

(By Senator GAYLORD A. NELSON)

(Senator Gaylord A. Nelson, a Wisconsin Democrat and former Governor of that state, is an outspoken conservationist and has led the fight against environmental pollutants. Frequently described as the leading spokesman for conservation in the U.S. Congress, Senator Nelson has led the battle against DDT and other pesticides. He was successful in winning passage of the National Wild Rivers Act. He has introduced legislation to stop detergent pollution and has worked in Congress to find ways to save the Great Lakes. During the present session of Congress he was also instrumental in drawing up legislation to stop open testing of chemical-biological warfare weapons.—THE EDITORS.)

Man lives on a limited, finite planet that spins in a mathematically precise orbit in the dead vacuum of space. The uniqueness of man's planet earth is that it is the only body in the solar system capable of supporting life.

Just how long it will be able to sustain life, however, is a question that is causing increasing concern to many scientists and ecologists. Our planet has only a thin veneer of soil that is supporting rapidly diminishing forests and a dwindling variety of animal species.

The scientists and ecologists have been warning for years that earth's resources are not endless and that soaring population growth and blind disregard for the most vital resources of air and water could bring disaster. They have stepped up their warnings of pending disaster, because they believe that the end is virtually imminent. Every major watershed in America has been polluted by the unbridled expansion of business and industry and by municipalities unwilling to clean their wastes adequately before dumping. Lake Erie, an important fresh water supply for millions of people, is almost dead, and most other major bodies of water in the nation are close behind.

Even the vast oceans, which make up three-fourths of the surface of the globe, face disaster and destruction. Man has looked to the oceans as the future source of food protein when the land becomes too crowded and too overworked to produce enough. But the pollution of the seas has become so serious that one noted ecologist has flatly predicted that the end of life in the seas could come in ten years.

Evidence of nature in rebellion has already been seen in the oceans, as mysterious events take place which scientists have under study. In the South Pacific, a marauding starfish is destroying coral reefs; without these barriers, many islands, including the Hawaiian, will lie unprotected from the pounding seas. Scientists are guessing that dredging, underwater blasting, overuse of lingering pesticides, or even radioactive fallout have killed the starfish's natural enemies.

In the past year, other events have been observed that have brought death to thousands of creatures living in and around the sea. Some were killed by the ugly oil spills off the coasts of California and Southern England. Some, however, remain unexplained—with only the dead fish, birds, clams, or crabs, tumbling by the thousands in the surf, indicating that something serious was wrong.

There is almost no way to escape the poisons of pollution. Day after day the thin envelope of air that surrounds the earth is mixed with the belching smoke and soot of tens of thousands of industrial smokestacks and incinerators and the deadly fumes from millions of automobiles, buses, and trucks exhausting gases and lead particles from fuel into the air. Just how long the atmosphere will be able to absorb these pollutants cannot be predicted accurately.

The environmental threats have begun to jolt many Americans from their indifference and disregard for the severely limited natural resources of man. A recent Gallup Poll conducted for the National Wildlife Federation revealed that fifty-one per cent of all persons interviewed expressed "deep concern" about the effects of air pollution, water pollution, soil erosion, and the destruction of wildlife and natural resources. Most surprising was the fact that almost three out of every four of the persons interviewed said they would be willing to pay additional taxes to put a halt to these threats to life.

Even a limited survey of the ways in which man has been violating his environment demonstrates why the threat to life itself is so serious. The use of the deadly, long-lasting, poisonous pesticides is one of the most depressing examples. Each year, more than 600 million pounds of pesticides of all kinds are sprayed, dusted, fogged, or dumped in the United States—about three pounds for every man, woman, and child in the country.

The residues drift through the air, mingle with the waters to destroy aquatic life, and seep through the soil to contaminate the environment on a worldwide basis. Pesticide particles have been found, for example, in the tissues of reindeer in Alaska, in penguins in the Antarctic, and in the dust over the Indian Ocean. Several species of animal life, including the American bald eagle, the peregrine falcon, the osprey, and the Bermuda petrel are on the verge of extinction by pesticides.

A two-year national pesticide study completed recently by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from forty-four rivers and lakes across the United States. The study revealed DDT residues ranging up to forty-five parts per million in the whole fish, a count more than *nine times higher* than the current Food and Drug Administration guideline level for DDT in fish.

The threat of pesticides to public health and safety was made shockingly obvious last spring when the Food and Drug Administration seized 28,000 pounds of pesticide-contaminated Coho salmon in Lake Michigan. The concentration of DDT in the salmon was up to nineteen parts per million; the accumulation of dieldrin, a persistent and more toxic pesticide, up to 0.3 parts per million. Both levels are considered hazardous by the FDA and the World Health Organization.

Dangerous levels of DDT and other deadly pesticides have been found in tobacco and fruit, and vegetable producers constantly must take care to avoid having their crops banned from commercial markets.

An irony of the whole pesticide sage is that, time and again, the bugs have come out on top. Hit the insects with a pesticide, and a few hardy generations later, adaptation has developed a new breed that is immune to it. Rather than seeking the obvious answer of an alternative pest control, our response has usually been to use greater doses of the same old ineffective stuff.

Yet, despite the urgent warning by responsible scientists of imminent environmental disaster and health hazards from pesticides, Federal agencies have failed dismally to face the threatening problem. Not one agency has taken any significant action that would lead to the goal of "eliminating" the use of persistent, toxic pesticides that was established six years ago by President Kennedy's Science Advisory Commission on Pesticides.

The appalling fact is that the Federal Government has been perpetuating this grave environmental and health problem rather than working to resolve it.

The Department of Agriculture has virtually ignored the hazards of pesticides, and Department spokesmen have opposed state action to ban DDT and have supported the pro-pesticide arguments of the chemical companies with scandalous devotion. In spite of the obvious need for alternatives to DDT and other hard pesticides, the Department has failed to launch an all-out research effort in this area. One spokesman for the Agricultural Research Service admitted that the Department's program for improved means of non-chemical pest control is presently underfunded by at least $4 million.

It is obvious that the Department must research non-hazardous controls of pests and use its existing authority to place effective limitations on the use of all pesticides, including a complete cancellation of the registrations for the hard pesticides especially hazardous to the environment.

In the deepening national crisis facing our rivers and lakes, a dramatic new pollution source is developing—the massive discharges of heated water from nuclear power plants.

On Lake Michigan alone, seven nuclear power plants, several with capabilities larger than any in the history of power generation, are scheduled to be in operation by the mid-1970s. Together with the output around the lake of existing plants fueled by coal and oil, the higher volume of expelled heated water will raise the temperature of all of Lake Michigan by several degrees in the next few decades.

In addition to the threatened change in the taste and smell of drinking water near some of the plants, the delicate chain of Lake Michigan aquatic life, already severely threatened by other pollutants, could be further upset. Algae growth is already a problem that could be greatly increased by the warmer water. Yet, incredibly, not one of the plants is installing cooling towers to reduce the environmental impact of the heated water on this vital segment of the Great Lakes chain—a major resource of international importance.

On a nationwide basis, 120 nuclear power plants will be installed within the next six years. By 1980, the electric power industry—with both nuclear and fossil fuel plants—will be using one-fifth of the total fresh water runoff in the United States for cooling. But the Atomic Energy Commission, which is charged with regulating the development of the nuclear power plants, said it has absolutely no responsibility to assure that the gigantic heat discharges will be controlled.

The tragedy of what is happening to the Great Lakes is clearly one of the ugliest examples of stupidity and greed. The pollution sequence has reached the point where Lake Erie is nearly destroyed, with Lake Michigan close behind, and Lakes Huron and Ontario gravely threatened. Only Lake Superior, the third largest body of fresh water on earth—almost 3,000 cubic miles—is still clean.

Just how long Lake Superior will remain clean is highly questionable. The threat to its sparkling blue waters has begun. The Reserve Mining Company, owned by the Republic Steel and Armco Steel corporations, is dumping into these waters more than 60,000 tons of wastes daily from its taconite—low grade iron ore—processing plant. It has been computed that, if the plant operates at current levels for the next forty years, it will dump into the lake one trillion, 881 billion, 600 million pounds of taconite tailings.

A Federal report concluded last spring that the waste discharge is already damaging the fragile ecology in the lake, is affecting the mineral content and the clarity of the water, and is destroying the already limited fish spawning grounds. There seems to be little question that the wastes are polluting the lake.

The Water Quality Act of 1965 and the Clean Water Restoration Act of 1966 were Congressional declarations setting a national commitment to restore and protect the water quality of this country. Under the latter act, Congress authorized $3.4 billion in Federal aid for the period from 1968 to 1971 to begin the task. Congress recognized that the authorization was only for a minimal beginning and acknowledged that the job eventually would cost tens of billions of dollars.

Yet today, the water pollution control effort is in the same crisis condition as the waters of this nation. Efforts to implement the water quality standards face total collapse because the Federal aid commitment is not being met. In 1968, $450 million in Federal aid was authorized by Congress but only $203 million was appropriated. For 1969, $700 million was authorized, but less than one-third that figure was appropriated.

The backlog of need continues to climb to gigantic proportions. Recent figures disclosed that $2.2 billion in Federal aid has been requested under pending applications for the construction of effective municipal waste treatment plants. These plants are needed to eliminate one of the most continuous sources of water pollution—soaring population growth makes the best systems inadequate in a short time. For 1970, the Administration originally proposed spending only $214 million of the $1 billion authorized, but under great pressure from Congress agreed to a substantial increase, and the ultimate appropriation may come much closer to the authorized sum.

Last year, Congress recognized the hard fact that only a major infusion of new Federal funds would enable the creation of new national parks such as the Redwoods, and provide even a minimum of space and recreation for this nation's rampaging population growth. Congress amended the Land and Water Conservation Act to provide that revenues from outer continental shelf oil drillings—those beyond the three miles of shelf reserved to the states—would assure a minimum of $200 million a year for the next five years for the Land and Water Conservation fund.

But this year the Nixon Administration has requested only $124 million for the fund, and it is unlikely that more money will be added either by Congress or by the Administration. The supplemental oil revenues, which this year alone will total $76 million, are earmarked for the fund, but will be unappropriated and unspent, unless Congress and the Administration together take action. These oil funds could sit there indefinitely, as they cannot be spent for other purposes, while important available land is denuded of trees by chain saws and plowed into ugly, unplanned development by greedy real estate interests. Such delay destroys the encouraging starts made in conservation the last few years.

With demand for the nation's severely limited open space facilities already exceeding capacity, it is particularly disturbing to see Everglades National Park, one of the most valuable features of the National Park System, in grave danger of imminent destruction. In 1934, the 1.4 million acre park was set up by Congress to be "protected in perpetuity" as a unique subtropical wilderness in rapidly developing south Florida. The concept, "protected in perpetuity," in the National Park statutes has always been comforting because it seems to rule: "Here is where we draw the line. Here we are endowing a priceless natural resource with a sanctity not unlike that of a church."

But, as is so often the case, the commitment of words and statutes is being swept away by the frenzied pursuit of profit. The Everglades Park is on the brink of destruction, final and complete. One conservationist predicts that, within ten years, there will be an announcement by the Federal Government that the Park is no longer worthy of the name and, therefore, will be disbanded like an old military base, in the interest of economy.

It would be particularly appropriate for the Government to pronounce the doom of the Everglades because it has permitted Federal agencies—specifically the U.S. Army Corps of Engineers—working in direct opposition to the intent of Congress, to endanger the Park.

In 1962, the Corps of Engineers constructed a levee across the principal natural drainage way to the Everglades from the north and blocked the flow of water into the Park for two years. That water shortage brought the death of multitudes of fish, wildlife, and flora and began an unnatural succession of changes which may alter the unique ecology of the Everglades for all time. The only thing that saved the Park was a dramatic increase in rainfall in recent years, but that can be only a temporary respite.

Conservationists supported the Corps Flood Control Project, provided the Corps would insure that the flow of water would not be cut off from the Park. Without that protection, it is clear that the water—the life blood of the Park—will be choked off by the escalating industrial-municipal water demands of southern Florida or by drought.

In 1968, the Corps came before Congress for additional authorizations for the Flood Control Project and told the Department of Interior, in writing, that the project would be regulated by rules designed specifically to protect the Everglades Park. But one year later, now that the Corps has its new authorization, it is refusing to implement that agreement and says it will wait for the "crunch" it sees—in thirty or forty years—before it acts. Such response is a blatant about-face, with obvious consideration for the wealthy land developers of such Florida who won't be happy until every square mile of the Everglades is dredged, filled, put under the blade of the bulldozer, and subdivided into suburban lots around dead lagoons stocked with fish from someplace else.

The Army Corps has already spent $170 million of the public's money for the project that is steadily and rapidly destroying the Everglades—and it is asking for $160 million more to further despoil the Park. If Congress and the Administration refuse to require the Corps to establish protective measures before any further Federal funds are spent, we might as well admit that the Government has no sincere concern for protecting the environment of this country, even when it has authority to control the situation. The call for private development apparently is too enticing.

Perhaps man, with his rampaging breeding and indifference, has reached the point where much of the world he lives in will be nothing more than an area of poisonous waters and choking air surrounded by mountains of garbage and debris. With many municipalities already faced with a monumental problem of garbage disposal, it is estimated that every man, woman, and child in this country is now generating five pounds of refuse a day from household, commercial, and industrial uses. This refuse adds up to more than 365 billion pounds a year.

Instead of using the country's impressive technology which made it possible to land man on the moon and develop super-mechanical devices capable of solving astronomical problems, the typically American approach is to take the easy way—dump the debris and garbage in the ocean.

Why shouldn't the municipal governments and business and industry believe the ocean would be a good dumping place? The sea bottom is already being used for dumping radioactive wastes, and until the Army was stopped recently, some thoughtful military bureaucrat decided it would be a great place to dump discarded poison gases. Perhaps previous dumping has caused some of the mysterious events and massive sea kills I have described.

The oceans are not a limitless funnel that take the chemical wastes and other debris to a magical "somewhere else" where they can be forgotten. More than twenty years ago, Los Angeles found that its beaches were contaminated and had to be closed to bathers because the city was not sterilizing its sewage. It was also discovered that wastes pumped by England into the North Sea were damaging Grand Banks fisheries off Newfoundland. The Japanese, concerned about their valuable fishing industry, have wisely banned dumping sewage into the sea.

It is the economic profit to be found in the sea that attracts and brings closer the threat of cataclysm which Dr. Paul Ehrlich, a noted ecologist, projected recently. He predicted that unless current trends are reversed, the oceans could end as a significant source of life in ten years with the end of man coming a short time later.

The massive oil leak off Santa Barbara, California, which killed fish and sea fowl could be the first dramatic warning of this end. Other commercial ventures are under consideration as developers look to the possibilities of rich returns from moving parts of crammed megalopolis to floating cities. One developer is planning a floating jetport in the ocean waters off New York City. Such a facility might well be beyond the reach of enforcement of any Federal agency regulations.

Unfortunately, there is a great deal of confusion and litigation concerning whether various ocean waters are public, private, national, or international. It seems to be a wild utopian dream that the world will be able to face the threat to the oceans in any reasonable way in the face of the fact that various government jurisdictions in this country cannot get together to develop responsible control programs for a simpler problem—domestic pollution.

Without agreements or strong regulations, the massive business and industrial corporations are at it again—this time it is frontier days on the high seas, and it's full speed ahead, damn the last clean environment on earth.

To date, 8,000 oil wells have been drilled on the outer continental shelf. And little mention is made of the fact that the outer shelf is really 823 thousand square miles of undersea public domain, *owned by the people of the United States*. This public domain was once much greater. But in 1953, with the Submerged Lands Act, Congress gave outright, to the states, the first three miles of offshore seabed.

Today, greedy over the prospect of trillions and trillons of dollars in potential continental shelf minerals, the East Coast states are banding together to fight the Federal government in court for the undersea booty beyond the states' three-mile territory in a mad scramble for the public domain frontier.

Our undersea domain is not the only ocean area that is threatened. Landward, our coastline environment is becoming an unmanageable tangle of conflicting, polluting uses that eliminate wetlands, destroy shellfish and other valuable sea life in sensitive estuaries, wipe out beaches with unwise development, and degrade the natural values that make our coastline areas perhaps the most vital recreation resource in the nation.

The one heartening sign so far has been the courageous move by the state of New Jersey to freeze all action on purchase, lease, and use of state lands fronting on coastal tidal waters until completion by the state of a master plan for managing the coastal environment.

The same freeze should immediately be adopted for public coastal lands on the Atlantic and Pacific coasts, the Great Lakes, and the Gulf of Mexico. The Federal government should halt all aid for development that would affect this environment until plans meeting national criteria are developed. And on the outer continental shelf—the vast undersea region extending beyond the coast—the Secretary of the Interior should grant no more leases of any kind until similar environmental criteria can be developed to protect this vital last frontier.

The President, with the advice and consent of the Senate, should appoint a group of independent specialists to develop the coastal land and water use criteria which the state plans would be required to meet. This group would also develop the outer continental shelf criteria. At least a three-year moratorium on continental shelf and public coastal land development will be required for orderly planning and adoption of the national criteria.

I will shortly propose legislation in Congress which will take these vital steps for protection of the coastline and ocean environments. Without such action, it will only be a brief time before the life-sustaining resources of our ocean are destroyed.

The real loser in man's greedy drive is the youth of this country and the world. Because of the stupidity of their elders, the children of today face an ugly world in the near future, with dangerously and deadly polluted air and water; overcrowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all.

Since youth is again the great loser, perhaps the only hope for saving the environment and putting quality back into life may well depend on our being able to tap the energy, idealism, and drive of the oncoming generation that, otherwise, will inherit the poisonous air and deadly waters of the earth.

Biologist Barry Commoner, chairman of the St. Louis Committee for Environmental information, warned recently that "we don't really know what the long-term effects of various types of environmental deterioration will be, and the kids are the guinea pigs."

Fortunately, the rising generation appears not to be content to be the guinea pigs of a society that has lost its sense of priority. One of the most dramatic developments of this decade has been the insistence of youth that in the last third of the Twentieth Century, the quality of life must have a much higher priority than the greed of past generations has permitted. A few random examples:

On learning that the United Nations is planning to hold a world conference on the environment in 1972, the youth of several nations have called for an International Youth Assembly on the environment in 1971 to give notice to the world's leaders that their generation realizes it is they who suffer most from a destroyed environment.

A group of high school juniors in Ashland, Wisconsin, recently showed concern for the growing threat to the ecology of Lake Superior by demonstrating in support of Duluth's Pollution Enforcement Conference. They were demanding a clean lake.

The same concern was voiced by a Washington, D.C., university student who, when told that a Congressional proposal to bring a complete halt to any Federal program that damaged the environment might be unconstitutional, asked: "Isn't polluting our rivers unconstitutional?"

The concern is there. I am convinced that all that is needed now is the trigger to activate the overwhelming insistence of the new generation on environmental quality. It is the young who can begin to stem the tide of disaster. To marshal such an effort, I am proposing a National Teach-In on the Crisis of the Environment to be held next spring on every university campus across the nation. The crisis is so imminent, in my opinion, that every university should set aside one day in the school year—the same day across the nation—for the Teach-In.

On that day, prominent ecologists, biologists, political scientists, publicists, public officials, and political leaders could meet with students and faculty in symposiums, convocations, and panel discussions to discuss environmental topics selected by the student body.

At the University of Southern California, it might be oil spills; at the University of Wisconsin, the devastation of the Great Lakes; at the University of Miami, it might be the Everglades; and at Yale, it might be the massive transportation snarl and urban sprawl. The topics could range widely; the list of critical subjects is virtually endless.

Each year new species of animals are added to the list of those soon to be extinct. Man in his arrogance appears to think that he can escape joining that list. The evidence is overwhelming, however, that it is much later than he realizes, that the species Man cannot long watch the animals disappear without seeing that his end, too, is coming. Man, ironically, may be the creature that left as his monument a planet nearly as incapable of sustaining life as its barren neighbors in the dead vacuum of the solar system we are now exploring at costs that are fantastically greater than we are prepared to spend to preserve our own planet.

UNDER SECRETARY TRAIN SPEAKS ON THE POTOMAC BASIN

Mr. MATHIAS. Mr. President, the future of the Potomac River Basin has been discussed and debated widely for many years. Since January, the Nixon administration has been reviewing the massive record of past studies, proposals and counter-recommendations, and has been formulating a program of specific actions to preserve and protect the Basin's great resources and to meet the needs of its rapidly growing population for clean water, a livable countryside, and recreational opportunities.

This administration's program for the Potomac so far has taken shape, under the leadership of the Department of the Interior, not in any one grand policy statement, but in a series of concrete steps directed at specific problems.

In an important and stimulating address to the Citizens Workshop on Potomac Basin Planning at Airlie House on October 9, Under Secretary of the Interior Russell Train reviewed many of the Interior Department's efforts in the Potomac region. For instance, he noted that the Department is sponsoring a year-long study of the capability of the upper Potomac estuary to serve as a water supply source for the Washington metropolitan area. A complementary effort is the development of a pilot sewage treatment plant at Blue Plains to test a new physical-chemical treatment method which may prove far more efficient and less costly than conventional methods. A third new effort focuses on the potential of Kingman Lake, in the Anacostia River, as a recreational resource for the inner city of Washington.

As Under Secretary Train said:

> The Nixon Administration has inherited a noble array of Potomac plans and proposals, the result of much careful study. All deserve equally careful consideration. The question is to what extent should and can they be carried out and by whom.

Under Secretary Train's October 9 speech is heartening evidence that this administration is seeking to answer that crucial and difficult question carefully and rationally, after a thorough assessment of the facts in each specific case. Where more data is required, studies are being pursued. In cases where the direction for action seems clear, action is being taken, as in the enforcement conference on the water quality of the estuary held last spring.

Overall, as the Under Secretary reported, the administration is clearly "moving ahead to meet the challenges and opportunities of this great river basin." This speech, in the nature of a preliminary progress report, will be of interest to all who care about the Potomac Basin, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NEW ADMINISTRATION LOOKS AT THE POTOMAC

(Address of Hon. Russell Train, Under Secretary of the Interior)

From the Fairfax stone to Point Lookout, Potomac problems and opportunities epitomize America's concern for a green and pleasant land.

With this concern, voiced from New England to California and from Alaska to the Everglades, an old love of country is reasserting itself once more. We are realizing, after long delusions, that "America the Beautiful" is not an immutable truth but a condition that must be fostered and cared for as assiduously as "America the Prosperous" and "America the Strong."

Although it is unnecessary for me to extoll to you the importance of our environmental heritage, I do want to remark on how widely our conservation ethic is accepted today. Robert W. Paterson of the National Wildlife Federation says, in this respect, that "not many years ago, only a few people knew what conservation meant, and now today everyone is a conservationist whether he knows what it means or not." *We* know what it means and *we* know the struggle it has been to gain the attention we now have. However, I am afraid that the attention gained is due less to our persuasiveness than to the widespread dramatic and discouraging evidence of the condition we face. The environment is under growing pressure—and no one can miss the fact. As C. P. Snow has said, we seem to be victims of a struggle between the humanists and the technologists, with the humanists losing because technology is galloping out of control. Surely as individuals we are shocked when we see a green landscape we have loved paved over and lost to us forever, yet environment seems always easier to lose than to defend. An elaborate administrative and legal governmental process is often required to attain even the agreement that the situation be corrected. Moreover, as we know, the decision process seldom accords proper weight to scenic, aesthetic, or environmental values generally.

The values of an ecologically healthy environment, being seldom measurable in monetary or quantitative terms, are not being fairly represented and defended when public and private projects are considered. We have long dealt in land and water as commodities to be used for short-run economic gains with little consideration for longer range costs measured by an impoverished environment.

However, we are beginning to see encouraging signs of change. A new decision process is beginning to evolve principally because private citizens such as yourselves are insistently demanding a voice. Power plant site locators, highway designers, and jetport planners, among others, are being made aware of this voice and are learning, often painfully, that environmental values must become an integral part of their planning and their decisions. Governments also are now learning the same lesson. The marketplace yardstick of cost-benefit analysis is being tempered by the growing realization that environmental values are real values, represent real wealth, and must be accorded full recognition when making choices on resource use.

The proposed Salem Church dam and reservoir on the Rappahannock River in Virginia is a case in point. Secretary Hickel recently requested the Bureau of Outdoor Recreation, in cooperation with other concerned agencies to take another look at the project in light of better, more current information on alternatives and on the usefulness and value of retaining the river in its present natural, scenic condition. This action followed closely upon the Secretary's announced opposition to the land fill and apartment development proposal at Hunting Creek near Alexandria, Virginia, on the Potomac, a project that, while perhaps economically attractive, would impair significant environmental values.

As you know so well, almost all of the environmental concerns that confront the Nation are clearly discernible along the Potomac—pollution, loss of recreation areas, destruction of wildlife habitat, and unplanned development of all kinds.

Yet despite these conditions and trends, the Potomac is surprisingly unspoiled and beautiful. It still retains its rural charm, redolent with history, almost wild in places. The forces that would degrade it can still be channeled and controlled without harming the economic prospects of the bordering counties. There is still a little time in which to act.

The Nixon Administration has inherited a noble array of Potomac plans and proposals, the result of much careful study. All deserve equally careful consideration. The question is to what extent should and can they be carried out and by whom. We have acted on some; have recommended others; and are weighing the remainder with hopes for guidance from citizens' groups such as you here represent.

One action we have just taken concerns the potential of the upper estuary as a water supply source for the Washington metropolitan area. The Secretary has announced that Interior is sponsoring a thorough appraisal of this capability. The study, to be completed in about a year, is to cost $260,000. The development of the estuary for water supply would have major implications with respect to the need for upstream storage for the Washington metropolitan area.

Closely associated with the estuary water supply appraisal is the award of a contract to the District of Columbia for a pilot physical-chemical treatment plant at Blue Plains that will remove up to 99 percent of the contaminants faster, cheaper, and more reliably than present methods, removing the nutrients that act as a fertilizer for growth of algae. The process is also more compact than conventional methods, and, therefore, its land requirements are less.

Last April, Secretary Hickel reconvened the Potomac enforcement conference to consider the water quality problems of the metropolitan Washington area. A major objective of that conference was to substantially upgrade the effectiveness of the Blue Plains system, which is the largest single source of sewage treatment effluent in the area. Attainment of this objective could be given a major thrust forward by the new pilot plant process.

We are now taking the first step to determine the engineering feasibility of a plan, announced yesterday, for a highly imaginative project which would utilize our latest treatment technology on storm water drainage to turn Kingman Lake on the Anacostia River into a fine recreation facility for the enjoyment of thousands of residents of the Federal inner city—to swim, to fish, and just to relax. Kingman Lake is the result of channelization of the Anacostia. The plan is to isolate the lake from the river and divide it into three lakelets to function as a series of oxidation ponds, resulting in successively better quality water. The entire adjacent land area, already in public ownership and now partly used for a golf course, would be further developed as a park by our National Park Service for those using the lakes for fishing, boating, and swimming. Let me emphasize that the Kingman Lake program is still only in the planning stage. Major problems remain to be solved. However, it represents the kind of imaginative thinking that we are trying to bring to bear on Potomac problems.

Another activity of importance to the scenic and recreational values of the Potomac is the Bureau of Outdoor Recreation's current study of the Potomac estuary. The Bureau has been directed to conduct a study of the Potomac River downstream from Chain Bridge, including adjacent land and water areas in Maryland, Virginia and the District of Columbia, to determine the best and most feasible means of conserving, protecting, and developing the natural, scenic, historic, and recreational values for the enjoyment of present and future generations. The estuary covers 207,000 acres of almost unlimited water-oriented recreation opportunities, and it faces an enormous growth in demand on its usefulness. There are now few recreational sites under public ownership in the estuary region, and a compatible pattern of land use must be developed not only to permit public recreational uses and scenic protection but also to provide for agricultural and appropriate industrial activity. Previous Potomac planning gave little attention to the estuary. I am glad to see this situation is being remedied.

Legislation is imminent that will permit us to complete acquisition of the National Wildlife Refuge on Mason Neck, which will protect habitat for the southern bald eagle and complement State and regional park projects there.

The Potomac Heritage Trail study, called for under the National Trails System Act is due for completion next spring and should help us develop a recreational route through the Potomac Valley.

The significance of the estuary is matched by that of the upper river. We recognize its immense value as a scenic, historic and recreational corridor through a land facing rapid growth and change. We shall do everything we can to protect and restore the historic Chesapeake & Ohio Canal, to enhance its usefulness for recreation, to preserve Potomac Valley scenery, and to realize the recreational potential of this beautiful river. Here we particularly need the help and guidance of citizens groups.

We have already expressed our interest in assisting Montgomery County, Maryland, in preserving Blockhouse Point, one of the Potomac's most significant scenic features near Washington. We also hope we can help Maryland with the preservation of Swan Point Neck, a potential park and wildlife area of great importance on the Potomac estuary in Charles County.

These activities indicate the Department's intention to continue to assert its leadership in the planning and conservation of this historic river, from the headwaters through the estuary, and to be the focal point for accomplishing historic, scenic, recreational and ecological objectives. The Department will play this role positively and forthrightly on the basis of its statutory authority and responsibilities.

For those who do not like to tackle tough environmental planning decisions at thier doorstep, a vast Federal program may seem the easiest way.

However, if the beauty of the American landscape is a grass-roots concern, as I believe it clearly is, then the Potomac's problems and opportunities must also be championed at the local level. That, after all, is where much of the planning and regulatory authority lies which can save or damage our riverscape, and that is where much of the action, aided by the informed judgment of citizens' groups like yours, should begin.

So when a new Administration looks at the Potomac, it must first ask the citizens' groups, the conservation organizations, and the local governments, "What are you willing to do; going to do, that we in Federal office can support and encourage?"

The Nixon Administration agrees that the Potomac is indeed the Nation's River in many important ways. It can be a national example of what concerted action can do to protect a riverscape that is itself a resource of national significance. We affirm that the conservation ethic is not just an individual's belief—it is the Nation's ethic and a standard for action.

What has been lacking in the past is a comprehensive approach to the problems of the Basin of the Potomac. Land use planning is directly related to pollution, and pollution is directly related to water supply. They involve various levels of complexities of government jurisdiction. Consequently, what I have tried to do today is to show you the steps we have been taking to pull together these diverse elements so that what is done in the future on the Potomac will be based on a comprehensive analysis of the relationships of all the factors, the alternatives, as well as reflect a unified approach to what is admittedly a complex undertaking.

Our effort is to look at the Potomac as a whole—the estuary as well as the upper river and tributaries.

We believe that imaginative new approaches to the problem of water supply are needed.

We believe that planning for open space and scenic amenity will be largely meaningless unless the pollution that befouls the river is cured, and we recognize that the City of Washington itself is the major contributor to the pollution of the estuary.

Indeed, we are giving new emphasis to the needs and problems of metropolitan Washington in all our Potomac planning. Access to water recreation for its crowded population has a major priority.

Thus, while I do not pretend to unveil a grandiose new blueprint for the Potomac this morning, I can assure you that we are moving ahead to meet the challenges and opportunities of this great river basin, and I repeat once again that the ideas and proposals of groups such as yours are of vital importance in this process.

THE YOUTH OF AUSTIN, TEX.

Mr. TOWER. Mr. President, much has been said recently about the degree to which the youth of America have been alienated, or, to use a more contemporary term, "turned off" by the society in which they live. To a certain degree I suppose that this is true. However, from my experiences with the young people of America, I have arrived at the opinion that the main difference between the younger generation of today and previous generations is the fact that this generation is, on the whole, more intelligent, more aware of their surroundings.

It is indeed unfortunate that in many instances recognition is attained by those young individuals who engage in unlawful action or activities that fail to benefit society as a whole. However, the vast majority of young pepole of this country are actively interested in solving problems through proper channels.

I should like to make known to Senators the recent activities of the youth of the city of Austin, Tex. These young people are engaged in a program called the "Austin Walk for Development." This group of young people has been working through the American Freedom From Hunger Foundation, Inc., in an effort to fight the problems of hunger and malnutrition in Latin America. Through their private efforts over $3,000 has been forwarded to the Peru Partners of the Alliance to establish a loan fund for the Peruvian 4-H clubs. These funds will help improve the conditions of the inhabitants of the mountainous areas in Peru. They are also engaged in projects which will aid the urban residents of Austin, as well as a program to assist needy Mexican-American families of that area.

I wish, therefore, to recognize the work of these young people and to salute them for the work they have done and are doing to aid the unfortunate in Texas, as well as in Latin America.

PADRAIC KENNEDY'S ACHIEVEMENTS AS VISTA DIRECTOR

Mr. GOODELL. Mr. President, when Padraic Kennedy first came to VISTA in 1964 he brought with him a wealth of knowledge and experience in the national volunteer program field. In 1960 he was one of the first 10 staff members named by Sargent Shriver to form the Peace Corps. He was the Peace Corps Senior Training Officer and later the Corps' Director of Volunteer Support before he joined the original OEO task force and became one of the architects of the VISTA program. Mr. Kennedy served as VISTA's first Associate Director for Training and Field Support before being named Deputy Director of VISTA in 1965. In June of 1968 he was nominated by the President to serve as VISTA's Director.

Under Mr. Kennedy's direction VISTA has grown from a concept to a $37 million national service corps with 6,000 full-time volunteers and 1,500 VISTA summer associates serving annually in 49 States, Puerto Rico, and all U.S.-flag territories. In all, more than 20,000 people have served in VISTA. During his tenure heavy emphasis has been placed upon rigorous evaluation of all VISTA projects, closing out the least productive and expanding programs with high potential.

Mr. Kennedy led VISTA to the team concept of volunteer placement combining the talents of professionally skilled volunteers—lawyers, architects, community planners, business school graduates, nurses—with those of community volunteers recruited from the ranks of the poor. He also initiated a method through which VISTA funds full time supervisors on projects where they are needed.

In the area of training, under Mr. Kennedy's direction, VISTA became the first national volunteer program to place its main emphasis on the job, with the great majority of VISTA trainees spending the largest part of their training periods working on the actual projects where they serve.

One of the most significant changes Mr. Kennedy spearheaded in VISTA is the new emphasis on the recruitment of professionally skilled volunteers as well as volunteers from poverty communities. With more than 700 graduate attorneys now in VISTA service Mr. Kennedy recently called VISTA "The most exacting and fastest growing law firm in America." Business administration graduates, architects, urban planners, and health specialists are among the needed skills VISTA recruiters have brought into VISTA in the last year. In addition, under Mr. Kennedy's leadership, VISTA set out to combine this highly skilled outside resource with community leadership into effective teams. More than 800 impact area residents have become VISTA volunteers.

Pat Kennedy's light was always the last to go out in VISTA/Washington. His urbanity, his style, his wit, and his tough-minded sense of commitment are things staff and volunteers alike are going to miss.

VISTA volunteers and staff members are characterized by their spirit, their dedication, and their commitment to the solution to this country's social problems. As their leader, Pat Kennedy personifies the movement. He will be missed, but because of his leadership the VISTA he leaves has a bright future.

SECRETARY HICKEL'S DECISION IN PINEY POINT REFINERY CASE

Mr. MATHIAS. Mr. President, the question whether an oil refinery will be built at Piney Point, Md., appears to have been answered for the immediate future by the Steuart Petroleum Co.'s decision to withdraw its application for an import allocation for residual fuel oil.

According to press reports, the company's decision, revealed last Friday, was prompted by widespread concern about the environmental impact of a major refinery on rural St. Mary's County, the lower Potomac estuary, and Chesapeake Bay.

Prior to the Steuart Petroleum Co.'s action, the environmental aspects of this particular oil-import decision had been recognized by Secretary of the Interior Walter J. Hickel. In a letter to me dated October 15, Secretary Hickel acknowledged the serious conservation questions raised by the Piney Point refinery proposal. He specifically agreed to my request, made on August 6, that the Department of the Interior seek guidance from the Environmental Quality Council and the Citizens Advisory Council on Environmental Quality before acting on the Steuart application.

In my judgment, Secretary Hickel's October 15 letter is an important statement with implications far broader than this one specific case alone. The Secretary wrote, in part:

> I have every intention of taking into account the environmental aspects of all projects in which Interior has a voice. . . . We are concerned that economic activities of this nature which are likely to have far-reaching effects on the environment receive broader consideration in terms of location as well as operation. This responsibility is broader than that of any one department, and we are actively searching for the most effective vehicle to perform the task of coordinating and bringing environmental factors to bear on major locational decisions.

I commend the Secretary for this perceptive approach to an extremely complex and important problem. His policy statement emphasizes the fact that narrow decisions on specific questions are no longer enough to respond to public concern or to protect the best in our environment from the worst fruits of our technology and economic growth.

On August 6, I urged Secretary Hickel to "regard the Piney Point case as an incentive to revise the oil import regulations to reflect explicitly this broad environmental concern." It is now obvious that this case has indeed provided both the incentive and the opportunity for the shaping of a new, comprehensive, and truly conservative approach to the question of where and how oil should be transported and processed under Federal supervision.

Although the Piney Point case now appears to be closed, the Secretary's new policy should be developed and refined for use in all similar cases in the future. I stand ready to cooperate in this effort in every way I can.

Let me note, finally, that a large share of the credit for this advance in conservation must go to the many citizens who pursued their concern over the Piney Point refinery plan not only with fervor, but above all else with facts and responsible argument. Their activities over the past year and a half have been a fine example of the type of public involvement in public policy which can produce lasting gains.

I believe all who are concerned with conservation should study Secretary Hickel's statement on the Piney Point case and will applaud his initiatives. I ask unanimous consent to have printed in the RECORD my letter to the Secretary dated August 6; his response dated October 15; and a newspaper story entitled "Oil Import Bid at Piney Point Is Withdrawn," written by James Rowland, and published in the Washington Evening Star of October 24.

There being no objections, the items were ordered to be printed in the RECORD, as follows:

AUGUST 6, 1969.

Hon. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: This is in regard to the pending application of the Steuart Petroleum Company for an import allocation for residual fuel oil under section 26 of the Oil Import Regulations. As you know, if that application is approved by the Department of the Interior, the company intends to build a refinery at Piney Point in St. Marys County, Maryland, to process that oil.

For over a year this proposal has been subjected to intense and informed scrutiny by many public officials and citizens who are deeply concerned about the future of Southern Maryland, the Potomac estuary and Chesapeake Bay. After considerable debate, an impressive number have concluded that Piney Point is simply the wrong place for a refinery.

For example, the Board of County Commissioners of St. Marys County has voted to oppose the project and the import allocation. Many other elected officials and citizens' groups have declared their opposition. A resolution urging disapproval has been endorsed by a subcommittee of the Legislative Council of the Maryland General Assembly and is before the full Council this week.

This opposition invokes nearly every aspect of the resources and heritage of St. Marys County and Chesapeake Bay. It is asserted that oil spills, which seem to be inevitable, could be disastrous in the confines of the Potomac estuary, fouling the beaches, ruining the riverbed and slaughtering the seafood for which the area is justly renowned. It is argued that air pollution generated by the refinery could scar the area's tobacco crop and drive waterfowl away from this portion of the Atlantic flyway. It is suggested that the presence of such heavy industry could make the area less desirable for residential growth, tourism, recreation, and other types of economic development. In this connection it is noteworthy that Piney Point is an extremely popular recreational area, and that you have just designated portions of St. Marys City, about five miles away, as a National Historical Landmark.

From these factors, many have concluded that the risks involved are so great, and the potential environmental damage so irreversible, that a refinery should not be built at Piney Point.

In your official position you must consider the comprehensive aspects of this problem, which include the ability and desire of the Steuart Petroleum Company and similar enterprises to expand their operations and to evolve more efficient methods in which the general public obviously has an interest. I believe that the time has come when the Department of Interior must also weigh carefully other environmental considerations. These further considerations imply that the questions before you include not only whether an import allocation should be granted, but where it should be exercised.

By supporting this approach and giving due weight to the conclusions of the area's elected officials, I believe that you could encourage the entire oil industry to move more rapidly toward plans and policies which will really advance environmental protection and sensible economic growth.

I am encouraged by signs that this Administration intends to exercise enlightened leadership in conservation. The President's creation of the Environmental Quality Council by executive order on May 29 was an important initiative. You have taken equally significant steps in regard to offshore drilling, water quality and other problems.

In this spirit, you should regard the Piney Point case as an incentive to revise the oil import regulations to reflect explicitly this broad environmental concern. It appears that the major criteria under section 26 now are whether the residual fuel oil is to be imported from the Western Hemisphere, whether the proposal is a bona fide business venture, and whether the desulphurizing methods used will produce oil with a sulphur content below one percent. The location of the refinery must be noted, but the regulations now do not call for any consideration of environmental questions. In my view this is a serious shortcoming.

Since section 26 has been suspending, pending the completion of the Cabinet Committee's study of the mandatory oil import program, you now have time to review and revise the administrative machinery for evaluating applications under this section and all other questions involving the extraction, transportation and processing of oil.

I believe that new critera and procedures should give full consideration to the environmental—as well as economic—questions involved, and should include provisions for hearing and considering both expert opinion and the views of the people and local governments involved.

Further, I believe it would be appropriate and timely for you to invite the suggestions of the Environmental Quality Council and the Citizens' Advisory Council on Environmental Quality established by the President on May 29.

Such steps would do more than simply protect Piney Point. They could produce policies which will be truly comprehensive and conservative. Finally, they would be another recognition that narrow decisions on specific questions are no longer enough to respond to public concern or to protect the best in our environment from the worst fruits of our technology and economic growth.

Sincerely,
CHARLES McC. MATHIAS, Jr.,
U.S. Senator.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 15, 1969.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Many thanks for your thoughtful letter of August 6 regarding the Steuart Petroleum Company application to build a refinery at Piney Point, Maryland. First, let me point out that my record clearly indicates that I have every intention of taking into account the environmental aspects of all projects in which Interior has a voice, our new drilling and leasing regulations for the Outer Continental Shelf, the protection of the endangered alligator in the Everglades, the environmental problems of the North Slope oil discovery, to name just a few. I am very much in sympathy with the philosophy expressed in your letter.

As you may know, Mr. Jess Malcolm, President of the Chesapeake Bay Foundation and a rather large and distinguished group from the Piney Point area, met with us recently. These people presented in some detail many of the points made in your letter. They described the possible consequences of an oil spill in terms of the economics of the area, the ecology of the area, the change in the atmosphere of the area from a quiet peaceful living area to one of heavy industry. They expressed their objectives very forcefully and in a very articulate manner. My Assistant Secretary for Mineral Resources, Oil Import Administrator, and Science Adviser are currently studying the large amount of data given us by this group. The Science Adviser is presently summarizing these data for my review. This again testifies to the thoroughness with which the group prepared for this meeting.

You specifically suggested it might be appropriate to invite the comments of the Environmental Quality Council and the Citizens Advisory Council on Environmental Quality established by the President on May 29. You may be sure we shall contact this group for comments as well as all other interested parties before making a decision.

As you may know, I suspended Section 26 of Oil Import Regulation 1, as amended, in order to afford time for review in connection with the Cabinet Committee Study of the Mandatory Oil Import Program. In addition, I felt more time was needed to study other aspects of this particular section of the regulations. I certainly agree that the points you raised are worthy of careful consideration.

I must also point out what I am sure you are aware of, namely, that I have a responsibility in connection with the availability of adequate mineral and energy resources for the country, and it is only natural that the objectives of this program would from time to time interfere with considerations of the type you have raised. Piney Point is a classical case in point.

The Piney Point situation illustrates a broader issue now confronting us. We have become keenly aware of the importance of site selection for installations of this sort in terms of overall impact on the environment. While this Department has no authority for land-use zoning, we are concerned that economic activities of this nature which are likely to have far-reaching effects on the environment receive broader consideration in terms of location as well as operation. This responsibility is broader than that of any one department, and we are actively searching for the most effective vehicle to perform the task of coordinating and bringing environmental factors to bear on major locational decisions. One method might be the development of long-range planning for certain kinds of economic activity that can provide a general framework within which decisions on individual projects could be made. The degree and nature of Federal involvement in such planning is a matter to be faced in this regard. This is a matter which we plan to explore with the Environmental Quality Council.

I appreciate the opportunity to discuss these important issues. As you can see, we are actively seeking ways to approach the kinds of complex problems you pose in your letter. You may be assured that we share your views that we must find ways to deal with these problems as soon as possible in order to help provide for wise and prudent development of the Nation's resources.

Sincerely yours,
WALTER J. HICKEL,
Secretary of the Interior.

[From the Washington Evening Star, Oct. 24, 1969]

OIL IMPORT BID AT PINEY POINT IS WITHDRAWN

(By James B. Rowland)

The Steuart Petroleum Co. has withdrawn its controversial application for a 100,000-barrel daily import quota to refine crude oil at the proposed Piney Point plant on the Potomac River in St. Marys County, Md.

In a letter to Interior Secretary Walter J. Hickel, the company asked to withdraw its request because of the possible environmental harm that might be done by the $60 million refinery.

"We . . . have no desire to, nor would we, construct any facility which would not or could not meet any federal, state and local air pollution and environmental control regulations or requests," the letter read.

The Steuart firm had planned to erect the refinery on a 265-acre tract where it now has storage facilities for 25 million barrels of oil.

The site is some 80 miles down river from Washington, close to where the Potomac empties into Chesapeake Bay. The refinery would have processed oil to achieve the low sulfur limits specified in air pollution regulations.

In the works for more than a year, the refinery-desulfurization plant has been bitterly opposed by a number of conservationists and state and local officials because of the harm it might cause recreation areas, commercial seafood sources and other marine life.

The company's letter of withdrawal cited the concern of people in the Piney Point area over "possible unfavorable effects on the environment," according to an Interior spokesman.

Curtis Steuart, board chairman of the company, a major fuel supplier in the Washington area signed the Oct. 22 letter. He declined to elaborate yesterday, saying, "The letter speaks for itself."

Steuart's withdrawal came in the wake of a report by Sen. Charles M. Mathias Jr., R-Md., that the Interior Department was going to study the environment effects of the proposed refinery closely.

Mathias wrote Hickel on Aug. 7 expressing concern that the residual fuel oil refinery could seriously harm the environment.

The Nixon Administration has suspended the section of the law under which the Steuart firm filed its application last March, pending receipt of a study of the subject by a presidential panel.

Hickel was asked to deny the application in a resolution sent him Aug. 6 by the Maryland Legislative Council, interim study arm of the General Assembly. The measure was drafted by Del. John H. Briscoe, D-St. Marys.

THE PESTICIDE PERIL—LXXII

Mr. NELSON. Mr. President, California, the Nation's leading agricultural State, has announced a ban on the use of DDT and a related hard pesticide, DDD, on 47 different commercial crops.

Officials of the California Department of Agriculture estimate that the ban will cut the use of these pesticides in California by 50 percent.

California has been the scene of one of the major battles over the use of DDT. Earlier this year the State banned the use of these pesticides for all home and garden use and for agricultural use in dust form. During the summer the State legislature debated the issue, and the senate approved a complete ban on DDT. However, the measure was killed in an assembly committee.

Although a complete ban of DDT has not yet been issued, it appears that California's concern about the threat to our environment from this and related, persistent pesticides is approaching the intensity of other States such as Arizona and Michigan who have already ordered a complete ban. The official policy of the California Department of Agriculture is to phase out DDT as quickly as alternative controls are introduced.

I ask unanimous consent that articles published in this morning's Washington Post and New York Times, reporting on the California action, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 29, 1969]

CALIFORNIA BANS USE OF DDT ON 47 CROPS

(By John Berthelsen)

SACRAMENTO, CALIF., October 28.—The California State Agriculture Department today banned the use of the pesticide DDT on 47 different commercial crops including artichokes, carrots, celery, field corn and peaches.

Table grapes and cotton were not included in the list.

Farm labor leader Cesar Chavez and his United Farm Workers Organizing Committee have complained that vineyard laborers have been poisoned by DDT sprayed on grapes. This brought an exasperated reply from Jerry W. Fielder, head of the Department of Agriculture:

"The UFWOC's statements are exaggerated. We don't permit DDT on grapes when they are formed, and we constantly check them in the market place."

In cotton production, DDT is the only known pesticide that will kill the pink cotton boll worm, and it cannot be discarded at this time, officials said.

The ban on DDT comes just a few months after two California state senators, John Nejedly and Alan Sherman, failed to pass a strong bill banning DDT outright from all California fields. Fielder, who issued yesterday's ban, bitterly opposed the DDT bill. However, he now says:

"I have said from the very outset that our policy is to phase out as rapidly as possible—as soon as we can find a satisfactory substitute."

Michigan's Agriculture Commission has issued a limited ban. And in Wisconsin, a bill banning all but emergency uses of DDT has passed the Assembly and is pending in the Senate.

The new regulations, which go into effect Jan. 1, were proposed last August after the department received the results of a University of California study on the hazards of the pesticide.

The university is now seeking substitutes for DDT and its first cousin DDD. Today's ruling specifies 35 food and forage crops as well as 12 seed crops, including beets, cabbage, lettuce, onions and turnips.

[From the New York Times, Oct. 29, 1969]

CALIFORNIA AGENCY BANS THE USE OF DDT ON 47 CROPS

SACRAMENTO, CALIF., October 28.—The State Agriculture Department ordered California farmers today to stop spraying DDT and another long-lived pesticide, DDT, on 47 specific crops or on their livestock.

Officials estimated that the order, which will go into effect Jan. 1, would cut the use of the two pesticides by 50 per cent in California.

The order was proposed by the department last August and is based on recommendations by Dr. J. E. Swift, extension entomologist and statewide coordinator of pesticides with the University of California.

California is the nation's leading agricultural state. The gross cash receipts of its farmers and ranchers totaled $4.5-billion, in 1968, ahead of Iowa, which was second with $3.5-billion, and Texas, which was third with $2.7-billion, according to California agriculture officials.

The ban ordered today applies to the following 35 food and forage crops:

Alfalfa, almonds, apples, apricots, artichokes, asparagus, barley, table beets, bush berries, carrots, celery, cucumbers, field corn, figs, flax, lettuce, melons, oats, okra, parsnips, peaches and nectarines, pears, plums and prunes, potatoes, rice, safflower, sorghum, spinach, squash, strawberries, sugar beets, sunflowers, sweet potatoes, turnips and wheat.

TWELVE SEED CROPS

Twelve seed crops also are included under the ban. They are table beets, broccoli, Brussels sprouts, cabbage, carrots, cauliflower, collards, ledino clover, lettuce, mustard, onions and turnips.

An earlier order issued by the department also to take effect on Jan. 1, will prohibit all home and garden use of the two chlorinated hydrocarbon pesticides in any form, and agricultural use in dust form.

The orders follow legislative attempts this year to ban all forms of the chemicals, which scientists have warned pose a threat to the environment. A complete ban was passed by the State Senate but was killed in an Assembly Committee.

A compromise measure, however, was approved by both houses and signed by Gov. Ronald Reagan. It gives the State Agriculture Director more authority in determining additional controls or even outright bans of any pesticides determined to be harmful to the environment.

A spokesman for the State Agriculture Department noted that two other states took action against DDT this year: Arizona ordered a one-year moratorium on the use of the pesticide after dairy products there were adjudged too heavily tainted with DDT; Michigan discontinued most uses of DDT in the state through regulatory action.

An official of the Western Agricultural Chemical Association minimized the economic impact of the order announced today.

C. O. Barnard, association executive secretary and treasurer, said the use of DDT on most of the listed crops had been discontinued anyway, partly because of the increasing insect resistance to the pesticide and partly because of what he called the "hullabaloo" over the pesticide.

HEALTH BUDGET CRISIS

Mr. KENNEDY. Mr. President, many Senators are concerned that the 1970 budget proposed by the Department of Health, Education, and Welfare for health programs in the Nation is simply insufficient to meet our needs. At a time when we need more health manpower to deliver services to our people, more research investigators with more funds to solve health problems and conquer killer diseases, and better control of environmental pollution, the overall 1970 health budget is nearly the same as the 1969 budget. Indeed, because of the large cost-of-living increase since last year, I believe that the 1970 budget is actually lower in real terms than the 1969 budget.

On July 30, the House of Representatives passed and sent to the Senate an appropriations bill for the Department of Health, Education, and Welfare containing health appropriations which were lower in many cases than the administration's budget request, which itself had been drastically cut back. Health research, services, and manpower funds all fall far too short of our contemporary needs. Unless these reductions in appropriations can be reversed, I believe we stand in very real danger of exacerbating the already serious health crisis now confronting the Nation.

Mr. President, the accompanying table gives an overall analysis of the 1970 health budget. The table is in three parts, dealing with Consumer Protection and Environmental Health Services, Health Services and Mental Health Administration, and the National Institutes of Health. I have included considerable detail on line items, so that the budget process can be better understood. I believe that, where available, the 1970 authorizations, agreed to by Congress and signed into law by the President, are our best judgment as to the Nation's current health needs. For purposes of comparison, I ask unanimous consent to have printed in the RECORD the actual 1969 appropriations, each agency's request for funds to the Department of Health, Education, and Welfare for 1970, the Department's request to the Bureau of the Budget, and the eventual Nixon budget figures. For purposes of additional comparison, I ask unanimous consent to have printed in the RECORD the Johnson budget and the action of the House on the pending appropriations bill.

From time to time during the following weeks, I intend to place in the RECORD analyses of proposed health appropriations for various agencies, so that Members of the Senate may see more exactly the difficulties of our health programs and the dangers to our Nation's health. The first such analysis, dealing with the budget for health manpower and construction of certain related health facilities, is included at the end of the table on the overall health budget.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PARTIAL BUDGET ANALYSIS, FISCAL YEAR 1970

I. CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Agency or Program	1970 authorization	1969 comparable appropriation	Request of agency	Department request to Bureau of Budget	Johnson budget	Nixon budget	House action
Food and drug	Open	$70,444,000	$77,173,000	$74,857,000	$72,698,000	$72,007,000	$72,007,000
Air pollution	$134,300,000	87,960,000	114,984,000	109,984,000	95,800,000	95,800,000	93,800,000
Environmental	Open, except	62,831,000	72,437,000	69,258,000	57,698,000	55,208,000	55,208,000
(Solid waste)	($19,750,000)	(16,190,000)				(14,872,000)	(14,872,000)
Buildings and facilities	Open	None	1,800,000	1,800,000	400,000	300,000	None
Salaries and expenses, Office of the Administrator	do	5,829,000	6,749,000	6,749,000	6,203,000	6,162,000	6,162,000
Total, Consumer Protection and Environmental Health Service.		227,064,000	273,143,000	262,648,000	232,799,000	229,477,000	227,177,000
II. HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION							
Mental health	Open, except, e.g	$338,171,000	$421,090,000	$408,642,000	$367,129,000	$357,796,000	$360,302,000
Research grants	(Open)	(114,798,000)				(116,404,000)	(114,802,000)
Manpower	do						
Training grants		(109,046,000)				(107,500,000)	(107,500,000)
Fellowships		(10,641,000)				(10,866,000)	(10,866,000)
Institutional support:	(Open):						
CMH Center construction	($70,000,000)	(15,000,000)				(29,200,000)	(29,200,000)
CMH Center staffing	($32,000,000 new)	(25,333,000)				(17,462,000)	(17,462,000)
	(Open-old)	20,699,000				33,838,000	33,838,000
Drugs and alcoholism grant	($25,000,000)	(8,000,000)				(8,000,000)	(12,000,000)
Service activities, drugs and alcohol abuse, treatment and research	(Open)	(14,288,000)				(17,456,000)	(17,456,000)
St. Elizabeth's Hospital	do	37,634,000	39,881,000	39,881,000	38,876,000		
Reimbursements		26,467,000	29,171,000	29,171,000	28,471,000		
Budget authority		11,167,000	10,710,000	10,710,000	10,405,000	10,405,000	10,405,000
Health services research and development	$60,000,000	41,907,000	55,976,000	55,976,000	44,975,000	44,975,000	44,975,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PARTIAL BUDGET ANALYSIS, FISCAL YEAR 1970—Continued

II. HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued

Agency or Program	1970 authorization	1969 comparable appropriation	Request of agency	Department request to Bureau of Budget	Johnson budget	Nixon budget	House action
Comprehensive health planning and services	$232,500,000	$187,109,000	$252,976,000	$242,426,000	$212,030,000	$214,033,000	$207,143,000
(Trust fund)	($4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)
(Partnership/health:							
Planning grants	($37,500,000)	(18,500,000)				(20,000,000)	(20,000,000)
Formula grants	($100,000,000)	(66,032,000)				(90,000,000)	(90,000,000)
Project grants)	($80,000,000)	(86,600,000)				(80,000,000)	(80,000,000)
(Total)	($217,500,000)	(171,132,000)				(190,000,000)	(190,000,000)
Migrant health	($15,000,000)	(8,100,000)			(12,900,000)	(15,000,000)	(8,110,000)
Regional medical programs	Open, except	83,133,000	133,600,000	129,569,000	120,641,000	100,000,000	76,000,000
(Operational and planning grants)	(120,000,000)	(56,200,000)					(50,000,000)
Communicable diseases	Open	39,084,000	42,162,000	39,034,00	38,731,000	38,638,000	38,638,000
Hospital construction	$295,000,000	258,289,000	238,741,000	298,980,000	258,415,000	153,923,000	258,323,000
District of Columbia medical facilities		0	20,200,000	20,000,000	15,000,000	15,000,000	(1)
Patient care and special health services	Open	71,437,000	75,066,000	73,369,000	72,224,000	72,224,000	72,224,000
National health statistics	do	8,109,000	11,884,000	9,834,000	9,773,000	9,641,000	8,841,000
Retired pay of commissioned officers (indefinite)		13,041,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000
Buildings and facilities		0	27,470,000	17,506,000	2,100,000	2,100,000	0
Salaries and expenses, Office of the Administrator	Open	8,601,000	10,434,000	10,386,000	9,978,000	9,898,000	9,898,000
Total, Health Services and Mental Health Administration.		1,060,048,000	1,317,009,000	1,333,141,000	1,178,101,000	1,045,333,000	1,103,499,000
III. NATIONAL INSTITUTES OF HEALTH							
Biologics standards	Open	$8,305,000	$9,078,000	$8,836,000	$8,338,000	$8,225,000	$8,225,000
National Cancer Institute	do	183,485,500	203,741,000	190,352,000	184,402,000	180,725,000	180,725,000
National Heart Institute	do	166,008,500	186,708,000	168,984,000	163,141,000	160,513,000	160,513,000
National Institute of Dental Research	do	29,697,500	32,989,000	30,595,000	30,062,000	29,298,000	29,289,000
National Institute of Arthritis and Metabolic Diseases	do	143,402,000	155,479,000	141,491,000	139,968,000	137,668,000	137,668,000
National Institute of Neurological Diseases and Stroke	do	106,013,500	107,729,000	104,869,000	103,485,000	101,256,000	101,256,000
National Institute of Allergy and Infectious Diseases	do	106,623,500	115,278,000	106,044,000	103,922,000	102,389,000	102,389,000
National Institute of General Medical Sciences	do	163,122,500	175,899,000	161,786,000	157,803,000	154,288,000	154,288,000
National Institute of Child Health and Human Development	do	72,590,500	85,065,000	80,965,000	78,411,000	75,852,000	73,098,000
National Eye Institute	do	22,240,000	35,279,000	35,279,000	25,778,000	23,685,000	23,685,000
Environmental health sciences	do	17,785,000	19,593,000	19,539,000	19,004,000	18,328,000	18,328,000
General research and services	do	71,229,500	80,087,000	76,527,000	74,809,000	69,698,000	73,658,000
John E. Fogarty International Center for Advanced Study in the Health Sciences.	do	3,374,000	4,175,000	3,667,000	3,460,000	2,954,000	2,954,000
Health manpower	Open, except	172,086,000	254,508,000	250,199,000	218,824,000	218,021,000	218,021,000
(a) Institutional aid:							
(1) Medical, dental, etc	($117,000,000)	(66,000,000)				(101,400,000)	(101,400,000)
(2) Nursing	($35,000,000)	(7,000,000)				(7,000,000)	(7,000,000)
(3) Public health	($15,500,000)	(9,471,000)				(9,471,000)	(9,471,000)
(4) Allied health	($24,500,000)	(10,975,000)				(10,988,000)	(10,988,000)
(b) Scholarships	Open	(17,719,000)				(28,000,000)	(17,719,000)
(c) Traineeships	($30,000,000)	(20,670,000)				(20,670,000)	(20,670,000)
(d) Loans	($55,000,000)	(24,610,000)				(24,610,000)	(34,891,000)
Dental health	Open	10,185,000	13,446,000	12,226,000	11,888,000	10,887,000	(10,722,000)
Construction of health, educational, research, and library facilities	Open, except	93,200,000	123,400,000	149,100,000	126,100,000	126,100,000	126,100,000
(a) Medical-dental	($170,000,000)	(75,000,000)				(118,100,000)	(118,100,000)
(b) Nursing	($25,000,000)	(8,000,000)				(8,000,000)	(8,000,000)
(c) Allied health	($10,000,000)	(1,800,000)					
(d) Library	($10,000,000)						
(e) Research	($20,000,000)	(8,400,000)					
National Library of Medicine	Open, except	18,008,500	28,093,000	24,193,000	22,182,000	19,602,000	19,682,000
(Grants)	($11,000,000)					(5,108,000)	(5,108,000)
Buildings and facilities		0	27,749,000	12,750,000	4,400,000	1,000,000	1,000,000
Salaries and expenses, Office of the Director	Open	6,993,000	7,193,000	7,193,000	7,193,000	7,093,000	7,093,000
Health professions education fund	do	154,000	735,000	735,000	735,000	0	0
Nurse training fund	do	46,000	233,000	233,000	222,000	0	0
Total, National Institutes of Health		1,394,549,500	1,666,457,000	1,585,563,000	1,484,127,000	1,448,610,000	1,449,651,000
Scientific activities overseas	Open	15,000,000	41,645,000	41,645,000	15,322,000	3,455,000	3,455,000
Total of items listed:							
I. CP & EHS		227,064,000	273,143,000	262,648,000	232,799,000	229,477,000	227,177,000
II. HS & MHA		1,060,048,000	1,317,009,000	1,333,141,000	1,178,101,000	1,045,333,000	1,103,499,000
III. NIH		1,394,549,500	1,666,457,000	1,585,563,000	1,484,127,000	1,448,610,000	1,449,651,000
Overseas activity		15,000,000	41,645,000	41,645,000	15,322,000	3,455,000	3,455,000
Grand total		2,696,661,500	3,298,254,000	3,222,997,000	2,910,349,000	2,726,865,000	2,783,782,000

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(1) Included in 1969 supplemental.

Mr. KENNEDY. Mr. President, in addition to the overall health budget analysis that I have just presented, it is also essential to consider in greater detail some of the specific items of that budget. Two of the most important areas are those of health manpower and construction of health, educational, research, and library facilities. These areas are included in part III of the preceding table as part of the budget for the National Institutes of Health.

I shall discuss a number of different aspects of these two areas in an analysis which I ask unanimous consent to have printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

A. INSTITUTIONAL AID

1. Medical and dental schools, etc.

The 1970 budget request for these schools is $101,400,000, an increase of $35,400,000 over 1969.

A comparison of appropriations for 1968 and 1969 follows:

1968:	
Appropriation	$52,500,000
Authorization	60,000,000
1969:	
Appropriation	66,000,000
Authorization	80,000,000
1970:	
Budget request	101,400,000
Authorization	117,000,000

In 1970, awards are made to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine. $46,500,000 of the $101,400,000 is given to the schools based on a formula with the balance of $54,900,000 for special project grants based on the merits of specific applications. The basic grants are designed to provide a fixed award of $25,000 to each institution plus an estimated initial allocation of $340 for each undergraduate student, $540 for each graduate, and an added incentive of $340 for each additional student in excess of the enrollment increase required for eligibility for the grant.

The special project grants are given for two major purposes: (1) to schools in severe financial straits who may be in danger of closing or curtailing operations, and (2) to those schools that plan to use the grant to improve those deficiencies of their educational program which have placed the school accreditation status in jeopardy. Priority is given to schools of medicine and osteopathic schools with potential to substantially increase their enrollment. These funds are used for curricula development, faculty, alterations and renovation, and equipment.

The amount of $54,900,000 is not sufficient for the number of special project grants which have been submitted. In fact, if we appropriate the full amount authorized, we will be able to add another $15,600,000, which would be extremely useful in alleviating the current distress of our medical schools.

2. Nursing

Costs for educating nurses have risen sharply, as they have for all health professions. Hospitals are finding that the financial burden of operating schools of nursing is too great. While nursing education programs are costly for junior and senior colleges to establish and maintain, such academic institutions are able to provide quality education at a lower cost per student than programs based in hospitals—which are primarily service institutions. Since rising hospital costs are generally borne by patients rather than by the public, many hospitals are finding it increasingly difficult to carry these costs and are closing their schools of nursing. With the present authority ($3 million in 1969) for partial reimbursement of diploma schools discontinued and replaced by broader authority for institutional grants in the Health Manpower Act of 1968, hospital schools of nursing will be in even more serious financial straits, since they will not be receiving any basic support beginning in fiscal year 1970.

The 1970 budget request is for project grants of $7 million, an increase of $3 million over 1969. The 1970 authorization is $35 million for both formula and project grants for improvement of nurse training. The law states that of the funds appropriated, $15,000,000 shall be for project grants. Since the 1970 appropriation request is for only $7,000,000, it appears that under the law, all of such funds would have to be used for project grants. As a result, no funds would be available for formula grants.

Project grants now underway are helping certain schools to increase enrollments by accommodating students on other campuses through television, and by expanding and developing new clinical resources for teaching. The broadened authority under the Health Manpower Act of 1968 has extended participation and permitted projects for planning and establishing new and modified programs. It has helped schools, particularly hospital schools, to stay open. It has helped hospitals to remain in teaching, and to maintain quality during a period when nursing programs are shifting from apprentice-type training to a more clinically based program combining the resources of educational institutions and service agencies. Special project grants reflect planning on the part of communities and existing schools in the establishment of new nursing educational programs to meet their specific needs.

Approximately 1,300 schools of nursing, *in addition* to public and nonprofit institutions, are now eligible to receive these projects.

As the trend of nursing programs moves from hospital-based programs into the mainstream of education in junior colleges and universities, the acute shortage of qualified teachers of nursing becomes more critical. New ways must be found to train nursing students in shorter periods of time, and to train larger numbers of students with the same short supply of qualified teachers. Project grants are used for these purposes.

In spite of the need and when the 1970 authorization is $35,000,000, only $7,000,000 is being requested in the Administration budget, or only one-fifth of the amount authorized by the Congress.

3. Public health

Although the 1970 authorization is for $15,500,000, the Nixon budget requests only $9,471,000, the same amount appropriated in 1969. In point of fact, because of the increase in the cost of living which institutions bear as well as individuals, there will be less aid to the schools of public health than last year, at a time when there are even greater demands for public health personnel.

4. Allied health

The allied health manpower activities are relatively new, resulting from the Allied Health Professions Personnel Training Act of 1966, which was extended through 1970 by the Health Manpower Act of 1968. Four areas of activity under these statutes are of particular importance in easing the serious shortage of allied health manpower:

	1968		1969		1970	
	Appropriation	Authorization	Appropriation	Authorization	Budget requests	Authorization
Educational improvement	$9,750,000	$13,000,000	$9,750,000	$17,000,000	$9,750,000	$20,000,000
New methods grants	1,000,000	2,250,000	1,225,000	3,000,000	1,238,000	4,500,000
Traineeships	1,500,000	2,500,000	1,550,000	3,500,000	1,550,000	5,000,000
Construction	3,000,000	9,000,000	1,800,000	13,500,000	0	10,000,000

These activities place emphasis on improving the curricula in allied health schools, increasing the number of allied training programs, and increasing the supply of teachers. Alleviation of the critical shortage of competent faculty is of the highest priority. This shortage constitutes one of the greatest obstacles to improvement and enlargement of the allied health professions.

The magnitude and complexity of our nationwide need for health manpower demonstrates the need for extensive reorientation and bold new directions in the education and training of personnel in allied health fields. As new methods and patterns of delivery of health services are being tried, as educational and training institutions attempt to identify their appropriate roles in the preparation of various categories of health personnel, as new types and levels of health personnel evolve, it is increasingly important to stimulate orderly approaches to health manpower problems. These grants are designed to promote sound growth and development by study, experimentation and demonstration in areas such as curriculum and teaching methods, continuing education, and new types of health workers.

Of particular importance are the development grants. The Allied Health Professions Personnel Training Act of 1966 and the Health Manpower Act of 1968 authorized development grants to allied health training centers for projects to develop, demonstrate or evaluate curricula for the training of new types of health workers. In the first three years of this program, a total of 16 grants were awarded for the development of curricula for training new types of health personnel. The principal thrust of these projects is to extend the availability of health services by training workers at the associate or baccalaureate degree level, who can relieve more highly trained professionals of tasks which do not require a more specialized training.

Our health manpower programs are now expanding into such critical fields as health planning, family health, basic sciences, physical therapy, X-ray technology, and other disciplines. Experimentation and innovation in education and training programs—the content, quality, methods of presentation, and accessibility to potential students—are vital keys to increasing the sources of allied health manpower.

Yet the "educational improvement grants" remain at almost exactly the same level in the 1970 budget request as the amount appropriated in 1968. The 1970 request is fully $10,250,000 below the 1970 authorization, or less than 50% of the amount authorized. The budget requests for "new methods grants" and "traineeships" are only about 30% of the amounts authorized. "Construction" funds, authorized at $10,000,000 this year, are nonexistent in the 1970 budget request.

B. STUDENT ASSISTANCE—SCHOLARSHIPS, TRAINEESHIPS, AND LOANS

Student assistance in the form of student loans and scholarships is requested in the 1970 budget to make it possible for disadvantaged students to enroll in schools providing education and training in a health career in cases where they would otherwise be unable to do so. The requests for 1970 and the amounts available in 1969 are shown below:

	1969	1970	Change
Health professions student loans:			
Appropriation	$15,000,000	$15,000,000	0
Revolving fund	11,429,000	1,113,000	−$10,316,000
Total	26,429,000	16,113,000	−10,316,000
Nursing student loans:			
Appropriation	9,610,000	9,610,000	0
Revolving fund	7,300,000	2,671,000	−4,629,000
Total	16,910,000	12,281,000	−4,629,000
Health professions scholarships	11,219,000	16,000,000	+4,781,000
Nursing scholarships	6,500,000	12,000,000	+5,500,000

Thus, although the amount of the appropriations for student loans for both health professions and nursing remains constant from 1969 to the 1970 budget request, there is a substantial reduction in the student loan revolving funds.

As these figures indicate, there are two sources of student loans for health professions and nursing. One source is the appropriation, from which matching non-repayable grants are given to the schools to loan to students. The second source is from a revolving fund, whereby the schools borrow loan funds from the Federal Government which must be repaid. *Together*, these sources make up the total amount of funds available for the loan portion of student assistance.

The revolving fund is maintained by the sale of notes obtained from schools who have borrowed from the revolving fund. The sale of the notes was not authorized in 1969, so that funds have not become available to maintain the revolving fund. As a result, the revolving funds have been drastically reduced—by $10.3 million for health professions schools and by $4.6 million for nursing schools. Since the requests for the appropriation portion of the loan program are the same for 1970 as for 1969, there will be $10.3 million less for health professions schools and $4.6 million less for schools of nursing than was available for the preceding school year.

This large reduction in 1970 will reduce the number of loans by several thousand, at the very time when we are asking all schools in the health professions to increase their class size.

The House, aware of the decreased amounts available for student loans, attempted to alleviate the shortage by transferring to loans the $4,781,000 increase requested for health professions scholarships. This action should be reversed by the Senate. Until 1970, only three of the required four years of health professions education had been covered by scholarships. The fourth year was to be provided in 1970 by the $4,781,000 increase.

In addition, under the advance authorization provided in the 1969 appropriations act, the Department of Health, Education, and Welfare has already notified the schools that the awards in their entirety would be made, including the $4,781,000 for the fourth year. If the $4,781,000 is not made available for scholarships, the Department would be in a position of having to withdraw a major part of its commitment to the schools and their students.

The $5,500,000 scholarship increase requested for nurses is also needed for scholarships, rather than for loans. These funds are to be used for extremely disadvantaged students, who from our past experience with nursing students, would not assume the responsibility of taking out a loan.

The problem is equally stark when we compare the 1970 authorizations with the amounts appropriated by the House for loans and traineeships. The $34,891,000 appropriated by the House for loans is $20,000,000 less than the 1970 authorization, and the $20,670,000 appropriated for traineeships is $21,000,000 less than the amount authorized.

These cuts below authorizations are occurring at a time when current projections of the need for physicians indicate that 52,000 additional physicians are required this year. While we had only 660,000 nurses at the end of last year, we will need one million by 1975.

C. CONSTRUCTION OF HEALTH, EDUCATIONAL, RESEARCH AND LIBRARY FACILITIES

As can be noted from the chart above, no funds whatsoever are being requested under this category for allied health, libraries and research facilities. Health (medical, dental) professions have a 1970 authorization of $170,000,000 for construction, yet only $126,000,000 is being requested. In nursing construction, $25,000,000 is authorized, but only $8,000,000 is requested in this budget. How is it possible for schools of the health professions to train more health personnel, or to build the new schools required to increase the supply of personnel, with budget requests such as this?

SOCIAL SECURITY RETIREMENT AGE

Mr. BYRD of West Virginia. Mr. President, for more years than I care to remember I have made no secret of my belief that the present social security retirement age is unrealistically high. On a number of occasions I have proposed that social security benefits be made available at age 60. Each time my proposal has been brought to a vote, this body has adopted the proposal—the other body, however, has not seen fit to go along. Time, on the other hand, does not stand still. Economic conditions, working patterns, hiring practices, and retirement practices change over the years. To keep up with changing circumstances, I have revised the legislation I have introduced in earlier years. The bill which I will introduce tomorrow provides that full social security benefits will be payable at age 62, rather than at age 65, and that reduced benefits will be generally available at age 60, rather than at age 62.

This proposal differs from my earlier proposals in that the earlier ones did not call for full benefits at age 62. In addition and in keeping with the objective of the proposal, the amount of work a person needs to qualify for benefits and the period over which his average earnings—the basis of his benefit—are computed will be related to the year in which he attains age 62, rather than age 65. The latter changes will have significance for men only, inasmuch as it already is in the present law for women.

The age at which social security benefits should be paid has been argued about almost from the start of the program. No one really knows why the original act provided benefits at age 65. The former Secretary of Health, Education, and Welfare, Wilbur J. Cohen, who has been connected with the program since the studies which led to the original act, wrote in 1957:

> This brief account of how age 65 was selected in the United States indicates that there was no scientific, social, or gerontological basis for the selection. Rather, it may be said that there was the general consensus that age 65 was the most acceptable age.

I submit that 65 is no longer an acceptable age for retirement, generally speaking. Automation is taking its toll on the jobs held by many of our citizens. Millions of Americans are finding that they are physically unable to work as they approach their sixties, and countless others discover that they cannot find employment because of their age.

It is not very reassuring to tell a man who is out of work at age 60 to relax because in 5 years he will get full social security benefits at age 65. It does not help much to tell him to hang on for 2 years so that he can get reduced benefits at age 62 under current law.

In the years since the original Social Security Act was enacted, we have come a long way in recognizing the need for changes in the program relevant to the special economic needs of its participants. We have made special allowances for widows and for the disabled, but even these need to be liberalized. Only widows and certain disabled persons can now collect full benefits at age 62 or earlier. Everyone else must wait until age 65. We have taken steps in the right direction, but more changes are warranted.

When the present provisions for paying reduced benefits before age 65 were enacted, there were those who said they were not needed. I fought for years to get the age lowered to 62. Finally, the action was taken. Experience has borne out the need for such provisions. Approximately one-half of the people who qualified for retirement benefits in recent years did so before age 65. It is known that many more people would apply for reduced benefits at ages 60 and 61 if the law permitted it and millions would seek full benefits before age 65 if they could.

Social Security Administration actuaries have estimated that about 3.7 million persons, not eligible for monthly benefits under the program, would become immediately eligible for benefits if my bill were enacted and became effective at the start of the next fiscal year. It is expected that 940,000 of these persons would claim benefits during the first year.

The change in the social security program which this bill would make is sorely needed. In the past this body has responded to my appeals to provide social security benefits as early as age 60. Senators have judged the merits of these suggestions and have approved. My old suggestions are no longer in tune with the times, and I have revised them. In the light of the past history, I am encouraged to hope that once again the Senate will weigh the merits of my proposal and will approve. And, I hope that with Senate approval, the other body will show the same enlightened reaction to my updated proposal.

DODGE CITY TURNS DOVISH

Mr. GOODELL. Mr. President, a growing majority of Americans no longer support the continuation of the war in Vietnam.

Dramatic evidence of this fact is the recent Gallup poll released October 12. The poll showed that a clear majority of Americans—57 percent—said they wanted Congress to enact S. 3000, the Vietnam Disengagement Act. That bill, which I introduced on October 7, provides that no funds may be expended to maintain American military personnel in Vietnam after December 1, 1970.

Another indication of the same trend is today's Wall Street Journal story on the dramatic turn of sentiment that has taken place in Dodge City, Kans.

Dodge City, a town of 14,000 in the heart of a traditionally conservative State, is experiencing growing doubts about a war that had virtually the full support of the community 2 years ago.

The reasons for this change of mood in Dodge City are well described in the Wall Street Journal story. They are the same reasons that are troubling Americans throughout the Nation—the immorality of the war; the deaths of local young men; the seemingly endless loss of American blood and money without visible progress; the destruction the war is wreaking in Vietnam; the division it is creating at home.

Mr. President, I ask unanimous consent that the Wall Street Journal article on Dodge City be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Oct. 29, 1969 issue of the Wall Street Journal]

DODGE TURNS DOVISH—A SMALL KANSAS TOWN THAT ONCE BACKED WAR NOW WANTS TO GET OUT—RESIDENTS QUESTION MORALITY, COST OF VIETNAM; DEATHS OF LOCAL MEN SWAY MANY

DODGE CITY, KAN.—The mood has changed.

In early 1966, this town was staunchly behind the Vietnam war effort. By mid-1967, the hawk-like spirit was beginning to fade a little, and residents were starting to show unmistakable signs of war weariness. Now that shift in sentiment has accelerated dramatically. Peace symbols crop up all over town, and antiwar sentiment runs deep.

"This thing has made a complete turnaround. People here feel that all we're doing is sending our people over there for a useless cause—and with no end in sight," declares Frank B. Mapel, Dodge City's mayor, himself a former hawk and a retired National Guard colonel.

Indeed, it's clear to a visitor who returns to Dodge City for the third time in nearly four years that things have changed enormously. In casual coffee shop conversation, the war in Vietnam outranked the Mets the afternoon the team won the World Series. Doves appeared in flocks on Moratorium Day to discuss U.S. involvement in Southeast Asia. Hawks tend to do more listening than talking these days.

BEHIND THE SHIFT

Why the change?

Many residents have come to feel the war is immoral—that lives are being needlessly and aimlessly spent. Businessmen blame Vietnam for manpower shortages, rising costs and production difficulties. And some who once favored an all-out push for a military victory in the war now have concluded that such a strategy is out of the question and that the fighting should thus be ended quickly.

The mounting casualty toll clearly weighs heavily in Dodge City, a town of 14,000. Nine men from this area have been killed in Vietnam, five of them since mid-1967; a tenth man died recently in a Colorado hospital after coming down with leukemia in Vietnam. At least two men from the Dodge City vicinity have lost both legs in combat. Several others have sustained lesser injuries.

"You have to sit back and ask yourself if this war is worth the cost and what we would have won even if we could win it?" says Mrs. Irene McLemore, whose 21-year-old son, Leland, lost his legs last February when a mine exploded under him.

A visit to Dodge City buttresses the contention that widespread antiwar sentiment is no longer limited to cities on the East and West Coasts and to campuses. For some time, students and many urban dwellers have been marching in the streets, signing petitions and making their opposition to the war public. Now the same things are happening in the conservative heartland of rural America—and not just here in Dodge City. "It's happening all across the land," maintains Sen. Harold E. Hughes, a dovish Democrat from Iowa. "My mail reflects it. I see it when I travel to make speeches. I see it when I go home. It's a grass-roots, countrywide phenomenon."

THE ISSUE: HOW FAST?

A few fervent hawks preaching escalation are still to be found in Dodge City, of course. But a clear majority of the residents of the "cowboy capital," as Dodge proudly bills itself, now seem convinced that the U.S. should get out of Vietnam. The only real argument is over how fast. Mr. Mapel, the mayor, says that "75% of the people hereabouts are opposed to the war, and most of them think we ought to pull out right now." Others favor gradual withdrawal.

(The sentiment in Dodge City appears not too far out of line with that reflected in national polls. A recent Gallup Poll showed that 57% of those surveyed favored a resolution proposed by Republican Sen. Charles E. Goodell of New York to withdraw all U.S. troops from Vietnam by the end of 1970 and turn the fighting over to the South Vietnamese. Thirty-one percent of those queried favored the resolution's defeat, and 12% had no opinion.)

Dodge City doveys are making their position known in large numbers, something that was impossible to imagine two years ago when outright doves were comparatively few and far between. At sunset on the last Sunday of September, almost 1,000 residents showed up at an outdoor "Mass for Peace" conducted by the local Catholic Church.

A GATHERING IN THE PARK

The Mass was celebrated by Bishop Marion F. Forst in Wright Park, a municipal park on the banks of the muddy Arkansas River. As part of the event, Bishop Forst set free four "doves," which actually were pet pigeons that had been sprayed with white paint. "I don't recall that Vietnam was actually mentioned by name, but it certainly was central in everyone's thoughts," says Father Thomas Groome, one of the planners for the Mass.

Stroll around town and evidence of opposition to the war crops up everywhere. Over on Wyatt Earp Boulevard (Wyatt Earp was once a marshall here in Dodge), the words "peace" and "love" are painted in large letters on a building that's being renovated. Down the street at Bill Russell's one-chair barber shop, Mr. Russell, one of Dodge's confirmed hawks, tells about "arguing all the time" with many of his customers about the war in Vietnam. Further west on Wyatt Earp, at the Silver Spur Lodge restaurant, S. D. Schwartz, who works for a soft drink firm, relaxes over coffee and says that "a year ago my feelings were let's get those SOBs, but now I've done a lot of thinking about it and I believe we ought to get out of there."

In the basement of the county courthouse, Mrs. William Merrill, executive secretary of the local Red Cross, says that in the past Dodge City has had no trouble meeting or exceeding its goal in blood collection drives. But lately, says Mrs. Merrill, "our blood drives have been going very poorly." In its latest city-wide drive, the Red Cross got only 204 pints, far short of its 320-pint goal. "Quite a few people asked us if the blood was going to Vietnam. They said if it was they weren't going to give it," she says.

Mrs. Merrill says that her own son, 29-year-old Tom Merrill, is so convinced that the war is "the most senseless one we've ever been in" that last February he abandoned his planned career as a Navy medic after nine years in uniform. She says that now Tom is a policeman in San Diego and plans to move back to Dodge in November.

Antiwar sentiment is also showing up in numerous other ways. Mrs. Elwood Augerot, the local draft board clerk, says that two years ago many youths volunteered to be drafted early but that now hardly any do. "A lot more parents think Vietnam is for the birds, and they're letting me know it," she says. The parents of one young man were so angered by the war and the prospect of their son being drafted to help fight it that the father "threatened to get me," says Mrs. Augerot. As it turned out, however, the draftee failed his induction physical exam and is back working on the family farm.

Few former hawks can point to a specific consideration that swayed them. But most agree that the reports brought back by local men—civilian and military—who have been in Vietnam have had considerable impact.

A HOPELESS SITUATION?

One such man is 66-year-old Major C. Hagar, a widely respected civil engineer specializing in municipal water systems who has spent six of the last seven years in Vietnam. "I average talking to one group a week, not only here in Dodge, but all over Kansas," says Mr. Hagar, who supported the war until his last trip to Vietnam in 1968. "This last time, I could see what had happened because of the American presence—inflation, begging children, corrupting the morals of girls that would have had high character. You see these things happening to people that you personally know—your old and dear friends—and you begin to change."

Mr. Hagar, who was in Saigon during the 1968 Tet offensive, when large amounts of ammunition and explosives were believed to have been brought into the vicinity of the city by residents, also says that he now regards the military situation as hopeless "because the people of Vietnam just aren't with us."

Bad personal experiences have led some Dodge City residents to doubt the competence of the U.S. military in Vietnam. Leo Nufer operates a small auto repair shop here. His son, James, 20, was killed last year in Vietnam, and Mr. Nufer still shakes his head in bewilderment about how his son was killed. The official Army explanation, according to Mr. Nufer, "was that Jim was killed when the jeep he was riding in hit a mine." However, Mr. Nufer adds, his son's commanding officer wrote that James was killed as "helped pull back a wounded man and a mortar hit him."

THE WRONG BODY

Disturbing as it was, Mr. Nufer's experience can hardly compare with that of Mrs. Stephen F. Peters, who now lives in Wichita, 150 miles east of Dodge City. In 1967, Mrs. Peters was one of perhaps a dozen "waiting wives" here in Dodge. Her husband, a Special Forces officer, was killed in October 1968 in Vietnam. Mrs. Peters says the Army first shipped the body of another casualty "before they managed to send me the right body." Nevertheless, Mrs. Peters says she still supports the U.S. effort in Vietnam.

Some of the Dodge City residents who, like Mrs. Peters, hold that the U.S. should persevere in the Vietnam fighting say the main problem is what they term the country's "no win" policy. "Fighting this war is like playing a football game in which you're ordered not to cross the 50-yard line, but not to let the other team score either," says Bill Ridgway, general manager of a soft drink bottling firm.

Students here, unlike those in big cities, have never been inclined to demonstrate or speak out loudly on public issues. Thus, some townspeople were surprised by the scope of Moratorium Day activities on the two local college campuses. "The war is evil, wicked, morally wrong, and it's time people stood up and said so. This must end," declared the Rev. Paul G. Palmer, pastor of the First Presbyterian Church, who showed up wearing a black turtle neck sweater and a large peace symbol topped by a cross to address a Moratorium Day convocation at Dodge City Community Junior College. The convocation was attended by about half of the school's 675 students and by many teachers.

At St. Mary of the Plains College, a four-year Catholic institution, students voted to skip breakfast and donate the money they normally spend on the meal to charities operating in Vietnam. Other events included a panel discussion, a peace Mass, the lowering of the campus flag to half mast at noon, 60 seconds of silent prayer and the singing of protest songs. "The kids have changed tremendously in their attitudes," says Sister M. Cecilia, president of St. Mary. "They see no end to the war, and they don't like it at all."

A HARD DAY FOR HAWKS

But not everyone on campus supported the moratorium. "It was kind of a touchy day for hawks," says Patricia Morriss, a St. Mary's student whose father, Frank Morriss, is a syndicated newspaper columnist in Denver. "Mostly, all we did was peep out from under our wings to see what was going on," says Miss Morriss.

To many here, the change in attitudes both on campus and in the town is startling. "You know, two years ago any kind of protest activity on our campuses would have been inconceivable. Public opinion just wouldn't have tolerated it," says Charles M. Barnes, president of the Community Junior College and a former hawk. Like many parents here, Mr. Barnes admits that he has been greatly influenced by the antiwar activities of his 18-year-old son, Roger, a student at the junior college.

But the change is also causing considerable friction. Mrs. Richard E. Speirs, a physician's wife, who says she has always supported the American military effort in Vietnam, though not the way the war is being fought, is angered by dovish sentiment expressed by her pastor, the Rev. Mr. Palmer, who frequently comments on Vietnam in his sermons. "Church just isn't the place for this kind of thing," insists Mrs. Speirs.

On Moratorium Day, members of the local American Legion and the Veterans of Foreign Wars flew the American flag at their places of business and their homes as a "counter-protest" to antiwar activities on campus. And at the local high school, where 170 black arm bands were passed out, a few scuffles broke out when hawkish students ripped them off other students, according to Frank B. Taolson, superintendent of schools.

But even among such groups as the American Legion and the VFW, strong opposition to the Vietnam war crops up, sometimes because the U.S. isn't waging an all-out effort. Raymond N. Stotler, a grocer who is commander of the local VFW post, says that under present conditions, "the best thing for us to do is get out of Vietnam."

BUSINESSMEN'S VIEWS

Leaders of Dodge City's business community, who were starting to have doubts about the Vietnam war two years ago, are increasingly hostile to U.S. involvement. One is the impact of the war on their business operations. "I just ordered a milling machine, and the manufacturer told me it would be 18 months before delivery. Two years ago we would have had it within six to nine months," grumbles Hector M. Campbell, president of Speed King Manufacturing Co., a maker of conveyor systems.

At Curtis Machine Co., a maker of gears and gear boxes, R. H. Curtis, president, blames the war for "a lot more price increases than we've had in the past—and some of them are absolutely wild." For instance, he says, his firm recently received notification of a 15% price hike on some gear box casings. "Up until lately," he says, "a 2% or 3% increase was what we could expect. Now there's just no way to figure what your cost will be." Mr. Curtis' 22-year-old son, Dallas, recently returned from a tour in Vietnam. "Dallas won't talk much about it, so I don't know how he feels," says Mr. Curtis. "But I think we either ought to finish it fast or get out fast."

Republican Sen. Bob Dole of Kansas, who recently sponsored a resolution endorsing the Nixon Administration's "Vietnamization" of the war, says that judging by his mail, "Dodge City is right in step with the rest of the country.

"You don't find hawks very often any more," he says. "The people feel that the war should end, but they usually have no precise way to do it, except to disengage as honorably as we can."

PRAYER FOR MOTHER AND FATHER

Mr. TOWER. Mr. President, recently I received from Mr. Horace C. Strong, one of my constituents, a copy of a prayer which he received from his son, Sp5c. David Allen Strong, after his arrival in Vietnam. Mr. Strong's son was killed in Vietnam, but he wanted me to know of his son's love for his country and for his family. I ask unanimous consent that the prayer be printed in the RECORD.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

PRAYER FOR MOTHER AND FATHER

Lord I live but one life in this old world
I know not when it will end;
But Lord until my dying day
There will only be two great people in my life
Mother and reliable Pop.

They were always there when I needed them,
They raised me up to what I am today;
I just hope and pray Lord
I can be as good as they raised me to be.

Lord give me strength to prove to them,
While I'm here in this far-a-way land,
That they raised a man
Worthy of their trouble.

Lord I hope you hear my plea;
Plea for forgiveness,
Forgiveness for the hard times I gave them.

God bless the two great people in my life,
My Mother and Father;
And thank you Lord
Thank you for hearing my Prayer,

And Lord, look after my two until I return home
God, be with them.

THE VIETNAM POLICY DEBATE

Mr. RIBICOFF. Mr. President, the debate over Vietnam policy in recent weeks points very clearly to the need for us to evaluate the approach of simply withdrawing our forces as one viable means of disengagement. Certainly it is legitimate to ask at this point whether anything worth the price can be gained by having our troops remain any longer, remembering that even during fighting lulls more and more American families are being deprived of their sons, husbands and fathers.

In the process of this evaluation we have, of course, an obligation to consider the effects of withdrawal upon those South Vietnamese who have sided with us in the war effort. Many have asserted that we could expect a tremendous massacre or bloodbath, involving up to 2 million people, and have, in fact, cited this prospect as a principal reason why we must remain.

I suspect that such predictions derive more from a desire to justify current policy than from realistic study. I hope we can begin approaching the subject with more sense and less emotion.

But in any case, we should certainly be able to find another solution that does not require indefinite American involvement in the war. We who are sponsoring Senate Concurrent Resolution 39, for example, have suggested an amnesty agreement or, if that is unsatisfactory, the provision of asylum in friendly countries for South Vietnamese who might be endangered.

In this connection, last Monday's Detroit Free Press contains an article written by Mr. James McCartney which provides a most helpful analysis of the consequences of a U.S. withdrawal in terms of the safety of the South Vietnamese people. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOULD BLOODBATH FOLLOW VIETNAM PULLOUT?

(By James McCartney)

WASHINGTON.—What are the dangers of a bloodbath in South Vietnam if the United States pulls out?

Would hundreds of thousands—even millions—of South Vietnamese be slaughtered in a mass orgy of killing by the communists?

The question is at the heart of the nation's Vietnam dilemma—often cited by administration officials as a key factor in how fast the United States may move to withdraw.

But there are sharp disagreements among the experts on the answer.

While the Nixon administration formally insists it must move slowly for fear of a possible slaughter, other students of Vietnam say a slaughter is unlikely.

In fact, some of the State Department's own experts on Vietnam think the President is wrong.

So does at least one top official from the Lyndon Johnson era, and so do a number of Senate doves.

President Nixon said last May in his major speech on Vietnam that a U.S. pullout "would risk a massacre that would shock and dismay everyone in the world who values human life."

Secretary of State William P. Rogers only a few days ago stated the case just as bluntly:

"I think that any thoughtful observer of the scene recognizes that if we just withdrew our troops, there would be a tremendous massacre of the population of South Vietnam."

Senate Republican leader Hugh Scott went even further:

"Move out precipitously," he said, "and you condemn millions of people—at least two million people—to the great risk of a massacre."

Scott said that all the Catholic leaders of South Vietnam would be threatened, recalling that Catholics were killed by the thousands when the communists took over North Vietnam.

But there is another side to the case that involves more than idle speculation about communist intention.

It involves serious professional assessments of communist statements and communist problems.

It also involves the specific argument that a million South Vietnamese are already armed and capable of self-defense—plus the undeniable fact that the war itself is a massacre.

Perhaps the most vocal challenger of the administration position is Sen. George McGovern, D-S.D., a long-time dove.

McGovern has challenged the bloodbath thesis on the basis of his own conversations with North Vietnamese and Vietcong representatives in Paris earlier this year.

McGovern told the Senate after returning from Paris: "when I suggested to Hanoi and the National Liberation Front delegations that some Americans fear a bloodbath, they replied that just the opposite would happen—the killing would stop."

He said they had told him that "the blood bath now in progress as the war continues would be stopped in the event of an American withdrawal."

The communists advised him to talk with French officials involved in the French withdrawal from Vietnam in 1954. He said they boasted that they had co-operated with the French and took no reprisals.

McGovern is not alone.

Roger Hilsman, a former assistant secretary of state in the Johnson era and an expert on Vietnam, has been quoted as saying:

"I would be willing to make a small bet that the official Vietcong position will be no retribution."

A Nixon administration Vietnam specialist in the State Department agrees with Hilsman.

"I think Hanoi would attempt to keep killing to a minimum," he said, "if only for the sake of world opinion. I do not think Hanoi would pursue a calculated policy of killing."

He added, however, that there is some evidence a bloodbath could occur, but said:

"That is one of the calculated risks that the United States is going to have to accept."

Sen. McGovern points out that the bloodbath thesis assumes that the South Vietnamese are without ability to defend themselves.

Last week McGovern told the Senate:

"We are leaving behind one million South Vietnamese forces which we have equipped and trained. They outnumber the enemy in the field by a ratio of 5 to 1."

McGovern also ticks off statistics on the war itself—on what kind of a massacre it has been.

According to official Defense Department statistics, almost 700,000 men have been killed in Vietnam on both sides since the United States became involved.

McGovern has suggested that the United States make provision for the asylum of South Vietnamese leaders.

There have been some estimates that hundreds of thousands or even millions of refugees would result from a communist takeover in South Vietnam.

Another Senator who has spoken about the possibilities of a bloodbath is Sen. Eugene McCarthy, D-Minn.

Referring to Sen. Scott's allegation that Catholics would be slaughtered, McCarthy—a Catholic—said:

"This is an old line we heard in 1966 and 1967 and I remember then that it was 900,000-Catholics who would be executed.

"Shortly after that the Catholic bishops of South Vietnam asked for an end to the war. I would think that if the Catholic bishops were concerned about the prospects of execution of all the faithful, they would probably not recommend the end of the war.

"I do not see any evidence or real reason to believe that that kind of mass execution would take place."

Nevertheless, the communist record is bad.

As recently as the Tet offensive last year an estimated 3,000 non-combatants, including women and children, were slain when the communists occupied Hue temporarily.

There was also a massive slaughter in North Vietnam after the communists took over in 1954.

State Department experts estimate that somewhere between 250,000 and 300,000 were slain. There were a million refugees.

A LAWYER'S VIEW OF VIETNAM

Mr. GOODELL. Mr. President, in 1967 Dr. David Poling, president of the Christian Herald Association, and former editor of that distinguished ecumenical monthly, decided, after much soul searching, not to publish an article on Vietnam written by Hoch Reid, a prominent New York attorney.

Dr. Poling, by his own admission, greatly regrets that decision.

In July of this year, however, Dr. Poling and his editors at the Christian Herald, did publish Mr. Reid's article, and it is to their credit, as well as to our own enlightenment, that the earlier decision was reversed.

I think that Dr. Poling's admission that he had been wrong not to publish Mr. Reid's article 2 years ago, says something about what is happening in this country—that many people, Dr. Poling among them, have changed their minds about the Vietnam war. It is in that fact, I believe, that our hopes for a wiser course in the future lies.

Mr. President, I ask unanimous consent that the article and a statement by the editors of Christian Herald, published in the July 1969 issue of that periodical, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Article We Didn't Print

(Statement by the editors in July 1969 issue of Christian Herald)

They say that an honest confession is good for the soul. Back in the spring of 1967 we had this article by Hoch Reid, a prominent New York attorney and churchman, set in type and ready to go. First it was planned as a feature article. Then we decided it should be run as an "I Protest," which would make it crystal clear that this was one man's opinion—though Christian Herald does not agree 100 percent with even every major article we publish. For Christian Herald, like every publication, has no mind of its own, only the minds, faiths, convictions of its editors, who come out of Presbyterian, Baptist, Methodist, Episcopalian, Reformed, Catholic and other religious traditions and are all over the lot politically.

But the prospect of using the article even as a personal protest caused some editorial sleeplessness and a good deal of editorial wakefulness. Editors take their work seriously; they put pieces of their lives, their hopes, their dreams on the line every issue. It was and is a serious thing to question an action of our government on legal and moral grounds. The upshot was that the article was killed.

But things have changed in two years. The administration in Washington changed. We have changed—"daring faith" we promise on the masthead. The nation has changed. What has not changed is the war in Vietnam. It has gone on and on.

We publish this article now—as we would have then—because we love America. And because, in this month when flags are waving, it is our flag. And because the young men heroically giving their lives—or having them taken—are our sons and neighbors.

Should we have printed the article then? Should we have printed it now? What do you think?

[From Christian Herald, July 1969]

A Lawyer's View of Vietnam

(By Hoch Reid)

When the question of the legality of the United States military operations in Vietnam is raised, some lawyers say, "We should fight in Vietnam whether it is legal or not." Therefore, we need to consider first whether it is important that the actions of the United States are or are not legal under international law.

Unlike violations of domestic law, there are frequently no immediately enforceable penalties for a violation of international law by a powerful nation. Therefore, the reasoning goes, why should we conform to international law if it should appear that our national interest dictates otherwise?

The answer lies in the fact that the long-range goal of building a peaceful world based on justice is ultimately more important to humanity and our national interest than the temporary goal of containing Communism in Asia. We have devoted much of our national energies to the development of institutions such as the United Nations, and of a peaceful world based upon justice and a respect for law. All the progress of a generation will be sacrificed if we distort the law to suit our own ends merely because no powerful nation chooses to challenge us militarily. Neill H. Alford, Professor of Law at the University of Virginia, says; "Who wins the war in Vietnam may have little to do with the establishment of a viable system of world order; while how and what we and others think about our uses of power there will have a lot to do with it."

We must be willing to have our actions judged by the same standards we have applied to others. Justice Jackson, at the Nuremberg Trials, said: "And let me make clear that while this law is first applied against the German aggressors, it must condemn aggression by any other nations, including those which sit here now in judgment."

In a field of law that is frequently vague and whose development is based not so much on authoritative decisions as upon conflicting national claims and counterclaims, it is helpful to determine first how to judge the validity or desirability of an asserted rule of law. It is my contention that the law to which nations should conform in their international relations is the one that will tend to restrict the scope, duration and intensity of warfare and to promote the just settlement of controversies by peaceful means. Another guiding principle is "self determination." A law is a good one if it promotes the right of a nation to choose the political destiny which its people desire, not merely the one which another nation thinks will be good for them. Finally, a valid principle of international law must, I believe, be neutral politically. The rule that is applied to a war of "national liberation" must be equally applicable to a war to "contain Communism."

The United States has certain obligations under the U.N. Charter which should be viewed in the light of the purposes of the U.N. expressed in that charter, namely: "To maintain international peace and security and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

In line with this purpose we have committed ourselves "to refrain in [our] international relations from the threat or use of force," and if we are a party to a dispute to "first of all seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means."

No one doubts that the United States is using force in its international relations nor that it failed "first of all to seek a solution" to the dispute by conciliation or other peaceful means. Now let us examine the claims of the State Department to justify the use of force.

The first and principal claim is self-defense. Not defense of ourselves but of South Vietnam; "the inherent right of . . . collective self-defense" preserved by Article 51 of the U.N. Charter. In order to justify the use of military force in self-defense there must have been an "armed attack." The charter specifically reserves the right only "if an armed attack occurs against a member of the United Nations." Not subversion, infiltration or aggression, but armed attack.

Secretary Dulles said: "If you open the door to saying that any country which feels it is being threatened by subversive activities in another country is free to use armed force against that country, you are opening the door to a series of wars over the world and I am confident that it would lead to a third world war."

The question of whether North Vietnam committed an armed attack on South Vietnam is a question of fact, and lawyers know how difficult it is to find the truth in a disputed question of fact. I have read the evidence published by the State Department in its white paper entitled *Aggression from the North* and I do not believe it establishes that there was an armed attack by North Vietnam before we attacked that country.

Assuming, however, that our political leaders honestly believed that their interpretation of the facts was correct, would it not have been more in accord with the purposes of the United Nations Charter and of international law for the United States to have appealed to the U.N. Security Council or the Geneva Conference for action to be taken on an international cooperative basis rather than to employ military force unilaterally?

The only reason for justifying the use of force in self-defense without resorting to such peaceful means as are available is that the urgency of the need for defense leaves no time for any but military means. The classical definition of the circumstances justifying military force in self-defense is the one of Secretary of State Daniel Webster, who said that it is justified "when the necessity for action is instant, overwhelming, and leaving no choice of means and no moment for deliberation." This definition was affirmed by the war crimes tribunal at Nuremberg and is habitually used by authorities explaining the meaning of the "inherent right of self-defense" as used in Article 51 of the U.N. Charter.

With this definition in mind, let us look at what the State Department presents as evidence of an armed attack. The memorandum of the legal adviser cites the infiltration over a period of years from 1959 to 1964 of forty thousand guerrillas from North to South Vietnam which it terms an "armed attack." It then says: "There may be some question as to the exact date at which North Vietnam's aggression grew into an armed attack but there can be no doubt that it occurred before February, 1965."

So our government is telling us that there was an attack so instant and overwhelming that it afforded no time for deliberation and no time to seek a peaceful solution and no time to make use of orderly peace-keeping machinery. Yet, when asked when this instant attack took place, the only answer is: sometime between 1959 and 1965—the date is uncertain.

The white paper setting forth the evidence upon which the "armed attack" is based, contains such feeble proof that the State Department didn't even use the word "attack" in the title. It is called *Aggression from the North*. It tells about arms and supplies, captured from the Vietcong, which had their origin in North Vietnam (not mentioning those which carried the American-made label). It tells about Vietcong leaders being trained in North Vietnam; it tells about the infiltration of 40,000 armed and unarmed guerrillas from the North without saying how many were armed and how many unarmed. How many of these guerrillas were North Vietnamese? The white paper shows that over 90 percent of them were indigenous to the South.

Under the terms of the 1954 Geneva agreement ending the French-Indo-China war, the forces of the nationalist army were required to withdraw north of the 17th parallel pending the implementation of the agreement to unite the two zones of the country under a government to be chosen by elections in July, 1956. The agreement to have elections to unify the nation was repudiated by the Diem government with United States support. Under such circumstances it cannot be claimed that soldiers of Ho Chi Minh's nationalist army whose homes were in the South were obligated to stay in the North indefinitely. It is these soldiers returning to their homeland in small groups over a period of years that constitutes the bulk of the "infiltration." The State Department pamphlet, *Aggression from the North*, published in February, 1965, states: "Heretofore, those in charge of the infiltration effort have sought to fill their quotas with soldiers and others born in the South. The 90,000 troops that moved from South Vietnam to the North when the Geneva Accords ended the Indo-China war have provided an invaluable reservoir for this purpose. Now, apparently, that source is running dry. . . . It is estimated that as many as 75 percent of the more than 4,400 Vietcong who were known to have entered the South in the first eight months of 1964 were natives of North Vietnam."

So, if we disregard the South Vietnamese returning to their homes over five years, which obviously is not an attack by North Vietnam, the only evidence our government could muster was the gradual infiltration of 3,300 northerners over an eight-month period in 1964. At that time, it should be noted parenthetically, the United States already had nearly 20,000 troops in Vietnam. The State Department would have us believe that this creeping eight-month infiltration created a necessity for unilateral military force in self-defense so instant and overwhelming that five months later, in February, 1965 (without a moment for deliberation), we began attacking North Vietnam.

The next broad question has to do with the essentially civil nature of this war. There are legal as well as policy implications in the question, "What business does the United States have intervening in a civil war on the other side of the world?" Assuming that it is permissible to use instruments of economics, politics and diplomacy to win friends around the world, that does not license this nation to use its military might to establish in a foreign nation a friendly government which could not otherwise stand on its own feet. Traditional international law prohibits intervention in civil war.

In the case of Vietnam, our government has emphatically avoided such a claim by insisting that North and South Vietnam are two independent states, and that there was an "armed attack" by North Vietnam. If the war is essentially civil strife for the control of one nation, all our talk about armed attack and aggression from the north collapses as justification for our intervention even if it were supported by the evidence.

In support of the claim that South Vietnam is an independent state, the government memorandum says that it has been recognized by some sixty nations and that it is a member of several special agencies of the United Nations. But the legal adviser to the State Department, like a true advocate defending his client, chose for presentation in writing that memorandum only that small part of the facts that tends to support his case. Most of the sixty nations that recognized the Republic of Vietnam (as the government of the southern zone is known) recognized it or its predecessor *before* the Geneva Accords of 1954 when it claimed to rule the entire state of Vietnam. While their diplomatic recognition has survived the division of the nation into zones, it is not at all clear that this constitutes recognition that the southern zone is a nation separate from the northern zone. Most of those sixty nations have *not* recognized the government of Ho Chi Minh as ruling a separate state to the north. The government of Diem as well as the government of Ho Chi Minh each claimed the right to rule the entire state of Vietnam.

The Diem government was the successor to the French puppet regime in Vietnam that was defeated by the nationalist forces led by Ho Chi Minh in the revolution. That revolution was clearly an internal conflict rather than international war. The political settlement of that conflict was agreed to at the Geneva Conference in July, 1954. There, the nation was divided for the first time into two zones, expressly stated to be temporary, for administration purposes, pending the unification of the nation under a government to be chosen at elections in July, 1956. When the Diem government chose to repudiate the agreement to hold elections because it was expected that Ho Chi Minh would be victorious, Diem destroyed the very basis for the temporary division of the nation into zones. Therefore, the fighting which terminated in 1954 was resumed. Certainly in the minds of the rebels in the South and the Hanoi government in the North, this was merely a continuation of the earlier civil war. Diem and his successors were merely substituted for the French puppet government; the United States was substituted for France.

But even if we should assume, for purposes of argument, that North and South Vietnam are separate independent states, that would not eliminate the internal nature of this war. The government we are supporting has never controlled more than a minor part of the area of South Vietnam. After 1956, the opposition in the South to the oppressive Diem regime became increasingly violent. The National Liberation Front was organized under the leadership of Nguyen Huu Tho, a southerner and a Saigon lawyer who had opposed the French and was imprisoned by Diem from 1954 to 1959. Not until 1960 did the Hanoi government give any public support to this rebellion in the South. Whatever support it gave the southern guerrillas for some time must have been more moral than substantial because it would appear that most of their arms were captured American equipment and they lived off the land or taxes collected from the peasants.

So no matter how you look at it, this war started as a civil war between two factions, each of which controlled large areas of South Vietnam. If you follow one of our State Department's arguments, namely, that the National Liberation Front is merely an arm of the Hanoi government, the result is to have all of the North and over half of the South under the control of Hanoi, thus virtually erasing the temporary division at the 17th parallel. If on the other hand, you choose to follow another State Department argument, namely, that North Vietnam is an independent state, separated from South Vietnam by the 17th parallel, then when it gave military support to the Vietcong it was intervening on behalf of one of the two contending factions in a civil war in the South.

If it was illegal for North Vietnam to intervene, so was the action of the United States in intervening on behalf of the other faction in this war. We supplied the Saigon government with arms, equipment and training at least as early as Hanoi supplied the Vietcong, and we had approximately 20,000 soldiers there before the first 3,300 North Vietnamese soldiers were infiltrated into the South in 1964. Furthermore, our military assistance to, and *de facto* alliance with, the Saigon government was in direct violation of the Geneva Accords of 1954, which prohibited any military alliances, and military bases under the control of a foreign state and the introduction of any additional military personnel.

The State Department, in its legal memorandum and in the pamphlet *Aggression from the North*, makes much of the fact that the International Control Commission Report on June 2, 1962, found that North Vietnam had violated the Geneva agreement by sending arms, supplies and personnel into the South. But here again, like a true advocate, the author failed to mention that the same report found that South Vietnam violated the Geneva agreement by permitting arms, supplies and personnel to be introduced by the United States and by having a *de facto* military alliance.

Finally, if we should assume for the purpose of argument that North Vietnam and the United States are intervening in a civil war in the South, then we are in violation of well-recognized principles of international law when we carry the war outside South Vietnam to attack the North.

During the Spanish Civil War, neither Germany and Italy, intervening on behalf of the insurgents, nor the Soviet Union, intervening on behalf of the incumbent, claimed that it was justified in attacking in territory of the other. The law governing intervention is designed to localize the conflict. The United States disregards this in bombing the territory of North Vietnam and creates a precedent which would authorize Russia, for example, in intervening on behalf of the Vietcong, to bomb New York and Washington.

In conclusion, I would point out that this debate is not between adversaries. The United States is my country. It is my sincere desire that it be worthy of its best tradition in its international relations. To do so I believe that it should strictly conform to those principles of international law and the United Nations Charter that tend to promote the settlement of international dispues by peaceful means and tend to restrict the scope and intensity of such military conflicts as do arise.

This it has not done in Vietnam.

I would rather see my nation a leader in establishing and strengthening institutions and precedents that promote a peaceful world than to see it the victor in a war that is becoming one of the most brutal conflicts in the history of mankind.

COUNCIL ON FAMILY HEALTH OFFER HELPFUL SUGGESTIONS ON SAFETY IN THE HOME—MATERIAL BENEFICIAL TO SENIOR CITIZENS

Mr. RANDOLPH. Mr. President, increasing numbers of our citizens—about 10 percent of the general population—are in the 65 and over age group that is popularly described as "senior citizens."

Although this term often is not an accurate description of these frequently vigorous and productive citizens, it nevertheless is a fact that special problems do exist among older persons. In many cases we have sought legislative solutions.

There is one area in which we must rely heavily on educational and informational programs—the area of reducing accidental injuries and fatalities in the home, a hazard to which our senior citizens are particularly prone. As a member of the Senate Special Committee on Aging, it has become evident to me that a vigorous program of safety education in the home is in the national interest.

An affirmative, well-reasoned program of home safety education for older citizens has been devised by the Council on Family Health.

In a recent meeting with Dr. Howard A. Prentice, president of the council, we discussed the fact that older citizens are involved in nearly half of all fatal accidents in the home.

Of particular concern to me is the likelihood that older citizens in West Virginia—about 180,000 persons 65 and over or about 10 percent of our population—are prone to home accidents.

The Council on Family Health has contributed in a positive manner toward solving this problem. The council is a nonprofit organization sponsored as a public service by some 60 members of the drug industry to promote home safety and family health. Its overall program spans the whole spectrum of safety in the home, and is particularly addressed to educating the mothers of the Nation, who are the guardians of the family's health.

In its program of safety education for older persons, the council has developed a kit for groups of retired and preretired persons, "Safety Measures are Living Treasures," produced in cooperation with the U.S. Public Health Service. Initial distribution was made through the 1,800 chapters of the American Association of Retired Persons and units of the Retired Teachers Association, which saw the importance of cooperating in this urgent educational effort.

Some additional facts cited by the Council on Family Health are well worth repeated here:

Persons 65 and over have more fatal accidental falls at home than any other age group; 9,900 out of 11,800 for all age groups in 1968.

Next to falls, accidental deaths due to home accidents to older citizens are caused by fires; suffocation due to ingested objects; poisoning by chemicals, gases and vapors.

What may be a minor accident for the young may well be serious for the elderly.

Accidents account for longer hospital stays among the aged than do diseases.

Persons over 65 account for 13 percent of all hospitalized accident patients.

Some of the factors contributing to home accidents among older adults include: declining perception; failing sight, hearing, and smell; slower reflexes; weakening muscles and brittle bones.

The home safety education kit of the council is intended as a working tool to assist older people, and those working with their problems, in understanding the environmental, physical and emotional problems that afflict older citizens. Accidents that might cause minor injuries to a young person can be serious or fatal to an older individual. For instance, the average hospital stay for persons of all ages injured accidenutally is 17 days, but it is 24 days for persons 65 and over, the council informs me.

Home accidents to older persons, according to the council, are caused by unsafe environments:

A wet spot on the kitchen floor, a slippery bathtub, or a small rug that is not anchored by a nonskid back.

Clutter on the floor, a frayed floor covering, or a piece of furniture out of its accustomed place which trips the unwary.

Stairs which are not well lighted or which lack handrails on both sides.

Ice at the doorstep or in the yard.

Lack of proper lighting at the bedside, the hall, at the entrance to rooms, and over the medicine cabinet.

Broken electrical equipment and frayed cords causing shock and sometimes severe burns.

Among the accident-causing factors in the home, the council has noted, is carelessness. This sometimes is due to the failure to maintain a healthy respect for the potency of modern medicines. Overdosage and taking the wrong medicine are special hazards for those older persons with chronic ailments who are using several medicines. As the council points out, not even hospital trained nurses rely on memory when using medicine, and it cites the well-founded rule that labels should be read three times for a triple check on having the right medicine, taking the right amount, and with the right frequency. Unfortunately, older persons too often trust memory.

I am very favorably impressed with the general safety education program of the Council on Family Health, and in particular its safety education kit for use with older persons. I urge the use of this kit entitled "Safety Measures Are Living Treasures" by clubs and other organizations made up of, or working with, older persons, and I wish to commend those who sponsor this public service program.

Because of its value to a substantial segment of citizens in West Virginia, I have suggested that interested groups obtain the kit by writing to me or by requesting it directly from the Council on Family Health, 485 Madison Avenue, New York, N.Y. 10022. I am certain the council would consider cooperating in a similar manner with other Members of this body, and I am hopeful that through the constructive efforts of all concerned, we shall be able to reduce substantially the injuries, suffering, and fatalities afflicting our senior citizens, due to unnecessary accidents in the home.

VIETNAM WAR MORATORIUM

Mr. TOWER. Mr. President, on October 20, a Washington area television station, WMAL, presented an excellent editorial on the events of October 15. I feel that the editorial expresses the feelings of many Americans on the moratorium.

I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A WMAL–TV Editorial, October 20, 1969

We are told that there will be another Vietnam War moratorium on November 15th. This time, several hundred thousand sincere, loyal, peace-loving Americans should not be misled.

However worthy the goal, the October 15th moratorium helped nobody but the communists. It was no accident that the Hanoi leadership sent a message wishing the moratorium success in what Hanoi termed "the Fall Offensive." It was no accident that Moscow and Hanoi signed a new military aid agreement the very day of the moratorium. It was no accident that the very morning after the moratorium the North Vietnamese delegation went to the Paris conference table demanding a time-table for American withdrawal.

The United States made a drastic mistake in this war when it allowed politicians to dictate battlefield strategy to military commanders. It is this which has created this intolerable no-win war. But we will make an even greater mistake if we allow street crowds to dictate foreign policy.

President Nixon has us on the way out of Vietnam. He should be allowed to do the job in an orderly way.

HEALTH BUDGET—RESEARCH CENTERS AND FACILITIES

Mr. KENNEDY. Mr. President, earlier today I spoke of the current crisis in the Federal health budget, with special emphasis on health manpower, and included a number of tables comparing the various stages of the 1970 health budget process with the health appropriations for 1969.

I now wish to discuss two other important areas that are generally related to the problems of health manpower but which do not technically fall within the NIH budget item for health manpower. These two areas are health research facilities and general clinical research centers.

HEALTH RESEARCH FACILITIES

The major objectives of health research facilities grants are to help meet the needs for renovation or replacement of outmoded research facilities, to provide new facilities to relieve overcrowding, and to provide for expansion of research programs in the health sciences. Included in these categories are facilities needed to house both clinical and basic research in medical schools, hospitals, university graduate schools and research institutes, as well as facilities for the housing and care of the research animals required by these programs.

Since 1956, the health research facilities program participated in nearly two-thirds of all research construction. Upon completion of all the projects accepted through fiscal year 1969, about 90,000 professionals, technical trainees and supportive personnel, or about 45 percent of the Nation's medical research force in the nonprofit sector, will work in these facilities.

The health research facilities survey completed in 1969 found that 10.2 million net square feet of health research space is physically unsatisfactory. About 3 million additional square feet are becoming obsolete and unsatisfactory each year. In addition, 14.8 million square feet of new space are required in order to relieve seriously overcrowded conditions. No other source of Federal funds is available to meet this problem.

It is evident that a realistic level of Federal assistance must be provided if institutions are to be able to maintain even their present research space in usable condition and sustain their present research programs. Failure to sustain these programs would seriously jeopardize the quality of health services available to the American people. Such a course would severely limit the development of the qualified medical faculty needed to staff new and expanding medical and other health professions schools; it would also tend to limit the quality of future medical practice to the level of present-day knowledge. We cannot stand still, however. Funds must be provided to create new research space if the research programs which have been identified by the National Institutes of Health and the Congress as meriting special attention are to be realized.

It is estimated that $44 million would be required by the health research facilities program in fiscal year 1971 simply to maintain the national inventory of health research space in satisfactory condition, without providing for expansion of research and research training activities. There is a current backlog of about $97 million in Federal funds needed to fund approved but presently unfunded applications. Yet, essentially no funds are requested in 1970 for the great need for research space outlined above.

B. GENERAL CLINICAL RESEARCH CENTERS

During the period between 1967 and 1970, average hospitalization costs will rise from $49 per day to an estimated $72 per day. Personnel costs for nurses and paramedical personnel will, in general, show an ever greater increase during this period. Operation of the clinical research centers program with the proposed 1970 House budget increase of $3,960,000 over the request of $35,004,000, will allow funding of 93 centers with 1,028 approved beds. This amount will support 2,080 of the 2,420 currently approved positions—a decrease of 340—and will provide for hospitalization for 235,000 research patient bed days. This compares with 280,000 research patient bed days funded in 1968. Additional support from patients and third parties will be sought for an additional 25,500 patient days of hospitalization.

Operation of the clinical research centers program within the President's fiscal year 1970 appropriation request of $35,004,000 will require termination of activities in a number of centers, resulting in severe reductions in occupancy and personnel. If all 93 centers remain open, funds available will provide for only 185,000 research patient days out of an available total of 442,000 bed days, or 44-percent occupancy. Reductions in personnel are limited by the very nature of the patients' needs which often require 24-hour coverage, 7 days a week. As a result, it will be necessary to close or phase out 10 to 20 centers. This is yet another factor increasing the burden on our already overburdened medical schools at a time when we are asking them to do more. In fact, in recent weeks, as Members of the Senate are aware, the administration has already made plans to phase out 19 such centers in 13 States. Tragically, many of these units are elite centers specializing in clinical research on diseases of children.

The increase of $3,960,000 resulting from House action will permit the general clinical research centers program to readjust from the past decreases in bed support and stabilize at the general level of beds now in use, without the need to close any of the centers. Although the program will continue to operate at a reduced rate of occupancy, and curtailment of activities of centers will probably have to take place, drastic retrenchment may not be necessary. From my point of view, it would be far preferable to increase the appropriations in this area several millions of dollars, so that not only will we be spared some retrenchment, but can move forward.

REVENUE SHARING

Mr. MONDALE. Mr. President, there is a great deal of interest in revenue sharing. In presenting the administration's proposed program, figures were supplied on the shares of the States. However, the local shares were not indicated.

I have prepared two tables showing what sums Minnesota cities and counties would receive under the revenue-sharing program proposed by President Nixon.

I have long favored a system of Federal revenue sharing and I am glad that the President has adopted the principle. I do see a number of weaknesses and inadequacies in the specific proposal, but I hope that alternative provisions will be considered under which the States and, particularly, the local governments would receive larger benefits.

I note that the proposal is geared to a percentage of taxable personal income so that the funds shared with the States will grow along with the economy. This is a basic principle of the revenue-sharing plan first proposed by University of Minnesota Prof. Walter Heller and the Brookings Institution's Joseph Pechman. Such a source of revenue may be the only solution to the fiscal crisis of State and local governments. Their principal revenue sources—sales and property taxes—cannot keep pace with the greatly expanding needs for educational and other social expenditures.

A number of my constituents have asked how the program proposed by the President would work. I am, therefore, outlining its provisions here:

First. For the period from January 1 to June 30, 1971, the Federal Government would share with the States a sum equal to one-third of 1 percent of all personal taxable income in the Nation. At a yearly rate, this would amount to about $1 billion, or $500 million for the initial period of January to June 1971.

Second. Each State would get a share roughly proportional to its percentage of the national population. The State share would, however, be adjusted by something called "revenue effort." This is a measure of the total amount of taxes raised by the State and all its subdivisions in relation to the per capita income in the State. A State which had relatively high taxes, compared to the income of its citizens, would get more credit in the revenue-sharing formula.

Third. The plan requires that a minimum amount of the State's share be passed on to county and city governments. Each local government's share would be in direct proportion to the amount of taxes it raised as a percentage of the taxes raised by all units of general local government in the State. In computing this share, however, the plan would not give the local governments any credit for revenues levied by school districts or other special taxing districts. Thus, while the State would get full credit for such special taxes, the local governments would not.

Minnesota's share for the first half of 1971, based on the most recent population and tax figures available, would be about 2.15 percent of the $500 million national total, or $10,776,000. If Minnesota got a share based entirely on population, it would get only 1.8 percent. Thus, Minnesota would do a little better than some other States because it makes a more significant "revenue effort."

The "local tax base"—that is, the amount of general local taxes—which would determine the share of Minnesota's funds to be "passed through" to local governments is $444,196,000. This is 27.77 percent of the total Minnesota taxes of $1,599,758,000. Thus, the total amount to be passed through to local governments in Minnesota would be 27.77 percent of $10,776,000, or $2,992,000.

The national average for the sum to be "passed through" to local governments is about 31 percent. Local governments in Minnesota would get less than the average because Minnesota has a higher than normal proportion of taxes levied by special districts, especially school districts.

Each city and county would get a share of the "pass through" in direct proportion to its "tax base" as a percentage of the overall tax base. In the tables I have prepared, the local tax base for selected cities and counties is shown. The local shares shown for these cities and counties are determined as a proportionate distribution of the $2.9 million local "pass through." To assist my State's cities and counties in relating the new program to annual local budgets, the tables are based on doubling the 6 months' figures to get an approximation of the effect for the entire 1971 calendar year.

For example, Duluth has a "tax base" of $7,568,000. This is 1.7 percent of the total local tax base of $444,196,000. Therefore, Duluth would get 1.7 percent of the $2,992,000 "pass through" in Minnesota, or $51,000 for 6 months. The table shows $102,000 for Duluth as an estimate for the first 12 months.

Mr. President, the $5,900, which would be the share of Lake of the Woods County, and the $8,800, which would be Brainerd's share, illustrate how modest the President's proposal is in its first year of operation. In fact, the estimated distribution of approximately $21.5 million to Minnesota in 1971 amounts to only about $6 per capita. This underscores the need to start the program off at a higher level of Federal sharing.

Furthermore, the proposal to share with Minnesota almost $11 million of Federal funds has to be considered in relation to cutbacks in various Federal programs which will affect Minnesota adversely. For example, based on present information, Minnesota stands to lose more in Federal grants this year than it would gain under the revenue-sharing proposal for fiscal year 1971.

I think a number of other issues are raised by the proposal:

First, not only does the program start off too low, but it takes 5 years to reach the initial goal of $5 billion. I do not think this is high enough. By 1976, State and local revenues will have grown to approximately $200 billion. Thus, the amount to be shared with the States under the administration's proposal would approximate only 2½ percent of their local revenues. This would hardly be enough to make a significant contribution to relieving the tax pressures on State and local governments.

Second, it does not seem fair to give the States credit for such special revenues as school taxes, but not to include those taxes in calculating the local shares. The biggest problem is finding increased revenue sources for local government.

Third, the proposal provides no incentive for a State to modernize and diversify its tax sources. While it recognizes the amount of revenue effort, it gives no special credit to States, like Minnesota, which have adopted progressive income taxes. Such taxes are needed to relieve the pressures on the outmoded real estate and sales taxes which are such a significant part of State and local financing.

Fourth, the idea of giving Federal funds to States with "no strings" attached has much appeal. However, we must assure that Federal tax receipts are not used by States in ways which deny equal benefits and treatment to any members of minority groups.

I am sure that the Congress will carefully consider these issues, together with alternative formulas, in reviewing the administration's proposal.

Mr. President, I ask unanimous consent that two tables, showing the sums which Minnesota cities and counties would receive under the proposed revenue sharing program, be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE A.—AMOUNT OF "PASS THROUGH" TO MINNESOTA CITIES OVER 10,000 AS OF 1960

Name	Tax base[1] (thousands)	Estimated share for 1971
Albert Lea	$1,682	$22,750
Anoka	705	9,500
Austin	2,241	30,400
Bloomington	6,301	85,400
Brainerd	648	8,800
Brooklyn Center	2,028	27,400
Brooklyn Park	1,183	16,100
Columbia Heights	2,208	29,800
Coon Rapids	1,653	22,400
Crystal	2,433	32,800
Duluth	7,568	102,000
Edina	3,827	51,800
Faribault	892	11,900
Fergus Falls	1,045	14,100
Fridley	1,902	25,800
Golden Valley	2,908	39,300
Hibbing	1,528	20,600
Hopkins	1,151	15,500
Mankato	2,270	30,600
Maplewood	2,097	28,200
Minneapolis	49,230	665,000
Minnetonka	1,089	14,800
Moorhead	1,620	21,900
New Ulm	844	11,400
Owatonna	2,031	27,400
Red Wing	1,377	18,600
Richfield	2,579	34,600
Robbinsdale	721	9,700
Rochester	5,315	72,000
Roseville	2,770	37,400
St. Cloud	2,608	35,300
St. Louis Park	3,364	45,500
St. Paul	$35,742	$483,000
South St. Paul	1,896	25,600
Virginia	4,579	61,800
West St. Paul	1,030	13,900
White Bear Lake	1,038	14,000
Willmar	2,245	30,400
Winona	2,052	27,600

Footnotes at end of table.

TABLE A.—AMOUNT OF "PASS THROUGH" TO MINNESOTA CITIES OVER 10,000 AS OF 1960—Continued

[1] U.S. Department of Commerce, Bureau of the Census, "Finances of Municipalities and Township Governments" (1967) pp. 165–7, (Line 6 of tables).

TABLE B.—AMOUNT OF "PASS THROUGH" TO MINNESOTA COUNTIES

Name	Tax base[1] (thousands)	Estimated share for 1971
Aitkin	$788	$10,600
Anoka	3,944	53,300
Becker	1,076	14,500
Beltrami	1,273	17,200
Benton	763	10,300
Big Stone	488	6,600
Blue Earth	2,110	28,500
Brown	1,488	20,100
Carlton	1,533	20,800
Carver	1,390	18,800
Cass	1,095	14,800
Chippewa	(2)	------------
Chisago	864	11,700
Clay	1,553	21,000
Clearwater	991	13,400
Cook	487	6,600
Cottonwood	870	11,800
Crow Wing	(2)	------------
Dakota	3,454	46,600
Dodge	613	8,300
Douglas	1,844	24,900
Faribault	1,201	16,200
Fillmore	1,118	15,100
Freeborn	1,483	20,100
Goodhue	1,597	21,600
Grant	485	6,600
Hennepin	45,545	616,000
Houston	829	11,200
Hubbard	732	9,900
Isanti	614	8,300
Itasca	4,418	59,600
Jackson	901	12,200
Kanabec	816	11,000
Kandiyohi	2,036	27,400
Kittson	598	8,100
Koochiching	1,158	15,600
Lac qui Parle	945	12,800
Lake	605	8,200
Lake of the Woods	436	5,900
Le Sueur	1,012	13,700
Lincoln	461	6,200
Lyon	1,033	13,900
McLeod	975	13,200
Mahnomen	497	6,700
Marshall	844	11,400
Martin	1,007	13,600
Meeker	2,067	27,900
Mille Lacs	726	9,800
Morrison	1,316	17,800
Mower	1,849	25,000
Murray	(2)	------------
Nicollet	929	12,500
Nobles	1,141	15,400
Norman	678	9,200
Olmsted	4,754	64,400
Otter Tail	2,496	33,700
Pennington	855	11,600
Pine	1,360	18,400
Pipestone	1,059	14,300
Polk	1,783	24,100
Pope	727	9,800
Ramsey	23,866	323,000
Red Lake	537	7,300
Redwood	1,699	22,900
Renville	2,645	35,800
Rice	2,468	33,400
Rock	625	8,400
Roseau	717	9,700
St. Louis	15,460	209,000
Scott	1,162	15,700
Sherburne	572	7,700
Sibley	1,066	14,400
Stearns	3,230	43,700
Steele	1,562	21,200
Stevens	969	13,100
Swift	1,513	20,200
Todd	1,387	18,700
Traverse	622	8,400

TABLE B.—AMOUNT OF "PASS THROUGH" TO MINNESOTA COUNTIES—Continued

Name	Tax base[1] (thousands)	Estimated share for 1971
Wabasha	$1,027	$13,800
Wadena	765	10,300
Waseca	943	12,700
Washington	2,948	39,900
Watonwan	850	11,500
Wilkin	596	8,100
Winona	1,701	23,000
Wright	1,680	22,700
Yellow Medicine	1,032	14,000

[1] U.S. Department of Commerce, Bureau of the Census "Finances of County Governments" (1967) pp. 139-142 (line 5 plus line 6 of tables).

[2] Not available.

KEY ISSUES FACING AMERICAN PEOPLE

Mr. MONTOYA. Mr. President, I ask unanimous consent to place in the RECORD a report by Money Monthly, the widely circulated publication of Pangenerix Communications, Inc., of Omaha, Nebr.

The report is on a referendum conducted by Money Monthly and completed in August, in which 12,233 men and women voted on three key issues facing the American people: The war in Vietnam, the draft, and personal income tax exemptions.

I am particularly impressed by the opinions expressed on the issue of the Vietnam war, for the fact that 74 percent of the respondents favor either a gradual or immediate withdrawal is a forceful sign that most people in the United States do not believe we must end the war through a military victory.

The three issues in the referendum are critical national questions and it is evident that the large number of people who participated in the vote subjected the questions to their serious consideration and judgment.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From Pangenerix Communications Inc.]

RESULTS OF REFERENDUM PHASE OF NATIONAL MARKET RESEARCH PROJECT, JULY–AUGUST 1969

The three issues used in the referendum are stated below exactly and completely as they were presented to those asked to vote. They were instructed to choose only one position on each issue. Voters supplied demographic data about themselves on the back of the ballot. The categories used are generally the same as those to be used in the 1970 census.

Issue 1. The Vietnam War continues to be the most serious problem facing the American people. The Paris peace talks are now in their second year. Some people say we should continue our present policy in the belief that the North Vietnamese and the Viet Cong will steadily become weaker. Others believe we have fulfilled our commitment in South Vietnam, and, as a result, we should now withdraw our forces, leaving the war to be settled entirely by the Vietnamese. Some say we should do this immediately; others say we should do this in stages over an extended period of time; and others believe we should increase our military involvement and seek a quick military victory. (Vote for one)

	Number	Percent
Continue our present policy	474	4
Withdrawal in stages, gradually turning over the fighting to the South Vietnamese	6,405	52
Immediate withdrawal and leave the fighting to the Vietnamese	2,648	22
Increase our involvement for a quick military victory	2,408	20
Total	11,935	98
Not answering	298	2
Total	12,233	100

Issue 2. Some people think the present draft system should be continued exactly as is. Others believe the draft should be on a lottery basis to eliminate inequalities. Still others say all our armed forces should be manned by volunteers only, without a draft. (Vote for one)

	Number	Percent
Continue the draft as is	3,853	32
Replace the draft with voluntary enlistments	4,439	36
Change the draft to a lottery	3,536	29
Total	11,828	97
Not answering	435	3
Total	12,233	100

Issue 3. Under the present Federal income tax law, taxpayers are entitled to personal exemptions of $600 for themselves and for each family dependent. It is proposed that personal exemptions be raised to $1000. Those in favor of the $1000 exemptions say it will assist middle and lower income families to meet part of the high cost of living. Opponents say that the $1000 exemptions will create more inflation. (Vote for one.)

	Number	Percent
Keep $600 exemption for each dependent	967	8
Raise exemption to $1,000 for each dependent	11,006	90
Not answering	260	2
Total	12,233	100

Those who took part in the referendum were asked whether they had voted in the 1968 Presidential election. This was their response:

	Male	Female	Total	Percent
Voted in 1968 presidential election	5,066	5,206	10,272	84
Did not vote in 1968 presidential election	524	612	1,136	9
Total	5,590	5,818	11,408	93
Did not answer question	336	489	825	7
Total	5,926	6,307	12,233	100

Voters were asked whether they considered themselves a Democrat, a Republican, in another political party, or an independent. This was their response:

	Male	Female	Total	Percent
Democrat	1,907	2,156	4,063	33
Republican	1,900	2,105	4,005	33
Other	31	29	60	
Independent	1,818	1,684	3,502	29
Total	5,656	5,974	11, 30	95
Not answering	270	333	603	5
Total	5,926	6,307	12,233	100

Voters were asked whether they were registered to vote. This was their response:

	Male	Female	Total	Percent
Yes	5,008	5,147	10,155	83
No	345	436	781	6
Total	5,353	5,853	10,936	89
Not answering	573	724	1,297	11
Total	5,936	6,307	12,233	100

DEMOGRAPHIC CHARACTERISTICS OF VOTERS IN NATIONAL ISSUE REFERENDUM

Those who took part in the referendum were assured that their ballots were secret and were not coded in any way to identify their source. These voters were then asked specific demographic information about themselves. This is a summary of their responses.

	Male	Female	Total	Percent
Age:				
Under 25	490	730	1,220	10
26 to 35	1,396	1,397	2,793	24
36 to 45	1,249	1,298	2,547	22
46 to 55	1,275	1,347	2,622	22
56 to 65	818	828	1,646	14
Over 65	466	415	881	8
Total	5,694	6,015	11,709	100
Not answering	232	292	524	
Total	5,926	6,307	12,233	
Marital status:				
Single	491	960	1,451	13
Married	5,040	4,903	9,943	87
Total	5,531	5,863	11,394	100
Not answering	395	444	839	
Total	5,926	6,307	12,233	
Family size:				
1	421	410	831	14
2	1,022	461	1,483	24
3	766	292	1,058	18
4	905	254	1,159	19
5	612	169	781	13
6	317	104	421	7
7	133	41	174	3
More than 7	93	32	125	2
Total	4,269	1,763	6,032	100
Not answering	1,657	4,544	6,201	
Total	5,926	6,307	12,233	
Income:				
Under $5,000	715	2,145	2,860	30
$5,000 to $6,999	793	758	1,551	16
$7,000 to $9,999	1,777	680	2,457	25
$10,000 to $14,999	1,486	336	1,822	19
$15,000 and over	756	221	977	10
Total	5,527	4,140	9,667	100
Not answering	399	2,167	2,566	
Total	5,926	6,307	12,233	
Education:				
Grade school	608	503	1,111	10
Some high school	427	500	927	8
High school graduate	1,701	2,519	4,220	37
Some college	1,226	1,289	2,515	22
College graduate	826	693	1,519	13
Postgraduate	800	373	1,173	10
Total	5,588	5,877	11,465	100
Not answering	338	430	768	
Total	15,926	6,307	12,233	
Occupation:				
Professional, technical	1,923	932	2,855	25
Manager, official, owner	765	161	926	8
Clerical	208	888	1,096	9
Sales	417	138	555	5
Service worker	270	109	379	3
Craftsman, foreman	593	10	603	5
Factory worker, machine operator	525	191	716	6
Nonfarm laborer	94	10	104	1
Farmer, farmworker	132	10	142	1

	Male	Female	Total	Percent
Occupation:				
Housewife		3,142	3,142	27
Retired	518	258	776	7
Unemployed	24	45	69	1
Student over 18	141	59	200	2
Total	5,610	5,953	11,563	100
Not answering	316	354	670	
Total	5,926	6,307	12,233	

PROPOSAL FOR U.S. DISTRICT COURT TO SIT AT ALLENTOWN, PA.

Mr. SCOTT. Mr. President, on behalf of my colleague from Pennsylvania (Mr. SCHWEIKER) and myself, I shall be pleased to introduce legislation authorizing the U.S. District Court for the Eastern District of Pennsylvania to sit in Allentown, Pa. A similar measure will be introduced in the House of Representatives by Representative BIESTER, a member of the House Judiciary Committee, and Representative FRED B. ROONEY.

The eastern district of Pennsylvania comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Presently the district court is authorized to sit in Philadelphia, Philadelphia County, in the southeast corner of the district; and Easton, Northampton County, in the northeast corner of the district. A Senate-passed measure awaiting House action would also permit the court to sit in Reading, Berks County.

The situation in Allentown is ideal. The former Lehigh County Courthouse was recently vacated and is available for use as a Federal court. The facilities are in excellent condition with two large courtrooms and numerous additional rooms suitable for hearings, conferences, and general office purposes. Moreover, the Allentown facility would provide great convenience to the citizens in this area whether they be litigants, witnesses, or jurors. Allentown is one of the largest cities in the Commonwealth of Pennsylvania and is easily accessible by all means of transportation. This is a rapidly growing area, with the estimated 1970 population being approximately 3,500,000 people, excluding Philadelphia County.

The serious backlog of cases in the eastern district is another consideration in support of this measure. The Administrative Office of the U.S. Courts reports that in 1968 the median time in the eastern district for handling a case from the initial filing to the final disposition was 39 months compared to a median time of 12 months for all district courts throughout the Nation. Permitting the court to sit in Allentown should help to alleviate this situation.

This proposal is strongly supported by the members of the Bar Association of Lehigh County, in which Allentown is located. At its quarterly meeting on October 16, 1969, the Bar Association of Lehigh County unanimously adopted a resolution stating in part:

Resolved, that the Bar Association of Lehigh County urges the Judges of the United States District Court, the Judges of the Circuit Court of Appeals for the Third Circuit, the Judicial Conference of the United States, and the Congress of the United States to establish a further courthouse facility for the Eastern District of Pennsylvania in the former Lehigh County Courthouse at Allentown, the same to be in addition to the contemplated establishment of a facility at Reading.

The measure that Senator SCHWEIKER and I will introduce is offered as an amendment to the recently Senate-passed omnibus judgeship and court reform bill—S. 952. During the deliberations on S. 952, the Committee on the Judiciary considered authorizing the district court to sit in Allentown. However, the committee concluded that the Judicial Conference of the United States should be requested to review the provision regarding Allentown and submit its recommendations thereon to the Judiciary Committee. Thus, we shall introduce the bill in line with the action of the Judiciary Committee in order formally to bring the Allentown proposal before the Judicial Conference of the United States.

Senator SCHWEIKER and I believe the bill is meritorious and will seek early favorable action by Congress.

I ask unanimous consent that the following materials be printed in the RECORD.

First, the complete text of the Lehigh County Bar Association resolution;

Second, an editorial from the Morning Call, Allentown, Pa., in support of this measure, June 28, 1969;

Third, a letter from the Honorable Donald B. Hoffman, chairman of the Lehigh County Commissioners outlining the facilities available for a courthouse in Allentown; and

Fourth, selected portions of "Courthouse Facilities Now Available," a brochure prepared by the Lehigh County Bar Association in support of the Federal court sitting in Allentown, Pa.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

BAR ASSOCIATION OF LEHIGH COUNTY—RESOLUTION

Whereas, in addition to the need for five additional judges in the Eastern District of Pennsylvania there will be the need for additional courtroom facilities in addition to the eleven courtrooms presently available in the United States Courthouse in Philadelphia, the courtroom available in Easton, and the contemplated court facility to be established at Reading; and

Whereas, complete courthouse facilities, with all of the necessary auxiliary rooms, such as judges' chambers, clerks' or marshals' offices, jury rooms, hearing rooms, law library, prisoners' dock, etc., are immediately available in the former Lehigh County Courthouse at Allentown; and

Whereas, the Allentown-Bethlehem-Easton area is the most populous area in the Eastern District outside of Philadelphia, and the location of an additional Federal Courthouse facility in the northern tier of Counties of the District would be a great convenience to litigants, witnesses, jurors, and the Bar and, more importantly, additional facilities at Reading and at Allentown would contribute greatly to the elimination of the present backlog of cases in the District.

Now, therefore, be it resolved, that the Bar Association of Lehigh County urges the Judges of the United States District Court, the Judges of the Circuit Court of Appeals for the Third Circuit, the Judicial Conference of the United States, and the Congress of the United States to establish a further courthouse facility for the Eastern District of Pennsylvania in the former Lehigh County Courthouse at Allentown, the same to be in addition to the contemplated establishment of a facility at Reading.

I hereby certify that the foregoing Resolution was unanimously adopted by the Bar Association of Lehigh County at its quarterly meeting on October 16, 1969.

ROBERT A. WEINERT,
Secretary.

BRING COURT TO THE PEOPLE

Proposals that the Judicial Conference and the Congress designate Allentown as a place where the U.S. District Court for Eastern Pennsylvania may hold sessions merit wide support.

Except for Philadelphia, where the court's 15 judges now sit, this is the largest city in the 10-county jurisdiction. The city also is the fourth largest in the state, the center of the third largest metropolitan area. It is convenient to an area that generates a considerable volume of federal court business and from which jurors can be drawn.

Facilities for the court are available in the Lehigh County Courthouse. The marble-paneled chambers of what once was known as "Court Room No. 2" are spacious and comfortable and have the appurtenances necessary for the court's business. Since the Community College moved to its permanent campus, this part of the building, in effect a separate structure, has been vacant.

There is nothing unusual about a federal district court sitting at various places within its boundaries. The Central District Court has its headquarters in Scranton but also holds sessions in Harrisburg, Lewisburg and Williamsport.

A bill passed by the Senate and now waiting approval by the House calls for the appointment of six additional judges for the Eastern District. This will make 21 available to keep abreast with the increasing volume of business. Some additional court rooms will be necessary. It should be to the advantage of all who may be litigants before these courts or who may be called as witnesses and jurors to have judges sit where the business can be done most conveniently for all concerned and where proper facilities are available. Allentown meets these criteria.

The Eastern District includes Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Schuylkill and Philadelphia counties. The district is large enough to warrant the additional facilities in Reading, called for in the Senate bill, and those Sen. Hugh Scott and others have proposed for Allentown.

OFFICE OF THE COMMISSIONERS,
COUNTY OF LEHIGH,
Allentown, Pa., July 29, 1969.

Senator HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I have noted with interest your attention to the possibility of a Federal Judge holding court in Allentown, I know that you have been given a very fine brochure by the local Bar Association, but I thought you would be interested in knowing the progress the County Commissioners are making in their efforts to insure adequate facilities for a court in the Lehigh County Courthouse.

We are just letting contracts in the amount of $175,000 to renovate the Courthouse annex, so that we will have space available for expanding offices now in the new Courthouse.

By so doing, we will retain all of the space in the old Courthouse for use as a Federal Court if it is assigned to this area.

We are refurbishing the first floor front of the old Courthouse, which is the original structure to its original condition as near as possible. This will be a fine entrance to the area to be used by the Federal Courts.

We will have available, as you probably know, two Court rooms, one of 3,600 sq. ft. and one of 2,100 sq. ft.

We will have a suite of rooms for a Judge which includes a private office for his secretary, and his own private chambers.

The old Law Library room is again available for use for this purpose, and this is 1,200 sq. ft. We will have two jury rooms, 600 sq. ft. and one 325 sq. ft.

In addition, we will have various office space available totaling over 4,500 sq. ft. of space. In addition, the room which was formerly used by the attorneys is also available with about 300 sq. ft. of space. Court Stenographer's space of over 800 ft., together with several other areas could also be utilized.

In other words, the county is willing and is moving ahead with the spending of $175,000 in renovating of the Courthouse annex area so that we would be able to make available practically all of the space in the old Courthouse, for the use of a Federal Courthouse.

The Board of County Commissioners feels very strongly that it is a decided asset to the entire area to have a Federal Judge in Court here in Allentown, and you can rest assured of the complete cooperation of this Board in every way possible.

Once again, may I extend my own personal thanks to you for your continued deep interest in the affairs of Lehigh County with kindness and personal regards.

Cordially yours,
DONALD B. HOFFMAN,
Chairman.

Courthouse Facilities Now Available; Former Lehigh County Courthouse, Allentown, Pa.

FACILITIES IN BUILDINGS

2—Large courtrooms and Judge's chambers (fully equipped).

24—Large rooms suitable for hearings, lawyer's conference rooms and offices.

Law library room with racks and shelving; Prisoner's dock; 20 Passenger push-button elevator; Large record storage areas.

APPROXIMATE DIMENSIONS OF BUILDING

Front Structure—2 story and basement, 90′ x 36′.

Middle Structure—2 story and basement, 75′ x 55′.

Annex (built, 1915) 3 floors, 100′ x 75′.

These facilities are now available, due to their being vacated by the Lehigh County Courts, which were moved into a new courthouse recently completed and constructed directly across the street from the subject property.

This former courthouse complex is in excellent condition; the front portion of the building is a sturdy stone two (2) story and basement structure with traditional Colonial architecture, fully restored.

In this Unit is an attractive Colonial Courtroom, typical of the early courtrooms.

In 1915 a very substantial three (3) story granite, steel, and concrete addition was erected. In this Unit is a large attractive courtroom, fully equipped.

Throughout these structures are numerous rooms that were used for the transaction of the business of Lehigh County.

The interior and exterior have been well maintained and extensively remodeled several times.

The buildings were used during the last two (2) years by the Lehigh County Community College, which vacated them in February, 1969.

These buildings were designed for court sessions and would be ideal for use by the United States District Court for the Eastern District of Pennsylvania.

The United States Post Office is located cater-corner.

LOCATION—CONVENIENT TO AREAS TO BE SERVED

Allentown is served by the intersection of the Northeast Extension of the Pennsylvania Turnpike and Routes 22–222 and 309.

Allentown is one of the leading cities in Pennsylvania. It is central and convenient to all of Eastern Pennsylvania as well as the major cities of the United States.

POPULATION

It is readily accessible for an estimated population in 1970, of approximately 3,500,000 people excluding Philadelphia County.

(Breakdown of population by Counties, presented herein)

HIGHWAYS

Excellent access highways provide easy access without the need of contending with the heavy traffic congestion in the heart of the City of Philadelphia.

HOTELS-MOTELS

Modern motel facilities with restaurants; meeting and conference rooms, are available.

Motel and Hotel facilities within one (1) block of Courthouse:

Allentown Motor Inn, 108 rooms; restaurant, meeting rooms. Americus Hotel, 330 rooms; restaurant, meeting rooms. Total 438 rooms.

Also within (10) to (20) minutes by automobile: 1,200 rooms; restaurant, meeting rooms in conveniently located modern motels.

AIR TRANSPORTATION

The modern Allentown-Bethlehem-Easton Airport covering over (600) Acres provides direct jet powered flights to all parts of the United States, without need for the passengers to be delayed by airport and highway congestion in the larger cities. The port is but (15) minutes from the courthouse.

It is one of the three (3) Jet Airports in Pennsylvania, together with Philadelphia and Pittsburgh.

Scheduled flights are provided by: United Airlines, Eastern Airlines, Allegheny Airlines, Suburban Aviation Service, General Airlines, Altar Airlines.

Jet flights leave daily from the Allentown-Bethlehem-Easton Airport to: Pittsburgh, non-stop; Cleveland, non-stop; Boston, one-stop; Washington, one-stop; Chicago, one-stop; Buffalo, commuter and non-stop.

Daily flights from Allentown are as follows: Trunk airlines (United-Eastern-Allegheny), 18 daily; commuter service, 29 daily.

(These flights include transportation to: Newark, N.J., Philadelphia, Pa., and numerous other cities.)

Another airport, Queen City Municipal Airport, is within (15) minutes of the courthouse; provides excellent facilities for smaller private plane landings and take-offs.

BUS TRANSPORTATION

Bus transportation is provided at a bus terminal one (1) block from the courthouse.

The bus companies provide good public transportation to Philadelphia; New York; Reading; and intermediate and other major areas.

AUTOMOBILE PARKING LOTS

Within (½) to (1) block of Courthouse, 730 cars.

Within (1) to (2) blocks of Courthouse, 1,400 cars.

Curb Parking-metered spaces within (½) to (2) blocks of Courthouse, 500 cars.

POPULATION DATA

	U.S. census, 1960	Projected for 1970
Lehigh County	227,536	285,000
Northampton County	201,412	252,000
Bucks County	305,567	400,000
Montgomery County	516,682	650,000
Delaware County	553,154	737,000
Chester County	216,608	270,000
Berks County	275,515	330,000
Lancaster County	278,359	348,000
Schuylkill County	173,027	207,000
Total	2,750,759	3,479,000
Philadelphia County	2,002,512	2,200,000
Total	4,753,271	5,679,000

ACCESS HIGHWAYS

Route No. 22—East and West, fast (4) lane limited-access highway, provides ready access to Allentown from Easton, Bethlehem, and the communities lying to the north in Lehigh, Northampton, and Schuylkill Counties. (2¼ hours to New York—1¾ hours to Harrisburg.)

Route No. 309, the North-South Pennsylvania Turnpike and No. 100, provide excellent access to residents in Bucks, Montgomery, Delaware, and Chester Counties and also to the residents of Schuylkill County, to the north. (1½ hours to Philadelphia—2 hours to Wilmington and 1¾ hours to Trenton, N.J.)

Route No. 222—provides ready access to residents from Easton, westwardly to Berks and Lancaster Counties. (¾ hour to Reading—1½ hours to Lancaster.)

Other Regional Highways providing ready access to Lehigh, Northampton, Schuylkill, Bucks, Montgomery, Berks, Delaware, Chester and Lancaster Counties: Routes 115–100–29–412–611–191–45 and 78.

FACILITIES LOCATED IN THE LEHIGH VALLEY THAT WOULD USE THE FEDERAL COURTHOUSE IN ALLENTOWN

1. Bethlehem Steel Co.
2. Mack Truck Co.
3. Air Products Co.
4. Proposed Trexler Dam
5. Tobyhanna Depot
6. Tocks Island Recreation Center
7. Western Electric Co.
8. United States Steel Co.
9. Lehigh Valley Facility U.S. Post Office
10. Other national industries located in the area.

INCOMPLETE STATISTICS OF PRESENT CASE LOADS FROM UP-STATE COUNTIES

Lehigh	132
Northampton	43
Schuylkill	79
Lancaster	62
Berks	68
	384

MOTOR TRANSPORT

Lehigh County has excellent motor freight carrier facilities. Many of the nation's largest carriers maintain completely staffed freight terminal facilities in Lehigh County and offer direct overnight service, both in truckload and less-truckload lots, to principal markets within a 400 mile radius of Allentown.

HIGHWAY

U.S. Highways 22, 222 and 309, and State Highways 12, 29, 100, 145 and 329 radiate from the Lehigh Valley area. The new Northeast Extension of the Pennsylvania Turnpike passes three miles west of Allentown. Its Lehigh Valley Interchange links it directly to Allentown and to the Lehigh Valley Thruway which threads together Allentown, Bethlehem, Easton and Phillipsburg, N.J., with New York points at its east end and with Harrisburg and western Pennsylvania points at its west.

Highway distances from Allentown

	Miles
Albany, N.Y	189
Atlantic City, N.J	137
Baltimore, Md	136
Boston, Mass	309
Buffalo, N.Y	325
Chester, Pa	68
Harrisburg, Pa	79
Hartford, Conn	207
New Haven, Conn	170
New York City	94
Newark, N.J	80
Philadelphia	53
Pittsburgh	279
Providence, R.I	290
Reading, Pa	38
Scranton, Pa	79
Syracuse, N.Y	216
Springfield, Mass	253
Trenton, N.J	58
Wilmington, Del	80
Wilkes-Barre, Pa	67
Washington, D.C	198

RAIL

Lehigh County is served by the Central Railroad Company of New Jersey, Lehigh Valley Railroad and Reading Company.

AIR

Allentown-Bethlehem-Easton Airport, just north of the dividing line between Allentown and Bethlehem, provides commercial facilities through United Air Lines, Trans World Airlines and Eastern Air Lines. Its landing field of more than 600 acres includes a modern administration building with ample office space and waiting rooms. Jet service was started in October 1966. A-B-E Airport is one of four in the nation readily equipped with personnel to provide jet pilot license qualification testing. The Airport also offers modern hanger facilities for private and corporate aircraft. Adequate planning years ago provide more than ample area for future growth. Reading Aviation Service, Inc., provides daily commuter flights to Newark Airport and flights to Philadelphia and Buffalo. General Airlines provides daily flights to Reading, Baltimore and Washington.

Queen City Airport in Allentown provides facilities for private and corporate aircraft.

HOUSE-SENATE CONFEREES FAIL TO REACH AGREEMENT ON AIR POLLUTION RESEARCH FUNDING LEVEL AND SENATOR RANDOLPH EXPRESSES CONCERN

Mr. RANDOLPH. Mr. President, today conferees of the House and Senate met to consider differences between the versions of the two bodies on S. 2276, particularly those relating to the level of funding authorizations for research and development in the field of air pollution abatement for this fiscal year.

I express keen disappointment that the conferees were unable to agree on the funding authorization level.

As principal author of the research fund authorization section of the Clean Air Act of 1967, I am concerned that air pollution abatement research and development activities have not been proceeding at a more rapid pace. The Senate bill authorized $90 million for fiscal 1970 for research and development in pollution caused by fuels combustion and by vehicles. The House version authorized only $18.7 million.

Recent air pollution abatement conferences throughout the United States have demonstrated the intense public concern over air pollution. Automotive exhaust and electric generating stations are principal contributors to the deteriorating quality of our air. The research funding section of the Clean Air Act is aimed principally at the effort to develop technological breakthroughs in these areas. It is a matter of real concern to me that the House conferees were not prepared to aim for goals in funding for these purposes to which Senate conferees could agree.

I hope the conferees will meet in the near future to agree on a research funding figure.

Senator MUSKIE, chairman of the Senate Subcommittee on Air and Water Pollution, and chairman of the Senate-House conference, and I argued strongly for the Senate figure. We indicated a willingness to consider a lower figure that would still be a realistic level from which to meet the research and development needs in this field. I am encouraged to hope that Representative HARLEY STAGGERS, of West Virginia, chairman of the House conferees, will be able to pursuade his fellow conferees to move closer to the Senate figure than they were today.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STEVENS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Senator from Alaska (Mr. STEVENS) be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the able Senator from Alaska (Mr. STEVENS) tomorrow, the able Senator from Colorado (Mr. ALLOTT) be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIFFERENTIATION BETWEEN PRIVATE AND PUBLIC OWNERSHIP OF LANDS IN THE ADMINISTRATION OF ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. BYRD of West Virginia. Mr. President, for the purpose of laying it before the Senate so that it may become the pending business tomorrow, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 496, S. 2062.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 5, after the word "thereof", to strike out "which are held to be subject to the acreage limitation provisions of Federal reclamation laws", and insert "which do not fall within the provisions of section 1"; so as to make the bill read:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto) which limit the acreage of irrigable land which may receive irrigation benefits from, through, or by means of Federal reclamation works, shall not be applicable to lands owned by States, political subdivisions, and agencies thereof, so long as such lands are farmed, primarily in the direct furtherance of a nonrevenue-producing public function, as determined by the Secretary of the Interior.

SEC. 2. Irrigable lands owned by States, political subdivisions, and agencies thereof which do not fall within the provisions of section 1 may receive water from a Federal reclamation project, division, or unit if a valid recordable contract for the sale of such lands within ten years of the date of said contract has been executed under terms and conditions satisfactory to the Secretary of the Interior but without limitation upon selling price.

The purchasers of lands sold under the provisions of this section, or the heirs and devisees of such purchasers, if otherwise eligible under reclamation law to receive project water for the lands purchased, shall not be disqualified for delivery of water by reason of the amount of the purchase price paid for said lands.

SEC. 3. Lessees of irrigable lands owned by States, political subdivisions, and agencies thereof which are held to be subject to the acreage limitation provisions of Federal reclamation law and for which recordable contracts to sell have not been made may receive project water subject to the same acreage limitation provisions of Federal reclamation law as private land owners.

ADJOURNMENT

Mr. KENNEDY. Mr. President, as a further mark of respect for our recently departed and beloved colleague, Senator EVERETT MCKINLEY DIRKSEN, I move that the Senate now stand adjourned until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 3 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 30, 1969, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate October 29, 1969:

IN THE AIR FORCE

Maj. Gen. Jammie M. Philpott, 444-03-6237FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

EXTENSIONS OF REMARKS

COMPILATION OF STATE AND LOCAL ORDINANCES ON NOISE CONTROL

HON. MARK HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, October 28, 1969

Mr. HATFIELD. Mr. President, on February 28 I delivered my maiden speech on the subject of noise pollution before the National Council on Noise Abatement. From that time I continued to do some extensive research in the field and had a second opportunity to voice my concern over this area of environmental quality on October 8 at the formation meeting of the Noise Abatement Council of America.

From my research I learned that the noise levels in the United States—which is considered the noisiest country in the world—were fast approaching lethal proportions in many areas of our Nation. The reason for such an acceleration in the decibel rating of our Nation is due to those very causes which have also brought air and water pollution to crisis proportions: increased population, urbanization, industrialization, transportation needs, and the accompanying lack of foresight to plan for and preserve our environment in this onslaught. As you are aware, the pollution of our land, air, and water has become such a problem that we are now faced with a situation which, if not met immediately and with all of the creativity and ingenuity of our age, could mean the extermination of all forms of life in many areas of our planet. As yet, noise has not reached this proportion, but given the present noise increases in our environment the same threat could soon prevail in noise pollution that does in air and water contamination—and by soon, I mean within our lifetime.

It is with these thoughts in mind that I would like to present the following compilation of State and local ordinances on noise control as a suggestion of things that are being done by concerned individuals and communities in order to prevent the continuing assault of noise pollution on our society. This data, as far as I know, is the only compilation of its kind and represents information as up to date as possible. In addition the compilation is preceded by an excellent analysis on the legal aspects of noise control.

The following compilation and analysis of a sampling of existing statutes and ordinances on noise control was prepared in conjunction with the work of the Panel on Noise Abatement under the auspices of the Commerce Technical Advisory Board of the Department of Commerce. The Chairman of this Panel is Dr. Jack E. Goldman, senior vice president, research and development, Xerox Corp. The material for this compilation was collected by Mr. Daniel Flynn executive secretary of this Panel, and a great personal help to me in my research of the noise problem. The analysis on the legal aspects of the noise problem was carried out by a member of this Panel, Mr. James J. Kaufman of the law firm of Houghton, Pappas & Fink of Rochester, N.Y. Mr. Kaufman has worked closely with the problem of noise control for some time through his position as legislative assistant to former New York Representative Theodore R. Kupferman, now a member of the New York Supreme Court. During his term in Congress Mr. Kupferman was well known for his innovative and concerned dealings with the noise pollution problem.

This compilation and analysis is being published in this manner and at this time in order to bring it to the attention of my colleagues and interested State and local governments and the general public.

I ask unanimous consent that the compilation and analysis be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEGAL ASPECTS OF NOISE CONTROL

(By James J. Kaufman)

Government Project Officer: Mr. Daniel R. Flynn.

Executive Secretary, Panel on Noise Abatement, U. S. Department of Commerce, Washington, D.C.

SCOPE OF WORK

The study includes, but is not limited to, a compilation and analysis of a sampling of existing statutes and ordinances on noise control on a Federal, State and local level.

INTRODUCTION

Noise control by means of laws and regulations involves balancing the rights and remedies of the individual against the rights and remedies of society.

For practical purposes, noise control can be considered in three parts: (1) the rights of a complainant against the noisemaker; (2) the duty of a noisemaker to a complainant; and (3) the relationship of Federal, State, and local legislation and case law to achievement of a proper balance between the first and second considerations.

Of the complainant's rights against the noisemaker, it should be recognized that, no matter if the noisemaker is a private person or the government, it is more difficult to deal with noise disturbance than with many other nuisances because it is largely subjective.[1]

In balancing the rights of the complainant against the noisemaker it may be well to keep in mind two major principles: (1) Each person must put up with a certain amount of annoyance, inconvenience, and interference. (2) To determine the amount of annoyance, inconvenience, and interference that must be tolerated, the gravity of the harm to the complainant should be weighed against the utility of the conduct of his troublesome neighbor (noisemaker).[2] In other words, courts and legislatures are called upon to weigh the harm that is being caused to the plaintiff (claimant) by the annoyance, against the reasonableness of the defendant's conduct. Also to be considered is the detrimental effect, including considerations such as safety and cost, that would be caused to the defendant (and sometimes to the public) if the defendant were forced to discontinue the activity that produces the disturbance.

One remedy sought against the noisemaker is an injunction, brought in many cases by an individual complainant and in some cases by a class or group of those disturbed by a particular noise. More often, however, claimants disturbed by what they regard as excessive noise have sought as an alternative an award of money damages against the noisemaker. Injunctive relief has been largely unsuccessful in suits against public airport owners and operators for several reasons: (1) public necessity and convenience usually outweigh private or individual interests, the rationale being the fact that the air transportation industry serves a vital function and ever-present demand; second, the Federal government has pre-empted the field of air traffic control. See *Allegheny Airlines* v. *Village of Cedarhurst* 238 F. 2d 812, 815 (2d Cer. 1956) in which the court stated that "The Federal regulatory system . . . has preempted the field (of air traffic) below as well as above 1,000 feet from the ground." Finally, the courts have utilized the legal fiction of "legalized nuisance," discussed later in this text and footnotes, to justify the conduct of the air transportation industry which produces the noise, and the attitudes of the Federal government which reluctantly allows the disturbance.[3]

One example of the relationship between the complainant and the noisemaker may be found in a brief discussion of airport noise litigation. Airport noise suits have traditionally been based upon legal theories such as trespass, taking (eminent domain), nuisance, and constitutional damaging.

LEGAL THEORIES—CASE LAW

The trespass theory presents difficult problems relative to proof of physical invasion of the landowner's property. A condition precedent to recovery under this theory would be invasion by the aircraft of the landowner's property (the airspace zone directly above his land). Moreover, difficulty in pleading may arise under this approach because the operator of the particular air flight would have to be named as a defendant and only the owner immediately below the flight could maintain the action.

The nuisance theory necessarily involves the weighing of the complainant's interest in peace and quiet against the interests of the noisemaker (defendant) and of the public. It is with respect to the airport noise litigation illustration that the doctrine of "legalized nuisance" has particular relevance. This doctrine was stated in workable and useful terms by Lyman M. Tondel, Jr., as follows:

"Where a public or quasi-public enterprise, like a railroad, or a power plant or gas works, or a sewer system, or any irrigation system, or thruway or an airport, or the like, is expressly authorized by legislation, nuisance claims that arise out of its proper operation are to be denied. The theory is that even if the activity in question would, if privately conducted, constitute a nuisance, it has been legalized by the legislative body which, within constitutional limits, authorized the particular conduct on behalf of the public."[4]

Mr. Tondel states that a survey of all the public airport cases in the last ten years shows only two cases in which the nuisance theory was considered a proper basis for recovery. Thus, he concludes that this theory, although expressed and referred to as such in most complaints in this field, has had little success.[5]

The United States Constitution affords protection to each citizen against the taking of his property without just compensation. According to the early common law, the claim

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Footnotes at end of article.

of title to the landowner's property extended to the universe above, as well as to the boundaries of the land below (*ad coelum* theory). As a result of the increased demands upon aviation, however, the courts of the United States have declined to recognize this theory, considering airspace a "public highway."

It was not long before the Congress specifically declared that the Government has a right of free transit in our navigable airspace, which shall include "airspace needed to insure safety in take off or landing of aircraft." [6] American courts, nonetheless, continued to recognize the landowner's right to just compensation for a "talking" of his property for public use. In the famous 1946 decision in *United States* v. *Causby*,[7] the court held continuous flights of military aircraft over landowners' land, so frequent and at such low altitudes as to destroy the beneficial use of their farm, to be a taking of their property which required just compensation under the Fifth Amendment.[8] With the *Causby* case the Supreme Court put an end, once and for all, to the ancient maxim of *ad coelum* ownership. The Court said that ownership to the sky had no place in the modern world.[9]

The constitutional taking theory, which has been increasingly relied upon by attorneys is perhaps most significant.[10] The question of what constitutes a taking becomes a key one in light of the *Causby* decision.[11]

Sixteen years after the decision of the United States Supreme Court in *Causby*, the Court in *Griggs* v. *Allegheny Airport* [12] extended the liability for the "taking" to the operator of the airport. The property owner sued Allegheny County (operator of the Greater Pittsburgh Airport) and recovered under the Federal Constitution's 14th Amendment on the basis of a taking of an aviation easement over his land. The defendant airport operator argued reasonably but unsuccessfully, that if there was a taking, Congress had placed liability on the shoulders of the Federal Government when it granted it the right of free transit. In upholding the suit of the landowner, the Court reasoned that the airport operator must first acquire an easement of flight. The Court said that it is the airport operator who causes the interference, that the Government takes nothing, and that it is the local authority which decides whether or not to build an airport and where it is to be located.[13]

In *Griggs*, flights over plaintiff's country home were said to be "regular and almost continuous" at altitudes between 30 and 300 feet above the house. The disturbance was considered so great that plaintiff's family moved from their home, which they testified was rendered undesirable and unbearable for their residential use. It is significant that in both *Causby* and *Griggs* the plaintiffs found it necessary to leave their land because it was substantially unfit for residential use.[14]

Post-*Griggs* decisions of Federal courts continue to require overhead flights as a precondition for taking of the landowner's property. Whether the U.S. Supreme Court will interpret interference resulting from lateral as well as overhead flights as a taking as post-*Griggs* decisions in an increasing number of state courts have done is not clear.[15]

What is clear is that, in addition to proving low and frequent flights, a plaintiff must show that as a result of the flights there has been a substantial if not complete deprivation of the use of his property.[16]

The effect of the foregoing decisions will be influenced by whether or not the State Constitution of the state in which a claimant resides has provision for compensation due to a damaging of his property as well as a taking.

From the foregoing case law discussion at least these conclusions may be drawn: (1) A nuisance caused by operations of the Government or a body operating under governmental authority and resulting from noise does not constitute a taking, notwithstanding the fact that it causes a devaluation in market value of adjoining property. This premise also assumes that there is no showing of negligence with respect to the source of the noise. (2) The foregoing conclusion represents the federal rule, the common law rule, and the rule of those states with constitutional language following the federal pattern of compensation for a taking. (3) Those states which have a constitution that provides for compensation for property damaged as well as taken will permit broader recovery against the Government for the nuisance (noise).

Case law represents only one part of a four-part approach to the problem of regulation of noise control through the law. Decisions must be read and their effect interpreted in the light of existing and proposed legislation on a Federal, State and local level.

LEGISLATION—FEDERAL INVOLVEMENT

An analysis of regulation on the Federal level suggests a perusal of the provisions of the Federal Aviation Act of 1958.[17] The Federal Aviation Agency, which is greatly interested in safety and noise abatement, requires that each particular model or make of aircraft receive an "airworthiness certificate," which specifies the conditions under which the aircraft may be used in air transportation. In addition, the FAA requires that an airline receive an "air operating certificate" before it may operate a given aircraft and schedule service at a particular airport.[18]

It is clear that the FAA has, under the Federal Aviation Act of 1958, full power to prescribe air traffic rules for the "protection of persons and property on the ground," including prescription of air traffic rules in the interest of noise abatement.[19]

The FAA, in exercising its statutory authority, has set noise limits for jet airplane take-offs (but not landings) and has adopted flight procedures at Kennedy International and other public airports, including the adoption of preferential runways systems.[20]

The FAA noise abatement program, now combined with the Department of Transportation, has gained momentum and authority with the signing into law of H.R. 3400 (July 12, 1968) which added a new Section 611 to the Federal Aviation Act of 1958, specifically requiring the FAA to establish and enforce regulations to control aircraft noise, including sonic boom.

Under the new law the FAA is given power to withhold or revoke certification of an airplane which is too noisy by its standards. It should be noted that, at the present time, the noise factor is to be taken into account in the development and the manufacture of new aircraft. Regulation of existing models may be forthcoming in the not too distant future. Section 611 further directs that the FAA, in establishing noise standards, should consider whether any proposed standard "is consistent with the highest degrees of safety" and whether it is "economically reasonable, technologically practical and appropriate for the particular type of aircraft to which it will apply." The FAA is expected to issue the first noise restrictions within the month; See Appendix, *supra*.

Briefly and simply, the aircraft noise control problem may be considered from two distinct points of view: (1) the noise which is produced from the operation of the aircraft itself; and (2) the effect of the aircraft noise upon the people on the ground.

Putting aside for the moment the fact that the primary source of aircraft noise is the engine, there are three broad approaches which may be utilized to achieve relief from excessive aircraft noise: (1) Move the noise away from the people. (2) Move the people away from the noise. (3) Lessen the amount of noise produced by the aircraft. Zoning and land-use problems are particularly involved with the first and second approaches.[21]

Notwithstanding the immense problems which exist as a result of present jet service, the threat of additional noise horror looms in anticipation of the proposed jumbo-jets and supersonic transports. Complex legal problems presented in new forms with respect to control in this area will demand careful consideration and sound judgment on a case-to-case basis.

While considerable attention has necessarily been drawn to the legal problems of aircraft noise reduction and respective legislation and litigation, one must not overlook the state and growth of the law concerned with control of other noise sources.

Aside from the proposed Federal legislation mentioned earlier specifically related to aircraft noise control, it is significant to note that on April 21, 1966. A Representative from New York, Theodore R. Kupferman, introduced in the House of Representatives the first bill to comprehensively deal with the problems of noise in general.[22]

Kupferman's bill, reintroduced in the 90th Congress, 1st Session, January 18, 1967, as H.R. 2819, and referred to the House Interstate and Foreign Commerce Committee, would establish an Office of Noise Control within the Office of the Surgeon General under the Department of Health, Education and Welfare. This, in my opinion, is where it should be because general noise should be considered a health problem. The noise control office, headed by a Director and assisted by a Noise Control Advisory Council, would provide grants in aid for state and local governments to research ways and means of control, prevention and abatement of noise. Moreover, the bill specifically provides that the Office of Noise Control would cooperate fully with existing Federal agencies and departments presently working in the field of jet noise abatement.

One of the primary functions of the Office of Noise Control would be to act as a national clearing house for general and specific noise information. It could, upon request, disseminate the wealth of its accumulated knowledge to state and local governments to help them control noise at its point of origin. The Office of Noise Control would serve a similar research and educational function, with respect to noise from all sources, as the National Aircraft Noise Abatement Council (a private, non-profit council of aircraft-industry representatives) presently serves in the field of aircraft noise abatement.

On May 16, 1969, and for the first time, the U.S. Department of Labor, under Secretary George P. Shultz, promulgated new standards for industrial noise. These standards, known as the Walsh-Healey Health and Safety Regulations, became effective on May 20, 1969; they were published in the Federal Register, Volume 34, Number 96, Part 2, pp. 7948–7949. The standards only apply to those firms which have Federal contracts of $10,000 or more during the course of one year.

The new regulations establish a maximum allowable level of 90 decibels measured on the A scale for a continuous eight hour per day exposure. As the permissible noise level exposures increase in decibels, the duration per day and per hours decreases, as follows:

8	hours	90 dBA
6	hours	92 dBA
4	hours	95 dBA
3	hours	97 dBA
2	hours	100 dBA
1½	hours	102 dBA
1	hour	105 dBA
½	hour	110 dBA
¼	hour (or less)	115 dBA

Footnotes at end of article.

For wording of Section 150–204.10 of the new Labor regulations, see Appendix, *supra*.

On April 15, 1969, Senator Joseph D. Tydings introduced in the Senate a bill (S. 1818) designed to provide for the inclusion of considerations of environmental quality in the decision making processes of government. The bill, entitled the Environmental Quality Act of 1969, would establish within the Executive Office of the President an Office of Environmental Quality. Headed by a Director appointed by the President, the office would be relatively small and select, with the authority to review, clear, coordinate and appraise policies and projects of the Federal Government which may adversely affect the quality and integrity of our environment.

The aforementioned idea was carried forward by President Nixon with the announcement on May 29, 1969, of the establishment of the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality, created by Executive Order. The Environmental Quality Council is composed of the Vice-President, Secretaries of Agriculture, Commerce, HEW, HUD, Interior, and Transportation. It is the function of the Council to advise and assist the President with respect to environmental quality matters and to perform such other related duties as the President, from time to time, may prescribe. The aforementioned Council may be a suitable governmental vehicle for the institution of a central coordinating agency and clearing house for Federal noise control programs.

One of the primary functions of an Office of Noise Control such as that envisioned in the Kupferman bill referred to earlier, or a central coordinating unit within the Environmental Council, or even a division within the Department of Transportation, would be to cooperate with all Federal agencies interested in noise abatement and also to cooperate fully with State and local governments in their programs for noise control.

LEGISLATION—STATE AND LOCAL INVOLVEMENT

Any Federal coordinating program must assist the State and local governments which, unfortunately to date, have been hesitant in initiating adequate programs. Many state and local governments have no laws dealing with the problem of general noise control; nor do they have any kind of program to study the problem and to draft such laws.

New York, to the author's knowledge, became, in July 1965, the first state in the United States to enact a state Highway Anti-Noise Statute. This law provides a measurable noise limit which can be enforced against motor vehicles creating excessive or unusual noise. The act defines as excessive noise ". . . a vehicle which produces a sound of 88 decibles or more on the A scale." 90 decibels, on the A scale, therefore, is a level at which violations would be charged and arrests made. The noise is measured at roadside toll stations where trucks pass at speeds of less than 35 miles per hour.[23]

California recently adopted comprehensive anti-highway noise legislation that would prohibit noise levels in excess of 82 dBA for passenger cars and 92 dBA for trucks and buses.[24]

Most states have motor vehicle statutes or codes dealing with the requirement of mufflers on automobiles and trucks to prevent excessive or unusual noise. These statutes, however usually fail to spell out quantitative measures in decibels at which violations would occur. Thus the statutes are for the most part extremely difficult to enforce and are therefore usually not enforced. For a listing of the anti-noise laws of the various states by section number with a brief parenthetical description of the type of regulation see Appendix, *supra*. For the statutory language of the state codes, see Appendix, *supra*.

There are situations where a joint response from several states or cities may be required to effectively control an environmental problem. The joining of states or cities in a regional response to the noise control problem has not been forthcoming, with the exception of the New York Port Authority.[25] The Port of New York Authority governs, among other things, aircraft operation procedures at Kennedy International, LaGuardia, Newark and Teterboro airports.

The Port of New York Authority has for years imposed noise limitations on aircraft taking off from its airports and monitors the takeoffs to assure compliance. The Authority exercises its right to prescribe noise limits in its capacity as an airport owner-operator and not as an exercise of local governmental police power to regulate in a legislative sense. See *Port of New York Authority* v. *Eastern Airlines, Inc.,* E.D.N.Y. 1966, 259 F. Supp. 745. The Authority does not regulate landings inasmuch as approach procedures are executed off the premises in which it has a proprietory interest. Moreover, the Port of New York Authority's noise limitation rules have been stated to be expressly subordinate to the FAA rules, and accordingly, do not conflict with FAA procedures.

Whether unauthorized regulations set by the airport owner which are in conflict with those of the FAA would be upheld is not clear.

This is a gray area of the law which may become the next battlefield in the fight of the citizens who live near airports and who are demanding relief from jet noise.

Inasmuch as most airports are owned by governmental bodies of one classification or another, we can expect increasing political and economic (including law suits) pressures on our local governments to find a solution. The Federal government will most likely not be able to divorce itself from sharing heavily (money) in whatever solution may be found.

Unfortunately we have not learned as quickly as we should have from the disasters which have resulted in our failure to adequately deal, years ago, with the problem of air and water pollution. A regional approach combining the talents and money of several states should be considered in a common effort to establish research and development programs directed toward the alleviation of excessive noise from sources other than aircraft. For example, there is no reason why states could not join together to provide uniform motor vehicle statutes that quantitatively spell out the levels at which violations would occur. A comprehensive motor vehicle statute could be uniformly adopted by all the states patterned after that of New York or California, except that more sophisticated means of measurement and enforcement must be provided.

Uniform state and/or city codes could also be enacted concerning requirements in construction and maintenance of housing and the problem of elimination of airborne and structure noises. Of course, it would be important to coordinate the efforts of the Federal government with the statutes of the states.

When planning noise controls on various levels of government it is important that constitutional considerations not be overlooked. The Federal government does not enjoy the use of police power unless provided by the Constitution. Accordingly, the Federal government may act under Article I, Section 8, of the commerce clause of the Constitution to regulate various matters such as labor conditions and safety.

Police power does exist on a state level and may be exercised unless arbitrary, unreasonable or capricious, and as long as its exercise does not deprive a person of his property without due process of law (eminent domain). Thus the states are more flexible in their ability to deal with the noise problem because they do not require a specifically delegated legislative power as in the case of federal legislation. As long as the proposed controls of the state statute do not conflict with federal legislation, or areas reserved for or to the Federal government, they will stand, as evidenced by recent enactment of state air and water pollution statutes. On the same theory, the states have for some time validly legislated controls in the fields of licensing, health, safety, labelling and zoning. Moreover, local levels of government are free to exercise police power and may establish maximum noise levels through enactment of ordinances and zoning.

While the manufacture of appliances and equipment could be controlled by the Federal government on a finding that the excessive noise produced from the items is or could be detrimental to health on the same basis that federal regulation of air pollution is justified, it is at the city code level that noise sources of garbage collection,[26] construction noise,[27] motor vehicles, loud speakers, and many other noise sources can be effectively controlled.[28] It is important, however, to exercise extreme caution when attempting to solve the problem by simply passing a law. We should inquire first whether all is being done to deal otherwise with the problem.

As part of the present study, letters were sent to the administrations of over fifty cities throughout the United States in an effort to determine whether they consider a noise problem to exist in their communities, and the character and status of their responses, if any, to the noise problem. The representative of each city was asked for its city's ordinances and codes dealing with noise and whether the jurisdictions in the metropolitan area in question have taken a coordinated approach in noise control efforts. In addition, each city was asked to comment on any control measures taken, how effective the enforcement has been, and whether noise control is considered to be a serious problem.

The responses to the inquiries outlined above provide insight into the attitudes of urban areas toward noise and its control and, at the same time, create a broader base upon which to analyze the municipal codes in the country. Time and space do not permit an exhaustive reproduction of each city code in the United States dealing with noise control. A representative sampling has been compiled, however, and is set forth in the statutory language of fifty-six cities, which appears in the Appendix, *supra*.

The average city statute contains general statutory language prohibiting excessive noise and usually requires a muffler on motor vehicles. This type of statute has been classified by the author as a "Class D" code; see Appendix, *supra*.

The penalty for violation of the general statute, referred to above is usually a small fine. See Akron, Appendix, *supra*. In some cases violation is more than a mere offense or violation and in fact may constitute a misdemeanor under the penal laws of the city in question. See Minneapolis, Appendix, *supra*. Unless enforced, however, the punitive provisions of these ordinances are worthless. Most ordinances are not effectively enforced.

One example of the responses of a large city to the complex problems of urban noise is seen in New York City. For decades it has had a basic code which contains language prohibitive of excessive noise in several areas. For reproduction of Section 435.50 of the city's basic noise ordinance, see Appendix, *supra*.

The prime difficulty with the New York City Anti-Noise Code, and other general codes similar in statutory language (Class C), is the fact that no quantitative measures are set forth at which violations would oc-

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Footnotes at end of article.

cur, and there is no provision for adequate measurement for excessive noise. Two-thirds of the fifty-six statutes of the cities examined herein contain similar language to the New York City code, are general in nature, and could be classified Class C, notwithstanding an attempt to include in the sampling as many Class B cities as possible.

Some cities, on the other hand, have taken a comprehensive approach to the noise problem. Minneapolis, Minnesota, for example, lists five methods by which that city has attempted to regulate noise: zoning code enforcement; noise ordinance enforcement; public nuisance action; licensing requirements; and indirectly, in building code requirements. In Minneapolis' zoning code, the noise ordinance provides for noise limitations in M-1 districts and sets forth performance standards, to wit:

"(1) Noise.—In the M1 Districts at no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

"MAXIMUM PERMITTED SOUND LEVEL (DECIBELS)

Octave band frequency (cycles per second)	Along residence district boundaries	Along business district boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Over 4,800	32	39"

The primary function of any anti-noise statute, whether on a state or local level, is to accomplish its purpose, to wit: control of specific types of noise which have been deemed by the community to be unwanted. The acid test of a noise ordinance is whether it is effective. Accordingly, an overly elaborate noise ordinance on a state or local level, if not effective, may be of little or no use. One of the primary reasons a noise statute may not be effective could be the fact that it has not been accepted by the community whose appropriate governmental body enacted it. If it has not been accepted, it most likely will not be effectively enforced. Also a statute, though elaborate in wording and design, may not be effective where the enforcement arm of the city is without enough money to facilitate those procedures necessary to its enforcement; for example, use of a sound analyzing meter. Examples of this problem were evidenced in the cities of Anchorage, Alaska, as set forth in the Appendix *supra;* Fort Lauderdale, Florida, Appendix, *supra*, and Peoria, Illinois, Appendix, *supra*. In contrast, a city which has had favorable experiences with the sound analyzer in terms of effective enforcement is the city of Hemet, Riverside County, California, as set forth in the Appendix, *supra*.

Memphis, Tennessee, has been called the quietest city in the United States. This city has essentially a general Class C anti-noise ordinance. It does not have an elaborate means of measurement of excessive sound or noise, and its ordinance does not spell out in quantitative measures the point at which a violation would occur. It does have, however, an essential ingredient in any municipality's campaign against excessive noise. It has made a coordinated effort to educate the community to the need for a quieter city. In so doing, it has created a community response which is tantamount to an acceptance, to some degree, of voluntary noise control. Voluntary noise control is the most effective type of control. The realities of economics and human nature, however, compel regulation to a certain extent to obtain compliance with suggested noise reduction otherwise not forthcoming. New York took a major step in this direction with the enactment of a new building code proposed by the Polytechnic Institute of Brooklyn. The building code is set forth in the Appendix, *supra*. Its provisions relating to sound characteristics in buildings are sophisticated and yet not overly elaborate. It is somewhat premature to effectively evaluate the building code. It would appear, however, that it will be effective. New York City has also taken a new approach to control noise from sources other than buildings, including the traditional sources of garbage collection, truck brakes and horns, mufflers, excavation and construction work and the like, with the enactment of an Environmental Quality Administration. One of the purposes of the Administration is to obtain the necessary community acceptance of noise control. It should supplement the anti-noise task force set up by Mayor Lindsay in 1968 under the direction of Neal A. Anderson.

New York City hopefully will now update its basic noise code (435.50) to a Class B type statute to provide quantitative measures in decibels at which point violations would occur. In addition New York should invest in the necessary equipment for enforcement of such standards, to wit: a mobile sound analyzer unit. It may well be that with a coordinated approach, spearheaded by the Environmental Quality Administration, there will be no need to revise and rewrite the noise ordinance to the point where it might be classified as a Class A statute. New York is an example of the need for a city to fit the statutory language, purpose and design to its particular requirements, bearing in mind the test of effectiveness.

Municipalities are in an embarrassing position when they are confronted with a legislator who would suggest a more elaborate noise ordinance and are met with resistance by other legislators who suggest that the noise ordinance which is presently on the books is not enforced.

The regulatory code on a local level would be much more easily enforced if the complainant or police officer and the alleged violator both were aware that machinery exists to measure the noise in question. The handling of the alleged violation on a more mechanical and scientific basis would retard the incidence of excesive noise making, in the author's judgment, in the same way in which the use or threatened use of radar has retarded the amount of speeding on our highways. It is interesting to note the reaction of a defendant who has received a summons for speeding where radar was used, as contrasted with the reaction when simply stopped by an officer in a patrol car after having followed and "clocked" the defendant for a certain distance. This is not to say the level of sophistication of noise measurement has reached the same degree as that of testing and reading radar equipment by our enforcement agents. The analogy, however, is relevant in that through the education process our enforcement agencies and its officers can be taught to effectively use sound measuring instruments. Once success is achieved in their use, the word will soon spread to the violators (noise-makers). At this point some of the violators may become aware of the need to curtail their noisy activities. While they will not be quieter by voluntary compliance, they will be forced to recognize the enforcement measures as a deterrent to their noisy activity; they will not want to be caught.

CONCLUSION

First, it is helpful to consider the response of the law to the noise problem from at least four points of influence: (1) case law, (2) Federal statutes, (3) State statutes, and (4) local laws (County, City, Town and Village). None of the case holdings or language of the statutes or ordinances at the various levels should be read in a vacuum. Each factual situation (noise disturbance) demanding a remedy must be considered unique unless a pattern is clear suggesting uniform treatment, such as the state motor vehicle codes.

Second, with respect to aircraft noise reduction, additional federal standards are necessary and will be forthcoming. The Federal Government will be forced to assume increasing authority and responsibility for noise control, especially in areas where it has preempted the field. Fact patterns squarely within the *Griggs* decision will permit recovery against the owner-operator of an airport but not the Federal Government.

Increasing pressure, including millions of dollars in threatened or actual law suits, will be placed upon the owner of the airport to set noise limitations on aircraft and find additional solutions.

Third, the real frontier to be explored in noise pollution is general noise reduction and control (not limited to aircraft). More study is needed in this area on all levels of government and industry. Educational efforts should precede regulatory efforts. Voluntary acceptance of control measures should come ahead of mandatory controls. Legislation such as the Kupferman bill is needed. The Federal government should aid the state and local governments to initiate their own programs.

Fourth, any statute or ordinance dealing with noise reduction should include quantitative measures or standards which spell out the point at which the noise intended to be controlled is excessive. Sophisticated measurement and enforcement procedures should be applied.

Unfortunately most cities have failed to take a coordinated approach to the noise problem. There has not been enough foresight and imagination exercised by those in control of our local governments to retard the increase in noise pollution.

More planning, thought, and action is needed in this area. Model codes should be devised by those familiar with the field and should be fitted to meet local circumstances and needs. Lawyers should look outside their profession to those with acoustical engineering and scientific expertise for help in working out practical and enforceable statutory controls.

Fifth, in balancing the rights of an individual disturbed by a particular noise against a government authorized activity causing noise (nuisance) and deemed essential and free from negligent operation, the government activity will prevail. Recoveries against the government for nuisance will be broader under states with constitutions containing language for compensation for damage as well as a taking of property.

Sixth, everyone must tolerate noise to some extent. To what extent must be determined on each set of facts and circumstances. More can be done to abate noise than most people presently realize. We must face the noise pollution problem immediately and squarely, and allocate whatever funds, energy and talent are available to place this serious environmental problem under control.

FOOTNOTES

[1] See Spater, George A., "Noise and the Law." 63 Mich L. Rev 1373 (June 1965). Certain noises, however, can do visible physical damage, the best known being the ability even at low volumes to break glass. Scholes, *The Oxford Companion to Music*, 6, 14, (8th ed. 1950); Spater *supra*, p. 1374, footnote 4.

For some time noise has been most commonly and simply defined as an unwanted sound. The subjective quality of noise has often been described by the classic phrase, "One man's music is another man's noise."

[2] Restatement of the Law of Torts. Vol. 4, Sec. 822, comment on clause (d), Sec. 826 (1939); language adapted by this writer.

[3] See *American Airlines, Inc.* et al v. *Town of Hempstead*, et al, 272 F. Supp. 226 (1966)

where the town of Hempstead added a new article to its unnecessary noise ordinance forbidding operation of a mechanism or device (including airplanes) which created a noise in excess of certain limits. Nine major airlines, the Port of New York Authority, the Airline Pilots Association, three airline pilots as representatives of their class, and the FAA sued to enjoin the enforcement against them of the ordinance. District Judge Dooling upheld the suit and struck down the ordinance on the basis that legislative regulation of aircraft procedures based on the exercise of local police power is a field which has been pre-empted by the Federal Government. The Court decision was affirmed by the United States Court of Appeals for the Second Circuit, 398 F. 2d 369 (1968), and the Supreme Court denied certiorari in January 1969 (37 U.S. Law Week 3247).

[4] See Tondel, Lyman M., Jr., "Noise Litigation at Public Airports", *Alleviation of Jet Aircraft Noise Near Airports*. Report of President's Jet Aircraft Noise Panel, Office of Science and Technology, Executive Office of the President (March 1966), E.g., *Richard* v. *Washington Terminal Co.* 233 U.S. 546 (1919), et al. cited.

In *Richards* v. *Washington Terminal Co.*

". . . the plaintiff, whose house was approximately one hundred feet from defendant's railroad track and tunnel, brought an action to recover for damage to his property resulting from an alleged nuisance. Plaintiff suffered (1) from the noise, vibration, and smoke of the passing trains cracking the walls . . . breaking glass in the windows, and disturbing the peace and slumber of the occupants, and (2) from gas and smoke forced out of the tunnel and directed onto plaintiff's property by a fanning system. Defendant's activities, however, had been authorized by the government—its tracks and tunnel were located, constructed, and maintained under acts of Congress. There was no claim that the trains were negligently constructed, operated, or maintained.

"The Court held that the plaintiff, like all other property owners along a railroad right-of-way, was required to bear without redress the amount of noise, vibration, and smoke incident to the running of the trains. However, the plaintiff was entitled to compensation to the extent he was damaged by the fan arrangement which artificially concentrated gas and smoke on the plaintiff to a degree not shared by other property owners . . . and this, without, so far as appears, any real necessity existing for such damage.

"The general conclusion to be drawn from *Richards* v. *Washington Terminal* is that under federal law no right of action exists in private property owners for noise made by an entity functionng under authority of the government (and, a fortiori, for noise made by the government itself) even though the noise may cause a decline in the value of affected property. In such circumstances both damages and equitable relief are denied.

"It is necessary, however, to qualify this broad rule somewhat by two limitatons: first, the activity being performed by the government or government-authorized entity must be sanctioned by law; second, the facility creating the noise must be properly designed and operated and in certain limited cases a government authorized entity will be held responsible when it has not properly located the facility."

[5] Of the six public non-military airport cases where damages have been recovered in the United States over the last 10 years, five recoveries involving a total of $71,584 were against civil airport operators on a constitutional taking theory. In addition $690,670 has been recovered in this 10 year period in 21 cases brought against the U.S. Government where cases involved military airports. Twenty of these 21 recoveries were on a constitutional taking theory and one, *Weisberg* v. *United States*, 193 F. Supp. 815 (1961), for $750 was on a negligence theory. Mr. Tondel states the following:

". . . one reason for the greater success that plaintiffs have had against the United States is that in many cases the government has admitted a taking, leaving only the amount of compensation."

Quoted from Tondel *supra* note 4 at pp. 123–4; In *Anderson* v. *Lockheed Aircraft Corp.*, 1955 U.S. & Can. Av. 182 (Cal. Super. Ct, Los Angeles County 1955) which involved a public airport only in a technical sense, $12,500 in damages was recovered. In another case, which arose in Georgia, the court held that the complaint stated a cause of action, so that the case should not have been dismissed on the pleadings, *Chronister* v. *City of Atlanta*, 99 Ga. App. 447, 108 S.E. 2d 731 6 Av. Cas. 17, 448 (1959).

[6] Federal Aviation Act of 1958, 72 Stat. 737, 4a U.S.C. Sec. 1301 (24).

[7] 328 U.S. 236 (1946); See Tondel *supra* note 4; The court in *Clasby* said at p. 263, "The airspace, apart from the immediate reaches above the land, is part of the public domain."

The Federal Aviation Act *supra*, note 6, Sec. 104, states:

"There is hereby recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable airspace of the United States."

Sec. 101, Subdiv. 24, of the Federal Aviation Act defines navigable airspace at that ". . . above the minimum altitudes of flight prescribed by regulations issued under this chapter, and shall include airspace needed to insure safety in takeoff and landing of aircraft."

For a recent case where the court allowed only nominal damages for a suit based upon the trespass theory, and even that decision was reversed on appeal, see *Cheskov* v. *Port of Seattle*, 55 Wash. 2d 416, 348 P. 2d 673, 6 Av. Cas. 18, 176 (Tex. Civ. App. 1964).

[8] 328 U.S. 256, 259 (1946).

[9] Tondel, *supra* note 4 at p. 124, 328 U.S.C., at 261.

[10] See Goldstein, Sidney, "Legal and Practical Limitations on Noise Control Methods," Report, Committee No. 4, International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft, London (November 1966); For more detailed treatment of this subject by the same author see Goldstein, Sidney, "A Problem in Federalism, Property Rights In Air Space and Technology," *Alleviation of Jet Aircraft Noise Near Airports*, Report of the President's Jet Aircraft Noise Panel, Office of Science and Technology, Executive Office of the President (March 1966).

[11] In it the court held that there had been a taking when it had been found that overflights, and landing and takeoff procedures were so frequent and at such low altitudes that the beneficial use of the plaintiff's farm had been destroyed. Damages were awarded plaintiff in subsequent proceedings for loss of about 150 chickens which had flown into the walls and killed themselves from fright resulting from the lights and noises of the aircraft during takeoff and landing procedures.

[12] 363 U.S. 84 (1932); See also 20 Fordham L. Rev. 803 (1962) 57 N.W. U. L. Rev. 346 (1962)3; 1962 Ill. L. F. 274; 24 U. Pitt. L. Rev. 603 (1963); 63 Mich. L. Rev. 1373 (1963).

[13] 369 U.S. 84 (1962); Goldstein *supra* note 10; In *Causby*, Suit was filed in the Court of Claims against the United States which was both airport manager and airline owner. Subsequent litigation, however, encountered difficulties with which the *Causby* holding was not faced. The question became which party to sue; the airport manager, the offending airline, or the United States, who, after all, was responsible for approving the flight path? This problem was not fully solved until *Griggs* v. *Allegheny County supra* note 12.

[14] For cases subsequent to *Griggs supra* note 12, which illustrate recent judicial language with respect to theories of "taking," "nuisance," and "trespass," see among others: *Batten* v. *United States*, 306 F 2d 580 (10th cir 1962), cert. den., 371 U. S. 955 (1962) rehearing den., 372 U.S. 923 (1963). This case is especially significant because it denied plaintiff the right to recover even though damages were proven. The court found no taking where military flights were not overhead. Case notes on *Batten* among others include 49 Cornell L. Q. 116 (1963; 29 S. Air L. & Com. 72 (1963) 24 Ohio St. L. J. 579 (1963); See also *Kettelson*, Ernest S., "Inverse Condemnation of Air Easements," 97 R. Prop. Prob. and T J 101 (Spring, 1968). Whether the result would have been the same if plaintiff had brought its cause of action under the Federal Tort Claims Act (28 U.S.C. 1364 (b)) on the theory of wrongful conduct of the government (in allowing the noise disturbance from the planes during warm up and take off) rather than under a taking theory is questionable. The Federal Tort Claims Act is not relevant to this discussion, generally, because its coverage includes only those complaints formed in theories of nuisance or negligence, thereby excluding trespass and eminent domain. C. F. Tucker Act, 28 U.S.C. 2041; See *Thornburg* v. *Port of Portland*, 233 Or. 178, 376 P. 2d 100 (1962); In *Thornburg*, the Oregon Supreme Court described a taking as follows:

"The idea that must be expressed to the jury is that before the plaintiff may recover for a taking of his property he must show by the necessary proof that the activities of the Government are unreasonably interfering with his use of his property, and in so substantial a way as to deprive him of the practical enjoyment of his land. This loss must then be translated factually by the jury into a reduction in the market value of the land." For case note discussion of *Thornburg* see among others 1963 Duke L. J. 563; 41 Texas L. Rev. 827 (1963: See also *Martin* v. *Port of Seattle*, 64 Wash. 2d 324, 391 P. 2d 540 (1964) cer. den. 379 U.S. 989 (1965); *Hillsborough County Aviation Authority* v. *Beniterz*, 200 So. 2d 194 (Fla. 1967).

[15] *Thornburg supra* note 14; *State* ex rel., *Royal et al.*, v. *City of Columbus*, 3 Ohio St. 2d 154 (1965); See Goldstein *supra* note 10 at p. 16.

[16] See *Mortui* v. *Port of Seattle*, 391 P. 2d 540, 8 Av. Cas. 18, 324 (Wash. 1964) cert. den., 399 U.S. 980 (1965); About 50% of the states have Federal-type constitutional provisions compensating for property "taken for public use." The other states provide compensation for property taken or damaged, including: Ala., Alaska, Ariz., Ark., Calif., Colo., Ga., Ill., Kent., La., Minn., Miss., Mo., Mont., Neb., N.M., N.D., Okla., Penn., S.D., Tex., Utah, Va., Wash., W.Va., and Wy. In Ala., Ky., and Penn., the "damaged language" is limited to action by municipalities and public utilities with the power of eminent domain, N.C. has no state constitutional provision governing eminent domain, but property owners there are protected by the 14th Amendment of the Federal Constitution, as well as by judicial interpretation of the State Due Process Clause. Cormack, "Legal Concepts in Cases of Eminent Domain." 41 Yale L. J. 221, 222 (1931); Spater *supra* note 1 at King County, Wash., June 29, 1960.

[17] Federal Aviation Act of 1958, Sec. 307 (c), Stat. 749, (49 U.S.C. Sec. 1348 (c).) *supra* note 6.

[18] 14 C.F.R. Sec. 121 3(A), 121.97 (1956).

[19] *Federal Aviation Act of 1958, supra* note 17; Federal agency authority will continue to expand in this area; See Harris Committee Report, H. Rep. 36, 88th Cong. 1st Sess (1963), and more recently, the Federal Aid-to-Airports Act, Public Law 88–280 (approved March, 1964).

[20] 14 C.F.R. Sec. 91.87 (g), 93.33.33 (1965); Kennedy Control Tower Buletin No. 63–3, as

amended by No. 63-11. By altering the path of the aircraft the noise transmitted to those below is naturally reduced. This plan has been put to good use except during traffic problems or bad weather, when safety demands other flight procedures.

[21] See Goldstein supra note 10; An unsuccessful attempt by a village to enforce a local ordinance which would have prohibited aircraft flight within its boundaries at altitudes of less than 1,000 feet, offered an example of the impracticability of moving the people away from the noise, is found in *Allegheny Airlines et al., Port of New York Authority et al.* v. *Cedarhurst*, 132 F. Supp. 871 (D.C.E.D.N.Y. 1955), Aff'd 258 F. 2d 812 (2 Cir. 1956); see also *City of Newark* v. *Eastern Airlines*, 159 F. Supp. 750 (D.C.N.H. 1958); see also Randall *supra* note 23; *Stephen*, John E., "Regulation by Law of Aircraft Noise Levels from the View Point of United States Airlines," pp. 49–63, International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft, London (November 1966).

[22] As Legislative Assistant and Legal counsel to Representative Kupferman during the 89th Congress and the first Session of the 90th Congress, I had an opportunity to experience the resistance to this legislation as well as problems of drafting, economics, and agency involvement. On balance, the bill has received criticism chiefly on the basis of the unnecessary creation of an additional bureau. Its supporters, however, argue that the bill is not regulatory in nature or scope and that centralization is needed in an effort to disseminate educational information and to create and administer significant abatement programs. The bill's chief problem is the apathy and insensitivity of legislators and their constituents to the problem of noise pollution. When the Problem reaches crisis proportions it will, of course be treated with more legislative interest. It would be a welcome and economical change, however, if the Congress would take steps now to avoid what will soon be a critical environmental problem. Hopefully, our sad experiences with delay in the field of air and water pollution will serve as reminders of the cost of procrastination in the pollution field.

[23] According to the New York State Police Department, "Since October 1, 1965, when Section 386 of the Vehicle and Traffic Law became effective, the Division of State Police has made 45 arrests. None of the arrests resulted in court trials. Of the 45 persons arrested, 43 of them pleaded guilty and were convicted. The remaining two cases were closed as the violators were from without New York State and could not be located after they failed to appear as a result of traffic tickets. Our enforcement and judicial system is adequately prepared and equipped to deal with the sound measurement according to the existing provisions of section 386, Subdivision 2 of the Vehicle and Traffic Law. However, when it is noted that the 45 arrests were made after checking 9,569 vehicles, it would appear that further study and evaluation is necessary to determine whether the present measurement of sound pressure levels is efficacious."

Kirwan, William E., Superintendent, by Robert E. Sweeney, Jr., April 15, 1968.

The author does not share the view that our enforcement and judicial system is adequately prepared and equipped to deal with sound measurement and related problems under this section. As a practical matter, anti-noise and muffler violations are usually dismissed because of inadequate provision for enforcement measurement and proof in court.

[24] See West's Annotated California Code, Sec. 23130; (Comprehensive motor vehicle Noise Statute).

[25] See Goldstein *supra* not 10 at p. 33.

[26] Robert Alex Baron, a private citizen who has demonstrated considerable interest in the noise abatement cause, recently told the Fourth International Congress on Noise Abatement at Baden Baden Germany, in 1966, that

". . . in one 26-year period, garbage collections moved up to first place in a list of the ten most disturbing noises in New York City."

The garbage is usually collected early in the morning (3–5 a.m.). The operation of the turnstile which pulverizes the refuse and jams it into the garbage truck, together with the clang from the metal garbage can and metal objects within it, combine to cause a substantial racket which rudely awakens many residents in apartments throughout the block.

New York City's acting Commissioner of Purchase recently joined forces with the Sanitation Commissioner to reverse the noise trend of garbage collection by ordering 800 "quiet trucks to be used for sanitation purposes." (See N.Y. Times, August 18, 1967).

[27] Mr. Baron *supra* note 32 also stated that ". . . New Yorkers are assaulted each year by the noise of some 10,000 demolition and building projects, plus 80,000 street repair projects. New York City does little or nothing to abate construction noise. In common with most cities, it exempts daytime construction from any noise control and allows loopholes for night time construction. Construction noise, like most other sources, is often excused as a 'temporary nuisance', even though it exists nearly every day and many nights, year after year."

[28] The National Institute of Municipal Law Officers has set forth in a book by Charles S. Rhyne three "model ordinances," which would regulate and prohibit the following: (1) certain use of sound trucks; (2) certain uses of sound advertising from aircraft; and (3) unnecessary noise. This book—entitled "Municipal Control of Noise—Sound Trucks, etc."—together with annotations provided, makes an excellent reference source for cities in their exploration of ways to draft codes or improve their existing ones. It also speaks of the Constitutional right of freedom of speech and the validity of local noise control statutes.

[29] Sec. 435–50 of the N.Y.C. Administrative Code states generally that "the creation of any unreasonably loud, disturbing city noise did not continue. Finally, in August of 1967, New York City again awakened to the noise problem. Neil H. Anderson, Executive Vice President of the New York Board of Trade, was appointed chairman of a committee directed to study the problem and produce"

". . . some noise rulings which will bring these developments (quieter trucks, tires, mufflers) into everyday use."

See statement by Neil H. Anderson before New York City Council during hearings on reorganization of the City Government, Local Law 280, Int. No. 261, ch. 56, as reported *Congressional Record* August 31, 1967, at page H 11529.

Hopefully, the New York City task force will produce hard results in the noise reduction and control field in addition to its study of the problem.

APPENDIX

A. FEDERAL LAWS AND REGULATIONS

[Reproduced from Federal Register, May 20, 1969]

§ 50–204.10 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table I of this section when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:

(b) When employees are subjected to sound exceeding those listed in Table I of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered intermittent. In such cases, where the duration of the maxima are less than 1 second, they shall be treated as of 1-second duration.

(d) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

Table I.—Permissible noise exposures[1]

Duration per day, hours:	*Sound level dBA*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: C1/T1+C2/T2. . . . Cn/Tn exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noiselevel, and Tn indicates the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dBA peak sound pressure level.

[Reproduced from Federal Register, Jan. 11, 1969]

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

[14 CFR Parts 21 and 36]

[Docket No. 9337; Notice No. 69–1]

Noise standards: Aircraft type certification

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the adoption of a new Part 36 of the Federal Aviation Regulations prescribing aircraft noise standards for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. These standards would apply to certain type certificates, and to certain changes to type certificates, and would apply to certificates or changes issued by the Administrator on or after the effective date of these proposed standards, regardless of the date of application.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 12, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments and will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Public Law 90–411 adds new section 611 to the Federal Aviation Act of 1958. This section provides that "the Administrator of the

Federal Aviation Administration, after consultation with the Secretary of Transportation, shall prescribe * * * standards for the measurement of aircraft noise and sonic boom and shall prescribe * * * such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title" (Title VI).

Senate Report 1353 on Public Law 90–411 states that, while other approaches to aircraft noise control must be thoroughly studied and employed, "the first order of business is to stop the escalation of aircraft noise by imposing standards which require the full application of noise reduction technology" (p. 2). The type certification standards in this notice are designed to implement this first order of business by concentrating on the aircraft that are most likely to raise the aircraft noise levels in airport neighborhoods. These aircraft include subsonic transport category airplanes regardless of means of propulsion and subsonic turbojet power airplanes regardless of category.

Section 611(b)(3), as added by Public Law 90–411, states that the Administrator, in prescribing and amending standards, rules, and regulations under the new section, shall "consider whether any proposed standard, rule, or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest."

New Part 36 therefore provides (§ 36.3) that (1) each airplane must meet the applicable airworthiness regulations under all conditions in which noise compliance is shown, and (2) all noise reduction operating procedures and other information developed for the flight crew under Part 36 must be consistent with the applicable airworthiness requirements. After, as well as before, the adoption of notes standards, the levels of safety defined in the applicable airworthiness standards will control completely the safety approval of any aircraft. Thus, new Part 36 is in no way an addition to or amendment of any airworthiness standard but is rather an entirely separate source of type certification standards that must be compatible with the applicable airworthiness standards.

This notice follows a history of FAA participation in noise abatement programs involving Government, industry, and international groups. That activity predated Public Law 90–411. In October 1965, the Office of Science and Technology, at the request of the President, sponsored a symposium on the aircraft noise problem. The conclusions of this symposium are contained in the document entitled "Alleviation of Jet Aircraft Noise Near Airports—A Report of the Jet Aircraft Noise Panel", published by the Office of Science and Technology in March 1966. In his Transportation Message of March 2, 1966, the President directed that a concerted effort be made by the Federal Government to combat the growing problem of jet aircraft noise near airports. In response, the Office of Science and Technology, in cooperation with the FAA, the National Aeronautics and Space Administration, and the Department of Housing and Urban Development, initiated an "Aircraft Noise Alleviation Program" to implement specific recommendations in the above cited document.

One of the recommendations in that document was that certification of aircraft for noise be considered as one critical step in the alleviation of the aircraft noise problem. This view was endorsed by the London Conference as reflected in the document "Aircraft Noise—Report of an International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft", published in 1967. That conference was held on November 22–30, 1966, and represented 26 countries and 11 international organizations concerned with aircraft noise. Beginning in September 1966, a series of drafts of noise certification concepts prepared by the FAA were submitted to industry and refined in the light of industry comments. In February 1966, an informal Task Force representing Government and industry was established to recommend the most desirable concept of a noise certification rule.

Beginning in early 1967, discussions were held with the Governments of the United Kingdom and France in order to obtain the benefits of their aircraft noise abatement programs, and to explore the possibility of worldwide aircraft noise abatement agreements. Much information has been obtained that is useful in achieving the objectives of Public Law 90–411, particularly the use of the concept of Effective Perceived Noise Level in units of EPNdB as the evaluator of subjective response, and the use of three points of measurement (approach, takeoff, and sideline).

Finally, in July 1968, the aircraft manufacturing industry proposed a variation of the same three-point concept and strongly recommended adopting the concept of maximum instantaneous perceived noise level in units of PNdB as the measure of subjective response. For reasons stated below, the FAA is unable to support the adoption of this measure of subjective response.

This notice is based on both the experience gained in 3 years of FAA coordination with the aircraft industry and on information obtained from the United Kingdom and France that the AA considers to be most appropriate for regulatory action. However, since formal rule making is now being proposed under the express terms of Public Law 90–411, certain proposals contrary to the suggestions of the industry and those of the United Kingdom and France are contained in this notice in order to fulfill the intent of the public law. The most significant of these are (1) the elimination of the concept of a separate noise certificate, (2) the application of noise measurement, noise evaluation, and noise reduction standards (including a specified noise ceiling), to all airplanes that have turbojet engines with bypass ratios of two or more, regardless of the date of application for the type certificate or change to a type certificate, (3) the application of noise measurement, noise evaluation, and noise reduction standards (but without a specified noise ceiling) to airplanes that do not have turbojet engines with bypass ratios of two or more, for which application for a type certificate, or change to a type certificate, is made on or after the publication date of this notice, but before the effective date of the final rule, (4) the application of noise measurement and noise evaluation standards, and the application of a requirement to obtain the lowest levels that are reasonably obtainable through the use of operating procedures and other information for the flight crew, to airplanes that do not have turbojet engines with bypass ratios of two or more, for which application for a type certificate, or change to a type certificate, is made before the publication date of this notice, and (5) the adoption, not only of a noise ceiling, but also of a noise floor, or objective, that must be achieved where reasonable, in each type design, for which application for a type certificate, or change to a type certificate is made on or after the publication date of this notice.

The elimination of the concept of a separate noise certificate is made to conform with the provision of Public Law 90–411, which provides for the application of noise standards to certificates issued under title VI of the Federal Aviation Act of 1958. Further, the FAA believes it is desirable to introduce the technology of noise reducation to the aircraft industry in the form of aircraft certification processes with which it is familiar, namely type, production, and airworthiness certification. Finally, any forthcoming international agreement that each noise-approved aircraft be so marked for international recognition can be fulfilled by placing a statement of noise compliance on the airworthiness certificate.

In proposed § 36.201(a), the application of noise measurement, noise evaluation, and noise reduction standards, including a specified noise ceiling, to airplanes that have turbojet engines with bypass ratios of two or more, regardless of the date of application for the type certificate or change, is believed to be reasonable since the FAA has been working closely with existing applicants for such type certificates. Under this guidance, these applicants have been planning for maximum noise reduction from the earliest stages of their type certification programs. The full use of noise reduction technology has been available to assist them in this effort. The FAA believes that it would not be consistent with the intent of Public Law 90–411 to permit the type certification of these aircraft without requiring the full use of that technology. The FAA, therefore, believes that good cause exists for applying the ceiling values of Appendix C to those applicants regardless of the date of application. Appendix C represents the FAA's judgment concerning noise levels achievable by those applicants, as a class, although further individual noise reductions may be required.

In proposed § 36.201(b), the application of noise measurement, noise evaluation, and noise reduction standards, excluding the ceiling values of Appendix C, to applications for type certificates, or changes, for airplanes that do not have turbojet engines with bypass ratios of two or more, made on or after the publication date of this notice, but before the effective date of the proposed rule, is proposed since: (1) The potential for escalation of noise exists for type designs for which application is made during this period, just as much as it exists for applications made after the effective date of the rules, and this potential escalation should not be ignored, (2) there are existing means of noise reduction that can be applied to airplanes that do not have turbine engines with bypass ratios of two or more, which means should not be ignored, and (3) however, since existing technology will not necessarily allow the attainment of the ceiling values of Appendix C at all measuring points for these aircraft, and the applicants may have previously made substantial commitments without knowledge of the impending rulemaking, it is not believed Appendix C can reasonably be applied to those aircraft as a class. The FAA, therefore, believes that good cause exists for this limited retroactive application of Part 36.

A serious question of reasonableness exists with respect to applications, for airplanes without high bypass ratio engines, made before the publication date of this notice. Unlike applications made after the date of the notice, the decision to make an application, and all of its attendant planning and investment, could not have been made with knowledge that the FAA is considering regulatory changes that could affect them. These applicants may be well along in their type certification programs. It is, therefore, believed that the attainment of noise reduction through acoustical and other design changes would be unreasonable. However, the potential noise problem created by these applications cannot be ignored. Noise measurement and evaluation should be accomplished to assess the noise levels of these aircraft for possible retrofit requirements in the future. The development of operational procedures to obtain the lowest noise levels that can be obtained through such procedures is a reasonable burden on the applicant and will be a valuable guide to flight crews. The information placed in the Airplane Flight Manual will provide valuable assistance to persons concerned with airport noise planning. Weighing all of these factors, the FAA believes that there is good cause for the limited retroactive application of noise standards specified in § 36.201(c).

The proposed adoption of a noise floor, or objective, is discussed below.

In general, this notice provides the following bases for preventing further escalation of aircraft noise:

(a) This notice adopts Effective Perceived Noise Level (EPNL) in units of EPNdB, which includes the effects of strong tones and long durations of noise exposure in order to evaluate the qualities of aircraft noise that are particularly offensive to persons on the ground. A primary objective of noise regulation is the translation of the physical causes of subjective human annoyance into mathematical units of measurement that, in fact, measure that annoyance and are precise enough for regulatory purposes. After much study, the FAA believes that EPNL is the only available noise measurement concept that can be adapted to achieve this objective. Since subjective annoyance caused by aircraft noise relates to the entire complex noise signature of the aircraft, which results from a complete flyover of the aircraft, any truly effective measure of that annoyance must consider the effects of (1) frequency, (2) noise level, (3) duration, and (4) strong tones. It has been argued that the FAA should accept the measurement of instantaneous frequency and noise level, without correction for duration and strong tones. This is the method that would result if the concept of Perceived Noise Level (PNL) were adopted as has been urged by some segments of the aviation community. However, acoustical research has shown that an aircraft may receive a given noise rating based on noise level and frequency (without correction for duration and tone), but actually generate much more actual annoyance (because of durations and tones) than another aircraft that receives a similar rating, also based on noise level and frequency (without correction for duration and tone). Thus, the FAA believes that any regulation limited to the concept of PNL could permit the continued escalation of subjective annoyance even though prescribed PNL values are fully complied with. A correction for durations and tones must therefore be included if the objective of meaningful noise reduction at the source is to be achieved. While EPNL is slightly more complicated than PNL because it corrects for durations and tones, it is this very characteristic which provides the FAA with a basis for measuring not only the annoyance effects of current aircraft, but also the unknown and potentially highly annoying tones and durations in the noise signatures of future aircraft.

(b) This notice provides a regulatory basis for bringing a wide variety of subsonic transport category and subsonic turbojet powered airplanes under noise measurement and evaluation procedures so that knowledge may be gained to support research and development aimed at improving the ability to predict, during the early phases of type certification, the noise levels that can be expected in actual operation. As the ability to predict noise levels improves, more precise standards can be applied.

(c) This notice provides takeoff power and climb gradient achievement requirements that encourage the shrinking of the noise-exposed areas around airports in cases where local land planning can take advantage of this potential.

(d) This notice provides a sliding scale of noise limits related to aircraft weight in order to provide aircraft manufacturers, airport operators, and land use planners with guides to future conduct.

The proposals in this notice take the following two forms. First, Part 21 is amended to provide exceptions to the procedural rules that protect type certification applicants, under certain conditions, from the application of regulations issued after the date of application, amended to eliminate the present limitation to "airworthiness" standards, and amended to provide that standard airworthiness certificates would indicate compliance with noise standards. Second, new Part 36 is added containing type certification standards concerning noise only. This new part contains a basic rule (§§ 36.1 through 36.401), an Appendix A (§§ A36.1 through A36.3), an Appendix B (§§ B36.1 through B36.7), and an Appendix C (§§ C36.1 through C36.7).

Certain provisions of the proposals in this Notice should be emphasized. The amendments to §§ 21.21, 21.29, 21.31, and 21.33 are made to reflect the fact that the applicable type certification standards are no longer limited to "airworthiness" standards. Note that the amendment to § 21.29 would make foreign aircraft subject to the same noise standards as U.S. aircraft.

In order to prevent the escalation of noise exposure, the primary question, so far as changes to aircraft are concerned, is whether that change may increase that exposure, not whether the change is "major" or "minor." Under § 21.95, a change that increased noise exposure, if "minor" from an airworthiness standpoint (as defined in § 21.93), could be approved under any method approved by the Administrator, whereas "major" changes must be approved on the basis of the submission of substantiating data and necessary descriptive data for inclusion in the type design. This latter method is the intent of proposed Part 36. Therefore, § 21.93 would be amended to provide that, for the purpose of Subparts D and E of Part 21, all changes in type design that may increase the noise exposure created by a Transport Category or turbojet powered airplane would be classified as "major changes" irrespective of their effect on the airworthiness of the airplane. This is particularly important with respect to § 21.113, Requirement for a Supplemental Type Certificate.

New § 21.183(e) is proposed as a means of meeting any future international agreement that each aircraft be identified with respect to noise compliance. For reasons discussed below, the statement of noise compliance is not proposed for aircraft using the noise prediction allowance of § C36.5(c).

In proposed § 36.2, note that the applicability of rules to changed type certificates includes only those changes that may increase the noise exposure created by the airplane. As proposed, this provision would include applications for supplemental type certificates by operators or other persons as well as applications for amended type certificates by the holders of type certificates.

Proposed § 36.3 is drafted to ensure compliance with subsection (b)(3) of Public Law 90–411, which directs the Administrator of the FAA to "consider whether any proposed standard, rule, or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest." This is more fully discussed above.

Proposed § 36.101 refers to Appendix A, which contains the basic noise measurement procedures that the FAA believes to be necessary in obtaining the raw data from which conversion to Effective Perceived Noise Level in units of EPNdB can be made.

Proposed § 36.103 refers to Appendix B, which contains the procedures for converting measured noise into Effective Perceived Noise Level in units of EPNdB. Appendix B contains material extracted from FAA Technical Report FAA–NO–68–34, entitled "Aircraft Noise Evaluation", dated September, 1968. The need for EPNdB as the required measure of subjective response is discussed above.

Section 36.201 contains the requirement that reduced noise levels be achieved. Public Law 90–411 provides that, in issuing regulations to protect the public from "unnecessary" aircraft noise, the Administrator shall "consider whether any proposed standard, rule, or regulation is economically reasonable, technologically practicable, and appropriate for the 'particular type of aircraft * * *' ". In Senate Report 1353, with respect to currently possible aircraft noise reductions, the Senate Commerce Committee stated that "within the limits of technology and economic feasibility, it is the view of the committee that the Federal Government must assure that the 'potential reductions are in fact realized' " (p. 3). The committee also indicated (p. 2) that its intent is that the standards imposed to stop the escalation of aircraft noise should "require the 'full application of noise reduction technology.' " As explained below, Appendix C of proposed Part 36 contains general maximum noise levels for transport category and turbojet powered airplanes as a class. While this class ceiling is an appropriate means of preventing the further escalation of aircraft noise, it has serious deficiencies in meeting the above-mentioned intent of Public Law 90–411.

First, the values in Appendix C cannot be regarded as even approaching acceptable noise values in and of themselves. They are therefore fundamentally different from the airworthiness standards used in type certification. Second, since a class ceiling is also subject to the requirement of reasonableness, it can be no lower than would be appropriate for the noisiest type design within the class. Therefore, no reasonable class ceiling can provide a basis for the full application of noise reduction technology except with respect to the noisiest type design within the class. In short, no reasonable class ceiling can permit the FAA to act to ensure that potential noise reductions available in particular type designs are in fact realized. Yet it is only in the full application of noise reduction technology to particular type designs that the most significant reductions of aircraft noise at the source can be ensured. After considering all available regulatory means, the FAA believes that the best way to ensure the attainment of the maximum noise reductions that are economically reasonable, technologically practicable, and appropriate for each particular type design, is to supplement the general noise ceiling in Appendix C with a noise floor, or objective to be sought, and with a requirement incorporating the standard specified in the Public Law. Therefore, § 36.201 provides that the noise levels must be reduced to be as near to 80 EPNdB as is "economically reasonable, technologically practicable, and appropriate to the particular type design." The ceiling values in Appendix C can provide valuable functions in defining a predictable noise limit for airport planning, for aircraft operators, and for other segments of aviation, and for Federal, State, and local governments for whom the prediction of aircraft noise is essential for rational planning for a total "systems approach" to aircraft noise reduction. However, the FAA cannot responsibly accept those values as satisfactory where further noise reductions are available and reasonable. Where those further reductions are available, are economically reasonable, technologically practical, and appropriate to the the particular type design, the FAA cannot ignore them by waiting until all type designs are expected to be quiet enough to permit lowering the noise ceiling for the entire class. By then, of course, any type designs that could have been substantially quieter would have been approved, and aircraft produced under them, without the realization of the actually available noise reductions. It is not believed that such a result is consistent with Public Law 90-411.

The noise floor of 80 EPNdB is proposed as an objective to aim for, and to achieve where economically reasonable, technologically practicable, and appropriate to the particular type design. It is recognized that this objective will not be appropriate for many current type designs. However, this objective is important because it makes it clear to all applicants that no increment of noise above 80 EPNdB can be considered acceptable, in and of itself, where it can be eliminated practically and reasonably. This figure is proposed as a reasonable boundary between noise levels that are high enough to interfere with communications and to obstruct normal life in homes or other buildings that are not designed with specific acoustical objectives, and lower noise levels which, while not completely benign, nevertheless allow those activities to proceed. Where this goal can be reached in a given case, and can be justified as economically reasonable, technologically practical, and appropriate to the particular type design, the FAA does not intend to ignore this potential reduction.

In order to provide a specific frame of reference for determining whether a given noise reduction is economically reasonable, technologically practical, and appropriate to the particular type design, proposed § 36.203 specifies the particular noise sources, and corresponding noise reduction techniques, that will be considered by the FAA in making this determination.

While it is recognized that proposed § 36.203 provides considerably more specific guidelines than are provided in certain of the airworthiness standards for type certification, the FAA believes that such specificity is appropriate in order to assist in determining whether a given reduction of a given noise from a given source is appropriate for a given type design. Conversely, it is believed that the guidelines in § 36.203 are broad enough to permit necessary design flexibility. For example, under § 36.203(d)(1), the applicant is forewarned that, for turbofan engines, forward radiated compressor whine must be considered. However, he is given latitude in the design or selection of types of "acoustical treatment" and in deciding whether "acoustical treatment" or "choked inlet" are appropriate means of noise reduction.

Since the application of noise standards will be a novel experience for many manufacturers, there may be some who feel that the standards in Part 36 should be supplemented with more specific requirements responsive to their individual type designs, at least during their first type certification programs under the new rules. The FAA agrees that this may be useful and that applicants should have this opportunity. Proposed § 21.16(c) would therefore provide for the issuance of special conditions applying the aircraft noise type certification standards of Part 36 to the applicant's particular type design. Unlike the current special conditions for airworthiness type certification, the noise special conditions would only be issued if requested by the applicant. Like the airworthiness special conditions, however, the noise special conditions would be issued in accordance with § 21.16(b), which provides among other things, that they are issued as rules of particular applicability, after affording the applicant and other interested persons an opportunity to participate in the rulemaking.

In summary, Appendix C does not represent a moratorium on continued research to progressively lower the necessary noise levels in particular new type designs where economically reasonable, technologically practicable and appropriate to those particular type designs.

Section 36.301 provides the basis for generating operating procedures and other information for the flight crew, so that noise levels substantiated during type certification can be obtained in operation by making the information available to the flight crew in the Aircraft Flight Manual (§ 36.401).

Section 36.401 is necessary in order to provide the flight crew with operating procedures and other information necessary to permit the flight crew to obtain the full noise reduction possible for the aircraft, within the limits of safe operation. The information furnished under this section will enable the flight crew to know which combinations of weight and thrust will permit or prevent the obtaining of substantiated noise levels in operation. Note that, under § 36.401(b), the weight at which the takeoff noise test is complied with, if less than the airworthiness maximum weight, becomes the maximum weight of the aircraft and must be furnished, as such, in the operating limitations section of the Airplane Flight Manual. However, proposed § 36.203 makes it clear that no reduction in maximum weight will be required to achieve noise levels less than those in Appendix C.

In Appendix C, the following should be noted: Section C36.5 provides that the prescribed noise levels must be shown by flight test. It is not believed that other tests or analysis alone are adequate for this purpose. The "tradeoff" in § C36.5(b) is proposed in order to reflect the fact that total noise exposure is cumulative and that certain limited exceedances at certain measuring points are therefore acceptable if compensated by noise reductions at other measuring points. The "noise prediction allowance" in § C36.5(c) is proposed in order to provide a reasonable result in cases in which acceptable noise prediction techniques are used by the applicant but fail for reasons beyond control, and achieving the prescribed noise levels would not be economically reasonable, technologically practicable, or appropriate under the particular type certification program. While § C36.5(c) allows a reasonable result by permitting the issue of a type certificate, its values exceed, those proposed in international discussions. Therefore, it is proposed to limit the statement of noise compliance, on the airworthiness certificate, to airplanes that fully comply with paragraphs (a) and (b) of § 36.5. Otherwise the statement of noise compliance would not have a precise meaning for international purposes. While the FAA would require noise approval of the type design, it is in the interests of international standardization, not of FAA requirements, that separate statements of noise compliance would be issued for each aircraft individually. If international agreement later requires, that statement could of course also be issued for aircraft using the noise prediction allowance.

During discussions with industry, the matter of the takeoff speed to be required under Appendix C received considerable attention. On the one hand, there are factors which would tend to lower the desirable speed. These include the need to have the capability of minimizing the noise-exposed areas on the ground where this capability can be used to alleviate local noise problems. This capability is obtained through decreasing airplane speed by increasing climb angles. On the other hand, the margin of safety, which is needed to account for gusts, windstorms, maneuvering, pilot distraction, and emergencies, increases as speed increases. The FAA believes that these conflicting interests should result in a speed between 10 and 20 knots above the speed V_2. However, further industry comment is necessary in order to arrive at a satisfactory specific speed within that range. This notice therefore specifies that range of speeds (§ C36.7).

While this notice is limited to those aircraft most directly related to the current escalation of aircraft noise, the FAA is studying the relevance of the concepts in this notice to other aircraft such as small turbine propeller powered and reciprocating engine powered airplanes, vertical and short takeoff and landing aircraft (including rotorcraft), and supersonic aircraft. The FAA is also studying the relevance of the concepts in this notice to aircraft now in service, particularly subsonic transport category and subsonic turbojet powered airplanes. As these studies proceed, further proposals will be issued for public comment.

The FAA is also studying various types of operating rules for obtaining optimum noise levels around airports. Where such study indicates that appropriate rules can be developed, they will be issued as a notice of proposed rule making for public comment.

Finally, it should be noted that aircraft type certificated under the noise standards of proposed Part 36 may be subject to further noise reduction in the form of rules applicable to operators, when appropriate operating rules can be developed.

In summary, the proposals in this notice should be placed in broad perspective. The notice does not promise the immediate achievement of socially acceptable noise levels in airport neighborhoods where the responsible State or local governments have not, or cannot, act to achieve land use compatibility for their existing or planned airports. Further, this notice does not promise a Federal substitute for the actions that airport operators, as proprietors, can take and have traditionally and responsibly taken, to make their airports fit the particular needs of their locales, such as establishing the conditions under which their airports and airport facilities may be used, including the issuance of specific noise ceilings. These limitations on this notice reflect the statement of the Senate Commerce Committee, concerning Public Law 90-411, that "it is not the intent of the committee in recommending this legislation to effect any change in the existing apportionment of powers between the Federal and State and local governments * * *. The proposed legislation will not affect the rights of a State or local public agency, as the proprietor of an airport, from issuing regulations or establishing requirements as to the permissable level of noise which can be created by aircraft using the airport * * *. Just as an airport owner is responsible for deciding how long the runways will be, so is the owner responsible for obtaining noise essements necessary to permit the landing and takeoff of the aircraft. The Federal Government is in no position to require an airport to accept service by larger aircraft and, for that purpose, to obtain longer runways. Likewise, the Federal Government is in no position to require an airport to accept service by noisier aircraft, and for that purpose to obtain additional noise easements. The issue is the service desired by the airport owner and the steps it is willing to take to obtain the service. In dealing with this issue, the Federal Government should not substitute its judgment for that of the States or elements of local government who, for the most part, own and operate our Nation's airports. The proposed legislation is not designed to do this and will not prevent airport proprietors from excluding any aircraft on the basis of noise considerations. Of course, the authority of units of local government to control the effects of aircraft noise through the exercise of land use planning and zoning powers is not diminished by the bill."

In his statement to the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce of the House of Representatives on November 15, 1967, in support of H.R. 3400 and S. 707, which led to Public Law 90-411, the Secretary of Transportation indicated that approaches involving more than local community actions might require further legislation. Thus, he stated "In the field of compatible land use, the Department is developing a computerized method of predicting aircraft noise exposure at airports. The methodology has been applied to three principle airports * * * and plans are underway to apply it to 29 additional airports. This, in turn, will now enable HUD to inventory the land use at these airports. This noise exposure forecast land-use inventory will then be applied to or be applicable by the balance of the airports. As a result, we shall for the first time have a precise grasp of the actual magnitude of the problems of compatible land use projected through 1975. It will be on the basis of this understanding that any necessary legislation will be drafted and submitted enabling the Federal Government to assist, at long last, local communities in making the environment of the airport neighborhood one in which noise from aircraft does not generate noise from an outraged citizenry."

In the meantime, this notice plays an important role by providing airport operators and State and local governments, as well as other concerned persons who are responsible for local noise control planning, with dependable, predictable noise parameters to be used as a basis for that planning. For example, local governments would be able to make administrative decisions covering zoning, general urban planning, highway and other transit systems, schools, hospitals, parks, and recreation facilities on the basis of noise ceiling specified in the type certification regulations. Airport operators, as proprietors, would be able to base their actions on known noise levels substantiated during type certification. But, under this notice, responsibility for all local noise control planning remains exclusively local.

In consideration of the foregoing, it is proposed to amend Subchapter C of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth:

A. Amend Part 21 of the Federal Aviation Regulations as follows:

1. Add a new § 21.16(c) to read:

§ 21.16 Special conditions

* * * * *

(c) If requested by the applicant, special conditions applying the aircraft noise type certification standards of Part 36 to the applicant's particular type design are issued by the Administrator in accordance with paragraph (b) of this section.

2. Amend § 21.17(a) by changing the word "§ 25.2" appearing in the introductoroy clause to the words "§§ 25.2 and 36.2."

3. Amend § 21.21(b) by deleting the word "airworthiness" wherever it appears, and by inserting the word "airworthiness," in subparagraph (b)(1), between the words "that any" and the words "provisions not."

4. Amend § 21.29(a)(1) to read:

§ 21.29 Issue of Type Certificate: Import Products

* * * * *

(1) If the country in which the product was manufactured certifies that the product has been examined, tested, and found to meet the applicable aircraft noise standards of this subchapter, and has been examined, tested, and found to meet the applicable airworthiness requirements of—

* * * * *

5. Amend § 21.31(c) by inserting the words "or other required characteristics" between the words "the airworthiness" and the words "of later products."

6. Amend § 21.33(b)(1) by deleting the word "airworthiness."

7. Amend § 21.93 by designating the current text as paragraph (a), and by adding a new paragraph (b) to read:

§ 21.93 Classification of changes in type design.

* * * * *

(b) For the purpose of this subpart, and Subpart E, all changes that may increase the noise exposure created by a Transport Category or turbojet powered airplane are classified as "major changes" irrespective of their effect on the airworthiness of the airplane.

8. Amend § 21.101(a) by changing the word "§ 25.2" appearing in the introductory clause to the words "§§ 25.2 and 36.2".

9. Amend § 21.115 by deleting the word "airworthiness" in the Section heading and in paragraph (a).

10. Add a new § 21.183(e) to read:

§ 21.183 Issue of standard airworthiness certificates for normal, utility, acrobatic, and transport category aircraft

* * * * *

(e) *Statement of noise compliance.* An applicant for a standard airworthiness certificate for subsonic transport category or subsonic turbojet powered airplane that meets the noise level standards of Appendix C of Part 36 without using the noise prediction allowance of § C36.5(c) is issued a statement of noise compliance on that certificate.

B. Add the following new Part 36 of the Federal Aviation Regulations:

Part 36—Noise standards: Aircraft type certification

Subpart A—General

Sec.
36.1 Applicability.
36.2 Special retroactive requirements.
36.3 Compatibility with airworthiness requirements.

Subpart B—Noise Measurement and Evaluation

36.101 Noise abatement.
36.103 Noise evaluation.

Supart C—Noise Levels and Airplane Flight Manual

36.201 Required noise reduction.
36.203 Noise sources and means of noise reduction.
36.301 Operating procedures and other information.
36.401 Airplane Flight Manuel.
Appendix A—Aircraft noise measurement under § 36.101
Appendix B—Noise evaluation under § 36.103
Appendix C—General noise limits of transport category and turbojet powered airplanes under § 36.201

Subpart A—General

§ 36.1 Applicability

(a) This part prescribes noise standards for the issue of type certificates, and changes to those certificates that may increase the noise exposure created by the airplane, for subsonic transport category airplanes and for subsonic turbojet powered airplanes.

(b) Each person who applies under Part 21 of this chapter for a type certificate, and each person who applies for a change to a type certificate that may increase the noise exposure created by the airplane, must show compliance with the applicable requirements in this part.

§ 36.2 Special retroactive requirements

Notwithstanding §§ 21.17 and 21.101 of this chapter, and irrespective of the date of application, each applicant for a new type certificate and each person who applies for a change to a type certificate that may increase the noise exposure created by the aircraft must show compliance with the applicable provisions of this part.

§ 36.3 Compatibility with airworthiness requirements

It must be shown that the airplane meets the airworthiness regulations constituting the type certification basis of the airplane under all conditions in which compliance with this part is shown, and that all operating procedures and other information for the flight crew approved under this part are consistent with the airworthiness regulations constituting the type certification basis of the airplane.

Subpart B—Noise Measurement and Evaluation

§ 36.101 Noise measurement

The noise generated by the airplane must be measured under Appendix A of this part or under an approved equivalent procedure.

§ 36.103 Noise evaluation

Noise measurement information obtained under § 36.101 must be evaluated under Appendix B of this part or under an approved equivalent procedure.

Subpart C—Noise Levels and Airplane Flight Manual

§ 36.201 Requirement noise reductions

(a) For applications made before the effective date of this part for airplanes that have turbine engines with bypass ratios of 2 or more, and for all applications made on or after the effective date of this part, it must be shown that the noise levels of the airplane, measured and evaluated as prescribed in §§ 36.101 and 36.103, at the measuring points prescribed in Appendix C of this part—

(1) Are reduced to be as near to 80 EPNdB as is economically reasonable, technologically practical, and appropriate to the particular type design, including consideration of the noise sources and means of noise reduction prescribed in § 36.203; and

(2) Do not exceed the general noise limits prescribed in Appendix C of this part.

(b) For applications made after (the publication date of this notice) but before the effective date of this part, the noise levels of airplanes that do not have turbine engines with bypass ratios of 2 or more must conform to paragraph (a)(1) of this section.

(c) For applications made before (the publication date of this notice) for airplanes that do not have turbine engines with bypass ratios of 2 or more, the lowest noise levels, reasonably obtainable through the use of the operating procedures and other information for the flight crew developed under § 36.301, must be obtained.

§ 36.203 Noise sources and means of noise reduction

(a) *General.* No reduction in maximum weight is required for achieving noise levels less than those in Appendix C. However, in determining whether those lesser noise levels are economically reasonable, technologically practicable, and appropriate to the particular type design, in addition to aerodynamic considerations, the noise sources and means of noise reduction in this section must also be considered in complying with the noise reduction requirements of § 36.201.

(b) *Reciprocating engine powered airplanes.* The following noise sources and corresponding means of noise reduction must be considered for reciprocating engine powered airplanes:

(1) Propeller noise, and its reduction by selection of appropriate blade design and tip speed.

(2) Exhaust noise, and its reduction by the use of mufflers.

(c) *Turbine propeller powered airplanes.* The following noise sources and corresponding means of noise reduction must be considered for turbine propeller powered airplanes:

(1) Propeller noise, and its reduction by selection of appropriate blade design and tip speed.

(2) Forward radiated compressor noise, and its reduction by acoustical treatment.

(d) *Turbojet powered airplanes without turbofans*. The following noise sources and corresponding means of noise reduction must be considered for turbojet powered airplanes without turbofans:

(1) Forward radiated compressor noise, and its reduction by acoustical treatment or by choked inlet, as applicable.

(2) Jet exhaust noise, and its reduction by jet noise suppressors.

(3) Turbine noise, and its reduction by acoustical treatment.

(e) *Turbojet powered airplanes with turbofans*. The following noise sources and corresponding means of noise reduction must be considered for turbojet powered airplanes with turbofans:

(1) Forward radiated compressor and fan noise, and its reduction by acoustical treatment or choked inlet, as applicable;

(2) Aft radiated fan noise, and its reduction by acoustical treatment.

(3) Primary and secondary jet exhaust noise, and its reduction by jet suppressors and selection of the bypass ratio of the engine.

(4) Turbine noise, and its reduction by acoustical treatment.

§ 36.301 Operating procedures and other information

Operating procedures, and any other information for the flight crew that is necessary for obtaining the noise reductions prescribed in § 36.201 must be developed, including the effect of all ranges of weight and thrust for which approval under this part is requested.

§ 36.401 Airplane Flight Manual

(a) The approved portion of the Airplane Flight Manual must contain all operating procedures and other information approved under § 36.301, and the effect of all ranges of weight and thrust for which approval under this part is requested.

(b) If the weight used in meeting the takeoff noise requirements of this part is less than the maximum weight established under the applicable airworthiness requirements, that lesser weight must be furnished, as the maximum weight, in the operating limitations section of the Airplane Flight Manual.

B. STATE CODE CITATIONS

1. Alabama: Title 36: Motor Vehicles; Sec. 36 (Torns); Sec. 39 (Prevention-Unnecessary Noise).
2. Alaska: no statute.
3. Arizona: Art. 16: Motor Vehicles; Sec. 28–955 (Muffler required).
4. Arkansas: Title 75: Motor Vehicles; Sec. 725 (Horns); Sec. 726 (Muffler required).
5. California: Title 11, Sec. 415 (Disturbing the peace; noise-criminal penalty for violation); Vehicle Code, Sec. 23130.
6. Colorado: Sec. 13–5–104 (Horns); 13–5–105 (Muffler required).
7. Connecticut: Title 14, Ch. 246, Sec. 14–80(e) (Muffler required).
8. Delaware: Ch. 43, Sec. 4311 (Muffler required).
9. District of Columbia: Title 1, Sec. 1–244(9) (Authority given to ". . . commissioners of the District of Columbia . . . to make, modify and enforce usual and reasonable policy regulations . . . to regulate or prohibit loud noises with horns, gongs, or other instruments . . . as they may think necessary to public safety.")
10. Florida: Sec. 317.631 (Muffler required).
11. Georgia: Sec. 68–1717 (Muffler required).
12. Hawaii: Sec. 267–1 (Nuisance defined to include making loud and troublesome noises at night); Sec. 311–24 (Unlawful to ride motor scooter with muffler designed to increase noise).
13. Idaho: Sec. 49–835 (Muffler required).
14. Illinois: Ch. 95½, Sec. 213 (Muffler required); Ch. 24, Sec. 11–5–2 (Riots and disturbances; corporate authorities may prevent or suppress . . . noises, disturbances, and disorderly assemblies in any public or private place).
15. Indiana: Sec. 47–2230 (Muffler required).
16. Iowa: Sec. 321.436 (Muffler required).
17. Kansas: Sec. 82a–809 (Muffler required).
18. Kentucky: Sec. 84.220(6) & 85.180(5) (Governing bodies of cities may generally adopt regulations to control noise); Sec. 189.140 (Muffler required—not uniform language).
19. Louisiana: Ch. 1, R.S. 32:352 (Muffler required).
20. Maine: Ch. 11, Title 29, Sec. 1362 (Shall not operate automobile in manner which would produce excessive noise); Sec. 1364 (Muffler required).
21. Maryland: Art. 66½, Sec. 294 (Muffler required); Art. 27, Sec. 124 (Disorderly conduct—prohibits willfully acting in a disorderly manner by making loud and unnecessary noises).
22. Massachusetts: Ch. 272, Sec. 41 (Disturbance in public library by making noise); Sec. 44 (Public disturbance, breach of peace or disturbing others by noise); Ch. 90, Sec. 16 (Prohibits operation of automobile so as to produce excessive noise); Ch. 111, Sec. 143 (Limitation on trade and employment found to be a nuisance).
23. Michigan: Sec. 257.707(a) (Muffler required).
24. Minnesota: Sec. 360075(15) (Limitation on the use of loud speaker from airplane); Sec. 169.69 (Muffler required).
25. Mississippi: Title 11, Sec. 2088 (Criminal penalty for making noise with intent to disturb family): Sec. 2090.5 (Disturbance in public place); Ch. 2, Title 30, Sec. 8251 (Muffler required).
26. Missouri: Sec. 304.560 (Muffler required): Sec. 562.240 (Disturbing the peace).
27. Montana: Sec. 32–21–146 (Muffler required).
28. Nebraska: Sec. 39–777(a 7 b) (Muffler required).
29. Nevada: Sec. 486.100 (Power cycle to be equipped with muffler).
30. New Hampshire: Sec. 263:46 (Muffler required).
31. New Jersey: Sec. 39:3–70 (Muffler required); Sec. 39:4–78 (No person shall load a vehicle or drive a vehicle so loaded with iron or other material that it may strike together unless it is properly deafened so as to cause no unnecessary noise); Art. 1, Sec. 40:48–1(8) (Governing body of municipality may adopt regulation to regulate ringing of bells, crying of auctioneers, etc.).
32. New Mexico: Sec. 64–20–44(a) (Muffler required).
33. New York: Sec. 44(a & c), Navigation Law (sound of exhaust on gasoline motor boat to be muffled); Art. 9, Sec. 375.31 (Muffler required); Sec. 381.1 (Motorcycle muffler required).
34. North Carolina: Sec. 20–128 (Muffler required).
35. North Dakota: Sec. 39–11–29 (Muffler required).
36. Ohio: Sec. 2923.41 (No person shall, after a request to desist, continue noise which disturbs peace); Sec. 4513.22 (Muffler required, but it has held that this is for exhaust and not noise, *State* v. *Cox*, 193 N.E. 2d 287).
37. Oklahoma: Art. 47, Sec. 12–402 (Muffler required).
38. Oregon: Sec. 483.446(3) (No person shall make unnecessary or unreasonably loud or harsh sound by means of horn or other warning device); Sec 483.448 (Muffler required).
39. Pennsylvania: Ch. 1, Art. 75, Sec. 828 (Muffler required).
40. Rhode Island: Sec. 31–23–13 (Muffler required).
41. South Carolina: Sec. 46–601 (Muffler required).
42. South Dakota: Sec. 44.0350 (Muffler required).
43. Tennessee: Ch. 9, Sec. 59–901(a) (Prohibits use of horn to make any unnecessary or unreasonably loud or harsh sound); Sec. 59–902 (Muffler required).
44. Texas: Title 13, Ch. 1, Art. 796 (Horn only permitted as warning device); Art. 797 (Muffler required).
45. Utah: Sec. 41–6–147(a) (Muffler required).
46. Vermont: Title 23, Ch. 13, Sec. 1097 (Fine for operation of motor vehicle in city while the muffler cutout is open).
47. Virginia: Sec. 46.1–301 (Muffler required).
48. Washington: Sec. 9.76.010 (Limitation of noisy businesses on Sabbath); Sec. 46.37.390(1) (Muffler required).
49. West Virginia: Sec. 17C–15–34(a) (Muffler required).
50. Wisconsin: Title 44, Sec. 347.39 (Muffler required).
51. Wyoming: Sec. 31–204 (Horns: no horn or other warning device shall emit an unreasonably loud or harsh sound); Sec. 31–205(a) (Muffler required).

C. STATE STATUTORY LANGUAGE

Alabama

Title 36: Motor Vehicles; Section 36, Section 39

§ 36. Horns and warning devices.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting a sound audible under normal conditions for a distance of not less than two hundred feet. It shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or exhaust whistle of a type approved by the highway director.

(c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor. (Ib.)

§ 39. Prevention of noise, smoke, etc., muffler, cut-outs regulated.—(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual and annoying smoke.

(b) It shall be unlawful to use a muffler cut-out on any motor vehicle upon a highway.

(c) No vehicle shall be moved, or driven on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom; if by such dripping, sifting, dropping, or leaking such contents may be or become dangerous, obnoxious, or injurious either to the road or to persons or vehicles traveling or moving along, over or upon the highway.

(d) Any person violating any provisions of this section shall be guilty of a misdemeanor. (Ib.)

Arizona

Article 16: Motor Vehicles; Section 28–955

§ 28–955. Muffler; prevention of noise and air pollution.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) Beginning with motor vehicles and motor vehicle engines of the 1968 model year, motor vehicles and motor vehicle engines shall be equipped with emissions control devices that meet the standards established by the state board of health. As amended Laws 1967, Ch. 2, § 5.

Arkansas

Title 75: Motor vehicles; section 725, section 726

75–725. Horns and warning devices.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

(c) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. [Acts 1937, No. 300, § 125, p. 1103; Pope's Dig., § 6785.]

75–726. Mufflers—"Cut out" prohibited.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut out, by pass, or similar device upon a motor vehicle on a highway. [Acts 1937, No. 300, § 126, p. 1103; Pope's Dig., § 6786.]

California

Title 11, section 415, public peace; section 23130, vehicle code

§ 415. Disturbing the peace; noise; use of public streets of unincorporated town for offensive conduct, horse racing, or shooting; indecent language; punishment.—Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person, by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight, or fighting, who, on the public streets of any unincorporated town, or upon the public highways in such unincorporated town, run any horse race, either for a wager or for amusement, or fire any gun or pistol in such unincorporated town, or use any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor, and upon conviction by any Court of competent jurisdiction shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the County Jail for not more than ninety days, or by both fine and imprisonment, or either, at the discretion of the Court. (Enacted 1872. As amended Code Am. 1877–8, c. 299, p. 117, § 1.)

§ 23130. Noise Limits.—(a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle based on a distance of 50 feet from the center of the lane of travel within the speed limits specified in this section:

	Speed limit of 35 mph or less (dbA)	Speed limit of more than 35 mph (dbA)
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a motor-driven cycle	88	92
(2) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	82	86

(b) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized.

(c) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(d) For the purpose of this section, a motor truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(e) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than * * *.

Colorado

Section 13–5–104, Section 13–5–105

13–5–104. Horns or warning devices.—(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle when reasonably necessary to insure safe operation shall give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

(3) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

(4) The chief engineer of the department of highways shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on maintenance equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this article. Such standards and specifications may permit the use of flashing lights for purposes of identification on maintenance equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the "American association of state highway officials," provided, that vehicles commonly known as "snowplows" which are authorized to travel day or night, either with or against traffic, shall always carry a flashing blue light.

Source: L. 35, p. 828 § 145; CSA, C. 16, § 260; CRS 53, § 13–4–106; L. 59, p. 230, §2.

(EDITOR'S NOTE.—As to standards as distinguished from rules and regulations, see Casey v. People (1959) 139 C. 89, 336 P.2d 308; Prouty v. Heron (1953) 127 C. 168, 255 P.2d 755; and compare 3–16–1 et seq.)

13–5–105. Mufflers—prevention of noise.—(1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all of the requirements of this section.

(2) A muffler is a device consisting of a series of chamber or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

Source: L. 51, p. 165, § 2; CSA, C. 16, § 261; CRS 53, § 13–4–107; L. 61, p. 214, § 25.

Connecticut

Title 14, chapter 246, section 14–80(e), motor vehicles

(e) Each motor vehicle shall be so operated, equipped, constructed and adjusted as to prevent unnecessary noise.

Delaware

Chapter 43, section 4311, Motor Vehicles

§ 4311. Muffler; cut-out prohibited.—(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(b) No person shall use a "muffler cutout" on any motor vehicle upon a highway.

District of Columbia

Title 1. section 1–244(9)

§ 1–224. Police regulations authorized in certain cases.—The Commissioners of the District of Columbia are hereby authorized and empowered to make, modify, and enforce usual and reasonable police regulations in and for said District as follows:

* * * * *

Ninth. To regulate or prohibit loud noises with horns, gongs, or other instruments, or loud cries, upon the streets or public places, and to prohibit the use of any fireworks or explosives within such portions of the District as they may think necessary to public safety.

Florida

Section 317.631, Motor Vehicles

317.631. Mufflers, prevention of noise and smoke.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

Georgia

Section 68-1717

68-1717. Mufflers, prevention of noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway, except that this section shall not apply to tractors.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) It shall be unlawful for any person to sell or offer for sale any muffler which causes excessive or unusual noise or annoying smoke, or any muffler cut-out, bypass, or similar device for use on a motor vehicle, or to sell or offer for sale any motor vehicle equipped with any such muffler, muffler cut-out, bypass, or similar device. (Acts 1953, Nov. Sess., pp. 556, 613; 1962, p. 653.)

Hawaii

Section 267-1, Common Nuisances; Sec. 311-24, Traffic Violations

§ 267-1. Defined.—The offense of common nuisance is the endangering of the public personal safety or health, or doing, causing or promoting, maintaining or continuing what is offensive, or annoying and vexatious, or plainly hurtful to the public; or is a public outrage against common decency or common morality; or tends plainly and directly to the corruption of the morals, honesty and good habits of the people; the same being without authority or justification by law:

* * * Making loud and troublesome noise by night;

* * * * *

§ 311-24. Regulation of exhaust pipe and muffler.—It shall be unlawful for any person to drive upon the public highways any motor scooter, as hereinafter defined, the exhaust pipe or muffler of which has been so changed from the factory design as to increase the volume or audibility of the explosions within the motor thereof. L. 1941, c. 140, s. 2. [R. L. 1945, s. 11718.]

Idaho

Section 49-835, Motor Vehicles

49-835. Mufflers, prevention of noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. [1953, ch. 273, § 152, p. 478.]

Illinois

Chapter 95½, Sec. 213, Motor vehicles; chapter 24, Sec. 11-5-2, public order regulations

§ 213. Mufflers, prevention of noise.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. 1935, July 9, Laws 1935, p. 1247, art. XV, § 116.

§ 11-5-2. Riots and disturbances.—The corporate authorities of each municipality may prevent or suppress riots, routs, affrays, noises, disturbances, and disorderly assemblies in any public or private place. 1961, May 29, Laws, 1961, p. 576, § 11-5-2.

Indiana

Section 47-2230, Motor Vehicles

47-2230. Mufflers, prevention of noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle operated on a street or a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. [Acts 1955, ch. 170, § 36, p. 416; 1961, ch. 260, § 1, p. 589.]

Iowa

Section 321.436, Motor Vehicles

321.436. Mufflers, prevention of noise.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout. by-pass or similar device upon a motor vehicle on a highway.

Kansas

Section 82a-809, Motor Vehicles

82a-809. Muffling devices.—The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of exhaust in a reasonable manner. The use of cut-outs is prohibited, except for motorboats competing in a regatta or boat race approved as provided in section 82a-814 of the General Statutes Supplement of 1959, or acts amendatory thereof or supplemental thereto, and for such motorboats while on trial runs, during a period of not to exceed forty-eight (48) hours immediately preceding such regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed forty-eight (48) hours immediately following such regatta or race. [L. 1959, ch. 321, § 9; L. 1961, ch. 471, § 4; July 1.]

Kentucky

Section 84.220(6), section 85.180(5), Organization and Government of Cities; Section 189.140, Motor Vehicles

84.220 [3058; 3058-1; 3058-12; 3058-17; 3058-19] Nuisances; noises and disturbances; animals at large; abuse of animals.—The general council may, by ordinance:

(6) Restrain and prevent all noises, performances and practices tending to the collection of persons on the streets and sidewalks;

85.180 [3290; 3290-14; 3290-16; 3290-23; 3290-28] Nuisances; firearms; disorderly conduct; noises and disturbances; animals.—The common council may, by ordinance:

(5) Provide for the prevention, suppression and punishment of all riots and breaches of the peace, noises, disturbances and disorderly or unlawful assemblies, either within the city or within one mile of the city limits;

189.140 [2739g-25] Mufflers.—Every motor vehicle with an internal-combustion, steam or air motor shall be equipped with a suitable and efficient muffler. No person while on a highway shall operate a motor vehicle with the muffler cut out or removed. No cut out shall be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving.

Louisiana

Chapter 1, R.S. 32:352, Motor Vehicles

§ 352. Mufflers; requirements; prevention of excessive noise, fumes and smoke.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(b) No person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway of this state.

(c) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Acts 1962, No. 310, § 1.

Maine

Chapter 11, Title 29, Section 1362, Section 1364, Motor Vehicles

No signaling device shall be unnecessarily sounded so as to make a harsh, objectionable or unreasonable noise, and no bell or siren shall be installed or used on any motor vehicle except that fire and police department vehicles and ambulances, and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls, and such motor vehicles used by sheriffs and deputy sheriffs, and such motor vehicles used by inland fisheries and game wardens as may be designed by the Department of Inland Fisheries and Game and such motor vehicles used by coastal wardens as may be designated by the Department of Sea and Shore Fisheries, and such motor vehicles used by United States Government law enforcement officials, and such motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems.

§ 1364. Mufflers; prevention of noise.—No person shall operate a motor vehicle on any way unless the same be equipped at all times with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cut-out, by-pass or similar device. No person shall operate a motor vehicle the exhaust system of which has been modified so as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

Maryland

Article 66½, Section 294; Article 27, Section 124, Annotated Code

§ 294. Mufflers; modification of exhaust system to increase noise.—(a) Every motor vehicle operated or driven upon the highways of this State, shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all the requirements of this section.

(b) A muffler as used herein is defined as a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise. (An. Code, 1951, § 258; 1943, ch. 1007, § 235; 1963, ch. 311.)

Massachusetts

Chapter 272, sec 41, sec 44, crimes and punishments; chapter 90, sec 16, motor vehicles; chapter 111, sec 143, public health

§ 41. Disturbance of libraries.—Whoever wilfully disturbs persons assembled in a public library, or a reading room connected therewith, by making a noise or in any other manner during the time when such library or reading room is open to the public shall be punished as provided in the preceding section.

§ 44. Arrest and custody of intoxicated persons.—Whoever is found in a state of intoxication in a public place, or is found in any place in a state of intoxication committing a breach of the peace or disturbing others by noise, may be arrested without a warrant by a sheriff, deputy sheriff, constable or police officer, and kept in custody in a suitable place until he has recovered from his intoxication.

§ 16. Offensive or illegal operation of motor vehicles.—No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated, in or over any way, public or private, whether laid out under authority of law or otherwise, which motor vehicles are prohibited from using, provided notice of such prohibition is conspicuously posted at the entrance to such way. No person operating a motor vehicle shall in a thickly settled or business district open the muffler cut-out or sound a bell, horn or other device for signaling so as to make a harsh, objectionable or unreasonable noise, or at any time permit such motor vehicle to make any unnecessary noise, by opening the muffler cut-out, or otherwise, or permit any unreasonable amount of smoke to escape from such vehicle. No person shall use on or in connection with any motor vehicle a spot light, so called, the rays from which shine more than two feet above the road at a distance of thirty feet from the vehicle, except that such a spot light may be used for the purpose of reading signs, and as an auxiliary light in cases of necessity when the other lights required by law fail to operate.

§ 143. Trade or employment attended with noisome and injurious odors; assignment of places; prohibition; appeal.—No trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public health, or may be attended by noisome and injurious odors shall be established in a city or town except in such a location as may be assigned by the board of health thereof after a public hearing has been held thereon, subject, however, to the provisions of any ordinance or by-law adopted therein under sections twenty-five to thirty A, inclusive, of chapter forty, or corresponding provisions of earlier laws, and such board of health may prohibit the exercise thereof within the limits of the city or town or in places not so assigned, in any event. Such assignments shall be entered in the records of the city or town, and may be revoked when the board shall think proper.

Michigan

Section 257.707(a). Mason's Michigan Supplement, Motor Vehicle

257.707 Muffler; excessive fumes or smoke.

Sec. 707. (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

Minnesota

Section 360.075(15). Public Rights and Privileges; Section 169.69, Motor Vehicles

(15) Except while in landing or taking off, flies at such low levels as to endanger persons on the surface beneath, or engages in advertising through the playing of music or transcribed or oral announcements, or makes any noise with any siren, horn, whistle, or other audible device which is not necessary for the normal operation of the aircraft, except that sound amplifying devices may be used in aircraft when operated by or under the authority of any agency of the state or federal government for the purpose of giving warning or instructions to persons on the ground; or

169.69. Mufflers.—Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound. Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle.

Mississippi

Title 11, Section 2088, Section 2090.5, Crimes and Misdemeanors

§ 2088. Disturbance of family—noises and offensive conduct.—A person who wilfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine and imprisonment, or either; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.

§ 2090.5. Disturbance in public place.—Any person who shall enter any public place of business of any kind whatsoever, or upon the premises of such public place of business, or any other public place whatsoever, in the State of Mississippi, and while therein or thereon shall create a disturbance, or a breach of the peace, in any way whatsoever, including, but not restricted to, loud and offensive talk, the making of threats or attempting to intimidate, or any other conduct which causes a disturbance or breach of the peace or threatened breach of the peace, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars ($500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.

Chapter 2, Title 30, Section 8251, Motor Vehicles

Mufflers, prevention of noise: Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise . . . and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

Missouri

Section 304.560, Motor Vehicles; Section 562.40, Crimes and Punishments

304.560. Other equipment of motor vehicles—1. Signaling devices: Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

2. Muffler cutouts: Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

562.240. Disturbing the peace.—If any person or persons shall willfully disturb the peace of any neighborhood, or of any family, or of any person, by loud and unusual noise or by offensive or indecent conversation, or by threatening, quarreling, challenging or fighting, every person so offending shall, upon conviction, be adjudged guilty of a misdemeanor. (R.S.1939, § 4636)

Montana

Section 32–21–146, Motor Vehicles

32–21–146. Mufflers, prevention of noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, by-pass, or similar device upon a motor vehicle on a highway.

Nebraska

Section 39–777 (a) & (b), Motor Vehicles

39–777. Muffler; requirement; cut-out prohibited; load; spilling prohibited.—(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

Nevada

Section 486.100, Motor Vehicles

486.100. Power cycle to be equipped with muffler.—Every power cycle which is operated upon the public highways, streets and roads of this state shall be equipped with a muffler.

[Part 5:198:1951; A 1955, 241.]

(61)

New Hampshire

Section 263:46, Motor Vehicles

263:46 Muffler, Prevention of Noise.—I. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle on a highway.

II. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes, smoke, flame, gas, oil or fuel residue.

III. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise emitted above that emitted by the original muffler installed in the vehicle and such original muffler shall comply with all the requirements of this section.

IV. A muffler is a device consisting of a series of chambers, or baffleplates, or other mechanical design for the purpose of receiving exhaust gases and effectively reducing noise.

New Jersey

Section 39:3–70, Section 39:4–78, Motor Vehicles; Article 1, Section 40:48–1(8), Municipalities Generally

39:3–70. Mufflers.—Every motor vehicle having a combustion motor shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

39:4–78. Carrying metals.—No person shall load a vehicle or drive a vehicle so loaded with iron or other material that may strike together, unless it is properly deafened so as to cause no unnecessary noise.

40:48–1. Ordinances; general purpose.—The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Auctions and noises.—8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

New Mexico

Section 64–20–44(a), Motor Vehicles

64–20–44. Mufflers, prevention of noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

New York

Section 44(a) & (c), Navigation Law; Article 9, Section 375.31, Section 381.1, Motor Vehicles

§ 44–a. Sound of exhaust on gasoline motor boat to be muffled.—A person who operates a boat, barge, vessel or other floating structure, on any of the lakes, rivers, streams, canals or other waters of the state, excepting Lake Erie and the Saint Lawrence river, and the waters of Lake Ontario outside of Great Sodus and Fair Haven bays, propelled wholly or partly by an engine operated by the explosion of gas, gasoline, naphtha or other substance, without having the exhaust from the engine run through a muffler so constructed and used as to muffle the noise of the exhaust in a reasonable manner, shall be guilty of a misdemeanor; but the provisions of this section shall not apply to any boat, barge, vessel or floating structure while actually competing in a definite race over a given course held under the auspices of any bona fide club or racing association, between the hours of nine o'clock in the morning and sunset, provided due written notice of the date of such race or regatta has been given to the commissioner of transportation at least fifteen days prior to such race, pursuant to the provisions of section thirty-six, and all the provisions of such section having been complied with.

Hydroaeroplanes, except those on the waters of Lake George which are engaged in the business of carrying passengers for hire or sightseeing purposes to and fro over the waters of the lake, shall not be deemed boats or floating structures within the meaning of this section.

§ 44–3. Motor boats to be provided with mufflers; exceptions.—It shall be unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha, or similar explosive medium, unless the same is provided with an under-water exhaust or muffler so constructed and used as to muffle the noise of the explosion. The provisions of this section shall apply only to tidal waters of the waters of this state wherein the tide ebbs and flows and shall not apply to boats competing in a race held under the direction of a duly incorporated yacht club or racing association. Any person who operates a boat in violation of the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not more than twenty-five dollars.

31. Mufflers. Prevention of noise. Every motor vehicle, operated or driven upon the highways of the state, shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cut-out, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all the requirements of this section.

Section 381. Motorcycle Equipment

1. Every such motorcycle shall have a suitable muffler or device to prevent unnecessary noise from exhaust gases, and the use of so-called "cut-outs" is prohibited.

North Carolina

Section 20–128, Motor Vehicles

§ 20–128. Prevention of noise, smoke, etc.; muffler cut-outs regulated.—(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and smoke screens.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

North Dakota

Section. 39–11–29, Motor Vehicles

39–11–29. Mufflers required—Muffler cut-out prohibited.—No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a "muffler cut-out" on any motor vehicle upon a highway.

Ohio

Section 2923.41, Crimes; Section 4513.22, Motor Vehicles

§ 2923.41 [Disturbance of the peace.]—No person shall, after a request to desist, make, continue or cause to be made by the use of any horn, bell, radio, loud speaker, or by the operation of any instrument or device, any unreasonably loud, disturbing, and unnecessary noise or noises of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life and health of any individual, and no person shall willfully conduct himself in a noisy, boisterous or other disorderly manner by either words or acts which disturb the good order and quiet of the community. Any person so offending shall be fined for each offense not less than ten dollars nor more than fifty dollars.

§ 4513.22 Mufflers; excessive smoke or gas, (GC § 6307–94).—Every motor vehicle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation, and no person shall use a muffler cut-out, by-pass, or similar device upon a motor vehicle on a highway.

No person shall own, operate, or have in his possession any motor vehicle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

Oklahoma

Article 47, Section 12–402, Motor Vehicles

§ 12–402. Mufflers prevention of noise.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

Oregon

Section 483.446(3), Section 483.448, Motor Vehicles

(3) No person shall, at any time, use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

483.448 Mufflers; unnecessary noise prohibited.—(1) No person shall drive a motor vehicle on a highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(2) No person shall equip any motor vehicle with a "muffler cut-out."

(3) No person shall operate, and no owner of any motor vehicle shall permit to be operated upon any public road, street or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

Pennsylvania

Chapter 1, Article 75, Section 828, Motor Vehicles

§ 828. Prevention of noise.—(a) No person shall operate a motor vehicle, except fire department and fire patrol apparatus, on a highway unless such motor vehicle is equipped with a muffler, in good working order and in constant operation, to prevent excessive or unusual noise.

(b) It shall be unlawful to use a muffler cutout, or a bypass in a muffler, on any motor vehicle, except fire department and fire patrol apparatus.

(c) No person shall operate a motor vehicle on any highway (1) equipped with a muffler from which the baffles plates, screens or other original internal parts have been removed and not replaced; or (2) equipped with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle.

Rhode Island

Section 31–23–13, Motor Vehicles

32–23–13. Muffler.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut out, bypass, or similar device upon a motor vehicle on a highway.

South Carolina

Section 46–601

§ 46–601. Muffler, prevention of noise, fumes and smoke.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle upon a highway. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes and smoke.

South Dakota

Section 44.0350, Motor Vehicles

44.0350 Prevention of noise, smoke, etc.: muffler cut-outs regulated.—No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, shifting, leaking, or otherwise escaping therefrom.

Tennessee

Chapter 9, Section 59–901(a), Section 59–902, Motor Vehicles

59–901. Horn—Bells, sirens or exhaust whistle on emergency vehicles.—(a) Every motor vehicle, when operated upon any road, street or highway of Tennessee shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or spark plug whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

59–902. Mufflers—Muffler cutouts prohibited. (a) No person shall drive a motor vehicle on any road, street or highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It shall be unlawful to use a "muffler cutout" on any motor vehicle upon any road, street or highway.

Texas

Title 13, Chapter 1, Article 796, Article 797, Motor Vehicles

Art. 796. Horn or noise device.—Every motor vehicle shall be equipped with a bell, gong, horn, whistle or other device in good working order, capable of emitting an abrupt sound adequate in quality and volume to give warning of the approach of such motor vehicle to pedestrains and to the rider or driver of animals, or of other vehicles and to persons entering or leaving street, interurban or railroad cars. Every person operating a motor vehicle shall sound said bell, gong, horn, whistle or other device whenever necessary as a warning of danger but not at other times or for other purposes. Any person while operating a motor vehicle who shall violate this article shall be fined not more than one hundred dollars.

Art. 797. Device to prevent unusual noise, etc.—Every motor vehicle must have devices in good working order which shall at all times be in constant operation to prevent excessive or unusual noises, annoying smoke, and the escape of gas or steam. Pipes carrying exhaust gas from the engine shall be directly parallel to the ground or slightly upward. Devices known as "Muffler cutouts" shall not be used within the limits of any incorporated city or town or an any public highway where the territory contiguous thereto is closely built up. Any person violating any provision of this article shall be fined not to exceed one hundred dollars.

Utah

Section 41–6–147(a), Motor Vehicles

41–6–147. Muffler.—Prevention of noise, smoke and fumes.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway.

Vermont

Title 23, Chapter 13, Section 1097, Motor Vehicles

§ 1097. Operating with muffler cut-out open.—A person who moves a motor vehicle on its own power in a city, incorporated village or in the thickly settled part of a town, while the muffler cut-out of such vehicle is open, shall be fined not more than $25.00.

Virginia

Section 46.1–301. Motor Vehicles

§ 46.1–301. Muffler in good working order required.—No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with a muffler or mufflers of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. A muffler shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment muffler of private passenger motor vehicles or trucks of standard make.

Washington

Section 9.76.010, Crimes and Punishments; Section 46.37.390(1), Motor Vehicles

9.76.010 Defined.—Every person who, on the first day of the week, shall promote any noisy or boisterous sport or amusement, disturbing the peace of the day; or who shall conduct or carry on, or perform or employ any labor about any trade or manufacture, except livery stables, garages and works of necessity or charity conducted in an orderly manner so as not to interfere with the repose and religious liberty of the community; or who shall open any drinking saloon, or sell, offer or expose for sale, any personal property, shall be guilty of a misdemeanor: *Provided*, That meals, without intoxicating liquors, may be served on the premises or elsewhere by caterers, and prepared tobacco, milk, fruit, confectionery, newspapers, magazines, medical and surgical appliances may be sold in a quiet and orderly manner.

46.37.390—Mufflers prevention of noise and smoke. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, by pass or similar device upon a motor vehicle on a highway.

West Virginia

Section 17C–15–34(a), Motor Vehicles

§ 17C–15–34. Mufflers; prevention of noise, fumes and smoke.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

Wisconsin

Title 44, Sec 347.39, Motor Vehicles

347.39. Mufflers.—(1) No person shall operate on a highway any motor vehicle subject to registration unless such motor vehicle is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.

(2) No muffler or exhaust system on any vehicle mentioned in sub. (1) shall be equipped with a cutout, by-pass or similar device nor shall there be installed in the exhaust system of any such vehicle any device to ignite exhaust gases so as to produce flame within or without the exhaust system. No person shall modify the exhaust system of any such motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

(3) In this section, "muffler" means a device consisting of a series of chambers of baffle plates or other mechanical design for receiving exhaust gases from an internal combustion engine and which is effective in reducing noise.

Wyoming

Section 31–204. Section 31–205 (a), Motor Vehicles

§ 31–204. Horns and warning devices.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violater [violator] of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

§ 31–205. Mufflers.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

D. CITY CODE CITATIONS

Action, Massachusetts (D)* pop. 7,238**.

a. protective zoning bylaw, Sec. II, Sub. Sec. I, performance standards.

2. Akron, Ohio (C) pop. 290351.

a. city ordinance 115.

b. city code, Sec. 355.06, Sec. 931.32, Sec. 1155.02–.05 & 1155.99.

c. Baldwin's Ohio Revised Code Annotated, Sec. 2923.41.

3. Albany, New York (C) pop. 129,726.

a. city ordinance, Art. 5.755, Art. 6.490.

4. Albuquerque, New Mexico (C) pop. 201,189.

a. Bernalillo County Zoning Ordinance, Sec. 2, Sec. 10(B), Sec. 12, Sec. 13, Sec. 17.

b. Albuquerque Zoning Ordinance, Sec. 2, Sec. 7(A2c), Sec. 12(A9), Sec. 12(A26), Sec. 13(A2b), Sec. 13(A7f), Sec. 13(A8a), Sec. 13 (B3), Sec. 13(B4), Sec. 14(A2), Sec. 14(A30), Sec. 14(B2), Sec. 15(A1), Sec. 15(A44), Sec. 15(A48), Sec. 16(A3b), Sec. 16(A17), Sec. 18 (A3), Sec. 25(B3).

c. Albuquerque Animal Control Ordinance #2059, Sec. 19, Sec. 23.

d. Traffic Code, Sec. 71–37.

e. HEW: An Occupational Health Program for the City of Albuquerque, June 1963.

5. Anaheim, California (C) pop. 104,184.

a. public health and safety, Sec. 6.44.020.

b. city ordinance, Ch. 6.70.

6. Anchorage, Alaska (B) pop. 44,237.

a. city ordinance, Sec. 13–9(b–f), Sec 19–179(a–c, h).

7. Atlanta, Georgia (C) pop. 487,455.

a. city ordinance, Sec. 20–30, Sec. 13–6, Sec. 17–342, Sec. 17–344, Sec. 28–10.

8. Beverly Hills, California (A) pop. 30,817.

a. city ordinance #1243.

9. Birmingham, Alabama (C) pop. 340,887.

a. city code, Secs. 3–9, 7–3, 26–9, 34–143, 34–146.

b. city ordinance #65–30.

c. nuisances, Art. II, Sec. 35–10, Sec. 35–11, Sec. 35–12, Sec. 35–14, Sec. 44–4.

10. Boston, Massachusetts (C) pop. 697,197.

a. city ordinance, Sec. 97, Sec. 54.

11. Buffalo, New York (C) pop. 532,759.

a. City ordinance, Art. XVII, Secs. 1701–1704; Ch. 60, Sec. 17.6(6); Ch. 9, Sec. 5(1), Sec. 6, Sec. 8(1), Ch. 7, Sec. 113.

b. Vehicle and Traffic, Art. 9, Sec. 375.1.

12. Chicago, Illinois (B) pop. 3,550,404.

a. zoning ordinance, Ch. 194A, Sec. 99, Sec. 106.

b. building code, Sec. 10.5, 10.6.

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*Class.

**Population based on 1960 census.

13. Cincinnati, Ohio (C) pop. 502,550.

a. city ordinance, Sec. 511.2, Sec. 511.16, Sec. 901.L7, Sec. 901.L8.

14. Columbus, Ohio (B) pop. 471,316.

a. business regulation and licensing code, Art. 5, Ch. 531.

b. general offenses code, Ch. 2327.

c. zoning code, Ch. 3342.03, 3343.11.

15. Concord, New Hampshire (D) pop. 28,991.

16. Dallas, Texas (B) pop. 679,684.

a. zoning ordinance, Sec. 10.420–426.

17. Dayton, Ohio (B) pop. 262,332.

a. city ordinance, Sec. 420.

b. zoning ordinance, Sec. 211.15.

18. Denver, Colorado (C) pop. 493,887.

a. city ordinance, Secs. 310.8, 372.1–10, 507.6, 842.1–3, 955–10.

b. "Should the Zoning Ordinance be Amended as to Those Sections That Relate to Volume of Sound Generated?" (report).

c. application for Federal grant with Department of Health and Hospitals as controlling agency.

d. zoning regulations, Art. 612.

e. motor vehicles, Art. 507.6, 507.6–1.

f. "Sound Control Proposal."

19. Detroit, Michigan (C) pop. 1,670,144.

a. city ordinance, Chapter 171, Sec 39–1–40 (1), Sec 39–1–37(5), Sec 39–1–38(6), Sec 39–1–39(7) (8), Sec 38–6–22(3), Sec 38–6–26.

b. Progress Report 1967, Air Pollution Control Division, Detroit Health Department, p 7, p 12.

c. Report on Potential Noise Problems Arising out of Helicopter Operations, City Bureau of Air Pollution Control.

20. Fair Lawn, New Jersey (B) pop. 36.421.

a. city ordinance #471, #802.

21. Fort Lauderdale, Florida (C) 83,648.

a. police ordinance, Sec 28–32.

b. building code, Sec 4903.3.

c. zoning ordinance, Sec 47–14.1(a), Sec 47–65.2(c. 3), Sec 47–78.1(b), Sec 47–81.1, Sec 47–82(c), Sec 47–82.1(j).

22. Hartford, Connecticut (C) pop. 162.178.

a. Health Department, under nuisance control ordinance, Chapter 21, Sec 21, Sec 41–97.

23. Hemet, California (B) pop. 7,943.

a. city ordinance #535.

24. Houston, Texas (C) pop. 938,219.

a. city ordinance, Sec 20.52, Sec 20.53(12), Sec 20–70–72.

25. Indianapolis, Indiana (C) pop. 476.258.

a. city ordinance, Sec 9–911, Sec 9–912, Sec 9–913; Chapter 3, Sec 10, Chapter 4, Sec 10(401, 402, 406, 407, 410, 411, 412); Chapter 3 Sec 10(302, 307).

26. Kansas City, Missouri, (C) pop. 475,539.

a. city ordinance, Chapter 24, Chapter 25, Sec 4.

27. Little Rock, Arkansas (C) pop. 107,813.

a. city ordinance, Sec 25.71–77, Sec 25.157, Sec 25.159, Sec 25.114.

28. Las Vegas, Nevada (C) pop. 64,405.

a. city ordinance, Title 10, Chapter 20, Sec 38, Sec 42; Title 6, Chapter 1, Sec 24.

29. Los Angeles, California (C) pop. 2,479,015

a. City ordinance #98, 332

b. Municipal Code, Secs. 28.12, 41.32, 41.40, 41.42, 41.44 42.00, 63.51, 87.51

c. Council resolutions concerning aircraft noise, motorcycles, trucks, buses

d. city zoning, Sec. 12.14–6(b)

e. recommendation for establishment of a noise administrator

30. Maderia Beach, Florida (C) pop. 3,943

a. city ordinance #11, #228

31. Memphis, Tennessee (C) pop. 497,524

a. city ordinance, Sec. 769, Sec. 227

32. Miami, Florida (B) pop. 291,688

a. building code, Art. 22, Sec. 1, Sec. 2

b. city ordinance, Ch. 36

33. Milwaukee, Wisconsin (C) pop. 741,324

a. city ordinance #19, #371, 577

b. city code, Sec. 6.36 & 6.37; Sec. 8.80(4b, 10k); Sec. 80.1 & 80.2; Sec. 90.27; Sec. 100.31; Sec. 101.282 & 101.283; Sec. 295(3); Sec. 105.6 & 105.7 & 105.29–32

34. Minneapolis, Minnesota (B) pop. 482,872

a. memorandum on noise control

b. zoning districts

c. zoning ordinance, Ch. 875, 870.060

d. city ordinance, Sec. 561.01; Sec. 375.010 & 375.020 & 375.060; Sec. 356,010 & 356.020 & 356.080 & 356.100 & 356.110

e. criminal code, Sec. 609.74, Sec. 609.745

35. Newark, New Jersey (C) pop. 405.220

a. city ordinance, Sec. 17, Ch. 3

36. New Haven, Connecticut (D) pop. 152,048

37. New Orleans, Louisiana (C) pop. 627,525

a. zoning ordinance, Sec. 5

b. city ordinance, Sec. 42.42–45

c. building code, Art. 5103

d. motor vehicle code, Sec. 38–161(C–15)

38. New York, New York (A), (C) pop. 7,781,984

a. city code, Chapter 18, Sec 435–5.0 & 435–6.0

b. building code, Sub-Art 1208

c. 1968 Environmental Protection Administration, Local Law #3, Chapter 57

39. Norfolk, Virginia (C) pop. 304,869

a. city code, Sec 2(16), Sec 6(10), Sec 29(6), Sec 31(48) & 31(69–71), Sec 38(3), Sec 54(67) & 54(68)

b. motor vehicle code, Sec 29(6) & 29(777) & 29(778)

40. Oklahoma City, Oklahoma (C) pop. 324,253

a. city ordinance #11,298; #11,293, #10,543

41. Peoria, Illinois (B) pop. 103,162

a. city ordinance, Sec. 7000, #7028

42. Philadelphia, Pennsylvania (C) pop. 2,002,512

a. city ordinance, Chapter 10–400

43. Pittsburgh, Pennsylvania (C) pop. 604,332

a. PL 20, Art 19(3); CL 26, Sec 3; CL 33, Sec 3

b. vehicle code, Sec 820, Sec 828

c. city ordinance 10, 40, 56, 172, 186, 209, 217, 433, 580

d. NIMLO—model ordinance prohibiting unnecessary noise

e. newspaper article

44. Portland, Oregon (C) pop. 372,676

a. police code, Sec 16–1608(b–1 & 2), Sec 1701–1706

45. Raleigh, North Carolina (C) pop. 93,931

a. city ordinance, Sec 15–30 & 15–31 & 15–32; Sec 18–4; Sec 4–3 & 4–20

46. Rochester, New York (C) pop. 318,611

a. city ordinance, Chapter 75

47. Sacramento, California (C) pop. 191,667

a. city ordinance, 2414, 4th Series; 2248, 4th Series

48. Saint Louis, Missouri (C) pop. 750,026

a. city ordinance 760

b. traffic code, Sec 826.070 & 826.010

49. Salt Lake City, Utah (C) pop. 189,454.

a. City ordinance, Sec. 1–3–15. Sec. 20–17–28 and 20–25, (8–12), Sec. 46–15 (247–250).

50. San Antonio, Texas (C) pop. 587,718.

a. City code, Chapter 25, Sec. 26:10, Sec. 28, Sec. 27:15, Sec. 38:38.

b. Zoning ordinance.

c. Building code.

51. San Diego, California (C) pop. 573,224.

a. City ordinance, Sec. 56.35 and 56.35.1, Sec. 11.12.

b. Proposed city ordinance.

52. San Francisco, California (B) pop. 740,316.

a. Police code, Chapter 8, Part 2, Sec. 773, Sec. 774, Sec. 777, Sec. 1257, Sec. 42, Sec. 43, Sec. 46.

b. Traffic code, Sec. 94.

c. Building code, Sec. 1614.1F(2).

53. San Jose, California (C) pop. 204,196.

a. City ordinance No. 10411.

54. Seattle, Washington (C) pop. 557,087.

a. City ordinance No. 90007, No. 90726.

55. Tucson, Arizona (B) pop. 212,892.

a. City code, Art. II, Sec. 11 (75–83).

b. Zoning code, Sec. 23–322 and 23–336 and 23–391 and 23–404.

56. Warwick, Rhode Island (B) pop. 68,504.

a. City code, Sec. 8.4.9 and Table I and Table II.

E. CITY CODE DESCRIPTION

When considering the local noise control ordinances and codes of various cities throughout the United States it may be helpful in an evaluation of their language to distinguish the various levels of their sophistication. For this purpose codes of the cities considered have been divided into class A, B, C, and D. Cities designated Class A have a higher degree of sophistication in statutory language relating to noise control than others. This class includes quantitative standards for detailed measurement and suitable enforcement techniques. Class B includes those cities with some type of standard for a quantitative measurement of sound with generally less efficient and effective provisions for measurement and enforcement. Class C would include the general body of noise control statutes which recite in one way or another noise as a nuisance or as being prohibited but lacking quantitative standards or enforcement techniques other than discretionary issuance of a ticket by local enforcement agencies. Class D would include cities which have little or no reference to noise in their codes.

1. Acton, Mass.: Class D

The only reference to noise in the local codes in the town of Acton is found in the Acton Protective Zoning Bylaw (Section II of the General Regulations, Subsection I, Performance Standards) where it is generally stated that . . .

"No land or building shall be used or occupied in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactive or other hazard, *noise* or vibration . . ."

Town Manager of Acton states:

"To date the Town has not had any serious problems with noise control."

2. Akron, Ohio: Class C

"The operation or maintenance of noise-making, noise-amplifying, or noise-producing instruments . . . (which may disturb the peace) . . . or good order of the neighborhood . . . is . . . declared a nuisance."

The whistle of a locomotive shall not be blown within the city ". . . except in case of impending danger." Radios and other sound devices are not to be used ". . . for the purpose of soliciting trade or attracting attention to any wares, goods, merchandise . . . or device offered for sale . . ." Squealing tires of ". . . a motor vehicle within the City . . ." are prohibited. Loud speakers, horns, etc., are not to be used to create ". . . any unreasonably loud, disturbing . . . (or) . . . unnecessary noise. . . . ;" penalties for violations of the aforementioned sections are provided in the code and by a fine not to exceed in the most severe case $300.00.

3. Albany, N.Y.: Class C

Objectionable noise prohibited; "Noise which constitutes a nuisance . . ."

It is interesting to note the following response from the Director of Planning of the City of Albany to the Mayor:

"At the time we were drafting the new zoning ordinance Candeub's people recommended some very sophisticated standards for measuring noises to be included in the ordinance. The committee didn't think that anyone in the City including ourselves would know how to use the standards so we only included the paragraph below. The standards that Candeub's recommended, as I recall, required some type of special equipment for measuring purposes that we didn't have."

The following is the paragraph from the zoning ordinance referred to above.

"6.490 Noise

"Noise which constitutes a nuisance such as a high pitched squeal, or hum or any similar sound on a continuous or sustained basis shall not be permitted beyond the property line."

4. Albuquerque, N. Mex.: Class C

References to noise generally prohibited are contained in the Comprehensive Zoning Ordinance. In the Albuquerque Animal Control Ordinance, Section 19 states:

"It shall be unlawful for any person to willfully kill any song bird, or to rob the nest of such bird."

Section 23 states that:

"Any animal or animals that habitually or continuously bark, howl or otherwise disturb the peace and quiet of the inhabitants of the City of Albuquerque . . . are declared to be an animal nuisance."

An Occupational Health Program for the City of Albuquerque was published in June 1963 under the auspices of the Department of Health, Education and Welfare, Public Health Service, and Division of Occupational Health. The publication contains references to noise as one of the hazards encountered in the 146 industrial establishments surveyed in Albuquerque City.

Director of the Albuquerque Department of Environmental Health:

"Our Building Department Official has informed me that our present building code does not refer to noise control. There is, however, a working agreement whereby the City airport runway which is most closely associated with the residential areas is used by large or noisy aircraft only on rare occasions to minimize noise problems in the area. As an indication that we are not endeavoring to achieve complete silence, you will note that Section 19 of our Animal Control Ordinance protects song birds and their nests.

"I am not aware of any coordinated approach concerning noise control efforts in our metropolitan area. Since we do not have extensive noise control measures other than separation by zoning, we have had little enforcement experience.

"Many of us in environmental health have a dual role to play regarding noise control. For instance, we like to encourage minimal noise in food establishments yet must insist on smooth, impermeable easily washable ceilings and walls instead of soft, absorbent acoustical tile. This does, however, help point out that as in air and water pollution, it is important to stop the problem at its source, not to attentuate it after it is reaching out into the work area or into the community.

"A 1963 industrial health study indicated that serious problems were recognized at that time. Increased industrial activity in the 5½ years since the study has undoubtedly increased the number of workers who are exposed to undesirably high levels of sound in their occupation. These work locations can probably be identified and modified somewhat easier than can the squealing of tires or brakes, blaring of horns, etc., so called "teenage music" and other noise affecting our general populace.

"Unfortunately, our scope of effort will not permit us to study the psychological damage caused by the stress of waiting for the "next" bark, the crash after the squeal of braked tires, the next loud neighborhood party or the blast of the radio or T.V. ad coming back on.

"Our State Department of Environmental Services has acquired a sound level meter and we hope to utilize it for industrial as well as general community conditions."

5. Anaheim, Calif.: Class C

Unnecessary, annoying, and discomforting noise is prohibited.

6. Anchorage, Alaska: Class B

Section 19–179 of the Anchorage Code states:

"A vehicle which produces a sound level equal to or in excess of the sound limit shall be deemed to make or create excessive or unusual noise."

The Sound limit (set forth in sub(3) of (h), definitions):

". . . eighty-eight (88) decibels as measured by placing the microphone of the general purpose sound level meter at a height of approximately five (5) feet and at a distance of fifty (50) feet plus or minus two (2) feet, from the center of the lane in which the vehicle is traveling, and any measurement of the sound level shall be made at speeds of less than twenty-five (25) miles per hour."

A representative from the City of Anchorage states:

"The City . . . has not yet had to deal with noise control on any large scale basis, and no problem is anticipated in this area for some time in the future. The industrial level and type here is not such as yet to create much of a problem.

"The City has a general nuisance ordinance covering unnecessary or unusual noises, the use of sound amplifying devices, and the operation of noisy construction tools, e.g., a triphammer. The City also has a noisy muffler ordinance which is somewhat of a new approach in that it represents an empirical attempt to define a "sound limit" measured in decibels, and which is exceeded by any motor vehicle, that vehicle shall be deemed to make an excessive or unusual noise. It should be noted, however, that this modern attempt to define a "noisy muffler" failed and the authorities had to fall back on the traditional test (a judgment of the arresting officer) because accurate use of the instrument measuring the level of decibels required a strictly controlled environment which was impractical to create for every case of noisy muffler."

7. Atlanta, Ga.: Class C

Atlanta's representative:

"No coordinated approach has been taken in noise control efforts by the metropolitan area of Atlanta.

"We feel that enforcement of the . . . regulations has been fairly successful, and we do not consider noise control to be a serious problem in our city."

Atlanta's Code contains the usual prohibitory section of various noises, sets up noise zones around hopsitals, prohibits barking and the use of sound equipment for advertising, limits the use of sound equipment and other devices, and prohibits blowing of locomotive whistles in the City.

8. Beverly Hills, Calif.: Class A

Assistant Director of Building for the City of Beverly Hills:

"In 1966, the Beverly Hills City Council adopted a very restrictive Noise Ordinance which we feel has been quite effective in controlling loud, unnecessary noises, especially in our residential zones.

"Although the Ordinance places controls on all kinds of noise-making machinery, the air-conditioning unit is the one single piece of equipment that requires most of our attention. Window air-conditioning units have been very troublesome because of the lack of insulation inside the unit itself.

"Generally, we only investigate noise problems that come to our attention through complaints and, so far, we have been one-hundred percent effective in obtaining compliance.

"The most serious noise problem is still that produced by the automobile, truck and motorcycle. However, this problem is pre-empted by the State of California and, therefore, out of our jurisdiction."

The City of Beverly Hills Ordinance defines loud and unnecessary noises in its definitions Section (Article 1). Defined are words and phrases including ambient noise, bel, decibel, spectrum, sound pressure level, band pressure level, cycle, frequency, microbars, sound-level meter, and sound analyzer. Under the Section dealing with noises in machinery, the Code contains a Table of Limiting Noise Levels:

"Noise level at any band pressure shall not exceed either that shown below, or the ambient noise level by more than three (3) decibels, as measured by and recorded from an approved Sound-level Meter and/or a Sound Analyzer."

Following thereafter is a chart relating to Octave Band Center Frequency Cycles per Second and Band Pressure Level in Decibels re 0.0002 Microbars.

9. Birmingham, Ala: Class C

The City Clerk of the City of Brimingham:

"To my knowledge, there is no program which attempts to coordinate noise control efforts in this general metropolitan area. From past experience, the Birmingham area has never been faced with really serious problems of noise control, therefore, it would appear that the present regulations are sufficient for the experiences of this City."

10. Boston, Mass.: Class C

Acting Corporation Counsel for the City of Boston:

"The City of Boston has . . . only two ordinances presently dealing with the problem of noise . . . Neither ordinance is widely enforced.

"Excessive and disturbing noise, particularly from jet aircraft and building construction, is considered to be a serious problem affecting the health and welfare of the people of Boston. Existing municipal regulations, in my opinion, are not adequate to deal with these problems and I am not aware of any Massachusetts state law which has been effective in this regard."

11. Buffalo, N.Y.: Class C

Police Department intra-departmental memo from the Inspector Division of Patrol:

"Relative to your query regarding any experiences the Police Department may have encountered with the enforcement of noise control measures the following observations are forwarded for your evaluation.

"Chapter 25 Sec. 1701 C.O. deals with prohibited noises i.e., blaring radios, noisy parties, barking dogs, etc. Violations of this type are dealt with by the Police on an individual basis, and merely quieted. Only when a condition persists for an unreasonable length of time and after individuals have been warned of the violation, are summonses issued.

"This section also prohibits the use of amplifying systems, unless a permit is issued by the Police Commissioner. We have encountered very few problems in this area and do not consider amplifying systems used in this capacity to pose any noise control problem.

"Occasionally Police have been confronted by the use of bullhorns at some rallies, but because of the volative nature of some of the gatherings, the requirements for a permit are eased. The amount of noise generated at these gatherings proves minimal.

"Section 375 of the V. & T. Law (this refers to State Statute) prohibits loud or modified mufflers and summonses are issued regularly in this respect. However the section which prohibits the unnecessary use of an auto horn is employed only when a complaint is registered relative to a specific incident.

"There are a number of incidents which the Police have experienced, wherein people living in industrial areas have complained of noise because of the operations of a factory or warehouse, espeically in the summer months. However most of the owners of the enterprises have cooperated in reducing the noise level as far as possible.

"It is my opinion that at this time, the present noise control regulations are sufficient to control any situation that may arise, and that the control of unnecessary noise does not pose any problem.

"There is to my knowledge no governmental agency in the Buffalo area that is directly concerned with the problem of noise control. It is primarily a problem that is dealth with by law enforcement agencies on a 'called for' service basis.

"However there is a definite need for some type of an educational program to make the public aware of the need for their cooperation in reducing the noise levels especially in the densely populated Urban Areas."

12. Chicago, Ill.: Class B

Section 10.5 of the City Building Code provides performance standards with respect to noise. Specific measurements (Octave Band Cycles per Second) are set forth with Maximum Permitted Sound Level in Decibels along Residence District Boundaries and Business District Boundaries specified. Sound measurements are made with a sound level meter and associated octave band filter (manufactured according to standards prescribed by the American Standards Association).

Commission of Buildings of the City of Chicago:

"In connection with sound acoustics, at the present time consideration is being given to the need for the formulation of regulations and design criteria for sound level control on the interior of buildings used for dwelling purposes.

"We have had very little opposition in connection with the enforcement of noise control ordinances, which have proven effective.

"On occasion, it has been necessary to invoke section 99–60.1, Building Operations at Night, in connection with construction work. However, only in a few instances has it been necessary to resort to court action.

"The performance standards with reference to noise, as outlined in the Chicago Zoning Ordinance, are frequently used in connection with complaints. Sound level readings have been taken, and the results have been evaluated upon the basis of the performance standards. There has been no opposition to the use of the standards.

"The subject of noise control is an important problem and the public is becoming increasingly aware of the need for control measures. This is especially true with reference to the need for sound level control measures on the interior of buildings."

13. Cincinnati, Ohio: Class C

Assistant Health Commissioner for the Environmental Health Services:

"The City of Cincinnati has two ordinances of which I am aware which deal with noise . . . At the present time, the Board of Health has no regulations pertaining to noise. We have been looking into this matter for some time because of my own conviction that noise control is necessary if we are to continue to exist in an urban environment.

"The present regulations are not very practical and are enforced only with great difficulty. We need better methods of enforcement and a more fundamental approach to noise control. For example, it is useless for us to have regulations regarding noise and the operation of vehicles if we don't at the same time have the manufacturers working on reducing truck noise, particularly trucks in low gear.

"I cannot say whether noise control is a serious problem or not. The question that must be asked first is how serious is noise as an environmental problem. I believe it to be a problem, but I cannot gauge its seriousness at this time. In some areas it is a very serious problem; in other areas it is inconsequential.

"Though we do not have any particular building code reference to noise. I think it is worth noting that many of the buildings being put up in this community and in other communities will undoubtedly be the slums of tomorrow in part because there are no regulations regarding noise control between apartments and even between buildings. As a result of this lack of noise control in our building codes, some of our buildings are probably obsolete the day they open. We are looking into this entire situation at the present time and will soon be attempting to mount a program of noise control on a very pragmatic base."

14. Columbus, Ohio: Class B

Performance standards for residential districts and commercial districts stating maximum permissible decibel levels (". . . measured with a sound level meter and an octave band analyzer conforming with specifications of the American Standards Association").

15. Concord, N.H.: Class D

The City Manager of the City of Concord states that Concord has ". . . no Ordinances, Laws, Regulations or Codes which refer directly or indirectly to noise control."

16. Dallas, Tex.: Class B

Zoning ordinance restricting noise with performance standards; permissible noise levels for retail and commercial districts and residential districts.

The City Manager reports:

"At the present time, the pollution abatement office of the Health Department is seeking to gather information as a basis for preparation of noise control ordinance which will be aimed at the quality as well as the quantity of noise nuisance."

The Public Health Engineer states:

"Noise pollution, or unwanted sound, has only recently been considered a community hazard in our society: it has become a widespread problem which touches all of us. The most common effect is one of annoyance; however, exposure to high noise levels may cause temporary or permanent deafness, and by making speech difficult, reduce working efficiency or contribute to accidents.

"The industrial noise survey is the means by which a number of noise measurements and observations are made in order to evaluate noise situations. Such evaluations in the Dallas area have, as the result of a shortage of personnel, been limited to investigations resulting from citizen complaints. For example, noise pollution surveys and/or investigations during the period 1964–1967 numbered approximately nine (9) per year; in 1968, this number rose to nineteen (19).

"Assuming that an increase in staff may be forthcoming, it is hoped that future noise surveys, as performed by members of this Department, will assist in: (a) accomplishing adherence to established noise criteria; (b) evaluating the risk to noise-induced hearing loss; (c) indicating the need for engineering control measures; (d) evaluating control measures; and (e) evaluating complaints and safety hazards."

17. Dayton, Ohio: Class B

Zoning ordinance with performance standards.

Superintendent of the Division of Building Inspection:

"We have, since 1925, had an ordinance amended on occasions, which controlled those noises outlined therein. This ordinance, while helpful, was difficult to enforce, since it had no real standards of measurement for control. While the noise level could and was measured, we had to refer to a table in a mechanical engineer's handbook to determine typical sound levels. This failed to impress citizens who had complained, since they invariably said, 'I don't care whether it, (the noise), is typical of a quiet home, it still bothers me.'

"To remedy this matter we provided standards for noise levels based on frequencies in our new Zoning Ordinance, which was approved by Commission action on February 7, 1968. To date we have had little or no occasion to investigate noise levels or enforce this ordinance. We anticipate, however, that with the increase in air conditioning units in homes, apartments, etc., the problems involving noise control will increase."

18. Denver, Colo.: Class C

The City of Denver is particularly of interest because of its experience in investigation and consideration of the need for more adequate noise control. Unfortunately, the City Council found insufficient funds ". . . to enable the enforcement agencies to purchase the proper equipment deemed necessary to obtain compliance with all ordinances as applicable to noise."

The Zoning Administrator provided a study entitled, "Should the Zoning Ordinance be Amended as to Those Sections that Relate to Volume of Sound Generated?" by Harold G. Martin, Denver, Colorado (August 11, 1967).

Zoning Administrator:

"Said report was prepared with the hope that City Council would appropriate sufficient funds to enable the enforcement agencies to purchase the proper equipment to obtain compliance with all ordinances as applicable to noise. Council could not find funds to enable the agencies to proceed.

"Subsequently, the agencies involved in noise problems decided to approach Council as a coordinated centralized project, whereby one agency would employ the technicians, clerks, have control of all equipment, but train police officers, building inspectors, zoning inspectors, safety and excise inspectors in the use of the equipment.

"Again our project was doomed for delay because of the lack of funds till we found a Federal grant under Public Law 89–749 and we submitted our application . . .

"You will note that the Department of Health and Hospitals is to be the controlling agency, supported by Zoning and Police Department personnel. The report also covers proposed changes in present ordinances on Zoning and new regulations to be adopted by the Environmental Health Section.

"Yes, we do consider "noise" as a serious problem and feel that the problem will tend to increase over the years unless action on controls is instituted now."

19. Detroit, Mich.: Class C

A Director of the Wayne County Air Pollution Control Division of the Wayne County Department of Health:

"Although we have not developed a comprehensive specific set of requirements on noise as such, we have been most active in resolving existing neighborhood nuisance situations as well as initiated actions designed to curb excessive noise from motorcycles and air conditioning systems. We are enclosing a copy of the recently passed City of Detroit Ordinance regulating the sale of motorcycles as well as the accompanying regulations. This document was developed in cooperation with the motorcycle industry after a period of a year and a half of hearings and technical discussions. We are in the process of conducting similar technical meetings with representatives of the national air conditioning industry inasmuch as installation of all home air conditioners has increasingly created public nuisance situations primarily from noise generated from the air conditioning compressors and fan systems.

"Our basic enforcement mechanisms on most industrial and commercial noises are use of our common law provisions as well as Section 39–1–37 of the Detroit City Code. We have been most successful in solving the several hundred complaint situations registered to our agency each year by application of this provision of law. To date where prosecution for resolution of a problem was necessary, we have not lost any case, primarily because of the accumulation of sufficient technical data to prove our point. We are enclosing a copy of our agency's last year's progress report and refer you to page 7 . . . as well as page 12 listing some statistical data on the types of noise and their incidence.

"Several years ago, our agency at the request of the Detroit City Plan Commission initiated a technical review of potential noise arising out of helicopter operations.

"The nature of the noise situation in urban areas is such where each year new devices and systems are employed which are increasingly adding to the din of our communities. A Federal program designed along the lines of the air pollution grants program directed toward the noise abatement field would be most helpful to agencies such as ours in accelerating and expanding noise abatement activities."

20. Fair Lawn, N.J.: Class B

The zoning ordinance was amended to provide performance standards setting forth an Octave Band Cycles per Second relationship with Sound Pressure Level in Decibels.

Senior Sanitarian of the Borough of Fair Lawn:

". . . regarding noise control, with its amending Ordinance which refines noise measurement for more efficient control. Both of these Ordinances are enforced by the Health Department of the Borough upon complaint by a resident. Most complaints are of poorly designed or located Air Conditioning units. Particularly those located between residential buildings, creating a sounding chamber resulting in an amplification of the original sound.

"Our Borough of 40,000 population is predominantly residential, but we do have some industry. On occasion a complaint of industrial noise is registered, and abatement obtained after a survey and reading is made. We use a screening instrument for this purpose made by the General Radio Corp., West Concord, Mass. Type 1555-A."

21. Fort Lauderdale, Fla.: Class C

City Manager:

"I'm afraid we must confess that our present position with regards to noise ordinances or other forms of similar legislation per se is rather scant.

"We do have some hopeful noise oriented limits and controls included within the framework of various sections of our Codes of Ordinances but none of these can really be effectively described or enforced as noise ordinances, they are both too general in application and broad in scope."

With respect to the language in the Police Ordinances:

"While it does not establish limits of noise tolerances, it does establish limits for time of day and year in which noises are considered more objectionable. If the times indicated appear strange, remember we are a tourist oriented city wtih most of our activity during the winter months."

And to the Air Conditioning Section of the Building Code:

"It applies specifically to noise problems related to air conditioning and refrigeration machinery only. Too general in application—it is difficult to agree on what "reasonable noise levels" are or what "good working order" is. Not definitive enough."

Regarding the Zoning Ordinances:

"In a very broad manner they attempt to regulate or abate noises in various zoning districts. Here again, the limiting terms are not definitive enough. When and to whom does a noise become obnoxious?

"It is apparent from the above commentary that what we need most is a practical effective sound measuring device that would be portable and simple to operate and that would meet reasonable standards established by professional acoustical engineers. Such devices and their results would also have to be acceptable in the event a challenge led to court litigation. To this end, a study committee was established about two years ago. They suspended further efforts in this direction when it became apparent from information gathered from acoustical consultants that the cost for the sophisticated equipment recommended was beyond our anticipated expenditure limits.

"Additionally the equipment wouldn't lend itself for the practical and simple uses that would meet our needs.

"We agree completely on the need for effective and practical legislation in noise control . . ."

22. Hartford, Conn.: Class C

Mayor:

"Noise control under Chapter 21 is generally enforced by the Police Department with the assistance of the Health Department. Chapter 41-97 is enforced by the Department of Licenses and Inspections with the assistance of the Health Department. Any other noise problems are enforced by the Health Department under Nuisance Control ordinances.

"To date, we have been able to handle the problem using the above approach. There has been some increase in the number of noise complaints received but it has not yet reached any major proportions. There has been no coordinated area approach to the problem."

23. Hemet, Calif.: Class B

The City Manager states:

". . . we . . . consider noise control to be a very serious problem and have at least taken initial steps to help solve this problem in a small way.

"We have some industrial manufacturing within the corporate limits of our city and the noise emanating therefrom has created a nuisance problem to the adjoining residential neighborhood. In view of the foregoing, we have placed certain noise limits on mechanical noises produced in manufacturing zones, and added these to a former ordinance dealing with nuisance noises created by loud speakers, etc. plus persistent, loud noise generally.

"To enforce our noise ordinance, we purchased a Model 1558A Octave Band Noise Analyser with a 1560-P6 microphone assembly and have trained several police officers in the use of this instrument. I might add that the cost involved has been well worth it as our technical approach to measuring sound is impressive both to the offender and the offended."

24. Houston, Tex.: Class C

Director of Public Health:

"We do not have any specific decibel levels written into the ordinances, but we do use levels as guidelines which have proved beneficial over the past few years.

"Enforcement of noise control with the present ordinance has been very good. Very seldom is court action necessary. Generally, industry has been very cooperative with noise control once they were made aware of the problem that they were causing a nuisance in the neighborhood.

"Noise control does not seem to be a serious problem at this time for our City, but with the increasing use of larger jet airplanes and with more industries moving into the area, noise control could be a serious problem over the next few years because of lack of zoning ordinances and specific decibel levels in defining noise pollution."

25. Indianapolis, Ind.: Class C

26. Kansas City, Mo.: Class C

Mayor:

"The most aggravating problem that has faced the City, although in a limited way, deals with noise of aircraft and air conditioning machines. Nothing has been done concerning the former problem, however, the City has met with moderate success in handling problems dealing with air conditioning devices. Usually these are treated as a general nuisance and action is threatened under these ordinances.

"We have had a few complaints concerning amplifiers in connection with church and revival meetings, and also amplifier systems promoting car sales. These, too, have been quite successfully handled through the general nuisance approach."

27. Little Rock, Ark.: Class C

City Attorney:

"While our city is no different than any other of its size and larger in that we do have a noise problem to a degree, otherwise there would have been no need for the legislation enclosed, we would hasten to observe that the problem is controlled quite effectively."

28. Las Vegas, Nev.: Class C

Deputy City Attorney:

"Noise is not considered a serious problem in our city and very few complaints have been filed under our noise ordinance. Of the three ordinances cited above ('Modification of Exhaust Systems,' 'Mufflers,' and (general chapter dealing with) 'Noises') the muffler and exhaust system ordinances are most often used to reduce noise."

29. Los Angeles, Calif.: Class C

A resolution was passed February 19, 1968, whereby ". . . the City Council urge(d) the adoption of H.R. 3400, S. 707 or similar legislation . . . (to) provide an early solution to (the noise) . . . problem. . . ."

City Administrative Officer:

"The City of Los Angeles presently has a number of specialized Municipal Code sections dealing with excessive noise. In addition, in 1951 the Los Angeles City Council passed an ordinance setting regulations for automobile wash racks. There have been no additional ordinances since that date. There have, however, been Council resolutions which are concerned with specific noise problems, i.e. aircraft noise, motorcycles, trucks and buses, etc.

"In order to coordinate noise abatement regulations, the Los Angeles City Planning Commission has recommended the creation of a Noise Administrator in the City Administrative Office. The proposal is presently under study."

30. Madeira Beach, Fla.: Class C

Mayor:

"Our community is not one that has the major problems of metropolitan areas; we are a small community of five thousand (5,000), located on the Gulf of Mexico, and primarily a tourist-oriented community.

"The . . . regulations (we have) seem to suffice our needs, since we have relatively few problems related to noise. It is a rare occasion, if not the exception, to have someone in our Municipal Court for offenses of this nature."

31. Memphis, Tenn.: Class C

32. Miami, Fla.: Class B

City Manager:

". . . to the best of my knowledge, we have not encountered difficulty in enforcing (present noise ordinances). They appear to be quite adequate for this area, and at present I do not consider noise control to be a serious problem."

33. Milwaukee, Wis.: Class C

34. Minneapolis, Minn.: Class B

35. Newark, N.J.: Class C

36. New Haven, Conn.: Class D

Assistant to the Director of Administration:

"I regret to say that after going through the many codes and ordinances of the City of New Haven I could not find one that would lend itself to the regulation of noise."

37. New Orleans, La.: Class C

38. New York, N.Y.: Class A, C

New York recently enacted (Sub-Article 1208.0) Noise Control Measures in Multiple Dwellings (Sections 435-5 and 435-6 of Chapter 18 of Administrative Code). The comprehensive and realistic Noise Control in Multiple Dwellings Section is probably the most sophisticated approach in building codes to date.

New York's general anti-noise code is a Class C statute.

A Counsel to the Mayor:

"The . . . provisions of the Administrative Code were formulated to control noise producing activities and noise producing machinery which may become a public nuisance. Violators are subject to fine and/or imprisonment. The new Building Code establishes detailed specifications for the sound insulation of apartments in multiple dwellings and for the installation and use of sound producing machinery.

"For lack of an adequate standard of comparison, and because the Building Code has just gone into effect, it is difficult to evaluate the effectiveness of the present noise control laws.

"Up to the present time, New York City has lacked comprehensive approaches to the problem of noise control. This year, however, the City Council enacted Mayor Lindsay's proposal to create an Environmental Protection Administration . . . This enactment consolidates in the Administration the necessary expertise and leverage to promulgate a comprehensive noise abatement program for New York City."

39. Norfolk, Va.: Class C

Assistant City Attorney:

"To date, there has been no coordinated approach taken by the various jurisdictions in our metropolitan area in regard to the problem of noise pollution. We do not consider noise control to be a serious problem and our present regulations have proven effective in abating the problems that do arise.

"Most of the cases we have experienced have involved noisy animals or the like. In prosecuting such cases, we require the complainant to secure a warrant and to appear in court to testify on behalf of the City. We have experienced no problems along these lines."

40. Oklahoma City, Okla.: Class C

41. Peoria, Ill.: Class B

Administrative Assistant to the City Manager:

"There have been no coordinated efforts by various jurisdictions to combat noise. However, the City of Peoria, at the request of an interested citizen and the Association of Commerce, established a citizens committee several months ago to study the problem. Mr. John Carter of Caterpillar Tractor Company, who is on another noise committee of national scope, is chairman of the committee. They have drafted a preliminary ordinance they will submit to the City Council at a future date . . . We have also purchased two decibel meters to aid in future enforcement.

"When the Peoria noise ordinance was first passed, it was considered a pioneer ordinance. However, it was somewhat difficult to enforce. We had purchased a complex decibel meter which was difficult to operate and, as a result, it was ineffective. Another problem was taking cases to court. The judge actually went outside and listened to the vehicles and decided the muffler was not loud enough to be oppressive. Because of problems such as this, we essentially stopped enforcing the Ordinance."

42. Philadelphia, Pa.: Class C

43. Pittsburgh, Pa.: Class C

City Solicitor:

". . . when the City seeks to prohibit noise as a public nuisance or otherwise, and such noise is made by amplification of the human voice, the prohibition might be considered as an interference with the constitutional guarantee of freedom of speech. Court decisions on this matter indicate that an ordinance absolutely prohibiting the use of amplification devices would be questionable, but that one restricting volume would probably be upheld."

44. Portland, Oreg.: Class C

Director for the Bureau of Noise Abatement:

". . . it is difficult to suppress the general noise level within the City. I am thinking of such causes as jet airplanes, diesel freight trucks, and to some extent, industrial operations. I feel that people tolerate or become accustomed to these auditory bombardments.

"Our complaints have usually concerned a specific source, i.e., a plywood mill installed a new chipperloader which screeched when running without a load. A super-market installed many-ton air conditioning equipment which sounded like a wind tunnel to the neighbors. Generally, we have been able to find a solution to these complaints by conferring with the people involved.

"I don't know how to stop noise in the community, but perhaps the answer is partly in planning quiet areas separated from the noisemaking activities. I am sure that trucks and airplanes cannot be adequately controlled on the local level."

45. Raleigh, N.C.: Class C

Asssociate City Attorney:

"We have not, in Raleigh, encountered many problems or complaints concerning various noise levels. In those few instances where some problem has been encountered, the complaint usually related to the noise of some industrial complex. Without exception, we have found the industrial and manufactural community quite willing to work with us and they have, in fact, upon request taken any steps necessary to alleviate the condition existing."

46. Rochester, N.Y.: Class C

47. Sacramento, Calif.: Class C

City Clerk:

"Present regulations seem to be adequate and noise control is not a serious problem in Sacramento."

48. St. Louis, Mo.: Class C

Assistant City Counselor:

"At this time, there has been no coordinated approach in the St. Louis metropolitan area regarding efforts to control noise.

"Our experience in the enforcement of noise control regulations is limited, in that the majority of prosecutions brought in the municipal court system involve noise violations committed by the operators of vehicles on public streets, i.e., faulty mufflers, tailpipes, spinning tires, etc., or animal noises, i.e., barking dogs etc.

"It is my opinion that the noise control problem has not yet reached sufficient proportions so as to generate a public demand for an immediate solution, although the irritating level of noise generally is steadily increasing.

"In general our present regulations are adequate but will require revision in the near future."

49. Salt Lake City, Utah: Class C

Assistant City Attorney:

"To our knowledge there has been no coordinated approach to noise pollution among the various agencies in the Salt Lake City metropolitan area.

"Without minimizing the seriousness of the noise pollution problem, our present ordinances have demonstrated their effectiveness under conditions as they exist at the present time in this area.

"Our municipal airport is so situated with relation to the densely populated areas that it has been of little concern in reference to the noise problem.

"The only problem of significance which has arisen in the past is noise from automobile racing which is permitted at the Utah State Fair Grounds which is located in an area within the City of Salt Lake in which there is also located a residential area.

"Salt Lake City is fortunate to have unusually wide streets in its metropolitan business area which permit the free flow of traffic without undue congestion.

"Another factor which probably minimizes the problem in this area is that Salt Lake City is not a highly industrialized community and our long range planning and zoning programs have succeeded in locating businesses or industries, which may be considered unusually noisy or bothersome, in industrial areas removed from areas of the city which are primarily residential."

50. San Antonio, Tex.: Class C

Chief of Police:

"The City Ordinances of San Antonio . . . are adequate to keep noise at a reasonable level in San Antonio. Persons residing near highways or freeways are somewhat annoyed by truck noise. The same applies to residences in the vicinity of railroad tracks and in the airport vicinities.

"Teenage bands with amplified instruments and playing in private homes occasionally causes complaints. However current laws are adequate for this."

51. San Diego, Calif.: Class C

City Manager:

". . . no provisions in our Building Code to enforce types of construction which would specifically attenuate loud noises."

52. San Francisco, Calif.: Class B

Section 1614.1.F of the Building Code contains a special provision entitled sound generation relating to the public parking of structures and vehicles used in construction.

"The mechanical means for parking the vehicles, with or without vehicles therein, shall not cause an increase during operation, of more than five (5) decibels in the noise level above the existing power average sound level of several readings taken at 15 second intervals for a period of five (5) minutes with the mechanism not in operation.

"The test readings shall be taken at the property line of the structure or at any point outside such line and at the same time of day or night.

"All sound level meter readings and performance, including definitions and units, shall be in accordance with the American Standards Association standards . . ."

53. San Jose, Calif.: Class C

Airport Manager:

"The only ordinance which the City has concerning the Airport controls the minimum height of the aircraft as they approach the Airport from the City. To my knowledge, we are the only City which has such an ordinance, copy of which is attached. We have a Noise Abatement Committee which consists of representatives of the airlines using the Airport, and the Airport staff. We have defined certain patterns to reduce noise over residential areas by placing the turning of aircraft over commercial and industrial areas and have required all jet aircraft to use full runway length for take-off and have not permitted them to take off from the intersection of taxiways and runways.

"We do have several suits filed against the City, which are pending. We definitely feel that aircraft noise and noise control is a very serious problem and are somewhat encouraged by results indicated by research to date on the "quiet engine." We feel that the Federal Government is going to have to assist Airports in acquiring additional land and/or air rights for from one to two miles from the approach end of the runway and that they are going to have to force the airlines to refit their existing aircraft with quieter engines and combustion chambers with less smoke . . .

"I appreciate the chance to comment on a very important subject and again state that the Federal Government is, of necessity, going to have to be both the catalyst and the leader in seeing that these problems are solved."

54. Seattle, Wash.: Class C

55. Tucson, Ariz.: Class B

Assistant City Attorney:

"Chapter 11 of our Code is the chapter on Crimes and Offenses against the City, Prosecution of individuals or businesses and violation of the various sections of the Chapter are few and far between primarily because the offended parties are reluctant to make formal complaints, and the police are not able to stay on or near the offending premises and wait for a violation. Things out here are pretty well spread out and we are blessed so far with an absence of noisy industry.

"Chapter 23 of the Code deals with Planing and Zoning . . . Again I am unaware of any noise violations although I do know we have seriously attempted to control air pollution under this chapter and State statutes.

"In summary, you have undoubtedly gathered that noise is not a particularly serious problems in Tucson."

56. Warwick, R.I.: Class B

"At the specified points of measurement the sound pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values given in Tables I and II in any octave band of frequency. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association."

City planner:

"The only present legislative provisions for noise control in Warwick are found in sections 8.4.9 and Table I of section 8 in the city Zoning Ordinance . . . The standards utilized in the ordinance are operational and apply to light and heavy industrial zones only. There is no general legislation for noise abatement and control throughout the city.

"Generally, enforcement of the provisions of the Zoning Ordinance occurs within one of two situations. When plans are reviewed for an industrial building that is likely to generate significant levels of noise, a deposition is obtained from the engineer responsible for the plans indicating that he is aware of the requirements of the Zoning Ordinance and that to the best of his knowledge and ability the building will conform to its relevant provisions. The second situation is one in which an existing industry appears to be violating the ordinance. Measurements can theoretically be made and the ordinance enforced. Usually, however, the situation is one in which an industry is operating at night with windows open and a simple, expedient solution can be found.

"The presence of the Theodore Francis Greene State Airport within the City of Warwick of course has profound implications for noise levels in the community. Increases in air traffic and the changeover to jet aircraft . . . make inputs of major proportions to noise in Warwick. Because the Airport falls within the purview of the State and Federal Governments the municipality is limited in its efforts to control the noise generated by airport activities to expressing its' problems and needs to the appropriate State and Federal agencies.

"Prognosis

"Warwick has received funding under the 701 program to carry out, among other items, a zoning revision study which will address itself in part to the question of community noise control standards. However, while such standards and appropriate enforcement procedures if adopted would do much, they would not comprehend the major factor of the Airport. The city must . . . bring to bear on those agencies and persons which may provide means of dealing with the airport.

"The City of Warwick is deeply involved with questions of noise control in an immediate sense. We stress our particular interest in efforts to provide a legislative basis for the enforcement of equitable standards and the special problems of airports in the urban environment as they affect us."

E. CITY STATUTORY LANGUAGE

Acton, Massachusetts

Protective Zoning Bylaw

I. *Performance Standards.*—No land or building shall be used or occupied in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes.

Akron, Ohio

Ordinance 115–1940 regulating the use of noise-making devices for advertising purposes

Section 1. The operation or maintenance of noise-making, noise-amplifying, or noise-producing instruments or devices by which the peace or good order of a neighborhood is disturbed, is hereby declared a nuisance. It shall be unlawful for any person, firm or corporation to operate or maintain any radio, phonograph, player piano, calliope, or any noise-making device, noise-amplifying, or noise-producing instrument or device in any public or private place, by which the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are subjected to a nuisance; and the use of any such device, apparatus, radio, ticker or other noise-making and noise-emitting device for general advertising purposes, or for the purpose of soliciting trade or attracting attention to any wares, goods, merchandise, instrument or device offered for sale, is hereby prohibited. Provided, however, that nothing herein contained shall prohibit the use of loud speakers or musical instruments on automobiles when used for the purpose of general commercial advertising, if a permit shall first be obtained therefor from the Mayor . . .

Section 2. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and fined not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00), and for the second or subsequent offense, the Mayor of the City of Akron may revoke the license of such person, firm or corporation.

Code 355.06 Blowing Whistles.—No person shall blow the whistle of any locomotive within the City, except in case of impending danger (1953, C 29, Sec. 2).

Code 931–.32 Squealing tires; penalty.—(a) No person shall operate a motor vehicle within the City in such a manner as to cause a loud noise by spinning or squealing the tires thereof on the surface of a public street or place.

(b) Whoever violates this section shall be fined not more than fifty dollars ($50.00). (Ord 53–1968, Passed 1–16–68).

Chapter 1155—Offenses Against the Public Peace.

1155.02 Disturbing the peace—No person shall disturb the peace and good order of the City by intoxication, fighting, using obscene or profane language, or by clamor and noise . . .

1155.03 Noisy Advertising—No person shall, by ringing a bell or gong, or by using a phonograph or other instrument for producing or reproducing sounds, or by using loud or boisterous language or by any unusual noise whatever, advertise goods, wares or merchandise for sale, either at auction or in any other manner, or by any such means advertise any show, theater, exhibition or entertainment.

1155.04 Noise machinery.—No person shall maintain, run or operate any steam, gas, gasoline or other engine, boiler, press, machine or other apparatus so constructed or operated as to make any unnecessary noise, to the annoyance and discomfort of the people of the city.

1155.05 Noise-producing instruments.—No person shall operate or maintain any radio, phonograph, player piano, calliope, or any noise-making device, noise-amplifying or noise-producing instrument or device in any public or private place, by which the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are subjected to a nuisance.

The use of any such device, apparatus, radio, ticker or other noise-making and noise-emitting device for general advertising purposes, or for the purpose of soliciting trade or attracting attention to any wares, good, merchandise, instrument or device offered for sale, is prohibited.

1155.99 Penalties.—(a) Whoever violates any provision of this chapter where no penalty is otherwise provided shall be fined not more than three hundred dollars ($300.00) or imprisoned not more than thirty days or both.

2923.41 Disturbing the peace; penalties.—No person shall, after a request to desist, make, continue or cause to be made by the use of any horn, bell, radio, loud speaker, or by the operation of any instrument or device, any unreasonably loud, disturbing, and unnecessary noise or noises of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life and health of any individual, and no person shall willfully conduct himself in a noisy, boisterous or other disorderly manner by either words or acts which disturb the good order and quiet of the community. Any person so offending shall be fined for each offense not less than ten dollars nor more than fifty dollars. (125 v 211. Eff. 10–2–53) (Baldwin's Ohio Revised Code Annotated, 1964)

Albany, New York

Zoning ordinance

Article 5.755 Objectionable noise.—All noise and sounds which might cause discomfort and annoyance or which may interfere with enjoyment of normal use of property and buildings.

Article 6.490 Noise.—Noise which constitutes such as a high pitched squeal, buzz or hum or any similar sound on a continuous or sustained basis shall not be permitted beyond the property line.

Albuquerque, New Mexico

Comprehensive Zoning Ordinance,
Bernalillo County, 1968

Section 2. Purpose.—The regulations and restrictions of this ordinance are designed to lessen congestion in the streets and public ways; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings and lands; and to encourage the most appropriate use of land throughout the unincorporated areas of Bernalillo County.

Section 10. C–1 Commercial zone—

B. Use Regulations. (1) Permissive Uses.

44. * * * (d) Activities or products shall not be objectionable due to odor, dust, smoke, *noise, vibration,* or other causes

50. Sign advertising * * * (h) The sign shall have no audible devices.

B. Use Regulations. (2) Conditional Uses.—a. Amusement enterprise * * *

2. Circus, carnival, or enterprise of similar type, provided it be located at least 300 ft. from any dwelling which is a conforming use, shall be permitted at one location for a period of not more than 7 days. The hours

of operation, including the time of erection and dismantling of equipment, shall be between 6 a.m. and 12:30 p.m.

4. Kart track, including "go-cart" track and similar facility, provided that the site contains at least 3 acres; the track shall be located at least 1,000 ft. from any dwelling and at least 100 ft. from any public way; the spectator area shall be protected * * * and hours of operation shall be between 9 a.m. and 10 p.m.

5. Kiddieland, including children's playland and children's amusement park, provided that amusement devices shall be located at least 300 ft. from any dwelling; hours of operation shall be between 9 a.m. and 10 p.m.; * * * any public address system shall be modulated * * *

Section 12. M–1 Heavy manufacturing zone.—The purpose of the zone is to provide for industrial operations of all types except that certain potentially hazardous or nuisance-type industries as specified * * * below are permitted only after public hearing and review to assure protection of the public interest and surrounding property and persons.

Section 13. Special use permit regulations (A).—(2) To assure that the proper performance standard and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become obnoxious, dangerous, offensive or injurious by reason of the emission of *noise*, smoke, dust, fumes, *vibration*, ordor, or other harmful or annoying substances;

Section 17. Administration.—A. Zoning Administrator, (2) Powers and Duties. 4. That any conditions are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include requirement relative to * * * open space and *buffers* * * * landscaping and maintenance thereof * * * *noise, vibration,* odor, and health hazards.

Comprehensive Zoning Ordinance, Albuquerque, N. Mex., 1968, No. 2726

Section 2. Purpose.—This ordinance is intended to promote the general health * * * and welfare of the people of the city * * *; and to conserve and stabilize the value of property.

Section 7. R–1 One-family dwelling zone.—A2c. Home occupation * * * provided: (6) There is no external evidence of the activity, such as commercial vehicles, outside storage, noise * * * emitted from the permises.

Section 12. C–1 Neighborhood commercial zone.—

A9. Dog obedience club, provided:

a. An outside exercise ground is enclosed with a solid wall or fence at least six feet high.

b. Animals are not kept on the premises overnight.

c. Animals are not kept in a structure for periods longer than the hours during which obedience training is in progress.

A26. Service stations * * * a. Lubricating, tube or tire repairing, battery charging, or the like, is conducted within a completely enclosed building.

A29. Studio for instruction in music or dance.

Section 13. C–2 Community commercial zone.—Outdoor: circus, carnival or enterprise of similar type, provided:

(2) The use is located at least 300 feet from a dwelling which is a conforming use.

(4) Hours of operation, including the time for erection and dismantling of equipment, are between 6 a.m. and 11:30 p.m.

A7f. Hospital for animals, provided there is no outside kennel or pen. Outside exercise runs must comply with the following:

(1) A run must be enclosed with a solid wall or fence at least six feet high.

A8a. Automotive and trailer sales or rentals, and service and repair storage, provided:

(2) Repair of automobiles or trailers is conducted within a completely enclosed building.

B3. * * * shop in which products may be manufactured * * *.

a. All activities are conducted within a completely enclosed building.

c. Activities or products are not objectionable due to * * * noise, vibration * * *

B4. Transfer or storage of household goods, provided:

d. Servicing of trucks is permitted only within a building or an area completely enclosed by a solid wall or fence at least eight feet high.

Section 14. C–3 Heavy commercial zone.—A2. Uses which must be conducted within a completely enclosed building:

a. Automotive repairing or overhauling * * *

b. Bottling plant.

c. Cold storage plant.

d. Hospital for animals.

e. Ice plant (wholesale).

f. Laundry, cleaning, or dyeing works * * *

g. Manufacturing * * * of the following * * *

The Manufacturing * * * of the following * * *

i. Sheet metal working * * *

A3. Uses which must be conducted in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high which must be solid when it faces or abuts land not zoned C–2, C–3, M–1, or M–2:

a. Rental, sales, display, and repair of operative contractor's and heavy farm equipment.

b. Building material storage or sales.

c. Contractor's equipment storage, or contractor's plant.

d. Feed or fuel storage or sales.

B2. Automobile dismantling yard, provided:

a. All activities are conducted within a completely enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet high.

Section 15. C–4 Central business district zone.—A1 Amusement enterprise:

a. Indoor: Auditorium, concert hall, billiard or pool hall, sports or entertainment arena, bowling alley, dance hall, night club, game of skill, theater, penny arcade, shooting gallery, skating rink, and swimming pool.

b. Outdoor: Circus, carnival * * * provided the use in one location does not exceed a period of 14 days.

A44. Service station for automobiles * * * provided:

a. * * * repair is conducted within a completely enclosed building.

A48. Specialty retail store * * * Manufacturing, compounding, processing, assembling, or treating in conjunction with the above-described activities * * * provided:

a. All activities are conducted within a completely enclosed building.

Section 16. M–1 Manufacturing zone.—A3b. Repair of automobiles or trailers is conducted within a completely enclosed building.

A16a. Automobile dismantling yard, provided all activities are conducted in a completely enclosed building or are enclosed by a solid wall or fence at least six feet high.

A17. Uses which must be conducted in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high * * *

a. Concrete or cement products manufacturing * * *

b. Gravel, sand, or dirt removal * * *

c. Truck terminal, tractor, trailer, or truck storage * * *

Section 18. SU–1 Special use zone.—A3. In approving an application, the City Commission may impose requirements as may be necessary to implement the purpose of this ordinance.

Section 25. Administration.—B3. When approving an application, the Board must impose conditions as required by this ordinance together with additional conditions necessary to safeguard the public welfare, safety, health, morals, convenience, and best interest of the adjoining property and neighborhood.

B3a. Special exceptions: (2) * * * Practical difficulty or unnecessary hardship cannot be found when financial gain or loss or monetary savings is the basis for the claim of hardship.

Albuquerque Animal Control Ordinance No. 2059, February 1962

Section 19. Song birds, killing and robbing of nests prohibited.—It shall be unlawful for any person to willfully kill any young bird, or to rob the nest of such bird.

Section 23. Animal nuisances prohibited.—Any animal or animals that habitually or continuously bark, howl or otherwise disturb the peace and quiet of the inhabitants of the City are declared to be an animal nuisance. It shall be unlawful for any person to keep, harbor or maintain an animal nuisance as defined about within the City of . . .

Exhibit "D"

(Re: Noise—Albuquerque, New Mexico)

Section 71–37 of Albuquerque, New Mexico Traffic Code: Mufflers Required.—It shall be unlawful for any person to operate a motor vehicle if such vehicle is not provided with a properly attached muffler, of construction sufficient to muffle or deaden the sound from said motor, and no person shall use a muffler cutout, bypass, or similar devices upon a motor vehicle.

An Occupational Health Program for the City of Albuquerque, June 1963

(From the Department of Health, Education, and Welfare, Public Health Service, Division of Occupational Health, Occupational Health Field Station, Salt Lake City, Utah)

The Labor Force

Practically 40% of the State labor force is employed in Bernalillo County. The 1960 census indicates that most (93%) of the County labor force is employed in the Albuquerque urbanized area. Since employment data were not available for the City of Albuquerque statistics in Table I are shown for Bernalillo County.

Industry in Albuquerque is essentially service and market oriented to meet the everyday needs of its people and the government. It is also diverse and alert to technological changes, with potential health hazards inherent in many of the operations and enterprises. Because of the absence of heavy industry, manufacturing is considered of less economic importance. However, it does employ 16.6% of the work force in Bernalillo County. Trade and service industries dominate the private employment picture. Together they account for 44.5% of the 4,563 reporting units and 54.3% of the 59,958 employees in Bernalillo County as reported by County Business Patterns in 1959 (Table I). On a small but quite ubiquitous scale, a variety of health hazards usually associated with manufacturing are also encountered in trade and service establishments. The hazards associated with internal maintenance units such as automobile repair shops, at dairies, maintenance shops in hotels, etc., should not be overlooked as sites of potential occupational health problems.

Industries Surveyed

As all of Aubuquerque's work places could not be studied in the time allotted, the survey was limited to a sample of manufacturing and service industries. The 146 establishments surveyed (listed in Table II) represent about 5% coverage of the working force and about one-half of the manufacturing concerns within Albuquerque.

Survey Findings on Exposure.—Some industries were more closely associated with health exposures difficult to control, such as . . . concrete block and brick manufacturing plants where workers are exposed to . . . noise from machinery.

TABLE III.—HAZARDS ENCOUNTERED IN 146 INDUSTRIAL ESTABLISHMENTS SURVEYED IN ALBUQUERQUE CITY

Exposure	Potentially hazardous operations observed		Number of exposures			
	Number of operations	Number with some control	Total	Minimal hazard	Some hazard	Severe hazard
Dust	80	40	429	89	291	49
Gases and vapors	40	23	207	93	83	31
Welding fumes	64	31	323	77	216	30
Other fumes	79	25	378	94	242	42
Mists	15	3	49	0	38	11
Petroleum solvents	13	2	125	62	47	16
Halogenated solvents	16	7	110	22	23	65
Other chemicals	127	34	748	274	371	103
Noise	13	1	159	10	116	33
Temperature extremes	11	4	51	30	16	5
Ultraviolet	17	6	44	12	25	7
Skin irritants	21	5	182	139	35	8
Totals	496	181	2,805	902	1,501	402
Percent	100.0	36.4	100.0	32.2	53.5	14.3

Interpretation.—Of the 146 industrial establishments included in the study, 496 existing or potentially hazardous situations were recognized and only 181 (36.4%) indicated some control measure. Potentially hazardous dusts were observed in 80 various locations. Only 40 (50%) of the operations indicated some attempt at controlling the hazard. Of the 429* exposures, 89 (20.7%) were in situations where the control measures were very effective or exposure and hazard to health appeared minimal; 291 (67.7%) were exposed to quantities of dust which may or may not constitute a severe hazard depending on the effective use of controls; and 49 (11.4%) worked in dusty situations which may constitute a severe health hazard due to the lack of adequate control measures or prolonged exposure.

Recommendations

Ideally, an occupational health program at the local level should have as its objective the prevention of the work situation or environment from causing damage to the health of any employed individual. To implement such an objective would require such activities as an occupational medical service, epdidemiological studies, health education services, as well as industrial hygiene engineering. Activities of this scope would require a large staff of skilled specialists. *Until the growth and development of Albuquerque's industry and labor force demands such a complete program the following recommendations are made:*

5. The following minimum basic industrial hygiene survey equipment should be purchased:

a. Noise measuring equipment (*sound survey meter*).

Anaheim, California

Public Health and Safety 6.44.020—6.52.010

6.44.020 Unnecessary, annoying, discomforting noises.* It is hereby declared to be a nuisance and shall be unlawful to make, cause or suffer or permit to be made or caused upon any premises, any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort. (Ord. 799 § 27 part as amended by Ord. 1341; April 14, 1959).

Title 6, is hereby amended by adding Chapter 6.70, reading as follows: Chapter 6.70—Sound pressure levels.

Section 6.70.010.—Sound produced in excess of the sound pressure levels permitted herein are hereby determined to be objectionable and constitute an infringement upon the right and quiet enjoyment of property in this City.

No person shall, within the City, create any sound, radiated for extended periods from any premises which produces a sound pressure level at any point on the property line in excess of sixty (60) decibels, (Re 0.0002 Microbar) read on the A-scale of a sound level meter. Readings shall be taken in accordance with the instrument manufacturers' instructions, using the slowest meter response.

The sound level measuring microphone shall be placed at any point on the property line, but no closer than three (3) feet from any wall and not less than three (3) feet above the ground, where the above listed maximum sound pressure level shall apply. At any point the measured level shall be the average of not less than three (3) readings taken at two (2) minute intervals. To have valid readings, the levels must be five (5) decibels or more above the levels prevailing at the same point when the source(s) of the alleged objectionable sound are not operating.

Sound pressure levels shall be measured with a sound level meter manufactured according to American Standard S1.4–1961 published by the American Standards Association, Inc., New York City, New York.

Traffic sounds, sound created by emergency activities, and sounds created by governmental units shall be exempted from the applications of this ordinance. Sound created by construction or building repair of any premises within the City shall be exempt from the applications of this ordinance during the hours of 6:00 A.M. to 10:00 P.M.

Section 6.70.020—Violations and penalties.—Any person who shall violate any of the provisions of this Chapter or any section or part of a section thereof, whether such violation shall consist of the commission of an act forbidden thereby, or the failure to perform any act required thereby, shall be deemed guilty of a misdemeanor and punishable under Section 1.01.370 of this Code.

Section 6.70.030—Enforcement.—The building officials of the City of Anaheim shall enforce the provisions of this Chapter.

Adopted by ordinance, No. 2526, June 18, 1968.

Anchorage, Alaska

City Ordinance: Health and Sanitation

Section 13–9: Enumeration of additional acts and conditions constituting a nuisance.—(b) Making any unnecessary or unusual noise which either annoys, injures or endangers the comfort, repose, health or safety of the public, except as otherwise permitted in this Code. The police chief shall order the placing of as many signs as he may deem necessary within one hundred fifty feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any school calling special attention against noise.

(c) Except as otherwise provided in this Code, no person without a written permit from the police chief, shall use, play or perform upon any bugle, hand organ, barrel organ, barrel accordion, hurdygurdy or other musical instrument upon any street, alley or public place.

(d) Excepting devices officially used by governmental units, no person, for the purpose of attracting the attention of the public, shall use any radio, recording music or sound amplifying device of any kind, the sound from which is cast directly upon a street, alley or public place. The city manager shall have the authority, on written application to him, to permit the broadcast by use of sound amplifying devices under conditions prescribed by him.

(a) No person shall operate or use any pile driver, power shovel, pneumatic hammer or other apparatus the use of which is attended by loud or unusual noise, in conducting any building operations between the hours of ten p.m. and seven a.m., except by written permission of the city manager, and then only in case of emergency.

(f) No person shall operate any noise-creating blower or power fan, or any internal combustion engine, the operation of which cause noise due to the explosion of operating gases or fluids, unless the noise made thereby is so muffled as not to cause annoyance to the public.

Section 18–179. Excessive noise; mufflers; sound level meter;

(a) *Excessive noise.*—No motor vehicle, other than an authorized emergency vehicle or a vehicle moving under special permit, which makes or creates excessive or unusual noise, shall operate on the streets, alleys, roadways, sidewalks and public ways of the city.

(b) *Sound limit.*—A vehicle which produces a sound level equal to or in excess of the sound limit shall be deemed to make or create excessive or unusual noise. No arrest shall be made in any case where the sound limit is exceeded by less than a two decibel tolerance.

(c) *Muffler.*—Any motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation which shall be so designed and constructed that it will effectively prevent excessive or unusual noise or that it will prevent any noise in excess of that emitted by the muffler originally installed in the vehicle and such original muffler shall comply with the standards set by the manufacturer of the vehicle. For the purpose of this subsection, if sound in excess of the sound limit shall emanate from a vehicle, such evidence may be admitted as corroborating and not prima facie evidence that the muffler was emitting noise in excess of that emitted by the muffler originally on the vehicle.

(h) For the purpose of this section the following definitions shall apply:

(1) "*Muffler*" shall be a device consisting of a series of chambers and baffle plates or other mechanical device designed for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing the noise emitted from the engine

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*A worker fulfilling his daily obligations in a plant may encounter several hazardous situations, thus, a single workman may actually represent several different exposures. The figures in Table III represent individual exposures and not necessarily the total number of employees subjected to hazardous situations.

to the practical minimum consistent with reasonable engine efficiency.

(2) "*Decibel*" shall mean the unit for measurement of relative sound levels as indicated and measured by a general purpose sound level meter (such as General Radio Company type 1565-A or its equivalent defined by American Standards Association specification S 1.4–1961) operated on the "A" scale.

(3) "*Sound limit*" shall be eighty-eight (88) decibels as measured by placing the microphone of the general purpose sound level meter at a height of approximately five (5) feet and at a distance of fifty (50) feet plus or minus two (2) feet, from the center of the lane in which the vehicle is traveling, and any measurement of the sound level shall be made at speeds of less than twenty-five (25) miles per hour. (Ord. No. 1243, 12–4–56; Ord. No. 41–66, 6–28–66)

Amendment note—Ord. No. 41–66, adopted June 28, 1966, amended § 49–178 to read as set out. Formerly said section dealt with mufflers.

Atlanta, Georgia

Section 20–30: Noises; prohibited, enumeration.—(a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the city.

(b) The following acts among others are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the city, except as a danger warning, the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.

(5) *Animals, birds.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) *Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city authorities.

(7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) *Construction or repair of buildings.** The erection (including excavating) demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, except that the building official may determine when the loss or convenience that would result to any party in interest is of such nature as to warrant special consideration, then the building official may grant a permit for a period not to exceed ten (10) days or less for such work to be done within the hours of 10:00 p.m. and 7:00 a.m.

(11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(12) *Hawkers, peddlers, vendors.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) *Noises to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) *Transportation of metal rails, similar materials.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) *Pile drivers, hammers, similar equipment.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(16) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(17) *Sound trucks.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes.

The use of sound trucks for noncommercial purposes during such hours and in such places and with such volume as would constitute such use as a public nuisance; provided, that the provisions of this section shall not apply to or be enforced against:

(a) Any vehicle of the city while engaged in necessary public businesses.

(b) Excavations or repairs of streets by or on behalf of the city, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.

(c) The reasonable use of amplifliers or loudspeakers in the course of public addresses which are noncommercial in character. (Code 1953, § 36.55; Ord. No. 1967–16, § 1, 2–20–67)

Section 13–6. Noise zone around hospitals.—(a) *Established.* The streets in front of or surrounding hospitals or sanitariums shall have what is known as a noise zone within a dstance of three hundred feet of the grounds thereof, in all directions, and where signs are erected along the street, within a distance of three hundred feet of the grounds of any such hospital or sanitarium in all drections, this shall constitute the noise zone, whether these signs are erected by the city or by the authorities in charge of such hospitals or sanitariums.

(b) *Quiet to be maintained.* It shall be unlawful for any person within a noise zone around a hospital, to cry out the sale of wares therein, to use whistles or other noise-making devices, to drive any vehicle at such rate of speed as shall create a disturbing noise, to drive any motor vehicle with the muffler cutout open, or to make or cause to be made any loud noise in any manner whatsoever. (Code 1953, §§ 20.2, 20.3)

Section 17–342. Sale of ice cream, merchandise from vehicles—Requirements as to parking; sound equipment to be stopped.—All vendors or hucksters operating trucks, carts or other types of equipment for sale of ice cream or other merchandise on the streets of the city shall, before making any sale, park their vehicle at the right curb, and and at least eight feet from any other vehicle that may be parked on the street and not less than one hundred feet from any intersecting street. When the vehicle stops, all sound equipment or other devices used to notify patrons of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion. (Code 1953, § 40.36)

Section 17–344. Same—Requirements as to operation of sound equipment, other devices.—No vehicle using sound equipment or other method of attracting customers shall operate such sound equipment or other device after 9:30 p.m. daily nor between the hours of 9:30 a.m. and 12:00 noon on Sunday. Nor shall such sound equipment or other device be operated within one block of a church between the hours of 7:00 p.m. and 9:00 p.m. on Sundays. No vehicle, including pushcarts selling ice cream, shall be operated within one block of any public school in the oity between the hours of 8:00 a.m. and 3:00 p.m. on days in which schools are actually in session. (Code 1953, § 40.38)

Cross reference—Sound trucks generally, § 20–30(b) (17).

Section 28–10. Blowing of whistles.—No locomotive whistle shall be blown within the city limits except where it is necessary to prevent accidents, or where it is necessary to thus signal the engineers of opposing trains of the approach of any passenger train or any section following the same, or when it is necessary to signal a brakeman.

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*Amendment note—Ord. No. 1967–16, § 1, adopted February 20, 1967, revised § 20–30 (10), the extent of the revision being such as to preclude a detailed analysis.

Beverly Hills, California

Ordinance No. 1243 of the city of Beverly Hills amending Article 1, of Chapter 8, of Title 4, of the Beverly Hills Municipal Code relating to loud and unnecessary noises

The Council of the City of Beverly Hills does hereby ordain as follows:

Section 1. Article 1, of Chapter 8, of Title 4, of the Beverly Hills Municipal Code relating to loud and unnecessary noises is amended in its entirety to read as follows:

Article 1. Loud and Unnecessary Noises

Section 4–8. 101. Definitions.—For the purposes of Section 4–8. 107 of this article, certain words and phrases used herein are defined as follows:

(a) *"Ambient noise."* Ambient noise is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

(b) *"Bel."* The bel is a unit of level when the base of logarithm is ten (10). Use of the bel is restricted to levels of quantities proportional to power.

(c) *"Decibel."* The decibel is one-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten, and the quantities concerned are proportional to power.

(d) *"Spectrum."* A spectrum is a function of time and is a description of its resolution into components, each of different frequency and usually of different amplitude and phase and is also used to signify continuous range of components, each of different frequency and usually of different amplitude and phase and is also used to signify continuous range of components usually wide in extent within which waves have some specified characteristics such as "audio-frequency spectrum" and is also applied to functions of variables other than time.

(e) *"Sound pressure level."* The sound pressure level, in decibels, of a sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

(f) *"Band pressure level."* The band pressure level of a sound for a specified frequency band is the sound pressure level for the sound contained within the restricted band. The reference pressure must be specified.

(g) *"Cycle."* A cycle is the complete sequence of values of a periodic quantity that occur during a period.

(h) *"Frequency."* The frequency of a function periodic in time is the reciprocal of the primitive period. The unit is the cycle per unit time and must be specified.

(i) *"Microbars."* A microbar is a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

(j) *"Sound-level meter."* A sound-level meter is an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

(k) *"Sound analyzer."* A sound analyzer is a device for measuring the bandpressure level or pressure spectrum level of a sound as a function of frequency.

(l) All technical definitions are in accordance with American Standard S1. 1–1960 entitled "Acoustical Terminology."

Section 4–8.102. *General provisions: Unlawful noise.*—No person within the City shall make, or cause the making of, or suffer or permit to be made, upon any premises owned, occupied, or controlled by such person any loud, unusual, penetrating, or boisterous noise, disturbance, or commotion, which shall cause discomfort or annoyance to a reasonable perosn of normal sensitiveness.

The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

(a) The volume of the noise.

(b) The intensity of the noise.

(c) Whether the nature of the noise is usual or unusual.

(d) Whether the origin of the noise is natural or unnatural.

(e) The volume and intensity of the background noise, if any.

(f) The proximity of the noise to residential sleeping facilities.

(g) The nature and zoning of the area within which the noise emanates.

(h) The density of inhabitation of the area within which the noise emanates.

(i) The time of the day or night the noise occurs.

(j) The duration of the noise.

(k) Whether the noise is recurrent, intermittent or constant.

(l) Whether the noise is produced by a commercial or non-commercial activity.

Section 4–8.103. Exceptions.—(a) *Prohibited hours defined.* For the purposes of this section, "prohibited hours" shall mean after the hour of 8:00 p.m. of any day, before the hour of 8:00 a.m. of any day, at any time on any Sunday, and at any time on any of the following holidays (provided if any named holiday falls on a Sunday, the following Monday shall constitute the holiday): January 1, May 30, July 4, Labor Day, November 11, Thanksgiving Day and December 25.

(b) *Commercial operations.* No person shall operate or cause the operation of, or suffer or permit the operation upon any premises owned, occupied or controlled by such person, of any tool, machine or other thing designed or used for the manufacture of goods, wares or merchandise for the construction or operation of any building or structure, or for any commercial purpose, the noise from which can be heard at any point on any other premises during prohibited hours.

(c) *Permit required.* A permit may be issued authorizing noises prohibited by this section whenever it is found that the public interest will be served thereby. Applications for permits shall be in writing and shall be accompanied by an application fee in the amount of Five and no/100ths ($5.00) Dollars and shall set forth in detail facts showing that the public interest will be served by the issuance of such permit. Applications shall be made to the Building and Planning Director; provided, however, with respect to work upon or involving the use of a public street, alley, building or other public place under the jurisdiction of the Public Works Department, applications shall be made to the Public Works Director. No permit shall be issued unless the application is first approved by the Public Works Director, Building and Planning Director, Police Chief and the Administrative Officer. Anyone dissatisfied with the denial of a permit may appeal to the Council.

Section 4–8.104. Noises: Animals and fowl.—No person within the City shall keep, or permit the keeping of, upon any premises owned, occupied or controlled by such person any animal or fowl the type, behavior or quantity of which shall cause discomfort or annoyance to a reasonable person of normal sensitiveness.

Section 4–8.105. Noises: Motors.—(a) *Starting and operating motors.* It shall be unlawful for any person within the City to start or operate, or cause to be started or operated, any gas, gasoline, kerosene, distillate, benzine, oil burning or other engine or motor within the City unless such engine or motor shall have a device thereunto attached in good working order which shall at all times be in constant operation, to prevent excessive or unusual or annoying noise from the exhaust of such motor or engine.

(b) *Possession of motors.* Every gas, gasoline, kerosene, distillate, benzine, oil burning or other motor or engine within the City shall have a device in good working order which shall be at all times in constant operation to prevent excessive or unusual or annoying noise from exhaust gases of such motor or engine when the engine or motor is running or is in operation.

Section 4–8.106. Noises: Loudspeakers.—It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate a loudspeaker or amplifying device in a fixed or movable position or mounted upon any vehicle within the City for the purpose of giving instructions, directions, talks, addresses or lectures to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without a permit so to do from the Police Chief. The Police Chief, in granting or denying such permit, shall consider the constitutional right of free speech of all persons, including the applicant, but shall also consider the volume of traffic, both vehicular and pedestrian, and the effect, if any, of granting such permit upon the orderly movement of traffic, the peaceable passage or presence of persons, in, on, to or across the street, alley, sidewalk, park, place or public property, the possible disorder or unlawful injury to persons or property, the possible tendency to incite crime, the possible invasion of the right of privacy, the threat of the overthrow of the lawfully established government or any agency or portion thereof by force and the possible unlawful breach or disturbance of the public peace if the permit is granted. The Police Chief shall grant or deny the permit after considering such matters.

Section 4–8. 107. Noises: Machinery.—It shall be unlawful to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device, in any manner so as to create any noise which would cause the noise level at the adjoining property line to exceed either the limiting noise spectra set forth in the table below, or to exceed the ambient noise level by more than three (3) decibels.

Table of Limiting Noise Levels

Noise level at any band pressure shall not exceed either that shown below, or the ambient noise level by more than three (3) decibels, as measured by and recorded from an approved Sound-level Meter and/or a Sound Analyzer.

Octave band Center frequency Cycles per second	*Band pressure level in decibels re 0.0002 microbars*
All pass (combined frequency bands)	60
31.5	59
63	58
125	49
250	41
500	35
1000	30
2000	28
4000	26
8000	25
16000	24

Section 2. The City Clerk shall cause this ordinance to be published once, within fifteen days after its passage, in the Beverly Hills Citizen, a newspaper of general circulation, printed, published, and circulated in this City; shall certify to the adoption and publication of this ordinance and shall cause this ordinance and his certification, together with proof of publication to be entered in the Book of Ordinances of this City.

Section 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

Adopted the 17th day of May, 1966.

Birmingham, Alabama

City Code

Sec. 3-9. Noisy and obnoxious advertising.[3]—(a) It shall be unlawful for the proprietor, manager or other person in charge or control of any place of business in the city to advertise, or attempt to attract attention, to such place of business, or any article of merchandise therein, or any business, sale or event being conducted therein, by causing or allowing any radio, phonograph, phonograph record, bell, drum, horn or other instrument located upon, at or in such phase of business, to be played, operated or sounded in such manner that the sound created, emitted or transmitted by such instrument shall be audible to persons upon any public street of the city; provided, that it shall be lawful from time to time to demonstrate any such instrument to prospective purchasers thereof in such place of business, notwithstanding resultant sound may escape to a public street; and provided further, that the provisions of this subsection (a) shall not apply to any type of carillon which is located in or on any premises in the city and is played, operated or sounded so as to cause music or musical notes or a time strike to emanate from such carillon or from amplifiers attached thereto and located in or on the same premises.

(b) It shall be unlawful for any person to drum or solicit any person on any sidewalk or street in the city, either orally or by means of cards or handbills, to enter any store or other place of business for the purpose of buying, or negotiating for the sale of, any goods, wares or merchandise, or for the rendition of any service.

(c) It shall be unlawful for any person to advertise from any vehicle upon any street or other public way by means of any loud speaker, amplifier, radio, phonograph, phonograph record, bell, drum, horn or other instrument, or by any other loud noise, within that portion of the city bounded on the north by the north line of Eighth Avenue, North, on the east by the east line of Twenty-third Street, on the south by the south line of Morris Avenue, and on the west by the west line of Seventeenth Street, or within a radius of one block of any school or hospital, or within a radius of one block of any church on Sunday.

(d) It shall be unlawful for any person to advertise from any vehicle upon any street or other public way by means of any loud speaker, amplifier, radio, victrola, victrola record, bell, drum, horn or other instrument, or by any other loud noise, within the city between the hours of 7:00 P.M. and 9:00 A.M. (Code 1914, § 124; Ord. No. 1671-F.)

Sec. 7-3. Noisy animals or fowl.—It shall be unlawful to confine, harbor, or keep on a lot, place or premises, any animal or fowl which habitually, continuously or intermittently makes or emits sounds or noises of such volume, nature and extent as to be a public nuisance by reason of being obnoxious or annoying to the ordinary persons in that neighborhood. (Code 1944, § 138).

Sec. 26-9. Prevention of noise, etc. It shall be the duty of the operator of a tourist home located in a district zoned for apartment house uses to exercise every possible precaution in order to minimize the noise and other inconvenience to neighboring residents. (Code 1944, § 691.)

Sec. 34-143. Horns and warning devices. (a) Every motor vehicle, when operated upon a street of the city, shall be equipped with a horn in good working order capable of emitting a sound audible under normal conditions for a distance of not less than two hundred feet. It shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, or for any person at any time to use a horn otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every police and fire department and fire patrol vehicle, and every ambulance used for emergency calls, shall be equipped with a bell, siren or exhaust whistle of a type approved by the state highway director. (Code 1944, § 1276.)

Sec. 34-146. Mufflers and exhaust. (a). No person shall drive a motor vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual and annoying smoke.

(b) It shall be unlawful to use a muffler cutout, bypass, a muffler without baffles or similar device on any motor vehicle upon a street (Code 1944, § 1279.)

Ordinance No. 65-30 to Amend Subsection (a) of Section 34-146 of the General Code of the City of Birmingham, 1964

Be it ordained by the Council of the City of Birmingham that Sub-section (a) of Section 34-146 of the General Code of the City of Birmingham, 1964 be and said Sub-section (a) is hereby amended to read as follows:

"(a) No person shall drive a motor vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke."

Article II. Noises.[4]

Section 35-10. Illegal noises generally.—It shall be unlawful and a nuisance for any person to make or cause to be made any unreasonably loud, disturbing or unnecessary noise in the city. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned or possessed by him or under his management or control. The following acts, among others, are declared to be loud, disturbing or unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(a) *Blowing horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal when and as required by ordinances of the city or by the Code of Alabama, Title 36; the creation by means of any such signal device of any unreasonable, loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time. The provisions of this section regulating the sounding of a horn or signal device on vehicles shall not apply to authorized emergency vehicles while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties, and when the sounding of such horn or signal device is made as a warning or danger signal.

(b) *Pets.*[5] The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any ordinary person in the vicinity.

(c) *Blowing steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(d) *Unmuffled engine exhausts.*[6] The discharging into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent the emission of loud or explosive noises therefrom.

(e) *Peddlers, etc.*[7] The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(*f*) *Fireworks.* The explosion of firecrackers, sky-rockets, Roman candles, pinwheels or any other form of fireworks, except the display of fireworks in public parks or other open places within the city under a permit issued by the fire marshal, pursuant to the Fire Prevention Code of the City.[8]

(g) *Use of noisemakers for advertising purposes.*[9] The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or device for the purpose of attracting attention or intended to attract attention to any performance, show or sale or display of merchandise, or for any other advertising purposes; provided, that the provisions of this subsection (g) shall not apply to any type of carillon which is located in or on any premises in the city and is played, operated or sounded so as to cause music or musical notes or a time strike to emanate from such carillon or from amplifiers attached thereto and located in or on the same premises.

(h) *Calliopes or amplifiers on vehicles.* The use of calliopes, mechanical loudspeakers or amplifiers on any vehicles used for advertising or other purposes, except when a permit for such use over a specified route is issued by the mayor and except within the time specified in such permit. (Code 1944, § 813; Ord. No. 1671-F.)

Section 35-11. Outside speakers emanating music on public streets.—It shall be unlawful and a nuisance for any person to have or permit a speaker or other device to be attached to any music machine which is designed to or does carry the sound of music emanating from such machine to a public street; provided, that the provisions of this section shall not apply to any type of carillon which is located in or on any premises in the city and is played, operated or sounded so as to cause music or musical notes or a time strike to emanate from such carillon or from amplifiers attached thereto and located in or on the same premises. (Code 1944, § 815; Ord. No. 1671-F.)

Section 35-12. Transmitting music audible to persons outside premises during certain hours.—Between the hours of 11:00 P. M., and 8:00 A. M., it shall be unlawful and a nuisance for any person in charge of any music machine to operate or to permit such music machine to be operated in such manner that the sound created, emitted or transmitted by such music machine shall be audible to persons upon any public street or private premises; provided, that the provisions of this section shall not apply except between the hours of 11:00 P. M., and 7:00 A. M., to any type of carillon which is located in or on any premises in the city and is played, operated or sounded so as to cause music or musical notes or a time strike to emanate from such carillon or from amplifiers attached thereto and located in or on the same premises. (Code 1944, § 816; Ord. No. 1671-F.)

Section 35-14. Radios and television.—Between the hours of 11:00 P. M. and 8:00 A. M., it shall be unlawful for any person in charge of any radio or television receiving set to operate or to permit such radio or television receiving set to be operated in such manner that the sound created, emitted or transmitted by such radio or television receiving set shall be audible to persons upon any public street or private premises. (Code 1944, § 818.)

Section 44-4. Blowing locomotive whisties.—No person shall blow any locomotive whistle within the city, except as a necessary signal of danger, in compliance with law or to give warning of a house on fire in the city. (Code 1944, § 970.)

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[3] As to prohibition against use of noise makers for advertising purposes, see § 35-10 (g) of this Code.

[4] As to prevention of noise in tourist homes, see § 26-9 of this Code. As to blowing locomotive whistle, see § 44-4.

[5] See also, § 7-3 of this Code.

[6] As to mufflers and cutouts on motor vehicles, see § 34-146 of this Code.

[7] As to peddlers and hawkers generally, see ch. 39 of this Code.

[8] Editor's note.—The Fire Prevention Code of the city is not set out in this Code. It is on file in the office of the city clerk.

[9] As to noisy and obnoxious advertising, see § 3-9 of this Code.

Boston, Massachusetts

City Ordinances

Unnecessary noises

Section 97.—(*a*) Subject to the provisions of this section, the creation of any unreasonably loud disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(*b*) The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal; the sounding of any horn or signal device on any such vehicle while in motion, except as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; and the sounding of any such horn or signal device for an unnecessary and unreasonable period of time; provided that any such noise shall be plainly audible at a distance of one hundred feet.

2. The playing of any radio, phonograph, or any musical instrument or other instrument intended or utilized so as to reproduce sound, in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence; provided that any such noise shall be plainly audible at a distance of fifty feet and provided that nothing herein contained shall be construed to prohibit playing by a band and or orchestra in a hall, building, or in the open air.

3. The keeping of any animal or bird which by biting or by causing frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity.

4. The use of any automobile, motorcycle, street car or other vehicle so out of repair or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise; provided that any such noise shall be plainly audible at a distance of one hundred feet.

5. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work or as an alarm or danger signal.

6. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motor boat or outboard motor engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

7. The erection, demolition, alteration, or repair of any building, and excavation in regard thereto, except between the hours of seven a.m. and six p.m. on weekdays or except, in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the building commissioner, which permit may be renewed for one or more periods of not exceeding one week each.

8. The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session, or adjacent to any hospital or church, which unreasonably interferes with the conduct of the foregoing; provided that any such noise shall be plainly audible at distance of twenty-five feet and provided that a conspicuous warning sign, using appropriate words, has been displayed in such street indicating that the same is a school, hospital, church or court street.

9. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

Ordinance Sept. 30, 1850: Section 54.—No person, other than musicians in a lawful parade or procession or itinerant musicians licensed thereto by the police commissioner, shall, in any street except as a warning of danger, ring or cause to be rung any bell, or use or cause to be used any musical or noise-making instrument.

Buffalo, N.Y.

City Ordinances

Article XVII: Noise control

§ 1701. Prohibited noises. Subject to the provisions of this article, the creation of any unreasonably loud, disturbing and unnecessary noise in the city of Buffalo is prohibited as a public nuisance. Noise of such character, intensity and duration as to be detrimental to the life, health or welfare of any individual in the city of Buffalo is prohibited as a public nuisance.

The following acts, among others, are declared to be prima facie evidence of a violation of this article and declared to be the loud, disturbing and unnecessary noises prohibited herein, but said enumeration shall not be deemed to be exclusive:

1. Animals and birds. The keeping in any building or upon any premises of any animal or bird which by frequency or long continued noise shall disturb the comfort and repose of any person in the vicinity.

2. Defect in vehicle or load. The use of any automobile, motorcycle or other vehicle in such manner or so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

3. Horns and signaling devices. The sounding of any horn, bell or other signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place in the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any such signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up.

4. Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work or as a warning of danger.

5. Exhausts. The discharge into the open air of the exhaust from any stationary steam engine, stationary internal combustion engine or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

6. Compressed air devices. The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

7. Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on such streets indicating that the same is a street wherein quiet is required.

8. Loading and unloading. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates and containers.

9. Yelling and shouting. Yelling, shouting, hooting or singing on the public streets, particularly between the hours of eleven o'clock p.m. and seven o'clock a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, factory or any dwelling, hotel or other type of residence, or of any person in the vicinity.

10. Radios and phonographs. The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with a louder volume than is necessary for the convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto; the operation of any such set, instrument, photograph, machine or device between the hours of eleven o'clock p.m. and seven o'clock a.m. in such manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of the violation of this article and shall be presumed to be of such volume as to annoy or disturb the sleep, comfort and repose of any person in the vicinity.

11. Prohibited hours. Unreasonably loud, disturbing and unnecessary noise or sound during and between the hours from eleven o'clock p.m. to seven o'clock a.m., which unreasonably interferes with the sleep, comfort, health and repose of any individuals in the vicinity and hearing of such noises or sounds.

12. Construction or repair of buildings. The erection, including the excavation, demolition, alteration, or repair of any building or structure other than between the hours of seven o'clock a.m. and six o'clock p.m. on week days, except in case of urgent necessity in the interest of public health and safety, and then only under permit from the director of buildings, which permit may be renewed for periods of three days or less while the emergency continues. Such operations are completely prohibited on Sundays and legal holidays, except under the permit above described.

13. Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

§ 1702. Commercial purposes. No person, for commercial, business or advertising purposes, shall create, cause to be created or permitted upon any premises in the city of Buffalo under his control, any disturbing noise of such volume and character as to unreasonably disturb the public or persons in the vicinity.

Music or other sounds produced or reproduced on player pianos, phonographs, talking machines or by radio through loud speakers or by sound amplifying equipment or device, when of sufficient volume as to be distinctly heard for a distance of fifty feet outside the building, premises or structure where produced, or sufficiently audible upon any public street or place to attract and congregate a crowd thereon, is hereby declared to be a disturbing noise and a public nuisance. This definition, however, is not exclusive.

1. Aircraft and boats. The making of any noise in any street, park or public place in the city of Buffalo by means of any aircraft, or any boats on the water within the jurisdiction of the city, by operation of sound producing or sound amplifying equipment thereon, for any purpose whatsoever is prohibited.

2. Noise-making equipment. The advertisement or calling attention to any advertisement, article, business, calling or profession upon any public street, sidewalk, park or public place or entrance to a place of business, building or premises within the city of Buffalo by means of any horn, musical instrument, whistle, megaphone, siren, bell, radio, mechanical piano, phonograph or other sound producing or sound amplifying

mechanism, instrument or device, is prohibited.

3. Sound equipment carried on conveyance. The operation and use in or upon any automobile, truck or other vehicle or conveyance upon any public street, park or public place within the city of Buffalo of any horn, mechanical instrument, megaphone, siren, bell, radio, mechanical piano, phonograph or other sound producing or sound amplifying mechanism, instrument or device for such commercial, business or advertising purposes, is hereby prohibited.

4. Exceptions. This section shall not apply to the use of a horn, bell or other signaling apparatus when the same is necessary or authorized for the protection of persons or property, or when attached to or used by any fire or police car or apparatus, or hospital apparatus in responding to a call, or to radio sets installed in passenger automobiles not stepped up with sound or special amplifying devices, nor shall this section apply to duly authorized public parades, that is, parades of public interest as contrasted with private parades conducted for commercial purposes.

§ 1703. Non-commercial purposes. The operation and use in and upon any building, structure, premises, or on any street, park, parkway or public place, or on any automobile, truck or other vehicle or conveyance, of any sound producing or sound amplifying mechanism, instrument or device, producing or reproducing the human voice and speech only, whereby the sound of such voice and speech is cast upon the public streets, parks, parkways and places, shall not be deemed a violation of this article under the following conditions and circumstances and with complete compliance with all requirements herein and the proper application for issuance and the proper use of the permit hereinafter mentioned:

1. Such use and operation shall be on matters of public interest and concern or religious purposes only.

2. Such volume of sound of the human voice shall be so controlled that it will not be audible for a distance in excess of one hundred feet from its course, and so that said volume is not unreasonable, loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility. No sound amplifying equipment shall be operated with an excess of fifteen watts of power in the last stage of amplification.

3. Such dissemination of sound shall not be permitted to interfere with and adversely affect the normal and safe flow of vehicle and pedestrian traffic.

4. The only sounds permitted are human speech and voice.

5. No such sound amplifying equipment shall be permitted to be used so as to interfere with and be disturbing to any public gathering lawfully assembled within audible range of such sound equipment and assembled for purposes other than to hear the program emanating from such sound equipment.

6. Operation and use of such sound amplifying equipment shall be permitted only during the following hours of the day, such period being between eleven-thirty o'clock a.m. and one-thirty o'clock p.m. and between the hours of three o'clock p.m. and five o'clock p.m., except on Sundays and legal holidays when no operations shall be permitted. An exception to such time limitation can only be made by separate permit of the common council upon a showing and proof of unusual and necessary importance and interest to the public welfare, health or safety.

7. No such sound amplifying equipment shall be used to unreasonably interfere with, annoy or harass any person, firm or corporation in their home, residence, place of business or other location.

8. No such sound amplifying equipment shall be continued in operation when it can be heard on the public streets for a maximum continuous period of over fifteen minutes at any one time at any one location, including a one-half mile radius therefrom, and shall not be operated or used at any one location, including a half mile radius therefrom, more than one time in a seven-day period.

9. No such sound amplifying equipment placed upon a sound truck, vehicle or other conveyance shall be continued in operation while such sound truck, vehicle or conveyance is in motion or in transit.

10. Sound shall not be issued within five hundred feet of hospitals, court houses, schools or churches.

11. The human speech emitted shall not be profane, lewd, indecent or slanderous.

12. No such sound amplifying equipment shall be operated upon the following streets and within the following downtown congested traffic area, bounded and described as follows:

Beginning at the intersection of Washington Street and South Park Avenue northerly along Washington Street to Exchange Street;

Easterly along Exchange Street to Ellicott Street;

Northerly on Ellicott Street to Virginia Street;

Westerly and southwesterly on Virginia Street to Niagara Street;

Southerly on Niagara Street to Georgia Street;

Southwesterly on Georgia Street to Perry Boulevard;

Southerly on Perry Boulevard to Court Street;

Easterly on Court Street to the Lower Terrace;

Southerly on the Lower Terrace to Evans Street;

Southwesterly on Evans Street and as continued to the Buffalo River;

Southeasterly along the Buffalo River to a point opposite the place of beginning,

And thence northerly to the place of beginning.

13. No such sound amplifying equipment shall be operated in any location whenever the commissioner of police upon investigation shall determine that the condition of vehicular or pedestrian traffic, or both, are such that the use of such sound amplifying apparatus will constitute a threat to the safety of pedestrians or vehicle operators, or where he shall determine that conditions of overcrowding or street repair or other physical conditions are such that the use of such sound amplifying apparatus will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place, for street, park or public purposes, or will constitute a threat to the safety and welfare of the public.

14. A permit must be obtained under this section from the commissioner of police of the city of Buffalo, and he shall issue such permit subject to all the conditions and restrictions contained herein. The commissioner shall not deny a permit for any specific time, location or use to any applicant who fully complies with the provisions of this section, except for one or more of the reasons specified herein, or for the nonpayment of the fee prescribed herein, or to prevent overlapping in the granting of permits.

A denial by the commissioner of police to issue a permit hereunder, may be reviewed by a board consisting of the mayor, comptroller and president of the council. Such board on written petition of the applicant shall hold a hearing to determine if such application for a permit was properly denied under the provisions of this section. If the board decides the application and permit were improperly denied by the commissioner of police, it shall order him to issue such permit upon compliance by the applicant with all applicable provisions of this section, and said commissioner of police shall thereupon issue such permit.

The applicant for a permit to use or cause to be used sound amplifying equipment, whether placed upon a truck or conveyance or otherwise for the non-commercial purposes above described, shall file an application statement in writing with the commissioner of police at least five days prior to the date of the proposed use. This statement shall be filed in duplicate and shall state the following:

(a) Name and home address of the applicant.

(b) Business address of applicant.

(c) License number and motor number of the sound truck, if any, to be used by applicant.

(d) Name and address of person who owns the sound truck and amplification equipment.

(e) Name and address of persons having direct charge of sound truck.

(f) Names and addresses of all persons who will use or operate the sound truck and persons using and operating sound amplification equipment.

(g) Name and address of any organization sponsoring or responsible for the use and operation of said sound amplifying equipment.

(h) A general statement of the purpose for which the sound amplifying equipment will be used and a general statement of the subject matter to be broadcast.

(i) A statement as to the streets, sections, parks or public places of the city at, on or in which the said sound amplifying equipment will be used, giving locations.

(j) Proposed periods of operation of said sound amplifying equipment and length of time of each individual operation.

(k) The number of days of proposed operation of such sound amplifying equipment under the permit, not exceeding three days.

(l) General description of the sound amplifying equipment which is to be used and vehicle on which it is carried, if any.

(m) Maximum sound producing power of the sound amplifying equipment to be used, stating:

(1) Wattage to be used.

(2) Volume in decibels of the sound which will be produced.

(3) The maximum distance sound will be thrown from the sound amplifying equipment.

(n) Such other pertinent information as the commissioner of police may deem necessary to enable him to carry out the provisions of this section.

(o) A statement by the applicant that he and all other persons using such sound amplifying equipment under a permit herein shall abide by all the restrictions and requirements of this section, and will observe and abide by all the rules, laws, ordinances and regulations controlling the use of the public streets, parkways and public places.

Each permit issued pursuant to this section shall describe the specific location in which such sound amplifying device, equipment or apparatus may be used or operated thereunder, the exact period of time for which such amplifying apparatus, equipment or device may be operated in such location, the maximum volume of sound which may be employed in such use or operation, and such other terms and conditions as may be necessary for the purpose of securing the health, safety, comfort, convenience and peaceful enjoyment by the public of their rights to use the public streets, parks or places for street, park or other public purposes, protecting the health, welfare and safety of the inhabitants of the city and securing the peace, quiet and comfort of all its inhabitants.

One copy of the aforesaid application shall be attached to the permit and become a part thereof and shall be delivered to the applicant who shall keep such permit and attached application in his possession during the time of use of such sound amplifying apparatus under such permit. Such permit and attached application shall be promptly displayed and shown to any police officer of the city of Buffalo upon request.

Any false statement in such application for a permit and any failure to abide by the limitations set forth under the permit and application, shall be deemed a distinct and separate violation of this section. No permit shall be granted covering more than a period of three days. All applications shall be checked by the bureau of identification of the department of police, and the police records of any persons whose names appear on said application shall be attached thereto.

Each applicant for a permit issued under the provisions of this section shall pay a fee of three dollars for the use of each such sound amplifying device, equipment or apparatus for each day of use; provided, however, that permits for the use of sound amplifying devices or apparatus shall be issued to any bureau, commission, board or department of the United States, the state of New York, the county of Erie and the city of Buffalo without fee.

All monies collected herein by the department of police shall be the property of the city of Buffalo, and shall be accounted for and turned over weekly to the treasurer of the city.

No permit shall be issued where it appears that the applicant or any other person whose name appears on the application as a participant in the broadcasting of such sound, or under whose auspices such sound is to be broadcast, has been convicted of a crime or disorderly conduct.

§ 1704. General provisions. Nothing contained in this article shall be construed to prevent the production of music in connection with any military, civic or authorized parade, funeral procession or religious ceremony, nor to prevent any musical performance conducted under the consent of municipal authorities.

The provisions of this article shall not apply to police officers and firemen while in the discharge of their duties.

The provisions of this article shall be liberally construed to prevent excessive, unreasonable, disturbing and unnecessary noise, due consideration being given to the circumstances, time of day, particular location of each violation and the demands of the public health, safety and welfare.

This article shall not be construed as prohibiting the use of sound amplifying equipment or devices during unusual and noncommercial events conducted by the national, state, county or municipal government.

The term "sound amplifying device, equipment or apparatus" shall mean any radio device or apparatus, or any device or apparatus for the amplification of any sounds from any radio, phonograph or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sound.

The word "person" as used herein, shall include the singular and plural, and shall also mean and include any person, firm, corporation, association, club, partnership, society, union or any other form of association or organization.

It is the intention herein that each separate provision of this ordinance shall be construed and deemed independent of all other provisions herein, and it is further the intention that if any provision of this article shall be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Chapter LX: (Traffic Ordinance) § 17. Vehicles. Subd. (6) *Load must be secured so no loud noises occasioned.*

(6) The use of a vehicle in the city is prohibited when it is so loaded with iron or other material as to create loud noises while in transit.

Chapter IX: (Disorderly Conduct) § 5. Disturbances and intoxication. Subd. (1) No person shall make or assist in making any riot, unreasonable noise or disturbance at or within any house or building or in a public place.

§ 6. Discharging firearms or other weapons. No person shall fire, shoot or discharge, in any place or building, any firearms, air gun, spring gun, archery device propelling or projecting an arrow, cannon or artillery piece, provided, however, that the prohibitions above contained shall not apply to a lawfully licensed amusement or to a duly authorized rifle, pistol or archery range or to any duly authorized police or military personnel. Further exceptions may be made hereto by written permit of the commissioner of police under circumstances beneficially and directly affecting the public health, welfare and safety.

§ 8. Profane language. Subd. (1) No person shall use profane or obscene language in a public place, or in a building in so loud a tone that it shall be heard by persons not within said building.

Chapter VII: (Regulatory Ordinances) § 113. (This Article concerned Railroads.) It shall not be lawful for any person in the employ of any railroad company operating within the limits of the city to permit the whistle of the locomotive under his control to be blown, except for necessary signal purposes. Any person violating the provisions of this section shall pay a penalty of $25.00 for such offense.

Article 9—Equipment of Motor Vehicles and Motorcycles

Sec.
375. Equipment.
376. Lamps, signaling devices and reflectors on commercial vehicles.
377. Vehicles engaged in the transportation of logs and other materials.
378. Motor vehicles engaged in the transportation of inflammable liquids.
379. Motor vehicles engaged in the transportation of inflammable liquids.
380. Motor vehicles engaged in the transportation of dangerous articles.
381. Motorcycle equipment.
382. Hydraulic brake fluid.

§ 375. Equipment

1. Every motor vehicle operated or driven upon the public highways of the state, shall be provided with adequate brakes and steering mechanism in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate horn or other device for signaling, which horn or device shall produce a sound sufficiently loud to serve as a danger warning but shall not be used other than as a reasonable warning nor be unnecessarily loud or harsh.

* * * * *

(d) The Provisions of this subdivision shall not apply to motor vehicles, trailers and semitrailers registered pursuant to subdivision thirteen of section four hundred one of this chapter, and not operated upon the public highways in excess of one and one-half miles by direct route between farms or portions of farms under single or common ownership or operation.

26. A gong or siren whistle shall not be used on any vehicle other than an authorized emergency vehicle. This shall not be construed to apply to a gong or siren designed and used solely as a burglar alarm on a vehicle.

31. Mufflers. Prevention of noise. Every motor vehicle, operated or driven upon the highways of the state, shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cut-out, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all the requirements of this section.

A muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

Chicago, Illinois

Zoning Ordinance: Sec. 99 and Sec. 106

(Provisions of the Municipal Code are included in the Chicago Zoning Ordinance, Chapter 194A. Sound level readings are taken when complaints are filed.)

Noise

99–56. Sundry noises restricted.—No person shall make, or cause, permit or allow to be made, upon a public way, or in such close proximity to a public way as to be distinctly and loudly audible upon such public way, any noise of any kind by crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, sound amplifier, or similar mechanical device provided, that the said restrictions shall not apply to any licensed peddler crying or calling for the purpose of advertising goods, wares or merchandise when lawfully using any public alley in the city between the hours of 11 a.m. and 6 p.m. [Amend. Coun. J. 12–21–39, p. 1396.]

99–57. Hand organs.—No person shall use or perform with any hand organ or other musical instrument or device, for pay or in expectation of payment, in any public way or public place of the city before nine o'clock a.m. or after nine o'clock p.m. of any day, under a penalty of not less than ten dollars nor more than twenty-five dollars for each offense.

99–58. Transporting rails and pillars.—All rails, pillars, and columns of iron, steel, or other metal which are being transported on the public ways of the city shall be so loaded as to avoid causing loud noises or disturbing the peace and quiet of such public ways, under a penalty of not more than twenty-five dollars for each offense.

99–59. Steam whistle.—No person shall blow or cause to be blown, within the city, the steam whistle of any stationary steam plant as a signal for commencing or suspending work, or for any other purpose.

This section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire, collision, or other imminent danger.

99–60. Pneumatic hammer.—It shall be unlawful for any person to construct or maintain, within two hundred feet of any residence, a factory wherein are used pneumatic hammers or other apparatus which cause loud or unusual noises. Any person violating any of the provisions of this section shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, and each day's violation shall be considered a separate and distinct offense.

90–60.1. Building operations at night.—It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 9:30 o'clock in the evening and 8:00 o'clock in the morning, except for work on public improvements and work of public-service utilities, within 600 feet of any building used for residential or hospital purposes.

Any person violating this section shall be fined not less than fifty dollars for each offense, and each day's violation of the same shall constitute a separate and distinct offense. [Added. Coun. J. 10–31–51, p. 1166; 3–6–63, p. 9023.]

Violation of Chapter Provisions

99–74. Penalty.—Any person violating any of the provisions of this chapter shall be fined not less than five dollars and not more than two hundred dollars for each offense, except where otherwise specifically provided. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof. [Amend. Coun. J. 6-11-47, p. 308; 6-30-54, p. 7829.]

106–17. Noises prohibited.—No bellman or crier, nor any drum, fife, or other instrument of music, nor any show signal or other means of attracting the attention of the public, other than a sign or flag, shall be employed or permitted to be used in connection with any auction sale at or near any place of such sale, or at or near any auction room.

106–19. Penalty.—Any person violating any of the provisions of this chapter, where no other penalty is provided, shall be fined not less than ten nor more than two hundred dollars for each offense.

Building Code Sec. 10

10.5 Performance Standards—Noise—Use and Bulk Regulations.

(1) Any use established in a Manufacturing District after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located, provided that such performance standards shall not be applicable to the structural alteration or relocation of existing buildings occurring hereafter or the enlargement, expansion or addition to existing uses occurring hereafter when such alteration, relocation, enlargement, expansion or addition takes place upon property which, at the time of the passage of this comprehensive amendment, is owned or occupied by the same person, firm or corporation, or their respective heirs, legal representatives or successors, making such alteration, relocation, enlargement, expansion or addition and, provided further, that such performance standards also shall not be applicable to new construction by such owner or occupier upon previously undeveloped property which, at the time of such construction, is contiguous to an existing manufacturing use and, at the time of the passage of this comprehensive amendment, is being held by such owner or occupier for development for manufacturing purposes. All such construction, alteration, relocation, enlargement, expansion or addition to which the performance standards hereinafter set forth shall not be applicable shall, nevertheless, be controlled so as not tc become a nuisance to adjacent uses.

(2) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this comprehensive amendment, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(3) In all instances in which an M2 or M3 District does not adjoin a Residence or Business District, the performance standards governing noise for the M1 Districts shall apply at the nearest Residence or Business District boundary line.

10.5–1 Performance Standards—Noise—M1–1 To M1–5 Restricted Manufacturing Districts.

In the M–1 to M–5 Districts inclusive, at no point on the boundary of a Residence or Business District shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown below for the districts indicated.

Octave band cycles per second	Along residence district boundaries—Maximum permitted sound level in decibels	Along business district boundaries—Maximum permitted sound level in decibels
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

10.5–2 Performance Standards—Noise—M2–1 To M2–5 General Manufacturing Districts.

In the M2–1 to M2–5 Districts inclusive at no point either on the boundary of a residence or business district or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown below for the districts included.

Octave band cycles per second	Maximum permitted sound level in decibels along residence district boundaries or 125 feet from plant or operation property line	Maximum permitted sound level in decibels along business district boundaries or 125 feet from plant or operation property line
0 to 75	72	79
75 to 150	67	74
150 to 300	61	68
300 to 600	56	62
600 to 1,200	50	56
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Above 4,800	38	44

10.5–3 Performance Standards—Noise—M3–1 To M3–5 Heavy Manufacturing Districts.

In the M3–1 to M3–5 Districts inclusive, at no point either on the boundary of a residence or business district or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown below for the districts included.

Octave band cycles per second	Maximum permitted sound level in decibels along residence district boundaries or 125 feet from plant or operation property line	Maximum permitted sound level in decibels along business district boundaries or 125 feet from plant or operation property line
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1,200	53	58
1,200 to 2,400	48	53
2,400 to 4,800	44	49
Above 4,800	41	46

10.6 Performance Standards—Vibration—Use and Bulk Regulations.

Any use established in a Manufacturing District after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards governing vibration set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing vibration established hereinafter for the district in which such use is located.

10.6–1 Performance Standards—Vibration—M1–1 To M1–5 Restricted Manufacturing Districts.

In the M1–1 to M1–5 Districts inclusive, any use or portion thereof creating intense earth-shaking vibrations such as are created by heavy drop forges, or heavy hydraulic surges shall be set back at least 300 feet from the lot lines on all sides, except for lot lines adjoining an M3 District where such set back shall not be required, but in no case shall any such vibration be allowed to create a nuisance or hazard beyond the lot lines.

10.6–2 Performance Standards—Vibration—M2–1 To M2–5 General Manufacturing Districts.

In the M2–1 to M2–5 Districts inclusive, any use or portion thereof creating intense earth-shaking vibrations such as are created by heavy drop forges, or heavy hydraulic surges, shall be set back at least 300 feet from the boundary of a Residence, Business, or Commercial District and at least 150 feet from the boundary of an M1 District, unless such operation is controlled in such a manner as to prevent transmission beyond the lot lines of earthshaking vibrations perceptible without the aid of instruments.

10.6–3 Performance Standards—Vibration—M3–1 To M3–5 Heavy Manufacturing Districts.

In the M3–1 to M3–5 Districts inclusive, the performance standards governing vibration in the M2 Districts shall apply.

Cincinnati, Ohio

City Ordinances: Ch. 511; Sec. 901

Chapter 511: Miscellaneous

§ 511–2. Loud Noise in the Operation of Vehicles.—It shall be unlawful for any person to operate a motor vehicle upon any street or highway so as to create loud or excessive noise. Any person operating a vehicle on a street or highway which emits or creates sound or noise in excess of 95 decibels as measured on the A scale of a General Radio Company No. 1551–A sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet to the right of the vehicle as said vehicle passes the sound level meter, shall, prima facie, be guilty of producing loud or excessive noise. Nothing herein shall be construed to prohibit the blowing of horns when necessary to prevent an accident or the use of sirens or other similar devices on authorized emergency vehicles.

Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not to exceed twenty-five dollars ($25.00) for the first offense and for the second and subsequent conviction within one year thereafter by a fine of not to exceed one hundred dollars ($100.00).

(Ordained by Ord. No. 430–1953, effective Oct. 30, 1953; amended by Ord. No. 406–1958, effective Dec. 13, 1958).

§ 511–16. Noisy Mufflers.—No person shall sell, or give away for use upon, or install, or use on any motor vehicle operated in the city of Cincinnati, any type of muffler that shall modify the exhaust system of a motor vehicle in any manner that will amplify or increase the noise emitted by the motor of such vehicle.

(Ordained by Ord. No. 353–1957, effective Oct. 11, 1957).

§ 901-L7. Loud Noises.—It shall be unlawful for any person, firm or corporation to operate or cause to be operated, any whistle, rattle, bell, gong, clapper, hammer, drum, horn, player piano, calliope, radio, phonograph, or other sound-producing or sound-amplifying instrument or in any other way to create noise or sound in such manner as to disturb the peace and quiet of a neighborhood or to interfere with the transaction of business or other ordinary pursuits. Any violation of this section shall be punishable by a fine of not to exceed twenty-five dollars ($25.00); but nothing herein shall be construed to affect the usual and reasonable operation of steam railroads, electric railways and motor buses, or to prohibit the reasonable use of automobile warning signals, the reasonable ring of church bells or the reasonable and ordinary noises attendant on athletic contests or lawful public or semi-public meetings, parades or celebrations.

(oC 618)

§ 901-L8. Loud Noises, Music.—It shall be unlawful for any person, association, firm or corporation, operating a restaurant, hotel, summer garden or other place of refreshment or entertainment to permit, or for any person in or about such restaurant, hotel, summer garden or other place of refreshment or entertainment to engage in, the playing or rendition of music of any kind, singing, loud talking or other noises on or about the premises, in such manner as to disturb the peace and quiet of the neighborhood, having due regard for the proximity of places of residence, hospitals, or other residential institutions and to any other conditions affected by such noises.

It shall be prima facie unlawful for any person, association, firm or corporation, operating a restaurant, hotel, summer garden or other place of refreshment or entertainment to permit, or for any person in or about such restaurant, hotel, summer garden or other place of refreshment or entertainment to engage in the playing or rendition of music of any kind, singing, loud talking or other noises on or about the premises during the night season after eleven o'clock p.m.

In every charge of violation of this section the affidavit shall state the hour at which the offense is alleged to have occurred.

Any person, association, firm or corporation violating this section shall be fined not to exceed two hundred dollars ($200.00).

(oC 618-1)

Columbus, Ohio

Business Regulation and Licensing Code: Art. 5

Article Five—Businesses

Chapter 531: Amplification Equipment; Sound Trucks

531.01 Definition.—For the purpose of this chapter the following words and phrases shall have the meanings ascribed to them by this section:

"Aircraft" shall mean any contrivance now known or hereafter invented, used or designed for navigation or flight in the air.

"Sound amplification equipment" shall mean any machine or device for the amplification of the human voice, music or any other noise or sound, but shall not be construed as including standard radios or phonographs and other devices of like nature when used and heard only by persons who are in the building, vehicle or aircraft or on the privately owned premises where such radio, phonograph or similar device is located, nor as including warning devices on authorized emergency vehicles or aircraft, or horns or any other warning devices used only for traffice safety purposes.

"Sound truck" shall mean any vehicle, having mounted thereon or attached thereto, any sound amplification equipment. (§ 28.7.)

531.02 Use in aircraft prohibited.—No person shall operate or cause to be operated in and over the City any aircraft with sound amplification equipment in operation, the sound from which is plainly audible to persons on the streets or public grounds of the City. (§ 28.8.)

531.03 Commercial use restriction.—No person shall operate or cause to be operated for commercial advertising purposes any sound amplification equipment, the sound from which is plainly audible to persons on the streets or public grounds. (§ 28.9.)

531.04 Regulations for noncommercial use.—The operation of sound amplification equipment for noncommercial purposes shall be permitted subject to the limitations set forth in C.C. 531.05 through 531.10. (§ 28.10.)

531.05 Registration statement.—No person shall operate or cause to be operated on the streets or public grounds any sound amplification equipment, or operate or cause to be operated any sound amplification equipment for the purpose of conveying the sound thereon on and over the streets or public grounds without first, in either case, filing a written registration statement with the Director of Public Safety. Nothing herein stated shall be construed as requiring a registration statement to be filed in case of the operation of sound amplification equipment on privately owned premises when the sound from such is not audible beyond the limits of such premises or where such sound is not greater than is reasonably necessary to be plainly audible to persons lawfully assembled on such premises as voluntary listeners thereto.

Such registration statement shall be filed in duplicate and shall state the following:

(a) Name, home address and place of business of applicant.

(b) Name, home address and place of business of owner of sound amplification equipment.

(c) Name and address of person having direct charge of sound amplification equipment.

(d) General description of sound amplification equipment including statement whether to be employed as a stationary installation or on a moving sound truck.

(e) If sound truck used, its license and motor number.

(f) The noncommercial use or purpose for which sound amplification equipment will be used.

(g) If moving sound truck used, a general description of the sections of the City in which it will be used.

(h) If sound amplification equipment is to be operated from stationary installation, a general statement as to such location and as to size of the area which will be occupied by any lawful assemblage voluntarily assembled for the purpose of listening thereto.

(i) The proposed times that such sound amplification equipment will be in operation.

(j) The approximate maximum distance for which sound will be thrown from the sound amplification equipment during the proposed operation.

The Director of Public Safety shall return to each such applicant one copy of such registration statement duly certified by the Director as a copy of such application. No person required herein to file a registration statement shall operate any sound amplification equipment unless such person has in his possession a certified copy of the registration statement, and this copy shall be promptly displayed and shown to any policeman on request (§28.10.)

531.06 Attracting attention to buildings.—No person shall operate or cause to be operated, for the purpose of attracting the attention of the public to any building, structure or location, any sound amplification equipment, the sound from which is plainly audible to persons on the streets or public grounds. (§ 28.10.)

531.07 Equipment near hospitals, schools, churches.—No person shall, within one hundred and fifty yards of a hospital, school, church or courthouse, in actual use of such, operate or cause to be operated any sound amplification equipment, the sound from which is plainly audible to persons on the streets or public grounds. (§ 28.10.)

531.08 Indecent language.—No person shall operate or cause to be operated any sound amplification equipment the sound from which is profane, lewd or indecent. (§ 28.10.)

531.09 Only human voices or music to be amplified.—No person shall operate or cause to be operated any sound amplification equipment for which a registration statement is herein required to be filed except for the purpose of the amplification of the human voice or music. (§ 28.10.)

531.10 Volume.—The operation of sound amplification equipment for the purpose of the amplification of any noncommercial speech, address, announcement or music to persons lawfully assembled as voluntary listeners thereto shall be permitted, but no person shall operate or cause to be operated any sound amplification equipment, the sound from which is plainly audible to persons on the streets or public grounds, without controlling the volume of sound so as not to be greater than reasonably required to be plainly audible throughout the area of such lawful voluntary assemblage. (§ 28.10.)

531.11 Regulations for sound trucks.—No person shall operate or cause to be operated any sound amplification equipment, the sound of which is plainly audible to persons on the streets and public grounds, for any purpose except as set forth in C. C. 531.10; provided, however, that the requirement of the presence of a lawful assemblage of voluntary listeners shall not be applicable to the use of sound amplification equipment on moving sound trucks, which are operated in accordance with the limitations hereinabove set forth and the following additional regulations:

(a) Such operation is forbidden on Sundays and legal holidays and between the hours of 5:00 p.m. and 9:00 a.m., except as an integral part of an authorized parade.

(b) Such sound truck shall be operated at a speed of at least ten miles per hour except when such truck is stopped or impeded by traffic, in which case the sound amplification equipment shall not be operated for longer than one minute at each such stop.

(c) Except as an integral part of an authorized parade, the operation of such sound truck shall be forbidden within the downtown congested traffic area, bounded by and including Naughten Street on the north, Grant Avenue on the east, Mound Street on the south and Riverside Drive and West Street on the west.

(d) Such sound truck shall not be operated over the same street or portion of any public grounds more than once during any one day.

(e) The volume of sound from such sound truck shall be controlled so that it will not be audible for a distance in excess of one hundred yards from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility. (§ 28.11).

531.12 Exceptions.—Nothing contained in this article shall be construed as prohibiting the ringing or playing of bells or chimes in or upon church buildings, as prohibiting the amplification of yuletide music during a period of not to exceed two weeks immediately prior to and including Christmas to the extent that such amplification of yuletide music is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility, as prohibiting the use of sound amplification equipment on private premises for the communication of instructions and warnings to or between employees in the ordinary conduct of a business or industry to the extent that such amplification is not greater than is reasonably necessary to be plainly audible to such employees, nor as prohibiting the use of sound amplification equipment in emergencies for the preservation of the life, limb, health and property of any person. (§ 28.12.)

General Offenses Code: Ch. 2327

2327.11. Nighttime operation of noisy business in residence area.—No owner, proprietor, manager or superintendent of a manufactory, or other business or plant, in which machinery or other instrumentalities are used which produce loud or disturbing noises, in a residence block or square bounded by three or more public streets, in which more than sixty per cent in area of the surface of the land is owned or used for residence purposes, shall keep open or operate such factory, plant or business between the hours of 10:00 p.m. and 6:00 a.m.; provided, however, that this section shall not apply to any person while engaged in the construction or reconstruction of a public street or highway pursuant to a contract with the City of Columbus or State of Ohio. (Ord. 635–63.)

2327.12. Blowing whistles.—It shall be unlawful for any railroad company or any agent or employee of any railroad company or for any person to blow or sound any locomotive whistle, or other steam whistle, within the corporate limits.

The provisions of this section shall not be construed so as to prevent the blowing or sounding of any locomotive whistle in case of immediate danger, or of the blowing or sounding of any steam whistle when it may be necessary, in notifying employees of factories of the time of commencing and stopping work. (§ 28.2.)

2327.13. Noise near hospitals.—No person shall emit or cause any loud noise within one hundred and fifty feet from the outer lines of the building or grounds of any hospital. (§ 28.3.)

2327.14. Sounding instrument to gain business.—No person shall employ any bell man, or use or cause to be used any bell or other sounding instrument, as a means of attracting people to an auction or other place, or to gain passengers for any carriage, cab, hack, coach, or omnibus, or other vehicle. No person shall permit any such bell or sounding instrument to be used for or on his account. (§ 28.4.)

2327.15. Disturbing persons with bell or noisemaker.—No person designedly shall disturb or annoy any person or assembly with bells, horns, drums, or by any other noise, or by ringing doorbells. (§ 28.5.)

Zoning Code: Ch. 3343

3343.11 Noise, seismic effects and particulate matter; performance standards for EQ Excavation and Quarrying Districts.—(a) (1) As measured at any street or other property line, the maximum sound intensity resulting from blasting or drilling shall not exceed one hundred decibels.

(2) The quantity of explosive in any primary shot shall be controlled to prevent damage to any structure of normal construction or to avoid creation of a nuisance to surrounding property and shall not exceed that specified in the following table:

Distance from blast area to nearest structure, neither quarry owned nor quarry leased (in feet)	Maximum quantity of explosives per shot for instantaneous firing or per delay for delay firing in pounds	
	Normal overburden	Abnormal overburden[2]
100[1]	340	70
200	420	78
300	525	100
400	635	125
500	800	160
600	950	200
700	1,175	245
800	1,500	300
900	1,830	360
1,000	2,250	430
1,200	3,500	610
1,400		820
1,600		1,250
1,800		1,900
2,000		3,000

Footnotes at end of table.

[1] Minimum allowable distance when approved missile protection methods are used.

[2] More than 50 feet to bedrock.

(3) When ground frequency and displacement in relation to the quantity of explosive in a primary blast can be determined by approved instrumentation, such blast shall be controlled in accordance with the maximum allowable amplitudes of ground vibration in relation to vibration frequency specified in the following table:

Table of frequency.—Amplitude relations frequency of maximum amplitude ground motion in cycles per second inches

Up to 10	Not more than 0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

3343.03 Noise.—All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the following intensity in relation to sound frequency: (See C. C. 3343.10 for requirements for EQ Excavation and Quarrying Districts).

MAXIMUM PERMITTED SOUND LEVELS, IN DECIBELS, FOR M–1 AND M-MANUFACTURING DISTRICTS

Octave band in cycles per second	Along residence district boundaries (decibels)	District boundaries along commercial (decibels)
0 to 150	65	75
150 to 300	57	67
300 to 600	50	60
600 to 1,200	45	55
1,200 to 2,400	40	50
2,400 to 4,800	34	43
Above 4,800	32	40

Such sound levels shall be measured with a sound level meter and an octave band analyzer conforming with specifications of the American Standards Association. (§ 47.07; Ord. 1540–58.)

(b) *Secondary Blasting.*

(1) Whenever practicable, oversize fragments shall be reduced to shovel or crusher size by use of the ball method.

(2) Mud-capping shall be prohibited.

(3) Not more than ten pounds of explosives shall be detonated at any one time in a secondary blast.

(c) *Other requirements.*

Any users authorized in an EQ District shall comply with C. C. 3341.03. (§ 47.07; Ord. 1540–58.)

Dallas, Tex.

Zoning Ordinance

10–420 Noise.

10–421 Measurement of noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. Times when the level of the primary noise being measured does not exceed that of the background noise in all octave bands shall be considered as "off times" of the primary noise in determining the corrections from Table 5, 10–426b.

10–422 Permissible Noise Level: I–1 and I–2, Planned Development Districts (Industrial).—a. At no point at the bounding property line of any use in the I–1, I–2 or PD District shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave bands designated in Table 1, nor shall the sound pressure level at any I–1, I–2 or PD District boundary line adjacent to a residential, retail or commercial district exceed the decibel limits specified in the octave bands designated by Table 3 for Residential Districts and Table 4 for Retail and Commercial Districts.

b. Table 1.

TABLE 1.—MAXIMUM PERMISSIBLE DAYTIME OCTAVE BAND DECIBEL LIMITS AT THE BOUNDING PROPERTY LINE OF A USE IN THE I–1, I–2, PLANNED INDUSTRIAL (PD) DISTRICT

	Octave band (c.p.s.)								
	37 75	75 150	150 300	300 600	600 1200	1200 2400	2400 4800	4800 9600	A scale
Decibel band limit (db re 0.0002 microbar)	86	76	70	65	63	58	55	53	65

Note: A scale levels are provided for monitoring purposes only.

10–423 Permissible Noise Level: I–3 District.—a. At no point at the bounding property line of any use in the I–3 District shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave bands designated in Table 2, nor shall the sound pressure level at any I–3 District boundary line adjacent to a residential, retail or commercial district exceed the decibel limits specified in the octave bonds designated by Table 3 for Residential Districts and Table 4 and Retail and Commercial Districts.

b. Table 2.

TABLE 2.—MAXIMUM PERMISSIBLE DAYTIME OCTAVE BAND DECIBEL LIMITS AT THE BOUNDING PROPERTY LINE OF A USE IN THE I–3 DISTRICT

	Octave band (c.p.s.)								
	37 75	75 150	150 300	300 600	600 1200	1200 2400	2400 4800	4800 9600	A scale
Decibel band limit (db re 0.0002 microbar)	90	80	74	69	65	62	60	58	70

Note: A scale levels are provided for monitoring purposes only.

10424 Permissible Noise Level: Residential Districts.—a. At no point on the district boundary line of any residential type district nor at any point on the bounding property line of any use within the boundary of such districts shall the sound level pressure from any operation, use or occupancy exceed the decibel limits specified in the octave bands designated in Table 3.

b. Table 3.

TABLE 3.—MAXIMUM PERMISSIBLE DAYTIME OCTAVE BAND DECIBEL LIMITS, AT OR WITHIN THE BOUNDARY OF A RESIDENTIAL DISTRICT

	Octave band (c.p.s.)								
	37 75	75 150	150 300	300 600	600 1,200	1,200 2,400	2,400 4,800	4,800 9,600	A scale
Decibel band limit (db 0.0002 microbar)	80	68	61	55	51	48	45	43	56

Note: A scale levels are provided for monitoring purposes only.

10–425 Permissible Noise Level: Retail and Commercial Districts.—a. At no point on the district boundary line of any retail or commercial type district, nor at any point on the bounding property line of any use within the boundary of such districts shall the sound pressure level from any operation, use or occupancy exceed the decibel limits specified in the octave band limits, designated in Table 4.

b. Table 4.

TABLE 4.—MAXIMUM PERMISSIBLE DAYTIME OCTAVE BAND DECIBEL LIMITS, AT OR WITHIN THE BOUNDARY OF A RETAIL OR COMMERCIAL DISTRICT

	Octave band (c.p.s.)								
	37 75	75 150	150 300	300 600	600 1,200	1,200 2,400	2,400 4,800	4,800 9,600	A scale
Decibel band limit (db 0.0002 microbar)	84	73	67	62	58	55	52	50	63

Note: A scale levels are provided for monitoring purposes only.

10–426 Special Noise Level Corrections.—a. Corrections shall be made to the basic octave band levels specified in Tables 1, 2, 3 and 4 for the specific conditions listed in accordance with Table 5.

b. Table 5.

TABLE 5.—CORRECTIONS PERMITTED TO BASIC OCTAVE BAND LEVELS

Noise is present at nighttime	Subtract 7 db
Noise contains strong pure-tone components or is impulsive (meterreading changes at a rate greater than 10 decibels per second)	Subtract 7 db

	And an "off time" between successive "on times" of at least—	
	Hours	Level
Noise has an "on time" of no more than—		
0.5 minute	½	(1)
5.0 minutes	1	(1)
10.0 minutes	2	(1)
20.0 minutes	4	(1)

[1] Add 10 decibels to permitted level.

Dayton, Ohio

City Ordinance, Sec. 420: separate pamphlet issued by the Police Department

SUMMARY OF THE NOISE ABATEMENT ORDINANCE—CITY OF DAYTON, OHIO

(Issued by Division of Police)

The reasons for the ordinance:

We never completely adjust our physical, mental or nervous systems to noise. Every sound registers in our minds. Although our sub-conscious minds may try to ignore irrelevant sounds, such noises often repeated cause fatigue, mental discomfort and decreased efficiency.

It has been estimated that noise costs thousands of dollars a day. In offices and factories, decreased efficiency has been traced directly to the constant impact of unnecessary noise. Distracting noise can and does cause costly errors and accidents.

Noise which enters your bedroom while you sleep registers on your mind and causes unnecessary mental activity. Such sounds result in increased physical activity while asleep, because they induce instinctive action.

In an effort to make Dayton a more peaceful and restful place in which to live, and for the benefit of all those who live and work in Dayton, the City Commission has passed a Noise Abatement Ordinance. For your information and guidance, this pamphlet gives you the highlights of the sixteen sections of this ordinance.

It is illegal:

1. To use an automobile horn except as a danger warning.

2. To use radios, phonographs, etc. between midnight and 7:00 a.m. so that they may be heard at a distance of 50 feet from the building in which they are located.

3. To use loud speakers, amplifiers, etc., for commercial advertising in such a way the sound is cast upon a public street.

4. To yell, shout or whistle between midnight and 7:00 a.m. so as to disturb or annoy others.

5. To keep animals or birds which cause frequent or loud noise disturbing persons in the vicinity.

6. To blow a steam whistle except as a danger signal or notice of time to begin or stop work.

7. To permit the discharge of the exhaust of any steam or internal combustion engine, motor boat or motor vehicle except through a muffler which prevents loud or explosive noises.

8. To use an automobile or other vehicle so out of repair or so loaded in such a manner that it creates unnecessary noise.

9. To create loud and excessive noise in loading or unloading vehicles or in destroying boxes, crates, etc.

10. To erect, demolish or alter any building after 6:00 p.m. or before 7:00 a.m. or on Sundays except where a special permit has been granted by the Building Inspector.

11. To create excessive noise in the vicinity of any school, court, church or hospital while in use.

12. For hawkers or peddlers to disturb the peace and quiet by shouting or crying their wares.

13. To use drums or other noise making instruments for attracting attention to any performance, show or sale.

14. To transport rails, pillars or columns of metal or other material loaded in such a manner as to cause loud noises or disturb the peace and quiet.

15. To use pile drivers, pneumatic hammers, steam shovels or other appliances resulting in loud or unusual noises between 10:00 p.m. and 7:00 a.m.

16. To operate any noise-creating blower or power fan or internal combustion engine unless equipped with a muffling device to deaden the noise.

Violation of any of the provisions of this ordinance is punishable upon conviction by a fine of not more than $200.00 or imprisonment not longer than 30 days or both.

Revised City Code

Section 420. Noises declared a detriment to public health.—It is found and declared that:

(a) The making and creation of loud, unnecessary or unusual noises within the limits of the City of Dayton is a condition which has existed for some time and the extent and volume of such noises is increasing;

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use effect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Dayton; and

(c) The necessity in the public interest for the provisions and prohibition hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Dayton and its inhabitants.

Sec. 1: Ord. 16964: 8–2–50; amend.

Sec. 1: Ord. 12624: 10–28–25.

Section 420–1. Noise prohibited.—It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City.

Sec. 2: Ord. 16964: 8– 2–50.

Section 420–2. Noise defined.—The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, Signaling Devices, etc.* The soundng of any horn or signaling device on any automobile, motorcycle, trolley coach or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound: and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, Phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of

any such set, instrument, phonograph, machine or device between the hours of twelve o'clock P.M. and seven o'clock A.M. in such manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) *Loud Speakers, Amplifiers for Advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) *Yelling, Shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 12 P.M. and 7 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) *Animals, Birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.

(6) *Steam Whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City Authorities.

(7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) *Defect in Vehicle or Load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) *Loading, Unloading, Opening Boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) *Construction or Repairing of Buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7 A.M. and 6 P.M. on week days, except in cases of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P.M. and 7 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P.M. and 7 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(11) *Schools, Courts, Churches, Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(12) *Hawkers, Peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) *Metal Rails, Pillars and Columns, Transportation Thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner or loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) *Pile Drivers, Hammers etc.* The operation between the hours of 10 P.M. and 7 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electrical hoist or other appliance, the use of which is attended by loud or unusual noise.

(16) *Blowers.* The operating of any noise-creating blower or power fan or any internal combustion engine, the operation which causes noise due to the explosion of operating gasses or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Sec. 2: Ord. 16964: 8–2–50.

Section 420–3. Penalties.—Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding $200.00 or by imprisonment for not more than 30 days, or by both said fine and said imprisonment.

Sec. 2: Ord. 16964: 8–2–50.

Section 420–4. Separability.—It is the intention of the City Commission that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Commission that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Sec. 2: Ord. 16964: 8–2–50.

Section 420–5. Definitions.—(a) "Person". The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

(b) "Sound Truck". The words "sound truck" as used herein shall mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.

(c) "Sound Amplifying Equipment". The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sec. 1: Ord. 16974: 8–23–50.

Section 420–6. Prohibition of sound trucks and sound amplifying equipment.— No person shall use or cause to be used a sound truck with sound amplifying equipment in operation within the City of Dayton; provided, however, that in the event of a public disaster, act of God, or other emergency, any public utility company may disseminate information to the public by sound amplifying equipment.

Sec. 1: Ord. 22186: 8–3–66; amends Sec. 1: Ord. 19039: 4–30–58; amends Sec. 1: Ord. 16974: 8–23–50.

Section 420–7. Repealed by Sec. 2: Ord. 22186: 8–3–66.

Section 420–8. Penalties.—Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Two Hundred Dollars ($200.00) or by imprisonment for not more than thirty (30) days, or by both said fine and said imprisonment.

Sec. 1: Ord. 16974: 8–23–50.

Section 420–9. Separability.—It is the intention of the City Commission that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Commission that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Sec. 1: Ord. 16974: 8–23–50.

Section 420–10. Definitions.—(a) "Person" The word "person" as used herein shall include the singular and plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

(b) "Aircraft"—The word "aircraft" as used herein shall mean any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

(c) "Sound amplifying equipment"—The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of music, the human voice, or any other noise or sound. "Sound amplifying equipment" shall not be construed as including warning devices on authorized emergency aircraft or any horns, or other warning device used only for traffic safety purposes.

Sec. 1: Ord. 16966: 8–2–50.

Section 420–11. Sound Amplification From Aircraft Prohibited.—No person shall operate, or cause to be operated, any aircraft for any purpose in or over the City of Dayton with sound amplifying equipment in operation.

Sec. 1: Ord. 16966: 8–2–50.

Section 420–12. Penalties.—Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Two Hundred Dollars ($200.00), or by imprisonment for not more than thirty (30) days, or by both said fine and said imprisonment.

Sec. 1: Ord. 16966: 8–2–50.

Excerpt From City of Dayton, Ohio
Zoning Ordinance
Adopted February 7, 1968

211.15 *Noise.*

211.15A Method of measurement.—For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6–1960, Preferred Frequencies for Acoustical Measurements) shall be used with Table I (A through D). Octave band analyzers calibrated with pre-1960 octave band (American Standards Association Z24. 10–1953, Octave Band Filter Set) shall use Table II (A through D) below.

For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables I and II (A through D) may be increased by six decibels in each octave band.

211.15B *Exemptions.*—The following uses and activities shall be exempt from the noise level regulations:

(1) Noises not directly under the control of the property users.

(2) Noises emanating from construction and maintenance activities between 7:00 A.M. and 9:00 P.M.

(3) The noises of safety signals, warning devices, and emergency pressure relief valves.

(4) Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

211.15C *Required Performance Level.*—No operation or activity shall cause or create noise in excess of the sound levels prescribed below.

211.15D *Standards in the B-3 General Business District, B-4 Central Business District and I-1 Light Industrial District.*—(1) At the district boundaries. In the B-3, B-4 and the I-1 Districts at no point on or beyond the boundary of the zoning district, shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound levels as set forth in Tables IA and IIA.

Table IA, Preferred frequencies

Center frequency, cycles per second:	*Maximum permitted sound pressure level, decibels*
31. 5	65
63. 0	67
125. 0	66
250. 0	59
500. 0	52
1, 000. 0	46
2, 000. 0	37
4, 000. 0	26
8, 000. 0	17

Table IIA, Pre-1960 Octave Bands

Octave band, cycles per second:	*Maximum permitted sound pressure level, decibels*
20- 75	67
75- 150	66
150- 300	61
300- 600	54
600-1200	47
1200-2400	39
2400-4800	29
4800-10 KC	20

(2) At lot lines. In the B-3, B-4 and the I-1 Districts at no point on or beyond the boundary of any lot, shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables IB and IIB.

Table IB, Preferred frequencies

Center frequency, cycles per second:	*Maximum permitted sound pressure level, decibels*
31. 5	76
63. 0	74
125. 0	68
250. 0	63
500. 0	57
1,000. 0	52
2,000. 0	45
4,000. 0	38
8,000. 0	32

Table IIB, Pre-1960 octave bands

Octave band, cycles per second	*Maximum permitted sound pressure level, decibels*
20- 75	75
75- 150	70
150- 300	64
600-1200	53
1200-2400	47
2400-4800	40
4800- 10 KC	34

211.15E *Standards in the I-2 General Industrial District.*—In the I-2 District at no point on or beyond the boundary of the zoning district, shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted sound levels as set forth in Tables IC and IIC.

Table IC, Preferred frequencies

Center frequency, cycles per second:	*Maximum permitted sound pressure level, decibels*
31.5	76
63.0	74
125.0	68
250.0	63
500.0	57
1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

Table IIC, Pre-1960 octave bands

Octave band, cycles per second:	*Maximum permitted Sound pressure level, decibels*
20-75	75
75-150	70
150-300	64
300-600	59
600-1200	53
1200-2400	47
2400-4800	40
4800-10 KC	34

211.15F *Standards in the I-3 Heavy Industrial District.*—(1) In the I-3 District at no point on or beyond the boundary of the zoning district, shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted sound levels as set forth in Tables ID and IID.

Table ID, Preferred frequencies

Center frequency, cycles per second:	*Maximum permitted sound pressure level, decibels*
31.5	90
63.0	81
125.0	71
250.0	66
500.0	61
2.000.0	52
4,000.0	50
8,000.0	47

Table IID, Pre-1960 octave bands

Octave band, cycles per second:	*Maximum permitted sound pressure level, decibels*
20-75	83
75-150	74
150-300	67
300-600	62
600-1200	57
1200-2400	53
2400-4800	51
4800-10 KC	48

(2) Between the hours of 9:00 P.M. and 7.00 A.M., the sound levels shall not exceed the maximum permitted sound pressure levels prescribed for the I-2 District in Section 211.15E.

Denver, Colorado

City Ordinances

310.8. Disturbance of the Peace. Park, parkways, mountain parks or other recreational facilities of the City and County of Denver etc. to disturb by loud or unusual noises.

372.1-10. Flight Regulations: Authority to Director of Aviation. No person shall make any unusual, unnecessary or disturbing noises with any aircraft.

507.6. Mufflers, Prevention of Noise. Authority of Police Department.

842.1. Disturbing the Peace; Offensive Language. Authority of Police Department.

842.2. Unlawful to Produce Loud and Raucous noises upon Public property; Loud Speakers. Authority of Police Department.

842.3. Unlawful to emit into public places Loud and Raucous Noises. "or any other instrument of any kind or character whatever that emits loud and raucous noises upon or over the streets or other public places of the City and County of Denver."

955.10. Prescribed Methods for Peddling. Authority of Police Department.

For one additional ordinance on noise, see attached Exhibit 1. Said report was prepared with the hope that City Council would appropriate sufficient funds to enable the enforcement agencies to purchase the proper equipment to obtain compliance with all ordinances as applicable to noise. Council could not find funds to enable the agencies to proceed.

EXHIBIT 1

PROBLEM PRESENTED: "SHOULD THE ZONING ORDINANCE BE AMENDED AS TO THOSE SECTIONS THAT RELATE TO VOLUME OF SOUND GENERATED?"

(Prepared for Study and Discussion by Harold G. Martin, Denver, Colorado, August 11, 1967)

Except for a change in decibel readings all Sections of the Zoning Ordinance as, presently in effect, relates to "Sound" reads as follow:

Volume of Sound Generated.

Every use, unless expressly exempted by this ordinance, shall be operated so that the volume of sound inherently and recurrently generated does not exceed fifty-five decibels at any point of any boundary line of the Zone Lot on which the use is located.

Since the adoption of the Zoning Ordinance in 1956 the Department has been faced with an ever increasing number of complaints on sound and principally since the advent of window type air-conditioners.

From the Departments records we have had but one violation serious and expensive enough for the violator to appeal our order to the Board of Adjustment which resulted in the complainants, violator and Board working out a compromise. Why, a compromise? Because the evidence presented by the City would not have held up on appeal to the Courts, in that the ordinance as written, was not specific as to standards for tests as to degree of sound created.

The ordinance as to decibel level is actually meaningless because no frequency characteristics nor reference values are specified.

To quote Mr. Paul L. Michael of State College, Pennsylvania, "A decibel is just a logarithmic ratio that is dimensionless, therefore, a reference quantity must be specified to make the decibel level meaningful. Stating 55 decibels without a reference is similar to stating that "something is 10 times as large as ——————" without completing the sentence.

Thus an ordinance on sound prescribing that volume of sound shall not exceed 5 decibels is meaningless without a specified frequency reference.

About three years ago Westinghouse offered to bring a friendly test case in our courts as to sounds, in excess of our standards, which were produced by window type air-conditioners.

This proposal was discussed with the City Attorney and a City Engineer and it was decided that the Section on Sound in the Zoning Ordinance was not specific enough in standards to warrant the challenge.

The Zoning Department proceeded to research for a solution and in our course of action and study were advised by the leading manufacturers of sound equipment, Acoustic Engineers and the U.S. Department of Commerce that our ordinance as relates to sound was very inadequate and that one of the best ordinances written and proven practical was being used by Montgomery County, Maryland, of which we have a copy.

All authorities suggested that our proposed revision incorporate that reference should be made to standards published by the American Standards Association and that any equipment, regardless of manufacturer, meet these standards of readings as would be taken on a "Sound Level Meter and on an Octave-Band Analyzer."

Our first question is "Why we measure 'noise' "?

That we are annoyed by a noisy device

and a noisy environment, that noise may interfere with our sleep, our work, and our recreation, or that very intense noise may cause hearing loss is frequently the basic fact that leads to noise measurements and attempts at quieting. In order to make the most significant measurements and to do the job of quieting most efficiently, it is clearly necessary to learn about these effects of noise, and how they disturb the citizens.

This answer then begs another question, what measures sound?

This is best answered in stating, a Sound-Level Meter, which is best defined that the apparent loudness that we attribute to a sound varies not only with the sound pressure but also with the frequency (or pitch) of the sound. In addition, the way it varies with frequency depends on the sound pressure. This effect can be taken into account to some extent for pure tones by including certain "weighting" networks in an instrument designed to measure sound-pressure level, and then the instrument is called a sound-level meter. In order to assist in obtaining reasonable uniformity among different instruments of this type, the American Standards Association in collaboration with scientific and engineering societies has established a standard to which sound-level meters should conform.

The instrument used to measure sound-pressure level consists of a microphone, attenuator, amplifier, and indicating meter. This instrument must have an over-all response that is uniform ("flat") as a function of frequency, and the instrument is calibrated in decibels.

Now, that we have a reading on the Sound-level meter, how do we analyse the reading? We analyze the reading by an Octave-Bank Analyzer which is an instrument whereby even if a sound-level meter were perfect (i.e., fit with no tolerance all design objectives of the ASA Standards), the reading obtained by it in any given noise field is inadequate for a complete understanding of the problem. It is easy to see why this is so. The number of decibels indicated by a sound-level meter tells nothing about the frequency distribution of the noise. It is true that by judicious use of the weighting networks in a sound-level meter one can learn something about the frequencies present, but this knowledge is only qualitative. For most important problems it is necessary to use some type of frequency analyzer to determine the noise spectrum.

The Octave-Band Analyzer makes possible the simple and rapid analysis of noises having complex spectra. It operates directly from the output of a microphone or sound-level meter. It can be used for all frequency analyses, except those requiring a detailed knowledge of the frequency spectrum.

Therefore, we have already seen that a sound-measuring system may consist of the sound-survey meter or of the basic sound-level meter operated alone or with a wide variety of microphones, analyzers and recorders. Confronted with so many possible choices, we ask, "What instruments should we select to do our job?"

The selection of the components of the sound-measuring system will depend entirely on what we wish to obtain from the measurements. If we are interested simply in comparing the noise in one office with that in another, the Sound-Survey Meter may be used. On the other hand, if we must determine the effect at all frequencies, a sound-level meter and analyzer must be used. Similarly, we may want a measure of the loudness of the noise, the sound level, the sound-pressure level, the dominant pitch, the overtone structure, the extent to which it interferes with conversion, sleep or some other characteristic, and for each of these we must use a certain instrument or combination of instruments, such as the Sound-Level Meter and Octave Band Analyzer.

Three of the largest companies in the field of sound were contacted, General Radio Company, Mine Safety Appliance, and B and K Instruments, Inc., who have demonstrated their equipment and are willing to bring their traveling laboratories for any future test requested by council, city attorney, engineers and all other interested parties.

Subsequently, the agencies involved in noise problems decided to approach Council as a coordinated centralized project, whereby one agency would employ the technicians, clerks, have control of all equipment, but train police officers, building inspectors, zoning inspectors, safety and excise inspectors in the use of the equipment.

Again our project was doomed for delay because of the lack of funds till we found a Federal grant under Public Law 89-749 and we submitted our application as you will note in Exhibit 2 attached hereto.

You will note that the Department of Health and Hospitals is to be the controlling agency, supported by Zoning and Police Department personnel. The report also covers proposed changes in present ordinances on Zoning and new regulations to be adopted by the Environmental Health Section.

DETAILED BUDGET FOR THIS PERIOD (DIRECT COSTS ONLY)—FROM JUNE 1, 1968, THROUGH MAY 31, 1969

	Annual salary (1)	Percent time or effort (2)	Total requested for project (3)	Applicant share (4)	Amount requested from PHS (5)
PERSONNEL					
Director, Environmental Health Service	$15,172	5	$760	$760	0
Public Health engineer	13,164	20	2,632	2,632	0
Acoustical engineer[1]	12,000	100	12,000	0	$12,000
Sanitarian II	9,420	50	4,710	4,710	0
Sanitarian I	8,244	60	4,946	4,946	0
Do	8,244	10	824	824	0
Do	8,244	10	824	824	0
Zoning inspector II	9,852	30	2,955	2,955	0
Zoning inspector I	8,244	30	2,473	2,473	0
Police officer (captain)	11,100	5	555	555	0
Police officer (technician)	9,120	40	3,648	3,648	0
Police officer (patrolman)	8,352	20	1,670	1,670	0
Clerk stenographer I	4,392	100	4,392	0	4,392
Fringe benefits			4,413	4,413	0
Total			46,803	30,411	16,392

	Annual salary (1)	Percent time or effort (2)	Total requested for project (3)	Applicant share (4)	Amount requested from PHS (5)
EQUIPMENT					
3 each sound level meters—B. & K. 2203			$2,310	0	$2,310
3 each octave filter set—B. & K. 1613			1,290	0	1,290
3 each pistonphone—B. & K. 4220			735	0	735
1 each graph level recorder—B. & K. 2305B			2,360	0	2,360
1 each vibration accelerometer—B. & K. 4312			170	0	170
2 each Magra neopilot syne tape recorder and accessories			1,225	0	1,225
1 each IBM typewriter			685	0	685
Shipping costs			12	0	12
Total			8,952	0	8,952
Total			55,755	$30,411	25,344

Note: Consultant services (include fees and travel)—Consulting services may be required in lieu of an acoustical engineer.

The City and County of Denver like many communities is confronted with the problem of noise. Three local government agencies, (Occupational Health Section of the Denver Department of Health and Hospitals, Zoning Administration, and the Police Department) have united in an effort to suppress community noise.

The objectives are to reduce occupationally induced noise and to develop enforceable community standards that will control or eliminate annoyance-type noise.

Local governmental agencies have long been aware of the noise problem in the community. However, due to the lack of equipment, inadequately trained personnel and archaic ordinances, each have been hampered in their approach to noise control.

The plan is to acquire essential equipment, train personnel, conduct a community noise evaluation study, introduce new and modified noise control ordinances, and initiate noise control methods.

At the conclusion of the grant period, the participating agencies will definitely continue the program.

COMMUNITY NOISE EVALUATION AND CONTROL—A COMPREHENSIVE PLAN FOR THE CITY AND COUNTY OF DENVER

The City and County of Denver like many communities is confronted with the problem of noise. Noise may well have far-reaching effects on the economy of the community as well as on the health and well-being of its citizens.

To cope with the problem, three agencies of local government (Occupational Health Section of the Denver Department of Health and Hospitals, Zoning Administration and Police Department) have combined in a cooperative effort to promote, develop and maintain an environment free from the harmful and annoying effects of noise. However because of limited resources and inadequately trained personnel only minor goals have been realized in the past.

1. *Project Objectives.*—A. To reduce occupationally-induced hearing loss in the community by locating, evaluating and controlling the many sources of noise in the industrial environment.

B. To develop enforceable community standards that will control or eliminate nuisance-type noise having an effect on the mental and physical well-being of the citizens of Denver.

2. *Project Evaluation.*—To measure the time spent on this project by the different personnel of the three agencies, log sheets and IBM statistical data cards will be used. This information will be summarized monthly and will show individual and total time allotted to the project.

To determine the effectiveness of the project all significant information will be recorded. This information will include the number of complaints received, investigations made, orders written and the disposition and result of each complaint investigated. When noise evaluations are made at industrial plants and nuisance noise problems are investigated, statistical information will be tallied showing the extent of each problem, public health importance and corrective methods needed, recommendations or orders written, and the final disposition and result of the investigation. Quarterly reports of this information will be made and compiled into an annual report.

Follow-up evaluations and studies will be used to determine progress being made in the program. Industrial noise measurements and the screening of certain exposed employes prior to and after sound levels have been reduced will serve as the indication of reduction in potential hearing losses. The measurement of noise levels in key locations of the community at the beginning of and throughout the program will determine the effect of the enforceable noise standards once they are provided.

3. *Project Head and Background.*—Noise can be defined as sound in the audible frequency range which by virtue of its loudness and pitch is unpleasant or has a deleterious effect on the human ear.

The effects of noise on man include the following:

A. Psychological effects.—Although there are many variations in individual response, noise can startle, annoy and disrupt concentration, sleep or relaxation.

B. Interference with Communication.—Noise which is not intense enough to cause hearing damage may still disrupt speech communication and the hearing of other desired sounds. Such disruptions will affect performance on jobs which depend upon reliable communication. Even more important, however, is the fact that the inability to hear commands or danger signals due to excessive noise increases the probability of severe accidents.

C. Physiological effects.—Exposure to certain levels of noise may cause temporary or permanent hearing loss. Temporary hearing loss is recoverable after a period of removal from further exposure. However, prolonged exposures (months or years) to excessive noise levels can produce permanent hearing impairment.

In addition, if the noise exposure is severe, aural pain, nausea and reduced muscular control can also occur.

In order to evaluate properly the noise exposure it is essential that adequate equipment be available. This equipment should include, as a minimum, units which will provide an on-the-spot analysis of noise being generated and sophisticated enough to examine all of the characteristics (continuous, impact, intensity and frequency) of sound and at the same time make a permanent recording of noise levels.

That noise is a serious community problem has come to the attention of the participating agencies in various ways. Through complaints received and routine investigative activities, the Occupational Health Section has uncovered many industrial plants requiring noise evaluation and control. The Zoning Administration, which regulates the volume of sound and ground vibration between adjacent properties, has been burdened with increasing noise complaint. Being ill-equipped, untrained and hampered by an archaic noise ordinance, it cannot conduct a complete evaluation and control program. The Police Department, on the other hand, while empowered to enforce existing traffic noise control ordinance, is confronted with the problem of providing documented evidence of violation in numerous court cases.

4. *Method of Procedure.*— A. The first and most essential activity to be undertaken is the acquisition of equipment. Once acquired the equipment will be made available to all participating agencies but will be maintained by the Occupational Health Section.

B. Next in the order of priority is the training of personnel. For this purpose funds have been allocated for travel and tuition of key individuals to various schools and seminars offering instructions in noise evaluation and control.

C. The employment of an acoustical engineer, if successful, will fulfill an important adjunct to the training of personnel as well as make available the technical skills required for noise control. If this vacancy cannot be filled, the services of a consulting firm will be contracted.

D. Each agency will act independently in its area of responsibility but will be coordinated by the Denver Department of Health and Hospitals in achieving noise control.

Police Department.—Police technicians especially trained in noise evaluation and control will conduct routine and complaint-type investigations. Noise levels recorded during the time of investigation will serve as documented evidence of violation during court proceedings. It is anticipated that the existing ordinance (Appendix A—"Article 506 Mufflers, Prevention of Noise") concerning vehicular noise control will be amended in order to be more inclusive and descriptive of violations.

E. The project objectives during the proposed three year grant period will be met in the following manner:

FIRST YEAR

1. Acquire essential equipment.
2. Conduct training of personnel.
3. Initiate a comprehensive noise evaluation study.
4. Introduce new or modified noise control ordinances to City Council.

SECOND YEAR

1. Continue program of personnel training.
2. Continue noise evaluation study.
3. Initiate noise control procedures.

THIRD YEAR

1. Complete training of personnel.
2. Complete noise evaluation study.
3. Continue procedures to obtain community noise control.

5. *Participation of Other Agencies.*—The Denver Department of Health and Hospitals and its Neighborhood Health Centers will support the project objectives by providing the services of qualified medical personnel to conduct audiometric testing as the need arises. An additional participant in the project will be the Civil Defense office of the City and County of Denver, which has expressed a desire to use the sound measuring equipment to determine the effectiveness of the warning system in various locations throughout the city.

6. *Program Continuation.*—Because of a constant need for noise evaluation and control the participating agencies will definitely continue to support this project. Training of additional personnel will be carried out by the existing staff. Equipment maintenance can be budgeted annually by each agency through their operating budgets. The procurement of any new equipment, if necessary, can be requested by all three agencies in the form of a joint request.

7. *Project Staffing.*—The employment of an acoustical engineer will be necessary for the specified time of the grant. This engineer will be employed by the Department of Health and Hospitals. If a qualified person cannot be located, a contract with a private consulting engineering firm will be arranged.

The present professional staff of the Occupational Health Section consists of a registered professional sanitary engineer, a chemical engineer, and three registered professional sanitarians with experience and training in industrial hygiene.

The Zoning Department personnel includes two persons, each with over ten years experience in the investigation of noise complaints and primary knowledge in the use of basic field sound equipment.

Police Department personnel include a captain and two technicians with many years experience in law enforcement and traffic control.

All of the above individuals except the acoustical engineer are presently employed and have been designated to participate in the project. These people will receive specialized training in noise evaluation and control under the proposed grant.

8. *Facilities Available.*—Office facilities available are those presently used by the three agencies. These are ample and adequate with the necessary desks, file space, secretarial space and storage area.

Article 612—Zoning District Regulations (Portion Pertaining to Noise Only)

District: R–O, R–I, R–2, R–2–A.

Volume of Sound Generated.—Every use, unless expressly exempted by this ordinance, shall be so operated that the volume of sound inherently and recurrently generated does not exceed fifty-five decibels at any point of any boundary line of the Zone Lot on which the use is located.

Vibration Generated.—Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the Zone Lot in which the use is located.

District: R–3, R–4, B–1, B–2, I–P, I–O, R–3–X, B–A–1, B–A–2, R–5.

Volume of Sound Generated.—Every use, unless expressly exempted by this ordinance, shall be so operated that the volume of sound inherently and recurrently generated does not exceed sixty decibels at any point of any boundary line of the Zone Lot on which the use is located.

Vibration Generated.—Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the Zone Lot on which the use is located.

District: RS–1, RS–2, RS–3, RS–4.

Volume of Sound Generated.—Every use, unless expressly exempted by this ordinance, shall be so operated that the volume of sound inherently and recurrently generated does not exceed sixty-five decibels at any point of any boundary line of the Zone Lot on which the use is located.

Vibration Generated.—Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the Zone Lot on which the use is located.

District: B–3, B–4, B–5, B–6, I–0, B–8, B–A–3, B–A–4.

Article 507 Equipment of Vehicles (Portion Pertaining to Noise Only)

.6. *Mufflers, Prevention of Noise.* Every motor vehicle shall at all time be equipped with a muffler in good working order and in constant operation to prevent excessive, raucous, or unusually loud noise, smoke, or flame, and no person shall operate a motor vehicle upon the streets and highways of this City and County which is not so equipped, or which is equipped with a muffler cut-out, bypass, Hollywood pipes or any similar device. A muffler is defined for the purpose of this article as a device consisting of a series of chambers or other mechanical devices for the purpose of receiving exhaust gases from an internal combustion engine which is designed for the purpose of breaking up the sound tones and the diffusion of smoke and flame emitting therefrom.

.6–1. No person shall sell, give away for use upon, install, or cause the installation to be made, or use upon any motor vehicle operated in the City and County of Denver, any type of muffler or other device that will modify the exhaust system of a motor vehicle in any manner so as to amplify or increase the noise emitted by the motor of such motor vehicle to the point where it becomes excessive or unreasonable to the ear of the ordinary person.

EXHIBIT 2-A

SOUND CONTROL PROPOSAL

A bill for an ordinance relating to zoning changing the section pertaining to volume of sound generated

Be it enacted by the council of the city and county of Denver

Section 1. The section relating to Limitations on External Effects of Uses, and particularly the subsection relating to Volume of Sound Generated hereby changed to read as follows:

Sections 612.12–2(2)., 612.13–2(2)., 612.14–2(1).; Volume of Sound Generated. Every use, unless expressly exempted by this ordinance, shall be so operated so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility at nighttime exceed at the boundary line of the Zone Lot on which the use is located the values given in Table I (set out hereafter) in any octave band frequency. However, the sound pressure levels of noise radiated at nighttime shall not exceed the zone lot line the values given in Table II (set out hereafter) in any octave band frequency.

TABLE I

Maximum permissible sound-pressure levels at the zone lot line for noise radiated from a facility between the hours of 9 P.M. and 7 A.M.

(Sound Pressure Level Decibels re 0.0002 dyne/cm²)

Frequency band cycles per sound:	
20–75	85
75–150	76
150–300	70
300–600	65
600–1,200	56
1,200–2,400	54
2,400–4,000	52
4,000–10,000	49

If the noise is not smooth and continuous and is not radiated between the hours of 9 P.M. and 7 A.M., one or more of the corrections in Table III below shall be added to or subtracted from each of the decibel levels given in Table I.

TABLE II

Maximum permissible sound-pressure levels at a zone lot line for noise radiated continuously from a facility between the hours of 9 P.M. and 7 A.M.

(Sound Pressure Level Decibels re 0.0002 dyne/cm²)

Frequency band cycles per sound:	
20–75	62

TABLE I

Maximum permissible sound-pressure levels at the Zone Lot line for noise radiated continuously from a facility between the hours of 9 P.M. and 7 A.M.

(Sound Pressure-level Decibels re 0.0002 dyne/cm²)

Frequency band cycles per sound:	
20–75	79
75–100	74
150–300	66
300–600	59
600–1,200	53
1,200–2,400	47
2,400–4,000	41
4,000–10,000	39

If the noise is not smooth and continuous and is not radiated between the hours of 9 P.M. and 7 A.M., one or more of the corrections in Table III below shall be added to or subtracted from each of the decibel levels given in Table I.

TABLE III.—TYPE OF OPERATION IN CHARACTER OF NOISE

[Correction in Decibels]

Daytime operation only: plus 5.

Noise source operated less than 20% of any one-hour period: plus 5*.

Noise source operated less than 5% of any one-hour period: plus 10*.

Noise source operated less than 1% of any one-hour period: plus 15*.

Noise of impulsive character (hammering, etc.): minus 5.

Noise of periodic character (hum, screech, etc.): minus 5.

Detroit, Michigan

Nuisances—Chapter 171. Compiled Ordinances of the City of Detroit

Maintaining a Nuisance 39–1–40.—Sec. 1. Nuisances not to be created or maintained. No owner or occupant, firm or corporation having control or management of any dwelling or any building, structure, excavation, business pursuit, matter or thing, shall allow any nuisance to be created or to exist on the premises of which such person, firm or corporation, is the owner or exercises control or management thereof; nor shall any person, firm or corporation owning or occupying any public or private street, alleyway or any premises whatever, or having control or management thereof, within the limits of the City of Detroit, create or maintain a nuisance thereon.

Noise Producing Devices 39–1–37.—Sec. 5. The operating or maintaining of noise making, noise amplifying or noise producing instruments or devices by which the peace or good order of the neighborhood is disturbed is hereby declared a nuisance. It shall be unlawful for any person, firm, association or corporation by himself or another to operate or maintain any radio, phonograph, player-piano, calliope, or other noise making, noise amplifying or noise producing instrument or device in any public or private place in such manner by which the peace and good order of the neighborhood is disturbed or persons owning or occupying property in the neighborhood are disturbed or annoyed. (Effective June 11, 1926, Ord. 243–B.)

Vendor's Noise or Commotion 39–1–38.—Sec. 6. It shall be unlawful for any hawker, vendor, huckster, peddler, salesman, agent or other person by himself or another, selling his wares or merchandise, or disposing of his services or granting any privileges from any public or private place or structure unenclosed in whole or in part, to make a commotion or make unnecessarily loud noises for the purpose of attracting others, whereby the peace or good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed. (Effective November 11, 1927. Ord. 12–C.)

Sec. 7. It shall be unlawful for any person in any vehicle to make a commotion or make unnecessarily loud noises, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed. (Effective November 11, 1927. Ord. 12–C.)

Penalty

Sec. 8. Any person, persons, firm or corporation or anyone acting in behalf of said person, persons, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof be subject to a fine not exceeding five hundred ($500.00) dollars or to imprisonment in the Detroit House of Correction for a period of not more than ninety (90) days or both such fine and imprisonment in the discretion of the court; Provided, That on a second conviction of violating any of the provisions of Section one (1) of this ordinance a fine of not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars or imprisonment in the Detroit House of Correction for not more than ninety (90) days or both such fine and imprisonment in the discretion of the court; and Provided further, That on a third or any subsequent conviction or convictions of violating any of the provisions of Section one (1) of this ordinance, that the punishment shall be imprisonment in the Detroit House of Correction for not less than ten (10) days nor more than ninety (90) days, and a fine of not less than fifty ($50.00) dollars, nor more than five hundred ($500.00) dollars. (Effective February 19, 1941. Ord. 174–D.)

Sec. 38–6–22. Approval of the air pollution control division as required in section 38–6–20 may be obtained by any one of the following methods:

By the manufacturer submitting complete test results to the air pollution control division providing such tests are made in accordance with the regulations and are supervised and attested to by a recognized noise consultant or a registered professional engineer not regularly in the employ of the manufacturer.

Sec. 38–6–26. No person shall operate, upon any street, highway, frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of vehicles, a motorcycle or motor driven cycle that is not equipped with a muffler. No person shall operate a motorcycle or motor driven cycle, upon any street, highway, frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of vehicles, which has a cut-out, muffler bypass device, special noise making equipment, or a muffler which has been so modified as to be in conflict with these regulations. A person violating this section shall upon conviction be subject to a fine of not less than twenty-five dollars ($25.00).

Section 2. This ordinance is declared necessary for the preservation of the peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

PROGRESS REPORT 1967, AIR POLLUTION CONTROL DIVISION, DETROIT HEALTH DEPARTMENT

(By Morton Sterling, Director)

NOISE AND VIBRATION CONTROL

Public concern over noise associated with urban living again remained high. The number of complaints received during the past year was the second highest ever recorded. Work on a motorcycle noise ordinance continued and has been submitted to the Corporation Counsel for review. It is expected that the Common Council will take action on it during 1968.

Meetings with air conditioning industry have taken place regarding an ordinance regulating the noise from home air conditioning systems. It is anticipated that this ordinance will be submitted to the Common Council in the coming year.

CLASSIFICATION OF NOISE COMPLAINTS RECEIVED IN 1967

Type	Complaints	Locations
Air compressors	28	24
Air conditioners	33	27
Bump shops and stationary vehicles	17	12
Fans and blowers	65	20
Materials handling	125	35
Presses and shears	39	9
Steam cleaners and steam exhausts	3	1
Miscellaneous	62	35
Total	372	163

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*Apply one of these corrections only.

REPORT ON POTENTIAL NOISE PROBLEMS ARISING OUT OF HELICOPTER OPERATIONS

(By Edmund Moranty and Austin Tomlinson, Bureau of Air Pollution Control, Department of Building and Safety Engineering, City of Detroit)

Approved by: Morton Sterling, Chief, Bureau of Air Pollution Control.

CONCLUSIONS AND RECOMMENDATIONS

Present day reciprocating engine-driven helicopters, produce an overall loudness level of sufficient magnitude to require consideration in the selection of heliport sites and flight patterns. The more pertinent conclusions of this investigation are as follows:

1. Loudness levels vary with each make and design of helicopter.

2. The recommended distances to various property users are shown in the chart. The distances apply to a commercial heliport with 4 to 20 flights per day using present-day reciprocating engine-driven helicopters. It is recognized that private heliports would be used less frequently and these distances would not necessarily be applicable.

3. Information on the effect of engine exhaust mufflers on total helicopter noise is inadequate to determine the probable effects on a community. Noise reduction obtained by the use of mufflers would normally be in the lower frequency range, which is less annoying than equal levels in the higher frequencies. There also appears to be some reluctance on the part of manufacturers and operators to use mufflers due to the resultant increase in engine back pressure. For these reasons it is felt that the recommended distances should not be affected by muffler considerations unless further data comes to our attention to dictate otherwise.

4. In view of the many variables attendant with helicopter design and performance, such as size, type of engine, etc., it is recommended that in preference to the establishment of definite distance limitations, adequate technical data be required for each proposed heliport so a reasonably accurate prediction of community response can be made.

INTRODUCTION AND PROCEDURE

At the request of the Director of City Planning, an investigation of the noise levels resulting from heliport operations was instituted by the Bureau of Air Pollution Control. The purpose of the study was to determine the minimum distance between this operation and residential land users to prevent a community noise nuisance problem.

The following steps were taken to obtain information on the noise characteristics of helicopters:

RECOMMENDED MINIMUM DISTANCES IN FEET

Class of helicopter [1] (pounds)	Hospitals		Urban residential		Offices and commercial		Air conditioned offices and commercial	
	Day	Night	Day	Night	Day	Night	Day	Night
1— to 6,000	800	1,600	400	800	300	600	250	250
2—from 6,000 to 12,500	1,600	3,200	800	1,600	600	1,200	400	400
3—from 12,500 to 20,000	3,200	6,400	1,600	3,200	1,000	2,000	800	800

[1] Classes by weight according to the Helicopter Council of the Aircraft Industries Association of America.

1. Data was requested from leading manufacturers of helicopters regarding the overall noise level and frequency characteristics of their aircraft. The information supplied by the manufacturers consisted of the overall sound-pressure level at certain distances and a frequency spectrum at one of these distances. Under free field conditions, a single measurement of sound-pressure level at a known distance from a point noise source is enough information to predict the level at any other point up to approximately 1,000 feet since the sound-pressure level varies inversely as the distance from the source. At distances greater than 1,000 feet, other factors tend to increase the attenuation and this has been considered in the development of the recommended distances.

2. Letters were sent to federal agencies, noise abatement councils, and major cities in this and other countries requesting information on any noise problems caused by the operation of helicopters.

3. Abstractions from technical reports and magazine articles were made (see Bibliography).

4. The above information is related primarily to reciprocating engine-driven helicopters. In view of the presently deficient data available on helicopters powered by other types of propulsion equipment, this report only considers reciprocating engine-driven helicopters.

METHOD OF PREDICTING COMMUNITY RESPONSE TO HELICOPTER NOISE

A. Residential—Three methods of predicting community response were studied:

1. K. N. Stevens, W. A. Rosenblith, and R. H. Bolt, "A Community's Reaction to Noise".

2. Horace O. Parrack, Ph.D., Wright Air Development Center, USAF, "Community Reaction to Noise."

3. A. C. Pietrasanta and K. N. Stevens, "Noise Exposure in Communities Near Jet Air Bases."

The three methods are quite similar. They all superimpose the noise spectrum on a family of curves designating a level rank and then apply corrections to determine a composite noise rating. This rating is then plotted on a Composite Noise Rating vs. Community Response Curve (Fig. 1) and the expected response is predicted. The above empirical relations were developed by researchers and were determined after a study of a large number of case histories involving community reaction to noise. The methods differ only in the manner of calculating and applying the correction factors.

After study, it was decided that we would use Stevens, Rosenblith and Bolts composite noise rating method of predicting community reaction in residential areas, since it has been used in several similar studies. Briefly, this method superimposes the measured or calculated octave band spectrum of the noise onto a family of curves that define the noise level rank (Fig. 2). This noise level rank is given by the highest area into which the spectrum protrudes in any band. The ranks are designated from "a" to "m". The lower boundary "a" is the average threshold of hearing for octave bands of noise and the upper boundary "m" represents a noise spectrum in which people can communicate only by shouting in each other's ear at a distance of a few inches. Correction factors for the Noise Spectrum Character, Peak Factor, Repetitive Character, Background Noise, Time of Day, and Adjustment to Exposure (Table I) are added and a Composite Noise Rating is obtained. This rating is plotted on a Composite Rating vs. Community Response Curve (Fig. 1), and the anticipated Community Response is obtained. The procedure given above is intended mainly as a guide. As more experience is obtained in the field of neighborhood noise problems, it can be expected that some revision of the numerical values will be found desirable.

It should be noted that a decision must be made to determine the degree of community reaction that is to be considered acceptable. From past experience of the Bureau in control activities, it is believed that sporadic complaints would represent an acceptable condition. Therefore, Point D on the Composite Noise Rating Curve has been selected for use in this report.

As an example of the above method, the Bell 47-J helicopter noise spectrum, at 400 feet as provided by the Bell Corporation, is plotted on the Noise Level Rank Curves (Fig. 2). It is noted that the highest band level is "h". Applying the correction factors from Table I as follows, for a wide band noise O, an impulsive noise +1, 4 to 20 exposures per day −3, background noise for urban residential −1, daytime −1, and previous conditioning 0, a total of −4, the Composite Noise Rating of D is obtained. Then from Figure 3 sporadic complaints are predicted.

B. Commercial and Industrial.

In order to predict the reactions of people engaged in commercial activities to helicopter noise, a shift in the method of evaluation was required. The method of S. S. Stevens was used. This involves the determination of the loudness level in phons and/or the calculation of the speech interference level.

The loudness level, in phons, of a sound is numerically equal to the sound-pressure level in decibels of a pure tone of frequency 1000 CPS, which is judged by normal observers to be equivalent in loudness. As in other sound-pressure measurements, the reference pressure is 0.0002 microbar. Table II quotes, among other things, the now generally accepted criteria in phons relating to social comfort. Experience has shown a loudness level of 60 phons will generally not cause complaints, and a loudness level of over 80 phons will produce widespread complaints.

The average sound-pressure level in decibels for the three octave bands, 600–1200, 1200–2400, and 2400–4800, is called the speech-interference level. The following requirements for communication in the presence of noise levels corresponding to various speech-interference level curves are given briefly:

1. S.I.L.=45, normal voice at 10 feet.

2. S.I.L.=55, normal voice at 3 feet, raised voice at 6 feet.

3. S.I.L.=65, raised voice at 2 feet, very loud voice at 4 feet.

4. S.I.L.=75, very loud voice at 1 foot.

By definition, any noise which exceeds the requirements of S.I.L.=45 will interfere in some way with normal conversational speech.

For the purpose of this study, we have assumed the S.I.L. of 55 to be the maximum acceptable value to prevent nuisance conditions. It is felt this level is reasonable since the community background noise approximates this value (see Fig. 16).

For example, in Fig. 4 the level for the 600–1200 band is 59DB, 1200–2400 band is 56DB, and the 2400–4800 band is 50DB. The average of 59, 56, and 50 is 55, the speech-interference level.

MAJOR SOURCES OF HELICOPTER NOISE

The three main sources of noise from reciprocating engine-driven helicopters are:

A. Engine.—The predominant noise from the reciprocating engine is the exhaust. From Hubbard & Lassiter's tests (with a nine cylinder 600 H.P. engine), the noise consists mainly of discrete frequencies ranging below 600 CPS. Although it is recognized that there is some noise associated with the high-velocity exhaust-gas stream, this component of noise is much lower in level than the discrete low-frequency components. The other engine noises from valves, gears, carburetor, and supercharger are believed to be in the same frequency range as the exhaust and are usually 10 to 15 decibels less.

B. Gear train.—Another source of noise is produced by the meshing of gear teeth, and consists of two components, i.e., tooth-contact frequency and natural frequency. Tooth-contact frequency is a function of the number of gear teeth and the rotational speed of the gear. When the natural frequency of the tooth-gear combination is at some integral multiple of the tooth-contact frequency, a strong noise component is detected. This usually occurs from 600 to 4800 CPS.

C. Rotor.—The noise from rotors can also be conveniently considered as two separate components; namely, the rotational and vortex components. Currently used blade dimensions and operating conditions are such that the rotational noise of the tail rotor (below 100 CPS) and the vortex noise of the main rotor predominate in the overall helicopter spectrum. Since the vortex noise has its maximum on the axis of rotation of the rotor, it is the major noise observed on the ground which is produced by the main rotor while the helicopter is hovering.

Figure 15 is a noise spectrum of a conventional helicopter with a 600 H.P. reciprocating engine hovering 100 feet overhead. This graph shows the relative contributions and frequency analysis of the three main sources of noise from this type of helicopter.

Possible Future Development in Helicopter Design Which Could Affect Noise Generation

It is recognized that helicopters may be developed having different noise characteristics than present models. A rotor-tip jet propelled unit, "Fairey Rotodyne", is already in the flying stage. Recent tests made by the Ministry of Transport and Civil Aviation, London, England, indicate that distances of over ½ mile are needed between the helicopters and adjacent land users before the noise approaches acceptable levels. Noise suppressors are being developed for the Rotodyne, but sufficient information is not now available to attempt to predict their effect upon the community.

Due to the constantly changing status of helicopter design and operational characteristics, it would appear inadvisable to establish fixed distance limitations regulating noise which would apply to any helicopter.

Experiences of Other Cities on Helicopter Operations

Letters were forwarded to 28 major cities in the United States; London, England; Brussels, Belgium; and Paris, France requesting information on ordinances regulating the installation and operation of heliports and comments on noise nuisance situations arising from helicopter operations. Answers were received from 22 U.S. cities, London, Brussels, Paris, and Rotterdam.

A majority of the cities reported no specific regulations regarding the location or operation of heliports. However, most of the cities have ordinances regulating aircraft and, by definition, include helicopters in that category.

The cities having heliports report infrequent noise complaints, but point out that the heliports are located on piers over the water, in areas having high overall noise levels, or at regular airports, and that their flight paths are over open water, railroad tracks, or expressways.

The following information is considered the most pertinent of that received from the various cities:

1. Paris, France reported a major noise problem. Complaints were received from nearby residences, movie theaters, radio stations, and an old age home. The problem was reduced by increasing the approach altitude from 300 meters (1,000 feet) to 600 meters (2,000 feet), by rerouting the approach so that the entire flight is over the Seine River, and by cancelling all training flights from the heliport.

2. A London, England ordinance states that a helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface in the event of failure of a power unit. Except with the written permission of the Minister and in accordance with any conditions or limitations therein specified, a helicopter shall not fly over a congested area of a city, town, or settlement below a height of 1,500 feet above the highest fixed object within 2,000 feet of the helicopter. Extensive noise studies were conducted, and some of this information is incorporated herein.

3. Experiences in New York, New York, have been limited to heliports located on airports or on an area near the waterfront where the helicopter noise would not be above the noise level of other commercial activities. Some complaints were received on helicopters enroute, but none around the heliports.

4. Los Angeles Co., Calif. has a comprehensive zoning ordinance which specifically mentions heliports. A special use permit is required from the Commission under such conditions as it deems necessary for the protection of the public health, safety, and general welfare providing any use or portion thereof causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.

5. Chicago, Illinois permits heliports in all business, commercial, and manufacturing districts, but only with special permits. There appears to be no other standard of location for control of proximity to residential areas.

6. Pittsburgh, Pennsylvania prohibits any aircraft from flying less than 1,000 feet unless landing or taking off from a licensed airport. Helicopters may fly at less than minimum altitude if such operations are conducted without hazard to persons or property on the surface, and they may land in congested areas provided they have the permission of the Director of Safety and the property owner.

7. Milwaukee, Wisconsin has one privately-owned heliport outside of the regular commercial airport. It has been in operation about two months, with no nuisance complaints resulting from its operation. The method used for predicting community response to noise situations, as outlined by the Public Health Engineer, is similar to the one used in this report. The actual response of residents had invariably fallen within the limits of the predicted response.

8. Fort Worth, Texas has two licensed heliports within the city limits. The traffic pattern for both is over open country, such as golf courses, highways, etc., with a minimum altitude of 1,000 feet. They have not experienced many noise complaints.

9. Minneapolis, Minnesota has one heliport on top of a large building in the center of town. It is doubtful a problem would arise unless night flights are instituted.

10. Cincinnati, Ohio has an airport on the outskirts of town, and has not received any complaints.

11. Modesto, California prohibits landings anywhere but at the airport.

BIBLIOGRAPHY

1. A Community's Reaction to Noise, Noise Control, Vol. 1, No. 1, Jan. 1955, pp 63–71
2. W.A. Rosenblith and K. N. Stevens, Handbook of Acoustic Noise Control, Vol. II, "Noise and Man"
3. K. O. Kryter, "The Effects of Noise on Man", Journal of Speech and Hearing Disorders, Monograph Supplement I (1950)
4. S. S. Stevens, "The Calculation of the Loudness of Complex Noise", Journal of the Acoustical Society of America, Vol. 28, 1956
5. S. S. Stevens, "Measurement of Loudness", Journal of the Acoustical Society of America, Vol. 27, n.5, Sept. 1955, pp 815–829
6. Report, Ministry of Transport and Civil Aviation, London, England
7. H. H. Hubbard and L. W. Lassiter, NACA Tech Note 3239, 1954
8. Sabena Airways, 35 Rue Card., Mercier, Bruxelles, Belgium
9. Fairey Aviation Ltd., Hayes Middlesex, England
10. Sikorsky Aircraft, Stratford, Connecticut
11. Kaman Aircraft Corp., Bloomfield, Connecticut
12. Hiller Aircraft Corp., Palo Alto, California
13. Westland Aircraft, Ltd., Yeovil, England
14. Bell Helicopter Corp., Fort Worth, Texas

TABLE I.—LIST OF CORRECTION NUMBERS TO BE APPLIED TO LEVEL RANK TO GIVE NOISE RATING

Influencing factor	Possible conditions	Correction number
Noise spectrum character.	Pure-tone components	+1
Peak factor	Wide-band noise	0
	Impulsive	+1
	Not impulsive	0
Repetitive character (about ½ minute noise duration assumed).	Continuous exposures to 1 per minute.	0
	10–60 exposures per hour.	−1
	1–10 exposures per hour.	−2
	4–20 exposures per day.	−3
	1–4 exposures per day	−4
	1 exposure per day	−5
Background noise	Very quiet suburban	+1
	Suburban	0
	Residential urban	−1
	Urban near some industry.	−2
	Area of heavy industry	−3
Time of day	Nighttime	0
	Daytime only	−1
Adjustment to exposure	No previous conditioning.	0
	Considerable previous conditioning.	−1
	Extreme conditioning	−2

TABLE II—NOISE CRITERIA

Loudness level (S.S. Stevens) phons	General situation	Telephone use	Conversation	S.I.L. DB
110 100	Intolerable	(1)	Voices very loud at 1 ft Shouting at 2–3 ft	85–75
90.	Unpleasantly noisy	(1)	Voices raised at 2 ft Very loud at 4 ft Shouting at 8 ft	65
80 70	Noisy but acceptable	(2)	Normal at 3 ft Voices raised at 6 ft Very loud at 12 ft	55–45
70 60	Moderately noisy	(2)	Easy and natural	
50 40	Quiet to very quiet	(2)		

[1] Not satisfactory.
[2] Satisfactory.

Table II gives the noise criteria on 2 bases: (a) Loudness levels in Phons, and (b) the speech interference level of Beranek et al, together with an indication of the difficulty of using the telephone.

Fair Lawn, New Jersey

Borough of Fair Lawn

Notice

Notice is hereby given that the following ordinance was amended and passed on second and final reading and adopted by the Mayor and Council of the Borough of Fair Lawn, Bergen County, New Jersey, at a regular meeting of said Mayor and Council held at the Municipal Building in Fair Lawn on the 27th day of June 1950.

Donald de Bruin,
Acting Borough Clerk.

Ordinance No. 471

"An ordinance to preserve the public peace and good order; to prevent disturbances and to provide penalties for the violation thereof in the Borough of Fair Lawn, N.J." As Amended.

Be it ordained by the Council of the Borough of Fair Lawn, as follows:

Section 1. No person shall, by noise or conduct, disturb or destroy the peace of the neighborhood, or the quiet or repose of others in the neighborhood, to the detriment of health, morals or security of any human being.

Section 2. The doing of any of the following acts so as to cause a loud, disturbing or unnecessary noise shall be deemed to be a violation of this Ordinance.

The enumeration of the acts herein set forth shall not be deemed to be exclusive.

Such acts shall be deemed to be particularly disturbing when carried on between the hours of 11 P.M. and 8 A.M. on any weekday, and at any time on the Sabbath.

(a) The playing of any radio, phonograph or other musical instrument.

(b) The sounding of any horn or other signal device on any motor vehicle.

(c) The keeping of any animal or bird which shall emit frequent or long continued noises.

(d) The uttering of any loud, offensive, violent, indecent or profane language.

(e) The use of any mechanical equipment, such as bulldozers, steam shovels, mechanical saws, presses, tools or other devices, except when required in the public interest.

(f) The shouting, ringing of bells and crying of peddlers, hawkers, vendors, solicitors and canvassers.

(g) The use of any sound truck, loud speaker, sound amplifier or other such instrument.

(h) The conduct of any business or commercial enterprise that attracts the general public and by reason thereof causes continued loud or disturbing noises.

Section 3. Any person violating any of the provisions of this Ordinance shall be subject to a penalty of imprisonment in the County Jail for a term not exceeding ninety days or by a fine not exceeding $200.00, or both. The Magistrate before whom any person is convicted of violating any of the provisions of this Ordinance shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed herein.

Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

Approved: June 27, 1950.

Legal Notice

Notice is hereby given that the following ordinance was passed on second and final reading as amended and adopted by the Borough Council of the Borough of Fair Lawn, Bergen County, New Jersey, at a regular meeting of said Borough Council held at the Municipal Building in Fair Lawn on the 25th day of September, 1962.

DONALD DE BRUIN,
Borough Clerk.

Ordinance No. 802

"An ordinance to amend and supplement an ordinance to preserve the public peace and good order, to prevent disturbances: and to provide penalties for the violation thereof in the Borough of Fair Lawn." as amended

Be it ordained by the Borough Council of the Borough of Fair Lawn as follows:

Section One. That Ordinance 471, being an ordinance to preserve the public peace and good order: to prevent disturbances; and to provide penalties for the violation thereof in the Borough of Fair Lawn adopted on May 27, 1950, be amended and supplemented as follows:

a. Renumber existing Section 3 as Section 5.

b. Renumber existing Section 4 as Section 6.

c. Add the following Sections:

Section 3 (a) when measured from the point of annoyance to an establishment wherein a noise originates, as stated in a written complaint filed with the Chief of Police; the sound pressure level radiated over a measurable period of time from an establishment, residence, business or other facility between the hours of 11 p.m. and 7 a.m. shall not exceed the following in any octave band of frequency.

Octave Band Cycles per Second	*Sound Pressure Level in Decibels*
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

Operation or radiation of noise only between the hours of 7 a.m. and 11 p.m. plus 5.

Sounds of periodic character (e.g. hum, pure tones or tones, screech) minus 5.

(b) The sound pressure level shall be measured with a Sound Level Meter and Octave Band Analyzer that conforms to the latest revision of specifications published by the American Standard Association, New York, N.Y., in effect at the time of the measurements.

(c) Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance.

Section 4. This ordinance shall be known as the "Anti-Noise Ordinance of the Borough of Fair Lawn."

Section Two. This ordinance shall take effect upon final passage and publication, as required by law.

Approved: September 25, 1962.

Fort Lauderdale, Florida

Police Ordinance

"Sec. 28–32. *Hours noisy businesses may operate.*—It shall be unlawful for any person to perform labor or work, or to operate or conduct any business or enterprise in the City (except gasoline filling stations as provided in Sec. 28–33) on any day except between the hours of 8:00 A.M. to 6:00 P.M. from December first of each year to July first of each year and except between the hours of 7:00 A.M. to 7:00 P.M. from July 1st of each year to December first of each year, at a location so close to inhabited dwellings."

Passed third reading this the 17th day of April, 1956.

Building Code

Sec. 4903.3 NOISE CONTROL.—The following special requirements shall apply to the control and regulation of noise nuisance from air conditioning and refrigeration machinery:

(a) All equipment, existing or hereafter installed, regardless of location, shall be maintained in good working order. Equipment so located that normal operating noises create a nuisance to adjacent owners or occupants shall be provided with sound proofing, or sound absorbing baffles, or enclosures, as approved, to insure maintenance of a reasonable noise level.

(b) All equipment on outer walls, on roofs, or in other exposed locations, which are unduly noisy, and which cause valid complaints from adjoining property owners or occupants, may be required to be relocated, redesigned or enclosed in noise retarding materials when, in the opinion of the Building Inspector or Air Conditioning and Refrigeration Inspector, such enclosure is necessary or would be effective.

(c) Special consideration shall be given to the planning of all future installations to minimize the noise nuisance to adjoining property owners or occupants, and the Building Inspector or Air Conditioning and Refrigation Inspector shall have authority to reject or require the re-design of any system which, in his opinion, would cause such a noise nuisance. (Ord. No. C–1448, § 1, 10–7–58; effective 1–1–59)

Zoning

Sec. 47–14.1.—(a) Zoning—Place permitted . . .

Parking lots permitted under this section may be used only between the hours of 7:00 a.m., and 11:00 p.m., and shall not be provided to meet the requirements for drive-in restaurants, bars, beer gardens or night clubs.

R–4 (Multi-Res & Hotels);

"Sec. 47–65.2. *Special Accessory Uses.*

* * * * *

(c) The following regulations and limitations shall apply to the uses set out in paragraphs (a) and (b) of this section, to-wit:

* * * * *

(3) There shall be no show windows or displays relating to such special accessory uses on the exterior of the building or visible from adjacent property or any street except Atlantic Blvd. Rooms used for entertainment such as at bars and night clubs shall be adequately enclosed and soundproofed so that the noise level will not interfere with the quiet enjoyment of adjacent residential property.

Zoning Code (Industrial)

Sec. 47–78.1. Uses prohibited.—The uses prohibited in B–3 district shall be as follows:

(a) The use of any portion for open storage without 5-foot concrete wall in the rear and on the side of said site.

(b) Any industry or business which is obnoxious because of dust, dirt, smoke, fumes, odors, noises, vibrations, radioactive waves or dangerous hazards.

(c) Any use not specifically permitted in section 47–78. (Ord. No. C–1126, § 4, 5–17–55)

Fort Lauderdale Industrial Air Park.

Article VIII–B. "M–1–A" District.

Sec. 47–81.1. Purpose of district.

The purpose of the M–1–A zone is to govern all uses of land offered for sale within the boundaries of the Fort Lauderdale Industrial Air Park as they are now existing or may be hereafter set. The M–1–A Industrial Zone is to assure that industrial development will not have an undesirable effect because of smoke, sound, dust, dirt, noxious gases, odor, vibration, heat, or electromagnetic interference. (Ord. No. C–1968 § 1, 10–29–63; Ord. No. C–66–46, § 1, 8–2–66)

Article IX. "M–1" District.

Sec. 47–82. Uses permitted.

The uses permitted in M–1 district (industrial) shall be as follows:

(c) Any lawful business not obnoxious because of dust, dirt, smoke, fumes, odors, noise, vibrations, radioactive waves or substances which possess an abnormal explosion hazard.

Sec. 47–82.1. Uses permitted where site approved. Whenever application is made for a building permit to erect any building or improvement upon any site in M–1 district wherein the premises in the opinion of the building inspector may be or are contemplated being used for:

(j) Any operation which may be obnoxious because of emission of dust, dirt, smoke, odors, fumes or abnormal explosion hazards;

Hartford, Connecticut

Health Department, under nuisance control ordinance

Chapter 21: Noise

Sec. 21.1. Loud, disturbing and unnecessary noise prohibited.—The creation and continuation of any loud, disturbing and unnecessary noise in the city is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noise as disturbs the quiet and peace of residents of the city. (Code 1949, § 25–1)

Section 21–2. Enumeration of acts declared loud and disturbing.—The following acts among others are declared to be loud, disturbing, annoying and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

(a) *Blowing horns*. The sounding or blowing of any horn or signal device on any automobile, motorcycle, motorbus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable period of time.

(b) *Radios, phonographs, etc.* The playing of any radio, television set or phonograph or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other residence.

(c) *Animals*. The keeping of any animal or bird which, by making frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.

(d) *Use of vehicle*. The use of any automobile, motorcycle or vehicle so out of repair or so loaded, or used or repaired in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling or other disturbing noises.

(e) *Blowing whistles*. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(f) *Exhaust discharge*. The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine, motorboat engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) *Devices using compressed air*. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(h) *Building operations*. The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of seven o'clock a.m. and six o'clock p.m. on week days, except in cases of necessity in the interest of public safety, and then only with permission from the proper city officials.

(i) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanatorium, hospital or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship in any such place or institution; provided, that signs shall be displayed in such streets indicating that there is a school, hospital, church, library, sanatorium or court thereon.

(j) *Loading and unloading operations*. The creation of loud and excessive noises in connection with the loading or unloading of any vehicle, or the opening or disposition of bales, boxes, cartes and containers.

(k) *Bells or gongs*. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(l) *Hawking, peddling or soliciting*. Shouting, loud talking, crying or soliciting by peddlers, hawkers and other vendors which disturbs the quiet and peace of the neighborhood or of persons therein.

(m) *Advertising*. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, or sale, or to the display or advertisement of merchandise, by the creation of noise.

(n) *Business establishments*. The operation of any business establishment between the hours of eight o'clock p.m. and seven o'clock a.m. in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy or disturb the quiet and comfort of any neighborhood or of persons therein, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of persons in any dwelling, hotel, boardinghouse or other type of residence. (Code 1949, § 25–2)

Cross reference—As to noise control on air conditioning equipment, see § 41–97.

Sec. 21–3. Snow removal exempted.

The removal of snow, sleet and ice by any person, firm or corporation from its parking lots and driveway facilities between the hours of eight o'clock p.m. and seven o'clock a.m. shall not constitute a violation of this chapter. (Ord. No. 4–65, 2–8–65)

Amendment note—Ord. No. 465 added § 21–3 to Ch. 21.

Sec. 41–97. Noise control.

(1) All moving apparatus used in air conditioning shall be fastened securely to its own foundations, which should be a single unit for both driver and driven apparatus, and this foundation should be carried on a noise-inert substance such as rubber in shear or cork under and around the edges of the foundation.

(2) No metal duct shall connect directly to any fan or housing without a flexible collar such as canvas or asbestos cloth. The latter shall be required for all direct-fired warm air units.

(3) Piping connections from pumps where practicable, shall be made with flexible hose, with the machinery on a floating foundation.

(4) Sharp edges of metal facing an air current shall be rounded or streamlined. Sheet metal partitions, housings and large ducts shall be so designed and braced that there will be no excessive vibrating or rattling when air is being delivered.

(5) For elimination of noise nuisance, air velocities should be kept within safe limits in accordance with recognized standards of good practice.

(6) Where fans, motors, compressors and the like are placed in rooms under or adjacent to occupied rooms, provision shall always be made to reduce noise transmission.

Cross reference—As to noise generally, see Ch. 21.

Hemet, Calif.

Ordinance No. 535 of the City of Hemet, California, amending section 12.2, chapter 12, of the Code of the City of Hemet, regarding nuisances

The City Council of the City of Hemet, California, does hereby ordain as follows:

Section 1: Subsection 10 of Section 12.2, Chapter 12, of the Code of the City of Hemet is hereby amended by adding thereto the following paragraph:

"10. *Unauthorized operation of loud speakers, etc.* Any person desiring to operate or use any loud speaker or amplifying devise on any public street, or in any public place, or outside of any building facing upon a public street, shall apply to the Chief of Police for a permit to so use or operate, and the Chief of Police shall have the power to issue or deny such permits and each permit shall be issued upon such reasonable conditions as the Chief of Police shall see fit to impose. The applicant shall have the right to appeal the decision of the Chief of Police in such matters to the City Council and upon request, the City Clerk shall set the matter on the agenda of the next regular or adjourned regular meeting of the City Council. The decision of the City Council in such matters shall be final."

Section 2: Subsection 11 of Section 12.2, Chapter 12, of the Code of the City of Hemet is hereby amended to read as follows:

11. (a) *Persistent loud noises generally*. The persistent emission or maintenance of any noise produced by human, animal, fowl or mechanical, electrical or other means, which disturbs the peace or comfort, or is injurious to the health of the entire community or neighborhood or any considerable number of persons."

(b) *Electrical and mechanical noise produced in M and C–M Zones*. The production of any electrical or mechanical sound or noise from any property within the City zoned M or C–M and projected onto residential property that shall exceed the limits established and hereinafter set forth, such as but not limited to that produced by air conditioning equipment, electric generators, fans, blowers, pumps, turbines, saws, engines and other like machinery.

"The level of such sound or noise shall be determined by a Sound Level Meter and Octave Band Filter approved by the American Standards Association, and measurements shall be made at the property line of the residential property concerned closest to the property upon which the sound or noise is produced.

"The limits hereinabove referred to shall be in accordance with the following table:

"TABLE OF LIMITING NOISE LEVELS

Octave frequency band in cycles per second	Maximum permissible sound pressure levels in decibels re 0.002 microbar
Below 75	65
75 to 150	60
151 to 600	55
601 to 2,400	45
Above 2,400	40

"In the event such noise is produced not more than 20% of any one hour, add 5 decibels; in the event such noise or sound is produced not more than 5% of any one hour, add 10 decibels, in the event such noise or sound is produced not more than 1% of any one hour, add 15 decibels. These corrective factors shall apply only in the hours of 7 o'clock a.m. to 10 o'clock P.M.

"Any person desiring to operate or use any machinery of equipment that will produce sound or noise in excess of the limits hereinabove established, on a temporary basis and/or for a specific purpose, shall apply to the Chief of Police for a permit to so use or operate. The Chief of Police shall have the power to deny or issue such permit, upon such reasonable conditions as he shall see fit to impose. The applicant shall have the right to appeal the decision of the Chief of Police to the City Council and upon request, the City Clerk shall set the matter on the agenda of the next regular or adjourned regular meeting of the City Council. The decision of the City Council in such matters shall be final."

Section 3: This ordinance is hereby declared to be an emergency ordinance the emergency being as follows:

There are at present certain noise producing activities taking place in the City of Hemet which are reportedly interfering with the health, safety and welfare of a substantial number of residents of said City. In order to effectively control such activities and to establish reasonable standards to assist the authorities in such control, this ordinance is necessary.

Section 4: The City Clerk shall certify to the adoption of this ordinance and shall cause a copy of the same to be published in The Hemet News, a newspaper of general circulation printed and published in the City of Hemet, in the manner prescribed by law for the publishing of ordinances of said City.

Introduced at an adjourned regular meeting of the City Council held the 24th day of October, 1966.

Moved, Passed and adopted at a regular meeting of the City Council held the 12th day of December, 1966, by the following vote:

Houston, Tex.

Partial code of ordinances City of Houston, Texas—Health and Sanitation

Sec. 20–52. General Definitions.—Whatever is dangerous to human health or welfare, or whatever renders the ground, the water, the air or food a hazard or an injury to human health, is hereby declared to be a nuisance. (Code 1942, Sec. 1012)

Sec. 20–53. Specified nuisances enumerated.—The following specific acts, conditions and things are declared to constitute a public nuisance and are hereby prohibited and made unlawful:

(12) *Noise.* The emissions of noise in such a manner or to such a degree as to be a source of discomfort to persons living or passing in the vicinity. (Cross reference—As to the prevention of noises generally, see Sec. 20–70)

Sec. 20–70. Noises—Declaration of findings.—(a) The making and creation of loud, unnecessary or unusual noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises is increasing;

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place or use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

Sec. 20–71. Same—Causing, prohibited.—It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injuries or endangers the comfort, repose, health, peace or safety of others, within the liimts of the city.

Sec. 20–72. Same—Acts or conditions prohibited.—The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this division, but said enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device or any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearings for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock p.m. and seven o'clock a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this section.

(3) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of eleven o'clock p.m. and seven o'clock a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(7) *Exhausts.* The discharge into the open air of any exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of seven o'clock a.m. and six o'clock p.m. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six o'clock p.m. and seven o'clock a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six o'clock p.m. and seven o'clock a.m., upon application being made at the time permit for the work is awarded or during the progress of the work.

(11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(12) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) *Metal rails, pillars, and columns, transportation thereof.* The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) *Street railway cars, operation thereof.* The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a street railway car.

(16) *Pile drivers, hammers, etc.* The operation between the hours of ten o'clock p.m. and seven o'clock a.m., or any time on Sundays, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(17) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases of fluids, unless the noise from such blower or fan is muffled and such en-engine is equipped with a muffler device sufficient to deaden such noise.

Indianapolis, Ind.

City Ordinances

9–911. Quiet zones for hospitals.—(1) There is hereby created and established, under the control of the board of public safety, a zone of quiet on the streets and in the territory embraced within each block and a reasonable area adjoining the location where any part of the premise of any hospital is situated, which hospital is owned, controlled or operated by any governmental unit, or by any recognized private hospital organization.

(2) It shall be the duty of said board to direct the city traffice engineer, by a survey of the extent of traffic and effect of unnecessary noises, to determine the area and location of each such quiet zones and to place or cause to be placed or maintained at each and every street intersection therein and at any other places affected thereby conspicuous signs displaying the words, "Notice, hospital zone of quiet."

(3) No person or vehicle of any kind entering any area so marked as a zone of quiet shall approach or pass any such hospital premises with the motor, or muffler and exhaust of such vehicle racing or roaring, or make any loud noises, by horn or otherwise, nor shall the brakes of any such vehicle be used unnecessarily so as to emit any screeching sound. It shall be the duty of all operators of vehicles and all other possible, reasonable quiet within such zone.

(4) The police shall enforce all provisions of this chapter relating to any kind of quiet zone.

9–912. Additional quiet zones.—(1) There are hereby created and may be at any time similarly established by the board of public safety other zones of quiet in any area where a church, or public or private school, or a court, is located and it shall be the duty of said board to direct the city traffic engineer to cause to be placed on lamp or utility posts, or in other conspicuous places on each of the street corners, or elsewhere, nearest such church, school, or court, as may be practicable, in the area or block where such church, school, or court is located, appropriate signs or placards displaying the relevant words, "Notice, church (or school); (or court) zone of quiet."

(2) Temporary quiet zones may be similarly located, by order of said board of public safety, or of the chief of police, in any area where any person who is dangerously ill may reside, or be located, by an application made to such authorities. The board of public safety, under an order, or by general rules and regulations prescribed by it, may also create, or authorize the police to establish, for any other purpose relating to the city's exercise of its general police powers, temporary quiet zones, which shall be so posted by temporary signs placed in such manner as adequately to serve each such area. The regulations prescribed in this chapter, applicable to other zones of quiet, except the extent and manner of posting signs therefor, shall also apply to any such temporary zones of quiet, so created or established.

(3) The conduct of any person, making, causing, or permitting to be made, any unnecessary noises of any kind whatsoever, including those prohibited in hospital zones of quiet, or playing as itinerant musicians, or making loud noises or outcries for the purpose of advertising, or selling, any goods, wares or merchandise, or attracting the attention and inviting the patronage of any person to any business, or producing by any mechanical means any loud musical or other loud sound, upon any public ways or areas within any kind of zone of quiet, established in accordance with any provisions of this chapter, or code, is hereby declared to be a nuisance and is prohibited.

9-913. Penalty as to all quiet zones.—For any violation of any section or provision of this chapter, relating to any kind of zone of quiet, established pursuant to this chapter, or code, such person, upon conviction, shall be fined in any sum not exceeding twenty-five dollars for each such offense.

Chapter 3: Provisions prohibiting unnecessary noises

Section.
10-301. Public policy on noises.
10-302. Unlawful noises.
10-303. Penalties for aforesaid noises.
10-304. Definitions regarding sound trucks.
10-305. Non-commercial use of sound trucks—Registration.
10-306. Regulations of non-commercial sound trucks.
10-307. Commercial advertising by sound trucks prohibited.
10-308. Penalties relating to sound trucks.
10-309. Definitions regarding aircraft.
10-310. Non-commercial use of aircraft used for sound amplifying purposes.
10-311. Regulations for non-commercial use of aircraft.
10-312. Commercial advertising by aircraft prohibited.
10-313. Penalties relating to aircraft.
10-314. Separability clause.

10-301. Public policy on noises.—It is hereby declared, as a matter of public policy of this city, as follows:

(a) That the making and creation of loud, unnecessary or unusual noises of various kinds and by various means within the limits of this city have so increased as to constitute a public nuisance.

(b) That the making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of this city.

(c) That the necessity in the public interest for the provisions and prohibitions hereinafter contained and ordained is declared, as a matter of legislative determination for this declaration of public policy, to be designed to secure and promote the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the inhabitants and visitors in this city.

10-302. Unlawful noises.—It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city; and accordingly the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car, or other vehicle, on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles.

(2) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio, or television receiving set, musical instrument, phonographs, calliope, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto; except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P.M. and seven o'clock A.M. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle, in which it is located shall be prima facie evidence of a violation of this section.

(3) Loud Speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio, or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound, at any places upon the public streets, or in any vehicles used for the transportation of persons for hire, as a common carrier, for the purpose of commercial or other kind of advertising, or attracting the attention of the public to any activity, or building or structure, and is so used as to disturb and annoy other persons in their business, or homes, or elsewhere in their right of personal privacy and quiet.

(4) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of ten P.M. and seven A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) Steam Whistles. The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities.

(7) Exhausts. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or any other type of engine or power unit, on a motorboat, motor vehicle, motorcycle, or other vehicle, or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.

(8) Defect in Vehicle or Load. The use of any automobile, motorcycle, or other kind of vehicle so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.

(9) Loading, Unloading, Opening, Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.

(10) Construction or Repairing of Buildings. The erection, excavating for, demolition, alteration or repair of any building, other than between the hours of seven A.M. and six P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city building commissioner, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building commissioner should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefor, or of streets and highways, within the hours of six o'clock P.M. and seven o'clock A.M., and that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six o'clock P.M. and seven o'clock A.M., upon application being made at the time the permit for the work is issued, or during the progress of the work.

(11) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the operation thereof, or which disturbs or unduly annoys patients in the hospital; Provided conspicuous signs are displayed in such streets indicating that the same has been declared and is a school, hospital, or other such quiet zone.

(12) Hawkers, Peddlers. The loud shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) Drums. The use of any drum, horn, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show, or sale; except in a parade or place for which a permit has been granted.

(14) Metal Rails, Pillars and Columns, Transportation Thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) Street Railway Cars, Operation Thereof. The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a bus, or street railway car, or caused by defective conditions therein, or of its tracks.

(16) Pile Drivers, Hammers, etc. The operation between the hours of ten o'clock P.M. and seven o'clock A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

(17) Blowers. The operation of any noise-creating blower or power fan, or any internal

combustion engine, the operation which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

10-303. Penalties for aforesaid noises.—Any person who commits any act, contrary to any of the aforesaid provisions of this chapter, relating to such various noises, upon conviction thereof, shall be fined not exceeding one hundred dollars, or by imprisonment for not more than ten days, or by both said fine and said imprisonment.

Regulating and prohibiting certain uses of sound trucks

10-304. Definitions regarding sound trucks —(a) "Person." The word "person" as used herein and elsewhere in this chapter shall have the meaning defined in this code.

(b) "Sound truck." The words "sound truck," as used herein, shall mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment, or device.

(c) "Sound amplifying equipment." The words "sound amplifying equipment," as used herein, shall mean any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment," as used herein, shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which they are installed, or warning sirens, horns, or other devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

10-305. Non-commercial use of sound trucks—Registration.—1. Registration required. No person shall use, or cause to be used, a sound truck, with its sound amplifying equipment in operation, for non-commercial purposes in this city, before filing a registration statement with the city controller in writing. This registration statement shall be filed in duplicate and shall state the following:

(1) Name and home address of the applicant.

(2) Address of place of business of applicant.

(3) License number and motor number of the sound truck to be used by applicant.

(4) Name and address of person who owns the sound truck.

(5) Name and address of person having direct charge of sound truck.

(6) Names and addresses of all persons who will use or operate the sound truck.

(7) The purposes for which the sound truck will be used.

(8) A general statement as to the section or sections of the city in which the sound truck will be used.

(9) The proposed hours of operation of the sound truck.

(10) The number of days of proposed operation of the sound truck.

(11) A general description of the sound amplifying equipment which is to be used.

(12) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck; stating the following:

(a) The wattage to be used.

(b) The volume in decibels of the sound which will be produced.

(c) The approximate maximum distance for which sound will be thrown from the sound truck.

(13) That it will not be used for any subversive or unlawful purpose, and will comply with all laws and regulations applicable thereto.

2. Registration statement amendment. All persons using or causing to be used, sound trucks for non-commercial purposes shall amend any registration statement, filed pursuant to sub-section 1 of this section, within forty-eight hours after any change in the information therein furnished.

3. Registration and identification. The city controller shall return to each such applicant one copy of said registration statement, duly certified by him as a correct copy of said application, and this copy shall be in the possession of any person operating the sound truck at all times while its sound amplifying equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of this city, upon request.

10-306. Regulations of non-commercial sound trucks.—Non-commercial use of sound trucks at any time and places in this city, not herein excluded, with sound amplifying equipment in operation, shall be subject to each of the following conditions and regulations:

(1) The only sound permitted are music or human speech.

(2) Operations are permitted for four hours each day, except on Sundays and legal holidays, when no operations shall be authorized. The permitted four hours of operation shall be between the hours of eleven thirty A.M. and one thirty P.M. and between the hours of four thirty P.M. and six thirty P.M.

(3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour, except when said truck is stopped or impeded by traffic, or the speed limit is lower at such place, and where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(4) Sound shall not be issued within one hundred yards of hospitals, schools, churches, or courthouses, or in any area established by the city as a quiet zone.

(5) No sound truck with its amplifying device in operation shall be operated on any of the streets within the central congested traffic area of this city, as at any time defined by this code, or a later ordinance.

(6) The human speech and music amplified shall not be profane, lewd, indecent, slanderous, subversive, or unlawful.

(7) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance and annoyance to persons within the area of audibility.

(8) No sound amplifying equipment shall be operated within excess of 15 watts of power in the last stage of amplification.

(9) No use thereof shall be violative of any statute, state or national, or of this code, or any later ordinance.

10-307. Commercial advertising by sound trucks prohibited.—No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes, at any time or places in this city, with the sound amplifying equipment in operation.

10-308. Penalties relating to sound trucks.—Any person who violates any of the aforesaid provisions of this chapter relating to sound trucks, upon conviction thereof, shall be fined not to exceed twenty-five dollars, or by imprisonment for not more than ten days, or by both said fine and said imprisonment.

10-309. Definitions regarding aircraft.—(1) "Aircraft." The word "aircraft," as used herein, shall mean any contrivance now known, or hereafter invented, used, or designated for navigation or for flight in the air. The word "aircraft" shall include all types of airplanes, helicopters and lighter-than air dirigibles and balloons.

(2) "Sound amplifying equipment." The words "Sound amplifying equipment," as used herein, shall mean any machine or device for the amplification of music, the human voice, or any other noise or sound. "Sound amplifying equipment" shall not be construed as including warning devices on authorized emergency aircraft, or any horns, sirens, or other warning device used only for traffic safety purposes.

10-310. Non-commercial use of aircraft used for sound amplifying purposes.—1. Registration required. No person shall operate, or cause to be operated, any aircraft for non-commercial purposes, in or over this city, with sound amplifying equipment in operation, before filing a registration statement with the city controller in writing. This registration statement shall be filed in duplicate and shall state the following:

(1) Name and home address of applicant.

(2) Address of place of business of applicant.

(3) Federal N. C. registration number and aircraft motor number of the aircraft to be used by applicant.

(4) Name and address of person who owns the aircraft.

(5) Name and address of person having direct charge of the aircraft.

(6) Names and addresses of all persons who will use or operate the aircraft.

(7) The purpose for which the aircraft will be used.

(8) A general statement as to the section or sections of the city over which the aircraft will be used.

(9) The proposed hours of operation of the aircraft.

(10) The number of days of proposed operation of the aircraft.

(11) A general description of the sound equipment which is to be used.

(12) The maximum sound producing power of the sound amplifying equipment to be used in or on the aircraft.

(a) The wattage to be used.

(b) The volume in decibels of the sound which will be produced.

(c) The approximate maximum distance for which sound will be thrown from the aircraft.

(13) That it will not be used for any subversive or unlawful purpose, and will comply with all laws and regulations applicable thereto.

2. Registration statement amendment. All persons using, or causing to be used, aircraft for non-commercial purposes shall amend any registration statement filed pursuant to the preceding sub-section of this chapter within forty-eight hours after any change in the information therein furnished.

3. Registration and identification. The city controller shall return to each such applicant one copy of said registration statement, duly certified by him as a correct copy of said application, and this copy shall be in the possession of any person operating the aircraft at all times while its sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of this city, upon request.

10-311. Regulations for non-commercial use of aircraft.—Non-commercial announcements with sound amplifying equipment from aircraft flying or operated at any time in or over any part of this city shall be subject to such of the following conditions and regulations:

(1) The only sounds permitted are music or human speech.

(2) Sound announcements are permitted only between the hours of eleven thirty A.M. and one thirty P.M. and between the hours of four thirty P.M. and six thirty P.M.

(3) Sound amplifying equipment shall not be operated while an aircraft is flying at an altitude of less than fifteen hundred feet.

(4) Sound shall be issued from one loudspeaker only on each aircraft.

(5) The cone or radius of sound from the loudspeaker shall be directed so as to cover at one time an area on the ground of less than seven hundred yards square and so as

to avoid hospitals, schools, churches, or courthouses, or any area established by the city as a quiet zone.

(6) Human speech and music amplified shall not be lewd, indecent, slanderous, subversive, or unlawful.

(7) The volume of sound shall be controlled so that it is not audible on the ground over an area in excess of seven hundred yards square and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance and annoyance to persons within the area of audibility.

(8) No use thereof shall be violative of any statute, state or national, or of this code, or of any later ordinance.

10–312. Commercial advertising by aircraft prohibited.—No person shall operate, or cause to be operated, any aircraft for commercial sound advertising purposes, at any time or places in or over this city, with the sound amplifying equipment in operation.

10–313. Penalties relating to aircraft.—Any person who commits any act contrary to any provision of this chapter, for which no specific penalty is prescribed, upon conviction thereof, shall be fined not exceeding one hundred dollars, or by imprisonment for not more than thirty days, or by both said fine and said imprisonment.

10–314. Separability clause.—The common council declares and intends that each section and provision of this chapter shall be separable from and independent of any other provisions thereof that may be found invalid, if possible to be carried out without the latter, and that it would have so ordained, regardless of such elimination of any such provisions so found invalid.

Chapter 4: Violations against peace, and good order

Section.
10–401. Public peace and order shall be maintained.
10–402. Disorderly persons.
10–403. Disorderly place or dive.
10–404. Obscene conduct.
10–405. Disturbing municipal peace by assault or assault and battery.
10–406. Aiding, abetting or promoting same.
10–407. Noisy houses disturbing the peace.
10–408. Endurance contests.
10–409. Display of inflammatory flags, banners or signs.
10–410. Disturbing religious worship.
10–411. Commercial disturbance of religious worship.
10–412. General penalty.

10–401. Public peace and order shall be maintained.—It shall be unlawful for any person to act in a violent, turbulent, quarrelsome, boisterous, indecent, or disorderly manner, or to use profane, vulgar, lewd, or obscene language, or to do anything tending to disturb the good order, peace, or dignity of the city and of its inhabitants or other persons.

10–402. Disorderly persons.—All persons who shall make, aid, countenance, or assist in making any *improper noise*, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, within the limits of the city; all persons who shall collect in bodies or crowds for any unlawful purposes, or for any purpose to the annoyance or disturbance of other persons; all persons who are idle or dissolute and go about begging, all persons who use or exercise any juggling, cheating, or other unlawful games or plays; all persons who are found in houses of ill-fame or gaming houses; all persons lodging in or found at any time in sheds, barns, stables, or unoccupied buildings, or lodging, or found in the open air on any lands or public ways or places, not giving a good account of themselves; all persons who shall wilfully assault another in the city, or be engaged in, aid, or abet in any fight, quarrel, or other disturbance in the city; all persons who stand, loiter, or stroll about in any place in the city waiting or seeking to obtain money or other valuable things from others by violence, trick or fraud, or to aid or assist therein; all persons that shall engage in any fraudulent scheme, device or trick to obtain money or other valuable thing in any place in the city, or who shall aid, abet, or in any manner be concerned therein; all touts, ropers, steerers, or cappers, so-called, for any gambling room or house of ill-fame, or so acting for any person of either sex, who shall ply or attempt to ply their calling in any public way or place in the city; all persons found loitering about in any hotel, barroom, dramshop, tavern, gambling house, or disorderly house, or wandering about the streets either by night or day without any known lawful means of support, or without being able to give a satisfactory account of themselves; all persons who shall have or carry any pistol, knife, dirk, knuckles, slingshot, or other dangerous weapon, concealed on or about their persons; and all persons who are known to be thieves, burglars, pickpockets, robbers, or confidence men, either by their own confession or otherwise, or by having been convicted of larceny, burglary, or other crime against the laws of the state, who are found lounging in, prowling, or loitering around any railroad depot, banking institution, place of public amusement, auction room, hotel, store, shop, public way, public conveyance, public gathering, public assembly, courtroom, public building, private dwelling house, house of ill-fame, gambling house, or any other private or public place, and who are unable to give a reasonable excuse for being so found; shall be deemed disorderly persons, and upon conviction thereof, shall be severally fined not less than one dollar nor more than two hundred dollars for each offense, to which may be added imprisonment for not exceeding thirty days for any subsequent such offenses.

10–404 Obscene conduct.—Whoever utters within said city, any obscene or licentious language, where there are persons other than males to be offended thereby; or who applies words to the person of another, or who uses in the presence of another, any opprobrious or vile epithet involving moral turpitude, or profaning God, Jesus Christ, or the Holy Ghost; or by the use of profane, vile or indecent language, or *loud and unusual noises*, collects or causes to be collected upon any of the streets, ways or public places of the city, a crowd of three or more persons; or disturbs the peace and quiet of said city, or of its inhabitants, by loud talking or the making of unusual noises, or by crying any alarm without good cause; or by threatening any person, or challenging him to fight, or menacing him with physical injury or pecuniary loss; or whoever accosts or approaches any person of the opposite sex, unknown to such person, and by word, sign or gesture attempts to speak to or become acquainted with such person, against his or her will, in a public street or in any public place in said city, except in the transaction of legitimate business; or whoever attempts to entice or procure a person of the opposite or same sex to commit an unlawful act; or whoever accosts or approaches any person and by word, sign or gesture, suggests or invites the doing of any indecent or unnatural act; on conviction, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment not exceeding thirty days.

10-406. Aiding, abetting or promoting same.—It shall be unlawful for any person to disturb the public peace by promoting or encouraging, aiding or abetting any assault, or battery, fight, riot, or *noisy and turbulent proceeding* in any street, or other public place, or place of general resort within this city, or in any dwelling house or other private building, when such fight, riot, or other noisy, or boisterous proceedings, committed therein shall tend to disturb any person residing or being in the vicinity of such private house or building. Any person violating the provision of this section shall be fined not exceeding three hundred dollars, or imprisoned not more than ninety days.

10–407. Noisy houses disturbing the peace.—Any person who shall permit noisy or riotous persons, or persons of disorderly character, to assemble in any house owned, occupied or controlled by him, to the annoyance or disturbance of the neighborhood, shall be guilty of the offense of keeping a noisy house, and of a disturbance to the public peace, and on conviction therefor shall be punished any sum not exceeding twenty-five dollars, and on conviction of a second or later offense, there shall be added imprisonment not exceeding thirty days.

10–410. Disturbing religious worship.—Any person who shall *disquiet* or disturb any congregation or assembly met for religious worship by making a noise, or by rude and indecent behavior or profane discourse within the place of worship, or so near to the same as to disturb the order and solemnity of the meeting, shall be fined not exceeding fifty dollars for each offense.

10–411. Commercial disturbance of religious worship.—It shall also be an offense for the operator or person in charge of any business enterprise, after being advised as to the hours, times and place of religious services, to advertise such business or enterprise with music, or by *loud hawking, outcry, or other means*, or *by the making of noises incidental to such business*, whereby he disturbs any religious service or assembly; and any such person so doing shall be fined not to exceed fifty dollars for each offense.

10–412. General penalty.—Any person convicted of any violation of any section of this chapter, for which a specific penalty is not provided, shall be fined not to exceed three hundred dollars for each offense.

Chapter 3—Provisions prohibiting unnecessary noises

Section.
10–302. Unlawful noises.
10–307. Commercial advertising by sound truck prohibited.

10–302. Unlawful noises.—Except as in this section otherwise provided, it shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the limits of the city; and accordingly the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc.—The sounding of any horn or signaling device on any automobile, motorcycle, street car, or other vehicle, in any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand, air or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles.

(2) Radios, phonographs, etc.—The using, operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device

is operated and who are voluntary listeners thereto; except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device between the hours of 11 o'clock P.M. and 7 o'clock A.M. in such manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle, in which it is located, shall be prima facie evidence of a violation of this section.

(3) Loud speakers, amplifiers for advertising.—The using, operating, or permitting to be played, used or operated, of any radio, or television receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound, at any place upon the public streets, or in any vehicles used for the transportation of persons for hire, as a common carrier, for the purpose of commercial or other kind of advertising, or attracting the attention of the public to any activity, or building or structure, and is so used as to disturb and annoy other persons in their business, or homes, or elsewhere, in their right of personal privacy and quiet.

(4) Yelling, shouting, etc.—Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10 P.M. and 7 A.M., or at any time or place so as to annoy or disturb the quiet comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) Animals, birds, etc.—The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) Steam whistles.—The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities.

(7) Exhausts.—The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or any other type of engine or power unit, on a motorboat, motor vehicle, motorcycle, or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.

(8) Defect in vehicle or load.—The use of any automobile, motorcycle, or other kind of vehicle so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.

(9) Loading, unloading, opening boxes.—The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.

(10) Construction or repairing of buildings.—The erection, excavating for demolition, alteration or repair of any building, other than between the hours of 7 A.M. and 6 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city building commissioner, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for periods of three days while the emergency continues. If the building commissioner should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefore, or of any streets and highways, within the hours of 6 o'clock P.M. and 7 o'clock A.M., and that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 o'clock P.M. and 7 o'clock A.M., upon application being made at the time the permit for the work is issued, or during the progress of the work.

(11) Schools, courts, churches, hospitals.—The creation of any excessive noise on any street adjacent to any school institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the operation thereof, or which disturbs or unduly annoys patients in the hospital; Provided conspicuous signs are displayed in such streets indicating that the same has been declared and is a school, hospital, or other such quiet zone.

(12) Hawkers, peddlers.—The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(13) Drums.—The use of any drum, horn, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show, or sale; except in a parade or place for which a permit has been granted.

(14) Metal rails, pillars and columns, transportation thereof.—The transportation of rails, pillars or columns of iron, steel or other material, over and along the streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) Street railway cars, operation thereof.—The causing, permitting, or continuing any excessive, unnecessary and avoidable noise in the operation of a bus or street railway car, or caused by defective conditions therein, or of its tracks.

(16) Pile drivers, hammers, etc.—The operation between the hours of 10 o'clock P.M. and 7 o'clock A.M., of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance the use of which is attended by loud or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility.

(17) Blowers.—The operation of any noise creating blower or power fan, or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(18) The using, operating or playing, or permitting to be used, operated or played, any bell, radio, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound, in or upon any vehicle used for the transportation and sale of any goods, wares, or merchandise in or upon any of the streets or highways within the limits of the City of Indianapolis, and which sound producing instruments are set to produce any noise, music or sound in excess of 115 decibels, measured at six inches from sound producing amplifier or speaker; the use and operation of any vehicle so equipped, with such sound producing equipment in operation, between the hours of 10:00 o'clock P.M. and 10:00 o'clock A.M., of the succeeding days; or the use or operation of any such sound producing equipment in or upon any such vehicle while such vehicle is moving along or upon any such street or highway, it being the intent and purpose hereof to permit such use of such sound producing equipment in or upon any such vehicles only when such vehicle is parked or standing still in or upon any such street or highway and during the hours herein provided. [G. O. 9, 1959, as amended, eff. May 29, 1959.]

10–307. Commercial advertising by sound truck prohibited.—Except as in 10–302 otherwise provided, no person shall operate, or cause to be operated, any truck for commercial sound advertising purposes at any time or place in this city the sound amplifying equipment in operation. [G. O. 9, 1959, as amended, eff. May 29, 1959.]

Kansas City, Mo.

City Ordinances

Chapter 24: Noise*

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Article I. In general

Sec. 24.1. Noises and disturbances in public place.—No person shall make, aid, countenance or assist in making any noise, disturbance or improper diversion in or upon any street, sidewalk, park, public square or other public place. (R. O. 1956, § 37.010)

Sec. 24.2. Unnecessary noises—Prohibited.—Subject to the provisions of section 24.3, the creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual or which unreasonably interferes with the comfort of any individual is prohibited. (R. O. 1956, § 37.020)

Sec. 24.3. Same—Enumeration.—The following acts, among others, are declared to be loud, disturbing and unnecessary noises, in violation of section 24.2, but such enumeration shall not be deemed to be exclusive, namely:

(a) *Horns or signal devices.* The sounding of any horn or signal device of any automobile, taxicab, motorcycle, bus or other vehicle, whether or not in motion, except when necessary to give warning of threatened collision with another vehicle or with a pedestrian; provided however, that nothing herein contained shall be deemed to apply to emergency vehicles, including but not limited to, ambulances, police department motorcycles, automobiles and vehicles, and fire department automobiles, apparatus and vehicles.

(b) *Radios, phonographs, musical instruments.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 8:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

(c) *Use of vehicles.* The use of any automobile, motorcycle or vehicle so out of repair, or loaded in such a manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise.

(d) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(e) *Exhaust discharge.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(f) *Devices operated by compressed air.* The use of any mechanical device operated by compressed air unless the noise created in the operation of the engine or compressor of such device is effectively muffled and reduced. The use of any such device operated by compressed air within the district bounded by 8th Street, Truman Road, Oak Street and Broadway is prohibited between the hours of 11:00 p.m. and 8:00 a.m.

(g) *Building operations.* The erection, including excavating, demolition, alteration or repair of any structure in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity or in the interest of public safety, and then only with a permit from the director of public works.

(h) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(i) *Bells and gongs.* The sounding of any bell or gong in or upon any street, sidewalk, park, public square or other public place, or in or upon any piazza, porch, balcony, steps or platform over, upon, near or adjoining any such street, sidewalk, park, public square or other public place, or attached to any building or premises, which disturbs the quiet or repose of persons in the vicinity thereof, as a means of attracting people to any auction, store or other place, except where a specific license is granted by proper authorities.

(j) *Hawkers and peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood. It shall be unlawful for any huckster to cry aloud and announce the sale of wares or merchandise upon any of the public streets of the city within one block of any hospital or building occupied as a hospital, schoolhouse, college or seminary.

(k) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise, except where a specific license is granted by proper authorities.

(l) *Loudspeakers or amplifiers.* The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles, or stationary stands for advertising or any other purpose, except where a specific license is granted by proper authorities.

(m) *Musical instruments in streets.* No person shall use or perform with any hand organ or other musical instrument or device, for pay or in expectation of payment, in any of the streets or public places in the city before 9:00 a.m. and after 9:00 p.m. of any day. (R. O. § 37.030, amend. by Ord. No. 29130, 8-23-63)

Sec. 24.4. Same—Penalties.—Any person who shall violate any of the provisions of section 24.2 or 24.3 shall be punished as follows:

(a) Upon conviction for the first offense, by a fine not to exceed five dollars ($5.00) or by imprisonment not to exceed five (5) days;

(b) Upon a conviction for the second offense within one year from the commission of the first offense, by a fine not to exceed ten dollars ($10.00) or by imprisonment not to exceed fifteen (15) days;

(c) Upon conviction for a third offense within one year from the commission of the first offense, by a fine not to exceed fifteen dollars ($15.00) or by imprisonment not to exceed fifteen (15) days;

(d) Upon conviction for the fourth offense and all subsequent offenses within one year from the commission of the first offense, by a fine not to exceed twenty dollars ($20.00) or by imprisonment not to exceed twenty (20) days, or both.

Upon arrest, any person charged hereunder shall be permitted to make bond in a sum not to exceed the maximum fine hereunder. (R. O. 1956, § 37.040)

Sec. 24.5. Same—Effect of sections 24.2 to 24.4.—Sections 24.2 to 24.4 shall not be construed as repealing or modifying any similar existing section except so far as inconsistent therewith, and shall not repeal or modify any section relating to emergency vehicles. (R. O. 1956, § 37.050)

Sec. 24.6. Locomotives.—No person in charge of or on any steam locomotive shall unnecessarily blow the whistle thereof within the city; and no such person shall unnecessarily let off any steam from any locomotive, at or within one hundred (100) feet of any street in the city limits. This section shall not, however, be construed to prevent the necessary blowing of a whistle in an emergency as a warning in case of apparent danger, nor the blowing of a whistle for making signals necessary for the safe operation of the engine, or a train of cars, but no such signal blast shall exceed two (2) seconds in length, and not more than five (5) of such signal blasts shall be blown in immediate succession. (R. O. 1956, § 37.060)

Charter reference—Power to regulate or prohibit blowing of whistles, § 1(47).

Cross reference—Railroads generally, chapter 28.

Sec. 24.7. Noise near hospitals.—No person shall either cause or permit any automobile or motorcycle to emit or produce an unusually loud, annoying or distressing sound, or shall utter a loud, piercing or distressing cry or call within three hundred (300) feet of a hospital or sanitarium. (R. O. 1956, § 37.080)

Cross reference—Hospitals generally, chapter 19.

Sec. 24.8. Gasoline engines near residences.—No gasoline engine shall be used or operated for manufacturing purposes within two hundred (200) feet of any building used exclusively for residence purposes; provided that such residence is in a block in which the majority of the buildings, not counting outhouses, are used for residence purposes. (R. O. 1956, § 37.090)

Sec. 24.9. Motor vehicles, testing or repairing.—Between the hours of 10:00 p.m. and 6:00 a.m., no person shall engage in the work of testing, adjusting or repairing any motor vehicle, or any accessory thereof, at any public garage or repair shop located within one hundred seventy-five (175) feet of any building used for residence purposes. (R. O. 1956, § 39.820)

Sec. 24.10. Loading or unloading near residences at night.—No person shall load or unload goods, wares, merchandise, boxes, bottles, containers or any other thing, from any vehicle to any building, dock or other place, or into any vehicle from any building, dock or other place within one hundred (100) feet of any building used for residence purposes, between the hours of 10:00 p.m. and 7:00 a.m., where such loading or unloading results in the producing of noise sufficient to disturb the peace, rest or comfort of persons occupying a building used for residence purposes within one hundred (100) feet of the place of such loading or unloading. (R. O. 1956, § 37.100)

Sec. 24.11. Playing musical instruments.—Except as otherwise provided herein, no person shall play upon or take any part in the playing upon or accompanying while played upon, any musical instrument in or upon any street or sidewalk; provided that this section shall not be so construed as to apply to funeral occasions, election days, holidays, millitary parades or parades by church or secret organizations; but no person shall play upon, take part in playing upon or accompanying while played upon, any such instrument within one block of any house of worship during the hour of worship on Sunday. (R. O. 1956, § 53.170)

Secs. 24.12—24.16. Reserved.

Article II. Sound Trucks*

Sec. 24.17. Application of article.—The provisions of this article shall not apply to agencies of the United States Government, the state or the city in the operation of sound trucks in the performance of their respective public duties. (R. O. 1956, § 37.180)

Sec. 24.18. Definitions.—(a) *Sound truck.* For the purpose of this article, a "sound truck" is any vehicle equipped for the broadcasting of speech, music or other sound by means of amplification through horns, loudspeakers or other devices for reception by other than the occupants of the vehicle.

(b) *Operation.* By the term "operation," as used in this article, is meant the operation of the machinery or equipment carried on such truck for the purpose of amplifying sound. (R. O. 1956, § 37.100)

Sec. 24.19. Permits.—(a) *Required.* It shall be unlawful for any person to operate a sound truck within the corporate limits of the city without first procuring a permit from the director of welfare to be known as a "sound truck permit".

(b) *Duration, scope.* Such permit shall continue in full force and effect ten (10) days unless sooner revoked or suspended by the director of welfare, and shall be in addition to any licenses and fees required by law for the operation of motor vehicles. (R. O. 1956, § 37.110)

Sec. 24.20. Application fee for permit.—Application for a sound truck permit shall be made upon a form furnished by the director of welfare and a fee of two dollars ($2.00) shall be paid for each such permit. (R. O. 1956, § 37.120)

Sec. 24.21. Posting permit.—The sound truck permit issued under the provisions of this article shall be posted in a conspicuous place in the driver's compartment of the sound truck to which it was issued. (R. O. 1956, § 37.130)

Sec. 24.22. Permit violations.—It shall be unlawful for any person to display or have in his possession any sound truck permit knowing same to be fictitious, cancelled, suspended or altered; to use such permit on any vehicle other than the one to which the permit is issued; or to refuse to surrender any permit to the director of welfare upon request. (R. O. 1956, § 37.140)

Sec. 24.23. Revocation or suspension of permit.—A sound truck permit may be revoked or suspended by the director of welfare for a violation of any provision of this article or of the rules and regulations herein provided for. Before revocation or suspension, the holder shall be given a hearing before the director of welfare upon forty-eight (48) hours' notice. (R. O. 1956, § 37.150)

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*Cross references—Advertising generally, chapter 2; operation of trucks, § 34.266 et seq.

State law reference—City authorized to license, tax and regulate vehicles, private and public, RSMo, § 73.110(17).

Sec. 24.24. Rules and regulations governing operation.—All sound trucks operating on the streets of the city, except during the holiday season from December fifteenth of each year to January second of the following year, shall conform to the following regulations:

(a) *Location generally*. Such trucks shall not operate in the district bounded by Broadway and Holmes Street, the Missouri River and 25th Street, inclusive, nor in the district bounded by 46th Street and 71st Street, Holmes Street and State Line, inclusive.

(b) *Boulevards, schools, hospitals*. Such trucks shall not operate on any boulevard within the limits of the city, nor while passing any school or hospital.

(c) *Hours, days, manner of operation*. Such trucks shall operate only between the hours of 8:00 a.m. and 7:00 p.m. on week days, and shall not operate on Sundays or legal holidays. They shall not be permitted to give off excessive noise or blasts.

(d) *Advertising*. Sound trucks shall carry no signs or advertisements placed in such a way as to interfere with the front or lateral views of the driver of the same, nor carry signs or advertisements in such a manner as to be hazardous to traffic.

(e) *Movement, speed*. Such trucks shall be operated only while such trucks are actually in motion and they must be kept moving in the normal line of traffic so as not to retard traffic, and as far as possible, at a speed of not less than fifteen (15) miles per hour.

(g) *Frequency of use*. Such trucks shall not be operated on any streets between any two intersecting streets more than twice in any one day. (R. O. § 37.160, amend. by Ord. No. 21081, 5-31-57)

Sec. 24.25. Penalty for violation of article.—Every person convicted of violating any of the provisions of this article shall be punished by a fine of not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00). (R. O. 1956, § 37.170)

Secs. 24.26-24.30. Reserved.

Article III. Peddlers*

Sec. 24.31. Definitions.—*Peddler*. The word "peddler," as used herein, shall include any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, from house to house or from street to street, carrying or transporting goods, wares, merchandise, meats, fish, fruits, garden truck, farm products, dairy and ice cream products or provisions, or any and all salable items, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who without traveling from place to place shall sell of offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle; and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster".

Person. The word "person", as used herein, shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, copartnership or society, or any other organization. (R. O. § 37.190, added by Ord. No. 29130, 8-23-63)

Sec. 24.32. Permit required.—No person defined as a peddler shall carry on his trade, calling or business making use of any sound or noise device described herein without first obtaining a permit for such sound or noise device from the director of welfare, on forms provided by him. (R. O. § 37.200, added by Ord. No. 29130, 8-23-63)

Sec. 24.33. Fee for, duration of permit.—Permits herein shall be five dollars ($5.00) per month per vehicle used or for a peddler traveling by foot, and said permit may be issued for any part of or up to one year. (R. O. § 37.200, added by Ord. No. 29130, 8-23-63)

Sec. 24.34. Possession of permit.—Permits issued pursuant to this article shall be kept in the personal possession of the peddler at all times while acting as a peddler. (R. O. § 37.200, added by Ord. No. 29130, 8-23-63)

Sec. 24.35. Revocation and suspension of permit.—A permit issued under this article may be revoked or suspended by the director of welfare for a violation of any of the provisions of this article or the rules and regulations herein provided. Before revocation or suspension, the holder shall be given a hearing before the director of welfare upon three (3) days' written notice. (R.O. § 37.220, added by Ord. No. 29130, 8-23-63)

Sec. 24.36. Use of sound-producing devices—Generally.—It shall be unlawful to use, operate or play or permit to be played, used or operated any bell, gong, radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing of sound used for the transportation, display or sale of any goods, wares or merchandise in and upon the streets or highways within the limits of the utes after a school session. (R. O. § 37.210(2), added by Ord. No. 29130, 8-23-63)

Sec. 24.37. Same—Citywide use.—Peddlers may use sound devices in all parts of the city:

(a) *Hours*. Between the hours of 10:00 a.m. and 8:30 p.m. on weekdays and 10:00 a.m. and 8:30 p.m. on Sundays.

(b) *Locations*. Except in the area bounded by Broadway on the west, Holmes Street on the east, 6th Street Trafficway on the north and 18th Street on the south. (R. O. § 37.210 (1), added by Ord. No. 29130, 8-23-63)

Sec. 24.38. Same—Use near schools. Peddlers shall not use sound devices within one block of or within a six hundred (600) foot radius of any church in session or any hospital. No sound device shall be used within one block of or within a six hundred (600) foot radius of any school while in session or thirty (30) minutes prior to or thirty (30) minutes after a school session. (R. O. § 37.21 (2), added by Ord. No. 29130, 8-23-63)

Sec. 24.39. Same—Use while stopped.—Peddlers shall not operate sound devices while stopped, except that if when stopping the sound devices is midway in a cycle, the cycle may be completed. In no instance, however, may any noise be emitted from the sound device for more than three (3) minutes after stopping. (R. O. § 37.210(4), added by Ord. No. 29130, 8-23-63)

Sec. 24.40. Same—Audibility limited.—Peddlers shall not operate any sound device in such manner that the sound therefrom can be heard in more than a one city block radius or more than a six hundred (600) foot radius. (R.O. § 37.210(5), added by Ord. No. 29130, 8-23-63)

Sec. 25.4. Certain businesses near residences.—(a) No business or enterprise, the conduct of which causes or produces any *noises*, vibrations, smoke, dirt, dust, odors or gases to such extent as to be detrimental or injurious to the comfort, peace or health of other persons, shall hereafter be located and conducted within one hundred fifty (150) feet of any building used exclusively for residence purposes at the time of the location of such business or enterprises; nor shall any building be erected or constructed for the purpose of conducting any business or enterprise therein at a place where the conduct of such business or enterprise shall be unlawful under the terms of this section.

(b) No permit shall be issued for the erection of any building intended to be used for the purpose of conducting any business or enterprise to be located at a place where the conduct of such business or enterprise shall be unlawful under the terms of this section. (R. O. 1956, § 38.040)

Charter reference—Power to prohibit or regulate business detrimental to health, comfort, etc. § 1(29).

Little Rock, Ark.

City Ordinances

Sec. 25-71. Noises prohibited—In general.—The creating of any unreasonably loud, disturbing and unnecessary noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited. (Ord. No. 6232, §§ 1, 2, 6-16-41)

Sec. 25-72. Same—Specific noises prohibited.—The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of city ordinance, but this enumeration shall not be deemed to be exclusive, namely:

(a) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such devices for an unnecessary and unreasonable period of time.

(b) The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between ten-thirty o'clock p.m. and seven o'clock a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(c) Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of ten thirty o'clock p.m. and seven o'clock a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of any persons in the vicinity.

(d) The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(f) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(g) To discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) The erection (including excavation), demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section other than between the hours of seven o'clock a.m. and six o'clock p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed thirty days while the emergency continues, provided, however, that if an emergency arises when a permit is not obtainable, the necessary work may be done and reported to the building inspector at the earliest date that his office is open after the emergency arises and he shall issue a permit effective retroactively to the beginning of the emergency. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways within the hours of six o'clock p.m. and seven o'clock a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within such hours upon application being made at the time the permit for the work is awarded or during the progress of the work.

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* Charter reference—Power to prohibit and restrain noises, § 1(49).

Cross references—License fees for hawkers, hucksters, § 21.156; signs, special regulations, §§ 21.445, 21.446; activity regulated generally, §§ 26.19, 26.20; products to be dispensed from curbside, § 21.450; sales near schools, § 21.451; presence of minors on vehicles, § 21.452; shouting and crying of hawkers and peddlers, § 24.3(j).

(i) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof, provided, however, that in case of emergencies when the public health, safety or general welfare is in danger, necessary work may be done immediately by first securing a permit from the building inspector, if this is obtainable, or if it is not first obtainable, the necessary work may be done and at the first opportunity reported to said building inspector, who shall issue a permit effective retroactively to the beginning of the emergency, provided also that where underground repair or construction work is necessary adjacent to or in the vicinity of a school, an institution of learning, a church, a court, or hospital, the building inspector may issue a permit for same, said work to be done at reasonable hours to be designated by said building inspector.

(j) The creation of loud and excessive noise in connection with unloading or loading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(k) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(l) The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(m) The giving by any railroad company operating a steam or diesel engine, or by the operator thereof of any railroad steam or diesel signal other than the following:

(1) Railroad yard engines (as set out in "definitions" in the uniform code of operating rules and as adopted by the Missouri Pacific Lines, the Rock Island Lines, and the St. Louis Southwestern Railroad Lines in November, 1940), when using whistle signals may use only signal 14-G and 14-P as defined in said uniform code of operating rules.

(2) Railroad trains (as set out in "definitions" in the said uniform code of operating rules) where using whistle signals may use only whistle signal 14-D, 14-E, 14-G, 14-K, 14-L, 14-N, and 14-P. Provided, however, that no signal given by any yard engine or train shall consume more than five seconds over all time. (Ord. No. 6232, § 3, 6-16-41)

Cross references—Building permits, Ch. 9; disturbance of schools prohibited, § 25-114.

Sec. 25-73. Same—Exemptions.—None of the terms or prohibitions of sections 25-71 and 25-72 shall apply to or be enforced against:

(a) Any vehicle of the City of Little Rock while engaged upon necessary public business.

(b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, Pulaski County, or the State of Arkansas, during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncomercial in character.

(d) Necessary warning signals given by an ambulance operator or licensed physician while answering an emergency call for medical assistance. (Ord. No. 6232, § 4, 6-16-41)

Sec. 25-74. Same—Drive-ins; sounding of horns.—Any person operating a vehicle and sounding the horn on same at any place where cold drinks and/or sandwiches are served, after nine o'clock p.m., at any place in the city, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than two dollars nor more than five dollars. (Ord. No. 5638, § 1, 9-12-38; Ord. No. 5779, § 1, 7-31-39; Ord. No. 5937, § 1, 7-2-40)

Sec. 25-72. Same—Violations; penalty.—Any person, firm and/or corporation violating any of the provisions of sections 25-71, 25-72 or 25-74 shall, except as provided by section 25-73, be guilty of misdemeanor and upon conviction shall be fined not less than one dollar nor more than fifty dollars for each offense. (Ord. No. 6232, § 5, 6-16-41)

Sec. 25-76. Nuisances—Abatement; jurisdiction.—In every case in which any person shall be found guilty of a violation of any of the provisions of this chapter or any other ordinance of the city in relation to nuisances, it shall be competent for, and shall be the duty of the municipal court, if the circumstances of the case require it, to make an order requiring the removal, abatement or discontinuance of the nuisance shown in such case, and to order and direct that if within a reasonable and given time therein named, the same shall not be removed, abated or discontinued by the person or persons proceeded against therefor, such nuisance shall be abated or removed by the chief of police with such assistance as he may deem necessary to call to his aid for that purpose, and in such case the person proceeded against shall be responsible for all the costs and expenses incurred in the removal or abatement of such nuisance by the chief of police. (Digest 1932, § 1585)

State law reference—Cities authorized to abate, prevent or remove nuisances, to declare what are such, and to punish the authors or continuers thereof, § 19-2304, Ark. Stats.

Sec. 25-77. Same—Procedure and penalties.—All proceedings for the prevention, abatement or removal of any of the nuisances referred to in this chapter or any other ordinance of this city shall be commenced by having the party charged therewith summoned or notified to appear before the municipal court, or if the circumstances require, by having him arrested and brought before said court, and thereupon such party shall have opportunity and it shall be his duty to show cause, if any he may have, why he should not be fined on account of such nuisance, and an order made requiring the abatement, removal or discontinuance of the same, and in all cases where such an order shall be made, the party found responsible for such nuisance shall be subjected to a penalty of not exceeding fifteen dollars per day for each and every day that such nuisance may be unlawfully continued after the making of such order. In all such proceedings for the prevention, removal or abatement of any such nuisance, the municipal court shall have full power and authority to make any and all necessary or appropriate orders for the purpose of accomplishing such objects and enforcing and carrying into effect the provisions of this section. (Digest 1932, § 1586)

Sec. 25-114. Schools—Disturbing.—Any person or persons who shall by any boisterous or other noisy conduct disturb or annoy any public or private school in this city, or any person not a student who, after being duly notified to keep off the school grounds during school hours by the board of directors or the superintendent or principal teacher in charge of any such school, or who shall continue to trespass or go upon such grounds or to loiter around or near such grounds, whether at recess or during the session of said schools, or who shall by word or gesture attempt to annoy or attract the attention of the students at such schools, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars. (Digest 1932, § 1830)

Sec. 25-157. Noise; beer consumption; loitering, and parking.—(a) It shall be unlawful for any person while on or adjacent to the premises of a drive-in restaurant to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made, any other loud or unseemly noise. It shall also be unlawful for any other person parked on the premises of such restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while so parked.

(b) It shall be unlawful for any patron or other person on the premises of a drive-in restaurant, whether in or out of an automobile, to drink any beer unless purchased on the premises. It shall be unlawful for a group of three or more persons to congregate and linger at any location on the premises of a drive-in restaurant other than in the restaurant building, or in a legally-parked motor vehicle. Persons so congregating and lingering shall be deemed guilty of loitering. No person shall drive a motor vehicle onto the premises of a drive-in restaurant and then from said premises without parking such motor vehicle, unless there is no unoccupied parking space available on said premises.

(c) It shall also be unlawful for any person to leave any unoccupied motor vehicle on any drive-in restaurant parking lot and to leave the premises thereof except with the knowledge and consent of the operator of the restaurant. (Ord. No. 11,528, §§ 2—4, 10-5-64)

Sec. 25-159. Penalty for violation of article provisions.—Any person found guilty of violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars ($100.00) or imprisoned for not more than thirty (30) days, or be given both such fine and imprisonment at the discretion of the Court (Ord. No. 11,528, § 6, 10-5-64)

Los Angeles, Calif.

City Ordinance

Ordinance No. 98,332

[As amended by Ordinance No. 101,801.]

An ordinance regulating the operation of automobile laundries and wash racks in the City of Los Angeles.

Whereas, there are at the present time almost 100 automobile laundries or wash racks being operated in the City of Los Angeles in which machinery is used which produces excessive noise and vibration, many of which are located in close proximity to surrounding residential areas so that the health and welfare of the occupants of the residential buildings are seriously affected and impaired, and said occupants are being deprived of the reasonable use and enjoyment of their homes, and

Whereas, the excessive noise and vibration resulting from the operation of said automobile laundries and wash racks are such as to seriously affect and interfere with the occupations of the business and professional occupants of the commercial buildings in the immediate vicinity of such automobile laundries and wash racks.

Now, Therefore.

The People of the City of Los Angeles Do Ordain as Follows:

Section 1. [As amended by Ordinance No. 101,801.] Section 1 of Ordinance No. 98,332, entitled "An Ordinance regulating the operation of automobile laundries and wash racks in the City of Los Angeles," approved July 30, 1951, is hereby amended to read:

Section 1. On and after 60 days from the effective date of this amendment, no person, firm or corporation shall operate or continue to operate, within the City of Los Angeles, other than in "M1," "M2" or "M3" Zones, any automobile laundry or wash rack in which power driven or steam cleaning machinery is used, unless the automobile laundry or wash rack is conducted in accordance with the following requirements:

(a) Any automobile laundry or wash rack, in which power driven or steam cleaning machinery is used, shall be so sound-proofed, the entire development shall be so arranged, and the operations shall be so conducted that the noise emanating thereform, as measured from any point on adjacent property, shall be no more audible than the noise emanating from the ordinary street traffic and from other commercial or industrial uses measured at the same point on said adjacent property; except that in no event shall it be necessary to reduce the noise from such laundry or wash rack as measured from any point on an adajacent lot in an "A" or "R" Zone to below 65 decibels, or as measured from any point from adjacent property in a "C" or "M" Zone to below 70 decibels.

The comparison between the noise emanating from the automobile laundry or wash rack and from the street and commercial or industrial uses shall be made at the same time of day. The decibel reading shall be the power averages from several readings.

All sound level meter performance, including the definitions and units shall be in accordance with the American Standards Association, standards Z 24.1, Z 24.2 and Z 24.3, copies of which are on file in the office of the City Clerk.

(b) Where the adjacent property is vacant or unused, the Building and Safety Commission may extend the time within which to reduce the noise emanating from the wash rack or laundry, so as to comply with the requirements of this ordinance, as measured from such adjacent lots. The Board also may permit deviations from these requirements in such other cases and for such periods of time as it finds that no one will be adversely affected.

Sec. 2. The Department of Building and Safety shall enforce the provisions of this ordinance.

Sec. 3. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this ordinance, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the said provisions, unless provisions are otherwise herein made, shall be punishable by a fine of not more than $500 or by imprisonment in the City Jail for a period of not more than six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person and shall be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance shall be deemed a public nuisance and may be, by this City summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of July 19, 1951.

WALTER C. PETERSON,
City Clerk.

Approved this 30th day of July, 1951.

FLETCHER BOWRON,
Mayor.

Municipal Code Sections

Sec. 28.12. Airplanes—Loud speakers on.—No person, while flying any type of aircraft over this City, shall operate thereon any loud speaker, siren or other device, except the unmuffled exhaust of each aircraft, which makes any noise or sound sufficiently loud to attract the attention of persons on the ground; provided that the Board of Police Commissioners may issue a temporary permit for a period of time not to exceed twenty-four hours to persons to operate a loud speaker, siren or other noise making device on aircraft, if the Board determines that such operation may be necessary in connection with any important celebration in this City.

Sec. 41.32. Theatres—Sound amplifiers.—No person shall use, operate or employ any sound amplifying system in connection with or in conjunction with or as a part of the production, staging, exhibition or projection of any show in such a manner that any voice, tone, sound wave, musical tone or vibration emitted therefrom or transmitted thereover or through the same is carried in tones or sounds audible to the human ear to a point distant more than fifty (50) feet from the property line where such show is being conducted. Provided, that where any such show is being conducted within any enclosure or structure, the exterior of such structure or enclosure shall be construed to mean the property line of the premises where the same is being conducted, for the purpose of this section.

Sec. 41.40. Noise due to construction, excavation work—When prohibited.—(a) No person shall, between the hours of 9:00 P.M. and 7:00 A.M. of the following day, perform any construction or repair work of any kind upon, or any excavating for, any building or structure, where any of the foregoing entails the use of any power driven drill, riveting machine, excavator or any other machine, tool, device or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in any dwelling hotel or apartment or other place of residence, and any person who knowingly and willfully violates the foregoing provision shall be deemed guilty of a misdemeanor punishable as elsewhere provided in this Code.

(b) The provisions of Subsection (a) shall not apply to any person who performs the construction, repair or excavation work involved pursuant to the express written permission of the Board of Police Commissioners. The Board of Police Commissioners may grant such permission, upon application in writing, where the work proposed to be done is effected with public interest, or where hardship or injustice, or unreasonable delay would result from the interruption thereof during the hours above-mentioned, or where the building or structure involved is devoted or intended to be devoted to a use immediately incident to public defense; nor shall the provisions of this section in any event apply to construction, repair or excavation work done within any district zoned for manufacturing or industrial uses under the provisions of Chapter 1 of this Code, nor to emergency work necessitated by any flood, fire or other catastrophe.

Sec. 41.142. Music reproducing devices—Hours of operation (Added by Ord. No. 111,348, Eff. 7/4/58).—No owner, manager or other person having charge of any place of public resort where any phonograph, loud speaker or other electrically or mechanically operated device for the reproduction or emission of music is played for hire, shall allow the playing or operation of such device therein, between the hours of 2:00 o'clock A.M. and 5:00 o'clock A.M. of any day.

Sec. 41.44. Miniature golf courses and driving fairways (Added by Ord. No. 111,348, Eff. 7/4/58.)—(a) Hours of Play. No person owning, operating, managing or conducting a miniature golf course or driving fairway shall allow any person to play or practice upon such miniature golf course between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M. of any day.

(b) Hours for Use of Mechanical Devices. No person owning, operating, managing or conducting a miniature golf course or driving fairway shall allow any work or labor with instruments or mechanical devices which are propelled by electric, steam or automotive power, to be performed upon such miniature golf course or driving fairway between the hours of 12:30 o'clock A.M. and 7:00 o'clock A.M. of any day.

(c) Noise Signs. Persons owning, operating, managing or conducting a miniature golf course shall place in a conspicuous place on said golf course, at least four signs upon which are written in legible English, in letters at least two inches in height, words or phrases requesting patrons to refrain from loud talking and unnecessary noise at all times while on the golf course. Such signs shall be placed where they can easily be seen by the patrons.

(d) Illumination.

1. The playing field of a miniature golf course or driving fairway shall not be illuminated between the hours of 2:00 o'clock A.M. and 3:00 o'clock A.M. of any day, except with such illumination as may be necessary only for the proper care and cleaning of such places.

2. The illumination of the playing field of any miniature golf course or driving fairway shall be such that no direct rays from the reflector or source of illumination shall fall upon any portion of any building used for living or sleeping quarters not under the ownership or control of the owner or operator of such golf course.

3. Where electric lamps are used there shall be installed a reflector of a type that shall not permit any portion of the lamp to project beyond the plane of the opening of the reflector, if the golf course or driving fairway is located less than 400 feet from any structure used for dwelling purposes.

4. The provisions of this section shall not apply to festoons or similar lights, streamers or assemblies used for advertising or attracting attention to such golf courses, provided that the lamps used therein do not exceed 25 watts each and are extinguished between the hours of 11:00 o'clock P.M. and 7:00 o'clock A.M. of the following day.

(e) Sound Devices. No person shall use, operate or employ any sound amplifying system, radio or sound producing machine, device or instrument or permit any music of any kind to be played in or upon any miniature golf course or driving fairway between the hours of 10:00 o'clock P.M. of any day and 7:00 o'clock A.M. of the succeeding day.

Sec. 42.00.—* * *

(e) Street-Sidewalk-Public Way-"Soliciting"-"Crying"-Prohibited.

(1) Except as otherwise provided in Subsection (j) of this section, it shall be unlawful for any person in or on any street, sidewalk, or other public way to:

(A) Importune or solicit the purchase of any goods, wares or merchandise or the employment of any services or facilities;

(B) Cry, solicit or proclaim the availability of any goods, wares or merchandise, or of any services or facilities;

(C) Cry, solicit for or proclaim any show, exhibition, entertainment tour, excursion, sight-seeing trip, real estate, or oil well viewing or inspection trip; or

(D) Make any statement or gesture for the purpose of commanding, announcing, advertising, or calling attention to any of the foregoing.

(2) It shall be unlawful for anyone who is visible or audible to any person on any street, sidewalk or public way, in a loud, boisterous, raucous, offensive or insulting manner to:

(A) Importune or solicit such person to purchase any goods, wares or merchandise, or to employ any services or facilities;

(B) Cry, solicit or proclaim to such person the availability of any goods, wares or merchandise, or services or facilities;

(C) Cry, solicit or proclaim any show, exhibition, entertainment tour, excursion, sight-seeing trip, real estate or oil well viewing or inspection trip; or

(D) Make any statement, or gesture, for the purpose of commanding, announcing, advertising, or calling attention to any of the foregoing.

(3) Nothing in this subsection shall be so construed as to apply to a sightseeing tour operating under and by virtue of a permit from and regulations of the Public Utilities Commission of the State of California and for which tour a fixed charge is made to the person carried.

(f) Electrical Hook-Up System for Purpose of Advertising, Prohibited—Exceptions. Radio Dealers. No person shall use, operate or employ any system of electrical hook-up or connection, including, but not limited to any public address system, loud speaker system, sound amplifying system, whether the source thereof is from a human voice, recording, electric transcription or musical tone in any part of this City for the purpose of crying, proclaiming advertising, calling attention to, any goods, wares, or merchandise or place of business, or for the purpose of directing attention to, advertising, publicizing, or soliciting patronage or custom, to or for any show, exhibition or event, or entertainment, in such a manner as to permit or allow the sound emitted therefrom or transferred thereover, or carried through such system or systems to travel into, on or over any street, sidewalk or any space occupied by any such street or sidewalk in tones or volume audible to a person of average hearing faculties or capacity.

Provided that the provisions hereof shall not apply to the use of rolling stock or vehicles equipped with such system of the kind or character referred to herein used in accordance with the provisions of this Code regulating the use thereof:

Provided further, the provisions hereof shall not apply to the use of a radio receiving set by a duly and regularly licensed radio receiving set dealer for the purpose of demonstrating a radio receiving set where the volume of sound used or employed in such demonstration is not more than is reasonably necessary for the purpose of demonstrating such radio receiving set and such dealer has otherwise complied with this code and the ordinance of this city. (Amended by Ord. No. 113,547, Eff. 6/27/59.)

(g) Street-Sidewalk—Loud or Unusual Noises Prohibited—Exceptions. No person, except as otherwise provided in subsection "J" of this section, upon any street or sidewalk or in any doorway or entrance to any building opening into any such street or sidewalk not set back at least ten (10) feet from the front property line within any district defined in this section, shall blow any bugle, horn or trumpet, or beat any drum, or ring any bell, or make any other loud or unusual noise, for the purpose of advertising, announcing or calling attention to any goods, wares or merchandise, or for the purpose of advertising, announcing or calling attention to any show, exhibition, entertainment or event, or play any musical instrument, sing, or in any way attract attention to the person or persons so doing, or to any goods, wares or merchandise, which they may have on their person or in their possession, custody, or control, whether the same is offered for sale to the public or given to the public; provided that nothing in this subsection shall apply to the playing of music by a band or to the blowing of a bugle upon a street or sidewalk for which a special permit in writing so to do shall have first been issued by the Chief of Police, which permit shall specify the time when and the place where such music may be so played or such bugle may be blown; and provided further, that outside of the districts herein defined any regularly licensed peddler may call his wares in an ordinary tone of voice or may ring a bell not exceeding four inches in diameter or blow a horn not exceeding 8 inches in length and not exceeding 4 inches in diameter at the bell end, upon any street or sidewalk in front of the residence of any customer of such peddler, for the purpose of calling the attention of such customer to the presence of such peddler in the street or sidewalk in front of the residence of such customer.

Sec. 63.51. Park regulations.—Within the limits of any public park or recreational facility in the City of Los Angeles under the control, operation or management of the Board of Recreation and Park Commissioners, the Los Angeles County Department of Parks and Recreation or the Los Angeles Memorial Coliseum Commission, no person shall: (Amended by Ord. No. 121–319, Eff. 4/7/62.)

Sec. 87.51. Sound vehicles—where prohibited.—No person shall drive, operate, propel or park any sound vehicle with the sound-making device, sound-amplifying device, or loud-speaker thereof in use or operation:

1. Within the Central Traffic District, at any time;
2. Within 300 feet of any hospital or school, at any time;
3. Upon Hollywood Boulevard between Vermont Avenue and La Brea Avenue, at any time;
4. Upon Wilshire Boulevard, at any time;
5. Upon Sunset Boulevard, at any time;
6. Upon Vine Street, at any time;
7. Upon any public street or way between the hours of 4:30 o'clock P.M. and 9:00 o'clock A.M. of the following day;
8. Upon any public street or way on any Sunday.

Resolution

Whereas, the problem of airport noise is evident at the Los Angeles International Airport and every major airport throughout the United States; and

Whereas, the development and adoption of rules and standards to regulate noise abatement are still pending; and

Whereas, the impact of aircraft-generated noise upon the residents near our airports is increasing in both volume and area and will be intensified by projected aircraft volume; and

Whereas, thirty-five bills prescribing remedial action have been assigned to the House Interstate and Foreign Commerce Committee; and

Whereas, H.R. 3400 and S. 707 authorizes federal rules and standards to regulate aircraft noise abatement;

Now, therefore, be it resolved, that the City Council urge the Chairman of the House Interstate and Foreign Commerce Committee to schedule this subject for early hearing; and

Be it further resolved, that the City Council urge the adoption of H.R. 3400, S. 707 or similar legislation that will provide an early solution to this problem and that the City Clerk with the assistance of the Chief Legislative Analyst provide David L. Wallerstein, the City's Legislative Representative in Washington, with sufficient copies of this action for distribution to appropriate persons.

Resolution

Whereas, the Noise Abatement Committee of the City of Los Angeles was established two years ago in April, 1961, for the serious consideration of finding means to eliminate or reduce noise emanating from the freeways and from other sources; and

Whereas, in connection therewith (C.F. 97637), a Council Resolution (Freeway Truck Noise) and a Police, Fire and Traffic/State, County and Federal Affairs joint committee report was adopted recommending that the Mayor (Poulson) be requested to join with the City Council in setting up the Noise Abatement Committee to be composed of representatives of interested City departments and citizens; and in addition a Police, Fire and Traffic Committee report (C.F. 97637 Sup. No. 2) was later adopted recommending that the Mayor be requested to activate said Committee; and

Whereas, said special Committee, which has been meeting monthly for the past two years, is composed of approximately 35 representatives from various City and State governmental agencies, private industry, and including interested citizens of each Council District; and

Whereas, during this period the Noise Abatement Committee has studied all aspects of the noise problem through its six subcommittees—Airport, Industrial, Neighborhood Nuisances, Press Communications, Street and Highways, and Standards—and has obtained much information and has discovered what fields of enforcement are already under control by other governmental jurisdictions; and

Whereas, airplane noise and flight patterns are under the Aviation Agency of the Federal Government and jet noises are continually being studied by the National Aeronautics and Space Administration, and, in addition, the City Department of Airports has established ground noise regulations; auto mufflers are under regulations prescribed in the State Vehicle Code; occupational hazards and industrial noise are presently being studied by the State Committee on Industrial Noise and the State Department of Industrial Relations; disturbing-the-peace type noises are under City Municipal Code Sections and the California Penal Code Sections; and

Whereas, the California Department of Highway Patrol will soon submit its report to the State Legislature on proposed changes in the muffler noise regulations (V.C. Sections 21160 and 27160) for adequate enforcement of excessive noise; and

Whereas, after carefully considering all available factors on the subject matter, your Noise Abatement Committee has reached the following conclusions and recommendations:

1. Trucks and buses:

Over 10,000 pounds:

87 dbA measured at 50 feet—Maximum Allowable Limit

93 dbA measured at 25 feet—Maximum Allowable Limit

Under 10,000 pounds:

80 dbA measured at 50 feet—Maximum Allowable Limit

86 dbA measured at 25 feet—Maximum Allowable Limit

2. Passenger Cars:

78 dbA measured at 50 feet—Maximum Allowable Limit

84 dbA measured at 25 feet—Maximum Allowable Limit

3. Motorcycles, including other vehicles:

87 dbA measured at 50 feet—Maximum Allowable Limit

93 dbA measured at 25 feet—Maximum Allowable Limit

4. PNdb—vs.—dbA: dbA system was recommended rather than the PNdb system. (Decibel A-scale; Perceived Noise Level).

5. Constant speed—vs.—acceleration: Recommend both—the constant legal speed test, or in compliance with International Stand-

ards Organization standards for acceleration test.

6. Exempt vehicles: Recommended that emergency fire equipment be excluded from the proposed legislation.

Now, therefore, be it resolved, that the City Council of the City of Los Angeles does hereby approve the above-mentioned recommendations, and that said recommendations be transmitted by the City Clerk to the California Department of Highway Patrol for consideration during the preparation of its final report to be submitted to the State Legislature; and

Be it further resolved, that said Highway Patrol Department be respectfully requested to submit a copy of said final report to the City Council of Los Angeles for its information.

Be it further resolved, that by the adoption of this resolution, the members of the Noise Abatement Committee be commended for giving of themselves, their time and services in the interest of civic noise abatement, and in view of the Committee having now obtained its over-all objectives, that this special Committee, with the concurrence of the Mayor, be de-activated.

City Zoning Plan (1964)

Sec. 12.14(6) Automobile service station, tire and tube repairing, battery servicing, automobile lubrication, automobile laundry or wash rack, provided that:

(b) Any automobile laundry or wash rack, in which power driven or steam cleaning machinery is used, shall be so sound-proofed, the entire development shall be so arranged, and the operations shall be so conducted that the noise emanating therefrom, as measured from any point on adjacent property, shall be no more audible than the noise emanating from the ordinary street traffic and from other commercial or industrial uses measured at the same point on said adjacent property; except that in no event shall it be necessary to reduce the noise from such laundry or wash rack as measured from any point on an adjacent lot in an "A" or "R" Zone to below 65 decibels, or, to below 70 decibels, as measured from any point from adjacent property in a "C" or "M" Zone.

The comparison between the noise emanating from the automobile laundry or wash rack and from the street and commercial or industrial uses shall be made at the same time of day. The decibel readings shall be the power averages from several readings.

All sound level meter performance, including the definitions and units, shall be in accordance with the American Standards Association, standards Z 24.1, Z 24.2 and Z 24.3, copies of which are on file in the office of the City Clerk.

Every wash rack shall be so constructed or arranged so that entrances, exits, and openings therein shall not face any residential property within 100 feet thereof. (Amended by Ord. No. 110,663, Eff. 2/9/58.)

General Recommendation

To the Mayor, City Council, and City Administrative Officer: From the Los Angeles City Planning Commission, for the establishment within the Office of the City Administrative Officer of an Assistant City Administrative Officer for Noise Administration (Noise Administrator).

JUSTIFICATION FOR POSITION

Noise is becoming progressively more objectionable and injurious in the urban environment. Motor vehicles, motorcycles, construction equipment, and aircraft contribute to increasing noise pollution. Not only have acoustical and medical experts warned that noise is approaching levels injurious to human hearing in parts of the City, but property owners have instigated suits for personal and property damages claimed caused by intensive noise.

Unless actions are taken to control noise, it will continue to intensify, resultant injury and damage will increase, more and more suits for damages will occur. Continued disregard of environmental noise could so reduce the livability of cities that their economic as well as physical health would be impaired.

It is clear that noise has joined polluted water, smog, nuclear radiation, and bacteriological contamination as a significant determinant of the health and habitability of the urban environment.

If urban noise is ignored until a crisis situation has developed, it will be too late to restore the environment without enormous expense, great disruption of noise-producing activities which have been allowed to accumulate without limitation, and general economic strain.

The time to plan and act for the present and future is *now.*

NOISE ADMINISTRATOR

The position of Assistant City Administrative Officer for Noise Administration (Noise Administrator) should include the following initial responsibilities:

1. Be generally and specifically informed concerning noise-producing sources and situation throughout Los Angeles;

2. Recommend legislative actions by City Council and administrative actions by city departments which will reduce noise pollution;

3. Develop standards and suggest methods of controlling the type and intensity of sound permitted in the open-air or exterior environment of Los Angeles by any source within its boundaries, including motor vehicles of all kinds, aircraft, and construction equipment;

4. Working with the Los Angeles Department of Building and Safety (Building Code), City Planning Department (Zoning Regulations), County and State health agencies and others directly involved, establish interior environmental standards for acoustical provisions within new and extensively renovated buildings and structures;

5. Encourage and promote improvements in the design of vehicles, equipment, and structures which reduce exterior and interior noise at the source;

6. Together with others involved, represent the urban environmental interests of Los Angeles with county, regional, state, and federal agencies, private enterprise, courts, general public, and those concerned with or affecting noise pollution.

OPERATIONS OF THE OFFICE OF THE NOISE ADMINISTRATOR

To the fullest extent possible, this Office should operate through existing municipal departments and agencies. It would work with these organizations to achieve their maximum contribution to reducing noise pollution. Coordination of many different rules, regulations, and actions by various municipal organizations will be needed. The Noise Administrator would suggest, recommend formally, stimulate, and generally take the lead in reducing environmental noise contamination.

The size and cost of the operation would therefore be relatively small, and offset by revenues from fines for noise violations, if such were imposed. Like the Office of Petroleum Administration, it would emphasize high quality of personnel, recommendation, and action rather than numbers and bureaucratic expansion. It would deliberately seek to remain as small, alertly active, and widely effective as possible.

Las Vegas, Nevada

City Ordinances—Motor Vehicle Code

10–20–38: Modification of exhaust systems.—No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and the original muffler shall comply with all of the requirements of this Code.

10–20–42: Mufflers.—It shall be unlawful for any person to ride, drive or propel or cause or permit to be ridden, driven or propelled any motor vehicle in, upon, or along any street or to operate or cause or permit to be operated the motor in any such vehicle in any street or other public place if such motor vehicle or the motor in such vehicle is not provided with a good and sufficient muffler properly attached thereto or if the exhaust from the motor of such vehicle is ejected otherwise than through such muffler, or if such exhaust is ejected toward the surface of the street or ground.

It shall be unlawful for any person operating a self propelled vehicle upon the streets to permit the pipes, muffler or other devices to emit the sounds of exhaust in a loud and annoying manner; it being the intention of this Section to compel the operation of such self propelled vehicles in as noiseless a manner as possible.

6–1–24: Noises.—Subject to the provisions of this Section, the creating of any unreasonably loud, disturbing and unnecessary noise within the Limits of the City is prohibited.

Noise of such character intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section but this enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle, or bus while in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) The playing of any radio, phonograph or a musical instrument in such a manner or with such volume, particularly during the hours between 11:00 P.M., and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of any persons in any office, hospital, dwelling, hotel or other type of residence or of any persons in the vicinity.

(C) Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M., and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or any other type of residence or of any persons in the vicinity.

(D) The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(E) The use of any automobile or motorcycle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noises.

(F) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

(G) To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(H) The erection, including excavation, demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 A.M., and 6:00 P.M., on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building, or the excavation of streets and highways within the hours of 6:00 P.M., and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 P.M., and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(I) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.

(J) The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(K) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(L) The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(M) Exceptions: None of the terms or prohibitions hereof shall apply to or be enforced against:

1. Any vehicle of the City while engaged upon necessary public business.

2. Excavations or repairs of bridges, streets or highways by or on behalf of the City, Clark County, or the State of Nevada, during the night season, when the public welfare and convenience renders it impossible to perform such work during the day.

3. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character; provided that a permit therefor has been first obtained from the Board of Commissioners.

4. Provided that public dissemination through radio loudspeakers, of items of news and matters of public concern and athletic activities shall not be deemed a violation of this Section if the same be done under permission obtained from the Board of Commissioners. (Ord. 412; 4–25–50)

Memphis, Tennessee

An Ordinance Prohibiting Unnecessary Noise in the City of Memphis and Providing Penalties Therefor

Section 1. Be it ordained by the Board of Commissioners of the City of Memphis, that, subject to the provisions of this Ordinance, the creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the City is prohibited.

Section 2. Be it further ordained that noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

Section 3. Be it further ordained, that the following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this ordinance, but this enumeration shall not be deemed to be exclusive, namely:

A. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation, by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

B. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11 P.M. and 7 A.M. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

C. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 P.M. and 7 A.M. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any persons in the vicinity.

D. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort, or repose of any person in the vicinity.

E. The use of any automobile, motorcycle, street car or vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

F. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

G. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

H. The erection (including excavating), demolition, alteration, or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7 A.M. and 6 P.M. on week days, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Commissioner, which permit may be granted for a period not to exceed thirty days while the emergency continues. If the Building Commissioner should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P.M. and 7 A.M. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P.M. and 7 A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

I. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.

J. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

K. The use of any drum, loud-speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

L. The use of mechanical loud-speakers or amplifier on trucks or other moving or standing vehicles for advertising or other purposes.

Section 4. Be it further ordained, that none of the terms or prohibitions hereof shall apply to or be enforced against:

a. Any vehicle of the City of Memphis while engaged upon necessary public business;

b. Excavations or repairs of bridges, streets or highways by or on behalf of the City of Memphis, Shelby County or the State of Tennessee, during the night season, when the public welfare and convenience renders it impossible to perform such work during the day.

c. The reasonable use of amplifiers or loud-speakers in the course of public addresses which are non-commercial in character.

Section 5. Be it further ordained, that any person violating any of the provisions of this ordinance shall be guilty of misdemeanor and upon conviction shall be fined not less than One Dollar ($1.00) nor more than Fifty Dollars ($50.00) for each offense.

Section 6. Be it further ordained, that if any phrase, clause or section of this ordinance be held unconstitutional, such unconstitutionality shall not affect the remainder thereof.

Section 7. Be it further ordained, that this ordinance take effect from and after its passage, the matter being one of urgency and necessity, and the public welfare requiring it.

No. 227—An Ordinance to amend section 769(1) (b) of the Memphis Municipal Code, enacted March 15, 1949, pertaining to noise—generally, so as to include among the enumerated noises which are prohibited, sound devices, including but not limited to loud speakers or other devices for the reproduction and amplification of sound, either independently or in connection with motion pictures, radio or television

Section 1. Be it ordained by the Mayor and Board of Commissioners of the City of Memphis, that Section 769(1) (b) of the Memphis Municipal Code, enacted March 15, 1949, be and the same is amended by inserting in the first sentence thereof after the phrase "musical instrument" and before the phrase "in such manner" the phrase "or sound device including but not limited to loud speakers or other devices for reproduction or amplification of sound, either independently or in connection with motion pictures, radio or television", so that said section will read:

"(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loud speakers or other devices for reproduction or amplification of sound, either independently or in connection with motion pictures, radio or television, in such manner or with such volume, particularly during the hours between *11:00 P.M.* and *7:00 A.M.*, as to annoy or disturb the quiet comfort or repose of persons in any office, hospital or in any dwelling, hotel, or other type of residence, or of any person in the vicinity."

Section 2. Be it further ordained, that the foregoing ordinance take effect from and after its passage, the public welfare requiring it.

Sept. 15, 1952.

Passed on third reading, September 23, 1952.

Madeira Beach, Florida

Ordinance No. 11 making it unlawful for any person or owner in charge of any store, garage, filling station, apartment house, theatre, restaurant or other premises where persons gather or enter for purposes of amusement or trade in the town of Madeira Beach to themselves disturb or to permit the disturbance of the neighbors or public peace by loud cries, boisterous songs, machines or instruments the use of which produce loud music or noises, or other noise interrupting the peace or quietude of the neighborhood at any and all places, after the hour of eleven o'clock p.m. and before the hour of eight o'clock a.m., providing a penalty therefor and other matters in regard thereto

The town of Madeira Beach does ordain as follows:

Section 1. That is shall be unlawful for any person or persons, owner, manager, or employee in charge of any store, garage, filling station, apartment house, theatre, restaurant or other premises where persons gather or enter for purposes of amusement or trade, within the corporate limits of the town, either by their own action or to permit or allow any persons who may resort to their premises by day or by night to disturb the neighbors or public peace by loud cries, boisterous songs, operate musical machines, instruments, or other musical devices, the use of which produces loud music or noises or to make other noises interrupting the peace or quietude of the neighborhood, at any and all places within the corporate limits after the hour of eleven o'clock P.M. and before the hour of eight o'clock A.M.

Section 2. Any person or persons, owner, manager or employee in charge who shall be convicted of a violation of this ordinance shall be punished by a fine not exceeding five hundred ($500.00) Dollars or an imprisonment not to exceed sixty (60) days, either or both.

Ordinance No. 228 amending chapter 12, code of ordinances of the city of Madeira Beach, by striking the word "seventeen" from section 12–13 and the word "seventeen" from section 12–14, and substituting therefor the word "eighteen"; and by striking the words "ten o'clock p.m." in section 12–18 and substituting therefor the words "eleven o'clock p.m."

Whereas, there occurred in the printed Code of Ordinances of the City of Madeira Beach certain typographical errors; and

Whereas, it is desirable that such errors be corrected so that the Code of Ordinances as adopted shall follow the language of the original ordinances;

Now, therefore, be it ordained by the Board of Commissioners of the City of Madeira Beach:

Section 1. That Chapter 12, Code of Ordinances of the City of Madeira Beach, be amended by striking the word "seventeen" in Section 12–14, and substituting therefor the word "eighteen" in each of such sections.

Section 2. That said Chapter 12 be further amended by striking the words "ten o'clock p.m." in Section 12–18 and substituting therefor the words "eleven o'clock p.m." in such section.

Miami, Florida

Building Code

Article XXII—Performance standards

Section 1: General.—All uses in the C–4 (general commercial) district, C–5 (commercial district), I–1 (light industrial) district, and the I–2 (general industrial) district, shall conform to the standards of performance described within this Article below and shall be so constructed, maintained and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particular matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare.

Section 2: Noise.—Every use shall be so operated as to comply with the maximum performance standards governing noise described below. Objectionable noises due to intermittance, beat frequency or shrillness shall be muffled or eliminated so as not to become a nuisance to adjacent uses. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

Octave bands in cycles per second	Along property line abutting a residential district between 8 a.m. and 6 p.m.[1] (Maximum permitted sound level in decibels)	Along property line abutting in industrial or commercial district (Maximum permitted sound level in decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Over 4,800	32	39

[1] Permissible sound level between 6 p.m. and 8 a.m. shall be decreased by 3 decibels in each of the octave bands.

City ordinance

Chapter 36: Noise.

§ 36–1. Unnecessary, excessive or unusual noises—Generally.
§ 36–2. Same—Near hospitals and schools.
§ 36–3. Loud or boisterous noises generally.
§ 36–4. Operation of radios, phonographs or other soundmaking devices; bands, orchestras and musicians—Generally.
§ 36–5. Same—Hours of operation of juke boxes, radios, etc.
§ 36–6. Permit required for use of sound trucks, etc.
§ 36–7. Ringing bells, beating pans, pails, etc.; whistles and gongs.
§ 36–8. Use of horns or warning devices.
§ 36–9. Barbecues, softdrink stands and restaurants.
§ 36–10. Steam whistles.
§ 36–11. Discharge of combustibles.
§ 36–12. Whistles or gongs similar to those on emergency vehicles.
§ 36–13. Pile-drivers, steam shovels, pneumatic hammers, etc.
§ 36–14. Emission of steam and other gases.
§ 36–15. Noise-creating blowers, power fans or internal combustion engines.
§ 36–16. Mufflers for motorboats.
§ 36–17. Sound amplification from aircraft prohibited.

Sec. 36–1. Unnecessary, excessive or unusual noises—Generally.—It shall be unlawful to make loud, unnecessary, excessive or unusual noise in the city. (Code 1957, § 41–1.)

Sec. 36–2. Same—Near hospitals and schools.—It shall be unlawful for any person, by himself or by the operation of any instrument, agency or vehicle, to make any unnecessary or unseemly noises within one hundred feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any school during school hours. The city manager shall place as many signs as he may deem proper within or near zones hereby created, calling attention to the prohibition against unnecessary noises within such zones. (Code 1957, § 41–2).

Sec. 36–3. Loud or boisterous noises generally.—No person shall create any loud or boisterous noise which may annoy persons on any street or sidewalk or in any building adjacent thereto. (Code 1957, § 38–37.)

Sec. 36–4. Operation of radios, phonographs or other sound-making devices; bands, orchestras and musicians—Generally.—It shall be unlawful for any person owning, occupying or having charge of any building or premises or any part thereof, in the city, at any time to cause or suffer or allow any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the music of any band, orchestra, musician or group of musicians, where the noise or music is plainly audible at a distance of one hundred feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise or music is plainly audible at a distance of one hundred feet from the vehicle or premises from which it originates constitutes prima facie evidence of a violation of this chapter. (Code 1957, § 41–3.)

Sec. 36-5. Same—Hours of operation of juke boxes, radios, etc.—It shall be unlawful for any person owning, occupying or having charge of any business establishment, or any part thereof, in the city, to cause or suffer to cause the playing or operating of music boxes, juke boxes, radios, musical instruments or any other musical devices on or about the premises between the hours of 11:00 P.M. and 7:00 A.M. the following day. unless such music boxes, juke boxes, radios, muscial instruments and other devices are played or operated in a closed building and the sound is not audible from outside the building so as to disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence. Upon a second conviction of violation of this section the municipal judge may at his discreton revoke and termnate any license issued under chapter 30 to the licensee. (Code 1957, § 41-5.)

Sec. 36-6. Permit required for use of sound trucks, etc.*—No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale or advertising in any fashion or for any other use whatsoever, except in accordance with a permit issued by the chief of polic. Such permit shall only be issued by the chief of police after approval by the city manager, upon recommendation by the chief of police. (Code 1957, § 38–38; Ord. No. 6414, § 1.)

Sec. 36–7. Ringing bells, beating pans, pails, etc.; whistles and gongs.—It shall be unlawful for any person to ring any hand bell, beat or strike any pan, pail or other like article, or sound any gong or blow any whistle or horn, or other than musical instruments when used as part of a band of music or orchestra, except to give necessary signals upon a motor vehicle, motorcycle, bicycle or similar vehicle; or to cry out the sale of goods, wares or merchandise; or to make, aid, continue or encourage or assist in making any other loud or unusual noises on the streets of the city. (Code 1957, § 41–6.)

Sec. 36–8. Use of horns or warning devices.—It shall be unlawful in the city to sound any horn or signal device on any vehicle unnecessarily at any time in any quiet zone or other place or to use any such horn or signal device for giving or making a signal not necessary for traffic safety purposes. Such horns or signal devices shall not be used in the city for advertising purposes. (Code 1957, § 38–24.)

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*Annotation.—The right of a citizen to use the public streets is not absolute, but may be controlled and regulated in the interest of the public good. This section does not prohibit operation of vehicles on streets or unduly restrict freedom of speech. It is a reasonable protection of homes and business houses from distracting noises. State v. Headley, 48 So. 2d 80.

Sec. 36–9. Barbecues, soft-drink stands and restaurants.—It shall be unlawful to blow, ring or sound any automobile horn, chime or bell on or about premises used in conjunction with the operation of any barbecue or soft-drink stand or restaurant where such barbecue or soft-drink stand or restaurant premises are located within a distance of one hundred feet from improved residential property, unless such blowing, ringing or sounding shall be necessary for the protection of life or property. (Code 1957, § 41–7.)

Sec. 36–10. Steam whistles.—It shall be unlawful to blow any steam whistle except as follows:

For an alarm of fire; upon locomotive engines for the purpose only of giving necessary safety signals; upon stationary engines in factories or other industrial establishments at the time of beginning or quitting work in such establishments; upon vessels, craft and floats for the purpose of giving only necessary marine signals. Air-raid warning signals are hereby excepted. (Code 1957, § 41–8.)

Sec. 36–11. Discharge of combustibles.—It shall be unlawful to fire or discharge a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except upon proclamation or by written permission of the city manager. (Code 1957, § 41–9.)

Sec. 36–12. Whistles or gongs similar to those on emergency vehicles.—It shall be unlawful for any person to carry or use upon any vehicle any gong or siren whistle similar to that used on ambulances or vehicles of the police or fire departments. (Code 1957, § 41–10.)

Sec. 36–13. Pile-drivers, steam shovels, pneumatic hammers, etc.—It shall be unlawful for any person in conducting any building operations between the hours of 10:00 P. M. and 7:00 A. M. to operate or use any pile-driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other apparatus, the use of which is attended by loud or unusual noise, except by written permission of the city manager, and then only in case of emergency. (Code 1957, § 41–11.)

Sec. 36–14. Emission of steam and other gases.—It shall be unlawful to permit or cause the emission of steam or other gases if such emission cannot be done without the production of disturbing noises. (Code 1957, § 41–12.)

Sec. 36–15. Noise-creating blowers, power fans or internal combustion engines.—It shall be unlawful to operate or cause to be operated any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noises, so that the same shall not cause annoyance to the public or disturb the rest and quiet of persons residing or occupying property near enough thereto to be annoyed by the unmuffled blower, fan or exhaust of any such engine. (Code 1957, § 41–13.)

Sec. 36–16. Mufflers for motorboats.—It shall be unlawful for any person to operate, or for the owners of any motorboat or outboard motorboat to permit same to be operated upon any river, bay or waterway in the city unless such motorboat or outboard motorboat is equipped with an adequate muffler, which muffler shall not be open or cutout while the boat is being operated. (Code 1957, § 41–14.)

Sec. 36–17. Sound amplification from aircraft prohibited.—No person shall operate, or cause to be operated, in or over the city any aircraft for any purpose with sound amplifying equipment in operation, and no person shall operate, or cause to be operated, in or over the city any aircraft for commercial sound advertising purposes.

The word "aircraft", as used in this section, shall mean any contrivance used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons. The words "sound and amplifying equipment" shall mean any machine or device for the amplification of music, the human voice or any other noise or sound for the purpose of disseminating such music, human voice or any other noise or sound to persons on the ground. "Sound amplifying equipment" shall not be construed as including warning devices on authorized emergency aircraft or any horns or other warning device used only for traffic safety purposes. (Code 1957, § 41–15.)

Milwaukee, Wisconsin

Ordinance No. 19 to Amend Section 80–26 of the Milwaukee Code Relating to Noises in Other Than Manufacturing Districts

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 80–26 of the Milwaukee Code is hereby amended as follows:

80–26. Noises in Other Than Manufacturing Districts.

Except in a purely manufacturing district, no corporation, partnership or persons shall conduct its or his business between the hours of 8 P.M. and 6 A.M. as to cause any loud or sharp noises or concussion, unless such corporation, partnership, or person shall have first obtained a permit from the Commissioner of Health. Such permits shall be issued by the Commissioner of Health only when it appears to the satisfaction of the said Commissioner that the conduct of such business between said hours will not be injurious to the health of those residing in the vicinity of the place where such business is being conducted; provided, however, that the said Commissioner may grant such permit when it appears to his satisfaction that the work proposed during the hours prohibited is a necessity. Any person, firm or corporation violating any of the provisions of this section shall upon conviction thereof be punishable by a fine not exceeding one hundred dollars.

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. This ordinance shall take effect and be in force from and after its passage and publication.

Passed May 3, 1960.

An Ordinance No. 371 to Amend Section 78–18 of the Milwaukee Code Relating to Dogs: Disturbing the Peace

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 78–18 of the Milwaukee Code is hereby amended to read as follows:

78–18. Dogs: Disturbing the Peace.

It shall be unlawful for any person to own, keep, have in his possession, or harbor any dog which, by frequent and habitual howling, yelping, barking, or otherwise, shall cause serious annoyance or disturbance to persons or to the neighborhood, provided that the provisions of this section shall not apply to hospitals conducted for the treatment of small animals which are approved by the health department, to medical universities, to premises occupied or used by the Wisconsin Humane Society, or to premises occupied or used by the city pound. No person shall be convicted under the provisions of this section except upon evidence of two or more persons of a different household, and no warrant shall be issued except upon request of the health department. Any person violating the provisions of this section shall be fined not less than $5 nor more than $25.

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. This ordinance shall take effect and be in force from and after its passage and publication.

Passed July 25, 1967.

Ordinance No. 577 to amend Section 85–14 of the Milwaukee Code, relating to permitting clock chimes at or near any place of business

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 85–14 of the Milwaukee Code is hereby amended to read:

85–14. Barkers, etc., not permitted. No solicitor, bellman or crier, or any drum, fife, or other instrument of music, or any show or signal, noise or other means of attracting the attention of the public, other than clock chimes or a stationary or fixed sign or flag, shall be employed, suffered or permitted to be used at or near any place of sale or auction or show house, motion picture theaters, stores or any other place of business fronting or abutting on any public thoroughfare in the City of Milwaukee, under a penalty of not to exceed fifty dollars for each and every offense together with costs of prosecution.

Part 2. All ordinances or part of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. This ordinance shall take effect and be in force from and after its passage and publication.

Passed January 27, 1953.

6–36. Barking Prohibited.—It shall be unlawful for any person to sing, call, cry out, shout, or engage in what is commonly known as barking, to attract customers or solicit trade, on or upon any street, sidewalk or public place within the city of Milwaukee on Sunday; before 9 a.m. and after 5 p.m. on any week day; within zones of quiet, and within two hundred feet of any school or church.

No person shall, on Sunday, before 9 a.m. and after 5 p.m. on any week day; within zones of quiet; and within two hundred feet of any school or church make, cause, permit or allow to be made, any noise of any kind by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, musical instrument, phonograph, talking machine, or any other mechanical device at any time for the purpose of advertising any goods, wares or mechandise by attracting the attention or inviting the patronage of any person or persons, upon any public street, alley or other public place in the city of Milwaukee.

61–37. Penalty.—Any person convicted of the violation of the provisions of Section 6–36 shall be punished by a fine of not exceeding twenty-five dollars ($25) or by imprisonment in the house of correction of Milwaukee county not exceeding 30 days, or by both such fine and imprisonment, in the discretion of the court.

8.80.—(4) Other Equipment.

(a) When Equipment Required. No person shall operate, and no owner shall give permission for the operation of, any motorboat on the waters of this state unless such motorboat is equipped as required by this section.

(b) Mufflers.

1. The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times while the engine is in operation.

2. No person shall drive, operate or use any motorboat propelled by an internal combustion engine equipped with a muffling device which has been altered in any manner from the manufacturer's specifications so as to increase its emission of noise.

(k) Unnecessarily Sounding Whistles. No person shall unnecessarily sound a horn, whistle or other sound-producing device on any boat while at anchor or under way. The use of a siren on any except duly authorized patrol boats on patrol or rescue duty is prohibited.

Chapter 80: Nuisances.—Noise, smoke, rats, etc.

80-1. Nuisance Defined.—In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated or prevented in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of the state of Wisconsin as nuisances may, in case the same exist within the city limits, be treated as such and proceeded against as in this article provided, or in accordance with other provisions of law.

80-2. Commissioner of Health Authorized to Abate Nuisance.—Whenever any nuisance shall be found on any premises within the city the commissioner of health is hereby authorized in his discretion to cause the same to be summarily abated in such manner as he may direct.

90-27. Hours for Music.—On a tavern amusement premises no music, dancing or entertainment of any nature shall be permitted after 2:00 a.m. on weekdays and 3:30 a.m., on Sundays and before 10:30 a.m. of the same day, central standard time.

On a tavern ballroom premises no music, dancing or entertainment of any nature shall be permitted after 1:00 a.m. and before 10:30 a.m. of the same day, central standard time.

On any premises licensed to permit the playing of instrumental music or licensed as a tavern dance hall or licensed only for the sale of intoxicating liquor or fermented malt beverage, no music, dancing or entertainment of any nature except phonograph-soundies shall be permitted after 1:00 a.m. on weekdays and 1:30 a.m. on Sundays and before 10:30 a.m. of the same day, central standard time. The playing of a phonograph-soundy shall not be permitted after 2:00 a.m. on weekdays and 3:30 a.m. on Sundays and before 10:30 a.m. of the same day, central standard time. (Am. Ord. 19, F #48-3360, passed Apr. 25, 1949.)

100-31. Restrictions as to Noise and Time of Operation.—On streets that are thirty feet or less in width from curb to curb, excepting streets lying adjacent or contiguous to parks, the use of alarm or signal bells be prohibited and the running or operation of such motor vehicles is limiting to and prohibited excepting only within the respective periods following: (A) Between the hours of 7:30 a.m. on Sundays, or 6:30 a.m. on other days, and midnight for single deck coaches equipped with pneumatic tires, and (B) Between the hours of 8:30 a.m. on Sundays, or 7:30 a.m. on other days, and 10:30 p.m. for double deck coaches or any vehicle equipped with solid rubber tires.

101-282. Horns and Warning Devices.—(1) No person shall operate a motor vehicle upon a highway unless such motor vehicle is equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no person shall at any time use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Except as otherwise provided in this section, no vehicle shall be equipped with nor shall any person use upon a vehicle any siren or compression or exhaust whistle.

(3) Any vehicle may be equipped with a theft alarm signal device if such device is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) An authorized emergency vehicle shall be equipped with a siren, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which events the driver of such vehicle shall sound the siren when reasonably necessary to warn pedestrains and other drivers.

101-283. Mufflers.—(1) No person shall operate on a highway any motor vehicle subject to registration unless such motor vehicle is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.

(2) No muffler or exhaust system on any vehicle mentioned in subsection (1) shall be equipped with a cutout, by-pass or similar device nor shall there be installed in the exhaust system of any such vehicle any device to ignite exhaust gases so as to produce flame within or without the exhaust system. No person shall modify the exhaust system of any such motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

(3) In this section, "muffler" means a device consisting of a series of chambers of baffle plates or other mechanical design for receiving exhaust gases from an internal combustion engine and which is effective in reducing noise.

(4) No person shall drive or propel any motor vehicle upon or along any highway or alley in the city of Milwaukee with chains fastened to the wheels of such motor vehicle in such a manner that they will strike any other part of the car on the revolution of the wheels or with any metal portion of the wheels or rims striking the pavement or with any part or parts of such vehicle so loose or out of repair as to create any loud or unnecessary noise.

105-6. Use of Bells, Horns, etc. on Motor Vehicles Restricted.—No person or company using or driving, or causing to be used or driven, any motor vehicle on any street, alley or public place in the city of Milwaukee shall sound or cause to be sounded any bell, horn, gong, whistle, or other signal or noise making device or instrument on or connected with such motor vehicle, and no owner of any motor vehicle while therein or thereon shall allow to be sounded any bell, horn, gong, whistle, or other signal or noise making device or instrument on or connected with such motor vehicle, except as a warning to other users of such streets, alleys, or public places of the approach of such motor vehicle, or as a warning of danger, or as a signal to a traffic officer or other police officer of the city of Milwaukee. Nothing herein shall be construed to prohibit the use of any bands or orchestras on motor vehicles used or operated in a non-commercial parade. The word "used," as it occurs in this section, shall be interpreted to include and apply to the use of any such motor vehicle either while the same is in motion or while the same is stationary upon the streets, alleys or public places in the city of Milwaukee.

105-7. Penalty.—Any person or company violating or failing to comply with the provisions of Section 105-6 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than two hundred dollars.

105-29. Muffling Exhaust of Stationary Gasoline Engines.—It shall be unlawful for any person or corporation to operate or cause to be operated any stationary gasoline engine, or any stationary engine deriving its power from an explosive exhaust, in the city of Milwaukee, without muffling the exhaust thereof by causing the exhaust to be conveyed into a barrel, or other cavity making article buried in the ground or by some other plan of muffle that will decrease the sound of exhaust equally as much, so as not to disturb the peace and quiet in the locality of any such engine and so as not to disturb the rest and quiet of people residing near enough thereto to be annoyed by the unmuffled exhaust of any such engine.

105-30. Penalty.—Any person or persons violating any of the provisions of the foregoing section shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each such offense.

Each day that any person shall operate any such engine in violation of the provisions of said section, after such person shall have received notice from any resident of the city of Milwaukee that such unmuffled exhaust is an annoyance to the said resident, or after such person shall have received notice from an officer or policeman of the said city that any such unmuffled exhaust is in violation of said section, shall be considered a separate offense in violation of said section.

105-31. Muffling of Blowers or Power Fans.—It shall be unlawful for any person or corporation to operate or cause to be operated any noise creating blower or power fan in the city of Milwaukee without muffling the noise therefrom by causing the blower or fan to be contained in some sufficient noise absorbing box, or by causing said blower or said fan to be buried in the ground, or by some other plan of noise absorption to decrease the sound of said blower or fan so as not to disturb the peace and quiet in the locality of any such blower or fan, and so as not to disturb the rest and quiet of people residing near enough thereto to be annoyed by the unabsorbed noise of any such blower or fan.

105-32. Penalty.—Any person or persons violating any of the provisions of the foregoing section shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each such offense.

Each day that any person shall operate any such blower or fan in violation of the provisions of Section 105-32, after such person shall have received notice from any resident of the city of Milwaukee that such unmuffled blower or fan is an annoyance to such resident, or after such person shall have received notice from an officer or policeman of the said city that any such blower or fans is in violation of said section, shall be considered a separate offense in violation of said section.

Minneapolis, Minnesota

MEMORANDUM ON NOISE POLLUTION CONTROL

(By Robert J. Alfton, Assistant City Attorney, Minneapolis)

There are five methods by which the City of Minneapolis has attempted to regulate noise: zoning code enforcement; noise ordinance enforcement; public nuisance actions; licensing requirements; and indirectly in building code requirements.

1. Zoning Code.—The Minneapolis Zoning Ordinance provides for noise limitations in M1 districts. Article X Section B, l.c. (1) provides for performance standards:

"(1) *Noise.*—In the M1 Districts at no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

MAXIMUM PERMITTED SOUND LEVEL (DECIBELS)

Octave band frequency (cycles per second)	Along residence district boundaries (decibels)	Along business district boundaries (decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Over 4,800	32	39

This performance standard is adopted by reference in several other zoning districts. Noise in residential, business, and manufacturing districts is also indirectly limited by the use restrictions placed in those districts.

"2. *Unlawful Noise.*—Minneapolis Ordinances, Chapter 875, makes certain acts unlawful and punishable by up to ninety days in jail or a $100.00 fine. Violations of the Breach of Peace ordinance, Section 870.060 are subject to the same penalty.

"3. *Nuisances.*—The Minneapolis City Charter, Chapter 4, § 5(2) provides that the City Council has the power:

"To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance."

The Council has not, however, made noise emission a nuisance as such.

Criminal prosecutions by the City could proceed under Minnesota Statutes Sections 609.74 or 609.745. Civil actions could proceed under Minnesota Statutes Section 561.01.

4. *Licensing.*—Juke boxes are required to be licensed by Chapter 375 of the Minneapolis Ordinances and Section 375.060 regulates sound emissions. Broadcasting vehicles are required to be licensed by Chapter 356 and Section 356.080 regulates sound emissions.

5. *Building Code.*—The Minneapolis Building Code indirectly regulates noise through its construction and material requirements.

Zoning Districts (Noise Standards)

P. 2, #2—Accessory building or use.

P. 5, #25—decibel.

P. 7, #48—frequency.

P. 9, #68—lot, zoning.

P. 11, #87—(octave band) & #88 (octave filter).

P. 13, #114 (sound level) & #115 (sound level meter).

P. 14 #123—use, transitional.

PP. 40–44, Article VI, section 9—conditional uses.

P. 87, Article VIII, section A, par. 2—transitional uses.

(Residential Districts)

P. 94, Article VIII, section B, par. 1b (transitional uses—R1).

P. 101, Article VIII, section B, par. 1Ab (transitional uses—R1A).

P. 102, Article VIII, section B, par. 2b (transitional uses—R2).

P. 104, Article VIII, section B, par. 2Ab (transitional uses—R2A).

P. 105, Article VIII, section B, par. 2Bb (transitional uses—R2B).

P. 105, Article VIII, section B, par. 2Cb (transistional uses—RA).

P. 107, Article VIII, section B, par. 3b (transitional uses—R3).

P. 109, Article VIII, section B, par. 4b (transitional uses—R4).

P. 113, Article VIII, section D, par. 5b (transitional uses—R5).

P. 116, Article VIII, section B, par. 6b (transitional uses—R6).

P. 140, Article IX, section B, par. 4a(1)(d) (permitted uses—B2).

P. 142, Article IX, section B, par. 4b(5) (conditional uses—B2).

P. 146, Article IX, section B, par. 5a(1)(f) (permitted uses—B2S).

P. 147, Article IX, section B, par. 5b (conditional uses—B2S).

P. 150, Article IX, section B, par. 6(a)(1)(d) (permitted uses—B3).

P. 151, Article IX, section B, par. 6b(5) (conditional use—B3).

P. 155, Article IX, section B, par. 7a(1)(c) (permitted uses—B35).

P. 156, Article IX, section B, par. 7(a)-(2)(ll) (permitted uses—B3S).

P. 156, Article IX, section B, par. 7b (conditional uses—B3S).

P. 160, Article IX, section B, par. 8a(1)(a) (permitted uses—B3C).

P. 162, Article IX, section B, par. 8b (conditional uses—B3C).

PP. 165–166, Article IX, section B, par. 9a(1)(d) (permitted uses—B4).

P. 167, Article IX, section B, par. 9b(4) (conditional uses—B4).

PP. 171–172, Article IX, section B, par. 10a(1)(b) (permitted uses—B4S).

P. 172, Article IX, section B, par. 10a(2)-(b) (permitted uses—B4S).

P. 172, Article IX, section B, par. 10a(2)(h) (permitted uses—B4S).

P. 172, Article IX, section B, par. 10b (conditional uses—B4S).

P. 174, Article IX, section B, par. 11a(1)(a) (permitted uses—B4C).

P. 174, Article IX, section B, par. 11a(2)(a) (permitted uses—B4C).

P. 174, Article IX, section B, par. 11a(2)(b) (permitted uses—B4C).

P. 174, Article IX, section B, par. 11b (conditional uses—B4C).

P. 175, Article IX, section B, par. 12a(3) (permitted uses—B4SP).

P. 177, Article IX, section A, par. 3a(1) & (2) (performance standards—Noise) (Manufacturing Districts).

P. 186, Article X, section B, par. 1a(2)(a) (permitted uses—M1).

P. 138, Article X, section B, par. 1c(1) (performance standards—Noise—M1).

P. 196, Article X, section B, par. 2a(2)(a) (permitted uses—M2).

P. 197, Article X, section B, par. 2c(1) (performance standards—Noise—M2).

PP. 199–200, Article X, section B, par. 3a(2)(a) (permitted use—M3).

P. 200, Article X, section B, par. 3c(1) (performance standards—Noise—M3).

Zoning Ordinances

Petty offenses: 875. Noise

875.010. Unnecessary noise or odor.—No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise or odor disturbing to others, unless the same be reasonably necessary to the preservation of life, health, safety or property.

875.020. Automobile horns.—No person shall sound the horn, siren or other signal or warning device attached to a motor vehicle in a public place between the hours of 11:00 p.m. and 7:00 a.m. This section shall not apply to police, fire or public or private ambulance motor vehicles; and shall not be construed to prevent or prohibit the use or sounding of any such horn, siren, signal or warning device as a danger or warning signal when such use or sounding is necessary in the careful and proper operation of any motor vehicle on the public highways, having due regard to traffic, the condition of the highway, and the safety of persons or property, nor when such use or sounding is required by law or ordinance.

875.030. Sound amplifying equipment.—No person shall use or maintain any sound amplifying equipment when the use or maintenance of such equipment creates noises so loud and unnatural in their time, place, use or maintenance as to annoy, injure or endanger the safety, health, comfort or repose of any persons.

875.040. Advertising by Public Address Systems.—No person shall maintain and operate in any building a radio device or musical instrument where the sound therefrom is cast directly upon a public street and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public. Nothing herein contained shall prohibit the playing of records in a record shop where the sounds created, emitted or transmitted therefrom are not audible for a distance of more than 25 feet from the building in which the record shop is located.

875.050. Zones of Quiet.—No person in any Zone of Quiet shall make any unnecessary noise by fast driving, riding, ringing of bells, blowing of horns or whistles, or by cutting out the muffler of any motor vehicle, or in any other way tending to disturb the peace and quiet in said zone. The City Engineer shall erect suitable signs to identify said zones. University Avenue Southeast from 11th to 18th Avenues is a Zone of Quiet.

870.060. Breach of the Peace. No person, in any public or private place, shall engage in, or prepare, attempt, offer or threaten to engage in, or assist or conspire with another to engage in, or congregate because of, any riot, fight, brawl, tumultuous conduct, act of violence, or any other conduct which disturbs the peace and quiet of another save for participating in a recognized athletic contest.

Criminal Code

609.74 Public nuisance.—Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100:

(1) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or

(2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(3) Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

609.745 Permitting public nuisance.—Whoever permits real property under his control to be used to maintain a public nuisance or lets the same knowing it will be so used may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100.

[*1963 c 753 art 1 s 609.745*]

State Statute

561.01 Nuisance; action.—Anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

[*R.L.s 4446*] (*9580*)

Licensing of various activities:
375. Juke boxes

375.010. Definitions.—As used in this Chapter, the following terms shall mean:

(1) Musical juke box.—A machine which plays music upon the insertion of a coin or slug.

(2) Movie musical juke box.—A machine which, upon the insertion of a coin or slug, shows movies and plays music at the same time.

(3) Telephonic musical box.—Any device or instrument directly or indirectly connected to the public telephone system, and which, upon insertion of a coin or slug, emits music in places open to or frequented by the public.

375.020. License required.—No person shall maintain or operate any musical juke box, movie musical juke box, or telephonic musical box without being licensed under this Chapter.

375.060. Noise restricted.—No person shall operate a juke box or movie musical juke box in such manner that the sound created, emitted or transmitted is audible for a distance of more than 25 feet from the building in which it is located.

356. Broadcasting vehicles

356.010. Defintion.—A "broadcasting vehicle," as the term is used in this Chapter, is any vehicle, motor drawn or otherwise, which has attached to it any device for amplifying and broadcasting through one or more loud speakers speech or music, whether produced from records or radio reception or vocally through a microphone, and which projects sound from such vehicle with a total speaker volume of more than one watt.

356.020. License required.—No person shall park or operate any broadcasting vehicle without being licensed under this Chapter.

356.080. Limits on sound.—Such broadcasting vehicles shall make no louder broadcast or sound than is produced by speakers with a total output of not more than 20 watts. When approaching any zone on any street in the vicinity of any hospital or other institution in which sick persons are treated or cared for where there is displayed a sign containing the words "Hospital—Quiet" or at schools when in session, or at funeral parlors during funeral services, such sound or broadcasting shall immediately cease and not commence to operate until arriving at a sufficient distance so as to avoid disturbing any persons within said areas.

356.090. Vehicles not to stop.—No broadcasting vehicle shall stop at any place upon the streets or alleys of the City unless as a result of necessary traffic delays, except that vehicles operated for the sole purpose of presenting a program of a charitable, educational or religious nature, and not otherwise, may make stops at not less than one-half mile apart and not to exceed 10 minutes' duration, for the purpose of broadcasting; provided, that no stops shall be made upon any street or alley in that portion of the City bounded by Washington Avenue, 10th Street, 3rd Avenue North and 5th Avenue South.

356.100. Solicitation of funds prohibited.—No solicitation of funds shall be made by any person connected with the operation of such vehicle.

356.110. Night or Sunday use prohibited.—No broadcasting vehicle shall be operated while broadcasting between the hours of 9:00 p.m. and 8:00 a.m., nor on Sunday.

Newark, New Jersey

City Ordinance

Chapter 3: Noise.

17:3-1. Loud or unnecessary noise prohibited.—(a) The creation of any unreasonably loud, disturbing or unnecessary noise in the city is hereby prohibited.

(b) Any noise of such character, intensity or duration as is detrimental to the life or health of any individual is prohibited. [R. O. 1951, § 19.1]

17:3-2. Prohibited acts.—The following acts, among others but not by way of limitation, are declared to be loud, disturbing or unnecessary noises in violation of this chapter, but the following enumeration shall not be deemed exclusive:

(a) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle:

(1) while not in motion, except as a danger signal that another vehicle is approaching apparently out of control; or

(2) if in motion, only as a danger signal or where the motor vehicle statutes of New Jersey requires the sounding of such horn or signal device.

Wherever the sounding of any horn or signal device is permitted or required by clause "(1)" and "(2)" of this subparagraph "(a)", such sounding shall be of no louder or longer duration than is necessary.

(b) Radios, TVs, phonographs, etc. The playing or permitting the playing of any radio, television set, phonograph, musical instrument or machine or device for the production or reproducing of sound, in such a manner or with such volume as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence particularly between the hours of midnight and 8:00 a.m. This restriction shall not be applicable to any establishment licensed by the city wherein entertainment and amusements are allowed; provided however, such regulations as are already required for such licensed establishments shall remain in full force and effect.

(c) Animals and birds, etc. The keeping of any animal or bird which by causing frequent or long-continued noise disturbs the comfort and repose of any person in the vicinity.

(d) Defect in vehicle or noisy load. The use of any automobile, motorcycle, street car or other vehicle so out of repair or loaded in such a manner, as to create loud or unnecessary grating, grinding, rattling or other noise.

(e) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin a stop work or as a danger warning.

(f) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorcycle or motorboat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Compressed air device. The use of any mechanical device operated by compressed air, unless the noise created thereby is muffled and reduced as effectively as the same can be, having regard to the device so used.

(h) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 6:00 a.m. and 7:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety and then only with a permit from the director of the department of health and welfare.

(i) Schools, courts, churches, hospitals. The creation of any loud or excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital which unreasonably interferes with the workings of such institutions; provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(j) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.

(k) Hawkers, peddlers. The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(l) Noises to attract attention. The use of any drum, loudspeaker, bell or other instrument or device for the purpose of attracting, by creation of such noise, to any performance, show or sale or display of merchandise, except where the director of police has given permission for the use of same on a given occasion at a given place, which permission shall limit such uses to a period of not exceeding 48 hours.

(m) Loud-speakers, amplifiers. The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes in any area where the same is now or hereafter prohibited by the director, police, unless permitted by the said director, who shall regulate the same. The director of police shall not permit such use where the effect shall cause injury to the health of any person. Such director of police may require the registering of all persons to whom permission may be given and he shall also have the power to limit the number of such persons to whom such permission is given.

New Orleans, Louisiana

Section 5 of the City's Zoning Ordinance titled "Exceptions and Modifications to Use Regulations."

Power plants, heating or refrigerating plants or apparatus or machinery not a part of the main building, which are accessory to permitted uses in the A-Single Family District, B-Two Family District, C-Four Family District, D-Multiple Family District, M-1 and M-2 Medical Service Districts and in the H-1 Vieux Carre Residential District, shall be permitted in the buildable area or required rear yards of the above-named districts only if so placed and operated as to cause the least inconvenience to owners or tenants of adjoining lots and buildings; and provided that all of the above-mentioned activities comply with existing city ordinances and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes or gases, dust, smoke, *noise or vibration*, light or glare, or other nuisances.

Article 5103 of the New Orleans Building Code—"Nuisance Defined."

The emission of dense smoke, soot, cinders, flyash, dust, sawdust, cement ash, hulls and obnoxious odors from any railroad engine, steamboat, steamship, tugboat, or any other self-propelled vessel, steam roller, steam derrick or hoist, steam pile driver, concrete mixer, kettle or other contrivance or machine, or from any plant, mill, building, apartment house or premises within the corporate limits of the City, shall be deemed to be committing a nuisance, which shall be summarily abated by the Director.

We have no definite regulations on the amount of noise which is considered obnoxious. Some thought has been given to using the decibel system. Complaints relative to noise are judged on the basis of abnormal to the general sound and the location to the usual noises of the area. The method used by us generally eliminates the nuisance. We have to use engineering methods and common sense.

Section 42-42. Noise.—Violent.[8]—No person shall make a violent noise. (Flynn's Digest 1896, art. 1360.)

Section 42-43. Same—Blowing whistles.—It shall be unlawful to blow steam whistles, other than those on steamboats actually navigating the river, between the hours of 9:00 P.M. and 6:30 P.M. But nothing herein shall be construed as applying to locomotives attached to steamtrains in motion or to cases covered by the state or United States statutes. (Flynn's Digest 1896, art. 1392.)

Section 42-44. Same—Drums, horns and trumpets.—It shall not be lawful for any person to beat a drum, blow a horn or sound a trumpet in any street or public place within the limits of the city. But this provision shall not apply to any militia or other procession or to those cases in which auctioneers are permitted to beat drums. (Flynn's Digest 1896, art. 1355.)

Section 42-45. Same—Organ grinders.—Organ grinders shall not pursue their vocation on the public streets or sidewalks before 9:00 A.M. or after 10:00 P.M. (Flynn's Digest 1896, art. 1371.)

For prohibition against peddlers annoying neighborhood, see § 45-4 of this Code.

Section 38-161. Duty of Motor Vehicle Inspection Bureau and Director of Finance.—(c) 15. Exhaust System: Every motor vehicle shall at all times be equipped with a muffler or mufflers in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle, or modify the exhaust system in any way so as to create any unusual hazard on a street or highway.

New York, New York

City Code, Chapter 18, Sec 435-5.0 & 435-6.0

§ 435-5.0 Unnecessary noises prohibited.—a. Subject to the provisions of this section, the creation of any unreasonable loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

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[8] For state law on this subject, see R.S., § 14:103.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but any enumeration herein shall not be deemed to be exclusive:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control, or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of any such device for an unnecessary and unreasonable period of time.

2. The operation of any radio, phonograph or use of any musical instrument in such a manner or with such volume, particularly between eleven post meridian and seven ante meridian, as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

3. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.

4. The use of any automobile, motorcycle, street car or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

5. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

6. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

7. The erection, including excavating, demolition, alteration or repair of any building other than between seven ante meridian and six post meridian on weekdays; except in case of urgent necessity in the interest of public safety and then only with a permit from the commissioner of buildings, which permit may be renewed for a period of three days or less while the emergency continues. (Subd. b, par. 7, amended by L. 1963, ch. 100, § 396.)

8. The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

9. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

10. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

11. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise by the creation of noise.

12. (Repealed by L. L. 1948, No. 64, October 1.)

c. Violations. Any person who shall violate any of the provisions of this section shall be punished as follows: Upon conviction for the first offense, by a fine of not less than five dollars and not more than ten dollars or by imprisonment for one day; upon conviction of every offense thereafter by a fine of not less than ten dollars and not more than twenty-five dollars, or by imprisonment for ten days, or both. (Subd. c as amended by L. L. 1942, No. 50, October 29; L. L. 1954, No. 2, March 12; L. L. 1954, No. 125, December 15.)

d. Exemptions.—This section shall not apply to the operation or use of any organ, radio, bell, chimes, or other instrument, apparatus or device by any church, synagogue or school. (Subd. d as added by L. L. 1941, No. 55, July 15.)

§ 435–6.0* Regulation of sound devices or apparatus.—a. Legislative declaration. It is hereby declared that the use or operation of any radio device or apparatus or any device or apparatus for the amplification of sounds from any radio, phonograph or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds, in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or upon any public street, park or place, where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying, flying over the city, or on a boat or on the waters within the jurisdiction of the city, or anywhere on or in the public streets, parks or places, is detrimental to the health, welfare and safety of the inhabitants of the city, in that such use or operation diverts the attention of pedestrians and vehicle operators in the public streets, parks and places, thus increasing traffic hazards and causing injury to life and limb. It is hereby further declared that such use or operation disturbs the public peace and comfort and the peaceful enjoyment by the people of their rights to use the public streets, parks and places for street, park and other public purposes and disturbs the peace, quiet and comfort of the neighboring inhabitants. Therefore, it is hereby declared as a matter of legislative determination that the prohibition of such use or operation for commercial or business advertising purposes and the proper regulation of such use and operation for all other purposes is essential to protect the health, welfare and safety of the inhabitants of the city, to secure the health, safety, comfort, convenience, and peaceful enjoyment by the people of their rights to use the public streets, parks and places for street, park and other public purposes and to secure the peace, quiet and comfort of the city's inhabitants. It is hereby further declared as a matter of legislative determination that the expense of supervising and regulating the use and operation of such sound devices and apparatus for purposes other than commercial and business advertising purposes should be borne by the persons using or operating such devices and apparatus and that the requirement of a nominal fee for the issuance of a permit for such use and operation as hereinafter prescribed is intended to defray the expenses of regulating such use or operation for the health, welfare and safety of all the people.

b. Definitions. As used in this section:

1. The term "sound device or apparatus" shall mean any radio device or apparatus, or any device or apparatus for the amplification of any sounds from any radio, phonograph, or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds;

2. The phrase "to use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place," shall mean to use or operate or cause to be used or operated any sound device or apparatus in front or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place, where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any other airplane or other device used for flying, flying over the city, or on a boat or on the waters within the jurisdiction of the city, or anywhere on the public streets, parks or places.

c. Use and operation of the sound devices and apparatus for commercial and business advertising purposes. It shall be unlawful for any person to use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place, for commercial and business advertising purpose.

d. Use and operation of sound devices and apparatus for other than commercial and business advertising purposes; permit required. It shall be unlawful for any person to use or operate any sound device or apparatus, in, on, near or adjacent to any public street, park or place, unless he shall have first obtained a permit to be issued by the commissioner in the manner hereinafter prescribed and unless he shall comply with the provisions of this section and the terms and conditions prescribed in such permit.

e. Applications.—Each applicant for a permit to use or operate a sound device or apparatus in, on, near or adjacent to any public street, park or place shall file a written application with the commissioner, at the police precinct covering the area in which such sound device or apparatus is to be used or operated, at least five days prior to the date upon which sound device or apparatus is to be used or operated. Such application shall describe the specific location in which such sound device or apparatus is proposed to be used or operated, the day and the hour or hours during which it is proposed to be used or operated, the volume of sound which is proposed to be used measured by decibels or any other efficient method of measuring sound, and such other pertinent information as the commissioner may deem necessary to enable him to carry out the provisions of this section.

f. Issuance of permit; terms.—The commissioner shall not deny a permit for any specific time, location or use, to any applicant who complies with the provisions of this section, except for one or more of the reasons specified in subdivision g hereof or for nonpayment of the fee prescribed in subdivision h hereof, or to prevent over-lapping in the granting of permits. Each permit issued pursuant to this section shall describe the specific location in which such sound device or apparatus may be used or operated thereunder, the exact period of time for which such apparatus or device may be operated in such location, the maximum volume of sound which may be employed in such use or operation and such other terms and conditions as may be necessary, for the purpose of securing the health, safety, comfort, convenience and peaceful enjoyment by the people of their right to use the public streets, parks or places for street, park or other public purposes, protecting the health, welfare and safety of the inhabitants of the city, and securing the peace, quiet and comfort of the neighboring inhabitants.

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* Section 3 of L. L. 1948, No. 64, reads as follows:

§ 3. Construction Clause.—If any part of this local law or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the local law and the persons and the circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the Council that this local law would have been adopted if such invalid section, provision, subdivision, sentence or part of the local law or application not been included.

g. Special restrictions.—The commissioner shall not issue any permit for the use of a sound device or apparatus:

1. In any location within five hundred feet of a school, courthouse or church, during the hours of school, court or worship, respectively, or within five hundred feet of any hospital or similar institution;

2. In any location where the commissioner, upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of such a device or apparatus will constitute a threat to the safety of pedestrians or vehicular operations;

3. In any location where the commissioner, upon investigation, shall determine that conditions of overcrowding or of street repair or other physical conditions are such that the use of a sound device or apparatus will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes, or will constitute a threat to the safety of pedestrians or vehicle operators;

4. In or on any vehicle or other device while it is in transit; or

5. Between the hours of ten p.m. and nine a.m.

h. Fees.—Each applicant for a permit issued under the provisions of this section shall pay a fee of five dollars for the use of each sound device or apparatus for each day, provided, however, that permits for the use of such sound devices or apparatus shall be issued to any bureau, commission, board or department of the United States government, the state of New York, and the city of New York, without fee.

i. The provisions of this section shall not apply to the use or operation of any sound device or apparatus by any church or synagogue on or within its own premises, in connection with the religious rites or ceremonies of such church or synagogue.

j. Violations—Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine of not more than twenty-five dollars or imprisonment for thirty days, or both.

k. Rules and regulations—The commissioner shall have the power to make such rules and regulations as may be necessary to carry out the provisions of this section.

(As amended by L. L. 1939, No. 172, November 20; as renumbered by L. L. 1942, No. 50, October 29; and as amended by L. L. 1948, No. 64, October 1.)

New York, New York

Building Code, Sub-Article 1208

Sub-article 1208.0 Noise control in mutiple dwellings

§ C26–1208.1. Requirements.—Interior walls, partitions, floor-ceiling constructions, and mechanical equipment in spaces or buildings of occupancy group J–2 shall be designed and constructed in accordance with the requirements of this article, to provide minimum protection for each dwelling unit from extraneous noises emanating from other dwelling units and from mechanical equipment. In addition, airborne sound from exterior mechanical equipment of buildings in any occupancy group shall conform to the requirements of this article.

(a) Field testing.—Where conditions indicate that the installed construction or equipment does not meet the noise control prescribed in this article, measurements shall be taken to determine conformance or nonconformance. For conformance with this article, the results of such measurements shall not fail by more than 2 db to meet the requirements in any octave band, or by more than two points to meet any STC or INR requirements.

(b) Materials or assemblies of materials utilized to meet noise control requirements shall comply wtih load bearing, fire protection or other applicable requirements of this code for walls, partitions and floor-ceiling constructions.

§ C26–1208.2 Acoustical isolation of dwelling units.—

(a) Airborne noise.—

(1) Walls, partitions, and floor-ceiling constructions separating dwelling units from each other or from public halls, corridors, or stairs shall have a minimum sound transmission class (STC) rating of 45 for airborne noise. This requirement shall not apply to dwelling unit entrance doors. However, such doors shall fit closely and not be undercut. For permits issued after January first nineteen-seventy-two, the S.T.C. required shall be 50 for airborne noise and dwelling unit entrance doors shall at that time, have a minimum S.T.C. of 35.

(2) STC ratings shall be obtained by tests conducted in accordance with the procedures of reference standard RS 12–2 except as provided in (3) below.

(3) The STC ratings of construction assemblies as listed in reference standard RS 12–2 may be used to determine conformance with the requirements of (1) above and with any other section that requires a specific STC rating.

(4) Penetrations or openings in walls partitions, or floors for pipe sleeves, medicine cabinets, hampers, electric devices, or similar items shall be packed, sealed, lined, backplastered, or otherwise isolated by sufficient mass to maintain the required STC ratings.

(5) Where grilles, registers, or diffusers in one dwelling unit are connected by ductwork with grilles, registers, or diffusers in another dwelling unit, and where such connecting duct is less than 7 ft. long, it shall be lined with duct lining; otherwise, an approved sound attenuating device shall be installed therein. Duct lining shall conform to the requirements of article 13.

(b) Structure-borne noise.—

(1) Floor-ceiling constructions separating dwelling units from each other or from public halls or corridors shall have a minimum impact noise rating (INR) of 0.

(2) Such INR shall be obtained by tests conducted in accordance with the procedure of reference standards RS 12–3 except as provided in (3) below.

(3) The INR of a floor-ceiling constructions listed in reference standard RS 12–3 shall be used to determine conformance with the requirements of (1) above and with any other paragraph that requires a specific INR. Constructions shall be designed and installed to avoid short circuiting the isolation devices that are incorporated into the constructions.

§ C26–1208.3 Noise control of mechanical equipment.—

(a) Minimum airborne noise insulation requirements.—

(1) Boiler rooms.—Boiler rooms adjoining dwelling spaces, either vertically or horizontally, shall be separated therefrom by floor-ceiling or partition constructions having a minimum STC rating of 50.

(2) Mechanical equipment spaces.—Spaces or shafts containing air conditioning, refrigeration, or ventilating equipment, elevator machinery, or other mechanical equipment shall be separated both vertically and horizontally from dwelling units by constructions that will provide a minimum STC rating of 50. Spaces or shafts containing equipment totaling more than 75 rated h.p. shall not be located vertically or horizontally adjacent to dwelling units unless the total sound power level output of all the equipment in the space or shaft is certified not to exceed the maximum soundpower levels of table 12–3 in any octave band. Such sound power level ratings shall be obtained by test conducted in accordance with the procedures of reference standard RS 12–5.

a. Ventilating openings into mechanical equipment spaces.—Ventilating openings into boiler rooms and other mechanical equipment spaces shall not be located in yards or courts where there are windows opening from living quarters, unless such ventilating openings are provided with sound attenuating devices if needed to limit noise transmission to NC–40 (noise criterion) levels in the exposed dwelling units. For permits issued after January first, nineteen seventy-two, the permissible noise levels shall not exceed NC–35.

b. Noise criteria requirements.—Noise criteria requirements prescribed in this article shall be in accordance with reference standard RS 12–4.

TABLE 12–3.—MAXIMUM SOUND POWER LEVELS PERMITTED IN MECHANICAL SPACES OR SHAFTS ADJOINING DWELLING SPACES

Octave bands, c.p.s., midfrequency	Maximum sound power level db [a] db re 10^{-13} watts	 db re 10^{-12} watts
63	101	91
125	101	91
250	103	93
500	105	95
1000	102	92
2000	101	91
4000	98	88
8000	96	86

a. The maximum sound power levels shall be reduced 5 db in any octave band where the equipment data indicate pure tone generation. The presence of pure tones may be determined by means of ⅓ octave band analysis. The criterion for a significant pure-tone component shall be an audible pure-tone sound together with an increase of the sound pressure level in the corresponding ⅓ octave band above the mean of the 2 adjacent ⅓ of at least:

b. For permits issued after Jan. 1, 1972, the maximum sound power levels shall be changed as follows:

Octave band, c.p.s., midfrequency	dB re 10^{-13} watt	dB re 10^{-12} watt
63	98	88
125	97	87
250	100	90
1000	97	87
2000	96	86
4000	93	83
8000	91	81

Center frequency of ⅓ octave band	40–125	160–250	215–500	630–1,000	1,000–10,000
Increase in sound pressure level (db)	6	4	3	2	1½

(3) Ductwork.—Ducts serving dwelling units shall be lined with duct lining for at least 20 ft. from the fan discharge or intake; otherwise, an approved sound attenuating device shall be installed therein. All toilet exhaust ducts shall be lined with duct lining for at least 20 ft. upstream of the exhaust fan intake, otherwise, an approved sound attenuating device shall be installed therein. Duct lining shall conform to the requirements of article 13.

(4) Exterior mechanical equipment.—Mechanical equipment in a building in any occupancy group, when located outside of the building in a yard or court or on a roof, or where the equipment opens to the exterior of the building, shall be subject to the noise output limitations given in table 12–4 where one or more windows of a dwelling unit in any building in occupancy groups J–1, J–2, or J–3 is located within a sphere of 100 ft. radius whose center is any part of the equipment or its housing, unless it can be shown that the sound pressure levels, in octave bands, of the exterior mechanical equipment as measured within the dwelling unit do not exceed the levels given in table 12–5.

TABLE 12-4.—MAXIMUM SOUND POWER LEVELS PERMITTED FOR EXTERIOR MECHANICAL EQUIPMENT ADJOINING BUILDINGS

Minimum distance from equipment to exterior window (ft.)[2]	Maximum sound power levels in octave bands-db re 10^{-13} watts[1]							
	Octave bands c.p.s. mid frequency							
	63	125	250	500	1,000	2,000	4,000	8,000
12	99	92	88	84	82	82	82	82
25	103	96	92	88	86	86	86	86
50	107	100	96	92	90	90	90	90
100	110	103	99	95	93	93	93	93

Minimum distance from equipment to exterior window (ft.)[2]	Maximum sound power levels in octave bands-db re 10^{-13} watts[1]							
	Octave bands-db re 10^{-12} watts							
	63	125	250	500	1,000	2,000	4,000	8,000
12	89	82	78	74	72	72	72	72
25	93	86	82	78	76	76	76	76
50	97	90	86	82	80	80	80	80
100	100	93	89	85	83	83	83	83

[1] For permits issued after Jan. 1, 1972, the permitted maximum sound power levels for exterior mechanical equipment adjoining buildings shall be changed as follows:

Feet	Octave bands—dB re 10^{-13} watt							
12	97	90	83	78	75	73	72	71
25	104	96	89	84	81	79	78	77
50	110	102	95	90	87	85	84	83
100	116	108	101	96	93	91	90	89
	Octave bands—dB re 10^{-12} watt							
12	87	80	73	68	65	63	62	61
25	94	86	79	74	71	69	68	67
50	100	92	85	80	77	75	74	73
100	106	98	91	86	83	81	80	79

[2] The minimum distance shall be measured in a straight line regardless of obstructions. Interpolated levels may be used for distances between those given in this table. See note a. at end of table 12-3.

(1) In the event sound power level data for the exterior mechanical equipment is not available, the sound pressure levels in octave bands, of the exterior mechanical equipment shall be measured.

(2) The measurements shall be obtained with the microphone of the measuring equipment located at the interior of the dwelling unit affected in a line with the window nearest the exterior mechanical equipment. The window shall be fully open and the microphone shall be located 3 ft. away from the open portion of the window.

(3) Measurements shall be obtained during times when the ambient sound pressure levels, in octave bands, are at least 6 db lower at all octave bands than the sound pressure levels measured with the exterior equipment operating. By ambient sound pressure levels is meant the measured sound pressure levels, at the above described measuring location, with the exterior equipment not in operation.

TABLE 12-5.—NOISE OUTPUT LIMITATIONS FOR EXTERIOR MECHANICAL EQUIPMENT MAXIMUM SOUND PRESSURE LEVEL[1] [2]

[Not to be exceeded in any octave bands]

Octave bands, center-frequency (c.p.s.)	Decibels re 0.0002 microbar
63	64
125	57
250	51
500	45
1000	41
2000	39
4000	38
8000	37

[1] Measurements shall be obtained with a sound level meter and octave band analyzer, calibrated both electronically and acoustically before and after the measurements are made. The equipment used shall meet the requirements of reference standards RS 12-6.

[2] For permits issued after Jan. 1, 1972, the maximum sound pressure levels shall be changed as follows:

Octave bands center frequencies (c.p.s.)	Decibels re 0.0002 microbar
63	61
125	53
250	46
500	40
1000	36
2000	34
4000	33
8000	32

(b) Minimum structure-borne noise and vibration isolation requirements.—All isolators used in accordance with the following requirements shall be approved.

(1) Boiler rooms.—

(a) Boilers.—All boilers supported on floors above a story having dwelling units shall be supported on resilient isolators having a minimum static deflection of 1 in. The isolators shall be installed directly under the structural frame of the boiler.

b. Boiler breeching and piping.—When boilers are equipped with mechanical draft fans, the boiler breeching and piping that is supported from or on slabs, floors, or walls that are contiguous to dwelling unit shall be supported for a distance of 50 pipe diameters on or from resilient isolators. Each isolator shall have a minimum static deflection of 1 in.

(2) Incinerator charging chutes.—

a. Metal chutes.—Metal chutes, metal chute supports, and/or metal chute bracing, shall be free of direct contact with the shaft enclosure and the openings provided in the floor construction. Metal chutes shall be resiliently supported at each structural support location. Isolators shall provide a minimum static deflection of 0.30 in. All chutes shall be plumb.

b. Masonry chutes.—The interior chute wall shall be plumb and without obstructions for the full height of the shaft and shall have a smooth interior finish.

(3) Piping.—

a. Metal piping connected to power driven equipment shall be resiliently supported from or on the building structure for a distance of 50 pipe diameters from the power driven equipment. The resilient isolators shall have a minimum static deflection of 1 in. for all piping with a 4 in. or larger actual outside diameter and ½ in. for piping with less than a 4 in. in actual outside diameter. Piping connected to fluid pressure-reducing valves, shall be resiliently isolated for a distance of 50 pipe diameters from pressure reducing valves and isolators shall provide a minimum static deflection of ½ in.

b. Equipment such as heat exchangers, absorption refrigeration machines, etc., that is located on any floor or roof other than a floor on grade, and that is not power driven but is connected by metal piping to power driven equipment, shall be resiliently supported from or on the building structure, for a distance of 50 pipe diameters from the power driven equipment. The resilient supports shall be vibration isolators having a minimum static reflection of 1 in. and shall incorporate approved resilient pads having a minimum thickness of ¼ in.

(4) Fans.—All fan equipment located on any roof or floor other than a floor on grade shall be mounted on or from vibration isolators. Fan equipment with motor drives separated from the fan equipment shall be supported on an isolated integral rigid structural base supporting both the fan and motor. Fan equipment with motor drives supported from the fan equipment shall be mounted directly on vibration isolators. Each isolator shall have provision for leveling. Isolators shall incorporate resilient pads having a minimum thickness of ¼ in. The vibration isolators shall provide a minimum isolator efficiency of 90 per cent of fan rotor rpm with a maximum deflection of 2 in. Fans and compressors of 3 h.p. or less assembled in unitary containers may meet this requirement with isolators internal to the container providing the isolators meet the above minimum isolator efficiencies.

(5) Pumps.—All pumps of 3 h. p. or more located on any floor other than a floor on grade shall be supported on vibration isolators having a minimum isolation efficiency of 85 per cent at the lowest disturbing frequency. Each insolator shall incorporate a leveling device and a resilient pad having a minimum thickness of ¼ in.

(6) Compressors.—Compressors and drives located on a floor other than a floor on grade shall be mounted on vibration isolators having a minimum isolation efficiency of 85 per cent at the lowest disturbing frequency. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of ¼ in.

(7) Cooling towers.—All moving parts of cooling towers located on a roof or floor other than a floor on grade shall be installed on vibration isolators providing a minimum isolation efficiency of 85 per cent at fan rotor rpm with a maximum static deflection of 4 in. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of ¼ in.

(8) Evaporative condensers.—Evaporative and air cooled condensers located on a roof or floor other than a floor on grade shall be mounted on vibration isolators providing a minimum isolation efficiency of 85 per cent at fan rotor rpm with a maximum static deflection of 4 in. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of ¼ in.

(9) Duct connections to fan equipment.—Flexible connections shall be installed between fan equipment and connecting ductwork.

(10) Elevator machinery.—Gear-driven machinery, gearless machinery, motor generators, and controllers located in an elevator machinery room or shaft on a roof, or on a floor other than a floor on grade, shall be supported on vibration isolator pads having a minimum thickness of ½ in.

(c) Maximum permissible air velocities in ducts.—

(1) Ducts located over ceilings of dwelling spaces.—The maximum permissible air velocity in ductwork located over the ceilings of dwelling spaces or in masonry shafts adjoining dwelling spaces shall not exceed the velocities prescribed in table 12-6.

TABLE 12-6.—MAXIMUM PERMISSIBLE AIR VELOCITIES IN DUCTS

Type of system	Branch ducts	Submain ducts	Main ducts
Low velocity (f.p.m.)	750	1,000	1,500
High velocity	1,000	2,000	3,000

In the application of table 12-6 the following shall apply:

a. Any duct that connects directly to any terminal device (grille, diffuser, etc.) shall be classified as a branch duct for a distance of at least 4 ft. from the terminal device.

b. Any duct that connects a branch duct to a main duct or to the fan shall be classified as a sub-main duct. No duct may be classified as a submain duct if it connects to a terminal device by means of a connector less than 4 ft. in length.

c. When a duct is connected to the fan and two or more sub-main ducts it shall be classified as a main duct.

d. The maximum velocities shown in table 12-6 for low velocity ductwork shall apply in all cases except where a system of round ductwork is used and an acoustic air control device with self-contained attenuation components is located in the duct work prior to each air terminal device. Branch ducts, if any, connecting the acoustic air control devices to the terminals shall not have air velocities exceeding 750 fpm. Maximum power level ratings for the acoustic air control devices shall be 3 db less than the values shown in table 12-7.

(d) Maximum permissible sound power levels of fan coil units, grilles, registers, diffusers and induction units.—Sound power level data, in octave bands, shall be certified in accordance with the provisions of section C26-106.2, for grilles, registers, diffusers and induction units at design operating conditions and for coil units when operating at specified cfm. The sound power levels shall not exceed the levels listed in table 12-7 with measured in accordance with the provisions of reference standard RS 12-5.

TABLE 12-7.—MAXIMUM PERMISSIBLE SOUND POWER LEVELS FOR TERMINAL UNITS[1]

Octave bands, c.p.s. midfrequency	Sound power levels, db	
	db re 10^{-13}	db re 10^{-12} watts
63	79	69
125	73	63
250	67	57
500	62	52
1,000	59	49
2,000	57	47
4,000	54	44
8,000	53	43

[1] For permits issued after Jan. 1, 1972, the maximum permissible sound power level for terminal units shall be changed as follows:

Octave bands c.p.s. midfrequencies	Sound power levels	
	db re 10^{-13} watts	db re 10^{-12} watts
63	76	66
125	69	59
250	62	52
500	57	47
1,000	54	44
2,000	52	42
4,000	49	39
8,000	48	38

LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 1968

A LOCAL LAW

To amend the New York city charter in relation to the consolidation of certain agencies into an *environmental protection administration*, prescribing the functions, powers and duties of such administration and repealing certain portions of the charter

Be it enacted by the Council as follows:

Section 1. The New York city charter is hereby amended by adding a new chapter, to be chapter fifty-seven to read as follows:

Chapter 57

Environmental Protection Administration

§ 1400. Administration; administrator. There shall be an environmental protection administration, the head of which shall be the administrator of environmental protection.

§ 1401. Officials of the administration. The mayor may appoint such number of deputy administrators and commissioners in the environmental protection administration, within the appropriation of that administration, as are authorized by this charter or in accordance with the provisions of this section. The administrator may appoint such number of deputy commissioners, assistant administrators and other officers of the administration who are in the exempt class of the civil service as are within the appropriation for that administration and are authorized by this charter or in accordance with the provisions of this section. However, the total number of deputy administrators, assistant administrators, commissioners, and deputy commissioners shall not exceed nineteen. In order to authorize any office specified within this section, the mayor shall send a message to the council specifying that office and include therein its title, purpose, functions, powers, duties and the qualifications, if any, required to hold such office. The order shall become effective and the office shall be authorized on the sixtieth day after introduction unless the authorization of such office be specifically disapproved by the council within such time. Any office which has been authorized pursuant to the provisions of this section may be abolished by the same procedure under which it was authorized or by local law.

§ 1402. Powers and duties of the administrator. The administrator shall have the power to exercise or delegate any of the functions, powers and duties vested in him or in the administration by this chapter or otherwise. In the performance of his functions, the administrator shall have, in addition to such others as may be conferred upon him from time to time by law, the power and duty:

1. to analyze the needs of the city with respect to the matters subject to the jurisdiction of the administration, prepare intermediate and long range programs designed to meet such needs, and establish priorities among them;

2. to prepare and transmit the budget estimates of the administration as prescribed by law;

3. to supervise the execution and management of all programs, activities and expenditures of the administration; and

4. to the extent to which the organization of the administration is not prescribed by law, and in accordance wih such standards and policies as may be established by the mayor, to organize the administration into departments, divisions, bureaus, boards or offices and make assignments of powers and duties among them and from time to time change such organization or assignments.

§ 1403. Functions of the administration. Except as otherwise provided by law, the administration shall perform all those functions and operations performed by the city of New York which relate to the cleanliness of the streets, the disposal of wastes, the provision of a pure, wholesome and adequate supply of water and the prevention of air and water pollution and of noise disturbance, including, without limitation, the following:

1. *Sanitation.* (a) With respect to sanitation, the administration shall have the following functions:

(1) the sweeping, cleaning, sprinkling, flushing, washing and sanding of the streets;

(2) the removal and disposition of ashes, street sweepings, garbage, refuse, rubbish and waste;

(3) the removal of ice and snow from the streets;

(4) the removal of incumbrances from streets and the storage or disposal of such incumbrances in accordance with regulations adopted by the board of estimate, except that such board may provide by regulation that the removal and storage of household effects or other chattels shall be a responsibility of the general services administration;

(5) the operation, maintenance and use of incinerators or other plants or equipment for the destruction or disposition of ashes, street sweepings, garbage, refuse, rubbish and waste.

(b) The administration may adopt regulations specifying the kind of ashes, garbage, refuse, rubbish or other material or substance that will be collected by the city, from whom it will be taken, the manner in which it shall be arranged or sorted, the time when it will be collected and the place at which it shall be deposited for collection, and may prescribe civil penalties for a violation thereof. Every such regulation shall be filed with the city clerk, shall be published in the City Record and shall not take effect until so filed and published.

(c) Such regulations shall be enforced by order of the administration. Such order shall be addressed to the owner or owners, lessees or occupants of the building, structure, enclosure, vessel, place or premises affected thereby; but it shall not be necessary to designate such owner or owners, lessees or occupants by name in such order, but the premises shall be designated in the address so that the same may readily identified. Service of any such order may be made by delivery of a copy thereof to the owner or any one of several owners, to a lessee or any one of several lessees, or to any person shall cease to record the flow of water or where a meter shall have been removed, and charge of the premises, then by affixing a copy of such order prominently upon the premises. If such order be not complied with within the time specified therein, the administration shall prosecute the person or corporation liable therefor for the penalty prescribed by the regulation violated in furtherance of which such order shall have been issued and served.

(d) The administration may adopt regulations controlling the use of sidewalks and gutters by abutting owners and occupants for the disposition of sweepings, garbage, refuse or rubbish, and may provide that the violation thereof shall be punishable by civil penalty, fine or imprisonment. Such regulations shall be submitted to the council and when approved by it shall be published and enforced in like manner as local laws.

(e) When used in this subdivision one "street" includes street, avenue, road, alley, lane, highway, parkway, boulevard, concourse, driveway, culvert and crosswalk, and every class of public road, square and place, except a wharf, pier, bulkhead or slip by law committed to the cutsody and control of any other agency or department.

2. Air pollution control. The administration, subject to the provisions of this chapter, shall have jurisdiction to regulate and control the emission into the open air of harmful or objectionable substances, including but not limited to smoke, soot, fly ash, dust, fumes, gas, vapors, odors and any products of combustion or incomplete combustion resulted from the use of fuel burning equipment or from the heating of fuels or refuse. It shall enforce all laws, rules and regulations with respect to such emissions. It shall make such investigations and studies as may be desirable for the purpose of such enforcement and of controlling and eliminating air pollution, and for such purpose shall have power to compel the attendance of witnesses and to take their testimony under oath.

3. Noise abatement. The administration shall have jurisdiction to enforce all laws, rules and regulations to eliminate noise disturbances. It shall make such investigations and studies as may be desirable to develop permissible sound levels, and to correct problems related to noise control, and, for such purposes shall have power to compel the attendance of witnesses and to take their testimony under oath.

4. Water resources. With respect to water resources, the administration shall have the following functions:

(a) to have charge and control:

(1) of all structures and property connected with the supply and distribution of water for public use not owned by private corporations, including all fire and drinking hydrants and all water meters;

(2) of furnishing the water supply and maintaining its quality, and of the investiga-

tion for and the construction of all works necessary to deliver the proper and required quantity of water with ample reserve for contingencies and future demands;

(3) of making and enforcing rules and regulations governing and restricting the use and supply of water; and

(4) of making rules and regulations, subject to the approval of the board of estimate, fixing uniform annual charges and extra and miscellaneous charges for the supply of water, meter rates and minimum charges for the supply of water by meter, annual service charges and charges for meters and their connections and for their setting, repair and maintenance and charges for water where a meter shall fail to register correctly or shall cease to record the flow of water or where a meter shall have been removed, and in cases in which no fines are fixed by provision of law, of fixing and collecting fines for violations of rules and regulations; but no fines shall be imposed against any property unless notice by mail addressed to the owner at the property, or if his name be unknown, then to the "owner or occupant" thereof and a hearing be given.

(b) to examine into the sources of water supply of any private companies supplying the city or any portion thereof or its inhabitants with water, to see that the same is wholesome and the supply is adequate, to establish such rules and regulations in respect thereof as are reasonable and necessary for the convenience of the public, and to exercise superintendence, regulation and control in respect to the supply of water by such water companies;

(c) except as otherwise provided by law and subject to the provisions of this chapter, to regulate and control emissions into the water within and about the city of New York of harmful or objectionable substances, contaminants and pollutants; enforce all laws, rules and regulations with respect to such emissions; make such investigations and studies as may be desirable for the purpose of such enforcement and of controlling and eliminating pollution of such waters, and for such purpose to have the power to compel the attendance of witnesses and to take their testimony under oath.

5. **Sewers:** (a) The administration shall have charge and control over the location construction, alteration, repair, maintenance and operation of all sewers including intercepting sewers and sewage disposal plants, and of all matters in the several boroughs relating to public sewers and drainage, and shall initiate and make all plans for drainage and shall have charge of all public and private sewers in accordance with such plans; and shall have charge of the management, care and maintenance of the sewer and drainage systems therein; and of the licensing of all cisterns and cesspools;

(b) The administrator may adopt regulations requiring the discharge of sewage, refuse, factory waste and trade waste into the public sewers of the city, or regulating, restricting or prohibiting the use of public sewers for the discharge therein of any materials or substance, and may prescribe civil penalties for violation thereof. Every regulation adopted pursuant to this section shall be filed with the city clerk, shall be published in THE CITY RECORD and shall not take effect until so filed and published.

§ 1404. Environmental control board. 1. There shall be in the administration an environmental control board consisting of the administrator, who shall be chairman, the commissioner in the administration who is responsible for air pollution control, the commissioner in the administration who is responsible for water pollution control, and two persons who are not officers in the administration at least one to be possessed of a broad general background and experience in each of the fields of air pollution control and water pollution control. These two members shall be appointed by the mayor for four-year terms except the first of such persons taking office shall be appointed for a two-year term. The members of the board shall serve without compensation.

2. The environmental control board, in addition to such other duties as may be assigned to it by law, shall have jurisdiction to adopt and amend rules not inconsistent with any provision of law:

(a) regulating or prohibiting the emission into the open air from any source, whether fixed or movable, and whether on land or water of any harmful or objectionable substances, including, but not limited to, smoke, soot, fly ash, dust, fumes, gas vapors and odors, and the installation, construction or alteration of equipment giving forth such emissions into the open air insofar as such emissions are effected thereby; and

(b) regulating or prohibiting the emission into the waters within and about the city of New York from any source whether fixed or movable and whether on land or water of any harmful or objectionable substances, contaminants and pollutants.

Section 2. Chapters thirty-one, forty-one, sections 683(a)(4) and 687 of chapter twenty-eight, and sections 734(1) through (4) and 736 of chapter thirty are hereby repealed.

Section 3. Subdivision 1 of § 93 of the New York city charter is amended to read as follows:

1. He shall prescribe systems of accounting for city agencies whose revenues arising out of the use of facilities and services supplied by such agency constitute fifty per centum or more of the appropriation provided for the operation of such agency, which systems of accounting shall conform so far as practicable to standard public utility accounting practices. The comptroller shall publish in his annual report statistical data in regard to the financial operations of such city agencies.

Section 4. Any agency or officer to which are assigned by this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject-matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by this local law.

Section 5. Any agency provided for in this local law to which is assigned by this local law substantially all of the functions, powers and duties of one or more agencies heretofore existing shall be deemed to be a continuation of such agencies heretofore existing and shall exercise its powers and duties in continuation of their exercise by the agencies by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agencies by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such formerly existing agencies shall, so far as not inconsistent with the provisions of this local law, apply to such agency provided for by this local law.

Section 6. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule is assigned by this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such agency or officer may hereafter duly amend, supersede, or repeal such rule and regulation.

Section 7. All records, property and equipment whatsoever of any agency or part thereof all the functions, powers and duties of which are assigned to any other agency by this local law, shall be transferred and delivered to the agency to which such functions, powers and duties are so assigned. If part of the functions, powers and duties of any agency or part thereof is by this local law assigned to another agency, all records, property and equipment relating thereto shall be transferred and delivered to the agency to which such functions, powers and duties are so assigned.

Section 8. (a) No existing right or remedy of any character shall be lost or impaired or affected by reason of the adoption of this local law.

(b) Any license or permit in force on the effective date of this local law, and issued by an agency or officer whose power to issue such type of license or permit is assigned by this local law to some other agency or officer, shall continue in force according to its terms and the applicable law and shall then be renewable in accordance with applicable law by the agency or officer to which such power is assigned.

Section 9. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

Section 10. Whenever by any provision of this local law functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, all officers and employees in the classified municipal civil service who at the time when this local law shall take effect are engaged in the performance of such functions, powers or duties shall be transferred to the agency to which such functions, powers or duties are assigned by this local law, without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employees.

Section 11. Nothing in this local law contained shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or officers of any agency.

Section 12. If any provision of this local law shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, it is the purpose and intent of this local law that all other provisions hereof shall nevertheless be separate and fully effective and the application of any such provision to other persons or situations shall not be affected.

Section 13. This local law shall take effect on such date as the mayor shall provide by executive order, except that the provisions of § 1401 relating to authorization of offices in the administration shall take effect immediately.

Norfolk, Virginia

City codes and motor vehicle codes

City Code

(16) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughterhouses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

Sec. 6-10. Certain means of advertisement prohibited.—No bellman or crier, or drum or other instrument causing sound of any kind, or any show signal or other other means of attracting the attention of passers-by, except the usual auctioneer's flag, shall be employed, or be permitted to be used at or near any auction whatever. Any violation of this section shall be punished by a fine of fifty dollars for each offense. (Code 1950, § 6-11.)

Sec. 29-6. Hospital quiet zones.—There is hereby created and established a "zone of quiet" in all territory embraced within the distance of three hundred feet of every hospital, lying-in asylum, sanatorium and other institution for the treatment of sick persons in the city.

Upon application of any hospital in the city, approved by the director of public welfare, the director of public safety shall place, or cause to be placed, within such territory, on posts or on other conspicuous places, on each street on which such hospital or other institution may be situated or upon

Sec. 31-48. Noise generally.[1]—It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise in the city, and noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(a) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and, the sounding of such device for any unnecessary and unreasonable period of time.

(b) The playing of any television set, radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

(c) The keeping of any animal which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity to such an extent as shall constitute a nuisance.

(d) The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.

(e) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.[2]

(f) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.[3]

(g) The creation of any excessive noise on any street adjacent to any school, institution of learning or court, while the same is in session, or adjacent to any building used as a place of public worship, while being so used, or adjacent to any hospital, which unreasonably interferes with the workings of such school, institution or court or the services being conducted in such place of public worship, or which disturbs or unduly annoys patients in such hospitals.[4]

(h) The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(i) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(j) The use of any drum, loud-speaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.[5]

Any person who shall violate any of the provisions of this section shall, upon conviction for the first offense, be fined not less than five dollars nor more than twenty-five dollars; upon conviction of a second offense committed within one year from the commission of the first offense, be fined not less than ten dollars nor more than fifty dollars; and, upon conviction of a third or any subsequent offense committed within one year from the commission of the first offense, be fined not less than twenty-five dollars nor more than one hundred dollars.

When any violation of any of the provisions of this section is committed in the presence of any police officer while in the discharge of his duty, he shall take the name and address of the person violating the same and shall issue a summons or otherwise notify such person in writing to appear before the police judge or the judge of the juvenile and domestic relations court of the city having jurisdiction, at a time to be specified in such summons or notice, for a hearing on said alleged violation. Upon the serving of such summons or giving of such notice, the person charged with such violation shall give his written promise to appear at the time and place designated. Should any such person refuse to give such written promise, or having given the same, wilfully fail to appear pursuant thereto, such refusal or failure, as the case may be, shall constitute a violation of this section, which shall be in addition to the charges upon which such person was originally summoned or notified to appear. (Code 1950, § 29-43.)

Sec. 31-69. Sound trucks—Definitions.—For the purposes of this and the three following sections, the following words and phrases shall have the following meanings, respectively:

Sound truck. The words "sound truck", as used herein, shall mean any motor vehicle or horse-drawn vehicle having mounted therein, or attached thereto, any sound-amplifying equipment.

Sound-amplifying equipment. The words "sound-amplifying equipment", as used herein, shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound-amplifying equipment", as used herein, shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes. (Code 1950, § 29-66.)

Sec. 31-70. Same—Commercial advertising prohibited.—No person shall operate, or cause to be operated, any sound truck for commercial advertising purposes in the city with sound-amplifying equipment in operation. (Code 1950, § 29-67.)

Sec. 31-71. Same—Noncommercial use.—No person shall use, or cause to be used, a sound truck with its amplifying equipment in operation for noncommercial purposes in the city, except in accordance with and subject to the following regulations:

(a) The only sounds permitted are music or human speech.

(b) Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 A.M. and 1:30 P.M. and between the hours of 4:30 P.M. and 6:30 P.M.

(c) Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour, except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound-amplyfying equipment shall not be operated for longer than one minute at each such stop.

(d) Sound shall not be issued within one hundred yards of hospitals,[2] schools, churches or courthouses.

(e) No sound truck with its amplifying device in operation shall be operated within the limits of the following described area of the city: That certain area bounded on the north by the northern line of Brambleton Avenue, on the east by the eastern line of Church Street, on the south by the southern line of Water Street and on the west by the western line of Boush Street.

(f) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(g) The volume of sound shall be controlled so that it will not be audible for a distance in excess of fifty feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(h) No sound-amplifying equipment shall be operated in excess of fifteen watts of power in the last stage of amplification.

(i) Sound-amplifying equipment in operation on a sound truck shall be subject to inspection by a member of the police division at reasonable times. (Code 1950, § 29-68.)

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[1] For Charter provision as to power of city to prevent unnecessary noise, see Char., § 2, subsec. (16).

As to sound trucks, see §§ 31-69 to 31-72 of this Code.

[2] As to whistles and horns on locomotives, see § 38-3 of this Code.

[3] As to use of mufflers on highways, see § 29-777 of this Code. As to mufflers on motorboats, see § 54-9.

[4] As to hospital quiet zones, see § 29-6 of this Code. As to use of amplifying equipment within one hundred yards of hospital, see § 31-71, subsec. (d).

[5] As to advertising auctions, see § 6-10 of this Code.

[2] As to hospital quiet zones, see § 29-6 of this Code. As to creation of excessive noise in street adjacent to hospital, see § 31-48, subsec. (g).

Sec. 38–3. Whistles and horns on locomotives.—It shall be unlawful for any owner, lessee, operator or driver of any locomotive to sound or permit to be sounded within the corporate limits of the city, between the hours of 5:00 P.M. and 8:00 A.M., any whistle or horn attached to such locomotive, except in cases where the sounding of such whistle or horn on the locomotive becomes absolutely necessary for the protection of life or property, or to give appropriate and necessary signals.

Any violation of this section shall be punishable by a fine of not less than five dollars nor more than fifty dollars for each offense. (Code 1950, § 29–57; Ord. 18,139, 3–6–56, § 1.)

Sec. 54–67. Loud, etc., noises prohibited.—It shall be unlawful for any person, while aboard any motor boat, vessel, barge or any other water craft, whether under way, drifting, berthed or at anchor, to make or create any loud, disturbing or unreasonable noise of such character, intensity or duration as to be detrimental to the health or life of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person. (Ord. 23,824, 3–14–67, § 1.)

Sec. 54–68. Violations of article—Penalty.—Any person violating any provision of this article for which no specific penalty is provided shall, upon conviction thereof, be punished by a fine or not less than five dollars, nor more than fifty dollars, or by confinement in jail for not more than ten days, or by both such fine and confinement in jail, in the discretion of the jury or in the discretion of the judge trying the case without a jury. (Ord. 23,824, 3–14–67, § 1.)

Motor Vehicle Code

Any person who makes or causes to be made or permits to be made by any person, animal, vehicle or other object under his control, any unnecessary noise by fast driving or riding, ringing of bells, blowing of horns or whistles, open mufflers, or other device or instrument or in any other way, within such "zone of quiet," so as to disturb or tend to disturb the peace, comfort or quiet of any inmate of such hospital, upon conviction, shall be punished by a fine of not more than twenty-five dollars for each offense. (Code 1950, § 27–11.)

Sec. 29–777. Muffler in good working order required.—No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with a muffler or mufflers of a type installed as standard factory equipment or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. A muffler shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment muffler of private passenger motor vehicles or trucks of standard make. (Code 1950, § 27–156.)

Sec. 29–778. Muffler cutout, etc., illegal.—It shall be unlawful to sell or offer for sale a muffler without interior baffle plates or other effective muffling device, commonly called "gutted muffler," "muffler cutout" or "straight exhaust" or for any motor vehicle to be equipped with or for any person to use such a "gutted muffler," "muffler cutout" or "straight exhaust" while such motor vehicle is being operated upon a highway. (Code 1950, § 27–157.)

Oklahoma City, Okla.

City Ordinances

Emergency ordinance

Ordinance No. 11,298 Amending section 9.3.11 (i) of title 9, revised ordinances, 1960, of the city of Oklahoma City, as amended, prohibiting the use of noise making devices that disturb the peace or annoy the public for the purpose of attracting attention to any performance, show, sale or display of merchandise, and declaring an emergency.

Be it ordained by the council of the city of Oklahoma City:

Section 1. Section 9.3.11 (i) of title 9, revised ordinances, 1960, of the city of Oklahoma City, as amended, is hereby amended to read as follows:

9.3.11 (i). The use of any drum, loud speaker, instrument or device which produces sound of such volume or character as to disturb the public peace or annoy the public for the purpose of attracting attention to any performance, show or sale or display of merchandise offered for sale is hereby prohibited."

Section 2. (Emergency). Whereas, it being immediately necessary for the preservation of the peace, health and safety of the city of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

Introduced and adopted by the Council of the city of Oklahoma City this 24th day of May, 1966.

Approved by the Vice Mayor of the city of Oklahoma City this 24th day of May, 1966.

Emergency ordinance

Ordinance No. 11,293 amending section 10.23.17 of section 10, revised ordinances, 1960, of the city of Oklahoma City, as amended, prohibiting the use of noise and speaking devices that disturb the peace or annoy the public for the purpose of attracting attention to any performance, show sale, or display of merchandise, and declaring an emergency.

Be it ordained by the council of the city of Oklahoma City:

Section 1. Section 10.23.17 of Title 10, revised Ordinances, 1960, of the City of Oklahoma City, so amended, is hereby amended to read as follows:

"10.23.17 Loud Noise and Speaking Devices. No peddler nor any person in his behalf, shall shout, make any cry-out, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks, or other public places of said city, or upon any private premises in said city where sound of such volume or character is emitted or produced therefrom so as to disturb the public peace or annoy the hearers thereof upon the streets, avenues, alleys, or parks or other public places, or the surrounding area for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Section 2. (Emergency). Whereas, it being immediately necessary for the preservation of the peace, health and safety of The City of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

Introduced and Adopted by the Council of The City of Oklahoma City this 24th day of May, 1966.

Emergency ordinance

Ordinance No. 10543 amending Sub-Section H of Section .11 of Chapter 3, Title 9, Oklahoma City revised Ordinance, 1960, by prohibiting the erecting, creating, drilling, constructing, or digging on any site for any purpose in any residential district or section except between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; and declaring an emergency.

Be it ordained by the council of the city of Oklahoma City:

Section 1. Sub-section (h) of Section .11 of Chapter 3, Title 9, Oklahoma City revised Ordinances, 1960 is hereby amended to read as follows:

9.3.11(h) "Excavating in the streets or alleys *or erecting, demolition, altering or repairing of any building or the erecting, creating, drilling, constructing, or digging on any site for any purpose* in any residential district or section, except between the hours of 7:00 o'clock a.m. and 6:00 o'clock p.m. on week days; provided that in case of urgent necessity, the Building Superintendent may issue a permit to work between the hours of 6:00 o'clock p.m. and 7:00 o'clock a.m. for a period not to exceed thirty (30) days while such an emergency exists. Emergency permits shall not be issued by the Building Superintendent unless he determines that the public peace and health will not be impaired or that great and irreparable loss will be sustained without such permit."

Section 2. (Emergency) WHEREAS, it being immediately necessary for the preservation of the peace, health and safety of Oklahoma City, and the inhabitants thereof, that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this ordinance shall take effect and be in full force from and after the passage, as provided by law.

Peoria, Ill.

.7000 Supplementary Regulations

.7001. *Noise.*—Noise shall be measured at any adjacent lot line and/or district boundary. At the specified point of measurement the sound pressure level of any activity or operation (except those not under the direct control of the industrial use, such as transportation facilities) shall not exceed the values indicated between the hours of 7 a.m. and 7 p.m. The instruments used for these measurements shall conform to all United States of America Standards Institute's specifications as of the effective date of this Ordinance. Impact noises shall be measured by means of an impact noise analyzer. Impact noises are those peak values more than 3 db's higher than indicated on the sound level meter. Between the hours of 7 p.m. and 7 a.m. the permissible sound levels at residential district boundaries shall be reduced by 5 db's in each octave band or in the overall band in the case of impact noises.

A. *Noise adjacent to lot line.* Adjacent to the lot line, the sound pressure level of any activity or operation shall not exceed the values tabulated in the following tables.

Maximum permitted sound levels, pre-1960 octave bands		Maximum permitted sound levels, preferred frequency octave bands	
Octave bands, cycles/second	db	Preferred center frequency, cycles/second	db
20 to 75	81	31.5	88
75 to 150	70	63.0	79
150 to 300	63	125.0	69
300 to 600	59	250.0	52
600 to 1200	55	500.0	58
1200 to 2400	52	1000.0	54
2400 to 4800	50	2000.0	51
4800 to 10 kilocycles	48	4000.0	49
		8000.0	47

Note: Impact 90 db.

B. *Noise at commercial district boundary.* The sound pressure level of any activity or operation shall not exceed the values tabulated in the following tables.

Maximum permitted sound levels, pre-1960 octave bands		Maximum permitted sound levels, preferred frequency octave bands	
Octave bands, cycles/second	db	Preferred center frequency, cycles/second	db
20 to 75	81	31.5	88
75 to 150	70	63.0	79
150 to 300	63	125.0	69
300 to 600	59	250.0	52
600 to 1200	55	500.0	58
1200 to 2400	52	1000.0	54
2400 to 4800	50	2000.0	51
4800 to 10 kilocycles	48	4000.0	49
		8000.0	47

Note: Impact 90 db.

C. *Noise at residential district boundary.* The sound pressure level of any activity or operation shall not exceed the values tabulated in the following tables.

Maximum permitted sound levels, pre-1960 octave bands		Maximum permitted sound levels, preferred frequency octave bands	
Octave bands, cycles/second	db	Preferred center frequency, cycles/second	db
20 to 75	74	31.5	83
75 to 150	61	63.0	71
150 to 300	54	125.0	59
300 to 600	48	250.0	52
600 to 1,200	45	500.0	47
1,200 to 2,400	41	1,000.0	44
2,400 to 4,800	38	2,000.0	40
4,800 to 10 kilocycles	36	4,000.0	37
		8,000.0	35

Note: Impact 80 db.

.7003. *Vibrations.*—Vibrations shall be measured at any adjacent lot line and/or district boundary as indicated. At the specified points of measurement, the vibrations shall not exceed the limits listed. The instrument used for these measurements shall be a three component measuring system.

Particle velocity as specified may be measured directly or if computed on the basis of displacement and frequency measurements shall be computed from the formula 6.28 FD where F is the frequency and vibrations per second and D is the single amplitude displacement of the vibration in inches. The following page contains a nomogram of the formula—particle velocity equals 6.28 FD and it may be used to determine the appropriate particle velocity.

For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous (such as a printing press) or vibrations in discrete impulses more frequent than one hundred per minute (such as an air compressor). Discrete impulses which do not exceed 100 per minute shall be considered as impact vibrations (such as a drop hammer).

Ordinance No. 7028

An ordinance amending chapter 20 of the Municipal Code of Peoria relating to noises

Be it ordained by the City Council of the City of Peoria, Illinois:

Section 1. That Chapter 20 of the Municipal Code of Peoria is hereby amended by adding the following new section thereto:

Sec. 20–8.1. Motor vehicle mufflers.—(a) For the purposes of this section, the following definitions shall apply:

A "sound level meter" is an instrument standardized by the American Standards Association for measurement of intensity of sound, namely, Z24.3–1944.

A "decibel" is a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

A "muffler" shall mean any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon, or the deadening of any other motor noises, including, but not limited to the noise of exhaust gases, or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.

(b) No person shall operate any motor vehicle upon a public street or highway within the City of Peoria unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. For the purpose of this section, if sound in excess of the sound limit hereinafter set forth shall emanate from a vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive or unusual noises. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not said vehicle was emanating excessive or unusual noises.

(c) "Sound limit" shall mean all sound emanating from any motor vehicle, measured upon the "A" weighting scale of a sound level meter, in excess of the decibels measured at the distances specified shown below. The distances shall be measured from the right rear wheel of the propelling unit of the vehicle in motion as it passes the sound level meter:

Maximum permitted sound level, in decibels

Distance:	
50 feet	85
45 feet	86
40 feet	87
35 feet	88
30 feet	89.5
25 feet	91
20 feet	93
15 feet	95.5

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

Passed by the City Council of the City of Peoria, Illinois, this 21st day of January, 1958.

The city of Philadelphia

Chapter 10–400: Noise

§ 10–401. Ash, Trash, and Garbage Cans.—(1) No person shall make any unnecessary noise in the handling of ash, trash, and garbage cans, either in loading or unloading and whether full or empty.

§10–402. Building Construction.—(1) No person shall carry on any building construction between the hours of 6 P.M. and 6 A.M. except by special permit issued by the Department of Licenses and Inspections.

(a) The Department of Licenses and Inspections shall issue such special permit only if it is shown that the construction work must proceed as a matter of emergency or that it will be carried on in such a way or in such a place that the public will not be disturbed by it.

§ 10–403. Hospitals, Churches, Court Houses and Schools.—(1) No person shall make any unnecessary noise in the vicinity of any hospital or church during hours of public worship, court houses during hours of holding court, or school during school hours.

§ 10–404. Sound Devices.—(1) No person shall, with the intention to promote the sale of any goods or services, operate from any premises, building, moving vehicle or aircraft, any device whereby any sounds other than clock chimes or unamplified human voices are audible upon any street. *For purposes of this section "sale of goods" shall be deemed to include shipping, loading, unloading, receipt or storage of any goods or merchandise.*

(2) The violation of this Section is a nuisance and the penalty is a fine of $10. for the first offense, $25. for the second offense, and $50. for subsequent offenses, together with imprisonment not exceeding 30 days if the fine and costs are not paid within 10 days.

§ 10–405. Street vendors.—(1) No peddler or other person who plies a trade or calling of any nature on the streets shall use any horn, bell, or other sound instrument or make any noise tending to disturb the peace and quiet of the neighborhood, for the purpose of directing attention to his wares, trade, or calling.

(2) No peddler or other person who plies a trade or calling of any nature on the streets shall cry his wares within a distance of 150 feet of any hospital, church during hours of public worship, court house during hours of holding court, or school during school hours.

§ 10–406. Vehicles.—(1) No person shall operate any vehicle which:

(a) is so loaded that its operation causes unnecessary noise; or

(b) causes unnecessary noise because of any mechanical or other defect;

(c) is not equipped with a muffler to deaden exhaust noises.

(1) The use of muffler cut-outs is prohibited.

(2) No person, other than police, fire, public service or ambulance vehicle operators shall:

(a) sound any horn, bell, gong, siren or whistle which is operated by the engine exhaust;

(b) sound any other type of horn except when reasonably necessary to prevent accidents.

§ 10–407. General provisions.—(1) All other loud and unnecessary noises upon or near to the streets and other public places in the City are prohibited. The enumeration of particular offenses defined in this Section shall not be construed as limiting the application of this subsection.

§ 10–408. Penalties.—(1) The penalty for violation of any provision of this Chapter shall be a fine of $10 for the first offense, $25 for the second offense, and $50 for subsequent offenses together with imprisonment not exceeding 30 days if the fine, together with costs, is not paid within 10 days.

Pittsburgh, Pa.

Penal Law

The Act of March 7, 1901, P. L. 20, Article XIX, Section 3, Cl. XXVI, 53 P. S. 23131, empowers the City "to prevent and restraint riots, routs, *noises*, disturbances or disorderly assemblies, in any street, house or place in the city; to regulate, prevent and punish, discharge of firearms, rockets, powder, fireworks, or any other dangerous, combustible material, in the streets, lots, grounds, alleys, or in the vicinity of any buildings; to prevent and punish the carrying of concealed weapons".

The Act of May 7, 1901, P. L. 20, Article XIX, Section 3, Cl. XXXIII, 53 P. S. 23145, empowers the City "to make regulations to secure the general health and to remove and prevent nuisances".

The Vehicle Code of April 29, 1959, P.L. 58, Section 820, 75 P.S. 820, as amended, makes it unlawful, except for certain emergency vehicles, "to be equipped with, or for any person to use upon a vehicle, any siren, bell, compression or spark plug whistle, or for any person at any time to use a horn or other warning device otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device."

Section 828 of the Vehicle Code, 75 P.S. 828, provides:

"PREVENTION OF NOISE

"(a) No person shall operate a motor vehicle, except fire department and fire patrol apparatus, on a highway unless such motor vehicle is equipped with a muffler, in good working order and in constant operation, to prevent excessive or unusual noise.

"(b) It shall be unlawful to use a muffler cutout, or a bypass in a muffler, on any motor vehicle, except fire department and fire patrol apparatus.

"(c) No person shall operate a motor vehicle on any highway (1) equipped with a muffler from which the baffles plates, screens or other original internal parts have been removed and not replaced; or (2) equipped with an exhaust system which has been modified in any manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle."

In connection with noises made by vehicles it should be noted that the Vehicle Code, in Section 1103(a), 75 P.S. 1103(a), prohibits local authorities from enacting or enforcing any ordinance, rule or regulation contrary to the provisions of the Vehicle Code.

The City of Pittsburgh has enacted various ordinances regulating noise. Ordinance of September 27, 1816, prohibits persons from beating drums or ringing bells after sunset, or from discharging firearms at anytime except in lawful defense of person or property. This ordinance imposes a fine for violation of $4.00.

City Ordinances

Ordinance No. 10, approved January 14, 1915, prohibits "barking" to solicit trade, and imposes a penalty upon conviction of a fine of not less than $5.00 nor more than $100.00 or imprisonment not exceeding 30 days.

Ordinance No. 40, approved May 1, 1909, provides for designation of "hospital streets," and imposes a fine of $10.00, or imprisonment of not more than 10 days, upon conviction of making any unnecessary noise on "hospital streets".

Ordinance No. 56 prohibiting the erection or location for commercial purposes of any device or apparatus in the front of premises in the City of Pittsburgh, emitting loud sounds or noises, so as to annoy or disturb passersby on the public thoroughfares, excepting the announcement of any international, national or state events of public interest, and providing penalties for the violation thereof

Section 1. Be it ordained and enacted by the City of Pittsburgh, in Council assembled, and it is hereby ordained and enacted by the authority of the same, That no person, for commercial purposes, shall erect or locate any device or apparatus in the front of his premises in the City of Pittsburgh which shall by mechanical or electrical means emit any loud sounds or noises, so as to annoy or disturb passersby on the public thoroughfares.

Section 2. The provisions of this Ordinance shall not apply to any announcement or broadcasting of any international, national or state events of public interest.

Section 3. Any person violating the provisions of this Ordinance shall, upon conviction thereof before any alderman or police magistrate of the City of Pittsburgh, be sentenced to pay a fine not to exceed Fifty Dollars ($50.00), and in default of payment of such fine, shall be imprisoned in the Allegheny County Jail for a period not to exceed thirty (30) days.

Section 4. That any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed, so far as the same affects this Ordinance.

Ordained and enacted into a law in Council, this 4th day of February, 1929.

Ordinance No. 172 prohibiting unnecessary loud noises from aeroplanes flying over the city of Pittsburgh; prohibiting dropping, throwing or discharging therefrom ballast, instruments, tools, advertising matter or any other material, and prohibiting such flying over the City as will endanger property and persons

Section 1. Be it ordained and enacted by the City of Pittsburgh, in Council Assembled, and it is hereby ordained and enacted by the authority of the same, That from and after the approval of this ordinance, no person or persons, firm or corporation, shall fly or cause to be flown, or conduct or cause to be conducted, any aircraft over any part or section of the City of Pittsburgh, using in or upon such aircraft, or connected thereto, any radio, mechanical musical instrument, megaphone, loud speaker or other device used for amplification of the human voice or of any other sounds, for the purpose of promoting the sale of goods, wares or merchandise, or for any other purpose whatsoever.

Section 2. That, on and after the date of this ordinance, the use to promote the sale of goods, wares or merchandise, or for any other purpose, of such radio, mechanical musical instrument, loud speaker or other devices as aforesaid, whereby the sound therefrom is amplified so as to be distinctly audible in buildings or upon the ground and highways within the city limits, in violation of this ordinance, shall be, and is hereby, declared to be a public nuisance.

Section 3. No person or persons, firm or corporation, conducting or flying in any aircraft over any part of the City of Pittsburgh shall throw out, discharge or drop or cause or permit to be thrown out, discharged or dropped, from said aircraft, any ballast, instruments, tools, containers, circulars, advertising matter, handbills, waste paper or other article or material whatsoever.

Section 4. No person or persons shall pilot or fly any aircraft over any part or section of the City of Pittsburgh, exclusive of taking off or landing on a licensed landing field, at an altitude less than one thousand (1,000) feet.

Section 5. That any person or persons, firm or corporation, violating any of the provisions of this ordinance shall, upon conviction thereof before any police magistrate of the City of Pittsburgh, be fined in a sum not to exceed One Hundred Dollars ($100.00) for each offense; and, in default of payment thereof, be committed to the Allegheny County Jail or Allegheny County Workhouse for a period not exceeding thirty (30) days.

Section 6. That any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed, so far as the same affects this Ordinance.

Ordained and enacted into a law in Council, this 4th day of June, 1935.

Ordinance No. 186 supplementing the title and Section 4 of Ordinance No. 172, entitled "An Ordinance prohibiting unnecessary loud noises from aeroplanes flying over the city of Pittsburgh; prohibiting dropping, throwing or discharging therefrom ballast, instruments, tools, advertising matter or any other material, and prohibiting such flying over the City as will endanger property and persons," enacted June 17, 1935

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. That the title of Ordinance No. 172, entitled "An Ordinance prohibiting unnecessary loud noises from aeroplanes flying over the City of Pittsburgh; prohibiting dropping, throwing or discharging therefrom ballast, instruments, tools, advertising matter or any other material, and prohibiting such flying over the City as will endanger property and persons," enacted June 17, 1935, be supplemented to read as follows:

"An Ordinance prohibiting unnecessary loud noises from aeroplanes flying over the City of Pittsburgh; prohibiting dropping, throwing or discharging therefrom ballast, instruments, tools, advertising matter or any other material, and prohibiting such flying over the City as will endanger property and persons, and regulating the altitude of flight and landing of helicopters."

That Section 4 of the above Ordinance shall be supplemented by adding at the end of said section the following:

"Helicopters may be flown at less than minimum altitude prescribed herein if such operations are conducted without hazard to persons or property on the surface and at an altitude which will, in the event of power failure, permit an emergency landing without undue hazard to persons or property on the surface. Helicopters shall also be permitted to make landings, other than emergency landings in areas within congested districts when permission of the property owner is granted and where such landings are made with proper regard to safe practices. If helicopters are flown at less than one thousand feet above the highest obstacle the pilot will be required to fly with due regard to places where emergency landings may be made with safety, and to maintain an altitude along the flight path thus selected from which such an emergency landing can be effected at any time as set forth in Rule 60, 107 of Part 60—Air Traffic Rules as promulgated by the Civil Aeronautics Board, effective October 8th, 1947, and pursuant to the regulations established by the State Bureau of Aeronautics."

Section 2. That any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed so far as the same affects this Ordinance.

Ordained and enacted into a law in Council, this 4th day of April, 1949.

Ordinance No. 209 prohibiting the playing of calliopes and the broadcasting of music, the human voice, and other sounds from loud speakers or similar devices, mounted upon motor or other vehicles, upon the streets of the city of Pittsburgh

Section 1. Be it ordained and enacted by the City of Pittsburgh, in Council Assembled, and it is hereby ordained and enacted by the authority of the same, That the playing of calliopes and the broadcasting of music, the human voice, and other sounds, by means of loud speakers or similar devices, mounted upon motor or other vehicles upon the streets of the City of Pittsburgh, be and the same is hereby prohibited.

Section 2. Any person violating the provisions of this Ordinance shall, upon conviction thereof before any Alderman or Police Magistrate of the City of Pittsburgh, be sentenced to pay a fine not exceeding Fifty Dollars ($50.00), and in default of payment of such fine, shall be imprisoned in the Allegheny County Jail for a period not to exceed thirty (30) days.

Section 3. That any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed, so far as the same affects this Ordinance, and particularly Ordinance No. 57. Series 1929, approved February 15, 1929, and recorded in Ordinance Book Volume 41, page 46, being an Ordinance entitled, "An Ordinance prohibiting the playing of calliopes upon the streets within the City of Pittsburgh".

Ordained and enacted into a law in Council, this 28 day of June, 1934.

Ordinance No. 217, prohibiting the playing of calliopes or similar musical instruments on board boats or excursion steamers while within the territorial limits of the City of Pittsburgh except with the permission of the Director of Public Safety, and providing penalties for violation therefor

The Council of the City of Pittsburgh hereby enacts as follows: Section 1. The playing of calliopes or similar musical instruments on board boats or excursion steamers while within the territorial limits of the City of Pittsburgh is hereby prohibited except as provided in Section 2 of this Ordinance.

Section 2. The Director of the Department of Public Safety may grant permission for the playing of calliopes or similar musical instruments on board boats or excursion steamers while within the territorial limits of the City of Pittsburgh provided:

(a) The playing of the calliope or similar musical instrument is limited to the hours of 7:00 P.M. to 9:00 P.M.;

(b) The calliope or similar musical instrument is not played on Sunday; and

(c) In the opinion of the Director, the playing of the calliope or similar musical instrument does not cause undue disturbance to the public.

Section 3. Any person violating the provisions of this ordinance shall upon conviction thereof before any alderman or police magistrate of the City be fined not less than $10.00 or more than $100.00 and costs, and in default of the payment of the fine and costs, said person shall be imprisoned in the jail of Allegheny County for a period not exceeding thirty days.

Section 4. Ordinance No. 433, approved November 2, 1925, and recorded in Ordinance Book No. 36, Page 540, is hereby specifically repealed.

Section 5. That any other Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed so far as the same affects this Ordinance.

Ordained and enacted into a law in Council, this 8th day of June, 1953.

Ordinance No. 433

Ordinance No. 433, approved November 2, 1925, prohibits the playing of calliopes or other similar musical instruments on board boats or excursion steamers. This ordinance appears to have been reenacted by Ordinance No. 217, approved June 18, 1953, which prohibits the same except by permission of the Director of the Department of Public Safety, during certain times of the day. The ordinance imposes a penalty for violation of a fine of not less than $10.00 nor exceeding $100.00 or imprisonment up to 30 days.

Ordinance No. 580 prohibiting disorderly conduct, and providing penalties for violation thereof

The Council of the city of Pittsburgh hereby enacts as follows:

Section 1. *Definitions:* A person shall be guilty of disorderly conduct if, with the purpose to cause public danger, alarm, disorder, nuisance or if with the knowledge that he is likely to create such public danger, alarm, disorder or nuisance he wilfully:

(a) creates a disturbance of the public order by an act of violence or by any act likely to produce violence; or

(b) engages in fighting or in violent, threatening or tumultuous behavior; or

(c) makes any unreasonably loud noise; or

(d) addresses abusive language or threats to any person present which creates a clear and present danger of violence; or

(e) causes likelihood of harm or serious inconvenience by failing to obey a lawful order of dispersal by a police officer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity; or

(f) damaging, befouling or disturbing public property or property of another so as to create a hazardous, unhealthy or physically offensive condition; or

(g) commits a trespass on residential property or on public property. Trespass for the purpose of this ordinance shall mean:

(1) Entering upon, or refusing to leave, any residential property of another, either where such property has been posted with "No Trespassing" signs, or where immediately prior to such entry, or subsequent thereto, notice is given by the owner or occupant, orally or in writing, that such entry, or continued presence, is prohibited.

(2) Entering upon, or refusing to leave, any public property in violation of regulations promulgated by the official charged with the security, care or maintenance of the property and approved by the governing body of the public agency owning property, where such regulations have been conspicuously posted or where immediately prior to such entry, or subsequent thereto, such regulations are made known by the official charged with the security, care or maintenance of the property, his agent or a police officer.

This ordinance shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

Section 2. *Offense:* It shall be unlawful for any person to engage in disorderly conduct in the City of Pittsburgh.

Section 3. *Penalties:* Any person convicted of violating this ordinance shall, upon the judgment of any alderman or police magistrate of the City of Pittsburgh determining such violation, be subject to pay a fine not exceeding $300, and costs for each offense, and in default of payment thereof, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding ninety (90) days.

Section 4. *Severability:* If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 5. That any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed so far as the same affects this Ordinance.

Nimlo model ordinance prohibiting unnecessary noises

[EDITOR'S NOTE.—See NIMLO Report 123, "Municipal Control of Noise—Sound Trucks—Sound Advertising Aircraft—Unnecessary Noises—Annotated Ordinance."]

Be it ordained by the city council of the city of . . .:

Section 8–301. It is found and declared that:

(a) The making and creation of loud, unnecessary or unusual noises within the limits of the City of . . . is a condition which has existed for some time and the extent and volume of such noises is increasing;

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of . . .; and

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of . . . and its inhabitants.

Section 8–302. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

Section 8–303. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, Signaling Devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, Phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P.M. and seven o'clock A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this section.

(3) *Loud Speakers, Amplifiers for Advertising.* The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commerical advertising or attracting the attention of the public to any building or structure.

(4) *Yelling, Shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 P.M. and 7 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) *Animals, Birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) *Steam Whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) *Defect in Vehicle or Load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) *Loading, Unloading, Opening Boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) *Construction or Repairing of Buildings.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7 A.M. and 6 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less

while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P.M. and 7 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P.M. and 7 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(11) *Schools, Courts, Churches, Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(12) *Hawkers, Peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) *Drums.* The use of a drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) *Metal Rails, Pillars and Columns, Transportation Thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) *Street Railway Cars, Operation Thereof.* The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a street railway car.

(16) *Pile Drivers, Hammers, etc.* The operation between the hours of 10 P.M. and 7 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(17) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Section 8–304. *Penalties.* Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding $------ or by imprisonment for not more than ------ days, or by both said fine and said imprisonment.

Section 8–305. *Separability.* It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

City Wants Cyclists Helmeted, State Warning Riders for Now

(By Dale McFeatters)

Maybe the police will prosecute motorcyclists without helmets.

Maybe they won't.

Under the State's new motorcycle laws which went into effect a week ago, motorcyclists are required to wear protective headgear and eye shields of an approved type.

However, the State hasn't specified what is approved and what isn't.

State Police say they may issue warnings to motorcycle riders violating the helmet law, but they do not plan to prosecute until the specifications for helmets are publicized.

CITY COPS TO ACT

City police say they plan to ticket and prosecute riders without helmets.

The protective eye shield law holds that the cyclist must wear a face shield, goggles or eyeglasses with shatter-proof lenses.

Contact lenses are not considered protective eye shields.

The advice of both State and City police: Wear the helmet.

Both "ape hangers" and clip-ons are prohibited under the law.

Ape hangers, the exaggerated V-shaped handlebars, are prohibited by the specifications which limit the height of the handlebars to no more than 15 inches above the saddle.

CRACKDOWN ON NOISE

Clip-ons, the stubby handgrips attached directly to the fork, are also illegal.

The law also outlaws bobbed fenders and altered mufflers. Both the muffler and the fenders must be stock, unaltered from the manufacturer's specifications.

The muffler law, along with the helmets, will be the most strictly enforced of the provisions because of noise complaints, State Police indicated.

Two peace officers who hear the cycle and agree the noise level is excessive can make an arrest.

State Police said the motorcyclist probably will be let off if he can prove his muffler is unaltered, but if so much as a welding repair is detected after the cyclist is ticketed he will pay the fine.

WANT COURT TEST

Some motorcyclists resent these laws and are hoping that the American Motorcycle Assn. or a dealer will take the helmet law to court to test the validity.

Although the motorcyclists fear punitive enforcement by the police, State and City police have indicated they will go easy on enforcement—except for really glaring violations—until the laws become more exact by usage and explanation.

The one provision of the new law that motorcyclists do agree with is the institution of licenses and tests which recognize that cycle riding is a special skill.

The Washington Blvd. driving examiners said that of 55 cyclists who took their examination last week 10 were rejected, mostly because their bikes didn't meet the law.

A rider who already has a driver's license can take the test any time he likes before his current license becomes due for renewal.

Marshall Hausrath, mechanic at Civic Center Cycle in Oakland, came down to the testing grounds to run through the test and get details of the new laws to answer his customers' questions.

The first part of the test consists of identifying and demonstrating the clutch, throttle, brakes, lights and turn signals.

"Believe it or not," examiner Ora Brown said, "we had a guy in here who didn't know how to turn his lights on. We sent him home to learn how."

The second part of the test consists of tight figure-eight turns in a double parking bay. For larger cycles, the figure eights are performed in the parking lot.

The third part of the test consists of a double run in second gear through a serpentine course.

The final portion of the test has the driver approach a line in second gear from 100 yards away and stop on the line.

TEST IS SIMPLE

The test sounds simple and it is, but Mr. Brown, a former stunt motorcyclist, says the maneuvers are all he needs to see to know if the cyclist is any good.

A 16-year-old who has just received his learner's permit may take his test on a motorcycle, but he will go through the same examination as an applicant taking the test in a car.

While the applicant performs the same maneuvers expected of a learner taking his test on a car—keeping in lanes, signaling, obeying lights and double lines and, later, answering the traffic questions—the examiner will also watch his ability to handle a cycle.

If the learner wants to take his test on both a car and a motorcycle, he can do so on the same day.

Once the 16-year-old passes his examination, he is subject to the junior license and the same traffic rules applying to cars.

The examiners will also test a cyclist with a driver's license which is not due for renewal.

OTHER TERMS LISTED

The cyclist must go to the barracks and fill out only those sections applicable to motorcycles on a renewal form.

Then, after he has passed his test his license is endorsed with the coded symbol Y showing that he is duly licensed to operate a cycle.

To avoid an excess of cycles flooding the examination centers, the test does not have to be taken until the license becomes due for its two-year renewal which means that some cyclists will not have to take their tests until 1970.

If the cyclist lets the renewal date on his license go by without taking the examination, he must apply for a learner's permit to operate his cycle.

The learner's permit prohibits, regardless of the age of the driver, operating the cycle at night and carrying a passenger, with the sole exception of a licensed cyclist riding as passenger for purposes of instruction.

Portland, Oregon

Police Code

b. Sec. 16–1608.—(1) That the dog has created a nuisance in the neighborhood by loud and frequent barking, or by damaging property not owned by its keeper, and;

(2) That the dog's keeper, knowing or having cause to know that the dog has created the nuisance, suffered that nuisance to continue or to be repeated.

The notice shall state the cause for its issuance, order the owner or keeper of the dog to immediately confine the dog and, within five days, to remove the dog from the City permanently. The notice shall be sent by certified mail to the owner or keeper of the dog, or shall be posted prominently upon the building in which the dog is kept. After delivery or posting of the notice, it is unlawful not to immediately confine the dog or to release the dog, in the City, from confinement. After five days from delivery or posting of the notice, it is unlawful to keep the dog, or permit it to be kept, anywhere in the City.

Article 17. Prevention of unnecessary noises

Section 16–1701. Unlawful to create noise.—It shall be unlawful for any person, to create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, or unnecessary noise.

Section 16–1702. What constitutes a violation.—[Section 16–1702 amended by Ordinance No. 112582 passed and effective September 22, 1960.]

The following acts are declared to be violations of this Code, but said enumerations shall not be deemed to be exclusive, namely:

(a) The keeping of any animal or bird which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity, and the attaching of any bell on any animal or allowing the same to remain on any animal. Any animal running at large with a bell thereon shall be liable to be impounded.

(b) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work, or as a warning of danger.

(c) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled and reduced.

(d) The erection, including excavation, demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of public safety.

(e) The creation of any excessive noise on any street adjacent to any hospital or other institution reserved for the sick, or any school while the same is in session.

(f) The operation of any industrial type internal combustion engine without having the same equipped with and using thereon a muffler, in good working operation, to prevent excessive noise and annoying smoke.

(g) The use or operation of any automatic or electrical piano, phonograph, graphophone, victrola, radio, loudspeaker, or any instrument for sound producing or any sound amplifying device or loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to the Bureau of Police (Office of the Chief) *permits* may be granted to persons or business firms for the broadcast or amplification of commercial or entertainment programs, or to any organization for the broadcast of programs of music, speeches, or general entertainment as a part of national, state or city events, public festivals or outstanding events of a non-commercial character, such broadcast or amplification either by person or a business concern or by an organization, shall not be audible for a distance of more than fifty feet from the instrument, speaker or amplifier, and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian will result.

(h) The making of any noise upon a public street or in such proximity thereto as to be distinctly and loudly audible upon such street, any noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, sound amplifying device or other device for the purpose of advertising goods, wares, or merchandise, or of attracting attention or of inviting patronage of any person to any business whatsoever, or participation by any person in any public or private event; provided that newsboys may sell newspapers and magazines by public outcry, except as prohibited by Section 16–1705 and provided further that *a permit for sound amplifying device* to be used upon the streets of the city of Portland *may be granted by the Bureau of Police upon application to the office of the Chief* thereof, and the said Bureau shall have exclusive jurisdiction over the routing of such sound amplifying vehicle, and such vehicle shall in no event be permitted to operate within two hundred feet of any hospital, or within two hundred feet of any public or private elementary or secondary school, or any college or university. The permit as granted by the Bureau of Police shall in addition to specifying the route generally, or specifically, affirmatively provide for the hours during which such use of the streets may be permitted, and shall provide that in no event shall the sound emanating from any sound amplifying vehicle be audible for a distance of more than one hundred feet from the said vehicle.

(i) The conducting, operating or maintaining of any garage in any residential district so as to cause loud or offensive noises to be emitted therefrom at any late hour at night, to wit: any time between 11:00 p.m. and 7:00 a.m. so as to be likely to disturb and keep awake persons residing in the immediate vicinity. The term "residential district" as used in this Code shall include any area where a garage is located within 100 feet of any building or buildings used as a private residence, apartment house, rooming house, or hotel.

(j) To conduct, carry on, or in any manner engage in any marathon dance, marathon race, marathon exhibition, walkathon, or human endurance test or contest in the City for gain or for hire in any building, structure, tent, enclosure, or place, and the renting or leasing of any building, structure, tent, enclosure, or place within the City to any person for the purpose of permitting the use of such building, structure, tent, enclosure, or place for a marathon dance, marathon race, marathon exhibition, walkathon, or human endurance test or contest.

(Subsection (k) of Section 16–1702 added by Ordinance No. 115306; amended by Ordinance No. 126559 passed and effective April 11, 1968.)

(k) To land or take off any helicopter or other steep-gradient aircraft at or from any place within the City except at a helistop or heliport, unless the City Council has specifically authorized the same or in case of emergency.

Section 16–1703. Foregoing acts declared nuisances.—The *foregoing acts are hereby declared to be nuisances, and upon complaint to the Bureau of Police* of any person disturbed or annoyed by the noises therefrom the Bureau of Police shall thereupon investigate such complaint, and if found justified shall issue notice of such complaint to the person causing or permitting the continuance of said noises, notifying him immediately to abate said nuisance. If the person so notified neglects to abate the same forthwith, a complaint shall be filed against the offending person. Any person, however, may be arrested for violation of this Code upon the direct complaint of any other person.

Section 16–1704. Motor boats.—It shall be unlawful to use, operate, or cause to be used or operated upon the public waters within the city limits a boat propelled in whole or in part by gas, gasoline, naphtha, Diesel oil or other explosive material unless the motor or any such motor boat shall be provided with either an underwater exhaust or a muffler, or have the discharge water piped into the exhaust line. Any such installation must be so constructed and maintained that in its operation no noise shall emanate from the exhaust or muffler that can be heard for a greater distance than 1000 feet from the boat.

This section shall not apply to any publicly owned motor boat in government service or any motor boat owned outside the city limits passing through this city to some other distant point, or motor boat used in any authorized race or other demonstration.

The harbor patrol is hereby given jurisdiction to enforce the provisions of this section.

Section 16–1705. Public outcry, when and where prohibited.—It shall be unlawful between the hours of 11:00 p.m. of any day and 7:00 a.m. of the following day, for any person, minor or adult, engaged in offering for sale or selling on the streets any newspapers, magazines or periodicals, to make any public outcry, to shout or to make any audible noise for the purpose of attracting attention or inviting the patronage of any person within the following described district:

Beginning at the intersection of the south line of S. W. Jefferson Street with the Willamette River; thence west along the south line of S. W. Jefferson Street to the west line of S. W. 18th Avenue; thence north along the west line of S. W. 18th Avenue and the west line of S. W. 19th Avenue to the north line of N. W. Glisan Street; thence east along the north line of N. W. Glisan Street to the east line of N. W. Broadway, thence north along the east line of N. W. Broadway to the north line of N. W. Johnson Street; thence east along the north line of N. W. Johnson Street to the east line of N. W. 6th Avenue; thence following the south line of the Northern Pacific Terminal company's property to the Willamette River; thence south following the Willamette River to the place of beginning.

Outside of the above described district it shall be unlawful, between the hours of 9:00 p.m. of any day and 7:00 a.m. of the following day, for any person, minor or adult, engaged in offering for sale or selling on the streets any such newspapers, magazines or periodicals, to make any public outcry, to shout or to make any audible noise for the purpose of attracting attention or inviting the patronage of any person.

Section 16–1706. Loading noisy material.—It shall be unlawful for any person to transport through the streets any iron or other material likely to make a noise unless said material is loaded and deadened so as to prevent unnecessary noise.

Raleigh, N.C.

City Ordinances

Sec. 15–30. Noise—Prohibited when excessive.—Subject to the provisions of sections 15–31 and 15–32, the creation of any unreasonable loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. (Code 1950, § 23.1)

Cross references—Roosters, § 4–3; dogs, § 4–20; railroads, § 18–4.

Sec. 15–31. Same—Specific prohibitions.—The following acts are specifically declared to be loud, disturbing and unnecessary noises in violation of this Code, but such enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.

(3) The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, during the hours between eleven o'clock p.m., and seven o'clock a.m., as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence.

(4) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(5) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on week days except by permit from the building inspector, when, in his opinion, such work will not create objectionable noise, but upon complaint in writing of the occupant of property near the location of the work, the building inspector shall immediately revoke the permit and the work shall be immediately discontinued. The building inspector may

permit emergency work in the preservation of public health or safety at any time.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within one hundred and fifty feet of any hospital, which unreasonably interferes with the working of such institution.

(9) The creation of loud and excessive noise in connection with loading or unloading any vehicles, or the opening and destruction of bales, boxes, crates and containers.

(10) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(11) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(12) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of eleven o'clock p.m., and seven o'clock a.m.

(13) The firing or discharging of firearms in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the police department.

(14) The creation of excessive noise by the operation of an airplane over the city by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise. (R. Code 1950, § 23.2; Ord. No. (1967)-544, § 1, 3-20-67)

Amendment note—Ord. No. (1967)-544, § 1, amended § 15-31(7) which prior to amendment permitted construction work during other than the designated hours only "in case of urgent necessity in the interest of public safety . . ."

Sec. 15-32. Same—Loudspeakers.—It shall be unlawful for any person to use or operate on or over any street within the city any radio, phonograph or other similar mechanical device to produce sound, or any mechanical loudspeaker or other sound-magnifying device, on any motor vehicle or other conveyance, or stand, for advertising or other purposes, at a power output level of volume greater than ten watts or thirty-two decibels, and any such operation shall be unlawful unless such loudspeakers or other mechanical sound-magnifying device shall be equipped with a meter by which the power output can be registered and determined so that the volume may be limited in accordance with the restrictions hereinbefore specified; and it shall be unlawful to operate any such equipment or devices without a license from the city as provided by this Code; providing no such equipment or device shall be used or operated on the streets of the city during the period between sunset and nine o'clock a.m.; provided, further, no such equipment or device shall be operated to produce music or other sound effects along that portion of any street within the block where there is located any school, hospital, funeral home or undertaking establishment, or where a funeral is being conducted at any place; and provided, further, that no such equipment or device shall be operated on the streets of this city on Sunday. (Code 1950, § 23.4)

Sec. 18-4. Whistles, unnecessary blowing.—No person shall at any point within the city blow the whistle of an engine in an unnecessarily loud tone or unnecessarily long. (R. Code 1950, § 25.4)

Sec. 4-3. Same—Roosters as nuisances.—It shall be unlawful for any person to keep or maintain on any premises or lot within the corporate limits any rooster that through loud and habitual crowing, or in any other manner, constitutes a neighborhood or public nuisance. Failure to abate such nuisance after warning from the chief of police or his authorized representative shall be unlawful and punishable according to law. (R. Code 1950, § 13.5)

Sec. 4-20. Dogs as nuisances.—It shall be unlawful for any person to keep or maintain on any premises or lot any dog that, through loud and habitual barking, or in any other manner, constitutes a neighborhood or public nuisance. Failure to abate such nuisance after warning from the chief of police or his authorized representative shall be unlawful and punishable according to law. (R. Code 1950, § 13.4(a))

Rochester, N.Y.

City Ordinance

Chapter 75: Noise

§ 75-1. Unnecessary noise prohibited.
§ 75-2. Signalling devices.
§ 75-3. Radios, phonographs and musical instruments.
§ 75-4. Animals and birds.
§ 75-5. Vehicles.
§ 75-6. Whistles.
§ 75-7. Discharge of exhausts.
§ 75-8. Mechanical devices.
§ 75-9. Building.
§ 75-10. Institutions.
§ 75-11. Loading.
§ 75-12. Bells.
§ 75-13. Peddlers and vendors.
§ 75-14. Advertising.
§ 75-15. Sound-producing devices.
§ 75-16. Disturbance.
§ 75-17. Penalties.

[History: Adopted Rochester City Council 11-25-41. Amendments noted where applicable.]

§ 75-1. Unnecessary noise prohibited.[1]—The creation of any unreasonably loud, disturbing or unnecessary noise in the city is prohibited. Noise of such character, intensity or duration as to endanger public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited.

A violation of § § 75-2 through 16 is hereby declared to be a nuisance within the meaning of this section but such enumeration shall not be deemed to be exclusive.

§ 75-2. Signalling devices.—No person shall sound any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out-of-control, or if in motion only as a danger signal; nor create by means of any such signal device any unnecessary or unreasonably loud, harsh or prolonged sound; nor sound such device for an unnecessary and unreasonable period of time. Except that this subdivision shall not apply to vehicles of the Bureaus of Fire and Police, and such emergency vehicles of municipal departments or public service corporations and ambulances as are authorized or marked as approved by the Commissioner of Public Safety.

§ 75-3. Radios, phonographs and musical instruments.—No person shall operate or play any radio, phonograph or any musical instrument in such manner or with such volume, at any time, particularly during the hours between 11:00 P.M. and 7:00 A.M. as to annoy the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

§ 75-4. Animals and birds.—No person shall keep any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

§ 75-5. Vehicles.—No person shall use an automobile, motorcycle, bus or vehicle so out of repair or so loaded or in any manner as to create loud or unnecessary grating, grinding, rattling or other noise.

§ 75-6. Whistles.—No person shall blow or cause to be blown any steam whistle, except to give notice of the time to begin or stop work or as a warning of danger.

The blowing or operating of a whistle operated by steam or other artificial means for more than fifteen (15) seconds at one (1) time during a period of thirty (30) minutes in any one (1) day is prohibited.

§ 75-7. Discharge of exhausts.—No person shall discharge or cause to be discharged into the open air the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.[1]

§ 75-8. Mechanical devices.—No person shall use or cause to be used any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

§ 75-9. Building.—No person shall create or cause to be created loud or excessive noise in connection with the erection (including excavation), demolition, alteration or repair of any building.

§ 75-10. Institutions.—No person shall create or cause to be created any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

The making by one's self, or by the operation of any instrument, agency or vehicle, any unnecessary or unseemly noise within one hundred fifty (150) feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick is prohibited. The Commissioner of Public Safety shall place as many signs as he may deem proper within or near the zones hereby created, calling attention to the prohibition against unnecessary noises within such zones.

§ 75-11. Loading.—No person shall create or cause to be created a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.

The creation of loud and excessive noise in connection with the handling of ash, trash, and garbage cans, either in loading or unloading, and whether full or empty is prohibited.

§ 75-12. Bells.—No person shall sound or cause to be sounded any bell, except church bells, or gong attached to any buildings or premises which disturbs the quiet or repose in the vicinity thereof.

§ 75-13. Peddlers and vendors.—The unreasonable and unnecessary sounding and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood is prohibited.[1]

§ 75-14. Advertising.—No person shall use any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of loud and raucous noise to any performance, show or sale or display of merchandise.

The making, causing, permitting or allowing to be made, loud and raucous noise by means of any rattle, clapper, hammer, drum, horn or any musicial instrument or mechanism for creating or reproducing sound, in a street or near enough to a street so that any such noise will be heard in a street, for the purpose of advertising any goods, wares or merchandise, or of attracting the attention, or inviting the patronage of any person to any occupation or business whatsoever is prohibited.

It shall be unlawful for any person, firm or corporation, either as principal, agent or employee, to play, use or operate for advertising purposes, or for any other purpose whatsoever, on and upon the public streets, alleys, thoroughfares or public places in the City of Rochester, any device known as a sound truck, loudspeaker or sound amplifier, or radio or phonograph with a loudspeaker or sound amplifier, or any other instrument known as a calliope or any instrument of any kind or character which emits therefrom loud and raucous noise and is attached to and upon any vehicle, except police trucks or vehicles, operated or standing upon said public streets, alleys, thoroughfares or public places. [Amended 2-23-49]

§ 75-15. Sound-producing devices.—No person shall erect, install or use any sound-producing instrument, broadcaster, radio, amplifier, or conveyor-of-sound on or over the streets or public places within the City of Rochester for the purpose of advertising through loud and raucous noise any goods, wares or merchandise or any meeting, entertainment or event, or for the purpose of attracting the attention or inviting the patronage of any person to any business whatsoever or to any meeting, entertainment or event or for any other purpose.

The provisions of this section shall not be construed to prevent any funeral procession or religious ceremony; nor shall the terms of this section be construed to prevent the production of music in connection with any parade authorized under any provision of law; nor shall this section prevent any musical performance upon any public street or place where a permit has been obtained from the Commissioner of Public Safety for such purpose; nor shall this section prevent the use of amplifiers or other sound producing instruments in connection with any athletic competition or recreational event held on athletic fields stadiums or public parks, nor shall such provisions apply to police or fire apparatus while used in the performance of public duty. [Amended 2-23-49]

§ 75-16. Disturbance.—No person shall create a disturbance or engage in improper conduct or abusive acts or language in any church, theater, public hall or other public place.[1]

§ 75-17. Penalties.—A violation of this chapter is punishable by a fine of not exceeding one hundred fifty dollars ($150.) or by imprisonment not exceeding one hundred fifty (150) days, or by both such fine and imprisonment, or by a penalty of not less than five dollars ($5.) nor more than five hundred dollars ($500.) to be recovered by the City of Rochester in a civil action. [Amended 2-23-49]

City Ordinances

Ordinance No. 2414, fourth series, amending sec. 26.29-1 (d), of Chapter 26 of the Sacramento City Code, relating to unnecessary noise, and making this an emergency measure to take effect immediately

Sacramento, California

Be it enacted by the council of the city of Sacramento:

Section 1. Sec. 26.29-1(d) of Chapter 26 of the Sacramento City Code is hereby amended to read as follows:

(d) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 A.M. and 6:00 P.M., on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and between 9:00 A.M. and 6:00 P.M. on Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 P.M. and 7:00 A.M. on weekdays and 6:00 P.M. and 9:00 A.M. on Sundays, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 P.M. and 7:00 A.M. on weekdays and 6.00 P.M. and 9:00 A.M. on Sundays, upon application being made at the time the permit for the work is awarded or during the progress of the work.

Section 2. That this ordinance is hereby declared to be an emergency measure to take effect immediately, such emergency being that public welfare and necessity require that guests and occupants of hotels and apartments be protected from noises emanating from the construction, repair or demolition of buildings until after 9:00 A.M. on Sundays.

Section 3. This ordinance shall be published once in the official newspaper of the City of Sacramento and shall take effect immediately.

Passed: October 4, 1962.

Ordinance No. 2248, fourth series adding sections 25.36-1 and 26.29-1 of chapters 25 and 26 Sacramento City Code, prohibiting unnecessary noises and disturbances in the city of Sacramento

Be it enacted by the Council of the City of Sacramento:

Section 1. Sections 25.36-1 and 26.29-1 of Chapters 25 and 26, Sacramento City Code, are hereby added, to read as follows:

Sec. 25.36-1. Limitations of permits issued by preceding section; revocation of permits

The Chief of Police is authorized to issue the permits mentioned in Section 25.36 of this chapter, and such permits shall contain any limitations as to times, duration, volume, and places as in the judgment of the Chief of Police seem necessary to accomplish the objects of this chapter. The Chief of Police may revoke such permits.

Sec. 26.29-1. Noise—unnecessary, etc., noise

It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(a) Motor Noises. Any noise made by the motor of any automobile, truck, tractor, motorcycle, not reasonably required in the operation thereof under the circumstances and shall include but not be limited to backfiring and motor racing.

(b) Horns and Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, trolley coach or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or any other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(c) Yelling and Shouting. Yelling, shouting, hooting, whistling, singing or blowing of horns on the public streets, particularly between the hours of 12 P. M. and 7 A. M. or at time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling hotel, apartment, or other type of residence, or of any persons in the vicinity.

(d) Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7 A. M. and 6 P. M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P. M. and 7 A. M., and if he shall further determine that loss of inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P. M. and 7 A. M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(e) Pile Drivers, Hammers. The operation between the hours of 10 P. M. and 7 A. M. of any piledriver, steam-shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(f) Tools. The use of or operation between the hours of 10:00 P. M. and 7:00 A. M. of any power saw, power planer, or other power saw, power planer, or other powered tool or appliance or saw or hammer, or other tool, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, apartment, or other type of residence, or of any person in the vicinity.

(g) Blowers. The operating of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(h) Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City Authorities.

(i) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(j) Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(k) Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of persons in the neighborhood.

(l) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(m) Metal Rails, Pillars and Columns, Transportation Thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks in any manner so as to cause loud noises or to disturb the peace and quiet of persons in the vicinity thereof.

(n) Animals, Birds, Fowls. The keeping of any animal, fowl or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.

Violation of any of the provisions of this section shall constitute a misdemeanor and shall be punishable as provided in this chapter and in this Code.

Section 2. Publication

The Clerk shall publish this ordinance once within 10 days after passage in the official newspaper of the City of Sacramento.

Passed: December 15, 1960.

Effective: January 14, 1961.

Saint Louis, Mo.

City Ordinance

Petty Offenses: 760. Noise

760.010. General prohibition.—No person shall create or cause any unreasonably loud, disturbing or unnecessary noise. (1948, C. 44, s. 1.)

760.020. Blowing horns.—No person shall sound any horn or signal device on any vehicle of any kind while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control; nor shall such horn or signal device be sounded under any circumstances except as a danger signal, nor shall it be sounded for any unnecessary or unreasonable period of time. (1948 C. 44, s. 1.)

760.030. Radios, phonographs, etc.—No person shall use, operate or permit to be used or operated any radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, comfort or repose of the neighboring inhabitants; nor shall any person use, operate or permit to be used or operated a radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound at any time with louder volume than is necessary for convenient, normal hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is being used or operated and who are voluntary listeners thereto. The operation of any radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound between the hours of 11 p.m. and 7 a.m. in such a manner as to be plainly audible at a distance of more than 100 feet from such machine or device shall be deemed excessive and shall be prima facie evidence of a violation of this section. (Ord. 50038, June 24, 1960.)

760.040. Pets.—No person shall keep any animal, bird or fowl which, by causing frequent or long continued noise, shall tend to disturb the comfort and repose of any person in the vicinity. Any such noise which can be distinctly heard at a distance of more than 100 feet shall be deemed excessive. (1948, C. 44, s. 1.)

760.050. Vehicles in disrepair.—No person shall use any vehicle which is so out of repair, or so loaded, as to create a loud, unnecessary and disturbing noise of any kind. (1948, C. 44, s. 1.)

760.060. Blowing whistles.—No person shall blow any steam whistle attached to any stationary boiler, nor any other whistle or siren, except to give notice of the time to begin or stop work, or as a warning of danger. (1948, C. 44, s. 1.)

760.070. Use of steam for clothing.—No person shall use steam under pressure for cleaning purposes in any establishment between 10 p.m. and 7 a.m., unless the windows of such establishment are closed. (1948, C. 44, s. 1.)

760.080. Exhaust discharge, etc.—No person shall discharge into the open air the blowdown of any steam engine or the exhaust of any stationary internal combustion engine, or motor vehicle, or of the escape valve from the unloader of any air compressor, unless such discharge be through a muffler or other device which will effectively prevent loud or explosive noises. (1948, C. 44, s. 1.)

760.090. Building operations on Sunday.—No person shall excavate, erect, demolish, alter or repair any building or other structure on Sunday, except in case of urgent necessity in the interest of public safety, and then only with a permit, which permit may be renewed for a period of 3 days or less while the emergency continues. (1948, C. 44, s. 1.)

760.100. Noises near schools, hospitals, churches, etc.—No person shall create any excessive or unnecessary noise within 150 feet of any grounds or premises on which is located any hospital or institution reserved for the sick, or any church, or any school or other institution of learning, or any court, while the same are in session, which unreasonably interfers with the proper functioning of such place. Conspicuous signs shall be placed in the public highways indicating the zones wherein such noises are prohibited. (1948, C. 44, s. 1.)

760.110. Drums, loud speakers, etc.—No person shall use any drum, loud speaker, or other instrument or device for the purpose of attracting attention by creation of noise, nor for advertising purposes. (1948, C. 44, s. 1.)

760.120. Band music in streets.—No military company or procession, or any person whatsoever, shall play any musical instrument in the street within one block of any church on Sunday during the hours of worship. No band of music shall play in the street for any procession with advertising devices, nor shall any band move on the street without a permit from the Board of Public Service. Nothing herein contained shall prevent any military company organized under the laws of the State from parading with a band of music on any day except Sunday. (1948, C. 44, s. 2.)

760.130. Hand organs etc. played for gain.—No person shall carry any hand organ or other musical instrument about the streets for the purpose of playing music thereon in any street, alley or public highway or in any house, for private gain. No license shall be granted to any such person for such purpose. This Section shall not include music required for a military parade, burial or other procession, or serenading party. (1948, C. 44, s. 3.)

760.140. Use of bells, etc. to attract persons to auctions.—No person shall employ any bell man, or use or cause to be used any bell or other sounding instrument as a means of attracting people to an auction or any other place. (1948, C. 44, s. 4.)

826.070. Muffler.—*Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device or other parts,* or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler or any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion. (1948, C. 42, s. 20.)

826. Equipment required on vehicles

826.010. Horns.—Every vehicle shall be equipped with an adequate horn for warning. No person shall drive a motor vehicle to which is attached a gong, bell, whistle or siren, or sound such device in any street. A horn, bell or other device, except a siren, may be attached to a bicycle and a bell or gong may used on a streetcar. This section shall not apply to authorized emergency vehicles. *No person shall sound such horn or warning device except for warning purposes, nor use same for making unnecessary noise at any time.* (Ord. 46687, July 6, 1953.)

Salt Lake City, Utah

City ordinances

Section 1-3-15. Dogs which disturb neighborhood.—No person, persons, firm or corporation shall own, keep or harbor any dog which by loud, continued or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb or endanger the health and welfare of any person or neighborhood; such is unlawful and is hereby declared to be a nuisance and each day a violation is permitted to exist or continue shall constitute a separate offense. Provided, however, that this section shall not apply to the municipal dog pound, veterinary hospitals or medical laboratories.

Section 20-17-28. Noise prohibited. Exception.—It shall be unlawful for any peddler or vendor licensed or registered under the provisions of this chapter to sound a gong, blow a whistle or make any other noise to attract customers; provided that such peddler or vendor may ring a small bell or play soft music provided that such ringing or playing does not emit sound audible to the human ear at a distance greater than one-half city block from its source.

Section 20-25-8. Loud speakers on streets. Permit required.—It shall be unlawful for any person to maintain, operate, connect or allow to be maintained, operated or connected, any caliope or radio apparatus, sound device or any talking machine or loud speaker attached thereto in such a manner that the loud speaker or amplifier shall cause the sound from such apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle or out-of-doors without first obtaining a permit to do so, which shall be granted only to broadcast important, current events or happenings of public interest.

Section 20-25-9. ID. Application for permit.—Every applicant for the permit required by the proceding section shall make application to the license assessor and collector and file therewith a statement declaring the street and house number of the place where he proposes to broadcast, the times and probable duration of such broadcasts and the nature, topics or titles thereof.

Section 20-15-10. ID. Permit fee.—The fee for the permit to broadcast shall be one dollar which shall be paid to the license assessor and collector at the time the application is filed.

Section 20-25-11. ID. Referral of Application to chief of police. The application for a broadcasting permit together with the statement of the applicant shall be referred by the license assessor and collector to the chief of police shall forthwith report to the board of commissioners concerning the traffic congestion and fire hazards of the proposed location, and he shall recommend to the board of commissioners whether or not the permit should be granted. Upon receipt of such report the board of commissioners shall act upon the application as it shall deem fair, just and proper in regard to granting or denying the same.

Section 20-25-12. ID. Exception to permit requirements. The broadcasting permit required by this chapter shall not be construed to prevent the operation in a reasonable manner by any person within any buildings, vehicle or structure even though the sound therefrom may be heard on the outside of such building, vehicle or structure, provided that the said radio apparatus, sound device, amplifier or talking machine shall not project therefrom directly outside of any building, vehicle, or out-of-doors; and provided further that no such radio apparatus, sound device, amplifier or talking machine is in any way fastened to or connected with any outside wall or window in any building, vehicle or structure so that sound therefrom is projected outside of such outside wall, door or window.

And provided further that any caliope, radio apparatus, sound device, loudspeaker or talking machine may be used in such manner that the loudspeaker or amplifier may project the sound therefrom directly outside of any building, vehicle or out-of-doors if the said loudspeaker or amplifier is located at least one hundred feet from a public street, and provided further that the sound projected from such loudspeaker or amplifier shall not be of sufficient volume or intensity to disturb the immediate neighbors or persons using the nearest public street.

And provided further that in the operation of any drive-in type restaurant or ice cream business wherein motor vehicles are driven upon the premises and parked and served food and drink items by attendant employees of such business, and wherein such business serves food items, ice cream or ice milk products and soft drinks and wherein no alcoholics beverages of any type are sold or permitted on the premises, then for the purpose of controlling the movement and parking of said motor vehicles on the premises and the prompt and efficient service of such food, ice cream, ice milk, and soft drink items thereto, radio apparatus, sound devices, loudspeakers or amplifiers may project the sound therefrom directly outside of any building, vehicle or out-of-doors if the said loudspeakers and amplifiers project only vocal directions and instructions to said employees concerning the movement of, parking or, and service to said vehicles in a manner so that the sound pressure level (measured in decibels referred to .002 dynes per square centimeter) of said loudspeakers or amplifiers taken at the perimeter of the property line of said business premises, shall not exceed the following levels in the following octave bands:

Octave band cycles per second. Sound level in Decibels: 600 to 1200 cycles, 50 decibels. 1200 to 2400 cycles, 44 decibels. 2400 to 4800 cycles, 37 decibels.

Section 46–15–247. Unusual noises and excessive smoke. No driver of any vehicle shall permit said vehicle to emit any excessive or unusual noises or any annoying smoke. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted so as to prevent the escape of excessive fumes. No motor vehicle operator shall run his motor with the cut-out open or make any other unnecessary sound disturbance or operated a vehicle emitting from any source an unreasonable quantity of smoke, obnoxious gases, vapor, or oils.

Section 46–15–248. Increasing noise devices forbidden. No person shall sell, furnish, provide or purchase, nor shall any person attach to any vehicle any device which will or is intended to increase the sound of the original muffling equipment on any motor vehicle.

Section 46–15–249. Use of horn. The driver of a motor vehicle shall, when reasonable and necessary to insure safe operation, give audible warning with his horn but shall not otherwise use horn.

Section 46–15–250. Quiet zones. The streets or parts of streets described in schedule 12, attached hereto and made a part hereof and hereby declared to be "Quiet Zones". Every motor vehicle shall be operated in a quiet zone so as to prevent all excessive and unusual noises, and the occupants therein shall maintain reasonable quiet.

San Antonio, Texas

City Code: Chapter 25: Noise

Sec. 25–1. "Noise nuisance"; defined, enumeration.—(a) Any loud, irritating, vexing, or disturbing noise which causes distress, annoyance, discomfort, or injury to, or which interferes with the comfort and repose of, any person of normal nervous sensibilities in the vicinity or hearing thereof, is declared to be a "noise nuisance", unlawful and is prohibited.

(b) The following acts, among others not hereinafter enumerated, are declared to be "noise nuisances", unlawful, and in violation of the provisions of this chapter when such acts are done or accomplished or carried or in such a manner or with such volume, intensity, or with continued duration, so as to annoy, to distress, or to disturb the quite, comfort, or repose of, persons of normal nervous sensibilities within the vicinity or hearing thereof:

(1) The playing of any radio, phonograph, juke box, nickelodeon, or any musical instrument.

(2) Any loud or vociferous language or any soliciting for, or description of, any amusement house, moving picture theater, or other like place of amusement, or for the performance therein, in the entrance thereto, the foyer or lobby thereof, or on the sidewalks adjoining the same.

(3) The keeping of any animal, fowl or bird, which makes frequent or long, continued noise.

(4) The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger signal.

(5) The running of any motor of any automobile or vehicle, motorcycle, or other motor vehicle so out of repair, or so loaded, or so operated, as to create loud, grating, grinding, jarring or rattling noise vibrations.

(6) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, other motor vehicle or boat, except through a muffler or other device which prevents loud or explosive noises therefrom.

(7) The erection, including excavation, demolition, alteration, or repair work, on any building or other structure other than between the hours of seven o'clock a.m. and six o'clock p.m. on week days, except in cases of extreme and urgent necessity in the interest of public safety and convenience, and then only by permit obtained from, and issued by, the director of public works, or any of his duly appointed and acting assistants and employees, which permit may be renewed during the time the emergency exists.

(8) The crying, calling, or shouting in person or by a mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker or phonograph with or without an amplifier, hand organ, or other devices or instruments, musical or otherwise, for the purpose of advertising any candidate for elective office, any goods, wares or merchandise, or for the purpose of attracting attention to or inviting persons to any political rally, meeting or gathering, to any place of amusement, to any performance or show, or to any business or activity whatsoever.

(9) The raucous shouting, whistling, yelling, singing, hooting or crying of peddlers, hawkers, vendors or any other persons. (Code 1950, § 40–2; Ord. No. 18222, 8–28–52)

Sec. 25–2. Creating "noise nuisance" unlawful.—(a) It shall be unlawful for any person to create or cause any noise nuisance, as that term is herein defined, within the corporate limits of the city or within five thousand feet thereof.

(b) It shall be unlawful for any person to permit, or allow to be created or caused, a noise nuisance, as that term is herein defined, within the corporate limits of the city or within five thousand feet thereof. (Code 1950, § 40–1; Ord. No. 18222, 8–28–52; Ord. No. 20902, § 1, 1–20–55)

Sec. 25–3. Quiet zones—Created.—(A) *Schools and other institutions of learning.*

(a) All territory embraced within a distance of two hundred and fifty feet of the real property upon which is situated any school or institution of learning, public and private, shall be held to be, and are hereby decleared to be, "Quiet Zones" during the period of time such schools and institutions of learning are in session.

(b) All territory embraced within a distance of two hundred and fifty feet of the real property upon which each of the hereinafter named schools and institutions of learning, public and private, are situated are hereby declared to be "Quiet Zones".

(School and address)

(1) Edgewood (Elm. Jr. and Sr.), 525 Cupples Road.

(2) Burleson, 4415 Monterrey.

(3) Coronado, 435 S. San Dario.

(4) Gardendale, Dahlgreen Road at Castroville Road.

(5) Carver, 100 Purcell.

(6) Stafford, 611 SW 36th Street.

(7) Edison, 2101 Edison Drive.

(8) Morril Ward, 5200 South Flores.

(9) Collier, 834 Southcross Boulevard.

(10) Gerald Avenue, 436 Gerald Avenue.

(11) Harding, 2717 Pleasanton Road.

(12) Harlandale (Jr. and Sr. High), 300 Block West Huff.

(13) Huff Avenue, 115 East Huff Avenue.

(14) Rayburn Drive, Rayburn Drive at Burton.

(15) Stinson Field Homes Elem. School, 96th Street at Apollo (Stinson Field).

(16) Stonewall, 815 Commercial.

(17) San Antonio Hebrew School, 112 East Quincy.

(18) St. Mary's Hall, 117 East French.

(19) Ursuline Academy, 1108 Navarro.

(20) Central Catholic High, 1403 North St. Mary's.

(21) Peacock Military Academy, 1801 Cincinnati.

(22) Blessed Sacrament Academy, 1135 Mission Road.

(23) Keystone School and Guidance Center, 605 Augusta.

(24) Lakeview Baptist School, 4001 West Martin Street.

(25) Providence High School, 1215 North St. Mary's.

(26) St. Anthony, 205 West Huisache.

(27) St. Catherine, 738 Leal.

(28) St. John Berchman, 1100 Harriman.

(29) St. Teresa's Academy, 4018 South Presa.

(30) Sunshine Cottage, 100 Dog Pound Road (North Entrance—Alamo Stadium).

(31) Barkley, 1112 South Zarzamora.

(32) Beacon Hill, 1400 West Ashby.

(33) Ben Franklin, 1915 West Olmos Drive.

(34) Bowie, 451 Arbor.

(35) Eleanor Brackenridge, 831 Brooklyn.

(36) J. T. Brackenridge, 1214 Guadalupe.

(37) Brackenridge High School, 1635 South St. Mary's.

(38) Brisco, 2015 South Flores.

(39) Burbank High (Jr. High), 1002 Edwards.

(40) Carvajal, Arizona at Barclay.

(41) Collins Gardens, 167 Harriman.

(42) Agnes Cotton, Blanco Road at Fulton Avenue.

(43) Crockett, 2800 West Commerce.

(44) Cuney, 935 Iowa.

(45) De Zavala, 2300 San Luis.

(46) Douglas Jr. High, 318 Nebraska.

(47) Dunbar Jr. High, 1723 Ruiz.

(48) Edison High, 2101 Edison Drive.

(49) Eloise Japhet School (No. 43), 305 Austin.

(50) Eloise Japhet School (No. 51), 514 North Center Street.

(51) Emerson Jr. High, 1023 North Pine Street.

(52) Fenwick, 1930 Waverly.

(53) Gonzales, 500 East Magnolia.

(54) Graebner, 530 Hoover.

(55) Grant, 1015 North Elmendorf.

(56) Green, 122 West Whittier.

(57) Harris Jr. High, 201 Pruitt Avenue.

(58) Hawthorne Jr. High, 115 West Josephine.

(59) Herff, 966 South Hackberry.

(60) Hidalgo, 331 Dora.

(61) Highland Park, 635 Rigsby.

(62) Highland Hills, Glamis at Dollarhide.

(63) Hillcrest, 209 West Dittmar.

(64) Hot Wells Elem., 400 Hot Wells Boulevard.

(65) Hot Wells Jr. High, 200 Cockrell.

(66) Houston Elem., 435 West Travis.

(67) Irving Jr. High, 2215 Morales.

(68) Ivanhoe, 222 Retama Lane.

(69) Jefferson High School, 723 Donaldson.

(70) Johnson, 1811 South Laredo.

(71) Knox, 302 Tipton.

(72) Lamar, 201 Parland.

(73) Lanier Sr. High, 1514 Durango.

(74) Madison, 2900 West Woodlawn.

(75) Horace Mann Jr. High, 2123 West Huisache.

(76) Margil, 1319 Morales.

(77) McKinley Elem., 400 East Magnolia.

(78) Milam, 1101 Austin.

(79) Miller, Aurelia and Lincolnshire.

(80) Navarro, 623 South Pecos.

(81) Nelson, 1801 North Elmendorf.

(82) Ogden, 2215 Leal.

(83) Page Jr. High, 401 Berkshire.

(84) Pershing, 1301 Van Ness.

(85) Poe Jr. High, 110 Cooper.

(86) Riverside, 202 School Street.

(87) Ruiz, 1912 Vera Cruz.

(88) S.A. Voc. and Tech. High School, 637 Main Avenue.

(89) Smith, 823 South Gevers.

(90) Sojourner Truth, 3602 North Main.

(91) Laura Steele, 722 Haggin.

(92) Storm, Brady Boulevard and South Galaveras.

(93) Travis, 1915 North Main Avenue.

(94) Twain Jr. High, 2411 San Pedro.

(95) Tynan, 925 Gulf.

(96) Washington, 1823 Nolan.

(97) Wheatly High, 415 Harrison.

(98) Will Rogers, 620 McIlvaine.

(99) Woodlawn, 1717 West Magnolia.

(100) Woodrow Wilson, 1421 Clower.

(101) Seventh Day Adventist School, 443 Winnepeg.

(102) Athens Avenue Elem. School, 409 Athens Avenue.

(103) Fleming Elem. School, 410 Athens Avenue.

(104) S. San High School, 448 Dwight Avenue.

(105) S. San. Jr. High School, 492 Dwight Avenue.

(106) St. Agnes, 800 Block Ruiz.

(107) St. Alphonsus, N. Rosillo and Tampico.

(108) St. Ann's, 210 St. Ann.

(109) St. Gerard's Elem., 1623 Iowa.

(110) St. Gerard's High School, 521 South New Braunfels.

(111) St. Leo's, 100 Block Octavia.

(112) St. Mary Magdalen's, 1710 Clower.

(113) St. Mary's, 200 Block North St. Mary's.

(114) St. Michael's, 400 Block South Street.

(115) St. Paul's Lutheran School, 100 Block Roseborough.

(116) St. Peter Claver, Nolan at Live Oak.

(117) St. Olive Lutheran, 3103 Buena Vista Street.

(118) Redeemer Lutheran School, 2507 Fredericksburg Road.

(119) Holy Rosary, Santa Maria and Bradford (100 Block St. Louis).

(120) Mt. Calvary Lutheran School, 308 Central Park West.

(121) Austin Elem., 621 West Euclid Avenue.

(122) Bonham Elem., 925 South St. Mary's.

(123) Burnett Elem., 200 La Fitte.

(124) Burnett Elem. Annex, 206 Newton.

(125) Fannin, 1931 East Houston.

(126) Hood Elem., 902 West Martin.

(127) Robert E. Lee Elem., 719 Lamar.

(128) Maverick Elem., Raleigh and Tophill Drive.

(129) Mayfield Park Elem., Amber Place and Gladnell Avenue.

(130) H. K. Williams Elem., Rivas and San Bernardo.

(131) Christ the King, 2900 Block Morales Street.

(132) Holy Redeemer, 230 Vargas Street.

(133) Immaculate Heart of Mary, South San Saba at San Luis.

(134) Incarnate Word High School, 727 East Hildebrand Avenue.

(135) Incarnate Word Elem. School, East Hildebrand Avenue.

(136) Little Flower, North Zarzamora at Kentucky.

(137) Our Lady of Guadalupe, South Leona and San Fernando.

(138) Our Lady of Sorrows, 3100 Block North St. Mary's.

(139) Our Lady of Perpetual Help, 2100 Block Nebraska.

(140) Our Lady of the Lake High School, Southwest 24th Street and Durango.

(141) St. Martin's Hall Elem. School, Southwest 24th Street and Durango.

(142) Our Lady of Victory, 202 South Grimes.

(143) Sacred Heart, 2605 West Commerce.

(144) San Fernando School, North Laredo and West Salinas.

(145) St. Cecilia's, South Presa at Whittier.

(146) St. Henry's, South Flores at West Fest.

(147) St. Joseph's, New Laredo Highway at Dwight Avenue.

(148) St. Patrick's, Crosby and Willow Street.

(149) St. Phillip, 100 Block Bank Street.

(150) Messiah Lutheran, Nogalitos at Hoover.

(151) San Antonia Academy, 1935 North Flores.

(152) Incarnate Word College, 4701 Broadway.

(153) St. Philip's, 2120 Dakota.

(154) San Antonio College, 1300 San Pedro Avenue.

(155) Trinity University, Stadium Drive (Entrance Alamo Stadium).

(156) St. Mary's University, Santa Maria-St. Louis at Cincinnati Avenue.

(157) Our Lady of the Lake College, Southwest 24th Street at Durango.

(158) Apostolic School, 105 Kirk Place.

(B) *Hospitals and sanitariums.*—(a) All territory embraced within a distance of two hundred and fifty feet of the real property upon which is situated any hospital, sanitarium or other like institution for the treatment of sick persons, public and private, shall be held to be, and are declared to be "Quiet Zones".

(b) All territory embraced within a distance of two hundred fifty feet of the real property upon which each of the hereinafter named hosiptals, sanitariums and other institutions for the treatment of sick persons are situated are hereby declared to be "Quiet Zones".

(1) Baptist Memorial Hospital, 111 Dallas Street.

(2) Bethesda, Jackson-Keller Road.

(3) Central Clinic, 505 North St. Mary's.

(4) Dismuke's Convalescent Home, 323 East Carson Street.

(5) Elm Grove Rest Home, 1953 West Ashby Place.

(6) Evergreen Nursing Home, 110 West Evergreen.

(7) Eden Evangelical Home for the Aged, South Loop.

(8) Good Samaritan Hospital, 1602 Dakota.

(9) Grace Lutheran Sanatorium, 701 South Zarzamora.

(10) Robert B. Green Hosiptal, 515 Morales.

(11) Hazell Nursing Home, 1417 Main Avenue.

(12) Hicks' Maternity Ward and Hospital, 501 South Hackberry.

(13) Laurelwood Sanatorium, 2717 North Flores.

(14) Maggie Diet and Rest Home, 3701 Blanco Road.

(15) Medical Arts Hospital, Medical Arts Building.

(16) Mission Medical Center, 403 Centennial.

(17) Moody's Sanatorium, 315 Brackenridge.

(18) Morgan Nursing Home, 1639 West Mistletoe.

(19) Nix Memorial Hospital, 414 Navarro.

(20) Rigsby Convalescent Home, 202 East Evergreen.

(21) Saenz Clinic and Hospital, 1723 Buena Vista.

(22) St. Benedict's Hospital, 418 Madison.

(23) St. Clair Convalescent Home, 841 Rice Road.

(24) San Antonio Osteopathic Hospital, 1033 North Main.

(25) San Antonio State Hospital, South Presa Street.

(26) Santa Rosa Hospital, 745 West Houston.

(27) Surgical and Obstetrical Hospital, 300 West Pyron Avenue.

(28) Texas Mission Home and Training School, 103 9th Street.

(29) Terrell Wells' Health Resort, 603 Hutchins.

(30) Vaughn Nursing Home, 2700 Pleasanton Road.

(31) Woodmen of the World Memorial Hospital, North New Braunfels Avenue.

(Code 1950, § 40–3; Ord. No. 18222, 8–28–52)

Sec. 25–4. Same—Display of signs and placards.—It shall be the duty of the chief of police to place and maintain, or cause to be placed and maintained, on lampposts or other such post or object in some conspicuous place on every street, avenue, and alley in the vicinity of every school or other institution of learning, public and private, and every sanitarium, hospital or other like institution, public and private, signs or placards which shall indicate that the same is a "quiet zone". Such signs or placards shall be placed on such streets, avenues and alleys at a distance of not less than two hundred and fifty feet in every direction from the real property upon which is situated, any school or other institution of learning, or any hospital, sanitarium or other like institution for the treatment of sick persons. Such signs or placards shall read in a manner similar to, but not restricted to the following: "School—Quiet Zone", or "Hospital—Quiet Zone". Where proper and lawful, such signs or placards designating a quiet zone may also designate the lawful speed limit in such school, or other institution of learning, zone or area in a manner similar to, but not restricted to, the following: "School—Quiet Zone—Speed Limit -------------- M.P.H." (Code 1950, Ch. 40; Ord. No. 18222 8–28–52)

Sec. 25–5. Same—Creation of "noise nuisance" therein.—The making, causing, or creating, or permitting or allowing to be made, caused, or created, any loud, vexing, irritating or disturbing noise which interferes with the operations or workings of any school, or other institution of learning, public or private, or hospital, sanitarium or other like institution for the treatment of sick persons, public or private, situated within an area designated as a "Quiet Zone" is hereby declared to be a "noise nuisance", unlawful and prohibited. (Code 1950, Ch. 40; Ord. No. 18222, 8–28–52.)

Sec. 26–27. Same—Toy gun, explosive, etc.: furnishing to minors.—It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description. (Code 1950, § 41–20)

Sec. 26–28. Same—Carrying loaded rifle or shotgun; penalty.—(a) It shall be unlawful for any person, other than duly authorized peace officers, to carry a loaded rifle or shotgun on any public street within the city or in a motor vehicle while the same is being operated on any public street within the city.

(b) Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed two hundred dollars ($200.00). (Ord. No. 32758, §§ 1, 2, 9–10–64)

(Editor's note—Section 26–28 is derived from Ord. No. 32758, §§ 1 and 2, enacted September 10, 1964, and has been included and designated as said section at the discretion of the editors as said ordinance was nonamendatory to this Code. Supp. No. 36.)

Sec. 26–10. Same—Maintenance of order.—It shall be unlawful for the owner, lessee, manager or proprietor of any theater or other place of amusement within the city to permit any vociferous language, loud hallooing, cursing or swearing, within such theater or place of amusement. Such places shall be conducted in a peaceable and orderly manner, so that no inhabitant of the neighborhood may be disturbed thereby. (Code 1950, § 57–8)

Sec. 26–15. Fireworks.—It shall be unlawful for any person to in any manner use, shoot, discharge, explode, ignite, or display any fireworks within the city, except as provided for in this section.

Any citizen of the city may give a public fireworks display, provided he secures a permit therefor from the city council as herein provided. Application therefor shall be addressed to the city council, shall state the name and residence of the applicant, the time and place of the proposed exhibition, a description of the kind, character and quantity of the fireworks intended to be displayed, and shall be accompanied by a cashier's or certified check for twenty-five dollars.

The city council shall pass upon such application and may grant or reject same within its discretion. If same is rejected, the check for twenty-five dollars shall be returned to the applicant; if it is granted, such check shall be deposited to the general fund and be retained as a fee for the permit. A certified copy of the city council's action of approval shall constitute the applicant's permit.

Sec. 38–38. Sirens, bells, whistles prohibited.—It shall be unlawful for any person operating an ambulance on the public streets of this city to use any audible signal by bell, siren, or exhaust whistle.

San Diego, California

City Ordinances

Sec. 56.35. Loud, unusual noises—Prohibited—Exceptions.—It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any loud, unnecessary or unusual noise which injures or endangers the health, peace or safety of others; provided however, that this Section and these Subsections shall not in any way affect, restrict or prohibit any activities incidental to scientific or industrial research or manufacturing, construction or repairing conducted in areas zoned for such purposes or upon lands which are under the jurisdiction of the Harbor Commission of said City.

Sec. 56.35.1 Loud, unusual noises—Declaration of certain acts constituting.—The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section but said enumeration shall not be deemed to be exclusive, namely:

(a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time. The use of any signaling device when traffic is for any reason held up.

(b) Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 9:00 o'clock P.M. and 8:00 o'clock A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building structure or vehicle in which it is located, shall be prima facie evidence of a violation of this Section.

(c) Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loud-speaker, sound amplifier, or other machine or device for the producing of sound which is cast upon the streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(d) Yelling, shouting, etc. Loud or raucous yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 9:00 o'clock P.M. and 8:00 o'clock A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(e) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity; provided, however, that nothing contained herein shall be construed as applying to occasional noises emanating from legally operated dog and cat hospitals, Humane Societies and City Pound.

(f) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat; or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom; provided that this Subsection and these subsections shall not in any way affect, restrict or prohibit any activities incidental to scientific or industrial research, or manufacturing, construction or repairing conducted in areas zoned for such purposes or upon lands which are under the jurisdiction of the Board of Commissioners of the San Diego Unified Port District.

(g) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(h) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(i) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(j) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise; provided, however, that this Section and Subsections shall not in any way affect, restrict or prohibit any activities incidental to scientific or industrial research, or manufacturing, construction or repairing conducted in areas zoned for such purposes or upon lands which are under the jurisdiction of the Board of Commissioners of the San Diego Unified Port District.

(k) Motor vehicle noises. Any excessive, unusual, loud or disturbing noise made by any motor vehicle and not reasonably necessary in its operation under the circumstances and shall include but not be limited to noise caused by screeching of tires, racing or accelerating the engine, backfiring the engine and exhaust from the engine tailpipe or muffler.

(Amended 10–6–66 by Ord. 9519 N.S.)

Sec. 11.12 Violations—A misdemeanor.—It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than $500.00 or by imprisonment in the City Jail for a period of not more than six months or by both fine and imprisonment.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly. In addition to the penalities hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

An ordinance amending chapter III, article 3, of the San Diego Municipal Code by amending section 33.0701.5 regulating sound trucks

Be it ordained by the Council of The City of San Diego as follows:

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code be amended by amending Section 33.0701.5 to read as follows:

Sec. 33.0701.5 Regulations for use.—Noncommercial use of sound trucks in The City of San Diego with sound amplifying equipment in operation shall be subject to the following regulations:

(a) The only sounds permitted are music or human speech.

(b) Operations are permitted between the hours of 8:00 a.m. and 9:00 p.m., or after 9:00 p.m. during public events and affairs of interest to the general public.

(c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each stop.

(d) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.

(e) No sound truck with its amplifying device in operation shall be operated within the Central Traffic District of The City of San Diego as said Central Traffic District is defined in Chapter VIII.

(f) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(g) The volume of sound shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility and so that the volume of sound shall not exceed a sound level of 65 decibels at a distance of 50 feet from the sound amplifying equipment, as measured by a sound level meter which meets Standard No. 5.14 of the U.S.A. Standards Institute.

(h) No sound amplifying equipment shall be operated unless the axis of the center of any sound reproducing equipment used shall be parallel to the direction of travel of the sound truck; provided however, that any sound reproducing equipment may be so placed upon said sound truck as to not vary more than 15° either side of the axis of the center of the direction of travel and provided further that radial, nondirectional type of loud speakers may be used on said sound trucks either alone or in conjunction with sound amplifying equipment placed within 15° of the center line of the direction of travel.

(i) No sound truck with its amplifying device in operation shall be driven on the same street past the same point more than twice in a period of one hour.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

San Francisco, California

Police Code

Sec. 773. Regulations for Operation of Miniature Golf Course.—No person, attending or playing upon any miniature golf course shall thereon cause, and no person, firm or corporation owning, conducting or operating any miniature golf course, shall permit or suffer thereon to be caused, any loud, boisterous, unusual or disorderly noise, sound, tumult, or outcry. Any noise, sound or outcry occurring between 10 o'clock P.M. and 9 o'clock A.M. and capable of being heard more than twenty-six (26) feet from the exterior boundaries of any miniature golf course, is hereby declared to be, and shall be conclusively determined to be, loud, boisterous, unusual and disorderly. In any prosecution for a violation of Sections 770 to 780, inclusive, of this Article, or in any proceeding for a revocation of permit, as hereinafter provided, the establishment of the fact of any such noise, sound or outcry as herein defined, shall conclusively impute responsibility therefor to the person, firm or corporation owning, operating or conducting said miniature golf course and it shall be conclusively determined therefrom that said noise, sound or outcry was permitted or suffered to be caused by said person, firm or corporation.

Sec. 774. Revocation of Permit.—In the event of any violation of Sections 770 to 780, inclusive, of this Article, or in the event of any conduct, maintenance or operation of any miniature golf course in such manner as to disturb the peace, constitute a nuisance, depreciate the value of any hotel, apartment, rooming-house, flat, residence or hospital or as to annoy or disturb any roomer, lessee, tenant or occupant therein, the Police Department shall have power, upon hearing to show cause, to revoke any permit issued by it for the operation of any miniature golf course.

Sec. 777. Radio Regulations.—All radios, sound amplifiers, phonographs or other music producing apparatus shall be turned off or stopped on outdoor miniature golf courses between 10 o'clock P.M. and 10 o'clock A.M.

Sec. 147. Disturbance of Peace, Use of Profane Language, Etc., Prohibited.—No person shall make in any place, or suffer to be made upon his premises, or premises within his control, any noise, disorder or tumult, to the disturbance of the public peace.

Utter within the hearing of two (2) or more persons, any bawdy, lewd, obscene or profane language, words or epithets.

Address to another, or utter in the presence of another any words, language or expression having a tendency to create a breach of the peace.

Utter, in any public place, or utter in the presence or hearing of ten (10) or more persons, any slanderous or vile or indecent words or epithets of or concerning any person, present or absent, unless (the burden of proving which shall devolve on the defendant) such slanderous, vile or indecent words or epithets were true and were uttered with good motives and for justifiable ends.

Sec. 1257. Ringing Bells and Noises Prohibited.—It shall be unlawful to ring any bell or sound any other loud or noisy instrument for the purpose of attracting attention to any auction sale.

Sec. 42. Amplifiers and Loud Speakers Prohibited.—It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated or connected any loud speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the City and County of San Francisco, without first procuring from the Chief of Police of said city and county a permit authorizing the same.

Sec. 43. Permits for Outside Buildings.—The said Chief of Police may issue a permit to any person applying therefor, for the use of a loud speaker or sound amplifier to project sound outside of any building or out of doors in any part of said city and county, in the following cases only:

(1) The making of charitable appeals;

(2) During, and as part of public events;

(3) In publishing affairs of interest to the general public, provided, however, that no permit shall be issued for the use of such loud speakers or sound amplifiers in commercial advertising except when issued under subdivisions 4 or 5 hereof;

(4) Where the announcement or broadcasting is in connection with public events, such as ceremonials, games or amusements, and where the announcement or broadcasting is made for information or amusement of the persons assembled at such ceremonials, games or amusements;

(5) For the use of loud speakers or sound amplifiers upon vehicles under the conditions and restrictions set forth in Section 46 of this Article.

The permit as issued by the said Chief of Police shall state the name and address of the permittee, the authorized purpose, and the time and place of using such loud speaker or sound amplifier. Any permit issued hereunder is revocable at the pleasure of said Chief of Police.

Sec. 46. Permits by Chief of Police for Amplifiers on Vehicles—Inspection Fees—Installation Regulated.—A permit may be issued by the Chief of Police for the use of a loudspeaker or sound amplifier installed upon a vehicle, subject to the following restrictions and conditions, the violation of any of which is hereby made a misdemeanor, to wit:

Application shall first be made to the Department of Electricity for testing and inspection of the equipment proposed to be used on such vehicles. The applicant shall pay to the Department of Electricity an initial testing and inspection fee of Thirty-two ($32.00) Dollars and upon receipt of said fee the Department of Electricity shall test and inspect the said equipment and shall fix, prescribe and certify to the Chief of Police a maximum permitted volume and output of said equipment, the same to be fixed and determined by said Department of Electricity. The permit issued by the Chief of Police shall be limited to the said maximum permitted volume and output and shall contain the same as a condition and restriction thereof, and any operation of such equipment in excess of said maximum permitted volume and output, as thus fixed and prescribed, shall be and constitute a misdemeanor. A holder of a permit to operate such equipment shall submit the same to the Department of Electricity once each month for testing and inspection and shall pay the Department of Electricity the sum of Three Dollars and Fifty Cents ($3.50) for each said testing and inspection. The Department of Electricity may, at its pleasure, demand, require and make inspection of such equipment more frequently than once each month and the holder of a permit shall pay said Department the sum of Three Dollars and Fifty Cents ($3.50) for each such additional inspection. Any permit issued by the Chief of Police for the operation of such equipment shall contain the following conditions and restrictions, violation of any of which shall constitute a misdemeanor, to wit:

(1) Such equipment shall not be operated out of doors nor in such a manner as to project sound out of doors between the hours of 10 o'clock p.m. and 10 o'clock a.m.

(2) Such equipment shall not be operated within three hundred (300) feet of any portion of the exterior boundaries of any church, school, hospital, public library or undertaking parlor.

(3) Such equipment shall not be operated upon the public streets at any time during which the vehicle upon which the same is installed is not in motion nor at any time during which such vehicle is proceeding at a rate less than ten (10) miles per hour.

(4) While said equipment is in operation the vehicle upon which the same is installed shall not traverse any one (1) block in the city and county more than four (4) times in any one (1) calendar day, and shall not traverse any part of the City and County of San Francisco east of Van Ness Avenue.

Any permit issued hereunder shall be revocable at the pleasure of the Chief of Police. The said Chief may suspend the operation of such equipment at his pleasure pending determination by him of any proposed revocation of permit. (*Amend. Ord. 230–63, App-8/29/63.*)

Traffic Code

Sec. 94. Noises, Unnecessary, Prohibited.—It shall be unlawful for the operator of any vehicle to sound any horn or other device or make any loud, unusual or unnecessary noise within the distance of one (1) block from any public or private hospital, except when necessary to avoid an accident; provided, further, that the operators of said vehicles permitted, under the law, to be equipped with sirens shall not sound such sirens except when absolutely necessary.

Building Code

2. Sound generation. The mechanical means for parking the vehicles, with or without vehicles therein, shall not cause an increase during operation, of more than five (5) decibels in the noise level above the existing power average sound level of several readings taken at 15 second sound intervals for a period of five (5) minutes with the mechanism not in operation.

The test readings shall be taken at the property line of the structure or at any point outside such line and at the same time of day or night.

All sound level meter readings and performance, including definitions and units, shall be in accordance with the American Standards Association standards, Z-24, and Z-24.2 and Z-24.3. (*Amend. Ord. 251-61, app. 9-11-61*)

Sec. 1614.1.G. Exit Facilities.—Public parking structures, Division 5. Type 4 construction, shall be provided with at least one (1) stairway, which may be an exterior stairway, terminating at ground level with direct access to the street. Such stairway shall be continuous to the roof and shall be not less than three feet (3') in width. Basement and subbasement exits or ramps shall be the same as required by Section 1611.F.

An additional exterior stairway or fire escape shall be located where and as required by the Superintendent and the Bureau of Fire Prevention and Public Safety and shall be adjacent to a dry standpipe. Each additional dry standpipe shall have a stairway or fire escape adjacent thereto.

Smokeproof enclosures are not required. (*Amend. Ord. 251-61, app. 9-11-61*)

San Jose, Calif.

City ordinance

Ordinance No. 10411 of the City of San Jose Amending Chapter 5 article VII of the San Jose Municipal Code relating to air traffic rules of the San Jose Municipal Airport

Be it ordained by the Council of the City of San Jose:

That Section 7526.2 of Article VII Chapter V of the San Jose Municipal Code is hereby amended by repealing said Section in its entirety and adding a new Section in place thereto, said new section to be numbered and entitled and to read as follows:

7526.2. *Same. Rules for the Operation of Aircraft.*—(a) Take-offs. Take-offs shall be made from the end of the runway designated by the control tower. Runway 30 Left is the preferential take-off runway. All operations shall be confined to hard surface.

(b) Landings. All landings shall be confined to hard surface and shall be made on the runway designated by the control tower. Runway 30 Right is the preferential landing runway.

(c) Passing. There shall be no passing of aircraft in the landing or taxi pattern. Glide speeds shall be reasonable and in accordance with manufacturer's specifications. Safe distances will be maintained between all aircraft in the pattern and on the landing area. Aircraft rolling to a stop after landing shall immediately clear the runway by turning off at the nearest taxiway ahead of the aircraft unless otherwise advised by the control tower.

(d) Turns. Unless directed by the control tower, no turn after take-off shall be made until the aircraft has passed the airport boundaries and has gained an altitude of at least four hundred (400) feet above sea level.

(e) Traffic patterns. Unless otherwise directed or approved by the control tower, traffic patterns will be left hand for Runways 30L and 12L and right hand for Runways 30R and 12R. After takeoff from Runways 30L and 12L, aircraft shall make a normal left turn to leave the traffic pattern. After takeoff from Runways 30R and 12R, aircraft shall make a normal right turn to leave the traffic pattern.

(f) Traffic altitude. Normal traffic altitude shall be seven hundred fifty (750) feet above sea level for non-turbine-powered, fixed wing aircraft of less than 12,500 pounds gross weight. All fixed wing aircraft in excess of 12,500 pounds gross weight, and turbine-powered, fixed wing aircraft shall enter the traffic pattern at not less than one thousand five hundred (1,500) feet above sea level.

(g) Traffic pattern. All aircraft shall enter traffic pattern at a 45° angle at the start of the downwing leg. Unless otherwise directed by the control tower, all aircraft shall make at least two 90° turns of a traffic rectangle before landing.

(h) Noise. All aircraft approaching from or taking off over populated areas shall be operated so as to make a minimum of engine and propeller noise. Where Federal Regulations are not applicable, all aircraft on final approach to Runways 30 or 12, which are operating at less than 1,000 feet above sea level, shall maintain an approach path which is not less than 278 feet above the airport for each statute mile distance from the landing end of the runways. When approaching to land on Runway 30, this requirement results in a minimum aircraft altitude of six hundred eighteen (618) feet above sea level over Santa Clara Street in the downtown area and 204 feet altitude above sea level over Highway 17.

(i) Taxiing. No aircraft shall be taxied from the parking area onto a taxiway or runway without clearance from the control tower.

Passed to print this 17th day of December, 1962, by the following vote:

Seattle, Washington

City ordinance

Ordinance No. 90007 relating to and regulating the making of loud, disturbing and unnecessary noises; defining offenses; providing penalties and repealing certain sections of Ordinances 48022, 81599, 15956, 80998, 65782 and 75762 and all amendments thereto and superseding all other ordinances to the extent inconsistent therewith

Be it ordained by the City of Seattle as follows:

Section 1. (a) For the purposes of this ordinance, "Allowable level of noise" means not more than 95 decibles as measured on the A scale of a General Radio Company No. 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet to the side of a motor vehicle as such motor vehicle passes the sound level meter, or is stationed not less than twenty (20) feet from a stationary motor or engine.

(b) "Motor Vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Section 2.1. The acts or omissions set forth in Sections 2.2 through 2.14 are unlawful.

Section 2.2. Horns and other signaling devices. The sounding of any horn or other signaling device on any motor vehicle or trackless trolley on any street or public place of the city, or on any vessels on any waterway, except as specifically permitted or required by law, or as a danger warning, and the sounding of any such device for any unnecessary period of time.

Section 2.3. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary or portable internal combustion engine, or motor vehicle except through a muffler in good repair or other device which will effectively prevent loud or disturbing noises therefrom above the allowable level of noise: Provided, that where such steam engine, stationary or portable internal combustion engine is enclosed within a building used for industrial or commercial purposes, the allowable level of noise shall be measured at the nearest point on the boundary of the property on which such engine is located. This section shall not apply to aircraft or to supporting ground equipment for aircraft.

Section 2.4. Mismanagement of Vehicles. The use of any motor vehicle which, because of it being out of repair, or because of its not being loaded properly, or, because of the manner of operation, creates a loud and disturbing noise.

Section 2.5. Loading, Unloading, or Opening of Boxes. The creation of a loud and disturbing noise in connection with loading or unloading any vehicle or the opening destruction of bales, boxes, crates, and containers between the hours of 10:00 P. M. and 7:00 A.M.

Section 2.6. Blowers. The operation of any noise-creating blower or power fan unless the noise from such blower or power fan is adequately muffled.

Section 2.7. Whistles. The blowing of any locomotive whistle, or whistle attached to any stationary boiler, or mechanical whistle, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city authorities.

Section 2.8. Loud Speakers, Amplifiers or Noise Devices for Advertising. The using of any radio or television set, musical instrument, phonograph, loud speaker, sound amplifier, bell, drum, horn or other machine or device for the producing or reproducing of sound directed upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or tent. Temporary exceptions for civic events or for civic or religious organizations or for the playing of music during the Christmas season only may be authorized by the City Comptroller for such periods of time and under such conditions as may be consistent with the public interest.

Section 2.9. Radios, Television Sets, Phonographs, etc. The playing of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants.

Section 2.10. Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, or any other place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type residence, or of anyone in the vicinity.

Section 2.11. Domestic Pets. The keeping of any domestic bird or animal which emits frequent or long continued noise so as to disturb the peace, quiet and comfort of the neighborhood inhabitants.

Section 2.12. Tools. The use in a residential zone or the vicinity of a hotel or motel of hand or power tools, or machinery, resulting in loud and disturbing noises between the hours of 10:00 P.M. and 7:00 A.M.

Section 2.13. Hawkers, Peddlers, and Vendors. The shouting and crying of peddlers, hawkers or vendors on any public street or place or on private property so closely adjacent thereto that thereby crowds may be collected and traffic obstructed thereon.

Section 2.14. Sirens. The sounding of sirens on escort service except where specifically required or permitted by law and not for the purpose of calling attention to a vehicle or caravan. The sounding of a siren on an ambulance, except when operated in response to an emergency call, and when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Section 2.15. None of the foregoing subsections of Section 2 of this ordinance shall apply to emergency situations where life, health or property is at stake or to intermittent situations arising out of industrial research and development work carried on in areas zoned for industrial purposes, nor to those normal situations of community life where noise is inherent and has been long accepted by the community, such as activities during school recess, and at public parks and athletic contests.

Section 3. Anyone who violates or fails to comply with any of the provisions of this ordinance shall, upon conviction, be punished by a fine not exceeding $300.00, or by imprisonment in the city jail not exceeding 90 days, or by both, and each day such continues shall constitute a separate offense.

Section 4. That Sections 152 and 153 of Ordinance 48022 approved December 1, 1924 as last amended by Ordinance 80950, approved April 25, 1952, and by Ordinance 88789, approved December 8, 1959, is hereby repealed.

240595. Section 5. That Section 10 of Ordinance 81599, approved December 29, 1952, Section 1-A of Ordinance 15956, approved May 10, 1907, as amended by Ordinance 63755, approved June 6, 1933, Section 122 of Ordinance 80998, approved May 14, 1952, and Section 3 of Ordinance 65782, approved October 31, 1935, are hereby repealed, and all other ordinances to the extent in conflict with the provisions of this ordinance are hereby superseded.

Ordinance 90726 relating to the regulation of loud, disturbing and unnecessary noises under Ordinance 90007, and amending Sections 2.8 and 2.13 to exempt from the regulations thereunder, hawkers licensed under and hawking in accordance with Sections 152 and 153 of the License Code (Ordinance 48022), and repealing Section 4 of said Ordinance 90007

Be it ordained by the city of Seattle as follows:

Section 1. That Section 2.8 of Ordinance 90007, entitled: "An ordinance relating to and regulating the making of loud, disturbing and unnecessary noises; defining offenses; providing penalties, and repealing certain sections of Ordinances 48022, 81599, 15956, 80998, 65782 and 75762 and all amendments thereto and superseding all other ordinances to the extent inconsistent therewith.", ~~is~~ hereby amended to read as follows:

~~Section~~ 2.8. *Loud speakers, amplifiers or noise devices for advertising.* The using of any radio or television set, musical instrument, phonograph, loud speaker, sound amplifier, bell, drum, horn or other machine or device for the producing or reproducing of sound directed upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or tent. Temporary exceptions for civic events or for civic or religious organizations or for the playing of music during the Christmas season only may be authorized by the City Comptroller for such periods of time and under such conditions as may be consistent with the public interest.

Provided that the provisions of this section shall not apply to persons licensed under and hawking in accordance with the provisions of Sections 152 and 153 of Ordinance 48022.

Section 2. That Section 2.13 of Ordinance 90007 is hereby amended to read as follows:

Section 2.13. The shouting and crying of peddlers, hawkers or vendors on any public street or place or on private property so closely adjacent thereto that thereby crowds may be collected and traffic obstructed thereon.

Provided, that the provisions of this section shall not apply to persons licensed under and hawking in accordance with the provisions of Sections 152 and 153 of Ordinance 48022.

Section 3. That Section 4 of Ordinance 90007 is hereby repealed.

Tucson, Arizona

City Codes

Article II. Noise

Sec. 11-75. Loud and unnecessary noise generally prohibited.—It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the city such as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health, or morals of the public. (Ord. No. 2070, § 1, 8-1-60)

Sec. 11-76. Noisy vehicles, motors prohibited.—It shall be unlawful for any person to use any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise. (1953 Code, Ch. 30, § 1; Ord. No. 2070, § 1, 8-1-60)

Sec. 11-77. Mufflers required on mechanical devices; "cut-outs" prohibited.—It shall be unlawful for any person to operate any mechanical device operated by gasoline, or steam or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device. (1953 Code, Ch. 30, § 3; Ord. No. 2070, § 1, 8-1-10)

State law reference—Mufflers required on vehicle A.R.S. § 28-955.

Sec. 11-78. Hours for operation of engines other than on public highways.—The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being public highways, between the hours of 10:30 p.m. and 8:00 a.m. on weekdays and 12:00 midnight on Sundays shall be unlawful. (1953 Code, Ch. 30, § 4; Ord. No. 2070, § 1, 8-1-60)

Sec. 11-79. Noise by street vendors, advertisers.—It shall be unlawful to produce any sound in connection with the sale, advertising, or display of merchandise from a push-cart, bicycle, or vehicle as bicycle and vehicle are defined in section 20-1 of this Code:

Sec. 11-79(1). In excess of 70 decibles of sound, "C"-scale, measured at a distance of 50 feet from the said push-cart, vehicle or bicycle; or

Sec. 11-79(2). While such pushcart, bicycle, of vehicle is not in motion; or

Sec. 11-79(3). Between the hours of 1:00 p.m. and 3:00 p.m. and between the hours of 9:00 p.m. and 10:00 a.m. (1953 Code, Ch. 30, § 4a; Ord. No. 2086, § 1, 10-3-60)

Cross references—Bond required for transient merchant, § 19-27; licensee fee for peddlers, § 19-28(105).

Sec. 11-80. Hours of operation of repair shops near residences, motels, hotels, hospitals, etc.—It shall be unlawful for the owner of, or any person employed in or about any repair shop in the city, situate within or partly within a distance of four hundred feet from any residence, dwellinghouse, lodginghouse, hotel, motel or hospital to do or permit to be done, between the hours of 11:00 p.m. and 7:00 a.m. of the next day, any repair work requiring hammering, pounding, filing, sawing, drilling or the operation of any machinery or machines, or the use of any other tools and implements which can be heard outside of the premises occupied by such repair shop. (1953 Code, Ch. 18, § 44)

Sec. 11-81. Violations declared nuisances.—Any act in violation of this article is hereby declared to be a nuisance. (1953 Code. Ch, 30, § 5; Ord. No. 2070, § 1, 8-1-60)

Sec. 11-82. Notice and abatement of violations.—Upon complaint to the police department by any person disturbed or annoyed by noises in violation of this article, the police department shall investigate such complaint and, if found justified, shall issue notice of such complaint to the person causing or permitting the continuance of such noises, notifying him immediately to bate the nuisances. If the person so notified refuses or neglects to abate the same forthwith, complaint shall be filed against the offending person. Any person, however, may be arrested for violation of this article upon the direct complaint of any other person. (1953 Code, Ch. 30, § 6; Ord. No. 2070, §1, 8-1-60)

Sec. 11-83. Exemptions.—None of the terms or prohibitions of this article shall apply to or be enforced against:

Sec. 11-83(1). Any vehicle of the city while engaged upon necessary public business;

Sec. 11-83(2). Excavations or repairs of bridges, streets or highways by or on behalf of the city, State of Arizona, or other governmental agency; and

Sec. 11-83(3). The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character, provided such amplifiers or loudspeakers are not used from any vehicle while in motion. (1953 Code, Ch. 30, § 7; Ord. No. 2070, § 1, 8-1-60; Ord. No. 2086, §§ 2, 3, 10-3-60)

Planning and Zoning

Sec. 23-322(5). *Manufacturing.* Manufacturing, treatment, converting, altering, finishing or body and fender work, or assembling may be carried on in any part of any building, but only when a necessary incidental accessory to a permitted principal use, provided not more than twenty-five percent of the total area of the building is used for such purposes; however, any such use which, in the opinion of the building inspector, may be noxious or offensive or injurious in a "B-2A" business district by reason of the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried wastes, so as to be detrimental to the public health, safety or general welfare, shall be permitted only by authorization of the board of adjustment, as provided in section 23-496.

Sec. 23-336. Manufacturing limited.—Manufacturing, treatment, converting, altering, finishing or body and fender work, or assembling may be carried on in any part of any building, but only when a necessary incidental accessory to a permitted principal use, provided not more than one-third of the total floor area of the building is used for such purposes; however, any such use which, in the opinion of the building inspector, may be noxious or offensive or injurious in a "B-2" business district by reason of the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried wastes, so as to be detrimental to the public health, safety or general welfare, shall be permitted only by authorization or the board of adjustment, as provided in section 23-496(3) (a). (1953 Code, Ch. 21, § 10)

Sec. 23-391(18). Noise.: At no point on the boundary of residential or business districts shall the sound pressure level of any individual operation or plant exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities).

Octave band cycles per second:	*Maximum sound pressure level in decibels 0.002 dynes per* CM^2
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

Sec. 23-391(22). *Vibration:* No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.

Sec. 23–404(15). Noise: At no point on the boundary of property having zoning other than I–2 shall the sound pressure level of any individual operation or plant exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities).

Octave band cycles per second:	*Maximum sound pressure level in decibels 0.002 dynes per CM^2*
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed in the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

Warwick, R.I.

8, 4, 9 Noise

Light Industrial Districts.—Industrial noise shall be measured from any property line of the tract on which the industrial operation is located. Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.

Heavy Industrial Districts.—Industrial noise shall be measured from the nearest Heavy Industrial District boundary line. Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.

At the specified points of measurement the sound pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values given in Tables I and II in any octave band frequency. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association. (American Standards Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3–1944, and American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10–1953, American Standards Association, Inc., New York, N.Y., shall be used.)

TABLE I

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility between the hours of 10:00 p.m. and 7:00 a.m.

Frequency band cycles per second:	*Sound Pressure Levels: Decibels**
20– 75	69
75– 150	54
150– 300	47
300– 600	41
600– 1,200	37
1,200– 2,400	34
2,400– 4,800	31
4,800–10,000	28

*According to the following formula

Sound pressure Level in Decibels equal

$$40 \log \frac{P1}{P2}$$

where P2 equals 0.0002 dynes|cm^2

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given above in Table I.

TABLE II

Type of operation or character of noise:	*Correction in Decibels*
Daytime operation only (plus)	5
Noise source operates less than 20% of any one hour period (plus)	*5
Noise source operates less than 5% of any one hour period (plus)	*10
Noise source operates less than 1% of any one hour period (plus)	*15
Noise of impulsive characted (hammering, etc.) (minus)	5
Noise of periodic character (hum, screech, etc.) (minus)	5

*Apply one of these corrections only (8–21–58, 10–16–58.)

OEO NEIGHBORHOOD LEGAL SERVICES PROGRAM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. GUDE. Mr. Speaker, William Raspberry of the Washington Post has written a column about a subject which I feel is of considerable interest to my colleagues at this time. His article deals with the OEO neighborhood legal services program. As you know, the Senate has passed an amendment to the antipoverty authorization bill which would give State Governors an item veto of legal services projects and eliminate the director's authority to override that veto. I am convinced that the amendment can do nothing but harm to the effectiveness of the legal services program. If we permit State Governors to immunize State agencies or other defendants from lawsuits on behalf of the poor, we will be denying the poor equal access to the law. I do not believe our Governors will be very comfortable with the power to deprive their indigent citizens of the rights more fortunate citizens can take for granted.

As a member of the District Committee, I am familiar with the success of the neighborhood legal services program here. The continued development of effective representation of the poor is surely one of our best hopes for orderly social reform, and I hope that when the OEO amendment comes to the floor for consideration, we will reaffirm our commitment to provide equal access to the peaceful processes of law. Mr. Raspberry's observations deserve serious thought.

The article follows:

[From the Washington Post, Oct. 24, 1969]

DEVELOPMENT OF POVERTY LAW IS THREATENED BY SENATOR MURPHY

(By William Raspberry)

It is easy to confuse the function of the Neighborhood Legal Services with that of other lawyers—say public defenders or court-appointed attorneys—who handle legal matters for poor people.

Much of the NLS work is precisely like that of the old-line programs, providing routine legal representation for people who can't afford to purchase it.

But if that were all there was to it, NLS would not have become the vital force it is. Nor, of course, would it have aroused the hackles of Sen. George Murphy (R-Calif.)

Where NLS has made its mark is not so much in the routine *practice* of law as in the *development* of poverty law.

Take landlord-tenant law, which had undergone virtually no change at all over the past hundred years. Then came the Neighborhood Legal Services with its suits on behalf of poor tenants, suits which are beginning to clarify the rights of tenants in courts that have traditionally been the handmaidens of landlords.

Much law is being *made* in the process. It is no longer, for example, just a matter of having a judge consider whether an eviction has been properly carried out in terms of sufficient notice and that sort of thing.

The courts had always acted on the assumption that a landlord could evict, absent a lease, anytime he chose to do so. They had never addressed themselves to such questions as retalitatory evictions against tenants who exercised their right to complain about housing code violations or to organize tenants' groups or otherwise "make trouble" for landlords.

Now it seems clear that there is underway a legal trend that will lead to unprecedented protection of tenants, rich as well as poor, against the whims of their landlords.

This sort of case law development is difficult enough for litigants who can pay for good legal counsel. It would be impossible for poor people except through something very much like the Neighborhood Legal Service.

Much of the work done by NLS attorneys has been directed at reform of state and local government institutions—the attack on welfare residency rules, for example.

And therein lies the real mischief of Sen. Murphy's amendment to the antipoverty authorization bill. The amendment would give governors final veto power over NLS activities. (Under present law, a governor's veto can be overridden by the Office of Economic Opportunity.)

Can you imagine the governor of New York (or the mayor of Washington, D.C., for that matter) not exercising his veto over NLS attempts to knock down the one-year residency requirement for welfare recipients? Or the governor of California holding still while NLS lawyers attacked his attempt to whack $16 million off the state's Medicaid program?

These are matters of vital interest to poor people, even when they run counter to what state officials see as their own best interest.

The Murphy amendment says it's all right for poverty lawyers to act so long as they don't interfere with the institutions and attitudes that are keeping poor people poor. If the amendment is adopted, it could reduce the NLS to the sort of band-aid legal assistance that court-appointed lawyers provide.

Fortunately, opposition to the Murphy proposal is coming from such irreproachable sources as the board of governors of the American Bar Association and the National Legal Aid and Defender Association.

Congress' choice is either to kill the Murphy amendment or to kill effective poverty law.

PRICING HOUSING OUT OF SIGHT

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. PATMAN. Mr. Speaker, certain members of the banking fraternity and the administration have taken to publicly whimpering that the rising cost of labor and materials are driving the price of housing beyond the reach of the Nation's low- and moderate-income families. They wring their hands, chant the national housing goals and declare that the goals cannot be attained. If they would stop listening to their mutual lament long enough to study the figures they would be forced to admit that the cost of money is the reason our national housing goals are not being achieved.

The figures they should steel themselves to acknowledge have been developed by Dr. Michael Sumichrast, chief economist of the National Association of Home Builders. He recently supplied them in testimony to the Joint Economic Committee's Fiscal Policy Subcommittee.

Among other things, Dr. Sumichrast shows that the cost of labor is just the opposite of the description given in the tired routine of the bankers and the administration. Far from being the main thrust in the climbing price of houses. onsite labor in 1969 represented only 18 percent of the overall cost of a home. In fact it has diminished by nearly one-half from the 33 percent that was its share 20 years ago in 1949. Furthermore, the cost of materials over the same period has risen all of 2 percent, from 36 to 38 percent of the cost of a house.

But what has happened to the cost of financing while labor's share of the cost of housing has plummeted and the share represented by the cost of materials has remained static? The cost of financing, says Dr. Sumichrast, has done nothing less than double its share of the overall cost, going from a forgotten 5 percent in 1949 to an agonizingly burdensome 10 percent in 1969.

Moreover, the cost of financing, thanks to restrictive monetary policies over the past 3 years alone, has handed the home buyer the dubious opportunity of paying 42 percent more in interest. Finance charges on permanent mortgages in 1966 came to 6 percent, now they are 8.5 percent. Which is another way of saying that a home buyer who could afford a $26,000 house 3 years ago now will find he is buying a $20,000 home over the same term making the same payments. In other words he is getting 25 percent less house for the same amount of money. Put still another way, increasing finance charges now require the home buyer to have a minimum income which is nearly $1,400 more than it was 3 years ago in order to afford the same house at virtually the same price. Part of this appalling landscape is the fact that financial charges connected with construction of residential units have more than doubled and other charges such as fees, discounts, and points have also been pushed rapidly upward during the 36-month period.

All of these things, as Dr. Sumichrast indicated, add up to an enormous inequity in terms of benefiting the consumer. Exorbitant increases in the cost of financing the construction and purchase of a home do not produce a better, larger or more luxurious dwelling. Rather, they tend to reduce quality and size and put luxuries out of the question. The only benefits provided are construed solely on the money lender, who after all wants only to know if the home buyer can afford what he is purchasing, not whether he is satisfied with a transaction that now demands that he pay $32,000 on his $20,000 home over the 30-year term of the mortgage.

Mr. Speaker, the promise made by Congress to fulfill the Nation's housing goals of 26 million units in 10 years—6 million units of the total for low- and moderate-income families—will remain empty so long as these completely unjustifiable high interest rates prevail.

The tables compiled by Dr. Sumichrast graphically illustrate the problem and its effect, and I inserted them in the RECORD at this point:

TABLE 1.—BREAKDOWN OF SOME MAJOR COMPONENTS OF A TYPICAL SINGLE-FAMILY HOUSE [1]

Item	Cost	Percentage of total
Land cost	$2,620.00	10.16
Land improvement:		
Financing	49.40	
Bonding fees	36.40	
Land planning	176.80	
Engineering	140.40	
Rough grading	140.40	
Street grading	296.40	
Street paving	413.20	
Curbs and gutters	213.20	
Sidewalls	150.00	
Storm sewer and drainage	210.00	
Major drainage ditches	220.00	
Sanitary sewers	355.00	
Mains and water supply lines	350.00	
Water connection charges	85.80	
Gas	13.00	
Subtotal	2,850.00	11.05
Total land	5,470.00	21.20
STRUCTURE		
Preparation:		
Permits and fees	70.00	
Engineering	91.00	
Site work	99.00	
Utility connections	559.00	
Footing and foundations	1,307.00	
Subtotal	1,856.00	7.19
Rough structure:		
Structural steel	75.00	
Framing	2,852.00	
Concrete	780.00	
Rough sheet metal	70.00	
Rough electrical	226.00	
Rough plumbing	536.00	
Rough heating	169.00	
Others	476.00	
Subtotal	5,184.00	20.09
Full enclosure:		
Roofing	190.00	
Masonry	1,200.00	
Windows and doors	257.00	
Insulation	155.00	
Exterior trim	271.00	
Exterior paint	213.00	
Stairs	21.00	
Others	68.00	
Subtotal	2,375.00	9.21
Finish trades:		
Drywall and plaster	707.00	
Tile	88.00	
Finish trim	1,035.00	
Flooring and covering	655.00	
Cabinets and vanities	263.00	
Interior decoration	361.00	
Finish electrical	221.00	
Finish plumbing	540.00	
STRUCTURE—Con.		
Finish trades:		
Finish heat	$168.00	
Finish metal	99.00	
Appliances	283.00	
Subtotal	4,420.00	17.13
Completion and inspection:		
Cleanup	140.00	
Landscaping	304.00	
Final inspection	70.00	
Others	195.00	
Subtotal	709.00	2.75
OVERHEAD, PROFIT, AND SALES EXPENSE		
Overhead	970.00	
Profit	1,274.00	
Sales expense	900.00	
Subtotal	3,144.00	12.19
FINANCING EXPENSES		
Interim financing	689.00	
Fees and appraisals	221.00	
Inspections	62.00	
Title and recordings	39.00	
Fees-commitment	200.00	
Interest on notes	70.00	
Discount on mortgage	1,200.00	
Closing cost paid for customer	140.00	
Hazard or builder's risk insurance	21.00	
Subtotal	2,642.00	10.24
Selling price	25,800.00	100.00

[1] For illustration purposes only since there is no such thing as a "typical" house. Cost was derived from the NAHB Metropolitan Cost of Homebuilding, being developed as a quarterly reporting of cost for several metropolitan areas. The sales price was derived from current median sales price as published by the Bureau of Census in their C-25 series. Discounts are based on current FNMA prices of FHA loans; assumed 20 percent downpayment and 25-year loan. The disclosure of discounts among financial charges is only to illustrate the impact of this direct payment on total cost. Up to now, discounts are not allowed to be included in the overall cost of the unit by the FHA, although they are unquestionably a part of the total cost and cannot be ignored.

TABLE 2.—SUMMARY OF COST, 1949 AND 1969

[In percent]

Item	1949	1969
Structure	70	56
Onsite labor	33	18
Materials	36	38
Land	11	21
Overhead and profit	15	13
Financing	5	10
Average price	$9,780	$20,534

Source: Bureau of Labor Statistics and NAHB Economics Department.

TABLE 3

CONSTRUCTION LOANS

[75 percent, 6-month loan]

	June 1968	July 21, 1969	Aug. 11, 1969
Loan required	$18,750	$19,012.50	$19,106.25
Interest rate (percent)	6.97	8.50	8.40
Discounts (points)	0.80	1.09	1.30
6-month interest charge	$653.43	$808.03	$802.46
Discounts	150.00	207.24	248.84
Total financial charge	803.43	1,105.27	1,050.84
Effective interest rate (percent)	8.57	10.68	11.00
Increase in financial charge		26.40	3.50

TABLE 3—Continued
CONVENTIONAL MORTGAGE
[25 years, 20 percent down]

	June 1968	July 21, 1969	Aug. 11, 1969
Selling price of house	$25,000	$25,350	$25,475
Downpayment	5,000	5,070	5,095
Amount of loan	20,000	20,280	20,380
Interest rate (percent)	6.87	7.98	8.02
Monthly payments, principal and interest	$139.80	$156.16	$156.96
Taxes	35.50	39.65	41.51
Insurance	5.70	5.78	5.81
Additional annual expense		247.08	32.28

TABLE 3—Continued
CONVENTIONAL MORTGAGE—Continued
[25 years, 20 percent down]

	June 1968	July 21, 1969	Aug. 11, 1969
Annual income needed:			
PITIX60	$10,860.00	$12,095.40	$12,256.80
Required additional		1,235.40	161.40
Increased costs due to financial charges:			
June 1968 to July 21, 1969:			
1-time increase equals			$341.76
Monthly payment increases			20.59
July 21, 1969 to Aug. 11, 1969:			
1-time increases			105.75
Monthly payment increases			2.69

TABLE 3—Continued
MORTGAGE DISCOUNTS PAID BY BUILDER

	June 1969	July 21, 1969	Aug. 11, 1969
Discount rate (points)	0.77	1.12	1.39
Discount paid	$154.00	$283.92	$354.10
Increase in discount rate (percent)		45.00	24.10
Increase in discount paid (percent)		84.40	24.70

Source: NAHB Economics Department, Builders Economic Council Weekly Survey, August 1969.

TABLE 4.—MONTHLY PAYMENTS FOR INTEREST AND PRINCIPAL AT VARIOUS INTEREST RATES AND WHAT A $100 MORTGAGE WILL BUY AT THESE RATES[1]

[In percentages]

	5.5	6	6½	7	7½	8	9
Monthly payment at $1,000	6.140875	6.443014	6.752072	7.067792	7.389912	7.718162	8.391964
Monthly payment ($20,000 loan)	$122.96	$128.86	$135.04	$141.35	$147.79	$154.36	$167.84
Annual payments	1,475.52	1,546.32	1,620.48	1,646.20	1,773.40	1,852.32	2,014.08
What a $100 monthly mortgage payment will buy (25-year mortgage)	16,280.00	15,520.00	14,810.00	14,148.00	13,532.00	12,956.00	11,916.00
Change from—							
5.5 percent to 8 percent						25.5	
6 percent to 8 percent						19.8	
Change in the price of house $100 will buy—							
5.5 percent to 8 percent						−20.42	
6 percent to 8 percent						−16.52	

[1] The same monthly payments today at 8.5-percent interest rate will buy only a $20,200 house (with $16,000 mortgage) as compared to $26,000 priced house (with $20,800) mortgage at 6 percent in 1966.

Source: "Monthly Payment Direct Reduction Loan Amortization Schedule"; Financial Publishing Co., Boston, Mass.

TABLE 5.—MONTHLY REAL ESTATE TAXES ON FHA 203B HOMES

Year	Median monthly taxes	
	New	Existing
1963	$18.07	$18.81
1964	19.20	19.80
1965	19.49	21.11
1966	20.66	21.72
1967	21.23	23.39
1968	24.77	24.54
1967:		
1st quarter	21.45	22.30
2d quarter	20.35	22.95
3d quarter	21.77	24.16
4th quarter	24.35	24.26
1968:		
1st quarter	24.40	24.46
2d quarter	24.44	24.34
3d quarter	25.90	24.72
4th quarter	25.48	24.74
1969:		
1st quarter	$27.08	$24.75
2d quarter	27.16	24.09
Percent change:		
1963–68	37.1	30.5
1963: 2d quarter 1969	50.3	28.1
1st quarter 1967 to 1st quarter 1968	13.8	9.7
1st quarter 1968 to 1st quarter 1969	11.0	1.2
1st quarter 1967 to 1st quarter 1969	26.2	11.0
2d quarter 1967 to 2d quarter 1968	20.1	6.1
2d quarter 1968 to 2d quarter 1969	11.1	−1.0
2d quarter 1967 to 2d quarter 1969	33.5	5.0
Average annual percent change, 1963–68	6.2	4.7

Source: 1963–66, Series Data Handbook, a supplement to FHA trends covering sec. 203b, home mortgage characteristics, Department of HUD, Federal Housing Administration, Division of Research and Statistics, Statistics Section; 1967: 2d quarter 1969, FHA trends of home mortgage characteristics, Department of HUD, Federal Housing Administration, Division of Research and Statistics, Statistics Section; June 16, 1969.

TABLE 6.—TOTAL FIXED MONTHLY OBLIGATIONS, PERCENT OF AVERAGE MONTHLY GROSS EARNINGS

Year	Average monthly gross earnings		Median total monthly fixed-obligations, FHA[2]	Earnings as percent of fixed obligations	
	U.S. production workers	U.S. FHA purchaser[1]		Production workers	FHA purchaser
1962	$418.43	$641.24	$189.32	45.2	29.5
1963	430.65	666.50	200.13	46.5	30.0
1964	446.20	676.66	210.68	47.2	31.1
1965	465.96	696.15	219.63	47.1	31.5
1966	486.81	749.36	243.14	49.9	32.4
1967	497.90	820.20	266.20	53.5	32.5
1968	530.88	869.56	282.81	53.3	32.5
1967 (quarter):					
1st	487.47	807.21	263.69	54.1	32.7
2d	491.56	816.52	264.78	53.9	32.4
3d	497.94	831.87	269.15	54.1	32.4
4th	509.63	852.21	271.92	53.4	31.9
1968 (quarter):					
1st	$515.47	$855.55	$277.05	53.7	32.4
2d	525.08	866.30	279.49	53.2	32.3
3d	532.65	897.31	295.78	55.5	33.0
4th	547.83	897.24	297.31	54.3	33.1
1969 (quarter):					
1st	545.93	921.39	307.89	56.4	33.4
2d	556.90	950.74	323.20	58.0	34.0
Percentage changed:					
1962–68	26.9	35.6	49.4		
1962, 2d quarter 1969	33.1	48.3	70.7		
1st quarter 1967, 1st quarter 1968	5.7	6.0	5.1		
1st quarter 1968, 1st quarter 1969	5.9	7.7	11.1		
1st quarter 1967, 1st quarter 1969	12.0	14.1	16.8		
2d quarter 1967, 2d quarter 1968	6.8	6.1	5.6		
2d quarter 1968, 2d quarter 1969	6.1	9.7	15.6		
2d quarter 1967, 2d quarter 1969	13.3	16.6	22.1		

[1] Average effective monthly income.

[2] Includes monthly housing expense, State income tax, life insurance policy premium, compulsory contribution to retirement fund, payments on installment accounts, mortgage payments on other real estate, payments on other loans and accounts, and similar items.

Note: Average annual percent change, 1962, 2d quarter 1969.

Source: Col. 1, Survey of Current Business, U.S. Department of Commerce, Office of Business Economics, labor force employment and earnings, weekly and hourly earnings, manufacturing establishments; cols. 2 and 3, 1962–66 series data handbook, a supplement to FHA Trends. DHUD, FHA. Division of Research and Statistics Section, covering sec. 203b, home mortgage characteristics; 1967, 2d quarter 1969 FHA Trends of Home Mortgage Characteristics, Department of Housing and Urban Development, Federal Housing Administration, Division of Research and Statistics, statistics section, June 16, 1969.

TABLE 6-A.—SALES PRICE, INCOME AND PAYMENT REVIEW, NEW UNITS

	Median property value	Median monthly mortgage payment	Median total fixed obligations	Median family income (total current income)
1960	$14,607	$103.81	$175.10	$7,733
1961	14,918	106.60	185.87	7,882
1962	15,151	105.20	189.32	7,899
1963	15,789	108.94	200.13	8,237
1964	16,063	111.49	210.68	8,484
1965	16,561	114.26	219.63	8,777
1966	17,163	122.41	243.14	9,226
1967	17,992	113.14	266.20	10,008
1968	18,797	143.45	282.81	10,597
1967:				
1st quarter	17,854	131.82	263.69	9,855
2d quarter	17,955	131.83	264.78	9,977
3d quarter	18,127	135.01	269.15	10,169
4th quarter	18,645	139.43	271.92	10,332
1968:				
1st quarter	18,548	139.15	277.05	10,414
2d quarter	18,808	141.36	279.49	10,580
3d quarter	19,125	152.38	295.78	10,849
4th quarter	19,349	154.66	297.31	10,813
1969:				
1st quarter	$19,753	$160.66	$307.89	$11,202
2d quarter	20,187	170.80	323.20	11,474
Percentage changed:				
1960–68	28.7	38.2	61.5	37.0
1960 to 2d quarter 1969	38.2	64.5	84.6	48.4
1st quarter 1967 to 1st quarter 1968	3.3	5.6	5.1	5.7
1st quarter 1968 to 1st quarter 1969	6.5	15.5	11.1	7.6
1st quarter 1967 to 1st quarter 1969	10.6	21.9	16.8	13.7
2d quarter 1967 to 2d quarter 1968	4.8	7.2	5.6	6.0
2d quarter 1968 to 2d quarter 1969	7.3	20.8	15.6	8.4
2d quarter 1967 to 2d quarter 1969	12.4	29.6	22.1	15.0
Average annual income, 1960 to 2d quarter 1969	4.0	6.8	8.9	5.1

Source: 1960–66: Series Data Handbook, a supplement to FHA Trends, DHUD, FHA, Division of Research and Statistics, Statistics Section, covering sec. 203b, home mortgage characteristics; 1967 to 2d quarter 1969, FHA trends of home mortgage characteristics, Department of HUD, Federal Housing Administration, Division of Research and Statistics, Statistics Section, June 16, 1969.

AID TO THE ENEMY

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 29, 1969

Mr. FANNIN. Mr. President, several Senators are greatly respected for their military expertise and interest in national security affairs. The Senator from South Carolina (Mr. THURMOND) is one of the most listened-to men in this field. Since my background does not include the exposure to military matters that the Senator from South Carolina and other Senators enjoy, I find myself listening with a great deal of interest when they speak.

Two distinguished columnists, Robert S. Allen and John A. Goldsmith, have called public attention to a recent message by the Senator from South Carolina concerning the recent and lengthy debate in the Chamber on the ABM.

Having been involved in that debate myself, more as a layman than a military expert, I find the points made by the distinguished Senator in his critique of that debate most interesting. It concerns me to think that it was necessary for Department of Defense spokesmen to reveal so much of our military strategy and secrets in order to answer opponents who were irresponsible in their charges.

I can quite agree that our American system depends upon free and open debate and discussion of ideas, but I think it particularly incumbent upon men who are entrusted with public office to be responsible in their discussion and opposition. These wanton and blunderbuss attacks upon the military, particularly upon military men, and in wholesale fashion, cannot be categorized as responsible opposition.

There is a phrase used in British political life in which the party out of power is called "the loyal opposition." During the time I have served in Congress as a member of the minority party, and while a member of the opposition party occupied the White House, I endeavored to mount my opposition or support within that framework. Since the shoe is on the other foot, so far as the executive branch goes, I believe it would be in the best interests of America if we all take stock of our motives and our actions in supporting or opposing the President.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELPING THE ENEMY

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON, October 28, 1969.—Senator Strom Thurmond is sternly rebuking his colleagues for thoughtlessly revealing vital military information "that our enemies would have to pay millions to espionage agents to obtain."

A particularly glaring instance of this was the Senate's recent protracted consideration of the $20 billion military procurement authorization bill. For more than eight weeks, pacifist and "peacenik" senators sought to delete or slash major weapons programs—wholly to no avail.

During the prolonged stormy discussions, Thurmond points out, both opponents and proponents in their verbal battles made public "vast amounts of classified information."

"Our entire military strategy and concepts were enumerated in full," said the South Carolinian, a ranking Republican member of the Armed Services Committees and a major general in the Army Reserve. "We talked about the '2 and ½' concept, about our commitments abroad, our strategy of attacks, the strength of our Navy, the shortage of submarines.

"We talked about our balance of deterrents, the approaching weakness of our manned bombers, the successes and failures of our anti-ballistic missiles, the characteristics of our new battle tank, the naval strategy involving our aircraft carrier forces, the approaching obsolescence of our Air Force, the strategic concepts upon which the C–5A is based, and other extremely important matters."

All this highly valuable information, Thurmond asserts, was printed in the Congressional Record for any and all to read.

"A copy of the Congressional Record sells for a few cents," he declares, "and anyone can buy it. It is not hard to imagine the excitement of communist military leaders throughout the world as they pore over the Congressional Record and extract information vital to their development of an effective strategy against us. Can you imagine the copies of the Congressional Record which have been shipped to Russia, China, Cuba and other hostile countries in the last month?"

SCARING OUR FRIENDS

The "peaceniks" long fight to block development of an anti-ballistic missile (ABM) and the new main battle tank (MBT–70) was singled out by Thurmond for severe condemnation for revealing especially important military information.

"The debate on the ABM," the veteran legislator said, "precisely pinpointed the location of our planned defensive missiles, the capabilities and shortcomings of the multiple independent re-entry (MIRV) techniques, the size and power of our warheads, the number and range of our ABMs, the dispersion of our Sprints and Spartans.

"This debate laid bare the strength of our ICBMs, our Polaris and Poseidon forces, the make-up of our strategic bomber squadrons, the expected points of interception of our missiles, the problems with chaff, and the strength and failures of the radar which control and guide defensive missiles."

The opposition's wrangling over the MBT-70 was even worse in some respects. Not only was crucial information disclosed, but our allies were shocked because this new weapons system is being developed in cooperation with them.

"This is a joint project with West Germany," Thurmond pointed out, "and our allies must be in a state of shock over the fact that we unveiled to potential enemies all the strengths and weaknesses of a vehicle in which our allies may some day have to place their young men and commit them to battle. It is very likely that the MBT–70 will be the last joint development project any nation will ever undertake with the U.S., the land of open and free discussion."

Thurmond frankly says he doesn't know the answer to this grave problem.

He doesn't question the right of any senator to "challenge any item in any bill on the floor of the Senate." Neither does he question the democratic process "which has made our government and nation powerful and influential."

"I do not know what the answer is," says Thurmond, "but I hope it is something other than what we have just been through. But it must be fully realized that in the many weeks that the military procurement bill was debated item by item, highly classified information on weapons systems vital to the defense of our country was spread across the public record for all to see.

"This problem is complicated by the fact that our enemies operate in closed societies. Discussions of their military problems never reach the public ear or printed word, and they have an advantage because of the oppressive nature of the political systems under which they operate. While we cannot do anything about their system, it does seem that thought must be given to finding adequate methods to provide the necessary security for ourselves.

"The debate on this year's military authorization bill amounted to a new phenomenon never before witnessed in the Senate. The requests of the military were about the same as those of last year, during the Johnson Administration, when no item was seriously questioned on the floor, even the expensive Sentinel ABM which involved a commitment much greater than the Safeguard ABM.

"Secrecy is not bad when it involves the defense of our loved ones, our homes, our businesses, our cities and our nation. There is a difficult area here, and we must find the right place to draw the line between the people's right to know and the point at which our security is being compromised. Surely we cannot continue to lay bare our military secrets as was done during the debate on the 1970 military procurement bill. We simply cannot continue such a menacing and shocking situation."

DEMONSTRATIONS AGAINST THE GOVERNMENT

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. ROUDEBUSH. Mr. Speaker, commentary continues on the recent October 15 demonstrations against the Government, and likely will continue as more disruptions are planned in November.

Mr. Jack Overmyer, editor of the Rochester, Ind., Sentinel, has written a penetrating editorial concerning these events which I commend to the Congress.

Dr. James D. Atkinson, a graduate of Indiana University and now a professor of government at Georgetown University, also has an interesting statement on his activities of October 15 which will be of interest to the Congress.

The articles follow:

[From the Rochester (Ind.) Sentinel, Oct. 20, 1969]

CONSIDERED COMMENT

Who among us likes war?

Robert E. Lee, gazing upon the Union carnage at the field of Fredericksburg, was overheard to say, almost to himself, "it is well that war is so terrible, else we should become fond of it."

In an unguarded moment, the great Confederate general thus expressed his irreconcilable inner conflict between an innate humanitarianism and the tug of Southern patriotism.

As it was with Lee, so must it be with many Americans today as they survey the national dilemma of U.S. participation in the Vietnam war.

None of us want the war, barring those who profit from it and who are venal enough to wish secretly for its continuance. Such vermin always exist.

Yet the vast majority of Americans are proud of our nation and of the principles for which it stands. They know that we want nothing from this war except to provide a people with a fair chance to choose their own government.

Still, it is only a half-war. Our forces are held in check; we cannot, or do not, use all the weaponry at our disposal. We shrink, as shrink we should from bringing up the most terrifying aspect of our strength, nuclear force.

And the war drags on. And more American boys die every day. And the peace talks in Paris pursue their weary, interminable conversations.

President Nixon has halted the bombing of North Vietnam; he has ordered a halt to offensive U.S. operations and has started the withdrawal of American forces. Surely this is proof enough to the enemy, if the enemy really seeks proof, that U.S. desires are to seek an honorable peace.

Yet Americans pour into the streets in every major city of the country, as they did last week on Vietnam Moratorium Day, to call for an immediate end to U.S. participation in the war. They cry that America should pull out . . . now!

And while the demonstrations were peaceful, they have not ended. Already the antiwar forces are gathering for another widespread protest in November. This one may not be as placid.

President Nixon was right in stating that he would not be swayed in his Vietnam policies by demonstrations. Does anyone in his right mind expect the leader of the United States to bow to the will of mobs?

These demonstrations are fueled mainly by young people. It is fitting and proper that they can dissent, for this is a basic tenet of democracy. Furthermore, we would grant them the propriety of their positions that the Vietnam war is immoral, for all wars are immoral; that the nation has problems of its own that need attention, for the evidence is all about us.

But we submit that the way to continue America's greatness is not to create divisiveness among its people in a capricious manner. For it seems to us that the antiwar faction's whole position in the matter is frivolous.

Get out of Vietnam by quitting? After 40,000 dead men on the field of combat? When the world's prime example of freedom in the affairs of men has committed itself to not let Communism overrun yet another nation? To withdraw and thus deny both these facts would be shameful.

This nation cannot accept shame. It cannot, by leaving Vietnam unilaterally, abandon that nation to a totalitarian system that is the sworn enemy of every freedom that allows demonstrations to take the streets in the U.S.

President Nixon knows that the nation is weary of this war. We believe he is sincerely, diligently and wisely pursuing a course that will take us out of it.

What America needs, therefore, is less irresponsible dissent and more constructive opposition. There will be no peace at the Paris talks when the enemy knows our government's support is wavering.

It would be more fitting if, in the next few weeks, the responsible forces in our society organized demonstrations to show the world that while we abhor this war, we shall not give it up until South Vietnam can be assured of its continued existence.

For the war is a fact. Argue the reasons for its beginning, the complexity of its causes . . . it is a fact. Wishing it away, even if that were possible, would not still the currents it has stirred in the affairs of this globe.—J.K.O.

STATEMENT BY PROF. J. D. ATKINSON, DEPARTMENT OF GOVERNMENT, GEORGETOWN UNIVERSITY

The Moratorium Day Committee requested University Professors in colleges and universities across the entire United States to do something meaningful on October 15, 1969, relating to the war in Vietnam and the U.S. involvement in that war. Accordingly, in my class on the Conduct of U.S. Diplomacy at 10:15 a.m. on Wednesday, October 15, 1969, I, Professor J. D. Atkinson, Department of Government, Georgetown University, responded with a discussion of the foreign policy issues relating to the Vietnam war, following which I read a short prayer which I had composed for the occasion.

I composed this prayer with the thought that the clergy—many of whom were adopting what seemed to be a political stance on the Vietnam Moratorium—would not object to a layman reading a prayer. I also attempted to compose a prayer to which members of the Jewish faith, Protestants of all churches, and Roman Catholics would all alike subscribe to, if they wished. This is the prayer:

O God of Israel, of Abraham, of Isaac and Jacob, whom we Americans acknowledge in our own Declaration of Independence, grant that we do not dishonor *our nation* by denying freedom to the people of South Vietnam.

Grant, O Lord that the Americans who have given their lives in Vietnam have not died in vain.

Strike down the hand of the wicked, enlighten the minds of the weak, of the ignorant, and of the misguided that the United States may honor the pledge of Thy late servant, President John Fitzgerald Kennedy, not to abandon the poor people of South Vietnam.

Do not deliver them, O Lord, into the hands of the brutalitarian Communists of North Vietnam whose crimes against humanity far exceed even those of Stalin and of Hitler, but order that the peasants, the workers, and the other good people of South Vietnam be kept under Thy protection. As we Americans have trusted in Thee and as the South Vietnamese have trusted in us, do not, O Lord God, abandon either us or them. Amen.

WHAT'S AHEAD FOR THE PRIVATE BUSINESS SCHOOL?

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, October 29, 1969

Mr. JAVITS. Mr. President, the October 1969 issue of the American Vocational Journal, published by the American Vocational Association, contains an interesting article entitled "What's Ahead for the Private Business School?" written by Mr. Larry Luing, president of the Berkeley Schools of New York City and White Plains, N.Y., and East Orange, N.J. The Berkeley Schools are a group of privately owned, taxpaying educational institutions training executive secretaries. Mr. Luing discusses the advent of big publicly held corporations into the independent business school field, noting that:

> Since these corporations are knowledgeable investors with capable research facilities at their disposal, there must be a future in proprietary education.

The article is most timely because here in Washington, on October 27, 28, and 29, 1969, the United States Schools Association will be holding its 57th annual convention. UBSA is composed of some 500 independent business schools from all over the country. Among other activities, the association founded and sponsors The Accrediting Commission for Business Schools which, since 1956, has been designated by the U.S. Office of Education as a "nationally recognized accrediting agency"; accreditation is a key factor in determining institutional eligibility in the many Federal programs of student financial aid such as the college work-study, guaranteed student loan, and national defense student loan programs; and the only major student financial aid from which proprietary school students are now excluded is the educational opportunity grant program.

I ask unanimous consent that Mr. Luing's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S AHEAD FOR THE PRIVATE BUSINESS SCHOOL?

(By Larry L. Luing)

Much has been written about the private business school, its role in American education, and its struggle for recognition. Granted that business education had its beginnings in that bastion of free enterprise, the proprietary institution, and that it has been a major source of innovation, what does the future hold in store for this maverick institution? Or, indeed, does it have a future?

Historically, the business school movement in America dates back to colonial days when curriculums consisted almost entirely of penmanship, bookkeeping, and rapid calculation; but it was the invention of the typewriter in the 1870's that led early proprietors to develop and promote the twin arts of typewriting and stenography, which are the central core of business education today. Based on the idea that education should be useful in the practical affairs of life, business education was for many years an alternative to a high school education.

During this period the business schools had to train their own teachers and, in many instances, prepare their own instructional materials. As a result, several of our leading teacher training colleges and business education publishers can trace their origins to private business schools.

John Robert Gregg, for instance, operated his own schools in Boston and Chicago as the initial step in trying to popularize his shorthand system. Naturally, the oldest of our professional organizations, such as Eastern Business Teachers Association and North Central Business Education Association (formerly National Business Teachers Association), were founded exclusively by and for educators from these proprietary institutions.

DEMISE PREDICTED

As the demand for business-trained personnel grew and the high schools began to add business subjects to their offerings, many predicted the demise of the independent business school. However, these schools merely upgraded their offerings and reestablished themselves as post-high school institutions. For a number of years they continued to train business teachers—for the secondary schools now in addition to their own.

As different types of office machines and equipment, new office techniques, and more sophisticated processes were introduced into the business community, appropriate training programs were established, usually several years in advance of the slower-moving public school systems.

At the time business education was introduced into the colleges and universities, the prophets of doom again foresaw the end of private business schools. When the era of community colleges and public technical institutes began to reach full stride, a few years ago, these pessimists were all the more convinced that such private institutions could not hope to compete against their tax-supported counterparts. The independent businessmen-educators, however, showed their flexibility once more by strengthening their traditional ties with the business community, critically updating their curriculums, expanding their placement facilities, and otherwise creating unique features for their clientele.

Just as it was the private business school that first recognized the potential of the typewriter some hundred years ago, so this group first foresaw the tremendous employment opportunities and training needs inherent in electronic data processing. Courses ranging from key-punch operation to computer programming were offered in private schools perhaps a decade before public school systems took any significant steps to meet this need. This historical pattern of innovation applies equally to methodology and techniques, as well as content.

But the question remains: In this age of free post-high school education for everyone, has the private business school outlived its usefulness? Far from it! We predict that the industry is about to change once more its appearance and function, like the perennial chameleon, and that it will emerge from the seventies with the following characteristics:

WILL BECOME MORE COMPETITIVE

With the advent during the sixties of tax-supported community colleges and technical training centers on a large scale, private business schools have felt increasing competitive pressures. These pressures will continue and accelerate.

The typical business school will itself become more competitive by sharpening its marketing skills, improving its physical facilities, and upgrading its programs. Although some private schools will undoubtedly be forced out of existence, they will be primarily the small substandard schools and those staid old institutions whose managements insist upon looking to past glories rather than to the future.

MEDIA SOPHISTICATION

The "electronic classroom" will be standard in all but the smallest of schools. Dictation laboratories with six or more channels will be commonplace. The shorthand instructor will have at his disposal a library of several hundred dictation tapes from which he may make appropriate selections for speed building takes, for mailable letters, for office-style dictation, or for specialized dictation from a variety of career fields.

The equipment itself will be easier to use, will be geared to giving maximum individual help at each student station, and will incorporate many technical improvements designed to obviate annoying service problems currently so prevalent.

Most typing rooms will also be equipped with multichannel receiving stations so that students may progress at their individual rates and take remedial work as needed. Much of the recorded material will be the product of innovative private school instructors, because commercial sources are not providing the quantity and variety of recordings needed.

Learning centers will be established where students may, at their convenience and at their own pace, utilize units of instruction that have been prerecorded on cartridges and correlated with visual materials. Super-8 projectors for film loops and Carousel slide projectors are especially appropriate for operation in carrels. There is also a new technique by which a 60-second message can be recorded on a 35-millimeter slide. These learning centers will be open evenings as well as throughout the day.

MORE OFFICE MACHINES ROOMS

The investment in office machines rooms will grow substantially as the latest models of computer-type calculators, stencil-producing photocopiers, automatic typewriters, and other newly perfected machines and systems are introduced. Because of the diversity of equipment on which instruction must be given, schools will rely more and more upon multisensory media.

Carrels with the same type of projective and audio devices as used in the learning laboratories will be utilized in the office machines laboratory. Instructors will devote more time to the creative work of developing programs on tape and film, and technician-assistants will do much of the routine classroom work with students.

Data processing departments, too, will become more advanced as additional schools get their own computers and all attempt to keep up with technological advances.

The overhead projector and wall-or-ceiling-mounted screen will all but replace the chalkboard. In addition to giving the instructor far more flexibility in his own presentations, this arrangement makes possible the use of a large variety of commercially prepared transparencies.

Closed-circuit television will come into its own during the seventies. Business schools will use it for skill subjects as well as for charm and personality development courses. It will become a daily staple rather than the experimental novelty that it is in business schools today. There will be more cooperation between institutions, with a sharing of television facilities and programs. Satellites will make worldwide educational television possible so that students may witness historic events and far-off cultural activities firsthand.

A more sophisticated system of teaching telephone techniques will be devised. This, and other aspects of communication and human relations which are frequently poorly taught in schools, will be singled out for improvement.

Computer-assisted instruction will be introduced on an experimental basis, creating new opportunities for innovating in the traditional business subjects.

BETTER-TRAINED FACULTY

Business school management can no longer afford to keep marginal teachers. It will take highly qualified, creative personnel to keep the business school in the running in the competitive seventies. Even with such simplified equipment as cassette tape recorders and cartridge projectors, the private school instructor has his work cut out for him!

An intellectual curiosity and innovative nature are needed to take advantage of the opportunities that exist. Since publishers and audiovisual suppliers do not have materials available for most of the areas just discussed, it is up to the business school instructor to create his own. Traditionally, he has been quicker to recognize the need for change and to pioneer new techniques than has his counterpart in the tax-supported institution. Since suppliers rarely produce new instructional materials until a market is established, it is frequently the private business school that makes the market for the entire field of business education.

The private school instructor must also be professionally prepared to handle the counseling duties he is expected to perform.

INDIVIDUAL INSTRUCTION AGAIN

Throughout the history of private business schools, the ability to give individual attention to its students has been one of that institution's greatest sources of strength. In recent years, as schools became more collegiate in nature, this strength was deemphasized in outward appearance, if not in fact.

Now, with programed instruction, multichannel tape laboratories, multimedia learning carrels, and other such innovations, it is the "in thing" to allow a maximum of individual instruction at all levels of education. The business school is at the forefront of this movement because it has had over 100 years of experience with the individual progress system.

New efforts will be made to improve grouping techniques and program planning. Diagnostic equipment, such as the Diatype for typewriting, will make it easier to prescribe individualized drill assignments. The introduction of programed shorthand will help to solve the perennial problem of individual differences.

Although it will be done within the framework of a college program, there will be a resurgence during the seventies of classic business school attention to the individual. This will be true in all aspects of counseling as well as the academic realm. And this will be one of the major characteristics differentiating the private business school from other types of post-high school institutions.

MORE IMAGINATIVE PROGRAMS

Because the business school owes its existence largely to its ability to discover training needs first and to meet them better, it must keep in constant close touch with both the business community and the youth of its area. When a shortage of trained backoffice personnel forced Wall Street to cut back to a four-day trading week, a chain of private schools quickly introduced an appropriate new program to train personnel for the financial community; this is a good example of the role of the private school.

As the secretary assumes more and more of her employer's managerial duties, her preparation must be upgraded. New academic specializations must also be added as new industries emerge. For instance, with the advent of the supersonic jet, international travel will increase significantly, and with it the demand for bilingual secretaries. International workshops and conferences will become as commonplace as regional ones are today. The stenographer and clerk-typist, as we now know them, will largely disappear, but the demand for well-educated executive secretaries will continue to grow.

In the future, business schools may be expected to originate even more imaginative programs than they have in the past. And these will not necessarily be limited to academics but will involve the areas of placement, inservice training, research, and service bureaus of various types.

Sales power will play a substantial role in the seventies. The competitive situation will emphasize the need for creative marketing approaches. This will be done in a professional manner, however, and will attempt to glamorize business careers and to "sell" the entire field of business education, thus serving an important function in our economy.

FACILITIES WILL IMPROVE

Many schools will continue their flight to the suburbs, where they can offer their students attractive, modern school plants with adequate parking and other such accouterments. More attention will be given to function and design. Schools attempting to appeal to young adults who wish their vocational training in a collegiate atmosphere will offer on-campus dormitories, landscaped grounds, and recreational facilities.

The urban institution will likely be located in one of the city's newest office structures, project an air of efficiency, and specialize in accelerated programs for certain groups, such as the underprivileged or those needing retraining. The third-floor walk-up of yesterday faces a very limited future.

WILL FORGE NEW PARTNERSHIP

Over the years business school executives have resisted the encroachment of the government into what they considered their domain. This attitude has been largely dispelled through participation in a number of government programs—the G.I. Bill, Manpower Development and Training, student loans, college work-study programs, and others.

Happily, these programs have caused many business schools to accelerate their efforts toward national accreditation. At the same time, government has learned that private business schools can make an effective contribution to education.

There now exist many opportunities for private institutions to use their facilities and know-how to help solve the problems of the underprivileged. In Philadelphia recently, for instance, private business interests and the federal government formed a consortium to undertake one of the largest job-training programs for hard-core unemployed ever attempted in that area.

The seventies will bring fuller utilization of private business schools in a variety of federal programs. There will also be more recognition from state governments in the form of degree-granting privileges and transferability of credits earned at business schools.

STRONGER TIES WITH BUSINESS

To stay in the forefront, the business school must maintain and even strengthen its ties with business. Through cooperative training programs, industry-sponsored scholarships, and the development of specialized programs to meet specific needs, the businessman and the business educator are finding new avenues of mutual interest.

An especially intriguing phenomenon is the advent of the big corporation into the independent business school field, which traditionally has been dominated by family groups and small, closely held corporations. In keeping with the overall business judgment that education is a glamour field for the future, such companies as Crowell Collier, Lear Siegler, International Telephone & Telegraph, International Industries, Ling-Temco-Vought, and U.S. Industries all operate business schools.

Since these corporations are knowledgeable investors with capable research facilities at their disposal, there must be a future in proprietary education.

Fortunately, the prevailing attitude today seems to be that good education is good business; this portends well for the future. To the extent that business schools are in the hands of publicly held corporations, one might say that private business schools have gone public.

THERE WILL BE A CHAIN REACTION

The activity of the big corporations is resulting in multiple-unit organizations which, whether called "chains" or not, are reminiscent of the business school chains of old—Bryant & Stratton, Draughon's, and Brown's. Lear Siegler, for instance, has schools located from coast to coast. This trend will undoubtedly continue in the seventies, for there are obvious advantages to industry's being able to use one source of office personnel on a national level and to graduates' having access to national placement facilities.

The "topping out" of the Bryant & Stratton chain in the 1860's marked the beginning of the greatest growth period in business school history. Could history now be in the process of repeating itself?

SOVIET SCENE 1969: FARMERS BETTER OFF—WOMEN CARRY HEAVY LOAD

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. STEED. Mr. Speaker, today I include in the RECORD parts 3 and 4 of the series by Charles L. Bennett, managing editor of the Daily Oklahoman, Oklahoma City, describing Russia today as seen in his recent 16-day tour with a group of 10 members of the American Society of Newspaper Editors.

Additional articles in the series will follow. Parts 3 and 4 follow:

[From the Oklahoma City (Okla.) Daily Oklahoman, Sept. 30, 1969]

SOVIET FARMERS BETTER OFF—III

(By Charles L. Bennett)

Nomadic herdsmen or peasants working the fields of wealthy land-owners only a few generations ago, today's Soviet farmers produce more, are better housed, better educated and have more machinery to work with.

But are they happier than their ancestors, or than their cousins working in the shops and factories of the Soviet cities?

If you had seen the gay party on a collective farm in Georgia, or talked with the piano-playing daughter of a farm couple outside of Minsk, as our group of touring editors did, it might be easy to conclude that everything is fine, down on the Soviet farm.

But then, hearing the problems of farming where winter brings months of 50-below weather in Siberia, or seeing sad-faced old women doing heavy farm chores might have made you wonder.

Kazakhstan's one-time nomads are settled down but still care for 30 million sheep as well as raising cotton, sugar beets, hogs and cattle.

A Siberian agriculture experiment station manager showed us "the most cold-resistant apple in the world"—about the size of a pea—and told how farmers there produce a cash crop from 300 varieties of gladiolus. None could be grown there 20 years ago, in a climate where only one month a year is free from frost.

Outside Minsk, in the Byelorussian Republic, we visited a collective farm. We were eager to discuss the "big issues" of Soviet agriculture—like the trend away from collectives and toward state farms, and the bold "new lands" experiment that had a role in Khrushchev's downfall.

But it was quickly obvious that Farm Manager Vasily Shemansky and his staff were more concerned—like farmers everywhere—with whether it would rain tomorrow and how the new insecticide was working. We did discuss the "big issues" there, though, and with the deputy minister of agriculture in Kazakhstan and a variety of other authorities across the country.

Added to our personal impressions, the comments we heard seemed to add up to these conclusions: The "new lands" project has had both successes and failures. Under new management that is concentrating on grain production, these millions of acres that previously had never been plowed are producing fairly well, except in drought years.

The trend away from collective farms and toward "state farms" on which the workers are paid wages, rather than being cooperative members sharing proceeds of the collective, is real. It is a slow, inexorable process and most of the Soviet spokesmen deny it is happening. It may have slowed down from the pace that existed under Krushchev, but the fact that state farms produce more efficiently means—in the Soviet style of doing things—that the die is cast.

Are the private plots allotted to collective farmers important to them? You can bet on it. They can raise poultry, vegetables, fruit, a cow, hogs, and other produce on those plots. Whatever surplus produce they sell is profit that goes into their own pockets.

We saw the private-sale market places in Moscow and Minsk and were told that 80 per cent of the eggs bought in Moscow come from farmers' private plots.

(A U.S. State Department publication says that while the private plots comprise only 4 per cent of the cultivated area of Soviet farms, they account for 33 per cent of all agricultural production.)

Georgia is considered the "richest" agricultural republic because farmers there grow tea, grapes, tangerines, lemons, peaches and figs. The Georgian farmer who raises tangerines can gather a few sacks of them from his private orchard, take them to Moscow by plane, sell them, pay his fare and expenses, and still return with several hundred rubles in his pocket.

A tractor driver on the collective outside Minsk, whose skill is considered the highest on the farm, or a worker on a grape farm in Georgia may earn 200 to 225 rubles a month, compared to the Soviet's average wage of 120 rubles a month. If profits from a private plot are added, the member of a collective farm may make out quite well. State farm workers, on the other hand, usually earn higher wages than the average collective farmer, but they don't have the benefit of an assigned private plot.

On the Minsk collective, Shemansky said, "Sometimes families here have much more living space than in the city, with three or four people in a 100 square meter (1,076 square feet) home." So far, everyone at that farm lives in private, individual frame homes. Other farms, though, have apartments and the first ones are going up on the Minsk collective.

We visited one of those homes, halfway down a dirt road lined with wooden houses set off by fences and surrounded by luxuriant flowers.

The startled 17-year-old daughter of the family greeted us, showed us through the immaculate rooms and, at our insistence, played a Mozart composition, excellently, on the living room piano.

Modern furniture crowded the rather small rooms. The kitchen had an open sink, two wooden cabinets and a four-burner gas stove. The toilet was outside. On a tree was nailed a wooden rack holding a wash basin and the family toothbrushes. Over all, the impression was like visiting a country farmhouse of 40 years ago in America.

A music student planning to be a teacher, Gallia insisted we all have a drink of light Georgian wine before leaving.

Her enthusiasm for music was explained when we visited the farm's music school and were entertained by giggling students from 8 to about 16 years of age. They played, in accomplished style, piano, violin, accordion and tsambaly solos. The tsambaly is the Byelorussian national instrument, a zither-like harp played with mallets.

The music school is one of eight schools on the farm, along with a hospital and children's nursery. Nearly half of the workers on state farms are women, we learned, and the nurseries and canteens for noon-time meals are a necessity in order to allow the mothers to work.

Shemanksy, a one-armed war hero, labelled his farm "not the best, but not the worst." Its paved work-roads and brick barns made us think it might be nearer the top of the list, compared to others we had glimpsed along the way.

With 12,250 acres, the Minsk-area farm grows grains, corn, potatoes and beets, has a large dairy and meat operation with 3,000 cattle, and 375 acres of pear and apple orchards. Byelorussia exports dairy products to the rest of the Soviet. All crop production is coordinated with plans for the Republic and the U.S.S.R. under signed agreements setting out goals for each year's production.

Some complicated figuring involving hectares, acres, centares, kilograms, pounds and bushels finally produced the fact that this Byelorussian farm's wheat production averages 28–29 bushels an acre, an exact match for Oklahoma's average. They use Jubilee and Miranov varieties of winter wheat and are just begininng to use mineral fertilizers.

There are 500 members in this particular collective, but 1,900 people live on the farm, including dependents and pensioners. Harvest-time brings 1,000 to 1,200 part-time workers to the farm, including vacationing students. "Some of them like it here enough so that they return when they finish their schooling," one farm aide said.

We were surprised when Shemansky said the average work-day was seven hours increasing to eight or nine in harvest-time. We commented that most American farmers would consider those hours a holiday. He made no response.

When the Soviet Union started collective farms, with peasants turning their newly-gained holdings into huge cooperatives like Shemansky's, political scientists looked on the move as the ultimate in socialism. Agriculture experts thought the Soviets might have found an efficient answer to the problem of providing enough food for a huge and growing country.

But it wasn't long, as history goes, before a different approach was taken. The state farm, an agriculture factory paying its workers wages, instead of letting them share in the proceeds of the collective, became the new system for farming.

On and off, ever since, outsiders have debated the merits—and future—of the two systems.

At the collective farm near Minsk, Manager Shemansky commented that "If we offered to give the people back their land, they wouldn't want it. They would push it away." He added: "The state farm seems to predominate right now and there is a trend to have collectives evolve into state farms."

There are two basic differences, he explained. One is that on a collective the chairman (manager) is elected by the members for a two-year term, and may be removed on their vote. On a state farm, the manager is appointed by the minister of agriculture. The other is that, while both kinds of farms achieve profits which they can divide among the people working on the farm, the collective's profits are divided on a cooperative basis but the state farm's profits can be paid to the workers as bonuses.

In the past, collective farmers only shared whatever income the farm achieved after fulfilling its sometimes unreasonably high production pledge to the state. Since 1966, however, even the collective farmers have been guaranteed minimum wages similar to the scales paid on state farms.

A high official in the planning apparatus for the entire Soviet Union said in Moscow: "It's not a problem of whether there will be a shift away from collective farms and toward state farms. The need is to raise productivity and efficiency on both types. In some areas, it is preferable to have state farms. In others, where collective farms are now, there may be some shift to state farms in the future, but this is not a principle of our policy.

Another official of the planning group added: "It is not correct to say there is a trend away from collectives and toward state farms. There are 36,000 collective farms in the country and 14,000 state farms. Both are developing satisfactorily."

Nikolai Baybakov, a vice premier of the Soviet Union and chairman of the State (U.S.S.R.) Planning Board said: "In the new lands, we did create state farms . . . in such areas as Novosibirsk. We are building an 800-kilometer canal there, and water works wonders. We are even setting up cotton farms there but it is incorrect to say we are trying to turn collective farms into state farms. The pay on collective farms is now close to that received on state farms, because collective income has grown."

A knowledgeable Soviet citizen (who shall remain anonymous) said, "It will all go over to state farms, because they produce better and are easier to manage. Besides, the present generation doesn't remember private farms and has forgotten about the land and animals turned over by the peasants to start the collectives in the first place."

High production is the hope and the goal and, on the plains of Siberia, biological and botanical miracles have had to be wrought to make agriculture a paying proposition.

At the agricultural experiment farm outside Novosibirsk, Manager Andre Christo told us how they had developed the tiny cold-resistant wild apples of the Altai mountains into a normal-sized apple that thrives in the rigorous Siberian climate.

Cows have to be kept in the barn 200 days of the year there and beehives have to be cached in underground chambers in order to survive the winter.

A Novosibirsk editor said he understood Soviet agriculture is now at a stage where each farmer produces enough food to support seven people.

Some of the scientific institutes at Novosibirsk devote their efforts to developing more heat and cold-resistant crops, better breeds of animals, irrigation methods and to the problems of making the "new lands" more productive.

Under the new lands program, initiated by Khrushchev in 1954, 75 million acres of previously unplowed land—mainly in Kazakhstan and Siberia—were put into cultivation. Two-thirds of this land produces wheat.

Kazakhstan Deputy Minister of Agriculture Ramazanov rejected our description of the new lands as "an experiment."

Opening these lands has been a huge success, he said, increasing Kazakhstan's cultivated land by nearly three times and its production of grains by more than 3.5 times.

Population in the new lands area has more than doubled, Ramazanov said.

Bad years, caused by drought, were 1955, 1957, 1963 and 1965. The later two were the years that forced the Soviets to buy $1.5 billion worth of wheat from western countries, including $140 million worth from the U.S.

Ramazanov bristled when we asked him how Kazakhstan's new lands wheat production compared, for instance, with the Ukraine's. He pointed out that the Ukraine has nearly twice as much rainfall and better soil." But the new lands operation has certainly been profitable for us," he added.

Days before, as we rode the fine "Red Arrow" train from Moscow to Leningrad, several of us rolled out of our berths at daylight, eager to get our first glimpses of the Russian countryside.

Flat green and gold fields were broken by occasional patches of birch and pine woods. We flashed past picturesque wooden houses with brightly painted shutters. The most common early morning sight was that of a lone man or woman, each with a single cow, slowly walking to or from the fields.

Remembering the cramped apartments and crowded streets of Moscow, we shared the thought that, at least, out here in the Soviet countryside, there is living room.

Soviet Women Carry Heavy Load of Work—IV

(By Charles L. Bennett)

Soviet women came out of the kitchen long ago and into the working world of business and industry—but one of their continuing problems is that, on top of their jobs, they still have the tasks of bringing up their children and doing all the cooking, cleaning and household chores that are the lot of women everywhere.

While they have a choice of whether to take a regular job or not, 75 per cent of them do and, as one Soviet working-housewife put it: "For us, it is much harder than for the men because they can rest when they get home."

"Our women do not have so many machines in the home as you do in the United States," an official of the Soviet Women's Committee pointed out. "We're working on this to try to free women from household drudgery. It's a national problem and we're trying to make services available and financially feasible to ease their burden."

Washing machine production is being stepped up sharply, one Soviet publication notes. We asked the Women's Committee members if they were satisfied with the attention being given to production of labor-saving devices for homes. "We think much has been done," replied Ksenia Proskurnikova, vice-chairman of the group. Most families have a refrigerator, washing machine, vacuum cleaner and floor polisher now, at comparatively cheap prices.

"Nevertheless," she added, "we feel there is much still to be done to improve the quality, lower costs and increase production. Naturally, we think this is very important."

"Another need," she said, "is for better facilities for the care of pre-school children whose mothers work. We have places for nine million children now, but need places for at least another million children. We also want to reduce the number of children under the care of each attendant."

At Novosibirsk, in Siberia, our touring group of editors learned, the shortage of child-care centers created a serious problem in keeping women from taking available jobs.

A short supply of services such as dry-cleaning, laundry and shoe repair also creates problems for the working housewife. Nikolai Baybakov, a vice premier of the Soviet Union and chief of planning for the whole country, acknowledged that "Better organization and improvement of the quality of such services is one of our major problems."

Shopping for food, clothing and other necessities also must be an exasperating time-consuming burden for Soviet women. Most food stores still are one-item concerns, such as bakeries, meat markets, green grocers and sweet shops. Anything resembling the American supermarket is practically nonexistent except in the largest cities, where they are just beginning to appear. Department stores everywhere are jammed with people and service is slow.

New emphasis is being put on ready-to-serve food catering shops, particularly to aid the working wife, but Soviet publications continually underline the need for faster improvement "in the services sphere."

We had insisted, to our journalist hosts, that we must be given an opportunity to talk with some Soviet women about their role in the society. When we met the Women's Committee staff, in their Moscow office, Madame Proskurnikova was smilingly curious as to why this was so important. We explained that our newspapers had lots of women readers, as well as men, and that seemed to answer the question satisfactorily.

The Women's Committee has lots of readers, too. One of its functions is to publish a large variety of magazines and pamphlets, in most of the languages of the Soviet Union, as well as in English and other foreign languages.

Do you cover fashions in these magazines, we asked. "Yes, naturally," Madame Proskurnikova replied, "We do not cover the world fashion markets directly. But we have fashion houses with research workers. They study the fashion markets of the world and we tend toward having our fashions reflect our national character. We have fashion shows with French, Italian and U.S. designers coming here to show their styles. The larger cities and republics also have their own fashion magazines."

One of the visiting editors commented that, since his previous visit to Russia in 1961, one of the most striking changes on Moscow's streets was the great improvement in the style and quality of women's clothes.

Founded during World War II to mobilize Soviet women in support of the war effort, the Women's Committee recruited workers to replace men in the factories and fields. "They also took part in the fighting," English-speaking Lyudmila Balakhovskaya commented. Driving trucks, acting as scouts and snipers, and even piloting aircraft and fighting as partisans behind the German lines "they carried a large part of the war burden," she added.

Care of the large numbers of war orphans was another task and, "in this, we received much aid from women of Britain and the U.S."

International contacts, Madame Balakhovskaya's particular filed, also are a large part of the activities of the national Women's Committee. "We maintain contacts with the women of more than 100 countries," she said," and recently held a seminar under the auspices of UNESCO for African women. We also have been participating in a campaign of solidarity for the women of Vietnam, by sending them medicines, food and textiles."

The Women's Committee consists of 260 delegates named by areas, professions, and special-interest groups all over the country. They are volunteers and participate in the committee work in addition to their regular jobs. An elected presidium of 26 members is the governing body and there is a small, full-time staff. Similar committees operate in each of the republics across the country.

Political activity of Soviet women is illustrated by the fact that the national head of the Women's Committee, Astronaut Valentina Tereshkova, also is one of the 11 deputy premiers of the U.S.S.R. Nearly half of the elected deputies of local Soviets (city councils) also are women.

"In other fields, with women representing 58 percent of all Soviet citizens with high school or college educations, women fare well in their job opportunities," Madame Proskurnikova said. In the way all Soviet officials seem to have of quoting statistics at every opportunity, she pointed out that in the U.S.S.R. women are 72 percent of the teachers, 33 percent of the judges, 30 percent of the engineers, 60 percent of the economists, 45 percent of the scientific workers and even 27 percent of the construction workers.

That last statistic brought up the much-debated subject of women doing heavy, dirty and dangerous jobs in the Soviet Union. We saw women operating huge overhead cranes in a factory making pre-fabricated concrete slabs for apartment buildings, doing house painting and the perpetual handsweeping of streets that goes on in all Soviet cities, driving trucks and even cleaning out sewers.

Madame Proskurnikova acknowledged that this question frequently came up but added, "You will find that fewer and fewer women on jobs that are difficult to do. This is one of the principal changes of recent years." For example, she said, "Women cannot work on underground jobs (like mining and tunnel-building) and in some of the chemical industries."

Our interpreter, radioman Joe Adamov, later commented, "Those old women sweeping the streets hit every foreigner in the eye. But they have no skills and can't do anything else. Those jobs—and many of them work only part-time—give them something to do and a little money. Anyway, it isn't hard work. What about your American housewives who have to scrub the floors and clean the toilets, drive the kids to school, do the gardening and cooking and cleaning and laundry?"

Perhaps the most unpleasant work we saw women doing was in the sprawling new textile mill at Alma Ata. In a tremendous room the size of a couple football fields, there were more than 2,000 cloth-making looms operating, attended almost entirely by young women. The noise level made by the clacking, pounding looms was almost unbearable even for a brief visit—yet, the workers wore no earmuffs or other protection for their hearing.

It was at that same mill that we met an example of the female leadership exerted by Soviet women in many parts of the country's economy. Her name was Raisa Panova and this red-haired, green-eyed dynamo was described by one of our group as "an 18-cylinder woman."

Her job is Communist party secretary for the plant, which means she is in charge of all the political education and activity of the workers, among other things. It was clear that she knew as much about the mill's operations as any official and had a major role in running things.

We asked the Women's Committee if there was any difficulty about women being promoted as bosses over men, and the answer was a quick "Nyet."

"It all depends," Madame Proskurnikova said, "on the individual's characteristics, not just whether it is a man or woman. We have women who are heads of schools, manufacturing plants, research centers, hospitals and many other kinds of enterprises."

We mentioned the problem of jealousy among other women, against women bosses, and she commented: "Maybe that's because the United States has so few women bosses."

Influencing laws proposed for the country is another activity carried on through the women's committee. They mentioned that when the Soviet Union's new marriage and family law was under consideration the committee and its publications gave extensive consideration to all its provisions.

Valentina Vavilina, editor of one of their magazines, "The Working Woman," said her publication received 80,000 letters commenting about the proposals and that such discussion was effective in shaping the law as it was finally passed.

We asked about the official attitude toward birth control and whether there is a problem with the population explosion. Madame Proskurnikova summed it up this way: "There is no problem of family planning here such as is so popular in the outside world. Birth rates vary from republic to republic and it is not a problem for the U.S.S.R." (Official so advice on contraception etc. is at a high level and publications note that the Soviet birth rate has been declining somewhat, but is still above the rates in most Western countries.)

"Some individual families, for egotistic reasons," Madame Proskurnikova continued, "don't have enough children. There is a consultation center network all over the country, available to all. Abortions are legal. Statistics show that when abortions were made legal, the number did not increase. When abortions are forbidden, women went to people who were not qualified and this sometimes led to tragedy."

Atina Zhaketova, editor of a women's magazine in Kazakhstan, told us later that many Kazakh families still have 10 or 11 children."

All Soviet citizens must love flowers, because we saw scores of flower sellers along the streets of every city we visited. A frequent sight was a Soviet man, obviously on his way home from work, carefully carrying a bouquet to the little woman.

And a sign that Soviet family life has some similarities to that in the United States came when we asked a university director in Novosibirsk if he thought his pay was high enough.

"I get enough," he replied. "Even my wife is satisfied."

DU PONT'S PRESIDENT DISCUSSES THE NEED FOR POLLUTION ABATEMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, October 29, 1969

Mr. BOGGS. Mr. President, for 2 days last week, the Department of the Interior conducted a National Executives Conference on Water Pollution Abatement. Several hundred executives from the United States and abroad attended these enlightening sessions to discuss the hard fact and harsh realities of water pollution abatement.

One of the speakers was Charles B. McCoy, the president of E. I. du Pont de Nemours & Co. I consider his remarks to be important, and I would, therefore, like to share them with Senators. Mr. McCoy stresses the interrelationship between various forms of pollution—water, air, solid waste. Too often his relationship is overlooked in a fragmented effort to solve pollution problems, Mr. McCoy argues. Such a view is noteworthy because Du Pont has been a leader in the field of industrial pollution abatement.

Mr. McCoy states:

> In terms of our own manufacturing operations, we adopted a firm policy many years ago: No new plant may be built, no new process approved, unless the plans include workable methods of waste disposal or treatment.

Du Pont has invested $125 million in pollution control equipment, and the company spends another $26 million yearly to operate and maintain that equipment.

Mr. McCoy's views, I believe, are most worthy of study and consideration by anyone seeking to understand the questions involved with programs to enhance our environment. I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TOWARD A POLICY ON POLLUTION

(Remarks by Charles B. McCoy)

It is a pleasure to be here, and to participate in an exchange of views on a subject of such vital importance. All of us are striving for a better understanding of what can and should be done in the future by industry and government in the field of water pollution abatement. The Department of the Interior is to be commended for sponsoring a conference dedicated to this purpose.

In the organization I represent, we begin with the conviction that industry can be a partner in a joint effort with government. This effort involves all segments of society, and calls for maximum cooperation on all sides.

There are some areas of action where the responsibility rests with us in the chemical industry. But our policies and actions cannot be divorced from national considerations and national priorities.

With that in mind, it is fair to say that all of us, in government and industry alike, are part of a single effort; we're all trying to help develop and implement a workable national policy for protecting and improving the environment. This effort has been going on for several years, and we still have some distance to go. We are aware that this job occupies the thoughts of a great many people in government, including the Cabinet level group recently formed by the President. As many of you know from personal experience, this job also occupies the attention of a great many businessmen. I can assure you it is a key factor in our thinking in the chemical industry.

None of us would want to suggest that industry—or indeed, any other segment of society—has the special wisdom to set forth an appropriate national policy and make it work. But by the same token, industry can contribute to the development of sound policy, and has a continuing role to play in its execution.

In this context, there are four points I want to discuss:

The way we approach the problem;

The costs;

The criteria we set up; and

The basic role that the public must play in deciding what the goals will be.

Each of these factors needs to be considered in setting policy, and each involves industry directly or indirectly.

First, the way we approach the problem. If an effective national policy is to be created, it must be based on the pollution problem as a whole, and not just its separate parts. In some of our past actions, we have honored this principle in the breach. Rather than point the finger at anyone else, let me give you an example from my own company.

At one of our plants, several years ago, it became necessary to remove more solids from plant wastes, in order to meet new standards that were to be adopted by a local regulatory agency. A filtration system was installed.

The system solved the water problem, but the inorganic solids then had to be disposed of in a landfill, and the organic solids had to be burned. The landfill caused no difficulty. However, the incinerator wasn't efficient enough to handle the organic solids, so there was an air pollution problem.

Installing a more efficient incinerator took care of that, but the incinerator made so much noise we began to get complaints from the neighbors.

Finally, we installed an elaborate muffling system that cut down the noise, and only then was the problem really solved. Perhaps this type of example has a familiar ring to some of you.

Industry is not alone in the piecemeal attack on pollution. In government, too, there have been separate efforts to solve separate parts of the problem. In some degree this may have been inevitable, for the scale of the problem has made it necessary for the government to divide it into manageable pieces. However, in the process of subdividing direction and control, we have not always had adequate coordination among agencies and programs. At times different agencies have given us overlapping or conflicting guidelines to follow. Occasionally, one level of government or one agency has set forth standards at variance with the standards of another agency, in an area where both have jurisdiction. Until the confusion has been straightened out, progress has been held up.

I don't intend this as criticism of any particular agency. To the contrary, the point is raised only to stress the fact that many of us have been approaching interrelated problems in bits and pieces. We have worked on water pollution or air pollution or solid waste problems or noise problems—as though each existed independently.

All the time we've been doing this, ecologists have been trying to tell us that the environment is a closed system; that everything in it—including man—is interdependent. We accept that idea in principle, but don't always carry it over to the day-to-day fight against pollution.

It's time we did. We have to tackle problems in terms of the total environment, and this would seem to be a logical first step in setting an over-all national policy.

As a second element in our thinking, we must pay more attention to the cost-benefit equation. Many other people have brought up this subject, and it has been thoroughly discussed in many meetings. Permit me to reinforce a few points mentioned before.

It is very clear to me that most of the steps we take together to solve our pollution problems are going to have to be measured by an economic yardstick. Industry cannot afford, nor can the nation afford, to do the maximum job of pollution abatement everywhere or all at once.

We would all like to be more optimistic about this. Everybody would be delighted if Du Pont or some other company could report that it has found a way to turn the expense of pollution control into an asset. It just isn't possible.

To be sure, the chemical industry has been trying to find ways to retrieve useful materials from liquid outfalls and stack gases. A few of these efforts have succeeded. But most have failed because of the economics involved. We'll keep on trying, but as we look to the future we must be realistic. Most of the economically valuable products that might be recovered from effluents already are being recovered. From now on, with a few exceptions, what goes down the pipe or up the stack has to be considered as waste with little or no value. The question is what to do with it, and that question is proving to be expensive to answer.

Du Pont's total investment in pollution control facilities now totals more than $125 million. We spend about $26 million a year to operate and maintain these facilities. The equivalent of nearly 1000 full-time employees are engaged in pollution control work and antipollution research. Like most companies today, Du Pont considers this to be an integral part of the cost of doing business. All of us should be entirely candid about this, not only with each other but with the public as well. Any significant improvement on a national scale is going to cost major amounts of money and affect the prices people pay for products, or show up in their tax bill.

This leads to a third observation: We can help keep the costs within reason by setting goals that permit different standards in different areas. In water pollution, for example, legislation must apply equitably to all jurisdictions, but if the guidelines are made identical for every river or lake system, the overall costs will be astronomical.

In our view the best approach is to base laws and regulations on the uses people have in mind for different lakes and rivers, and on the specific characteristics of each water system. As we all know, different streams have different properties—width, depth, flow rate. They differ in their ability to purify themselves. Some are in densely populated areas where the water is used primarily as an artery of transportation. Others are in resort and recreation areas we want to protect for swimming. To put all these under a single set of standards would be prohibitively expensive. To establish arbitrary percentage guidelines would be even worse.

Above all, we must avoid simplistic formulas. If, for instance, we require each industrial company to reduce what it is putting into a river by some fixed percentage, we would be attaching a special penalty to the companies that have made the biggest efforts to reduce pollution. They may have already cut down on their affluents by process changes and in-plant controls. To ask them to reduce the residual by 75 or 85 per cent would put them in a severe cost bind, and be grossly unjust.

Other companies that have done less and spent less would be favored. They would start at a higher base point, and could meet the percentage requirement more easily. Thus, the percentage approach would have exactly the opposite effect from what is wanted. It would help the foot-draggers and hurt the leaders.

We must make improvements in the quality of our rivers and streams—that is agreed but we want to buy the right amount of improvements for the right kind of money. Criteria based on intended use, acknowledging the different characteristics of different bodies of water, and giving credit for improvements already made, would help us meet that goal.

That brings up an obvious question. What is the right amount of improvement, and who says so? Here, the cost-benefit equation moves beyond the realm of dollars alone.

In part, the question has technical overtones, with special reference to the chemical industry. We can help identify improvements that can be handled with existing technology. We can point out some areas where present technology has not been fully utilized, and where better application would save all of us money. We can come up with cost estimates on various alternatives, and offer some judgments about the types of R&D projects that look most promising and timely.

We have only scratched the surface in R&D. To offer a few examples, I'm told that very little is known about the effects on living organisms of low-level exposure to pollutants over long periods of time. We have only begun to explore the relationships of various contaminants to our ecology. We are still far away from an adequate mathematical description of natural water systems subject to pollution. We lack knowledge about the molecular nature of substances in these water systems.

But we have made a start, and we have a good idea of what to do next. Just last month a subcommittee of the American Chemical Society released a major report on the environment. This is much more than just another study. It is a technically sound statement of what needs to be done, and it includes dozens of specific recommendations for research, development, and engineering projects. A number of these fall within our competence in the chemical industry, and some are projects on which work is already under way.

R&D is only part of the answer. There are still questions of cost and priority, and these are questions that only the public can answer. How much is the nation willing to pay? How much environmental improvement can we undertake without jeopardizing the nation's economic health? How much of our R&D should be focused here? Must we defer action on other national problems which may be just as pressing?

These are not business or technical questions. They are public and social judgments. The answers can come only from the people. Thus, to state the fourth point, it seems to me that the Federal Government has a primary and basic role to play in measuring the public's wishes, and shaping an appropriate national policy.

No other organization in society has a charter to speak for the nation as a whole. The Federal Government is the only organization that can draw together the many views that have to be accommodated. The states and municipalities, and certainly private industry, must look to the Federal level not just for coordination and specific legislation, but first of all for a clear, consistent statement of the national will.

This is hardly a new idea. As you know, the need for Federal leadership in setting policy was discussed two summers ago at a joint House-Senate colloquium. Support for the idea has come from members of both houses of Congress. Legislation has been introduced. The principle of a coordinated approach at a high level was recognized by President Nixon in his decision to set up the Environmental Quality Council and Citizens' Advisory Committee on Environmental Quality.

Whether our basic policy is set forth by the existing Federal structure, or is drafted by some group yet to be formed, we look to the Federal mechanism as the coalescing force.

Industry's role, as I see it, is one of active involvement in all aspects of this work. A great many corporations have had years of experience in pollution control, and these companies represent a rich source of practical knowledge as well as research capability. We can apply more of this practical knowledge without waiting for all of the results to come in from research. In Du Pont, we have been trying to make contributions in a number of areas.

In terms of our own manufacturing operations, we adopted a firm policy many years ago: No new plant may be built, no new process approved, unless the plans include workable methods of waste disposal or treatment. The methods must meet or exceed all legal requirements. We are trying to bring our older plants and processes into line with the same policy.

On our staff, working in pollution control, are technologists in many fields, including chemistry, engineering, toxicology, medicine, meteorology, and the biological sciences. Many of these experts are active in assisting and advising organizations outside the company. These include various industry associations and civic and governmental groups concerned with pollution abatement.

Du Pont has developed equipment to detect, measure, and analyze various pollutants and to help reduce or modify emissions. These include an instrument for monitoring stack emissions; a catalyst support used in fume abatement; fibers especially suited for use in dust-collecting filter bags; liners of synthetic rubber for brine pits in oil fields; a manifold reactor which greatly reduces hydrocarbon emissions from automobiles; and a reverse osmosis device which has a number of applications, such as desalting brackish water and helping to purify industrial waste streams.

Other companies have also developed devices, products, and technical information which can be of great value in our common fight against pollution.

All of these are available to help in the national effort. Perhaps if we work more closely with one another, on a cooperative basis, we can find more ways to pull these contributions together and make them more effective. On that score we are open to any and all suggestions.

We have a lot of work to do, but I for one am encouraged. If we're not as well organized as we need to be, if we still lack a clear-cut national consensus on goals and priorities, at least we seem to be moving toward a coordinated approach. Our mutual concerns about environmental problems can be transformed into unified and effective programs.

Industry alone can't solve these problems. Government agencies alone can't solve them. But just as each of us bears some responsibility for the present condition of our environment, all of us—together—can meet the responsibility of developing sound, workable, affordable plans for cleaning it up.

Speaking for Du Pont, let me assure you that we will help in every way we can.

THE JOBS PROGRAM

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, the National Alliance of Businessmen, in cooperation with the U.S. Department of Labor and the chambers of commerce in this Nation, have jointly embarked upon the laudible enterprise of helping solve the unemployment problem among the deprived citizens of our country by turning to the business community. We all are familiar with the Job Opportunities in the Business Sector program, commonly known as JOBS, which has proven that business can do a better job of finding jobs and job training for the Job Corps unemployed and overemployed, than government.

JOBS had to tackle the difficult situation of unemployment existing in the midst of a highly productive, affluent economy, and in the midst of an unfilled demand for workers. Each Member here knows about thousands of jobs available in his State and at the same time thousands of unemployed persons who cannot fit into these jobs. Past methods of dealing with unemployment simply have not worked in, so to speak, finding the right peg for the right hole.

Some of the job training and employment programs in the past have produced people with skills which simply were inapplicable to positions available. The JOBS program has dealt with this problem by entirely remolding some job applicants so that their skills meet the demands of today. The program has had spectacular success.

Recently, the president of the National Alliance of Businessmen, Mr. Paul W. Kayser, addressed the Council of State Chambers of Commerce in my State and explained to them how the JOBS program functions and why it has been so successful. I know my fellow Members are interested in the details because of their conviction that the business community and local communities are better equipped to deal with problems in their own localities. For that reason and with the permission of the Chair, I insert into the RECORD the text of Mr. Kayser's remarks so that all may read about a program which is working and which is a step away from bureaucratic mismanagement and waste which sadly has marked some programs in the past.

ADDRESS OF PAUL W. KAYSER, PRESIDENT OF THE NATIONAL ALLIANCE OF BUSINESSMEN, TO THE COUNCIL OF STATE CHAMBERS OF COMMERCE AT ITS ANNUAL MEETING, IN SAVANNAH, GEORGIA, ON SEPTEMBER 11, 1969

Gentlemen, I want to thank you very much for inviting me to be here, and for the opportunity to speak to you about a matter that is of extreme importance to me and, I believe, to all of us.

I'd like to tell you about the organization I represent—the National Alliance of Businessmen—and what the NAB is doing to help solve a major national problem. And I'd like to ask for the help of each and every one of you and the State Chambers you represent. I think you will feel as I do that the goals and ideals of the National Alliance of Businessmen—and of your organizations—are very much the same.

Both the Alliance and your Chambers are voluntary, private organizations concerned with the health of our country and of the free enterprise system. We believe that the energies and talents of business and professional organizations offer great untapped potential for helping build a stronger nation. And we believe that this will be a better, stronger country when more Americans work to solve problems through their own efforts—rather than turning all the big problems over to government—and then cussing about an expanding government bureaucracy.

The National Alliance of Businessmen represents a remarkable new departure by government in turning back to the business community the opportunity—and the responsibility—of meeting a major national challenge.

The Alliance was created in response to a proposal by the President in his Manpower Message to Congress of January 1968. I think the title of that message is important: "To earn a living . . . the right of every American."

In an era when many businessmen had been complaining about the increasing involvement of government in every part of our lives—when we businessmen were the first to say we thought the government was trying to do too much—the President threw us a challenge. He asked us, in the private sector of the economy, to take on the responsibility of meeting a major national challenge—finding jobs and job training for the hardcore unemployed and underemployed.

The basic problem we are dealing with at NAB—and in the program we call JOBS—for Job Opportunities in the Business Sector—is the existence of unemployment in the midst of a highly productive, affluent economy—and in the midst of unfilled demand for workers.

I don't need to cite the figures on the number of people who live below the level of poverty—trying to feed a family of four on less than thirty-three hundred dollars a year. But we all know that in an era of unparalleled success, some of our people have been left out. Many of them are black, but not all—many are white, others are Mexican-American and American Indian. They are both urban and rural—and many are new urban residents who .have moved from rural areas—such as Appalachia and the farms—since the end of World War II.

Why can't these people find and keep jobs?

There are a number of reasons. One is an inadequate education that left them without skills and barely able to read or write. Another is an inadequate diet which drains them of health and energy. A third is a syndrome of failure which destroys their faith in themselves and convinces them they're not wanted in the society of people who make decent money for a day's work.

What can private business do about this problem—about those people who live in a different world from you and me, but in the same country? Does it make sense for private employers and private citizens to worry about jobs for the unemployed and underemployed, and about better job opportunities for the working poor?

The National Alliance of Businessmen believes private employers can—and should—take on a large share of the responsibility for finding jobs and job training for the disadvantaged. We believe we must intensify our efforts to bring the left-out of the past into our economy—as well as to provide jobs and job training for many Vietnam veterans who will soon be returning to civilian life without skills immediately transferrable to meaningful civilian employment.

No one argues with the fact that welfare is not the answer to unemployment. As President Nixon has said, the welfare system is a failure. Everyone agrees that the answer is jobs—meaningful, permanent jobs with a chance for advancement.

The government agrees that the answer is jobs—not welfare—and they have turned to us in the private sector for our help.

Six out of every seven jobs in our country are in the private sector of our economy. We businessmen are the ones who have the jobs. We are also the ones who best know what a worker needs to learn to do on a job. If we can place the unemployed and the underemployed in meaningful jobs, teach them how to do these jobs, and keep them employed, we will have made a major inroad on poverty in our nation.

Bringing the unemployed into the mainstream of our economy is not just humanitarianism. It pays off in dollars and cents—for the company, which gains a worker, and for the government, which saves welfare and gains a taxpayer.

It pays off for private enterprise—by proving that business and private citizens can do this job better than big government.

And it pays off for our country. I say this because the events of the last several years have made it evident that we're not likely to have a country united in purpose and goals until the men and women who have been left out can find the help they need to hold a job and improve their lives. To this extent, the choice between a united nation and one perpeutally divided belongs to you and me—to the businessmen and other private employers of America.

Next, let me look more closely at the National Alliance of Businessmen and what we are trying to do about this situation.

As I said a moment ago, our program is called JOBS—Job Opportunities in the Business Sector.

The motto of the JOBS program is "hire—train—retain".

Most programs to help the hardcore unemployed in the past have been government programs focused on "employability". They have attempted to bring the unemployed up to a level of education and skill that would enable them to then go out and find jobs. These programs have had only limited success. Too often, their graduates have still lacked the specific vocational skills they would need for the specific jobs available to them. Or else, potential employers have simply lacked confidence in the men and women referred to them from these programs.

The JOBS program of the National Alliance of Businessmen operates on a "hire-first" principle. An individual business or private non-profit organization agrees to hire a certain number of unemployed or underemployed men or women for jobs in its plants or office. Candidates are referred to the employer by the State Employment Service or by the local office of the Department of Labor. The employer then hires the men or women he chooses, and is responsible for providing them with training, counseling and other special services that will help them become productive workers and remain on the job.

Businessmen run the program. The national office and local offices are staffed principally by businessmen on loan from their companies. Other executives on loan from their companies make up the majority of the job solicitors—the businesmen who call on companies in their area to ask for job pledges for the unemployed. It is up to the company doing the hiring—with help from us and from the local NAB office—to provide the training and other special help that will keep the new employee on the job.

Government contracts are available to reimburse employers for the extraordinary costs of hiring and training the hardcore unemployed. These contracts enable many smaller companies to join the JOBS program, and help even the largest companies to make the full commitment of resources and management skill needed for a successful training program.

In its first year, the National Alliance of Businessmen began its work in the fifty largest metropolitan areas of the country. The Chairman of the NAB was Henry Ford II. My predecessor was Leo Beebe, Vice President of Ford and now Vice President of its Philco Division. Leading local businessmen took on the job of metropolitan chairman for each of these original fifty cities, and assigned outstanding youngster executives, loaned by their companies, to take on the full-time job of directing the NAB program in their cities.

NAB's first-year goal was to have 100,000 hardcore unemployed and underemployed workers hired and on the job by June 30, 1969. We met that goal one month ahead of schedule with 102,000 workers hired and on the job in NAB participating companies.

As of last month, NAB had helped in the hiring and training of a total of 229,679 workers. Of these, 124,935 are still on the job. This means that the turnover rate for these workers—whom many thought could never be brought into the mainstream of American production—is not much higher than the turnover rate American industry normally experiences with new workers.

When President Nixon took office, one of his first acts was to pledge his Administration's "complete and unqualified support" to the JOBS program. At his urging, the program was expanded from the initial fifty cities to 125 metropolitan areas. The goal for workers hired, trained and on the job by June 1971, has now been raised to 614,000. And we expect to be in a position later this year to expand the program to cover the entire country.

The Nixon Administration has backed up this pledge with the fullest cooperation of the Department of Labor—and it has greatly increased the funds available to reimburse NAB companies for the added costs of hiring, training, upgrading and retaining the hardcore unemployed and underemployed on the job.

As the second year pledge campaign continues, and the new "expansion" metros begin to get their programs established, the number of jobs pledged and the numbers of men and women hired and on the job continue to grow. As of reports received this month we now have a total of 19,070 companies pledging 312,537 jobs for disadvantaged workers.

Now let me turn for a moment to the role of the National Alliance of Businessmen under President Nixon's proposals for extensive changes in national welfare and manpower training programs.

These proposals will greatly increase the role of American private enterprise in meeting the problems of unemployment and underemployment in our country.

Mr. Nixon's proposed plan will be the first sweeping change in the United States' welfare system since it was created 34 years ago. It is aimed squarely at getting people off welfare rolls and onto payrolls.

Under the proposed system, welfare payments would be tied to a requirement that everyone on welfare register for employment or employment training—and accept employment or training if it is offered.

At the same time there will be incentives for those now on welfare to go to work. A family would be allowed to keep the first $720 a year of earned income without any reduction in its federal welfare payment of $1,600 a year.

For the next $2,200 of earnings, a family would have its welfare payments reduced—but on a sliding scale, so that every time the family's earnings *increase*, its *income* will also *increase*.

Furthermore, new day-care centers will be provided for the children of working mothers. This will give welfare mothers the opportunity to get out and work, or at least train for a decent job.

From a businessman's point of view, these incentives for men and women to get off welfare and onto jobs make a great deal of sense. And whatever their controversial aspects may be I am sure you will agree that proposals designed to help men and women earn their own living are, at the very least, heading in the right direction.

But the President's whole program will stand or fall on private enterprise providing the jobs and the effective job training needed to get welfare recipients onto jobs. And bear in mind that because the new plan will cover families headed by a man as well as those headed by a woman, the potential pool of people eligible for welfare will be much greater than at present—*unless jobs and job training are available*.

There has been a good deal of talk in recent years about the government being "the employer of last resort"—suggesting that the government should go out and hire everybody who's unemployed.

The President's proposal reverses this. It is aimed directly at the private sector and fits right in with the basic belief of the National Alliance of Businessmen that the private sector should be "the employer of first resort".

This will add a new dimension, strength, and long-term involvement of the private sector in meeting an important problem of American life.

It also puts the ball squarely in our court. It is up to us to prove that the private sector of the economy—with the appropriate assistance to cover the extra costs of hiring and training unskilled and disadvantaged workers—can provide the job opportunities that will make the President's program work.

The National Alliance of Businessmen will step up to this challenge. We are determined to intensify our efforts to hire, train and retain disadvantaged men and women for jobs in the private sector of our economy.

This is not an easy task, of course, and we don't pretend that it is.

When we ask a businessman to join with us in this program, we don't want him to undertake the task under any illusions. We have to be realistic about the difficulties. It is not an ordinary industry hiring program. If any businessman thinks he is going to do his part by simply hiring someone sent to him through a government recruiting program, and just shrug his shoulders if that man doesn't show up the next day or the next week, then he's kidding himself.

He not only doesn't realize what the problems are, but he's piling another load of failure on the very person he's supposed to be helping. And if that's what happens, then the business community is bound to become part of the problem rather than being part of the solution.

We don't intend to see that happen. I don't think any one of you, as businessmen and citizens of American cities, can afford to let that happen either. The stakes are too great—for us, for the community, for the nation, and most of all for the disadvantaged.

Quite bluntly, the JOBS program means that we must entirely remold our hiring processes, our personnel and supervisory methods. It means taking on people we wouldn't even have let past the plant gatekeepers in the past. We've got to look beneath prison records, lack of education, lack of steady employment in the past, poor health records. Instead of screening out people our tests and records define as "undesirables" or "misfits", we've got to start seeking and screening in untapped and overlooked potential. The plain fact is that we have to switch from a criterion of qualification to a criterion of need—and of long-range potential—and then provide the special training and assistance that will turn losers into winners. This is not easy. But we've got to hit hardest where the problem is toughest.

Now, what can each of you and your State Chambers do to help us step up to this challenge and meet our goals?

First, we need each of you, as individuals, to help us spread awareness of what it is the National Alliance of Businessmen is doing—of why we have taken on this task and why we believe it is important that the businessmen of America hire and train the unemployed.

A program like ours needs missionaries. To be perfectly frank, not every businessman in the country understands that the future of our society and of our free enterprise system depends on all of us doing our part to help meet major national problems. But the fact is that when it comes to employment and employment training, if we don't do it, the government will. That's not what we want—not what you want—not what any businessman wants.

The National Alliance of Businessmen is doing a good job of contacting the large and middle-sized employers in NAB towns. But the nation is not made up of corporate giants—or even of employers with more than fifty or a hundred people on the payrolls. There are over 3,300,000 employers in this country with fewer than fifty employees. Hundreds of thousands of these small employers could each train one or two or three of the unemployed for permanent, productive and meaningful jobs.

We will solve the problem of unemployment and underemployment in this country only when we do have this grass-roots involvement of smaller employers and middle-management. The number of people small employers can hire, taken as a group, is enormous. And perhaps even more significant, the small employer or the middle manager in a large company or plant is in a position to give personal attention to the individual work problems and training needs of new employees. This kind of personal involvement and training is often the key to helping a disadvantaged individual overcome the problems of lack of education, skill, motivation, and self-confidence which have made him a member of the hardcore unemployed.

In addition to the work you can do for us as individuals in your own communities, the State Chambers can help us in two very specific ways.

First, in our efforts to see that important mailings on the JOBS program get to every potential employer in the country. The Council of State Chambers has already helped us greatly in this task. We would like to be able to call upon the State Chambers—as well as the Council—to bring information about our program to the attention of every one of their members.

For example, within the next few weeks we are going to begin sending out to thousands of employers a booklet explaining a new contract under which employers can be reimbursed for the extraordinary costs of hiring and training disadvantaged workers.

The Department of Labor has in effect designed these contracts to meet the suggestions and needs that we at the National Alliance of Businessmen have brought to them. The contracts have been greatly simplified over any similar job-training contracts available in the past. They are particularly designed to slash the red tape and the needlessly detailed proposal and reporting requirements that have made it difficult for small employers to participate in this program in the past. We think the contracts will meet a real need for small and medium-sized businessmen by providing them, for the first time, with a practical way they can train new employees from the unskilled labor market without losing money on the costs involved in bringing these workers up to average levels of productivity.

It would be of immense help to us—and I believe also of assistance to your members—if the State Chambers of Commerce would send out to each member business the booklet we are preparing which describes this new contract and how an employer could use it to train new workers for his needs.

Second, we hope that the State Chambers might sponsor workshops or panels for their members on the problems and opportunities businesses face in hiring and training the disadvantaged. As I pointed out, this is not an ordinary industry hiring program. Just as hiring standards have to be revised, training and counseling programs must be prepared to meet the needs and problems of the new pool of workers we are reaching into for the first time.

Workshops sponsored by organizations such State Chambers can help the exchange of practical ideas on how business can bring the disadvantaged into the mainstream of the work economy. For example, they can bring businessmen with experience in hiring and training the disadvantaged into contact with other businessmen who are beginning similar programs in their own companies, or who want to know more about how this kind of training program works before they enter into one.

It may sound awesome but the task of NAB—and of the business community—is really a simple one, if all of us will but dedicate ourselves to it. We don't have to concern ourselves with legislation, with housing, or with other social welfare programs. What we are being asked to do is what business knows how to do better than anyone else—provide jobs for people.

I think the eyes of a great many people are on the business and professional community today, as never before. They want to see, at this time of crisis in America's history, just how we measure up. This is particularly true of our young people. Youth is always idealistic, and that's as it should be. But this generation of youth on campus is more outspoken idealistic than any in a long time.

And what they see in American business these days doesn't match the human values they want to see society meet. We are, they say, too concerned with profits and not enough with human beings. That's why it's so hard for business to recruit on campus these days.

Whether you agree or not, we've been measured by these young people—and have been found wanting in our social responsibilities.

And yet, this generation of twenty year olds represents the future of America. We must be committed to them—and that we're 30 or over doesn't lessen that fact. It's time we showed them—and the rest of America—that our generation can rise to the challenge—and that we can be *their* hope and salvation.

You can help us make sure every businessman in America sees this opportunity and understands its importance. In this way we can find those jobs for the unemployed and underemployed. Real jobs, lasting jobs, jobs that will lead a man on to a progressive path of success.

Years ago, Justice Oliver Wendell Holmes said: "It is required of a man that he feel the passion and action of his time, at peril of being judged not to have lived."

Gentlemen, our future, and the future of our country, lie ahead.

SALUTE TO FORMER PRESIDENT EISENHOWER

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, October 29, 1969

Mr. BROOKE. Mr. President, the National Poet Laureate of the AMVETS is, I am proud to say, Mr. James G. Egan, a resident of Malden, Mass. One of his favorite tasks over the years has been the writing of poems to commemorate the achievements of American Presidents. None are his equal in patriotic effort and enjoyment.

In order that others may also benefit from his thoughts and expressions, I ask unanimous consent that his recent verse commemorating the late President Dwight D. Eisenhower be printed in the Record.

There being no objection, the verse was ordered to be printed in the Record, as follows:

PRESIDENT EISENHOWER

(By James G. Egan)

Dwight D. Eisenhower raised in Kansas
Was Destined to achieve great-ness
A West Point graduate serving in the army
His rise was meteoric militarily

As allied commander against Germany
His expeditionary force gained victory
Later he was president of Columbia University
And was sought as a candidate for the U.S. presidency

He served two terms in Washington
Both times defeating Adlai E. Stevenson
During this administration Alaska, and Hawaii attained statehood
And the Eisenhower Doctrine was promulgated.

COMPREHENSIVE REFORM OF OUR TAX LAWS

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill which, if enacted, would cure some of the inequities in our present internal revenue structure.

Specifically, my bill would increase the personal income tax exemption of a single taxpayer from $600 to $1,200. This increase would also apply to additional exemptions for a spouse and a dependent, as well as for the aged and the blind. Raising the dollar amount of these exemptions would help to alleviate the great burden which currently is imposed on all taxpayers by our ever increasing cost of living. The true magnitude of this increase is graphically illustrated by the Consumer Price Index which has risen 51.9 percent since 1948 when the $600 exemption was first written into the Internal Revenue Code.

My bill has an additional salutary feature: it provides for further increases in the dollar amount of the exemptions outlined above for taxpayers who reside in States where the cost of living is above the national average. The amount of each exemption would be increased by a percentage of the amount of that exemption equal to the percentage by which the cost of living level in a particular State exceeds the national average. In this way, beleaguered taxpayers in such States as Alaska, California, and Illinois, where the cost of living is significantly higher than the national average, would receive a well deserved tax break to compensate them for the large sums which they must spend to obtain the necessities of life. Moreover, increasing the dollar amount of each exemption in proportion to the cost of living in a given State would bring a new flexibility to our tax laws, that, in the past, have been incapable of responding to the varying cost structures which exist in different States.

Mr. Speaker, in recent months, many Members of Congress have worked long and hard to reform our tax laws. These efforts have been very fruitful and, therefore, should not end with the passage of the tax reform bill. I feel that the legislation which I have introduced today can contribute something of value to our continuing dialog on tax reform, for my bill proposes some new approaches to old problems.

My distinguished colleagues, I respectfully urge your careful consideration of the suggestions which I have made. We have taken some giant strides toward a comprehensive reform of our tax laws, but much still remains undone.

WHY NOT HELP NIXON'S EFFORT?

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. FOREMAN. Mr. Speaker, amid the loud cries for "peace at any price" and "bring all our boys home now," it is sometimes difficult to hear the more reasonable, realistic voices which tell us that immediate withdrawal of all our troops can only lead to more violence and agony for a South Vietnam overtaken by the terrorists of the North, and loss of respect and strength for the United States throughout the world.

One of those voices of reason may be heard in an editorial carried in the Casper (Wyo.) Star-Tribune, which urges support for the President's efforts to bring peace with honor in Vietnam. I am inserting this editorial in the Record:

WHY NOT HELP NIXON'S EFFORT?

It is a strange and frustrating war we are fighting halfway around the world—and here at home. We all want American troops home if possible. The real question is: Can we improve our hopes for peace by just pulling out and leaving the Communists to pick up the pieces?

President Johnson didn't think so and President Nixon doesn't think so. Now Nixon confronted by a state of calls to bring the boys home, has announced another and larger reduction of our forces in Vietnam.

Only two days earlier, Senator Mike Mansfield, Democratic majority leader, said the President by ordering resumption of bomber attacks on the enemy forces in South Vietnam had damaged peace prospects!

Hubert H. Humphrey, defeated Democratic nominee for President, says the only way out is for the South Vietnamese to face the "political realities"—that is, either "strengthen their government or make whatever concessions they need to." This sounds a lot like what Senators McGovern and Fulbright have been saying all along—just get out of Vietnam and we'll have peace.

Any more concessions, says General Ky, South Vietnamese vice president, would bring an immediate military takeover of the government. Ky said he had told President Thieu "if we don't make a social revolution, someone else will."

A military coup, even if accomplished without bloodshed, would certainly be followed by accelerated stabs, by the North Vietnamese and prolong Vietnam's twenty years of agony.

It seems to us that the most vocal critics of President Nixon's efforts to gain peace with honor just haven't been paying attention to the Communist record. After we pulled out 25,000 men in the Mekong delta and turned over its defense to the South Vietnamese, there came word that North Vietnam regulars were infiltrating that area—for the first time. Viet Cong guerrillas had been doing the fighting there.

Nixon accompanied his announcement with a plea to North Vietnam to begin realistic efforts to negotiate a peace. The rude answer, as always, was: this is just a "manuver aimed at appeasing American and world public opinion." Hanoi reiterated that we should get out without any reciprocal pledge. Just what Senator McGovern has been saying.

We doubt if there is anything Nixon could do that would appease some of the American appeasers.

World opinion doesn't win wars, and appeasement has had a sorry record since Munich.

In his fight for peace, if nowhere else, we think the President deserves united support.

BOOM IN EVERY ROOM

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. HUNGATE. Mr. Speaker, as part of our continuing interest in sonic booms and the SST, I would like to call to the attention of my colleagues the following article:

BOOM IN EVERY ROOM

If you think the world is getting to be a pretty noisy place what with trucks roaring by in the street, planes screaming overhead, power mowers howling on the neighborhood lawns and construction machinery pounding in the background, just wait. Promoters of the supersonic transport plane, or SST, have some new jolts in store. You ain't, as the saying goes, heard nothing yet.

In the past, spokesmen for the SST forces have assured the public that sonic booms from the supersonic planes would be no problem because the planes would not be flown over land at supersonic speeds until the boom problem had been solved. But now that President Nixon has approved their request for development money they are dropping that sham. Sonic booms caused by planes flying faster than the speed of sound and capable of breaking windows and cracking foundations are just something people will have to get used to, they now say.

Colonel Robert Stephens, an Air Force officer on loan to the Federal Aviation Administration as technical adviser for SST development, doesn't see people as any great problem. Except when the booms break windows and do other damage, he says, people will become accustomed to them. "It will be just like a train passing their homes," he says. So much for people.

There is a chance, of course, that people will prove Colonel Stephens wrong, if and when they find out the noisy trick the government is playing on them. A lot of people don't want to live by a railroad track. Millions of them have paid a lot of money to live as far as possible from the noise of trains and highways and they may not appreciate having their nerves jarred regularly by booms that sound like dynamite exploded next door, especially after our federal officials have assured us for years that it would never happen, and that the SST would fly only over the oceans.

It is all in the name of progress though it is a strange sort of progress that must be sneaked past the public under a layer of official deception. It is a strange kind of progress, too, that discounts, annoys or damages the property of hundreds of millions so that a few dozen can fly a little faster and a little higher and probably be stacked up a little longer over airports that can't handle the planes we already have. But at least Congress knows now what kind of tricky deal it is voting for if it approves the SST funds. It is joining with Mr. Nixon to put a boom in every room.

PROTEIN FROM PETROLEUM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. WOLD. Mr. Speaker, the Republican task force on earth resources and population, of which I am a member, held a very educational briefing last week.

Our guest, George A. Doumani, is an internationally known geologist of versatile background with many international accolades to his credit.

The subject matter dealt with the current and future development of proteins from petroleum.

In view of our international problem of rapid population growth, it is encouraging to realize that private industry will be capable of marketing an inexpensive form of protein that will enable the world's population to acquire its daily requirement of nutrition.

Mr. Speaker, I offer Mr. Doumani's remarks for the RECORD for the benefit of my colleagues:

PROTEIN FROM PETROLEUM

(By George A. Doumani)

If you can manage to visualize the figure 6,588 with 18 zeros to the right, then you have a fair idea of the weight of the planet Earth—6 sextillion 588 quintillion short tons! If you strain your imagination further and multiply that figure 4,000 times, then you have a picture of the mass that can be produced by one single-cell microbe in 48 hours.

In theory, it has been calculated that a single-cell microbe weighing one-millionth of one-millionth of a gram, if given limitless space and nutrients, could generate in two days a mass 4,000 times the weight of the Earth, about half of it protein!

It sounds incredible. But the capability of these single-cell bacteria to produce protein has been recognized for many years, and several nations are presently engaged in experiments seeking the most feasible and economical way of providing man with protein produced by these microscopic organisms.

Before going into the details of this promising technology, let us look at the normal means of obtaining nutrition. By the process of photosynthesis, plant organisms utilize the energy from sunlight. These plants transfer their energy to animals and human beings through the feeding process.

Protein synthesis by agricultural crop plants is notoriously slow and inefficient in terms of protein synthesized per unit area. Today, about half of the world's population is already undernourished. Approximately one sixth is dependent on artificial nitrogen (in the form of fertilizer) for its survival. And because the soil demands that its nitrogen be continuously replenished, scientists safely assume that the world's soils, via nitrogenous residues, can hardly be expected to take care of more than half of the 4 billion extra people expected to be alive by the year 2000.[1]

At the present time world food production per head is declining. If we are to feed adequate amounts of protein to the population of the Earth during the remaining part of this century, we must seek new sources and more efficient methods of producing edible protein.

Fortunately for the human race, green plants are not the only organisms capable of upgrading nitrogen. Most microorganisms, such as bacteria, yeast, and moulds, are capable of utilizing simple forms of nitrogen. That gives them a starting point for the synthesis of their own cell protein. They obtain the energy for the process not from sunlight but by assimilating energy-rich materials, such as carbohydrates (starch and cellulose) and hydrocarbons.

POPULATION DOUBLING

Hundreds of thousands of years to Christian Era, ¼ billion.

A.D. to 1650, ½ billion (double).

Two centuries later (1850) 1 billion (double).

Eighty years (1930), 2 billion (double).

Forty-five years (1975), 4 billion (double).

Thirty years (2005), 8 billion (double).

By 2200 A.D., 500 billion.

Surface of all continents will have same present density as Washington, D.C.

Most of these processes have been studied, and some have been in use for many years. The idea of producing yeast for food is almost sixty years old. The possibility of growing algae on sewage holds some promise for areas where there are sewage purification problems. Algal culture is also being considered in the space program. Astronauts on long journeys need not only food, but also oxygen and waste disposal. Certain bacteria, for example, can utilize carbon dioxide and urine, give off oxygen, and produce protein. The prospect of perfecting and utilizing these potentials is simply tantalizing, but unappetizing.

What seems to be a more promising source, however, is the use of hydrocarbons as substrate for single-cell protein. Simply stated, the process involves microorganisms that feed on petroleum and produce edible protein. These organisms feed on either the paraffin waxes or the cheaper gas-oil refinery cut.

Without elaborating on the actual mechanics of the process, one is immediately struck by its potential, considering the enormous petroleum reserves that could produce protein.

STATE OF THE ART

Several companies are currently engaged in research on the production of single-cell protein. Among these are Esso Research and Engineering at Linden, N.J., working jointly with Switzerland's Nestlé Alimentana; British Petroleum's subsidiary, BP-France, in Lavera near Marseilles; Gulf Oil Corporation in Pittsburgh, Pa.; the Institute of Gas Technology in Chicago; Shell Oil Co.; and Mobile Oil Company.

Scientists in the Pittsburgh laboratories of Gulf Oil Corporation are already turning petroleum into cookies, soups, and cereals. Standard Oil Company of New Jersey is conducting small-scale production jointly between its Esso Research and Engineering Company at Linden and Switzerland's Nestlé Alimentana. The two companies have successfully operated a small-scale pilot plant, and a larger plant in the United States is currently testing single-cell protein for its chemical, physical, nutritional, and toxicological properties. Their final product is a bland, white powder with a neutral flavor which makes it attractive for blending with other foods.

Overseas, the British Petroleum Company's subsidiary in France has a facility at Lavera near Marseilles, which will be able to produce 16,000 tons of protein a year by 1970. The BP process was accidentally discovered ten years ago, by a team of French researchers studying the biological refining of crude oil, by adding bacteria that would feed on wax. Following this discovery two pilot plants were built for further study, one at Lavera using petroleum, and the other at Grangemouth, Scotland, using paraffin alone. According to BP, 100 tons of crude oil will yield 10 tons of protein, leaving 90 tons of wax-free petroleum of higher quality. In other words the bacteria do some of the "refining", producing in the meantime, a useful and highly nutritious product.

In 1963, BP began a long series of experiments, feeding its petroleum protein to 30,000 rats. Then the company advanced to quail, chicken, and fish, and the results indicated the absence of harmful effects. More experiments were conducted in the Netherlands, this time on cattle, poultry, and pigs. At a dinner in their London office, 250 BP employees were served two types of ham, one fattened by single-cell protein, the other by conventional feed. Eighty people favored the petroleum-fed ham, 86 preferred the conventional, and 84 were unable to tell the difference.

Other than activities in the United States and Britain, plants overseas are operating in the Soviet Union and Czechoslovakia, and similar research is currently under way in Japan and Cuba. In a Russian research project started in 1967, cattle and poultry were being fattened on 1000 tons a year of feed stuffs processed from petroleum. In Nigeria, pigs on an experimental stock farm were being raised on similar rations.

World interest was focused on this breakthrough during the World Petroleum Congress, held in Mexico City in April 1967, and at the International Conference on Global Impacts of Applied Microbiology, held at Addis Ababa in November of the same year.

ADVANTAGES

One of the most obvious advantages of obtaining protein from hydrocarbons is the ready availability of the basic requirements—petroleum and natural gas.

I do not intend to bore you with endless figures, but I must give you an idea of the extent of our holdings.

Current world output of crude oil is approximately 35 million barrels a day, and total world reserves are close to 500 billion barrels. Of these, our U.S. reserves at the end of 1967 were 40 billion barrels.[2] Since then, the North Slope discovery in Alaska, according to recent estimates, will easily approach the 20 million barrel mark, and the offshore oil reserves are at least another 20 billion barrels. These are only the known reserves; recent studies estimate that only 12% of the total offshore area has been explored, and that it will take at least 120 more years to finish just the preliminary exploration work.[3]

What is more significant yet is the fact that the majority of these reserves, the world over, are located in, or close to, underdeveloped countries where nutrition is needed most. [I'll have something to say on the political aspects of this fact later.]

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[1] Mayer, Jean. It's the Rich Doing Crowding. The Washington Post, July 20, 1969, p. B–1.

[2] Petroleum resources under the ocean floor. National Petroleum Council. March 1969.

[3] Oceanography Newsletter, October 13, 1969, p. 4.

Most of the other advantages of protein from petroleum are technical. The production plants are compact, less space is needed than for an agricultural product, and no water. A yeast factory with ten fermentors could produce ten tons of yeast per day, roughly half of which is protein. To provide the same amount of protein from pork, it would be necessary to kill 80 pigs a day, 30,000 pigs a year. It would require 8,000 acres of wheat to produce the same amount of protein in a year.[4]

In the case of natural gas the advantages are even more striking. Most of us have seen an oil field at one time or another, with its ever present flares, burning away an unwanted by-product. That burning gas is methane. Yet some bacteria exist which have the ability to break the carbon-hydrogen bond and use methane to yield a protein-rich product. The final product has also the added advantage of purity, being free from residual chemical contamination.

And how much natural gas do we have? Current reserves are estimated at an astronomical figure exceeding one million billion cubic feet.[5] It will be a long, long time before the human race could dispose of that much natural gas.

All this, of course, sounds like the ultimate promise. But there are problems yet to be solved and questions to be answered. These include the arduous task of searching for the right bacteria strain that would produce the greatest amount of protein, the development of efficient technology to make the process economically feasible and competitive, medical research into its effects on humans, psychological problems affecting its acceptance by the masses, and a multitude of other hurdles.

Dr. John G. McNab of ESSO Research and Engineering assured me that his process would need at least 10 years to reach the marketing stage. Money, he indicated, was not a major hurdle. Testing, particularly for toxicology and human consumption, simply has to take its normal course and time requirement. These things cannot be short circuited. The project is viable and the companies are earnestly pursuing their research.[6]

Some contend that increased protein production is not the only answer to the world's population problem. This is obviously true. But the World is already short of protein, and even if we could come up with an effective population control, the protein deficiency is unlikely to ameliorate.

Although we, in the United States, claim to have no immediate need for increased protein, it would seem most advisable to encourage and foster development in this area.[7]

Besides the social and economical impacts of this product, there are, of course, political considerations to be contemplated, both on the national and international levels. This is immediately related to the occurrence of the petroleum reserves in other countries.

So far, in the formulation of our foreign policy we have considered oil merely as a fuel. Its potential as a major food source for a world population on the loose should now enter into the process of decision-making. The Middle East, for example, holds more than 85% of the world's petroleum reserves, a good portion of it in the hands of American interests. In formulating our policy for the Middle East, added emphasis should be given to its potential as probably the future bread basket of this planet. It is not unconceivable that in the near future our need would be more pressing for petroleum as a food rather than as a fuel.

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[4] Norris, J. R. Animal protein from unusual substrates including petroleum and methane. Advancement of Science, Dec. 1968. pp. 143–150.

[5] Tanner, James C. Food from fuel. Wall Street Journal, June 9, 1967. Exact figure 1,040,807 billion cu. ft.

[6] See also: Proteins grow on high-purity alkanes. Chem. & Engin. News, Jan. 9, 1967, pp. 46–48.

[7] In the Sunday Newspaper Magazine "Parade" (Aug. 17, 1969) a question was asked if it were true that America's dogs are better fed than America's people. The answer: "Yes, according to many authorities, including James Corbin, of the Ralston Purina Company, providing the dogs are fed commercially prepared food. Such food is nutritionally well balanced, which is not true of the average American diet."

FBI DIRECTOR WARNS OF CONTINUED THREAT TO OUR INTERNAL SECURITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. ICHORD. Mr. Speaker, there are in the United States today a number of subversive and extremist groups which advocate force and violence. They strive in every possible way to disrupt law and order and to inculcate hatred and bigotry that breed violence.

The Director of the FBI, Mr. J. Edgar Hoover, the greatest authority in our Nation on intelligence matters, has provided authoritative information in the FBI Annual Report for fiscal year 1969 on the continued threat to our internal security through the activities of subversive and extremist groups and other data of a similar nature. I feel that all American citizens should inform themselves about the real nature of the groups in our midst, which advocate force and violence, in order to develop a greater understanding of how they operate and what their goals are. Such factual knowledge will enable citizens to comprehend the true nature of the threat and thus be alert to prevent these nefarious groups from making further inroads into our society.

To help give Mr. Hoover's remarks on subversion and extremism the widest possible dissemination, his remarks on "Counterintelligence Activities" have been excerpted from the FBI Annual Report for fiscal year 1969. Due to their importance and topical nature, I insert them in the RECORD at this point:

COUNTERINTELLIGENCE ACTIVITIES: PROTECTING OUR NATIONAL SECURITY

The FBI has had the primary responsibility of protecting the internal security of the Nation since September 6, 1939. On that date, President Franklin D. Roosevelt issued a Presidential Directive calling upon all law enforcement agencies to promptly furnish to the FBI any information in their possession regarding espionage, sabotage and other subversive activities.

In carrying out its responsibilities, the FBI gathers both intelligence data and evidence which can be used in legal proceedings. The FBI also has the responsibility of immediately disseminating the data it has secured to the appropriate officials of the Government.

NEW LEFT MOVEMENT

The New Left movement continue to pose a serious threat to the Nation's internal security. During the last year, this extremist minority group, located primarily on college campuses, was involved in considerable violence, sabotage and revolutionary activity. Major disorders erupted on some 225 campuses, causing over $3,000,000 in property damage and resulting in over 4,000 arrests. Almost incredible situations developed whereby rebellious students armed with shotguns and rifles seized academic buildings and defied legitimate authorities. Some 61 campus bombings and arsons occurred.

The militant core of New Left extremism is the Students for a Democratic Society (SDS). During the last year, this group has reflected an ever-increasing Marxist-Leninist revolutionary posture. Several SDS leaders publicly identified themselves as revolutionary communists. The SDS openly espouses the overthrow of our institutions of free society (called the "Establishment") through violent revolutionary action. Never before in American history has there been such a strong revolutionary Marxist movement of young people so eager to tear down established authority.

SDS has an estimated 250 chapters and claims some 40,000 members, but in actuality it has been able to influence the thinking and actions of many additional thousands of students. The SDS bitterly opposes the war in Vietnam, the draft, American foreign policy, "the military-industrial complex," ROTC, private industry, labor unions, and our educational system.

At SDS's National Convention in Chicago June 18–22, 1969, the Progressive Labor Party (PLP), a militant pro-Red Chinese revolutionary group, attempted to take control of the SDS. The national office faction of SDS, fearing a takeover by the PLP, split off and elected its own national officers and continues to function from national headquarters in Chicago. The PLP group elected a separate slate of officers.

The PLP–SDS faction launched an "SDS Summer Work-In" to penetrate and disrupt industry. The FBI determined that material issued by SDS for this purpose actually was identical with a "Vietnam Summer Work-In" sponsored by PLP during 1967. The PLP origin of the SDS anti-industry line materially reduced its effectiveness.

The great strength of the PLP in the SDS is further evidence of the shift of this New Left group to a hard-line Marxist-Leninst program. Though SDS is now split into warring factions, the dispute is not over allegiance to Marxist ideology, but over power and prestige in the SDS. Available indicators point to a long-range problem of campus-based subversion accompanied by violence and destruction.

RACIAL EXTREMISM

A problem closely related to New Left extremism has been black extremism, especially centering around the Black Panther Party (BPP). Black extremists detest constitutional government, encourage disrespect for the law, and advocate violence.

The BPP first came to national attention in May, 1967, when it sent an armed delegation to the State Capitol in Sacramento, California, to protest pending gun legislation. In October, 1967, its Minister of Defense, Huey P. Newton, was stopped for a traffic violation, and he shot and killed an Oakland police officer and wounded another. On September 8, 1968, Newton was convicted of voluntary manslaughter and sentenced to 2 to 15 years in prison.

The Black Panthers experienced a rapid growth when Leroy Eldridge Cleaver became a spokesman and its Minister of Information. The author of the best seller, "Soul on Ice," Cleaver spewed out his bitter hatred against society in a number of speeches and lectures. Cleaver is now a Federal fugitive growing out of California state criminal charges.

Membership in the BPP is estimated as being between 500 and 1,200, with over 40 chapters throughout the country. Many of its members are armed and have been involved in altercations with law enforcement officers (who are called "pigs" by the Panthers). The Panther political philosophy is based on the writings of Mao Tse-tung. Recently the Panthers have attempted to spread their doctrine of hate and revolution to college and high school students.

The Republic of New Africa (RNA) is another extremist black nationalist group. With headquarters in Detroit, it has established "consulates" in eight cities across the Nation.

RNA was established for the purpose of forming a black nation in the United States. Its founders proposed that efforts be made for international recognition with assistance from Cuba, Red China, and Tanzania. Steps have been taken to buy land in Mississippi where members want to build a landing strip long enough for "Chinese jets to land." RNA plans to establish a black army to be known as the Black Legion.

On the night of March 29, 1969, outside a church in Detroit where a session of the RNA Second National Convention had just ended, there was a confrontation with police and two Detroit police officers were shot, one being killed and the other critically wounded.

The riots and racial disturbances which have plagued the Nation since 1964 have materially abated, though there were some serious outbreaks of violence in 1969. The ingredients for racial violence remain, however, and the trend toward guerrilla warfare advocated by black extremists and revolutionaries as evidenced by the growing number of unprovoked attacks on law enforcement officers by snipers and fire bombers presents a serious danger to the safety of our cities.

The Student Nonviolent (now National) Coordinating Committee (SNCC), originally formed as a civil rights organization in 1960, received a new lease on life through the activities of James Forman, a SNCC staff member, and the so-called "Black Manifesto." This Manifesto, which has received wide publicity, was adopted by the National Black Economic Development Conference in Detroit in April, 1969. The Manifesto demands reparation payments to blacks totaling three billion dollars for past alleged injustices. Forman's activities have involved him in confrontations with white churches and synagogues. On May 4 and May 11, 1969, he personally disrupted services at the Riverside Church in New York City and called on black people across the country to arm themselves with shotguns to stop the violence of the "racist" white man.

During this period, Stokely Carmichael, former National Chairman of SNCC and later associated with the Black Panther Party, has been residing abroad.

Both black and New Left extremists have traveled abroad extensively. Among countries visited was Castro's Cuba.

COMMUNIST PARTY, USA, AND OTHER OLD LEFT GROUPS

The Communist Party, USA, remains obediently loyal to the policies of the Soviet Union. When the Warsaw Pact nations invaded Czechoslovakia in August, 1968, Gus Hall, General Secretary of the Communist Party, issued a statement praising the action of the Soviet Union and its allies. In June, 1969, Hall and other officials of the Party attended the International Conference of Communist and Workers Parties in Moscow. At this Conference as well as in the Preparatory Committee meetings for this Conference, Hall and his cohorts were staunch allies of the Soviet Union in its attempt to restore its control over the international communist movement.

The Party held its 19th National Convention in New York City from April 30 through May 3, 1969. This Convention was viewed by Party leaders as "the most successful" in Party history. For the current leadership, this assessment is most accurate. Hall and Henry Winston, National Chairman, successfully stifled all opposition and criticism of their leadership. The Party has reflected dissident viewpoints, especially from Gilbert Green (New York) and Dorothy Healey (Southern California). Hall and Winston isolated this opposition so that the Convention adopted and unified the membership around their pro-Soviet position.

In addition, the Convention amended the Party's constitution to strengthen the communist principle of "democratic centralism," which means that criticism of the leadership and its decisions will not be tolerated.

The Party has been deeply interested in New Left and black extremism. Party members have been involved in New Left demonstrations and anti-Vietnam activities. The Party welcomes the anti-American sentiments and opinions of the New Leftists but is distrustful of the anarchist and anti-Soviet viewpoints of many of these young people.

Plans are now under way in the Party for the establishment of a new youth group to be directed toward youth in industry. The Part is hoping to recruit some of the young activists of the New Left, turning their enthusiasm toward support of Party discipline.

Another Old Left group, the Progressive Labor Party, has been highly effective in penetrating the SDS. The PLP, though hostile to the pro-Moscow Communist Party, is a Marxist-Leninist group which believes in the discipline and teachings of Mao Tse-tung. The PLP is militant and well organized.

The Socialist Workers Party (SWP) is the largest Trotskyite organization in the country. In January, 1969, the SWP and its youth affiliate, the Young Socialist Alliance, sent 14 members to Cuba as guests of the Cuban Government to observe the 10th anniversary celebration of the Cuban Revolution. During the past year, the SWP and the Young Socialist Alliance have been most active in antiwar and anti draft activities. Certain officers and members of these organizations have been instrumental in fomenting or perpetuating disorders on various college campuses. The Young Socialist Alliance has almost doubled its membership during the past year.

KLAN AND WHITE HATE GROUPS

The FBI has been busily engaged in investigating the 14 Klan-type organizations with a combined membership of approximately 6,800 individuals. The largest Klan group in the United States is the United Klans of America, Incorporated, Knights of the Ku Klux Klan, with headquarters in Tuscaloosa, Alabama. It has a membership of some 5,400 individuals.

Another prominent Klan organization is a group known as the White Knights of the Ku Klux Klan in Mississippi.

The American Nazi Party, founded by George Lincoln Rockwell, changed its name to the National Socialist White People's Party in December, 1966. This organization espouses hatred against Negroes and Jews. Rockwell was assassinated by a former member of the American Nazi Party in August, 1967, and since his death, the Party has been beset by internal strife.

The National States Rights Party maintains headquarters in Savannah, Georgia. It is dedicated to white supremacy and is highly anti-Negro and anti-Semitic. It has a membership of from 75 to 200 persons. The National Renaissance Party, based in New York City, and the White Party of America, based in Alexandria, Virginia, are other hate-type organizations whose membership is restricted to Caucasians. Both are very small.

RED CHINESE AND CUBAN SUBVERSION

During the past year the FBI has experienced an increase in its Red Chinese investigations due to the continuing intelligence activities of Communist China aimed at procuring both covertly and overtly needed technical data in the United States. In addition, the Red Chinese have continued their efforts to infiltrate intelligence agents from mainland China into the United States under immigrant cover.

The past year was marked by bold attempts on the part of the Castro Government to become a major factor in the direction of New Left and black extremist movements in the United States. Intelligence personnel at the Cuban Mission to the United Nations in New York City established close liaison with selected leaders of these dissident movements and participated in the guidance of the groups' day-to-day activities.

The flow of refugees from communist Cuba continued during the past year with approximately 3,700 entering the United States each month. Despite the fact that the majority of these are disillusioned with Castro, experience has shown that some will have been given intelligence missions by the Cuban Government. Others will seek to oppose Havana actively by becoming involved in anti-Castro activities, some of which will be in violation of our laws.

In May and June, 1969, three members of the Cuban Nationalist Movement, a militant anti-Castro group, were arrested by the FBI and indicted by a Federal Grand Jury in Newark, New Jersey, for conspiring to injure or destroy the Cuban Consulate, Cuban Trade Mission, and Cuban steamships in Canada. The conspiracy charge carries a maximum penalty upon conviction of three years in prison and a $5,000 fine.

SOVIET INTELLIGENCE

The Soviet Union, assisted by the intelligence services of Bulgaria, Poland, Hungary, Czechoslovakia, Romania and Mongolia, all of which have official establishments in the United States, considers the United States as a major espionage target. As of June 30, 1969, there were 957 Soviet and satellite-bloc personnel assigned to this country, accompanied by 1,376 dependents. A high proportion of these officials are also espionage agents.

The FBI finds that the Soviet espionage services are highly professional, well trained, and ready to expend unlimited time and effort to steal confidential information in this country. The Soviet spy networks show no abatement in their efforts to penetrate our security.

SABOTAGE

The increasing violence of extremism in the United States is reflected in the sentencing (5 years) in U.S. District Court, St. Louis, Missouri, of Michael Sherrod Siskind, a student member of SDS, on charges of sabotage, on February 20, 1969. Siskind had been apprehended while attempting to set off a fire bomb at the ROTC Building, Washington University, St. Louis, Missouri.

Between January 20 and 26, 1969, four high-powered transmission towers were dynamited in and around Denver, Colorado. Following an investigation, a Federal Grand Jury indicted Cameron David Bishop on February 14, 1969, on charges of sabotage. Since that date Bishop has been a fugitive and was placed on the FBI's "Ten Most Wanted Fugitives" list on April 11, 1969. He is being sought in the United States and abroad in connection with this matter.

MINUTEMEN

The activities of the Minutemen continue to be investigated. This group was led by Robert Bolivar DePugh who at the close of the fiscal year was being sought as a Federal fugitive after having been indicted on charges of Bank Robbery-Conspiracy. The Minutemen desire the overthrow of the Government when and in the event it is taken over by communists. This overthrow is to be accomplished through guerrilla warfare.

REMARKS OF HON. G. ELLIOTT HAGAN

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. DOWNING. Mr. Speaker, last week it was my genuine privilege to participate on a panel discussing the problems of the American merchant marine in the beautiful city of Savannah, Ga. The occasion was the annual convention of the National Propeller Clubs of the United States and it was a highly successful as well as enjoyable meeting.

The theme of the conference was "Our Merchant Marine—a National Conference." A number of distinguished men and women knowledgeable in the field of merchant marine affairs addressed the convention.

One of the outstanding speeches given in Savannah was delivered by the Honorable G. ELLIOTT HAGAN, the Congressman from the First District of Georgia. His remarks were most timely and I include his speech in the RECORD:

REMARKS OF REPRESENTATIVE G. ELLIOTT HAGAN AT 43D CONVENTION OF U.S. PROPELLER CLUB, SAVANNAH, GA., OCTOBER 17, 1969

It is a genuine honor and a privilege to welcome this distinguished gathering and my distinguished colleagues to the Hostess City of the South, Savannah, Georgia.

We are proud of Savannah, as a leading port with some of the world's most modern terminal facilities for economical, fast and efficient shipping services.

And I am personally proud that the U.S. Propeller Club chose Savannah for this convention, as we note the 150th anniversary of the sailing of the SS *Savannah*, the first vessel propelled by steam across the Atlantic, or any other ocean.

As some of you may or may not know, I have long been an advocate and a champion of the SS *Savannah's* illustrious successor, the Nuclear Ship *Savannah*, both as Representative of the First District of Georgia in Congress, and as a member of the House Armed Services Committee. You have many friends on that Committee. There is no stronger advocate of a modern, efficient American Merchant Marine for commerce and defense, than Chairman L. Mendel Rivers from our Good Neighbor State of South Carolina.

We on the House Armed Services Committee have long realized that the American Merchant Marine has been on a downhill spiral for the past few years.

The theme of this conference, "Our Merchant Marine . . . A National Crisis:" is a situation with which we in Congress are all too familiar.

The four of us on this panel have had some good company in our insistence that we must have a viable Merchant Marine, because every war this country has been in relied heavily on American flag shipping to win it.

Where would our troops in Viet Nam be today, if they were not outfitted and supplied by American flag ships, still carrying ninety-eight percent of the war cargoes into Saigon?

If the average person in a foreign country visited a seaport for the first time and saw the NS Savannah, flying the American flag, then he would logically assume that our Merchant Marine is a world leader, a pace-setter. But that would be the furtherest thing from the truth . . . Once a world leader on the high seas, our merchant fleet now occupies a shameful sixth place; American bottoms now carry less than five percent of all U.S. foreign commerce; over two thirds of the ships in our merchant fleet are over twenty years old; and our ship construction picture is just about as dismal; in that critical area, we rank eleventh among the maritime nations of the world.

Our situation was most aptly described in a recent article by author and syndicated columnist Jim Bishop, when he said: "The United States has *cancer* of the Merchant Marine!"

If that is true, and I think it is, then I must point out that we are applying First Aid where major surgery is indicated!

Current appropriations for merchant marine research and development are only twelve million dollars, as compared to three billion, 253 million, three hundred thousand dollars for National Aeronautics and Space Administration research and development.

While we have been dragging our feet, the Soviet Union's merchant fleet has been growing to an extent that has been called: "the most startling in world maritime history."

In 1950, Russia was in 21st position in world merchant fleets. By 1966, she had jumped to seventh place, and today, Russia threatens to push this nation out of sixth place among merchant fleets.

Reportedly, twenty-four percent of the merchant shipping on order throughout the world is for Russia. And the most recent survey shows that Soviet Russia currently has 297 merchant vessels on order, while the United States has only 36 on order, which is over an eight-to-one ratio.

One of the experts keeping a close eye on their merchant build-up, Naval Chief of Operations, Admiral Thomas H. Moorer, says the Russians are doing more than just transport cargo with their ships flying the Red Flag; not only do they use them for intelligence purposes, but they aid them in propagating their brand of Communism around the world, as their vessels call on six hundred ports in over ninety different countries.

The Soviet Union today has 1400 ships of some 10 million tons, while we have, as of January of this year, 842 vessels of one-thousand gross tons or over in the active ocean-going merchant marine, some 30 ships less than in January of 1968.

I think it is obvious that the increasing number of Soviet vessels on the high seas throughout the world also symbolizes for many of the under-developed nations, the progress attainable through Communism, a highly advantageous *political weapon* for the Russians.

In addition, more than 400 of Russia's newest ships are carrying into Hanoi over 99 percent of North Vietnam's war supplies.

Admiral Moorer says that Russia's seapower buildup has taken priority over its space program. He feels the Soviets have acquired an oceanic vision, seeing clearly the sea is the life-giving artery connecting Communism to the free world. Meanwhile, this country appears to have gone in the other direction.

I think it must be clear to thinking people that our merchant marine must be expanded and modernized, not just because of its continuing logistical importance in conflicts like Viet Nam, but for its commercial significance in the peaceful pursuit of U.S. foreign trade, in improving our balance of payments posture and in the overall economic growth of this country.

The Russian merchant fleet can prove a formidable peacetime menace, with a real potential for driving freight rates down to less than breakeven levels for ships under other flags. And the Soviets plan to double their merchant ship tonnage in the next decade!

American-flag shipping contributes greatly to our economy, constituting a major contribution to the balance of payments; it is an important employer, taxpayer and customer of U.S. goods.

And I don't have to point out that the balance of payments affects the American taxpayer directly in three vital areas; interest rates, employment and prices.

Shipping has been accurately described as the lifeline of our expanding economy and the American businessman's partner in foreign trade. U.S. shipping plays an essential role in protecting the interests of American traders by assuring the availability of adequate, dependable shipping services at fair and reasonable prices. It also helps develop overseas marketing outlets for U.S. products.

Shipping is an important political instrument; vessels flying the American flag in ports around the world are symbols of America's strength and peaceful intentions—a global calling card of friendship.

These are some of the continuing U.S. shipping contributions which will become more critical as we move into the 1970's and 80's. The future of the nation's economy, its very lifeblood, may well depend on our expanded foreign trade.

As we stand on the threshold of the 1970's, we face this disquieting situation; the United States is ahead of the world in flags on the moon . . . but Soviet Russia is ahead and moving faster everyday, with flags on the high seas . . .

Will we let this situation stand, or will we take the proper steps to correct it?

Let's pray we have the good sense to move in the right direction . . . thank you.

GSA ADVISORY COUNCIL

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BOW. Mr. Speaker, congratulations are in order for Robert L. Kunzig, General Services Administrator, for his successful effort to obtain top level business management advice for the operation of his multibillion-dollar agency.

Mr. Kunzig organized recently the National General Services Public Advisory Council and the members have just completed their first series of meetings in Washington. He reports to me that they have made extremely valuable recommendations which can reduce the cost and improve the services of GSA.

Inasmuch as the smooth and efficient operation of almost every civilian agency depends in large measure upon the physical and support facilities provided by the GSA, this should come as good news to all agency and bureau heads.

The membership of the council is distinguished in the fields of business and administration, and I am pleased to take note that my good friend, John W. Galbreath of Columbus, Ohio, is one of these experts. Mr. Galbreath started in the real estate business in Columbus in 1920 and has become one of our State's and the Nation's most successful businessmen, owner of the John W. Galbreath & Co. and other construction, insurance, and real estate operations.

Bob Kunzig tells me that John Galbreath's experience is proving to be of great value on the advisory council.

Among Mr. Galbreath's many interests outside the business world are baseball and racing. He is president and principal owner of the Pittsburgh Pirates Baseball Club and owner of Darby Dan Farm of Ohio and Kentucky. Thoroughbred horses he has raised include Chateaugay, who was named "Thoroughbred of the Year" after winning the 1963 Kentucky Derby and Belmont Stakes, and Proud Clarion, winner of the 1967 Derby.

Robert Kunzig has one of the most difficult administrative jobs in the United States and I believe he has taken a giant step forward in involving members of the public who can lend expert advice and guidance.

END HYPOCRISY AND REFORM CAMPAIGN SPENDING

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. HORTON. Mr. Speaker, for some time there has been much talk about reforming campaign spending. This is of deep importance to all of us since it directly affects our campaigns.

Today, I am pleased to cosponsor legislation introduced by my good friend and able colleague, Hon. BARBER B. CONABLE, to provide more sensible and comprehensive regulations in financing Federal elections.

At this time, there is a growing movement for reform in all sectors. There is a very healthy attitude flourishing in this country to dispense with hyprocrisy and "tell it like it is."

The law, as it is presently set up, encourages juggling and disregard of spending limits. I believe that a breakdown of our system is the tendency to disrespect the law. As lawmakers, we should obey the law and not avoid it because the law is a bad law, or because it is not practical, or because penalties are easily avoided. We have a double responsibility: to make good laws and to obey the laws.

The bill that I am cosponsoring with Congressman CONABLE would restrict donors, candidates, and committees, and at the same time set a realistic limit on campaign expenditures.

The Election Reform Act, as this bill is called, sets a 25-cent limit per person that a candidate can spend in the area represented. For an average congressional district, this would mean a candidate could not spend over $100,000.

In addition, the Election Reform Act prevents campaigns from being dominated by large donors. It limits a donor from contributing more than $5,000 to a Senate or House candidate, and $10,000 for a presidential candidate. This bill places a limit of $50,000 a year that a person can contribute to political causes and candidates for election.

The administration of this act would be in the hands of an independent regulatory agency, the Federal Election Commission. This five-member bipartisan commission would have the power to investigate, to compel disclosure, to compel cessation of an illegal act, and to impose civil penalties up to $25,000 for a violation.

Currently, campaign limits are easily avoided through the budding of numerous and varied committees. My bill requires all political committees, intrastate, as well as interstate to file a statement of organization with the commission. Political committees must report all contributions they receive and all contributions they make to a candidate, both during convention and election campaigns.

The possibility of any candidate claiming his campaign expenses were unknown to him will be eliminated through this act. By requiring a candidate's authorization specifically on all contributions and expenses, he will be responsible for all expenditures. He will be required to file his campaign contributions received and spent with the Commission as well as with his local Federal district court.

Let me repeat, this bill is designed to enforce full disclosure of campaign cost, close the loopholes of avoidance, and limit the total amount which may be spent during a campaign.

Mr. Speaker, these spending limits may seem high, but they give a realistic picture in this age of electronic media of the cost of a campaign. I urge my colleagues to favorably consider this legislation as a means of protecting our integrity and presenting a true picture of the cost of campaigning to the people we represent.

WE MUST STAND WITH OUR PRESIDENT ON PRINCIPLES

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. LIPSCOMB. Mr. Speaker, many Americans did not view October 15 as a day of opposition. In its editorial on this day, the Post Advocate of Alhambra, Calif., saw October 15 as a day to urge support for our President in his efforts to end the American involvement in Vietnam. It saw this day as a day of decision for the American people, a choice between the reality of Vietnam and the fantasy. I feel that this editorial states with particular emphasis the actuality of the choices facing our Nation.

Under leave to extend my remarks, I call this editorial to the attention of my colleagues with the hope that they will all join in supporting President Nixon in his endeavors to bring the conflict in Vietnam to an honorable conclusion:

WE MUST STAND WITH OUR PRESIDENT ON PRINCIPLES

Today the United States of America stands at a crossroads.

On the one hand we have a declared national policy to bring our participation in the Vietnam war to an honorable end as swiftly as our own national interest will permit.

On the other hand, we are confronted with organized groups which have propagandized United States citizens to join in a general condemnation of our participation in the Vietnam conflict.

Their protest is negative in every sense—simply a demand upon the President of the United States to withdraw all troops from Vietnam in pell mell fashion without regard to reality, practicality, the effect on our own future or the effect on mankind.

The people of the United States must look on the choice presented by this day in the hard context of reality.

It is reality that the war in Vietnam was brought to its present state by conditions that have festered for nearly two decades.

And it is reality that we cannot change that history; not by wishful thinking, by magic, mirrors—or by cowardice, either.

We will certainly not find the answer to Vietnam through a precipitated retreat, with all the bitter heritage that any retreat brings.

The answer will only come from a positive program—a cool evaluation of what the Vietnamese can do for themselves and what their allies must, on a declining scale, do to bring them to the point where they can stand up against the threat of enslavement.

This is the sound of the drum that President Nixon hears. Marching to that sound, in nine short months he has done more to point the United States undertaking in Vietnam toward an honorable end than anybody before him.

In the face of apathy at home and an enemy who really does not want peace, the President is standing firm on the principles that have made the United States of America great.

The people of our nation should stand with him.

RIGHT TO MARCH

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. KUYKENDALL. Mr. Speaker, I was impressed recently by some thoughts expressed in a letter to the editor of the Memphis Press-Scimitar. I would like to share these thoughts with you. The letter was written by Paul E. Boyce of Memphis and follows as a part of these remarks:

MARCHERS REMINDED OF HOW RIGHT TO MARCH WAS WON

So you are going to march for peace? That's great and you have every right to do so. Please remember though you have this wonderful freedom because other young marchers from Bunker Hill to Vietnam heard a different drum and marched to a step that their conscience also dictated.

As you march, think too of how many governments besides your own allow those who are conscientiously opposed to war immunity from combat duty. Think also how Hanoi, Havana, Moscow and Peking would react if you even privately expressed your criticism of their "establishment," much less demonstrated it in the streets.

Contrary to popular opinion, some of us old squares understand your disgust with the rocking chair generals both in and out of the service who scream "Go get 'em boys" while they clip their coupons. We understand because we heard the same noise ourselves not too many years ago.

So if your judgment and conscience tell you to be against war, you be just that. But please don't just be half against war, the United States half. You are not merely expressing dissent and conscience when you knowingly or unknowingly join with those who burn our flag, fly the Viet Cong colors and cheer for Communist leaders.

If you are caught in this trap, you are cursing a principle and a dream of a government of, by and for the people. Imperfect as it is, to many of us and you, too, it is still the one best hope of mankind and we'd like to study its suggested replacement before we completely do away with it.

PAUL E. BOYCE.

WE CAN'T LEAVE, NOT YET

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BEALL of Maryland. Mr. Speaker, Western Maryland College is located in my district and, as was the custom, followed the lead of a number of other schools in holding a number of meetings and marches on October 15. One of the young men attending Western Maryland, Robert Chapman, of Frederick, Md., served in our armed services in Vietnam and chose to speak out during the moratorium in support of President Nixon.

This took no small courage in the face of the emotional climate that seemed to prevail on that day. I am, therefore, submitting a copy of his rebuttal to the protesters, entitled "We Can't Leave, Not Yet," for inclusion in the CONGRESSIONAL RECORD:

[From the Gold Bug, Oct. 24, 1969]

WE CAN'T LEAVE, NOT YET

(By Bob Chapman)

During the Vietnam Moratorium of last week many constructive issues were discussed, but several points were brought up that did a great injustice to both the men who have served and are presently serving there, and the South Vietnamese people as a whole. I feel it my duty to see that these points are made clear largely from my own personal experience with these people.

First, I believe that credit should be given where credit is due. The South Vietnamese soldier is gaining in ability and confidence every month. Fighting a guerrilla war with out-of-date weapons is a tremendous burden for any soldier to bear. However, his morale is improving with his ability and training with new material and fighting techniques. The figures for desertion of ARVN forces stated at the Moratorium are fictitious. These figures are at present unavailable. Even if the figures were available, I feel certain they would come nowhere near the 117,759 Viet Cong and North Vietnamese Army Regulars who have come over to our side in the last five years under "Chu Hoi" and various other open arm's policies. This does not even include any of the desertions of Communist forces who just left their units never to return. Thirty-six thousand, so far in 1969 alone, have come over under open arm's policies. When the present strength of Viet Cong and NVA troops is put at 200,000, does such a high defection rate lead one to believe that the Viet Cong and North Vietnamese sincerely believe in the war they are waging?

The idea of a "sterile death" is a label given by those who have no idea of what it means to risk his life to defend his countrymen. These same men who drop bombs on Communist forces have helped relocate the homeless of Vietnam. In my own Squadron in Vietnam we regularly participated in helping the local orphanages in Hue. We insured that each child had his own bed, that there was enough food so that none would be hungry, and we made sure that these children were taught to read and write. These same men flew helicopters and fighters and performed their duty not with an inhuman detached efficiency, but because they knew the task must be done and they valued the lives of their countrymen and allies more than those who would destroy them and Freedom if given the opportunity. Whether or not we are morally right cannot be judged by us. When we are judged, may our cause be seen as just; I think it will be.

Lastly, I believe an immediate pull out of American troops would result in a terrible slaughter of innocent people. The fellows who have been there have seen the terror with which the Viet Cong rule. We also feel that the ARVN troops may not be militarily ready to handle the entire burden at present. A gradual pull out is the only answer, and that is taking place now. It must be done slowly at first, but as the ARVN's take up the slack, it can be increased. Before we resort to tagging the President with inappropriate names and throwing verbal rocks at him, we must look at what he has done thus far. Considering the circumstances, I think President Nixon has come a long way. Maybe if we remain patient we will see a faster tempo, after all has he really been given a chance?

THE TRUE SPIRIT OF OUR NATIONAL PURPOSE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. LUJAN. Mr. Speaker, in this time of searching questions about our country's involvement in Vietnam, as in other instances throughout our country's history in conflict situations, there are moments of poignant reflection which seem to clear the clouds of doubt away and express so vividly the true spirit of our national purpose.

It has been my great pleasure this week to experience such a moment when I received from one of my constituents a copy of a letter written by a New Mexico father to his son stationed with an Air Force unit supporting troops in Vietnam.

I wish to share these vivid thoughts with all of my colleagues and with our fellow citizens as part of this great Nation's record:

MY DEAR SON: First, before I forget, for short-memory seems to be such an integral part of the "American way" . . . my heartfelt "Thanks!" to you and to the men who work for you and to the men for whom you work every day in your line-of-duty assignments. Our thanks to all of you for working those long hours, seven days a week. Your Mother and I thank you for having a sense of purpose in your work, a sense bigger than self. Our thanks for being proud enough of yourself, as a man, to give only your best to your job without promise of soft living, handouts, or pay raises for overtime. Thanks for doing your job so well that others your age may be free to do their "thing" under peaceful skies here at home.

Thanks to you for understanding that a promise made by honorable men is a promise without compromise, without excuse, a promise with a history of hard-won freedom to be passed on with pride to the rest of the world. Thanks, Son, for learning to win—and that losing can become habit forming. Thanks for learning compassion and to care about others, the losers, after winning.

Thanks, for volunteering to take on problems bigger than yourself. With men such as you on guard tonight, even the dissenter is free to set fire to our hardwon symbols of liberty. He may, in time, do us, who do not speak up, do not participate, a real favor. He may, finally, trigger in our hearts a response which, as has happened so many times in our stormy history of survival, may be his complete and total undoing.

Americans are, my Son, the "Great Unpredictables" of all the Earth's people. We are the "proud mongrels" of today's hyphenated-to-pieces world society. Thank God, our national bloodstream runs with the best and the worst of all races. . . . because, within that bloodstream surges the one predominant element basic to every man, a desire to stand big, stand proud, to stay free!

To you, Sir, and to every Airman, Soldier, Sailor, Marine, Seabee and Coast Guardsman, from an old, but never too old, American who knows from experience why you're there. . . . humbly, sincerely . . . "Thank you!"—Dad.

THE SILENT GOOD

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. PETTIS. Mr. Speaker, in these times of youth unrest, it is like a breath of fresh air to know that some young men are dedicating their time and energy to helping those less privileged. I sometimes wonder if the silent good are not the world's greatest hope. By the "silent good," I mean those who pass their lives in silent, often unrecognized, but persistent efforts to help fellow humans and make this a better, kindlier world for all.

One such person is Mike Meadows of Colton, Calif., a fifth-grade teacher at Woodrow Wilson Elementary School and a 1967 graduate of California Polytechnic College at San Luis Obispo, who is organizing parents and citizens to help his youngsters have a midget football team.

This is not the first of his efforts in the area of helping those who most benefit from it. Mike assisted some 300 children through "Operation Summertime."

Students in grades one through six attended cultural enrichment classes 6 hours a day, 5 days a week during their summer vacations. At the close of the "Operation," these young people made their own costumes and put on a show for their parents and the public in the San Bernardino High School auditorium. Norton Air Force Base hosted these children giving them a chance to visit the huge hangars and see the missiles and planes.

Mike said that:

> The idea of the program was to take youngsters from low-income families and try to make it possible for them to associate with all socio-economic groups at school.

A recent "Mexican Potluck" dinner raised some $300 toward the $2,000 needed for buying the uniforms and equipment for the midget football team. Hometown citizens and businessmen are contributing to the fund.

When Mike recently married, the wedding and reception were held in the municipal park so his students and their families would be able to participate in the ceremonies and reception hosted by relatives, friends, and students.

I take real pleasure in commending this young man in his efforts and draw attention to other young people to what can be done when the spirit is there.

REPUBLIC OF CHINA

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. FEIGHAN. Mr. Speaker, the recent 58th anniversary of the founding of the Republic of China is worthy of recognition for the great leadership this Republic is providing those people of Asia who desire freedom from tyranny and a return to normalcy on the mainland of China. On this occasion, President Chiang Kai-shek, leader of the Republic of China, speaking before a National Day rally including some 1,200 leaders of the Chinese overseas communities from all parts of the world dedicated to a return to mainland China stated:

> The day of National recovery is drawing near. We should strengthen solidarity and strive toward the goal of national salvation. We shall continue and intensify this struggle. Whatever else may happen in the world, our determined confidence in mainland recovery and the liberation of our compatriots can never be shaken.

It has been exactly 20 years since the Republic of China was forced by the Communists to leave the mainland and establish itself on the offshore island of Taiwan. Since that time, the record of the Republic of China has been one of near miracles. The agricultural economy has been developed to a fantastic level, and through U.S. aid, Taiwan has become industrialized.

U.S. private investments on the island now exceed $250,000,000. The Republic of China on Taiwan is now an exporting nation with a favorable balance of payments. Its military establishment with its 600,000 soldiers is rated as one of the best in the western Pacific.

The Republic of China is not reaping the harvest for itself alone. In 1968, the Chinese on Taiwan helped some 18 African nations in agricultural development projects teaching the Africans the lessons they learned so well. In many respects, the Republic of China has proven to be a true friend of freedom and a real embarrassment to Mao's China.

CALENDAR FISCAL YEAR

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. LANGEN. Mr. Speaker, I have spoken many times on the waste and inefficiency which has been caused by the failure of the Congress to complete its business on a timely basis prior to the beginning of the fiscal year. I have also pointed out that the complexities of our present Federal Government require considerably more study than was the case when the Congress could complete its business and adjourn within 6 months. We are in a new era where the Federal Government pervades in some way every part of our national life.

In one of my previous statements before this body I outlined reasons why the present fiscal year raises the overall level of governmental spending, deprives the poor of effective and efficient programs, delays cooperative Federal programs by as much as a year and casts doubt on the credibility of governmental statistics. Now I note an editorial in the October 25 issue of the Armed Forces Journal which outlines this all-pervasive problem from the Defense Department point of view. I present this editorial now for your consideration:

MERGE THE FISCAL AND CALENDAR YEARS

(By James D. Hessman)

Now we're finally down to the nitty-gritty. After months of spectacular parliamentary thrashing about, House and Senate Conferees are getting set to wind up the great debate of FY 1970 on the pending Defense procurement authorization bill.

There's already general agreement (in the *authorization* bill at least—there is likely to be a renewed fight when the *appropriations* bill comes up for debate) on such major systems as ABM, AMSA, CVAN-60, etc. Agreement still has not been reached, however, on such items as the billion dollar ship add-on inserted into the House bill by Armed Services Committee Chairman L. Mendel Rivers (D-SC), the Heavy Lift Helicopter, the AWACS, and other such incidentals.

There's much more at stake in the $21.3-billion measure (give or take a billion, as the boys in the back room at the Budget Bureau are wont to say) than the weapons systems themselves.

One big thing at stake, for example, is the common sense of the Congress, which must recognize, sooner or later (preferably sooner) that it cannot indefinitely continue the present financially irresponsible system of delaying action on appropriations bills until well into the fiscal year in which the funds appropriated are to be used. (With debate on the Defense authorization bill not likely to wind up prior to the end of this month, for example, it likely will be half past November before the FY 70 Defense appropriations bill is passed by both houses and goes to the White House for the President's signature—and this is only *if* there are no major tieups on the funds measure such as bedevilled the authorization request.)

The system is ridiculous. Agency administrators are almost half way through the fiscal year before they know how much money they'll have to spend during the year. Programs are delayed—long leadtime items on a new carrier, for example, can't be ordered with any assurance that money to pay for same will be available when the bills fall due.

The system is also wasteful. If an ongoing program is cancelled late in the fiscal year, there's no way to recover the money already spent. If funding for a program is reduced, rather than cut altogether, the entire reduction must be absorbed within a six or seven months period, rather than spread over the entire fiscal year. "It's a lot like being forced to go on a two-week crash diet to lose 15 pounds," one Pentagon budget analyst told The Journal, "but not being able to start the diet until Saturday of the first week."

(Another analogy that appeals to our domesticated ears is that of the husband halfway through the week's shopping before his wife presents him the shopping list and the grocery money—husbands everywhere will know what we mean.)

It is palpably a poor way to run a railroad, much less the greatest country in the world. No sensible Congressman (the phrase is not necessarily redundant) would run his own household in this manner.

We would not advocate that future legislative debates on the Defense procurement authorization and appropriations bills be cut short to satisfy the arbitrary 1 July deadline marking the start of the fiscal year. We think, in fact, the sessions are likely to get longer instead of shorter. And, despite the buffeting the military has received this past year from some of less-than-objective critics, we think this will be a good thing—the more the Congress and the public in general know about and are involved in defense affairs, the better we say.

But if the legislators can't change themselves, they can change the system. What Congress must do—quickly, in our opinion—is to scrap the fiscal year concept and put appropriations on a calendar year basis, with the proposed budget plan being submitted by the executive branch to Congress a full year in advance, instead of six months, as is now the case.

Under such a system (which has been suggested earlier by others—we merely second the motion), the President would submit his fiscal/calendar year 1971 budget to the Congress in January 1970, for example, and Congress would debate, amend, and finally approve the budget by October or November 1970. Agency heads thus still would have one or two months of orderly planning time left before the new budget year starts.

It is never easy to get action on any proposal—no matter how sensible or how meritorious—which requires our legislators to overcome their own inertia. But this is an idea whose time has come.

We submit that Congress and the Executive Branch must act, and act quickly, to restore order to the presently chaotic appropriations process.

BIG TEN SHOULD WAIVE PROHIBITION—SEND BUCKEYES TO ROSE BOWL DURING 100TH ANNIVERSARY OF COLLEGIATE FOOTBALL

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. TAFT. Mr. Speaker, at the risk of alienating some of my colleagues, who might be backers of other Big Ten universities, I believe the league should waive its prohibition against a team's consecutive participation in the Rose Bowl, and permit the 1969 Ohio State Buckeyes to go to the grandaddy of all bowl games, should they win the Big Ten title again this year.

I believe it would be unfortunate to deprive the Nation's football fans of the privilege of watching Coach Woody

Hayes' team during the annual bowl games, in this, the 100th anniversary of collegiate football.

For the benefit of my colleagues, I would like to review the Buckeyes' record, so far:

Ohio State 62, Texas Christian 0.
Ohio State 41, Washington 14.
Ohio State 54, Michigan State 21.
Ohio State 34, Minnesota 7.
Ohio State 41, Illinois 0.

HOOSIER JOURNALIST VIEWS MORATORIUM WITH ALARM BUT NOTES IT IS NOTHING NEW

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. LANDGREBE. Mr. Speaker, Frank A. White of Indianapolis is one of the most respected elder statesmen of Indiana journalism. His column, "The Hoosier Day," is printed in many newspapers throughout Indiana, including several in my own district, and his opinions are read and quoted by a vast, richly deserved audience.

In a recent column, which I have clipped from one of the many papers that carry his columns, the Monticello Daily Herald-Journal of October 20, 1969, Mr. White has some wise things to say about the recent day of infamy we know as the Vietnam moratorium.

One word of advice from Mr. White that I pass on to all my colleagues is this: Before hastily calling for a unilateral surrender in Vietnam, consider the consequences. Are you who supported the moratorium willing to accept the enslavement of millions of Vietnamese by Communist tyranny, the enslavement of a nation that trusted our Nation's word? Are you willing to mock the supreme sacrifice of 40,000 young Americans who died for the freedom of the Vietnamese people? If these consequences cause you no anguish, then, by all means, support the moratorium's goals. If, on the other hand, you value freedom, then support our Nation's efforts to defend it.

To those who see the moratorium as the wave of the future, I would also recommend careful reading of Mr. White's column. His perspective on history shows that the moratorium is nothing new, but is merely a rehash of the old isolationism of other years—the isolationism that led to the rise of Adolf Hitler.

Mr. Speaker, at this point, I am inserting into the RECORD the text of Mr. White's column:

THE HOOSIER DAY

(By Frank A. White)

We cannot believe thinking Readers can rejoice with Hanoi, the Communist party and our Yippies over the way the Vietnam Moratorium all but paralyzed our Nation.

More appropriately this shameful affair should have been a day of national shame and mourning . . . mourning for 40,000 of the bravest and best of American youths. They were killed in Vietnam and more than 250,000 maimed.

These youths, cream of the crop, wanted to live and we know from having been with jungle fighters. Yet, they had to die in a politically bungled "no win" war. One would be naive indeed to believe other than our Nation, most military powerful in the world, has lost the war, against a fifth rate nation or worse. It was lost through politics and fear.

On campuses of Indiana colleges communist oriented Mark Rudd, Jerry Rubin, Rhennie Davis of the "Conspiracy" group on trial in Chicago became men of the hour by addressing the students.

One hundred students on I.U. campus marched in a premoratorium demonstration, singing: "Ho Chi Minh, The Viet Cong are going to win." What does winning by the communist Viet Cong entail?

Consider Asia of which Vietnam is a doorway, has 2/3 of the population of the world. It is an enormous land mass, with untold natural resources. It lies astride of the world waterways. Turning Asia over to the communists committed to our destruction well may decide whether our children and children's children are free or communist slaves.

We dare say we belonged in Vietnam. We went into that war to guarantee that South Vietnam a small nation had the right of self-determination as it should have.

In connection with the Vietnam Moratorium hysteria, with bitterness we look back on history of our times. We heard the phony World War One slogan to make the world safe for democracy.

Washington echoed then as now, with the cry of get the boys home. We lost the peace. We recall front covers of national magazines in color picturing hospitalized legless veterans with a caption "Sucker."

Then and now the hue and cry was to destroy our military. Our professional military had saved us from enslavement by Hitler. Today it had the proud achievement of making it possible to land a man on the moon.

The Eisenhowers, Pattons and MacArthurs are vanquished in this mad thrust at our military, with exposures of a few crooks of an honorable profession. A Cuban communist MIG lands undetected next to the President's Air Force 1 in Florida.

The Soviets have a space platform in orbit that can drop hydrogen bombs anyplace in the world. The Soviets exploded a 5 Megaton nuclear bomb more powerful than any we have. The Soviet is building hundreds of Polaris type submarines that could destroy all big American cities. Awake America. The hour is late.

Is anyone stupid enough to be puzzled by the Viet Cong deadlock in Paris negotiations? Our bombing stopped a year ago. The Viet Cong is getting everything it hoped.

The President is undercut in his Paris negotiations by the clamor in the U.S. Senate and the country to bug out in Vietnam. The "peace at any price" advocates in Washington are falling over each other to get on the bandwagon of isolationism. Yes, 1970 and 1972 are election years. The prevailing wind is isolationist.

We are ashamed that names of some of Indiana's delegation in Congress have appeared prominently in the endorsement of the Vietnam Moratorium.

It is frightening to contemplate what will happen to a future America with a small minority of students, draft card burners, communists, anarchists and their dupes crippling our defenses. Louis Johnson, a popular past National Commander of the American Legion, as Defense Secretary disarmed us. Then came Pearl Harbor and his glamor evaporated before anger of the populace. History can repeat, often does.

"To allow government policy to be made in the streets would destroy the democrat processes" and invite anarchy.

GEORGE WYTHE, THE FATHER OF AMERICAN JURISPRUDENCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Wednesday, October 29, 1969

Mr. HUNGATE. Mr. Speaker, I would like to call the Members' attention to an outstanding speech made recently by our colleague, Hon. THOMAS N. DOWNING, at a meeting of the Capitol Hill chapter of the Federal Bar Association:

GEORGE WYTHE, FATHER OF AMERICAN JURISPRUDENCE

(By Hon. THOMAS N. DOWNING)

Using the timetable of world history as a guideline, the United States has had to date only a short life as a nation. Yet in her almost 200 years of existence she has been blessed by the dedication of numbers of native sons and daughters who devoted a major portion of their own lives to her service.

As a Virginian I take what I hope is a pardonable measure of pride in the accomplishments of certain of "our boys." Washington, Jefferson, Henry, Mason, Marshall, Madison and Monroe are comparatively well known. They have not suffered any lack of press coverage despite the fact that their years of great service were approximately two centuries ago.

Of all of the eminent Virginians of the pre-Revolutionary, Revolutionary, and post-Revolutionary period, however, George Wythe is especially entitled to recognition. His accomplishments and particularly his influence were strongly effective in our quest for liberty. Regrettably he left no descendants. Unfortunately, few of his papers survive. To date he has had no Biographer. He lives only in scattered, brief writings of a few contemporaries. He is, however, enshrined in the character of the nation which he endowed.

Being a native like he was of the lower tip of the Peninsula between James and York Rivers, and serving from that section of the Commonwealth in the Congress of the United States as he did in the Continental Congress. I welcome this opportunity to talk about George Wythe and the impact that he has had on our lives today.

George Wythe was born on the family estate known as "Chesterville" in what was then Elizabeth City County, Virginia. The house survived until it was destroyed by fire in 1910. The land is now part of Langley Air Force Base.

The year of his birth was 1726. The actual date has been lost in history.

The old law of primogeniture decreed that the estate of Thomas Wythe, the father, would pass to his elder son Thomas. Margaret Walker Wythe, an educated woman herself, determined early in George's life that her younger son must be prepared to make his place in the world. She gave him the benefits of her learning. As has been the case with many men, it was at the knee of his blessed mother that he gained his basic education. She taught him to read and write and gave him his foundation in mathematics, latin and greek. It was from this beginning that at the age of 14 he entered William and Mary.

This was followed by valuable apprenticeships in the law offices of Stephen Dewey (his uncle by marriage) in Prince George County and Benjamin Waller in Williamsburg.

He was admitted to the bar at Caroline Courthouse February 13, 1746, and was associated in practice with John Lewis. In December of the following year he married John's sister Ann. She died less than a year later and, unfortunately, there was no issue.

The courts in those days arranged their schedules so that attorneys could practice in one county after another, and Wythe was soon licensed to plead in county after county. He pursued a most active and productive career at the bar.

On January 21, 1754, due to absence in England of Peyton Randolph, Wythe was commissioned as Attorney General of the colony and Judge of the Court of Vice Admiralty of Virginia. Even though we do not know his actual birth date, it is safe to assume that he had not reached his 28th birthday. Virginia has had no other Attorney General at such a tender age before or since.

The elder Wythe had died when George was three years old. In 1755 his brother Thomas who had inherited the estate passed on, and George Wythe suddenly found himself a substantial landowner in Elizabeth City County. He made Williamsburg the seat of his practice, married Elizabeth Taliaferro, and moved into the fine brick home which is known today at the Wythe House. The house was devised to Wythe by his father-in-law.

George Wythe served in the House of Burgesses, was Clerk of the House, was a Member of the Continental Congress and the first Virginian to sign the Declaration of Independence. The honor of being the first to sign gives some indication of the esteem in which he was held by his fellow delegates; especially when it is considered that they included Thomas Jefferson, the author of the document, and Richard Henry Lee who moved its adoption.

Subsequently he was Speaker of the House of Delegates, one of the two prime codifiers of the laws of Virginia, a member of the three-judge high court of chancery, for ten years a member of the Virginia Supreme Court of Appeals, and finally the sole chancellor of Virginia.

He served as one of Virginia's delegates to the Constitutional Convention in 1787 and was Chairman of the Committee on Rules. He doubtless would have been a signer of the Constitution had the fatal illness of his wife not forced his return to Williamsburg. Their only child previously had died in infancy.

It is not possible today to give proper attention to all of the accomplishments of George Wythe. It is important, I feel, that we spend a few moments on a significant few of them.

As a landowner in Elizabeth City County he was appointed to the Court of Gentlemen Justices. These were not the simple magistrates of later years. They were the leaders of the respective counties. Washington and Mason were justices in Fairfax County. So was Jefferson in Albemarle; Richard Henry Lee in Westmoreland; and Edmund Pendleton in Caroline.

It was in this capacity that Wythe presided over the session of the Elizabeth City County Court when the Reverend Mr. Thomas Warrington brought forward his claim in one of the parson's cases. You will doubtless recall that Patrick Henry pleaded against the clergy in Hanover County in the most celebrated case of its kind. The Hanover Court found for the minister, but granted him only one penny in damages. The Elizabeth City County case has escaped significant notice; yet the court with Justice Wythe presiding found against Mr. Warrington.

His most far-reaching judicial opinion was delivered in 1782 in Caton vs. Commonwealth when he held that a court could undo an act of a legislative body. It is most interesting to note that among those who had gathered in the courtroom to hear him read his opinion was a young Richmond attorney named John Marshall who 21 years later as Chief Justice of the United States would deliver a similar opinion in the more celebrated case of Marbury vs. Madison.

When Virginians sat in convention to ratify the Constitution of 1787, it was George Wythe who presided over all of the debates as Chairman of the Committee of the Whole. His leadership is credited with providing the slim majority by which Virginia ratification was gained. This is considered the most significant action by any state. Without it, union would have been impossible.

As a leading figure in the colonial capital of Williamsburg, in 1762 George Wythe permitted a 19-year old redhead from the hill country surrounding Charlottesville, recently graduated from the College of William and Mary, to come into his home to read law. This was young Tom Jefferson who in later years would say, "Mr. Wythe continued to be my favorite and beloved mentor in youth and my most affectionate friend through life. In 1767 he led me into the practice of the law, at the bar of the general court, at which I continued 'til the Revolution shut up the courts of justice."

This was not a one-sided friendship. Wythe remained devoted to Jefferson throughout his life. When he drew his will in 1803, Jefferson was President and his former teacher willed him his library and "philosophical apparatus," expressing a hope that they might be worthy of inclusion in Jefferson's holdings.

In 1779 Governor Jefferson was a member of the Board of Visitors of the College of William and Mary. Having reaped the benefits of his law education under Wythe, it was only natural that at the first meeting of the board Jefferson successfully proposed the establishment of a chair of law and police as part of a reorganization of the curriculum. Wythe was immediately elected to fill the chair, making him the first professor of law at an institution of higher learning in America. Only Sir William Blackstone, who filled the vinerian chair of law at Oxford, preceded him in the English-speaking world.

Jefferson was by no means the only prominent Virginian who had studied in Wythe's home. Both James Monroe and Edmund Randolph, the latter our first attorney general and later secretary of state, had had the advantage of his training.

His students at the college included many who would become Members of Congress, governors, and high-ranking judges. Chief among them was a young Virginian who had served as a Captain in Washington's Army. His name was John Marshall, and the six weeks that he attended Professor Wythe's lectures in 1779 were the beginning of his legal education. Marshall's law notes, which still exist, give eloquent testimony to the importance of Wythe's teaching.

Wythe undoubtedly considered teaching his main purpose in life. During his tenure at William and Mary he wrote his good friend, John Adams, referring to Williamsburg as the place "where I have again settled, assisting, as Professor of Law and Police in the university there, to form such characters as may be fit to succeed those which have been ornamental and useful in the national councils of America."

Even then the teaching of the master was not limited to the classroom. Littleton Waller Tazewell, later Member of the House of Representatives, Senator, and Governor of Virginia, lived with Wythe and began study in his home as a mere boy of ten. This was most appropriate. Benjamin Waller, one of Wythe's early teachers, was Tazewell's grandfather.

Jefferson's reorganization at William and Mary had eliminated the study of Latin and Greek, supplanting them with modern foreign languages. Wythe obviously disapproved, knowing by personal experience the value of the classics to anyone who sought a career at the bar. He was considered Virginia's foremost classical scholar of his day, so he decided to teach Latin and Greek at his home, and advertised his classes in the newspaper.

Among his students was Peter Carr, Jefferson's nephew. When Jefferson was serving as Ambassador to France, Wythe wrote him that young Carr, while enrolled at William and Mary, was "learning French and Spanish languages, and with me he reads Aeschylus and Horace one day, and Herodotus and Cicero's orations the next."

Education under Wythe was certainly not restricted to lectures and reading. He held moot courts, participation in which was required of all those who were reading law. The Capital of Virginia having moved to Richmond, the old colonial capital building was left vacant. Wythe put it to good use, holding mock assemblies in which he gave practical lessons in debate and parliamentary procedure, thus equipping his students for careers in the legislative halls of the nation.

Discipline was Spartan. If you studied with Wythe, you started work at 5:30 in the morning and your attention was devoted to the physical sciences and religion until 8:00. After a breakfast break the study of law was pursued until noon. The afternoons were devoted to history, and according to Jefferson from "dark to bedtime belles letters, criticism, rhetoric and oratory." This was the discipline which made men great. College and university curricula today represent at the very least a radical departure. This departure is perhaps significant in the failure of the United States to produce in recent years statesmen who might compare favorably with Jefferson, Monroe, Marshall, and the others.

After ten years with William and Mary, Wythe's judicial duties took him to Richmond. His influence nevertheless was still present at the college. In 1771 St. George Tucker had come from Bermuda to William and Mary to begin his education. It had already been decided that after his undergraduate days he would go to Oxford to study law and had already been entered there at the Inner Temple. A year after his arrival in Williamsburg, however, he wrote his father in Bermuda, requesting permission to remain in Virginia for his law education, feeling studies with George Wythe would be more beneficial to his career. Paternal permission was quick, and Tucker followed the route taken by Jefferson. After Wythe left William and Mary, Tucker succeeded him as the second Professor of Law and Police. Like Wythe he went on to a great career on the bench.

Wythe's teaching continued in Richmond. He engaged a 16-year old lad named Henry Clay as a clerk. For the next five years Clay attended him frequently, took his dictation and wrote the reports of all of Wythe's cases in the court and then departed for Kentucky to pursue his own career.

Almost 50 years later, reflecting upon his own service which had seen him as Speaker of the House of Representatives, Secretary of State, and one of the five foremost United States Senators of all time, Clay wrote, "I conclude it by an acknowledgment, demanded of me alike by justice and feelings of gratitude, that to no man was I more indebted, by his instructions, his advice, and his example, for the little intellectual improvement which I made . . ."

These are by no means all who benefitted from the knowledge of George Wythe and his desire to transmit that knowledge to younger men. Many, many studied with him and countless others who spent no period of formal training under his tutelage gained immeasurably from their daily association with him. He was not only one of our founding fathers himself; he was indeed father to so many of our founding fathers.

When one considers Wythe's own contributions to the Declaration of Independence, the Constitution of the United States, and his momentous legal opinions, they rate as sufficient accomplishment for any man of any age. He was, however, above everything else a teacher of young men. When one considers Jefferson's authorship of the Declaration and of the Virginia Statutes for Religious Freedom, Marshall's far-reaching opinions as Chief Justice, the Monroe Doctrine, Clay's contributions to the Missouri Compromise and the Compromise of 1860, and Tucker's first American edition of Blackstone, it becomes obvious that Wythe's influence was more remarkable than he probably ever dreamed. Many disciples through the years have followed in his footsteps; yet it is doubtful whether any has been able to match his stride.

George Wythe loved to learn. At the time of his death in his 81st year, he was attempting to master yet another language; he was studying Hebrew with a rabbi in Richmond. And Wythe, like so many men who have no sons of their own, loved young men. To him the two of them, learning and young men, were perfect companions and he spent most of his life introducing the latter to the former. Had it not been for his interest in young men and for his desire to see them learn, one is inclined to doubt whether the names which we recognize quite readily as the keystones of our government would be recognized at all. It is decidedly worth remembering that the alumni of Wythe's law classes include two Presidents of the United States, our greatest Chief Justice, our first and three subsequent Secretaries of State, and our first and one additional Attorney General.

Of everything that has been and could be said about George Wythe, Jefferson made the great summation, "He was the honor of his own and model of future times."

ORDERLY MARKETING LEGISLATION OVERDUE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. WYMAN. Mr. Speaker, it is difficult to understand why there should continue to be foot-dragging in the Congress and outright opposition in parts of the executive branch of the Government on the matter of legislative provision for orderly flow of imports into the American marketplace. The Orderly Marketing Act of 1969 (H.R. 733) provides a flexible basis for the adjustment by the U.S. economy to expanded trade and gives foreign nations a fair share of the growth or change in the U.S. market but no more. They are taking more than their fair share today and at the expense of the American working man and woman.

Representatives of congressional districts with either shoe or textile problems in this field should join forces in discharging this legislation from the committee that has it under consideration and which has steadfastly refused to report it. If they do join forces there will be more than a majority of the House which is a sufficient number.

Illustrative of the shoe problem is the following report on U.S. footwear imports from the Foreign Trade Committee of the National Footwear Manufacturers Association, covering the period of January to August 1969:

U.S. FOOTWEAR IMPORTS, JANUARY–AUGUST 1969

August imports of leather and vinyl footwear totaling 13.9 million pairs were nearly 15 and a half percent ahead of last year. Leather and vinyl imports were 28.9% of an estimated domestic output of 48.0 million pairs. Shipments from Japan and Italy, in excess of nearly .7 million pairs each over last August, accounted for most of the gains in men's and women's leather and vinyl footwear.

To-date imports of leather and vinyl footwear of 139.1 million pairs have increased to nearly 14% ahead of last year. Average value per pair (f.o.b.) increased by 15.7% to $2.06 per pair. Shipments from foreign ports were 36% of domestic output, estimated at 390.8 million pairs and 26% of new supply (domestic output plus imports).

August gains of 23% for Spain and 7% for Taiwan indicate a softening of pace. Italy's increase of 24% indicates her grip continues strong in the market place. Japan's increase of 13% over last August has moved her another notch closer to last year's record. Details are shown below:

Shoes and slippers (leather and vinyl)	January–August				
	1969 pairs (thousands)	1968 pairs (thousands)	Percent change, pairs, 1969–68	Percent share of total	
				1969	1968
From:					
Japan	45,212.4	45,770.9	−1.2	32.5	37.4
Italy	44,329.3	42,361.3	+4.6	31.9	34.7
Spain	14,513.5	8,948.3	+62.2	10.4	7.3
France	2,144.2	2,210.4	−3.0	1.5	1.8
China T. (Taiwan)	17,457.0	10,149.3	+72.0	12.6	8.3
Other countries	15,425.5	12,812.6	+20.4	11.1	10.5
Total pairs	139,082.0	122,252.7	+13.8	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

Type of footwear	August 1969, pairs (thousands)	Percent change, August 1969–August 1968	8 months, 1969			Percent change, 1969/1968	
			Pairs (thousands)	Value (thousands)	Average value per pair	Pairs	Dollar value
Leather and vinyl, total	13,238.8	+13.9	134,438.6	$282,248.2	$2.10	+13.0	+31.3
Leather excluding slippers	6,227.3	+20.3	69,628.1	231,543.9	3.33	+15.4	+32.3
Men's, youths', boys'	2,111.0	+15.7	20,480.8	84,466.0	4.12	+29.1	+42.0
Women's, misses'	3,654.7	+27.4	43,238.3	132,723.7	3.07	+6.8	+25.8
Children's, infants'	181.6	−6.8	4,086.8	6,338.3	1.55	+94.2	+115.1
Moccasins	61.4	+30.1	450.9	547.0	1.21	−2.5	+9.1
Other leather (including work and athletic)	218.6	−9.7	1,371.3	7,468.9	5.45	−2.1	+13.6
Slippers	44.6	−.4	224.3	443.1	1.98	+3.2	−6.5
Vinylsupported uppers	6,996.9	+8.9	64,586.2	50,261.2	.78	+10.5	+27.5
Men's and boys'	797.3	+31.7	6,608.6	7,465.0	1.13	+22.1	+40.8
Women's and misses'	5,454.2	+7.0	50,989.9	38,243.5	.75	+6.9	+24.0
Children's and infants'	551.0	−2.5	5,753.1	3,918.8	.68	+35.4	+42.8
Soft soles	164.4	+28.3	1,234.6	633.8	.51	+13.7	+17.3
Other nonrubber types, total	652.8	+55.1	4,643.4	4,677.0	1.01	+41.2	+87.6
Wood	88.9	+391.2	662.7	1,578.7	2.38	+271.9	+300.6
Fabric uppers	468.9	+25.0	3,435.3	2,477.1	.62	+22.2	+33.2
Other, not elsewhere specified	95.0	+245.5	545.4	621.2	1.14	+82.8	+160.0
Nonrubber footwear, total	13,891.7	+15.4	139,082.0	286,925.1	2.06	+13.8	+32.0
Rubber-soled fabric uppers	3,252.0	−12.9	30,773.0	23,028.1	.75	−11.0	+10.3
Grand total, all types	17,143.7	+8.7	169,855.0	309,953.2	1.82	+8.3	+30.1

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber-soled fabric upper footwear includes non-American selling price types.

Source: National Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the National Footwear Manufacturers Association, room 302, 342 Madison Ave., New York, N.Y. 10017.

CRIME—SOMETHING MUST BE DONE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. PODELL. Mr. Speaker, today the specter of violent crime haunts all urban citizens as never before. In Brooklyn, the small shopkeeper has often had to alter his business life to lessen dangers posed by holdup artists. Once tranquil neighborhoods are invaded by narcotics addicts seeking cash or merchandise to fence for drugs. New York City Police Department statistics reveal a growing menace.

In August 1969, crimes against persons and property totaled 42,454. Crimes against the person increased 4.2 percent in August. Our police recorded increases in five of seven major categories, including murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, and motor vehicle theft. For the 8-month period ending August 31, 1969, the crime index rose 2.7 percent.

New York City possesses the best police department in the land. Such increases cannot be laid at its door. Yet physical danger mounts to the average New Yorker, and it is inhibiting and deleting from the overall quality of their daily lives. We can and must do something about this situation, and solutions are available.

More police who are better paid, more visible, better educated, and on the streets is a major solution. You cannot patrol the city through a car windshield. To make a law enforcement officer's life more worth while and motivated can, and should be, a prime goal of every urban jurisdiction.

The social causes of criminal behavior are well known, yet we are placing less emphasis on curing or preventing them than ever before. Slums spread while we spend money on war rather than housing. Urban recreation areas are losing ground compared to what we are allotting to weapons. Instead of better transit in the cities, we allocate vast sums to the SST. Drug education programs take a poor second place to subsidies for rich farmers. Our educational plant is deteriorating before our eyes. Libraries and hospitals are being deferred. All of these can be factors in reducing breeding grounds for criminals.

Causes or crime are by and large known to all of us. Elementary knowledge of this area can produce significant solutions, particularly in the area of education, both on the part of the average citizen and the felon. These avenues are not being explored, particularly in the area of prison reform. If we instituted more measurable rehabilitation programs within our institutions, numbers of repeaters or recidivists could be lowered appreciably, with an attendant gain by all society. Why must we place such reform last on society's list of priorities, when it costs us so much to ignore it?

Better lighting of all city streets is a goal easily within reach of almost every urban jurisdiction. Criminals do not operate too effectively in such well-lit environments. Here again, costs are minimal compared to consequences suffered by inattention. New equipment for law-enforcement officers would be a major aid. Today criminals too often operate with far better technical equipment than those charged with preventing their activities. Why should our police not have first-class equipment?

The drug problem is corroding the very foundations of our society, and I consider it the greatest internal menace facing America today. Yet instead of attacking it in the schools, on the streets, and at its source, we are ignoring it. Yet, to the people on the streets and doing business, the addict and his habit are a growing and omnipresent terror which inhibits their daily routine and pursuit of a decent life. We must mount a nationwide series of programs aimed at choking it off. This must be done, aiming at such poison peddlers domestically and abroad. I believe this to be so important that I shall address myself to it in a separate message entirely.

There is still another area where immediate reform is swiftly available. I refer to gun control specifically, because recently the Senate voted to repeal certain hard-won provisions of existing gun control legislation.

During the 1968 congressional gun control debate, the Justice Department released statistics showing States with strict gun control laws and lower murder rates than those without:

	Percent of murders by firearms	Overall murder rate per 100,000	
		1966	1968
Strong gun law States:			
Pennsylvania	43.2	3.2	4.0
New Jersey	38.6	3.5	5.1
New York	31.8	4.8	6.5
Massachusetts	35.5	2.4	3.5
Rhode Island	24.0	1.4	2.4
Weak gun law States:			
Arizona	66.4	6.1	6.3
Nevada	66.9	10.6	5.5
Texas	68.7	9.1	10.6
Mississippi	70.9	9.7	9.9
Louisiana	62.0	9.9	9.5

In New Jersey, with strict control, in 22 months authorities approved 94,221 weapon permits. Simultaneously, criminal records appeared in 7 percent of all applications; 1,659 were denied. In 1 year in California, police checks of dealer purchases thwarted more than 800 illegal buyers. Six hundred and ninety-seven were ex-convicts.

Dr. Milton Eisenhower's National Commission on Causes and Prevention of Violence connects firearms availability and violent crime, especially handguns. Firearms are virtually the only weapons used to kill police officers. From 1960 to 1967, 411 officers were killed in the line of duty. Guns were used in 96 percent of such fatal attacks. Of nine assassination attempts on American Presidents and candidates, all involved firearms.

The average citizen and small businessman lives in fear of a criminal with a gun for good reason. In 1968, 23 percent of all aggravated assaults were committed with guns, opposed to 13 percent in 1963. Two out of every three armed robberies are committed with guns.

Dr. Eisenhower's Commission called for Federal-State cooperation to remove 24 million handguns in private hands from circulation. Tight restrictive licensing is essential, yet the President opposes further gun-control legislation. There are now 90 million firearms in America. Of 60 million households, at least half own one weapon. Firearms purchases this year will be quadruple those in 1965.

Hunters have their rights, but at last report no one was stalking deer with 22-, 32-, 38-, and 45-caliber revolvers. Now even the weak controls enacted after the terrible spate of assassinations are under attack. Dealers now must record names and addresses of ammunition buyers. Yet the Senate recently repealed registration requirements on rifle and shotgun ammunition, coming close to repealing them on 22-caliber rimfire cartridges, which accounted for 37 percent of all handgun murders last year. Under the recent Senate action, ammunition used to kill President Kennedy, Dr. King, and Medgar Evers can again be sold over the counter with no questions or registration. Does anyone therefore wonder why our streets are unsafe and crime rates soar?

Our cities and suburbs cannot tolerate a situation which allows any lunatic, juvenile, or criminal to purchase deadly weapons and ammunition with impunity. Tight gun laws in one jurisdiction are negated by loose ones elsewhere. To buy and possess is to eventually use.

Nor can we give credence to illogical blatherings of the professional gun lobby cowering behind the Constitution in order to defeat or water down essential national legislation.

There were 4,500 murders committed in the United States in 1967 with ammunition, which, under the recent Senate amendment, no longer would need to have its sale recorded by dealers. In the name of sport, we are legalizing murder in our cities. We are encouraging other invisible riflemen similar to those who murdered President Kennedy, Dr. King, and Mr. Evers.

YOUTH IN POLITICS—A NEW CHAPTER

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. OTTINGER. Mr. Speaker, the young people of America have always been in the forefront of movements for social and political change, but in recent years their activities have been given more attention and notoriety than ever before. Politicians at every level have learned—sometimes painfully—that today's young people are not only informed and concerned, but prepared to actively involve themselves in the political system to accomplish their goals. Unfortunately, a few have insisted on destroying the system and their efforts have, to some extent tarnished and prejudiced the work of the majority.

One young man who has taken some dramatic steps to point out the need for changes within our political system is a constituent of mine, 14-year-old George C. Whipple III, who is campaigning for the office of supervisor of the town of Kent in Putnam County.

Under the law, George's name may not appear on the ballot in next week's election, and even should this write-in campaign prove successful, he could not serve. Nevertheless, his activities during the past 2 months have served to focus attention on a number of issues of vital concern to the citizens of Kent, and he has demonstrated a genuine awareness of the need for government to be responsive to all points of view within our society.

The Wall Street Journal and Life magazine this week gave prominent coverage to Whipple and his campaign. I know these articles will be of interest to my colleagues and I present them for inclusion in the RECORD:

LET'S WIN THIS ONE FOR THE WHIPPER

The youth movement is out of hand in the town of Kent, N.Y., 60 miles north of New York City. There George the Third, as young Mr. George C. Whipple III sometimes calls himself, is campaigning for supervisor. It is Saturday afternoon, the only time the boarding school he goes to will let him off. His campaign team, a bell-bottomed, beaded, mixed bag of 12- to 16-year-olds, has assembled a caravan of 10 parent-driven cars for a motorcade through the town.

The very idea is hopeless, of course; a write-in campaign by a 14-year-old against two major-party candidates. Whip, or Whipper—as the Third is more commonly known—manages to appear quite serious about it all. He has been at it, off and on, for four months.

Election laws on age requirements prevent him from being listed on the ballot or even serving should he win on a write-in. Nevertheless, Whipper has spent $500 he earned himself on the campaign. Is he serious? What is he trying to accomplish?

Whipper has given some thought to those questions. "The voting age should be lowered to 18," he says. "Young people are a real political power now, and are old enough to vote and be elected. A mature electorate isn't going to elect a 3-year-old!"

As the cars honk their way through a housing development, two loudspeakers on top of the Whipples' old blue Mercedes (they also have a newer cream one) bark out George's plea for write-in votes. Occasionally someone appears from behind a glass-and-aluminum storm door, bewildered but amused. Whipper jumps from the car, brushing the hair out of his eyes, and introduces himself. He is earnest as he asks for their votes.

In the supermarket parking lot a few housewives ask him why he is running. His answer is ready: "Not all the youth in America today are rioting," he says. "Some of us want to work peacefully within the system." The mothers smile indulgently and pat him on the shoulder and wish him luck.

Not everyone in town is as tolerant of the campaign. Some think Whipple's parents are spoiling him by "letting him play this game. He's going to be crushed when he loses." Others are angry because they think he is making a joke of serious town problems. Their language suggests the gulf between themselves and "the rich people up on Gipsy Trail," where the Whipples live. A local editor vows: "He isn't going to indulge himself on the pages of our paper!" Over the loudspeaker, Whip is heard to say: "A lot of the problems in Kent are youth-oriented: police, education and recreation. We should be allowed to help politicians solve them."

The motorcade swings through another development and the kids jump out of the cars to stuff mailboxes. Then suddenly the parents are tired of honking their horns. Whipper's voice is cracking, the kids are getting a bit silly. Besides, everyone is starved They head for home, where piles of sandwiches are waiting.

A 14-Year-Old Boy Runs for Town Supervisor; School Rules, Law on Age Handicap Effort

(By Frank J. Prial)

Kent, N.Y.—When the election for town supervisor is held here next week, the candidate least likely to win is George C. Whipple III. Oh, he's campaigning hard. It's just that he's 14 years old.

"But," he hastens to note, "I'll be 15 when it comes time to take office next January."

Kent is a fast-growing, still semirural community of about 7,000 people located 60 miles north of Times Square. The supervisor is Kent's equivalent of a mayor. Kent has all the classic problems of a community rapidly changing from cow pastures to split-levels. There aren't enough roads, enough sewers or municipal services; the schools are on split schedules and taxes are zooming.

What makes a 14-year-old think he can handle these problems? "I'm young," says George, or Whipper, as his friends call him, "but many of the problems facing the people in Kent are caused by the young—our schools, recreation, police protection, even dope. Taxes are high largely because of young people."

The chances that a plurality of Kent voters agree and will vote for George are exceedingly slim. For one thing, he's not on the ballot; for another, it would be illegal for him to take office. He had collected about half the signatures he needed to get on the ballot when someone pointed out that New York State says you have to be old enough to vote to be old enough to hold office.

CITING PRECEDENTS

This didn't bother Whipper. He decided to go for a write-in campaign.

But there are other problems. He can't drive, which means that his mother or an older teen-ager must chauffeur him around the hustings. Moreover, he has been able to spend almost no time on the hustings because he's a freshman at a preparatory school 80 miles from home that won't let him out to campaign.

Actually, the Choate School, in Wellingford, Conn., did unbend a bit. It gave George 48 hours, the weekend of Oct. 11 and 12, to race home and run for office. There was time for a motorcade, some meetings and a cocktail party at which the candidate couldn't drink. "We usually don't give them any weekends," says a Choate official, "but then, we've never had a freshman run for office before." The Whipper shrugs. "William McKinley ran from his front porch," he says, "and Michael Curley ran from jail, and they both won."

George's opponents are the incumbent, George Krauss, who's running on the Republican and Conservative tickets, and Democrat Frank Barbarita, a real estate man and former Putnam County Democratic chairman. Neither admits to taking the boy seriously. However, Mr. Barbarita has made a point of promising to give special attention to youth problems, and Mr. Krauss agrees that George could pull important votes. "It's going to be a close one," he says, "and a couple of hundred votes could be vital."

Will Whipper Whipple get that many write-in votes? "At first, I would have been surprised if he got two votes," his father says. "Now I hear people saying 200 or 400. I wouldn't dare to guess."

A TELEVISION APPEARANCE

The two regular candidates are running traditional campaigns, with plenty of newspaper coverage, colorful posters on Route 52 through town and speeches before local groups. Young George hasn't had time for the rubber chicken circuit. But before the school term started he did manage to appear on network television on NBC's Tonight Show.

"The kid's father is a big-shot advertising man in the city," says a local newspaper editor, "and he's putting the boy up to this." "Not true," says George C. Whipple Jr., a vice president at Benton & Bowles. "I'm very proud of what he's doing, but he's doing it all by himself." The elder Whipple does admit that a few family friends and associates have helped. One is Ted Allegretti, an experienced political campaign organizer who worked for George Romney and Robert F. Kennedy. "He's the only adult on my team," insists young George.

The Whipples are members of the Gipsy Trail Club, a private residential community and social club in Kent. There is considerable feeling among other Kent citizens, who include many retired New York City employes, that the Gipsy Trail people are unconcerned about rising taxes and other inflationary pressures that beset the less affluent.

"My dad's taxes are high, too," says Whipper, "and I don't see either of the other candidates offering a solution." His solution: "New industry, particularly corporate headquarters. The new highways coming through here will halve the driving time to New York, making this an ideal place for firms to locate."

While some people question Whipper's sincerity in running, no one can doubt his enthusiasm for politics. "I swung a solid LBJ fourth grade over to Goldwater with one speech," he boasts.

Like most political candidates, the slight, fashionably long-haired Whipple boy's biggest problem is money. "I made $300 working for a mail-order house last summer," he says, "but that's all gone."

He had hoped that the appearance on the Tonight Show with Johnny Carson would net some cash from viewers, and it did—about $30. Unfortunately, there are two Kents in New York, and only the other one has a post office. The Whipples' post office is the town of Carmel. As it happens, the other Kent has a supervisor named Whipple—Manley Whipple—and he got a few of the dollars from Carson viewers. He sent them along to Whipper with his best wishes.

Young George sent out several campaign literature mailings, and his aides spread Whipple buttons and bumper stickers around Kent before the money ran out. "He's got another letter going out, asking for money," his mother, JoeAnn, a petite brunette, says. "I'd like to help him," she adds, "but I'm no Rose Kennedy."

Young George readily admits he'd be ineligible to take office if elected. "We'd have to go to court on that," he says. "After all, if I can't serve, it's a denial of the rights of the people who voted for me."

READING MATERIALS FOR THE HANDICAPPED

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. MILLER of Ohio. Mr. Speaker, the Ohio system of public libraries is one of the oldest and most extensive in the Nation. A lesser known but very worthwhile service provided by many Ohio libraries is the furnishing of special reading and information materials for handicapped persons.

Mrs. Claudine Smith, editor for the State Library of Ohio, has written an excellent article in the October 1969 issue of the Wonderful World of Ohio magazine that describes the efforts made in Ohio, to insure that library materials are made available to the handicapped. I offer the article for insertion in the Record at this point:

Special Library Services for Ohioan's Special Needs

(By Mrs. Claudine Smith)

"Let's go to the library!" is often heard in Ohio, and library visitors carry home some 70 million books a year for their reading enjoyment. Ohio's libraries are among the most-used in the nation, and they are popular with people of all ages, from pre-school children to senior citizens.

But thousands of Ohioans can't get to the library—so the library goes to them. Ohio librarians have pioneered ways of taking collections of books to people who need them but are unable to get to the library. First, horse-drawn wagons and then bookmobiles carried books to people in neighborhoods and rural areas remote from libraries. Librarians took books to settlement houses and adult education centers, rest homes and hospitals, where they were needed.

The needs that reading satisfies for the average person are every bit as real for the handicapped. This group, too, needs library service—as children to become acquainted with the world; as students in school; as adults learning a trade or profession; to get information, to fill leisure, to grow; and, above all, as people, to "push back" the four walls which often bound the limits of their existence.

Now, libraries have special materials and services for the thousands of Ohioans who are blind, physically handicapped, homebound or hospitalized. They encourage readers to use regular library services if they can, but to make use of special materials where necessary. Important differences arise from the need to compensate for physical handicaps, and "getting the right book in the right format" to these readers offers personal and rewarding relationships.

Technology has produced wonders to help. Talking book machines, recordings, tapes, mechanical page turners, bed specs and prism lens glasses are now available. The latter are a great comfort to bed patients; they serve as "periscopes" by angling the vision for reclined reading. Books come in braille, in large types, on records (talking books and magazines recorded on unbreakable microgroove records) and tapes. The most popular and widely used of the special materials are the talking book machine and talking books. The talking book machine is a specially designed record player which plays the recorded books and magazines at 33⅓, 16⅔ and 8⅓ R.P.M. Most talking books are recorded at 16⅔ R.P.M., while magazines are or will be at the space saving 8⅓ speed. With talking books there is no need to learn to read braille "dots." Immediate participation is possible. Involvement comes through listening, and frequently talking book "readers" develop preferences for certain narrators, which influence their choice of "books."

The handicapped have the same diversified reading tastes as the sighted. A wide variety of reading is often the greatest source of profitable and recreational occupation open to them. Thus, the library's objective is to provide the widest range of subject material possible. That many libraries are successful in this is evidenced by the fact that many readers have developed a full range of reading tastes only after becoming handicapped.

The Cleveland Public Library's comprehensive service to the ill and handicapped is known throughout the world, annually attracting foreign librarians and social service workers. It maintains libraries in 54 agencies, such as hospitals and institutions; and for twenty-eight years has operated a monthly schedule of home visits by librarians to handicapped children and adults throughout the metropolitan area.

The Cincinnati Public Library, which also provides extensive service to the handicapped, is engaged in a special project of service to exceptional children (here meaning all children who are physically and mentally handicapped). The project has attracted nationwide attention from librarians and educators, as well as psychologists who work with handicapped and disturbed children. A film, "Reaching Out," based on this project is inspiring similar programs in libraries throughout the nation.

Smaller libraries in Ohio also give individual services to the homebound or hospitalized. Many send a staff member with books and records to county homes, hospitals or people's homes. Some cooperate with Grey Ladies, Junior League and other community groups in giving this service. In Alliance, the Women's Division of the Chamber of Commerce assists with delivery of talking book machines. In Marion, the Junior Service Guild transports materials from the public library to and from shut-ins.

Ohio public libraries work with other agencies and volunteer groups to serve the handicapped. In Cleveland, replies to braille letters received from blind readers are transcribed into braille by a volunteer. For a variety of reasons, blind patrons only rarely visit the libraries; and, even when they do, usually prefer that the materials they select be mailed to them, since both braille and talking books are difficult to carry.

The services of two regional libraries for the blind and physically handicapped at Cleveland and Cincinnati are extended throughout the state with help of a number of volunteers and public agencies. Among them is the Ohio Bureau of Services for the Blind, which distributes talking book machines. The American Red Cross transcribes braille; some chapters of the Lions Club and the Multiple Sclerosis Society and private agencies for the blind also issue talking book machines. The Kingsbury Chapter of the Telephone Pioneers of America, a national volunteer group of senior telephone employees, repair and restore the talking book machines throughout the state. Ohio people who enjoy reading aloud often volunteer to make recordings of books and materials; others have learned how to transcribe in braille. Some organizational groups make this a community service project. Such programs are in operation in Akron, Canton, Cincinnati, Cleveland, Columbus, Toledo and Youngstown. The two regional libraries in Cleveland and Cincinnati regularly assist volunteers in getting started in this project.

Large type books especially designed for the visually handicapped (but also helpful to slow learners and persons with "tired eyes") are available in many libraries. A 400-volume collection of large print books, made possible through a grant from the State Library, rotates among libraries in Ashland, Crestline, Galion, Loudonville, Mansfield, Marion, Shelby and Willard. Many library reading rooms also include periodicals in large type (for example, the *Reader's Digest* and the *New York Times*.)

Ohio has two regional libraries for the blind and physically handicapped. The regional libraries in Cleveland and Cincinnati are part of a nationwide system working with the Library of Congress to serve the blind and physically handicapped. The librarian of any public library can put a reader in touch with the regional library.

As a result of a new Federal law, anyone with a physical or visual disability who cannot comfortably use a conventional book is eligible for this service. The law recognizes that many people have physical ailments or visual problems which incapacitate them, even though they are not blind. For example, anyone suffering from severe arthritis or the effects of a stroke, is eligible (as are victims of cerebral palsy, muscular dystrophy, multiple sclerosis, polio and diplegia). Temporary immobility which makes the use of conventional reading materials impossible, such as an injury resulting from an accident or a fracture, makes a reader eligible for this service, whether he is convalescing at home, in a hospital or in an institution.

The service is free. As many talking books as desired, plus a free record player, are available at no cost. Books in braille and tapes are also supplied. Supplied free are subscriptions to the *Braille Book Review* and *Talking Book Topics*, bimonthly publications of the Library of Congress which describe new books and contain order forms and articles on library resources. All materials are sent through the mail free of charge.

The State Library of Ohio also plays a role in providing services to the handicapped. The General Assembly appropriates money to the State Library Board to underwrite the costs of the statewide library service for the blind. From this, payments are made by the State Library to Cincinnati and Cleveland public libraries, which operate the regional libraries. Further expansion of the services to the handicapped is possible under the new program in the Federal Library Services and Construction Act, which is administered by the State Library.

The partnership among Ohio Libraries, the State Library, the two Regional Libraries for the Blind and Physically Handicapped, and a variety of volunteer agencies is making certain that more and more of the Ohioans who can't "go to the library" can still have the many advantages of public library service.

PAN AM IS STILL TOPS IN AIR CARGO

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. MURPHY of New York. Mr. Speaker, it always gives me a great deal of pleasure to cite American leadership, particularly in the field of international air transportation. With the economy of our country presently in such a sensitive state, our ability to trade conveniently and effectively in order to maintain a favorable balance of payments should be of the gravest concern to all of us.

I am, therefore, proud to report that our international flag carrier, Pan American Airways, is maintaining its preeminence as the largest carrier of air cargo in the world.

It is most fitting that Pan Am display this leadership because it represents what might well be the beginning of a comeback by this great U.S. flag international airline which has been plagued by every conceivable hindrance during the last 2 years. Not only were new U.S. carriers put on its route—in one instance, the case of Hawaii, five—but Pan Am went through some of the most severe labor negotiations in the Nation's history. Hopefully these negotiations will result in labor peace between the company and the great unions which represent its employees for the next 3 years.

As a company it has pioneered many innovations in this field—all-cargo aircraft, containerization, worldwide marketing, computerized cargo terminal facilities to name just a few. Additionally, in the national interest Pan Am has most recently displayed its capability and willingness to serve by providing the greatest amount of civil airlift of both mail and material to our fighting men in Vietnam.

I include the article which appeared in the October issue of the Air Transport World, "Pan Am Is Still Tops in Air Cargo," in the RECORD:

PAN AM IS STILL TOPS IN AIR CARGO—UNITED MOVED INTO NO. 2 SPOT IN 1968; 21 CARRIERS TOP 100 MILLION TKMS

Pan American has moved far out in front as the top airline of the world in air cargo. Its 851,881,000 tonne kilometres represents a a 29% edge over second-place United Air Lines.

There was only a 2% spread, however, between United and third-place American Airlines which UAL overtook in 1968.

Twenty-one of the IATA carriers topped the 100-million tonne kilometre mark, and of these, 10 were U.S. airlines. The top non-U.S. airline in cargo is Lufthansa at 312 million tonne kms, a 12-million edge over

BOAC which was hampered by strikes in 1968.

The two U.S. IATA-member all cargo airlines—Seaboard World and Flying Tiger line ranked No. 9 and No. 16 respectively. Trans-Mediterranean Airways, Lebanese cargo carrier, has moved up to 24th in the IATA ranking in cargo. Here's how each carrier fared in declining order of tonne kms:

Rank and Airline:	*Freight (000) Tonne Kms.*
1. Pan Am	851, 881
2. United	659, 867
3. American	644, 335
4. TWA	546, 407
5. Lufthansa	312, 706
6. BOAC	298, 807
7. KLM	283, 782
8. Northwest	247, 348
9. Seaboard World	246, 067
10. Air France	231, 727
11. Japan	197, 979
12. Air Canada	190, 070
13. Eastern	179, 599
14. Alitalia	173, 568
15. SAS	170, 000
16. Flying Tiger	163, 902
17. Delta	146, 251
18. Sabena	118, 047
19. Swissair	107, 584
20. Braniff International	105, 065
21. Qantas	104, 294
22. Varig	81, 512
23. UTA	79, 976
24. TMA	77, 094
25. BEA	70, 618
26. National	68, 850
27. Air-India	61, 617
28. Pakistan International	54, 915
29. Air Afrique	54, 850
30. Iberia	54, 444
31. CP Air	53, 130
32. El Al	50, 998
33. Avianca	47, 668
34. Continental	46, 721
35. South African	37, 723
36. Irish Int'l	37, 188
37. Ansett	35, 213
38. Aerolineas Argentinas	27, 671
39. Trans-Australia	26, 507
40. Olympic	24, 257
41. BUA	23, 505
42. East African	22, 040
43. Philippine	20, 936
44. MEA	19, 476
45. Lan-Chile	19, 050
46. Air New Zealand	18, 719
47. Aeronaves de Mexico	17, 180
48. TAP	16, 933
49. Ethiopian	16, 359
50. Viasa	14, 056
51. Indian	10, 462
52. CSA	8, 900
53. NZNAC	7, 975
54. Cubana	6, 511
55. BWIA	6, 203
56. Aerolineas Peruanas	6, 096
57. United Arab	6, 056
58. Finnair	6, 050
59. Cruzeiro	5, 844
60. VASP	5, 556
61. Mohawk	4, 982
62. Saudi Arabian	4, 909
63. Nigeria	4, 422
64. Kuwait	4, 229
65. LOT	4, 024
66. JAT	3, 635
67. Iran	3, 612
68. Air Vietnam	3, 579
69. Austrian	3, 101
70. Air Algerie	2, 863
71. Eastern Provincial	2, 821
72. THY (Turkish)	2, 425
73. Flugfelag	2, 285
74. Air Ceylon	1, 933
75. China	1, 848
76. Ladeco	1, 795
77. Malta	1, 793
78. Sudan	1, 712
79. CAT	1, 673
80. Air Mali	1, 426
81. Cyprus	1, 267
82. Libyan Arab	1, 197
83. Iraqi	1, 141
84. DTA	1, 018
85. Caribair	929
86. Quebecair	926
87. Royal Jordanian	829
88. DETA	455
89. Air Malawi	375
90. Tunis	281
91. Comair	192
92. Syrian Arab	165
93. Air Guinee	80
94. New York	23
95. Central African	10

PARENTS RESENT BURYING NAMES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. DUNCAN. Mr. Speaker, the letter I am placing in the RECORD is one for study, not just reading. Having lost a son in Vietnam, Mrs. F. J. Sherrod and her husband know agony and sorrow that does not strike many, and the questions she raises are good ones for all of us to ponder.

I recommend this letter to each Member of Congress, and especially urge those who were sympathetic to the peace moratorium to read and think about the searching questions my constituent poses.

The letter follows:

OCTOBER 14, 1969.

Congressman JOHN J. DUNCAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DUNCAN: I do not know if other mothers have written their government to express their feelings and ask the questions I am asking. Perhaps I am just one of many.

It will, no doubt, be quite a surprise to some that parents can be confused. There also comes a time when they can no longer remain silent.

We have an article dated Sept. 19 which states that the names of the Americans killed in Vietnam were to be deposited in a casket in November in Washington.

My husband and I resent this. We do *not* want our son's name used. We feel we have every right to ask the government's help. How much more are the parents supposed to take? Was not the loss of our son enough? The very thought of this action taking place has truly upset us.

We lost our son Aug. 8, 1966. It does not seem possible that our son is gone. I keep hoping that it was a mistake and that our son will come home altho I have been told there was no mistake.

Our son was in Korea at the time he volunteered to go to Vietnam. While home on leave he told me he was an American soldier, he owed it to his Country and government and that it was his wish that all little boys growing up now would never be in uniform.

It is obvious that we have in our government those that feel that our sons are no less than animals and feel no responsibility where they are concerned except to use them politically.

When men in our government have their names called at the Paris peace table and Hanoi speaks openly of the help given them, as well as others you see on TV and read about, one can hardly keep from wondering where free speech stops and treason starts.

Every American who has ever served in Vietnam and those who are there now had every right to expect their government to be behind them. After all, who is responsible for them being there? Certainly not the Pentagon. I truly feel that this shows how little value has been placed on our sons' lives. Or is it only who dies that is important?

I can only ask where were these men when the first fighting troops were sent to Vietnam?

Where were they February, 1962 when Senator Robert Kennedy was in Saigon and said, "We are going to win this war in Vietnam. We will remain until we do win."

Isn't it true that it was *not* President Johnson who broke away from the Truman-Eisenhower policy?

Is it true that the statement was made, after the troops were sent to Vietnam, that it would show Khrushchev we meant business?

President Eisenhower's remark about "Military Complex" was brought up, but was his remark about the Communists or the one that *no* politician could conduct a war. Isn't it true he would *not* endorse sending the fighting troops to Vietnam?

The pressure was put on President Johnson to halt the bombing. Then we were told they would talk seriously about peace. Our sons died.

Has Hanoi ever shown any signs of wanting to stop fighting or to agree on anything that has been suggested?

If this is a civil war, as some say, why do they have troops in Laos? Why is there fighting there? Isn't it true that Hanoi does not tell its own people the truth? That they have wounded troops in Laos to keep them from being seen?

Isn't it true that they did not keep the agreement made with the French on withdrawing all Red forces north of the 17th parallel? Didn't they refuse an "on site" inspection and hid their weapons of war? Isn't it true that Canadian observers said the Reds murdered 11,500 South Vietnamese, these by terror?

In 1961 the Communists had a full-blown offensive mounted against Laos. Isn't it true that President Kennedy announced that he would *never* permit a Red dominated Laos?

At the time of the Pueblo affair there were those who instead of discussing the true seriousness of it used it to slap our country around and did not show any concern for the men. This also included the men lost on the plane and those in North Korea at the present time. How many Americans have been killed by the North Koreans altho there isn't much said about it?

How many men have died and how many times has the military been blamed for political mistakes?

I have an article, very small, which says, "Russia assures Washington that although it will build a base for its missile firing nuclear submarines no missiles will be stored on Cuban soil. None will be in Cuban hands." How much is truly known about what Cuba does have? What will the Americans have to pay for the advice given President Kennedy?

And for those who only think of money, remember the cost of the Bay of Pigs?

I can't remember how many times I've heard men in our government talk about the cost of the Vietnam war—money-wise—and never mention the loss of our sons, the injured, the prisoners of war, or the ones lucky enough to live through the hell.

Because money came first with them, I will ask them to do this—think about how much your children mean to you, money-wise, now multiply it by 40,000.

I've heard the remarks made that some volunteers had done so for the extra money. This will, no doubt, come as a surprise. To get home from Korea before going to Vietnam, our son had to pay his own way. I have the papers, the cost was $627.00. This he was paying off at so much a month. His duffel bag was lost on the way to Vietnam; he was never paid for it. We sent him the things he asked for. He also asked me to send him a gun cleaning outfit, which I did. I wrote the airline, after our son's death, to see if his duffel bag had been found. I wanted his things back in his room. I was informed it had not been found.

Why do we hear the phrase "American barbarism." Yet silence prevails at the barbarism of the enemy. Perhaps these bleeding hearts do *not* feel that what happens to our sons could be called barbarism. Yet you see and read about them upholding everything in the book, here at home.

We hear so much about "moral obligation," but where is it where our fighting men are concerned? Could it be that they expect our sons to salute them and say, "Oh, wonderful ones, we who are about to die, salute you."

How many of them have had or have at the present time sons fighting in Vietnam?

I heard the Vietnam war called "poor man's war." Our three sons and son-in-law were volunteers for the military service, but who can ignore the unfairness of the draft. When our government asks young men to put their lives on the line it has no right to play God and say you fight and die because of their financial situation. The draft should include all. Now we hear that we should have all volunteers. Would the situation be the same? By this I mean, those that can't get jobs, etc.? Wouldn't it still be more of the same—the haves and the have-nots?

We heard the words, "I'm sorry" by one in regard to the Gulf of Tonkin agreement. I think it is a condition rather than an expression of regret.

How many laws are passed by our government which they do not consider includes "me" and "mine?" Or has it become the "used" and the "users?" I saw my husband go through hell before, at the time our son was in Vietnam and our youngest in Italy and after our son's death, and only God knows how many Americans found themselves in same position. I wrote to Washington in 1965 and 1966. Our son died without knowing the truth. Our state could not be blamed.

How many known Communists are there in our Country? Isn't it true they can even work in our defense plants? Yet our sons died thousands of miles from home fighting them.

I think hundreds of our sons would be alive today if military decisions had not been ignored. The "arm chair generals" made the decisions. Yet some of the loudest critics were in on the "ground floor." Perhaps they thought that because they had not declared it a "war" they could change their minds. But wasn't it too late? Let them tell the dead and injured, not only of Vietnam but also of Korea, that it wasn't a war. I have heard that they do not receive full benefits because it wasn't a "declared" war. Is this true?

But how quick they are to criticize President Johnson, President Nixon, the military or any one else that doesn't agree with them. Or isn't it just to make themselves look good in the public eye and to "cover up" their poor decisions?

These great humanitarians at home with the blood of our sons on their hands. Why should the Reds talk about peace? It gives you plenty to think about, your son fighting thousands of miles from home and the enemy being given encouragement by his own countrymen. What about our sons' rights? How can those in our government censor a member over money and not ask questions about the aid and comfort given North Vietnam?

My last two questions are: When is murder a murder? Will all the little boys, growing up now, be in uniform?

Sincerely,

Mrs. F. J. Sherrod.

DR. GEORGE H. HEARN SPEAKS ON TRANSPORTATION INDUSTRY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. CAREY. Mr. Speaker, on October 1, Commissioner George H. Hearn of the Federal Maritime Commission addressed the International Federation of Forwarding Agents Associations at the Waldorf-Astoria in New York.

Concentrating on the controversial subject of containerization and its interrelationship with the "nonvessel operating common carrier" and the independent ocean freight forwarder, Commissioner Hearn describes the Commission's concern for innovation and its efforts to create conditions that will permit the realization of its full potential for the industry and consumer alike.

I insert the full text of his remarks at this point in the Record:

Commissioner George H. Hearn Addresses 11th World Congress of the International Federation of Forwarding Agents Associations at the Waldorf-Astoria

I have been looking forward with a great deal of personal pleasure to this meeting. It has been over a year now since my good friend, Jan Ramberg of Goteborg, had extended the tentative invitation to address this Congress and since he and your New York FIATA Committee Secretary, Cliff O'Hara, formalized this invitation, I have been waiting to visit and discuss with you the important international transportation problems of the day. I am honored not only to address you and moderate this panel on Container Transport, but I have arranged to spend several days here attending the Congress and seeing you all individually.

Three segments of the transportation industry have become major topics of discussion and controversy. These are containerization, the "non-vessel operating common carrier", and the independent ocean freight forwarder. To one or another member of the transportation industry one of these three areas seems most important; but it cannot be denied that it is the magnitude and interest in the activities of ocean freight forwarders and nonvessel operating common carriers.

Because of this causal connection the three areas have become so interrelated that none can be fully analyzed without reference to the others. As I present my comments to this panel I shall seek to explore that interrelationship.

I am sure you are all familiar with the concepts of the containerization, independent ocean freight forwarder and non-vessel operating common carrier. For clarity, however, I will include some basic thoughts on the subjects.

Modern transportation, like other aspects of society, relies on speed. Very often—perhaps too often—the measure of success is directly proportional to the increase in speed by which our activities proceed. In transportation we seem to have found in containerization the key to rapidity.

Utilization of the container has resulted in time reductions in many stages in the process of transporting goods by water. For example, the movement of the goods from shipper to ship has been simplified; ship loading and unloading times have been sharply reduced; ship turn-around and transit time have been significantly shortened. When goods are transported in intermodal movements, their transfer from one mode to the other has been greatly facilitated.

These transportation advantages are of considerable importance; but containerization has not been the instant panacea for the problems of transportation which many had predicted. Containerization has not solved all transportation problems, and even has given rise to new ones.

I have already mentioned that speed is the essence of containerization. Unfortunately, however, the race for speed may have been too rapid. Containerization cannot replace break-bulk operations completely. In many situations containerization is not possible or desirable. I certainly do not substitute my opinion for that of management in moving into the container age. Yet a large part of the shipping industry has plunged headlong into containerization and as a result there are the problems of the industry sometimes overreaching itself, sometimes causing detriment to shipper requirements, and often creating conflict with other segments of the transportation industry.

The development of new technologies requires careful analysis; it is not enough to be first with the fastest. Containerization requires large capital expenditures; and an ill-planned and uncoordinated commitment to container operations can forestall the flow of their full advantages to the carrier and his customer. Consequently, containerization has not yet produced some of the results expected by many. As yet, decreased freight rates, lower insurance costs, minimized cargo theft and reduced damage in transit have not resulted to the extent anticipated.

In addition, the planning for a new technology must consider not only its own enhancement, but also the repercussions. Areas in which the effects of containerization have been widely felt include the activities of independent ocean freight forwarders and non-vessel operating common carriers—or NVO's. The freight forwarder and NVO provide essential services in the shipping industry; and the portent is for the operations of both to change substantially with the development of containerization. The freight forwarder and NVO may play new roles in transportation and may offer new services, and perhaps must do so in order to survive.

For example, the NVO has always possessed an ambiguous status in the transportation industry. Soon, however, his role may be clarified and even altered.

The Federal Maritime Commission recently instituted a non-adjudicatory proceeding to investigate matters relating to NVO's by water operating in our domestic off-shore and foreign commerce. The purpose of the investigation is to inform the Commission concerning the operation, current problems, or any need for regulatory changes with respect to NVO's.

NVO's have long been held by the Federal

Maritime Commission to be common carriers by water subject to the shipping acts. As common carriers by water NVO's must file their over-water, or port-to-port, rates with the Commission. This, however, may be an artificial filing because NVO's do not generally operate on a port-to-port basis. NVO's offer a through rate for a through transportation service, often originating and terminating at inland points; and such service usually includes a land or air movement. Shippers are interested only in the through rate, and not in its various segments such as the port-to-port segment. The Federal Maritime Commission accepts for filing the NVO's through rate but requires the NVO to separately state the port-to-port segment for filing and Commission scrutiny.

The value of NVO tariff filings is complicated further by the fact that NVO's operate in a dual capacity—as carrier and as shipper. NVO's are carriers when they offer and contract to transport goods for shippers. They are shippers when they purchase the services of vessel operators to actually carry the goods.

These circumstances surrounding NVO operations give rise to numerous problems concerning the appropriate status of the NVO in the shipping industry and the role of the Federal Maritime Commission in properly exercising its responsibilities. Consequently, the Commission has, as I have mentioned, begun an investigatory proceeding to provide the Commission with information for dealing with those problems. In general, the areas under investigation include:

1. whether NVO's must be licensed or certificated;

2. the extent to which common ownership of NVO's and vessel operating carriers should be permitted;

3. what tariff filings should be required; and

4. how NVO's should be related to carrier conferences.

The rapid growth of containerization has, of course, added to the difficulties in dealing with NVO prbolems by fostering NVO growth and widening the scope of possible NVO services. NVO's operate by soliciting cargo at inland points and consolidating small shipments. Such services benefit from and, in fact, may now depend upon the use of containers for their profitability. The shipper is charged a through rate involving a single bill of lading. The NVO either adds a profit factor to the combined transportation costs of the underlying carriers, or consolidates small shipments and then avails himself of full container rates of the underlying carriers.

The Federal Maritime Commission hopes that through its investigatory efforts, and with the cooperation of various segments of the shipping industry, it will be able to develop some viable solutions to problems such as I have mentioned concernng NVO's.

Independent ocean freight forwarders have also been affected by the growth of containerization. The challenge to the forwarder, however, differs from that to the NVO. In fact, containerization may work to the advantage of the NVO at the expense of the forwarder.

NVO services involve door-to-door full container shipments and consolidation of less than container load shipments at inland points. Freight forwarders feel the impact of such operations because shipper utilization of NVO services reduces the demand for traditional forwarding services. The position of the forwarder is compromised further by the fact that inland operations usually require operating rights granted by the Interstate Commerce Commission.

For persons holding such rights the commencement of NVO activities is easy because the offering of ocean transportation does not require the permission of any agency. Ocean freight forwarders, on the other hand, often have difficulty in obtaining rights to operate inland.

Furthermore, in their efforts to expand inland, forwarders are met with additional competition. Ocean carriers are now offering cargo handling services by direct solicitation to shippers. To accomplish this the carriers are utilizing container operations to effectuate door-to-door or door-to-port delivery.

Forwarders must, therefore, seek to expand their activities into new areas and make containerization work to their advantage.

In New York the ocean freight forwarders have sought to do this by combining their efforts to form container consolidation stations. Success in their efforts will result in increased shipper participation in modern shipping methods. Labor difficulties have become involved there, however, and no judgment can yet be made of the project.

Efforts of forwarders should also be directed toward break-bulk cargo operations. Despite some predictions, I do not believe that all cargo is containerizable or that all trades are conducive to complete container systems. As trade experts, forwarders should be able to gain the advantage in such areas. Forwarders can assist in encouraging exports and developing new markets. They can assist government agencies and departments in export expansion programs. Many potential exporters and export markets remain unaware of each other and could well use forwarder services.

There is one further point which I would like to make concerning freight forwarders. I have stated it publicly many times and do so again now. I believe forwarders should be permitted to finance exports. The Federal Maritime Commission considered this issue several years ago in Docket No. 66–31. A majority of the Commission ruled that to permit forwarders to finance exports requires legislation. I disagree with that conclusion and believe the Commission's rules can be changed to allow this forwarder activity without legislative action.

While forwarder services are being encroached upon by new transportation systems, and our export commerce is in need of expansion, the restriction on export financing is an unnecessary burden for forwarders and for our international trade. If new legislation is indeed required, the Federal Maritime Commission should cooperate in proposing such action to the Congress.

While I would support such action by the Federal Maritime Commission, I must remind you of the limits on my freedom to comment in certain areas. I may not publicly express opinions or announce conclusions as to matters or issues which I might later be called upon to adjudicate. Consequently, to avoid pre-judgment, I approach with caution new problems and new concepts within the sphere of authority of the Federal Maritime Commission. But this quasi-judicial admonition certainly does not prevent me from attempting to observe and possibly contribute to the efforts to solve our transportation problems.

Modern containerization is a new concept; and the problems it engenders have been and continue to be brought before the Commission. The difficulties and uncertainties created for NVO's and freight forwarders are a sampling of these new problems.

There are many others, and I do not, by my caution, intend to give the impression that the Federal Maritime Commission is hesitant to deal with innovation in transportation.

We expressed our views on this subject last year in a famous case involving through intermodal rates proposed by Container Marine Lines in the United States/United Kingdom trade. In its report of the case, the Commission said:

> . . . The Federal Maritime Commission can and must play an important role in encouraging improved services for shippers . . . Enlightened regulation is the key to effective regulation . . . Progressive regulation is required in the interest of encouraging the modernization of shipping services.

As to this, and before concluding, I would like to comment briefly on a matter currently before the Commission. That is the matter of joint rates for transportation between points within the United States and foreign points. In Docket No. 69–33, a proceeding pending before the Commission, a group of carrier conferences in the United States/South America trade are seeking to expand their authority to include joint rate cargo movements.

The Interstate Commerce Commission also has the matter under consideration in a rule-making proceeding, and has intervened in our Docket No. 69–33.

In addition, there is a different but related situation which has recently arisen. Less than two months ago the Federal Maritime Commission approved an agreement bearing F.M.C. number 9804. That agreement provides for a cooperative working arrangement whereby three carriers will operate LASH service. LASH stands for Lighter-Aboard-Ship. The LASH system enables vessels to carry their cargo in floating containers—or lighters. These containers can be loaded and discharged directly into the water by a traveling shipboard crane. This particular LASH operation will serve the trade between Europe and the United States South Atlantic and Gulf ports.

What is significant is that the port-to-port service will include service to and from places on inland waterways. I emphasize the word "places" because it could encompass locations which are not ports.

Thus the new LASH carrier probably will file tariffs naming through rates from foreign ports and places on inland waterways to ports and places on United States inland waterways. While no joint rates are involved, there will be service between inland points in the United States and abroad.

Here again you may note the challenge presented to NVO and freight forwarder operations.

This is the first such agreement to be filed with and approved by the Federal Maritime Commission. It represents an apparently logical extension of new transportation systems in our foreign commerce; and the new service will enable shippers, carriers and government agencies to gain experience upon which to base future action.

Now returning to the question of joint rates, both the Federal Maritime Commission and the Interstate Commerce Commission are seeking to establish rules and principles to facilitate the use of joint rates. The Federal Maritime Commission, it should be clear, is attempting to pursue its congressionally delegated authority to advance the public interest in improved cargo transportation. Traditional methods of moving cargo are rapidly being replaced by new techniques in transportation. The Federal Maritime Commission is well aware of these developments and seeks, wherever possible, to encourage the implementation of improved transportation systems.

Once again, however, I am constrained to say that this joint rate matter is sub judice; and I must be circumspect in my remarks.

Nonetheless, I have brought to your attention some of the important issues arising out of the container revolution, and also the manner in which the Federal Maritime Commission seeks to assist in their solution.

Despite the legal limitations I am at liberty to express my and the Commission's general views on the changes occurring in transportation. We at the Federal Maritime Commission favor all changes in transportation which constitute an advancement in the state of the art.

As a matter of fact the Federal Maritime Commission has been and should continue to be in the forefront of the efforts to advance such concepts as intermodalism.

The Federal Maritime Commission is already involved in intermodal transportation through its regulation of NVO's; and I have already pointed out the Commission's efforts in that area. Also, the Commission took a great step forward in regulation by its decision in the famous *Container Marine Lines* case of last year involving rates between United States ports and inland points in the United Kingdom. Currently the Commission is considering the South American trade case, Docket No. 69-33, which I have discussed.

Thus the Commission has not sat idle and let transportation advances out-strip regulation. Such action is, moreover, consistent with our experience and expertise in international transportation. For over fifty years we and our predecessors have been engaged in the regulation of this nation's foreign waterborne commerce. The experience and expertise developed over so lengthy a period should not be considered lightly. The Federal Maritime Commission continues, therefore, to be the primary source of regulatory activity in the area of international water transportation. This is not to say that we would infringe on the domain of another regulatory body. We do, however, strongly adhere to the principle of keeping our regulatory policies in step with modern transportation.

Further, ocean carriers should be and are the carriers which are taking the initiative in intermodal transportation. As the dominant carriers in such cargo movements, ocean carriers have been moving rapidly into this area. The LASH operation and the South American conferences are two examples of this. A more recent development is that in which American President Lines has initiated discussions with American Airlines to provide a sea and air intermodal service. This parallels a long existing service offered by Farrell Steamship Company and Pan American World Airlines.

Ocean carriers provide the dominant leg of intermodal services and also assume the great risks and investments required in our foreign trade. Consequently, I foresee the ocean carriers being the leaders in the growth of intermodal movements, and the Federal Maritime Commission as the agency best equipped to provide the regulatory leadership and guidelines for that development.

The Federal Maritime Commission has received no high popularity ratings among those subject to its jurisdiction. This is true of all regulators and is a natural consequence of regulatory activity, especially in the sphere within which the Commission functions. The Commission does not, however, seek popularity with any particular group or interest. We act without regard to flag, not favoring one interest over another, but dispensing fairness to all.

The Federal Maritime Commission is concerned not only with each individual component of the transportation industry; but we are equally considerate of the consumer or user of transportation services. From every point of view the Commission is obligated to recognize innovation, and help create condition which will permit realization of its full potential for the industry and consumer alike.

To this end the Commission has undertaken to analyze the NVO so as to be able to encourage the greatest benefits to flow from this segment of the transportation industry. Similarly, the Commission is responsive to freight forwarders in exploring new areas of operation; and in this effort the Commission approved, under its statutory authority, the agreement among the New York freight forwarders which I have mentioned. As I have discussed also, there will soon be forthcoming Federal Maritime Commission action in the area of joint rates.

Thus, the Federal Maritime Commission is ever watchful for opportunities to promote the benefits of containerization. You are aware, I am sure, that the Commission is not a maritime promotional agency for any nation. What we do promote is equal access for all to advances in ocean transportation.

I hope my remarks have set the tone for this panel and opened areas for discussion.

MANPOWER TRAINING FOR WATER QUALITY CONTROL PERSONNEL

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. CRAMER. Mr. Speaker, on March 10 of this year, I introduced a bill, H.R. 8516, to amend the Federal Water Pollution Control Act, as amended, to provide improved operation of the Nation's water quality control facilities. This bill was cosponsored by virtually all of the minority members of the Public Works Committee and was incorporated verbatim by the whole committee into H.R. 4148, which passed this body on April 16, 1969.

I have been in extensive correspondence with the Governors of the States, their administrators of education departments and natural resources departments, State water quality control boards, and educators.

For the benefit of those Members who have asked to be informed of the views of the States in regard to this legislation, I have culled some pertinent quotes from some of the answers to illustrate the general approval of the State authorities. I believe that they will find these quotes of great interest and if any Member would like a copy of the correspondence from which an extract is made, I would be delighted to provide him with it.

The quotations follow:

QUOTES

We have traineeships, provided by the USPHS, which have gone to waste for lack of interest or qualified applicants . . . In short, we have the staff, laboratories, and willingness to have a good program—we lack the students.

Another problem has been encountered in the stipend level for the graduate students. We have been unsuccessful in getting the federal government to raise these to a level whereby a student can exist in the Fairbanks economy. Our stipends are identical to all others, and they stipulate the recipient cannot engage in any other work. (Dr. Sage Murphy, Director of the Institute of Water Resources, University of Alaska.)

You are to be commended for your efforts in the water quality control field and the objectives that you have established in your sponsorship of H.R. 4148. (Russell W. Peterson, Governor, State of Delaware.)

The critical need in California, however, is the training of waste-water treatment plant operators and maintenance personnel. At present the bulk of this training is being provided by the local sections of the California Water Pollution Control Association, large municipalities or districts, and dedicated individuals. Training is also being conducted for seven educational institutions. These institutes do not provide degrees for this program but some provide certificates.

Your bill should provide a much needed stimulus to the training of waste-water treatment plant personnel and we, therefore, wish to compliment you on its initiation. If you need additional information, please do not hesitate to contact this office. (Norman B. Livermore, Jr., Administrator, Secretary for Resources, The Resources Agency of California, Sacramento, California.)

From the above, it is obvious to me that H.R. 4148 would indeed be a major assistance in stimulating institutes in this State to enter the field of training of water quality control personnel.

As a former Member of the Board of Community Colleges and Occupational Education, I will do all that I am able to stimulate further offerings in the water quality control field by our community college system.

Please forgive the delay in the response to your inquiry. I hope this information, meager though it is, will lend support to your efforts toward passage of H.R. 4148. (J. W. Ten Eyck, Executive Director, Department of Natural Resources of Colorado.)

This is legislation in which we all should be very much concerned, and it is interesting to note that it has passed the House. (Lester Maddox, Governor of Georgia, Atlanta, Georgia.)

We appreciate your interest in this problem and expect that H.R. 4148 will help towards its solution. (Walter E. Washington, Commissioner, District of Columbia.)

We believe the critical needs today are for training and upgrading (on-the-job instruction) of present operators and developing additional manpower through programs provided by two-year colleges and technical schools. Professional training of engineers, biologists and chemists could be supported by a scholarship program.

We agree that legislation such as that contained in H.R. 4148 is sorely needed to meet present and future water quality control demands. We appreciate the opportunity to comment on this matter. (R. S. Howard, Jr., Executive Secretary, State Water Quality Control Board, Atlanta, Georgia.)

We in Hawaii are most interested in participating in the programs to be supported under Section 21 of H.R. 4148 and look forward to the enactment of this legislation and its funding by Congress. (John A. Burns, Governor, State of Hawaii.)

Idaho, as has the rest of the nation, has felt the shortage of personnel in the water quality control field. (Don Samuelson, Governor, State of Idaho.)

I wish you the best of luck with your bill. I think it will be a most useful instrument in helping to provide personnel in this all important area. I feel that whatever efforts the Federal Government can make to combat water pollution and to improve water quality must be done. (Kenneth M. Curtis, Governor, State of Maine.)

Nevada has prided itself on the percentage of its population that is being provided with a high degree of sewage treatment. Our small communities as well as our major population areas have invested large sums of money in modern treatment plants to protect the limited quantities of water in this state, but operational difficulties in several plants this year has pointed to a serious need for highly trained, well qualified individuals that are capable of running these modern complex plants.

Neither the University nor the Health Division has adequate funding to provide the training courses which we now believe are necessary for proper operation of modern plants and receiving water quality control.

We concur with your opinion that the training grant or contract provisions of H.R. 4148 would be of value in meeting this vital need in training and enhancement of the profession to attract additional personnel. (Dr. John H. Carr, Acting State Health Officer, State of Nevada.)

I am pleased to note that H.R. 4148 has passed the House, and I am calling the attention of the schools here to this excellent legislation. (Tom McCall, Governor, State of Oregon.)

Your letter of 26 May 1969 to Governor Tiemann relative to H.R. 4148 was referred to me for comment. This subject is of vital importance to programs of water quality control and, therefore, we are glad to see this support from the national level.

The water pollution program, in our opinion, is not being realized because of the poor operation of the existing facilities. In short the best plant will not produce a satisfactory effluent unless properly operated. Properly trained operators are lacking in every area. Therefore, a support to this program will greatly enhance this responsibility. (T. A. Filipi, Exec. Sec., Water Pollution Control Council, Nebraska.)

We strongly support your aims and agree that proper technical training is an integral part of combating water pollution problems. If we can be of any assistance to you in this matter, or if you need additional information, please do not hesitate to call on us. (Paul W. McKee, Director, Dept. of Water Resources, Maryland.)

The State Department of Health is preparing a request to be made to the Federal Water Pollution Control Agency for funds for a project under which cooperative educational programs at two-year community colleges and institutes will be established for the training of individuals in water resources. Graduates will be granted an Associate Degree in Applied Science and will be qualified as wastewater treatment plant operators. Under the proposal, students would be given financial support in the form of tuition and stipends during attendance at school. They would be paid a salary from the project funds during the on-the-job training periods at wastewater treatment plants. (Alton G. Marshall, Exec. Officer to Governor, State of New York.)

It appears that one of the most serious water quality control problems nationally, as well as in New Mexico, is the inadequate training of water treatment plant operators. . .

With best wishes for success in your effort to improve the education and training of personnel who will be responsible for the operation, design, maintenance and functioning of our water quality control facilities. (David F. Cargo, Governor, State of New Mexico.)

Many of our masters degree students have been partially supported by either Public Health Service or Federal Water Pollution Control Traineeships. Without these student support-funds, the program would not be large enough to provide the high caliber faculty we now have.

Because of the growing problems of maintaining a quality environment in our urban areas, there is a great need to continue to train engineers and technicians in this specialized field. Student support-funds should continue to be made available for the training of engineers at the graduate level in both sanitary and environmental engineering. We also strongly support the concept of making training stipends available for water quality control facility personnel. Universities with existing programs can contribute to the training of plant operators by establishing one or two year programs in schools of technology much as the one we propose here at New Mexico State University. (R. B. Corbett, President, New Mexico State Univ., New Mexico.)

I am very encouraged by H.R. 4148, which, if enacted, will be another great step toward pollution abatement. (John P. Badalich, P.E., Exec. Dir., Minn. Pollution Control Agcy., State of Minnesota.)

I also enclose a copy of a circular describing the Clean Air and Water Scholarship Intern Program of this Department for your information. This Department has a vital interest in H.R. 4148 and we will follow the legislation and promote its use by New Jersey schools and colleges. (Ralph T. Fisher, Director, Office of Program Planning & Education, Dept. of Health, State of New Jersey.)

The provision for scholarships in H.R. 4148 will encourage secondary school graduates to take advantage of this training and enter the field of water pollution control operation. (Claude R. Kirk, Governor, State of Florida.)

Congratulations on your bill that was passed by the House which would provide scholarships and stipends for the training of persons to enter the water quality control field. This would be, I feel, a great step forward in the fight against water pollution. (Arch A. Moore, Jr., Governor, State of West Virginia.)

While we anticipate the need for a continued training and upgrading program under DNR auspices, it is our hope that the technically oriented educational institutions (vocational schools) will establish training programs to provide replacement personnel in both the waterworks and waste treatment plants. Some interest has already been shown by vocational schools in our high population areas.

The question is, however, whether local officials are as yet adequately aware of the need for hiring trained personnel and willing to pay a wage commensurate with the skills required.

To be successful, a financial assistance program should probably include both (1) instructional aid, and (2) an on-the-job training stipend which could be used as an incentive for communities to employ graduates of these technical schools. (Warren P. Knowles, Governor, State of Wisconsin.)

We concur with your concern over the lack of training and personnel in the field and are anxious to expand our program. Your comments and suggestions are encouraged. (Irvin D. Dunmire, Assistant to the Dean, Utah State University, Logan, Utah.)

We believe, as you do, that there is need for more technical personnel to combat the problems of controlling water pollution. (Robert K. Thomas, Academic Vice President, Brigham Young University, Provo, Utah.)

I am hopeful that in the interpretation of H.R. 4148, if it is enacted into law, scholarships and stipends will be available for the training of pollution biologists as they too are essential water quality control personnel. (W. E. Norris, Jr., Dean, Southwest Texas State College, San Marcos, Texas.)

Improving the education and training of personnel responsible for the design, operation, maintenance, and functioning of water quality control facilities is a most important topic, and I sincerely appreciate the opportunity to comment on this subject as it relates to South Carolina.

Section 21 of H.R. 4148 could provide a means by which South Carolina might very well expand its existing training programs in order to meet the future need for water quality control personnel. An appropriate approach for South Carolina under provisions of Section 21 of H.R. 4148 could very well be to expand these existing programs and where possible implement new training programs in South Carolina technical education centers, vocational schools, or other educational institutions.

It should also be noted that there is a continuing need for high education that will provide for a larger number of degrees in Sanitary Engineering.

I am in complete agreement with you that Section 21 of H.R. 4148, if enacted into law, will serve as a valuable tool in combating the problem created by the lack of trained water quality control personnel. (Robert E. McNair, Governor, State of South Carolina.)

With the passage of the Mandatory Certification Act (Pennsylvania Act 322 on November 18, 1968) there will be a tremendous increase in the need for training of existing and new water and wastewater treatment plant operators. There is also a need for additional consultants, technicians and faculty members in the water resources field. Your proposals incorporated in H.R. 4148 recognizes those needs.

I would suggest in order to broaden Sections 20-23 of H.R. 4148 that you include provisions to make State agencies providing training in the water and wastewater treatment field eligible to receive funds. We have found that many institutions of higher learnings in Pennsylvania are not interested in providing training to existing and new water and wastewater treatment plant operators. In Pennsylvania the Public Service Institute of the Department of Public Instruction has a dynamic program consisting of short courses for training of water and wastewater treatment plant operators. The Public Service Institute receives funds from the George-Dean and George-Barden and Perkins Act No. 88–210. The total program receives 50% Federal and 50% State funds. (Raymond P. Shafer, Governor, State of Pennsylvania.)

The State of New Mexico has a training program for water treatment plant and waste water treatment plant operators. It is sponsored by the New Mexico Water Supply and Pollution Control Association, the Health and Social Services Department, and New Mexico State University. The Program receives no State funding and is sponsored solely by water utilities personnel. The program is far short of what is needed in the state to assure the delivery of safe drinking water and the proper treatment of waste water.

The establishment of a school, such as the one in Neoshow, Missouri, is an important step in the training of water utilities operating personnel. Personnel in the field see the need for more highly trained personnel in the operation of water related facilities. Generally speaking, we feel that operating personnel training should be at the college level with a sub-baccalaureate degree. Two years training, subsequent to high school, would be reasonable.

To date, salary ranges in the industry, as paid by municipalities, are not sufficient to attract well-trained personnel and the student enrollment would not be sufficient to support the program.

I would like very much to see some program developed whereby water utilities operator training could be supported during the interim period until sufficient awareness is developed to support the program through student participation. I would like to say that it will probably be futile to train water utilities personnel unless salary scales paid by municipalities comes into line with reality of today's technological problems involved with water and wastewater treatment. (David F. Cargo, Governor, State of New Mexico.)

You are to be congratulated on your interest in this important area. (Warren G. Hill, Director of Higher Education, State of Connecticut.)

We seriously doubt that formal training for an extended period of time would serve the need of many small cities in Kansas, but rather we feel that training through state-approved courses in the immediate area of operators can be of greater value.

Both the University of Kansas and Kansas State University have undergraduate programs in sanitary engineering and allied water quality fields. The University of Kansas also has M. S. and Ph. D. programs in this field.

As I read H.R. 4148, it would appear that scholarships and stipends would be limited to plant operators. I feel that in Kansas, there is a greater need for graduates in sanitary engineering to enter the state regulatory agencies as well as related positions. The tremendous competition for these people with the federal government has been disabling at the most productive level. (Robert Docking, Governor, State of Kansas.)

Auburn has a unique opportunity to contribute to the development of engineers and scientists in this area of endeavor for the future as it has in the past. Funding is a major obstacle. Perhaps this HB 4148 will assist Universities such as Auburn reach a higher level of service. (Rex K. Rainer, Head Professor, Auburn University, Auburn, Alabama.)

I am sending to you a report on *Manpower Needs at Water Pollution Control Facilities* in New England prepared by the Federal Water Pollution Control Administration in cooperation with the New England states. Copies of the report have been forwarded to Mr. Cleveland and other members of the New England Congressional Delegation.

This report emphasizes the urgent and rapidly expanding need for trained and competent water pollution control facilities operators in New England. The report suggests, quite properly, that even the best-designed waste-water treatment facility will produce little in the way of clean water unless it is efficiently operated and maintained. The lack of a skilled pool of water pollution control facilities operators is presently a weak link in the entire water pollution control effort.

The report indicates that strong Federal and State leadership and new legislative action will be required to make satisfactory progress toward a solution to this problem. S. 7 and H.R. 4148, currently before the Congress, are constructive efforts in this direction. (New England River Basins Commission, Boston, Massachusetts.)

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Natchez (Miss.) Democrat, in the State of Mississippi. The editorial follows:

[From the Natchez (Miss.) Democrat, July 24, 1969]

MISSISSIPPI AAA OPPOSES TRUCK BILL

Club, a division of the American Automobile Association, has joined with other affiliated clubs in voicing strong opposition to a bill now pending in Congress which would permit operation of larger and heavier trucks on highways.

"The present bill is almost identical with last year's measure which was swamped by an avalanche of public opinion and vigorous editorial criticism in the nation's press," Mr. R. C. Lawrence, Division Manager, commented. "The only difference is that a length limitation has been added—but this limit of 70 feet is higher than that allowed, except under special permit, in 48 of the 50 states. And history has shown that Federal maximums soon become state maximums."

The bill as its stands would apply only to the interstate System, Mr. Lawrence said, but truck trips do not begin or end on the Interstate highways so they have to enter or leave by roads not a part of the system.

"The heavier vehicles will prematurely pound to pieces the pavement of the highways in which we have invested so many billions of dollars," the AAA official said. "It will place dangerous overstresses on many of the nation's bridges not built to sustain such heavy loads.

"There also is the matter of danger. Passing a passenger car on a two-lane highway is perilous enough; attempting to overtake and pass a 70-foot truck-train on anything less than a four-lane road will mean taking one's life in his hands."

Mr. Lawrence urged all motorists in the Mississippi Division to write to their Congressmen promptly to express their views on the current big truck bill, H.R. 11870, which is described in the following article:

WASHINGTON, D.C., July 15.—Bigger, heavier trucks on the highways would result in premature damage to pavement and bridges and would constitute a major hazard to others using the traffic lanes, the American Automobile Association told Congress today.

In testimony prepared for presentation to the House roads subcommittee, George F. Kachlein, Jr., AAA Executive Vice-President, said this was an "anti-safety bill" almost identical with the big-truck bill which failed of passage last year.

Basic research into the accident hazards posed by larger, wider trucks is lacking. Mr. Kachlein charged. "It does not seem logical to us," he said, "that Congress should be called upon to make a decision on this important matter without the factual information enabling it to estimate the safety effects of that decision. The lives and property of over 100 million drivers are involved in such a decision and we cannot ask them to be guinea pigs by increasing the sizes and weights and then researching the effects. The research should be done first."

Public opinion, as reflected in the news media, was strongly against last year's bill, he said. A review of editorial comment, he told the subcommittee, leads to the "inescapable conclusion that Americans were not last year, and are not this year, ready to accept the proposition that bigger trucks are good for them.

Mr. Kachlein quoted trucking industry statistics showing that heavy trucks account for only 1.54 percent of vehicle registrations and 5.33 percent of total mileage, but are involved in 11.6 percent of fatal accidents.

"When a truck collides with a passenger car, it is the operator and passengers in the smaller vehicle who are most likely to be killed," the AAA official said.

He reported that there are 9.3 fatal injuries per 100 persons in collisions between passenger car and a tractor-trailer combination, but "when the collision is between a passenger car and a tractor-two-trailer combination—a vehicle encouraged by the 70-foot length limit in this bill—the rate increases drastically to 13.3."

On the basis of extensive studies of the effect of heavier loads and axle weights on pavement and bridges, the AAA official said: "Men who have been charged with the responsibility of constructing and maintaining our highway plant at both the state and the Federal level have made it known that the increases in axle loadings permitted by the legislation will not only reduce the life of pavements in use, but will also necessitate the expenditure of billions of dollars for reconstruction of older pavements, and additional costs in highways yet to be constructed."

AMERICAN YOUTH: HOPE FOR THE COUNTRY'S FUTURE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BRAY. Mr. Speaker, American youth never ceases to be an inspiration to me. A recent example of the excellence of American youth is found in our own State of Indiana.

Gregory S. Gray, 17 years old and a student at Emerson High School, Gary, Ind., was elected governor of Boys State of 1969, that great youth program sponsored by the American Legion. Members of Indiana Boys State were 921 outstanding junior boys from 651 high schools in Indiana.

Gregory was sent from Indiana Boys State as one of the State's two representatives to Boys Nation in Washington, D.C., which was composed of two high school juniors from each of the 50 states. Gregory was elected president of 1969 Boys Nation.

Gregory is also president of his high school student council and quite active in other school, church, and community activities. Gregory did not come from a family of wealth and influence. He came from a religious, patriotic, working family—the type of family that has produced so many of America's great. His father has been employed at the Pullman Standard Car Manufacturing Co. for more than 20 years. Gregory is the middle child of five.

As president of Boys Nation, Gregory Gray was invited to speak at the 1969 national convention of the American Legion in Atlanta. At the close of his speech that great gathering rose as one and cheered wildly. His remarks, delivered in great sincerity, were an inspiration to all.

Gregory Gray is a Negro. But Gregory received his honor and acclaim from his high school colleagues, his fellows at Boys State and Boys Nation and from the American Legion national convention because he is a youth with ideals, with leadership ability, with a gift of giving inspiration and service to his fellowmen. That is the way it should be in America. It is as wrong to give anyone recognition and honor because he is black as it is to deny him the same because he is a member of a minority group.

Certainly Gregory Gray may have been given slights and insults in the past, and he doubtless will receive many throughout his lifetime. But who has succeeded in life, regardless of race or color, who has not received many slights and insults in that long battle to success? All who work and build, all who contribute to the well-being of our society and the greatness of our country will suffer from the barbs launched by the unthinking, the cruel, the inferior and the jealous.

Today our country and our way of life faces many serious challenges. There are and always will be those at home and abroad who for various reasons would destroy America and all that it means.

Our country and its citizens do make mistakes, but despite those mistakes our country, our society, our economy, have given more people a higher degree of freedom and dignity, a greater opportunity, the highest standard of living the world has ever known. Our country and its citizens have unselfishly assisted more countries and people than any other country that has ever existed.

America is great, the greatest country on earth. It can and must become greater, developing and growing by the spiritual strength, dedication, efforts and leadership of young people such as Gregory Gray.

The speech by Gregory Gray that electrified the American Legion national convention in Atlanta follows:

National Commander Doyle, Members of the Clergy, Legionnaires, Auxiliary Members, Ladies and Gentlemen: Our youth play a leading role in our country. As the country's leaders of tomorrow, great tasks will gradually confront our youth. The American Legion, through its dedication to peacetime service to God and Country, gives its youth participants the preparation needed for life now, and in the future through its various annual youth training programs which teach the principles of American self-government, its Baseball program, the National High School Oratorical Contest, its Boy Scout Troops, its support of Boys' Clubs of America, sponsorship of the Sons of The American Legion and, of course, its Boys State-Boys Nation program. Though youths are somewhat divided in ideas, because of organizations such as The American Legion, we are more united in our efforts than ever before. The various programs of The American Legion help teach young men and women:

To think, knowing always where we are going, why we are going, and how we're going to get there.

To know no discouragement, and to present no alibi.

To know how to lead, without being dictatorial; for true leaders are humble.

To lead for the good of the most concerned, and not for the personal gratification of our own ideas.

To play, with concern, not mainly on victory on the scoreboard, but victory as far as conquering the most difficult fundamentals of the game.

To march with the group, interpreting correctly the signs on the pathway that leads to success.

To seek the best for those we serve.

To work, looking upon all obstacles we are confronted with, not as problems, but as challenges; that we might go about solving them with enthusiasm.

To speak, remembering to always put our brains in gear, before putting our mouths in motion.

To hold our heads in the clouds, but with our feet on the ground.

Summing it all up, through American Legion programs, youths learn how to *live*. In this world of ours, what more can any institution do for a young man or woman, than to teach one how to live? In a sense, The American Legion is indirectly working to answer a particular prayer written by General MacArthur during the early days of World War II. It goes thus:

"Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.

"Build me a son whose wishes will not take the place of deeds, a son who will know Thee—and that to know himself is the foundation stone of knowledge.

"Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm, here let him learn compassion for those who fail.

"Build me a son whose heart will be clear, whose goal will be high; a son who will master himself, before he seeks to master other men; one who will reach into the future, yet never forget the past.

"And after all these things are his, add, I pray, enough of a sense of humor so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.

"Then I, his father, will dare to whisper, 'I have not lived in vain.'"

In closing, I would just like to say, praise be to God, encouragement be given to man, and hats off to The American Legion.

THE VETERANS' ADMINISTRATION PICKS NEW HOSPITAL HEAD AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. DULSKI. Mr. Speaker, the Veterans' Administration Hospital at Buffalo has a proud record of service to the veterans in our area of western New York State.

It has pioneered in several areas of hospital care and is a credit to the effort being made by our Government to take care of those who have served their country in time of war and conflict.

This week, the hospital gained a new director, Eugene E. Speer, Jr., a career employee of the VA who came to Buffalo from the position of administrator of the VA hospital in Louisville, Ky.

Mr. Speer has made a fine impression in his first few days on the job in Buffalo and we look forward to continuing progress in veterans' care at Buffalo under his leadership. He carries excellent credentials.

Mr. Speer succeeds Dr. M. Herbert Fineberg, who has retired after long service in VA hospitals. He had headed the Buffalo hospital since August 1962.

Mr. Speaker, I am well aware of the responsibilities which our citizens feel for these veterans. And, through my membership on the Committee on Veterans' Affairs, I am in close touch with the progress that is being made generally in veterans care.

I am the fifth ranking member of the full committee and am a member of the Subcommittee on Hospitals.

An interview with the new director at Buffalo, Mr. Speer, appeared in the October 23 edition of the Buffalo Courier-Express, as follows:

MAGNITUDE OF BUFFALO'S VA HOSPITAL CONSTITUTES CHALLENGE TO NEW CHIEF

(By Mary C. Rahill)

A 900-bed hospital with a $15 million budget should prove no more difficult to manage than one half that size and with half its budget, the new director of Buffalo Veterans Administration Hospital believes.

Eugene E. Speer Jr., who assumed his post Monday, said bigness and complexity are not synonymous. His previous position as administrator of the Louisville (Ky.) Veteran Administration Hospital entailed half the number of beds and half the budget of the Buffalo facility.

"The problems of management," he contends, "are about the same and on the plus side, in a larger facility you have a lot more people to help you worry about them."

Short of stature and robust of figure, Speer brings 23 years' experience to his role. He exudes the confidence of that experience when he speaks.

THREE ESSENTIALS OF CARE

For instance, when stressing the importance of research in a hospital: "Patient care, research and education have to be viewed as the three essentials of good hospital management. All three aspects are interdependent, and the end result for the patient is better care and treatment."

He added that it's sometimes impossible to attract some of the good medical men without research facilities. As for a hospital's connection with educational facilities, Speer said the best way of ensuring good patient care is to see to it that those being educated in the medical profession are exposed to the newest techniques and latest advances.

Buffalo veterans at present has 41 persons engaged in research and the hospital is affiliated in a training program with the University of Buffalo School of Medicine. Many staff physicians are on the UB Medical School faculty.

PACEMAKER DEVELOPED AT BUFFALO

The pacemaker—a battery operated device for keeping a defective heart in operation—as Speer pointed out, was developed by Dr. William E. Chaddock when he was on the staff of Buffalo Veterans Hospital.

The new director noted an aspect of management often neglected—the importance of the "pat on the back." He argued that a good administrator finds ways of extending his influence down through all the various levels of employment so that each individual comes to realize the importance of his role in the general operation.

"Regardless of the job," he said, "if it's sweeping down a back stairwell, it's necessary to the good operation of this institution. I hope to get that across."

NEED TO SAY THANKS

From his experience it's not too difficult an idea to get across to employes, he said. "It's just a 'thank you,' a word or two about a job well done, something to make them know they belong and that what they do is needed."

Within the next few months, he expects to make himself known to all of the hospital's more than 1,200 employees.

A native of Decatur, Ala., the director earned a bachelor's degree in mathematics at Athens College, Athens, Ala., and did graduate work at the University of Alabama and George Washington University.

From 1934–39 he served in the Decatur public schools as principal and vocational adviser. His entrance into the medical field came as a field representative with the American Red Cross in 1942. From 1942–46, he served in the Medical Administrative Corps of the USAAF. He entered service as a private and was discharged as a captain. He was decorated with the Army Commendation Medal with one oak leaf cluster.

JOINED VA IN 1946

He joined the Veterans Administration upon his discharge in 1946 as executive officer of the physical and rehabilitation program in the upper Midwest area. From 1951–55, he was medical administrative officer, hospital operations, at the Veterans Administration Central Office, Washington.

He became special assistant to the manager, Veterans Hospital, Augusta, Ga., 1955–57, and assistant manager of the Veterans Administration Domiciliary, Clinton, Iowa, 1957–58. He was assistant manager of the Veterans Hospital, McKinney, Texas, 1958–59, and assistant director, Veterans Administration Consolidated Center, Wadsworth, Kan., 1959–63.

He headed the Registrar Service of the Veterans Administration Central Office from 1963–66, at which time he was named director of the Louisville Veterans' Hospital.

RECEIVED HIGH HONORS

Speer received recognition awards for his work, including the Veterans Administration Chief Medical Director's Commendation in 1965 and the Agency Administrator's Commendation in 1963.

He was presented a special meritorious Commendation by the national commander, American Veterans of World War II, in 1967 and was cited by the Veterans of Foreign Wars of the United States for service and dedication earlier this year.

In his 23 years with the Veterans Administration, Speer and his wife, Jessie Pridmore Speer, have moved 13 times. They are living in the home provided by the hospital in LeBrun Rd., Eggertsville.

The couple has no children. Through the years both have devoted a good deal of time to youth activities. He likes fishing and occasionally a little golf for relaxation, and Mrs. Speer enjoys gardening. He said he would rather be involved in civic affairs. He likes working with organizations with a "definite mission and practical goals."

In the last few years, he has become interested in a special hobby, the building of electronic hi-fi and stereo equipment. He has an ambition which he expects to realize in Buffalo—that of building an organ. Does he play? No, but he will worry about that after he builds the organ.

Earlier, the Buffalo Courier-Express had an article on the retirement of Dr. Fineberg, in part as follows:

DIRECTOR OF VA HOSPITAL HERE TO RETIRE

Dr. M. Herbert Fineberg, 69, is retiring as director of the Buffalo Veterans Administration Hospital.

The physician-administrator said he and his wife, Louise, will make their home in the Boston, Mass. area. They have one daughter, Mrs. Norman Spector, of Malden, Mass.

NATIVE OF CLEVELAND

A native of Cleveland, Dr. Fineberg has been associated with VA hospitals since his discharge from the Army with the rank of colonel in June, 1946. He served with the Student Army Training Corps at Columbia University during World War I and spent five years in military service during World War II.

After a period of service as chief of medicine at the Aberdeen Proving Ground, Aberdeen, Md., in World War II, he served for two years as commanding officer of an Army hospital that moved with the troops through the Pacific. For a time, he was chief of medicine at Camp Columbia, Brisbane, Australia.

Following his discharge from the Army, he directed veterans hospitals in Dwight, Ill., Wilkes-Barre, Pa., and East Orange, N.J., before coming here to succeed Howard E. Fuller as director of the 951-bed Buffalo VA hospital.

HONOR STUDENT

Before entering the Army during World War II, Dr. Fineberg was in private practice for 12 years in Cleveland and then served as director of Beth Israel Hospital in Boston.

After a period as a student at Harvard University, where he played violin in the Harvard Orchestra, he entered Western Reserve University where he received his bachelor's and doctor of medicine degrees.

He was an honor student at Western Reserve and a member of Phi Beta Kappa. Following internship in a Cleveland hospital, he was a resident in internal medicine in Montefiore Hospital, New York City.

Dr. Fineberg is a diplomat of the American Board of Internal Medicine, and a fellow of the American College of Physicians and the American College of Hospital Administrators. He belongs to the American Medical Assn. and is assistant clinical professor of medicine at the University of Buffalo Medical School.

ELIMINATING THE SOURCES OF ILLEGAL DRUGS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, international law consists of a body of rules governing the relations between states. It is a system of jurisprudence which, for the most part, has evolved out of the experiences and the necessities of situations that have arisen throughout the world from time to time. It has developed and progressed as civilization has grown and advanced. International law has been the framework for foreign policies and actions with the increasing realization by nations that their relationship, if not their existence, must be governed by and dependent upon rules of law that are fairly certain and generally reasonable. Prof. J. L. Brierly in 1936 wrote:

> We must expand our interpretation of the term "international law." We must cease to think of it as merely a set of principles to be applied by courts of law, and understand that it includes the whole legal organization of international life on the basis of peace and order.

But what happens when a state encounters a situation that does not fall within the contemporary conception of international law's jurisdiction and yet effects the relationship between nations. Specifically, I am referring to the tremendous domestic difficulties in the United States directly brought about by the illegal importation of narcotics into it. How should the United States protect its citizens from this evil when the countries where the narcotic materials originate cannot or will not take measures to eliminate the source of supply? What action should our Government take to combat it? What should our approach be to the foreign ministeries of the other countries involved?

Undoubtedly, we must strengthen our port of entry surveillance and detection procedures. We must also crack down on organized crime here within the United States. We must work to identify the underlying causes of narcotic addiction and drug abuse and then eliminate them. These, however, are domestic actions. We must also deal with Mexico, Turkey, Syria, Lebanon, Nepal, and other drug-producing nations. International law provides some assistance in combating the problem but it is not the proper vehicle for action within those countries. Our State Department must take cognizance of the fact that in certain areas, cultivation of the poppy is a legitimate agricultural endeavor of that region and has been an honest enterprise for the natives of the area for generations. While it is to the benefit of the United States to destroy the sources of illegal supply, we must not simply demand the destruction of the livelihood of thousands of, in their own society's terms, honest and hard-working farmers. The Agency for International Development has acted as our agent in this area and has taken steps to establish viable farming enterprises to replace destroyed narcotic-producing crops. Through diplomatic channels our concern is communicated to the law enforcement agencies of these nations. National and international police agencies are cooperating to stop the worldwide traffic in narcotics, including Interpol, the Sureté, and Scotland Yard.

But not nearly enough is being done. We are dealing with a coordinated international criminal organization, the affluence of which is staggering. Foreign policy considerations must take this into account. Graft and corruption of officials is a favorite modus operandi, the method of operating of this sinister criminal brotherhood. Multimillion dollar profits are reaped by it from illicit sales within the United States and Western Europe. Many addicts need $150 a day to support their habit. And the only way for them to raise that type of money is to burglarize homes, rob stores, and assault people on the streets. Thousands die because of overdoses and innocent people cannot walk the streets of our cities without fear. The situation is intolerable and must be corrected. To do so requires a concentrated domestic effort. It also requires a coordinated international attack on the globetrotting hoodlums responsible for bringing death and misery to thousands.

Our allies and friends must help us defeat this profitable conspiracy of the underworld. They must act within their own environs to destroy the drug source. We must help them, providing the economic assistance necessary to divert the growers, who receive little money for their stock anyway, to other more profitable and acceptable crops. Our Treasury Department agents, our customs personnel, our FBI operatives must coordinate their efforts with not only Middle Eastern and Southeast Asian nations, but with European law enforcement agencies and Far Eastern police departments as well. It is a worldwide problem and it is time for the world to declare war on the underworld, on these, the international peddlers for profit of disease and death.

AIR TRAFFIC CONTROL

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. LUKENS. Mr. Speaker, every American is concerned about the future of air traffic control and the apparent lack of air traffic safety in many instances.

I have had the occasion to appear on the Dennis Wholey television show and have been very impressed by this young man's depth and concern for public causes. Recently a former air traffic controller, James Knecht, who worked at the Indianapolis airport, the site of a recent major air disaster, appeared on the Dennis Wholey show. I believe that Members of this body would be very interested in the transcript of this public interview with a gentleman who used to be involved daily with air traffic safety.

For the information and possible use of my colleagues and the average air traveler, I include the transcript in the Record at this point:

Interview Air Traffic Controller James Knecht

Dennis Wholey. For a long time, we've been hearing newspaper and television reports about air traffic controllers, and their job, and sometimes the slowdowns that they've caused, supposedly to make flying safer for those that fly.

I have with me a gentleman by the name of James Knecht. Mr. Knecht is a former air traffic controller, because I understand, Mr. Knecht, that you have been fired from your job at the Indianapolis Airport. Is that correct?

James Knecht. In essence, that is correct. About the only thing I do right now is answer a telephone.

Wholey. Um-hmm. Let us go back and investigate that crash. I understand that you had just gone off duty about a half hour before the crash. Is that true?

Knecht. That's correct. I got off at three; the accident occurred at approximately 3:30, and by four o'clock I was contacted by the national office of the NAGE—National Association of Government Employees, and they asked me what went on and I'd already made some checks, and I informed them that the information available to me indicated that it was the fault of radar—lack of good radar—that prevented the controller involved from seeing the smaller aircraft, and, as a result, he could not warn the larger aircraft of the presence of the smaller, and they collided, and I made a statement before the press about the quality of our equipment. I specifically stated that it was in essence a killer radar and that because of poor radar, people had needlessly died.

Wholey. Um-hmm. Let's kind of jump around for a moment. About how many major airports are there in the country?

Knecht. There're approximately 100 airports that you might call major. The degree of importance varies, from the busiest, at O'Hare, to some of the medium-sized facilities as at Indianapolis and here at Cincinnati, also.

Wholey. And how many air controllers are there that work these airports throughout the country?

Knecht. The total number of air traffic controllers such as myself—those people that actually separate aircraft—try to keep them from running together—is approximately 8,900—roughly. And this includes the control tower operators, and the aircraft control center operators.

Wholey. Now, do they work in different locations? I don't quite understand what they do.

Knecht. Well, the differences in their area of responsibility: in the control towers, they're responsible for the aircraft immediately around the airport or landing at the city or departing, and the center takes care of them while they're flying between cities.

Wholey. I see. I understand that now. Now, how many planes might be in the area of one airport at one time—say an airport like Indianapolis?

Knecht. We might have, normally, six to ten controlled aircraft, and fifteen to twenty or more uncontrolled within a 20–25 miles radius of Indianapolis Airport.

Wholey. What is with the radar that are in most airports? We don't want to frighten people that fly, but from talking, I suppose, with other controllers that you must do from time to time, what is the quality of radar control? What are the chances of crashes at these 100 airports around the country?

Knecht. The quality, in our opinion, is substandard, because there are weak spots and there're spots where we cannot see aircraft. I've seen some very large aircraft, supposedly, five miles from the radar antenna, and they're not apparent on the scope. The danger of collision increases every day—every day.

Wholey. Because of the added air traffic?

Knecht. The number of aircraft that we're trying to control with the equipment and the number of people we've got—the equipment nor the amount of people.

Wholey. Now, there was a very serious accusation made in newspaper articles that I had read about that particular plane crash, that the controllers at the Indianapolis Airport had advised the FAA as to the poor quality of radar some months prior to that, and that the FAA had investigated and found that those complaints were indeed legitimate and yet, nothing was done. Do I understand that correctly?

Knecht. Yes. Air traffic controllers—I've been in this business quite a few years, and we've constantly complained about the quality of the radar, the radios, the entire system, because it just isn't adequate to handle today's traffic, and the only thing that keeps it as safe as it is is the air traffic controller himself. He constantly has been complaining to his supervisor, to the FAA, his employer, about the system, about the equipment, and as a matter of routine, the FAA flightchecks their radar. They take a small aircraft out—or a large one, as the case may be, and they actually run certain patterns and watch it on radar and grade the quality of it, and in this particular system, about four months ago or so, in April, approximately they took a small aircraft—a Beechcraft Bonanza—and ran a flightcheck, an extensive flightcheck, and they said right then and there that they couldn't see him in all cases. This is a matter of their own records.

Wholey. Well, now, to force the issue—and you're probably not the person to answer the question—why, if they ran this check, did they not correct it? Why didn't they correct it?

Knecht. That is an excellent question. An excellent question.

Wholey. Who does one put that question to, though?

Knecht. The law, the 1958 Federal Aviation Act, commissioned the FAA with air traffic safety.

Wholey. Um-hmm?

Knecht. I think it's rather specific. It says the FAA's in charge of air traffic safety.

Wholey. Well, now, the FAA is a governmental agency, and air controllers, I was surprised to find out, are also governmental employees.

Knecht. Yes. There are very very few non-government air traffic controllers in the United States—very few. Probably less than a hundred.

Wholey. So—but I mean if you're in the government already, who do you complain to to get something done?

Knecht. We have been complaining to the government, to the branch that we work for, the FAA, for years. And now we're starting to talk to Congress, because these people control the purse strings that would provide us with the money that's needed to buy this radar.

As an example, a radar installation, including the transponder and the communications for it, installed, costs a little bit less than a million dollars. Now, the more elaborate, the better gear, is going to cost more money. That price I gave you was on current equipment, but we're talking about a program here of systems that need in the neighborhood of five billion dollars now.

Wholey. Throughout the country.

Knecht. Right. Throughout the country. It's going to take $25 billion over the next ten years if we're going to guarantee that people are going to live when they take off from here and they go to there.

Wholey. How many hours a day does a controller work?

Knecht. Eight hours a day.

Wholey. But now what I've heard of the people who work the New York airports is that they complain of putting in twice that amount of time sometimes.

Knecht. Ten-hour days in some areas are not uncommon at all, six days a week. Not uncommon at all. And it's pathetic. You work the position for eight solid hours or ten solid hours without relief, and in some cases, when I was working in the Air Traffic Control Center, I would take my lunch home with me—not enough people to provide relief for lunch. Been too busy to cut down the staffing temporarily so that people can get out for lunch.

Wholey. Do you see any hope for the immediate future as far as—I had a curious reaction. Many people from the Cincinnati area died in that crash, and the controllers have been kind of in the public eye for the last year or two, because of slowdowns and walkouts, especially in the New York airports. I had a curious reaction when I saw it, that possibly this plane crash might be the single thing that would trigger some good. Do you see that as a possibility?

Knecht. Hopefully.

Wholey. I mean . . .

Knecht. Hopefully.

Wholey. . . . that's a very hard thing for me to say when, you know, families . . .

Knecht. Right.

Wholey. . . . of those people . . .

Knecht. Right.

Wholey. . . . may be watching.

Knecht. But all air traffic controllers are gravely concerned about air traffic safety, and this is why there's been such an uproar coming from air traffic controllers in the last year or so. We've finally realized that our branch of the government, the FAA, apparently isn't going to do anything about it.

Wholey. So what you're suggesting is we need better radar, more men . . .

Knecht. Definitely. We need twice the men . . .

Wholey. . . . Highly trained . . .

Knecht. . . . that we have right now.

Wholey. Highly trained men, and better working conditions, and in that, I mean number of hours . . .

Knecht. Right. Right. Very definitely. As an example of the pressure that's put on an air traffic controller about this time a year ago, a 32-year-old man in Kansas City Air Traffic Control Center died of a heart attack on duty after a very heavy period of traffic. Thirty two years old, on duty: he just fell dead.

Wholey. How do you think that we could do something with the power of this program or . . .

Knecht. Congress has . . .

Wholey. . . . through the medium of television?

Knecht. . . . before it a bill—a user-tax bill—wherein those people that use the system will pay for it, and they want the public to be willing to pay this tax: when you buy a ticket, an airline ticket, you pay a tax on that ticket. If you own a private aircraft and you buy gasoline for that aircraft, you'll pay tax on that gasoline, and this can produce $2½ billion a year. Congress wants the public to be willing to shoulder the burden of this additional tax, so the people can write to their Congressman for as little as six cents on a stamp, for as little as a dollar with a Western Union telegram . . .

Wholey. You did say—you were saying airmail stamp . . .

Knecht. I was almost ready—most of the first class mail goes by air mail.

Wholey. Yes. I just found that out the other day.

Knecht. And they can write to their Congressmen, tell them that they want air traffic safety, if they're really. . .

Wholey. I suppose that. . .

Knecht. . . . willing to pay that extra three dollars on the airline ticket or extra ten cents on a gallon of gas.

Wholey. I'd be glad to pay it.

Knecht. Because I ask private pilots and the general public: how much is your life worth? Is it worth three dollars to you? Or ten cents on the gallon of gas?

Wholey. I've flown quite a bit in the past, and every single—well, you get to talk to the stewardesses on the plane more than ever talking to the crews; maybe at the end of a ride you might. . .

Knecht. Yeah, right.

Wholey. . . . thank the crew or say something to them on the way out, but being in the kind of business that I'm in, I sometimes will introduce myself to crews and pilots and always to the girls, and ask them, "do they sympathize with the controllers," and I've not yet found one crew member or anyone who consistently flies who knows the inside of the story that you have been telling us, who has anything negative to say about the position of the controllers.

Knecht. That's correct. There was a documentary on one of the national TV outlets, and they—it was about air traffic control and the problem with it, and a TWA pilot, a transcontinental pilot, stated that he wouldn't have an air traffic controller's job for twice his salary, and that would be between $50 and $60 thousand dollars—twice his salary.

Wholey. And now, because you have spoken out on this, to newspaper people and now on television, you're a telephone operator? Is that what you told me before?

Knecht. That is correct. I—that's all I do, is answer telephones. I—the criticism I have voiced is not new; by fellow air traffic controllers have been saying the same thing for years. I realized that because of this accident attention would be focused on air traffic control systems, and I said, "I hate to see those people die, but I think it's even a bigger disgrace if they die without any good coming from it," so I must speak out now, that unless we change this system, more people will die in accidents quite similar to this, and in accidents where two airliners are run together, and it's just a matter of when and where, and if it's far enough into the future when the jumbo jets are flying, it is quite possible that two jumbo jets will collide and six to eight hundred people will die needlessly, because we know now that the possibility exists and we know now how we can eliminate this possibility. It takes money; it takes work; and the ideas are present. They have been present for quite some time, but I cannot honestly say that the FAA has done its level best to assure air traffic safety.

Wholey. Thank you, Mr. Knecht.

THE NATO COMMITTEE ON CHALLENGES OF MODERN SOCIETY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. FINDLEY. Mr. Speaker, the President's message to Congress on legislative programs did not, of course, deal extensively with foreign affairs or overseas programs.

But it did refer to a "great goal of this administration"—and part of that goal was "to make old institutions responsive."

I want to call briefly to the attention of my colleagues one example of what this can mean in the international field.

One of the first things President Nixon did after taking office was to visit Europe—and his first stop was the North Atlantic Council in Brussels. The President said in effect that he wanted to raise the level and quality of political consultation in the council—that his administration wanted to listen to the views of our allies before reaching fixed policy positions. The allies were responsive, and we have since had highly successful consultations on the question of the East-West strategic balance, preparatory to negotiations with the Soviet Union on strategic arms limitations.

In addition, the allies are now seriously engaged in working out concrete proposals for balanced mutual force reductions in Europe—against the day when the Eastern side is ready to discuss this subject.

Finally, the President proposed that the NATO allies start considering how to deal cooperatively with problems common to modern industrial societies. A preliminary conference already has been held, further work is being done in 15 capitals, and a decision will be made by the ministers in December on how best to proceed in new areas of common concern.

Mr. Speaker, it seems to me that this is an excellent example of what can be done "to make old institutions responsive" to new conditions and new opportunities.

I am including at this point the very excellent remarks of Dr. Daniel P. Moynihan at the North Atlantic Assembly:

THE NATO COMMITTEE ON CHALLENGES OF MODERN SOCIETY

(By Daniel P. Moynihan)

There is to be encountered in one of the novels of Benjamin Disraeli a gentleman described as one "distinguished for ignorance" as he had but one idea and that was wrong. As with much else, this curiosity of the 19th century has become rather a commonplace of the 20th. It is the nature of the complex technological societies that have developed in our century that no one thing about them is so specially and importantly true that other truths are of necessity subordinate. This in turn has had its effect on the way we think about our societies, of those problems we inherit from the past, and those we have created in the present. Every truth has its antitruth, its qualifying truth, its mediating truth. Hence the only certainty is that the man with a single truth is not only sure to be wrong, but likely to be disastrously so.

It is in this spirit that I rise to address the North Atlantic Assembly, conscious both the honor of doing so, and the trust, implicitly imposed and explicitly acknowledged, that in speaking of the Committee on the Challenges of Modern Society, to be established as the newest subsidiary body of the North Atlantic Treaty Organization, I shall do so with careful regard to the earlier and still primary tasks of the Alliance, and also of the necessary interrelationship among all its activities.

The proposal for the creation of the Committee was, of course, first put forward by President Nixon in his address last April on the occasion of the twentieth anniversary of NATO. "The industrial nations," he declared, "share no challenge more urgently than that of bringing 20th century man and his environment to terms with one another—of making the world fit for man, and helping man learn how to remain in harmony with his rapidly changing world."

Article II of the North Atlantic Treaty may have envisaged such activity, pledging the parties to cooperate in "promoting conditions of stability and well-being." But that was 1949, and for Europe, as for much of the world, stability and well-being meant military security, combined with the rudiments of economic recovery. It is only as these two conditions have gradually been secured, especially that of economic growth, which is to say technological development, that a third dimension of the great Alliance has emerged not only as a feasible and possible effort, but increasingly as an urgent and necessary one.

Military defense and political consultation are, and will continue to be the first functions of the Alliance. But the time clearly is at hand to add a third dimension, provided for from the outset, but only now emerging as a concern and activity in its own right. That the United States regards this as a matter of the highest importance will have been obvious from the President's proposal, and subsequent consultations that have taken place with Allied governments. It would seem important, however, to go beyond the simple assertion of this concern to a fuller explication of it.

There could be no more appropriate forum in which to do so than the North Atlantic Assembly. It is, in general, the tradition of our democracies that the executive branch of function in government is accountable to the legislative component, and that this responsibility is in part met by periodic expositions as to what is proposed and why. The North Atlantic Assembly, if not the parliament of NATO, is unquestionably composed of NATO parliamentarians. It is owed a measure of accountability: by virtue both of the general principles of governance which shape and inform our actions, and of the specific nature of the work of the Committee on the Challenges of Modern Society which will require, in such great measure, the assent, support, and judgment of the legislatures of our several nations.

In speaking to this point, I would hope to reflect, without of course in any way committing, the views of the representatives from other nations with whom I was associated in the meeting of the Preparatory Committee that drew up a charter for the Committee on the Challenges of Modern Society.

The first and continuing challenge of modern society is to safeguard freedom and, in an important sense, to expand it. The history of freedom in the Western world is not that of a fully formed idea gradually winning wider and more complete acceptance. To the contrary, the meaning of freedom, the content of the idea, has evolved through two early stages and is now manifestly entering a third. This evolution has been from simple to complex forms. It began with the securing of personal liberties for the individual. It went on to the assertion, and gradual establishment, of political liberties of the kind we associate with the democratic state. It has now moved beyond that into the elusive, often ambiguous, but extraordinarily challenging effort to provide a quality of life that releases the unique potential of every individual while maintaining a coherent and sustaining sense of community that binds one individual to another.

It will be evident enough that this is not an easy thing to do; it is not even an easy thing to define. But neither, then, were civil rights, or political freedoms, in the eras when they were evolving in the face of persistent incomprehension, hostility, and resistance. (Attitudes that continue to rule in far too great a portion of the world today.) What is different, what is singular, about the evolution of this newest dimension of freedom is that it is so extraordinarily dependent on the element of time. This is new; different. It is a fact, moreover, indispensable to an understanding of the challenge before us.

The newest dimension of freedom arises in the context of advancing technology. More accurately, it arises *from* advancing technology. First the folk technology of the early industrial revolution, and later the ever mounting and more systematic application of scientific knowledge to practical problems, has created an almost worldwide vision of societies of material plenty in which individual men become all they are capable of being. Personal liberty and democratic government would be the preconditions of such societies, but their unique achievement would be measured by the degree to which the men and women comprising them lived large, creative and fulfilling lives. This is a very large vision indeed. The difficulty with it is that it exists in the context of time constraints that make it, for a vision at once so powerful, also extraordinarily fragile. This is so, in a word, because the technology that created it only hours ago, in the history of mankind, threatens to destroy it only hours from now. Therein lies the difference between the evolution of this dimension of freedom and that of earlier ones. If *habeas corpus* was slow in coming, the reality, once it did arrive, was not diminished by the time that elapsed. And if thereafter it disappeared in this place or that, it could still return, again undiminished. Much the same can be said of the processes of political democracy. We have seen democratic societies broken, only to be made again and made whole. But technology has seemingly little patience with mankind. It seems to be offering us everything or nothing, and demanding that we make our choice almost this very moment.

There is, I believe, a not especially complicated explanation for this. Just as advancing technology has given rise to the central social vision of our age, so also has it become the central problem of the age. In massive and dominant proportion, the things that threaten modern society are the first, second, third, of whichever order effects of new technology. It is not that man has changed, has become any more irrational, any less inhibited by concerns of moral right and wrong. One must assume that man is no different now than he has ever been with respect to these primal failings. What has changed, simply, is that technology has created a world situation in which irrational and immoral behavior can and does lead to cataclysmic consequences. For a quarter century now, mankind has lived with the possibility of the ultimate technological disaster, that of the nuclear holocaust. But more recently, it has come to be perceived that this would be only the most spectacular of the fates that might await us. The perils of the modern age are wondrous and protean, and if anything, accumulating. An ecological crisis is surely upon us; and developing at quite extraordinary rates. Thus we may expect that by the year 2000 the carbon dioxide content of the atmosphere, the result of the burning of fossil fuels, will have increased by a quarter. This *could* raise the temperature of the earth's atmosphere by 7 degrees Fahrenheit. *This* would likely raise the level of seas by ten feet. Thereby solving some of the urban problems of the world, but hardly improving the circumstances of mankind. No one is certain, of course, that this will happen. The computer will doubtless figure it out but has not yet done so. In the meantime, alternate theories, and some evidence, suggest that the earth's albedo is being affected by pollutants in such a way as to *lower* temperatures. Fire or Ice, as Robert Frost said. Either way, trouble.

In another area, the population trend makes its steady way toward cultural, if not biologic, catastrope, and very possibly to both. Examples abound. A publication of the European Cultural Foundation, headed by Prince Bernhard of the Netherlands, recently observed that industrial technology, which was the creation of European civilization, had become the foremost threat to its survival. As much or more may be said of the United States. Technology has been the great American art: the true Apollonian passion of our people. (I speak, *pari passu*, as a member of the American Philosophical Society which Benjamin Franklin founded in 1743 in Philadelphia, not for the pursuit of large abstractions concerning man's fate, but rather, in the words of our charter, "for promoting *useful* knowledge . . . .") Our passion has rarely flagged, and it may, I think, be fairly stated that few peoples have been more successful in that quest. Nor got more things they hadn't bargained for. (Only three days ago a symbolic pinnacle of sorts was reached. The Secretary of Health, Education and Welfare announced that an ingredient in soft drinks used by millions of Americans to ward off the perils of overweight in an affluent society has on closer examination turned out with disturbing frequency to cause cancer in animals.)

Increasingly these separate phonomena are seen and described as crises. Yet it would be the most profound mistake to view them separately. In the worlds of the American physicist John Platt, "There is only one crisis in the world. It is the crisis of transformation." That is to say, of the change wrought in society by the introduction of technology. "Technology," Platt continues, "did not create human conflicts and inequities, but it has made them unendurable." And it has raised questions as to whether man himself will endure. Some years ago Leo Szilard estimated the half of mankind—to employ that useful term of the nuclear physicist—at something between ten and twenty years. Platt would argue that situation is worse today.

I think multiplication of domestic and international crises today will shorten that short half-life. In the continued absence of better ways of heading off these multiple crises, our half-life may no longer be 10 or 20 years, but more likely 5 to 10 years, or less. We may have even less than a 50–50 chance of living until 1980.

And yet our situation, if sorely pressed, is anything but hopeless. To the contrary we may be approaching the levelling out point of a great S curve. If we get through the next thirty years or so we may just have accomplished that great transformation, whence we would enter a new period of stability offering the utmost promise for mankind.

There is no reason this should not be so; no reason the outcome should not be that. But such deliverance is not certain probably not even likely to come to pass if modern societies do not begin a quite unprecented effort to ensure that it does. The impact of technology on society can only be mediated by the effective use of government. This amounts to saying that modern government must be made to direct itself to these issues, and to do so successfully. It must be made to work.

It isn't working very well. Or perhaps the more accurate thing is to say that it isn't working well enough. There is, I would hazard, hardly one of our nations that is not seized with the extraordinary difficulty of making modern government work: of bringing about the actual results which the societies in question desire, and which they were thought able to command.

Why is this? Again I think there is a not especially complicated answer. Modern governments fail because they are not modern. They face the problems created by technology with the mentality and the organization of a pre-technological society.

A variety of responses can be made to such a condition: all but out of which would seem doomed, even committed to failure. The demands on pre-technological systems of government cannot be met by rendering them even more simplistic and disoriented, or yet by making them more rigid and ideological. Only technology can cope with technology. What science has wrought only a higher science can reshape.

Modern government requires first of all the application of knowledge to problems. It requires, if you will, the art of technology. The essence of that art is the steady production of new knowledge, and the rapid transition from new knowledge to new realities in the form of changed technology. The task of government is to keep abreast of such new realities, which is to say that government has got to learn to respond to new knowledge at at least something like the rate at which technology does. Otherwise technology is always ahead on creating problems, and government is always behind on resolving them. (To take the process a further step, modern government must learn to respond to technologically induced difficulties with something of the same economy of talent that technology has devised. We cannot go on devising government arrangements that only extraordinary men can make work. Most of the work of the world has to be done by men of average endowment, energy, and social vision.)

Each of our governments is in one way or another struggling with this situation. With the advent of the North Atlantic Alliance Committee on the Challenges of Modern Society, however, it becomes possible to introduce a further measure of international cooperation into such efforts.

Why NATO?

There are any number of complex and subtle subsidiary answers to this query, but the primary answer could not be more direct: because it is there. NATO is unique. For almost two decades now it has carried on, at ever increasing levels of complexity, a massive system of technology transfer. There has been no such sustained experience in the history of the world. If technology is the issue, NATO is uniquely the forum in which to raise it. Moreover, if the issue is one of pressing urgency, which somehow does not seem to command the attention it deserves, NATO is doubly appropriate, for here is an institution which year in and year out has been able to command attention and response at the highest levels of government.

What are the specifics?

This will of course be for the Council of NATO to decide, having received proposals from the Committee, but the interests of the Allies are already emerging. They deal with the degradation of the environment through pollution, the complex interaction of technology on individual and group motivation; the compelling issues of nutrition; the pressing matter of population growth and the use of space. It may be possible, for example, to begin a systematic inquiry into the impact on modern society of the automobile, which may be said to have had led to more of what economists call externalities than any phenomenon of the age save modern warfare itself. Surely it will be necessary to consider the whole matter of inadvertent weather changes. And very early one would hope to see some recognition of the matter of ocean pollution, for the North Atlantic itself is no more immune to environmental degradation than the now pathetic streams that once proudly flowed by the great cities of our nations. But examples abound, the question is really one of operating procedure.

Our opportunities are twofold. First we can envision a kind of trade springing up among the Allies. The law of comparative advantage can come into effect: as one nation learns better to cope with this problem, another with that, these abilities can be exchanged to the benefit of both. To some extent this process already takes place: ours are anything but closed societies, and two decades of the Alliance have brought them much closer together. But the great fact of the age is that time is short, and governments get about their business with far greater urgency and effectiveness than they have done. The second benefit will come from common undertakings, agreements to act in concert with respect to this or that difficulty or opportunity as such present themselves. This has been the great feat of the Alliance with respect to matters of defense and political consultation. It can become a not less important feature of our response to the common peril of a threatened and threatening environment.

Perhaps our first need is to develop far more complex and yet workable analyses of just how our economic, social and political systems work. The possibilities of technology, the requirements of society, and the structure of policy making have to be coupled with far greater sensitivity than has ever been the case in the past. (This is not at all to suggest that any one component must direct the other, but only that they must be related. In the words of President Kennedy: "Scientists alone can establish the objectives of their research, but society, in extending support in science, must take account of its own needs.") In doing so, these couplings become critical: more interesting and in ways more important, as Dr. E. Pestel of the NATO Science Committee has observed, than the components themselves. An enormous task, but it is almost the nature of technology that what can be described can be created, and we should not in the least doubt that it is something we can do if we will it.

It is at all events, the view of the American government that we can and should. Not every nation will see the Committee on Challenges of Modern Society in these terms, and the committee when it comes into being will not only reflect the views of all governments, but will doubtless evolve in ways none can now foresee. (Most certainly for one thing it will be the desire of many nations to see that the activities of the North Atlantic Alliance CCMS draw upon and add to the work of bodies such as the Organization for Economic Cooperation and Development. Hopefully the CCMS will lead to much wider and more general forms of international cooperation, looking, for example, to the United Nations Conference on the Environment to be held in 1972.)

It would be unforgiveable to announce results before the Committee has even met. It is precisely such avoidance of reality that has brought us to this time of immediate if only dimly perceived crisis. But the committee will meet; efforts will begin; results will or will not follow. In President Nixon's words, those results will in no small measure determine our ability "to enhance our environments rather than destroy them." As mankind itself is part of those environments, the full implication of the outcome would seem evident.

AN URGENT NEED FOR SOME RATIONAL THINKING

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. FISHER. Mr. Speaker, in this time of emotionalism and panic concerning the war in Vietnam, there is urgent need for some rational thinking. America is at the crossroads and history is to be the judge of our capacity to deal with an extremely difficult situation.

In a recent article written by Ward Just he gives us something to think about. He concludes that the solution of Vietnam cannot be oversimplified; that we must face up to a responsibility that cannot be escaped. This discussion by Mr. Just is very thought provoking, and should be widely read. The article follows:

A REBUTTAL

(A commentary by Ward Just)

I suspect that Nicholas von Hoffman is right when he says that people in their heart of hearts don't care whether we bug out, run out, march out, stumble out, crawl out or fade out of South Vietnam. Who wants to negotiate about cancer? He is talking about a substantial minority in this country, people who have had it, as the President once said in another connection, up to *here;* thus frustrated, convinced the nation is acting immorally, they want to quit.

It would not be difficult to do, and sure as shooting there is a paper in the White House describing the scenario, how Kennedy and Johnson were responsible for the war, how Nixon, Kissinger and Company gave it the good college try but saddled with an impossible Saigon government and an intransigent and seemingly inexhaustible enemy, had concluded, for the good of the country, that losses must be cut. Add a few juicy charges of past mismanagement of the war (God knows there is enough evidence of it), and conclude that the South Vietnamese must now proceed on their own. America has done all it could, and Godspeed to the survivors. And the kids and their parents are pacified. They won't have to go to war in South Vietnam.

It is a pointless exercise to argue the politics of it, whether or not the loss of Vietnam will lead to the loss of Waikiki or even of Bangkok. Even so, that's a detail—arguable either way with most thoughtful men probably believing that yes, a loss in Vietnam probably means the "loss" of Southeast Asia, but if it did, when it might, so what. Southeast Asia, like China, is not our's to lose. "In the last analysis it's their war," President Kennedy said, blah blah blah. So it is necessary to set up the argument another way, to make it relevant, as they say, to what's happening now. This is to speak of the war in terms of its morals, and to do that is to examine it from the perspective of the Vietnamese.

Many of the Americans who so vehemently oppose the war do so from the position that the United States has virtually destroyed what it has tried to save. It is a fair point and an accurate one, far fairer and more accurate than they might suspect.

The Vietcong had all but won the war in early 1965, before the introduction of American combat troops. The test of strength was decently fair, with the indigenous Southern army with American support fighting the indigenous Southern guerrillas with North Vietnamese support. It seemed clear then that the Communists had the support of the people of South Vietnam. Theirs was the strong tide, and in that Buddhist nation, a nation with an ear tuned to the flow of history (in American political argot it means riding with the winner), the strong tide was the one that would win. The ordinary citizen, not wishing to be out of harmony, would go along; to refuse was to commit an unusual act of defiance. Defiance in that sense is not the Vietnamese way. So in 1965 the Saigon government was playing out a very weak hand, with little support in the country.

The Americans changed all that, first with the money and the men and then, in 1966, by taking charge of the prosecution of the war. What that did was free the South Vietnamese from the necessity for choice. The Americans ran the war now, and the South Vietnamese were obliged to go along with it—whether they wanted to or not. Many of them did. Others did not. Some of those who had managed to sit on the razor's edge were now forced to ante in with the allies. In a society as astoundingly resilient as South Vietnam's, many more continued to play both ends. But it became increasingly more difficult as 100,000 men became 200,000 men and finally half a million and $30 billion a year. What this means is very simple. It is that the responsibility for prolonging the war is this country's, not Saigon's nor Hanoi's.

The problem is that the tragedy is much, much deeper than Nicholas von Hoffman and others would have it. It would be wonderful if we could just walk away from it, pull the boats up to Camranh Bay and steal away into the night, leaving Saigon and Hanoi to work things out their own way. But if you did that you would want the journalists to leave along with the soldiers because the stories that would come with the Communist victory would be pretty grim stories, 20 years of scores to settle.

Our responsibility is not to Thieu or Ky or any of the other generals or merchants, nor is it to the South Vietnamese constitution nor to Freedom, nor even to the Americans who have died there, almost 40,000 now and 250,000 wounded. The responsibility is to those South Vietnamese who have been obliged to fight or otherwise resist the Communists because the Americans disturbed the normal course of events and changed the war. That is why the responsibility goes so deep, and it is a responsibility that will not be discharged by importing three million Vietnamese and parking them in the middle of Utah. But it is either that or stand by and watch the slaughter. Of course there may be no slaughter. Possibly not, but I know of one who would make a bet on that. Twenty years of scores to settle.

That is not an argument bound to find much favor anywhere, because the Vietnamese are not nature's noblemen and we have had them around our necks for too long. For God's sake, for how much longer are we going to pick up the morning paper and find Vietnam all over page one? Whoever heard of Danang before 1965? The bitterness and anger sifts down and finally people say the hell with it. Get out, get out; get out, and we don't care how; get out, and get out right now; get out, or we'll blow the house down. And we don't care what happens later. What happens in the future doesn't matter, because nothing could be worse than the present.

But huh uh, kiddies, it don't work. This particular tragedy isn't going to go away because American college students are excused from duty in the rice fields. It's there with us now, and is going to be there for a generation and the question the moralists ought to ask themselves is where they intend to assign the responsibility for the blood left in the wake of the American boats, pulled up there in such haste at Camranh Bay. When the newspaper displays the photographs of those killed, what do we do then? Avert our eyes? Blame Lyndon Johnson? Perhaps pretend it isn't as bad as it looks, that the victims are war profiteers, or corrupt generals, or pimps or double agents. To the neurotic young it won't matter; American imperialism will be to blame, and that will be that. But what of the rest of us?

All we can do now is play out the tragedy, and try to learn the right lessons. On the ground in South Vietnam, revise the rules of engagement, initiate a cease-fire, keep withdrawing troops, but keep security as well; try to keep people alive, our and theirs; wind all of it down, but in the winding be mindful that there are people whose lives are at the mercy of the Americans. What is entirely misunderstood in the current flight from reality is that this war is not Kennedy's war or Johnson's war or Nixon's war, it's America's war and we all bear some responsibility for it, and for its decent resolution. And the heroes of it are not in Sweden. The heroes are dead.

Our accountability to the South Vietnamese is not without end, but it is there for the immediate future. That is the price you pay for undertaking the direction of someone else's life. What extraordinary courage and toughness it will take now for Americans to be decent.

LASPAU

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. CONTE. Mr. Speaker, this is a crucial time in our relations with Latin America. The course of events down there attests to just how crucial this period is.

President Nixon recognizes this. On October 31, he will release the Rockefeller report. I am hopeful that it will go a long way toward readjusting U.S. policy to the realities of the current situation in Latin America.

It seems clear to me that our foreign aid program plays a big part in our relations with Latin America. I have studied this program closely during my 11 years on the House Appropriations Subcommittee on Foreign Operations. One thing I have learned is the importance of self-help measures geared to the needs of the people.

The Latin American Scholarship Program of American Universities, or LASPAU, is just such a program. Under it, Latin Americans study at U.S. universities in preparation for a teaching career back in their own universities. It is a good program, and it has worked well.

Mr. Speaker, I would like at this time to include some remarks that I prepared on LASPAU and on the Alliance for Progress:

SPEECH OF HON. SILVIO O. CONTE

I am honored to be with all of you at LASPAU's Third Annual Meeting. You have a tremendous program, and are to be congratulated for doing such an excellent job.

I only wish we had more AID programs like LASPAU. It represents a cooperative self-help effort at its finest. This is the way our foreign aid program should—and hopefully will—be moving. So in one respect, I look upon LASPAU as leading the way.

The goal of the program is noble—to strengthen the teaching staffs of Latin American universities.

The way the program is working out is equally admirable. At the moment, 75 percent of LASPAU students are pursuing studies declared to be of the highest priority to Latin American development—science and technology, teacher training and educational administration, and agriculture.

The Foreign Operations Subcommittee, on which I have sat for 11 years, is generally not known for its praise of the foreign aid program. However, in our report on the fiscal 1969 bill, we specifically noted the success of LASPAU and urged maximum funding for the project.

Those of you who read these reports should recognize that this was a rare and high compliment. I think special credit should be given to David Henry for his fine contributions to this project. Without it, such support would probably not have been forthcoming. I hope similar action will be taken on your $3.1 million request for fiscal 1970.

Earlier this month, the highly acclaimed Pearson Commission Report was released. This comprehensive study of foreign aid comes at an important time—a time when, the report notes, enthusiasm for foreign aid is dwindling just as the drive for economic development is beginning.

The Pearson Report also gives a good answer to the question of "Why Aid?" when it appeals not only to morality but also to enlightened and constructive self-interest.

No country in the world has given out in aid what the United States has. From 1946 through 1968, our Economic Assistance Programs totaled $94.7 *billion*. When you take away repayments and interest totaling $16 *billion*, you are still left with $78.7 *billion*. That represents quite an effort and commitment to world development.

Yet, as you all know, there are many problems in our foreign aid program. Some are related to misconceptions about the purpose of aid. One of these misconceptions is that aid would buy friends. Others are related to the administration of the program.

It is difficult to point a finger at any one overriding failure. However, at least over the past 15 to 20 years, there is one serious misunderstanding that cannot be overlooked. Simply stated, the United States has expected too much, too soon from the aid program.

We were successful beyond our wildest dreams with the Marshall Plan and post-war European development. Therefore we thought, rather naively, that if we could do it there, we could do it anywhere. We failed to acknowledge the all-too obvious differences between Europe and the underdeveloped world. The foremost differences were, of course, a strong industrial base and a highly advanced political and economic structure.

This brings me to Latin America and the Alliance for Progress. It is a vitally important part of the world to us. It is also an area which, perhaps more than any other, has failed to live up to the high expectations we set for it back in 1961.

The Rockefeller Report will be released, in one form or another, in two days. I have worked for many years with our AID program, and I am sure that some of the problems I have seen will be mentioned in that report.

Sol Linowitz, former U.S. Ambassador to the OAS, stated, "What it all boils down to is that we cannot help Latin America solve its economic problems with bargain-basement tactics. We cannot do it on the cheap."

At the same time, although we cannot be cheap, we also cannot be lavish and wasteful in our spending. This would hurt the program just as much. Thus, as is so often done in so many other facets of life, a delicate balance must be struck between too much and too little.

In striking this balance, we should not become obsessed with money figures. They can be very deceiving. For example, since the Alliance was founded in 1961, we have provided $8.3 billion worth of economic assistance. The net flow, after repayments and allowance for undelivered goods, amounts to less than $4.1 billion or less than half the gross flow.

A good place to start improving the program would be to clear up a big misunderstanding that some people have. The Alliance for Progress is not a bilateral American aid program. It is a cooperative, self-help program to be carried out primarily by the people of Latin America.

This is something that LASPAU recognizes, but that many other programs unfortunately do not.

The picture, however, is not all bleak. There has been some progress in the Alliance. For example, economic growth has averaged about 5 percent per year. Farm output has expanded. Educational opportunities have been broadened. Far-reaching internal reforms have been initiated in the redistribution of land and the collection of taxes.

But very serious and very old problems remain. Some long-time observers of the Latin American scene maintain that the problems today are the same ones that existed ten years ago. This is how they explain the similarity between the way President Nixon was received in 1958 and Governor Rockefeller in 1969. I must admit that there seems to be some element of truth to this analysis.

I think the key drawback to progress in the Alliance is a staggeringly high birth rate. It permeates everything. It negates advances. It overshadows hopes for the future.

Population increases average between 2.5 and 3.5 percent per year. They cut an encouraging annual economic growth rate of 5 percent down to a per capita rate of 1.5 percent. This is a pitifully low rate, and one that prevents any dramatic and long range economic improvement.

This high birth rate also has added some 750,000 primary school-age children for whom there is no room in the schools. You can well imagine the effect this has had not only on the educational systems but also on the entire social environment.

To state the problem even more graphically, the population of Latin America equaled that of the United States in 1950. It will be double ours by the end of this century.

It is quite clear that this high birth rate must be slowed down if there is ever to be substantial progress. I am happy to see that the AID program will continue to give it the highest priority under the fiscal 1970 program.

While the population explosion may be the principal impediment to progress within Latin America, our AID program and trade policies are the principal source of friction between the two lands.

Those who argue that the Rockefeller trip was unnecessary point out that we already knew what the problems were. The Latins want higher prices in, and easier access to, U.S. markets for their exports. They want more aid and investment capital with fewer strings attached. They want more control over American corporations operating within their borders. And all of this, they go on to say, was made abundantly clear to President Nixon in the so-called Vina del Mar manifesto.

I agree that the current trade relationship between Latin America and the United States could be vastly improved. In fact, it probably should be overhauled from top to bottom.

The subject of trade, however, cannot be dissociated from the subject of foreign aid. Complaints here focus on the strings we attach to this aid.

We tie aid to U.S. procurement to protect our balance of payments and to stimulate employment at home. We have succeeded in this respect. In fiscal 1969, for example, 98 percent of AID expenditures for goods financed with loans and grants to Latin America were tied to U.S. procurement.

But we have succeeded at the expense of the Alliance. The Latins bitterly resent this—and quite understandably so.

Moreover, AID opposes the lists of goods that Latin Americans are forced to buy from our assistance. This became apparent during hearings before the Treasury-Post Office Appropriations Subcommittee, on which I am the ranking minority member.

There is disagreement over these lists. Treasury favors them for economic reasons. AID, however questions the need for them for foreign policy reasons.

So you can see that these "strings" have caused a stir up here as well as down in Latin America. The administration took a big step in the right direction when it recently terminated the "additionality" policy. I am hopeful they will continue to move in this direction to the extent that it is possible to do so without seriously affecting our balance of payments or domestic employment.

Another problem is that until recently most of our aid went to central governments for rapid industrialization rather than to the people for education, agriculture and various social programs. This has been changing during the past two years. The program for fiscal 1970 will continue this process and emphasize technical assistance geared to the needs of the people.

The problems in our relations with Latin America do not end with aid and trade policies. There is a rapidly rising tide of nationalism. The focus of this nationalistic fervor is often the American corporation doing business within the borders of every one of these countries.

United States business interests have a great stake in Latin America—more than $10 billion worth. They employ almost 2 million Latin Americans. They account for 10 percent of the total output of goods in Latin America. They pay one-fifth of all taxes. And they produce one-third of all Latin exports.

American business has done a tremendous amount for Latin America. On the other hand, and not surprisingly in view of its magnitude, it has created problems. Some make the headlines, like Peru's seizure of oil properties or Chile's "negotiated nationalization" of copper interests. Some do not. But the problems persist.

The time has come for a thorough reevaluation of the role private American business should play in Latin America. I think the companies involved are quite aware of this. They are considering, or have made, some of the necessary adjustments. I also think the administration realizes this. Its emphasis on private aid seems to be based on a new approach to U.S. business interests abroad—an approach giving new recognition to internal development.

Finally, I would like to mention something that has troubled me for many years. I am referring to our military programs and missions in Latin America.

In 1967, I was successful in amending the foreign aid bill to prohibit the sale of sophisticated weapons to underdeveloped countries. In 1968, I was successful in tacking the same amendment on to the Foreign Assistance Act.

This was a step in the right direction, but only a first step. I do not see why we have to maintain large, or for that matter any, military programs in Latin America.

As I already have pointed out, the United States shares responsibility for some of the problems in Latin America. And I believe our military assistance programs have contributed substantially to these problems.

Latin Americans do not have money to waste on military equipment. They should be putting that money into economic and social development—into agriculture, education, family planning, and the many other things they so desperately need.

No one has ever been able to explain to me why our military people have to sit around down there dreaming up things to do.

The recent Soccer War between Honduras and El Salvador had its roots in social and political problems of long duration. Even so, why do we need to have 18 military officers and men in Honduras and 22 in El Salvador? What possible function do they serve? I have yet to receive a satisfactory answer to those questions.

Whether or not necessary changes are made in the overall AID program to Latin America, one thing is clear. Congress today is in no mood to increase aid appropriations. That is a fact of life we must learn to live with.

This should not discourage LASPAU. As I said at the outset, LASPAU represents a cooperative self-help measure at its finest.

Self-help still remains the chief prerequisite to growth. There is no easy or short way to get around this.

The principal value of an international program in educational cooperation like LASPAU is two-fold.

First, it recognizes the importance of self-help.

Second, it focuses upon an absolutely essential area—education.

Therefore, LASPAU fits right in front of the kind of foreign aid program we will have in years to come. For this reason, I would guess that Congress will continue to look upon it with favor.

Thank you again for inviting me to be with you on this Third Annual Meeting of LASPAU. It has been an occasion that I will long remember.

THE VIETNAM WAR MUST END

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BROWN of California. Mr. Speaker, our tragic adventurism in Vietnam bears down hard upon this Nation's conscience. Despite all we have heard, all we have read, "victory" in Vietnam is no closer today than it was over 6 years ago.

The price of our adventurism can never be fully measured. What value can we put on the lives of the 40,000 Americans sacrificed for the sake of upholding a repressive minority military junta? What value can be estimated for the hundreds of thousands of Vietnamese dead and dislocated? What is the true cost of the over $100 billion allocated for this senseless war?

And yet, if we listen to the pleas of the Thieu-Ky government and its friends in the American Military Establishment, the cry is still for "more time," for continuation of present efforts.

Who among us is willing to pay the price of this bloody procrastination?

I cannot speak on the mood of our entire Nation, but, here in Washington and as I travel, more and more people are saying that positive and rapid steps must be taken now to bring about a just and honorable settlement in Vietnam, and that the first move must be that of faster troop withdrawals, the pace of withdrawal limited only by steps to insure safety of our forces.

Throughout this year, I have joined with my colleagues time and again in calling for a more rapid deescalation of our troop forces in Vietnam. On March 26, I cosponsored with the gentlemen from Pennsylvania (Mr. MOORHEAD) and 15 other Members, House Concurrent Resolution 186, which proposed that we begin to reduce military involvement in Vietnam; on July 2, I joined with my friend from New York (Mr. KOCH) and six colleagues in House Concurrent Resolution 298 asking for immediate cease-fire and withdrawal of 100,000 American troops; recently, I was a sponsor of the House version of the McGovern resolution.

Now, what we in Congress have been calling for—and, of course, for many of us, we are repeating the same things we have been suggesting for 2 to 3 years—is gaining momentum throughout the Nation.

One excellent and most thoughtful commentary which I have read recently on Vietnam is a recent editorial by Mr. Eli Isenberg, editor and publisher of the Monterey Park, Calif., Progress.

I commend Mr. Isenberg for taking a courageous and forthright stand on this most important of all issues before our country. I think that the sentiment and recommendations made by Mr. Isenberg are both realistic and imperative, and I specifically endorse his asking for comments by the readers. The article follows:

THE VIETNAM WAR MUST END

Early in his term of office, President Nixon expressed the sentiment of the American people when he said the war must come to an end.

In a policy statement on Vietnam, the President said no useful purpose would be served by repeated inquiries into how and why we became involved, how and why we have not won or ended that conflict.

Our primary concern, said the President, is to get out of the war.

Political scholars will concern themselves with our Vietnam involvement so the errors of that experience—costly in blood and treasure—will not be repeated.

Today the American people, almost unanimously, yearn to be free of war.

It may not be possible—and we should face it—to end the war by treaty. Any settlement reached would have to provide for retention of the present Saigon government in power. America's future must not be inextricably intertwined with that regime.

And there is the matter of courage.

Do we have enough courage—as the strongest, richest and most powerful nation on earth—to say:

We cannot solve this problem.

We entered the Vietnam conflict with the best motives. We have not been able to solve the problems through war. We propose to withdraw our troops—all of them—unilaterally by June 1, 1970.

We hope the President of the United States will go before the United Nations and declare to all mankind that we cannot solve the problem, and that we are leaving this war.

We ask the United Nations—and this is not a condition of our withdrawal for we are withdrawing anyway—to establish a peace-keeping force in South Vietnam. And to carry on negotiations with Hanoi to establish a peace.

The United States, with its money, will support this peace-keeping effort. Once the peace is secured we will make our skills and resources available to all Vietnam—North and South—for reconstruction.

Americans love to win. But we win and lose every day, every week in our jobs, at school, on the sports field, in the stock market.

This war must come to an end.

The way to end this war is to withdraw. Unilaterally. Hopeful that the United Nations will try to win the peace. But if the U.N. shrugs its shoulders, to withdraw anyway.

This is our point of view.

Do you agree, disagree?

The Progress is interested in how you feel. So are members of Congress. So is the President.

You can reach President Nixon, Senator Alan Cranston and George Murphy, and Congressman George E. Brown by addressing them by title and adding Washington, D.C. Make a copy of the letters and send them to us.

FREEDOM OF CHOICE IS THE ONLY WAY TO SAVE QUALITY PUBLIC EDUCATION

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. GRIFFIN. Mr. Speaker, public education received a damaging blow today when the U.S. Supreme Court decided that ill-advised, hastily drawn desegregation school plans by HEW should be placed into effect immediately rather than at a later date so that adequate consideration could be given the issues involved.

Even though the case before the Court concerned 30 Mississippi school districts, the impact will be felt throughout the other 49 States. For example, last week the Ohio Civil Rights Commission reported that an overwhelming majority of Ohio schoolchildren were victims of discrimination because they were denied the classroom association of children of different ethnical, racial, and cultural backgrounds.

Mr. Speaker, that is the trend today. What about religious backgrounds? When this trend peaks, and surely it will, what will be the future of public education in Ohio, or in Mississippi?

Unless the Supreme Court is curbed, the answer to that question is obvious.

Mississippi has a history of surviving trials and tribulations. The latest will be no exception, and I predict that we will solve our educational crisis before other States in similar circumstances. There are educational jungles in multiple urban areas outside the South. The people of Mississippi are determined that it will not happen within its borders.

As I have said many times—the issue is education, not race.

Freedom of choice is the only way to save quality public education. Freedom of choice—what can be more American? Or more democratic?

I include as a part of my remarks a statement I released to the news media this afternoon. It follows:

MISSISSIPPI SCHOOLS

(Statement of Representative CHARLES H. GRIFFIN, Democrat of Mississippi, Oct. 29, 1969)

The Decision was hardly unexpected, because the Supreme Court has followed the same pattern since 1954.

I am confident the parents of Mississippi will calmly accept the decision with a renewed determination to preserve quality public education.

Distorted as its view is, the Court has had the power to interpret the Constitution since the early history of our country. The only remedy, in my opinion, is through the process of Constitutional Amendment.

On January 6 of this year, I introduced H.J. Resolution 183, which would require reconfirmation of Supreme Court Justices every six years. My amendment would make the Court responsive to public opinion.

On March 31, I introduced H.J. Resolution 613, a proposed amendment to the Constitution, which would prohibit interference with the power of any State to regulate health, morals, education, and elections within its borders. This amendment would remove education from the jurisdiction of Federal Courts.

As I have done on many occasions, I will again insist that any HEW desegregation plans have the support of both the white and black parents of the school involved.

Most regrettably, the Court has lost sight of the fact that the education of children will be determined by parents—not Congress, State Legislatures, or Courts.

The people of every State in the Union are directly involved in this decision. They are aware of educational jungles in many places and I feel sure they will not sanction additional ones under the guise of anti-discrimination.

ELWYN INSTITUTE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. EILBERG. Mr. Speaker, Elwyn Institute was founded in 1852 as a nonprofit private school and provides the most advanced and effective methods of care, education, and treatment for children and young adults with learning difficulties or problems in social and emotional adjustment.

The school has 1,100 resident students as well as 250 day students from the surrounding community. Many of the 1,100 resident students work in the community, which shows the student how to live independently. The 250 day students are those mentally retarded students from school districts that do not have facilities for these children.

Since 1959, the president, Dr. Gerald Clark, has instituted many new innovations at Elwyn Institute. The goal of Elwyn is "Independent Living in the Community." This goal is achieved through six giant steps: First, evaluation; second, academic school program; third, work study program; fourth, contract works; fifth, trade courses; and fifth, community work—halfway house program. The brain damage, academic, and work study projects are the three major programs at Elwyn.

Recently my good friend, Michael von Moschzisker, of the Philadelphia Inquirer devoted his column to the work study program at Elwyn Institute.

Therefore, without objection, Mr. Speaker, I would like to enter his column in the RECORD at this point:

THERE IS MUCH TO LEARN AT ELWYN INSTITUTE

(By Michael von Moschzisker)

Earlier generations locked up what they called their "mentally retarded," provided them with custodial treatment only, ruled them with an iron hand, and kept them behind closed doors for life.

It no longer has to be that way. At Elwyn, Pa., just south of Media, this country's oldest private institution for students with severe learning difficulty, or dire social and emotional handicaps, has made an aboutface.

Instead of serving as a place where these children are locked up and forgotten, Elwyn Institute helps them prepare for independent living in the community. And it achieves this through educational programs that ordinary schools might well look to, if they want to improve.

Take Elwyn Institute's work-study program. Approximately one-half the teen-age boys and girls in it are from among those who board at the institute, but the rest of them come by day from the city of Chester, from Yeadon, from Upper Darby, from Marcus Hook, and from more than twenty other school districts.

Far from being the sons and daughters of the rich, they are children of various ethnic backgrounds, all of whom are too handicapped to benefit from the regular public schools, and whose school districts pay to have them go to Elwyn.

When Elwyn's work-study program opens, the children meet not with Director Earl Wilkie and other staff members, but with graduates, who explain the program, and how it helped them.

Wilkie says this starts the youngsters in orderly fashion, but without the feeling that authority is being rammed down their throats. These students are near drop-outs, remember, and sick of authority that comes from above and seems unresponsive to their particular needs.

After this the students are divided into groups, and for two weeks they rotate between staff members, discussing what rules the program should have, what social activities, and what special learning experiences (music, photography, dancing, etc.). In this way, the boys and girls learn that open communication with the faculty is the rule.

The student groups draft reports on the conclusions reached in their discussions. Then the staff meets—as they do every day—to discuss the reports. The recommendations are taken seriously, and some are adopted. This spirit of change and responsiveness to what the students feel they need last throughout the program.

At about the report evaluation stage, students begin to notice that no one is educating them yet. When they ask why, staff members for the first time mention the need for achievements tests and psychological examination.

Introduced in this way, the tests are not resented. Instead of being a vehicle for stigmatizing children by showing how retarded they are, the tests appear to the youngsters as a way of finding out where to start in their new educational program.

Then the children react well to being divided into groups for reading and mathematics, even though the groups are set up to meet different levels of educational need and therefore reflect degrees of retardation. There is much movement up and down between groups, incidentally, as experience shows what the tests may have missed. It is all flexible.

There is training in science, in health and in community skills such as money-management too. In this, students of varying degrees of advancement mix freely. And the entire program operates in conjunction with vocational training so that the boys and girls can eventually get jobs as carpenters' helpers, as beauticians, as stock clerks, etc.

It works. The children acquire the skill to hold paying positions, which matters, and a feeling that they are here for a purpose, which matters even more. They are not "turned off" at Elwyn. If our regular schools progress as much in the next ten years as Elwyn has in the last five, we will be all right.

HAWAII TO CLAIM WORLD'S HIGHEST RESEARCH LABORATORY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. MATSUNAGA. Mr. Speaker, where else but in Hawaii can one's view sweep, in a matter of moments, over the panoramic beauty of lush valleys of tropical and semitropical foliage to the snow-covered peaks of the highest mountain in the world. This distinctive contrast can be found on the "Big Island," the Island of Hawaii, where the highest island peak in the world—Mauna Kea—rises 32,000 feet above the ocean floor and 13,796 feet above sea level.

Amidst the languid beauty of old Hawaii there is also evident the growing power of the new Hawaii, particularly in its importance as a center for space science activities.

As we know, Hawaii has played an outstanding role in space vehicle and missile tracking operations, and was the first landfall of the returning moon voyagers in July of this year. Research and development activities continue to expand, and research in solar radiation and other astronomical phenomena is being carried on by several organizations.

In this regard, it is a distinct pleasure for me to call to the attention of my colleagues that on Mauna Kea's 13,796-foot summit, the University of Hawaii will shortly install and operate the highest telescope in the world.

Lawrence E. Davies has written a most interesting special report on the Mauna Kea Observatory for the New York Times. In his article, Dr. John T. Jefferies, the distinguished head of the Institute for Astronomy of the University of Hawaii, is quoted as saying that for astronomers, observing conditions at Mauna Kea are unsurpassed anywhere else in the world.

In order that my colleagues and others may read more about the highest research observatory in the world, I submit for inclusion in the CONGRESSIONAL RECORD the article, "Highest Observatory Being Built in Hawaii," from the Tuesday, October 28, 1969, issue of the New York Times:

HIGHEST OBSERVATORY BEING BUILT IN HAWAII: BEST CONDITIONS IN WORLD ARE SEEN BY ASTRONOMER

(By Lawrence E. Davies)

MAUNA KEA OBSERVATORY, HAWAII, October 24.—Here in balmy Hawaii, 3,500 air miles from Alaska's frigid North Slope, the world's highest research observatory is being completed after work under rugged weather conditions.

Crews on the Arctic tundra in recent winters have built airstrips, living quarters and roads to facilitate the extraction of a rich store of crude oil in temperatures as low as 65 degrees below zero.

In Hawaii, the average February temperature at sea level is 72 degrees above zero. But the construction crews working nearly two and one-half miles up on this mountain peak not only had to put up with temperatures that reached 13 degrees below zero but they also had to contend with rarified atmosphere that made breathing difficult.

Dr. John T. Jefferies, an Australian-born astrophysicist who heads the Institute for Astronomy of the University of Hawaii, looks forward, however, to an eventual community of observatories dotted about the volcanic cones at the summit of 13,800-foot-high Mauna Kea, on the island of Hawaii.

For astronomers, he says, observing conditions here are unsurpassed anywhere else in the world.

$6-MILLION COST SO FAR

An 88-inch mirror built by the Corning Glass Works is to be installed later in the year at the new facility. The total cost to date is about $6-million, and the Hawaii Legislature has authorized the expenditure of $2.5-million more for an access road, power lines and a support building lower down on the mountain where the staff will eat and sleep.

Of the money spent so far, $3-million has been contributed by the National Aeronautics and Space Administration under a contract calling for the use of 25 per cent of the time on programs of interest to NASA.

"We anticipate spending considerably more than that for ourselves," Dr. Jefferies said during a trip to the observatory a few days ago with a party including the university regents. "People from other universities have written me asking for time on the instrument and I'm sure, when it is checked out, more and more will be interested."

The Air Force Research Laboratory at Cambridge, Mass., operates a 24-inch telescope near the new observatory. NASA has an identical one here with a program operated by Lowell Observatory to help provide selected coverage around the world for Mars and Jupiter.

On another cone of Mauna Kea is an eight-inch telescope of the University of Arizona, but it is not now operating. And on the rim of Haleakala Crater, 10,000 feet high on the island of Maui, are several observatories, one operated for the Department of Defense.

GOVERNOR SEEKS CONTROLS

In an interview at Honolulu, Gov. John A. Burns said: "We had a good science city at Haleakala but the place is being polluted by radio and television transmitters.

"I think we should restrict Mauna Kea to scientific usages compatible with one another and not interfere with it as a science center. There is considerable argument on where to put a paved road. People in Hilo and elsewhere want to drive up there with autos spewing contaminants."

Hans Boesgaard, project engineer for the new Mauna Kea Observatory, directed the attention of visitors to a necklace of clouds at a 9,200-foot level to which crews employed by the contractor, Stewart Enterprises of Seattle, descend for meals and rest.

"Those," he said, "are typical trade wind clouds from the northeast, no higher than 9,000 or 10,000 feet. The air above them is always clear."

Paul Krausnick, general foreman on the job here two years related:

"It is hard to keep personnel. Guys who have trouble breathing the first couple of days give up and go back. The altitude takes about 35 per cent of a man's efficiency and we have recorded winds of 85 to 90 miles an hour. The maximum time a man is allowed to work is 14 hours. He is subject to the bends if he works longer. We work six days a week, 10 hours a day, then go down and lie on the beach for a day."

Mr. Krausnick said that on one occasion concrete being poured froze and work had to stop. He predicted snow in about three weeks.

Dr. Jefferies reported that from among the institute's staff of 100 persons, including 21 with the doctor of philosophy degree, he would assign astronomers to come up for periods from the Honolulu campus.

"It hits you hard if you come up from sea level," he said, "so that a man will come up about noon one day, stop at the lower level camp, come on up and observe during the night and go back to sleep the next day in a darkened room. We'll have a recreation area with television, books and so on." He added:

"Lunar and planetary astronomy will be a significant part of our activities. This is undoubtedly the highest research observatory in the world of any consequence, although maybe some one in the Andes has a three-inch telescope in his backyard."

BACKING FOR STATE ROLE IN REGULATING SAFETY STANDARDS FOR NUCLEAR POWER PLANTS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. KASTENMEIER. Mr. Speaker, support for strengthening the State role in the regulation of nuclear power plants was voiced by Federal Power Commission Chairman John Nassikas during the current hearings of the Joint Committee on Atomic Energy on environmental effects of producing electric power. The views of Chairman Nassikas reflect the concern of many citizens regarding the safety regulations of nuclear plants and their desire to have their own States adopt standards which are more strict than those required by the AEC.

For a report of the Nassikas remarks to the JCAE, I call to the attention of my colleagues an article by Victor Cohn appearing in the October 29 Washington Post:

STATE ROLE IN POWER PLANT WASTE ASKED

(By Victor Cohn)

Tougher state regulation of pollution-producing power plants—nuclear and conventional—was backed yesterday by Federal Power Commission chairman John N. Nassikas, despite a current Atomic Energy Commission fight with the state of Minnesota over such regulation.

Both Nassikas and presidential science adviser Dr. Lee A. DuBridge forecast growing public agitation against electric power plants that people think are despoiling their environment.

"I think" public protest is "going to get worse before it gets better," said Nassikas, a Manchester, N.H., utility and corporation lawyer named by President Nixon to succeed Lee C. White as federal power chief.

Both Nassikas and DuBridge testified as the Joint Committee on Atomic Energy began a major series of hearings on power plants' environmental effects, an issue now triggering fights in several states.

"Today," DuBridge said, "the problem is most intense in the Northeast, but it is just a matter of time—if in fact that time has not already arrived—when less crowded areas will point the ranks of those putting up 'not welcome here' signs."

The United States must double power. Nassikas reported that 23 new coal- or oil-burning plants and 23 nuclear plants are now being delayed, partly by technical problems and partly by environmentally oriented groups.

Delays or not, Nassikas in effect challenged the concept of complete federal control over nuclear power—the issue now alive in Minnesota—by praising "the initiative some states are taking to strengthen or institute new procedures" to maintain their environment.

Minnesota is trying to make new nuclear plants observe radioactivity controls tougher than the AEC's, although both the AEC and members of the Joint Committee maintain that federal law gives the AEC exclusive regulation over radioactive discharges into air and water.

Nassikas did not specifically refer in his remarks to the Minnesota fight but did say, "I regard effective states regulatory review, including coordinated review by all affected state agencies, as a most essential complement to the process of regulatory participation envisioned by FPC."

He praised Maryland legislation requiring all new plants to win a state certificate of necessity. This in itself is not unusual, he pointed out, but "it is unusual" that the Maryland Public Service Commission will consider "esthetics, historic sites and effect on air and water."

This could make even more trouble than Minnesota's rules, conceded AEC Commissioner James T. Ramey, "depending on how tough Maryland gets." Several Maryland scientists and legislators—concerned over a new nuclear plant on Chesapeake Bay started before the new Maryland law took effect—have urged a tougher look at future plants.

Nassikas likewise described a new California State Power Siting Committee that is to review sites and intervene, if desired, before the California Public Utilities Commission or AEC. He said New York state has given its Atomic and Space Development Authority "significant authority" over nuclear sites.

VIETNAM MORATORIUM OBSERVANCES AT EXETER

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. RYAN. Mr. Speaker, the October 15 moratorium was observed by millions of citizens in the cities, suburbs, towns, villages, and campuses of America.

This outpouring of concern across the Nation reflected the deep desire of our people for an end to the war in Vietnam. On October 15, activities varied in various parts of the country, but the theme was consistent—peace in Vietnam.

I should like to call to the attention of my colleagues the program for moratorium day in one community—Exeter, N.H., where a committee of business and professional men, clergy, housewives, and students of Exeter High School and the Phillips Exeter Academy worked out details of the observance.

On October 15 participating churches tolled their bells at 6 a.m. and again at 7, when they held services. A third tolling at 9 o'clock summoned marchers to assemble at the Swazey Parkway for a silent march to Shaw's Hill in Kensington, a distance of some 3 miles. There the marchers participated in "a special program of dedication to peace in Vietnam." Dominating the hill was a 30-foot figure representing the spirit of the war, which was constructed by local artists and students. Upon their return to Exeter the marchers joined with other townspeople in signing a resolution opposing continuation of the war.

I include at this point in the RECORD the statement of purpose of the Exeter Town Committee for the October 15 Vietnam moratorium which was written by Anne Murphy of Exeter High School and William Forbath of Phillips Exeter Academy:

EXETER TOWN COMMITTEE FOR THE OCTOBER 15 VIETNAM MORATORIUM: STATEMENT OF PURPOSE

Every member of the Exeter community has some feeling concerning the Vietnam war; every student, every housewife, every businessman, and every future draftee has formulated some opinion concerning the presence of American troops in South Vietnam. It is an issue that cannot be ignored. Arguments have been presented both in support and in opposition to the war. The Moratorium of October 15th is not a day of public debate on this issue. We feel that after 7 years of war, every individual should be prepared to take a stand on Vietnam, according to the dictates of his own conscience. The Moratorium of October 15th will be a nationwide statement of opposition to current government policy.

Today, the situation in human terms is worse than it has even been before. One third of Vietnam's rural population have become refugees. Hundreds of thousands of acres of fertile land have been defoliated and countless villages razed. B–52 raids alone have torn 2½ million holes 40 feet in diameter and 30 feet deep, holes that serve as breeding grounds for malarial mosquitoes. More tons of explosives have been dropped on this small country than were dropped on all the axis powers during World War II.

A moratorium by definition means a cessation of normal activities. We do not expect public institutions or businesses to take any stand on this issue because of its political nature. It is rather the moral questions involved that will make October 15th a day of individual participation and personal involvement. We hope that every citizen in the Exeter community understands his responsibility in this democratic society to make that personal commitment.

The proposed activities for the Moratorium in Exeter call for a full day of withdrawal from normal daily schedules. The program is completely nonviolent and will be conducted in silence to emphasize the fact of personal commitment. (A day of silence is a day of reflection—we hope that every individual will reconsider his preconceived opinions and justify them to his own mind.) The Moratorium will *not* be a political rally; it will consist of prayers for peace and for the nations, a day of fasting, a silent march, and signing of a prepared statement.

We hope that many people will participate in this nationwide protest on October 15th, the Vietnamese war affects us all, directly or indirectly. Most deeply concerned of all are young men who face induction in a few years or a few months. For them, the war is very close. It is close also to everyone whose friends or relatives have become statistics on a mortality list. The question, "Has the U.S. a right to be involved in this war?", concerns every American. On October 15th, every American will have the opportunity to make a public statement of his answer to that question.

The above statement was written by Anne Murphy, a Senior at Exeter High School and William Forbath, a Senior at Phillips Exeter Academy. We the undersigned adult and student members of the Exeter Moratorium Committee, participate in support of this view and encourage others who agree to support our students and their nationwide efforts for peace.

MEMBERS OF THE TOWN COMMITTEE

Kelley Bates, M.D., Newfields Road, Exeter.
David Barnet, P.E.A.
Rev. Randolph Dales, Exeter Road, Hampton Falls.
William Draper, P.E.A.
Libba Fonvielle, 7 Nelson Drive, Exeter.
Rev. Lloyd Fonvielle, 7 Nelson Drive, Exeter.
William Forbath, P.E.A.
Albert C. Ganley, 13 Main Street, Exeter.
Robert A. Grey, 11 Spring Street, Exeter.
William Hymes, P.E.A.
Mrs. Elizabeth Lameyer, Runawit Road, Exeter.
Kim Laviolette, 13 Stoney Brook Lane, Exeter.
Brooks R. Leavitt, P.E.A.
Mrs. Marcia McGill, 140 High Street, Exeter.
Anne Murphy, 45 Pine Street, Exeter.
Jon Sawyer, P.E.A.
Mrs. Nora Tuthill, Shaw's Hill Road, Kensington.
Sumner Winebaum, Hampton Falls Road, Exeter.

I also include the text of the petition which was signed by those who marched silently from Exeter and which was forwarded to the President and Members of Congress:

TEXT OF THE PETITION SIGNED BY EVERYONE WHO MARCHED FROM EXETER ON OCTOBER 15

We the undersigned—residents of Exeter, New Hampshire, and of neighboring towns—have in various ways interrupted our day's occupations to bear solemn witness against continued American involvement in the Vietnam War. In our judgement the war is destroying the country it purports to defend; it is weakening American prestige and capacity for good in the world at large; it is wasting our resources; and it is tearing apart the fabric of American society.

CONGRESSMAN ROBERT TAFT, JR., COMMENTS ON THE U.S. FOREIGN ASSISTANCE PROGRAM AND HIGHER EDUCATION AT HOME AND ABROAD

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. WHALEN. Mr. Speaker, last Saturday, our colleague, the Honorable

Robert Taft, Jr., addressed the College Day Convocation at Western College for Women in Oxford, Ohio, on the subject of "The U.S. Foreign Assistance Program and Higher Education."

As a distinguished member of the Foreign Affairs Committee, Congressman Taft is eminently qualified to speak on the present status and the prospectus of this Nation's efforts in this most important area of foreign relations. I believe his remarks, particularly his observations concerning the redirection of U.S. excess counterpart foreign currencies to educational efforts of less-developed nations, will be of interest to all Members of the House. I insert Congressman Taft's speech at this point of the Record:

THE U.S. FOREIGN ASSISTANCE PROGRAM AND HIGHER EDUCATION

President Spencer, distinguished scholars, members of the faculty and student body of Western College for Women, and ladies and gentlemen.

It is an honor and challenge to address this convention today on a subject which I feel sure will be of interest and a concern to all connected with this institution and one which should be of interest and a concern to all Americans.

Serving as I do on the Foreign Affairs Committee of the House of Representatives, over the last three years, I have been offered an overview of the relationship and problems of the U.S. Foreign Assistance program and the field of higher education in both the United States and abroad. The long-time international connections of this college with the international field, although it has not encompassed any formal partnership with the Agency for International Development, as far as I know, should make the subject appropriate to consider here. The contribution made by this institution, through its foreign student program over many years, has indeed been a forerunner of the worldwide efforts which have increased lately and which seem likely to expand further in the future.

Your tradition, I know, has been distinguished in training young leaders who could take from Oxford to their nations a better understanding of the United States and its educational ideas and concepts that could be adapted to other nations and societies, particularly in the less developed areas of the world. In doing so, I feel sure you have learned, and that others will come to realize, that direct transplant of Western ideas to such nations is often difficult and unrewarding, if not impossible. But the failures should not dim the dawning light of the broadened educational opportunity that is essential to the successful progress of the millions of peoples of these nations. At the same time, we must realize that there must be a good deal of imagination and ingenuity in application of our techniques.

Just recently, I read in Atlas magazine an article entitled "Holy Polygamy" in which a bright Kenyan author challenged the now Constitutional requirement of monogamy in Kenya and contrasted it to the acceptability and strength of a polygamist family tradition in parts of that country.

I was reminded of a story my father used to tell of the Mormon Senator-elect whose seating in the Senate was questioned on the basis of his beliefs, even though he had only one wife. The furor was considerably quieted down when one reflective solon allowed that he would have far less objection to sitting with a polygamist who didn't "polyg" than a number of monogamists who did not "monog." But the point is that our frustrations over setbacks and delays in educational and other progress in less developed countries must not bind us into thinking, "Will all be solved, if only *our* precepts of education and society are adopted?" Too often, it seems, we are like Professor Henry Higgins of "My Fair Lady" in his plea of the opposite sex:

"Why can't a woman be more like a man?
If I forget your silly birthday, will you fuss?"
"Nonsense!"
"Would you complain if I took out another fellow?"
"Never."
"Why can't a woman be more like us?"

This approach, of course, is only one of the pitfalls in the present and future expansion of our foreign aid program in the field of higher education. Before commenting on other traps and suggesting a few cautious guidelines, a review of the present scope of U.S. aid seems appropriate. As of December 31, 1968, the Agency for International Development had 293 active technical service contracts valued at $211 million for projects in 40 countries, which were held by 114 U.S. colleges and universities. In almost every case, these contracts call for cooperative services between a U.S. college or university and a host country institution in one of the nations receiving technical assistance under our AID program. The purposes of such contracts ranged over such areas as education, agriculture, economic development, medical education, human resources, community development, veterinary medicine, sanitary engineering, industrial education, and public health.

The 1970 foreign aid program, as proposed by the Administration and presently pending before the House Foreign Affairs Committee, would increase materially the technical assistance program with a request for a total grant of 463 million dollars, as compared to last year's request for $253 million. This has occurred, not through a general increase of the AID economic assistance budget, which at $2.2 billion is the lowest economic assistance requested in 10 years, but by transfer of emphasis and support from development loans and other AID programs to technical assistance. This would seem to bode well for continuing a substantial program of assistance to American colleges and universities and similar sister institutions abroad through the technical assistance program of AID.

Before discussing special problems of such assistance through higher education grants of AID, it would be remiss not to mention a number of other important efforts being made by national and international agencies in this field. In particular, the Fulbright-Hayes Act for the Mutual Education and Cultural Exchange Program, instituted in 1961, continues to have a major impact in training scholars and promoting exchange of ideas in many fields of learning. Also, UNESCO, The International Bank for Reconstruction and Development, and our own Military Assistance Program, all have efforts in the field. It should be noted as well that Ohio has at least two important participations in the AID program in higher education, in the Ohio State contract in connection with Punjab State University at Ludhiana in India, which is part of a six-nation consortium that has had outstanding success in Indian agricultural research, and in the Ohio University International Education Institute's fine work in Northern and Western Nigeria in the teacher education program in that country. It is of current interest that Ohio University is also working closely with the Vietnam Government in developing faculties of pedagogy and teaching facilities at Saigon and Hue, as well as at the University of Can Tho. Whatever else we may feel about the U.S. presence in South Vietnam, it has triggered a geometric growth there of educational institutions and opportunity.

I should mention the International Education Act, which is still in embryo form, having been passed in 1966, but yet to be financed by the Congress. It would call for a grant program for advanced and undergraduate international studies and has been budgeted in the 1970 budget for $2 million dollars. Its fate this year in Congress as yet remains undetermined. The same objective has led the Congress to establish the Woodrow Wilson Institute of the Smithsonian. This, too, is at an unfinanced state, but its prospects seem good. I know that you realize that, despite the broad nature of these public programs and their many ramifications, the world-wide educational challenge is only being scratched.

Phillip H. Combs in his recent book, "The World Education Crisis," Oxford University Press, 1968, reported that educational assistance accounts for only about a tenth of total world development assistance effort, and this general average would seem to be borne out by the figures requested in our U.S. AID program. Of course, it must be recognized that while there is a rough correlation between amounts and effectiveness of the assistance, even small specific efforts can, at times, have a beneficial impact out of all proportion to their cost if directed by the right personnel and located in the right place at the right time. Thus, rapidly changing aspects of the problem are sometimes the most challenging. For example, teacher training programs and establishment of teacher training institutions are a "sine qua non" of the building of an educational system in a developing country, and our efforts in AID are frequently so directed. In a number of African nations, for instance, as in Tanzania, wide-scale use of Peace Corps Volunteers from the United States in elementary and secondary teaching has been entirely eliminated and teacher training programs have been substituted to fill the gap as quickly as possible and to go on broadening the educational resources of the country on its own.

Another major challenge that must be considered in connection with progress on the educational front is that of population control. Here a major breakthrough in acceptance and progress in research in population control programs are a hand, but much more research and effort are needed to implement the attitude changes. In many of the developing countries it is coming to be recognized that no matter how great an effort may be put into the improving literacy and education generally, it will be futile if at the same time some attack is not made upon the burgeoning number of children appearing on the scene and needing education and training. I am happy to report that earmarking for this purpose in the Foreign Assistance Acts in 1967 of 335 million dollars and in 1968 of $50 million, and in the Committee in 1969 of $100 million, in which I have been instrumental along with other concerned members of Congress, appears to have directed our program with new vigor toward this problem. Moreover, the research funds made available under the Foreign Assistance Act this year, if passed, will not be limited to any particular title for university research, which funds only 15 million dollars, but, rather, will run the entire gamut of the technical assistance program.

Another interesting concept that is being carefully studied and presents a real possibility in some less developed countries is the redirection of U.S. excess counterpart foreign currencies to educational efforts of the nations. In some such nations, as a result of our Food for Peace Program, large amounts of money have been built up. For instance, in India it amounts to approximately 1 billion dollars, and in Pakistan, Poland, and Yugoslavia there are very sizable amounts. However, the use of such funds is generally subject to host government restrictions and agreement, and this often results in rejections of our proposals because of the possible inflationary impact, or other undesired impact. There is also, of course, an unfavorable foreign exchange impact for the host nation as compared to a U.S. dollar grant. But expenditures in the educational area would seem to be the least inflationary because it is certainly one of the most productive uses of such excess funds. Especially would this be true if they were directed toward other than physical facilities. It is a promising concept because U.S. agricultural surpluses seem likely to continue to create a disposal problem and thus could offer the chance to feed not merely the stomachs but also the minds of peoples of less developed nations. It should also be examined because our Food for Peace Program seems less likely to encounter increased resistance in Congress than our Foreign Assistance programs through loans, grants, and technical assistance.

CONCLUSIONS

In sum, we have an opportunity and a challenge that remain for the more advanced countries, and especially for the United States, to make a major contribution to the educational growth of the newer nations, a growth that is essential to their stability and viability in the free world. The contribution must necessarily involve higher education in America and elsewhere to an even greater extent than at present. To benefit from this effort, a flexible and imaginative approach is essential. As Combs says:

"There is one thing that virtually everyone has learned by now—namely, the right solution to educational reform in developing countries does not lie simply in importing standardized educational models from advanced countries, including the United States."

Ways must be found to maximize the impact of the efforts of higher educational training of scholars from less developed countries through minimizing the "brain drain" that results when trained nationals continue indefinitely to work or study abroad.

Public and private grants for the purposes of research and application should be coordinated by country and area and programs should be adapted to the desires, skills, and needs of the target peoples, as determined by them and only where they participate in the effort. To maintain the necessary support from the developed world and the United States especially, it will be necessary to better identify the nature of the project and to employ means of support, such as counterpart funds, that meet the least resistance. This should include an identification of the very real benefits, not merely dollars, to higher education in this country resulting from participation by our colleges and universities in these undertakings. The key to success both for the participating institutions for the U.S. and for the host countries, as in most human problems, lies in assignment of dedicated, first class human talent to the tasks. Western College for Women can do and is doing much to help provide that talent.

ACADEMIC FREEDOM AND THE PUBLIC

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. LIPSCOMB. Mr. Speaker, academic freedom is a topic which has received much comment. Mr. Houston I. Flournoy, State controller of California and a former assistant professor of government, recently delivered an address on this subject which was excerpted in the Los Angeles Times on October 24. I feel that Mr. Flournoy's article emphasizes an area which we sometimes seem to forget, the importance of communication between the public and the university. Although Mr. Flournoy specifically discusses the California system of higher education, I feel that his comments can certainly be extended to cover higher education as a whole in the United States.

Mr. Flournoy feels that a disregard for public attitudes by the university society, such as in the case of Angela Davis, jeopardizes not only academic freedom but also the quality of education. However, he goes on to state that it is vital to the continuance of "quality, public, higher education" that the public recognize the ability of students to differentiate and their ability to subject divergent ideas to which they are exposed to close scrutinization. Mr. Flournoy further believes that fear must be replaced by confidence in order for the public and the university to effectively understand each other's objectives.

Under leave to extend my remarks, I enter this article in the CONGRESSIONAL RECORD and call it to my colleagues attention:

ACADEMIC FREEDOM AND THE PUBLIC

(By Houston I. Flournoy)

One of the more important challenges of the moment, for higher education and the people of California as a whole, is the challenge of maintaining and improving a system of *quality, public, higher education.* I emphasize quality and public with good reason. I have no doubt that California will maintain a system of public higher education, no matter what may ensue upon our campuses, or how we meet the challenges today. But I think it is far from certain that we will maintain the *quality* of our institutions—a quality we have always assumed as a matter of course.

As one who spent 10 years teaching in higher education, and as one who is currently in my 10th year in elected public office, I am appalled at the "understanding gap" which separates our campuses and the general public today. It is an understanding gap which goes in both directions: it is reflected in faculty members' lack of understanding of the public's attitude towards the campuses, as well as in the public's lack of understanding of the attitudes of faculties and students.

There is no more reality in the attitude of some faculty members that the state colleges or the university are really no concern of the public or, if you will, the politicians, than there is in the attitude of many citizens that individuals who hold views alien to their own ought not to be allowed to set foot on any campus, much less be a part of the faculty.

One of the most critical aspects of the current challenge to quality higher education is the all-too-common notion among faculty members and students that the "public" as such should keep its nose out of their business. They too frequently ignore that we are talking about *public* quality higher education. By definition the public *is* involved, and furthermore, whether the public should interfere or not, they are involved if for no more than the prosaic reason that they are being asked to pay the bill.

PUBLIC HAS THE POWER

So long as we are trying to preserve and expand a system of public *quality* higher education, the public will, through its elected representatives at the very least, have the ultimate power to effectuate its reaction to campus doings through the power of the purse, or through pressure upon the citizen governing boards.

In this context it is unbelievable that the chairman of the philosophy department at UCLA would assign Angela Davis to teach a course this quarter after the regents had initiated proceedings to dismiss her under circumstances where she was not originally scheduled to teach this quarter.

Whatever the final disposition of the Davis case in the courts, Prof. Kalish's action was unnecessarily provactive and inflaming. It showed a marked disdain for the public's interest and power, whether it resulted from deliberate intent or total lack of judgment.

The UCLA faculty, having chosen to defend academic freedom by challenging the regents' actions, now finds itself caught in the additional "flack" caused by Kalish's action. Defending academic freedom to the public upon the grounds of flagrant interference is difficult enough. Here the faculty is placed in the virtually impossible position of at least appearing to defend an at best dumb action in the name of academic freedom.

My point is not to denigrate the importance of academic freedom—because I feel it is absolutely necessary for *any* quality institution of higher education. My point is how unnecessarily it was jeopardized by the action of a faculty member either unmindful of, or oblivious to the public interest and power to downgrade that freedom if it so chooses.

On the other hand, I am equally concerned by the frequently manifested public attitude that attacks individual faculty appointments or guest appearances which result in the appointment or appearance of individuals of different viewpoints—often radically different from general public assumptions or values. This, too, is an attack upon the academic freedom which is so vital to quality in our public institutions of higher education.

In addition, it is based frequently upon a misconception of the function of higher education and a false assumption about the susceptibility of college students to a "pied piper" in the classroom or on the podium.

One of the great purposes of higher education is to provide the opportunity to evaluate and critique values and philosophies. It is a time for challenge and re-examination of basically inherited values and norms. I am not the least surprised that many of the students find it difficult to communicate with their parents and other elders. I am surprised to find that so much emphasis has been put upon the discovery of a "generation gap." There's always been a generation gap. It may be wider today because of the more rapid explosion of knowledge and the vast technological and social change. Their world and the one they face is far different than the one their parents grew up in.

If that seems difficult to understand, consider my own experience. I was born in October, 1929. I've been told that the day was "Black Monday" on the New York stock market. I lived through the depression years, but what little I remember of them of *my own* experience is almost of the "happy childhood memory" category. I will never have the appreciation for the depression that my parents had. Nor will I ever experience the nagging sensation that the next one is right around the corner because so many of the optimistic, "It can't happen," type forecasts are reminiscent of the prophesies of the booming Twenties.

To the students today, World War II has about as much meaning and relevance as World War I had to me. Korea, where I served, was happening about the time they were born. Computers and desegregation both came along after I graduated from college but these students have grown up with them.

So I'm not at all surprised that their outlook is different than their parents and elders. Furthermore, I think it is evidence that our system of higher education is not stagnating in a time of rapid change. I do not, however, consider the difference in outlook the result of being exposed to or captivated by "radical" professors. I have too great a regard for the ability of students to separate the wheat from the chaff, or to examine a virus without catching cold. I have talked with, and taught, too many students to believe that they are sponges merely absorbing and retaining what their professors and others propound to them as truth—at least in theory.

NO REAL THREAT EXISTS

The point is that the appointment of a particular faculty member of divergent views is hardly the threat to infect a whole institution or student body with their views that many often tend to fear. If the ideas are that effective, or the philosophy that infectious, I suspect that there are some fatal flaws in the assumptions and values of the objecting parties.

Yet the furor or threat or retribution over a single such appointment or invitation to a guest lecturer can do extensive damage to academic freedom and quality public higher education.

The challenge for higher education today is to replace fear with confidence. On the one hand, to restore the confidence of the faculties and administrators that the people of California are in fact committed to *quality* public higher education and the academic freedom that it requires. On the other hand, to restore the confidence of the public that the role of quality public higher education requires the interchange and examination of widely divergent views, the academic freedom necessary for any effective exchange and exposure.

Perhaps, above all, we need to restore our confidence in the values and ideals of the American nation, so that we are neither so concerned that they will lose in a critical comparison with any other philosophy that we fear their examination, nor so concerned that our youth will not have the requisite critical faculties to reaffirm their commitment to them.

FEDERAL CITY COLLEGE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the birth of institutions of higher learning are joyful occasions. The struggling first steps of infancy are ones that will eventually be looked back on with pride and a sense of accomplishment. Here in Washington, we have witnessed the birth of Federal City College, a college that will serve the people of Washington, D.C., and be responsive to the needs of the community. It is an institution that will grow and expand and one whose graduates will bring honor and praise to it and to our Nation's Capital.

Innovation, experimentation, and creativeness characterize the atmosphere of learning and outlook of FCC. In the October 25 issue of the Christian Science Monitor, staff correspondent Lucia Mouat reports on the college as it enters its second academic year. She points out that the faculty, administration, and the student body are attempting to combine a first-rate curriculum and an open admission policy without offering remedial programs. Voluntary tutoring is offered with a skills center in English and reading in existence and mathematics assistance available to desirous students. It is an effort of determined young individuals to get the most out of their college experience and should be commended. I am including the text of the article into the Record along with my best wishes for continued success to Federal City College:

FED CITY: "WE'RE GOING TO DO IT"

(By Lucia Mouat)

Some would say Federal City College was attempting the impossible.

This predominantly black public institution, now heading into its second academic year, is trying to combine a first-rate curriculum and an open admission policy without offering remedial programs.

Acting President Andress Taylor admits frankly that college officials do not yet know how they will go about achieving this goal.

"Nobody has done it before," comments Dr. Taylor (who is an associate professor of English), "but we're going to do it."

One ingredient, he insists, is Federal City's provision that no graduate assistants are allowed to teach courses and that all Federal City professors must teach freshmen courses. Also, the four-year college now has a skills center with backup services in English and reading. The math department also offers some special help in mathematics. No one is forced to accept the tutoring offer of the center, but Dr. Taylor estimates that about 10 percent of the student body takes advantage of it.

As an urban land-grant institution, Federal City faces the awesome challenge of translating into city terms the whole land-grant approach of the county agents and extension service. Dr. Taylor, who serves as assistant dean in community education development, interprets the task as designing educational programs for dope addicts, jail inmates, the aged, and the like. The college offers a complete freshman program for credit at Lorton Reformatory.

Recently Federal City's faculty, after a lively controversy on the issue, voted to take the college's interdisciplinary black studies program out of the college and into the black community. Dr. Taylor points out it was only one of 26 degree programs offered by the college, and for an institution 97 percent black it was "a bit redundant anyway."

"We don't like the term black studies—that's for white universities."

Federal City's student body, he affirms, poses a special challenge to faculty. Forty percent of the student body is over 25. Many are married with grown children.

"It's a real challenge to deal with people who often lack the basic skills but may be more sophisticated than their teachers. We've had a lot of teachers who've simply buckled under in trying to meet the challenge. People who come in with a missionary attitude get thrown for a complete loop. It creates nothing but hostility for them."

Although Federal City now has no black studies per se, the nature of its student body has influenced other curriculum developments here. This year for instance a Caribbean studies program will be introduced. The history department combines the traditional historical approach with area studies to offer courses in the history of South America, the Caribbean, the Middle East, and Africa. Another course developed by two Federal City professors compares the history of slavery in United States with that in Latin America.

THE ADMINISTRATION PASSES THE BUCK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. EILBERG. Mr. Speaker, the administration continues to fill the air with charges that the Congress is dragging its feet on passing needed legislation.

The fact remains that action in every committee of Congress has been stalled by the failure of the departments, agencies, and the Bureau of Budget to respond promptly and intelligently to congressional requests for reports on pending bills.

Unfortunately the American public does not fully understand this crucial part of the legislative process. The American public does not fully understand that a responsible Congress has no desire to write legislation which is inconsistent with the needs of the Nation. The Constitution mandates that the executive branch enforce and administer the laws that we in Congress write.

Subcommittee No. 1 on Immigration and Nationality of the Committee on the Judiciary, on which it is my privilege to serve, has been treated to the spectacle of a confused and disorganized administration impeding the legislative progress.

After waiting almost the complete first session of this Congress for administration views on a specific but critically important bill, our subcommittee finally received the administration reports.

Thee departments in a flurry of activity this month produced reports, only to discover that within days a fourth department would reverse their position and administration witnesses would repudiate from the committee witness stand the earlier position.

Suspense and surprise has its place in the theater and I enjoy a good cliffhanger as much as anyone. But President Nixon's scenario writers should turn these talents elsewhere. The spectacle to which I and my colleagues have been treated recalls a relay race in which the baton is passed clumsily and the members of the team run in opposite directions.

It all started back in February.

On February 25, 1969, the Committee on the Judiciary requested the Departments of State, Justice, and Labor to submit reports on H.R. 7022. This bill would amend section 101(a)(15)(H) of the Immigration and Nationality Act, first, to allow nonimmigrant aliens who possess distinguished merit and ability to enter the United States temporarily to perform services of an exceptional nature requiring such merit and ability; and second, to allow nonimmigrant aliens to enter the United States temporarily to be employed on permanent type jobs. The existing law restricts both classes of aliens to temporary admission for employment that is only of a temporary nature.

Not until October 10, 1969, did the committee receive any departmental report in response to its request of February 1969. On October 10, 1969, the Department of Justice submitted a report on H.R. 7022 which was cleared by the Bureau of the Budget and supported the enactment of this legislation.

On October 14, 1969, the General Counsel of the Department of Commerce wrote to the committee fully supporting such amendments with the hope the committee would take early action to approve appropriate legislation. This letter had also been cleared through the Bureau of the Budget.

On October 20, 1969, a report was received from the Department of State, also favorable to the enactment of this legislation, and stating that there was no objection from a foreign policy point of view to the enactment of this legislation, but the Department would defer to the Department of Labor on the domestic labor policy implications.

On October 22, 1969, the U.S. Department of Labor finally submitted a report on H.R. 7022 opposing that part of H.R. 7022 which would allow nonimmigrant aliens to enter the United States temporarily to be employed on permanent type jobs.

Finally, on October 27, 1969, the Department of Labor presented a witness to the committee. Several previous hearing dates had to be canceled because the Department was unable to agree on a definite policy relative to the temporary admission of alien workers. The following colloquy took place during the hearing:

Mr. Feighan. Mr. Weber, the Department of Commerce sent a letter to the Judiciary Committee in support of H visa revision and the addition of the proposed L category. The State Department testified favorably on both proposals. Now the Department of Labor opposes revision of the H-2 category and qualification of a new L category. It seems peculiar to me that the four agencies involved would assume differing positions on such a fundamental aspect of legislative proposal under consideration. Do you know what the position of the Administration is, or is each agency reflecting its own views?

Mr. Weber. In this case all I can say is we are reflecting our view. We have conveyed and did convey our view on this issue to the Bureau of the Budget. We hope we did it in a timely fashion. In terms of which player is really the quarterback, that is something I am not prepared to pass judgment on.

On October 28, 1969, a witness from the Immigration and Naturalization Service representing the Department of Justice appeared before the committee to testify on the above legislation and in the course of his testimony he found it necessary to depart from the Department of Justice position of October 10 and stated that the position of the Department of Justice now was the position of the Department of Labor. He commented, "The position has matured."

The committee is cognizant that in many areas of industry there is a definite shortage of skilled workers. H.R. 7022 would have the effect of alleviating critical shortages by the temporary admission of alien workers. The committee has diligently sought an expression on this legislation from the executive branch of the Government. After waiting for 8 months, we find that several expressions have been received—contradictory and confusing, buckpassing and irresponsible.

PRISONERS OF WAR IN VIETNAM

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. WHITEHURST. Mr. Speaker, I would like to call attention of the Congress to a statement of great importance on the cynical exploitation of American prisoners of war in Vietnam by Hanoi in collusion with elements of the so-called "peace movement."

I refer to a statement by the gentleman from California (Mr. Bob Wilson), a distinguished member of the Committee on Armed Services. Since my own congressional district is the home of wives and families of PW's, I am personally aware of the heartbreak involved when Hanoi uses human suffering in this nefarious manner. I share Congressman Wilson's views and wish to identify myself with his statement. Under unanimous consent I submit the statement for the information of all Members, as follows:

From the Office of Representative Bob Wilson, October 28, 1969

Asserting that American prisoners of war in North Vietnam are being "cynically exploited" by "Hanoi-selected anti-war leaders", Rep. Bob Wilson, California Republican, today asked the New Mobilization Committee To End The War in Vietnam to demonstrate sincerity by turning over its now PW role to the American Red Cross.

Referring to the designation by Hanoi of the New Mobilization Committee as its agent in the issue of PW's, Wilson, who is a member of the House Armed Services Committee, said that if Mobilization leaders David T. Dellinger and Rennie Davis "are truly moved by humanitarian considerations, rather than calculated political objectives exploiting the PW's, they will see to it that the New Mobilization Committee invites the Red Cross to take over the PW functions offered the Committee by North Vietnam."

Representative Wilson charged that the release of PW's may be made contingent upon release of certain convicts and the exoneration of defendants in the current Chicago conspiracy trial. He said that a situation was being created in which Americans would be made dependent upon extremists "to obtain a list of living PW's or to correspond with the men or have any prospect of their ultimate release."

Envisaging a form of blackmail at the expense of PW's and their families, Wilson said "we are not witnessing a compassionate desire of humanitarian individuals to aid PW's and their families but a calculated international ploy to give greater clout to certain sections of anti-war activism."

Representative Wilson's statement follows:

"Elements of the anti-war leadership in the United States, in collusion with the Government of North Vietnam, are attempting to use American prisoners of war as pawns in a cynical maneuver. It is a power play to make certain leaders of the 'peace movement' a state within a state by forcing the wives and children of U.S. PW's to rely upon such persons as David T. Dellinger and Rennie Davis rather than the State Department and Defense Department.

"There have even been suggestions by the Black Panthers that release of American PW's become contingent upon the release of persons convicted of crimes in the United States and defendants facing Federal charges in the Chicago conspiracy trial. The PW's would become hostages, in effect, to protect extremist agitators in the United States. Mr. Dellinger and Mr. Davis, among others, are being tried with Panther leader Bobby Seale in the Chicago conspiracy case.

"We are torn with mixed emotions by the latest developments. The hearts of the American people go out to the families of the PW's. The PW's, numbering possibly over 1,000, have been held virtually incommunicado for as long as five years.

"But we are now confronted by a diabolical exploitation of human suffering. To strengthen the Hanoi-selected anti-war leaders, Mr. Dellinger and Mr. Davis, and the New Mobilization Committee To End The War in Vietnam, the North Vietnamese tacticians designated the Committee as its agent. The American people must depend upon this Committee to obtain a list of living PW's or to correspond with the men or have any prospect of their ultimate release.

"I find it shocking that Americans would trade on the brutal confinement of fellow citizens held in total contempt for the civilized requirements of the Geneva Convention. We are not witnessing a compassionate desire of humanitarian individuals to aid PW's and their families but a calculated international ploy to give greater clout to certain sections of anti-war activism.

"The office and staff that would handle information and communications pertaining to PW's should in all decency be removed from politics and turned over to the American Red Cross. The Red Cross could then establish normal relations with the international Red Cross.

"The test of sincerity of Mr. Dellinger and Mr. Davis is in whether they are agents of Hanoi or agents of humanity. If they are truly moved by humanitarian considerations, rather than calculated political objectives exploiting the PW's, they will see to it that the New Mobilization Committee invites the Red Cross to take over PW functions offered the Committee by North Vietnam.

"American PW's must not be used for blackmail. They and their families have suffered enough.

"Hanoi apparently intends to dribble out some PW information to strengthen the New Mobilization to bolster the forthcoming mid-November demonstrations. Let the New Mobilization prove its humanity to the American people, to the millions of decent anti-war Americans, by referring its PW role to the Red Cross.

"Lives are involved. People on both sides are dying every day. We need honesty and humanity, not manipulation and maneuvers."

DR. PAUL A. MILLER, PRESIDENT OF ROCHESTER INSTITUTE OF TECHNOLOGY, DELIVERS INSTALLATION ADDRESS AT GALLAUDET

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. CAREY. Mr. Speaker, in 1857 Amos Kendall, who had been Postmaster General in Andrew Jackson's Cabinet, persuaded the Congress to incorporate his school as the Columbia Institution for the Deaf. James Buchanan became its first Presidential patron. He hired Edward Miner Gallaudet, son of the founder of the first school for the deaf in the United States which still exists in Connecticut. In 1864 Congress, by an enabling act, granted authority for the corporation to "grant and confirm such degrees in liberal arts and sciences, as are usually granted and conferred in colleges."

In the history of this institution, 1887 marked a milestone, women were admitted to the college making it coeducational.

In 1894 at the request of the alumni the college was renamed Gallaudet College in honor of Thomas Hopkins Gallaudet, father of the college's president and founder of the first school for the deaf in the United States.

Under Dr. Percival Hall who became the second president of the college in 1910 and Dr. Leonard Elstad who succeeded Dr. Hall in 1945, Gallaudet has prospered and flourished. Gallaudet College reached a high point in its history in 1957 when it was first accredited by the Commission on Institutions of Higher Education of the Middle States Association of Colleges and Secondary Schools.

I had the honor and pleasure of attending the installation of the fourth president of Gallaudet College, Edward Clifton Merrill, Jr., on Thursday, October 23, 1969. Dr. Merrill, in whom we place our trust that Gallaudet College will continue to serve the deaf young people of our Nation, has accepted the challenge of all of us who have had an interest in Gallaudet. Dr. Paul A. Miller, president of Rochester Institute of Technology has eloquently outlined that challenge in his address to install Dr. Merrill in the high office of academic president.

So that our colleagues may have the benefit of Dr. Miller's remarks, I include the full text of his address at this point in the RECORD:

Few, if any, of our public ceremonies have a more civilizing quality than the academic inauguration. To install a college president is to review the relation of learning to the social order, and, therefore, to pledge anew that the search for understanding by man—of himself and of his world—will be preserved and enlarged from one generation to the next. Accordingly, to install a man in the high office of the academic president is in one sense not the chief purpose of the inauguration. Rather, the inauguration is a ritual which helps all of us—patrons, facultys, students, leaders—to renew our loyalties for the highest ideals of a human institution. Thorstein Veblen once said that academic ceremony is nothing more than a vestige of antiquity; one may say also that it is nothing *less*, for the inauguration is rightly symbolic of time and purpose—ancient and new alike. The ritual is necessary for mortal man, because the college, more than most institutions, lives within the whipsaw of high esteem and devastating disloyalty. Its patrons are wont to stray from the path of continuous learning and truth; sometimes the very members of the college do also.

This meaning of the academic inauguration must have seeped into our minds and hearts as we prepared for this moment of calling ourselves aside and together at Kendall Green. For this is an unusual moment. As we reach out to Edward Clifton Merrill, Jr., and draw him to us, we join in a covenant—one and all—that has been made but three times before across more than a century of devoted leadership at Kendall Green. There is but one Gallaudet College. There is no other college like it anywhere in the world. No other center of learning devotes itself to sharing the liberating arts and sciences with those who have been denied the ability to use the nuances of human signals which sound and voice makes possible. No other liberal arts college is granted the public freedom of private direction, yet, and for so long now, nurtured by the resources and understanding of the federal structure. I say to you that no one of us will likely join ever again in academic ceremony of such uniqueness. Yet, there is even a deeper and more lasting distinction. We must allow ourselves to be overcome by first the poignancy and then the joy of the memory of grown men and women who on this greensward created a college from having knelt down in love to clasp and to help a child to live fully in a world of silence.

However, Gallaudet College is one with that international community of learning that would teach its members to love justice, do mercy, and walk humbly together. The additional burdens of this college, as it strives as all other centers of education to propagate the language of evidence, makes it all the more historic and important that we proclaim the great promise of our new leader, Edward Clifton Merrill, Jr. Thus we are enabled to rise above the easy alienation from the leader, and from our frequent denials, even now in the academic precinct, that the president, if he is truly a president, shapes the destiny of the college more than any other person. For it is he who commonly suffers most on behalf of the institution, and, therefore, in the end, comes to love it most.

But even our throwing off the shallow dissection of the human frailties of leaders does not remove the paradox of the college president. His tasks are many and sometimes conflicting—fiscal accountant and executive, scholar, politician, fund-raiser, counsellor to young and old, physical plant manager, public relations specialist, and, sometimes, master plumber and policeman. One might expect that a person of such magic would reign rather than serve. But the paradox of the college presidency, as it has always been, is that despite his responsibility, the encumbent enjoys little power. In order to function as a true college—a community of zealous companions in learning—extensive decentralization of power among many men must rule the day. Tidy and monolithic ways of doing things are not the earmarks of vigorous centers of learning. So, the college president, of whom so much is expected, (even demanded, these days) and in range and depth of talents, is an executive who is unable to use much executive power. He is normally among the first to suggest that this is the way it must be.

We gather, then, to install Edward Clifton Merrill, Jr. as the fourth president of Gallaudet College. On behalf of all his fellow presidents, those represented here today and all those who work at the worldwide perimeters of Gallaudet's service to deaf people, I hold out the hand of fellowship and aid as he takes up a presidency, with ramifications for service to academics and to the public much beyond our imagination. And we must embrace him, and pledge ourselves to walk with him, for what we are asking him to do—to lead at the very edge of human communication and learning—no man can do alone. Every college prospers or not from the results of its own unique seed, a truth for which Gallaudet stands as an unparalled example. How that seed shall be tended here is being openly decided today for a long time to come.

We shall want to walk with Edward when he encounters the hazards of every college president. Perhaps the most common hazard is the erosion ot character by the conflicting views and pressures so necessary to the lively college. By character I mean the individual's capacity for high purpose and his steadfastness in pursuing it. Since the college president must preside over and respect the diffusion of power, he is able to express clear ideas but unable to claim them for his own; instead, he presides over an incredible maze of committees, councils, and interlocking boards, all the while interpreting the goals of unity, even as he is presented with the most special of statutes, sometimes on more than occasionally trivial matters. The college president must master the art of compromise and of helping the half-way solution to work. To live with the task of blending specialities into a unified whole, the ideas for which cannot be his alone, denotes a drain, which, in the absence of intellectual refreshment and renewed resolve, moves toward weakness and even timidity.

The second hazard of the college president is to succumb to the temptation to abandon educational statesmanship. While respecting the necessity that no idea of human experience should be isolated form the whole and thereby made vulnerable to distortion, the prime duty of the college president, I am being so bold as to suggest, is to serve as the chief educational leader of the institution. Every encumbent soon knows this, but almost every force in his daily routine seems to inhibit his own growth as a student of the mysteries of learning. The frequent clash between what he should be doing and what he in fact does can be a debilitating erosion of mind and heart. All college presidents must be guided in part by the knowledge that the truly great representatives of their craft—White of Cornell, Eliot of Harvard, Angell of Michigan, Griswold of Yale, Gilman of Johns Hopkins, Meiklejohn of Amherst—were ruthless in managing their time so that reading, reflection, and scholarship were sustained in their lives. To do otherwise is to invite ruin, both for the intellect of the man and the vigor of the college.

The third common hazard of the college presidency is the isolation of high office. Perhaps it is necessary that isolation or detachment is related to rank. But it is a hazardous relationship, in that the college president may lose touch with those who see the institution in ways differing from his own. Indeed, even those closest to him, for such well-meaning reasons as to spare him worry, seldom tell him the whole truth about the place. If this happens for too long, there results a withering of that instinctive sense of the possibilities and limitations of the institutions as a whole. Should be become too removed from the issues of the day, his usefulness is threatened. Similarly, should he become too engrossed in routine, his usefulness is also threatened.

On this day, however, and in contrast to these hazards, it is pleasing to be able to report that Gallaudet College carries forward a history of able men who embodied long chapters of profound leadership and impact on the founding and the development of this distinctive center on Kendall Green. While times have changed to make the analogy less than perfect, the whole of academic America could learn today from Gallaudet's first president, Edward Miner Gallaudet, who for 47 years in that post gave his every attention to the hopes of deaf people everywhere, and brick by brick, inspiring a growing faculty with both learning and compassion, created what we bestow upon a new leader today. Or speak of that initial patron, Amos Kendall, wealthy enough to take up many causes, who loved the early Columbia Institution with a passion, who gave so much of himself away that there was little left to die, which he refused to do until he lived to attend the commencement in 1869 for the class of three graduates. Then came Percival Hall, who would serve through 35 hard years, and remain warmly human and humble, loved by students and alumni, concerned with the welfare of every graduate, even, in this day it must be said, standing at the top of the list of party chaperones.

We share also today a message of "well done" with the president who followed in 1945, Leonard M. Elstad, humanitarian, never too busy to do something more, or to be himself—convivial, affectionate, quick to laughter—builder, interpreter, architect of both academic and physical structure, who, because he cannot help it, will devote himself to the education of deaf students for so long as he breathes. Or Albert W. Atwood, man of affairs, who has come back and forth to Kendall Green as a trustee for a third of a century, filled merrily himself with the delights of learning, finding in Gallaudet his cause of tenderheartedness. May the history of this College never grow dim that we forget Senator Clark of New Hampshire, who would not agree with many of his fellows in Congress that the education of deaf students could only be third-rate at best, and stood up tall in 1864 to save the legislation. And Congressman Homer Thornberry of Texas, fighting in 1954 for a modern charter and a change in name, to this day, with his wife Eloise, devoted servant of this College.

Such is part of the Gallaudet inheritance created and passed on for 105 years and more. We honor those who remain nameless as well, for we are passing on to Edward Clifton Merrill, clothed in a generous spirit of congratulation, a heritage which grew from the gifts of the men and women who gave the whole of their lives to it. As simply one representative of the academic world today, I am apologetic about how little many of my colleagues know of the drama of Kendall Green. The oversight reminds us all of the tenacious disparity between American rhetoric and practice in extending equal educational opportunity—how slow we are indeed with reaching out to those who lack resources, some human competence, or some elusive state of normalcy, to the poor, the infirm, the deprived. Spend one day on Kendall Green in the service of this College, and your interest will be captured forever; as has mine. This will happen to you, not because what occurs here is on the surface very different from any other college or university, but rather, due to how you will react to the courage of deaf students, teachers who must teach themselves more skills than you have, the natural inclination of the deaf student to art and creative performance. And moreover you will find an institution going about being its authentic self.

Paradoxically, the authentic institution in frequently unheralded, for it has found some consuming element in its mission that prevents self-centeredness, imitation, chasing one fad after another. It is equally ironic that sometimes these authentic places, either by design or accident, less tired perhaps from emulating what others are doing, wander into challenges which extend much beyond their own affairs. This authentic destiny of Gallaudet College comes now to Edward C. Merrill, Jr. as he prepares to accept the presidential medallion as the symbol of his committed leadership. But what of this destiny?

Gallaudet College cannot take the deeper meaning of human learning for granted, no tool of communication can be ignored, no slothfulness can be tolerated in knowing much about those who come to the college and those who depart it.

Gallaudet College is an international college, a beacon of hope for deaf people everywhere. The College is and must continue to be a center of concern for elevating communications as an instrument of dealing openly with old tensions and channeling energies from self-denigration to self-help.

Gallaudet College, a curious blend of private concern and public will, is a classic natural history of how educational institutions can manage themselves within the framework of both individual and governmental acts of benevolence.

Gallaudet College, forced to probe far beyond the ordinary into man thinking and learning, and because what most of us do in educational practice will not work on Kendall Green, is a vital development component in a society which spends billions on provoking new ideas in business, defense, health, and agriculture, but only a fraction of these sums on research and development in human learning.

Gallaudet College, with Kendall school and the unfolding Secondary School for the Deaf, uniquely counters the frequent snobbery and sometimes arrogance of higher education to march in partnership with the lower schools.

Gallaudet College, having opened the door for deaf people to the productive and creative efforts of man, teaches us how to reduce our doubts of the efficacy of education when we sense how puny it is when the most grievous problems to have ever afflicted the American spirit are confronted: racial discrimination, poverty amidst affluence, inefficient institutions, despoilation of the natural environment, and doubts of both private and public honesty.

Gallaudet College, where chaos would prevail in an instant without the action of human relationship amongst students, faculty, and administrators, has a message in its mission about the pridefulness which isolates wisdom, and reveals for us the urgency of restoring shared purpose between father and son, teacher and student, white and black, old and young, rich and poor.

Edward Clifton Merrill, Jr., no man can be asked to do more than this. More than your credentials, we have come to know something of your demeanor, and to admire it, something of your willingness to listen and to learn, and to treasure it, something of your sense of proportion, and to feel the need for it, something of your devoted family, which we also honor. All is well at Gallaudet.

The second president, Percival Hall, asked of the first one, Edward Miner Gallaudet: "A double portion of your spirit: that spirit which has secured for you the love and devotion of all concerned with this institution, that spirit which has guided it safely through calm and storm for over half a centry." Edward, may your proportion be doubled also of all those who have gone before, knowing as we do that in all your waking hours you will be answering endlessly the question: what is best for Gallaudet?

Yet our prayers go with you and yours in the hope that you will be yourself, and that your presidency will be noted for your choice, in Frost's immortal line, "I took the road less travelled by, and that has made all the difference."

POPULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BUSH. Mr. Speaker, I recently received a letter from Dr. John A. Hannah, Administrator, Department of State, Agency for International Development, in which he delineated AID's progress in the field of population.

I hope that every Member of this body will take a moment to study it. Dr. Hannah's comparison of the interest in population at the beginning of this decade and the interest now is most encouraging. But as he points out, there is much more to be done:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., October 23, 1969.

Hon. GEORGE BUSH,
Chairman, House Republican Task Force on Earth Resources and Population, Longworth House Office Building, Washington, D.C.

DEAR MR. BUSH: I would like to express the appreciation of this Agency for your interest in the population program, and most particularly for your remarks to the Congress on September 23. It was interesting to learn from the letters of Mr. Moynihan and Dr. Egeberg of steps now being taken to implement the President's recommendations as defined in his July 28 message.

Population problems loom large among the obstacles to progress in the poor countries, and the Agency for International Development is proud of its evolving efforts in the population field. Over the long run, of course, the poor countries must make progress across-the-board in economic development, produce more food, and raise standards of health and education. But work on family planning and other population problems is and will be vital while these tasks go forward.

In many of the less developed countries, as you know, population matters are very difficult. But we have reasons to feel encouraged. At the start of this decade, for example only two of the developing nations had policies for reducing birth rates. For Fiscal Year 1970, by contrast, 45 countries have, as a matter of policy, requested population assistance from A.I.D. We hope to help them, and we hope that this favorable trend continues.

Thank you again for your continuing interest in the A.I.D. program.

Sincerely,

JOHN A. HANNAH.

TRANSPORTATION PROBLEM SOLVING

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. GUDE. Mr. Speaker, the Council of Government of Metropolitan Washington has again demonstrated its responsiveness to area problems. The COG Transportation Planning Board and its staff have the ability to chop problems down to manageable proportions, as they promote better transportation through a spirit of regional cooperation.

Mr. Speaker, I commend to my colleagues the following editorial from the Washington Evening Star of October 23, 1969, which focuses appropriate attention on some of COG's most recent transportation efforts:

URBAN INNOVATIONS

While the big arguments over Washington's transit and freeway programs rage on, the staff of the regional Council of Governments has been quietly pursuing the notion that transportation improvements need not be massively expensive or fiercely controversial to make sense.

One of its first proposals led to the current laudatory efforts to use buses more effectively to get District residents to job opportunities in the suburbs, rather than merely to cart suburbanites into the city during rush hours. Another campaign resulted in the recent provision of exclusive lanes for buses on a portion of Virginia's congested Shirley Highway. Since this change occurred, incidentally, patronage on the bus line reportedly is up more than 10 percent.

Now, in the same vein, the regional transportation staff suggests a more ambitious but equally sound idea: To pave about three and a half miles of the abandoned right of way of the Washington and Old Dominion Railroad, through the heart of Arlington, so this natural corridor may be used by buses for at least a part of their run to the city. The estimated benefit, which is that this project would allow buses to cut in half the time required for the present surface-street service over the distance involved, sounds to us extremely conservative.

Considering the gain, furthermore, the cost—estimated at between $450,000 and $600,000—is modest. The Department of Housing and Urban Development, which already is informally looking at the possibility of assisting the project with a federal grant, should be entirely sympathetic. HUD is especially anxious to support ideas which encourage the use of public transit, which seek the maximum advantage for dollars spent and which strengthen regional transportation planning. The latest COG proposal, as in the case of the others mentioned above, meets each test.

EFFECT OF TAX REFORM ON CHARITABLE CONTRIBUTIONS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BUSH. Mr. Speaker, uncertainty over the outcome of the tax reform bill has had serious effects on charitable contributions to our major universities. Many donors are putting off decisions on gifts until they are sure of the outcome of the bill. For example, Yale University was the beneficiary of major gifts amounting to $1.6 million during the period July 1 to September 30, 1968. For the same 3 months of 1969 there have been no donations.

I hope that every Member of this Congress will take a moment to read the letter from Mr. Kingman Brewster, Jr., one of the Nation's noted educators, on the problems our colleges are having in raising these badly needed funds. His letter is most impressive:

YALE UNIVERSITY,
New Haven, Conn., October 13, 1969.

Hon. GEORGE BUSH,
Committee on Ways and Means,
House of Representatives,
Washington, D.C.

DEAR MR. BUSH: I know you have heard in great detail from the world of higher education on the subject of H.R. 13270. The purpose of this letter is not to comment once again on the substantive provisions of the tax reform bill, but rather to ask for help in solving a serious timing problem created by the pendency of the bill.

The uncertainty with respect to the bill's final provisions and their effective dates is causing many donors to put off decisions on gifts to charitable institutions. At Yale, for example, outright gifts from individuals were 39% greater last year from July 1 through September 30 than this year. There were major irrevocable deferred gifts to Yale valued at $1.6 million in the same three months last year. This year there were none.

What troubles me now is that it seems likely the Congress will not be able to complete its consideration of tax reform until the last few days of 1969—at best—and possibly not until some time in 1970. Under these circumstances our major donors will not be able to make informed and timely decisions on all the tax consequences of their prospective 1969 gifts. The result will unquestionably be a continued wait and see attitude on their part and an abrupt decline in gifts against the expectation of which we have long since budgeted operations for the current academic year.

I appreciate that short of final enactment no one in or out of Congress can say with absolute certainty what kind of tax reform will be legislated by the 91st Congress. However, it does seem to me that if all or a responsible number of members of the Senate Committee on Finance and the House Ways and Means Committee were soon to join in a statement to the effect that they will support provisions making any final tax reform bill inapplicable to bona fide charitable gift transactions completed in 1969, then we could hope for a resumption of the private support on which we and so many other institutions depend.

There may be other formulations which would appropriately end the current uncertainty affecting charitable giving, but in any event our need is for a reasonably authoritative pronouncement emanating from the members of Congress having major responsibility for tax legislation.

I am writing a similar letter to Chairman Long. If you and he will help solve the problem I have outlined—which is not of your making or ours—then I should be most grateful, but more importantly, the causes of thousands of worthy charities would be served.

Sincerely,
KINGMAN BREWSTER, Jr.

THE GENERAL DID HIS DUTY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BRAY. Mr. Speaker, probably the highest yet simplest words of praise that can ever be given a public servant are these: "He did his duty."

The following editorial from the October 22, 1969, Indianapolis Star, on Gen. Lewis B. Hershey, makes it clear that General Hershey did just that:

THE GENERAL DID HIS DUTY

Gen. Lewis Blaine Hershey, the homespun, earthy Hoosier who drafted some 15 million Americans for three different wars, is not the first man to be pilloried unjustly for doing his duty. Nor will he be the last. His stature is elevated, not lowered, by his detractors.

His foes crowed with glee when it was announced that he would retire early next year as director of Selective Service to become a presidential consultant on manpower. They chortied that he had been "kicked upstairs." They sneered that he had refused to quit while he was ahead.

But like most short-sighted critics they overlooked important things. One was that the general, who enlisted in the Indiana National Guard as a private in 1911 and rode against Pancho Villa on the Mexican border has served his country as a military man for more than 50 years. The crackerbarrel general, who learned the facts of life as an Indiana farm boy, is 76 years old. Few generals of any country or any time have served so long, so well.

The Selective Service System that he took over shortly before World War II was neighborhood oriented. It was, as he put it, "the one area in which people are more immediately participating in governing themselves by deciding on a local level who should go, and not to suit a lot of people."

It was no computerized, punch-card process. It was a hard job but a human job and one that had to be done. In Gen. Hershey the nation had a man with the heart and stomach for it, with no illusions about what was involved.

This brings up another matter the critics always seemed to forget. They acted as though Gen. Hershey was the draft. He was not, of course. The law was passed by Congress. The duty of carrying it out was assigned Hershey. And he did it.

"I'm probably shortsighted enough to think that in my lights I'm right," he said not too long ago. "I have felt that to the best of my knowledge and ability I was doing what I thought was good for my country, and that was selfishness because I have some children and some grandchildren. They're going to have to live in this country, and if there isn't a country, I don't know where they will live.

"And I happen to believe from what I know of our history and what I've lived, I just don't know any country I like better than this one. Ah, what is it? 'England, with all thy faults, I love thee still,' said somebody. And I could say the same thing about America."

As long as enough Americans go on feeling this way and being brave enough to back their feelings up, there will be an America.

AMERICAN ONCOLOGIC MARKS 65 YEARS OF SERVICE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. EILBERG. Mr. Speaker, on November 7 the American Oncologic Hospital, a nonprofit, nonsectarian institution, will celebrate its 65th anniversary. The hospital, located in my district in northeast Philadelphia, is truly an exceptional facility.

It is one of only nine hospitals in the Nation devoted exclusively to the care and treatment of cancer patients. It is the only hospital in Pennsylvania with this exclusive specialty.

As significantly, the work of its doctors, nurses, medical staff, technicians, administrators, employees, board members, and volunteers is truly outstanding and deserves our recognition.

On the occasion of this anniversary I extend my congratulations to these fine people and to the hospital's hard-working executive director, L. Rodman Page, Jr.

With the unanimous consent of my colleagues, I offer for inclusion in the RECORD this description of American oncologic and its achievements:

AMERICAN ONCOLOGIC MARKS 65 YEARS OF SERVICE

The American Oncologic Hospital was founded in 1904, and had been located at 33rd and Powelton Ave., Philadelphia, since 1911.

The Hospital is one of nine in the country, and the only one in Pennsylvania, devoted exclusively to the treatment of Cancer patients. American Oncologic pioneered the use of radium in cancer treatment, and was the first institution in the Philadelphia area to install a supervolt X-ray therapy unit.

In May 1966, American Oncologic affiliated with Jeanes Hospital and the Institute for Cancer Research to form the Fox Chase Center for Cancer and Medical Sciences. The hospital moved to Central and Shelmire Avenues in December 1967.

The Agreement was signed by George M. Dorrance, Jr., President of American Oncologic Hospital; Anthony H. Whitaker, president of The Institute for Cancer Research, and J. Franklin Gaskill, President of Jeanes Hospital.

The Center is located on land made available by the trustees of Jeanes Hospital, American Oncologic is connected to Jeanes by an enclosed bridge.

The Fox Chase medical complex is a multimillion dollar project developed as a major cancer center which combines laboratories and medical facilities of each organization for both basic and clinical research, and hospital facilities for the diagnosis, study and treatment of cancer patients.

Each institution retains its name and autonomy, and the status of the separate professional and administrative staffs is not affected by the affiliation.

The goal of the Fox Chase Medical Center is to mount a coordinated attack on cancer by placing at one location the very best in resources, knowledge, talent and patient care.

American Oncologic's facilities and long experience in caring for cancer patients is complemented by the excellent general hospital facilities of Jeanes Hospital, and the highly developed basic cancer research programs of The Institute for Cancer Research, enabling each institution to broaden the scope and effectiveness of its services.

The highly specialized 50-bed hospital shares many services with Jeanes and I.C.R. on a 40-acre tract in the Fox Chase section of Philadelphia.

Institutional overtones were cast aside in the design in favor of an environment that unites the patient with nature and gives a feeling of harmony, hope, and reassurance.

Stress has been placed on creating privacy for patients while offering a home-like atmosphere to boost the patient's morale.

The unusual shape of the building lends itself to an excellent arrangement of interior spaces with bedrooms divided into small groups of no more than six two-patient rooms on each segment of the three nursing floors. Every unit is served by lounges, solariums, terraces.

The hospital is flexible enough to permit shut-ins a high degree of selectivity in the privacy they seek. Bedrooms look out upon landscaped grounds and wooded areas. Each bedroom has a door opening onto a continuous terrace.

Because most of the hospital's activities center on the care of out-patients, facilities will accomodate 30,000 annual visits by out-patients.

Three waiting rooms for out-patients surround the two-and-one-half story lobby. Focal points of the lobby are clusters of sculptured metal leaves—a gift from the women's board—suspended from the ceiling, and tubs of live plants suggesting an arboretum. A multi-colored glass skylight illuminates the central court area.

The hospital's walls are of colored stucco, to match Jeanes. Clay tile roofs reinforce the building's residential character. The basic structure is reinforced-concrete with waffle slabs.

During the fiscal year ended June 30, 1969 American Oncologic admitted 1,239 patients, representing a 42 per cent increase over the previous year. Patients received 17,546 days of nursing care, and the average patient stay was 14.2 days.

A 14 per cent increase was registered by 9,045 out-patient visits, and cobalt treatments, which came to 7,558, increased by 11 per cent over the previous year.

Other services included 3,632 X-ray diagnostic studies for 2,866 X-ray diagnostic patients, 56 radium placements, 614 isotope procedures, 47,457 laboratory studies and 1,199 operations.

The hospital is accredited by the Joint Commission on Accreditation of Hospitals, and is approved by the American College of Surgeons as one of nine cancer hospitals in the country.

ROY WHITTON'S ANSWER TO "VIETNAM MORATORIUM DAY"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BRAY. Mr. Speaker, there were many and varied reactions to Vietnam moratorium day last October 15, and the most fitting and unusual I have seen to date was initiated and put into practice by Mr. Roy Whitton, of Greenfield, Ind.

As the Indianapolis Star of October 10, 1969, gave his plans:

> Roy Whitton, general manager of FM outlet WSMJ in Greenfield, has his own answer to Vietnam moratorium day, October 15. He will broadcast a series of editorials, one every 60 minutes that day during the hours he is on the air.
>
> Only the editorials will be "The National Anthem," "The Battle Hymn of the Republic," "Yankee Doodle," etc.

I wish Hanoi could have heard WSMJ that day. Roy Whitton's attitude was much more indicative of general American sentiment, I am sure.

SENATE—*Thursday, October 30, 1969*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who holdest in Thy hand the souls of the righteous; we give Thee thanksgiving and praise for all the generations of the faithful, who have served Thee in godliness and love, with patriotism and unselfish devotion, and who dwell forever in Thy presence. We bless Thee for all who have enriched the world with truth and beauty, who have labored in the service of their fellows, who have done great and noble things for Thee, and transmitted to us a gracious heritage. We bless Thee for all near and dear to us in sacred memory, fathers and mothers, brothers and sisters, for those who have helped and defended, loved and cherished us. Grant that all the good we have seen and known in them may continue to inspire and guide us.

Make us aware of that unseen cloud of witnesses before whom the race of life is run that we may be worthy of their labors, and when we have fulfilled our time make us partners with them in Thy kingdom everlasting. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 29, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 27, 1969, the President had approved and signed the following acts:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation of Public Broadcasting; and

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transactions of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

FEDERAL COMMUNICATIONS COMMISSION

The bill clerk read the nomination of Dean Burch, of Arizona, to be a member of the Federal Communications Commission.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The bill clerk read the nomination of Robert Wells, of Kansas, to be a member of the Federal Communications Commission.

Mr. HART. Mr. President, during the course of the Senate Commerce Committee hearings on the nominations of Dean Burch and Robert Wells to the Federal Communications Commission, questions were raised with respect to the views of the nominees on employment practices and on media concentration.

Nothing in the replies from these two gentlemen indicated any previous leadership on their part in opening of employment opportunities. In their new role, and in light of the concern now voiced in this area, I hope they will provide that leadership.

The new Commissioners should know that some of us on the Commerce Committee will continue our interest in this matter and in the subject of media concentration, and will look to their performance in the key positions they will now occupy.

The **PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

Mr. **DOLE.** Mr. President, Mr. Wells is a close personal friend, and I can attest both to his high integrity and to his professional competence. He is a man of dedication, understanding, and intelligence, and will serve with highest distinction on the body responsible for the regulation of our vital communications systems. He has considerable experience in the broadcast media, and the publishing field.

During his distinguished career he has demonstrated a continuing dedication to his community. He has been president of the Garden City Junior Chamber of Commerce, and Rotary Club; he served as moderator of the Garden City Community Church; and he is a past chairman of the Kansas Forestry, Fish and Game Commission; and member of the Kansas Joint Council on Outdoor Recreation. Perhaps the finest testament to Bob Wells' character and contributions to his community and State was that he was named outstanding young man of the year for Kansas.

The presence of men such as Bob Wells in positions of high governmental authority is one of the greatest assurances we, as Senators, can provide the American people that the public interest will be served first, wisely, and fairly.

Mr. President, I commend the Senate for its wisdom in confirming the nomination of Mr. Wells as a member of the Federal Communications Commission.

AMBASSADORS

The bill clerk read the nomination of Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi, and the nomination of John F. Root, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

The **PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed.

INTER-AMERICAN DEVELOPMENT BANK

The bill clerk read the nomination of Henry J. Costanzo, of the District of Columbia, to be Executive Director of the Inter-American Development Bank.

The **PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

INSPECTOR GENERAL, FOREIGN ASSISTANCE

The bill clerk read the nomination of Scott Heuer, Jr., of the District of Columbia, to be Inspector General, Foreign Assistance, and the nomination of Anthony Faunce, of Massachusetts, to be Deputy Inspector General, Foreign Assistance.

The **PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The bill clerk read the nomination of Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development.

The **PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill clerk read the nomination of Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development.

The **PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—COAST GUARD

The bill clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

The **PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **MANSFIELD.** Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ESTABLISHMENT OF A COMMISSION ON GOVERNMENT PROCUREMENT

Mr. **MANSFIELD.** Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 474.

The **PRESIDENT** pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **MANSFIELD.** I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JACKSON, Mr. RIBICOFF, and Mr. MUNDT conferees on the part of the Senate.

SALE AND EXCHANGE OF TRIBAL LAND ON THE ROSEBUD SIOUX INDIAN RESERVATION, S. DAK.

Mr. **MANSFIELD.** Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 73.

The **PRESIDENT** pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 73) to amend the act entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota," which was to strike out all after the enacting clause, and insert:

That the Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", be and the same is hereby amended by adding a section 3 reading as follows:

"SEC. 3. Any land mortgaged under section 2 of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of South Dakota. For the purpose of any foreclosure or sale proceeding, the Rosebud Sioux Tribe shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Rosebud Sioux Tribe at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribe. Title to any land purchased by an individual Indian member of the Rosebud Sioux Tribe at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser."

SEC. 2. The Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", is further amended by adding a section 4 reading as follows:

"SEC. 4. The provisions of this Act shall not apply to the foreclosure of a mortgage or a deed of trust which is then owned by an individual Indian."

Mr. **MANSFIELD.** Mr. President, S. 73 passed the Senate on August 13 and passed the House on October 21. The purpose of the proposed legislation is to amend the act of December 11, 1963 (77 Stat. 349), which authorized the sale or exchange or mortgaging of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, by adding a section 3 to the act. The new section provides that any lands mortgaged under the authority granted in section 2 of the 1963 act shall be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of South Dakota. It further provides that any land redeemed or acquired at a foreclosure or sale by the Rosebud Sioux Tribe will be taken in the name of the United States in trust for the tribe, and any land purchased by an individual Rosebud Indian at such foreclosure sale may, with the consent of the Secretary of the Interior, be taken in trust for the individual Indian purchaser.

The House has amended the bill to add a new section 4 to the 1963 Rosebud Act which provides that the foreclosure procedure contained in S. 73 with respect to mortgages on Rosebud tribal land will not apply if at the time of foreclosure the land subject to the tribal mortgages is owned by an individual Indian. In that event, a foreclosure will be governed by the act of March 29, 1956, which specifies the procedure for foreclosing a mortgage on individually owned Indian trust land.

This amendment does not change the purpose or intent of S. 73 as passed by the Senate, and the sponsors of the measure have no objection to it. I move that the Senate concur in the House amendment.

Mr. GRIFFIN. Mr. President, the majority leader assures me that this matter has been cleared with the minority.

Mr. MANSFIELD. Yes. It agrees with the intent and purposes of the sponsors. They have no objection to it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for approximately 15 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Delaware is recognized for 15 minutes.

AUSTIN, TEX., REAL ESTATE TRANSACTION QUESTIONED

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to a highly questionable transaction wherein real estate with a real value of over $2 million was given away in the last 90 days of the Johnson administration.

Between October 21, 1968, and January 20, 1969, a group of Texans—Mr. J. C. Kellum, Mr. Roy A. Butler, and Mr. Frank C. Erwin, Jr., formed a nonprofit corporation and then received a free gift from the Government of 26½ acres of choice real estate in the center of Austin, Tex. A low value of $642,000 was used, but actually this valuation was far too low, since in the Government files at that same time was an earlier appraisal which showed a valuation on this same land of over $2 million. As if that were not enough, in addition to receiving this gift of land, this same group was approved for large cash grants from the Department of Health, Education, and Welfare and for Federal Housing Administration loans totaling over $8 million to build a nursing home and apartments on this same project. FHA loans are not supposed to be for more than 90 percent of the construction cost. To provide the necessary 10 percent downpayment, the group pledged as collateral the land which the Government had just given them plus the proceeds of three cash grants awarded them by HEW totaling nearly a half million dollars. This meant that the group would have no money invested in the $10 million project.

The files indicate that these liberal transactions were arranged upon orders from the White House, and official approval was given by the Secretary of Health, Education, and Welfare, who overrode the strenuous objections of subordinates who recognized this deal as a land grab in which the interests of the Government were not being properly protected.

I shall review the chronology of these transactions and let the record speak for itself.

First the President developed the idea of establishing a geriatric center in Austin, Tex. The project was originally supposed to have the sponsorship of the University of Texas; but the university soon withdrew, and then a group of individuals formed a so-called nonprofit organization and proceeded with the plans.

On October 29, 1968, there was a special meeting at the White House to discuss this project. Present were Mr. M. Nimetz, special assistant to Mr. J. Gaither, representing the President; Dr. Thomas McCarthy, National Center for Health Services, Research and Development; Mr. H. R. Moskof, president, Committee of Urban Housing; Mr. T. Ray Ogden and Mr. C. L. Tilley, of Brooks, Barr, Graeber & White, of the Washington and Austin offices, respectively; Mr. A. H. Dilly, vice chancellor for health affairs, University of Texas, Austin; Mr. A. D. Grezzo, Chief, Elderly Nursing Homes and Medical Facilities Branch, FHA; and Mr. J. A. Cunningham and Dr. Milton L. Bankoff, both of Division of Medical Care Administration, Public Health Service.

The purpose of this meeting was to develop a definitive program in response to the President's request for a new and innovative nursing home for Austin, Tex., as soon as possible.

The representatives of the University of Texas expressed their desire to cooperate completely with the President; however, they insisted on a permanent well-built building which would be operated according to high standards.

In view of the local bed situation—1,500 nursing home beds in Austin, which has a population of 200,000 and a new medicenter of 225 beds—and the low amount of financial reimbursement under current Texas regulations it was decided at this meeting that the maximum building size should be 250 beds for the nursing home.

The National Medical Association Foundation—NMAF—program was discussed in depth, and it was decided to use the NMAF plan of a continuum of care with construction of a nursing home to be followed by construction of housing for the well-elderly as rapidly as possible. Both were to be included in the master plan for the site which was to be approved as soon as possible so that construction could be begun by December 25, 1968.

The group at the October 29 meeting was told that 26 acres of Federal land then being used as a fish hatchery and located five minutes east of the center of Austin, Tex., was available. That was prime land and had been valued at $2 per square foot, or over $2 million, but later when transferred this valuation was arbitrarily reduced to $642,000. There appears to be no justification for this lower appraisal.

After much discussion at this October 29 meeting this Federal site was chosen. Significantly as of the date this property—consisting of two tracts—one of 5.79 acres and one of 20.704 acres—was selected, it had not even been declared surplus, nor had the Texas group filed their organization papers.

Two weeks later, on November 15, 1968, the 20.704 acres plus an easement of .390 acres, for a total of 21.094, was conveniently reported as excess to the needs of the Interior Department, and 4 days later, on November 19, 1968, it was declared surplus. This property was not screened for use by other Federal agencies as is required by the law.

Meanwhile a new group took over. On this same date, November 19, 1968, the Austin Geriatrics Center, Inc., was formed under the Texas Nonprofit Corporation Act with directors and incorporators as follows:

Directors: Frank C. Erwin, Jr., Roy A. Butler, and J. C. Kellam.

Incorporators: Burnell Waldrep, Richard C. Gibson, and William R. Long.

On November 20, 1968, Mr. Sol Elson, Director of Surplus Property, sent a memorandum to Mr. Donald F. Simpson, Assistant Secretary for Administration, giving a status report on the surplus property situation and raising questions which needed to be answered in order to meet timetables set by his superiors—namely, to get this transaction cleared before January 20, 1969. In this memorandum Mr. Elson outlined their problem as follows:

First. They had not yet received an application, so they did not know what the proposed program was.

Second. They had no knowledge regarding the nature of the corporation that was to get the property or its financial ability.

They assumed it would be eligible as a nonprofit organization. Since the construction was going to be fully subsidized by the Federal Government and since the operation might have to be subsidized Mr. Elson felt serious doubt might exist as to the financial feasibility of the project unless there were a pledge for underwriting continuing long-term operations by some financially responsible organization. He requested additional information so that they could meet the administration's wishes.

On November 22, 1968, their application was filed and sent to Mr. Sam G. Wynn, Regional Representative, Office of Surplus Property Utilization, HEW.

On November 26, 1968, the remaining 5.79 acres were reported as excess to the needs of the Interior Department, and the following day, November 27, 1968, Mr. Donald Simpson, Assistant Secretary of Health, Education, and Welfare, gave Secretary Wilbur Cohen a report promising that the property would be ready for delivery by December 11, but Mr. Simpson raised a question as to whether publicity of the transaction would be appropriate.

On November 29, 1968, the 5.79 acres, which on November 26 had been declared excess to the needs of the Interior Department, was officially declared surplus. Again there was no screening of other Federal agencies as to its possible use.

On December 6, 1968, Secretary Cohen advised the President that as of December 2, 1968, the 26.5 acres had been officially declared surplus by the General Services Administration, that it had been assigned to HEW for disposal, and that he would be ready to deliver the deed to the Austin group on December 10, 1968, at 2 p.m.

On December 10, 1968, the signed deed was delivered to the Texas group with a provision therein for a right of reverter for 30 years if:

First. The property were not used continuously for health and health research purposes in accordance with the application and "the supplement thereto."

Second. The center sells, rents, encumbers, or transfers the property without the consent of HEW.

Third. The center fails to report yearly to HEW.

Fourth. The center violates the Civil Rights Act.

The Texas group did have one problem regarding its ability to pledge the property as collateral to obtain financing from the FHA. This was soon resolved by the execution of a consent agreement on January 10, 1969, which allowed them to use this property, which was costing them nothing, as collateral for an $8 million low-interest Government loan.

The plan was for the center to build a large facility, which meant a large loan and a fair amount of equity money. This could be difficult for the center from a practical standpoint. From a technical standpoint HEW had the right to revert if the center mortgaged without first obtaining the Department's consent; however, if the center could comply and had private financing without FHA help it could be difficult to refuse such consent.

Assuming the Department of Health, Education, and Welfare refused to consent it would be possible for the center to abrogate the condition subsequently by paying to the Department $642,000 the low GSA appraised figure.

While $642,000 was the appraisal figure used for the transfer of the property to the Texas group, actually at the time of the transfer the agency files showed that earlier the same land had been appraised at well over $2 million. I found no basis for the lower valuation except to make this giveaway transaction appear less odorous.

As mentioned earlier, in addition to the free land this Texas group needed some cash. They were applying for $8.5 million in loans, and the Government required that they furnish 10 percent collateral.

The land they had received as a gift, while actually worth $2.2 million, has been accepted at a low appraisal of $642,000 and therefore would not cover the required 10 percent—the Government loans are supposed to be for only 90 percent of the construction costs.

Again HEW came to the rescue. On January 8, 1969, Mr. Thomas McCarthy, the Deputy Director of the National Center for Health Services Research and Development, wrote the Chief of the Contract Branch requesting that a contract be awarded the center in the amount of $150,000 with a 12-month period of performance. Mr. McCarthy claimed that the center had unique, important, and predominate capabilities to do the work they sought to undertake and that therefore it was impractical to secure competition by formal advertising. I suppose what he really meant was that only 12 days remained before the administration would be out of office and that they did not have time for competitive bids.

On the following day, January 9, 1969, the center was invited to submit a proposal, which was done on January 10 by Mr. Frank C. Erwin, Jr., president of the center. The total estimated cost was $150,000, and articles of the center were attached indicating it to be a nonprofit corporation incorporated on November 19, 1968. I might add that they did not have tax-exempt status even though they so indicated on that proposal.

On January 13, 1969, Mr. William W. Brownholtz, Chief, Cost Advisory Branch, Office of Financial Management, submitted to the Chief of Contract Operation Section, Procurement Division, Health Services and Mental Health Administration—HSMHA—an adverse report recommending against giving this contract to the center. He commented that the contract was to be a cost reimbursement type and that the organization was not ongoing and has not established an adequate accounting system to implement the contract. He also noted that the conract contemplated charging many overhead costs to the contract program. This naturally would be inappropriate if the center also carried on activities unrelated to the contract program as they would have the benefit of overhead cost payments made through the contract. He felt the center should file a security bond.

On January 14, 1969, Mr. Samuel J. Dick, contracting officer, likewise submitted an adverse preaward onsite evaluation. Some of the points raised in his report were as follows:

First. The center had no legal domicile, but Mr. Erwin suggested that his office address in Austin be used.

Second. The center had no assets other than the property deeded to them by the Federal Government.

Third. FHA mortgage negotiations had not been concluded, but the center hoped to break ground by January 23, 1969, and commence construction in February. The center therefore did not have facilities to perform the contract and would not have them until the nursing home was built.

Fourth. The center did not have an administrative staff or employees. Mr. Erwin was to select an administrative staff and a director of research, and the center hoped to obtain consultants.

Fifth. The center did not have an adequate accounting system or controls to administer a Government contract.

Sixth. The center did not have financial capacity or other resources to perform the contract, nor had it demonstrated the ability to obtain such financing. The center felt advance payments would be necessary for operating capital.

Seventh. The center had no prior contracts or experience.

Eighth. The contract contemplated was for 1 year, which was not within the ability of the center, and it hoped a 2- to 3-year contract would be considered.

In this report of January 14, 1969, it is clear that Mr. Dick felt that the center did not meet the standards of the Federal procurement regulations and recommended that the contract not be awarded.

On January 15, 1969, the following day, a synopsis was published in the Commerce Business Daily indicating that the center was the sole source for the program by reason of its unique plans and capabilities and that there therefore would be no competition.

On that same day, January 15, 1969, Mr. J. Keesler, Chief, Procurement Branch Office of Procurement and Material Management, HSMHA, wrote a memorandum to the Deputy Administrator attaching Mr. Dick's memorandum of January 14. He reviewed the file with Mr. Weiner, Office of the General Counsel, and Mr. William Brownholtz, Office of Financial Management, and pointed out that they all agreed that the contract should not be awarded to this Texas group.

But White House pressure was on, and no attention was paid to any of these adverse reports.

On January 17, 1969, HEW signed the contract in the amount of $150,000.

Three days later, January 20, 1969, a government-guaranteed loan in the amount of $2,283,800 was approved for the 168-bed nursing home with the San Antonio insuring office issuing a commitment under section 232—project No. 115-43011-NP.

This loan application carried the notation that the closing requirements of about $227,000 would be cared for by HEW grants.

On January 20, 1969—the same day—a second government-guaranteed loan for $6,350,000 was approved under section 236 for a 363-unit project designed for the elderly with 20 percent rent supplement units—project No. 115-44008-NP-SUP.

In addition to the gift of land, this group during the same 90-day period received approval of a series of grants: From HEW, $150,000; and from HUD $298,582 interest reduction payment—

Section 236—and $58,779 in rent subsidies.

These advance cash grants and the free land received from HEW were the only security advanced as representing the sponsors' 10 percent security for the $8.5 million Government loan.

Thus here we have the Government, in cash grants and free land, furnishing collateral for their own loans.

Mr. President, an examination of this transaction clearly shows that the free gift of this land and the approval of these cash grants and these $8.5 million in loans were obviously political decisions, and as the result of this last-minute scramble to get just one more grab from the Federal Treasury the taxpayers stand to lose millions.

To illustrate just how bold this deal was, I call attention to a memo signed by Secretary Cohen on January 16, 1969, just four days before leaving office.

On January 15, two adverse reports had been received, recommending against the approval of the HEW grants and the transfer of this land to this Texas group.

On January 16, 1969, Secretary Wilbur J. Cohen dictated a memorandum for the file indicating that he had personally reviewed the files, that he knew Mr. Frank Erwin, one of the directors of the Texas group, to be a man of integrity, and that he personally had discussed the project with the officials of the University of Texas who had assured him of their support of the center. Based on said assurances, he was approving the project. There is a hand-written note in the Department files on a route slip, which states:

1. Sign all three copies.
2. Sign memorandum for the record saying you reviewed, and so forth, and therefore approve the project.
3. Ship whole package to Lewis, and we will get a man on a plane to Texas to get them to sign before January 20.

Mr. President, I question not only the propriety but the legality of this multi-million-dollar giveaway transaction wherein all rules governing the disposition of Government property were ignored. Grants were made and loans were approved for this group in a manner which underscores bureaucratic contempt for the American taxpayers. This transaction cannot remain unchallenged.

I am today requesting the Department of Justice to investigate this transaction and take whatever steps are necessary to protect the interests of the Government and to recover this property. Meanwhile I am suggesting that all Government agencies which approved any grants or loans to this group stop all disbursements until the Department of Justice has had an opportunity to act.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on observations on problems encountered in resolving weaknesses in State right-of-way acquisition activities, Federal Highway Administration, Department of Transportation, dated October 29, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Common Council of the City of Buffalo, N.Y., praying for the deescalation of the war in Vietnam; to the Committee on Armed Services.

TEMPORARY EXTENSION OF AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949—REPORT OF A COMMITTEE (S. REPT. NO. 91–500)

Mr. PROXMIRE, from the Committee on Banking and Currency, reported an original joint resolution (S.J. Res. 164) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949, and submitted a report thereon, which report was ordered to be printed, and the joint resolution, by unanimous consent, was amended and passed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SCWEIKER, from the Committee on Armed Services:

Robert Louis Johnson, of California, to be an Assistant Secretary of the Army.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of seven general officers in the Army and Marine Corps. Included in this group is the nomination of Lt. Gen. Lewis Blaine Hershey for appointment to full general in connection with his assignment as Manpower and Mobilization Adviser to the President. I ask that these names be placed on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations were placed on the Executive Calendar, as follows:

Brig. Gen. Sylvester T. DelCorso, Army National Gaurd of the United States, for promotion to major general, U.S. Army;

Douglas J. Peacher, and sundry other officers, for promotion in the Marine Corps Reserve; and

Lt. Gen. Lewis Blaine Hershey, Army of the United States, to be assigned to a position of importance and responsibility designated by the President, in the grade of general.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,125 appointments and promotions in the Army in the grade of lieutenant colonel and below, 986 promotions to commander in the Navy, 3,406 promotions to major in the Air Force, and 274 appointments and promotions in the Marine Corps in the grade of lieutenant colonel and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John W. Alber, and sundry other officers, for promotion in the Marine Corps;

William L. Nichols, and sundry other officers, for promotion in the Regular Army of the United States;

Thomas C. Adams, and sundry other officers, for promotion in the U.S. Navy;

Lorenza T. Baker, and sundry other staff noncommissioned officers, for appointment in the Marine Corps;

Gerald D. Badinger, and sundry other persons of the Navy enlisted scientific education program, for appointment in the Marine Corps;

John P. Lewis, and sundry other persons, for appointment in the Regular Army;

Francis A. Copeland, and sundry other persons, for appointment in the Regular Army of the United States;

Burnis G. Allardyce, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Richard L. Freeman, and sundry other scholarship students, for appointment in the Regular Army of the United States; and

Edward F. Abbey, and sundry other officers, for promotion in the Regular Air Force.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD of West Virginia:

S. 3094. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60; to the Committee on Finance.

By Mr. TYDINGS:

S. 3095. A bill for the relief of Lourdes T. Chiong (A14 520 582); to the Committee on the Judiciary.

By Mr. NELSON:

S. 3096. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for an identification system for prescription drugs for human use; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Nelson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PERCY (for himself, Mr. Scott, Mr. Bible, Mr. Mathias, and Mr. Dole):

S. 3097. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

(The remarks of Mr. Percy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PELL:

S. 3098. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Pell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PROXMIRE:

S.J. Res. 164. A joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; considered and passed.

(The remarks of Mr. Mansfield when the joint resolution was reported appear later in the Record under the appropriate heading.)

S. 3096—INTRODUCTION OF THE DRUG IDENTIFICATION ACT OF 1969

Mr. NELSON. Mr. President, today I am introducing legislation to establish a uniform coding system for all prescription drugs to make immediate identification of a drug possible in cases of accidental or intentional overdose.

Immediate identification of a drug could mean the difference between life and death when a young child or mentally disturbed person takes an accidental or intentional overdose.

Symbols and numbers should be imprinted on each and every drug today to tell what drug it is, who made it and what strength it is.

The National Drug Identification Act would require all prescription drugs—tablets and capsules—to bear a specific designation assigned by the U.S. Department of Health, Education, and Welfare to indicate the name of the drug, the name of the manufacturer, the dosage and the manufacturer's lot number.

Such a plan was endorsed recently by Health, Education, and Welfare Secretary Robert Finch after reviewing a recent blue ribbon report on prescription drugs.

With an identifying code on every tablet and capsule, proper treatment or antidote could be administered without delay in the case of an overdose.

The tremendous increase in the number of different drugs now being dispensed to the American public clearly points to the need to have a national system of drug identification. More than 8,000 different prescription drugs are now available.

The code system would make it possible for a physician to identify a drug prescribed by another physician in a different city or State and could help in avoiding potential errors or substitution in medication.

Hospitals and nursing homes would benefit by being able to collect already distributed by unconsumed drugs and return them to their pharmacies for future use.

Several large pharmaceutical companies have already initiated coding systems by stamping designations on individual tablets and capsules.

Drug firms could use the coding system to facilitate the recall of unsafe or ineffective drugs as well as improving information on sales, marketing, and standardizing designations for prepaid plans, insurance claims, welfare programs, and data processing.

Under this plan, a comprehensive drug code index would be compiled by the Department of Health, Education, and Welfare and distributed to hospitals, nursing homes, poison control centers, State and local health departments, physicians, and pharmacists. The Department recently released details on a voluntary drug code system, which could form the basis for his expanded drug identification plan.

I ask unanimous consent that the text of the bill be printed in the Record at this time.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3096) to protect the public health by amending the Federal Food, Drug and Cosmetic Act to provide for an identification system for prescription drugs for human use, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Identification Act of 1969".

DECLARATION OF POLICY

Sec. 2. For the purpose of protecting the public health the Congress hereby finds and declares that there is a vital need to provide for the ready identification of prescription drugs in order to facilitate drug recalls and prevent drug mixups. Identification of drugs is also necessary so that the proper treatment or antidote can be quickly administered when such drugs are accidentally ingested. Clear and distinct coding of prescription drugs in interstate commerce without the corresponding identification of drugs in intrastate commerce would seriously depress and burden interstate commerce in drugs. Therefore the Congress further finds and declares that the identification of drugs in intrastate commerce is necessary to make the identification of drugs in interstate commerce effective.

Sec. 3. The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 503 the following new section:

"Identification Code for Prescription Drugs

"Sec. 504. (a) All drugs subject to section 503(b)(1) of this Act shall individually bear a logotype, symbol, or other identifying mark which shall be conspicuously and legibly placed on such drug and clearly identifying the manufacturer, compounder, processor, or other source of such drug. Such manufacturer, compounder, processor, or other source of such drugs shall register such logotype, symbol, or other identifying mark with the Secretary. The Secretary may refuse to register or revoke such registration if such logotype, symbol, or other identifying mark does not, in the opinion of the Secretary clearly identify the source of such drug.

"(b) In order to prevent drug mixups, facilitate drug recalls, and provide for the ready identification of drugs accidentally ingested by children so that the proper antidote or treatment can be quickly administered, all drugs subject to section 503(b)(1) of this Act shall individually bear in a conspicuous manner, a code, which if known, would show the identity of the particular drug, and the strength (dosage form) of such drug. Such code shall use only numbers or letters (or any combination thereof) in accordance with regulations which the Secretary is hereby authorized to promulgate.

"(c) The Secretary may, pursuant to regulations, establish a uniform code or system of coding for the purposes of this section and may require registration and advance approval of a code prior to its use in accordance with this section.

"(d) The Secretary may, pursuant to regulation, when he deems it to be in the public interest, require that the code also identify the particular lot from which the drug was manufactured in addition to the information required in subsection (b) of this section.

"(e) The manufacturer (or other source) of a drug subject to section 503(b)(1) of this Act shall make available upon request to all persons licensed to administer or dispense such drugs an index to the code required pursuant to this section which shall list the drugs, strength (dosage form) or any other information which the code may be required to identify pursuant to this section which such numbers, letters (or combination thereof) represent.

"(f) The index to the code required to be made available shall identify the trade name and established name (as defined in section 502(e)(2) of this Act) of the drug together with the applicable code numbers, letters or combination thereof.

"(g) Registration of a logotype, symbol or other identifying mark, or an identification code (including coding for manufacturing lot numbers) as required pursuant to this section or regulations promulgated under this section shall be registered (together with an index to such code as required pursuant to subsection (e) of this section) with the Secretary as an appendix to the registration required under Section 510 of this Act, unless the Secretary shall designate otherwise.

"(h) No person shall manufacture, process, sell, deliver or otherwise dispose of any drug subject to section 503(b)(1) of this Act which does not bear (1) a logotype, symbol, or other identifying mark which is properly registered with the Secretary pursuant to subsection (a) of this section, and (2) a code of numbers, letters (or any combination thereof) which shall identify the source, name, and manufacturing lot number of such drug as required under this section.

"(i) No person shall manufacture, process, sell, deliver, or otherwise dispose of any drug which is marked with a code, if the numbers, letters (or combinations thereof) which are used do not correspond with the designation for such product in the index of such code.

"(j) The Secretary shall exempt from the operation of this section (1) drugs in liquid or ointment form and (2) any other drug or class of drugs if it is impracticable for such drug to bear an identifying mark or code because of the size, composition or other relevant aspect of such drug: *Provided,* That no exemption shall be granted under this section if, in the opinion of the Secretary, such exemption would be inconsistent with the protection of the public health.

"(k) The Secretary may authorize manufacturers, compounders and processors of drugs subject to section 503(b)(1) of this Act to comply with this section by placing the logotype, symbol or other identifying mark and the coding required by this section on individual packets or packages containing no more than one capsule or tablet."

Sec. 4. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(r) The manufacture, compounding, processing, sale, delivery, or other disposition of a drug in violation of section 504."

(b) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof the following:

"(p) If it is a drug subject to section 503(b)(1) of this Act and fails to bear a logotype, symbol or other identifying mark or an identification code in accordance with the provisions of section 504 of this Act."

Sec. 5. Section 301(o) of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 331(o)) is amended by inserting "(1)" immediately after "(o)" and adding at the end thereof the following:

"(2) In the case of a drug subject to section 503 (a)(1) of this Act which is distributed or offered for sale in interstate commerce, the failure of the manufacturer, packer or distributor thereof to maintain for transmittal, or to transmit, to any person licensed by applicable State law to administer or dispense such drug a copy of an index to the code required pursuant to section 504 of this Act, if such person has made a written request for such index."

ADDITIONAL COSPONSOR OF BILL

S. 2676

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing, the name of Mr. Byrd of West Virginia be added as a cosponsor of S. 2676, to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS AND REMOVAL OF COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 163

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. Montoya), I ask unanimous consent that, at the next printing, the names of the Senator from New Mexico (Mr. Anderson), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from Oregon (Mr. Hatfield), the Senator from Washington (Mr. Jackson), the Senator from Wyoming (Mr. McGee), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), the Senator from Maryland (Mr. Tydings), and the Senator from Ohio (Mr. Young), be added as cosponsors of Senate Joint Resolution 163, to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes".

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I also ask unanimous consent that at the next printing of the resolution, the name of the Senator from Texas (Mr. Tower) be removed from the list of cosponsors.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FURTHER AMENDMENT TO H.R. 13270, THE TAX REFORM BILL IN BEHALF OF SMALL BUSINESS

AMENDMENT NO. 258

Mr. MANSFIELD. Mr. President, on behalf of the distinguished senior Senator from Alabama (Mr. Sparkman), I submit an amendment which he intends to propose to H.R. 13270, the tax reform bill. I ask that the amendment be printed, and that it be appropriately referred.

The reintroduction of the amendment is made necessary by the technicalities involved in the reconsideration of the investment tax credit matter by the Senate Finance Committee. I also ask unanimous consent that Senator Sparkman's statement of explanation be printed in the Record.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the statement of the Senator from Alabama (Mr. Sparkman) will be printed in the Record.

The amendment (No. 258) was referred to the Committee on Finance.

The statement of Mr. Sparkman is as follows:

Amendment to H.R. 13270 To Preserve Investment Tax Credit for Small Business

Mr. Sparkman. Mr. President, I re-offer an amendment to continue the 7% investment tax credit for small and independent business firms, and ask that it be appropriately referred.

The text is identical to Amendment No. 71 previously proposed to H.R. 12290. Reintroduction is necessary at this time as an amendment to H.R. 13270 so that this matter may be properly before the Finance Committee during current consideration of the repeal of the tax credit as a part of the Tax Reform bill.

Basically, my amendment provides that the tax credit would be continued for small firms, individual businesses, and farmers up to a level of $150,000 of investment.

There would be a limitation to a single claim for a group of affiliated corporations, and an allowance for companies defined as small business which acquire, beyond the $150,000 level, certifiable air and water pollution control equipment, crime control facilities, and improvements required by Federal health and safety statutes under short-term deadlines.

My arguments for continuation of the tax credit for small business are summarized in the remarks of June 12 ("The Investment Tax Credit—Its Relation To The Balance Of Payments And Small Business;" Congressional Record, Page 15582), July 14 (Introduction of Amendment #71; Congressional Record, Page 19395), and July 31 (Remarks; Congressional Record, Page 21561).

Mr. President, the financial and market power of large corporations competing with new, local and independent business are enormous and are used.

The balance of U.S. trade has become increasingly precarious.

Growth capital for young firms is as scarce and expensive as I have ever seen it.

Retaining the tax credit for small business is an action the Senate can take, which would help in each of these areas. It would make small businesses more competitive and dynamic, and therefore a greater factor in both our domestic and international commerce.

If we are serious about wishing to make it possible for new firms to enter an industry, to grow, and innovate new products and better services, the Congress must back its philosophy with action in the tax field, among others.

Adoption of such a provision would be a vote of confidence for the free enterprise system, and against corporate giantism which has already gone so far in this country.

I hope the Finance Committee will take up this amendment. I submit that the recommended figures are not magic numbers. I would urge and welcome serious consideration of any changes which the Committee felt were wise, so that when the amendment is later called up on the floor, the Senate may have the benefit of the Committee's judgment on how preserving the credit for small firms can be balanced realistically with the necessity of combating inflation and the revenue requirements of the Treasury.

AMENDMENT TO THE TAX REFORM BILL IN BEHALF OF SMALL BUSINESS

AMENDMENTS NOS. 259 AND 260

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Small Business Committee, the Senator from Nevada (Mr. Bible), I submit two amendments he intends to propose to H.R. 13270. I ask unanimous consent that the text of the amendments be printed and that they be appropriately referred.

I ask also that the statement of the senior Senator from Nevada in support of these amendments be printed in the Record at this point.

The PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred; and, without objection, the statement of the Senator from Nevada (Mr. Bible) will be printed in the Record.

The amendments (Nos. 259 and 260) were referred to the Committee on Finance.

The statement of Mr. Bible is as follows:

Two Tax Reform Amendments of Importance to the Nation's Small Business Community

Today I am submitting two amendments to H.R. 13270, the proposed Tax Reform Act of 1969.

As chairman of the Select Committee on Small Business it is appropriate that I call attention to a number of features of the pending tax reform legislation that have generated concern within the small business community.

It bears repetition that the 5½ million small business enterprises are the backbone of many communities and the Nation's free enterprise system. They are a major factor in employment, growth and price competition.

For these reasons, it has been the declared objective of the Congress over many years, and by many pieces of legislation; to encourage and foster the development of small business. It seems to me that as the Senate moves ahead with its consideration of the far-reaching tax reform legislation of 1969, special care must be taken to be sure that the national policy to foster and promote small enterprise is furthered and not undermined by actions we take in this tax bill.

There has been an outcry in favor of closing what are generally—and sometimes loosely—termed "loopholes" in the tax structure. Stated otherwise, the demand is for a restructuring of the tax laws to bring as much relief as possible to our lower and middle income taxpayers, and to assure that the inevitable tax burden is fairly shared by all taxpayers throughout the nation. I applaud this objective, and I look forward to advancing it by Senate action on the tax reform bill, H.R. 13270.

My first amendment relates to the proposed repeal of the 7% investment tax credit. My second amendment relates to section 401 of H.R. 13270 as passed by the House, which deals with "Multiple Corporations." I greatly appreciate the introduction of these amendments on my behalf by the distinguished Senator from Montana (Mr. Mansfield).

MULTIPLE SURTAX EXEMPTION AMENDMENT

I will speak to the second amendment first.

As explained in the House Committee's Report, present law taxes corporations at the rate of 22% on the first $25,000 of taxable income and at 48% on taxable income in excess of $25,000. The lower rate is commonly referred to as the "surtax exemption," and was originally adopted in 1950 in a specific effort to benefit small business. The Ways and Means Committee reports, however, that contrary to the original intent of the law large corporations have been able to gain considerable tax benefits through the use of large numbers of affiliated and commonly controlled corporations.

Existing law seeks to curb the ability of a large enterprise to split up its operation into smaller corporate units in order to obtain the benefit of multiple surtax exemptions by providing that a "controlled group" of corporations is entitled to only one such exemption. At the same time, however, the law provides that instead of taking the single exemption, a controlled group may elect for each of its members to take a surtax exemption if each member corporation pays an additional 6% tax on the first $25,000 of its taxable income.

According to the Committee, this election to take individual exemptions and pay the added 6% is generally desirable where the group has a combined taxable income of $32,500 or more. Evidently, the result has been that some very prosperous large corporate enterprises have split their operations into smaller corporate units in order to take advantage of the surtax exemption. The Treasury Department reports that in too many cases groups of affiliated corporations are arranged so that most of them have less than $25,000 of income with the result that almost all of the income of what is in fact a large-scale business is claimed to be taxable at reduced rates. (22% plus 6% or 28% in contrast to the regular corporate surtax rate of 48%).

The purpose of Section 401 of the House-passed bill, and the purpose of my amendment, will be to combat this kind of tax avoidance. The surtax exemption was designed to help small business, not to provide a tax shelter for large corporate enterprises. To achieve its objective, the bill provides that a group of corporations under common control would be allowed only one surtax exemption. The present election to take the exemption and pay the 6 percent penalty would be done away with. Under the House version, this new limitation would be phased in over an 8-year period, and under a change recently announced by the Senate Finance Committee the phase-in would be accomplished over a 5-year period.

Mr. President, there can be little question that this approach to the problem would effectively end the abuse of the surtax exemption by big business. But what will it do to *small* businesses? Here we have a tax provision that was originally fashioned to help small enterprise, but because it has been abused by *big* business we are being asked to take a step which will mean its virtual abandonment. Somehow, this doesn't seem right. It seems to run contrary to the national policy to *encourage* small business. Voices from within the small business community say we are on the verge of throwing the baby out with the wash water.

Certainly, there is cause for concern over the multiplication of corporations where the purpose is to avoid a fair share of taxation. However, there are a number of perfectly valid and legitimate reasons why bona fide small businessmen throughout the country use multiple corporations. They do it to limit their liability—a perfectly proper reason for separate incorporation. They do it to provide incentives to employees. The establishment of profit-sharing arrangements in local corporations encourages efficient management. They do it to meet the requirements of State law.

Consider a small family-owned business in a multi-jurisdictional setting such as exists here in the Washington area. If it is to keep pace with its market, the business will ordinarily want to expand into the neighboring jurisdictions of Maryland and Virginia. State laws differ. State taxation differs. There may be very good reasons—having nothing to do with any effort to avoid taxes—for separately incorporating such branch operations. The same considerations would apply to any small business located near a state line, in one of the smaller states, and in other multi-jurisdictional metropolitan areas. My amendment would protect existing and future independent firms in the legitimate exercise of this small business provision.

HISTORY OF CONGRESSIONAL CONCERN IN THIS AREA

In past years, when I was chairman of the Subcommittee on Taxation of the Select Committee on Small Business, we published a report summarizing the legitimate use of a limited number of multiple surtax exemptions. Senate Report 397 of August 15, 1963 stated at page 7:

"Your committee strongly supports the proposal to restore the surtax exemption to small business. However, any measure designed to accomplish this should take into account the fact that some small firms use the multicorporate form of organization for sound business reasons. Provisions should be made to permit such firms to enjoy the full benefit of the surtax exemption. This might be accomplished by limiting surtax exemptions to a number which would more realistically reflect the small business operating pattern. Further, the limitation should not be applicable in those instances where the multicorporate form is required by law or Government regulation."

By way of further history, proposals to eliminate or limit the number of surtax exemptions were before the Congress during consideration of the Revenue Acts of 1951 and 1964. In 1951, the Senate rejected the proposed elimination of multiple surtax exemptions. The Finance Committee reasoned that to do so "could result in substantial injury to many businesses whose present corporate organization has not been motivated by tax avoidance." (Sen. Rept. No. 781, 82nd Cong.) In 1963 the Treasury proposed that corporate groups under common ownership be limited to a single surtax exemption. Again, the proposal was turned down. In explaining its action, the House Committee stated its belief that there are legitimate business reasons for the use of separate corporations; that such corporations should generally be recognized as separate taxpayers; and that they should retain the benefit of the use of multiple surtax exemptions. (H. Rept. 749, 88th Cong.)

I suggest that this history of Congress' past refusal to limit multiple surtax exemptions is pertinent to the Senate's consideration of the present legislation.

In testimony before the Finance Committee again last month, representatives of retail merchants, the taxicab industry, the LP Gas industry and others—all of which include many family-owned and other legitimate small business firms—expressed serious concern over the proposed virtual elimination of the surtax exemption for bona fide small multi-corporate business ventures.

AMENDMENT OFFERS A REASONABLE MIDDLE GROUND

Mr. President, the amendment I am proposing at this time would constitute a simple modification of the proposal contained in Section 401 of H.R. 13270. The present law allows practically unlimited surtax exemptions. The House bill would limit the members of a controlled group of corporations to one single exemption. My amendment is a reasonable middle ground, reducing the number of exemptions to not more than five (5).

My thought is that any group of commonly controlled corporations would be entitled to up to 5 surtax exemptions and could allocate them at will. As I have said, the record before the Finance Committee indicates that the limitation contained in the House bill will have a severe tax impact on many truly small businesses. It would end tax abuses by large corporations, but at too great a cost to small business. It raises a very basic question respecting its compatibility with our small business policy.

I am not wedded to the five (5) exemptions provided in this amendment. There is no magic in the number. The 1964 Annual Report of the Select Committee on Small Business recommended a "reasonable" number. My present feeling is that such a limitation would curb the tax abuses being perpetrated by some big businesses, and continue to provide meaningful benefits for small, independent and family owned enterprises making legitimate use of a multi-corporate business structure.

INVESTMENT TAX CREDIT AMENDMENT

My amendment on the Investment Tax Credit has two basic provisions: The first would preserve the investment tax credit up to a level of $25,000 of investment; the second would limit the credit benefits to those businesses earning less than $1 million a year.

This measure has been put forward on several occasions this year. It was originally placed before the Ways and Means Committee on May 20, 1969. It was brought before the Senate as an amendment to H.R. 12290 on July 18. Re-introduction at this time is necessary because the fate of the tax credit will be finally determined as part of the Tax Reform bill now being considered by the Committee on Finance.

The facts and figures supporting a small business exemption to the tax credit repeal are set forth in detail in my testimony to the Committees on Ways and Means and Finance in support of the earlier proposals. A brief excerpt from my floor remarks of July 18 summarizes these contentions:

This bill is vitally needed to save the small business community of this country from the triple credit squeeze which I described in my remarks of June 25.

In the private money markets interest rates are at record levels and any liquidity that remains is rapidly drying up.

The Small Business Administration business loan programs were cut back 58½ percent in the years ending June 30, 1969, below the levels authorized by the Congress, and requests for the coming year are at rockbottom.

The repeal of the investment tax credit would thus be the third pressure to fall upon small firms this year.

The tax credit is particularly important, because we know that small business relies on its internally retained earnings for two-thirds or more of its growth capital. The credit mechanism thus allows these firms to keep more of the money which they have already earned. That makes them less dependent on outside sources of capital for which they must compete with the giant national corporations.

The present credit squeeze has meant that increasing burdens are being piled on the back of small and independent businessmen this year; I just do not know how long they can continue to take this kind of a beating.

CAN ESTABLISH CREDITABLE RECORD

It is my hope that the Committee on Finance will grasp this opportunity of extending needed assistance to the Nation's small business community by a sensitive decision favoring a small business exemption of the type offered by myself, Senator Sparkman, Senator McGovern, and other Members of this body. To do so would establish a sound record of concern on these questions, which are so important to so many individual businessmen, farmers, and owners of small corporations.

I believe these points made over the years and reinforced by current testimony warrant very careful consideration. The need to support and encourage small business has not diminished over the years. If anything, it is greater than ever. I daresay we all want tax reform, but in an attempt to reform tax abuses by *big* business we ought to be extremely careful to avoid undermining our support of small business.

Mr. President, the two amendments offered today are to help focus attention on the problems of small business during our deliberations on the tax bill both in the committee and here on the floor of the Senate after the bill is reported. I am well and gratefully aware of the broad sympathy all of my colleagues have for the problems of the small independent businessman.

Other Senators have made proposals for changes in the tax bill to accommodate the special needs of these businesses. Other proposals will be forthcoming. All are welcome. I think there is no better time to be watchful of small business interests than during the consideration of this historic tax legislation. The subjects addressed by these two amendments are significant to small business, to our economy, and to the free enterprise system. I commend them to each of my colleagues for thoughtful consideration.

NOTICE OF HEARINGS ON S. 2846—THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1969

Mr. KENNEDY. Mr. President, I am pleased to announce on behalf of the distinguished chairman of the Senate Subcommittee on Health, Senator YARBOROUGH, and myself that on November 10 and 11, 1969, the subcommittee will hold public hearings on S. 2846, the "Development Disabilities Services and Facilities Construction Act of 1969." That bill, which I introduced in August and which is cosponsored by Senators YARBOROUGH, NELSON, EAGLETON, CRANSTON, and JAVITS, is designed to provide a substantial new program of Federal financial assistance for the mentally retarded and other persons afflicted by developmental disabilities. In the course of the coming hearings, we will receive testimony from a number of public officials, private citizens, and representatives of organizations and institutions familiar with the needs and aspirations of the retarded.

We know that the scope and level of funding of our current programs are far too narrow to meet the demand for services and facilities for the retarded in all parts of the Nation. I believe that the hearings will help us chart the course toward a more effective Federal program for the future.

On Monday, November 10, the first witnesses at the hearings will be representatives of the Department of Health, Education, and Welfare, who will testify on the status of our current Federal programs for the retarded, and will present the administration's recommendations with respect to the pending legislation. On Tuesday, November 11, the first witnesses will be representatives of the National Association for Retarded Children. Early next week, I intend to announce a complete list of witnesses for the hearings.

Because of the wide interest generated in the pending legislation, it may not be possible for all of those who have expressed an interest to appear in person to testify before the subcommittee. Nevertheless, because of the importance of this legislation, I hope that all interested citizens and organizations will take this opportunity to submit their views to the subcommittee.

MESSAGE FROM THE PRESIDENT ON CONSUMER AFFAIRS AND PROTECTION (H. DOC. NO. 91-188)

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President on consumer affairs and protection. The Parliamentarian has advised the Chair that this message will touch upon the jurisdiction of at least four standing committees of the Senate.

Without objection, the message will be printed in the RECORD without having been read, and will be referred to the Committees on Government Operations, Judiciary, Commerce, and Labor and Public Welfare.

The message from the President is as follows:

To the Congress of the United States:

Consumerism—Upton Sinclair and Rachel Carson would be glad to know—is a healthy development that is here to stay.

That does not mean that *caveat emptor*—"let the buyer beware" has been replaced by an equally harsh *caveat venditor*—"let the seller beware". Nor does it mean that government should guide or dominate individual purchasing decisions.

Consumerism in the America of the 70s means that we have adopted the concept of "buyer's rights."

I believe that the buyer in America today has the right to make an intelligent choice among products and services.

The buyer has the right to accurate information on which to make his free choice.

The buyer has the right to expect that his health and safety is taken into account by those who seek his patronage.

The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served.

This "Buyer's Bill of Rights" will help provide greater personal freedom for individuals as well as better business for everyone engaged in trade.

The program I am outlining today represents the most significant set of Presidential recommendations concerning consumer interests in our history. Specifically, I propose:

—A new Office of Consumer Affairs in the Executive Office of the President with new legislative standing, an expanded budget, and greater responsibilities. This will give every American consumer a permanent voice in the White House.

—A new Division of Consumer Protection in the Department of Justice, to act as a consumer advocate before Federal regulatory agencies in judicial proceedings and in government councils.

—A new consumer protection law which would be enforced by the Department of Justice and United States Attorneys across the land. Such a law would also better enable consumers either as individuals or as a class to go into court to obtain redress for the damages they suffer.

—Expanded powers for a revitalized Federal Trade Commission, to enable it to protect consumers promptly and effectively.

—A newly activated National Commission on Consumer Finance to investigate and report on the state of consumer credit.

—Expanded consumer education activities, including government review of product-testing processes, a new *Consumer Bulletin*, and the release of certain government information regarding consumer products.

—Stronger efforts in the field of food and drug safety, including a thorough re-examination of the Food and Drug Administration and a review of the products on the "generally regarded as safe" list.

—Other reforms, including an expansion of consumer activities in the Office of Economic Opportunity and greater efforts to encourage the strengthening of state and local programs.

To their credit, producers and sellers have generally become far more responsible with the passing years, but even the limited abuses which occur now have greater impact. Products themselves are more complicated; there is more about them that can go wrong and less about them that can be readily understood by laymen. Mass production and mass distribution systems mean that a small error can have a wide effect; the carelessness of one producer can bring harm or disappointment to many. Moreover, the responsibility for a particular problem is far more difficult to trace than was once the case, and even when responsibility for an error can be assigned, it is often difficult to lodge an effective complaint against it.

All too often, the real advantages of mass production are accompanied by customer alienation; many an average buyer is intimidated by seemingly monolithic organizations, and frequently comes to feel alone and helpless in what he regards as a cruelly impersonal marketplace. In addition, many of the government's efforts to help the consumer are still geared to the problems of past decades; when it is able to act at all, government too often acts too slowly.

Fortunately, most businessmen in recent years have recognized that the confidence of the public over a long period of time is an important ingredient for their own success and have themselves made important voluntary progress in consumer protection. At the same time, buyers are making their voices heard more often, as individuals and through consumer organizations. These trends are to be encouraged and our governmental programs must emphasize their value. Government consumer programs, in fact, are a complement to these voluntary efforts. They are designed to help honest and conscientious businessmen by discouraging their dishonest or careless competitors.

NEW OFFICE OF CONSUMER AFFAIRS

One of the central roles in present government efforts in the consumer rights field is performed by the President's Special Assistant for Consumer Affairs and those who work with her. This position has been created by Presidential order rather than by statute, however, and it is neither as visible nor as effective as it should be. It is important that both the prestige and the responsibility of this office be strengthened.

I am therefore asking the Congress to establish within the Executive Office of the President a new Office of Consumer Affairs to play a leading role in the crusade for consumer justice. This Office and its director would have central responsibility for coordinating all Federal activities in the consumer protection field, helping to establish priorities, to resolve conflicts, to initiate research, and to recommend improvements in a wide range of Government programs. The Office would advise the President on consumer matters and would alert other government officials to the potential impact of their decisions on the consumers' interests. It would receive complaints from individual consumers and refer them to appropriate agencies or to the businesses concerned.

The new Office of Consumer Affairs would not work solely within the Executive Branch of the Government, however; it would continue to carry out other assignments which the Special Assistant to the President for Consumer Affairs now performs. For example, when called upon, it would assist in the legislative process, testifying at Congressional hearings, and consulting with individual Congressmen. It would aid schools and media in educating the public in consumer skills. The new Office will continue the constructive interchange of information which the Special Assistant has established with businesses and industries, and carry forward its assistance to State and local consumer protection programs.

As I will explain in greater detail later in this message, I am also asking the Special Assistant for Consumer Affairs to undertake specific surveillance responsibilities in the area of product safety, to review the government's policy concerning the release of its own information on consumer products, and to publish a new Consumer Bulletin on a regular basis. When the new Office of Consumer Affairs is established, it would take over these and related duties.

A new Office of Consumer Affairs would be a focal point for a wide variety of government efforts to aid people who buy. I urge the Congress to grant it the legislative standing and the added resources necessary to do this work effectively.

A DIVISION OF CONSUMER PROTECTION AND A NEW CONSUMER PROTECTION LAW

A second important structural reform which I am recommending is the establishment by statute of a new Consumer Protection Division in the Department of Justice. This Division would be headed by an Assistant Attorney General and would be staffed by lawyers and economists. It would be adequately financed and given appropriate investigative power so that it could effectively ascertain consumer needs and advance consumer causes. The head of the new Division would act, in effect, as the consumers' lawyer representing the consumer interest before Federal agencies, in judicial proceedings and in government councils.

I also propose that Congress arm this new Consumer Protection Division with a new law—one which would prohibit a broad, but clearly defined, range of frauds and deceptions. The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient specificity to give the necessary advance notice to businessmen of the activities to be considered illegal.

The role of the new Assistant Attorney General for Consumer Protection would be similar to that of the Assistant Attorney General who heads the Antitrust Division in the Department of Justice. Just as the Antitrust Division enforces the antitrust laws and intervenes in various governmental proceedings to preserve competition, so the Consumer Protection Division would enforce consumer rights and intervene in agency proceedings to protect the consumer. In enforcing these rights, the Assistant Attorney General for Consumer Protection would also have the assistance of United States Attorneys throughout the country. Their power to take quick and effective action under the new statute would be particularly important for protecting low-income families who are frequently victimized by fraudulent and deceptive practices.

Effective representation of the consumer does not require the creation of a new Federal department or independent agency, but it does require that an appropriate arm of the Government be given the tools to do an effective job. In the past a lone Justice Department lawyer—the Consumer Counsel—has attempted to carry out a portion of this task. Our proposal asks that the new Division of Consumer Protection be adequately staffed and independently funded, as is the Antitrust Division, so that it can vigorously represent the interests of the consumer and enforce the newly proposed legislation.

The new Assistant Attorney General and his Division would, of course, work closely with the Office of Consumer Affairs, the Federal Trade Commission, and State and local law enforcement agencies.

CONSUMERS IN THE FEDERAL COURTS—INDIVIDUAL AND CLASS SUITS

Present Federal law gives private citizens no standing to sue for fraudulent or deceptive practices and State laws are often not adequate to their problems. Even if private citizens could sue, the damage suffered by any one consumer would not ordinarily be great enough to warrant costly, individual litigation. One would probably not go through a lengthy court proceeding, for example, merely to recover the cost of a household appliance.

To correct this situation, I will recommend legislation to give private citizens the rights to bring action in a Federal court to recover damages, upon the successful termination of a Government suit under the new consumer protection law.

This measure will, for the first time, give consumers access to the Federal courts for violation of a federal law concerning fraudulent and deceptive practices, without regard to the amount in controversy. Under Federal court rules, consumers would have the right to sue as a class and not only as individuals. In other words, a group of people could come into court together if they could show that the act in question affected all of them. This is a significant consideration, for it would allow a number of citizens to divide among themselves the high costs of bringing a lawsuit. Although each person's individual damage might be small, the cumulative effect of a class complaint could be significant and in some circumstances could provide a significant deterrent to expensive fraud or deception. At the same time, the fact that private action must follow in the wake of a successful government action will prevent harassment of legitimate businessmen by unlimited nuisance law suits.

THE FEDERAL TRADE COMMISSION

The problems of the American consumer first became a central matter of Federal concern in the late years of the nineteenth century and the early years of the twentieth. One of the important elements in the Government's response at that time was the establishment in 1914 of the Federal Trade Commission, an independent body which was designed to play a leading role in the fight against unfair and deceptive trade practices. While new legislation has given the FTC additional and more specific duties, there has been increasing public concern over the Commission's ability to meet all of its many responsibilities. I believe the time has now come for the reactivation and revitalization of the FTC.

The chairman-designate of the FTC has assured me that he intends to initiate a new era of vigorous action as soon as he is confirmed by the Senate and takes office. A report prepared at my request by a commission of the American Bar Association should help considerably in this effort, for it presents a valuable description of the problems which face the FTC and the ways in which they can be remedied. I urge the FTC to give serious consideration to these recommendations. I have also asked the Bureau of the Budget to help with the revitalization process by supervising an even more detailed management study of this commission.

I am particularly hopeful that a number of specific improvements in the FTC can be quickly accomplished. For example, the Commission should immediately begin to process its business more rapidly so that it can reduce its unacceptably large backlog of cases. I also believe that it should seek out new information on consumer problems through more energetic field investigations, rather than waiting for complaints to come in through its mailrooms or from other government agencies. This initiative could begin with pilot field projects in a limited number of cities, as the ABA task force has suggested. Whatever the strategy, I would hope that it could be accomplished through a more efficient use of existing personnel and finances; if that proves impossible, added funds should later be appropriated for this purpose.

Administrative reforms will provide only part of the answer, however. I believe the Commission should also consider the extent to which Section 5 of the Federal Trade Commission Act, broadly interpreted, may be used more effectively to cope with contemporary consumer problems. This is the section which gives the Commission its legislative mandate to move against unfair or deceptive practices. The language of this section might well provide an appropriate instrument for policing more effectively some of the more prevalent abuses described by the ABA task force study.

Even if the Commission does apply Section 5 more broadly, however, there remains a question about its jurisdiction which the Congress should promptly resolve. Past FTC enforcement activities have been inhibited by a Supreme Court decision of some twenty-five years ago, holding that activities "affecting" interstate commerce were not subject to FTC jurisdiction since the language of the law was limited to activities "in" interstate commerce. This means that there is a doubt at present concerning the FTC's ability to consider many unfair and deceptive practices which have a nationwide impact but are local in terms of their actual operation.

I am therefore recommending that the Congress amend Section 5 so as to permit the FTC to take action concerning consumer abuses which "affect" interstate commerce, as well as those which are technically "in" interstate commerce. This amendment would make it clear that the FTC has a jurisdiction consistent with that of several other Federal agencies and commissions. The purpose of the amendment is to clarify FTC jurisdiction over cases which have true national significance; it should not be interpreted in a way which burdens the Commission with a large number of cases which are of only local importance.

One of the most important obstacles to the present effectiveness of the FTC is its inability to seek an injunction against an unfair or deceptive business practice. The result of this inability is an unacceptable delay between the time a harmful practice is discovered and the time it is ended. Often two years will pass between the time the FTC agrees to hear a complaint and the time it issues its final order and another two years may pass while the order is reviewed by the courts.

I recommend that the Congress remedy this situation by giving to the Federal Trade Commission the power to seek and obtain from the Federal courts a preliminary injunction against consumer practices which are unfair or deceptive. The judicial process includes safeguards which will assure that this authority is fairly used. Courts will retain their usual discretion to grant or deny an injunction in the light of all the consequences for both the accused and the plaintiff. Parties will, of course, retain their right to a fair hearing before any injunction is issued.

NATIONAL COMMISSION ON CONSUMER FINANCE

The buying public and businessmen alike have been concerned in recent years about the growth of consumer credit. Twenty-five years ago the total consumer credit outstanding was only 5.7 billion dollars; today it is 110 billion dollars. The arrangements by which that credit is provided are subject to government supervision and regulations, an assignment which has recently become increasingly complex and difficult. For this reason a National Commission on Consumer Finance was established by law in 1968. It was instructed to review the adequacy and the cost of consumer credit and to consider the effectiveness with which the public is protected against unfair credit practices.

The National Commission on Consumer Finance should begin its important work immediately. I will therefore announce shortly the names of three new members of the Commission, including a new chairman, and I will ask the Congress for a supplemental appropriation to finance the Commission's investigations during the current fiscal year. I look forward to receiving the report of the National Commission on Consumer Finance in January of 1971.

CONSUMER EDUCATION—INFORMATION ON PRODUCT TESTING

No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and *knows what to make of that information*. The fullest product description is useless if a consumer lacks the understanding or the will to utilize it.

This Administration believes that consumer education programs should be expanded. Our study of existing consumer education efforts in both the public schools and in adult education programs has been funded by the Office of Education and will report its results in the near future.

The Special Assistant to the President for Consumer Affairs is focusing many of the resources of her office on educational projects. One new project which I am asking that office to undertake is the preparation and publication, on a regular basis, of a new *Consumer Bulletin*. This publication will contain a selection of items which are of concern to consumers and which now appear in the daily government journal, *The Federal Register*. The material it presents, which will include notices of hearings, proposed and final rules and orders, and other useful information, will be translated from its technical form into language which is readily understandable by the layman.

The Government can help citizens do a better job of product evaluation in other ways as well. First, I recommend that Congress authorize the Federal Government to review the standards for evaluation which are used by private testing laboratories and to publish its findings as to their adequacy, working through appropriate scientific agencies such as the National Bureau of Standards. Laboratories presently issue quality endorsements, of one kind or another, for a wide variety of products. Some of these endorsements have meaning, but others do not. It would be most helpful, I believe, if the testing procedures on which these endorsements were based were evaluated by Government experts. Manufacturers whose products had been tested under Government-evaluated testing standards would be allowed to advertise the fact. If no testing standard existed or if the standard in use was found to be inadequate, then the appropriate agency would be authorized to develop a new one.

Secondly, I propose that we help the consumer by sharing with him some of the knowledge which the Government has accumulated in the process of purchasing consumer items for its own use. Government agencies, such as the General Services Administration and the Department of Defense, have developed their own extensive procedures for evaluating the products they buy—products which range from light bulbs and detergents to tires and electric drills. As a result of this process, they have developed considerable purchasing expertise; in short, they know what to look for when they are buying a given product. They know, for example, what general types of paint are appropriate for certain surfaces; they know what "checkpoints" to examine when a piece of machinery is being purchased. The release of such information could help all of our people become more skillful consumers. I am therefore asking my Special Assistant for Consumer Affairs to develop a program for disseminating general information of this sort and to carry on further studies as to how the skill and knowledge of Government purchasers can be shared with the public in a fair and useful manner.

FOOD AND DRUGS

The surveillance responsibilities of the Food and Drug Administration extend not only to food and drugs themselves, but also to cosmetics, therapeutic devices, and other products. Both the structure and the procedures of the FDA must be fully adequate to this sizable and sensitive assignment, which is why this Administration has made the FDA the subject of intensive study.

I have asked the Secretary of Health, Education, and Welfare to undertake a thorough reexamination of the FDA, and I expect that this review will soon produce a number of important reforms in the agency's operations. This study is taking up several central questions: What further financial and personnel resources does the FDA require? Are laboratory findings communicated as promptly and fully as is desirable to high Administration officials and to the public? What should be the relationship of the FDA to other scientific arms in the government? What methods can bring the greatest possible talent to bear on the critical questions the FDA considers?

There are a number of actions relating to FDA concerns which should be taken promptly, even while our study of that institution continues. For example, I have already asked the Secretary of Health, Education, and Welfare to initiate a full review of food additives. This investigation should move as fast as our resources permit, reexamining the safety of substances which are now described by the phrase, "generally recognized as safe" (GRAS). Recent findings concerning the effects of cyclamate sweeteners on rats underscore the importance of continued vigilance in this field. The major suppliers and users of cyclamates have shown a sense of public responsibility during the recent difficulties and I am confident that such cooperation from industry will continue to facilitate this investigation.

I also recommend that the Congress

take action which would make possible, for the first time, the rapid identification of drugs and drug containers in a time of personal emergency. When overdosage or accidental ingestion of a drug presently occurs, a physician is often unable to identify that drug without elaborate laboratory analysis. Many manufacturers are already working to remedy this problem on a voluntary basis by imprinting an identification number on every drug capsule and container they produce. As many in the industry have urged, this simple process should now be required of all drug producers, provided they are given suitable time to adjust their production machinery.

Another important medical safety problem concerns medical devices—equipment ranging from contact lenses and hearing aids to artificial valves which are implanted in the body. Certain minimum standards should be established for such devices; the government should be given additional authority to require premarketing clearance in certain cases. The scope and nature of any legislation in this area must be carefully considered, and the Department of Health, Education, and Welfare is undertaking a thorough study of medical device regulation. I will receive the results of that study early in 1970.

OTHER PROPOSALS

THE OFFICE OF ECONOMIC OPPORTUNITY

The problems which all American consumers encounter are experienced with particular intensity by the poor. With little purchasing experience to rely upon and no money to waste, poorer citizens are the most frequent and most tragic victims of commercial malpractices. The Office of Economic Opportunity is therefore establishing its own Division of Consumer Affairs to help focus and improve its already extensive consumer activities for poorer Americans. The nationwide network of Community Action Agencies can be one instrument for extending consumer education into this area.

HELPING THE STATES AND LOCALITIES

An important segment of consumer abuses can be handled most effectively at the state and local level, we believe provided that each state has a strong consumer protection statute and an effective mechanism for enforcing it. Several States set examples for the Federal government in this field: every State should be encouraged to explore the need for an adequately financed Division of Consumer Protection as a part of its State Attorney General's office. Both the Special Assistant for Consumer Affairs and the Federal Trade Commission can do much to help States and localities to improve their consumer protection activities. The codification of state consumer protection laws which the Special Assistant is now conducting promises to be a useful part of the States in this effort.

GUARANTEES AND WARRANTIES

Consumers are properly concerned about the adequacy of guarantees and warranties on the goods they buy. On January 8, 1969, a task force recommended that the household appliance industry disclose more fully the terms of the warranties it provides. It recommended that if, at the end of one year, voluntary progress had not occurred, then legislative action should be considered.

In order to evaluate the industry's recent progress, I am today reactivating that task force. It will be chaired by my Special Assistant for Consumer Affairs and will include representatives from the Department of Commerce, the Department of Labor, the Federal Trade Commission, the Department of Justice, and the Council of Economic Advisors. I am asking the task force to make its report by the end of this year and to comment on the need for guarantee and warranty legislation in the household appliance industries and in other fields.

PRODUCT SAFETY

The product safety area is one which requires further investigation and further legislation, as the hearings of the National Commission on Product Safety have already demonstrated. I am asking my Special Assistant for Consumer Affairs to provide continued surveillance in the area of product safety, particularly after June 30, 1970, when the National Commission on Product Safety is scheduled to complete its work. And I am also instructing the appropriate agencies of the government to consult with the Commission and to prepare appropriate safety legislation for submission to Congress.

Finally, I am asking the Congress to require that any government agency, in any written decision substantially affecting the consumers' interest, give due consideration to that interest and express in its opinion the manner in which that interest was taken into account. I would also note that the major review which will be conducted this December by the White House Conference on Food, Nutrition, and Health will provide further welcome advances in the protection and education of the American consumer.

Interest in consumer protection has been an important part of American life for many decades. It was in the mid-1920's, in fact, that two of the leading consumer advocates of the day, Stuart Chase and F. J. Schlink, reached the following conclusion: "The time has gone—possibly forever—" they wrote, "when it is possible for each of us to become informed on all the things we have to buy. Even the most expert today can have knowledge of only a negligible section of the field. What sense then in a specialized industrial society if each individual must learn by trial and error again and forever again?" It was clear at that time and it is clear today, that the consumer needs expert help. The consumer has received some of that needed help through the years, from a variety of sources, private and public.

Our program is a part of that tradition. Its goal is to turn the buyer's Bill of Rights into a reality, to make life in a complex society more fair, more convenient and more productive for all our citizens. Our program is fair to businessmen and good for business, since it encourages everyone who does business to do on even better job of providing quality goods and services. Our action is intended to foster a just marketplace—a marketplace which is fair both to those who sell and those who buy.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1969.*

TEMPORARY EXTENSION OF THE AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 164, which was reported earlier today.

The PRESIDENT pro tempore. The joint resolution will be stated.

The LEGISLATIVE CLERK. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "October 31, 1969" and inserting in lieu thereof "December 31, 1969."

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the joint resolution the following section:

> SEC. —. The last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (2 U.S.C. 64a) is amended to read as follows:
>
> "In the event of the death, resignation, or disability of the Secretary of the Senate, the Comptroller of the Senate shall be deemed his successor as a disbursing officer, under his bond as Comptroller, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended."

Mr. MANSFIELD. Mr. President, this joint resolution has been cleared with the distinguished President pro tempore of the Senate and with the distinguished minority leader. It is for the purpose of making clear that there will be no vacant step, so to speak, in the line of succession and that the office of the Comptroller which the Senate has agreed to confer on one of its most effective and efficient officials, Mr. Robert Brenkworth, is of a nature which applies only to Mr. Brenkworth and is in recognition of his extraordinary service to the Senate.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

THE TAX REFORM-TAX RELIEF MEASURE

Mr. MANSFIELD. Mr. President, as the end of this month approaches it is appropriate to take notice of the significant achievement obtained by the Senate Committee on Finance. From all indications, the Finance Committee is meeting its timetable to the Senate and the country by reaching on schedule the completion of its work on the tax reform/tax relief package. It can be no more fitting at this time to single out the chairman of that committee and its ranking member—Mr. LONG and Mr. WILLIAMS of Delaware—to convey to them and to the full membership of the committee the deep gratitude of all of us. Quite frankly, the significance and magnitude of their achievement cannot be too highly praised.

During these past 8 weeks it has been written how fully the committee has devoted itself to this task. Meeting early each morning, staying throughout the entire day and on into the evening, the Finance Committee performed a task that in the early stages appeared almost impossible. By ordering the report on this bill tomorrow, the committee will crown one of the greatest efforts I have ever witnessed in this body.

It is fully understood that the committee and its staff require some time—perhaps 2 weeks or so—to put this achievement into final form; to work out the complex technicalities; to cross the t's and dot the i's. What is important is that the matter is coming in under the wire. There is an enormous technical difficulty that remains; that of putting the committee judgments through the technical strainers of the tax code.

What is important also is that this effort demonstrates again that when Members of the Senate on both sides of the aisle join to establish a goal—as did the Finance Committee members in pledging last July to report tax reform by the end of October—the performance is assured regardless of the measure of the task.

I, personally, am deeply grateful. And I know I speak for the Senate in saying that, the chairman, the ranking member, and every Senator assigned to the Finance Committee deserve our thanks for the hard work performed over these past months in meeting this commitment to the Senate and the country.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. On behalf of the chairman of the committee and its members, I express appreciation for the remarks of the majority leader. The committee and its members have worked diligently on the bill. We hope to have final action by tomorrow night. We are advised by the staff that they can have the bill and report ready so that it will be on the Senate Calendar not later than 1 week from next Monday, which will be the 10th of November.

Mr. MANSFIELD. This is extraordinary.

Mr. WILLIAMS of Delaware. I think we can get it ready. Having gotten it this far I join the majority leader in expressing the hope that we can have an early date set for consideration of the bill so that we can dispose of it as promptly as possible and so that we can get it to conference. There is no reason why we cannot dispose of it before we go home for the Thanksgiving recess.

I do not think it will take too long in the Senate. All the reports and committee hearings will be available to any Member of the Senate who wants to study them next week and get ready for the debate the following week.

Mr. MANSFIELD. Mr. President, I am even more encouraged by what the distinguished Senator from Delaware, the ranking minority member of the committee, has just said. The fact that it is possible to get the bill reported out of committee within a week is something I had not imagined in my wildest dream. Again, it demonstrates the dedication to the task the committee has set for itself.

May I assure the Senator from Delaware that I will do my very best to get the tax relief-tax reform bill up for consideration as early as possible and considered in this session, do my very best to get it passed and to conference in this session, and, if possible, get it out of conference and passed this year. The chairman of the Finance Committee, Mr. LONG, has established a reputation as a man of extraordinary talent and energy but he and each member of the Finance Committee have surpassed their previous reputations for extraordinary accomplishment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. We would not have been able to make this progress had it not been for the staff, which has worked even more diligently than the members of the committee. I know the members of the staff have been working 15 or 18 hours a day. Last night it was 2 o'clock when they closed. Then they were here this morning before 9 o'clock. Now, if the Members of the Senate will work equally as hard we can get this bill acted on in the Senate and perhaps even through the conference by Thanksgiving.

Mr. MANSFIELD. I join the Senator in his commendation of the staff, because it was a cooperative effort.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Mr. President, we have before us another example of the unusual leadership of Senator MIKE MANSFIELD. Senator MANSFIELD was very firm in opposing pressure to separate a tax reform bill, so that there would have been action by the Senate on the investment credit and action by the Senate separately on the surtax, but separate from the tax reform provisions in that bill.

I think if we had yielded to that very strong pressure in the Senate and in the country, we would not have a tax reform bill at all. The action, prudence, and leadership of the Senator from Montana in this area is something for which I think the taxpayers should be grateful. If the Senator from Montana had not insisted that those bills stay together, if he had said it was not possible to get the bill this year, it seems to me we would not have gotten it this year. I commend the majority leader for his fine and effective leadership.

Mr. MANSFIELD. I am more than complimented; I am somewhat embarrassed by the Senator's kind words.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. I certainly want to join the Senator from Wisconsin in paying respect to the majority leader. I think everyone knows the high respect in which I hold him. However, I would not want the record to show that the membership of the Finance Committee would not have done its job had not the ultimatum been laid down.

Mr. MANSFIELD. No ultimatum.

Mr. WILLIAMS of Delaware. In fact, I still question the wisdom of the ultimatum by the Democratic Policy Committee. It does not promote good legislation.

As one who for years has been fighting as diligently as anyone for tax reform, I want to assure the Senate that the heat would have been kept on the committee to get a bill out at an early date anyway.

I express the hope that the many Members of the Senate who in the past few months have talked about tax reform will not lose their enthusiasm when they see what tax reform means. We have found that oftentimes, although one makes speeches in favor of tax reform—which everybody seems to favor—when we get down to the actual voting the enthusiasm wanes. The real test will be when we need their support in the Senate.

Almost 100 percent of the membership of this body has made speeches on the need for reform. I hope the same support will be in evidence in the rollcall votes during the consideration of the tax reform bill.

Mr. MANSFIELD. Mr. President, may I say that truer words have never been spoken. The Senator from Delaware has been a spokesman and a leader in this body for meaningful legislation in this particular field.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I say "amen" to that. I do not know of anybody who has worked harder, more honestly, and more effectively for tax reform, both on the Senate floor and in the committee.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I will furnish the Senator from Delaware with a copy of a letter I received from a lady who said she is against all kinds of tax reform.

Mr. MANSFIELD. Mr. President, may I say also that in voicing my thanks and gratitude to the distinguished Senator from Delaware, I also want to express my deep thanks and gratitude to the distinguished Senator from Louisiana (Mr. LONG), chairman of the committee, who has done yeoman work and has applied himself diligently and effectively, and always with a time limitation, not imposed by the Senate, only suggested to the Senate committee, so that he could meet this highly desirable objective which many people thought an impossibility. Again the chairman and the full membership of Senate Finance Committee are to be commended and to them our gratitude and respect is unlimited for this singular achievement.

TOO MANY GI SERVANTS

Mr. COOK. Mr. President, my office has been notified, as have other Senate offices, of the details of the impending military personnel reduction as it affects each of our States. As a consistent critic of excessive and unnecessary Federal spending wherever it is found, including the Department of Defense, I cannot in good conscience object to a cutback just because it happens to affect some personnel who happen to be located in my State.

I am, however, very sorry that these people who are to be cut—at the Blue Grass Ordnance in Richmond, 415 civilians; at Fort Campbell, 117 civilians, and Air Force personnel of 285 military and three civilians; at Fort Knox, 141 civilians; an undisclosed number resulting from the closing of the Naval Reserve Training Center at Covington; and at the Corps of Engineers in Louisville, 27 civilians—are mostly civilians. I would certainly not argue that civilian personnel cutbacks in the Department of Defense are not needed. But if the decision had been mine to make, I would have made the initial spending reductions elsewhere, by eliminating some outlandish military practices.

For example, Jack Anderson, in his "Washington Merry-Go-Round" column of October 28, 1969, in the Washington Post, reported:

> General officers are now authorized one enlisted aide for every star, no questions asked. All told, 700 able-bodied men are assigned by the Army to pick up after its royalty.

Anderson goes on to report that:

> The Army, for example, quietly revised regulation 614–16 this summer to create "mos ooh, enlisted aide".

He further alleges that the Joint Chiefs of Staff chairman, General Wheeler, has nine soldiers assigned to his home and that Army Chief Westmoreland has eight GI servants.

The article also relates that General Wheeler's home is—

> Replete with file cabinets, personnel rosters, telephones and assorted bureaucratic paraphernalia, along one wall hang white mess jackets, formal butler jackets, and black chauffeur uniforms.

And to top it off, the men report to Mrs. Wheeler as well as to the general. If these facts are true, this disgraceful practice should be terminated immediately.

I would like the people of Kentucky to know that I do not live like this at the taxpayer's expense, and to my knowledge no other Senator does either. I drive my own car to work and I buy my own gasoline. I drive my own car to all those receptions that both the politicians and the generals must attend, and I find a place to park myself, while they arrive in their chauffeur-driven limousines, are let out, and are picked up after the reception is over. My wife does have someone to help her do the housework 2 or 3 days a week but I pay for it. I give my wife the money for groceries, and she drives herself to the store and buys them. We pay our own phone and utility bills. I could go on and on. I even pay $3 a week to have my grass mowed. But, Mr. President, I believe I have made my point. I want to emphasize that I am not complaining. I think Senators and Representatives should continue to do these things for themselves. But I also think generals should have to do the same. Until such time as these privileges are specifically authorized by act of Congress, such practices should immediately cease.

It is not by law that military top brass are allowed to convert military personnel to their own personal use; it is by military regulation and custom.

Mr. President, I often wonder why many of the higher military and civilian echelons in the Pentagon are mystified by public outrage at some of their practices. A simple application of commonsense would tell them that the taxpaying citizen will not tolerate this kind of special privilege much longer at his expense.

Mr. President, I have great faith in our military might, and, for the most part, I have confidence in our military men. But the American people have now served notice: It is time to put the military house in order.

I ask unanimous consent that the relevant parts of the columns, "The Washington Merry-Go-Round," written by Jack Anderson and published in the Washington Post of October 28 and 29, 1969, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 28, 1969]

GENERALS ALLOWED MORE GI SERVANTS

(By Jack Anderson)

Despite high draft calls and long lamentations over manpower needs, the armed forces have quietly given their official blessings to the use of GI servants for general officers.

The employment of enlisted men to shine boots, brew coffee and clean toilet bowls for the brass hats isn't exactly new. In the past, a soldier would be pulled from the ranks and briefed on the benefits of "volunteering" as a general's flunky. Then he would be issued a mess jacket, handed a broom and put to work.

But now the armed forces have made boot polishing and toilet cleaning a specialty. They have established training courses, written manuals and offered careers in the care and feeding of brass hats.

The Army, for example, quietly revised regulation 614–16 this summer to create "Mos Ooh, enlisted aide." At first, this column was told that access to the regulation was on a "need to know basis"—in other words, classified.

This turned out to be a slight exaggeration, and a copy was obtained through channels after a two-week game of ring-around-the-rosy with Pentagon officials.

ELITE SERVANTS

According to the revised regulation, general officers are now authorized one enlisted aide for every star, no questions asked. All told, 700 ablebodied men are assigned by the Army to pick up after its royalty.

Few military specialties are more demanding. The aspiring GI servant must have an aptitude score of 90 or higher, a "driver battery test score of 95 or higher" and "no prior record of military or civilian offenses indicative of unfavorable traits of character, personality or behavior."

Once accepted, applicants are given basic enlisted aide training—an eight-week cook and baker's course at Ft. Lee, Va.

The Joint Chiefs' chairman and the Army Chief of Staff apparently need to be preened, pomaded and pampered more than the mere run-of-the-mill general. They aren't restricted to one servant per star but are authorized enlisted aides "as required."

Gen. Earle Wheeler, the Joint Chiefs' chairman, requires nine soldiers to keep his house in order. And Gen. William Westmoreland, the Army chief, has eight.

INSIDE WHEELER'S HOME

Wheeler's house staff is supervised by Master Sergeant Donald Taggart, a rehabilitated combat veteran with 23 years service. He has a basement office right in Wheeler's Ft. Myer, Va., home where he can be handy to attend to the whims of the general and his lady.

The office is replete with file cabinets, personnel rosters, telephones and assorted bureaucratic paraphernalia. Along one wall hang white mess jackets, formal butler jackets, and black chauffeur uniforms.

Despite AR 614–16's stipulation that enlisted aides should "further the accomplishment of a necessary military purpose," Taggart and his men answer to the lady of the house as well as the general. The chauffeur uniforms come in handy, for instance, when the Mrs. wants to go shopping.

[From the Washington Post, Oct. 29, 1969]

GI SERVANTS

(By Jack Anderson)

This column reported yesterday how the armed forces press some of their most promising young men into service as cooks, butlers, chauffeurs and handymen for the brass hats.

At Army reception centers, for example, officers have been alerted to watch for bright, attractive recruits who might be worthy to wait on generals. These enlisted aides, as the army delicately calls its GI servants, receive elaborate training at Ft. Lee, Va.

All the services, it seems, like their leaders to live in style. Even the Coast Guard, the runt of the military litter, maintains a large home for its commandant, Adm. Willard J. Smith, in the swank Kenwood section of Chevy Chase, Md.

Mrs. Smith, a delightfully effusive lady with sparkling blue eyes, oversees a three-man staff of enlisted aides. "These men are my best friends," she assured this column. "I don't have to order them around."

CPO Arthur Dizon has been with the Smiths for five years. He supervises the staff, oversees the preparation of meals, and handles the arrangements for parties. One of his more valuable skills is ice sculpting.

The Smith home is equipped with two kitchen ranges, two ovens ("When you're broiling a dozen steaks, one stove just isn't enough"), and two refrigerators—all provided by the taxpayers. Mrs. Smith also found it necessary to request a huge deep freeze to hold "Dizon's ice sculptures."

It was raining the day this columnist visited the Smiths and the family beagle, Tyler, escaped through the front door into the wet afternoon. When Tyler returned one of the enlisted aides hopped to with a clean coast guard-issue dish towel to give old Tyler a rub down.

Rank has its privileges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for approximately 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEGISLATIVE RECORD OF THE 91ST CONGRESS TO DATE

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from the distinguished President pro tempore of the Senate and chairman of the Appropriations Committee, Mr. RUSSELL, in which he requsts the Military Construction Appropriations Subcommittee to expedite action on that bill. I am certain that the chairmen of other appropriations subcommittees have received similar requests, because one thing which the distinguished President pro tempore likes to do, as chairman of the Appropriations Committee, is to bring legislation out of his committee to the floor as soon as reasonably possible—not rushed legislation, but only legislation proposed after due consideration.

I am happy to state that the military construction authorization will be considered in committee next Monday.

The hearings on the appropriations for this bill have been conducted. The appropriations bill will be expedited shortly after its receipt from the House.

The appropriation bill for the Departments of State, Justice, and Commerce was marked up by the subcommittee yesterday, and it should be ready for the Senate sometime this week. That indicates some progress, and is in accord with the President's wishes.

Mr. President, there are times when I agree that there is much to be gained by those who lower their voices and refrain from shouting; by those who instead look at the record and search their own minds. This is a time to judge actions—not words. These premises are particularly apt in evaluating the work to date of the 91st Congress.

Without belaboring this point—it has been made before—it simply would have been discourteous for this Congress—a Congress controlled by Democrats—to have run roughshod over the views, ideas, and plans of a new administration of a different party. It would have been most inappropriate for this Congress simply to have processed and digested the programs of the previous administration, including its budget. Every new administration should be afforded the opportunity to submit its proposals for change including even its own budget priorities. The fact that this takes time did not dissuade us from affording this courtesy to the Nixon administration.

That the Nixon administration budget estimates—received in late April—were more than 3 months in coming is to be understood. But so is the fact that the appropriations process implementing that budget commenced nearly 4 months late. A late planting in the spring always causes crop delays in the fall. In fact, the Senate has not even received from the House five of the 13 regular appropriations bills. This year's experience should dramatize at least the need for a change in the consideration of the Government's budgetary matters. Either an adjustment of the Government's fiscal year to coincide with the calendar year should be accomplished; Senator MAGNUSON's proposal to divide the session in two should be adopted; or the myth that appropriations bills must originate in the House should be discarded.

On October 13, 1969, the President sent the Congress the program of his administration. It was heralded as the equivalent of a State of the Union address and in my opinion it could well be so described. In it were enumerated what the President felt to be the most urgent priorities for the Congress and the Nation to consider. That message contained 33 legislative proposals. Using a quantum standard—particularly that standard chosen on October 13 by the President in his message—the Senate must be considered to have achieved significant progress to date. The Senate has passed nine of these programs already and there is every likelihood that the merits of at least 10 more of these proposals will be passed upon during this first session of the 91st Congress. Of the remaining 14 proposals the Senate must await House action on five and the administration is, perhaps understandably, holding up the progress of an additional four proposals because of its failure to present its views or testimony.

For the record, Mr. President, I have a table showing the progress of the President's 33 programs specified in his October 13 address. I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Subject	Message sent	Administration bill sent	Senate action	Comment
Draft reform	May 13	Aug. 13	Senate bills introduced in February and May	Administration views on Senate bills requested from DOD but no answers received.
Welfare reform	Aug. 11	Oct. 2	Must await House action	Hearings underway in House.
Revenue sharing	Aug. 13	Sept. 23	do	All revenue measures must originate in House; tax reform measure preoccupying Ways and Means and Finance.
Postal reform:				
Career postmasters	May 27	May 29	Passed Senate Aug. 12	
Postal Corporations	do	do	Senate committee hearings underway	Senate committee action anticipated this session.
Manpower reform	Aug. 12	Aug. 12	Awaiting departmental reports	9 reports requested—BoB only reply.
Social security	Sept. 25	Sept. 30	House must act first; House hearings underway in Ways and Means through Nov. 13.	Chairman of Finance Committee has publicly advocated an increase in benefits beyond administration proposal to be effective prior to administration proposal.
Grant-in-aid	Apr. 30	May 1	Senate will act this session	Committee will report in November.
Direct election of President		(1)	Jan. 17, introduced; passed House; passed Senate subcommittee.	Senate action possible this session; Senate action assured this Congress.
District of Columbia Government reform	Apr. 28	May 13	Senate bill passed Oct. 1	Embraces District of Columbia Delegate and District of Columbia Home Rule Comm.; both have passed Senate.
OEO reform	Feb. 19	June 12	Passed Senate Oct. 14	
Foreign aid	May 28	June 9		Await House bill.
Mine safety	Mar. 3	Mar. 4	Senate bill passed	Bill that passed originated in the Congress.
Occupational health and safety board	Aug. 6	Aug. 6	Senate committee action late November or early December.	Senate action anticipated late this session or early next session.
EEOC injunction power		(2)	Senate bill introduced June 19—hearings completed—Senate subcommittee markup early November.	
Voting rights	(3)	June 30	Jan. 31 (Senate bill referred to Judiciary)	Await House action.
Food stamps	May 6	July 7	Senate bill passed Sept. 24	
Population commission	July 18	July 25	Passed Senate Sept. 29	
Crime:				
Increased appropriations for organized crime	Apr. 15		Anticipate Senate approval of total request by Nov. 5	Included in State-Justice Commerce appropriations.
Antigambling jurisdiction	Apr. 23	Apr. 29	S. 30 introduced Jan. 15; Senate action early November	Omnibus Crime bill introduced in Senate on Jan. 15 contains this provision. Approval of Senate Omnibus bill S. 30 anticipated this session.
Witness immunity	do	May 12		
Federal crime for local authorities involved in gambling	do	July 11	Passed Senate Sept. 18	
District of Columbia court reorganization	Jan. 31	do	do	
Bail reform in the District of Columbia	do	do	Senate bill passed Sept. 18	
Appropriations increase for narcotics enforcement			Anticipate Senate approval of total request by Nov. 5	Included in State-Justice Commerce appropriations.
Tax reform	Apr. 21	(2)	House bill passed August. Senate action this year	This congressional initiative endorsed by President.
Pornography:				
Antismut	May 2	May 5	Awaiting Administration's views	
Obscene mail	do	May 8	Reported from subcommittee in August	Senate action hopefully this session.
Salacious advertising	do	do	do	
National computer job bank		(2)	No proposal introduced	
Airport development	June 16	June 18	Hearings underway; Senate action this year	
Public transit increase in authorization	Aug. 7	Aug. 11	Senate hearings underway	
Extend unemployment coverage	July 8	July 8	House must act first on revenue measure	

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[1] No administration draft.

[2] No draft bill.

[3] None.

Mr. MANSFIELD. In addition to these programs the administration has endorsed or proposed other significant proposals which have passed the Senate. These proposals, in all, number 61. Many of them, of course, originated with congressional initiative. The list is included in another table, and I ask unanimous consent that it appear in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

Legislative Proposals Which Have Passed the Senate After Recommendation by the President or Endorsement by the President After Congressional Initiative

Appalachian Regional Development: Public Works and Economic Development Act, extensions.
Appropriations: Agriculture, Interior, Legislative, Treasury-Post Office.
Cabinet Committee on Opportunities for Spanish-speaking people.
Child Protection and Toy Safety Act.
Coal Mine Health and Safety Act.
Coast Guard authorization.
Commission on Population and Growth in America.
D.C. Revenue Act.
D.C. Bail Agency Act Amendments.
D.C. Delegate in the House.
D.C. Home Rule Study Commission.
Educational TV.
Eisenhower Dollar.
Eisenhower historic site.
Export Expansion and Regulation Act.
Federal Criminal Law Reform Commission.
Food Stamp authorization increase.
Food Stamp revision.
Housing and Urban Development Act.
IDA authorization increase.
Interest Equalization.
Intergovernmental Personnel Act.
John F. Kennedy Center.
Johnson historic site.
Joint Chiefs of Staff, reappoint chairman.
Marine Corps Commandant.
Maritime authorization.
Mass Transit Development, D.C.
Medals for American Astronauts.
Medical Libraries.
Metric System Study authorization.
Military Procurement—ABM authorization.
National Council on Indian Opportunity.
National Council on Marine Resources.
National Science Foundation authorization.
Office of Economic Opportunity, revise and extend.
Office of Intergovernmental Relations.
Older Americans Act Amendments.
Peace Corps authorization.
Postmaster appointments—Civil Service.
Public Debt increase.
Reorganization Act extension.
Reorganization of DC Courts.
Reorganization Plan No. — ICC.
Saline Water Conversion.
Space authorization.
Student Loans—Special allowance for lenders.
Surtax extension—through 12/31/69.
Taft historic site.
Unemployment tax collection, accelerate.
Vice President and others salary increase.
Water Quality Improvement Act.
Treaties: Nonproliferation, Vienna Convention, Radio Broadcasting, Fishing Operations, Agreement with Canada, and Offenses aboard aircrafts.

Note.—The above list includes specific recommendations as well as reports cleared "in accord" and "consistent with" the President's program.

Mr. MANSFIELD. Finally, I should say that the Senate passed 156 proposals without the request, stimulation and/or the endorsement of the administration. The list includes many significant proposals and I ask unanimous consent that this third table appear at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Legislation Passed by the Senate in the 91st Congress, 1st Session in Addition to That Legislation Requested or Adopted by the President

National Commitments Resolution.
Veterans Education and Training Benefits.
Civil Service Retirement.
Presidential Pay Increase.
Mutual Fund Reforms.
Interstate Oil Compact Extension.
Youth Conservation Corps Establishment.
Disaster Relief.
Communicable Disease Control Program.
Foreign Governments Recognition.
Omnibus Judgeship Bill.
Clean Air Act Amendments.
Bankruptcy Commission Creation.
Commission on Balanced Economic Development.—Establishment.
Uniform Relocation Assistance.
National Center on Educational Media for the Handicapped.—Establishment.
National Commission on Libraries and Information Science.—Establishment.
Construction Workers Health and Safety Standards.
Apostle Islands National Lakeshore.—Establishment.
Buffalo National River.—Establishment.
El Dorado National Forest Wilderness Area.—Establishment.
Environmental Quality Advisers Board.—Establishment.
Florissant Fossil Beds National Monument.—Establishment.
Lincoln Back Country, Montana.—Classification as Wilderness Area.
Monomoy Wilderness Area.—Designation.
National Minerals Policy Declaration.
Pelican Island Wilderness.—Designation.
Sawtooth National Recreation Area.—Establishment.
Ventana Wilderness.—Designation.
Wilderness Areas Designated in Michigan, Wisconsin, and Maine.
Durum Wheat Allotments.
Great Plains Conservation Program Extension.
License Fees and Exemptions under Perishable Agricultural Commodities Act.
Marketing Quota Review Committees Membership and Court Proceedings.
Potato Exemptions from Marketing Orders.
Potato and Tomato Promotion Program.—Establishment.
Seed Certification Standards and Procedures.
COMSAT Board of Directors Composition.
Commission for Extension of the U.S. Capitol.—Membership Increase.
Senate Speech Reinforcement System.
James Madison Memorial Building, Library of Congress; Authorization Increase.
Servicemen's Dismemberment Insurance Coverage Extension.
Servicemen's Group Life Insurance Coverage for Extrahazardous Duty.
Legislative Jurisdiction over Lands within Army Establishments.
Servicemen's Group Life Insurance Increase.
Lead Stockpile Disposal.
Submarine Duty Extra Pay.
District of Columbia Court Suits for Tax Collection.
Prohibition of Debt Adjusting in District of Columbia.
Interstate Compact on Juveniles.—Authorization for D.C. Entry.
District of Columbia Judges Retirement.
District of Columbia Unemployment Compensation Act Exemptions.
District of Columbia Conveyance to Washington International School.
Suspensions of Duties: Chicory Roots, Electrodes for Producing Aluminum, Heptanoic Acid, Istle, Metal Scrap, Shoe Lathes, Spun Silk Yarn.
National Gold and Silver Stamping Act Amendment.
Investors Study Extension.
Extension of Regulation of Rates of Intest and Dividends on Time and Saving Deposits.
Small Business Administration Loans Increased Ceiling.
Small Business Investment Act Amendments.
Trust Territory of the Pacific Islands Economic Development Loan Fund.
National Education Association Structural Changes.
New Hampshire-Vermont Interstate School Compact.
Labor-Management Contributions for Scholarships and Child-Care Centers.
Commerce Department Employment of Aliens.
National Zoological Park Police Force.
Park Police Age Limit.
Public Health Service Retirement Benefits.
Travel Per Diem Increase.
Government Procurement Commission—Establishment.
Copyright Protection Continuation.
Disposal of Surplus Medical Supplies.
Public Museums Eligibility to Secure Surplus Property.
Medicaid Revision.
National Commission on Product Safety—Extension.
Housing Programs Temporary Extension.
Paraplegic Veterans Housing Assistance.
Western Hemisphere Immigration.
American Indian Rights.
Cheyenne River Sioux Tribe Trust Holdings.
Flathead Reservation in Montana—Disposition of Award.
Fort Berthold Reservation Trust Holdings.
Indians of California—Compensation for Erroneous Judgment Offset.
Indians of the Pueblo of Laguna Trust Holdings.
Indian Loans.
Long-Term Leases of Indian Lands Outside Boundaries of New Mexico Reservations.
Long-Term Leasing Act Amendments.
National Council on Indian Opportunity Expenses.
Navajo Indian Reservation Road Construction.
Rosebud Sioux Indian Reservation Mortgage Terms.
Patent Cooperation Treaty International Conference Authority.
International Expositions Participation.
Contracts Claims Jurisdiction of U.S. Courts.
Prince Georges, Maryland, County Court Sessions.
Manpower Development and Training for Trust Territory of the Pacific Islands.
American Fisheries Society Centennial Medal.
Diamond Jubilee Year of the American Motion Picture.
American Revolution Bicentennial Commission Extension.
Apollo 11 Commendation.
Baseball Centennial Commemoration.
Carl Hayden Project (Renaming of Central Arizona Project).
Chouteau Lock and Dam, Oklahoma, Designation.
Congressional Space Medals of Honor.
Dartmouth College's 200th Anniversary.
Eisenhower Dam (Renaming Glen Canyon Dam).
Everett Bridge Designation.
Francis Asbury Statue Relocation.

Frederick Douglass Home Increased Authorization.
High Speed Photography Ninth International Congress.
St. Lawrence Seaway 10th Anniversary.
U.S. Diplomatic Courier Service Medals.
Winston Churchill Medal.
Mailing Privileges for Mrs. Mamie Doud Eisenhower.
Proclamations: Adult Education Week, Day of Bread and Harvest Festival, Helen Keller Memorial Week, National Adult-Youth Communications Week, National Archery Week, National Family Health Week, National Industrial Hygiene Week, Professional Photography Week, Von Steuben Memorial Day.
HEW Appointments and Confirmations.
Everglades National Park, Florida, Land Acquisition.
Feasibility Studies of Water Resource Development Projects.
Golden Eagle Program Restoration.
Great Smoky Mountains National Park Road.
Kennewick-Yakima Project Addition.
Kortes Unit, Missouri River Basin, Operation Modification.
Navajo Indian Irrigation Project.—Increased authorization.
Oil and Gas Leases Reinstatement.
Padre Island National Seashore.—Authorization to satisfy judgment.
Parks and Recreation Surplus Property Sales.
Tocks Island Dam Development.
Touchet-Walla Walla Project Authorization.
Upper Niobrara River Compact.
Acquisition of Air Carriers Requirements.
Vessel Construction Differential Subsidy.
Veterans Care in State Homes.
Veterans Dependents' Compensation Increases.
Older Veterans' Medical Benefits.
Veterans Nursing Home Care.
Veterans Outpatient Care.
Veterans Service-Connection Disabilities Presumption.
Veterans' Administration Specialized Medical Resources Utilization.
Veterans Twenty-Year Disability Evaluation.
Jurisdiction Cession over Real Property at Veterans' Administration Center, Fort Harrison, Montana.
Vietnam Era Veterans' Life Insurance.
Aid to Families with Dependent Children.—Limitation repeal.
Care of Repatriated Americans.
Virgin Islands Voting Age.

Mr. MANSFIELD. Mr. President, these tabulations reflect the Senate's progress to date. Statistically, the Senate's work has been significant. I believe, however, that the quality of our work—as evidenced by the exhaustive consideration of the military authorization bill this summer—is the true measure and significance of the Senate in the 91st Congress. By any standard, however, our actions are more meaningful than any words.

Mr. GRIFFIN. Mr. President, I rise to commend the distinguished majority leader for his report concerning the legislative progress being made by the Senate. I shall be very interested in examining the tables which will appear in the RECORD.

However, I wish to say that it is very disturbing and of great concern to me to hear reports that one of the proposals of the administration—one which stands at the very top of its priority list—that of draft reform, may be sidelined in this session of Congress. Reports are circulating, and were mentioned in the New York Times this morning, which indicate that the leadership of the majority party apparently expects that such legislation will not even be considered by the Senate in this session of Congress.

That indication is particularly disturbing in light of the fact that the House of Representatives is considering legislation in connection with President Nixon's draft reform proposal today.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. Mr. President, I believe that what the Senator has said is correct. It happens that there are those in the Senate, as well as in the House, who desire a more extensive reform than the President's suggestion of applying the lottery plan to the 19-year-old group.

Mr. President, speaking personally, I am not in favor of the President's suggestion, because I think it continues to penalize a particular group of youngsters and continues other inequities which are evident in the present draft law. As a matter of record, I did not vote for the extension of the draft law. The last time it was before the Senate, because I thought then as I do now, that it is too inequitable. There are too many favored groups.

The result is that the responsibility for serving falls to a large extent upon those in the lower income brackets, those who cannot afford to go to college, and those who cannot afford to pursue certain kinds of graduate work.

Mr. President, in my opinion I would like to see a better draft system put into effect, if there is to be one, which would be more equitable than the system in effect at the present time. I know that President Nixon was not President when the draft law was extended. I know the revisions at that time were few and that the inequities were continued. I therefore felt that I could not or would not vote for it.

I honor the President for trying to bring about some change in this law. It is an indication of his interest. The law is in drastic need for change. When the law is next considered in the Senate, I feel confident a full overhaul will be considered.

I would hope also that in addition to that, the President would use whatever executive authority he has—and I understand that the only statutory limitation is the adoption of a lottery system—to bring about an elimination of the inequities to the extent that young Americans of all colors, creeds, and national origin would be treated equitably and that the existence of favored groups would be done away with.

Getting to the point of the statement of the distinguished acting minority leader, it is my belief that the President's proposal will not be taken up in the Senate this year because it was impossible to achieve a consensus to handle only the President's suggestion by itself and because some Members of the Senate want to go far beyond the President's proposal in the consideration of the draft law.

I point out for the RECORD that I appreciate what the acting minority leader has said, and that what he has said is true.

Mr. GRIFFIN. Mr. President, I appreciate the explanation of the majority leader, although I must emphasize my disagreement.

Probably no one subject, other than the war in Vietnam itself, is of greater concern and is a greater cause for unrest among the young people in our country today than the inequitable draft system now in effect.

We have heard a great deal of complaint about this system in past years, both in and out of Congress. Surely President Nixon has taken a very constructive step in proposing certain basic reforms in the draft system. Some of those reforms, as the majority leader has pointed out, can be achieved by Executive order. However, at least one point in his program—that of providing for the random selection or lottery method of designating those to be drafted—cannot be accomplished by Executive order. At least with respect to this one point, action must be taken by Congress.

I appreciate that some Senators would like to do away with the draft altogether. I am one of those who would like to see the time come when that could be done.

I know that other Senators would like to see a much more drastic or comprehensive reform of the draft law than is proposed by the President. However, what the President has proposed and is trying to achieve this year is a long step in the right direction.

While it is within the power of the majority party—which controls both the Senate and the House of Representatives—to deny consideration of this legislative proposal by the President, of course, the majority party must also bear the responsibility for such denial, if that is their choice.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. KENNEDY. Mr. President, does the Senator from Michigan realize that 11 major legislative proposals for reforming the draft have been introduced? They have been referred to the Defense Department and the Selective Service System for reports, and yet neither the Defense Department nor Selective Service have responded to or indicated any reaction to any of those proposals.

Does the Senator realize that every one of the proposals that the President of the United States has talked about in terms of draft reform could be accomplished today with the sole exception of abolishing the provision enacted into law in 1967 that prohibits or proscribes a random selection system?

When we had a hearing this morning and listened to the distinguished Director of the Selective Service System, he said in effect that all that had to be done would be to move to a moving age group—which is really a random selection system—and that they could go to that immediately. There is nothing to keep the President from doing these things this afternoon and taking these steps.

So, with great deference, when my friend, the distinguished Senator from

Michigan, suggests here that it is unfortunate that the Democratic Party is holding up all reform of the draft system. I think he is really failing to face up to the realities of the situation. I say that with all due respect.

Mr. GRIFFIN. Mr. President, I thank the distinguished assistant majority leader for his contribution. However, I must, of course, disagree with him.

The fact that the administration has not come back with a report on every bill that every Senator or Representative has introduced in a particular field is no reason, in my opinion, why the leadership should indicate that we are not even going to consider draft legislation in this session of Congress.

I have been in Congress for some 13 years. I have introduced many bills in past administrations. And often times my bills would be there for months and months and months without having any report or indication from the Johnson administration or the Kennedy administration as to what they thought of my proposals. That did not bring the work of Congress to a halt.

The President has expressed his views on draft reforms. He has sent a message to Congress.

There is proposed legislation before Congress. I know that the distinguished Senator realizes that what the President can do by Executive order concerning the selection of draftees is not as desirable or as good as the lottery provision, which must be enacted into law by legislation.

Mr. KENNEDY. Mr. President, with all due respect to my friend, the Senator from Michigan, I feel—and I have spent some time in studying the matter—that there is no difference between moving to selection of the 19-year-olds as the prime age group and instituting a "moving age group" for determining induction sequence—which the administration has said they can do—and moving to random selection. There may be a difference. However, it would be a difference without a distinction.

While we hear our friend the Senator from Michigan talk this afternoon about how distressed our Republican friends are because there will be no draft reform at the present time, we know that the President this very afternoon could provide guidelines for the draft boards around the country on the question of deferments. He could eliminate occupational deferments.

The former Secretary of Labor said that he finds no reason to continue occupational deferments.

Former Commissioner of Education Harold Howe said that he finds no overriding reason for the continuation of educational deferments.

The National Security Council, the entity charged with the responsibility of making recommendations on deferments, indicates that they find no reason for the continuation of occupational deferments.

All the President has to do this afternoon is say that there will be no continuation of occupational deferments and eliminate what has been generally recognized by the experts as one of the glaring loopholes. He could provide counsel for the young people so that they will be able to follow the regulations that govern the system.

It is not the Democratic leadership that is holding up these matters.

The President has the power to initiate recommendations to do this. On this whole host of different areas, the President has the power to do it.

I think the position which has been assumed by the distinguished chairman of the Committee on Armed Services—which he stated to the Senate last month—is the most responsible position that could be assumed, and that is that we are going to have total and comprehensive hearings that are going to consider the whole question of a Volunteer Army and the costs and expenses of what this is going to mean in terms of social and economic conditions in this country.

We have yet to receive the report of the President's Commission that is studying the question of a Volunteer Army. We do not have that information at hand. He has indicated that he wants to get into the whole question of the deferments themselves and to try to give this matter a thorough and comprehensive study, to consider all the alternative programs and alternative service to the young people of this country.

It seems to me that that is the constructive approach, if the President wants to move. I am hopeful that our subcommittee can make recommendations to the administration as to what additional steps could be taken so far as administrative action is concerned that will eliminate many of the inequities.

Mr. GRIFFIN. Obviously, I am very pleased and happy to know that the Armed Services Committee is going to hold hearings and is going to consider this whole subject in depth. It is needed. However, hearings of the nature to which the Senator has referred will not enable Congress to take any action in this session.

Therefore, the pendency of these hearings should not keep the Senate from acting on one vital legislative part of President Nixon's draft reform proposal; namely, to enable him through legislation to use the random or lottery method of selecting draftees.

I do not think we can abandon what is essentially a legislative responsibility by just saying that the President has the power to put a part of his program into effect by Executive order.

The calendar now approaches November 1. Time is growing short.

Although the administration may by Executive order put into effect as much of the President's program as possible if the Congress does not act, that is beside the point.

We should recognize that the leadership of the majority party is refusing to even consider the one vital part of his program of effective draft reform which requires legislation.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator's time has expired.

Mr. KENNEDY. Will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. KENNEDY. I think it is interesting that we have this position expressed by the distinguished Senator from Michigan. What are the other areas of reform—we are talking about reform—besides the elimination of the provision or the restriction to move to a random selection system, which is a system I also support? What are the other areas of reform in terms of the draft about which the Senator is concerned?

Mr. GRIFFIN. I have already indicated that other aspects of President Nixon's draft reform proposal can be put into effect by Executive order. The only thing the administration is asking for from the Congress is to enact the one provision which allows a random or lottery selection of draftees—which the distinguished Senator from Massachusetts is for and has been advocating for a number of years.

I would think the Senator from Massachusetts would be helping us to achieve that goal.

The PRESIDING OFFICER. Does the Senator wish to ask for additional time?

Mr. KENNEDY. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. The administration has taken the position that they have the power to move to what they call the moving age group, the conveyor belt system. It amazes me, as one who has been greatly interested in reform of the draft system, in view of all the urgency for reform, to hear that there is really a distinction between a conveyor belt system, which the administration says it has the power to do, and the random selection system.

I do not dispute the point of the Senator from Michigan that it is always helpful to have congressional action and to have changes made by congressional consideration. But I think we perpetrate a fraud on the young people of this country if we think we are acting on draft reform just by eliminating four words in the 1967 act and then say that this is reform, because it is not.

If the administration is interested in eliminating some of the inequities which exist in the law at the present time, the fact remains that the American people ought to understand that the administration has the power to do so and that it should do so. If the administration is looking for a sort of debater's point and says, "Well, the Democratic Party really is not interested in reform because it will not act on this particular provision," the administration is not going to convince the young people of this country who are completely familiar with the entire history of this matter and who are completely familiar with the possibilities and the availabilities to the administration.

So we can chat about and assume righteous indignation about the fact the Senate is not going to perform draft reform just by eliminating three words, and we can be outraged by the action that has been taken by the Armed Services Committee and the administration.

Mr. President, the Senator is too knowledgeable about draft reform and the changes that can be made not to realize that that really is not an argument which is going to be convincing to the young people of this country who are most dramatically affected by it.

Mr. GRIFFIN. The Senator from Massachusetts has indicated that, instead of using the lottery or random method of selection, the President, by Executive order, can substitute some other method, which the Senator from Massachusetts referred to as a conveyor belt system, whatever that means. I realize that there are similarities between these two methods of selection, but I also understand that the one that the President could put into effect by Executive order would not be as fair or as equitable to the young people subject to the draft as would be the lottery proposal. In light of the Senator from Massachusetts strong support of the lottery system, I would think he would assist the administration in its implementation.

I am not saying, and I do not think this administration is saying, that the draft reform package, or proposal, which the administration now seeks to put into effect, is the ultimate answer to draft reform.

By taking this limited action, which will be a long step in the right direction, we do not close the door to further consideration in the next session of more comprehensive draft legislation, which the Senator is for. I think that is fine. The committee could go into it. But, in the meantime, I think it should be clear to all that it is those who are in control of this body—not the other body—who are blocking the door even to consider what the President has proposed.

SUPREME COURT DECISION TO END DELAY IN DESEGREGATING PUBLIC SCHOOLS

Mr. KENNEDY. Mr. President, yesterday's decision by the Supreme Court to end the delay in desegregating our Nation's public schools was eloquently presented by James Clayton in the Washington Post today.

Mr. Clayton lists the questions that Americans will ask for years to come—"What does this decision mean; why did the Court wait 15 years to make it, and why did the Court act on October 29, 1969?" No one but the justices can answer those questions definitely, although our daily papers indicate what the answers might be.

This decision begins to respond to the public clamor for equal treatment and impartial justice for all Americans, by striking down the nebulous phrase "all deliberate speed." Our Constitution does not give sanction to delays in any judicial proceedings. There is no reason why "deliberate speed" should have been allowed to hamper this one.

I am pleased to see the decision of the Court and to see that its significance has been properly chronicled by journalists.

I wish to offer, as part of the record, Mr. Clayton's interpretation of yesterday's historic Supreme Court ruling. Therefore, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURT'S PATIENCE RUNS OUT—ACTION NOW SUPERSEDES "ALL DELIBERATE SPEED"

(By James E. Clayton)

No one who has been listening to what the Supreme Court has been saying could have had any doubt that the day would come when the patience of the justices would be exhausted. Government-imposed segregation in the public schools was doomed on May 17, 1954, and the major subsequent question was how long it would be before the court dropped the other shoe. It was 15 years, 5 months, and 12 days—the time it takes a child, from birth, to reach the senior grades.

The events of those 15 years swirl around now as memories—the phrase 'all deliberate speed," the reports that the South says "never," massive resistance, interposition, Little Rock, New Orleans, Oxford, Boston, Chicago. The names swirl, too—Earl Warren, Thurgood Marshall, John Kasper, Autherine Lucy, James Meredith, Ross Barnett, George Wallace, John Doar. So do the plans for evasion or postponement—tokenism, freedom of choice, school closing, grade-a-year, zone gerrymandering.

That chapter in history now appears closed. The words of the court yesterday were clear. "All deliberate speed" is "no longer constitutionally permissible." The obligation of every school district is "to terminate dual school systems at once." In Mississippi, and presumably elsewhere, schools segregated because of government action are to be desegregated first and opposition talked about second. The era that began with Earl Warren has ended and the era of Warren Burger has begun.

The questions, of course, are what this decision means, why the court waited 15 years to make it, and why it acted on Oct. 29, 1969. No one but the justices can answer those definitively although there are indicators to the answers spread across the pages of the U.S. Reports and of contemporary history.

The impact will be greatest in the South. Most of the dual school systems—one for white children and one for black—in the nation are there and it is those dual systems that the court specifically said must be abandoned. Where such dual systems do not exist, in the District of Columbia, Virginia and Maryland, for example, the message is clear but not so precise. Get on with desegregation, the court said, and forget about that 1955 standard of "all deliberate speed." How that will affect the problems of school segregation in the North except where segregation exists because of a deliberate government policy remains to be seen.

It is easier to see how the court got to this decision. The process was a long one that began even before that day in 1954 when the decision in the case of Brown v. Board of Education came as a thunderclap. It probably began in 1938 when the court, under Chief Justice Charles Evans Hughes, ordered the state of Missouri to provide legal education inside its borders to Lloyd Gaines, a Negro who had been rejected at the University of Missouri solely because of his race.

It continued through 1950 when the court, under Chief Justice Fred M. Vinson, ordered the University of Texas to admit a Negro to its law school and told the University of Oklahoma to permit a Negro student pursuing a doctorate to have a seat in its classrooms and library and to eat in its cafeteria.

It peaked in 1954 when the court, under Chief Justice Warren, said that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

That phase-all deliberate speed—came the next year after the court heard arguments on how it could best implement its 1954 decision. Taking into consideration all the factors involved in desegregation, the court said then, it would require only a "prompt and reasonable start" towards desegregation. School systems could be given time to carry out plans for desegregation as long as "such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." But, the court said, the principle of desegregation would not yield "simply because of disagreement" with it.

Then came the plans, some school systems acting in good faith, others acting to perpetuate segregation, and others not acting at all. These the court left at first in the hands of the federal trial and appellate judges. It stepped in again only when the Little Rock case erupted.

That was 1958 when a federal judge delayed desegregation in light of violent opposition and the state's recalcitrance. The court reversed that decision, saying that hostility to racial desegregation was not a factor a judge could rightfully consider in granting a delay. There might be other factors, it said, but "only a prompt start, diligently and earnestly pursued . . . could constitute good faith compliance."

By 1961, the court, was beginning to express its concern that so little was happening. "Given the extended time which has elapsed," it said, "it is far from clear that the mandate of the second Brown decision . . . would today be fully satisfied by types of plans or programs . . . which eight years ago might have been deemed sufficient."

More plans came and went. But in 1964, when the court reviewed the situation in Prince Edward County, Virginia, where one of the cases decided in 1954 had originated, it found that no steps towards desegregation had yet occurred. "The time for mere 'deliberate speed' has run out," the court said, "and that phrase can no longer justify denying these . . . children their constitutional right . . ."

Four years later, the court repeated the first nine words of that sentence when it decided a case from New Kent County, Va., and italicized the word "now" when calling for a plan that would "work now."

Only eight weeks ago, Justice Hugo L. Black put the situation a little more bluntly. In denying a preliminary order in the case decided yesterday, he wrote, "I fear that this long denial of constitutional rights is due in large part to the phrase 'with all deliberate speed.' I would do away with that phrase completely."

Yesterday, the court did just that, acting unanimously as it has acted in every major school desegregation case. Not once has any of the 18 men who have served on the court since 1954 expressed the slightest disagreement with the principle that "separate education facilities are inherently unequal."

But why yesterday?

The words of the Court over the years demonstrate that patience was running out. Children were not being given access to a right the court had said was theirs because adults were stalling. And every lawyer knows that every judge has a point beyond which he will not go in seeing his orders disobeyed.

The court may also have remembered the 1950s when the Executive Branch gave little support to desegregation efforts and wondered if the words of the present administration, forcefully brought to its attention in the documents of this case, indicated a softening of the posture that had marked Executive Branch enforcement in the 1960s.

Then there is the criticism that the court got 15 years ago when it coined that phrase—all deliberate speed. Some commentators, not all of them advocates of desegregation, said that this was one of the court's mistakes, that there would have been less turmoil if it had not allowed for delay but ordered immediate action then.

There was no particular explanation of what that phrase meant when the court used it, little in its opinion and little in

> legal history. The lawyers searched that history in vain to find clues to its meaning that they could use to persuade judges to act or to delay.
>
> Some said the words came via Justice Felix Frankfurter from early English courts. Others said it came from Frankfurter's wide reading, including Francis Thompson's "Hound of Heaven." If it came from the latter, yesterday's burial of it was fitting. Thompson wrote of fleeing from strong feet that beat after him "with unhurrying chase, and unperturbed pace, deliberate speed, majestic instancy." At last, when the race was over, the Voice said to him, "Rise, clasp My hand, and come."

Mr. KENNEDY. Mr. President, I am hopeful that yesterday's decision will encourage the dedicated young men and women who serve in the Civil Rights Division to remain in the Department to carry on the Division's vital responsibilities. Their complaints, I believe, have been legitimate, but now that the Supreme Court has backed up their position, I hope they can see their way clear to stay on, in the national interest.

Assistant Attorney General Leonard indicated several weeks ago that, were the Supreme Court to order immediate desegregation, there would not be adequate staff in the Justice Department to enforce this order. I plan to be in touch with the Attorney General to determine whether or not his Department has sufficient resources and personnel to prosecute the Court order. If not, it is my intention, that when the appropriations bill for the State, Justice, and Commerce Departments reaches the Senate floor, possibly next week, to assist the Department by moving to amend the bill so that the Justice Department can meet its responsibilities. If additional authorization is necessary, I will move to take that step as well.

ADVANTAGES OF RATIFICATION OF THE THREE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, I have attempted to show for almost 2 years now that there are no convincing reasons of law or policy which should prevent the U.S. Senate from ratifying the three human rights conventions concerning genocide, the political rights of women, and forced labor. What we may have lost sight of however, are the positive benefits to the United States which ratification of these three treaties would provide.

Richard N. Gardner, professor of law and international organization at Columbia University summarized the principle advantages to the United States of ratification of the treaties:

> U.S. adherence to the three conventions before us today can make a practical contribution to the basic national interest of our country in promoting human rights around the world.

Mr. Gardner lists four specific advantages to ratification of the three treaties:

> 1. Our ratification will encourage other nations to adhere to these conventions and implement their provisions in their own territories. This is particularly true of newly independent countries that frequently take U.N. conventions as a model.
>
> 2. Ratification will put the United States in a better legal and moral position to protest infringement of these human rights in countries that have ratified the conventions but failed to implement them in practice.
>
> 3. Ratification will increase United States influence in the continuing U.N. process of drafting legal norms in the field of human rights. As long as the United States fails to ratify any human rights conventions, its views will carry less weight than they deserve.
>
> 4. Ratification will dissipate the embarrassing contradiction between our failure to ratify these conventions and our traditional support of the basic human rights with which they are concerned.

Mr. President, these are four very good reasons why the Senate should ratify these three treaties immediately. As the world's outstanding advocate of democracy and individual rights, we cannot afford to be considered hypocritical by failing to recognize these same rights on an international scale. At a time when our basic humanity is becoming increasingly questioned around the world, ratification of these three treaties would provide the world with an unmistakable sign of our renewed resolve to promote human rights both at home and throughout the world. Ratification would promote new confidence in the United States as a truly democratic world power.

For all of these reasons, Mr. President, the time for ratification of these three treaties is now. Let us not delay any longer—the world is waiting for our decision.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. SPONG. Mr. President, last year, upon returning from the North Atlantic Assembly, I wrote that there was no end in sight either for the North Atlantic Treaty Organization or for the problems which plague it.

I believe this is still true. Having just returned from another Assembly meeting, however, I feel that problems currently outweight prospects in the alliance.

Decisions on conventional troop levels and overall NATO policy go begging.

While we may attempt to turn our attention to new issues, such as environmental problems, and seek cooperation in new fields, the basis of the alliance is military and political, and pressing questions regarding these areas should be answered first.

The strength and future of the alliance rely on interrelated decisions concerning troop levels, conventional defense, and the policy of flexible response.

Today, there are confusing and conflicting opinions concerning these issues both within and among the nations of the North Atlantic Treaty Organization.

The United States currently has some 300,000 troops in Western Europe; its financial contribution to NATO exceeds $12 billion a year. Despite former President Johnson's withdrawal of 32,000 troops from the NATO force, balance-of-payments problems, inflation and domestic needs, and the cost of troop maintenance are giving rise to increased pressure to withdraw additional U.S. troops from Western Europe.

The demands for additional U.S. withdrawals are fed by the reluctance of many of the NATO allies to increase their conventional contributions to NATO and by withdrawals of forces by other nations, such as the British removal of 5,500 troops and the Canadian withdrawal planned for the fall of 1970.

The desire to divert spending from military operations to domestic programs is an understandable one. But, I do not believe the NATO alliance should relax its conventional efforts, unless the Warsaw Pact nations undertake a similar policy.

In Western Europe, 23 NATO divisions, 1,500 tactical aircraft, and 6,000 tanks face Warsaw Pact strength of 56 divisions, 1,200 tactical aircraft, and 13,000 tanks, exclusive of the Soviet forces in the western part of the Soviet Union. While there may be some debate over the actual relative strengths of the forces, there is little doubt that NATO suffers a deficiency in tanks. And, certainly the lesson of Czechoslovakia is not so long ago that we can ignore the potential of the Warsaw Pact's conventional forces.

Second, the NATO conventional strength is restrained by the fact that France, which sits in the middle of Western Europe, does not participate in NATO military affairs.

Third, NATO forces are hampered by the use of a multiplicity of equipment and materials while the Warsaw Pact nations have uniform, interchangeable weaponry.

And fourth, the anounced Canadian withdrawal of 5,000 troops, despite the reasons and the advance notice given, cannot help but create additional problems in maintaining NATO defenses in the central part of Western Europe.

Troop levels and the maintenance of an adequate conventional force are inseparable from a discussion of the policy of flexible response.

NATO's ultimate strength has always been the nuclear power of the United States and the possibility that the United States will use that power if any of the Alliance members are attacked. This is still true today.

It is also true, however, that the Warsaw Pact nations may engage in tactics which pose threats to the Alliance but which are not severe enough to merit the use of nuclear weapons.

To meet such situations, the United States, since the early 1960's, has advocated a policy of flexible response, a policy which envisions preparedness in conventional and nuclear strength so that a threat may be met with a commensurate response, but not an escalating response.

It is, however, a simple fact that our NATO allies in Europe have never fully accepted the idea of a flexible response. Their failure to embrace it ranges from the belief that any Soviet attack on Europe would be nuclear, not conventional, and that U.S. nuclear strength would be the telling factor in a confrontation, through the belief that the Soviet Union could overrun Western Europe at will, with either conventional or nuclear weapons no matter what the Western European nations do, to the de Gaullist fear that Europe might serve as a battleground while the United States and the Soviet Union sought to negotiate.

Whatever the reasoning, the policy itself is not credible when the actions needed to implement it are not taken.

The European members of NATO must decide whether or not they are willing to increase their conventional troop strength. Future U.S. troop commitments to NATO will depend on that.

A European decision not to upgrade conventional forces especially if the U.S. reduces its commitment can only mean the end of the flexible response policy. If there is no credible conventional deterrent in NATO, then NATO will not have the option of meeting a conventional threat or a minor incident with a conventional response. The inevitable and unfortunate result is a greater reliance on nuclear power to deter aggression.

In view of the conventional strength of the Warsaw Pact nations, the growth in Soviet seapower in the Mediterranean, the Warsaw Pact invasion of Czechoslovakia, and the likelihood of a greater dependence on nuclear weapons, I do not believe NATO should reduce its conventional options. Instead, it should maintain them at a level which will discourage conventional moves by the Warsaw Pact nations and will allow the NATO nations time for discussion and decision on the use of nuclear weapons should there be a massive conventional attack on Western Europe.

If the alliance does not maintain such levels, it restricts itself to three major alternatives, which do not allow NATO the maneuverability I believe it needs. Either it gambles that any Soviet attack on Western Europe will be nuclear and require a nuclear, if any, response, or it suggests that the NATO alliance is willing to use nuclear weapons when threatened or it faces the possibility that European nations may feel a new need for their own nuclear deterrent, a deterrent separate from the NATO deterrent, a deterrent under the control of the nation which has it.

From its beginning 20 years ago, the North Atlantic Treaty Organization has been a defensive alliance. In arguing for ratification of the NATO Treaty in 1949, Senator Tom Connolly, then chairman of the Senate Foreign Relations Committee, said:

> The Atlantic Pact is not aggressive; it is purely defensive in character. . . . It does not contain any commitment to go to war. It . . . is surrounded by all the solemn obligations against aggression which the United Nations charter imposes upon its members. It comes into operation only when a nation has committed a criminal act by launching an attack against a party to the treaty.

This is still true today.

Neither the United States nor NATO has other than defensive intentions. We would all welcome mutual troop reductions with the Warsaw Pact nations and limitations on the production of nuclear weapons.

Until that time arrives, however, NATO cannot relax. Decisions must be made on conventional military strength and on policy. European members of the alliance must determine whether or not they are willing to increase their conventional contributions—a determination which will directly affect U.S. decisions on maintenance of current conventional levels. I hope that the decisions are in favor of conventional strength, for I believe this is preferable to the alternatives which must almost inevitably result from a failure to act and the absence of a better defined policy.

THE PHILIPPINES: AN EXAMPLE TO NEW NATIONS

Mr. MANSFIELD. Mr. President, the Los Angeles Times of October 29, 1969, contains an article on the Republic of the Philippines, written by Edward W. Mill. Mr. Mill is an educator and a former officer in the U.S. Embassy in the Philippines.

His comments on the situation in the Philippines, written from Manila, are timely, well-balanced, and extremely useful in putting the situation in that nation, with which we have had a close association for so many decades, into reasonable perspective. He reminds us, properly, that the Philippines is a "landmark nation in Asia and Africa" when it comes to the pursuit of democratic processes. He recognizes the imperfections in these processes as they exist in the Philippines and that, by way of balance, we ought to bear in mind that we have a great many imperfections in our own system which we are still seeking to cope with by constitutional amendment and legislation.

As Mr. Mill points out, however, there is another side of the coin which he describes in the following summary:

> (1) The Philippines has operated under a single democratic constitution for almost 35 years;
>
> (2) it has consistently held all scheduled elections;
>
> (3) it has had and has the freest press in the world;
>
> (4) the opposition is lusty and open, and nowhere in the world is the party in power, and its president, so ardently and publicly criticized;
>
> (5) despite the intensity of the election campaigns, the defeated party has after each election accepted the mandate of the voters and confined its protests to the courts, and
>
> (6) the education system, into which the country consistently allocates at least 25% of its budget, is deeply committed to the democratic system.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOPICAL COMMENT: FREE ELECTIONS—PHILIPPINES EXAMPLE TO NEW NATIONS

(By Edward W. Mill)

MANILA.—Few of the developing nations of Asia and Africa have had anything resembling real free elections. One of the exceptions is the Republic of the Philippines. Since 1946, when the United States granted the Philippines its independence, six presidential and 12 congressional elections have been held. Whatever the defects of these elections may have been, nobody can deny they were conducted in a wide-open manner.

Today the Philippines is once more in the midst of a national election campaign. A president, vice president, eight senators (one-third of the membership), and all 110 members of the House will be selected by voters on Nov. 11.

Two parties, the Nacionalista and the Liberal, seek the support of the electorate, with the central figures in the election being the incumbent president, Ferdinand Marcos, 52, and Sen. Sergio Osmena, Jr., 53. Marcos is strongly bucking tradition: no Philippine president has ever been elected to a second term.

Both Marcos and Osmena have been national leaders for some time and both on occasion have shown considerable independence from party lines. Marcos is tough and a skilled organizer, who presents a public image of great drive and energy. Osmena, son of the second president of the Philippines, bears a famous political name. He is a forceful and experienced campaigner, who excells in hard-hitting attacks against the opposition.

Each man has a strong regional base of support. Marcos is the favorite of the Ilocano areas in northern Luzon and Osmena holds great strength among the Cebuanos of the central Visayan area. Osmena has not hesitated to make a strong ethnic appeal for support to his fellow Cebuanos, who make up the largest group in the islands.

RUNNING MATES IMPORTANT

The vice presidential candidates also figure prominently in the election. Marcos has as his running mate the incumbent vice president, Fernando Lopez, who hails from Osmena's central Philippine area. His Liberal Party rival is Sen. Genaro Magsaysay, whose great advantage appears to be his name. His brother, the late Ramon Magsaysay, was one of the most dynamic and popular presidents of the post-war era.

Critics of Magsaysay label him "No comment Magsaysay," for his alleged verbal shortcomings. But he has been conducting a vigorous campaign and is obviously popular in his own right. Some observers have speculated that the voters might split their tickets, something allowed under Philippine law, and elect a Marcos-Magsaysay team.

It is almost a cliche of Philippine politics to say that personalities are more important than issues in elections. Yet to an observer who has witnessed a number of these elections first-hand, there can be little doubt of the truth of this comment.

Marcos and Osmena, and their teams, are locked in a bitter personal campaign from one end of the islands to the other. Manila probably has the most free-wheeling press in the world, and every charge, countercharge, innuendo and whisper is given the fullest airing. An editorial columnist favoring one candidate recently charged that the other candidate had degraded "the contest for the presidency to the level of a streetwalker's quarrel." Most Filipinos deplore the lack of attention to the issues, but campaigners apparently feel that they are giving the people what they want.

To emphasize the personal is not to say that issues are not presented and discussed. Both Marcos and Osmena have tried to underline their commitment to issues.

Marcos has stressed his performance in office and claims to have instilled a new spirit of pride and accomplishment among his countrymen. He points with pride to his infrastructure development program, particularly to the building of roads, schoolhouses and new irrigation works. In full-page ads, headed "11 Pillars of Victory," the Marcos team stresses that more first-class roads and more schoolhouses were built during the 3½ years of his incumbency "than were built in 65 years from 1900 to 1965." With another four years, Marcos promises to do even better.

In response, Osmena claims that the Marcos record has been highly distorted and that such gains as may have been made have come at vast expense to the people. His number one issue thus far has been the alleged graft and corruption of the Marcos Administration.

Charges of graft and corruption are endemic to Philippine elections. Many of the charges made are wild and exaggerated, but there has been just enough truth in some to make them politically useful for any opposition candidate. Today, Marcos suffers, as did his predecessors, from gossip on this score, with the inevitable "inside" stories making the rounds.

In September, Osmena made a spectacular charge that certain key officials in the Marcos Administration had allegedly received "kickbacks" from various Japanese businessmen, particularly from one Katisu Haruta, in reparations deals with the Japanese. With the press, TV, and radio all on the prowl week after week for the facts in the case, Haruta and a letter which he had allegedly written implicating the Marcos officials threatened to take over the election and sideline many of the basic issues. The Marcos officials responded by suing Osmena for libel, but the charge may have stirred up enough suspicion of the administration to be of some political advantage to Osmena.

The subject of nationalism has become of greater interest in the Philippines in recent years. From changes in the Manila street signs from English to Tagalog, to demands for revisions in the agreements, covering U.S. bases, and to demonstrations against the American Embassy by student groups, there has been evidence of a new feeling of sensitivity and national consciousness.

Much of this new nationalism is probably both inevitable and healthy, although there are those who point to the work of extremist elements in some of its forms. Marcos is seeking to play the role of the vigorous though enlightened nationalist while his forces charge Osmena with only weak advocacy in this regard. For his part, Osmena has accused Marcos of "obsessive nationalism." Neither camp, however, seems ready to plunge very deeply into this issue.

Still another issue, of a somewhat surprising character, is that of the World War II records of Marcos and Osmena.

Despite the belief of most persons that the wartime collaboration issue was a dead one politically, the Marcos camp has made much of its charge that Osmena profiteered during the war through various forms of economic collaboration with the enemy. Featured regularly in the press was a Marcos committee ad, headed: "Can you trust this man?", referring to Osmena's conduct during the war and his trial by the People's Court. Osmena pointed to his exoneration by the People's Court and denounced all attempts to impugn his war record as deceitful and untrue.

There are 66 provinces, 5 sub-provinces, 57 cities, 1,379 municipalities, 36 municipal districts, and over 32,000 barrios in the Philippines scattered over some 7,000 islands. Any candidate for president is expected to be in touch with most of them and to visit as many of them as humanly possible.

The requirements for campaigning will vary from city to barrio, but the personal touch is expected whatever the unit of government may be. In the provincial and rural areas, campaigning becomes especially colorful and hectic. The late President Ramon Magsaysay, a man with close ties to the soil and to the masses, created a style of grassroots campaigning which took him into the remotest parts of the country, and others have sought to follow in his wake.

Provincial and local leaders now look forward to the visits of their leaders and are courted by them ardently. Political ties in the Philippines tend to be quite flexible, and each election witnesses a considerable degree of switching from one party to the other; the visit of the leader will hopefully preserve intact the party organization and even draw members of the opposition to it. Marcos and Osmena have been criss-crossing the country trying to prove that no one was forgotten.

Philippine elections are not only vigorous, they are often marked by substantial violence and threats of violence. This has often taken the form of shootings of individual political workers by rival factions. In a few provinces, some politicians have reportedly formed virtual armies of their own. The Philippine Constabulary is called upon to play a role as peace-keeper that becomes particularly difficult during an election year.

The administration of Philippine elections is in the hands of COMELEC, or the Commission on Elections. It is given wide power to organize and conduct the elections in an honest manner. Private citizen groups have also been active in seeking to ensure free elections. One of the most useful of these is Operation Quick Count. It seeks, as its name implies, to assist COMELEC in providing an immediate tabulation and publicizing of election returns, thus discouraging any distortions of election results.

EXAMPLE IN DEMOCRACY

Despite the imperfections that exist in the election process, the Philippines is still a landmark nation in Asia and Africa when it comes to the democratic way of life. At least six major items of evidence may be cited for this conclusion:

(1) It has operated under a single democratic constitution for almost 35 years; (2) it has consistently held all scheduled elections; (3) it has had and has the freest press in the world; (4) the opposition is lusty and open, and nowhere in the world is the party in power, and its president, so ardently and publicly criticized; (5) despite the intensity of the election campaigns, the defeated party has after each election accepted the mandate of the voters and confined its protests to the courts, and (6) the education system, into which the country consistently allocates at least 25% of its budget, is deeply committed to the democratic system.

Moreover, the armed forces, always a possible rival and claimant to power in the developing nations of Asia and Africa, have in the Philippines loyally accepted the principle of civilian control and supported the free electoral process.

There is little question that the Philippines has its problems and that many of its social and economic ills may become more menacing in the future. Some of the more rampant forms of nationalism are also disturbing both to Americans and to many Filipinos. All this has been well covered in the American press from time to time. Yet when all is said and done, there are few of the newer nations of the world that can make the claims to democratic development that the Philippines can. The elections of 1969 are another testimonial to the vitality of the Philippine system.

SENATE SERVICE DEPARTMENT SUPERINTENDENT JOHN T. "BUCK" CHAMBERS TO RETIRE—BEGAN AND BUILT DEPARTMENT INTO EFFICIENT AND DEDICATED OPERATION—SERVED SINCE 1935 ON CAPITOL HILL

Mr. RANDOLPH. Mr. President, the friend of many Senators and staff members, John T. "Buck" Chambers, Superintendent of the Senate Service Department, is retiring Friday after completing 34 years of Government service. As I talked yesterday with him and his able assistant, E. David Ebert, who also recently retired, I sensed their deep devotion to their duties and responsibilities over the years.

Buck began the Service Department in August 1946 with two employees and the help of the then Secretary of the Senate, Mark Trice. Equipment was added and services performed by the Department increased over the years. There are now 83 employees performing a wide variety of jobs, all designed to aid the Senator in serving his constituency.

I have known Buck, a native West Virginian, for many years and have always found him to be cooperative and diligent. His Department operates 24 hours a day on a first-come-first-served basis. It has been built into an efficient and dedicated operation through the guidance and perseverance of Buck Chambers.

While the volume of work required of the Service Department has grown over the years, it has not gone beyond the capacity of Buck Chambers to cope with these ever-increasing demands. He presides over his Department with efficiency, intelligence, and fairness. Buck has been quick to adopt new methods when necessary, and he has not been hesitant to take advantage of new technological developments when he recognized that they would help him to better serve his constituency, the U.S. Senate.

It is men like Buck Chambers and Dave Ebert, also from West Virginia, men generally unknown to the public, who permit the Congress to better meet its responsibilities to the people. The dedication of Buck, and others like him, who occupy positions of importance within our organization cannot be overemphasized. Without the Buck Chambers and the Dave Eberts, no Senator would be able to perform efficiently the duties expected by our citizens. So, in a sense, it could be said that Buck's responsibilities extend far beyond Capitol Hill—to every corner of the United States—for without him the people of this country would be far less informed about their Government.

I wish for both these gentlemen, as they depart from the Hill, many, many years of joy and happiness.

I know that Buck's plans are to return to his native home in Martinsburg, W. Va., with his wife, Beatrice, there to enjoy the lovely surroundings with their sons, Wayne and Larry, and their grandchildren.

SENATOR BYRD OF WEST VIRGINIA DISCUSSES "WEATHERMAN" FACTION OF SDS

Mr. BYRD of West Virginia. Mr. President, on October 28, 1969, in remarks for West Virginia radio stations, I discussed the "Weatherman" faction of Students for a Democratic Society.

I ask unanimous consent that a transcript of those remarks be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Last June, during its national convention in Chicago, the left wing organization known as Students for a Democratic Society (SDS) was badly splintered as the result of ideological infighting.

A new, extremely violent faction named "Weatherman" emerged from the SDS split and now threatens to engage in terror tactics designed to make all previous acts of hooliganism by SDS look mild by comparison.

Members of the "Weatherman" faction are so violent, in fact, that they find themselves at odds with other young radicals who think "Weatherman" is too hot to handle.

"Weatherman," which wants to pit the nation's youth in violent confrontations with police (whom they call "fascist pigs") will stop nothing short of an all-out revolution aimed at destroying our established institutions.

If the trouble which "Weatherman" stirred up early last month in Chicago is any warning of things to come, then we need to take a very close look at the intentions of these young hotheads.

On the night of October 8, helmeted "Weathermen" led some 300 youths on a wild rampage through the streets of Chicago, smashing windows, damaging automobiles, and battling with police. Sixty of the young hoodlums were arrested and three of them were shot—one critically—by police.

On the following day, Governor Richard Ogilvie mobilized more than 2500 National Guardsmen, and ordered them to stand by and assist police, if necessary.

Early in the morning of October 9, Bernadine Dohrn—co-leader of "Weatherman"—led about 60 so-called militiawomen in a demonstration at a Chicago park.

After announcing that they were going to march on an Army induction center and destroy it, the women, dressed in helmets and gloves, some armed with lead pipes and wooden clubs, huddled in a tight circle in the park. Displaying Vietcong flags, they made speeches and sang songs. One of the songs reportedly included the words . . . "We love our uncle Ho Chi Minh deep down in our hearts. We love Chairman Mao Tse-Tung."

After the speechmaking and the songfest, the young women marched to the edge of the park on their way to the induction center. When police ordered them to halt, they charged into the officers and tried to kick them below their belts (in their groins).

Police arrested a dozen members of the mob and dispersed the rest. They placed charges of aggravated battery, mob action, and resisting arrest, against those who were taken into custody.

I call attention to this incident because these were only the women of the "Weatherman" faction. One can easily imagine how violent a confrontation with the men would have been.

It is anyone's guess as to how violent and how effective "Weatherman" will become in the weeks and months ahead. But one can expect to see its handiwork on many of the nation's college campuses and especially in our high schools. "Weatherman" also poses a threat in conjunction with the upcoming November peace moratorium. There are already early indications that the November demonstrations may be marked by violence in contrast to the relatively-peaceful October 15 moratorium.

On June 18 in the SDS publication "New Left Notes," "Weatherman" issued a clear call for revolution in the United States. It urged that schools and colleges be forced to close down because such institutions are a hindrance to the world-wide revolution which "Weatherman" believes is occurring.

Finally, the "Weatherman" statement called for formation of a broad-based revolutionary youth movement which will lend active support to black militants—a movement intended to evolve into a secret Marxist-Leninist party of sufficient strength to defeat the United States government by violent means.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 29, the Committee on Finance met in executive session and announced completion of its work on those areas of the tax reform bill which affect amortization of air and water pollution control facilities, amortization of railroad rolling stock, single persons, fraternal beneficiary societies, and related business income of churches.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 29, 1969]

Tax Reform Act of 1969—Amortization Provisions and Taxation of Single Persons—Committee Decisions

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee on Finance had concluded its work on that portion of the House tax reform bill dealing with the amortization of air and water pollution control devices and railroad rolling stock, and with the income tax treatment of single individuals.

A complete description of the actions taken at today's meeting follows:

Amortization of Pollution Control Facilities.—The Committee agreed to the concept of the House bill of allowing a taxpayer to amortize over sixty months certain certified air or water pollution control facilities. The amortization deduction would be in place of the regular depreciation deduction (but the additional first-year 20 percent depreciation allowance would be available).

The Committee further adopted a recommendation by the Treasury Department that the benefits of this provision be limited to pollution control facilities added after December 31, 1968, to plants which were in operation on that date. The special amortization provision would not be available in the case of facilities included in new plants built in the future. In addition, the Committee adopted a Treasury recommendation that the five-year amortization would be limited to the cost of property with the normal useful life of fifteen years, or less. If the property had a normal useful life of more than fifteen years, the taxpayer would, in effect, treat his facility as if it were two separate facilities. One facility would receive the five-year amortization and the other facility would receive normal depreciation based on the normal useful life of the property. The taxpayer would write off the two facilities concurrently.

The Committee further agreed to a Treasury recommendation that the definition of an eligible pollution control facility would be limited to exclude facilities which serve any function other than pollution abatement. No amortization would be permitted on facilities that only diffuse the pollution and which did not serve to abate the pollution. The Committee also agreed to adopt a Treasury recommendation to make it clear that the amortization provision would apply only to installations which prevent or minimize the direct release of pollutants into air or water in the course of manufacturing operations. Facilities which remove certain elements from fuel (for example, sulphur) that are released as pollutants when the fuel is burned would not be eligible for the amortization.

Further, the Committee adopted a provision which provides that the amortization deduction could only apply to air and water pollution control facilities completed or acquired before January 1, 1975. The Committee also deleted the features which authorize the Secretary of Interior and the Secretary of Health, Education and Welfare to establish effluent standards for water and emissions standards for air. Under this amendment (which conforms to the pattern set by Congress in the Air Quality Act of 1967) the Federal government could set general guidelines which had to be maintained, but in general, the specific standards which would be required would be fixed by the States pursuant to the Air Quality Act of 1967 and the Water Quality Act of 1965.

Amortization of Railroad Rolling Stock.—In connection with the consideration of the provisions of the House bill extending special 7-year amortization treatment to railroad rolling stock, the Committee also reconsidered the action it has previously taken (see Committee announcements of September 19 and October 10) to provide a special transitional exception to the repeal of the 7 percent investment tax credit for certain railroad rolling stock. As a result of its study, the Committee agreed to delete all these provisions from the bill and substitute instead a new incentive plan suggested by the Treasury Department. The principal features of this plan are:

1. 5-year amortization on new rolling stock, including locomotives, acquired after January 1, 1970 available to all railroads and their lessors.

2. 4-year amortization of 1969 equipment acquisition unrecovered costs (rolling stock including locomotives) as of January 1, 1970.

3. Pretermination property eligible for the 7 percent investment credit placed in service in 1970 will be eligible for the amortization write-off.

4. The investment credit life will be determined by the actual useful life of the property and not by the elective amortization period as presently required.

5. On January 1, 1973, the Secretary of the Treasury after consultation with the Secretary of Transportation will promulgate regulations prescribing the particular class of cars which are not in short supply. This determination will preclude that class of car from the amortization write-off.

6. The cost of repairs to existing rolling stock will be allowed as an expense without question where such cost does not exceed 20 percent of the original cost of the unit.

7. Elective amortization of grading and tunnel bores on a 50-year life.

After agreeing to this plan, the Committee further agreed to limit the amortization privilege to property placed in service before January 1, 1975. In addition, it agreed to permit certain railroad equipment acquired pursuant to the Korean War amortization provision (which the House bill would repeal) to continue to qualify for the amortization authorized by that law.

Single Person; Head of Household.—The Committee also agreed to adopt two proposals recommended by the Treasury Department relating to the tax treatment provided for single persons. First, the Committee deleted the House-passed provision which would have extended joint return privileges for widows with dependent children beyond the two years now in existing law. Thus, under the Committee's decision existing law which provides that a widow with a dependent child may file a joint return for two years after the date of the spouse would be retained.

Second, the Committee adopted the Treasury recommendation which would provide a new tax rate schedule for single persons. This new schedule, which replaces the provisions of the House bill, would not distinguish between single persons based on whether their age is over or under 35. Instead, it would provide a tax liability for single persons which would not exceed 120 percent of joint return tax liability. Under the Committee's decision, a head-of-household (this is generally a single person who maintains a household which is the principal residence for himself and a dependent) would continue to receive the same tax treatment that he now enjoys under present law. Under the House-passed tax bill, widows and widowers, regardless of age, and unmarried individuals age 35 and over would have been taxed at rates halfway between those available to married couples and those applicable to other single persons.

Fraternal Beneficiary Societies.—At Tuesday's meeting, the Committee established a separate category (in the provisions defining organizations exempt from income tax) for organizations such as the Masons which operate under the lodge system and which are primarily religious, educational or charitable in nature. A condition to classification in this new category is that the organization not engage in the furnishing of insurance protection to its members. Organizations in this new category were made subject to tax on their unrelated business income but were not brought under the new tax (imposed by the House bill) on investment income of certain categories of organizations.

At today's meeting the Committee agreed to also exclude from the new tax on investment income, other fraternal organizations operating under the lodge system which do provide insurance protection for their members.

Manufacturers Excise Tax.—The Committee also agreed to a technical amendment (substantially incorporating the text of S. 2510) which relates to the calculation of the manufacturers excise tax in situations where a "constructive sales price" must be determined.

RELATED BUSINESS INCOME OF CHURCHES

At Tuesday's meeting the Committee agreed that the operation and maintenance of cemeteries, the conduct of charitable institutions, the sale of religious articles, and the printing, distribution and sale of religious pamphlets, tracts, calendars, books and magazines with substantial religious content done in connection with a church would be treated as related business income of the church and would not be subjected to the tax on unrelated business income even though the document might produce some advertising income.

ABUSE OF UNION POWER

Mr. TOWER. Mr. President, yesterday the Washington Evening Star published a column by that distinguished journalist, David Lawrence, citing one of the most pressing problems that faces us in the maintenance of our Republic.

Mr. Lawrence, who has covered the Washington scene for many years and is the founder of the magazine U.S. News & World Report, points to the inordinate amount of monetary power exercised under our present tax laws by union leaders. He notes a speech this week by the Senator from Arizona (Mr. FANNIN) citing at least two separate instances of recent abuse of union power—the Hal Banks case, in which $100,000 apparently changed hands to keep a union racketeer from being returned to Canada, and the mammoth campaign mounted by the AFL–CIO to keep Judge Haynsworth off the bench.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPECTER OF LABOR POWER IS RAISED

(By David Lawrence)

Was there "a $100,000 political payoff" by labor leaders in the United States in 1968 when the State Department refused to extradite to Canada a union official who had been arrested and tried there and had fled to this country to escape punishment?

Sen. Paul Fannin, R-Ariz., in a speech to the Senate on Monday, said it appeared to him that the State Department, upon the request of the Department of Labor, declined to return "a convicted labor racketeer" who skipped $25,000 bail and came to the United States after having been convicted of conspiracy to commit assault in a war between rival unions in Canada. The Arizona Senator stated the American authorities picked up the accused at the request of the Canadian government that he be returned to face a perjury charge, inasmuch as assault is not covered under the extradition treaty with Canada. He added that; shortly after the State Department refused to extradite the union chief, "5,000-dollar checks began pouring into various Democratic presidential campaign committees around the country until the total contribution amounted to $100,000—which was reached within a few days."

Fannin declared that last year he had had difficulty getting the exchange of correspondence about the case between the Labor Department and the State Department, but that he had at last obtained copies of the letters, which he inserted in the "Congressional Record" this week.

Fannin commented:

"I do not think it is in the best interests of the American people to have such a bald exercise of the power of union officialdom."

The Arizona senator suggested that the Johnson administration may not have been aware at the time of the circumstances surrounding the episode because since then the payments of $100,000 were made to the Democratic party. He has requested the present secretary of state to review the case and see if the Canadian request is valid, and remarked that perhaps "some leftovers" from the preceding administration are "giving poor advice" on the subject.

Fannin raised the whole matter in connection with the provisions of the tax-reform bill pending in the Senate which deal with tax exemptions of non-profit organizations, including labor unions. He declared that the AFL–CIO treasury, for instance, has been committed "to the destruction of Judge Haynsworth just as labor tried to destroy Judge John Parker 40 years ago." Fannin pointed out that "the special status enjoyed by these union leaders under our tax laws" makes possible a "brash display of monetary power."

The most urgently needed reform, according to Fannin, is the section of the Internal Revenue Code "which permits union leaders to exercise this kind of political power and still retain their tax-exempt status." He said:

"Such preferential treatment is simply not right. Union leaders, in the exercise of their office, should have to abide by the same rule of 'no politics' as applies to all other tax-exempt organizations."

The argument is made on the union side that their political contributions are "voluntary" and that a union member can successfully withstand the pressures if he objects to the use of his dues for political ends with which he may not agree. But this, Sen. Fannin says, "is simply not in accordance with reality."

The subject of political contributions by labor union groups is one that, to a large extent, has been sidetracked by Congress and by the law enforcement agencies, including the Department of Justice. The theory of the labor leaders is that, because the contributions to political campaigns are not compulsory and because the solicitation is conducted by persons who claim they are not acting for any labor union but are operating as a separate committee of citizens, this puts the funds collected from union members supposedly beyond the reach of present laws.

The whole problem, however, has not gotten much attention in the past and is not being given much consideration now. The truth is that, while they may not admit it, many members of Congress are dependent upon labor union support in their political campaigns. There has been a reluctance inside the Executive Branch also to enforce the Federal Corrupt Practices Act, which prohibits labor unions or corporations from making contributions in national political campaigns.

LEGAL SERVICES AMENDMENT TO S. 3016

Mr. CRANSTON. Mr. President, I wish to speak about the amendment to S. 3016, offered by my distinguished colleague from California (Mr. MURPHY), which would eliminate the OEO Director's authority to override a Governor's veto of a legal services program. The amendment was adopted during the debate on extending the Economic Opportunity Act nearly 2 weeks ago.

The Director of the Office of Economic Opportunity on October 16 stated that he intended to oppose this amendment strongly in the House.

However, conflicting reports have reached me whether the administration seriously intends to try to head off this or a similar amendment in the House version of the EOA extension bill.

I view this amendment as a threat to the very life of legal services programs as effective counsellors for the poor. The amendment would permit the very governmental "establishment" which often has been responsible for the grievances of the poor to determine the type of legal assistance to which the poor would be entitled. This possibility becomes even more egregious when that establishment is denying to a poor client rights and privileges guaranteed to him by the Constitution or by local, State, or Federal law.

Also involved is the integrity of the attorney-client relationship—the ability and sworn obligation of the attorney to devote his unswerving energies within ethical limits to the vindication of his client's rights and interests.

The legal services program is the backbone of the antipoverty program, and the total cost is comparatively small, especially in light of the resulting highly favorable cost-benefit ratio. Permitting a Governor's veto without recourse to review within the Executive Office of the President would drastically and perhaps fatally weaken that entire program.

This threat was recognized the past summer in an American Bar Association resolution that deplored "any action or statements by any governmental official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provides legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represents clients in matters involving claims against a government entity or individuals employed thereby."

Similar statements on the independence and obligation of a legal services lawyer were expressed in a 1967 resolution of my own State bar's board of governors. Mr. President, I ask unanimous consent that the full text of that resolution be printed in the Record at the conclusion of my remarks after the other insertion.

There being no objection, the resolution was ordered to be printed in the Record.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, it would be a grave misfortune if the administration were to stand silently by while the legal services program is gutted by an amendment upon which there was no testimony and no discussion in committee, and no clear explanation and very little debate on the floor of the Senate. Therefore, I have written to the President expressing my concern about the future of the legal services program and appealing to him to strongly support the continued independence and integrity of that program. I urged President Nixon to oppose the Murphy amendment, in order to clear up the confusion about the administration's position which existed during floor consideration and was reflected in the ensuing vote on that amendment.

Much of the effectiveness of our antipoverty efforts depends upon our ability to sustain the underlying faith of the poor in the fairness of the Government "establishment." To a significant degree, the poor have not been able to challenge that establishment.

Legal services programs have begun to restore confidence in the ability of the system to respond appropriately to legitimate demands by all its citizens, regardless of economic status. In California, the 37 legal services programs and 90 offices have been diligent and effective counsellors for the 138,236 poor clients they have served in the first 9 months of this year. Berkeley Neighborhood Legal Services has handled an average of 74 cases per week. The San Francisco Neighborhood Legal Assistance Foundation averages 1,150 new cases a month in its six offices, and during the 1968 fiscal year more than 25,000 clients were directly benefited by legal assistance rendered in over 10,000 cases by California Rural Legal Assistance. Approximately 85 percent of CRLA's cases continue to be conventional service cases, such as adoptions, wage attachments, and used car problems. The San Mateo County legal services program represented poor clients in 39 very significant suits during the first 6 months of 1969.

It is imperative that we "keep the faith" by insuring that legal channels remain open to the Nation's poor. The amendment of the Senator from Wisconsin (Mr. Nelson), allowing Presidential review of a gubernatorial veto of a legal services program, is the very least that is acceptable.

In my letter to the President, I said that Senator Murphy's amendment seemed to be exactly the kind the President opposed in his October 13, 1969, message to Congress, in which he urged a 2-year extension of the Economic Opportunity Act "without crippling amendments." I stated the strong hope that the President would express his support for the continued independence and integrity of the legal services program by his active opposition to an absolute gubernatorial veto of legal services programs.

Mr. President, I ask unanimous consent that the text of my letter to the President be printed at his point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 30, 1969.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: My purpose in writing today is respectfully to urge you to remove any ambiguity regarding your position on the Legal Services program by expressing your firm support of the continued independence and integrity of that program and actively opposing an absolute governor's veto over Legal Services programs. A provision for such a veto was added to the Economic Opportunity Act by Senator Murphy's amendment to S. 3016, which passed the Senate on October 14 and is now pending before the House Education and Labor Committee.

A statement from you is urgently needed before the confusion that led to passage of a possibly fatal amendment in the Senate is tragically repeated in the House.

I was extremely encouraged by your August 11, 1969, announcement of the strengthening and elevation of the Office of Legal Services to "take on central responsibility for programs which help provide advocates for the poor in dealing with social institutions." You pointed out "the sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens" and identified as the goal of the Legal Services program the assistance of the disadvantaged among us in making their needs known and having them met by these institutions.

And I wish to commend you on your statement in your October 13, 1969, Message to the Congress urging a two-year extension of the Economic Opportunity Act "without crippling amendments."

That the amendment in question would be "crippling" is clear from the American Bar Association's expression of grave reservations over any restriction upon the independence of the Legal Services program in providing a full range of legal services to the poor. The President of the ABA stated on October 13 in a letter to Senator Mondale, in opposing "any amendment to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures. . . . we should not deny to the poor access to the courts in any legitimate area affecting their interests," including specifically "legal action against government agencies in seeking significant institutional change. . . . " This opposition was first expressed in the August, 1969, ABA resolution deploring "any action or statement by any government official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provides legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represent clients in matters involving claims against a government entity or individuals employed thereby."

I know that you as an attorney share the sensitivity of the Bar Association to the importance of preserving the integrity of the attorney-client relationship.

During hearings before the Subcommittee on Employment, Manpower and Poverty on June 4, 1969, OEO Director Rumsfeld stated that he believed a suit against an agency of the federal, state or local government could be helpful in encouraging such an agency to be more responsive and to fulfill its statutory obligations more effectively. Two days after passage of S. 3016, Director Rumsfeld released a statement that he would "strongly oppose this amendment in the House."

However, at the time of the floor debate on S. 3016, the Administration's position on Senator Murphy's amendment was unclear. And, despite Director Rumsfeld's October 16 statement, this ambiguity continues because of the circulation of conflicting reports regarding the type of actions to be taken by the Administration in connection with consideration of the extension of the Economic Opportunity Act by the House of Representatives. This same ambiguity of Administration desires may lead to House passage of the amendment, if you do not personally intervene.

As a prospective Senate conferee on this bill, I respectfully urge that you give careful consideration to the devastating effect on the poverty program as a whole and on the faith of the poor in the responsiveness of government which would be produced by the enactment of an amendment permitting an absolute governor's veto of a Legal Services program in his state.

Sincerely,

Alan Cranston.

Exhibit 1

Resolution Adopted by the Board of Governors of California, October 20, 1967

Whereas, it has come to the attention of the Board of Governors of the State Bar of California that certain legislative proposals have been or may be made in the Congress of the United States affecting the program of legal services for the poor under the Economic Opportunities Act, including a proposal that no agency under such program be permitted to bring any action against any public agency of the United States, any State, or any political subdivision thereof; and

Whereas, the principal functions and responsibilities of the State Bar of California, being an integrated bar association with approximately twenty-nine thousand members, are to aid in all matters pertaining to the advancement of the science of jurisprudence or to the improvement of the administration of justice, and to maintain the high legal and ethical standards of the legal profession to the end that the public interest be served and promoted by members of that profession; and

Whereas, in furtherance of these responsibilities the State Bar of California has heretofore expressed its approval in principle of the legal services program under the auspices of the Office of Economic Opportunity, has urged the Congress to continue its authorization and approval of such programs, and commends the Congress for its continued support thereof; and

Whereas, the State Bar of California, while recognizing that there are inherent in the day to day operations of such programs various social, moral and economic issues as to which reasonable persons including responsible officials of our State and Federal Government may and do differ and as to which this State Bar expresses no opinion, nevertheless believes that the public interest demands that lawyers give faithful and vigorous advice and representation to their clients and that legislation affecting such duty should not be enacted; now, therefore, it is

Resolved that The State Bar of California expresses grave concern that certain of the proposed legislative changes relating to the subject legal service programs may seriously impair the independence and obligation of a lawyer to his client, and to that extent are unwise and inimical to the public interest, and therefore urges that any such legislative proposals be defeated; and it is

Further resolved that it is the view of The State Bar of California that eligibility of indigent persons to receive legal representation by lawyers serving in programs operated under the Office of Economic Opportunity should not be made to turn upon the party or entity as to whom a potential client may have a legal problem or claim, and that while The State Bar of California does not approve of the seeking out, instituting and maintaining of any class suits by such lawyers except as they affect the rights of a particular client who has voluntarily and in good faith sought legal representation under such a program and further, does not approve the institution or maintenance by such lawyers of any and all kinds of suits or claims against various and sundry agencies of the federal, state or local governments relating to various types of moral, social or economic problems affecting large classes of persons other than the particular client, this State Bar believes that an outright legislative prohibition of all such actions would be clearly contrary to the public interest and urges the Congress of the United States not to enact any such legislation.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR., TO THE SUPREME COURT

Mr. BURDICK. Mr. President, I invite the attention of the Senate to a telegram I have received from members of the faculty at the School of Law of the University of North Dakota. The telegram refers to the October 15 letter written by Vern Countryman, of the Harvard Law School, to the editor of the New York Times. Professor Countryman has questioned the value of the American Bar Association's Committee on the Federal Judiciary's report on the appointment of Judge Haynsworth to the Supreme Court. The undersigned members of the North Dakota Law School faculty concur in the views expressed by Professor Countryman.

Mr. President, I ask unanimous consent that the telegram and the letter be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OCTOBER 25, 1969.

Hon. QUENTIN BURDICK,
Senate Office Building,
Washington, D.C.:

We share, and recommend to you, the views concerning the value of the ABA Judiciary Committee's endorsement of Judge Haynsworth nomination to the Supreme Court expressed by Professor Vern Countryman in his letter to the editor of the New York Times, Oct. 21, 1969.

Dean Robert K. Rushing, Professor Ross C. Tisdale, Professor Robert E. Beck, Associate Professor Alan Karabus, Associate Professor William Fisch, Assistant Professor Lee Teitelbaum, Assistant Professor Leland Bull, Jr., Assistant Professor Joseph Goldberg, and Assistant Professor Richard Kuhns, University of North Dakota School of Law.

COMMITTEE'S "CONFLICT"

TO THE EDITOR: A majority of the American Bar Association's Committee on the Federal Judiciary has approved President Nixon's nomination of Judge Clement Haynsworth to the Supreme Court of the United States despite the evidence that Judge Haynsworth participated in the decision of a number of cases in which he had a conflict of interest.

The fact that the chairman of the A.B.A. Committee, Lawrence E. Walsh, himself holds his appointment from President Nixon as special deputy to the Paris peace talks suggests that a majority of the committee does not recognize conflict of interest when it sees one.

VERN COUNTRYMAN,
Harvard Law School.

CAMBRIDGE, MASS., *October 15, 1969.*

THE ROLE OF AMERICAN BUSINESS MANAGEMENT IN INDONESIA

Mr. McGEE. Mr. President, the largest investment committed to Indonesia today comes from the United States. This is a fact which gives to American business management an important role in Indonesia, where a virtual new start in domestic private enterprise was begun in 1966. But this role is matched, we are told in a recent speech delivered to the American Management Conference, by the picture of social progress in America. In that speech, Julius Tahija, chairman of the Pacific Indonesia Businessmen Association's Investment Promotion Council, observed:

> The governments and peoples of the developing countries look to the monetary success of the United States. However, they also watch to determine the happiness and individual fulfillment that that money has given to your people.

Mr. President, Mr. Tahija's speech points up some very thoughtful point on the civic and political role of American business and how that role, in both the United States and foreign countries, affects developing nations.

I ask unanimous consent that the text of his remarks to the American Management Conference be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ON THE NEW INDONESIA: JOINT VENTURE OPERATIONS AN INDONESIAN CONCEPT

(By Julius Tahija)

During the Pacific Industrial Conference in Sydney in April 1967, sponsored by the S.R.I., I stated:

". . . The Indonesia of today is a challenge to the established Private Business World that we, participants to this Conference, represent.

"Will we take up the challenge?

"We who live with the current problem in Indonesia each day see clearly this challenge. However, sometimes it seems to us that a large part of the business and political leaders of this world who preach the virtues of democracy and free enterprise, hesitate. They hesitate to display the vary moral courage, self-confidence and enterprising spirit of the private entrepreneur. Are they interested in investing their judgment, their thoughts, time and money in the developing nations? Such investment, as you are well aware, is vital and indispensable to keep this world truly free."

At that time, I would not have dared to predict the tremendous response of international Private Enterprise to this challenge. The success so far in attracting Overseas and Governmental investment and aid to Indonesia should also be attributed to what has been expressed by His Excellency, Sultan Hamengku Buwono IX at the S.R.I. Djakarta meeting on August 2, 1967, and implemented by the Indonesian Government:

"No matter how great the desire of the outside world to help Indonesia and however important overseas credit and foreign investment, the overcoming of our economic weakness and especially our economic development must be based on the determination to surmount these problems with our own forces, beginning by putting our own economic house in order ourselves."

This we have now begun to accomplish. First we have had the foreign Investment Law in January 1967. Now inflation is out very sharply.

The result has indeed been most gratifying, to see what has taken place in the field of foreign investment in Indonesia.

In order to ensure social and political stability while promoting Foreign Investment in Indonesia, the Government in Indonesia has wisely also promulgated and is implementing a Domestic Investment Law. It is important that the growth of Overseas investment goes hand in hand with the development and growth of domestic private capital and expertise. After all, private enterprise, whether domestic or foreign, operates on the same basic principles.

It is vital that small and large indigenous businesses have the opportunity to flourish as well as foreign and joint ventures. This is a prerequisite for a strong political stability with the citizen of Indonesia feeling and experiencing in his own life the advantages of the free economic system, in better opportunities to provide more for his family. This is the objective of private enterprise truly built on a firm foundation.

When the events in October 1965 took place, private enterprise in Indonesia was almost non-existent. It was only a matter of time before private enterprise would have been totally annihilated. Having gone through so much frustration, intimidation and anxiety, private enterprise in Indonesia now does appreciate the fact that the present Indonesian Government, headed by President Suharto, is offering every possible facility and opportunity for private enterprise to actively participate in the development of Indonesia's economic growth.

This opportunity offered to us, brings simultaneously certain responsibilities to the private sector, irrespective whether Foreign or Domestic. The newly born Indonesian business world and management hopes to share in and benefit from the experience gained by the American Management. It is for this reason why we welcome the seminar of A.M.A., the meetings organized by S.R.I. and the activities of N.I.C.B.

At present the largest investment committed in Indonesia comes from the U.S.A. This means that American Management will play an important role in Indonesia. In fact, American Management has exercised a great influence in the promotion of private enterprise all over the world. That American Management has been successful in expanding American business interest where private enterprise is welcomed, is beyond any doubt.

In a way it has been a blessing in disguise that the domestic private enterprise in Indonesia had to start almost over again since 1966 with new methods, new perspective, new goals.

American Management in Indonesia can contribute very much by sharing her experience with the newly born private enterprise in Indonesia.

There is a completely new relationship emerging between the business world and the world in which we live. The businessman is no longer only responsible for the economics of his enterprise. He can no longer think just of the profit picture this year and next.

Let us now take the case of considering a joint venture in Indonesia today. The businessman must consider that the policies he makes today will take into account the growing vitality and economic and political awareness of the Indonesian people and of Indonesia's place in the world in the years ahead. As Indonesia grows economically, developing her resources, as her people learn the skills and knowledge of the business world, so the Indonesian people will become very acutely aware of what is fair to them, what is a "good deal" for them in joint ventures.

Thus it is vital that the joint ventures which are made today are contracts which five or ten years from now will still look fair to the Indonesian people when the economic situation will be far brighter. Today, as there is such an immediate necessity for fertilizer plants, consumer products and other basic manufacturing industries to cut down on the large imports of these necessary products, Indonesia, might be pressed to accept contracts which, though in the deep need today may look fairly good, will not be so in the light of probably a better economic future of Indonesia in 5 or 10 years. Then the people of Indonesia may say, how could you make this contract, it is not fair to us *now* and that might cause political problems. So we must all look ahead.

As private businessmen we all naturally need to make a profit. That is basic to the free enterprise system. But today there are also other considerations. As the world is changing so rapidly, profit to be sustained, may have to be less quickly made. Business must become more enlightened to ensure that there will be steady profits within a favorable political climate in the years ahead.

Even in the United States this appears to be true.

The businessman's environment holds him responsible for the general welfare of the environment in which he operates. Unless the people of any community can physically enjoy, directly or indirectly, the benefits created by the presence of business ventures operating in that community, the days of private enterprise are limited.

The business world is being called upon to participate in many activities of national concern that previously have been the exclusive domain of government—social, educational, and other non-profit developments. No longer is it enough to be imaginative and inventive in our technological research, but we have to be competitively creative in meeting the challenge of our new environmental responsibilities, if we wish to realize the maximum potential of our business.

Some managers do either ignore or overlook this new relationship between the business world and the world we live in. They are heading for trouble and will fall by the wayside, because the "Good Old Days" of profit, with no considerations for political and human factors, are gone.

However, I know there are a substantial number of managers who do comprehend current developments and react most positively.

Perhaps now we should take a look at the role of American Management not only in the developing areas such as Indonesia but also their overall policies within the U.S. For whatever actions American business takes in the United States will very much affect the developing countries. The methods and creativity of American Management have been responsible for the success of American business established in other countries.

This success has left a great impact in many of the host countries and has been responsible for the fact that the host countries and their people do expect much from the American Management, such American expertise, efficiency, foresightedness, inventiveness, etc. To the host countries American Management reflects the basic thinking and aspirations of the American nation and people.

Current political, social and economic developments in the world, but particularly in the U.S., have raised such questions as:

"How are conditions within the U.S., today and tomorow? How much do events here have an impact on us outside the United States who do believe in the cause of private enterprise and democracy?"

Management starts at the birth of an individual. The kind of family and social environment in which a young person is brought up will have a major effect on how perceptive a human being and businessman he will be in the future.

What role is being played by the American Management in surmounting the problems in the U.S.A. such as the inflationary trend, minority problems, the seemingly uncontrolled expression of emotions, but most of all, the overcoming of disunity?

Unity is one of the strongest characteristics we do most admire in the American people. In no other management but the American Management can everyone concerned express his views so freely, but once a decision has been made, everyone including those who have held a different opinion, will loyally and without reservation implement the decision. The team work and team spirit without suppressing certain democratic principles, are the most commendable features of American Management.

It is in this human and social field within which we feel that Amercian Management not only can, but must operate to keep free enterprise free in today's world.

Many of us outside the U.S. count on the success of American Management in solving within the U.S. these domestic, social and economic problems.

The governments and peoples of the developing countries look to the monetary success of the United States. However, they also watch to determine the happiness and individual fulfillment that that money has given to your people.

Naturally, we Indonesians and other developing peoples must ourselves adapt the free enterprise example of the United States to our own mores and culture. It is a necessity of which we in Indonesia are very conscious, that we meld our Indonesian family living, spirituality, and culture into the best of the modern developments. Only in this way can we try to give our people, as best possible, within all our human frailties, in government and in businesses, the best of both worlds. That is our responsibility.

However, as we are only beginning to build our foundation of a better economic and business structure in Indonesia, some of the present cultural and social developments in the U.S., despite the high standard of economic living may give new ammunition to those who are staunch opponents of free enterprise.

So you see what happens in the United States does affect us in the immediate future, as to how enlightened you are and how much you look to the long run stability of society.

Thus your enlightened social business policy in the United States and in other developing countries at this time will keep free enterprise alive in the years ahead and it is a necessity for the long term survival of not only American business, but also private enterprise in this world.

We believe that the free enterprise system with a full social consciousness, modified by each country to meld with its indigenous culture is the best system to give the most food and work and leisure time to the people. Always there are inequities, as we are all human. As the late Jack Kennedy said, "Life is not fair." But let us together try to make life as fair as possible. Since we do have a common goal and objective, we need the help of each other. We need your expertise and monetary assistance now and you need our vitality and stability for the future.

I hope you understand why we are intensely interested in the conditions in the United States today and in the future of the American Nation. We cannot remain indifferent in this respect since any weakening in American unity and stability also affects us who do believe, as you do, in private enterprise and democracy.

Thank you.

IMPRESSIONS OF LIFE IN A COMMUNIST SATELLITE COUNTRY

Mr. COTTON. Mr. President, it is often disheartening to pick up a newspaper or listen to a political speech taking the line that it is wrong to be anti-Communist. Such propagandists explain that what we have today are both good Communists and bad Communists, those in the white hats and those in the black hats, much like the typical American western film. Great emphasis is put on the so-called Soviet-Sino split, and so the President, Senators, and Representatives are told to build more bridges.

The simple truth is that the Communist way of life is totally foreign to anything Americans can ever imagine. First-hand contact closely illustrates that point. A constituent has written to me after spending 10 days in Hungary. I believe his impressions of that oppressed nation are worth reading and will be helpful in understanding what it is really like to be under Communist domination.

I ask unanimous consent that the letter from Mr. J. Malcolm Swenson, of Concord, N.H., be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOHN SWENSON GRANITE CO., INC.,
Concord, N.H., October 10, 1969.
Senator NORRIS COTTON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR COTTON: You certainly receive enough mail directed to specific legislation, so that you do not need such general letters as the one I am writing. I hope you read it, however, because it contains the impressions of a New Hampshire man to a ten day stay in Hungary, this summer. It was my first trip to the Country, although I had spent a considerable amount of time, including education, in Austria, and had read quite a bit about Hungary's history and politics. However, the impressions that now seem important to me could not come from my reading. For me, they had to be sensed. It was, perhaps, the difference between reading about a funeral and being there.

Although Hungary enjoyed a quite high standard of living prior to 1945, it now looks like a Country recovering from the *first* World War. Most of the buildings, roads, and even the subway cars in Budapest were built before 1914, and are now unkempt. Hungary used to be one of Europe's major agricultural countries, but its fields now appear poorly cared for, and food is in limited supply, even in the major hotels. Consumer goods, in general, are in very limited supply and of poor quality.

A few Hungarians live very well, but they tend to be Communist politicians or scientific and academic people. My wife and I stayed at a Communist "showplace" hotel on Lake Balaton near Budapest. Just after we arrived, a meeting of the Party Central Committee in the City ended and brought an influx of Communist officials to the hotel, wearing silk suits and driving Mercedes. (New Mercedes, except for one Chevy, seemed to be the choice of Party Officials, and carried the special Party "A" plate. The few civilian cars were considerably older and more modest.) Although we saw this new elite, we had virtually no contact with it. At the hotel, people just did not speak to other people. They had a great fear of speaking to the wrong person or saying the wrong thing. This condition produced silent dining rooms and beaches, crowded, but silent. It was not a very gay atmosphere. For example, the waiters would rotate so the same one could not serve you twice and possibly become acquainted with a Westerner. If a waiter would have a second contact with you, he would be accompanied by a security man when at the table.

Almost entirely, the common people were very friendly, or as friendly as they could be under the circumstances. The ones we could talk to were very anti-Russian and very pro-American and Austrian. German is spoken widely as a second language, more so than English in the Province of Quebec. Speaking German, and a few words of Hungarian, we could make contact with people, and visited several in their homes. The Hungarians are very likeable, warm and hospitable, and it is depressing to see them suffering under Russian occupation. We visited one fellow in Budapest who was a strong Catholic, anti-Communist. Although he has a degree in Civil Engineering, he is not allowed to practice it, and lives with three branches of his family in one small apartment. His parents and wife were in bad health and not far from death. They were not people the Regime cared much about providing with medical attention. Most of their suffering came from their determination to follow their religion. I could only think of the Biblical films which show Christians being martyred by the Romans, and thrown to the lions. In Hungary today, it is not all that different.

Although the Engineer was a Catholic-Monarchist with strong opinions, his opinions were no stronger than those of teenagers and students we met. One university student, and students are relatively privileged within the Communist Society, asked if we were fighting in Viet Nam because we wanted missile sites there to launch an attack on Russia. When we explained that was not the case, he was terrifically disappointed. Another teenager with whom we spoke at length was, along with many other Hungarians, thrown into a railroad car, guarded by Russians, and kept for two days without food during the Czech crisis last August. His dislike of the Russians, and his feeling for a Hungary he had never known, was intense. His feeling was for a Hungarian kingdom which has not existed in fact since 1918. However, after dictatorship and Russian occupation, the Hapsburg government has remained, in the minds of the people, a good government. So much so, that any display of its double-eagle symbol is forbidden, even in antique shops. It is interesting to see the Russians, and Hungarian Communists, feel threatened by a Monarchy from past centuries. But they have provided no alternatives to it, other than misery and fear.

As we could determine, those gifts of horror remain in Hungary only because of the Russian occupation. The Russians are very much in evidence in the Country, with snappy, well equipped troops, contrasting with the relatively poorly equipped and sloppy Hungarian ones. We seemed to constantly run across them, from tank units in the fields to garrisons in the towns. From one experience we had with them, they really seem to be disappointingly brainwashed. From our own, and friends' experience, they are apparently told all the Western tourists in the Country are spies. On the way back from Budapest one evening, passing through the Russian garrison town of Székesfehérvar, we stopped to pick up a woman standing in a heavy rain. We thought she would be Hungarian, but she turned out to be a Russian, apparently the wife of one of the soldiers. She saw the Austrian plate on the car and, after she was inside, said (in mixed Russian and German), "You are with the German Military Commission. Austria is bad. We have many partisans here and will shoot you. Go back to Austria". I frankly did not dare mention I was an American, lest she die of shock on the back seat. It is unfortunate, however, to think that her ideas were probably typical of those of the soldiers there. It was one of several unnerving experiences.

There are, of course, many security police in the Country, and there were several at the hotel. Since it was, at times, almost empty they did not have many people to watch, and watched us. Late one night, we had supper in a room, empty except for the waiters, a gipsy band, a table of security police (some wearing dark glasses), and us. I think we were watched enough by them to convince some of the hotel workers that we were spies. On several occasions, they would whisper, "God be with you", or "please be careful on the rest of your mission", to us. It was somewhat unsettling, as was the hotel in general.

We were, finally, quite anxious to leave and after exhortations from Hungarian acquaintances not to forget them but to remember they are not Communists, only an occupied people, we left for the border. As we approached it, several miles away, we passed men sitting on corners at the roadside, recording our car and license number. Shortly afterwards, we were stopped by machine gun armed soldiers at an opening in a strip of mined land and barber wire. After that check, we proceeded on through open country with watch towers, until we came to the border station, and a log barricade. This barricade was lifted and we drove forward just far enough to face another log barricade. Then, the first barricade was lowered behind us, sealing in our car. With fellow guards watching from small towers at the station, border police then searched the car, even checking to see if the engine compartment had been modified to hold an escapee. It was good to cross the Austrian border.

I did not find it possible to go to Hungary without becoming more anti-communist. As an economic organization, Communism appears ridiculous, and it is a fantastic oppression of the human spirit. It is significant that while we try to correct our social problems in America, with varying degrees of success, the creation and maintenance of human suffering is virtually part of government policy under Communism.

I am afraid there will be no easy settlement of our differences with it.

Sincerely yours,

J. MALCOLM SWENSON,
President.

REDUCTIONS IN FEDERAL FUNDS FOR EDUCATION PROGRAMS

Mr. CRANSTON. Mr. President, last spring the administration recommended substantial reductions in Federal funds for education programs which, I believe, threaten to undermine past Federal commitments to provide meaningful financial assistance to State and local educational agencies and libraries. In July, the House spurned the administration's recommendations by passing H.R. 13111, which restored most of the proposed cuts. That measure is now pending before the Senate Committee on Appropriations.

In the meantime, funds for the office of Education have been provided by a joint resolution on the basis of either the fiscal 1969 appropriation or the administration's revised budget estimates for fiscal 1970, whichever is lower. Consequently, programs for which the administration recommended a lower budget than that approved in fiscal 1969 have been operating at the lower level, and programs for which the administration made no budget recommendation have been in effect repealed temporarily.

Should the administration's proposed cuts be adopted, California would receive less than two-thirds of the Federal funds which it received in fiscal 1969. In fiscal 1969, California received $290,911,305 in Federal funds. Under the administration's proposed budget, that share would drop to $189,793,034. What particularly disturbs me, however, is that, under the terms of the current joint resolution, the proposed cuts are presently in effect and are causing severe financial hardships to school districts, colleges and universities, and public libraries across the country. Among the hardest hit programs are those which provide Federal funds to local school districts in federally affected areas; to State education agencies and institutions of higher education for the acquisition of library materials and resources; to colleges and universities for the construction of facilities; and to State education agencies for the acquisition of equipment and minor remodeling of schools and for counseling, guidance, and testing of elementary and secondary schoolchildren. In addition, Federal outlays for public library services and for the construction of libraries have been substantially curtailed.

Mr. President, on October 28, the Senator from New Mexico (Mr. MONTOYA) introduced Senate Joint Resolution 163 which provides much needed funds to the Office of Education to counter the restrictive effect of the current joint resolution continuing appropriations for fiscal 1970 to the Department of Health, Education, and Welfare. That resolution, which I have cosponsored, would amend the current joint resolution by incorporating the provisions of H.R. 13111 insofar as they relate to the budget of the Office of Education. It is difficult, today, to imagine anyone seriously disputing the high priority which must be assigned to education. Senate Joint Resolution 163 is an important step forward in reestablishing that priority. The House, under the able leadership of Representative JEFFERY COHELAN, of California, took this step on October 28. I, therefore, ask Senators to join the House in their concern over federally assisted education programs by supporting this indispensable measure.

JUDGE CLEMENT F. HAYNSWORTH, JR., AND THE AMERICAN TRIAL LAWYERS ASSOCIATION

Mr. COOK. Mr. President, I wish to put to rest finally any remaining sentiment there may be in the Senate that the poll conducted recently by the American Trial Lawyers Association has any validity whatsoever in regard to the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court.

Yesterday the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking minority member of the Committee on the Judiciary, outlined quite well the deficiencies of the poll as a device for use by an organization in its deliberation over whether to endorse a Supreme Court nominee.

I wish only to add my feelings on this matter, as expressed in a letter to Mr. Leon L. Wolfstone, the president of ATLA, which I sent earlier this month, upon learning that his organization might conduct a public opinion poll upon the subject of this Supreme Court nomination.

I ask unanimous consent that my letter to him be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., October 15, 1969.

Mr. Leon L. Wolfstone,
President, American Trial Lawyers Association, Seattle, Wash.

Dear Mr. Wolfstone: I have been informed that there will be a Board of Governors meeting of your association to consider the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court.

First, let me express my complete dismay that your group would jump into this controversy at such a late date. I am sure that many of your membership has been following the evolving "fair-trial-free-press" discussions. In my opinion, Judge Haynsworth is being tried by the press. I believe most of your membership would agree that this is fundamentally unfair. Your announcement of related interest in this nomination has made a significant contribution to the efforts of those who would defeat this nomination through unfounded and exaggerated accusations in the press.

In addition, the device of polling a substantial portion of your membership to decide whether to endorse Judge Haynsworth is patently ridiculous and unfair. This is similar to taking a Gallop poll to determine whether the people support a politician. Supreme Court Justices are not elected but appointed. There is simply no way the lawyers you may poll will be able to render an informed judgment about this information because they have heard only one side—the press side. They will not have the opportunity to read the record and consider all aspects dispassionately.

If you feel you must get into the act at this late stage, I would suggest that you appoint a committee as has the American Bar Association. A committee would be able to study the record and render an informed judgment. Supreme Court nominees should not be approved nor should they be defeated on the basis of public opinion polls. As a lawyer, I urge you to pursue this matter in a fair and judicious manner.

Sincerely yours,
Marlow W. Cook,
U.S. Senator.

Mr. COOK. Mr. President, no indictment of the procedure employed by ATLA could be more crushing than that given by one of its own board members, who was called upon to participate in this travesty. Mr. Charles M. Leibson, of my own State of Kentucky, is a member of the board of governors of this organization. He attended the meeting which preceded the public announcement of the poll results and the unfavorable decision on Judge Haynsworth.

Mr. Leibson relates in his letter to me that—

> It was my opinion then, and it is my opinion now, that the results of the poll should not have been published, because it is inherent in such a poll that it can be no more than trial by accusations heard or seen on the news media—

He continues—

> In conclusion, I believe it would be unfair to Judge Haynsworth if his nomination should be acted upon on any other basis than the sworn testimony of record before the Senate Judiciary Committee.

I ask unanimous consent that the entire text of the letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Trial Lawyers Association,
Louisville, Ky., October 27, 1969.

Re Confirmation of Judge Clement F. Haynsworth, Jr.

Hon. Marlow W. Cook,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Cook: I disagree with the action taken by the American Trial Lawyers Association in conducting a poll of some 1,200 of its members regarding confirmation of Judge Haynsworth, and also with the action taken by the ATLA Board of Governors in publishing the results of the poll and in passing a resolution against confirmation of Judge Haynsworth's nomination.

This poll, limited to 1,200 of the 23 thousand plus members, was taken before the meeting of the Board of Governors held last Saturday, October 25, 1969. At that meeting it was my motion that the results of the poll should not even be announced to the Board, let alone to the press or the membership, for the very same reasons you have been quoted as stating in the article appearing in the Courier-Journal this morning, i.e., that it was at best a popularity poll with the members polled necessarily voting (for the most part) on the basis of what they have heard or read in the news media.

My motion was defeated. The results of the poll were announced to the Board, and it is impossible to evaluate the extent to which the results influenced the deliberations of the Board thereafter on the issue of whether we should be for or against confirmation of Judge Haynsworth, or indeed, take no position at all.

It was my opinion then, and it is my opinion now, that the results of the poll should not have been published, because it is inherent in such a poll that it can be no more than trial by accusations heard or seen on the news media. I voted against publishing the poll.

It was my opinion then, and it is my opinion now, that despite the hours spent Saturday in discussing this matter, the Board could not possibly be as well informed as members of the Senate Judiciary Committee, and that we should not express an opinion. I voted against the resolution.

In conclusion, I believe it would be unfair to Judge Haynsworth if his nomination should be acted upon on any basis other than the sworn testimony of record before the Senate Judiciary Committee.

Our ATLA organization is a specialized bar, specializing in trial practice and representing the rights of the injured in court. I am justly proud of our accomplishments in improving and securing justice for the injured. I believe that our organization should have a Committee on Judicial Nominations; that this committee should be consulted before judicial nominations are made; and that it should then advise the Executive department after due deliberations, including consulting our members who have been involved in litigation with lawyers nominated to the bench, or who have tried cases before judges nominated for a higher court, thus having special knowledge of the competency of those being considered. This is the procedure that should have been followed here. Let us both work toward seeing that the government and ATLA use better procedures in the future.

Very truly yours,
C. M. Leibson.

Mr. COOK. Finally, Mr. President, we all know what underlies this whole controversy—politics, in that regard, I ask unanimous consent that a letter from Mr. Denzil D. Garrison, a member of ATLA from Oklahoma, to Mr. Wolfstone, be printed in the Record, because it suggests the political motivation behind not only the ATLA's decision to become involved, but behind the whole nature of the opposition to Judge Haynsworth.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Garrison, Preston & Brown,
Bartlesville, Okla., October 17, 1969.

Leon L. Wolfstone,
President, American Trial Lawyers Association, Cambridge, Mass.

Dear Mr. Wolfstone: Enclosed please find my ballot relative to the Haynsworth appointment. To date, I have not seen or heard of anything which should keep the appointment from being approved.

As a member of[1] the Oklahoma Trial Lawyers Association, may I caution you not to allow any hint of "playing politics" to enter in this very delicate matter. The so-called "Bill of Particulars" of Senator Birch Bayh is certainly laughable, to any lawyer who takes the time to study its contents.

In short, Mr. Wolfstone, you may count on my immediate resignation, if this matter is mishandled. I do not intend to lend my name to character assassination for political reasons.

I have great faith that you will not be led by those who would try to use our great and needed organization for narrow political purposes.

Yours very truly,
Denzil D. Garrison.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, increasingly the threat to our environment by the widespread and indiscriminate use of persistent pesticides is being recognized. These poisons, and we ought not to forget that they are exactly that, have killed fish and harmed wildlife. Their damaging effects on human health have not yet been proven though there is mounting evidence that the toxic residues of pesticides do indeed pose a threat to our health.

Commonsense should tell us that absorbing such poisons into our body is not healthy.

Sweden and Hungary have already acted to limit the use of certain persistent pesticides. Our own Government, at long last moved by public concern, has called for a gradual phasing out of the most persistent and dangerous types. While I approve of this action, I do feel the Government could have acted sooner and should have acted far more forcefully.

The States also have begun to recognize the danger and some already have acted. Arizona and Michigan have placed a limited ban on DDT, while, just recently, California banned the use of DDT on 47 crops. In my own State of Maryland, the Governor's Special Advisory Panel on Pesticides has recommended a curb on the use of dieldrin and DDT, two chlorinated hydrocarbons that are particularly damaging.

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[1] Above deletion made at request of the writer of this letter.

Mr. President, I ask unanimous consent that a Washington Post article dated October 29 and a Baltimore Sun article dated October 30 announcing these two actions be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Governor's Panel Advises Curb, but No Ban, on DDT

(By Michael Parks)

Governor Mandel's special committee to study the effects of DDT and related pesticides has recommended that the controversial chemicals not be banned in Maryland as the Governor suggested but that their use be restricted.

The committee concluded that there is no conclusive evidence showing that accumulations of DDT in man, which the Governor pronounced "alarming," produced any diseases, although pesticides have been found harmful to wildlife.

Instead of passing new laws, the committee recommended that the state enforce a law adopted by the last General Assembly giving the State Board of Agriculture the authority to regulate the use of all pesticides in Maryland.

"NO SUBSTITUTE"

Regulations restricting the use of DDT and dieldrin, another chlorinated hydrocarbon pesticide, to "situations where no substitute is available" are being drafted by the board's pesticide advisory committee.

In suggesting that DDT and related pesticides be completely banned in Maryland, Governor Mandel "would seem to be playing pollution politics," said Dr. Cornelius W. Kruse, chairman of the Governor's Advisory Committee on Pesticides.

"No state in its right mind would pass a law outlawing the use of DDT—they might need it, perhaps to control termites or mosquitoes in an encephalitis epidemic or to treat certain types of flowers and shrubs."

But Dr. Kruse emphasized that the committee's preliminary recommendations to the Governor might be modified by the findings of a federal committee that has been studying DDT since April and is due to report in mid-November.

Dr. Kruse, professor of environmental health at the Johns Hopkins School of Hygiene and Public Health, said that there is little evidence "arrayed against chlorinated hydrocarbons despite all the clamor."

NO MEDICAL HISTORY

"Everybody seems to have some in his body fat—old people, babies, men, women, farmers, city folk. But the consequences are simply not known," he said.

"In addition, there is nothing in the medical history of people who have been exposed to it continually and have built up massive amounts of it in their bodies that shows they have been adversely affected because of DDT.

"On the other hand, it does get into the food chain and causes all sorts of problems in wildlife. In predatory animals, particularly birds, their calcium balance is disrupted. The bone shells of eagles and hawks, for example, become quite brittle."

What problems there are with DDT and related pesticides, Dr. Kruse said, are due primarily to its misuse and overuse by farmers. "The solution seems to be control and restrict the way it is used," he said, "and we have the mechanism to do that."

WILDLIFE EFFECT PROVEN

Dr. Charles P. Ellington, director of the state Board of Agriculture and chairman of its pesticide committee, agreed that there "may be instances where the public health is threatened when DDT or some related pesticide will be needed, where there is no suitable alternative."

He also agreed with Dr. Kruse that the strongest argument for controlling the use of chlorinated hydrocarbon pesticides is their proven harmful effect on wildlife.

"The argument for restricting DDT, which is on its way out anyway, is a conservation one, not a health one," said Dr. Kruse.

DDT, dieldrin and other chlorinated hydrocarbon pesticides do not dissolve like other chemicals, but accumulate on plants and in the bodies of fish, wildlife and eventually man, the amount growing successfully larger on its way up the food chain.

Banning DDT in Maryland, Dr. Kruse said, "is not going to help keep DDT out of our food, which comes from 50 states and a lot of foreign countries. All we can do is try to keep it at tolerable levels, and that's being done."

California Bans Use of DDT on 47 Crops

(By John Berthelsen)

SACRAMENTO, CALIF., October 28.—The California State Agriculture Department today banned the use of the pesticide DDT on 47 different commercial crops including artichokes, carrots, celery, field corn and peaches.

Table grapes and cotton were not included in the list.

Farm labor leader Cesar Chavez and his United Farm Workers Organizing Committee have complained that vineyard laborers have been poisoned by DDT sprayed on grapes. This brought an exasperated reply from Jerry W. Fielder, head of the Department of Agriculture:

"The UFWOC's statements are exaggerated. We don't permit DDT on grapes when they are formed, and we constantly check them in the market place."

In cotton production, DDT is the only known pesticide that will kill the pink cotton boll worm, and it cannot be discarded at this time, officials said.

The ban on DDT comes just a few months after two California state senators, John Nejedly and Alan Sherman, failed to pass a strong bill banning DDT outright from all California fields. Fielder, who issued yesterday's ban, bitterly opposed the DDT bill. However, he now says:

"I have said from the very outset that our policy is to phase out as rapidly as possible—as soon as we can find a satisfactory substitute."

Michigan's Agriculture Commission has issued a limited ban. And in Wisconsin, a bill banning all but emergency uses of DDT has passed the Assembly and is pending in the Senate.

The new regulations, which go into effect Jan. 1, were proposed last August after the department received the results of a University of California study on the hazards of the pesticide.

The university is now seeking substitutes for DDT and its first cousin DDD. Today's ruling specifies 35 food and forage crops as well as 12 seed crops, including beets, cabbage, lettuce, onions and turnips.

CONSUMER PROTECTION

Mr. DOLE. Mr. President, for some time there has been a growing awareness of the need for more effective action to protect the consumer. We have all shared the frustration arising from an experience with products that, because they are more complicated, are more likely to malfunction. When they prove to be defective, we suffer further frustration by the inconvenience arising from their repair. The very size of industry intimidates us when we seek to have them repaired. Oftentimes, the necessary repairs cannot be made to our satisfaction, and we must live with a product that functions below our expectation.

This problem and others have been recognized by President Nixon in his message on consumerism delivered to Congress today. A declaration of the "Buyers Bill of Rights" is long overdue. Today, I join with the Senator from Illinois (Mr. PERCY) in cosponsoring the Consumer Protection Act of 1969—to broaden the powers of the Office of Consumer Affairs and make it a permanent office at the White House level.

The proposed office would be the consumers' eyes and ears. It would be an office which would oversee operations of other Federal departments and agencies in order that the interests of the public are considered and safeguarded.

The passage of the act alone is not enough. The President has presented a comprehensive approach to our consumer problems. While the President's proposals are intended to protect the buyer, the protection is not to be at the expense of the fair and honest sellers. I urge the Senate to act expeditiously on these proposals and, as President Nixon states:

> Make life in a complex society more fair, more convenient and more productive for all our citizens.

HERB CAEN ON VIETNAM

Mr. HATFIELD. Mr. President, when an entertainer like Bob Hope or Red Skelton turns his thoughts to the serious, the impact is great, as we have all observed.

In San Francisco, for more than two decades, Columnist Herb Caen has been a steady diet as he has entertained, punctured the balloons of conceit of the arrogant, and lifted the spirits of the downtrodden. In his column for October 14, 1969, he casts aside his penchant for humor in an eloquent evaluation of the war in Vietman. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Slings and Arrows

(By Herb Caen)

RICHARD M. NIXON. "I refuse to become the first American President to preside over a military defeat." History has already taken him off the hook: President Madison won that distinction in the War of 1812 (and it might be germane to note that whereas we took a licking in the field, we won a diplomatic victory of sorts in the Treaty of Ghent). That technicality taken care of, Mr. Nixon may now bring the boys home. "How do we get out of Vietnam?" The same way we got in. Ships and planes.

The Hamlet syndrome: This is the week of the Vietnam Moratorium. As the columnists sometimes say, "everybody" is talking about it. The subject is inescapable, even for one whose primary mission is to record jokes and funny saying, to report the graffiti on the sky as it falls. At times like this, I feel like the traditional comedian whose ambition is to play Hamlet—but Vietnam affects the lives of all of us, even comedians. When I occasionally get "heavy" on this tragic affair, the heckling letters pour in: "Who are you to write about Vietnam?" to which the only possible rejoinder is Oscar Levant's classic "Who do you have to be?" The 200 percenters say with baleful pride: "I back our boys in Vietnam." I back them all the way back to the United States. "We must honor our commitments," insist the foreign-policy experts. Fact: the Saigon government never formally requested American fighting men. The Americanization of the war was our idea.

These have been the years of doubletalk and evasions. The language has been devalued into euphemisms and code. In many cases, an American Flag on the windshield means "I support the war and hate hippies," as "Law and order" means "Get them blacks," less elegantly stated. If there were such a thing as a "BTB" button, I would be entitled to wear it: I was against the escalation before Tonkin Bay, the murky incident that has not been satisfactorily explained to this day. But whatever happened, it was answered with "overkill," that recent addition to the vocabulary of Doublespeak, which teaches us that murder is "to terminate with extreme prejudice," forced resettlement is "population control" and defoliation is "terrain control." (Bumper strip: "Would Napalm Convert You to Democracy?) This is not a time for ringing phrases. The most memorable statement to come out of this war may have been uttered by the officer who said "We had to destroy the village to save it."

President Nixon on the Vietnam Moratorium: "Under no circumstances will I be affected by it." L'etat, c'est moi? Shortly before his unhappy demise, Louis XVI asked a Minister: "Do you think a revolt is taking place?" "Why no, Sire," replied the Minister. "It is a revolution." Precise reporting. Off with his head.

We who opposed, volubly, the escalation in 1965 took a beating. We were pariahs, Commies, traitors or worse. According to Mr. Gallup, only about 20 per cent of the American public at that time thought our involvement in Vietnam was a mistake. Now the figure is around 70 per cent and rising, as the cold wind rises. Today, withdrawal from Vietnam is the conservative position, in the best sense of the term. Here is a war that is slowly destroying the United States by meaningless death, attrition, division, inflation, internal revolt—could any radical, in his wildest dreams, have hoped for more? The damage in Vietnam will be repaired eventually; can one be as sanguine about the damage to this country? In the eyes of the world, this essentially benign country has come to be regarded as an insensitive brute: Goliath taking on David. Those of us who opposed the war long ago did so on strict non-ideological grounds. Our sense of decency and fair play was affronted. Vietnam Moratorium is a "signal" (Mr. Nixon is a great believer in "signals") that we still believe America can come home.

"Died for what?" These bitter words, in bronze, are on the East Bay grave of a 19-year-old Marine who was killed in Vietnam. The question is his parents'. The answers could be that he died to make the world safe for Thieu and Ky, to justify the willfulness of the Sage of the Pedernales, to save the inscrutable Oriental face of Dean Rusk, to support the mistakes of computerized Pentagon minds, to defend a meaningless and temporary boundary line, to satisfy the blood lust of safe if not sane old men who watch the war on TV and say "Go, team, go!" as though it were a football game, and who glory in such dinner table jargon as "We oughta take Hanoi out with a nuke." The 19-year-old and countless of his buddies died because we intruded on a domestic fight. As the graffito says: "How many Vietnamese fought in the Civil War?" If there are no more Vietnams, perhaps the young man did not die in vain—small comfort to his parents and the other parents of all the other young men.

Lyndon Johnson called us "Nervous Nellies," we who were heartsick over the needless killing in a war to make the world dangerous for democracy, a war to alienate the young and divide this country more surely than Vietnam is divided. Mr. Nixon calls us "bugouts." To go along with these majestic metaphors—okay, we're nervous and bugged, even by the State Dept. official who says "We went into Vietnam with the best of intentions." Your Tax Dollars at Work on the road to hell.

GOODELL PRAISES NIXON CONSUMER PROGRAM

Mr. GOODELL. Mr. President, consumerism—a fair deal for the consumer in the marketplace—is a basic right in our free society.

Consumers must be protected against fraud and shoddy products; must have access to the information necessary to make an intelligent choice among products; and must have an adequate forum where their legitimate complaints may be heard and rectified.

It is most gratifying that President Nixon has recognized the interests of the consumer in his message today.

The President's message proposes a number of significant reforms which will help make the concept of consumerism a reality.

Particularly beneficial are those of the President's proposal which—

Create a new Office of Consumer Affairs in the Executive office of the President with legislative standing, an expanded budget and greater responsibilities;

Create a new Consumer Protection Division within the Justice Department to enforce Federal consumer protection laws;

Strengthen and broaden the jurisdiction of the Federal Trade Commission, and give it the power to seek injunctive relief in Federal courts against unfair consumer practices.

When these proposals come before the Senate, I will support their enactment.

OPTIMISM IN VIETNAM

Mr. McGEE. Mr. President, Reporter Robert G. Kaiser, of the Washington Post Foreign Service, writes that, despite the many reasons why optimism in Vietnam is considered a risky business, there is a new optimism among American officials on the scene. In a series which began in the pages of the Post on Wednesday, Mr. Kaiser details some examples for this new era of optimism which has, he reports, led many to believe that the Vietcong's revolution in South Vietnam has, in fact, been defeated.

To say that is not to say that the war is over, or that the forces infiltrated from North Vietnam are not capable of launching offensives and prolonging the war. It is to say that in the past 21 months the structure of the Vietcong has been eroded while the government in Saigon has gained substantial strength. It takes into consideration the fact that for more than a year, now, the Vietcong have not made a major effort to challenge the pacification program in the Mekong Delta—that region which many people well acquainted with the situation in Vietnam consider essential. Kaiser wrote that he recently spent 7 days in the delta "walking and driving unarmed through areas that an American would not have entered without a company of soldiers when Presidents Thieu and Nixon met last June at Midway."

Mr. President, I believe that Mr. Kaiser's report bears repeating and that it should be weighed carefully by those who are concerned with the progress of the battle in Vietnam.

I ask unanimous consent that the first installment of Mr. Kaiser's series on "The New Optimists" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 29, 1969]

Many Feel VC Can't Recover

(By Robert G. Kaiser)

Apbac, South Vietnam.—Just when antiwar pressure in the United States seems to be escalating sharply, many American officials here are contemplating the tantalizing possibility that the Vietcong's revolution in South Vietnam has been defeated.

Optimism in Vietnam is a discredited philosophy, and its adherents must accept the status of discredited philosophers: One is allowed to believe that the earth is flat, but please, keep it to yourself. Hardly any American official here outside the military establishment will allow himself to be quoted by name as one of the new optimists, though a large number of them subscribe secretly to the faith.

Virtually all these officials have learned to qualify every optimistic judgment with some variation of the standard post-Tet offensive caveat: "Of course, the Vietcong could still surprise us . . ." But many dispense the caveat insincerely, as though it were a kind of intellectual conscience money.

The new optimism has infected much of the American mission here, and it is undoubtedly reflected in the official reports from Vietnam now reaching Washington.

The "fact sheet" on Vietnam issued last week by the White House shows signs of the new mood among U.S. officials in Vietnam.

The basis of the optimism is the apparent situation in the countryside, especially in the Mekong Delta, where a third of South Vietnam's 17.3 million people live. The countryside is more fully "pacified" than at any time since the big-unit war began in 1965.

Roads and waterways that have been impassable for years have begun to buzz with commerce during the last six months. Villages long considered part of the "Vietcong society," sometimes for a generation, are now clearly within Saigon's influence and seem to be thriving on the new relationship.

Hundreds of thousands of citizens have demonstrated some faith in (if not affection for) the Saigon government by moving back to their old hamlets, joining the People's Self-Defense Force and participating in government-sponsored local elections.

The new optimists make a good deal of this apparent progress, but they are not talking about "winning the war." They are optimistic about the prospects of controlling the countryside and eliminating the military and political influence of local Vietcong. But this would not necessarily affect the North Vietnamese troops still in South Vietnam—still capable of launching offensives and prolonging the war perhaps indefinitely, even if forced to stay close to their Cambodian and Laotian sanctuaries.

INSECURE AREAS

Nor do the new optimists speak with equal enthusiasm about all of South Vietnam. Several northern provinces are still heavily infested with Vietcong; all the northern provinces and those along the western edge of the country—next to Laos and Cambodia—are subject to incursions by the North Vietnamese that could mean insecurity in those areas for years.

But the Mekong Delta is the country's wealthiest and most populous area, and it was the home of the Viet-minh and Vietcong movements in the South. It is often said that whoever can control the plush and productive Delta will eventually prevail.

This corerspondent recently spent seven days in the Delta on two separate trips, walking and driving unarmed through areas that an American would not have entered without a company of soldiers when Presidents Thieu and Nixon met last June at Midway.

On such a trip one is repeatedly nudged and told: "VC came out of the tree-line over there and ambushed an RF [Regional Force] company last spring,"—"This is where the [American] province senior adviser was killed"—"three months ago we would have been called crazy even to think about driving on this road"—"You're walking on land that the government in Saigon never controlled until this summer."

GAINS ARE MYSTERIOUS

The rampant optimism is restrained by the mystery of why the past year's progress in pacification was so easily achieved. The Vietcong have made no major effort to challenge pacification in the Delta for more than a year. Government forces have moved into hundreds of supposedly Vietcong-controlled villages without, in many cases, even being shot at. South Vietnamese officials have often been able to go into these areas, organize government programs and run local elections without the slightest harassment.

Have the Vietcong decided not to contest the pacification program? Or are they too weak to cope with it? Both theories have adherents among American and South Vietnamese officials here, though the second is much more popular.

But even those who believe the National Liberation Front has ignored pacification for the time being seem to doubt that an all-out Vietcong effort would now do as much damage as, for instance, last year's Tet offensive.

SAIGON'S GROWING STRENGTH

They reason that during those devastating attacks and in the 21 months since the Vietcong structure has eroded substantially while the Saigon's government's military power in the countryside has grown steadily. South Vietnam has about 100,000 more troops than it had at the time of the Tet attacks.

The boldest of the new optimists are those who contend that the Vietcong are too feeble to make a comeback in the Mekong Delta. But there are a great many officials talking that way, including some of the best-known hands in Vietnam once known for their criticism and pessimism. Though they are optimists now, they are talking only off the record.

"Villages we thought were controlled by a company of VC turned out to have only one or two armed guerrillas" one of these veterans said recently.

VIETCONG INSTRUCTIONS

Another hand, who has been studying the Vietcong for four years, points to captured documents containing instructions to local Vietcong to assassinate fixed quotas of important South Vietnamese officials in the countryside. Despite these instructions, the government has lost very few important officials.

Other officials point to the reports of prisoners and defectors from the Vietcong who say that the enemy's once remarkable organization—the layers of associations and committees built on a tight base of cells—no longer exists in many parts of South Vietnam. In other areas the organization seems to be a parody of its former self. In one village in Dinhtuong Province, the party secretary—an important figure—turned out to be a 16-year-old boy.

The zeal of the revolution also seems dissipated, the new optimist say. "When we fought the French," a 55-year-old Vietcong colonel who rallied to the government told an American official, "the people supported us, they loved us. But these young new cadre don't know how to win the people's support . . ."

DELTA'S ASSUMPTION

All over the Delta one hears that "time is now on our side." It is widely assumed that each week the Vietcong get weaker and the government presence becomes stronger.

The fact that American patience wtih the war could run out before the South Vietnamese are ready to stand alone causes bitterness here. "I wish I could show Sen. McGovern around this province," a Foreign Service official who has been working on an important pacification job said recently. "How could he want us to give up now?"

Men like this one (including senior members of the American mission in Saigon) who have coped with failure and frustration in Vietnam are now exhilarated by the apparent success. Efforts in the United States to ignore or to sabotage that progress anger many American officials here.

"It's good to be back where some constructive work is being done," one senior diplomat said recently after a discouraging trip to America.

The fruits of that work—be they relatively permanent or just temporary—are visible all over South Vietnam. There have always been models of successful pacification, but in the old days those were matched by models of pacification's complete failure. Now that second category is rare indeed.

APBAC'S EXAMPLE

This hamlet of Apbac in Longan Province is a good example of the new model. When one flies over Apbac at 1,000 feet the tall buildings of Saigon are clearly visible rising out of the rice paddies 20 miles off. Longan Province is at the very top of the Delta, but its proximity to Saigon never had much influence on its politics. The area around Apbac has been home for the Vietminh and Vietcong for years.

In 1963 Apbac became famous as the site of a disastrous battle for the South Vietnamese army. Five American helicopters were shot down in that fight, and people in the United States began asking what was going on in Vietnam.

In 1965 the hamlet fell completely under Vietcong control. Many of its residents fled to nearby towns or government-controlled areas to avoid the war, the rigors of life under the Vietcong or both.

ENTERED IN JULY

Government forces entered Apbac this July. Then 600 people lived in this dirty, dilapidated little town or right around it. They were served by four small shops and an old Buddhist pagoda that sits atop the highest hill in Longan Province, a 35-foot mound of Paddy mud.

Popular Force platoons built outposts in the area and by force or default, established security in the area. Revolutionary Development cadre, the black-pajama shock troops of pacification, moved in to begin cheerleading the pacification of Apbac.

The RD cadre are masters of the showy gimmick: They paint South Vietnamese flags beside the front door of every house, put up flagpoles so every family can fly the government flag, build fences and make minor repairs. They also often reopen schools, as they did here.

The Vietcong had destroyed the hamlet's 13-room schoolhouse and used its brick and concrete walls to reinforce their bunkers, so there had been no school in Apbac for four years. When the new government officials announced last summer that they would open a temporary school, they expected about 200 children to turn out, but 523 came the first day from as far as two miles away.

Now a visitor sees young students repeating their lessons in unison and scratching out their arithmetic problems in pen and ink, as the French taught them. Because there had been no school for four years, students 8 to 13 years old are all in the same class.

VILLAGERS RETURN

The large school turnout reflected the influx of former residents of Apbac that began soon after the government took it over. Now at least 1200 people are living here.

At last count there were 18 shops and the government is constructing and repairing buildings. (Damage from the 1963 battle had never been repaired.)

In the first month after government forces entered Apbac and the surrounding villages, 108 Vietcong or their sympathizers rallied to the government. Most of them were unimportant, but one was the old Vietcong hamlet chief. Another 54 suspected Vietcong were arrested.

According to the toothless old monk in the pagoda, Thien Loi, all the Vietcong officials in the area have been killed, arrested, have rallied to the government or have "gone away." Thien Loi, who has lived there for 61 years, told an American visitor he does not expect the VC ever to return.

VC LACKS MUSCLE

Apparently the Vietcong controlled Apbac with just a few cadre and guerrillas.

"But they used to have the muscle on hand to back them up, if they needed backing up," according to Maj. Carl Neely, the enthusiastic American district adviser in the area. "Now they don't have the muscle."

The Vietcong have made no effort to reenter Apbac or to harass the government officials who have been here since July.

There is no evidence that the people of Apbac have become, overnight, devoted followers of President Thieu and his government. But the evidence is plentiful that they are happier with their lot now than they were as recently as the day, three months ago, that Neil Armstrong stepped on the moon.

The war is not over in Apbac. North Vietnamese soldiers are hiding, in groups of six to a dozen, in Longan Province and there are still occasional incidents nearby. But the new optimists in this part of Vietnam cannot see how the Vietcong can regain the dominant position they once held.

THE PESTICIDE PERIL—LXXIII

Mr. NELSON. Mr. President, this morning's Washington Post reports that the White House has ordered immediate restrictions on the use of a herbicide widely used in both the United States and in Vietnam.

The herbicide, 2,4,5–T, has been used on pastures and rights-of-way in the United States and as a defoliant in Vietnam. Recent studies on this herbicide conducted on mice resulted in increased incidence of cancer and malformations in fetuses.

This is apparently another example of a Federal agency using a potentially dangerous pesticide before adequate studies and information assuring its safety are available. In the same announcement, the administration said it was not taking any action on another herbicide 2,4–D, which is placed in the category of "potentially dangerous, but needing further study." It would seem that a lesson should have been learned from the experience of 2,4,5–T and that 2,4–D would be restricted on the basis that it is "potentially dangerous" and does need "further study."

I ask unanimous consent that the Washington Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 30, 1969]

Widely Used Defoliant Restricted as Perilous

(By Bryce Nelson)

The White House ordered restricted use last night of a herbicide that has been used extensively in the United States and South Vietnam after it was learned it may be dangerous to animal life.

The White House announced the restriction of the herbicide 2, 4, 5–T, which has been used as a defoliant in Vietnam and on pastures and rights-of-way in this country.

The administration took no action on the use of 2, 4–D, another herbicide widely used in Vietnam, which was labeled "potentially dangerous, but needing further study" in the scientific research conducted by the Bionetics Research Laboratories, Inc., for the National Cancer Institute.

The as yet unreleased studies, conducted mostly on mice, point out two forms of danger—in increasing the incidence of cancer and in increasing the number of malformations in fetuses.

In a prepared statement, White House science adviser Lee A. DuBridge announced:

That the Defense Department will restrict use of 2,4,5-T to areas remote from population.

That the Agriculture Department will cancel registrations of 2,4,5–T for food crops effective Jan. 1, 1970, unless the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods.

The Departments of Agriculture and Interior will stop using 2,4,5–T in their own programs in populated areas or where the residue from use could otherwise reach man.

That the Department of Health, Education and Welfare will complete action on a petition requesting a finite tolerance for 2,4,5–T residues on foods prior to Jan. 1, 1970.

DuBridge, a physicist, said "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

DuBridge said that almost no 2,4,5-T was used by home gardeners or in residential areas.

During the past several months, there have been several accounts in the South Vietnamese press linking birth of malformed babies to the American presence there; some accounts specifically related these birth defects to the U.S. defoliation program.

The herbicide 2,4,5-T is used both for defoliation in Vietnam and for brush control, pasture herbicide and clearance of rights of way in this country. The herbicide and the compound PCNB (pentachlorobenzoic acid) were labeled "probably dangerous" and justifying condemnation because of increased incidence of fetal malformations when administered to mice and rats.

Another herbicide, 2,4-D, which is widely used for defoliation in South Vietnam, was placed in the category of "potentially dangerous, but needing further study" in its effect on fetuses. 2,4-D presents a much more difficult problem for governmental decision since it is one of the six best-selling pesticides in the United States. 2,4-D is used on corn and wheat in this country. Banning it would deprive the U.S. pesticide industry of more than $25 million annually in sales.

REHABILITATION OF THE INDIVIDUAL

Mr. GOODELL. Mr. President, the rehabilitation of an individual—restoring him to a productive role in our society—has become one of our most important domestic challenges. Rehabilitation is necessary for those people who have suffered physical affliction. But rehabilitation is also necessary for those people who have become rootless and disoriented as a result of the chaos in segments of our society.

Many dedicated Americans have devoted their lives to the work of rehabilitation and we owe them a great debt for their services. They have created programs to assist the physically handicapped and the emotionally, mentally, and socially handicapped. In many cases they can bring hope and dignity to the handicapped—hope and dignity when a tragic affliction has caused this spirit to die. Through the success of the rehabilitation process, the individual brings to the society his untapped talents and resources and as a result, a more productive person and a more productive society is created.

On November 3, 4, and 5, my home State of New York is playing host to the annual national conference on rehabilitation.

This is the first time that the conference has been jointly sponsored by the National Rehabilitation Association, the National Association of Sheltered Workshops, and the Association of Rehabilitation Centers. Each of these groups plays a significant role in meeting the challenge of rehabilitation.

The National Rehabilitation Association, with over 35,000 members, includes counselors who advise and guide those in need of help. It has specialists dealing with the handicapped in all areas, including vocational guidance, employment counselor, physical therapists, training specialists, in fact, every person who has worked to bring the handicapped back into the community. We are proud they have found New York State a source of cooperation to them.

To me, one of the most rewarding programs deals with rehabilitation of the severely handicapped. This has been the task of the National Association of Sheltered Workshops. People who are wheelchair bound, others with severe mental retardation or emotional problems, still others with cerebral palsy, and many other severe disabilities such as blindness and deafness have started on the road back through sheltered workshops.

This dedicated group accepts one of the greatest challenges imaginable. It is truly inspiring to see the success they have achieved in restoring dignity to their clients. Some of these workshops have become world famous for their workshops where in some cases they provide life-long employment to the most severely disabled. The most impressive fact is that they have returned tens of thousands of their clients to private economies.

New York State is proud that some of the country's most outstanding workshops are located in the Empire State. We are also proud that this great Association will be joining with its fellow professionals in the National Conference on Rehabilitation.

The third group sponsoring the conference is the Association of Rehabilitation Centers which provides technical advice for rehabilitation facilities helping them improve their services. It runs training seminars in virtually every area related to these facilities. The ARC members do research and development for new techniques for the improvement of rehabilitation facilities and in general strive to improve our programs to meet the needs of those requiring rehabilitation.

At a time when we face our greatest problems in meeting the needs of the socially disadvantaged, it is heartening to note that we have for many years had agencies ready to face new challenges. I am proud that the first joint conference on rehabilitation of these three distinguished groups will occur in New York City next week. While the organizations have met separately in the past, this new joint venture indicates a desire for closer cooperation as we face these new challenges together.

We in Congress have been involved in the rehabilitation of our economy and concerned with our handicapped, our ill and our socially deprived. We should follow the proceedings of the national conference of rehabilitation. Undoubtedly new ideas and recomendations will be forthcoming from the conference which could make our concern and involvement bear greater success.

FOR TRUE PEACE: A LAND REFORM

Mr. SYMINGTON. Mr. President, for years, now, there has been much conjecture as to just what is going on in South Vietnam.

In that connection, I ask unanimous consent that an editorial entitled "For True Peace: A Land Reform," published in the Springfield, Mo., Daily News of October 23, and in turn based on an article written by Mr. Arthur J. Dommen for the Los Angeles Times, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

For True Peace: A Land Reform

It has been said so many times that it has become a truism:

The only way real peace can come to South Vietnam, peace that is neither Communist-dictated nor Communist-dominated, is to convince the mass of peasantry that they have a real stake in their government. And the only way to give them that stake is to abolish the system of absentee landlordism by which a mere 16,000 wealthy South Vietnamese own almost three million acres of the country's fertile land.

The land has been fertile in more ways than one. Sixty to 70 per cent of South Vietnam's farmers do not own the land they till, and it is from their dissatisfied ranks that the ranks of the Viet Cong are replenished.

Too often, following hard behind American soldiers after they have cleared an area of the Viet Cong, have come the landlords to reassume ownership and collect back rents. This is the reason that some parts of South Vietnam have had to be "pacified" again and again in the long years of this war.

The only land reform program South Vietnam has ever had is that of the Viet Cong, which has "given" land to millions, writes Arthur J. Dommen in the Los Angeles Times. Its motto has been: "The movement has given you land, give us your son."

If a cease-fire were to be signed between the government and the Viet Cong, this motto would undoubtedly become, "The movement has given you land, give us your vote."

Having once given the Viet Cong their votes, the peasants of South Vietnam would, of course, ultimately find themselves in the same situation as the peasants of China, who were "given" land by the agrarian reformers of Mao Tse-tung. But by then it would be too late to take back their votes.

In the eyes of many Americans, irrespective of their opinions regarding this country's past and present involvement in South Vietnam, President * * * the creation of a truly popular representative government.

Interestingly enough, however, it is the personal initiative of Thieu that has brought the Saigon government close to enacting the first meaningful land reform in its history, reports Dommen.

Last November, Thieu began putting the crimp on landowners by prohibiting local officials and soldiers from assisting landlords in enforcing rent levies. In February, the prohibition was extended to the landlords themselves.

Of even greater interest to Americans, however, is the fact that until recently the U.S. embassy had for years quietly opposed land reform because the landowners were a principal source of political stability in Saigon—"and political stability in Saigon was what counted more than anything else," says Dommen.

Some American officials still fear that Thieu's land reform program will wipe out the rural landed gentry on which the Saigon government depends to carry its writ into the villages, while at the same time falling short of guaranteeing the loyalty of the peasants.

This makes about as much sense as worrying whether a house will stay in one piece when the earth cracks open and swallows it up. Such "stability" in the long run is shortsighted in the extreme.

And we are in the long run right now.

PEOPLE LIKE THE VICE PRESIDENT

Mr. FANNIN. Mr. President, it is surprising how little attention the American people are paying to the detractors of Vice President Spiro Agnew.

A Letter to the Editor column from the Evening Star of October 29 is, I believe, more representative of the American people than the writings of some of the snobs who pass judgment on America's leaders in the columns of some of our effete eastern newspapers.

The Vice President of the United States is a man of courage and conviction. He stands for America and what is right for America. He speaks forthrightly and bluntly on America's behalf when such speech is called for.

I am pleased that the American people recognize him for what he is.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Spiro and the Demonstrators

Sir. I for one would like to defend Vice President Agnew. To my way of thinking he is about the only politician around who is capable of saying what he honestly feels without first taking a poll. Spiro Agnew—unlike most other politicians—has not yet lost the ability to feel righteous anger.

Jaime Adams.

Sir. No one man can always be completely right, and some there are who are not even usually something like half-right. Spiro Agnew is one of these. It is his unfortunate nature that he developed malapropism. But more often than not he says something that is historically and logically correct.

Parker Wilbern.

Sir. The language about intellectual slobs used by Agnew was to the point and reflects the feelings of a great number of Americans (and voters) who are silent but boiling.

Peter Colevas.

Sir. With reference to your editorial, "Agnewmanship," of Oct. 21, I suggest someone must defend our country from the current "smear America" campaign of the news media, politicans and agitators. When did your paper last actively attack those who participated in this latest fad?

Wayne M. Proctor.

Rockville, Md.

(Editor's Note.—To answer the question posed by Mr. Proctor's last sentence, on October 15 The Star editorialized: ". . . What counts is whether the demonstration, regardless of intention, does in fact give encouragement to Hanoi and thereby presumably prolongs the war. The evidence from Hanoi is that this is precisely what the demonstrators are doing. . . ." And on the day following the Moratorium The Star editorialized: ". . . Its (the Moratorium's) effect, if any, will be to stiffen positions on both sides and to delay the process of disengagement that is already under way.")

Sir. Your editorial was too hasty in dismissing Vice President Agnew's excellent New Orelans speech as a venture in "name-calling." The fashionable double standard on extremism has triumphed again, for he is faulted for being as hard hitting in combatting nonsense as one routinely is in fighting the radical right.

Talivaldis I. Smits, Ph. D.

Sir. From your editorial, I assume that in your opinion the Vice President would win more friends for the administration's handling of the Vietnam situation by the use of more saccharin language in his various speeches around the country.

The time is long overdue for ending any form of patience or tolerance with a rowdy and unruly group of protesters, dissenters, and demonstrators who would sell out their country to shield their own cowardly hides.

James F. Perrin.

Sir. Whether or not one agrees with what Vice President Agnew says, I defend his right to say it his way. He is an admirable anachronism in an age of largely politician-actors orating careful compromises composed by wordsmiths—a strong man who will use strong words about things he feels strongly. It is refreshing to see a politician standing, perhaps not high, but alone. We used to have a lot more of them and never had a greater need.

G. W. Hallgren.

Gaithersburg, Md.

Sir. It is a relief to hear someone tell those aging harlequins on the Ho Chi Minh trail just what they are. In the weird rabble of ill-assorted bad companions drawn together for diverse reasons in the Moratorium we had a mixed bag.

There was the idealist and the importunate; the impudent and the iconoclast; the sorrowing and the cynic; the pedant and the poltroon; the effete and the dilettante; the manipulator and the manipulated; the supercilious, the stupid, and the snob.

It is good that we have a man like Spiro Agnew to call them what they are.

Roy G. Tulane.

Chevy Chase, Md.

Sir. Coming right straight out and telling it like it is does not necessarily make one childish! Agnew behaved like an irate parent fed to the teeth with the childishness of his children.

R. S. S.

Sir. Agnew was obligated to no one except the people themselves and is under no compulsion except that of political comity to "clear" a speech with the White House.

Charles R. Weeks.

Chantilly, Va.

Sir. How many of us feel the way Agnew spoke out and are afraid to say so! Hooray for Vice President Agnew.

M. M.

Sir. Senator Mansfield is supposed to have said that he is embarrassed over certain remarks made by our Vice President Agnew concerning the October 15 Moratorium and its promoters. Let me state this for the record: Thank God that, if we must suffer humiliation by having men around like the Mansfields, Fulbrights and McGoverns, we at least also have a man like Vice President Agnew around.

Oliver L. App.

W. Hyattsville, Md.

Sir. Predictably, Vice President Agnew stuck his foot in his big mouth again—in denouncing the New Left hoods as "professional anarchists" and "impudent snobs." At this late date, it is sad that our highest elected officials display such an abject ignorance of the Marxist "signs of the times" that they can dismiss violent socialist radicals as mere "anarchists and snobs!"

R. K. Dahl.

Sir. Agnew's description of some of the leaders and participants of the Moratorium Day activities was mild compared to what it rightly could have been.

Wesley Britton.

Alexandria, Va.

Sir. Vice President Agnew hit the nail on the head in his description of the supporters of the Vietnam "moratorium."

Wilson C. Lucom,
President, United States Anti-Communist Congress, Inc.

Sir. The Vice President was nearer reality, and certainly made more sense to me in his Vietnam posture, than the combined effusions (and confusions) of the pseudo-experts McCarthy, Fulbright, McGovern, Muskie, Kennedy, and others of their ilk.

J. Mason Grove.

Fairfax Station, Va.

Sir. More power to Vice-President Spiro T. Agnew, who dares to tell the truth, and a ripe Bronx cheer to the "impudent snobs," the "Russian roulette" gamblers with our national security, the architects of appeasement and surrender, and the friends of the universal bolshevist state!

HAROLD RANSTAD.

Sir. Vice President Agnew has a "right" (a word I am beginning to hate) to express his own personal opinion about anything he wants.

MADELYN W. WATSON.

WASHINGTON, D.C.

INCREASED FUNDING FOR ALBUQUERQUE SOUTH DIVERSION CHANNEL

Mr. MONTOYA. Mr. President, I invite the attention of Senators to the urgent need for a flood-control project to protect the residents of Albuquerque, the largest city in New Mexico. The residents in the South Valley of Albuquerque have suffered numerous floods, and are daily exposed to additional flooding. Remedial action must be taken.

As the members of the Public Works Subcommittee of the Senate Appropriations Committee know from my communications with them, there is presently pending before the subcommittee a request for funding for completion of the drastically needed flood-control project for this area of Albuquerque. This is known as the Albuquerque South Diversion Channel.

I have been working closely with the members of the Appropriations Committee—and I am honored to be a member of the committee—in an effort to seek adequate funding for this project. Regrettably, the new administration drastically reduced the budget request for this project at a time when the residents in the area of Albuquerque were undergoing one flood after another. Early this summer there was a heavy flood in the area with terrible consequences, and again, on September 7, heavy rainfall in the area sent water as deep as three feet into the streets and into many homes. An estimated 305 homes, valued at $2,250,000, suffered estimated damage of $107,000. Seven commercial firms, having an estimated value of $3,372,000, suffered damages of $190,000, and public works with an estimated value of $3,486,000 suffered damages of $105,000. Other damages amounted to about $51,000. Thus, the total amount of damages suffered in this, the San Jose area, has been estimated at just under $500,000.

The Corps of Engineers advised me that nearly all this damage could have been prevented had the Albuquerque South Diversion Channel project been in operation. To compound the suffering, it was not just private homes and businesses which were damaged—although this in itself should never have happened as it could have been avoided—but in addition, it is reported that at least 2 feet of water flowed into the lower level of the St. Joseph Hospital where the emergency room is located bringing in mud and silt. A massive effort had to be undertaken in the area by off-duty firemen, by New Mexico rangers, city workers, police, other firemen, and volunteers to evacuate families from the area, and the Red Cross was called in to set up facilities for them.

I repeat, Mr. President, that, according to the Corps of Engineers, all this could have been avoided had the South Diversion Channel project been completed. It seems pennywise and pound foolish to drastically curtail funding for projects such as this when there is so much at stake. As I have indicated, I have been working with the Corps of Engineers, with the Appropriations Committee, and with many local individuals and organizations in an effort to seek proper funding for this project. It is certainly my hope that adequate funding will be provided by Congress.

Mr. President, by way of further testimony as to the urgent need for this project and by way of illustrating the great concern being expressed by the residents of the San Jose area in Albuquerque, I ask unanimous consent to have printed in the RECORD a statement by Mr. Lorenzo E. Tapia, an attorney from Albuquerque, which was presented to the Senate Public Works Appropriations Subcommittee on behalf of residents of the San Jose area, the Albuquerque Economic Opportunity Board, and as special counsel for the members of the model cities board of Albuquerque. I commend Mr. Tapia for the excellent statement which he had presented and certainly support him in his request that Congress appropriate the necessary funds to complete this project immediately.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LORENZO E. TAPIA, ATTORNEY BEFORE CONGRESSIONAL COMMITTEE AND EXECUTIVE BRANCH OF U.S. GOVERNMENT

It is with great pleasure that I appear before you on behalf of the residents of the South San Jose area, the Albuquerque Economic Opportunity Board, and as special counsel for the Members of Model Cities Board of Albuquerque, New Mexico. May I first express my appreciation to Senators Anderson and Montoya who have so ably represented us in the Senate of the United States, and for their arranging our appearance before this body. Today we are here to support their efforts on behalf of the Albuquerque Channel Diversion Flood Control Project, which they have so ably worked for in recent years.

Mr. Chairman—It has been over fifteen years since the Congress of the United States enacted into law the Flood Control Act of 1954, which authorized the construction of the Albuquerque Channel Diversion Flood Control Project. Funds for the project were not made available until fiscal year 1965, and construction was finally commenced in that year. Congress again appropriated 5 million in 1965 and $15 million in 1966, 1967, and 1968, and a total of 4.5 million is still required to complete the project which will provide partial flood protection for the residents of the South Valley area of Albuquerque, New Mexico. This area is predominately inhabited by persons of Spanish-speaking descent. Most of the residents of this area are descendents of the early Spanish settlers which settled in the Southwestern part of our nation in the early part of the 16th century. The per capita income of the people in the area which is annually affected by intermittent floods, is less than one thousand dollars annually, and a great number of the residents are older persons over the ages of 45 with large families and generally receive low wages and manage to eke out a meager existence. The area which is often damaged by floods is one of Albuquerque's oldest with its substandard homes, lack of properly paved streets, poor sewage and drainage facilities to absorb the water which accumulates in the streets and in the backyards of citizens. These people cannot afford to protect their homes when the floods strike. This same area has been classified as the "target area" to be eventually improved through funds which in the near future, may or may not be available through model cities or urban renewal programs.

There are many factors that contribute to the flooding which occurs during the summer months including lack of proper street drainage facilities and poorly planned and constructed streets. In recent years the construction of a north to south interstate freeway with its five foot draining culverts that virtually point to and pour the water which accumulated on its east side has worsened the situation, sending water rushing onto the west side which is heavily populated by the poorest of families that dwell close to the heart of downtown Albuquerque. It is with these people that we are concerned. Their misery has persisted since before 1954, and has not diminished. To the contrary the property losses have increased and the lives of both young and old have been affected to such a degree that many of the residents who at one time owned their residences in recent years have had to mortgage them to obtain funds to repair their homes after they have been damaged by floods. The number obtaining loans is small as most residents do not have the means to clear their titles in order to meet the lending requirements of banking institutions. Others borrow from high-interest finance companies and many lose their properties because of their inability to meet rising interest rates or too often because it is a choice between owning a home or providing food on their table for their children. Floods have left many people homeless, often without food or clothing to meet their needs, and particularly the needs of their children who too often cannot continue their schooling on a regular basis for lack of something to wear or eat! Homes are no longer fit for occupancy but yet people continue to reside there despite the threat of crumbling floors and walls which they cannot afford to replace or repair due to lack of financial independence. They no longer believe that help is imminent and that their problems will be resolved in the near future. Their despair and misery remains, and will continue to worsen unless the Congress assists the City and State Governments in providing protection for those residing in the affected areas.

The flood of September 1969 left 250 families homeless, and the homes of over 200 families were moderately to severely damaged. Personal losses were enormous and all total damages are estimated in excess of $200,000 not counting the human misery and the unrecorded, personal, and property losses of the residents whose problems are compounded by sub-standard housing, large families, low wages, unemployment, and many more of the ills of our modern society. The people of this area are proud and dedicated people who believe in the ideals of our democratic government and from it they expect no more than what you have accorded other Americans who have suffered similar or comparable disaster.

Perhaps these facts are not shocking to a Congress which has dealt with the problems that plagued the people of Appalachia or areas of West Virginia, but let me say that our problems in many respects are either greater or certainly comparable to those that affected them. Our Nation has been blessed with a bountiful supply of water; but it is not a blessing we can regard with complacency, and particularly when it causes floods that too often drain the wealth of our country and disrupt the lives of many of its citizens. We hope that Congress will reject a policy which tends to curtail spending at the larger expense of heavy losses in added costs, property damages and even loss of human life and homes. We believe that further delay in providing funds to complete the Albuquerque Channel Diversion Flood Control Project is extremely detrimental to our economic growth, and well-being which detriment the people of our area can no longer endure without losing faith in our governmental structure.

Our problem, I am sure, you will agree is not simply a matter of concern for the people of New Mexico only, but all of us have a stake in providing flood protection under aggressive principles of national leadership first forged by Theodore Roosevelt and subsequently carried forward by the Congress of the United States. We realize that there are other sectors of our nation that have suffered as we have, and we are in complete sympathy with them, yet we urge that this Congress act with vigor and determination, and as it has in the past, remaining cognizant of your goal by providing assistance and relieving misery wherever and whenever possible. We earnestly believe and know that unless the sum of 4.5 million is appropriated to complete this project, the human misery and loss of property will continue. Fifteen years has been too long a time and we urge this body to rectify the ills of a problem which can no longer be neglected or overlooked for even one more year without jeopardizing the lives of your young who are the ones that suffer ultimately.

I want to express my deep appreciation to the Chairman and Members of this committee for the opportunity to appear before you to submit facts that support our request that the Congress appropriate the sum of $4.5 million to complete the Albuquerque Channel Diversion Flood Control Project, which we understand the Corps is ready to undertake as soon as funds are made available. Not only do we urge appropriation of funds but also that you incorporate in the appropriations bill, language that compels or commits the Executive Branch to spend the funds so allocated during fiscal year 1970. If you appropriate funds only to have them tied up in the Executive branch your concern and ours for the immediate problem would otherwise be futile.

MILITARY SPENDING AUDIT

Mr. CHURCH. Mr. President, during the many weeks of debate this summer on the multibillion-dollar military procurement bill, often it became clear additional information sources were needed to assist the Senate.

In addition, the debate highlighted a dilemma that is facing the country today—what are our priorities and national objectives, and how much of our resources should be deployed to achieve these national goals.

Recently, the Senator from Wisconsin (Mr. NELSON) introduced three proposals that are designed to help bridge the information gap and to establish an orderly process of assessing our national priorities.

In an excellent editorial, the Sheboygan, Wis., Press, endorses the Nelson proposals. I ask unanimous consent that the editorial, entitled "Military Spending Audit," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sheboygan (Wis.) Press,
Oct. 22, 1969]

MILITARY SPENDING AUDIT

No doubt Sen. Gaylord Nelson, D.-Wis., will have the united support of the nation's taxpayers in his request for creation of three watchdog auditing agencies to keep lawmakers advised of Pentagon expenditures. He is joined by three other senators and 29 House members in a complaint that Congress doesn't have enough control of the Pentagon.

"If Congress is going to take its responsibility for reviewing military expenditures and challenge the alarming trend of a run-a-way military establishment, it must have its own authoritative, objective source of information," said Sen. Nelson. He said he and his colleagues would introduce bills to create the auditing agencies, all of which would work for Congress but have "maximum access to classified information" at the Pentagon.

Rep. George Brown, D.-Calif., blamed "lack of an authoritative perspective" for the failure of Pentagon critics to substantially cut a $20 billion defense buying bill which recently was passed by Congress. It includes authorization to begin construction of the Sentinel antiballistic missile system. The bill would establish an Office of Defense Review, which Brown said would provide "comprehensive analysis of defense policies and spending."

They also would establish a Joint Congressional Committee on National Priorities to compare military and civilian demands on the budget and a temporary National Security Commission which would study "the militarization of American society and the relationships between employment, private industry and defense spending."

No one will question the objectives of the Nelson programs nor question his concern for adequate defense and national security measures. Neither should anyone disagree with the desire that military spending be done on a business-like and not a spendthrift basis. Some of the deals whereby military expenditures were made on a cost unknown system were scandalous and naturally were resented by taxpayers.

We all want adequate national security, but there is no need for the reckless spending policies that have been exposed in the past. The measures proposed by Sen. Nelson and his colleagues could do much to put a stop to that sort of thing.

THE NEW YORK TIMES AND THE HITLER OF NORTH KOREA

Mr. DODD. Mr. President, the New York Times of October 27, 1969, established an all-time precedent for the American press by printing a full-page advertisement lauding the virtues of Kim Il Sung, the Communist dictator of North Korea.

This blatant piece of propaganda takes the form of an advertisement for the English language edition of Kim Il Sung's biography, printed by the Miraisha Co. in Japan, the official North Korean publishing house.

Every newspaper exercises the right to refuse advertisements whose publication would be offensive to public opinion or contrary to the national interest.

I am confident, for example, that if the KKK submitted an advertisement attacking the American Negroes, or if the American Nazi Party submitted a text saying that Hitler was right about the Jews, the New York Times would refuse to print such advertisements.

I am equally confident that had the Nazi government, before or after Pearl Harbor, sought to place a full-page ad eulogizing Adolf Hitler, the Times would have returned the ad together with the check, with an appropriate comment.

Why, then, does the Times agree to accept a full-page advertisement praising a totalitarian tyrant just as ruthless and just as aggressive as Adolf Hitler?

Because, inevitably, the act of printing the Kim Il Sung advertisement will serve to foster the impression that Communist tyranny is somehow less abhorrent, more acceptable and more deserving of being treated as a legitimate political philosophy than was Nazi tyranny.

I consider the publication of this advertisement an affront to the American people and a violation of the responsibilities of the American press to the American people.

No more groveling or nauseating tribute has ever been written to Joseph Stalin or to any other Communist tyrant.

"Korea Has Produced the Hero of 20th Century, Kim Il Sung," read the headline in massive typeface. And then it went on to say:

> This biography is a history of General Kim Il Sung's ardent love for the people over 40 years; it is a great moving epic about Hero General Kim Il Sung who led to victory the national liberation struggle, unexampled in the history of the world; it is a record of victories and glories in the modern revolutionary movement of Korea.

It can be argued that few Americans will be moved or taken in by this crude and heavyhanded hero worship. Percentagewise this may be true. But I nevertheless find it frightening to think that there are some thousands or even a few tens of thousands of young Americans who have been taken in by propaganda just as crude and just as heavyhanded, and who have been mobilized into the several extremist organizations that follow the Castro line or the Mao Tse-tung line.

After all, it required only a few tens of thousands of extremist fanatics to make the Bolshevik Revolution.

The advertisement raises another question which I find far more disturbing than any immediate impact it may have on the extremist minority in our midst.

By the mere act of printing this advertisement, the New York Times has granted an important measure of respectability to the Communist tyrant who was primarily responsible for the invasion of South Korea; who ordered the capture of the *Pueblo* and the torture of its crew; and who, most recently, ordered the shooting down of an unarmed American reconnaissance plane almost 100 miles off the coast of Korea.

Moreover, we are still at war with Kim Il Sung's North Korea. Nor is this state of war a mere technicality. Having been thrown back in his attempt to conquer South Korea by force of arms, Kim Il Sung has continued his aggression against South Korea and against the United Nations forces by means of terrorism and guerrilla attacks.

Scores of American and Allied soldiers have been killed in these attacks and many hundreds more have been wounded. In addition, hundreds of South Korean civilians have been killed by terrorist infiltrators dispatched to South Korea by Kim Il Sung.

The New York Times owes an explanation to the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the advertisement from the New York Times.

I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article entitled "Tokyo Publisher Aims To Sell Book on Kim Il Sung Worldwide," published in the New York Times of October 30.

While the story did have some critical comments about Kim Il Sung, on the whole the publisher could only have welcomed it as publicity. As any American publisher can confirm, the worst thing that can happen to a book is to be ignored by the press; in terms of sales impact, any article, especially any article of generous size, is something to be welcomed, even if the comments are not altogether laudatory.

Since the rest of the American press, so far as I have been able to determine, has ignored the Kim Il Sung biography, the question naturally arises whether the 15 column-inch article in the New York Times was a part of a package deal with the publisher in return for a $7,000 advertisement.

The New York Times article, after discussing the cult of hero worship, concluded with a sentence that will certainly be in the running for the understatement of the year.

> Western sources—

Said the Times correspondent—

> believe some of the adulatory anecdotes in the book are of doubtful veracity.

Perhaps most interesting, however, is the fact that the article substantially confirms that the book itself and the New York Times advertisement are part of the Communist propaganda operation. Reporting on his interview with the publisher, the Times correspondent said:

> He readily conceded that normally his company . . . would not place such expensive advertising abroad. In this case the General Federation of Korean Residents in Japan, a group loyal to North Korea, bought up the first printing and promised the company a sale of at least 30,000 copies.

There being no objection, the advertisement and article were ordered to be printed in the RECORD, as follows:

[Advertisement From the New York Times, Oct. 27, 1969]

KOREA HAS PRODUCED THE HERO OF 20TH CENTURY: KIM IL SUNG—BIOGRAPHY (I)

At last! The long-awaited Biography of Kim Il Sung—Vol. I.

To the people who want to understand the great *Juche* ideas of General Kim Il Sung, the Hero of the 20th century that Korea has produced, together with his brilliant history of revolutionary struggles and exploits, his outstanding leadership and lofty virtues, this biography is an essential book. This is a most important book for those who are interested in the history of modern Korea.

This biography is a history of General Kim Il Sung's ardent love for the people over 40 years; it is a great moving epic about Hero General Kim Il Sung who led to victory the national liberation struggle, unexampled in the history of the world: it is a record of victories and glories in the modern revolutionary movement of Korea.

Vol. I of Biography of Kim Il Sung, on the basis of ample materials, vividly reproduces General Kim Il Sung's great history of glorious revolutionary struggles fraught with difficulties and ordeals, from his birth, early revolutionary struggles, 15-year-long anti-Japanese armed struggle, to the consequent liberation of the fatherland. On reading this biography, our readers will readily and clearly understand the road of revolutionary struggles followed by General Kim Il Sung and will have a bird's-eye view of the Korean people's struggle for the freedom and independence of their fatherland.

This is a complete English translation of the original Korean edition of "General Kim Il Sung, the Sun of the Nation," Vol. I, published in the Democratic People's Republic of Korea.

General Kim Il Sung has consistently led the Korean revolution to victory, taking upon himself the destiny of the fatherland and nation, for more than 40 years since he, born into a revolutionary family, took the road of revolutionary struggle in his early years.

The history of revolutionary struggles of General Kim Il Sung itself is the history of the struggle of the Korean people for freedom and independence.

Size: 14.5cm×21cm(A5) 618 Pages.

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Date of Publication: February 1970.

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Date of Publication: April 1970.

Published by Miraisha Co., Ltd., 7–2, 3-chome Koishikawa, Bunkyo-ku, Tokyo, Japan.

[From the New York Times, Oct. 30, 1969]

TOKYO PUBLISHER AIMS TO SELL BOOK ON KIM IL SUNG WORLDWIDE

(By Takasiti Oka)

TOKYO, October 29.—In a tiny upstairs study crammed with books, a young Japanese editor offered tea to a visitor and talked of plans to make a worldwide best-seller out of a biography of Marshal Kim Il Sung, North Korea's ruler.

The biography, by Paik Bong, is not new, said Shoji Matsumoto, chief editor of Miraisha, which has just published the first volume of a three-volume English translation. What is new are the Japanese and English translations.

What is also new, analysts of Communist affairs here say, is a worldwide campaign to sell the biography and to popularize Marshal Kim as a Communist hero.

In North Korea he is the subject of a "personality cult" rivaling that of Chairman Mao Tse-tung in China. The stocky 58-year-old marshal, who was installed in power by the Russians at the close of World War II, is always referred to with such appellations as the "respected and beloved leader."

RULES WITH IRON HAND

In fact, Marshal Kim rules with an iron hand and has periodically purged high-ranking members of his Government to tighten his personal authority. In the last few years his regime has heightened its military pressure on South Korea and created crises for the United States by its seizure of the intelligence ship Pueblo in January, 1967; the shooting down of an unarmed EC–121 reconnaissance aircraft last April and the holding of three wounded men who were shot down Aug. 17 in a helicopter that strayed across the demilitarized zone.

United States military men in South Korea characterize him as unpredictable and some have even called him a madman.

Last Monday a full-page advertisement costing $6,720 and publicizing the book appeared in The New York Times. Mr. Matsumoto said Miraisha intended to place a similar advertisement in The Times of London and to publicize the book in other Western countries.

The advertisements, as well as arrangements for distributing the biography abroad, are being handled through regular commercial channels, Mr. Matsumoto said.

BIG SALE IS PROMISED

He readily conceded that normally his company, a small but reputable publisher of works mostly in the social sciences, would not place such expensive advertising abroad. In this case the General Federation of Korean Residents in Japan, a group loyal to North Korea, bought up the first printing and promised the company a sale of at least 30,000 copies.

Since North Korea has no official relations with Japan, the federation is its semiofficial representative here. Police authorities estimate that of 600,000 Koreans residents in Japan, 220,000 to 230,000 are loyal to the North.

The book sells for $6 plus postage abroad or for 1,500 yen ($420) in Japan, Mr. Matsumoto said. Miraisha will pay a 10 per cent royalty on sales to the owner of the copyright, the Committee for the Translation of the Biography of Marshal Kim Il Sung, which is affiliated with the federation.

Western sources believe some of the adulatory anecdotes in the books are of doubtful veracity.

PROMISES TO KEEP

Mr. HART. Mr. President, last year, when Congress established the neighborhood development program in the 1968 Housing Act, we renewed a commitment to help our cities stop the plunge into decay and begin the journey back to sound health.

NDP was designed to "facilitate more rapid rehabilitation and redevelopment of blighted areas on an effective scale."

The quotation is from a compilation of the Housing and Urban Development Act of 1968 prepared by the House Committee on Banking and Currency.

Evidently officials of countless cities believe Congress meant what it said.

The Department of Housing and Urban Development has approved 35 NDP applications and has 287 pending or under active preparation.

According to HUD, $692 million will be needed in new urban renewal funds to meet those applications.

Also, HUD reports the pipeline of pending applications for regular urban renewal funds totals about $1.4 billion.

That means the Department of Housing and Urban Development needs more than $2 billion to meet applications on hand, not counting applications which will be submitted during the course of year.

Congress is authorized to make available as much as $1,587,000,000, including a special authorization for model cities.

The urban renewal appropriation situation is this:

Congress has approved $750 million in advanced funding for the current fiscal year.

The past and present administrations both asked for $250 million in new money, which would give HUD $1 billion.

The House approved only $100 million, cutting back the total to $850 million. The Senate Appropriations Committee has not yet marked up the bill.

If Congress appropriates less than the full authorization, and the administration spends less than is appropriated, we can add urban renewal and NDP to the long list of promises that the Federal Government makes but never fulfills.

Unfortunately, even the full $1.5 billion is less than we need, for as noted previously, Secretary Romney says he has applications in excess of $2 billion in urban renewal funds—applications that I am sure he would be happy to fill if he possibly could.

In light of the demand, and in view of the growing complaints—many of which are justified—that Government refuses to put its money where its promises are, I would hope the administration might get behind an effort to secure Senate approval of the full $1.5 billion for urban renewal programs.

Even if the administration does not lend its support to such an effort, I will back the Senate Appropriations Committee if it recommends full funding or, if it recommends less. I will attempt to have the difference added on the floor.

Mr. President, to cut funds for our deteriorating cities to accommodate an across-the-board budget cutting is an insensitive refusal to establish spending priorities.

Urban decay does not slow down to accommodate budget reductions. As a matter of fact, the longer we wait to eradicate that decay, the faster it spreads.

Equally important, at a time when many people are questioning the value of Government's commitment to solve domestic problems, we have promises to keep lest we further undermine confidence in Government's willingness and ability to act.

People have a right to expect that when Congress, with considerable publicity, authorizes a program of so many millions or billions of dollars that the funds will be forthcoming. Too often the funds are not, either because Congress does not appropriate them or administrations refuse to spend them.

If indeed rising prices demand that we cut Federal spending, let us establish priorities which do not place the burden of the cut on those least able to pay.

And consider this cruel irony.

In order to make urban renewal a more effective weapon in the fight to restore our cities, Congress establishes the neighborhood development program.

City officials, on their own initiative and sometimes at the urging of Washington, switch applications from the regular urban renewal program. The flexibility of NDP attracts additional applications, which are in part responsible for the backlog of unfunded applications.

One year later, with only 35 applications approved, 287 pending and countless more on the drawing boards across the Nation, the Federal Government, instead of embracing and supporting its own successful creation, is moving to undercut the very flexibility which makes the program so attractive.

Congress can undercut that flexibility by appropriating less than is authorized to support the program.

The administration can undercut that flexibility by spending less than what may be appropriated and by establishing inappropriate guidelines.

For some months city officials have been reporting rumors that HUD was considering this set or that set of guidelines which would seriously restrict the size of projects qualifying for NDP funds.

These city officials are disturbed—disturbed enough to come to Washington last week to present their case to Congress in person.

So the situation is this.

Congress has approved a flexible program for urban renewal, cities have been encouraged to avail themselves of the program, but now in midstream everything has stopped while the department reexamines its guidelines. The cities are worried that changes in regulations may force them to start anew.

Hopefully the decision will be announced soon. There is already enough uncertainty in the Nation's cities without the Federal Government generating more. It is hoped that the guidelines will not destroy the effectiveness of NDP.

Also, it is hoped that Congress will help remove some of the uncertainty by appropriating what it authorized for urban renewal. We, too, have promises to keep.

Mr. President, to better assess the effects of slowdowns or cutbacks in urban renewal programs, several weeks ago I wrote to each Michigan political subdivision which was involved in an urban renewal program or had applied for one.

Nineteen answers have been received, and I think they are informative. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the answers were ordered to be printed in the RECORD, as follows:

CITY OF ALBION, STATE OF MICHIGAN,
October 17, 1969.

HON. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Albion Urban Renewal Project, Michigan R-85, is authorized through March, 1970, with a gross project cost of $1,772,759.

We will not have the project completed by this time, and are in the process of preparing a request for an extension. Additional funds will also be needed due to the extended time and due to the inflation of costs.

Furthermore, the benefits of the re-development under this project would be greatly enhanced if we could expand the program to acquire the Gale Manufacturing Company foundry property adjoining the project area, since the foundry operation has been abandoned.

Significant accomplishments have been realized under our Urban Renewal program. Additional funds will be needed in 1970 to finish what we have started and to get the benefits from money already spent.

Your very truly,
VICTOR S. BURSTEIN,
Mayor.

CITY OF ANN ARBOR, MICH.,
October 23, 1969.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR PHIL: In response to your letters of October 9 and 13, I would like to report that the City of Ann Arbor strongly endorses your position of support for full funding of model cities and urban renewal, especially the Neighborhood Development Program.

Ann Arbor currently is in the execution phase of a model cities planning grant, with submission of the plan for action phases due in April of 1970. Any cut back or slow down of funding for model cities would open questions of whether or not Ann Arbor would be able to effectively implement its model cities action program once it is determined. The impact on the residents of the model neighborhood would be one of disillusionment and an image of bad faith by the Federal government and the city if expectations for action on neighborhood problems and needs were stopped because of a lack of funds.

Also, in June of this year, Ann Arbor completed the annexation of a 91 acre parcel of land which has about 75 families living in the area. The neighborhood is without water and sewer facilities, improved roads and many other public amenities. Extensive rehabilitation work is needed on many of the dwelling units and a plan is needed to guide the full development of the area.

The City of Ann Arbor cannot finance all of the needed improvements, nor can the residents bear the burden of being assessed for the many public improvements and the cost of bringing their houses up to code. Having explored possible Federal programs for the area with the Chicago office of HUD, we were advised that the neighborhood development program was the only program really suited to the specific needs in question.

Having communicated the alternative approaches to the residents of the area, they endorsed the plan to seek a Neighborhood Development Program and voiced their willingness to work with the City in developing the application. Word of possible lack of funds or even elimination of the NDP Program came just after the decision was made to apply for such a grant. The only program offering speedy action on the area's problems may now be cut from under us before the application can even be made.

Great delays in beginning programs in the annexed area intensify the potential for serious health and safety problems due to a lack of adequate water and sewer facilities. Having committed itself to early action if the area was annexed, the City is put into an embarrassing situation if it is unable to deliver a good program.

Ann Arbor intends to go ahead and prepare an application for a Neighborhood Development Program on the assumption that adequate funding will allow for approval and implementation of the program here.

We urge you and your colleagues in the Senate to make every effort possible to achieve full funding of model cities and urban renewal. If we may be of any further assistance to your efforts, we would be pleased to respond.

Sincerely yours,

ROBERT J. HARRIS,
Mayor.

DETROIT, MICH.

Hon. PHILIP A. HART,
Senate office Building,
Washington, D.C.

DEAR SENATOR HART: Along with mayors of cities across the Nation, I am deeply concerned about the outlook for financing the immense needs of urban renewal in our communities. A total of $1.587 billion as already been authorized for fiscal year 1970. However, the administration has asked that only $1 billion be appropriated and the House of Representatives has cut that request to $850 million. The Senate has not yet acted on the request but the bill will soon be on the floor.

The Neighborhood Development Program and conventional urban renewal programs are now starved for funding. The Bureau of the Budget has reportedly told the Department of Housing and Urban Development that during fiscal 1970 it may only spend $150 million for new NDPs and $175 million for the 35 cities with approved NDPs. These amounts are grossly inadequate when compared to the already existing demand for $1.2 billion. Pending applications for non-NDP urban renewal presently total an additional $1.4 billion. Clearly, appropriation of the full authorization of urban funds is essential if meaningful progress is to be made in chartering our urban renewal activities.

Detroit has been working for almost a year on the preparation of an application for a Neighborhood Development Program. Citizen involvement has been at a very high level throughout the preparation, and the negative effects of failing to have a Neighborhood Development Program after such involvement by the residents of the proposed 34.5 square mile area would be a most serious blow to the relationship between government and the citizenry. This is particularly true in that portion of the proposed NDP area which is co-terminus with Detroit's Model Neighborhood, the residents of which have been favorably anticipating the benefits to be gained through the NDP in addition to the model neighborhood activities.

Because of the serious nature of the situation, I respectfully urge you to contact Senator Pastore of the Independent Offices Subcommittee of the Senate Appropriations Committee to solicit his support for full funding of urban renewal activities.

JEROMÉ P. CAVANAUGH,
Mayor, City of Detroit.

CITY OF GRAND RAPIDS, MICH.,
October 17, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: In response to your letter of October 9, 1969 regarding pending appropriation bills for the urban renewal and model cities programs, we are able to make the following report on the status of local projects.

Besides two urban renewal projects in execution, Grand Rapids has three others in planning for which planning grants totaling $107,000 have been received and capital grants of $5.9 million have been established. Two of the three projects are located in the inner-city and are scheduled for low income family housing re-use. A cut-back in these programs would cause us to fall behind even further in meeting inner-city housing needs.

The local model cities program is in the planning stage under a $161,000 grant and the first year action program should be completed by Spring. Programs will more than likely be developed within the context of funding policies of the past two years. Consequently, reductions in model cities funding in fiscal year 1971 would decrease the financial resources for implementation originally anticipated by the inner-city community and would undoubtedly impair our ability to respond effectively to physical and social problems now being analyzed.

Please let us know if you need additional information or clarification on these matters.

Sincerely,

C. H. SONNEVELDT,
Mayor.

CITY OF GRAND RAPIDS, MICH.,
October 20, 1969.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I have been advised that the Congress has failed to appropriate the approximately $1.6 billion authorized for urban renewal for the fiscal year 1970.

Further, I have been advised that a bill will be coming before the Senate by the end of this week in regard to the appropriations for urban renewal. We in Grand Rapids urge that Congress appropriate the full $1.6 billion for urban renewal, to enable the funding of two urban renewal projects in Grand Rapids which we proposed to submit within the next year. Both of these applications involve projects within the inner city and affect low- and moderate-income families.

The magnitude of the need for urban renewal in Grand Rapids is such that we are constantly losing the battle to eliminate slums and blight. More blighted areas occur than we can eliminate each year under the limited funds available. We currently have approximately 3,100 acres of blighted property within the City of Grand Rapids, and our estimates are that we would require $27,000 per acre in Federal funds for a total of $84,000,000 in Federal funds to eliminate the blight in our Model Cities area.

It is pointed out that this is just for one city of 225,000 persons. Further, our blight is not as severe as in many other older cities. If we are to make any progress in alleviating this problem of blight, it is essential that urban renewal be funded at the highest level possible.

I urge your support in securing the appropriation of the full $1.6 billion available for urban renewal.

Sincerely,

C. H. SONNEVELDT,
Mayor.

CITY OF LINCOLN PARK,
Lincoln Park, Mich., October 24, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR PHIL: In reply to your letter of October 9, relative to full funding by Congress of urban renewal programs, I wish to advise as follows.

On April 17. 1967 the City of Lincoln Park submitted a Survey and Planning Application for our fourth project, the North Fort Urban Renewal Project, No. Mich. R–173. We subsequently advised that this project met all the Federal guidelines, was approved at the Chicago office of HUD, Region IV, and sent to the Central Office in Washington for final approval. Since that time, our Urban Renewal Director has been advised on several occasions that inadequate funding of urban renewal programs is the only reason for the delay in the approval of this project.

Since submission of this Application, the City of Lincoln Park has satisfactorily completed and closed out its first Urban Renewal Project, No. Mich. R–47.

All project activities have been substantially completed for our second project, No. Mich. R–84, and HUD is presently requesting that final action be taken relative to the close-out of this project.

Our third project, No. Mich. R–102 has gone into execution less than a year and a half ago. Since that time approximately 90% of all properties have been acquired in this project, and all other activities are proceeding ahead of schedule.

In addition, on March 8, 1968 the City submitted an Application for Federal Assistance for a Code Enforcement Project, No. E–7, covering two areas of the City. We have also been advised that this project substantially meets all Federal criteria, but has not been approved due to inadequate funding.

In view of the generally slow pace of urban renewal activities throughout the country, I am certain that you can recognize the fine progress that the City of Lincoln Park has made in its urban renewal program. In the event that the pending Application for Survey and Planning Funds for Project Mich. R–173 and/or the Application for Federally-Assisted Code Enforcement Project E–7 are not approved shortly, it may be necessary to institute certain staff reductions of well trained personnel.

In view of the foregoing, it is inconceivable that the City of Lincoln Park's urban renewal efforts be substantially curtailed as a penalty for outstanding progress and efficiency.

Your efforts in obtaining full funding for urban renewal and approval of the above projects would be greatly appreciated.

My very best wishes,

Sincerely yours,

ROBERT A. DEMARS,
Mayor.

LINCOLN PARK, MICH.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.:

The mayor and council city of Lincoln Park strongly urge passage of full 1.6 billion dollars urban renewal funds.

WILLIAM G. SUZORE,
City Clerk.

CITY OF MUSKEGON, MICH.,
October 21, 1969.

Senator PHILIP A. HART,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I have received your letter of October 9, 1969 regarding funds for urban renewal and related programs. I appreciate your continued interest in helping us with our local programs, and once again, emphasize the critical necessity of appropriating the nearly 1.6 billion dollars authorized by Congress for urban renewal, and commend you for your current efforts towards realizing this appropriation. In order to provide requested background information pertaining to the status of HUD programs in the city, I am enclosing a document entitled *Muskegon, Michigan Community Improvement Program* which is in revised copy of a report under the same title given you earlier this year, and dated February 8, 1969.

In reviewing the little progress that has taken place since last February I believe you will be able to appreciate the frustration faced by municipal people in communities like Muskegon, where despite full efforts, we watch daily the situation grow worse, a determination due almost entirely to the effects of present cutbacks and slowdowns in the implementation of the housing and renewal program. To further cut the completely inadequate level of funding now authorized by Congress would be most damaging and irresponsible. It will mean, in Muskegon, that many homes that could be saved today through a rehabilitation program will at some future date become the cause of a complete clearance program. It will also mean that actually hudnreds of Muskegon families will continue to live in substandard and unfit housing for a number of years to come.

Our planning has been sound. We know what our problems are, and how to attack them. Those local programs that have been funded (with your help) are proving meaningful in their sector of the attack front facing our urban problems, yet none will be truly effective unless we can launch the attack in all segments.

Your continued support of community assistance programs will hasten our day of victory.

Sincerely,

WALTER M. BROOKS,
Mayor.

MUSKEGON, MICH., COMMUNITY IMPROVEMENT PROGRAM

We have worked at our Community Improvement Program for a decade.

Workable Program certified since 1958.

Marquette Renewal (Mich. R-5) execution began in 1960.

Housing Condition Survey 1964.

Neighborhood Analysis 1965.

Community Improvement Program 1966 (basis for urban renewal planning, Model Neighborhood and Neighborhood Development Program).

Downtown Renewal Planning (Mich. R-134) 1965.

Housing Commission established 1965.

Application for Survey and Planning funds Froebel (Mich. R-188) 1967.

Model Neighborhood Application 1967 and 1968.

Reservation for 200 public housing units Project Mich. 66-3 1967.

Plans for Downtown revised at request of Regional Office to meet new Federal Guidelines, March 8, 1968.

Submission of Part I Application for Downtown Mich. R-134, May 1968.

Submission of development program for 25 units rehab Mich. 66-1 Aug. 1968.

Referendum affirmation of City Commission adoption of Downtown Renewal Plan Dec. 1968.

Submission of Part II Mich. R-134 Dec. 1968.

Preparation of N.D.P. application Feb. 1969.

Submission of N.D.P. application March 1969.

Part II Mich. R-134 Regional review completed, sent to Washington April 1969.

N.D.P. assigned project number Mich. A-7 April 1969.

25 units rehab HAA Project No. 66-1 approved April 1969.

Submission of application for 200 Housing Commission units of elderly Mich. 66-4 May 1969.

Submission of Turnkey developer 100 Housing Commission units, family Mich. 66-2 May 1969.

Workable Program recertified June 20, 1969.

THE RESULTS OF A DECADE OF WORK

Marquette Neighborhood Development Project (Mich. R-5).

A. Early years project moved slowly due to inadequate local politcial support.

B. Today considered a success:

(1) 300 substandard structures removed—100% relocation success.

(2) 300 homes rehabilitated to standard.

(3) Area today pays more taxes than before renewal.

(4) Neighborhood changed from worst in city to best.

(5) Neighborhood being successfully integrated.

(6) Project resulting in a substantial increase in moderate income housing for the community (170 units 221(d)(3) below market interest financing for remaining 70 units in package in question).

C. Road block to project completion—sale of project land:

(1) 400 single-family lots to be disposed of at a project area market absorption rate of 25 units per year (based on middle income market if financing available)

(2) Absorption rate negatively effected by:

(a) Price competition of privately owned lots in neighborhood.

(b) Integration of neighborhood.

(c) Lack of funds for promised special assistance under the FHA Section 220 program.

(3) Horrendous interest cost faced by the city and the Federal government may be saved by:

(a) being able to provide subsidized low and moderate income housing (our requisition for Section 235 assistance payments for 50 units has been denied) to move into an untouched market.

(b) to convert the project to an N.D.P., settle up on work completed and accordingly reduce project loans.

Downtown Redevelopment Project (Mich. R-134):

A. Planning was slowed considerably due to changes in Federal policy (i.e., national goals) resulting in plan changes.

B. Downtown Redevelopment requires priority consideration and expeditious processing of Part II of the Application for Loan and Grant because.

(1) Importance to the economic future of the Muskegon area:

(a) Economic boost resulting from the physical reconstruction of the area.

(b) The stabilization of the city's Central Business District and the resulting increase in job opportunity and security.

(c) Basic improvement of the city's image affecting the area's ability to attract new business and industry.

(d) Timing now is right for private enterprise—delay could see existing market met elsewhere.

(e) A voter mandate to move the project forward (44% turnout—2 to 1 victory margin for renewal).

Model Neighborhood Program:

A. Application made in 1967 and 1968.

B. Muskegon and Muskegon Heights: only two Michigan cities applying for program not funded.

C. Muskegon program unique in its human, environmental and physical development strategy linkage to the known and foreseeable economic development potential of the area.

D. Have attempted to move ahead on program despite lack of funding:

(1) Froebel Renewal application Mich. R-188 (part of Model Neighborhood and N.D.P. area).

(2) City-Muskegon Area Development Council Housing Program ($140,000 revolving fund to provide seed money for rehabilitation housing).

(3) Training program for rehabilitation helpers.

(4) The development of a private-public sector economic development strategy.

(5) Neighborhood Development Project application (same area as Model Neighborhood area).

(6) The development of an overall housing strategy to substantially increase the supply of low and moderate income housing in the next four years—approximately 1400 units are planned to be developed in a joint public-private effort.

E. Program activities stalled due to lack of funds:

(1) Froebel Renewal.

(2) N.D.P.

(3) Housing subsidies and housing assistance staff.

(4) Basic planning for human resource development programs to meet the demands of new technology mixes in business and industry.

(5) Development of a new educational strategy emerging from Model Neighborhood plan.

(6) Development of a Neighborhood Development Plan based upon individual family plans including continuing caseload inventories and use of "PERT" programming.

WE HAVE HAD HELP

A. Loan and Grant assistance in carrying out the Marquette Neighborhood Project (Mich. R-5);

B. Advance of Planning Funds for the Downtown Project (Mich. R-134);

C. Housing assistance;

D. Over the years we have had excellent cooperation from the administrative and field personnel of the Chicago Housing and Urban Development Regional Office; and

E. Outstanding support and technical assistance from the Grand Rapids Federal Housing Administration insuring office.

WHAT WE NEED TO MOVE AHEAD

A. Approval of Part II of Application for Loan and Grant for Muskegon's Downtown Renewal Program (Mich. R-134) (1).

B. Expeditious processing and approval of Neighborhood Development Program application submitted on March 4, 1969, or if this is not possible.

C. Approval of the Survey and Planning application for the Froebel Neighborhood (Mich. R-188).

D. Approval of Muskegon's Second Round Model Neighborhood Application, or if this is not possible.

E. The provision of staff assistance to assist in the fuller utilization of on-going Federal aid programs in solving the human and physical problems documented in our Model Neighborhood Application.

Muskegon Department of Housing and Urban Renewal.

February 8, 1969.

1st Revision May 2, 1969.

2nd Revision June 23, 1969.

3rd Revision October 20, 1969.

(1) Part II approved late summer '69, City has executed Loan and Grant Contract on its behalf. Still awaiting execution of contract by U.S. Government.

CITY OF SAGINAW, MICH.,
Saginaw, Mich., October 15, 1969.
Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: In response to your letter of October 9, 1969, I am outlining below the status of urban renewal and code enforcement programs in the City of Saginaw, together with our opinion as to the effect any cutback or slow-down would have on the individual projects.

I. EDDY URBAN RENEWAL PROJECT NO. 1—MICH. R–13

This project is scheduled to be completed December 31, 1969. All expenditures on this project have been made so this should be relatively unaffected by any cutback in urban renewal funds.

II. EDDY URBAN RENEWAL PROJECT NO. 2—MICH. R–67

This project is nearing completion. All land has been acquired and most improvements have been installed. Land disposition is the major activity in this area at the present time. However, due to rising costs on some of the uncompleted public improvements, there is a good possibility that an amendatory application for additional grant funds might have to be submitted to complete this project. Any curtailment of federal funds available for amendatories, therefore, would jeopardise the completion of this project.

III. EDDY URBAN RENEWAL PROJECT NO. 3—MICH. R–197

The City of Saginaw has recently submitted a Survey and Planning Application requesting $186,486 in planning funds to carry out the last project of the Eddy General Neighborhood Renewal Area. This application asks for a reservation of $1,082,839 in capital grant funds. Any cutback or slowdown in urban renewal funds would very seriously hamper our efforts in this project. This is a small project which would complete the renewal of the entire Eddy area; and it is very important to the establishment of a completely renewed neighborhood. Any slowdown in this area might have adverse effect on the remaining Eddy area, which has been completely rebuilt.

IV. SALINA URBAN RENEWAL PROJECT NO. 1—MICH. R–103

The City of Saginaw has recently entered into a Loan and Grant Contract with the Federal Government for the carrying out of this project. At the present time we are in the midst of land acquisition and relocation, and it appears our existing funds will be sufficient to carry out the successful completion of the project. However, with rising costs of public improvements there exists the possibility that in future years an amendatory application for additional grant funds may be needed. If these funds were not available it would certainly slow down progress on this project.

V. CENTRAL BUSINESS DISTRICT PROJECT NO. 1—MICH. R–131

The City has recently completed a Part I Application for Loan and Grant on this project and submitted it to the Regional Office for approval. The capital grant reservation for this project was $3,384,000 when the Survey and Planning Application was submitted in 1964.

During the planning of this project it was evident that this estimate was low due to incomplete plans on which to make an estimate and increased costs. Our Part I Application requests a capital grant in the amount of $8,449,900. This is an increase of $5,015,900 over our regional request. If funds are not made available for increases in capital grant funds for projects in planning, then this would very seriously hinder our efforts at downtown renewal. This is perhaps the most important project to the entire City of Saginaw at this time since the whole redevelopment of our core area depends upon initial federal assistance to get it started. As you know, these projects can be very expensive and are sometimes subject to major changes during planning and execution. In order to carry these projects to their logical conclusion it is important that a steady source of capital grant funds be made available and that increases in existing reservations be anticipated so that execution may not falter half-way through the program. New legislation for additional capital grant funds are very important to this project.

VI. CODE ENFORCEMENT PROJECT—MICH. E–3

The City of Saginaw is in the final stages of completing a very successful code enforcement project; however, because of increased standards for sidewalk repair we had to make an amendatory application for $200,000 additional money for sidewalk repair alone. This program has been approved by the Regional Office and has been awaiting final approval in Washington for almost two months. Part of the problem here, I believe, is the availability of additional funds; and it is apparent that the slow-down has already caught up with this project and that we have been forced to extend the project an additional year.

Along this same line, we have recently submitted an application to the Federal Government for extending these code enforcement projects. This application has been returned to us under the guise of eligibility of the project areas. However, these areas are not that much different from the original code enforcement areas and we have strong reason to believe that lack of capital grant monies to finance new code enforcement projects may be the reason behind this. Thus we feel that additional monies for urban renewal would relieve the objections to this project and get it into execution.

VII. A NEIGHBORHOOD DEVELOPMENT PROGRAM

The City of Saginaw did not submit an application for a Neighborhood Development Program because of the requirements of the Regional Office that we convert certain existing projects to Neighborhood Development Programs before any new areas could be considered by the City. We thought this action was arbitrary; however, we did start an application shortly before the funds for this program were cut off. Now that funds for this program are depleted, we cannot make any applications for new projects. We do, however, feel that the Neighborhood Development Program is very good in theory and would help us considerably in starting new projects in the Salina area and also in the downtown area, which now must wait years before progress can begin. We would very strongly urge that additional funds be made for this program in order to speed up the renewal process in the City of Saginaw.

Your help in achieving additional funds for urban renewal programs would be greatly appreciated.

Sincerely yours,
E. H. POTTHOFF, Jr.,
City Manager.

CITY OF ST. CLAIR SHORES,
October 20, 1969.
Senator PHILIP A. HART,
Washington, D.C.

DEAR SENATOR HART: This letter is in response to your letter of October 9, 1969 regarding the appropriation of funds for urban renewal and other programs by the Senate Appropriations Committee.

The following represents the status of our urban renewal program:

(1) Project No. Mich. R–24 (Residential)—Completed, 1968.

(2) Project No. Mich. R–69 (Industrial)—Completed, 1968.

(3) Project No. Mich. R–122 (Residential)—To be completed by July, 1970.

(4) Proposed Nine Mile-Mack Redevelopment Project (Commercial)—Survey and Planning Stage.

The proposed Nine Mile-Mack Redevelopment Project encompasses approximately 29 acres of predominantly commercial land. Gross Project Costs for said project total $5,200,000 with an anticipated federal grant of $2,900,000.

A Survey and Planning Application was submitted to the Chicago Regional Office for approval and processing was discontinued until a later date because of priority considerations. The obvious effect of any cut back of urban renewal funds will delay if not discontinue further redevelopment efforts in the Nine Mile Mack area by the City and private concerns. The area will ultimately continue to deteriorate.

Speaking for the city officials of St. Clair Shores we thank you for your concern and sincere efforts in trying to obtain the necessary monies needed for the rebuilding of our cities.

Very truly yours,
HAROLD F. SWARTZENBERG,
Urban Renewal Director.

FERNDALE, MICH.
Senator PHILIP HART,
Washington, D.C.:

Ferndale Michigan City Commission urges you to support full appropriation of the authorized 1.6 billion dollars for urban renewal and to convey support to Appropriations Committee. Commission believes full appropriation critical necessity.

RICHARD L. FOSMOEN,
Urban Renewal Director.

BAY CITY, MICH.
Senator PHILIP HART,
Old Senate Building,
Washington, D.C.:

Bay City Commission solicits your support before the Appropriations Subcommittee and on the Senate floor for an urban renewal appropriation for fiscal 1970 equal to the authorization of 1.587 billion.

W. LARRY COLLINS,
City Manager.

LANSING, MICH.
Hon. PHILIP A. HART,
U.S. Senate,
New Senate Building,
Washington, D.C.:

The following resolution was adopted at the regular meeting of the city council, City of Lansing, Michigan, on Monday, October 20, 1969;

Whereas, through urban renewal the provisions of decent housing for low income families and opportunities for equal employment are basic tools in assisting in solving the problems of the cities, and

Whereas, Congress, through the housing acts of 1937 and 1949 and through subsequent amendments of said acts have broadened the scope of the programs to meet the increased needs of the cities, and

Whereas, through such legislation, Congress has held out high, and promising, but still unfulfilled hopes to the communities, and

Whereas, the city council of the City of Lansing has consistently responded to the needs of this community by providing housing for the low income, and

Whereas, a significant impact on the housing and employment needs of this community can not be met without financial assistance from the Federal Government, and

Whereas, it has become clearly apparent that the current budget appropriations are inadequate to meet the needs of the cities, and

Whereas, the City of Lansing is finding

itself completely frustrated in its attempt to receive approval of the most recent NDP application for what is termed a lack of funding, resulting in a projected loss to the City of Lansing of 2,200 positions of employment, and land availability for approximately 600 units for the low and moderate income and

Now, therefore, be it resolved that the city council of the City of Lansing joins with the National Association of Housing and Development Officials, the National League of Cities, and the U.S. Conference of Mayors in calling for an immediate maximum funding in the amount of $1.6 billion for renewal programs, and

Be it further resolved, that a copy of this resolution will be sent to Senator Philip A. Hart, Senator Robert P. Griffin, Congressman Charles E. Chamberlain, Senator Richard B. Russell, Chairman, Senate Appropriations Committee, and to Thomas J. Scott, chief clerk of that important committee.

GERALD W. GRAVES,
Mayor.

CITY OF ROGERS CITY, MICH.,
October 16, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR HART: In answer to your letter concerning Rogers City's status in their Central Business District Renewal Project, the Survey and Planning phase has been completed and we are awaiting approval of the Part II of the Application for Loan and Grant. We have a grant reservation in the amount of $853,835.

Our Plan for renewal of Rogers City has been voted on and passed by the people of Rogers City last spring. While it is a small project compared to some, it is of vital importance to the future economy of this city which stands to lose its commercial tax base and future commercial development if the renewal project is not implemented.

With increasing costs of municipal government, if there is a curtailment of the plans we have for this community improvement by insufficient funding to carry out our program, there is little, if any, immediate future hope of easing the economic plight of our community.

Sincerely,

LEWIS KARSTEN,
Mayor.

CENTERLINE, MICH.,
October 16, 1969.

Senator PHILIP S. HART,
U.S. Senate, Committee on Commerce.:

Cutbacks in the Neighborhood Development Program would have an extremely adverse impact on the City of Warren. Our present and proposed NDP projects involve 35,000 residents, 500 businesses and 9,000 dwellings, spread over 1,500 acres of land. It is one of the largest urban uplift efforts in the State.

Of current projects, one is in full execution, another has just received local approval, and planning is well underway on the third. In addition, we have asked HUD for funds to begin planning four more projects.

The basic thrust of our program is to preserve existing housing through Federal grants and loans for housing rehabilitation. The homes can be saved but only if remedial action is taken promptly. To delay the program could doom it.

I admit the need to cut Government spending. But priorities must be maintained. And none is more pressing than the need to preserve an adequate supply of safe and decent housing. To achieve this goal, NDP is, in my view, the best program ever devised. It would be a true tragedy if NDP is crippled and rendered feeble by a "penny wise and pound foolish" Congress. I laud your efforts to continue full funding of NDP and fervently hope that your view shall prevail. If I can be of further help in any way, please don't hesitate to contact me.

Sincerely,

TED BATES,
Mayor.

CITY OF DEARBORN HEIGHTS,
October 13, 1969.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In your letter of October 9th, 1969, you asked for information concerning Dearborn Heights needs for monies in the Urban Renewal Neighborhood Development Program.

The City of Dearborn Heights has two Urban Renewal Projects and at the present time are stymied. One, MICH–R–127 has been in the acquisition stage for some three to four months but because there is an estimated $175,000 deficit in the funding, we have not been given an okay to go ahead, so, not even one parcel of property has been bought as of this date.

The other, MICH–R–126 is currently in Washington to proceed with acquisition, however, it has been there for sometime and I don't know how much longer it will be there.

The net effect of any cutback or slowdown will only create further problems for our city. The Federal Government has already expended a tremendous amount of money in the planning stages and the people have been held up for five or six years concerning the sale of their property and it is my feeling that unless something is done to speed up the appropriations and get approval where we can secure this property, it will be necessary for us to abandon these projects and this would certainly not be in the best interest of the city and would also cost the Federal Government a considerable amount of money.

I hope the above information is what you were wanting. If I can be of further assistance, please let me know.

Very truly yours,

JOHN L. CANFIELD,
Mayor, City of Dearborn Heights.

CITY OF BENTON HARBOR, MICH.
October 23, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The City of Benton Harbor is currently engaged in a large Urban Renewal Project in the core area of the City and is most concerned with its ability to complete this project on a timely basis and also to honor commitments made to expand the project, because of the current economy drive and proposed cut backs in funding for Urban Renewal and Model Cities Programs. Benton Harbor and Benton Township are also, at this time, submitting final plans for a Model Cities Grant.

Your letter of October 9, 1969, increases our concern and we urge that every effort be made to achieve full funding for the Urban Renewal and Model Cities programs in particular. The City of Benton Harbor finds itself in the position of losing a substantial number of citizens to the suburbs as well as its downtown areas experiencing a loss of a considerable number of merchants. We have the hope and expectation that our first Urban Renewal Project can reverse this situation to some degree and will enable us to attack other problems of deterioration in the commercial and residential areas in the coming year. However, the successful completion of this first project will depend upon increased assistance from the Federal Government because of the enormous increases in costs since the project's inception and the delays we are experiencing in the Department of Housing and Urban Development with current applications.

We greatly appreciate your interest in the problems of the urban area and particularly desire your assistance on behalf of the City of Benton Harbor. Thank you in advance for your consideration.

Very truly yours,

WILBERT F. SMITH, *Mayor.*

CITY OF FERNDALE,
Ferndale, Mich., October 20, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Your letter to Mayor Bruce D. Garbutt relative to the level of financing in Urban Renewal and Model Cities Programs has been referred to this office for reply.

The City of Ferndale is presently engaged in an Urban Renewal Program consisting of two stages—Mich. R–125 and Mich. R–171. Mich. R–125 has been fully funded and is in execution. Mich. R–171, which is an integral part of the total renewal program has received a grant reservation, but is not yet in execution.

A more serious financing problem affects our Concentrated Code Enforcement program. At present, the City of Ferndale has such a program in effect in two areas of the City. Our experience indicated that this program has wide spread public support and is doing an excellent job in upgrading neighborhoods through Housing Code requirements. The City Commission has recently authorized the filing of an application for an additional Code Enforcement grant for two more areas of the City. Utilizing the Code Enforcement Program, we are upgrading our City without the problems usually associated with the total clearance approach of Urban Renewal (i.e. lengthy planning periods, relocation, etc.).

I am uncertain as to whether funds for the Concentrated Code Enforcement Program is included in the appropriations bill now before the Senate Appropriations Committee. If so, we would urge the full funding of these programs so that we may continue our efforts in these programs.

We will provide any additional information which you may desire. Thank you for the opportunity to comment on this matter.

Very truly yours,

J. WILLIAM LITTLE,
City Manager.

CITY OF MUSKEGON HEIGHTS, MICH.,
October 13, 1969.

Re Your letter of October 9, 1969.
Senator PHILIP HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: In March 1969, the Department of Housing and Urban Development made a grant reservation of $1,260,000 for use by the City in the "West Heights" project. Thereafter, we immediately commenced planning activities which would have resulted in a redevelopment plan being submitted to HUD in February 1969.

However, in August 1968, HUD instituted the Neighborhood Development Program. They then urged the City to abandon planning for a conventional "West Heights" urban renewal project and switch to the Neighborhood Development Program. We were advised as late as May 1969 that an NDP application would be approved by HUD 90 days after submission whereas the conventional urban renewal plan could take up to two years for approval.

Therefore, after being informed our grant reservation would not be jeopardized, we commenced NDP planning in May 1969 and would have submitted an application to HUD in September 1969. However, in September 1969, HUD stated they would not accept an NDP application; the City should temporarily terminate further NDP planning activities; and severe policy changes would emanate from Washington.

Since then, we have attempted to determine the extent of these new policies, but the Regional Office has indicated they are not yet aware of them and are "anticipating a directive any day." We are three weeks away from completing NDP planning and the application submission but cannot proceed further until advised of these new policies.

As a result, no substantial NDP planning has taken place since early September. Yet this is the program best suited for the Heights because of its speed and flexibility. However, if HUD continues not to apprise us of these "severe policy changes," we will be forced into returning to conventional urban renewal and use our grant reservation.

Regardless of the approach we finally use, an excessive delay has resulted. It looks as though the 140 dilapidated dwellings in this project will still be standing next summer. In addition, the City's creditability is suffering because of the delays. Further extensions of NDP or urban renewal are being looked upon with mistrust by the project residents.

Very truly yours,
KENNETH E. HEINEMAN,
Mayor.

CITY OF PONTIAC, MICH.,
Pontiac, Mich., October 23, 1969.
Senator PHILIP HART,
Old Senate Office Building,
Washington, D.C.

DEAR PHIL: I appreciated the opportunity to meet with you on Tuesday to express my deepest concern over the pending urban renewal appropriations bill before the Senate. The ability of this city to meet its responsibilities of its citizens living in the blighted areas of our community depends primarily upon the federal funds made available for urban renewal and Neighborhood Development Programs.

I, therefore, request your support and leadership in obtaining the maximum financial commitment of the federal government to materially assist in solving the existing problems in our city and those of all the other cities in this country. I am requesting that you use your good offices to secure the full appropriation of $1.587 billion authorized for the year 1970.

The City of Pontiac has prepared a Neighborhood Development Program Application covering two substantial areas of the City. The major activities to be carried out in the Neighborhood Development Program areas is the rehabilitation of existing structures, the clearance of major blighting influences, and the general upgrading of such essential public improvements as streets, schools, parks, and utilities.

The first area has been selected because the Pontiac School District has proposed the development of a Human Resource Center which will soon be under construction. The Human Resource Center is a facility which will soon provide elementary education to approximately 2,000 students, facilities for adult education, and vitally needed health programs. Another important factor in the selection of this area was its proximity to the City's existing urban renewal project.

The Neighborhood Development Program will permit the City to provide needed recreational facilities and adjustments to the road system which are essential to the Human Resource Center. If the Neighborhood Development Program is not federally funded, the Pontiac School District will be obligated to divert already committed funds to provide these recreational and street improvements.

The second area is located in the SW section of the City, and is an area in which Harambee Incorporated, an all black nonprofit housing group, has been active. To date they have prepared a development plan for the area, and with a $1.1 million interest-free loan from General Motors Corporation have purchased land for the ultimate construction of more than 500 dwelling units. This will ultimately result in more than $6,000,000 worth of construction in the area during the next few years. It will be the first major building activity which has occured in this part of Pontiac since 400 units of public housing were constructed in 1952. This type of building activity will do much to generate the latent pride of people living in this area.

For this effort to be fully realized it is mandatory that the City, through the Neighborhood Development Program, remove existing scrap yard operations located adjacent to the vacant sites which have been purchased by Harambee, and to rehabilitate the existing housing in the area along with the upgrading of all public facilities.

The City of Pontiac has advanced its scheduled improvements of Crystal Lake and Clinton River so that the problems of flooding can be corrected including the restoration and conversion of Crystal Lake into a swimming and fishing lake. The City estimates the cost of these projects will be $12,000,000.

The City School District has contracted for architectural plans to construct and rehabilitate a senior high school in Pontiac which will cost approximately $20,000,000.

This neighborhood has been severely affected by heavy through traffic on local streets during shift changes at General Motors, due to the inadequacy and lack of through major streets. It is proposed that major street improvements be made in the City so that the major investments in new housing and those in existing rehabilitated housing can be protected.

It is felt that the program which has been developed as part of the Neighborhood Development Program Application for the City meets the objectives which were established as part of the Neighborhood Development Program concept. It is the only feasible way that major sections of our City can be upgraded to the benefit of all citizens living in these areas.

The laws covering urban renewal in the state of Michigan require that Citizen District Councils be established for the purpose of participating as the planning and execution of urban renewal activities. Because of the current uncertainty of the programs, the City has refrained from establishing such organizations. Thus, we do not have a total plan or budget for these areas. We have been able to develop some tentative cost estimates for the first year activity. The projected cost is approximately $3,750,000.

The guidelines which are now being discussed by HUD, particularly those relating to the $1,000,000 maximum grant per community and to require completion in two years, makes it impossible to attack the problem of these areas on a comprehensive area basis.

The financial commitment which is needed in federal funds to carry out the objectives of our proposed Neighborhood Development Program are substantial. However, the City and the Pontiac School District have projects currently operating which are more than ample to meet the City's local share in relation to our requested federal grants.

I have enclosed for your review and use a map relating the Neighborhood Development Program areas with the major public improvements and private developments which are programmed.

Thank you for your continued interest and support in this city's needs.

Sincerely,
WILLIAM H. TAYLOR, Jr.,
Mayor.

ROMULUS TOWNSHIP, URBAN RENEWAL DEPARTMENT,
Wayne, Mich., October 23, 1969.
Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SIR: In response to your letter of October 9, 1969 requesting information on the status of the Urban Renewal Program in Romulus Township, Michigan I am pleased to submit the following:

On March 15, 1968 approval was received to commence Survey & Planning operations for Wayne-Beverly Project No. 1, Project No. Mich R–187. These planning operations were commenced immediately. By February 1969 the Part I Application for Loan and Grant for Mich R–187 was substantially completed. At that time, after consultation with the Regional Office and with the approval of the Romulus Township Board, it was decided to convert all Urban Renewal activities in Romulus Township to the new Neighborhood Development Program approved by Congress in the 1968 Housing Bill. The NDP Area would include the total GNRP Area Mich R–82 and would allow us to proceed on a much broader scale, than under the original Urban Renewal Program. An additional factor involved was that, because of the studies done under Survey & Planning, it was obvious that the Grant Reservation for the first project would not be sufficient to carry out the provisions of the Plan.

On August 19, 1969 the Romulus Township Board of Trustees passed a Resolution approving the submittal to the HUD Regional Office in Chicago of the Neighborhood Development Program Application. Ten copies of this Application along with supporting documents have been submitted and are now on file in the HUD Regional Office in Chicago.

Not long after that Romulus Township received a letter from HUD explaining that, at the present the Federal Government has placed a freeze on all new NDP programs.

When this situation came to our attention we immediately proceeded to evaluate our position, particularly with the possibility of proceeding immediately with the project under the old Urban Renewal Program. We then contacted the officials of HUD Regional Office in Chicago as to the status of our Grant Reservation. We received assurances from HUD that, upon request, this Grant Reservation would be extended as long as necessary. We immediately dispatched a letter to HUD requesting an extension of time to May 1, 1970. We then instructed our Planning Consultants to prepare the necessary Part I and Part II Applications under the old Urban Renewal Program. Fortunately 90% of the work completed to date under the General Neighborhood Renewal Plan, the Neighborhood Development Program, and the Survey & Planning Program, will be applicable. We have also taken steps to assure that those Non-Cash Grants-In-Aid eligible under the GNRP and projected from the NDP are protected. Although the Township has not suffered any actual dollar loss by this latest Federal maneuver we have again suffered a time delay of about 6 to 8 months, time which we can ill afford.

In addition because of this delay we are unable to take full advantage of our Relocation Program. At the present time ready for occupancy is 101 units of Public Housing, 85 Units of Cooperative Housing and Michigan Consolidated Gas Company has committed to build 210 Units of Moderate Income Rental Townhouses. With all this housing available for relocation we can not enter into our Relocation Program because we do not have an approved program nor can we acquire properties.

It is the opinion of Romulus Township that the Neighborhood Development Program, as originally approved in the 1968 Housing Bill, is the best method yet devised to handle the job of redevelopment and renewal in a community. And you can be assured of our continued cooperation in any efforts to have this vital program totally funded.

We have been in continual contact with Congressman William D. Ford of the 15th Congressional District and his office will be able to supply you with any additional information you may require.

Very truly yours,

GEORGE WILHELMI,
Urban Renewal Director.

CITY OF MADISON HEIGHTS,
Madison Heights, Mich., October 22, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I am writing in response to your letter of October 9, 1969 requesting information on any pending Federal Aid Applications the City might have. As you will recall, I have communicated with you and our other representatives concerning the status of our Andover Conservation Project Application.

The Andover Conservation Project is a rehabilitation program covering an area approximately 15 blocks in the City and affecting 300 families, This program was initially submitted to the Chicago Regional Office of H.U.D. in the Fall of 1967 as a conventional Urban Renewal Program. During the latter months of 1968, the Regional Office personnel encouraged our staff to convert this application to a Neighborhood Development Program. After an expenditure of several thousand dollars and many hours of work on the part of our Planning Staff, a completed application was forwarded to Chicago in May of 1969. Since that time, as you are well aware, the entire N.D.P. concept has been in jeopardy. We have, therefore, expressed our extreme concern regarding our program, as well as the total concept of the N.D.P.

Now it appears that the various rules and restrictions that are being placed on the Neighborhood Development Program by the Administration in Washington will have a detrimental effect on the original N.D.P. Program. In a telephone conversation with Representative William Broomfield's office in Washington, we expressed our strong objection to the rules that the Administration is suggesting. Due to the indecision on the part of the Federal Agency, we are now forced to consider returning to the conventional Urban Renewal Program and handling the entire project in one proposal. This would mean a substantial setback in the amount of real progress that can be made during the first year and one-half of the program. As you know, under a conventional program, the study stage of Survey and Planning takes approximately six to nine months. This means that actual rehabilitation of the neighborhood in question cannot begin until late 1970 or early 1971.

We are now faced with a crucial problem as we have a non-cash credit in this project of in excess of $200,000, which expired on September 21, 1969. It is our contention that we would have been underway with the conventional program if we had not been encouraged by the Regional Office to convert this program to an N.D.P. Project. Our only hope is that the bill pending before Congress, which you forwarded to me, will receive favorable consideration and non-cash credits for projects that have been submitted will be extended to four years.

We are still faced with the problem of approval of our Conventional Program and/or our N.D.P. Application by the Department of Housing and Urban Development as soon as possible. We can only accomplish the objectives of renewing the neighborhood and creating a better environment for the residents of the area through the assistance of the Federal Government. Any help that you can provide in obtaining an early approval of this program will be greatly appreciated. In the event your office has any questions or desires further information, please feel free to contact me at once.

Sincerely,

MONTE R. GERALDS, *Mayor.*

WHO PAYS FOR DEFENSE?

Mr. HATFIELD. Mr. President, we in Congress have been becoming increasingly aware of our responsibilities in the area of foreign affairs, overseas commitments, and military obligations. Congress has been lax in fulfilling its constitutional obligations in this respect and is in the process of serious self-examination: analyzing its duties and prerogatives, and on this basis, examining and effecting national priorities.

In light of this rather new and recent scrutiny within Congress, I commend to the Senate an article entitled "The Price of War," written by Dr. Bruce M. Russett, and published in the October issue of Trans-Action magazine. Dr. Russett provides a unique perspective of the economic relations between military spending and other spending areas within our country. For my own State, Oregon, Dr. Russett's method of analysis helps to explain further the Federal cutbacks in sectors crucial to our social existence: timber, education, public works, recreation, and construction, to name a few.

Mr. President, I ask unanimous consent that the Trans-Action article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRICE OF WAR

(By Dr. Bruce M. Russett)

"Peace" stocks are up; "war" stocks are down; congressmen scrutinize Pentagon expenditures with newly-jaundiced eyes. Any (New Left) schoolboy can rattle off a list of the top ten defense contractors: General Electric, Boeing, General Dynamics, North American Aviation. . . . Scholars and journalists have worked hard lately, and now almost everyone knows who *profits* from defense spending. But who knows who *pays* for it?

Nothing comes free, and national defense is no exception. Yet curiously little attention has been paid to the question of which segments of American society and its economy are disproportionately sacrificed when defense spending rises. Despite some popular opinion to the contrary, our economy is a good deal less than infinitely expansible. Something has to give when military expenditures take larger bites out of the pie. But when this happens, what kinds of public and private expenditures are curtailed or fail to grow at previously established rates? What particular interests or pressure groups show up as relatively strong or relatively weak in maintaining their accustomed standards of living? And which of them are better able to seize the opportunities offered when international conflict cools off for awhile?

The questions, of course, are implicitly political, and they are important. But the answers have to be sought within economic data. What we want, in a sense, is a "cost-benefit" analysis of war or the preparations for war, an analysis that will tell us not only who most profits from war, but who most bears its burden. Apart from the direct costs in taxation and changes in wages and prices, which I will not go into here, there are the equally significant costs in social benefits, in opportunities foregone or opportunities postponed.

What I want to do here is to examine *expenditures*—by categories of the Gross National Product, by their function and by governmental unit—to see what kinds of alternative spending suffer under the impact of heavy military spending. The necessary data are available for the period 1939–1968, and they allow us to see the effects of two earlier wars (World War II and the Korean War) as well as the burdens of the current Vietnam venture.

First, however, an overview of the changing level of defense expenditures may be helpful For 1939, in what was in many ways the last peacetime year this nation experienced, defense expenditures were under $1.3 billion. With the coming of war they rose rapidly to a still unsurpassed peak of $87.4 billion in 1944. The 1968 figure was by contrast around $78.4 billion, reflecting a build-up, for the Vietnam war, from levels of about $50 billion in the first half of this decade. The raw dollar figures, however, are deceptive because they reflect neither inflation nor the steady growth in the economy's productive capacity that makes a constant defense budget, even in price-adjusted dollars, a diminishing burden.

The graph shows the trend of military expenditures as a percentage of Gross National Product over the past thirty years.

We immediately see the great burdens of World War II, followed by a drop to a floor considerably above that of the 1930's. The Cold War and particularly the Korean action produced another upsurge in the early 1950's to a level that, while substantial, was by no means the equal of that in the Second World War. This too trailed downward after the immediate emergency was past, though again it did not retreat to the previous floor. In fact, not since the beginning of the Cold War has the military accounted for noticeably less than 5 percent of this country's G.N.P.; not since Korea has it had as little as 7 percent.

This repeated failure to shrink the military establishment back to its prewar level is a phenomenon of some interest to students of the dynamics of international arms races and/or Parkinson's Law. It shows up even more clearly in the data on military personnel, and goes back almost a century to demonstrate the virtual doubling of the armed forces after every war. From 1871 to 1898 the American armed forces numbered fewer than 50,000; after the Spanish-American War they never again dropped below 100,000. The aftermath of World War I saw a leveling off to about 250,000, but the World War II mobilization left 1,400,000 as the apparent permanent floor. Since the Korean War the United States military establishment has never numbered fewer than about 2,500,000 men. Should the post-Vietnam armed forces and/or defense portion of the G.P.N. prove to be higher than in the early and mid-1960's, that will represent another diversion from private or civil public resources and a major indirect but perhaps very real "cost" of the war.

Returning to the graph, we see the effect of the Vietnam build-up, moving from a recent low of 7.3 percent in 1965 to 9.2 percent in 1968. This last looks modest enough, and is, when compared to the effects of the nation's two previous major wars. At the same time, it also represents a real sacrifice by other portions of the economy. The 1968 G.N.P. of the United States was well in excess of $800 billion; if we were to assume that the current war effort accounts for about 2 percent of that (roughly the difference between the 7.3 percent of 1965 and the 9.2 percent of 1968) the dollar amount is approximately $16 billion. That is in fact too low a figure, since some billions were already being devoted to the war in 1965, and direct estimates of the war's cost are typically about $25 to $30 billion per year. The amounts in question, representing scarce resources which might be put to alternative uses, are not trivial.

I assume that defense spending has to come *at the expense* of something else. In the formal sense of G.N.P. proportions that is surely true, but it is usually true in a more interesting sense as well. Economics is said to be the study of the allocation of scarce resources; and, despite some periods of slack at the beginning of war-time periods (1940–41 and 1950), resources have generally been truly scarce during America's wars. Major civilian expenditures have not only lost ground proportionately (as would nevertheless happen from a military spending program financed entirely out of slack) but they have also failed to grow at their accustomed rates, they have lost ground in constant dollars as a result of inflation, or they have even declined absolutely in current dollars. During World War II, for example, such major categories as personal consumption of durable goods, all fixed investment, federal purchases of non-military goods and services, and state and local expenditures all declined sharply in absolute dollar amounts despite an inflation of nearly 8 percent a year.

Some observers argue that high levels of military spending are introduced to take up the slack and maintain demand in an otherwise depression-prone economy. If this were the case, opportunity costs would be minimal. But there is little evidence for that proposition in the American experience of recent decades. Certainly the Vietnam experience does not support it. I assume, *pace* "Iron Mountain," that with the demonstrable public and private needs of this society, and with modern tools of economic analysis and manipulation, full or near-full employment of resources would be maintained even in the face of major cuts in military spending. Because of the skill with which economic systems are now managed in modern economies, defense expenditures are much more likely to force tradeoffs than they were some thirty years ago. Hence the point of my original question, "Who pays for defense?"

I do not argue that defense expenditures are necessarily without broader social utility. Spending for military research and development produces important (if sometimes overrated) technological spill-overs into the civilian sector. The education, skills and physical conditioning that young men obtain during service in the armed forces are likely to benefit them and their society when they return to civilian life. Nevertheless the achievement of such benefits through spill-overs is rarely the most efficient way to obtain them. While scientific research may be serendipitous, the odds are far better that a new treatment for cancer will come from medical research than from work on missile systems. Therefore we must still consider as real costs the trade-offs that appear when defense cuts deep into the G.N.P., though they are not quite so heavy as a literal interpretation of the dollar amounts would imply.

One must also recognize that some civilian expenditures—for health, for education and for research—have been stimulated by Cold War and ultimately military requirements. Such were various programs of the 1950's, when a greater need was felt for a long-run girding of the loins than for more immediate military capabilities. Still, to concede this is far from undercutting the relevance of the kind of question we shall be asking. If civilian and military expenditures consistently compete for scarce resources, then the one will have a negative effect on the other; if both are driven by the same demands, they will be positively correlated. If they generally compete but are sometimes viewed as complementary, the negative correlation will be fairly low.

An evaluation of the relationship of defense and alternative kinds of spending in this country requires some explicit criteria. There is room for serious argument about what those criteria should be, but I will suggest the following:

1. It is bad to sacrifice future productivity and resources for current preparation for war or war itself; insofar as possible such activities should be financed out of current consumption. Such an assumption might be easily challenged if it were offered as a universal, but for the developed countries of North America and Western Europe in recent years it seems defensible. All of them are now, relative to their own past and to other nations' present, extremely affluent, with a high proportion of their resources flowing into consumption in the private sector. Furthermore, for most of the years 1938–1968, the demands of defense have not been terribly great. Since the end of World War II, none of these countries has had to devote more than about 10 percent of its G.N.P. to military needs, save for the United States during the Korean War when the figure rose to just over 13 percent. It is surely arguable that such needs rarely require substantial mortgaging of a nation's future.

a. By this criterion one would hope to see periodic upswings in defense requirements financed largely out of personal consumption, with capital formation and such social investment in the public sector as health and education being insensitive to military demands.

b. Another aspect of this criterion, however, is that one would also anticipate that in periods of *declining* military needs the released resources would largely be *kept* for investment and education rather than returned to private consumption. In a strong form the criterion calls for a long-term increase in the proportion of G.N.P. devoted to various forms of investment, an increase that would show up on a graph as a fluctuating line made up of a series of upward slopes followed by plateaus, insensitive to rising defense needs but responsive to the opportunities provided by relaxations in the armament pace.

2. Another point of view, partially in conflict with the last comment, would stress the need for a high degree of *insulation from political shocks*. A constant and enlarging commitment to the system's social resources is necessary for the most orderly and efficient growth of the system, avoiding the digestive problems produced by alternate feast and famine. Some spending, on capital expenditures for buildings for instance, may be only temporarily postponed in periods of fiscal stringency, and may bounce back to a higher level when the pressure of defense needs is eased. To that degree the damage would be reduced, but not eliminated. In the first place, school construction that is "merely" postponed four years will come in time to help some students, but for four years a great many students simply lose out. Secondly, boom and bust fluctuations, even if they do average out to the socially-desired dollar level, are likely to be inefficient and produce less real output than would a steadier effort.

GUNS, BUTTER, AND STRUCTURES

Calculation of a nation's G.N.P. is an exercise in accounting; economists define the Gross National Product as the sum of expenditures for personal consumption, investment or capital formation, government purchases of goods and services and net foreign trade (exports minus imports). Each of these categories can be broken down. Private consumption is the sum of expenditures on durable goods (e.g., automobile, furniture, appliances), nondurables (e.g., food, clothing, fuel) and services (airline tickets, haircuts, entertainment); investment includes fixed investment in non-residential structures, producers' durable equipment (e.g., machinery), residential structures and the accumulation or drawing down of stocks (inventories); government purchases include both civil and military expenditures of the federal government and spending by state and local units of government. Except for inventories (which fluctuate widely in response to current conditions and are of little interest for this study) we shall look at all these, and later at a further breakdown of public expenditures by level and function.

THE EFFECT OF DEFENSE SPENDING ON CIVILIAN ACTIVITIES IN THE UNITED STATES, 1939–68

	Percent of variation	Regression coefficient	Index of proportionate reduction
Personal consumption: total	84	−0.420	−0.041
Durable goods	78	−.163	−.123
Nondurable goods	04	−.071	−.014
Services	54	−.187	−.050
Fixed investment total	72	−.292	−.144
Nonresidential structures	62	−.068	−.140
Producers' durable equipment	71	−.110	−.123
Residential structures	60	−.114	−.176
Exports	67	−.097	−.115
Imports	19	−.025	−.037
Federal civil purchases	38	−.048	−.159
State and local government consumption	38	−.128	−.105

In the table, the first column of figures—the percentage of variance explained—tells *how closely* defense spending and the alternate spending category vary together—how much of the changes in the latter can be "accounted for" by defense changes. The regression coefficient tells *the amount in dollars* by which the alternate spending category changes in response to a one dollar increase in defense. The proportionate reduction index shows the damage suffered by each category relative to its "normal" base. It assumes for illustration a total G.N.P. of $400 billion, an increase of $25 billion in defense-spending from the previous period, and that the alternative expenditure category had previously been at that level represented by its mean percentage of G.N.P. over the 1946–67 period. This last measure is important for policy purposes, since the *impact* of the same dollar reduction will be far greater to a $100 billion investment program than to a $500 billion total for consumer-spending.

Looking at the table, one can see that, in general, the American experience has been that the consumer pays most. Guns do come at the expense of butter. Changes in defense expenditure account for 84 percent of the ups and downs in total personal *consumption*, and the regression coefficient is a relatively high minus 420. That is, a one dollar rise in defense expenditures will, all else being equal, result in a decline of $0.42 in private consumption.

Of the subcategories, sales of consumer durables are most vulnerable, with 78 percent of their variations accounted for by defense. Spending on services is also fairly vulnerable to defense expenditures, with the latter accounting for 54 percent of the variance. But the negative effect of defense spending on nondurables is not nearly so high, with only 4 percent of the variance accounted for. This is not surprising, however, as needs for nondurables are almost by definition the least easily postponed. Moreover, during the World War II years new consumer durables such as automobiles and appliances were virtually unavailable, since the factories that normally produced them were then turning out war material. Similarly, due to manpower shortages almost all services were expensive and in short supply, and long-distance travel was particularly discouraged ("Is this trip necessary?"). Hence, to the degree that the consumers' spending power was not mopped up by taxes or saved, an unusually high proportion was likely to go into nondurables.

Investment (fixed capital formation) also is typically hard-hit American war efforts and, because it means a smaller productive capacity in later years, diminished investment is a particularly costly loss. Defense accounted for 72 percent of the variations in investment, which is only a little less than that for defense on consumption, and the reduction of $.292 in investment for every $1.00 rise in defense is substantial. The coefficient is of course much lower than that for defense and consumption (with a coefficient of −.420) but that is very deceptive considering the "normal" base from which each starts. Over the thirty years for which we have the figures, consumption took a mean percentage of G.N.P. that was typically about five times as great as investment. Thus in our hypothetical illustration a $25 billion increase in defense costs in a G.N.P. of $400 billion would, *certeris paribus*, result in a drop in consumption from approximately $256 billion to roughly $245 billion or only a little over 4 percent of total consumption. Investment, on the other hand, would typically fall from $51 billion to about $44 billion, or more than 14 percent. *Proportionately*, therefore, investment is much *harder* hit by an expansion of the armed services than is consumption. Since future production is dependent upon current investment, the economy's *future* resources and power base are thus much more severely damaged by the decision to build or employ current military power than is current inmates, the marginal productivity of capital in the United States is between 20 and 25 percent; that is, an additional dollar of investment in any single year will produce 20–25 cents of annual additional production in perpetuity. Hence if an extra billion dollars of defense in one year reduced investment by $292 million, thenceforth the level of output in the economy would be *permanently* diminished by a figure on the order of $65 million per year.

This position is modified slightly by the detailed breakdown of investment categories. Residential structures (housing) vary less closely with defense spending than do nonhousing structures or durable goods for producers, but its regression coefficient is the strongest and shows that it takes the greatest proportionate damage. Within the general category of investment, therefore, nonresidential structures and equipment usually hold up somewhat better proportionately than does housing. Doubtless this is the result of deliberate public policy, which raises home interest rates and limits the availability of mortgages while trying at the same time to maintain an adequate flow of capital to those firms needing to convert or expand into military production.

The nation's international *balance of payments* is often a major casualty of sharp increases in military expenditures; the present situation is not unusual. Some potential exports are diverted to satisfy internal demand, others are lost because domestic inflation raises costs to a point where the goods are priced out of the world market. Imports may rise directly to meet the armed forces' procurement needs—goods purchased abroad to fill local American military requirements show up as imports to the national economy—and other imports rise indirectly because of domestic demand. Some goods normally purchased from domestic suppliers are not available in sufficient quantities; others, because of inflation, become priced above imported goods. If the present situation is "typical," the Vietnam war's cost to the civilian economy would be responsible for a loss of more than $1.5 billion dollars in exports.

The import picture is more complicated. According to the sketch above, imports should *rise* with defense spending, but in the table the percentage of variance explained is very low and the regression coefficient is actually *negative*. This, however, is deceptive. The four years of World War II show unusually low importation due to a combination of enemy occupation of normal sources of goods for the United States, surface and submarine combat in the sea lanes and the diversion of our allies' normal export industries to serve *their* war needs. To assess the impact of defense expenditures on imports in a less than global war one must omit the World War II data from the analysis. Doing so produces the expected rise in imports with higher defense spending, on the order of +.060. This suggests that the current effect of Vietnam may be to add, directly and indirectly, over $1 billion to the nation's annual import bill. Coupled with the loss of exports, the total damage to the balance of payments on current account (excluding capital transfers) is in the range $2.5—$3.0 billion. That still does not account for the entire balance of payments deficit that the United States is experiencing (recently as high as $3.4 billion annually) but it does a long way to explain it.

THE PUBLIC SECTOR

In the aggregate there is no very strong impact of defense on *civil public expenditures*. The amount of variation accounted for by defense is a comparatively low 38 percent; the regression coefficients are only −.048 for federal civil purchases and −.013 for state and local governments. During the four peak years of World War II changes in federal civil expenditures were essentially unrelated to changes in defense spending. Samuel P. Huntington, however, notes, "Many programs in agriculture, natural resources, labor and welfare dated back to the 1930's or middle 1940's. By the mid-1950's they had become accepted responsibilities of the government," and hence politically resistant to the arms squeeze. If so, the overall inverse relationship we do find may be masking sharper changes in some of the less well-entrenched subcategories of central government budgeting. Further masking of the impact on actual programs may stem from the inability of government agencies to reduce costs for building-maintenance and tenured employees, thus forcing them in dry times to cut other expenses disproportionately.

When relating state and local government expenditures to defense some restraint is required. There really is no relationship except *between* the points above and below the 15 percent mark for defense. During World War II state and local government units did have their spending activities curtailed, but overall they have not been noticeably affected by defense purchases. Quite to the contrary, spending by state and local political units has risen steadily, in an almost unbroken line, since 1944. The rise, from 3.6 percent of the G.N.P. to 11.2 percent in 1968, has continued essentially heedless of increases or diminution in the military's demands on the economy.

When we look at the breakdowns by function, however, it becomes clear that the effect of defense fluctuations is more serious, if less distinct than for G.N.P. categories. I have chosen three major items—education, health and welfare—for further analysis, on the grounds that one might reasonably hypothesize for each that expenditure levels would be sensitive to military needs, and, for the first two, that a neglect of them would do serious long-term damage to the economy and social system of the nation.

All three are sensitive to defense spending, with *welfare* somewhat more so than the others, which is not surprising. In most of this analysis reductions in expenditure levels that are forced by expanded defense activities represent a *cost* to the economic and social system, but welfare is different. Insofar as the *needs* for welfare, rather than simply the resources allocated to it, are reduced, one cannot properly speak of a cost to the economy. Rather, if one's social preferences are for work rather than welfare, the shift represents a *gain* to the system. Heavy increases in military pay and procurement do mean a reduction in unemployment, and military cutbacks are often associated with at least temporary or local unemployment. The effect seems strongest on state and local governments' welfare spending. In fact, the inverse relationship between defense and welfare at most spending levels is *understated* at 54 percent on the chart. At all but the highest levels of defense spending achieved in World War II, the inverse relationship is very steep, with small increases in military needs having a very marked dampening effect on welfare costs. But manpower was quite fully employed during *all* the years of major effort in World War II, so ups and downs in defense needs during 1942–45 had little effect.

THE EFFECT OF DEFENSE SPENDING ON PUBLIC CIVIL ACTIVITIES IN THE U.S., FISCAL YEARS 1938–67

	Percent of variation	Regression coefficient	Index of proportionate reduction
Education: Total	35	−0.077	−0.139
Institutions of higher education	12	−.013	−.146
Local schools	34	−.053	−.125
Other education	19	−.014	−.265
Federal direct to education	16	−.013	−.309
Federal aid to State and local governments for education	08	−.004	−.140
State and local governments for education	24	−.060	−.124
Health and Hospitals: Total	32	−.017	−.113
Total hospitals	30	−.014	−.123
Federal for hospitals	25	−.004	−.130
State and local for hospitals	29	−.011	−.120
Other Health: Total	22	−.003	−.087
Federal for health	06	−.001	−.101
State and local for health	45	−.002	−.078
Welfara: Total	54	.019	−.128
Federal direct for welfare	13	.003	−.493
Federal aid to State and local governments for welfare	17	−.005	−.087
State and local for welfare	30	−.011	−.134

Both for education and for health and hospitals, the relationship to the immediate requirements of national defense is less powerful (less variance is explained), but nonetheless important. Furthermore, the regression coefficient is quite high for education, and since the mean share of G.N.P. going to education is only 3.5 percent for the period under consideration, the proportionate impact of reductions is severe.

A widespread assumption holds that public expenditures on *education* have experienced a long-term secular growth in the United States. That assumption is correct only with modifications. The proportion of G.N.P. devoted to public education has increased by three quarters over the period, from 3.0 percent in 1938 to 5.3 percent in 1967. But it has by no means been a smooth and steady upward climb. World War II cut deeply into educational resources, dropping the educational percentage of G.N.P. to 1.4 in 1944; only in 1950 did it recover to a level (3.6 percent) notably above that of the 1930's. Just at that point the Korean War intervened, and education once more suffered, not again surpassing the 3.6 percent level before 1959. Since then, however, it has grown fairly steadily without being adversely affected by the relatively modest rises in defense spending. Actually, educational needs may have benefitted somewhat from the overall decline in the military proportion of the economy that took place between the late 1950's and mid-1960's. The sensitivity of educational expenditures to military needs is nevertheless much more marked on the latter's upswings than on its declines. Education usually suffers very immediately when the military needs to expand sharply; it recovers its share only slowly after defense spending has peaked. Surprisingly, *federal* educational expenditures are less related (less variance explained) than is spending by state and local units of government; also, local schools at the primary and secondary levels are more sensitive than are public institutions of higher education, whose share has grown in every year since 1953.

Public expenditures for *health* and hospitals are only a little less sensitive to the pressures of defense than are dollars for education. Here again the image of a long-term growth deceptively hides an equally significant pattern of swings. Health and hospitals accounted for a total of .77 percent of G.N.P. in 1938; as with education this was sharply cut by World War II and was not substantially surpassed (at 1 percent) until 1950. Once more they lost out to the exigencies of defense in the early 1950's and bounced back slowly, at the same rate as did education, to recover the 1950 level in 1958. Since then they have continued growing slowly, with a peak of 1.23 in 1967. Thus, the pattern of health and hospitals is almost identical to that for education—some long-term growth, but great cutbacks in periods of heavy military need and only slow recovery thereafter. In detail by political unit the picture is also much the same—despite reasonable a priori expectation, federal spending for this item is less closely tied to the defense budget than is that by state and local governments. It should also be noted that the *impact* of defense on health and hospitals is slightly less severe than on education.

It seems fair to conclude from these data that America's most expensive wars have severely hampered the nation in its attempt to build a healthier and better-educated citizenry. (One analyst estimates that what *was* done to strengthen education accounted for nearly half of the United States per capita income growth between 1929 and 1957.) A long-term effort has been made, and with notable results, but typically it has been badly cut back whenever military needs pressed unusually hard.

It is too soon to know how damaging the Vietnam war will be, but in view of past patterns one would anticipate significant costs. The inability to make "investments" would leave Americans poorer, more ignorant, and less healthy than would otherwise be the case. We have already seen the effect of the war on fixed capital formation. Consumption absorbed a larger *absolute* decline in its share of G.N.P. between 1965 and 1968 than did fiscal investment—from 63.3 to 62.1 percent in the first instance, from 14.3 to 13.8 percent in the second; but given the much smaller base of investment, the *proportionate* damage is about twice as great to investment as to consumption. In most of the major categories of public social "investment," nevertheless, the record is creditable. Despite a rise from 7.6 to 9.1 percent in the defense share between 1965 and 1967, the total public education and health and hospitals expenditure shares went up 4.5 to 5.3 percent and from 1.17 to 1.23 percent respectively. And even federal spending for education and health, though not hospitals, rose. There are of course other costs involved in the inability to *initiate* needed programs—massive aid to the cities is the obvious example. But on maintaining or expanding established patterns of expenditure the score is not bad at all.

The pattern of federal expenditures for *research and development* indicates some recent but partially hidden costs to education and medicine. From 1955 through 1966 R&D expenditures rose spectacularly and steadily from $3.3 billion to $14.9 billion. Obviously such a skyrocketing growth could not continue indefinitely; not even most of the beneficiary scientists expected it to do so, and in fact the rate of increase of expenditures fell sharply as early as 1966—the first year since 1961 when the defense share of G.N.P. showed any notable increase.

Finally, we must note a very important sense in which many of these cost estimates are substantially underestimated. My entire analysis has necessarily been done with expenditure data in current prices; that is, not adjusted for inflation. Since we have been dividing each expenditure category by G.N.P. in current dollars that would not matter *providing that price increases were uniform throughout the economy*. But if prices increased faster in say, education or health, than did prices across the board, the *real* level of expenditure would be exaggerated. And as anyone who has recently paid a hospital bill or college tuition bill knows, some prices have increased faster than others. From 1950 through 1967 the cost of medical care, as registered in the consumer price index, rose by 86.2 percent. Thus even though the health and hospital share of public expenditure rose in *current* prices, the *real share* of national production bought by that spending *fell* slightly, from one percent to about .99 percent. Presumably the difference has been made up in the private sector, and benefits have been heavily dependent upon ability to pay. Comparable data on educational expenses are less easy to obtain, but we do know that the average tuition in private colleges and universities rose 39 percent, and in public institutions 32 percent, over the years 1957–1967. This too is faster than the cost of living increase over those years (not more than 20 percent), but not enough to wipe out a gain for government education expenditures in their share of real G.N.P.

In evaluating the desirability of an expanded defense effort, policy-makers must bear in mind the opportunity costs of defense, the kinds and amounts of expenditures that will be foregone. The relationships we have discovered in past American experience suggest what the costs of future military efforts may be, although these relationships are not of course immutable. Should it be concluded that certain new defense needs must be met, it is possible by careful choice and control to distribute the burdens somewhat differently. If costs cannot be avoided, perhaps they can be borne in such a way as to better protect the nation's future.

THE HAYNSWORTH NOMINATION

Mr. GRIFFIN. Mr. President, this morning I filed with the Committee on the Judiciary my individual views to be included in the committee's report on the nomination of Clement F. Haynsworth to be an associate justice of the Supreme Court.

I ask unanimous consent that a copy of these views be printed in the RECORD.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

REPORT ON THE NOMINATION OF CLEMENT F. HAYNSWORTH

(Individual views of U.S. Senator ROBERT P. GRIFFIN)

Shortly after Clement F. Haynsworth was nominated to the Supreme Court, I indicated—with some reluctance—a preliminary assessment that the pending nomination should be confirmed.

However, the hearings held subsequently by the Committee on the Judiciary have brought to light a number of matters. On the basis of the hearings, I have concluded that Judge Haynsworth has not demonstrated an appropriate sensitivity to the high ethical standards expected of those who are to sit on the Supreme Court. In that regard I believe he has indicated an unfortunate lack of judgment.

In his Federalist Papers Alexander Hamilton wrote that the judiciary ". . . may be truly said to have neither force nor will, but merely judgment . . ."

If Hamilton's point was meaningful when our Constitution was in the making, it has critical importance today. In these troubled times, public confidence in the judiciary is more essential than ever.

I. GENESIS OF DOUBT

On June 2, 1969, before he was nominated to be an Associate Justice, the nominee testified before the Subcommittee on Improvements in Judicial Machinery as follows:

"Of course, *when I went on the bench* I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement . . ." (Hearings, p. 66.)

Later, on September 17, 1969, when he appeared before the Judiciary Committee as a nominee for the Supreme Court, he found it necessary to admit that his earlier testimony was in error—

". . . to the extent that I said that I resigned from them all when I first went on the bench . . . At the time I appeared, I had no directorships whatever." (Hearings, p. 94.)

The nominee was first appointed to the federal bench in 1957, some twelve years before his subcommittee appearance. At that time he was a director and vice president of Vend-A-Matic. While a member of the court, he continued to be a director of that corporation for six years until October 1963.

The hearing record raises serious doubt as to when the nominee ceased to be vice president of Vend-A-Matic.

In his testimony before the Judiciary Committee, the nominee stated:

"My recollection is that I resigned (as vice-president) when I went on the Court in 1957."

Then the nominee went on to acknowledge:

"But the minutes for the next year and the years after that show my being reelected as vice president each year until 1964." (Hearings, p. 91.)

At the annual meetings of the Vend-A-Matic board of directors during the period 1957 through October 1963, the principal business, as reflected in the minutes, was the election of the corporation's officers.

At each of the meetings (January 14, 1958; January 13, 1959; January 10, 1960; January 11, 1961; January 9, 1962; and January 8, 1963), the nominee was duly elected vice president of the corporation. The minutes indicate that the nominee attended each of those annual meetings.

The nominee also acknowledged notice by his signature of each of these meetings on the date thereof. In each case, the minutes recite that the nominee was elected vice president by a *unanimous* vote of all directors present.

Minutes of the board meetings held in 1962 and 1963 are particularly significant because the nominee's wife, Dorothy M.

Haynsworth, was then the Secretary of the corporation. She was paid $1,500 for her services as Secretary and, in that capacity, she prepared and attested to the correctness of the minutes. (Hearings, p. 92)

Despite all the contrary indications reflected in the corporate records, the nominee maintained in his testimony before the Committee that he "orally" resigned as vice president when he first went on the bench in 1957. (Hearings, p. 91)

Concerning his role in the affairs of Vend-A-Matic, the nominee testified:

"I did not have any active duty in that office" (as vice president). (Hearings, p. 91.)

When question was raised in 1963 about the propriety of the nominee's participation in the Deering-Milliken cases, Judge Sobeloff, then Chief Judge of the Fourth Circuit, wrote a letter absolving him of criticism. The letter includes the following paragraph:

"We are assured that Judge Haynsworth has had *no active participation* in the affairs of Carolina Vend-A-Matic, has never sought business for it or discussed procurement of locations for it with the officials or employees of any other company." (Hearings, p. 15.)

A perusal of the corporate records does not leave one with assurance that the nominee "had no active participation" in the affairs of Vend-A-Matic.

The minutes of one board meeting indicate quite clearly what was expected of directors and officers in 1957:

"After the day to day business was disposed of the question was brought up that all the directors were incurring expenses that were not being reimbursed. As it was pointed out that the main sales and promotion work of the Carolina Vend-A-Matic had been done by its directors who are also the officers of the corporation, and that any new locations were the result of many conversations, trips and various forms of entertainment, etc., of potential customers by one or more of the directors and/or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and, practically, without exception, these were the result of the efforts of members of the Board of Directors." (Vend-A-Matic Corp. Minutes, June 3, 1957.)

After the nominee went on the bench in 1957, he continued to serve Vend-A-Matic as a director and (according to its records) as vice president. The minutes of subsequent board meetings do not indicate that the nominee was ever excused or relieved of any corporate responsibilities because of his position as a judge.

Instead of bearing out assurances that there was "no active participation" in the affairs of Vend-A-Matic, the hearings raise serious doubts on that point.

Not only did the nominee continue to attend Vend-A-Matic board meetings, but he also continued to receive the fees regularly paid to directors as compensation for their services on the board.

At one point during the hearings, information was sought concerning the amount of director's fees received.

"Senator Tydings. Well, you can supply that report for the record.

"Judge Haynsworth. All right, sir." (Hearings, p. 61.)

Although copies of the nominee's income tax returns were furnished to the Committee, the promised report concerning director's fees does not appear in the hearings record.

As to the highest amount of fees received in any one year, the nominee testified:

"In 1963 the fees were more than earlier years. This was the last—well, no, I resigned—that year I reported $2,600 in director's fees." (Hearings, p. 61)

A newspaper report—which has not been denied—stated that director's fees paid the nominee from 1957 (when he went on the bench) through 1963 totalled $12,270, including director's fees of $3,100 in 1960. (Miami Herald, October 23, 1969)

In his testimony before the Committee, the nominee conceded that he *had* participated in the affairs of Vend-A-Matic.

Judge Haynsworth. My particular interest, as I attempted to indicate, sir, was in its financing and its bank loans. And the only service that I rendered aside from general consideration at some of these weekly meetings was arranging for and keeping a watchful eye upon its finances." (Hearings, p. 60.)

Carolina Vend-A-Matic was characterized as a closely-held informally managed corporation. "We met at lunch. We were informal." (Judge Haynsworth, Hearings, p. 91.)

As the record indicates, Vend-A-Matic relied upon substantial debt financing:

"The Chairman. Now, your stock in Carolina Vend-A-Matic, that was organized as just a paper corporation with nothing and you put up around $3,000 altogether, is that correct?

"Judge Haynsworth. I did and the remaining four, of course, too. But we started out with very little money.

"The Chairman. Now, you said you arranged bank financing. But how much of the obligations which were personally endorsed by you and the other stockholders amount to at different times? I know that it varied.

"Judge Haynsworth. Senator, when two of them got concerned about their exposure to financial loss, as I recall endorsed bank loans had gotten in excess of something like $50,000. They were increased after that. They kept on growing, and in 1963, the total bank loans amounted to several hundreds of thousands, but not all of those were endorsed by that time.

"The Chairman. You say bank loans of several hundred thousand?

"Judge Haynsworth. Yes, but by 1963, they were not all endorsed. We were getting so that it could stand on its own credit and had some credit on its own." (Hearings, p. 43.)

Accordingly, it appears that Judge Haynsworth's role in Vend-A-Matic, however limited, was active, important and perhaps vital to the spectacular success of the company—a company in which his investment of approximately $2,500 in 1950 brought him roughly $450,000 in 1964.

II. PARTICIPATION IN BRUNSWICK AND OTHER CASES

A Federal statute provides:

"Any justice or judge of the United States shall disqualify himself in any case in which he has a *substantial interest*." (28 U.S.C., Sec. 455.)

On December 15, 1967, the nominee authorized his stockbroker to purchase on his behalf 1,000 shares of stock in the Brunswick Corp. The order was executed on December 26, 1967. (Hearings, p. 263, 264.)

Concerning his holdings in Brunswick, the nominee testified:

"Senator Mathias. You consider that your interest (in Brunswick) was *substantial* then?

"Judge Haynsworth. *Yes, I do, without question*, though it was not in the outcome in terms of that, but much more substantial than I think a judge should run the risk of being criticized." (Hearings, p. 305.)

At the time the nominee purchased his 1,000 shares of Brunswick stock, a case was pending before the nominee's court. *Brunswick Corp* v. *Long, et al.*, reported at 392 F. 2d 348.

The case was argued on November 10, 1967—about five weeks *before* the nominee ordered his stock—but the written decision of the court was not issued until February 2, 1968—about five weeks *after* he acquired the stock.

As one member of a 3-judge panel, the nominee made some minor changes and then concurred in an opinion written by Judge Winter. The opinion dated February 2, 1968, decided the case in favor of Brunswick. During the hearings Judge Winter testified as follows:

"I think it may be fairly stated that a case is never decided finally or never put to rest until an opinion has been filed, all post opinion motions have been denied, and the Supreme Court has denied certiorari." (Hearings, p. 243.)

On March 12, 1968, about three months after the nominee's stock purchase, the losing party in the *Brunswick* case filed a motion to extend the time for requesting a rehearing. The motion recited that a copy of the court's opinion had not reached the petitioner until February 27, 1968. On March 26, 1968, an order denying the motion, signed by Judge Haynsworth and Judge Winter, was entered by the court. (Hearings, p. 244.)

Later, on April 3, 1968, another motion to reconsider that order was filed. This motion apparently was misplaced for a time, and was finally denied on August 26, 1968. (Hearings, p. 244, 245)

Judge Winter testified that:

"Judge Haynsworth did prepare the order denying the second set of post-argument petitions." (Hearings, p. 257.)

Since the nominee, by his own admission, considered his interest in Brunswick to be *substantial*, his failure after acquiring the stock to disqualify himself from further participation in the proceedings was an obvious violation of the Federal disqualification statute. Even more disturbing in some respects is the fact that, after acquiring his Brunswick stock, the nominee made no disclosure to his colleagues on the court or to the parties to the case so as to afford them an opportunity to object to his continued participation in the proceedings.

As Judge Winter testified:

"Senator Tydings. Did Judge Haynsworth ever discuss with you or any member of the panel during this period that he was about to make a purchase of Brunswick stock?

"Judge Winter. No; I had no knowledge of it until the matter was brought out before in these hearings." (Hearings, p. 252.)

Not only was there a violation of the Federal statute, but the nominee's continued participation in the *Brunswick* case violated the American Bar Association's Canons of Judicial Ethics. Canon 29 provides in part:

"A judge should abstain from performing or taking part in *any* judicial act in which his personal interests are involved."

The ABA's Committee on Professional Ethics has interpreted the Canon to mean that:

"A judge should not perform a judicial act, involving the exercise of judicial discretion, in a cause in which one of the parties is a corporation in which the judge is a stockholder." (Opinion No. 170.)

John P. Frank, a distinguished lawyer who is an acknowledged expert on judicial ethics, testified before the Committee that:

"The heavy weight of opinion in America is that if the judge has *any* interest in a corporation which is a party he may not sit." (Hearings, p. 113.)

In fact, Canon 26 even requires a judge to "abstain from making personal investments in enterprises which are apt to be involved in litigation in the court."

Despite this heavy weight of authority and the Federal disqualification statute, the nominee did sit in the *Brunswick* case—and in at least the following five other cases in which he had a stock interest:

1. *Farrow* v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967)

The nominee participated in this decision involving an injured seaman's claim despite his ownership of 300 shares of stock in W. R. Grace & Co., the parent company of Grace Lines, Inc.

2. *Maryland Casualty Co.* v. *Baldwin*, 357 F. 2d 338 (1966)

3. *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442 (1966)

The nominee participated in both of these cases despite his ownership of 67 shares of common stock and 200 shares of preferred stock in American General Insurance Co., the parent firm of Maryland Casualty Co.

4. *Nationwide Mutual Ins. Co.* v. *Akers*, 340 F. 2d 150 (1965)

5. *Toole* v. *Nationwide Mutual Ins. Co.*, 353 F. 2d 508 (1965)

The nominee participated in both of these cases despite his ownership of 500 shares of Nationwide Corp., an affiliate company of Nationwide Mutual Insurance Corp.

In light of *Brunswick* and these other cases, it is difficult to understand how the nominee could have assured the Committee Chairman by letter dated September 6, 1969, as follows:

"I have disqualified myself in *all* cases . . . in which I had *a stock interest* in a party." (Hearings, p. 28.)

III. PARTICIPATION IN CASES INVOLVING CLIENTS OF HIS FORMER LAW FIRM

The ABA's Committee on Professional Ethics has interpreted Canon 13 as follows:

"A judge is not prohibited from sitting in a case because his former firm is counsel in such case. However, to avoid any inference of impropriety, the judge should decline to sit . . . *where a regular client of the firm at the time he was a member is a party to the case.* (Opinion No. 594.)

During the hearings, there was testimony that the nominee sat in at least twelve cases involving clients of his former law firm. (Hearings, p. 396–397, 400). Two of the cases listed involved the *Judson Mills* Division of Deering-Milliken Research Corporation. [*Leesona Corp.* v. *Cotwool Mfg. Corp., Judson Mills Division, Deering-Milliken Research Corp., et al*, 308 F. 2d 895 (1962) and *Leesona Corp.* v. *Cotwool Mfg. Corp., Judson Mills Division, Deering-Milliken Research Corp., et al.*, 315 F. 2d 538 (1953)]

During the hearings, the nominee was asked:

"You didn't feel your past relationships with Judson (Mills) and with Milliken was significant enough that when the *Leesona Corp.* case came up in 1962 and 1963, involving Judson (Mills) and Milliken, you should disqualify yourself from the case?

"Judge Haynsworth. The relation was as casual as it could be. And as I said, I never was the lawyer for Milliken." (Hearings, p. 97.)

Nevertheless, the nominee conceded that "clear back to the beginning of the law firm, Judson Mills was a Haynsworth client." (Hearings, p. 97.)

The Martindale Hubbell Law Directory lists Judson Mills as a client of the nominee's former law firm in each of the years from 1931 through 1969. In fact, the nominee's former law firm is listed as General Counsel for Judson Mills in the years 1931 through 1957.

Inasmuch as his former law firm has represented Judson Mills continually since 1931, it is difficult to understand how the nominee could have testified that "there was no reason in past relations I had with Judson Mills for me not to sit on that case." (Hearings, p. 98.)

As the record now stands, it appears that the nominee particapated in numerous cases involving clients of his former law firm. It should be noted that of the twelve cases listed in the record, the nominee decided ten in favor of the clients of his former law firm. (Hearings, p. 400.)

IV. RESOLVING THE DOUBT

Clearly, the record raises substantial and legitimate doubt concerning the nominee's sensitivity to the high ethical standards expected of those who are to sit on the Supreme Court.

It may be argued that the nominee is entitled to a presumption of innocence; and that unless he is proven guilty, he should be confirmed. Such an argument misconstrues the Constitutional role and responsibility of the Senate. For the question before the Senate is not the nominee's guilt or innocence, it is whether he should be promoted to a place on the Nation's highest court.

The central issue was put in focus by a letter which came to me recently from a professor of law who teaches legal ethics to future lawyers and future judges. He wrote:

"In the U.S. district court a jury awards an injured seaman $50 on a claim against Grace Lines—a claim which he thought was worth $30,000. Saddened, he takes his case to the U.S. Court of Appeals. It is not difficult to imagine the bitterness in the heart of this injured seaman when he learns that one of the judges to whom he appealed in vain, was even a small owner of the company that owns Grace Lines.

"By the standards of the market place perhaps Judge Haynsworth's stock holding was trifling. But it looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him.

"To avoid such avoidable strains on the legal system, it has long been a maxim of the law that courts shall not only *do* justice—but they shall *seem* to do justice.

"This ancient wisdom finds expression in the Canons of Judicial Ethics providing that a judge's conduct should not only be 'free from impropriety' but from the 'appearance of impropriety.' The importance of the appearance of things is stressed over and over again (Canons 13, 24, 26, 33) culminating in the injunction that 'in every particular his conduct should be above reproach' " (Prof. David Mellinkoff, UCLA, October 20, 1969.)

Although the canons apply to all judges at every level, they should apply most stringently to those who are to grace the Nation's highest court.

Ironically perhaps, the nominee himself suggested the test which is appropriate in this case:

"While I am concerned about myself and my reputation, I much more am concerned about my country and the Supreme Court as an institution, and if there is substantial doubt about the propriety of what I did and my fitness to sit on the Supreme Court, then I hope the Senate will resolve the doubt against me." (Hearings, p. 105.)

Particularly at this point in history, it is essential that substantial doubt in a situation like this be resolved against the nominee—and in the interest of preserving public confidence in our system of justice.

ABUSE OF JUDICIAL DISCRETION

Mr. MONTOYA. Mr. President, the American GI Forum, a Mexican-American veterans' family organization with chapters in 23 States and the District of Columbia, recently brought to my attention certain remarks made by Judge Gerald S. Chargin in the Superior Court of California on September 2, 1969, at the sentencing of a 17-year-old juvenile defendant. I quote in part Judge Chargin's remarks:

> Mexican people, after thirteen years of age, think it is perfectly all right to go out and act like an animal . . . We ought to send you out of the country—send you back to Mexico. You belong in prison for the rest of your life for doing things of this kind. You ought to commit suicide. That's what I think of people of this kind. You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people.
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> * * * * *
>
> Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings.

I am astounded that a member of the judiciary should make such statements as those Judge Chargin has been recorded as having made. His remarks evidence a patent prejudice which is reprehensible in any context in our free society. That Judge Chargin speaks with the authority of a judicial officer makes his views considerably more threatening. In one sweep, he has indicted an entire ethnic group—and has thereby illustrated his inability to rule impartially in cases involving Spanish-speaking Americans.

It seems to me to be an intolerable prospect that Judge Chargin should be permitted to continue on the bench in California in the absence of a thorough investigation of his qualifications to serve as a member of the judiciary. I call upon the California Judicial Qualifications Commission to examine Judge Chargin's credentials immediately, and to take appropriate action based upon the findings of such examination. I am also calling upon the American Bar Association to fully investigate Judge Chargin's conduct and his fitness to continue on the bench.

As an attorney for 17 years before entering Congress, I became acutely aware of the critical role the judiciary plays in our society. A society founded upon the concept of equal justice for all certainly cannot tolerate in its judiciary attitudes such as that evidenced by Judge Chargin's calloused remarks.

THE SIU'S POLITICAL GENEROSITY

Mr. FANNIN. Mr. President, on Monday last, I spoke at some length on the inordinate amount of power wielded in political circles by unions which are allowed, under our existing tax laws, to engage in political activity without losing their tax-exempt status.

My mail has been heavy since then, Mr. President, with correspondence—much of it from union members and even former union officials—saying they back the idea that union money should not be used for political purposes. I believe there has been some expression of the same sentiment in other congressional offices.

One retired union member wrote to me to say that he hardly ever heard from his union any more but that they had already communicated with him and told him to write his Senator and ask him to vote against the confirmation of Judge Haynsworth. He said instead he had written to the Senator from Mississippi (Mr. EASTLAND) and asked him to vote for Haynsworth.

It is as I predicted: My amendment to the tax bill (No. 145) will be opposed by union leaders but supported by union members. There is a good reason why this is so, Mr. President. Union members are subjected to subtle coercion—sometimes it is not so subtle—in the collection of "voluntary" political action contributions. The retired union member who wrote me of his support for Judge Haynsworth asked that I not use his name. He said he wants to live a while longer.

Another letter which came in said that workers in some of the garment unions in New York City are forced to contribute half a day's pay toward political action.

These are just a few examples, Mr. President, I am sure there are many more simply waiting to be uncovered.

As examples of the kind of coercion to which I refer, Mr. President, I should like to quote from an article in the Washington Monthly, by Jerry Landauer, the Wall Street Journal reporter who first uncovered the questionable series of events surrounding the Hal Banks case.

Mr. Landauer notes that Paul Hall, president of the Seafarers International Union—with which Hal Banks was affiliated—collected two salaries from the union simultaneously in 1967. He received $11,056 from the international union and $21,326 from its largest local. In addition, Mr. President, Hall filed personal expense vouchers of $52,470 in 1 year.

Hall stands, according to Mr. Landauer, to become the successor to the presidency of the largest labor coalition in the United States, the AFL–CIO, now headed by Mr. George Meany.

Quoting from Mr. Landauer's article:

> Much of the political cash Hall controls comes indirectly from the taxpayers via the Pentagon. The war keeps at least 100 ships busy carrying fuel and supplies to Vietnam. Many of these ships, under charter to the Military Sea Transportation Service, are manned by SIU crews. But not all the seamen are American citizens. Foreigners eager to earn the higher wages paid aboard ships flying the U.S. flag make up a sizable percentage of the crews, and aliens wanting work must open their pay envelopes to the union's persuasive collectors.
>
> Payday aboard the S.S. *Western Planet*, a tanker ferrying fuel from the Persian Gulf to Vietnam, offers a glimpse of how SIU fund-raising operates. American crew members Warren Messenger, Harry Kaufman, Fred Anderson, Luther Dills, and Harry Dorer contributed, respectively, $6, $5, $4, $10 and $14 to the union's special political fund. But 14 aliens gave $1,400—all in sums of precisely $100 each—and a number of Filipino nationals were induced to part with even more: $300 from Eugenio Betingue and $200 each from Jose Belang, A. B. Reyes, Ignace Hernandez, and Guidlerne Echevarria.
>
> The pattern is invariable: only the names change. From among foreigners manning the S.S. *Transglobe*, a ship carrying military vehicles, Hall's agents scooped up $6,750 in one voyage, with such men as Gunvald Larsen, Oddbjorn Fritzoe, and Lars Alvin each 'contributing' $500. Aboard the S.S. *Sea Pioneer*, Tan Joek Kwang ($100), Low Chuen Choek ($100), Lim Bian Seng ($100), Alejandro DeWindt ($200), and Manuel Taguacta ($150) helped swell the union's political fund. From the S.S. *Christopher*, Hall was able to count on large sums from such vigorous trade unionists as Demetre Svolopolous ($100), Seiei Tamashiro ($420), Royoei Higa ($490), Seishin Ikehara ($460) and Motoyuki Nakasone ($440).

Mr. President, there is more, but this points up that either there is coercion going on onboard these ships to get such huge amounts of money from merchant seamen, or there is an interest in American politics among foreign nationals serving onboard SIU-manned ships that borders on the incredible. Possibly these men should be informed of the $100-a-plate fundraising dinners.

They are obviously missing out on a great American political tradition. If this interest is genuine then American political fundraisers have been overlooking a vast untended vineyard.

The other thing that is clear from this, Mr. President, is that the SIU—if this information is correct, and I have great respect for Mr. Landauer's accuracy—is guilty of a violation of the Federal Corrupt Practices Act in failing to report to the Clerk of the House those donations which were more than $100. It seems to me that if the union is not willing to come forward with this information then steps should be taken to see why they are unwilling to do so.

Mr. President, I ask unanimous consent that the article entitled "The Shakedown Cruise," written by Jerry Landauer, and a column on the same subject, written by Ralph Detoledano and published in the Arizona Republic, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SHAKEDOWN CRUISE

(By Jerry Landauer)

At first glance the Seafarers international Union scarcely seems to be a promising platform from which to campaign for the presidency of the AFL–CIO. The SIU's membership of 45,000 is relatively small, and its net assets of $462,913 hardly make it a financial giant of organized labor. Furthermore, violence has stained the union's reputation. One vice president was recently convicted of what amounted to terrorism, and opposition from within is discouraged by occasional beatings when the presence of beefy musclemen at union meetings fails to suppress dissent.

To join the SIU costs a minimum of $1,100—$300 in initiation fees, plus at least $800 to cover special assessments. A new man must retroactively pay all assessments levied on the membership since 1940. But it cannot be said that SIU president Paul Hall is singlemindedly devoted to the needs of the unlicensed seamen who pay these country-club-sized fees. He finds time to run hard for the top job in organized labor; to trade heavily on the stock exchanges; to file personal expense vouchers for $52,470 in one year; and to collect, in the same year (1967), two salaries simultaneously—$11,056 from the international union and $21,326 from its largest constituent local.

These and other eyebrow-raising practices of a poor union in a sick industry would surely disqualify a man less glib, brainy, and ambitious than Paul Hall from entertaining aspirations for higher office. But, at 55, he remains a leading candidate to step up when AFL–CIO president George Meany, 75, steps down. Hall's chances have been improving ever since Walter Reuther eliminated himself by withdrawing the United Auto Workers from the labor federation to forge an alliance with the outcast Teamsters. Indeed, Hall may well succeed—particularly if the Vietnam war continues.

Because his enhanced power within the labor movement is largely based on the war, Hall holds at least associate membership in what Secretary of Defense Melvin Laird has rechristened "the military-industrial-labor team." He benefits from the requirements of Vietnam shipping, which swell the SIU membership rolls, and from the war-induced eagerness with which Congress doles out $200 to $300 million a year to keep the merchant marine afloat. More important, the war gives Hall access to large sums of money, enabling him to become labor's leading political financier. His influence reaches not only into Congress and the executive branch, but into city councils and state legislatures as well.

Ironically, to, much of the political cash Hall controls comes indirectly from the taxpayers via the Pentagon. The war keeps at least 100 ships busy carrying fuel and supplies to Vietnam. Many of these ships, under charter to the Military Sea Transportation Service, are manned by SIU crews. But not all the seamen are American citizens. Foreigners eager to earn the higher wages paid aboard ships flying the U.S. flag make up a sizable percentage of the crews, and aliens wanting work must open their pay envelopes to the union's persuasive collectors.

Payday aboard the S.S. *Western Planet*, a tanker ferrying fuel from the Persian gulf to Vietnam, offers a glimpse of how SIU fund-raising operates. American crew members Warren Messenger, Harry Kaufman, Fred Anderson, Luther Dills, and Harry Dorer contributed, respectively, $6, $5, $4, $10, and $14 to the union's special political fund. But 14 aliens "gave" $1,400—all in sums of precisely $100 each—and a number of Filipino nationals were induced to part with even more: $300 from Eugenio Betingue and $200 each from Jose Belang, A. B. Reyes, Ignace Hernandez, and Guidlerne Echevarria.

The Filipino sailors manning the *Western Planet* signed aboard through the SIU hiring hall near Manila. Japanese seamen hired in Yokohama must fork out still larger sums for the right to work on taxpayer-financed ships shuttling to the war zone. Two paydays spaced six weeks apart aboard the tanker S.S. *St. Lawrence*, for example, netted nearly $8,000 for the SIU's political fund, including $500 each from such seagoing political philanthropists as Jintoku Toma, Jinyu Yariku, Tsubio Kohatsu, Seigi Uehara, and Koichi Miyazato. The few American seamen who contributed at all ordinarily tossed in a token $2.

The pattern is invariable: only the names change. From among foreigners manning the *S.S. Transglobe*, a ship carrying military vehicles, Hall's agents scooped up $6,750 in one voyage, with such men as Gunvald Larsen, Oddbjorn Fritzoe, and Lars Alvin each "contributing" $500. Aboard the *S.S. Sea Pioneer*, Tan Joek Kwang ($100). Low Chuen Chock ($100), Lim Bian Seng ($100), Alejandro DeWindt ($200), and Manuel Taguacta ($150) helped to swell the union's political fund. From the *S.S. St. Christopher*, Hall was able to count on large sums from such vigorous trade unionists as Demetre Svolopolous ($100), Seiei Tamashiro ($420), Ryoei Higa ($490), Seishin Ikehara ($460), and Motoyuki Nakasone ($440).

All these rivulets build into a mighty money stream that no other AFL–CIO union, not even the million-member Steelworkers, can match. In 1968 Hall's campaign kitty reached the astonishing sum of $1,028,458. The amount "donated" by foreign sailors may be inferred from the meager contributions recorded for the union brass: Hall and Al Kerr, the union's secretary-treasurer, have not put in anything like $100 each.

The union clearly violates the law. It fails, for one thing, to identify donors of $100 or more, as required by the Federal Corrupt Practices Act; to list them would make mincemeat of the union's claim that all contributors to the political fund are merely "expressing their right to participate in the American political process."

Illegality aside, the spectacle of foreign sailors giving up one-third of their pay to support candidates for political office in an alien land could be regarded as just another example of ingenious union fund-raising if it were not so clearly a result of the Vietnam war—and if it did not cost the taxpayers so many millions of dollars. For whether the hat-passing occurs aboard the *Transglobe*, the *Sea Pioneer*, the *Cosmos*

Trader, the *Western Hunter*, or the *Canton Victory*, money flowing to the $1 million fund follows what might be called a vicious circle: from the federal Treasury to operators of ships chartered by the Pentagon: from the operators to alien seamen in the form of premium wages (men sailing in the war zone receive bonus pay); from the seamen to waiting union collectors; from them to a bank near union headquarters in Brooklyn where the money is deposited in the account of the Seafarers Political Activity Donation Committee; and from that committee, headed by Hall, to politicians who support Hall's objectives. The greatest of these objectives—one shared by maritime management, which winks at Hall's money-raising methods—is the extraction of more millions to subsidize the construction and operation of merchant ships.

Logically, these subsidies ought to be a leading target of the Congressional economy bloc, for, despite the expenditure of $2.6 billion in the last decade. U.S.-flag ships now carry less than six per cent of America's overseas trade. But while the Pentagon budget is being scrutinized as never before, maritime subsidies somehow escape even a cursory critical gaze. On the contrary, Congress often votes more than the executive branch asks for.

House "debate" on the subsidy authorizations for fiscal year 1970 offers a particularly revealing example of the maritime lobby's muscle. Though the recommendations of the House Merchant Marine Committee exceeded budget requests by $124.3 million, not one member rose to challenge the spending splurge. Discussion of the bill on the House floor consumed just six pages of the *Congressional Record;* of the 13 members who spoke, 10 regularly receive campaign gifts from the SIU. In the House Appropriations Committee, shipping subsidies command a sacrosanct status that eludes even the emotion-packed issue of "law and order." Some weeks ago the Appropriations Committee pruned $47 million from the Nixon Administration's crime-fighting budget while ading $164 million to the same bill for ship construction.

Paul Hall and his maritime allies win defensive battles with equal ease. In 1967, the Johnson Administration strained mightily to shift the subsidy-dispensing Maritime Administration from the Department of Commerce to the new Department of Transportation. This was widely regarded as a sensible proposal, since the new department could not be expected to untangle the transportation mess if waterborne commerce lay beyond its jurisdiction. But the SIU opposed the transfer, fearing that control of maritime policy might shift from the maritime lobby ("one of Washington's most powerful subgovernments," according to former Maritime Administrator Nicholas Johnson) to a strong Secretary of Transportation. One swift blizzard of telegrams costing $3,419 (from the SIU political fund) helped to smother the plan; it was overwhelmingly defeated on the House floor.

Such victories are not won by persuasion alone. Since heavy intensification of the war in Vietnam in 1965 (and the inauguration of SIU fund-raising cruises in its wake), the SIU has ladled campaign gifts to no less than 150 Congressional districts. Virtually any friendly Congressman can have $500 or $1,000 merely for the asking. If a Congressman heads a committee important to the SIU, he can count on unlimited cash, as well as union-provided sound trucks, literature, and doorbell-ringers.

In 1966, for example, Hall's political fund pumped no less than $17,000 into the Baltimore campaign of Congressman Edward Garmatz (D-Md.), chairman of the House Merchant Marine Committee; without such massive help (plus at least $25,000 more from other maritime interests) Garmatz might well have lost a tough primary fight. Last year the SIU went all out for Senator Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee; in just the first three months of 1968, six committees working for Magnuson's reelection each received a check for $5,000.

The SIU's clever Capitol Hill operatives also make friends for Hall in subtler ways. Speaker John McCormack generally runs for re-election unopposed, so the union contributes to a McCormack scholarship fund instead. The 52nd Assembly District Democratic Club in Brooklyn is the home base of John Rooney, chairman of the House Appropriations subcommittee handling maritime subsidies; the club regularly receives union checks. Sam Friedel's Crosstown Democratic Club in Baltimore is always short of "walk-around" money to bring out the city's heavy Negro vote; the SIU gladly helps because Friedel is the second-ranking Democrat on the House Commerce Committee.

Further help for friendly lawmakers comes in the form of free campaign literature from a union-owned print shop, called Log Press. In the last campaign the shop churned out $3,200 worth of political propaganda for Congressman Emanuel Celler of New York, chairman of the House Judiciary Committee. Dozens of other Congressmen, from West Virginia to Wyoming, similarly benefited. Every year, too, Hall's union sponsors a trip to New York for Congressmen. To take care of this year's Congressional contingent Hall dipped into the union political fund for $4,925.

The combination of heavy campaign spending and clever lobbying gives Hall a hammerlock on maritime legislation and helps quench whatever Congressional curiosity there may be about the source af all his money. The overflowing political fund, equally important to his campaign for the presidency of the AFL–CIO, gives him easy access to leaders of both parties. In July, for example, no less than a dozen important politicians showed up to address the union's 14th biennial convention at Washington's Statler Hilton Hotel. The luminaries included House Majority Leader Carl Albert (D-Okla.) and Minority Leader Gerald Ford (R-Mich.). In part, no doubt, Ford's appearance was his way of thanking Hall for campaign gifts of $28,000 to the GOP Congressional Campaign Committee. The speeches generated valuable, prestige-building publicity for Hall; Ford's, moreover, was particularly sweet. Ford plugged for the broadening of subsidy payments to cover more of the ships manned by the SIU. He also pledged that the Nixon Administration would not propose building ships in cheaper foreign yards—a step that would weaken shipyard unions allied to the SIU.

Nor does the SIU ignore local politics. It contributes to mayoralty campaigns from Tampa, Florida, to Pompton Lakes, New Jersey; to candidates for district attorney in the Bronx; to campaigners for the General Assembly in Virginia; to municipal judges in Manhattan; to gubernatorial campaigns in Florida, Maryland, Michigan, and New York. The campaign of Eddie Sapir for city councilman in New Orleans suggests the union's extraordinary attention to the details of local politics. There according to secret union records, Paul Hall's men financed a fish fry, sponsored a rally, printed posters, supervised campaign workers, picked up a $600 bill for postage, contributed $3,000 in cash to the campaign, and spent $279.93 to hire "protection service" for the candidate.

Presidential campaigns receive commensurately more. Early last year committees quietly working for Lyndon Johnson's renomination received $50,000 from the SIU. Hubert Humphrey's candidacy gobbled up at least $215,000 more. After the election several dozen labor leaders, including George Meany, retreated to the SIU's spiffy training base at Piney Point, Maryland, to assess the reasons for Humphrey's defeat. But in April of this year Hall's lobbyists unashamedly bought $10,000 worth of tickets to Richard Nixon's festive "victory dinner." So far, the union has little reason to rue Nixon's victory, and it has reason to celebrate his appointment of Helen Delich Bentley to head the Federal Maritime Commission. "The hardest salesmen for the American merchant marine on Capitol Hill," she wrote admiringly, "are those people educated in the SIU-Hall way."

Hall's educational apparatus is formidable indeed. His classroom is the elegantly paneled auditorium of the Transportation Institute, an organization set up by the SIU in downtown Washington to thump the drums for our "citizen-manned" merchant marine (nothing is ever said about those generous foreign sailors). The students, as former newspaperwoman Bentley has written, are members of Congress; the faculty consists mostly of men representing 39 independent unions belonging to the AFL–CIO's Maritime Trades Department, which Hall heads.

One thing to be noted is that many, perhaps even most, of the 39 supposedly maritime-minded unions in the MTD are no more than casually concerned about the state of the merchant marine. The Leather Goods Workers are represented. The Upholsterers belong. So do the Toymakers, the Office Employees, the Carpenters, the Meat Cutters, the Barbers, the Restaurant Employees, the Potters, the Bookbinders, the Grain Millers, the Distillery Workers. But though the leaders of these unions may never have set foot aboard a merchant ship, they have all been pulled into Paul Hall's orbit—by SIU money, by organizing help, or by the supply of burly pickets who help weaker unions beat off Teamster raids. In return, the MTD unions are supposed to vote for Hall when the time comes to choose George Meany's successor.

In Paul Hall's school moreover, the faculty sits back listening while the students speak. Once a week, through most of the year, a member of Congress comes down from Capitol Hill to address what might be called the "military-industrial-labor team" of the maritime industry—assembled MTD leaders, plus guests from the Pentagon and the steamship companies. Speaking to the team need not be taxing. Hall's stable of speechwriters will instantly provide a text for those Congressmen who haven't time to compose their own. And, as Hall himself put it, "there's nothing like an honorarium to make a guy show up." The work can be remunerative, for enough foreign seamen sail SIU ships to let Hall pay $500 or even $1,000 for an hour of any Congressman's time.

HOW SEAFARERS INTERNATIONAL UNION BUILDS POLITICAL CONTRIBUTIONS FUND

(By Ralph de Toledano)

"Voluntary unionism" is a dirty word in labor circles—and a study of the Seafarers International Union will tell you why.

The SIU is a relatively small union—some 45,000 members—but its methods give it more political punch than many of the labor mammoths.

The SIU, for example, poured $215,000 into the Hubert Humphrey presidential campaign last year, after wasting a mere $50,000 in trying to nail the nomination for President Lyndon Johnson.

Then, to show that its heart was in the right place, it bought up $10,000 worth of tickets to a Republican dinner after Richard Nixon had won the presidency.

The SIU's tough president, Paul Hall, draws a salary of $33,382 and in one year added $52,470 in personal expense vouchers, a total of close to $90,000.

No one questions Hall about this, nor does Congress raise the conflict of interest issue when an SIU-pushed subsidy for the maritime industry exceeds budget requests by $124.3 million.

Of course, 10 of the 13 congressmen who spoke up for the increased subsidy receive campaign contributions from the SIU.

But Paul Hall and the SIU are not selfish. In 1966, they contributed $17,000 to one congressman's campaign, in 1968, $30,000 to a senator's, and $3,200 to a powerful House committee.

This year, moreover, the SIU spent $4,952 for a junket by a group of congressmen to New York City.

These are facts generally known. Most unions do this kind of thing, though not so lavishly as the Seafarers. What is not generally known is how this small union raises the cash for this kind of lobbying and campaigning.

Hall gets the money (1) because he runs what amounts to a closed shop, presumably outlawed by labor-management statutes, (2) because Congress is afraid to interfere, and (3) because the union membership, deprived of its rights under the First Amendment to associate or not associate, can do nothing about it.

Now Washington Monthly, a left-of-center publication, comes up with some answers in a piece written for it by Jerry Landauer of the Wall Street Journal.

Landauer points out that it costs a minimum of $1,100 to join the SIU—"$300 in initiation fees and at least $800 to cover special assessments." A new man, he adds, "must retroactively pay all assessments levied on the membership since 1940."

Allen sailors can get work on American ships, which have a much higher pay scale, only through the SIU hiring hall, particularly if they want to get in on the lucrative Vietnamese sea trade. To be hired, therefore, they must sweeten the SIU's special political fund.

Landauer goes down the line naming the ships and the aliens, and listing their "contributions."

On the S.S. Western Planet, alien sailors "contributed" at least $100 each, with some Filipino sailors kicking in as high as $300.

On the S.S. St. Lawrence, aliens contributed $500 each to the "political fund."

On the S.S. Sea Pioneer and the S.S. Christopher, "contributions from alien sailors, collected on pay day right on board ship, ranged from $100 to $500."

Is it any wonder that in 1968 the SIU's campaign chest contained almost $1.03 million?

This sum was largely collected on ships subsidized by the American taxpayer, with aliens paying as much as one-third of their salaries to help elect candidates in a country where they cannot vote.

It is all more than a little illegal—and doubly so since the SIU fails to "identify donors of $100 or more, as required by the Federal Corrupt Practices Act."

It is also a more than unusually sick situation since it gives the SIU, one of the most powerful lobbies in Washington, the muscle to get the House Appropriations Committee to add $164 million for ship construction while it lops $47 million from the Nixon administration's crime-fighting budget, as Jerry Landauer points out.

THE RICH, THE POOR, AND THE TAXES THEY PAY

Mr. **KENNEDY**. Mr. President, the current issue of the Public Interest contains a significant article by Joseph Pechman that will be of interest to all of us in the Senate who are concerned with the cause of tax justice. In his article, Mr. Pechman, who is the senior economist at the Brookings Institution and one of the most prominent authorities on tax policy in the Nation discusses the principles of tax equity and some of the basic reforms that are needed if our tax laws are to be fair for all our citizens.

Mr. Pechman's analysis deals primarily with the Federal income tax on individuals and corporations, but he also deals with each of the other aspects of our tax system, including estate and gift taxes, the social security payroll tax, and State and local taxes. With respect to tax reform at the Federal level, he emphasizes the need, as he puts it, for us "to deliver—at least—on promises made by both political parties to close loopholes in the income taxes."

According to Mr. Pechman, the highest priority for Federal income tax reform is revision of the tax treatment of capital gains. Other major areas he identifies where reform is needed are: percentage depletion, interest on State and local bonds, personal deductions, tax treatment of the aged and single persons, withholding on interest and dividends, the adoption of a minimum tax, the allocation of personal deductions, the multiple corporate exemption, real estate depreciation, bad debt reserves of financial institutions, and the dividend exclusion. In concluding, Mr. Pechman emphasizes the need to make the tax system more progressive, and urges Congress to make greater efforts to relieve the heavy and unfair tax burden on the poor and on lower income groups.

Mr. President, I believe that Mr. Pechman's article is an important contribution to the debate on tax reform. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Public Interest, fall 1969]

THE RICH, THE POOR, AND THE TAXES THEY PAY

(By Joseph A. Pechman)

The distribution of income has always been a hotly debated subject. Whatever has happened or is happening to the distribution of income, some people will always assert that the rich are getting a bigger share of the pie than is "fair," while others will seek to show that this is not the case. Few people, however, bother to find out the facts and fewer still understand what they mean.

The same applies to the tax system. Everybody knows that there are loopholes in the federal tax laws, but few realize that there are loopholes for persons at all income levels. Even fewer have a clear idea about the effects on the distribution of income of closing the more controversial loopholes. And only the experts know the state-local tax structure is in more urgent need of reform than the federal structure.

This article is intended to put these matters in perspective by summarizing the available information. What has happened to the distribution of income before taxes in recent years, and how has the tax system modified it? What's wrong with the national tax system? What reforms are needed to make it a fairer system? What are the chances of getting these reforms? And, beyond such reforms, what would be the shape of a tax distribution that most Americans today might agree to be "fair"?

I. THE DISTRIBUTION OF INCOME

Despite the proliferation of sophisticated economic data in this country, the United States government does *not* publish official estimates of the distribution of income. Such estimates were prepared by the Office of Business Economics for a period of years in the 1950's and early 1960's, but were discontinued because the sources on which they were based were acknowledged to be inadequate. We have data from annual field surveys of some 30,000 households conducted by the Bureau of the Census, as well as from the annual *Statistics of Income* prepared by the Internal Revenue Service from federal individual income tax returns. But both sources have their weaknesses; the Census Bureau surveys systematically understate income, particularly in the top brackets; tax returns, on the other hand, understate the share received by low income recipients who are not required to file. Nevertheless, if used with care, the two sources provide some interesting insights.

Before turning to the most recent period, it should be pointed out that a significant change in the distribution of pre-tax income occurred during the Great Depression and World War II. All experts who have examined the data agree that the distribution became more equal as a result of (a) the tremendous reductions in business and property incomes during the depression and (b) the narrowing of earnings differentials between low-paid workers and higher-paid skilled workers and salaried employees when full employment was reestablished during the war. The most authoritative estimates, prepared by the late Selma Goldsmith and her associates, suggest that the share of personal income received by the top 5 per cent of the nation's consumer units (including families and unrelated individuals) declined from 30 per cent in 1929 to 26.5 per cent in 1935–36; the share of the top 20 per cent declined from 54.4 per cent to 51.7 per cent in the same period. The movement toward greater equality appears to have continued during the war up to about 1944. By that year, the share of the top 5 per cent had dropped another notch to 20.7 per cent, and on the top 20 per cent to 45.8 per cent.

The income concept used by these researchers did not include undistributed corporate profits, which are a source of future dividends or of capital gains for shareholders; if they had been included, the movement of the income distribution toward equality from 1929 to 1944 would have been substantially moderated, but by no means eliminated.[1]

The movement toward equality seems to have ended during World War II, at least on the basis of the available statistics. In 1952, for example, the share of the top 5 percent was 20.5 percent and of the top 20 percent, 44.7 percent. (The differences from the 1944 figures are well within the margin of error of these data, and can hardly be called significant.)

To trace what happened since 1952, we shift to the census data that provide the longest continuous and comparable income distribution series available to us. The best

TABLE 1.—BEFORE TAX INCOME SHARES, CENSUS DATA (PERCENT)

Year	Top 5 percent of families	Top 20 percent of families
1952	18	42
1957	16	40
1962	16	42
1967	15	41

Source: Bureau of the Census. Income includes transfer payments (e.g., social security benefits, unemployment compensation, welfare payments, etc.), but excludes capital gains.

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[1] The year 1929 must have been the high point of inequality during the 1920's, so that the distribution of income in the more recent period may not have been very different from what it was in the early 1920's if account is taken of undistributed profits. Unfortunately, the available data for those years are simply not good enough to say much more.

way to appreciate the trend is to look at the figures for income shares at five-year intervals:

The figures indicate that the share of the top 5 per cent declined slightly between 1952 and 1957, and has remained virtually unchanged since 1957; the share of the top 20 per cent changed very little. Correspondingly, the shares of the groups at the bottom of the income scale (not shown in the table) also changed very little throughout the period.

Tax data are needed to push the analysis further. These data are better than the census data for our purposes, because they show the amount of realized capital gains and also permit us to calculate income shares *after* the federal income tax. But the great disadvantage of the tax data is that the bottom part of the income distribution is underrepresented because of an unknown number of nonfilers. Furthermore, the taxpayer unit is not exactly a family unit, because children and other members of the family file their own income tax returns if they have income, and a few married couples continue to file separate returns despite the privilege of income splitting, which removed the advantage of separate returns with rare exceptions.

There is really no way to get around these problems, but the tax data are too interesting to be abandoned because of these technicalities. So, we make an assumption that permits us to use at least the upper tail of the income distribution. The assumption is that the top 10 or 15 per cent of the nation's tax units are for the most part similar to the census family units and the cases that differ represent roughly the same percentage of the total number of units each year. Because we have official Department of Commerce estimates of income (as defined in the tax code) for the country as a whole, the assumption enables us to compute income shares before and after tax for the top 1, 2, 5, 10, and 15 per cent of units annually for the entire postwar period.[2]

The tax series confirms much of what we learned from the census series, and adds a few additional bits of information besides. Here are the data for selected years chosen to represent the three sets of federal income tax rates levied, beginning with the Korean War:

TABLE 2.—BEFORE-TAX INCOME SHARES, TAX DATA (PERCENT)

Year	Top 1 percent of tax units	Top 2 percent of tax units	Top 5 percent of tax units	Top 10 percent of tax units	Top 15 percent of tax units
1952	9	12	19	27	33
1963	8	12	19	28	35
1967	9	13	20	29	36

Source: "Statistics of Income." Income excludes transfer payments, but includes realized capital gains in full.

According to tax returns, the share of total income, including all realized capital gains, going to the top 1 per cent of the tax units was about the same for the entire period from 1952 through 1967. But the shares of the top 2, 5, 10, and 15 per cent—which, of course, include the top 1 per cent—all rose somewhat. These trends differ from the census figures which show that the entire income distribution was stable. By contrast, the tax data show that the 14 per cent of income recipients just below the top 1 per cent—this group reported incomes between $12,000 and $43,000 in 1967—*increased* their share of total income from 24 per cent to 27 per cent.

If the figures are anywhere near being right, they suggest two significant conclusions:

First, in recent years the very rich in our society have not enjoyed larger increases in incomes, as defined in the tax code, than the average income recipient. Although realized capital gains are included in our figures, they do not include nonreported sources, such as tax-exempt interest and excess depletion; correction for these omissions would probably not alter the results very much, because the amounts involved are small relative to the total of reported incomes. Even a correction for the undistributed profits of corporations wouldn't change the result very much because undistributed gross corporation profits have remained between 10 and 13 per cent of total reported income since 1950.

Second, a change in the income distribution may have occurred in what are sometimes called the "middle income" classes. These classes consist of most of the professional people in this country (doctors, lawyers, engineers, accountants, college professors, etc.) as well as the highest paid members of the skilled labor force and white collar workers. The increase in their share of total income from 24 per cent to 27 per cent, if it actually occurred, represents a not insignificant improvement in their relative income status.

Clearly, this improvement in the income shares of the middle classes could come only at the expense of the lower 85 percent of the income distribution. But this is not the whole story. These figures contain only incomes that are generated in the private economy; they do not include transfer payments (e.g., social security benefits, unemployment compensation, welfare payments, etc.) which are, of course, concentrated in the lower income classes. Correction of the figures for transfer payments might be just enough to offset the increased share of the middle income classes. If this is the case, the constancy of the shares of pre-tax income shown by the census data is fully consistent with the growth in shares of the middle incomes shown by the tax data. And, if this is the explanation of the constancy of the income shares in the census distribution, it means that the lower classes have not been able to hold their own in the private economy; large increases in government transfer payments were needed to prevent a gradual erosion of their income shares.

II. THE EFFECT OF TAXES

Since one of the major objectives of taxation is to moderate income inequality, it is appropriate to ask how the tax system actually affects the distribution of income and whether it has become more or less equalizing. We examine first the impact of the federal individual income tax, which is the most progressive element in the nation's tax system and for which data by income classes are readily available, and then we speculate about the effect of the other taxes in the system.[3]

The Federal income tax

While everybody grumbles about the federal income tax, few people realize that tax rates have been *going down* for about two decades. Even with the 10 per cent surtax, the rates are lower today than they were from 1951 through 1963. Briefly, the history of the tax is as follows: tax rates reached their peak, and exemptions their low point, during World War II. They were reduced in 1946 and again in 1948, when income splitting and the $600 per capita exemption were also enacted. Rates were pushed up close to World War II levels during the Korean War, but were reduced in 1954 and again in 1964. The surtax that became effective for individuals on April 1, 1968, moved the rates only half way back to the 1954–63 levels.

The structure of the tax has been remarkably stable during this entire period, despite all the talk about closing loopholes. The preferential rate on long-term capital gains was enacted in 1942; income splitting became effective in 1948; interest on state and local government bonds has never been taxed by the federal government; percentage depletion dates back to the 1920's; and the deductions allowed for interest charges, taxes, charitable contributions, medical expenses, and casualty losses date back to 1942 or earlier. The 1954 law introduced a 4 per cent dividend credit, but this was repealed in 1964. (As a compromise, the $50 exclusion for dividends, which was enacted along with the credit, was raised to $100.) A few abuses have been eliminated from time to time, but the revenues involved have not been significant.

The single major victory for tax reform occurred in 1964, when the dividend credit and the deductions for state and local taxes other than income, sales, property, and gasoline taxes were eliminated. All told, these revenue-raising reforms amounted to about $750 million, and they were accompanied by revenue-losing reforms of $400 million (mainly the minimum standard deduction which benefitted only those with very low incomes).

Given this history, it follows that the effective tax rates at specific absolute income levels have been going down since World War II. For example, from 1947 to 1967, the effective rate of tax paid by taxpayers with adjusted gross income of $5,000–10,000 declined from 13.8 per cent to 9.5 per cent; for those in the $15,000–20,000 class, the decline was from 24.6 per cent to 14.0 per cent; and above $100,000, the decline was from 57.4 per cent to 39.5 per cent. (These figures understate actual declines because adjusted gross income excludes half of long-term capital gains that were much larger relative to total income in 1967 than in 1947.)

Although such figures are of considerable interest, they are not directly useful for an analysis of the effect of the tax on the income distribution. For it must be remembered that most people moved up the income scale almost continuously throughout this period; under a progressive tax, they would be taxed more heavily as a result of this upward movement. There is a case for the argument that, as incomes rise, it is only "fair" that progressive tax rates—established on the basis of an earlier income distribution that was considered "fair"—ought to go down somewhat. The key question is: how much? Specifically, has the progressive taxation of increased incomes been offset by the reduction in tax rates, or has there been a "surplus" on the side of either income or taxation?

To answer this question, the effective tax rates were computed for the top 1, 2, 5, 10, and 15 per cent of the income tax units, but in this case the full amount of realized long-term capital gains, and also other exclusions, were included to arrive at a total income concept. The data show that, on this basis, average effective tax rates were substantially lower in 1967 than in 1952 for the top 1 per cent, slightly lower for the next 1 per cent, and roughly constant for the next 13 per cent. Note also that the effective rate of tax paid in 1967 by the top 1 per cent, whose before-tax income was $43,000 and over, was only 26 per cent of their total reported income, including all their realized capital gains.

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[2] People with money always feel poorer than they are, and it might be useful to indicate what kinds of income we are talking about for these various categories. For the year 1967, a taxpayer was in the top 1 per cent if his income (including realized capital gains) was over $43,000, the top 2 per cent if his income was over $28,000, the top 5 per cent if his income was over $18,000, the top 10 per cent if his income was over $14,000, the top 15 per cent if his income was over $12,000.

I would assume that most of the readers of this article, and of this magazine are included among the rich and super-rich. I also assume they will find this hard to believe.

[3] Since the terms are often used loosely, it might be a good idea explicitly to define what *regressive, proportional,* and *progressive* taxation mean. A tax is *regressive* when it takes a larger proportion of a poor person's income than of a rich man's, *proportional* when it takes equal proportions of such incomes, and *progressive* when it takes a larger proportion of a rich man's income than of a poor man's.

TABLE 3.—EFFECTIVE FEDERAL TAX RATES ON TOTAL INCOME (PERCENT)

Year	Top 1 percent of tax units	Next 1 percent of tax units	Next 3 percent of tax units	Next 5 percent of tax units	Next 5 percent of tax units
1952	33	20	16	14	12
1963	27	20	16	14	13
1967	26	18	15	13	12

Source: "Statistics of Income." Total income is the sum of adjusted gross income and excluded capital gains, dividends, and sick pay.

It is a fairly simple matter to deduct the tax paid by each of these groups from their total income to obtain their disposable income. The results modify the conclusions we drew on the basis of the before-tax incomes in only minor respects. The shares of disposable income of the top 1 per cent remain stable, and the shares of the top 2, 5, 10, and 15 per cent go up from 1952 to 1967. Furthermore, the shares of the "middle income classes"—the 14 per cent between the top 1 and top 15 per cent—rise from 23 to 27 per cent on a disposable income basis, or about as much as on a before-tax basis (Table 4).

We may conclude that the federal individual income tax has moderated the before-tax income distribution by roughly the same proportions since 1952. Thus, while tax rates at any given absolute income level have declined, the effect of progression has just about offset the decline, leaving the relative tax bite about the same in the top 15 per cent of the income distribution. Furthermore, similar calculations suggest that the post-World War II income tax is just about as equalizing as it was in 1941. The tremendous movement upward in the income distribution pushed much more taxable income into higher rate brackets, but this has been offset by the adoption of income splitting and the increase in itemized deductions.[4]

TABLE 4.—SHARES OF TOTAL DISPOSABLE (I.E., AFTER-TAX) INCOME (PERCENT)

Year	Top 1 percent of tax units	Top 2 percent of tax units	Top 5 percent of tax units	Top 10 percent of tax units	Top 15 percent of tax units
1952	7	10	16	24	30
1963	7	10	17	26	33
1967	7	11	17	26	34

Source: "Statistics of Income." Disposable income is total income less Federal income tax paid.

It should be emphasized that the foregoing data omit large chunks of income that are received primarily by high-paid employees of large business firms. Tax-exempt interest and percentage depletion have already been mentioned. In addition, beginning with the imposition of the very high individual income tax rates under the excess profits tax during World War II, methods of compensation were devised to funnel income to business executives in nontaxable forms. The devices used are well known: deferred compensation and pension plans, stock option arrangements, and direct payment of personal consumption expenditures through expense accounts. There is no question that these devices are used widely throughout the corporate sector. But little is known about the amounts involved, and even less is known about the impact on the distribution of income.

A recent study by Wilbur G. Lewellen for the National Bureau of Economic Research concluded that, even after allowance is made for the new compensation methods, the after-tax compensation (in dollars of constant purchasing power) of top executives in industrial corporations was no higher in the early 1960's that in 1940. The more important finding from the income distribution standpoint is that stock options, pensions, deferred compensation, and profit-sharing benefits rose rapidly as a percentage of the executives' compensation package from 1940 to 1955, and then stabilized. The study did not attempt to measure the value of expense accounts, and omitted firms in industries other than manufacturing. Nevertheless, the results of the study suggest that extreme statements about the possible effects of these devices on the distribution of income in recent years are not warranted.

The corporation income tax

The corporation income tax was enacted four years before the individual income tax and it has been a mainstay of the federal tax system ever since. It produced more revenue than the individual income tax in 17 out of 28 years prior to 1941; today, it is the second largest source of federal revenue. The general corporation tax was reduced to 38 per cent after World War II. It was raised to 52 per cent during the Korean War and remained there until 1964, when it was reduced to 48 per cent.

Public finance experts have argued the merits and demerits of a corporation tax for a long time, but the issues have not been resolved. Its major purpose in our tax system is to safeguard the individual income tax. If corporate incomes were not subject to tax, individuals could avoid the individual income tax by arranging to have their income accumulate in corporations, and later on selling their stock at the low capital gains rate, or holding on until death at which time the capital gains pass to their heirs completely tax free. Short of taxing shareholders on their share of corporation incomes (a method which is attractive to economists, but is anathema to businessmen and most tax lawyers) and taxing capital gains in full, the most practical way to protect the individual income tax is to impose a separate tax on corporation incomes.

Some people have argued that a large part or all of the corporation income tax is shifted forward to the consumer in the form of higher prices. On this assumption, the corporation income tax is a sales tax—a very peculiar one, to be sure—and is therefore regressive. But the majority view among tax experts is that the corporation income tax comes out of corporate profits, as was intended, so that the tax is borne by shareholders. Despite the large post-World War II increases in the number of shareholders, stock ownership is still concentrated in the highest income classes. This means that the corporation income tax is, to some extent at least, a progressive tax.

The major change in the corporation tax in the last two decades has been the enactment of more generous depreciation deductions in 1954 and 1962 and of the investment credit in 1962. As a result, despite relatively constant rates, the corporation tax has declined as a ratio to gross corporate profits (i.e., profits before deduction of depreciation) from 33 per cent in 1955 to about 27 per cent in 1967. It rose in 1968 to 30 per cent as a result of the imposition of the 10 per cent surtax. The impending expiration of the surtax and repeal of the investment tax credit will just about offset one another, so that the post-surtax ratio will continue at 30 per cent until the continuously growing depreciation allowances will tilt it downward once again. Thus, although the contribution of the corporation tax to the progressivity of the national tax system has declined somewhat (for economic reasons that most economists regard as persuasive), the contribution continues to be on the progressive side.

Estimate and gift taxes

In theory, estate and gift taxes are excellent taxes because they have little effect on incentives to earn income and, if effective, would reduce the inequality of the distribution of wealth that in turn accounts for much of the inequity in the distribution of income. In practice, the yield of these taxes is disappointing. Tax rates are high, but there are numerous ways to escape them. The result is that the federal government receives little of its revenue from these tax sources—about 1.7 per cent in the current fiscal year. The effective rate of estate taxes on wealth passed each year from one generation to the next must be less than 10 per cent; and the gift tax is even less effective. While these taxes are progressive, they have little effect on the distribution of wealth.

The social security payroll tax

We now turn to the features of the national tax system that, in combination, more than offset the progressivity of the federal income and estate and gift taxes. The social security payroll tax, which is levied at a flat rate on earnings up to a maximum of $7,800 under present law, was enacted in 1935 as the basic method of financing social security on the principle that the workers were buying their own insurance. This idea is doubtless responsible for the widespread acceptance of social security as a permanent government institution in this country; but the insurance analogy is no longer applicable to the system as it has developed. Present beneficiaries received far larger benefits than the taxes they paid would entitle them to—a situation that will continue indefinitely as long as Congress raises benefits as prices and wages continue to rise. The trust funds have not grown significantly since the mid-1950's; the payroll taxes paid by the workers have not been stored up or invested, but have been paid out currently as benefits. When benefits promised to people now working come due, the funds for their payment will be provided out of tax revenues as of that future date.

Nevertheless, the insurance analogy has a strong hold on the thinking of the administrators of social security and the Congressional tax-writing committees. Every time a benefit increase is enacted, the payroll tax rates (or the maximum earnings subject to the tax) are raised, in order to balance out the revenues and expenditures for the next 75 years on an actuarial basis. In a relatively short time, the trust funds begin running large surpluses, which then become the justification for another round of benefit increases by Congress. This requires a further increase in rates for actuarial reasons, payroll taxes are again raised, and so on.

As a result of this process, payroll taxes have been raised seven times since the beginning of 1960. The combined employer-employee tax was 6 per cent on earnings up to $4,800 on January 1, 1960; this year the tax is 9.6 per cent on earnings up to $7,800. Most economists believe that the burden of the employer tax, as well as the employee tax, falls eventually on the workers (either by substituting for larger wage increases or inflating prices). Thus, the federal government has been placing more and more weight on this regressive element of the federal tax system.

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[4] But the income tax is surely more equalizing now than it was in 1929, when the top bracket rates were cut to a maximum of 25 per cent. This means that the equalization of the distribution of income between the 1920's and the post-World War II period is even more pronounced on a disposable income basis than it is on a before-tax basis.

State and local taxes

Although the federal tax system is progressive on balance, the state and local tax system is highly regressive. The states rely heavily on sales taxes, while the local governments rely on property taxes. Personal and corporation income taxes account for only about 11 per cent of state-local revenues from their own sources. This situation is disturbing because the state-local tax system is the growing element of the national system. Whereas the federal government has been able to reduce income tax rates several times beginning in 1954, and has eliminated virtually all of its excise taxes, state governments continue to enact new taxes and to raise the rates of old taxes to keep up with their increasing and urgent revenue needs; meanwhile, local governments keep raising the already excessively burdened property tax.

Federal tax receipts have moved within the narrow range of 19 to 21 per cent of the Gross National Product since 1951. By contrast, state-local receipts rose from 7.1 per cent of the GNP in 1951 to 11.9 per cent in 1968. Assuming that state-local taxes respond more or less proportionately to the rise in the national product (a reasonable assumption), the states and local governments must have increased rates by 68 per cent in these 17 years to push up their tax yields to current levels. The net result is, of course, that a greater degree of regression is being built into the national tax system by the states and local governments as they continue to seek for more revenues.

Parenthetically, it might be observed that the "tax revolt" which has been so much in the news of late must have been a reflection of the increasing burden of state and local taxes. The revolt is allegedly concentrated in the "middle income" classes living in the suburbs. In this, there is a paradox: this group probably pays a smaller proportion of its income in taxes than the poor and near poor (see below), but the taxes they have been paying, or recently began to pay, are highly visible. Their incomes have risen sharply in recent years, so that their federal income taxes are higher in dollar amounts despite the 1964 rate reduction. Six states have enacted new income taxes in the past eight years and ten states have enacted new sales taxes; many others have raised the rates of both taxes substantially. Most of the new suburbanites are now paying property taxes directly as home owners, rather than indirectly as tenants, and property taxes have also been rising everywhere. Tax morale was, therefore, generally at a low ebb when the federal government requested more taxes to finance a budget containing $30 billion to fight an unpopular war. Since the request was in the form of a surcharge on those already paying taxes, and did nothing about those who escaped, the existing inequities in the federal income tax at last became evident to large masses of taxpayers who have no difficulty in communicating their unhappiness to their Congressmen.

Summary of the national tax system

It is not easy to arrive at an accurate estimate of the impact of the whole tax system at various income levels. Taxes are reported to different federal, state, and local government agencies. No single agency has the responsibility to compel reporting of taxes on a meaningful and consistent basis. A number of isolated attempts have been made by students of public finance to piece together from the inadequate data estimates of the distribution of all taxes by income classes. These studies were for different years, make different assumptions for the incidence of the various taxes, and use different statistical sources and methodologies to correct for the inconsistencies in the data. Nevertheless, they all arrive at similar conclusions regarding the relative tax loads at different income levels.

The most recent estimates were prepared by the Council of Economic Advisers for the year 1965. They show the distribution of taxes by the income classes of families and unattached individuals, income being defined exclusive of transfer payments. The estimates for taxes and transfers separately, and in combination, are summarized in Table 5.

The following are the major conclusions that can be drawn from these and previously published estimates:

1. Since at least the mid-1930's, the federal tax system has been roughly proportional in the lower and middle income classes, and clearly progressive for the highest classes. Federal income tax data suggest that the preferential rate on capital gains, and the exclusion of interest on state and local bonds and other items from the tax base, have produced some regressivity for the very small group at the top of the income pyramid, say, beginning with incomes of $100,000 or more.

2. State and local taxes are regressive throughout the income scale.

3. The combined federal, state, and local tax burden is heaviest in the very bottom and top brackets, and lowest in the middle brackets. This statement is, of course, based on averages for each group and there are wide variations around these averages for specific individuals, depending on the sources of their incomes, the kind of property they own, and where they live.

4. The poor receive numerous transfer payments (e.g., social security, unemployment compensation, public assistance, etc.) that are financed by this tax system. The net effect of transfers as against taxes is distinctly progressive, because transfer payments make up such a large proportion of total income at the bottom of the income distribution—56 per cent for those with incomes of less than $2,000 in 1965. (To some extent, this progressivity is overstated because the transfers do not always go to the same people who pay taxes, the best example being social security retirement benefits that are received only by retirees—many of whom are not poor—while $1.5 billion of the payroll tax levied to pay for these benefits are paid by the poor.) There is no reason in the abstract, why a nation should not levy taxes on and pay transfers to the same groups; but while the nation wages a war on poverty, it is surely appropriate to consider the possibility of providing additional financial assistance to the poor by *tax reduction* as well as through transfer payments.

TABLE 5.—TAXES AND TRANSFERS AS PERCENT OF INCOME, 1965

Income classes	Taxes			Transfer payments	Taxes less transfers
	Federal	State and local	Total		
Under $2,000	19	25	44	126	[1] −83
$2,000 to $4,000	16	11	27	11	16
$4,000 to $6,000	17	10	27	5	21
$6,000 to $8,000	17	9	26	3	23
$8,000 to $10,000	18	9	27	2	25
$10,000 to $15,000	19	9	27	2	25
$15,000 and over	32	7	38	1	37
Total	22	9	31	14	24

[1] The minus sign indicates that the families and individuals in this class received more from Federal, State, and local governments than they, as a group, paid to these governments in taxes.

Source: Economic Report of the President, 1969. Income excludes transfer payments, but includes realized capital gains in full and undistributed corporate profits.

III. REFORMING THE NATIONAL TAX SYSTEM

The preceding discussion indicates that the agenda for reforming this country's tax system to correct its regressive features is lengthy and complicated. It involves reconstruction of the tax systems at all levels of government, and the development of new forms of intergovernmental fiscal relations. State and local governments need to rely more heavily on income taxes, relieve the poor of paying sales taxes, and deemphasize the property tax. At the federal level, the most important items on the agenda are to alleviate the payroll tax on the poor, to deliver—at last—on promises made by both political parties to close loopholes in the income taxes, and make the estate and gift taxes more effective.

State and local taxes

There are no easy solutions to the state-local problems, given the political constraints under which our federal system operates. At the state level, the trend is for moderate income and sales taxes—34 states already have both, and the number increases every year. Six states have adopted simple per capita credits against income taxes for sales taxes paid (with refunds for those who do not pay income taxes) to alleviate the sales tax burden on the poor. This device eliminates the regressive feature of the sales tax and makes it more acceptable on grounds of equity. Progress on the adoption of state income taxes has been slow, but there has been a new surge of adoptions by the states in the past couple of years as governors and legislators have realized that they cannot get along without the growth-responsive revenues from an income tax.

The states are also beginning to take a more responsible attitude toward their local governments, although the situation is admittedly bad in many parts of the country. More of the states' own revenues should be allocated to local governments through grants-in-aid to prevent the development of city income and sales taxes that tend to drive wealthy taxpayers and businesses to the suburbs. An ideal arrangement, that is already in operation in Maryland for income tax purposes, would be to have statewide income and sales taxes along with modest "piggyback" local taxes—all collected by the state government and subject to state control so that individual communities will not get too far out of line with their neighbors. (As a long-run goal, the federal government should collect state-local, as well as federal, income taxes on the basis of a single return.)

The local governments need to improve local property tax administration to remove the haphazard way in which the tax applies to properties of equal values. The states can help by providing technical assistance and also by forcing the communities to meet minimum standards of administration. Consideration should also be given to the development of new local revenue sources to take some of the pressure off the general property tax. The best alternatives are the "piggyback" income and sales taxes already mentioned, always with the credit or refund for sales taxes paid by the poor.

In addition, it is time to tap the high and rising land values for some of the urgently needed local revenues. The National Commission on Urban Problems, which was chaired by former Senator Paul Douglas, has estimated that land values rose from $269 billion in 1956 to $1523 billion in 1966, or about $25 billion a year. This tremendous increase in wealth was not created by the landowners but by society as a whole. This is, of course, the basis of the old "single tax" idea that was oversold by the zealots as a complete and final solution to the nation's tax problems, although correct in principle. The revenue potential of special taxes on land values or on increases in land values is modest, but the approach has merit even if it will not solve the financial problems of our cities and suburbs by itself. It would also discourage the hoarding of land for speculative purposes and thereby encourage more efficient use of land in and around the nation's cities.

But there is no hope for the states and local governments, whatever they do on their own initiative, unless the federal government cuts them in on its superior tax resources. It is true that federal grants to states and local governments have increased rapidly in recent years—from $5 billion in fiscal year 1958 to an estimated $25 billion this year—but the need is even greater than that. To satisfy this need, more money will have to be allocated to the categorical grants already authorized for such programs as education, health, welfare, and housing. Also, a federal-state-local income tax revenue-sharing system should be established to moderate the huge disparities in fiscal capacities of the fifty states and to give governors and local officials unrestricted funds that can be used to help solve their own particular problems. The Nixon administration's proposal, based on a plan devised by a Johnson task force, is a good—though modest—beginning.

Mayors and county managers are suspicious of revenue sharing because they have little faith that the states will distribute the funds fairly. To answer this criticism, various formulas have been devised to require the states to "pass through" at least a minimum percentage of the revenue-sharing grants. Disagreement over the details of the "pass through" should not be allowed to delay the adoption of an idea that will relieve some of the fiscal pressure at the state and local levels and, at the same time, provide revenues from a progressive tax that otherwise would be raised mainly on a regressive basis. Ultimately, the federal government should allocate 2 per cent of the federal individual income tax base to revenue sharing, which would amount to $8 billion at current income levels and as much as $12 billion in 1975.

The payroll tax

Much has been said about the need for removing the poor from the income tax rolls, and Congress seems to be prepared to remedy this anachronism. But the more urgent problem is to remove the much heavier payroll tax burden of the poor. The federal income tax bill of the families and individuals who are officially classified as poor is only $200 million a year, as compared with the $1.5 billion they pay in payroll taxes. In addition, the regressive feature of the payroll tax at the higher income levels should be moderated immediately and ultimately eliminated entirely.

Several different approaches might be taken to achieve these objectives.

First, part or all of the payroll tax could be converted into a withholding tax for income tax purposes. No formal change in the payroll tax need be involved; at the end of the year, individuals would receive credit against their income taxes (or a refund if they are not income tax payers) for the amount of payroll taxes paid.

Second, contributions from general revenues might be made, on the basis of a fixed formula, to the social security and other trust funds. Such a possibility was foreseen in the earlier days of social security.

Third, the social security system might be combined with a liberalized and modernized public assistance system or some variant of a negative income tax. The negative income tax payments to the aged in such a system would be financed out of general revenues.

But whatever is ultimately done about the payroll tax as the basic revenue source for social security financing, the poor should be relieved of paying this tax as soon as possible. The principle of a minimum taxable level under the income tax—soon to be raised to the poverty levels—should be carried over into the payroll tax. The Internal Revenue Service is already proficient at handling tens of millions of refunds per year under the income tax; the additional payroll tax refunds would not be an excessive burden.

Federal tax reform

As this was being written, Congress was working hard to complete a tax reform bill. The details of the final legislation are still unclear, but it might be useful to list the most important issues that must be settled, now or later.

1. Revision of the treatment of capital gains is the highest priority item. Profits from sale of assets held more than six months are taxed at only half the regular rates up to a maximum of 25 per cent, but even this tax may be avoided indefinitely if the assets are transferred from one generation to another through bequests. In the case of gifts, capital gains are taxed only if the assets are later sold by the recipient. As a result, billions of dollars of capital gains are subject to low rates or are never taxed.

Capital gains receive favored treatment for two reasons: first, full taxation in a single year of a large realized gain accumulated over many years would be unfair, unless the impact of the graduated income tax rates were moderated; second, too high a rate on capital gains might "lock" most security holders into their present portfolios. The first of these problems could be solved by averaging capital gains over the period they were held. The "lock-in" effect would be moderated by such an averaging provision, and also by taxing capitla gains when assets are transferred, either by gift or at death. Both changes would reduce the advantages of holding on to assets whose values had risen.

A complete reform of the capital gains tax would raise perhaps $8 billion in additional revenues annually, mainly from the top 15 per cent of the income population. But the more likely package—including a lengthening of the holding period from six months to a year and elimination of the maximum 25 per cent tax rate (but not the exclusion of half of long-term capital gains—would yield only about $700 million a year.

2. The toughest issue involves percentage depletion for oil, gas, and other minerals industries. These allowances are similar in many respects to ordinary depreciation. The difference is that the amounts written off as depreciation are limited to the cost of the asset, but percentage depletion can—and does—substantially exceed the amount invested. In addition, an immediate write-off is permitted for certain capital costs incurred in exploration and development, thus providing a double deduction for capital invested in these industries. Most economists who have studied the matter have concluded that present allowances are much too generous.

If the preferential treatment for all the minerals industries were entirely eliminated, revenues would be increased by $1.6 billion a year. If the oil depletion allowance is reduced from 27 per cent to 20 per cent and the other allowances are scaled down proportionately, as seems possible at this moment, additional revenues would amount to about $400 million a year.

3. The tax exemption of interest on state and local government securities is unfair because it benefits only the wealthy. It is also inefficient because the wealthy benefit from the full amount of the interest differential for the tax exemption, which is set by the market at the point where the marginal (and lower income) investor is encouraged to buy tax-exempts. According to one study, the federal government loses $2 of revenue for every $1 of interest subsidy received by the states and local governments. If state-local bond interest were taxed, the revenue could be used directly to help the states and local governments. The estimated revenue gain would be small initially because any legislation that might be enacted would apply only to future issues and a considerable part of the new revenue would be returned to the states in the form of a "sweetener" over and above what the present tax exemption is worth to them.

4. The most irrational and expensive provisions are the deductions for charitable contributions, interest payments, medical expenses, state and local taxes, and other personal expenditures that cut out billions of dollars from the tax base. These deductions are designed to improve the definition of income on which taxes are to be based; in fact, many of the deductions are merely subsidies for particular types of personal expenditures that hardly merit government encouragement.

Deductions for state income taxes do protect taxpayers against excessive rates. There is also some justification for continuing the deduction for sales and income taxes as a device to encourage further state use of these taxes to raise the revenues they desperately need. But the same rationale does not apply to property taxes;[5] and there is certainly no excuse for deducting gasoline taxes, which are levied to pay for benefits received by highway users. The present method of computing the deduction for charitable contributions is also questionable. Liimting the deduction to contributions in excess of, say, 3 per cent of income would encourage larger-than-average gifts to charity and save $1.5 billion of revenue each year. In addition, Congress should repeal the unlimited charitable deduction for those whose taxes and contributions together exceed 80 per cent of their income for eight out of ten consecutive years. This provision has permitted many wealthy people to escape tax entirely by donating appreciated assets on which capital gains tax has not been paid but which are deductible at their full value (including the gain) against other income.

A series of reforms along these lines might bring in revenues in the neighborhood of $5 billion a year. But Congress will probably do very little in this area—except perhaps to eliminate the unlimited charitable deduction which will bring in $50 million annually and to raise the standard deduction (which will added to the erosion of the tax base—at a cost of $1.4 billion—and do nothing to refine the taxable income concept in a manner that would improve interpersonal equity).

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[5] I have omitted the favored tax treatment of homeowners from this list of major tax issues for obvious practical reasons. An individual who rents a house and invest, say, $20,000 in securities yielding 5 per cent is taxable on the $1,000 of interest and dividends he receives. Another who invests the $20,000 in an identical home is not taxable on its rental value (which is income to him, even though he does not actually receive any cash) and deducts his property taxes and mortgage interest. These benefits are worth $8 billion annually to homeowners, but they are sacrosanct. I know of no Congressman who would publicly support elimination of the deductions for property taxes and mortgage interest, let alone the inclusion of the rental values of owner-occupied homes in taxable income. Encouragement of individual home ownership—and, increasingly, apartment ownership—is deeply imbedded in the American political grain, even though its rationale is not nearly as cogent as it used to be.

5. The federal income tax has been particularly solicitous of the aged. Taxpayers over 65 years of age have an additional exemption of $600, pay no tax on their social security or railroad retirement pensions, and receive a tax credit on other retirement income if their earnings are below $1,524. These benefits are worth more than $3 billion a year. There is every reason to help the aged through public programs, but the tax system is a bad way to do this because it gives the largest amount of relief to those who need it least. It would be better to eliminate these deductions and use the revenue to increase social security benefits for all aged persons. The Kennedy and Johnson administrations recommended a more modest approach that would limit the income tax relief to low-income aged, but not raise any additional revenue.

6. Income splitting was enacted in 1948 to equalize the tax burden of married persons living in community and noncommunity property states. (The former had already been able to split their incomes for tax purposes.) But the provision introduced an unfair discrimination against single people, and reduced taxes by an estimated $10 billion a year. There are ways to eliminate this discrimination without introducing the old community property problems, but the large revenue loss—which goes almost entirely to married couples with incomes above $10,000—is probably irretrievable. This year, Congress seems to be in a mood to extend half the advantages of income splitting to single people aged 35 years or older and this will cost $650 million a year.

7. A few years ago, the Senate refused to accept a relatively simple House plan to withhold income tax on interest and dividends. Instead, they required information returns by corporations and financial institutions, a copy of which would go to the taxpayer. There was some improvement in the reporting of interest, but not nearly enough (dividends were never underreported very much). The introduction of withholding is the only practical method of recovering the estimated $1 billion of tax that is now lost annually through the carelessness, inadvertence, and dishonesty of taxpayers (mainly in the lower and middle income classes).

8. Although some income tax avoidance will be eliminated by the new legislation, the final bill will not close all the loopholes. As a safeguard to prevent a few wealthy people from taking advantage of the special provisions that would remain, two reforms are now being seriously considered by the Congress. The first would require the allocation of personal deductions allowed to individuals between taxable and nontaxable income sources. Thus, if only half of a taxper's income is subject to tax, he would be entitled to only half his deductions. The second would introduce a minimum income tax at half the ordinary rates on an individual's total income (including all nontaxable sources) or require an individual to pay tax at the full rates on at least half his total income. These revisions would add $800 million of tax revenue a year if the income definition included all sources of income. But they are not a substitute for comprehensive reform, but they will be needed until all the income tax loophopes have been plugged—and that is not likely to happen very soon.

9. The corporation income tax would not be in bad shape if the depletion allowances were modified, but a few technical reforms are also needed. Corporations should not be allowed to reduce their taxes by splitting up into a large number of smaller corporations. (Each corporation has a $25,000 exemption against the corporation normal tax, which is worth $6,500 for each corporation.) Banks and other financial institutions have overly generous allowances for additions to reserves for losses on their loans; these should be made more realistic. Real estate operators should not be allowed to deduct depreciation at accelerated rates and then, when the property is sold, taxed at the capital gains rates on their profits (which is partly the result of the excessive depreciations). These revisions, which are incorporated in this year's reform bill (except that the real estate loophole was kept open for residential construction), would add close to $2 billion a year to the corporation income tax yield. In addition, the $100 deduction for dividends under the individual income tax—worth about $200 million a year in lost revenue—is silly and should be repealed.

10. Taxes on property transferred from one generation to the next are avoided in two ways. First, wealthy people put money in trust funds for their wives, children, and grandchildren that are taxed when they are set up but not when the income passes between generations or when the trusts terminate. It is possible to escape estate taxes for two or three generations in this way. Second, since gift tax rates are much lower than estate tax rates, wealthy individuals can reduce the taxes on their wealth or eliminate them entirely by systematically distributing the assets over a period of years through gifts.

Avoidance through gifts can be reduced by combining the estate and gift taxes into one tax. (An integrated tax would reduce the avoidance through gifts, but not eliminate it entirely, because an individual could earn interest on any tax he postponed.) The trust loophole is more difficult to close, but methods have been devised to tax trust assets once every generation. Another improvement in the estate and gift taxes that would lower rather than raise revenues, would be to permit husbands and wives to transfer wealth freely between them without tax; under present law, half of the transfers are taxable.

The prospects

The long list of needed revisions in our federal, state, and local tax system should convince anyone that the reforms now being contemplated will not make a significant change in the progressivity of the system. Congress could, if it wishes, increase the yield of the present tax system by $25 billion a year, an amount that would be sufficient substantially to relieve the tax burdens of the poor and low-income nonpoor and to lower tax rates clear across the board. Instead, the revenue to be gained from this year's tax reform bill—a Herculean effort by past standards—may be in the neighborhood of $3 billion a year and much of this will be used to reduce the taxes of the "middle" income classes by what amounts to little more than a pittance, while the poor continue to bear much heavier tax burdens.

According to the Council of Economic Advisers, total taxes of those with incomes below $2,000 amounted to $7.3 billion in 1965, of which $4.2 billion were state and local taxes and $3.1 billion were federal. Those with incomes between $2,000 and $4,000 paid another $11.5 billion consisting of $6.8 billion federal and $4.7 billion state-local taxes. The total tax bill of $18.8 billion of those with incomes below $4,000[6] suggests what regressivity really means in a country collecting taxes amounting to about 31 per cent of its GNP.

The classic objection against an attack on tax regressivity has been that there is simply not enough income in the higher classes to do the job. Would a substantial reduction in regressivity require confiscatory rates? To appreciate one of the significant magnitudes involved, suppose the federal government decided to refund all general sales, payroll, and property taxes on housing paid by those who are officially classified as poor. (The remaining taxes are selective excise taxes levied for sumptuary purposes or in lieu of user charges, which could not be refunded in any practical way. After this year, the poor will not pay any federal income taxes.) These refunds would amount to about $4 billion—perhaps three-quarters of the total tax burden of the poor and one-sixth of the burden of those with incomes below $4,000—less than what this year's tax reform bill may give away in higher standard deductions and rate reductions.

What a progressive tax system would look like

It might be thought that such a proposal—to lift three-quarters of the tax burden of the poor—is too timid. Why not go further? That indeed could be done, but only as part of a larger redistribution of the tax burden. After all, it is both inequitable and politically impossible to create a noticeable "tax divide" between the poor (a fluid concept, in any case) and the rest of society. To make the tax system progressive, it would not be enough drastically to reduce the tax burden of the poor; the burdens of the near poor and others at the lower end of the income scale would have to be cut simultaneously. Indeed—again on principles of equity and political feasibility—the relief should be diffused upwards until it benefits, say, the lower half of the income distribution (or, more technically, those receiving less than the median income, which is now in excess of $9,000).

There are a number of ways of modifying the tax system to redistribute the tax burden in this way. The most straightforward—and perhaps even the most practical, given the federal system of government in this country—would be to give taxpayers credits against the federal income tax for a declining percentage of the major taxes they now pay to federal, state, and local governments, except for income taxes. Suppose we make refunds to the poor for the general sales, payroll, and property taxes they pay and permit others to claim credits against their federal income taxes for 75 percent of these same taxes if they are in the $2,000-4,000 class, 50 percent in the $4,000–6,000 class, and 25 percent in the $6,000–8,000 class. (Obviously, refunds would be paid to those with credits larger than their federal income taxes.)[7]

Let us further assume that the taxes paid by those with incomes between $8,000 and $10,000 remain the same, and that the revenues needed to pay for the relief below $8,000 would come from those with incomes above $10,000 in proportion to the taxes they now pay. Again, we need not be concerned with the details of how this can be done. It would certainly be more equitable to close the major federal income tax loopholes first and then raise whatever additional revenue is needed by an increase in the rates above $10,000. Either way, the ratio of total taxes to income for any specific income class could be set at the same figure, although the burden *within* each class would be distributed much more equitably if the loopholes were closed first.

It turns out that, in 1965, the credits (and refunds) would have reduced taxes for those with incomes of less than $8,000 by $19 billion, and this would have required an increase in the taxes paid by those in the

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[6] It will be recalled that the income definition we are using for 1965 excludes transfer payments. Hence, this $18.8 billion of tax is paid both by poor and nonpoor families and individuals. The poor alone pay about 30 per cent of this amount.

[7] In practice, we would probably vary the credits for families of different size, but this is a refinement which need not concern us here.

$10,000–15,000 class from an average of 27 per cent to 32 per cent and by those above $15,000 from 38 per cent to 46 per cent, or an average tax increase of about a fifth. The resulting effective rates of tax in this system compare with the rates as they were in 1965 as follows:

TABLE 6.—TAXES AS PERCENT OF INCOME, 1965

Income classes	Present tax system	Alternative tax system
Under $2,000	44	13
$2,000 to $4,000	27	14
$4,000 to $6,000	27	19
$6,000 to $8,000	26	23
$8,000 to $10,000	27	27
$10,000 to $15,000	27	32
$15,000 and over	38	46
Total	31	31

Income includes capital gains, but excludes transfer payments.

A glance should convince anyone that this tax system would by no means eradicate taxes at the lower end of the income scale. Most people would regard tax burdens of as much as 13–14 percent for those with incomes below $4,000 and 23 per cent for those between $6,000 and $8,000 as much too high. Yet, the idea of relieving tax burdens for the lower half of the income distribution even in this relatively modest way is clearly impractical; Congress would face a revolt if it tried to raise taxes on incomes above $10,000 by an average of 20 per cent.

Perhaps we exaggerate the difficulties by using 1965 figures? Incomes have risen substantially so that there is much more income to be taxed above $15,000. But state and local taxes have also risen and the degree of regressively in the tax system has been aggravated. On balance, the rise in incomes has probably been more powerful, but not enough to alter very much the general conclusions that we have reached from the 1965 data.

The prospects for making the tax system progressive are more discouraging when one notes the way Congress usually behaves when it reduces taxes. On the basis of past performance, one can predict with certainty that Congress will not limit income tax reductions to the lowest income classes. In 1964, when federal income taxes were reduced by an average of 20 per cent, incomes above $15,000 were given a tax cut of 14 per cent. This year much more than the revenue to be gained from closing the loopholes and repealing the investment credit may be given away in tax rate reductions. Of course, these actions reflect the pressures on the Congressmen. The influence of the groups arrayed against a significant redistribution of the tax burden is enormous and there is no effective lobby for the poor and the near poor.

It may be that, at some distant future date, the well-to-do and the rich will have enough income to satisfy not only their own needs, but also to help relieve the tax burdens of those who are less fortunate. In the meantime, the tax system will continue to disgrace the most affluent nation in the world.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR., TO THE SUPREME COURT

Mr. BURDICK. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) is absent from the Senate on official business today. He has requested that the October 21 New York Times article by Warren Weaver and the October 19 New York Times article by Anthony Lewis, both on the Haynsworth appointment, be printed in the RECORD. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 21, 1969]

THE CASE AGAINST JUDGE HAYNSWORTH: THREE ETHICAL QUESTIONS

(By Warren Weaver, Jr.)

WASHINGTON, October 20.—The case against Clement F. Haynsworth Jr., the South Carolinian President Nixon is trying to place on the Supreme Court, has narrowed down in large measure to three controversial ethical questions.

The Senators who will make the final judgment on the nomination, which is expected to face a close vote within the next two months, must judge each of these questions against three different sets of standards, all somewhat imprecise, and somehow arrive at a single yes-or-no verdict.

The ethical questions are these:

1. Is it proper for a judge to consider a case in which one of the parties is a corporation that is a subsidiary of a corporation in which he is a stockholder?

2. Is it proper for a judge to consider a case in which one of the parties has substantial business dealings with a corporation in which he has a personal financial stake?

Is it proper for a judge to purchase stock in a corporation that has a case pending before him, between the time the decision has been reached privately and its public announcement?

The answers, complicated in any event, depend on which definition of what is "proper" the Senate applies: The controlling Federal statute, the canons of ethics of the American Bar Association or the public's commonsense view of how a judge should behave. None of them are simple or clear-cut.

OTHER OBJECTIONS

These potential conflict-of-interest problems are not the only objections being raised to the nomination of Judge Haynsworth, who is now Chief Judge of the United States Court of Appeals for the Fourth Circuit but they form the underlying basis for the public case against his confirmation.

Some Senators oppose Judge Haynsworth because they believe his decisions have been antilabor or insufficiently receptive to the civil rights cause. Others regard his judicial record as that of a mediocre, even careless, man. Still others feel he has devoted more than a judicious share of his time and efforts to personal business.

Many others, however, strongly back his nomination.

Almost all the Senators with these objections are focusing their public statements on the ethical matters, sidestepping the troublesome question of whether the Senate has the right to disapprove a Presidential nominee just because it disagrees with his political philosophy.

The statutory standard that the Senate must apply to the various questions about Judge Haynsworth is this: "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . . or is so related to or connected with any party or his attorney as to render it improper in his opinion, for him to sit."

Judge Haynsworth's opponents have cited at least eight canons of ethics that they believe the South Carolinian has violated. The principal ones are these:

Canon 4: "A judge's official conduct should be free from impropriety and the appearance of impropriety . . . and his personal behavior, not only upon the bench and in his performance of judicial duties, but also in his everyday life, should be beyond reproach."

Canon 13: "A judge . . . should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor."

Canon 24: "A judge should not accept inconsistent duties . . . which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

Canon 25: "A judge should avoid giving ground for any reasonable suspicion that he is utilizing the powers or prestige of his office to persuade or coerce others to patronize or contribute . . . to the success of private business ventures."

Canon 26: "A judge should abstain from making personal investment in enterprises which are apt to be involved in litigation in the court."

Canon 29: "A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved."

Canon 33: "He [a judge] should in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his . . . business relations . . . constitute an element in influencing his judicial conduct."

THE PUBLIC'S VIEW

The third standard, the public's view of how a judge should behave, cannot be so easily determined. Generally, however, most Senators believe that public pressure dictates that a judge should demonstrate judgment in avoiding any appearance of unethical conduct.

The facts of the three ethical questions that form the core of the Haynsworth case and their interpretation by the judge's supporters and critics are as follows:

Corporate subsidiary questions: In 1967 Judge Haynsworth sat on a case called Farrow v. Grace Lines, Inc., while he held 300 shares of stock in W. R. Grace & Co., the parent corporation of Grace Lines, Inc.

In 1966 the judge sat on a case called Donohue v. Maryland Casualty Company while he owned 200 shares of preferred stock and 67 shares of common in American General Insurance Company, of which Maryland Casualty was a subsidiary.

Opponents of Mr. Haynsworth's nomination contend that both these actions represented violations of the statutory ban on a Federal judge sitting "in any case in which he has a substantial interest" and of Canon 26, on personal investments, and Canon 29, on self-interest.

Judge Haynsworth's supporters maintain that the judge's interest in each instance was not substantial and was not "in the case" but in a corporation not involved directly.

In the Grace Line case, Senator Marlow W. Cook, Republican of Kentucky, argued, if the full claim of $30,000 against the shipping line had been awarded and assessed against the common stockholders, the value of Judge Haynsworth's interest would have been reduced by 48 cents.

HOLDINGS ESTIMATED

In the Maryland Casualty case, Senator Cook called it "highly doubtful that an adverse judgment would have any significant effect" on Judge Haynsworth's holdings, which he estimated at 0.0059 per cent of the preferred stock and 0.0015 per cent of the common stock.

Litigant business relation questions: In 1950 Mr. Haynsworth was an organizer and founder of the Carolina Vend-A-Matic Company, which was to install automatic vending machines in industrial plants and other sites. His investment was $2,400, and he became vice president and a director.

When he went on the Federal bench in 1957, Mr. Haynsworth resigned orally as vice president of the company, he now says, but company records show him continuing in that office until 1963. In any event, he remained as a director until 1963.

In September of 1963 he resigned his directorship in Carolina Vend-A-Matic pursuant to a new requirement for Federal judges promulgated by the Judicial Conference. Seven months later, he sold his stock for about $430,000.

In 1961 and again in 1963 Judge Haynsworth sat on a case called Darlington Manufacturing Company v. the National Labor Relations Board. At that time, Carolina Vend-A-Matic had a $50,000-a-year contract with the Deering-Milliken Corporation, parent company of Darlington. While the litigation was pending, a new $100,000 contract was signed.

Between 1959 and 1963 Judge Haynsworth sat on five other cases in which one of the two litigants were companies that were doing business with Carolina Vend-A-Matic, with the volume of that business ranging from $16,000 to $174,000 a year.

DISQUALIFICATION ISSUE

Critics of Judge Haynsworth contend that he should have disqualified himself from sitting in all these cases, under the Federal statute involving "substantial interest." They also argue that his participation in the decisions and his continued activity in the vending machine business violated all the canons cited above.

Supporters of the judge maintain that he had no duty to disqualify himself in any of these cases because the Vend-A-Matic Company was not itself involved. In fact, they argue, he had a duty to sit.

In the Darlington case, the judge's backers say, ~~his~~ personal interest in the business that Vend-A-Matic did with Deering-Milliken was only $390. In two of the five other cases involving Vend-A-Matic customers, he voted against the customer; in two others, only procedural questions were involved; in the fifth he voted for the customer because the other litigant was guilty of fraud.

Stock holding questions, in 1967 Judge Haynsworth sat on a case called Brunswick Corporation v. Long, which involved a dispute over bowling equipment leased by the manufacturer to the operator of an alley.

The case was decided on Nov. 10; on Dec. 26, a month before the decision was to be made public, Judge Haynsworth bought 1,000 shares of Brunswick stock for about $16,000.

Opponents of Judge Haynsworth say this action was clearly improper under both the Federal statute and the canons of ethics. The judge admits that it was a mistake, something he would not repeat either on the Court of Appeals or the Supreme Court.

CASE HELD UNIMPORTANT

But supporters of Judge Haynsworth argue that the Brunswick case is not significant. The most the corporation could have benefited from a favorable decision was $90,000, and the judge had only bought 1,000 of its 18,480,000 shares. Thus his total maximum profit would have been less than $5.

Attempting to apply the broad standard of public opinion to all these cases, the Haynsworth critics, led by Senator Birch Bayh, Democrat of Indiana, maintain that, collectively they reveal a man not as sensitive to the necessity of maintaining the appearance, as well as the fact, of incorruptibility as a Justice of the Supreme Court should be.

Senator Cook and his allies disagree.

"If we now analyze these cases upon which Senator Bayh relies in terms of these common-sense principles," Mr. Cook said on the floor last week, "I do not think that anyone can seriously doubt that Judge Haynsworth must be given a clean bill of health.

"He not only was not in fact influenced by any personal interest in deciding the cases, but no reasonable person could think that he was influenced by such interest."

[From the New York Times, Oct. 19, 1969]

THE SENATE AND THE SUPREME COURT

(By Anthony Lewis)

WASHINGTON.—In their irritation at the opponents of Clement Haynsworth, some Administration officials are now saying that the issue in the confirmation fight is nothing less than the President's right to appoint Supreme Court Justices. The Senate, they argue, is trying to undermine that prerogative; Senators should support a President's choice for the Court unless he can be shown to be corrupt or incompetent.

But history contradicts that narrow view of the Senate's role. In fact, over the years, the Senate in considering nominations to the Supreme Court has rejected "a proportion far higher than for any other Federal office." So says a leading study, Joseph B. Harris's "The Advice and Consent of the Senate."

In the nineteenth century, when senatorial scrutiny was at its most rigorous, 72 men were nominated to the Supreme Court and eighteen of them—one quarter—failed of confirmation. The eighteen does not include a few others who declined the honor.

Nominees were rejected for a variety of reasons, because of their philosophy or politics or ability or temperament. Some lost in formal votes of the Senate; other nominations were withdrawn in the face of opposition.

President Madison, for example, nominated a Connecticut Collector of Customs, Alexander Wolcott, in 1811, Charles Warren, the great Supreme Court historian, said the general feeling was that Wolcott was a man of "somewhat mediocre legal ability." For that reason a Senate overwhelmingly of Madison's party rejected the nomination, 24 to 9.

GRANT'S NOMINATIONS

Grant tried three times before he could get a Chief Justice confirmed. His first choice—George H. Williams, his Attorney General—was criticized as a "second-rate" lawyer. His second, Caleb Cushing, a former Judge of the Supreme Judicial Court of Massachusetts, was eminently qualified. But Senators were uneasy at the fact that he had been successively a Whig, Democrat and Republican. The opposition eventually found that he had written an innocent letter to Jefferson Davis during the Civil War and used that to rally opinion against him. Both nominations were withdrawn.

Other nominees in the last century were defeated because they were partisan Whigs in Democratic times, or because they had offended Senators, or because in other offices they had followed objectionable policies. No one could read the record without concluding that Senators in those days felt quite free to make their own appraisal of any man chosen to say the last word in our constitutional system.

Today, most Senators would be more sophisticated and more restrained in the use of their confirmation power. Ironic exceptions are Senators Thurmond of South Carolina and Eastland of Mississippi, two of Judge Haynsworth's principal backers, who have not hesitated to oppose anyone suspected of liberal tendencies. They voted against the only three nominees to the Warren Court who were put to a record vote in the Senate, Justices Harlan, Stewart and Marshall.

The question for most members of the Senate in 1969 is not one dimensional. For example, the fact that a nominee is a so-called strict constructionist in constitutional matters would not necessarily make Senators of a different outlook oppose him; it is easy to think of judicial conservatives whose high intellectual qualifications would have smothered the thought of opposition on philosophical grounds.

The point about Judge Haynsworth is that he does not have such high intellectual or legal qualifications. Few would call it a distinguished appointment.

POLICY AND ETHICS

Along with that basic ground for opposition are doubts about policy and ethics. Those who feel the doubts might say that Judge Haynsworth is a man from a narrow background who has not altogether surmounted it in his view of life and the law, and that in his commercial dealings while on the bench he has at best shown insensitivity to the appearance demanded of judges.

In short, the argument against Clement Haynsworth is not that he is an evil man, or a corrupt one, or one consciously biased. It is that he is an inadequate man for a lifetime position of immense power and responsibility in our structure of government. And any Senator who reaches that conclusion is quite entitled, in precedent and in reason, to oppose his confirmation.

SUCCESSFUL DEVELOPMENT OF STRATEGIC ARMS LIMITATION NEGOTIATIONS IS OUR HOPE, SAYS SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, it is encouraging news that the United States and the Soviet Union have agreed to conduct preliminary discussions on the subject of strategic arms limitations.

No purpose is served by discussing the long delay in coming to this important decision, but there is no doubt in my mind that it has taken much too long. During the period prior to the agreement to begin preliminary talks, one could be excused for wondering if world powers did not understand the horrifying nature of the nuclear arms race.

General of the Army Douglas MacArthur—a man associated with war who probably witnessed the development of armaments as intimately as any person of our century—stated realistically and eloquently the case for nuclear arms limitations:

> Electronics and other processes of science have raised the destructive potential to encompass millions. And with restless hands we work feverishly in dark laboratories to find the means to destroy all at one blow . . . Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure—the shortcut to international power. If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.

That our task in the development of substantive arms control talks is only beginning is understood. I think most of our leaders and the people generally of this Nation fully realize this. We harbor no false hope—no illusions—no euphoric optimism—that firm agreements will be consummated in a day or a week or a month. The task of negotiating effective and acceptable limitations on the development of strategic weapons will be arduous and frustrating. But we must have hope and, I emphasize, we must relentlessly strive to achieve this objective.

It is a frightening mistake to view our agreements for talks with Russia as merely another attempt to control the ever-expanding arsenal of nuclear weapons. This endeavor is possibly the most critical undertaking in the history of our Nation and of the world. The final outcome will determine whether the United States and the Soviet Union will be cast into the depressing role of spending more billions of dollars in the future on nuclear weapons; whether our world will be confronted with the stark prospect of nuclear weapons proliferation; whether we will be sentenced to the terrible uncertainty of possible nuclear holocaust;

and whether civilization as we know it will live or die.

Mr. President, as a cosponsor of the resolution expressing the need for a mutual halt to the testing of the multiple independently targetable reentry vehicle—MIRV—I am convinced that this weapons system which possesses destructive capabilities defying imagination must be a critical element in our discussions with Russia. The reports that this will be a focus in the first stages of preliminary talks are encouraging. Control of the development of MIRV must be pressed with a sense of urgency. To accept the proposition that development of MIRV is inevitable does violent damage to the prospects for meaningful negotiations.

Further, I caution—as I have in the past—against falling into the historical pattern of arms control negotiations. It is imperative that the negotiators chart a course away from the timeworn concept of "negotiating from a position of strength." Used by both sides, "negotiating from a position of strength" creates a vicious circle. Every party to a discussion adopting this policy would be expected to continue to escalate armaments to strengthen its position. There is no end to this. On the other hand it does not follow that any country should engage in unilateral disarmament. The United States will not do this—neither will Russia. But it does mean that the time has come to question the assumption that nations are adding to defense and security by increasing more and more the nuclear stockpiles which already contain an overkill capacity.

Our negotiators are able. Their mission is awesome. We share the hope and offer a prayer for their progress.

ONE YEAR OF THE BOMBING HALT

Mr. DODD. Mr. President, tomorrow, October 31, marks the first anniversary of the total cessation of bombing of North Vietnam.

On the occasion of this anniversary, it might be useful to reexamine the arguments that finally induced President Johnson, despite grave personal misgivings, to call off the bombing of the north. And it might be useful as well to take a hard look at the record of negotiations since we made this major concession, for the purpose of deciding whether this decision made a peaceful settlement of the Vietnam war more likely or less likely.

The total cessation came about in two stages.

On March 31, 1968, President Lyndon B. Johnson anounced the suspension of the bombing of North Vietnam, except for a limited area immediately above the DMZ.

This action was taken in response to the growing clamor in this country that we stop the bombing of North Vietnam because only in this way could Hanoi be induced to negotiate a reasonable settlement of the Vietnam war.

It is true that Hanoi did come to the conference table. But there has not been a single iota of evidence to bear out the contention that such a concession on our part would induce Hanoi to negotiate in good faith. On the contrary, the record is clear that Hanoi only hardened its stance subsequent to the partial suspension of bombing in March of last year. Even the major curtailment of our bombing of North Vietnam was rejected as trickery.

During the 1968 presidential campaign, the same critics of American policy in Vietnam again raised their voices, this time to demand the total cessation of the bombing of North Vietnam. Such a concession on our part, they assured us, would lead to peace.

There were even some skeptics who went along with the demand for a bombing halt because they felt it was worth giving a try. If the bombing halt did not work, they said, there was nothing to prevent us from resuming the bombing and increasing the military pressure on North Vietnam.

In yielding to this clamor and announcing the total cessation of bombing on October 31, 1968, President Johnson once again called upon Hanoi to engage in serious negotiations.

Once again the Communists responded as they have always responded, and as they will always respond to every show of weakness or conciliation.

Instead of becoming more reasonable, they became more intransigent than ever before.

It is interesting to note in this connection that the Communists seem to have foreknowledge of the fact that internal political pressures in this country would compel the Johnson administration, despite its previous statements, to agree to the total cessation of bombing without any reciprocal concession from the Communist side.

There is in the files of American intelligence a captured Communist document dated just prior to the bombing halt which instructed party cadres and agitprop teams to prepare the population politically for the bombing halt. It instructed them to say that the bombing halt was a major victory for the Communists, that it resulted directly from the Tet offensive, and that it was another evidence of weakening American morale and will to persist.

The South Vietnamese were to be told that it was another evidence that the Americans were getting ready to pull out and abandon them.

One might have imagined that those who had hoped for a favorable Communist response to the bombing halt would have learned something from the completely negative response that actually did take place. But it almost seems as though appeasement is an incurable affliction of the human will, so that those who urge appeasement are incapable of learning from the lessons of the past or the present.

Today, many of the critics who demanded a bombing halt in the name of peace, have added their voices to those of the extreme left in demanding an immediate and unconditional withdrawal of all American troops from Vietnam.

A year ago they were not prepared to use the word surrender. Today, although they may still bridle a bit at the sound of "surrender," they have made it clear in numerous statements that they are prepared to accept a total American defeat in Vietnam in preference to continuing the war.

Some of them pretend that such a surrender can be managed with honor and without any serious loss of international prestige.

But let no one imagine that we can surrender "on the cheap" or that the Communists will oblige us with some face-saving arrangement.

On the contrary, they will seek to humiliate us to the utmost, to defeat us "stinking," as a top European expert recently put it.

If we now surrender in Vietnam, American honor will be nonexistent.

Our credibility will be zero, with friends and foes alike.

The system of alliances we have so painfully constructed in Europe and Asia will crumble.

Our country will be a thousand times more divided and polarized than it is today.

On every front the Communists will be encouraged to go over to the offensive, and the peace of the world, in consequence, will become infinitely more precarious than it is today.

The clamor for an American capitulation in Vietnam is all the more difficult to understand because all the available evidence indicates that the military situation has never been as favorable to the allied side in Vietnam as it is today.

This estimate is borne out by recent articles that have appeared in the generally skeptical columns of the New York Times and the Washington Post.

It is borne out by the report of the bipartisan group of nine distinguished Americans who went over to Vietnam in the month of August for the Citizens Committee for Peace With Freedom in Vietnam, the so-called Paul Douglas committee.

It is borne out by reports I have received from Americans who have been in Vietnam for 3 or 4 years or even more, as members of the military or as employees of AID.

It is borne out by a report written by Mr. Neil Stabler, Democratic national committeeman from Michigan, a man of impeccable liberal credentials who recently visited Vietnam at his own expense to make an intensive on-the-spot study.

It is borne out by the record rate of defections from the Vietcong, which several weeks ago passed the 35,000 mark for the year 1969.

Finally, I believe that this estimate is also borne out by the fact that the entire Communist propaganda apparatus has been mobilized for a massive assault designed to bring about the disintegration of the home front.

Here, on the homefront, by playing on the divisions in American society and on the desire for peace and on the frustrations which have been engendered by a long war, they hope to be able to achieve a victory which they cannot possibly achieve on the field of battle.

Mr. President, to those who today urge surrender, I say that the Vietnam war must be won and can be won.

It can be won provided we are prepared to resist the clamor for an immediate and unconditional withdrawal, and instead to effect the withdrawal of American forces in a planned and coherent manner that gives our South Vietnamese allies time to equip and train themselves so that they can take over the bulk of the battle.

And so I say that the clamor for appeasement and surrender must be resisted. And I am confident that President Richard M. Nixon does intend to resist this clamor.

Mr. President, I ask unanimous consent to insert into the RECORD a copy of the report of the nine-man task force that was recently sent over to Vietnam by the Citizens Committee for Peace With Freedom.

I also ask unanimous consent to insert a copy of an article by former Under Secretary of State Eugene V. Rostow, which appears in the National Review for November 4.

There being no objection the material was ordered to be printed in the RECORD, as follows:

[Memo From Citizens Committee for Peace With Freedom in Vietnam, Aug. 28, 1969]

Attached are the findings and recommendations of a special 9-member, bi-partisan fact finding commission of the Citizens Committee for Peace With Freedom in Vietnam which has just returned from Vietnam, Laos, Thailand and Paris.

The members of the special fact finding commission were: Dr. Edmund A. Gullion, Dean of the Fletcher School of Law and Diplomacy, Tufts University, and Former U.S. Ambassador to the Congo; John W. Hanes, Jr., Former Assistant Secretary of State, and Partner, Wertheim & Co.; Mrs. Oswald B. Lord, Former U.S. Representative on Human Rights Commission, United Nations; Russell T. Lund, President, Lund's, Inc., Minneapolis, and Chairman, Board of Trustees, Gustavus Adolphus College; Lester Malkerson, Chairman, Board of Regents, University of Minnesota, Rabbi Schulem Rubin, New York; Charles J. Stephens, Graduate Student, University of California; Charles Tyroler, II, President, Quadri-Science, Inc., Washington; and Abbott Washburn, President, Washburn, Stringer Associates, Inc., Washington.

The Citizens Committee for Peace With Freedom in Vietnam was founded in October 1967 by the late President Dwight D. Eisenhower, Former President Harry S. Truman, Former Senator Paul H. Douglas, and 127 other distinguished private citizens.

[Report of Citizens Committee for Peace With Freedom in Vietnam, Aug. 28, 1969]

FINDINGS AND RECOMMENDATIONS OF SPECIAL NINE MEMBER FACT-FINDING COMMISSION UPON RETURN FROM VIETNAM

FINDINGS

1. Since TET, the enemy in Vietnam has become much weaker, our side much stronger. This is chiefly because of the enemy's staggering losses, General Abrams' small unit spoiling tactics, and the mobilization of the South Vietnamese people which is one of the greatest in modern times.

2. Progress is striking but precarious. Since TET the enemy has won no victory, taken and held no ground, sustained no major long-term engagement and has fallen back chiefly on hit-and-run tactics. The South Vietnamese Army found its soul at TET and in the mass graves of Hue. Since TET it has won victories, expanded its ground, taken over the defense of provinces and an entire corps area, and inflicted far greater casualties on the enemy than he has upon them. Peasants are returning to the fields, rice production is up, increasing numbers of local elections are being held, the number of defections to our side is increasing and the enemy keeps the fight going in the South by infusion of troops from the North.

3. Yet the enemy retains a kind of initiative through use of his sanctuaries on Laos and Cambodia and north of the DMZ. If he is willing to bleed himself white he can still, for short periods, double American casualties. If American and Vietnamese commanders are not able or are not allowed to deny him access to certain corridors, our casualty rolls could go still higher. Our commanders know this and we were tremendously impressed with their concern to spare American lives.

4. The South Vietnamese must still rely for some time to come upon United States troop lift, air support, staff assistance and reserves. Progress on the political and pacification front is gratifying but still vulnerable.

5. In this situation timing is crucial, particularly with respect to the substitution of Vietnamese troops for Americans. *The policy of reciprocal de-escalation is feasible, provided the withdrawal of U.S. forces is closely geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion.*

6. To our surprise we found the Vietnamese eager—perhaps over eager for the transfer. The first withdrawals have actually stimulated them. However they see the whole process as gradual, related to their own progress and involving at the end an important American residual logistical presence.

7. President Nixon has made three stipulations for U.S. force reduction of which we consider South Vietnamese progress the cardinal one. As to the other two—reduction in the enemy's military activity and progress at Paris—the so-called "lull" in the fighting collapsed while we were in Vietnam. We do not believe such "lulls" mean that the enemy is trying to tell us anything, only that he has had to fall back and regroup.

8. As to the Paris peace talks, they have not failed but they have shown no progress of the kind the President stipulates. They have, however, served to demonstrate that the enemy is unwilling to face the challenge of free elections, wants the United States to throw the Thieu government out, then wants the United States itself to get out unconditionally after having installed a coalition government for the future convenience of Hanoi. There has seldom been a clearer ease of a belligerent's trying to recoup at the conference table what he is losing on the battlefield.

9. As a result of all this, a kind of protracted "stand-off" seems to be looming in Vietnam. If the President, the American and South Vietnamese people stick by Mr. Nixon's three criteria and if the South Vietnamese succeed in cementing a political consensus, there is a better than even chance that the "stand-off" will be resolved in favor of peace with freedom. If we pull out prematurely the enemy can reverse the tide running against him, complete his subjugation not only of Vietnam but of adjoining territory and we will have lost more than 38,000 American lives in vain.

10. In Laos and Thailand we became more aware of the possible effect of a premature American withdrawal on other countries in Asia. In Laos we noted that the North Vietnamese invaders' unprecedented success during the rainy season had coincided with the so-called "lull" in Vietnam. In Thailand our visit coincided with the move by the Thai government to reduce the United States forces, a decision which, however conditional and hedged toward gradualness, must give comfort to the enemy.

RECOMMENDATIONS

1. That the substitution of Vietnamese for United States troops take place on the basis of demonstrated improvement in South Vietnamese capabilities; the American policy should be: "cut and look" not "cut and run."

2. That no time table be proclaimed and that any schedule for planning purposes be flexible.

3. That President Nixon and General Abrams set up an extraordinary commission to assess ARVN progress; and that this commission inquire into whether "Vietnamization" can in fact involve a more rapid rate of modernization and activation than was laid down in schedules before "Vietnamization" became a by-word publicly linked with U.S. force reductions.

4. That American editors and correspondents and USIA give much more coverage to ARVN sacrifices and progress.

5. That the United States continue to urge the Vietnamese government to broaden its base and find new support in the countryside. The object should be a government which can not only prosecute the war but which can also face up to the enemy in the standoff which will follow United States reductions and can speak more authentically in peace negotiations. Such a broadening should not, however, prefigure the kind of peace-at-any-price coalition Hanoi would like to see imposed without elections.

6. The United States should recognize the political benefit which can accrue from the proposed new land reform program and give appropriate assistance.

7. The United States and South Vietnam should stand firm at Paris for free elections, against a coalition prior to elections, and against unilateral withdrawals (despite the fact that we already seem to have begun them).

8. That the United States, consistent with the accords of 1962, try to expedite the equipment of Laotian forces; and that our stand for reciprocal withdrawal of forces apply to Laos as well as to Vietnam.

9. That the United States give what explanations and assurances as it can to its Asian allies about the purposes and implications of U.S. force reductions.

[From National Review, Nov. 4, 1969]

DISSENT AT YALE: THREE QUESTIONS FOR PRESIDENT BREWSTER AND MAYOR LEE

(By Eugene V. Rostow)

I have great respect for the motives and the methods of those who organized the October 15 Moratorium as a means of focusing thought on the anguishing problems of the conflict in Vietnam. I share the anguish of those who have precipitated this outpouring of concern. Indeed, those who have participated in the making of policy in recent years bear a special burden, a heavy one, in this connection.

The goal of the Moratorium was to induce the United States to withdraw its forces from Vietnam unilaterally, and without making a political agreement with Hanoi. Since I could not accept that goal, I could not join in the movement. But as a member of the Yale community, I feel I should explain the reasons which led me to this conclusion.

A convenient starting point for such an explanation is the statement which President Brewster and Mayor Lee issued on October 9. I find their statement deficient both in what it says, and above all in what it does not say.

Its plea for unilateral withdrawal apart, the main concrete proposals in the Brewster-Lee statement have long been standard features of United States policy, and have been rejected many times, and in many forms, by the authorities in Hanoi. It is not immediately apparent why those proposals should become more attractive to Hanoi because Messrs. Brewster and Lee would couple them to the threat of American withdrawal by a fixed date.

But the irrelevance of the Brewster-Lee plan to the problem of peace in Vietnam is not, to my mind, its chief defect: that defect is their complete silence on a series of issues on which I believe they owe us a duty to be explicit. A year ago, most of the critics of American policy in Vietnam were sure that a bombing halt would lead to a peace compatible with our treaty commitments. Within the last few weeks, many have cried "enough," and called for unilateral withdrawal. As responsible democratic leaders, President Brewster and Mayor Lee should explain why they think it is in the national interest of the United States to tear up our treaties, and how the course they advocate will affect the security of the United States, and the chance of peace.

From the beginning, an ironic feature of the debate about Vietnam has been that men have created the illusion of dissent, and employed its rhetoric, but wound up by admonishing the government to do in fact exactly what it was doing already. This was true of faculty manifestoes issued at Yale and elsewhere. It was true of the primary campaigns and the general election of 1968, where no candidate, save George Wallace, succeeded in defining a real alternative to the policy being pursued. The Brewster-Lee statement stands firmly in this tradition.

Messrs. Brewster and Lee say they regard it as self-evident that we should withdraw forthwith. But, they concede, "a large body of men of good will in this country . . . are as yet unpersuaded that the national interest would be served by an unconditional withdrawal from Vietnam." Therefore they make a series of proposals designed to achieve their end—withdrawal—but by stages more palatable to the rest of us.

They would have the government urge a ceasefire in Vietnam. They do not mention the fact that the United States and South Vietnam accepted U Thant's ceasefire proposals when they were made, more than a year ago. The idea has been advanced repeatedly by the United States and South Vietnam since that time, in the Paris talks and elsewhere. It has been regularly and categorically rejected by Hanoi. Why should an explosion of sentiment for an American withdrawal induce Hanoi to change its mind?

But the key to the Brewster-Lee plan is "the negotiation of an election schedule, with election supervision by a coalition body in which both sides are appropriately represented." Again, this is an old idea, with long roots in the chronicle of Vietnam peacemaking efforts. President Nixon and his representatives at Paris have recently pressed it again, with the support of the government of South Vietnam. This plan, too, has been turned down repeatedly by Hanoi.

The difficulty with such proposals is that they rest on illusions which the history of the conflict in Vietnam should have dispelled long ago. The moral of that history was clearly drawn last December by Wilfred Burchett, the well-known spokesman for Hanoi, in an interview in New York. Mr. Burchett reported that the Polish peace plan ("Marigold"), on which, like so many others, American officials had lavished hundreds of hours of effort, was a hoax, concocted by "well-meaning friends," but never authorized by Hanoi. There is reason to believe that Mr. Burchett's judgment applies to all the other abortive peace "feelers" of 1965, 1966 and 1967.

In short, what Burchett tells us is that Hanoi never intended to make any concessions whatever in exchange for the bombing halt it tried so hard, and so successfully, to obtain.

There is no public evidence qualifying Hanoi's position that we must accept the NLF as "the sole legitimate representative of the South Vietnamese people." This is the only issue in the war—the only one of Hanoi's peace points" the United States and South Vietnam have not long since accepted. Recent variants of the theme do not modify that policy, for they posit an abandonment of the South Vietnamese constitution, and the government chosen under it, and the formation of a coalition consisting of the NLF, plus a few picked men who have participated in the government or the public life of South Vietnam.

This fact—and it is a fact—makes the Brewster-Lee statement irrelevant at this point. There is no reason to suppose that Hanoi would risk a contested election such as Messrs. Brewster and Lee propose. No Communist Party which had a choice has done so since 1919. And the Brewster-Lee plan would hardly put Hanoi under a pressure to make concessions. And I have seen no estimate of Communist strength in South Vietnam of more than 17 per cent.

But Messrs. Brewster and Lee go beyond the positions of Senator Robert Kennedy, Senator McCarthy and other critics of the Administration in 1968.

During the campaign of 1968, and before, high-minded politicians and journalists were convinced that "real" negotiations, leading to "a fair and honorable peace, compatible with our obligations to South Vietnam," could and would be assured by stopping the bombing of North Vietnam, despite the failure of previous bombing halts to achieve any results whatever. The American people, these men said, are tough and responsible. They will do whatever is necessary to make their word good. But before undertaking such an effort, they want to be sure that every peaceful alternative is tested. All over the world, these critics said, we are told that a bombing halt will lead to peace. Let us find out. If a new bombing halt did not lead promptly to a decent peace, they said, they would advocate a military policy of much greater effort.

Now many who supported this position are, like Messrs. Brewster and Lee, urging that we withdraw our forces at once, and accept the NLF, with or without fig-leaves, as "the sole legitimate representative of the South Vietnamese people." Messrs. Brewster and Lee, as a humanitarian gesture, would provide assistance (but not asylum) for South Vietnamese who would wish to flee under such circumstances.

The shift from bombing halt to unilateral withdrawal is a major transformation in at least the nominal or the admitted aims of the larger part of the opposition to our policy in Vietnam.

On this subject, all Messrs. Brewster and Lee say is that we are incapable of winning this guerrilla conflict in Vietnam, as the British did in Malaya, or the Filipinos did in their country. This is patently in error. The United States could, if it wished, apply far more force than has yet been applied in Vietnam.

The Brewster-Lee statement makes no reference to the security considerations which led President Eisenhower to propose and the Senate to ratify the SEATO Treaty with regard to South Vietnam. It makes no reference to the reaffirmation of this policy by Congress in the Tonkin Gulf Resolution.

Messrs. Brewster and Lee make no reference to Vietnam as part of the long effort, stretching back to Iran in 1946, to Greece and Turkey, to Berlin and to Korea, through which the United States and its allies have sought to construct a new balance of power, and a new system of peace, to replace the system which disintegrated into chaos between 1914 and 1945.

And they express no opinion as to the impact of their proposal on the course of events in many parts of the world, and on the chance for détente, and for peace.

As the *New Republic* points out, in its issue of September 27, a policy of unilateral withdrawal in Vietnam would have unimaginable human consequences, and breach national commitments "too many people prefer to forget."

It could also have political and military consequences which no responsible consideration of our dilemma in Vietnam should ignore.

I should therefore like to put three questions to Messrs. Brewster and Lee:

1. Why do you disagree with the judgment of four Presidents since the early Fifties, reaffirmed many times by Congress, that the independence of South Vietnam is as important to the security of the United States, and to the balance of power it is trying to create, as the independence of South Korea? Do you think the United States was right in insisting on the solution reached in Korea? If so, how do you distinguish the problem we faced in Korea from our problem in Vietnam?

2. Whether you think the national decisions of the last fifteen years about South Vietnam were right or wrong at the time they were made, what would the effect of withdrawal be *now?* The wisdom of our decisions to help the government of South Vietnam, in its effort to resist being taken over by what appeared to be an insurrection aided from abroad, can be debated, and will be debated by historians for many years. Surely many political and military mistakes were made along the way. But the problem of policy now is a different one. Messrs. Brewster and Lee urge that we cut our losses and withdraw at once. What would the costs of such a policy be? And how can they be balanced against its advantages? What conclusions would be drawn, both by our friends and by those who would be our adversaries, if the guarantees of an American treaty, reaffirmed by a joint resolution of the Congress, were proved worthless? What would the impact of such an event be on the fragile balance of tension in Europe, the Middle East, Africa and Asia? Would you approve or resist the use of force to achieve national unification in Germany and Korea? The Germans and the Koreans, after all, were also promised reunion through free elections. How, in your opinion, would Japan respond to this new condition in world affairs? How would the spectacle of American withdrawal affect the course of events in the Middle East and the developing world generally?

3. Would you wish to prevent the tide of feeling that would be involved in a withdrawal from Vietnam from engulfing our policies in Europe, the Mediterranean and the Far East? If so, how would you expect to do so? Do you support or oppose the Mansfield Resolution? Would you keep the fleet in the Mediterranean, and uphold our security arrangements with Japan, Korea, Australia, New Zealand, Israel and a number of other countries? In short, when you talk of "national priorities," do you mean anything more than the policy of isolation—of "America first"—which failed to prevent two World Wars, and the catastrophes that flowed from them?

The foreign policy we have pursued since 1947 is not an optional course, a frivol we can discard because it is costly, or because we want to concentrate on social reform at home. We won't have much elbow room for social progress at home if we have to become a garrison state, isolated in a world of hostility or chaos. In carrying out our foreign policy, from Berlin to Korea and South Vietnam, we are not performing acts of charity for foreigners, but protecting national interests of the United States. No American troops should ever be sent into the field for any other reason.

The national security interest of the United States in the politics of a small, unstable and dangerous world is not economic, or imperialist, or aggressive. It is an interest vital to our hope of surviving as an open democratic society at home. I agree with Senator Fulbright that our national interest in world politics is an interest in securing and stabilizing an open world society, a society of wide horizons, flexible and responsive to human needs, hospitable to a variety of social systems, but sustained by the discipline of peace.

The only possible foundation for such a society is a balance of power, and the general acceptance of agreed limits on national conflict, as embodied in the Charter of the United Nations.

I do not believe that the chances of concord in this sense would be improved if American treaties lost their deterrent power.

Messrs. Brewster and Lee want to get on with the job of social reform at home. So do I. We hardly lack resources for the task. The economy is growing at the rate of more than $40 billion a year. And our tax rate is less now than it was at the time of Korea. What we lack is a generally shared intellectual perception of the world as it is, and an emotional acceptance of that reality. Messrs. Brewster and Lee speak of Americans as "confused and divided." So we are. Our problem is a conflict within our minds between reality and our collective memory of our formative years as a nation, when we lived in isolation from world politics, protected by the British fleet.

It is natural for Americans to yearn for the effortless security of the nineteenth century. Those who wish to translate nostalgia into policy forget that the British fleet can protect us no longer. Yet they urge a withdrawal of our forces from Asia, Europe and the Mediterranean; a "re-examination" of our commitments; and the abolition or severe reduction of foreign aid. How an American President could retain non-nuclear options in such a posture is never explained. How such a policy could prevent the waves of fear and panic that lead men to feel suffocated, and to strike out, is not apparent. Nor is it explained how this policy differs from that of classic American isolation, which failed to prevent both World Wars.

A balance of power is the only conceivable foundation for peace. The system which kept the general peace between 1815 and 1914 has vanished. If a new balance is to be attained, and secured—and that balance, I repeat, defines our national interest in world politics—we shall have to continue to take the lead in doing so: the pressure against equilibrium is now stronger, more diverse and more difficult to control than was the case in the late Forties.

The anguish over Vietnam should be seen in this perspective. And in that perspective, I conclude, a policy of unilateral withdrawal would be more dangerous to American security than the patient, steady course we pursued in Korea.

A TRIBUTE TO THE LATE SHIGEO SOGA

Mr. FONG. Mr. President, it is with a sad heart that I eulogize a veteran newsman of Hawaii, Mr. Shigeo Soga, who passed away in Honolulu on October 16.

Mr. Soga was a well-known member of the Hawaii press for 40 years. After obtaining his journalism training at the University of Missouri, he returned to his native Honolulu to work for his father's newspaper, the Nippu Jiji—now the Hawaii Times. An editorial staff member of the bilingual newspaper's English section, he rose to become its president, editor, and general manager.

The Sogas—father and son—symbolized the transition in Hawaii's Japanese community from the first generation immigrants to the second-generation, American-born descendants. The elder Soga belonged to the first generation, his son Shigeo, to the second.

Fluent in both the Japanese and English languages, Shigeo Soga contributed his communications talents to the bilingual daily newspaper, just as his father did before him.

Shigeo, who lived to the age of 64, saw in his lifetime the coming of age of the Japanese-Americans, who today occupy prominent places in the political, business, cultural, and social life of Hawaii.

Beyond his role in newspapering, Shigeo Soga was active in many civic and commercial groups, and in youth organizations like the Boy Scouts and the YMCA.

A deserving tribute has been paid him by his fellow editors of the two largest Honolulu dailies. I ask unanimous consent to have printed in the Record, the editorials lauding Mr. Soga in the Honolulu Star-Bulletin and the Honolulu Advertiser of October 18.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Shigeo Soga

Shigeo Soga belonged to the transitional generation in Hawaii which helped to build bridges between the cultures of the East and of the West.

It was a generation essentially conservative and shy, but one which nevertheless began to make the ways of the West acceptable to the children of the East.

Shigeo Soga, who died Thursday, helped to lead his contemporaries into such organizations as the Boy Scouts and the YMCA at a time when few were ready to take the step. Lloyd R. Killam recalls that after months of searching for an eighth boy of Japanese ancestry to charter Honolulu's first AJA Boy Scout troop, it was necessary to get special dispensation to enroll Shigeo, then under age.

On such foundation was built the new citizenship of the Oriental in Hawaii.

As the inheritor of the Hawaii Times, which his father founded as the Nippu Jiji Shigeo Soga spent his life helping to establish the common community for which Hawaii is world-famed.

Shigeo Soga

A broad cross-section of the community is saddened by the death of Shigeo Soga, president, editor and general manager of the Hawaii Times, one of Honolulu's two Japanese-English language newspapers.

Soga worked for the Times, founded by his father, from 1929, the year he was graduated from one of the of the nation's leading journalism schools at the University of Missouri.

He also was exceptionally active in community affairs. His interests embraced the Aloha Council of the Boy Scouts of America, the YMCA, the Better Business Bureau, the Community Chest, the Symphony, the Bishop Museum and the Pacific and Asian Affairs Council.

But it was through his newspaper that his greatest service was performed. In recent years, the circulation of the language press has declined, but its importance for many years has been inestimable.

The years of Soga's newspapering were the years of transition of Hawaii, years when her people of Japanese ancestry were following the difficult path from plantation immigrant to political, professional and business leadership.

For the older generation especially, many of whom understood English not at all or only imperfectly, the language press was an essential means of bridging the cultural gap.

Soga, a gentle, quiet, self-effacing man, edited and published his newspaper skillfully and in doing so made a lasting contribution to the development of a new island society.

In later years he acknowledged that here as in other immigrant communities on the Mainland the need for a language press would dwindle as newer generations came to maturity.

He faced that prospect without sadness and, we hope, with characteristic quiet pride in the valuable work he and his father before him had done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DIFFERENTIATION BETWEEN PRIVATE AND PUBLIC OWNERSHIP OF LANDS IN THE ADMINISTRATION OF ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous orders, and without prejudice to the Senators under those orders, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 496, S. 2062.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed consideration of the bill.

THE MILITARY DEFENSE OF ALASKA

Mr. STEVENS. Mr. President, today I wish to make a statement concerning the defense of my State of Alaska.

On October 27 I received letters from the Departments of the Navy, Air Force, and Army, concerning cutbacks ordered by the Department of Defense. I ask unanimous consent to have these letters printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is to ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, what has happened, pursuant to these letters, is not unique for Alaska. We all know that there have been cutbacks, cutbacks caused by the tightening budget situation and caused, primarily, I feel, by actions taken by Congress in cutting down on military spending—actions which I opposed.

The time has passed when Alaska can talk about the economic impact of the defense establishment in Alaska and use economics as a basis for urging the defense of our State. Not that these actions will not have a severe, personal effect upon the personnel who lose their jobs. That economic impact is real—and one which concerns me greatly.

I am addressing myself today primarily to the results of these three actions. The results are:

The first will close the only naval station that defends 33,000 miles of American coastline.

The second will withdraw the last fighter squadron based in Alaska.

The third will remove from Alaska the two Nike-Hercules sites in central Alaska.

Mr. President, I think the actions which have been announced by the Department of Defense absolutely ignore the strategic importance of Alaska not only to American defense but also to the free world.

In 1935, Gen. Billy Mitchell, who was the most farsighted military air strategist of his day, pointed out the importance of Alaska in a statement he made to the House Committee on Military Affairs.

He said:

> Alaska is the most central place in the world for air. That is true either of Europe, Asia, or North America. I believe in the future, he who holds Alaska will hold the world. I think it is the most important strategic place in the world.

Mr. President, his statement is borne out by the facts.

My home, Anchorage, is less than 4,700 miles by air from almost every major city in the world.

For instance, it is 4,364 miles from Moscow. It is 3,997 miles from Peking. It is 4,491 miles from London. It is 4,697 miles from Paris. It is 4,545 miles from Berlin. It is 4,601 miles from Warsaw. It is 3,373 miles from New York.

Anchorage is closer to our important Pacific base than San Francisco.

Guam, for instance, is 4,670 miles from Anchorage, while 5,870 miles from San Francisco.

Midway is 2,650 miles from Anchorage, while 3,250 miles from San Francisco.

Honolulu is 2,778 miles from Anchorage, while 2,397 miles from San Francisco.

That is the only one of our major Pacific bases that is closer to San Francisco.

Tokyo itself is 3,463 miles from Anchorage and 5,748 miles from San Francisco.

It is no wonder that almost all military effort going to Vietnam goes through my State of Alaska. It goes through Anchorage at Elmendorf Air Force Base there.

Also, Alaska is closer to the Soviet Union and to Chinese territory than any other part of the United States.

We can all remember when the Nation reacted so dramatically to the possibility of Soviet missiles being permanently established in Cuba, which is 90 miles from our shores.

Yet Alaska is only 56 miles from the Soviet Union, and we know that there are permanent missiles across on the other shore.

The U.S. Government has repeatedly recognized the strategic importance of Alaska to defense strategy. In World War II, Japan recognized this, and moved on Attu and Kiska and captured the only American territory that was occupied by the enemy since the British captured Washington in 1814.

Following World War II, the United States made the same tragic error it is making today; namely, beginning to withdraw its military presence from Alaska.

With the outbreak of the Korean war, and the Berlin crisis, the strategic importance of Alaska militarily was again once apparent. Extensive programs of military rebuilding at a tremendous cost to the taxpayers were commenced.

Mr. President, when those of us working for statehood for Alaska came to Washington, President Eisenhower insisted that the military importance of Alaska was paramount even to statehood. We did not obtain statehood until section 10 of the Statehood Act was placed in the act, at the request of President Eisenhower, to recognize the strategic importance of Alaska. That provision gives the President of the United States powers, by executive order, to establish national defense withdrawals in the State of Alaska without regard to marshal law being established there.

I have been repeatedly briefed since I came to the Senate on incursions of Russian aircraft into Alaskan air space. Most of those briefings have been classified.

For instance, on March 13 of this year, the State Department publicly protested to the Soviet Union about the intrusion of Russian military aircraft, of the Bear class, into Alaskan airspace. The Soviets apologized, in that instance. But I want to point out that that is the only publicly announced intrusion since 1963.

We in Alaska know how often Russian aircraft are testing our air defenses. But now our Department of Defense, ignoring the strategic importance of Alaska, is withdrawing these defenses from Alaska.

The net effect of the announcements made by the Department of Defense will be that there will be no capability for conventional defense of my State. I think this is extremely important when we compare the position of Alaska to that in the NATO countries just described by my colleague from Virginia, and I think it is important to take note of what is happening in Europe in connection with NATO defenses. I shall do so.

Again, let me emphasize that I am not talking about the economic impact of this decision on my State. The economic impact will be very hard upon those who are going to lose their jobs. The total effect on the economy is very small.

What is happening is a complete reversal of years of military strategy for this country. After these cutbacks, there will be no naval operation in my State that is capable of maintaining Navy vessels. There will be no air defense units based in Alaska, which is one-fifth the size of the United States. Of the 14 air defense squadrons in the regular Air Force and the 18 Air National Guard squadrons which defend the lower 48 and Hawaii, not one will be in Alaska. There will be no fighter capability, no conventional air capability, based in Alaska.

Alaska, in effect, is told to live under the nuclear umbrella, and not to rely on conventional weapons.

I have just had the privilege of attending, with other Members of this body, the NATO General Assembly in Europe, where our colleague, the senior Senator from Kentucky, JOHN SHERMAN COOPER, discussed at length the policy of NATO, and where the Senator from Virginia (Mr. SPONG) discussed the policy of "flexible strategy."

In 1966 this policy was adopted by NATO. In a policy statement which was endorsed by all the members of the United States delegation to the North Atlantic Assembly, that assembly was urged that this flexible strategy remain the foundation of the defense of Europe.

Senator COOPER urged the development and maintenance of conventional forces and weaponry, readily available supplies, communications, and capability for mobilization adequate for any stage or level of attack.

This concept of flexible strategy suggests a sustained period of defense in reaction to conventional attack, in contrast to immediate nuclear war.

As Senator COOPER put it once, in Europe at the NATO Assembly, without conventional weapons the nuclear threshold may be crossed immediately in event of attack by conventional forces.

We are now leaving my State of Alaska without conventional defense forces. In other words, while we urge the North Atlantic allies to build up their conventional forces and to rely upon their ability to defend themselves against conventional attack, and not to depend upon America's immediate nuclear response, under the nuclear umbrella concept, we are telling my people of Alaska that we must rely solely upon the nuclear umbrella, and we shall not be concerned with conventional defenses at all. I think this is a policy of retreat from my State that is incomprehensible.

Under the concept of flexible strategy, there are 21 fighter squadrons stationed in NATO countries. They cover 510,058 square miles. My State has 586,400 square miles of American territory, which will not be patrolled by a fighter squadron based in Alaska. We are told that fighters will be detached from California squadrons or south 48 squadrons from other States and sent to our State for use. What they are telling us in the Department of Defense is that they are intending to use 586,400 square miles of Alaska as a landing base, a landing strip operation, instead of as a place of permanent defense.

When we turn to naval operations, a number of American naval installations in Europe to defend European waters as part of the overall NATO defense strategy are apparent to everyone all the way from the Mediterranean to the North Sea. Yet, by the decision of the Department of Defense, there will be not one naval base of operations in Alaska, which includes the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

Mr. President, I am making this statement today because I am extremely disturbed. I am disturbed because on September 12, I heard rumors that the Kodiak Naval Base might be closed. I contacted the Department of the Navy and I was told that no recommendation for the closing of any naval base had been made at that time. Because of the persistant concern of Alaskans, I again contacted the Department of the Navy on September 29, and was again informed, this time specifically, that the Navy had no intention of closing Kodiak. I so informed my constituents. Less than 1 month later, without any prior consultation with me or my colleague, the closing of the Kodiak Naval Base in its entirety was announced.

I may add parenthetically that I specifically requested that the Navy contact me and give me and my colleague (Mr. GRAVEL) the opportunity to present to the Navy Department the reasons for the maintenance of at least one naval station in Alaska, the last one, Kodiak Naval Station. Incidentally, there is the Adak Naval Station which is a station at the end of the Aleutian Chain. It is not a naval station in the sense of Kodiak. It is a strategic location which conducts classified activity.

Either the Navy Department intentionally misled me as a U.S. Senator or the decision to close the Kodiak Naval Station was made within a period of time that could not possibly allow adequate consideration to be given to the factors which underlie such an important decision from the point of view of national security.

I recall the comments made by a former Senator from Kentucky, my good friend, Thruston Morton, when he explained how he had not been told the truth by the Department of Defense; and I now further understand how that incident shaped his feelings and shaped his decisions on the floor of the Senate concerning policies, programs, and proposals put forth by the Department of Defense following the Gulf of Tonkin incident.

The U.S. Coast Guard, which has performed one of the most important and critically important services for our people—search and rescue—has depended upon the Kodiak Naval Station for support facilities, including housing, mess halls, power, water, sewage, and airfields for search and rescue craft. Unfortunately, when we contacted the Department of the Navy concerning the decision to close the Kodiak Naval Station, the Washington officials did not even know that they were closing the Coast Guard's most important functions, as far as search and rescue are concerned, in our State.

The Coast Guard is now faced with an even more serious dilemma. It wants to stay in Alaska, it must stay in Alaska, to perform these very vital search and rescue functions, but its budget does not provide for the operation of the Kodiak Naval Station.

As a result of its effort to save some $8 million now by closing the Kodiak Naval Station, I feel the Department of Defense is going to have to spend a great deal more hereafter to provide these services for the Coast Guard, or it is going to force the Department of Transportation to come to Congress and ask for a supplemental appropriation to continue those activities in our waters.

I have been informed only today that the Department of Transportation is reviewing now, because of this abrupt decision of the Department of Defense, the Coast Guard's entire posture as far as the State of Alaska is concerned. Either it must take the supplemental appropriation route, or it must reduce the services of search and rescue; the Department of Transportation must have more funds or reduce the services that it provides to American fishing fleets and water-borne commerce, as Alaska enters its most important economic expansion since the turn of the century in 1900. What a pity that the Department of Navy did not even consult the Coast Guard before it announced this critical action.

Unfortunately, I must report that I am informed, and I believe reliably, that the Navy Department not only did not consult with me or my colleague after a specific request to do so, but it did not even consult with the Coast Guard concerning what it must do upon the closure of the Kodiak Naval Station.

I think that the decision to close the Kodiak Naval Station is an expensive and inefficient, and very arbitrary, way to run the Military Defense Establishment.

Mr. President, if I had known that the dollars authorized for the ABM would result in a cutback of our conventional defense forces in Alaska, I would have viewed that proposal in a different light, and I want to state now that when the military appropriation bill comes before the Senate, I shall view the appropriation for the ABM very carefully in the light of the decision not to defend my State. I think that the expenditure that is necessary for conventional forces in the United States is just as important as the expenditures we are urging our NATO allies to make to defend their area conventionally before the nuclear umbrella is used there by this country.

I do not understand a military strategy that requires 300,000 American troops to be stationed in Europe while one-fifth of the land area of the United States is to be left essentially without conventional defense forces as we know them.

I also do not understand a military strategy which requires that 500,000 American troops be stationed in Vietnam, a distant southeastern Asian country that I visited this summer, and we all know very much about the activities there, and at the same time leaves one of our own 50 States without the capacity to defend itself against a conventional attack.

In short, Mr. President, the time has come for the Department of Defense to look at its hole card. The time will come when the military will want to come back to Alaska. The military has been in and out of Alaska like a yo-yo. Each time it closes down, it comes back several years later, and sometimes not too many years later, with a tremendous burden on the taxpayers to rebuild Alaska's defenses, because of shortsighted so-called cost savings involved in an economic rather than a military decision.

Alaska has always had excellent relations between its military and civilian components, but the constant instability in the military commitment to Alaska is wearing the edges thin.

Just at a time when Alaska's strategic importance has been further demonstrated by the discovery of the largest proven petroleum reserves in the North American Continent, the Military Establishment of this country says that we are to be left without conventional forces to protect this resource, or to protect the shipping lines that will bring it to the marketplace.

Mr. President, that decision is not only shortsighted, it is foolhardy, and I must say again that I think it will have a tremendous impact on the outcome of the consideration of the military appropriation bill which will be before this body in the very near future.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. DOMINICK. I congratulate the Senator for putting some things in very fine perspective, particularly the strategic importance of Alaska to the defense of our country. I think it shows quite clearly the tremendous interest he has in his home State, and how closely he keeps up with the variety of geographical and political considerations affecting his State, and how assiduously he has been following up his efforts, in the interests of his State, to try to conserve its energy and promote its economic resources.

So I congratulate the Senator from Alaska on a fine detailed and forthright statement.

Mr. STEVENS. I thank the Senator from Colorado for his generous comments. I know that he has had an important role in the defense posture of this country.

I do not make the statements I have made here today lightly. I feel that in the final analysis, the action taken by the Department of Defense is an announcement, inferentially, of a tactical decision in the defense strategy of this country that Alaska is not a part of the conventional defense area. It is not quite a decision to abandon Alaska entirely, because, as I have stated, we will still be under the so-called nuclear umbrella. But that is not sufficient. The Japanese had no nuclear weapons when they took a portion of our State and occupied it; and I feel that to determine now that the State of Alaska will be protected only from a nuclear point of view is to be extremely foolhardy. I am constrained to say that it is equivalent to deciding that the area from Seattle to Los Angeles, over to Albuquerque, and then up to Chicago should not have any conventional forces in it.

Either the Department of Defense is going to review this decision or, so far as I am concerned, they are not going to have my support for the continued expenditure of funds either for defense activities in the NATO countries or for this new weaponry that leaves Alaska completely in the position of having to cross the nuclear threshold immediately in the event of an unwarranted and unprovoked attack upon our State by conventional forces.

EXHIBIT 1

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., October 27, 1969.

DEAR SIR: Knowing of your interest in Air Force matters, the Secretary has asked me to inform you of recent decisions affecting our base and unit structure.

On August 21, 1969, the Secretary of Defense announced an additional $3 billion reduction in Fiscal Year 1970 military expenditures. As a part of the Air Force portion of this expenditure reduction, we plan to consolidate, reduce, or close certain Air Force installations and to inactivate, relocate, or reduce certain Air Force units. Attached is additional information which describes the program adjustments and the planned actions affecting your state or district.

Maximum placement assistance will be provided throughout the Department of Defense to career employees adversely affected by these actions. To the extent possible, any career employee whose job is eliminated by these actions will be afforded another job opportunity. This may involve movement to another installation in a different geographic area. In such cases where the movement is to another Federal position, moving costs will be borne by the Government.

In those actions which result in the closure of a facility, the Office of Economic Adjustment within the Department of Defense stands ready to assist the local community leadership in securing productive civilian utilization of these facilities.

Forty-eight hours after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

John J. Shaughnessy,
Colonel, USAF, Chief, Plans Group Legislative Liaison.

Department of the Navy,
Washington, D.C.

Dear Senator: Appreciating your interest in the U.S. Navy, I wish to insure that you are kept informed of current plans and programs of the Department.

Accordingly, I am enclosing a fact sheet on one or more actions planned in your state pursuant to recent announcements by the Secretary of Defense and the Secretary of the Navy concerning the requirement to reduce expenditures for Defense.

It is understood that a whole range of similar actions planned by the Army, Navy and Air Force will be the subject of a public announcement by the Secretary of Defense on Wednesday, October 29.

If you desire additional information, please do not hesitate to let me know. It is always my pleasure to be of service to you.

Sincerely yours,

John D. H. Kane, Jr.,
Captain, U.S. Navy, Deputy Chief.

Fact Sheet

U.S. NAVAL COMMUNICATION STATION, KODIAK, ALASKA

Background and mission

U.S. Naval Communication Station, Kodiak is a tenant of Naval Station Kodiak, which is 7 miles northwest of Kodiak City.

The mission of the U.S. Naval Communication Station, Kodiak, as an activity of the Naval Communications System, is to manage, operate, and maintain those facilities, systems, equipments, and devices necessary to provide requisite communications for the command, operational control, and administration of the Naval Establishment; to manage, operate and maintain those facilities of the Defense Communications System as assigned, and to perform such other functions as may be directed by the Chief of Naval Operations.

Nature of action

Place in an inactive mobilization status. Phasing-out will be accomplished no later than 1 January 1970.

Reason for action

This action is being made in concert with reduction in force levels and necessary defense expenditures resulting from the necessity to comply with the Fiscal Year 1970 expenditure limitation contained in the Fiscal Year 1969 Second Supplemental Appropriation Act, PL 91–47, and the Bureau of the Budget directive to effect an average reduction of 4% in federal civilian employment to achieve the most efficient use of personnel and resources.

Impact of the action

Personnel Data

a. Civilian employees on board as of 1 September 1969, 20.

b. Civilian employees ceiling as of 1 September 1969, 17.

c. Estimated annual salaries of civilian employees, $205,514.

d. Planned reduction of civilian personnel, 20.

e. Number of civilian positions to be transferred to other activities, none.

f. Military personnel allowance as of 1 September 1969:

Officers	13
Enlisted	258
Total	271

g. Estimated annual military salaries, $1,552,290.

h. Predicted military personnel reductions:

Officers	12
Enlisted	235
Total	247

i. Annual expenditure reductions (FY 1971), $2,068,000.

j. Personnel Relocations, none.

Assistance to affected civilians

Career and career-conditional personnel scheduled for separation will be provided all the advantages outlined in the DOD policy on stability of employment for career employees including priority rights to vacancies in other DOD activities, priority for reemployment, and payment of transportation and travel expenses for career employees who must be relocated to other DOD activities. The local office of the U.S. Civil Service Commission, State Employment Service office, and business firms will also be solicited for assistance in locating employment. Personnel will also be advised of retraining programs which are available.

Fact Sheet

NAVAL STATION, KODIAK, ALASKA, AND FLEET WEATHER FACILITY

Background and mission

Naval Station, Kodiak is located on the northeasterly end of Kodiak Island about 270 miles southwest of Anchorage. The mission of Naval Station, Kodiak is to maintain and operate facilities and provide services and materiel to support operations of aviation activities and units of the Operating Forces of the Navy and other activities and units, as designated by the Chief of Naval Operations.

Nature of action

Place in a partial-maintenance status. Phasing-out will commence 1 January 1970 and be completed by 30 June 1970.

Reason for action

This action is being made in concert with reduction in force levels and necesary defense expenditures resulting from the necessity to comply with the Fiscal Year 1970 expenditure limitation contained in the Fiscal Year 1969 Second Supplemental Appropriation Act, PL 91–47, and the Bureau of the Budget directive to effect an average reduction of 4% in federal civilian employment to achieve the most efficient use of personnel and resources.

Impact of the action

Personnel Data*

a. Civilian employees on board as of August 1969, 267.

b. Civilian employees ceiling as of August 1969, 276.

c. Estimated annual salaries of civilian employees, $3,099,600.

d. Planned reduction of civilian personnel, 274.

e. Number of civilian positions to be transferred to other activities, 2.

f. Military personnel allowance as of August 1969:

Officers	91
Enlisted	790
Total	881

g. Estimated annual military salaries, $5,393,000.

h. Predicted military personnel reductions:

Officers	69
Enlisted	634
Total	703

i. Annual Expenditure Reduction (FY 1971), $6,800,000.

j. Personnel Relocations:

Military personnel to be transferred to Adak, 43.

Civilians to be transferred to Adak, 2.

Military personnel to Hawaii, 55; to Seattle, Washington, 7.

Assistance to affected civilians

Career and career-conditional personnel scheduled for separation will be provided all the advantages outlined in the DOD policy on stability of employment for career employees including priority rights to vacancies in other DOD activities, priority for reemployment, and payment of transportation and travel expenses for career employees who must be relocated to other DOD activities. The local office of the U.S. Civil Service Commission, State Employment Service office, and business firms will also be solicited for assistance in locating employment. Personnel will also be advised of retraining programs which are available.

INSTALLATIONS AND ACTIVITY CONSOLIDATIONS, REDUCTIONS, REALINEMENTS AND CLOSURES

Department of the Army,
Washington, D.C., October 27, 1969.

Information for Members of Congress:

On 29 October Secretary of Defense Melvin R. Laird will announce actions to consolidate, reduce, realign, or close military installations and activities in the United States.

These actions are some of the steps being taken in order to realize the Fiscal Year 1970 Defense expenditure reductions announced by the Secretary of Defense on August 21, 1969. Decision on disposition of most of the real estate and facilities that will be closed will be made later.

I am attaching hereto a list of installations within your constituency which will be affected by this action.

Personnel separated by reduction-in-force or for refusal to accept transfer offers will be provided all the advantages outlined in the DOD policy on stability of employment for career employees, including priority rights to vacancies in other DOD activities, and priority for reemployment. Transportation and travel expenses will be allowed for career employees who must be relocated to other DOD activities. The local offices of the U.S. Civil Service Commission, State Employment Service offices and business firms also will be solicited for assistance in locating employment for those needing it. Personnel will be advised of retraining programs which are available. The services of the Department of Defense Office of Economic Adjustment will be made available to communities affected.

This information is being furnished with the understanding that no announcement will be made either by yourself or by the Department of Defense prior to the Department's public announcement, which will be made at 1100 hours 29 October 1969.

Furnished by: Office, Chief of Legislative Liaison.

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* Includes Fleet Weather Facility and other tenants less Naval Communications Station.

ALASKA

[Dollars in millions]

Activity	Location	Jobs eliminated: Military	Jobs eliminated: Civilian	Annual savings	Completion date
2 Nike Hercules sites	Eielson AFB	254	0	$4.200	Sites will be closed. Units will be inactivated. Complete closure by end 4th quarter fiscal year 1970.

TWO NIKE HERCULES SITES

EIELSON AIR FORCE BASE, ALASKA

(Close Sites)

The two NIKE HERCULES sites (Sites 21 and 22) are listed as Eielson Air Force Base and are located 28 and 31 miles southeast of Fairbanks in the Fairbanks Defense, Alaska. Site 21, consisting of 778 acres of land and facilities acquired at a cost of $4,781,800, was initially occupied in 1958. Site 22, consisting of 1,162 acres of land and facilities acquired at a cost of $5,842,500, was initially occupied in 1959.

The strategic air defense posture is evaluated on a continuing basis in light of current and future enemy threats, weapons characteristics and fiscal considerations. In order to meet directed Fiscal Year 1970 defense expenditure reductions as announced by the Secretary of Defense on August 21, 1969, Sites 21 and 22 were selected for inactivation because it was determined that they contribute least to the overall defense.

Upon completion of this action the installations will be retained for other possible defense requirements. The 127 military personnel at each site will be released for other urgent requirements, the Army end strength will be reduced by 254, and estimated annual savings of $4.2 million will be realized. The action will be completed by June 1970.

ALASKA—ELMENDORF AFB

Action	Manpower changes	Date of change or discontinuation of military mission
Inactivate 317th Fighter Interceptor Squadron (26 F-102 aircraft). Increase F-106 rotational aircraft:		By Dec. 31, 1969.
Military	−783	
Civilian	−67	
Reduction of Headquarters Alaskan Air Command:		
Military	−122	
Civilian	−32	
Activate an Air Rescue and Recovery Squadron with 4 HC-130H aircraft:		By June 30, 1970.
Military	+168	
The reductions above relate to changes in our strategic defensive forces and in our command and control functions. They will result in ultimate annual savings of $8,543,000.		
Net change:		
Military	−737	
Civilian	−99	

The PRESIDING OFFICER. In accordance with the order of yesterday, the Senator from Colorado (Mr. ALLOTT) is recognized for 30 minutes.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may request a quorum call without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN PRISONERS OF WAR

Mr. ALLOTT. Mr. President, a most significant announcement was made in Chicago on Monday by the New Mobilization Committee To End the War in Vietnam with regard to American prisoners of war held by the North Vietnamese Government. It is interesting to note that this announcement, reported faithfully on the front page of Tuesday's Washington Post, and characterized by one who participated in the press conference as "a peace feeler" and "an attempt to establish better relations with Washington," has so far failed to evoke little more than a mere "ripple" of comment.

With appropriate fanfare, Mr. William Kunstler, chief defense counsel at the "Chicago eight" riot conspiracy trial, announced that it would only be through the New Mobilization Committee To End the War in Vietnam that we would begin to receive names of American prisoners of war and "possibly other pertinent information" about their condition "as soon as the committee has a chance to set up an office and pass the information along to the prisoners' relatives." Mr. Kunstler had flown to Paris last weekend to meet with Xuan Oanh, a middle-ranking member of the North Vietnamese delegation to the Paris peace talks. As a result of a 2-hour meeting with Oanh, Kunstler announced that it is his understanding that Hanoi is now willing to:

Give to the New Mobilization Committee To End the War in Vietnam a list, "but maybe not at once," of the U.S. prisoners of war held captive by the Government of North Vietnam, although not those held by the Vietcong in South Vietnam;

Release to the New Mobilization Committee To End the War in Vietnam "possibly other information" about the prisoners;

Channel a "regular flow of mail" from the prisoners through the New Mobilization Committee To End the War in Vietnam, although no agreement was reached on handling the mail from the prisoners' relatives to these captives of North Vietnam and the Vietcong.

Mr. President, some observers might feel that this announcement by Mr. Kunstler indicates a kind of "post-Ho" change of attitude with regard to the manner in which Hanoi has chosen to deal with our American prisoners of war. For example, prior to Ho's death, and as recently as June 10, 1969, an article appearing in Hanoi Hnah Dan newspapers, entitled "United States Censured for Distortion on POW Treatment," stated:

> We denounce and protest against the scheme of the U.S. to equate the Vietnamese patriotic fighters detained by the U.S. aggressors with the U.S. pirates caught in the act by the Vietnamese people while piloting aircraft to bomb and strafe the D.R.V.N., committing crimes against the Vietnamese people. These pirates are *war criminals*.
>
> We denounce the U.S. scheme to raise the question of U.S. *air pirates* in order to mislead public opinion in the United States and the world, which is demanding that the U.S. Government stop its war of aggression and bring U.S. troops home.

It is my opinion, however, that Hanoi is making a last, desperate effort to escape public and world condemnation for their continued failure to abide by the Geneva Agreements of 1949. All of the principal parties to the conflict in Vietnam are parties to this convention. South Vietnam acceded to the convention on November 14, 1953, and North Vietnam acceded on June 28, 1957. The U.S. ratification was deposited on August 2, 1955. Simply stated, the Geneva agreements obligate the parties to provide these minimum guarantees with regard to the treatment of prisoners of war:

Identification of all nationals held captive.

Immediate release of all seriously sick or wounded prisoners.

Permit free flow of mail both to and from the prisoners.

Permit the regular inspection by the International Committee of the Red Cross, or other appropriate intermediary, of all detention camps and other facilities in which prisoners are being held.

Mr. President, obviously these minimum standards of humane treatment, recognized by both the Geneva agreement as well as basic international law, are far beyond those suggested by Hanoi through its American agent, the New Mobilization Committee to End the War in Vietnam.

This is not the first time that the Hanoi government has tried to avoid assuming responsibility for the proper treatment of American prisoners of war. On September 10, 1969, U.S. Ambassador Graham Martin observed before the International Red Cross Conference:

> North Vietnam denies universally accepted standards of humanitarian treatment of prisoners and violates the provisions of the Geneva Agreement to which it acceded by:
>
> (1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.
>
> (2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

In addition, of course, Ambassador Lodge has repeatedly reiterated our views with regard to the matter as have the Secretary of Defense and the Secretary of State.

It is tragic to observe, Mr. President, that of the 1,400 American civilian and military personnel who are listed either as prisoners of war or missing in action that 200 of these have remained in a state of limbo for more than 3½ years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

Mr. President, the Geneva Convention of 1949 is based on several centuries of hard, bitter experiences insofar as prisoners of war are concerned. It recognizes the helplessness of such prisoners, their utter dependence on the good will of the captor nation. It takes into account the passions that war arouses against enemy soldiers. It recognizes that practically speaking, prisoners of war are unable to protect themselves and that international law requires that their persons and honor be respected and they be protected from both physical and mental abuse.

Of course, the most mendacious justification for mistreatment or execution of captured soldiers is that they are bandits, or criminals, beyond the help of law. It is absolutely tragic to note how often we have heard this phrase used by the Communist governments to describe prisoners of war under their jurisdiction. Any one or any country daring to oppose Communist ideology is labeled a criminal in order to politicize war or armed conflict. This is not a new effort; and it was because of this that the Geneva agreement deliberately sought to depoliticize the whole question of prisoners of war. The convention holds that men in military uniform are not per se criminals or bandits, no matter what their ideology or political attitude.

The Geneva Convention further attempted to depoliticize the matter by establishing neutral, nonpolitical organizations such as the International Red Cross to oversee that prisoners of war were receiving minimum standards of treatment.

Mr. President, there is no question that the United States and the Government of South Vietnam have played the game according to the international rules. At all times—I repeat that—at all times North Vietnamese prisoners of war held in stockades in South Vietnam have been allowed the four minimum standards, and a good deal more, I might add.

Congress has not been silent on the issue of assuring decent treatment for American prisoners of war now held captive by the Government of North Vietnam and the National Liberation Front. Various resolutions have been offered in both the House and the Senate to galvanize responsible support for the application of appropriate action within a variety of world forums.

But make no mistake about it. Hanoi is busy, too, trying to counter any possible adverse criticism in this matter. The announcement this Monday by Mr. Kunstler is merely part of Hanoi's desperate effort to escape world condemnation for their brutal disregard for minimum standards of humane treatment of prisoners of war. The absurdity of using the New Mobilization Committee To End the War in Vietnam as Hanoi's agent here in the United States cannot, of course, be overdramatized. Unfortunately, however, this absurdity is overshadowed by the real tragedy of the situation: a blatant effort to use American prisoners of war, and their anxious families, as political hostages. I know that all my colleagues in the Senate share my sense of outrage with regard to the matter of using American lives as a trump card in the cruel game of political blackmail. The statement from Chicago Monday afternoon merely proclaims publicly what Hanoi has been saying privately to the families of these prisoners for some time: Deal with antiwar groups if you want any information about your husbands or sons who may or may not be alive in our prison camps. Thus, the tragic threats of political blackmail are woven into the overall fabric of Hanoi's callous deceit and infamous betrayal of a decent regard for humane treatment of prisoners of war. Senators know that when the wives of Americans held by the Government of North Vietnam recently contacted the North Vietnamese negotiators in Paris, they were told by these negotiators that if they really wanted to do something for their husbands, they would be well advised to go back home and work actively with those antiwar groups who were urging the unconditional and immediate withdrawal of all American troops from Vietnam.

What incredible and savage leverage; the quid pro quo: Get behind antiwar efforts if you really want to learn something about your husband or if you really want to have a faint hope of seeing him again. Mr. President, these are our men; they are defenseless; their families are torn between hope and despair of ever seeing them again; and they are being used as political hostages.

I stated in a press conference the other day that I felt the Department of Justice has a responsibility to examine the question of whether or not criminal prosecution should be brought against Mr. Kunstler under the provisions of the Logan Act. So that the record can be made clear on this matter, I ask unanimous consent that two articles in Tuesday's papers be printed at this point in the Record, followed by the provisions of the Logan Act as contained in 18 United States Code 953.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 28, 1969]

KUNSTLER SAYS HANOI IS READY TO SUPPLY A LIST OF U.S. PRISONERS

CHICAGO, Oct. 27.—North Vietnam was reported today to be ready to hand over a list of United States prisoners of war to the American peace movement.

William M. Kunstler, a lawyer for the Chicago Eight, said Hanoi was also willing to release information about the prisoners' condition and to permit a greater flow of mail to and from them.

Mr. Kunstler returned from a weekend trip to Paris, during which he met with representatives of the North Vietnamese delegation to the peace talks. He made the trip in behalf of David T. Dellinger and Rennard (Rennie) Davis, two of the defendants in the conspiracy trial growing out of the disturbances during the Democratic National Convention here in 1968. Judge Julius J. Hoffman had refused to allow them to leave the country.

Mr. Kunstler discussed the results of his weekend trip at a news conference during the noon recess. His statement recalled a report from diplomatic quarters in Paris late last month that the North Vietnamese had agreed to supply at least some of the prisoners' names.

Mr. Kunstler was asked whether there had been any indication of the number of names that would be on Hanoi's list of prisoners.

"We did not discuss any figures," he said, "but I had the distinct impression that they would include all the American prisoners they hold, although not those held by the Vietcong in South Vietnam." He said he also had the impression that most were fliers.

The United States lists 1,350 men as missing in action and 430 of those as believed to be captured.

The lawyer said he had been told that all the information about and mail from the prisoners would be channeled through an office to be set up by the American peace movement, particularly the National Mobilization Committee To End the War in Vietnam. He said he got the impression that Hanoi was ready to start providing the information as soon as such an office could be established.

Mr. Dellinger, who is chairman of the Mobilization Committee, told newsmen that the committee was already at work on the matter but declined to say how long it would take or where the office would be.

"Rennie Davis and I and Mr. Kunstler are all very much tied up in this trial," he said. "But we have begun consultations with other members of the committee and hope to have results to report soon."

[From the Washington Post, Oct. 28, 1969]

HANOI SAID TO PROMISE POW DATA

(By A. D. Horne)

North Vietnam has promised to give an American anti-war group the names of all U.S. prisoners it holds, the chief defense counsel at the Chicago riot conspiracy trial announced yesterday.

Attorney William M. Kunstler of New York said the New Mobilization Committee To End the War in Vietnam would begin to receive the names and "possibly other pertinent information" about the prisoners as soon as it had set up an office and staff to pass them on to the prisoners' relatives.

Kunstler, who flew to Paris over the weekend for a meeting with a North Vietnamese delegate to the peace talks, said at a Chicago news conference that he also was promised "a regular flow of mail" from the prisoners.

This mail, Kunstler said in a telephone interview, would be routed to addressees by the Mobilization office. The handling of relatives' mail to the prisoners was not discussed in his 2-hour meeting with Xuan Oanh, he said.

Oanh, a middle-rank member of the Hanoi

delegation, has handled many of its public contacts, including meetings this fall with more than 20 wives of U.S. prisoners. The wives were seeking word on whether their husbands were alive.

Kunstler said the North Vietnamese were insistent that anyone who did not want to get prisoners' names and other information publicly could get it privately.

The attorneys said the Mobilization Committee would meet next week in Chicago to decide on the staffing and location of the new office, and that one of its leaders would then go to Paris "to start the flow" of information.

All names will be provided, Kunstler said Oanh told him, "but maybe not at once."

David T. Dellinger, one of the Chicago defendants, said details of the new operation would be announced at a peace rally here on Nov. 15. Oanh had asked to see Dellinger and co-defendant Rennie Davis, but U.S. District Judge Julius J. Hoffman denied both men permission to leave the country and Kunstler went instead.

Dellinger called the North Vietnamese promise "a major friendly act," "a peace feeler" and "an attempt . . . to establish better relations with Washington."

The State Department reserved comment. Earlier in the day, the Defense Department has issued a statement calling it "indefensible" for North Vietnam to delay release of the prisoners' names.

The Pentagon lists 413 identified prisoners in North Vietnam; 918 others are carried as missing in Southeast Asia. About half the missing men are estimated to be prisoners in North Vietnam, making a total of 800 to 900 held there.

Both the State and Defense Departments repeatedly have urged Hanoi to make public a full list of men held, and to comply with the 1949 Geneva conventions to permit free flow of mail and inspections of prison camps by the International Committee of the Red Cross.

U.S. officials estimate that over the past five years letters have been received from only 110 of the prisoners, at a rate of two or three per year from those 110.

North Vietnamese spokesmen have denied any restrictions on the mail flow. However, Kunstler said the prisoners had been allowed to write only "on certain specified holidays," and that Oanh had promised a "much more regular flow of mail."

Kunstler said the information to be given the Mobilization might cover the prisoners' health.

U.S. officials noted that Oanh also had promised the prisoners' wives information about their husbands, but that no family had reported receiving any.

In Paris, where Ambassador Henry Cabot Lodge has raised the prisoner issue at several sessions of the peace talks, the U.S. delegation has been told that wives can write the North Vietnamese delegation for information.

The officials suggested that this new promise, made through the U.S. peace movement, was evidence that Hanoi was "feeling the heat" on the prisoner issue. But they indicated the administration would welcome any information on the prisoners, and would make no move to interfere.

Sen. George McGovern (D-S.D.), meanwhile, said Congress should make clear to Hanoi that continued mistreatment of American prisoners can only produce "a stiffened U.S. attitude toward possible negotiations or withdrawals" from Vietnam. He urged Congress to endorse an International Red Cross resolution calling on all nations to abide by the Geneva Convention on the treatment of prisoners of war.

EXCERPT FROM THE LOGAN ACT

Section 953. Private correspondence with foreign governments.

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controveries with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects (June 25, 1948, ch. 645, 62 Stat. 744.)

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. BYRD of Virginia. Mr. President, I believe the Senator from Colorado is rendering an important service in focusing public attention on the plight of the American servicemen who are being held captive by the North Vietnamese.

Regardless of what view an individual American may take on the wisdom of becoming involved in a ground war in Asia, I think all Americans can agree that those Americans who have been captured and who are now in North Vietnam have been treated—and their families have been treated—in a most inhumane way. The North Vietnamese will not even submit a list, as the Senator from Colorado has brought out, of those who are being held captive, will not permit letters to be sent to them from their families, and will not permit them to write their families. I cannot imagine a more inhumane treatment, both for the men involved and their families, than our prisoners of war have received at the hands of the North Vietnamese.

I should like to mention at this point a joint resolution which was passed by the House of Representatives on October 14. It is House Resolution 910. It was introduced by two Virginia Representatives—Representative WHITEHURST of the Second Congressional District of Virginia, and Representative DOWNING of the First Congressional District.

With the permission of the distinguished senior Senator from Colorado, I should like to read this brief resolution into the RECORD at this point.

Mr. ALLOTT. I would be happy to have the Senator do so.

Mr. BYRD of Virginia. The joint resolution is as follows:

> Whereas, the inhuman treatment of our military men who are prisoners of war in North Vietnam is now well documented; and
>
> Whereas, the families of many of these men are not sure whether or not these men are alive; and
>
> Whereas, the citizens of this Nation have a moral obligation to assure these families that they have not been forgotten; Now, Therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That November 9, 1969, be declared a national day of prayer and concern on behalf of the American servicemen being held prisoner by the North Vietnamese.

That is House Joint Resolution 910, which was passed by the House of Representatives on October 14.

It is my hope, Mr. President, that the appropriate committee of the Senate will expeditiously consider this resolution and bring it before the Senate for the approval of this body.

Again, Mr. President, I commend the distinguished senior Senator from Colorado for focusing attention on the plight of these prisoners of war. It is inconceivable to me that the Hanoi government would be so callous and so inhuman as to refuse to submit a list of the men they have captured and give their condition.

We hear a great deal about demonstrations with regard to Vietnam. It seems to me that a good demonstration for the people of the United States to engage in would be to demonstrate their disapproval of the way Hanoi has been cruelly handling the American prisoners of war.

I call upon Hanoi to prove they want peace by publishing a complete list of all prisoners, by immediately releasing the sick and wounded, by permitting the International Red Cross to inspect all prisoners, and by the prompt exchange of all prisoners in their custody.

Until these steps are taken, there can be no progress toward an honorable and lasting peace in Vietnam.

I thank the Senator from Colorado for yielding.

Mr. ALLOTT. I thank the distinguished Senator from Virginia for the comments he has voiced here. His comments reflect my views.

As he has said, it is impossible to comprehend the complete lack of morality of any nation, particularly North Vietnam, as demonstrated by its treatment of prisoners and the families of prisoners they now hold. It is totally inexcusable. Those who would support Hanoi by talking about their high morality should look very closely at the question of how Hanoi is treating prisoners of war in spite of its obligation to the Geneva Convention, as outlined by Ambassador Martin. Then, they would realize their words are as shallow as little puddles after a rain.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

(At this point, Mr. HART assumed the chair.)

Mr. GRIFFIN. Mr. President, I wish to join the Senator from Virginia in commending the distinguished Senator from Colorado for his very thoughtful, responsible, and excellent statement, which does a great service to this body and to our country. He is exposing and exploding the cruel hoax that Hanoi and its sympathizers seek to perpetrate on the American people, and, unfortunately, on the families of those who happen to be prisoners of war.

Surely, if Hanoi were at all sincere they could demonstrate it most effectively by announcing their adherence to the provisions of the Geneva Convention as the distinguished Senator has already indicated.

I associate myself with the suggestion made by the Senator from Virginia. Demonstrations should be held in this country, not only addressed to the prisoner-of-war situation in general, but also calling upon Hanoi to adhere to the Geneva Convention. That would be a positive objective and a positive goal which would be in the interest of humane treatment of our prisoners of war.

I believe this is the kind of goal all Americans could agree upon and certainly it deserves the support of all us—including peaceful demonstrations.

I thank and I commend the distinguished Senator from Colorado for service he is performing in the presentation of this statement.

Mr. ALLOTT. I thank the distinguished Senator very much because I value his opinions so very highly and always have. I hope that today we can put this whole question in proper context for the people of the United States.

Mr. President, just before I yielded I had asked unanimous consent, which was granted, to have printed in the RECORD two articles to put the New Mobilization Committee and Mr. Kunstler in the proper framework. I wish to read one section from the United States Code known as the Logan Act. It is section 953 and it is entitled "Private Correspondence With Foreign Governments."

> Section 953. Private correspondence with foreign governments.
>
> Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined no more than $5,000 or imprisoned not more than three years, or both.
>
> This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. (June 25, 1948, ch. 645, 62 Stat. 744.)

I have been asked several times, "What about the wives of prisoners who went to Paris to talk to representatives of the Hanoi government?" I particularly call to the attention of those people the last paragraph that I read because they were seeking redress for an injury sustained to them.

Of course, Mr. Kunstler's statement and the involvement of the New Mobilization Committee To End the War in Vietnam does not represent some isolated instance of trying to work the will of Hanoi in this country. We already know that at least two members of the New Mobilization Committee were among the 40 or so people representing anti-Vietnam war organizations, including a delegation from the Democratic Republic of Vietnam—the euphemism for the Government of North Vietnam—when the Stockholm Conference on Vietnam convened on October 12. My colleague, Senator FANNIN, has already pointed out in the CONGRESSIONAL RECORD that the Stockholm Vietnam Conference was also one of the participating organizations in the Communist-controlled World Assembly for Peace held in East Berlin in June of this year.

Mr. President, I ask unanimous consent that two of the resolutions adopted at this conference be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[Stockholm conference resolutions]

NOVEMBER 15 DAY OF INTERNATIONAL MOBILIZATION TO END THE WAR IN VIETNAM

Resolution: Adopted October 12, 1969

The Stockholm Conference on Vietnam welcomes the formation of the broadest coalition of U.S. anti-war forces yet known which have joined together in the New Mobilization Committee to End the War in Vietnam to mount a series of massive demonstrations. The Fall Offensive began with demonstrations in Chicago on September 24 in support of the 8 Anti-War leaders on trial for conspiracy. The campaign will continue with the Vietnam Moratorium on October 15 and will culminate in mass national demonstrations in Washington and San Francisco from November 13 to 15. The New Mobilization Committee is committed to the immediate, total and unconditional withdrawal of U.S. forces and war material from Vietnam.

The Stockholm Conference wholeheartedly supports the Fall Offensive and calls for mass demonstrations throughout the world on November 15 to match the unparalleled outpouring of popular opposition to the war now spreading across the United States. All actions on this day of international mobilization should be centered on the demand of the Vietnam Appeal calling for immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam. This is the only basis for bringing the war to a rapid conclusion. In those countries linked to the U.S. war effort there should be demonstrations demanding an end to these pacts of complicity.

We join the New Mobilization Committee in calling for a campaign which will not end on November 15 but will rise in intensity until U.S. aggression in Vietnam is ended and the Vietnamese have won the independence and peace for which they have fought so long.

VIETNAM APPEAL

Resolution: Adopted October 12, 1969

To respect the Vietnamese people's fundamental national rights: independence, sovereignty, unity and territorial integrity—and the right to self determination of the people of South Vietnam.

We demand the immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam.

Mr. ALLOTT. Mr. President, in connection with the first resolution, it will be interesting to observe whether activities are planned and executed to demonstrate at American Embassies in New Zealand and Australia to focus on the fact that these countries are supporting our efforts in Vietnam. In a continued effort to find financial support for the movement, we probably will see—and I predict we will—some kind of a call for a worldwide day of collection, to finance their efforts, at temples and churches in December.

Mr. President, this is the same group that Hanoi has designated as its agent to represent their responsibilities before the bar of world opinion in connection with the prisoner of war issue.

Mr. President, I would like to ask unanimous consent to insert at the conclusion of my remarks an article appearing in Wednesday's Washington Post dealing with the progress of the war in Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, this article, and the desperate efforts of Hanoi to try to shift the focus of world opinion away from their shoddy performance with regard to the humane treatment of American prisoners leads me to wonder whether or not the battleground has shifted: Is pacification proceeding faster in Chicago than it is in the hamlets of Vietnam? I wonder also if we are going to let our men rot while Hanoi promises to provide "possibly other pertinent information" about the men it has held for as long as 3½ years.

Mr. President, the irretrievable suffering and death of the Vietnam war unites each of us in our constructive efforts to find peace with freedom at the earliest possible date in Vietnam. I think we must dedicate our thoughtful energies, however, to deal with those areas of the war which are retrievable and where suffering and torment can find some practical hope of alleviation. Surely one of these areas is the assurance of adequate treatment for American civilian and military personnel held captive by the government of North Vietnam and the National Liberation Front.

Despite our views with regard to this war—historically or prospectively—many of us have already cosponsored measures during this session of Congress which would make it abundantly clear that the Congress of the United States demands treatment in accordance with the Geneva Agreement for our military and civilian personnel held captive by the Communists.

Mr. President, we know that the President is in the process of preparing his remarks for the important November 3 speech which will outline to the American people Mr. Nixon's views with regard to the future of this tragic conflict. The President will be trying to inform America with regard to his proposals for peace with freedom in Vietnam from his vantage point as Commander in Chief of our Armed Forces. Why cannot we here in Congress embark upon a similar educational effort to inform the American public of the truth with regard to the manner in which our American prisoners are mistreated by the Communists. It seems to me, Mr. President, that the Congress itself is capable of galvanizing support for assuring proper treatment for those Americans who have justifiably, I fear, been called the forgotten Americans of the Vietnam war.

For this reason, I call upon the chairman of the Foreign Relations Committee to convene his committee at the earliest practical date for the purpose of holding public hearings with regard to this issue and with a view toward reporting out any of the many resolutions now pending before the Committee dealing with the question. These resolutions cannot languish when the tide of propaganda sweeps up upon our shores; we cannot remain immobile at a time when the New Mobilization Committee To End the War in Vietnam arrogates to itself the manner in which our fellow Americans shall be dealt with by the North Vietnamese and the Vietcong.

Mr. President, we can do something to help these men, and their anxious families here in the United States. We must.

EXHIBIT 1

[From the Washington Post, Oct. 29, 1969]

THE NEW OPTIMIST—I: MANY FEEL VC CAN'T RECOVER

(By Robert G. Kaiser)

APBAC, SOUTH VIETNAM—Just when antiwar pressure in the United States seems to be escalating sharply, many American officials here are contemplating the tantalizing possibility that the Vietcong's revolution in South Vietnam has been defeated.

Optimism in Vietnam is a discredited philosophy, and its adherents must accept the status of discredited philosophers: One is allowed to believe that the earth is flat, but please, keep it to yourself. Hardly any American official here outside the military establishment will allow himself to be quoted by name as one of the new optimists, though a large number of them subscribe secretly to the faith.

Virtually all these officials have learned to qualify every optimistic judgment with some variation of the standard post-Tet offensive caveat: "Of course, the Vietcong could still surprise us . . ." But many dispense the caveat insincerely, as though it were a kind of intellectual conscience money.

The new optimism has infected much of the American mission here, and it is undoubtedly reflected in the official reports from Vietnam now reaching Washington.

The "fact sheet" on Vietnam issued last week by the White House shows signs of the new mood among U.S. officials in Vietnam.

The basis of the optimism is the apparent situation in the countryside, especially in the Mekong Delta, where a third of South Vietnam's 17.3 million people live. The countryside is more fully "pacified" than at any time since the big-unit war began in 1965.

Roads and waterways that have been impassable for years have begun to buzz with commerce during the last six months. Villages long considered part of the "Vietcong society," sometimes for a generation, are now clearly within Saigon's influence and seem to be thriving on the new relationship.

Hundreds of thousands of citizens have demonstrated some faith in (if not affection for) the Saigon government by moving back to their old hamlets, joining the People's Self-Defense Force and participating in government-sponsored local elections.

The new optimists make a good deal of this apparent progress, but they are not talking about "winning the war." They are optimistic about the prospects of controlling the countryside and eliminating the military and political influence of local Vietcong. But this would not necessarily affect the North Vietnamese troops still in South Vietnam—still capable of launching offensives and prolonging the war perhaps indefinitely, even if forced to stay close to their Cambodian and Laotian sanctuaries.

INSECURE AREAS

Nor do the new optimists speak with equal enthusiasm about all of South Vietnam. Several northern provinces are still heavily infested with Vietcong; all the northern provinces and those along the western edge of the country—next to Laos and Cambodia—are the subject to incursions by the North Vietnamese that could mean insecurity in those areas for years.

But the Mekong Delta is the country's wealthiest and most populous area, and it was the home of the Vietminh and Vietcong movements in the South. It is often said that whoever can control the plush and productive Delta will eventually prevail.

This correspondent recently spent seven days in the Delta on two separate trips, walking and driving unarmed through areas that an American would not have entered without a company of soldiers when Presidents Thieu and Nixon met last June at Midway.

On such a trip one is repeatedly nudged and told: "VC came out of the treeline over there and ambushed an RF [Regional Force] company last spring."—"This is where the [American] province senior adviser was killed"—"Three months ago we would have been called crazy even to think about driving on this road"—"You're walking on land that the government in Saigon never controlled until this summer."

GAINS ARE MYSTERIOUS

The rampant optimism is restrained by the mystery of why the past year's progress in pacification was so easily achieved. The Vietcong have made no major effort to challenge pacification in the Delta for more than a year. Government forces have moved into hundreds of supposedly Vietcong-controlled villages without, in many cases, even being shot at. South Vietnamese officials have often been able to go into these areas, organize government programs and run local elections without the slightest harassment.

Have the Vietcong decided not to contest the pacification program? Or are they too weak to cope with it? Both theories have adherents among American and South Vietnamese officials here, though the second is much more popular.

But even those who believe the National Liberation Front has ignored pacification for the time being seem to doubt that an all-out Vietcong effort would now do as much damage as, for instance, last year's Tet offensive.

SAIGON'S GROWING STRENGTH

They reason that during those devastating attacks and in the 21 months since the Vietcong structure has eroded substantially while the Saigon government's military power in the countryside has grown steadily. South Vietnam has about 100,000 more troops than it had at the time of the Tet attacks.

The boldest of the new optimists are those who contend that the Vietcong are too feeble to make a comeback in the Mekong Delta. But there are a great many officials talking that way, including some of the best-known old hands in Vietnam once known for their criticism and pessimism. Though they are optimists now, they are talking only off the record.

"Villages we thought were controlled by a company of VC turned out to have only one or two armed guerrillas," one of these veterans said recently.

VIETCONG INSTRUCTIONS

Another old hand, who has been studying the Vietcong for four years, points to captured documents containing instructions to local Vietcong to assassinate fixed quotas of important South Vietnamese officials in the countryside. Despite these instructions, the government has lost very few important officials.

Other officials point to the reports of prisoners and defectors from the Vietcong who say that the enemy's once remarkable organization—the layers of associations and committees built on a tight base of cells—no longer exists in many parts of South Vietnam. In other areas the organization seems to be a parody of its former self. In one village in Dinhtuong Province, the party secretary—an important figure—turned out to be a 16-year-old boy.

The zeal of the revolution also seems dissipated, the new optimists say. "When we fought the French," a 55-year-old Vietcong colonel who recently rallied to the government told an American official, "the people supported us, they loved us. But these young new cadre don't know how to win the people's support . . ."

DELTA'S ASSUMPTION

All over the Delta one hears that "time is now on our side." It is widely assumed that each week the Vietcong get weaker and the government presence becomes stronger.

The fact that American patience with the war could run out before the South Vietnamese are ready to stand alone causes bitterness here. "I wish I could show Sen. McGovern around this province," a Foreign Service officer who has been working on an important pacification job said recently. "How could he want us to give up now?"

Men like this one (including senior members of the American mission in Saigon) who have coped with failure and frustration in Vietnam are now exhilarated by the apparent success. Efforts in the United States to ignore or to sabotage that progress anger many American officials here.

"It's good to be back where some constructive work is being done," one senior diplomat said recently after a discouraging trip to America.

The fruits of that work—be they relatively permanent or just temporary—are visible all over South Vietnam. There have always been models of successful pacification, but in the old days those were matched by models of pacification's complete failure. Now that second category is rare indeed.

APBAC'S EXAMPLE

This hamlet of Apbac in Longan Province is a good example of the new model. When one flies over Apbac at 1,000 feet the tall buildings of Saigon are clearly visible rising out of the rice paddies 20 miles off. Longan Province is at the very top of the Delta, but its proximity to Saigon never had much influence on its politics. The area around Apbac has been home for the Vietminh and Vietcong for years.

In 1963 Apbac became famous as the site of a disastrous battle for the South Vietnamese army. Five American helicopters were shot down in that fight, and people in the United States began asking what was going on in Vietnam.

In 1965 the hamlet fell completely under Vietcong control. Many of its residents fled to nearby towns or government-controlled areas to avoid the war, the rigors of life under the Vietcong or both.

ENTERED IN JULY

Government forces entered Apbac this July. Then 600 people lived in this dirty, dilapidated little town or right around it. They were served by four small shops and an old Buddhist pagoda that sits atop the highest hill in Longan Province, a 35-foot mound of Paddy mud.

Popular Force platoons built outposts in the area and, by force or default, established security in the area. Revolutionary Development cadre, the black-pajama shock troops of pacification, moved in to begin cheerleading the pacification of Apbac.

The RD cadre are masters of the showy gimmick: They paint South Vietnamese flags beside the front door of every house, put up flagpoles so every family can fly the government flag, build fences and make minor repairs. They also often reopen schools, as they did here.

The Vietcong had destroyed the hamlet's 13-room schoolhouse and used its brick and concrete walls to reinforce their bunkers, so there has been no school in Aphac for four years. When the new government officials announced last summer that they would open a temporary school, they expected about 200 children to turn out, but 523 came the first day from as far as two miles away.

Now a visitor sees young students repeating their lessons in unison and scratching out their arithmetic problems in pen and ink as the French taught them. Because there had been no school for four years, students 8 to 13 years old are all in the same class.

VILLAGERS RETURN

The large school turnout reflected the influx of former residents of Apbac that began soon after the government took it over. Now at least 1200 people are living here.

At last count there were 18 shops and the government is constructing and repairing buildings. (Damage from the 1963 battle had never been repaired.)

In the first month after government forces entered Apbac and the surrounding villages, 108 Vietcong or their sympathizers rallied to the government. Most of them were unimportant, but one was the old Vietcong hamlet chief. Another 54 suspected Vietcong were arrested.

According to the toothless old monk in the pagoda. Thien Loi, all the Vietcong officials in the area have been killed, arrested, have rallied to the government or have "gone away." Thien Loi, who has lived there for 61 years, told an American visitor he does not expect the VC ever to return.

VC LACKS MUSCLE

Apparently the Vietcong controlled Apbac with just a few cadre and guerrillas.

"But they used to have the muscle on hand to back them up, if they needed backing up," according to Maj. Carl Neely, the enthusiastic American district adviser in the area. "Now they don't have the muscle."

The Vietcong have made no effort to reenter Apbac or to harass the government officials who have been here since July.

There is no evidence that the people of Apbac have become, overnight devoted followers of President Thieu and his government. But the evidence is plentiful that they are happier with their lot now than they were as recently as the day, three months ago, that Neil Armstrong stepped on the moon.

The war is not over in Apbac. North Vietnamese soldiers are hiding, in groups of six to a dozen, in Longan Province and there are still occasional incidents nearby. But the new optimists in this part of Vietnam cannot see how the Vietcong can regain the dominant position they once held.

Mr. DOMINICK. Mr. President, will my distinguished colleague yield to me?

Mr. ALLOTT. I am happy to yield.

Mr. DOMINICK. Mr. President, I am delighted that my colleague has brought up these matters in his speech. It is long past time that we thought of making some comments on this terrible situation. I remember, and I know that my distinguished colleague remembers so well, the anguish we all felt over the crew of the *Pueblo* when they were captured, tortured, and otherwise badly mistreated by that bunch of bandits in North Korea. Here we have a situation which has gone on far longer than that did, and that was about a year before we were finally able to get them out. Some of these men have been there over 3½ years, longer than anyone who was a prisoner of war during World War II, as the Senator has so well pointed out in his speech. Yet, we do not seem even to be able to find out who they are. It seems to me that there must be some leverages and I would ask my colleague what leverages he thinks are available to us. For example, what has the International Red Cross really done? Has it tried anything?

Mr. ALLOTT. I cannot document it, but I am informed that the International Red Cross has tried time and time again to get access to the prisoners, or to get just a list of the names of the men held prisoner, but they have been totally ignored by the Government of North Vietnam. The IRC's efforts to obtain information and access to the stockades where the men are being kept in order to inspect the conditions under which they are held have been equally frustrated by Hanoi.

Mr. DOMINICK. I know, and I know that my colleague knows, that neither in North Korea nor in North Vietnam are representatives of the International Red Cross allowed to appear. They simply will not let them come in. If that is true, then is there another appropriate agency, as is stated in the agreement of the Geneva Convention, which might be able to do that? It is my understanding that there is not another agency which would demand reasonable treatment of prisoners from the North Vietnamese or from the North Koreans. Does the Senator understand it that way?

Mr. ALLOTT. I understand it that way. Petitions and the resolutions have been introduced into Congress to get the United Nations to act. Unfortunately, so far the United Nations has been wholly ineffective in the matter, probably because the Secretariat of the United Nations, for which we once held such high hopes, has been unsympathetic to the petitions and resolutions of the United States. Whether they are unsympathetic or not, the sheer morality of investigating the conditions under which our prisoners are held is something that should commend itself to the membership of the United Nations, and even to the Secretary-General.

Mr. President, my colleague will introduce shortly an article on this very matter by one of these released prisoners of war. I will not do so at this time. But anyone who wants to know what it is really like to be over there as a prisoner of war, should read that article.

Mr. DOMINICK. I was going to ask my colleague about the United Nations, and I am delighted that he has brought it up, because it seems to answer my question before I even get a chance to ask it. I remember on this floor—and I am sure my colleague remembers—that I introduced a bill in connection with the prisoners held by the North Koreans from the *Pueblo*, in which I pointed out that North Korea trades with certain specific eastern Communist countries, and I suggested that we withhold our trade arrangements from those countries until they had put pressure on North Korea in order to force them to let loose of the prisoners.

I wonder whether we should not start to take action on that—diplomatic action—and put some pressure on North Vietnam in order to be able to show that we are not going to sit still while they violate every concept of the Geneva Convention and the general rules of morality and also impress that on the United Nations and the United Nations countries who are members of it by appropriate resolutions.

Mr. ALLOTT. I will answer my colleague by saying this to him, that contrary to the views of some of our more "stardusted" friends, I think we are in a war with a country at this time. When we are losing men, as captives, or missing in action, we certainly are fighting a war. I always disagreed with, and I will disagree to my last dying breath with the policies of former Secretary of Defense McNamara, who would not let us win the war. We went through the same futile action we went through with the Korean war. I might say that this is not just the opinion of the Senator from Colorado but is also the opinion of an awful lot of Senators on the other side of the aisle.

We should leave no tool nor bargaining factor unused in an attempt to force even mere compliance with an international agreement to which the Government of North Vietnam affixed its signature some years ago.

Mr. DOMINICK. I have brought this question up, and I am glad my colleague replied as he did. We just finished passing the so-called Export Expansion Act, after trying to change it so that we would not be giving most-favored nation treatment in a variety of incentives to let people earn the "almighty buck" by trading with Communist-controlled countries of Eastern Europe who are in turn supplying North Vietnam, which is in turn torturing American prisoners of war or giving them inhumane treatment.

I remember being on board one of our carriers when it was conducting a strike against North Vietnam a couple of years ago, and one of its pilots did not come back.

The question was, could they have rescued him before he was caught, because if he was caught, they did not know that he would get back, if ever. They could not get to him in time.

The North Vietnamese have him at this point. It makes chills go up and down one's spine when he talks about any friend, any relative, anybody in the United States. And they just can sit there and, in effect, rock while these thugs do not do anything about giving them reasonable treatment.

I agree with my colleague that we ought to take every possible step we can in this body and elsewhere to try to bring them up at least to the level of human decency.

Mr. ALLOTT. I thank my colleague very much.

I yield now to the distinguished Senator from Michigan (Mr. GRIFFIN), the assistant minority leader, to respond to some statements I made a while ago.

Mr. GRIFFIN. Mr. President, the Senator from Colorado made reference to an article which appeared in the October 29 issue of the Washington Star, entitled "Hanoi Hides Facts, But POW Remembers."

I ask unanimous consent that the article appear in full at the conclusion of the remarks of the Senator from Colorado, at an appropriate place.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. As already suggested by the Senator, I think this article is very shocking. It is based on an interview with Lt. Robert Frishman, who is only one of nine Americans freed from North Vietnam in the past 5 years. He recalls "Long days alone in a tiny, stifling room; a bowl of pumpkin soup twice a day; an open arm wound that stuck to his blanket each night; a fellow officer with cigarette burns on his arms and his fingernails yanked out."

This article goes on and on, describing the experiences of this former prisoner of war, recently released, and tells of others he came in contact with. It is a shocking and very disturbing report on the treatment and conditions facing our prisoners of war.

I also ask unanimous consent that, following the remarks of the Senator from Colorado, an editorial which appeared in the October 30 issue of the Chicago Tribune, entitled "Hanoi's Helpers," be printed in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALLOTT. I thank the disinguished Senator for contributing the article and editorial and for his own very well reasoned remarks.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Florida.

Mr. GURNEY. Mr. President, I have been listening to the presentation by the senior Senator from Colorado of the handling of the prisoners-of-war issue by Hanoi. I think he has done a tremendous service in bringing to the attention of the U.S. Senate and the country the real story, as I see it, behind the attempt by Hanoi to use the Mobilization Committee as a bargaining agent here in this country.

The senior Senator from Colorado has termed it as "absurd," and of course it is. He has used the words "using these prisoners of war as hostages," and that is exactly what Hanoi is trying to do.

It seems to me they are also trying to do something else, which the Senator from Colorado has touched upon, and which I would like to expand upon, too, and that is that by using this method, Hanoi seeks to expand and magnify the importance of the Mobilization Committee To End the War and its work over here. It also seeks to magnify the importance of all the antiwar groups at work in this country. Of course, by doing that, you shackle the President's hands in dealing with Hanoi and trying to bring the war to an end through the powers of the executive branch.

It seems to me that if we recognize in any way this bizarre method of handling our prisoners of war, what we have done is take it out of the hands of the President of the United States and put it in what I would term a town meeting attempt at government. We used to have that sort of government in small communities in New England. When our country was much younger and communities much smaller, it was possible to run our affairs in that way. But it certainly is not possible to conduct the foreign policy of the United States through town meetings throughout the United States, as we had the other day here, and as apparently we are going to have in November also.

It occurs to me that, no matter how well meaning these groups are—and I know that many who participate are well meaning—nevertheless we take the power out of the hands of the President of the United States, and in so doing we jeopardize the whole business of ending this unhappy war in Southeast Asia.

So in bringing to the attention of the Senate today the issue of Hanoi and the prisoners of war and the Mobilization Committee, I think the distinguished Senator from Colorado has indeed performed a most notable service. I would like to associate myself with his remarks wholeheartedly.

Mr. ALLOTT. I thank my distinguished colleague, because he himself had a very distinguished record in World War II, and he knows far better than most people some of the things about which we are speaking today.

I think there is one other thing we ought to say, and that is that we are dealing with a new mobilization committee, something that perhaps will never—and I hope to God it will never—achieve the status of a town meeting, because at the core of that group are not only people who are known to be Communists, but those who have met once or twice with representatives of the Hanoi Government, who have participated in conferences promoted, planned, and devised by the Communist government, and who, without the least bit of shame, proclaim themselves to be militants who are out to destroy our Government.

Now is the time, it seems to me, for those who believe in our country to express themselves. This blatant use of the most helpless people of all—prisoners of a savage, completely immoral, and, as far as humane treatment is concerned, degraded nation—is something that ought to arouse the thoughtful concern of everyone in this country today.

I thank all of my colleagues for participating in this discussion.

I yield the floor.

EXHIBIT 1

[From the Washington Star, Oct. 29, 1969]

THE TOUGH LIFE: HANOI HIDES FACTS, BUT POW REMEMBERS

(By William Delaney)

Long days alone in a tiny, stifling room; a bowl of pumpkin soup twice a day; an open arm wound that stuck to his blanket each night; a fellow officer with cigarette burns on his arms and his fingernails yanked out . . .

Locked in the tortured memory of 28-year-old Navy Lt. Robert Frishman is probably as thorough a report as anyone in America now has on the condition of the 1,320 U.S. servicemen captured or missing in Vietnam action.

Frishman, one of the nine Americans freed from North Vietnamese prisons in the past five years, recalls an anecdote from childhood to describe "the worst" part of his 20 months in captivity.

NOT MUCH IS KNOWN

"When I was a little kid and I did something wrong, my dad would ask, 'Do you want to have a beating, or else you can't go out with the boys in the afternoon.'

"I would always take the beating. The isolation and the solitary confinement is the worst on you."

But neither Frishman nor the U.S. government knows the worst that has befallen those who have not been freed.

In fact, the government does not even know from Hanoi whether these men are today alive or dead.

All it knows, as it cautiously appraises reports of an imminent break in Hanoi's POW silence, is that varying sorts of evidence suggest that at least 414 individuals are probably now in enemy prisons.

The evidence on these "confirmed" prisoners—letters from more than 100 of them, images and voices in North Vietnamese propaganda. U.S. intelligence information, reports from foreign journalists, and first-hand accounts of returnees like Frishman—indicate that the bulk of them are in camps within North Vietnam.

More than 50, however, are believed to be scattered among enemy units in South Vietnam. According to reports from some 40 Americans released or escaped from captivity in the South, these men are not held in camps but individually, at the most in two or threes.

Only last Sunday, the Viet Cong announced that three more of these men would be released but did not say when or where.

As for the 906 Americans missing and unaccounted for, the Pentagon feels that perhaps half of these may be in North Vietnamese prisons.

150 IN LAOS

The rest include some 300 missing in South Vietnam and about 150 missing in Laos.

Of all the 1,320 listed as either POWs or missing, nearly two-thirds are Air Force pilots or crewmen. For the most part they were downed during the 2½-year-long bombing of North Vietnam—which ended a year ago this week.

Many others are Navy pilots, like Frishman.

They include Lt. (j.g.) Everett Alvarez Jr., who was downed Aug. 5, 1964, in the first U.S. air strikes against North Vietnam, during the Gulf of Tonkin crisis.

Alvarez has been captive longest of any of the confirmed POWs, according to the Pentagon.

More than 200 others have been in Communist hands over 3½ years.

Some of the captured or missing men are Army personnel—all of them in South Vietnam or Laos—and the Defense Department believes "a few" Marines are being held in North Vietnam.

As for the conditions in the enemy POW camps, probably the freshest and most thorough information available to the U.S. is that obtained from Frishman and the two other Americans released by Hanoi last August.

Like the six earlier returnees, the latest trio personally saw only a limited number of other Americans (Frishman remembers a total of "around 150" in two camps where he was held).

But what Frishman saw and heard, and smelled and felt, all served to confirm Washington's conviction that not only has North Vietnam failed to honor one basic tenet of the Geneva POW Conference agreement—listing the prisoners, it has also, as Defense Secretary Melvin R. Laird said, "violated even the most fundamental standards of human decency."

For example:

Right after Frishman was shot down by a surface-to-air missile on Oct. 24, 1967, he was driven blindfolded through a gun emplacement and stoned.

He was refused treatment for the elbow wound he initially suffered unless he would agree to give information.

When he passed out, he was taken to a hospital and roped to a stool until he passed out again. ("In two days your feet swell up, and then it creeps up your legs until they're numb . . .")

When his elbow finally was amputated, fragments of the missile remained in his arm. It took six months for the incision to heal because it formed a scab against his blanket each night in the 45-degree winter.

Most of Frishman's time was spent in solitary confinement in 10-by-11 or 14-by-26-foot rooms, where he shivered in the winter and suffered from a heat rash during the sultry summer. Twice a day the prisoners were served pumpkin soup with pig fat in it and some bread.

Most Americans are allowed to read only

North Vietnamese propaganda and to listen to Radio Hanoi.

"They took pictures of me reading Newsweek magazine," said Seaman Douglas Hegdahl of Clark, S.D., who was released along with Frishman. But he said that as soon as the picture was snapped, "they took the magazine away."

GOT SOME MAIL

Hegdahl also confirmed that in a Japanese newspaper photo of him reading "Christmas mail" at the POW camp, the letter he was looking at was dated the previous April 2. He said he got 15 other letters from home, but that packages were rifled if he got them at all.

"Many POWs do not write or receive mail," he said.

The 1949 Geneva Convention permits the exchange of two letters and four cards per month between the POW and his family.

During the five years since Alvarez was captured, a total of only about 800 letters have been received by the families of more than 100 of the POWs. "The mail there really should have been something like 20,000 to 22,000," says a Pentagon source.

Frishman and Hegdahl also said they had no contact with the Red Cross, which is authorized to inspect POW camps under the Geneva Convention.

Most prisoners, they said, are kept in "isolated" situations, some in solitary confinement, some in two- or three-man rooms.

After initial "rough treatment" to obtain military information, the captors later apply pressure to obtain statements that the POWs are receiving "humane" treatment.

Frishman said he was rehearsed before an interview with an Italian journalist. "You try to do what you can to resist that thing, but, like I say, they have ways of forcing you . . ."

A WEIGHT PROBLEM

The North Vietnamese, though "capable of giving good medical care," do only what is necessary to keep the POWs alive. Both Frishman and Hegdahl lost about 50 pounds in captivity.

In contrast to the reports from American POWs, the Pentagon says South Vietnam and the Red Cross have supplied Hanoi with lists of the 28,000 to 30,000 Viet Cong and North Vietnamese prisoners currently being held in six POW facilities in South Vietnam.

The camps are regularly inspected by the Red Cross, and the prisoners regularly receive mail.

Hanoi has been informed that 60 of the prisoners are sick or wounded. But Hanoi has failed to arrange for their return to the North—in some cases for as long as two years.

Over the past five years, more than 400 of the POWs held in the South have been released, partly in hope that such action would inspire a counter-release by Hanoi. That figure does not include the 88 whose release Saigon proposed yesterday.

LAIRD'S DECISION

Only in recent months, however, has the U.S. begun applying the pressure of world opinion to the plight of its enemy-held servicemen.

Acording to a Pentagon spokesman, Laird reviewed the entire POW problem after taking office last January and became increasingly convinced that America's discrète past posture on the matter didn't seem to be obtaining results.

Furthermore, the halt of bombing of North Vietnam and the public forum provided a chance to put pressure on Hanoi. A final factor was a feeling that the families of the men needed reassurance from their government that "they have not been forgotten."

Working closely with the State Department, Laird repeatedly made public appeals to Hanoi to abide by the Geneva convention—to list the prisoners, release the sick and wounded, treat them properly and provide regular mail and impartial inspections of POW camps.

During the summer, Richard G. Capen Jr., deputy assistant defense secretary for public affairs, was dispatched to speak with more than 1,700 members of POW families in 21 U.S. cities to assure them of the government's interest. He also told them the government would no longer discourage any efforts on their part to secure the release of the men.

WOMEN ON THE MOVE

Although feelings among the families are mixed, and some wives fear retaliation against their husbands if they speak out, many of them organized to put the POW plight in the national and international spotlight.

From California to Colorado to Long Island, they have handed out bumper stickers, written countless letters to Hanoi, pleaded with congressmen, corporation presidents and newspaper editors.

In the last six weeks, several of them visited Paris and won assurances from North Vietnamese delegates that they would soon be informed of their husbands' status.

In a third prong of the world opinion against Hanoi attack, delegates at the International Red Cross conference in Istanbul but last month approved, without dissent, a resolution calling on all parties to the 1949 Geneva POW Convention to abide by its tenets.

The resolution, which did not specifically mention North Vietnam, was approved by attending representatives of the Soviet Union and Yugoslavia among other Communist powers. Neither North Vietnam nor its Red Cross society attended.

In addition, American Red Cross officials say they are "greatly pleased" by 11 positive responses to their separate plea to Red Cross societies in 30 countries—including Russia, Yugoslavia, and many neutrals—asking them to appeal to Hanoi in behalf of the Americans.

As for Hanoi's reported new promise last weekend to release all POW names to anti-war militants here, the State Department says it welcomes information "through whatever channel."

But privately, government sources dared not regard the new hope as a sure thing.

"I'M HOPING . . ."

Neither does Candy Parish of Alexandria, who was told by North Vietnamese in Paris 3½ weeks ago that she would soon be told the status of her missing pilot husband, Navy Lt. Charles C. Parish. As of yesterday, she hadn't.

"I'm hoping that something will come of it," she said, referring to the reported new Hanoi move. "It may be that this is the form the answer (promised her) will take."

Remarked one official source close to the POW dilemma: "It's possible that the weight of world opinion played some role in bringing this about. . . .

"But I'm afraid Hanoi is going to stretch it out for every dime's worth of propaganda they can get."

EXHIBIT 2

[From the Chicago Tribune, Oct. 30, 1969]

HANOI'S HELPERS

Sen. Gordon Allott of Colorado has quite properly urged the justice department to look into the legality of Atty. William Kunstler's private dealings with North Vietnamese officials in Paris. Mr. Kunstler, known for his own left-wing affiliations, is one of the lawyers defending the "Chicago eight" against charges of conspiracy in connection with last year's violent anti-war demonstrations in Chicago.

Of all the anomalies of the Viet Nam war, one of the most astonishing has been the spectacle of these latter-day Judases trotting back and forth almost at will, one week dickering with Hanoi over the release of American prisoners and the next week cluttering up our streets with other demonstrators chanting the name of Ho Chi Minh and waving North Vietnamese flags. When Judge Hoffman refused to let David Dellinger and Rennie Davis make the latest trip, Mr. Kunstler hopped over to Paris in their place. As a result, Hanoi is talking of releasing another three prisoners.

To praise these men for obtaining the release of a handful of prisoners [out of as many as 1,400 who may still be alive in communist prison camps] is to ignore the immeasurable damage they are doing in the process. In their selfish desire to win sympathy and support for their own cause in this country, they have allowed themselves to be used by Hanoi for its own propaganda purposes. And they have very likely interfered with the normal pattern of prisoner exchanges just as effectively as the anti-war demonstrations in general have interfered with the peace talks in Paris.

Why should Hanoi waste unnecessary care on the prisoners or discuss routine exchanges when, by rationing out three at a time in response to the self-serving "pleas" of stooges in this country, it can get 10 times as much publicity, arouse false hopes and then frustration among the families of all those who may be prisoners, and at the same time advance the cause of dissent in this country and compound the embarrassment of our government? To Hanoi, a deal like this must seem almost too good to be true.

Mr. Allott argues that this constitutes a violation of the Logan act, which was passed in 1799 after Dr. George Logan undertook a one-man peace mission to try to settle American differences with Napoleon. The law forbids Americans to deal privately with foreign governments "in relation to any dispute or controversy with the United States or to defeat the measures of the United States."

This law has never been tested. It has already been breached in principle by William J. Donovan's tractor deal with Fidel Castro [which had the unofficial blessing of the Kennedy administration]. And the state department has already approved at least one of the recent trips to Hanoi.

All of these things may complicate the legal picture today. But the facts remain clear. In a normal war, these goings-on would not be tolerated for an instant. It is high time to find out whether the Logan act really means what it says. If it doesn't some new way should be found to keep people acting in their own interests from undercutting the government in its foreign relations.

Mr. THURMOND. Mr. President, I congratulate the able and distinguished senior Senator from Colorado for his fine statement on the shameful way in which American citizens are exploiting their own countrymen who are being held prisoners of war by the Communists in order to promote Communist causes.

I hope the Attorney General will promptly answer the Senator's request for information about the possibility of infringements under the Logan Act. In my opinion this is a clear case of someone who is negotiating with representatives of a foreign government with the intent to defeat the measures of the United States. If we look beyond the surface event which they are utilizing; namely, the natural humanitarian desire to alleviate the miserable conditions under which our citizens suffer as prisoners, we see that the real intent of this action is to interfere with the President's negotiations in Paris. In my judgment, Kunstler is aiding and abetting the Communist cause and helping to build up the broad popular front which is being manipulated in the United States by hard-core Communists.

It is highly significant that Mr. Kunstler demands that the negotiations and letters should be channeled through the New Mobilization Committee. It is disgusting that he is a party to forcing American families, who are seeking only their rights under the International Geneva Conference, to participate in an anti-American and Communist-dominated project.

The New Mobilization Committee represents this hard core, although much of the press attempted to give the impression that the moratorium was organized by the Vietnam Moratorium Committee. The real work was done by the so-called New MOBE.

Testimony taken before the Senate Internal Security Subcommittee indicates the strong Communist participation in the moratorium planning which took place last July in Cleveland at a conference at Case Western Reserve University.

A steering committee of about 20 to 30 members formed the ruling clique at the conference. In effect, the steering committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the steering committee with Communist backgrounds included the following: Arnold Johnson, public relations director and legislative representative of the Communist Party, U.S.A.—CPUSA—Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago branch, Women's International League for Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens—Sidney Okun—leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, steering committee member David Dellinger, MOBE chairman, declared in a May 1963 speech:

> I am a communist, but I am not the Soviet-type communist.

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE cochairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, peace secretary, American Friends Service Committee; Mark W. Rudd, national secretary, Students for a Democratic Society—SDS; Bill Ayers, SDS educational secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, cocoordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff, and Johnson, Folfins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A., or its front apparatuses. Some of these persons were Phil Bart, newly appointed chairman, Ohio CPUSA; Jay Schaffner, WEB DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, national secretary, WEB DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

Mr. President, I intend at a future date to go into this whole question of international Communist inspiration and manipulation of the peace movement here in this country. It is a very complicated process in which thousands of loyal, but confused, citizens participate, and it would take too long at this time to go into that matter. However, I expect to go into this subject on the floor within a few days.

I think it is worthwhile to point out that Mr. William M. Kunstler, who so readily participated in these negotiations with the North Vietnamese Communists, is the same William M. Kunstler who has a long history of involvement both as legal counsel and ideological supporter of many well-known identified Communists and Communist and radical projects.

William Moses Kunstler was born in New York on July 7, 1919. He received a B.A. from Yale in 1949 and a LL.B. from Columbia in 1948. From 1941 to 1946, he served in the Army, including the Pacific Theater of operations, and was released with the rank of major. He has taught at Columbia University, New York Law School, and Pace College. In 1949, he became a law partner in the firm of Kunstler, Kunstler & Konoy, 511 Fifth Avenue, New York City. He was a member of the board of directors in the American Civil Liberties Union in 1964.

In his legal career, Mr. Kunstler has frequently served as counsel to the most radical elements in the so-called civil rights movements and has been an advocate of diminished internal security practices.

He served as an attorney for the so-called Freedom Democratic Party of Mississippi when that group was attempting to unseat the legally elected Mississippi delegation in the House in 1965.

He was the attorney who sought release from prison for the convicted Communist spy, Morton Sobell.

He was the attorney for Dr. Jeremiah Stamler, who was cited for contempt by the House Un-American Activities Committee.

He was the attorney for Jack Ruby, who moved to have Ruby declared insane.

He is legal counsel for the WEB DuBois Clubs, which are clearly identified as the youth arm of the Communist Party, U.S.A., and is the counsel in the DuBois fight with the Subversive Activities Control Board to escape an order to register as a Communist-front organization.

He was involved when CORE Director Floyd B. McKissick and four other civil rights and pacifist militants went to Cambodia to probe charges it was used as a haven for the Vietcong.

Kunstler was the featured speaker at a rally sponsored by the Communist-front group, Citizens Committee for Constitutional Liberties. He appeared on the platform with identified Communists Carl Braden, Frank Wilkinson, and Henry Winston. He was also the counsel for Braden's Southern Conference educational fund.

Kunstler was the attorney for the pro-Vietcong witnesses before the House Committee on Un-American Activities in 1966. At this time, both the witnesses and Kunstler's law partner, Arthur Kinoy, created such a disturbance that Kinoy had to be ejected bodily from the hearing room. Because of Kunstler's behavior himself at this hearing, petitions were sent to the ethics committee of the American Bar Association charging him with encouraging his clients to create disturbances before the House body.

Kunstler was the attorney for Julius Hobson in his suit against the District of Columbia school system.

He was also the attorney for the notorious H. Rap Brown when Brown was held in connection with a Federal firearms violation, after Brown, according to news reports, was the inciter of riots in Maryland.

Kunstler was the attorney for the Mississippi Freedom Democratic Party when that group brought a $500,000 nuisance suit against our esteemed colleague, the senior Senator from Mississippi in 1967.

Kunstler was one of the attorneys for ADAM CLAYTON POWELL during POWELL's disarmament proceedings by the House of Representatives.

In addition, Kunstler signed a petition urging Presidential clemency for identified Communist Carl Braden. He was one of the 25 signers endorsing Justice Black's dissent from the Supreme Court decision of June 5, 1961, requiring the Communist Party to register with the Government of the United States.

Mr. President, the American bar has a long tradition of accepting the defense of the leaders of unpopular causes. I do not for one moment wish any man would be deprived of legal counsel because of his beliefs. However, I think that the extensive record of such defenses established by Kunstler gives us the opportunity to draw the conclusion that he himself has considerable sympathy with the causes with which his clients have been involved. In the jargon of the liberal press, Mr. Kunstler is "committed" to causes which attack the established institutions of the United States. We have here not an isolated case of defense of a few individuals who are not able to get counsel elsewhere. We have instead, a picture of a man who is deeply involved in a movement and is using his legal talents to support the ideological goals of that movement.

His willingness to travel to Paris to negotiate with the enemies of the United States is in harmony with his career. His willingness to come back bearing a message that the only way Americans can communicate with their loved ones, who are held prisoner, is by cooperating with a Communist front is testimony to his cynical exploitation of normal human emotions.

Mr. President, in my view Kunstler has undertaken these activities with the aim of encouraging Communist propaganda against the Government of the United States, and of giving stature to those who are trying, in the language of the Logan Act, "to defeat the measures of the United States."

Again, I urge the Attorney General of the United States to look into this matter as quickly as possible.

Mr. DOLE. Mr. President, I commend my colleague, the distinguished senior Senator from Colorado, for his incisive and well-considered remarks.

In his usual fashion he has exposed the very core of the issue, and he has brought his keen analytical sense to bear on the facts and realities of this situation.

He correctly sees Hanoi's ploy to gain political advantage from the treatment of American prisoners of war as a sham to avoid the deserved censure of world public opinion.

The Senator from Colorado clearly and forcefully exposes Hanoi's violations of international treaties and agreements in seeking to use American prisoners as political hostages.

I join with Senator Allott in his condemnation of the North Vietnamese and the Vietcong, and I wish to express my gratitude and appreciation for his cosponsorship of my resolution, Senate Resolution 271, which calls on the Communists to make a positive effort to achieve a just and lasting peace.

I also call upon my colleagues and all men of good will throughout the world to serve notice upon the North Vietnamese that their attempts to "wheel and deal" with the lives of prisoners of war will gain them nothing but the sure and stern condemnation such conduct merits.

Mr. CURTIS. Mr. President, I commend the distinguished Senator from Colorado for a most learned and dignified discussion of the issues involved in the prisoner-of-war ploy now being made by the Government of North Vietnam.

He deserves a commendation from the American people, Mr. President, for unmasking—for all to see—the real truth about the so-called New Mobilization Committee to End the War in Vietnam and the way this organization is being used by the Hanoi Communist government to torture American prisoners of war and the members of their families.

This ploy by the Communists is a cruel hoax—nothing more nor less.

The role being played by the so-called New Mobilization Committee will go down in history as a shameful, disgraceful act, serving to intensify and increase the suffering of Americans who already have suffered heavily in physical and mental anguish because of the Communists' cruel treatment of prisoners.

It is clearly a role which fits the Communists' purpose of forcing the relatives of American prisoners of war to participate in the so-called "peace movement" in this country.

You will note, Mr. President, that I have described both the New Mobilization Committee and the peace movement as "so-called." I have done this for a reason. I think it is time we called a spade a spade, and that is what I am going to do.

Both the "New Mobilization" and the "peace movement" which it professes to lead are phony, Mr. President. They are both pro-Communist and anti-American. They are dedicated not merely to getting America to withdraw unilaterally from Vietnam but to bringing about the destruction of the United States of America. They want to destroy our form of government. They are working hand-in-glove with the Communists to do this, and the prisoner-of-war issue as discussed so capably by the Senator from Colorado today makes that clear to even the most naive persons.

The Washington report of the American Security Council for October 21 calls the New Mobilization Committee what it is: "Mobilization for Surrender."

The American Security Council is composed of responsible, intelligent citizens such as former Congressman Walter Judd and Gen. Albert C. Wedemeyer. I hereby request permission, Mr. President, to place the report of the American Security Council in the Record so that all who want to learn the real truth about the so-called New Mobilization Committee To End the War in Vietnam can do so.

There being no objection, the report was ordered to be printed in the Record, as follows:

[From the Washington Report, Oct. 21, 1969]

Mobilization for Surrender

(By William K. Lambie, Jr., administrative director)

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969 a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvements in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council: Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, Le Roy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Steward Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969, stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project: Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

THE FORGOTTEN AMERICANS

Mr. HANSEN. Mr. President, I fully endorse the remarks of the distinguished Senator from Colorado (Mr. ALLOTT) concerning the intolerable situation involving the American troops held prisoner by North Vietnam.

These men have served their country well, but as Colorado's senior Senator points out, they have been called the forgotten Americans. They have not been forgotten by their families, they have not been forgotten by President Nixon, and they have not been forgotten by the Members of the U.S. Senate.

We are grateful to these valiant men for the sacrifices they have made; and we are in a position to reflect our gratitude in this small way by calling attention to the gross mistreatment of these men by Hanoi, to the American people, and to the world. It is our hope that, if world opinion can be brought to bear upon Hanoi, the leaders of the enemy will feel it in their interests to improve the lot of the American prisoners they hold, and to observe the Geneva agreements of 1949, which were ratified by North Vietnam on June 28, 1957.

Despite officially acceding to the Geneva agreements, the enemy in Hanoi has refused to identify the prisoners they hold, there has been no evidence that seriously wounded or sick prisoners are even considered for return, a free flow of mail to and from the prisoners is not allowed, and routine inspections of facilities by international or neutral groups are not allowed.

Often quoted are the meaningful words scrawled on a 17th-century sentry box at the British Empire post of Gibraltar:

> God and the soldier, all men adore, in time of danger and not before.
> When the danger is past and all things righted,
> God is forgotten and the soldier slighted.

In Vietnam, the danger is not past, yet the American soldiers of the air, sea, and land are already called forgotten Americans. Let us not slight them now or ever.

Let us do what we can to insure that these men are not left behind in any withdrawal of American forces from Vietnam, and that the welfare of these Americans be given prominent consideration in any negotiations or policy pursued by the United States.

The Senator from Alaska and the Senator from Colorado are sponsors of Senate Resolution 271, which was authored by the Senator from Kansas. The resolution is before the Committee on Foreign Relations, and it is expected that that committee will hold hearings on the resolution. It urges the enemy to "provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention."

Mr. President, I hope the Senate will give unanimous endorsement to that resolution, and that by standing united the action of the Senate will improve the conditions of those who are called the forgotten Americans of the Vietnam war.

VIETNAM—HELPING PRISONERS OF WAR

Mr. GOODELL. Mr. President, there are many sad chapters to the history of the war in Vietnam. One particularly obnoxious chapter is that concerning the treatment of American prisoners of war by the North Vietnamese and the NLF.

The Geneva Conventions of 1949 sought to humanize the essentially barbarian practices of warfare by providing for the proper care of POW's. The Geneva Conventions was ratified by North Vietnam in 1957.

In spite of this the American POW's have not been granted proper treatment as guaranteed by the conventions. More offensive, however, is the failure of the North Vietnamese Government even to identify its American prisoners. The wives and families of these men and those of many others "missing in action" suffer the daily torment of not knowing. They do not know if their husbands and sons are alive or dead, healthy or sick and wounded.

Senator CRANSTON and I have been joined by no less than 39 other Senators in protesting the inhumanity of North Vietnam's treatment of American prisoners. Regardless of the different views on the war held by Americans, we stand firm in our demand that North Vietnam abide by the Geneva conventions.

Louis R. Stockstill in an article appearing in Reader's Digest, November 1969—condensed from Air Force & Space Digest—writes of what every American can do to change this situation. He suggests a "vigorous letter campaign" to be directed to three different groups. Those groups are: First, individual Congressmen; second, representatives of concerned foreign governments and the press of those nations; and third, Xuan Thuy, chief Vietnam negotiator in Paris.

I ask unanimous consent to have his article included in the RECORD as testimony to what every American can and should do to help eliminate these inhuman practices; also the Goodell-Cranston statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, November, 1969]

WHAT YOU CAN DO FOR AMERICAN PRISONERS IN VIETNAM

(By Louis R. Stockstill)

Once a month from her apartment in Arlington, Va., Gloria Netherland walks down a long hallway to the mail chute and deposits a letter. She watches it drop from sight on the first leg of a journey into an unknown void halfway round the world. The letter begins "Dear Dutch." Whether Dutch will receive it is impossible to say.

Gloria and Dutch have been married 18 years, but she doesn't know whether he is alive or dead. For more than two years she has written the monthly letters—six lines each, according to current communist rules. None is answered; none is returned. But, in the pattern of "dreadful uncertainty" that characterizes her life, she never fails to write.

Capt. Roger M. Netherland, shot down over North Vietnam in May 1967, is officially "missing in action"; fliers reconnoitering the site where his plane plunged to the ground believe they heard his voice, but no word has come through since.

Gloria Netherland is but one of hundreds of American wives and parents whose husbands and sons are the forgotten men of the Vietnam war—approximately 1400 men captured or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam. Others are held by the Vietcong in the South. A few are interned in Laos and Red China.

On the shoddy pretext that these captives are "criminals," not POWs, Hanoi will not allow neutral inspections of its prisons—inspections required under the Geneva Conventions, ratified by North Vietnam in 1957 and by 119 other governments since the origination of the Conventions in 1949. In blatant disregard of international rules, Hanoi refuses even to identify the prisoners it holds, to release the sick and wounded, or to allow proper flow of letters and packages, though the Red Cross has tackled the problem again and again.

Evelyn Grubb's only knowledge of her husband, for example, has come from a Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by Maj. Wilmer "Newk" Grubb, was shot down in January 1966. Hanoi gloatingly publicized his capture. Each time Evelyn writes, she sends photographs of their four sons—stapled to the letter so that Newk will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In almost four years, she has received no further official word of her husband.

Until recently, the American public has been provided scant information about American POWs in Vietnam. Now, for the first time, our officials are waging an open fight for the prisoners. The diplomatic maneuverings which previously shielded many aspects of the situation from public view—although perhaps right for that period—have been partially cast aside. The United States is speaking out. Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Our assistance could be crucial.

Here, then, are the sobering facts about the prisoners—the way they are used and abused by Hanoi.

MISERY AND MALNUTRITION

The armed forces have been able to positively identify 401 men as captured (Air Force, 192; Navy, 140; Army, 46;. Marine Corps, 23). Some intelligence about these men must be kept secret or couched in guarded language to protect them. Nevertheless, accounts of inhumane treatment have emerged. Consider Navy Lt. (j.g.) Dieter Dengler, who was taken by the Pathet Lao in 1966 and turned over to North Vietnamese soldiers. He was spread-eagled by his captors and left at night to the mercy of jungle insects, repeatedly beaten with sticks for refusing to sign a statement condemning the United States, and tied behind a water buffalo and dragged through the bush. The once 157-pound flier weighed 98 pounds following his escape and rescue.

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Vietcong jungle camps. Prisoners are fed little but rice, and many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed out to empty toilet pails, prisoners are confined in huts, often locked in wooden foot blocks or handcuffs. Barbaric treatment is not unusual. In Hanoi's prisons, men have been kept in a pitch-black room for more than a year, hung from ceilings by their arms, tied with ropes until they developed infected scars, and burned with cigarettes. At least one has had his fingernails ripped from his hands. The broken bones of another, set by communist doctors and still in casts, were rebroken by guards.

Prisoner treatment varies, of course. North Vietnam operates its best-known prison camp—known as the "Hanoi Hilton"—in central Hanoi. Here prisoners are wakened between 5 and 6 a.m. by a gong, followed by a 30-minute Radio Hanoi English-language broadcast of propaganda piped into their cells. At mid-morning they are taken out to empty toilet buckets. At 11 a.m., as much as 19 hours after they last ate, they are fed. Food—picked up on a wooden tray and eaten in the individual cells—consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice. Then, prisoners may "nap" on their bare board bunks until two in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4 and 6 p.m. they are fed the second and final meal of the day.

Prisoners generally are isolated from communciation with more than one or two other prisoners. Many are kept in solitary. Certain prisoners have been allowed on occasion to write to their families, but few letters ever reach home. U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. It is the lone prison that foreign journalists have been allowed to enter.

PATTERNED RELEASE

To date, only a handful of Americans have been released: 16 by the Vietcong, nine by Hanoi. The releases by Hanoi—on two occasions last year and one this August—have all followed a disturbing pattern. First, just three men have been let out at a time, and always accompanied by blatant propaganda. Second, the names of the men to be freed have been withheld for periods of more than a month after the intention to release was announced, thus creating untold agony for thousands of hopeful next of kin. Third, releases are carried out via dissident Americans instead of through the International Committee of the Red Cross.

The release last August illustrates how completely Hanoi milks the prisoner situation for its own purposes. To begin with, it was carried out via a group of eight dissenting Americans—a pacifist, two members of the Students for a Democratic Society, a member of anti-war organizations, a man who had served a stockade sentence for refusing to fight in Vietnam, and three cameramen from an underground movie-making outfit. All but one went to North Vietnam, where they were solicitously entertained for a couple of weeks.

Finally, on August 4, Hanoi named the men who were to be freed. Two were Navy men (Lt. Robert F. Frishman, captured 21 months earlier; and Seaman Douglas B. Hegdahl, imprisoned for two years and four months); the third was Air Force Capt. Wesley L. Rumble, a prisoner for 15 months.

At an airport press conference in Vientiane, Laos, U.S. newsmen described the men as "pale and gaunt." Lieutenant Frishman, acting as spokesman for the prisoners, selected his words carefully. He said only that he was "happy to be returning home."

"How was the treatment you received while a prisoner?" he was asked.

"I received adequate food, clothing and housing," Frishman replied.

VIEW FROM THE SIDE

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance as they disembarked was deeply saddening. Frishman and Hegdahl were first off the plane. Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men were ashen. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. Frishman had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said. It hung at his left side, the loose sleeve of his jacket emphasizing that the arm was terribly wasted.

A reporter asked Hegdahl how much weight he had lost. He had "no comment." But then Frishman addresssed the microphones: "I lost 45 pounds. Seaman Hegdahl lost 60 pounds."

What about the welfare of the other prisoners still held by Hanoi?

"No comment."

As Frishman turned to leave, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, his chin were sharply drawn, haggard. So were Hegdahl's. Their tightly stretched, almost translucent skin had a corpse-like pallor.

Their "escorts" had nothing but praise for what they had seen in North Vietnam, including Hanoi's "humane" treatment of prisoners. "How many prison camps did you visit?" I asked. After repeated evasions, their leader admitted that he had "no information at all" about any of the prison camps. Nor had they brought any hint that North Vietnam might consider changing its policy on prisoners.

THE PRISONERS TALK

Twenty-five days later, I saw Frishman and Hegdahl at Bethesda Naval Hospital in Maryland. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations, where he was stoned by the populace. When he reached the prison, he was refused medical treatment and told he was "going to die in four hours" unless he talked. When he passed out, he was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm, but failed to remove missile fragments; so it was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets. . . . The scab would come off. . . . The wound would drain again."

Hegdahl, too, had been subjected to solitary confinement for more than a year. He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed had been plundered before he got it. For propaganda purposes he was photographed "reading" a U.S. magazine, which he was allowed to hold "just long enough for them to take the picture."

Frishman was cautioned before his release not to forget that "we still have hundreds of your buddies." But those still imprisoned want the facts out in the open, he said. As one prisoner said to him, "Don't worry about telling the truth. If it means more torture, at least we'll know why we're getting it. It will be worth the sacrifice."

PLAN FOR ACTION

Hanoi's continued lack of compassion has brought rising anger in Congress. In August, 42 Senators banded together in a strong statement condemning North Vietnam for its cruel treatment of the prisoners and their families. The declaration, sponsored by two opponents of our Vietnam policies, Charles Goodell (R., N.Y.) and Alan Cranston (D., Calif.), says that if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure." Those signing the statement included both Democrats and Republicans, and represented 33 of the 50 states.[1]

This sort of initiative is helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, is likely to produce action. A business-as-usual attitude on the part of the American public can only indicate to Hanoi that these men who have given so much to their country have indeed been forgotten.

In my interviews with numerous government officials, with representatives of the Red Cross, members of the armed forces and next of kin of the prisoners, I have asked each person what would be the most effective attack that could be launched. They agreed that dramatic results could come from a vigorous letter campaign directed to 1) representatives of foreign nations and the press of those nations; 2) your Congressmen; and 3) Xuan Thuy, chief North Vietnam negotiator in Paris.

The mail to the foreign nations should urge that pressure be brought to bear on Hanoi to live up to the "spirit" of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should make the same demands. And those individuals who are not in sympathy with the war itself should make it clear that proper treatment of the prisoners is an overriding consideration. All should note that continued intransigence on the part of Hanoi will stiffen the resolve of the American public, not weaken it.

Letters to members of Congress should call for a joint resolution demanding proper treatment for the prisoners and missing men.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards" the position of North Vietnam is "totally inexcusable," says Secretary of State William P. Rogers. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men whom many Americans have forgotten, you can. Your letter could be the one that spells the difference.

If you want to help, send a postcard to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570, giving your name and address; you will be mailed a list of Washington, D.C., addresses of ambassadors of the foreign nations whose assistance could be particularly vital; and a list of selected foreign newspapers. Letters to Xuan Thuy can be addressed to: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France (airmail rate, 20 cents).

GOODELL-CRANSTON STATEMENT ON PRISONERS OF WAR

Along with Americans everywhere, we too rejoiced with the families of the three servicemen freed from North Vietnamese captivity.

These gallant men emerged from their ordeal physically weakened, but unwavering in their courage and loyalty.

Yet even as we share the joy of their release, our happiness is clouded by the knowledge that 1,365 other American families are still waiting—some for the release of a husband or son, some even for definite word whether a loved one is dead or alive.

For many of these families the North Vietnamese could devise no subtler cruelty than their persistent refusal even to provide a list of names of the prisoners in their custody. Each of us regularly receives poignant letters from parents and wives of the more than 1,000 men who are missing and thought to be prisoners of the North Vietnamese and the more than 300 known to be in custody.

When, they ask, will our men be able to come home?

And, all too often, how can we find out if they are still alive?

It is hard for us to understand how Hanoi can maintain so callous a position. By our own standards, this kind of cruelty imposed on innocent bystanders is both repugnant and virtually unthinkable.

Yet it may be that North Vietnam hopes through such cruel pressure to influence the policy of the United States toward the Vietnam conflict.

If this is their intention, they are doomed to failure. Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt.

Though we may differ in our views on the future course of American policy in Vietnam, we are firmly united in support of the position on our prisoners made clear both by the present Administration and by its predecessor.

In 1967, for example, the United States formally protested mistreatment of American prisoners and urged North Vietnam to observe the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. Equally important, our government asked Hanoi to permit impartial observers to verify its claims that our men were being treated humanely—claims contradicted by a growing body of evidence that prisoners were being subjected to emotional and physical duress.

Indeed, Hanoi had threatened a year earlier to put American prisoners on trial as "war criminals," a clear violation of the Geneva Convention. Fortunately, they were dissuaded from their plans by worldwide protests against this extreme form of inhumane treatment.

Efforts to help our servicemen held by North Vietnam have been pursued with equal vigor by the present Administration. Secretary of State Rogers, Secretary of Defense Laird, and Ambassador Lodge in Paris have all pressed North Vietnam in recent months for compliance with the provisions of the Geneva Convention. In particular, they have urged such basic steps as repatriation of sick and wounded prisoners and the furnishing of a list of men actually in North Vietnamese hands.

This latter, most basic, request was brutally rebuffed by North Vietnamese representative Xuan Thuy in Paris, who flatly refused even to identify the American prisoners held in his country so long as the United States "continued its aggressive war in Vietnam."

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[1] On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and and an attempt "to deceive public opinion."

This obvious attempt by Hanoi to capitalize on our deep concern for these men, and to turn it to their propaganda or political advantage, is inhumane and inexcusable.

We urge Hanoi not to be misled by our divergences on policy into believing that we are not united on this issue of simple humanity. Cruelty of the kind being practiced in this instance by North Vietnam can serve only to increase our determination and, in the words of Ambassador Lodge, "cannot have a favorable effect on our negotiations."

We therefore pledge our full support to the Administration in its efforts on behalf of the American servicemen held captive in North Vietnam.

With the Administration, we too ask Hanoi to prove the "humane and generous" policy it claims to follow in treatment of prisoners by naming the men in captivity, by immediately repatriating the sick and wounded, by permitting impartial inspection of prison facilities, by assuring proper treatment of all prisoners, by making possible a regular flow of mail, and by undertaking serious negotiations for the prompt release of all American prisoners in their custody.

And, finally, we urge the governments, the statesmen, and the ordinary men and women around the world who spoke out against "war crime trials" in 1966 to make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law.

Below is the complete list of Senators signing the statement:

Democrats: Birch Bayh, Ind.; Alan Bible, Nev.; Robert C. Byrd, W. Va.; Alan Cranston, Calif.; Thomas F. Eagleton, Mo.; Allen Ellender, La.; Mike Gravel, Alaska; Fred Harris, Okla.; Philip A. Hart, Mich.; Ernest Hollings, S.C.; Harold Hughes, Iowa; Henry Jackson, Wash.; Thomas McIntyre, N.H.; Walter Mondale, Minn.; Joseph Montoya, N. Mex.; Edmund Muskie, Maine; Gaylord Nelson, Wis.; Claiborne Pell, R.I.; William Proxmire, Wis.; Abraham Ribicoff, Conn.; William Spong, Jr., Va.; Joseph Tydings, Md.; and Harrison Williams, Jr., N.J.

Republicans: Gordon Allott, Colo.; J. Caleb Boggs, Del.; Edward Brooke, Mass.; Marlow Cook, Ky.; Peter Dominick, Colo.; Barry Goldwater, Ariz.; Charles Goodell, N.Y.; Robert Griffin, Mich.; Edward Gurney, Fla.; Charles Mathias, Jr., Md.; George Murphy, Calif.; Robert Packwood, Ore.; James Pearson, Kan.; Charles Percy, Ill.; Richard Schweiker, Pa.; Hugh Scott, Pa.; and Strom Thurmond, S.C.

EFFORTS TO MOBILIZE WORLD OPINION AGAINST MISTREATMENT OF WAR CAPTIVES APPEAR TO BE BEARING FRUIT

Mr. MONTOYA. Mr. President, it is indeed heartening to learn that the Hanoi government has indicated a willingness to release a list of American prisoners of war, although it is not yet certain through what channels this most welcome information will be forthcoming. I would certainly hope this report is true, and that it will provide a complete accounting of prisoners of war in Southeast Asia. Anything less would be a cruel hoax upon the families of these men who have been waiting for so long for word as to the fate of their husbands and sons.

I have today communicated with officials of the Defense and State Departments requesting a copy of the list be furnished me as soon as it is available, and that I be kept up to date on progress in the matter.

It appears that our efforts in mobilizing the world opinion against mistreatment of war captives are beginning to bear fruit. This should spur us on to a renewed commitment to press for priority action on this and other such basic humanitarian values.

I am hopeful that the United Nations will assist us by invoking its moral authority and prestige to secure still further adherence to the obligations and humanitarian principles embodied in the 1949 Geneva Convention relative to the treatment of prisoners of war. These include immediate relase of the sick and wounded, permitting all prisoners to receive mail regularly, and allowing captives to be visited by representatives of the International Red Cross or some other impartial observer.

In this connection, I ask unanimous consent to have printed in the Record a letter I have received from Ambassador Charles W. Yost, U.S. Representative to the United Nations, relating to the prisoner-of-war issue.

On September 24, 1969, I directed a letter to Ambassador Yost calling for United Nations action in securing more humane treatment for prisoners of war. That letter was printed on page 27098 of the Record of September 25.

Ambassador Yost's response of October 2, 1969, indicates that Mrs. Rita Hauser, U.S. Representative to the U.N. Commission on Human Rights, will soon make a major statement on the U.S. position on treatment of POW's in the Social, Humanitarian, and Cultural Committee of the General Assembly. I know all of us look forward to Mrs. Hauser's remarks and share the Ambassador's hope that an appropriate resolution on the matter will also be adopted by the United Nations as quickly as possible.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Representative,
to the United Nations,
New York, N.Y., October 2, 1969.

Hon. Joseph M. Montoya,
U.S. Senate,
Washington, D.C.

Dear Senator Montoya: Thank you for your letter of September 24 in which you set forth your efforts on behalf of United States prisoners of war in Vietnam. I have been deeply concerned about this question as you will note from the attached press release following my meeting last August with wives of American prisoners of war.

Mr. Rita E. Hauser, the United States Representative to the United Nations Commission on Human Rights, has taken a great personal interest in this question. She intends to make a major statement of the United States position on treatment of prisoners of war in the Social, Humanitarian, and Cultural Committee of the General Assembly. This statement will be made during consideration of the agenda item of Human Rights in Armed Conflicts, which should occur in the later part of November. We will also seek adoption of an appropriate resolution.

I hope that the efforts being made in the Congress and here at the United Nations will be successful in persuading the Government of North Vietnam to accord humane treatment to our prisoners of war.

Sincerely,

Charles W. Yost.

Press Release From U.S. Mission to the United Nations

Mrs. Bonnie Singleton and Mrs. Joy Jeffrey, representing a newly formed organization of the wives of American prisoners of war, called on Ambassador Charles Yost at the United States Mission to the United Nations today to ask for renewed efforts through the United Nations to obtain the release, on humanitarian grounds, of American prisoners of war held by the North Vietnamese. The call was arranged at the request of Congressman Olin E. Teague of Texas.

Mrs. Singleton is the wife of U.S. Air Force Captain Jerry Singleton, who has been a prisoner since November 5, 1965. Mrs. Jeffrey's husband is Air Force Captain Robert Jeffrey, a prisoner since December of 1965. Both men have been identified as prisoners, but neither wife has ever received any communication from her husband.

In responding to the request of the two wives, Ambassador Yost made the following statement:

I wish to assure you ladies and all members of the newly-formed association of the kin of Americans imprisoned by North Vietnam that the detention of your brave husbands, fathers and sons is a matter of deep concern to the United States delegation at the United Nations.

We have lost no opportunity to bring before the world organization our humanitarian concern for the fate of those held prisoners of war by the North Vietnamese. The refusal of North Vietnam to permit inspection of prison camps by the International Committee of the Red Cross; the refusal to furnish accurate lists of prisoners and information on the state of their welfare, except for isolated propaganda efforts; and the denial of mail and other communications specified by the Geneva Conventions is not only a clear violation of international law, but also a gross denial of human rights.

The United States is making consistent and determined efforts to obtain the release of the men held prisoner. Here at the United States Mission we are assisting that effort in every way available to us. While we cannot unfortunately be confident of early and favorable results, we will persist in our efforts. We believe that the inhumanity of the treatment of these men, the refusal to grant them the internationally recognized privileges of prisoners of war, and the denial to them of fundamental human rights must evoke the concern of member states of the U.N. and of the Secretariat.

HANOI'S MALTREATMENT OF AMERICAN PRISONERS OF WAR

Mr. DODD. Mr. President, the November issue of Reader's Digest, which has just hit the stands, contains an important article captioned "What You Can Do for American Prisoners in Vietnam."

I ask unanimous consent that the full text of the article be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, the article quotes Secretary of State Roger as follows:

> By any human standards the position of North Vietnam is totally inexcusable. I don't understand why we have not become more excited about the prisoner question.

The Secretary's point is well taken. The fiendish maltreatment and abuse of Americans POW's by the North Vietnamese Communists not only calls for vigorous condemnation by our diplomatic representative; it also calls for a worldwide cry of outrage.

I do not see how any American or any other civilized person who reads this gruesome account of the psychological and physical tortures to which our POW's are subjected can remain morally or emotionally indifferent.

Those who demonstrated in support of the recent Vietnam moratorium carried many placards intended to establish the point that their essential motivation was humanitarian. But I do not recall seeing a single placard which called upon Hanoi to stop abusing American POW's, to agree to the repatriation of the sick and wounded POW's, or to accept international inspection under the Geneva Convention.

To me, it seems that there is something indecent, in fact, something almost suspect about a humanitarianism that is so remarkably one-sided, so full of concern over human suffering on the one side and so indifferent, on the other side, to the monstrous and deliberate torture of American prisoners of war.

I hope that this article will be read by every Member of Congress and by every informed member of the public. I hope, too, that it will serve to move honest humanitarians in every free country to raise their voices in demonstrations and protests, until the North Vietnamese Communist Government agrees to live up to the terms of the Geneva Convention on the treatment of prisoners of war.

EXHIBIT 1

WHAT YOU CAN DO FOR AMERICAN PRISONERS IN VIETNAM

(By Louis R. Stockstill)

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Gloria and Dutch have been married 18 years, but she doesn't know whether he is alive or dead. For more than two years she has written the monthly letters—six lines each, according to current communist rules. None is answered; none is returned. But, in the pattern of "dreadful uncertainty" that characterizes her life, she never fails to write.

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The release last August illustrates how completely Hanoi milks the prisoner situation for its own purposes. To begin with, it was carried out via a group of eight dissenting Americans—a pacifist, two members of the Students for a Democratic Society, a member of anti-war organizations, a man who had served a stockade sentence for refusing to fight in Vietnam, and three cameramen from an underground movie-making outfit. All but one went to North Vietnam, where they were solicitously entertained for a couple of weeks.

Finally, on August 4, Hanoi named the men who were to be freed. Two were Navy men (Lt. Robert F. Frishman, captured 21 months earlier; and Seaman Douglas B. Hegdahl, imprisoned for two years and four months); the third was Air Force Capt. Wesley L. Rumble, a prisoner for 15 months.

At an airport press conference in Vientiane, Laos, U.S. newsmen described the men as "pale and gaunt." Lieutenant Frishman, acting as spokesman for the prisoners, selected his words carefully. He said only that he was "happy to be returning home."

"How was the treatment you received while a prisoner?" he was asked.

"I received adequate food, clothing and housing," Frishman replied.

VIEW FROM THE SIDE

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance as they disembarked was deeply saddening. Frishman and Hegdahl were first off the plane. Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men were ashen. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. Frishman had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said. It hung at his left side, the loose sleeve of his jacket emphasizing that the arm was terribly wasted.

A reporter asked Hegdahl how much weight he had lost. He had "no comment." But then Frishman addressed the microphones: "I lost 45 pounds. Seaman Hegdahl lost 60 pounds."

What about the welfare of the other prisoners still held by Hanoi?

"No comment."

As Frishman turned to leave, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, his chin were sharply drawn, haggard. So were Hegdahl's. Their tightly stretched, almost translucent skin had a corpse-like pallor.

Their "escorts" had nothing but praise for what they had seen in North Vietnam, including Hanoi's "humane" treatment of prisoners. "How many prison camps did you visit?" I asked. After repeated evasions, their leader admitted that he had "no information at all" about any of the prison camps. Nor had they brought any hint that North Vietnam might consider changing its policy on prisoners.

THE PRISONERS TALK

Twenty-five days later, I saw Frishman and Hegdahl at Bethesda Naval Hospital in Maryland. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations, where he was stoned by the populace. When he reached the prison, he was refused medical treatment and told he was "going to die in four hours" unless he talked. When he passed out, he was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm, but failed to remove missile fragments; so it was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets. . . . The scab would come off. . . . The wound would drain again."

Hegdahl, too, had been subjected to solitary confinement for more than a year. He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed had been plundered before he got it. For propaganda purposes he was photographed "reading" a U.S. magazine, which he was allowed to hold "just long enough for them to take the picture."

Frishman was cautioned before his release not to forget that "we still have hundreds of your buddies." But those still imprisoned wants the facts out in the open, he said. As one prisoner said to him, "Don't worry about telling the truth. If it means more torture, at least we'll know why we're getting it. It will be worth the sacrifice."

PLAN FOR ACTION

Hanoi's continued lack of compassion has brought rising anger in Congress. In August, 42 Senators banded together in a strong statement condemning North Vietnam for its cruel treatment of the prisoners and their families. The declaration, sponsored by two opponents of our Vietnam policies, Charles Goodell (R., N.Y.) and Alan Cranston (D., Calif.), says that if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure." Those signing the statement included both Democrats and Republicans, and represented 33 of the 50 states.[1]

This sort of initiative is helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, is likely to produce action. A business-as-usual attitude on the part of the American public can only indicate to Hanoi that these men who have given so much to their country have indeed been forgotten.

In many interviews with numerous government officials, with representatives of the Red Cross, members of the armed forces and next of kin of the prisoners, I have asked each person what would be the most effective attack that could be launched. They agreed that dramatic results could come from a vigorous letter campaign directed to 1) representatives of foreign nations and the press of those nations; 2) your Congressmen; and 3) Xuan Thuy, chief North Vietnam negotiator in Paris.

The mail to the foreign nations should urge that pressure be brought to bear on Hanoi to live up to the "spirit" of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should make the same demands. And those individuals who are not in sympathy with the war itself should make it clear that proper treatment of the prisoners is an overriding consideration. All should note that continued intransigence on the part of Hanoi will stiffen the resolve of the American public, not weaken it.

Letter to members of Congress should call for a joint resolution demanding proper treatment for the prisoners and missing men.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards" the position of North Vietnam is "totally inexcusable," says Secretary of State William P. Rogers. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men whom many Americans have forgotten, you can. Your letter could be the one that spells the difference.

If you want to help, send a postcard to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570, giving your name and address; you will be mailed a list of Washington, D.C., addresses of ambassadors of the foreign nations whose assistance could be particularly vital; and a list of selected foreign newspapers. Letters to Xuan Thuy can be addressed to: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France (airmail rate, 20 cents).

AMERICAN PRISONERS OF WAR

Mr. BENNETT. Mr. President, I commend the senior Senator from Colorado for his forthright and much needed statement regarding American prisoners of war, and how the North Vietnam Government is dealing with certain American far-left organizations in arranging for their release. In the context of events, and as a cosponsor of a Senate resolution calling for their release, I am of course hopeful that these long suffering Americans will soon be returned to their homes and loved ones.

As a Senator, however, I deplore the method by which it is done. I think we cannot forget the fact that over the years North Vietnam has continually ignored the provisions of the Geneva Agreement of 1949. They have proved to be an unfaithful party to a very important and humane international agreement, and now this aggressor nation which is fairly successful in exploiting American public opinion and left-wing organizations in this country, refuses to deal with the legal diplomatic representatives of the U.S. Government.

Of course, some blatant examples have been laid for these private citizens who have been dealing with Communist negotiators in Paris.

I think the American people should see through this facade and realize that we are being insulted and treated as dupes by a country which refuses to adhere to the rules of international law dealing with prisoners of war.

I think the American people should realize that this is a case of blackmail by Communist North Vietnam, and I endorse the assessment of the Senator from Colorado that the Justice Department should carefully review the conduct of Mr. Kunstler under the provisions of the Logan Act. I commend him for his courage in bringing this matter to the attention of the Senate and the country.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 337) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLER of California, Mr. TEAGUE of Texas, Mr. KARTH, Mr. HECHLER, Mr. FULTON of Pennsylvania, Mr. MOSHER, and Mr. ROUDEBUSH were appointed managers on the part of the House at the conference.

LT. COL. SAMUEL J. COLE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 267.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired), which was, on page 2, line 11, after "section" insert "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIFFERENTIATION BETWEEN PRIVATE AND PUBLIC OWNERSHIP OF LANDS IN THE ADMINISTRATION OF ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of the unfinished business.

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[1] On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–499), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of S. 2062 is to clarify the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. The basic reclamation law, dating back to the Reclamation Act of 1902, provides that no landowner in a Federal reclamation project may receive water for lands in excess of 160 acres for each individual.

An administrative interpretation of this provision by the then Solicitor of the Department of the Interior, dated January 23, 1967, held in pertinent part:

In summary, it is the opinion of this Department that these basic (excess lands) provisions of reclamation law apply to any and all landowners who have lands within a reclamation project. The language "in private ownership" is properly read to mean any non-Federal ownership. This includes the States. * * *

Such an interpretation greatly hampers the States in fulfillment of certain State functions. An example is the State of Idaho. The University of Idaho conducts a State experimental farm at Caldwell which has in it 267 acres of land irrigated from a Federal project in excess of the limitation, and the State school and hospital for the mentally retarded at Nampa has 384 such acres. The effectiveness of both of the State institutions will be substantially reduced if they are forced to reduce their lands to 160 acres, as the Department of the Interior ruling would require.

EXPLANATION OF PROVISIONS

S. 2062 would rectify such a situation and clarify other State uses of their irrigated lands.

Section 1 would exempt from the acreage limitation State lands which are operated for nonprofit, public purposes. Examples are hospital and prison farms and university agricultural stations.

Section 2 would permit a State to sign recordable contracts to sell excess lands within 10 years, but at present rather than dry land value. The laws of many States require lands to be sold at public auction to the highest bidder. The State lands could receive water in the interim.

Section 3 would permit a State to retain ownership of excess lands and lease them for revenue purposes to farmers. Each lessee, however, would be subject to the same acreage limitation as a private landowner.

The Department of the Interior recommended that section 3 be deleted from the bill. The committee, however, is convinced that this provision is highly desirable for providing income from State lands for public purposes. In many States income from such lands is dedicated in large part to education.

BASIC LEGAL BACKGROUND

The provisions of S. 2062 will be clearer if the basic legal background is understood. The requirements of the excess land law as administered are set forth in section 46 of the Omnibus Adjustment Act (act of May 25, 1926; 44 Stat. 636, 650; found in 43 U.S.C. 423e). This statute provides in pertinent part:

(1) All land in private ownership in excess of 160 irrigable acres (excess land) must be appraised in a manner to be prescribe by the Secretary.

(2) The appraisal shall determine the land's value without reference to the reclamation project (in essence its value as dry land rather than as irrigated or potentially irrigated land).

(3) No excess land may receive project water unless its owners execute a valid recordable contract agreeing to sell the land at a price not to exceed the appraisal price.

(4) Until half the construction charges are paid no sale of excess lands carries the right to receive water unless the price is approved by the Secretary.

(5) Upon proof of fraudulent representation as to the true consideration involved in such a sale the Secretary is authorized to cancel the water right attaching to the land involved.

As stated, the Interior Deparmtent has held that "private ownership" means all non-Federal land. Thus, lands on reclamation projects that are State, municipal, or owned by other local public entities (such as universities and hospitals) must dispose of all of their irrigated lands in excess of 160 acres.

COMMITTEE RECOMMENDATION

The committee, most of whose members come from reclamation States, is convinced that S. 2062, as reported, does not violate in any way the letter and the spirit of the reclamation law. Rather the bill clarifies the law for its better administration. At the same time, enactment will enable the States better to fulfill their public functions.

Therefore the committee recommends prompt approval by the Congress of S. 2062.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 489 and 495.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF BILL TO COURT OF CLAIMS

The resolution (S. Res. 277) to refer the bill (S. 202) entitled "A bill to provide that the United States disclaims any interest in a certain tract of land," to the Chief Commissioner of the Court of Claims for a report thereon was considered, and agreed to, as follows:

Whereas there is pending in the Senate of the United States a bill designated as S. 202, to provide that the United States disclaims any interest in a certain tract of land, as to which the Senate desires the investigation, findings, and conclusions hereinafter referred to: It is hereby

Resolved, That the said bill, as amended by the Senate Committee on Interior and Insular Affairs, which amendments are shown in the committee print on S. 202, dated October 22, 1969, be referred to the Chief Commissioner of the United States Court of Claims as authorized by section 1492 of title 28 of the United States Code for a report in conformity with section 2509 of title 28 of the United States Code with findings of fact and conclusions sufficient to inform Congress whether the waiver and relinquishment of any claim of title by the United States is appropriate in light of any legal or equitable claim to the real property described therein, or any part thereof, by the private claimants thereto, including findings as to whether the United States by prior legislative and administrative actions has not in fact and in law vested title to the said real property in the claimants or their predecessors in title, and whether, if the private claimants were asserting their claim against any party or entity other than a sovereign, their title would not be deemed good and indefeasible with respect to said party or entity; such report shall take account of, or be in any way affected by, any conclusions of law or fact hitherto asserted by any administrative agency of the United States with respect to the instant controversy between the claimants and the United States.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–492), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Basic Facts

The subject bill, sponsored by the senior Senator from New Mexico (Mr. Anderson) would quitclaim the interests of the Federal Government to a small tract of less than 8 acres within the Carson National Forest, N. Mex., to private claimants who trace their asserted title back to a patent signed by President Taft in 1911. The 1911 patent, in turn, was based on a land grant of some 60,000 acres made in 1742 by the Spanish Governor of New Mexico to three Spanish settlers. The part of the grant which is the subject of S. 202 contains 66.78 acres, but title to less than 8 of these acres is in controversy.

After New Mexico became a territory of the United States, the United States recognized, in principle, the validity of such grants and in 1854 Congress, by the act of July 22, 1854 (10 Stat. 308), established a method by which such private claims could be confirmed by the United States.

In accordance with this procedure, Antoine Leroux in 1857 filed application for confirmation of the grant on behalf of the representatives of the original grantees. After investigation by the surveyor-general, Congress confirmed the grant by the act of March 3, 1869 (15 Stat. 342).

Subsequently, difficulty arose over the precise boundaries because of conflicts with other grants and other problems. In 1909 another survey was run and a patent based on it was issued by the Federal Government in 1911.

In 1950, most of the Leroux Grant was conveyed to the United States by its owner at that time and made a part of the Carson National Forest through a land exchange. The exchange deed excepted from its provisions the 66.78 acres substantially as described in S. 202.

The landowners point out that for a period of 40 years the survey line was treated as the actual boundary between the private land and the Forest Service land, and that the land was conveyed many times using the survey line as the boundary. They assert that the survey line was reaffirmed by a Regional Forester as recently as July 23, 1962. In 1963, however, one of the landowners was advised by the Forest Service that a cabin he had constructed there was on Forest Service land.

and that the survey line sanctioned by the Government was not the proper boundary.

ADMINISTRATION POSITION

The reports of the Department of Agriculture and the Department of the Interior assert that the surveyor in 1909 disregarded instructions as to the proper location of the boundary line, and that as a result the private owner was given more land than the acreage to which he was entitled. They maintain that the United States should not be deprived of property by reason of error or failure to follow instructions on the part of one of its employees.

The claimants, successors to the 1911 patentees, cannot take the Government of the United States into court because of sovereign immunity. The Department of Justice has declined to bring an action in court, and asserts it will not answer a complaint.

COMMITTEE POSITION

The committee, after public hearing and full consideration, is convinced that a court of law is the proper tribunal to settle a dispute over title to real property, especially when both the facts and the law are controverted. However, since the Government declines to sue or be sued in this case, the committee believes that it needs the guidance of an impartial finder of facts, and his conclusions as to the law and equity.

Therefore, the committee decided to make use of the provision of title 28, United States Code, which authorizes reference by either House of Congress of bills to the Chief Commissioner of the Court of Claims for that purpose. The Congress will not be bound by the Chief Commissioner's findings and conclusions.

EXECUTIVE AGENCY REPORTS

The unfavorable reports of the Department of the Interior, the Department of Agriculture and the Bureau of the Budget on S. 202 are set forth below in full. It is pointed out that these reports are on the bill itself, and not on this resolution of referral.

REFERRAL OF S. 1343 TO COURT OF CLAIMS

The resolution (S. Res. 143) to refer the bill (S. 1343) entitled "A bill to relinquish and disclaim any title to certain lands situated in Yuma County, Arizona," to the Chief Commissioner of the Court of Claims for a report thereon was considered and agreed to, as follows:

S. Res. 143

Whereas there is pending in the Senate of the United States a bill designated as S. 1343, to waive and relinquish any claim of title which the United States of America may have in and to certain lands situated in the county of Yuma, State of Arizona, as to which the Senate desires the investigation, findings and conclusions hereinafter referred to: It is hereby

Resolved, That said bill be referred to the Chief Commissioner of the United States Court of Claims as authorized by section 1492 of title 28 of the United States Code for a report in conformity with section 2509 of title 28 of the United States Code with findings of fact and conclusions sufficient to inform Congress whether the waiver and relinquishment of any claim of title by the United States is appropriate in light of any legal or equitable claim to the real property described therein, or any part thereof, by private claimants, including findings as to the age of any accretion claim which the United States might have in and to any part of the subject lands and whether or not there would presently exist any legal or equitable defenses to the assertion of any such accretion claim had it accrued to and were now asserted by a private party rather than to the sovereign; such report shall not take account of, or be in any way affected by, the fact of any pending litigation in any forum or tribunal or any pending administrative proceedings.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–498), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

The purpose of Senate Resolution 143, which was sponsored by the senior Senator from California (Mr. Murphy), is to refer the bill, S. 1343, to the Chief Commissioner of the Court of Claims for findings of fact and conclusions on which the Congress may base action. S. 1343, also sponsored by Senator Murphy, is a private land bill quitclaiming the interest of the United States in a certain, specifically described tract of land in Yuma County, Ariz.

A number of similar bills sponsored by Senator Murphy which are applicable to other lands in the same area, together with similar resolutions for reference, are pending before the committee.

The questions of fact and of law involved in these measures are similar. The issues have been before successive Congresses for several years. Two bills, H.R. 13955, 89th Congress, and H.R. 10256 of the 90th Congresses, to resolve the matter based on legislative determinations, were both the subject of pocket veto by President Johnson. Senate companion measures to these House bills had been sponsored by former Senator Carl Hayden.

The lands are located along the lower Colorado River. Some of the occupant-claimants or their predecessors in title, trace title back for decades, and for decades they have lived on the land, made substantial improvements and paid State and local taxes on it.

BASIC PROBLEM

The problem arises over whether the subject lands are "accreted," or were created by "avulsion." Accretion is the gradual accumulation of land by natural causes, such as the depositing of silt or the gradual withdrawal of a river from a section of its banks. In such a case, the accreted land attaches to the adjoining upland and becomes the property of the upland owner.

The occupant-claimants of the subject tracts insist that their lands are accreted lands, that is, that their tracts were formed by accretion and attached to the adjoining State patented uplands.

Avulsion is the sudden and perceptible shifting of the course or location of a river or body of water. It may be natural or artificial. In such a case, title to the avulsed land is not lost by its owner at the time of the occurrence of the avulsion.

The Federal Government contends that the subject lands were created by an abrupt change in the course of the Colorado resulting from manmade cuts and channels in 1924. Thus, the lands have remained attached to and a part of a federally withdrawn area, legally speaking.

COMMITTEE POSITION

The committee held hearings and gave extensive consideration to bills to deal with the problem in the 89th and 90th Congresses. It tried to solve it through different approaches, only to have its efforts rejected by the executive branch.

Since there is dispute as to the basic facts, the committee concurs with Senator Murphy that the matter should be referred to the Chief Commissioner of the Court of Claims for investigation and report.

ORDER FOR ADJOURNMENT TO MONDAY, NOVEMBER 3, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE REPORTS, RECEIVE MESSAGES, AND SIGN BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate from the close of business today until 12 o'clock noon on Monday next, all committees be authorized to file their reports, including minority, individual, additional, or supplemental views; that the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that they may be appropriately referred; and that the Vice President the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE SUBCOMMITTEE ON INDIAN EDUCATION TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Indian Education Subcommittee of the Committee on Labor and Public Welfare be permitted to file its report on Matters Pertaining to the Education of the American Indian not later than Monday, November 3, 1969. This is a 2-day extension of the deadline provided by Senate Resolution 8.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

S. 3097—INTRODUCTION OF THE CONSUMER PROTECTION ACT OF 1969

Mr. PERCY. Mr. President, I am introducing today the Consumer Protection Act of 1969, cosponsored by Senators SCOTT, BIBLE, MATHIAS, and DOLE.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3097) to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes, introduced by Mr. PERCY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. PERCY. I reaffirm my strong conviction that the economy of the United States is and should continue to be a consumer-oriented economy. It is not designed to serve just the interest of business, or of labor, or of Government. These interests can and should only benefit in our economy when the consumer has been satisfied.

The plight of the consumer in our technologically oriented society has concerned me for a number of years as has that of the reputable businessman who desires to compete fairly and honestly in the modern commercial world.

Congress has taken increasingly more constructive action in recent times to broaden consumer protection. We have strengthened food and drug laws, enacted tougher product safety legislation, passed fair packaging and labeling and fair credit reporting provisions. Many pitfalls still plague the consumer, however: false advertising, unsafe cars and tires, the transportation of hazardous substances, the potential misuse of pesticides and other chemicals in the environment, to name just a few.

In thinking of the consumer's woes, few consider the plight of the honest businessman. But, as a former businessman and as one who continues to take an active interest in the preservation and development of a dynamic free-enterprise system, let me assure you that he has his problems, too. I can attest to the frustration and dismay that confront businessmen who, seeking to supply safe and satisfactory goods and services to consumers, are confronted by tainted competition and the antagonisms of harmed or cheated consumers. Contrary to the sensationalism cast about at times over the evils of the commercial world, the great majority of businessmen do strive to offer quality products for sale and do desire to protect consumers from harm. Our philosophy in business is based on the return of the satisfied customer, a customer whose return will not occur if quality, safety, and honesty are lacking.

The progressive actions of Congress and business have not, unfortunately, been adequate in themselves in overcoming many of the ills encountered by consumers. Consumers, I believe, are becoming more sophisticated, but this growth has been paralleled or surpassed by a more scientifically-oriented commercial world. In consequence, consumers are still frequently unable to avoid instances of being harmed or defrauded, although they are becoming increasingly aware—and rightly so—of their rights to demand fair treatment and protection by the Government and by the business community.

Here the Congress has a responsibility. It is our duty, in my opinion, to see that the consumer is protected against false advertising and the sale of dangerous or faulty products. It is also our duty to discharge such responsibility in a manner which will uphold the freedom and dignity of the honest businessman.

I have taken the occasion to study several different organizational proposals that have been put forward recently for the improved protection of the consumer. These have included such ideas as the creation of a department of consumers, the establishment of an independent consumer affairs office or administration, the beefing up of the consumer counsel responsibilities in the Justice Department, and others. Having weighed the pros and cons of each, I have determined that, on balance, the legislation introduced by Congresswoman DWYER, of New Jersey, and some 45 Members of the House presents the most satisfactory consumer legislation to date. I am offering two significant changes to that bill in an effort to offer the best possible piece of legislation. Examination of the legislation by committee may turn up other necessary modifications. But, overall, I believe the bill that I and my fellow cosponsors are introducing today provides the best and most desirable means at this time to advance the cause of consumer affairs.

The legislation establishes an Office of Consumer Affairs in the Executive Office of the President. Mrs. Virginia Knauer presently holds a position as consumer adviser to the President, and I envisage that her office will be merged into this newly created statutory office. Mrs. Knauer has done a commendable job in seeking to protect the rights of consumers, as had Mrs. Peterson and Miss Furness before her. But, the authority reposed in these dynamic fighters for consumer rights has been too restrictive and their resources too limited. The statutory upgrading of the office and its adequate funding and staffing are bound to result in increased consumer protection.

The Office of Consumer Affairs will be charged with the responsibility to:

First, coordinate Federal programs and activities relating to consumers and resolve differences arising among Federal agencies;

Second, assure that the interests of consumers are timely presented and considered by the appropriate levels of the Federal Government in the formulation of Government policies and in the operation of Government programs that may affect the consumer interest;

Third, receive, evaluate, and transmit to the appropriate Federal agency complaints concerning actions or practices which may be detrimental to the consumer interest;

Fourth, develop information from Federal agencies and other public and private sources which would be of benefit to consumers, including test results and analyses of consumer products, and to disseminate such information in the most efficacious manner possible, including through the publication and distribution of periodicals and other printed material which will, in easily understandable form, inform consumers on matters of interest;

Fifth, conduct hearings, conferences, surveys, and investigations concerning the needs, interests, and problems of consumers;

Sixth, establish facilities in major population centers to receive consumer complaints, to direct consumers to the appropriate Federal agency charged with the responsibility of meeting a specific consumer need, and to disseminate information of interest to consumers;

Seventh, encourage, support, and coordinate research leading to improved products, services, and consumer information;

Eighth, encourage initiate, and participate in consumer education programs and consumer counseling programs;

Ninth, cooperate with and assist State and local governments in the promotion and protection of consumer interests; and

Tenth, cooperate with and assist private enterprise in the promotion and protection of consumer interests.

In carrying out its authority under each of the above responsibilities, as well as those described below, the Office of Consumer Affairs will be in a position to benefit the honest businessmen at the same time that it is protecting the consumer.

In addition to these responsibilities, the Office of Consumer Affairs is authorized to appear before a Federal agency where such agency has before it a matter substantially affecting the consumer interest for the purpose of representing the consumers. Moreover, whenever there is pending before a court a proceeding which substantially affects the consumer's interest, the office has the authority to certify to such court evidence and information of material nature in its possession.

Too often Federal agencies and courts pass upon many matters vitally affecting the interests of consumers without having had presented to them data or information which should be considered in this regard. Giving to the Director of Consumer Affairs this authority will, in my opinion, constitute a giant step forward in establishing a more active consumer conscience within the Federal Government. In the thicket of public administration, respect and effectiveness come about largely through possession of authority, ability, and influence. Many factors may contribute to a particular agency acquiring such attributes—high level appropriations, talented officials and employees, high level backing, an effective corpus of laws to administer, and so forth. In the case of the Office of Consumer Affairs, effective results will occur through high level backing, discussed below, and the spotlight of publicity which can be generated through the Office's appearance before Federal agencies.

Closely related to this authority is another requirement of this legislation which I believe will benefit the consumer and the responsible businessman. When a Federal agency takes action on a matter before it, relating to a valid interest of a consumer, such agency shall indicate in a public announcement the consideration given to the consumers' interest and the basis upon which the action was taken.

The proposed legislation contains another provision which I believe will be of particular interest to the small businessman. The National Bureau of Standards is authorized to test any product submitted to it by the producer of such product, who defrays such expense, to determine the performance, content, safety, durability, and other characteristics of the product. Following such testing, the producer is authorized to advertise accurately the results of such tests. Large manufacturers, of course, have access to large advertising budgets to promote their products and quite frankly a good deal of advertising stresses factors other than factual data. A small producer, however, who cannot afford a large advertising campaign, but who has a superior product to sell, will be able to promote the quality of his product as determined by the Bureau of Standards.

Finally, the bill as introduced calls for the creation of an Advisory Council to oversee the operations of the Office of Consumer Affairs in order to keep it representative; and to transfer the functions of the National Commission on Product Safety to the Office at such time as the Commission would otherwise expire.

Mr. President, there are those who argue that this Office of Consumer Affairs does not belong at the White House level; that it may be embarrassing to a President to have the Director of this Office appearing before other agencies in the executive branch or in speaking out on consumer affairs. As an academic exercise in public administration, I might agree with this. But, in the cold world of reality, I believe this is the best place to locate such function at this time.

We are not beginning with a clean slate. The just affairs of the consumer and the fair needs of reputable business have been neglected for too long by Government.

There is no question, however, that many departments within the executive branch have greatly expanded their efforts to protect the consumer. At the hearings held earlier this year by the Executive Reorganization Subcommittee of the Government Operations Committee, a witness lodged some serious charges against the consumer activities of the present administration. In order to present a balanced picture, I, together with the other Republican members of the subcommittee, solicited the views of seven Department heads concerning their consumer affairs operations. Their responses disclosed that a very active program is being conducted by the present administration. I ask unanimous consent that the letter request and replies be included in the Record immediately following my statement.

The fact remains, however, that a balancing of the scales must still take place and this can best occur if the strong support and direct interest of the Chief Executive is behind the Director of Consumer Affairs.

I fully appreciate that the administration is planning to introduce consumer affairs legislation in the near future. This clearly will represent the most comprehensive consumer protection legislation that any administration has offered in a single package. Although I have not had an opportunity to see the actual language of the proposed legislation, there appears to be a number of concepts that I can embrace. President Nixon and I had a discussion at the White House several months ago concerning the importance of consumer affairs. I know of his great commitment to this matter and his consumer message clearly supports this commitment.

The fact remains, however, that I continue to prefer certain provisions in my bill which has been under analysis by me and the cosponsors since September. This is particularly the case regarding the proposal to center consumer representational functions in the Department of Justice. I feel that at least at the present time it would be harmful to permit consumer representation to become too legalistically oriented. Consumer affairs are primarily economic and social, although occasions do undoubtedly occur where legal actions must be taken.

The consumer and the reputable businessman are walking the same road today, Mr. President. When one is respected and treated fairly, the other profits. When one is damaged, they both suffer. Each has contributed mightily to rich development of our land and civilization. But. some have suffered and been damaged. The time has come to devise improved means to better the course for both. The proposed legislation will, in my opinion, contribute to that endeavor.

I ask unanimous consent that the bill and certain correspondence I have had with the executive department of the Government be printed in the Record at this point.

There being no objection, the bill and the correspondence were ordered to be printed in the Record, as follows:

S. 3097

A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1969".

OFFICE OF CONSUMER AFFAIRS

Sec. 2. The Office of Consumer Affairs (referred to hereinafter as the "Office") is hereby established in the Executive Office of the President. The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5314, title 5, United States Code, for executive officers of level III. There shall also be in the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5315, title 5, United States Code, for executive officers of level IV. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director, he shall act as Director.

POWERS AND DUTIES OF THE DIRECTOR

Sec. 3. (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this Act, the Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and affix the compensation of personnel of the Office in accord with the provisions of title 5, United States Code, governing the appointment in the competitive service, and chapter 51 and subchapter III of chapter 58 of title 5 relating to compensation of positions subject to the General Schedule;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code. While so serving away from their homes or regular place of business, such employees may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703, title 5, United States Code, for persons intermittently employed;

(3) appoint, without regard to the provisions of title 5, United States Code, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act; and members of such committees (including the Consumer Advisory Council established in section 10 of this Act) other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as provided in subsection (b)(2) of this section with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal, State, and private agencies and instrumentalities with or without reimbursement thereof;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed; and

(8) request and receive, under such regulations as the President may prescribe, such information from any Federal agency as the Director may from time to time require.

(c) The Director shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year, and such recommendations as he may determine to be necessary and desirable to protect the consumer interests, including measures to improve the efficiency and economy of the Federal Government in the protection of such interests.

FUNCTIONS

Sec. 4. (a) It shall be the duty of the Office, in the performance of its functions, to advise the President and the Congress as to all matters affecting the interests of consumers; and to protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Office shall be to—

(1) coordinate Federal programs and activities relating to consumers and resolve differences arising among Federal agencies with respect to such programs and activities;

(2) assure that the interests of consumers are timely presented and considered by the appropriate levels of the Federal Government in the formulation of Government policies and in the operation of Government programs that may affect the consumer interest;

(3) receive, evaluate, and transmit complaints concerning actions or practices which may be detrimental to the consumer interest to the extent authorized by section 6 of this Act;

(4) represent the interests of consumers in proceedings before Federal agencies to the extent authorized by section 5 of this Act;

(5) develop information from Federal agencies and other public and private sources which would be of benefit to consumers, including test results and analyses of consumer products, and to disseminate such information in the most efficacious manner possible, including through the publication and distribution of periodicals and other printed material which will in easily understandable form inform consumers of matters of interest to them;

(6) conduct hearings, conferences, surveys, and investigations anywhere in the United States concerning the needs, interests and problems of consumers.

(7) establish in accordance with directives of the Bureau of the Budget facilities in major population centers (managed by the Office or some other appropriate Federal agency) to receive consumer complaints, to direct consumers to the appropriate Federal agency charged with the responsibility of meeting a specific consumer need, and to disseminate information of interest to consumers;

(8) encourage, support, and coordinate research (conducted within the Federal Government) leading to improved products, services, and consumer information;

(9) encourage, initiate, and participate in consumer-education programs and consumer-counseling programs;

(10) cooperate with and assist State and local governments in the promotion and protection of consumer interests;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests; and

(12) submit recommendations to the President and the Congress on measures to improve the operation of the Federal Government in the protection and promotion of the consumer interest.

REPRESENTATION OF CONSUMERS BEFORE FEDERAL AGENCIES

Sec. 5. (a) Whenever there is pending before any Federal agency any matter or proceeding which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Office shall be entitled as a matter of right to appear before such agency to represent the interests of consumers. Upon such appearance, the Director or any other employee of the Office designated by him for that purpose, shall present to such agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as he shall determine to be necessary for the effective protection of the interests of such consumers.

(b) Whenever—

(1) there is pending before any Federal agency any matter or proceeding which does involve the adjudication of the alleged violation, by any individual or corporation named as defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, or

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party,

and the Director finds the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Office upon its own motion may, and upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Government in that matter or proceedng shall, certify to such officer or employee all evidence and information in the possession of the Office relevant to that matter or proceeding.

(c) The Director or any other employee of the Office, designated by him for such purpose, shall be entitled to enter an appearance before any Federal agency for the purpose of representing the Office in any proceeding pursuant to the authority granted in subsection (a) of this section without other compliance with any requirement for admission to practice before such agency.

CONSUMER COMPLAINTS

Sec. 6. (a) Whenever the Office receives from any source complaints or other information disclosing a probable violation of (1) any law of the United States, (2) any rule or order of any administrative officer or Federal agency, or (3) any judgment, decree, or order of any court of the United States, the Office shall transmit promptly to the Federal agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information received or otherwise developed by the Office.

(b) Whenever the Office receives from any source complaints or other information disclosing any commercial or trade practice detrimental to the interests of consumers within the United States, which are not included within the category specified in subsection (a) of this section, the Office shall transmit promptly to the Federal agency whose regulatory or other authority provides the most effective means to terminate such practice, such complaint or other information received or otherwise developed by the Office.

(c) It shall be the duty of the Office to ascertain the nature and extent of action taken with regard to complaints and other information transmitted under subsections (a) and (b) of this section.

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

Sec. 7. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of policy decisions, or (3) the issuance of orders, decrees, or standards, shall take such action in a manner calculated to advance the valid interests of consumers in terms of price, quality, safety, accuracy, effectiveness, dependability, information and choice. In taking any such action, the agency concerned shall indicate concisely in a public announcement of such action the nature and extent of its consideration of consumer interests and the bases upon which the action was taken consistent with such interests.

TESTING BY NATIONAL BUREAU OF STANDARDS

Sec. 8. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish facilities for the purpose of determining through testing, at the request of a manufacturer, the performance, content, safety, durability, and other characteristics of a product offered for sale or intended to be offered for sale by such manufacturer.

(b) The Secretary shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs. The appropriation or fund bearing the cost of the services may be reimbursed or the Secretary may require advance payment subject to such adjustments on completion of the work as may be agreed upon.

(c) The manufacturer may suggest but not direct, control or otherwise influence the type of tests to be conducted by the Secretary.

(d) The Secretary shall not declare one product to be better, or a better buy, than any other product.

(e) The manufacturer may publicize the results of the tests conducted by the Secretary, but in so doing may in no way distort, falsify, or misrepresent such results.

(f) The Secretary shall maintain surveillance over products which it has tested to assure that such products and information disseminated about them conform to the test results determined by the Secretary.

(g) The Secretary may arrange with and reimburse the heads of other Federal agencies for the performance of any such functions, and as necessary or appropriate, delegate any of his powers under this section to the National Bureau of Standards with respect to any part thereof, and authorize the redelegation of such powers.

(h) The Secretary may perform functions under this section without regard to section 529 of title 31, United States Code.

(i) The Secretary is authorized to request any Federal agency to supply such statistics, data, progress reports, and other information as he deems necessary to carry out his functions under this section. Each such agency is authorized and directed to cooperate with the Secretary and to the extent permitted by law, to furnish such materials to the Secretary.

(j) The Secretary is authorized, to the extent necessary, to acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

CONSUMER ADVISORY COUNCIL

Sec. 9. (a) There is hereby established in the Office a Consumer Advisory Council to be composed of twelve members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed and critical judgment. Representatives of business, labor, consumer, and other interested organizations shall be encouraged to recommend qualified candidates for appointment to the Council.

(b)(1) Of the members first appointed, six shall be appointed for a term of one year and six shall be appointed for a term of two years as designated by the appointing power at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed only for the remainder of such term.

Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman but not less often than four times a year. The Director shall be an ex officio member of the Council.

(d) The Council shall—

(1) advise the Director on matters relating to the consumer interest; and

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including with regard to the adequacy of the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among Federal agencies, and between the Federal Government and State and local government and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(E) availability of information necessary for the making of intelligent consumer decisions;

(F) existing consumer protection agencies and the desirability of establishing a new Assistant Attorney General for consumer affairs within the Department of Justice to prosecute consumer fraud practices; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

CONSUMER SAFETY

SEC. 10. The Office shall assume on a continuing basis the responsibilities and duties of the National Commission on Product Safety, together with such property and unexpended appropriations as may exist, at such time as the Commission's authority would otherwise terminate.

APPROPRIATIONS

SEC. 11. There are hereby authorized to be appropriated to the Office, the Consumer Advisory Council, and the Department of Commerce such sums as may be required to carry out the provisions of this Act.

DEFINITIONS

SEC. 12. For the purpose of this Act, the term "Federal agency" shall have the same meaning as that given it by section 551 of title 5, United States Code.

EXHIBIT 32

Following is the text of the letter sent by Senators Javits, Percy, Gurney and Stevens to seven Department Secretaries, Attorney General Mitchell and Bryce Harlow of the White House staff:

"In testimony before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee on Thursday, March 20th, Mr. Ralph Nader disparaged the new Republican Administration's record in consumer affairs. He also made a number of indictments of various government agencies for not protecting consumer interests but rather working hand in hand with special interest groups.

"As the Republican members of the Subcommittee, we feel that you would like the opportunity to reply so that we can clearly demonstrate the new Administration's concern for the American consumer.

"At the subcommittee hearing, Percy offered to send Mr. Nader's testimony to the White House, appropriate Cabinet members and heads of regulatory agencies for their responses. He asked to have the committee record kept open for your response.

"We would appreciate your reply to the Subcommittee, answering these allegations plus any other information you might care to add concerning your activities in promoting consumer welfare.

"Enclosed is a copy of Mr. Nader's testimony before the Subcommittee and Senator Percy's reply."

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, May 2, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate.

DEAR SENATOR PERCY: Thank you for your letter of March 27, also signed for Senators Jacob K. Javits, Edward J. Gurney, and Ted Stevens, asking for our comments on statements made by Mr. Ralph Nader in testimony he presented on March 20.

Understandably, the attention which has been focused on the strong steps to improve the wholesomeness of meat and certain other products may have obscured the wide range of other activities the Department conducts that produce tangible benefits for consumers. I would like to refer briefly to a few of these.

First, we have in recent months instituted new procedures to be sure that processors of meat and poultry products comply with the net weight stated on packages and adhere to minimum meat and chicken requirements. Furthermore, processors of meat and poultry products are required to use labels on retail packages which are informative and not misleading to consumers. During the past year, for example, the Department reviewed almost 100,000 proposed labels and required modifications in over 6,000 of them.

Second, the Department has developed product standards, for over 500 foods. Through the application of these standards, which carry an official grade designation, consumers are better informed as to the qualities of food they are buying. We expect to grade approximately 500 billion pounds of food products this year including dairy and poultry products, cereals, meat and both fresh and processed fruit and vegetables. Products not coming up to standard, of course, cannot carry the official grade designation.

Third, the Department regularly solicits the views of consumers with respect to changes being considered in Departmental programs. For example, there are now some 125 marketing orders and agreements aimed at orderly marketing of fluid milk and other products. No change of substance is made in these orders without first holding public hearings at which consumers as well as other interested parties are encouraged to present evidence. Consumers in fact provide information useful in designing program changes.

Fourth, as part of its activity to encourage product safety, the Department requires the registration of pesticide products. Approximately 45,000 products have been so registered, and during the past year 8,500 compliance samples were taken to determine that the products are being marketed in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act. A continuous surveillance is maintained over products being marketed to make sure they continue to meet the requirements of the Act. Appropriate enforcement actions are taken against shipments and/or the shipper when violations are found.

Fifth, the Department has numerous active programs to strengthen consumer information and education. Each month, for example, the Department determines those foods which are in abundant supply and relatively low in price. Information concerning these foods is sent to 80,000 key food institutions, consumer groups and news media. These organizations in turn have mailing lists several times larger than the Department's so that there is wide distribution of this information useful to consumers in their food purchases.

The Department's research program yields continuing informational dividends of specific value to consumers. The Agricultural Research Service of the Department has more than 450 publications directed to subjects of consumer interest, and the annual demand for some of these exceeds 500,000 copies.

For many years, the Department in cooperation with State universities has conducted extension education to more effectively disseminate information to farm and nonfarm households. Recently, these efforts have been sharply increased by an aide program aimed specifically at improving the diets of poverty-income families. In the past few months 2,800 aides have been trained and are now on the job. An additional 2,500 will be employed by July. By midsummer, we expect aides to be working with about 200,000 poor families.

I would like to emphasize that the foregoing are illustrative. There are many other areas where the Department is working to meet needs of consumers such as improvement in recreational facilities in our national forests, improved living conditions in rural communities through loans for water and sewage systems, enhanced environment through our soil conservation activities, efficient sources of power for more consumers in rural areas through our Rural Electrification Administration, and better competition in our markets as a result of our regulatory agencies.

It may appear occasionally that steps taken by the Department to strengthen incomes received by farmers conflict with interests of consumers. I believe, however, that careful examination of these actions such as we have taken in recent months will show them to be one of the strongest services which the Department renders for consumers. These moves help to assure balanced supplies of food at reasonable prices. The continuing decline in the proportion of consumer income spent for food I think amply demonstrates the wisdom of this policy.

We will be glad to provide for detail concerning the consumer programs of this Department if you would have us do so.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

THE SECRETARY OF COMMERCE,
Washington, D.C., April 11, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of March 27, 1969, providing me the opportunity to comment on the testimony of Mr. Ralph Nader before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee. In his testimony Mr. Nader alleged that the Administration neither understands nor intends to do anything about consumer problems.

The Administration is vitally interested in consumer problems. Even in matters of broad economic policy the President has directed those of us who comprise the Cabinet Committee on Economic Policy to consult with consumer groups, among others, to assure consideration of a wide range of views about national economic matters. With regard to specific activities related to protecting consumer interests, every effort is being made to assure that consumers are fully represented in policy development, rule-making, and the operating programs of the Executive Departments and agencies.

The Department of Commerce conducts a number of programs which are oriented directly or indirectly to the protection or assistance of the consumer:

(*a*) Fair Packaging and Labeling;
(*b*) Voluntary Product Standardization;
(*c*) Uniform Weights and Measures;
(*d*) Building Code Activities;
(*e*) Product Testing;
(*f*) Refrigerator Safety; and
(*g*) Flammable Fabrics.

The above programs may be briefly described as follows:

(*a*) *Fair Packaging and Labeling.*—The Department's primary responsibility under the Fair Packing and Labeling Act is to encourage industry to avoid or alleviate those situations wherein an undue proliferation of package sizes impairs the reasonable ability of consumers to make value comparisons. Formal procedures have been established under which a determination may be made that an undue proliferation situation exists. These procedures contemplate that, following such a determination, industry would be invited to participate in the development of a voluntary package-standardization program. If the industry declines this invitation, or fails to follow a standard once developed, the Department is required to submit an appropriate report to the Congress with its recommendations.

Since the Act's passage in 1966, the cooperation of trade organizations and industry groups in response to the Department's initiative has been impressive. To date, some 50 industries have voluntarily and informally reduced the number of package sizes. In view of this voluntary cooperation, it has not yet been necessary to formally cite any industry for undue proliferation under the Department's procedures. Additionally, work with State and local officials and with affected industry, business and consumer representatives has led to significant clarification of State statutes and the development of a model State package regulation, thus fulfilling the Department's obligation to promote uniformity in State and Federal regulation of the labeling of consumer commodities.

(*b*) *Voluntary Product Standardization.*—The Department's voluntary product standardization program provides a means by which industry groups may voluntarily formulate product standards. Before publication of such a standard by the Department it must first determine that a proposed standard is not contrary to the public interest, and is supported by a consensus of consumers as well as the producers, distributors, and users of the product concerned. This program produces significant cost-reduction and product-simplification benefits which are often advantageous to the consuming public. An interesting variety of examples of voluntary standards of direct interest to the consumer includes standards for aluminum chain link fencing; body sizing standards for apparel and patterns; attic ventilation fans in residences; aluminum tension window screens; softwood lumber; household insecticides; and venetian blinds.

(*c*) *Uniform Weights and Measures.*—The free flow of goods in a competitive economy is directly dependent upon the maintenance of a high degree of public confidence in the enforcement of viable weights and measures regulations. A program of long standing that is of incalculable benefits to consumers is the leadership, cooperation, and technical backup provided by the Department of Commerce in developing uniform State weights and measures laws, regulations, inspection equipment and methods, and in the technical training of State weights and measures officials.

These activities affect consumers directly and vitally inasmuch as the accuracy of scales, meters, and gas pumps, of commercial weighing and measuring devices of all types, as well as the accuracy of package quantities, are dependent almost exclusively on the regulatory activity of State and local weights an and measures officials who look to the Department of Commerce for their reference standards, for technical advice and counsel on measurement problems, and for model weights and measures laws.

One of the important links with the States in these activities is the series of annual National Conferences on Weights and Measures, sponsored by the National Bureau of Standards. These conferences have been going on for more than 60 years.

(d) *Building Code Activities.*—While the Department is not itself empowered to establish mandatory building codes, one of its principal statutory functions is to encourage the standardization and most effective use of building materials. Well-written building codes can contribute significantly not only to economies of construction and maintenance but to the safety and well being of home owners, apartment dwellers, and office workers. On the other hand, poorly-written and inflexible codes can delay the realization of the benefits made available through advancing technology. In addition, variations in the codes of various localities tend to dilute the desired economic advantages.

To ensure a greater degree of safety, economy and uniformity in codes and specification, the Department is engaged in a continuing program of research, experimentation and education, with a view towards encouraging the updating and upgrading of State and local requirements to the advantage of consumers and industry alike. The pioneering work done by the Department on the National Electrical Safety Code and on elevator safety exemplify the important contribution which cooperation of this nature can make to public safety. Most recently, the National Bureau of Standards has been instrumental in organizing a National Conference of States on Building Codes and Standards. This organization, patterned after the highly successful National Conference on Weights and Measures, will provide a focal point for Federal-State cooperation in the highly technical and increasingly important area.

(*e*) *Product Testing.*—Contrary to a widely held public impression, the National Bureau of Standards conducts tests on relatively few consumer products. The Bureau's authority with respect to testing activities is set out in section 2(*c*) of its Organic Act which permits the undertaking of "the development of methods for testing materials, mechanisms, and structures, and the testing of materials, supplies, and equipment, including items purchased for use of Government departments and establishments." The Bureau's work in the area of product testing is done primarily at the request of, and with the financial support of, other Government agencies, such as the General Services Administration, that may have some responsibility for the procurement or regulation of the product. Most tests are performed for the purposes of developing purchase specifications, performance criteria, testing techniques, or testing equipment. Since this testing program is limited by the special needs of the requesting agencies, and is not normally directed toward a determination of the product's safety characteristics, it has produced relatively little information that would be directly beneficial to consumers generally. Nevertheless, such testing contributes significantly towards advancement of the state of the art in product standardization and evaluation. Private testing laboratories, including those most directly concerned with the evaluation of consumer commodities, are thus led to provide more useful and more detailed information to the public at large.

(*f*) *Refrigerator Safety.*—The Refrigerator Safety Act was enacted in 1956 to authorize the Secretary of Commerce to set safety standards to prevent accidental entrapment in household refrigerators. This Act prohibits the introduction of household refrigerators into interstate commerce unless it is equipped with a device, conforming to the prescribed standards, enabling the door to be opened from the inside. So far as known, not a single death has occurred from accidental entrapment in a refrigerator conforming to these standards.

(*g*) *Flammable Fabrics.*—The Flammable Fabrics Act offers protection to the public against an unreasonable risk of fire leading to death, injury or property damage. The Act was originally passed in 1953 in response to a number of deaths resulting from the burning of certain highly flammable articles of clothing, such as the so-called "torch sweaters" and children's cowboy chaps. At that time, the level of protection was set by the Congress through adoption of the existing voluntary standard for wearing apparel flammability. The Act was strengthened by amendment in December 1967 to authorize the Secretary of Commerce to set, after public proceedings, appropriate flammability standards whenever he finds that such standards may be needed to protect the public. The amendments also extended the scope of the Act to include all items of wearing apparel and interior furnishings. To date, the Department has initiated proceedings for the development of appropriate flammability standards for wearing apparel and for carpets and rugs.

In addition to the foregoing programs, the Department of Commerce is actively developing a vigorous and constructive program to achieve improvements in the areas of product design, quality of production, consumer education and servicing through voluntary business undertakings. An example of this program is the progress being made with the major household appliance industry. This industry has developed an extensive voluntary improvement program as a result of discussions and studies carried on with the Department of Commerce. Near- and long-term improvement goals have been established and detailed programs for their implementation have been agreed upon by the industry. I have established in Appliance Industry Advisory Committee which is following the progress of the industry in these voluntary programs and working with me to make sure that every assistance is made available by the Government to achieve our mutual objectives.

In the final analysis, the problems which beset consumers can best be corrected through constructive voluntary action by American business wherever consistent with the public interest. We are working closely with all of the other Departments and Agencies who share our concern and objectives in this matter and look forward to continuing progress.

Identical letters are being sent to each of the Senators who signed your letter.

Again I appreciate very much the opportunity to present the Department's position on this matter to you and your colleagues.

Sincerely,

Rocco C. Siciliano,
Acting Secretary of Commerce.

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., May 21, 1969.

Hon. Charles H. Percy,
U.S. Senate, Washington, D.C.

Dear Senator Percy: In your letter of March 27, 1969, you requested the comments and reactions of this Department to Mr. Nader's testimony before the Senate Government Operations Committee relative to consumer affairs. I assure you that this Department has great concern for adequate protection of the American consumer.

The primary mission of the Department of the Interior is the development, management, and wise use of the Nation's natural resources to assure the supply of resources necessary to this Nation's security and well-being and, at the same time, satisfy the aspirations of the American people for a high-quality environment. The new Administration is taking a positive position relative to meeting these challenges.

Most Interior programs do not have the kind of direct consumer interest impacts that are the subject of Mr. Nader's statement; however, since everything we do relative to natural resources and the enviromnment affects all Americans, our actions do affect them as consumers. We must make effective use of our natural resources to maintain our high standard of living but at the same time we must provide for clean water, clean air, protection of the land and sea, outdoor recreation, etc. in harmony with a high quality of life.

Even though the fiscal climate has not been conducive to the making of major program increases, this Administration already has taken many significant actions to meet the needs and to protect the well-being of American people. Following are examples:

Coal mine health and safety.—The Depart- has submitted strong legislation to provide for adequate protection of the health and safety of miners. Mine inspection and health research are being intensified.

Oil pollution.—The Department has urged enactment of legislation for the prevention and clean-up of oil spills from vessels and off-shore facilities. Outer Continental Shelf leasing regulations and policies have been strengthened to prevent future disasters such as the Santa Barbara disaster and to firmly establish clean-up liability responsibility with the lessee. Related management and research programs are being intensified.

Water pollution.—The most crucial deficiency in the water pollution program is the growing gap between waste treatment facility construction needs and the funding of essential Federal assistance. Alternative funding methods are being explored to find a solution that will permit construction to proceed even under the currently critical overall fiscal situation.

National Park operations.—It is estimated that park areas will receive some 172 million visits in 1970. Budgetary and personnel restraints of the past several years finally resulted in the necessity to close park areas and to limit services as public needs such as sanitation, information services, facility maintenance, etc. could not be maintained and park system facilities and resources were becoming deteriorated and even lost. The amended 1970 budget provides an increase of $6.3 million and 500 positions to reopen park areas on a 7-day week basis with adequate provision for public health and safety as well as protection of facility and resource values.

Plywood and lumber.—The critical supply and price situation that developed for plywood and lumber had significant consumer impacts. The Administration has taken positive steps to increase the sale of timber from Forest Service, Bureau of Land Management, and Indian lands to assure that these resources make their most beneficial contribution to our economy and stabilize lumber and plywood prices.

These are but a few examples of this Department's actions to meet public resource and environmental needs. One of the first things I did after becoming Secretary was to undertake a complete review of all Departmental programs to determine their adequacy and effectiveness in meeting the needs and providing for the well-being of all Americans.

This is no small task. Many significant deficiencies have been detected but their mere identification does not necessarily result in immediate corrective action. Needs have to be fully evaluated, explicit objectives and goals must be set, and alternative means for accomplishment must be fully developed and evaluated to be certain that the most effective course of action is taken. This process takes time. Corrective action normally will require additional funds and staffing.

Our program evaluation and formulation for 1971 is moving forward rapidly and we will positively identify those actions that the new Administration must consider if it is going to meet the challenges of the seventies for assuring the future supply of natural resources and of preserving and enhancing the quality of the environment. This Nation's future security and the well-being of all Americans, who are the consumers for which Mr. Nader has expressed such great concern, are the basis on which this Administration's programs must be built.

Identical letters have been sent to Senators Javits, Gurney and Stevens.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 5, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate, Washington, D.C.

DEAR SENATOR PERCY: Thank you for giving me the opportunity to state my personal position and the position of the Department of Labor in support of constructive consumer activities for the Subcommittee on Executive Reorganization of the Senate Government Operations Committee.

The most important consumer program today is a program to deal with inflation—and without serious consequences for unemployment. This is the announced first economic objective of this Administration. The level of living of American families depends on the size of their incomes on the one hand and the goods those incomes will purchase on the other. The Department of Labor is primarily concerned with the income side of this question—job training to increase earning potential. maintenance of high levels of employment, protection against occupational hazards which mean loss of income, assurance against harsh wage garnishments, and other measures to maintain income.

The Department of Labor, however, recognizes the importance of the consumer side of the equation as well, and has consistently supported constructive programs, both public and private, to improve the position of American workers as consumers. It is my intention to continue to do so.

Beyond any legislation or regulation necessary to protect health and safety or to prevent fraud, I see a growing need for better education for Americans *as consumers*, and for information, clear and readily available, on the nature of the goods and services being offered and the warranties or guarantees which they carry. Government at all levels, industry, and labor can and should contribute to meeting these needs for improved consumer education and information; and it is the expressed intention of this Administration to do so.

As you know, the Department of Labor's activities in the consumer field have been largely informational and educational. It does not now administer any legislation directly affecting consumers. However, when the wage garnishment provisions of the Consumer Credit Protection Act of 1968 become operative on July 1, 1970, the Department will have this administrative responsibility.

We are now making preparations for the administration of the wage garnishment legislation. It should be of special benefit to consumers with limited incomes who often find themselves unable to maintain their installment credit payments.

The Consumer Price Index of the Bureau of Labor Statistics, has been the official measure of changes in retail prices since World War I. Its periodic surveys of family incomes and expenditures and its standard budgets for various families are widely used as guides to public and private decisions.

I want to assure the Committee that the Department of Labor will continue to participate in and support needed consumer programs in the public and private sector which this Administration will propose. I feel sure also that organized labor will continue to give its advice and assistance in this field as it has in the past.

Sincerely,

GEORGE P. SCHULTZ,
Secretary of Labor.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 8, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Ralph Nader's statement on March 20 before the Subcommittee on Executive Reorganization, which you referred to me for comment, touched in a very summary manner some of the concerns of the Department of Transportation as they affect the Nation's consumers.

Because of its generalized character this statement, standing by itself, might deserve no great amount of attention. However, it does provide me with an opportunity to review the way that the problems confronted by consumers are dealt with in this Department. While consumer issues vary greatly in kind, they are reflected in virtually every area of the Department of Transportation's activities. As a result, the needs of the consumer can only be intelligently confronted through a careful, comprehensive set of programs; an ad hoc approach, of the type suggested by some spokesmen for the consumer, is insufficiently permanent and too limited in range and likely effect as to be a sound way of coping with the multiplicity of problems with which the American consumer must deal.

It is unfortunate that much of Mr. Nader's comments were directed personally against a single individual working for this Department, and I shall have more to say about that. Primarily, however, I intend to outline in a comprehensive manner those continuing programs of the Department of Transportation which affect the consumer. I shall indicate those programs of the previous Administration which are still being carried on effectively; and, of course, I shall refer to some of the innovations we have made since January 20 of this year.

We have approached the consumer through improvements in our administration of urban programs directly affecting the majority of our citizens who live in cities; we have encouraged safety programs not only in highways but in other modes of transportation as well; and we have improved the administration of existing programs so that the interest of the public has been better handled. Finally, we have exerted vigorous efforts in a successful effort to keep down the prices of transportation as a means of stabilizing consumer prices.

URBAN PROGRAMS

My concern for problems of the cities and metropolitan areas and for improving the environment of American life is clearly reflected in the action I have taken to establish an Office of the Assistant Secretary for Urban Systems and Environment, an Office that did not exist under the previous Administration. It is further reflected in the President's appointment as Assistant Secretary for Urban Systems and Environment of Mayor J. D. Braman, of Seattle, whose record of service as Mayor, as Chairman of the Transportation Subcommittee of the League of Cities, and in many other capacities is an unmistakable testimony to his determination that the interests of the public must be paramount in urban and environmental planning and action.

It is my intention to assure the assignment to Mayor Braman of the resources he deems essential to accomplish the mission he outlined in his nomination hearing before the

Senate Commerce Committee on March 6, 1969:

The mission of the Assistant Secretary for Urban Systems and Environment will be to coordinate the policies, programs and resources of the Department of Transportation with public and private efforts to solve urban and environmental problems; to develop and test new procedures, techniques and methods by which transportation development can be made more relevant to urban and environmental needs and goals; and generally to make the offices and agencies with the Department more responsive to the needs of cities and more sensitive to the protection and enhancement of the environment.

My support of these purposes and my personal conviction in this matter of public interest are additionally reflected in the following extracts from my keynote address at the Fourth Annual International Conference on Urban Transportation, in Pittsburgh, on March 10, 1969:

Certainly President Nixon is aware of the cities' needs for more effective transportation of people and goods—transportation which meets *all* our human needs. He made his position perfectly clear during the campaign and has repeated his concern to me many times since.

It is the President's determination, as it is mine, ~~to~~ confront the crisis of the cities boldly, ~~to~~ provide leadership which dares to rock the boat; leadership which acts upon the premise that transportation is totally related to welfare, education, recreation, and all other aspects of urban life.

The integrated transportation network that President Nixon and you and I dream of cannot be created overnight. But a system providing channels of choice out of the ghetto to suburban factories, insuring ready access in our leisure time to the varied pleasures of the countryside, safeguarding our precious heritage of historical sites and natural beauty, and saving the land from irresponsible exploitation—such a system must be started now if we are to achieve our objective within the next generation. It may even be necessary for physical survival.

The major programs of the Urban Mass Transportation Administration are directed specifically toward the improvement of transit services to the public. This is reflected in (1) a research effort directed toward improving the convenience, comfort and reliability of public transport; and (2) the provision of grant funds to assist public agencies in the physical improvement and modernization of rail and nonrail facilities. It is, in fact, clear that a key element in the preservation of public transportation is its attractiveness to the consumer.

The Administration will in the near future submit to the Congress an expanded program for urban mass transportation.

HIGHWAYS AND HIGHWAY SAFETY

Mr. Nader seemed to express the thought that somehow highway construction has no relation to the consumer and is at the opposite pole from safety programs. He stated further that the Department, and one particular individual in it—Francis C. Turner, the Federal Highway Administrator—fired, or had eased out of the Department, many of those concerned with motor vehicle safety. I can say categorically that no one has been fired or even eased out of the Department for his views on motor vehicle safety. Only Dr. William Haddon and Dr. John T. Holloway have left the vehicle safety program, and they of their own volition to join the Insurance Institute for Highway Safety.

It is misleading to infer that the consumer does not benefit from highway construction. More consumers own automobiles and use them in their daily affairs than any other mode of transportation; and improvements to the highway systems of the Nation, for this reason, affect more consumers than any other public program in the area of transportation. This is a fact which in no way implies that we should not actively seek substitutes for highway services, particularly in congested urban and urban corridor areas, or that the highway program itself could not be improved to benefit the consumer through safety, mass transportation service, and better environment. All of these ideas are being developed actively to provide the consumers with alternatives to the use of the private automobile where necessary, or to make the automobile a safer, more suitable means of transport from the point of view of the consumer and the community generally. The Federal Highway Administrator, Francis C. Turner, in his many years as a leading highway authority, has done more than anyone to forward such programs.

Far from "rooting out all people who questioned in the slightest the advisability of paving over America," Mr. Turner has been seeking people with a variety of backgrounds in the social or "soft" sciences who can aid in fitting the highways into the environment. His strong support of the broad comprehensive planning process over many years, the establishment of the Environmental Division in the Bureau of Public Roads, his personal efforts in working with State and local officials to encourage multiple use of facilities, and his promotion of joint development are but small indications of the broad outlook.

Mr. Turner has long advocated greater use of mass transit (he himself is a bus commuter). He has encouraged experiments in "balanced transportation" through approval of projects involving the exclusive or preferential use of street and highway lanes for buses, and for advocating programs to improve highway capacity by special provision for buses. He has long advocated more substantial Federal support for mass transit, if based on the results of adequate surveys of need and likelihood of acceptance of transit in the local areas.

Mr. Turner at no time "battled" with the National Highway Safety Bureau nor with its program. In his responsibility in the Bureau of Public Roads, he personally developed the spot safety program that is saving many lives by simple highway improvements on existing roads of earlier design, and has consistently insisted upon full safety considerations in design standards for current highway projects. Much of the Bureau of Public Roads research activity has been directed toward improved safety in design, a feature that provides continuing life saving as the roads are used by the increasing volumes of traffic.

Mr. Turner played the leading role in developing the spot improvement safety program. This program is aimed at correcting highly hazardous spots along the highways. Individually, they are for the most part small programs money-wise, but they are bringing immediate and dramatic results in reducing accidents and saving lives. In a four-year span, this program has developed to where 17,580 safety projects have been programmed, representing a total cost of nearly $1.2 billion.

Research has resulted in, for example, the development of the breakaway signposts in an R&D program that began back in 1963, funded partly by the BPR. And Mr. Turner signed the directive making these kinds of signs mandatory on the Interstate Systems.

Now that he has accepted the broader challenge of the Federal Highway Administration, there is no question but that he will devote a major portion of his talent and energies to the phases of the safety problem—the vehicle and the driver—that are newly placed under his direction. In this regard, the ongoing consumer-oriented activities in the highway and motor vehicle safety programs are records of which we can all be proud and on which I intend to build. We have, for example, issued some 28 motor vehicle safety standards. Our consumer information program, defect recall program, crash survivability program, and public advisories program are still other examples of consumer protection activities. We have sponsored the innovative medical/engineering accident investigation teams. We have before Congress now important legislative proposals dealing with tire defect notification and safety standards for motorcycle helmets. We meet with members of the Highway Safety Advisory Committee and the National Motor Vehicles Safety Advisory Committee, and value their views. In passing, I would note that Mr. Nader himself is a member of the Consumers Subcommittee of the latter group.

RAILROAD PROGRAMS

Programs of the Federal Railroad Administration are directly related to consumer welfare needs.

1. *Rail Passenger Service.*—The Department formally initiated the High Speed Ground Transportation Turbo Liner project in the Boston-New York leg of the Northeast Corridor. While first runs were on regular schedules, we are hopeful of introducing higher speeds and faster schedules as soon as possible. Meanwhile, this modern, comfortable, attractive passenger train is testing public response.

Between Washington and New York, the Metroliners of the Penn Central Railroad are running in predemonstration service and winning wide public acceptance. Once sufficient cars are available, the Department will begin its high speed train demonstration for a two-year period. Again, we will be providing fast, modern, comfortable rail service to test consumer acceptance.

On the national scene, the FRA and Department are examining other corridors and regions which could benefit from our demonstrations and testing in the Northeast Corridor.

2. *Railroad safety.*—The Department is concerned that the growing number of railroad accidents involving hazardous materials has raised serious questions of public safety. Accordingly, I have been able to persuade railroad labor and railroad management to join with the FRA Administrator and representatives of public utility commissions on a task force to examine and advise him on the railroad safety problem. The Task Force will begin meeting May 1, 1969.

3. DOT Grade Crossing Safety Action Group. A joint effort by FRA and FHWA staff members to improve grade crossing safety has resulted in:

(*a*) Inventory and classification of grade crossings in all states.

(*b*) Establishment of diagnostic teams to analyze hazard.

(*c*) Demonstration programs to test new crossing protection techniques.

(*d*) Special protection for crossings in Maryland-Delaware high speed train crossings.

In addition, this continuing program has included two National conferences on grade crossing safety sponsored by DOT and which attracted many of the State, local and national figures most concerned with the problem.

TRANSPORTATION RATES AND THE CONSUMER

Every price the consumer pays is affected by the cost of freight transportation; therefore, reasonable freight rates are a basic element in preventing inflation. The Department has been active in participating in rate and other cases before the Interstate Commerce Commission, providing that body the benefit of its researches in transportation economics as a basis for reasonable freight rates. On February 28, 1969, the Interstate Commerce Commission announced decisions in two cases involving overall rate increases by motor carriers averaging five percent, which became effective on April 1, 1968. These were two of a number of cases in which the Department had outlined improved criteria for rate determination based on efficient use of capital and measurement of carrier productivity. The decisions were *General Increases, Middle Atlantic and New England* (332 ICC 820) and *Increased Rates and Charges, Pacific Inland Territory* (332 ICC 845).

Following the Commission's suspension of the rate increases proposed by carriers in these territories, carriers in these and several other rate territories announced withdrawal of proposals for even further rate increases to become effective on April 1, 1969. These landmark cases represent a completely new breakthrough for consumer protection in the vital area of regulated transportation rates. The Department plans to continue and increase its activities in the field of regulatory participation in behalf of the consumer.

SMALL BOAT SAFETY

Increased leisure time and the growing numbers of recreational facilities have led to a wider public participation in the use of recreational small boats. For many years, there has been a cooperative program between the states and the United States Coast Guard to enforce safety regulations among this class of water craft. This program has not been fully effective in protecting the boating public because of lack of funding and personnel and the voluntary nature of many of the provisions of the basic legislation.

Consideration is now being given to legislation which would produce a far more effective program of recreational boat safety. It would include both a grant-in-aid program to assist the States in developing more comprehensive boat safety programs and provide Federal authority to issue boat safety standards where needed.

FEDERAL AVIATION ADMINISTRATION

This agency has a wide range of programs with major consumer orientation. Safety is the most important of these activities and, in all its aspects, it will have my vigorous support. Noise abatement, so significant to the public in the areas surrounding airports, is still another program area where we are moving rapidly to alleviate a problem of major importance; and we have not waited until new aircraft are in service, but are promulgating appropriate noise standards and criteria prior to their advent.

OTHER ACTIVITIES

We have undertaken a soon-to-be-completed survey of domestic common carrier loss and damage claims. Cargo loss and damage, of pressing and costly concern to carriers, shippers, and consumers, is a problem clearly deserving of a careful evaluation.

In addition, the study of automobile insurance, authorized in the last session of the 90th Congress, is well underway and holds clear promise of providing an in-depth consideration of this problem area in all of its many aspects.

Still another area of important consumer-oriented activities is our facilitation program. We have launched a concerted attack on the paperwork, regulatory, and legal burdens which afflict international transportation and trade. For example, we will shortly submit a revised Trade Simplification Act which will permit the filing of single factor international rates and ease existing bill of lading and liability problems. Through legislation, we also hope to lighten the burdens of documenting seamen. We also look to significant reform in problems arising in the customs area and in the handling of containers.

These activities which I have touched upon represent a broad survey of our concern for the consumer. There are many other day-today activities where this concern is particularized and made still more positive. In all of these activities, we invite a constructive interest on the part of Mr. Nader and, most importantly, his help and cooperation. He will find us receptive to a concern for the common good; more receptive, I can assure you, that he now appears to believe.

A letter similar to this is being sent to Senators Gurney, Stevens and Javits.

I appreciate your according me this opportunity to respond and speak to these important issues.

Sincerely,

JOHN A. VOLPE.

THE SECRETARY OF THE TREASURY,
Washington, April 16, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I appreciate being given the opportunity, provided by your letter of March 27, 1969, to reply to allegations made in testimony before the Subcommittee on Executive Reorganization of the Government Operations Committee that this Administration has little interest in protecting the consumer.

First and foremost of the actions of this Department in protecting the consumer is our vigorous support of programs that will reduce current inflation. I can think of no issues that are as vital to consumers. In doing this, we are following a gradual but steady course of fiscal and monetary actions which we believe will accomplish the objectives without damage to the economy. It is our belief that unless this is done we are likely to encounter serious economic dislocations in the near future with incalculable harm to the economy and wage and salary payments to the consumers of this country.

On a lesser but still important level, the Treasury has been and is active in consumer activities where the Department of the Treasury has a specific role. This Department, as you know, was active in sponsoring the truth-in-lending legislation passed last year. Even though the legislation is now enacted and the Federal Reserve was charged with promulgating the regulations, this Department has continued to supply technical services to the Federal Reserve Board in seeing that the regulations carry out the intent of the Congress. The Government Actuary of this Department has provided his services to the Board of Governors and will continue to do so.

In another area where this Department has a specialized interest in consumer affairs, the Office of the Comptroller of the Currency actively participated in the proposed regulations issued by the Federal Reserve Board, Federal Deposit Insurance Corporation, and the Home Loan Bank Board regarding advertising of interest rates on consumer deposits in banks and savings and loan associations. These regulations are aimed at certain advertisements which were misleading to the consumer as a saver, and we believe the proposed regulations will be effective in correcting the abuses.

At a third level, this Department is moving to correct the inequities imposed on investors in Treasury savings bonds by the 4¼% legal ceiling on Treasury bonds. We fully realize that the interest rate on savings bonds is not competitive in today's markets. The savings bonds program is being reexamined to provide a more adequate rate for these investors and legislation permitting the payment of such a rate will soon be presented to the Congress.

I trust that these instances of action by this Department are specific enough to show that this Administration and the Department of the Treasury are not negligent in protecting consumer interests.

Sincerely yours.

DAVID M. KENNEDY.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 2, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I have reviewed Mr. Nader's testimony before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee which you and your colleagues forwarded.

There have been developments since Mr. Nader testified before your Subcommittee, however, which should remove any doubt about President Nixon's commitment to the principle of competent representation for the consumer in the governmental process. Mrs. Virginia Knauer, whom President Nixon selected as his full-time Special Consultant on Consumer Affairs, has sound and practical experience in the field of consumer protection.

HEW, perhaps more than any other Federal agency, must remain alert to the changing needs of people. It administers programs affecting man from the cradle to the grave. If the Nation's investment in people and in the quality of life is to be maximized, HEW must be quick to identify emerging problems and to marshal available forces, public and private, to meet such challenges.

The consumer interest is one of those challenges which has direct impact on many of the Department's public service and protection programs. For example, the social security and welfare dollar could be diluted if we did not direct our attention to the problems consumers encounter in a highly sophisticated marketplace. The Nation's health could be harmed if we did not continually evaluate and upgrade the administration of the Nation's food, drug, and environmental health programs. The educational system must constantly develop innovative concepts, such as an interdisciplinary approach to consumer education for all students, to furnish the training and tools our people need to function within a complicated economy.

It is precisely because our programs are so diverse that we believe it imperative that consumers have a voice in HEW's policy and program planning. The Office of Consumer Services, under the direction of Mrs. Patricia Reilly Hitt, Assistant Secretary for Community and Field Services, has been charged with the responsibility for identifying consumer needs which appropriately fall within the jurisdiction of the Department. To give substance to this delegation of responsibility, we are considering the establishment of an intradepartmental committee, representing all operating groups of the Department, to work with the Office of Consumer Services to qualify the consumer components of HEW's 250 programs.

The Office of Consumer Services is also starting to publish a newsletter to disseminate information on HEW Federal Register items, its programs and policies. In order to insure delivery of information and services to consumers, OCS is developing operating guidelines for our consumer specialists in the field. OCS is also acting as our liaison with other agencies and organizations, Federal and State, public and private, which administer or are concerned with developing consumer service programs affecting HEW's interests. Currently, they are also reviewing the Department's policies and regulations under the Freedom of Information Act with a view toward making more readily available to the general public by-product information developed under Government-financed research programs.

Along with this major expansion of consumer representation within HEW, we are adopting a policy calling for the continual evaluation of program content, structure and delivery. We are aware of the existing con-

> troversy relating to the Food and Drug Administration. We are concerned that such controversy might undermine the effectiveness and morale of FDA and are, therefore, reviewing the issues involved with only one objective in mind—that of providing FDA with the structure and resources that will permit it to fulfill its congressional mandate to protect the American consumer. Such policy will be applied to all operating groups to insure effective performance.
>
> With regard to pending appointments, we would like to assure you that we are making every effort to fill the top level positions in HEW, as rapidly as possible, with knowledgeable people of the highest caliber.
>
> Sincerely,
>
> ROBERT FINCH,
> *Secretary.*

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. COOK in the chair). What is the will of the Senate?

Mr. ALLEN. Mr. President, I ask unanimous consent to proceed, notwithstanding the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPREME COURT DECISION ON DESEGREGATION OF SCHOOLS

Mr. ALLEN. Mr. President, the Supreme Court may well have sounded the death knell for the public school system in the South with its decision announced on yesterday. This was an inauspicious start for the Burger court.

The Supreme Court decision in the Mississippi case was a big disappointment to those of us who want to see every child receive a quality education. The Supreme Court rejected the recommendations of the U.S. Justice Department and requires immediate integration, right in the middle of a school term, without considering the welfare of the students involved. The Justices are obviously out of touch with reality. Integration now is like calling for Vietnam withdrawal now. Even if put in motion immediately, such efforts would take many months to accomplish.

The Federal Government ignores segregated schools in the North and applies one rule in the South and a far different one in the North. Mr. President, is that a careless statement I make—that the Federal Government applies one rule in the South and a far different rule in the North?

I had an exchange of correspondence with the Secretary of the Department of Health, Education and Welfare and called his attention to limitations, provided in the 1968 appropriation to the Department of Health, Education and Welfare, on the expenditure of funds provided by that appropriation act. The limitation is that no portion of the money appropriated by the act would be used to force busing in schools, to force the closing of schools, or to force any child to go to a primary or secondary school against the wishes of his parents.

I called the attention of the Secretary to the fact that his department was—and is—violating the provisions of that appropriation act, because HEW has used those funds to force busing in Alabama, it has used those funds to force the closing of schools, it has used those funds to require students in the public schools of Alabama to go to schools against the wishes of their parents, and it has used those funds to require students to accept assignment to schools that they did not want to attend. I received this reply from the Secretary:

> Your telegram correctly notes that HEW is prohibited from requiring transportation—

By that he means busing—

> in order to overcome racial imbalance. HEW operations financed under our regular Appropriation Act are governed by sections 409 and 410 of Public Law 90–557, which are applicable to our current expenditures. As stated, these provisions prohibit the requirement of busing "in order to overcome racial imbalance."

The last words are in quotation marks, quoting from the act, "in order to overcome racial imbalance."

> The legislative history of these provisions as well as the decisions of the Federal courts, make it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence.

In other words, the limitations in this act which were placed on the use of the money applied only in the North. They are limited in these three regards on the use of Federal funds in the North. They cannot use them to force busing, to force closing of schools, or to force pupil assignment in order to overcome racial imbalance. That is the rule in the North. These things cannot be done by HEW in the North. They are protected under the language of the HEW appropriation bill, and HEW is prevented from taking these steps.

> Where, however, racial segregation of students in a school system has been caused, in whole or in part, by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws.

In other words, HEW is free to do these things in the South but are not permitted to do them in the North, the reason being that at one time in the South we did have a dual system of schools.

That seems unfair to the junior Senator from Alabama—that we should have one rule for the use of Federal funds in the North and a different rule in the South.

Mr. President, we in Alabama are this year celebrating our sesquicentennial. We have been in the Union of States this year for 150 years, and we are proud of that fact. We are proud that Alabama is the 22d State of the Union.

I point out that the people of the South—the people of Alabama and the South—are as loyal or more loyal to our country than the people of any other section of the country. Military procurement bills receive the support of the Senators and Representatives from the South.

Just the other day, I received a letter from a radio station in Alabama that had run an editorial in opposition to the Vietnam moratorium on October 15.

They had invited their listeners to call in and tell them whether they approved of the editorial which was critical of the demonstrators. Hundreds of replies came in and 98.3 percent of those replies were in favor of supporting the President, supporting the foreign policy of the President, and of the United States.

Mr. President, I point out these things to show that the people of Alabama are loyal American citizens. We obey the law. We respect the law. We are proud to be a part of the Union. We are proud that our State is now celebrating the 150th anniversary of its admission to the Union.

Mr. President, we want to be treated as citizens in Alabama. We do not want to be treated as a conquered province. We want to see the laws enforced equally.

We speak of equal protection of the laws, but why is not this HEW appropriation limitation granted equally in the South as it is in the North? It has been made clear on the floor of the Senate by the distinguished Senator from Mississippi and other Senators, and it is a matter of common knowledge, that there are literally hundreds of public schools in the country, in the big cities of the North, that are 100 percent segregated. I do not believe that news of the 1954 decision of the Supreme Court in Brown against the Board of Education has reached many of our big cities in the North. If it has, they have not paid any attention to it.

Yet we see the spectacle of the Supreme Court stepping into a case where there was already an order for the submission of a plan by December 1, and they come in and say, "Integrate now," 1 month from the deadline that had already been established.

We do not want to lose the public school system in Alabama and in the South. It would hit the very people that these decisions supposedly are designed to help. Far from being helpful to them, if we lose the public school system in Alabama, it would be a great detriment to them. The low- and middle-income citizens of Alabama and the South are not able to send their children to private schools. We have to rely on the public school system and we want to preserve that public school system.

Mr. President, I have introduced in the Senate an amendment to the HEW appropriation bill. I do not know how much good it would do if the amendment were agreed to because they apply one rule, as I say, in the North and still another rule in the South. However, I have introduced this amendment and I will call it up when the HEW appropriation bill comes before the Senate for consideration.

The amendment reads as follows:

> It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

I wish that were the public policy of the United States. What in the world would be wrong with allowing a child anywhere in the country to choose the school he wants to attend? We are willing to follow that system. We are willing to give bona fide support to a system of that sort.

We have had freedom of choice in Alabama, until we came under court decrees; and the courts have called the HEW to come in and suggest school plans and have then just put them into effect.

I believe that under that plan we would have every boy and girl in Alabama attending the school that he or she wishes to attend. This is not a one-sided thing. This does not provide benefits to one race at the detriment of another race.

I was interested in observing in the text of the opinion of the Supreme Court that in this case they did cite two cases, one in 1964 and one in 1968, by the Warren court. The 1954 case cited no legal precedents. As I have said, the Burger court has not distinguished itself in this case, in the opinion of the junior Senator from Alabama; and it looks as if, even though Mr. Chief Justice Warren is no longer on the Court, his presence is still very much felt there.

I notice, too, that the opinion was a per curiam opinion. No one signed it. It was the utterance of the entire Court, an 8-to-0 decision.

If the Supreme Court is divided on a question of this sort 8 to 0, I do not believe there is a whole lot for anyone to be disturbed about if someone of a slightly different political philosophy should be named to the Court. At best it would then be an 8-to-1 opinion, which would not be too bad, I am sure, from the view of those who like this sort of opinion.

Mr. President, I was encouraged by one phrase in the opinion of the Supreme Court to which I have alluded. In the first numbered item of the Court's order it calls on the Court of Appeals of the Fifth Circuit to direct the school boards that they begin immediately to operate as a unitary school system within which no person is to be effectively excluded from any school because of race or color.

Well now, that sounds all right to the junior Senator from Alabama because it smacks of being freedom of choice. If no person is to be effectively excluded from any school because of race or color, that can only mean that he would have the free choice of going to the school to which he wishes to go. In that respect, if that in fact be the meaning of this phrase, I would certainly endorse those few words in the opinion.

Mr. President, the Federal executive charged with responsibility for implementing judicial decrees in the massive sociological experiment in Mississippi and throughout the South has frankly admitted that the proposals he imposed upon certain Mississippi school systems had been hurriedly prepared. The department conceded that to implement these plans would, "surely produce chaos, confusion, and a catastrophic educational setback for the children involved." Does the Constitution of the United States require chaos, confusion, and a catastrophic setback for children in public schools?

The U.S. Supreme Court swept aside all such considerations and washed its hands of responsibility for such chaos. The Supreme Court ordered the Court of Appeals for the U.S. Fifth Judicial Circuit to direct the school boards to accept all or any part of the hopped-up plan provided only that the plan "insure a totally unitary school system" instantaneously and without regard to consequences.

The opinion is indiffrent to the welfare of the children, untroubled by consequences and devoid of conscience. The order is free of education considerations, indiffrent to the will and wishes of the children, their parents, and teachers and completely unconcerned about the convenience or health or safety or welfare of the children involved. But more—it is indifferent to practical down to earth consideration for the future of public school education in the South.

Mr. President, how is this decision to be implemented? We know, of course, that the Department of Health, Education, and Welfare will threaten to withhold public funds, a part of which are used to buy hot breakfasts and provide lunches for children of the poor. We know that the U.S. Court of Appeals for the Fifth Judicial Circuit will issue its decrees and injunctions and threaten public school officials with fine and imprisonment without benefit of trial by jury if they do not surrender their constitutional power to administer local public schools and accept dictation from Federal courts and from the Department of Health, Education, and Welfare. But, Mr. President, it requires both time and money to implement any kind of school order. Are Federal courts prepared to levy taxes by injunction? Are they prepared to compel State legislatures to levy taxes and appropriate funds to implement Federal court decrees?

Mr. President, the Department of Health, Education, and Welfare and the Federal courts have closed over $15 million worth of school buildings in the State of Alabama. We resent that. Money comes hard down in Alabama. These buildings have to be built with taxpayers' funds and for HEW and the Federal courts to come in and tell us that we have to close our—in many cases—brandnew and expensive school buildings in order to help implement these integration programs, we do not like it. We are upset about it.

People are greatly concerned about this issue. We are interested in matters of tax reform in Alabama; in stopping inflation; in the Vietnam war and seeing to it that it is brought to an end on an honorable basis, after we have kept our commitments and as we support the President of the United States in his plans to bring peace in Vietnam.

All of these things concern the people of Alabama but I believe that the one issue which concerns them most is that of maintaining our public school system in Alabama and keeping it from being taken over, lock, stock, and children, by the Federal Government. That is the No. 1 issue in the State of Alabama, keeping local control of our local institutions.

Just the other day, I received information from the Department of Defense that there have been almost 1,000 Alabama boys who have lost their lives in Vietnam. I have paid tribute on the Senate floor to these brave young men.

Yes, Alabamians loyally support the Government of the United States. We obey the court decrees. We want fair and equal treatment. We do not want one law applied in the North and another law applied in the South.

The protection of our public school system and the protection of our local institutions in Alabama, are the primary considerations of the people of Alabama.

We want to see every boy and girl in Alabama receive a quality education. We want to see them get the same educational advantages, the same cultural advantages, and the same economic advantages which are enjoyed by boys and girls in other States.

I stated that this type of policy is designed to appeal to certain people. That is what is at the root of the whole thing—how many people this type of policy will appeal to. It is a matter of politics. That is the reason why we have unequal enforcement of the law in the South. It is a matter of politics.

Just a few weeks ago I received a call from some of by black friends in Alabama who are complaining about the closing of their high school. It was a school with a student body of around 400, a fine school, with a fine auditorium, a fine cafeteria and lunchroom, used by the citizens for social gatherings and community meetings. They had a fine football team, a good band, and they liked their school. They had school pride.

The court came along, on the recommendation of HEW, and closed that school. The patrons did not like it. They asked me to do something about it. About all I can do is protest to HEW and tell the Members of the Senate who might possibly chance by about the closing of this school in Alabama.

These questions are not academic, for we have the precedent of Federal district courts issuing injunctions against constitutional officers of State governments to compel State legislatures to gerrymander representative districts to meet a collectivist political concept of equality.

Is it to be imagined that the people of the South will continue to support with their taxes a public school system divorced from education considerations and one in which the welfare of children is totally subordinated to the absurd dictates of the National Government?

So the Supreme Court decision in the Mississippi case has settled actually little. It merely opens a new era of litigation during which the Federal executive and the Federal judiciary will continue to apply every coercive weapon at their command to compel the assignment of pupils and teachers to achieve racial balance in the public schools.

Mr. President, we hope that the public schools of Alabama and the South may yet be saved from the sociological experiments that are being forced on us.

CHARGES OF TORTURE OF POLITICAL PRISONERS IN GREECE

Mr. PELL. Mr. President, last month, on September 29, I commented here in the Senate on the failure of the Greek Government to honor the invitation it had extended to Look magazine to send a reporter to Greece to determine the truth of charges of torture of political prisoners in that country.

To refresh the memory of my colleagues, the Greek Government extended the invitation in a press release in response to an excellent article written by Mr. Christopher S. Wren and published in the May 27, 1969, issue of Look magazine.

Look magazine promptly accepted the invitation and proposed to send to Greece a three-man team composed of Mr. Wren, Mr. James Becket, an American attorney who had investigated the torture charges for Amnesty International, and Representative DON EDWARDS of California, a former FBI agent and member of the House Judiciary Committee.

After a delay of a month, the Greek Government informed LOOK magazine that the three-man team was not acceptable to the Greek Government and would not be welcome in Greece.

I recently received from the Consul General of Greece in New York, George D. Vranopoulos, a copy of the formal response of the Greek Government to the Look magazine proposal. To fill in the public record of the exchange between Look magazine and the Greek Government, I ask unanimous consent that the letters from Consul General Vranopoulos to myself and to Mr. William D. Arthur, editor of Look magazine, dated July 12, be printed in the RECORD.

To further complete the record, I have obtained from Look magazine the reply by Mr. Arthur, dated July 29, to the Consul General, and ask that both letters be printed in the RECORD at this point as well as a letter from Mr. Becket printed in the International Herald Tribune on October 24.

The being no objection, the letters were ordered to be printed in the RECORD, as follows:

ROYAL CONSULATE GENERAL OF GREECE,
New York, N.Y., October 8, 1969.

Senator CLAIBORN PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have read with interest your comments concerning Greece in the September 29 Congressional Record.

It is always encouraging to see members of the United States Senate exerting unselfish efforts to keep pace with dvelopments that concern America's allies.

Your September 29 comments dealt with the unfortunate and unfounded allegations of Look magazine that the Greek Government employs torture to suppress or punish political opposition.

These allegations are not true.

To update your files on the exchanges between Look editors and Greek officials, I offer this copy of a letter sent to the magazine on July 12, 1969.

You are free to reproduce this letter if you wish to complete the picture.

Sincerely,
GEORGE D. VRANOPOULOS,
Consul General of Greece.

ROYAL CONSULATE GENERAL OF GREECE,
New York, N.Y., July 12, 1969.

Mr. WILLIAM B. ARTHUR,
Editor, Look Magazine,
New York, N.Y.

DEAR MR. ARTHUR: With reference to your letter of June 16, 1969 addressed to the former Counsellor of the Greek Embassy in Washington, I have been authorized to state the following:

1. The Prime Minister of Greece, during a press conference in Athens with representatives of the Greek and Foreign Press, on June 7, 1969, did, indeed, invite the management of Look to send to our country an authorized staff reporter to evaluate the facts relating to the material published in your magazine, through a purely journalistic investigation.

2. The Prime Minister, however, has observed with disagreeable surprise that his invitation, although explicitly specifying a clearly journalistic investigation, was misinterpreted from beginning to end, in view of your declared intention to have Messrs. James Becket and Don Edwards accompany your representative. These two gentlemen are not only lacking any journalistic qualifiations but they are also participating in activities openly hostile to the prevailing situation in Greece.

The Prime Minister would gladly grant an interview to an unbiased journalist representing Look, but not to the participants of movements inspired by prejudice and anti-Greek *hysteria*, even in the event that such individuals were to present themselves in a journalistic capacity.

3. Beyond this overall misinterpretation of the meaning of the Prime Minister's invitation, it must be pointed out that not even the journalist in the proposed group is an appropriate designee. Mr. Christopher Wren is a person absolutely unacceptable to the Greek Government.

4. The Greek Government is amenable to the suggestion that your staff reporter be accompanied by an accredited press photographer.

5. The Prime Minister has also invited Mr. Korovessis, the only accusser identified by name in your article. The Prime Minister has publicly assured Korovessis immunity from any jeopardy bodily or otherwise. From the Prime Minister's statement it is clearly evident that the journalistic investigation would deal exclusively with the brutality charges asserted by Mr. Korovessis to Mr. Wren. Therefore, the proposed investigation is acceptable only if directed to the aforementioned brutality charges and not to the alleged 200 instances of torture, which Mr. Wren in a vague but colorful manner claims to have knowledge of.

6. In the event Mr. Wren's allegations as to the Korovessis' matter were proven to be true, the Government would immediately take measures to severely punish to the full extent of the Law, those responsible for such acts. This was the essence of the remark of the Prime Minister "the execution (of the culprit) in the Constitution Square", which is a Greek metaphor often used by Greeks firmly convinced of the bona fides of their belief, and not the literal and narrow interpretation placed upon his words. The use of such a significant figure of speech by the Prime Minister to emphasize the depth of his convictions should have aroused definite suspicions as to the extent to which the truth was distorted in Mr. Wren's article.

7. In closing, we reiterate that in spite of the offensiveness to the Prime Minister of the misinterpretation of his remarks, the invitation extended by him in the aforementioned press conference still stands; namely that a duly accredited member of your reportorial staff together with a press photographer are welcome to visit Greece for the stated purpose. It must be understood that this invitation does not extend to any person who is not a journalist by profession or who, despite a journalistic background, through association in anti-Greek movements or lack of objectivity, is prone to prejudge prejudicially and hence is completely unacceptable.

The foregoing is based on the conviction that your renown publication has experienced conscientious and dedicated staff members capable of carrying out your intention to search for the truth through reputable channels of proven journalistic reliance and free of prejudicial influences or motivations.

Sincerely,
GEORGE D. VRANOPOULOS,
Consul General of Greece.

JULY 29, 1969.

GEORGE D. VRANOPOULOS,
Consul General of Greece,
New York, N.Y.

DEAR MR. VRANOPOULOS: Please convey to the Prime Minister of Greece my disappointment at his unwillingness to let Look properly accept his initial invitation to "investigate the truth" about political torture in Greece, as reported in the May 27 issue of Look.

Because the Prime Minister had expressed his interest in learning the facts, I had suggested that Look's representatives be three individuals who could best present the evidence to the Prime Minister: Senior Editor Christopher S. Wren, who wrote the article; James Becket, who has written regularly for respected American publications; and Congressman Don Edwards of California, who offers valuable experience as a former agent of the Federal Bureau of Investigation and a current member of the Judiciary Committee of the U.S. House of Representatives.

The Prime Minister's objection to Messrs. Wren, Becket and Edwards seems to be that they know too much. Otherwise he would be anxious to avail himself of the documentation they are ready to present.

Sincerely,
——— ———.

[From the International Herald Tribune, Oct. 24, 1969]

TORTURE IN GREECE

On June 7, 1969, Premier Papadopoulos of Greece, incensed at an article in Look magazine entitled "Greece: Government by Torture," challenged the author of the article and "the person who supplied the information" to come to Greece at government expense to make an "objective investigation." As someone who had provided the author, Christopher Wren, with information, I wrote the premier, expressing my willingness to accept at my own expense the invitation. I also expressed this in a letter to the International Herald Tribune.

Look magazine took up the premier's challenge and said they would send at Look's expense Mr. Wren, Congressman Don Edwards and me. Mr. Papadopoulos never answered Look directly nor did he answer my letter. However, a month later, the Greek consul in New York informed the magazine that we three were "absolutely unacceptable."

The premier, however, retains a strong interest in the torture issue, considering it, in fact, more important than his very life. On Aug. 22, in answer to a question on this subject by Congressman Yatron of Pennsylvania, he stated that "on my word of military honor," these stories "are infuriatingly and basely false," and "if evidence of even one such case is supplied, then the only duty left to me as a man under military oath is to commit suicide."

Because of the premier's obvious concern, I propose now to send him the names of 400 persons known to have been tortured, a representative sample of signed affidavits of Greek citizens describing their tortures, the names and rank of 119 officials known to have been tortured, and the names of 21 places where torture is carried out, including the Dionysos camp run by the premier's brother. In spite of courtroom declarations by tortured defendants and overwhelming evidence, the government has made no investigation, but, rather, has promoted the known torturers. For the sake of Greece, the premier should demonstrate his sincerity on this important issue.

James Becket.

Paris.

Mr. PELL. Mr. President, I commented on September 29, in the light of the Greek Government's failure to honor the invitation it had extended, that the invitation was "false, and not meant to be accepted."

There is nothing in the exchange of correspondence I have presented here today that would cause me to change that viewpoint. It was, in fact, entirely too much to expect that the repressive Greek regime would actually permit a thorough inquiry by a competent and knowledgeable team of investigators.

Even without such a visit by investigators, however, there is ample evidence of the repressive nature of the current Greek Government.

In the October issue of Harper's magazine there is an excellent article by Mr. John Corry entitled "Greece: The Death of Liberty." In the article Mr. Corry, a respected author, journalist, and former Nieman Fellow, provides a graphic description of conditions in Greece and tells of the patience and extraordinary courage shown by the Greek people in living under the present regime. I ask unanimous consent that the article by Mr. Corry be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Greece: the Death of Liberty

(By John Corry)

The thing about the Greeks is that they have survived, and that while lesser peoples have waxed, waned, and disappeared, they have hung on, enduring their own rogues and geniuses, being pawed over by one Great Power or another, getting the history of the Medes and the Persians written in their hills, suffering their endless catastrophes, becoming as much Eastern as Western, and staying all the while peculiarly Greek, which means they are not like everyone else, but warmer, kinder, crueler, prouder, and more full of both courage and guile, with the more important of these being guile. When Odysseus got back to Ithaca, Homer says, gray-eyed Athena said to him with nothing but admiration, "Crafty must he be, and knavish, who would outdo thee in all manner of guile," and three thousand years later, when some students at the University of Salonika were asked what they thought was the greatest virtue of them all, they answered nearly to a man, "To be clever."

Greece, you must understand, is not so much a country of clear light, old ruins, and blue and green seas as it is a condition. It is where the citizens are sorry at politics and successful at business, where they love their country and despise their Governments, and where a queue is always a shambles, the rule being that the smaller the citizen the more quickly he will fall out of line. It is where there are many supplicants, but few beggars, where there is kindness to foreigners and suspicion of countrymen, and where everyone is absolutely certain that he is not only as good as his fellow man but positively better. "The first thing you must know about us," said a sophisticated Greek lady, "is that each one of us is sure he can run the country better than anyone else." Greece is also something with which many Anglo-Saxons and Teutons have love affairs, Lord Byron being only the most publicized, and where any two citizens, like Talmudic scholars, can argue three sides of a question. When Thucydides, the celebrated Greek historian, began his history of the Peloponnesian War he wrote: "The task was a laborious one because eyewitnesses of the same occurrence gave different accounts of them as they remembered, or were interested in the actions of one side or another." Nothing has changed much since then, and the sons of the eyewitnesses are still more interested in your knowing what they think happened, or ought to have happened, rather than what actually did happen. It is all very complex, even to the Greeks, and no one is ever quite sure what is really going on, and the only probable thing is that the Greeks will survive, and that their newest disaster, which is the Army officers who run the country, will not.

The Army officers, colonels mostly, took over the country on April 21, 1967, saying as they did so that they were the instruments of a National Resurrection and a National Purification, wherein Greece would be purged of corruption, mismanagement, and the Communist menace. In fact, there was corruption and mismanagement, which there still is, and in the twenty-three years before the officers came to power, forty-one Governments had risen and fallen. Moreover, although the officers have never produced much evidence to show there was a real Red peril, as opposed to the kind that gives Everett Dirksen the vapors, they probably believed that one existed. In 1963, when Prime Minister George Papadopoulos was a colonel on the northern border, he put sugar in the fuel supply of his tanks, which made them stop running, and then said the Communists did it. Then he told the Government of this instance of Red duplicity, but nothing came of it when someone found out what had really happened, and the Government put it all down to the Colonel's zeal. In his favor, however, it should be remembered that in Greece Communism truly had been all fire and sword. In late 1944, after the Germans had been driven out, Communist partisans fought both loyalist Greeks and the British Army for control of the country. According to a declaration filed at the old United Nations Organization by what was then the Greek Government, 46,985 civilians were killed by the Communists in the short war, and God alone knows how many the Government side killed. Then, in June 1946, fighting resumed on a more massive scale. There were atrocities on both sides, and when it stopped in 1950 the Government said that its armed forces had suffered 49,720 casualties, which included those captured, and that the figure for the Communists was 79,773. It was a terrible time, more terrible than the German Occupation, and it uprooted more than one million Greeks, with all the misery that this meant, while the damage to property and to national life was simply incalculable.

Nonetheless, I know of no one in Greece who thought this was about to happen again, and however corrosive the life in Parliament may have been, however antiquated the national institutions, however upsetting the labor disputes, the street protests and demonstrations, Greece was getting by. Moreover, it was being run by Greeks. There had been the long years of the Turkish Occupation, which ended with the War for Independence in the early part of the last century, and then after 1830 the British, French, and Russian Ambassadors had things pretty much their way. Otto I, a Bavarian, was King, and he ruled with all the grace of a Turkish Sultan, surrounding himself with other Bavarians, and finally being deposed in 1862. He was succeeded by George I, who was a Dane, largely because when it looked as if the British might get one of their own on the throne, the French and Russians had objected. Eventually, however, the British did become the dominant force, what the Greeks call the "foreign factor," but their suzerainty ended in 1947, when, with a polite diplomatic note, they yielded up their burden and asked the Americans to shoulder it.

This was during the Civil War, and so first there was the American military mission, and then the economic aid, great quantities of it that helped to rebuild the country and were possibly the best and the brightest uses of American munificence in the postwar period, and then the technical experts, the advisers, the endless officials, the diplomats, and all the beginnings of a new suzerainty. "I remember," an American diplomat says, "when Paul Porter was the AID chief, and the director of the Greek budget would come in and see him and say, 'We want to spend so much money on this, and so much on that,' and Porter would say yes or no, so that he was really the guy who was running the country." (Porter later became Abe Fortas's law partner; I do not know if this proves anything.) That suzerainty ended in 1961, when Congress, wearying of adding new nations to the Foreign Aid rolls without seeing any come off, removed Greece, Taiwan, and Israel. In fact, Greece by then had a sound debt structure, her economy was growing, and she didn't need the money. (Neither did Taiwan or Israel, but they both complained. Later, the economic aid to Taiwan that was suspended was shifted over to military aid; Israel just hit American Jews up again.) Those years of the Truman Doctrine, of the Marshall Plan, were years of great American prestige in Greece; we were well loved. Here, for example, is a Greek politician speaking. He is gray-haired and distinguished, books in three languages are on his library shelves, and he was an elected Deputy and a Minister in more Greek governments than he can easily remember. "In the early nineteen-fifties, the American Ambassador, Peurifoy, once called me and invited me to lunch. This was just before an election. Peurifoy was an old friend, and the luncheon was just a social occasion. But then along came a free-lance photographer, who took our picture, and the next day it was in all the Athens papers. My people saw it, and I'm sure I got ten thousand votes because of it in the election. If this were to happen again, if people were to see my picture now with an American official, I would lose the election." There are no elections now, of course, and the politician, who probably had the photographer planted, could be overstating things. Still, there is a new anti-Americanism in Greece, and it worries the American Embassy, and it is probably strongest among the young, where it ought not to exist at all.

Why, definitely the Americans support the Colonels," the girl was saying. "It is the Pentagon and the CIA, not the people. If the people knew what was happening here they would be with us. All the students believe there has been interference from the Americans." The girl was a leftist who smiled a lot, even when she was telling horror stories. She attended the University of Athens, and periodically she had to report to the fourth floor of the police station on Bouboulinas Street to be interrogated. Her boyfriend had been sentenced to ten and a half years on an unspecified charge, and her friends all thought she would end up in jail herself. (The extra half-year on his sentence is worth remembering because in Greece when you are put away for more than five years, or for more than ten years, the conditions of servitude can be made a little harder. Many of the political prisoners I knew of were in for five and a half years, or ten and a half years, with that extra half-year being just a special piece of nastiness.) "There are many informers at the university," the girl said. "I see them sometimes at Bouboulinas Street when I report there. That way I can tell who they are. Everyone on the board of the Student Union is an informer. Before the Colonels took over, the board was elected. The head of the Student Union was always elected, too, but just after the Revolution the Government appointed a right-wing student to be the head. He didn't like the Colonels, either, and so he resigned. Now they are more careful when they appoint someone." Are there underground organizations among the students? I asked. "Oh, yes," she said. "The biggest one is left-wing, and there is one for the Center-Union. They agitate." What else do they do? I asked. "They pass out leaflets," she said. Is there anything else? I asked. "Well," she said, "they write slogans on the blackboards."

This is the way it is among the students and intellectuals; if the counterrevolution comes it will come from elsewhere. At the University of Salonika, which is even larger than the University of Athens, perhaps one-third of the professors have been dismissed, but the bothersome part in thinking about this is that a great many Greek professors ought to have been dismissed years ago, having long put up with an educational system whose newest ideas sprang from the Kaiser's Germany, which meant overcrowded classes, an absence of science facilities, and some of the most overbearing pedagogues in the world. "Have you ever heard of Montesquieu?" a professor of history at Salonika asked me. Yes, I said. "Are you sure?" he said. Yes, I said. "And are you familiar with the American Constitution and the system of checks and balances?" he asked. I told him I was. "Well, then," he said, "perhaps I'll be able to talk to you about how a democracy works." The professor, who was a frosty man, with vague eyes, was absolutely opposed to the Colonels, but he had not been dismissed, although many of his colleagues had. Dismissals are announced in the *Government Gazette,* and the reasons offered are something like "illegal relations," which can mean meeting someone on a street corner, or "being against the actual situation of the country," which can mean anything at all.

Moreover, the University of Salonika is full of police informers, perhaps more so than in Athens, and some do it out of zeal, and some probably for fun, and some for either special favors or money, with the acceptable pay supposed to be about 500 drachmas, or $16.60, a month. One professor in Salonika said that a police official had complained to him that he was grading some of his students too low. Which ones? the professor asked. These, the policeman said, and offered him a list of what the professor took to be the policeman's informers. It is also interesting that when the professor objected to the policeman's superior, there were immediate apologies. Dictatorship in Greece has a tentative quality; no one is ever quite sure of how far he can move against the regime, or of why he is not in jail when those without blame are, and so there is a lot of testing, of trying to find the point where the Colonels do act. The Colonels and their apparatchiki, however, are inconsistent. When eighteen writers signed a declaration saying that freedom had died, two or three were called to police headquarters and politely asked why they had done such a thing. When Anna Synodinou, probably the best-known actress in Greece, renounced her career because the stage was no longer free, a general called her in, and said that as a man he admired her, but as a member of the Government hardly at all. Therefore, he said, would she please stop making inflammatory statements. However, at the funeral of George Papandreou, the former Prime Minister, forty-one persons were arrested and sentenced to one to four and a half years for shouting what the police said were provocative slogans.

So, that is also the way it is in Greece, an Attic police state, where you cannot easily tell repression from simple inefficiency, and where you also cannot easily tell when a citizen is surrendering to the alarums, or when he is, in fact, awaiting the policeman's midnight knock. Nothing is really the way it seems, and myth and reality, as they always have been in Greece, are intertwined.

"The only bullets we are receiving are the flowers that are thrown at us," said Deputy Prime Minister Stylianos Patakos, making a pun in Greek with the word for receive. "Before you came here," he said, "you thought there were machine guns and tanks on the streets." Then he smiled benignly, and said, more or less, that everyone loved the Government. Still, when Prime Minister Papadopoulos is driven to his office each morning from his modest hôme five minutes away, it is the way it would have been if Lyndon had decided to visit the Democratic convention in Chicago, with Daley handling the security on Michigan Avenue; each intersection is well blocked off, all traffic is stopped, and, I estimate, three hundred to four hundred cops stand at attention.

Similarly, I once arranged a meeting in someone's apartment with a pleasant, gray-haired lady who looked like your old Aunt Florrie. "I got off at the floor above, and then walked down one flight," she said. "I learned that from a British diplomat. That way the concierge can't tell where you're going." I do not know for certain if the lady's caution was necessary, but there is a great deal of this in Athens, with code names to be used on the telephone, orders never to call from a hotel, but always from a kiosk, because your phone may be tapped, instructions to take a taxi to a street two blocks from where you're going, and then to wait to see if you are being followed, and only then to walk to your appointment. Middle-aged people behave the way they must have during the German Occupation, and they tutor the young. None of this is to say that everyone acts this way; rather, it is for those who are committed, which is a small number of people, but they are the ones who yearn most for a democracy.

From time to time the Prime Minister, of course, says that Greece is a democracy, or at least about to become one, but on form, as the horse players say, it is hard to prove. The press is controlled, there are no elections, there are no strikes, there are no political parties, there is no independent judiciary. There is not much of anything except what the Government says there is to be, and one of these is a Constitution. The Constitution is worth looking at because, the Government says, it was approved in a referendum by something like 92 per cent of the people. I do not think 92 per cent of the Greeks would agree on what day it is, and I met an officer who said that he personally saw a box of ballots dumped out because everyone was tired of counting. Nonetheless, we will say that a majority of the Greeks voted for the Constitution, and that the count, if not exact, was at least indicative. To begin with, the yes ballots were blue, which is the national color of Greece, and the no ballots were black. At first, the no ballots were to be red, suggesting that only a Communist would vote against the Constitution, but internal pressures, or perhaps a public-relations man, prevailed, and black was chosen. One woman said that when she voted she was given only the yes ballot, and that she was too timid to ask for one marked no, and a man told me that in his polling place the no ballots were stuck behind the ballot box, and that to get one he would have had to reach over the box and under the nose of an Army captain. To hell with it, he decided, and voted yes. Furthermore, a large number of people abstained from voting that day, even though abstention can be followed by civil penalties, the loss of a passport, for instance. In the Constitution itself, Article 138, which is the last article, says that the Constitution will be in force immediately, except for those articles that take effect only when the Government says they do. These articles deal with arrest, the courts, search and seizure, free speech and censorship, the right of assembly, the right of association, the vote, the right to form political parties, Parliament, and the secret ballot. So far as I know, none of these is in effect, although the Government repeatedly has pledged itself to a return to constitutional liberties.

Whether or not this will happen is questionable. There are many theories in Greece; one being that the Prime Minister is a secret moderate who is hard pressed by the younger, right-wing officers to stand even firmer than he does; another being that the Prime Minister is a natural despot posing as a secret moderate who is hard pressed by the younger, right-wing officers, and a third being that the Government is in such a chaos that no one is able to consistently press anyone else at all. Even before the newspapers were censored. Greece was always full of rumors, and now there are more of them. Some are sheer invention from no place in particular, some are planted by this side or that, and some are actually true. Everyone can find support for his own idea of what is happening, or about to happen, and any two people can interpret the same rumor, or the same evidence, differently.

For example, last June 21, in a letter that seems to have found its way into every intelligence agency in town, Lt. Col. Dimitrios Ionnides of the military police wrote to the Prime Minister to express the dissatisfaction of some officers of the Revolution. A large part of the letter dealt with King Constantine, who led an unsuccessful counter-coup in December 1967, and has since been living in Rome. (Despite this, the Government hangs his picture in all its offices, gives him a pension, and keeps in touch with him through its Embassy.) Colonel Ionnides said that the offcers were unhappy with the consideration being shown to the King, and he asked that the contact through the Embassy in Rome be ended, and that those few officers involved in the counter-coup who had not been arrested be arrested. The Colonel also complained of a few internal matters, and then he said. "The hope on the part of former politicians for a return to parliamentary government has made the implementation of the work of the Revolution difficult. A responsible declaration, *in addition to the promises given to the officers,* should end these hopes." Now, this apparently meant that the Prime Minister already had told the officers that there would be no return to parliamentary government, and that Colonel Ionnides and his brother officers wanted him to tell the rest of the nation. Therefore, the Prime Minister was either (a) being pushed by the other officers into following a harder line, or (b) far in advance of his officers in taking a harder line, and just laggard in telling the nation so, or (c) neither or both of these. None of this would be very important, except that it indicates that a return to the conventional freedoms is still far in the future for 8.7 million people, and that once again we are trapped into having truck with another military dictatorship.

American businessmen are more comfortable with this Government," a lawyer said. "They don't understand that the long-term prospects are against them. After this Government is deposed the American firms that are involved in this regime will be ousted." The lawyer, plainly nervous because his doorman, a former policeman, had seen me enter his office, made much of his living by representing American businesses in Greece, and he had for them a kind of affectionate contempt. "It is the managemnet level," he said, "they don't know, or don't care, what is happening here. They welcome the stability, and if they have not supported the coup, at least they have tolerated it. In the end it will be as it is in South America; they will be driven out. My friends who are in jail, I don't know how much hatred they'll have for Americans when they get out, but these are the people who will someday lead Greece." As we all know, the business of business is business, and a dollar is amoral. Besides, capital investment stimulates the economy, provides jobs, and generally enhances the well-being of everyone concerned. "Trade, not aid," calls up self-reliance, viable partnerships, and the best of intentions, and when an American concern invests money in Greece a great thing is made about it in the newspapers, and the Deputy Prime Minister is sure to lay the cornerstone. The conventional wisdom is that invested money ultimately will help the poor, and for once the conventional wisdom may be right. The other thing is that even the most benighted Greek liberal knows that capitalism gets along better with the right than the left wing, and he is right, too. "There is no such a thing as American investment, there is only investment. It has no nationality," said Nicitas Sioris, the Under Secretary for Education, who was once the Under Secretary for Finance. He was not right; there is American investment, and it is an outward and visible sign, to the Greeks, at least, that Americans support the Government.

Before the Revolution there were no American banks in Athens. There was American Express, but it was mostly in the business of handling remittances from home. Then, just after the Colonels took over, Chase Manhattan, First National City, and Bank of America opened offices. Litton Industries, that great conglomerate, had been invited into the country when George Papandreou was Prime Minister, but it had dropped out when national politics became too complicated. Immediately on their ascension, however, the Colonels invited Litton back in again, and Litton agreed to undertake the economic development of Crete and the western Peloponnesus, and, it says in the contract, to "refrain from any active participation in political activities in Greece," and to "act as the faithful servant of the Government." In return, the Government was to periodically deposit a million or so in U.S. dollars in a Litton account in Switzerland. In Greece, Litton neither sows nor reaps, but gets others to come in and do so; it promotes, finding investment opportunitities, and then finding investors. "Much has been said about this contract and the two contracting parties," Deputy Prime Minister Patakos said not long ago about the arrangements with Litton. "I wish to say there is nothing at all to this, and the work is progressing." It is a Government convention that, when someone says something it does not want to hear, the Government does not repeat it but instead puts out solemn assurances that whatever was said was said by what it usually calls a "slanderer of Greece," and was all wrong anyway. In Litton's case, the slanderers were saying that the Colonels had been had, and that Litton was falling far short of its commitment on bringing in capital. In the beginning, there was rosy talk about Litton pulling as much as $950 million into Greece, although the contract itself called for Litton to bring in somewhat less. By the second anniversary of the signing, however, there was only $1,650,000 in foreign capital brought in by Litton actually at work in Greece. There was a great deal more in the pipeline, of course, but it was not enough. When Patakos said, "Much has been said about this contract," it was Government talk, indicating that the Colonels themselves were a little unhappy, and sure enough, a little later it was announced that the Litton contract would be revised. Still, whatever Litton tells potential investors abroad about the glories of Greece (periodically someone calls it a mouthpiece for the Colonels) it is sensibly quiet in Greece itself.

It is not so with Thomas Pappas of Boston, a Greek-American, who contributes mightily to the Republican party, who said after the convention that he had "put in a good word for Spiro" and once suggested in Athens that he was an old CIA man.

"After the Almighty God created men and beasts, He created the Greek-Americans, and He didn't know what to do with them." The speaker here, another former Minister, was saying that the Greek-Americans were neither Greek nor Americans, but something else. There are 2.5 million of them, and the former Minister, who was a traveling man, said that in America they acted like Greeks, and in Greece they acted like Americans. He spoke about them the way poor Greeks speak about "the rich Greeks," rich Greeks being both incomprehensible and suspect to poor Greeks, and he wished they would all go away. They will not, but it was really the more visible Greek-Americans that the former Minister was talking about. Mr. Pappas is the most visible of all, and his people in Athens, if not Mr. Pappas himself, say that he is close to the President of the United States, knows full well who the next Ambassador will be, and, in fact, very probably will name him himself. Mr. Pappas, the former Minister said, is a charming man who cooks spaghetti, tells funny stories, and is good to his friends. Still, he said, he wished he would go away. Pappas, whose family is from the same village as Spiro T. Agnew's, came to Boston as a very small boy, prospered greatly by importing olive oil, and then got into real estate and Republican politics. He has brought a great deal of money in Greece, and is now the proprietor of chemical plants, a steel mill, and a refinery in Salonika, tomato-paste and tomato-juice plants in the Peloponnese, cattle herds in Macedonia, and God knows what else. He has the concessions for some canning factories, and most recently he has started to build some Coca-Cola bottling plants, for which he also has a concession. Coca-Cola had tried for years to get into Greece, but other Governments, fearful of the competition for the Greek fruit and soft-drink industries, declined to admit it. The Colonels, recognizing a good thing in having another American name around, welcomed it.

Pappas put his first big money into Greece in 1962 when a right-wing Government was in control, then suffered mildly in 1964 when a left-wing Government tried to revise the contracts, and by 1966 was trying to see that this never happened again. That was a year in which the King dismissed the Government, and in its place there came a right-wing one, and a Prime Minister who was close to Pappas. The new Government, however controlled only a minority of deputies in the Parliament, and to survive it needed the support of members of the liberal Center-Union party. Pappas, according to the best of the political gossip in Athens, approached several liberal deputies, promised them some considerations, and asked them to switch over. Some of them apparently did, although the next year was the year of the coup, and so it hardly mattered. (When the Colonels took over, Tom's brother, John Pappas, a sometime judge, was in Greece. When he got back to Boston he said the coup was good for the country, and while this was not much noticed in America, it was headline news in Greece.) After the coup, Tom Pappas and the Prime Minister frequently were pictured together in the papers. Tom, in fact, was the best man when the Deputy Prime Minister's daughter was married, and when he casually suggested about a year later that he had worked for the CIA, well, there was the whole big ball of wax, the CIA, big business, and, of course, the Junta.

Knowledgeable Greeks knew something about the U.S. Embassy, roughly rating the more important people there as either good guys or bad guys, and they know who some of the CIA men are in the U.S. military mission, and even a little bit about them. It is something else, though, to know what the CIA men have been up to, one reason being that the Colonels themselves put out stories about how the CIA supports them, and another being that it is generally hard to know what anybody is up to in Greece. The military mission itself is more transparent. It is there because Greece is the southern anchor of NATO, and so on, and it gets along well with the Greek Government because, what the hell, we're all Army officers, and we're all just doing a job, and so on. The Colonels love to have the American officers trot out for ceremonial occasions, and this is always recorded by the photographers, and then it gets all over the papers, too. The Embassy people do not like this kind of thing, and they think that every time they start to get it across to the Greek Government that things would be better off all around if the Government gave at least the *appearance* of being a democracy, that then the military mission comes in, tells the Colonels they're doing just fine, and not to worry about the Embassy because diplomats just aren't realists. Moreover, when the diplomats tell the American officers there is every possibility that the Junta will create so much anti-American feeling that the Greeks may well pull out of NATO sometime, that doesn't seem to get across, either.

The CIA is another matter. There are a great many Greeks who believe that American intelligence truly has supported the Colonels. One persistent story is that fifteen generals who were arrested last spring were denounced to the Greek Government by a Greek-American officer to whom they had confided their plans for a counter-coup. Another is that American intelligence recently turned over to Greek intelligence 1,200 telephone tapping devices for what was officially called "NATO purposes." The first story may be circulated by the Greek Government; the second, I think, has the ring of truth.

For years there has been a close relationship between the Greek and American intelligence agencies. (Indeed, even though the initials do not translate that way, Greek intelligence is always referred to as the CIA.) The Greek CIA, however, functions as both an FBI and a CIA, responsible for both internal and external security, and it always has been run by Army men. When George Papandreou was Prime Minister he became annoyed by the agency's close relationship with the Americans and tried, without much success, to change it. George Papadopoulos, the leader of the Junta, served in and out of the Greek CIA for years, and there is some evidence that, as early as 1952, he was in touch with, and shortly later getting funds from, the American CIA. During the German Occupation, Greek Army officers had formed a secret organization to protect what they called "the Army's ideals," and in 1952 Papadopoulos became its general secretary, and started to form his own inner circle within the secret organization. Showing a remarkable talent for conspiracy, he appears to have done this by about 1954, which is also about the time a few other officers began to call him the "Nasser of Greece," and as early as 1958 he told at least one other officer that he was ready to oust the King. He was, of course, a junior officer, small beer, and I do not know if anyone took him seriously. Moreover, to rise within the Greek Army it is almost mandatory for an officer to train in the United States, usually at Fort Benning, Georgia. On the day of the coup an Embassy official called the military mission and asked who Papadopoulos was. The American officers said they didn't know, and that there was no record of his having trained at Fort Benning, or anywhere else in the United States. Nevertheless, there is another persistent story, this one saying that in the early 1960s, which would be just before he dumped that sugar in the fuel supply of his tank, Papadopoulos trained in the United

States in the techniques of psychological warfare and anti-Communist espionage. I do not know if this is true, but some Greeks believe it, and they are the people who will one day inherit their country. As a nation we have a talent for backing safe, right-wing leaders, and Greece, remember, was once torn apart by a bloody war over Communism. I think that Papadopoulos, as a devoted anti-Communist, was involved with American intelligence agents, maybe even with some high-class liberal types, the kind who always talk about adjusting ourselves to the realities of power, and I find it inexpressibly sad.

From time to time, there have been charges in the American and European press, particularly in Britain and in Scandinavia that political prisoners have been tortured in Greece. Most recently, *Look* Magazine said so, and the Greek Government cried slander, while Prime Minister Papadopoulos thought seriously enough of the accusation to call a press conference and denounce it. "People should know that only through the respect for truth can we survive in peace and freedom," he said, and then declared that *Look's* principal informant, a political exile, was "a mentally deranged person, who has been an inmate in an asylum for disturbed persons." Therefore, he said, it was all a lie. Greek-American newspapers were even more outraged. They said it was reprehensible to accuse the Greek Government of allowing this kind of thing to go on, and they said that stories of torture were nothing more than leftist fiction. In Greece, however, I got the statements of dozens of political prisoners who said they had been tortured. What is extraordinary is that the prisoners were willing to have their names published. I do not understand the courage, or perhaps the despair, of a man who will publicly denounce his jailers while he is still within their reach. It was explained to me that the prisoners simply didn't care, and that they thought nothing worse could happen to them than already had happened. I don't know; I think it may just be that they are Greeks. I have heard that when a German officer ordered a Greek officer to haul down the flag from the Acropolis at the beginning of the Occupation, the Greek officer got the flag, wrapped himself in it, and then leaped from the parapet to the rocks below. I do not know if it really happened this way, but it sounds like something a Greek could do. Just so, I think that a prisoner who allows his name to be used is also doing something a Greek could do.

Of the dozens of statements about torture, here are only a few, and they are published exactly as they were translated into English. The only other thing is that Prime Minister Papadopoulos has said that, if torture can be proved, "I will not hesitate to order the execution of those responsible right here in Constitution Square, and I shall assume full responsibility for it." I hope he keeps his word.

Pavlos Klavdianos, 23 years old, student at the school of economics and commercial sciences: I was arrested on February 29, 1968, by the policeman Karathanassi. I was taken to the General Security offices. All the time I was being beaten and punched. In the office of the police officer John Kalyvas, I was beaten for about two hours by Kalyvas, Karapanayioutis, and Karathanassi. They used wood planks, metal wires, and rubber clubs. They tied very tightly my genitals with a rope and pulled them. After this I was taken to the terrace, where there is a little room. They tied me on a bench and tortured me by beating the soles of my feet. . . . I was taken to the camp of 505 Marine Battalion in the area of Dionysos. I was tortured immediately with beating on my soles. I was burned with a lit cigarette on the wrist of the right hand. . . . After this I was put in the punishment confinement room. There I was kept for thirty-eight days. I was continuously tortured with beating on the soles of my feet by Major Constantine Boufa, Major Basilios Ioannides and other officers. . . . Captain Spyropoulos fitted on my brow and my neck some electric wires and connected them with a live plug. This was done twice. Then they stripped me naked and made me run under the rain in the yard. . . . For many days they did not allow me to sleep. . . . On orders from the commanding officer, John Manoutsakaki, two soldiers and a sergeant of the military police tried to rape me. Because I resisted they stopped giving me food and water. . . .

Athanasios Kanellopoulos, 31, telephone company employee: I was arrested for my syndicalistic activities, for conducting propaganda againt the Junta, and because I had worked professionally with the former private secretary of Andreas Papandreou. I was arrested on January 1, 1969. I was led straight to a colonel . . . who beat me for two solid hours. I was then handed over to the Piraeus Security Police, where I was beaten incessantly for ten days, bound hand and foot, half-naked, on the soles of my feet. . . . The most severe blows I received on my testicles by kicking. As a result I suffered from damaged testicles, fits of dizziness, and I am unable to walk properly. The names of my torturers are Kouvas, who led the torturing, Yannoutsos, Kotsalos, Angelopoulos. . . .

Sotiris Anastassiadis, 29, stage designer: I was arrested by a group of police officers, with Lambrou, Babalis, and Malios at the head. I was kept in solitary confinement for 130 days at the Security Headquarters. I was tortured repeatedly by sole-beating and beating on my face and genitals. The torturers were Babalis, Kravaritis, Kontogeorgakis, Spanos. . . .

Stamatakis Nikiforos, 24, self-employed: I was arrested on April 13, 1968, by the Security of Heraklion, Crete. The same day I was tortured from 8:00 a.m. until midnight by a group of men from the Security under the Director of the Gendarmerie on Crete. . . . I was beaten on the soles of the feet. My hands were wrung and I was kicked on the back while hung from the feet. . . . On April 15 I was sent to the Security Headquarters in Athens—Bouboulinas—where I remained in complete isolation until May 30. . . .

Yannis Petropoulos, 34, decorator: I was arrested on April 4, 1968. I was taken to General Security Headquarters in Athens and was beaten up. The next day I was taken to the Dionysos Camp. There they shaved my head and made me eat up my hair. For many hours in a large room ten men were beating me all over the body and especially on the head and on the stomach. . . . Because of the beating on the soles of my feet I could not walk for ten days. They took off four of my toenails. They burned with cigarettes my fingernails. They staged a mock execution. They tortured me by the method of letting water drip on my brow. . . .

Michael Apanomeritakis, 28, civil servant at the office of the Ministry to the Prime Minister's office, member of the Center-Union Youth in Crete, member of a resistance group: Arrested on August 5, 1968, I was kept in total solitary confinement for forty days at the suburban Security Headquarters. I was taken for questioning and there I was inhumanly tortured for fourteen hours by seven men of the Security Police. They beat me violently on the head, the face, the loins, the belly, and the genitals. I also received several blows on the chest with a chair. The result was a severe hemorrhage from the mouth, the ears, impossibility to walk for twenty days, partial loss of hearing in my left ear, and swelling of the genitals. My torturers were Karambatsos, lieutenant colonel of the Gendarmerie; Mavroidis, lieutenant colonel of the Gendarmerie; Favatas, lieutenant colonel of the Gendarmerie, and four other policemen. . . .

Panayiotis Tzavellas, 44, musician: I am an invalid. One leg has been cut off at the thigh and the other is also injured. I suffer from endarteritis. I was arrested on August 8, 1968, and was tortured at a Security Station of the suburbs by punching on the head, kicking, and flogging. They broke one of my crutches by which they were beating me on the head and all over the body. I was unconscious for five days. For forty-four days I was kept in complete isolation and slept on the cement floor without any bedding and in only my shirt. I am still detained awaiting trial. It is already six months.

Nikolaos Kiaos, 26, student of the faculty of physics and sciences: I was arrested on April 21, 1968, by seven police officers of the Students' Department of the General Asfalia [police station] of Athens. . . . I was taken to the office of Kalyvas, where, in his presence, Karapanayiotis beat me up. For a long while he was beating my head on the wall. After this he took me to the terrace, to a covered room, and tied me on a bench. They beat me on the soles of my feet with iron and wooden rods. They beat me on my genitals. In my mouth they placed a thick truncheon in order to drown my screams. . . . The same night they took me to the 505 Battalion of the Infantry Marines at Dionysos. A lieutenant and a policeman called Chrisakis beat the soles of my feet. . . . On the 29th of April in the afternoon Major Goufas beat the soles of my feet in the presence of commanding officer Manousakaki. They beat me all over the body with a wire truncheon. They tortured me with water drops falling on my brow. They were specially beating me on the ears. I passed blood in the urine and pus is still dripping from my ears. . . .

As I said, there are dozens of other statements, all sounding much the same, and they should be read by all the junketing American Congressmen, hippies, tourists, and businessmen in Greece. I think that all the men who were quoted are now in Averof Prison in Athens, which is neither the best nor the worst place for a political prisoner in Greece, but only a typical one. Physical torture, being mostly an instrument of police stations and Army barracks, evidently does not go on there, but a sad and nasty drying up of the spirit does. Averof is a clump of five buildings, with sections for men and women political prisoners, and for ordinary convicts. Before the National Resurrection came to Averof, prisoners with terms of up to ten years could be visited three times a week, and prisoners with terms up to twenty years could be visited eight times a month. Now, political prisoners who get up to five years are allowed four visits a month, and for five to twenty it is twice a month, and for twenty to life it is once a month.

Once, incidentally, any relative could get in to see a prisoner; now the most distant relative allowed in is a first cousin, who must be related to the prisoner's father, not to the mother. Fiancées are not allowed to visit at all unless they have special permission from the Ministry of Justice, and this is not often given. When relatives do visit they stand behind a low cement wall, and then there are bars, and then a fine wire net, and then more bars, and then the prisoners and their guards. For a while this summer, children were allowed to visit their fathers or mothers twice a month in a room where they could embrace. Then it was announced that the visits, which had been thirty minutes, would be limited to five minutes. The smallest children especially use up a minute or two of this in finding their fathers or mothers among the other prisoners and guards. Nearly all the cells in Averof hold two prisoners, and they are small cells, with a very narrow space between the cots. The prisoners spend seventeen hours a day there, and they are locked in at 7:00 p.m. in the summer, and 6:00 p.m. in the winter. The cells have no toilets, only buckets that are emptied in the morning. There is a toilet that all the political prisoners use, but it is seldom cleaned, and its rotten, fetid smell overflows into the cells. Some prisoners say this is the worst thing of all at Averof. The Government spends eight drachmas a day on food for each prisoner, which is about 25 cents, and it is popularly supposed that about two drachmas of this are stolen. There is a canteen, however, and its profits are used to buy drugs for the prison hospital. Families may also send in food three times a week, but they cannot send in anything that is sold in the canteen, and sick prisoners cannot receive any food at all. Candy is forbidden; I do not know why. The hospital is a few hundred yards from the cellblock, and when prisoners go there they go in handcuffs in a police wagon. The dentist visits on Friday, but he is equipped only to extract teeth. Foreign-language books are not allowed in the prison, and other books are allowed in only at the discretion of the warden. Many books are banned in Greece, but the warden prohibits others as well. Once he banned Proust's *Remembrance of Things Past*.

Averof is not a monumental tragedy, not like Belsen or Buchenwald, but it is grimy. There are probably only a few thousand people in the Averofs of Greece, but there are others who have been exiled from their homes and sent into remote villages, and many many others who pass in and out of police stations, sometimes being detained for a few hours, sometimes overnight, and sometimes for days and weeks. The newspapers publish no stories about them; things are seldom announced. "Have you heard the latest?" Greeks seem to be forever saying, and the latest is always something political, or something about another arrest. Perhaps one-third of the Army officers have been arrested, or retired, and some of them are in exile, and some walk the streets, and some are kept in an old hotel near Athens. The windows are nailed shut, and twice a day two guards take each officer downstairs for a turn around what was once a lobby. In Athens there is also an atomic-research center. Democritos, which is named for the Greek who said 2,400 years ago that all matter was made up of tiny particles. One morning in June an electronics scientist was arrested in his laboratory at Democritos, and more than a month later his colleagues still didn't know what had happened to him. At five in the morning of the day he had been seized, a Democritos chemist was taken from his home, questioned by the police, and then released. The chemist had been invited to present a paper at a meeting of the American Chemical Society, but then the cops said he couldn't go. What shall I tell the Americans? he asked the director of Democritos. Tell them you broke a leg, he said. This was about the time that a lady scientist from Democritos was stopped at the airport while she was on her way to attend a professional meeting in Vienna. She could not leave, the police said, because she was a menace to national security. The "latest" is always something like that.

The other side of all this, although I met few Greeks outside the Government who cared to admit it, is that the Government has done some things for its constituents. Any dictatorship, no matter how inefficient, usually does, and even Mussolini made the trains run on time. Liberal critics of right-wing regimes hardly ever acknowledge these things, probably because it would damage their case, but they ought to. For example, the Greek farmers, like American farmers, habitually overborrow, and the Greek farmers, like American farmers, habitually cry poverty. The difference is that the Greek farmers, who make up about half the population, really mean it. The per capita income in Greece is something like $750, and the farmers scratch out livings on little plots and patches of rocks and worn-out ground. By 1967 they owed the Government bank ten billion drachmas, which was about one-quarter of what they could produce in a year, and in early 1968 the loans were pardoned. The farmers' pensions also were increased 70 per cent, and, while the Colonels are not the sort to upset a big landowner by parceling out his estate, they are at least talking about consolidating the small farmers' holdings. That is, if a farmer owns, say, four acres spread over seven different places, they would all be put together. The Government also has introduced free medical care, and it says that in 1968 farmers and their families had 35 million free days in hospitals, and that doctors also made four million free visits in rural areas. Before the Revolution, the Government also says, there were exactly 1,050 doctors in the poorest, most isolated areas of Greece, and now there are 1,410. The rule is that a young doctor, just out of medical school, must go into these areas for at least six months, which is similar to what they do in some socialist countries, but in Greece the Government will also pay the doctors to go, which may even be nicer.

The Government also says there are more schools, more university dormitories, and more child-care centers going up now than ever before, and that it is putting aside 13 per cent of the national budget for education, which is more than any other Greek Government ever thought of doing. Further, there has been a rise of 200 per cent in the number of teaching assistants at the universities. Presumably, they must all prove their loyalty to the Government, and the moldy figs at the universities will never see any virtue in it, anyway, but it is another small sign that something, somewhere, is being done. "As far as our greatest social need, it is hard to answer briefly," Lucas Patras, the Minister of Social Welfare, said. Mr. Patras is a shy, pleasant man who studies a lot, and then writes things with titles like "The Problem of the Pensionable Retirement Age." "Our country is in a state of change," he said. "From a state of low social development we are moving into one of high development. This creates social problems, and all the problems are at an explosive stage. Social Security is in a state of anarchy. We must move to a new system. The distribution of doctors is not the best. We must make new decisions. The old leaders didn't understand the problem of moving from a pre- to a post-industrial society." Then Mr. Patras sighed a little, and went on to explain the problem of Social Security. There are 338 Social Security centers, which he called "founts," and each job or profession has its own, and each one runs itself. "Unfortunately, each fount was not part of an overall program," Mr. Patras said, "but existed separately, no overall policy. This, of course, is kind of crazy, but that is the way it was before the Revolution." The Greeks pay their money into the founts, and when they are pensioned off, or go on unemployment, the founts pay it out again. Since no one has ever thought of a way to do this by mail, a Greek must present himself at the fount to do business. As an afterthought, Mr. Patras said that the Government at least had beaten the problem of the long lines that were always stretching out from the founts under the hot sun. He did not say how the Government had done this, and it is only a small thing, but I suspect it is terribly important if you are an old-age pensioner with one leg. This is the same Government that exiled the composer Mikis Theodorakis to a miserable mountain village, posted some boors with guns nearby, and then banned his music all over Greece. I do not know how many one-legged pensioners you have to get into the shade to make up for losing Theodorakis, but I think it should be pondered, especially by the people who let the old guy stand out there in the first place.

In the end, what may save all the Greeks, even from themselves, is their madness. Not all Greeks have it, but enough do, and it helps them get by. A Greek driving an automobile is mad, which he must be, because all the other drivers are mad, too. Greek men know of only two kinds of women, the kind they bring home to their mothers, and the other kind, and they stare at women a lot, and flare their nostrils a lot. It is a little mad, but I do not think they get much, and so maybe they must be this way. Greeks in nightclubs break plates when the bouzouki music gets to them, and this is mad, but there is not much else they can do, and they must do something. The Colonels have passed a law that makes it illegal to break plates this way, but the plates still get broken. "We Greeks break plates like we break the law," a man said, hurling a few at the bouzouki player. The maddest Greek I ever met, in fact, was a bouzouki player.

"I admire American saxophone players," he said. "They make me weep." He pursed his lips, grabbed an imaginary saxophone, and swayed forward and back, looking very sad.

"Did you know there is no written music for the bouzouki?" he said, and I said I did not. "Well, there is none," he said, tearing a peach in two, and offering me half.

"Tell me about the bouzouki," I said.

"I will tell you," he said, "because you are a friend of mine. I have been playing the bouzouki for thirty-six years, since I was six. The bouzouki has been seen in popular places only since 1953. Before that it was only in secluded places. It was a music for tough guys. It originated in 1930, and it was based on Turkish music, but only thugs and smugglers ever heard it. Then it started to become popular with intellectual people. I remember that rich people, snobs, would start coming to the tough-guy places. Did you know that my father is a colonel, and my sister is a scientist?"

I told him I did not, and I asked him how he got to be a bouzouki player.

"You cannot find a bouzouki player who will tell you his story," he said, "but I have a great desire to tell mine to you." Then he fell into a long silence.

I asked him what made a good bouzouki player.

"This is a most difficult question. I admire you very much for asking it. No one has ever asked me such a provocative question before." Then he fell into another long silence, and looked very sad, but finally he said, "It is intellect. This is the difference, the difference between two players is intellect. If you have the same desire, intellect is the thing that separates us."

He was silent again, and then he spoke about composers, commending several, and then saying, "But not Theodorakis, he is for the crowd. He is a thief, a pseudo-intellectual, and a Communist. You understand, of course, that I am talking only about music."

I said I did, and asked him when he would play the bouzouki.

"Not tonight," he said, and looked very sad. "I am not in the mood." Then he got up and walked away.

The bouzouki player was not a fool, only a little mad. He will probably get by, and in the end he and some other mad Greeks will do in the Colonels. They may have to do it without the Americans, but in the end it will be done. On the day a Greek said, "Have you heard the latest?" which was that some more arrests had been made, nineteen American newspaper boys came to Athens. They were jugeared, freckle-faced, and cowlicked, and they were all over the newspapers, and all over the television news. They were from the Hearst organization, and the Hearst man who was with them told the Prime Minister, "Some of the things that one reads today about Greece are myths. One finds this out when one comes to Greece, sees Greece, and lives in Greece. We shall take with us the most beautiful impressions of your country." Then the man from Hearst handed over messages from other Americans. John McCormack, the Speaker of the House, sent the Prime Minister "expressions of esteem." Senator Henry Jackson of Washington said something about NATO, and then he told Mr. Papadoupoulos he was sure the newsboys would be impressed by "your country and your people." Governor Richard B. Ogilvie of Illinois said it was wonderful that the newsboys would learn "how your brave people fought and struggled to remain free," and Ronnie Reagan, after saying something about "the idea of freedom and justice," sent "the best wishes to you, Prime Minister, Mr. Papadopoulos, and to all the people of Greece from all the people of California." Governor Preston Smith of Texas said everyone was really looking forward to the time the Prime Minister could visit America, and then he sent his best wishes "for the continuation of your success in your struggle for freedom and democracy." On television, the Prime Minister was beaming and beaming, and out there somewhere, a great many other Greeks needed all their madness to survive it.

RHODE ISLAND PARTNERS OF THE ALLIANCE PROGRAM

Mr. PELL. Mr. President, this month an organizational meeting of the Rhode Island Partners of the Alliance Planning Committee was held in Providence to officially launch the 39th partnership involving private citizens of the Americas in a program known as the Partners of the Alliance. Rhode Island is to be joined with the State of Sergipe, Brazil, located in the northeast part of that country, in this partnership. Rhode Island is the 17th U.S. State to be paired with a Brazilian state in the program.

Governor Frank Licht of Rhode Island opened the meeting and accepted the honorary chairmanship of the Rhode Island Partners of the Alliance committee. The meeting was attended by over 40 private sector leaders representing such organizations as the chamber of commerce, Rhode Island Hospital Association, various businesses and industries, labor groups, newspapers, and radio and television stations. Mr. John Rego, director of the State Department of Natural Resources, was named to serve as temporary chairman of the Rhode Island Partners and to head the program development team scheduled to travel to the State of Sergipe, Brazil, at the end of this month. Other team members include:

Paul Hicks, executive director, Rhode Island Industrial and Petroleum Association.

Robert Fredericksen, representing conservation and natural resources.

Jacob Dykstra, president, Point Judith Fishermen's Cooperative Association, Inc.

Harold Bateson, president, Charles A. Maguire & Associates, Inc.

Robert Crohan, vice president and general manager, Outlet Co.

I congratulate Rhode Island's citizen team and wish them well in their meetings with the private sector leaders in Sergipe. I know they will accredit themselves well in developing meaningful projects in which the peoples of the respective States can work together. The partners program seeks to foster cooperation and understanding in the Americas, and I am confident that private groups and organizations in the State of Rhode Island will participate in this worthy undertaking.

Mr. President, I ask unanimous consent that the remarks of Governor Licht, together with an explanation of the partners program by Mr. Wade B. Fleetwood, Deputy Director of the partners, and an article from the Providence Journal of October 4 be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Gov. Frank Licht of Rhode Island

I am very pleased to be here this noon. I accept with pleasure the title of honorary chairman of the Rhode Island Partners of the Alliance program. From what I have read and learned about the work of this partnership program, and from all that my enthusiastic friend, John Rego, has told me of it . . . I feel it is the type of positive project that we in Rhode Island should involve ourselves in . . . that through such participation we will have an opportunity to play a constructive and meaningful role in fostering better relations between our nation and those of our neighbors to the south.

There are two components of this program that particularly appeal to me . . . first, it is organized on a state to state and a citizen to citizen basis, allowing the people of Rhode Island and those of Sergipe, Brazil a great deal of latitude in project determination and operational techniques. And second, it has two-way goals . . . for it is founded on a desire for mutual endeavor and mutual benefit.

You are present to hear today about a program which enlarges on my own concept of the right and necessary relationship between State government and its citizens. I have set as one of the goals of this administration, the fostering of a partnership for progress . . . for I firmly believe that only when the private sector and the public sector learn to plan and work together in close and coordinate relationship will be able to achieve the progress we seek.

The partners of the alliance have broadened this approach . . . have translated this basic philosophy into international terms. Today more than 30 States and their citizens are working directly with citizens in counterpart areas of Latin America through the mechanism of partners of alliance committees. In general, the major resource supplied by the partners from our Nation is expertise and skill . . . in return, the major resource supplied by our South American partners is cultural. They contribute to us in the fields of art, music, language and literature.

Here are a few examples of the innovative arrangements which can be made under such a partnership . . . in British Honduras, a Michigan educator will soon start a teaching program for para-medical technicians. Used agricultural equipment from Vermont farmers is being distributed to the farmers of Honduras, the Brazilian state or Para partners raised funds at a benefit concert to provide scholarships for two Missouri students to attend a Brazilian university. And Columbia partners arranged for an expense-free 6-week course in Spanish, Latin American history, and literature for Florida students coming to their country for an 8-week study and travel program.

There are endless possibilities . . . and I would hope that the possibility of our State becoming a partner becomes a reality . . . and that we too find a way to enter this type of meaningful relationship. I am very interested in the outcome of this meeting and your decisions.

Remarks of Wade B. Fleetwood, Deputy Director, Partners of the Alliance Programs

Governor Licht, John Rego, Ladies and Gentlemen, I was very impressed by the introductory remarks of your Governor in which he likened the developing partnership between the people of the State of Rhode Island and the people of the State of Sergipe in Brazil to that of the "partnership for progress" which he proposed for this state. He made clear that the public leadership must be joined by the private sector in order to attain maximum progress for all the people in the state. I was also impressed when he voiced his hope and expectation that the partnership between Rhode Island and Sergipe would be a "real" partnership on an equal basis.

When the citizens of the State of Delaware held their organizational meeting in Dover prior to the launching of their partnership with Panama, I was pleased that the meeting place was the House of Representatives in the Capitol Building. For to me, the House means people and it was therefore very appropriate that the private leaders in the State of Delaware had assembled there to commence a Partners program which is one of, by, and for the people.

Several years ago my former boss, Senator Frank Church of Idaho, told me of Idaho citizens who met him in the state and indicated their understanding of the work of the Alliance for Progress. But they often inquired of the Senator—What can I do to participate in the development of the hemisphere We feel that the Partners of the Alliance is one of the best vehicles by which people can become directly involved with people in Latin America at the citizen level to assist in working toward the objectives of the Alliance for Progress.

The Alliance, of course, is the government-to-government effort to build the infrastructure and establish a sound economic base in the countries of Latin America. When there is criticism of the shortcomings of the Alliance for Progress, we need but remember that the institution building in our country took time—it took time to bring to the people the benefits of a young and vigorous nation. In many cases, it took longer than 5 or 15 or 50 years to do the institutional development work necessary to insure a strong economy that would reach the people.

It is important to note that the Charter of Punta del Este that created the Alliance for Progress declares that not only the governments of the hemisphere should work together, but that the energies of the peoples should be brought to bear on the problems of development. The Partners of the Alliance is a citizen action program that seeks to complement the governmental efforts and to bring about citizen participation and involvement throughout the hemisphere.

We must stress that the Partners of the Alliance program is a two-way street. It is not a case of equipment, material, technical assistance and funding going all one way. On the contrary, we need their help. We need to know more of their art and culture. We need their assistance in language training. It is a fact that one half of the people in Latin America speak Portuguese but that very few of our institutions of higher education teach this language. We need their expertise in many fields. We must cease giving lip service to what Latin America can do for us and actively encourage a great deal more traffic on that two-way street headed our way.

Together, in partnership, the citizens of the U.S. and Latin America are engaged in many exciting and productive activities in the fields of health, agriculture, education, culture and business and industry. At the Inter-American Partners of the Alliance Conferences that have been held in Washington, D.C., Rio de Janeiro, Lima and Salt

Lake City, Utah over these past few years, new ideas and approaches to the problems of development, in which citizens can and have played an important role, are shared among all the delegates. Similarly, these meetings tend to create additional thousands of ties of cooperation, friendship and understanding that are building a base of increasing interaction among the peoples which caused President Nixon recently to characterize the Partners of the Alliance Program as "in the vanguard of voluntarism in the Americas."

We know that the Congress of the United States likes the Partners program because of the outstanding cost-benefit ratio of over 15 to 1. That means that for every U.S. dollar spent in the transportation of people throughout the hemisphere, there has been a return of 15 dollars from the private sector representing technical assistance, donated equipment and supplies for hospitals and schools to say nothing of the incalculable, intangible benefits that accompany the association of people working together toward common objectives. The Partners of the Alliance office in the Agency for International Development serves as the catalyst in bringing private groups into close working relationship and assists in the cutting of red tape that prevents the flow of people and ideas and interaction among them. New areas of contact at the citizen level are encouraged at every opportunity.

The opportunities that you citizen leaders in the State of Rhode Island have before you in the formation of a meaningful partnership with the people of Sergipe in Brazil are noteworthy. The effectiveness of the Rhode Island Partners Planning Committee headed by John Rego and his staff, the participation we see here today of the power structure of the state, both public and private, the continuing support and encouragement of the Rhode Island Congressional Delegation and the large Portuguese community within your state all point to the fact that the essential ingredients of a strong partnership arrangement are here.

You will be in good company in your work in Brazil because the states of Maine, Connecticut and New Jersey are also working in Brazil in the Partners program. Sixteen U.S. states are currently joined on a state-for-state basis in Brazil. You will be the 17th U.S. state working with Brazilians and the 39th U.S. state to join the Partners program. Just this week, Western New York state became the 38th and before the end of the month, another U.S. state will be the 40th in the program.

So, I have come to Rhode Island to keynote the Partners program; to sound the challenge of Latin America; to call private groups in Rhode Island to the fore; to suggest that you become involved; to remind that with involvement comes commitment and that the Latin American development process needs understanding of its purposes and greater commitment to its success; and to ask your help in building our home hemisphere.

Nearly ten years ago, John F. Kennedy reminded us that we will help those struggling peoples in the huts and villages across the globe and pledged our best efforts to help them help themselves for as long as is necessary—because it is right. The Partners of the Alliance Program seeks to assist in honoring this pledge.

[From the Providence (R.I.) Journal, Oct. 4, 1969]

RHODE ISLAND BECOMES PARTNER WITH STATE IN BRAZIL

Forty public and private officials headed by Governor Licht launched a "person-to-person" partnership yesterday between the states of Rhode Island and Sergipe, Brazil.

The partnership was proposed by Sergipe under the State Department's six-year-old Partners of the Alliance program for exchanging help in health, education, business, industry and agriculture, the governor said.

"I feel Rhode Island can make a significant and meaningful contribution," he added at a $4.50-a-plate, Dutch treat planning lunch at the Biltmore Hotel.

Mr. Licht, who accepted the title of honorary chairman, said the kinds of help to be exchanged will be determined by a six-man team of Rhode Islanders who are to fly to Sergipe in about three weeks.

Then, he said, it will be up to community organizations and interested citizens here to provide the assistance needed. This may take the form of expert advice, equipment, tools or materials, he added.

TEAM LED BY REGO

The team of visitors will be led by John L. Rego, state natural resources director, who speaks Portuguese, the language of Brazil, and who has visited South America for the State Department in the past.

Mr. Rego said he would announce the names of his team in a few days so they can make arrangements for the trip, "including getting five or six shots of various kinds," he said with a grimace.

The cost of this and later visits between the two states will be paid by the Partners of the Alliance of the State Department's Agency for International Development, he added.

Wade B. Fleetwood, deputy director of the Partners of the Alliance, warned that the Sergipe visit will be "no junket. You'll work from morning to night."

He traced the growth of the organization from 1963, when it was proposed at a U.S.-South American conference, to today when it involves 38 U.S. states. Rhode Island will be the 39th and New Hampshire is expected to be the 40th state to participate, he added.

OTHER PARTNERSHIPS

Rhode Island's partnership with Sergipe will be the 17th between states in this country and in Brazil. Other states with programs there include Maine, Connecticut, and New Jersey, he said.

Maine, for example, has delivered farm equipment and materials, while New Jersey has contributed medical equipment to their Brazilian partners, he said.

Sergipe proposed the partnership because, like Rhode Island, it is the smallest of Brazil's 20 states, with an area of about 8,130 square miles and a 1950 population of about 650,000, and lies on the coast, he said.

Sergipe is dissimilar in that it is tropical, lying only a little more than 10 degrees south of the equator and has an economy based on sugar, cotton and tobacco, with some fishing, he said.

One reason for speeding the Rhode Islanders' visit is to beat the arrival of summer, he said.

Mr. Fleetwood relayed a request from Sergipe for a Rhode Island state flag to fly over the city hall when the visitors arrive in the capital port city of Aracju. Governor Licht said he would have the flag sent immediately.

TWO-WAY STREET

Mr. Fleetwood added that the kind and length of exchanges is "completely open-ended. "It's a real two-way street. It will last only as long as the partners make it last," he said.

Mr. Fleetwood defended the program against past criticism of failure, citing its continued growth, the economic, technological and cultural results and President Nixon's support.

Despite its proven results, he said the program continues to operate on a budget of about $500,000 a year with a 10-man staff in Washington, the same as when it started in 1963. The entire program has cost only a little more than a million dollars, he added.

Those present included representatives of Sen. Claiborne Pell, Rep. Robert O. Tiernan, the University of Rhode Island, the Rhode Island Medical Society, the Rhode Island Junior Chamber of Commerce, Rhode Island Hospital Association, various businesses, industries, and labor groups, newspapers, television and radio stations.

S. 3098—INTRODUCTION OF THE PREVAILING WAGE RATE LOCATION ACT OF 1969—SUBMISSION OF AMENDMENT TO S. 2990

AMENDMENT NO. 257

Mr. PELL. Mr. President, I rise to discuss the condition of civilian trade and craftsmen employed by the Department of Defense. I wish to speak particularly of the treatment accorded to these workers in the Rhode Island area.

Since as far back as 1966, I have been pressing the Department of Defense and, more recently, the Civil Service Commission to improve the wage and working conditions of Government blue-collar workers. My efforts have been to little avail with only minor improvements made after constant pressure.

In recent months the problems associated with Government wage board employees have appeared to be increasing. I have been receiving an increasing volume of mail from disenchanted Government employees in Rhode Island. Their problems have ranged from the minute to the major; they have included the rate structure set for heavy duty mechanics, the lack of comparable wages for aircraft workers, the lack of coverage under the wage board system for military exchange personnel, and failure to include comparable industry positions in wage surveys.

I have written numerous letters to the Department of Defense and to the Civil Service Commission asking that the Government blue-collar workers in Rhode Island receive equitable treatment in regard to these and many other problems. Yet, except for some minor matters, there seems to be little progress.

On August 1, I wrote a detailed letter to the Chairman of the Civil Service Commission requesting specific improvements in the wage board system in the Rhode Island area. The most important recommendation that I made was that the Narragansett Bay wage survey area be combined with the New London wage survey area since the second largest employer of Rhode Island industrial workers is located in the New London area.

To date, I received only an acknowledgment that my recommendation for the consolidation of the wage survey areas was considered by the National Wage Policy Committee on September 3 and a final decision was to be made soon after that meeting by the Chairman of the Civil Service Commission.

Mr. President, I would like to point out that the Chairman of the Civil Service Commission has had nearly 3 months to consider the merits of my proposal and nearly 2 months to consider the recommendations of his advisory board on the question of the consolidation of the wage survey areas, and, to date, neither he nor the Department of Defense have responded to the merits of my proposal.

Mr. President, although I am most unhappy about the manner in which the Civil Service Commission and the Department of Defense have treated the question of salary for our civilian blue-collar workers in the Rhode Island area, I believe I can understand one of the main reasons for their unresponsiveness to the problems of the Government trades and craftsmen.

The source of the problems of the wage board employees lies with the limited legislative authority upon which the wage board system has been constructed by the executive branch.

Hundreds of pages of regulations have been written by the Civil Service Commission based upon one sentence in the law which simply states that the pay of Government trades and craftsmen "shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with the prevailing rates." The law does not define the areas in which prevailing rates are to be determined except to say that if a survey area does not include positions comparable to Government positions, another survey area which does must be included. Upon that limited legislative mandate, the executive branch has produced miles of redtape tieing the blue-collar worker into a system of low-average wages and below-level working conditions.

Mr. President, I believe I have been more than patient with the administrative processes of the executive branch over the years, but I believe the time has passed for waiting. I believe the Congress must pass new legislation to bring equitable wages and working conditions to the Government blue-collar worker.

I am introducing a bill, and an amendment to an excellent bill already put forth, which I believe will help remedy the chief inequity in the wage board system, the definition of survey areas.

The bill I introduce today defines the area in which the prevailing rates mentioned in the law are to be determined. This definition is absent from the law at this time.

I have developed my definition from the basic concepts now utilized in a limited manner in the Coordinated Federal Wage System and from urban concepts I developed in my book, "Megalopolis Unbound."

In 1949, the Bureau of the Budget developed the term "standard metropolitan statistical area" to replace various statistical definitions that had been used to describe industrial areas, labor markets, and metropolitan counties. Among the many criteria to be fulfilled to meet the definition of a standard metropolitan statistical area are the requirements that, first, at least 75 percent of the labor force of an area must be in the nonagricultural labor force, and, second, that the area be an integrated economic and social unit with a recognized large population nucleus. The areas defined are created on the basis of information from the Bureau of the Census and the Bureau of Employment Security regarding population, labor force, density, and occupational density. Thus, it can be seen that standard metropolitan statistical areas form the ideal basis for a survey of prevailing rates.

Although the Civil Service Commission has not utilized standard metropolitan statistical areas in a manner which would be most helpful to the blue-collar workers, it does recognize the value of standard metropolitan statistical areas as survey tools in their regulations which state the following:

> Each wage area includes wherever possible, *but does not require,* a recognized economic community such as a Standard Metropolitan Statistical Area.

At present there are approximately 231 urban areas in the country which qualify as Standard Metropolitan Statistical Areas. The growth and expansion of those urban economic areas into larger economic areas called megalopolises was the central theme of my book, "Megalopolis Unbound," which I wrote in 1966. I suggested that the emergence of the megalopolis required a whole new approach to the problem of high-speed ground transportation. I would suggest today that the emerging megalopolis also demands a whole new approach to the concept of prevailing wages.

When the concept of prevailing wages was first utilized over a hundred years ago, I am informed that it was thought that a survey of private enterprises within 30 miles of the Government installation was sufficient to determine the prevailing wages. I think it is obvious to all that today, with the advent of the automobile and the construction of our interstate highway system, a determination of the prevailing wages available to any one worker requires a survey of an area extending much farther than 30 miles. It is time that the definition of wage survey areas be moved from the horse-and-buggy age into the modern automobile age.

I believe if one examined the commuting patterns between any two standard metropolitan statistical areas which are adjacent to each other and not more than 50 miles from each other, it would be found that there is a high level of economic integration between those areas and that a large number of people who live in one standard metropolitan statistical area work in another.

For example, the second largest industrial employer of Rhode Island workers is not located within the Providence-Pawtucket-Warwick Standard Metropolitan Statistical Area but within the New London Standard Metropolitan Statistical Area, approximately 40 miles away, a very short distance for the average commuter. There are also large numbers of Rhode Island workers who are employed within the Fall River Standard Metropolitan Statistical Area, a mere 10 minutes from Providence, and in the Boston Standard Metropolitan Statistical Area which is contiguous to the Providence area and most any part of which is within 30 minutes commuting distance from Providence.

Unfortunately, except for the consolidation of the Fall River SMSA with the Providence SMSA within the Narragansett Bay Wage Survey Area, these commuting patterns are not recognized by the Civil Service Commission and the Department of Defense in the establishment of prevailing wage rates.

The result of this incongruity among the wage survey areas is that in Rhode Island it is possible to find three workingmen who live on the same street, hold similar Government jobs at the same level of skill, but who receive three different wages because one works in Quonset, the second in New London, and the third in Boston. Invariably, the workers who commute outside of the State receive a 20- to 40-cent higher hourly wage.

Mr. President, I see no rational reason why Rhode Island and other areas like Rhode Island should remain as enclaves of low Government wages within a larger economic area of higher wages only because the Civil Service Commission and the Department of Defense have failed to recognize the economic realities of urban growth.

I am, therefore, introducing a bill which will correct that deficiency in the wage survey system.

My bill provides that if the place of employment of a Government tradesman or craftsman is located within a standard metropolitan statistical area or contiguous to a SMSA, that area and any other SMSA within 50 miles will be included in the survey undertaken to determine prevailing wages.

My bill has a number of automatic advantages. First, by using standard metropolitan statistical areas which are defined in economic terms and periodically expanded by the Bureau of the Budget as the economy grows, survey areas are created whose boundaries expand automatically with the growth of the economy without the necessity of administrative action by the Civil Service Commission.

Second, by requiring that standard metropolitan statistical areas within 50 miles of the SMSA in which the Government employment is located be surveyed together, there occurs an automatic consolidation of wage survey areas which are within the same economic region as the result of commuting patterns.

Third, since my bill does not provide for consolidation of the areas of application within the present Coordinated Federal Wage System, the concept of prevailing wages is preserved without movement toward a national wage system. The resulting creation of overlapping wage survey areas for separate areas of application allows for differences in wage scales between areas on a more graduated and equitable level than the present administrative survey system permits.

I am also introducing as an amendment to Senator YARBOROUGH's fine bill to improve the wage board system language similar to that included in my own bill. Senator YARBOROUGH's bill to reform the entire wage board system has many excellent provisions, such as the requirement that the Chairman of the National Wage Policy Committee be independent, which I fully support. Therefore, I offer my amendment as only perfecting language to what is otherwise an excellent bill.

Mr. President, I ask that the language of my bill and amendment be printed in the Record following my comments.

The **PRESIDING OFFICER**. The bill and amendment will be received and appropriately referred; and, without objection, the bill and the amendment will be printed in the Record in accordance with the Senator's request.

The bill (S. 3098) was referred to the Committee on Post Office and Civil Service, as follows:

S. 3098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prevailing Wage Rate Location Act of 1969".

Sec. 2. Section 5341(a) of title 5, United States Code, is amended by inserting after the first sentence the following new sentences: "Except as otherwise provided in this section, prevailing rates shall be determined by wages surveys. If the place of employment of the employees subject to the wage survey is located within a standard metropolitan statistical area, as defined by the Bureau of the Budget, or is located in a county or town, contiguous to such a standard metropolitan statistical area, the survey shall be conducted in that standard metropolitan statistical area, to be known as the base area, and in any other adjacent standard metropolitan statistical area any part of which is not more than 50 miles from any part of the base area".

Mr. Pell's amendment (No. 257) was referred to the Committee on Post Office and Civil Service, as follows:

Amendment No. 257

On page 6, line 4, strike out "as defined by the Bureau of the Census" and insert in lieu thereof a comma and the following: "as defined by the Bureau of the Budget, and any other adjacent Standard Metropolitan Statistical Area any part of which is not more than 50 miles from the Standard Metropolitan Statistical area so included."

Mr. **PELL**. Mr. President, the legislation I offer, I believe, is reasonable and moderate in approach, it is designed to remedy inequities too long suffered by Government blue-collar workers. I hope for its passage.

RECESS SUBECT TO THE CALL OF THE CHAIR

Mr. **BYRD** of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 47 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reconvened at 4:15 p.m., when called to order by the Presiding Officer (Mr. Mansfield in the chair).

RECESS UNTIL 5 P.M.

Mr. **BYRD** of West Virginia. Mr. President, I move that the Senate stand in recess until 5 p.m. today.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate took a recess until 5 p.m.

The Senate reconvened at 5 p.m., when called to order by the Presiding Officer (Mr. Byrd of West Virginia in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 164) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes.

DISTRICT OF COLUMBIA REVENUE ACT OF 1969—CONFERENCE REPORT

Mr. **TYDINGS**. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today.)

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **TYDINGS**. Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

Mr. **TYDINGS**. Mr. President, I should like to take this opportunity to express my appreciation to the members of the conference committee, particularly to Chairman McMillan, Mr. Abernethy of the House committee, and the ranking Republican member, Mr. Ancher Nelsen, and Mr. Joel Broyhill. These gentlemen, together with the rest of the conferees, enabled us to have a rapid and effective conference, one which was concluded this Monday morning, after 3 consecutive days of steady meetings.

I think it is a good conference report, in the spirit of cooperation and consideration by the House conferees; and it is especially appreciated by me, as chairman of the Senate conferees.

I should like at this time to express my appreciation to the leadership, the Senator from Montana (Mr. Mansfield) for continuing the session late into the evening, and to the distinguished assistant Republican leader, the Senator from Michigan (Mr. Griffin), in order to permit us to present this conference report. By presenting this report today, in October, we will enable the District of Columbia to collect approximately $2 million more in taxes, because the effective date of the bulk of this bill is 1 month from the last day of the month in which it is signed. Had the conference report not been submited until November, the collection of taxes would not have begun until January. Thus, the cooperation of the distinguished Senator from Michigan and the majority leader, Senator Mansfield, is particularly helpful to those of us trying to meet the financial difficulties of the National Capital.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **TYDINGS**. I yield.

Mr. **MANSFIELD**. Mr. President, I wish to join the distinguished senior Senator from Maryland (Mr. Tydings) in his commendation of all those he has mentioned—the present speaker excepted—and to compliment the distinguished chairman of the committee on the Nation's Capital, the senior Senator from Maryland, and the ranking minority member of the District of Columbia Committee, the distinguished junior Senator from Vermont (Mr. Prouty).

I am not at all happy about this conference report. I realize that it is the best that could be done. But the part I dislike is the sales tax, which, as always, will impose itself most heavily on those who are the least able to pay—a sales tax which will increase the cost of groceries and foodstuffs and other items which are necessary.

However, I know that what the distinguished Senator from Maryland (Mr. Tydings) has done has been the best he possibly could, and that what he has presented to the Senate at this time was either this or nothing for a long time to come.

So I commend him and compliment him for doing a good job, and I also commend the distinguished assistant Republican leader for his patience and understanding in agreeing to a recess this afternoon so that we could take this matter up before it was too late. As the distinguished Senator from Maryland has said, had we not taken it up this month, it would have meant an additional $2 million loss for the District of Columbia.

Mr. **TYDINGS**. I appreciate the kind words of the distinguished majority leader.

Although we did yield to the House position on the 2-percent tax on groceries, we were able to insert a clause to protect those families in the lower income brackets, particularly the $6,000 and less, $4,000 and less, and $3,000 and less wage earners. We insert a clause which would enable them, upon presentation of their income tax return, to receive a tax rebate basically equivalent to the amount of tax they would have spent on their grocery bill for the year.

Comparable provisions have been adopted by three States with some success, and we felt that it would, in a sense, protect those who needed the protection most—namely, the very poor family and their dependents.

We made this provision to cover not only 1 percent additional food sales tax but also the original 1-percent sales tax which had been in effect prior to the adoption of this revenue report. So that, actually, the very poorest families will get a greater benefit than they had before the revenue conference report was agreed to.

Mr. PROUTY. Mr. President, the pending conference report on the District of Columbia revenue bill is the result of many days of hearings in the House and Senate District Committees, extensive staff work and days of conference. The revenue bills passed by the House and Senate were dissimilar in many respects creating substantial problems for the conferees to overcome. The conference report is not the result of instant action and howling haste to put before the Congress a revenue bill for the District.

The District of Columbia, like all major urban centers, is faced with mounting financial needs and dwindling sources of revenue. To meet those needs some taxes had to be increased and new taxes levied on several categories which are not now taxed. The Federal payment to the District was raised from $90 million to $105 million and an additional $5 million was authorized to undertake new law-enforcement programs and to increase law enforcement in the District of Columbia.

While the authorizations provided for are substantially less than what the District has stated is essential and also short of what was provided for in the bill passed by the Senate, is it hoped that there will be sufficient funds to finance the continuing progress of the District.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 3, 1969

Mr. TYDINGS. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon Monday next.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, November 3, 1969, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 1969:

Federal Communications Commission

Dean Burch, of Arizona, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1969.

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

Ambassadors

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

John F. Root, of Pennsylvania, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Inter-American Development Bank

Henry J. Costanzo, of the District of Columbia, to be Executive Director of the Inter-American Development Bank for a term of 3 years and until his successor has been appointed.

Inspector General, Foreign Assistance

Scott Heuer, Jr., of the District of Columbia, to be Inspector General, Foreign Assistance.

Anthony Faunce, of Massachusetts, to be Deputy Inspector General, Foreign Assistance.

International Bank for Reconstruction and Development

Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

Agency for International Development

Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development.

In the Coast Guard

The nominations beginning David A. Potter, to be lieutenant (junior grade), and ending Harlan D. Hanson, to be lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 1969; and

The nominations beginning Thomas W. Wolfe, to be captain, and ending Benedict L. Stabile, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on October 28, 1969.

HOUSE OF REPRESENTATIVES—*Thursday, October 30, 1969*

The House met at 12 o'clock noon.

The Reverend Robert S. Tate, Jr., First United Methodist Church, Austin, Tex., offered the following prayer:

O Thou in whom we live and move and have our being, be with us in this moment of pause lest we forget in our busyness that You are near. Voices are ever about us—some friendly, some critical, some buoyant with optimism, some cynical—and often our own voices speak so much and are silent so seldom that we are unaware of the messages we must hear.

We must hear the voice of mankind clamoring for peace. We must hear through the static the cry of mankind for justice, order, compassion, and a fresh opportunity for new life under more equal terms. We must hear the voice of the young who perplex and confuse us of another generation.

But even as the din of words assail our ears from a turbulent world, help us to hear Your voice asking, "What doth the Lord require of thee but to do justice, to love mercy, and to walk humbly with thy God?" And "What shall it profit a man if he gain the whole world and lose his soul?" And then, O God, put muscle in our faith and hands and heart that we may be doers of Thy word and not hearers only. We pray in the spirit of One who said, "I am the way, and the truth, and the life." Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1508. An act to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

ROBERT S. TATE, JR., D.D.

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I am proud to welcome to the House of Representatives Dr. Robert S. Tate, Jr., who serves as our Chaplain today.

Dr. Tate is pastor of the First Methodist Church in Austin, Tex., my home church. We are good personal friends, just as he has become a friend and counsel for thousands in Austin where he and his lovely wife, Ella Mae, and their children are loved by our citizens.

Dr. Tate has served this historic church in Austin with great distinction for more than 6 years. He is held in high esteem by the members of our church and by the people of Austin.

Dr. Tate comes from a family steeped in tradition of the Methodist Church and civic enterprise. His father was the former secretary general of the YMCA of San Antonio and Beaumont, Tex. His brother, Dr. Willis M. Tate, now serves as president of Southern Methodist University in Dallas, Tex.

Our Chaplain for this morning is a minister who practices what he preaches. He has served as minister in churches in Corpus Christi, San Antonio, and Austin—which is a full-time duty, as we all know.

In addition, however, he has found time over the years to be selected as one of the five outstanding young men in Texas by the Junior Chamber of Commerce in 1949. He served as president of the Corpus Christi Ministerial Alliance. He was chairman of the San Antonio Council of Churches Social Welfare Commission. Dr. Tate was president of the Texas Social Welfare Commission, and he is also a member of the Texas Board of Mental Health and Mental Retardation. Now he serves as a member of the board of directors of the American Social Welfare Association.

The First Methodist Church in Austin is located acrcss the street from the State capitol, and in many respects Dr. Tate can be called the minister of Texas Governors. Many State officials find comfort and solace within the halls of this great church led by this outstanding minister.

Because he believes in getting things done, Dr. Tate would be classified as an activist in church circles. He believes in doing things for the common man as described to us in the Good Book.

Dr. Tate's voice is eloquent with compassion and understanding as shown by this prayer this morning.

In order that my colleagues may know more about the accomplishments of this outstanding minister, I include for the RECORD some of his pertinent biography. I know that many of you will wish to meet and visit with Dr. Tate—a pipe-smoking, deep-thinking, progressive minister who believes we should do good as we preach good.

The biography follows:

THE REVEREND ROBERT S. TATE, JR., D.D.

Born: Dallas, Texas, October 31, 1914.

Education: San Antonio Public Schools; McCallie School, Chattanooga, Tenn.; Southern Methodist University, A.B. 1936; Duke University, B.D. 1939; Southwestern University, D.D. 1964.

Married: Miss Ella Mae Starcke, 1940.

Children: Carol Lee (Mrs. Robert D. Forrester), Margaret Ann (Mrs. Michael S. Ezzall), Robert S., III, Jennye Sue.

Assignments: Served as minister of the Alamo Heights Methodist Church, San Antonio, Texas, from June, 1950 until his present assignment. He came to San Antonio from Corpus Christi, where he was minister of the Oak Park Methodist Church for five years. Earlier years were spent at Bastrop, Woodsboro, and Pettus.

Present Assignment: Minister, First Methodist Church, Austin, Texas, September, 1963.

Organizations:

Corpus Christi: 1945–1950, served as President, Corpus Christi Ministerial Alliance; Co-Chairman, National Christian and Jews Roundtable; Chairman, La Retama Public Library; Chairman, Mayor's Civic Improvement Committee; Chairman, City Charter Commission; Chairman, Mary McLeod Bethune Day Nursery; Member of the Corpus Christi Rotary Club.

San Antonio: 1950–1963, served as President, Board of Directors, Y.M.C.A., 1957–1959; Chairman, Juvenile Advisory Committee, 1954–1962; President, Alamo Heights Chamber of Commerce, 1954–1955; Member, Board of Directors, Bexar County Association for Mental Health, 1953–1963; Chairman, San Antonio Council of Churches Social Welfare Commission, 1956–1958; Chairman, American Social Health Committee of Bexar County, 1958–1963; Member, Board of Trustees, Southwest Texas Methodist Hospital, 1958–1963; Member, Commission on World Service and Finance of the Southwest Texas Annual Conference of The Methodist Church, 1964; President, Bexar County Legal Aid Society, 1959–1963.

Austin: 1963, Member, Board of Directors, Wesley Foundation at University of Texas; Member, Board of Directors, Golden Age Home, Lockhart, Texas.

State: President, Texas Social Welfare Association, 1955–1958; Member, Board of Directors, Texas Association for Mental Health, 1956–1964, 1966; President, Texas Association for Mental Health, 1962–1963; Regional Chairman, American Social Health Association, 1960; Member, Governor's Committee on the Eradication of Tuberculosis, 1963; Member, General Planning Committee for Comprehensive Statewide and Community Mental Health Programs, 1963–1965; Member, Governor's Board, Texas Youth Council, 1965; Member, Texas Board of Mental Health and Mental Retardation, 1965–1971.

National: Member, Board of Directors, American Social Health Association, 1961; Member, Council on Legislation and Public Policy of Mental Health and Mental Retardation, 1967–1969; Delegate, National Association for Mental Health, 1960–1963, 1965–1966; Delegate, Jurisdictional Conference of The Methodist Church, 1964; Member, AD HOC Committee on White House Conference on Children and Youth, 1970.

Clubs: Lambda Chi Alpha.

Honors: Selected the outstanding young man of Corpus Christi in 1949; Selected one of five outstanding young men in Texas by Junior Chamber of Commerce in 1949; Citation—Lane Bryant Award, 1957; Listed in Who's Who of the South and Southwest.

Siblings: James F. Tate, Brown Williamson Corporation, Louisville, Ky.; Dr. Willis M. Tate, President, Southern Methodist University, Dallas, Texas.

Parents: The late Mr. and Mrs. Robert S. Tate. Mr. Tate was formerly General Secretary Y.M.C.A., of San Antonio and Beaumont, Texas.

CONFERENCE REPORT ON H.R. 12982, DISTRICT OF COLUMBIA REVENUE ACT OF 1969

Mr. McMILLAN submitted the following conference report and statement on the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes:

CONFERENCE REPORT (H.R. REPT. No. 91–604)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "District of Columbia Revenue Act of 1969".

TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

SEC. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)) is amended by adding at the end thereof the following new paragraphs;

"(8) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

"(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(11) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin operated equipment."

SEC. 102. Subsection (b) of section 114 of the District of Columbia Sales Tax Act is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1),

(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 103. Subsection (b)(3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 16(b)(3)) is amended to read as follows:

"(3) The amount separately charged for labor or services rendered in installing or applying the property sold, except as provided in section 114(a) of this title."

SEC. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code. sec. 47–2602) is amended to read as follows:

"SEC. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as 'retail sale' and 'sale at retail' in this title). The rate of such tax shall be 4 per centum of the gross receipts from sales of or charges for such tangible personal property and services, except that—

"(1) the rate of tax shall be 2 per centum of the gross receipts from (A) sales of food for human consumption off the premises where such food is sold, (B) sales of or charges for the services described in paragraph (11) of section 114(a) of this title, and (C) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

"(2) the rate of tax shall be 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients; and

"(3) the rate of tax shall be 5 per centum of the gross receipts from sales of (A) spiritous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold."

SEC. 105. Paragraph (b) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(b)) is amended to read as follows:

"(b) On each sale of food for human consumption off the premises where such food is sold where the sales price is from 13 cents to 62 cents, both inclusive, 1 cent; on each such sale where the sales price is from 63 cents to $1.12, both inclusive, 2 cents; and on each 50 cents of the sales price or fraction thereof of such sale in excess of $1.12, 1 cent."

SEC. 106. Paragraph (o) of section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2605(o)) is amended by striking out "whether or not".

SEC. 107. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2624 (a)) is amended to read as follows:

"SEC. 147. (a) Any person who fails to file a return, who files a false or incorrect return, or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 per centum of the amount of tax due if the failure is for not more than one month, with an additional 5 per centum for each additional month or fraction thereof during which such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month or fraction thereof during which such failure continues; but the Commissioner may, if he is satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency."

(b) Subsection (b) of such section is amended by striking out "The certificate of the Collector or Assessor, as the case may be," and inserting in lieu thereof "The certificate of the Commissioner".

SEC. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(a)) is amended by adding at the end thereof the following new paragraphs:

"(6) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

"(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(9) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment."

SEC. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(b)) is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1),

(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

SEC. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) is amended by striking out the last sentence and inserting in lieu thereof the following: "The rate of tax imposed by this section shall be 4 per centum of the sales price of such tangible personal property or services, except that—

"(1) the rate of tax shall be 2 per centum of the sales price of (A) sales of food for human consumption off the premises where such food is sold, (B) sales of the services described in paragraph (9) of section 201(a) of this title, and (C) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

"(2) the rate of tax shall be 5 per centum of the sales price of sales of any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients; and

"(3) the rate of tax shall be 5 per centum of the sales price of sales of (A) spiritous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold."

SEC. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE II—MOTOR VEHICLE EXCISE TAX

SEC. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603(j)), is amended by striking out "3 per centum" and inserting in lieu thereof "4 per centum".

SEC. 202. The amendment made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

SEC. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2802(a)) is amended by striking out "3 cents" and inserting in lieu thereof "4 cents".

SEC. 302. (a) Except as otherwise provided, the amendment made by section 301 shall apply with respect to cigarette tax stamps purchased on or after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesale, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2810).

TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERATORS' PERMITS

SEC. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40–102) is amended—

(1) by striking out "$1" and "50 cents" in paragraph (3) of subsection (b) (relating to fees for duplicate registration certificates and identification tags) and inserting in lieu thereof "$2" and "$1", respectively;

(2) by striking out "$1" in paragraph (4) of subsection (b) (relating to fees for special use certificates and identification tags) and inserting in lieu thereof "$3";

(3) by striking out "ten days" in such paragraph (4) and inserting in lieu thereof "twenty days";

(4) by inserting immediately after "Commissioners" in such paragraph (4) the following: ", except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40–207), prior to completion of the registration of such vehicle or trailer, the fee shall be $2"; and

(5) by striking out "$1" each place it appears in subsection (d) (relating to fee for transfer of registration) and inserting in lieu thereof in each such place "$2".

SEC. 402. Section 3 of title IV of such Act (D.C. Code, sec. 40–103) is amended—

(1) by inserting immediately before the period at the end of subsection (a) (relating to registration fees) the following: ", and in the event the markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of $25 and an annual fee of $10, in addition to all other fees which may be required, shall be charged for such specially ordered tag";

(2) by striking out "three thousand five hundred" in the paragraph designated "Class A" of subsection (b) (relating to registration fees for passenger motor vehicles) each place it appears and inserting in lieu thereof in each such place "three thousand four hundred", and by striking out "$22" and "$32" and inserting in lieu thereof "$30" and "$50", respectively;

(3) by striking out, in the paragraph designated "Class B" of subsection (b) (relating to registration fees for trucks, tractors, and certain commercial automobiles) "$40", "$44", "$52", "$60", "$68", "$74", "$84", "$96", "$122", "$142", "$172", and "$202", and inserting in lieu thereof "$53", "$59", "$69", "$80", "$91", "$99", "$112", "$128", "$163", "$191", "$229", and "$269", respectively;

(4) by striking out in the paragraph designated "Class C" of subsection (b) (relating to registration fees for trailers), "$8", "$12", "$20", "$32", "$46", "$60", "$74", "$92", "$122", "$152", and "$182", and inserting in lieu thereof "$11", "$16", "$27", "$43", "$61', "$80", "$99", "$123", "163", "$203", and "$243", respectively; and

(5) by striking out in subsection (d) (relating to division of registration fees between Highway Fund and General Fund) "sixty-four" and "seventy-four" and inserting in lieu thereof "forty-two" and "forty-seven", respectively.

SEC. 403. The first section of the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938 (D.C. Code, sec. 40–201), is amended by striking out "$1" and inserting in lieu thereof "$3".

SEC. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603), is amended (1) by striking out "$5" in subsection (a) (relating to fee for restoration of suspended or revoked permits and privileges) and inserting in lieu thereof "10", and (2) by striking out "$1" in subsection (d) (relating to fees for titling and retitling) and inserting in lieu thereof "$5".

SEC. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C.

Code, sec. 40-301(a)), is amended (1) by striking out "$3" in paragraph (1) (relating to fee for operator's permit) and inserting in lieu thereof "$12", and by striking out in such paragraph "three years" and inserting in lieu thereof "four years"; and (2) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioner not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of $2."

Sec. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code sec. 40-419) is amended by inserting immediately before the period at the end of subsection (a) the following: ", including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licenses and registrations suspended under the authority of this Act, such fees not to exceed the amount of $10 for the reinstatement of a license or registration, or both a license and registration".

Sec. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Sec. 501. (a) Clauses (4) and (5) of section 23(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-124(a)) are each amended by striking out "$1.75" and inserting in lieu thereof "$2.00".

(b) Section 23(c)(1) of such Act (D.C. Code, sec. 25-124(c)(1)) is amended by striking out "tenth" and inserting in lieu thereof "fifteenth".

(c)(1) The first sentence of section 40(a) of such Act (D.C. Code, sec. 25-138(a)) is amended by striking out "$2.00" and inserting in lieu thereof "$2.25".

(2) Paragraph (1) of such section is amended by striking out "10th" and inserting in lieu thereof "15th".

Sec. 502. (a) Except as otherwise provided in this title, the amendments made by section 501 shall apply with respect to—

(1) alcohol, spirits, and wines imported or brought into the District of Columbia or manufactured, and

(2) beer sold or purchased for resale,

on and after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of alcohol, spirits, and beer which have been purchased prior to the effective date of this title and which on such date are held by a holder of a retailer's license issued under the District of Columbia Alcoholic Beverage Control Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax imposed by such Act immediately prior to the effective date of this title on the amount of alcohol, spirits, and beer so held by him, and the amount of tax which would be imposed by the District of Columbia Alcoholic Beverage Control Act on such effective date on an equivalent amount of alcohol, spirits, and beer.

(c) Within twenty days after the effective date of this title, such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the quantity of alcohol, spirits, and beer held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, alcohol, spirits, and beer shall be considered as held by a holder of a retailer's license if title thereto has passed to such holder (whether or not delivery to him has been made) and if title has not at any time been transferred to any person other than such holder.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 33 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-132).

TITLE VI—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

Sec. 601. (a) Section 4 of title I of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1551c) is amended as follows:

(1) Paragraph (l) of such section is amended to read as follows:

"(l)(1) The term 'capital asset' means property defined or treated as a capital asset under the Internal Revenue Code of 1954.

"(2) For the purpose of computing for any taxable year the tax imposed under this article with respect to sales or other dispositions of property referred to in subparagraph (1), the provisions of the Internal Revenue Code of 1954 relating to the treatment of gains and losses (other than the alternative tax imposed by section 1201 of such Code) shall apply."

(2) Paragraph (m) of such section is amended by inserting immediately before the colon preceding the first proviso the following: ", except that in the case of any such distribution any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1954 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this article".

(3) Paragraph (aa) of such section is repealed.

(b) Title III of such article is amended as follows:

(1) Section 2(a) of such title (D.C. Code, sec. 47-1557a) is amended by striking out "other than capital assets" and inserting in lieu thereof "including capital assets".

(2) Paragraph (11) of section 2(b) of such title is repealed.

(3) Paragraph (4) of section 3(a) of such title (D.C. Code, sec. 47-1557b) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft, except that in the case of an individual, a loss described in this subparagraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds $100.

For purposes of the $100 limitation of subparagraph (C), a husband and wife making a joint return for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for inheritance or estate tax purposes."

(4) Paragraph (6) of section 3(b) of such title is repealed.

(c) Title XI of such article is amended as follows:

(1) Section 1 of such title (D.C. Code, sec. 47-1583) is amended to read as follows:

"Sec. 1. Basis for Determining Gain or Loss.—The basis for determining the gain or loss from the sale or other disposition of property shall be the same basis as that provided for determining gain or loss under the Internal Revenue Code of 1954."

(2)(A) Section 2 of such title (D.C. Code, sec. 47-1583a) is amended to read as follows:

"Sec. 2. Computation of Gain or Loss.—The gain or loss, as the case may be, from the sale or other disposition of property, including the amount realized and the amount recognized, shall be determined in the same manner provided for the determination of gain or loss for Federal income tax purposes under the Internal Revenue Code of 1954."

(B) The item in the table of contents of such article relating to section 2 of title XI is amended to read as follows:

"Sec. 2. Computation of gain or loss."

(3)(A) Sections 3 and 5 of such title (D.C. Code, secs. 47-1583b, 47-1583d) are repealed.

(B) The items in the table of contents of such article relating to such sections 3 and 5 are repealed.

(4) Section 6 of such title (D.C. Code, sec. 47-1583e) is amended to read as follows:

"Sec. 6. Depreciation.—The basis used in determining the amount allowable as a deduction from gross income under the provisions of section 3(a)(7) of title III of this article shall be the same basis as that provided for determining the gain from the sale or other disposition of property for Federal income tax purposes under the Internal Revenue Code of 1954."

Sec. 602. Paragraph (5) of section 2(b) of title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (47-1557a) is amended to read as follows:

"(5) Compensation for Injuries or Sickness.—To the extent not otherwise specifically excluded from gross income under this title, amounts excluded from gross income under sections 104 and 105 of the Internal Revenue Code of 1954."

Sec. 603. (a) Title XII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1586—47-1586n) is amended (1) by redesignating sections 14 and 15 as sections 15 and 16, respectively, and (2) by inserting after section 13 the following new section:

"Sec. 14. Declarations of Estimated Tax by Corporations and Unincorporated Businesses.—(a) Declaration of Estimated Tax.—Every corporation and unincorporated business required to make and file a franchise tax return under this article shall make and file a declaration of estimated tax at such time or times and under such conditions, and shall make payments of such tax during its taxable year in such amounts and under such conditions, as the District of Columbia Council shall by regulation prescribe. In the case of the taxable year beginning in 1970, such regulations may not require payment before the last day on which a return for such taxable year is required to be filed under section 3(a) of title V of this article of an aggregate amount of estimated tax for such year in excess of one-half of such estimated tax.

"(b) Failure by Corporation or Unincorporated Business To Pay Estimated Tax.—(1) Addition to the Tax.—In case of any underpayment of estimated tax by a corporation or an unincorporated business, there shall be added to the tax for the taxable year an amount determined at the rate of 6 per centum per annum upon the amount of the underpayment (determined under paragraph (2) for the period of the underpayment (determined under paragraph (3)).

"(2) Amount of Underpayment.—For purposes of paragraph (1), the amount of the underpayment shall be the excess of—

"(A) the amount of the installment which would be required to be paid if the estimated tax were equal to 80 per centum of the tax shown on the return for the taxable year or, if no return was filed, 80 per centum of the tax for such year, over

"(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

"(3) PERIOD OF UNDERPAYMENT.—The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

"(A) the 15th day of the fourth month following the close of the taxable year; or

"(B) with respect to any portion of the underpayment, the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2)(A) for such installment date.

"(c) OVERPAYMENT; CREDIT OF TAX.—Overpayment resulting from the payment of estimated tax for a taxable year in excess of the amount determined to be due upon the filing of a franchise tax return for such taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year. No refund shall be made of any estimated tax paid unless a complete return is filed."

(b) That part of the table of contents of such article relating to title XII is amended—

(1) by inserting after the item relating to section 13 the following: "SEC. 14. Declarations of estimated tax by corporations and unincorporated businesses.

"(a) Declaration of estimated tax.

"(b) Failure by corporation or unincorporated business to pay estimated tax.

"(1) Addition to the tax.

"(2) Amount of underpayment.

"(3) Period of underpayment.

"(c) Overpayment; credit of tax.";

(2) by striking out "SEC. 14" and inserting in lieu thereof "SEC. 15"; and

(3) by striking out "SEC. 15" and inserting in lieu thereof "SEC. 16".

SEC. 604. (a)(1) Section 2 of title VII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1571a) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be $25.00."

(2) Section 3 of title VIII of such article (D.C. Code, sec. 47–1574b) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be $25.00."

(b) Title XIV of such article is amended as follows:

(1) Section 1 of such title (D.C. Code, sec. 47–1591) is amended by striking out subsection (a), and by striking out "(b)".

(2) Section 7 of such title (D.C. Code, sec. 47–1591f) is amended to read as follows:

"SEC. 7. PENALTY FOR FAILURE TO OBTAIN LICENSE.—Any person who violates section 1 of this title shall be fined not more than $300, and each day that such violation continues shall constitute a separate offense. All prosecutions under this section shall be brought in the District of Columbia Court of General Sessions on information by the Corporation Counsel or any of his assistants in the name of the District."

SEC. 605. (a) Title VI of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1567—47–1567d) is amended by adding at the end thereof the following new section:

"SEC. 6. CREDIT FOR SALES TAX PAID.—

"(a)(1) For the purpose of providing relief to certain low-income residents of the District for sales tax paid on purchases of groceries, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount determined in accordance with the following table:

"If the adjusted gross income is:	The credit shall be the product of the number of personal exemptions allowed an individual on his return under section 2 of this title times—
"Not over $2,000	$6.00.
"Over $2,000, but not over $4,000	$4.00.
"Over $4,000, but not over $6,000	$2.00.

"(2) For purposes of paragraph (1), in determining the number of personal exemptions allowed an individual on his return under section 2 of this title—

"(A) there shall be excluded any exemption based on age or blindness,

"(B) there shall be included one additional exemption in any case in which an exemption of $2,000 is allowed for a head of family or a married person living with husband or wife, and

"(C) there shall be excluded any exemption for any person who is an inmate or resident patient of a publicly owned and operated institution for an aggregate or more than 183 days of the taxable year.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article) imposed under this article on such individual for such taxable year a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c) No credit (or refund) shall be allowed to an individual under this section unless—

"(1) such individual files a return under this article for a taxable year of not less than twelve months,

"(2) such individual maintained his place of abode within the District for the entire taxable year of twelve months, and

"(3) (A) in the case of an individual who is required to file a return under title V, a return is filed by such individual within the time prescribed in section 3 of such title, or

"(B) in the case of an individual who is not required to file a return under such title, a return is filed by such individual under this section not later than the fifteenth day of the fourth month following the close of such taxable year.

In the case of an individual described in paragraph (3)(B), the Commissioner may grant a reasonable extension of time (but not more than six months) for filing a return under this section whenever in the Commissioner's judgment good cause exists therefor.

"(d)(1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

"(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section."

(b) The table of contents of such article is amended by adding at the end of the part of such table relating to title VI the following: "SEC. 6. Credit for sales tax paid."

SEC. 606. The amendments made by sections 601, 602, and 604(a) of this title shall apply with respect to taxable years beginning after December 31, 1968. The amendments made by sections 603 and 605 of this title shall be effective with respect to taxable years beginning after December 31, 1969. The amendments made by section 604(b) of this title shall apply with respect to calendar years beginning after December 31, 1969.

SEC. 607. Nothing in the amendments made by this title shall be construed to have the effect—

(1) of increasing or decreasing the amount of District of Columbia income or franchise tax determined for any taxable year beginning before January 1, 1969, or

(2) of authorizing or requiring in the determination of District of Columbia income or franchise tax for any taxable year beginning after December 31, 1968, the inclusion in gross income of any gain, or the deduction from gross income of any loss, from the sale or other disposition in a taxable year beginning before January 1, 1969, of any property.

TITLE VII—FEDERAL PAYMENT AUTHORIZATION

SEC. 701. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a) is amended (1) by striking out "June 30, 1969" and inserting in lieu thereof "June 30, 1970", and (2) by striking out "the sum of $90,000,000" and inserting in lieu thereof "not to exceed $105,000,000".

SEC. 702. For the fiscal year ending June 30, 1970, there is authorized to be appropriated to the District of Columbia, in addition to any other amounts authorized to be appropriated to the District of Columbia for such fiscal year, not to exceed $5,000,000 to enable it to undertake new law enforcement programs authorized by law after the date of the enactment of this Act or to otherwise increase the effectiveness of law enforcement in the District of Columbia.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. The office of Director of Public Safety in the Executive Office of the Commissioner of the District of Columbia (created by Organization Order Numbered 8, dated April 18, 1968) is abolished. No funds appropriated for the government of the District of Columbia and no grant or loan by any department or agency of the United States Government to the government of the District of Columbia may be used to establish any similar office in the government of the District of Columbia to carry out any of the functions delegated to the Director of Public Safety by such order.

SEC. 802. During the fiscal year ending June 30, 1970, no person shall be appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 41,500; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

SEC. 803. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a—47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

SEC. 804. Except as otherwise provided in this title, nothing in this Act, or any amendments made by this Act, shall be construed to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the Council, as the case may be, in accordance with the provisions of such Plan.

SEC. 805. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, or any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and shall be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act, such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

And the Senate agree to the same.

JOHN L. MCMILLAN,
THOMAS G. ABERNETHY,
JOHN DOWDY,
EARLE CABELL,
ANCHER NELSEN,
WILLIAM H. HARSHA,
JOEL T. BROYHILL,
LAWRENCE J. HOGAN,
Managers on the Part of the House.

JOSEPH D. TYDINGS,
ALAN BIBLE,
WILLIAM B. SPONG,
WINSTON L. PROUTY,
CHARLES MCC. MATHIAS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

DISTRICT SALES AND USE TAXES

The House bill extended, at a 2-percent rate, the sales and use taxes of the District of Columbia to (1) charges made for admission to public events, (2) charges for the service of repairing tangible personal property, and (3) charges for duplicating, mailing, addressing, and public stenographic services. The Senate amendment extended, at a 4-percent rate, the District sales and use taxes to such charges. The conference substitute conforms to the Senate amendment.

The House bill extended the District sales and use taxes to sales of publication services. The Senate amendment contained no corresponding provision, and none is contained in the conference substitute.

The Senate amendment contained a provision not in the House bill extending, at a 4-percent rate, the District sales and use taxes to sales of or charges for laundering, drycleaning, and pressing services (except if provided by self-service coin-operated equipment). The conference substitute is identical to the Senate amendment, except the tax rate is 2 percent.

The House bill contained a provision not in the Senate amendment that raised from 1 percent to 2 percent the rate of the District sales taxes on purchases of food for consumption off the premises. The conference substitute adopts the provision in the House bill with an additional provision which provides relief to certain low-income residents of the District for sales tax paid on those food purchases.

The relief provided such residents is prescribed in a new section 6 added to title VI of the District income tax law. In general, under that section an individual is provided a credit against his District tax (if any), or a refund if the credit under this section exceeds his District tax (reduced by all credits other than the one provided by this section). The amount of such credit is determined in accordance with the following table:

If the adjusted gross income is:	The credit shall be the product of the number of personal exemptions allowed an indvidual on his return times—
Not over $2,000	$6
Over $2,000 but not over $4,000	4
Over $4,000 but not over $6,000	2

To compute the amount of credit under the above table (1) exemptions based on age or blindness are excluded, (2) an exemption for any person who is an inmate or resident patient of a publicly owned and operated institution for an aggregate of more than 183 days of a taxable year is excluded, and (3) in the case of any exemption of $2,000 allowed for head of family or a married person living with husband or wife, an additional exemption is counted. Thus, for example, a married individual with three dependent children (living at home) would have five exemptions, and he would multiply that number times the appropriate dollar amount in the second column of the table.

To be eligible for the credit (or refund)—

(1) an individual must file a return which will either be his regular income tax return, or if he is not required to file a District income tax return, a return prescribed by the Commissioner;

(2) the return filed must cover a taxable year of not less than 12 months and the individual must have maintained a place of abode in the District for the entire 12 months of that taxable year; and

(3) the return must be filed within the time (including extensions thereof) that is prescribed for returns of persons otherwise required to file District income tax returns (under existing law).

The amount of the refund allowed under this new section is computed as follows: The individual will compute the amount of credit allowed under this section. He will then apply this credit against the amount of District income tax imposed on him, reduced by any other credits allowed him, e.g., credit for taxes withheld. If the amount of the credit under this section exceeds the amount of such tax so reduced, the difference will be refunded.

BEVERAGE TAXES: FILING DATE FOR MONTHLY SALES REPORT

The Senate amendment contained a provision not in the House bill that changed from the 10th to the 15th day of each month the date on which persons subject to the District beverage taxes have to report the quantity of taxable beverages sold during the preceding calendar month.

The conference substitute contains the provision in the Senate amendment.

INCOME AND FRANCHISE TAXES: CAPITAL GAINS AND LOSSES

The Senate amendment contained provisions not in the House bill that removed (effective taxable year 1969) the exemption from the District income and franchise taxes in existing law for income from sales or exchanges of capital assets (defined under District law as certain assets held more than 2 years) and provided for bringing District capital gains tax provisions into conformity with Federal practices.

The conference substitute conforms to the Senate provisions. In adopting those provisions, it is the intent of the Managers of both the House and Senate that gains and losses from the sale or other disposition of capital assets shall, for District income and franchise tax purposes, be determined in accordance with provisions of the Internal Revenue Code of 1954 relating or applicable to the determination of gains and losses from the sale or other disposition of capital assets for Federal income tax purposes. The intention is to conform District and Federal law in this regard to the greatest extent possible. Provisions of the Internal Revenue Code of 1954 which will apply for District tax purposes include those relating to the amount realized, the recognition or nonrecognition of gain or loss, the division of gains and losses into long-term and short-term gains and losses, limitations on the deductibility of losses, and, with respect to the property of an individual (other than his unincorporated business property), in effect taxing only one-half of his net long-term capital gain for the taxable year. The Federal alternative tax rates designed to place a ceiling on the tax rate applicable to long-term capital gains (such as section 1201 of the Internal Revenue Code of 1954) will not apply for District tax purposes.

In conformity with the action with respect to gains and losses from the disposition of capital assets, under the conference substitute the Federal income tax basis is adopted for purposes of the District income and franchise tax purposes. This basis is the one which will be used not only with respect to the determination of gain or loss on disposition, but also for purposes of computing the allowance for depreciation.

INCOME TAXES: DEDUCTIONS FOR SICK PAY AND INJURIES

The Senate amendment contained a provision not in the House bill that removed (effective taxable year 1969) the complete exemption from District income tax for compensation for injuries or sickness and adopted the more restrictive exemption for such compensation prescribed by sections 104 and 105 of the Internal Revenue Code of 1954.

The conference substitute conforms to the Senate amendment.

FRANCHISE TAXES: MINIMUM TAX ON TAXABLE CORPORATIONS AND UNINCORPORATED BUSINESSES IN LIEU OF ANNUAL LICENSE FEE

The Senate amendment contained a provision not in the House bill that removed (effective calendar year 1970) the annual license requirement (with its $10 fee) for taxable corporations and unincorporated businesses and (effective taxable year 1969) set a minimum of $25 on the existing franchise tax on corporations and unincorporated businesses.

The conference substitute conforms to the Senate amendment.

FRANCHISE TAXES: PREPAYMENT OF ESTIMATED TAX BY TAXABLE CORPORATIONS AND UNINCORPORATED BUSINESSES

The House bill and the Senate amendment amended the District income and franchise tax law to require that taxable corporations and unincorporated businesses file declarations of estimated tax and make payments of such estimated tax during their taxable years as is presently required of individual taxpayers. The House bill provided that during the taxable years 1970 and 1971 prepayments of not more than one-third and two-thirds, respectively, of the estimated tax would be required. The Senate amendment provided that beginning with taxable year 1970 prepayment of the full amount of estimated tax would be required.

The conference substitute provides that

during taxable year 1970 prepayment of up to one-half of the estimated tax could be required and during each taxable year thereafter prepayment of the full amount could be required.

FEDERAL PAYMENT

The House bill increased (effective fiscal year 1970) the annual Federal payment authorization from $90 to $105 million.

The Senate amendment provided that the Federal payment authorization for a fiscal year was to be determined under a formula. The authorization for any fiscal year was to be 30 percent of the general fund revenues for that year (except that beginning with fiscal year 1975 it would be 30 percent of such revenues for fiscal year 1974) with provision for reduction or increase in the authorization for overpayments or underpayments. A limit of $120 million was set on the fiscal year 1970 authorization. In addition, a special payment of $10.5 million was authorized for fiscal year 1970 to make up for the estimated amount of revenues that the District would have received if tax changes proposed in the Senate amendment took effect at the beginning of fiscal year 1970.

The conference substitute adopts the provision of the House bill with an additional provision that authorizes an appropriation for the fiscal year ending June 30, 1970, of not to exceed $5 million to enable the District of Columbia to begin operations under new crime legislation that Congress may enact after the date of enactment of the conference substitute.

GENERAL PROVISION

The House bill contained a provision setting a ceiling on the number of employees in the District of Columbia government. The ceiling was the number of employees on June 30, 1969. It was also provided that after July 1, 1969, only three out of four vacancies could be filled in the District government. The Metropolitan Police force, Fire Department, Board of Education, and local courts were exempted from the provision in the House bill.

The Senate amendment contained no similar provision.

The conference substitute provides that during the fiscal year ending June 30, 1970, no person may be appointed (1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 41,500; or (2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

The conference committee has examined and views with concern and alarm the rapid increase in the costs of operating the District of Columbia government, particularly in recent years.

The District government requested revenue measures sufficient to produce $727.2 million for the fiscal year 1970. This is the largest budget in the city's history and represents a tremendous and unjustified increase of $175.3 million over the appropriation for fiscal year 1969. The increase is the largest annual increase ever requested by the District.

For fiscal year 1964, the total appropriated for District expenditures amounted to only $314.5 million. That in itself is quite a substantial sum. Yet the total requested by the District government for the fiscal year 1970, as shown, is double this figure and is much too high.

The phenomenal growth in the District's budget from 1960 to 1968 is reflected in the increase in authorized personnel positions in the District government from 29,342 to 34,790—an unprecedented increase of 5,448 positions during a period of declining population. This in the judgment of the House managers was not warranted.

Then in 1969, the first year of the Commissioner and City Council government, authorized positions shot up to 38,175. For 1970 this new government proposed to skyrocket city employment to 45,657 authorized positions—an increase of 10,867 over fiscal 1968, or one city employee for every 17 residents.

Alarmed and concerned as we are over the conditions of the District budget and the limited available sources of revenue, as against the highly increased spending and exceedingly high increase in the number of city employees, the House managers strongly suggest and urge the City Commissioner and City Council to pause and take a look and bring the fiscal affairs of this city into line with its capacity to pay the bills.

The Commissioner himself suggested that the revenue bill proposed for this year was "scraping the bottom of the barrel" insofar as raising any considerable amount of additional revenue is concerned, yet he also testified that he would be back next year and request a budget in excess of $800 million. If such a budget were approved, it would mean an expenditure of over $1,000 for every man, woman, and child in the District to run the District government.

The city has just not justified these proposed expenditures and proposed personnel increases in this city in view of its more or less static population.

The House bill proposed and the House managers supported a considerable reduction in the number of District government personnel in the belief that the present number is too high and any increase cannot be justified. The Senate amendment proposed no ceiling or reduction for such personnel. As a compromise, the conference committee adopted a ceiling of 41,500 permanent employees for the District for fiscal year 1970.

Since major budget increases are reflected in the number of employees sound fiscal practices require that the city's expenditures be brought to a level consonant with revenue resources.

SUMMARY

The estimated additional annual revenue yield to the District of Columbia from the conference substitute (together with increases in District real and personal property taxes already approved) is approximately $48 million.

JOHN L. MCMILLAN,
THOMAS G. ABERNETHY,
JOHN DOWDY,
EARLE CABELL,
ANCHER NELSEN,
WILLIAM H. HARSHA,
JOEL T. BROYHILL,
LAWRENCE J. HOGAN,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 11271, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1970

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MILLER of California, TEAGUE of Texas, KARTH, HECHLER of West Virginia, FULTON of Pennsylvania, MOSHER, and ROUDEBUSH.

SAM RAYBURN COMMEMORATIVE COIN

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I rise today to introduce a bill which would authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library. I am joined in this effort by 48 of my colleagues, many of whom served with the late Speaker.

No other man in our century has given so much of himself to the service of his country as did the late Speaker of the House, Sam Rayburn. Our beloved Mr. Sam devoted more than 48 years of his life to the House of Representatives and served as Speaker longer than any other man. His example is a tribute to representative government.

Since being elected to fill the Texas Fourth District vacancy created by the death of the late Speaker, I have consistently sought to get legislation enacted to coin a 50-cent piece to commemorate his life and to assist in the support of the Sam Rayburn Library.

The Rayburn Library badly needs the funds it would receive from the sale of the coins. Although Mr. Rayburn left his entire estate to the library, there is still an urgent need for additional funds to finance the building of additional space, the microfilming of the Speaker's papers, and the continuation of the scholarship program.

This bill means a great deal to me and to all those who knew and loved Mr. Rayburn. Many of my colleagues served with the Speaker—often as freshman Congressmen eagerly seeking his advice and counsel which he freely gave. Quite a number of my fellow Members have indicated to me their willingness to join me in seeking passage of the bill. I urge all my colleagues to lend unanimous support to this worthwhile tribute to Sam Rayburn—a man who dedicated his life to the service of our Nation.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to my colleague from Texas.

Mr. PICKLE. I commend the gentleman for introducing the bill. It is timely and deserving. I know many of our colleagues will join the gentleman in his efforts to honor this greatest Speaker of our time.

Mr. Speaker, of the many distinguished leaders who have chaired this body from the Speaker's platform, few have made such a lasting imprint on the course of this Nation as the late Sam Rayburn.

Although all Texans lay first claim to this man, Mr. Sam in fact belongs to the Nation. He served in this body 48 years and was elected repeatedly by his colleagues as Speaker, a post he held more years than any other man in history.

Accordingly, I rise in support of Mr. ROBERTS' bill establishing a limited issue of 50-cent pieces which will be used to commemorate the life of Mr. Sam and to breathe fresh life into the Sam Rayburn Library.

The coins—not more than 500,000 nor less than 250,000, whichever the Secretary of the Treasury recommends—will be disposed of by the Sam Rayburn Foundation either at par or at a premium and the proceeds will be used solely for the support of the library.

This special issue will provide a permanent, lasting tribute to a man who has done so much for his country.

ONE PRESIDENT AT A TIME

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, possibly it is because I recently read the book "The President's Plane Is Missing," that I am concerned about the possibility that someone is impersonating President Nixon and, in fact, did so last night in New Jersey.

Now we know that the real President Nixon tried to gut our education bill, and complained when we put back some $1 billion in desperately needed money for education. And we know that the real President Nixon recommended the paltry sum of some $214 million for water pollution control this year as opposed to those of us who know we needed $1 billion. The real President Nixon has ignored our cities in favor of ABM's and supersonic transport planes and closed down our Job Corps centers.

But last night, the man I believe to be impersonating President Nixon, made a political trip to New Jersey, on behalf of the Republican candidate for Governor. Everything this man said was diametrically opposed to the actions of the real President Nixon. This man talked about the "deficiencies in public education" and voiced concern over air and water pollution control.

Now would it not be nice if we had the same President, every day in every State? I had always believed the statement that "we only have one President at a time." Apparently that is not the case at all.

SCHOOLS FAIL IN THEIR PURPOSE IF THEY FAIL TO EDUCATE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, yesterday the Supreme Court, sitting in their Ivory Tower here in Washington, rendered a crippling blow to quality public education in my home State of Mississippi. The Court apparently does not recognize the basic fact that if desegregated schools fail to educate, they fail in their primary purpose. It is an absurd notion that local school administrators can immediately implement this order in the middle of the school semester.

Already there are some schools in my State which were unable to open this fall because of unreasonable and unworkable desegregation guideline requirements. It is my feeling that this most recent decision will cause such administrative chaos that other schools will be forced to close. In the end, it will be the children who suffer, especially poor whites and poor blacks who cannot afford the private schools which will surely result. It is my sincere hope that quality public education in Mississippi can survive yesterday's Supreme Court decision.

ARMED FORCES MUST NOT BE USED TO ENFORCE LAWLESS DECREES OF SUPREME COURT

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, today we will vote on the rule to take up H.R. 14001, the Selective Service Act Amendments of 1969. The chairman has urged our support for the rule because the President wants the bill as is, without any possibility of amendment. I had planned to support the rule, but yesterday the Supreme Court handed down an unsigned per curiam holding, in effect, that judges are not bound by the Constitution. The Court authorized circuit courts of appeal to use their judicial power to enforce compliance with the unlawful guidelines of the Secretary of Health, Education, and Welfare. The doctrine of racial proportions is to be the law of the land.

We have seen other Presidents use the Armed Forces of the United States, including draftees, in the States of Arkansas, Alabama, and Mississippi to implement by force—at bayonet point and with bloodshed—other lawless decrees of the Supreme Court.

So long as the lawless HEW guidelines remain in effect, and are not publicly repudiated by the President, I cannot in good conscience as a representative of my people, cast their vote to give the President the power he seeks to draft young men into the armed services and even chance their exploitation by being required to enforce this illegal social injustice against my people.

CALL FOR SUPPORT OF THE PRESIDENT'S PROPOSALS FOR A REDIRECTION OF WELFARE PROGRAMS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in his proposals to the Congress last April, President Nixon emphasized that as a nation "we need a complete reappraisal and redirection of welfare programs which have aggravated the troubles they were meant to cure, perpetuating a dismal cycle of dependency from one generation to the next."

The welfare program that the President submitted to the Congress in August is designed to alleviate the depressing cyclical dependency.

More important is that under the President's program, strong incentives would be provided families to stay together. Economic rewards would be given men and women on welfare who enter training programs and search out jobs. The built-in incentives would deter the deplorable condition under present welfare programs that often force a father to desert his family in order to make his wife and children eligible for relief.

Through recent polls the American people have already expressed their support of the President's proposals. It is up to the Congress now to make that support meaningful.

MANPOWER TRAINING ACT

(Mr. MIZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZE. Mr. Speaker, the Nixon administration's Manpower Training Act offers a solution to a problem that has deeply concerned every public official in every State. For years Governors and mayors have vainly tried to keep up with the flood of manpower programs steaming out of Washington. While they desperately needed Federal assistance, the programs were so rigid and complicated that precious time was lost in the process of trying to determine which programs were best suited for the needs of their constituents.

In addition, many good people were screened out of manpower programs, in effect denied assistance, either because their needs were too great or too specialized to be met by the particular program which was operating in their community.

The Manpower Training Act will solve this problem in one bold stroke. Each State and metropolitan area will be able to design a tailor-made program to exactly fit its needs. Assistance will be available through a single agency at the local level.

The act puts the responsibility for planning and decisionmaking where it belongs—on elected officials at the State and local level. These are people on the firing line. They know the problems of their constituents and their political futures are dependent upon prompt solutions to these problems.

The act safeguards the national interest while encouraging State and local public officials to take the initiative, to experiment and innovate with new offensives against the waste of human resources. Congress should act swiftly on this vital proposal.

THE SUPREME COURT DECISION FOR IMMEDIATE DESEGREGATION OF EVERY SCHOOL IN THE UNITED STATES

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise today

to congratulate the Supreme Court for its proper, urgently needed, and unanimous decision that now is the time for immediate desegregation of every school in the United States.

Probably no room across this land hears more cries for law and order than this House Chamber. Well, if we mean it, then let us live it. Let us end segregation in America's schools once and for all.

No man here has the right to wrap himself in the Constitution unless he is willing to accept and defend all of it.

The darkest day I have experienced since coming to Congress was on July 31 of this year, when the Whitten amendment was supported by many of my fellow Republicans.

I hope the leadership of my party in the Congress and in the executive branch will take this clear expression of law by the Supreme Court to heart, and quit flirting with the segregationists, and once and for all repudiate the hypocrisy of separate and unequal schools based on race.

The so-called freedom of choice plan has never meant anything more than freedom to subvert the Constitution. If we here in the Congress will obey all the laws of the land, I know the American people will follow our example.

U.S. FISCAL YEAR

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, on October 14, I and 33 of my colleagues introduced legislation to provide that the fiscal year of the United States shall coincide with the calendar year.

Today I am happy to reintroduce the bill with an additional five sponsors. In addition three other Members have introduced the bill for a total of 41.

After the exercise that the House went through yesterday in passing a continuing resolution I think it is more than obvious that we must take some action.

I said yesterday that the most critical problem is getting the House and Senate to work together on appropriations and to insure that each body takes an extensive look into departmental requests in a normal, routine, businesslike manner.

Enactment of my bill to change the fiscal year to the calendar year would give us 1 year to review the budget, get the authorizing legislation passed and the appropriations bill passed. It would also give the schools advance notification of their funds for the coming school year.

ABUSE OF DANGEROUS DRUGS AND NARCOTICS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, the Nation is alarmed by the increased abuse of dangerous drugs and narcotics and the criminal violence associated with such abuse. Without doubt drug associated crimes will become the Nation's No. 1 internal problem unless the abuse of drugs is effectively curtailed. Passage of the "Controlled Dangerous Substance Act of 1969" will help in this effort by providing Federal law-enforcement personnel with more positive tools to cope with the problem.

One such tool is a "no knock" provision which will allow Federal agents to obtain search warrants designating that they need not announce their authority and purpose to search if there is probable cause to believe that the agents' lives would be in danger or that there will be a quick destruction of evidence. In addition, the act will permit the use of Federal search warrants for drug-related offenses at any time of the day or night under limited conditions.

Several Supreme Court decisions have greatly restricted inspection of business premises and books and records for possible law violations. A provision in the act of vital importance to the Bureau of Narcotics and Dangerous Drugs because it is involved in the regulation of drug manufacturing, will give Federal agents access to these books and records by use of inspection warrants.

The act also authorizes Federal drug agents to grant immunity from possible criminal prosecution for testimony and information relating to drug trafficking. This provision is essential if we are to break up major peddling and smuggling operations.

Finally, the act permits prosecution of persons who attempt or conspire to commit any violation of the Federal drug laws.

Mr. Speaker, passage of this far-reaching legislation is essential if we are to curb drug abuse in our Nation.

CONFERENCE REPORT ON S. 1857, NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1969

Mr. MILLER of California. Mr. Speaker, I call up the conference report on the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 27, 1969.)

Mr. MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, memory does not serve me too well this morning. Is this the conference report on the authorization bill wherein the appropriation was passed prior to the authorization bill under a rule waiving points of order?

Mr. MILLER of California. If the gentleman will yield, that is correct.

Mr. GROSS. The figure approved by the House was some $70 million above the appropriation that had already been passed?

Mr. MILLER of California. No. The Senate increased the request to $487,150,000. The House approved $474,305,000. The result in the conference was a total amount of appropriations to be authorized of $477,605,000 or $3 million higher than the appropriation and some $10 million less than the Senate.

Mr. GROSS. Three million dollars higher than the appropriation?

Mr. MILLER of California. That is right. But $10 million less than the Senate.

Mr. GROSS. Has there been a conference on the appropriation bill?

Mr. MILLER of California. I do not know that.

Mr. GROSS. I only inquire because of the unusual nature of the procedure of having passed an appropriation bill and then coming along with the authorization bill which was substantially higher than the appropriation. Of course, the other body, in order to take up the slack, apparently increased it to conform to the House authorization bill.

Mr. MILLER of California. They were higher than the House authorization bill by $12 million.

Mr. GROSS. But there is no conference on the appropriation bill.

Mr. MILLER of California. As far as I know, there is not.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I rise in support of the conference report on the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation and for other purposes for fiscal year 1970.

The managers on the part of the House met in conference with those of the Senate last Thursday, October 23, 1969. The results of that conference were, I believe, eminently reasonable and in keeping with the sentiment of the House, as previously evidenced by the passage of the authorization bill for the Foundation on October 7, 1969.

I think it was an admirable job on the part of the House conferees, and I want to compliment them for their efforts.

Before I describe in detail the results of that conference, I should point out that the total amount of appropriations to be authorized was adjusted upward from our original House-passed authorization by less than 1 percent.

The original difference between the Senate and House before conference was $12.8 million. Thus, I think we have arrived at a conference compromise that is both worthy of full support, responsive to the House mandate, and adequate for the Foundation for fiscal 1970.

Let me now briefly describe the major differences between the House and Senate, and describe the final conference results.

For fiscal year 1970 the NSF requested authorization in the amount of $487 million, exclusive of $10 million for the sea grant program and of $3 million to be made available in excess foreign currencies.

The Senate increased this request to $487,150,000.

The total appropriations authorized by the House were $474,305,000. This represented a decrease from the Senate bill of $12,845,000. As a result of the conference, the total amount of appropriations to be authorized was adjusted to $477,605,000, or an increase of only $3.3 million.

The $3.3 million restoration was made in three areas as follows:

First. A sum of $2 million to permit the construction of an oceanographic research vessel was restored, as originally requested by the Foundation. This item had been deferred by the House on the basis of long-range scheduling and pending completion of further study. Evidence adduced by the Senate convinced the conferees that conditions do not now warrant delay of the ship construction.

Second. A sum of $300,000 to permit the acquisition of a small research aircraft by the National Center for Atmospheric Research at Boulder, Colo., was restored as originally requested by NSF. This plane is to replace a similar aircraft lost in an accident over Lake Superior in 1968.

Third. A sum of $1 million, part of a $3 million bloc of unobligated appropriations carryover from fiscal year 1969 which the House had deleted, was restored by the conference. House conferees concurred in the view that authorization of this amount would provide the Foundation with at least minimal leeway in program planning for fiscal year 1970, particularly in view of the requests being made on the Foundation by other Government agencies for research assistance.

Total restoration of funds in the bill thus amounts to $3.3 million.

The final two conference recommendations relate to changes in the language of the authorization bill.

First, the bill as passed by the House carried a proviso that all outstanding unfunded authorization accruing to the NSF should henceforth expire at the close of the first fiscal year after the fiscal year for which the authorization was enacted.

The Senate bill had originally provided that such authorization should expire at the close of the third fiscal year following the year of authorization.

The conference agreed to require that such authorization expire at the close of the second fiscal year following the year of authorization, as is required under the present NASA authorization bill.

Finally, the bill, as passed by the Senate, contained no provision relating to restraints to be applied to persons attending or employed by institutions receiving funds thereunder who violate the law or the regulations of the institution. The House amended the bill to include such a provision.

The committee of conference chose to substitute a similar provision, but one which is already law in connection with five major Federal programs of higher education.

The committee of conference has thus included in the bill, with appropriate technical changes, the eligibility-for-student-assistance clause of the higher education amendments of 1968—Public Law 90-575, section 504.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE NO. 4 AND SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 4 and Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INCREASE IN MAXIMUM RATE OF PER DIEM ALLOWANCE FOR EMPLOYEES OF THE GOVERNMENT TRAVELING ON OFFICIAL BUSINESS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 337) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out " "$22"," and insert " "$25",".

Page 1, line 5, strike out " "$35"," and insert " "$40",".

Page 1, line 7, strike out " "$15"." and insert " "$18".".

Page 1, line 10, strike out " "$22"," and insert " "$25",".

Page 2, line 1, strike out " "$35"," and insert " "$40",".

Page 2, line 2, strike out " "$15"." and insert " "$18".".

Page 2, after line 2, insert:

"SEC. 3. The seventh paragraph under the heading "Administrative Provisions" in the Senate section of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "$16" and inserting in lieu thereof "$25", and by striking out "$30", and inserting in lieu thereof "$40"."

Mr. BLATNIK (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Speaker, reserving the right to object, I am not sure just exactly to which unanimous-consent request I am making a reservation; but, be that as it may, whether it is for immediate consideration of the Senate amendments or whether the statement of the managers on the part of the House are to be considered as read, I believe we ought to have a little time for an explanation of this request on the part of all Members. This is in order to give our silent consent to the Senate amendments to H.R. 337 which as I understand it, by courtesy of previous furnishing of information by the gentleman from Minnesota, has been increased.

I wonder, Mr. Speaker, if the gentleman would explain the differential between the House-passed act and the Senate amendments?

Mr. BLATNIK. Mr. Speaker, if the gentleman will yield, I shall be pleased to do so. The unanimous-consent request was for the further reading of the Senate amendments to be dispensed with and that they be printed in the RECORD. If we can agree to that, then I shall proceed with a discussion of them.

The SPEAKER. The gentleman from Missouri has reserved the right to object and has asked for an explanation of the Senate amendments.

Mr. HALL. Mr. Speaker, I will continue the reservation but I yield to the gentleman from Minnesota for an explanation at this time.

Mr. BLATNIK. I thank the gentleman from Missouri.

Mr. Speaker, H.R. 337 which was passed by the House on March 26, raised somewhat the per diem cost allowance for Government employees while on official business.

The basis of the cost estimates were a study made by the Bureau of the Budget in 1967. Now, this was before us last March when we acted on this bill. However, when the bill got over to the other body they decided to update the cost data and base it on the figures for 1969 subsistence costs. Thus they had a more current picture of the expenses involved and the Senate committee came up with these increases to the House bill.

We do have a detailed breakdown, item by item, as to the average food cost and as to the average hotel and motel rates for 14 major cities and 19 smaller cities. The average is about $12.30. On the food cost, based on a survey of 400 hotels throughout the Nation, they reported a daily average of $9.24. When you add to these figures the percentage for hotel and motel rates and the average restaurant price of an increase of 6.2 percent in 1969 as reflected in the consumer price index compiled by the Bureau of Labor Statistics, the total comes up to $13.26 for lodging and $9.82 for food, making the combined cost $23.08 for board and room.

These are very hard figures, based on authoritative sources.

Mr. HALL. Mr. Speaker, does the gentleman plan to insert this material into the RECORD?

Mr. BLATNIK. The full statement will be inserted in the RECORD at this point.

Mr. HALL. I thank the gentleman.

Mr. Speaker, as I understand the information provided by the distinguished gentleman from Minnesota, there will be a $3 increase in the per diem rate for full-time employees over what the House passed, and second, as I understand it, Mr. Speaker, there is a $5 increase for the actual expenses allowed over that which passed the House on March 26 of this year, but based on the 1967 cost-of-living figures?

Mr. BLATNIK. That is correct.

Mr. HALL. And, third, there is an increase in the amount for employees traveling in foreign countries of $3 more than that passed by the House?

Mr. BLATNIK. That is correct.

Mr. HALL. Mr. Speaker, it is my considered opinion that perhaps we have been taking money out of the pockets, or the regular pay checks of the people whom we are forcing to travel and live away from home on official Government business albeit excessive. I believe, as a matter of fact, I was in favor of the House-passed rate, and in view of the explanation of the gentleman from Minnesota about the different cost of living expense figures I believe I would have no objection to these three.

I understand there is another section in the Senate amendments which makes adjustments for part-time or intermittent employees when traveling on official business. I presume these are some of these $100 a day per diem people, and what is this? Their living and actual out-of-pocket expenses in addition to their income, or does the gentleman have information on that?

Mr. BLATNIK. Yes. That is section 2, and that is for the part-time or intermittent employees such as the consultants the gentleman referred to. The rates would apply to them as to the regular full-time employees of the Federal Government.

Mr. HALL. Would this apply to some of those who have been set up in some of these consultation laboratories like Livermore or Rand Corp., or other means for obtaining high-salaried part-time consultants?

Mr. BLATNIK. Only if they are employees of the Federal Government. This just pertains to their per diem for those occasions while they are traveling in the country or elsewhere.

Mr. HALL. Finally, Mr. Speaker, this would apply to those who have contracts with the Government for performance of duties under grants or contracts, or even scholarships; is that correct?

But if it were, then this overall general rule would not be applicable?

Mr. BLATNIK. It would not be applicable.

Mr. HALL. Mr. Speaker, I have one more inquiry: I notice that a section 3 was added by the other body which purports to make the same adjustment for that body's Members and employees, the same adjustments as what? The same adjustments as the House-passed bill, or what?

Mr. BLATNIK. They raised their per diem, they applied our per diem and lodging and other expenses relative to Government employees and intermittent employees, and they apply those rates also to their Senate employees, because they have jurisdiction over their Senate employees and no jurisdiction over the employees on this side.

Mr. HALL. This was agreed to by the conference out of comity to the other body, I presume?

Mr. BLATNIK. The other body has the right to set the per diem for its own employees.

Mr. HALL. Mr. Speaker, I can only say I hope we are a little bit more tidy in our own housekeeping and with our own employees.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that there was an increase for those traveling overseas?

Mr. BLATNIK. Yes.

Mr. GROSS. But not in proportion to the increase to those traveling in this country?

Mr. BLATNIK. It was a small proportion except the maximum limit of the increase before the House was $15 a day and the Senate was $18 a day.

This is an increase in the maximum additional amount depending upon the circumstances of the country in which the person or the employee may be traveling.

Mr. GROSS. Does this mean—I ask the question in view of the fact that we are going to have another foreign handout bill before the House one of these days soon—that inflation in foreign countries has not been as severe as it has been here? What is the reason that the increase was not in the same ratio as in this country?

Mr. GROSS. I learned recently of a $260 a day consultant in the foreign aid outfit. Would he get expenses to go along with the $260 a day—does the gentleman have any idea?

Mr. BLATNIK. It would depend on the basis on which he was hired. Normally there is no provision for travel and subsistence expenses in his original contract or agreement, then this would apply to the consultant. These are the maximums—it does not say it will have to be paid, it merely says the Secretary of State, authorizing the administrator or the agency could go up to that limit if the expenses of the particular mission justified it.

Mr. GROSS. Would the gentleman agree with me that if a consultant was paid $260 a day, it would be outlandish to then give him expense money.

Mr. BLATNIK. Absolutely, I would agree with that. But I do not know if he were hired, it would be that high.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I would like to point out that allowances for actual expenses—both for domestic and foreign travel—in the bill, as passed by the House, were below the recommendations of the Bureau of the Budget.

It may have been a conscious effort on the part of the managers on the bill in the House to have this lower than the Bureau of the Budget recommendations with the almost certainty that the other body would increase these items. As increased, these items are in line with the recommendations of the Bureau of the Budget.

The only item above the Bureau recommendation is the $25 per diem item which was $22 in the House-passed bill.

I would point out that $25 per diem is the same as is allowed to House Members or employees.

I think these items, as in the bill passed by the other body, are reasonable and I support the motion of the gentleman from Minnesota to concur in the Senate amendments.

Mr. BLATNIK. I thank the gentleman.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. HAYS. I just want to say in regard to what the gentleman from Iowa said with reference to the $260 a day contract that that was $260 a day plus a per diem, and the AID and other agencies apparently have the power so far as they can achieve it through the usual signed contract with these so-called experts, any amount that comes into their head. There is no limit on the amount they can pay per diem.

The limit on the per diem, I happen to think the per diems in this bill are too low. If you go to any decent hotel in this country or abroad and get a small room with bath, you are going to pay more for the room than we are allowing for everything. But under the $260-a-day bid that was for their so-called services, whatever they were.

Mr. GROSS. I would assume that the best way to get at situations of this kind is to end this business of a foreign handout program, and I sincerely hope that I may have the help of the gentleman from Ohio to that end when the bill comes on the floor in a week or so.

Mr. HAYS. You are going to have the help of the gentleman, but I do not think it is going to be enough, unfortunately.

Mr. HALL. Mr. Speaker, I appreciate the remarks of the gentleman from Minnesota, and the gentleman from Illinois, and others, as far as the Senate amendments to H.R. 337 are concerned. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota that further reading of the Senate amendments be dispensed with?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, on the U.S. foreign aid bill, our House Foreign Affairs Committee reported it out today with practically a $500 million cut from the administration request, so that we are keeping it down and we are being economical. I would like to call to the attention of the Members engaged in the previous colloquy the fact that in South Korea we have two American divisions there. They have 16 divisions on the line. I hope there will just not be a negative vote on the U.S. foreign aid program, because it would pull the rug out from under South Korea, a loyal ally with 40,000 troops beside our men in South Vietnam, even when they are in great trouble.

Mr. BLATNIK. Mr. Speaker, H.R. 337 was passed by the House on March 26 and recently returned to us from the Senate in amended form. The bill increases the maximum travel allowances for Government employees while on official business. The principal feature is the per diem which, we all know, is a flat rate reimbursement covering the average cost of subsistence, mainly hotel and food costs. The per diem is convenient to both the Government and the employee because it reduces the amount of recordkeeping and analysis which otherwise would be required. The bill also increases the maximum reimbursement for travel on an actual expense basis—only permitted in unusual circumstances—and the maximum additional amount over the per diem set by the State Department which may be paid when officials are traveling abroad. The present rates in these categories were set by the Congress in 1961 and as we clearly showed during debate last spring the cost of travel has increased markedly since then.

The bill as amended by the Senate made the following changes in travel allowances:

Section 1: First, increased the maximum per diem rate for full-time Federal employees traveling on official business from the present $16 per day to $25 per day. The House set $22 per day.

Second, increased the maximum allowed for actual expenses from the present $30 per day to $40 per day. The House set $35 per day.

Third, increased the maximum additional amount allowed for employees traveling in foreign countries when actual expenses are permitted from the present $10 per day to $18 per day. The House set $15 per day.

Section 2 makes the same adjustments for part-time or intermittent employees when traveling on official business.

Section 3 was added by the Senate and makes the same adjustments for Senate Members and employees.

We recommend that the Senate amendments be accepted. The figures approved by the House were based primarily on a survey of travel costs made by the Bureau of the Budget in 1967. During our hearings, however, employee organizations presented data showing considerably higher costs than the Budget survey revealed. The Senate Committee on Government Operations decided to make a more current examination. Its report on the bill reveals the following:

> In an effort to develop 1969 subsistence costs, the committee examined current statistical information supplied by the Bureau of Labor Statistics and found that, although the average rise in the Consumer Price Index between August 1968 and August 1969 for all items amounted to 5.6 percent, average hotel and motel rates increased 7.8 percent in that period, and restaurant prices rose 6.3 percent, or an average total of slightly in excess of 7 percent. Applying this percentage figure to the $21.52 arrived at by the Bureau of the Budget would amount to $23.03. In addition, the Bureau of Labor Statistics furnished the committee with information showing that, as of August 1969, average daily costs of hotel and motel rooms amounted to $18.13 in the 12 largest metropolitan areas, and $14.43 in smaller cities. Since these rates reflect double occupancy, the Bureau of Labor Statistics agreed that a reduction of $2 in each figure would reflect average price rates of $16.13 and $12.43, respectively, or an average of $14.28. Using an average daily rate of $8 for restaurant food, total costs for lodging and food would be $24.13 and $20.43, respectively, or an average of $22.28. Following the method used by the Bureau of the Budget, the committee then added an additional 10 percent to reflect miscellaneous allowable items, such as sales taxes, tips, and so forth, and arrived at total costs of $26.54 and $22.47, respectively, or an average cost of $24.50.
>
> As a check against these figures, the committee obtained from the American Hotel and Motel Association information compiled by accounting firms employed by the association, relative to travel costs for 1968, the latest year for which they were available. An analysis of average hotel and motel rates for 14 major cities and 98 smaller cities reflected an average daily rate of $12.30, and food costs, based upon a survey of 400 hotels throughout the Nation, reflected a daily average of $9.24. Adding to these figures the 7.8 percent increase for hotel and motel rates and the average restaurant price increase of 6.3 percent for 1969, reflected in the Consumer Price Index compiled by the Bureau of Labor Statistics, the committee arrived at a total of $13.26 for lodging and $9.82 for food, or a grand total for lodging and food of $23.08 per day. To this was added the usual 10 percent for allowable miscellaneous expenses, bringing the total daily average cost for lodging and food to $25.38.

Thus, the Senate found an average cost in excess of $25 per day but proposed a maximum per diem of that amount.

Mr. Speaker, the basic problem is that travel costs, like other costs, are increasing so rapidly that even our statistical studies cannot keep up with them. I am afraid that if we do not act promptly on this bill even the higher Senate per diem figure will soon be obsolete.

We all agree that our Federal employees should not be required to subsidize the legitimate costs of Government out of their own pockets.

The other amendment made by the Senate provides that Senators and Senate employees be given the same allowances available to employees of the executive branch.

House Members and committee employees are governed by travel regulations issued by the House Administration Committee—currently set at $25 per day.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SUPPORT THE ECONOMIC ASSISTANCE PROGRAM

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORSE. Mr. Speaker, when President Nixon asked for our support of the foreign aid program, he spoke to us of "the economic miracles which foreign aid has helped create in Western Europe and in parts of Asia."

With your permission, I should like to recount to you some of these miracles.

All of us are aware of the miraculous recovery of the wartorn European economy under the Marshall plan. Today, as a result, our friends in Western Europe are strong partners of the United States in the task of development in other parts of the world.

Together, we are helping our less developed neighbors to achieve their own "economic miracles."

Taiwan—a once-impoverished island—was the first of the poor Asian nations to reach independent economic growth with our help. By the time U.S. aid ended in 1965, Taiwan had doubled the real income of its people. Eighty percent of all Taiwanese are now literate. Three-quarters of the farmers own their own land. Development programs are surging ahead on Taiwan.

Korea is another example. With U.S. help, the Korean economy is now setting a new record for industrial growth on mainland Asia. In 1968, Korean industrial output grew an astonishing 28 percent.

In India and Pakistan, the economic miracles are promising to end the centuries-long shortages of bread and rice. American research has developed the high-yield seeds, American loans have made possible the purchase of fertilizer and American experts are helping improve farming methods. The result is a dramatic agricultural breakthrough known as the green revolution.

President Nixon was not exaggerating when he spoke of the "economic miracles" at work today in Asia. I urge that we continue to make those miracles possible by supporting the economic assistance program.

DAY OF NATIONAL CONCERN

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, recently many of the wives and relatives of America's missing servicemen and prisoners of war in Vietnam assembled in Washington to participate in the activities concerning POW's and MIA's, including the 2 hours of speeches by over a hundred Members of Congress, a meeting with Secretary of Defense Laird, a reception I hosted for the families, which was attended by the members of the Joint Chiefs of Staff and the leadership of the House. Now, because of the concern for and support of these true Americans by Members of the Congress and others, much public attention finally has been focused on the inhumane treatment accorded our servicemen by the North Vietnamese and the Vietcong.

I am continuing in my efforts to have the Communists afford our men just and fair treatment under the terms of the Geneva Convention. Many of my colleagues have joined me in urging the President to declare Veterans Day, November 11, a "Day of National Concern" for the missing servicemen and prisoners of war in Vietnam. Today, I have also called upon the Governors of all the States to take the appropriate action to designate this day as a Day of National Concern in their State.

Mr. Speaker, another major effort is due to come late next month. I have asked the State Department and our delegation to the United Nations to speak before the United Nations in an effort to secure international cooperation to see that our men are not tortured, and are afforded treatment under the tenets of the Geneva Convention.

Mr. Speaker, wives and relatives have again been in touch with me asking if they can be of assistance, and whether or not they will be allowed to participate in the activities slated for the U.N. agenda. I hope it will be possible for many wives to be in New York at this time, but details of the U.N. effort are not complete. I will keep the Members of the House informed as details develop. In recent weeks, progress has been made and with our continued efforts, we may soon realize a breakthrough.

POSTAL REFORM

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, the "Pony Express" speed with which badly needed postal reform legislation is being considered in the Congress is extremely discouraging.

Since the President outlined the problems facing the Post Office Department last spring in his message calling for total postal reform, dozens of witnesses appearing before the House Post Office and Civil Service Committee have further developed the need for reform.

Despite the fact that business generates about 80 percent of the Nation's mail volume, nearly all the major business associations have testified in favor of modernizing the postal service. The Chamber of Commerce of the United States and the National Association of Manufacturers have testified that there is no reason why the average family and taxpayer should subsidize business mailers.

Further, the Magazine Publishers Association and the Direct Mail Advertising Association—trade groups responsible for a major share of the second- and third-class mail volume—have testified in support of H.R. 11750 and total postal reform.

And, we know from our mail, that the voters are impatient with higher and higher postal rates and poorer and poorer postal service.

Despite this overwhelming support, the administration's bill failed, by one vote, to be marked up in the Post Office Committee.

Mr. Speaker, the American people will not be satisfied with half measures. They will not be placated with measures which only appear to offer reform.

MR. GRIFFITH EVANS, POST OFFICE DEPARTMENT EMPLOYEE

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, 48 years ago a young British subject immigrated to the United States from England.

My home district of Nashville-Davidson County was indeed fortunate that this new citizen chose our community as his home, for it has been enriched by his quiet and dedicated example of being a good neighbor, a good citizen, and a good friend to all he has come in contact with.

For the past 33 years and 5 months, Mr. Griffith Evans has been employed by the Post Office Department. He was first a mail handler, and then transferred as a carrier with the Nashville Post Office.

Tomorrow, on October 31, Mr. Evans will bring his long career to an end and he will retire from active service with the Post Office.

This year—his retirement year—Mr. Evans was a Post Office candidate for Federal employee of the year, and he placed second for this honor.

During his 33 years and 5 months of service, Mr. Evans was first the postman for my parents, and then for me and my family. During those years he showed deep consideration for the families along his mail route. For those who were aging, he took special efforts to see that their mail was hand delivered at their door. He watched the children along his route grow up, and begin families of their own. Mr. Evans was not only a good public servant to all of us, but a friend who showed concern and consideration for those he served.

Mr. Evans and his wife, Neva Adoline, have no children but they have a large family—all friends who have deep affection for them.

We are pleased that Mr. and Mrs. Evans will continue to make their home in Nashville after his retirement. They are a valuable asset to our community.

Mr. Evans' hobbies include fishing and golfing, and middle Tennessee can offer him excellent opportunities to carry on, during his retirement years, both of these pastimes.

I am confident my fellow Members of the Congress join with me, and all of us who have known Mr. Evans, in wishing him an active and rewarding retirement.

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I am joining today with Representatives Koch of New York, Giaimo, of Connecticut, and others in introducing a resolution about American policy in Vietnam. I believe this resolution reflects the sentiment of a majority of the American people and that it is a good resolution on its merits. Such a combination of virtues should assure early consideration and approval by the House. Experience suggests this may not in fact occur, but then hope, if not necessarily eternal, is essential.

In any event, I want to take this occasion to comment on two peculiarly personal and unbecoming attacks that occurred some time ago on the floor of the House against one of my associates on this resolution, Congressman Koch. The gentleman from New York (Mr. Koch) is widely recognized as one of the most independent and diligent Members of the House, and he is not hurt by attacks like these. But the House and the quality of public debate are. Furthermore, these particular attacks did more than impugn the motives and question the loyalty of a distinguished colleague. It is hard to read their tone and substance without noticing that anyone who opposes present American policy in Vietnam must be equally guilty of whatever it is that brought the onslaught against Mr. Koch.

I rise therefore for two purposes: First, to say what most Members of the House already know about Mr. Koch, that he is a man of unusual integrity and devotion to country and principle, whose contributions to the common weal have gained him the confidence and respect of large numbers of both his colleagues and his fellow citizens; and, second, to reiterate, in the context of the resolution that we join today in introducing, that I believe Mr. Koch's views about the war have come to be those of a majority of the American people, and will soon be those of a majority of the membership of the Congress.

I hope when that time comes—as clearly it is fast coming—I hope none of us will then talk about the motives and loyalty of that minority that continues to support the war with the kind of careless arrogance that has crept into discussions about us from time to time.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 251]

Baring
Bell, Calif.
Brown, Calif.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Carey
Cederberg
Celler
Clark
Colmer
Cramer
Daddario
Dawson
Dent
Edwards, Calif.
Fisher
Foley
Gallagher
Gettys
Halpern
Jarman
Kastenmeier
Kirwan
Lujan
McCarthy
McClory
Mikva
Mollohan
Monagan
Morton
O'Hara
Obey
O'Neill, Mass.
Ottinger
Pirnie
Powell
Pucinski
Reid, N.Y.
Scherle
Scheuer
Steed
Ullman
Van Deerlin
Whalley
Wyatt
Yates

The **SPEAKER.** On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 14001, AUTHORIZING MODIFICATIONS OF THE SYSTEM OF SELECTING PERSONS FOR INDUCTION INTO THE ARMED FORCES

The **SPEAKER.** The unfinished business is the further consideration of House Resolution 586, providing for the consideration of the bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

The gentleman from Texas (Mr. Young) has 9 minutes remaining, and the gentleman from California (Mr. Smith) has 10 minutes remaining.

The Chair recognizes the gentleman from Texas (Mr. Young).

Mr. YOUNG. Mr. Speaker, I yield for purposes of debate 2 minutes to the gentleman from New York (Mr. Farbstein).

Mr. FARBSTEIN. Mr. Speaker, I will agree that under ordinary circumstances, reforms to the draft law should not be made on the floor. But no provision was made by the committee for consideration of draft reforms beyond the narrow confines of the lottery amendment. Hence, this is the only way we can have an opportunity to amend the draft law aside from the committee amendment.

I, therefore, support the move by my colleague, the gentleman from Missouri (Mr. Bolling), to amend the rule to permit the House to consider a broader range of questions on the draft.

The greatest inequity which will continue to exist, of course, is the draft itself. It is a nonvoluntary period of servitude to begin with and its method of operation, the current process of registration and classification, is a tremendous infringement upon the lives of all those who fall under its power. It constitutes one of the biggest barriers preventing communication between the generations in our country today. Thus, to remove this fundamental and inherent inequity, I intend to offer an amendment to H.R. 14001—if the previous question is voted down and the rule opened up—to put Congress on record in favor of abolishing the draft as soon as possible and reinstituting it only upon formal declaration of war, or an executive order approved by both Houses of Congress.

I think it is pretty well agreed that the United States cannot continue to play policeman to the world. Given this, there is no reason the lives of our young should be disrupted so that we can continue to have the capability to play this role. I believe the creation of a volunteer army with a reserve program will prove sufficient for the protection of our Nation and adequate to cover our commitments except under circumstances of a formal declaration of war, or an executive order approved by both Houses of Congress.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Anderson).

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I support, without equivocation, the passage of legislation which would randomize the selection of young men for the Armed Forces and would reduce the period of their vulnerability under the draft. I do regard it as a complete non sequitur that we should be obliged to consider this matter under procedural constraints that amount, in effect, to a de facto closed rule.

I realize that there are those who honestly believe that this is the way to get the other body to accept a bill so that the President can have this authority this year—and he ought to have it. I think the press reports this morning make it abundantly clear that the other body is not going to consider such legislation this year. It seems to me that any reason, therefore, why we should consider this legislation under what, I repeat, would be a de facto closed rule has evaporated with those reports, and it seems to me that there is no reason, therefore, why we should not uphold the right of this Chamber as a coequal body.

We argued on Tuesday, and I agreed with the distinguished chairman of the Appropriations Committee, that we ought not to sandbag the Senate, that we ought not act in such a way as to deprive them of their right to freely legislate. I ask the same right for this House.

Mr. Speaker, I support the provision of H.R. 14001 which would repeal section 5(a)(2) of the Military Selective Service Act of 1967, which forbids the implementation of a lottery induction system or random selection system by the President. There seem to be very few who are opposed to giving the President this authority which he requested as early as May 13, 1969. Indeed, the President has announced that without congressional action he will move on January 1 to draft the youngest first in place of the present system but he would not be able to move to random selection.

I do object to a rule which, in effect, amounts to a de facto closed rule on a subject as important to the future of the young men of America as the draft. There are at least 36 bills on draft reform introduced in this session, one with as many as 39 cosponsors. This alone testifies to the broad interest in the subject matter of the draft.

As the Marshall Commission said in its report of February 1967:

> Sweeping changes have come to our society since the system for selecting men for induction into the Armed Forces was established a quarter of a century ago. Dramatic population growth has increased the supply of men; almost 2 million now reach draft age each year. Changes in technology and transitions in strategic concepts have modified manpower requirements.

I believe the matter ought to be considered under a rule which is not so narrow that it precludes amendments to anything except section 5(a)(2) of the act. We have had more than 25 years' experience under selective service. We have had the matter studied as recently as 2 years ago by a Commission of some of the most eminent Americans—the Marshall Commission which included people like Kingman Brewster, president of Yale; Thomas Gates, former Secretary of Defense; John McCone, former CIA Director; and others. Why then are we not free to consider any germane amendments to the act itself?

Apparently the principal reason is that the Senate would not be pleased or the chairman of the Senate Armed Services Committee might refuse to hold hearings if we open up the act. On Tuesday the chairman of the Appropriations Committee in debate on the continuing resolution insisted that we should not violate comity by sandbagging the Senate, or attempt to make them dance to our tune. Others carried forward the argument that we should be careful to discharge our responsibilities in an orderly manner and leave the Senate to work its will. We have a bicameral National Legislature. Neither House should attempt to foreclose decisions or dictate to the other as to what action it will take. I agree. Are we now to capitulate to the whim and caprice of a Senate committee chairman or assert the rightful prerogatives of this House on so important a matter?

We demean ourselves in the eyes of the other body, in the eyes of the country, and most importantly in the eyes of the youth of America if we refuse to come to grips with this problem in no more meaningful fashion than this.

Will we get a bill, if we go beyond the bare bones of a repeal of section 5(a)(2)? Will we see action in the other body? I would suggest that on so fundamental a matter as draft reform the other body would be subject to public pressure and a wave of popular disaffection with any failure on their part to perform their obligations with respect to this matter.

When we speak of draft reform, we ought to take a look at the whole range of proposals long of record:

First, uniform application throughout the country of clear and binding policies concerning classifications and exemptions and deferments.

Second, restructuring of the organization of the selective service system along regional lines with area offices.

Third, retention of 4,000 local boards as registrants' courts of appeal on draft classification;

Fourth, changes in composition of local boards to more adequately represent the community. The Marshall report even brought out that there were boards with members over 90;

Fifth, revamping and clarification of appeals process; and

Sixth, assurance of the right of personal appearance and right of counsel.

Mr. Speaker, at this point I include with these remarks an article by Edward Ranzal entitled "Judge Voids an Induction and Criticizes Draft Rules," which appeared in the New York Times on Wednesday, October 29, 1969:

JUDGE VOIDS AN INDUCTION AND CRITICIZES DRAFT RULES

(By Edward Ranzal)

A soldier was ordered released from the Army yesterday by Federal Judge Lloyd F. MacMahon on the ground that his draft board had illegally denied him a reclassification hearing before induction.

Judge MacMahon, in his 18-page opinion, caustically criticized what he called the "mind-numbing maze of statutes, regulations and memoranda" of the Selective Service System.

Pointing out that regulations deny a registrant the right to counsel before his draft board and the fact that Selective Service considers its proceedings as informal, Judge MacMahon said:

INDUCTED IN AUGUST

"In view of that policy and the labyrinth of statutes and regulations, which are inscrutable not only to laymen but also to most lawyers, the board cannot hold registrants to a precise use of technical terminology."

Judge MacMahon's decision ordered the release of Joseph Vaccarino, 26 years old, of 238 Mott Street, assigned as a clerk to the Armed Forces Examining and Induction Station at 29 Whitehall Street since his induction last Aug. 7.

Mr. Vaccarino, who became 26 last March 6, was represented by Steven J. Hyman of the law firm of Kunstler & Kunstler. Judge MacMahon said that once the soldier became 26, "he can only be called under a new induction order, and then only after the board has exhausted all those available between the ages of 19 and 26, an unlikely eventuality."

Mr. Vaccarino's plight arose from various applications made to Local Board 1 from April 1968 until he was inducted. It consisted of a series of requests for a 3-A hardship deferment.

ASKED FOR CHANGE IN STATUS

On April 30, 1968, Mr. Vaccarino, who was a student at the Fordham University School of Law, asked for a reclassification from a student deferment to a hardship deferment. He lived with his father, who was very ill, and an unmarried sister.

Judge MacMahon held that the plaintiff had presented sufficient facts to his board to indicate that he was entitled to the hardship deferment. But the board refused to reopen his case.

Following his graduation on July 18, 1968, the soldier was reclassified 1–A. At his request the board gave him two postponements before induction.

Mr. Vaccarino's father died last April 7. Under the Selective Service regulations, Judge MacMahon said, Mr. Vaccarino had 10 days to notify his board of a change in status.

REGULATION ASSAILED

"There is not the slightest hint," Judge MacMahon continued, "that petitioner knew of the obscure and confusing regulation requiring notification to the board within 10 days of any change of status. We think it perfectly clear that petitioner was totally unaware that he might waive his right to a reopening if he did not notify the board within 10 days of his father's illness.

"It would be unthinkable, and patently unjust, to hold that a registrant waived so important a right by failing to comply with a procedural requirement of which he was unaware. The forfeiture of so important a right cannot rest on so trivial a ground."

Last week Judge MacMahon harshly criticized a Mount Vernon draft board for withdrawing a deferment to a full-time student who had fallen behind in his studies at the University of Bridgeport. In that case he vacated the board's induction notice.

So, Mr. Speaker, I hope the House will open this rule a little further to permit debate on the underlying structural inequities of the present draft system. I am afraid that if we do not, the impetus for real reform will be lost and we will be stuck with an old, leaky, patched-up ship just as we enter the stormiest weather and the highest waters that this Nation has seen in a decade of social upheaval and questioning of established institutions.

But let me also say that I hope this body will take this opportunity to debate the draft bill seriously and constructively, without trying to bring in a whole host of amendments which would either bind the hands of the President or attempt to write foreign policy into legislation about the draft. We need reform, but we will kill reform if we burden it with the hopes and fears of various groups who would change American policy in Vietnam overnight, or seek to put the Congress on record as favoring a certain policy without debating it in its proper time.

We have a chance to take a serious look at a draft system which is badly in need of reform. Let us do that, and that alone, in this hour, leaving other matters to their proper time. I believe the Nation wants us to overhaul the draft system. President Nixon has asked that the system be reformed. Our mandate is clear. Now let us act on it with all deliberate speed.

Mr. Speaker, many have said that it is inappropriate to open up the rule on this bill because the length and complexity of the Selective Service Act is such that extensive hearings ought to be held before any basic changes are proposed on the floor of the House. I would only like to point out that many of these proposed changes which would make the entire draft system more equitable have been discussed during the hearings on 14001 and 14015 held by the Special Subcommittee on the Draft chaired by the honorable gentleman from Louisiana (Mr. HÉBERT).

I have studied the transcript of those hearings with interest. Mr. Speaker, the vast majority of those who testified before the special subcommittee, either in person or through a written statement, were unequivocal in their support for a careful but extensive review of the whole draft system—including the question of student deferments, the question of uniform national standards for administration and selection, the question of appellate procedures and exemptions, and several other matters in addition to the question of the random selection system which is presently before us.

The honorable gentleman from New Jersey (Mr. THOMPSON) spent roughly 20 percent of his time discussing the random selection system, and devoted 80 percent of his time to the need for other urgent changes. He also presented a closely considered 35-page analysis of the changes in existing law which would be effected by the bill he himself offered in conjunction with 39 cosponsors—H.R. 7784. At least six other Members of this House specifically asked the subcommittee to consider far broader reforms, and 11 other Members and one Senator—Senator DOLE of Kansas—requested in written statements that the committee consider other basic reforms in detail.

In addition Mr. Speaker, there are letters of support for a basic overhaul of the entire draft system from the Mennonite Central Committee, the United Church of Christ, and several other groups.

Mr. Speaker, I testified before the Armed Services Committee during its hearings on the Selective Service System 2 years ago, and I mentioned at that point that I as well as many other Members continued to receive a constant stream of letters from constituents involving alleged draft inequities. Some of these complaints are frivolous and do not merit serious attention, but many require the attention of a caseworker who would be able to spend more time on other problems, serious problems, if the draft system worked in a more uniform and equitable manner than it does now. Mr. Jeffrey Schwartz, in a study on casework and draft reform, has reported that some Congressmen have to deal with up to 200 cases a year involving complaints against the draft system—and not all these cases come from those who have shouted, "Hell, no, we won't go." This is a serious problem for all of us, because we all have to give it time and resources which detract from our effectiveness in other legislative matters.

In conclusion, Mr. Speaker, let me simply say that we must not delude ourselves about the mood of this country. The sentiment for reform is overwhelming, and we will not fool those who are affected by the draft or those who are concerned about its inequities by passing a stopgap bill which does not touch any of the areas that most need to be reviewed and reformed. The people have spoken on this issue again and again. It has been seriously debated in the Executive branch and in the courts. It is a topic of constant concern on the campuses and in the high schools. Mothers talk about it. Fathers are becoming involved in the debate. It would be a mockery of Congress, a travesty upon the record of this House, and a tragedy for the Nation if it should happen that the only place in this country where serious draft reform is not seriously debated is to be the Congress of the United States.

Mr. YOUNG. Mr. Speaker I yield 2 minutes to the gentleman from California (Mr. SISK), a member of the Committee on Rules.

Mr. SISK. Mr. Speaker, as one member of the Committee on Rules who supported this rule I would like to urge my colleagues to consider the problem with which we are faced. The Armed Services Committee, for whatever the reasons may be—and I think they have been eloquently described as being very busy on many problems—have not had an opportunity to hold full and complete hearings in many areas in connection with the draft legislation that many of us are concerned about. I would like to support an amendment to strike out college deferments, and I have made that statement publicly many times. I am sure every Member has some ideas. But I would urge you to consider what we are doing today.

If you are in favor of what this particular legislation before us proposes to do, I think you ought to vote for the rule. If you do not desire to act in this area, then simply vote against the rule. But it does seem to me—and I have a great respect for my good friend, the gentleman from Missouri (Mr. BOLLING), because I know what an able legislator he is, though I happen to disagree with him on this question—on the basis of what is good procedure we should take one stand or the other. I simply do not believe that opening this rule up is good procedure when the committee itself has not had an opportunity to hold hearings. They do not have facts, information, statistics, the facts and figures that I believe we should have in the area of the wide variety of amendments that would be proposed on the floor.

I feel very strongly that, as a procedural matter, if you do not like what we are proposing to do, to go along with the President, then simply vote against the rule and indicate your feelings thereby.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the distinguished Chairman of the Committee on Armed Services.

Mr. RIVERS. I agree with the gentleman. I stated on the floor yesterday, and I reiterate today, that the committee will undertake a complete review of this subject. The Members of the House have indicated that they want it, and I am perfectly willing to undertake it. I intend to do it. If we had wanted to undertake it this year, it would have been physically impossible. Over 6 months were taken by the other body on the ABM alone. We could not have done it under any conditions.

I give you my word that we will have a review next year. That is all I can say.

Mr. SMITH of California. Mr. Speaker, I yield 8 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, let me preface my remarks by saying that I am wholeheartedly in favor of an all-volunteer military service, a career service if you prefer to use that name. I am committed to that view. I know I may well differ with the distinguished chairman of the committee and the distinguished chairman of the subcommittee in that regard, but I do not want any misunderstanding as to my feelings.

I happen to believe that is attainable. Let me explain why. I think it is attainable because the distinguished chairman of the Committee on Armed Services has just promised each of us that there will be comprehensive hearings on the Selective Service Act in 1970. And I have just talked to the distinguished ranking minority member and he likewise has committed himself to comprehensive hearings on this very important legislation.

So the committee will have an opportunity to look throughly into the facts and to come up with a recommendation. I hope they come up with a bill providing for an all-volunteer or career service.

I think that is attainable because of two other factors. Forget about the details. I am convinced that by mid-1970 there will be a significant change in the situation in Vietnam that will permit a substantial withdrawal of our forces from that conflict. This will permit a substantial reduction of our men on active duty in all the four services.

Why does that make a difference regarding an all-volunteer or career service? It does. In 1958 and 1959, there were approximately 2,600,000 men on active duty in all branches of the service. We did not have a military conflict on our doorstep. The number of men going into the Army via the Selective Service System was minimal. We were getting all the manpower we needed—Navy, Air Force, and Marines—through the volunteer method. In 1970, probably, and certainly in 1971, we will have the same atmosphere; namely, no major military conflict and the prospect of a substantial decrease in overall manpower on active duty in the four services.

Second, I am convinced that the American people and the Congress are willing to pay the price in compensation and fringe benefits so we can have a volunteer or career military service.

Also, let me point out this: This bill, involving an amendment to the Selective Service Act, is here only because the distinguished chairman of this committee sat down with the President of the United States and at his request agreed to hold hearings on this proposal and to bring it to the floor, if that was the will of the Committee on Armed Services. This legislation involving any change—in selective service legislation would not be here on the floor today if it had not been for the good faith agreement between the President and the distinguished chairman of the Committee on Armed Services. I have a suspicion—I do not know—that perhaps the chairman of this committee and maybe the chairman of the subcommittee were not in sympathy with this legislation, but in deference to the request of the President of the United States they brought this bill to the floor of this House. I think this ought to have an impact on some of our Members. This is a good-faith effort. We are taking a step forward. If this had not been done, we would not have this opportunity in 1969 for an important step forward in draft reform.

One other point: I have been receiving, as all of the Members have, letters from various Members saying that if the previous question is defeated, Members intend to offer various amendments. In one case I heard the distinguished gentleman from New Jersey (Mr. Thompson) say yesterday he was going to offer a substitute, which I am told encompasses 74 pages, that would totally eliminate the existing Selective Service Act and substitute another in its place.

But let me say this: Neither that proposal by the gentleman from New Jersey nor the one by the gentleman from New York (Mr. Koch), or any others to my knowledge, have had any consideration whatsoever by the Committee on Armed Services.

I just do not think it is sensible legislative procedure to take a 74-page proposal, with the lives of a great many young Americans involved, and consider it without any prior review by a responsible Committee of the House of Representatives. How could any one of the Members say he knew what was in the 74-page bill proposed by the gentleman from New Jersey or the proposal which the gentleman from New York says he is going to offer if the previous question is defeated? I just do not believe that any Member of the House wants to consider legislation as sensitive as this in this cursory manner.

I hope the House will approve ordering the previous question, so that we can act responsibly in trying to take a rather significant step forward in amending the Selective Service Act as recommended by President Nixon.

To open it up from one end of the Selective Service Act to the other would be the height of irresponsibility, in my judgment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the gentleman for yielding.

The gentleman is obviously confused, and I should like to straighten him out.

Mr. GERALD R. FORD. I have not found the gentleman has ever been able to do that in the past. Thank goodness for that, and I say this in the most friendly way because he is my friend.

Mr. THOMPSON of New Jersey. I am equally glad because, after all, the gentleman is a charming and delightful opponent.

Mr. GERALD R. FORD. All of this kind comment does not narrow our differences.

Mr. THOMPSON of New Jersey. I give the gentleman credit, and the House, for looking at the Record. The bill which I have introduced, to which the gentleman has referred, was in the Record with a total and complete explanation of it on October 3.

Mr. GERALD R. FORD. Let me make this point——

Mr. THOMPSON of New Jersey. Further, it does not revise the entire system.

Mr. GERALD R. FORD. The gentleman has made his point. I, however, do not agree.

The gentleman is a member of the Committee on Education and Labor. Does he believe we ought to consider proposals from his committee in this way? Of course the gentleman would object.

Mr. THOMPSON of New Jersey. If they are handled in the manner in which the Committee on Armed Services handled this, the answer is "Yes."

Mr. GERALD R. FORD. Mr. Speaker, I conclude simply by saying that by any standard the previous question should be ordered. I hope we will approve the previous question, and by a very substantial margin, on this side of the aisle.

Mr. YOUNG. Mr. Speaker, I yield the remaining time on this side, which I understand to be approximately 5 minutes, to the distinguished gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Speaker, in winding up this very important debate I want to make two points, one of them procedural and the other substantive.

First of all, the procedural point is this: The charge is being made that what we are offering here today is a closed rule, a kind of unique sort of gag rule, some strange and diabolically clever parliamentary device, as one Member said yesterday in the Record.

Nothing could be further from the truth. It is the standard, traditional, orderly kind of open rule with which the House regularly does business.

What the gentleman from Missouri (Mr. Bolling) seeks is a very special kind of rule that would require a very unusual provision, waiving all points of order against any amendment that might be offered. That of course would be opening up Pandora's box on a very complex and controversial matter. It would not be traditional, it would not be in the interest of orderly legislation, nor would it enhance the chances for prompt and effective action.

To underscore the point that there is nothing unusual in this procedure we are following today, let me take you back to July 26, 1965, when a very similar issue was before this House. It arose in connection with legislation coming out of the great Committee on Education and Labor, where the gentleman from New Jersey (Mr. THOMPSON), who has just spoken, is a ranking and senior member. That legislation provided for the repeal of section 14(b) of the Taft-Hartley Act. And the rule on that occasion, House Resolution 437 of that Congress, was almost identical, word for word, with the rule that is before us today.

During the debate on that 1965 rule a number of Members did try to suggest that we ought to amend that rule and waive all points of order, and thereby open up the whole substance of the Taft-Hartley Act to consideration and amendment. But a majority of the Members of the House opposed that procedure and supported the rule, because they believed that by opening up the whole Taft-Hartley Act the House would not only get into the confusion of trying to write legislation on the floor without any prior consideration in the appropriate committee, but in addition the repeal of section 14(b), which was primarily at issue, might even be lost in the process.

That is precisely the same situation we face here today. What is of special interest today, though, is that many of the people who now oppose this rule today, strongly supported the identical kind of rule back in 1965 and voted for the previous question, as the distinguished minority leader has just urged us to do in this similar case today. Here are some of the names: Mr. BOLLING, Mr. ICHORD, Mr. LEGGETT, Mr. SMITH of IOWA, Mr. THOMPSON of New Jersey, Mr. REID of New York, Mr. RYAN, Mr. NEDZI, Mr. OTTINGER, and Mr. PIKE.

In fact, the gentleman from Michigan (Mr. O'HARA) put the whole point very eloquently when he said in the CONGRESSIONAL RECORD, volume 111, part 13, page 18086:

> The resolution providing an order of business for this bill is the standard open rule provided for in the vast majority of Rules Committee resolutions that come before this House. Any amendment germane under the rules of the House can be offered, debated, and voted upon. We are not debating a gag rule or a closed rule. It is the standard open rule that we have been accustomed to for years.

What the gentleman from Michigan said then very eloquently is just as true today in connection with this rule. So let us not be fooled with all this talk about a closed rule or a gag rule or some other devious or diabolical type of parliamentary procedure.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I cannot yield to the gentleman from Missouri at this time. I wish I could, but my time is very limited. I have one more point I want to make, and then I will be very glad to yield to the gentleman. That is the substantive point I referred to earlier.

There is no question about the fact that the draft is a hot, controversial issue. There is no question but that many Members of this body have suggestions and ideas for improving it and amending it, and certainly these views ought to be considered and they will be considered, as the gentleman from South Carolina (Mr. RIVERS) has already indicated. But whatever may be said for all of these proposals, including those of the gentleman from New Jersey (Mr. THOMPSON) and the gentleman from New York, it is perfectly obvious that it would be virtually impossible for us to get rapid, majority agreement today on any one of them.

However, there are two specific draft reforms on which everybody can agree. I have not heard anybody object to either of them. One of them is the proposal to draft 19-year-olds and to limit draft vulnerability to a single year. That is already in the draft law on an optional basis. The other is the proposal for a lottery, which is covered in the legislation which this rule would make in order, and which is presently prevented by the existing law. The President of the United States has told this Congress that he is going to put the optional 19-year-old feature into operation on the 1st of January and he has also asked us to give him the right to institute a lottery or a random selection procedure at the very same time.

As I say, there is no opposition that I know of to such a lottery; but the important thing is that we act as quickly as possible on the President's request so that the young men of this country can know before the beginning of the next calendar year just what their measure of draft liability is going to be. It is perfectly obvious that we could never get agreement on some of these other detailed proposals in both Houses of Congress and out of the conference committee in time for this January 1 deadline. So let us not throw out the baby with the bath. Let us not block agreement on the one draft improvement that we can agree on just because some would like to push for still further improvements too.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman my 1 final minute.

Mr. STRATTON. I am grateful to the gentleman from California for yielding.

Let me just conclude by urging that this House demonstrate here today that we can move and can act promptly, as we have often acted promptly in the past.

If we do act promptly and if, after we have done that, the other body wants to delay the matter and to perpetuate this sense of frustration and uncertainty on the part of so many of our young people which this legislation would ease, then that will be up to them. I do not personally think they will do so. But let us in any event act responsibly here today on what is before us, so as to provide the one measure of draft improvement that everybody can certainly agree on, and the one thing that has been so urgently requested by the President of the United States.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BURLISON of Missouri. Mr. Speaker, I rise in opposition to the previous question. This is because I want the opportunity to vote for elimination of the college deferment.

Mr. Speaker, time will not permit an exhaustive discussion of this issue, but let me mention just a few reasons why a college deferment is unfair and unwise and should thus be eliminated.

The most obvious is the advantage given to those best equipped financially. Economic preferment should have nothing to do with when or whether a young man serves his country. Presently, a disproportionate share of our war casualties are borne by our poorer citizens. The most feasible explanation for this is that the more affluent are less vulnerable to the draft because of the "education loophole."

This system encourages students to go to college who do not have the intellectual capacity nor the motivation and who would not otherwise attend. Those who have had an opportunity to observe these students readily see the unfortunate waste of time and resources of both the families and schools involved.

In conjunction with the last mentioned point, it should be observed that the system discourages marginal students from taking academically rigorous courses, in order to make better grades insuring continued deferments. And it is widely known that some institutions and professors have shown tendencies to lower academic standards rather than send the marginal student to the draft.

A not so obvious inequity is perhaps what some would term a perverted sense of values and priorities. For example, why should a student of Greek drama be deferred while an apprentice carpenter is not?

The argument is made that abolition of college deferments would stifle education. This is not true. Much evidence is available to indicate that the teenage student has a stronger motivation for formal education after he has a couple of more years of maturity. In addition, he has a more accurate concept of what he desires as his life's work. Maybe it could be said that some of the actions on our campuses today are some reflection of immaturity. The education benefits available under the GI bill serve to guarantee that service will not impede education—rather, the opposite is true.

It is recognized that the position here taken may not be popular. A larger and larger percentage of our people are finding college education possible, and as we parents know so well, it is usually the parents, rather than the students themselves, who most want the college deferment.

Mr. Speaker, in conclusion it can be said that I favor a lottery system of draft selection, but it should be a true and pure lottery without the college deferment inequity.

Mr. MOORHEAD. Mr. Speaker, I rise in opposition to House Resolution 586, the rule to consider H.R. 14001, and move that we defeat the previous question.

Since I am on record as favoring the method of random selection in the draft, I am obviously not suggesting this move as a vote against the lottery, but as a vote to open the door to amendments to the Selective Service Act itself, and not just to H.R. 14001.

Frankly, unless we defeat the previous question, we are saying, along with the Nixon administration and the chairman of the Armed Services Committee, that what we need most is to quiet campus dissent, and not to correct the abuses and inequities in the current draft system. Because, it is very obvious to me, that—along with H.R. 14001, and the reduction in the November and December draft calls—this is the "master plan."

If the motive is to provide a flexible system of manpower procurement, a sound, orderly, fair way to insure our own national security and defense, why have we waited so long for hearings in the Armed Services Committee?

I cosponsored the Thompson-Kennedy comprehensive draft reform bill—H.R. 15799—in the 90th Congress, and also a "miniversion of the bill"—H.R. 17180—which would strike the language which prohibits a lottery and provides for a prime selection pool, and we were not given hearings.

Also, in the 90th Congress, I introduced a bill to insure that graduate students completing satisfactory work could complete that year—H.R. 17362—again, no hearings. But President Nixon has just done this by Executive order.

In this Congress, Congressman THOMPSON again introduced his comprehensive draft reform bill, with some minor changes, and 15 of us again cosponsored it. After waiting nearly 5 months, we wrote to the chairman requesting hearings, and 65 other Members of the House associated themselves with this request. Instead of hearings, we were asked to supply a section-by-section analysis of the bill. My office worked with the Thompson task force in compliance with the chairman's request, and, again, no hearings.

After the Nixon administration accused this Congress of "no action on the draft," hearings on H.R. 14001 were quickly called before a Special Subcommittee on the Draft. Congressman THOMPSON testified on behalf of 37 of us that, while supporting the aims of H.R. 14001, this bill is certainly no substitute for draft reform.

Mr. Speaker, I believe in the congressional process and proper hearings on legislation before appropriate committees of Congress. In the case of draft reform, Members urging reform have so far been denied this privilege.

Accordingly, I move to defeat the previous question so that those who wish to speak on such urgent matters as student and occupational deferments, amnesty, right to counsel, uniformity of standards and appeal boards, studies of a volunteer Army and national service corps, and other important matters will have that opportunity.

Mr. ARENDS. Mr. Speaker, the debate on this rule has been most interesting. However, I think much of it fails to get to the heart of the matter.

The Washington Evening Star, on October 21, 1969, carried an editorial commentary on this same subject which does get to the heart of the matter.

Let me read a portion of that editorial:

> The unexpected and gratifying action on the administration's draft reform proposal by the House Armed Services Committee gives rise to some hope that a lottery system of the draft may be in operation early next year.
>
> The House can be expected to go along with the 31–0 vote of the committee to strike the prohibition on a random selection system from the present draft law. And since it was the House committee that insisted on the prohibition in the first place, it would be logical to assume that bill is now in the clear.
>
> But logic does not always apply to the legislative process—

I continue to read another portion of the editorial which goes on to say—

> There is no need to delay. The proposed mild reform, which would correct the most glaring of the present inequities—the seven year period of draft vulnerability and the drafting of the oldest first—should be enacted now. After that tidying up is accomplished, the House and Senate can go back to overall reform considerations and debate the matter to their hearts' content.

The editorial comment is simple and direct. I completely concur in its emphasis that the President's proposed draft reforms should be enacted now. If the Congress wishes more sweeping changes to the draft law, it can accomplish these further changes later when it will have the opportunity to "debate the matter to their hearts' content" without doing so at the expense of the young men of America who are eagerly looking forward to this necessary and agreed-upon change in draft policy.

I therefore strongly urge you to vote aye on the previous question and support the rule reported by the Rules Committee.

Mr. CONABLE. Mr. Speaker, I support an open rule and hope it will be adopted.

We would not be here at all, discussing draft reform, if President Nixon had not taken such a strong stand that it should be reformed, and that he would reform the draft by Executive order if Congress did not move promptly. I am proud that he has taken this stand, because the Congress has not usually taken the initiative of reviewing the system except in those years when it comes up for extension. I still believe it was ill-advised to extend the draft for 4 years last year, but fortunately the President has corrected the situation which our insensitivity then created. Dialog about an institution like the draft is not a sign of weakness. A refusal to risk dialog for fear the results will be irresponsible is weakness itself, raising questions about the balance between stability and responsibleness which must characterize a democratic republic. I am grateful to the President for giving us this opportunity, and I think we should make the most of it rather than ourselves imposing hobbles to impede the course of a needed debate.

Mr. ASHLEY. Mr. Speaker, I intend to vote against the previous question on House Resolution 586, the rule governing consideration of the bill, H.R. 14001, to amend the Military Selective Service Act of 1967.

I will do so because in its present form this rule would limit consideration to the question of a draft lottery procedure. It would thus deny consideration of the many other amendments which are necessary to make the draft equitable and just for all of our millions of young men subject to its provisions.

It is only through this procedure that the Members of the House will be able to express and act on their convictions with regard to these substantive changed needed in the draft law.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I support the effort of my colleague on the Rules Committee to amend this rule to allow the House to consider the Selective Service Act in its entirety.

I support this effort for two major reasons. The first is that the Congress has the obligation to devise the system of conscription that is to be used in this Nation; it must not deny its responsibility to formulate that system by giving its power to the President, even if the President were to institute a system identical to do that supported by a Member of this body. Second, I do not believe that the President's program is close to the ideal system which we must try to reach.

I support a system of random selection, well known as a lottery system. I have supported this for 3 years. I also support limiting the vulnerable period for a young man to as short a time as possible. But there are too many inequities in the draft system to settle solely for these changes. No matter how equitably chance determines who is chosen from the pool, the system is not equitable unless everyone has the same chance of being placed in the pool.

Extremely important legislation is being considered, and it is wrong that the House cannot consider the Selective Service Act as a whole. The entire question of deferments is ignored; the registrant's right to counsel is not mentioned; the appellate procedure is not discussed; nor are the questions of alternative service, conscientious objection, or the powers of the local boards. These aspects of the draft are as important as the random selection principle and the age vulnerability question.

In the summer of 1966 we saw long and comprehensive hearings on draft reform. That was more than 3 years ago and we still have not really reformed the draft. This is an opportunity to do so; it should not be missed. The Congress must not abdicate its responsibility.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The **SPEAKER.** The question is on the motion offered by the gentleman from Texas.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOLLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 265, nays 129, not voting 37, as follows:

[Roll No. 252]

YEAS—265

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins
Corbett
Corman
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Denney
Dennis
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Garmatz
Gibbons
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minshall
Mize
Mizell
Mollohan
Montgomery
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Poage
Poff
Pollock
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Utt
Vander Jagt
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wright
Wydler
Wylie
Wyman
Young
Zion
Zwach

NAYS—129

Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Burlison, Mo.
Button
Celler
Chisholm
Clay
Cleveland
Cohelan
Conable
Conte
Conyers
Culver
de la Garza
Dellenback
Derwinski
Diggs
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Fascell
Flynt
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Gilbert
Gonzalez
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCloskey
McDade
Macdonald, Mass.
Madden
Meeds
Melcher
Minish
Mink
Moorhead
Morgan
Morse
Mosher
Moss
Nedzi
Obey
O'Hara
O'Konski
Olsen
Ottinger
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Railsback
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Smith, Iowa
Steiger, Wis.
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Tunney
Udall
Vanik
Waldie
Whalen
Wilson, Charles H.
Wolff
Yates
Yatron
Zablocki

NOT VOTING—37

Baring
Bell, Calif.
Brock
Brown, Calif.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Carey
Cederberg
Clark
Colmer
Daddario
Dawson
Dent
Gettys
Goldwater
Hansen, Idaho
Jarman
Kirwan
Lujan
Lukens
McCarthy
McClory
McClure
Mikva
Monagan
O'Neill, Mass.
Pirnie
Powell
Pucinski
Scott
Steed
Ullman
Van Deerlin
Whalley
Wyatt

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Monagan for, with Mr. O'Neill of Massachusetts against.

Mr. Steed for, with Mr. Carey against.

Mr. Pucinski for, with Mr. Brown of California against.

Mr. Gettys for, with Mr. Burton of California against.

Mr. Byrne of Pennsylvania for, with Mr. Dent against.

Mr. Cederberg for, with Mr. Van Deerlin against.

Mr. Kirwan for, with Mr. Powell against.

Mr. McClory for, with Mr. McCarthy against.

Mr. Pirnie for, with Mr. Mikva against.

Until further notice:

Mr. Clark with Mr. Brock.
Mr. Jarman with Mr. Goldwater.
Mr. Ullman with Mr. Burton of Utah.
Mr. Colmer with Mr. Hansen of Idaho.
Mr. Daddario with Mr. Lujan.
Mr. Baring with Mr. Scott.
Mr. Dawson with Mr. Bell.
Mr. Lukens with Mr. Whalley.
Mr. McClure with Mr. Wyatt.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 252, a vote on the previous question on the rule on the Selective Service Act Amendments of 1969, I was unavoidably detained. If I had been present, I would have voted "yea."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 164—Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

CONSUMERISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-188)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Consumerism—Upton Sinclair and Rachel Carson would be glad to know—is a healthy development that is here to stay.

That does not mean that *caveat emptor*—"let the buyer beware"—has been replaced by an equally harsh *caveat venditor*—"let the seller beware." Nor does it mean that government should guide or dominate individual purchasing decisions.

Consumerism in the America of the 70s means that we have adopted the concept of "buyer's rights."

I believe that the buyer in America today has the right to make an intelligent choice among products and services.

The buyer has the right to accurate information on which to make his free choice.

The buyer has the right to expect that his health and safety is taken into account by those who seek his patronage.

The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served.

This "Buyer's Bill of Rights" will help provide greater personal freedom for individuals as well as better business for everyone engaged in trade.

The program I am outlining today represents the most significant set of Presidential recommendations concerning consumer interests in our history. Specifically, I propose:

—A new Office of Consumer Affairs in the Executive Office of the President with new legislative standing, an expanded budget, and greater responsibilities. This will give every American consumer a permanent voice in the White House.

—A new Division of Consumer Protection in the Department of Justice, to act as a consumer advocate before Federal regulatory agencies in judicial proceedings and in government councils.

—A new consumer protection law which would be enforced by the Department of Justice and United States Attorneys across the land. Such a law would also better enable consumers either as individuals or as a class to go into court to obtain redress for the damages they suffer.

—Expanded powers for a revitalized Federal Trade Commission, to enable it to protect consumers promptly and effectively.

—A newly activated National Commission on Consumer Finance to investigate and report on the state of consumer credit.

—Expanded consumer education activities, including government review of product-testing processes, a new *Consumer Bulletin*, and the release of certain government information regarding consumer products.

—Stronger efforts in the field of food and drug safety, including a thorough reexamination of the Food and Drug Administration and a review of the products on the "generally regarded as safe" list.

—Other reforms, including an expansion of consumer activities in the Office of Economic Opportunity and greater efforts to encourage the strengthening of state and local programs.

To their credit, producers and sellers have generally become far more responsible with the passing years, but even the limited abuses which occur now have greater impact. Products themselves are more complicated; there is more about them that can go wrong and less about them that can be readily understood by laymen. Mass production and mass distribution systems mean that a small error can have a wide effect; the carelessness of one producer can bring harm or disappointment to many. Moreover, the responsibility for a particular problem is far more difficult to trace than was once the case, and even when responsibility for an error can be assigned, it is often difficult to lodge an effective complaint against it.

All too often, the real advantages of mass production are accompanied by customer alienation; many an average buyer is intimidated by seemingly monolithic organizations, and frequently comes to feel alone and helpless in what he regards as a cruelly impersonal marketplace. In addition, many of the government's efforts to help the consumer are still geared to the problems of past decades; when it is able to act at all, government too often acts too slowly.

Fortunately, most businessmen in recent years have recognized that the confidence of the public over a long period of time is an important ingredient for their own success and have themselves made important voluntary progress in consumer protection. At the same time, buyers are making their voices heard more often, as individuals and through consumer organizations. These trends are to be encouraged and our governmental programs must emphasize their value. Government consumer programs, in fact, are a complement to these voluntary efforts. They are designed to help honest and conscientious businessmen by discouraging their dishonest or careless competitors.

NEW OFFICE OF CONSUMER AFFAIRS

One of the central roles in present government efforts in the consumer rights field is performed by the President's Special Assistant for Consumer Affairs and those who work with her. This position has been created by Presidential order rather than by statute, however, and it is neither as visible nor as effective as it should be. It is important that both the prestige and the responsibility of this office be strengthened.

I am therefore asking the Congress to establish within the Executive Office of the President a new Office of Consumer Affairs to play a leading role in the crusade for consumer justice. This Office and its director would have central responsibility for coordinating all Federal activities in the consumer protection field, helping to establish priorities, to resolve conflicts, to initiate research, and to recommend improvements in a wide range of Government programs. The Office would advise the President on consumer matters and would alert other government officials to the potential impact of their decisions on the consumers' interests. It would receive complaints from individual consumers and refer them to appropriate agencies or to the businesses concerned.

The new Office of Consumer Affairs would not work solely within the Executive Branch of the Government, however; it would continue to carry out other assignments which the Special Assistant to the President for Consumer Affairs now performs. For example, when called upon, it would assist in the legislative process, testifying at Congressional hearings, and consulting with individual Congressmen. It would aid schools and media in educating the public in consumer skills. The new Office will continue the constructive interchange of information which the Special Assistant has established with businesses and industries, and carry forward its assistance to state and local consumer protection programs.

As I will explain in greater detail later in this message, I am also asking the Special Assistant for Consumer Affairs to undertake specific surveillance responsibilities in the area of product safety, to review the government's policy concerning the release of its own information on consumer products, and to publish a new *Consumer Bulletin* on a regular basis. When the new Office of Consumer Affairs is established, it would take over these and related duties.

A new Office of Consumer Affairs would be a focal point for a wide variety of government efforts to aid people who buy. I urge the Congress to grant it the legislative standing and the added resources necessary to do this work effectively.

A DIVISION OF CONSUMER PROTECTION AND A NEW CONSUMER PROTECTION LAW

A second important structural reform which I am recommending is the establishment by statute of a new Consumer Protection Division in the Department of Justice. This Division would be headed by an Assistant Attorney General and would be staffed by lawyers and economists. It would be adequately financed and given appropriate investigative power so that it could effectively ascertain consumer needs and advance consumer causes. The head of the new Division would act, in effect, as the consumers' lawyer representing the consumer interest before Federal agencies, in judicial proceedings and in government councils.

I also propose that Congress arm this new Consumer Protection Division with a new law—one which would prohibit a broad, but clearly defined, range of frauds and deceptions. The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient specificity to give the necessary advance notice to businessmen of the activities to be considered illegal.

The role of the new Assistant Attorney General for Consumer Protection would be similar to that of the Assistant Attorney General who heads the Antitrust Division in the Department of Justice. Just as the Antitrust Division enforces the antitrust laws and intervenes in various governmental proceedings to preserve competition, so the Consumer Protection Division would enforce consumer rights and intervene in agency proceedings to protect the consumer. In enforcing these rights, the Assistant Attorney General for Consumer Protection would also have the assistance of United States Attorneys throughout the country. Their power to take quick and effective action under the new statute would be particularly important for protecting low-income families who are frequently victimized by fraudulent and deceptive practices.

Effective representation of the consumer does not require the creation of a new Federal department or independent agency, but it does require that an appropriate arm of the Government be given the tools to do an effective job. In the past a lone Justice Department lawyer—the Consumer Counsel—has attempted to carry out a portion of this task. Our proposal asks that the new Division of Consumer Protection be adequately staffed and independently funded, as is the Antitrust Division, so that it can vigorously represent the interests of the consumer and enforce the newly proposed legislation.

The new Assistant Attorney General and his Division would, of course, work closely with the Office of Consumer Affairs, the Federal Trade Commission, and state and local law enforcement agencies.

CONSUMERS IN THE FEDERAL COURTS—INDIVIDUAL AND CLASS SUITS

Present Federal law gives private citizens no standing to sue for fraudulent or deceptive practices and State laws are often not adequate to their problems. Even if private citizens could sue, the damage suffered by any one consumer would not ordinarily be great enough to warrant costly, individual litigation. One would probably not go through a lengthy court proceeding, for example, merely to recover the cost of a household appliance.

To correct this situation, I will recommend legislation to give private citizens the right to bring action in a Federal court to recover damages, upon the successful termination of a government suit under the new consumer protection law.

This measure will, for the first time, give consumers access to the federal courts for violation of a federal law concerning fraudulent and deceptive practices, without regard to the amount in controversy. Under Federal court rules, consumers would have the right to sue as a class and not only as individuals. In other words, a group of people could come into court together if they could show that the act in question affected all of them. This is a significant consideration, for it would allow a number of citizens to divide among themselves the high costs of bringing a law suit. Although each person's individual damage might be small, the cumulative effect of a class complaint could be significant and in some circumstances could provide a significant deterrent to expensive fraud or deception. At the same time, the fact that private action must follow in the wake of a successful government action will prevent harassment of legitimate businessmen by unlimited nuisance lawsuits.

THE FEDERAL TRADE COMMISSION

The problems of the American consumer first became a central matter of Federal concern in the late years of the nineteenth century and the early years of the twentieth. One of the important elements in the Government's response at that time was the establishment in 1914 of the Federal Trade Commission, an independent body which was designed to play a leading role in the fight against unfair and deceptive trade practices. While new legislation has given the FTC additional and more specific duties, there has been increasing public concern over the Commission's ability to meet all of its many responsibilities. I believe the time has now come for the reactivation and revitalization of the FTC.

The chairman-designate of the FTC has assured me that he intends to initiate a new era of vigorous action as soon as he is confirmed by the Senate and takes office. A report prepared at my request by a commission of the American Bar Association should help considerably in this effort, for it presents a valuable description of the problems which face the FTC and the ways in which they can be remedied. I urge the FTC to give serious consideration to these recommendations. I have also asked the Bureau of the Budget to help with the revitalization process by supervising an even more detailed management study of this commission.

I am particularly hopeful that a number of specific improvements in the FTC can be quickly accomplished. For example, the Commission should immediately begin to process its business more rapidly so that it can reduce its unacceptably large backlog of cases. I also believe that it should seek out new information on consumer problems through more energetic field investigations, rather than waiting for complaints to come in through its mailrooms or from other government agencies. This initiative could begin with pilot field projects in a limited number of cities, as the ABA task force has suggested. Whatever the strategy, I would hope that it could be accomplished through a more efficient use of existing personnel and finances; if that proves impossible, added funds should later be appropriated for this purpose.

Administrative reforms will provide only part of the answer, however, I believe the Commission should also consider the extent to which Section 5 of the Federal Trade Commission Act, broadly interpreted, may be used more effectively to cope with contemporary consumer problems. This is the section which gives the Commission its legislative mandate to move against unfair or deceptive practices. The language of this section might well provide an appropriate instrument for policing more effectively some of the more prevalent abuses described by the ABA task force study.

Even if the Commission does apply section 5 more broadly, however, there remains a question about its jurisdiction which the Congress should promptly resolve. Past FTC enforcement activities have been inhibited by a Supreme Court decision of some 25 years ago, holding that activities "affecting" interstate commerce were not subject to FTC jurisdiction since the language of the law was limited to activities "in" interstate commerce. This means that there is a doubt at present concerning the FTC's ability to consider many unfair and deceptive practices which have a nationwide impact but are local in terms of their actual operation.

I am, therefore, recommending that the Congress amend section 5 so as to permit the FTC to take action concerning consumer abuses which "affect" interstate commerce, as well as those which are technically "in" interstate commerce. This amendment would make it clear that the FTC has a jurisdiction consistent with that of several other Federal agencies and commissions. The purpose of the amendment is to clarify FTC jurisdiction over cases which have true national significance; it should not be interpreted in a way which burdens the Commission with a large number of cases which are of only local importance.

One of the most important obstacles to the present effectiveness of the FTC is its inability to seek an injunction against an unfair or deceptive business practice. The result of this inability is an unacceptable delay between the time a harmful practice is discovered and the time it is ended. Often 2 years will pass between the time the FTC agrees to hear a complaint and the time it issues its final order and another 2 years may pass while the order is reviewed by the courts.

I recommend that the Congress remedy this situation by giving to the Federal Trade Commission the power to seek and obtain from the Federal courts a preliminary injunction against consumer practices which are unfair or deceptive. The judicial process includes safeguards which will assure that this authority is fairly used. Courts will retain their usual discretion to grant or deny an injunction in the light of all the consequences for both the accused and the plaintiff. Parties will, of course, retain their right to a fair hearing before any injunction is issued.

NATIONAL COMMISSION ON CONSUMER FINANCE

The buying public and businessmen alike have been concerned in recent years about the growth of consumer credit. Twenty-five years ago the total consumer credit outstanding was only 5.7 billion dollars; today it is 110 billion dollars. The arrangements by which that credit is provided are subject to government supervision and regulations, an assignment which has recently become increasingly complex and difficult. For this reason a National Commission on Consumer Finance was established by law in 1968. It was instructed to review the adequacy and the cost of consumer credit and to consider the effectiveness with which the public is protected against unfair credit practices.

The National Commission on Consumer Finance should begin its important work immediately. I will therefore announce shortly the names of three new members of the Commission, including a new chairman, and I will ask the Congress for a supplemental appropriation to finance the Commission's investigations during the current fiscal year. I look forward to receiving the report of the National Commission on Consumer Finance in January of 1971.

CONSUMER EDUCATION—INFORMATION ON PRODUCT TESTING

No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and *knows what to make of that information*. The fullest product description is useless if a consumer lacks the understanding or the will to utilize it.

This Administration believes that consumer education programs should be expanded. Our study of existing consumer education efforts in both the public schools and in adult education programs has been funded by the Office of Education and will report its results in the near future.

The Special Assistant to the President for Consumer Affairs is focusing many of the resources of her office on educational projects. One new project which I am asking that office to undertake is the preparation and publication, on a regular basis, of a new *Consumer Bulletin*. This publication will contain a selection of items which are of concern to consumers and which now appear in the daily government journal, *The Federal Register*. The material it presents, which will include notices of hearings, proposed and final rules and orders, and other useful information, will be translated from its technical form into language which is readily understandable by the layman.

The government can help citizens do a better job of product evaluation in other ways as well. First, I recommend that Congress authorize the Federal

Government to review the standards for evaluation which are used by private testing laboratories and to publish its findings as to their adequacy, working through appropriate scientific agencies such as the National Bureau of Standards. Laboratories presently issue quality endorsements, of one kind or another, for a wide variety of products. Some of these endorsements have meaning, but others do not. It would be most helpful, I believe, if the testing procedures on which these endorsements were based were evaluated by government experts. Manufacturers whose products had been tested under government-evaluated testing standards would be allowed to advertise the fact. If no testing standard existed or if the standard in use was found to be inadequate, then the appropriate agency would be authorized to develop a new one.

Secondly, I propose that we help the consumer by sharing with him some of the knowledge which the government has accumulated in the process of purchasing consumer items for its own use. Government agencies, such as the General Services Administration and the Department of Defense, have developed their own extensive procedures for evaluating the products they buy—products which range from light bulbs and detergents to tires and electric drills. As a result of this process, they have developed considerable purchasing expertise; in short, they know what to look for when they are buying a given product. They know, for example, what general types of paint are appropriate for certain surfaces; they know what "check-points" to examine when a piece of machinery is being purchased. The release of such information could help all of our people become more skillful consumers. I am therefore asking my Special Assistant for Consumer Affairs to develop a program for disseminating general information of this sort and to carry on further studies as to how the skill and knowledge of government purchasers can be shared with the public in a fair and useful manner.

FOOD AND DRUGS

The surveillance responsibilities of the Food and Drug Administration extend not only to food and drugs themselves, but also to cosmetics, therapeutic devices, and other products. Both the structure and the procedures of the FDA must be fully adequate to this sizeable and sensitive assignment, which is why this Administration has made the FDA the subject of intensive study.

I have asked the Secretary of Health, Education, and Welfare to undertake a thorough re-examination of the FDA, and I expect that this review will soon produce a number of important reforms in the agency's operations. This study is taking up several central questions: What further financial and personal resources does the FDA require? Are laboratory findings communicated as promptly and fully as is desirable to high Administration officials and to the public? What should be the relationship of the FDA to other scientific arms of the government? What methods can bring the greatest possible talent to bear on the critical questions the FDA considers?

There are a number of actions relating to FDA concerns which should be taken promptly, even while our study of that institution continues. For example, I have already asked the Secretary of Health, Education, and Welfare to initiate a full review of food additives. This investigation should move as fast as our resources permit, re-examining the safety of substances which are now described by the phrase, "generally recognized as safe" (GRAS). Recent findings concerning the effects of cyclamate sweeteners on rats underscore the importance of continued vigilance in this field. The major suppliers and users of cylamates have shown a sense of public responsibility during the recent difficulties and I am confident that such cooperation from industry will continue to facilitate this investigation.

I also recommend that the Congress take action which would make possible, for the first time, the rapid identification of drugs and drug containers in a time of personal emergency. When overdosage or accidental ingestion of a drug presently occurs, a physician is often unable to identify that drug without elaborate laboratory analysis. Many manufacturers are already working to remedy this problem on a voluntary basis by imprinting an identification number on every drug capsule and container they produce. As many in the industry have urged, this simple process should now be required of all drug producers, provided they are given suitable time to adjust their production machinery.

Another important medical safety problem concerns medical devices—equipment ranging from contact lenses and hearing aids to aritificial valves which are implanted in the body. Certain minimum standards should be established for such devices; the government should be given additional authority to require premarketing clearance in certain cases. The scope and nature of any legislation in this area must be carefully considered, and the Department of Health, Education, and Welfare is undertaking a thorough study of medical device regulation. I will receive the results of that study early in 1970.

OTHER PROPOSALS

THE OFFICE OF ECONOMIC OPPORTUNITY

The problems which all American consumers encounter are experienced with particular intensity by the poor. With little purchasing experience to rely upon and no money to waste, poorer citizens are the most frequent and most tragic victims of commercial malpractices. The Office of Economic Opportunity is therefore establishing its own Division of Consumer Affairs to help focus and improve its already extensive consumer activities for poorer Americans. The nationwide network of Community Action Agencies can be one instrument for extending consumer education into this area.

HELPING THE STATES AND LOCALITIES

An important segment of consumer abuses can be handled most effectively at the state and local level, we believe, provided that each state has a strong consumer protection statute and an effective mechanism for enforcing it. Several States set examples for the Federal government in this field; every State should be encouraged to explore the need for an adequately financed Division of Consumer Protection as a part of its State Attorney General's office. Both the Special Assistant for Consumer Affairs and the Federal Trade Commission can do much to help States and localities to improve their consumer protection activities. The codification of state consumer protection laws which the Special Assistant is now conducting promises to be a useful part of the States in this effort.

GUARANTEES AND WARRANTIES

Consumers are properly concerned about the adequacy of guarantees and warranties on the goods they buy. On January 8, 1969, a task force recommended that the household appliance industry disclose more fully the terms of the warranties it provides. It recommended that if, at the end of one year, voluntary progress had not occurred, then legislative action should be considered.

In order to evaluate the industry's recent progress, I am today reactivating that task force. It will be chaired by my Special Assistant for Consumer Affairs and will include representatives from the Department of Commerce, the Department of Labor, the Federal Trade Commission, the Department of Justice, and the Council of Economic Advisors. I am asking the task force to make its report by the end of this year and to comment on the need for guarantee and warranty legislation in the household appliance industries and in other fields.

PRODUCT SAFETY

The product safety area is one which requires further investigation and further legislation, as the hearings of the National Commission on Product Safety have already demonstrated. I am asking my Special Assistant for Consumer Affairs to provide continued surveillance in the area of product safety, particularly after June 30, 1970, when the National Commission on Product Safety is scheduled to complete its work. And I am also instructing the appropriate agencies of the government to consult with the Commission and to prepare appropriate safety legislation for submission to Congress.

Finally, I am asking the Congress to require that any government agency, in any written decision substantially affecting the consumers' interest, give due consideration to that interest and express in its opinion the manner in which that interest was taken into account. I would also note that the major review which will be conducted this December by the White House Conference on Food, Nutrition, and Health will provide further welcome advances in the protection and education of the American consumer.

Interest in consumer protection has been an important part of American life for many decades. It was in the mid-1920's, in fact, that two of the leading consumer advocates of the day, Stuart Chase and F. J. Schlink, reached the following conclusion: "The time has gone—possibly forever—," they wrote, "when it is possible for each of us to become informed on all the things we have to buy. Even the most expert today can have knowledge of only a negligible section of the field. What sense then in a specialized industrial society if each individual must learn by trial and error again and forever again?" It was clear at that time and it is clear today, that the consumer needs expert help. The consumer has received some of that needed help through the years, from a variety of sources, private and public.

Our program is a part of that tradition. Its goal is to turn the buyer's Bill of Rights into a reality, to make life in a complex society more fair, more convenient and more productive for all our citizens. Our program is fair to businessmen and good for business, since it encourages everyone who does business to do an even better job of providing quality goods and services. Our action is intended to foster a just marketplace—a marketplace which is fair both to those who sell and to those who buy.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1969.*

PRESIDENT'S CONSUMER MESSAGE

Mr. GERALD R. FORD. Mr. Speaker, I congratulate President Nixon on his proposed buyer's bill of rights. The proposals the President has outlined in the consumerism message sent to Congress today are easily the most far reaching of any consumer protection measures yet laid before the Federal Legislature.

Under the President's proposals, the American consumer at last would have full protection under the law and laws that would fully protect him. He would have complete representation in Washington and access to product testing information which Federal agencies have gathered over the years.

President Nixon's consumer protection package is indeed a historic stride forward, a step that will cultivate greater confidence in U.S. consumer products and thus benefit not only the buyer but the seller. A byproduct doubtless will be increased world confidence in the quality of American goods, already recognized in world markets as outstanding.

In my view, Mr. Nixon is the first American President to take complete cognizance of the buyer's problems in all of their ramifications. He has struck a blow for the consumer that will have permanent and most beneficial impact.

Mrs. SULLIVAN. Mr. Speaker, considering the scope of the first Presidential consumer message, sent to Congress in 1962 by President Kennedy, and the far-reaching and comprehensive proposals of President Johnson's consumer messages to Congress, I am rather amused at President Nixon's claim that the program he has outlined "represents the most significant set of Presidential recommendations concerning consumer interests in our history." It is indeed significant to have a message of this kind from the present administration, and I welcome it as it goes—but it does not go very far and is by no means earthshaking. Most of the things in it are worthy, even if not particularly bold. If we can ignore the message's claims to greatness and devote ourselves instead to the specific provisions, I think we can use this message to accomplish some improvements in present programs and concepts.

For nearly everything President Nixon has proposed is merely an extension of programs already enacted by Congress or put into operation by previous Presidents. And, as I said, these new proposals, while worthwhile, are not nearly enough to meet the real problems confronting American consumers.

Instead of coming out forthrightly for the necessary rewriting of the Food, Drug, and Cosmetic Act, President Nixon calls for further study of the already thoroughly studied medical device issue, and is silent on most of the other problem areas of the act. The review of the safety of food additives in use can be undertaken administratively, without legislation. So can his other suggestions in this area.

I am glad that he has now committed himself to taking the steps only he, as President, can take to activate the National Commission on Consumer Finance created May 29, 1968, by the Consumer Credit Protection Act of 1968. It has never been able to function because no Chairman was designated by either President Johnson or President Nixon.

We all assumed President Johnson would designate a Chairman when he made his appointments of public members, but he failed to do so when he finally selected public members on January 20, 1969. We have been pleading with President Nixon ever since January 20 to designate a Chairman. In the meantime, the Commission has not been able to function, or even to meet except informally.

The proposal for a statutory Office of Consumer Affairs is helpful, but the powers Congresswoman DWYER and I would assign to such an office under the legislation Mrs. DWYER introduced and I cosponsored have been watered down and given instead to the Department of Justice. I am not convinced that this is a good idea, but I will be willing to study it.

Probably the most important item in the message, in addition to the promise to activate the Consumer Finance Commission, is for legislation to give the Federal Trade Commission preliminary injunction powers to halt a questionable practice while the case is being adjudicated. On the other hand, the "class action" proposal is very weak; and the proposed Federal law on consumer frauds is not spelled out. What frauds would be included?

Obviously, it is encouraging to have President Nixon put himself on record in support of what some businessmen have sneeringly referred to as "consumerism," and it is good to know that he promises to back up his special assistant for consumer affairs, Virginia Knauer, in continuing the work begun by Esther Peterson and Betty Furness in getting more information out to the public and in coordinating activities of Federal agencies which have consumer aspects to their operations.

This is not the outstanding Presidential consumer message in our history but it is a helpful one as far as it goes, and a good beginning for the new administration in a field Mr. Nixon at the start of his administration had not considered very important.

Mr. BUSH. Mr. Speaker, every American is a consumer. And every American, therefore, knows that he may someday buy a product or a service and find out later that he has been deceived or defrauded by the party who sold it to him.

In our modern, complex society, however, the firm or individual that makes or distributes or sells a product is often a remote and impersonal entity. Products themselves are highly complicated, and the layman can seldom judge them accurately before he makes his purchase or understand the exact reason for a problem which arises afterward.

All of this explains why it is so important that there be better instruments with which to defend the consumer interest in modern marketplaces.

That is why the President's message to Congress on consumer affairs is so welcome. For it proposes—not just more words and more study groups—but specific, concrete steps which give Government the power needed to make a real difference in the lives of American consumers.

The President would expand the powers of the FTC, for example, broadening its jurisdiction and giving it authority to seek temporary injunctions against unfair or deceptive business practices. He is reviving the National Commission on Consumer Finance and taking steps toward shaking up the FDA. He is proposing that we elevate the Office of the Special Assistant to the President for Consumer Affairs, giving it added responsibility.

Perhaps most important, however, is the suggestion that we set up a new independently funded Consumer Protection Division in the Department of Jusice. The new division would in many ways be analogous to the Antitrust Division in the Department of Justice; it would establish a consumer's lawyer who would take the consumer's case into the proceeding of regulatory agencies, courts of law, and Government councils.

Here then are some concrete steps by which we can responsibly and intelligently beef up the Government's role as a consumer protector. The President's message truly presents, as he puts it, "the most significant set of Presidential recommendations concerning consumer interests in the history of our country."

Mr. RHODES. Mr. Speaker, the President has sent us a message today that should be of interest to all Americans—because each one of us is a consumer.

The message proposes additional consumer safeguards and strengthened consumer rights that are much needed in this era when each buyer is faced with hundreds of products and brand names and a variety of claims for each one.

At the same time, and I believe this is especially important, the President's message is not antibusiness. I find much in here that honest and ethical merchants and manufacturers should welcome.

Legitimate efforts to protect consumers also will insure the average businessman protection from false claims and dishonestly labeled products that reflect on his own honesty and integrity.

Mr. Speaker, the President's proposals, if adopted, will give the American housewife real help and real protection as she struggles to buy wisely and carefully for her family.

I sincerely urge that we begin work immediately on the legislation necessary to implement the President's proposals.

Mrs. DWYER. Mr. Speaker, the President's message today on consumerism is the first truly important step by any President since establishment of the FTC in 1914 to protect directly the rights and interests of the American consumer.

I am proud that it is a Republican President who has not only recognized the need for active protection of consumer interests, but also has done something about it.

The President's proposals are a landmark in recognizing that Government in today's highly complex and highly technical society has increasing responsibilities in making sure that every citizen has a right to protection from fraud and misrepresentation in the marketplace.

Today there are literally thousands of products—both old and new—on the market and many, many more brand names. And their numbers are growing daily as our technology expands.

To expect each consumer to make intelligent decisions without some sort of standards and regulations is totally unreasonable.

To expect him or her to buy without recourse in the event of fraud or misrepresentation is inconceivable.

To allow products to go freely on the market that are dangerous to health and safety is incomprehensible.

To fail to meet the ever growing needs in the vast consumer-vender area would be irresponsible.

That is why I am so pleased that the President is recommending this new "bill of buyer's rights."

I am particularly pleased that he wished to put the Office of Consumer Affairs in the Executive Office of the President where the American people will always know it can have the President's attention and the President's ear.

I am pleased, too, that emphasis is being placed, not only on consumer protection, but also on consumer legal recourse.

Present Federal law gives private citizens no standing to sue for fraudulent or deceptive practices. The President's proposal will change that and will, for the first time, give consumers access to the Federal courts for violation of Federal laws in this broad area.

I also want to praise the President for his decision to upgrade and reinvigorate the Federal Trade Commission and especially his proposal to give the FTC injunctive authority against unfair and deceptive business practices.

All in all, I am convinced that the President's proposals will go a long way toward meeting today's consumer needs and solving consumer problems in today's marketplace.

I hope, now that the President has outlined his proposals, that the congressional leadership will see fit to give the legislation we need to implement these proposals speedy approval.

I am especially pleased, Mr. Speaker, at the President's initiative because, as his message to the Congress indicates, a major part of his proposed legislation will follow closely along the lines of the Consumer Protection Act of 1969, H.R. 13793, which I introduced last month and in which I have been joined by 60 of our colleagues, including many Members on both sides of the aisle.

And just today, the distinguished Senator from Illinois, Mr. PERCY, together with Senators SCOTT, MATHIAS, DOLE, and BIBLE, introduced a companion bill in the other body.

This broad support for consumer protection legislation strongly suggests that the time has come for a major advance to be made in strengthening the process of informing, protecting and representing the American consumer.

Mr. ROUDEBUSH. Mr. Speaker, I would like to comment on the tone of the President's message on consumer protection.

You will note that he has not joined the shrill chorus of voices denouncing the business community. He does not inveigh against the few unscrupulous operators in such a way as to cast suspicion upon the vast majority of American businessmen who conduct their affairs honestly, ethically and with a growing sense of social responsibility.

Importantly, he asks the Congress to help set Government's own house in order, as he seeks expanded powers to revitalize the moribund Federal Trade Commission. And on his own part, he pledges to reexamine the activities of the Food and Drug Administration, and especially to review the products listed as "generally regarded as safe." The demand for the investigation of GRAS comes, if I may say so, from the grassroots, from the housewives and buyers of food and drugs everywhere, and we overlook their demands at our peril.

We should pursue the objectives of of "consumerism" in the tone that the President has set—without bombast, without the headline-hunting denunciations of business large and small. We can do more, much more, for the consumer in America in this spirit of voluntary social responsibility than in a spirit of acrimony.

The President's proposals are substantive and necessary and timely, and deserve our vigorous support.

Mr. DUNCAN. Mr. Speaker, the President's message on consumer rights is a triple strength proposal:

It is strong in the area of consumer information. The proposed Consumer Bulletin will prove to be a great source of information to all those who wish to know more about products.

It is strong in the area of protection. The proposed Office of Consumer Affairs is an important step in placing the ear of Government close to the voices of the people.

Finally, it is strong in the area of reorganization of existing facilities. Expanded powers for the Federal Trade Commission and expansion of consumer activities in the Office of Economic Opportunity are among the important new ways in which existing Government institutions will better serve the consumer.

Information, protection, reorganization. Each is necessary for complete consumer rights. Even the most informed consumer needs a sound, functioning Government to act on his complaints. And, even if we have strong Government agencies to deal with consumer complaints, there must be an adequate education and information program to reach the citizen so that he will know enough to make a complaint.

The President has shown his concern not only with the idea, but with the practice of consumer protection by Government.

Mr. DEL CLAWSON. Mr. Speaker, President Nixon has taken a major step forward today in establishing and protecting the rights of the consumer. This is a big day for the American housewife.

The President has asked the Congress to join in establishing a "buyer's bill of rights." That includes the right of the consumer to accurate and adequate information to help her make an intelligent choice. That includes the right to expect that health and safety are taken into account by those who sell products.

And that buyer's bill of rights includes the right of buyers to make their complaints heard—specifically, in permitting buyers to join together in court actions, making it easier and less expensive to achieve their goals.

President Nixon not only proposed a substantially expanded Office of Consumer Affairs at the White House, but also a new Division of Consumer Protection, at the Department of Justice, to follow through on the new consumer protection laws that he has proposed.

The very real problems of the housewife today are at the center of the Nixon administration's concerns. The administration is dedicated to slowing down the rise in prices, and to speeding up the process of protecting the rights of the buyer in the American marketplace. And in that purpose the administration deserves the help of every one of us.

Mr. GOLDWATER. Mr. Speaker, it might at first seem strange to hail the President's message on consumer rights as a piece of good news for business. It is, after all, the customer who seems to benefit from all of these wonderful proposals.

Yet on close examination this consumer message is good news for American businessmen.

We all know that there has been a demand for consumer protection. We all know that along with legitimate complaints there have been complaints which very often had little or no basis in fact. The business world had to take all of the criticism, justified or not.

Now, however, with the most comprehensive consumer proposal ever devised by any administration in American history, honest businessmen and their companies no longer have to fear that they will suffer from unwarranted attacks on business in general.

The overwhelming majority of American businessmen know that the best consumer protection is a good product, and that a good product is the best protection a company can have against criticism.

The only ones who will be hurt—and should be hurt—by the President's proposals are those who deliberately seek to hurt others through fraud or misrepresentation. In a mass economy, few can bring down the wrath of consumers on all.

Thus, this consumer message will allow the vast, overwhelming majority of American producers and businessmen to concentrate on doing what they have done so well for these many years: make the best, the least costly, and the most highly valued products anywhere in the world, content in the knowledge that from now on their good reputation will not be hurt by the unpunished frauds and misrepresentations of those who do not care for their own reputations or for the reputation of American business in general.

Mr. RAILSBACK. Mr. Speaker, we are each and all consumers and should therefore be heartened by the President's message today on consumerism. President Nixon's message contains the most significant set of Presidential recommendations concerning consumer interests in our history.

He has proposed a "buyer's bill of rights" to recognize that the buyer in America today has the right to make an intelligent choice among products and services, the right to accurate information on which to make his free choice, the right to expect that his health and safety is taken into account by those who seek his patronage, and the right to register his dissatisfaction and have his complaint heard and considered when his interests are badly served.

These ideals should be made a reality. We should adopt the concept of "buyer's rights." The President does not propose that the Government guide or dominate individual purchasing decisions. Rather, he suggests that businessmen recognize that the confidence of the public should be voluntarily sought and fairly earned in an honest manner. Honest and conscientious businessmen need to be helped in discouraging their dishonest or careless competitors.

The President's proposals deserve a prompt and thorough consideration by Congress.

THE PRESIDENT'S CALL FOR THE CONGRESS AND THE ADMINISTRATION TO WORK TOGETHER ON URGENT LEGISLATION PRIORITIES

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MacGREGOR. Mr. Speaker, on October 13, the President called on the Congress and the administration to work together to deal with urgent legislation priorities.

Underlying the basic framework of reform the President emphasized in his message is a whole series of other legislative proposals designed to enable our Government and economy to meet the large array of problems facing our country. One of these, and a significant factor in our balance-of-payments problem, is our "travel gap." American tourists spend almost $2 billion more abroad than our foreign visitors to the United States.

One way to narrow this gap lies in increasing our efforts to attract foreign visitors.

On May 1, H.R. 10850 was introduced into the House Committee on Interstate and Foreign Commerce. The effect of this bill would be to strengthen the whole industry—Government and State and city effort to sell foreign travelers on visiting the United States.

This bill would be a substantial step in helping to stop our continuing deficits in our international accounts.

Yet, despite the need for this legislation and despite the support that it has both in and out of Congress, there is little progress on getting it passed. Over 5 months have gone by since its introduction and we still have to see a date set for hearings in the House.

Mr. Speaker, this Congress may not be foot dragging at all. If H.R. 10850 is an example we are not even moving.

The President has sent us a program. It is a program that he believes is supported by the great majority of the American people. Let us at least do our part and hold our hearings, consider our amendments and cast our votes. For as the President has said, "The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work."

PRESIDENT NIXON RECOMMENDS COURSE OF ACTION TO RESTORE TO THE STATES THEIR PROPER RIGHTS AND ROLES IN FEDERAL SYSTEM

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has recommended a course of action that would go a long way toward restoring to the States their proper rights and roles in the federal system. This course of action was expressed in the President's revenue-sharing plan that will return to the States and municipalities a portion of Federal reserves each year.

In his message to the Congress, President Nixon emphasized the beneficial effects such a program would have. It would—

Restore strength and vigor to local and State governments;

Shift the balance of political power away from the Nation's Capital and back to the country and the people;

Decrease the distance between the people and the Government agencies dealing with problems affecting local communities and States; and

Provide both encouragement and the necessary resources for local and State officials to exercise leadership in solving their own problems.

The Federal Government cannot solve the problems of our country by itself. The real and lasting answers must be found at the local and State level. Revenue sharing may be one way to return Government activity to its proper place.

AUTHORIZING MODIFICATIONS OF THE SYSTEM OF SELECTING PERSONS FOR INDUCTION INTO THE ARMED FORCES

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14001, with Mr. Sikes in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. Hébert) will be recognized for 2 hours, and the gentleman from Illinois (Mr. Arends) will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I feel certain that everyone is quite familiar with the situation which we now face. However, I shall attempt to give you the genesis of the legislation which we have pending before us today and to explain, perhaps, some of the complications and complexities which have been present at all times during the consideration of draft legislation.

I would suggest that I be allowed to finish my statement before yielding, and after I finish my preliminary statement I will be very glad to yield to anybody with a question.

Mr. Chairman, in 1967, after extensive hearings covering many months and studies of many different groups with particular reference to the group known as the Burke Marshall Commission appointed by then President Johnson to study the draft situation, and the committee known as the Mark Clark Committee appointed by the distinguished chairman of the Committee on Armed Services from South Carolina, the House Armed Services Committee as a body, as a full committee, conducted extensive hearings into every aspect of the draft law.

The popular word, at that time, was the word "lottery." It is again today a popular word. Unfortunately, nobody seems to know what a lottery really is. A lottery may mean one thing to me and another thing to you, and something else to somebody else. As a matter of fact, the one authority cited by those who have advocated the word "lottery," Mr. Burke Marshall, testifying before the Committee on Armed Services, could not tell us what a "lottery" was. Nobody, at that time, had a full explanation or a complete plan.

However, the committee, recognizing the fact that perhaps somebody could come up with a workable "lottery" plan provided, in the legislation which this House passed in 1967, that in the event the President of the United States wanted to institute a "lottery," or random selection system, or to effect any change in the method of selection for the draft system that he could do so, providing certain preliminary steps were taken.

The House language provided that the President could effect such a change under the same conditions and circumstances as he proposes changes in the law as related to the Reorganization Act. The House language provided that he give the Congress an opportunity for 60 days to review the proposal so as to either reject or accept the proposition.

The House, however, was unable to convince the other body in conference that this was the proper method, and as a result of that this prohibition was written into the law. The House conferees, acting for the House, felt that it was absolutely essential that the House be kept cognizant of any change to be made in the selection system. Therefore this language was written into the conference report and into the legislation. The language prohibited the President from making any change in the system of selection heretofore in effect unless specifically authorized by law enacted after the passage of the Military Selective Service Act of 1967. That is what brings us here today.

We felt that if the President wanted to change the method of selection he could send the details of the plan to the Congress along with a request for legislative approval.

However, despite this restriction on the President, it must be noted and it must be understood that the Draft Act of 1967 is perhaps the broadest act, the broadest piece of legislation ever written by the Congress giving to the President extensive power. The draft law necessarily gives to the President of the United States broad discretionary authority to enable him to properly administer the law and to insure its continuing responsiveness to our national needs.

In this particular instance the random system of selection, which I have called "lottery by divine providence" could be instituted by the President without enacting this law or amending this law.

I must trace back my steps now to bring you up to date on this proposition.

On May 13 of this year the President made a statement that he wanted changes in the draft law, which included six different features—six separate and distinct parts.

On the next day I issued a prepared statement and pointed out the fact that all of these six features which the President desired could be accomplished without any change in the law, including the so-called lottery.

Conversations developed between the Committee on Armed Services and the chairman and members cognizant of the draft—and I must say this parenthetically—that the gentleman from South Carolina (Mr. RIVERS), the chairman of the committee, promised that on passage of the draft act that he would appoint a so-called watchdog or oversight committee to ride herd, if you please, upon the administration of the Draft Act. He did this and I was privileged to be chairman of that subcommittee. That committee was reappointed this year with four Members besides myself, knowledgeable as to the draft, the membership included the gentleman from Alabama (Mr. NICHOLS), the gentleman from Virginia (Mr. DANIEL), the gentleman from New York (Mr. PIRNIE), and the gentleman from New York (Mr. KING).

It was our duty and our responsibility to see that the Draft Act was administered as written.

Now returning to the six points that the President indicated that he desired, after explaining to him that these six points could be accomplished without benefit of new legislation, the distinguished chairman of the committee on September 18 appeared in the well of this House and spelled out in detail—crossing every "t" and dotting every "i"—explained how all these points could be accomplished without benefit of any legislation, by the President.

On the next day, September 19, I think it was, the President issued a statement in which he admitted and agreed that this all could be accomplished without legislation but still refrained in one area, and that was the area of change in the method of selection.

While stating that he needs legislation in this area, he made the statement that if it was not given to him under law that he would exercise his right, by an Executive directive, and put his proposed draft reforms into effect in January.

Well, I submit to you that if he can do this in January, he can do it in October—again indicating that this could be done.

The distinguished minority leader, the gentleman from Michigan has mentioned the fact that our chairman and myself were opposed to any change in the law because we did not think it was needed. This is quite accurate. However, subsequent to what the President had said and following the disposition of the committee business before us at the time, the gentleman from South Carolina (Mr. RIVERS) met with the President and at the President's request and in order to cooperate with the President, agreed to have hearings on the legislation, as proposed by the President, which included a bill of only two lines, removing the obstructive language.

The chairman instructed me to hold hearings with my subcommittee and we immediately began hearings. We called upon every executive branch witness who we knew was interested. We called upon the Department of Defense and General Hershey and Assistant Secretary of Defense Kelley. They presented a plan to us which was the President's plan and they were in agreement as to that plan. We reserved a number of hearings to enable Members of Congress to come before us to present their views on the bills H.R. 14001 and H.R. 14015. We were most lenient in hearing the testimony. We did not adhere strictly to the bills but allowed every Member—and I am sure they will tell you that—to go beyond the subject matter of the bills. We allowed every organization that had expressed an interest in the legislation to present their case in a statement. So we moved along as fast as we could.

Still I was not convinced—and I still am not convinced—that this is necessary. But every one of you, some 2 weeks ago, prior to the President's message of priorities to the Congress, received a special delivery letter at home in which the President outlined his desires. You will recall that the very first paragraph in that letter was the draft legislation. And you will recall also that the very last word in that first paragraph was the word "now," and that word was underlined. In other words, the President said, "This is my top priority. This is what I want. And I want it not tomorrow, not next week, not next month—I want it now."

I submit to you we have given the President what he has asked for. We have given it to him now. We have not wasted a second. We have not wasted a minute, a day or a week in the presentation of this matter before this body.

Upon their return from the NATO Conference, the distinguished Chairman and the distinguished minority ranking member were presented—and it is the bill of the distinguished minority whip that we report out today—with this piece of legislation, reported out by a vote of 31 to 0, without a dissenting vote in the Committee on Armed Services.

We brought the matter to the Rules Committee immediately. We asked for an open rule, which was granted us. And I may say again right now that this rule that we are operating under, regardless of what some people call for purposes of their own, is an open rule and you can offer any amendment to this bill that you want to when we come under the 5-minute rule, and we shall proceed according to parliamentary procedure from there on. So this is the history.

The House, only minutes ago, in its wisdom indicated that it will follow the President. I subordinated my own views to his views. He is my President. He is my Commander in Chief. And if my Commander in Chief says he wants a weapon with which to guarantee the security of this Nation, I shall give him that weapon. I stand here today asking you to join unanimously with me to give him what he wants.

As my distinguished chairman has so eloquently said, he is not only my President, he is your President, he is our President, and we can have only one President at a time. My personal affection for the President during the many years I have known him and the times I have served with him in this body and on the same committee, gives me pause and more persuasion that he would not ask for that which he did not believe was necessary for the security of this country. So here we are today.

The House has indicated in its wisdom—and I congratulate it—that it did not want to open a Pandora's box, start a donnybrook, or light a Christmas tree, and that it believed in a committee system, which is under attack in so many places today, and that it did not wish to write a bill of such complexity and such widespread considerations on the floor of this House, as is suggested by some few Members.

I subscribe to some of the amendments which were proposed. I believe in some of them. They are good things. But this is not the time nor the place to consider them.

The President has asked for one thing. He has asked for the adoption of this bill. He has asked for nothing more and nothing less. And we give him—certainly we do from the Armed Services Committee—what he asks for, and we ask the House to do likewise.

I hope when the final vote comes today—and it will come shortly, I hope, because the lines are drawn and the issues are clear—that there will not be a dissenting vote in this House.

Mr. KING. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. Corbett), a member of the committee.

Mr. CORBETT. Mr. Chairman, this is a good bill and I hope it is passed promptly. Joining with my colleague, I hope it is passed unanimously, but I thought it would be good to place in the Record at this point the statement which was unanimously adopted by the Republican policy committee. That statement reads as follows:

House Republican Policy Statement on Selective Service Reform

The House Republican Policy Committee strongly endorses President Nixon's proposals for the reform of the selective service call-up procedures. To implement draft reforms and to facilitate their prompt undertaking, the passage of H.R. 14001 is desirable.

The present draft system contains numerous inequities; it prolongs the disruptive impact on the lives of eligible individuals; it unequally distributes the risk of call among those vulnerable during a given year; and it contains inadequate provisions for proper consideration of college students.

President Nixon has proposed the following alterations to the selective service system:

1. *Change from an oldest-first to a youngest-first order of call.* The 19–20 year age group will be identified as the "prime age group" for induction. By concentrating future draft calls on a smaller and younger group of draft registrants, the period of maximum vulnerability will be reduced from seven years to one year. Those who have received deferments or exemptions would rejoin the prime age group at the time their deferment or exemption expired, and would take their places in the sequence as they were originally assigned.

2. *Provide maximum nationwide randomizing of call-up risk among eligible individuals.* The sequence of induction for those available in the prime age group will be determined by lot, calling registrants by birthdate from a "scrambled" calendar. This method of selection would distribute the risk widely and fairly; it would aid a registrant in determining the likelihood of induction; and it would simplify the task of draft boards. The Selective Service Act of 1967, however, prevents the institution of such random selection by the President without specific Congressional authority. The elimination of this prohibition is the purpose of H.R. 14001.

3. *Continued limited college deferments to deserving students in selected categories, postponing the period of maximum vulnerability.* For men receiving undergraduate deferments the year of maximum vulnerability would come whenever the deferment expired, generally upon completion of their college educations. Graduate students would be deferred for the full academic year during which they were first ordered for induction; graduate students in medical and allied fields, who are subject to a later special draft, would be granted deferment for the full period of their studies.

These new procedures would minimize the impact and maximize the equality of military draft. The reforms are essential and must be implemented as quickly as possible.

Certainly all look forward to that day when military conscription is no longer necessary. Pending however, the lessening of military requirements, a sufficient number of service volunteers and improved utilization of military manpower, selective service is required. In the interim we must be certain that the system is as equitable and as reasonable as we can make it.

We commend President Nixon for the enlightened revision of the selective service system which he has proposed, and urge that the reforms be effected at the earliest opportunity. To enable the institution of a random selection system, the most critical aspect of the President's total restructuring of draft processes, we urge the enactment of H.R. 14001.

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the Record.)

Mr. DON H. CLAUSEN. Mr. Chairman, the problem of draft reform is now before us and I should like to take this opportunity to briefly state why I believe passage of H.R. 14001 is desirable, timely, and absolutely essential.

The present Selective Service System contains many inequities. It needlessly prolongs the disruptive impact on the lives of prospective draftees; and makes it almost impossible for them to plan their futures; it unequally and haphazardly distributes the risk of callup among those vulnerable; it contains inadequate provisions for proper consideration of college students; and its administration has become clouded in a maze of suspicion and doubt among the public.

In short, the system of military conscription in this country has become totally archaic and grossly unfair. Anyone who takes the time to carefully examine the numerous inequities now inherent in selective service procedures, invariably concludes that draft reform is long overdue.

Over the years, and especially during the last year, many proposals for draft reform have been advanced. The legislation now before us is, in many ways, a compromise of the best provisions of most of these proposals. It changes the basic order of call from the "oldest first" to the "youngest first," thereby identifying the 19-to-20-year age group as the "prime age group." The period of maximum vulnerability is reduced from 7 years to only 1 year, thus, minimizing the concern and/or disruption of their personal plans for the future. In addition, the so-called nationwide randomizing method of selection and callup distributes the risk widely and fairly, in my judgment.

Like many of my collagues, I look forward to the all-volunteer professional service unit approach and I commend the President for advancing it. While some have expressed serious doubts about the feasibility of such a concept, I believe it has merit and is workable during periods short of a declared war, and it is my understanding that our Department of Defense planners share this view.

Today, young people view the draft as an infringement on their individual rights and liberty. To them, the draft epitomizes a Government insensitive and unyielding to their needs and their status as free men. Final passage and swift enactment of this much needed and long overdue reform legislation will go a long way toward changing that image and removing the stigma that now hangs over America's Selective Service System.

Mr. HÉBERT. My Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. Nichols).

Mr. NICHOLS. Mr. Chairman, as a member of the Subcommittee on the Draft, I rise to associate myself with the remarks of our distinguished chairman, the gentleman from Louisiana.

I rise in support of H.R. 14001 and urge its approval by the body.

The purpose of H.R. 14001 is to repeal paragraph (2) of section 5(a) of the Military Selective Service Act of 1967. This is the only modification of the draft law that the President has requested.

The President, in his message to the Congress on selective service, dated May 13, 1969, outlined changes he intended to make in the administration of selective service, and also announced that a study would be made of the standard guidelines and procedures used in classifying registrants.

The objective of the change the President announced on May 13, 1969, is to limit the period of maximum vulnerability to the draft to 1 year, basically at age 19 or 20. The period of exposure, under the President's plan, would occur in the case of men deferred for college or other reasons, or exempt, whenever the deferment or exemption ended.

The President in his May 13 announcement, also expressed his conviction that to operate his proposed new selection system most fairly and effectively, he needed authority to use a random system of selection within the prime selection group.

Over the succeeding months, aided by the statement of the chairman of the Armed Services Committee, the President came to the position that the only legislative action he needed to do what he proposed in the way he believed to be best was the legislative action embodied in H.R. 14001.

There are varying views as to the best way to select individuals from a prime selection group with a maximum period of vulnerability of a year. But there is no real objection that I am aware of to the proposal to cut the period of uncertainty from 7 years to 1 year. The debate has been about how individuals should be selected during this year.

The responsibility for operating the draft in large part is placed on the President by law. He should have the authority to use a selection system he thinks is best. And the random selection scheme, or lottery, whatever one may think of its value compared to selection of men in the natural order of their dates of birth, clearly is an "impartial manner" of selection as section 5(a) requires to be used.

I urge the Committee to give to the President the authority he has requested.

A random selection system has been worked out in some detail and has been tested in an exercise. The President and those who must operate it are convinced it will work and is understandable.

Now, in 1967 the chairman of the Armed Services Committee established a Special Subcommittee on the Draft to exercise a watchdog role over selective service. That committee is functioning and has excellently carried out its responsibilities.

It will continue to function as the Armed Services Committee does not intend in any way to abrogate its responsibility to the Congress to insure that selective service is operated fairly and effectively. This subcommittee will keep a close watch on how the authority is exercised which this bill would provide.

There are scores of proposals pending in this Congress which would modify virtually every section of the draft law and raise fundamental and complex questions of constitutional import, and of grave national and international policy. These are matters of such importance and complexity that their proper consideration by the committee of jurisdiction would constitute the major business of the committee for an entire session of the Congress. These questions will be considered. They must be. But these are not matters, obviously, which can be settled on the floor without extensive hearing and study in the committee with ample time for all views to be put in the record and evaluated.

For these reasons, and because the President has asked only the change embodied in H.R. 14001, the committee should, and I hope will, confine itself to the question of repeal of paragraph (2) of section 5(a) of the Military Selective Service Act of 1967.

Mr. Chairman, I support this legislation. This bill will enable the President to establish a sequence of selection for the draft which will be fair, understandable, predictable and uniform for all of our young men. At the same time it will enable the President to reduce the period of draft vulnerability and uncertainty from up to 7 years to only 12 months.

It is important to make it very clear that the authority we are providing in this legislation would not result in any crude lottery, in which all individuals would have their name thrown into a goldfish bowl, irrespective of their ability to serve or other relevant considerations. This bill in no way abridges the authority of the Selective Service System to classify men in terms of availability for service as provided for under the present law. Draft boards will continue, as at present, to classify young men and will be authorized to defer them on such grounds as hardship, college study, physical and mental qualifications, or occupation—where these are justified and in the national interest.

This bill simply authorizes establishing a random sequence of selection within an age group for those men who are found equally qualified and available for service, after classification by their local boards. The system proposed by the President would substitute a random sequence of birth dates, which will be changed each year, in lieu of the present fixed sequence system based upon the oldest first rule.

The proposal of the President makes sense. It is regarded by him as the keystone which will enable him to fully implement his proposed draft reform.

Let us cooperate with the President and his effort to modernize and improve our draft system.

Let us vote "aye" on passage of H.R. 14001.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri (Mr. Ichord).

Mr. ICHORD. Mr. Chairman, I regret very much that the previous question was voted up, thus prohibiting the gentleman from Missouri (Mr. Bolling) from offering an amendment which would have made in order an amendment that I wish to submit to the House for consideration.

It is true, as my good friend the distinguished gentleman from Louisiana has stated, this is an open rule. Every Member will be permitted to offer an amendment. But I am also certain that the gentleman from Louisiana will agree that no amendment which would be worthy of consideration on its merits will be held in order when a point of order is directed against that amendment.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to my committee senior, the gentleman from Louisiana.

Mr. HÉBERT. I assure the gentleman from Missouri I cannot accept the description that any amendment of due consideration or importance would not be in order. I am sure, considering the intellect and intelligence of the gentleman from Missouri, he will probably come up with a very good amendment.

Mr. ICHORD. I am sure the gentleman from Louisiana will be directing several points of order toward the amendments which will be offered. But I can well understand the position of the gentleman from Louisiana.

This is a difficult time to consider a revision of the entire Draft Act of 1967. It is extremely controversial, and this is an emotional period of time in our history in which to debate such legislation.

I support H.R. 14001. I think it makes some improvement, but I want to make it known to the House that I do not believe that H.R. 14001 will solve the many problems and the inequities connected with the draft today.

The President's random selection plan has been highly publicized by the press as effecting a lottery system in order to defuse the campus unrest existing on most of our college campuses throughout the Nation. I think I should point out that this is not a true lottery plan which the President intends to institute, because it will be impressed upon the existing system of college deferments. I do not believe it will relieve the college student from his pressures. It might relieve the noncollege student of a little bit of uncertainty, but not the college student who chooses to receive a student deferment for 4 years. All of those who wish college deferments will be permitted to continue in college for a 4-year baccalaureate degree. We shall continue to have the uncertainty and the suspense because the student will become a constructive 19-year-old after the termination of his student deferments.

Most of the Members I think are acquainted with my general philosophy. I do not think it can be said that I have a soft philosophy or an overly permissive philosophy. I do not think that one can characterize the gentleman in the well as a dove. I have never agreed with the way that the war in Vietnam has been fought. I have rejected outright and from the very beginning what I consider to be the foolish concept of limited war for limited objectives with limited means. I told some of the people in the Pentagon years ago that that might be the best way to fight the war in Vietnam but it is not a way to assure the continued support of the American people. My philosophy is akin to that of the distinguished gentleman from Alabama (Mr. Andrews). You either fight a war to win or you do not fight it at all. If political and world conditions are such that you cannot fight it to win, then you should never have been there in the first place.

However, I do not desire to narrate all the mistakes that have been made in Vietnam. The whole affair is as excellent of how not to fight a war. The errors are never ending. But I submit to my colleagues that one of the greatest mistakes this Nation has made in the Vietnam war is to continue a system of almost unlimited deferments in the time of a shooting war.

You cannot do it. No nation ever tried it before in history. It has not worked. It cannot work; it will not work. The hour is late, but I did not feel that we should continue to live with our mistakes when it was within our power to correct the same. That was the reason why I supported the gentleman from Missouri (Mr. Bolling).

Mr. Chairman, it is inherently unfair to say to a young man who does not have the academic ability or who does not have the financial means to attend college that he will be drafted and possibly sent to Vietnam to risk his life and limbs in war while the young man who has the academic ability and the financial means to go to college will be offered a 4-year haven. It is inherently inequitable. It is blatantly unfair.

Then, too, I suggest, with perfect candor, that many of our young men in college today are not there primarily for the purpose of obtaining a college education but for the purpose of avoiding military service. Added to this is the guilt complex.

How would you feel if you were a 19-year-old with a 4-year haven in college, while the young man, your contemporary, who did not have the academic ability or the financial means to attend college is over in Vietnam risking his life in the service of his country? You would have a tremendous submerged guilt complex. I am not a psychologist, but I know a little about human nature and I submit that it is the most natural thing in the world for these kids to heed the call to "man the barricades" against the terrible war in Vietnam. Yes, students' deferments will work in a time of peace. But not during the period of a shooting war.

And, unless you make up your mind to really reform the draft, you have not seen anything yet.

My amendment basically follows the recommendation of the Marshall Commission.

It would grant college deferments only to those who enter ROTC programs and commit themselves to definite military service. The lottery system proposed by the President would be utilized and the period of exposure for 1 year is retained. All those now having a deferment would enter the prime pool along with the 19-year-olds. Granted, there will be a small number selected out of the original huge pool and the original group will have very slight exposure. But we must start somewhere. There are inequities in every system where we must decide who is to serve when all are not required to serve.

If we are to have a lottery or random selection system, let us truly have one. I know that a substantial number of my colleagues would support my amendment, perhaps even a majority. Again I regret that we have chosen not to consider any amendments.

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. RANDALL. Mr. Chairman, I will support H.R. 14001. My support is not predicated upon my membership on the House Armed Services Committee. However, as one member of that committee I know we have devoted week after week and month after month to the military construction bill early this year and then weeks and weeks to the procurement bill. Between these activities there has been no time available for extensive draft hearings.

Because we have been so occupied it has been impossible to hold lengthy hearings necessary if we make many changes in the Selective Service System. Before us today is a limited amendment reported by a special subcommittee after only limited hearings on the draft.

The sole and only purpose of H.R. 14001 is to repeal section 5(a)(2) of the Military Selective Service Act of 1967. That section presently contains language which prohibits the President from modifying the method of selection of inductees. Repeal of this provision will permit the President to change the method of selecting registrants. It will permit him to establish a random method of selection instead of the so-called oldest-first method now utilized and required by the provisions of section 5(a)(2) of the act of 1967.

This bill is before us today because on May 13 President Nixon sent a message to the Congress in which he asked that the disruptive impact of the military draft on individual lives should be minimized. He asked that the Congress return to him the power that the President had prior to June 3, 1967, to modify call-up procedures. He listed six alternatives including:

First. Change from the oldest-first to a youngest-first order of call so that the young man will become less vulnerable rather than more vulnerable to the draft as he grows older;

Second. Reduce the prime draft vulnerability and all the uncertainty and disruption it creates, from 7 years to 4 years, which means that he would enter a time of vulnerability when he was 19 years old and leave it when he was 23 years old.

Third. Select those who are actually drafted through a random system. This means to distribute the risk of call equally or by lot rather than arbitrarily selecting those whose birthdays happen to fall at a certain time of the year or month.

Fourth. Extend the provision for student deferment but clearly state that the year of maximum vulnerability would come whenever that deferment expired.

Fifth. Allow graduate students to complete the full academic year during which they are first ordered for induction and not just one term as at present.

Sixth. Ask the National Security Council and the Director of Selective Service to review all procedures and report to him their findings and recommendations for further changes.

Chairman Rivers on September 18, at page 26033, pointed out that the President had abundant statutory authority to enable him to institute all the changes proposed wih the single exception of the desire of the President to initiate a random system of selection of inductees.

Today's Record will show that by rollcall vote I supported the previous question as one method to express my support for our President. He is the Commander in Chief. He is my President. He is the only President any of us have. He has been fair in wanting to reduce the period of prime draft vulnerability from as long as 7 years to only 12 months. There may be a number of reforms needed in our draft system, but the President has asked for only this one change at this time.

Mr. Chairman, I have respect for my colleague from Missouri (Mr. Ichord). I am always reluctant to differ with him, but most particularly on a matter which arises in the House Armed Services Committee where we are both privileged to serve. I happened to be one of those on the committee that voted against a point of order because I wanted the opportunity to consider some additional changes in draft legislation. Let me emphasize as strongly as possible this was in the committee with jurisdiction and not a situation of proposing amendments on the floor.

In committee we were sitting in open session. It was not an executive session. The press was present. I stated the day we reported out H.R. 14001 and I want to state for the Record now that I oppose the amendment offered by my colleague from Missouri (Mr. Ichord). I agree with him there is considerable doubt whether we should ever have commenced student deferments. But now that students are presently deferred and all signs point to a winding down of the Vietnam conflict it is my considered opinion we should not now change student deferment. If we do, such would amount to changing the rules in the middle of the game. It would mean those young people part way through college would suffer further disruption of their plans. Briefly put, once we enacted the principle of student deferment we committed ourselves. It is far too late to change now and renege on our commitment.

As reluctant as I am to have to differ with my colleague on the committee and my fellow Missourian, I must point out that I cannot concur with his proposal that college deferments be accorded only if students join ROTC. Such a plan would be unworkable because many colleges do not have ROTC. In my opinion, the amendment would be undesirable because membership in ROTC has always been a voluntary thing. The very proposal that would make deferment contingent upon ROTC membership is almost another form of a draft, not into the Armed Forces, but a draft into ROTC. For my part, I think it would be unwise to have such unwilling membership fill the ranks of ROTC. It should continue as it is—completely voluntary.

Granted that there may be as many desirable changes in the draft program as there are critics, nonetheless, it is folly to try to make a wholesale revision of the Selective Service Act on the floor of the House. It is not only foolish but dangerous to try to proceed without hearings. We have given the President discretion to act in most areas of the draft except random selection. Now we should give him discretion. There will be plenty of time for any of us to differ with President Nixon on domestic issues. However, we should support the President on his administration's one simple sentence revision of the present draft law.

It would be well to explore what were the alternatives if we had voted down the previous question. It was reported there were at least two amendments which would go so far as to totally eliminate the present Selective Service Act. One was believed to be over 70 pages in length. It just does not make sense to take a 70-page amendment affecting the lives of all our young people without any prior committee consideration. Under such a situation, without all the needed details, which means the factual information and the statistical information, we certainly could not act responsibly.

On the floor today we heard a commitment from the chairman of the Armed Services Committee that hearings will be held on the draft next year. True, the draft is a controversial issue. That does not lessen the near impossibility of acting to write a bill on the floor of the House. Our President has requested of us a simple plan which will let our young men know as soon as possible their status. If we act promptly in passing this limited revision then they will know the first of next year their status for the following year.

Now, there are two schools of thought, about this measure today. One is whatever we do today is an exercise in futility because the other body of the Congress will never act. One Member went so far as to say whatever we do will not see the light of day on the other side of the Capitol. My response is we should not be guided by what the other body does or may not do. If we act promptly, we will be trying to help our young men to lessen their uncertainty. We are trying to reduce the disruptive impact on the individual lives of these young men. If the other body wants to perpetuate a frustration of our youth then let them be answerable for their inaction. We should pass H.R. 14001 today.

Mr. KING. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. Minshall).

Mr. MINSHALL. Mr. Chairman, the bill on the floor today marks for me the culmination of 3½ years' effort for revision of our antiquated draft laws.

In May 1966 I introduced a resolution asking for creation of a special House Committee on Revision of the Selective Service Act. I said then, and say again today: it is imperative that present selective service laws be relegated to the history books of World War II. They no more fill today's military requirements than would the horse cavalry, the B-17, or the Springfield rifle. When hearings were held by the House Committee on Armed Services on June 28, 1966, it was my honor to be the first Member of Congress to appear before that distinguished committee, composed of my good friend, the gentleman from South Carolina, Mendel Rivers, the gentleman from Louisiana, Edward Hébert, the gentleman from Illinois, Leslie Arends, the gentleman from New York, Carleton King, and a host of others.

President Nixon last spring sent a message to Congress asking permission to modify the present method of selection of inductees. His proposals are clear cut and he has pledged to make the following important reforms:

First, change from an oldest-first to a youngest-first order of call, so that a young man would become less vulnerable to the draft as he grows older;

Second, reduce the period of prime draft vulnerability—and the uncertainty that accompanies it—from 7 years to 1 year, so that a young man would normally enter that status during the time he was 19 years old and leave it during the time he was 20;

Third, select those who are actually drafted through a random system. A procedure of this sort would distribute the risk of call equally—by lot—among all who are vulnerable during a given year, rather than arbitrarily selecting those whose birthdays happen to fall at certain times of the year or the month;

Fourth, continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

Fifth, allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction; and

Sixth, as a step toward a more consistent policy of deferments and exemptions, the National Security Council and Director of Selective Service will be asked by the President to review all guidelines, standards, and procedures in this area and to report to him their findings and recommendations.

We have the assurance of the chairman of the Committee on Armed Services that a thorough review of the Selective Service System will be held next year. Well and good. But the President wants to act now, to take the six initial steps now, to make more equitable now, within the powers given to him by law, a vast stride forward in draft regulatory changes.

Those who would hamper the progress of the bill before us today do so in the full realization that their efforts will delay for no one knows how long the six steps the President has proposed.

The Nation's youth are looking to us in Congress for fair treatment. The President has presented a plan which will assure them of a much more equitable break and I think we are doing a great disservice if we do not speed this measure to the White House. Let this important step in draft reform be taken in 1969, it will be a landmark year for our young men. We have the pledged word, given on this floor by honorable men, that hearings in depth will be held next year and that consideration will be given to extensive changes in the selective service laws.

But let us not delay enactment of the bill before us, let us assure our draftage young men of initial reforms now.

For the record, Mr. Chairman, I wish to include the full text of my testimony on Tuesday, June 28, 1966, before the House Committee on Armed Services:

Testimony of the Honorable William E. Minshall (R-23-Ohio) Before the House Committee on Armed Services, Tuesday, June 28, 1966

Mr. Chairman, distinguished members of the committee, I appreciate the opportunity of appearing before you today.

As a member of the Department of Defense Appropriations Subcommittee, I too am acutely aware of the multitude of problems of our military establishment. And, as a member of the Independent Offices Appropriations Subcommittee which provides funds for 26 federal agencies including the Selective Service System, I feel a vital concern about these hearings.

You who authorize, and we who appropriate, share a mutual responsibility in these times of crisis and you are to be commended on the courage and tenacity you are displaying to help give our country a strong defense. You are doing a superior job and all Americans are indebted to you.

I want to commend you particularly, Mr. Chairman, for the leadership you are giving your distinguished committee.

At the outset I wish to make it very clear that I am not proposing any specific recommendations as to how men should be chosen for service in our military, but I do bring a message of concern about the confusion and controversy which exist nationally over our current draft system.

I can speak first hand for my district, the suburban area of the City of Cleveland, when I tell you that people are generally perplexed and dissatisfied with the application of the present Selective Service System.

Members of this committee are just as exposed to mail from confused and often irate citizens as am I. They feel we need a draft law for the 60's, not one which has not been modernized in 15 years.

Title I of the Universal Military Training and Service Act reads in part:

"The Congress declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system which is fair and just, and which is consistent with the maintenance of an effective national security."

This is part of the preamble to the present Act, which was adopted in the post World War II year of 1948, extensively amended in 1951, and patched up since then with 13 various lesser amendments. As the May 7, 1966 *Harvard Crimson* puts it so well:

"Like some great Gothic cathedral, the draft system continues to grow and complicate itself. All the while, however, its two characterizing features are maintained: inequity and confusion."

The Harris Poll, taken last December, revealed that 90% of all Americans agree that the draft is necessary. So absolutely no reflection can be cast upon their patriotism when they become increasingly critical of the outmoded machinery being used to implement the Selective Service System.

Early in May I circulated an opinion poll in my district. This is a suburban area of Cleveland—a sophisticated, high median income residential section. The questionnaire was mailed to the home of every Republican, Democrat and Independent voter. The response I received from more than 18,000 voters carried an overwhelming indictment of the present draft law. Seventy percent answered "yes" to my question, "Do you feel that Selective Service regulations are in need of revision?" Many of them supplemented their answers with additional views, which I shall submit to the committee at the close of my testimony.

As this committee well knows, the sentiments expressed by my constituents are a fair reflection of nation-wide opinion. The demand for new and equitable draft laws comes not just from students on the college campus, but from young men setting out to earn a living, from educators, secondary school counselors, industrial and business leaders, from parents, and from various Administration and Congressional officials. Even the Secretary of Defense has publicly admitted that the present law is unfair. I feel this consensus is clear in demanding an up-to-date system of Selective Service which meets today's military and technological requirements—and does so with absolute impartiality.

As I said earlier, we need a draft law for the 60's, not one which was last revised 15 years ago.

I wish to make it unmistakably clear that I have no axe to grind for any single group of citizens or governmental leaders. I wish to state the case, as best I can, for all of them in behalf of the "fair and just" system promised in Title I and which does not now, in fact, exist in that law.

As a veteran of five years' service during World War II and as the father of three teenage sons, each of whom will some day be called to fill his obligation to his country, I have a natural concern that the law is fair and impartial. As I would not want my sons discriminated against, neither would I want them to receive undue advantage. And this is all the nation is asking of Congress—a clear-cut law which will deal equally with all young men, regardless of race, color, creed, educational, social or economic background.

The massive confusion existing over present law was brought home to me just recently by the college placement adviser at my eldest son's high school. This school has an enrollment of boys from many states in the union. My son's college adviser told me it is next to impossible to counsel students on their academic futures when their military futures rest with more than 4,000 local draft boards, each of which has its own method of interpreting the law and its raveled skein of regulations.

Some 40,000 private citizens serve on local draft boards, a difficult and often thankless task. It is made more difficult because the guidelines set down for them are tangled and confused and lend themselves too freely to individual interpretations.

This is plainly evidenced in the discrepancies to be found in 4–F deferment rates among states with similar educational, industrial and ethnic construction. Selective Service statistics recently showed that the 4–F rate in Michigan is only 1.7% as compared to 8.9% in Massachusetts. New Jersey is 3.9%; Illinois, 2.8%; Pennsylvania, 5.8%, and my State of Ohio, 5.2%. A man in Massachusetts may be deferred by his local board, while his counterpart in Michigan or Ohio already has been drafted and may be serving in Vietnam.

Washington offers virtually no guidance to local boards, so it is small wonder that neighboring boards apply different criteria to identical cases. I know of no other federal statute so loose and permissive. Local boards often are given no order of priority to help them reconsider deferments when the call goes out to expand their 1–A pool.

The system of monthly draft calls from state to local boards requires a new and hard scrutiny. There is an urgent need to give local boards more precise standards to follow. Presently the monthly call is based on the number of men examined by the local board and reported available for induction. This means, of course, that a hard-working board will have a higher quota than a less efficient one. This does not work with any sort of equity for the young men involved.

College deferments are a particular focal point of bitter criticism, both on and off campus. The law presently favors young men with high grades at an easy college over students of equal ability but lower marks at a tough university.

Students themselves are heaping scorn on the system of testing by the military to determine draft status, and this system I know will be given a thorough reappraisal by this committee.

I recognize the imperative need for a well-educated citizenry in our increasingly demanding and competitive society. I do not disparage the young man who objects to having his education interrupted or delayed. I would like to point out that the President of Yale University, Kingman Brewster, Jr., charges that the present system is haphazard and prejudiced. He recently stated that the draft discriminates against those men who, and I quote him, "cannot hide in the endless catacombs of formal education."

Yale President Brewster further says that the draft law "seems heedless of the differences in both need and capability, which have been brought about by a change in population and military technique . . . The result has been to encourage a cynical avoidance of service, a corruption of the aims of education and a tarnishing of the national spirit."

We in Cleveland are very mindful of the need for higher education. We have great respect for a college degree. We are the home of nationally known colleges and universities. I do not mean my comments to discredit the vast majority of patriotic young college men, willing to serve their country, but I think that if the president of Yale has the courage to point to cracks in the system, we as Members of Congress are remiss if we do not take a good careful look at the current law. In doing this I hope that the committee will consult with educational leaders from across the nation, representing both college and high school levels.

On the other side of the coin, statistics show that nearly as many men are deferred from service because of illiteracy or low intelligence quotients as are deferred because they are college students.

This aspect of the system, I believe, calls for a thorough evaluation. At present the passing percentile score is listed at 31 on the Armed Forces Qualification Test. A high school graduate can score as low as 16 percent and still be inducted under present regulations. A high school drop-out, however, can score as high as 30 percent and not be eligible, even though he might be anxious to enlist.

I do not come here today proposing any specific changes in the law. I know that the committee will review all of the proposed alternatives in its search for the most just method.

My purpose here is solely to emphasize that there is a grassroots demand, which I know extends across the country, for Congress to correct the many inequities and flaws which exist in the Selective Service Act. I am certain, as are millions of other Americans, that we now are operating the draft under a system which should be updated to the 60's, just as we keep our military hardware and equipment the most modern in the world.

I hope the day will come when we do not have to require any young man to give up two years of his life to the military. But while the times and circumstances demand that we do so, we owe them the most just and impartial conscription program we can devise.

Again, my congratulations and thanks to this great committee and its distinguished chairman for carefully reviewing and studying this complex problem.

Mr. HÉBERT. Mr. Chairman, I yield to the gentleman from Virginia (Mr. Daniel), a member of the special committee on the draft, such time as he desires.

Mr. DANIEL of Virginia. Mr. Chairman, I urge passage of H.R. 14001. Under the President's draft reform plan, a young man will have only 12 months of prime vulnerability to the draft instead of up to 7 years under the present system. The year of vulnerability would normally come at age 19, or in the year after completing college.

The desirability of the basic reform has been emphasized by every major review of the draft in recent years. Authority to establish such a prime age group system was specifically reaffirmed in the 1967 amendments to the draft law. However, the 1967 amendments also provided that if the President does establish such a system, selection from the prime age group must still be on an oldest-first basis.

H.R. 14001 would repeal this proviso and restore to him the broad authority he had prior to 1967 to establish an impartial system of selection. If enacted, the President plans to provide for a fully random system of selection within each prime age group. The reason is simple: there are more men equally qualified and available in each class of 19-year-olds—and among those coming off deferment—than are needed for military service. Under these conditions, a procedure is needed which gives each young man an equal chance to be called first, to be called second, or not to be called at all.

Action on this essential legislation is long overdue. In the absence of this authority, the President has stated that he will be compelled to institute a procedure which he believes to be both more complicated and which will not equally meet the important tests of fairness and understandability.

Although no one could claim that the President's draft reform will be a complete "cure" to our draft problems—almost everyone concedes that this reform will vastly improve the present system.

I therefore will vote "aye" in support of H.R. 14001 and hope that all of the members of this body will do the same.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New York (Mr. Pike).

Mr. NEDZI. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. NEDZI. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. PIKE. Mr. Chairman, I ask the gentleman to withdraw his point of order.

Mr. NEDZI. I will accede to the gentleman's request.

Mr. Chairman, I withdraw the point of order.

Mr. PIKE. Mr. Chairman, it is very obvious that there is no quorum present and I think it would really be a sort of shame if there were because we are debating a nothing bill, which does not do very much, and I think it would be quite a waste of the time of the other Members who are in their offices if they were present for this.

We have an open rule on a closed subject. I feel very sorry that the gentleman from Missouri (Mr. Ichord) will not have an opportunity to offer his amendment on student deferments. But it is no real change. When we considered the draft bill supposedly in depth in 1967 and it was my amendment on student deferments, I had exactly 1 minute to argue on behalf of the same amendment.

I want to commend the gentleman from Missouri (Mr. Bolling) for leading the fight against a bill that is labeled a "draft reform bill," but which is in effect a sham and a delusion and no reform at all, and for trying to open up the rule of this bill in such a manner that real reform and genuine reform and necessary reform could at least be voted on even if they were not enacted.

The subcommittee's report to the full committee on this bill in essence concedes that the bill is a fraud although not admittedly in so many words. Their language was:

> The subcommittee was not persuaded that proposed changes in the system of selection would provide any greater equity in the selection process.

I voted for this bill in the committee and I will vote for it today because it does not hurt anything—and the President asked for it.

But I agree with the gentleman from Louisiana, the chairman of the subcommittee, who in essence says that it really does not help anything either. I will tell you why.

The bill has been sold as creating a fair system of selecting people for the draft. It does no such thing, and I can prove it.

It has been sold as a shortening to 1 year the period of uncertainty which a young man will have so far as not knowing whether he is going to be drafted or not. This, of course, we cannot prove until we try it.

But I can give you some statistics which mean to me, as long as our deferment policies remain what they are and as long as we continue to draft substantial numbers of men, this is a fraud too.

Today we all know we are drafting our 26-year-olds first.

Our 1–A pool from which we are drafting consists of people from 19 to 26.

Our total 1–A pool consists of persons 18 to 26 years old.

We are, as I said, drafting the 26-year-olds first. But the fact is we are also drafting 25-year-olds and 24-year-olds and 23-year-olds and 22-year-olds and 21-year-olds and 20-year-olds and 19-year-olds right now.

As long as the draft calls remain high, and as long as the deferments remain unchanged, we will be drafting the 19-year-olds first, we will be drafting the 20-year-olds, the 21-year-olds, the 22-year-olds, and so on. And here is why. All this bill does is change the manner in which the names are pulled out of the hat, the 1–A names are pulled out of the hat, and we will never have meaningful draft reform until we approach the problem of the vastly larger number of young men whose names are kept out of the hat in the first place. There are not enough 19-year-olds in the 1–A pool in the hat to keep up from drafting 20-year-olds, and so on.

Here are some statistics for the State of New York: As of September 30 of this year the Selective Service System had registered 1,776,000 people in the entire State of New York, outside the city of New York. Despite the fact that we are supposedly drafting 26-year-olds first, we are in fact drafting 19-year-olds all across the State of New York. This is what we are doing.

Of the 1,776,000 people registered, exactly 67,000 were in the 1–A pool, and that is all. The great majority of those who are not in the 1–A pool are properly not in the 1–A pool. The largest number of them are too old. Many of them have already served.

But get this. For every one in the 1–A pool, which this bill considers, there are three in the 3–A pool, hardship deferments, which this bill does not consider. For every one in the 1–A pool there are almost three in the 2–S pool, student deferments, which this bill does not consider. For every one in the 1–A pool, there are almost two, believe it or not, in the conscientious objector category, which this bill does not consider. For every one in the 1–A pool there are over two in the 1–Y pool, which this bill does not consider. This bill, in other words, affects about 5 percent of the total number of persons registered in the State of New York, the 1–A's.

Now, let us take it a step further. Of the 5 percent which are classified as 1–A, are they all going to be affected by this bill? Mercy, no, because claiming a student deferment extends your period of liability. Many of them do not claim it until the draft board starts breathing down their necks. I do not think there is anybody in this Chamber who has not had the experience of somebody writing to them and saying, "The draft board is trying to draft me, but I am a bona fide student." In some cases the draft boards do make mistakes, but in other cases the kid just did not try to claim his student exemption until the draft came after him because he did not want his period of liability extended.

Of the 67,000 in the 1–A pool in New York, 11,000 are under 19. So they come out of the hat. Of the 67,000 in the 1–A category, 7,700 are over 26, and they have had their liability extended, usually because of the student deferments. But we are not drafting in the over-26 group. So they come out of the hat.

There are 17,400 out of the 67,000 who are currently either appealing the actions of the local draft boards or asking for reclassification.

So at a time when we say we are drafting 26-year-olds, there are 4,200 19-year-olds in New York State today, outside the city of New York, who have induction orders, and anybody who says that this is going to limit the period of uncertainty to 1 year is just plain talking through his hat, unless the draft calls go down so much that we are hardly drafting anybody.

Unless we tackle the problems involved in whose names are kept out of the hat, unless we consider the possibility that a man who can play professional football quite possibly may be physically qualified at least for a desk job within the United States of America, even though he is currently classified 4–F, we have not begun to tackle meaningful draft reform. Unless we consider the composition of our draft boards we have not begun to tackle meaningful draft reform.

And above all, as long as we allow young men the option of saying in time of war "I will go to college," but in time of peace, when you are not drafting anybody, "I am available," this bill, which I will vote for because the President asked for it and because it does not make the system any worse, is simply a meaningless sham, providing the illusion, but not the substance, of reform.

Mr. KING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to answer the gentleman from New York (Mr. Pike) by saying that we on the subcommittee were furnished with figures from Defense Department and from the Selective Service System, and it was proved to us without any question that there would be an adequacy of the prime age group in the manpower pool.

I do not think I should take the time of the House to go into detail at this time, so I will extend my remarks at this point in the Record.

Some critics of the President's proposal to reduce the period of actual draft vulnerability from the present 7 years to 1 year maintain that the pool of 19- to 20-year-olds will simply not be adequate to satisfy military manpower requirements. Thus, they maintain that since this pool will be exhausted, the President will be required to go to succeeding age groups of registrants to satisfy military manpower requirements, and therefore the period of "uncertainty" will be considerably greater than the 12 months claimed by the President and the Director of Selective Service.

This charge is completely false.

I have been provided with figures from the Department of Defense which clearly indicate that a "prime age group" of 19- to 20-year-olds, and constructive 19- to 20-year-olds, would be more than adequate to satisfy all military manpower requirements.

These figures from the Department of Defense illustrate this point under three different assumptions:

First, that annual draft calls of 300,000 are required, such as have existed in the Vietnam period—1966–68;

Second, an assumption of draft calls of 100,000 a year, which illustrates the situation that applied in the pre-Vietnam period, 1963–65; and

Third, an assumption that the annual draft calls will approximate 50,000 a year, which was the level of draft calls in fiscal year 1961 when our total military strength was below 2.5 million.

Briefly, under the first assumption contemplating an annual draft call for approximately 300,000, no more than 60 percent of the residual draft pool would be required to satisfy manpower requirements.

Similarly, in the draft calls of 100,000 and 50,000, only 8 to 17 percent of this pool would be required to satisfy induction quotas.

ADEQUACY OF "PRIME AGE GROUP" MANPOWER POOL

The issue has been raised as to whether the manpower pool of available registrants in the prime age group, under the President's draft reform plan, will be sufficient to meet current or anticipated military manpower needs. The following statistics provided by the Department of Defense are pertinent:

> About 2.0 million men will reach age 19 each year during the early 1970's.
>
> Of these, about 800,000, or 40%, will be eligible for temporary student deferments. However, about 450,000 of this group will enter the prime age selection pool each year from older age classes as "constructive 19-year-olds" after either graduating from college or dropping out of school. (The remainder, it is estimated, would be disqualified because of failure to pass medical standards or would be deferred for other reasons, such as personal hardship or employment in essential occupations.)
>
> Of the 1.2 million out-of-school 19-year-olds, about 750,000 will be available for service, after excluding rejectees or those deferred for other reasons.
>
> The total number of new men thus becoming available for service each year, either as volunteers or draftees, will be about 1.2 million.
>
> The above total can be compared with an average requirement of about 1.0 million new manpower accessions per year during the period FY 1966–69, when our military force levels reached a peak of about 3.5 million, and of about 650,000 per year during FY 1963–65 when our strength averaged about 2.7 million.

From these statistics, it will be evident that the number of men who will become available for service each year under the proposed prime age group system will be more than adequate to meet draft calls which may reasonably be expected in the coming years.

It should also be noted that in the initial transitional year of the proposed system, the manpower pool will be further increased by inclusion of about 200,000 additional class 1-A men, qualified and available for service, in the age group 20 to 25 years. A more detailed discussion follows:

How many men are likely to be available for draft selection in a typical year under the new system? How many will be college students; how many, noncollege men?

The answer to this question is illustrated in table 1. About 2 million men will reach age 19 each year, during the early 1970's. Of these, about 800,000, or 40 percent, will be eligible for temporary deferments because of full-time enrollment in colleges or similar educational institutions. Of the remaining 1.2 million, about 450,000 will probably be deferred, either due to failure to meet military qualification standards or because of fatherhood, personal hardship or other reasons. Based on recent experience, an additional 350,000 will have already volunteered for military service. Thus, about 400,000 19-year-olds will be immediately available for draft selection. In addition, it is estimated that about 450,000 of the 800,000 men originally deferred as students will enter the selection pool each year after completing school or losing their student deferments. The remainder would be disqualified or would be deferred on other grounds. Thus, the total pool available for draft selection each year may approximate 850,000 men, of whom about one-half will be former college students.

What chance of induction will draft registrants face in any one year under the proposed system?

These chances will depend upon several factors, including the total requirements of the armed services for new entrants and the proportion of available men who choose to volunteer rather than to wait to be drafted. In table 2, these odds are illustrated under three possible levels of military manpower requirements:

Assumption 1: Annual draft call of 300,000. This illustrates the selection odds under military strength and draft call levels similar to those in the years 1966–68—Vietnam period. Based on this experience about 650,000 men in the prime draft selection group would be needed for military service in addition to those who would be expected to volunteer at earlier ages—for example, at ages 17 to 18. Of the total needed, more than half—about 350,000—would probably volunteer for either active duty or reserve service as enlistees or officers. The residual requirement for 300,000 draftees would, therefore, represent 60 percent of the remaining pool of draft availables.

Assumption 2: Annual draft call of 100,000. This illustrates the outlook under military strength and draft call levels similar to those in the period 1963 to 1965—pre-Vietnam period. The draft selection ratio under this illustration is 17 percent.

Assumption 3: Annual draft call of 50,000. Under a still lower assumed level of draft calls of 50,000 per year, the draft selection ratio could drop to 8 percent. This relatively low level of draft calls approximates the situation in fiscal year 1961, when military strengths fell slightly below 2.5 million and inductions totaled 60,000—the lowest annual total since 1950.

ILLUSTRATIONS OF DRAFT SELECTION PROBABILITIES UNDER ALTERNATIVE ASSUMPTIONS AS TO ANNUAL DRAFT CALLS

	Illustration I (300,000 annual draft call)	Illustration II (100,000 annual draft call)	Illustration III (50,000 annual draft call)
Number of availables in draft selection pool	850,000	850,000	850,000
Less volunteers during selective service year	350,000	250,000	200,000
Residual pool for induction	500,000	600,000	650,000
Draft calls	300,000	100,000	50,000
Percent of residual pool drafted	60	17	8

Estimated prime selective service manpower pool available for military service under proposed system

Total men, age 19 [1]	2,000,000
Full-time students	800,000
Not qualified or eligible for deferment after graduation [2]	350,000
Available for service after leaving school	450,000
Nonstudents	1,200,000
Not qualified or deferred	450,000
Entered service before selective service year [3]	350,000
Available for service	400,000
Total prime pool available for service during year [4]	850,000

[1] Based on average for 1970–1974.

[2] Includes allowance for physical rejections and for deferments or exemptions, e.g., occupational, hardship, ministers and divinity students.

[3] Voluntary entrants into active or reserve forces.

[4] Obtained by adding the 400,000 available for service and the 450,000 available for service after leaving school.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, the bill we have before us is a step in a direction that is long overdue: reform of the draft. It is a very small step because it merely replaces 8 years of vulnerability—and thus disruption of life—with 1 year and random selection. It leaves unamended a host of other inequities. Local draft boards would still be able to make nonuniform decisions on who is eligible and who is not. They would still have arbitrary powers with regard to deciding the validity of the moral and religious reservations of draftees. The list is long; too long. It is way past time that we got down to the business of putting through some real reforms of the entire Selective Service System, to go beyond superficial changes.

The greatest inequity which will continue to exist, of course, is the draft itself. It is a nonvoluntary period of servitude to begin with and its method of operation, the current process of registration and classification, is a tremendous infringement upon the lives of all those who fall under its power. It constitutes one of the biggest barriers preventing communication between the generations in our country today. Thus, to remove this fundamental and inherent inequity, I intend to offer an amendment to H.R. 14001 which will put Congress on record in favor of abolishing the draft and reinstituting it only if, first, Congress formally declares war, or, second, the President issues an Executive order and Congress by concurrent resolution approves such order. I believe my amendment is germane to the bill.

Traditionally, this country has drafted men only in periods of national emergency. The first instance occurred nearly a century after our independence was confirmed, at the time of the Civil War. A full half century passed after the end of that conflict before we found it necessary to resort to this practice again, and another quarter century separated the drafts of World Wars I and II. Although to most of us it may seem difficult to remember this country without a draft, it has been continuously in effect only since 1949.

Each year the quota of young men to be fed into this yawning military maw has been amplified, until now we draft about 400,000 a year. That is already too much, but we also keep approximately 5 million others on tenterhooks as they traverse the years between 19 and 26 waiting for their number to come up. Those who do not go to college find it nearly impossible to find good jobs since most places of business will not hire a man with the draft hanging over his head. Those who do go to college have no leeway in their learning process, it is either keep up the grades or go see Uncle Sam. And so we pressure young men into decisions on jobs, education, and marriage which reflect distorted choices and we take a big bite out of their lives with fear. The institution of the lottery will lessen this fear but it will not eliminate it.

We are told that eliminating the draft will be too expensive. But when the Defense Department has provided actual figures, this was found not to be the case. Estimates for a 2.65-million-man force, the level we had before Vietnam, run about an additional $4 billion a year.

These estimates ignore, however, the savings such a system would make possible, for instance in lower training costs. It now takes at least $6,000 to train a soldier. Walter Oi, an economist at the University of Washington, who has done manpower studies for Department of Defense, has estimated that with the longer terms of service and high reenlistment rate of noninductees, the number of recruits who would enter the armed services each year, and thus require training, would fall 30 percent. This would mean 166,000 fewer new recruits needed each year for a 2.65 million-man force.

The annual saving would be $1 billion to $1.3 billion. With men better trained and with higher morale, maintenance costs due to the misuse of equipment would be reduced. Tax losses, presently incurred by the drafting of men who would otherwise earn high civilian salaries on which they would pay taxes, would be avoided.

The President wants a volunteer Army. I say give it to him. I understand he wants the volunteer Army only at the end of the Vietnam war. Discontinuance of the draft will be an earnest indication of his desire to end the war and in my opinion will move the peace conference in Paris off dead center and will hasten peace. We can have a volunteer Army and a Reserve corps. This will enable us to meet what commitments we have. Further, my amendment calls for the suspension of the draft as soon as possible. The President will have that determination.

Mr. KING. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. PIRNIE), who is a member of this subcommittee but who had to leave town, may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIRNIE. Mr. Chairman, I support the proposed legislation, H.R. 14001, which would allow the President to implement a new system of selecting persons for induction into the armed services.

As the ranking minority member of the Special Subcommittee on the Draft of the House Armed Services Committee, I have made a continuing effort to follow closely the administration of the Selective Service System and implementation of the draft law. I therefore believe that I have a special responsibility to comment on the bill.

This legislation does no more than give the President the authority to implement a random method of selecting draftees. It does not alter existing law in any other way since the 1967 Draft Act already contains language which gives the President adequate permissive authority to make the changes he deems appropriate and desirable.

For example, there has been a great deal of discussion about changing the order of selection from the oldest-first to the youngest-first call and apparently there was a general misunderstanding about the ability of the President to do this. However, section 5(a) of the 1967 Draft Act authorizes the President to make this alteration, and therefore, there is no need for legislative action on this point. The same is true of the other items for the President listed in his May 13 message to the Congress indicating his desire for changes in the selective service process.

The Subcommittee on the Draft considered the President's recommendations as soon as possible after being made aware of his request. We held extensive hearings on the proposal and weighed carefully the wisdom of altering the present system in favor of a random selection. Although some of us may doubt that such a change will result in any greater equity in the selection process, we are unanimous in the view that the President should have the power to implement whatever system he considers to be in the national interest. This is in keeping with the view our committee has always held regarding the draft and it is consistent with the policy adopted by the Congress in 1967 when it approved the Military Selective Service Act of 1967.

Mr. Chairman, there is one point which I think is particularly important and one which should be made perfectly clear. There have been suggestions; indeed, allegations, that the Committee on Armed Services has been slow in acting to approve the President's request. I would like to point out that in 1967, the House Armed Services Committee recommended and the House approved a version of the Draft Act of 1967 which would have allowed the President to implement the so-called lottery system providing that he first reported the details of that system to the Congress and the Congress had not, within a period of 60 days from the time of such report, passed a resolution rejecting the proposed changes.

The Senate version of the legislation contained no recognition of our concern to give the President the authority to implement quickly any system he considered to be in the national interest. In conference, the language which is in existing law, was approved because the conferees from the other body felt that Congress should exercise its legislative prerogatives in this critical area. However, let no one mistake the desire of the House or the Armed Services Committee to give the President the administrative flexibility necessary in this critical area. Our committee's position is a matter of historical record: We support the concept of giving our Chief Executive such discretionary authority as may be necessary to properly administer the Selective Service System, we always have and doubtless always will.

Today we are considering legislation which may prove to have lasting effects on many generations of American boys. For those who feel that wholesale changes in the draft law should be made by Congress now, let me say that support of H.R. 14001 can achieve the same purpose. However, in my opinion, this is neither the time nor the place to begin a new round of so-called reforms of the draft. Rather it is the time to grant a Presidential request which will better enable him to carry out his constitutional responsibilities as Commander in Chief. He should be given that authority and I urge all my colleagues to support this bill.

Mr. KING. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, the reform in the draft selection system, which will be made possible by this legislation, is long overdue and I am confident will be supported by an overwhelming majority of this House.

The only criticisms I have heard of this legislation are not addressed to the substance of this bill but to other possible reforms in the administration of the Selective Service System. A good deal of this criticism, it seems to me, is addressed to the administration of the present system rather than to the law itself. For example, one frequent complaint is that young men in similar circumstances are likely to be treated differently depending upon the attitudes of their particular draft boards and that more uniform guidance and procedures are desirable.

I would like to point out that the President has ample authority under the present law to promulgate more detailed guidelines, standards and procedures for deferments and exemptions. Moreover, President Nixon has clearly recognized the importance of establishing reasonable and clear guidelines to assist the local boards in their decisions. For this reason he has initiated a comprehensive review of selective service procedures to assure that they are consistently and fairly administered throughout the country. This review is currently underway under the sponsorship of the National Security Council and is scheduled to be completed by December 1, 1969.

I am sure that the Special Subcommittee on the Draft, appointed by the chairman of the House Armed Services Committee in 1967, will closely monitor the results of this study as part of its continuing responsibilities in this area.

I am therefore happy to join my colleagues in supporting this bill, H.R. 14001.

Mr. KING. Mr. Chairman, I have no further requests for time.

Mr. HÉBERT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, this Nation cannot long continue to tolerate the inequities of the present draft system nor, as I see it, can we long continue to send the finest of our young men to various battle areas against their will and without any declaration of war. Because the present Selective Service System does involve a major policy decision that is important to the lifeblood of this country, I am most reluctant to see us rewrite it on the floor of this House with the high emotion involved with the Vietnam war creating a climate which produces a minimum of cerebral activity and a maximum of adrenal activity. The distinguished gentleman from New York (Mr. STRATTON), for whom I have the highest regard for both his keen intellect and his integrity, has persuaded me that it would be better procedure to have the comprehensive hearings next year and the careful consideration of all proposals for change. And heaven knows college draft deferments need very careful consideration; the 4,000 or more autonomous draft boards need to be looked at, with deferments in one part of the country made on a different basis than in another part of the country; the number of years of obligation need to be examined; and, in my judgment, universal service needs to be carefully considered. In the long run, I believe that I favor a volunteer Army with remuneration sufficiently attractive to provide the number of people and the quality required for the defense of our country.

But in addition to these, Mr. Chairman, I am most concerned about the use of draftees by the Commander in Chief without any declaration of war. It continues to amaze me that in a country such as this the Commander in Chief can demand the ultimate sacrifice of individual lives on a foreign battlefield without any comparable sacrifice on the part of those who remain home and reap huge profits from the war effort. It is for these reasons, Mr. Chairman, that I introduced legislation yesterday which would go to this particular point. I sincerely hope that the members of the Armed Services Committee will consider it in the comprehensive review of the Selective Service System next year.

The essentials of my bill, affecting the use of draftees in undeclared war, are as follows:

First. The President is allowed to commit troops to a combat area, volunteers without limit, draftees for the first 90 days only.

Second. Within 90 days, Congress by resolution—or declaration of war—must decide whether or not to endorse the original Presidential action by permitting continuation or assignment of draftees to combat areas.

Third. At the end of 180 days, failing a formal declaration of war by the Congress, all troop commitment—voluntary and/or draftee—is withdrawn.

I have striven to reconcile in this legislation a number of contrary concerns that have increasingly disturbed this Nation's conscience in the post-World War II era.

The first concern is not to hobble the President in his important role as Commander in Chief in making swift response to international provocations which we know, from bitter experience, can arise at any moment and at almost any point on the globe to confront us.

The second concern, in giving the President this necessary latitude for action, is not to continue to default on our constitutional responsibility in decisions committing our military forces to actual armed conflict.

But there are a host of interrelated concerns woven into these major two I have just mentioned.

The first is the concern for the predicament of the draftee in undeclared wars. There can be no question of his obligation to serve his country when a formal declaration of war has been acted on since this in itself would indicate a time of grave peril for the entire Nation.

But with respect to "police actions" and "brushfire wars" the obligations placed on the draftee, soul, mind, and body, become first tenuous and then intolerable because we have not had the courage as leaders to define such ambiguous terms.

When is a war a war?

My bill says any military intervention by the United States becomes, by formal declaration of the Congress, a war at least by the end of 180 days of continuous intervention. At that point, we are completely in or completely out. And by "completely" you are not to infer the use of nuclear weapons. By that logic, we would have been less than "completely in" World War II, since we possessed, but did not use, vast stockpiles of chemical and biological terror weapons.

And the Congress and the Nation will have 6 months to make up its mind, one way or the other, and in the process restore to itself a constitutional prerogative that has been transgressed twice in as many decades, in Korea and in Vietnam.

And current and future Presidents will continue to have for at least 6 months the prerogative of making prompt military decisions we have permitted a succession of their predecessors. Given the dangerous nature of the world today, and what should be our ready acknowledgment of the integrity of the man the people elect President, we can do no less.

Proposals that would bar the President from using draftees in an emergency situation do more than hobble the President. They hobble the military commander who has been ordered into an actual or potential area of conflict with as little as 24 hours notice.

Can we honestly expect a commander to do his job, leaving behind critically needed skills—perhaps his own radio operator—simply because those skills are possessed by a draftee?

In my view, this would mindlessly imperil the lives of men who are obliged to enter a combat area at Presidential direction. My concern for the predicament of the draftee does not make me any less concerned for other Americans in uniform who, I am afraid, we sometimes seem to regard as mercenaries.

Within 90 days, under my proposal, the military commanders concerned will have been able to provide in an orderly way for the replacement of draftees within their commands.

During that same 90 days, the Congress will have had ample opportunity to consider continuing the use of draftees—by a resolution which would also give the President a vote of confidence in his original decision to undertake armed intervention.

Of course, if that resolution is not forthcoming, he can look 90 days further into the future and reckon his own chances of getting the supreme vote of confidence, a declaration of war by the Congress, and start taking appropriate actions.

The tough proposition in my bill, and I acknowledge it as such, is that 6-month countdown to a congressional vote on a declaration of war, which failing to carry simply signifies that it is the will of the people, expressed through their elected representatives, to have no war at all.

I repeat: no war at all.

Neither police action, brushfire, limited, general, nuclear, or nonnuclear, nor one involving voluntary or involuntary service by members of our Armed Forces.

No one can characterize my countdown provision as a doomsday device. Examined carefully, it will be found to be rather an antidoomsday device. Neither are the proposals I have discussed without strong precedent in selective service legislation, either with respect to limitations of time or place placed on the use of draftees. On September 16, 1940, legislation was approved specifying that draftees "shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands."

I daresay a great number of you gentlemen were personally affected at the time by this legislation.

All of this, mind you, while a war was raging in Europe and with a notably strong leader in the White House in the person of Franklin D. Roosevelt.

Yet we were flexible enough to meet the challenge of World War II and win it. The restriction on the use of draftees was simply repealed with a declaration of war, as it properly should have been.

A declaration of war is the most serious consideration that will ever come before this House. There are some who would have readily voted it in 1965; there are others who would have readily voted against it.

I do not think too many would have been found in either camp. I, myself, am on record as opposing our involvement in Vietnam. I was one of seven in the House who voted against President Johnson's request for approval of $700 million in 1965 as an endorsement of his escalation policy. I wish there had been more opposition to Vietnam in the country and in the Congress then—but that is in the past. We must make the wisest decisions we can from this point on.

And all of this is perhaps irrelevant of consideration because—whether hawk or dove, Republican or Democrat—we were privileged to have Lyndon Johnson give his political life for our sins of omission since, in the final analysis, we were never forced to face up to our constitutional responsibility.

With this bill, I invite you back to that harder path from which we have all strayed.

Mr. TEAGUE of Texas. Mr. Chairman, since my experience in combat as battalion commander from Utah Beach, Normandy, in June 1944 to the Rhine River in December 1944, after seeing 300 killed and 500 wounded out of 1,000 men, I have felt that the national sin of our country was to send our 18-, 19-, and 20-year-olds into combat when there is no other place in our society where we consider them mature men.

Today, the distinguished chairman of the Armed Services Committee has given this body his word that complete and extensive hearings on draft reform will be held in the next session of Congress. I submit now for the Record a bill I intend to introduce then for consideration by that committee:

H.R. ———

A bill to amend title 50 of the United States Code to prohibit the ordering of any individual into combat who has not attained the age of 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Military Selective Service Act of 1967 is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of law, after the effective date of the Selective Service Amendment Act of 1969, any person selected for induction under this title who has not attained the age of 21 at the time of his induction shall, until he attains such age, be held and considered by the Secretary of the military department concerned to be on active duty for training in the armed forces."

My bill would prohibit ordering young boys into combat who are under the age of 21. Through our inability or unwillingness to face up to certain moral principles, we have created a serious inconsistency in our national life. We have created a disparity in the age of responsibility for active duty and combat duty in the Armed Forces while at the same time maintaining for other purposes legal provisions which render a young man a minor and unacceptable for certain public responsibility.

If the various laws of the States were changed so that a young man under 21 could vote, make a valid contract, and assume the legal responsibility for his own support and conduct, I would have much less objection to drafting a man under 21 years old for combat duty. This is not the case, and I see very little chance that there will be wholesale revision of State laws on such matters as voting, minority rights, and contractual and legal obligations under age 21. Therefore, the only course open to obtain consistency is to make the draft law compatible with these other various laws relating to individual responsibility.

Young men under 21 years old do not make ideal soldiers. They are in most instances too young and immature to have the harsh realities of combat thrust upon them. There would be no objection to seeing young men enter the Armed Forces under age 21 for training purposes, and I would be glad to see the Armed Forces organized to provide for drafting and training of young men from the period 19 to 21 years old, providing these men would not be sent to combat earlier than 21 years of age.

There is some precedent for this. We have had programs in the past which brought young men into the Armed Forces for training purposes only and did not permit their assignment overseas.

I am enclosing the most recent statistics available from the Department of Defense which points up only too clearly that the majority of the deaths in Vietnam are in an age group that we will not permit to vote in our national elections:

U.S. CASUALTIES IN SOUTHEAST ASIA, BY AGE AND MILITARY SERVICE

	Military service					
	U.S. Army	U.S. Navy	U.S. Coast Guard	U.S. Marine Corps	U.S. Air Force	Total
Hostile deaths through August 1969—attained age:						
17	7	0	0	2	0	9
18	880	8	0	1,461	0	2,349
19	2,884	95	0	3,165	7	6,151
20	6,491	241	0	3,257	18	10,007
21	4,468	219	0	1,647	24	6,350
22	2,226	141	0	776	28	3,171
23	1,732	93	0	482	24	2,331
24	1,322	72	0	313	38	1,745
25	981	66	1	204	48	1,300
26	673	47	1	129	30	880
27	369	23	0	83	41	516
28	281	24	0	70	48	423
29	276	14	0	63	42	395
30	213	23	0	42	38	316
31	238	18	0	50	34	332
32	185	21	0	59	34	299
33	166	11	0	44	40	261
34	179	6	1	35	36	257
35	159	21	0	29	32	241
36	165	14	0	34	26	239
37	140	8	1	40	32	221
38	113	10	0	11	21	155
39	76	11	0	14	17	118
40	62	10	0	7	10	89
41	39	3	0	7	12	61
42	26	4	0	8	4	42
43	25	1	0	5	3	34
44	18	1	0	1	5	25
45	9	1	0	2	5	17
46	3	0	0	1	4	8
47	8	1	0	3	5	17
48	7	0	0	3	2	12
49	2	0	0	0	0	2
50	3	0	0	1	1	5
51 and over	5	1	0	1	2	9
Unknown	0	0	0	0	0	0
Total, all ages	24,415	1,208	4	12,049	711	38,387

To further substantiate my contention that a majority of States do not consider an individual to reach adulthood until age 21, I am placing, herein, statistics compiled by the Legislative Reference Service in August 1967. These statistics list on a State-by-State basis the age at which an individual reaches majority; is eligible to vote; make a will; and purchase alcoholic beverages. This compilation follows:

States	Age of majority	Minimum voting age	Minimum age for making will	Minimum age for purchase alcoholic beverages
1. Alabama	21	21	21	21
2. Alaska	19	19	19	21
3. Arizona	21	21	21	21
4. Arkansas	21	21	18	21
5. California	21	21	18	21
6. Colorado	21	21	18	21
7. Connecticut	21	21	18	21
8. Delaware	21	21	18	21
9. District of Columbia	21	21	21	21
10. Florida	21	21	18	21
11. Georgia	21	18	14	21
12. Hawaii	20	20	20	20
13. Idaho	21	21	18	21
14. Illinois	21	21	18	21
15. Indiana	21	21	21	21
16. Iowa	21	21	21	21
17. Kansas	21	21	21	21
18. Kentucky	18	18	18	21
19. Louisiana	21	21	16	18
20. Maine	21	21	21	21
21. Maryland	21	21	18	21
22. Massachusetts	21	21	21	21
23. Michigan	21	21	21	21
24. Minnesota	21	21	21	21
25. Mississippi	21	21	None	21
26. Missouri	21	21	18	21
27. Montana	21	21	18	21
28. Nebraska	21	21	21	21
29. Nevada	21	21	18	21
30. New Hampshire	21	21	18	21
31. New Jersey	21	21	21	21
32. New Mexico	21	21	21	21
33. New York	21	21	18	18
34. North Carolina	21	21	21	21
35. North Dakota	21	21	18	21
36. Ohio	21	21	18	21
37. Oklahoma	21	21	18	21
38. Oregon	21	21	21	21
39. Pennsylvania	21	21	21	21
40. Rhode Island	21	21	21	21
41. South Carolina	21	21	21	21
42. South Dakota	21	21	18	21
43. Tennessee	21	21	18	21
44. Texas	21	21	19	21
45. Utah	21	21	18	21
46. Vermont	21	21	21	21
47. Virginia	21	21	21	21
48. Washington	21	21	21	21
49. West Virginia	21	21	21	21
50. Wisconsin	21	21	21	21
51. Wyoming	21	21	21	21

Mr. Chairman, you can be assured at the hearings to be held next year, I shall make every effort possible to change the fact that we order by law, boys to fight men's wars.

Mr. VAN DEERLIN. Mr. Chairman, I would like to take this opportunity to express my gratitude to the chairman of the committee (Mr. RIVERS) for his humane intercession on behalf of a San Diego family that had been caught in strange and sad dilemma by the ruling of a local draft board.

Briefly, the facts were these:

About 2 weeks ago, I received a letter from Mr. and Mrs. Donald B. Carrier, of 5484 55th Street, San Diego. They wrote that their elder son, Daniel, a first lieutenant in a tactical fighter squadron, has been reported missing in action over North Vietnam since June 2, 1967.

In the nearly 29 months that have elapsed since Lieutenant Carrier's disappearance, his family has learned nothing to sustain hope that he is alive.

The Carriers have one other son, Michael, a graduate student who was recently reclassified 1-A after holding 2-S and 3-A classifications.

When the family requested that Michael be classified 4-A under the policy exempting sole surviving sons from the draft, the local selective service board replied that the policy does not apply in cases of men missing in action—only on confirmed death.

The reasoning seemed to me an absurd and unfair interpretation of congressional intent.

I had planned on offering an amendment to H.R. 14001, to provide that "a person who is designated as missing in action by the Secretary of the military department concerned shall be deemed to have been killed in action," insofar as local draft boards are concerned.

After drafting the amendment, I decided to discuss the situation with Mr. RIVERS.

He agreed that a great injustice was being done, and promptly put in a call to the Director of Selective Service.

I was advised Tuesday that the file on young Michael Carrier had been pulled at Selective Service headquarters here in Washington, and that his 1-A classification would be changed to permit him to continue his studies.

I commend Mr. RIVERS, for the kindness and compassion he has shown for this family.

And I earnestly hope that the apparent vagueness in our law, which gave the local draft board such leeway in the Carrier case, can be clarified once and for all through administrative fiat if not through new legislation.

Mr. BINGHAM. Mr. Chairman, I share the frustration of so many of my colleagues that this bill has been brought before us under a rule that does not permit amendments to be considered to provide for a basic overhaul of the draft.

The current draft law is a prime cause of a clear state of emergency in our country, an emergency which exists both in the military itself and in the lives of our young men and women, many of whom are increasingly unable to imagine a humane and enlightened government. The implementation of a lottery system of selection, although an improvement in a totally outmoded system, is still just a scratching in the dirt. The mother lode of frustrations, inequalities, and damage to both human beings and institutions—our proper business in an emergency of this magnitude—is too deep to be dealt with by mere alterations in a method of selection.

The attitude of many young men toward the draft, which they regard as unjust if not intolerable—an attitude which is greatly aggravated and intensified by their hatred of the Vietnam war—is having a damaging effect on the armed services. It is no surprise or secret that disaffected young men within the military may cause more harm than good: The rise in desertion rates, the numbers of men confined to brigs, rioting on military bases, and the springing up of "underground" newspapers on military installations are obvious signs of a serious problem.

Today the armed services are despised by many young people, and the young man in uniform is likely to be the object of jibes, even from the girls of his generation, in sharp contrast to the admiration that used to be the lot of the soldier or sailor in wartime.

I have been deeply concerned by the small numbers applying for the service academies in my district, and I know other Members have had the same experience. I am concerned that the academies might have to lower their standards for admission, if indeed they have not had to do so already.

The best way to undo this damage would be to end the Vietnam war, but even if that can be done promptly, the animosity to the draft will continue among today's young men if its injustices are not corrected.

I believe that the draft system can be refined and reformed so as to improve the quality of our Armed Forces, as well as to dispel the dissatisfaction of young people. Both the military and young people share a common anathema—unwilling service. When a common problem exists, a common solution should be projected.

The Selective Service Act of 1967 needs drastic change. The mere repeal of section 5(a)2 of Public Law 90-40 and the instigation of a new system of selection do not offer a solution. It is very much like suspending draft calls for a period of a few months or allowing graduate students to finish out their year—a kind of kingly, but insignificant, toying with the masses of the people in this country whose human needs must be answered with substantial changes in the existing laws.

Many have programs in mind. These programs should be heard out—now—discussed—now—and, most important, enacted—now. If we recognize, Mr. Chairman, the true emergency that faces us, then, certainly, the very difficult complications in the area of draft reform can be solved.

I have my own plan, which involves a total overhaul, of the type that is required. It incorporates the lottery selection system, yet it also provides sets of alternatives for mlitary service.

My plan would tie together the needs of the military for young men who want to serve that honorable profession, and the needs of many young people to serve their country and their world in some way other than militarily. There has always been room for both; there may never have been greater need. If the military is going to regain its untarnished image, and if the many young men who now defy the draft can ever be solicited to serve their country in the ways they so earnestly desire, then we must start now to implement a plan at least as broad as the one I have proposed.

A lottery system of selection, which is the only reform provided for in this bill, is totally inadequate as a revision of the draft. Nevertheless, it does represent a step forward, however, limited. For that reason, and in view of the assurances provided during this debate by the distinguished chairman of the Armed Services Committee that his committee will hold hearings on all aspects of draft reform early next year. I intend to vote for this legislation.

Mr. ROTH. Mr. Chairman, I rise in support of H.R. 14001, a measure that would greatly improve the draft system by removing one of its inherent inequities.

Under the current draft system, the oldest are inducted first. One result of this policy is that registrants face a period of maximum liability to induction that stretches over 7 years, from age 19 through 26. During these years, when a man is most desirous of establishing himself and a family, registrants often must wait anxiously, not knowing whether they will be called to military service.

Under the authority that H.R. 14001 would give him, the President plans to reduce the period of maximum liability to 1 year, by defining the "prime age group" as the registrants who reach their 20th year in a given calendar year. Barring unusual military manpower requirements, all selections would be made from the prime age group, which would include men who are deferred and who must rejoin the prime age group upon the expiration of their deferments. If a man is not selected from the prime age group, he will have a high degree of assurance, and assuredly much more so than he now has, that he can pursue his life and his life's ambitions as he sees fit.

More specifically, under the plan the President will institute, when a registrant enters the prime age group the likelihood of his being drafted would not depend on his particular birthday. The days of the year would be "scrambled" or randomly distributed in such a way that a person whose birthday is at the beginning of the calendar year would have no higher degree of vulnerability to selection than a registrant whose birthday falls at the end of the calendar year.

The Selective Service Amendment Act of 1969 would simply repeal but one section of the Military Selective Service Act of 1967. Even so, H.R. 14001 would enable the President to carry out a truly significant reformation of the existing draft system. And it must be kept in mind that the President probably will be taking similarly significant steps, as outlined in his May 13, 1969, selective service message to Congress—additional steps that, unlike the institution of a random selection system based on the concept of a prime age group consisting of the younger registrants, can be taken under authority previously given to him by the Congress.

Of course, I look forward to and pray for the day when the world situation will be such that the draft and even the manpower level at which the Armed Forces must be maintained voluntarily can be drastically downgraded.

Meanwhile, in the bill now before us we have the opportunity to take a giant step toward more equitable and therefore more efficient national military manpower policies.

In conclusion, let me say undramatically but firmly, Mr. Chairman, that this bipartisan selective service reform measure formulated by a Republican administration, has been unanimously recommended for approval by the House of Representatives in action taken by a Democratic-controlled Committee on Armed Services on October 16, 1969.

Mr. GILBERT. Mr. Chairman, I voted against the previous question which would have opened the bill, H.R. 14001, for floor amendments. Unfortunately, the previous question was not voted down and we did not have the opportunity to vote on the Bolling amendment which would have permitted amendments to be offered on the House floor.

We all agree there is great need for draft reform, but to be equitable and effective, draft reform must go beyond the adoption of a lottery system as proposed in H.R. 14001. I think the House should have the opportunity to consider draft reforms beyond the simple change to random selection. That is why I voted against the previous question.

Mr. Chairman, I am one of the cosponsors of a bill to make major draft reforms. I endorse the principle of random selection; in fact, it is incorporated in the bill I cosponsored. But a public issue as important as draft reform cannot be resolved by the enactment of a partial measure.

The bill I have cosponsored, with the gentleman from New Jersey (Mr. THOMPSON) and 38 other Members—H.R. 7784—will correct a number of injustices and inequities in the administration of our draft laws. Our proposal will prohibit discrimination of any kind in the makeup of any selective service panels which determine an individual's draft status. It will establish eight regional offices of the Selective Service System to supervise administration of the laws. It calls for a public study of all aspects of a volunteer army and it would guarantee to all registrants the right of counsel in appearing before draft boards. Additionally, those who claim indigency are assured of free council. As an added protection, the bill will specifically bar any local board from utilizing the draft as a means of punishing draft opponents or any other persons by limiting draft delinquency to acts relating to the registrant's own individual status.

Mr. Chairman, I hope the Armed Services Committee will consider which I have cosponsored, H.R. 7784, at an early date. It is rather widely agreed that draft reform is long overdue.

Mr. Chairman, I am going to vote for H.R. 14001 because I believe the other body will work its will and there will be opportunity in conference to draft a more susbtantial selective service reform bill.

Mr. DONOHUE. Mr. Chairman, this bill before us, H.R. 14001, presents an immediate challenge to this Congress and the Chief Executive to cooperatively work together to revise and make our current military draft system as fair and impartial in its application as it is humanly possible to do.

Like a great many others here, I think that this House and this Congress ought to review and revise the whole Selective Service Act. I think that should be done through our established procedures of committee hearings and the presentation of a committee report, so that every House Member would have the opportunity to offer amendments, explain their purpose, and have them judged by the majority. The chairman of the House committee has indicated that such procedures will be initiated by his committee early next year.

Meanwhile, the President of the United States has asked this House and this Congress, by prompt legislative action, to remove any legal doubt of his authority to set up a random system of selection for all military service inductees. He has also stated that he will then promptly initiate, by Executive order, several other reforms and improvements in the current law.

Under the circumstances, and in view of the request for immediate action, I think we should give an immediate response, and that political considerations should not be permitted to intrude into this matter on either or any side.

Those of us who have long been urging congressional and Executive action to remove inequities from the current draft law can take a certain measure of gratification at the indication of presidential intention and the committee presentation of this bill before us, which was unanimously reported from the Armed Services Committee without a dissenting vote. I believe that there is an immediate, imperative need, in fairness and equity, to establish some type of random or lottery selection system that will result in a limited vulnerability for draft-age individuals through, as the President has discussed, a "youngest-first" order of call.

At present, all men in the 19-to-26 age group are technically subject to the draft. For those qualified, this imposes a 7-year period of uncertainty and inability to plan for the future.

I think we should and we must first and quickly find a way to reduce this period of vulnerability and anxiety which weighs as heavily upon the parents as it does upon the young men involved. If it is not feasible at this particular time to try to eliminate the draft entirely, then we must try to at least create a draft system procedure through which the individual affected will have near certain knowledge about his status, so that his family will be relieved of great worry and he can reasonably plan his life.

Of course, there are, as the President indicated, many other reforms that can and should be made in our draft system, such as revising conscientious objector regulations, requiring all boards throughout the country to apply and abide by the same standards and to permit legal counsel to appear with and advise a draftee through every board procedure. These and other changes must be made in order to renew and strengthen the trust and confidence of all our young men and their families in the fairness of our military Selective Service System by the cooperative action of the Congress with the Chief Executive.

I believe that this objective is vital to the continued stability of this Nation. I believe that cooperative congressional and Executive action to this end is imperative in the national interest.

What we do here today will not be the last or perfect solution to an extremely difficult problem in this country. However, I think it represents a step, by the right combination of the President and the Congress, in the right direction, at the right hour of our modern history. Let us take this step, now, while we pledge our unceasing cooperative efforts in removing every inequity from our existing draft system and while we hopefully seek a way to provide adequate armed services without the necessity of a military draft.

Mr. HALPERN. Mr. Chairman, random selection of youth to serve in the Armed Forces is a commendable reform of our draft law, although I believe ultimately the draft should be abolished in favor of an all-volunteer army.

The Nation's objective should be to make military service free of compulsion, removing constrictions on individual freedom.

An all-volunteer army would be more democratic as it would require no compulsory service. It would reduce turnover in the services, and hence reduce cost. It would probably raise the level of skill in the Armed Forces. And it would remove the terrible problems of uncertainty.

But realizing there are serious problems in implementing an all-Volunteer army, I applaud President Nixon's initiative in seeking immediate reform of the present Selective Service System until the entire question of military manpower can be properly evaluated.

The present draft is shortsighted, inadequate, inequitable, and inefficient. Under the power granted the President in H.R. 14001, only young men between their 19th and 20th birthdays will be drafted on a random basis, rather than the present system, which allows men between 19 and 26 to be called on an oldest-first basis.

Under the new system, the youngest, not the oldest, will be called first; call-ups will be on a nationwide random basis, and limited college deferments will be continued, postponing the period of maximum vulnerability.

Young men between the ages of 19 and 20 will be tagged as the "prime age group" for induction under H.R. 14001. By concentrating future draft calls on a smaller and younger group of draft registrants, the period of maximum vulnerability will be reduced from 7 years to 1 year. Those who have received deferments or exemptions would rejoin the prime age group at the time their deferment or exemption expired, and would take their places in the sequence as they were originally assigned.

Determining the sequence of induction will be by lot, calling eligible men by birthdate from a "scrambled" calendar. This would equalize the risk of induction and help young men determine the likelihood of induction.

For those receiving undergraduate deferments, the year of maximum vulnerability would come whenever the deferment expired, generally upon completion of students' college education. Graduate students would be deferred for the full academic year during which they were first ordered for induction; graduate students in medical and allied fields, who are subject to a later special draft, would be granted deferment for the full period of their studies.

The importance and necessity of quickly instituting this draft reform cannot be underestimated.

Drafted soldiers are about 16.5 percent of total military manpower. In the Army, draftees are 37 percent of total strength, and represent 42 percent of our forces in Vietnam.

However, draftees represent 40 percent of Army fatalities in Vietnam. Draftees then, account for less than two out of every 10 soldiers; but represent four out of 10 Army fatalities in Vietnam.

In addition, there is a sound actual basis for turning to 19-year-olds first. Almost 2 million young men will soon reach age 19 every year.

Statistics indicate that 30 percent of these 19-year-olds will be disqualified because they do not meet either physical or educational standards. Others will receive hardship deferments, and according to past records, some 500,000 men will volunteer for military service.

This should leave about 730,000 qualified 19-year-olds for the draft. Based on military manpower requirements for July 1965, before the Vietnam buildup, another 110,000 men would be needed to supplement the 570,000 volunteers and bring strength up to approximate the 680,000 new soldiers required each year.

This means that one out of every seven young men of the 730,000 qualified 19-year-olds would be drafted.

The desirability of calling 19-year-olds, rather than older men, has been repeatedly reiterated by the Defense Department. Drafting the "oldest first," a Defense Department study reveals, "clearly revealed that this policy was not desirable from any standpoint." Problems cited by the Defense study with drafting the "oldest first" include:

First. The uncertainty it generated in the personal lives of the draft-qualified men. For instance, almost 40 percent of potential inductees between age 22 and 25 were told at least once by a prospective employer that they could not be hired because they could be drafted.

Second. The incidence of deferment rises sharply with age. At age 19, only 3 percent of classified registrants had dependency deferments and only two-tenths of 1 percent had any form of occupational deferments. But at age 24, nearly 30 percent of all registrants were in just these two deferred categories.

Third. Army officers consider younger men to be more adaptable to combat training routines.

But let me reiterate my contention that the draft can be replaced with a fully staffed volunteer armed force. It can be accomplished by affording the enlistees broad educational benefits and adequate financial compensation.

In an age where our defense depends more and more upon sophisticated weaponry and highly skilled manpower, 43 percent of the Army at any given time has had less than a year's experience.

It costs $18,000 a year to maintain a soldier and there is a 95-percent turnover among draftees, a situation that is ridiculous.

A standing volunteer army would eliminate the overwhelming turnover and result in great savings, while the increased training for the standing forces will make the military far more effective and efficient than before.

Mr. KARTH. Mr. Chairman, while the opportunity to open the selective service law for extensive improvements has temporarily been denied the House by the action to adopt the rule on H.R. 14001, I am heartened that the chairman of the Committee on the Armed Services has pledged that hearings to modernize the draft permanently will be held early next year.

Although I voted in opposition to the previous question, the announcement of the gentleman from South Carolina encourages me to press for those changes in the Selective Service System which will finally achieve equity for those who will be called to serve in the Armed Forces of our country.

When the hearings are held next year I will propose changes in several major areas. These will include: provision that de facto exemption of some students be ended so that all draft-eligibles be exposed to selection at some time; establishment of uniform national standards for all local boards; prohibition of occupational deferments—except hardship cases—prohibition of use of draft as punishment; requirement that Selective Service System be reorganized; and provision for studies of a Volunteer army and a national military service alternative.

I am convinced that when such changes are adopted by the law modernizing selective service we will make an important advance in reunifying our sadly torn country and winning many more of your young people to the cause of working for the Nation, not against it.

Mr. THOMPSON of New Jersey. Mr. Chairman, the subject of draft reform is certainly not a new one to the House. The archaic organization of the Selective Service System has been recognized by at least two Presidential Commissions and has been the subject of study by a number of distinguished groups.

In July, 1966, President Johnson appointed a National Advisory Commission on Selective Service chaired by Mr. Burke Marshall, former Assistant Attorney General. That Commission was directed to make a thorough study of the system and to make recommendations as to how it might be improved. At approximately the same time, the gentleman from South Carolina, chairman of the House Armed Services Committee, appointed a civilian advisory panel on military manpower procurement. The panel was chaired by Gen. Mark Clark.

After these two distinguished groups reported to the President, the President on March 6, 1967, sent a message to the Congress recommending in large measure the reforms proposed by the Marshall Commission. As we know, the Senate incorporated many of these recommendations in a bill which is passed and sent to the House. The House declined to accept these reforms and the result was the Selective Service Act of 1967 which did little to meet the inequities pointed out by the Clark and Marshall Commissions.

H.R. 7784 incorporates most, if not all, of the recommendations advanced by the two studies of which I have made mention. Essentially, the recommendations seek to provide a degree of certainty to those who, of necessity, must enter the draft pool and, insofar as it is possible, to provide a basis of selection which insures equal treatment for every young man in each population group. The bill would reverse the present policy of taking the oldest first and instead take the youngest first. This principle has been supported by the President who, I gather, if we do not act here, intends to do so by Executive order. The bill also provides for random selection, a principle now embraced by the administration.

Random selection is not an end in itself. All it seeks to do is to provide each person in the draft pool equal status with every other person similarly situated. It is the determination of who is to be in the draft pool that requires attention by this House. H.R. 7784 gives the 19-year-old a clear-cut choice. He can enter the pool upon graduation from high school if he so chooses or postpone his entry into the pool until the end of his undergraduate work. Moreover, the same choice will be available to young men who pursue apprenticeships or on-the-job training. The bill does away with occupational deferments, except as ordered by the President in a period of national emergency. It provides for a 3-year transitional period during which the random selection system would be effected. Perhaps most important of all, it requires the adoption of national standards and criteria in the administration of the draft law and requires that such standards be uniformly applied.

As we know, the Selective Service System was created at the outset of World War II to deal with the urgent need to raise an enormous civilian army on very short notice. I think history will note that the System succeeded beyond anyone's expectations. The problem is that while manpower needs have changed, the System remains essentially the same. H.R. 7784 would reorganize the 4,000 local boards into a regional system to achieve uniformity of treatment in the registration process and the appellate process. Registrants would have the right to appear in draft board proceedings and to be represented by counsel. It assures judicial review for questions of law regarding classification proceedings and restores to the Justice Department the power to review conscientious objector cases. It prohibits the use of the draft as a method of punishment for protest activities to comport with recent court decisions. The bill limits the term of the Director of the Selective Service System to 6 years and prohibits discrimination in the selection of persons to serve on draft boards. It calls for a thorough public study of national service corps in which young men might serve as an alternate to military duty. It provides for a public study of the feasibility of a Volunteer Army and a study of military youth opportunity schools as a device to upgrade those who fall below mental and physical induction standards. The bill follows the recommendations of the State Department and makes our draft treatment of aliens conform to our treaty obligations.

Mr. Chairman, I realize that this recitation does no more than hit the highlights of the bill, but I firmly believe that it encompasses the great majority of the recommendations which have been advanced by the Marshall Commission and the Clark panel. If we must continue to conscript young men to serve in the military, it seems to me that the Nation and this Congress can do no less than to insure that this procedure be carried out in as equitable a manner as ingenuity can devise.

Mr. Chairman, the defeat of Mr. BOLLING's motion on the previous question means that the House cannot consider H.R. 7784. We now have only the choice of repealing the 1967 prohibition against random selection. I shall vote for it because I favor the principle. However, I view as tragic the refusal of the Armed Services Committee to review the entire act. The promise of Mr. RIVERS to review the act next year "if possible" may be an aspirin to some, but is meaningless to me. There is absolutely no excuse for the delay since 1968. I shall be here in January to be heard when Mr. RIVERS fulfills his kind promise.

Mr. REID of New York. Mr. Chairman, I rise in somewhat qualified support of H.R. 14001, a bill authorizing modifications of the system of selecting persons for induction into the Armed Forces. My support is qualified because I had hoped we could discuss and reform the many inequitable facets of the draft, rather than limiting ourselves to the method of selection.

I would also reiterate my objection to our method of procedure here today, including the prohibition of many significant amendments and the submission of what I must term an unrepresentative and misleading committee report.

I would point out, regarding this 11-page report, that almost five pages are devoted to a floor statement by the committee chairman (Mr. RIVERS), two more pages are devoted to a statement and message from the President, and the only additional evidence referred to in the report is first, a statement from the Secretary of Defense; and second, a letter from the Selective Service Director who is due to retire this winter.

It occurs to me that the report in no way indicates that a certain displeasure with the limitations of the bill was voiced by a number of Members of Congress during the hearings, including Mr. THOMPSON, Mrs. MINK, Mr. MIKVA, and myself.

I am disappointed in this report because it had been my understanding that the purpose of a report was to present as full and complete a record as possible of views and information advanced in support and in opposition to the pending legislation, whether or not they coincided with the opinion of the Chair.

Nonetheless, despite its grave deficiencies, I am supporting this bill in the hopes that we will soon again be able to debate the subject of the draft, and that we will soon enact really meaningful reform.

The bill would repeal section 5(a)(2) of the Military Selective Service Act of 1967 which contains language prohibiting the President from modifying the method of selection of inductees. In effect, present law prohibits the President from instituting a random selection system or lottery.

On May 13 of this year, the President asked the Congress for such authority and said that he would, in addition, reverse the order of call to youngest first and reduce the period of prime draft vulnerability or exposure from 7 years to 1 year. These are changes I have advocated for years.

They are a part of H.R. 7784, the Draft Reform Act of 1969, which I have introduced with Mr. THOMPSON of New Jersey and Senator KENNEDY. The legislation before us today is only to consider a change in the law to enable the President to institute the random selection system. I heartily support such a change in the law.

However, I believe that the Congress and the President have delayed far too long in implementing these three essential proposals. The buck has been passed from one branch of Government to the other for more than 2 years; meanwhile, thousands of young men continue to be subject to a selective service system that is inequitable and plays havoc with seven of the most crucial years of their lives. Some may refuse to believe it, but, to me, it is no wonder that the young men and women of America distrust their Government, that both Congress and the Executive lack credibility with our youth.

Thus, I think it is incumbent upon the President to act promptly by Executive order to reverse the order of induction and limit exposure to the draft to 1 year. And I mean promptly; it is no longer sufficient to say that these actions will be taken if the Congress does not act by the end of the year. That is 2 months away—many injustices are perpetuated in 2 months. Equally, it is incumbent upon the Congress to repeal the prohibition on a lottery now, and at the same time, to enact several other urgently needed reforms in the selective service system.

As the New York Times editorialized on the President's proposals:

> If the faltering faith of youth in the ability of the American system to eliminate injustices is to be restored, Congress must do better than this.

These words are not idle threats or the plans of revolutionaries; ordinary, decent kids no longer think that government stands for justice and they believe this principally because the draft has been unfair to them. Nor increasingly do they believe that government is relevant or has a capacity to act.

The bill that I have introduced with the distinguished gentleman from New Jersey (Mr. THOMPSON) and which, prior to the adoption of the restrictive rule, he had planned to offer in the nature of a substitute, contains comprehensive and far-reaching reforms. There are three which I think are of particular significance and which I would like to mention briefly.

The first is the clear need to adopt national standards and criteria in the administration of the Selective Service System and in the determination of who is eligible to be drafted.

The establishment of national standards will mean that local boards, as presently constituted, will be basically recordkeeping units, and that all decisions on a registrant's classification will be made in Washington or a regional office, according to criteria that are applied to every other young man in America.

Some will argue that the local board is composed of citizens familiar with the problems of the young men of their community and that this will insure that each registrant's circumstances are judged according to his personal situation. The fact of the matter is that in far too many cases the registrant's circumstances are judged according to the personal whim of the draft board, the composition of which is not always representative; according to the mood of the members when a young man comes for his personal appearance, or even according to arbitrarily set quotas on the number of registrants to be placed in each classification. This is no way to judge whether a young man will be sent to war. Broad national standards would, in my judgment, be far more equitable than the local whim.

Second, and quite related to my first point, is the need to reduce the number of deferments and make those which are authorized scrupulously fair to all Americans.

Our bill would, for example, continue student deferments but it would expand that definition to include students in junior and community colleges, in vocational schools and in apprenticeship or occupational programs as well as those pursuing baccalaureate degrees. When a young man's student deferment expires at age 25 or the end of his undergraduate course, he would be placed in the prime age group of draft vulnerability for 1 year, and could receive no other deferment except in case of extreme hardship. All occupational deferments would be eliminated.

In short, Mr. Chairman, a lottery without revision of the deferment policies is but half the job. I would hope that an amendment to this end will be approved.

Third, I believe that the law should be changed to grant conscientious objector status to atheists and agnostics, so long as they are genuine pacifists, in addition to those whose objection is based on conventional religious training and belief. Surely care must be taken to see that conscientious objector status is granted only to those young men of deep and genuine convictions, and that it is not simply an expedient to avoid service.

I might point out that on April 1, 1969, Judge Charles E. Wyzanski Jr. of the Federal district court in Boston ruled in the case of John Heffron Sisson, Jr., that section 6(j) of the Selective Service Act of 1967 "unconstitutionally discriminated against atheists, agnostics, and men who, whether they be religious or not, are motivated in their objection to the draft by profound moral beliefs which constitute the central convictions of their beings."

The Supreme Court has agreed to review the Sisson decision this term.

In summary, Mr. Chairman, I believe that it is the duty of this Congress to insure that the draft is fair—as it is not now—and that all young men face equally the possibility of induction. Draft deferments should not become exemptions or havens for those who seek to avoid serving their country. But the Congress will be derelict in its responsibility and bear the burden for further alienation of our young men and women if basic changes are not made immediately to insure that the draft is equitable.

Mr. KASTENMEIER. Mr. Chairman, while I shall vote for H.R. 14001 giving the President the right to select military draftees through a random selection or lottery system, I will do so without any enthusiasm for, or personal commitment to, the lottery system.

The selection of men for service in the Armed Forces must, under any circumstances, take into account the total manpower needs of our society as well as the problems of equity that arise whenever a portion of our society is chosen to undergo hazards. There are those who feel that a lottery system would remove the inequities in the present draft law. An impartial random selection, accompanied by an Executive order specifying that 19-year-olds would be drafted first, admittedly, would be an improvement, albeit a modest one, over the present haphazard manner in which young men are drafted into the military. However, advocates of this lottery proposal should not delude themselves into believing that this system will be a cure-all for all the inequities associated with the draft.

This lottery proposal, itself, which we are considering, contains a built-in class bias or inequity, for the decision to retain student deferments accords preferential privileges to one group, at the expense of others.

At one time, student deferments were considered to be justifiable for one reason, to satisfy what was seen then to be a clear public need. In the context of that time, it was believed that only with student deferments could the Nation be assured of a steady flow of college-trained manpower in pursuits necessary to the national interest.

The Nation now has the experience of the years which have elapsed since then against which to review the effect of student deferments. There is no evidence that the abolishment of student deferments would deter young men selected for service from going to college, or returning to college, when their service was completed. This being so, the actual effect of student deferments is unrelated to the national interest. Thus, without the justification of being in the national interest, the justification originally intended, student deferments will become the occasion for a serious inequity.

Even with safeguards to prevent deferments from becoming exemptions, one group of draft-eligible men will, if this general student deferment policy is continued, be given the privilege of deciding when to fulfill their military obligation. The chance to postpone service right now might mean the difference between the obligation to serve in a shooting war and the possibility of serving later when the war might have come to an end. The granting of this privilege of choosing when to serve is done on the basis of a standard of determination which is in itself discriminatory. Even though educational opportunity is increasingly widespread, the opportunity to go to college still reflects a degree of social and economic advantage not yet shared by all. For this reason, I am sorry that this bill could not be amended to eliminate student deferments.

It also is fair to point out that this lottery proposal will not change the structure of the Selective Service organization, and it will not require uniform national standards and administration for draft classification in place of the vague guidelines that govern the local Selective Service boards. While there are obviously thousands of dedicated people serving on the more than 4,000 local boards, you cannot possibly get uniform decisionmaking out of that many different groups of people. This means you are going to continue to have built-in, as long as you have local boards operating without uniform standards, nonuniformity, which is another inequity in this draft system. Local boards will continue to rule arbitrarily and with varying degrees of injustice respecting requests for conscientious objector and hardship status and deferments by some students who must work to pay for their college education. The jurisdictions of these local boards have different types of selective service registrants in them. Even with a lottery, in some boards a man is going to be drafted, in another the registrant is not going to be drafted at all. Perhaps, as the Selective Service System says, this will be because there is a difference in those communities and that a given man might be necessary to one community and not necessary to another. That, however, requires some assumptions about the local board members knowing their communities, knowing what can best be done in those communities. We now know that in some instances local board members do not even reside within the geographic area over which their board has jurisdiction. In the absence of uniform national standards, this situation stands out as a glaring example of the need for uniformity.

This lottery proposal will not change the practice by which a conscientious objector status is determined. The special appellate procedures successfully used between 1940 to 1967 will not be reinstituted.

Furthermore, I want to emphasize that this lottery proposal is still a draft and thus, it is highly inequitable in that it forces a few to bear the burden of military service for the many. This use of compulsion is, in itself, the denial of an essential freedom which should be jealously guarded except in times of genuine national emergency.

The lottery, then, will not resolve all the numerous and varying problems associated with a policy of conscription. It is my firm belief that the many inequities linked to the draft can, in the final analysis, be eliminated only through the abolition of the draft.

Mr. Chairman, compulsory military service is alien to those principles which have always been considered a part of our American democracy. Not only does it result in a severe deprivation of civil liberties, it, also, is a wrenching departure from the traditional American ideal of liberty and this Nation's most cherished heritage, that of personal freedom. I have introduced legislation to abolish the draft and establish an all-volunteer military. The voluntary military is consistent with our American heritage, and, with proper salary and career and other incentives, we can secure the military manpower the Nation needs without any social or economic injustice.

Mr. EDWARDS of California. Mr. Chairman, we have been asked by the President to amend the draft law. It is a little like trying to put Humpty Dumpty back together, only in this case the draft law is a bad egg.

Yesterday I counted the number of Vietnam dead from my native city, San Jose, Calif. There were 63 dead through April of 1969. I also counted the number of Mexican Americans on that list. There were 21—exactly one-third of the total. The Mexican-American population of San Jose is 12 percent or less. The present draft law is systematically unfair to the minorities and to the poor. It is in fact, if not intent, a racist law. It cannot be successfully amended. It must be replaced in toto.

Our present draft law violates the long-term American principle of voluntary military service. It was enacted to meet a national emergency, first World War II and then the cold war. It is based on the need for almost total military conscription, a conscription which reached across all classes and all races. Today, under present conditions, it is conscription of the poor with the rich escaping much of its effects.

As the conditions which led to the Selective Service Act have changed, so must we change the law.

There is but one answer, abolishment of the draft now, and the establishment of voluntary military services.

Such voluntary military service will require increases in wages and benefits for the members of the Armed Forces. But, through the elimination of unneeded foreign bases, a sharp curtailment of unnecessary overseas military commitments and large-scale economics in the construction of unwise new armament systems, we can free the funds to pay our volunteer armed services.

As the draft is based on the misconception of the U.S. military role—a role as the policeman of the world—so voluntary military service would fit into what should be the U.S. role in today's world—that of a nation devoted to peace through international cooperation and organization with its military forces designed only for self-defense. Let us examine that proposal more closely. If our military forces are intended not for intervention in other nations' affairs, but only for self-defense in cooperation with its allies, then the massive military structure we have built is unnecessary. In addition, we must clearly define our allies, those nations whose interests are close enough to ours, and whose people and political leaders are committed to freedom. At present we are committed far too often to political leaders who do not represent their people, but who do use our military forces to help enslave their people. It is this kind of mistake which has led to our involvement in Vietnam. It is this kind of mistake which can lead to our involvement in future Vietnams.

Our young people are divided and torn by this present unfair draft law. A lottery system will not change the basic inequities of the law. A lottery system in fact violates the basic ethic of this country, because by definition a lottery puts this Nation in the business of gambling with the lives of its young. I find it immoral to gamble with the lives of our sons.

For those who fear the generation gap, and fear our young, let me remind them of our history of putting them unfairly in danger, a history dating back now to 1940. What, during World War II, was a necessary burden, imposed with some fairness, is today a monster unfairly inflicted on the defenseless.

Let us allow our young to live, and let us return to the American tradition of a voluntary military service. Such a service will serve our needs of defense. This Congress always has the power to change when conditions warrant change. As in 1940 the draft was necessary, so it is unnecessary today. And if conditions change again, and I pray they will not, then Congress if necessary can reinstitute a fairer and more equitable system of conscription.

Today let us act in the best interests of the Nation, of our young and of the future. Let us end the draft now.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 14001, the Selective Service Amendment Act of 1969. The purpose of this legislation is to empower the President to establish a random selection, or lottery, draft system, which he has announced will be combined with a reduction in the time of vulnerability to 1 year.

In supporting this legislation I would like to make it clear that this in no way indicates that I will be satisfied with less than sweeping and comprehensive reform of our draft system such as would be provided under H.R. 7784, of which I am a cosponsor.

While I favor broader steps to provide for equitable functioning of our Selective Service System, the legislation before us today is clearly a step forward. It is requested by the President and has the unanimous approval of the House Committee on Armed Services. The immediate best interest of our young men who still await the call into military service demands that we at least enact this reform while still seeking other changes.

As I said in my testimony before the Committee on Armed Services, the President's legislative proposal does not incorporate a specific plan. In a sense, Congress is surrendering its power to designate the exact method by which our citizens will be called to service. Yet, whatever plan is implemented through the adoption of H.R. 14001 will provide a more just system for drafting our youth than the one we have now.

In my view, the uncertainty of the exact system to be adopted by the President is of less importance than that the system ought to be changed. I only hope that the system to be adopted will carry out the stated purposes, and will be a par of the broader reform program set forth by the President in his statement of draft system objectives.

I feel that the proposed reduction in draft vulnerability from 7 years to 1 year is far more important than the method by which those within the prime selection group are inducted. The President has indicated he will order this reform; and since Congress has previously granted him this authority it follows that we have also endorsed the Chief Executive's right in this regard.

The reduction of vulnerability will have immense importance to all of our young men subject to the draft. It will reduce the current 7 years of uncertainty, during which each young man's education, career, and entire future are in jeopardy, down to a single year. Each person will know that for only that 1 year may he be called into service. After that year has expired, he will be free to attend school, work, get married, raise a family, travel, and do all the things that young men would ordinarily do without the imminent threat of draft hanging over their heads.

I believe that the whole matter of student deferments can also be resolved under the proposed system. If a young man's number is called, and he is a student, the rules could provide that at that time he could choose to seek a postponement of his induction during his undergraduate years, or he could choose to go into service immediately.

Should he choose a postponement, automatically upon completion of his undergraduate education he would immediately report for induction. If he chose to enter the service immediately, on the other hand, he would then be entitled to all of the educational benefits later as a veteran which would facilitate his education after his military service.

One major flaw in our draft system not corrected by the President's proposal is the varying application of the Selective Service law and rules among the various local boards across the country. I hope that this and other defects in the system will receive prompt attention under the new Director. Meanwhile, I support H.R. 14001 and urge its approval by my colleagues.

Mr. HANNA. Mr. Chairman, in 1967 when the National Commission on the Draft reported their recommendations, a great many of us were confident meaningful draft reform would be accomplished during the 90th Congress. That hope was quickly shattered. In a meaningless ceremony the 90th Congress extended the draft, during a marathon session. While approving the extension we wrote in language that barred the President from unilaterally initiating reform.

To say that our action 2 years ago lacked foresight would be too kind. A generation of young men were looking to us for meaningful reform and we responded with a few worn cliches and a sterile policy.

The most unfortunate aspect of the 1967 frustration was the aura of expectation that had been created. The National Commission's report, the Presidential pronouncements, and the wide ranging debates in Congress resulted in nothing.

We can only hope 1969 will be different. Perhaps the long awaited "retirement" of the general has set the tone. Perhaps now this Congress will exercise its long overdue obligation of reforming our antiquated and unfair draft.

The legislation we are considering today is only one small step in an inevitably long walk. By passing H.R. 14001 we will only be repealing the ill-conceived language written into the Selective Service Act of 1967. The language of course specifically prevented the President from instituting the random selection process—or lottery.

In the President's message of May 13, he specifically asked Congress to repeal section 5(a)(2)—the language which barred him from initiating the lottery. At that time I endorsed his recommendation as I did when it was first suggested in 1967 by the National Commission on the Draft.

The random selection system as outlined by the President would go a long way toward increasing the fairness of the draft as well as building confidence in a system which presently lacks it.

At this point I would ask that the details of the President's plan be printed:

THE PRESIDENT'S PLAN

(A) ESTABLISHING THE "PRIME AGE GROUP"

Under this plan, announced in the President's May 13, 1969, message to the Congress on selective service, the prime age group each year would include men age 19 and in class I–A at the beginning of the year, and older men whose draft deferments expire during the year. The prime age group would be fixed for a consecutive 12-month period as would selection of draftees from it. This means there would be a new prime age group each year, and it would be made up of the new 19-year-olds that year, as well as men coming off deferment during the year. Those not drafted by the end of their "prime" year would be assigned lower priority and would normally not be called except in emergency.

In the first year of the new system, all men aged 20 through 25 and in class I–A, available and qualified, would be included in the prime age group. Men who are deferred or otherwise temporarily exempted would be included in the prime age group of the year in which their deferment status ended. The final element to insure fairness is, as Secretary Laird pointed out, provision for random selection within the prime age group, so that all would have an equal chance of being drafted.

(B) IMPLEMENTATION OF THE PROPOSED SYSTEM OF RANDOM SELECTION

Prior to each calendar year, all dates of that year (365 or 366) would be randomly drawn. This drawing would establish for use by each local draft board the sequence for inducting members of the prime age group. For example, if August 3 was the first date drawn, then those in the prime age group whose birthdays are August 3 would be most draft susceptible. If November 10 was the last date drawn, then those in the prime age group whose birthdays are November 10, would be least draft susceptible—and so on in between the first and last dates drawn. At the beginning of the year, the young man has simply to examine where his birth date falls in the list of 365 and 366 dates, and he knows his relative susceptibility of the draft during his prime year.

Once his place in the sequence is determined, his assignment in terms of draft order would never change. If he were granted a deferment or exemption at age 19 or 20, he would reenter the prime age group when his deferment or exemption expired, and would take the same place in the sequence that he was originally assigned.

It is important to point out one thing the random selection system will not do. It will not substitute chance for reason. Draft boards would continue to be responsible for authorizing deferments on the basis of such reasons as hardship or college study. Random selection only establishes an order of inducting those who are classified I–A—that is, those who are qualified and available after deferment periods (if any) have expired. This would take the place of the mandatory oldest first procedure now used by draft boards in selecting qualified I-A's for induction.

In the 1967 Draft Commission report the most important question asked was "Who serves when not all serve?" Under our present law, the answer is completely subjective. A draft board is under no specific obligation to call anyone in any specific order. A general rule exists that the oldest is drafted first, but as the Commission demonstrated in its report this rule is often discarded for subjective, and arbitrary judgment. As a result, the system has been subject to legitimate criticism. A young man never knew when he was being called or why he received a draft notice when a friend, with the exact same set of circumstances, but living in a different community, did not receive a notice.

To most young men, the present method of selection is an uncertain mystery. Because of this uncertainty their personal lives remain in limbo for years, their questions go unanswered, and their confidence in the system continually deteriorates.

The lottery should change these circumstances. As it is conceived, everyone will know how they are selected—and that selection is by chance. All eligible men will know where they stand and what their chances are for induction. And the period of maximum vulnerability will last 1 year, rather than 7 which is the present case. Coupled with the fact that the President will require that 19-year-olds be drafted first, we will have two steps that will substantially reform the present system.

This is not to say that we should stop with these two changes. There are a number of other reforms which must be instituted.

Foremost among these is the entire question of deferments. I am particularly concerned about the wide variety of subjective judgment that is now allowed. There are few uniform standards and we find draft boards around the country making opposite decisions on the same set of circumstances.

Let me cite an example. I am personally familiar with one case which particularly highlights the point I am making. A young constituent of mine was accepted and enrolled in a special joint graduate program between the School of Medicine and the School of Psychiatry at the University of Washington, Seattle. By successfully completing the 4-year program, the young man will be awarded a Ph. D. from the joint program. The U.S. Public Health Service funded the program as well as providing grants for the individuals selected to participate.

This particular young man, with the assistance of the university, applied for a graduate deferment based upon the argument that the work he is doing is directly related to the medical field. The university corroborated this and the draft board in my district granted the deferment.

A classmate of my constituent, a young man with the exact same circumstances from A to Z, also applied to his Virginia draft board for a deferment. Once again the university supported the request, but the Virginia draft board turned it down. Although no reason was ever given the young man, during an oral appeal some members of this young man's draft board suggested that because he was to receive a Ph. D. instead of an M.D. they did not feel he was entitled to a deferment.

Most of the students enrolled in the joint program received deferments. About a dozen did not.

This of course is just one example. There are literally thousands of others.

All of this suggests the need for uniform standards for deferments. The President should require the Selective Service System to initiate such standards.

Another area sorely in need of reform is the composition of local draft boards. The Commission reported that members of local boards are often not representative of the community; or have served for years and lost touch with current events. Since the report, nothing meaningful has been done. Most board members remain aloof, dismiss criticism, and are rarely known or accessible.

This attitude often carries over to the local staffs of the board. Young men and their parents are in my office every week telling me of clerks who refuse to answer questions, are insulting, and immune to suggestion. All too often, after investigating I find these criticisms to be accurate.

The Selective Service bureaucracy must be upgraded and made more responsive, and responsible to the public.

These additional reforms can all be handled by Executive order. I realize a number of amendments will be offered to make these reforms a matter of statute. Whether these amendments are included on this piece of legislation or not is unimportant. What is important is that they must be instituted and vigorously enforced. The President has the ability and power to do both.

If we must have a draft it is our responsibility to insure that it is implemented and administered as fairly as possible. It must have, above all, the full confidence of those who it affects.

This is not now the case—and it is our fault. Perhaps the overwhelming passage of H.R. 14001 will help to reestablish this confidence. Let me stress, however, that it is what happens after we pass this bill that really matters.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 14001, a bill authorizing modifications of the system of selecting persons for induction into the Armed Forces. This bill will permit the President to change the method of selecting registrants for induction from the present inequitable so-called oldest first system to a youngest first system of random selection.

It is clear that the military draft is in bad need of reform. Induction standards, both mental and physical, are administered differently from local draft board to local draft board. Individual deferments are granted more as a matter of local draft board preference than as a matter of statutory right. Student deferments create a class of exclusions whereby the burden of national defense falls unfairly upon those individuals who by choice or by circumstance do not pursue a college education, or who when once enrolled do not meet arbitrary standards of academic excellence.

I believe that some form of draft must be continued for the duration of the fighting in Vietnam. In this connection, the President's proposal to select inductees by lottery and limit the eligibility pool primarily to 19-year-olds constitutes a first step toward eliminating the inequities in our present Selective Service System. In addition, its restricting the prime eligibility pool to 1 year will lift the present cloud of uncertainty which hangs over the head of a young man from the time he reaches 18, until his 26th birthday.

Although I support the President's initiative, and will press for the prompt enactment of his proposals by the Congress, I do not think the matter should rest there. I believe that the present Selective Service System should receive a thorough nonpartisan and nonpolitical scrutiny in an effort to determine whether the present system should be revised or retained. As a part of this review, alternatives to the present system, such as a volunteer army, a full-fledged lottery system, or a universal service system should be carefully studied and considered.

Mr. Chairman, the method by which our Nation meets its manpower needs for national defense is a critical question of our times. The future of democracy, as we know it, depends in part on how we resolve this question.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 14001 which will strike the prohibition against the random selection of inductees. The removal of this prohibition will enable the President to change the method of selection from the "oldest first" to a random selection method.

The problems of the Selective Service are a nationwide concern. They present special problems within my own district. With a sizable, and I might add, very aware student population, the inequities of the draft are well known. The draft system, coupled with disenchantment or total opposition to the Vietnam war, has been a contributing factor in many student demonstrations. In the larger urban areas, such as Oakland, many of our poorer citizens who have not had the advantages of our society cannot avoid the draft by advanced education. These citizens find themselves serving in the armed service in the most undesirable areas, while their more fortunate fellow citizens escape service altogether, serve in local reserve units, or secure commissions. The problems of involuntary induction are not new, but a combination of various factors, the Vietnam war among the prime causes, have created a momentum for change.

It is my understanding that with the passage of H.R. 14001 the President will be able to carry out under Executive order his proposals of May 13. These proposals are briefly:

First, change the order of call from the oldest first to the youngest first;

Second, reduce the period of draft vulnerability from 7 years to 1 year;

Third, allow undergraduates to continue deferments, with the understanding that the year of maximum vulnerability would come when the deferment expired;

Fourth, allow graduate students to complete 1 academic year of training during which they are first ordered for induction; and

Fifth, develop more consistent policies and guidelines, standards, and procedures.

Furthermore, I am informed that the President specified to the Committee on Armed Services his plans for the selection method if H.R. 14001 was enacted.

ESTABLISHING THE PRIME AGE GROUP

Under this plan, announced in the President's May 13, 1969, message to the Congress on selective service, the prime age group each year would include men age 19 and in class I-A at the beginning of the year, and older men whose draft deferments expire during the year. The prime age group would be fixed for a consecutive 12-month period as would selection of draftees from it. This means there would be a new prime age group each year, and it would be made up of the new 19-year-olds that year, as well as men coming off deferment during the year. Those not drafted by the end of their prime year would be assigned lower priority and would normally not be called except in an emergency.

In the first year of the new system, all men aged 20 through 25 and in class I-A, available and qualified, would be included in the prime age group. Men who are deferred or otherwise temporarily exempted would be included in the prime age group of the year in which their deferment status ended. The final element to insure fairness is, as Secretary Laird pointed out, provision for random selection within the prime age group, so that all would have an equal chance of being drafted.

IMPLEMENTATION OF THE PROPOSED SYSTEM OF RANDOM SELECTION

Prior to each calendar year, all dates of that year—365 or 366—would be randomly drawn. This drawing would establish for use by each local draft board the sequence for inducting members of the prime age group. For example, if August 3 was the first date drawn, then those in the prime age group whose birthdays are August 3 would be most draft susceptible. If November 10 was the last date drawn, then those in the prime age group whose birthdays are November 10, would be least draft susceptible—and so on in between the first and last dates drawn. At the beginning of the year, the young man has simply to examine where his birth date falls in the list of 365 and 366 dates, and he knows his relative susceptibility to the draft during his prime year.

Once his place in the sequence is determined, his assignment in terms of draft order would never change. If he were granted a deferment or exemption at age 19 or 20, he would reenter the prime age group when his deferment or exemption expired, and would take the same place in the sequence that he was originally assigned.

It is important to point out one thing the random selection system will not do. It will not substitute chance for reason.

Draft boards would continue to be responsible for authorizing deferments on the basis of such reasons as hardship or college study. Random selection only establishes an order of inducting those who are classified I-A—that is, those who are qualified and available after deferment periods—if any—have expired. This would take the place of the mandatory oldest first procedure now used by draft boards in selecting qualified I-A's for induction.

Mr. Chairman, I am happy to see that the President plans to move by executive action, but I am unhappy that this Congress does not have the opportunity to act upon legislation that would restructure the entire Selective Service System. More remains to be done.

Administratively, the Selective Service System is a composition of 4,000 local draft boards, thus increasing the possibility of varying classification standards.

These local boards are not representative of local population. In 1966, for example, a study showed that of over 16,000 local board members, only 1.3 percent were Negro, 8 percent Puerto Rican, and 0.2 percent American Indian.

There is a need to introduce due process into the system—for example, the right of counsel and judicial review of classification procedures.

These are some areas in which the system could be corrected. Also the inequities of our present draft system can be seen in data collected by the President's National Advisory Commission on Selective Service, the Marshall Commission. This Commission gave careful study to the effect of the current draft system on our Negro citizens. As I pointed out, black representation on local draft boards was only 1.3 percent. In addition, the Commission discovered that 50 percent of the men rejected for service were black, yet only 25 percent of the white men were disqualified. In spite of this fact, 30.8 percent of the draft-eligible black citizens were drafted and only 18.8 percent of the draft eligible white citizens were drafted. The Commission said that this disparity could be partially explained by the fact that fewer Negro citizens were admitted to officer training programs or admitted to Reserve units. These facts, I submit, are not only a commentary of the inequities of the draft system but on our society as well.

Thus, Mr. Chairman, I realize that even if the prohibition against the lottery system is stricken, and I hope that it is, I do not feel that it fully answers all the problems within the Selective Service System.

A more comprehensive restructuring of the Selective Service System would have to include features that would be combined with reform of the method of selection.

First, the administration of the Selective Service Administration and the local boards should be consistent and the rules and regulations regarding classification be made uniform. For example, some boards have draft pools of less than 1,000 and others more than 50,000. Some appeal boards handle 3,000 cases a year, others only 10 to 20. A recent study of some local draft boards in my own State of California indicated that no one board was aware that the policy recommended by the Director of the Selective Service with respect to drafting lawbreaking demonstrators had been ruled illegal by the U.S. circuit court of appeals.

In dealing with the problem of administrative inconsistencies, I support the recommendations of the National Advisory Commission on the Selective Service. Briefly, these recommendations are:

First. A national headquarters which would formulate and issue clear and binding policies concerning classification exemptions and deferments to be applied uniformly throughout the country.

Second. A structure of eight regional offices should be established to administer the policy and monitor its uniform application.

Third. An additional structure of area offices should be established on a population basis, with at least one in each State. At these offices men would be registered and classified in accordance with the policy directives from national headquarters.

Fourth. Local boards would continue to function as a registrant's first court of appeals.

Fifth. The composition of the board should represent all segments of the public and there should be circulation—rotation—on the board.

The appeals process also needs to be substantially changed in order to assure just treatment. Under the present system, I have mentioned the varying workloads of the appeals boards. According to the Marshall Commission, there also seems to be problems with the due process of appeals procedure, the lack of simple, direct information about the rights of persons wishing to appeal and a lack of uniform standards for judging appeals. Many of these problems can be resolved by expanding the appeals period to 30 or more days, by having local boards issue written decisions, and by having appeals agents readily accessible in area offices. I also feel that a set of special panels should be established for the purpose of hearing conscientious objectors cases.

Before concluding, I want to express again my opposition to the concept of an all-volunteer army. This country has been well served by the civilian-professional mix in its armed services. I have grave reservations about the consequences of an all-volunteer army in our unique, and often violent, democratic society. The specter of an isolated professional military—perhaps a military largely composed of the dispossessed—conjures up too many adverse historical memories to justify an all-volunteer army.

In addition, I do not feel that the armed services should be an "employer of last resort." With the judicious allocation of our resources, the problems of poverty can be met, but the use of the inducement of a highly paid professional army seems to be the least desirable means to accomplish this goal.

In conclusion, Mr. Chairman, while I do support the administration's request to institute a lottery system, I feel that more needs to be done. I strongly desire to see changes in the Selective Service System and I am hopeful that the changes I have suggested would be implemented by legislation, or at last resort by Executive order.

Mr. BROYHILL of Virginia. Mr. Chairman, the issue before the House today is a simple question: Should the present system of selecting persons for induction into the Armed Forces be changed?

We are not assembled here today to decide other questions, such as the right of the country to defend itself by drafting persons; whether war is immoral; whether or not we should be in Vietnam; or whether the President should unilaterally withdraw American forces from Vietnam.

For 17 years, as a Member of Congress, I have received letters from parents, sons, wives, sweethearts, ministers, college professors, and so forth, citing their complaints against the inequities in the present draft system. I am sure my colleagues receive similar complaints. Since the outbreak of the Vietnam war a clamor has arisen for the need for a general review of the draft system leading to much needed reform.

When President Nixon took office in January of this year, he undertook a review of the present law, the Military Selective Service Act of 1967. Shortly thereafter, on May 13, he sent a message to the Congress stating, "that the disruptive impact of the military draft on individual lives should be minimized as much as possible consistent with the national security."

In other words, he recommended draft reform. I dare say no Member of this body, no parent, no son, no wife, no sweetheart, no minister, no college professor, except possibly a member of the SDS would disagree with this call for reform. His study further indicated that the period of impact on the individual would be in force for the shortest time frame possible, that the period of prime vulnerability for military service should be reduced from the present 7 years and 12 months. Certainly no one can find fault with this finding.

The next finding of the study was that any system adopted should be equitable to all persons. The solution recommended by the President was a method of random selection. Under his proposed system all persons who are vulnerable during a given year, rather than being arbitrarily selected would be selected by lot. I, for one, can find no fault with this recommendation.

In order to enable the President to carry out his reform proposals, our distinguished Committee on the Armed Services has reported the bill we are considering today which will repeal section 5(a)(2) of the Military Selective Service Act of 1967. The act at the present time expressly forbids any change of the nature recommended by the President unless such change is authorized by the Congress. I support the repeal of this section as an equitable and much needed reform.

The President has also announced his intentions, once the Congress acts on this bill, to reduce the age of maximum draft vulnerability, which now covers a span from 19 to 26, to commence at age 19 and end at age 20. I am somewhat perturbed by this recommendation and I hope the President has not closed the door to further consideration of its advisability. For example, I doubt the logic of setting the prime draft age at 19 years of age without first revising the voting laws to also grant these men, whom we will be calling on to do the bulk of the infantry fighting, the right to vote. I also doubt the wisdom of calling on this group to give up so much when in most States they will also be denied other rights, such as the right to enter into a contract.

I am also concerned that many parents will be in deep anguish if their 19-year-old sons, some of whom are not yet mature in the eyes of their parents, are made the prime draft age group.

I should think that much more consideration will have to be given to this proposal by the executive branch before the prime age is lowered. While I recognize the argument of getting it over with, I also think the prime year for maximum vulnerability could be set just as easily at 21 years, if a continuation of the undergraduate student deferment is retained and new legislation to more fully protect job rehiring rights of veterans is written into law.

Mr. Chairman, in spite of my reservations about the proposal to lower the age for maximum vulnerability, I am convinced that the present system needs reform. I therefore support H.R. 14001, and urge its adoption.

Mr. PODELL. Mr. Chairman, the national Selective Service system, or draft, has changed from a national method of choosing young Americans for military service to a structure of inequities which causes more national harm than national good. As a fair system of spreading national military responsibility, it is a terrible failure of the greatest magnitude.

Further, many Americans, particularly among the young who face military service, have lost all belief in its efficacy or fairness. This, then, is the major Federal institution which they must deal with early in their lives, and it is a rotten hulk indeed. Little wonder then, that by clinging to it, complete with evils and outmoded procedures, we have succeeded in alienating those very youth who are its main reason for being and those who will guide the country tomorrow. Faced with an institution they have only contempt for, their reaction is negative and often violent. We have an opportunity to alter this deteriorating situation, and must take advantage of it now.

I must express my personal disappointment over the fact that this Congress has, in this case especially, abrogated its legislative prerogatives by not producing a viable, complete and all-inclusive draft reform measure.

Instead we seek, through H.R. 14001, to merely repeal existing laws, and to then hand the President a blank check upon which to write, by Executive order, his draft program. This is a complete surrender of our legislative prerogatives and responsibility to the executive branch.

A number of viable and all-inclusive draft reform measures have been offered. The best, I believe, is one I have joined in sponsoring with Mr. FRANK THOMPSON of New Jersey.

Although it is the best and most comprehensive approach, unfortunately our congressional leadership chose to ignore it.

In its place, we shall have the proposed Nixon plan, which falls far short of what is necessary, but admittedly makes measurable improvements in existing law.

Reluctantly, I have no choice but to support it in the interests of some reform rather than none.

Through this vehicle, a clean slate is made available to the President upon which he may etch out administratively, through an Executive order or a series of them, reforms he set forth in his draft message. The outline of this, together with a comparison chart, are set forth herein:

PROVISIONS OF ADMINISTRATION DRAFT PROPOSALS OF 1969

A. Establishment of a random system of selection in lottery form, which would work as follows:

(1) Youngest called first.

(2) Names of all individuals reaching age 19 during a specified 12-month period would be placed on an eligibility list.

(3) Dates would be selected at random from the list, on which individuals would remain till they turned 20.

(4) Individuals not chosen by the time they turned 20 would be assigned to a lower priority ranking, called only in a national emergency.

(5) With time, the individual would become less and less vulnerable to the draft.

B. Undergraduate deferments would continue under the new system. Upon completion of college education, the individual's name and birth date would go into the high eligibility pool for one year when he would be subject to the random selection process.

C. Graduate students are no longer unconditionally deferred. They would be permitted to complete a full academic year if called for induction.

COMPARISON OF OLD AND NEW SYSTEM OF DRAFT SELECTION

A. DISCRETION OF LOCAL DRAFT BOARD

Present system	*Proposed system*
1. Reclassification based on local board discretion.	1. National standards set up for classification.
2. Selection criteria differed from one locale to another.	2. National lottery for selection.
3. Influence with local board might be instrumental in obtaining deferment.	3 Method eliminates favoritism and is "FAIR"—fair and impartial at random.

B. UNCERTAINTY

Present system	*Proposed system*
1. 8-year uncertainty period (18–26).	1. 1-year uncertainty period (19–20). Then name placed on lower priority pool.

COMPARISON OF OLD AND NEW SYSTEM OF DRAFT SELECTION—Continued

Present system	Proposed system
C. AGE OF SELECTION	
1. Oldest first.	1. Youngest first.
2. Call people beginning their careers likely to deplete reserve of professionals.	2. Younger people less likely to be career established. Less likely to reduce manpower at certain critical levels.
D. DEFERMENTS	
1. College students deferred only on basis of discretion of local draft boards.	1. Automatic deferment of college students.
2. End of deferments may be arbitrary.	2. After an individual graduates, leaves school or turns 24, his deferment ends.
3. The graduate whose deferment ends is often placed at the top of the call-up list.	3. After his deferment ends, individual's name placed in maximum exposure pool for 1 year. Then placed on a lower priority list.
4. Graduate students were liable to lose time and tuition if called in midyear.	4. Graduate students can complete academic year without being penalized in time or money.

Mr. MONAGAN. Mr. Speaker, I support H.R. 14001, a bill to change the Selective Service Act of 1967 to allow a random method of selection.

Changes in the Selective Service System method of selection are long overdue. As a minimum change in procedure, I favor the implementation of a lottery system to replace the oldest first method of selection which is presently operative and required by law.

While I support the so-called lottery or random system of selection, I in no way want my desire to change the Selective Service law to be interpreted as a step toward an abolition of the draft. The draft is necessary, and the service it calls upon young men to perform is entirely consistent with the rights and duties which attach to citizenship. One of the unpleasant realities of the United States being a power in a world where peace is assured only through a balance of military might is the absolute necessity for maintaining strong and well-trained Armed Forces. It is well to remember that the necessity for these forces, as well as the desire to do justice to the young men involuntarily inducted, must both serve as constant factors for consideration in any overhaul of the Selective Service System.

Traditionally, the United States has filled its military manpower needs through voluntary enlistments, with the draft used only as a supplementary method of procurement. That situation remains largely true today. Of approximately 2 million men who reach draft age each year, the Armed Forces has requirements for about one-half or one-third of that amount. Of the number needed to meet military needs, from 10 to 40 percent are brought into the Armed Forces through involuntary induction.

The difficult question which has persisted since the need for involuntary induction was established is: Which eligible males shall be inducted into the Armed Forces when not all eligible males will be called?

In a manpower procurement situation where only a portion of the eligible males will be called, it is absolutely necessary that the selection system be as uniform and as equitable as possible. At the same time, however, the system must also be flexible enough to accommodate the needs and rights of the individuals whose lives are altered by the draft. I think that the utilization of a lottery or random selection system will go a long way toward restoring confidence in the draft by embodying some of these necessary attributes.

Although the present selection system has been reasonably well administered considering its built-in inequities, the mandatory use of the oldest first method of selection has given rise to unforeseen turmoil and useless disruption in the lives of males eligible for induction. While the present system may have been the best method of quality manpower procurement in 1940 when it was first utilized, its present utility in this era of limited armed conflicts and cold war has too often been the cause for justifiable citizen resentment.

The goal of insuring equal treatment for draft eligible males in like or similar circumstances has become clouded in a maze of uncertainty. A lottery or random selection system concentrating on the youngest first will significantly enhance efforts to insure fairness, minimize disruption in personal lives, and make draft eligibility classification a far more standardized and impartial procedure.

The random selection system which I support will make the prime age group men of age 19, and include older men whose draft deferments expire during the year. The men in the prime age group will be eligible for induction for only one year, and all men in that prime age group will have an equal chance of being drafted. If an individual is not drafted during his year of eligibility, he will be free to plot his future unhindered by an unexpected and untimely induction notice.

I congratulate the Armed Services Committee for their prompt and effective action in reporting out a bill which will allow the most serious shortcoming of the present draft law to be remedied.

As the committee report clearly points out, other facets of Selective Service procedure which have been the subject of criticism are administrative matters and can be remedied without additional legislation.

I support the Armed Services Committee position, and give my full support to H.R. 14001 as reported out by the committee.

Mr. TIERNAN. Mr. Chairman, in view of the failure to vote down the previous question, it will not be possible for me to introduce an amendment which I feel would have commanded the attention and consideration of every member of this Congress.

For the past decade, we have labored under a draft system that is fraught with inequities of unbelievable proportions. The present system encourages unfairness and deception. The rich, the intelligent and the crafty have been put in a position whereby they can legally thwart the process and cause others who cannot afford college or the favor of local boards to shoulder their burden of military service.

Today we vote to change a system which is inefficient and inequitable. I propose a further change which is no way ideal, but it is a start in the right direction.

My amendment would provide an exemption from the draft for persons serving in the Peace Corps or VISTA. My intention is not to provide for an easy alternative to military service. To the contrary, this amendment requires that persons would have to serve for 3 years in either the Peace Corps, or VISTA, as opposed to only 2 years of military service for those who are drafted. I also believe that any person who has served in one of these services would tell you that it is no easy alternative.

Let me also make it clear that there is no automatic acceptance into one of these alternative services. The applicant would undergo the same tests and have to meet the same requirements as present applicants for these organizations do.

Mr. Chairman, one of the worst things about the draft is its narrow focus—you either go into the military or into jail, without much other choice. As it stands now, many persons who have received conscientious objector status, which is only 1 percent of the total number of draftees—are required to do such mundane work as washing dishes or loading library books on and off trucks. How much better it would be to utilize these men's talents in the areas where so many of them feel genuinely and sincerely committed: nonmilitary public service.

While my amendment does in no way provide for a national service program, it does embody the basic thought behind such a program: to enable a young person "to serve his country in a manner consistent with the education and interests of those participating, without infringing on the personal or economic welfare of others, but contributing to the liberty and well-being of all."

National service appears to be a rapidly growing phenomenon internationally. In a survey of 91 countries conducted by Terrence Cullinan, manpower consultant of the Stanford Research Institute, it was found that 41 percent of the 62 countries with compulsory service requirements permit those wishing to do so to perform some recognized nonmilitary service as a legally authorized substitution for all or part of the stipulated military obligation.

It is time for us in this country to recognize that the Peace Corps and VISTA are no less commendable than service in the armed services. I am not attempting to create a haven for draft evasion, but an incentive to encourage young men to join our public services. As the Vatican Council stated as far back as 1965:

> It is only right to make humane provisions for those who, for reasons of conscience, refuse to bear arms, provided that they accept some other form of service to the human community.

To be truly effective and equitable, draft reform legislation must go beyond the mere adoption of a lottery system. My amendment is in no way meant to be a cure-all, but it is a beginning—a beginning which has been far too long in coming.

Mr. BOLAND. Mr. Chairman, the Congress must institute basic reforms—indeed, sweeping reforms—in the Selective Service System. To help achieve this goal, I have authored or cosponsored several bills that now lie before this body. In particular, I feel we must move as rapidly as possible toward the kind of thorough congressional review of selective service law that can only proceed from hearings and debate on a bill such as H.R. 7784—a bill that was introduced on February 26, 1969, and that I am cosponsoring. Not until this review is made will the Nation—its younger citizens, in particular—receive even a modicum of congressional response to the issue of draft reform—a response demanded by our citizenry and a response to which the people we represent are unquestionably entitled. Not until such a review is made and definitive legislative action is taken by the Congress will a host of selective service problems and inequities—lack of uniform administration of selective service law, the rights of registrants, the treatment of aliens and conscientious objectors, for example—be resolved in the conscientious and evenhanded way that they should be resolved.

During a session of Congress when so much has been said about abdication of legislative responsibility to the executive branch in matters of national security and national defense, we should recognize that one of the best ways to reassert legislative authority in this area of national life is for Congress to review and rebuild the whole selective service structure.

I understand full well, Mr. Chairman, that passage of H.R. 14001, the Selective Service Amendment Act of 1969, will not reach the broad goals I have just cited. Its enactment would, however, be an important first-step along the road to selective service reform. Moreover, although requested of the Congress by a Republican Chief Executive, it would be a first-step essentially in consonance with the part of the 1968 Platform of the Democratic Party supporting a random system of selection that would "reduce the period of eligibility to one year, guarantee fair selection, and remove uncertainty."

As recent press reports have indicated, Mr. Chairman, some Members of Congress doubt whether the random selection system that the President plans to institute by virtue of the authority granted to him in the Selective Service Amendment Act of 1969 will in fact lead to more equity in the drafting of young men, and other Members have reasoned that this bill simply will not deal with fundamental problems of selective service such as student deferments.

As I indicated earlier, Mr. Chairman, my convictions and sympathies lie with those Members who believe that more—much more—should be done about draft law changes than can and probably will be instituted with the authority that H.R. 14001 would grant the President.

On the other hand, and on balance, I believe that the kind of random selection system the President plans to put into effect with the authority given him in the Selective Service Amendment Act of 1969 will be beneficial to the Nation and its youths of military age. Many experts and groups that have studied selective service issues, such as the Burke Marshall Commission, have endorsed this approach to determining who shall serve. Indeed, I might point out for the benefit of my House colleagues, a random selection system is an integral feature of H.R. 7784, as well as of other proposed bills that are dedicated to broad-ranging selective service reform.

Speaking for myself, I am determined that draft law reform shall not cease with the passage of H.R. 14001. I do not believe that passage of H.R. 14001 can or should serve as a substitute for much more comprehensive reform measures. If I thought that H.R. 14001 were the terminal point in draft reform in the present session of Congress, or at least in the 91st Congress, then I would have to look upon the bill much more circumspectly than I now do.

Speaking editorially on October 20, 1969, the Washington Post commented:

> Passage of this measure by both houses will assure a workable and reasonable interim draft system. Later, of course, it will be necessary to review the issue of continued college deferments and perhaps to take other steps that might be recommended by the Advisory Commission on an All-Volunteer Armed Force.

I concur with this observation except that I believe the word "interim" should be underlined, and that I believe it will be absolutely necessary to review forthwith other issues and measures far beyond those referred to by the Washington Post. For this review, Mr. Chairman, I submit that there are no better guidelines than the draft reform proposals presented in H.R. 7784.

Since this bill calls for an extensive and all-encompassing reform of the 1967 Selective Service Act, I would like to take a few moments at this time to examine some of the major changes that would be made by H.R. 7784.

First. H.R. 7784, like the bill now before us, seeks a random selection system of drafting men. This selection—again, almost identical to the kind of system sought in H.R. 14001—will be made basically among 19 year olds and "constructive 19 year olds"—those whose deferments have ended and who have reentered the prime selection group. A young man would be considered to be in this prime selection group for a period of 12 months beginning on his 19th birthday, or on the date of the termination of a deferment. This part of the bill would make the induction system more plain and explicit in two ways: First, it would reduce the period of prime vulnerability to 1 year, and second, it would take the youngest men first, reducing the period of anxiety and uncertainty to 1 year at age 19 instead of a possible 7 years through age 26. I feel that this random selection system at age 19 is the most equitable and worry-free method of selecting the one out of four eligible men we are presently drafting.

Second. H.R. 7784 would reform the present student deferment policy. Currently, student deferments tend to be granted routinely only to those persons pursuing a full-time course of study leading to a baccalaureate degree. This is an inequity that cruelly discriminates against those who do not wish to go to a college, cannot afford to go to college, or are not qualified to go. H.R. 7784 expands this definition of student to include junior college and community college students, vocational school students, and students in other apprentice or occupational instruction programs, although it ends graduate student and occupational deferments.

To prevent the use of the student deferment privilege as a way of avoiding service during a time of war, such as the Vietnam war, H.R. 7784 calls for a suspension of all student deferments during any period in which the number of casualties as a percentage of the number of draftees equals or exceeds 10 percent.

Third, H.R. 7784 calls for restructuring the local board system. Under the present Selective Service System, the issuance of deferments is almost entirely in the hands of the local boards—local boards that have few specific guidelines to direct them. Therefore, one man may receive a deferment from one local draft board that would be denied by another draft board to another young man in the same situation. This inequity is compounded by the fact that the local draft board with which a man registers at age 18 retains jurisdiction over him for the rest of his life, no matter where he lives. Thus, in endless cases, students in the same schools, and workers doing the same jobs in the same factories, find themselves classified entirely differently from other men in identical situations. This obvious inequity cannot help but result in unrest and cynicism.

In response to this problem, H.R. 7784 would restructure the local board system in accordance with the suggestions proposed by the National Advisory Commission on Selective Service—the so-called Marshall Commission. Boards would register and classify young men according to standards set on a nationwide basis. With this centralization of standards, it would be possible for a registrant with proof of necessity, to change his draft board and still be assured of receiving equal treatment. It would no longer be necessary for a board in Rhode Island to decide whether one of its registrants living in California should be given a hardship deferment. It would be much easier, and more fair, for a board in California to decide the case as presented to it by a citizen of their community, very possibly better known to the California board than to his Rhode Island board. With this change, boards could best be used in their capacity as "friends and neighbors" of the registrant concerned, treating each case on an individual basis.

Another way of changing the character of the boards as contained in H.R. 7784, lies in lowering the maximum age of board members from 75 to 65. I feel this change will make the boards more representative of the communities they serve, as well as helping to limit, somewhat, the terms of local board members.

With regard to structural changes in the Selective Service System, H.R. 7784 would limit the term of office of the National Director to 6 years and place the nominee or the incumbent under the scrutiny of the Congress.

Fourth. H.R. 7784 would correct certain specific inequities in the classification of young men. One of the strongest arguments against the fairness of the present Selective Service System is the lack of information available to young men concerning the steps they can take after receiving a classification they feel is unjust. Many registrants do not know what information the local board should have, or even what an appeal is, and the local board is not obligated to ask each registrant for specific information concerning his case. H.R. 7784 would attempt to correct the deficiencies by requiring the Director of the Selective Service to provide each registrant information in writing concerning all the rights and procedures available to him pertaining to classification, deferment, and exemption.

One more example of current unfairness to the registrant is the lack of legal advice available to him. Currently, within the Selective Service System itself, a registrant must rely on two people for all information explaining more than twenty years of legal language, amendments, and intent of the Congress as embodied in a labyrinth of rules and procedural regulations. One is a nonlegally trained local board clerk, and the second is a lawyer/appeals agent. Both are paid by the Selective Service, and the legal counsel—often unknown to the registrants—is bound to report to the local board the contents of his conversations with registrants. On the other hand, if the registrant can afford to go outside the Selective Service System for legal assistance, the local board is not bound to accept the legal advice of the registrant's lawyer, nor even to allow the advisor in the room during hearings on his client's classification. Appeal boards do not even speak personally with the registrant who takes a case to them.

Thus the registrant has literally no impartial legal information available to him about a system that can determine how he spends several years of his life.

H.R. 7784 would guarantee each registrant the right to appear in person before the newly established regional, area, and local boards, and to be represented by counsel whether or not the registrant can afford to pay for this counsel.

Another argument against the fairness of the current system is that mental and physical standards—the standards that must be met before a person can be drafted—are lower than the standards for enlistment. It is very possible—and, indeed, it has happened—that a man can be turned away when he attempts to enlist in the military, and shortly thereafter be drafted involuntarily often after becoming responsible for family, job, and mortgages. H.R. 7784 would ensure that a person who volunteers for military service and is rejected cannot be inducted subsequently.

H.R. 7784 relieves an inequity in the present draft system concerning conscientious objectors by inserting the statement that religious training and belief "does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God." The Selective Service law, prior to its revision in 1967, contained a phrase which the Supreme Court in United States against Seeger interpreted in this way, and which laid down guidelines for interpreting this part of the law. The 1967 Selective Service Act overturned these guidelines by eliminating the language on which it was based. The current law implies that only an orthodox belief in God qualifies an individual as a conscientious objector. It is my belief that a man's ethical sense of conscientious objection should not be inextricably tied to a formal religion, or to a conventional belief in God. It needs only be tied to a sincere conscience. On August 29 of this year, U.S. District Court Judge Thomas Masterson supported my position by declaring that it is a violation of the first and fifth amendments to distinguish between conscientious objectors who base their opposition to war on religious beliefs and those who base it on non-religious beliefs, and to honor the conscience of the one without honoring the conscience of the other. Therefore, I believe it is imperative that this part of the selective service reform bill, H.R. 7784, be considered and adopted promptly.

The above outlines very briefly some of the reforms this bill would make in the Selective Service Act. All of the changes would make the system more equitable. All of them are necessary. Many of them have been suggested before by experts, but never implemented. These reforms are needed now—not next year, or next month. They can be put into effect, and they must be put into effect, if we are going to be able to keep the faith of the young in their Government. These reforms have been needed for many years, and it is time now to stop shoving them aside as not pressing.

Reform of the Selective Service System is only the beginning of the problem. Currently, the Selective Service rejects 40 percent of all registrants as physically, mentally, or morally unqualified. As we can see from the success of the Defense Department's "Project 100,000," a large percentage of these seemingly unqualified men can become useful soldiers and useful citizens with very little added cost to the military. And the most heartening fact is that these men are volunteering for the opportunity to improve themselves. In response to these facts, H.R. 7784 calls for a "comprehensive study and investigation to determine the feasibility and desirability of establishing and operating military youth opportunity schools which would provide special educational and physical training, for a period not exceeding 1 year, to volunteers who fail to meet the minimum physical and mental requirements for military service in order to enable such volunteers to qualify for service in the armed services." This study would be conducted by the Secretaries of Defense, Labor, and HEW, and any other appropriate Federal agencies. They would submit to the Congress a thorough report containing, among other things, the number of men so qualifying, the cost and benefits to the Armed Forces, the ability of the Defense Department to administer this program, estimates of the effect on the military careers of the young men concerned, and the most efficient way to carry out this program.

These men can and should be given the opportunity they desire to become members of the Armed Forces, and it is our responsibility to see that they receive all the help they deserve.

Second, reform of the draft should be only an intermediary step in the attempt to create a volunteer army. H.R. 4131, introduced to this House on January 23, provides an outline for the creation of a volunteer army. This proposal requires a thorough and objective study. H.R. 7784 calls for a study to be conducted by the President on the cost feasibility, and desirability of replacing the draft system with an entirely voluntary army, and for submission of this report to the Congress no later than 6 months after enactment of this section of the bill.

Third, H.R. 7784 calls for a study of a National Service Corps to be set up for Americans who wish to perform nonmilitary services in the national battle against disease, ignorance, and poverty at home and abroad. This study would include the relationship between such service and a selective service system, the costs involved, and all other facts needed to consider seriously the proposal.

As you can see, Mr. Speaker, H.R. 7784 is a considered and comprehensive proposal. Past opinions of Presidential commissions, experts in the field, and precedents have been accounted for in the various sections of this bill. It is a plan of which we can all be proud. It is a plan needed now. It is a plan that deserves our support.

I regret that the bill now before us—despite its admirable provisions—cannot be amended to incorporate the major provisions of H.R. 7784.

HARSHA ENDORSES DRAFT REFORMS

Mr. **HARSHA**. Mr. Chairman, we have before us today a very vital piece of legislation in the proposed amendments to the Military Selective Service Act. It is vital, I believe, because the people of this Nation have been clamoring for reform in our draft laws and it is time for us to answer their cries for change.

National discontent over present draft laws is certainly justifiable, and it is painfully clear that urgent reform is needed. We need only recognize the tragedy besetting our young men whose careers, educations, and family lives have been paralyzed by the arrival of a draft notice—not always entirely due to necessity, but more often due to the dictates of an antiquated system of conscription—to realize that present provisions are inadequate.

Current draft laws, as I am sure you are well aware, unequally distribute the liability of being called among those of draft status. They also unnecessarily require our young men to postpone or interrupt their future plans until they are 26 or serve in the Armed Forces.

Bearing these thoughts in mind, I say that we must empower the President to make the draft law revisions he has proposed.

President Nixon has indicated that if given the power, he would establish a more specified prime age group which would be most vulnerable to the draft. He would also cut down the span of this prime age group from 7 years to 1 year with certain educational deferment exceptions. Coupled with the proposed random system of selection and a youngest-first policy of induction, these reforms would lessen an individual's vulnerability to the draft as he grows older. Such a system would, in turn, reduce a young man's draft potential risk when he seeks employment, for example, and permit him to view the immediate future with more security.

Mr. Chairman. I find it not unreasonable that these and other provisions should be made for you young men, and although these changes do not go far enough in completely remedying the situation, they are a step in the right direction. Certainly, we anticipate the day when we can eliminate the necessity of selective service altogether, but in the meantime, we must rectify to our best ability the existing injustices.

Today, when a call to service in the Armed Forces includes the very real possibility of a young man's serving the country by giving his life, we must be unfailingly just in the determination of our draft laws. The changes embodied in the proposed Military Selective Service Act amendments will aid in the achievement of this purpose, and it is expedient that Congress provide the President with the power to enact them.

Mr. CONYERS. Mr. Chairman, the Selective Service System was originally established as a necessary step in meeting a national emergency that called for a hurried and massive mobilization of our Armed Forces. But now we are witnessing its metamorphosis into a continuing, self-sustaining machine whose purposes go far beyond that of ensuring national security. I do not believe that the Selective Service Act of 1969 squarely faces the real issue involved—the implications of compulsory military service. Nor do I believe Congress will be furthering the elimination of the major inequities of the present system of military conscription by giving the President the power to set up a system of his own choosing. I, therefore, must stand in opposition to this act.

President Nixon has announced plans to eventually establish a volunteer armed force. At best, this seems far in the future. As an interim step, he has asked us today to give him the authority to initiate a lottery draft system. I am opposed to such a system. It shares the same fundamental want of principle as the present draft system. How can involuntary service be justified except in times of the greatest national emergency? It is a distortion of the basic values of democracy. During most of American history, conscription has been considered alien to American principles of freedom. During the War of 1812, Daniel Webster took the floor of Congress to speak in opposition to a "draft of men out of the militia into the Regular Army." Webster asked:

> Is this, Sir, consistent with the character of a free government? No, Sir, indeed it is not. . . . The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasures and their own blood a Magna Charta to be slaves.

In all the years of our history, this country has had to resort to compulsory military service for only 30 of those years. Every time a selective service law has been proposed, strong voices have been raised in opposition. In 1917, in the debate over the issue of conscription, Senator Charles F. Thomas of Colorado said:

> Opposition to compulsory military service is characteristic of every government fit to be called a democracy. . . . Democracies abhor that principle of compulsory service, the exercise of which menaces and may destroy their liberties . . .

Senator James A. Reed of Missouri contended:

> The claim that the draft is democratic is the very antithesis of the truth. The draft is not democratic, it is autocratic; it is not republican, it is despotic; it is not American, it is Prussian. Its essential feature is that of involuntary servitude.

Then Congressman Carl Hayden of Arizona spoke well for today when he said:

> Much as I dislike to believe it, yet I am convinced that most of the propaganda in favor of selective conscription . . . is to accustom the people to this method of raising armies and thereby to establish it as a permanent system in this country.

This is the present situation. Passage of the Selective Service Act of 1969 will extend compulsory service until at least 1971. It will be aiding the permanent incorporation of military conscription into our national order. This was never meant to be. It was a great step forward for civilization when the power of plantation masters and heads of state to exact involuntary servitude was eliminated. What was once so abhorrent has now become to many an accepted fixed feature of our society. Only the cardboard barrier of quadrennial congressional authorization of the power to conscript keeps it from being permanent in fact.

I maintain that the basic tenets of our Constitution are called to question if this country continues to require military servitude when there is no clear and present threat to our national security, and when there are other methods of raising an army more consistent with the ideals of a supposedly free society.

Our national security is not now being threatened. If our society reaches the stage when its real security cannot be met through the free commitment of its people, then our society is doomed. The Vietnam war is not a global conflict endangering our very existence and requiring all qualified men to serve. The true security of this Nation, internal and external, requires that we address ourselves to the greater issues involved. If we now sanction the continuation of the draft system, we will not be meeting our responsibility to restore to Congress the powers of war and peace. Manpower escalations or reductions will continue to depend entirely on military and executive decisions, and Congress will continue to be hampered in its ability to control foreign military involvements.

Purporting at this time to sanction conscription for the national defense—by whatever selection method—ignores the blatant evidence that the Armed Forces wants draftees for purposes other than providing for our security. Before the House Armed Services Committee, General Hershey was asked this question by the late Congressman from Massachusetts, William H. Bates:

> Do I understand then, General Hershey, from what you say, you believe that the Armed Forces ought to be used regardless of the military need for individuals involved, they should be used for educational purposes, for cultural purposes, for normal development, and all the associated arguments that have been used in the past for universal military training? Do I understand that?

General Hershey replied, in part:

> My answer is "Yes" and I realize a great many implications.

In this view, military conscription is designed to turn a society of free men into a society of government's men. In the words of Kenneth Boulding, the noted economist, the draft "represents the threat system of the state turned on its own citizens, however much the threat may be disguised by fine language about service 'every young man fulfilling his obligation'."

An increasing number of people in this country oppose the present Selective Service System for its manifest inequities, wasted resources, and want of principle. I am opposed to the draft lottery because it will deceive many people into thinking it is an improvement. Revision of the details of selection cannot cleanse the concept of conscription. Furthermore, although the lottery is supposedly designed to insure equity, simplicity and certainty, I maintain that it will insure none of these.

Four-year deferments to attend college will still be granted. This will continue to place the burden of our fighting in Vietnam on the shoulders of blacks and working class whites. And although college students will be reclassified 1-A upon completing school, the prime age group from which they may be selected for induction will, by that time, have grown in size. This will perpetuate the present injustice which makes it less likely that those rich enough to go to college will serve in the military. And no deferments will be granted to those blacks and poor whites who at best can only afford to attend junior colleges or technical schools. Is this equity? In his testimony concerning this act before the Armed Services Committee, General Hershey assessed well the degree of fairness the planned deferments will provide. He said:

> . . . When you defer four or five hundred thousand out of an age group, it is a little hard to talk about equity.

There are other questions which remain concerning the workability of the lottery system. Is it to be a monthly drawing or a yearly drawing? A monthly drawing would not take into account the seasonal fluctuations of birth rates. This means that a person born in November or December, for example, would be more likely to be drafted than a person born in any other month. On the other hand, if drawings are to be held on a yearly, fixed-term basis, such great delays are involved that if a young man is selected it is possible that he will be almost 21 years old before he is actually inducted. It is misleading to think that the President's lottery plan will limit a young man's vulnerability to the draft to the year between his 19 and 20th birthdays. In reality, his exposure to conscription will extend in many cases well into his 20th year. Uncertainty on the part of this country's young men will not be greatly diminished. As a young man plans his life during these critical years, the uncertainty caused by the draft system is indeed a threat to his well-being. A wide control on his civilian life will be exerted. Young people will continue to be "channeled" into State-approved occupations and educational institutions. For the young black man who must look for any kind of work, the prospects of meaningful employment will remain dim. His uncertain draft status will offer prospective employers, as it always has, another convenient shield for discriminatory hiring practices. The lottery system will still effectively deny young men the full rights of citizenship in a democratic state.

If, today, this body had not been so abruptly constrained to silence, we could have deliberated over this imperative question of how to devise a system of national defense more consonant with the requirements of a truly free society. We could have debated whether we could satisfactorily modify the present draft system, or whether it would be necessary and desirable to give the system a complete overhaul. We could have gone on record as supporting or opposing an extension of types of conscientious objection, or as saying yea or nay to providing a national service alternative to the Armed Forces, or as favoring or rejecting any number of other possibilities. Or we could have gone one step further, and established what, in my judgment, is the only system that can be justified for meeting our present military manpower needs—voluntary service. In August, I and 14 of my colleagues joined to introduce the Voluntary Military Manpower Procurement Act of 1969. We believe a system of voluntary military service will adequately meet this country's manpower needs. And it is the only method that will meet those needs without infringement on individual liberty, that inviolable constitutional right. Voluntary service eliminates the inequities and uncertainty of the draft; it removes the threat system of the state. A volunteer armed force would be more efficient militarily and less wasteful with our human resources.

So long as compulsion is retained, inequity, waste, and interference with freedom are inevitable. No justification at this time can be used for its retention. Congress is being tyrannized by the status quo if we sanction the continuation of military conscription.

Mrs. **REID** of Illinois. Mr. Chairman, I rise in support of H.R. 14001. For the past several years there has been much discussion about the inequities built into the present Selective Service System. I have talked with many young men and their parents and know the problems and uncertainties faced as a result of being vulnerable to the draft for a 7-year period between ages 19 and 26.

Certainly we all look forward to that day when military conscription is no longer necessary. Pending, however, the lessening of military requirements, a sufficient number of service volunteers, and improved utilization of military manpower, Selective Service is required. In the interim we must be certain that the present system is as equitable and as reasonable as we can make it.

President Nixon has placed draft reform at the head of his list of recommendations for immediate action, and he has announced his intention to make changes within the authority provided in the 1967 Selective Service Act to reduce the prime vulnerability of young American men from 7 years to 12 months—between the ages of 19 and 20. However, he does need congressional approval—as provided in the bill before us—H.R. 14001—to shift from the inequitable requirement of choosing the "oldest first" to the more just method of random selection.

The President has already taken administrative action to provide more equitable treatment under existing law for graduate students now in school by permitting them to delay induction until next June rather than just until the end of the present semester. Also, another step taken by the administration has been the cancellation of draft calls for November and December and a stretch-out of the October quota over a 3-month period.

There are no greater sacrifices that we, as a government, can ask of our young men than those entailed in the Military Service Act. In my opinion, the President has shown that he is sincere in his efforts to do as much as he can to reform the draft in order to make it as fair and equitable as possible and minimize the disruptive impact on individual lives.

We, Members of Congress, can play a significant part in this vital task by passing H.R. 14001, to enable the institution of the random selection system which is the most critical aspect of the President's total restructuring of the selective service processes. I urge it be enacted by an overwhelming vote.

Mr. **HELSTOSKI**. Mr. Chairman, we vote on legislation which would change a system that is neither efficient nor equitable.

I am unhappy that the Congress does not have the opportunity to act upon legislation that would restructure the entire Selective Service System. This piece of legislation is only a patchwork attempt to modify the system, and much more remains to be done.

It is my firm belief that the Selective Service System should receive a thorough nonpolitical and nonpartisan study in an effort to determine whether the present system should be revised or retained.

It is clear to me that the military draft is in need of immediate reform. The induction standards vary from one local draft board to another. Deferments are granted on the basis of local board preferences, and student deferments are given on the whim of some of these boards and create a special class of exclusions. Naturally, these individual board actions stir up controversy among other registrants who do not obtain a deferment.

The Selective Service System, under present laws, is a composition of over 4,000 local boards, each interpreting the law in its own fashion; thus increasing the possibility of varying classification standards.

I would dare say that the local boards are not altogether representative of local area population, ethnic or minority composition. I have, Mr. Chairman, introduced legislation which would provide that the membershp of local selective boards reflect the minority, ethnic, and economic nature of the areas being served by such boards. It is my hope that a general revision of the Selective Service Act will include this provision as a matter of equitable treatment of the many groups comprising our local draft board registrants.

I am determined that draft law reform shall not cease with the passage of the pending bill. I do not feel that the acceptance of the pending legislation should serve as a substitute for more comprehensive and equitable reforms. But under the rule, this body has been abruptly silenced.

Given the opportunity, we could have debated this important question and deliberated on how to devise a system for national defense which is more in conformity with the requirements of a truly free society.

We could have debated whether we could satisfactorily modify the present draft laws, or whether it would be necessary and desirable to give the system a complete overhaul.

Mr. Chairman, I voted against this bill because it fails to do what we desire, to completely devise and adopt a meaningful draft reform.

This is such a small and insignificant step in revising the draft laws, that it is almost worse than doing nothing at all. I cannot vote for a bill which provides an illusion, not meaningful reform.

This bill is aimed at the accomplishment of a single and narrow objective; the repeal of one subsection of the Selective Service Act which relates only to the President's authority to determine the relative order of induction for selective service registrants within an age group.

There is great doubt that the random selection system that the President plans to institute will in fact lead to more equity in the drafting of young men.

To be truly effective and equitable, draft reform must go far beyond the mere adoption of a lottery system.

I am also quite concerned that many parents will be in deep anguish if their 19-year-old sons are made the prime draft age group.

Mr. Chairman, I knew that I would be in the minority when the vote was taken on this bill, but it still is my hope that an effort will be made by the Armed Services Committee to present to us a bill which will remove all the inequities of present law.

Mr. HAGAN. Mr. Chairman, President Nixon in his message to the Congress last May has reaffirmed that his long range goal continues to be to end the need for the draft completely under peacetime conditions. I know we all share the hope that future world conditions will be such that we can safely reduce our military commitments and thus make possible a phasing out of the draft.

The draft is, however, needed today. It will still be needed for some time in the future. We can, however, look forward to a period of progressively lower draft calls as progress is made in troop withdrawals from Vietnam and as other planned reductions in military force levels are accomplished. Last month President Nixon announced the first results of this effort in terms of a reduction of 50,000 in previously planned draft calls, and Secretary of Defense Laird in his recent testimony has expressed the hope that further reductions will be possible this coming year.

The reforms in the draft selection system proposed by the administration are particularly timely under these conditions. We can now see immediately ahead of us the prospect that a steadily declining proportion of young men will have to be called into service through the draft. However, if no change at all were made in the present draft procedures, these reductions in draft calls would simply result in the additional accumulation of many hundreds of thousands of men in the manpower pool vulnerable to service. It would result in a continued and lengthening period of tension and uncertainty for these young men, while waiting from month to month, to find out whether or not they were needed for induction. This clearly would be an intolerable situation, one which we all agree must be avoided.

For these reasons the President has indicated his firm intention to change the present order of selection and to limit the period of draft vulnerability. The administration has made it clear that the preferred way of accomplishing this is through establishment of a random sequence of selection, which is authorized by H.R. 14001. If this authority is not provided by the Congress, the President would be forced to adopt alternative methods. These alternatives would not, in the President's judgment, be equally acceptable and understandable to the American public.

For these reasons, I urge passage of this proposed legislation—H.R. 14001.

Mr. RIEGLE. Mr. Chairman, I wish to commend the Nixon administration for its leadership in the area of draft reform. By asking the Congress to give him the power to set up a random selection system, the President has taken the initiative in this much-needed reform process.

Congress now has the responsibility to join with the President and take the first steps toward a new system that will be fairer to all our young men and, at the same time, meet the national security needs of our country. I am pleased that the House has finally seen fit to pass the President's measure and hope the Senate moves positively without delay.

While the lottery system alone cannot end all the inequities in our present draft system, it is certainly a major step forward. It is responsive to public opinion and to the concerns of our young people who shoulder the burdens of fighting for America. This action will open the way for further reforms, such as more equitable national standards, a simplified deferment system, and more due process in the appeal procedures. This can be accomplished by additional congressional action next year and, to some extent, by Executive order which I am sure the President intends to exercise.

It is equally encouraging that the President has provided for a new Director of Selective Service this coming February who, I am sure, will reflect the President's and the people's desire for further draft reform.

When the Vietnam war is over, the President will then be in a position to continue his announced effort to evaluate the feasibility of a volunteer military system in peacetime, as well as national service alternatives to military service.

Mrs. CHISHOLM. Mr. Chairman, this is not the time to debate the merits of the President's bill to reform the draft. The only relevant question at this point is whether or not there should be open debate on the entire bill.

It would be extremely hasty and shortsighted of us to pass the bill on the floor of the House without debate as to whether the bill is positive or negative reform.

I have examined H.R. 14001 only superficially but even so it seems to me that three things are readily apparent:

First. It will relieve the situation for primarily the middle-class white student population; extending the deferments will conversely increase the burden on poorer, nonwhite youth.

Second. It will make it harder for noncollege youth to acquire jobs while in the age bracket between 17, the average age upon graduation, and 19, the year of the lottery. This means, of course, that they will still have to delay their career plans.

Third. It affirms the fact that conscription, no matter which system utilizes it, will be inherently unequal.

But as I have said, the issue at present is not the bill but the manner in which it is to be presented to the House. We can hardly acquiesce to the "take all of it or none of it" proposal being offered to the Members of the House.

One of the fundamental objections of the youth of today is the manner in which we too often offer alternatives without offering the opportunity for sincere, honest dialog, and debate.

It seems to be that the situation we, as Congressmen, now find ourselves in is terribly analogous to theirs. We have no choice but to dissent.

Mr. BROWN of California. Mr. Chairman, the fact that we can make changes in a bad system certainly does not mean that we are making that system any better. A lottery draft is a lot better than the present means of conscription. But the draft is still the draft.

I see nothing intrinsically wrong with the lottery method. Indeed, it is more equitable. I favor equity, and in the case of military manpower procurement I am for the most equitable of systems—that of purely volunteer service.

My vote goes not against the lottery, but instead, against the draft itself. No matter what packaging we wrap around the draft, we do not remove the stigma of involuntary servitude which is the essence of military conscription.

There should be no mystery over the reason that President Nixon asked only for the lottery reform while ignoring the many other inequities and limitations of the current selective service. The administration sees the lottery reform as a valve which will ease the pressures coming from millions of young men now facing conscription. The administration wants to believe that if the threat of the draft is taken away from these young people, the protests will evaporate.

Yet, Mr. Chairman, on this the administration is wrong, very wrong. It takes more than a sop such as the lottery selection to stifle the discontent in our society, and it is sheer cynicism to believe that the draft—and the imminency of military service—causes the turmoil and furor rampant throughout America today.

My position on the draft has not changed. I voted against the 1967 bill for the same reasons I vote against the lottery reform, and I shall continue to oppose the draft for as long as this wholely inequitable and undemocratic system exists.

Mr. HÉBERT. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 14001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Selective Service Amendment Act of 1969."

SEC. 2. Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)(2)) is hereby repealed.

Mr. HÉBERT. Mr. Chairman, I ask that the bill be open to amendment at any point.

The CHAIRMAN. Are there amendments to be offered to the bill?

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ichord: Strike out all after the enacting clause and insert the following:

"That (a) the last sentence of the first paragraph of subsection (a) of section 4 of the Military Selective Service Act of 1967 (50 App. U.S.C. 454(a)) is amended by striking out '(including but not limited to selection and induction by age group or age groups)'.

"(b) Subsection (k) of such section 4 (50 App. U.S.C. 454(k)) is hereby repealed.

"Sec. 2. (a) Section 5 of the Military Selective Service Act of 1967 (50 App. U.S.C. 455) is amended by striking out subsection (a), by redesignating subsections (b) and (c) as subsections (g) and (h), respectively, and by inserting immediately before subsection (g) (as so redesignated) the following new subsections:

"'(a) The selection of persons for training and service under this title shall be made in a fair and impartial manner from among persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

"'(b) The order of induction of registrants found qualified for induction shall be determined as follows:

"'(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

"'(2) The term "prime selection group" means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are nineteen years of age and not deferred or exempted.

"'(3) A person shall upon attaining the nineteenth anniversary of the day of his birth be placed in the prime selection group and shall remain in the prime selection group for a period of twelve months, unless inducted into the Armed Forces during such period. Any person in a deferred status upon reaching the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for twelve months for induction as a registrant within the prime selection group regardless of his age, unless he is otherwise deferred. Any person removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment terminates and regardless of his age. No person shall remain in the prime selection group for any period or periods totaling more than twelve months. Upon remaining in the prime selection group for any period or periods totaling twelve months, a person is relieved of any liability for training and service under this title.

"'(4) Under such rules and regulations as the President shall prescribe, any person who, on the effective date of this subsection, has attained the nineteenth anniversary of the day of his birth but has not attained the twenty-sixth anniversary of the day of his birth and—

"'(A) is not deferred or exempted, shall be placed in the prime selection group under this subsection for the 12-month period immediately following the month in which this subsection takes effect, or

"'(B) is deferred, shall be placed in the prime selection group under this subsection for the 12-month period immediately following the month in which such deferment terminates;

except that any person placed in the prime selection group pursuant to this paragraph may thereafter be removed because of a deferment for which he is eligible, but shall again be placed in such group whenever such deferment terminates.

"'(5) The order of call for induction from among those persons in the prime selection group shall be determined under such rules and regulations as the President shall prescribe as follows:

"'(A) the Selective Service System shall from time to time publish, for each month in the year, a list of numbers randomly arranged, corresponding to the number of days in such month;

"'(B) those persons first called from the prime selection group for the particular month will be those whose day of birth is the same as the first number on the list; those next called will be those whose day of birth is the second number on the list; and this procedure shall be followed until the particular month's quota is met;

"'(C) the Selective Service System shall also from time to time publish a list of the letters of the alphabet randomly arranged. In the event that the procedure described in subparagraph (B) does not serve to distinguish clearly an order of call as between two or more persons, then reference shall be made to the list of letters and the first letter of the last names of such persons to determine such an order of call; and

"'(D) the determination of order of call may be made upon a national, regional, or local or other basis, as the President shall determine.

"'(c) Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

"'(d) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for trainand service under this title or in the interpretation and execution of any provision of this title.

"'(e) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest.

"'(f) Notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this title, shall be held to be ineligible for appointment as a commissioned officer of an armed force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citizen of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 1331 of title 5, United States Code, take such oath of service and obedience as the Secretary of Defense may prescribe.'

"(b) Paragraph (3), (4), and (5) of section 454(c) of such Act (50 App. U.S.C. 454(c)) are each amended by striking out 'section 5(b)' and inserting in lieu thereof 'section 5(g)'.

"Sec. 3. (a) Subsection (h)(1) of section 6 of the Military Selective Service Act of 1967 (50 App. U.S.C. 456) is amended to read as follows:

"'(h)(1) The President is authorized under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of persons requesting such deferment who are satisfactorily pursuing a course of instruction at a college, university, or similar institution of learning and who are enrolled in any division (other than the senior division) of a military officer training program given at such institution. A deferment granted to any person under authority of this subsection shall continue until such person fails to pursue satisfactorily his course of instruction, or is deferred under subsection (d)(1) of this subsection, whichever first occurs.'

"Sec. 4. This Act shall take effect on such date as shall be proclaimed by the President, but in no case later than the sixtieth day after the date of the enactment of this Act."

Amend the title so as to read: "A bill to amend the Military Selective Service Act of 1967 to provide a random system for selecting persons for induction into the Armed Forces, and for other purposes."

POINT OF ORDER

Mr. HÉBERT. Mr. Chairman, I make the point of order against the amendment that it is not germane.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. ICHORD. Mr. Chairman, I concede the point of order. It has been debated prior to the adoption of the rule. I believe that under the rules of the House I would have to agree with the gentleman from Louisiana. It is not in order under the rules of the House. I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. FARBSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Farbstein: On page 1, insert between lines 4 and 5 the following:

"Sec. 2. The Congress declares that the establishment, pursuant to section 2 of this Act, of a random system of selecting individuals for induction for military training and service would be far more just in its operation than the existing methods of selection of individuals for induction. The Congress further declares, however, that although the implementation of such a random system of selection would be a significant step toward achieving fairness in the existing conscription system, it would be still more equitable to suspend such system as soon as possible, but with provision made for the reinstatement of such system if (1) the Congress declares war, or (2) the President orders such reinstatement and the Congress by concurrent resolution approves such order."

On page 1, line 5, strike out "Sec. 2." and insert in lieu thereof "Sec. 3.".

POINT OF ORDER

Mr. HÉBERT. Mr. Chairman, I raise a point of order against the amendment as not being germane.

The CHAIRMAN. The gentleman from Louisiana makes a point of order against the amendment. Does the gentleman from Louisiana desire to be heard on his point of order?

Mr. HÉBERT. The point of order that I make is that it is not germane. Under existing law the President already has the power of suspension of the draft. It is indicated that there will be no draft calls in November and December. Also the section of the law to which we address ourselves relates only to the method of selection and does not have any qualifying phrases or contingencies attached to that. Therefore, this amendment is not germane to the section.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. FARBSTEIN. Yes. This is an addition to the resolution. It merely amplifies the resolution as such, and hence, in my opinion, it is germane.

Mr. HÉBERT. I submit, further, Mr. Chairman, that it directs itself to further provisions in the law not included in the bill under consideration.

The CHAIRMAN. If there are no others who desire to be heard on the point, the Chair is ready to rule.

The amendment offered by the gentleman from New York provides for a declaration of congressional policy with respect to the draft laws. The policy enunciated by the amendment—the eventual suspension of the draft laws—certainly goes to a much broader issue than that presented by the pending bill.

The bill is aimed at the accomplishment of a single, narrow objective: the repeal of one subsection of the Military Selective Service Act, which it relates only to the President's authority to determine the relative order of induction for selective service registrants within age groups.

Since the amendment is of more general application and goes to the whole subject of the existing selective service system, the Chair holds that it is not germane. The point of order raised by the gentleman from Louisiana (Mr. HÉBERT) is, therefore, sustained.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 1, strike out lines 5 through 7 and insert the following:

"SEC. 2. Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)(2)) is amended to read as follows:

" '(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction may effect a change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of the enactment of the Military Selective Service Amendment of 1969; but, except during a period of a war declared by Congress after such date of enactment, no person inducted under this title on or after such date of enactment may be assigned, without his express consent, to active duty in Vietnam and the waters adjacent thereto (as designated in Executive Order No. 11216, dated April 24, 1965).'

POINT OF ORDER

Mr. HÉBERT. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Louisiana wish to be heard on his point of order?

Mr. HÉBERT. I do, Mr. Chairman.

Mr. Chairman, I submit that this amendment is certainly not germane. It is broad and it is long and it brings in the war in Vietnam which has nothing at all to do with the section under consideration in this bill. Also, it instructs as to the method of those to be inducted, which goes even beyond the point of induction and deals strictly with the selection and the authority of the President to make a change in the method of induction, and does not contain any qualifications.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. RYAN. I do, Mr. Chairman. I would like to be heard on the point of order. I wonder if the gentleman from Louisiana would withhold his point of order until I explain the amendment?

Mr. HÉBERT. I will withhold it at this time if the gentleman will use this time as an explanation of his amendment and not again talk against the point of order. In other words, I am trying to be very generous and give the gentleman from New York sufficient time in which to respond to the point of order.

The CHAIRMAN. Does the gentleman from Louisiana reserve the point of order?

Mr. HÉBERT. I reserve the point of order in order to give the gentleman from New York an opportunity to be heard.

Mr. RYAN. I thank the gentleman from Louisiana.

Mr. Chairman, I do not believe that a draftee inducted under the Selective Service Act should be sent to fight in the war in Vietnam without his express consent, unless Congress has declared war.

In view of the parliamentary situation which confronts us, the rule having been approved, I have drafted and prepared two amendments dealing with this proposition.

No. 1 is before the committee at this time. If by any chance that is ruled not to be germane, I have another amendment which I will offer, a more restrictive amendment, and which I will argue is certainly germane.

Mr. Chairman, the Constitution states that Congress alone has the power to declare war. Young men being drafted today theoretically are being called to serve in peacetime, because there has been no declaration of war, but peacetime does not exist. So young men are being drafted and sent to risk their lives in Vietnam in a military action which is undeclared by the Congress.

If an American wishes to volunteer to fight in that war, he can certainly enlist, but a draftee has no choice.

Mr. Chairman, as of June 30, 27 percent of all U.S. troops in Vietnam were draftees. Almost one-third of American deaths in Vietnam from hostile action were draftees, 32 percent. There were 36,954 men killed in the war prior to June 30, 1969. Of this number, 13,169 were draftees; 11,946 were killed in hostile action; 1,223 as a result of nonhostile action.

Mr. Chairman, the purpose of my pending amendment, the first one, is to insure that no more draftees die in Vietnam fighting an undeclared war.

The purpose of the second amendment is more restrictive in that, if the first is ruled nongermane, the second one will only apply to those who are inducted under the change which the repeal of section 5(a)(2) would permit.

Certainly, that must be germane.

Mr. Chairman, the President of the United States, since the Americanization of the war in Vietnam, has not asked the Congress for a declaration of war—neither President Johnson nor President Nixon.

Legitimate questions are being posed today by young men all over the country as well as by their families and other concerned Americans. Why should draftees continue to be sent to fight and perhaps die in Vietnam without a congressional declaration of war when well-trained regular armed forces are not being fully used in Vietnam? Why should draftees continue to be sent to fight in that war without a congressional declaration of war when well-trained Reserve forces are not being fully used in Vietnam?

It is proposed to spend in the fiscal year 1970 budget half a billion dollars for the Reserves.

Why should draftees continue to be sent to fight in Vietnam without a congressional declaration of war when there are 316,000 well-trained troops stationed in Europe?

We have a responsibility to the young men, to their parents, and to all of the Americans who are concerned so deeply with the war in Vietnam to answer these questions.

I do not believe for 1 minute that the technicality of a parliamentary rule or the device of a parliamentary procedure should be permitted to prevent the House from voting on a matter of life and death for young Americans who are either serving or who may be drafted to serve in this war. Congress should make a decision, either to declare war as required by the Constitution under article I, section 8, or it should provide that the Vietnam war be carried on through voluntary manpower.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. LOWENSTEIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's proposed amendments—amendments which are among those I had hoped to introduce myself, and which would make a real and substantial improvement in the way the draft works, if we must continue to have a draft at all. I thank the gentleman for his initiative in bringing these amendments to the attention of the House today. It is especially unfortunate that we are not allowed to debate and vote on proposals for genuine draft reform at a time when practically everyone agrees reform is urgently needed. If we are finally reduced to voting for or against something that will reform virtually nothing but that will be called "reform," and that must, therefore, add to the gap between rhetoric and reality that already plagues this country and vexes its young people especially, I shall be obliged to vote against it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Does the gentleman from Louisiana insist on his point of order?

Mr. HÉBERT. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York (Mr. RYAN) wish to be heard on the point of order?

Mr. RYAN. Yes, Mr. Chairman.

Mr. Chairman, I submit the amendment which I have offered is germane to the bill in that my amendment would permit the President to institute a random selection method, it does repeal the section 5(a)(2) of the Military Selective Service Act which is the same section the bill before us repeals.

At the same time, it says that no one inducted under the Selective Service Act of 1967, regardless of how he is inducted, shall be sent to Vietnam without his consent unless there is a declaration of war.

It seems to me that nothing could be more germane to the question of the draft than where and under what conditions one is going to be asked to give his life.

The CHAIRMAN. Does the gentleman from Louisiana wish to be heard further on the point of order?

Mr. HÉBERT. No. Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from New York has sought to amend section 2 of the bill. The amendment is directed to section 5(a)(2) of the Selective Service Act, the same section which would be repealed by the enactment of the bill.

Section 5(a)(2) deals only with the order of the induction for registrants within the various age groups found to qualify for induction. That limited topic is the only matter now before the Committee of the Whole.

The amendment offered by the gentleman from New York refers to the assignment of personnel after their induction, and would prohibit their assignment to Vietnam without their express consent.

The Chair does not believe that, because this bill provides for the induction of personnel, that it opens up for general consideration the subsequent military service and careers of those inducted. The assignment of personnel, as well as amendments going to their training, tour of service, benefits, and other matters, are not within the contemplation of the present bill.

The Chair therefore holds that the amendment is not germane, and sustains the point of order.

Are there further amendments?

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 1, strike out lines 5 through 7 and insert the following:

"SEC. 2. Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)(2)) is amended to read as follows:

" '(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction may effect a change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of the enactment of the Military Selective Service Amendment of 1969; but, except during a period of a war declared by Congress after such date of enactment, no person inducted pursuant to any such change as may be made under the authority of the preceding provisions of this paragraph may be assigned, without his express consent, to active duty in Vietnam and the waters adjacent thereto (as designated in Executive Order No. 11216, dated April 24, 1965).' "

POINT OF ORDER

Mr. HÉBERT. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from New York (Mr. RYAN) for the same reasons I did on the previous amendment. The amendment is not germane and it goes far beyond the section that we have under consideration.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. RYAN. Yes, Mr. Chairman.

Mr. Chairman, this amendment which I have offered is considerably more restrictive than the previous amendment. I submit it is germane because it deals, as does the pending bill, H.R. 14001, only with the order of induction of various age groups which would be changed under the proposed repeal.

The bill, H.R. 14001, repeals section 5(a)(2) of the Military Selective Service Act of 1967. In other words, it repeals the 1967 prohibition upon the President effecting a change in the method of determining the relative order of induction of registrants from the method in effect upon the date of enactment of the 1967 act.

The purpose of the bill before the House is to permit the President to change the relative order of induction. My amendment also repeals the prohibition—making possible a change in the order of induction. In other words, making possible a lottery or random selection.

The only difference is that my amendment repeals the prohibition in part whereas the bill before the House repeals it completely. Surely, if the Congress has the power to repeal totally the prohibition in the first place, it can repeal the prohibition in part.

My amendment repeals it in part. It applies only to draftees inducted through a change in the order of induction. This amendment does not apply to anyone drafted or inducted through the existing method.

The President can continue the existing method of selecting registrants, and my amendment would not apply at all. It only applies to those who are inducted through a change in the procedure.

In summary, the bill recommended by the Committee on Armed Services repeals the prohibition. My amendment repeals it in part. Certainly, it is germane, to limit the repeal in that fashion, and I submit it is very much germane because it is on the very subject of the method of selection, and under the rules of the House an amendment is germane if it is on the subject under consideration.

The CHAIRMAN. The Chair is ready to rule.

The Chair notes in the gentleman's amendment this language among other language changes:

No person inducted pursuant to any such change as may be made under the authority of the preceding provisions of this paragraph may be assigned, without his express consent, to active duty in Vietnam and the waters adjacent thereto.

The Chair must hold that the language of the amendment would open up for present consideration a broader field than that which is contained in the language of the bill. The situation is foursquare with that of the amendment offered immediately prior by the gentleman from New York (Mr. RYAN). The Chair therefore holds that the amendment is not germane and sustains the point of order.

Mr. FOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will support this bill reluctantly. My reservations are not in what it does but in what it fails to do. To take such a small and relatively insignificant step toward meaningful draft reform is almost worse than doing nothing at all. I have seriously considered voting against the bill on that ground. The gentleman from New York (Mr. PIKE) has suggested that the bill is a fraud and a sham if it pretends to be or is assumed to be a significant move toward reforming the draft. I could not agree more.

I will vote for the bill because I am not opposed to the specific authority it grants to the President. However, I wish to speak these few words of protest against the inadequacy of the bill and the parliamentary situation which prevents any meaningful amendments from being considered by the House.

I hope that my vote will not be read by anyone as an endorsement of the efforts or the attitude of the Committee on Armed Services. The committee is comprised of many distinguished and able members of both parties but one wearies of being told by the leadership of this committee that its jurisdiction is so sensitive that the country cannot suffer ordinary Members of Congress participating in the shaping of its bills. Indeed I can think of no area where this "father knows best" attitude is less appropriate than in matters of national security and national service.

It may be true that senior members of the Committee on Armed Services are satisfied with this bill but I believe that many other Members of the House are not. I think it is tragic that even now at long last we should have no opportunity to redress the obvious inequities and injustices of the Selective Service Act of 1967. Whatever the accomplishments of the 91st Congress, the passage of this shamefully, inadequate, and incomplete bill must stand as an opportunity we have lost and a responsibility in which we have failed.

The CHAIRMAN. If there are no further amendments to be offered, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SIKES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act, pursuant to House Resolution 586, he reported the bill back to the House.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. **O'KONSKI**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. **O'KONSKI**. I am, vehemently, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. O'KONSKI moves to recommit the bill H.R. 14001 to the Committee on Armed Services.

Mr. **HÉBERT**. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The **SPEAKER**. The question is on the motion to recommit.

The motion to recommit was rejected.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **HÉBERT**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 382, nays 13, answered "present" 1, not voting 35, as follows:

[Roll No. 253]

YEAS—382

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Button
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—13

Chisholm
Clay
Conyers
Diggs
Edwards, Calif.
Hawkins
Helstoski
Lowenstein
O'Konski
Rees
Rosenthal
Ryan
Scheuer

ANSWERED "PRESENT"—1

Rarick

NOT VOTING—35

Baring
Bell, Calif.
Brademas
Brown, Calif.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Carey
Cederberg
Clark
Colmer
Daddario
Daniels, N.J.
Dawson
Dent
Gallagher
Gettys
Jarman
Kirwan
Lipscomb
Lujan
McClory
Mikva
Mills
Monagan
O'Neill, Mass.
Pirnie
Pollock
Powell
Pucinski
Steed
Whalley
Whitehurst
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Brown of California against.

Mr. Daniels of New Jersey for, with Mr. Burton of California against.

Mr. Dent for, with Mr. Carey against.
Mr. Steed for, with Mr. Powell against.

Until further notice:

Mr. Mills with Mr. Lipscomb.
Mr. Monagan with Mr. McClory.
Mr. Colmer with Mr. Lujan.
Mr. Daddario with Mr. Pollock.
Mr. Clark with Mr. Whalley.
Mr. Kirwan with Mr. Cederberg.
Mr. Baring with Mr. Burton of Utah.
Mr. Byrne of Pennsylvania with Mr. Wyatt.
Mr. Jarman with Mr. Whitehurst.
Mr. Gallagher with Mr. Brademas.
Mr. Mikva with Mr. Pucinski.
Mr. Gettys with Mr. Cahill.
Mr. Pirnie with Mr. Bell of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **BENNETT**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately preceding the passage of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. **WHITEHURST**. Mr. Speaker, on rollcall No. 253, a vote on passage of the Selective Service Act amendments of 1969, I was unavoidably detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 12982, DISTRICT OF COLUMBIA REVENUE ACT OF 1969

Mr. **McMILLAN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 12982) to provide additional revenues for the District of Columbia, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. **McMILLAN**. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

(For conference report and statement, see proceedings of the House, today.)

Mr. McMILLAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The **SPEAKER**. The gentleman from South Carolina is recognized for 1 hour.

Mr. McMILLAN. Mr. Speaker, the District Committees of the House and the Senate came to complete agreement in this conference. I would like to state that it required almost 2 months for the House to get a bill from the Senate, and finally in conference the House won, I believe, 90 percent of what we wanted. So I think the conference report should be agreed to by the House.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Minnesota.

Mr. FRASER. I would like to address a question to the chairman. I am not going to go over the old ground that we debated in the House at the time the District of Columbia revenue bill was passed. But there has come to my attention in recent weeks a very serious situation with respect to the staffing of personnel at the District of Columbia General Hospital.

I personally visited the hospital and went on a tour of the hosiptal, including the emergency receiving room and the area in which the patients in internal medicine are taken care of. I am convinced the District of Columbia General Hospital desperately needs additional resources.

The purpose of my question is to ask whether or not the conferees in settling on the question of funding were able to make provision or had in mind the problem that is reflected in the District of Columbia General Hospital.

Mr. McMILLAN. Of course, we did not earmark any funds for it, but I have had the District Committee check on this matter. The gentleman is absolutely correct. Conditions are bad and they should have more funds, and they should have more employees, especially in the reception and emergency rooms. We have allowed them 3,000 additional people in this bill, and I hope that will be taken care of.

Mr. FRASER. What the chairman is saying is that in the increased personnel permitted under the conference report, it may be possible for the Appropriations Committee to recommend that there could be an increase in the personnel available to take care of the patients?

Mr. McMILLAN. The gentleman is correct. I do not know of any project that is in more urgent need of assistance at the present time than that hospital.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I just want to say to the chairman of the committee that a number of us will support this conference report so it can go through, and the District can have its revenue. If we do not pass it today, it means a great deal of revenue will be lost over the next 2 months. I hope, however, that next year when we will consider revenue proposals again, we will have an opportunity to look them over, and make some changes.

On that basis, Mr. Speaker, I will not oppose any of the conference report today in the hope that next year we can consider some of these questions.

Mr. McMILLAN. Mr. Speaker, I thank the gentleman.

The commissioners were late in sending their revenue bill to the Congress. In fact, it was the first of June when that arrived. In August we passed the bill in the House, and it was passed in the Senate recently.

Mr. ADAMS. Mr. Speaker, I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman refresh my memory? Was there a property tax increase in the District bill?

Mr. McMILLAN. The District can increase its tax. That did not come under us. We tried to get control of that and did not get it.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR TEMPORARY EXTENSION OF AUTHORITY CONFERRED BY EXPORT CONTROL ACT OF 1949

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 164) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas for an explanation.

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 164 would extend for an additional 60 days the provisions of the Export Control Act which are due to expire tomorrow, October 31.

This body enacted H.R. 4293 by a vote of 272 yeas to 7 nays on October 16. The other body has also passed legislation extending the life of the Export Control Act. The problem at the moment is that the Senate has been unable to date to name its conferees and, therefore, it has been impossible for us to meet in conference at this time. It is anticipated that we will meet in conference in the immediate future.

The ranking minority member of the committee (Mr. WIDNALL) is in full accord with consideration of this subject.

Mr. GROSS. Mr. Speaker, may I ask the gentleman from Texas, why the other body has been unable to name its conferees? Is it because they are in session, or is it because too many of them are abroad in Moscow and other foreign waypoints?

Mr. PATMAN. I am unable to answer that. I just know that is what they stated. That is the reason why they passed this joint resolution and sent it to the House, so as not to let it expire completely by tomorrow.

Mr. GROSS. Because they cannot take the time to name conferees?

Mr. PATMAN. I do not know about that.

Mr. GROSS. Was that not what the gentleman said?

Mr. PATMAN. That is what they said. That is what they told me; but I do not know the explanation.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. The minority on the committee are unhappy about the fact that conferees have not been named in the other body. It is the intention to hold a conference on this measure.

It is absolutely necessary that this continuing resolution be presented now and accepted by the Congress. We urge the adoption of the joint resolution.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "October 31, 1969", and inserting in lieu thereof "December 31, 1969".

SEC. 2. The last paragraph under the heading "Senate" in the First Deficiency Act fiscal year 1926 (2 U.S.C. 64a) is amended to read as follows:

"In the event of the death, resignation, or disability of the Secretary of the Senate, the Comptroller of the Senate shall be deemed his successor as a disbursing officer, under his bond as Comptroller, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DRUG ABUSE EDUCATION ACT OF 1969

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 602

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R.

14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER**. The gentleman from Hawaii is recognized for 1 hour.

Mr. **MATSUNAGA**. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 602 provides an open rule with 1 hour of general debate for consideration of H.R. 14252, the Drug Abuse Education Act of 1969.

The purpose of H.R. 14252 is to encourage the development of new and improved curricula; to demonstrate the use of drugs and evaluate their effectiveness in model programs; to disseminate educational materials; to provide training programs for teachers, counselors, law-enforcement officials and other public service and community leaders; and to offer community education programs for parents and others.

Appropriations are authorized over a 3-year period: $7 million for fiscal year 1971, $10 million for fiscal year 1972, and $12 million for fiscal year 1973. The funds shall be utilized by the Secretary of Health, Education, and Welfare to carry out the purpose of the bill and he is authorized to use up to 5 percent of the funds to assist State educational agencies for planning, development, and implementation of drug abuse education programs.

An Interagency Coordinating Council would be appointed by the Secretary, consisting of the Secretary or his designee as chairman, the Attorney General or his designee, the Commissioner of Education, and the Director of the National Institute of Mental Health. Representatives of other departments and agencies having substantial interest in drug abuse may be appointed to the Council.

The Council would advise in coordination, promulgate regulations establishing procedures, and review and make recommendations on applications for assistance.

The Secretary of Health, Education, and Welfare would appoint an Advisory Committee on Drug Abuse Education, consisting of 21 members, which would advise the Secretary on administration, operation of, and regulations for, programs under the act; make recommendations regarding allocation of funds and project applications; and evaluate programs and projects.

The committee would meet at the call of the chairman and members would be entitled to compensation not to exceed $100 per day, including travel time, and while in travel status would be entitled to per diem and other travel expenses at the rates authorized for Government personnel employed intermittently.

Mr. Speaker, H.R. 14252 would provide a program of education most sorely in need by the youth of our country—a program which in the long run will prove to be the most effective weapon against drug abuse.

Mr. Speaker, I urge the adoption of House Resolution 602 in order that H.R. 14252 may be considered and passed.

Mr. **MARTIN**. Mr. Speaker, the gentleman from Hawaii (Mr. Matsunaga) has adequately and completely explained House Resolution 602 and the bill H.R. 14252, the Drug Abuse Education Act of 1969. All I have to say, Mr. Speaker, is that this bill was reported out of the Committee on Education and Labor unanimously and was reported out of the Committee on Rules unanimously. I know of no opposition to the rule or to the legislation.

Mr. **MATSUNAGA**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. **PERKINS**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14252, with Mr. Adams in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Ayres) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. **PERKINS**. Mr. Chairman, I am delighted to bring before the House the proposed Drug Abuse Education Act of 1969. Initially, I should like to review the background of this significant piece of legislation.

Earlier this year the Select Subcommittee on Education held 10 days of public hearings, during which over 80 witnesses presented testimony in support of the general purposes of the bill.

Subsequently, H.R. 14252 was reported from the Committee on Education and Labor by a record vote of 31 to 0. Nineteen majority members and 13 minority members of the committee have cosponsored H.R. 14252 and identical bills. An additional 49 Members of the House have also cosponsored this legislation.

The design of the bill, and the overwhelming support accorded it are in large part due to the foresight and untiring efforts of its principal sponsor, the gentleman from Washington (Mr. Meeds). I should like to take this opportunity to complement the gentleman and the chairman of the Select Subcommittee on Education, the gentleman from Indiana (Mr. Brademas), for their hard work and leadership in an effort to alleviate a national problem of immense proportions. Mr. Chairman, I wish to pay tribute also to all the members of the Select Subcommittee on Education, because this is truly a bipartisan effort.

Mr. Chairman, this is clearly an example of congressional initiative. The committee bill will assist in alleviating a critical problem which touches virtually every community; every age group; and every social, racial, and economic group.

Evidence gathered during extensive subcommittee hearings indicates that even some of the best informed people are totally ignorant as to the dangers and ramifications of improper drug use. Testimony presented to the committee overwhelmingly indicates that the most effective manner of curtailing and preventing the improper use of dangerous drugs is through an effective and greatly expanded educational program. But, at present, drug abuse programs are nonexistent in most areas—few instructional materials are available and there are little, if any, opportunities for preservice or inservice training for teachers, counselors, community leaders, and parents.

As the committee report indicates, the bill seeks to assist in eliminating the problem of drug abuse by striking at what is essentially the heart of the problem—the lack of knowledge on the dangers of improper drug use. To carry out that purpose the bill authorizes a program of grants and contracts for: First, the development of curriculums on drug use; second, the preparation of instructional materials; third, demonstration projects on drug abuse education; fourth, inservice and preservice training for teachers, counselors, local law enforcement officials, parents, and other persons in the community; and fifth, community drug education programs especially for parents.

For these purposes, $7 million is authorized in fiscal year 1971, $10 million in fiscal year 1972, and $12 million is authorized in fiscal year 1973. Because, Mr. Chairman, the program will not begin until next year, this legislation does not infringe upon the current budget.

Another purpose of the bill, Mr. Chairman, is to insure the delivery of quality drug abuse education programs at the local level. To this end, the Secretary may reserve up to 5 percent of the amount appropriated for the purpose of enabling State educational agencies to assist local educational agencies in the development and implementation of drug abuse programs.

Local educational agencies making application for a grant must notify a State educational agency, and give the agency an opportunity to comment on the proposal. All applications for participation will also be reviewed by an Interagency Coordinating Council on Drug Abuse Education which is established to provide better coordination at the Federal level of drug abuse education activities.

There will also be an Advisory Committee on Drug Abuse established in HEW to assist the Secretary in administering the new act. The Committee will be composed of persons who are experts in the educational, legal, and other problems associated with drug abuse. In addition, the Secretary of Health, Education, and Welfare is directed by the bill to render technical assistance on drug abuse education programs but only if such assistance is requested.

Through our actions today, we can assist in alleviating a problem which is foremost in the minds of educators, community leaders, and parents. And, we can take a giant step forward in our attempt to cope with a complex problem which is having an impact on all persons—particularly the youth of this Nation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes, briefly.

Mr. GROSS. Why would you scale up these amounts? Is the gentleman figuring that we are going to have more inflation, or what?

Mr. PERKINS. No, it is not because of inflation. In fiscal year 1971 we have provided very little money, $7 million; and in 1972, $10 million; and in 1973, $12 milion. Very little money is being expended in this country on the education of our citizens on drug abuse. For fiscal year 1971 the sum of $7 million is the absolute minimum amount that should be expended for drug abuse education. Naturally, if we are going to accomplish our objectives, we must provide for increases during the 3-year period. In my judgment a $12 million authorization in 1973 is most economical, I will say to the gentleman from Iowa, to serve the purposes of the bill as the program develops, more and more agencies will wish to participate and the program should be large enough to accommodate new application as well as continuing projects.

Mr. AYRES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on July 14, President Nixon sent a message to the Congress in which he called for a 10-point attack on drugs. The President pointed out that the problem of narcotics could not be solved in any one area, but that action would be necessary in many areas if the job was to be done properly. Most significant in the President's message was the need for more eduaction in the area of drug abuse. He said:

> Proper evaluation and solution of the drug problem in this country has been severely handicapped by a dearth of scientific information on the subject—and the prevalence of ignorance and misinformation. Different 'experts' deliver solemn judgments which are poles apart. As a result of these conflicting judgments, Americans seem to have divided themselves on the issue, along generational lines.
>
> There are reasons for this lack of knowledge. First, widespread drug use is a comparatively recent phenomenon in the United States. Second, it frequently involves chemical formulations which are novel or age-old drugs little used in this country until very recently. The volume of definitive medical data remains small—and what exists has not been broadly disseminated. This vacuum of knowledge—as was predictable—has been filled by rumors and rash judgments, often formed with a minimal experience with a particular drug, sometimes formed with no experience or knowledge at all.
>
> The possible danger to the health or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open. The American people need to know what dangers and what risks are inherent in the use of the various kinds of drugs readily available in illegal markets today.

The President has continued to attack the problem of narcotics and to make the general public aware of the abuses and consequences resulting from their use.

Last week, while attending a meeting at the White House on this subject, I was most moved by Art Linkletter's heartbreaking account of his daughter's death; but I was also moved by Mr. Linkletter's recognition that—

> From the fifth grade up children should be grounded as thoroughly as possible in the dangers of putting chemicals into their systems as they are in walking across a super highway with their eyes shut.

His words were echoed many times in hearings before the Education and Labor Committee when we heard over and over that a more comprehensive educational program must be developed.

The legislation before us today is designed to do just that. I would caution the Members of this body not to be satisfied that this piece of legislation alone will do the whole job, because as the President said in July there are many avenues that we must travel to stamp out this problem.

As one of the cosponsors of this legislation, I must commend Members on both sides of the aisle for expediting this bill through the Congress and helping to bring the message of the necessity for more drug abuse education programs to the American people.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I rise in support of this legislation, as I hope every other Member of this House will do when they vote.

There was one concern I had about this legislation when it went through the committee; the involvement of the States in the administration of this program.

I feel that we should make certain, under the provisions of this act, that it will be properly coordinated on the Federal level. There was strong emphasis made and a great deal of work done by the subcommittee to make certain that adequate Federal coordination will exist. As my colleagues know this has not always been the case in the past. However, we must go further today and make certain that the same kind of coordination exists at the State level.

There is a provision made in the bill that applications made from local educational agencies for financial assistance under this act may be approved by the Secretary only if the State commissioner of education has been notified of the application and has been given an opportunity to offer recommendations.

We have taken similar actions in the past, with the results being that it was inadequately administered within the States.

Juvenile delinquency legislation is a good example in which the hopes and intentions of the Congress were not carried out.

I recognize there is a small request for funds in this bill and that most of the money will be used for the development of curriculums.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. BLACKBURN. Mr. Chairman, I want to associate myself with the gentleman's remarks, and to state my unqualified support of this legislation.

Mr. QUIE. I thank the gentleman.

Mr. Chairman, as we move then to further the development and administration of this act so that it does more than the development of curricula, and training teachers, we should, after 3 fiscal years, be moving into a widespread program of Government assistance with substantially more funds being allocated to education in drug abuse.

In this regard I would like to talk to the gentleman from Washington and the gentleman from Indiana who worked the hardest on the majority side of the committee about that day when the Federal assistance is going to increase when we get into action programs, and need to involve the States and give them the responsibility of coordinating and actually approving of projects and the distribution and the use of funds within their States. Once a program is sufficiently developed and proven it is my feeling that the States should play a greater role and assume greater responsibilities.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. MEEDS. The gentleman is correct. The gentleman and I have discussed this and as he well knows, this bill before us today is largely a developmental bill and a type of program and a type of State participation which the gentleman is talking about is the type of participation which should take place down the road when there are large grants going out to the States under this type of program.

I would certainly hope that if at the end of 3 years this legislation is amended and we enact other legislation in this field that adequate protection will be established in that so that the States will be participating and will be involved and will be programing within their own States because this problem is different in different States.

Mr. QUIE. I thank the gentleman from Washington.

I would just like to ask the gentleman from Indiana whether he agrees with the gentleman's statement.

Mr. BRADEMAS. Yes; I too would like to see much greater involvement of the States in this program.

I would hope that after we have had some experience over a period of some years under the present pattern of funding and financing a program whereby, as the gentleman has already indicated by reference to section 5, subsection (b) of the bill, that plans from local schools may be approved, and only approved by the Secretary if the State agency has been advised and afforded an opportunity to comment.

We are building on the language in the present bill and there may be an even greater role for the State educational agencies in this very important field.

I might also say, I would hope, and the gentleman from Minnesota I am sure would agree with me, that following the passage of this bill it may give some stimulus to the States to come up with more effective State programs on the State level that would supplement and make possible a coordinated attack on this important problem.

Mr. QUIE. I thank the gentleman.

I just want to state to my colleagues that in the State of Minnesota where we pride ourselves on being a long way from the eastern establishment, as though all the drug abuse occurs out in the East, that in everyone of our 87 counties this last year there has been criticism regarding the use of drugs by young people in those counties.

So there is no area that is immune in the country any more. It is not something that just exists in the larger cities or in the suburbs around the larger cities. This problem exists in every rural community in the country as well. I believe it is important that we begin this step so there can be an expanding development in adequate curriculum in order that the use of drugs can be shown to be the detriment that it is to human beings in the schools.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. MICHEL. I note we are debating an authorizing piece of legislation, and this is really about the time we ought to be talking more seriously about a funding level, because we are in that era, I guess, when full funding seems to be the talk of the day.

How did the committee arrive at this particular figure of $7 million for the first year, $10 million for the second year, and $12 million for the third year? Is this a figure that was merely picked out of the air some place? How do you arrive at such a figure? I have got to justify in my own mind that you can really spend that kind of money wisely, and when you get to the point of appropriating, I want to make sure there is justification for spending the requested money wisely.

Mr. QUIE. I am going to ask that the gentleman from Indiana, the chairman of the subcommittee, answer your question. But before he does so, I wish to make this comment. I believe we do an inadequate job in our authorization committees in setting levels. Usually we ask somebody how much he thinks we need and take his figures. My own preference is that the authorization committees ought to include in the language of their bills that they are authorizing such sums as the Congress may appropriate, because if you are aiming toward an authorization level, that is usually a figure that has not been well thought out.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman saying that you are putting in what you think the traffic will bear?

Mr. QUIE. I say I am not speaking in relation to this piece of legislation. I will let the gentleman from Indiana answer that question. But I am speaking as a general principle with respect to the way authorization committees operate. They usually ask somebody for a guestimate. That figure is put in the bill without regard to the impact it will have in the Appropriations Committee and the priorities in the appropriation of money.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the subcommittee, the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, I intend to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill before us.

The CHAIRMAN. The Chair will state to the gentleman that he will have to ask that permission when the Committee returns to the House.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the Drug Abuse Education Act of 1969. I wish very much that the bill before us was not really necessary. Yet I think every Member of the House knows that that it is. The very fact that the Drug Abuse Education Act was reported unanimously by the Committee on Education and Labor, that is to say, by a vote of 31 to 0, and that it was reported in the form of a clean bill with 82 cosponsors of both parties, indicates, I believe, the very widespread concern that there is in the House of Representatives, and therefore in the country, about the problem of drug abuse. I am very pleased to see that there is such strong general support, and in particular such strong bipartisan support for the bill.

Members on both sides of the aisle on our subcommittee put in long hours in the hearings and in markup sessions in coming up with the bill that we bring to you today. I wish here to pay tribute to all the members of the Select Education Subcommittee for their contributions to this legislation: Messrs. Daniels, Reid, Dent, Bell, Mrs. Mink, Messrs. Steiger, Meeds, Collins, Scheuer, Landgrebe, Gaydos, and Hansen.

But, Mr. Chairman, at this point I feel it appropriate to pay particular tribute to the man who, more than any other Member of this body, will have been responsible for the enactment of this pioneering measure in the field of preventing the spread of the abuse of dangerous drugs in our country, the able gentleman from the State of Washington, Congressman Lloyd Meeds. He is the principal sponsor of the measure before this body today. It was the gentleman from Washington (Mr. Meeds) who took the initiative in consulting with a number of members of the administration and experts outside the Government in coming up with a draft bill which was the basis of the hearings that we conducted in our subcommittee.

Mr. Chairman, at this point I should like to yield briefly to the gentleman from Washington (Mr. Meeds) in order that he can respond to the gentleman from Illinois (Mr. Michel) in respect to his question about the funding levels in the bill.

Mr. MEEDS. I thank the gentleman for yielding. I certainly believe the question which the gentleman from Illinois has raised is a pertinent question. In discussing this question initially, I will tell the gentleman, the people from NIH and from the Office of Education and the Drug Abuse Coordinating Council, a private organization, in my office discussed various funding levels, and it may seem low to the gentleman. The reason is that, particularly in the first year, it was obvious to us after we had looked at it closely, that there was not enough expertise around immediately to get these programs off the ground. Therefore, we should start out at a very modest level and increase it during the second year when we would have gotten a better start on it, and the third year to bring it along even faster.

We initially had a 5-year bill and there was an increase to a $44 million figure over those 5 years, but in the subcommittee we cut this back to a 3-year program, feeling it would definitely prove itself within that time. We kept the funding purposely low.

Mr. MICHEL. Mr. Chairman, will the gentleman yield for another question?

Mr. BRADEMAS. I yield for a brief question.

Mr. MICHEL. Mr. Chairman, we have a program devoting over $800,000 for an educational campaign, which includes films on prime TV time and this kind of thing. I was interested in the remarks made by the gentleman from Minnesota, and I suspect several others here, with respect to the attempt made to coordinate this activity to insure there will not be any kind of duplication. As a matter of fact, under title III of the Elementary and Secondary Education Act, there are some funds, though not specifically earmarked, going for this specific purpose of education in drug abuse.

Mr. BRADEMAS. Mr. Chairman, if I may make a comment in response to the question raised by the gentleman from Illinois, I refer the gentleman to some hearings conducted by the committee on which the gentleman serves, in the Committee on Appropriations a few months ago, in which the gentlewoman from Illinois (Mrs. Reid) asked the question of the then acting Commissioner of Education, Mr. Peter Muirhead, about whether or not the Office of Education, which is the principal agency in the Federal Government with responsibility for education programs, had done anything in the area of drug abuse education. Mr. Muirhead said, "No; we have not."

We also had in front of our committee a representative of the National Institute of Mental Health, Dr. Morton Miller, the Acting Associate Director for special and collaborative programs of NIMH. I asked Dr. Miller a number of questions and learned that of the $26.5 million spent in HEW on drug problems, approximately $900,000 go into educational programs. I asked Dr. Miller how much money he thought is represented in expenditures on narcotics in this country, and he said it runs into hundreds of millions of dollars. Then we had further testimony which showed $50 million are being expended by the Justice Department and the Department of Health, Education, and Welfare at this time at an annual rate with respect to law enforcement and medical research and rehabilitation and education—indeed on all aspects of the drug problem—but that not more than 5 percent of that $50 million figure is being put into programs of the kind represented by the bill that is before us today, namely, education.

The whole point I am trying to make is that the drug problem has grown to such enormous proportions in this country that we ought to do far more than we have been able to do on the preventive side, and especially including education.

In this connection, Mr. Chairman, let me refer to the message of the President to Congress last year, to which the gentleman from Ohio (Mr. AYRES) made reference earlier. In that message President Nixon said:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans . . .
>
> The number of narcotics addicts across the United States is now estimated to be in the hundreds of thousands. Another estimate is that several million American college students have at least experimented with marihuana, hashish, LSD, amphetamines, or barbiturates. It is doubtful that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse. Parents must also be concerned about the availability and use of such drugs in our high schools and junior high schools.

The point I am about to make is, I believe, an important one as we consider the drug problem. It is that there are several aspects to the problem of drugs in our society. It is a very complex question and the causes of the increasing use of drugs in the United States are many and interrelated. Let me comment then on the several aspects of the problem of drug abuse:

There is a law enforcement aspect of the drug problem. We have to be concerned about enforcing the law against traffic in narcotics in the United States at the Federal and State and local level.

There is also the international aspect of our problem, as our problems with our neighboring State of Mexico ought to make very clear to us.

There is the question of the rehabilitation of addicts. That is another part of the problem.

There is the question of research into the effects of the abuse of dangerous drugs. That is another part of the problem.

Then, finally, there is the aspect of the problem known as education and information. It is only to that aspect of the drug problem that the bill before us today is directed.

We do not pretend that the passage of this bill will overnight, or even in a 3-year period, resolve the problem of drug abuse in the United States.

It is, however, in my judgment and I am sure in the judgment of the Members of the House, not appropriate for our Committee on Education and Labor to be getting into these other aspects of the problem. They do not come within the jurisdiction of our committee.

Mr. Chairman, I want to say just a word or two about the educational implications of the drug problem. We are here faced with the fact that there are several very serious obstacles in the way of developing effective educational programs with respect to the abuse of dangerous drugs in the United States.

I have already alluded to one, the fact that we do not spend very much money on educational programs, considering the magnitude of the problem.

In addition, we found in our hearings that almost no effort is being given to the training of schoolteachers about the dangers of the abuse of these dangerous drugs. I am sure the Members could go into their home communities and could ask any schoolteacher, "How much education did you get about the dangers of the abuse of dangerous drugs?" And they would find the answer probably was very little.

The evidence showed that very little instruction is given in our great medical schools toward the training of our physicians as to the dangers of the abuse of dangerous drugs.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BRADEMAS. Will the gentleman yield me an additional 2 minutes?

Mr. PERKINS. Mr. Chairman, I will yield the gentleman 1 minute, which has already been allocated.

Mr. BRADEMAS. I thank the chairman. I will try to summarize quickly.

We found that there is a lack of scientifically objective, credible curricular material to make available to our schools.

To make the general point, our schools and educational institutions, and also community organizations that may have an interest in participating in these kinds of programs, are in great need of well-trained teachers, first-class curricular materials, and some research and evaluation on the effects of the use of these materials. These are among the principal purposes of the passage of this bill.

I am sure, Mr. Chairman, that the gentleman from Washington will expand on other points of the bill with respect to which any Members may have any questions.

I want to reiterate my own appreciation to the gentleman from Washington (Mr. MEEDS), and to the distinguished ranking minority member of our subcommittee, the gentleman from New York (Mr. REID), for their contributions to the passage of this legislation. In my judgment, we are shortly going to pass a bill which can make as effective a contribution as any other legislation we might pass in resolving one of the most difficult problems that afflicts a modern industrial society.

USE AND ABUSE OF DRUGS

Indeed, Mr. Chairman, it is almost impossible for any of us in this Chamber not to be aware that this Nation does face a serious drug abuse problem.

I recently heard the following commercial:

> Amphetamines . . . barbiturates . . . the up and down pills . . . they pick you up when you're down, they bring you down when you're up. If you take them, follow your doctor's advice very carefully. Because last year, tens of thousands of people abused these pills and got all strung out and tangled up. Some died. Amphetamines and barbiturates are powerful drugs. Too powerful to play around with.

You may have heard Rod Serling give this warning on your television screen as part of a current advertising campaign on drug abuse or you may know that over 8 billion amphetamine tablets are produced each year—enough to provide each man, woman, and child in the United States with 35 doses. We keep most of these amphetamines in home medicine cabinets that average 29.5 drugs per household as a national average.

> This is 74 Langsford Street, home of Mary Clayton. She's a junkie. She'd be shocked if you called her that. She takes a lot of pills: Amphetamines, to get going. Barbiturates, to put her to sleep; without the supervision of her family doctor . . . pills which could distort her judgment, and could become addictive. Mrs. Clayton's a junkie, and what's scary is she doesn't know it. How about you? Any junkies live in your home?

Last year, 5 million "5-grain units" of illicit drugs were seized at borders and ports of entry in our country. The total weight of all drugs confiscated for the year—including marihuana—hit 35 tons. The costs run from a "nickel" bag of marihuana for $5 to as high as $50,000 for a pint of heroin. It has been calculated that New York City's addicts must raise from $500,000 to $700,000 per day to support their habit. To do so, many turn to robbery, shoplifting, burglary, forgery, and prostitution. Although you do not use the "stuff," you could be one of hundreds of top distributors selling a half grain of LSD, enough for 1,100 capsules, to middlemen for $1 a capsule. In a month's time, you could easily sell 5,000 capsules and clear over $3,700.

One often hears that there are more than 60,000 heroin addicts in the United States, but that figure only reflects the number reported to the Government. U.S. News & World Report recently mentioned that in New York City alone, estimates on the number of heroin addicts run from 30,000 to 100,000—"depending on who is keeping score."

Some authorities say that 30 percent of the college students in the country have tried marihuana at least once. Dr. James L. Goddard, former Chief of the Food and Drug Administration, has said that 400,000 Americans may be using it regularly. The New York Times recently estimated that 100 million Americans use some form of mind-altering drugs, including excessive alcohol, amphetamines, barbiturates, and tranquilizers. In 1967, the National Student Association reported that 61,792 arrests were made in California for illegal use of drugs.

Although these figures are important, particularly as they relate to escalating problems of crime and health, we too often concentrate on the statistics and forget the people. The human cost is more staggering and more tragic. Drug abusers seldom live successful lives—by their own standards or anybody else's. Over a period of time, they lose interest in schools, jobs, and family. Drug abusers have few friends who are not also on drugs. They simply have neither the time nor the energy to keep up normal social contacts. Their only purpose becomes the search for enough drugs to keep "high" and to duck the agony of being suddenly deprived of drug support.

There is no doubt that the abuser deprived of drugs suffers greatly. But the worst of it is that whether "high" or looking for his next "kick"—he has lost control of his life. He has given up the power to decide and to act—the very power that makes him human.

At what point do you lose control? No one knows. But the worst mistake is to assume you can stop once you start. There is probably not one drug abuser alive—or dead—who did not say, "I won't get 'hooked.' It can't happen to me." It can—and it does.

HISTORICAL DEVELOPMENT

Mr. Chairman, the excessive use of drugs is not a new phenomenon. For many years, suffering, lonely or bewildered man has sought to alleviate his pain or grief or to find meaning in his life by using drugs from animal or vegetable sources capable of altering his consciousness and his perception of the surrounding world.

Marihuana was known to the Chinese Emperor Shen Neng as far back as 2700 B.C., and recommended for gout, constipation, and "absent-mindedness," among other uses. In 500 B.C., the Scythians were reported by the Greek author, Herodotus, to be using the drug.

By 1500 B.C., opium was in widespread use by the Egyptions both for medical reasons and as an agent of indulgence. Opium addicts, however, were not recognized as such until the 18th century when an epidemic of opium smoking spread throughout China. The Opium War of 1840–42 occurred as a consequence of an attempt by the Chinese Government to curb British importers of the drug.

The problems of addiction arising from the spread of opium use were compounded in the 1800's by the discovery of two opium alkaloids, morphine in 1805 and codeine in 1832. Even physicians who had come to recognize opium addiction failed to realize that the opium alkaloids, morphine and codeine, were also dangerous. These alkaloids were actually administered to cure the opium habit, with the result that opium addicts were transferred from one addictive drug to another. Morphine became popular among opium users because of its potency; that is, 1 grain of morphine produces about the same effect as 10 grains of opium.

The invention in 1840 of the hypodermic needle was an important factor influencing the spread of narcotic addiction. The hypodermic needle was introduced in the United States in 1856 and was used widely during the Civil War to administer morphine to soldiers who were wounded and who also suffered from dysentery.

Soldiers returning to civilian life were noted to be addicted to morphine and the terms "army disease" and "soldier's illness" began to be used as the result of observation of narcotic addiction in these individuals.

In 1898, the final link in the opiate chain was forged with the introduction of heroin, a morphine derivative. Initially considered nonaddictive, heroin became available in many pharmaceutical preparations and became a prime drug for treatment of morphine addiction. Heroin was found to be much more addictive than morphine and according to some sources, created addicts by the thousands.

Other drugs have a comparable lengthy history. The hallucinogens were employed by ancient cultures for religious purposes. The Aztecs worshipped peyote which they call the flesh of the gods. Peyote ceremonies were adopted by the North American Indians and became an integral part of the ritual of the North American native church. Nordic warriors are reported to have eaten a certain species of mushrooms before entering battle. The mushrooms supposedly gave them enormous strength and courage and probably contained the hallucinogen, psilocybin.

WHY DO PEOPLE USE AND ABUSE DRUGS?

There is much concern in this country about why young people use drugs and many thoughts have been put forth on this subject. Based on the extensive hearings of my subcommittee, it appears that there are no clear-cut answers. Escape from pain, anxiety, fatigue, unhappiness, aggressive feelings, boredom, thrill-seeking, "consciousness-expansion," intellectual experiences, experimentation, personality or mental disturbances, a sign of the times—all these are factors which help explain the drug phenomenon and why people use—and abuse—drugs. It is, however, because people are the users of drugs that we can conclude that it is possible, through understanding, communication and education, to reach people.

The abuse of drugs is no longer solely a police problem. It has now developed into a serious national threat to the health and safety of millions of young Americans. It is time that we ceased relying on speeches and undertook some constructive, affirmative action to help meet the problem. The Drug Abuse Education Act will make possible such action.

COMMITTEE FINDINGS

The Select Subcommittee on Education held 10 days of hearings in Washington, D.C., New York City, Los Angeles, Calif., Seattle, Wash., and South Bend and Warsaw, Ind. During the hearings the subcommittee heard from over 80 witnesses including educators, doctors, lawyers, newspaper editors, students, parents, representatives from the administration, and representatives from the professional and civic organizations including the Jaycees and YWCA.

Many recommendations were received by the subcommittee. Noted with interest was the suggestion of Mr. William Mollenhour, editor of the Warsaw, Ind., Times-Union, that Federal funds be used to provide for school counselors who could talk to students on a person-to-person basis about the drug problem. Mr. Mollenhour's suggestion was incorporated in our committee report.

A school superintendent from Seattle, John Porter, suggested that a sophisticated task force should be financed and should be put into action to produce an effective drug abuse prototype curriculum guide and teacher instructional plans which could be distributed to schools across the Nation. Another witness suggested that persons familiar with the drug problem, either by reason of being an ex-user or by having personal contact with the problem, should be used in drug abuse education programs. These are but a few examples of the many suggestions which the committee favorably received. Regardless of the differences of the various suggested approaches, the opinion throughout the hearings of our subcommittee was unanimous that an effective educational program is essential if we are to make serious advances in the prevention in the use of dangerous drugs.

However, as I have indicated earlier, we are faced with several disturbing obstacles making effective advances:

First. At the present time there has been a proliferation of efforts in developing effective programs of education on the abuse of drugs.

Second. Of approximately $50 million spent by the Federal Government on drug problems, less than 5 percent is programed into education.

Third. Little attention and effort are being given to the training of teachers about the abuse of dangerous drugs.

Fourth. There is, therefore, a serious lack of teachers and counselors qualified to provide instruction in the schools on the dangers of drug abuse.

Fifth. There is a lack of scientifically validated materials and curricula developed and available for use in drug abuse instruction.

Sixth. Our schools and educational institutions are thus left generally ill equipped to offer objective, scientifically valid instruction about drugs and their abuse.

Mr. Chairman, the Drug Abuse Education Act of 1969 is designed to deal with these problems.

SUMMARY OF BILL

In summary, the Drug Abuse Education Act would provide for grants or contracts to schools and other public or private institutions and organizations, for the following kinds of activities:

Development of curricula and materials on drug abuse for elementary and secondary and adult education programs;

Demonstration projects for testing the effectiveness of the developed curricula;

Projects for the dissemination of materials and information to the schools by institutions or organizations which have conducted demonstration projects;

Evaluation of drug abuse curricula tested by demonstration projects;

Training in drug abuse education for teachers, counselors, and other educational personnel, law enforcement personnel and other community leaders;

Development of community education

programs on drug abuse—especially for parents; and

Payments of reasonable and necessary expenses incurred by State educational agencies while assisting local educational agencies in the planning, development, and implementation of drug abuse education programs—funds for such payment limited to 5 percent of the total annual appropriation.

Funds would be authorized for these programs in the amount of $7 million for 1971, $10 million for 1972, and $12 million for 1973.

The program would be administered by the Secretary of Health, Education, and Welfare. To assure coordination of drug abuse education activities within the Federal Government, the bill provides for an Interagency Coordinating Council on Drug Abuse Education. The Council would include the Secretary of the Department of Health, Education, and Welfare, the Attorney General of the Department of Justice, the Commissioner of Education and the Director of the National Institute of Mental Health of the Department of Health, Education, and Welfare, and representatives from such other agencies and departments as the Secretary of Health, Education, and Welfare might designate.

The bill also establishes an Advisory Committee on Drug Abuse Education which will consist of persons familiar with drug abuse. The purpose of this committee will be to review and make recommendations on grant applications to the Secretary.

Finally H.R. 14252 will provide technical assistance by the Department of Health, Education, and Welfare and the Department of Justice to assist local educational agencies, public and nonprofit organizations in the development of programs on drug abuse education.

CONCLUSION

Mr. Chairman, I believe the case for this legislation is clear.

I trust the House will go on record overwhelmingly, if, indeed, not unanimously, in supporting the passage of the Drug Abuse Education Act of 1969.

Mr. REID of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I should like at the outset to acknowledge with appreciation the very constructive leadership in the development of this legislation provided by the gentleman from Washington (Mr. MEEDS), the principal sponsor of the bill; by the gentleman from Indiana (Mr. BRADEMAS), the chairman of the subcommittee; and by the gentleman from New York (Mr. REID), the ranking minority member of the subcommittee.

It was my privilege to sit with the committee throughout almost all of the hearings both in Washington and across the country, and I can assure the Members this was a very sobering experience and also a very revealing experience. It showed us, first of all, that drug abuse is widespread throughout the country, both within the urban areas and within the rural areas. It revealed that drug abuse is growing rapidly and at a very alarming rate.

It is also obvious from the evidence produced before the committee that drug abuse is not limited to any age group. While it is primarily aimed at youth, its use by others in all age brackets is also growing at an alarming rate. It revealed that drug abuse leaves in its wake a trail of tragedy, broken health, ruined careers, disgrace, heartbreak, and even death. Daily now we read of some new incident where a young life has been destroyed as a result of the abuse of dangerous drugs.

The hearings also revealed an appalling lack of information about the effects of drugs and the existence of a great deal of conflicting information with large gaps in our knowledge that a program such as this can fill.

This bill is no cure-all. Far from it. However, it does represent a sound and constructive step in the right direction. It is aimed at the demand side of the overall problem. If we are going to attack the problem, we have to eliminate not only the supply of dangerous drugs but also the demand for them. Education is designed to help eliminate the demand for these dangerous drugs. If we are going to be successful, we have to attack the problem on all fronts. We have to attack it on the law-enforcement front as well as on the front that involves effective international agreements to try to dry up the sources of supply coming into this country. We have to attack it on the rehabilitation front. We have to stimulate more effective action at the State and local levels to develop the kind of law enforcement and education effort which will be equal to the problem. We have to attack it on the education front.

Mr. Chairman, reference has been made to the program outlined by President Nixon earlier this year. This bill, in my judgment, will effectively implement President Nixon's proposal for better education on drug abuse.

Our hearings also revealed that drug abuse is a part of a much more basic underlying problem. The decision to use or not use drugs very often for a young person is determined by the climate existing in a neighborhood which relates not only to the availability of dangerous drugs but a part of the educational opportunity and a part of the presence—or the lack of it—of adequate housing. It is also a part of the problem underlying racial conflicts in the cities. We have to attack the problem by trying to eliminate these root causes.

This bill is rather narrowly defined and drawn to try to aim squarely at one part of this problem. The bill can help us to find some of the answers. If it has the success that I predict it will have, it will not solve the problem entirely but will help to establish the kind of a foundation on which we can stimulate more active and effective State and local effort and build an education program which is truly responsive to the demonstrated need.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington, the distinguished author of the bill (Mr. MEEDS).

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I am glad to yield to the gentleman from California.

Mr. CHARLES H. WILSON. Mr. Chairman, I want to compliment the gentleman from Washington who has devised this fine legislation and the gentleman from Indiana who conducted the hearings and pledge my support to the passage of this fine legislation.

Mr. Chairman, today we have before us the beginning of what I hope will be the elimination of the deadly epidemic of drug abuse that has swept across the United States. Our body is indebted to the gentleman from Washington (Mr. MEEDS) for devising this needed legislation and to the gentleman from Indiana (Mr. BRADEMAS) and members of his Select Education Subcommittee for holding extensive and most worthwhile hearings in different cities throughout the country. We are also indebted to them for the careful study and hard work that they put in on this bill.

In 1963 the President's Advisory Commission on Narcotics and Drug Abuse found that public and professional education in the field was inadequate. It found the problem clouded by misconceptions and distorted by persistent fallacies. In 1967 the President's task force on narcotics and drug abuse of the Commission on Law Enforcement and Administration of Justice, chaired by Nicholas Katzenbach, found that the 1963 Commission's conclusion was still valid 4 years later. Unfortunately, despite the well-thought-out recommendations of the task forces, misconceptions, fallacies, and ignorance still typify the general public's knowledge of the problem. Misinformation about drugs and their effects is still prevalent and the measures taken by the Federal Government to correct them are still limited, fragmented, and sporadic.

The conclusions of the Katzenbach group are worth reviewing. While the National Clearinghouse for Mental Health Information within the National Institute of Mental Health—NIMH—collects and disseminates information, drug abuse is only one of its many concerns and its audience is largely made up of researchers and other specialists. Progress is being made, however, as exemplified by the spot radio announcements sponsored by the mental health group. These announcements are aimed at getting through to our Nation's youngsters. Some progress has been made, but this progress is not nearly enough.

Addiction and abuse are no longer confined to an isolated sector of our population. The rich and the poor, the urban and the suburban, the young and middle-aged, of both sexes, are all involved. No segment of the populace is secure from the intrusion of these means to self-destruction and moral decay. The problem which was once fairly limited to lower-income slum dwellers is now found on every college campus and in suburban as well as city elementary, junior, and senior high schools. Perhaps the inability in the past of middle-class Americans to identify the problem as being of relevance to their lives has helped to bring about the situation with which we are now faced.

In any event, the problem has been brought home for all to see and the consensus of public opinion has coalesced, demanding solutions now.

It is my belief that while treatment facilities must be increased and expanded, while professional personnel must be recruited and trained, while our present laws must be reformed to reflect the realities of today's societies, the most important approach has been advanced by my distinguished colleague, the gentleman from Washington (Mr. MEEDS). Education is a key to unlocking the door that the root causes of narcotic addiction and drug abuse lie behind. Education accompanied by intensive research activities will prevent future generations of Americans from experimenting with substances posing a potentially horrendous danger to their very existence. For that reason much of Mr. MEEDS' bill has been included in my proposed Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act.

While the educational efforts of the Bureau of Narcotics and the Bureau of Drug Abuse Control are well intended and well executed, they are not being conducted on a scale nearly adequate for today's needs. As Congressman MEEDS points out:

> Many parents who want to bridge the generation gap with their teenagers find they have little or no technical knowledge of the new drugs.

Mr. Irving Lang, commissioner of the New York State Narcotic Addiction Control Commission, in testimony before the Brademas subcommittee studying this proposed legislation, acknowledged that—

> Drug abuse continues to be a source of national concern: the vast majority of our population might properly be called functionally illiterate with respect to authoritative information regarding dangerous drugs and their effects physically, psychologically, emotionally, and socially.

The entire area, I am sure that you would agree, is so complex as to not be readily understandable even for the most educated of our citizenry. The Federal funds to be authorized upon passage of H.R. 14252 would be used to devise and evaluate needed new drug education curricula, help communities set up "Drug Alert" seminars, and assist local school districts in providing demonstration projects for drug abuse education. Students presently in elementary schools must be made knowledgeable in this area, for, by the time they reach junior high, they will be exposed to drugs in one form or another.

I cannot emphasize enough the danger posed to our Nation's youngsters. Lack of sufficient data causes us to be unsure of the extent of drug experimentation that is presently going on. On some college campuses I am convinced that more students have tried pot than those who have not. While Dr. Stanley Yolles, Director of the National Institute of Mental Health pointed out last year that 20 percent of the college youths polled in NIMH surveys admitted experience with marihuana, he cautioned that there is a definite geographical pattern in drug-taking and that my State, California, has an abnormally high incidence of drug abuse.

Time is of the essence. Senator HUGHES of Iowa recently commented upon the fact that the recommendations of various professional groups in this area as well as those coming out of two Presidential Commissions have not been acted upon. He stated:

> Why, instead of following sane and professional recommendations, do we continue a system that busts up kids' lives, makes treatment of addiction impossible, and overpunishes the nameless, wretched addict or pusher, while channeling easy profits into the hands of the underworld?

I concur with the gist of the Senator's query and pose another question: How much time do you think we have before it is too late to combat the problem effectively?

Whereas for many years the number of narcotic addicts was stable at around 60,000, it is widely estimated today that more than 100,000 Americans are addicted to narcotic drugs. The use of hallucinogenic drugs is rapidly increasing. A conservative estimate of persons, both juvenile and adult, who have used marihuana one or more times is at least 5 million, and may be many millions more. Five percent of our college population is estimated to have experimented with the more powerful LSD. As many as 10 percent of young people who have tried marihuana can be considered chronic users who devote large portions of their time to obtaining and using the drug.

Dr. Yolles estimates that between 200,000 and 400,000 persons abuse amphetamines and barbiturates as well as other sedatives and tranquilizers. We live, as Senator YARBOROUGH, of Texas, recently declared, in a drug-taking society, a society where a host of different drugs are used for a variety of purposes: To restore health, reduce pain, induce calm, increase energy, create euphoria, induce sleep or create alertness. Many substances are today available to swallow, drink, or inhale in order to alter mood or state of consciousness.

It is unfortunately true that a good number of substances which have legitimate use are also subject to abuse; and there is a long list of drugs and chemicals with no known medical use but with potent capacity to alter behavior. The enactment of the Meeds legislation will go a long way to help educators, law enforcement officials, counselors, community representatives, and the general public to understand the differences between various substances and the potential harm that abuse may bring about. The grants to be made available to colleges, universities, and private groups to develop teaching materials about drugs will result, hopefully, in formulating new methods of communicating to our Nation's young people, of bridging the generation gap by providing information whose source is, while authoritative, still respected and accepted by young persons.

The problem is a national one, calling for large-scale Federal involvement. A core of educational and informational materials must be developed and made available to the public. Cooperation between Federal, State, and local authorities is essential. At the same time, we must recognize that there must be a clear indication by the Congress that those agencies most expert in any particular aspect of the problem be strengthened, rather than have wasteful duplication and squandering of scarce resources.

It is my opinion that the major responsibility for health and scientific aspects of a drug prevention, education and control program be placed within the agency whose jurisdiction most properly embraces them. Education, research, training, prevention, and treatment efforts properly should be assigned to the agency charged with administration of matters of health, education, and social welfare. The Department of Health, Education, and Welfare is my choice as the appropriate agency to be charged with the conduct of research and treatment activities as well as developing educational programs coordinated by the Commissioner of Education and the National Institute of Mental Health.

The Department of Justice, on the other hand, should properly be charged with responsiblities for law enforcement and control but since health concerns are clearly not within the jurisdiction of the Attorney General, every care should be taken to assure that the aforementioned educational, research, care, and treatment efforts should remain within the jurisdiction of educators and scientists and not with police agencies. The Department that the Congress has declared responsible for these type of activities is HEW.

Drug addicts are crime-prone persons. This fact is not open to serious dispute, but to determine its meaning is another matter. Present analysis is best restricted to heroin addicts because of the applicable laws, because of the amount and reliability of information available, and because drugs with addiction liability present the clearest issues and typify to most members of society the "drug problem." In order to obtain an accurate idea of the relationship between drugs and crime it is necessary to make a clear distinction between the drug-related offenses and the non-drug-related acts committed by addicts. This must be done since billions of dollars have been lost through drug-related criminal activity. Money spent in combating the problem will be a wise outlay on the part of the Congress and will be a direct or indirect service to all U.S. citizens.

Under H.R. 14252, assistance and funds will be made available to school districts and local communities who wish to sponsor drug abuse Seminars for parents and others in the community including, significantly, law enforcement officers, who, like most of us also need enlightenment. This action will undoubtedly remove some of the cobwebs that becloud this area and place the problem in a more revealing light.

Mr. Chairman, the narcotic addiction and drug abuse problem goes to the core of our society. It is acting like an unknown or under-detected cancerous growth that is spreading throughout the land. To successfully cure the illness, its cause must first be identified. After this identification is made, information must be widely disseminated. Only then can we solve the attending interrelated physiological and psychological dilemmas personified by narcotic addicts and drug abusers. We must act with a surgeon's skill rather than with a butcher's strength in this area. We are dealing with a social illness that threatens the very foundations of our way of life. As Mr. Theodore Cron pointed out in testimony before the subcommittee, and I quote:

> Arrest, conviction, and detention do not deter individuals from bringing harm upon themselves or upon others.

He later stated that—

> The familiar canons of criminal law enforcement are largely irrelevant when we face certain behavioral patterns involving consent in the area of medical or psychological need.

Such as is evidenced by narcotic, alcoholic, and drug abuse.

Recently the Washington Post in an editorial asked:

> Is it not time, in short, for a fresh approach to drug addiction—an approach designed not so much to vent anger as to offer help?

On the whole, I feel that my bill pending before the House Interstate and Foreign Commerce Committee—H.R. 13136—and H.R. 14252 which I have discussed here today go a long way toward identifying and eliminating the narcotic addiction and drug abuse problem. In other words, these pieces of proposed legislation do not vent anger; rather they offer badly needed help. I urge my colleagues to pass favorably upon Mr. Meed's proposal. We must take action now.

Mr. **MEEDS**. I thank the gentleman from California for his comments and for his efforts in this field which are well known.

Mr. **KAZEN**. Mr. Chairman, will the gentleman yield?

Mr. **MEEDS**. I yield to the gentleman from Texas.

Mr. **KAZEN**. I thank the distinguished gentleman from Washington for yielding. Also, I wish to thank him for the work which he has done in spearheading this legislation which has come to the floor of the House today and also to express my appreciation for the work that this entire committee has done with reference to this problem.

Mr. Chairman, make no mistake about it, this country is concerned as to what is happening to its youth in a situation that crosses all kinds of lines: social, cultural, and otherwise.

Mr. Chairman, I hope this program will be expanded and improved upon because with the experience which we will gain from it, I am sure it will result in great benefits to this country.

Mr. Chairman, it is a pleasure to rise very strongly in support of this bill.

Mr. **MEEDS**. I thank the gentleman from Texas for his comments.

Mrs. **MINK**. Mr. Chairman, will the gentleman yield?

Mr. **MEEDS**. I am delighted to yield to the gentlewoman from Hawaii.

Mrs. **MINK**. Mr. Chairman, I would like to join also, not only in support of this legislation, but to join with my colleagues in commending the gentleman in the well for his outstanding leadership in bringing this bill to the committee and to the floor of the House for consideration and passage today.

I consider it a privilege to have served on this committee and to have had an opportunity to learn so much about such an important matter affecting all of those in this country.

Mr. Chairman, I rise in support of H.R. 14250, the Drug Abuse Education Act of 1969. The purpose of this legislation is to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related purposes.

As a cosponsor of this bill, and a member of the Select Subcommittee on Education of the House Committee on Eduction and Labor that conducted hearings on the need for drug abuse education, I assure you that Federal assistance is needed to help improve drug abuse eduction, if we are to resolve this increasingly serious problem. Once believed to be an unfortunate phenomenon restricted to a small segment of the college population, experimentation with drugs appears to be increasingly common in high schools, junior high schools, and even in the upper classes of elementary schools.

This legislation seeks to protect our children and young people by authorizing $7 million for fiscal 1971, $10 million for fiscal 1972, and $12 million for fiscal 1973 for Federal grants to institutions of higher education and to other public or private agencies, institutions, and organizations for the following purposes:

Development and preparation of education curricula on the use and abuse of drugs;

Development of pilot projects to test the effectiveness of such curriculums;

Dissemination of educational materials and other information to applicants conducting pilot projects;

Evaluation of the curricula developed through the pilot projects; and

Community education programs on drug abuse, including seminars, workshops, and conferences, especially for parents and others in the community.

Grants would also be made to institutions of higher education and local educational agencies training programs on drug abuse for teachers, counselors, law enforcement officials, and other public service and community leaders.

Up to 5 percent of the funds appropriated would be available to offset necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

Applications from local educational agencies for financial assistance under this act may be approved only if the State educational agency has been notified of the application and has been given the opportunity to offer recommendations.

The bill further provides for the establishment of an Advisory Committee on Drug Abuse Education which will review all applications for grants, and will review and evaluate the administration, operation, and results of programs funded by the grants. The Advisory Committee will recommend criteria for priorities in making grants, and for achieving an appropriate geographical distribution of approved projects.

To help assure maximum benefits from the Federal funds allocated under this act, and to avoid duplication of effort, the Secretary of Health, Education, and Welfare will establish an Interagency Coordinating Council on Drug Abuse Education. No grants will be approved unless the Council has been given the opportunity to review and make recommendations on applications within a period of not more than 60 days.

I submit that this act will help alleviate the drug abuse problem in our Nation, and that it is our responsibility to the people we represent to offer them this assistance.

It would be almost impossible to live in this country today and not know about the drug abuse threat to our national health. We have all heard about the terror and self-destruction resulting from "bad trips." We have heard of the insane euphoria of "good trips" that cause automobile and other fatal accidents because of the users' distorted perceptions. We are all too familiar with accounts of severe psychosis triggered in the unstable, and with recurring symptoms of paranoia in the apparently normal person.

We are beginning to hear about chromosome damage to drug abusers and to their children. In some ways, this seems the most monstrous menace of all—to bring damaged children into a difficult world with which their parents chose not to cope even though they may have been blessed initially with health and education and countless other benefits. For it is not alone the children of the poor who are susceptible to the lure of escape through drugs; no child can be kept safe from the influence of those who prey upon them in an effort to extend the misuse of drugs—except through their own understanding of the dangers, and their own knowledge and motivation to avoid the misfortunes that befall drug abusers.

The purpose of H.R. 14250 is to help children and young people develop an understanding of the risk of drug abuse; to know what drugs are all about; and to build the motivation they need to steer their lives in other directions—away from a pattern of chemical thrills and escape, and toward a life of satisfaction through achievement and physical and mental well-being.

Education is our best hope for combating drug abuse. We have already seen what knowledge of the facts can do to deter young people from using LSD. Information about chromosome damage has been disseminated in a number of ways, and the experts believe there is a correlation between this knowledge and a decrease in the use of LSD. But this is only one drug, and only one educational effort. There are many drugs, and it appears that there is an almost frantic effort by some people—those who use drugs and those who live by selling them—to find new chemical combinations to oblivion. We may add to the list of specific drugs which are prohibited, but laws cannot keep pace with new products, or new uses of familiar products abused by our children. Surely our children, teenagers and young adults deserve more in the way of protection from drug abuse than legal prohibitions. H.R. 14250 offers them tools with which to build their own, inner defenses—knowledge and understanding.

The vast publicity about the problem of drug abuse does not mean that we are making a matching effort to combat it. We are not. Scientists, physicians, mental-health experts, law enforcement officials, educators, and parents testify to the inadequacy of drug-abuse education in our schools and institutions of higher education. The victims and potential victims provide more dramatic testimony.

With strangers lurking on the playground, or in the candy store, or campus hangout, all too ready to offer information on the "fun" to be had from a certain kind of sugar cube or other chemical mixture, we do not offer students the courses, the books and visual aids, the frank discussions which could alert them to the suffering that lurks behind the stranger's smile. And even if our schools had the curricula, the instructional materials and the opportunities for discussion, they still would not have that most vital of all ingredients to successful education—teachers trained to handle a demanding subject, confident in their ability, and in possession of all the facts on this problem.

Dr. Randolph Edwards, a professor in the College of Education at Temple University, testified before a House subcommittee on public health and welfare that in his opinion—

> The greatest single drawback to effective drug abuse education today is the lack of knowledgeable and well-trained teachers. They are not receiving adequate training in the teacher-training institutions of this country. There is also a deficiency in the number of in-service and workshop opportunities for teachers desirous of this supplementary training.

The need for teachers trained in drug education, for courses suitable for all levels of our educational system, for resource materials containing accurate facts based on the most recent research findings is great and growing.

I urge you to vote for H.R. 14250.

Mr. MEEDS. I thank the distinguished gentlewoman for her remarks.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I am glad to yield to the distinguished gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I thank my colleague for yielding.

I would like to express my deep appreciation and admiration for my colleague for the many, many months of long and untiring work that he has put into the production of this most thoughtful piece of legislation. It deals with an area where the unknowns are perhaps more challenging than the knowns.

The gentleman from Washington did a masterful and scholarly job in bringing in experts and authorities and in putting together a very fine piece of legislation.

No city in the Nation suffers from drug abuse as does New York City—and the center of addiction there is my district in the South Bronx. One-half of all drug addiction in the United States is in New York City; one-half of New York City's rising rate of street crime, is drug related. Indeed, few other issues in contemporary American life arouse more anxiety, fear, anger, and irrationality in New York City and elsewhere than the abuse of drugs. Public and government concern over this issue has reached a zenith. Over the past 30 days, most of our newspapers have meticulously covered "Operation Intercept," an abortive mission to cut off the flow of marihuana—one of the drugs in this knotty bag.

During the first week of this operation, 2,384,079 people were stopped at 31 land points. The Washington Post of September 23 reported that of the first half million persons coming from Mexico, not a single marihuana smuggler was found. Operation Intercept appears to have no effect on the smugglers' art and further complicated effective dialog and discussion between user and nonuser and abuser.

It is time to launch "Operation Communicate." Dr. Helen H. Nowlis, one of the Nation's leading experts on the drug abuse problem, pinpoints the problem as one of ignorance—"lack of knowledge about the action of chemical substances on the complex, delicately balanced chemical system that is the living organism, lack of knowledge about the relationship of variations in this system to complex human behavior, lack of knowledge about complex human behavior itself." In short, "it is a problem of the tyranny of opinion, attitudes, and belief in the absence of knowledge."

This problem of ignorance is further complicated by a failure to communicate. While Americans worry about bridging "the generation gap," author Karian approaches to stopping drug use, particularly marihuana, provide another excuse for rebellious youth to band together against a generation which grew up before automation and nuclear weapons. When authoritarian approaches do not work, futile arguments replace dialog and discussion. Every term—such as "drug," "abuse," "use," "education," "understanding" is so entangled in myth and emotion.

If you ask Dr. Nowlis, "Is LSD harmful?" She will answer by saying. "To whom? Under what circumstances? In what dosage? In what respect?"

Drugs are any substance which by their chemical nature affect the structure and function of a living organism. Drug effects are a function of dosage, route of administration, pattern and circumstances of use, physiological and psychological characteristics, and the current state of the individual taking the drug including the reasons why he takes it and what he expects it will do.

A special problem comes into view when we consider that there is more emotion than agreement surrounding the phenomena of drug "abuse" itself.

What does abuse mean?

Is our perturbation mostly outraged morality?

Worry over the significance of millions of young people intentionally violating the law and erecting their own standards for conduct in opposition to those of their elders?

Is our concern really about drugs or do we focus on drugs to blame them for the ugliness or irrationality that lurks within the human animal?

Or are we worried about visible bad effects—accidents, illness, addiction, murders, school dropouts, and the like?

What is it that worries us about drug use?

Certainly we cannot act rationally in creating a responsive and relevant public policy until concerned citizens diagnose what it is that underlies their distress. And, as we examine what it is, we shall find some of these worries arise from myths—the myth of the link between violence and marihuana; the myth of inevitability of progression from soft to hard drugs, the myth that the criminal law is an instrument of demonstrated effectiveness in controlling vice, or the myth that something we call "treatment" must therefore be kindly and efficacious, or perhaps the most sacred myth which holds that if we simply spend enough money or do enough research we can cure or control almost anything.

It is time to lay aside our preconceived notions about drugs. It is time to abandon the futility of an Operation Intercept. It is time to repudiate overly simple relationships between cause and effect. It is time to understand the concepts of the scientific method. It is time to appreciate the multiple determinants of human behavior. It is time to communicate.

The Drug Abuse Education Act of 1969 recognizes this need. Education is an alternative to law enforcement and rehabilitation. Our concern for the drug abuser and narcotic addict is usually expressed too late—after a law has been broken. If we are to alter the course of drug abuse and addiction in this country, we must begin now to educate our children.

The legislation we are considering today, H.R. 14250, deals effectively with this whole concern of mine. I am grateful to Congressman LLOYD MEEDS for his outstanding and early leadership in this area. Extensive hearings and debate have been launched in our committee, touching not only on this phase of the problem, but on all aspects of drug use and abuse. Congressman JOHN BRADEMAS' forceful leadership piloted this legislation through his subcommittee and has brought us closer to launching "Operation Communicate."

Mr. MEEDS. I thank the gentleman from New York for his remarks.

Mr. PRYOR of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I am glad to yield to the gentleman from Arkansas.

Mr. PRYOR of Arkansas. Mr. Chairman, the gentleman in the well, the gentleman from Washington (Mr. MEEDS), has authored and inspired one of the most monumental pieces of legislation which I feel will come before the 91st Congress. The gentleman is certainly to be commended for his tireless efforts and leadership in this area.

Mr. Chairman, we are confronted with a crisis in the field of drug addiction in this Nation. I think all of us recognize the serious proportion of this crisis which we face. As one of the cosponsors of this legislation with the gentleman from Washington, I would like to say that we must all get behind it and face the realities of the situation and support it not only with our vote but also with its implementation if it does actually become a public law.

Mr. Chairman, I rise in support of the Drug Abuse Education Act of 1969, of which I am a cosponsor. I am gravely concerned over the alarming increase in the use of dangerous drugs among our young people. With drugs now apparently becoming installed as fixed props on many college campuses throughout the Nation, smalltown and rural America has begun to share the concern of urban America.

It recently came to my attention that a Stanford University psychologist conducted a survey of one college and found that 57 percent of the students had tried marihuana and that 17 percent had experimented with LSD. That psychologist concluded, incidentally, that what is definitely an expanding use of marihuana and "pep pills" means that the use of stronger drugs will increase. In his recently published book "Students and Drugs," Richard Blums points out:

> As the base number of marihuana-experiencing students expands, so does the proportion willing to risk LSD, DMT, STP, opium, heroin, and the like.

One authority has estimated that unless the present youth generation in America wakes up to what is happening, 50 percent of all young people could become habitual users of narcotics. If anything like that happened, it would mean that a still unestablished part of their potential in life would be burned away.

There is little dispute about the extremely harmful effects of opium, heroin, and LSD on the mind and body. The insidious danger, I think, lies in the use of marihuana. It has been much more difficult to measure marihuana's detrimental effects on one's health. There are those who assert that it may be no more harmful than liquor or tobacco. Despite the controversy surrounding its use, the evidence has rather consistently shown that more and more marihuana smokers have begun to experiment with more dangerous drugs.

In 1964, it was estimated that 50,000 persons in the United States used marihuana. Now, according to some authorities, that figure has risen to between 10 and 15 million.

The Nation's youth must be made fully cognizant of the danger, the risk, and the consequences of drug abuse. It must be impressed upon them that in becoming a slave to drugs they are giving up their self-determination and self-respect. Nothing more disastrous could ever happen to America than to produce a generation dependent on drugs for gratification or for the solution to life's problems.

The Drug Abuse Education Act is essentially designed to encourage the development of drug education in elementary and secondary schools and in community education programs. The concept which it reflects is the very simple one that education is a real, positive factor in shaping attitudes and behavior. If, through the educational process, we can reach youth in other fields—history, mathematics, science—then why can we not reach them in this area?

The important thing is that the right kind of programs be developed. If drug abuse education is going to work, it has to be well done. If, through the resources of the Federal Government—in both the fields of education and health—we can see that some really sound curricula are developed, both as to content and presentation, then we will have accomplished a great mission. The emphasis of the bill, then, is on curriculum development.

Mr. Chairman, I earnestly ask my colleagues to join us in support of this much needed legislation.

Mr. MEEDS. Mr. Chairman, I thank all of my colleagues for their kind remarks and for their contribution toward bringing to the floor of the House this legislation.

I, too, would like to express my thanks to my chairman, the gentleman from Kentucky (Mr. PERKINS), and particularly to my subcommittee chairman, the gentleman from Indiana (Mr. BRADEMAS), who through his untiring efforts and through the utilization of proper hearing procedures in my opinion has brought forth one of the best sets of hearings that I have ever attended on any piece of legislation since I have been in the House of Representatives.

Also, I think this is, perhaps, one of the most bipartisan bills that I have ever worked on and I wish to thank and commend my colleagues on the other side of the aisle for their help and support.

Mr. Chairman, dangerous drugs are not new; the dimension of their abuse is.

Where once we whispered about drugs and narcotics—sometimes called "dope"—existing in the ghettos and on the waterfronts, today they are invading every segment of our society.

Young mothers wound up by hyperactive children swallow tranquilizers to calm down; older citizens knock down depresions to find sleep; truck drivers gulp "bennies" to help them eat up the miles of concrete stretching into the night.

The drug companies, legal and illegal, have gone to market and capitalized on our national anxieties. During the past 25 years, the U.S. production of amphetamines has increased by 500 percent. Barbituates are being manufactured at an annual rate now exceeding 1,000,000 pounds—enough to provide 24 doses to every man, woman, and child in the Nation.

Tom Jefferson's yeoman farmer, self-reliant and sturdy, might be a misfit today in a country where the lifestyle is go-go, rush-rush, learn-learn, worry-worry. Technology has captured us in the chains of freedom. The car lets us go faster and fret more; the telephone brings people closer and makes demands come more often.

No wonder some observers label us a "drug-oriented" culture. For many the use of stimulants and depressants results from the pressures and tensions in our society. For the young the use and abuse of drugs is related to their changing moral concepts, to their desire to escape their environment and to identify with something and someone of their own subculture.

For old and young alike who need a crutch, drugs can provide it. For all who seek escape from the reality, drugs can provide that escape. But, in the final analysis it is an escape to nowhere. The fantasies end, and reality closes in.

Regardless of the causes, there can be no argument that the abuse of drugs has reached epidemic proportions. One cannot read the daily paper without seeing four or five accounts illustrating some facet of the drug problem. Recently, when TV star Art Linkletter lost his daughter as the result of hallucinations induced by LSD, he received 25,000 letters in 10 days, many of which related the anguish of parents also facing the crisis of their own children's involvement.

In testimony before our subcommitte, Martin Kotler, deputy commissioner of the addiction services agency of the city of New York, stated:

> The effects of drug abuse constitute a major community problem in New York City. More than 800 heroin addicts will die here this year because of addiction. It is the leading cause of death in the 15–35 year age group in New York City.

It is impossible to estimate the costs of this problem in dollars and cents. How does one estimate the cost of twisted, ruined lives; the sorrow of grieving parents and relatives; the lost opportunity to brilliant young people who get hooked? While these costs are immeasurable some are not.

Testimony before the subcommittee in four major cities of America—New York, Washington, D.C., Los Angeles, and Seattle—indicated that from 40 to 75 percent of the crimes in those cities involved drugs and narcotics or drug-related crime—crimes committed to obtain money for drugs or narcotics.

We found the situation to be exactly as stated by President Nixon in his message to the Congress on the drug abuse problem. He said:

> The habit of the narcotic addict is not only a danger to himself but a threat to the community where he lives. Narcotics have been cited as a primary cause of the enormous increase in street crimes over the last decade.
>
> As the addict's tolerance for drugs increases, his demand for drugs rises and the cost of the habit grows. It can easily reach hundreds of dollars a day. Since an underworld fence will give him only a fraction of the value of goods he steals, an addict can be forced to commit two or three burglaries a day to maintain his habit. Street robberies, prostitution, even enticing of others into addiction of drugs—an addict will reduce

himself to any offense, and to any degradation in order to acquire the drugs he craves.

Taking a minimum figure of 100,000 narcotic addicts in the United States and assuming a minimum cost of $50 per day to support their habits, you quickly realize that this one facet of the problem involves costs to society of $5 million per day.

Given the enormity and complexity of this problem, one would surmise that substantial efforts were underway to find solutions.

Such efforts are and have been underway for some time. But let us look more closely. Such efforts may be generally categorized as preventative, rehabilitation, and law enforcement.

Under the Harrison Act of 1914, the Marihuana Tax Act of 1937, and the 1965 and 1968 statutes dealing with barbituates, amphetamines, hallucinogens, and similar compounds, the use of these substances often constitutes a crime. Most offenses are punishable as felonies. The States have also enacted their own laws, many of which are as stringent and some more so than the Federal law. If you offer a marihuana cigarette to another person in Georgia and that person accepts it, upon conviction of the second offense, the State requires a mandatory death penalty.

Despite such stringent laws and valient efforts of the Federal, State, and local police to enforce them, the magnitude of the problem increases at such a rate as to require calculators to record the pace.

For example, in 1963 Federal officials seized 6,432 pounds of marihuana at the borders and by 1966 this had increased to 23,260 pounds. Almost that much was seized recently in less than 2 months during a recent border clampdown.

The most alarming increase was manifested when the FBI in August released their crime statistics for the period of 1960–68. The increase in drug arrests during that period was 322 percent, almost twice that of any other increase. As if that were not frightening enough, when broken down by age groups one finds that the increase in drug arrests of persons under age 18 rose 1,860.4 percent during the same period.

Thus, despite the presence of stringent laws, increased activities by law enforcement officials, it is clear that law enforcement alone cannot adequately cope with the problem.

What of rehabilitation? One is met at the beginning with the fact that rehabilitation only comes into use after the damage is done. Most thoughtful people involved in rehabilitation work are quick to admit that their achievements are hard fought, costly, and often short lived. Clearly we must continue our efforts to develop more effective rehab programs, but to put our major efforts here, it seems to me, is to deal with the result and not the problem.

Finally, what of prevention? What have we done and what are we doing to prevent the problem which is so costly in dollars and human lives. While good law enforcement is certainly preventative, there are other aspects which, unfortunately, have not received the attention they merit.

Virtually every witness appearing before our subcommittee acknowledges that education on the use and abuse of drugs and narcotics holds the most promise of success. Seattle Police Chief Frank Ramon put it most succintly when he said:

> Police people who see the misuse of drugs and pharmaceutical preparations recognize that the ultimate answer lies in the education of the potential user. . . . I reiterate that our present techniques have not been adequate to contain, let alone solve this problem. The brightest hope, in my view, is contained in the House bills being considered (the drug abuse education bills).

Despite the unanimity of opinion that education provides the best course of action, very little has been done and is presently being done in this area.

While the Federal Government spends between two agencies—NIMH and Justice—some $50 million per year for law enforcement and rehabilitation of offenders, less than 4.5 percent of these funds are spent for education. State and local governments spend more in some instances and substantially less in others.

It is for this reason that in January of 1969 I began preparing legislation to apply education to this problem. It was clear to me at the outset that the experts must be involved. I received help from the Justice Department, the National Institutes of Mental Health, the Office of Education, the Department of Health, Education, and Welfare, the National Coordinating Council on Drug Abuse Education, and Information, the American Association of Health, Physical Education, and Recreation, and others.

The bill was introduced on March 20, and more than 75 Members of the House of Representatives have signed on as cosponsors. Public hearings on the Drug Abuse Education Act of 1969 were held by the Select Education Subcommittee, of which I am a member. We heard testimony in Washington, D.C., Seattle, Los Angeles, New York City, and South Bend, Ind. Throughout the hearings the response to H.R. 9312 was overwhelmingly favorable. Later, the subcommittee amended the bill and gave it a new number, H.R. 14252.

The bill allocates $29 million in Federal funds over a 3-year period. What follows is a summary of its provisions and why they are necessary.

First, it will help educators, law enforcement officials, counselors, and community leaders attend short term or summer institutes offering drug education courses.

A survey conducted by the Washington State Board of Pharmacy indicated that 60 percent of the high schools questioned felt that their teachers were not trained adequately to conduct thorough drug education courses. But do not blame the educators. Drugs have happened too fast. The subject matter is as difficult to grasp as the "new math" was several years ago.

Washington State School Superintendent Louis Bruno said:

> A massive program is necessary to bring about teacher competence in drug education.

He felt that our bill can have the same impact on the drug problem that the National Defense Education Act of 1958 had on math, science, and English.

Second, the bill makes funds available for colleges, universities, and private groups to develop and test curriculums in drug abuse education. The information would be distributed on request of local school districts or States.

Textbooks, films, courses, and other teaching materials cost money. Many school districts are already hard pressed to furnish the basics without worrying about drug abuse prevention. While many companies have cashed in on the public's concern and have produced colorful and very expensive materials on drugs, no curriculum has ever been tested for effectiveness.

John Porter, assistant superintendent of School District No. 15 in Edmonds, Wash., recommends strongly that qualified educators produce a model curriculum for a total K–12 effort in drug education.

Third, the legislation would furnish assistance to local schools and States wishing to establish pilot programs in drug education.

Since Congress approved the Elementary and Secondary Education Act of 1965, the most popular feature has been that which funds "innovative" programs in education. In our school system there is a great deal of latent creativity waiting for the financial green light.

Fourth, H.R. 14252 would support local schools or communities to provide "drug alert" seminars and similar educational efforts for adults.

Last April I organized in my district the type of project that could be supported under this section of the bill. Working with concerned parents, educators, policemen, and doctors in Snohomish and north King Counties, we set up a drug abuse conference at Meadowdale High School in Lynnwood, Wash.

The conference succeeded because we took the high road. We tried to inform rather than condemn. The facts of drugs, the why of their abuse, and possible deterrents to their growing attraction were explored and debated. For the audience, the most meaningful part occurred when young people on a special panel gave their views and answered questions.

In his prize-winning "A Man For All Seasons," playwright Robert Bolt creates a confrontation between three members of the family of Sir Thomas More. The daughter, Margaret, has stayed up all night to discuss marriage plans with young Will Roper. Angered, Alice More tells her husband that Margaret should be beaten.

Sir Thomas replies:

> No, she's full of education, and it's a delicate commodity.

Sensitive. Touchy. Delicate. Handled properly, drug education can enlighten and deter; compromised by pompous sermonizing and untruths, it can turn off young people and lead them to believe that the dangers of drugs are either exaggerated or nonexistent.

Most parents want their children to learn the facts about drugs so they may cope with their attractions. A community seminar such as we held in Lynnwood might ease fears of teaching this subject in the schools. Still, there remains a danger that an effective curriculum could be transformed under pressure into a table-pounding, jail-threatening approach.

At our hearings in Los Angeles, we saw a perfect example of why this does not work. Sandy, a pleasant and very bright 18-year-old from a wealthy suburban family, told us that—

> I had Health in the 11th grade, you know, just like everybody does. And I used to get stoned to go to my Health class. And when we were studying the unit on narcotics, everyone looked around and smiled at each other, because everybody was stoned, or everybody was getting stoned, and everyone knew it was, you know, bunch of nothing.

This shows how credibility can become a casualty of the generation gap. Drugs have happened too fast. Because parents and teenagers lack a through knowledge of the drugs, facts and understanding have too often been pushed aside by opinions. Drugs have arrived with a tearing and a division not seen since Charles Darwin penned some conclusions about his research in the Galapagos Islands.

Education cannot heal over these differences completely. Congress cannot pass a law against curiosity. No textbook, however well written, can insure comfort for a troubled mind. Yet, our schools can illuminate that which is dark and can bring into sharper focus the nature of drugs and how they relate to the human condition.

In so doing, education can lead to true self-awareness rather than the fantasy of peace obtained by swallowing, smoking, or injecting.

Mr. SANDMAN. Mr. Chairman, will the gentleman submit for a question?

Mr. MEEDS. I yield to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, I am in favor of the bill, and I want to vote for it. However, I have had some experience with this kind of problem before. I am interested in the provisions of the bill on page 3, subparagraph (1) under section 4, which allows this money to be used for grants into contracts with institutions of higher education and other public or private agencies.

Now, I have no quarrel with the institutions of higher education, but how far do we go in the interpretation of what this means as to other private agencies?

Mr. MEEDS. The gentleman from New Jersey raises an excellent question, and it was one that was debated and discussed quite thoroughly in the subcommittee. As a matter of fact, we left that language in—private agencies and institutions—because in the course of our hearings we came upon several instances where private agencies have really led the way in those fields of drug abuse, education, and in materials in those areas and we felt that we ought not to close the door to private agencies.

Mr. SANDMAN. If the gentleman will yield further, who determines the private agencies, though?

Mr. MEEDS. The Secretary of Health, Education, and Welfare will make that determination.

Mr. SANDMAN. What I am referring to are the appropriations that were made by the Congress in 1967 which were handled through the OEO. New Jersey, for example, received $1 million for one of those particular grants, and at that time instead of the money being handled by an organization within the State that was set up for the purpose, it was turned over to one of these community projects.

Now, my question is: Are those kinds of groups eligible for this kind of a grant?

Mr. MEEDS. I would answer the gentleman by saying that they would be under the language of the bill. But certainly the Secretary of Health, Education, and Welfare is going to make the determinations based on the capability of the group to develop what we are looking for. And the type of group which the gentleman describes would seem to me to be hard put in the developmental field. Perhaps later in the grant stage for programs they would present a bigger question to the Secretary, but I do not believe it presents that large a question at this time.

Mr. SANDMAN. It did in the New Jersey case because, as far as I am concerned, I spent 5 years as the chairman of the New Jersey Narcotics Commission, and as far as I am concerned the whole $1 million was wasted because people in charge of the $1 million did not know what to do with it.

We had an after-care program that we recommended that this money be used for, but under these rules we could not use 5 cents of the money.

Mr. MEEDS. Unfortunately we could not obviate the possibility that what the gentleman is talking about would happen under the legislation, but the only other way we could do it would be to strike out private agencies and there has been and is being some very valuable work done by these people.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman.

Mr. HUNT. I want to amplify just a little bit on the question propounded by my colleague, the gentleman from the State of New Jersey, a few moments ago.

When you spoke of private organizations—just who do you have in mind? We would like to have some idea of just what organizations you are speaking of.

Mr. MEEDS. I do not have anyone in mind. I am not suggesting the programs I am talking of are excellent programs and I am not here campaigning for them, but let me suggest to the gentleman that the Lockheed Co. has developed what appears to be a pretty good curriculum for drug abuse.

Mr. HUNT. I might tell the gentleman that for a number of years I was the supervisor and commanding officer of the narcotic squad of the State police in New Jersey and am thoroughly familiar with these addicts and pushers and everything and handled that and worked very strongly with the Federal Bureau of Narcotics Commissioner which my colleague, the gentleman from New Jersey (Mr. SANDMAN) headed.

I have had some very poor experiences with private agencies. I am going to tell you that I intend to offer an amendment to this bill unless it is clarified because when you start doling out money to private agencies, they hand it out before as the OEO, where they do not know what to do with it.

Mr. MEEDS. Is the gentleman suggesting that the OEO is a private agency?

Mr. HUNT. Yes, it is private—you know it is when the money gets over to them. You know what the community action does as well as I do. Do not beat around the bush.

Mr. REID of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, this bill is a reasonable and well-researched thrust toward education and research on the problems of drug abuse.

The great threats to the public and mental health of the Nation have always finally been conquered by research and education, not only by treating the symptoms and rehabilitating the disabled. Polio was not conquered with braces and iron lungs. Neither will drug abuse be contained with methedone and search warrants. The problem this bill deals with is education and prevention.

The widespread ignorance of educators and public officials on drug problems is illustrated by an article that appeared in the Appleton, Wis., Post Crescent only a week ago:

> "There is no textbook on drugs, and teachers know almost nothing about them," says G. A. Ediger, head of Appleton high schools' biology departments. This is the dilemma that he and his staff face in developing a drug information unit in sophomore biology classes this fall.

The Associate Director of the Federal Bureau of Narcotics and Dangerous Drugs, Mr. John Finlator, said earlier this year:

> We who are in authority find ourselves pretty ignorant about the drug problem around us. The school teacher, the parent, the school administrator, the businessman and the parent are all ignorant of the problem. Thus, when a young person starts talking about drugs, neither his parents nor his teachers are really able to keep up with him.

The result of this embarrassing lack of information is the abundance of misinformation current among students and young people on the effects and dangers of drug use and abuse. As Dr. Robert E. Peterson of NIMH said to our committee:

> In the final analysis, playing games with the truth has historically been demonstrated to be a mistake.

The Drug Abuse Education Act of 1969 is designed to provide basic information on dangerous drugs and narcotics. While young people and youthful abusers are the focus of attention, it must be pointed out that the use of drugs is a major and growing problem in all age groups.

It must be stated in all candor that if alcohol were classified as a dangerous drug, it would unquestionably be the major narcotic in use today, and the adult population would be receiving a great deal more attention. While it would be a gross error of public policy to downgrade the problems of alcoholism, our concern in this piece of legislation is with drugs other than alcohol.

In public hearings on this bill, our committee discovered that drug use, much less abuse, is not very well understood. Few people realize the dangers that are inherent in aspirin, tranquilizers and sleeping pills or any other commonly used, commonly avaliable, drug preparation. For example, ordinary aspirin is probably the most widely recognized pharmacologic agent for a variety of ailments, yet aspirin poisoning is caused by mothers who give children overdoses of aspirin. Similar situations exist for many other drugs which the public assumes to be harmless.

While the numbers and kinds of available drugs has dramatically increased in recent years, the public understands very little about the principles of correct drug use. The abuse of medically unnecessary drugs like LSD and marihuana is a widely recognized problem.

An equal problem is the abuse of medically necessary drugs.

During the hearings, we found that little attention and effort is being given to training teachers about the abuse of dangerous drugs. We also found that medical schools do not provide sufficient training to their students regarding drug abuse and particularly abuses of the medically useless drugs. This is a particular handicap since most students and their parents must seek advice about drugs, and their teachers and their physicians are apparently ill-equipped to provide necessary information.

The Drug Abuse Education Act of 1969 comes to grips with these problems in a number of ways. First, it encourages education on the dangers of the abuse of drugs through a variety of local institutions of which the schools are the most important.

Second, the bill promotes scientifically valid and credible information which must be developed if drug education courses in the schools are to be effective.

Third, the bill seeks to provide essential training in drug abuse education to teachers.

Finally, provisions are made to evaluate the effectiveness of the training programs and the curricula they use.

The purpose of the Drug Abuse Education Act is to provide an effective educational process and one that can be accepted and believed.

While there is an urgent and obvious need for this legislation, it would be unfair to conclude that nobody is presently doing anything about drug education. The National Institute of Mental Health initiated a program early this year of laboratory research on the immediate and long-term effects of marihuana. Study of the effects on various animals is underway and clinical tests on humans have been started. Dr. Stanley Yolles, Director of NIMH, has stated that most of what we need to know about marihuana will be available within 2 to 3 years.

The National Coordinating Council on Drug Abuse Education was formed only a year ago. It is made up of of more than 50 civic and professional organizations and agencies of the Federal Government. Their evaluations of films and audiovisual materials in drug abuse education are very helpful and the drug education bill intends that careful attention be given to existing programs.

The National Education Association has prepared drug abuse education guidelines to assist educators in planning for the prevention of indiscriminate use of drugs by young people. The American Pharmaceutical Association has prepared and distributed a "Drug Abuse Education Guide for the Professions" aimed at pharmacists and other professionals who deal with drugs. Butler University at Indianapolis is developing effective course materials for educators. Projects aimed at the parents of students and youth exposed to drug abuse practices are underway at Beloit College in Wisconsin and the University of Wisconsin is developing a drug abuse education program in the extension division to try to reach concerned adults.

Drug manufacturers are joining in the informational effort. Smith Kline & French Laboratories, for instance, has prepared and distributed drug abuse manuals for law enforcement officers. The State medical society of Wisconsin has been a leader in producing films, booklets, and brochures and making them available to all Wisconsin junior and senior high schools.

Education about drugs has taken place in a near vacuum of information. This situation is changing fast, thanks to programs underway in every sector of American society. But teachers and parents are just catching up on information. Many a student can outlecture his teachers on the subject of drugs. Much of his information is wrong, but he does not know it. So we really have two jobs: First, to undo the past; and, second, to convey the latest and most accurate facts in its place.

As long as we present new information without exaggeration we can be in a good position to teach respect of drugs. In the final analysis, drug respect is probably the only way to curb drug abuse.

I include at this point an article from the Appleton, Wis., Post-Crescent of October 21:

INFORMATION LACK HOLDS UP SCHOOL DRUG USE INSTRUCTION

(By Arlen Boardman)

There is no textbook on drugs, and the teachers know almost nothing about them.

This, says G. A. Ediger, head of the Appleton high schools' biology departments, is the dilemma that he and his staff face in developing a drug information unit in sophomore biology classes this fall.

Administrators last spring requested the unit on the physiological effects of drugs as LSD and marijuana, which many high school students are experimenting with.

This is the first official attempt to develop such a unit, and Ediger admits he is at a loss. The best they can do, he says, is use pamphlets, many of which offer conflicting medical evidence on the drugs' effects.

QUESTIONS ON MARIJUANA

While evidence is fairly conclusive on the dangers of LSD, there is questions about the effects of marijuana.

There have been unofficial efforts to educate Appleton youngsters on drugs. Several teachers, particularly those at Madison Junior High, have included discussions of drugs in their science classes.

Madison ninth grade government class teacher A. G. West has gone even further. He has stimulated interest in drugs for a group of about 20 Madison students and they have met after school to delve into the subject.

Although some teachers feel information only prods the curiosity of youngsters to use drugs, West believes a program of educating students on drugs at the junior high level should be instituted.

"I think if we can get the problem settled here," he says, "we won't have to worry about it in high school."

West has directed his group toward the sociological and physically effects.

"If students have an alternative of things going—as going bowling, to a show or a dance, instead of a pot party —," he says, "they will stay away from drugs."

Madison administrators and teachers also have experimented in a drug information program which is to be used at the other three junior highs. Madison was volunteered earlier this year to try the program.

A FEW PAMPHLETS

Ediger and his staff have been searching for materials for several weeks but about all they have to date are a few pamphlets "by a few so-called experts," he says

"We're in the process of structuring this," he says. "We feel we need to get this in front of the kids somehow."

"We can preach to them to leave it alone but they still will have to make their own decisions," he adds.

Ediger says the recent drug film shown to several schools by a Green Bay television station "is a good start," but more education is needed to follow through.

The hope, he says, is to show students what the actual effects of drugs are on the organs, physical condition and mental makeup.

About 40 classes of Appleton East and West students, or 950 to 1,000 students, will be given the class. The idea is to expose sophomores to the education before they come in contact with drug pushers and users in the high schools.

Ediger says the students are receptive to learning about drugs.

The drug unit also will include information on the effects of alcohol and nicotine, he says.

JUNIOR HIGH CONTACT

Students are coming in contact with drugs in the junior high and undoubtedly in some cases using drugs. West, however, feels that the extensive use is in the high school, not the junior highs.

A survey of his ninth grade government class and seventh and eighth grade science classes indicates more students come in contact with drugs as they get older.

However, West notes this can change from class to class, depending on how active a group may be. With a class heavily active in school and extracurricular activities, there is less chance of influence toward drug use, West believes.

One of six seventh graders said he knows someone who uses drugs; one of three eighth graders, and one of two ninth graders did the same. Similarly, asked if they knew of anyone who had taken drugs at some time, it was one of three in seventh, one of two in eighth and two of three in ninth.

West and his informal student group have gathered much information on drugs, and although most graduated to senior high, the information is there to help him build another discussion group.

He feels this can be the groundwork to a detailed drug information program.

Mr. REID of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I want to say several things and particularly speak to this point that has been raised here about private organizations.

I have had the pleasure of sitting in

on many of the bills but I never saw one that was better handled and where they had more investigations and deeper study and a better balance of witnesses than they did on this particular bill.

Chairman BRADEMAS, and the select committee, brought in more groups and we went out in depth in the field to study this particular bill.

And my colleague, the gentleman from Washington (Mr. MEEDS) any time the gentleman from New York (Mr. REID) had questions in any way, this bill was flexible and it was taken care of.

What you are talking about specifically here is what I think of as a junior chamber of commerce provision in there. Among the groups we talked to, we had witnesses interested in it and we talked to everybody. No group in America was taking more interest in drug abuse than the Junior Chamber of Commerce of America.

They now state they have a director within their group who works on it. You probably have a junior chamber of commerce in your community which is run like any other civic group in a community. This is the man who works on it.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I simply want to reinforce the statement that the gentleman from Texas is making. I think it is an excellent statement.

The subcommittee in the hearings and in hearing the witnesses, I think became quite convinced that it was not just a question of schools and of education, but it was using the private resources of groups like the Jaycees who ought also to be eligible for this kind of assistance.

So I stand with the gentleman from Texas in support of maintaining the position of the committee.

Mr. COLLINS. All we are doing here is the Jaycees have closer contact with these teenagers. To bring in someone who is 50 years old to try to talk to a teenager, just lacks completely the impact of the Jaycees who are between 20 and 30 years and the impact they would have with them.

When you want to add to this and open up on this and we are talking about spending and nobody in the Congress objects to spending more than I do—whenever they put up a spending bill, I am always on the short end when it comes to spending—what you are talking about here is about an area where many on drugs in the past have gone to save the fellows who have already lost or wrecked their lives through drugs.

What we have to do today in this country is something to save the 5 million people who are going into this drug habit. We need to have these lives. The purpose of the bill is to save the teenage population here. Remember that today 20 million people in this country are involved, and it is growing at a geometric ratio of 5 million a year. I think this is the most conservative funding estimates I have heard projected before the House. It is a very conservative figure.

I want to say one further thing. I think of the Jaycees. I have never participated in an organization that I held in higher esteem than I do the junior chamber of commerce. These men work without salary. They are civic oriented and civic minded. To provide funds for a group of volunteers of that kind to supplement their efforts would be the greatest investment we could make in this country.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from New Jersey.

Mr. SANDMAN. First, I do not wish to be misunderstood. I believe the junior chamber of commerce is a great outfit. There are many others that are great outfits. However, I happen to know, and I think everyone else will admit who has studied the subject at any length, that the reason for 90 percent of the first use of any drugs is one word—"curiosity." The big danger that we face is what kind of an educational program are we going to have? One that is haphazard is worse than no program at all. A bad program of education might even incite an individual to use the drug rather than keep him away from it. This is the great fear that I have.

Now, the point is that if you are going to use this money to educate people who are going to educate others in a program, it seems to me it has to be that kind of group that is expert in that kind of field. That is all I am saying.

Mr. COLLINS. There are no experts today. If I can just finish this thought. What we are trying to do is to broaden the base in order to involve everyone so that we can do the thing that you are talking about—stop people from wandering into drug abuse through curiosity. They have no set rule. They have what they call a developmental program. They are open-minded in the bill.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I would like to join the gentleman in support of the bill. In response to the question of the gentleman from New Jersey in relation to our insistence that private agencies be included, I would like to call to the attention of this committee that the YWCA must also be added as a group vitally concerned with this problem. I know in my own State they have indicated tremendous concern and interest. I believe there are applicable provisions in this bill which will meet the kind of concern the gentleman has expressed.

Mr. REID of New York. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Chairman, I thank the gentleman for yielding this time. I take it because of my keen interest in this subject, as everyone who is a Member of this body, and indeed every American, and I guess my interest has been reinforced through my work over the past few months as the ranking member of the minority on the House Crime Committee.

The alarming increase in the use of drugs is shocking. Especially are we concerned about the experimentation with marihuana.

I support this bill without reservation at all. It is a very modest effort. Those who are expecting this to achieve miracles will be disappointed, but at least it is a start in the right direction.

Let me say this. The day after tomorrow, Saturday afternoon, I will be in Spartanburg, S.C., dedicating the opening of our first STAND Center. Those letters stand for Students Talk About Narcotic Dangers. We have found that any drug educational program—as important and well-intentioned as it may be—which is initiated by a law enforcement agency just will not relate to the teenagers who need the message. Unfortunately the young people will not listen to an officer. Moreover—and I know my friend from Indiana is a real educator, and I mean no offense to him and other dedicated teachers—it is very difficult today to get teachers to relate directly to students on this matter. As a result of our experience in moving around the country, I wanted to start strictly a voluntary program, where the students will talk to other students about the narcotic dangers, in language each understands best.

Having made that announcement, I will say I do not do so because we are making a bid for some funds under this bill. I am happy to say the people of South Carolina have responded overwhelmingly to this volunteer effort. Perhaps later on it might be necessary, but I hope it never will be for somehow the compelling spirit of a volunteer will be lost.

I suppose the main reason I took this time was to say that while I wholeheartedly agree with this educational effort, which is primarily a preventive program, we must not forget the two other aspects of drug abuse—namely, medical and legal.

In order to get at the problem, we have to look at the medical approach. Many doctors, in fact most doctors, have done an outstanding job on an individual basis in combatting and preventing drug dependency, but we have been lacking woefully in rehabilitative institutions. I am proud to see some of our doctors and pharmacists volunteering to help us in our STAND program in South Carolina.

Also, we cannot overlook the important legal aspects of this particular problem. What should the sentences for drug abuse, or even use, be?

I would caution my friends as they go out in the educational field, they should not be too quick in releasing our educators and especially some of our sociologists, as well intentioned as they are, into the field of dictating the proper penalties for the use or the abuse of marihuana or these other drugs.

Frankly, I will say to the Members of the House, it was distressing to me to have to call for the resignation of Dr. Stanley Yolles, the Director of the National Institute of Mental Health, for his dangerous and ill-advised attitude in reference to drug penalties. I respect his knowledge in the medical field, but when he testified before our Select Crime Committee and suggested the liberalization of marihuana penalties and the elimination of all minimum mandatory sentences, even for sale of hard narcotics we can no longer tolerate such irresponsible talk. He is not the only one. Dr. Fort, who wrote the long article in Playboy magazine also advocated—and we heard from him in San Francisco last week—that marihuana should be legalized. Dr. Zinberg on the staff at Harvard, in testifying before our commitee in Boston, called for legalization of possession and use of marihuana. I hope we won't rely upon the advice of these so-called experts who seem to be getting all the spotlight. I know there is honest difference of opinion as far as penalties for simple possession and use of marihuana are concerned. But what really shocked me was that here is a man who is the head of the National Institute of Mental Health, who said he favored removal of minimum mandatory sentences for even the adult who sells hard narcotics, yes heroin, to a minor. Specifically, I asked him: "Do you favor removal of all mandatory sentences?" And Dr. Yolles said, "yes."

The whole audience was shocked. My response to him was that he can peddle this irresponsible philosophy if he wishes but he should not be permitted to peddle it at the expense of the taxpayer.

So may I add a word of caution. Let us move forward with this program. It is a good one and long overdue. It is necessary. It should be the primary focus, the educational aspect, for we must try to prevent both the experimentation with and abuse of drugs.

That is a lucrative racket, and those who traffic in it are not interested in our young people at all.

In conclusion, let me again caution my friends in the field of education, primarily sociology and psychology, not to tamper too much with the legal aspects of the problem. So far as I am concerned, any man who illegally sells heroin or any other dangerous drug to a minor is the scum of the earth, and punishment behind the bars is too good for him. If that be too tough, then make the most of it.

Mr. REID of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. I thank the gentleman for yielding.

Mr. Chairman, I rise as a cosponsor of H.R. 14252, the Drug Abuse Education Act of 1969.

We need do no more than pick up a newspaper or listen to the news on radio and television to realize the great need of drug education in our land today.

It was because of this serious matter of so many drugs in our society and the lack of communication concerning them that I cosponsored this legislation. A well-coordinated program in which funds and assistance are available for effective and meaningful drug education is desperately needed.

Across our Nation we have the educators, law enforcement officials, counselors, and community officials ready and willing to work on this problem. But, what is needed is the assistance from the Federal Government so that the proper and necessary funds are available to achieve these educational programs.

The blind experimentation in drugs being conducted in our society today must halt. The examples of self-destruction because of the ignorance of their effects are well documented.

Mr. Chairman, I strongly urge my colleagues' support of H.R. 14252, the Drug Abuse Education Act of 1969.

Mr. REID of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I do not believe that really I have had an answer to my original questions which I propounded, as to how these arbitrary figures were arrived at.

The gentleman indicates I may be concerned that these figures are too low. That is taking some liberty, because I am usually concerned more with how high a figure is, since I serve on the Appropriations Committee.

How was this arbitrary figure of $7 million for the first year arrived at? Whose prediction was that? Whose "guesstimate" was this, that this could properly be spent in the first year in this particular area?

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. MEEDS. This was the opinion of a representative of the National Institute of Mental Health, a representative of the Office of Education, myself, and some people who were there present from the National Coordinating Council on Drug Abuse Education and Information.

Mr. MICHEL. Did the Government witnesses indicate, for example, that in 1971 they would be willing to back that up with a budget request at that level?

Mr. MEEDS. No. This was not their position.

Mr. MICHEL. Then how could they testify that is the kind of authorizing level we ought to be talking about, if they are not willing to back it up with a budget request?

Mr. MEEDS. They made their estimate based on what they thought the experts in the field could work with. I never asked them to tell me if that is what they would suggest to the Bureau of the Budget.

Mr. MICHEL. This is our problem on these authorizing bills. We never talk about the funding level to any great extent. Then we get into the situation we have been experiencing in the last few weeks, where the Appropriations Committee has to take the rap for a failure to fully fund this and that program. When the authorizing legislation is being considered as it is today I would like to see more discussion upon what basis the funding figures were determined. In our Appropriations Committee we make every attempt to get a dollar's value for a dollar spent or appropriated. On many occasions the testimony dictates that we appropriate less than what has been authorized but here lately we are being criticized because somebody outside says, "the commitment of such and such an amount was made in the authorizing legislation so why do you not fully fund the program?"

Well, my answer has been that we can only appropriate that amount which the testimony shows can be spent wisely and prudently. If we do otherwise, we are not doing our job and we default on our responsibility.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. I regret that. Perhaps under the 5-minute rule we will have an opportunity to develop this a little further, because I believe it is a very important point to develop.

Mr. REID of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 14252, to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

First, I wish to commend the fine and diligent work on this legislation by the distinguished chairman of the subcommittee (Mr. BRADEMAS) and by the gentleman from Washington (Mr. MEEDS) the author of this bill. Further, I wish to note the contributions to this legislation by Mr. STEIGER, Mr. HANSON, Mr. COLLINS, and Mr. LANDGREBE. Hearings on this controversial issue were conducted with sensitivity and understanding.

I think that all Members are familiar with the very high incidence of the use of drugs, ranging from marihuana to LSD to hard narcotics, among all age and socioeconomic groups. Testimony last month by the Director of the National Institute of Mental Health, Dr. Stanley Yolles, indicated that there are probably about 100,000 to 125,000 active narcotic abusers in the United States and about 8 to 12 million Americans who have tried marihuana at least once. Indeed, there is some evidence that as many as 50 percent of the students in selected urban and suburban high schools have had some experience with marihuana.

There is no question but that the use of drugs, in all forms, is on the increase, that this use is not confined to the casual experimenter or the college student. Equally, I think that recently there has been some evidence that youngsters of only 10 or 11 are using drugs and that these children and older users of marihuana are moving on to heroin and harder drugs when the supply of marihuana contracts.

Our purpose today, however, is not to discuss whether such use is good or bad, or whether penalties for such use should be relaxed or increased; nor the medical or legal approvals to our situation. Surely, these are very relevant concerns and I hope that they will be debated on this floor at a later date. But our concern today is to accept the fact that most forms of drug use are on the increase and to take appropriate steps to see to it that the American public, and especially the young men and women, are informed about the dangers of or the lack thereof of certain drugs.

The legislation before us would authorize the Secretary of Health, Education, and Welfare to make grants to local education agencies and other private and nonprofit organizations for community education programs in drug abuse. These would be in schools and other facilities for children and parents alike. In addition, the legislation seeks to encourage the development of new and improved curricula in drug abuse education and to demonstrate and develop educational materials on drug abuse, as well as to indicate their effectiveness in model programs. There is also a serious lack of teachers and counselors to provide instruction on the dangers of drug abuse which this bill seeks to alleviate.

The bill would also set up an Interagency Coordinating Council on top Federal officials concerned with drug abuse education in an effort to coordinate the activities of the Federal Government in this area. In its different facets, drug abuse is a matter of concern to the Department of Justice, to the Department of Health, Education, and Welfare, to the Office of Education, to the National Institute of Mental Health, and other Government agencies. One of the principal problems with any drug abuse education program is to insure that all relevant offices are contributing their particular expert knowledge and technical skills to the common cause.

Finally, H.R. 14252 would establish an Advisory Committee on Drug Abuse Education, consisting of persons familiar with the several facets of the problem, to assist in reviewing grant applications.

Appropriations are authorized in the amounts of $7 million for fiscal year 1970, $10 million for fiscal year 1971, and $12 million for fiscal year 1972.

However, Mr. Chairman, I am concerned that the current state of our scientific knowledge of the effects of marihuana and some other drugs is such that it will be difficult to provide objective scientific information to use as a basis for these programs. As the New York Times commented editorially last month:

> If marihuana is indeed harmful, then a staggering percentage of the rising generation is headed for disaster and drastic curbs are in order. If it is not, then hundreds of innocent users, police, school officials and parents, are being put through an ordeal as useless as it is psychologically damaging.

The fact of the matter is that we just do not know really who uses marihuana, to what extent, and what its effects are at both short and long range. President Nixon, in his message to Congress on drug abuse, said:

> Proper evaluation and solution of the drug problem in this country has been severely handicapped by a dearth of scientific information on the subject—and the prevalence of ignorance and misinformation.

The National Institute of Mental Health now has a number of studies in progress, and others are underway financed both through Federal funds and private sources. In a recent letter to me, Dr. Roger O. Egeberg, Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, stated:

> The department, through the National Institute of Mental Health, is placing heavy emphasis on the support and conduct of research in the area of narcotics and dangerous drugs, and the dissemination of scientifically accurate information about these agents. We are convinced that only through such efforts can we develop a firm basis for public decisions in this critical area.

For example, I think that before we can effectively determine the penalties for possession and use of marihuana, we should know as precisely as possible what its immediate and long-term effects are, both physiologically and psychologically, and the nature of the relationship between marihuana use and the abuse of other drugs. Some of the most eminent medical authorities are divided in their answers to these questions, and I do not see how we could presume to prescribe penalties for use of marihuana before we know what we are dealing with. In short, we must focus the attention of the country on the realities of marihuana usage—whatever they may turn out to be—and not the fears.

I think that the bill before us is the first step in this information process, and I urge that it be approved.

Mr. **PERKINS**. Mr. Chairman, I yield the remaining 2 minutes to the gentleman from California (Mr. ANDERSON).

Mr. **ANDERSON** of California. Mr. Chairman, in 1962 the White House Conference on Narcotics and Drug Abuse reported:

> The general public has not been informed of most of the important facts related to drug abuse and, therefore, has many misconceptions which are frightening and destructive. This situation is due to many causes, among which are the failure of the schools to recognize the problem and provide instruction of equal quantity and quality as that provided for other health hazards.

Since 1962, the use of drugs by our young people has increased at an alarming rate. We are presently witnessing a crisis in drug abuse among our younger citizens. From January through June of this year, nearly 65,000 persons were arrested in California alone on drug abuse charges; some 20,500 of them were under 18 years of age. This is a 50-percent increase over arrests for a similar period in 1968.

A 1968 Gallup poll revealed that 6 percent of the students polled at 426 colleges had used marihuana at least once. Dr. Stanley Yolles, Director of the National Institute of Mental Health, has estimated that 25 to 40 percent of all students have at least tried marihuana. He suggested that 12 to 20 million Americans have smoked it at least once.

The drug problem is not limited to college students. The pushers of drugs will sell their product to anyone who has the money. An article in the October 30 Washington Post revealed a shocking story. I commend my colleagues to this story and include it in the RECORD:

> Police today arrested 7 alleged dope pushers in front of a Bronx elementary school and confiscated about $250 in change they said was spent by the preteens to satisfy their drug habit.
>
> The pennies, nickels, dimes and dollar bills were originally intended to buy school lunches for the children, officials said.
>
> Police said they seized 100 decks of a substance believed to be heroin, six ounces of a reportedly pure heroin, and a capsule of cocaine. Also taken into custody was some reportedly stolen merchandise used by the elementary school children to buy the narcotics.
>
> A gang of pushers, according to officials, worked outside the school in South Bronx for almost a month. Officers said the gang operated only between 7 a.m. and 9 a.m. when the children went to school.

What can we do to stem the rising tide of drug abuse? We must deal with this problem on all fronts, but two prime areas of immediate concern are first, to educate the students, the parents, and the total community on the dangers of narcotics. The other is to enforce stringent penalties on the suppliers of these dangers to society.

The Drug Abuse Education Act, H.R. 14252, is designed to educate the parent as well as the child, so that the entire community can be aware and will be prepared to cope with this major problem. Without the facts, parents may not know how to handle children who experiment with drugs. Without facts, teenagers may not realize the irreparable damage they may be causing themselves by experimentation with hallucinatory preparations. Educating them is one of the most rational ways to approach this ever-increasing menace.

We need to take drugs out of the realm of the myth and into the realm of reality. The information is available; we must get this to the places where it is needed the most—to the children, to the parents, to the teachers, to the community. With the pertinent knowledge we can combat the evils of drugs. The noted Frenchman, Maurice Chevalier, said:

> Many a man has fallen in love with a girl in a light so dim he would not have chosen a suit by it.

Let us take drugs—their use and abuse—out of the darkness and into the light where an informed citizenry can know the truth about drugs.

Mr. **ROGERS** of Florida. Mr. Chairman, I rise in support of H.R. 14252, the Drug Abuse Education Act of 1969, and I commend the gentleman from Washington (Mr. MEEDS), and those other Members who joined him in cosponsoring this most worthwhile legislation.

Last year, the Congress enacted the Drug Abuse Control Amendments of 1968, Public Law 90–639, which provided for realistic penalties for the possession and sale of LSD, amphetamines, and barbiturates. I had the privilege of sponsoring that legislation and I am very much aware of the seriousness and the extent of drug abuse in this Nation.

I support the proposed drug abuse education programs which will be made possible through this legislation because I believe that through education we will be able to effectively inform the young people, and their parents, about the inherent dangers of drug abuse, and the personal, social, and economic consequences of the problem.

Because drug abuse is not only a matter of education and law enforcement, but also one of health, I am hopeful that the Commissioner of Education will properly coordinate his activities under this act with the proper health officials within the Department of Health, Education, and Welfare in order that the act may be fully effective.

Mr. **BIAGGI**. Mr. Chairman, I believe we all realize that drug addiction is one of the most insidious scourges of our time, competing as it does with the minds and bodies of our young people.

It is a serious challenge which must be met by marshaling the efforts of appropriate Government agencies. For that reason, I strongly support H.R. 14252, a bill that seeks to strike at the heart of the problem—the lack of knowledge on the part of the average citizen, young or old, on the dangers of improper drug use.

This bill would authorize the Secretary of Health, Education, and Welfare to make grants for special educational programs dealing with the perils of drugs. If we are to make any progress in controlling the spread of drug addiction, educational programs are absolutely essential.

Drug use has been increasing in our Nation at an alarming rate. The FBI noted in its 1969 annual report that the number of arrests for drug violations increased by 329 percent since 1960. Early this year, the Department of Health, Education, and Welfare indicated that drug abuse had almost reached epidemic proportions.

The spread of the drug menace is not confined to any one racial, social, or economic group. It is a problem that exists in upper and middle-class communities as well as in the ghetto.

I am certain that the problem has grown to such proportions largely because there is a lack of authoritative information and creative projects designed to educate students and others about the dangers of drug use.

There are cities in our Nation that attribute 50 percent and more of their crime to drug addicts who must steal to support their habits. I have often said that if we can combat the drug problem, crime on the streets would diminish considerably.

The educational programs that would become a reality upon the enactment of H.R. 14252 are surely a step in the right direction.

Mr. BUCHANAN. Mr. Chairman, because I share the very deep concern of parents, health officials, law-enforcement officials, and Members of Congress from all across this Nation, some months ago I joined my distinguished colleague from Washington (Mr. MEEDS) in introducing the measure before the House at this time—The Drug Abuse Education Act of 1969. I commend the gentleman for his initiative in working toward a solution to the growing problem of drug abuse. The Committee on Education and Labor is also to be commended for their recognition of the urgent need for this legislation, and for even strengthening the original bill through increased authorizations.

The alarming increase in the circulation of LSD, marihuana, barbiturates, amphetamines, and even cocaine and morphine among our Nation's young people has indeed become a problem of critical national importance. The committee report on H.R. 14252 contains information from the August 1969 FBI annual crime report indicating that the number of arrests for drug violations had increased by 329 percent since 1960. For persons under 18 years of age, the increase for drug arrests was 235 percent.

The problem becomes even greater in magnitude when one considers the many ways in which drug abuse adversely affects our Nation and its citizens. We are all certainly aware of the very injurious effects of drug abuse on a person's physical health. Such injury to health can occur, furthermore, even when drugs which are normally helpful and medically necessary are used in the wrong way. When drug abuse leads to drug addiction, however, we have a problem which lies at the heart of our Nation's equally alarming problem of the rapid increase in crime. An increasingly large number of robberies, with the accompanying assaults and homicides, are performed by drug addicts who must result to crime in order to feed their expensive habits.

There is no question but that Federal, State, and local law enforcement officials must continue and indeed increase their efforts to crack down on drug traffic and vigorously enforce narcotics laws. The commendable efforts of this administration toward stopping the importation of dangerous drugs into this country should also be continued. I am firmly convinced, however, that substantial inroads into this problem can only be made by adding to the above measures a concerted effort to better inform our citizens on the dangers of drug abuse. I am equally convinced that by more thoroughly familiarizing people—and particularly young people—with these dangers, there will be a significant reduction in the incidence of drug use in this country.

The Drug Abuse Education Act will provide this crucial information to our citizens in a coordinated Federal program. Funds are authorized under the act to devise and evaluate new drug education curriculums; to provide training programs for teachers, counselors, law-enforcement officials, and other community leaders; and for community education programs on drug abuse. An Interagency Coordinating Council—including the Secretary of Health, Education, and Welfare, the Attorney General, and other Government officials—would be created to coordinate the activities of the Federal Government in the area of drug abuse education. The act would also provide for an Advisory Committee on Drug Abuse Education, composed of professionals in the field of drug abuse, who will review applications and make recommendations on grant applications.

Funds authorized to carry out the provisions of this act include $7,000,000 for fiscal year 1971, $10,000,000 for fiscal year 1972, and $12,000,000 for fiscal year 1973. The Secretary of Health, Education, and Welfare would be empowered with the authority to make grants for educational programs and activities, with the advice of the Advisory Committee.

Although most educators and others connected with the drug problem have recognized the need for improved drug education programs; their efforts have been severely hampered by a lack of effective teacher training, the necessary training materials, and the funds with which to set up programs. The committee received testimony from a great many of these people expressing an intense desire for information and educational programs. With the passage of the Drug Abuse Education Act such information and programs can be provided, and it only remains for us to answer this critical need. I cannot urge too strongly that this vital legislation be approved by the Congress.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Education Act of 1969".

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chariman, today I have previously filed remarks in the body of the RECORD concerning the Drug Abuse Act and the need for legislation in the areas.

I am for this bill. I compliment the committee on bringing it out. I believe in what the bill does. I think we need more education, more pilot projects.

Mr. Chairman, I have probably treated more drug addicts than all others in this room together have ever seen, certainly having originally staffed the hospital at Louisville after it was buit in the service of the Army and turned over as the U.S. Public Health Service narcotics hospital after World War II.

Be that as it may, there is a real problem facing this Nation today in the form of drug addiction. Certainly, we need education and a program a lot like this.

Many of us will recall when the three doctors in this House of Representatives obtained from the Navy a demonstration film and invited all Members and their staffs to attend the showing of the film depicting the dangers of LSD, including the flash-back syndrome thereof which negativizes the use of any sailor under confined circumstances for months thereafter. I am sorry to say that less than a dozen of the Members of Congress and less than 40 members of the staffs attended that repeated showing of the film. I have taken the trouble to obtain a copy of that film and have used it through the Youth Advisory Council and have made it available to everyone else in my district, because I attach this importance to this problem.

But, Mr. Chairman, I am concerned about those "bleeding hearts" and so-called "do gooders" who would get up and say that the drug problem is not taught in our medical schools and that the medical profession has not done anything about it.

I believe a lot of people here today would be worrying more about this problem had the medical profession for years in our medical schools not been teaching the dangers of drugs from the time of the teaching of the basic sciences on up through graduation, to say nothing of the hospitals and the interns and the residents, even though they receive very low pay and had not been serving to treat solely these people.

Mr. Chairman, I believe in people like Dr. Anslinger who headed the Narcotics Bureau for over 30 years and, had he not been working with the medical problems of the armed services as a whole during World War II involved in the use of narcotics, we would have had a greater problem through the necessary use of Syrettes in first-aid pockets, and so forth.

Mr. Chairman, it grieves me to have people to say flippantly in passing or in order to demagog or make a point more indelibly, that the medical profession does not recognize this problem.

I say that we should let the medical profession use their expertise where it is needed. We should keep the penalty in law in the justice people, and those who police us, where needed, and we should never take the advice of social do gooders and those of mere social concern in formulating such laws as this.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. HALL. I will be glad to yield to the young man from Indiana.

Mr. BRADEMAS. I thank the gentleman. I thank the old man from Missouri for yielding to the young man from Indiana.

I appreciate that the gentleman from Missouri is one of the few physicians in this body, and I want to say to him that no witness made a more effective contribution to this legislation than the witness from the American Medical Association. And that fact, I may say to the gentleman from Missouri, is represented by the fact that in the committee report we cite at substantial length on page 6 the superb testimony of Dr. Henry Brill, the chairman of the Committee on Alcoholism and Drug Dependence of the American Medical Association Council on Mental Health.

Mr. HALL. I have read the report in detail, Mr. Chairman. I know exactly what it says. I helped commission Dr. Henry Brill during World War II in the Army. I know exactly what he said, and it is because of that very reason that I resent the flippant remark that the medical profession is not interested in this problem, on the floor of this House today.

Mr. BRADEMAS. Will the gentleman yield further?

Mr. HALL. Yes, I will yield.

Mr. BRADEMAS. I do not recall—and I sat here throughout the entire debate, as the gentleman knows, and have taken part in it—any statement by any Member of this body that the medical profession was not interested in this legislation. And if the gentleman will show me where that is I will buy him a good steak dinner.

Mr. HALL. I think the gentleman can find it in his own RECORD when he reads it tomorrow.

Mr. BRADEMAS. Will the gentleman yield further? If he will, I will show him the RECORD before it is corrected, and I will buy the gentleman three steak dinners if he can show me where the gentleman from Indiana said that.

Mr. HALL. I do not think I would care to sup at the gentleman's table.

Mr. BRADEMAS. I would not think that you would.

Mr. Chairman, I demand that the gentleman's words be taken down.

Mr. HALL. Mr. Chairman, I refuse to yield further.

Mr. BRADEMAS. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. There has been a request that the gentleman's words be taken down.

Mr. BRADEMAS. I just want the gentleman to know that he is not speaking the truth.

Mr. GROSS. Mr. Chairman, a point of order, if he is going to insist on his demand——

Mr. BRADEMAS. I will be glad, in the spirit of amity, to withdraw that demand and renew my offer of three steak dinners.

The CHAIRMAN. The demand is withdrawn.

The gentleman from Missouri is recognized for the balance of his time.

Mr. HALL. Mr. Chairman, I subscribe to the statement made by the gentleman from South Carolina about putting first priorities first, and about putting the right key in the right keyhole, as far as effectively effectuating this report and the legislative bill, which I support, and to which I have and will lend my unstinting support except in the matters on the funding, which obviously have been proved to have had inadequate consideration.

Mr. Chairman, I yield back the balance of my time.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and other related educational purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill, H.R. 14252, and that all Members who may desire to do so be permitted to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12982) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes."

REQUEST TO MEET AT 11 O'CLOCK TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I think I shall have to object to this request. It simply means that tomorrow morning, if there are any committee meetings scheduled for tomorrow morning they will be interfered with, and the afternoon of course will be devoted to legislation.

Mr. Speaker, I must object.

The SPEAKER. Objection is heard.

OPERATION SPEAK OUT

(Mr. BERRY asked and was given permission to address the House for 1 minute and include extraneous matter.)

Mr. BERRY. Mr. Speaker, few can deny that the so-called Moratorium Day of protest has not given new confidence to the enemy. The Hanoi delegates to the Paris peace talks have decided to lean back and wait, for it appears to them that America is splitting at the seams.

It is time we demonstrate to North Vietnam that the spirit of patriotism still exists in this country, and that the October 15 Moratorium Day was nothing more than a distorted view of the feeling of a small minority of people in this country.

I wholeheartedly commend the Veterans of Foreign Wars who have taken the initiative in this matter and have called for patriotic Americans everywhere to join with them in "Operation Speak Out," a program designed to encourage the silent majority to show their support for the Government on the Vietnam question during the week of November 9 to 15.

National Commander in Chief Raymond A. Gallagher, one of my constituents in South Dakota's Second Congressional District, has called upon all other national organizations to join the VFW in this undertaking.

I insert in the RECORD the remarks of Commander in Chief Gallagher. His comments, entitled "This We Believe" should be read by every Member of this body.

THIS WE BELIEVE

(By Raymond A. Gallagher, Redfield, S. Dak. Commander in Chief of the Veterans of Foreign Wars of the United States)

The single greatest problem we face today in the United States is the security of our country because today our organization is fearful that too many people have forgotten just why we are in Vietnam and we are resentful of those who would, for reasons of political expediency, or any other reason, retreat from Vietnam no matter what the cost. The Veterans of Foreign Wars of the United States believes that our cause is just and right and proper in Vietnam, and we intend to challenge loudly and clearly those divisive elements in this which would back down from the challenge of Communism and sell out our men on the fighting front.

I say to you that it is high time that some of our amateur diplomats, armchair generals and would-be presidents in our nation be reminded that their continuing harsh and distorted criticism of America's continuing stand against aggression in Vietnam is harmful to the success of our mission and to the security of our nation.

It may not be their intention, but these self-appointed experts of international military and political strategy are providing false hope and misleading comfort to the enemy. They—no less, and perhaps even more, than the so-called anti-war demonstrators—are actually helping to prolong the war rather than to shorten it, as they so zealously claim is their objective. Their expressions of dissent and protest provide the North Vietnamese with a reason to believe that they can achieve the victory our men in uniform are denying them on the battlefront through a split in our ranks on the home front.

The divisive antics of the peaceniks, beatniks and draft card burners, can perhaps be blamed on ignorance or immaturity. It is difficult, however, to find any excuse for the increasing tendency of certain members of Congress and other elected officials to assume they somehow have acquired a special insight and wisdom which qualifies them to render better judgments on policies and actions of the Secretary of Defense, the Secretary of State or the Commander-in-Chief.

Never in the history of our nation has there been a greater need for national unity and support of our constituted leaders. The withholding of traditional bi-partisan Congressional support from the President in the conduct of foreign policy can only serve to undercut his bargaining strength with our enemies and diminish his stature among our friends.

Our military leaders report that our military position in Vietnam is sound. We have gained the offensive and the enemy has sustained crippling losses in men and materials. However, although the North Vietnamese can find little comfort in the trend of the war itself, they have only to read the statements of some of our Senators and Representatives to find reason to believe they can outlast our will even if they cannot outgun our fighting men.

It is difficult for our enemies to understand that America's freedom to debate and dissent does not mean a lack of resolve to honor our commitments. Too often they quote the words of our debaters and dissenters in their newspapers and on their broadcasts as a means of bolstering the morale of their own fighting men.

It is indeed unfortunate that the pressure that our guns and bombs bring to bear on the enemy in an effort to lead him to serious negotiations in Paris is continually negated by the words of the dissenters in this country.

Some of the dissenters say we should halt all bombing. Yet they do not ask that the enemy provide any assurances that he will respond with a comparable de-escalation in military activity, or that he will not use the occasion to build up his weaponry and manpower so that he can launch new offensives and kill more of our American troops.

Some of the dissenters want to restrict our military activities to the defense of isolated enclaves. Yet they do not explain how this will help the South Vietnamese achieve freedom for the people outside these limited areas or how this will help resolve the conflict.

Some of the dissenters even call for a complete withdrawal of our troops. Yet they do not say how we can explain this abrogation of our commitment to the other small nations of the free world who look to us as a bulwark against Communist aggression.

The dissenters do not have a monopoly on a desire for peace.

The administration has honored cease fire agreements during certain holiday observances, but the enemy has used them to infiltrate our lines and reinforce his positions.

The administration has conferred with every interested nation and used every available channel, including the United Nations . . . in its efforts to find some method for bringing about a meaningful cessation of hostilities.

Peace, unfortunately, cannot be achieved merely by making speeches on the floors of Congress or by holding demonstrations in the streets of our cities. And peace cannot be brought about by one side alone.

The enemy must be made to realize that he cannot achieve his goals of expansion and domination by military aggression. He must understand that this nation is committed to the defense of freedom in South Vietnam and that this nation honors its commitments. He must not be permitted the luxury of drawing hope. no matter how unjustified, from the misleading statements of the dissenters within our midst.

We do not need another pause in the bombing of North Vietnam to convince Hanoi of our desire for peace. We tried that, and it didn't work.

What we need to try now is a pause in irresponsible dissent to demonstrate our strength of purpose and unity of spirit. President Kennedy said "the cost of freedom is always high but Americans have always paid it. And one path we shall never choose, and that is the path of surrender of submission."

The path to a just peace is the one where we present a unified front to the enemy, so that he will not fail to recognize the futility of his aggressive course of action. The Veterans of Foreign Wars, therefore, call upon our Senators and Representatives to support our administration in fulfilling its pledge to support our fighting men in Vietnam and to work for a just and honorable peace in Vietnam.

Yes, we have reached a critical juncture in the history of our country. I urge you to raise your voices now. Make them ring with patriotism and devotion to country. Do not stop until they echo through every hamlet and city in the country. Do not permit yourselves to be shouted down by anarchists. Be not shamed into silence by soulless intellectuals and egg heads. Speak out above the ridicule of Communist sympathizers. This is your country. You have fought for it as brave men fight for it today in South Vietnam. Do not forsake it. Never has the nation been more in need of your wholehearted support and understanding. Never has it been more dependent on you for survival.

The Veterans of Foreign Wars will cry out. We shall be heard. We shall not be found wanting. We shall meet this challenge of today as we have met the great challenges of the past.

RURAL REVITALIZATION AS PRACTICED BY LIBERAL, KANS.

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, as many of us from rural America know, there is a very real crisis today in agriculture as farm income fails to keep up with the higher wages and benefits of urban life. Unfortunately, the story of depressed rural communities and the plight of the family farmer has not received much public attention in that the spotlight of publicity has been focused primarily on our Nation's urban centers.

More and more rural Americans are discovering the best and most immediate answer to rural revitalization lies in the basic philosophy that self-help is best help. It is with this basic philosophy that rural communities have learned to become alert to economic changes in their home area which may open up new avenues of opportunity. In short they have learned to help themselves.

A wonderful example of this kind of self improvement is in Liberal, a southwest Kansas city of 12,000. The citizens of Liberal have taken advantage of changing conditions in agriculture and recruited new industry. The National Beef Packing Co., designed to process 2,000 head of cattle daily, opened its Liberal plant late last month.

It is most important to understand the real impact an industry of this sort can have on a community and the surrounding area. The plant is already having a catalyst effect throughout southwest Kansas. We are on the crest of a wave of new optimism and western Kansas is fast becoming a cattle industry center.

As wheat becomes less profitable and irrigation more common, many farmers are turning to the production of corn, milo, and other feed grains. The feed grains have made possible expanded cattle feeding operations. But, until a packing company came to the area, both feed grains and feeder cattle were being shipped to other States.

The National Beef Packing Co's. Liberal plant makes it possible for southwest Kansas to take full advantage of increased cattle and feed grain production. Liberal was a natural location for this packing plant operation. During negotiations with the National Beef Co., the Liberal Chamber of Commerce conducted a survey showing some 3 million head of finished beef cattle coming out of feedlots annually within a 200-mile radius and production has no doubt increased greatly since then.

All of rural America should be able to profit by Liberal's example—a new industry that now employs 250 people, that will employ 250 more after expansion, an economic shot in the arm for the feed grains and cattle industry, for feedlot operators, farm machinery outlets and the whole agribusiness community. But perhaps most important, the story of the National Beef Packing Co. plant and the city of Liberal illustrates how rural America can help its own economic advancement. The city of Liberal has again proved that self-help is best help.

TAX REFORM AND MUNICIPAL BONDS

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, during the past several weeks we have heard much talk about the provisions of H.R. 13270, the tax reform bill. Recently we were greeted by headlines saying the President would veto the bill unless changes were made to bring revenue losses more in line with revenue gains.

I am not unaware of the great amount of time and effort that went into the writing of this bill. The actions of the President and the other body raise some questions about the House-passed bill since we are all committed to tax reform.

To me the answer is quite clear. Substantial portions of the bill were ill considered—not out of intent but from haste. As you all know we had less than 72 hours to pass judgment on the voluminous bill from the time it was reported to the floor.

One of the most ill-considered portions of the bill, in my judgment, is the section dealing with municipal bonds.

To me, it makes little sense to destroy the ability of local government to finance itself in an attempt to get at a handful of taxpayers who invest heavily in tax-exempt bonds and thus pay little or no tax. There are far better ways to insure every American pays his fair share of taxes.

Much has been made of the fantastic increases in the Federal Government's budgets over the past decade. The increases, however, have not been relatively as great as has spending by local and State governmental units.

The reason for this trend is quite simple: State and local governments still provide the bulk of the essential services to the public in education, in the maintenance of public order, public health, housing, and welfare. Indeed the primary responsibility for basic governmental services remains at the level of government closest to the people—our States and municipalities.

Yet local units of government are not able to employ the most effective device for generating revenue—the income tax—because the Federal Government has effectively preempted it.

With the income tax effectively closed to them, municipalities have had to resort to the sale of bonds to meet their burgeoning needs for revenue. This reliance is shown by figures estimating that during the 20-year period from 1955–75, the total outstanding debt of State and local governments will increase from $44.3 billion to $169.4 billion.

And what has been the reaction of Congress to the needs of the municipalities. If the proposed change in tax rules for municipal bonds is any indication of our attitudes, I submit they are negative.

The proposals dealing with municipal bonds will have far-reaching effects if enacted. Indeed, I have heard from any number of constituents from my district, the Great State of Wyoming, who say the proposals would effectively destroy their ability to meet their responsibilities. These are responsible people making such statements—mayors, school superintendents, and other elected officials—not the people who benefit from the current laws.

Enactment of the proposal would effectively force local government to look even further to Washington to solve its problems.

I ask you, "Can we take on additional local responsibilities?" I think not. Even if we were prepared to spend the money, which is doubtful, the lessons of the past decade have shown Washington does not have the capability to effectively analyze and solve all local problems.

The other body has acted to change the municipal bond provisions of H.R. 13270. I would urge this body to take the same course in conference.

LINKLETTER TALKS TO THE CHILDREN

(Mr. BLACKBURN asked and was was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, Art Linkletter, following the tragic death of his daughter, has done an outstanding job of alerting the youth of our Nation to the dangers inherent in the use of drugs.

Reg Murphy, editor of the Atlantic Constitution, calls attention to Mr. Linkletter's efforts. The message should be observed by all.

LINKLETTER TALKS TO THE CHILDREN

(By Reg Murphy)

Art Linkletter is an unlikely counter-revolutionist, but he is having an impact on some young Americans.

Watch any junior high school student as he listens to Linkletter's new album, "We Love You . . . Call Collect." You will see a child getting hit right in his bittersweet adolescent emotions.

The record itself is a cliche of country music—a letter from a father to his 16-year-old runaway daughter, read with emotion to the accompaniment of moaning woodwinds.

Linkletter tells how Mother is standing over his shoulder watching him write. She approves of what he says and lets him know by touching his shoulder affectionately.

The message itself is a lonesome, wounded cry from a father for a child facing dangers she cannot imagine. With breaking voice, he urges the girl to call collect.

What makes the record different is that Linkletter is doing it. He has been a humorist and television host. He did a college lecture series a few years ago which was highly successful.

About two weeks ago, you may recall his own daughter jumped out a window and died in the fall. Perhaps you will recall that Linkletter said this was no suicide. Rather, he called it murder by a manufacturer of LSD who was hungry for dollars.

That message got home to a part of young America. Nobody can even guess how many children heard and understood and are being moved by what Linkletter said. Perhaps there were only a few here and there.

That few, though, could start the counter-revolution against the widespread use of drugs. Talk to the youngsters who do remember it, and you will see anger welling up in them. It is directed at the dope pushers and manufacturers who have so tormented them.

If they should decide to banish the racketeers and profiteers, they could be more effective than any number of narcotics agents. They might, if they get the idea that the lives of their friends are being harmed or destroyed by the peddlers.

Dope now ranks as a major concern of students as young as the eighth grade. They talk about it and think about it among themselves—and occasionally with a sympathetic adult.

Linkletter is particularly effective with this group. There always has been some chemistry between him and children. His books, "Kids Say the Darndest Things," have appealed to sentimental mothers, but they also have quoted the children with a particularly touching sympathy.

The new record album also is a study in understanding. He confesses that he failed "to read the silences" in his daughter. And he admits that he sometimes has been too afraid to allow the freedom his daughter needed.

Ask if it is a tear-jerker, and the answer is yes. It is also sensitive, and it speaks to a generation just emerging into these hard questions.

I don't know whether it was recorded before tragedy befell Linkletter's daughter. I do know that it speaks to the wave of children who follow her.

SUPREME COURT DECISION PERMITS SPARK THAT CAN IGNITE OUR INVOLVEMENT IN WAR

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALCOTT. Mr. Speaker, under the holding of a Supreme Court decision, Afroyim against Rusk, American citizens can serve in the armed forces of Israel, Jordan, Lebanon, or any other friendly nation without jeopardizing their citizenship. Under the same decision, an American citizen can serve in the armed forces of an enemy nation without losing his U.S. citizenship. He can engage in military action against our country and still maintain his U.S. citizenship.

Numerous American citizens have served in the Israeli armed services during the last few years.

An American citizen can serve as an elected official in the highest legislative, administrative, or executive branch of a foreign, enemy, or allied government. He can literally declare war on the United States and retain his U.S. citizenship.

This Supreme Court decision applies to natural and naturalized citizens. A foreign national can purposefully obtain his naturalized U.S. citizenship, return to his native country, vote in elections in his native country, serve as an official in his native government, participate in a declaration of war against the United States, volunteer for service in his country's armed forces against our Nation, inflict casualties against our military personnel and civilians—all without losing or even jeopardizing his U.S. citizenship. Incredible? Yes. Impossible? No. Correct? Yes.

The Supreme Court held, in effect, that no U.S. citizen can lose his U.S. citizenship unless he intentionally and voluntarily, in writing, renounces his U.S. citizenship. Presumably, such renunciation could be conditional and limited.

Under this interpretation of our Constitution, the national interests of the United States can be prejudiced and gravely endangered.

U.S. citizens with multinational allegiances, or with allegiances paramount to the United States, or with allegiances adverse or detrimental to the United States, can cause or provoke embarrassing confrontations among nations whose relationships are now delicate, estranged, hostile, or in open warfare with the United States.

It is not difficult to imagine an Israeli-American pilot strafing an important city in Egypt, or a sacred place in Cairo, and setting off an ugly, regrettable incident inculpating or involving the United States. It would be easy to initiate an international incident in the tinderbox of the Middle East.

A Lebanese-American pilot could easily strafe a Soviet vessel. It takes little imagination to contemplate the disastrous consequences which could follow the ascertainment that a U.S. pilot sank a Soviet ship in the Mediterranean.

U.S. citizens can travel to Hanoi and do all manner of acts to aid, abet, and prolong the war against us—and thereby cause deaths of their "fellow citizens" and our allies—and still maintain their U.S. citizenship.

There are myriads of other ways in which U.S. citizens can flaunt their citizenship, aid and abet the enemy, aline themselves with the enemy, or designedly inflame hostilities between the United States and some other nation or nations.

This terrifying situation could easily be avoided by authorizing the Congress to establish laws regulating the revocation of the U.S. citizenship of any citizen who voluntarily serves as an elected official, or in the military forces, of another nation.

An essential ingredient of national citizenship ought to be exclusive allegiance to one Nation.

If citizenship cannot be revoked for any cause, no matter how heinous, treasonable, or detrimental to the Nation, then citizenship in our Nation loses its worth and esteem. The citizenship of every citizen is degraded to the level of the multinational citizen or the citizen who flaunts his U.S. citizenship.

How can it be possible for a resident of one nation to claim the rights and prerogatives of that nation and give paramount allegiance to another nation?

Somehow we ought to clearly notify all other nations that any untoward act of a multicitizen is not the act of our Nation. We can only do this by revoking U.S. citizenship when one of our citizens acts for, and on behalf of, another Nation.

I speak out on this very special and limited aspect of U.S. citizenship not only to forewarn Members of the Congress and citizens of our United States of a likely calamity that may result as a consequence of the Afroyim against Rusk decision of the Supreme Court, but to urge adoption of a constitutional amendment to permit the Congress to establish laws providing for the revocation, as well as the granting, of U.S. citizenship. It seems strange that the Congress can enact laws regulating the granting of U.S. citizenship but cannot enact law regulating the revocation of U.S. citizenship.

STOCK MARKET CRASH IN 1929

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, on October 29, 1929, America experienced Black Tuesday—a date that spelled doomsday for the stock market, and ushered in a troubled era.

Forty years from that date—yesterday—October 29, 1969, America experienced an event that spelled doomsday for lawlessness in this country in the field of racial justice. It ushered in a better day for the Nation.

All of us who are dedicated to the principle of law and order hailed yesterday's decision by the Supreme Court that no longer can a fundamental right be denied to 45 million American schoolchildren; no longer will this Nation tolerate the lawlessness that has forced these millions of children to attend racially segregated schools.

We have regretted the apparent reluctance of the Attorney General, the Secretary of Health, Education, and Welfare, and the President himself to vigorously and unequivocally end the lawless practice of the dual school system. We hope, now that the standard of so-called "all deliberate speed" is no longer constitutionally permissible, that the Nixon administration will enforce the law and terminate the dual school system "at once," as the Court decreed.

American children—both black and white—who have been forced to attend illegally segregated schools have had before them a daily example of lawlessness, because each day they have been forced to attend illegally segregated schools. For some of these children, this defiance of the law has meant a degradation of spirit and a deprivation of an adequate education. For the others, it has instilled in them unfounded bigotry and prejudice, and a contempt for the law they saw broken every day.

Yesterday, the law of the land was again clearly spelled out. No longer could lawlessness be hidden behind the screen of "all deliberate speed." And, I would hope that this House would never again attempt to deny to law-abiding school administrators the tools with which to comply with the law—as it did by the Whitten amendment. It would be incredible for us to deny funds to the Federal Bureau of Investigation to enforce laws against organized crime. It is equally unacceptable to deny to the Commissioner of Education the necessary tools that would enable him to carry out the law that would end forever dual school systems in this country.

A law-abiding era began in 1954 when the Supreme Court, under Chief Justice Warren, outlawed deliberate segregation of our schools. This was practiced in some parts of our country in complete defiance of rights granted to all Americans by our Constitution. I am pleased that this era of law and order established by Chief Justice Warren 15 years ago has been supported and strengthened by Chief Justice Burger in his first major decision as Chief Justice of the Supreme Court of the United States.

THE FEDERAL CITY COLLEGE

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, I note with profound satisfaction that Washington's recently instituted Federal City College has acquired the collection of American historical literature privately formed by Dr. Roy Franklin Nichols and his wife, Dr. Jeannette Paddock Nichols. This is a happy augury for the reason that no institution of higher education can ever be greater than the resources provided by its library. This is a truism demonstrated by experience, and it is fortunate that founders have acknowledged—have accepted—the requirement.

Thomas Jefferson, in laying out the University of Virginia, placed the library at the central eminence of those stately pavilions, lawns, and ranges. Yale was based upon the books of a company of ministers who met at Branford. Dartmouth grew from a gift of 20 volumes presented by William Dickson. At its beginning the University of Pennsylvania inherited the working library of Dr. Franklin's Academy. Of John Harvard it was written that he "was a Scholler and pious in his life and enlarged toward the country and the good of it in life and death." When he died of consumption on September 14, 1638, he left half his property and all his library to the college at Cambridge.

Distinguished accessions confer new statute and widened usefulness upon the institutions to which they come. When my lifelong friend, Judge James W. Bollinger, bequeathed to the University of Iowa his magnificent collection of Lincolniana, its library became at once known throughout the world as a rich storehouse for the study of the life and travails of the greatest American. And when that library received the literary library of Luther A. Brewer, proprietor of the Torch Press, in Cedar Rapids, it was instantly and firmly established as the center for work on Leigh Hunt, his life, his place in letters, his contemporaries, and his times.

It is these considerations which explain the portentous significance of the Nichols collection for the students and faculty of Federal City College.

Certainly the Nichols are, and for years have been, an outstanding couple in the scholarly community. A descendant of a passenger on board the Mayflower, Roy Nichols is a native of Newark, N.J. At Rutgers, where he earned his A.B. and M.A., he was elected to the Phi Beta Kappa Society and awarded the Sprader history prize. In 1921 he received his doctorate at Columbia. In 1925 he joined the faculty of the University of Pennsylvania where, until his retirement in 1966, he served successively as assistant professor, professor, dean of the graduate school of arts and letters, and vice provost. He has been visiting professor at Trinity College, Cambridge, and Fulbright lecturer in India. He is a past president of the American Historical Society, a past vice president of the American Philosophical Society, and a past chairman of the Social Science Research Council. His degrees and honors, include Litt. Ds. from Franklin and Marshall and Muhlenberg; LL.Ds. from Moravian College, Lincoln University, Knox College, an L.H.D. Rutgers, a D.Sc. Lebanon Valley College, and a D.C.L., University of Pennsylvania. His bibliography is extensive—too extensive to be repeated here, but it should be noted that in 1949 he won the Pulitzer Prize in history for his "Disruption of American Democracy," a study of the fateful quinquennium that preceded the outbreak of the Civil War.

Dr. Jeannette Nichols was born in Rochelle, Ill. At Knox College, in Galesburg—the birthplace of Carl Sanburg—she received her A.B. and M.A. degrees, and later an honorary LL.D. While a successful candidate for a Ph. D., at Columbia, she met and married Roy Nichols. At the University of Pennsylvania she has been an associate professor of history, and, since 1950, research associate in economic history. She has been a visiting lecturer at England's University of Birmingham, and a Fulbright lecturer in India and Japan. In collaboration with her husband and independently she is the author of many scholarly monographs and articles, and has been a contributor to the monumental "Dictionary of American Biography."

When word reached Dr. Paul L. Ward, executive secretary of the American Historical Association, that the Nichols collection had passed to Federal City College. He wrote:

> *To Whom It May Concern:*
>
> Jeannette and Roy Nichols are a unique team among the leaders of historical work in the United States today. Forty-five years ago their first works of historical scholarship were reviewed in successive issues of the *American Historical Review*, the lady, as was appropriate, preceding her husband by one issue. That first book of hers was on Alaska; his was the first of his many books and articles on the evolution of the American democratic process. By 1927 Roy Nichols was chairman of the Committee on Membership of the American Historical Association, and he has continued to play a vital role in the work and counsels of the Association ever since, serving as its President in 1966. Jeannette Nichols extended her special competencies to include international monetary relations, serving as consultant to the Department of the Treasury in 1944. *His* memorandum on "Current Research in American History" launched the Social Science Research Council in 1942 on the process of producing its memorable report of 1946 on "Theory and Practice in Historical Study", written by a Committee on Historiography on which *she* served. Two years later he published in the *Review* an article on "The Post-War Reorientation of Historical Thinking" which is now recognized as the first clear signal of history's attainment in this country of the sense of its own character which has characterized historical work ever since.
>
> The two Nichols therefore symbolize to their fellow historians the high quality of leadership the profession enjoys, and its openness to cooperation and learning from the social sciences, and the practical world. The Federal City College can count itself honored to be the repository of the working library of these two distinguished scholars, itself the embodiment of their interests and of the leadership they have contributed to their chosen sector of American life.
>
> PAUL L. WARD,
> *Executive Secretary.*

And almost simultaneously from across the land, there came a telegram from an elder statesman, the dean of American historians and my old and honored friend, Allan Nevins.

This is evidence enough of cause for national gratulation.

ROONEY BLAMES CORPORATE PRESSURES FOR HIGH VOLUME SALES AS THE ROOT CAUSE OF MAGAZINE SALES FRAUDS

The **SPEAKER.** Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, on numerous previous occasions I have commented in this Chamber upon various aspects of an investigation I began last February into complaints of widespread deceptive practices used to sell magazine subscriptions.

One of my first acts was to inquire of the Federal Trade Commission what authority it has to control deception and fraud in door-to-door sales activities and what specifically it was doing about unscrupulous magazine sales practices. I learned that the FTC had made some rather extensive investigations of magazine sales companies several years ago and that, largely as the result of those investigations, the magazine sales industry had proposed a code of fair practices for FTC endorsement. The code was to be administered by the Central Registry of Magazine Subscription Solicitors, an industry-sponsored agency for self-regulation. FTC reaction to the proposed code was generally favorable. The code subsequently won FTC endorsement in May of 1967 and went into effect in January 1968.

Thus, the code had been in effect for more than a year when my inquiry began. Nevertheless, based on the volume of complaints and other evidence of rampant deceptive practices in magazine selling which poured into my office within a few weeks, it was apparent the code was not achieving its purpose.

Gradually, the code's flaws became evident. It was not being administered forcefully. Procedures for channeling complaints to central registry were not clearly defined nor were they fully utilized by those traditional sounding boards for consumer complaints—local chambers of commerce, better business bureaus, and emerging offices of consumer affairs. Further, the code is not capable of providing expeditious action against violators, nor of stopping abuses from recurring. Central registry has no ultimate enforcement authority since its member sales agencies are voluntary members free to withdraw at will.

But what now appears to be the most serious flaw in the code's inability to control what I am convinced is the "root cause" of most subscription sales abuses. The deceptive sales pitch, the forged contract, the hidden gift subscription, are merely end products of corporate organizational structures and operational policies which are keyed more to quantity sales than quality.

True, some of these shortcomings can be surmounted and have been, at least to a degree. There are recent signs of more forceful administration, particularly since Mr. Stephen Kelly assumed the presidency of the Magazine Publishers Association earlier this year and had an opportunity to acquaint himself with many of the abuses. Through his initiative, the Magazine Publishers Association is demanding that its members which operate subscription sales agencies correct abuses that have prevailed in subscription selling for many years. I am pleased that my office and his have been able to develop a cooperative relationship which can only help to combat deceptive and fraudulent sales.

Recently, Mr. Kelly, as MPA president; Mr. Norman Halliday, MPA vice president for legislative affairs, and Mr. Robert Goshorn, executive secretary of central registry, met with members of my staff and myself to review steps being taken to stop sales abuses. A report submitted to me at that time merits public attention and I will include it with my remarks, alhough I dispute some of its contents.

For example, I challenge the claim of central registry that there have been substantial reductions of subscription sales complaints in 1969 as opposed to 1968 as the report contends. My investigation has satisfied me that thousands of complaints being registered by consumers are not being channeled to central registry by chambers of commerce and better business bureaus. If these reached central registry, as they should, 1969 complaints would show a marked increase over 1968 figures. Further, as I pointed out during this meeting, many of the examples of consumer deception I have been able to identify in magazine sales are so neatly concealed the consumer most likely will never realize that he was victimized.

And as I will describe in further detail, I strongly dispute the view which is widely held in the magazine industry that the way to stop the serious sales abuses is to fire field personnel—salesmen and sales dealers. The report indicates some 100 have been dismissed since early in 1969. While I have no doubt that some of these individuals deserved to be dismissed for their actions, I have discovered that in far too many instances subscription sales companies tend to use the "little guy" in the field as a sacrificial lamb. Certain organizations, when confronted with serious sales abuses, loudly proclaim that they have fired the salesman or dealer when instead they ought to be taking steps to correct the corporate policies which led to the sales abuses.

Nevertheless, there are two steps which are being taken by the Magazine Publishers Association to which I want to draw attention. One of these is the fact that a great many of MPA's 130 publishers, representing nearly 450 individual periodicals, have had their fill of the unscrupulous practices utilized by certain publisher-owned subscription sales companies. These concerned publishers have begun to serve notice on their colleagues they had better upgrade their practices or find their subscription orders rejected. Mr. Gibson McCabe, president of Newsweek and chairman of the MPA/CR committee, last month urged publishers "to really become involved" in demanding proper sales practices of the sales agencies they authorize to sell their publications.

Some publishers already have withdrawn magazines from agencies which have ignored demands that they clean up their sales practices. Certainly, publishers have a responsibility to insure that any agencies which sell their publications do so by honest means.

I am particularly impressed by the MPA executive committee's recent action proposing a change in MPA bylaws to authorize the revocation of membership of any publisher found "to have repeatedly conducted its business in violation of law or of the written standards prescribed for the industry by this association and in a manner which adversely affects the industry or the public interest." The MPA membership will be asked to formally approve this proposal. Its approval certainly will be viewed as an act of good faith on the part of a majority of publishers, particularly if its authority is exercised when necessary in the future.

Nevertheless, some shortcomings of the "code of fair practices" administered by central registry simply cannot be overcome by industry self-regulation. CR can punish members for code violations, but it cannot move swiftly to halt violations. Admittedly, the FTC's existing legislative authority does not permit swift action either. But Congress can and must give the FTC authority to seek preliminary injunctions to bring allegedly deceptive practices to a halt while their propriety is in the courts.

Further, I see no means by which central registry's code can ever hope to combat what I believe is the "root cause" of deceptive practices in subscription selling. It is this underlying cause that I want to discuss here in detail. In doing so, I will cite specific information I have compiled regarding magazine sales companies which are subsidiaries of Cowles Communications. The selection of Cowles' subsidiaries was based on the large volume of complaints they have generated and the substantial number of individuals familiar with Cowles' operations who have assisted in my investigation.

I want to state for the record that many of the circumstances I will describe apply to other magazine sales organizations as well, particularly those which conduct magazine sales through franchised dealerships. These include some sales subsidiaries of Hearst Corp., of the former Curtis Corp., which now is known as Perfect Films, and of other organizations. Family Publications Service, Inc., a subsidiary of Time, Inc., does not utilize franchised dealerships, choosing instead to maintain a higher degree of corporate responsibility for selling practices in the field through the use of district sales managers. This direct corporate control has substantially controlled sales abuses but not eliminated them, according to a recent surge of complaints involving a "family welcoming service" sales pitch.

THE HEART OF THE PROBLEM—FRANCHISED DEALERSHIPS

Without exception, every dealer I have interviewed—whether he has sold for Cowles or other subscription agencies—has traced the present decay of subscription sales practices to Cowles Communications' acquisition of its first sales agencies about the mid-1950's.

More specifically, the single act blamed for the unscrupulous practices which mark subscription selling today was Cowles' decision to establish franchised dealerships. The franchise contract devised and introduced in the 1950's proved to be a one-way ticket to destruction—financially, morally, and socially—of many men who signed on the dotted line.

With relatively few exceptions, men who entered into contractual agreements to operate subscription sales franchises for any of a number of Cowles subsidiaries which have been in operation at one time or another since 1955 have seen their entire business seized by Cowles. Once prosperous dealers were left virtually penniless. Some found their bank accounts attached and business records taken away. Many, plunged into despair by the loss of the business they had made their career, sought consolation in alcohol. Some eventually lost their families. A few, overwrought by their fate, suffered emotional breakdowns and wound up in mental hospitals.

Virtually all—at some point before their downfall—found themselves trapped by debts. They could accept the demise of their business and lose their shirts, financially. Or they could bow to the pressures applied by corporate agents to attain higher sales production by whatever means possible. Inevitably, "by whatever means possible" meant trickery, deception, and fraud.

In short, the one-sided contracts were drawn in a manner which in the long run benefitted only the parent sales corporation. For the franchised dealer who applied his signature, the contract represented programed catastrophe. It would be only a matter of time until a deadly combination of contractual obligations and corporate sales pressures would corner him. Then, he could quietly accept the loss of his business and the income it provided. Or he could fight to keep his head above water by tricking hundreds of consumers into signing subscription contracts to attain a level of sales activity which could bail him out of his indebtedness. Even the latter course soon led to the dealer's downfall. When his deceptive and fradulent sales practices attracted the attention of the law, inevitably he was dismissed for "cause" and his business seized anyway.

The so-called franchise contract itself is a cleverly conceived document. Magazine subscription dealers have estimated that the impossible conditions it imposes will ruin the average dealer in no more than 4 years. Very few manage to survive for as long as 5 or 10 years. Magazine industry personnel have been able to identify for me only a few individuals who have worked continuously as Cowles dealers from 1956 to the present time. And one of them, Joe Mosey of Buffalo, has a reputation of ruthlessness in the industry which strikes fear in the hearts of many men who have sold magazines.

Fear of falling victim to personal harm, or of seeing members of their family harmed, is common among those who have left the magazine sales industry and sought employment elsewhere.

One dealer who has been in contact with my office has received several telephone threats that his family would be harmed unless he stopped talking to "those Congressmen." At least three others have expressed fear for their lives. Some insist that friends still active in the industry have been instructed not to associate with them nor speak to them. An ex-dealer from New Jersey explained:

> Magazine dealers I have known and worked with for years cross the street to avoid me because they are afraid of reprisals if they are seen with me.

What reason do magazine dealers offer to explain their fears? Some claim to know of a dealer who was murdered and whose killers have never been identified. They mention acquaintances who were roughed up or beaten. "If anything happens to me, please do what you can for my family." I have been asked several times since I began my investigation of magazine sales practices. As a result, the threats and expressions of fear have been called to the attention of the FBI.

One key feature of the franchise contract which gives the parent company a stranglehold on its franchises is the sales quota. Contracts I have examined set quotas of 200 or more sales per month. Depending on the size of the subscription "packages" being pushed by the franchise, this quota is likely to represent sale of $20,000 to $30,000 worth of subscriptions monthly.

A typical franchise contract spells out the quota terms in this manner:

> Dealer's quota shall be not less than two hundred (200) properly verified subscription orders per month. This quota is subject to change by (parent sales company) upon 60 days written notice to the dealer.

Thus, the dealer initially is obligated to produce 200 orders monthly but at the whim of the parent company could find his quota increased to virtually any figure. Since the dealer's signature is not required to authorize the quota change, the dealer can be forced into a breach of contract by merely adjusting his sales quota to a level which is unattainable.

Another typical provision of the franchise contract specifies that at least 50 percent of the sales quota must be met within 4 months and that 100 percent of the quota must be attained within 9 months. Failure to do so, a contract in my posssesion states—

> Shall be considered a material breach by dealer of this agreement and grounds for immediate cancellation of the within agreement by parent sales company.

Contracts commonly consist of 15 to 20 legal-size pages of requirements, restrictions, and limitations, nearly all of which are imposed upon the franchisee. A breach of any of the contract provisions is sufficient reason for revocation of the franchise and seizure by the parent company of the franchise business.

The contracts specify that—

> Subscriptions shall be sold and payment therefor collected from the public at not less than the regular published and advertised prices as stated by the publishers and under such sale contracts, terms, and conditions as shall be authorized or approved from time to time by (sales agency's name).

In other words, the contract itself shows that magazines are not sold at bargain rates. Franchise contracts also provide:

> All subscription sales by Dealer's organization and representatives or agents thereof, shall, be made honestly and without misrepresentation and all solicitations, sales and

collections shall be made in compliance with publishers' terms and conditions and all applicable requirements, rules and regulations of the United States Post Office Department, the Audit Bureau of Circulation, and the Central Registry Bureau of the Magazine Publishers Association, Inc.

Full responsibility to prevent any violations or misrepresentations thus is placed upon the franchised dealer, according to the contract. It is on this point I have found the parent company's actual practices to be inconsistent with its proclaimed policy.

Although the parent agency attempts to place full blame for deception or fraud upon the franchised dealer, agents of the parent company exploit the dealers and pressure them to sell by trickery. If the dealer refuses, he may be intimidated by threats that his contract will be voided and his business taken away.

As one dealer explained recently:

> Educational Book Club representatives have furnished me on numerous occasions sales talks (which) not only (were) not approved by the Central Registry of Magazine (Subscription Solicitors) but (which were) in direct violation of the C.R. Code. These telephone sales talks included using the phrases "free," "bought for" or "paid for you by the advertiser" along with using the word "quiz" to infer there was something won by the people for answering a simple question.

Some of these dealers have given me actual copies of deceptive and fraudulent sales talks which were given to them by regional directors and higher corporate officials with specific instructions that they be utilized to bring sale production up to contract quotas. These same corporate officials have threatened and implemented various reductions of the dealer's rights under his contract to pressure him for higher sales by utilizing deceptive and fraudulent sales pitches. Dealer loans, borrowing rights, and interest charges have been manipulated by corporate officials to force dealers to use trickery to increase sales.

One individual borrowed a sum of money and then was sent a promissory note in an amount more than double the loan for his signature. He said:

> I was told to sign the thing or they would take the whole thing out of my collections due me for that month.

He also enclosed a copy of a letter in which a director for the parent company imposed new contract limitations on the dealer for failing to meet a sales quota.

Dealer after dealer has faced the same unavoidable pressures from the parent sales company in the years or months before his business finally was seized. The pressures was great enough to convince most dealers that they would lose all unless they became petty thieves and utilized deceptive practices proposed by company representatives.

Unfortunately, some of the abuses I have found are so serious that to disclose them publicly might compromise the investigations which currently are underway in several Federal agencies. I can say that scores of dealers have seen subscription sales businesses which they built to six- and seven-figure marks grabbed by parent sales agencies. None of the men I have interviewed ever received any return of collections made on their accounts after they were taken over by the parent company.

Some of these businesses were taken over in proceedings participated in by the president of Look magazine's five subscription agencies, Lester Suhler. A number of other dealers fell victim to pressures applied by vice presidents and general managers of Look's subsidiaries. And many more were the victims of Look agents described as regional directors.

On repeated occasions Look officials have visited my office to express indignation that I should imply their sales practices are anything less than absolutely ethical. I have shown these officials, including Cowles' vice president and general manager of Civic Reading Club, Richard Y. Long, actual documents which blow gaping holes in their good intentions.

I have asked them to explain numerous unscrupulous sales tactics but without receiving satisfactory responses. Deceptive methods which Cowles representatives including Mr. Long contend are forbidden can be found in wholesale, widespread use by Cowles subsidiaries. But undoubtedly one of the most serious claims I have heard from a Look franchised dealer is the contention:

> Central Registry (the subscription sales industry's regulatory agency) is nothing but a cover for Look magazine's operations to make them appear legitimate. . . .

And, continued this Look dealer, "Central registry is controlled by Look magazine."

Perhaps Look does not have the desired control since its candidate for the post of executive secretary of central registry failed to win that position. Nevertheless, a dealer recently explained how a Cowles subscription agency official exerted his influence to have magazine selling rights and back premiums cancelled for several dealers of a competitor firm.

When I have advised Cowles officials that I contend the parent company must be held accountable for the practices of its dealerships, their routine response is: "We can't be held responsible for what a few bad characters may do." Of course, if the franchise contracts are meaningful, they are correct. The contracts specify that the dealer "further agrees to hold harmless and indemnify the—parent company—and its officers, directors, and stockholders from any damages, expenses, claims, fines, penalties, or losses of any kind in any way arising out of a dealer's violation or failure to comply with such regulations, rules, laws, statutes, or ordinances." But it is my view such contractual provisions are invalidated by the pressures and influences the parent company exerts.

Just what brings about the downfall of magazine dealerships is a staggering snowballing of events. An overwhelming factor almost always involves compounded debts to the parent organization—the result of advances and loans from the parent company, plus interest, secured by sales. Also, there are a variety of charges and fees and penalties imposed upon the dealer, such as penalty fees for order cancellations, or subscription substitutions, and so forth.

Unanticipated difficulties can arise for a dealer when a popular magazine is withheld from him—another means to "whip an upstart into line." One dealer attributes his demise to company withdrawal of his right to sell a major magazine which had been the key to his success. Withdrawal was the penalty for his refusal to "push" another periodical the parent company wanted him to push. The day after his business was seized by Cowles, his successor was again authorized to sell the magazine which had been withheld from him.

I have found that some dealers are prohibited from making sales outside a vaguely defined "franchise territory" if the out-of-bounds community lies within the supposed territory of a more favored rival dealer. Sales made in such areas are rejected by the company. In reverse, however, a favored dealer is not penalized for selling outside his territory, although he, too, may be working territory assigned to another dealer.

Even more serious is a painstakingly concealed policy which prohibits sales to Negroes. The discrimination policy is practiced in various ways. One method described by former dealers is to designate Negro neighborhoods of urban centers as "off limits" to magazine salesmen. Subscription contracts sold in off-limits areas, which are outlined on territorial maps, are rejected by the parent company. If there is some doubt about the race of the subscriber, his selection of some Negro-oriented periodical such as "Ebony" magazine is said to be a deciding factor in determining whether to accept or reject the sale. I am aware of still other, more intricate methods to screen Negro subscribers which I choose not to reveal at this time. The purpose advanced for the prohibition on sales to Negroes is an intent to screen individuals regarded as poor credit risks. As a result, this policy may create financial difficulties for those dealers who anticipate loans on such sales, only to find the sales rejected and the loans withheld.

It quickly becomes evident that an honest but slow-selling sales pitch simply will not sustain the financial obligations to the parent company which have begun to snowball. Thus, a pitch designed to trick the consumer into believing he is getting something for nothing or at bargain rates often meets with little resistance from the dealer when it is offered by a regional director with the observation:

> This one is really making sales in Jersey (or wherever the pitch may have been used).

In fact, one man who worked for a time as a regional director recalls how another director "carried a briefcase full of bad pitches around with him. When he ran into a dealer who was having trouble he pulled out any old pitch and told the guy that it was a real winner in St. Louis or somewhere. More likely than not, the guy using it in St. Louis was not making his quota either."

At any rate, when the dealer finally is notified that he is being bought out by Cowles because of indebtedness or he is terminated for cause, the open accounts from which he derives his income through monthly collections are taken over by the parent company. Of course, the contract provided for such takeover.

To quote from a contract:

> Should the dealer be or become insolvent or bankrupt or fail to keep or fully perform any of the terms of this agreement on his part to be kept, then in any such event (parent company) may immediately and forthwith terminate this agreement by written notice sent to dealer by mail or telegraph.

The dealer thus can be terminated almost instantaneously. Overnight, he loses a business which may have a gross value of hundreds of thousands of dollars. His income is cut off immediately. He is stuck with payroll to meet, payroll and personal taxes to pay, outstanding rent and telephone service obligations, and a variety of incidental bills related to his former business operation.

The parent company takes over collection of his open accounts. But the unpaid bills and obligations are the ex-dealer's headaches. By the time accountants for the parent company are through, invariably the ex-dealer will receive none of the proceeds from his open accounts and the company will file suit to collect on the outstanding loans made to the dealer.

Of course, some dealers take the parent company to court. More than likely the parent company will take the ex-dealer to court. In either event, the dealer finds it impossible to underwrite the costs of a long court fight for money which he believes is properly his. In the end he usually signs some settlement plan, acknowledging that he is obligated to pay a sum of thousands of dollars to the company. One dealer successfully won three successive court decisions against the parent sales company only to reach the limit of his own finances when the company filed a new appeal. He subsequently accepted an unfavorable settlement. Obviously, it is impossible for an individual to fight a multimillion dollar corporation.

Another provision of the franchise contract covers the takeover of business records. It states in part:

> The dealer agrees to sell and immediately transfer, assign and deliver to (parent company) all outstanding subscription sales contracts, . . . together with all copies of contracts orders, books of account, and other records relating to the operation of the franchise, in effect on the date when the termination becomes effective.

The parent company quickly exercises its rights under the contract terms and secures court orders, when necessary, to achieve possession of the records. With all business records in the company's hands, the dealer finds it virtually impossible to protect himself against company claims in court. After losing a suit instituted by Cowles, a dealer advised me:

> We tried to have the court force Cowles to produce records but to no avail. I still don't know where they get the figures they claimed that I owe them.

But the proverbial "last straw" is something I discovered in reviewing court decrees against defeated Cowles dealers. By court order, some dealers are "prohibited" from filing or pursuing complaints "with any governmental body with respect to the plaintiff—parent company—or otherwise disparage the name or reputation of the plaintiff." I am convinced such provision of a court decree violates the dealer's constitutional rights and an official of the U.S. Department of Justice has informally concurred in my view.

In conclusion, it seems evident to me that a company which contends it does not have control over the use of unethical sales practices by its franchised dealerships certainly exercises an overwhelming degree of control over every other aspect of its franchise operations and should, in fact, be held responsible for sales practices as well.

The report referred to follows:

Progress Report, October 16, 1969, for the Honorable Fred B. Rooney

(By Central Registry Magazine Publishers Association, Inc.)

CR PROGRAM PROVIDES MEANS TO DEAL WITH IMPORTANT INDUSTRY SALES PROBLEM

The purpose of Central Registry is "to serve the public interest by maintaining ethical standards among door-to-door magazine subscription salesmen and to protect the public against fraud and loss in magazine solicitations."

Over the past eight years the industry has invested over a million dollars in the CR program. These expenditures have increased considerably in the past three years with the work done on the development of the Selling Code for PDS Agencies to strengthen the program.

Our Central Registry program was developed because of the industry's concern over the fact that legislative or statutory approaches were not providing the protection the industry recognizes is necessary. The Central Registry program is in existence today because of the very limitations of law, and the costliness of law enforcement in this respect. It is because self-regulation, with the full cooperation and support of the participants, can do a better job that Central Registry was initiated.

CUSTOMER COMPLAINTS ON PDS ORDERS ARE DOWN 38 PERCENT THIS YEAR VERSUS 1968

The records indicate that with the CR program improvement is constantly being made. You have received a copy of the annual report submitted to the Federal Trade Commission covering the first year's activity under the PDS Code program. We have just recently received a report for the first half of 1969 from the National Better Business Bureau. In this report it is pointed out that "in the second quarter of 1969 subscriber reports received by Bureaus and Chambers show encouraging decreases in allegations of dissatisfaction in dealing with Paid-During-Service agencies."

The figures compiled by the NBBB show that in the first half of 1969, as compared with the same period last year, there was a 38% decrease in the number of formal written complaints by subscribers. Reports alleging Code violations were down 28%; billing problems were down 32%.

The number of formal complaints in the second quarter of 1969 was also down 11% from the first quarter totals.

SALES COMPLAINTS ARE ALSO DOWN IN MOST CODE CATEGORIES

It is further pointed out in the NBBB report that "an analysis of these reports points to decreases in almost every complaint category involving the PDS Code."

Reports of misuse of a survey approach were down 16% from the first half of last year; reports of offers of "free magazines" or similar misrepresentation were down 37%; reports of misrepresentation regarding cancellation were down 40%; reports of improper identification were down 46%. Even more significant were the decreases in the number of reports of obtaining the signature on the contract by deception, down 68%, or of misrepresentation concerning the basic terms of the contract, down 73%.

These last two items are particularly meaningful. In more and more instances the subscriber is entering into the contract knowingly and more knowledgeably. The reports of misrepresentation of the basic contract terms have dropped by almost three-quarters; reports of obtaining the signature on the contract by subterfuge are down by two-thirds.

It is also noteworthy that in the first half of 1969 there was a 40% decrease in the number of reports alleging failure to cancel upon request within 72 hours as compared with the corresponding period of 1968.

CUSTOMER COMPLAINTS ON CASH SALES IN MAY AND JUNE WERE DOWN ONE-THIRD FROM APRIL

Similarly, complaints concerning cash sales currently show a favorable trend.

The six-months survey in this respect showed that while more complaints were received in April than in any other single month, the number of complaints reported in May and June were down ⅓ from this April total. Preliminary figures from the National Bureau for July and August are likewise encouraging.

PERFORMANCE RECORDS ARE REVIEWED BEFORE ISSUANCE OF CR CREDENTIALS

As you know, as a part of our Registry program the record concerning the sales practices of each solicitor and manager is also reviewed prior to and in conjunction with the issuance of the CR credentials. Each agency, of course, has the right of appeal in cases where the credentials are withheld.

This also enables CR to identify for the agencies those managers and solicitors whose record indicates repeated failure to comply with the CR Standards of Fair Practice, the handful of solicitors and managers who cause a disproportionate share of the reports of improper sales methods.

MANY WITH "BAD" SALES RECORDS ARE NO LONGER WITH CR AGENCIES

As a part of the Registry program, agencies may terminate personnel "for cause" when in their opinion such action is indicated. Early this year a new classification of termination "for serious cause," to identify for all agencies participating in the CR program individuals whose records indicated repeated failure to comply with the CR Standards of Fair Practice to the detriment of the public and the industry, was introduced. During the first nine months, over 100 persons with such records were identified by the agencies in this manner. While the judgment as to who shall be authorized to represent an agency is made by each individual agency, virtually none of the persons so identified now represents an agency participating in the CR program, within the limitations of existing statutes in this respect.

ADMINISTRATION OF PROGRAM CANNOT BE "KANGAROO COURT," AGENCIES MUST HAVE PROCEDURAL "DUE PROCESS"

You are also familiar with the program established by Central Registry for the assessment of liquidated damages when it is established that an agency has violated the Standards of Fair Practice set forth.

Obviously, in reviewing reports of violations for the assessment of liquidated damages, CR can in no way set itself up as a "Kangaroo Court." Each case must be investigated and reviewed to provide the agency with procedural due process of law and the opportunity to reply to the customer's allegations. I am sure you will agree that in these cases the customer is not always right, and that his allegations sometimes stem from a desire to avoid the obligations of a contract properly sold and entered into. In each case, the final determination is based on a review of the entire record. The agencies are also provided the right to appeal the findings that are made. This review and procedure is obviously time-consuming, but it is also a cornerstone in making this aspect of the program truly meaningful.

CODE ADMINISTRATOR HAS PREPARED 287 FINDINGS SINCE CODE IN EFFECT

It is significant that even with these procedural requirements the Administrator of the Code has prepared 287 formal Findings in the less than 21 months that the Code has been in operation. Of these, 198 have been issued and distributed to the agencies in the program; the remaining 89 are in preliminary stage pending review by counsel.

It has been suggested that the manner in which these cases have been investigated and reviewed and decision made is considerably faster than similar action by governmental agencies, additional evidence of the values of a self-regulatory program in this respect and of the industry's desire to make it meaningful.

Further, the information in all reports received is forwarded promptly to the agency for immediate corrective action and adjustment, pending the more formal investigation and review under the Code's provisions.

The findings by CR and the Code Administrator have stressed repeatedly the need for proper screening and training and supervision to insure compliance with the Standards of Fair Practice the industry has set for itself, and for constructive programs before the solicitations are made, rather than simply to take limited corrective action with the solicitor concerned after the fact. It is through such constructive programs that the CR objectives will be fulfilled.

Incidentally, during this same period over 600 reports concerning cash field selling agencies were similarly investigated and reviewed and determinations made with regard to the assessment of liquidated damages.

SPECIAL MEETINGS WITH AGENCIES AND WITH PUBLISHERS HAVE BROUGHT PROBLEM INTO DIRECT FOCUS

The principal role of CR, however, is its educational one. Since the first of the year special meetings have been held with both agency principals and publishers to stress the importance of the CR Standards and compliance with them.

It was from such a meeting with the agency principals that the provisions of "termination for serious cause" were developed. As a result of such meetings the sales methods and presentations of field selling subscription personnel have been reviewed by the agencies. Sales meetings have been held with key personnel. Sales talks have been reexamined to insure compliance with the Standards of Fair Practice the industry has set forth. Supervisory procedures have been instituted to see that these Standards are being observed and complied with.

These meetings have also been augmented by meetings or conferences by personnel of the National Better Business Bureau.

At the annual meeting of MPA in New York last month, Mr. Gibson McCabe, president of Newsweek and chairman of the MPA/CR committee, specifically charged each publisher of his responsibilities in this respect: "For Central Registry to be effective it must have the support not only of the agencies but of every publisher in this room. I urge each of you to review your field selling program in relation to the CR objectives, to insist upon proper sales procedures by the agencies you authorize, to really become involved in this matter."

In this connection, it should be noted that while CR was established to maintain ethical standards among door-to-door magazine subscription salesmen to protect the public, the program is not solely altruistic, for in some ways the CR program is also in the interests of the industry. And paradoxically, it is because the program is also in the industry's own interest that it has the potential to protect the public in an effective manner. As we protect the public from sales abuses and from loss in magazine solicitations, so do we protect the image of our industry and retain the confidence of our readers which is so essential.

As we protect the public through our self-imposed sales standards, so do we protect each individual agency and publisher from those who would operate with lower ethical standards and thus obtain for themselves at least a temporary unfair competitive advantage. It is because we want, selfishly perhaps, to provide protection for our industry and the individual companies that comprise our industry, that the public will also get the protection you and we both recognize as so necessary in today's market. When consumer protection is provided for self-centered reasons such as these, it is effective and meaningful.

PUBLISHER RESPONSIBILITY IS FURTHER PINPOINTED IN PROPOSED AMENDMENT TO MPA BY-LAWS

The concern of the industry is further reflected in another action being taken by the MPA at the suggestion of the MPA/CR Committee. Recognizing the importance of the individual publishers in requiring proper discipline in the sale of their magazines, an amendment to the MPA By-Laws has been prepared which provides that "Any member of the Association may be removed from membership in the Association by vote of two-thirds . . . of all of the directors of the Association then in office where such member has been found to have repeatedly conducted its business in violation of law or of the written standards prescribed for the industry by this Association and in a manner which adversely affects the industry or the public interest."

This amendment has been formally approved by the Executive Committee of the Association. A special meeting is now scheduled for November 6 for its formal approval by the membership.

PROBLEMS DO OCCUR, BUT CR PROGRAM HAS CONTRIBUTED TO HIGHER STANDARDS FOR SUBSCRIPTIONS

While the NBBB figures show progress, these are some of the things we've done during the past year to make CR more effective. We are the first to admit that this progress is no cause for any complacency. The problem obviously has not been eradicated, though material progress has been made and the means for making further progress have been established.

At the same time, CR has contributed materially to the maintenance of higher sales standards in subscription field selling. Sales abuses which led to its formation (including a failure to clear orders or to enter on complaint subscriptions sold on an agency's receipts) now occur only very rarely. In instance after instance, the subscribing public has received adjustments and satisfaction which would not have resulted without the CR program.

OF 86 MILLION CALLS OVERWHELMING MAJORITY RESULT IN NO COMPLAINT AND SATISFACTION

Your attention has already been called to the perspective of complaints to the total calls made by representatives. We estimate that some 86 million calls are made by subscription sales representatives in the course of the year. It is by them that in many instances the industry is judged. The total number of complaints, in relation to this total, indicates that in the overwhelming majority of calls the solicitor leaves a satisfied customer or prospect.

INDUSTRY IS DETERMINED TO MAKE CR EFFECTIVE MEANS TO PROTECT CUSTOMERS AND ITSELF

To summarize, in Central Registry the magazine industry has a program which reflects and identifies the interest of the industry in the protection of the public and the maintenance of ethical standards in magazine subscription field selling. It is in many ways a unique program. It is a program in which over a thousand Better Business Bureaus and Chambers of Commerce participate on a joint basis to answer magazine inquiries and resolve subscriber complaints. It is a program whose effectiveness is recognized by Attorneys General in many states and by other law enforcement agencies as one that is meaningful and one with which they can, and do, cooperate.

It is a program that offers protection to the subscribed and to the public, because of a self-interest of the industry. The very nature of magazines, being dependent upon the good will and confidence of the public, demands that we make this program effective and insures that it will continue to be successful.

It is a program that we feel has done a great deal of good and which has potential to provide the mechanism to make continued progress in this important area of consumer protection.

SCHOOL INTEGRATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Cohelan) is recognized for 10 minutes.

Mr. COHELAN. Mr. Speaker, yesterday the Supreme Court of the United States ruled unanimously that integration of our schools must begin now and hereafter. I applaud this decision.

In 1954, 15 years ago, the Court declared the doctrine of separate but equal unconstitutional and ordered integration with all deliberate speed. That one phrase, all deliberate speed, has been perverted to the extent that it became no speed at all. Mr. Speaker, that day is ended. In its decision the Court said in no uncertain terms that "all deliberate speed is no longer constitutionally permissible," and that it is "the obligation of every school district to terminate dual school systems at once."

While I applaud this firm and unambiguous restatement of the law, I cannot rejoice. Justice has been delayed for 15 years, and the order in this decision, Alexander against Holmes County Board of Education, is a stinging rebuttal to those who would pervert a lawful decision by intransigence and outright evasion. This delay, Mr. Speaker, has been a violation of law and order in the most blatant form.

We cannot retain the duality of the educated and noneducated, the full citizen and half citizen and continue to call ourselves a civilized nation.

The Supreme Court recognized this yesterday. Its decision is short and concise. No long opinion was needed—the history of delay for 15 years speaks for itself. The Court simply stated that the fundamental rights of many thousands of schoolchildren have been denied and this denial must end immediately.

I enclose for the benefit of my colleagues the text of the Supreme Court's decision and order. In its brevity it can speak for itself:

[No. 632; October term, 1969, Supreme Court of the United States]

BEATRICE ALEXANDER ET AL., PETITIONERS, *v.* HOLMES COUNTY BOARD OF EDUCATION ET AL. ON WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

(October 29, 1969)

PER CURIAM.

These cases come to the Court on a petition for certiorari to the Court of Appeals for the Fifth Circuit. The petition was granted on October 9, 1969, and the case set down for early argument. The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin* v. *School Board*, 377 U.S. 218, 234 (1964); *Green* v. *County School Board of New Kent County*, 391 U.S. 430, 438–439, 442 (1968). Accordingly,

It is hereby adjudged, ordered, and decreed:

1. The Court of Appeals' order of August 28, 1969, is vacated, and the cases are remanded to that court to issue its decree and order, effective immediately, declaring that each of the school districts here involved may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color.

2. The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education, and Welfare, with any modifications which that court deems proper insofar as those recommendations insure a totally unitary school system for all eligible pupils without regard to race or color.

The Court of Appeals may make its determination and enter its order without further arguments or submissions.

3. While each of these school systems is being operated as a unitary system under the order of the Court of Appeals, the District Court may hear and consider objections thereto or proposed amendments thereof, provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments, if any are made. No amendment shall become effective before being passed upon by the Court of Appeals.

4. The Court of Appeals shall retain jurisdiction to insure prompt and faithful compliance with its order, and may modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

5. The order of the Court of Appeals dated August 28, 1969, having been vacated and the case remanded for proceedings in conformity with this order, the judgment shall issue forthwith and the Court of Appeals is requested to give priority to the execution of this judgment as far as possible and necessary.

PROPOSED CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, I would like to comment on the "Proposed Controlled Dangerous Substances Act of 1969," as one who has treated those addicted and is of necessity trained in most facets of the problem.

The penalty provisions of the bill are particularly heartening to me. First, the bill makes a clear distinction between drug users and drug traffickers. Severe penalities for drug traffickers are appropriate to a drug control, but lesser penalties for victims—the users—should also be a part of any new legislation.

Similarly, the provisions for a special parole term which requires the court to impose provisions regarding parole supervision to a convicted possessor are important. If we are to have effective rehabilitation, adequate supervisory followup after release is essential.

The question of minimum mandatory sentences is also raised by the bill. I support the position of the American Bar Association's Subcommittee on Sentencing and Review which suggests penalty structures geared for average cases, not the worst cases. Explicit increases should be permitted if facts call for more severe penalties. The problems of prosecutors in obtaining convictions and the complaints of judges because of their inability to provide what they consider appropriate sentences will be alleviated by such a structure.

I also support the provisions setting stiff penalties for professional criminals, the recognition of a difference between the penalties for marihuana as opposed to some of the more dangerous drugs, and the first-offender treatment for persons who possess drugs for their own use.

Our country cannot but benefit from the adoption of this excellent program of legislation.

NOW IS WORSE TIME TO QUIT IN VIETNAM

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, the voices of those opposing our involvement in Vietnam are being imposed on us to a great extent these days. What those who would have us surrender lack in numbers, they make up in noise until it would seem that a majority of our people are in favor of our unilateral withdrawal from Vietnam.

That this is not the case I believe is attested by the actions of our fighting men in Vietnam. These men believe in what they are doing. They have seen with their own eyes the atrocities of the Vietcong and North Vietnamese and they know what would happen to the South Vietnamese were we to fail to honor our commitment there.

Mr. Speaker, columnist Hugh Park of the Atlanta Journal recently wrote on this subject, giving excerpts from a letter written by a Georgian who is serving in Vietnam. Believing both the column, and particularly the words of the soldier to represent the true spirit of a vast majority of Americans, I commend them to my colleagues.

The column follows:

NOW IS WORSE TIME TO QUIT IN VIETNAM

(By Hugh Park)

He is fighting over there, he is intelligent, and has the right to be heard more than most. He is Lt. James Tate, son of Mr. and Mrs. Roscoe Tate of Clarkston. His father is an engineer with the state highway department and he himself is a graduate of Tech in chemical engineering and of George Washington University Law School. He had decided to practice in Virginia and had passed the Virginia bar exams when called into the army.

Here are excerpts from his first letter to his parents after arriving in Vietnam where he is serving with the 101st Airborne:

"It can truly be said that no amount of reading and talking with others about Vietnam can substitute for actually being here. There is no way to describe the feeling you have when you look into a 19-year-old private's eyes and see the fear and homesickness there.

"Should the decision to send these young boys to die ever rest in my hand, you can be sure of two things: (1) The vital interests of the nation will be at stake. (2) The rest of the nation will know and understand the sacrifice being made for its benefit and will share as much as possible the hardship of the G.I. private draftee.

"I must say the 101st Airborne is taking these sacred young boys and making soldiers out of them—soldiers confident of their fighting ability. I know this is happening because it is happening to me. The key factors are good leadership among the sergeants and complete candor about telling the troops what they are up against.

"The military might of the United States over here is something to behold. Never before in history have only a half million men commanded such effective fire power. The war here is definitely controlled by us. When the papers say Bien Hoa was mortared and five people were killed, the importance of the enemy's strike is blown out of all proportion.

"An analogy at home would be throwing four sticks of dynamite in four different places in DeKalb County. People may be killed or hurt but the DeKalb police department is in no danger of being overthrown.

"I understand that our prolonged presence here is beginning to have its effect. One officer stated that over half a million North Vietnamese soldiers have already been killed here. North Vietnam has only 16 million people so one wonders, should this officer only be close in his estimate, how long they can keep the present pace up.

"At home we want to know when it will all end. When can we bring the boys home and stop spending such enormous sums of money that could be put to use in urgently needed domestic programs. Before dealing with the political questions, let me say that in my opinion we have never been more effective over here. We are hurting the enemy right now worse than we have ever hurt him. The South Vietnamese are hurting him worse than ever before.

"Officers who have been down South in the Delta say that the Vietnamese are moving back to farm rice paddies that haven't been farmed since the Japanese came in World War II. In short, just when at home we are most anxious to quit, our presence here is producing the most results. A study of history will show that the same was true of almost every war we have been engaged in. The people are ready to quit just before the tide turns.

"I can't help but cite the case of the Civil War. In 1863, just when the fighting strength in the North was becoming effective, public opinion in the North was decidedly for negotiating a peace with the South. Only strong leadership saved the day then. Only strong leadership will save the day now.

"The real battle is at home, where the war will be won or lost.

"Now to address the political questions. People at home ask, 'Is Vietnam worth the price we have paid and are paying?' I agree with the critics so far as I am able to judge at present. We should never have become involved in this jungle land war. But the question is no longer 'Should we be here?' WE ARE HERE. The question is now one of honor. A great nation has made a commitment.

"The most terrible disaster that could happen would be for other nations to lose confidence in our word. If they do, World War III is imminent. Imagine what would have happened in 1962 if Khrushchev had not believed us when we told him we would strike if the missiles were not removed from Cuba. The human suffering caused by the Vietnam war is only a spit in the ocean to what woud have resulted if World War III had been ignited. Great leadership is needed at home to explain to the people what is at stake and gain their support for what must be done. I am confident this leadership will come. Should the enemy become convinced of our resolve, the military portion of our effort will be greatly reduced in short order."

SERIES ON "LAW AND ENVIRONMENT"—PART VI

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the sixth and final article in the Christian Science Monitor's series on "Law and Environment" reports on some of the suggestions advanced at the recent Arlie House conference relative to the future role of the lawyer and environmental concerns. Among the suggestions were: creation of a national organization of environment-oriented lawyers, the establishment of an environmental law center, and the start of a publication on environmental law. I am happy to report that many plans are already underway to implement some of the suggestions.

The article notes the conferee's agreement that the legal system has tended to favor development issues over conservation-environment issues. A lawyer's program for the future must be to find a legal balance between the issues. This will be a difficult task in light of the public's demand for the immediate application of the results of technological processes. The application of such technology almost invariably raises legal questions and, unfortunately, new legal processes do not keep up with technological progress. Even with our concern now with the new field of environmental law we will be at least two steps behind the times. A legal crash program is indicated; failing that, the polluters will overwhelm us. Technologically, it is possible to have production-without-pollution; whether or not this is achieved will depend in large part on the development of a new breed of legal talent. The Arlie House conference was a first step in the direction of creating this new breed.

Readers of these articles by Mr. Cahn will be interested to know that the edited proceedings of the conference will be published next year for the Conservation Foundation. The book will include the 11 papers prepared for the conference, along with much of the discussion and related material.

The sixth and final article in the series follows:

LAND-USE CASES DRAW LEGAL SPOTLIGHT

(By Robert Cahn)

Washington.—A medley of proposals for action emerged from the two days of discussion at the first conference on law and the environment held recently in Warrenton, Va.

The participants and observers did not vote or agree on any single future course of action. There was general agreement, however, that the field of environmental law is at the threshold of achieving a major role in the legal arena.

These are among the proposals:

That a national organization of lawyers be formed, with local chapters, similar to the American Civil Liberties Union, which would seek to protect citizens' rights to an unpolluted environment. This idea was suggested by lawyer Gladys Kessler of Washington, D.C.

That an ombudsmanlike organization be formed under Congress to assess and criticize technological developments as they relate to the environment. It would be comparable to the General Accounting Office and would report to Congress and the public rather than to the president. This idea was submitted by Prof. Harold P. Green of George Washington University Law School, Washington, D.C.

Statewide zoning plans are a necessity, said Philip H. Hoff, former Governor of Vermont.

A national land-use policy was suggested by Rep. Paul N. McCloskey (R) of California and by Ann Louise Strong of the University of Pennsylvania.

ADVERSE EFFECTS CITED

Lawyers should challenge the way corporate decisions are made affecting the environment. This was suggested by consumer advocate Ralph Nader.

That an early-warning system is needed whereby citizen conservation organizations and interested lawyers can get timely notice of major environmental modifications. This suggestion was made by lawyer Russell L. Breneman of New London, Conn.

That an environmental law center be organized as a clearing house and research facility to serve lawyers and conservation organizations. This suggestion was made by Benjamin W. Nason of the Conservation Law Foundation.

A publication on environmental law was proposed by the conservation foundation to provide the basic source of information on court decisions, legislation, and administrative proceedings affecting the environment. This publication is being planned now by the conservation foundation and the Public Law Education Institute of Washington.

A basic assumption underlying all the participants' proposals is that the law and the economic system tend to favor development interests which often adversely affect the environment.

One of the root causes of environmental degradation cited by conference participants was the fascination of the American public with the marvels of technology and willingness to take part in the benefits without recognizing the costs to the environment.

"We now know that our society has the technological capacity to do virtually everything that we are really interested in doing," commented lawyer Anthony Z. Roisman of Washington, D.C. "We can build a power plant which will not pollute. We can also build, if we need to, a power line which will not be visible. We can construct an industry which can get rid of its solid wastes without polluting anything around it. We can get rid of vermin that cause crop damage without also damaging the people who eventually eat the crops.

"All of those things are well within the capacity of the technological part of the society to accomplish. The question is: Do we pay them for doing it? Do we ask them kindly if they would please do it? Or do we in effect force them to do it by giving them no reasonable alternative?

INGENUITY TRUSTED

"Our society seems to function best under the stick and not the carrot. . . . Then watch the American ingenuity—which in World War II created artificial rubber when we had no real rubber—come up with the answers to the problems," Mr. Roisman said.

Participants acknowledged that technology, itself, does not provide the answer to the increasing problems of a threatened environment. Nor does litigation alone, nor better legislation, nor more effective public decisions, nor citizen protest.

"Each discipline feels that it has the corner on the environmental market," stated Roger Hansen, lawyer and conservation leader from Denver. "We feel that litigation is the way. But it is just one cog in the system we have to use. It is no more the answer to every environmental problem than systems ecology as advocated by the ecologists, or planning and development as advocated by architects and planners.

"We must recognize that the talents and the expertise from a whole range of disciplines has to be brought to bear more and more in almost every case of threatened environment," he said.

ELIMINATING GUN CRIMES; SUPPORT RECEIVED FOR H.R. 14426

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, several days ago I introduced H.R. 14426 which will provide additional penalties for the use of firearms in the commission of certain crimes of violence. At last count, 39 bills had been proposed to do roughly the same thing which is a good indication of the concern Members have with respect to crime. My bill is unique in that it defines the crimes, specifies the penalties, and makes sentencing mandatory. The bill provides for an additional sentence if the "crime of violence" is committed with a firearm, and it shall not be served concurrently with a sentence imposed for the crime itself. Admittedly, H.R. 14426 is a "tough" bill, but we have a tough problem to lick.

Recognizing that the impact of Congress on the national crime problem is limited by the Federal-State division of responsibility regarding criminal law, my bill focuses on Federal crimes of violence. Its importance to crime deterrence in the District of Columbia is obvious. I have received support for the bill from a number of Washington, D.C., organizations. They agree that H.R. 14426 is the correct approach to the problem of reducing gun crimes. One letter writer states:

> Your bill should reduce and practically eliminate gun crimes, both nationwide and in Washington, the Nation's Capital.

Mr. Speaker, I have appended copies of some of the letters I have received regarding the bill, knowing that our colleagues are interested in seeing how H.R. 14426 could be the beginning of the end of the violent gun crimes throughout the Nation.

The letters follow:

THE OCCIDENTAL RESTAURANT,
Washington, D.C., October 23, 1969.
Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: We wish to register our enthusiastic support for your new Bill. HR 14426 "to provide additional penalties for the use of firearms in the commission of certain crimes of violence".

This Bill is long overdue. As you know, President Johnson called for mandatory minimum sentences in a Message to Congress on March 13, 1968. Furthermore, President Nixon called for such legislation in his campaign for the office of President in 1968.

Your Bill defines "Crime of violence" as meaning any of the following crimes: Murder; voluntary manslaughter; Presidential assassination, kidnaping, and assault; killing certain officers and employees of the United States; rape; kidnaping; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; robbery; burglary; theft; racketeering; extortion; and arson.

As we read your Bill, it builds on the stricter sentencing Bill, S. 849, introduced in the Senate by Senator Michael J. Mansfield and other leading members of both parties. It also builds on HR-14200 by Rep. John Dingell, and HR-319 by Rep. Richard Poff. These measures have been supported by the National Rifle Association, and we have no doubt that your Bill will have the support of the NRA and the Sportsmen and law-abiding citizens of the Nation. It is high time that the domestic peace and tranquillity guaranteed by the Constitution to law-abiding citizens and their families took precedence over the rights of criminals to practice their craft.

There are over one hundred and thirty thousand (130,000) gun crimes committed each year in this Nation. We feel certain, as did President Johnson, and President Nixon in last year's campaign, that your approach to the rising flood of violence in our Nation can and will reduce gun crimes drastically in this Nation. We urge you to ask your colleagues in the House—from both parties—to join you in co-sponsoring your fine new anti-crime legislation.

Respectfully,
S. B. MORIN,
Secretary-Treasurer.

DUPONT CIRCLE CITIZENS ASSOCIATION,
Washington, D.C., October 23, 1969.
Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: The citizens of every state, your Congressional District, and of the Nation's Capital have every reason to be proud of you for your action in two vital matters. Please ask other Congressmen to co-sponsor your new bill, H.R. 14426.

As to your new bill, H.R. 14426, to provide additional penalties for the use of firearms in the commission of certain crimes of violence. Many people don't know, or have forgotten, that President Johnson, in a Message to Congress on March 13, 1968, said: "Each time a storekeeper is threatened at gunpoint—each time a woman is terrorized on her way home from work—each time a burglar breaks into a home at night—the liberty of every citizen is diminished. Crime today is the first problem in the nation's first city. It is on the rise. . . . Last year, almost 2,500 major crimes were committed in the Nation's Capital at gunpoint—murders, assaults and robberies. . . . The proposal I have recommended would add ten years imprisonment to the regular penalty when a firearm is used in a robbery or an attempted robbery."

President Nixon pledged to the American people during his Presidential campaign last year that he would call for mandatory minimums in gun crimes. There are over 130,000 gun crimes annually, according to the FBI. Recently President Nixon held a conference on crime at the White House. This was on October 9. The Chief of Police of Washington, D.C., Jerry Wilson, said, according to a report in the *Congressional Record* of October 21, page 30697, that: "We have had an increase in burglary from 1,700 to 10,000 offenses in 11 years, and in auto theft, some 900 offenses to some 4,600 offenses . . . we will rise, unless something is done, from 55,000 annually as of 1969, to some 80,000 offenses annually as of 1972."

Your bill, H.R. 14426, as noted by both President Johnson and President Nixon, would reduce and practically eliminate gun crimes, both nation-wide and in Washington, the Nation's Capital. More power to you. In successfully eliminating the fund for the Pennsylvania Avenue Commission you saved the American taxpayer perhaps as much as $1,000,000,000.00—according to informed estimates—on a boondoggle which should have been stopped years ago, and which was never authorized by Congress, and which citizens of Washington, D.C. have strongly opposed. Everyone is grateful to you for your leadership in this too.

Respectfully yours,
PHILIP J. BROWN,
Delegate.
Dupont Circle Citizens Association.

DISTRICT OF COLUMBIA
POLICE WIVES ASSOCIATION, INC.,
Washington, D.C.
Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: We are writing to express the grateful appreciation which the policemen and the wives of policemen feel, not only here in the nation's capital but in all other cities and states clear across this great nation of ours, for your courage and leadership in introducing your fine new bill, H.R. 14426.

Your Bill, H.R. 14426, would provide additional penalties for the use of firearms in the commission of certain crimes of violence, and it has the same basic sentence structure as the bi-partisan bill, S. 849, which is sponsored by Senator Michael J. Mansfield and 5 other Senators, three from the Democratic Party and three from the Republican Party. S. 849 is strongly backed by the National Rifle Association, by sportsmen and by law-abiding citizens. The only people who won't like your bill are the criminals who, according to the FBI, commit more than 130,000 crimes at gunpoint each year.

Senator Mansfield said on July 1, on the floor of the Senate that "It seems to me that no leeway or discretion is needed for a criminal gun user who employs this weapon in the committing of a crime. The ultimate application of this amendment, if approved, will be up to the criminal himself."

Representative John Dingell has introduced a bill, H.R. 14200, which is identical to the Mansfield Bill. The Mansfield and Dingell bills have our full support, and both are supported by the National Rifle Association, NRA leaders told us. It seems to us that your bill is an improvement over both of these measures, however, in defining, as it does, crimes of violence to cover "murder; voluntary manslaughter; Presidential assassination, kidnaping, and assault; killing certain officers and employees of the United States; rape, kidnaping; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; robbery; burglary; theft; racketeering; extortion; and arson."

In closing, we urge you to ask all your colleagues in the House of Representatives—both Democrats and Republicans—to join you as co-sponsors of your landmark measure. We can assure you that every policeman in the nation, their wives, and their children, feel grateful to you for having had the moral courage and vision to introduce H.R. 14426. It should aid you to know that both President Johnson and President Nixon have called for legislation to provide mandatory minimum sentences in gun crimes, and this knowledge should encourage Members of Congress from both parties to join as co-sponsors of your vital new bill.

Respectfully yours,
MRS. ELIZABETH HERSEY,
President.

KALORAMA CITIZENS ASSOCIATION,
Washington, D.C., October 24, 1969.
Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: We have just read your new stricter sentencing bill, H.R. 14426, and we write to request you to invite every member of the House of Representatives to co-sponsor it.

We make this unusual request because of the fact that your bill provides stricter sentences for crimes of violence which are defined as "murder; voluntary manslaughter; Presidential assassination, kidnaping, and assault; killing certain officers and employees of the United States; rape, kidnaping; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; robbery; burglary; theft; racketeering; extortion; and arson."

The Catholic Standard, the weekly newspaper of the Catholic Archdiocese of Washington carried a lead editorial September 18, 1969 which said: "the District's gun registration law was badly conceived, hasn't worked, and won't work in its present muddled concept. For some months now radio station WMAL (which is owned by the Evening Star newspaper) has been editorializing against the law as it now stands. saying from practically the beginning of its imposition that it didn't make sense. The succeeding weeks and months have proven the station, sadly, to be right. WMAL suggested that the law be scrapped, and a substitute written which would protect the law-abiding citizen, and penalize the violator. The tacking on of an automatic five-year additional term to the criminal's sentence for use of a firearm during felony activity should be a deterrent, it argued. We agree . . . the odds are very great that the man who will own (a gun) for sport, protection of his home, business or family will have few qualms about undertaking the interminable processes to register it. The man who will own one for the purpose of armed robbery will not. He is the one who should be punished."

The Catholic Standard's editorial makes the point that the man who owns a gun for the purpose of armed robbery will not register it. This is undoubtedly true, and, in fact, the decision of the Supreme Court of the United States in the case of Haynes against the United States actually protects the criminal if he decides not to register his weapon. The defendant Haynes had been prosecuted under the National Firearms Act for possession of an unregistered sawed-off shotgun which is one of the prohibited weapons under the Act. Haynes argued before the Supreme Court that to register his illegal weapon would have been self-incriminating, and that if he registered the weapon as required by the Act, he would incriminate himself under another section of the same Act. Haynes pointed out that the Constitution protects citizens from being forced to incriminate themselves, and claimed immunity from the requirement of the National Firearms Act as to registration. The Supreme Court agreed with Haynes, and in a landmark ruling held that Haynes could not be forced to register his weapon since this amounts to forcing a criminal to testify against himself and therefore violates his constitutional rights under the fifth amendment. The Supreme Court ruled that Haynes had the legal right not to register his prohibited weapon. In short, the Supreme Court ruling means that gun registration laws apply only to law-abiding citizens.

The criminal elements must read the Supreme Court decisions, because gun crimes have risen to over 130,000 annually in our nation. The very fabric of our nation is being torn asunder in our major cities. The peace and tranquillity offered by the Constitution—and for which it was designed to establish and protect—has become a myth. It is in this context that your fine new bill, H.R. 14426, must be understood and read.

President Johnson, in a Message to Congress on March 13, 1968—a speech which was utterly ignored by the newspapers—called on the Congress to "add ten years imprisonment to the regular penalty when a firearm is used in a robbery or an attempted robbery." The House of Representatives adopted on July 24, 1968, by a vote of 412 to 11, the amendment offered by Rep. Richard H. Poff which applied nation-wide the concept offered by President Johnson in his March 13, 1968 Message to Congress. Unfortunately, the Poff Amendment was watered down in the Senate-House Conference, and the language which was adopted after the conference did not lessen crime or deter criminal activity.

As noted by Rep. Poff (see CONGRESSIONAL RECORD, vol. 114, pt. 23, p. 30583) the Gun Control Act of 1968 now actually provides that "the criminal who is tempted to use a gun in the commission of his crime can still do so with the full knowledge that he has at least a 50–50 chance, even after being caught, convicted and sentenced, of never serving a day in jail. And even if it is his second offense, he knows that any jail term he may be required to serve may run concurrently with the same term that can be imposed under present law for the base felony. With such odds, why should he refrain from using a gun?"

It is clear that your fine bill, H.R. 14426, will close the loopholes which were written into the Gun Control Act of 1968 which actually do little to deter criminals.

Further, H.R. 14426, while containing the basic sentence structures of the Mansfield bill, S. 849, and the Dingell bill, H.R. 14200, actually broadens their concept in the public interest.

The Kalorama Citizens Association was formed in 1919, and its area includes part of an inner city section at 18th and Columbia road—and the so-called Adams-Morgan area, which badly needs to be rebuilt. Two factors are needed if that inner city section is to be improved. It must be made safe for all people, the 50,000 Spanish-speaking residents, the thousands of fine, law-abiding citizens who are Black, or Spanish-speaking, the young white families, and the elderly—and the officials and employees of embassies and chanceries of many nations.

Your bill will bring safety to everyone, and new high-rise zoning could provide new housing units, new commercial and light-industrial opportunities, and thousands of jobs.

Your bill, H.R. 14426, will make the streets of all American cities safe again. The National Association for the Advancement of Colored People and other observers have said that a very high percentage of crime is committed against Negro families, and that they are deserving of the best protection possible. Your bill will provide that protection here and in other cities.

President Nixon, talking about crime in the Nation's Capital at the White House on October 9 said that "today it has reached crisis proportions." Your bill is long overdue, and we hope President Nixon will redeem his campaign pledge of last year to the American people and ask Congress now to enact mandatory minimum sentences into law.

Respectfully yours,
GEORGE FRAIN,
Elected Delegate,
Kalorama Citizens Association.

COMMITTEE FOR THE RIGHTS OF THE WASHINGTON, D.C., BUSINESS COMMUNITY, INC.
Washington, D.C., October 23, 1969.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: We are writing to tell you how grateful all law-abiding citizens must be and the American business community must be as well, with your new bill, H.R. 14426.

We are sure that just as soon as people know about your bill they will support it.

It is in line with recommendations made by President Johnson to the Congress early in 1968, and with the campaign promises made by President Nixon last year.

We think it is very significant that Donald E. Santarelli, Associate Deputy Attorney General, Department of Justice, in testimony which he presented to the Senate Subcommittee to Investigate Juvenile Delinquency on July 24, 1969 said:

"You have also asked for our views on S. 849, a bill to amend the penalty provisions for crimes committed while armed. S. 849 provides mandatory, additional consecutive sentences for persons who carry or use firearms during the commission of felonies in violation of Federal law. Sentences under this section could not be suspended, nor could offenders be given probation. Such sentences are designed to persuade the man who sets forth on a criminal venture to think twice of the consequences of going forth armed. A man who is armed in the commission of a crime is a man prepared to commit murder. We believe that the certainty of punishment for such conduct under mandatory sentence provisions will serve to deter, to some degree, such conduct."

As we understand your bill, H.R. 14426, it uses the same sentence structure as President Johnson recommended to the Congress in a little-noticed speech on March 13, 1968. Those recommendations by President Johnson are incorporated in the bipartisan Mansfield Bill, S. 849 which is sponsored by 3 Republican Senators and 3 Democratic Senators. Those recommendations are also incorporated in the Dingell bill, H.R. 14200.

However, your bill, H.R. 14426 takes note of the assassination of President John F. Kennedy and Senator Robert F. Kennedy, and it provides stiff penalties for this and other gun crimes—as it should.

Recently, the *Washington Post* (Sept. 11, 1969) said: "An attack on crime, akin in magnitude and determination to the launching of a major campaign in the course of a war, is more than ever a domestic imperative. The need for such an attack, mobilizing all the resources at the community's command, has long been evident. But despite the sounding of an alarm by President Johnson and an equally insistent call by President Nixon, the necessary nationwide sense of urgency simply isn't evident except perhaps in the trenches, where outnumbered, under-equipped police forces battle on against impossible odds."

We believe your fine bill, H.R. 14426 provides the police forces of the nation with the necessary tools to fight crime. The impossible odds will be put against the criminals where they belong—if your bill is adopted.

We hope you will give every Member of the House the opportunity to co-sponsor your fine new bill immediately, and invite them to be co-sponsors. May we hear from you?

Respectfully yours,
MRS. SARAH E. ELLIS,
Chairman.

"DELIBERATE SPEED" NOT GOOD ENOUGH TO BUILD THE WILDERNESS PRESERVATION SYSTEM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Supreme Court has ruled against a policy of "deliberate speed" as regards school desegregation and the Nation's press has waxed eloquent about the decision. Predating the Court's action, Mr. Mike Frome, writing in American Forests, questioned another use of the "deliberate speed" doctrine—that practiced by the U.S. Forest Service and the U.S. Park Service with respect to bringing areas into the national wilderness preservation system. So far, the press has not taken up the cudgel for the wilderness areas.

Mr. Frome says the Forest Service is proceeding with "deliberate speed" but the addition of 31,000 acres to the system—if all current proposals are accepted—is not in my opinion a very good track record for an agency that controls all but 3,750 acres of the area proposed for the system. Regarding the National Park Service, Frome discovers what many of us in Congress have known for a long time; namely, that the Service is also lagging in carrying out its responsibilities under the act. Only five of 17 first-review-period proposals have been cleared to date. This in spite of the fact that half of the total period of the act's mandate have expired. The Park Service Director is applauded in the article for his new "watchwords" but it seems to me that "action" would be a better goal and more in keeping with the provisions of the Wilderness Act. I am particularly concerned about the Director's apparent desire to open wilderness areas to the automobile. For the life of me, I cannot see how a "motor nature trail" is consistent with the concept underlying the Wilderness Act of 1964.

The article reflects many of the views I have expressed over the years; naturally, it is encouraging to find support, but more important, the article indicates a deepening public awareness of the crisis regarding the Nation's wilderness areas because of bureaucratic misreading of congressional intentions.

The article follows:

[From American Forests, October 1969]

The Wilderness Law

(By Mike Frome)

The Wilderness Law, which President Lyndon B. Johnson proudly signed on a pleasant day in 1964 before a host of onlookers in the Rose Garden of the White House, represents for me one of the truly great legislative documents of history, not just of the history of the United States but of all civilization.

It was enacted only after a long hard struggle, over the opposition of powerful, well entrenched enemies, with many public hearings conducted both in Washington and the West, thus clearly asserting the deep desire of the American people in the democratic fashion.

In ~~all~~ the long tableau of organized human society, the United States became the first country anywhere to proclaim through legislation a recognition of wilderness as part of its culture and legacy to the future. By so doing, it provided a model to other countries which they must presently recognize and follow, with urgency, as the means of saving some wildness in the world from the onrushing flood-tide of people and the hyper-industrialization mistaken as progress.

The Wilderness Law inscribes into the record books of time a creed of enlightenment that says: We cannot cast our shadow on the rising of the sun or alter the rhythm of waves; but we recognize these components of the greater world as part of our humanity; we rise above other life forms, which act and react instinctively, by striving through design for integrity and completeness with the infinite surroundings. The passage of this law stands forth in my mind as more significant than man's flight to the moon and, in the context of human ethics, morality and intellectuality, as boding more good for the race in the long run.

We are now five years into the life of the law. How goes it, how does it fare? In some respects, apparently all goes well, but in others only fair. But let us look closer.

The National Wilderness Preservation System became a reality with the Law itself. The law designated for inclusion at once a little more than nine million acres previously classified as wild and wilderness areas. These are now protected and managed to preserve their wilderness character. It specified further that areas classified as primitive by the Forest Service—thirty-four in number—be reviewed within ten years for inclusion in the System, and that similar procedure be followed with reference to roadless portions of national parks, monuments, wildlife refuges and ranges—an additional seventy areas. Authorities anticipated at the outset that all of these would ultimately constitute a Wilderness Preservation System of 50 million acres or more. Indeed, in recent testimony before the House Interior Committee, Assistant Secretary of Interior Leslie L. Glasgow judged that almost 47 million acres of national parks and national wildlife refuges alone qualify for study under the law.

With one-half the time gone between signing of the law and termination of its ten-year deadline, the Wilderness System embraces but 10 million acres. Less than one million acres have been added through the prescribed procedures of agency review, public hearings, departmental and presidential recommendations, climaxed by Congressional action. In 1968, Congress approved the first five additions, including four in national forests and one in a national wildlife refuge. So far this year only one addition has been approved: the 98,000-acre Ventana Wilderness, in the Los Padres National Forest near Carmel, California. And another may presently be added in the 63,500-acre Desolation Wilderness above Lake Tahoe, also in California.

Clearly the wilderness review mill is grinding slowly, too slowly in face of pressures of highways, mining; mass recreation and other intrusions, slower than the law intended. It stipulated that reports on one-third of all areas be ready for presentation to Congress within three years after enactment (by 1967), a second third within seven years (1971) and the remainder by 1974. These schedules are not being met.

The Forest Service is proceeding with deliberate speed toward finishing its primitive area reviews well before the 1974 deadline. It has positioned the Department of Agriculture on schedule, or better. Of the entire Wilderness System to date, the Forest Service administers all but 3,750 acres.

The only wilderness established thus far under jurisdiction of the Interior Department lies in the Great Swamp National Wildlife Refuge in northern New Jersey. Small, but nonetheless important, it marked the first proposal for a wilderness of less than 5,000 acres, and it blocked the Port of New York Authority from placing its finger on the site for the location of a jetport. Eight other wilderness units of the national wildlife refuges are likely to be established by the 91st Congress. Most of them are islands.

"These island refuges contain some of the most diverse and fragile environmental features in this nation," as Assistant Secretary Glasgow testified before the House Committee. "Many of them are small, but their values cannot be measured in size. Their value lies in the ecological, biological, scenic, scientific and historic features they contain. Many are vitally essential to the preservation of rare flora and fauna, and some represent ecological features which will be preserved as wilderness nowhere else in this country."

This is significant, but passage of all eight of these proposals will add only another 31,000 acres to the Wilderness System—hardly a major contribution to the 47-million-acre study area envisioned by Dr. Glasgow. Officials of the Bureau of Sport Fisheries and Wildlife have expressed the hope that 70 percent of the total refuge and range area be included in the System in order to insure protection of many species of fish and wildlife. They must face up to the large, controversial areas and have a long way to go!

As for the National Park Service, it lags far behind. Its first proposal, covering the Great Smoky Mountains, was a fiasco, intended more to deny the wilderness marvel of Southern Appalachia than to protect it. At the public hearings, which I attended, not one single national conservation leader, scientist or representative of a major outdoors organization spoke in support of the Park Service proposal; the plan for that park is still pending. Only five of the first seventeen first-review-period Park Service proposals have cleared the White House to date. Not a single field hearing has been scheduled for the second review period.

Since I admire the National Park Service for its achievements in conserving wilderness, this disappoints me deeply. The Director of the National Park Service, George B. Hartzog, Jr., has prescribed "creativity," "innovation," and other such commendable exercises as the modus vivendi of his agency, but the approach to wilderness he and his colleagues advance seems to be packaged in "motor nature trails" and "loop roads," little synthetic devices which delude the people into a false sense of discovery based on urban ways they seek to leave at home. The real imagination Mr. Hartzog hopes to infuse into his agency must be directed toward leading park visitors on paths which know no motors.

The Wilderness Law at this writing is the law of the land. Possibly it should be amended, but this is not a question of the moment. As long at it remains in force, the law demands the full compliance it is not now receiving. The land management agencies, the executive departments to which they report, and the White House itself must be spurred by Congress to meet their responsibilities. The two Interior Committees of Congress, in which the Wilderness Law was written, should accelerate their own efforts to keep on course in order to achieve the stated mission of securing for the American people "the benefits of an enduring resource of wilderness."

The Wilderness Law, it seems to me, delineates more than a procedure but a point of view, a philosophy of management. It declares that administration of units in the National Preservation System must be designed to protect and preserve their wilderness character, that use and enjoyment must leave these units unimpaired for future use and enjoyment—as wilderness.

In addition, the administrators are directed to gather and disseminate information regarding use and enjoyment of wilderness. This is not being done to any appreciable extent, as far as I can determine. If it were being done, surely there would be a better understanding of the means of qualifying new areas. Considering the declared intention of the law and the potential uses it specifies (to provide outstanding opportunities for solitude and for a primitive and unconfined kind of recreation), there should be no doubt that areas where the human imprint is noticeable only to a minor degree—with capability for wilderness restoration—are fully acceptable. The Great Smoky Mountains in Tennessee-North Carolina and the Boundary Waters Canoe Area in Minnesota are classic illustrations of the restoration of superb wilderness.

There is also need in the Forest Service for enunciating a clear policy on protecting the so-called de facto areas—lands not already classified as primitive but nonetheless suitable for inclusion in the Wilderness System—until Congress is able to act, and also in the management of scenic and recreation areas adjacent to wilderness.

It seems ludicrous that Colorado citizen conservationists should be forced to hail the Forest Service into court in order to block timber cutting and road building in a choice tract contiguous to the Gore Range-Eagle Nest Primitive Area until a full wilderness study is made in the context of the law. Or that citizens in Wyoming should be obliged to send out an SOS for a panel of experts from The American Forestry Association, Izaak Walton League, National Wildlife Federation and Sierra Club to save the fringe of the Bridger Wilderness. Does it take a consultant to advise a trained forester in the public service that (as did Thomas Kimball of the Wildlife Federation in a letter to the Forest Service) "little direction has been given toward the adjoining lands or buffer strips which should provide essential access to wilderness, as well as to protect the esthetic values and quality outdoor experiences the wilderness areas were designed to perpetuate."

As I continue my excursions into the wilderness and to enlarge my small understanding of life, wilderness becomes more precious and in more ways.

I have learned that endangered species of wildlife, which find an assured sanctuary in wilderness, must be protected for reasons other than to enhance the pleasures of people. The decimation or disappearance of a species represents a danger signal of stress to the environment of which man is part; the loss of such a species as a bird of prey means not simply that we shall be deprived the beauty of the hawk or eagle in flight, but that we have suffered the loss of an important and irreplaceable link in the ecological chain

Much is made of the need to tame or reshape wild country in order to sustain hordes of visitors. This chorus was chanted by the utility companies, assorted agencies of the Interior Department and chambers of commerce at public hearings held in Idaho on proposals to dam the Snake River in Hells Canyon. "It would be laughable, if it weren't so tragic, responded Martin Litton, a runner of Western rivers, and otherwise an editor of Sunset Magazine, "to hear people speaking of increasing the opportunities for recreation when they are wiping out the opportunities for the very highest and most ennobling kind of recreation, the contemplation of creation." I wish I had said that.

Conserving wilderness offers to this generation one of its monumental opportunities. It may not be overstating the case to compare it with securing peace among nations and recognition of man's brotherhood with men. All of these are interwoven in the search for true progress. The Wilderness Law cannot solve all our problems, but it does stimulate awareness and sensitivity to help us find our way.

DISSENT: RIGHT OR PRIVILEGE?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, throughout the history of every society placing any premium on individual dignity, there have been innumerable acts of group and individual disagreement with prevailing government policies. Some societies have institutionalized the right to disagree, ours among them. The test of any society's political maturity and national viability has been its attitude toward protest movements and individual dissenters.

Some govenments have failed the ultimate test, suppressed dissent and become tyrannies. Others have respected such rights, undertaken to understand and listen to them, and have progressed to greater political and national maturity. Today, America faces such a test and choice.

Across the Nation during the past several years, dissent has grown, taking a variety of forms. Most have been aimed at our Vietnam involvement, civil rights, and civil liberties. Some disagreement has been violent. Emotional confrontations have proliferated, raising fears in some hearts and hopes in others. If anything, the intensity of such protests is increasing all around us, straining patience and institutions. The answer from some has been condemnation and suppression. Increasingly, our present Government seems to be encouraging such responses rather than answering with viable alternatives or explanations. These reactions bode ill for the future of the republic.

It is imperative that Americans respond with political maturity and social awareness which dissent requires if it is to thrive and continue along constructive channels. Otherwise, we face repression, reaction, and a major threat to every citizen's civil liberties and rights. For if we answer disagreement with condemnation and suppression, we shall lose the very soul of the Nation.

The ultimate form of dissent is revolution. Thwarting legitimate, peaceful forms of protest only forces it into violent channels. Recent pronouncements by certain national leaders take the form of seeing a revolutionary in every dissenter. To deviate from the norm or criticize national policy becomes in some eyes an act of treason. Nothing could do a worse disservice to an honorable tradition of opposition by the people to government policies. Violence is justified only when legitimate dissent is forbidden. If the present trend by our Government continues, violence will spread until disagreement can take no other form.

Taking this argument a step further, we can state that not every demonstrator is a protestor. Rather, most acts of this type are individual expressions of dissatisfaction with trends of events and consequences of policies. Protest of this kind is required if there is to be orderly evolution within the framework of our society.

Recent protests have shown mature citizens have a significant capacity to impose personal limitations upon themselves. Hordes of armed representatives of the state have been unnecessary to preserve order and guard the government. This in turn is proof of respect Americans have for their society, its institutions and our capacity for constructive change and evolution. Their protest becomes an act of faith rather than one of disloyalty. To condemn such activities is immature, undemocratic and self-defeating. It is the negation of democracy.

If today's protestors are wrong, the error of their stand can be easily proven. Weak ideas in a democratic society cannot long survive or command allegiance from an informed citizenry. The only way, therefore, to defeat a false idea is with a better one, not by criticizing people because they exercise their constitutionally guaranteed rights. Freedom does not bestow upon anyone or any regime the privilege to destroy or erode the freedoms and rights of others. Only tyrants need fear ideas and disagreement. Only those who are ideologically bankrupt need live in apprehension of such phenomena. Name-calling and overbearing oratory will never intimidate those with the courage to disagree. Accusations of lack of patriotism are a flimsy shield to cower behind. Alternatives and answers are far better than roaring accusations.

Every policy we follow is supposedly based upon and rooted in our national principles. Those principles can only be strengthened through a process of intensive questioning. When other avenues are closed, particularly those traditionally available through our political institutions, people can only seek to alter them through exercise of their freedoms. To deny them this is to rupture their faith in their efficacy.

Our deeds must match the language of our promises, both abroad and at home. How can we fight for freedom abroad if we deny or threaten it at home? Dare we court ideological bankruptcy? Dare we begin to confirm the beliefs and preachments of those with a vested interest in violence and democracy's failure?

Let those in authority bear this in mind in the days to come.

AFTERMATH OF PEACE MORATORIUM

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, it is increasingly obvious that many of the October 15 moratorium followers now realize they were taken. They were taken by the slick operating Communist and radical militants who set the wheels in motion and let the good, conscientious American who might sympathize with their ends be their means.

The real tragedy is that the only respectability this group had came not from itself, not even from its purposes but from the Senators, Congressmen, and other good and conscientious Americans who followed behind their banner. It can be hoped that those on the American left will look before they leap the next time and not be used by these patently anti-American militants who have nothing in common with the vast majority of those who marched in protest on October 15.

At the July 4–5 Cleveland meeting which set up the October 15 protest, the plans were well laid. These plans call for an escalation of peace activities.

One of the smart strokes which the Cleveland peace group made was to move away from the word "strike." Previous use of the word in student strikes had denoted something which most Americans wanted to avoid. They changed from the idea of a general nationwide strike to a nationwide moratorium and found this far more palatable to those who might be in sympathy with their motives.

Adopted as conference resolutions in Cleveland were the following:

First. Support a mass march on President Nixon's summer White House at San Clemente, Calif., on August 17, 1969.

Second. Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C., in early September 1969.

Third. Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

Fourth. Support the September 27, 1969, demonstration in Chicago sponsored by SDS in opposition to the Vietnam war and to protest the trial of "the conspiracy" scheduled to commence on that day.

Fifth. Support a "broad mass legal" demonstration around the White House in Washington, D.C., on November 15, 1969, which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the west coast.

The Young Socialist Alliance newspaper, the Militant, carried an article in its July 4 issue which suggested:

> The movement must avoid the trap of projecting its actions in a way that would alienate people instead of winning them over. The politically effective way to confront the warmakers is to build demonstrations that can mobilize hundreds of Americans in independent action in the streets.

This is precisely what happened on October 15 as a result of their carefully laid plans. The Young Socialist Alliance is a Trotskyite Communist organization.

Mr. Speaker, it would take the rest of the year to fully document here on this floor all of the obvious links between the peace groups and the Communist revolutionaries throughout the world. These anti-American forces are closely linked to the World Peace Assembly and the World Peace Council which have been manipulated by the Communists for years in their propaganda efforts. Take just one link. One of the original conferees at Cleveland on July 4–5 was Ishmael Flory, of the Afro-American Heritage Association.

When the Communists put together one of these shows at Alma Ata in the U.S.S.R. recently, Brezhnev, General Secretary of the Communist Party of the Soviet Union gave the greetings. Ishmael Flory addressed the group which was billed as a "symposium on national liberation struggles." He told the group that the Soviet Union's "rise from colonial oppression and backwardness under the czars to growth and development under socialism" had great meaning "for people dominated by imperialism and colonialism and oppressed peoples everywhere." He emphasized the great responsibility "that rests upon class conscious progressive and peace forces in the United States to fight and defeat their own imperialists."

As if to prophecy future violence, Flory added that the symposium in Alma Ata brought together the rich experiences of the militants from Africa, Asia and Latin America, and which was drawing on the successful experiences in solving the national question in the Soviet Union "will be of invaluable service to the forces fighting for black liberation and peace in the United States." You cannot miss the implications of that, no matter how hard you try.

I could go on and on with the chapter and verse on these individuals, their organization, their tactics, their motives. Most of this is from the public record. Yet, liberals consciously follow behind this breed of anti-American.

One of the principals in the peace movement is Robert Greenblatt. Mr. Greenblatt has had his views on record many times.

Robert Greenblatt, for example, was a witness before the House Committee on Un-American Activities last December. One of the documents in his possession when he was intercepted making an illegal trip was a letter written from SDS leader Tom Hayden to one of the North Vietnamese negotiators in Paris. The letter stated:

> June 4, 1968.
>
> Dear Colonel Lao: This note is to introduce to you Mr. Robert Greenblatt, the coordinator of the National Mobilization to End the War in Vietnam. He works closely with myself and Dave Dellinger, and has just returned from Hanoi.
>
> If there are any pressing questions you wish to discuss, Mr. Greenblatt will be in Paris for a few days.
>
> We hope that the current Paris discussions go well for you. The news from South Vietnam seems very good indeed.
>
> We hope to see you this summer in Paris or at a later time.
>
> Good fortune! Victory!
>
> Tom Hayden.

This is but one of many specific citations which could be made regarding the organizers of the October 15 moratorium. Few good and conscientious Americans have anything in common with the Dellingers, Haydens, and Greenblatts who are fronting for the North Vietnamese Communists in our Nation. In fact, Premier Pham Van Dong was not speaking by accident in his "Dear American Friends" letter which he sent to those participating in the October 15 observance. His letter is as follows and should give second thoughts to the good people who fell in line behind this motley crew:

> Hanoi,
> *October 14, 1969.*
>
> Dear American Friends: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U.S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a broad and powerful offensive throughout the United States to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home.
>
> Your struggles eloquently reflects the U.S. people's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.S. and world public opinion.
>
> The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.
>
> The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.
>
> The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental National rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.
>
> We are firmly confident that, with the solidarity and bravery of the people's of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.
>
> May your fall offensive succeed splendidly.
>
> Affectionately yours,
>
> Pham Van Dong,
> *Premier of the DRV Government.*

Speaking as one who has been a close observer of the groups and the individuals who have participated in these anti-Vietnam programs over the years, it is easy to see the interconnection between the various organizations. A few short years ago, it was a "declaration of conscience" rather than a moratorium which served as the focal point of their attack. Their literature shows the same basic group of individuals—Dave Dellinger, Sidney Lens, and Stewart Meacham, for example.

They talked of nonviolence, but since that time several of them have been convicted for illegally entering draft boards and destroying draft records. In fact, while all of these groups talk of nonviolence, they often resort to illegal tactics including violence. They simply proclaim then that this was done because of their conscience.

If anything should clinch the case to the average American who unwittingly participated in the October 15 moratorium without checking his leaders, it should be the announcement that Hanoi will use these "leaders" to disseminate information about American prisoners of war. This news came from William Kunstler, defense attorney for the so-called Chicago eight and Rennie Davis and Dave Dellinger. The latter two are among the eight defendants in the Chicago trial and leaders in the anti-Vietnam movement. The timing should be obvious to the most naive. Hanoi indicated that all future information regarding prisoners of war would be made through the New Mobilization Committee To End the War in Vietnam. This is a typical Communist tactic. Quite the opposite from building up the respectability of this fifth column group in our country, it should only serve to underscore the duplicity of this so-called peace group.

SUPREME COURT DECISION INVOLVING PUBLIC SCHOOLS OF MISSISSIPPI

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FLOWERS. Mr. Speaker, the far-reaching implications of yesterday's Supreme Court decision involving the public schools of Mississippi greatly disturb me. It seems that the Court is working in tandem with those who would destroy and disrupt our time-proven institutions such as public education. In making its ruling, the Supreme Court went against the judgment of all in authority in the State of Mississippi, the President of the United States, the Department of Justice, and even the Department of Health, Education, and Welfare. All responsible persons at every level agreed that the immediate implementation of total desegregation would completely disrupt public education in Mississippi, and this reason alone was sufficient to postpone such action. As in the past, the school systems in Mississippi will do the best they can under the tremendous burden and strain imposed on them just as the school systems in our State of Alabama are doing. The ones that suffer most are the schoolchildren, both black and white, who are being deprived of what should rightfully be their heritage in this great land of ours; and by this I mean public education of the highest conceivable quality.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the President's message on consumerism in the body of the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Kee of West Virginia, for Friday, October 31, 1969, on account of official business.

Mr. Byrne of Pennsylvania (at the request of Mr. Barrett), for Thursday, October 30, 1969, on account of illness.

Mr. Jones of North Carolina, for October 31, 1969, and November 3, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fraser, for 60 minutes, on November 5; to revise and extend his remarks and include extraneous matter.

Mr. Schwengel (at the request of Mr. McKneally), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Flowers), to revise and extend their remarks and to include extraneous matter to:)

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Cohelan, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden in two instances and to include extraneous matter.

Mr. Daniel of Virginia to revise and extend his remarks and include extraneous matter.

Mrs. Sullivan to extend her remarks on the President's message on consumerism immediately after the statements of the leadership on both sides.

Mr. King and to include extraneous matter with his remarks today.

Mr. Gerald R. Ford to extend his remarks immediately following the reading of the President's message on consumerism.

(The following Members (at the request of Mr. McKneally) and to include extraneous matter:)

Mr. Schwengel in three instances.
Mr. Meskill.
Mr. Minshall.
Mr. Broomfield.
Mr. Davis of Wisconsin in two instances.
Mr. Lipscomb.
Mr. Roudebush in two instances.
Mr. Bray in two instances.
Mr. O'Konski.
Mr. Michel.
Mr. Wyman in two instances.
Mr. Arends.
Mr. Foreman.
Mr. Landgrebe in two instances.
Mr. Devine.
Mr. Fish.
Mr. Talcott in two instances.
Mr. Snyder.
Mr. Conable.
Mr. Goldwater.
Mr. Del Clawson.
Mr. Ruppe in two instances.
Mr. Nelsen.
Mr. Duncan in three instances.
Mr. Broyhill of Virginia in five instances.
Mr. Ashbrook.
Mr. Railsback.
Mr. Reid of New York.
Mr. Whalley.
Mr. Derwinski.
Mr. Widnall.
Mr. McEwen.
Mr. Price of Texas.
Mr. Denney.

(The following Members (at the request of Mr. Flowers) and to include extraneous matter:)

Mr. Ottinger.
Mr. O'Hara.
Mr. Montgomery.
Mr. Moorhead in two instances.
Mr. Hungate.
Mr. Steed.
Mr. Corman.
Mr. Albert.
Mr. Alexander.
Mr. Slack.
Mr. Symington in two instances.
Mr. Gonzalez.
Mr. Anderson of Tennessee in two instances.
Mr. Cohelan in two instances.
Mr. Karth in three instances.
Mr. Cabell.
Mr. Minish.
Mrs. Chisholm.
Mr. Rodino.
Mr. Stuckey.
Mr. Ashley.
Mr. Olsen.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1508. An act to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States; to the Committee on the Judiciary.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 164. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Friday, October 31, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1302. A letter from the Assistant Secretary of the Interior, transmitting notification of the enlargement of the Buffalo Rapids Irrigation District No. 2 on the Buffalo Rapids project, Montana, pursuant to the provisions of section 8 of the Reclamation Project Act of 1939; to the Committee on Interior and Insular Affairs.

1303. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to extend and improve the provision relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN. Committee of conference. Conference Report on H.R. 12982. (Rept. No. 91–605.) Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 14596. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 14597. A bill to amend chapter 45 of title 39, United States Code, to change salary steps and promotions in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (for himself, Mr. Addabbo, Mr. Cunningham, Mrs. Heckler of Massachusetts, Mr. Mikva, and Mr. Quie):

H.R. 14598. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. PEPPER:

H.R. 14599. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mr. ROBERTS (for himself, Mr. Albert, Mr. Aspinall, Mr. Baring, Mr. Boggs, Mr. Bolling, Mr. Brademas, Mr. Brooks, Mr. Cabell, Mr. Casey, Mr. Dorn, Mr. Duncan, Mr. Evins of Tennessee, Mr. Fallon, Mr. Fisher, Mr. William D. Ford, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mrs. Hansen of Washington, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Hicks, Mr. Holifield, and Mr. Hungate):

H.R. 14600. A bill to authorize the coinage of 50 cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. ROBERTS (for himself, Mr. Johnson of California, Mr. Landrum, Mr. Lennon, Mr. McMillan, Mr. Matsunaga, Mr. Miller of California, Mrs. Mink, Mr. Monagan, Mr. Nix, Mr. Patten, Mr. Pepper, Mr. Perkins, Mr. Poage, Mr. Powell, Mr. Sikes, Mr. Sisk, Mr. Steed, Mr. Stubblefield, Mr. Symington, Mr. Teague of Texas, Mr. Waggonner, Mr. White, Mr. Wright, and Mr. Young):

H.R. 14601. A bill to authorize the coinage of 50 cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. SPRINGER:

H.R. 14602. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of California:

H.R. 14603. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.R. 14604. A bill to protect interstate commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM D. FORD:

H.R. 14605. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.R. 14606. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. LENNON:

H.R. 14607. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mr. O'KONSKI:

H.R. 14608. A bill to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such license to the District of Columbia for cancellation; to the Committee on the District of Columbia.

H.R. 14609. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 14610. A bill to amend title 38 of the United States Code to provide, in certain instances, up to 18 months of additional educational assistance for graduate or professional study; to the Committee on Veterans' Affairs.

By Mr. SANDMAN (for himself and Mr. Keith):

H.R. 14611. A bill to amend section 4 of the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make low-interest loans for the financing and refinancing of new and used fishing vessels and increase the capital available for such loans; to the Committee on Merchant Marine and Fisheries.

By Mr. STUBBLEFIELD (for himself, Mr. Burlison of Missouri, Mr. Jones of Tennessee, Mr. Alexander, Mr. Whitten, Mr. Pryor of Arkansas, Mr. Montgomery, Mr. Griffin, and Mr. Passman):

H.R. 14612. A bill to amend the Flood Control Act of 1966 as it relates to certain bank revetment work on the Mississippi River; to the Committee on Public Works.

By Mr. TAFT:

H.R. 14613. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mrs. DWYER (for herself, Mr. Addabbo, Mr. Anderson of California, Mr. Boland, Mr. Cahill, Mr. Conyers, Mr. Dulski, Mr. MacGregor, Mr. Rodino, Mr. St Germain, Mr. St. Onge, Mr. Stafford, Mr. Taft, and Mr. Yatron):

H.R. 14614. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 14615. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to extend the coverage of military service under the old-age, survivors, and disability insurance system to include inactive service performed by reservists and members of the National Guard in attending training drills; to the Committee on Ways and Means.

H.R. 14616. A bill to amend title II of the Social Security Act to provide that an individual who has a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, or who dies as a result of disease or injury incurred or aggravated while on such duty, shall be considered to be fully insured, and to be insured for disability benefits, under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 14617. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to extend and improve the provisions relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of California:

H.R. 14618. A bill to establish marine sanctuaries; to the Committee on Interior and Insular Affairs.

By Mr. CABELL:

H. Con. Res. 433. Concurrent resolution urging the adoption of policy to offset the adverse effects of Government monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. JONES of Alabama:

H. Con. Res. 434. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. CABELL:

H. Res. 605. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. GIAIMO (for himself, Mr. Biaggi, Mrs. Chisholm, Mrs. Green of Oregon, Mr. Howard, Mrs. Mink, Mr. St. Onge, Mr. Tiernan, Mr. Friedel, and Mr. Waldie):

H. Res. 606. Resolution in support of a cease-fire and accelerated U.S. troop withdrawal from Vietnam; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Brasco, Mr. Farbstein, Mr. Helstoski, Mr. Karth, Mr. Rees, Mr. Scheuer, and Mr. Tunney):

H. Res. 607. Resolution in support of a cease-fire and accelerated U.S. troop withdrawal from Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Maryland:

H.R. 14619. A bill for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 14620. A bill for the relief of Apolinario A. Gregorio, Angelica Gregorio, and Lloyd Gregorio; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

311. By the SPEAKER: Petition of the Common Council, Buffalo, N.Y., relative to the war in Vietnam; to the Committee on Foreign Affairs.

312. Also, petition of the City Council, Philadelphia, Pa., relative to modernization of postal service and continuation of the present governmental postal system; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

DRS. ROY F. AND JEANNETTE P. NICHOLS' GIFT TO FEDERAL CITY COLLEGE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. SCHWENGEL. Mr. Speaker, the Media Services Division of the Federal City College has acquired the library of Drs. Roy F. and Jeannette P. Nichols of the University of Pennsylvania, it was announced today. The college succeeded in a competition which involved major universities in every part of the country.

The scope and emphases of the 5,000-volume working collection of these eminent historians make it a particularly valuable resource for Federal City College students. At the same time, it contains much of the basic resource material essential to research in the Civil War period, in the political history of America and in American economic history of the late 19th and 20th centuries, making the collection a national asset to scholarly research.

The newly established Federal City College, which opened its doors to students in September 1968 is the first new land-grant college in 68 years as well as the Capital of the Nation's first comprehensive public institution of higher education. Already, there are 4,500 students. Designed to meet the higher educational needs of Washington citizens, the college has adopted an "open admissions" policy. The Media Services Division, Federal City College's innovative multimedia learning resource and library unit, has made wide use of paperback material and has eliminated much traditional redtape in an effort to make resources immediately available to students.

The joint career of the husband-and-wife historians, which, in Dr. Roy Nichols' words, "cannot really be thought of in two parts," began in 1919, when both were doctoral candidates at Columbia University. Their subsequent life together has proven to be a unique working relationship in historical scholarship. The dynamic human behavior approach introduced by them has transformed historiography.

It is particularly appropriate that the Nichols' collection should come to Washington, which has been a second intellectual home to the scholars; they have actually made thousands of trips to Washington over a 50-year period of time. They have been frequent visitors to the White House since the days of Harding.

The emphasis of Dr. Roy Nichols' scholarship has been on the political history of America, as it demonstrates the evolution of American democratic systems. He has been particularly interested in the psychology and behavior of Congressmen. Among his many published works are: "The Disruption of American Democracy," a political history of the Civil War period for which he received the Pulitzer Prize in 1949; "The Growth of American Democracy," 1939, written with Mrs. Nichols; a biography of Franklin Pierce, 1931; "Advance Agents of American Destiny," 1956; "The Stakes of Power," 1961. In addition to his educational activities with the University of Pennsylvania, as professor of history, dean of the graduate school of arts and sciences, and vice-provost, Dr. Nichols was Pitt professor of American history and institutions at Cambridge University and a Fulbright lecturer in India and Japan. From 1949–53 he served as chairman of the Social Science Research Council. In 1966 he was president of the American Historical Association. He has also served as trustee of Rutgers University, since 1950.

Dr. Jeannette Nichols has established her expertise in the area of American economic and monetary history. She has also written the first authoritative history of Alaska, has further demonstrated her versatility by writing several general histories with her husband, and has recently completed another joint project with her husband on the history of the University of Pennsylvania. Mrs. Nichols has also served on the history faculty of that institution as associate professor of American economic and diplomat history and has traveled with her husband as a visiting professor and Fulbright lecturer.

The historian Allan Nevins has greeted the news of this acquisition as follows:

> All scholars of both Americas, Britain and other lands . . . interested in international friendship, cultural as well as political, will welcome the acquisition by Federal City College of the rich collection of books and papers . . . reflecting the devoted and versatile career and original insight of Roy Franklin Nichols as educator, college administrator, promoter of better international relations and author of enduring, thoughtful and penetrating studies of the period of sectional conflict and the disruption of our democratic organization, written from the sources with rare skill and stylistic distinction.

"The Federal City College," agrees Paul L. Ward, executive secretary of the American Historical Association, "can count itself honored to be the repository of the working library of these two distinguished scholars."

HARRY L. YOST: A REMARKABLE MAN

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, October 30, 1969

Mr. CHURCH. Mr. President, on October 22, one of Idaho's most remarkable men died in Boise. Harry L. Yost, who came to our State in 1906 from Oklahoma, carved for himself a life of achievement that spanned more than half a century. He will be missed.

A few years ago, when Harry Yost was honored by the Greater Boise Chamber of Commerce as its Man of the Year, a biographer noted that he was "one of those rare individuals who is not afraid to dream the impossible dream—then transform it to reality."

These words represent the measure of the man—a leader who devoted an entire life to the benefit of his fellow citizens.

The list of his achievements is long. He helped to establish Boise Junior College, which has since become one of Idaho's largest 4-year colleges. He was a former postmaster of Boise; he led the development of Boise's first commercial airport; he served as director of the Idaho-Eastern Oregon district of the Office of Price Stabilization.

In his early life, he is credited with popularizing the Idaho Russett potato—the Nation's finest—and with being the first to open up nationwide markets for this famous Idaho product by shipping them on ice. One of the first customers for these iced carloads was the U.S. Army in Texas, which was then engaged in pursuit of Pancho Villa.

Mr. President, the Idaho Daily Statesman in Boise devoted a long article to the life of Harry Yost. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARRY L. YOST, 89, DIES AT BOISE NURSING HOME AFTER LIFE AS GEM LEADER

Harry L. Yost, 89, former Boise postmaster and a leader in state and community projects for more than half a century, died Wednesday morning at a Boise nursing home.

Yost came to Idaho from Oklahoma in 1906 and established the "home place" on Ustick Road near Meridian.

He is credited with starting an obscure potato on its climb to prominence as the Idaho Russet. He was instrumental in the establishment of Boise Junior College, Anderson Ranch and Lucky Peak dams, and the Bogus Basin ski area.

As president of the Boise Chamber of Commerce he was a leader in the development of the city's first airport, and later, Gowen Field.

When Mr. Yost was honored in 1967 as the Greater Boise Chamber of Commerce's "man of the year" a biographer wrote that "he is the first to disclaim sole credit for such accomplishments. In his own words, he 'fondly remembers the many, many friends who worked together on such projects.' But he is one of those rare individuals who is not afraid to 'dream the impossible dream'—then transform it to reality."

Mr. Yost was born in Houcktown, Ohio, where he attended grade school. Following high school in Mt. Blanchard, Ohio, he taught a term in a one-room school. His 65 pupils ranged from the "primer grade" to those who were exposed to "Ray's Higher Arithmetic."

At age 20 he left Ohio for the opening of the Kiowa-Commanche Territory in Oklahoma. He drew a 160-acre tract, but never saw his land because he took a job with a telephone company. He married a telephone operator, Miss Clara Hayden, at Guthrie, Okla., Dec. 11, 1902.

Two children, George and Hester, were

born in Oklahoma and two other sons, Harry Jr. and Max, were born after Mr. Yost moved the family to Idaho, built the home place and started an orchard.

He took other jobs, with the Independent Telephone Co. in Boise and as a motorman, conductor and troubleshooter for the Boise Valley Traction Co., which operated trolley service through the valley.

In 1912 Mr. Yost entered the fruit brokerage business in association with C. J. Sewell and promoted the planting and use of the proper seed to produce what was then known as the Idaho Netted Gem.

His brokerage shipped the first carload of Netted Gems to Memphis, Tenn., where a marketing problem developed. Dealers said the potatoes were spoiled because they looked rusty. Mr. Yost gave away half the carload and undertook an intensive advertising campaign to point out that these were bakers, not potatoes to be boiled. The Netted Gems have since gained fame as the Idaho Russet.

Mr. Yost shipped the first iced carloads of potatoes from Idaho. One of the first carloads was delivered in Texas for the U.S. Army expedition that was to move into Mexico in pursuit of Pancho Villa.

As president of the Boise Chamber of Commerce in 1929 he worked for development of an airfield on what is now the Boise College campus. The first bond issue failed but a second passed. Mr. Yost said opponents felt that "airplanes just didn't have any future."

Later as Boise postmaster Mr. Yost persuaded a representative of the U.S. Department of Commerce to look at the present Gowen site. After the site was approved, Boise found it had used up its local matching funds for the WPA project and was $12,000 short. Mr. Yost put in a telephone call to a United Air Lines official in Chicago, and he sent a check for $12,000 made out to Harry Yost.

After retiring as Boise postmaster he served two years as Idaho-Eastern Oregon director for the Office of Price Stabilization.

He was a director and former chairman of the board of Booth Memorial Hospital and a director of First Federal Savings and Loan Association. He was past president of the Kiwanis Club of Boise and a former district lieutenant governor. For 47 years Kiwanis members from Ontario to Mountain Home were invited to the annual Yost chicken and corn picnic.

He also was a member of the Methodist Church, Meridian Lodge Number 47 AF&AM, Scottish Rite Bodies, El Korah Temple of Boise and the Poachers' Club.

Survivors include a daughter, Hester A. Benn, Sequim, Wash.; three sons, George L. Yost of Emmett and Harry L. Yost Jr. and Max Yost of Boise, six grandchildren and 20 greatgrandchildren.

Services will be at 2:30 p.m. Friday at Summers Funeral Home with the Rev. Ralph Fothergill of the Meridian Methodist Church officiating. Interment will be at Cloverdale.

CALL FOR QUICK ACTION ON WELFARE REFORM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. LANDGREBE. Mr. Speaker, in this week's edition of a weekly column that I send to newspapers in the Second District of Indiana, I expressed my sentiments on President Nixon's family assistance program. I would like now to pass these sentiments on to my distinguished colleagues for their information and, hopefully, their speedy action. I insert the entire column at this point in the RECORD:

THIS WEEK IN WASHINGTON

(By Congressman EARL LANDGREBE)

WASHINGTON, D.C.—As hard as it is to get politicians to agree on anything, everyone—liberal, conservative, Republican, Democrat—agrees on one thing: Our nation's present welfare picture is a mess.

Welfare costs have doubled since 1960, and the number of welfare recipients has grown from 5.8 million to more than 9 million. At the present rate, there would be 4 million more welfare clients by 1975, and the cost to the American taxpayer would be 11 *billion* dollars! And, remember, this is happening at a time of relatively low unemployment.

In many cases, a person can make more on welfare than he can at a job. The system encourages continued dependency, which not only drains the public treasury, but also robs the poor of their self-respect.

Many states give no benefits to families where a father is present. A system intended to help American families has actually broken them up, as many fathers tearfully leave home so that their wives and children may eat.

Everyone agrees that this is wrong and should be changed. They disagree on how to change it. President Nixon has an idea which would radically reshape the whole structure and philosophy of welfare; it deserves attention.

The heart of the President's welfare reform package is his Family Assistance Program, now being studied in the House Ways and Means Committee.

This new approach does several things:

First, it removes the requirement found in many places for a family receiving welfare to have no man in the house. A father would no longer have to desert his loved ones.

Secondly, it puts a "floor" of $1,600 in Federal money under welfare payments in all 50 states. This move, hopefully, would stop the trend of poor people moving from states with low welfare payments to states which pay more and adding a massive burden to our nation's already overcrowded cities.

Third, if a person is unable to work—disabled, blind or aged—he will receive a standardized welfare payment. If, however, he can work, he must accept an available job or training program or he receives no payment.

The "carrot" that balances the "stick" is a graduated system of diminishing benefits that makes a job always more profitable than the dole. A man with a low-paying job will still receive an income supplement, so that he will always make more than the $1,600 minimum if he works.

In fact, a man can earn up to $60 a month with no reduction in his welfare payments; the President has recognized that it costs some money to be employed today. Only half the earnings over $60 would be deducted from the payments. Only those earning $4,000 or more a year would be removed from the assistance rolls. This marks the first time in memory that the working poor have been offered help in pulling themselves up and out of poverty.

Welfare mothers would not be required to work, but day-care centers for their children would allow them to hold a job if they wish.

The present welfare system offers the poor no way out of continued dependence, and it encourages unemployment. President Nixon's program gives new hope for those poor who desire self-respect and a better life.

Congress now must thrash out the details of this unique approach to an old, unsolved problem. If the moribund 91st Congress can shake off the cobwebs and give speedy, reasoned consideration to this program, perhaps it can be forgiven its earlier lethargy.

WALTHAM HIGH SCHOOL

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. PHILBIN. Mr. Speaker, one of the most impressive school dedication programs that I have ever attended took place in Waltham, Mass., recently, when the beautiful new high school was dedicated in that city.

The program was arranged with rare skill and was attended by a large crowd of enthusiastic people in the beautiful new auditorium.

The occasion was in the best American tradition, and started with a devotional prayer by the esteemed Rev. Donald H. Freeman, Ph. D., of Immanuel United Methodist Church, which was followed by the singing of "The Star-Spangled Banner" by the talented Mr. James F. Murray. The distinguished, able vice chairman, Paul A. Connolly, of the Waltham school committee, made a very gracious, meaningful speech of welcome, and Mr. George E. P. Husson, Jr., the esteemed, able principal of the high school, introduced the guests with most appropriate remarks.

Next, the distinguished, beloved and learned Rt. Rev. Edward T. Harrington, of Our Lady Comforter of the Afflicted Church, delivered a most eloquent, dedicatory prayer, and the Honorable Richard F. Dacey, the able and distinguished mayor of Waltham, made some very significant, inspiring remarks regarding this outstanding occasion.

He was followed by the very able and beloved Mr. James FitzGerald, superintendent of the Waltham public schools, a recognized leader in education, who delivered a very scholarly talk.

The principal dedication address, which was mastery and appropriate in every respect, was delivered by Dr. Donald Davidson, eminent lecturer on education at Harvard, whose remarks were admirably adapted to the occasion, and were a remarkable compendium of experience, wisdom, and good common sense, applied to modern education and its contemporary problems, about which so many of us are so deeply concerned and eager to help to solve.

The benediction was delivered by a very distinguished, spiritual leader, Rabbi M. Aaron Kra, spiritual director of the Hebrew Rehabilitation Center for the Aged.

All told, this program was one of the most inspiring of its kind that I have ever attended, and I want to compliment the educational leaders in Waltham, and all those who assisted them in arranging and conducting this memorable event in the annals of the great city of Waltham, where outstanding educational and political leadership combine with dedicated community and public leadership to insure one of the finest school systems in the Nation.

I heartily congratulate the school leaders, the distinguished mayor and distinguished city councilors and the people of Waltham upon this impressive dedication and for this excellent, modern high school and I hope and pray that it will serve this noted city and its wonderful, young people for many years to come.

I am grateful indeed to the committee for the honor and privilege given me to attend this very rewarding event which I shall always remember with special pride.

IMPORT LEVELS AND PREDATORY PRACTICES IMPERIL DOMESTIC CERAMIC TILE INDUSTRY

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. CABELL. Mr. Speaker, I am pleased to join with 27 of my colleagues in sponsorship of a concurrent resolution which urges the adoption of policies to offset, in part, the adverse effects of governmental monetary restrictions upon the housing industry. I do so because of the specific impact these anti-inflation measures have had on the ceramic tile industry, which has not only been critically affected by the decline in housing starts but severely weakened by the improper trade practices of foreign tile manufacturers engaged in exporting to the United States.

The resolution expresses the sense of the Congress that the executive branch, under its existing authority, should take steps to prevent injury to U.S. industries and provide temporary relief from the undue competitive advantage now enjoyed by firms and industries engaged in exporting to this country. It calls for an equitable reduction in imports until current monetary restraints are removed and new construction levels are determined by free market conditions.

It is not the purpose of the resolution to exempt the ceramic tile industry, or other industries similarly dependent upon new housing, from monetary restraints or other necessary anti-inflationary measures. It simply provides that, in a market that has been curtailed by governmental action, imports of the same products or commodities should be reduced to a level that will assure the continued existence of domestic firms in the period of contraction.

Today, the housing industry is facing a most urgent crisis, and there is a clear danger that manufacturing plants dependent upon housing construction will be forced to reduce operations or go out of business. In the case of ceramic tile, 13 plants closed their doors permanently during the housing collapse of 1966. In that critical period, Japanese producers sought to gain a competitive advantage by engaging in a dumping campaign of great magnitude, and the Bureau of Customs was required to proceed against them under the Antidumping Act. Now imports of ceramic tile are rising again, and have reached an all-time high, notwithstanding the severe cutback in housing. Once again, the Bureau of Customs has been forced to intervene, this time against a giant British tile cartel which has doubled its shipments in a 12-month period. Reports from the Japanese industry indicate that, following the 1970 exposition in Osaka, some Japanese firms also intend to direct larger quantities to the United States.

Mr. Speaker, I urge bipartisan support for this resolution as a means of assuring that the history of the 1966 housing crisis and dumping campaign will not repeat itself. Appropriate trade agreements or voluntary quota arrangements are clearly the most suitable means of minimizing the injury and damage now occurring.

When the battle against inflation has been won, and the inevitable boom in housing is upon us, we will need strong viable firms to meet the growing demand. It is for this reason that I believe this measure is reasonable and merits the careful consideration by each Member in this body.

A CRITIQUE OF THE PENNSYLVANIA FOREIGN LANGUAGE RESEARCH PROJECT

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, I take this opportunity to bring to the attention of my colleagues and other educational-minded citizens who will be taking note of this edition of the CONGRESSIONAL RECORD a critique by Dr. Robert F. Roeming of the University of Wisconsin, in Milwaukee, on the Pennsylvania foreign language research project. The entire report on this project is contained in the October 1969 edition of the Modern Language Journal of which Dr. Roeming is managing editor.

I feel that the Modern Language Journal's evaluation of the Pennsylvania project can be of value to those engaged in the field of education, both in research and teaching.

The critique follows:

CRITIQUE OF THE PENNSYLVANIA PROJECT

(By Robert F. Roeming)

This issue of *The Modern Language Journal* is devoted primarily to an evaluation of the Pennsylvania Foreign Language Research Project based on the following documents which are referred to throughout by the abbreviations given in parentheses:

(P) Proposal to the Commissioner of Education, Office of Education, U.S. Department of Health, Education, and Welfare, for a Grant to Support a Research Project under the Provisions of Title VII of the National Defense Education Act of 1958 (P. L. 85–864). Title: An Assessment of Three Foreign Language Strategies Utilizing Three Language Laboratory Systems. Submitted by The Department of Public Instruction, Commonwealth of Pennsylvania.

(I) Phillip D. Smith, Jr. and Emanuel Berger, *An Assessment of Three Foreign Language Teaching Strategies Utilizing Three Language Laboratory Systems*, Final Report, Project No. 5–0683, Grant No. OE–7–48–9013–272, U.S. Department of Health, Education, and Welfare, Office of Education, January, 1968 (ED 021 512, ERIC Document Reproduction Service, microfiche $1.00, hard copy, $11.55).

(II) Phillip D. Smith, Jr. and Helmut A. Baranyi, *A Comparison Study of the Effectiveness of the Traditional and Audiolingual Approaches to Foreign Language Instruction Utilizing Laboratory Equipment*, Final Report, Project No. 7–0133, Grant No. OEC–1–7–070133–0445, U.S. Department of Health, Education, and Welfare, Office of Education, October, 1968.

(TM) *Teachers Manual for An Assessment of Three Foreign Language Teaching Strategies Utilizing Three Language Laboratory Systems.*

My original intention, as managing editor of this journal, was simple and indeed (in retrospect) naive. I had assumed that a published report, like a book, should be responsibly reviewed. Obviously the report—in this case (I)—covered a variety of areas of specialization within the field of foreign language teaching, learning and research. I, therefore, asked a group of colleagues to review this report in order that the most reliable evaluation of the results be obtained and that this evaluation be established as a permanent record. Since I had been involved in the attempts to correct the record after the "Keating Report" had been published, I sought to avoid a repetition of the same confusion. Unfortunately, the confusion has not been avoided.

Nevertheless, those who have contributed to this issue have maintained with me an attitude of aloofness to the claims and counterclaims. The papers that follow are intended to be an objective analysis of the texts studied and related data accumulated. Perfect objectivity is not possible since anyone who writes authoritatively does so under the inspiration of his own convictions. But a judicious tempering through critical review of the combined results by all the members of this group has produced at least a statement wihch can be relied upon as a valid guide to an understanding of this research project.

During the months that I have been working on this material, I have been finding myself impressed by the implications of the short story by Albert Camus, "Le Renégat ou un esprit confus," in which a priest subjects himself willingly to the power of the Fetish. The malaise of the last quarter century, since the perfection of the atom bomb, has been the abject veneration of the fetish "Research" and the gold which supports it. In fact the affluence of this society has already placed such vast sums at the disposal of research that human ingenuity is faltering in finding sufficient researchers and projects to maintain this "inanimate object regarded with awe as being the embodiment or habitation of a potent spirit, or as having magical potency because of the materials and methods used in compounding it."[1] The two reports of the Ninetieth Congress of the United States entitled "The Use of Social Research in Federal Domestic Programs"[2] and "Study of the United States Office of Education"[3] demonstrate on the one hand the meager results obtained from vast distribution of research funds and on the other the number and variety of research projects being financed for one investigator. Where common sense formerly was a reliable guide in all human activity and the base upon which man reached the frontiers, now study, research and experimentation destroy its last vestiges.

We cannot escape what is obvious: teaching has a humane quality which will never be analyzed, statistically evaluated, and

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Footnotes at end of article.

computerized. The great teachers I have met and sat with can never define their influence on their students or even determine whether any really existed and yet they can identify persons with whom a liaison of spirit and *humanitas* exists, which draws them together, even across time and space.

It is still my illusion that the purpose of foreign language study is to gain, as an intellectual accomplishment, a full command of the language as possible. It is still my reliance on common sense which prods me to ask students, who speak a second language well enough to be at ease, how they learned it. In many cases they claim they had a good teacher in high school and cannot define what these qualities of goodness were in other than the exuberant succinct categories of youth—"the teacher was just great!"—or in other cases their own idealistic enthusiasm was not to be defeated by the poor teaching and boredom to which they were condemned. But the system, the methodology, the content is still fashioned by the teacher. A good teacher and a good system are an unbeatable combination and these are evaluated solely by the standard of Jesus Christ. By their fruits ye shall know them!

Research in itself is not to be condemned because of past failures and inadequacies. It is essential that the qualities of bona fide research be redefined in terms of techniques, tools, and objectives in relation to the precise discipline to be served. But research is a process of discovery of the unknown and to recognize the unknown it must be measurable in some manner. It is essential, therefore, that the techniques of measurement and the meaning and implication of these measures be fully established before any research is begun.

As my contributing colleagues state in the following articles, the project under discussion perhaps will have far greater importance in aiding the foreign language teaching profession in determining the qualities and limits of classroom research than in the effectiveness of specific teaching strategies or language laboratory systems.

FOOTNOTES

[1] Clarence L. Barnhart, editor, *The American College Dictionary*, New York: Harper & Brothers Publishers, 1948, p. 447.

[2] *The Use of Social Research in Federal Domestic Programs* (Four Parts). A Staff Study of the Research and Technical Programs Subcommittee of the Committee on Government Operations, Henry S. Reuss, Chairman. Washington: U.S. Government Printing Office, 1967.

[3] *Study of the United States Office of Education*, Report of the Special Subcommittee on Education of the Committee on Education and Labor, House Document No. 193, Edith Green, Chairman. Washington: U.S. Government Printing Office, 1967.

THE FEDERAL SALARY COMPARABILITY ACT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. SYMINGTON. Mr. Speaker, it has often been said that an organization is only as good as its people. In passing H.R. 13000, the Federal Salary Comparability Act, we have shown Federal, and especially postal employees, many of whom could pursue more lucrative vocations had they not deferred to the service of their country and their fellow citizen, that we are indeed aware of their contribution to our Government.

This bill establishes a permanent method of adjusting salaries of Federal employees paid under any of the four statutory pay schedules. The bill also provides for upgraded pay schedules and for other changes related to the compensation of Federal employees under special circumstances.

These revisions are indeed heartening. I receive letters daily from postal employees and their families in my district concerning the financial burden borne by all Federal employees as a consequence of inadequate pay scales. These people are the victims of inflation, Mr. Speaker, not the cause.

Section 2 of the bill responds directly to this condition and to the widespread agreement that Federal employees should not be the ones to suffer the effects of a budget limitation, nor should their salary be determined by the principle of pay comparability only when a budget surplus permits.

It provides for the establishment of a Federal Salary Commission composed of executive branch and employee representatives which would annually review and adjust pay rates for Federal employees. These salary comparisons are now made periodically by the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission.

The salary schedules determined by the Federal Salary Commission would be subject to review and revision by a board of arbitration in case of disagreement and would be submitted to Congress on February 1 of each year. The bill allows both Houses 60 days in which to reject or revise the salary adjustment plan. Should Congress not act within this time limit the plan would automatically go into effect.

Section 5 of the bill provides that each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee under the Rural Carrier Schedule shall be advanced the equivalent of two within-level steps. Mr. Speaker, this adjustment is imperative. The quality of the postal service depends on the quality of the people who work for it. The present postal wage structure is simply not adequate to compete in today's labor market. Given the 4.1-percent pay increase which the administration supports, the starting wage of a letter carrier or clerk would still be $3,000 less than the starting salary of many municipal workers in New York City or any of our other large metropolitan areas. Policemen, firemen, and busdrivers, as almost all Americans employed in public service, are paid more than our postal clerks and letter carriers.

In addition to salary inequities, new employees must work for a minimum of 21 years to reach top pay in their level. Some postal employees have worked 25 years, and are still far short of the top pay level. Is this practice an attractive career inducement?

In almost every city firemen and policemen receive higher salaries at the start of their careers and reach the top pay level in 3 or 4 years. With this before us, it is not hard to explain the difficulties in recruiting and holding top-flight individuals in the postal service. H.R. 13000 eases this injustice, making it possible for an employee to reach top pay within 8 years instead of the present 21-year schedule.

During the debate of this proposal, there were hints of a Presidential veto if the bill were passed. Indeed, it has passed by a 311 to 51 vote. Congress has made programs in correcting the inequities which threaten our postal service. I am sure the President will not delay this progress.

PRAYER IN SCHOOLS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ROUDEBUSH. Mr. Speaker, each week I am placing five children's prayers in the CONGRESSIONAL RECORD for the purpose of providing a source for our public schools where morning prayers are desired.

The Supreme Court, in one of the most infamous decisions in history, barred voluntary prayer and Bible reading from our public schools.

At a time when the Nation's very foundations are under attack from all quarters, the Court has assisted this slide to immorality with propornography, pro-Communist, and antireligion decisions.

The Court has not yet sought to ban prayers from the sessions of Congress, and I offer these children's prayers in order that schoolchildren may read them without violating the law.

The prayers follow:

I

For the beauty of the earth,
For the beauty of the skies,
For the love which from our birth,
Over and around us lies;
Lord of all, to Thee we raise,
This our hymn of grateful praise.
For the wonder of each hour,
Of the day and of the night,
Hill and vale, and tree and flower,
Sun and moon, and stars of light;
Lord of all, to Thee we raise
This our hymn of grateful praise.

II

Winter day, frosty day!
God a cloak on all doth lay;
On the earth the snow He sheddeth,
O'er the lamb a fleece He spreadeth;
Gives the bird a coat of feathers,
To protect it from the weather;
Gives the children home and food;
Let us praise Him, God is good!

III

What can I give Him,
  Poor as I am?
If I were a shepherd,
  I would bring Him a lamb;
If I were a wise man,
  I would do my part;
But what can I give Him?
  Give him my heart.

IV

So we Thy people
And the sheep of
Thy pasture, will give
The thanks forever:
We will show forth
Thy praise to all
Generations.
—The 79th Psalm.

V

The fear of the Lord
Is the beginning of wisdom:
A good understanding
Have all they that do
His commandments:
His praise endureth forever.
—The 111th Psalm.

BUFFER FOR EVERGLADES PARK?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. **HUNGATE**. Mr. Speaker, conservationists and nature lovers have written in large numbers of their concern for wildlife particularly in the Everglades area due to the planned jetport. They will find the following article regarding a buffer proposal of interest:

Plan To Save Water—Buffer for Everglades Park?

(By Robert Cahn)

Washington.—A new solution from an unexpected quarter is being offered to help save the Everglades National Park threatened by commercial encroachment on its northern border.

The answer: have the State of Florida provide a natural water-conservation area out of one-half million acres in and near Big Cypress Swamp, north of the western half of the national park.

This buffer zone would prevent any commercial development around the 39-square-mile site north of the park on which a training airport has just been built, and where the Dade County (Miami) Port Authority proposes to build a major international jetport 5 miles west of Miami.

The conservation area also would prevent commercial and residential development in and near the swamp from adversely affecting the quality and quantity of water flowing into the park. And it would provide needed water for population growth along Florida's southwestern coast.

SIX-MONTH STUDY

So says a blue-ribbon group of the National Academy of Sciences and the National Academy of Engineering, which has spent six months making a case study of the Everglades and south Florida as an example of why more effective methods are needed to manage the environment.

The environmental-studies group concluded that halting construction of the major international airport, which conservation groups and Interior Secretary Walter J. Hickel have been trying to do, would not in itself save the national park from the major threats of water pollution, cutoff of water, and effects of commercial development. Even without the jetport, residential and commercial development would eventually take place on the land north of the park.

OTHER CONCLUSIONS LISTED

Commercial development of this conservation area would lower the level of fresh water and allow heavier salt water to push in from the west and ruin the Big Cypress area. This area is the source of fresh water to the coast and to the southwestern part of the national park. Such commercial development—even with second- and third-stage sewage treatment—would still produce nutrients which would pollute national park waters, the group said.

The study group also concluded that:

The training airport alone without surrounding development would not pose severe environmental problems to the park and adjacent areas, provided flight patterns are controlled to prevent flying over the park at low altitudes;

Either a major international airport or eventually urban development in the Big Cypress area would present a potential public-health hazard because of the proximity to disease-carrying insects within certain sections of the national park.

The environment study was initiated and directed by Dr. Gordon MacDonald, vice-chancellor of the University of California at Los Angeles, and Dr. Marvin Goldberger, Higgins professor of physics at Princeton University.

The study is highly unusual in that it was not ordered by the government, normally the case with National Academy of Science investigations. Dr. MacDonald also arranged for financing by four foundations.

In addition to research in Florida and Washington by Dr. MacDonald, the two scientists directed a month of seminars this past summer at Stanford University, where additional information was gathered and solutions discussed. About 60 physical, social, medical, and political scientists, lawyers, economists, conservationists, and congressional staff assistants took part in the discussions.

SECOND REPORT PLANNED

A later report will present recommendations on how to bring about more effective systems and institutions for managing the environment.

Dr. MacDonald said that a natural water-conservation area in and around Big Cypress Swamp would extend the water-conservation areas already established by the state which protect the water supply for the southeastern coastal areas and the eastern part of the national park.

The state could then issue bonds to purchase water easements on land and the bonds could be paid off over a long term by charges to water users in southwestern coastal areas. Dr. MacDonald estimated it would require from $100 million to $150 million to purchase the water easements.

At present there are more than 40,000 individual land owners in the area in and around Big Cypress Swamp—6,000 of them in Brazil, and many in Japan. Americans in many states have bought lots in the area.

AIRPORT NOT RULED OUT

Dr. MacDonald said he believes another site might be preferable for a major airport to serve Miami. But he does not specifically rule out the possibility of the present site, if no commercial development takes place around the airport.

It might be possible, Dr. MacDonald said, for all the normal air-passenger services to be provided in the Miami city area and passengers transported right to the aircraft in some type of rapid-speed system.

Secretary of Transportation John A. Volpe has declared that no additional federal funds will be provided for the training airport until environmental studies are completed on potential damage that airport development could do to the national park. Florida Gov. Claude R. Kirk Jr. is proposing alternate sites for the jetport.

Earlier this week in Chicago, the trustees of the National Recreation and Park Association voted a resolution urging the federal or state government, individually or together, to purchase all the land necessary to protect Everglades National Park and that an alternate site be found for the international jetport.

GEN. HUGH MILTON

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. **FOREMAN**. Mr. Speaker, many men become successful in a single field in their lifetime. Some reach the heights of accomplishment in two endeavors, but only a very few reach the top rung in three or more pursuits.

Hugh M. Milton, II; major general, U.S. Army, retired, of Las Cruces, N. Mex., is one of those very few. Hugh Milton is an outstanding citizen, scholar, historian, husband, father, civic leader, statesman, patriot, soldier, businessman, educator, and gentleman.

A former Under Secretary of the U.S. Army, Hugh Milton was born in Lexington, Ky., and received his master's degree in mechanical engineering from the University of Kentucky.

Later, after serving an an engineering instructor, professor, and dean, he served as president of New Mexico University, 1938–47; president of New Mexico Military Institute, 1951–53; Assistant Secretary of the Army, 1953–58; Under Secretary of the Army, 1958–61; and now as vice president of the First National Bank of Dona Ana County, N. Mex.

As a military man, Hugh Milton distinguished himself in World Wars I and II by his courageous leadership and was cited with numerous military decorations. He has been awarded several honorary degrees by leading universities across the United States and has served in many leadership positions in civic and fraternal organizations.

Recently, Hugh Milton addressed the New Mexico constitutional convention delegates convened in our State capitol at Santa Fe. His words, the historic review and his challenge to them is most appropriate and worthy of review for the Members of Congress. I present it as follows:

Speech by Gen. Hugh Milton Before New Mexico State Constitution Convention

You assemble today to begin deliberation upon a new constitution for our State of New Mexico. I doubt not that each is fully impressed with the obligations which rest like a mantle upon your shoulders. You doubt not, also, that there are many who envy you this tremendous challenge to bring into a formal document: the aspirations that have been enshrined in the hearts of man from the beginning of time; those inexorable lessons of history; the philosophy of man which has found expression in various forms of government and which has been tried in the crucible of time. You also realize the priority of the economic element of civilization; the necessity of a strong polity and equally important elements of morality and the pursuit of knowledge and the arts. And, coupled with this is the acceleration of the day in which we live. Truly a great challenge, and I would like to feel that today I serve as a spokesman for our million residents of this Land of Enchantment and express to you our appreciation of your willingness to assume this task. In you we have great faith, as evidenced by the fact that you were elected by the people who believe firmly in government by law.

Of all the states in the Union, none can boast of a greater heritage than can our own. Leave to Virginia her Jamestown Colony; to Kentucky her Daniel Boone; to Indiana her George Roger Clark; and to the Northwest, Lewis and Clark. But leave to us the spectacle of the Sandia Cave and Folsom man; the prepueblo Hohokam and Salado Indian, and the stories of the Navajo and Apache. Leave to us, also, the six year journey of Cabeza, Dorantes and Estevan; the colorful journey of Coronado from the south seas and his fruitless search for the Seven Cities of Cibola. The stories of the priest, Friar Marcus, who came into this land to Christianize the heathen, equals in interest similar stories of western Europe. And Onate, flanked by his caballeros in silken hose and doublet and plumed helmet, equals in splendor the scenes of Camelot. And all of this occurred before the Pilgrims landed on Plymouth Rock. To study the history of New Mexico is to open the door to world history. Charles V, grandson of Ferdinand and Isabela, and his son Philip II, were on the Spanish throne during the 16th century. The former, beset by the Lutheran Revolution and the powerful onslaught of the Turks, exhausted his treasury and induced his subjects to pour out their wealth. Under the latter, Philip II, the ceaseless war against the Turks continued to exhaust the economy, which not even the rich imports of silver from New Hispana could defray. As I have studied the time frame of Spanish exploration, I have often wondered why the hiatus between 1540 and 1598. There were apparently two reasons: one, that Spain could not afford to push further exploration; and, two, that a religious debate was in progress as to whether the Indians of the new country were animals with souls. England, during this period, was ending the reign of Henry VIII; endured the short term of Mary Tudor and Lady Jane Grey; and for 45 years enjoyed the queenship of Elizabeth. The court of Henry VIII saw a flourish of poetry and the translation of the *Aeneid*. Edmund Spenser gave to the English speaking world the *Faerie Queen;* Chapman, the translation of Homer; and Christopher Marlowe expressed the feeling of the day in these lines—

"Nature has formed us of foure elements
Warring within our hearts for regiment
Doth teach us all to have aspiring minds."

At the time Onate was pushing north from Compostella, Shakespeare wrote "Much Ado About Nothing", "Twelfth Night" and "As You Like It." And, too, old Ben Johnson gave us of his wisdom and Sir Walter Raleigh his history.

The opening of the 17th century found three nations—France, Spain and Great Britain—contending for the North American continent. Great Britain was the tardiest on the scene, but finally gained control of the eastern part of what is now the United States. The French, troubled by foreign wars and internal religious quarrels, failed to realize the possibilities of the new continent and their settlements in the bleak St. Lawrence grew feebly. The British, after initial failure by Raleigh, planted firm settlements from Maine to Florida. Spain concentrated her efforts on the lands washed by the Caribbean and the Gulf of Mexico. New Spain was left to the priests, who by various means impressed their religion upon the heathen. This led to native revolt in 1680 and the Spaniards were driven south, to return in 1692 under De Vargas.

The 18th century saw New Mexico as a Vice Royalty of New Spain and it continued as such until 1821 when Mexico attained its independence. New Mexico had been carrying on trade with the Missouri Valley town, and such trade had been frowned upon by Spain, but after independence Mexico legalized it. Fifteen years after Mexican independence, the Republic of Texas was established and claimed all the land to the Rio Grande. Coveting the rich trade between Santa Fe and Missouri, a Texas-Santa Fe expedition moved north to the City of our Faith, but was defeated by Governor Armijo.

In 1846, the Mexican War came and Kearney moved into Las Vegas on Aug. 15 and claimed the territory for the United States. In 1848, the Treaty of Guadalupe Hidalgo relinquished the claim of Mexico, and 5 years later the disputed territory in Hidalgo, Luna, and Dona Ana counties was ceded by the Gadsden Purchase.

Here was a mingling of different cultures. Here from out of the distant past was the culture of the Pueblo with his basket making art; pottery; masonry; and communal living; the Hohokam (people who have gone) who taught us the first of irrigation; and the Anasazi—of whose culture little is known. Then came the Spaniards from the south with the mixture of Greek, Roman, Carthaginian and Moorish culture; and finally the English, with their Celtic and Anglo-Saxon background. It is a well established tenet of historical philosophy that it is the cross-fertilization of minds, where cultures intermingle, that intelligence is quickened and stimulated to creative power. Durant, in his *History of Greece;* attributes its success in government, trade, etc. to this principle. Certainly, all of us will admit that the vitality and richness of the United States has resulted from a fusing of many nationalities. When people of different cultures meet, there are three courses open: 1) To hold aloof, one from another; 2) To avidly accept the new order; or 3) To hold fast to that which is good in one and to absorb that which is good in the other. It seems that New Mexico strove to follow the last course, but it is surprising that in the history of our efforts at statehood, the other states felt otherwise.

The Treaty of Guadalupe Hidalgo specified that New Mexico "shall be admitted at the proper time (to be adjudged by the Congress of the United States) according to the Constitution." For three score and four years our statesmen made the attempt until their efforts were successful. The first Constitution was presented to the people of New Mexico in 1850 and passed, but when presented to Congress, after much debate Congress gave New Mexico territorial status (September 9, 1850) and settled the boundary between Texas and New Mexico. The War clouds were becoming ominous, and New Mexico aligned itself with the anti-slavery group and during the 1860's, believing its loyalty to the Union would enhance its chances for statehood, again took its case to Congress. But that body complained that New Mexico was a land of vast cultural, religious, racial and economic differences. This was a diplomatic way of saying that we were not very good. General Sherman was more blunt. Appearing before a committee of the House, he suggested that Congress take back the territory! No doubt the people of the state were becoming discouraged, for in 1872, when another Constitution and Statehood was proposed, it was defeated at the polls. Another factor which should be mentioned as influencing Congress was the Apache War. From 1837, the Santa Rita Massacre, to 1885, surrender of Geronimo, the State was constantly beset with Indian troubles. The failure of the petition of 1875 and 1887 could probably be laid to the Apaches, however, one of the most telling arguments was that New Mexico had adopted no Constitution. The *Chicago Tribune* labeled New Mexico as a land of "lazy, shiftless, grossly illiterate and superstitious" people. I wonder if the same writer could in all conscience say the same thing today. He would indeed have to be blind to all those fine ingredients which have been melded into New Mexican blood.

New Mexico in the last quarter of the last century was a large gold and silver producing area. In the three decades before 1880, over 10 million dollars in gold and over 3 million in silver was mined. But in 1885, the ratio was reversed and silver production was three times that of gold. It will be remembered that it was about this time that the "free silver" clause of the Sherman Act was under discussion, and so, too, New Mexico's production of the metal became a factor of statehood. In 1890, 1892 and 1898, efforts were made—again—for statehood, and failed. President Roosevelt (Teddy, that is) recommended statehood, but it was not until President Taft was elected that the light of success began to glow.

I have at various times tried to catalogue the arguments that were made against statehood by the Congress of the United States. Sometimes it was the apathy of the people, lack of a Constitution, religion, schools, land, not prepared for self government, the speaking of Spanish, the silver issue—and many others. But the one which a perceptive person would see is that it would upset a political balance in Congress. Arizona and New Mexico were authorized to establish a Constitution by the Enabling Act signed by President Taft on June 20, 1910. One of the arguments against it was that New Mexico would have two representatives and Arizona, one. Both states being Democratic, this would throw the majority of the House of Representatives Democratic. Nevertheless, a Constitutional Convention election was called for Sept. 6, which met October 6 and adjourned November 21. On January 21, 1911 was the day calling for ratification. There were many objections voiced, probably the most significant was the difficulty to amend. However, it carried. Of course there were cries of fraud, violence and intimidation, mostly from the prohibitionists.

When the Constitutions of Arizona and New Mexico went to Congress, there was objection to Arizona's provision for recall of judges, and New Mexico's difficulty to amend. Congress passed the Smith Bill, which provided that the recall of judges in Arizona would have to be eliminated by a vote of the people, and New Mexico should vote on an easier clause for amendment, but this would not preclude statehood. President Taft signed the bill providing both states complied. New Mexico made the change on November 7, 1911; and on January 6, 1912 President Taft affixed his signature, saying, "I give you life—I hope you will be healthy." With this, the 47th star was placed in the National banner.

There is a story told of a mythical god, Tantalus, who displeased old Zeus. For punishment, he was exposed to the sun, but placed in a pool of water. The beating sun caused excessive thirst, and as he cried for water, the liquid would come almost to his lips and then recede. From this myth came our word "tantalize." It seems to me that this typifies New Mexico's quest for statehood.

Many changes have come about in 57 years. Not only the changes but the velocity with which the changes have occurred has increased. The tempo of life is manifold what it was in 1910. We no longer think or speak in terms of earthly dimensions, but of illimitable space; of harnessing cosmic energy; of searching ocean's depth for new sources of food; yes, we even speak of chemicals which will prolong human life. Just a few weeks ago, two of our countrymen set foot on the moon, while another cruised around to pick them up. Mariner VI is now taking pictures of Mars, which will incite the curiosity of the young, and who dares predict that someday someone will go there. Not only in science but all other phases of life are in a state of flux. Morals and religion are having a new transfusion, good or bad; and the economy is under a microscope. Let me aks a question which may sound facetious, but it is not so intended. If there were no acceleration in the tempo of change, if it retained its present velocity, and if we accept that we will change the Constitution every three score years, is it possible to frame a basic law that will meet the requirements of the year 2030? It would seem to me that the only answer would be to make it easy to amend—and yet not too easy.

Man is of the earth. All of our exploration of outer space has failed to reveal any algae which would support life. And being earthbound, man looks to experience of those who have gone before for his guidance. Here I am reminded of the mythical god, Janus, who holds the scepter as guardian of things past and the key to the future—all in one body and one mind. This is your position today.

In its broadest sense, the word "Constitution" means the whole scheme by which a country is governed. The general terminology is to apply it to the leading rules upon which subsequent laws shall be based, and is venerated in our Nation in a written document known as "*The* Constitution." As we so well know, the English have no one written document designated as "The Constitution," such as conditions leading to the observation of De Tocqueville, that it had none. In our own Nation, one was written in the summer of 1787 and signed by 38 delegates of the colonies. In making a comparison of the two methods, one unwritten, the other written, the Rt. Hon. William E. Gladstone said that "the British Constitution was the most subtle organism which has proceeded from the womb and long gestation of progressive history, so the American Constitution is, so far as he knew, the most wonderful work ever struck off at a given time by the brain and purpose of man." One may well draw the inference that our written document was a sudden inspiration. It was not. The germ was in man when he first walked along the shores of the Mediterranean. It saw expression in the Great Charter, signed by King John at Runnymede in 1215. It was added to by the "Petition of Rights" framed by Lord Coke in 1628; the Habeas Corpus Act of 1679; and the English "Bill of Rights" in 1689; and by our own Declaration of Independence. Madison, the father, and Franklin, the sage, as well as the others, were fully conversant with these documents. They had studied Montesquieu's "Spirit of Law" and they knew the philosophy of John Locke. They fully realized the strength of brevity and the adherence to fundamentals. They, too, knew that the strength of a nation rested not upon the superstructure but upon the people who were the foundation stones. Resounding in their ears were the words of Pitt: "The poorest man in his cottage can bid defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter, the rain may enter—but the King of England cannot enter. All his forces dare not cross the threshold of a ruined tenement." Our Founding Fathers knew the timelessness of this philosophy. Lord Coke is often quoted as saying that "The home of everyone is his castle and his fortress, as well for his defense against injury as for his repose." Long before Coke adorned the bench, this was a fundamental law. Thomas Jefferson, the framer, and Patrick Henry, the woodland Demosthenes, saw that the basic rights of man were not adequately protected and insisted upon the first ten amendments, commonly known as the "Bill of Rights." There are many other important areas of our national document, such as the delicate "Separation of Powers" and "Due Process" clause, all of which will be considered by you as you deliberate upon our new Constitution.

As we fly from the Atlantic to the Pacific and look down upon the diverse life of our people, we ponder the secret of our success as a nation. One hundred and ninety years is a short period to gain the wealth and reach the pinnacle among the nations of the world. Is it our resources? A study of other areas of the world will show equal potential. Is it to be found in the laborious toil of the people? I think not, for on other continents we find men performing the work of animals. Then, what can be the secret? It is found in the philosophy of our Constitution, and here I use the word in its broadest sense, including the whole of law, state papers, the words of great men—Jefferson: "Upon the altar of Almighty God I swear eternal hostility against all forms of tyranny over the minds of men." Washington's Farewell Address to his countrymen: "The benign influence of good laws under a free government." Lincoln's Second Inaugural: "With malice toward none, with charity for all." It is this philosophy which alone has given us a nation as powerful as the blast furnaces of Pittsburgh; as serene as the rolling hillsides of Kentucky and as ever-flowing as the mighty Mississippi.

We are all students of history. We pause in our daily tasks to pull back, one by one, the folds of time and gaze upon the goings and comings of nations. We see them rise from slavery by spiritual revival to positions of opulence; and thence, if not vigilant, decay again to slavery. We walk the Appian Way and view the remains of a once powerful Roman Empire; we visit the Parthenon and think of the richness of Greece in the Golden Age of Pericles; and the many others that lived for a short span and then sank beneath the waves. We ponder the rise and decline, and the only answer which history can give is that they forgot the genesis of their birth. As I have sailed the Aegean Sea and gazed at Mt. Olympus, I always think that when the old gods sat in disclosure they must have reasoned that man's search for a polity that would give him his desired freedom would some day find fruition. And I like to think that day came with the founding on the shores of the North American Continent of a social order that gave to man this fulfillment of his age-old aspiration. And here in this land of Enchantment—with its majestic mountains, colorful skies and vast desert—where passed a dramtic human procession and where is embodied age-old charm; here, the physical provides spiritual companionship for those who study and create and engage in the world's work. This is our heritage—our State, our Nation. This treasured inheritance you will preserve in the document which you will submit to the people—not only for themselves but for the generations to follow.

Good-bye and God speed you on your way!

LOW MAN ON THE TOTEM POLE—YOU

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. SNYDER. Mr. Speaker, for years many of us have maintained that liberal spenders have a scrupulous desire to right the wrongs of small minorities by perpetrating grievous wrongs on the majority—the majority, incidentally, which is paying profusely through the nose to have wrong done to it.

That buffeted and baffled group—the taxpayers—can hardly be blamed if they begin to wonder at the spending priorities of Congress—priorities which leave them in a hole at the bottom of the ladder of goodies, looking up and holding the empty bag.

An editorial, from the Indianapolis Star of Monday, October 27, illustrates this continuing predicament and explains the growing uneasiness on the part of the taxpayers—the taxpayers who will have an opportunity to rectify the situation in 1970. The editorial follows:

LOW MAN ON THE TOTEM POLE—YOU

"To put it bluntly, the frequent failure to balance the Federal budget over the last five years has been the primary cause for unbalancing the family budgets of millions of Americans." So said the President of the United States in his recent anti-inflation message.

Well, with the present Democratic-controlled Congress, it already looks as though that process of unbalancing our family budgets is going to continue. Look what has already happened. The record shows that this Democratic Congress has a list of priorities only of minorities it intends to serve.

First come members of Congress. They have first priority. They increased their annual income "to meet inflation" from $30,000 to $42,000 a year. That is really meeting the problem handsomely. Next they voted themselves the best kind of anti-inflationary (for them) pension system possible—one which guarantees that *their* pensions will always go up faster than inflation. Note that now the maximum pension for congressmen and senators has risen from $24,000 to $34,000 a year!

So the inflation problems of No. 1 minority group—congressmen—have been solved.

Second priority goes to another minority group—Federal employes. They have all been voted handsome pay increases because of inflation. They have also been included in the "anti-inflationary" new pension system that congressmen have. Their pay and pensions will always stay ahead of the cost of living, too.

Solved—The inflationary problem of government workers.

Third priority apparently goes to people on Social Security. President Nixon has proposed for them a 10 per cent increase. The Democratic leaders in Congress—mindful of the problems of inflation—say they intend to increase the President's proposal to 15 per cent. That would "solve" the inflationary problems of the retired.

Who's next?

Nobody.

The rest of us are going to have higher taxes—the 10 per cent income tax surtax and then the 5 per cent surtax. To pay the Social Security benefits our maximum payroll taxes are going to be jumped from $374 in 1970 to $397 in 1971 to $459 in 1972 to $495 in 1975 to $513 in 1977. Of course, Congress is not going to guarantee us an increase in salary to pay these bigger taxes.

Nor is this Democratic-led Congress planning to balance the budget that has "unbalanced your family budgets." Almost every appropriation bill so far provides more, not less, money for Federal spending.

President Nixon has tried to slow down Federal spending. He reduced former President Johnson's budget requests. He has now cut back on military spending by billions, by halting construction projects and reducing procurement programs. Yet this Congress goes right on raising the spending of most everything else.

This will mean continued inflation if the budget stays unbalanced.

The prices you pay for food, clothing, rent, and everything else except nylon stockings, have all increased in the last two years—according to the Department of Labor. Unless President Nixon can reduce the spending, he can control, enough to cancel out the spending Congress is increasing this year, the spiral of prices and wages will continue. Nobody but congressmen, government employes and Social Security recipients can benefit from that.

The majority group—the taxpayers—have no priority at all with this Democratic Congress in 1969. Nothing in any proposed "tax reform" bills will benefit the majority group.

Doesn't it look as though the only way the majority group can get first priority with Congress is to elect a new one in 1970?

VETERANS DAY—UNITED STATES OF AMERICA

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DANIEL of Virginia. Mr. Speaker, a most distinguished organization, the American Legion, is focusing attention on November 11, Veterans Day, by urging all patriotic citizens to "show their colors" on that national observance.

The American Legion has stood in the forefront in support of practically every movement for good in this Nation since the Legion was founded 50 years ago.

Paramount among its community programs are those which foster patriotism and love of country. Following through with this theme Legion Commander J. Milton Patrick of Skiatook, Okla., has issued the following urgent appeal to all citizens concerning the observance of Veterans Day:

AMERICAN LEGION NATIONAL COMMANDER J. MILTON PATRICK URGES PATRIOTIC CITIZENS TO "SHOW THEIR COLORS" ON VETERANS DAY, UNITED STATES OF AMERICA

WASHINGTON, D.C., October 24, 1969—American Legion National Commander J. Milton Patrick, today issued the following statement:

"The American Legion calls upon the uncounted millions of patriotic citizens to show their colors on Veterans Day, November 11, 1969, in a salute to the men and women who have served their country in the Armed Forces and who have given something of themselves in the preservation and extension of American freedoms.

"A vast outpouring of patriotic public opinion can establish once and for all where America's sentiments lie in the matter of accomplishing our purposes in Vietnam, and can serve notice on the world that the will of the American people demands an honorable conclusion to hostilities there.

"Each generation of American veterans from the days of America's war for independence to the present day members of our Armed Forces, has made a significant contribution to the winning and holding of freedom.

"Veterans Day, 1969, is the day when all good Americans can help accomplish many things for the good of the nation and for the cause of freedom, and we call upon all good Americans this day to raise their colors to the top of the staff, both at private homes and places of business, to participate in public observances of Veterans Day, whatever form that observance may take in the local community.

"A great public display of patriotic unity can:

"1. Reassure our fighting men in Vietnam that people back home are with them.

"2. Reassure the enemy that dissent is the position of a tiny minority.

"3. Restore the resolve of some wavering politicians who think they have heard the call of their constituents when it was really just the loud voices of a few dissidents.

"4. Reassure the President that the clear desire of the American people is for peace with honor in Vietnam for the further insurance of American freedom.

"So we ask our fellow Americans to unite on this day in a tribute to our servicemen past and present, and a pledge to them and to our country that this nation, under God, will always be the citadel of freedom which they helped to make it.

"Show your colors, show your allegiance, offer your prayers for your country and those who helped to make it free and those who yet today offer themselves to help to keep it free."

HOUSING GAP IN CITIES NO. 1 SOVIET PROBLEM

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. STEED. Mr. Speaker, I enter herewith articles 5 and 6 in the series entitled "Soviet Scent 1969," in which Charles L. Bennett, managing editor of the Daily Oklahoman, Oklahoma City, gives his impression of Russia after a recent 16-day visit. He traveled with a group of 10 members of the American Society of Newspaper Editors.

Today's articles discuss housing, education and health. They follow:

[From the Daily Oklahoman, Oct. 2, 1969]

HOUSING GAP IN CITIES NO. 1 SOVIET PROBLEM—V

(By Charles L. Bennett)

Number one problem for government officials in nearly all Soviet cities is the housing gap. Everywhere our group of American editors went—Moscow, Minsk, Leningrad and Siberia's Novosibirsk and the other cities—the story was the same.

Deputy Premier Nikolai Baybakov, chief planner for the entire Soviet Union, said the nation currently is producing about 3,500,000 housing units a year. "This high rate will continue for 15 to 20 years," he said. "We must hold such high rates until we reach a good, sanitary norm."

One of our editors said he had been told 10 years ago that the housing shortage would be over in seven or eight years, meaning that the country would have reached the point of having only one family in each apartment and every family would have an apartment.

"Now," he said, "in the cities where we've been it appears that 30 to 40 per cent of the families are still sharing apartments. What happened?"

"There is no such situation, as 30 to 40 per cent," Baybakov responded. "In various cities there may be variations, but 10 to 15 per cent of families sharing apartments might be an overall average. We normally allot an apartment to a family. New apartments are given to families and to those who now share apartments. That leaves only one family in the one previously shared. In Moscow, in the next two or three years, we won't have this problem at all.

"We will not solve it all quickly, because the appetite grows with the eating. Many people want larger apartments than those they now have."

Tremendous war damage, in which as many as 80 per cent of all buildings—including homes—were flattened, was one cause of the vast need for housing in the U.S.S.R. In many cases, officials pointed out—even in Moscow—much of the destroyed housing would have had to be replaced anyway because it consisted of old, one-story wooden homes far from modern standards. We saw a number of these old homes, still in use, in several of the cities we visited.

Changes in the nation's economy, bringing thousands of former rural people into the cities for jobs in factories and businesses, put added pressure on housing. All Soviet cities have strict population controls now, preventing immigration from outside the city or creation of new enterprises in the urban areas unless governmental approval is obtained.

We said no American city had such population controls and one planner commented: "That underlines the difference between a 'free market' system and a 'planned' system like we have."

The Byelorussian Republic bore the brunt of the first German attack in 1941, when 51 German divisions marched in, and Minsk lost 70 per cent of its housing in the battering that followed. It came out of the war with only 50,000 people, a fraction of its pre-war population. (One of every four Byelorussians died in the war.)

Population is now 900,000 and they are building 16,000 to 17,000 new apartments a year, 65 per cent of them pre-fabricated. About 25 per cent of the families still share at least the kitchens of their apartments, Chief Planner Victor Chernishov said.

"Moscow is just one big construction site," Mayor Vladimir Promyslov told us. "It's not industry but homes, hospitals, schools, cultural centers etc."

He said Moscow's 1966–70 five-year plan called for 600,000 apartments and they have been building from 100,000 to 220,000 units a year. They still need about 1,500,000 more and plan to build these by 1980, he added.

In Novosibirsk, where there was no war damage, the housing problem stemmed from planned growth of this Siberian industrial, educational and cultural center. Population was 400,000 in 1939 but has grown to 1,115,000 now. Nearly all the houses being replaced there are old one-story frame and log dwellings. "They're picturesque," our genial newsman host, Nikolai Bezraydin agreed, "but they lack amenities."

Gorda Skoblikov, chief architect of Novosibirsk, estimates his city's housing program will take 10 to 15 years and cost 137 million rubles ($150,700,000).

We asked what happened if a family didn't want to move into an apartment. "The houses will have to be removed," Skoblikov said, "because we need to fill in those ravines (where most of the houses are). Besides, the new homes will be much better."

He said there had been "three or four cases" in which families did not want to move into apartments. "In that case," he said, "they would be paid the value of the house torn down and could get a family plot on the outskirts and build their own house." These plots would have water service, but no sewers, electricity or central heating.

Apartments are viewed as the only answer to Soviet housing needs, even being built on many of the farms, because they can be pre-fabricated. That way, housing units can be created more economically and swiftly, by far, than could be done by building individual homes.

The quality of their apartments is a sensitive point with Soviet officials. "It still leaves much to be desired," Promyslov commented. He said there had been four different stages of upgrading. Our visit to a pre-fab housing plant outside Leningrad disclosed evidence of continuing redesign and upgrading.

"We will have to stick to pre-fabs, though," Promyslov said, "because otherwise we couldn't build them nearly fast enough.

"Standards of construction are being raised all the time," he added. "All apartments now have gas for cooking and heating, plus electricity. No more communal apartments—designed to be shared by more than one family—are being built. We are aiming for a comfortable apartment for each family, with a goal of one room for each family member plus a common room and a kitchen, bathroom, closets, halls, etc.

"Quality of workmanship is one problem in improving apartments," he said, "and others include material and financial abilities plus the skill of labor. According to modest estimates, we lack 50,000 construction workers that we could use. Interior decoration would be better," he added, "if we had more skilled workers."

Deputy Premier Baybakov later supported the need for better quality, saying: "I think the critical remarks coincide with reality. The planning of apartments has been improved, such as the kitchens and wiring. Costs of housing have increased 15 per cent to provide this better quality. We are becoming a bit richer and, therefore, can build better. Compared to what you have in your apartments, especially the richer ones," he said, "ours are more modest."

"Rents for Soviet apartments are scaled strictly to the family's earnings and currently cost about 4½ percent of the family income," Moscow's Vice-Mayor Vasily Isayev told us.

We had several chances to see what Soviet apartment-dwellers get for their money.

In Alma Ata, we visited an apartment occupied by a Korean family, in a complex under the control of the new textile mill we had just inspected. Its two bedrooms were small but the living-dining room appeared to be about 12 by 16 feet. Kitchen fixtures and plumbing were simple but modern. A small balcony provided storage space for the family's books and magazines and home-canned vegetables. The mother and father, employed in the textile plant, her sister and two daughters occupied the apartment.

Planner Chernishov took us to see an unfinished apartment building in a well-spaced complex on the outskirts of Minsk. The building has 216 apartments in its nine floors and such a structure normally takes about five months to complete, Chernishov said.

A one-bedroom (about 8 by 15 feet) apartment, this one had a two-burner gas stove in its kitchen (about 8 by 10 feet). The two-bedroom apartments in the same building have four-burner stoves. The living room appeared to be about 17 by 10 feet and there was a small balcony. Storage space seemed to be scarce. The wall and woodwork finish looked plain but adequate, as did the plumbing.

This apartment building and the others around it are part of one of the latest developments in Soviet city-building—a micro-district.

Designed, eventually, to house about 12,000 people, the complex is to include a shopping center with stores, theater, service shops etc. . . . When needed, high-rise garages will be built among the apartments.

Chernishov said they expected completion of the entire district to take 2½ years, including all the apartments around the city.

The Obukhovsky House Building Combine, in Leningrad, is one of six plants in the city building the concrete slabs for apartment buildings there. Open since 1959, it has produced 55,000 units, providing housing for from 220,000 to 230,000 people. Its integrated operation includes casting the basic panels containing all the wiring, plumbing, doors, windows and other fixtures, assembling all other materials, erecting the buildings and providing supervision and maintenance for a year after occupancy.

The factory currently is making nine-story buildings. No steel framing is used for this particular design. Instead, steel hooks are cast into the corners of the panels and these hold together the walls and floors as the building goes up to make a rigid construction. One of our editors commented that such construction would never pass the building codes in the United States, but they apparently are proving satisfactory to the Soviets.

Plant Manager Nikolai Yakoblev, only 29, said there have been three basic design changes since the plant has been in operation. Starting next year, this factory will be making 16-story apartment buildings.

In their design, Yakoblev said, an apartment of one bedroom, living room and kitchen would provide 410 to 420 square feet of living space, not counting bathroom, halls etc. Cost of such a unit is 1600 rubles (about $1750), a cost per square foot of just over $4.

Our guide and interpreter in Leningrad, Galina Shevanova, was the one who tipped us off to the fact that some Soviet citizens have second homes outside of the city limits, in recreation or rest areas. They can lease a plot of land for a nominal sum of 8 or 9 rubles a year, she said, and then put up a summer home or dacha. These can be bought as pre-fabs, starting at about 1,000 rubles ($1,100, at the current exchange rate) or they can build for themselves.

While she said this was done quite frequently, it's apparent most Soviet families would be happy just to have an adequate apartment to themselves, without worrying about a second house.

An editor asked Deputy Premier Baybakov: "Once housing is taken care of, what will be the next high priority task for these huge resources you're now putting into housing?"

Baybakov threw back his head in a hearty laugh and said, "I won't live to see that day!" Baybakov is 58.

[From the Daily Oklahoman, Oct. 3, 1969]

SOVIETS PUT EMPHASIS ON EDUCATION, HEALTH

(By Charles L. Bennett)

In the Soviet Union, you might say, education is highly competitive and health services definitely are not. In any case, whatever the Soviet citizen gets of either, it's free.

Student revolt is "illogical" in the words of one U.S.S.R. leader and the experience of one of our roving editors with the Soviet medical system was logical but left him shaken—and improved.

Educational policy decisions, on methods of teaching and subjects to be taught, are handed down for the whole nation from the U.S.S.R. ministry of education. But administration of the schools—from elementary to the most advanced research-teaching institute—is the responsibility of the republic and city where the institution is situated.

With pre-revolution education limited almost entirely to the Russian artistocracy, the Soviet Communists put intense and early emphasis on general education and that pressure is maintained today. Magazine editor Atina Zhaketova told us in Alma Ata that only two percent of the people in Kazahkstan could read and write 50 years ago and "now illiteracy is less than 1 per cent."

One current goal of Soviet education is to complete the establishment of ten-year compulsory education, already in general effect in the larger cities. The previous compulsory level has been eight years.

Most Soviet youngsters start regular school when they're seven, most having been in government pre-school institutions for two to four years prior to that. Their first eight years in school follow strict standard courses in effect all over the country. Then varied courses begin to appear, if they can pass the necessary qualifying tests.

Some take two more years of high school, and then try for colleges, or special institutes for advanced training. Others go into four or five-year technical schools. They, too, may go on to universities or advanced institutes, if they qualify.

Byelorussia's Deputy Prime Minister Filipp Kokhanov testified to the competitiveness of the exams. "My son was a good student," he said, "and wanted to go to medical school. Five is a high mark on the scale. He scored a three and barely got in.

"The medical school here has three applicants for every vacancy and most of the colleges have anywhere from two to seven at the Technical Institute for Light Industry."

Students who don't make it to college have a choice of going to work, going to a technical school, or studying at night and trying again. They can take the exams as often as they're held, until they reach 35.

The free education, for those who qualify, can go on through advanced degrees and 75 per cent receive government grants for living costs, on a scale that rewards those making the highest grades with more spending money. Many students at the college level work part-time in technical and research institutes. These institutions frequently are teaching centers, too, related to nearby universities. Their research ranges all the way from theoretical work to practical applied studies of specific problems faced by industry or agriculture.

When we asked about student unrest in the U.S.S.R., Nicolai Meshkov, minister for higher education in Byelorussia, made a very brief response: "We think the students in the West have a function that is counter to society. It is illogical for the best part of society to revolt."

"City and country students get about the same level of education," Kokhanov said, "but some have better-qualified teachers than others. To attract teachers to the villages, we guarantee them new homes or apartments and give them other incentives.

"On the examination," he added, "the village and city youngsters score at about the same levels."

We asked what happens when a bad teacher shows up?

Kokhanov said, "It IS a problem!"—and all the Soviet leaders laughed. He said one remedy lies in the refresher courses conducted for teachers.

Educational television is not in direct classroom use yet, but Soviet officials said this would start soon. Many educational programs are carried on the regular television channels, and some are tied directly to the wide-spread evening and correspondence courses that many workers take.

Pay for college and university teachers and research people of similar academic level has a wide range, we were told at the university in Novosibirsk's "Science City". It may be anywhere from 130 rubles to 600 rubles a month, which would be about $143 to $660 at current exchange rates. A professor with ten years experience, for example, would get 450 rubles ($495) a month.

"Science City" started during World War II when the Soviets set up a branch of their Academy of Science there. It was expanded rapidly after the war, on the strength of a decision to move some of the key research and academic leaders out of Moscow. From the original mathematics and physics institute, the complex has spread to all of the physical, technical, chemical and biological sciences, with 15 universities and colleges now operating in the Siberian city.

Close relationships between the many research institutes and the colleges and universities is a trademark of the complex.

One feature at Novosibirsk is the third largest library in the U.S.S.R., with five million volumes and heavily oriented to science. We saw scores of American scientific and medical publications in the reading room and were told an exhibit of American science books would be opened soon.

In the midst of all this knowledge, the simpler accounting—as we saw everywhere we went in the U.S.S.R.—was being done with an abacus.

One of the relatively few requests to our hosts that they couldn't find time to arrange was a visit to a Soviet hospital. But, true to his devotion to digging out information, Editor Norman Isaacs of Louisville, found a way. He had been feeling ill and by the time he got to Irkutsk, in eastern Siberia, it was obvious he needed some medical attention.

I think the best way to describe his trouble would be to call it a delicate problem. But Norman and the U.S. Embassy doctor figured out, after it was all over and he was back in Moscow, that he must have had an infection or else passed a small kidney stone.

Anyway, his emergency call went out and a young male doctor and a nurse showed up at his hotel at 11 p.m.

He reported at a hospital-clinic for tests the next morning. That evening, he was in the hospital attended by five doctors—the chief surgeon, the deputy head of the clinic, an assistant surgeon and two other doctors—all women.

When he had been treated—and it helped—Norman paid 55 cents for a prescription and that was the only charge. When I last saw him, though, he was still suffering from the emotional trauma of his confrontation with the woman medics.

The complex of medical care in the Soviet Union literally does extend from before the cradle, with extensive pre-natal care and maternity benefits for women, all the services we're accustomed to, and a variety of health and rest centers where people may go for a day, a weekend, a month or longer for rest and health care.

We saw one sanitarium at Sochi, the resort center on the Black Sea coast. Started by a miners' union, it now accommodates workers from a variety of enterprises and specializes in therapeutic baths utilizing the sulphur waters of the area. Other kinds of health treatment also are available in a daily regimen that combines vacation pleasures with the treatments.

It also has its own beach, and can accommodate 400 visitors at a time. Its staff of 200 includes 17 physicians and 40 nurses.

Most of the workers who come to Sochi do so on their vacations and have to be certified for health care by the doctor where they work. Once this happens, they can come to the resort for 26 days. The cost is 170 rubles ($187) and the worker pays a third of that, with his trade union or enterprise paying the remainder. Even his transportation may be paid if he comes from far away.

Other sanitaria along the 90-mile seacoast specialize in various kinds of treatments and the whole combination—bathing, recreation, health services and fun in the sun—attracts a total of nine million visitors to the Sochi region every year.

Moscow's Deputy Mayor Vasily Isayev summed up the general picture of the Soviet's health and education when he commented: "The Soviet is responsible for everything that happens to every citizen, from the day he is born until the day he dies."

On the surface, at least, the service looks complete. Its real quality certainly couldn't be evaluated with the sketchy look we had at it. But as one of our traveling editors said, speaking of Norm Isaacs' experience, "In the Soviet Union, where there's an ill, there's a way."

PARTNERSHIP BETWEEN CONGRESS AND THE ADMINISTRATION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ARENDS. Mr. Speaker, the issues President Nixon has put before us in his message earlier this month are beyond partisanship. He has called for the continuance of the working partnership between Congress and the administration—for the sake of national reforms, many long overdue. These reforms are needed in areas which concern every American. We have hunger in the midst of plenty—crime striking fear in every heart—inflation shrinking every hard-earned dollar. These are among the problems we must solve together—Congress and the administration working harmoniously for the sake of the country.

The President deserves high praise for his candor in seeking our cooperation. He has said he is willing to travel more than halfway to work with Congress to accomplish what needs to be done. Let us travel with him on the road to national reforms we must have if we are to make this Nation all it should and can be.

ECONOMIC AND POLITICAL TRENDS IN THE 1970'S

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ALEXANDER. Mr. Speaker, it has come to my attention that Mr. James G. Morton of the Manufacturing Chemists Association, Washington, D.C., recently made a speech before the Arkansas Petroleum Council at Hot Springs, Ark. His remarks were complimentary of my good friend and colleague, Congressman DAVID PRYOR. His subject is timely and thought provoking. I recommend it to my colleagues:

ECONOMIC AND POLITICAL TRENDS IN THE 1970's

(Remarks by James G. Morton before the Arkansas Petroleum Council at the Velda Rose Tower, Hot Springs, Ark., on Oct. 15, 1969)

It is a pleasure to be here today to pinch-hit for my friend David Pryor. I always welcome the opportunity to return to this land of scenic wonders and warm-hearted, down-to-earth people. The new dynamism in Arkansas is as invigorating as the mountain air; it gives exciting promise to your future.

Congressman Pryor has earned a reputation in Washington for wit, charm, and eloquence—all of which are well known to the people of Arkansas. He is one of the bright young leaders on the national scene. It thus took considerable temerity on my part to agree to appear in his place.

For me to come here was like a bench warmer replacing Bill Montgomery in the backfield of the Razorbacks. But, come to think of it, it is a more welcome assignment than Wichita State faces a week from Saturday.

Economic forecasting is being followed with no less enthusiasm than football predictions these days, even in Arkansas. So I shall try to sketch a few dimensions of our economic future and also size up the changing shape of American politics in the 1970's.

As our country proceeds into the final third of the 20th Century swift and sweeping changes are occurring in our economic life as well as in our politics.

Powerful forces of growth and change produced by the wave of new technology are, indeed, remaking America. We should welcome the challenges of change, not fear them. But the transition will be more satisfactorily negotiated if we achieve an adequate measure of control over the forces affecting our future.

This is easier said than done, of course, as one perceives in our frustrated efforts to end the war in Vietnam and dampen the fires of inflation. These two complicated and difficult tasks relate in various ways to nearly all our other major problems.

President Nixon is finding, like Lyndon Johnson, that unless he succeeds in ameliorating the Vietnam situation there are narrow limits on what else he may accomplish.

Equally vital to our nation's future and to each of us as individuals is the urgent need to curb inflation. The noted economist Carl Hagedorn recently penned a proverb for our times when he wrote: "Fear of inflation is the beginning of economic wisdom."

The Administration is following a carefully gauged path of gradualism to contain inflationary forces rather than risk disrupting the economy by slamming on the brakes.

The object is to lessen inflationary pressures effectively while minimizing the price which must be paid in reduced employment. The President must negotiate the difficult passage between the Scylla of unemployment and the Charybdis of inflation, either of which could prove ruinous in the election year of 1970.

A return to normalcy could well result in an unemployment rate of four and a half to five percent in the first half of next year. That might be tolerable in some circumstances, perhaps, but under present conditions it would have to be offset by governmental actions to alleviate the effects on the ghettoes. Increased idleness among Negroes could be explosive.

The unemployment rate reached four percent in September, the rate which prevailed during the high employment economy prior to escalation of the military effort in Vietnam.

This sign was read with much hope by the Nixon Administration that restraints are working and the economy is cooling off.

One hopes the return to more normal, sustainable employment levels indicates that we are getting inflation under control but there is no firm evidence that increased unemployment will spell the end of either inflation or high interest rates.

The experts now think they see the top of the price spiral but this kind of forecasting is at best chancy business. A certain amount of wishful thinking influences economic analysis when one is fighting inflation psychology. It is, in fact, essential in striving to dispel hedge buying and other inflationary practices.

The picture at this point is mixed and one can interpret the indicators either way. Several basic indicators clearly suggest undiminished strength in the economy. Personal income is expanding and further large increases are in prospect during the coming months. A continuing strong flow of income will be translated into large spending by consumers.

Industrial production has been increasing at a brisk pace and new orders show no slackening. Consumer spending, marked by increased purchases of services of all kinds, continues strong. There are scant signs of a moderating economy in these key indicators.

The root-cause of inflation is rising costs—labor costs, interest rates, insurance, construction costs, but especially labor costs. In key industries the two and three year contracts provide wage hikes substantially in excess of productivity increases.

Taking the steel industry, as an example, workers were granted a 7–8 percent wage increase last year. The contract automatically gave them another six percent rise on August 1 of this year and another sizable increase will take effect next year. Steel prices have been rising as a consequence and the effects are felt in widening circles throughout the economy.

In assessing the economic outlook one can reasonably anticipate that inflationary restraints will take hold in a significant way in the period ahead, most pronouncedly in the first quarter of next year.

It is predictable that—

The unemployment rate will continue its uptrend.

Plant and equipment spending will head downward after this quarter.

Housing will suffer the effects of credit restraints for a prolonged period.

Corporate profits will lag as a result of the tightening squeeze.

On the other hand, the cost of living is likely to continue upward after the end of the year. Some easing may be expected if food prices cease to rise. Costs of services will continue their 9% inflationary pace. Wage increases are apt to counteract some of the anti-inflationary gains as they are translated into consumer spending.

While we will continue to feel the troublesome effects of inflation for some months to come, it appears at least to be slowing from a gallop to a trot. The consequences of the readjustment will be painful to many Americans, most particularly in lost jobs.

The Administration has failed to utilize moral suasion and public opinion to help hold the line on wages and prices. The failure to act will draw mounting criticism unless the President takes the inflation issue to the people. It is my belief he will not delay longer in employing the power and prestige of this office to demand price and wage restraints, the latter being related to productivity increases.

The passing problems we are experiencing, however, should not obscure the long-term prospects of the giant American economy. In any direction we look the potentials are breathtaking.

Sometime next year or the year after—depending on the rate of growth and the rate of inflation—the Gross National Product of the United States will cross the trillion-dollar mark.

That is a fantastic figure, far beyond the comprehension of the ordinary mortal. It will be an economic high water mark for all history. It could be achieved only by a fantastically productive economy like ours.

It will be more than a tribute to the American system; it will provide us the means to better that system for ourselves and for every citizen.

The petroleum industry will play its full part in this economic miracle, in the future as in the past.

The total value of crude, natural gas liquids, and natural gas produced in the United States last year topped $14 billion—some $83 million produced by you here in Arkansas.

Crude oil is the leading mineral product of the United States in value—as it is also in your own state.

Our increasingly industrialized, increasingly mobile society will continue to demand energy in enormous quantities. This is no less true of the rest of the world as living standards rise and mobility becomes an imperative.

Oil and gas will supply nearly three quarters of the world's demand for energy in the foreseeable future particularly since the prospects for nuclear energy, while they remain bright, are not as glowing as once appeared.

Moreover, petroleum is growing in significance as a life stream of the burgeoning organic chemical industry. It provides the basis for almost nine-tenths of the organic chemicals manufactured in the United States—and the demand for petrochemicals is expanding at the rate of 9% to 10% a year.

I might finally add that oil and gas account for nine-tenths of the space heating that keeps Americans living and working in comfort.

There has been so much controversy over import quotas lately that people forget that petroleum and petroleum products contribute to our export performance as well—$350 million last year in the face of the stiffest kind of foreign competition.

The most sensational new development is, of course, the emergence of the North Slope of Alaska with its tremendous potential for production. That prospect has already resulted in bringing to reality the dream of explorers over the centuries—the commercial use of the Northwest Passage. The maiden voyage of the S.S. Manhattan was clearly an outstanding success, and she will be repeating that trip this coming spring.

In the years to come, a fleet of giant tankers will carry fuel to the oil-hungry East Coast. Alaskan oil will also be going by pipeline and tanker to our rapidly growing and rapidly industrializing Pacific Coast states.

Do any clouds darken the far horizon? Some of you I suspect, are already worrying about the electric automobile. But the best forecasts I can get from experts in and out of government is that this is many years—fifteen at a minimum—away from being a practical possibility for the many millions of American drivers. That gives ample time for the scientists and technologists to develop a smog-free fossil-fueled automobile engine—and I have enough confidence in the creative ingenuity of Americans to believe they will find the answer.

It is exciting to consider the majestic panorama of the American economy in the year 1975—only half a decade from now. Our population will number more than 218 million. This means an average increase of 2.4 million a year between now and then, portending very large market growth.

On the assumption we will maintain a 4% annual rate of real GNP growth and prices increase only moderately, the Gross National Product in 1975 would soar to $1,200 billion—that's one trillion, 200 billion or, putting it in a time frame, $2 million per minute.

Projections of the National Industrial Conference Board show that less than one-fourth of the families will have incomes of less than $5,000 in 1975, down from one third in this decade. The proportion of families falling within the $5,000 to $10,000 range will be only 34% in 1975, down from 43% a decade before.

But the dramatic shift takes place in the proportion of families with incomes over $10,000: an increase to 42% in 1975 from 25% a decade earlier.

Thus, a substantial shift into upper income ranges is expected in the 1970's—a fact with far reaching implications for the kinds of consumer goods and services which will be in future demand.

Petroleum will have a prominent place in this stupendous market growth. One needs only consider the housing demands and transportation required of this kind of economy to gain perspective of the potential. It will not be surprising if new car purchases exceed 13 million in 1975.

I would like to turn now briefly to the political scene. Perhaps one of the most profound changes which will occur in politics in the 1970's will be in the makeup and in the philosophies of the major political parties themselves.

The political landscape today is cluttered with obsolescent and decaying structures which are giving way to the new ideas and the realities and the challenges of our times.

In the South, for example, we see the emergence of a two-party system in place of the monolithic structure which had prevailed for nearly a century following the Reconstruction. The term "the Solid South" is a political anachronism buried under the economic and social upheavals of the new day. This will benefit the South because it will no longer be politically like the good wife who is taken for granted.

We see a spreading revolt against some of the outworn political machines which once held many of our major population centers in the tight grip of powerful big city bosses.

We see a decline in the political power of the agricultural bloc as more than seventy percent of the American people now live on one percent of our land area in dense urban concentrations.

We see a breaking up of the old coalitions and alliances of minority groups, hyphenated Americans, the underprivileged and the exploited who were joined by common fears and misery.

The broadening stream of a well educated, industrious, and prospering American middle class is producing an evolution, if not a revolution, in the ideologies, philosophy, and assumptions which had cast the mold of politics in America since the Roosevelt years.

There are few indications that the Nixon domestic program will differ to any substantive degree from the Johnson domestic program. One might conclude that in the present day of complex, difficult, and costly national problems, disagreement centers not only the definition of fundamental objectives but on the approach for attaining the objectives.

This could well mean that politics in the 1970's will be strongly influenced by demonstrated management ability in government. Certainly more and more Americans are going to insist on more efficient and economical management of the Federal Government from planning and the ordering of priorities to productivity and cost effectiveness.

There are clear signs of this in the debate over reform of the postal system, as an illustration.

There seems to be a turning of the tide in the flow of organized labor towards one political party and business towards the opposing party. This is a welcome development because it would prove extremely unfortunate if labor and business were to become polarized into opposing political parties which would thus become their captives.

We have only to consider the difficulties of England today to comprehend the danger. The strength of our society rests to an important degree on our broad diversity and the free running stream of pluralism. We invigorate and enhance our two-party system by ensuring that each preserves diversity and a certain universality within its framework.

Both the Republican and the Democratic parties need the wisdom, experience, innovative talents, and resourcefulness of businessmen. The problems of our times are of such scale and complexity that we shall not find satisfactory solutions to many without the full participation of businessmen.

American businessmen have had a leading role in building for our nation the world's largest, strongest, and most productive economy. Without our great economic leaps forward there would be small hope of eliminating squalor and want.

The government cannot decree economic success; but it can help set the conditions for businessmen to achieve it. This is the essence of the constructive partnership that holds real hope for the attainment of our social objectives as well as continued economic progress.

It is extremely unfortunate that so many people in public life who should know better persist in pursuing a business-baiting course which too often exaggerates the shortcomings of the industry while obscuring its towering contributions to social and economic gains which have made our country the envy of the world.

To the well-intensioned but misguided business-baiters I say let's cease those tactics which tend to create general distrust of the business community and undermine confidence in our economic system.

We should and must continue to eliminate abuse and shoddy practice wherever we find it but let us reject those who paint businessmen as villains in order to obtain headlines.

Our system isn't perfect; nor will it ever be. But no system has worked so well for so many. We must exercise great care in our actions affecting the economic engine that has taken us so far so fast.

In assessing the shape of politics in the 1970's I predict that businessmen will take a broader, more energetic and enlightened role in public affairs than at any time in the past.

It is also predictable that businessmen will increasingly support candidates of both parties who understand the problems and the needs of business. I think the healthy pragmatism which has characterized business decision-making will assert itself in the political sphere. It is difficult to conceive of modern day business executives persisting in dogmatic loyalties which have come to be empty of meaning.

In the 1970's the business executive will not buy dogma and demagogy; he will be issue-oriented and will carefully assess the plans and alternatives proposed by the candidates. His loyalty will be less to a political party and more to those who set the conditions that are good for our economic system irrespective of political affiliation.

Finally I would like to say that I feel we are approaching a new political epoch in the 1970's. Perhaps at this moment there is not apparent on the scene the ideas and the inspirational drive which mark great political movements.

But it is my belief that a powerful new political movement is in the making.

There has never been a great civilization which has not had as its seat great cities. We cannot continue as the world's leading nation if we permit our cities to decay.

Rather must we build cities of beauty and splendor worthy of the real America. These cities must be more than the mirror of our advances in science, medicine, the arts, architecture, literature, commerce and industry.

They must shine as examples for the world that in a free society all things are possible—and that they are possible for all. The next truly great political movement in America will in my judgment embody this assumption.

This movement is now awaiting its leader who may well become the next political giant in our history. He will succeed only if he draws from the strengths of the great mainstream of middle class America which, in truth, provides the foundations for building a renewed and better nation.

NEED FOR REFORM IN OUR ADMINISTRATIVE AND GOVERNMENTAL STRUCTURE

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. LIPSCOMB. Mr. Speaker, I have studied with great interest President Nixon's appeal for reason to the Congress and the Nation, submitted to this Congress earlier this month.

President Nixon is a good man, a good President and a good American. His message—a plea to hasten the reform and modernization of our federal system—is reasonable, valid and as nonpolitical as it is possible to make any communication from the White House to the Congress.

I urge all of my colleagues to read it and study it. I urge them to rise above politics and personal advantage when they do so. It is a message that was designed to help all of us do so. In the face of today's ferment and turmoil we cannot afford to cling stubbornly to the past. We cannot afford as citizens and Members of Congress to ignore this well-reasoned plea from the President of the United States. We need reform in our administrative and governmental structure. We need it now. I urge it now.

GREEN THUMB PROGRAM DEEPLY APPRECIATED

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ALBERT. Mr. Speaker, a few days ago one of our colleagues, Hon. TIM LEE CARTER of Kentucky, called to our attention the outstanding approval of the Green Thumb program by the people in Estil County, Ky. I wish to invite the attention of the House to a large group of letters which I have received from Haskell County, Okla., which also point out the great work being done by the Green Thumb organization in that Oklahoma county.

The overall supervision of Green Thumb programs has been lodged in the Office of Economic Opportunity and is administered by the Department of Labor with the assistance of the National Farmers Union. Green Thumb would never have become a reality had it not been for the leaders of the National Farmers Union who fight the battles of the small farmer.

Green Thumb provides supplemental income for needy rural residents with agricultural backgrounds. It is now implemented in seven Oklahoma counties of which Haskell county in the Third Congressional District is one. To demonstrate what the people of that county think of the work of Green Thumb, I wish to quote from letters written by some of its good citizens.

The Honorable O. L. Sherley, superintendent of Haskell County Schools, thinks the Green Thumb program very worthwhile. He writes:

> The people who were employed in this project took a very personal pride in their work and were very happy to be doing something worthwhile and constructive.

Mr. Fred R. Ward of Stigler wrote to the Haskell County Community Action Foundation, and part of his letter follows:

> May I take this opportunity to express my appreciation for the improvements made at Lake John Wells through the Green Thumb project. Progress at the lake has far exceeded my expectations.

Mr. Ross Billingsley, also of Stigler, was of a similar opinion because he states this in his letter:

> The value received from the results of the Green Thumb project at the Stigler City Lake has far surpassed my expectations. A great service has been rendered to our community by these old timers, and I, for one, heartily congratulate them.

And Eulis Lafave, Stigler, has written:

> We appreciate the good job that has been done there—

Meaning the new City Lake.

Reba Dunn, the Headstart director of the KiBois Community Action Foundation, Inc., also wrote:

> The men employed through Green Thumb are doing work they enjoy and doing it with pride in a job well done. I feel this is a most worthwhile program and hope to see it continue.

The Honorable Clifton Few, sheriff of Haskell County, has also noted the fine job done by the Green Thumb workers, and for this reason stated in his letter:

> One can definitely see the improvements upon entering the area. I would like to see the project continued because of the benefit derived not only by the public but workers as well.

The Honorable Fannie Renfrow, city clerk of Stigler, in her letter added these words:

> Because of the dedication to their work, our Park has received First Place Award in a fourteen-state region. We are very proud of this achievement which could not have been done without the assistance of Green Thumb members.

Mr. and Mrs. Roy Highfill, Stigler, have been impressed by the good work of Green Thumb. They joined in this statement:

> We are very grateful for the Green Thumb Project work which has been done this year at Lake John Wells, which we usually refer to as Stigler's new city lake. The work done by Green Thumb has made it one of the best.

Mrs. Hazel Killian added:

> We think the Green Thumb Project is wonderful. It has certainly made our City Park an asset to the Community.

Nellie Beller and Mrs. Buie Kirkpatrick and Mrs. Deward Martin made similar statments. All wrote that they "appreciate all your efforts given to this program."

Mr. Hercel W. Hickman, who lives on Route 3 outside of Stigler, also said:

> The City Lake Park Project deserves and is receiving praise from people all over the county and from others who visit our City Lake Park.

Mr. M. H. Dunn holds a similar opinion. He wrote:

> Besides providing supplemental income to the elderly men of our community, we now have a beautiful picnic, camping, and swimming area adjacent to our new city lake.

Becky Hickman writes:

> As Social Worker for Head Start in Haskell county it was my privilege to go with our Head Start children to the City Lake Park for a picnic in the spring. This summer our church has been to the Park for several picnics and on each occasion I have heard so much praise for the beautiful rock work, landscaping, and beach improvement.

The Honorable Ruby Rainwater, county treasurer of Haskell County, writes:

> I think the Green Thumb Project at the new City Lake has made a wonderful improvement on the area. This summer, we attended a picnic supper with a group of church people. While we were there there were two different groups on the grounds. All those in our group remarked numerous times on the wonderful work the Green Thumb workers had done.

And now, I will quote from a letter signed by many members of the New Century club of Stigler:

> How we enjoy taking visitors for picnic, boating, swimming, skiing and fishing to Lake John Wells. Our thanks to the Green Thumb men for putting forth that little extra labor, which caused this part to be selected "best."

The letter was signed by Fred R. Ward, Dolores I. Williamson, Mrs. James D. Love, Mrs. O. L. Sherley, Mrs. W. H. Mc-

Collum, Mrs. Michael Howard, Mrs. Willian E. Cox, Jr., Mrs. M. H. Dunn, Mrs. Rex Pettyjohn, Miss Modena Mitchell, Hazel Killian, L. M. Smithy, Ann Henderson, Mrs. John Aston, Mrs. Grady Ollin, president, Mrs. Connie Tucker, Pauline Strombaugh, Mrs. Ruth Gulley, Mrs. A. D. Waltz, and Mrs. Burl Grubbs.

I proudly salute the Green Thumb program.

A CIVIC GROUP WITH VISION

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. CORMAN. Mr. Speaker, civic groups come and civic groups go. Some leave only the lightest impression on the life of the community they would serve. Others thrive, perhaps because in the beginning they set themselves more realistic goals, or had a firmer vision of community need.

One civic organization in California which has thrived as the community has grown is the San Fernando Valley Industrial Association. This group is about to mark its 20th anniversary.

Twenty years ago the founders of this organization, a group of clear-thinking businessmen, recognized that the San Fernando Valley had a tremendous growth potential. It had a favorable climate, a stable labor market, good industrial transportation, and the essential public utilities. With unusual foresight, however, they realized that uncontrolled industrial growth would blight this lovely valley and the lives of its inhabitants. So they dedicated themselves to building a well-balanced community, with individual values carefully guarded while they worked to foster the conditions that would attract industry.

Their credo reads:

> This organization has a three-fold purpose . . . to bring more desirable industries to the Valley . . . (to) create more jobs for residents in the Valley . . . (and to) protect the interests of property owners and investors in the Valley.

In the 20 years of this organization's existence, the population of San Fernando Valley has increased 750 percent. In 20 years its economy has changed from a predominantly agricultural base to a well-balanced industrial-commercial-residential area.

Most of the credit for the phrase, "well-balanced," must go to the San Fernando Valley Industrial Association, with its larger, and future-oriented view, of the whole area.

But they have had their struggles. The San Fernando Valley is a clearly defined geographical area. Within this large area there are numerous clusters of homes which over the years have become recognizable, separate communities. Like people the world over whose primary interests lie in their own homes and neighborhoods, the residents of these communities have sometimes been myopic, their vision of the whole valley blurred by this overriding, but limited, interest.

As a result, when the industrial association proposed a land development program in 1952 which set aside carefully identified areas for future industrial development, strong opposition arose. Even after the city of Los Angeles had adopted the zoning ordinances recommended by the association, some civic groups—the kind that "come and go"—brought legal action to overturn them.

Eventually the assault was turned aside, and today, an 1,100-acre tract of land set aside under the association's land development program which houses enormous industries surrounded by hundreds of smaller supporting facilities is regarded as a model for industrial zoning throughout the Nation.

The San Fernando Valley is not blighted by these industrial giants. On the contrary, it is a homogeneous region of quiet residential areas, united by a sense of being a part of the 20th century, and unobtrusively supported by thriving industries. Most of the workers are homeowners. But now, instead of identifying themselves as residents of Van Nuys, or Pacoima, or Reseda, or Northridge—to list a few of the community names—most regard themselves primarily as "valley residents."

I think it is fair to say that this broader view derives in large measure from the work of the San Fernando Valley Industrial Association. And I think most residents would agree with me when I say, I am glad this is one civic group that "came and stayed."

SENATOR BOB DOLE OF KANSAS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DEVINE. Mr. Speaker, some little known facts about that great American, Senator BOB DOLE of Kansas, were revealed last Sunday in the Chicago Tribune.

Senator DOLE arranged to present an autographed photograph of President Nixon to Dr. Hampar Kelikian, on the occasion of a testimonial dinner, and DOLE's war injuries were revealed in some detail. I am confident our colleagues in both the House and Senate are interested in the following account:

SENATOR BOB DOLE OF KANSAS

(By Philip Warden)

WASHINGTON, October 25.—A personally-autographed picture of President Nixon went in the mail this week for Dr. Hampar Kelikian, the senior orthopedic surgeon at Wesly Memorial hospital, Chicago.

The presentation of the photo was expected to be one of the highlights of a dinner at the Palmer House, last Saturday night, at which Dr. Kelikian was the guest of honor.

But, the Nixon administration, like its predecessors, sometimes encounters foulups, and the photo did not reach Sen. Robert Dole (R., Kan.), who was to make the presentation, until late this week.

AN ARMENIAN-AMERICAN

Dr. Kelikian, an Armenian-American, was honored both as "a great Armenian and outstanding American" in connection with his appointment to the President's task force on problems of the physically handicapped.

Dr. Ralph De Forest of the American Medical Association, Chicago, is president of the task force which is expected to suggest ways to the President for getting the physically handicapped more involved in community life and training them for jobs.

Sen. Dole had a personal interest. Dr. Kelikian, with his surgical skills, converted Dole from a World War II near basket case into a bouncy, handsome, witty, greatly respected member of the United States Senate.

LEADS PLATOON

Dole, in April, 1945, as a young army lieutenant, decided to lead personally his platoon across Italy's Po river valley to wipe out a German machine gun nest. Crawling from a shell hole to hurl a hand grenade at the nest, he was struck by machine gun bullets and fragments from a mortar shell which blew him back into the shell hole. He discovered his legs were paralyzed and he thought his arms were shot off because he could neither feel nor see them.

Dole spent 39 months in various army hospitals. He finally overcame his paralysis, but could not regain the use of his right arm nor overcome his depression.

While at Percy Jones General hospital in Battle Creek, Mich., he heard of Dr. Kelikian's work in Chicago, and decided to visit him. He went to Chicago, and, in a series of operations, the doctor transplanted bone and muscle from Dole's leg to his shoulder and arm. Dole cannot grasp with his hand, but now it's his only handicap.

DINNER HONORS DOLE

Dr. Kelikian went to Luray, Kans., last month to a dinner honoring Dole.

"He was my best patient," said Dr. Kelikian. "I knew he would be a congressman. I knew he would be a senator. And I know he'll go farther, and I wait for the day."

Dole told his fellow Kansans that Dr. Kelikian told him "to grow up and do something with my life." Dole at the time was still hoping to return to college and be a basketball player and a doctor of medicine. "He made me understand I wouldn't be playing basketball again and that this wasn't the worst thing that could happen.

"Dr. Kelikian operated on me at least eight times, and he wouldn't let me pay a cent. He lost a brother in the war."

Dole went back to college, switched from medicine to law, and embarked on a successful career in politics.

RULES FOR BRINGING ABOUT A REVOLUTION

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. SLACK. Mr. Speaker, last week I was present at the biennial meeting of the Royal Order of Scotland, and was highly honored to be enrolled among the membership of the Royal Order of Scotland. On that occasion the group was addressed by Marvin E. Fowler, provincial grand master of the order, and certain portions of that fine address seemed to direct themselves to the central point of origin for many of the recent events which have created distasteful headlines.

I take great pleasure in directing your attention to these excerpts from the address by Mr. Fowler, because I feel sure you will recognize the parallel between an event occurring in 1919 and certain conditions which today constitute a growing hazard to our national strength, unity and sense of purpose:

Victor Hugo said: "Destiny is made up of crossroads." It is the crossroads in life that make the going hard and interesting. Obstacles—red lights at the crossroads—confront us throughout life's journey. It is the obstacles in life that cause us to stop, look and think. We need a few red lights to teach us caution, to develop our patience and temper our actions. We can profit from the obstacles we encounter. They frequently point to a moral or teach a lasting lesson. They become a part of our experience and bring us to a realization of things as they are.

All sensible men are concerned about the obstacles that confront those who believe in our way of life. We are constantly reminded that our time honored customs and rules of conduct are seriously threatened. The red light flashes and it's time for us to look and think, and it's time for us to choose our course and press forward with vigor. Will humanity be able to profit from the ills confronting it today? It hardly seems possible. But every time I see a clean cut young man seriously interested in the teachings of DeMolay—I take heart—and I appreciate this young man all the more because of the contrast with some of the unkept, unclean and hairy individuals seen on the streets and in the parks. Let us hope and pray that some good may come from these obstacles of today and let us use our influence to see that we and those around us choose the right road into the future.

Earlier this month I spoke at the Masonic Home, and I want to repeat a small portion of that talk because I believe it contains something that should be brought to your attention. I shall hope that the following statement will stimulate a response on your part—ever bearing in mind that we each have a heritage worthy of being preserved. I quote from my previous talk as follows:

On a dark night in May, 1919, members of the allied military intelligence arrested a group of revolutionaries in the town of Dusseldorf, Germany. In the course of the raid, the allied officers emptied the contents of a safe and found therein a document containing a specific outline of *"Rules for Bringing About a Revolution."* It shows the strategy of a materialistic revolution, and how personal attitudes and the habits of lives affect the affairs of nations. This document, seized in 1919, a half century ago, lists the following "rules":

A. Corrupt the young. Get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

B. Get control of all means of publicity and thereby:

1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their natural leaders by holding these latter up to ridicule and contempt.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

7. By specious arguments cause the breakdown of the old moral virtues; honesty, sobriety, faith in the pledged word, ruggedness.

C. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

Could these rules for bringing about a revolution ever succeed in our beloved country? How critical is our present-day plight? I urge each of you to accept your individual responsibility and your individual opportunity. Constant vigilence and earnest exemplification of the principles of Masonry should be a Masons "cloud by day" and his "pillar of fire by night."

MANKIND IS A REALITY TODAY

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. O'KONSKI. Mr. Speaker, Eugene Clifford, director of public affairs for the Cooperative League of the U.S.A. and formerly special assistant to the manager of the Wisconsin Electric Cooperative for the State of Wisconsin, was the principal speaker at the Central Wisconsin Co-op Rally at Wausau, Wis., on October 9.

Mr. Clifford's speech on the value of cooperatives as a way of teaching democracy and making it function is a fitting tribute to the cooperative movement during October Co-op Month. Cooperatives have made a significant contribution to the American way of life and it is a real pleasure for me to call Mr. Clifford's excellent speech to the attention of my colleagues. The speech follows:

Mankind is a reality today.

It has not been before; certainly not with the sense of compactness and unity that the word implies. It really could not be because there was no perspective, no vantage point from which men could look upon themselves and their world and see it as the "one world" we have talked about and never fully understood.

Over the years and across the world, more often than not, people have been identified according to their differences and their divisions. They have been Americans, Russians, Chinese, Irish and many other things, depending on the origins of their ancestors; they have been Protestants, Catholics, Jews and other classifications based not at all on the togetherness of "mankind" but on the apartness of religious differences; they have been Republicans and Democrats; they have been farmers, laborers, businessmen; industrialists and a host of other things that label them according to how they earn their living.

The distinctions are still there today, but the emphasis is not at all the same, and probably never will be quite so prominent again.

The joint magic of space travel and television recently gave all of us the perspective we never had before—a long look at ourselves and our earth from a quarter of a million miles away. And we saw a remarkably beautiful gem of the firmament, bright and promising in the dark setting of space, with none of man's divisions showing at all. We could see no borders or boundaries anywhere, no iron curtain, no Berlin wall, no rocket launching pads. We could see only One World. And this was the long look, the broad view, that put us face to face with the absolute necessity to move *all* of mankind as one toward the best that One World can provide for its inhabitants. Having looked on this stirring scene, it is simply inconceivable that man could—or would want to—escape responsibility to advance the *community* of interests we all share. Not the individual interest, or the family interest, or the business interest, or any other single interest—but the *community* interest.

The long look across a quarter of a million miles showed us this view, and a great deal more.

Having seen it, and having recognized our One World as a lonely oasis for *one people* in the seemingly limitless celestial pattern, we must have recognized at the same time the need for a closer look at the things that need doing to assure that the people are truly one—one in opportunity, one in responsibility, one in the shared satisfactions and advantages of One World.

It is this searching, closer look that shows us the things that need doing to match reality to the vision—the things that need changing . . . that need improving . . . that need the persistent concern and effort of men.

This is the closer look that will show the despair of the ghettoes . . . the hunger of children . . . the hopelessness of the uneducated and untrained . . . the pain of the untreated ill.

The "giant leap for mankind" was not the physical leap to the surface of the moon. In its best sense, it was the impressive leap in man's understanding of himself and his world, and the start of a new determination that none must be left out of the oneness of mankind.

Offering an invocation on the occasion of Chicago's welcome to the astronauts, Cardinal Cody described the moon landing as the beginning of the Age of the Family of Man. He put it well—and, it seems to me, this points up the real significance of the "giant leap for mankind."

The Family of Man is not a new concept, but it has been a sadly limited application of an age-old concept. Certainly, there is nothing unfamiliar in this idea to this audience; you are here because you know about this kind of thinking, you are a part of its practical application, you are representative of veritable microcosms of the universal Family of Man we hope for.

You are practitioners of the cooperative way. And it is in this adaption of the mutual interest, self-help instrument that we see the outlines of the economic ideal—the magic blend of equality and equity, where none ranks above or below, in which men have found that personal sense or worth and dignity that comes of having something to say about some of the things that affect their lives.

William Hazlitt wrote that "Man is the only animal that laughs and weeps, for he is the only animal that is struck by the difference between what things are and what they ought to be."

You and those of the cooperative movement who have gone before are part of a select group who observed this difference between things as they are and as they ought to be, and perhaps laughed or wept, but then set out with vigor and persistence to do something about it.

When farmer producers found their economic fortunes were totally out of their own hands and completely beyond any semblance of their own control, they could and did do something about it. They formed their own processing, marketing and purchasing cooperatives.

The same self-help technique has been put to work to provide access to credit, to deliver electric energy across rural America, to establish the telephone network that for the first time tied in much of the rural countryside with the modern communications that are one of the major features of the 20th century.

The consumers of this country, rural and urban alike, adopted this same cooperative idea to improve the economics of their own lives, and it is a remarkable tribute to the effectiveness of this user-owned device that it is demonstrably valuable to both the initial producer and the ultimate consumer of the fundamental necessities of life. And there is an eloquent lesson to be noted in this picture of both producer and consumer choosing the cooperative solution to the problem of third-party, absentee control over decisions that should be rightfully their own.

The producer and the consumer are beginning to see themselves on common ground as they feel the weight of the snow-balling industrial complex that can dictate what the former will be paid for production and what the latter will pay for the end product. They see the life-and-death power over both that walks hand-in-hand with a situation that finds 85 percent of the breakfast cereal business firmly in the hands of only four firms. They are learning that it is a typical situation from coast to coast to have 50 percent of the food retailing business in any city funneled to the cash registers of the four largest retailers. They know now that more than half the output of the canning industry is the combined product of only 20 firms, and that another scant 20 firms control more than two-thirds of the frozen food industry output.

This is the picture that is now beginning to clear in the minds of urban consumers, who are applying their own organized efforts to see into the reasons for food costs. They are learning such remarkable things as the interesting fact that a box of well-known breakfast food for which they pay 49¢ actually contains eight-tenths of one cent worth of oats. And they can see the trouble with food prices, with outrageous frauds in quantity and quality, with deception on the label as well as on the price tag, are not the imaginative creations of the men who planted and cultivated and harvested, but the absentee third party.

The use of the cooperative as a wholesale and retail source of foods and other household supplies has contributed as much as any other single thing, and more than most, to this new consumer understanding. At the same time, it eases the pressure exerted by that growing industrial thumb on the windpipes of producer and consumer alike.

The cooperative creates this powerfully beneficial and mutually helpful effect for both sides of what once were thought to be incompatible interests. It can do this because it is not remote and apart from the human element that dictates decency and honesty and fairness if people are really to translate their Sunday morning professions into week-long practice. It moves into this role easily, because the cooperative—any kind of cooperative—is composed *of* people, controlled *by* people, and intended to serve *for* people.

There simply is nothing else anywhere on the business scene remotely like this—nothing at all comparable in purpose and motivation. This is why the cooperative can be, as it clearly is coming to be, the healing salve to cure what once was viewed as a necessary producer-consumer friction.

There was much of a "missionary" nature about the early cooperators in this country, and there is a new kind of missionary spirit demonstrated in the cooperative movement right now that reveals some fundamentally important things about the real character of the cooperative and its supporters.

The President of the University of Wisconsin, Dr. Harrington, hit upon this spirit in his recent comments on Co-op Month. He said this: "The cooperative way is more than a way of doing business. It is part of the American way of life, a way of teaching democracy, a way of bringing together people who are interested in more than profit. Cooperatives help teach the triumph of democracy over various alternative approaches to solving the problems of our civilization."

The essence here, as I see it, is this description of the cooperative as "a way of teaching democracy" and as "the triumph of democracy over various alternatives."

The government of the United States has repeatedly indicated its faith in the effectiveness of the cooperative as a basic lesson in the ABCs of democracy. It is the easily understood example of a way of doing things that puts the doing directly in the hands of the people involved, that vests them with responsibility and authority and a mutual sense of obligation. It is the simple process of providing that each man stands as tall as any other man in the matter of decision-making in matters of common concern. One member, one vote is a fundamental principle of democracy in the United States; it is a fundamental principle of cooperatives all over the world.

It seems to me that the inherent quality of a people, their goodness or badness, their indifference or concern, must reflect more sharply and more clearly in a democratic system than in any other. Where people are free to express themselves, to sound their criticisms, to issue their challenges, to demonstrate their faith, they do so. They do so in our political democracy, in which a partisan pre-election campaign often includes the crudest elements of a back-alley brawl and the precise and reasoned persuasion of the platform debater or the objective editorialist.

Elections and membership meetings of the economic democracy, the cooperative, often are like that too. We all can dredge up memories now of decisions in both these arenas that may very well have been wrong. But it is a strong testimonial to the ultimate wisdom of the people that by and large, over the years, their decisions have been sound and have contributed to the dramatic evolution of both these democracies in this country.

The people themselves, at any given time, are the country and are the cooperative. In this role, their volunteered contributions to improve their world, their own lives and the situation of many others, are simply beyond question.

I think it is important that we acknowledge these contributions, and recognize their nature and their broadly-shared values, particularly in times likes these when the air resounds with loud charges that these same people have wrong values or no values, have little concern or no concern, and have added little or nothing to the quality of the time they occupy in the history of men.

This simply is not so, and I think it is a part of any reasonable commitment to truth and decency to insist loudly and publicly and repeatedly that it is not so.

This has been a time on the scale of civilization that has seen the life expectancy of man increased by 50 percent, cut the workday by a third and at the same time doubled the per capita output. These are the years that have put higher education, once the privilege of the very few, within the grasp of millions. This is the period that has wiped out plagues, produced the answer to polio, found cures for some kinds of cancer and ways to slow the course of others, developed the intricate way to sew the severed limb back to the body, to open the ailing heart and repair it, to completely replace the heart or kidney that could not be remedied, thus guaranteeing the miracle of life for added months or years.

This is the time that saw the people of this country become the best informed and most completely informed of any people at any stage of history; that provided parks and trails and recreational areas all over the land, and broad, safe roads leading to them. It is the time that provided better food, better housing and better clothing for more people than ever before anywhere. It is the time that produced a far-reaching social revolution in this country, without revolt or bloodshed, that enlisted the people's government more fully than ever before in the people's cause—in the matters of decent medical care, dignified retirement years, reasonable job security and working conditions, and increasing means of protection against those who viewed the consumer as fair game for subterfuge, deception and outright fraud.

Not everything has been accomplished. Not everyone has everything. Far too many still have far too little. But the deep concern that inspired many of these things continues, and increases, the trend is in the direction of the remedies. The fact that not everything has been done simply cannot be said to mean that nothing has been done. The people of this time of rapid advance on an impressively broad front have solid credentials as volunteer participants in the necessary struggle to better the quality of life for everyone.

No society in the history of the world has submitted to a weight of levied taxes comparable to that borne by the people of this time of development. And it is significant that no society before this willingly devoted so great a share of its time and labor and dollars to persisting efforts to improve life and health and educational opportunity for millions of others, both here and around the world.

Brutal criticism of these efforts, and of the results of these efforts, lacks authority and credibility when it comes from those who have not yet been tested themselves in this same crucible, who have not yet abandoned the sound and fury for the wearying personal sacrifice that means things are being *done*, not discussed.

If these critics want to know "where it's happening" today they should be told first of all where it is *not* happening. It is not happening in the streets . . . in the marches . . . in the soap box oratory . . . in the sit-downs and the sleep-ins and the drop-outs.

It *is* happening where people are willing to invest of themselves to help cure the ills of our time. And it is happening with no greater effect anywhere than in the ranks of the cooperators who think and move in a collective way to help themselves, a way that requires the benefits of all they do to be shared among all those involved, and to be shared equally.

Those who have preferred to withdraw from schools, from politics, from jobs and from society, itself, are sitting aloof on the banks as life and all the doing it requires flows past. We hear them chant that "what the world needs now is love, sweet love," and we agree. But we also must insist that the world does not need poems of love and songs of love and sweet thoughts of love nearly so badly as it needs something to be *done* about love.

When millions of the world's people never have known a full meal, we need the energy and know-how of those who can produce and can teach others how to produce. When millions are groping in the darkness of illiteracy, we need open purses to provide pens and pencils and paper and books, and we need dedicated people to teach. When millions are sapped and pained by sickness and disease, we need educated and devoted hands to nurse and to heal. We need *doers*.

These are the festering sores of the world that have not been healed. And the shame of our time is that so many youthful hands are clutching rocks in poorly conceived outrage, when the agonizing need is for so many of these same hands to hold scalpels and pencils . . . and occasionally the pitiful, eloquently empty hands of the helpless.

The cooperative cannot be the social conscience of this country. But it certainly is a splendid and appropriate instrument to collect and focus the social conscience of many, many individual cooperators. And there is ample evidence that the cooperative has done exactly that with excellent effect.

The cooperative, like the institutions of a democratic government, is not an entity apart from the people. It is the membership . . . it is the people. And because it is, it can reflect accurate people concern about people problems. Multiplying the voices of the individual members, it is a powerful means to turn up the volume so that this concern can be heard and respected.

Perhaps it is in this capacity that the cooperative device will find its most demanding secondary role in the years just ahead.

It is increasingly evident that man is going to need stern and decisive action soon, not so much to continue the improvement of his world as to save it. The technology of our time has put men on wheels and in the air and far out in space; it has produced a dazzling array of manufactured products calculated to make living easier, working more productive and recreation more enjoyable. And all of this together has produced mountains of residues and wastes of all sorts that now threaten to make man himself extinct. Your Wisconsin Senator Gaylor Nelson told his colleagues the other day that man is now considered by many to be on the endangered species list. He warned that "some ecologists and biologists have already concluded that it will only be a matter of time before mankind breeds and pollutes itself to extinction."

We all have heard that one of this country's Great Lakes, 240-mile long Lake Erie, is believed by many experts to be already condemned by the monumental discharge of pollutants that have fouled it for years. The lake literally is choking to death on municipal and industrial wastes. Lake Erie was gouged out by glaciers 12,000 years ago—but it has been artificially aged 15,000 years beyond that in the last 50 years alone.

Lake Erie is not alone. The Potomac River reaches Washington, D.C., as a clear stream. It oozes out the other side contaminated with 240-million gallons of waste every day. The Cuyahoga River in Ohio is said to be a fire hazard because of its thick coating of residues and oil. Swimmers who dive into Long Island Sound are splashing into 196-million gallons of waste that comes from 46 municipal plants, 56 industrial plants and seven federal installations every day.

Merely to breathe for half a day in New York City is similar to smoking a full pack of cigarettes. Dirty air is estimated to cost the economy more than $11-billion every year, but at this point the federal government spends only $78-million a year on air pollution abatement.

Rural America is not isolated from the problem. Even the largely rural State of Colorado, with its majestic mountains, clear waters and impressive open spaces, found it necessary several years ago to enact an air pollution control law. Make no mistake about it, when the atmosphere of One World and its soils and water supplies have been poisoned, there will be no place to hide.

These are people worries and people concerns. And it will be more important tomorrow than ever before for people to have ways to organize their efforts, to amplify their voices, to focus their influence. Their member-controlled cooperatives give them that way right now.

But that absentee third party is still waiting in the wings to pull the curtain on people who try to get into the act in their own behalf. This is the force that persists in its effort to keep the consumer and the producer suspicious of each other and at each other's throats. It is the same force that doesn't want industry regulated into water and air pollution remedies merely because people want to breathe and swim and to fish.

The cooperative is a powerful megaphone in the hands of the people. It is a powerful lever in their behalf. It makes mutual effort practical, and if that can succeed in collective buying of fertilizer it might also be done in emphasizing the people's demand for clean air and pure water.

The cooperative is the bogey man on the economic scene in this country, so the cooperative must be eliminated, or at least weakened and made ineffective.

The latest push in this direction came recently when a collection of utilities and big business, huddled anonymously behind the title of National Tax Equality Association, slipped a cyanide pellet for cooperatives into the bulky proposals of the Tax Reform Act of 1969.

The very fact that these anti-cooperative forces could get their thinking into a tax reform proposal at all is a clear indication of their influence on important people in important places. As you know, the House has passed this bill, which would dictate to cooperatives how and when they must pay out patronage refunds and revolve their member investment. The measure would put a due date on such investment, changing it from equity capital to debt capital and undermining the cooperative borrowing ability.

Congress does not tell other corporations to pay their dividends in cash. Nor does Congress usurp the corporate management function by spelling out the methods and deadlines for distributing margins.

But somebody somewhere is able to command the attention of enough important members, at least on the House Ways and Means Committee which put this Tax Reform measure together, to stimulate the kind of action they want.

It is sobering to observe that the reform bill, which in reality plugs only about $1.6-billion worth of tax loopholes out of a grand total of $50-billion worth in our federal tax structure, reaches far from the path of tax reform to snap this set of handcuffs on cooperatives.

It is sobering because it warns that the interests of many people often are badly bruised when they collide with the interests of many dollars.

But these are the very things that emphasize the grave needs that impelled people to join together in cooperatives in the first place. They emphasize that the old needs, and a lot of new ones, still exist, and that it is vital for people today to reinforce these existing associations and to look hard for more ways and better ways to join forces for mutual benefit.

You are joined together right now in a broader than usual way. You represent a variety of ways in which people have put the cooperation device to good use. You are here because you recognize that you have a powerful common bond, the cooperative. You are here as living testimony that "Co-ops: Progress Through People" is much more than the theme of the 1969 Co-op Month. You know that it really is the capsule story of the ways you have worked together, and of the extra quality you have added to your lives through your common efforts.

You did not need the long perspective afforded by a televised view from the moon to recognize that your cooperative, your microcosm of the Family of Man, put you and your neighbors in One World before others began to speculate that One World was possible.

You knew about mankind and its oneness and its common ground.

I have said that today mankind is a reality.

You of the cooperative family knew it all along.

OTHER WAR IN UNITED STATES RILES GI'S

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. MICHEL. Mr. Speaker, we hear a lot of talk about war weariness in the United States. We hear talk of defeat, and surrender, and bugout.

And much if not most of it comes from people who have never been through a war, from draft dodgers who fear to fight for their country and from others who advocate draft dodging.

Some advocate these things with good intentions, with little thought of what the effect is on our men in Vietnam.

Don Tate, of the Scripps-Howard Newspapers, tell us of the reaction of our soldiers overseas to quitters in America. I commend the following story from the Washington Daily News of October 14 to my colleagues:

Other War in U.S. Riles GI's

(By Don Tate)

Saigon.—As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battleground is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, or a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull-fight rhythm much as it has been, at least until many more U.S. troops are withdrawn.

Meanwhile, the war to win American public opinion and, particularly, the mind of Richard M. Nixon, is waxing hotter. What happens in the U.S. will determine what happens here. As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

GI DISDAIN "BUGOUT"

It is difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI put it, "with our tails dragging." It is difficult to find one—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most American here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seeking a reasonable solution to the war.

There are, of course, many critics of war critics here. They charge that a number of war critics in the U.S. are using the same tactics Hanoi has shown—the more you give them the more they demand, and they both demand total, immediate and unconditional everything.

In the two wars—one group of Americans is convinced of the rightness and necessity of bringing this bitter war to a conclusion by presenting a united front to Hanoi, the other protesting group is more or less convinced the only way out of Vietnam is to get out fast regardless of consequences.

MYSTERY IN VIETNAM

There is often the feeling here that the war is only a secondary feature to the show of exposed nerves going on in the U.S. What the war has done to the U.S. is the biggest mystery of all here.

"It seems like any American who ever wanted to protest anything has found his cause in the Vietnam war", one veteran analyst contends, "and yet 95 per cent of them have suffered little direct personal hardship because of the war.

"You hear so much of the war-weary American, and how exhausted he is by the war. Yet this exhaustion of the mightiest power on earth is a relative thing. It hasn't been bombed, or invaded, or lived under the Communists a single day. It's manpower loss has been a drop in the bucket compared to that of either North or South Vietnam, and its suffering has been a thousand times less. Many Americans would hardly know the war was going on if it wasn't for newspapers and TV. Suppose Americans had to face what the South Vietnamese people have yet to face? America's exhaustion is a self-induced state of mind, composed mostly of confusion."

One rankled American, with invested years and effort in Vietnam, condemned some of the rantingest protesters as the "most confused of all."

WEARY OF "POPPING OFF"

"Soldiers do the dying," he said, "and these others do the popping off. I'm tired of hearing these so-sure people who haven't shed a nosebleed in this war scream pig this and obscene that and run around protesting for the hell of it.

"I'm tired of hearing what politicians who sound like Hanoi radio demand, what well-meaning but awfully uninformed students demand, what ivory-tower doves who wouldn't dirty their hands over here demand. I'm weary of hearing how much Sen. (J. William) Fulbright, D., Ark., wants out. We all want out. We all protest the war. We all want peace. But not by saying: 'Here Hanoi, take 17 million people. We'll pretend we were never involved. We quit.'"

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

To Americans who have put in their time here, it is not good enough to dismiss blandly such realities with an: "Oh, well, it is up to the Vietnamese to work out their own problems."

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

RESULTS OF QUESTIONNAIRE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. FISH. Mr. Speaker, this summer I sent a questionnaire to every household in my district, the 28th Congressional District of New York.

Over 10,000 questionnaires were returned to me representing 16,907 individual responses, the results of which my colleagues may find of interest.

The following are the tabulated answers to the questionnaire, with 16,907 total respondents, of which 8,882 were men and 8,025 were women:

Question 1. If the Paris Peace Talks fail to produce agreement leading to at least some disengagement in Vietnam within the next few months, would you favor:

(a) Withdrawal of all U.S. Military forces from Vietnam even though this might mean a Communist takeover?

(b) Withdrawal of U.S. troops as rapidly as they can be replaced with South Vietnamese forces?

(c) An all-out offensive against North Vietnam, utilizing full available military power, short of nuclear weapons, to win a clear cut victory?

(d) Undecided?

	His	Percent	Her	Percent
(a)	1,279	14.4	1,292	16.1
(b)	3,189	35.9	3,338	41.6
(c)	1,954	22.0	1,220	15.2
(d)	89	1.0	241	3.0
No response	2,371	26.7	1,934	24.1
Total	8,882		8,025	

Note: The high percentage of "No Response" on this question was caused by people marking more than one preference. As the computer was programmed to handle only one selection, it would register "No response" when more than one was indicated. In the following questions I have deleted the number of people responding, and only inserted the percentage, as the number of men and women remain constant throughout the urvey.

Question 2. Should the power of the President to commit American troops to combat without the specific approval of Congress be curbed?

[In percent]

	His	Her
Yes	53.1	52.1
No	34.3	27.2
Undecided	4.1	8.7
No response	8.5	12.0

Question 3. Military draft—do you favor:

(a) Keeping the present system?

(b) President Nixon's draft by lottery with 19 as the prime age group?

(c) As a long-range objective, a volunteer armed force supplemented by a Reserve program?

[In percent]

	His	Her
(a)	12.8	8.5
(b)	28.0	23.7
(c)	29.7	35.7
Undecided	5.4	7.9
No response	24.1	24.1

Note: Here, too, the high "No response" was caused by respondents checking 2 answers. In checking over the questionnaires I find almost without exception that the doublechecking came when people indicated approval of the President's plan plus the desire for an all volunteer army as a long-range objective.

Question 4. President Nixon has recommended deploymen of a modified ABM system. Are you:

[In percent]

	His	Her
In favor	48.2	40.8
Opposed	29.8	29.6
No opinion	14.4	19.1
No response	7.5	10.5

Question 5. Which one of the following most closely reflects your attitude toward the Nation's space program?

(a) Continue with funding at about the present level—$4 billion in fiscal 1969.

(b) Accelerate, increasing funds if necessary.

(c) Cut back, reallocate funds to major domestic programs.

[In percent]

	His	Her
(a)	38.4	32.3
(b)	8.7	6.1
(c)	48.2	56.4
No response	4.8	5.3

Question 6. Social security benefit increases are being considered by Congress, do you favor:

(a) A 7-percent increase without a payroll tax increase?

(b) A 10-percent increase with a modest payroll tax increase?

(c) No increase now, but a larger increase next year financed by increasing the maximum amount of salary subject to social security tax?

(d) Do you favor a bill I have introduced tying social security benefits to the cost of living?

(e) None of the above?

[In percent]

	His	Her
(a)	11.5	11.0
(b)	3.9	3.9
(c)	3.8	4.1
(d)	40.8	44.6
(e)	12.0	10.1
No response	28.0	26.4

Note: Again the "No Response" is large, and in looking over the questionnaires I find that people tended to check A. B, or C plus D. This would indicate that the idea of tying social security benefits to the cost of living is far more popular in our area than the survey shows. I am pleased to note that President Nixon has only recently endorsed the idea of a 10-percent raise and then pegging benefits to the cost of living. In addition to my own bills introduced last February, I have also cosponsored President Nixon's proposed legislation.

Question 7. Should the Federal Government try to create jobs by granting tax incentives to private industry.

[In percent]

	His	Her
Yes	43.1	34.3
No	38.7	39.6
Undecided	11.5	16.6
No response	6.7	9.5

Question 8. The President has recommended a tax overhaul—do you favor:

[In percent]

	His	Her
(a) A reduction of the present 27½% oil depletion allowance?		
Yes	77.5	63.9
No	10.0	9.8
Undecided	12.5	26.3
(b) A minimum tax on the wealthy whose income is now exempt?		
Yes	94.3	87.6
No	5.3	9.6
Undecided	0.4	2.8
(c) Taxing income from investments of private foundations, religious organizations and social clubs.		
Yes	69.8	72.2
No	20.5	13.9
Undecided	9.7	13.9
(d) A continuation of the 10-percent surtax to Jan. 1, 1970, when it will be reduced to 5 percent, coupled with the immediate elimination of the 7% investment tax credit, as suggested by President Nixon?		
Yes	51.2	38.8
No	34.6	41.8
Undecided	14.2	19.4
(e) Elimination of the 10-percent surtax now?		
Yes	30.0	41.4
No	51.7	41.9
Undecided	19.3	16.7

Note: Due to the tremendous desire for tax relief, with respondents answering nearly every alternative, Computer Research developed a separate program for the above computation. Due to this problem, the above figures are the only ones subject to question as many listed as "undecided" could have been "no," the decision on each questionnaire being made on separate inspection. I have been assured by Computer Research that the error factor in the "yes" answers are extremely low.

Question 9. Would you favor legislation fixing the minimum wage at $2.00 per hour?

[In percent]

	His	Her
Yes	44.8	46.2
No	39.0	32.0
Undecided	11.8	15.2
No response	4.4	6.5

Question 10. Would you favor:
(a) Extending the existing National Labor Relations Act to Agriculture?
(b) Creating an Agriculture Labor Relations Board to deal especially with farm labor problems?

[In percent]

	His	Her
(a)	13.9	11.4
(b)	24.6	26.6
Undecided	30.8	35.1
No response	30.7	27.0

Question 11. A proposed Constitutional amendment to change how we choose our President and Vice President is before Congress. Do you prefer:
(a) Direct popular vote?
(b) No change from present electoral college reform?
(c) A system based on allocating each states electoral votes in proportion to the states popular vote?
(d) A district system where each candidate would receive one electoral college vote for each congressional district he carried, and two for each state he carried?
(e) No opinion?

[In percent]

	His	Her
(a)	58.2	59.0
(b)	7.2	6.7
(c)	9.2	8.5
(d)	4.9	4.5
(e)	2.0	3.2
No response	18.5	18.1

Question 12. Do you favor a Constitutional amendment to allow voluntary prayer in public schools?

[In percent]

	His	Her
Yes	75.0	77.1
No	15.2	15.8
No opinion	6.1	4.9
No response	2.8	2.2

Question 13. Do you favor a constitutional amendment which would permit one branch of the state legislature to be elected on a basis other than population?

[In percent]

	His	Her
Yes	26.9	19.1
No	43.6	43.8
No opinion	22.1	27.6
No response	7.4	9.5

Question 14. Should cigarette advertising on radio and TV be:
(a) Allowed without restriction?
(b) Allowed with health hazard warning?
(c) Banned completely?
(d) No opinion?

[In percent]

	His	Her
(a)	14.9	9.1
(b)	38.7	40.8
(c)	32.3	33.3
(d)	3.9	4.1
No response	10.2	12.8

Question 15. Would you favor making it a Federal crime to:
(a) Mail or distribute via interstate commerce pornography to minors under 18?
(b) Mail or distribute through interstate commerce pornography to anyone?
(c) No opinion?

[In percent]

	His	Her
(a)	25.4	17.2
(b)	29.8	35.9
(c)	3.9	5.5
No response	40.8	41.4

Question 16. Would you favor Federal licensing or registration of rifles and shotguns?

[In percent]

	His	Her
Yes	35.6	40.0
No	57.4	46.9
No opinion	2.5	6.1
No response	4.6	7.1

Question 17. Would you favor repeal of restrictions on sale of ammunition for rifles and shotguns?

[In percent]

	His	Her
Yes	35.7	27.8
No	54.1	54.0
No opinion	4.4	8.7
No response	5.7	9.5

Question 18. Should a government owned postal corporation be created to operate the postal system on a self-supporting basis?

[In percent]

	His	Her
Yes	68.9	64.1
No	16.9	14.0
No opinion	8.5	11.0
No response	5.7	11.0

Question 19. Would you favor a bill I have introduced calling for national, uniform minimum welfare standards?

[In percent]

	His	Her
Yes	71.1	70.6
No	48.9	14.6
No opinion	7.4	5.7
No response	6.6	9.1

Question 20. How do you grade the Nixon Administration so far?

[In percent]

	His	Her
a. Excellent	8.4	6.7
b. Good	48.9	50.1
c. Fair	27.0	26.6
d. Poor	7.7	8.1
No response	8.0	8.5

HOW MANY GI'S DID WAR PROTESTERS KILL?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DUNCAN. Mr. Speaker, a young soldier from my district asked some penetrating questions on October 15, the day of the peace moratorium. His letter speaks for itself and I recommend it to my colleagues. I especially wish that those who supported the moratorium would read this young man's query:

[From the Knoxville News-Sentinel, Oct. 22, 1969]

KNOX SOLDIER IN VIETNAM ASKS: "HOW MANY GI'S DID WAR PROTESTERS KILL?"

(NOTE.—Pfc. Michael J. Lowe, 20, son of Mr. and Mrs. W. F. Lowe, 5008 Knoxwood Drive, wrote the following letter to The News-Sentinel on the day of the Vietnam Moratorium. Pfc. Lowe is a graduate of Bearden High School and has been stationed at Long Binh near Saigon since March.)

TO THE AMERICAN PEOPLE: Today you protested against military actions in South Vietnam. You have made me feel very bitter towards you. When I came to Vietnam I thought I represented you, and I was very proud.

You have made it very evident to me that you do not care if Communism gains control of the world. How can it gain control of the world by winning in this small country? Well it won't stop here. It will inch its way toward our great country until eventually it will gain control of it. Through your protest you have given it the encouragement it needs.

Ask yourself this question:

How many Americans did you kill in South Vietnam today?

Is it ridiculous? Through your protest you might have encouraged just one enemy soldier to stay and fight who otherwise might have given up. Now tell me you didn't kill your own sons.

Do you know what it is like to see a buddy lifeless and without legs after his truck has run over an enemy mine? Or hear the screams of a buddy who has been wounded by an enemy bullet? And then pick up a newspaper and see that the people of our own country are supporting the man who has just killed your friend?

People of America, you'd better wake up because someday we won't be fighting in some distant land, we will be fighting on our own soil. Believe me, many more people will die there than ever will here.

Who will you support then?

One of your sons,

Pfc. MICHAEL J. LOWE.

THE LEASED HOUSING PROGRAM IS ALIVE AND WELL, BUT WHATEVER HAPPENED TO RENT SUPPLEMENTS?

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. WIDNALL. Mr. Speaker, this body has been engaged in debate on the 1969 Housing Act. We have heard much discussion about new and better ways to improve the quality of life in our growing urban centers. In the midst of this debate, we sometimes lose track of the successful programs which this House has enacted, programs which have had a significant impact on city problems.

One example is the section 23 leased public housing program, which I am proud to have authored in 1965. In the 4 years of its existence, it has grown to the point that now about 70,000 dwellings are part of the program, providing decent housing in privately owned units across the country, while keeping the dwellings on the city tax rolls.

Mr. Simpson Lawson, senior author of City magazine and the City Chronicle, publications of Urban America, Inc., has written an excellent article in the September Chronicle discussing the leased housing program, and comparing it with the rent supplement program which was enacted at the same time.

I commend this article to my colleagues, as an example of a program which is working, and working well—perhaps even better than anticipated. Mr. Lawson's article follows:

THE LEASED HOUSING PROGRAM IS ALIVE AND WELL BUT WHATEVER HAPPENED TO RENT SUPPLEMENTS?

(By Simpson Lawson)

In 1965, responding to growing disenchantment with public housing, Congress authorized two major departures from the orthodox federal approach to housing the poor. By narrow margins in both the House and Senate, it passed the sharply debated rent supplement program. The other innovation, the leased housing or rent certificate program, was authorized by an amendment added to that year's omnibus housing act with scarcely any public notice.

Sent to Capitol Hill in the wake of expansive Johnsonian rhetoric, the rent supplement program became the centerpiece of Administration housing proposals. The leasing amendment was dropped unobtrusively into the bill by New Jersey Rep. William B. Widnall, chief Republican architect of housing legislation in the House.

Now, about four years later, almost six times as many units are being used under the leased housing program as under the rent supplement program. That was the principal finding of the Advisory Commission on Intergovernmental Relations after making a comparative study of the two programs. Here are ACIR's compilations:

Leased housing: "On June 30, 1969, an estimated 70,000 dwellings were receiving annual contributions under the leasing program, and the total cost of contributions for the fiscal year was about $50 million. The leased units represented about 9 per cent of the total units administered by Housing Assistance Administration (publicly owned housing constituted nearly 90 per cent)."

Rent supplements: "On the same date, 12,503 rent supplement units were under occupancy, and the total outlays for the year amounted to $5,587,020."

Having noted this striking difference in the generative capacity of the two programs, ACIR probed the legislative history of both, assessing the impact of Congressional and administrative restrictions. The study reveals that leasing has become a sharply honed tool in the hands of experienced local public-housing administrators. The rent supplement program, depending for implementation on a highly fragmented and still-mobilizing constituency, is depicted as a dull and partially sheathed tool, though a vital part of the federal kit (the Nixon Administration asked for the full $100 million for rent supplements, as requested by the last Administration).

The rent supplement program, envisioned by President Johnson as a means of encouraging "housing in which families of different incomes and different age groups can live together," is designed to provide lower-income families with accommodations in newly built or substantially rehabilitated housing owned by nonprofit, limited dividend, or cooperative organizations. A federal subsidy pays the difference between 25 per cent of the family's income and the market rental of the property. Eligibility is limited to families and individuals whose earnings are within the income range of those served by public housing and who are elderly, handicapped, displaced by government action or natural disaster, or living in substandard housing.

The leased-housing program authorizes HUD to make annual contributions to local housing authorities to enable them to lease existing, privately owned dwelling units for low-income families at rentals they can afford. The local authority selects the tenants in most cases and pays the landlord the difference between the normal rent and what the tenant pays, a sum based on charges for public housing accommodations. In both leased and rent-supplement housing, the tenant's subsidy is reduced as his income rises, but he may continue to occupy the unit, even though he becomes ineligible for a subsidy.

Congress, the report noted, had left its imprint strongly on both programs. The Johnson Administration originally offered rent supplements for use by moderate-income families. It was widely hailed by some public interest groups, but the National Association of Housing and Redevelopment Officials, voice of the public housing bureaucracy, found the plan "administratively cumbersome and socially indefensible." Congress found it at least politically indefensible. However, it retained the other provisions that limited the program to the elderly, the handicapped, the displaced, and the poorly housed.

After enactment Congress continued to hobble the program. It was stingy with appropriations (in 1967 the House voted to deprive it of any new funds), and persuaded FHA, then still largely geared to suburban development, to impose inhibiting regulations in the guidelines. These placed specific dollar limits on construction costs and rentals and forbade tenants to receive supplements in excess of 70 per cent of the fair market rental, though this failed in high-rent areas to close the gap between their contribution and the total rent. These restrictions, along with bans on such features as air conditioning, extra baths, and project swimming pools, reduced the likelihood that unsubsidized tenants would live in them. They also discouraged private builders, on whom much of the success of the program depended, to sponsor rent-supplement projects. The Kaiser Committee, ACIR noted, found that limits on rents and construction costs made the program generally unworkable for new construction in major central cities outside the South and Southwest.

A rider to one appropriation bill restricted use of rent supplements to cities with the kind of blueprints for urban development which HUD terms "workable programs" and to those communities whose governments approved the projects. This diminished greatly the program's capacity for dispersing low-income housing throughout metropolitan areas. Rising interest rates, the Douglas Commission said, widened the gap between the cost of housing and 25 per cent of the income of low-income families, progressively limiting the number of poor families who could be housed.

Leased housing suffered its own birth pangs. "If the rent supplement program ran into opposition in a hostile Congress," said the ACIR report, "the leased housing program had its problems with a reluctant Administration." HUD's lack of enthusiasm started with then Secretary Robert Weaver who called it a "one-shot program." Weaver insisted that a growing population must have an increasing supply of housing as well as subsidies that permit poor families to occupy quarters that would otherwise be occupied by moderate-income families. Congressional testimony from other HUD officials revealed a middle-echelon coolness toward the new program.

Those feelings were reflected in initial guidelines which prescribed that the local vacancy rate on any given type unit must be above 3 per cent before such units could be leased. ACIR quotes a HUD source as attributing recent accelerated use of leasing to the later removal of that restriction.

"The local housing authorities were instinctively opposed to the rent supplement program because it took out of their hands, and placed in the hands of FHA, a portion of responsibility for housing low-income groups," says the ACIR report. The leased housing program, on the other hand, expanded their role, although some began to use it effectively only after prodding by NAHRO officials.

The growing tendency of local authorities to lease rehabilitated and newly built units has been increasing the housing supply substantially, thus weakening HUD's early objections. Congressman Widnall frequently takes the occasion of Congressional hearings on housing bills to remind federal officials and other witnesses of the plan's availability.

It is now estimated, says ACIR, that about half the total number of leased dwelling units are new or rehabilitated. This, the study notes, expands the supply of standard housing and tends to diminish the effect of one of the early points of criticism that was directed at the program.

Both programs, says ACIR, have at least three advantages over traditional publicly owned, low-income housing projects: "They are privately owned and pay local taxes; they tend to be scattered throughout the community, and they enable tenants to graduate from public to private housing without moving."

Both programs emerged from the federal pipeline about the time the call for private involvement in urban programs had come to full-throated volume, it seems, therefore, somewhat ironic that the federal establishment laid down a tougher set of ground rules for the private sector than for the public sector.

J. A. TERRY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. NICHOLS. Mr. Speaker, the Chamber of Commerce of Roanoke, Ala., has honored a Negro businessman who has done an excellent job of building a small sewing operation into a thriving manufacturing company. He is J. A. Terry, a native of Randolph County who stayed to prove that a self-made Negro man can make it in the South. I include in the RECORD the following story from the Birmingham News which describes Mr. Terry's success:

ROANOKE WILL HONOR NEGRO BUSINESSMAN

ROANOKE.—J. A. Terry, a Negro who earned the respect of the whites in this eastern Alabama community by building a million-dollar garment-manufacturing business from a shoestring says he wanted to show that black people can be an asset.

"We wanted to show that black people can promote themselves; that they can be an asset to the town, to the county, to the economy," the 55-year-old Terry said. "We wanted to help build something for ourselves."

Recognition of Terry's efforts comes Oct. 29, when the Chamber of Commerce will honor him at a luncheon. It may be the first time in the rural South that an all-white Chamber of Commerce has paid such a tribute to a Negro.

Terry is proud of the honor. "We've worked hard to get where we are today," he said in an interview Tuesday. "We'll have to work even harder to show people that all the nice things they're saying about us are justified."

When Terry says "we," he means his employees, himself and his family, which includes his wife and three sons who have worked closely with him since the beginning. "Without the unity of this family, we could not possibly have come this far," he said.

Terry, a native of Roanoke, received his education in high school and trade schools. He then learned and supervised practically every type of sewing operation while working for the federal government at Wright-Patterson Air Base experimental station for seven years in the 1940s.

He decided to enter the garment business and saved every penny he could. Little help was available when he started Terry Manufacturing Co. in 1963, but he picked up the support of banks in Roanoke and nearby Wadley and the Small Business Administration along the way.

He started with five power sewing machines, housed in a small frame building and began manufacturing garments, training new employees as he expanded. Most of these employees were either unemployed, on welfare, or employed as domestics earning $10 to $15 per week.

Today he employes more than 60 persons, is housed in a new 16,000-square-foot plant and wholesales more than $1 million worth of clothing a year.

He said he thought about leaving his home to seek greener pastures but rejected the thought. "The idea was that we should do something with what we had, do something to improve conditions rather than running away from those conditions," he said.

Many Negroes were leaving this Randolph County town of 6,000 in 1963 in search of jobs.

Terry hopes to increase employment to about 100 persons.

Most of his sales are to wholesalers, but he is trying to develop retail outlets. He said this prospect "looks pretty good."

One of his products is Afro-style garments for men and women. Individuals and small shops are being recruited to sell the Afro garments on and near the nation's black college campuses.

"This is just in the beginning stage," he said. He added the white community has shown no adverse reaction to the garments' manufacture.

In fact, the white community thinks he's doing an outstanding job.

"He's doing something for his race, instead of inciting them to riot," said J. C. Washington, manager of the local Chamber of Commerce.

Terry, named "Black Businessman of the Year" by the National Association of Market Developers which is jointly sponsoring the luncheon to be held in the National Guard Armory, is looking forward to Oct. 29.

It's rewarding to know that at last you've overcome many things," he said. "It's gratifying to find out that someone else is concerned with what we're trying to do."

CREDIT CARD ABUSE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DULSKI. Mr. Speaker, we are living in a day of credit cards—and they certainly have a proper role in our economy.

Unfortunately, as in so many things, there are those who abuse a system.

I refer in particular to those companies who send out unsolicited credit cards. This is a practice that must be halted.

Our Subcommittee on Postal Operations has begun hearings under the able chairmanship of the gentleman from Pennsylvania (Mr. NIX) and already we have received some very revealing testimony.

There is no intention to interfere with legitimate credit card distribution where there is a specific request for a card. However, the indiscriminate flooding of the mails with unsolicited credit cards must be banned by law. Apparently that is the only way to deal with the problem.

There are several proposals before our subcommittee and I feel certain a recommendation will receive prompt consideration by our full committee.

Mr. Speaker, I include with my remarks an editorial from the Buffalo, N.Y., Evening News of October 9:

CREDIT CARD ABUSE

In a variety of forums, Washington is debating whether the federal government should prohibit banks and businesses from mailing out credit cards which have not been asked for by their intended recipients.

We say "intended" recipients because a chance always exists that such unsolicited cards—complete with identifying numbers, names and addresses—may go astray and fall into the hands of some irresponsible person eager for a no-charge buying spree. Even if the person whose name is stamped on the card isn't required to pay for such purchases, he may have to go to inconvenient lengths, and perhaps even to court, to prove his innocence.

The thriving credit-card industry opposes any ban on mailing out these unsolicited cards, partly on the grounds that to invoke such a ban now would give businesses which have already sent such cards out an advantage over competitors which had not.

This flimsy defense was swiftly demolished the other day, however, by a one-time victim of a strayed, unsought credit card, Rep. Jonathan Bingham (D., N.Y.). It is wholly illogical, he reasoned, "to allow an objectionable practice to continue simply because it has been allowed in the past or because others have taken advantage of it." Since the practice has been going on for some time, moreover, "any firm that desired to take advantage of it has had ample opportunity to do so."

One way or another, the mailing of these unsought credit cards constitutes an abuse of the consumer and should be stopped. Businesses can achieve the same result, with the potential customer assuming no risks or inconvenience, by sending him a letter simply asking if he wants a credit card.

All this would seem elementary, yet neither the Federal Trade Commission, which regulates business, nor the Federal Reserve Board, which regulates banks, has barred such mailings. If they fail to do so very soon, Congress itself should act.

FEDERAL SALARY COMPARABILITY ACT OF 1969

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. RUPPE. Mr. Speaker, earlier this month the House of Representatives passed the Federal Salary Comparability Act of 1969. I voted for passage of this legislation to demonstrate my wholehearted support for elimination of inequities that exist in the Federal pay system. However, I also voted to recommit this bill to the Post Office and Civil Service Committee because of certain irresponsible provisions incorporated in the legislation and because the committee failed to provide revenue to implement new procedures. It was, and is, my opinion that if these inadequacies are not corrected this legislation may well never become law.

During my first term in Congress, I served on the Post Office and Civil Service Committee. During that time I developed a fairly intimate knowledge of Federal pay legislation and how it works. My seniors on that committee—who still serve—certainly have sophisticated understanding of this important legislative arena. Thus, I was greatly surprised when the majority on the committee failed to provide sufficient revenue to implement procedures reducing from 21 to 8 years the period it takes a postal employee to reach the top step in his grade scale. Reflecting on this, over the last few days, I have come to the sad conclusion that this act of fiscal irresponsibility was a deliberate ploy by the Democratic majority on the committee to embarrass a Republican administration. At best, this failure to provide new revenues to meet new costs in a time of a tight budget is a cheap political trick to invite a presidential veto. At worst, it is a cruel hoax on hundreds of thousands of dedicated Federal employees who deserve comparability and a fair system for adjusting their salaries during a time of rising costs.

Two years ago I was a primary sponsor of comprehensive salary legislation which was carefully developed by the Post Office and Civil Service Committee. That landmark bill was designed to bring postal workers to salary levels comparable to those of civilian employees. Both Republican and Democratic committee members worked closely together to increase postal revenues sufficiently to cover the cost of the salary and operating increases. We knew that this was not only responsible, but President Johnson insisted on such a provision if the entire package was not to be vetoed.

Mr. Speaker, this year the Post Office and Civil Service Committee made no effort to initiate a postal rate bill to pay for any part of the salary bill. I would submit that every member of that committee realized that such an action is a clear invitation to a Presidential veto. Furthermore, this legislation takes away from the President part of his constitutional right to administer over the Government by removing all of his jurisdiction over the setting of salaries for Federal employees. The bill—in reality—also takes away congressional responsibility in this important area.

I cannot think of legislation more carefully designed to build the false hopes of our postal employees while deliberately encouraging the wrath of the President.

Let us hope, Mr. Speaker, that the Senate takes its responsibilities to create meaningful legislation to upgrade our postal employees and provide equitable compensation for civil service employees more seriously than did the House of Representatives.

SECRETARY ROMNEY TURNS HIS BACK ON HOMEOWNERS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. MINISH. Mr. Speaker, I was shocked, as every American must have been shocked, at Secretary Romney's statement blasting home ownership. It is a basic American tenet that all Americans should have a chance to own a home of their own. Time and time again it has been proven that the pride of home ownership, the accompanying sense of responsibility, and a solid feeling of sharing in community values are buttressed by the American family who owns a stake in his own community.

No worse attack could be made on the principles of home ownership than Secretary Romney's blunt statement that the American home buyer should not be allowed to reflect in his income tax statements the interest he pays to a lending institution for owning his home.

I am honored to be a member of the Committee on Banking and Currency, which has the primary responsibility for housing programs. What we on the committee are trying to do is to bring all of our fellow citizens up to the standard of living which they have a right to expect in this wealthy country, not to drag people down by casually tossing away any laws enacted to help fulfill ideals. This, Mr. Speaker, is destructive criticism on the part of the Housing Secretary. The Congress has always tried to provide good housing for Americans, and I cannot understand how Secretary Romney can justify his attack on those who bear an already heavy tax burden.

I firmly believe in amply funding all the housing programs that we have enacted to help the elderly, the low-income families and the moderate-income families. This is the answer to America's housing problems. Yet the Housing Secretary is silent about the necessity of full commitment to these worthwhile programs. He has done nothing to convince the administration or assist the Congress to implement projects designed to revitalize the Nation.

It is sad that Secretary Romney chose as his forum the dedication of the Federal National Mortgage Association building. The Congress in giving Fannie Mae independence meant to promote home ownership, not undercut it. It is most unsuitable for the Secretary to use the dedication of their new building to question the value of home ownership. The majority of Americans, through hard work and self-denial, have worked to achieve that measure of independence. Yet our Housing Secretary does not support a provision in law designed to help home ownership. I personally know how people have worked to realize home ownership, and I cannot turn my back on them. It is obvious that Secretary Romney can.

THE GOOD WE ARE DOING IN VIETNAM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a few days after the so-called Vietnam moratorium I received a letter from the mother of a serviceman, Mrs. Martha L. Dobey, of Arlington, Va., in which she expressed a sentiment I know is shared by thousands of Americans.

As I believe Mrs. Dobey's comments deserve the thoughtful attention of all our colleagues, I insert her letter, in part, at this point in the RECORD:

> I am sure you remember our son, Allen Brantley . . . Well, he went to Vietnam as an Army Engineer, and like thousands of other young men, volunteered for extra duty, because they had jobs to do of building (not destroying), and they wanted to get them completed instead of leaving the tasks to green replacements who might not even care.
>
> These men repair roads and bridges; help the Vietnamese rebuild bombed out villages, training them in different skills; and do many loving things for the kids. I am sure you know all this, but other people don't, and in view of what is going on here in the United States it looks like these dedicated young men—squares, of course—are really going to get the cold shoulder when they return home.
>
> It surely would be a fine thing if you and other influential people, loyal to the President, would start a little campaign of informing the public about the good we are doing in Viet Nam.
>
> I resent terribly the untrue, inflammatory remarks made Wednesday about the United States being the aggressor. Nothing is ever said about the bloody hands of North Vietnam—only about the poor spies we have "murdered"; nothing about our building work—only about our accidental bombs.

Mr. Speaker, I am proud to do as Mrs. Dobey suggests, in starting a little campaign of informing the public about the good we are doing in Vietnam. I urge my colleagues to join me in this campaign. The American people are entitled to know and be proud of the fine young men who are trying to help the Vietnamese people defend and rebuild their land so that they might live in peace after their American friends are gone.

PENTAGON CRITICISM

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. OLSEN. Mr. Speaker, when things erode and deteriorate far enough in any department of our Government, there is bound to be a housecleaning. It seems to me that the Department of Defense should be confronted with a comprehensive investigation as a result of the multitude of scandals which have been brought to public attention in recent weeks and months.

Fred J. Martin, editor of the Park County News in my district in Montana last week wrote an incisive editorial in which he called for a Pentagon reassessment and housecleaning. I share his shock and concern and include his excellent editorial in the RECORD. I recommend it to my colleagues:

A BLOT OF SHAME ON THE PENTAGON

(By Fred J. Martin)

Former President Lyndon B. Johnson halted escalation of the Vietnam war—a decision violently opposed by the Joint Chiefs of Staff and their followers in the Pentagon. In fact, LBJ's admission was made at the expense of his hopes for a second term.

Now President Richard M. Nixon knows the country is tired of Vietnam, the needless suffering and death of our young men, the corruption in Vietnam of the South Vietnamese government and in other areas and particularly the effrontery of the South Vietnam government to try and dictate U.S. Peace terms.

But, some recent events make the judgments of the Joint Chiefs of Staff and the U.S. Command in Vietnam subject to question when considered on a common sense appraisal. Why did President Nixon have to overrule the Pentagon to protect the Green Berets from disgrace over the fate of a "double agent" when Pentagon orders and policies have resulted in the loss of thousands of lives of civilians in Vietnam?

Just Tuesday night on television an Army colonel in Vietnam said his orders were unchanged—to search and destroy the enemy. Surely, we should safeguard our men in Vietnam, but competent observers readily tell of senseless destruction of lives and property with needless risks.

But, the most revolting episode in the current U.S. Senate Committee exposure of the conduct of General Turner, who seemingly approved of racketeering, corruption and personal profiteering by a select group of non-commissioned officers in the operation of Servicemen's clubs at Army posts and bases throughout the world. Then, to top it off, this General Turner admits that he took confiscated guns from Chicago and other Metropolitan police departments for the Army and sold them for personal gain. Under fire, he admitted he filed an amended income tax return to list his profits from the sale of the guns.

It is a regrettable indictment of the Pentagon that the military brains of the nation did not spotlight these abuses, rather than this Senate investigating committee. When we consider that the Pentagon has had seemingly unlimited power to dispense hundreds of billions of dollars without benefit of public scrutiny isn't it time to turn on the spotlight? We must respect and honor our Servicemen, but the Pentagon chiefs must be worthy of that respect also. The Green Beret mess, the use of service connections for personal gain and illegal racketeering and profiteering, and the blatant disregard of General Turner for his country by giving priority to personal gain over his duty to his country—these, coupled with the corruption seemingly overlooked in Vietnam, put a Blot of Shame on the Pentagon.

A Pentagon reassessment and housecleaning is in order. The era of "You must not question the Military" is at an end. Let's hope the spotlight turns on brightly and roots out corruption. Billions can be saved, but more than that—at stake are the possible loss of thousands of lives of our priceless young men, not to mention helpless noncombatants and the enemy. The escalation in Vietnam, the result of Pentagon domination of our Foreign policy, achieved nothing tangible.

REASONABLE PROPERTY INSURANCE RATES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. RODINO. Mr. Speaker, Members of the House, particularly those who represent heavily urbanized areas, are well aware of the increasing difficulty of obtaining adequate property insurance at reasonable rates.

Recently Congressman FRANK ANNUNZIO of Illinois introduced legislation to aid urban property owners and I would like to bring to the attention of the House the following resolution adopted by the city council of Cleveland, Ohio, in support of Congressman ANNUNZIO's bill, H.R. 13666:

RESOLUTION

The following Resolution was adopted by the Council of the City of Cleveland October 13, 1969:

Res. No. 1849–69.

By Messrs. Armstrong, Bell, Bilinski, Blaha, Brooks, Brown, Mrs. Cain, Messrs. Carr, Cimperman, Duggan, Flynn, Forbes, Garofoli, Gilliam, Harmody, Jackson, Katalinas, Kellogg, Lavdis, Matt, Mrs. McCaffrey, Messrs. McFaul, Perk, Jr., Pottinger, Prince, Russell, Sliwa, Smith, Stanton, Stringer, Thompson, Turk, Zone.

An emergency resolution memorializing the U.S. House of Representatives to enact legislation enabling property owners in urban areas to purchase insurance at reasonable rates.

Whereas, one of the more pressing problems in the urban area and more especially in certain deteriorating areas of the City is the inability of the home owner or small businessman to secure property insurance at a reasonable rate; and

Whereas, as soon as the insurance companies refuse to write coverage in particular areas, the condition of the neighborhood deteriorates more rapidly since the small businessman or homeowner is not equipped financially to cope with problems of vandalism; and

Whereas, each homeowner or small businessman must be given every opportunity to retain and protect his home or business so that these may remain as a stabilizing influence and a deterrent to slum and blight which would run rampant through any section of a community where the homeowner or small businessman has given up hope and lost incentive; and

Whereas, there are deficiencies in the present government assistance plans which can be corrected by authorizing the Federal Government to write direct insurance in cases where the premiums of the private companies are unreasonable or where no insurance is available at any price; and

Whereas, this Council feels that this type of legislation is necessary to stem the tide of slum and blight before a neighborhood becomes hopelessly deteriorated; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it resolved by the Council of the City of Cleveland:

Section 1. That the U.S. House of Representatives be and it hereby is memorialized to enact legislation which would authorize the Federal Government to write direct insurance for homeowners and small businessmen in urban areas where insurance is unavailable or where the premiums are unreasonable.

Section 2. That it supports House Bill 13666 introduced by Representative Frank Annunzio which would correct deficiencies in the Fair Access to Insurance Requirements Plans.

Section 3. That the Clerk of Council be and she hereby is requested to transmit a copy of this resolution to Representative Frank Annunzio, 7th District Illinois and to Representative Louis Stokes, Michael A. Feighan, Charles Vanik and William Minshall.

Section 4. That the resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted October 13, 1969.

Effective October 16, 1969.

I, Mercedes Cotner, Clerk of Council of the City of Cleveland, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1849–69, adopted by the Council of the City of Cleveland, October 13, 1969.

Witness my hand and seal at Cleveland, Ohio, this 27th day of October, 1969.

MERCEDES COTNER,
Clerk of Council.

PROFESSIONAL PAY FOR MILITARY LAWYERS

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DENNEY. Mr. Speaker, I would like to direct the attention of our colleagues to a bill recently reported out of the House Armed Services Committee to provide professional pay for military lawyers. I support this bill, and commend the salutary efforts by the Armed Services Committee for providing this means to encourage military lawyers to stay in the service.

Although I have not introduced this bill, I have followed with some interest the developments finally resulting in passage by the House committee. Speaking with the experience of a former Marine Corps legal officer, I can understand how this bill will help to provide competent legal support for our military personnel. Late last year I spoke with Rear Adm. Joseph McDevitt, Judge Advocate General of the Navy, and he explained to me the importance of legislation like this to retain experienced lawyers in the military. The House committee hearings further documented this need.

Simply put, the problem is that military lawyers are not staying in the service because of greater financial opportunity in civilian life. If their pay can be increased to make being a military lawyer financially competitive with being a civilian attorney, then many will decide to remain in uniform. The modest "professional pay" authorized by this bill will go far toward this goal.

Mr. Speaker, I will have more to say about this proposal when it is considered by the House. I bring up this matter now so that other Members will strongly consider the merits of this legislation before floor consideration.

CONGRESSMAN WILLIAM SCHERLE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DERWINSKI. Mr. Speaker, our distinguished colleague. Congressman WILLIAM SCHERLE of Iowa, was an honored guest at the Washington area Hungarian Freedom Fighters' banquet last Friday, October 24.

I am pleased to insert his remarks emphasizing the support that we give and the respect that we have for the Hungarian Freedom Fighters and respectfully direct the attention of the Members to the significant remarks of our colleague:

REMARKS BY CONGRESSMAN WILLIAM J. SCHERLE OF IOWA TO THE HUNGARIAN FREEDOM FIGHTERS' BANQUET, OCTOBER 24, 1969

It is with deep appreciation I thank you, my fellow Hungarians, for allowing me to share in this memorable evening.

That infamous day in 1956 when Hungarian hopes for freedom were ruthlessly suppressed by the Soviet warlords is still fresh in our memories. Those who cherish freedom will never be satisfied until the tyrants depart from Hungary.

You, who gather here to honor those men and women whose contributions to the cause of freedom exemplify the finest heritage of both our countires, are a living memorial to the valiant men and women of Hungary who have made the ultimate sacrifice in her behalf.

As one who has close relatives behind the Iron Curtain in both Hungary and East Germany, my thoughts are with them tonight. To my cousins who escaped the brutal blood baths I say, "Thank God."

My mother, an Hungarian immigrant, and my father, a German immigrant who fought for his adopted land in World War I, proudly sent four sons to serve with the American armed forces during World War II. They strove to instill in us the knowledge that the precious gifts of freedom and liberty and the unlimited opportunities this generous country bestowed upon us, the sons of immigrants, are available to all who seek the shelter of her shores. We share a personal desire to see the restoration of these freedoms to our captive homeland.

SHOPPING BLIND IN THE FEDERAL STORE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. SIKES. Mr. Speaker, I hereby commend to my colleagues' careful attention another important expression of editorial support for the proposal—which I and many of my colleagues are sponsoring—to merge the calendar and fiscal years. More and more we are shopping blind in the Federal store. The situation must be corrected.

I think you will find that the Armed Forces Journal editorial by James D. Hessman brings an interesting defense standpoint to bear on the whole subject. Here is the text of the editorial:

MERGE THE FISCAL AND CALENDAR YEARS

(By James D. Hessman)

Now we're finally down to the nitty-gritty. After months of spectacular parliamentary thrashing about, House and Senate Conferees are getting set to wind up the great debate of FY 1970 on the pending Defense procurement authorization bill.

There's already general agreement (in the *authorization* bill at least—there is likely to be a renewed fight when the *appropriations* bill comes up for debate) on such major systems as ABM, AMSA, CVAN–69, etc. Agreement still has not been reached, however, on such items as the billion dollar ship add-on inserted into the House bill by Armed Services Committee Chairman L. Mendel Rivers (D-SC), the Heavy Lift Helicopter, the AWACS, and other such incidentals.

There's much more at stake in the $21.3-billion measure (give or take a billion, as the boys in the back room at the Budget Bureau are wont to say) than the weapons systems themselves.

One big thing at stake, for example, is the common sense of the Congress, which must recognize, sooner or later (preferably sooner) that it cannot indefinitely continue the present financially irresponsible system of delaying action on appropriations bills until well into the fiscal year in which the funds appropriated are to be used. (With debate on the Defense authorization bill not likely to wind up prior to the end of this month, for example, it likely will be half past November before the FY 70 Defense appropriations bill is passed by both houses and goes to the White House for the President's signature—and this is only *if* there are no major tieups on the funds measure such as bedevilled the authorization request.)

The system is ridiculous. Agency administrators are almost half way through the fiscal year before they know how much money they'll have to spend during the year. Programs are delayed—long leadtime items on a new carrier, for example, can't be ordered with any assurance that money to pay for same will be available when the bills fall due.

The system is also wasteful. If an ongoing program is cancelled late in the fiscal year, there's no way to recover the money already spent. If funding for a program is reduced, rather than cut altogether, the entire reduction must be absorbed within a six or seven months period, rather than spread over the entire fiscal year. "It's a lot like being forced to go on a two-week crash diet to lose 15 pounds," one Pentagon budget analyst told The Journal "but not being able to start the diet until Saturday of the first week."

(Another analogy that appeals to our domesticated ears is that of the husband halfway through the week's shopping before his wife presents him the shopping list and the grocery money—husbands everywhere will know what we mean.)

It is palpably a poor way to run a railroad, much less the greatest country in the world. No sensible Congressman (the phrase is not necessarily redundant) would run his own household in this manner.

We would not advocate that future legislative debates on the Defense procurement authorization and appropriations bills be cut short to satisfy the arbitrary 1 July deadline marking the start of the fiscal year. We think, in fact, the sessions are likely to get longer instead of shorter. And, despite the buffeting the military has received this past year from some of less-than-objective critics, we think this will be a good thing—the more the Congress and the public in general know about and are involved in defense affairs, the better, we say.

But if the legislators can't change themselves, they can change the system. What Congress must do—quickly, in our opinion—is to scrap the fiscal year concept and put appropriations on a calendar year basis, with the proposed budget plan being submitted by the executive branch to Congress a full year in advance, instead of six months, as is now the case.

Under such a system (which has been suggested earlier by others—we merely second the motion), the President would submit his fiscal/calendar year 1971 budget to the Congress in January 1970, for example, and Congress would debate, amend, and finally approve the budget by October or November 1970. Agency heads thus still would have one or two months of orderly planning time left before the new budget year starts.

It is never easy to get action on any proposal—no matter how sensible or how meritorious—which requires our legislators to overcome their own inertia. But this is an idea whose time has come.

We submit that Congress and the Executive Branch must act, and act quickly, to restore order to the presently chaotic appropriations process.

WRITE A LETTER TO HANOI

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on Friday, October 17, the Washington Daily News carried an editorial "Write a Letter to Hanoi." I would hope that each Member of this House would make such a plea to their constituency in behalf of the better than 1,000 American servicemen who are known and believed to be POW's of the North Vietnamese.

Certainly the actions taken so far have proved fruitful and with the help of all Americans, in the form of a letter to Hanoi, perhaps we will ultimately be successful in learning the truth about our prisoners.

The editorial follows:

[From the Washington Daily News, Oct. 17, 1969]

WRITE A LETTER TO HANOI

Now that hundreds of thousands of Americans have manifested their concern over our continued participation in Vietnam, one wonders if there might be enough energy left for another universal expression of concern having to do with another aspect of man's inhumanity to man arising from this war.

Latest figures from the Defense Department state that 413 American officers and enlisted men are known to be prisoners of war in North Vietnam. Another 918 are listed as missing and are believed captured. Most of them are pilots who were shot down over North Vietnam.

Since the beginning of the war, the American Red Cross has sought, thru the world Red Cross organization and thru diplomatic and other channels, to assist these prisoners.

The government of North Vietnam, tho a signatory to the 1949 Geneva Conventions covering the treatment of prisoners of war, has consistently refused to permit delegates of the International Committee of the Red Cross to visit prisoner camps in North Vietnam. It has even refused to provide the committee with the names of American prisoners or to permit the regular exchange of mail between them and their families.

In case anyone is wondering, the government of South Vietnam, whch has charge of all prisoners taken by both its forces and by U.S. forces, has been fully co-operative with International Committee officials.

At the quadrennial International Conference of the Red Cross in Istanbul, Turkey, last month, a resolution was adopted unanimously by the representatives of 77 governments and 91 national Red Cross societies urging North Vietnam to observe the conventions it has signed. The American Red Cross has followed up this action by cabling Red Cross societies in all parts of the world asking that they appeal to the Red Cross Society of North Vietnam and that they urge their governments to make similar appeals to the North Vietnamese government.

The Red Cross further suggests that since Hanoi keeps a close weather eye on American public opinion, if enough Americans were to invest 25 cents in an air mail letter to Hanoi, this direct appeal might also go far toward persuading the North Vietnamese to bring their treatment of prisoners of war up to the level of decency which even the Nazis observed in World War II.

The address is:

The Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam.

All this may be offensive to admirers of the late Ho Chi Minh. Yet Sen. J. William Fulbright, whose credentials as an opponent of American involvement in Vietnam have been impeccable ever since the involvement he once espoused began running into trouble, has voiced support of the Istanbul resolution on the floor of Congress as a simple matter of humanitarianism having nothing to do with the nature of the conflict.

Even if the United States were to sign a peace with North Vietnam tomorrow, or were to withdraw from Vietnam immediately and unilaterally, the machinery of repatriation would take time. Pending that day, it would mean a great deal to the families of American prisoners of war if they could at least learn that their loved ones are alive.

LETTER FROM A CONCERNED AMERICAN IN VIETNAM

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. McEWEN. Mr. Speaker, like most of my colleagues in the Congress, I was greatly concerned about the effects of the October 15 moratorium. For those who felt that the recent Moratorium Day demonstrators deliberately or unwittingly played into the hands of our enemies, I want to share a letter I have just received from Vietnam. It was written to me by a young man from my hometown, Ogdensburg, N.Y. It is the thoughtful, concerned and intelligent expression of a fine young American. I commend it for your reading. The letter follows:

OCTOBER 16, 1969.

DEAR CONGRESSMAN McEWEN: As a member of the United States Army, serving in the Republic of Vietnam, I am appalled at what is happening in the United States. What is happening back there? Can't these people realize that we're trying to prevent Communism from overtaking a country. These people received a letter from Hanoi and were asked by Vice President Agnew to disassociate themselves with the aims of the North Vietnamese, but they refused. If they could only realize what effect this whole thing has on the morale of the men here. The feelings of the majority of the men are to have these same demonstrators come over here for a few days, and they would surely change their minds and opinions on the whole subject. If they could see a mother weeping because the Viet Cong have just murdered her husband, or if they could have seen the thousands of mourners at Hue when the remains of more than 400 victims of a Communist massacre were buried, they would have a completely different outlook of the war.

Sure, sir, we all want to come home. Nobody likes to fight a war, but I feel, along with many others, that if we can save a people from Communism, we have accomplished a great task. Why don't these people try to stop the violence and killing that is going on right in their own home towns?

Thank you for listening to my point of view, sir. By the way, I'm from Ogdensburg myself, and I sure miss that colorful North Country at this time of the year.

Sincerely,

SP4C. DON DODD.

OPERATION SPEAK OUT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. CUNNINGHAM. Mr. Speaker, a great many Americans are deeply concerned about the attention accorded to the Vietnam moratorium demonstrations of October 15.

The Veterans of Foreign Wars, which represents 1.5 million U.S. veterans, is also concerned. The VFW has asked more than 60 national organizations to join it in support of "Operation Speak Out," November 9–15.

Mr. Speaker, I am confident that civic, fraternal, patriotic, labor, and religious groups will join in the observance of "Operation Speak Out" which spans Veterans Day on November 11.

We must let the world know we the people of the United States do support our Government. We must let the world know we have a voice, that we are proud of our country and proud of our tradition of defending freedom throughout the world.

I commend to my colleagues the following material on "Operation Speak Out" which is being distributed by the Veterans of Foreign Wars to organizations and individuals throughout the United States:

OPERATION SPEAK OUT

Now that the self-styled 1969 moratorium manipulators have—done their thing—let's move on to some positive, two-fisted basic patriotic Americanism in action.

That means let us bury deep in memory those who stage their Communist supported street demonstrations against the Vietnam war.

Then let's re-declare, loud and clear, our determination to carry on to a conclusive, clean-cut victory against the sworn enemies of freedom. And let's do it Nov. 9–15 in "Operation Speak Out."

The October demonstrations by those who would have us quit, surrender, to the Reds, are in the past. And so, for November and December and on through the coming year—let us switch the pitch to the positive.

The would-be quitters have had their day. Now let's push them to the sidelines and show them how true Americans really think and act.

We will make it very clear to them and to the entire world that real Americans always fight to win.

We will fly our Stars and Stripes flag high and proudly. Then we will reaffirm our united pledge to keep on fighting for freedom and our determination to protect all of our nation's priceless traditions, unity and ideals.

Just to help stir things up a bit let us recall the forthright declaration which was founded 194 years ago by the bold Scotch-American orator, statesman and patriot Patrick Henry. It was he who dared defy—in 1775—some of his fellow citizens who advocated surrendering to foreign enemies, rather than fighting for American freedom principles.

Yes, it was Patrick Henry who shouted—I do not know what course others may take, but as for me, give me liberty or give me death.

That did it back in the American Revolutionary era. The loyal citizens of our land rallied around Patrick Henry. They provided fighting men—and armed them—to wage war to a victory against the would-be killers of American rights and independence.

Give us liberty or give us death. That could very well be our battle cry today—in the year 1969.

Why not? The challenge is similar and our choice is that simple. It means we must fight to keep our freedoms intact or we shall suffer their loss—and that would truly mean the death of our nation.

That's what our ancestors faced back in the days when American democracy was being born. Their determined and victorious defense of freedom is the foremost reason we're here today—living as free peoples.

But not every American appreciates those facts. Some of our citizens have forgotten history. And now they're seeking to surrender everything to the current foreign enemies.

So the dissenters have taken their signals from today's enemy headquarters. And they've translated those signals into treacherous action against the security of our nation and against all American freedom ideals. They've cheered themselves on with their defeatist demand that we quit fighting Communism. They have advocated peace, peace—at any price.

Those dissenters called their demonstration a moratorium, but their actions were more suggestive of a mort-uarium—because they were really killing freedom and delivering freedom's body to our enemies so that they can do what they've always boasted they'll do. The Reds, you know, have said—we will bury you.

Well, presidents, secretaries of state, members of Congress, war veteran leaders and the fighting men have all declared themselves against such a ghastly fate.

The late President John F. Kennedy said that—the cost of freedom is always high but Americans have always paid it. And he added that—one path we shall never choose is the path of surrender or submission.

President Richard Nixon has declared that our current enemies—the Communists we're fighting in Vietnam, in Korea and opposing elsewhere around the world—have said that they warmly welcome and wholeheartedly support our homefront dissenters. A message straight from Red Hanoi declared just that.

Secretary of State William Rogers, looking at the recent so-called moratorium against our continued fighting in Vietnam—said that the Communist Viet Cong enemies believe that our president does not have the support of his own people. But the secretary added that the noise which the Reds have been hearing comes only from a relatively small number of loud dissenters—not from the majority of truly thinking Americans.

Some students have cried loudly for us to quit fighting in Vietnam—and to bring all of our men back home—regardless of whatever might be the final result of such a retreat. That's why some students staged their demonstrations across the country.

But other students, like T. Harding Jones of Princeton University, declared that such public displays of defeatism will lengthen the Vietnam war—rather than shorten it. And Jones added that the quit-fighting advocates are, in fact, saying to the Hanoi Red enemies—hang on, baby, you might win it all.

Our men who are fighting in Vietnam have looked at the homefront and asked—what's going on at home? Tell those silly dissenters to cool it. Then the frontline veterans say—we know why we're here. We are fighting to lick the Communists in Vietnam so we won't have to fight them later on our own shores.

Raymond Gallagher of Redfield, South Dakota, Commander-in-Chief of the Veterans of Foreign Wars of the United States, speaks for one-million 500-thousand V.F.W. members who declare that the only way to win a war is to pour everything upon the enemy until he yells quits—and surrenders.

Gallagher declares that the moratorium demonstrations against our fighting in Vietnam are Communist supported. He said they are a national disgrace which cheers the enemy, prolongs the war and increases the loss of American lives.

Gallagher adds that the time has come for the silent majority of American citizens to stand up and be counted in support of our fighting men overseas.

Never in the history of our nation, the V.F.W. leader declares, has there been greater need for national unity and support of our constituted leaders.

The Veterans of Foreign Wars calls upon our congressional leaders and upon all other loyal Americans to strengthen our government's pledge to help others gain freedom, and to help our fighting men in Vietnam win a just and honorable victory—and no compromise with the enemy.

So much has been said about Vietnam that some of our citizens have the notion that that is the only Red threat. But that is far from the truth. The Communist threat stretches around the world. It presses in upon free people everywhere.

All we need do is to look at the millions of unfortunate people in Czechoslovakia, Red China, Hungary, North Korea, East Berlin, the Soviet Union and Cuba, to name just a few places. They have been robbed of their freedoms—and the same fate is being aimed directly at us.

But we Americans are not all so stupid as to follow the few who seek to betray true Americanism through any distorted politics, or racism and radicalism, nor through just plain childish tantrums defying law and order in our land. That's what we've been seeing on our homefront recently and we're fed up with it. Yes, we are mightly sick of it.

More than 32-million American men have fought in nine major conflicts since the days when Patrick Henry spoke his mind. And well over 1-million of those men have given their lives in combat, also another million, 500-thousand were wounded in battles to defend and to perpetuate the freedoms we enjoy today.

Are we going to say that those men have fought in vain? Are we ready to surrender to the Reds all for which those men went to war and gave their lives? Certainly not.

If the homefront trouble makers of today think that they can upset our balance then they'd better calculate a little further. Because they are far outnumbered—by more than 27-million war veterans who are living in the United States today.

These men do not know the meaning of the word—surrender—either on the fields of battle, nor through any negotiations in a phony, fruitless, Paris peace conference, or anywhere else.

Our combat war veterans—and millions of real Americans like them—declare that there is only one answer to our true way of life. That is the steadfast loyal defense of everything we have in our country—and no crawling at the feet of any enemy, either.

Now, there are two special days in the month of November which emphasize our thinking and determination to stand firmly on all of this.

There is Veterans Day, celebrated on the eleventh of November. The other is Thanksgiving Day, November the 27th. Those days give the greatest impact to our appreciation of the men who have fought for our nation—and our deepest thanks to the Supreme Being for the freedoms we still enjoy.

Let's take a closer look at those two November days—because they do truly touch the very essence of American tradition and contemporary thought.

Veterans Day began as Armistice Day. That marked the November 11th date in the year 1918 when the First World War ended with the signing of some documents through which Kaiser Wilhelm and his Central Powers surrendered to the Allied Forces. We had defeated the Germans after four years of bloody fighting.

Woodrow Wilson, who was then president of the United States, declared that the first world conflict was the war to end all wars. That was his sincere hope for the future. It would have been mighty wonderful if the Wilson dream had come true but, as we all know, that war did not bring world peace. It merely set the stage for the power-crazed Adolph Hitler and his brutal Nazi Party. They launched the Second World War in 1939. Then we joined the fighting in 1941 and won victory in 1945.

More than 21-million Americans fought in those two world wars and close to 1-million, 500-thousand of them were killed or wounded.

Then came the Communists. And we've been combatting the Reds ever since—over in Korea, with nearly 6-million men—and in Vietnam, with more than a half-million other Americans. Our men who have been killed or wounded in Korea and Vietnam total more than 436-thousand—and we're still on those Asiatic firing lines.

So, fifteen years ago, in 1954, the United States Congress and the late President Dwight Eisenhower approved legislation which provided that, henceforth, the eleventh day of November should be celebrated as Veterans Day—instead of Armistice Day.

Our citizens are urged to make Veterans Day a very special recognition of—and tribute to—all the more than 32 million men who have defended this nation of ours since the American Revolution.

Veterans Day also gives the living ex-servicemen a special occasion upon which to re-declare their solid loyalties and to reemphasize, for the guidance of every American, both young and old, the importance of fulfilling his and her citizenship duties.

The Veterans of Foreign Wars takes the lead in declaring that the Veterans Day fight to win message is of most vital importance in this critical year of 1969. That is the fighting man's rebuttal against the so-called moratorium advocates.

Then there's Thanksgiving Day, on the fourth Thursday of November. We know that day well because it has been an American tradition nearly 350 years—ever since the Pilgrims introduced it in 1621. The hardy Pilgrims had come to our shores seeking freedom from oppression. And, after surviving a rough, hard winter they expressed their appreciations of our new land, with a feast and with the rendition of special prayers of thanks for Divine Guidance and protection.

That is why we still celebrate Thanksgiving Day. Because we, too, appreciate the good things in our mighty nation, therefore we thank God for all our blessings.

The overall answers can be summed up in five brief terms—and those are—

The United States of America forever.

The Stars and Stripes flag above all.

Fulfillment of our duty to always defend this nation, and

Heartfelt thanks for all our truly priceless freedom rights.

We in our hearts are always loyal to those principles and we shall always defend them—even unto death.

That is what Patrick Henry called for back in 1775. And that is what millions of other American patriots have upheld throughout all the history of our nation.

Yes, and that is what the Veterans of Foreign Wars means when it declares—as it has always declared—we shall support our government and the laws of our land—today, tomorrow and to the very end of time.

So now, in line with our determination to switch from the negative to the positive let us reaffirm that we shall stand solidly against all enemies and against their homefront dupes. We shall press our fight against all of those until they cease to threaten the security of our land.

Then paraphrasing Patrick Henry, we'll add that—we care not what course others may take—but as for us—we who have fought for America—shall carry on—in peace as in war—for the ever solid defense of our nation—today and tomorrow.

We invite and urge every loyal citizen to join us in supporting our frontline men. Then let's thank God that they are carrying on like true Americans—fighting to win—against the enemies of freedom. Yes, they are setting the patriotic pattern of action for all of us to follow.

PRAYER IN PUBLIC SCHOOLS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a column by Mrs. John Helms II from the August 11 Morristown, Tenn., Daily Gazette-Mail. This discussion of prayer in the public schools is deserving of the attention of this legislative body. The article follows:

CONNIE'S CORNER—ODDS AND ENDS

Now that the re-opening of city schools is in the offing, the mind is drawn with sorrow and revulsion to the ban the U.S. Supreme Court placed on prayer and the reading of the secretarian Christian religion's Bible in public schools.

Clair Cox, woman author, claims that the Court in its 1962–1963 decisions "forbade teaching religion but did not forbid teaching ABOUT religion".

Well, no teachers are wanting to add another course to the already over-crowded curriculum. Little elementary school children have no room in their minds to take on such arguments, anway. All that is asked by dedicated teachers and parents is that every morning's school program will be launched with a selection from the Bible, followed by a prayer to Almighty God, asking his protection and love throughout the day.

Miss Cox says that in a test given to eleventh grade pupils in Newton, Mass., by one Thayer Warshaw, the following knowledge about the Bible was displayed:

"One of the students identified Sodom and Gomorrah as lovers, one pupil said Jesus was baptized by Moses, and to some, Eve was created from an apple, ye cannot serve God and Merman, and the stories by which Jesus taught were called parodies."

And now comes along that repulsive Madalyn Murray O'Hair, the world's most famous atheist, to file a lawsuit against the Space Agency to prevent American Astronauts on duty from practicing religion on earth, in space or "around and about the moon."

It was Mrs. O'Hair's lawsuit which resulted in the Supreme Court's ban on prayer in public schools. Her lawsuit filed last week in Austin, Texas asks that it be moved to a special three-judge court because U.S. Dist. Judge Jack Roberts "has a Christian secterian bias."

She seeks an injunction "specifically enjoining the National Aeronautics and Space Administration and its administrator and personnel from further directing or permiting religious activities, or ceremonies and especially reading of the sectarian Christian religion's Bible and from prayer recitation in space and in relation to all future space flight activity."

The atheist criticized moonbound astronauts of Apollo 8 and 11 for engaging "in religious ceremonies and in an attempt to establish the Christian religion of the United States Government before the world while on a scientific-military expedition to around and about the moon. . . ."

She objected specifically to Col. Frank Borman reading the Bible last Christmas Eve while orbiting the moon on the Apollo 8 mission and said that Astronauts Edwin Aldrin and Neil Armstrong left a small disc containing microfilmed prayers on the moon when they walked there last month.

I wonder to whom this brave lassie would turn for help if she were among those orbiting and suddenly realized that the cage in which she rode was going down, down, down with no chance of escape for her?

Many public school pupils unfortunately have no church affiliation. Their only opportunity for becoming versed in the power of God is in the daily school regime.

The opening of the day's program with Bible reading and prayer puts one and all in the right frame of mind and gives a readiness for launching into the sometimes difficult tasks ahead.

The parables in the Bible were my favorite selections for Bible reading and often the one selected bore a fortunate relation to some misdemeanor that had occurred the previous day.

For seven years I opened daily classes of the seventh grade in Roby Fitzgerald School, Greeneville, at that time the town's only elementary and high school which were combined into one ten-grade institution.

I do not believe I could have lasted with 65 pupils, many of whom had the appearance of adults, had I not started the day off with the help of the Maker of All Things.

COURT'S DESEGREGATION DECISION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. REID of New York. Mr. Speaker, I applaud yesterday's unanimous decision of the Supreme Court ordering immediate desegregation of this Nation's schools.

This decision will go down in history as the day on which we recognized and admitted that anything less than immediate desegregation was in fact a denial of rights already far too long deferred.

No longer can we tolerate a double standard;

No longer can we pretend that expectant optimism is the same as equality;

And no longer can we pretend that just intentions are the same as justice.

We are men of one world and one nation; we are equals among our fellow men and today we are saying that no man shall be denied the right to equal education of quality for 1 day longer.

It has been over 15 years since the Court's mandate in Brown against the Board of Education, and that is preceded by almost two centuries of injustices and inequality. This is a rather sad commentary, but I hope that we will now implement this Supreme Court decision, with dispatch and commitment, and without any further delaying tactics by officials at any level of government.

PLEA FOR QUICK ACTION ON AMENDMENTS TO BAIL REFORM ACT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, this past week I received a plea on behalf of the Uptown Washington Lions Club from its president and secretary, for quick action on amendments to the Bail Reform Act of 1966.

As I believe the letter from these gentlemen speaks more eloquently than I could in behalf of urgently needed reform, I insert it in full at this point in the Record:

Uptown Washington Lions Club,
October 22, 1969.

Hon. Joel T. Broyhill,
District of Columbia Committee,
U.S. House of Representatives.

My Dear Representative Broyhill: The Lions Club of Uptown Washington desires to bring to the attention of your Committee and register with each of its members its genuine concern over the Bail Reform Act of 1966, more particularly with that portion of the Act which requires the court to take into account the accused's "record of appearance at court proceedings," rather than the accused's record of behavior while at large pending a court appearance. We feel the Act should be amended in several ways, especially to allow a judicial officer to give equal weight to a consideration of a defendant's danger to the community if released on personal bond.

In this era of over-crowded court dockets, of too few judges, of an almost total disrespect for law enforcement, of social conditions which need reform, we nevertheless think it is time the well-being and the safety of the overwhelming majority of the community be your first and foremost consideration, and those of the individual, or the smaller group, be subordinated.

We are horrified and deeply disturbed over the number of business establishments within the City which must conduct day-to-day operations behind locked doors, for fear of the sudden appearance of a rapist or holdup man. We are alarmed and gravely concerned over the future of the City as we witness long and well-established commercial and professional businesses moving to the surrounding counties of Maryland and Virginia.

We urge you to take action as soon as possible to correct the conditions which make the majority of our citizens afraid to use the streets of Washington, afraid to enjoy the delightful parklands, afraid to patronize downtown businesses.

To do this, in part, we recommend legislation which would amend the Act as follows:

1. In the consideration of personal bond, a judicial officer *should be required* to take into account a defendant's past record while on bond, personal or otherwise.
2. Revoke the bond, personal or otherwise, of a defendant who is charged with a crime committed while on bond, where there is a likelihood such defendant committed the later offense.
3. Make commission of another crime while on such release unattractive by increasing the penalty for the subsequent offense.
4. Commit without bond those whose records testify to the fact they are of such potential danger to the community they are likely to commit additional crimes, if released.

We realize much must be done and years will be required to do it, but we feel your Committee is in a position to recommend to the entire House now such legislation as will give some tangible and present relief to our law-abiding citizens. We urge you to think of the immediate future because by tomorrow we will all be a part of it.

Very respectfully yours,
Joseph A. Cheeseman,
President.
M. E. Herndon,
Secretary.

INDIANA SOLDIER REPLIES TO CRITICS OF THE MILITARY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. LANDGREBE. Mr. Speaker, far too many otherwise intelligent Americans have, with no doubt the best of intentions, cast a great shadow of discredit on the finest young Americans of all, our servicemen.

The fashion this year seems to be indiscriminate attacks on the military. While most of us in this Chamber know that the attacks are aimed at policymakers and officers of high rank, I wonder how many realize their effect on our soldiers who give so much to defend their country. Most of the current attacks on the Pentagon are ill-advised enough in their own right, but the effect on our younger fighting men is a disgrace.

Recently, I saw a letter from such a serviceman, John William Locke, a private first class whose home is near Winamac, Ind., in my district. His letter to the editor of the Pulaski County Journal of October 23, 1969, deserves the attention of every Member of Congress.

Mr. Speaker, I insert Pfc. Locke's letter at this point in the Record:

Dear Editors:

I'm an artilleryman stationed over in Korea, in the Second Infantry Div.

I'm not writing for just myself, but on behalf of all the servicemen all over the world who serve, and some who sacrifice and give their lives so dearly for their country.

What makes men fight, and if need be, to die for their country? It's many things. Freedom, patriotism, pride in the United States, the great nation we live in. And the main reason? God gave us this great country, and nation, so why can't we all stand up together, for the right to defend, keep its honor, and freedom?

I used to take my country for granted like most people sometimes do, but after getting overseas, I saw what a fool I had been, and how lucky I was to live in the United States.

Please, keep backing us service men up. We need all the moral support, and backing up we can get. By doing this we will feel very proud and in the same token, we will feel it is worthwhile, what we are doing over here. After all, we are doing it for the people of the United States.

To those ready to be inducted, don't get angry, or feel sad. Be proud, and feel it an honor to serve your country and, if necessary, to die to keep our nation free.

Each night before I go to sleep, I thank God I live in the United States, and pray it will always, "Ring out Freedom".

Thank you very much.

Pfc. John William Locke.

VICE PRESIDENT AGNEW—A DEDICATED AMERICAN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. WYMAN. Mr. Speaker, the Vice President of the United States Hon. Spiro Agnew is a dedicated American. He is much maligned, often misunderstood, frequently unfairly misquoted out of context, but tonight at Harrisburg, Pa., he speaks frankly and directly to the urgent problems that threaten to tear the United States apart.

Because of the fact that I fear some hostile voices will fail to report the full text of what he has to say, which should be heard by all Americans, I include in the Congressional Record Vice President Agnew's speech in full at this time.

His remarks are deserving of thoughtful consideration by all citizens.

Address by Vice President Spiro Agnew at the Pennsylvania Republican Dinner, Harrisburg, Pa., October 30, 1969

A little over a week ago, I took a rather unusual step for a Vice President . . . I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encouraged government by street carnival and suggested it was time to stop the carousel.

It appears that by slaughtering a sacred cow I triggered a holy war. I have no regrets. I do not intend to repudiate my beliefs, recant my words, or run and hide.

What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy.

By accepting unbridled protest as a way of life, we have tacitly suggested that the great issues of our times are best decided by posturing and shouting matches in the streets. America today is drifting toward Plato's classic definition of a degenerating democracy . . . a democracy that permits the voice of the mob to dominate the affairs of government.

Last week I was lambasted for my lack of "mental and moral sensitivity." I say that any leader who does not perceive where persistent street struggles are going to lead this nation lacks mental acuity. And any leader who does not caution this nation on the danger of this direction lacks moral strength.

I believe in Constitutional dissent. I believe in the people registering their views with their elected representatives, and I commend those people who care enough about their country to involve themselves in its great issues. I believe in legal protest within the Constitutional limits of free speech, including peaceful assembly and the right of petition, But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic. The tragedy was that thousands who participated wanted only to show a fervent desire for peace, but were used by the political hustlers who ran the event.

It is worth remembering that our country's founding fathers wisely shaped a Constitutional republic, not a pure democracy. The representative government they contemplated and skillfully constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets. They recognized that freedom cannot endure dependent upon referendum every time part of the electorate desires it.

So great is the latitude of our liberty that only a subtle line devides use from abuse. I am convinced that our preoccupation with emotional demonstration, frequently crossing the line to civil disruption and even violence could inexorably lead us across that line forever.

Ironically, it is neither the greedy nor the malicious, but the self-righteous who are guilty of history's worst atrocities. Society understands greed and malice and erects barriers of law to defend itself from these vices. But evil cloaked in emotional causes is well disguised and often undiscovered until it is too late.

We have just such a group of self-proclaimed saviours of the American soul at work today. Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views. In the name of academic freedom, they destroy academic freedom. Denouncing violence, they seize and vandalize buildings of great universities. Fiercely expressing their respect for truth, they disavow the logic and discipline necessary to pursue truth.

They would have us believe that they alone know what is good for America; what is true and right and beautiful. They would have us believe that their reflective action is superior to our reflective action; that their revealed righteousness is more effective than our reason and experience.

Think about it. Small bands of students are allowed to shut down great universities. Small groups of dissidents are allowed to shout down political candidates. Small cadres of professional protestors are allowed to jeopardize the peace efforts of the President of the United States.

It is time to question the credentials of their leaders. And, if in questioning we disturb a few people, I say it is time for them to be disturbed. If, in challenging, we polarize the American people, I say it is time for a positive polarization.

It is time for a healthy in-depth examination of policies and a constructive realignment in this country. It is time to rip away the rhetoric and to divide on authentic lines. It is time to discard the fiction that in a country of 200 million people, everyone is qualified to quarterback the government.

For too long we have accepted superficial categorization—young versus old; white versus black; rich versus poor. Now it is time for an alignment based on principles and values shared by all citizens regardless of age, race, creed, or income. This, after all, is what America is all about.

America's pluralistic society was forged on the premise that what unites us in ideals is greater than what divides us as individuals. Our political and economic institutions were developed to enable men and ideas to compete in the marketplace on the assumption that the best would prevail. Everybody was deemed equal, and by the rules of the game they could become superior. The rules were clear and fair: in politics, win an election; in economics, build a better mousetrap. And as time progressed, we added more referees to assure equal opportunities and provided special advantages for those whom we felt had entered life's arena at a disadvantage.

The majority of Americans respect these rules . . . *and with good reason*. Historically, they have served as a bulwark to prevent totalitarianism, tyranny, and privilege . . . the old world spectres which drove generations of immigrants to American sanctuary. Pragmatically, the rules of America work. This nation and its citizens—collectively and individually—have made more social, political and economic progress than any civilization in world history.

The principles of the American system did not spring up overnight. They represent centuries of bitter struggle. Our laws and institutions are not even purely American—only our Federal system bears our unique imprimatur.

We owe our values to the Judeo-Christian ethic which stresses individualism, human dignity, and a higher purpose than hedonism. We owe our laws to the political evolution of government by consent of the governed. Our nation's philosophical heritage is as diverse as its cultural background. We are a melting pot nation that has for over two centuries distilled something new and, I believe, sacred.

Now, we have among us a glib, activist element who would tell us our values are lies, and I call them impudent. Because anyone who impugns a legacy of liberty and dignity that reaches back to Moses, is impudent.

I call them snobs for most of them disdain to mingle with the masses who work for a living. They mock the common man's pride in his work, his family and his country. It has also been said that I called them intellectuals. I did not. I said that they characterized themselves as intellectuals. No true intellectual, no truly knowledgeable person, would so despise democratic institutions.

America cannot afford to write off a whole generation for the decadent thinking of a few. America cannot afford to divide over their demogoguery . . . or to be deceived by their duplicity . . . or to let their license destory liberty. We can, however, afford to separate them from our society—with no more regret than we should feel over discarding rotten apples from a barrel.

The leaders of this country have a moral as well as a political obligation to point out the dangers of unquestioned allegiance to any cause. We must be better than a charlatan leader of the French Revolution, remembered only for his words: "There go the people; I am their leader; I must follow them."

And the American people have an obligation, too . . . an obligation to exercise their citizenship with a precision that precludes excesses.

I recognize that many of the people who participated in the past Moratorium Day were unaware that its sponsors sought immediate unilateral withdrawal. Perhaps many more had not considered the terrible consequences of immediate unilateral withdrawal.

I hope that all citizens who really want peace will take the time to read and reflect on the problem. I hope that they will take into consideration the impact of abrupt termination; that they will remember the more than 3,000 innocent men, women, and children slaughtered after the Viet Cong captured Hue last year and the more than 15,000 doctors, nurses, teachers and village leaders murdered by the Viet Cong during the war's early years. The only sin of these people was their desire to build their budding nation of South Vietnam.

Chanting "Peace Now" is no solution, if "Peace Now" is to permit a wholesale bloodbath. And saying that the President should understand the people's view is no solution. It is time for the people to understand the views of the President they elected to lead them.

First, foreign policy cannot be made in the streets.

Second, turning out a good crowd is not synonymous with turning out a good foreign policy.

Third, the test of a President cannot be reduced to a question of public relations. As the Eighteenth Century jurist, Edmund Burke, wrote, "Your representative owes you not his industry only but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion."

Fourth, the impatience—the understandable frustration over this war—should be focused on the government that is stalling peace while continuing to threaten and invade South Vietnam—and that government's capital is not in Washington. It is in Hanoi.

This was not Richard Nixon's war . . . but it will be Richard Nixon's peace if we only let him make it.

Finally—and most important—regardless of the issue, it is time to stop demonstrating in the streets and start doing something constructive about our institutions. America must recognize the dangers of constant carnival. Americans must reckon with irresponsible leadership and reckless words. The mature and sensitive people of this country must realize that their freedom of protest is being exploited by avowed anarchists and communists who detest everything about this country and want to destroy it.

This is a fact. These are the few . . . these are not necessarily leaders. But they prey upon the good intentions of gullible men everywhere. They pervert honest concern to something sick and rancid. They are vultures who sit in trees and watch lions battle, knowing that win, lose or draw, they will be fed.

Abetting the merchants of hate are the parasites of passion. These are the men who value a cause purely for its political mileage. These are the politicians who temporize with the truth by playing both sides to their own advantage. They ooze sympathy for "the cause" but balance each sentence with equally reasoned reservations. Their interest is personal, not moral. They are ideological eunuchs whose most comfortable position is straddling the philosophical fence, soliciting votes from both sides.

Aiding the few who seek to destroy and the many who seek to exploit is a terrifying spirit, the new face of self-righteousness. Former H.E.W. Secretary John Gardner described it: "Sad to say, it's fun to hate . . . that is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

This is what is happening in this nation . . . we *are* an effete society if we let it happen here.

I do not overstate the case. If I am aware of the danger, the convicted rapist Elridge Cleaver is aware of the potential. From his Moscow hotel room he predicted, "Many complacent regimes thought that they would be in power eternally—and awoke one morning to find themselves up against the wall. I expect that to happen in the United States in our lifetimes."

People cannot live in a state of perpetual electric shock. Tired of a convulsive society, they settle for an authoritarian society. As Thomas Hobbes discerned three centuries ago, men will seek the security of a Leviathan state as a comfortable alternative to a life that is "nasty, brutish and short."

Right now we must decide whether we will take the trouble to stave off a totalitarian state. Will we stop the wildness now before it is too late, before the witch-hunting and repression that are all too inevitable begin?

Will Congress settle down to the issues of the nation and reform the institutions of America as our President asks? Can the press ignore the pipers who lead the parades? Will parents have the courage to say no to their children? Will people have the intelligence to boycott pornography and violence? Will citizens refuse to be led by a series of Judas goats down tortuous paths of delusion and self-destruction?

Will we defend fifty centuries of accumulated wisdom? For that is our heritage. Will we make the effort to preserve America's bold, successful experiment in truly representative government? Or do we care so little that we will cast it all aside?

Because on the eve of our nation's 200th birthday, we have reached the crossroads. Because at this moment totalitarianism's threat does not necessarily have a foreign accent. Because we have a home-grown menace, made and manufactured in the U.S.A. Because if we are lazy or foolish, this nation could forfeit its integrity, never to be free again.

I do not want this to happen to America. And I do not think that you do either. We have something magnificent here . . . something worth fighting for . . . and now is the time for all good men to fight for the soul of their country. Let us stop apologizing for our past. Let us conserve and create for the future.

THE VICE PRESIDENT'S VOCABULARY

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. KARTH. Mr. Speaker, I would like to bring an excellent editorial to the attention of my colleagues. This article, reprinted below, appeared in the St. Paul Pioneer Press on Friday, October 24.

I think the editorial expresses my views on the New Orleans utterances of the Vice President adequately. However, I would like to point out that those who supported the moratorium in Minnesota included U.S. Senators and Congressmen, prominent clergy, distinguished educators such as a regents professor of the University of Minnesota, and an ex-Governor of Minnesota who happens to belong to the Vice President's political party. These people along with many thousands of others who participated could scarcely be described as "effete and impudent snobs." I therefore use this opportunity to take strong exception to his remarks.

The article follows:

Agnew Gets a Rest

This dispatch came over the wire Thursday:

"Palm Springs, Calif.—Vice President Spiro T. Agnew begins a short vacation in this desert resort today with no plans for speaking engagements or public appearances.

"Agnew was to spend his time resting, according to the Palm Springs Convention and Visitors Bureau . . ."

The Vice-President deserves a rest, of course, after some of the statements he has issued lately, particularly in New Orleans where he concocted this sentence: "A spirit of national masochism prevails encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Aside from its rhetorical and analytical faults, it astonished a sizable portion of his own party, most members of the opposite party and seven-eights of the U.S. citizenry, which is still trying to decipher what is meant by an effete corps of impudent snobs."

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the St. Louis Post-Dispatch, and the Jefferson City Capital News, in the State of Missouri. The editorials follow:

[From the St. Louis Post-Dispatch, Sept. 20, 1969]

Bigger Highway Freighters?

It is a severe disappointment to learn that the Nixon Administration has given its blessing to the bill permitting longer, wider, and heavier freighters on the interstate highways. This measure is virtually the same as the one which was sneaked through the Senate in the last session and then died in the House amid a storm of opposition.

At that time Mr. Nixon, as a candidate for President, urged that action on the bill be postponed. He declared that if he were elected he would direct the Secretary of Transportation "to take a hard new look to make certain that the interest of the traveling public and also the life of our highways are fully protected."

President Nixon's plan for a "hard new look" evidently has not been carried out, because the federal highway administrator, F. C. Turner, admitted to a House Public Works subcommittee that his department did not have "sufficiently reliable evidence" to determine whether bigger, heavier vehicles would increase hazards on the highways. He said, however, that if Congress decides that highway safety won't be affected, the Administration will go along. He suggested that the effective date of the new size and weight standards be delayed until July 1, 1972.

Representative Fred Schwengel (Rep.), Iowa, rightly pointed out that if the Transportation Department did not have the necessary safety information it should have recommended postponement until the facts are available.

All the data on safety may not be at hand, but there is plenty of evidence that the axle loads of vehicles have an important effect upon the life of pavement. Road tests made by the American Association of State Highway Officials showed that the proposed weight increases would require the spending of billions of dollars on reconstruction of older payments. A survey by the American Automobile Association showed that 67 per cent of the bridges on major highways were not designed to support the truck loads they are now called upon to bear.

Advocates of the bill before Congress make a great deal of the fact that it applies only to interstate highways and that no state would be obliged to approve the higher limits. But the big highway busters don't confine themselves to the interstate roads; they also use two-lane connecting routes and city streets. If Congress raises limits for the interstate, the powerful truckers' lobbies will be turned loose on every legislature.

The truckers have many friends in Congress and in the legislatures. One explanation for these friendships is liberality. Records filed by the Truck Operators Nonpartisan Committee last year showed that large campaign contributions were made to sponsors of the bigger truck bill. Among the beneficiaries was Representative John Kluczynski (Dem.), Illinois, chairman of the House Public Works subcommittee on public roads. The truckers bought $2000 worth of tickets to a $25-a-plate dinner for the Congressman.

The late Senator Dirksen also was remembered. The truckers bought $2000 worth of tickets for the Salute to Dirksen held here in 1968.

Such kindnesses are remembered in Congress. If the bigger truck bill is to be defeated, Congress will have to hear from the motorists who have experienced the terror of competing with 35-ton monsters.

[From the Jefferson City (Mo.) Capital News, Aug. 14, 1969]

Highway "Monster Truck" Bill Deserves Quick Death

Anyone who has traveled Interstate 70 or any other major thoroughfare especially at night knows the big lumbering trucks both monopolize the highways and create a serious nuisance at times.

But the trucking industry isn't satisfied with the status quo. They want the federal laws changed affecting size and tonnage of trucks.

Having failed by a hair last year, the industry has launched a new drive in Congress, which would permit longer, wider and heavier trucks on our highway system. Under the bill the proposed new highway monsters could weigh as much as 108,500 pounds and be up to 105 feet long.

Most motorists, we believe, dislike driving near or trying to pass the present behemoths of the roads. Passing the proposed new "monster freight trucks" on heavily traveled highways would scare the wits out of most of us.

This new push by the trucking industry is a dangerous piece of legislation. Although most truckers are excellent, safe drivers, we feel the mere presence of these highway behemoths would contribute to an already increasing accident rate.

The "monster freight" trucks also would place additional stress on our highways, boosting the cost of upkeep and adding to traffic pressure.

Moreover, the claim that the leglislation is permissive and would be limited to the interstate system is pure hogwash. The trucking industry lobby is powerful in virtually every state.

It would only be a matter of time until requests for the legislation to be extended were advanced. In addition, the proposed legislation would have an immediate major impact on other roads and streets since we assume these super trucks would have to use other highways and even city streets to reach their eventual destination.

The nation's highway system, we believe, belongs primarily to passenger car drivers, not the trucking industry or any other special interest. The U.S. Congress owes it to the safety and well-being of the 80 million passenger car drivers to give a blunt resounding No to this bill.

NATIONAL BUSINESS WOMEN'S WEEK

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ROGERS of Florida. Mr. Speaker, the week of October 19 through 25 has been designated National Business Women's Week to recognize the contribution women make to the commerce and industry of our Nation.

It has been my pleasure to speak with business and professional women's clubs throughout my congressional district as well as other organizations of women in the business world. On each of these occasions I have noted the expanding role being played by women in important areas of responsibility that were closed to them not many years ago.

For many years women were subjected to job discrimination, which not only had the effect of denying them the opportunity to develop their individual interests in business, but which also denied business enterprise the opportunity to benefit from the leadership which women have demonstrated so clearly since these artificial barriers began to come down.

I join with others today in saluting the achievements of all business and professional women throughout the country.

THE MOST BEAUTIFUL SEWERS IN THE WORLD

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. MESKILL. Mr. Speaker, there is mounting concern throughout the Nation over the deteriorating condition of our environment. As our population grows, the problems resulting from this expansion are bound to intensify. At present, each American has less than 10.6 acres in which to grow food, bury wastes, live, and breathe.

In Connecticut, statistics reveal that the population has doubled only three times in 158 years. The incredible fact is that the first doubling took 72 years to accomplish; the next doubling of the population of my native State, however, is only 11 years away, completed in little more than one generation.

The question we must face up to is: Will we destroy our environment as we make room for our population before we have developed, funded, and implemented programs to preserve the world in which we live?

If this year's congressional action is any indication, I fear the future is not an entirely optimistic one. Look at what we did with water pollution control. This year Congress failed to fully fund the Clean Water Restoration Act. The authorization for fiscal 1970 was $1 billion. The administration requested a meager $214 million for water pollution control. Even fiscal conservatives admitted that this was inadequate, and as a result the Appropriations Subcommittee recommended funding at a level of $450 million. An attempt on the floor of the House to fully fund the act, however, failed, and the House finally settled on a compromise appropriation of $600 million.

As a supporter of the full funding proposal, I was, of course, disappointed in the House action.

Mr. Speaker, the August issue of the Telephone Bulletin, published by the Southern New England Telephone Co., contains an article on the water pollution problems confronting Connecticut. Citing the difficulties of program development, funding, and implementation, the article paints a bleak picture for our environment.

I commend the article entitled "The Most Beautiful Sewers in the World" to my colleagues for their careful consideration. I am certain that many of the problems discussed in this article will be familiar.

It is time we stopped talking about the destruction of our environment. If we do not back our words with action, it will be too late to do anything. The cost of pollution abatement will be less if we act now than if we wait until our Nation's waters have become massive sewers.

The article by Karen Lansky on Connecticut's new clean water program and the problems that lie ahead follows:

THE MOST BEAUTIFUL SEWERS IN THE WORLD

(By Karen Lansky)

A brave new law promises an end to water pollution in Connecticut by 1974. But . . . enacting the program is a big, tough, costly job. . .

On Highway 8 in Naugatuck there is a road sign that many look at, but few see. It warns that persons found littering will be fined $200. Hard by, across the dank, sickly-green Naugatuck River, a factory dumps nine million gallons of raw, latex-ridden sewage into the river every day—without paying a cent.

This is no surprise. Water pollution is not a new problem in our state. When the Connecticut General Assembly convened in 1899, the sewer commission stated: "Our cities are growing all the time, the quantity of sewage discharged into the streams is thereby increased, and the practice which 20 years ago may have been objectionable has become unbearable."

There are two major sources of pollution—municipal and industrial. According to a group of citizens appointed by the Governor in 1965 to investigate the problem of pollution:

"Potentially, the most dangerous source of pollution in Connecticut is municipal waste—sewage, in other words. Untreated, or inadequately treated human waste can spread disease. It curtails and makes the recreational use of water distasteful. It has already destroyed a portion of Connecticut's once thriving shell fish industry. Sewage has already lowered property values along our coastline. Sewage is transforming many of our streams and our waterways into a gray, putrid slime.

"Industrial waste is another source of pollution in Connecticut's water. Whenever the treatment of industrial waste cannot be included in new or enlarged municipal treatment plants, industry must be assisted in the construction of their own treatment plants."

In our state such pollution has rendered the Connecticut River unfit for swimming—anywhere—within the boundaries of the state. Trash, filth, and human waste line the shores of the Yellow Mill River in Bridgeport. On the Mill River in New Haven, foul-smelling white sludge from the manufacture of paper flows from a sewer line directly into the river. A service station attendant living near the Mill River claims he has seen dead animals greased with slime floating there.

There are 199 factories in this state discharging sanitary waste to surface water without even primary treatment, or removal of solids. Primary treatment is not enough. To halt industrial pollution, 234 new treatment facilities are needed.

There are 169 towns in Connecticut. Of these, only 73 operate sewage treatment plants. Nine towns have sewers that dump raw sewage directly into streams. The rest have septic tanks which may or may not be effective in disposing of waste.

Connecticut has had pollution controls of one sort or another since 1925. Nevertheless, pollution continues—year after year—to turn our rivers into gaping, open sewers. One reason is that before 1967, Connecticut was the only New England state to contribute no money at all to the construction of municipal sewage plants. In addition, the Water Resources Commission, prior to the adoption of Clean Water Act, was pitifully understaffed. And though the law let the Commission order polluters to build treatment facilities, it could not take violators into court until after the date when the entire facility was to have been completed—which usually meant a wait of several years.

With ever-increasing amounts of filth being dumped into our waters, citizens began to press for stronger controls. They formed groups like the Farmington River Watershed Association, to which SNET belongs. The FRWA urges local governments and businesses to invest in treatment plants.

In 1965 Governor Dempsey appointed a Clean Water Task Force of 100 private citizens to recommend what was needed to clean up the waters.

In 1967, the legislature turned the Task Force's recommendations into the Clean Water Act. To help municipalities, the Act provided for a $150 million bond issue that would let the state finance up to 30% of the cost of municipal sewage plants. In 1969 the legislature issued another $100 million in bonds.

One half of 1%, or $750,000 of the $150 million bond issue, was made available to the State Water Resources Commission for administrative expenses and badly needed staff salaries.

To help industry, the Act granted state and local tax abatements on industrial sewage plants.

By adopting federally-approved water standards the Act made towns in the state eligible for federal subsidy—30% of construction costs of sewage treatment plants and lateral sewers, 50% for other facilities.

The Act allowed speedier enforcement than the old law. The Water Resources Commission was authorized to issue orders to polluters containing a timetable of steps that must be undertaken to control pollution. Neglect of any one of these steps could result in a court suit by the state. The aim was to eliminate the long wait required under the old law.

In its May 12, 1969, Status Report on the Connecticut Clean Water Program, the Department of Agriculture and Natural Resources states, "Public Act #57, the Clean Water Act, went into effect on May 1, 1967. Within the first year the required schedules had become a fact. At the present time, these schedules are incorporated into 793 orders which have been issued. These orders contain more than 2,300 steps of compliance. Already 776 of the steps have been accomplished. It is anticipated that the recommendations of the Governor's Clean Water Task Force, which called for the elimination of all sources of pollution before 1974, will be accomplished. It is actually the intent to accomplish practically all by the end of 1972."

Regardless of new and more effective legislation, there still are problems. First, there's a question of how clean is clean. Second, enforcement of orders is slow. Finally there may not be enough money to complete the necessary projects.

As for cleanliness, "clean water" does not necessarily mean drinking water or water of bathing quality.

"What we want," says Merwin Hupfer, division engineer of water pollution control at the State Water Resources Commission, "is to bring the standards of all streams up to what's appropriate for the stream's intended use. For instance, many of the streams are not intended for drinking, but for fish life. Some fish could not live in a stream of drinkable quality."

Hupfer says a discharge going into a stream must be made as clean as is technologically feasible. "Most of the time this is cleaner than the stream itself," he says. "Due to cost, insuring that all discharge into our streams is of drinkable quality is not feasible at this time. We are attempting to treat discharge in such a way that our waters are at least acceptable for various recreational uses." Hupfer explained that not all waters may even be made suitable for bathing.

State Senator George Gunther, a persistent critic of the Water Resources Commission, says enforcement of even these standards is falling behind.

Last year he wrote the Commission concerning an order to the town of Beacon Falls.

"I found that in May, when Beacon Falls was supposed to start construction under the new law, they actually had been referred to the Attorney General's office on a previous order under the old law that they hadn't conformed to a year prior.

"When I asked Attorney General about the case," Gunther said, "he claimed that it was just in his file, and that his office hadn't taken any action because no action had been requested by the Commission.

"Then the Water Resources Commission contacted the Attorney General's office and recalled the file and granted Beacon Falls a year's extension."

Says Hupfer: "Beacon Falls was falling behind. But they were not taken to court because they promised conformity. Public Act No. 57 provides for fining but doesn't insist upon it. What the heck is a fine? It takes so long to get into court. We want to accomplish, not lose time.

"If we stood by our schedules 100% of the way, we'd have almost all our orders in court and we wouldn't go anywhere. Sometimes a job must be delayed because of slow equipment deliveries."

The Water Resources Commission says Beacon Falls is "now up to date."

Although there's a tax abatement, industry must erect treatment plants at its own expense. Today approximately 685 industrial and private orders are outstanding—the figure changes weekly.

As for municipalities, the needed treatment plants would have taken an estimated $200 million in 1967; but $363 million today. And the needed investment grows monthly due to increasing construction costs.

The federal government has failed to appropriate enough funds for the construction aid it promised. As a result, the state allows the Commission to pre-finance that portion of the federal grant which is unavailable. Hopefully, the federal government will come through with its promised repayment before the state of Connecticut depletes its own funds.

But if the federal government provides the money, will it be enough?

Eric Mood, a pollution expert at the Yale department of Public Health and Epidemiology, laments that Connecticut is falling behind other states.

Mood, a member of the National Technological Advisory Committee on Water Quality Criteria for the Secretary of the Interior, cites specific areas:

Money. "$250 million is not enough."

Salaries. "The state is not willing to pay salaries to bring in top men in the field. The amounts we offer are pitifully low."

Water Standards. "You need two sets of standards, one for streams, one for discharge. The definitions of our current standards are ambiguous, weak. Industry should have specifically worded criteria that govern the quality of its discharge. All discharge can be upgraded to drinkable quality. It is technologically feasible."

"As I see it, water pollution abatement activities in the sate of Connecticut will continue to be low-priority, non-effective and of limited scope unless and until there is dedicated leadership on the part of the governor, the legislators and the officials of the state agencies concerned with water pollution abatement. Industry must begin to acknowledge its role in water pollution abatement activities, and the electorate must provide the needed funds to municipalities for the construction and operation of treatment plants."

DESEGREGATION AT LAST

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. COHELAN. Mr. Speaker, as I said in earlier remarks today, it was gratifying to read of yesterday's Supreme Court decision rejecting slow-motion integration and ordering the immediate cessation of dual school systems.

By ruling that "all deliberate speed" for desegregation is no longer constitutionally permissible, the Burger court proves it will follow the commendable precedent of the Warren court and guarantee equal opportunities to all our Nation's citizens.

Since the historic Brown against the Board of Education ruling in 1954 acknowledged that separate but equal schools are inherently unequal, the phrase that urged integration "with all deliberate speed" has been the object of some of the most unconscionable legal maneuverings this country has ever witnessed.

In an article in the September issue of the Progressive, Edwin Knoll shows how successful the anti-integrationists have been in stalling the 1954 Supreme Court order.

But yesterday, after 15 years, 5 months, and 12 days, the Supreme Court indicated its patience had come to an end. An entire generation has attended schools that have openly defied an order of the highest tribunal in our land. Hopefully, yesterday's Supreme Court decision will correct this blatant twisting of our Nation's "law and order."

Mr. Speaker, the tragedy of a decade and a half of full integration postponement is thoroughly documented by Mr. Knoll. I recommend the article to all my colleagues, and I submit it for inclusion in the RECORD, as follows:

STILL SEPARATE, STILL UNEQUAL

(By Erwin Knoll[1])

The school year that begins this month will be the sixteenth since the Supreme Court of the United States decreed that "segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, [deprives] the children of the minority group of equal educational opportunities" and therefore of the equal protection of the law.

The new school year will be the fifteenth since the same Court ordered state and local officials to devise plans "to effectuate a transition to a racially nondiscriminatory school system." Lower Federal courts were directed to require school boards to make "a prompt and reasonable start" toward desegregating the schools and to proceed toward full compliance with the Supreme Court's edict "with all deliberate speed."

A child born on May 17, 1954, the date of the Supreme Court's historic *Brown* v. *Board of Education* ruling, should be entering the tenth grade this fall. If that child is black and happens to live in one of the Southern states, the odds are better than two-to-one that he will be enrolled in a segregated school. The odds are at least even that he will be graduated from high school in 1972—if he is graduated at all—without ever having sat in a classroom with children who were not black.

For most of those whose rights it was intended to secure, the Supreme Court's historic desegregation decisions remains a promise unfulfilled. This is the fact that was all but lost sight of in this summer's strenuous debates over the Nixon Administration's revised guidelines for school desegregation. After a decade and a half of "all deliberate speed," the argument was made that the Government could not move "precipitously" to enforce the law of the land—and the argument prevailed. A nation that shaved a year from its deadline for sending an American to the moon decided that it needed more time to send Americans to biracial public schools.

Last year, about twenty per cent of the black children in the Southern states attended desegregated public schools. It will be some time before this year's figures become available from the cumbersome (and less than reliable) statistics-gathering machinery of the Department of Health, Education and Welfare, but civil rights enforcement officials in HEW now concede that it is quite unlikely the total will reach the forty per cent they projected only a few months ago. Some of those who take the most drastic view of the new guidelines speculate that the rate of desegregation may actually decrease.

The Nixon Administration's policy statement of July 3, which declared its opposition to "arbitrary dates and systems" for desegregation and promised to take into account "bona fide educational and administrative problems," was merely the latest installment in a long history of officially sanctioned delay and evasion. Even the South's most strident segregationists must have been repeatedly surprised over the last fifteen years by the success of their dilatory tactics.

In its first reaction to the 1954 decision, the *Richmond News Leader* (which was to become the leading mouthpiece for Virginia's policy of "massive resistance" to desegregation) declared: "If the Court were to fix, say, a ten-year period, and permit the states to integrate ten per cent of their schools a year . . . a solution might be found." The *News-Leader's* sister-paper, the *Richmond Times-Dispatch*, suggested "the abolition of segregation by stages or steps with, say, ten per cent eliminated the first year after the decrees became effective, forty per cent two years later, perhaps, and the remaining fifty per cent some years after that. In this way all uncertainty as to the timing and method of the tremendous shift would have been eliminated. . . ." To Northern liberals, such comments represented unconscionable temporizing in 1954. With today's hindsight they seem to represent a breakneck pace of compliance. In the 1968–69 school year, desegregation had not yet reached ten per cent of the black pupils in Alabama, Louisiana, and Mississippi.

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[1] Erwin Knoll is the Washington editor of The Progressive. He has worked as a reporter and editor for The Washington Post and the Newhouse National News Service, and he was formerly Washington correspondent for the Southern Education Reporting Service and The Nation's Schools. His articles have appeared in Commentary, Esquire, and the Columbia Journalism Review.

In the first decade after *Brown v. Board of Education*, compliance in the South could be measured only with a micrometer. In an unprecedented display of parliamentary energy, state legislatures in the region passed scores of ingenious laws designed to thwart the Supreme Court's edict. Sleepy school boards whose official activity had been largely confined to the occasional authorization of funds for the purchase of baton twirlers' uniforms suddenly manifested a talent for Machiavellian intrigue. Lawyers prospered and politicians became famous. The few blacks who managed, through persistent litigation, to enroll their children in formerly all-white schools were, more often than not, subjected to harassment, economic pressure, and occasionally violence. In the 1963–64 school year, 1.17 per cent of the black children in the eleven states of the Deep South were attending desegregated schools.

Then came the Civil Rights Act of 1964, which stipulated in its Title VI that Federal financial aid would be withheld from all discriminatory state and local activities. It was a provision that Representative Adam Clayton Powell Jr., the Harlem Democrat, had long tried to attach to Federal aid measures only to be repeatedly rebuffed by fellow liberals who preferred aid to segregated schools to no aid at all. "The Powell Amendment is now the law of the land," Powell was able to boast after the Act of 1964 was passed.

Title VI (and Title IV of the same Act, which authorized Federal financial and technical aid for desegregating school districts) for the first time put the Federal Government into the business of enforcing desegregation administratively rather than through the courts. It was—and remains—a small business. Once guidelines for the application of Title VI were drawn, an understaffed and overburdened office—first in the U.S. Office of Education, more recently in the parent HEW Department—was assigned the task of bringing about compliance. It was an unenviable task, for the guidelines were fraught with the potential for evasion; the Southern school districts, seasoned by a decade of litigation, were adept at exploiting that potential; the Johnson White House was relentless in its demands for "progress" statistics—and just as relentless in insisting that due deference be paid to the Southern Congressmen who constantly called for delay.

Nonetheless, the pace of desegregation quickened appreciably. The percentage of black pupils attending desegregated schools rose to seven, then thirteen, then twenty. Segregationist outrage rose even more rapidly—particularly after both HEW and the Federal courts began to take a dim view of the South's most effective device for pseudo-compliance, the so-called "freedom of choice" pupil assignment plans which desegregated the schools in theory while leaving them segregated in practice. In May 1968, the Supreme Court held that "the burden on a school board today is to come forward with a plan that promises realistically to work *now*," and added that "if there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, 'freedom of choice' must be held unacceptable." HEW's Title VI enforcement officers said they would be governed by the Court's view. Furthermore, they revised the guidelines to call for complete desegregation by the fall of 1969, except for those districts that had a majority of black pupils or a shortage of facilities; they would be given one more year.

These goals have not only been undermined by the Nixon Administration's policy statement of July 3; they were further jeopardized when the House, in appropriating funds for the Department of HEW on July 31, approved a provision barring the use of these funds to "force" the busing of pupils, the closing of schools, or the assignment of students to particular schools against the wishes of their parents.

This provision, sponsored by Representative Jamie L. Whitten, Mississippi Democrat, had the effect of restoring the legal sanctity of "freedom of choice"—or, as Representative Jeffery Cohelan, California Democrat, put it—"affirming the South's right to keep its racially segregated schools."

A year ago, a similar Whitten amendment was defeated—in part, at least, because Presidential candidate Richard M. Nixon passed the word that he did not favor it. This year, however, President Nixon remained silent, and Congressman Cohelan's attempt to strike Whitten's language from the bill was defeated by 158 votes to 141. How the Senate will act remains to be seen, and will depend in large measures on the Administration's attitude.

Of some 4,500 school districts in the seventeen Southern and border states, HEW reported this summer, about 3,000 had complied voluntarily with the Title VI guidelines, although the degree of compliance varied widely from the sheerest tokenism to genuine desegregation. About 330 had promised to desegregate by 1969 or 1970, 369 were under court order to desegregate, and 123—mostly small, rural districts—had forfeited Federal financial aid by failing or refusing to comply. The rest were under review or at one stage or another of the cutoff process, and they represented the districts where resistance to desegregation was most firmly entrenched.

Against the background of rising segregationist resistance to enforcement of Title VI, Richard M. Nixon mounted the "Southern strategy" of his 1968 Presidential campaign. "There has been too much of a tendency for both our courts and our Federal agencies to use the whole program of school integration for purposes which have very little to do with education and which do not serve a very useful purpose," he told a television audience in Charlotte, North Carolina, and as he toured the South he dropped hints everywhere that a Nixon Administration could be expected to take a more "reasonable" view. South Carolina Senator Strom Thurmond and other stalwarts of the Southern strategy felt no need to resort to hints; they stated flatly that a Nixon victory would bring an easing of civil rights enforcement.

For five months after entering office, the new Administration grappled with the problem of the guidelines. While Southern segregationists pressed for relaxation, such Republican moderates as Senator Jacob K. Javits of New York, Senator Marlow W. Cook of Kentucky, and Governor Winthrop Rockefeller of Arkansas urged the President to adhere to the standing desegregation timetable. Within the Administration, these conflicting views were complicated by a third—that of the Madison Avenue men in the White House whose prime concern was to find a solution that would do the most to enhance—or the least to diminish—the President's image.

In an early action that was widely read as a sign of a coming cave-in, the Secretary of Health, Education and Welfare, Robert H. Finch, announced late in January that five Southern school districts—two of them in Thurmond's South Carolina—that were facing a loss of Federal funds would be given sixty days to recover the funds retroactively if they submitted acceptable desegregation plans. Finch firmly denied the suggestion that the guidelines were being eroded and subsequently made it known that he favored no extension of desegregation deadlines.

The same position was taken by the Department's new desegregation enforcement chief, Leon E. Panetta, who impressed civil rights leaders as an earnest opponent of racial discrimination. But the general counsel at HEW, Goldwater Republican Robert C. Mardian, wrote a private memo to Finch (which was mysteriously leaked to the press) suggesting that the guidelines be secretly relaxed. To deprive a school system of Federal funds for practicing racial discrimination is "the meat-axe approach," Mardian believes.

While the Administration vacillated and pending compliance actions gathered dust on Finch's desk, school districts with pending desegregation plans began to balk at compliance. Some said they had been advised by members of Congress to make no rash moves, since the pressure from Washington would soon be lifted. Some cited the advice of "people high up in the White House." Lending substance to their expectations were announcements from HEW that Southerners had been appointed to two of the five seats on the panel reviewing fund cut-offs, and that the desegregation deadline for twelve South Carolina districts had been extended until the fall of 1970, although the HEW Department's enforcements staff had strongly recommended 1969.

In a confidential memorandum to Finch, the former director of HEW's Office for Civil Rights, Ruby G. Martin, wrote that if the guidelines were relaxed, hundreds of school officials who have already moved into compliance "would be forced to reconsider their decision. . . . Many school districts would be forced by local pressures to resegregate their schools by reinstituting a freedom of choice plan." A shift in Federal policy, Mrs. Martin added, "would drag the race issue back into school board meetings, PTA meetings, the classroom and local elections."

The murky statement of Administration policy jointly announced July 3 by Finch and Attorney General John Mitchell was a triumph for the White House phrase-makers. "I assume that there are people who can read it any way that they want to read it and undoubtedly will," said Jerris Leonard, the Assistant Attorney General in charge of civil rights enforcement. An HEW official who chose, understandably, to remain anonymous called it "a masterpiece of double-talk."

The statement put the Administration on record as "unequivocally committed to the goal of finally ending racial discrimination in schools." It also declared that "there may be sound reasons for some limited delay." This latter passage, Finch and Panetta insisted, meant nothing. Attorney General Mitchell, who seemed to think it meant something, had the force of logic on his side; if it meant nothing, why was it in the statement? Panetta announced that he would send a letter to Southern school authorities explaining that the statement was intended to convey no relaxation of desegregation deadlines. The letter was never sent; an HEW spokesman announced that, on second thought, there was no need for it.

Two other points of substance were in the Administration's statement: an acknowledgment that racial discrimination is prevalent in Northern school systems, and an indication that increasing use would be made of the courts—rather than the Title VI cutoff provision—to bring about desegregation. Taken separately and together, these points are easily misunderstood.

So far as attacking discrimination in Northern schools is concerned, the principle has been espoused for several years by HEW. It has proven extraordinarily difficult to put into practice, for Congress has specifically forbidden Federal action to remedy racial imbalance in the schools where evidence of discriminatory intent is absent, and the courts have in most instances rejected legal assaults on segregation, Northern style. The one most important exception, the remarkable *Hobson v. Hansen* case in which a Federal judge found that the public schools of Washington, D.C., had systematically discriminated against the low-income black children who constitute the overwhelming majority of their enrollment, offers little basis for encouragement. Two years after winning his suit, plaintiff Julius W. Hobson, a member of Washington's newly elected Board of Education, is marshaling new evidence for another test case because the first one resulted in no relief.

If the Justice Department's small staff of civil rights lawyers is to devote much of its time to Northern de facto segregation cases that are likely to fail, efforts at ending de jure segregation in the South will be further neglected. And at best, the efforts on the South will bear fruit only slowly, if at all. It should be borne in mind that the reason Title VI was incorporated in the 1964 Act was that the courts had proven ineffective in fostering desegregation at a meaningful pace. School systems under a court order to desegregate are automatically exempt from the loss of Federal funds under Title VI, regardless of the progress—if any—which they are making toward eliminating racial barriers. In Alabama, all 118 school districts are under court order to desegregate; last year, only 7.4 per cent of the state's black pupils were in desegregated schools.

In April, 1967, the Fifth Circuit Court of Appeals ordered each state within its jurisdiction—Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas—to take the steps to bring about a "unitary system in which there are no Negro schools and no white schools—just schools." This is dramatic language but it overlooks the prime lesson of *Brown v. Board of Education*—the gap that can exist between judicial rhetoric and administrative compliance.

Nonetheless, the Administration moved swiftly on the legal front in the days immediately after July 3. In a frenzy that reminded the editors of *The Washington Post* of "the finale of *Hellzapoppin*," the Justice Department showered lawsuits and warnings on school systems North and South, the most notable being aimed at the Chicago Board of Education. It was a dazzling performance—and a deceptive one, for officials at Justice acknowledged that the suits had long been ready and had been held in reserve to demonstrate the Administration's "good faith" on desegregation. The publicity men at work again.

The Department announced, among other actions, that it intended to bring a statewide desegregation suit against the public schools of Georgia, eliciting howls of indignation from its slow-witted governor, Lester Maddox. Apparently no one bothered to explain to him that an unwieldy and unenforceable statewide desegregation order against Georgia schools would have the immediate effect of restoring Federal funds to thirty-six districts that have already been cut off for noncompliance with Title VI. The suit was filed on August 1.

"Gutting the school guidelines is the clearest possible notice to Southern segregationists that they can ignore the rights of black children," Professor Gary Orfield of the University of Virginia, the author of *The Reconstruction of Southern Education*, wrote after the Administration released its policy statement. "The Federal backdown rewards resisters. Schoolmen who have staked their careers on developing sound desegregation plans will be denounced as 'race mixers' doing more than even Federal bureaucrats really want. Strom Thurmond has another victory and Southern progressives a very serious defeat."

In Louisiana, Federal Judge Ben C. Dawkins, Jr.—one of the judges on whom the Administration is presumably relying to carry out its "unequivocal" commitment—promptly ordered HEW to renegotiate "outrageous" desegregation schedules it had drawn up for thirty-seven districts to replace freedom of choice plans. The new Administration policy gives "us considerably more elbow room," Judge Dawkins said. He called it "a sort of new breath of fresh air to replace the virtually intolerable situation for all of us prior to the new policy." In Mississippi, State Republican Chairman Clarge Reed commented: "This is a historic step in returning to the schools their prime objective of education of the nation's youth."

Senator Thurmond was more cautious in appraising his victory. He called it "an improvement over past policy," but reserved further judgment "until I see how this new policy is administered." The White House is on notice: It is being watched.

Strom Thurmond is not the only one watching. Black Americans—those who have not given up on integration yet—are watching. A recent *Newsweek* poll found that black parents want integrated schooling for their children by a margin of eight-to-one—not, we can assume, because they see some magic virtue in having their children attend school with whites, but because they have learned from long and painful experience that when white America can get away with providing separate schools, it does not bother to make them equal.

How many more years? An American who heard the administration explain its desegregation policy on July 3 and saw two of his countrymen walk on the moon on July 20 might be forgiven for suggesting a new version of a proud old slogan: The impossible we do immediately; the difficult takes forever.

FROM PUBLIC SERVICE TO PRIVATE SERVICE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. HANNA. Mr. Speaker, last week it was my privilege to publicly congratulate former Secretary of the Treasury, Joseph W. Barr, upon his appointment as president of American Security & Trust Co., of Washington, D.C. This morning the Washington Post printed in their editorial column some very kind words about Mr. Barr. I wish to add this editorial to the RECORD—and with the Post I "wish him well":

FROM PUBLIC TO PRIVATE SERVICE

They rarely go back to Pocatello or even to Indianapolis. Joseph W. Barr, one term Indiana Democratic Congressman, who failed for re-election in 1960, was one of those who stayed here to make a record of success in both private business and public life. His public record was one of progress from being assistant to the Secretary of the Treasury, to being chairman of the Federal Deposit Insurance Corp., to serving as under-secretary of the Treasury, and then, in the last few days of the Johnson administration to the Treasury secretaryship itself. Mr. Barr was confirmed by the Senate just 10 days before the Nixon administration took office. His private Washington career then began as vice chairman of the board at the American Security and Trust Co. Now, at 51, he has been named president of the bank, the city's second largest. It is considered likely that a year hence, he will step up to the top job, chairman of the board and chief executive officer when the present chairman, Robert C. Baker, retires. Service in Congress and the cabinet is heady stuff, but no more important, from where we sit, than service as a leading financial figure in this community; it is no mean responsibility that now falls upon Mr. Barr and we wish him well.

SOLITARY IS WORST—COMMUNIST TREATMENT OF POW'S

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. TALCOTT. Mr. Speaker, the news media have neglected to report much about the aspect of the Vietnam war involving our POW's and the MIA's and their families.

The reasons for this neglect are not obscure. Reports and facts were difficult to obtain. This aspect of Communist atrocities involved only a few U.S. citizens and their families who could easily be forgotten. They were loyal, patriotic; they did not riot, demonstrate, or make insulting or obscene criticisms of our Government; they suffered extraordinarily in silence.

Any accurate report of the POW and MIA aspect of this miserable war would have indicted the North Vietnamese Communists and the Vietcong as the most diabolical and vicious war machine in the history of warfare. Few reporters or editors desired to depict our enemy in this heinous perspective.

Every time the North Vietnamese have liberated any prisoner of war, they have intentionally prolonged and exacerbated the mental and emotional torture of every family of every man who is a prisoner of war—POW—or reported as missing in action—MIA. The Communists in this country and abroad in Paris and North Vietnam milk every bit of publicity from the world press, but also every ounce of emotion and strain from the families of all POW's and MIA's. The hopes of every family are raised. The elation of expectation soars to heights unappreciated by those of us who have never had a loved one in a Communist prison. Then all of these hopes and anticipated joys of reunion are crassly dashed. Then deeper despair, anxiety, and terror overcomes the family—and they must go on bravely. But oh how demonic an enemy who uses the wives and children of prisoners to fight their wars of terrorism.

Only recently have the news media assumed any reportorial responsibility for "telling it like it is" regarding our POW's and MIA's.

Because the news media have seen fit to emphasize the atrocities they attribute to the South Vietnamese, I am inserting a reportorial column from the Washington Star by Star staff writer William Delaney which captures, better than most reports, the despicable life and torture of our POW's.

I commend the Star and Mr. Delaney for reporting this aspect of the war. It tells a good deal about the kind of enemy we are fighting in Vietnam. It tells a good deal about the government which is trying to take control of South Vietnam. It tells a good deal about the treatment the South Vietnamese can expect when our forces leave and the Communists are permitted to assume control. It tells a good deal about communism and the treatment of human beings under a Communist regime.

The facts presented in Mr. Delaney's article ought to be known by every Member; these facts should be available to every citizen of our country. Unless this aspect of the war is known, the war, its causes, its conduct, and its settlement cannot be understood.

The article follows:

HANOI HIDES FACTS, BUT POW REMEMBERS

(By William Delaney)

Long days alone in a tiny, stifling room; a bowl of pumpkin soup twice a day; an open arm wound that stuck to his blanket each night; a fellow officer with cigarette burns on his arms and his fingernails yanked out . . .

Locked in the tortured memory of 28-year-old Navy Lt. Robert Frishman is probably as thorough a report as anyone in America now has on the condition of the 1,320 U.S. servicemen captured or missing in Vietnam action.

Frishman, one of the nine Americans freed from the North Vietnamese prisons in the past five years, recalls an anecdote from childhood to describe "the worst" part of his 20 months in captivity.

NOT MUCH IS KNOWN

"When I was a little kid and I did something wrong, my dad would ask, 'Do you want to have a beating, or else you can't go out with the boys in the afternoon.'

"I would always take the beating. The isolation and the solitary confinement is the worst on you."

But neither Frishman nor the U.S. government knows the worst that has befallen those who have not been freed.

In fact, the government does not even know from Hanoi whether these men are today alive or dead.

All it knows, as it cautiously appraises reports of an imminent break in Hanoi's POW silence, is that varying sorts of evidence suggest that at least 414 individuals are probably now in enemy prisons.

The evidence on these "confirmed" prisoners—letters from more than 100 of them, images and voices in North Vietnamese propaganda, U.S. intelligence information, reports from foreign journalists, and first-hand accounts of returnees like Frishman—indicate that the bulk of them are in camps within North Vietnam.

More than 50, however, are believed to be scattered among enemy units in South Vietnam. According to reports from some 40 Americans released or escaped from captivity in the South, these men are not held in camps but individually, at the most in two or threes.

Only last Sunday, the Viet Cong announced that three more of these men would be released but did not say when or where.

As for the 906 Americans missing and unaccounted for, the Pentagon feels that perhaps half of these may be in North Vietnamese prisons.

ABOUT 150 IN LAOS

The rest include some 300 missing in South Vietnam and about 150 missing in Laos.

Of all the 1,320 listed as either POWs or missing, nearly two-thirds are Air Force pilots or crewmen. For the most part, they were downed during the 2½-year-long bombing of North Vietnam—which ended a year ago this week.

Many others are Navy pilots, like Frishman.

They include Lt. (j.g.) Everett Alvarez Jr., who was downed Aug. 5, 1964, in the first U.S. air strikes against North Vietnam, during the Gulf of Tonkin crisis.

Alvarez has been captive longest of any of the confirmed POWs, according to the Pentagon.

More than 200 others have been in Communist hands over 3½ years.

Some of the captured or missing men are Army personnel—all of them in South Vietnam or Laos—and the Defense Department believes "a few" Marines are being held in North Vietnam.

As for the conditions in the enemy POW camps, probably the freshest and most thorough information available to the U.S. is that obtained from Frishman and the two other Americans released by Hanoi last August.

Like the six earlier returnees, the latest trio personally saw only a limited number of other Americans (Frishman remembers a total of "around 150" in two camps where he was held).

But what Frishman saw and heard, and smelled and felt, all served to confirm Washington's conviction that not only has North Vietnam failed to honor one basic tenet of the Geneva POW Conference agreement—listing the prisoners. It has also, as Defense Secretary Melvin R. Laird said, "violated even the most fundamental standards of human decency."

For example:

Right after Frishman was shot down by a surface-to-air missile on Oct. 14, 1967, he was driven blindfolded through a gun emplacement and stoned.

He was refused treatment for the elbow wound he initially suffered unless he would agree to give information

When he passed out, he was taken to a hospital and roped to a stool until he passed out again. ("In two days your feet swell up, and then it creeps up your legs until they're numb . . .")

When his elbow finally was amputated, fragments of the missile remained in his arm. It took six months for the incision to heal because it formed a scab against his blanket each night in the 45-degree winter.

Most of Frishman's time was spent in solitary confinement in 10-by-11 or 14-by-26-foot rooms, where he shivered in the winter and suffered from a heat rash during the sultry summer. Twice a day the prisoners were served pumpkin soup with pig fat in it and some bread.

Most Americans are allowed to read only North Vietnamese propaganda and to listen to Radio Hanoi.

"They took pictures of me reading Newsweek magazine," said Seaman Douglas Hegdahl of Clark, S.D., who was released along with Frishman. But he said that as soon as the picture was snapped, "they took the magazine away."

GOT SOME MAIL

Hegdahl also confirmed that in a Japanese newspaper photo of him reading "Christmas mail" at the POW camp, the letter he was looking at was dated the previous April 2. He said he got 15 other letters from home, but that packages were rifled if he got them at all.

"Many POWs do not write or receive mail," he said.

The 1949 Geneva Convention permits the exchange of two letters and four cards per month between the POW and his family.

During the five years since Alvarez was captured, a total of only about 800 letters have been received by the families of more than 100 of the POWs. "The mail there really should have been something like 20,000 to 22,000," says a Pentagon source.

Frishman and Hegdahl also said they had no contact with the Red Cross, which is authorized to inspect POW camps under the Geneva Convention.

Most prisoners, they said, are kept in "isolated" situations, some in solitary confinement, some in two- or three-man rooms.

After initial "rough treatment" to obtain military information, the captors later apply pressure to obtain statements that the POWs are receiving "humane" treatment.

Frishman said he was rehearsed before an interview with an Italian journalist. "You try to do what you can to resist that thing, but, like I say, they have ways of forcing you . . ."

A WEIGHT PROBLEM

The North Vietnamese, though "capable of giving good medical care," do only what is necessary to keep the POWs alive. Both Frishman and Hegdahl lost about 50 pounds in captivity.

In contrast to the reports from American POWs, the Pentagon says South Vietnam and the Red Cross have supplied Hanoi with lists of the 28,000 to 30,000 Viet Cong and North Vietnamese prisoners currently being held in six POW facilities in South Vietnam.

The camps are regularly inspected by the Red Cross, and the prisoners regularly receive mail. Hanoi has been informed that 60 of the prisoners are sick or wounded. But Hanoi has failed to arrange for their return to the North—in some cases, for as long as two years.

Over the past five years, more than 400 of the POWs held in the South have been released, partly in hope that such action would inspire a counter-release by Hanoi. That figure does not include the 88 whose release Saigon proposed yesterday.

LAIRD'S DECISION

Only in recent months, however, has the U.S. begun applying the pressure of world opinion to the plight of its enemy-held servicemen.

According to a Pentagon spokesman, Laird reviewed the entire POW problem after taking office last January and became increasingly convinced that America's discreet past posture on the matter didn't seem to be obtaining results.

Furthermore, the halt of bombing of North Vietnam and the public forum provided a chance to put pressure on Hanoi. A final factor was a feeling that the families of the men needed reassurance from their government that "they have not been forgotten."

Working closely with the State Department, Laird repeatedly made public appeals to Hanoi to abide by the Geneva convention—to list the prisoners, release the sick and wounded, treat them properly and provide regular mail and impartial inspections of POW camps.

During the summer, Richard G. Capen Jr., deputy assistant defense secretary for public affairs, was dispatched to speak with more than 1,700 members of POW families in 21 U.S. cities to assure them of the government's interest. He also told them the government would no longer discourage any efforts on their part to secure the release of the men.

WOMEN ON THE MOVE

Although feelings among the families are mixed, and some wives fear retaliation against their husbands if they speak out, many of them organized to put the POW plight in the national and international spotlight.

From California to Colorado to Long Island, they have handed out bumper stickers, written countless letters to Hanoi, pleaded with congressmen, corporation presidents and newspaper editors.

In the last six weeks, several of them visited Paris and won assurances from North Vietnamese delegates that they would soon be informed of their husbands' status.

In a third prong of the world opinion against Hanoi attack, delegates at the International Red Cross conference in Istanbul last month approved, without dissent, a resolution calling on all parties to the 1949 Geneva POW Convention to abide by its tenets.

The resolution, which did not specifically mention North Vietnam, was approved by attending representatives of the Soviet Union and Yugoslavia among other Communist powers. Neither North Vietnam nor its Red Cross society attended.

In addition, American Red Cross officials say they are "greatly pleased" by 11 positive responses to their separate plea to Red Cross societies in 30 countries—including Russia, Yugoslavia, and many neutrals—asking them to appeal to Hanoi in behalf of the Americans.

As for Hanoi's reported new promise last weekend to release all POW names to antiwar militants here, the State Department says it welcomes information "through whatever channel."

But privately, government sources dared not regard the new hope as a sure thing.

"I'M HOPING"

Neither does Candy Parish of Alexandria, who was told by North Vietnamese in Paris 3½ weeks ago that she would soon be told the status of her missing pilot husband, Navy Lt. Charles C. Parish. As of yesterday, she hadn't.

"I'm hoping that something will come of it," she said, referring to the reported new Hanoi move. "It may be that this is the form the answer (promised her) will take."

Remarked one official source close to the POW dilemma: "It's possible that the weight of world opinion played some role in bringing this about . . .

"But I'm afraid Hanoi is going to stretch it out for every dime's worth of propaganda they can get."

ARE NUCLEAR SHIPS THE ANSWER?

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ANDERSON of Tennessee. Mr. Speaker, the distinguished board chairman of American Export Isbrandtsen Lines, Inc., Adm. John M. Will, USN, retired, has written a very challenging article entitled, "Are Nuclear Ships the Answer?" The article appears in the July/August 1969 edition of Oceanology International.

In the article Admiral Will points out that only courageous and bold action to modernize our merchant marine will prevent the surrender of our maritime heritage and our position in world trade. Admiral Will believes the time is at hand to build a second generation of nuclear powered merchant ships with very high cruising speeds—perhaps around 30 knots. This proposed generation of ships would probably be competitive with conventionally powered ships or very nearly so. More importantly, the experience of their design, construction and operation would lead to a third generation which would almost certainly far outstrip conventional ships from the economic aspect. It is only through such a farsighted program as Admiral Will proposes that the United States can avoid a fifth-rate maritime stance.

Mr. Speaker, I insert Admiral Will's article in the RECORD at this point:

ARE NUCLEAR SHIPS THE ANSWER?

(By Adm. John M. Will, USN, retired)

Within the American merchant marine today there is a suitable feeling of quiet despair. For years, this "fourth arm of defense" has been relegated to the position of fifth wheel. A basically hard-working industry has been fending off the odious sobriquet of feeder at the public trough.

It is true that the American merchant marine finds itself at the nadir of its effectiveness, but it is less sinner than sinned against. Since World War 2, the merchant fleet has wallowed in the backwaters of neglect and endured the barnacles of demands for exceeding productivity.

The debilitated state of the merchant marine is a compound of government overregulation and undersupport, labor's increasing insistence upon more pay for less work, and, finally, the so-what attitude of all too many ship owners and ship operators.

Numerous as they are, the problems of the merchant marine are not the main thrust of this article. I am more concerned that at least one means is ready at hand *now* to overcome many of these problems, and, conceivably, to reverse the steady decline of what was once the greatest merchant fleet in maritime history.

We already have in the inventory—not on the drawing boards, but already with us—a method of changing the United States from a sixth-rate to a first-rate maritime power, a position we have not enjoyed for more than a decade. This startling panacea is the nuclear-powered merchant ship.

I do not hold that nuclear power is the *only* cure for our maritime ills. But it is here, it is available, and it can go a long way toward reversing our present downhill course.

The atom as a source of power dates back to Stagg Field in Chicago and to Alamogordo, N.M. It has the violent connotations of Hiroshima and Nagasaki. Bnt it also has the benign aspects of Shippingport and dozens of land-based electric power stations located throughout the United States.

During President Eisenhower's administration, it was proposed that the United States demonstrate its great interest in the peaceful uses of the atom. From this premise, the nuclear ship *Savannah* was born.

Frankly experimental, and never intended to pay her own way, the *Savannah* was launched in July 1959, and her 80-megawatt pressurized water nuclear reactor first went critical in December 1961. She was then, and still is, perhaps the most beautiful ship afloat.

Like the horse designed by a committee that turned out to be a camel, the *Savannah* is not the most efficient commercial cargo vessel under the American flag. Nor can she be considered particularly utilitarian for the future in these days when the intermodal use of standardized containers is effecting revolutionary changes in the patterns of world trade.

The *Savannah's* great contribution to our maritime development can be appreciated only if she is considered as a program rather than an individual ship. She is the prototype of a fleet of ships to come. She has blazed that trail.

The basic design of the ship does not lend itself to efficient cargo stowage, the cargo handling gear is of limited capacity, and much potential cargo space is taken up by passenger rooms and accommodations.

Despite these manifest drawbacks, American Export Isbrandtsen Lines and the Maritime Administration decided in August 1965 to relieve the *Savannah* of her "showboat'" role and cast her as a workaday commercial freighter.

Relatively little conversion was required to prepare her for her new duties. About 1,800 tons of solid ballast were removed from her tween decks and holds, and electrical circuits were installed to service refrigerated containers. Luxurious appointments for her 60 passengers were removed and the passenger spaces were sealed off. Enclosed promenade decks were given over to the stowage of automobiles in transit. A crew member remarked sadly that it was like making a sow's ear out of a silk purse.

A responsible steamship line and a competent agency of the U.S. government would not have undertaken this enterprise merely to perpetuate the life of a single vessel. Both American Export Isbrandtsen Lines and the Maritime Administration were acutely aware that the *Savannah*, as a *program*, had an overwhelming potential for the future of the American merchant marine.

In nearly 6 years of operation she had proved to be both safe and reliable. She has visited many foreign countries and indoctrinated overseas officials to accept nuclear-powered ships in their harbors. She has trained a large group of merchant marine officers in the complexities of nuclear science and in the operation of a nuclear reactor plant. She has proved that the hypersensitive safety regulations imposed by the Atomic Energy Commission during her earliest days were not required.

As an example, the annual inspection required by the Coast Guard of all American flag ships initially was thought to require that the *Savannah* be placed out of service at the nuclear ship facility in Galveston, Tex., for two full months. The experience derived from year-to-year operation of the ship proved this totally unnecessary. In 1968, the annual inspection was performed in the Port of New York in 12 days.

The *Savannah* has been retained in service, and rightly so, to hold together the skilled cadre of men and related operating systems until the United States is prepared to construct a second generation of nuclear ships specifically intended to be competitive in world trade.

OTHER NATIONS THREATEN LEADERSHIP ROLE

Since 1961, the U.S. has been in the forefront, and indeed alone, in the field of nuclear merchant ships. This unique advantage came to an end last December when West Germany's *Otto Hahn* completed her full-speed sea trials. The Germans built the *Otto Hahn* to be a relatively small, low-powered, low-speed combination ore carrier and training ship. They built her in the full awareness that, like the *Savannah*, she would never be economically competitive with a similar ship propelled by fossil fuel. Now it appears that they soon will build a 23-knot nuclear-powered tanker with the expectation that in its intended service, it will be economically superior to a fossil-fuel ship.

The Japanese laid the keel for their first nuclear ship in November 1968 and intend that the vessel will be operational in the early 1970s. They have said that the ship is being built for "training purposes." By this, they obviously mean the training not only of a ship operator and reactor operators, but also of a nuclear shipbuilder and nuclear ship maintenance personnel. This will clear the way for Japanese shipyards, the world's busiest, to construct nuclear ships in quantity later in the next decade.

The Soviet Union has not been idle in the nuclear race. The icebreaker *Lenin* became operational in the early 1960s, and the Russians recently have announced plans to build one or more additional icebreakers with nuclear plants. These plants, they say, will be the same as those they plan to put in the nuclear merchant ships they also intend to build.

With no firm plans for further nuclear ships, the American merchant marine is losing ground on a day-to-day basis to foreign competitors.

The attractiveness of nuclear power as a source of propulsion for merchant vessels lies not in its novelty but in the way it so aptly complements recent trends in U.S. flag shipping.

During the 1930s, a speed of 8 to 10 knots was conventional for American merchant ships. Merchant ships built during World War 2 generally were rated at 12 to 16 knots and these vessels still comprise more than three-quarters of our present-day fleet. Postwar ships were built to steam at about 18 knots; those becoming operational today average 20 to 24 knots.

Although overlong in coming, this gradual increase in speed has been directly responsive to the needs of shippers who seek to minimize the length of time their goods must be in transit in order to expedite payments from their customers. Consequently, even faster ships are being considered by ship operators. Vessels with a cruising speed in excess of 30 knots most assuredly will take business away from even the express ships of today.

A FISTFUL OF FUEL

A major problem with a high-speed ship is its consumption of fuel. Fuel requirements increase, as a rule of thumb, as the cube of the speed. These greater amounts of fuel must be carried aboard ship at the expense of available cargo space.

With nuclear fuel this problem ceases to exist. Although the ratio of fuel consumption to speed remains constant, a nuclear vessel cares very little if she steams at 10 or 23 knots, even in excess of 30. To all intents and purposes, the fuel weight and volume remain the same.

The amount of fuel that the *Savannah* uses to cross the Atlantic Ocean is equal in volume to the size of a clenched fist. By contrast, a conventionally powered ship of similar size would require almost 430 tons of fuel oil for the same voyage. The *Savannah* steamed more than 330,000 nautical miles in 6½ years before her first refueling last fall, yet she consumed only 119 lb of U–235 enriched uranium oxide fuel.

The case for high-speed, high-performance vessels must loom large in our maritime planning. The best way to achieve high speed without excessive intrusion upon carrying capacity is through nuclear power.

If this is the case, why, then, have we not proceeded full tilt on a nuclear ship construction program? Why are we still circling the problem at arm's length? The answer is economics. Why do thousands of Americans who would love to drive Cadillacs still drive Volkswagens?

A nuclear ship is more expensive than a conventional ship by a significant amount. No one will argue this fact. Yet, two 30-knot ships can replace three 20-knot ships on the same service so that a higher initial unit cost does not necessarily mean a higher overall construction cost.

Many studies have been made comparing the economics of a nuclear cargo ship with a comparable fossil-fuel ship. Generally speaking, it appears that second-generation nuclear ships would be borderline competitively. If you consider the figure optimistically, they will have a slight economic edge. If you are less optimistic, they will fall slightly short of being economic. There is no doubt, however, that given the experience in design, fabrication, and construction of the second generation, the third generation of nuclear vessels definitely will be competitive.

To achieve this advantage, we must build not just one nuclear ship, but three or more specifically designed for service on a given trade. For example, if three ships are required to provide service at a stated frequency, there is no advantage if one of these ships is capable of 30 knots but the other two are capable of only 20 knots.

The most recent study of this cost problem was completed in 1968 by General Dynamics Corp. for the Maritime Administration. It was based upon a buy of three 30-knot container-ships designed to operate between the East Coast of the United States through the Panama Canal to the Far East along Trade Route 12.

The study concluded that the total capital cost to the shipowner without government assistance would be $61.9-million, as compared to $43-million for three comparable conventionally powered ships. If the government provided maximum support for the construction of the ships, the owner's cost would be $25.2-million for the nuclear and $25.4-million for the conventional ships.

Operating costs were estimated at $14.3-million annually for the three nuclear ships and $13-million for the conventional without subsidy, and $11.2-million and $11.5-million, respectively, with maximum subsidy.

Another study recently completed by NUS Corp. for the Maritime Administration predicts fuel costs of 2.2 mills per shaft horsepower hour for the first nuclear core. In the course of a 7-year period, these costs will drop to 1.7 mills/SHPH, a figure less than half the mills/SHPH of a fossil fuel ship. It is basically because of these fuel savings and the expected reduced costs for a third-generation nuclear ship system that the high-speed nuclear ship will be superior economically to its conventionally powered counterpart.

We have the atom of a chance to revitalize the American merchant marine. What we need is courage in high places—in government, industry, and organized labor—to seize this chance and to move forward now with an intensified construction program. Even if we were to start today, our vessels could not be operational before 1975.

To procrastinate further is to surrender our maritime heritage and our position in world trade to the *Ottos*, the *Marus*, and the *Ivans*.

BPW: BOOSTERS OF AMERICA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. NELSEN. Mr. Speaker, the National Federation of Business and Professional Women's Clubs, Inc. of the U.S.A. observed National Business Women's Week October 19 through 25, and I would like to join in paying tribute to this outstanding organization.

We have a number of BPW clubs in my home State of Minnesota. I have found that the members in them are always among the most able, skilled, knowledgeable, and effective individuals in their entire community. The BPW's know how to get things done, and their sense of civic responsibility and service has led to community improvements in many hundreds of instances.

I understand that the BPW now has 180,000 members in more than 3,800 clubs throughout the United States and in the District of Columbia, Puerto Rico, and the Virgin Islands. It is a tribute to the growing importance of skilled womanpower in virtually every field of American endeavor. It is also a tribute to the BPW organization itself, which has exerted fine leadership in boosting American ideals and objectives. I am pleased to congratulate the BPW membership on this occasion.

FORGOTTEN AMERICANS HAVE NOT FORGOTTEN AMERICA

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. ROGERS of Florida. Mr. Speaker, there has been much said and written about the average American. Sometimes he has been referred to as the forgotten American.

I have just received a copy of a speech given by a man who I think expresses the views of the average American. He is a man from a small town, a man with his own business and a man with an interest in his community.

In talking to his club, he set out what he thought was Americanism. This was carried in the Stuart News. I have read it and am moved by it.

I can only say that Kenneth S. Stimmell, a forgotten American, has not forgotten his country.

At this time, I would like to insert this talk into the RECORD for the interest and information of my colleagues and I hope that all will take the time to read it. In these times, it says much for mainstream America.

The item follows:

WHAT IS AMERICANISM?

(By Kenneth S. Stimmell)

Americanism is the Revolutionary War . . . The Boston Tea Party . . . John Paul Jones . . . Valley Forge . . . Mount Vernon . . . Bull Run . . . Gettysburg . . . Lookout Mountain . . . The Statue of Liberty . . . Bunker Hill . . . Independence Hall . . . The Washington Monument . . . The Lincoln Memorial . . . Thomas A. Edison . . . The United States Capitol and a host of other national shrines in this great country.

As American citizens and members of this great order we must at all times live Americanism. We must be proud to be Americans. We must value our citizenship because it was bought and paid for with the lifeblood, the toil, and sacrifice and courage of men and women who believed in freedom, in the dignity of man, in his inherent instinct to recognize Almighty God as the giver of every blessing, and in their ability to claim His promises by their honesty, their integrity, and their recognition of spiritual values.

We must look upon the flag of our country wth deep respect because it symbolizes everything for which we must strive, for which people strive, for which people yearn and do not always acquire and we must always hold that banner in reverence second only to God.

We must cherish for this country those things which set her apart as a goal towards which other nations may aspire in good conscience. Her principles, her ethics, her morality and her national policies are important in this objective, and we must recognize the fact that these characteristics of the individual are to be molded into a nation dedicated to the virtues which gave it birth.

We must respect the rights of our fellow citizens to enjoy the fruits of the American way of life, but in return we must believe that every American should have a proper respect for the patriots who made possible our way of life. We must believe that one who calls himself an American should live according to the standards of honesty, dignity and culture which has been our inheritance from the earliest days of our nation.

We must refuse to give aid and comfort to the enemies of our way of life by engaging in or encouraging the atheistic concepts of communism. We must never believe it is possible for an American to disseminate unwholesome propaganda, or indulge in smear campaigns or to employ any inimical dogma towards his fellow citizens and feel conscience free. We must not believe it is possible for an American to live under the iron heel and hand of a dictatorship or to adhere to the regimentation of a welfare state. We must believe that individual initiative is superior to state control of thought, action and franchise.

We must look upon the free enterprise system of business as the ultimate in opportunity for every citizen. We must never believe that either management or labor is perfect in their relationship each to the other. We must never believe in a double standard whereby one will destroy the other. We must believe that man has the right to choose his field of endeavor and to enjoy the privilege of exercising his talents to the fullest capacity without restraint, thereby making his contributions to society to the best of his ability.

We must believe that every child is entitled to an education to the limits of his mental process of assimilation and that this education should be provided in the manner practiced through the years by our democratic system for maintaining our educational institutions. Being Americans, we must not believe in thought control as practiced by communism nor in government control of schools and curriculum.

We must believe that every man has the right to exercise the religious faith of his choice, but we must believe and covet the Christian religion which is the basis of our faith from the beginning of our society as a free nation.

We must believe in freedom of assembly to which we have been accustomed but must believe that organizations dedicated to the destruction of our way of life should not enjoy a privilege within our borders comparable with those who are observed by dedicated patriotic Americans. We cannot reconcile ourselves to the philosophy that enemies in our country should have the protection of the laws which they defy and propose to destroy.

We must always believe in and defend the Constitution of the United States and that the interpretation of its provisions shall never be tarnished by the ideological thinking of individuals whose motives are politically activated, and whose reasoning is based upon socialistic dogmas espoused by foreign radicals. We must always challenge any efforts to alter its meaning and purpose.

We must believe in the concepts of the Declaration of Independence, applicable today as they were the day it was founded.

We must believe in material, moral and spiritual strength; these three are inseparable. We must look upon the unfortunate and the underprivileged of our nation with compassion and understanding and to the best of our means to help to alleviate their condition. We must not belittle any man whose achievements and capabilities do not compare with our own or a certain standard. We must extend a helping hand that he may improve his lot.

We must always realize that our own motives, our ambitions and our own ethics must be above reproach. Otherwise we defeat the purpose for which we were born to be a part of this great nation. We must therefore abhor those things which are detrimental to a clean, wholesome and moral society and refuse to condone crime and corruption wherever it may be found in this nation.

Because we are Americans, we must look out upon the vast and beautiful resources which God has given us with a deep sense of appreciation for our heritage. We know we have enemies who would deprive us of these treasures and spread ruin upon our cities, towns and villages. We know these enemies would destroy our churches and our institutions of culture which have helped us through the years to build character and spiritual fortitude. We know they could lay waste to the verdant lands, and make a shambles of our achievements and in so doing would destroy our American way of life. Our lives must be dedicated to the perpetuation of all the fine ideals and high purposes for which thousands of our citizens gave their lives, and all of us Americans are called upon here and now to make a similar dedication, lest through carelessness, apathy and indifference, we lose it all.

As Americans, we must give thanks to Almighty God for the blessings of the past and pray earnestly that we may be worthy to seek a continuation of His bounties for the future.

Americanism is freedom: Freedom to desire . . . Freedom to produce . . . Freedom to exchange . . . Freedom to enjoy. As Americans and as Elks, we must believe in our country, its people, and its government.

TV BARGAINS FOR CANDIDATES

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. RUPPE. Mr. Speaker, recently there has been public discussion about the advisability of forcing the television industry to substantially reduce its advertising rates for candidates seeking Federal office. While I am fully aware of the exorbitant cost of political campaigning, it is my opinion that singling out one media and asking it to subsidize part of the cost of political campaigns would be discriminatory. I was struck by a recent editorial on this subject in the Washington Post and commend it to your attention:

TV Bargains for Candidates

With the costs of political campaigns soaring, the idea of bargain rates for television and radio time used by candidates has a strong appeal. Men and women who run for public office have come to regard television in particular as indispensable. Yet many feel that they cannot pay at regular rates for all the time they need; so there is increasing pressure on broadcasters to provide special rates for all legally qualified candidates. A Senate subcommittee is conducting hearings on a bill that would require substantially reduced rates for candidates running for Congress.

It is rather strange, however, to be talking about compelling broadcasters to reduce their rates on a service which many of them are willing to give without charge. For many years the broadcasters have sought repeal of Section 315 of the Federal Communications Act which forbids them to make time available to the regular candidates of the major parties without also giving time to fringe candidates who have no chance of being elected. Without this impediment in the law, an enormous amount of free time would be given to presidential and congressional candidates because of the wide-spread public interest in contests of this kind.

The television networks have offered, as an alternative to the bill, to give varying reduction in rates to political candidates. But of course they would be somewhat inhibited in carrying out such policies, if the rates were cut to very low figures by the necessity of accommodating an unforeseen number of fringe candidates as well as the regular party nominees. It is difficult to see, moreover how political debates would be arranged under a system of reduced rates, whether voluntary or compulsory.

The best approach might well be repeal of Section 315 and reliance upon the Federal Communications Commission's fairness doctrine for the allocation of a reasonable amount of time on the air for fringe candidates. If serious abuses should develop, Congress could deal with those specific problems. We think the risks involved would be minor compared to the great disadvantage of the present severe restriction on the use of television in political campaigns.

COMMENTS ON THE YOUTH CONSERVATION CORPS AND H.R. 14260

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. HANNA. Mr. Speaker, I appreciate the opportunity the select subcommittee has given me to file views on the proposed Youth Conservation Corps. I believe the proposed corps fills a much neglected vacuum and I am pleased to see the subcommittee give this legislation the expeditious treatment it deserves.

As many of the Members already know, I have also introduced legislation which seeks to accomplish many of the same goals outlined in the bills considered during your recent hearings. However, my measure, H.R. 14260, has some differences which I believe substantially strengthens the proposed corps when compared to the version favorably reported by the Senate Interior Committee.

Two major objections were raised to the Senate bill during the hearings on S. 1076. The first objection was the length of service by the proposed corpsmen. The administration experts unanimously objected to limiting the corpsmen's experience to just the space of a summer.

The second objection, although related to the first, concerned the costs versus the benefits. S. 1076 authorizes $3.5 million annually to implement a "summer corps." Administration officials voiced their opposition advancing the argument that the cost exceeded the return, and in fact could prove more costly when supervisory time not considered was included in the total.

I had one additional objection of my own. One of the most extensive local youth conservation efforts currently being conducted happens to be under the jurisdiction of the Department of Labor. The Neighborhood Youth Corps involves thousands of young people in young people in numerous conservation projects. Yet, nowhere in S. 1076 is any provision made to incorporate Labor Department activities into the corps, nor is there any requirement for the Labor Department to participate in either the planning or implementation of the YCC.

I believe this oversight to be a serious mistake.

The legislation I introduced on October 8, answers each of these three questions. At a later point in this statement I will review the approaches I have taken in regard to these questions. First I would like to set forth my arguments for a Youth Conservation Corps constructed in the manner outlined in H.R. 14260.

There are essentially three arguments that persuaded me to introduce my YCC bill. This is not to say that I am not in firm agreement with the representatives of the major conservation organizations. I do agree with their views. However, the thrust of most of the favorable testimony suggested that the most important reason for initiating YCC was the impact it would make on the young people who participate. No doubt this is important. There are three other compelling arguments for YCC and it is these arguments I wish to stress.

Until it was brought to the attention of the Senate Interior Committee, no provision had been made for disadvantaged youngsters. Although the Senate committee did finally include a new provision in their reported bill which recognized the need to give the disadvantaged a special opportunity to participate, little emphasis was placed on this aspect of the YCC.

This is most unfortunate. Anyone following the current labor picture realizes we are soon going to be waist deep in a serious social problem. With unemployment increasing, and expected to increase for a number of months to come, we must ask ourselves what will be done with the literally thousands of unemployed youngsters the accelerated jobless rate will produce.

During the last week I placed a set of statistics in the CONGRESSIONAL RECORD which dramatically demonstrated the effects rising unemployment have on the young. For every point of increase in the general rate there is apparently a 10-percent increase in the youth jobless rate. Compounding this problem the largest segment among the young unemployed are nonwhite, unskilled minority males. It can be seen from these very brief statistics that the group the increasing unemployment rate affects most is the group least able to afford such adverse circumstances. It is also the same group upon which the YCC should have its most profound impact.

I believe that the most socially useful, and efficiently productive direction the proposed YCC can take is to absorb a great number of these young people who are becoming the increasing victims of Government policy. Everything said about the wholesome, meaningful, and constructive contact a young person can have while working on a conservation project must be doubled and doubled again for thousands who will find themselves, because of Government policies, on the street—with no money—and little hope.

I cannot plead too strongly for a YCC that is first and most importantly an agency that gives hope to those without it. I can think of no more disastrous course for this agency than to make it subject to the accusation that it is being used as nothing more than an opportunity for "middle American" children to have an entertaining summer vacation.

The second argument that compelled me to introduce the legislation is my belief that our national forests are over administered and undermanaged. A vast bureaucracy has come into existence each with its own special jurisdiction and interest.

Let me cite a few interesting facts which will serve to highlight this point. Three departments—Labor, Agriculture, and Interior—now are involved in conservation projects. The Department of Commerce is involved as well, but it is difficult to ascertain how many of its people are directly concerned with forest management.

The Agriculture Department of course administers the national forests which occupy some 187 million acres. The Bureau of Land Management is responsible for more than 450 million acres. Now, of course, these are not the only agencies involved in forest management. We have bureaucrats from Commerce, Treasury, and an assortment of lesser agencies not worth listing. Everyone seems to be involved in administering our forest resources.

And that is exactly my point—everyone seems to be administering while there seems to be a surfeit of people out in the field. For example, Agriculture's Forest Service bulletin reports an employment force of some 20,000 of which "About 7,000 are professional foresters." The rest of the force is in "administrative—and other professions." When the various agencies begin overlapping administrative personnel the organizational charts become mind boggling and one must ask whether the proportion of desk administrators to field managers might show a disproportionate ratio.

Of course the YCC will not solve this organizational problem, but my proposal will do at least two things not presently evident. First, it will get the three principal agencies together to discuss at least putting young people into the field. Second, the YCC should substantially increase the number of bodies actually doing on the spot resource management. For if the present organizational nightmare of the forest management bureaucracy suggests a lesson it is we are not taking full advantage of this natural resource.

This leads me to the third argument. In order to take full advantage of this precious resource we must have the manpower available to do the job. The manpower is not currently available. The proposed YCC should go a long way toward filling the gap.

With the demand for housing increasing, foreign competition at the door, and timber prices spiraling putting needed housing out of the range of lower income families it is imperative that forest management be upgraded and made a more important component of our domestic policy.

As I suggested earlier, the measure I introduced on October 8, H.R. 14260, answers many of the questions raised by the above arguments.

First, my bill incorporates the Labor Department into the program. The legislation establishes an interagency—Labor, Interior, Agriculture—groups familiar with their respective youth employment projects. This group has the responsibility of recommending the details on implementing the YCC. I did this because I felt the corps required the close cooperation and coordination of all three agencies if it was to start upon a firm foundation.

The second major feature of the bill leaves the length of YCC service open. Rather than confining it to any specific period I felt the length of service should be flexible in order to take into consideration such factors as the need for additional manpower for specific short or long range forest management projects, and, second, the rate of youth unemployment. To confine by statute YCC service to a specific length is a mistake. The program must have a high degree of flexibility in this area.

The third feature of my bill concerns the formula for funding. Rather than authorizing new funds, H.R. 14260 directs the interagency group to examine current youth employment programs within the component agencies and report how funds already allocated for lesser priority programs be redirected to YCC. I am convinced that there is a substantial amount of money now being spent on similar efforts which lack central direction and purpose—therefore supbstantially blunting the impact these funds were designed to produce.

H.R. 14260 while preserving the concept of the YCC, is substantially different in detail than the other bills being considered. I do believe, however, that my bill answers the objections raised against the other bills, while at the same time strengthening the overall program.

GOVERNORS SHOULD NOT BE GIVEN VETO POWERS OVER LEGAL SERVICES PROGRAMS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. BROWN of California. Mr. Speaker, the OEO legal services program ranks as outstanding among efforts developed over the past few years to aid poorer citizens. Thousands of Americans now utilize vital legal aid they previously were unaware of or were unable to afford.

Unfortunately, following Senate adoption of the Murphy amendment to the OEO authorization bill, future effectiveness of the legal services program appears uncertain, and if the House fails to reject this amendment, not only is the prospect quite dim for this admirable program, but an important—and dangerous—precedent may be set which can seriously weaken the entire range of antipoverty projects.

As I interpret the amendment's objective, Congress can—and should—offer assistance to poor people when they cannot afford a lawyer in some specific matter, but Congress does not mean that poor citizens should have similar help in determining—and possibly redefining—their broad legal and civil rights.

Such an attitude is both demeaning and patronizing. In effect, it says "we can aid you because you are poor, but we are not interested in changing institutions that keep you poor."

On the surface, the popular theory supporting this amendment holds that State and local officials should have greater determination over program direction, that these administrators will be more responsive to the needs of their own areas. Yet, given the blighted history and meager accomplishments of antipoverty efforts in many States in which there are now strong legal services programs, these views are extremely shortsighted. Control by the Governors means the end of many legal aid programs.

Under the amendment, the role of individual lawyers will become untenable. Even though the lawyer is an officer of the court, his first and foremost advocacy represents clients' rights and needs. By making the lawyer answer to the system—by putting his actions at the mercy of a potential veto at any time by the political establishment—the client will necessarily suffer, and so, eventually, will the system, itself.

Of course, the real reason behind this amendment results from many controversial—and, therefore, most of the time, positive—things done under the auspices of legal services programs. And any attempt to cut into existing power relationships, to create expanded political strength for previously disenfranchised persons naturally runs quickly into major obstacles from current powerholders. It is as simple as that.

If we allow a line-item veto power for the legal services program, who can say what will be next. I do not claim to be a seer, but I predict that this type maneuver may be tacked on many other controversial programs—perhaps not this year, but quite soon nevertheless—if this dangerous precedent is approved.

Already, it is evident that there is little support for the Murphy amendment within the administration. OEO Director Rumsfeld strongly opposes it; I also hear that Attorney General Mitchell may not favor the amendment. Criticism from members of the legal profession and by the press also has been mounting.

I am convinced that the Murphy amendment represents a significant backward step for the Congress, and I urge my colleagues to reject the amendment.

I have received a number of relevant letters, statements, and editorials pertaining to the Murphy amendment, and I now place them in the Record at this point:

Statement by Donald Rumsfeld on OEO Legislation Passed by the Senate

I was generally pleased by the action taken by the Senate on Tuesday. The final vote of 72 for and only 3 against a two-year extension of the Office of Economic Opportunity was, by far, the largest margin ever received for the program in the Senate of the United States since the program began in 1964. The debate and the final vote indicates broad support in the Senate for the OEO and its mission, as well as the concern of the members of the Senate for effectively dealing with the problems of the poor.

However, the adoption of the amendment on Legal Services offered by Senator Murphy is most unfortunate and will seriously damage the Legal Services program. The Congress properly saw, when establishing the Legal Services Program, that to be successful local communities should have an opportunity to develop Legal Services programs to meet their local needs. A balance was carefully devised by the Congress and it has worked well. It should not be changed lightly. I will strongly oppose this amendment in the House. It is my hope that the House of Representatives will see the wisdom of maintaining the Legal Services Program and will not risk denying the benefits of Legal Services programs to the poor in major sections of the nation.

[From the St. Louis Post-Dispatch, Oct. 19, 1969]

Curb on Legal Services in OEO a Blow to Needy

(By James C. Millstone)

Washington, October 18.—The United States Senate applied a mighty shove this week to accelerate the downward slide of the war on poverty, antipoverty warriors asserted. Discovering an antipoverty program that worked, the Senate—with minimum debate and little apparent interest—quickly voted to curb its effectiveness.

The target was the Legal Services Program of the Office of Economic Opportunity. The Senate voted to set Legal Services apart from all other antipoverty programs by making its work subject to the veto of any state governor, denying the OEO director the authority to override such a veto.

Stunned OEO officials were dizzy with shock and surprise.

"We had no inkling," said Terry Lenzner, 29 years old, a former Harvard football captain who now directs the program. "In fact, I was told it couldn't happen."

OEO's new director, former Representative Donald Rumsfeld (Rep.), Illinois, who is trying to soften the agency's image as a center of controversy, called his first press conference since assuming the generalship of the war on poverty to denounce the Senate action and promise a fight to reverse it in the House.

Lobbyists for the American Bar Association, whose support of a strong legal services program is unwavering, were still trying to figure out what had gone wrong. The anti-Legal Services move just didn't figure.

To practitioners of the law who have grieved at the inability of the American system to assure the poor man equal justice with the rich, Legal Services was a godsend, the jewel in the OEO crown.

Through Legal Services, the Federal Government pays 1600 lawyers to represent poor people in 270 communities across the land, spending $50,000,000 a year. In a society that has constantly urged the poor to abide by the law of the land rather than the law of the jungle. Legal Services offered the means to the desired end of working within the system.

Not only did the organized bar stand foursquare behind Legal Services, young law school graduates satisfied their yearning for an alternative to Wall Street corporate boredom by flocking to the neighborhood law offices operating with OEO money.

Even President Richard M. Nixon, no cheerleader for the war on poverty, put the Legal Services Program in a special niche. He approved a budget increase over the funds sought for Legal Services by the previous Administration.

And Rumsfeld gave an unusual endorsement to Legal Services by elevating it from a part of the all-embracing community action operation to the status of a separate division.

"The Legal Services Program," he said, "has come to symbolize much of the mission of this agency (OEO): justice for the poor, and orderly institutional change within the framework of the legal system."

Rumsfeld, Lenzner, ABA officials and congressional supporters were unanimous in the opinion that the Senate change, if approved in the House and enacted into law, would ruin the program.

"In effect," said John P. Tracey, assistant director of the bar association's Washington bureau, "this will end OEO's Legal Services Program. Attorneys in the field will suffer a crisis of confidence. I would not be surprised, should this change pass the House, to see it followed by mass resignations."

Lenzner could not have agreed more. The change, he said, is "a threat to the whole program." Its immediate impact, Lenzner said, would be on local attorneys who would have to decide "whether they can stay in a program where they must chance retaliation" of losing the funds that pay their salaries for representation of poor clients in suits that state governors may not like.

One of the great strengths of the Legal Services Program has been its development as both a means of sweeping law reform and as an advocate for the poor against unreasonable and unfair government actions.

The nation's brightest young law graduates have been attracted to the program because of its success in challenging the way state and federal agencies who deal daily with the poor have treated their clients.

Last year antipoverty lawyers won their first case in the Supreme Court on behalf of a young mother of five who was denied welfare benefits in California on a questionable technicality. A few months later, they earned a far-reaching victory when the nation's highest court held unconstitutional state regulations requiring welfare applicants to establish their right to benefits through a period of residency.

Other efforts by state officials to hold down welfare costs have been attacked by Legal Services. The Supreme Court already has knocked out "man-in-the-house" rules used to deny benefits to mothers of dependent children.

In the new term of court, the justices have agreed to rule on several issues brought by antipoverty lawyers, including whether states may legally reduce the level of benefits to individuals, and whether a state may set an absolute maximum limit on the amount of welfare a family may receive.

Legal Services lawyers have won rights for public housing tenants against evictions without notice, for wage-earners against garnishment actions taken without a hearing, for students against punishment by school officials without recourse to appeal.

Thanks to actions by antipoverty lawyers, poor people have won the right to be represented in mass transit rate-making in Baltimore, a new state law in Massachusetts spelling out tenant rights, the right to counsel in municipal courts in Oregon and Florida, a right to prevent California Gov. Ronald Reagan from reducing state health care benefits.

The result of all these successful actions against state officials has been two-fold: first, it has cost the states a lot of money, chiefly by thwarting efforts to reduce various services to the poor. Second, it has enraged some of the state officials, notably Reagan.

Two years ago, after suffering a series of court defeats at the hands of Legal Services lawyers, Reagan persuaded Senator George Murphy (Rep.), California, to try to push through Congress a proposal to prohibit antipoverty lawyers from filing lawsuits against Government agencies. The Senate rejected the move.

No more was heard on the subject until Murphy sprang his surprise amendment this week. The occasion was the arrival on the Senate floor of a bill to extend the life of OEO for two years, along with funding authority for that period.

The day before the bill reached the floor, Murphy included in a committee report on the proposal a personal note that he was "considering introducing an amendment to the bill that directs the program toward legal assistance and away from law reform."

ABA lobbyists quickly moved to counter any such move by circulating a letter from the organization's president, Bernard G. Segal of Philadelphia.

The Murphy move was not viewed as a matter of much concern by OEO lobbyists. They recalled his defeat in 1967, knew that Legal Services was widely regarded as among the most effective OEO programs, were aware that Mr. Nixon and Rumsfeld wanted to approve the OEO bill without amendment.

The few moments of debate on the amendment were not very enlightening. At one point, questioned about the meaning of his proposal by Senator Gaylord Nelson (Dem.), Wisconsin, Murphy said:

"I am unclear on that . . . in the speed of writing the amendment I have not had a chance to even read the language which the staff has included."

The only protest came from Senator Walter F. Mondale (Dem.), Minnesota, who had to come rushing to the floor when the amendment was brought up earlier than had been anticipated. With Senators displaying more interest in the World Series game then on television in the cloakroom, they quickly disposed of the amendment by approving it 45–40. Twenty-nine Republicans joined 16 Southern Democrats to provide the winning margin. Five Republicans and 35 Democrats voted against the amendment.

"We weren't prepared for the number of Republicans who voted against the Administration," one lobbyist said. "There was a lot of confusion on this. The amendment came up sooner than expected. Absences hurt us. And some Senators, I'm sure, didn't know what they were voting on."

[From the Chicago Sun-Times, Oct. 21, 1969]

A Move to Veto Justice

Sen. George Murphy (R-Calif.) has pushed through the Senate an amendment that would give governors the right to veto any legal service activity offered within their states by the Office of Economic Opportunity.

The amendment is attached to a money authorization bill that must go to the House, and, legislatively, there will be a chance to erase the folly.

Nonetheless, the move definitely endangers the legal services program, which has become one of OEO's true successes. OEO Director Donald Rumsfeld will need all the allies he can muster.

The legal services program has brought to the poor and harassed something they have not historically experienced: expert legal representation and protection of the law in both minor and major matters. Naturally, the program—staffed by 1,800 eager and persistent attorneys—has made enemies. It has done so because the lawyers often step on establishment toes.

One of the luminaries sent limping on occasion is Murphy's friend and former screen colleague, Gov. Ronald Reagan of California.

Reagan has been sorely troubled by migrant workers demanding reform down on the farm. He has been at least as sorely troubled by the OEO legal assistance given these workers.

For example, as Tom Littlewood of The Sun-Times Washington Bureau pointed out Monday, these attorneys "resisted the importation of Mexican braceroes to pick the tomato crop, thwarted Reagan's cutback in medical care for the needy aged and blocked a school district from closing classes so the students could help with the grape harvest."

Reagan, of course, is not the only state official to feel the impact of the OEO efforts, and the lawyers themselves have rubbed a little salt in the sore spots. Rumsfeld appointee Terry F. Lenzner, head of the legal services program, said he plans to broaden the scope of legal assistance activities to community questions such as poor garbage pickup, bad street lighting or other "misallocation of resources."

And in August a group of poverty lawyers banded together to "oppose and resist political . . . or other interference in the effective representation of our clients who are indigent."

The poor needs this tough-minded help, for justice should not belong only to those who can afford it. Let's hope a few voices are raised to that effect in Congress.

[From the Washington Post, Oct. 22, 1969]

Lawyers for the Poor

An amendment added on the Senate floor to the anti-poverty program authorization bill threatens to kill one of the most creative and socially useful projects financed by the Office of Economic Opportunity. The amendment, introduced by Senator Murphy, would give the governors of the states a veto power over legal services projects. The effect of this would be to allow the governors to block, if they chose, many of the efforts by OEO lawyers to bring about far-reaching legal reforms.

It is quite understandable why some governors and other politicians want this amendment passed. The young lawyers OEO has employed are simply too energetic and progressive for their tastes. These lawyers have not stuck to the idea that the poor are given adequate legal counsel if their simplest problems with the law are handed well. Instead, they have attempted to give the poor the same kind of legal services that the rich can afford. As a result, OEO-financed projects have attacked such things as the attempt by Governor Reagan to cut $16 million from California's Medicaid program and an attempt by the Department of Labor to import farm workers from Mexico. Senator Murphy was quite candid in saying on the Senate floor that this is the kind of activity from which he thinks OEO lawyers should desist.

Fortunately, the nation's legal community is rallying in defense of the OEO lawyers and in opposition to the Murphy amendment. The board of governors of the American Bar Association has called the amendment an "oppressive interference with the freedom of the lawyer and the citizen." The poverty lawyers, of course, are opposed to the amendment, as is the National Legal Aid and Defender Association whose president said last week, "To give the poor only certain 'desirable' services makes the 'poor fellow' to use Senator Murphy's words, a second-rate citizen in our halls of justice."

A year ago, Senator Murphy attempted to achieve the same end with a different amendment which was rejected by Congress. We trust that the House of Representatives will not be beguiled into accepting his effort this year it ought to insist that the law governing this aspect of OEO's operations remain as it is—with governors free to veto those projects they dislike but with the Director of OEO free to override the vetoes. A governor should not be given power to veto or to intimidate through a threat of a future veto any project that is designed to bring equal rights to all Americans.

[From the New York Times, Oct. 29, 1969]

Legal Aid—For Lawyers

One of the most effective programs in the Office of Economic Opportunity is legal services, under which 1,800 attorneys in 800 neighborhood offices in forty-nine states represent impoverished clients. Federal funds administered through the O.E.O. enable hundreds of thousands of indigent persons every year to obtain equal justice under law.

The program will perish in the areas where it is most needed if a proposed Senate amendment to this year's antipoverty bill goes through. By giving Governors veto powers over O.E.O. storefront law projects, it would place effective legal representation at the mercy of state and local political machines. It would, in many cases, prevent the disadvantaged from getting an even break before politically appointed judges. It would discourage some of the most dedicated young lawyers in the country from entering the new field of antipoverty law.

This amendment should be called the Reagan amendment because the California Governor is really the man behind it. The board of governors of the American Bar Association has described the amendment as "oppressive interference with the freedom of the lawyer and the citizen" which would "discourage actions that are politically unpopular." The conference in New York this week of the National Legal Aid and Defender Association clearly shows the deep concern of the bar all over the country for representing clients who cannot afford to pay. Their rights will be seriously infringed if the Reagan amendment is adopted.

News Release of the National Legal Aid and Defender Association, October 17, 1969

Maynard J. Toll, president of the National Legal Aid and Defender Association (NLADA), issued the following statement today:

On Oct. 14 the Senate passed an amendment proposed by Senator George Murphy (R-Calif) to the effect that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment has also been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will remain in any final bill agreed upon by the Senate and the House of Representatives. Through threatened use fo this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.

NLADA has strongly supported, to date, the Legal Services Program of OEO because its administrators have insisted that these programs for the poor provide the fullest range of services. This approach has demonstrated its practical idealism as evidenced by the response of the poverty community to these programs. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic handout meant to deceive but not to help effectively.

Throughout its 59-year history, NLADA has fought steadfastly for the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. To give the poor only certain "needed" or "desirable" services makes the "poor fellow", to use Senator Murphy's words, a second-rate citizen in legal negotiations and our halls of justice. In addition, the morale of the 2,000 new lawyers now working in these programs would suffer tremendously if their independence of action on behalf of the poor were curtailed and restricted. These advocates are now subject only to the ethical standards of the profession. All professional associations—NLADA, The American Bar Association, American Trial Lawyers Association, and the National Bar Association—have supported this program because it has assured this full independence to the lawyer and a total responsiveness to the needs of the poverty community.

Although I can speak only personally, I know that I voice the united feeling of our entire civil membership—500 offices and 2500 individual lawyers for the poor—when I express strong opposition to the action of the Senate on Oct. 14 in approving Senator Murphy's amendment to S. 3016, the Economic Opportunity Amendments of 1969.

NLADA, with headquarters at the American Bar Center in Chicago, is the national coordinating and standard-setting body of local aid and defender organizations. Last year, these offices provided legal advice and representation for more than 1½ million poor people.

RESOLUTION ADOPTED BY AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS, OCTOBER 18, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Service Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of government action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the American Bar Association be authorized to express the concern of the Association as to the effect of the aforesaid amendment.

LEGAL AID FOUNDATION OF LONG BEACH,
October 22, 1969.

Re Economic Opportunity Amendments of 1969.

Hon GEORGE E. BROWN, Jr.,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN BROWN: I am deeply concerned over the passage of Senator Murphy's amendments to S. 3016 relative to the veto power of governors over legal services programs. This amendment, if it becomes law, particularly without the safeguard of an override, will seriously affect the independence, effectiveness, and even the existence of many important legal aid and legal services programs.

Enclosed is a copy of a press release from Maynard Toll, President of the National Legal Aid and Defender Association, which contains the concerns and position of the legal aid movement and the organized bar.

I strongly urge your opposition to the Senate's action in approving Senator Murphy's amendment.

Very truly yours,
HOWARD M. VAN ELGORT,
Executive Director.

JUDGE OF MUNICIPAL COURT, LOS ANGELES JUDICIAL DISTRICT,
Los Angeles, Calif., October 21, 1969.
Hon. GEORGE E. BROWN, Jr.,
House of Representatives, Cannon Building, Washington, D.C.

DEAR GEORGE: As a member of the National Advisory Committee of the Legal Services Program I wish to call your attention to an amendment passed by the Senate in conjunction with the extension of the Office of Economic Opportunity Act which could result in defeating the purposes of the Legal Services Program under the OEO. This amendment grants the governor of a state the right to veto legal services projects. It was authored by Senator George Murphy of California.

Additionally, the OEO director has been deprived of the power to override a governor's veto of legal services projects. The obvious result of this amendment is to deprive the poor people of legal representation in the states where it is most needed.

You are urged to study this provision when the measure is referred to the House of Representatives and to vote against the provision which will take away the effective legal protection that the poor have been receiving through the Legal Services Program. There is a meeting of our advisory committee in Washington on November 7th and perhaps it will be timely and desirable to have a representative of your office at this meeting in the OEO office to inform you more fully as to the possible consequences.

Sincerely,
PHILIP M. NEWMAN.

DRUG ABUSE EDUCATION ACT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. O'HARA. Mr. Speaker, today we are considering the Drug Abuse Education Act, of which I am proud to be a cosponsor.

For some time, concerned citizens in my congressional district have been working on a program of drug abuse education. While relatively new, Macomb County's drug abuse education program is, to my mind, one of the most advanced in the Nation.

Recently, I received a letter from Mr. Daniel P. Gumbleton, chairman of the Macomb County Task Force on Marijuana and Drug Abuse. In his letter he discusses the Drug Abuse Education Act, and the need for Federal assistance in this area.

I recommend his letter to my colleagues and insert it in the RECORD, as follows:

UNITED COMMUNITY SERVICES OF METROPOLITAN DETROIT,
Warren, Mich., October 27, 1969.
Hon. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE O'HARA: As Chairman of the Macomb County Task Force on Marijuana and Drug Abuse, I wish to express our unanimous support for the Drug Abuse Education Act, 1969.

The experience of our Task Force has made it abundantly clear that the twenty-one school districts in Macomb County need assistance and support for the development of sound and positive curriculum materials. Many of the efforts currently under way are handicapped by the lack of adequate research and scientific data on the basic problem of drug abuse. Because of this lack of adequate materials to meet the high demand, there has emerged an abundance of second-rate pamphlets, movies and teaching tools that are inaccurate, misleading and have the potential of encouraging youths to experiment with drugs rather than point out the true dangers of experimentation. If we do not discourage the use of such materials, we are only going to diminish the credibility of the teacher in presenting the curriculum approaches to be developed as a result of the passage of this act.

The merits of the drug culture have been highly acceptable to far too many youths and any efforts employed by the adult society that are not reasonable and sound will only continue to support the arguments of those who advance the abuse of chemical substances. Therefore, we urge you to consider the need for extensive research on the issue of drug abuse itself so that educators may have adequate scientific data to draw upon for the development of specific curriculum and teaching tools.

Under Section 4 "Community Programs", we would like to recommend that specific opportunities be made available to allow for the development of imaginative programs by youth and young adult groups to reach the vast number of young people associated with the drug culture that are not enrolled in any school program. Those of us who have been actively engaged in the planning and execution of training seminars recognize the fact that it is only through young people themselves that we will reach those who are convinced that the drug culture is good for them. This position emerged through our awareness that advocates of the drug culture are convinced that the use of drugs will open new dimensions of the mind and opportunities to understand their fellow man. This is a very difficult position for many of us to comprehend because of our own commitment to our fellow man. However, if we are going to deal with the problem we must try to understand the frame of reference of those involved.

The Macomb County Task Force has been acting as a catalyst to many groups in our country to begin developing training programs for the professional community. The enclosed materials represent one unique program.

In addition to educational efforts on drug abuse, we would like to solicit your support and help in securing the establishment of treatment resource centers. We have found, through our educational efforts, that many individuals are coming forth and identifying a drug dependency problem. At this time, we do not have any identifiable resources to treat them. On September 12, 1969, Judge John Swainson appeared before the Senate Committee on Labor and Public Welfare to request that the Marine Hospital in Detroit be designated as a treatment and research center for the metropolitan area. Any encouragement you can give to the members of this Committee to consider this request favorably, will be much appreciated.

The Macomb Task Force appreciates your interests in this problem which affects so many of our citizens and is willing to assist in any way possible to secure the passage of the Drug Abuse Education Act of 1969.

Sincerely,
DANIEL P. GUMBLETON,
Chairman, Macomb County Task Force on Marijuana and Drug Abuse.

TALK TO GOD AND BE STRENGTHENED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. WYMAN. Mr. Speaker, my good friend and distinguished Member of

Congress, Earl Landgrebe of the great State of Indiana, has taken the time to bring to the attention of all Congressmen a "Very Timely Prayer."

There is strength through prayer. No man is or can be omniscient nor omnipotent. Any who believe the contrary are fools. Likewise the maxim that haste makes waste applies in the 20th century as it has since time immemorial.

I include Congressman Landgrebe's "Timely Prayer" for the benefit of those whose values under stress seem to lose their conviction. The simple things of life are often the truly invaluable. One of these is prayer. The prayer follows:

A Very Timely Prayer

Slow me down, Lord! Ease the pounding of my heart by the quieting of my mind. Steady my hurried pace with a vision of the eternal reach of Time. Give me, amidst the confusion of my day, the calmness of the everlasting hills. Break the tension of my nerves and muscles with the soothing music of the singing streams that live in my memory. Help me to know the magical restorative power of sleep. Teach me the art of taking Minute Vacations . . . of slowing down to look at a flower, to chat with a friend, to pat a dog, to read a few lines from a good book.

Remind me each day of the Fable of the hare and the tortoise, that I may know that the race is not always to the swift; that there is more to life than increasing its speed. Let me look upward into the branches of the towering oak, and know that it grew because it grew slowly and well. Slow me down, Lord, and inspire me to send my roots deep into the soil of life's enduring values, that I may grow toward the stars of a greater destiny. Amen.

MARS: IS RUSSIA RACING?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. TEAGUE of Texas. Mr. Speaker, as we consider the future of our national space program we must balance, not only of the opportunity for international cooperation, but also the realities of international competition. Not only do we compete for men's minds in the world of today and tomorrow but also we compete to assure that we may remain secure in the difficult days ahead. An article by Mr. B. J. Richey in the Huntsville Times of Sunday, September 28, points to the progress and determination of the Soviet space program and what it may mean for the future. We would do well to heed Mr. Richey's remarks as we consider our future activities in space.

The article follows:

Mars: Is Russia Racing?

(By B. J. Richey)

Washington.—American space officials are convinced the Russians are aiming for manned Mars missions, perhaps as early as 1979, even though the Soviets haven't yet demonstrated equipment and technique necessary to land men on the moon.

There also is strong feeling that Soviet Union will attempt to softland an unmanned spacecraft on Mars in 1971, the next opportunity to launch a craft to the red planet, and two years ahead of the 1973 unmanned U.S. Viking Mars lander.

In light of past and unfulfilled predictions of what the Russians are up to in their space ventures, it's tempting to brush off these two forecasts as just so much talk, particularly since topic was discussed before a congressional committee studying space findings.

But there are a couple of solid indications there may be some substance to the ideas.

One: Dr. Thomas O. Paine, National Aeronautics and Space Administration administrator, who disclosed the agency's feelings about the Soviets and their possible Mars plans, is not James Webb, former NASA chief, who was a fast-talker, and used the "Russians are coming" cry often to squeeze funds from Congress.

Secondly: The Russians, indeed, have always shown strong interest in the planets. Since 1960 the Soviet Union has not missed a single opportunity to launch an unmanned probe to either Mars or Venus.

The Russian program popped up when space officials were discussing manned and unmanned Mars plans.

Dr. Wernher von Braun, Marshall Space Flight Center director, first outlined the possible launch date to send men to Mars as Nov. 12, 1981. They would land on the planet in August, 1982, and return to Earth Aug. 14, 1983.

Both von Braun and Paine underscored the point that they weren't proposing this as an American target date, but simply using it to show a typical Mars journey. But what Paine said next certainly made it seem like a strong pitch to meet this date.

"We have selected 1981 as perhaps the boldest date, perhaps the earliest date at which the Soviets might make such an attempt, although I would not rule out 1979, either, as perhaps a fly-by date in their program," he said.

It is by no means clear that the Soviet Union may not decide "to mount a crash program and bring this in before the end of the decade of the 1970s."

Paine shored up his contention by presenting, at the request of the senators on the committee, stories from the official Russian press which indicated manned missions for cosmonauts are coming.

"The possibility of sending piloted spaceships to Venus and Mars is excluded in the immediate future. But the time will come, maybe before the end of the 20th Century, when an expedition of people on board a large space system will embark on a lengthy interplanetary voyage to our neighboring planets," Soviet space scientist L. Sedov wrote in Pravda in July of this year. "Automatic stations will pave the way for them."

Paine also quoted from a speech by Communist Party secretary Leonid Brezhnev in which he said the flights of Soyuz 4 and 5 may lead toward "solving the tasks of rescuing cosmonauts in emergencies during Earth orbital flight or during distant flights in interplanetary space."

Then Paine took the discussion out of the context of what might be interpreted as a Mars race to follow the moon race, which was easily won by the U.S.

Despite what the Russians may be up to, the U.S. should work toward making the 1973 unmanned Viking landing a success, and then perhaps talk about going for a manned landing, he said.

"In my mind, in no event should we make such decisions until we have had the 1973 lander on Mars, and have a much better idea of conditions there and the degree to which the U.S. has an interest in such an expedition."

CONSTITUENT'S SHOCK

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, the other day I received a letter from Mr. Burton S. Hoffman of 1200 North Queen Street, Arlington, Va., one of my constituents, expressing his shock and surprise that certain public officials would make the use of marihuana legitimate on the basis that to continue to make its use unlawful is an invasion of the constitutional rights of citizens. Mr. Hoffman's letter attacks this proposal head on. Since his views sum up the overwhelming attitude of northern Virginians on this most disturbing subject, I am including his letter in the Record:

October 15, 1969.

Representative Joel T. Broyhill,
House of Representatives,
Washington, D.C.

Dear Congressman Broyhill: I would like to tell you about my incredulous shock and surprise to read the report in a recent leading newspaper of the statements made by a responsible public official concerning laws against the use and possession of marijuana.

The newspaper reported that this public official said that he opposed any laws against the use and possession of marijuana and directly quoted the official as saying in a hearing of the House Select Committee on Crime, "I don't see how you can say it's a crime to either possess or use this drug." The official is also quoted as calling laws against the use of marijuana as "an invasion of the constitutional rights of citizens."

In my view this official has done a grave disservice to this country by making these reckless statements concerning a very serious problem, of which you must be well aware. I do not believe that any reputable medical or legal authority would support this public official's view. While the long-term effects of the use of marijuana may not be clearly known, there seems to exist grounds to believe that grave harm is likely. Medical authorities do not seriously challenge the fact that marijuana is a dangerous drug and its use by young people can cause serious psychological, if not physiological harm.

Perhaps a case can be made for reducing the present criminal penalties for use and possession of this substance. However, the position advocated by this official, is in my view, alarming in the extreme.

I cannot fathom how an official in his position could justify the use of such a dangerous substance on the grounds of "constitutional rights." Where is such a right stated in the Constitution? It is my view that the whole question of drug abuse extends far beyond any one individual's sacred "right to abuse himself" because of the much wider implications of the threats and costs to the whole society when drug abuse is resorted to as a means of coping with individual problems. Also, when the drug abuser's time runs out and it becomes necessary for the healthy members of society to attempt to salvage him, it is we, the over-taxed taxpayers who must pay the bills for rehabilitation programs. Furthermore, it is recognized that those drug abusers who do go on to the so-called "hard" narcotics from marijuana are in fact responsible for much of our violent crime today in the course of their insatiable quest for illegal funds to "support their habits." So, there is a much broader problem here than any alleged abridgement of "individual rights," and it appears to me that this official is seriously mistaken or, at the very least, dangerously misguided.

It is my earnest belief that the usage of marijuana, especially by the young, in their formative years, bodes much ill for the future of this country, and that responsible Congressmen must not permit this official's remarks to go unchallenged.

Therefore, as a concerned citizen and constituent of the Tenth District, I urge you to take a vigorous public stand in strenuous opposition to this public official's position and in favor of a reasonable, intelligent and responsible approach to this problem.

May I have your reply in which you state your views on this question in general, and in particular with respect to this public official's remarks?

Very truly yours,
BURTON S. HOFFMAN.

RARICK REPORTS TO HIS PEOPLE—SUPREME COURT HOLDS ITSELF NOT BOUND BY CONSTITUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. RARICK. Mr. Speaker, upon receiving the per curiam decision of the Supreme Court yesterday—see CONGRESSIONAL RECORD, page 32098—in the Mississippi school cases, I pointed out to the Members that there was no possible basis in either the Constitution or the law for its holding.

Today, I reported to the people of my district, amplifying the remarks which I made on Wednesday.

I include the report at this point following my remarks:

REPORT BY MR. RARICK

Last Wednesday, the Supreme Court handed down another of its terrible decisions on our schools.

Although the actual cases before the Court were Mississippi cases, the Justices obviously mean for this decision to apply to all of the schools in the South—and by this means to abolish our freedom of choice.

As soon as news of the decision came over the wires, I sent to the Supreme Court for a copy. When I read it, I could hardly believe it.

It was what we call a "per curiam" decision, which means that none of the Judges wanted to have his name connected with it. I can readily understand why not.

As I told the other members of the House that evening, the decision cannot pretend to be based on any possible interpretation of the Constitution, nor can it pretend to be grounded in any possible interpretation of any law on the books. It's a classic example of the arbitrary and unfettered exercise of naked power.

Long years ago, Thomas Jefferson warned us that of all the tyrannies, judicial tyranny was the most to be feared. That's what this latest Supreme Court decision is, pure and simple, unadulterated judicial tyranny.

Up until 1954 it had never been seriously questioned that school officials had the power to assign children to one school or another, and that the race of the child could be considered as a factor in that assignment.

Suddenly, in 1954, the Warren Court decided that all of the other judges since 1866 had been unable to read plain English, and that the Constitution prohibited any school assignment based on the race of the child.

In other words, the Supreme Court decided that parents had *freedom of choice* in the school assignment of their children, and that the the Constitution prohibited any government interference which was based on the race of the child.

This meant that Negro children could attend white schools, or white children could attend Negro schools, and the school authorities had no power to make assignments based on race.

We here in Louisiana, like our neighbors in the rest of the South, did not agree with that decision. We did not believe that the Constitution interfered with our school system. We still do not.

But we have learned to live with this idea—that our schools cannot assign a child to one school or another, based on his race. We have operated on the basis of freedom of choice.

This is what is meant by the term "desegregation." That the State of Louisiana has no power to *force* the separation of the races in the public school system. If the people, of their own free choice, decide to send their children to schools which are attended by children of their own race, the Constitution has no more to say about that than it does about which church you elect to attend. It only says that *you* have the right to make the choice, and that the *State* has no power to do it for you. In plain words "desegregation" simply told the State officials to let the people alone.

Now "integration" is something else again. While the term "desegregation" means only that you cannot keep people separated if they want to be together, the term "integration" means that you must force together people who do not want to be together.

"Desegregation" means preventing the State from using its power to keep the races apart; "integration" means using the power of the State, or of the Federal government, to force the races to mix together.

When the Warren Court ordered *"desegregation"*, it really ordered freedom of choice. But neither of the races chose the way that the socialists thought they should choose. Only a few negro children wanted to leave their schools to attend white schools, practically no white children wanted to attend negro schools, and all of the money and pressure from New York and Washington didn't change things very much. Few of our people of either race were ready to sell their children into slavery.

Now the Burger Court has ordered *"integration"*—something totally without even a shadow of justification in either the Constitution or any conceivable law. The Court has said in effect, we are going to see to it that the races are mixed the way we want them mixed, whether either of them want it or not. Today the judges' whims call for a doctrine of racial proportions—tomorrow it may be something else.

The Supreme Court is in the absurd position of holding that while the Constitution forbids the use of government power to assign children to schools by race, if the object is to keep the races separate; it not only permits but requires the use of the same government power to assign children to schools by race if the object is to mix the races.

You do not need to be a genius to understand that government either has the power to make assignments based on race, or it does not have that power. If it has the power, the purpose for which the power is used makes no difference. If it does not have the power, it simply does not have it.

Until the decision of the Warren Court, everyone agreed that Government had the power to consider race in making assignments. After 1954, the Warren Court said that Government had no such power—and its decision was enforced with Federal bayonets in our sister States of Arkansas, Mississippi and Alabama. Now the Burger Court says that Government has the power again—but only if it uses it the way the Court wants it used.

This is not law—this is tyranny, the very judicial tyranny against which Thomas Jefferson warned.

The Constitution of the United States places the legislative power in the Congress. It requires that the President execute the laws. Congress has stated plainly that desegregation does not mean integration, and has prohibited the use of Federal moneys for busing to further the "doctrine of racial proportions."

The Secretary of Health, Education, and Welfare has seen fit to ignore this law. He has made his own law, and by withholding funds, has attempted to do exactly that which he was forbidden to do. Now the Supreme Court has authorized the Fifth Circuit Court of Appeals to use its judicial power to enforce as law the lawless acts of Mr. Finch.

This is judicial tyranny in its worst form. A Cabinet officer and some Federal judges—not one of whom were elected by or are responsible to the people—have combined to promulgate and attempt to enforce a bogus law, directly contrary to the laws enacted by the Congress.

I said that Congress had plainly stated that desegregation does not mean integration. Here is the Civil Rights Act of 1964:

Let me read what Sec. 401B of this Act, passed by your Congress, says:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome "racial imbalance."

Now let me read to you what the Supreme Court says, taken directly from its unsigned order last Wednesday:

"The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education and Welfare."

You will notice that the Supreme Court has authorized the Fifth Circuit to order the Mississippi schools to accept H.E.W. recommendations.

That means that the courts will enforce as law the H.E.W. guidelines which are directly contrary to the law enacted by Congress. You didn't hear me wrong—I repeat it. Congress passed a law forbidding racial assignments to overcome racial imbalance. H.E.W., disobeying that law has recommended racial assignments to overcome racial imbalance. The Supreme Court has now told the Fifth Circuit that it can ignore the law passed by Congress and can enforce as law H.E.W.'s illegal guidelines.

Here are some of the guidelines. There are 26 more sets but any one of these can tell us what to expect.

This set applies to our friends in Woodville—Wilkinson County, Mississippi. I will read some of the recommendations which the Supreme Court wants the judges to enforce as law:

"The Superintendent should actively seek greater involvement of parents of both races through school meetings, newsletters, an active and biracial P.T.A., class meetings, parent conferences, and through home visits by school personnel."

"It is important that, through personal observations, students see that nonprofessional service positions in their schools are not for members of one race and that harmonious working relationships can exist between members of both races. The Superintendent and Board of Education should therefore take all necessary steps to assure that all staffs are bi-racial."

"Participation in extracurricular activities by students of both races should be actively encouraged by administrators and teachers as a means for developing school spirit and a feeling of belonging."

"School organizations—student government, cheerleaders, musical organizations, athletic teams—must be operated on a nondiscriminatory basis and should include students of both races.

"Guidance counselors should be oriented and urged to plan a leading role in successful implementation of the desegregation plan."

"The curriculum should be reviewed and, as necessary, revised to provide recognition of Negro history, culture and contributions to our society. Library books which deal with such subjects should be added to school book collections."

"The Superintendent should direct each principal to establish a student-faculty human relations committee representing both races to aid in the successful implementation of desegregation.

"All school staff and members of the student body should exert extra effort to assure the full participation of all students of both races in extra-curricular programs, including when appropriate the provision of a "late bus" for those staying after school to participate in such programs."

These H.E.W. guidelines not only violate the law but H.E.W. misused its appropriation to prepare them. Sec. 409 of the Appropriation Act under which the H.E.W. employees are paid reads as follows:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

And Sec. 410:

"SEC. 410. *No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school* in order to overcome racial imbalance *as a condition precedent to obtaining Federal Funds* otherwise available to any State, school district, or school: *Provided,* That the Secretary shall assign as many persons to the investigation and compliance activities of title VI of the Civil Rights Act of 1964 related to elementary and secondary education in the other States as are assigned to the seventeen Southern and border States to assure that this law is administered and enforced on a national basis, and the Secretary is directed to enforce compliance with title VI of the Civil Rights Act of 1964 by like methods and with equal emphasis in all States of the Union and to report to the Congress by March 1, 1969, on the actions he has taken and the results achieved in establishing this compliance program on a national basis: *Provided further,* That notwithstanding any other provision of law, funds or commodities for school lunch programs or medical services may not be recommended for withholding by any official employed under appropriations contained herein in order to overcome racial imbalance: *Provided further,* That notwithstanding any other provision of law, moneys received from national forests to be expended for the benefit of the public schools or public roads of the county or counties in which the national forest is situated, may not be recommended for withholding by any official employed under appropriations contained herein."

Not only has the Supreme Court condoned violation of the law by HEW but it has authorized the Fifth Circuit to enforce as law the illegal HEW guidelines.

Thursday, we voted on the Selective Service Act. We have seen the Armed Forces of the United States used against our neighbors in Arkansas, Mississippi, and Alabama to enforce lawless court orders. I did not support these amendments. I told the House:

"So long as the lawless HEW guidelines remain in effect, and are not publicly repudiated by the President, I cannot in good conscience as a representative of my people, cast their vote to give the President the power he seeks to draft young men into the Armed Services and even chance their exploitation by being required to enforce this illegal social injustice against my people."

Together we have overcome many hardships.

For the sake of our children, let us all unite together and work to overcome this latest oppressive wrong.

BLACK UNITED FRONT ASKS REPARATIONS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a friend of mine who is a member of Washington's B'nai Israel Synagogue, recently called my attention to how ridiculous the Black United Front's demands for so-called reparations are becoming.

A representative of the front apparently felt it necessary to demand from the members of the synagogue payments on the basis of their "Christian vision." Without further comment, I should like to include the text of a brief article concerning their encounter with the synagogue janitor who received their demands:

MISLABLED, MISFIRED AND MISTAKEN

WASHINGTON.—The Black United Front, a militant Negro organization which is demanding reparation in cash from the religious community, sent representatives to read a policy statement on the steps of Washington's B'nai Israel Synagogue on Yom Kipper Eve calling on "Jewish church to shake off the shackles of white racism and capitalist exploitation that have strangled its Christian vision."

A BUF field chairman, Tony Cox, read a statement calling for a $10 million contribution to the Black Economic Development Corporation from synagogues. Mr. Cox and 16 other Black activists arrived at the synagogue at 8:05 p.m. when the worshippers had gone home to break their fast after Yom Kippur. The statement was read to the janitor of the synagogue.

In the statement, the BUF urged "the Jewish church on this, your Day of high Atonement, to not only stop sanctioning racism but to make amends for its active role in the capitalistic exploitation and economic gerrymandering of the Black community."

If the synagogues refuse, the BUF warned, it could lead to "another Middle East crisis in the District of Columbia or another Vietnam in Washington."

HOUSE OF REPRESENTATIVES—*Friday, October 31, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come ye and let us go up to the mountain of the Lord; that He may teach us His ways and that we may walk in His paths.—Isaiah 2:3.

Eternal God, who art our refuge and strength, our present help in every hour of need, we would begin this day with Thee, we would continue it with Thee, and we would end it with Thee. May this be a day when we truly adventure with Thy spirit and in so doing increase in faith, advance in hope, and extend good will in our Nation and in our world.

We pray for our country that our people may learn to be one in spirit, one in purpose, and one in a desire to live together harmoniously. As a result may we endeavor to bring peace to our world, understanding between nations, and a new sense of responsibility for the welfare of all mankind.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on October 29, 1969, the President approved and signed bills of the House of the following titles:

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended; and

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, S. Dak."; and

S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

The message also announced that the Senate insists upon its amendment to the bill (H.R. 474), entitled "An act to establish a Commission on Government Procurement," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. RIBICOFF, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

TRIBUTE TO KENNETH SPRANKLE, CHIEF CLERK AND STAFF DIRECTOR, COMMITTEE ON APPROPRIATIONS

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, I take this opportunity to announce to the House the retirement of Mr. Kenneth Sprankle, the chief clerk and staff director of the Committee on Appropriations.

He is retiring effective today, after more than 40 years of Federal service, all of which has been in the service of the House of Representatives except for 3 years in the Navy during World War II.

Mr. Sprankle has been on the staff of the committee for nearly 23 years, serving in his present capacity for some 14 years.

His first House service goes back to December 1925, when the late and beloved former chairman of the Committee on Appropriations, John Taber, brought him here as a page in the 69th Congress. In 1930, he became secretary to Mr. Taber, and served there until he began his service in the Navy in 1943.

The distinguished dean of the House, the gentleman from New York (Mr. CELLER), is the only Member of the present House who was here when Ken came to the House as a page.

Mr. Sprankle is only the sixth person to serve as the chief clerk of the Committee on Appropriations during its 104-year history, having been preceded by Robert Stevens, James Courts, Marcellus Sheild, John Pugh, and most recently, George Harvey.

It has been the consistent policy of the Committee on Appropriations through the years, irrespective of the political control of Congress, of maintaining a permanent career staff of dedicated, able and loyal employees—men of integrity; men of experience and judgment; men expert in both the endless detail and the broad features of Federal fiscal affairs; men who are familiar with legislative procedures and practices; men who are willing and able to be of service to all Members of the committee and of the House.

The public little knows of the tremendous power for good which is exerted by staff members of committees of the House. They are the sine qua non of effective legislation. They provide continuity and strength.

The staff policy of the Committee on Appropriations is not only a wise policy, it has in my judgment been a successful policy. The committee has a top-flight career staff. Ken Sprankle has been an integral and important part of it. He has a wide circle of friends and acquaintances among Members and Hill employees, among executive branch people, and others who come in contact with the committee.

The committee will miss Mr. Sprankle's valuable and ripe experience. While he is officially retiring today, he will remain temporarily on special assignment to assist the committee to complete its appropriation business for the session.

On behalf of the committee I extend congratulations to Ken Sprankle on a job well done and thanks for his long and distinguished service.

Effective tomorrow, I am appointing Mr. Paul M. Wilson to succeed Ken as clerk and staff director of the committee. Mr. Wilson is no newcomer to the Government and to congressional service. He has been in the Federal service for 36 years, nearly 23 years of which has been with the Committee on Appropriations. He has been the assistant clerk and staff director for the past 14 years.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Ohio.

Mr. BOW. Mr. Speaker, I should like to join with our distinguished chairman in tribute to Ken Sprankle. I approve of everything the gentleman has said.

May I say that we in the minority will miss Mr. Sprankle. His cooperation with us has always been magnificent.

I came to the committee 20 years ago. Ken Sprankle was able to give me a great deal of advice and scholarly information. It is a complex committee to serve on. I know of nobody in the Congress, Member or otherwise, who knows more about the budget, the procedures of the Appropriations Committee, than does Ken Sprankle. We shall miss him.

He is responsible, I think, Mr. Chairman, for the nonpartisanship that we have on the committee, where we all try to work together for what we believe is right and best for the country.

I will miss Ken Sprankle and his sage advice. I wish him well in his retirement. I am delighted he is going to be with us until we finish the present bills.

I compliment the gentleman from Texas for his tribute to Ken Sprankle today.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I join with my colleagues who have served on the Appropriations Committee for a number of years in paying tribute to the tireless and effective service of Kenneth Sprankle. It has been my privilege to work with Ken during his days when he was with our late friend and distinguished colleague, the ranking minority member and also at one time chairman of the Appropriations Committee, the Honorable John Taber, of New York State; during his years with the budget office of the Navy Department, and on the Appropriations Committee during many years under the longtime chairman from Missouri, the Honorable Clarence Cannon, and now under the chairmanship of the Honorable GEORGE MAHON.

I have frequently said that the position of staff member of the Appropriations Committee is probably the most exacting job of which I know. Not only is it essential that the myriad of detail that flows through the Appropriations Committee from every department and agency be checked as to accuracy, but it must be correlated and every subcommittee advised so there will be no duplication of efforts.

Ken Sprankle has filled this job, one it is next to impossible for anyone to fill to his own satisfaction; but never has he shirked the job that was his, which was tremendous in itself. And in addition he has always found time for extra effort in behalf of members of the committee and other members of the staff.

The many, many interests throughout the Government which must be dealt with requires not only a man of real ability but one of infinite patience; not only one who is tireless but one who has the mental capacity and ability to work with the enormous dollar figures involved, and who at the same time must be able to get along with his associates on the staff of the committee, with the investigating staff of the committee, and with the Appropriations Committee members, themselves, and particularly with the chairman, to whom he has final responsibility.

As Ken Sprankle announces his retirement, as of November 1, I can say that he has not only all these attributes so essential to a staff member but even more, because, in keeping with his high standards and outstanding conduct he has risen to be chief of staff, in which position he has served for many years; and notwithstanding his retirement—in line with his sense of obligation and appreciation—he is working on through the months of November and December to conclude the work of this session of the Congress.

As he retires, we wish him many more years of happiness and trust he will transfer his energies into that field of activity in which he finds pleasure not only for himself but for his fine family. We shall miss Ken and just hope that from time to time he will be back with us.

Mr. MAHON. Mr. Speaker, I now yield to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Appropriations yielding to me, because I wish to join with him and the others who have spoken on behalf of the fine record of Ken Sprankle as a member of the staff of the Committee on Appropriations. I served on the Committee on Appropriations for 14 years. I can vividly recall my first experience on that committee. The then chairman was the late Clarence Cannon of the State of Missouri. Subsequently Mr. John Taber of New York was chairman of that great committee. Subsequently the distinguished gentleman from Texas (Mr. MAHON) became chairman. Let me say anybody who could satisfy Clarence Cannon, John Taber, the gentleman from Texas (Mr. MAHON), and the gentleman from Ohio (Mr. Bow), ranking Republican on the committee, must be an outstanding public servant. Someone just commented that he is a miracle worker. I think the fact that he was able to serve all of the outstanding legislators mentioned above, and satisfy their many whims and satisfy the demands put upon the Committee on Appropriations in a technical way certainly indicates that he deserves commendation from every Member of this body.

I always had the feeling that if you asked Ken Sprankle a question, he gave you a straight answer. He was always willing to cooperate. I am grateful for his many kindnesses to me personally. I wish him the very best in his future years.

Mr. MAHON. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I thank the distinguished chairman of the committee for yielding to me.

Of course, I have never had the honor to serve on the great Committee on Appropriations, but I have known Ken Sprankle ever since I became a Member of the Congress. He has been a fine public servant. He is courteous, modest, and helpful. He is also able and thorough in his work. He has been a professional staff director and not a political partisan. I would like to say in this connection that I think the Committee on Appropriations in retaining Ken Sprankle and others on the committee, regardless of their political allegiance or regardless of whether they came to the Congress with Republican or Democratic Members, is in the spirit of the Reorganization Act of 1946, which intended for us to have professional staffs and not to divide our staffs between the two parties. There has been a lot of activity in the other direction in recent years, but I think that the soundness of the 1946 act has been proved in Ken's work on this great committee, which in many ways is the most powerful committee in the House. I say this because I know that Ken has served every Member of the House as well as the members of the gentleman's committee, regardless of political affiliation, with skill, with judgment, and always in the most accommodating manner. Personally I want to thank Ken for the many kindnesses which he has extended to me over the years and to wish him a long and happy retirement.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Alabama, a member of the Committee on Appropriations.

Mr. ANDREWS of Alabama. Mr. Speaker, I want to join with the distinguished chairman of the Appropriations Committee in paying tribute to Kenneth Sprankle, chief clerk and staff director of the House Appropriations Committee, who is retiring today after serving his country long and well. In addition to serving in the U.S. Navy during World War II, Ken Sprankle has a most impressive record of 40 years of Federal service—all but 3 of which were spent on Capitol Hill. Having begun his duties in the 1920's as a page, there are few, if any, on Capitol Hill today who are more knowledgeable of the legislative process than is Ken Sprankle.

I have had the privilege of serving on the Appropriations Committee since 1945. Ken Sprankle joined the committee staff soon afterward, and it has been my pleasure to work closely with him since that time. Under Ken Sprankle's able direction, the staff has maintained its professional and bipartisan standards through the years. Few men have held the position of chief clerk and staff director since the Appropriations Committee was created in 1865, and I venture to say that Ken Sprankle has been the most outstanding staff director in the history of the committee.

While we regret very much to lose the valuable services of Ken Sprankle, I am sure everyone will agree that he has more than earned his retirement. Therefore, I would like to take this opportunity to extend my best wishes to him and to wish for him many happy years of retirement.

Mrs. HANSEN of Washington. Mr. Speaker, it is a real privilege for me to join with my colleagues today in commendatory remarks for a loyal and faithful employee of the House of Representatives who is retiring at the close of business today.

Mr. Kenneth Sprankle, clerk and staff director of the House Appropriations Committee is ending a long and successful career in the House of Representatives of which he can be most proud. The position he has held on the staff committee is an arduous one, requiring infinite patience, great ability backed up by extensive knowledge of the budgetary process, courtesy, loyalty, much hard work and a commanding sense of priorities. In my estimation, Ken Sprankle, in his daily work, has fulfilled all of these requirements—he has done an excellent job.

In my 7 years on the Appropriations Committee. I have found him to be the soul of integrity, capable in all respects, never indicating any inclinations toward regionalism, and very much aware of his responsibilities and duties as a staff member, which, of course, are complementary to the duties and responsibilities of committee members.

It has been my observation that Ken Sprankle generously gave his assistance to all members of the Appropriations Committee regardless of their political affiliation. In my position as chairman of the Subcommittee on Interior and Related Agencies, I have found him to be most helpful, always giving wise counsel, in guiding the Interior bill through the intricate legislative procedures of the Congress.

I extend my very best wishes for a long, happy, and healthy retirement to Ken Sprankle—he has earned it for a job well done.

Mr. SIKES. Mr. Speaker, I want to associate myself with the remarks of the distinguished chairman of the Committee on Appropriations on this occasion of the retirement of Kenneth Sprankle as the committee's chief clerk and staff director. I have known Ken for many years and have found him to be an able and dedicated man. He has served the Committee on Appropriations well and treated all Members, regardless of party, courteously and forthrightly.

Mr. Speaker, Ken has given the committee and the House many years of faithful service for which I am sure Members are most grateful. We will feel a personal loss without his presence on the committee staff. Ken Sprankle typifies the excellence the committee requires in its staff. He has demonstrated this excellence through his many years of service to the committee and its members. To him we owe a sincere debt of gratitude and the biggest "thank you" that one can offer for a job well done. He deserves the best in life and I wish him all the success and happiness that the Good Lord can bestow.

Mr. JONAS. Mr. Speaker, I should like to associate myself with the comments that have already been made concerning Ken Sprankle. I thought the remarks of the distinguished gentleman from Texas (Mr. MAHON), the chairman of the House Committee on Appropriations, were especially appropriate and wish to endorse and concur in all that he had to say about Ken.

Ken Sprankle's work as chief clerk and staff director of the Committee on Appropriations has been characterized by quiet dignity, complete dedication, and a standard of service that will be difficult if not impossible to match anywhere in Government. The importance of his service to the Committee on Appropriations can be measured by the fact that it was rendered under three committee chairmen: The late Representative Clarence Cannon, of Missouri, the late Representative John Taber, of New York, and the present chairman who is Representative GEORGE MAHON, of Texas. As the distinguished minority leader, Mr. FORD, of Michigan, said, anyone who was able to please these three gentleman and be retained by them as staff director of the committee must indeed have had to have a great deal on the ball.

The Committee on Appropriations is fortunate to have a very able and dedicated staff and indeed it would be impossible for the members of that committee to do their work effectively if it were not for this able staff. While most of us on the committee devote a majority of our time to committee work, we also represent individual constituencies and we have our share of district problems to worry over, our share of visitors, and our share of mail to handle. We rely for much of the detailed committee work on the staff members and I am happy to take advantage of this opportunity to express my personal thanks and appreciation to them for their valuable services and to say a special word of thanks and appreciation to Ken Sprankle for his uniform courtesy, for his willingness to help with any problem I had to present to him, to share with me his vast knowledge of budget and appropriation processes and procedures.

We are going to miss him on the committee but I was pleased to hear the chairman state that he will be succeeded by Paul Wilson, another able, dedicated, and long-time member of the staff. While we will miss the guidance and counsel of Ken Sprankle, we all look forward to working with Paul, who will have some big shoes to fill but can fill them if anyone can.

Mr. REIFEL. Mr. Speaker, it has been brought to my attention that Mr. Ken Sprankle, chief clerk of the House Appropriations Committee, has decided to enter retirement.

During my service on the Appropriations Committee I have had the opportunity to work closely with Mr. Sprankle in regard to matters concerning the full committee and also the Interior Subcommittee.

Mr. Sprankle's services have been of great value. His management and organizational capabilities have been a guideline to be followed by other staff members on the Appropriations Committee.

Mr. Sprankle should be applauded for his contributions not only to the members of the Appropriations Committee, but to the entire Congress.

I join with the many other Members of Congress who wish him well in his retirement.

Mr. EVINS of Tennessee. Mr. Speaker, as Kenneth Sprankle, clerk and staff director of the Committee on Appropriations, is retiring today after 40 years of dedicated and distinguished service on Capitol Hill, I want to join with others in commending him and wishing Ken Sprankle every good luck and continued success.

Kenneth Sprankle came to the Hill as a page—and he leaves through retirement recognized and appreciated as one of the ablest and most effective staff members in the Congress.

For the past 14 years he has been clerk and staff director of the Committee on Appropriations where his work has been outstanding. He has rendered a distinct public service to the Nation.

I want to join his many other friends in Washington in wishing him the very best of good luck and success as he begins his richly deserved retirement.

Mr. GROSS. Mr. Speaker, I genuinely regret to know that Ken Sprankle is retiring as staff director of the House Appropriations Committee.

Through the years, and on numerous occasions on Saturday, while reviewing the bills to come before the House during the week to come, I have called the Appropriations Committee for information. Invariably I have found Ken on the job. For him there was no such thing as a 5-day week.

Ken Sprankle has been a loyal, dedicated employee of both the Appropriations Committee and the House of Representatives. In mitigation of his leaving, Chairman MAHON has made two announcements. First, that Ken will remain with the committee until the first of next year; and second, that Paul Wilson will take over the post of staff director.

In his retirement I wish for Ken all the good things of life.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION OF FLOOR ASSISTANT TO THE MINORITY

The SPEAKER laid before the House the following resignation:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 30, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

SIR: I herewith submit my resignation as floor assistant to the minority, U.S. House of Representatives, effective at the close of business, October 31, 1969.

Respectfully,
HARRY L. BROOKSHIRE.

TRIBUTE TO HARRY BROOKSHIRE, FLOOR ASSISTANT TO THE MINORITY, HOUSE OF REPRESENTATIVES

(Mr. BETTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETTS. Mr. Speaker, today, Harry Brookshire retires from Government service. Personally, I am sorry to hear this news for many reasons.

First of all, Harry has been a respected, trusted, and dedicated public servant for over 30 years. Men of his experience and ability are desperately needed in Government service today.

Particularly, Harry has been minority clerk of the House of Representatives since February 3, 1958. During that time he has earned the respect not only of the Republicans but I am sure all the Members of the House. His capability and broad knowledge of every phase of the legislative process has made him extremely valuable and helpful in the performance of his duties.

In addition to his natural ability, Harry has an impressive background of experience. A native of Marion, Ohio, he served 12 years as administrative assistant to Dr. Frederick C. Smith, my immediate predecessor, as Representative from the Eighth District of Ohio. Dr. Smith was a very popular political figure in Ohio and a respected Member of Congress. As his assistant, Harry made it his business to learn in detail the operation of the vast system of our Federal Government which later was to prove helpful not only to him but all the minority Members. Subsequent to Dr. Smith's retirement, he became executive assistant to Postmaster General Summerfield which position also furnished an abundance of experience.

In February of 1958, I had the privilege of presenting Harry's name to the House Republican Conference for the position of minority clerk to which he was elected and has served continuously ever since.

During that time I have observed that Harry has always been on the job, available, and completely competent in the performance of his duties. Also, during that time I have never hear a word of criticism about his work. His extensive friendship among the Members is certainly a recognition of that fact.

In addition to all these references to his background and ability, I am more impressed at this time with our longtime mutual friendship. It is not only to a former constituent and Government employee—but also to a loyal friend that I pay my respects to Harry today. He and his wife, Ruth, will soon be leaving Washington for the quiet rolling hills of Ohio and I want him to know that my best wishes go with them.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished gentleman from Ohio yield?

Mr. BETTS. I am happy to yield to the distingunished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful that the distinguished gentleman from Ohio has yielded to me at this time because I wish to join him in paying a high compliment to Harry Brookshire.

A little over 4 years and 9 months ago I was given the honor of representing the Republicans on the floor of the House as minority leader. At that time Harry Brookshire held the position that he now holds and from which he is now resigning.

Mr. Speaker, it was very difficult in those early days in 1965. We had our problems on this side of the aisle and I had to rely to a very great extent upon the counsel, the assistance, and the cooperation of Harry Brookshire. I have expressed my gratitude to him for his support during this period.

But I now wish to make it a matter of public record that whatever I have been able to do in the last 4 years and 9 months here, to a very great degree has been the result of the support of Harry Brookshire and his associates who work with us on our side of the aisle.

Harry has had a great record not only in the Congress as a member of the minority staff, but a fine record in public life as well over a long period of time. I simply want to say that I am grateful to Harry, and I wish him and his very lovely wife the very best in the months and years ahead.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I would like to join my remarks with those of our minority leader in what he has said about Harry Brookshire and his outstanding service to this House as minority clerk.

I have had the pleasure of serving with Harry on this House floor since he first took over this important office. I have favorably known other Republican House clerks we have had but let me say to the Members that no one has done a finer job or attempted harder to be of real service to the Members and to do those things which are vitally necessary and helpful on this House floor than did Harry Brookshire.

He has been a standout as a public servant on this House floor.

I would like to wish for him, since he has decided now to retire, the very best of everything and many, many years of enjoyment in doing whatever he cares to do.

I would also like to say that from now on it will often happen here on the House floor when we Republicans will turn around and say "Where is Harry?" He was always on the job. We will miss him.

He may not be here in person, but he will be here with us in spirit. Good luck Harry and all good wishes to you and your wonderful wife.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, today one of the very valuable members of the House staff, minority clerk Harry L. Brookshire, ends a career of more than 30 years with this body and a public career of even longer tenure to retire and return to his home in Ohio.

Harry first came to Washington in 1939 as an administrative assistant to the late Congressman Frederick C. Smith from Marion, Ohio, during Dr. Smith's first term in the House. Doc Smith had been mayor of Marion, and Harry served with him in city government there before they came to Washington together. My late father Clarence J. Brown, also came to Washington that year, and he and Harry were friends during the 27 years of dad's service.

Since becoming a Member of this body in 1965, I have become well acquainted with Harry and have greatly appreciated his valuable assistance. During redistricting in the State of Ohio last year, Marion County was placed in the Seventh Ohio District, and it honors me now to be able to have Harry and his lovely wife, Ruth, as constituents, although I am saddened to know that when they leave Washington it will be to retire to a home they have built in rural Morrow County, in Congressman DEVINE's district.

Harry Brookshire did not arrive easily to the post he leaves today. Born in Forest, Ohio, about 30 miles northwest of Marion, as the son of a blacksmith, he was forced to quit school and help support his family during his early teenage years when his father died. He persisted in his goals to attain a better life, however, and returned to high school from which he was graduated at the age of 21. He then went to Oxford, Ohio, to attend Miami University and worked as a helper, and then as a machinist for a railroad.

The late Dr. Smith gave Harry his first opportunity to work in politics during his campaign for mayor of Marion. Harry then served as Mayor Smith's executive assistant until coming to Washington in 1939. He worked for Dr. Smith for 12 years on the Hill, and then for a time as administrative assistant for former Congressman Howard Buffet of Nebraska.

During the Eisenhower presidential campaign in 1952 Harry was a key advance man, in charge of the arrangements for the Eisenhower campaign train through Iowa, Nebraska, Michigan, Oregon, Tennessee, Massachusetts, New Hampshire, and Pennsylvania, and a 3-day motorcade in New York City. After President Eisenhower's victory he went back to Republican National Headquarters and assisted in the inaugural activities.

Harry's next job was as executive assistant to former Postmaster General Arthur E. Summerfield.

He was appointed minority clerk of the House February 3, 1958, and his devotion to duty and helpfulness to Members in that post has earned the respect and friendship of those of us on this side of the aisle during a successful 11-year career in this post. We will all miss this help and friendship very greatly. I wish him the best of luck and continued success during his retirement.

Mr. BURLESON of Texas. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Texas.

Mr. BURLESON of Texas. Mr. Speaker, I join my colleagues who pay tribute to our good friend Harry Brookshire on the occasion of his retirement.

It has been my privilege and pleasure to have known Harry for nearly 30 years, during which time there has developed a warm and lasting friendship. He has made a very fine and constructive contribution to official life here on Capitol Hill and will obviously carry with him to retirement, not only a great appreciation for his able services to the real affection of his associates.

It is my hope and wish that Harry and his charming wife, Ruth, will find complete satisfaction in their retired life in Ohio. It is my further wish that good health and happiness be theirs always.

Mr. BUCHANAN. Mr. Speaker, I rise to join my colleagues in paying tribute to Harry Brookshire upon his retirement as clerk to the minority in the House of Representatives. Since being appointed to his position on February 3, 1958, he has made an outstanding contribution to the Government of the United States. Since 1939 he has continually served his country in strategic places of responsibility. From 1939 to 1952 he served as administrative assistant to Representatives Frederick C. Smith, of Ohio, and Howard Buffett, of Nebraska. From 1953 until his appointment as minority clerk he served as executive assistant to Postmaster General Arthur M. Summerfield.

It has been my privilege to know Harry Brookshire not only in his professional capacity but as a neighbor. For almost 5 years it was my good fortune to live next door to him and his wife, who for more than 30 years served ably on the staff of the House Committee on Merchant Marine and Fisheries. They are fine people and good neighbors.

In my association with Harry Brookshire, I have come to respect his keen political insight and his sound good judgment in any matter. We shall miss his efficient services here and wish him a very pleasant and rewarding retirement. He has served his party and his country well. His conscientiousness has not and shall not go unnoticed or unappreciated but shall always be remembered by those who have had the privilege to serve in this body during his tenure in office.

Mr. JONAS. Mr. Speaker, I am happy to have this opportunity to join my colleagues today in paying tribute to Harry Brookshire on the occasion of his retirement to private life.

We are all going to miss Harry but we all join in wishing for him a long life of joy and happiness in his well-deserved retirement.

While Harry's official service has been directed to Members on the minority side of the aisle, in a broad sense he has rendered service to the entire House of Representatives and he has enjoyed the respect and confidence of Members on both sides of the aisle.

Uniformally courteous and considerate, he has gained a host of friends during his service as clerk to the minority. Harry has always taken his responsibilities seriously and has always discharged them with ability and dedication.

Harry's shoes are going to be hard to fill by his successor because he set a standard in his service so high that it will be difficult to emulate. As he leaves his splendid service to the minority in the House of Representatives, he will take with him the thanks and appreciation of all of us for a job well done.

It is my hope that Harry Brookshire will enjoy long life, good health, and peace of mind in his well-deserved retirement.

Mr. MOSHER. Mr. Speaker, time after time, since my arrival here in the Congress, Harry Brookshire has been wonderfully helpful to me and to my staff. He has never failed to be completely responsive to whatever matter we were bringing to his attention.

Therefore, I speak not only for myself but also for my staff when I say we were always sure our request was in good and capable hands when we left it with Harry.

I want to associate myself—particularly with my colleagues from his home State, Ohio—but also with all the other Members of the House who are expressing today enthusiastic appreciation for Harry Brookshire's loyalty and competent assistance to all of us, on this occasion of his retirement from 30 years of Government service.

We will greatly miss Harry Brookshire, and will find it difficult to break the habit of calling upon him for assistance. However, we wish for him and his wife, Ruth—who retired recently after long and able service to our Merchant Marine Committee—good health and all that is best, knowing that they will enjoy to the fullest doing now many things they never before had time enough to do.

Mr. KLEPPE. Mr. Speaker, Harry Brookshire has earned the right to his retirement. He has earned it through conscientious dedication to his work, his friends, and his country. I want to pay my tribute to Harry for what he has done. I wish him the very best in the years of his retirement. Good luck, Harry.

Mr. STANTON. Mr. Speaker, it is with mixed emotions that I appear here this afternoon to say goodbye to a very personal friend, the minority clerk, Harry L. Brookshire. Mr. Speaker, I say it is with mixed emotions because I realize that as a friend, one knows that Mr. Brookshire's retirement is the proper thing for him to do. He and his lovely wife, Ruth, are more than entitled to enjoy the many years that lie ahead of them. He has earned this by conscientious hard work and dedication to his country and his fellow man. He has served with honor, distinction, pride, and with an ability that is given to very few men in life.

Mr. Speaker, it is with mixed emotions because as much as we realize that Mr. Brookshire has more than earned this period of enjoyment, it is with deep regret that we also realize that we will be operating in this House of Representatives without him. All of us who have had the pleasure of knowing him, personally, have always felt that here was a true friend. His genial, likable personality is contagious. In the 5 years I have served in this House, I have never known him to refuse a single Member's request. He ran his office with the dedication and ability of the true professional that he is. He is a man well equipped to deal with the many problems and multiple personalities that he encountered in his day-to-day operation. The fact that he will not be with us in the House makes this a black Friday for me, personally.

I extend to Harry and Ruth Brookshire my personal best wishes for a long and happy retirement in the great and beautiful State of Ohio.

Mr. LATTA. Mr. Speaker, it has been my privilege and pleasure to have known Harry Brookshire from the first day I came to Congress. His service as clerk of the minority has been valuable to me but nothing compared to his friendship and counsel. Harry Brookshire is a man among men, a man you can confide in, a man whose word is still his bond, a man you can trust.

We shall miss Harry Brookshire in these Halls, but I hope he comes back to visit us and that he does so often.

Harry Brookshire has rendered countless services to members of the minority. For this I say many, many thanks.

I wish Harry Brookshire and Mrs. Brookshire the best of everything in their retirement. May they enjoy it to the fullest as they both have earned it.

Mr. CLANCY. Mr. Speaker, after nearly 30 years of Federal service, minority clerk Harry L. Brookshire, of Marion, Ohio, will retire on Friday, October 31, 1969. His service represents a lifetime of achievement.

I have become personally very fond of Harry and feel that his departure will mean the leaving of a true friend. This Friday will bring to a close a highly successful career of public service and contribution. We have all come to rely on Harry's ability, integrity, loyalty and experience and we will genuinely miss his presence.

I wish to congratulate this fine Ohio gentleman and welcome him back to his home State. I know that both Harry and his wife, Ruth, will have a very happy retirement.

My best wishes to both of them.

Mr. WATKINS. Mr. Speaker, it is with a great sense of regret that I see this week draw to an end, because I realize that Harry Brookshire, minority House clerk, will lend his many years of faithful service to the House of Representatives and go to richly deserved retirement.

When I came to the 89th Congress as a freshman Representative, Harry became not only mentor and guide, but my good friend. I found him generous with advice and counsel, and no matter how knotty a problem I encountered, "Brooky" never failed to let me have the benefit of his objective judgment, delivered in the pungent and salty manner that is his alone.

During the 90th and 91st Congresses, this friendship grew, and one of the first persons I would seek upon my return to Washington would be the minority House clerk. I could go on like this for thousands of words, but those of my colleagues who have served in the House far longer than I well know how we all have relied upon Harry Brookshire and they will want to pay him tribute also.

"Brooky" should have no regrets when he leaves. Those of us in the House—and I am sure I speak for colleagues on both sides of the aisle—will feel the loss. When his successor is selected, he will find a mighty big pair of shoes to fill.

I should like to pay tribute also to Harry's lovely wife, Ruth, who served the House of Representatives faithfully and well in her many years of committee assignments, and who has preceded her husband in retirement by a few months. To both Harry and Ruth go my best wishes for great happiness in the years ahead. I can only express the hope that occasionally they may find time to return to the House which served as their second home for so long and which owes them a debt of gratitude for dedicated and cheerful service.

Mr. ROUDEBUSH. Mr. Speaker, on Friday, October 31, the House will lose one of its most valuable employees, Minority Clerk Harry L. Brookshire, of Marion, Ohio.

Harry is retiring after nearly 30 years of Federal service in a variety of responsible positions.

I have become personally very fond of Harry during my 9 years service in the House, and admire greatly the many fine qualities this Ohio gentleman possesses.

Harry and his wife, Ruth, also a former congressional employee, are retiring to their new home in Ohio, the State which Harry left more than 30 years ago.

Harry Brookshire's political career is a real American success story. Born in Forest, Ohio, the son of a blacksmith, Harry was forced to leave high school as a sophomore when his father died, but returned later to graduate at the age of 21.

He also attended Miami University, at Oxford, and worked as a helper and later a machinist for a railroad.

Harry's first taste of politics came when he campaigned for former Congressman Frederick C. Smith during Dr. Smith's race for mayor of Marion.

Serving as an executive assistant to Mayor Smith, Harry came to Washington as Dr. Smith's administrative assistant in 1939 and stayed on this job for 12 years.

Harry also was administrative assistant for former Congressman Howard Buffett, of Nebraska.

He was a key advance man for former President Eisenhower during the 1952 presidential campaign. He was in charge of arrangements for the Eisenhower campaign train through Iowa, Nebraska, Ohio, Michigan, Oregon, Tennessee, Massachusetts, New Hampshire, Pennsylvania, and a 3-day motorcade in New York City.

After Ike's election, Harry continued at Republican national headquarters where he was deeply involved in inaugural activities.

He then joined the Post Office Department and served as executive assistant to former Postmaster General Arthur E. Summerfield.

Harry became minority clerk of the House on February 3, 1958, and this Friday closes out an illustrious and highly successful career in this important office.

This highly energetic and genuinely likeable congressional employee will be sorely missed by all of those Members of Congress who have come to rely and depend on Harry's ability, experience, and integrity.

And, for a great many of us, it will not only be the departure of a faithful and loyal employee, it will be the leaving of a fine and true friend.

So, I wish to congratulate my good friend, Harry Brookshire, upon the completion of a long career of public service and contribution, and to wish him and his wonderful wife, Ruth, a most pleasant and enjoyable retirement to their beloved Ohio.

Mr. MYERS. Mr. Speaker, new Members of the House of Representatives need much help during their early days in Congress. Three years ago, I can say that as a new Member I needed lots of assistance. One of the first people to come to me with a helping hand and words of advice was Harry Brookshire, House minority clerk, who today has announced his retirement. The Republican Party, the House of Representatives, and the Nation will lose today a great and dedicated servant. As he returns to his hometown, Marion, Ohio, we shall miss his wisdom and his contributions. Today, I want to thank him for his contributions to the people of this country through his more than 30 years of faithful service. We wish him and his wife, Ruth, many years of happiness.

Mr. DICKINSON. Mr. Speaker. I would like to join in paying tribute to Harry Brookshire upon the occasion of his retirement after more than 30 years of Federal service. We on the minority side will miss Harry, one of the most valuable and dedicated employees of the House, but I want to wish him many happy years of retirement in Marion, Ohio.

Harry Brookshire is the epitome of the dedicated congressional employee. Not only is he a faithful employee of the House, but he is also a personal friend to many of us. During my 5 years' service in the Congress, I have come to depend heavily on Harry and his wisdom in a number of areas, and I deeply regret that we will no longer be able to call on his experience.

You will be missed, Harry, but I join my colleagues in wishing for you and your wife a most enjoyable and rewarding retirement.

Mr. DUNCAN. Mr. Speaker, one of my best friends and one of the most helpful persons on the Hill leaves us today. I will miss Harry Brookshire because I have always received friendly cooperation from this fine minority clerk.

Harry has been one on whom we could depend. He kept his promises and never forgot a request. I admire his hard work and appreciate the extra effort he has exerted to make my job easier.

Having been in politics for more than 30 years, Harry knows the responsibilities placed on public servants. He certainly has had variety in his career, working for a mayor, Congressman, a postmaster, and most recently for the Republican side of the House of Representatives.

Today, I join my colleagues in saying "thank you" to Harry for faithful assistance and "goodby" to a good, loyal friend. May the days of retirement be very enjoyable.

Mr. SCHADEBERG. Mr. Speaker, there comes a time in this race of life for each of us when the baton of service is handed on to others who will take over where we leave off. When one has completed his stretch around the track, and has left the race he can reflect upon that which has taken place along the way. Harry Brookshire today releases his grip on the baton of service and will have the time, for many years we hope, to reflect upon those hundreds of men who, coming from all sections of this Nation, have been the recipients of his talents and gracious assistance. We on this side of the aisle will miss his presence not only as a staff member but as a friend.

May God richly bless him and keep him and cause His benevalent love to abide with him through the many glorious years ahead.

Mr. DEVINE. Mr. Speaker, today marks the final day for our highly respected minority clerk of the House, Harry L. Brookshire. His legion of friends in and out of the Congress sincerely regret seeing this dedicated public servant retire from his position, although he well deserves some happy years in retirement.

Over 50 years ago, Harry started as a machinist apprentice for the Erie Railroad in Miami, Ohio, and although required to work, completed high school in 1921. He also attended Miami University in Oxford, Ohio, and at the same time worked for a living. Harry Brookshire served as city clerk and clerk of council in Marion, Ohio, as well as executive assistant to Mayor Frederick C. Smith. He resigned, however, on January 3, 1939, to accept a position as administrative assistant to Congressman Frederick C. Smith of the Eighth Ohio District, and served as Congressman Smith's administrative assistant for 12 years. In 1951, Harry Brookshire was the administrative assistant to Howard Buffett, of the Second District of Nebraska, and thereafter became the executive assistant to Postmaster General Arthur E. Summerfield.

On February 3, 1958, Harry Brookshire was appointed minority clerk of the House of Representatives and has served in this capacity until today.

During these years, Harry has rendered great service not only in his office capacity, but personally to Republican Members and has been helpful in many capacities. Harry Brookshire will be sorely missed by all Members of Congress, yet we all wish him many years of happiness as he returns to his home State of Ohio to enjoy his well deserved retirement.

Mr. MINSHALL. Mr. Speaker, it is always difficult to say goodbye to old friends.

Harry Brookshire is leaving us after faithfully serving as minority clerk of the House of Representatives for nearly 12 years, rounding out a career in Government totaling 30 years. He is a credit to his Nation and to our party.

The House is like a home to Harry, who came here in 1939 as executive assistant to former Congressman Frederick Smith from Marion, Ohio, for whom he worked for a dozen years. Later he was administrative assistant to former Congressman Howard Buffett of Nebraska.

During the 1952 Eisenhower campaign, Harry was an advance man in charge of arrangements for Ike's campaign train through Ohio, Michigan, Iowa, Nebraska, Tennessee, Massachusetts, New Hampshire, Pennsylvania and a memorable 3-day motorcade in New York City. He joined the Post Office Department as executive assistant to former Postmaster General Arthur E. Summerfield after the 1953 Eisenhower inaugural.

In 1958 we elected him our minority clerk and his loyalty, friendship and unflagging dedication have made him a standby. Now he and his lovely wife, Ruth, are retiring to their home in Marion.

With reluctance we say, "Goodbye Harry and thank you," with one addendum—"We hope to see you and Ruth often in Washington."

Mr. BRAY. Mr. Speaker, with the adjournment of the House today, a long and honorable career of service to the American Republic and its citizens, which has spanned over 30 years, will come to a close. Harry L. Brookshire, minority clerk of the House of Representatives, will retire from the post in which he has served with distinction and great ability for the past 12 years.

My own acquaintance with Harry, both personal and professional, began when he was rendering such superb yeoman service as executive assistant to former Postmaster General Arthur Summerfield. Harry is one of that unsung, unknown, handful of House employees who contribute so much to making the House of Representatives that great "forge of Democracy" which it has become.

The last bells, the last crack of the gavel, will sound for Harry Brookshire today. But, knowing Harry as I do, I like to think that his sentiments, on retiring, are like the following, attributed to Dr. Sam Johnson:

> Exert your talents and distinguish yourself, and don't think of retiring from the world until the world will be sorry that you retire.

He has exerted his talents, he has distinguished himself, and now he is retiring, and we are sorry to see him go. But, Harry, you will not be forgotten, and from me and from all of us who have been proud to call you friend, hail, and farewell.

Mr. GROSS. Mr. Speaker, it was difficult to believe a few days ago when Harry Brookshire told me that he would retire, effective as of today.

It was in the nature of another pillar of the House of Representatives being removed for I have known Harry for many years and through those years he has been most helpful at all times.

Harry's retirement is almost as though a Member of the House had suddenly resigned. I will greatly miss him as a friend and for his good works as an employee of the House of Representatives.

To Harry and his wife I wish all the good things of life as they embark upon their retirement.

Mr. ADAIR. Mr. Speaker, I wish to join the many expressions of good will and bon voyage to our longtime minority clerk, Harry L. Brookshire, who is retiring today. We will all miss his valued assistance on the House Republican side. His 11 years of experience will not be easy to replace. His energetic and efficient service will serve as an example to those who follow in his footsteps.

Harry certainly has my best wishes for a pleasant and enjoyable retirement in Ohio.

Mr. HARSHA. Mr. Speaker. Today marks the end of a long and productive career of a valuable House employee. I am speaking of the retirement of the minority clerk, Mr. Harry L. Brookshire.

For the past 11 years, Harry has served us well in this capacity, and we will indeed miss this dedicated and capable worker among our ranks.

As a fellow native of the Buckeye State, I heartily congratulate Harry on his fine record as minority clerk and applaud his achievements in a successful political career which extends over a magnitude of 30 years. I have come to appreciate this fine and experienced gentleman and I am sorry to see him leave.

I wish him the continued success and happiness which he so rightly deserves when he returns to his home in Marion, Ohio. Although I join my colleagues in Congress who deeply regret his leaving, I have no doubts, however, that the State of Ohio will gladly welcome the return of an outstanding citizen, Mr. Harry L. Brookshire.

GENERAL LEAVE

Mr. BETTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the subject of the retirement of Harry Brookshire.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ELECTION TO COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 608) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 608

Resolved, That Henry P. Smith III of New York be and he is hereby elected a member of the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RETIREMENT OF PETER LEKTRICH

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am sure all the Members will join with me in singing the praises of Mr. Peter Lektrich and thanking him for the excellent job he has done as chief of records and registrations since 1964. Pete will be retiring today after serving some 19 years in different capacities in the Office of the Clerk of the House. He first came to Washington in 1938 and worked for various agencies in the executive branch until 1949. Pete served as administrative assistant to former Congressman Anthony Cavalcante during the 81st Congress. In 1950 he joined the staff of the Clerk of the House as assistant property custodian and later as assistant bill clerk until be became chief of records and registrations in 1965. His present duties also include the administration of the Corrupt Practices Act and Lobbying Act of 1946. I for one will miss Pete's smiling face and helping hand. I would urge my colleagues to join me in wishing Pete well as he begins his richly deserved life of retirement.

Mr. HARSHA. Mr. Speaker, I want to join my colleagues in expressing deep gratitude and appreciation for the fine services rendered us by Mr. Peter Lektrich, who is retiring from his work with Congress, after serving some 19 years.

I have known Pete for a number of years and consider him to be one of the most conscientious and outstanding employees of the Congress it has been my privilege to know.

He first came to Washington in 1938 and worked for various agencies in the executive branch until 1949. He served as administrative assistant to former Congressman Anthony Cavalcante during the 81st Congress, and in 1950 joined the staff of the Clerk of the House as assistant property custodian. He later was assistant bill clerk until he became chief of records and registrations in 1965.

His wide experience in Government work over the years well qualified Pete for his position as chief of records and registrations in the House of Representatives, and he is to be commended for the excellent job he has done in this capacity.

Pete has always been extremely cooperative and helpful and will be greatly missed by those of us who have had the pleasure of working with him. I wish him many years of happiness in his well-deserved retirement.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks with reference to the services of Peter Lektrich.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SERGEANT ALFRED GONZALEZ

(Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, the Rio Grande Valley of Texas counted a new hero today when Mrs. Dolia Gonzalez accepted the Congressional Medal of Honor for her only child, Sgt. Alfred Gonzalez of Edinburg, killed in action at Hue, Republic of South Vietnam, on February 4, 1969.

Sergeant Gonzalez is the first valley man to receive the Nation's highest award in the Vietnam war, joining other border men whose heroism was recognized in past wars. He is Texas' 51st serviceman so dignified.

Vice President AGNEW presented the medal to Mrs. Gonzalez at a ceremony in the Executive Office Building. Three men who have known Sergeant Gonzalez from school days, who had played on the football team with him, who served as pallbearers at his funeral, were also present, Lt. Michael B. Reilly, Sgt. J. J. Avila, and Raul Garcia, the latter now out of the Marines. I was also present, witnessing a ceremony that moves the soul and makes the heart rejoice as the saga of another brave man is unfolded.

The bravery that won Sergeant Gonzalez this award is a panorama of 4 days of highest courage, fighting while wounded but never giving up until life was gone.

Mr. Speaker, the best way to describe Sergeant Gonzalez' actions is to use the Marine Corps citation, which reads:

> For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Platoon Commander, Third Platoon, Company A, First Battalion, First Marines, First Marine Division, in the Republic of Vietnam. On 31 January 1968, during the initial phase of Operation HUE CITY Sergeant Gonzalez's unit was formed as a reaction force and deployed to Hue to relieve the pressure on the beleaguered city. While moving by truck convoy along Route #1, near the village of Lang Van Lrong, the marines received a heavy volume of enemy fire. Sergeant Gonzalez aggressively maneuvered the marines in his platoon, and directed their fire until the area was cleared of snipers. Immediately after crossing a river south of Hue, the column was again hit by intense enemy fire. One of the marines on top of a tank was wounded and fell to the ground in an exposed position. With complete disregard for his own safety, Sergeant Gonzalez ran through the fire-swept area to the assistance of his injured comrade. He lifted him up and though receiving fragmentation wounds during the rescue, he carried the wounded marine to a covered position for treatment. Due to the increased volume and accuracy of enemy fire from a fortified machine gun bunker on the side of the road, the company was temporarily halted. Realizing the gravity of the situation, Sergeant Gonzalez exposed himself to the enemy fire and moved his platoon along the east side of a bordering rice paddy to a dike directly across from the bunker. Though fully aware of the danger involved, he moved to the fire-swept road and destroyed the hostile position with hand grenades. Although seriously wounded again on 3 February, he steadfastly refused medical treatment and continued to supervise his men and lead the attack. On 4 February, the enemy had again pinned the company down, inflicting heavy casualties with automatic weapons and rocket fire. Sergeant Gonzalez, utilizing a number of light antitank assault weapons, fearlessly moved from position to position firing numerous rounds at the heavily fortified enemy emplacements. He successfully knocked out a rocket position and suppressed much of the enemy fire before falling mortally wounded. The heroism, courage, and dynamic leadership displayed by Sergeant Gonzalez reflected great credit upon himself and the Marine Corps and were in keeping with the highest traditions of the United States Naval Service. He gallantly gave his life for his country.

PRAYERS FOR THE PRESIDENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, for a long time I have had the personal practice of saying each morning a silent prayer for the good health and long life of the President of the United States.

For the past 9 months I have been listening to the comments and views of the Vice President, and particularly to his statements of recent days. I have now decided to expand that personal practice and to say a silent prayer for the good health and long life of the President each evening as well as each morning.

MR. AGNEW'S HALLOWEEN WITCH HUNTING

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, perhaps it is quite appropriate that I follow the gentleman from California.

Mr. Speaker, it is appropriate that Mr. AGNEW's latest bit of witch hunting is reported on Halloween. It is eerie to realize that our Vice President views free speech as a goblin. That he would make democracy a ghost is certainly terrifying. He is no treat; it must be a massive trick.

A TIME TO SUPPORT OUR PRESIDENT AND TO HEAP SCORN ON THOSE WHO SEEK DEFEAT

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, the Red-led demonstration scheduled for November 15 is being billed by its publicity conscious organizers as a death march. I would like to remind those advocating an immediate and complete withdrawal of our troops that during the Tet massacre in February of 1968 more than 3,000 South Vietnamese civilians—women and children included—were brutually killed by the Vietcong, whose flag these moratorium leaders carry so proudly. These victims were chained together, many of them brained with mattocks, beaten to death with rifle butts, or simply shot. That was a real death march.

This is the kind of blood bath the Communists are working for when they send messages of encouragement to their agents in this country who are organizing the march on Washington. This is what the American public will be supporting if we cater to their plans. Communists always have depended on using unknowingly and altruistic people by piggybacking their plots onto a common and popular cause.

Everyone wants to end the war. Our President wants more than anything to get it over with. Mass demonstrations harm our peace efforts for they give the enemy false hope that America has turned world coward.

The best thing we can all do at this time is back our President, back our boys who are still in Vietnam, and heap the scorn that rightfully belongs on those who want this country to go down to defeat.

REPUGNANT CIGARETTE COMMERCIAL

Mr. BINGHAM. Mr. Speaker, we have all heard a great deal, and properly so, about the encouragement of violence that appears on our television programs.

A TV commercial has been called to my attention which I think is deplorable—a commercial advertisement for Chesterfield cigarettes. It pictures a black-gloved hand reaching out and breaking through a glass window in order to reach the cigarettes.

The clear implication of this commercial, which I regard as quite repugnant and questionable, is that some products are so irresistible that they are justifiable motivations for crime.

I am calling this commercial to the attention of the president of the Liggett & Meyers Co., manufacturers of Chesterfields, in the hope that he will withdraw this rather tasteless commercial from further airing.

I am also calling this advertisement to the attention of the new Chairman of the Federal Communications Commission.

In my view, this particular advertisement is not typical of television advertising in general. Television advertising has contributed greatly to racial integration and other socially desirable developments in this country. It is therefore particularly shocking to see a supposedly reputable company tempting people, especially the young, not only to smoke, but to rob and burgle as well. Young people have enough problems without being encouraged through the media to behave in the manner suggested by this advertisement. The kind of vision we need to bring the people of this country together in harmony is light years away from the lack of judgment and taste evident in this commercial.

I hope soon to see all TV advertising of cigarettes stopped. In the meantime, I trust that when the president of Liggett & Meyers has an opportunity to reflect on this advertisement, or to see it if he has not already, he will not approve it for further use.

Mr. Speaker, I yield back the balance of my time.

PRESIDENT NIXON'S PLAN TO SHARE FEDERAL REVENUES WITH THE STATES AND THE DISTRICT OF COLUMBIA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in August, President Nixon proposed a sensible plan to share with the States and the District of Columbia a portion of Federal revenues.

The President's proposal is a constructive, practical program of action designed to renew the ability of local and State governments to cope with local and State problems.

The American people have lost faith in the Federal Government's ability to solve problems of local and State nature. In all too many instances these problems have increased in complexity and intensity even as greater and greater amounts of Federal funds have been spent toward their solutions.

We have constructed a Federal grant-in-aid system of staggering complexity and diversity that has impeded rather than aided the effectiveness of local government. It is a system that is characterized, as the President has stated, by overlapping programs at the State and local level; distortion of State and local budgets; increased administrative costs; program delay and uncertainty; a decline in the authority and responsibility of chief executives, as grants have become tied to functional bureaucracies; and, creation of new and frequently competitive State and local governmental institutions.

President Nixon's revenue sharing program will halt these trends, and will make it possible once again for State and local governments to meet their own responsibilities and obligations.

SECRETARY OF THE INTERIOR HICKEL SHOULD ANSWER HIS MAIL

(Mr. HARSHA asked and was given permission to address the House for 1 minute.)

Mr. HARSHA. Mr. Speaker, Secretary of the Interior Walter Hickle apparently has succumbed to the way of Washington bureaucrats.

On September 26 I wrote the Secretary a letter directing some very timely questions to him concerning water pollution control and his administration of the Water Quality Act.

Some 5 weeks later I still have not received a reply.

Although Mr. Hickel has the time to fly around the country to make speeches, issue dramatic press releases and seek headlines, he seems to be completely unconcerned with congressional interest in proper water pollution control.

Before Mr. Hickel embarks on a nationwide drive to tell the various States how they should handle their own affairs, I think it not misplaced to suggest to the Secretary that he get his own house in order and devote more time to managing affairs of his department here in Washington such as answering his mail.

TRIAL OF THE "CHICAGO 8"

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, during the last few weeks a good deal of dust has been kicked up during the trial of the so-called "Chicago 8" who are answering charges of conspiracy to incite a riot. Both in and out of the courtroom, pro and con arguments can be heard over the application of a gag and restraining straps to one of the defendents, Black Panther leader Bobby Seale.

The judge, Julius J. Hoffman, has a great obligation to carry out the duties of his office. If this country is to maintain its sound legal basis, the very instrument of the administration of the law must remain intact and operable. The actions of Seale in cursing the judge, his frequent disruptive outbursts and other conduct unbecoming a civilized person, are in themselves a clear indication of his disrespect for the law and unwillingness to live within the constraints of an orderly social system.

Seale and others like him seek to live in America only on their own terms. He will not be happy in our society until he has been enthroned as the No. 1 citizen above all others—the king fish in a pond of minnows.

As a result of true freedom—freedom with responsibility—an honest, hardworking judge must bear the brunt of insults and vile diatribes against his person and his office. Yet in spite of all this, he continues the trial which is guaranteed to the curser and vilifier in his court. May God give him strength to discharge his duties and bear up under the wrongful accusations against him from within and without the courtroom.

IN DEFENSE OF SECRETARY OF THE INTERIOR HICKEL

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, my colleague from Ohio has expressed an understandable frustration over the slowness of the executive branch of the Government in answering important requests from the Congress. I think it ought to be said, however, that Walter Hickel is one of the strongest and finest men in the Government, a dedicated public servant, who, like all of the other members of the Nixon Cabinet, inherited a vast bureaucracy comprised primarily of civil service personnel. I think it is not entirely fair to hold that one man at the top and his thin line of people that he can bring in with him responsible for all of the evils of a vast bureaucracy. I feel certain that is not the case.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Ohio.

Mr. HARSHA. Does the gentleman think 5 weeks to answer a congressional inquiry is unreasonable?

Mr. BUCHANAN. I think it is completely unreasonable, and I expect the bureaucracy is fully responsible. I am certain that the Secretary will correct the situation as soon as it comes to his attention.

SECRETARY OF THE INTERIOR HICKEL SHOULD ANSWER HIS MAIL

(Mr. HOWARD asked and was given permission to address the House for 1 minute.)

Mr. HOWARD. Mr. Speaker, I heard the gentleman from Ohio lamenting the fact that our Secretary of the Interior Hickel had not responded to a letter that he had sent down there 5 weeks ago. He was very disturbed about it and thought that is not the way for a Cabinet official to act in response to letters from Members of Congress, but I would tell the gentleman from Ohio that I wrote a letter to Secretary Hickel on March 18. I wrote two letters to Secretary Hickel with questions last January. I have not yet received a reply nor even the courtesy of an acknowledgement of the receipt of any of the three letters. So, as far as I am concerned, I am not even sure that there is a Wally Hickel.

SECOND ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–189)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I hereby submit the Second Annual Report of the Department of Transportation, covering Fiscal Year 1968.

RICHARD NIXON.

THE WHITE HOUSE, *October 31, 1969.*

DRUG ABUSE EDUCATION ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14252, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1 ending on line 4, page 1, of the bill.

If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to vote for this bill but I have serious misgivings about it. In the first place, I think it is probably overly funded for a trial run. I do not like the advisory board, the creation of a brandnew advisory board, in the Government. I again display this compilation of 218 pages of committees, commissions, and advisory boards, this being compiled by the Library of Congress. You name them and you will find this Government has got them.

And here in this bill we create another one with 21 members at $100 a day per diem when they meet, plus their expenses and so on and so forth.

Mr. Chairman, I want to do all I can, as does every other Member of the House, realizing the gravity of the narcotics and drug addiction problem, to put an end to it. But I do not think it is going to be done through the process of education. Helpful though it may be, it will not be done that way.

I would rather take some of this money and build a stockade out in the desert and then insist upon mandatory and drastic penalties for the peddlers and pushers of narcotics and drugs. For example, let us start with about 20 years for a peddler, the scum of the earth. I would start with about a 20-year sentence for the first offense for peddling dope to youngsters in this country—starting them on a life of addiction. This is how and when you will get results.

Yes, Mr. Chairman, let us build a big stockade out in the desert where it is not too cold, and not too warm; where they are not fed too much but not too little to starve, give them long-term sentences and then watch the population of criminals, the peddlers of this dope, decrease. It is time to stop coddling the crime syndicates and their peddlers and pushers.

The Navy has an excellent film on the use of drugs and I had the opportunity of circulating that film last year to the schools in the Third Congressional District of Iowa. It is a tremendous film. That educational program is already going on. I do not see how you could do a better job of educating the youngsters of this country, those of high school age and younger, to the dangers of dope than with visual aids of this kind.

I will go along with this bill for what it can do in the next 3 years, but unless it shows real results, as one Member of this body I will have no hesitancy in cutting down the appropriation or abolishing the program altogether.

I am sick and tired of building up a bureaucracy that fails to produce results. I am convinced that the answer to this question is strict and drastic law enforcement for those who peddle narcotics and drugs, but the situation is such that I will join in this attempt.

Mr. Chairman, I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we do have a great problem of drug addiction throughout our country.

LSD perhaps has become more familiar as a dreadful drug than any other in the past year or two. We have not known much about LSD until recently, but our Navy and other branches of the armed services have issued educational films which have been used throughout our country. Education as to what LSD causes has resulted in a lesser use of this drug.

Mr. Chairman, I feel that one of the things we must do is to educate the people of our country as to what drugs actually do to the person. For instance, we know that LSD does affect future generations, and that it does affect the genes, the genes of young people, so that when they marry their offspring are liable to be crippled or disabled. The knowledge of the fact that LSD does this has resulted in a lessened use of the drug throughout the country.

I feel that education as to the effect of other drugs will be extremely helpful.

As for marihuana, there are some people who are taking perhaps a more liberal attitude on that particular drug. It too is a dangerous drug, but we should know more about it.

If we read the history of this drug, we find that it is what is called cannabis Indica; that in ancient times it was known as hashish, which is another name for "assassin," and that actually as far as we can go back in history people would smoke hashish, and then they would go out and assassinate people.

I am saying that this is a dangerous drug. It is called by some "pot," "muggles," and by various other names, and as I say it, too, is a dangerous drug.

Many years ago I had a young friend who meant to go to medical school with me. He was a user of this drug, and before he entered school he became depressed and committed suicide.

It is my feeling, Mr. Chairman, that better education of the young people throughout our country will result in a lessened use of the dangerous drugs when they know how the drugs will affect them and their progeny.

Mr. Chairman, I strongly support this bill, and I urge the enactment of the legislation.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated $7,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971, and $12,000,000 for the fiscal year beginning July 1, 1972 for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 4. (a) From the sums appropriated pursuant to section 3, the Secretary of Health, Education, and Welfare, hereinafter referred to in this Act as the "Secretary", shall assist in educating the public on the problems of drug abuse by—

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for—

(A) projects for the development of curricula on the use and abuse of drugs, including the preparation of new and improved curricular materials for use in elementary, secondary, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curricula described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult education programs involved in pilot projects described in paragraph (1) (B);

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders;

(4) making grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Secretary may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

APPROVAL OF APPLICATIONS

SEC. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) provides for carrying out one or more projects or programs eligible for assistance under section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 4, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

INTERAGENCY COORDINATING COUNCIL ON DRUG ABUSE EDUCATION

SEC. 6. (a) The Secretary shall establish an Interagency Coordinating Council on Drug Abuse Education which shall consist of the Secretary (or his designee) as Chairman, the Attorney General (or his designee), the Commissioner of Education, the Director of the National Institute of Mental Health, and with the consent of such other Departments or agencies as the Secretary may from time to time designate as having a substantial interest in the field of drug abuse education, representatives of such Departments and agencies.

(b) The Council shall advise in the coordination of the respective activities of the Federal Departments and agencies concerned in drug abuse education.

(c) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other agencies and with other appropriate public and private agencies.

(d) The Secretary of Health, Education, and Welfare may not approve an application for assistance under this Act unless he has given the Interagency Coordinating Council an opportunity to review the application and make recommendations thereon within a period not to exceed sixty days.

ADVISORY COMMITTEE ON DRUG ABUSE EDUCATION

SEC. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Drug Abuse Education, which shall—

(1) advise the Secretary concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 4 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Drug Abuse Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents and others familiar with drug use and abuse. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 8. The Secretary of Health, Education, and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

PAYMENTS

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 11. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. KYL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support this legislation, but frankly I am not optimistic about the ultimate benefit of the program. We tend to put too much faith in book learning. Too frequently, finding ourselves without solutions to problems, we actually hide behind education as a panacea.

I am perfectly willing to give the proposition a chance. Perhaps what I am really saying is, I hope we will not consider that this bill is the answer to the entire problem.

In this day the school itself has a great amount of competition from other factors in the business of education. We had some startling figures a week or 2 ago showing that the average youngster probably spends more time watching television than he spends in the classrooms. It is suggested, according to current figures, that by the time a teenager is ready to attend college, he has spent more time watching television commercials than he will spend in the classroom in college obtaining his baccalaureate degree.

This is one example of outside school education, audiovisual education. And remember, audiovisual education has great impact in or out of school, but the in-school proposition bothers me even more, because education in schools is certainly more than book learning. In every learning situation there are concommitants—development of habits, attitudes and motivations. Employing oversimplification, I think it might be said that book learning develops the intellectual being and the concomitants develop the human being.

It is one thing for a student to learn the answer to such questions as, What are drugs? What are the effects of drugs? That is the easiest part of this business of drug education. Much more difficult is the development of character and the values of things, the nature of which are so inherently a part of the drug problem.

The matter of drug abuse, of course, is a single thread of this whole fabric of today's living and I do not think it can be successfully isolated and treated. Let me be specific. One detail which will inevitably be a subject of discussion is the potential hazard of marihuana. When we debate the penalties for the use of this product today, we argue quite generally that the present penalties are too severe. Automatically, this suggestion connotes that the use of marihuana is not as hazardous as we have said in the past—and this is not true at all.

What we are really arguing is that if the penalties for the violation of any law are too severe, they will not be imposed consistently.

Marihuana is probably nonaddictive, yet we know that many present narcotic addicts started on marihuana and many still use grass. Others got their first shot of heroin while under the influence of a nonaddictive drug.

One of the toughest questions I get when I talk to students is the one that comes from the youngster who says, "Why is marihuana worse than alcohol?" This is a hard and embarrassing question. We excuse alcohol in our society even though in terms of dollar costs and social costs it is absolutely the most expensive bad habit that we have.

If marihuana is one-half as costly as alcohol, in those same terms—who needs it?

There is another difference. There are very few individuals who imbibe for the purpose of getting drunk. But every single individual who lights a joint does so with the prospect of getting drunk from the use of marihuana.

So often the use of drugs is symptomatic of deep psychological and sociological problems. That is a valid statement. It suggests that what we really need in this business of education is more effective guidance and counseling effort in the schools and that this kind of attention to psychology might be a better route to follow.

As I said, this drug abuse is just a little part of the total illness of our society. In fact, it is a symptom as well as a problem in itself.

We have an instability in the land, a frustration, an uncertainty. As a Nation, we are close to paranoia. The reasons for the general condition are inherent in the reasons for the drug problem itself.

We have spent a lot of time and effort of late trying to figure out what we do not believe and in discarding standards felt irrelevant to today's living. What we really need now is an attempt to find out what we do believe, and until those beliefs and standards are established and accepted, we will have no stability or harmony. Until then, and in spite of all the book learning that bears on the subject matter of education, we are going to have drug problems and all the other problems which we have in this society.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday I raised the question as to how the Committee on Education and Labor determined its authorization figures for this bill, as it appeared as though the $7, $10, and $12 million figures authorized here were merely pulled out of the air. Today I am still concerned that authorizing committees prepare their cost analysis on a more rational basis so that when appropriating committees have to make their final determinations they have a reliable basis of information.

I want to point out, that I am not raising these questions because I oppose this bill or mean to downgrade the subject of drug abuse education. In fact, the contrary is true. I have a long and deep interest in this area. I have made the point many times as a member of the Subcommittee on Appropriations for the Department of Health, Education, and Welfare that funding for drug abuse education is necessary and that, when Government money is spent, we get the most for our dollar.

Funding for an important area of national concern such as drug abuse education is not really an issue here today. My concern is how the expenditure of these funds will be made. I think that it is important that Members understand how this money will be utilized and what educational techniques will be employed, because I feel that it is impossible for us to project budgeting for programs in education which may or may not be possible to implement, particularly when we have few prototypes from which to evaluate.

My principal concern in this matter is that, while we all know that education in the problem of drug abuse is essential and that this specter menaces every household in this country, we must have practical, workable, and well-designed programs in education to counter this grave threat to the fabric of our society.

While I am sure that this bill before us today will expand Federal efforts in drug abuse education, I wish to point out that there are and have been significant efforts made within HEW to attack this problem.

I have been aware of one such project conducted through the National Institutes of Mental Health for several years and have followed its preliminary planning, development, and progress with interest. Admittedly there are numerous techniques for informing and educating young people, parents, and officials about the problem. There are many methods and devices which can be employed.

On Saturday evening, October 25, in Washington, D.C., the Academy of Television Arts and Science presented two awards for documentary excellence to "The Distant Drummer." This series of special telecasts on drug abuse was produced by the George Washington University Medical Center, Department of Medical and Public Affairs, for the National Institute of Mental Health. These programs were conceived by Dr. Stanley Yolles, Director of the National Institute of Mental Health, and his staff to counter the countrywide problem of drug abuse. Murdock Head, M.D., professor and chairman of the Department of Medical and Public Affairs, was the executive producer of this excellent series.

This is the fourth such award received by this educator for outstanding documentary achievement. Previous awards have been received for programs on heart attacks and air pollution. The trilogy on drugs has also earned an award from the International Film Festival in Atlanta and is, I understand, presently entered into the Venice Film Festival competition.

"The Distant Drummer" series is only a beginning in what should be a major effort in education on the drug problem. Special films should be developed for every elementary and high school in the country. Educational films should be available to medical schools, physicians, educators, parent groups, teachers, and police officials.

The programs, produced by the George Washington University, have been translated into Spanish, Italian, and Japanese. These specials have consistently appeared in prime time in cooperation with county medical societies throughout the United States. These programs on the drug problem have presently been programed to over 175 cities and are scheduled to appear in over 200.

This timely series not only appears on prime time television once, but is rebroadcast on an average of three times in each city in educational time or as repeat programing. These films have been shown to professional meetings, civic groups, universities, public schools and to industry. It was estimated that the earlier program on heart attacks was shown over 700 times before counting was discontinued. Dr. Head holds degrees in dentistry, medicine, and law and has, in the past 10 years, developed a rapport with university centers, professional associations and broadcasters throughout the country. The American Academy of General Practice, the American Medical Association, the Student American Medical Association, the American Society of Medical Executives, and other professional organizations have cooperated in the distribution of these television specials.

One of the major problems confronting the Department of Health, Education, and Welfare over the past decade has been criticism of the Department to demonstrate to the professions and to the public the results of many important research efforts. For this reason there has been criticism of the Department stemming from the academic community, from professional organizations and from the Congress.

This effective communications technique in drug abuses has evolved from a decade of effort and has been followed by not only myself but by Melvin Laird, formerly of this committee, and by the late John Fogarty—all of whom had been interested in the development of a method for improving communications from the Department of Health, Education, and Welfare to the American citizen.

The George Washington University communications research project began modestly but has resulted in one of the most productive efforts in the field of science information. In my judgment, this remarkable record of production and distribution on the part of this university department should be commended. I hope that, based upon the important contribution to education of this project, it will be possible to encourage other members of the medical profession to devote full time to biomedical communications. While pure "bench" research in the classic sense is vital, if the appropriate information is not made available to, and accepted by, the professional—who is to utilize the results, or to the public, who is the ultimate consumer—effectiveness of such research is greatly reduced.

Many of the problems arising in our environment—such as population, pollution of our cities, mental health, and others—involve controversial areas which preclude the utilization of the existing information resources of the Department of Health, Education, and Welfare. This purpose can best be accomplished by such a scientist who is also a professional communicator. The Department of Health, Education, and Welfare cannot buy the television time required for these programs. They can best be distributed by this association with local professional organizations and civic groups to achieve maximum visibility and acceptance.

Is is my understanding that a grant has been approved for the continuation of this fine effort in other important areas of mental health, including suicide and alcohol, as well as environmental problems. As a member of the Subcommittee on Appropriations, I look forward to following the development of these new programs and expect they, too, will be of similar quality and afford the impact that the series on drug abuse has provided.

In conclusion, I wish to commend Dr. Stanley Yolles, the National Institute of Mental Health staff; Dr. Murdock Head; and the Department of Medical and Public Affairs of the George Washington University Medical Center for their outstanding contribution to the education of the American physician and the public on one of the most dangerous and troubling problems of our society.

(Mrs. HANSEN of Washington (at the request of Mr. MEEDS) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. HANSEN of Washington. Mr. Chairman, I am delighted to join my distinguished colleague, the gentleman from the great State of Washington (Mr. MEEDS), in urging the adoption of H.R. 14252. Mr. MEEDS' service on the Education and Labor Committee has been outstanding, but his leadership as principal sponsor of the proposed Drug Abuse Education Act of 1969 is singularly commendable.

No greater problem faces our Nation today than drug abuse. No solution is more reasonable than education. This Nation must shut off the human demands for drugs. This can only be accomplished through enlightenment. We must strike down the prevalent ignorance about drug abuse.

Through Federal grants and contracts to local educational agencies, the bill provides for programs to be devised and funded to train teachers, lawmen, and other officials who, in turn, will carry truth about drug misuse to children and their parents.

The moneys involved—$7 million next year, $10 million and $12 million the succeeding 2 years—is a modest price tag for this program. The scars, tragedies, and deaths from drug abuse which we see increasingly these days are greater payments.

Each of us has heard the demands for a fresh approach to combating drug abuse. This bill, which I am pleased to cosponsor, offers that new look through education. I urge my colleagues to support H.R. 14252, for the need is great.

To point up the widespread human tragedies of the problem, I quote here a news story appearing in the October 24, 1969, edition of the Longview, Wash., Daily News:

ARTICLE BY GENE HANDSAKER

HOLLYWOOD.—A letter from Magnolia, Ill., said "On Memorial Day I buried my 20-year-old son. He, too, was murdered by LSD . . ."

From Honolulu: "May the youngsters of this world take heed of your brave and magnificent words . . ."

From Richmond, Calif.: "You have brought me and my family many hours of smiles and happiness. What can we do for you now?"

Such is the mail pouring in for television star Art Linkletter—25,000 letters in the last 10 days, he told President Nixon and congressional leaders Thursday—after his daughter Diane's death.

Twenty-year-old Diane, youngest of his five children, died Oct. 4 in a plunge from the kitchen window of her sixth-floor apartment.

From rich and poor, young and old, prominent citizens and obscure, the letters to Linkletter express sympathy, sorrow, concern—and admiration for his forthright blaming of LSD immediately after the tragedy.

"What a fine person you are, to make the story known to all of us who have young people in our homes," says a letter from Columbus, Ohio.

Some letters, telegrams and telephone calls request speaking engagements. Some letters say, "God bless you," or "tell me what I can do to help" with the drug problem.

Some say, "Please write to my son." These are from parents who know their children are involved with drugs but don't know what to do.

"Frankly, I can't tell them what to do because I don't know," Linkletter, 57, told the two-hour White House meeting on the President's proposals dealing with drug problem.

Linkletter said at the meeting that his daughter "leaped to her death in a depressed state from bad LSD trips six months before . . . She thought she was losing her mind."

He urged that an educational program be aimed at both parents and pupils beginning in the fourth, fifth and sixth grades.

In Hollywood, meanwhile, three secretaries continued opening and answering the letters. Some are from college officials, ministers, bankers, doctors, lawyers, judges. All the letters express sympathy.

Anxious parents included one in Chicago: "Please advise me what course to follow as I'm so worried and fearful of my daughter's future."

Neptune Beach, Fla.: "My daughter is 17 and on LSD. It is wrecking her life and health. If you can send me any advice of any kind, I will appreciate it greatly."

Georgia: "My 17-year-old son has been in jail for over a month awaiting trial for possession and selling of LSD. We are a low-income family. He got started on it from a small salary he made from working at a drive-in."

Another Georgian knows the Linkletters' grief first-hand: "I also lost a daughter who jumped from a 17-story building."

Van Nuys, Calif.: "My son, who would have been 18, took his life by hanging from taking LSD."

San Diego: "I have lost two children to dope, a son and a daughter. They are still alive in body, but I know they have no conscious life left."

San Antonio, Tex.: "My 27-year-old son is taking some kind of narcotics. It caused my husband to die of a heart attack."

Panorama City, Calif.: "My son's last downfall was an overdose of LSD . . . This boy is what they term a vegetable, totally disabled, only 25 years old and finished."

Other letters have a religious tone.

Charleston, S.C.: "Perhaps Diane's death is God's way of calling you to accept the great challenge of your life."

A fourth grader, Astoria, Long Island: "We in our class offered prayers for your family and especially Diane . . . You always loved children and made them happy."

Many letters express admiration for Linkletter.

Indianapolis: "With all my talking, all my pleading to warn my four children of the dangers—it surely has meant more coming from you."

(Mr. HANNA (at the request of Mr. Meeds) was granted permission to extend his remarks at this point in the Record.)

Mr. HANNA. Mr. Chairman, last April the citizens of Garden Grove, Calif., held a series of three "town hall meetings" on the mounting drug abuse problem in their community. At first there was some skepticism—there were some who doubted Garden Grove had a problem.

However, an enterprising reporter for the Orange County Evening News dramatically demonstrated the depth of the community's problem when he purchased an assortment of dangerous drugs from a young pusher in front of the city's main high school. With this, all doubts were cast aside. Concerned parents literally jammed the high school auditorium the night of the first meeting. They were treated to quite a demonstration.

Teachers, law-enforcement officials, students, clergyman, and the enterprising Evening News reporter told a frightening story to the assembled parents.

Reporting on the easy availability and shocking assortment of dangerous pills; children in junior high school "freaking out" and overdosing, bad "trips," "bummers," and horror stories that could easily have come from the pen of Poe; the citizens of Garden Grove were brutally jolted from their former apathy.

In two subsequent meetings, panels of local experts, including some young addicts, possible solutions were discussed.

The overwhelming consensus of all those who participated in the community "awakening" was the urgent need for new and intensive education programs. Education about drugs, their use, their availability, rehabilitation, causes for addiction—everything connected with the problem was lacking, and if this community was going to be successful in meeting this challenge, a program had better be put together. This was Garden Grove's conclusion. And I am convinced that this is the conclusion of thousands of other communities like Garden Grove.

To answer this need, the Drug Abuse Education Act of 1969 was conceived. When Garden Grove citizens started examining available resources for an intensive program—they found none. Local resources were already exhausted, little if anything was being done by the State—so they turned to Congress as are millions of other Americans on this issue.

The bill we are considering today will provide funds to communities like Garden Grove. With these funds, local educators and law enforcement officials will be able to provide creative, carefully prepared educational programs designed to get across the message of the dangers of drug abuse.

Three million dollars is authorized for the first year of operation, with increases, as the program expands, to $10 million. The scope of the problem requires immediate attention and massive funds. The modest approach in the bill will probably forestall an impressive immediate impact, but it is a good first step and deserves the full support of the House.

At this point I would like to include a statement by Daniel P. Casey, regional director, U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs. The statement provides some insight to the extent of the problem in my home State of California:

Statement of Daniel P. Casey, Regional Director, U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs, Before the Congressional Ad Hoc Committee, San Diego, Calif., July 11, 1969

I would like to thank the members of this committee for their invitation to appear today to discuss the current narcotic and dangerous drug problem in California and the efforts of the Bureau of Narcotics and Dangerous Drugs to combat this problem.

It is difficult to assess analytically the magnitude of the drug problem in California because of the problems involved in adequately counting the number of drug addicts and drug abusers. Until January 1, 1968, the State of California maintained excellent statistics on the number of hardcore narcotic addicts, based on a one hundred percent sampling of drug arrests within the State. As of January 1, 1968, this figure was quoted as 23,676. Since that time, because of the increasing volume of drug arrests, the State had to revert to a thirty percent sampling in 1968 and, this year, to a twenty percent sampling. This addict figure has continued to climb, according to some experts, at a minimum of two hundred additional addicts per month.

To estimate the number of individuals who have used marihuana, cocaine, LSD, methamphetamine and other dangerous drugs, is even more difficult especially when one considers the grey area between the one time casual user and the habitual user. Without question, the abuse of these drugs constitutes an extremely serious problem in the State of California. For the benefit of the committee, I would like to discuss briefly the principal drugs of abuse in California with particular reference to their origin.

Most of the heroin consumed in California is illegally smuggled from Mexico. This heroin is usually of Mexican origin, however, some is transshipped via Mexico City from France and is of Middle East origin. I would like to point out to the committee that all current estimates indicate that the Far East is playing a more important role as a source for the heroin users of the United States.

Virtually all of the marihuana that appears in California is of Mexican origin. This statement holds true not only for California but for the balance of the United States. There has been a definite trend in the past year on the part of the habitual marihuana user to shift to a more potent derivative of the marihuana plant: namely, hashish. Hashish is the resin of the marihuana plant and is considered to be ten times more potent than marihuana. Large seizures of hashish have been made in California during the past year and the source has been identified primarily as Lebanon and secondarily, Morocco, Israel and India. To date we have no evidence that Mexico is a source of supply for hashish.

Lysergic acid diethylamide (LSD) appears in large quantities on the illicit market in California, and usually is a product of clandestine laboratories in the United States and Europe. There is no direct evidence at the present time that Mexico is a significant source for this product.

One of the most dangerous and most frequently abused drugs in California is methamphetamine, better known as "speed." The illicit source of this product is clandestine laboratories in the United States and to a lesser degree, diversion or burglaries from legitimate stocks in the United States.

Cocaine is appearing in the illicit traffic in California in increasing quantities. This drug originates in South America and is frequently trans-shipped into the United States via Mexico.

According to recent statistics released by the State of California, there has been a marked increase in dangerous drug violations in California and two of the more important drugs of abuse in this category are the amphetamines and barbiturates.

Our investigations to date indicate that some significant seizures of amphetamines from illicit market in California are of United States manufacture, legally exported to Mexico, diverted and smuggled back into the United States. We have also encountered several instances of clandestine manufacture of the product in Mexico.

The illicit source for the barbiturates in California closely parallels that of the amphetamines in that in some instances the drug is of United States manufacture legally exported and smuggled back. There have been several reported instances where barbiturate powder, originating in the United States or Europe, finds its way into illicit channels in Mexico, is capsulated and smuggled into the United States.

There is a twofold reason for the existence of the problem relating to amphetamines and barbiturates. First, there is inadequate export control in the United States, and secondly, there are no laws in Mexico controlling the regulation, importation or distribution of those drugs.

It is the opinion of the Bureau or Narcotics and Dangerous Drugs that new legislation should be drafted to control the exportation of dangerous drugs from the United States. Hopefully, by controlling the flow of dangerous drugs out of the United States, the bureau will be able to stop the consequential illicit flow of such dangerous drugs back into the United States.

We have also been advised that legislation has been drafted in Mexico, to control the production and distribution of dangerous drugs in that country and is currently awaiting introduction before the legislature in Mexico.

The principal goal of the Bureau of Narcotics and dangerous drugs is to change the present escalation of the mis-use of dangerous substances, to deescalate this trend and minimize the social misery attendant with drug abuse. Hopefully, this minimization can be effected by:

1. Vigorous law enforcement directed against major drug sources both in the United States and in foreign countries identified as sources for the United States.
2. Education.

3. Research.

To achieve our enforcement mission in California, we have set as one of our primary objectives, the development of criminal cases in Mexico against sources of supply responsible for the introduction of narcotics, marihuana and dangerous drugs into the United States. Such cases are developed in cooperation with Mexican Federal Judicial Police in the Mexican border cities adjacent to this region. As a result of information reported to Mexican authorities by our bureau 56 defendants were arrested in Mexico in 1968 and the following drugs were seized: 5 tons of marihuana, 5½ kilograms of heroin, 10 kilograms of opium and ½ kilogram of cocaine. The Bureau of Narcotics and Dangerous drugs has received excellent cooperation and intelligence from local, state and other Federal agencies toward the identification and apprehension of major sources of supply in Mexico.

One month ago today meetings were concluded in Mexico City between a United States delegation led by Richard G. Kleindienst, Deputy Attorney General of the United States and a Mexican delegation headed by Julio Sanchez Vargas, Attorney General of Mexico. Both governments agreed that an increased enforcement effort was necessary to deal with the border narcotic problem.

I would be remiss if I did not point out to the committee that our enforcement efforts in the United States and in Mexico are only a partial solution to California's problem. In the decade of the sixties, we have witnessed an unparalleled shift of drug abuse from the ghettos to the middle class and to our affluent citizenry.

Recently, John E. Ingersoll, the director of our Bureau succinctly stated the problem as follows:

"And for some reason that you and I do not understand, literally hoards of young people from all walks of life, shed their clean clothes, their beautiful homes, their sports cars, their money, their material things, their parents, and just walked out of society."

I submit to the members of this committee that these young people who walked out of society and into a drug sub-culture, made their decision despite California's proximity to the Mexican border and not because of it. In my judgment, education is our real hope to reach today's youngsters, so that they may be adequately informed as to the dangers and possible consequences of the uncontrolled and indiscriminate use of drugs. Despite the most vigorous enforcement efforts of the United States and Mexico, we will still not have touched the root causes of why our youth rebel against the establishment and express this rebellion, in part, by the misuse of drugs and all the other manifestations we find so disturbing as this decade closes.

AUSTIN GERIATRIC CENTER, INC.—NONPROFIT CORPORATION PROVIDING HOME FOR ELDERLY

(By unanimous consent, Mr. Pickle was allowed to speak out of order.)

Mr. PICKLE. Mr. Chairman, the wire services this morning carried comments about a proposed geriatric center for old folks in Austin, Tex. In my opinion, the inferences made by a prominent public official was a low blow against a very worthy and humanitarian project.

That project is in my hometown, and I would like to set the facts of the matter straight.

The project is a plan to build a home for the elderly poor folks. A public nonprofit organization intends to build and operate it. The home will also serve as a research center with the cooperation of the Texas educational system, particularly the University of Texas. The nonprofit organization is headed by Frank Erwin, chairman of the board of regents of the University of Texas. The other two directors are Roy Butler, president of the Austin School Board, and John Burns, a local civic leader and president of the City National Bank of Austin, and a member of the Austin Public Housing Authority.

The home will be built on land given free by the people of Austin to the Federal Government at the request of the then Congressman Lyndon B. Johnson, a number of years ago, for the construction of a fish hatchery. After 30 years of operation, the Department of the Interior recommended that the fish hatchery be abandoned and the land was returned to the people of Austin as the site of a model home for old people.

Actually, the site has another purpose as well—3½ acres has been used to develop model low-cost homes in the $5,000 to $8,000 range for poor families.

This demonstration housing project attracted national attention when it was dedicated last fall. It was the forerunner—a full year ahead—of Operation Breakthrough which we hear so much about these days. President Johnson was there to dedicate it, at my request. The local and national press covered it. I wonder why the news took so long to reach Delaware?

The central fact is that this is a nonprofit corporation involved here. The three public-minded citizens serving as directors serve without pay, as will other public-minded citizens who will be added once construction of the project is underway. In no way can they benefit financially from this project.

The nonprofit corporation was deliberately set up to prevent that.

The State of Texas understands that. The Texas Legislature, in recognition of the humanitarian nature of the project, specifically relieved this nonprofit corporation from payment of State and local taxes in this particular instance. The city of Austin granted a zoning permit. So the people of my district know its value to the community. Perhaps even the critics, who have suddenly appeared, know the truth, really. But they find it hard to pass up a chance at a headline.

It is difficult for me to understand how people who raise no objection to this land being used as a hatchery for fish object to its being used as a home for our senior citizens in the twilight of their lives. I say shame on those who cast aspersions by innuendo.

This is a very poor way to bring us together, and I hope we will not later find that the genesis of this Senator's speech came from highly placed political sources in the executive department.

Mr. Chairman, Mr. Frank Erwin, the distinguished chairman of the board of regents of the University of Texas, made a statement in Austin yesterday that sets forth the full truth of this situation, and I insert it in the Record:

Statement of Frank C. Erwin, Chairman of the Board of Regents, the University of Texas

Last year, a group of Austin businessmen formed a Texas non-profit corporation to build and operate in Austin a home for the elderly poor—both sick and well.

One of the primary purposes of the home is to be a research facility for the use of The University of Texas System, with the research to be conducted through contracts between the non-profit corporation and The University of Texas in the fields of medicine, nursing, psychiatry, psychology, social work and other related areas.

This public non-profit corporation, The Austin Geriatric Center, Inc., applied for and received through Title II a tract of land in Austin that had been declared surplus by the federal government.

This land was held by the federal government as a fish hatchery site, having been given to the federal government by the people of Austin. The government in this action returned it to the local public non-profit corporation to be used for the benefit of local residents as a home for the elderly poor. That land is presently held by the public non-profit corporation in exactly the same condition as it was when it was received.

The public non-profit corporation also applied for and received approval of the Department of Housing and Urban Development a grant to assist in conducting the proposed research into the problems of the elderly poor. Since the grant was an operating grant and the center has not yet been constructed, no part of that grant has been given to the corporation by the Department of Health, Education and Welfare.

The public non-profit corporation also applied to HUD for an FHA loan to cover the construction cost of the building. A commitment was received for the loan, but no construction contract has been executed. And no money has ever been advanced by the federal government under that loan commitment.

Indeed, the public non-profit corporation has never received a single dollar from any source and has never paid out a dollar to anyone for any purpose, because thus far all the services rendered in connection with this project have been donated without a cost to the corporation.

The public non-profit corporation was structured in such a manner that no one can benefit financially from this project. This humanitarian endeavor was recognized earlier this year when a Texas Legislature adopted legislation relieving this non-profit corporation from payment of state and local taxes.

Senator Williams has seen fit to suggest—at least by implication—that there is something improper or unethical about this worthy project. This is most unfortunate because the project was conceived with nothing but the highest motives and has thus far been carried on in a manner above reproach.

As a matter of fact, this entire project has been reviewed several times throughout 1969 by the federal departments of Housing and Urban Development and Health, Education and Welfare. During these reviews this year no question has ever been raised concerning the propriety or legality of this worthwhile project.

We welcome any investigation by the Justice Department or any other appropriate agency of the federal government and urge that such an investigation be conducted promptly so that this humanitarian effort can become a reality without unnecessary delay.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. GONZALEZ. I wish to commend the gentleman from Texas—from Austin—and to join him in this plain act of justice in resisting a shoddy, malicious attempt to embroil a former President of the United States in what the local press here attempts to describe as a shoddy affair, an attempt to gain Federal property.

We are all grateful to the gentleman for presenting the true facts to the House.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 14252.

Mr. Chairman, drug abuse in the United States is reaching alarming proportions. Millions of young people—young people living in our urban slums, in our affluent suburbs, in small towns—are experimenting with drugs ranging all the way from marihuana to morphine.

Medical evidence accumulated over the past decade shows that they are flirting with a host of psychological and physiological disorders—in some cases, even with death. Drug abuse takes many forms, cutting across all social and economic boundaries. It means a college student smoking marihuana in search of the elation he finds lacking in everyday life, a high school boy swallowing pep pills to keep alert during final exams, a slum girl shooting heroin to escape the bleakness of her existence.

Drug abuse, however, is not confined to the young and impoverished—not to the fraternity party or the back alleys of a ghetto.

Drug abuse is so commonplace today that it ranks as one of our major health problems—indeed, perhaps our single most pressing health problem.

The best way to combat this problem is through education—through a frank and straightforward presentation of the facts on drug abuse. No young people—nor people of any age, for that matter—will be moved by pious homilies or angry exhortations. The Surgeon General's report stopped more people from smoking than all the righteous platitudes of the past half century.

A striking example of the kind of educational program this country needs is the drug abuse conference scheduled for next week—November 4, 5, and 6—in my congressional district. Sponsored by the public school system of Springfield, Mass., and open to educators from Springfield and its surrounding communities, the conference will explore virtually every aspect of drug abuse ranging from narcotics addiction to experimentation with marihuana. I arranged for Dr. Joel Cantor, Assistant Director of the Center on Drug Abuse within the National Institute of Mental Health, to deliver the keynote address at the conference. I further arranged for the distribution of NIMH instructional materials on drug abuse at the conference and to school systems throughout my congressional district.

The bill now before us—the Drug Abuse Education Act—would help create many more conferences like the one I have just cited.

This legislation concentrates on the preventive approach to drug abuse, coordinating the efforts of public and private groups to put a stop to desires for experimentation with dangerous drugs. The bill goes further than just dealing with the potential drug user—the young person. It aims at educating his family, his community, and—most important—his teachers.

Today, drug abuse is most alarming because it strikes primarily at the younger generation. Statistics on a national scale are at best approximations. In 1967 the National Institute of Mental Health put college users of marihuana at 20 percent. A Gallup poll of college students conducted last month showed 22 percent saying they had tried marihuana. Some local studies show usage of dangerous drugs by college students over the 50 percent mark.

Of 539 persons arrested within a New York suburb for drug abuse offenses in 1967, over 60 percent were in the 16 to 20 age group, 85 percent were 16 through 24 and 95 percent were 16 through 29.

We do not have to look at statistics to know that drug experimentation and even regular use has become a fashionable and accepted phenomena in the world our young people inhabit. It is no longer confined to the antiestablishment hippie group but has reached through to young people of a more conventional outlook. It is not confined to particular socioeconomic backgrounds, but reaches the rich, the poor, the urban, suburban, and rural.

In an alarming study, "Drugs and Students," Richard Blum describes the trend thus far and projects future trends concerning drugs and our young people:

> What we see now is a rapidly increasing tempo. While it took approximately 10 years for experimentation and use to shift from older intellectual-artistic groups to graduate students, it took only an estimated 5 years to catch on among undergraduates, only 2 or 3 years to move to a significant number of high school students, and, then, within no more than 2 years, to move to upper elementary grades.

Blum points out the marihuana is by far the most widely used drug—and it is considered the least potent—but "as the base number of marihuana-experienced students expands, so does the proportion willing to risk LSD, DMT, STP, opium, heroin, methamphetamine, and the like."

Why the fascination with drugs on the part of our young people? There seems to be no clear reason—flouting parental authority, disenchantment with the "establishment," a feeling of being part of an "in" craze. It has ever been suggested that the publicity given to drug abuse by the mass media may lead to experimentation to see "what the story really is." The most important realization we must come to is that drug use is accepted by a large portion of the young generation with apparent disregard to its consequences. We must fight this acceptance through an extensive educational program alerting our young people to the facts about drugs and their dangers.

In 1963, the President's Advisory Commission on Narcotics and Dangerous Drugs concluded that "—a critical need exists for an extensive and enlightened educational effort on drug abuse," and commented on the distorted attitudes about the problem that cloud the thinking of not only the general public but even many professionals. The Commission also stressed that an effective education program should concentrate on the teenager who may see drug abuse as an escape from the world around him or as an entrance to his peer world. Finally it called for the Department of Health, Education, and Welfare and the Federal Bureau of Narcotics to be responsible for dissemination of educational materials concerning drugs.

Subsequent efforts in drug abuse education at the Federal level have obviously been unsuccessful or at least have not been commensurate with the magnitude of the problem. In 1967 the President's Commission on Law Enforcement and Administration of Justice recognized that Federal activities in the area of drug education were not sufficient and recommended an intensive program administered chiefly by one agency.

Education should be our most immediate concern in grappling with the problem of drug abuse because it is the way we can most immediately help prevent its expansion. There seems to be a credibility gap between the younger generation and their elders as to the real dangers of drugs. Perhaps this is because past educational efforts have been pervaded by ignorance and fear of drugs, or by sermonizing on the part of people who simply argue that drug experimentation is bad because it is illegal. No wonder these programs have had such little impact when often the student knows more about the subject and even may have a more enlightened approach than the teacher.

Our primary concern should be to develop curriculums that is unclouded by uninformed prejudices against drugs and that intelligently presents the facts—why people take drugs; the dangers to the body and to the mind, from casual experimentation to regular usage; the effects of the different kinds of drugs and the varying degrees of danger they pose; and the laws against drug abuse and their penalties. Teachers must be well educated in the subject matter so that they will be able to carry on a dialog with the students, gaining insight into their reasons for turning to drugs.

This cannot be done with movies or with a single lecture. This is the general posture of drug education today, which we know is ineffective. Ongoing programs should be developed, suitable for the different age levels we are trying to reach. Experts in the various disciplines concerned, especially educators, should have the means and the encouragement to produce these kinds of intensive programs.

Recently, we heard the tragic account of the death of Art Linkletter's daughter resulting from an experience with the dangerous drug, LSD. Courageously, Mr. Linkletter has since led an active personal campaign against drug abuse. Only last week he met with the President and a number of our congressional leaders, strongly urging intensive educational programs on drug abuse from the fourth grade up throughout the country. He also admitted that he did not know what to tell parents to prevent such tragedies in their own families.

Here we see the importance of education going beyond the schools into the homes and the communities. Parents should be just as aware of the dangers of drugs and the reasons behind their use as their children are. They should especially be aware that the problem is just as likely to strike their own child as it is their neighbor's. The problem may be averted if the communications barrier between parent and child is broken. The family and the community must be able to listen to their young and their problems, understand, and be able to offer advice and alternatives to drug usage. Only in this way can we attack the cause and avert the consequences.

The Drug Abuse Education Act of 1969 has provisions meeting all of our needs in the area of drug abuse education—curriculum development at all levels, training of educators, and family and community educational programs. Furthermore, it coordinates the resources and activities of the Federal Government in drug education throughout the Interagency Coordinating Council on Drug Abuse Education. I think this bill offers a real chance for effective preventive measures in combating drug abuse, especially among our teenagers. I urge its passage.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 2, line 22, after the word "appropriated," insert the words "not to exceed"; on line 23, after "1970", insert the words "not to exceed", and on line 24, after the word "and" insert the words "not to exceed".

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say to our distinguished friend from Iowa (Mr. Gross) that the amendment at the bottom of page 12 is self-explanatory, it merely makes clear that the figures for the fiscal years 1971, 1972 and 1973 are "not to exceed" the amount authorized by this section.

We accept the amendment.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I would only say I offered the amendment because I did not feel that justification had been submitted for these individual figures of $7 million, $10 million and $12 million over the 3-year period. I want to leave the Appropriations Committee some elbow room, when they hold hearings, as I assume and hope they will, on the matter of appropriations to fund this bill. For instance, half the current fiscal year will have elapsed before this legislation is enacted and therefore there should be no requirement for all the $7 million.

As the gentleman from Illinois (Mr. Michel) the ranking Republican member of the subcommittee has said, the committee will consider this appropriation and seek justification through the process of establishing what programs and what procedures it will be necessary to finance.

I thank the gentleman.

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words.

I merely wish to state that our side has no objection whatsoever to the amendment offered by the gentleman from Iowa (Mr. Gross).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The amendment was agreed to.

Mr. ADDABBO. Mr. Chairman, I wholeheartedly support H.R. 14255, the Drug Abuse Education Act of 1969, which authorizes the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs.

As a cosponsor of this bill there is no doubt that one of the most immediate concerns today for parents is the health hazard presented to their children in the illicit use of drugs by the youth of this country. Part of the reason for the widespread drug experimentation by the youth is the lack of factual information available as to the relative dangers of various drugs. From testimony presented to the committee, drug abuse is not limited to any age group. While it is primarily aimed at youth, its use by others in all age brackets is also growing at an alarming rate.

Congressional approval of this bill will not solve the problem overnight but it will be a step in the right direction in that educational programs will be initiated to tackle the drug abuse problem. Our schools, as well as our community organizations interested in these programs, are in need of trained teachers, materials, and research and evaluation on the effects of the use of these materials. Passage of this bill will make this possible.

Mr. Chairman, at my own cost and expense, I had a pamphlet prepared and distributed to the people in my district regarding drug abuse, entitled: "Death From Within." I had a very good response from my constituency, and I will be happy to provide my colleagues with a copy of my pamphlet.

Mrs. REID of Illinois. Mr. Chairman, I rise in support of H.R. 14252, which seeks to help eliminate drug abuse by striking at the heart of the problem—the lack of knowledge on the part of the average citizen, young or old, on the dangers of improper drug use.

Accurate statistics on the percentages of college and high school students as well as older persons who have experimented with LSD, marihuana, hashish, and other drugs, are difficult to obtain, but it is undeniably clear that abuse is on the increase. The importance of preventive education as a control measure in this situation has been widely recognized and many agencies within and outside of Government have taken an active role in developing educational programs. But up to the present time these programs have consisted of scattered undertakings, mostly on a pilot level, divided among areas and related to each other only in a general way.

The purpose of the Drug Abuse Education Act is to establish a well coordinated and scientifically developed program of drug abuse education and information that will enable all sectors of American youth to receive information in the most effective and appropriate form. In my opinion, the provision in the bill to bring the education materials to local and State agencies through an assistance program specifically funded for this purpose is especially good since it is through such local agencies that much of the actual work of education must be carried out.

Following the tragic death of his daughter, Diane, who jumped out of her apartment window while in a depressed, suicidal frame of mind as a result of LSD experiments some 6 months before, Art Linkletter—the television master of ceremonies—has been speaking out in an effort to alert parents that their children may be tempted to take dangerous drugs and to shock the Nation into a realization that no family can consider itself immune from the growing problem of drug abuse. He said recently that "from the fifth grade up children should be grounded as thoroughly in the dangers of putting drugs in their systems as they are in walking across a super highway with their eyes shut." Mr. Linkletter is to be commended for speaking out in regard to the case of his own daughter to help prevent such tragedies from happening to other families.

We all know, of course, that the Drug Abuse Education Act won't make the problem disappear overnight. But our schools and communities cannot afford to stand by idly and allow young people to experiment blindly with their own self-destruction. Proper knowledge of the effects of drug abuse may serve to avoid many future tragedies. In my judgment, highest priority should be given to Federal programs to coordinate and disseminate such information as widely as possible and H.R. 14252 is an important step in this direction.

Mr. HELSTOSKI. Mr. Chairman, before this day is out we will pass a bill which will make an effective contribution toward resolving one of the most difficult problems that afflicts our present day society.

It is just impossible for us not to be aware of the fact that this Nation has a serious drug abuse problem.

There is much concern in this country because young people use drugs. Many thoughts have been put forth on this subject, yet no one seems to have the answer. So many factors come into consideration as reasons why we have the extent of drug usage and abuse by our younger generation.

As a cosponsor of this legislation, I feel that it represents a sound and constructive step in the proper direction. If we are to be successful in our attack on drug use, we must attack the problem in various ways: through law enforcement, rehabilitation, and education.

I am happy to associate myself to the gentleman from Washington (Mr. Meeds) in this legislation which will help us to find some of the answers to drug use. This bill aims squarely at the problem and we hope that it will begin to establish a foundation on which we can stimulate more action and an effective State and local effort and build an education program which can be truly responsive to a demonstrated need.

Progress in the education of our youth regarding the dangers in the use of drugs, through spot announcements sponsored by the mental health group, have been aimed to get the danger of drug abuse across to our youth.

The addiction and abuse of drugs is not confined to an isolated sector of our population. The problem which was once fairly limited to lower-income slum dwellers is now found in all levels of our society. The rich and the poor, the urban and suburban, the young and the middle aged of both sexes are involved. No segment of our population is immune from the intrusion of this means of moral decay and self-destruction.

The problem is also found in college campuses and in city and suburban elementary, junior and senior high schools.

The key to this entire problem is education which can unlock the door to root out the causes of drug abuse and narcotic addiction.

Mr. Chairman, the drug abuse and narcotic addiction problems strike at the very core of our society. These problems act like an unknown and underrated cancerous growth that is spreading over our Nation. It is impossible to live in this country today and not know about the drug abuse threat to our national health.

Education is the best hope that we have for combating drug abuse. Our children, the teenagers, the young adults deserve more in the way of protection from drug abuse than legal prohibitions. The bill pending before us offers them the tools to build their defense, knowledge and understanding.

Through education we can present new information and be in a good position to teach the population a respect for drugs. Drug respect is probably the only way to curb drug abuse.

Mr. Chairman, this is a bill which can be of great impact to our country, and I urge its speedy passage.

Mr. DELLENBACK. Mr. Chairman, no Member of this body needs to be told how serious the drug abuse problem in our country has become. In his July 14 message to the Congress, President Nixon highlighted the severity of the problem with one particular comment:

> It is doubtful that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse.

Perhaps the most frightening aspect of this statement is that, within the near future if not today, it can be applied to high schools as well as to colleges.

I strongly believe that enlightenment through sound and comprehensive education at every level will provide the best means of coping with our growing problem of drug abuse. To make this education available throughout the United States as soon as possible, I urge my colleagues to act favorably on the bill H.R. 14252 before us today, the Drug Abuse Education Act of 1969.

Current estimates show that more than 75 percent of those who have used marihuana are "experimenters" or first users. Since this statistic may well apply to users of narcotics and other hallucinatory drugs, we must face the question of why young people are apparently so willing to experiment with drugs. Cutting down on the illegal traffic of narcotics must be part of the battle against drug abuse; but we cannot win this battle without answering that question.

In my opinion, part of the explanation lies in the fact tht young people are simply not adequately educated on the potential dangers of using drugs even one time. Too often we have tried to assume that merely outlawing drugs would effectively minimize their use, but certainly the growing use of drugs in recent years has pointed up the fallacy of this assumption. Now we must face the issue squarely by trying to educate young people before they join the ranks of the "experimenters." As with so many of our Nation's problems, education can offer the best solution.

My colleagues, Mr. MEEDS, who originally introduced the bill, and Mr. BRADEMAS, who led the hearings on it in the Select Subcommittee on Education, are to be commended for their efforts in bringing the Drug Abuse Education Act of 1969 before us today. With numerous cosponsors from both sides of the aisle, H.R. 14252 is a bipartisan bill which deserves overwhelming bipartisan support from the House. The $7 million authorization for fiscal 1970 seems a relatively small price to pay for what this bill can provide. In my opinion, if we do not pay the price of prevention now, we will have to spend a great deal more for the tragedy of drug abuse in the future.

Mr. PODELL. Mr. Chairman, in the last several decades, the American people have reaped the benefits of preventive medicine. We no longer wait for illness to strike; whenever possible, we have instituted programs of immunization. Such farsighted planning has done much to restrict the spread of unwanted disease.

Drug abuse is now reaching epidemic proportions in our society. In 1967, some 62,000 active narcotic addicts were recorded by the Bureau of Narcotics and Dangerous Drugs. As chairman of the Joint Legislative Committee on Penal Institutions in the New York State Legislature, I received testimony stating that the number of addicts in New York City alone had reached the 100,000 mark. This figure did not include individuals who had become addicts accidentally or because of medical reasons. Because reporting is incomplete, the dimensions of the problem are even greater than they first appear.

Drug addicts are sick people unable to cope with their environment. They often turn to drugs for relief from their pressures without full knowledge of the consequences of such action. Yet the philosophy of preventive medicine has not yet replaced hand wringing as a response to the problem. I believe a meaningful program of prevention is the best cure for drug abuse.

The Drug Abuse Act is a good first step toward the goal of prevention. Harsher penalties for drug abuse have been notably ineffective in halting the spread of drugs. The junkie—the brazen middleman in the drug trade—will not surrender his lucrative business as long as there remains a ready market for his product. We must then act to decrease the size of his following.

A systematic program of information about the evils of drugs—their debilitating effects on the physical and mental capacities of the individual, the costs to society—seems essential. The scope of past programs of drug education strike me as unduly narrow in scope. I am glad to see that parents, educators, counselors, and public and private institutions will be included in this educational program. It is through these channels that much information reaches our youth.

The concern and action of Congress should not stop here. Self-congratulatory handshakes are not warranted at this time. Education is important, yet it will not totally eliminate the problem. The causes of drug abuse are complex; programs for prevention must be sophisticated enough to meet the challenges posed. If the supply of drugs reaching our shores were to be curtailed, diminished drug abuse would be likely to follow; if the junkie were eliminated as a drug source, our crime statistics might drop soaring; if imaginative rehabilitation programs were forthcoming, addicts might release their parasitic hold on society.

A new and comprehensive approach to the problem of drug abuse is needed. I am presently working on such a program and plan to introduce drug legislation in the near future. No family, no individual is fully immune from the evils of drug abuse. The roots and causes lie deep in our society. Before the epidemic spreads still further, I say it is time to practice a little preventive medicine.

Mr. EDMONDSON. Mr. Chairman, I support H.R. 14252 and commend the committee for bringing it to the floor.

There is an urgent need for reliable information and education on the serious drug abuse problems of the Nation, and this bill is a necessary first step to meet this need.

The able gentleman from Washington (Mr. MEEDS) has performed a significant public service by his leadership on this measure.

Let us hope the bill will be overwhelmingly approved by the Congress and effectively implemented by the administration.

The President has stated correctly that narcotics addiction is one of the Nation's most pressing problems, and has called for action to deal with it. I support his efforts all along the line to meet this growing danger, and urge the committees dealing with other proposals in this field to expedite their recommendations.

Everyone who has law-enforcement experience knows very well the longtime role of the narcotics trade and the narcotics addict in our crime problem.

This is a frontline in the war on crime in America, and we will not make real progress in the control of crime until we are making progress in control of illegal narcotics traffic and addiction.

Let us pass H.R. 14252 and get on with the job, all along the line.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge the House to overwhelmingly approve this measure now before us, H.R. 14252, the Drug Abuse Education Act of 1969.

The very title of the bill constitutes, in itself, a most convincing appeal for its speedy adoption.

Mr. Chairman, the unanimous authoritative evidence presented in support of this bill clearly and impressively convinces us that the most effective factor in controlling and correcting the abuse of drugs is complete and widespread knowledge and information about the terrible dangers of drugs to those who misuse them.

We are urged, by all these authorities, to project a Federal informational program and campaign, through the cooperation of teachers, doctors, nurses, the police, social workers, and every other level of contact, that will tell the American people, of all ages, plainly and sensibly that the misuse of drugs is as dangerous, in the dramatic words of Mr. Art Linkletter, "as walking across a superhighway with your eyes shut."

Mr. Chairman, the abuse of drugs is not, statistics show, confined to the young people, but it is, unfortunately widespread within this country and expert testimony advises us it is increasing at a rapid rate.

It is emphasized that the most effective way of stopping this abuse is to educate potential users about the ruinous and killing effects of drug misuse. That is the single purpose of this bill. By any standard of judgment, this measure represents a timely, prudent investment in the public interest and I hope it will be resoundingly approved without prolonged delay.

Mr. GARMATZ. Mr. Chairman, in connection with the bill before the House today to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes, I know you will be glad to learn of the concern of one of my young constituents on the subject of drugs.

Brian Blumenfeld, an eighth grade student at Herring Run Junior High School in Baltimore, Md., age 12, was so perturbed at the death of Art Linkletter's daughter as a result of her use of drugs, that he expressed his feelings in the following poem:

DRUGS

(By Brian Blumenfeld)

Maybe you think drugs do no harm,
Or maybe you think they work like a charm
Maybe you think, they make you slick,
Or maybe you take them "just for the kick".
You better think again.
Psychedelic posters on your wall,
Or maybe they aren't there after all,
Drugs can do many things
And once you try it, to it you will cling
Don't get hooked.
Maybe you think L.S.D. "makes you hip,"
But don't you think its all a big slip?
Don't you think it's a slip to the end of
your life?
It's just as deadly as a gun or knife.
Don't get hooked.
Don't become an "acid head"
Or maybe one day, they'll find *you* dead.

It is most encouraging to know that some of our young people realize the great danger involved in their use and I hope they will be able to influence many others.

Mr. GONZALEZ. Mr. Chairman, I support the drug abuse education act.

Like my colleagues, I recognize the rising amount of drug abuse in this country, both innocent abuse of ordinary medicines and the powerful abuse of drugs that have no known medicinal value. I am concerned not only by the increase in drug abuse, but also by the fact that the illicit drug traffic is changing in nature; there is a rapid rise in the use of so-called hard drugs ranging from heroin to the synthetic hallucinogens.

More is needed to combat this dangerous trend than simple law enforcement. Drug abuse must be stopped before it ever starts. It is far simpler to prevent drug abuse than it is to correct it.

Education is the best approach to the prevention of drug abuse. Education must be used to counter the ill-advised and misconceived preachings of such drug cultists as Timothy Leary, and to correct the widespread misbelief that drugs can be used without ill effects. This educational effort must be sufficient to reach every household in the land. It must be deep enough to impress upon every conscience the dangers of drug abuse. Above all, it must be honest in its approach; it would do little good to attempt to overcome with myths the myths of the drug cultists. Fiction will be recognized for what it is and discarded, but facts will be recognized for what they are. I believe that awareness of the dangers of drug abuse will go far toward reversing the present dangerous trends toward deliberate experimentation with dangerous, medically useless drugs, as well as abuse of valuable but nevertheless potent and dangerous drugs.

We have much to learn in this land about drugs. We need to start learning now.

Mr. BRADEMAS. Mr. Chairman, I want to take just a minute to comment on a matter that came up yesterday during the debate on the Drug Abuse Education Act in a colloquy between the gentleman from Missouri (Mr. HALL) and me.

The gentleman from Missouri misunderstood my observation in the debate to the effect that the evidence showed that very little instruction was given in great medical schools toward the training of our physicians as to the dangers of the abuse of dangerous drugs.

The gentleman from Missouri apparently thought that I had stated that the drug problem is not taught in our medical schools and that the medical profession has not done anything about it.

On the contrary, as I pointed out in debate, no witness was more effective in testifying before our subcommittee on the need for drug abuse education legislation than Dr. Henry Brill, chairman of the committee on alcoholism and drug dependence of the American Medical Association Council on Mental Health.

I would reiterate, however, my observation that more efforts need to be given in medical schools to provide medical students, our future physicians, more instruction with respect to drug abuse. In this connection, I believe that Members will read with interest the following letter to me from Peter G. Hammond, executive director of the National Coordinating Council on Drug Abuse Education and Information, Inc. This council is made up of civic, professional, and Federal agencies.

The text of Mr. Hammond's letter follows:

NATIONAL COORDINATING COUNCIL
ON DRUG ABUSE EDUCATION AND
INFORMATION, INC.
Washington, D.C.

Hon. JOHN BRADEMAS,
Chairman, Select Subcommittee on Education, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: To the best of our knowledge no extensive survey has been conducted to determine the types of institutions which offer drug abuse education programs. There is an obvious need for institutions of higher learning and specifically the professional schools to provide interdisciplinary courses on drug abuse education.

Dr. Alfred Freedman, Chairman of the New York Medical College, reports that most medical students get little more than one lecture on the problems of drug usage and this lecture is usually limited to the pharmacological effects of drugs. He says, "There is a great need to enhance and encourage medical schools to undertake extensive courses on all aspects of the drug problem. This is an area in which medical schools have been neglectful, and it is essential to encourage this kind of activity."

The research conducted for S. 1816, the Drug Abuse Prevention and Rehabilitation Act of 1969, substantiates this conclusion and schools of medicine, psychology, psychiatry, sociology, and social work are singled out for special attention.

I trust this information will be helpful to you.

Sincerely,
PETER G. HAMMOND,
Executive Director.

Mr. FISH. Mr. Chairman, I would like to comment briefly on the Drug Abuse Education Act of 1969. By passage of this vitally important measure, the bill will provide a program of education most sorely needed in our country—a program which in the long run will prove to be the most effective weapon against drug abuse.

The first approach toward eliminating the problem of drug abuse is to strike at the heart of the problem, which is the lack of knowledge on the dangers of improper drug use. To carry out this purpose, the bill authorizes a program of grants and contracts for: First, the development of curriculums on drug use for our schools; second, the preparation of instructional materials; third, demonstration projects on drug abuse education; fourth, inservice and preservice training for teachers, counselors, local law enforcement officials, parents, and other persons in the community; and fifth, community drug education programs especially for parents.

This bill will assist in alleviating a critical problem which touches virtually every social, racial, and economic group in our country. Testimony presented to the committee overwhelmingly indicates that the most effective manner of curtrailing and preventing the improper use of dangerous drugs is through an effective and greatly expanded educational program. At this time, drug abuse programs are nonexistent in most areas—few instructional materials are available and there are little, if any, opportunities for preservice or inservice training for teachers, counselors, community leaders, and parents.

My personal experience with drug education is more than academic. In 1965 my village of Millbrook, N.Y., with a population of under 2,000 became very concerned over the activities of one of its residents, Dr. Timothy Leary—a leading exponent in the nonmedical use of mind-affecting drugs. I was privileged to serve with the clergy of the community, educators and physicians in a group that attempted to deal with this problem.

Our solution was drug education—the best weapon to forewarn both parent and child. Speakers, movies, comic books, clinical works—all were utilized in our efforts.

Fundamental to our approach—and I believe correct—was that youth will not accept threats or emotional appeals but will respond to cold accurate facts. It was also quite clear that lack of a full understanding of drugs and their affects left many parents playing far less effective roles than they should have played.

The Drug Abuse Education Act of 1969 is a comprehensive coordinated approach to the problem of drug education. It recognizes the need for development of a relevant, up-to-date curriculum, pilot projects, and evaluation of the effectiveness of curricula aimed at all ages. It recognizes the fact that teachers, counselors and law enforcement personnel also need training on drugs and drug abuse. More importantly, it recognizes the need for education of parents.

The community education programs on drug abuse will give parents the concrete facts needed when facing the most difficult problem of the use of drugs in one's family.

Education is always our greatest weapon. The use of drugs, particularly hallucinogenic drugs, will not decrease through law enforcement alone. It is important that youth be informed at the earliest possible age. We have a responsibility to see that our youth has the knowledge and ability to cope with the problem when they are confronted with it.

The Drug Abuse Education Act of 1969 is the first and most important step toward development of our greatest weapon in the fight against drug abuse-education.

Mr. PICKLE. Mr. Chairman, although we are told that some 12 million Americans have experimented with drugs, I have some question in my mind that drugs are that popular.

However, I am concerned that those Americans using drugs do not fully comprehend the pitfalls—for the sake of a few hours free ride on a drugged trip, these people are risking permanent damage to themselves and possibly to their offspring.

I think it is the responsibility of Congress to help bring forth the truths—good and bad—about the use of drugs. We owe it to the people of this Nation to explode some of the romantic motions attached to the use of drugs.

Without question, the use of marihuana is dragging in more and more people. The question is—are our laws keeping step. For one thing, I think our laws should be directed more toward the seller than the user. We are strapping it on too many of our young people while we are letting the organized crime rings get off relatively easy. Punishment does not match the crime.

Accordingly, I support the Drug Abuse Education Act. Furthermore, I hope the research money in this bill can be used to determine several drug myths with some degree of finality:

Is usage over a long term harmful?

Is marihuana addictive?

What prompts someone to change from marihuana to heroin?

Which drugs actually affect and harm the reproductive process?

And most important of all, how can we best educate our people about this misuse of drugs? This bill can help answer many of these questions, and I therefore support the measure wholeheartedly.

Mrs. MAY. Mr. Chairman, the rapidly growing problem of hard drug abuse among young people was discussed in a special report I sent to the people of my congressional district in April of this year. Since then I have received letters from parents and other citizens in the district advising me of their discoveries of drug abuse among young people in their own communities. These letters serve to confirm the fact that narcotics use is no longer a problem in just the big cities. It has become a serious national threat to the personal health and safety of millions of Americans everywhere.

I have also found, as have many of my colleagues, a lack of good drug education material available in sufficient quantities to parents, students, and other members of the public.

The legislation before us today should go a long way in correcting this situation, and I am pleased to be a cosponsor of this bill. I am sure that all of us recognize the urgent need for the Drug Abuse Education Act of 1969.

President Nixon pointed out in his drug abuse message to the Congress that the lack of knowledge and the great amount of misinformation about drugs and drug abuse has compounded the situation and is contributing to the alarming growth of drug abuse among young people.

This bill is not the final nor the complete answer to drug abuse. The President has proposed a 10-point program that, when implemented, will attack this problem on a number of fronts. But I am confident that by approving the Drug Abuse Education Act of 1969, we will be dealing effectively with a very important phase of a multifaceted situation.

And I am just as confident that we will take up those additional measures that require legislative action to assure that we deal effectively and completely with this drug abuse problem that cries for a solution.

Mr. MONAGAN. Mr. Chairman, I support H.R. 14252, the Drug Abuse Education Act of 1969.

One of the most difficult and dangerous problems threatening our Nation today is the increasing use and misuse of dangerous drugs and narcotics.

While I strongly endorse the increased efforts of various law enforcement agencies to crack down on illegal drug traffic, it must be recognized that these efforts alone will not provide a complete cure for the problem. We must not confine our efforts to halting the supply in drugs, but we must also try to slow down and obliterate the illegal and unwarranted demand for drugs.

The greatest cause for the increase in drug traffic is the lack of knowledge on the part of users of the inherent physical and mental damage involved in drug abuse. This bill, by vastly increasing available resources to educate the general population on the dangers of drug and narcotic abuse, attacks the heart of the problem. If people are taught the ugly consequences of drug abuse early enough, hopefully they will never get started on trying drugs.

This bill authorizes the Secretary of the Department of Health, Education, and Welfare to make grants to local educational agencies and other private, nonprofit organizations for community education programs on drug abuse. Under the bill, training programs will be set up for teachers, counselors, law enforcement officials, parents, and other citizens of the community.

The educational programs provided for under the bill are critically needed. Earlier this year the Department of Health, Education, and Welfare stated that drug abuse has reached epidemic proportions. In a recent discussion with Congressman CLAUDE PEPPER, chairman of the House Select Committee on Crime, he pointed out that the 15-year-old age group is the one in which most crime is perpetrated in the country today, and that about half of the violent street crimes are committed by young people obviously for the purpose of getting money to pay for heroin to which they have become addicted. The Federal Bureau of Investigation reports that since 1960 arrests for drug violations have increased by 329 percent; for persons under 18 years of age the drug arrests have risen by the shocking figure of 1,860 percent. These figures alone demand that Congress and the Nation come to grips with the problem before it gets totally out of hand.

I particularly endorse the provisions of the bill which set up an Interagency Coordinating Council on Drug Abuse Education. Presently several Federal agencies have programs concerning the problem of drug abuse, and the coordination of their activities will allow their collective experience and expertise to deal more effectively with the problem.

The tools provided for in this bill are crucial for an effective fight against the drug abuse problem, and I urge immediate and favorable consideration of this measure.

Mr. RUTH. Mr. Chairman, drug abuse is a crisis problem that has appeared suddenly and viciously in communities across the Nation. It is a danger which most parents and many teachers do not fully understand since it is something they never faced in their own childhood.

Yet today the improper use of dangerous drugs has spread rapidly from the street to college campuses, into high school corridors, and of late has even penetrated into elementary schools.

Those who guard and protect children in their growing years too often know nothing or very little about meeting this difficult situation head on. For this reason I have cosponsored H.R. 14252, known as the Drug Abuse Education Act of 1969. This bill will authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

This bill seeks to help eliminate drug abuse by striking at the heart of the problem—the lack of knowledge on the part of the average citizen, young and old, on the dangers of improper drug use.

Those in responsible positions in the care of children have tried their best to inform young people of the serious consequences resulting from experimenting with drugs. But even some of the published material on the subject contains factual inaccuracies, distortions, and ineffective sermoning.

In addition, reliable drug education has been hampered by at least three factors: First, lack of effective teacher training; second, uncertainty about and unavailability of the right teaching materials, and third, community resistance to drug education—which is in reality a reflection of fear and controversy.

This bill is designed to overcome these obstacles to drug education. The bill contains many important features. In the first place, its administration is placed under the Department of Health, Education, and Welfare.

In the second place, the act would create a 21-man advisory committee with seven of its members being appointed by the Attorney General. They will review the act's administration, recommend priorities, and evaluate programs and expenditures.

In the third place, the Commissioner of Education will approve funds only after review and comments by the Bureau of Narcotics and Dangerous Drugs and by the National Institute of Mental Health. In addition, the legislation calls for Federal-State cooperation.

Finally, the Federal Government will help in financing the program, to provide short-term courses for instructors, enable schools to sponsor seminars for parents, assist in developing teaching materials about drugs, and help evaluate existing educational projects.

The proposed new drug education program will not make the problem disappear overnight. But our schools and communities cannot afford to stand by idly and allow young people to experiment blindly with their own self-destruction.

While the lure of the unknown and the forbidden will always remain fascinating to young people, knowledge tempered by restraint can strip away the lure and serve to avoid many future tragedies.

Mr. Chairman, I urge the Members of this body to vote for the measure to help us protect our children.

Mr. DON H. CLAUSEN. Mr. Chairman, as a cosponsor of the Drug Abuse Education Act of 1969, I firmly believe the time has come when our educational institutions in this country must "wake the Nation and tell the people" that drug abuse has become a frightening social menace in America, and that only through knowledge and truth can we hope to save millions of young lives from the nightmare world of drug addiction.

This, Mr. Chairman, is the prime reason for my enthusiastic support of the Drug Abuse Education Act of 1969. Experience has demonstrated that present "after the fact," stop-gap measures for dealing with the problem of drug abuse are too little and too late. What we need is a hard-hitting educational program for teenagers and adults alike that tells it like it is—before it is too late.

Using the Drug Abuse Education Act of 1969 as a vehicle of coordination and cooperation, I can foresee all parties to the drug abuse problem joining forces—parents, teachers, students, law-enforcement officials, and community leaders. Only in this way can we achieve the understanding that is vitally necessary and absolutely essential to combat drug abuse in America.

Along with enactment of this legislation, we must, in my judgment, move forward on many other fronts. Among them are:

First. Law enforcement: Federal and State enforcement agencies must crack down even harder on the "pushers" who prey on the weaknesses of human beings.

Second. Community action: More communities must develop action programs such as the "awareness house" concept which utilizes rehabilitated addicts to "tell it like it is" and reveal the real dangers to young drug abusers.

Third. Coordination and cooperation: The critical necessity at every level of government and within every political subdivision to enlist the support of the news media, civic and social groups, and our educational and law enforcement institutions to work together to combat drug abuse through education, information, and a better understanding of the nature and scope of the problem.

Fourth. Drying up the source: A more concentrated effort to determine and eliminate the sources of narcotics and dangerous drugs that are entering this country and being made available to the general public.

Fifth. Education and training: The fundamental ingredient of any effective drug abuse program is factual and meaningful education and training. In this regard, Federal legislation, such as the Drug Abuse Education Act, must be supplemented and coordinated by local drug abuse education programs that are tailored to cope with special or local problems.

Sixth. Treatment and rehabilitation: Greater emphasis must be placed on treatment and rehabilitation rather than on disciplinary action in coping with addicts, and these programs must be expanded to provide "aftercare services" in the community. These services could be provided by private hospitals, "halfway hourses," religious groups, and privately endowed centers.

Finally, in a time of spiraling inflation and skyrocketing costs, the necessity for priority spending is most acute. However, in my judgment, the need for a high priority in domestic spending is nowhere more acute than in the area of drug abuse.

Quite frankly, I view the drug problem in America as part and parcel of the decay that is sweeping America. I see it as an integral part of a deliberate effort to alienate young people from family, church, and school. What better way to alienate young Americans than to "bend their minds and bodies" with easily acquired drugs and narcotics?

With the Drug Abuse Education Act of 1969, we can provide a positive, well-coordinated and integrated national program for realistic, effective, and vitally needed drug abuse education.

Therefore, Mr. Chairman, I urge favorable and swift passage of this legislation in the belief that it is imperative that we in the Congress move on a positive and constructive way to put down this threat to American youth and the society in which we live.

Mr. WALDIE. Mr. Chairman, I am in full support of this legislation and consider its passage to be among the most important acts of this body in this session.

If drug users knew what they are doing to their bodies and their minds with the continued use of harmful drugs we would not have the problem we have today.

I consider this legislation to be a tremendous step toward halting unwitting and excessive use of harmful drugs by providing the funds and the programs to educate present drug users and perhaps more importantly, the potential users to the very real dangers of drug abuse.

As a member of the Select Committee on Crime, I have seen at first hand the enormous scale of the drug abuse problem throughout this Nation.

I have found, Mr. Chairman, that perhaps the greatest deficiency existent in this problem is not in the area of law enforcement, but in the area of education.

Educators and law-enforcement officials are now hampered in providing the necessary drug abuse education programs because of the lack of effective training, programs and materials.

I think this legislation will go far in correcting these deficiencies.

While the Congress is to be commended for this positive action, I think it is indicative of our late recognition of this widespread social problem that we have waited this long before acting on drug abuse legislation.

I must admit that my own State of California is even more remiss in its responsibility. Governor Reagan recently vetoed $55,000 of an $85,000 drug abuse research program authorized by the State legislature.

The extent of the drug abuse problem is so great and so acutely dangerous that it will require complete dedication of all levels of government, local, State and Federal, before solutions can be found.

Any slackening of efforts by the State administration can only be measured in the extra young people who will be damaged irreparably by their continued exposure to this evil.

Mr. CÓRDOVA. Mr. Chairman, I rise in support of H.R. 14252, the Drug Abuse

Education Act of 1969 and it is with pleasure that I commend the strong bipartisan support which this measure has received.

This piece of legislation before us constitutes, I believe, an indication by all of us that we publicly recognize the critical need for Federal financial assistance to educate our young citizens on the subject of drug abuse.

No one, either here in the mainland United States or in Puerto Rico, can rest assured that the passage of this legislation will remove the cancerous scourge of drug abuse prevalent in the land. But it is a strong step forward in providing all possible means of support and assistance to our local institutions and personnel who must deal with this problem.

H.R. 14252 is our reaction to a problem from which we cannot hide.

There is a national clamor for more research that will define adequately the relative danger of marihuana smoking and many medical men, legal defenders, and politicians are beginning to assert their voices.

There are other measures, both in the House and the Senate, which concern the revamping of existing laws to deal with drug offenders and, because of this, I want to make it clear that this legislation is primarily an educational measure and not one primarily dealing with criminal aspects of drug abuse.

It strikes at the core of only one aspect of the problem of drug abuse but, in doing so, it will fill a gap that is critical: the need for our schools so educate their students more effectively in this area.

The legislation would, among other things, allow the Department of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs.

Evaluation of any new curriculum is provided for in the legislation and training programs for teachers, counselors, law enforcement officials and other public service and community leaders is authorized.

As Resident Commissioner from Puerto Rico, I represent nearly 2.7 million of your fellow citizens and I address myself to Members of Congress from both political parties when I say that this bill repersents a courageous step forward in dealing with a public problem that many choose to ignore.

The legislation provides for effective coordination of existing programs within Government through the establishment of the Advisory Committee on Drug Abuse Education and the provision allowing the Secretary of Health, Education, and Welfare to give technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in carrying out the purposes of this bill.

As a cosponsor of this legislation, I join the hope of the many Members of Congress supporting this bill that it will be speedily implemented.

Because drug abuse in this country is increasing at an alarming rate, not to act on this problem is to retreat. This legislation offers hope to our school systems that, in the long run, they will be better equipped to cope with an urgent social problem.

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words.

I take this time to make sure that the record here is ample in support of the authorizations which we have asked. I should like at this time to point out that the American Medical Association before our committee in testimony said:

> The scope of our efforts in drug education is undoubtedly circumscribed by fiscal limitations. At present we know only of less than $1 million in Federal funds which are earmarked for the purpose of drug abuse education and information. And to the best of our knowledge, the total available from all sources does not far exceed this sum. This falls far short of what is required to control the problem. * * *

The Student American Medical Association before our committee in very similar testimony said:

> Although this bill merely authorizes funds and does not appropriate them, I would hope that a high priority would be given to the appropriation of these funds. Compared to the size of the legal and illegal drug market in the U.S., this amount is negligible. Furthermore, these funds would serve as a catalyst for many private organizations which are currently interested in drug abuse programs, but are inexperienced concerning methodology, and thus hesitant to begin such programs.

Mr. Chairman, I would like to point out to the committee that witness after witness came before our subcommittee and said that they felt what we were asking in this legislation was inadequate—inadequate—to deal correctly with this problem. I must confess that I think it is inadequate, also, but I do not think it is inadequate to get started and do what we can at the present. So I would hope that the record is clear that we are very serious about what we are asking in this bill and that we will be very serious when we go before the Committee on Appropriations and ask that it be fully funded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14252), to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes, pursuant to House Resolution 602, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question was ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MEEDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 294, nays 0, not voting 137, as follows:

[Roll No. 254]

YEAS—294

Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Byrnes, Wis.
Carter
Chamberlain
Clark
Clay
Cleveland
Collier
Conable
Conte
Corman
Coughlin
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dellenback
Dennis
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Gilbert
Goldwater
Gonzalez
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keith
King
Kleppe
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Olsen
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruth
Ryan
St. Onge
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel

Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Wold
Wolff
Wright
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—0

NOT VOTING—137

Abbitt
Abernethy
Addabbo
Ashbrook
Ashley
Baring
Barrett
Bell, Calif.
Berry
Biaggi
Blackburn
Brasco
Bray
Brock
Brown, Calif.
Burton, Calif.
Bush
Button
Byrne, Pa.
Cabell
Caffery
Cahill
Camp
Carey
Casey
Cederberg
Celler
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cohelan
Collins
Colmer
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Delaney
Denney
Dent
Devine
Dowdy
Downing
Edwards, La.
Eilberg
Esch
Eshleman
Fascell
Ford, William D.
Foreman
Fuqua
Gallagher
Gettys
Gibbons
Gray
Green, Pa.
Griffin
Griffiths
Hall
Hanley
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Henderson
Hicks
Jarman
Jones, N.C.
Karth
Kee
Kirwan
Kluczynski
Koch
Kuykendall
Leggett
Lipscomb
Lujan
McClory
McCulloch
Madden
Martin
Mikva
Mills
Monagan
Moorhead
Morgan
Morse
Morton
Nichols
Nix
O'Neal, Ga.
O'Neill, Mass.
Pepper
Pirnie
Poff
Powell
Price, Tex.
Pucinski
Quie
Reuss
Rhodes
Riegle
Rivers
Rostenkowski
Ruppe
St Germain
Sandman
Sikes
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Taft
Taylor
Teague, Tex.
Utt
Waggonner
Watkins
Whalley
Wiggins
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Morse.
Mr. Addabbo with Mr. Ashbrook.
Mr. Sikes with Mr. Bell of California.
Mr. Brasco with Mr. Burton.
Mr. Daddario with Mr. Corbett.
Mr. Carey with Mr. Bray.
Mr. Daniels of New Jersey with Mr. Cahill.
Mr. Gettys with Mr. Couger.
Mr. Monagan with Mr. Smith of California.
Mr. Pucinski with Mr. Nix.
Mr. Steed with Mr. Berry.
Mr. Biaggi with Mr. Esch.
Mr. Hébert with Mr. Blackburn.
Mr. Byrne of Pennsylvania with Mr. Don. H. Clausen.
Mr. Hays with Mr. Devine.
Mr. Henderson with Mr. Brock.
Mr. Karth with Mr. Lyon.
Mr. Kluczynski with Mr. Cederberg.
Mr. O'Neal of Georgia with Mr. Camp.
Mr. Rivers with Mr. Morton.
Mr. Morgan with Mr. Del Clawson.
Mr. Moorhead with Mr. Clancy.
Mr. Rostenkowski with Mr. Collier.
Mr. St Germain with Mr. Cunningham.
Mr. Nichols with Mr. Foreman.
Mr. Fascell with Mr. Bush.
Mr. Caffery with Mr. Denney.
Mr. Brown of California with Mrs. Chisholm.
Mr. Madden with Mr. Harvey.
Mr. Green of Pennsylvania with Mr. Eshleman.
Mr. Griffin with Mr. Kuykendall.
Mr. Barrett with Mr. Hastings.
Mr. Hicks with Mr. McClory.
Mrs. Griffiths with Mr. Hall.
Mr. Reuss with Mr. McCulloch.
Mr. Fuqua with Mr. Cramer.
Mr. Koch with Mr. Stokes.
Mr. Hawkins with Mr. Eilberg.
Mr. Dent with Mr. Pirnie.
Mr. Delaney with Mr. Martin.
Mr. Mills with Mr. Lipscomb.
Mr. Waggonner with Mr. Poff.
Mr. Teague of Texas with Mr. Price of Texas.
Mr. Jones of North Carolina with Mr. Snyder.
Mr. Colmer with Mr. Steiger of Arizona.
Mr. Mikva with Mr. Ruppe.
Mr. Celler with Mr. Rhodes.
Mr. Taylor with Mr. Sandman.
Mr. Burton of California with Mr. Riegle.
Mr. Cabell with Mr. Quie.
Mr. Abbitt with Mr. Taft.
Mr. Abernethy with Mr. Utt.
Mr. Jarman with Mr. Watkins.
Mr. Ashley with Mr. Whalley.
Mr. Baring with Mr. Wiggins.
Mr. Casey with Mr. Bob Wilson.
Mr. Pepper with Mr. Winn.
Mr. Cohelan with Mr. Wyatt.
Mr. Dowdy with Mr. Wydler.
Mr. Edwards of Louisiana with Mr. Zion.
Mr. Kirwan with Mr. Kee.
Mr. Gray with Mr. Gibbons.
Mr. Gallagher with Mr. Hanna.
Mr. Staggers with Mr. Smith of Iowa.
Mr. Leggett with Mr. Stephens.
Mr. Chappell with Mr. Harrington.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The **SPEAKER** laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

OCTOBER 30, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the work plans transferred to you by executive communication and referred to this Committee. The work plans involved are:

[Watershed, State, and Executive Communication]

Lower Pine Creek, California, No. 1049, 91st Congress.

Aowa Creek, Nebraska, No. 1229, 91st Congress.

North Concordia, Louisiana, No. 1229, 91st Congress.

Pond Run, West Virginia, No. 1229, 91st Congress.

South Florida Conservancy District, Florida, No. 1229, 91st Congress.

As you will note in the attached Resolution concerning Lower Pine Creek, California, only that portion of the project at or above the Arroyo del Cerro Dam is approved.

Yours sincerely,

W. R. POAGE,
Chairman.

CEILING ON APPROPRIATIONS FOR ADMINISTRATIVE CONFERENCE

Mr. **ANDERSON** of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4244) to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER**. The gentleman from Tennessee is recognized for 1 hour.

Mr. **ANDERSON** of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 579 provides an open rule with 1 hour of general debate for consideration of H.R. 4244 to increase the statutory ceiling on appropriations for the Administrative Conference of the United States.

The purpose of H.R. 4244 is to increase the authorized annual appropriation for the Administrative Conference from the present ceiling of $250,000 per annum to a new ceiling of $450,000.

The $250,000 was imposed when the Conference was created in 1964. Since that time there has been a very substantial increase in general costs, which include a full-time staff, intermittent employment, printing and reproduction expenses, travel expenses, and supplies.

The cost of the legislation cannot exceed $200,000 per year, the difference between the present ceiling and the new ceiling.

Mr. Speaker, I urge the adoption of House Resolution 579 in order that H.R. 4244 may be considered.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **ANDERSON** of Tennessee. I yield to the gentleman from Iowa.

Mr. **GROSS**. Is it not something of a misstatement to say the cost of this legislation will only be the $200,000 increase, when it is proposed to lift the ceiling to $450,000, or am I misinformed?

Mr. ANDERSON of Tennessee. What I meant was that the additional cost, the cost of this revision in the legislation, could only amount to $200,000. The total would be, as the gentleman says, a maximum of $450,000.

Mr. GROSS. The title on the report, it seems to me, is a misnomer, "Ceiling on Appropriations for Administrative Conference." What it actually proposed is a lifting of the ceiling, and adding $200,000.

What does the gentleman think of the language in the report on page 5 which says the reason for this legislation is to carry out its important work. What is the important work of this conference? Does the gentleman have any idea? Perhaps I can get it from someone else, but there surely must have been some justification made to the Committee on Rules.

Mr. ANDERSON of Tennessee. If I might, I would like to yield to the gentleman from Wisconsin (Mr. KASTENMEIER) who is in a better position to answer that.

Mr. KASTENMEIER. I thank the gentleman from Tennessee for yielding to me.

I would say to the gentleman from Iowa, of course, I intended once the rule was granted to discuss the work of the Conference, but I can identify some of the subject areas that they have been concerned with as recently as the last 10 days in their annual plenary conference. These are areas like those dealing with enforcement of NLRB orders, elimination of duplicative hearings on FAA safety, recertification cases——

Mr. GROSS. What kind of safety?

Mr. KASTENMEIER. FAA safety. That is the Federal Aviation Administration.

Mr. GROSS. FAA safety. Let us just take that one. The last table of organization I saw for the Transportation Office showed there were five or six safety divisions in the Department of Transportation Office, which includes the FAA. What in the world would this outfit be doing in connection with safety in the FAA?

Mr. KASTENMEIER. As I indicated, it refers to the elimination of duplicative hearings. I think that the gentleman just made the point why this particular conference ought to look into it. It is because there were so many hearings of this sort.

Mr. GROSS. If the gentleman will yield further, I have asked these questions because I think this rule ought to be defeated and we should dispense with this legislation without going further. On the basis of the report and the hearings on this bill, this $250,000 is a waste of money that could be spent in untold places throughout this Federal Government to far better advantage.

Mr. ANDERSON of Tennessee. Mr. Speaker, I appreciate the gentleman's contribution. May I refer back to the title of the bill and point out that the title on page 2 is amended to read, "A bill to raise the ceiling on appropriations of the Administrative Conference of the United States." So there is an amendment to the title.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I will be delighted to yield to the gentleman.

Mr. KYL. Do I understand the report to indicate that the salary of the chairman would be increased from $20,500 a year to $42,500 a year?

Mr. ANDERSON of Tennessee. I would like to yield to the gentleman from Wisconsin to answer that question.

Mr. KASTENMEIER. I thank the gentleman from Tennessee for yielding to me.

His salary has been, along with other agency heads to which he is equivalent in the Federal bureaucracy, raised to $42,500. This is not done by this bill, but it has been raised by the laws which we have already enacted in the Congress this year, just as our salaries have been raised.

Mr. KYL. If the gentleman will yield further, was his salary then, as a matter of fact, increased from $20,500 to $42,500 by previous action of the Congress?

Mr. KASTENMEIER. No. If the gentleman will yield further on that point, that refers to what in 1964 was his estimated salary which had gone to $30,000. As I recall, the last salary increase raised the departmental and congressional salaries to $42,500. He is authorized to receive a salary according to the law we passed in 1964 providing that the chairman shall receive compensation at the highest rate established by law for the chairman of an independent regulatory board or commission.

And, there is a reason for that. The reason is that he sits in conferences with his peers who are also agency heads. When this was originally established in 1964, and all the measures leading up to it, it was determined that he too shall serve as an equivalent of any Federal regulatory head and he is compensated accordingly.

Mr. KYL. Mr. Speaker, if the gentleman will yield for one further observation, I would like to say that I become more satisfied with the fact that I voted against the establishment of the Salary Commission which did these wondrous things.

Mr. KASTENMEIER. If the gentleman from Tennessee will yield further, I would point out to the gentleman that there was not a vote on this in 1964. It was overwhelmingly supported both in the other body and this body, and there has not been to my knowledge a record vote cast against this conference that was created to date.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe that the colloquy between the various gentlemen which has been held has indicated that, perhaps, we need some further discussion of this matter within the Committee of the Whole House on the State of the Union.

The purpose of the bill is to increase the statutory ceiling now fixed for appropriations for the Administrative Conference of the United States.

Created in 1964, the Conference has as its responsibility the development of recommendations for improvement in the procedures by which Federal departments and agencies fix the rights and obligations of private business and individuals through administrative adjudication, rulemaking and investigation. The Conference has no regulatory power; it reports to the President, the Congress, the judicial Conference, and the departments and agencies of the executive branch.

Statutory language now limits the appropriations each year for the operations of the Conference to $250,000. This figure is based upon 1964 estimates. Current cost estimates total $400,590. The Committee on the Judiciary believes that the appropriations ceiling should be increased to $450,000 per year to insure some leeway.

There are no minority views. The Bureau of the Budget and the Department of Justice support the bill as introduced which completely removed the appropriations ceiling. The committee believes a ceiling is helpful to it in discharging its oversight responsibilities.

Mr. Speaker, I have no further requests for time and in order to get into the Committee of the Whole I yield back the balance of my time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4244) to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations.

The SPEAKER pro tempore. (Mr. ALBERT). The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4244, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. BIESTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation concerns authorization to appropriate for the Administrative Conference of the United States.

As originally introduced, at the request of the Conference, the bill would simply have removed the present ceiling of $250,000 per annum. As amended by our committee, however, the bill would retain an appropriation ceiling and would raise the existing annual ceiling from $250,000 to $450,000.

Mr. Chairman, the Administrative Conference of the United States was created in 1964 by Public Law 88-499 as a continuing agency of the Federal Government to study Federal administrative procedures and to recommend improvements.

In the creation of the Conference in 1964 the other body, acting first, imposed no limitation on appropriations. The present limitation was inserted by amendment in the House. It was insisted, as a matter of fact, in the full Committee on the Judiciary.

The Conference advises that the present limitation is too restrictive, having been based on estimates which did not include sufficient funds for the salaries of the Chairman or the full-time staff, and wholly failed to take into account the full salary increases and general costs that have taken place in the meantime.

Actually, the cost estimates in 1964 were taken from the preceding conference of 1961 and 1962. The total estimate of 1964 was $256,500. The present costs, according to testimony before the Committee, in terms of what their mission requires them to do, is $400,590. The Conference indicates that approximately $200,000 of its present appropriation of $250,000 will be required for fixed charges, with the result that only $50,000 will be available for the necessary employment of consultants, for travel, per diem, printing, for reproduction and for all the other expenses attendant to the Conference.

The committee is persuaded that the present $250,000 limitation is unduly restrictive. It does not follow, however, that the ceiling on appropriations should be entirely eliminated. The committee believes that, especially with regard to relatively new programs like that of the Administrative Conference of the United States there is an advantage in terms of legislative oversight to maintain some limitation on appropriations. The Conference has offered figures indicating a present annual cost of approximately $400,000. The Chairman of the Conference testified that this figure itself is insufficient to constitute an adequate future maximum. He conceded that he could not see the need in the near future for more than $500,000 a year.

In the circumstances, the committee is of the opinion that a ceiling of $450,000 per annum is a fair one, bearing in mind both the needs of the Conference for adequate financing, and the desirability of periodic legislative oversight .

Both the Johnson and the Nixon administrations supported and support H.R. 4244 as introduced. However, the Administrative Conference itself has now accepted the $450,000 ceiling proposed by the Committee on the Judiciary, and has so advised the other body.

The additional cost of the proposed legislation to the United States cannot exceed $200,000 per year. Actually, there can be no cost at all to the United States unless the Conference persuades the Committee on Appropriations that an increase is warranted, and the Committee on Appropriations in the final analysis is the one to appropriate the money which is authorized.

Mr. Chairman, I would like to spend just a few moments on what the Administrative Conference of the United States is.

It is an independent agency of the Federal Government. It arose out of two 18-month conferences in 1953 and 1954 under Judge Prettyman in the Eisenhower administration, and in 1961 and 1962 under the Kennedy administration.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. GROSS. Did the gentleman just say in effect that the House should pass the buck to the Committee on Appropriations in the matter of what they appropriate for this and other authorization?

Mr. KASTENMEIER. Not the authorization, but in terms of the ultimate justification for the actual money needed that they are going to have to justify that to the House Committee on Appropriations.

Mr. GROSS. That is what we ought to have here today, a justification and I hope we will get it before there is a vote to jump this spending to $450,000. I am surprised to hear today the suggestion to pass the buck to the Committee on Appropriations. They are estimable gentlemen, but I think we ought to assume our responsibility here today.

Mr. KASTENMEIER. I appreciate the gentleman's views. But I think I must disagree with the gentleman when he says that I said we would pass the buck. I merely stated that we are increasing the authorization, but in the final analysis the justifiction will be gone over a second time by the Committee on Appropriations of this House.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. SCOTT. Unless we do agree to the authorization, then the Appropriations Committee will have nothing to act on and we can stop this matter right now.

Mr. KASTENMEIER. No. I disagree with the gentleman. The Committee on Appropriations will survey the request of this committee or this conference whether or not we pass this bill.

Mr. SCOTT. If the measure now before us is defeated, it can still be considered by the Committee on Appropriations?

Mr. KASTENMEIER. Well, the Committee on Appropriations is not authorized to appropriate more than $250,000 for this conference.

Mr. SCOTT. If this measure is defeated, then the Committee on Appropriations cannot appropriate more than $250,000.

Mr. KASTENMEIER. That is correct.

Mr. SCOTT. I thank the gentleman.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. BOW. The gentleman has said that the Committee on Appropriations will have an opportunity to look this over, and that is true. But there has been a tendency recently to talk about full funding so that even if the Committee on Appropriations makes a careful study and comes in with something lower than the authorization, then we have a great deal of talk about full funding and the Committee on Appropriations recommendations are usually boosted up. So I would be in favor of keeping this $250,000 and not put the Committee on Appropriations in the position of not recommending or appropriating the full funding and then have somebody get up on the floor and say, "We authorized $450,000 and they should have given it to you."

Mr. KASTENMEIER. I do not know that that necessarily follows. I hope the gentleman's recommendation in this regard will not be followed because the House has indicated in the past and, indeed, the other body has as well, a strong disposition to support the Conference and its mission.

I do not think there is any doubt among other things that the commission or the conference saves money. After all, we have one of the largest bureaucracies in the world. We spend between $100 and $200 billion a year. If we cannot somehow add another instrument to enable us to operate more efficiently and more economically and serve the public interest in terms of the bureaucracy and in terms of the red tape that regulatory agencies and departmental constituencies produce within our Government within the Federal establishment, I think indeed we will have failed to serve the country well.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Minnesota.

Mr. ZWACH. The gentleman says we have built up a tremendous bureacracy, and that is true. But the Congress has done most of it since we had this Conference. What have they done to hold down bureaucracy? What would be the bureaucracy without them? Would this not be one place where we could establish priorities and hold this funding at this time at the lower level?

Mr. KASTENMEIER. I think the question should better be directed to the Congress. What has Congress done about the bureaucracy? The Administrative Conference is not directed to attack the bureaucracy. It really is directed to making it operate a little better, making the bureaucracy which the Congress has created operate a little more efficiently. We cannot blame the Administrative Conference for failings in the federal system as far as efficiency, economy, or fairness to litigants, to your constituents and mine, to those who come before the Federal agencies in terms of the expeditious handling of various matters.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Can the gentleman tell the House when the Administrative Conference actually got underway? When did the Congress first authorize it, and when did it actually get underway pursuant to the legislation now in effect?

Mr. KASTENMEIER. I will say to the gentleman that I was starting to give the background of the Conference when I yielded to questions of our other colleagues. The Conference itself was created by legislation pursuant to the recommendations, as the gentleman well knows, of many in August 1964. It was not actually underway until after January 1968, when the Johnson administration found the man, according to the testimony, they were looking for to be Chairman of the Conference, Hon. Jerre Williams. He then acquired staff and got underway as the gentleman knows, in the year 1968.

A conference was held late in 1968, a plenary conference. As the gentleman knows, this involves some 82 members. There are 10 council members, the Chairman, 10 council members—82 members of the Conference. They came up with a recommendation in this matter. Another plenary conference was held last week, October 22 and 23.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. How often does the Conference convene?

Mr. KASTENMEIER. It is required to hold at least one plenary session each year, but the Conference has convened twice preceding 1964 and since 1968 twice, that is, late 1968 and last week.

Mr. HUTCHINSON. What is the accomplishment of the Conference to date?

Mr. KASTENMEIER. I think my colleague also knows from the hearings that many of the accomplishments of the Conference are not addressed in terms of concrete, black and white, and the reason for this is that we did not empower the Administrative Conference to issue regulations. It does not have any rulemaking power. We expect the agencies to conform, insofar as possible, with the recommendations made by the Conference. This sort of compliance is effected by means other than orders or matters emanating from the Conference itself. As I said earlier in response to the gentleman from Iowa, in last week's Conference they recommended simplification in hearings on FAA safety. I have been advised that the implementation of this recommendation alone will save $500,000 per annum, a sum in excess of the ceiling which the amended bill would establish.

The Conference will also have, in due course, if not already, recommendations for the Congress to act in terms of legislation. We, ourselves, can judge to what extent this brings efficiency and economy in the executive branch. I assume we ourselves are going to be responsible for that. These are some of the matters.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Iowa.

Mr. GROSS. Are we not now spending a substantial sum of money on a reorganization group in Congress, to tell us what we should do in that area?

Mr. KASTENMEIER. That is true.

Mr. GROSS. Then why do we need this outfit to tell us in Congress what to do? This is duplication, waste, and extravagance. I do not understand the purpose of this outfit. I wish the gentleman would explain.

Mr. KASTENMEIER. As the gentleman from Iowa recalls from the debate he participated in in 1964, the chairman of the Committee on Interstate and Foreign Commerce, one of the ranking members of the Government Operations Committee, and many others testified of the need for this Conference.

Furthermore, the suggestion was—and I think it still pertains—that we are not in a position to administer the nuts and bolts of these agencies in terms of rulemaking and the like. We are in no position to exercise that sort of oversight.

In the final analysis, this is an aggregation of Federal administrators in conference, 82 of them, including people from the outside, practitioners who appear before the agencies, and these people through plenary session and through committees try to follow the mandate Congress has put down for them to effectuate streamlined procedures and economies in terms of administrative procedure. This is its mandate. As far as I am concerned, it has been following this.

May I say we have had no complaints from the agencies of this Conference in the 2 years it has been in operation or even of the ad hoc conferences that preceded it.

Mr. HUTCHINSON. Mr. Chairman, do I understand the gentleman to say that two plenary conferences have been held to date?

Mr. KASTENMEIER. Yes.

Mr. HUTCHINSON. One each year, one in 1968, and one in 1969?

Mr. KASTENMEIER. Yes.

Mr. HUTCHINSON. Would the gentleman tell the House what the Chairman and the staff of the Conference do between sessions?

Mr. KASTENMEIER. There are the working committees. There are 10 committees formed under the Conference. If the Chairman of the Conference had the money, it is his job among other things to acquire the expertise on a per diem basis in various areas of administrative reform, so they work and proceed to the next full plenary conference.

Presently I gather he does not have this sort of money and he cannot commence the sort of work we would expect him to do.

I think there is no question this hampers the output but once we have funded them and authorized at any rate what they require to continue the mandate, I think we will see more than mere recommendations.

The recommendations I suggest to the gentleman—and the Conference has put out recommendations both last year and this year, or will shortly this year—are followed among the Federal commissions and governmental agencies. That is largely the purpose of it.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman explain the length of term of the Chairman and how the membership of the Conference is comprised? Who appoints the members of the Conference? I understand there are approximately 82 members of it.

Mr. KASTENMEIER. Yes.

Mr. HUTCHINSON. The Chairman is appointed by the President on what terms?

Mr. KASTENMEIER. The Chairman is appointed by the President and the Senate confirms the Chairman for a term of 5 years. Of course, the question the last time was an interesting one raised now by the gentleman from Michigan, but it was raised by the gentleman from Iowa (Mr. GROSS) the last time, and it was suggested the Chairman's term ought to be something else other than 5 years. But, as I think the distinguished gentleman from Arkansas, Mr. Harris, who is not now a Member of this body but who at that time was chairman of the Interstate and Foreign Commerce Committee, suggested it would be better to have a term of 7 years rather than 5 years, because the Chairman is the one person identified with the Conference as a continuing body. Therefore, his term might well be longer. It should be at least 5 years. Some people suggest 7.

The Council members, and there are 10, are recommended by the President, but not confirmed by the Senate. That is for 3 years. The remainder of them, the 71 members of the Conference serve for a term of 2 years. I think they are selected first of all so that agencies are represented, and each independent regulatory agency is represented, but others are selected by the Conference.

Mr. HUTCHINSON. One last question, if the gentleman will yield for it.

Mr. KASTENMEIER. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Can the gentleman tell the House in what appropriation bill is the work of the Conference funded?

Mr. KASTENMEIER. Mr. Chairman, I confess I am not certain whether it is independent offices or the judiciary and other related agencies. I will have to verify that for my colleague.

Mr. HUTCHINSON. Those two bills have already been passed by the House this year, have they not, for fiscal year 1970?

Mr. KASTENMEIER. My colleague probably knows better than I that they have.

Mr. HUTCHINSON. I thank the gentleman.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to my colleague from New Jersey.

Mr. HUNT. As a matter of clarification, did I correctly understand the gentleman to say that the Chairman is appointed for 5 years by the President with the consent of the Senate?

Mr. KASTENMEIER. Yes.

Mr. HUNT. Then there are 10 Council members also selected by the Senate but not requiring Senate confirmation. The other members, 82 in number, are appointed by the Conference itself?

Mr. KASTENMEIER. That is my recollection. If I am not correct, I stand to be corrected. I yield to the gentleman from Connecticut for an answer.

Mr. ST. ONGE. The balance of the membership is appointed by the Chairman with the approval of the Council.

Mr. KASTENMEIER. Yes.

Mr. HUNT. How did we get them in the first place? Who appointed them in the first place to appoint themselves later? This seems to be a self-perpetuating Conference here. How were they appointed in the first place, in 1964?

Mr. KASTENMEIER. First, of course, they start out with the Chairman and the Council.

Mr. HUNT. Right.

Mr. KASTENMEIER. As I understand it, the Council appoints others for a term of 2 years. These are in and out of Government. I believe the report and the proceedings indicate standards we expect to be applied.

Often these are outstanding students in law or the administrative process, or they are practitioners before the administrative bodies, and others outside the Federal Government. Those within the Federal Government are fairly well identified with the ICC, the FTC, FCC, FAA, and all the various boards and independent regulatory agencies represented, as well as the departments.

I might say that at least one former Member of this body serves. The present Secretary of State, the Honorable William Rogers, was until recently a member of the Conference.

Mr. HUNT. So originally in 1964 the 10 members of the Council made the selection of those persons in the community who were highly qualified, in their estimation?

Mr. KASTENMEIER. Yes.

Mr. HUNT. From that time on, of course, they then appoint themselves.

Did I correctly understand the gentleman likewise to say that it took 3½ years to find a man to fill this position as Chairman? Did I understand the gentleman correctly to say they could not find this man from 1964 until sometime later on?

Mr. KASTENMEIER. The committee interrogated witnesses on that point. The explanation was given. As I indicated earlier, this Conference was created congressionally in August 1964. The Chairman presumably was found some 3 years later, and appointed and confirmed in January 1968.

We were told that the President had a great deal of difficulty in finding a person who was not committed to certain points of view with respect to administrative law. He found a person who was recommended to him and who seemed to suit the bill, as far as the testimony suggested. I believe he was a professor of law at the University of Texas, Mr. Jerre Williams.

So far as the committee can determine, he serves his position well. We have seen no adverse comment whatsoever regarding Mr. Williams.

Mr. HUNT. Is that Dr. Williams?

Mr. KASTENMEIER. Yes.

Mr. HUNT. Was his salary at the time when he was appointed $20,500?

Mr. KASTENMEIER. I believe his salary at that time, January 1968, would have been $30,000. It would have been at the highest rate for a regulatory agency in January 1968. I assume that was $30,000.

Mr. HUNT. Then, it is now $42,500?

Mr. KASTENMEIER. Yes. As yours and mine are.

Mr. HUNT. I thank the gentleman.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I am glad to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I would like to make these comments. The Chairman of this Conference is Dr. Williams. He served as professor of constitutional law at the University of Texas for several years and is considered one of the outstanding legal minds in the country. I know, having attended several of these conferences myself, that it renders a great service. It is the one place where the regulatory agencies have a commission or a conference that they can go to in order to try to iron out differences and make their various rules and regulations uniform. It is also one of the only places through which individuals can come to their Government to learn to abide by certain rules and regulations that they prescribe.

A lot of outstanding men belong to this Conference. I have been there myself and sat in on sessions. I know one of our former colleagues, Joe Kilgore, who served here in the House for some 10 years, told me just 2 weeks ago that he considered this one of the most important conferences or commissions in the Government. It is just that vital to the economy of the Government as well as to the preservation of the rights of individuals and agencies. It can save us a lot money. Over and above that, it gives the opportunity to people in the Government to operate under the same rules and regulations as other agencies. It is highly important, and I commend the gentleman from Wisconsin for bringing this bill to the floor of the House. I hope it passes.

Mr. BIESTER. Mr. Chairman, I rise in support of this bill.

I believe those who vote against this bill need not wait for a flow of letters from any particular interest group objecting to your having done so. I do not think it will occasion any great stir in your offices for having voted down this legislation. Yet I think voting it down would be a great mistake. We are talking about an increase here of $200,000. We are talking about the one unit, that functions within this whole bureaucracy whose precise responsibility is to make the impact of regulatory agencies more equitable, more fair, and more efficient as they touch all of our constituents. We all spend a great deal of time railing against the bureaucracy and pointing out those times and occasions when we consider it to be took big, too cumbersome, to inefficient, and too inequitable and unfair. Here is a unit of the Government whose prime and only responsibility is to make that system work and work better.

When you talk about the allocation of resources in a society, we are talking about a unit that will help in the spending of billions so that it will be done in a better way, perhaps, and we are only spending $200,000 extra on it. There is not a large corporation in this country which either does not hire efficiency experts to review its programs or retain within its staff a body whose function is to do precisely that. Yet if we vote down this bill, we will be leaving our Government without the aid of this Conference, because if we leave the figure at $250,000 with the already mandated salary increases with the already mandated cost increases, then we will not permit this operation to continue at anything like an efficient pace. So it is very easy for us to rail against the bureaucracy, but it may be more difficult for us to do so if we are only content to do so with table pounding and not with analysis.

Now, analysis means you have somebody who goes in and takes a good hard look at these procedures. We can have a Hoover Commission—we can have a second Hoover Commission—and we can periodically go in and take a look at the way in which our bureaucracy works. But, unless you have a continuous and sustained program of dedicated people with which to do this, of course you will not have the consistency that you will have under the provisions of this bill.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Would the gentleman tell me how often this Conference meets in plenary session?

Mr. BIESTER. It is my understanding that it has met twice this year in plenary session. Now, we are dealing——

Mrs. GREEN of Oregon. What is the usual length of such sessions?

Mr. BIESTER. Sometimes 2 days or 3 days.

Mrs. GREEN of Oregon. I notice in the report that there is an amount listed of $127 for air fare, $13 for buses and so much per diem. It further states that the average trip would be $164 which would indicate that that would be just a 1 day conference; is that not correct?

Mr. BIESTER. I think that those travel arrangements are not only for the conferences themselves, but also for council meetings and other meetings which may be for staff consultation or which may be for a research man to come into Washington and report upon what he has been doing before a committee.

Mrs. GREEN of Oregon. My conclusion is that very busy people are appointed as members and as in so many study groups, because the name lends prestige. The work is really done by staff people; is that correct?

Mr. BIESTER. I suspect it is both, because what we are dealing with here is two kinds of work. We are dealing with staff work which is the digging kind of research into a problem and the nonstaff work of coming to a judgment thereon. It has been our experience that those who are the busiest people are usually more capable of exercising the best kind of judgment.

Mrs. GREEN of Oregon. The reason I have asked this question is because I have been asked to serve on various conferences and usually in areas in which I am at least supposed to have some knowledge. I find when we go into these conferences that the work and recommendations are made by unknown staff people. But I sit there for a few hours, and there is really no possibility to exercise judgment because many of the things that the staff recommends as desirable or not desirable are things with which time truly does not allow us to become familiar and when they come up for a vote, the work of the people of the conference is one of just simply satisfying the staff recommendations with insufficient time or knowledge to make value judgments.

This is true for congressionally authorized "reading" panels or committees who come to Washington.

Such committees have available only the materials that the agency staff has not previously screened out—on the recommendations that the staff has decided are worthwhile. If the gentleman will yield further? Of the 82 members, how many are agency heads?

Mr. BIESTER. I am sorry, but I did not hear the gentlewoman's question.

Mrs. GREEN of Oregon. How many of the 82 are agency heads?

Mr. BIESTER. There is the chairman of every independent regulatory agency or his delegate.

Mrs. GREEN of Oregon. How many of the 82 are agency people?

Mr. BIESTER. I would have to enumerate that later. I am sorry that I do not have that figure at my fingertips.

Mrs. GREEN of Oregon. Would it be a dozen?

Mr. BIESTER. Possibly.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. My recollection is that 52 are presently agency people. The law requires that not less than one-third or more than two-fifths of the total Conference be other than Federal Government people and that ratio will vary from time to time out of the 82. At the present time it is approximately 52 or 53.

Mrs. GREEN of Oregon. If the gentleman will yield further, there are two additional questions which I would like to ask.

Mr. BIESTER. I would like to respond with an example to one question which the distinguished gentlewoman asked before, because I think it deserves a clearer response than I gave earlier.

If the gentlewoman will refer to page 18 of the hearings she will find a series of recommendations by the conferees with regard to one of their last plenary sessions. There she will find a series of disagreements on the part of the conferees, distinguished people who take a personal position in disagreeing with or explaining the limitation of their position with respect to a number of positions. I think they represent an aggressive interest on their part and not simply just rubberstamping what has been recommended.

Mrs. GREEN of Oregon. It is my understanding that a part of the work is contracted out to various universities, or individual professors?

Mr. BIESTER. That is correct.

Mrs. GREEN of Oregon. How much of the budget is spent on this kind of contract?

Mr. BIESTER. About $100,000.

Mrs. GREEN of Oregon. About $100,000? For specific studies?

Mr. BIESTER. That is correct.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further, I would express my concern about the way we are moving in governmental contracting. Every agency in Government is doing it with no knowledge of what other offices are doing. The other day on the floor on the Health, Education, and Welfare continuing resolution I said there were 9,000 consultants on the active files of the Office of Education alone in addition to the large number of consultants hired through contracts or subcontractors by the Office of Education. It is my judgment that we have thousands and thousands of reports that are on library shelves and in closets and every place else that no one has read and no one has ever done anything with. They only gather dust. No one knows what the other is doing. I am convinced, that in the Office of Education and OEO alone, we are literally spending many hundreds of thousands of dollars on contracts for research and study that end right there at the time the study is filed. I even suggest this contracting business with private agencies and the use of consultants has reached epidemic proportions and may result in one of the most serious institutional health problems.

Mr. BIESTER. Mr. Chairman, I am pleased the gentlewoman from Oregon made that point, because it offers me the opportunity to also point out that one of the recommendations of this Conference appearing on page 16 of the committee hearings is the recommendation No. 4, the creation of a consumer bulletin, and this recommendation would lift from the Federal Register those items of particular interest to consumers that are buried in there, and not ordinarily found there, and permit those to be especially promulgated to the consumers, and proposes the expansion of that concept into a general consumers' bulletin.

I am very pleased that our administration has, I believe yesterday, endorsed that kind of concept and urged the creation of just that kind of program so that it is not a sterile or wasted effort on the part of this Conference.

Mr. Chairman, I believe that the most important aspect of this is the concept, and if the concept is to be served rationally I would say the fixing of $200,000 is in my opinion an appropriate figure.

I might say this in the history of this subject, that the Conference requested originally an open-end appropriation, or open-end authorization for their work. Such an open-end authorization was approved by the Department of the Budget on March 4, 1969, and such an open-end authorization was approved by Mr. Kleindienst, Deputy Attorney General, on May 5, 1969.

The committee rejected that concept. We rejected the concept of an open-end authorization, and we proposed the authorization figure limitation of $450,000, believing that to be a rational figure, and believing that to be consistent with the wishes of the House.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, the statement was made here earlier that one recommendation made by the Conference just ended about 2 weeks ago, if followed, would save the Government an estimated $500,000. Is this true?

Mr. BIESTER. I believe that is correct, and it deals with the FAA Safety requirements.

Mr. MATSUNAGA. So that if that saving is effectuated by following this one recommendation, it will more than make up for what the bill authorizes. Is that not correct?

Mr. BIESTER. That is absolutely correct, and although we cannot cite the specific instances in the future, I believe it is likely to occur over and over again.

Mr. MATSUNAGA. Mr. Chairman, if the gentleman will yield further, what sort of a recommendation was this? I am curious to know.

Mr. BIESTER. For the precision of that I would refer to the chairman, the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. If the gentleman will yield, it is relating to the elimination of duplicated hearings in the Federal Aviation Agency.

Mr. MATSUNAGA. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I will give you a recommendation, and it will not cost you a nickle, that probably we can save $2 billion if you vote against the foreign aid—the foreign giveaway—bill when it comes up.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

I have been listening to the remarks of the Members who are here, and I have some feeling that this bill may be running into difficulty.

I rise to indicate my support for enabling the Administrative Conference to be continued and strengthened.

I say that because one of the things about which I have always had concern as a legislator is the inability of those of us who serve in public office to really keep track of what is happening in the bureaucracy.

The distinguished gentlewoman from Oregon has pointed to example after example, and she does her homework better than most. I am one of those who have tried to keep the Administrative Conference busy by sending cases to that group for their analysis and for their comment.

I must say I have been surprised at the willingness of the Conference chairman and his staff to take specific examples of alleged abuses of the rules and regulations that exist in the independent agencies and attempt through this vehicle to make corrections.

I cannot do this as an individual legislator—I cannot get any kind of pattern out of what happens to my constituents in Wisconsin as contrasted to those constitutents who are in New Jersey or Pennsylvania, Oregon or Washington. But the Administrative Conference is the one vehicle that is available to us which can begin to determine whether abuses of the rules and regulations do take place within the bureaucracy.

That is what this Administrative Conference is all about. I think it would be shortsighted for the Congress of the United States not to give this concept, and this vehicle, at least a fighting chance. I have sent cases down there relating to the FCC, for example.

I have asked the Administrative Conference to give me their reaction to complaints and their recommendations as to whether or not the law was being followed accurately and whether or not there has developed a pattern of abuses.

I think we would be very, very remiss if we were not to try to take advantage of this concept and of this opportunity because I do not know how any of us as Members of the Congress can begin to get a handle on our massive Federal bureaucracy. The Administrative Conference is perhaps an imperfect vehicle. But if the Members of the House will refer to the inserts that I have made in the past 2 years in the CONGRESSIONAL RECORD, I have attempted to portray this group and its Chairman, Jerre S. Williams, as the only kind of ombudsman that exists at the Federal level today. We do need someone, somewhere who can work to correct agency wrongs and imperfections, for this reason I hope that the bill can be supported and approved by the House. We can take advantage of this group's availability to help us do a better job for our constituents. That, I think, is a goal worth striving for.

Therefore, I intend to support the bill.

Mr. BIESTER. I thank the gentleman for his comments.

With respect to the gentleman's comments, I think it is important to remember that this Administrative Conference deals in very large part with the regulatory agencies and these are agencies which touch on the affairs of all of our constituents and they touch Americans individually and the inefficiency or the inequity of these regulatory agencies has an adverse impact on our people.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman.

Mr. GROSS. Since this Conference is designed, according to some people, to save the Government a lot of money, I am going to be interested in that great day that will dawn upon the House when the gentleman from Wisconsin (Mr. STEIGER) joins with some of us to cut some of these bills—since he is going to have so much help with this Conference.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman.

Mr. STEIGER of Wisconsin. May I say to the gentleman from Iowa that I have on a number of occasions joined with him in voting against bills which I thought were not appropriate, and I hope to continue to do so.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman.

Mr. JONAS. We have a committee of the House in addition to the Comptroller General's office, the General Accounting Office, and the Government Operations Committee charged with the responsibility of doing this very same kind of work.

Can the gentleman tell the Committee how many staff members the Committee on Government Operations has employed now?

Mr. BIESTER. I can only tell the gentleman that the minority has three. I cannot tell him how many the majority has.

Mr. JONAS. I mean the whole committee?

Mr. BIESTER. I can only tell you that the minority has three, but I do not know what the full committee has.

Mr. JONAS. I would like to have somebody inform the Committee of the extent of the activities of this Committee on Government Operations in this very field.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I think I can contribute something to the question of staff allowance for the Government Operations Committee. The Government Operations Committee is probably one of the most thoroughly staffed committees in the Congress. I think the number now runs something like 60 in all.

Mr. GROSS. Did the gentleman say six or 60?

Mr. BROWN of Ohio. Sixty. I think we have a budget that is about $900,000 a year on that committee, the Oversight Committee. Unfortunately, we also have some subcommittees that are not too active.

I think the gentleman might well ask how many study commissions we have in the Federal Government that are studying ways of providing efficiency and economy in the operations of the Government, and perhaps ask how much these cost. Maybe we would get a little more efficiency and economy in the Government if we would stop forming new commissions and similar groups. To bring about increased efficiency and economy in the Government, that might be one place to start.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield 2 minutes to the gentleman from Michigan.

Mr. HUTCHINSON. I thank the gentleman for yielding.

Mr. Chairman, I am opposed to this bill. If this bill were not passed, the Administrative Conference would still continue with an authorization of a quarter of a million dollars a year.

This Conference actually did not get under way until 1968. At least to my satisfaction there has not been a sufficient justification based upon its work to date to justify so large a percentage of increase in authorization over just a 2-year period. Perhaps a justification can be made, but I do not feel that it was made before the Judiciary Subcommittee of which I am a member. I will concede that it is not expected generally that the same kind of justification would be made before a legislative subcommittee as would be made before the Appropriations Subcommittee. However, if I understand the statement of my subcommittee chairman today it is to the effect that the appropriation for this agency is provided for either in the judiciary bill or in the independent offices bill. My recollection is that both of those appropriation bills have passed this House this year.

Mr. CONTE. Post Office and Treasury.

Mr. HUTCHINSON. I understand it is in the Post Office and Treasury bill. All right. That bill has also passed the House, presumably at the $250,000 level. In other words, this authorization bill comes too late this year to affect 1970, and under the circumstances I think the bill should be recommitted to the committee. I propose to offer a straight motion to recommit.

Mr. BIESTER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I appreciate the comments of my distinguished friend from Michigan, who serves so well on the subcommittee that I chair. However, I do think the facts and figures suggest a different story. Presently the staff is small. I think it consists of nine members. The chairman's salary and his staff today cost $200,120 of the $250,000 appropriation that it was suggested they have lived with for 2 years, but was established in 1964 out of a 1961–62 Conference level. So we are not dealing with a current increase. This is an increase literally for an 8-year period, during which the estimates for their salaries have risen from $121,000-plus to $200,000. It leaves less than $50,000 for equipment supplies, furniture, travel, printing, reproduction, and particularly, per diem employment.

While they would like to operate on the $100,000 level, perhaps they cannot do so and are not able to do so presently. The Bureau of the Budget has allowed them every dollar they have got coming, because the Bureau of the Budget knows the difficulty they are in under this particular administration and the past administration. It is their intention, if authorized, to seek a supplemental appropriation if there is an increase in authorization. I cannot speak as to the success of that application. That is up to the Congress, and whether it is effective in fiscal 1970 or otherwise, but I do know they feel very definitely that the limitation imposed on them many years ago is today a limiting factor.

At this time, I want to express my appreciation for the underlining of the major purpose of the agency and how it serves, as so eloquently attested by the gentleman from Wisconsin (Mr. STEIGER). I think we would be acting penny wise and pound foolish to deny this small Conference, in terms of size and cost, the facilities and resources to cope with a $100 billion bureaucracy that we and not they created.

I would also say, in terms of our own

constituents and people from our areas who appear before Government agencies, the Members ought, indeed, to seek every possible means to make sure these agencies are responsive to our people. We can do this by helping at least one agency of the Government dedicated to this.

Mr. BIESTER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I would like to ask the chairman of the committee about the figures he quoted a few minutes ago about the staff. Are we talking about the chairman's salary and full-time staff?

Mr. KASTENMEIER. Yes. The present costs, in the figures I have to show the chairman receives $42,500 and the full-time staff receives $157,620.

Mr. MILLER of Ohio. I see. So that leaves approximately $200,000 for printing and reproduction and travel and other expenses?

Mr. KASTENMEIER. Yes. If they were authorized the additional amounts, this is what they would propose to use the money for.

Mr. MILLER of Ohio. My question primarily is, if the amount of money in this bill, approximately $200,000 was not approved what service that the Conference is now offering could not be offered?

Mr. KASTENMEIER. Principally they would not be able to contract, in my estimation—although this would be up to the chairman, and he has to distinguish between things he can and cannot do—but I would assume his ability to seek part-time per diem employment would be limited to the point where he could virtually not use it at all, because he would have to have the balance, and he would have to use his money for just housekeeping expenses. He has only $50,000 for expenses. He has to be able to authorize the travel money at the present per diem rate, whatever it is, $16 or $20, to those non-Federal participants who come to the parliamentary conference. He probably cannot print or reproduce many materials, and I assume that would be part of it, in addition to cutting down on the per diem employment.

Mr. MILLER of Ohio. The material that is printed and reproduced—where does it go? Do we have it? Does the gentleman receive it in his office?

Mr. KASTENMEIER. To my knowledge I do not. Of course, there is a report made to the Congress and to the President. I assume we all get that report. The printing and reproduction does not principally go to that, but for other matters, for internal circulation among the 82 participants within the Conference. There is a rather large community served by the executive agency.

Mr. MILLER of Ohio. The reason I ask, the statement was made that we in Congress were advised by the Conference. That is why I was wondering about the printing, how we were advised if we do not have it sent to our offices. That information would be helpful.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Texas.

Mr. MAHON. Insofar as I know, the Subcommittee of the Appropriations Committee on Post Office and Treasury, headed by the gentleman from Oklahoma (Mr. STEED) has thought well of this Conference, and the committee approved the budget estimate this year of $250,000, as I recall.

I know among some of the members of the committee there is a feeling that if the Conference is going to do the job it has set out to do some additional funds may be required. While I cannot speak authoritatively as to precisely how much might be required for this purpose, I myself favor giving the administration more flexibility in making requests for the program for next year and I therefore feel that the pending authorization should be approved. If the full amount is not required, and I trust it will not be, the Appropriations Committee after full hearing can present the required figure in the appropriation bill next year.

Mr. MILLER of Ohio. We are assuming that there is additional work to do, and additional workload each year, to require the additional funds and staff people, plus the increased salaries per year.

Apparently the Conference is riding herd on many independent agencies, and apparently what we are doing on the floor today is riding herd on the Conference. To my knowledge I have not received quite enough information to know that the Conference is doing what it is supposed to do. I believe we need additional information yet as to the additional workload they have for the $200,000 which is requested.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Of course, most of what the Conference does, does not serve Congress directly. It does have printed material, and I assume this generates a report to the Congress which would come to the office of each Member in January, very probably. The bulk of the work is in terms of the agencies themselves within the executive branch. As such, I believe it is not likely to be as visible to us as we might want.

I believe this is largely a matter of the Member's own discretion. If he cares to use the facilities of the Administrative Conference they are at his disposal for the purposes mentioned before.

Mr. BIESTER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, it would appear from the report there is going to be an increase of over $80,000 here in payments to the chairman and full-time staff, so that there will be over $200,000 being paid just for these full-time employees. With that kind of outlay and in these times of fiscal stringency it would seem very questionable to me that in addition $115,000 a year should be paid to law professors at the tune of $100 a day for what is labeled "research" in this report. That does not count the travel expenses they will get, which will be additional and which will probably bring the amount paid to law professors for travel to Washington to do research under this bill an additional $150,000.

This item alone makes this bill extremely vulnerable, in my judgment.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 576 of title 5, United States Code is amended to read as follows:

"§ 576. Appropriations

"There are authorized to be appropriated sums necessary, not in excess of $450,000 per annum, to carry out the purposes of this subchapter."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 576 of title 5, United States Code is amended to read as follows:

" '§ 576. Appropriations

" 'There are authorized to be appropriated sums necessary, not in excess of $450,000 per annum, to carry out the purposes of this subchapter.' "

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, as I understand this situation, this Conference was statutorily created in 1964 but no chairman was appointed until 1968 or 1969. Is that correct?

Mr. KASTENMEIER. If the gentleman will yield?

Mr. GROSS. I yield to the gentleman.

Mr. KASTENMEIER. Yes. In answer to the question of the gentleman from Michigan, we discussed that, and that is correct.

Mr. GROSS. And the reason no chairman was created, I believe the gentleman from Wisconsin (Mr. KASTENMEIER) said earlier in his remarks, was that they could not find a chairman who was equipped for the job. Is that correct?

Mr. KASTENMEIER. That was the thrust of the answer given by the Executive Director of the Conference.

Mr. GROSS. And they were looking for an individual who was trained in administrative law. Is that correct?

Mr. KASTENMEIER. No. Just the opposite. The feeling was that those who were schooled exclusively or primarily in administrative law would have a point of view with respect to the Conference that would make them not desirable.

They wanted someone close to this area of law but not so thoroughly immersed in it that he was partisan for the purpose. That was the testimony that was given to us, at least. Finally the testimony was that they found Mr. Williams, who, as the gentleman from Texas suggested, had been a constitutional law professor and done some work in the field and in other respects.

Mr. GROSS. But did not the present chairman testify before your committee that he taught administrative law?

Mr. KASTENMEIER. He said he had taught it formerly at one time.

Mr. GROSS. Yes. He taught administrative law. He so testified before your committee. Now, lest there be any misconception about how this money will be spent, the hearings plainly state that the additional money—and this is the chairman testifying—"is money we need to pay travel expenses to our members," and also "to pay the per diem costs of our experts, young law professors hired in many instances at our maximum per diem of $100 per day." That is what this shooting is all about. It is for more travel for conference members and their hirelings and to pay young law professors to tell the Congress, among other things, how to run Congress?

Mr. **KASTENMEIER**. No. I do not agree with the gentleman.

Mr. **GROSS**. The gentleman can comment on his own time. I cannot think of a worse boondoggle that has come down the pike in a long, long time, Mr. Chairman.

The **CHAIRMAN**. The question is on the committee amendment.

The committee amendment was agreed to.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4244) to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations, pursuant to House Resolution 579, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HUTCHINSON

Mr. **HUTCHINSON**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. **HUTCHINSON**. I am, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. HUTCHINSON moves to recommit the bill H.R. 4244 to the Committee on the Judiciary.

The **SPEAKER**. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. **BOW**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 134, not voting 167, as follows:

[Roll No. 255]

YEAS—130

Adair
Alexander
Andrews, Ala.
Andrews, N. Dak.
Beall, Md.
Betts
Bevill
Bow
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, Utah
Byrnes, Wis.
Carter
Chamberlain
Chappell
Collier
Conte
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dickinson
Dorn
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Findley
Flowers
Ford, Gerald R.
Fountain
Fulton, Pa.
Gaydos
Giaimo
Goodling
Green, Oreg.
Gross
Grover
Haley
Halpern
Hammerschmidt
Hansen, Idaho
Hastings
Heckler, Mass.
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Keith
King
Kleppe
Kyl
Landrum
Langen
Latta
Lloyd
Lukens
McClure
McDade
McDonald, Mich.
McKneally
McMillan
Mailliard
Mann
Marsh
Mathias
May
Mayne
Miller, Ohio
Minshall
Mize
Mizell
Montgomery
Morton
Myers
Nelsen
O'Konski
Passman
Pelly
Pettis
Pollock
Quillen
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Robison
Rogers, Fla.
Rooney, N.Y.
Roth
Roudebush
Ruth
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Skubitz
Springer
Stuckey
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Vanik
Wampler
Watson
Weicker
Whitehurst
Whitten
Widnall
Wold
Wyman
Yatron
Zwach

NAYS—134

Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Aspinall
Bennett
Biester
Bingham
Blanton
Blatnik
Bolling
Brademas
Brooks
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Clark
Clay
Conable
Corman
Coughlin
Culver
Dawson
de la Garza
Dennis
Dingell
Donohue
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Fish
Fisher
Foley
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Garmatz
Gonzalez
Gray
Gude
Hamilton
Hanna
Hathaway
Hechler, W. Va.
Helstoski
Holifield
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kyros
Lennon
Long, Md.
Lowenstein
McCarthy
McCloskey
McFall
Macdonald, Mass.
MacGregor
Mahon
Matsunaga
Meeds
Melcher
Meskill
Miller, Calif.
Minish
Mink
Mollohan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Obey
O'Hara
Olsen
Ottinger
Patman
Patten
Perkins
Philbin
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Randall
Rees
Roberts
Rodino
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roybal
Scheuer
Shipley
Slack
Smith, N.Y.
Stafford
Stanton
Steiger, Wis.
Stratton
Stubblefield
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waldie
Watts
Whalen
White
Wolff
Wright
Yates
Young
Zablocki

NOT VOTING—167

Abbitt
Abernethy
Addabbo
Anderson, Tenn.
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Belcher
Bell, Calif.
Berry
Biaggi
Blackburn
Boggs
Boland
Brasco
Bray
Brock
Brown, Calif.
Broyhill, Va.
Burton, Calif.
Bush
Button
Byrne, Pa.
Cabell
Caffery
Cahill
Camp
Carey
Casey
Cederberg
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Colmer
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Delaney
Denney
Dent
Derwinski
Devine
Diggs
Dowdy
Downing
Edwards, La.
Eilberg
Esch
Eshleman
Fascell
Flood
Flynt
Ford, William D.
Foreman
Frelinghuysen
Frey
Fuqua
Gallagher
Gettys
Gibbons
Gilbert
Goldwater
Green, Pa.
Griffin
Griffiths
Gubser
Hagan
Hall
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hawkins
Hays
Hébert
Henderson
Hicks
Jarman
Jones, N.C.
Karth
Kee
Kirwan
Kluczynski
Koch
Kuykendall
Landgrebe
Leggett
Lipscomb
Long, La.
Lujan
McClory
McCulloch
McEwen
Madden
Martin
Michel
Mikva
Mills
Monagan
Moorhead
Morgan
Morse
Mosher
Nichols
Nix
O'Neal, Ga.
O'Neill, Mass.
Pepper
Pirnie
Poff
Powell
Price, Tex.
Pucinski
Purcell
Quie
Railsback
Reuss
Rhodes
Riegle
Rivers
Rostenkowski
Ruppe
Ryan
St Germain
St. Onge
Sandman
Saylor
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Sullivan
Taft
Taylor
Ullman
Utt
Waggonner
Watkins
Whalley
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Zion

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Poff for, with Mr. Addabbo against.

Mr. Long of Louisiana for, with Mr. Flood against.

Mr. Abernethy for, with Mr. Brasco against.

Mr. Caffery for, with Mr. Monagan against.

Mr. Arends for, with Mr. Charles H. Wilson against.

Mr. Rhodes for, with Mr. Kluczynski against.

Mr. Bob Wilson for, with Mr. Boggs against.

Mr. Lipscomb for, with Mr. Biaggi against.

Mr. Williams for, with Mr. Hays against.

Mr. Berry for, with Mr. Byrne of Pennsylvania against.

Mr. Frelinghuysen for, with Mr. Barrett against.

Mr. Goldwater for, with Mr. Daniels of New Jersey against.

Mr. Pirnie for, with Mr. Dent against.

Mr. Michel for, with Mr. Delaney against.

Mr. Martin for, with Mr. Eilberg against.

Mr. Lujan for, with Mr. Gallagher against.

Mr. Landgrebe for, with Mr. St. Onge against.

Mr. Ashbrook for, with Mr. St Germain against.

Mr. Hébert for, with Mr. Reuss against.

Mr. Del Clawson for, with Mr. Pucinski against.

Mr. Cederberg for, with Mr. O'Neill of Massachusetts against.

Mr. Corbett for, with Mr. Madden against.

Mr. Devine for, with Mr. Leggett against.

Mr. Smith of California for, with Mr. Staggers against.

Mr. Cowger for, with Mr. Green of Pennsylvania against.

Mr. Snyder for, with Mr. Gilbert against.

Mr. Watkins for, with Mr. Daddario against.

Mr. Wydler for, with Mr. Cohelan against.

Mr. Gubser for, with Mr. Celler against.

Mr. Cunningham for, with Mr. Carey against.

Mr. Clancy for, with Mr. Brown of California against.

Mr. Don H. Clausen for, with Mr. Boland against.

Mr. Bray for, with Mrs. Sullivan against.

Mr. Zion for, with Mr. Ashley against.

Mr. Foreman for, with Mr. Burton of California against.

Mr. Waggonner for, with Mr. William D. Ford against.

Mr. Dowdy for, with Mrs. Griffiths against.

Mr. Griffin for, with Mr. Hanley against.

Mr. Hagan for, with Mrs. Hansen of Washington against.

Mr. O'Neal of Georgia for, with Mr. Harrington against.

Mr. Henderson for, with Mr. Hawkins against.

Mr. Gettys for, with Mr. Rostenkowski against.

Mr. Frey for, with Mr. Sisk against.

Mr. Denney for, with Mr. Smith of Iowa against.

Mr. Abbitt for, with Mr. Stokes against.

Mr. Cleveland for, with Mr. Ullman against.

Mr. Camp for, with Mr. Karth against.

Mr. Belcher for, with Mr. Kee against.

Mr. Kuykendall for, with Mr. Kirwan against.

Mr. Price of Texas for, with Mr. Koch against.

Mr. Steiger of Arizona for, with Mr. Mikva against.

Mr. Bush for, with Mr. Morgan against.

Mr. Utt for, with Mr. Pepper against.

Mr. Winn for, with Mr. Ryan against.

Mr. Wylie for, with Mr. Nix against.

Mr. Nichols for, with Mr. Conyers against.

Mr. Eshleman for, with Mr. Steed against.

Mr. Derwinski for, with Mr. Fascell against.

Mr. Flynt for, with Mr. Moorhead against.

Mr. McCulloch for, with Mr. Diggs against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Ayres.

Mr. Baring with Mr. Hall.

Mr. Colmer with Mr. Blackburn.

Mr. Gibbons with Mr. Bell of California.

Mr. Downing with Mr. Cahill.

Mr. Hicks with Mr. Esch.

Mr. Casey with Mr. Brock.

Mr. Edwards of Louisiana with Mr. Collins.

Mr. Fuqua with Mr. Harvey.

Mr. Cabell with Mr. Broyhill of Virginia.

Mr. Jarman with Mr. Saylor.

Mr. Jones of North Carolina with Mr. Harsha.

Mr. Purcell with Mr. Button.

Mr. Sikes with Mr. McClory.

Mr. Mills with Mr. Morse.

Mr. Stephens with Mr. Quie.

Mr. Rivers with Mr. Mosher.

Mr. Taylor with Mr. McEwen.

Mr. Wyatt with Mr. Railsback.

Mr. Wiggins with Mr. Riegle.

Mr. Whalley with Mr. Taft.

Mr. Powell with Mrs. Chisholm.

Mr. Sandman with Mr. Ruppe.

Mr. **POLLOCK** changed his vote from "nay" to "yea."

Messrs. **WRIGHT**, **TEAGUE** of Texas, **WATTS**, and **BLANTON** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **GROSS**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 127, not voting 171, as follows:

[Roll No. 256]

YEAS—133

Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Aspinall
Bennett
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brooks
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Clark
Corman
Culver
Davis, Ga.
Dawson
de la Garza
Dennis
Dingell
Donohue
Dulski
Edmondson
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Farbstein
Feighan
Fish
Fisher
Foley
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Garmatz
Gonzalez
Gray
Hamilton
Hanna
Hansen, Wash.
Hathaway
Hechler, W. Va.
Helstoski
Holifield
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kyros
Lennon
Long, Md.
Lowenstein
McCarthy
McCloskey
McFall
Macdonald, Mass.
MacGregor
Mahon
Matsunaga
Meeds
Melcher
Miller, Calif.
Minish
Mink
Mollohan
Moorhead
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Obey
O'Hara
Olsen
Ottinger
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Randall
Rees
Reid, N.Y.
Roberts
Rodino
Rogers, Colo.
Rosenthal
Roybal
Scheuer
Shipley
Slack
Smith, N.Y.
Stafford
Stanton
Steiger, Wis.
Stratton
Stubblefield
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waldie
Watts
White
Wolff
Wright
Yates
Yatron
Young
Zablocki

NAYS—127

Adair
Alexander
Andrews, Ala.
Andrews, N. Dak.
Beall, Md.
Betts
Bevill
Bow
Brinkley
Brotzman
Brown, Ohio
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, Utah
Byrnes, Wis.
Carter
Chamberlain
Chappell
Collier
Conable
Conte
Daniel, Va.
Davis, Wis.
Dellenback
Dickinson
Dorn
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Findley
Flowers
Ford, Gerald R.
Fountain
Fulton, Pa.
Gaydos
Giaimo
Goodling
Green, Oreg.
Gross
Grover
Gubser
Hagan
Haley
Halpern
Hammerschmidt
Hansen, Idaho
Hastings
Heckler, Mass.
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Keith
Kleppe
Kyl
Landrum
Langen
Latta
Lloyd
Lukens
McClure
McDade
McDonald, Mich.
McKneally
McMillan
Mailliard
Mann
Marsh
Mathias
May
Mayne
Meskill
Miller, Ohio
Minshall
Mizell
Montgomery
Morton
Myers
Nelsen
O'Konski
Passman
Pelly
Pollock
Quillen
Rarick
Reid, Ill.
Reifel
Robison
Rogers, Fla.
Rooney, N.Y.
Roth
Roudebush
Ruth
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Skubitz
Springer
Stuckey
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Vanik
Wampler
Watson
Weicker
Whalen
Whitehurst
Whitten
Widnall
Wold
Wyman
Zwach

NOT VOTING—171

Abbitt
Abernethy
Addabbo
Anderson, Tenn.
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Belcher
Bell, Calif.
Berry
Biaggi
Blackburn
Boland
Brasco
Bray
Brock
Broomfield
Brown, Calif.
Broyhill, Va.
Burton, Calif.
Bush
Button
Byrne, Pa.
Cabell
Caffery
Cahill
Camp
Carey
Casey
Cederberg
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collins
Colmer
Conyers
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Delaney
Denney
Dent
Derwinski
Devine
Diggs
Dowdy
Downing
Eckhardt
Edwards, La.
Eilberg
Esch
Eshleman
Fallon
Fascell
Flood
Flynt
Ford, William D.
Foreman
Frelinghuysen
Frey
Fuqua
Gallagher
Gettys
Gibbons
Gilbert
Goldwater
Green, Pa.
Griffin
Griffiths
Gude
Hall
Hanley
Harrington
Harsha
Harvey
Hawkins
Hays
Hébert
Henderson
Hicks
Jarman
Jones, N.C.
Karth
Kee
King
Kirwan
Kluczynski
Koch
Kuykendall
Landgrebe
Leggett
Lipscomb
Long, La.
Lujan
McClory
McCulloch
McEwen
Madden
Martin
Michel
Mikva
Mills
Mize
Monagan
Morgan
Morse
Mosher
Nichols
Nix
O'Neal, Ga.
O'Neill, Mass.
Pepper
Pirnie
Poff
Powell
Price, Tex.
Pucinski
Purcell
Quie
Railsback
Reuss
Rhodes
Riegle
Rivers
Rooney, Pa.
Rostenkowski
Ruppe
Ryan
St Germain
St. Onge
Sandman
Saylor
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Sullivan
Taft
Taylor
Ullman
Utt
Waggonner
Watkins
Whalley
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Zion

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Poff against.

Mr. Flood for, with Mr. Long of Louisiana against.

Mr. Brasco for, with Mr. Abernethy against.

Mr. Monagan for, with Mr. Caffery against.

Mr. Charles H. Wilson for, with Mr. Arends against.

Mr. Kluczynski for, with Mr. Rhodes against.

Mr. Biaggi for, with Mr. Bob Wilson against.

Mr. Hays for, with Mr. Lipscomb against.

Mr. Byrne of Pennsylvania for, with Mr. Williams against.

Mr. Barrett for, with Mr. Berry against.

Mr. Daniels of New Jersey for, with Mr. Frelinghuysen against.

Mr. Dent for, with Mr. Goldwater against.

Mr. Delaney for, with Mr. Pirnie against.

Mr. Eilberg for, with Mr. Michel against.

Mr. Gallagher for, with Mr. Martin against.

Mr. St. Onge for, with Mr. Lujan against.

Mr. St Germain for, with Mr. Landgrebe against.

Mr. Reuss for, with Mr. Ashbrook against.

Mr. Pucinski for, with Mr. Hébert against.

Mr. O'Neill of Massachusetts for, with Mr. Del Clawson against.

Mr. Madden for, with Mr. Cederberg against.

Mr. Leggett for, with Mr. Corbett against.

Mr. Staggers for, with Mr. Devine against.

Mr. Green of Pennsylvania for, with Mr. Smith of California against.
Mr. Gilbert for, with Mr. Cowger against.
Mr. Daddario for, with Mr. Snyder against.
Mr. Cohelan for, with Mr. Watkins against.
Mr. Celler for, with Mr. Wydler against.
Mr. Carey for, with Mr. Foreman against.
Mr. Brown of California for, with Mr. Cunningham against.
Mr. Boland for, with Mr. Clancy against.
Mrs. Sullivan for, with Mr. Don H. Clausen against.
Mr. Ashley for, with Mr. Bray against.
Mr. Burton of California for, with Mr. Zion against.
Mr. Waggonner for, with Mr. William D. Ford against.
Mrs. Griffiths for, with Mr. Dowdy against.
Mr. Hanley for, with Mr. Griffin against.
Mr. Rooney of Pennsylvania for, with Mr. O'Neal of Georgia against.
Mr. Harrington for, with Mr. Henderson against.
Mr. Hawkins for, with Mr. Gettys against.
Mr. Rostenkowski for, with Mr. Frey against.
Mr. Sisk for, with Mr. Denney against.
Mr. Smith of Iowa for, with Mr. Abbitt against.
Mr. Stokes for, with Mr. Cleveland against.
Mr. Ullman for, with Mr. Camp against.
Mr. Karth for, with Mr. Belcher against.
Mr. Kee for, with Mr. Kuykendall against.
Mr. Kirwan for, with Mr. Price of Texas against.
Mr. Koch for, with Mr. Steiger of Arizona against.
Mr. Mikva for, with Mr. Bush against.
Mr. Morgan for, with Mr. Utt against.
Mr. Pepper for, with Mr. Winn against.
Mr. Ryan for, with Mr. Wylie against.
Mr. Nix for, with Mr. Nichols against.
Mr. Conyers for, with Mr. Eshleman against.
Mr. Steed for, with Mr. Derwinski against.
Mr. Fascell for, with Mr. Flynt against.
Mr. Fallon for, with Mr. King against.
Mr. Clay for, with Mr. Mize against.
Mr. Diggs for, with Mr. Quie against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Ayres.
Mr. Baring with Mr. Hall.
Mr. Colmer with Mr. Blackburn.
Mr. Gibbons with Mr. Bell of California.
Mr. Downing with Mr. Mize.
Mr. Hicks with Mr. Esch.
Mr. Casey with Mr. Brock.
Mr. Edwards of Louisiana with Mr. Collins.
Mr. Fuqua with Mr. Harvey.
Mr. Cabell with Mr. Broyhill of Virginia.
Mr. Jarman with Mr. Saylor.
Mr. Jones of North Carolina with Mr. Harsha.
Mr. Purcell with Mr. Button.
Mr. Sikes with Mr. McClory.
Mr. Mills with Mr. Morse.
Mr. Stephens with Mr. McCulloch.
Mr. Rivers with Mr. Mosher.
Mr. Taylor with Mr. McEwen.
Mr. Wyatt with Mr. Railsback.
Mr. Wiggins with Mr. Riegle.
Mr. Whalley with Mr. Taft.
Mr. Powell with Mrs. Chisholm.
Mr. Sandman with Mr. Ruppe.
Mr. Eckhardt with Mr. Gude.
Mr. Broomfield with Mr. Coughlin.

Mr. **ADAIR** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to raise the ceiling on appropriations of the Administrative Conference of the United States."

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the calendar, if any, for the remainder of this week and the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have completed the business for the week and will ask to go over until Monday upon the announcement of the program for next week, which is as follows:

Monday is Consent Calendar Day.

Tuesday is Private Calendar Day.

On Tuesday we will begin consideration of H.R. 6778, to amend the Bank Holding Company Act, under an open rule with 5 hours of debate.

On Wednesday there are two suspensions scheduled, as follows:

House Joint Resolution 934, to increase the authorization for the food stamp program; and

H.R. 13949, to provide certain equipment for use in the offices of Members.

For Wednesday and the balance of the week we will continue consideration of H.R. 6778, to amend the Bank Holding Company Act, and also we will consider H.R. 14465, to provide for the improvement of the Nation's airport system and for the imposition of airport and airway user charges, subject to a rule being granted. A hearing on this bill has, I understand, been scheduled by the Committee on Rules for next Tuesday.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished majority leader agree with this observation: looking at the two rather major bills, H.R. 6778 and H.R. 14465, in all likelihood, if not certainly, there will be a session next Friday?

Mr. ALBERT. It certainly is a distinct possibility, and I believe Members should govern themselves accordingly.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if there is anything that can be said with respect to Veterans Day?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. That, of course, is the week after next. I do not want to be bound by this at this stage of the game, because the gentleman knows that there are certain matters pending, but we had not planned—I think I am free to say this after discussing it with the Speaker and the minority leader—to have a session on Veterans Day, but we will have to cross that bridge when we announce the program next week.

ADJOURNMENT TO MONDAY NOVEMBER 3, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL STATEMENT

Mr. ECKHARDT. Mr. Speaker, I was unavoidably detained in my office on a matter of extreme urgency when the vote was taken on the matter of H.R. 4244 concerning the Administrative Conference. Had I been present, I should have voted "yea."

SUPPORT FOR $1 BILLION MORE FOR EDUCATION

(Mrs. MINK asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, I commend the House for voting this week to reaffirm our action of last July to provide $1 billion more for education in the United States than was provided by President Nixon's budget request to Congress for fiscal year 1970.

The House action added nearly $7,200,000 for education programs in Hawaii for the current fiscal year, over what President Nixon sought, bringing the State total of Federal funding for education to $20,795,650 under the House bill which I supported.

Despite the rapidly increasing student population in Hawaii and other States, President Nixon asked Congress to appropriate only $3.1 billion this year for the U.S. Office of Education—a substantial reduction from the $3.6 billion provided in the previous year, and obviously far short of our current requirements.

I was proud to help lead the emergency effort last July in which the House increased the Office of Education budget by more than $1.1 billion over the President's request for education programs in Hawaii and other States. The Senate, however, has yet to act on this bill, so the Office of Education and other

Federal agencies have been continuing their programs at the low Nixon administration funding level under a continuing resolution passed by Congress. This delay has caused our schools and colleges to be denied the benefit of the higher funding for this year contained in the House-passed bill.

This week the House considered an extension of this continuing resolution, but voted to repudiate the Nixon education budget by allowing the Office of Education to fund programs at the higher level approved by the House pending final congressional action on its 1970 budget.

All of this still means nothing for our schools unless the other body agrees. It is hoped that they will give the Office of Education budget top priority and pass this bill immediately. We are already 4 months into the current fiscal year, 1970, and further delay would hamper the cause of education which we sought to benefit last July.

Approval of these increases will be of tremendous benefit to Hawaii across the whole education spectrum. They will raise funding of the title I program for educationally deprived children in Hawaii by more than $428,000 over the President's request. Other elementary and secondary school increases would total $679,000.

A $5 million increase for Hawaii over the President's request would be provided for our schools under the federally impacted area program. We would also get more than $550,000 over what the President sought for vocational education in Hawaii.

Under this proposal the budget for higher education in Hawaii would be increased by more than $200,000 over what President Nixon asked. Library and community service funds in Hawaii would go up by more than $150,000.

All of these increases are vitally important to Hawaii if we are to keep pace with the increased student enrollments in our schools and colleges.

Following is a table showing the increased funds for education in Hawaii which would be provided under the House action, which I supported:

OBLIGATIONS IN THE STATE OF HAWAII

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					$3,211,221
Basic grants	$2,430,762	$2,215,107	$2,633,771	$2,633,771	
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	386,217	193,833	162,821	0	192,394
Supplementary educational centers and services (ESEA III)	841,079	874,776	903,778	716,722	895,686
Strengthening State departments of education (ESEA V):					
Grants to States	213,704	281,390	283,268	283,268	283,268
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	298,618	301,047		0	325,337
Loans to nonprofit private schools	31,063	9,946		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,918	66,059	50,000	0	68,974
Subtotal, elementary and secondary education	4,456,361	4,105,491	4,183,638	3,783,761	4,990,213
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	8,756,000	9,117,000	5,172,000	5,741,000	10,735,000
Construction (Public Law 81–815)		1,785,000		0	0
Subtotal, SAFA	8,756,000	10,902,000	5,172,000	5,741,000	10,735,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		137,551	156,823	156,823	156,823
Training programs (EPDA, pts. C and D)	569,568			0	0
Subtotal, education professions development	569,568	137,551	156,823	156,823	156,823
Teachers Corps	161,025	211,201		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	139,266			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,040	162,092	165,047	165,047	156,047
Undergraduate instructional equipment and other resources (HEA VI–A)	51,362	58,366		0	0
Construction:					
Public community, colleges and technical institutes (HEFA I, sec. 103)	276,813	327,314	169,240	169,240	169,240
Other undergraduate facilities (HEFA I, sec. 104)	857,813	547,034	357,621	0	127,380
Graduate facilities (HEFA II)	841,520			0	0
State administration and planning (HEFA I, sec. 105)	20,269	51,522	51,522	51,522	51,522
Educational opportunity grants (HEA IV–A)	196,000	55,099	265,182	265,182	195,295
Direct loans (NDEA II)	272,454	328,050	545,627	545,627	781,953
Insured loans:					
Advances for reserve funds	17,365	56,820		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV–C)	542,283	481,321	504,241	504,345	504,345
Special programs for disadvantaged students: Talent search	71,837			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	485,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	3,937,722	2,067,618	2,056,480	1,700,963	1,985,782
Vocational education:					
Basic grants	1,009,303	1,000,869	943,321	943,321	1,449,742
Innovation			210,047	210,047	210,047
Work-study	43,311			0	43,289
Cooperative education			214,090	214,090	214,090
Consumer and homemaking education			59,523	59,523	59,523
Subtotal, vocational education	1,052,614	1,000,869	1,426,981	1,426,981	1,976,691
Libraries and community services:					
Grants for public library services (LSCA I)	203,338	203,338	203,338	142,449	203,338
Construction of public libraries (LSCA II)	320,520	140,944	97,206	0	97,206
Interlibrary cooperation (LSCA III)	40,473	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,049	25,049	25,049	25,049
College library resources (HEA II–A)	55,822			0	0
Librarian training (HEA II–B)	141,163			0	0
University community service programs (HEA I)	117,338	115,728	115,728	115,728	115,728
Adult basic education (Adult Education Act):					
Grants to States	211,515	235,281	251,540	251,540	251,540
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community centers	1,151,919	800,409	772,930	614,835	773,118

OBLIGATIONS IN THE STATE OF HAWAII—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate 1970	House passed appropriation bill
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100,000	$113,023	$113,023	$113,023	$113,023
Teacher education and recruitment	115,744			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	3,225			0	0
Subtotal, education for the handicapped	218,969	113,023	113,023	113,023	113,023
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	237,965			0	0
Vocational education	41,872	25,334	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	279,837	25,334	15,000	15,000	15,000
Education in foreign languages and world affairs	203,182			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	31,661				
Student loan insurance fund	1,000			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	20,869,858	19,413,496	13,948,875	13,602,386	20,795,650

REPRESENTATIVE JOHN M. MURPHY ADDRESSES THE GREATER YOUNGSTOWN COLUMBUS DAY BANQUET

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. ANNUNZIO. Mr. Speaker, I want to call to the attention of my colleagues a speech delivered by our distinguished colleague, the Honorable JOHN M. MURPHY of New York, before the Greater Youngstown Columbus Day Banquet on October 12, 1969.

It was fitting and proper for the 20 Italo-American organizations which participated in the celebration to invite as their principal speaker the Honorable JOHN M. MURPHY. Congressman MURPHY was one of the cosponsors of the Monday holiday bill, which beginning in 1971 and thereafter, will make Columbus Day a national legal holiday to be celebrated on the second Monday in October.

I have the privilege of serving on the Merchant Marine and Fisheries Committee with Congressman MURPHY, and he represents with dedication and devotion the people of America on that committee.

He is also a member of the Interstate and Foreign Commerce Committee, where he is making a tremendous contribution to the important legislation that comes before that committee.

Congressman MURPHY is a graduate of the U.S. Military Academy at West Point. He has an honorary doctor of laws degree from Sung Kyun Kwan University of Seoul, Korea.

Mr. MURPHY has given outstanding service in the U.S. Army for which he has been awarded the Purple Heart, the Distinguished Service Cross, the Bronze Star with V and Oak Leaf Cluster, a Commendation Ribbon with Oak Leaf Cluster, the Combat Infantry Badge, the Parachute Badge, the Korean Service Medal with six battle stars and the Chungmu Distinguished Service Medal. He was discharged as a captain in July 1956.

Congressman MURPHY is a member of many civic and fraternal organizations and is the father of three children. He was elected to the 88th Congress, and was reelected to the 89th, 90th, and 91st Congresses.

I commend the Italo-American organizations for inviting this distinguished American to participate in their Columbus Day festivities.

Congressman MURPHY's speech follows:

REMARKS BY HON. JOHN M. MURPHY BEFORE THE GREATER YOUNGSTOWN COLUMBUS DAY BANQUET, OCTOBER 12, 1969

It gives me great pleasure to be here in the City of Youngstown to meet with the Greater Youngstown Columbus Day Committee and the sponsoring organizations to honor the accomplishments and memory of Christopher Columbus.

I am also so greatly pleased to be in the district of my dear friend and colleague Congressman Michael Kirwan.

In my eight years in the Congress I have received so much good advice and guidance from Mike that my ability to represent my district, my State and nation has been greatly enhanced. Mike has a habit of looking out for some of the younger Members and we so appreciate the benefit of his superlative ideals and wisdom.

It's interesting to note that in the last two decades, Mike is the only Member of Congress to have over-ridden a Presidential veto in both the House and the Senate. He has a unique, persuasive ability and calm logic that makes it difficult to disagree with his position.

His concern for Youngstown and his congressional district is legendary in the Congress. Many of us came to feel that Youngstown is a part of our interest as well.

Mike has always told us to keep our think factories working and when he urges us to move in a certain direction we usually "get the point he makes." Rarely, if ever, a disciple of the "Mike Kirwan philosophy" "puts on the rabbit" when a difficult issue confronts the Congress.

He has often spoken to me of Bill Cafaro in his most endearing terms—"he's one of the best". Your outstanding Mayor Anthony Flask is another one of the best from this outstanding district. It is also a pleasure for me to be sharing this delicious dinner with Father Louis Latina who was my next-door neighbor at St. Charles Seminary where I had the privilege to attend his ordination.

The western world owes a debt of gratitude to Christopher Columbus for his legacy of courage, hope and perserverance—for his faith in a dream and a goal—and, indeed, in himself—when other men of less mettle gave way to despair or cynical mockery. And we must make sure that we ourselves do not forget, and that our sons and daughters learn and remember, how the inexhaustible energy of this one man brought together, in a contact never again to be broken, the two halves of the globe.

In addition to being the man who discovered the new world, Columbus became the first Italian-American, the first of a long line of Italians who contributed so much to the development of this Nation.

ROUTE OF COLUMBUS STOOD THE TEST OF TIME

In the nearly five centuries since Columbus, millions of Italian immigrants, and immigrants from every other nation in the world, have followed the trail he marked, and it has been to our advantage as a nation not only that they chose to settle on our shores, but that they shared the courage and determination which Columbus possessed to such a high degree.

While the Italian-Americans did not face the uncertainties of sailing on unknown seas, they often faced adversities which tested to the fullest their ability to survive and prosper. But a casual look through Who's Who will show that they passed that test with the higest marks. American history is replete with the names of Italian immigrants who played leading roles in every important field: Fermi, Volta, LaGuardia, Gianini, Toscanini and Procaccino, are just a few.

There have been others, both before and after Columbus, who shared with him certain qualities of greatness. The first man to reach the top of Mt. Everest, the first to reach the North Pole, the first to fly across the Atlantic, and the first men to set foot on the moon—all of these men shared the same driving impulse, the same inquisitive minds, the same vision and the same free spirit which lead Columbus to our shores nearly five centuries ago.

These were men who dreamed not of what is, but what ought to be; men who drove themselves not to the limits of their endurance, but a little bit further; men who looked not to the horizon, but beyond.

What drives men like this is difficult to say. Partly it is the spirit that drives men to climb that proverbial mountain for no other reason than "because it's there."

Partly it is the inexhaustable search for knowledge that has led mankind through the pages of history at ever-increasing speed.

What makes Columbus and others like him unique, however, is not just the fact of their discovery, but the fact that they were the first. The second man to cross the Atlantic and land in the new world faced most of the same difficulties as Columbus, but does anyone remember his name? Does anyone remember the name of the second man to climb Everest, or the second man to fly the Atlantic?

Someday we might have a proper celebration for the number two's of our history to give them the recognition they deserve. It seems to me that "Avis Day" would be a proper title for the celebration.

The real difference is between men who follow maps, and men who make their own maps as they go. Columbus and the men like him charted their own destinies. Where they went, the only footprints were those they left behind.

Probably the greatest discovery since Columbus is the recent moon landing by our own astronauts. Armstrong, Aldrin and Collins showed that regardlesss of whether man sails the Atlantic Ocean and sets foot in the new world or whether he sails the Sea of Tranquillity and sets foot on the moon, his spirit of adventure is much the same.

There are differences, of course. The voyage by Columbus was supported by only a few people, while the majority were either uninformed, indifferent, or openly hostile to the adventure. Our spacemen were part of a national effort requiring the efforts of thousands of men and women and billions of dollars, with the enthusiastic support of the vast majority of Americans. It was months before anyone knew of Columbus' success; the first step on the moon was watched live by people around the world. Times have changed, and the space age has become a mirror for that change.

One thing common to both Columbus and the astronauts, however, is the response by a small group of people who would rather walk backwards through history. There were those after Columbus who must have said: "Well, we know the world is not flat now, so let's stop playing games and start solving our own problems here at home."

Sound familiar? It should. Today we hear similar voices of those who want to abandon the space program now that we have landed on the moon. Of course, the desire and the necessity to solve problems here at home cannot be challenged by responsible men. But we are working to solve our problems, and certainly the two can exist side by side. There is no reason to stop all other endeavors until we reach utopia here at home, whatever that might be. A nation that ceases to inquire into the unknown can never survive the rapid change of time.

I would point out as well that while most people believed the world was round after Columbus, it was not until recently that one group would accept this fact. You may have read about that lonesome little group of diehards who had organized to fight the notion that the world was, indeed, round.

The day after our astronauts sent back pictures from outer space of the earth which, lo and behold, was round, a news article appeared in our press stating that the majority of the members of that "earth is flat" club had decided that maybe it wasn't flat after all. We will never convince all of the people all of the time.

And so, almost 500 years after Columbus, the march of progress takes its final toll on yet another link with the past. Such is the price we pay for our spirit of adventure.

America, and the rest of the world, will always face adversity; such is the reality of a changing world. But one constant factor if we are to survive must be our incessant quest and determination to seek knowledge about our environment and to accept the challenge of solving our problems. We must never say never.

Western man has made mistakes; he faces the possibility of self-destruction. And yet, his accomplishments have been such as to offer a prospect for hôpe—for the redemption of past failures with future success undreamed of by men of Columbus' time; for a life of universal abundance and harmony and for a decent life in which all men may have the opportunity to attain the fullness of their potential.

So let us today, in paying tribute to the descendants of Italians, and to the man who made possible Italian-Americans, and the United States of America, always remember the questing spirit of Western man as typified by Christopher Columbus.

Arriverdeci Youngstown.

COMMITTEE AND SPONSORING ORGANIZATIONS

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Carmelo Foti, Michael Pope, John Trimboli, Co-Chairmen.

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Holy Name, Mt. Carmel Church.

NEGOTIATIONS WITH DELEGATES OF THE NORTH VIETNAMESE

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I want to express my concern, alarm and indignation over the callous acts of individual American citizens connected with the so-called peace forces, in making repeated contacts with representatives of the North Vietnamese, particularly in the area of negotiations concerning prisoners of war. When U.S. troops are fighting and dying in Vietnam, no American citizen should be permitted to undermine our Government's effort. This past August, Rennie Davis, one of the founders of the revolutionary Students for a Democratic Society who accompanied three American prisoners of war home from North Vietnam, endeavored to use some 50 letters from other imprisoned Americans as propaganda for the purpose of undermining this country's defense effort. Davis was thwarted in his attempt to obtain some propaganda value from the letters when Time magazine refused to publish them. This week, Attorney William M. Kunstler, said to be acting for his clients, David Dellinger and Rennie Davis, met with North Vietnamese delegates in Paris. Kunstler's subsequent public pronouncements indicated that through him the North Vietnamese gave concessions of a more regular flow of mail from the prisoners and data on the prisoners' health.

Kunstler indicated his action was purely humanitarian in nature. However, after delving into this matter, I submit that the facts do not substantiate his claim. I call attention to the fact that his client, David Dellinger, self-admitted non-Soviet-type Communist, at the request of the militant Black Panther Party has previously announced the possibility of releasing U.S. military prisoners in North Vietnam if and when the United States unconditionally released Black Panther Party leaders Bobby Seale and Huey Newton. Panther leader Eldridge Cleaver, who fled this country as a fugitive from justice, has been in consultation with the North Vietnamese in regard to this matter. The political import the Black Panther Party is placing on this matter is that Seale and Newton are not simply "political prisoners" but prisoners of war because "it is a military policy the U.S. Government utilizes against the Black Panther Party." Dellinger and Davis asked to be allowed to go to Paris to discuss the exchange of American prisoners of war for the freedom of Black Panther Party leaders Seale and Newton but, Judge Hoffman, who is presiding over their conspiracy trial in Chicago growing out of disturbances during the Democratic National Convention in August 1968, denied permission. Lawyer Kunstler went instead. I am confident that the exchange contemplated by Dellinger would never be permitted to materialize but in view of what previously happened I submit that Kunstler cannot validly claim that his motives are purely humanitarian.

Perhaps a speech made by Kunstler at the United Front Against Fascism Conference sponsored by the Black Panther Party which was held in Oakland, Calif., July 18 to 21, 1969, and printed in the July 26, 1969, issue of the Black Panther, official organ of the Black Panther Party, will give some insight concerning Mr. Kunstler. During his speech, Kunstler in speaking of the murder of white police officer John Gleason in Plainfield, N.J., during a racial uprising in that city, stated:

> The crowd, justifiably, without the necessity of a trial and in the most dramatic way possible, stomped him (Gleason) to death.

In view of Kunstler's close relationship with the Panthers, I do not think they would publish something concerning him that was not true. I have no information that Kunstler has made any effort to repudiate the statement attributed to him and in addition, I have been advised by a highly reliable source who was present during Kunstler's speech that Kunstler did, in fact, make this statement.

It seems absolutely incredible and reprehensible in view of Mr. Kunstler's past activities that he should be able to obstruct the conduct of our foreign affairs during wartime. The U.S. Government is now in the servile and degrading position of having to rely on Kunstler and his associates for further prisoner-of-war information. Hanoi intends to send American prisoner-of-war mail to an office which the Communist-saturated New Mobilization Committee To End the War in Vietnam—sponsor of the forthcoming November 15, 1969, "March Against Death"—is establishing to process the mail and forward it to relatives. This tactic is utilized by the enemy to lower the morale of the American people and to humiliate the Government and people of the United States.

While I can readily understand the desires of bereaved families of American prisoners of war to obtain whatever information is available concerning the prisoners, it is important that the American people know that the activity, such as engaged in by Kunstler, is nothing short of a callous propaganda act designed to improve the image of the defendants and other associates of the same ilk. In addition, such activity is designed to divide the American society. The treatment and release of our prisoners of war should be the concern of all Americans, but it is clearly not an area for barter to be engaged in by citizens of the United States to advance the interests of forces hostile to our Nation.

The Logan Act which appears to provide a base for prosecution of Kunstler for his action has not been utilized and, as a matter of fact, I do not recall any instance where this statute has been applied to penalize such conduct. The Logan Act provides that:

> Any citizen of the United States, wherever he may be, who, without the authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measure or conduct of any foreign government or any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

The Logan Act may be inadequate to provide an enforceable base for prosecuting Kunstler. There have been numerous instances during the Korean and present war when individuals such as Kunstler have corresponded and met with representatives of foreign governments for purposes inimicable to the interests of the United States. Inasmuch as not one single prosecution has been initiated under the Logan Act, and for other reasons, I must conclude that responsible officials feel it is not a suitable vehicle for coping with such activities.

This conduct has shocked the conscience of the Nation, and raised grave misgivings in the minds of many citizens whose sons are being called upon to die, if necessary, in the performance of their duties in the Armed Forces of this country. Our laws must be up-dated and strengthened to cope with the problems with which we are currently faced. The situation does not promise to ameliorate, but to become increasingly aggravated in the future. Kunstler's action last week, I believe, is but a prologue of what may be anticipated. We cannot dismiss this act as "humanitarian" or purely an isolated incident. If we are not prepared to suppress this activity in its infancy, we shall be faced with greater problems. If we value our liberties, as we do, we shall not permit any impairment of our national security while powerful forces, avowedly hostile to our society, are preparing to make us their victim.

I have introduced today a bill designed to make punishable certain activities affecting captive personnel of the U.S. Armed Forces. Specifically, it prohibits correspondence or intercourse with any foreign government with which United States is engaged in armed conflict, respecting any matter in controversy affecting the disposition, captivity, or detention of military or naval personnel of the United States with intent to influence or aid such foreign government or to interfere with the operation of the military or naval forces of the United States and to promote the success of their enemies. This bill does not provide for a blanket prohibition. For example, it would not prohibit the families of prisoners of war or persons specifically authorized by the President or Secretary of State from making contact with a foreign government.

I call upon this House to take quick, positive action on my proposed legislation.

BAR ASSOCIATION RESPONSIBILITY

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, attorneys are officers of the court. As such, it is their solemn duty under oath to uphold the judicial process.

On isolated occasions, perhaps carried away by emotion engendered by partisan attachment to a cause, they may be guilty of occasional impropriety which in the discretion of the court can be overlooked or dismissed with a reprimand. When attorneys become willfully and repetitively contemptuous of the judicial process, of the judge, the canons of ethics of the American Bar Association, of all of the things that the organized bar has provided in an effort to assure the public that the practice of law shall be conducted with propriety and restraint, it is time that they be disciplined.

There is no obligation on attorneys to represent clients who flatly refuse to abide by the rules of the court. In fact, the obligation is to decline and to tell such individuals that their cause will be presented under the rules or it will not be presented. After all, it is one of the signal strengths of this union that we are a government of law and not of men. No individual, and in particular, no attorney at law, has the right, either morally or legally, to declare that he in his cause is above or beyond the law.

The conduct and statements of Attorney William Kunstler in the so-called Chicago 8 conspiracy trial require disciplinary action by the bar. Mr. Kunstler should be suspended from practice forthwith. Unless he reforms and agrees to abide by the rules of practice that apply to all attorneys he should be permanently disbarred.

History records that occasionally movements to reform society have included calls to get rid of lawyers. Sober reflection impels the conclusion that as long as there are people there will be causes and that the need for advocacy continues whether the advocates are called lawyers, ombudsmen, or something else.

Unfortunately, the bar has its share of shysters, fakers, and ambulance chasers. The bar can deal with the former and in a certain measure with the latter. The public will measure the fakers, which takes time. However, it is the solemn obligation of the bar to protect itself against repeated willfully contemptuous conduct such as that of Attorney Kunstler, wherever and whenever it may occur in our judicial system.

His threats to the court, his participation in a calculated exercise to create a mockery of the judicial process, his inflammatory and provocative incitement to violence in and out of the courtroom, his public record of activity while a member of the bar is incompatible with his obligation as an officer of the court. The organized bar, and the American Bar Association in particular, owes it to the people and to its public image to act promptly and effectively to suspend attorneys who conduct themselves in this manner. If these attorneys fail to reform within a probationary period they should be permanently disbarred. I urge ABA President Bernard Segal of Philadelphia to take prompt and effective action to protect the bar and our people from this continuing abuse of process.

Anything less will result in the total erosion of public confidence in the law. Such confidence is already at a low ebb. The antics of counsel on public display, such as those in the Chicago trial, cannot be permitted to continue undisciplined or it is a fair conclusion on the part of John Q. Public that bar associations are more interested in protecting their own than in protecting the people of the United States. This is not the case but the hour is late for responsible action to bring to an end the disgraceful conduct of Kunstler and any other attorneys to follow.

By way of background I include at this point this morning's Washington Post report of the goings-on in Chicago:

CURSES, ACCUSATIONS ROCK CHICAGO 8 TRIAL

(By William Chapman)

CHICAGO, October 30.—More courtroom disruptions, including the muffled shouts of a bound and gagged defendant, brought the Chicago Eight conspiracy trial close to pandemonium today.

Gagged and strapped to his chair, Black Panther leader Bobby Seale mumbled curses at the judge while fellow defendants shouted and lawyers accused each other of unethical conduct.

After one scuffle in which his gag came off Seale shouted an obscenity at U.S. District Judge Julius J. Hoffman and called out: "You fascist dog—you rotten low-life son of a gun."

Marshals reached down to restrain him and to strap down an arm that had come loose as other defendants began shouting that Seale was being attacked.

"They're beating Bobby," yelled David Dellinger, veteran leader of the antiwar movement. Another defendant, Yippie leader Jerry Rubin, claimed Seale was elbowed in the mouth and struck in the groin. Rubin was shoved back several feet by a marshal.

Defense attorney William Kunstler moved to the lectern to tell Judge Hoffman, "I just feel so ashamed to be an American lawyer at this point." Judge Hoffman replied, "You should feel ashamed—of your conduct in this trial."

Seale was taken from the room and a new gag applied. When he was returned the judge told the jury to disregard the incidents and explained that he was trying "each day to discharge my obligations under the law . . . to assure a fair trial."

Seale began grunting loudly. "I ask you to refrain from making those noises," said the judge. More muffled grunts. "I order you to stop those noises," Hoffman insisted.

With his gag partially off again, Seale began shouting, "The judge is lying." A luncheon recess followed.

At a news conference during the noon recess, Rubin displayed a note that he said Seale had written. The note read: "Tell all the Brothers & Sisters I said cool it everywhere. Just spread the word about injustice on the part of Hoffman and the U.S. Court room."

The afternoon was relatively quiet after Judge Hoffman told Seale he would have to "deal appropriately" with further outbursts. Seale wrote a note in which he said he wanted to defend himself in court and argue motions "as any defendants or citizens of America may do".

But at the close of the day, Seale shouted again through his gag: "I want a chance to examine the witness. My constitutional rights have been violated."

Judge Hoffman warned him, "Time is running out. If you persist, the court will have to deal with it in an appropriate manner."

There was no indication what further measures the judge would—or could—take. He had ordered Seale shackled and gagged yesterday after the black leader repeatedly shouted demands to be allowed to conduct his own defense.

Seale has claimed he is not represented by the two defense lawyers, although one of them, Kunstler, formally filed a notice of appearing in his behalf before the trial started. The lawyer Seale prefers, Charles R. Garry of San Francisco, has been ill and unable to participate. Judge Hoffman has refused requests to delay the trial until Garry has recuperated from an operation.

The only alternative discipline available to the judge seemed to be an order excluding Seale from the courtroom. But the Seventh U.S. Court of Appeals here has ruled that exclusion of a defendant is unconstitutional, and told a trial judge he should have had an unruly defendant bound and gagged in court to preserve order.

There was some speculation that Judge Hoffman might order Seale kept in a cell anyway, having demonstrated that binding and gagging him did not prevent disruptions.

There is legal precedent for binding and gagging disruptive defendants. Two persons among 15 defendants in a narcotics trial seven years ago were ordered restrained in that manner by a U.S. District judge in New York.

A U.S. Court of Appeals upheld their conviction and the Supreme Court refused to review it. The appellate court decisions said: "There was no abuse of discretion in the trial judge's action, taken to preserve security of the courtroom, ordering two defendants gagged and shackled after one had climbed into the jury box and pushed jurors and another had thrown a chair at an assistant United States Attorney."

At one point yesterday, Kunstler, the chief defense attorney, asked Judge Hoffman to refer the behavior of the marshals and the binding and gagging of Seale to the U.S. Judicial Conference, the administrative arm of federal courts.

"If you don't, we will," Kunstler told Hoffman.

"Don't you threaten this court and a district judge who has practiced law and been on state and federal benches for many years," Hoffman shot back.

"When a judge with all that experience has to sit here and have a defendant call him 'pig' . . ." Hoffman continued, but Seale interrupted again with muffled protests.

"Listen to him now," Hoffman said. "You take that to the Judicial Conference or anywhere you choose."

At another point, the other defense lawyer, Leonard I. Weinglass, asked Judge Hoffman to poll the jurors on whether they felt they could continue "orderly deliberation" while one defendant sits before them bound and gagged.

Assistant U.S. Attorney Richard Schultz called Weinglass' request "one of the grossest attempts" to influence the jury, which was present when the request was made. Hoffman refused to poll the jury.

The 10 female and two male jurors were led in and out of the courtroom repeatedly as the judge sought to prevent them from hearing the outbursts and arguments this morning. But several incidents took place in the jury's presence.

Several jurors seemed visibly upset by the scene. They occasionally cast quick glances in Seale's direction, but for the most part appeared reluctant to look at him.

A MOVE TO VETO JUSTICE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, a recent editorial in the Chicago Sun Times reiterates the fact that justice should not be available only to those who can afford it. Justice should be guaranteed to all American citizens.

Unfortunately, the OEO legal services program, which has been extremely successful in providing legal assistance to the poor, has been endangered by a Senate amendment which would threaten the delivery of such assistance to the poor.

As a lawyer and as a member of the House Judiciary Committee, I have been impressed with the achievements of the neighborhood legal services programs conceived and funded by OEO. Such action should not be allowed to stand. We must do all we can to be sure that the poor continue to get the expert legal representation which OEO has been providing. Admittedly, there is some temporary discomfort in having legal services lawyers challenge existing institutions which have traditionally shortchanged the poor. But yielding to that irritation by putting shackles on the legal services efforts would, I am convinced, result in a longterm calamity for this Nation.

The Senate amendment removes from the Director of OEO his power to override a Governor's veto when he feels such action is in the best interest of poor clients. Such action should not be allowed to stand. We must do all we can to be sure that the poor continue to get the expert legal representation which OEO has been providing.

A MOVE TO VETO JUSTICE

Sen. George Murphy (R-Calif.) has pushed through the Senate an amendment that would give governors the right to veto any legal service activity offered within their states by the Office of Economic Opportunity.

The amendment is attached to a money authorization bill that must go to the House, and, legislatively, there will be a chance to erase the folly.

Nonetheless, the move definitely endangers the legal services program, which has become one of OEO's true successes. OEO Director Donald Rumsfeld will need all the allies he can muster.

The legal services program has brought to the poor and harassed something they have not historically experienced: expert legal representation and protection of the law in both minor and major matters. Naturally, the program—staffed by 1,800 eager and persistent attorneys—has made enemies. It has done so because the lawyers often step on establishment toes.

One of the luminaries sent limping on occasion is Murphy's friend and former screen colleague, Gov. Ronald Reagan of California.

Reagan has been sorely troubled by migrant workers demanding reform down on the farm. He has been at least as sorely troubled by the OEO legal assistance given these workers.

For example, as Tom Littlewood of The Sun-Times Washington Bureau pointed out Monday, these attorneys "resisted the importation of Mexican braceros to pick the tomato crop thwarted Reagan's cutback in medical care for the needy aged and blocked a school district from closing classes so the students could help with the grape harvest."

Reagan, of course, is not the only state official to feel the impact of the OEO efforts, and the lawyers themselves have rubbed a little salt in the sore spots. Rumsfeld appointee Terry F. Lenzner, head of the legal services program, said he plans to broaden the scope of legal assistance activities to community questions such as poor garbage pickup, bad street lighting or other "misallocation of resources."

And in August a group of poverty lawyers banded together to "oppose and resist political . . . or other interference in the effective representation of our clients who are indigent."

The poor need this tough-minded help, for justice should not belong only to those who can afford it. Let's hope a few voices are raised to that effect in Congress.

A CALL FOR SENATE ACTION ON THE BILL TO REVISE THE DRAFT SYSTEM

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEALL of Maryland. Mr. Speaker, the House yesterday considered and passed legislation which affects the lives of all our young men who must still face the possibility of military service. There is little doubt that the draft concerns more individuals in a personal way than virtually any other Federal program.

Through the years our draft system has become a hodge-podge of rules and regulations which have created some most unjust situations. Too often we have heard from the young man who has volunteered for military service only to be turned down for physical reasons, and then, later, drafted and told that he has met the standards. Frequently we have heard similar stories about men who were turned down because of failure to reach certain educational standards, only to be found acceptable under other standards when drafted.

I know we are all cognizant of the fact that one of our greatest responsibilities is to the young men of America. We owe these people the opportunity to plan their future with a degree of certainty. Our present draft laws deny this right to the majority of the young men of our country. President Nixon has recognized the need for substantive change in the draft law and has made proposals that we bring greater equity to the system. The House yesterday provided the legal instrument that will allow the President to implement his reform.

The bill which we have passed will remove the final roadblock in the way of the President's plan to revise the system. We can soon have a draft that will take the youngest first by a system of random selection that will reduce the period of uncertainty from 7 years to 1 year or less. We can soon have a complete study of the policies of deferment and exemption that have grown at the local level. This review of guidelines, standards, and procedures by the National Security Council and the Director of the Selective Service should be carried out swiftly with the least delay possible. It is one of the most important aspects of the President's plan for change.

Mr. Speaker, I was distressed to learn from this morning's news that the Senate leadership has apparently decided not to consider this or any other draft legislation during the current session of the Congress. I am extremely disappointed in this news because I feel that we owe more to the young men of America than mere lipservice to their problems. Mr. Speaker, I hope that the leadership of the Senate will move forward in consideration of the House bill. The strength of our form of government rests to great degree on the confidence that the people have in their legislators. I hope that we can merit the confidence of our draft age citizens by showing through legislative action that we are concerned for their future. Favorable consideration of the House passed bill is the least that can be done to show the young men of America that we do care.

AIR TRAVELERS DESERVE MORE U.S.-ORIENT SERVICE TO JAPAN

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the United States and Japan have reached agreement on an air route between Tokyo-Anchorage-New York, not including Seattle and Chicago.

This action came as a disappointment to Washington State interests since, geographically, Seattle is the nearest big-city gateway to Japan. And, while this has been overlooked, the oversight can be rectified next year.

The State Department has assured Seattle interests that it will consider Seattle's position in 1970 negotiations with the Japanese, and accordingly, I have, this day, sent a letter to the State Department strongly urging that they give such consideration to Seattle as a gateway to the Orient and that I be kept informed of any moves they make in this regard.

Mr. Speaker, air-route decisions can overlook geography just so long. With the advent of 747's and, in a few years, supersonic transports, passengers will want the shortest possible nonstop routes. The first step in improving Seattle's status should be taken through a regional agreement to seek flight rights through Seattle for Japan Air Lines and a U.S. airline.

Presently there is just one Seattle-Tokyo combination carrier. The main thrust of transpacific air travel now is by way of the island-hopping central Pacific, about 1,200 miles longer. Three-carrier competition through the Seattle gateway, coupled with a badly needed reduction in Pacific fares, and fares based on mileage, could place Seattle in its rightful role as the Nation's leading transpacific gateway.

But, the next move is up to our Government, and, again, I trust the State Department will be true to its word in keeping Seattle's geography and the world's air travelers in mind during the 1970 negotiations with the Japanese on air routes to the United States.

ECONOMIC CONCENTRATION

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, in June of this year, I took the floor to comment briefly on what seemed to me an untenable attack on business by the Antitrust Division of the Justice Department. I was disturbed by statements of the Attorney General and his staff that they were going to move to block mergers of large companies on the basis of "economic concentration." It appeared to me to be an attack on "bigness," despite the absence of a legal basis for such a position.

It was my feeling then, as it is now, that if there are social or economic dangers inherent in concentration or in the current conglomerate trend, it is the duty and obligation of Congress to examine the situation, and after a review of the facts, pass such legislation as necessary. Certainly, in the absence of specific law, the Justice Department oversteps its bounds by pursuing the "bigness is bad" philosophy, which has been rebuffed time and time again in the courts.

I take the floor today to point out to my colleagues that last week a Federal court again made the point absolutely clear. On Tuesday, October 21, Chief Judge William H. Timbers, of the U.S. District Court for the District of Connecticut, denied Government motions for a preliminary injunction to block the mergers of International Telephone and Telegraph Corp. with the Grinnell Corp., of Providence, and the Hartford Fire Insurance Co., of Hartford. The Justice Department has injected the issue of economic concentration in both of these cases.

My belief that the Justice Department's position, as espoused by its Antitrust Chief Richard McLaren, goes well beyond the scope of the existing law is substantiated by Judge Timbers' decision. He made plain his view that section 7 of the Clayton Act should not be wielded irresponsibly to cover efforts to block mergers on the basis of economic concentration.

To quote from a press release issued by the court:

> A key statement in Judge Timbers' decision rejects the government's argument regarding economic concentration. Pointing out that Section 7 of the Clayton Act "proscribes only those mergers the effect of which 'may be substantially to lessen competition', *not* those mergers the effect of which may be substantially to increase economic concentration," the Judge then concluded (Opinion, P. 71–72):
>
> "The alleged adverse effects of economic concentration brought about by merger activity, especially merger activity of large diversity corporations such as ITT, arguably may be such that, as a matter of social and economic policy, the standard by which the legality of a merger should be measured under the anti-trust laws is the degree to which it may increase economic concentration—not merely the degree to which it may lessen competition. If the standard is to be changed, however, in the opinion of this Court it is fundamental under our system of government that that determination be made by the Congress and not by the courts."

Judge Timbers' finding also adds validity to the warnings issued by President Nixon's Task Force on Productivity that the Justice Department should not take antitrust action against conglomerates on the basis of "nebulous fears about size and economic power."

Similarly, a panel of antitrust experts earlier had told President Johnson that antimerger attacks on large companies using the Clayton Act would have to be through "a contrived interpretation."

The Justice Department has been rebuffed twice in its attempt to extend the Clayton Act—in this case and earlier in the Northwest-Goodrich merger case.

In view of these court rulings and the expert advice of two study groups, I believe the time has come for the Justice Department to reconsider seriously its policies with regard to mergers.

If, as it claims, conglomerate mergers are causing economic and social harm, Congress is willing to hear the facts. As Judge Timbers said, it is a matter for Congress and not the courts.

Mr. Speaker, I insert the press release issued by Judge Timbers in the RECORD.

UNITED STATES AGAINST ITT AND GRINNELL CORP., CIVIL NO. 13319, AND UNITED STATES AGAINST ITT AND THE HARTFORD FIRE INSURANCE CO., CIVIL NO. 13320

(NOTE.—For the convenience of the press and other news media—in view of the length of this opinion and the 6 p.m. release hour (after the closing of all stock exchanges in the United States, including those on the West coast)—here is a nutshell summary.)

New Haven, October 21.—Chief Judge William H. Timbers, of the U.S. District Court for the District of Connecticut, today denied government motions for preliminary injunctions in two antitrust suits brought by the government to enjoin proposed acquisitions by ITT of the stock of Grinnell Corp of Providence and the stock of The Hartford Fire Insurance Co. of Hartford. Judge Timbers directed that "hold separate orders" be entered in both cases to preserve the status quo pending trial and decision on the merits.

The practical effect of this decision is that the companies will be free to consummate the mergers as soon as formal orders are entered one week from today; but pending the outcome of the trial on the merits, Grinnell and Hartford must be operated as separate companies and must make no changes in their operations which might hinder divestiture if ultimately ordered.

The ITT-Hartford and ITT-Grinnell mergers are said to constitute the largest combined merger in the history of the United States. With ITT's assets of $4,022,400,000, Hartford's assets of $1,891,700,000 and Grinnell's assets of $184,453,229, the resulting combine will have total assets in excess of $6 billion.

One result of the decision today to permit the mergers to be consummated is that the 18,661 stockholders of Hartford, will realize an aggregate gain of approximately $600,000,000; and Grinnell's 5,939 stockholders will realize an aggregate gain of about $75,000,000. If preliminary injunctions had been granted, ITT, as well as Hartford and Grinnell, had announced that the proposed mergers would have been terminated.

Judge Timbers' 77 page opinion filed late today, after a detailed analysis of the evidence introduced at the 5 day hearing in September, concludes—with respect to each of the government's claims that the proposed mergers would result in substantial lessening of competition—that the government has not sustained its burden of establishing a reasonable probability of success in proving its case on the merits at trial.

A key statement in Judge Timbers' decision rejects the government's argument regarding economic concentration. Pointing out that Section 7 of the Clayton Act "proscribes only those mergers the effect of which 'may be substantially to lessen competition', *not* those mergers the effect of which may be substantially to increase economic concentration," the Judge then concluded (Opinion, p. 71–72):

"The alleged adverse effects of economic concentration brought about by merger activity, especially merger activity of large diversified corporations such as ITT, arguably may be such that, as a matter of social and economic policy, the standard by which the legality of a merger should be measured under the antitrust laws is the degree to which it may increase economic concentration—not merely the degree to which it may lessen competition. If the standard is to be changed, however, in the opinion of this Court it is fundamental under our system of government that that determination be made by the Congress and not by the courts."

In deciding that "hold separate" orders should be entered, Judge Timbers stated (Opinion, p. 74):

"The Court has decided, however, in the exercise of its inherent equitable powers and pursuant to what it believes to be sound administration of federal justice, to condition the denial of preliminary injunctions upon the entry of appropriate hold separate orders to preserve the status quo pending hearing and decision of the case on their merits."

Judge Timbers' decision today denying the government's motions for preliminary injunctions cannot be appealed either to the U.S. Supreme Court or to the U.S. Court of Appeals. The government has stated that it will not seek to appeal the decision (Opinion, p. 74 n. 98). The only appeal in a government antitrust suit under Section 7 of the Clayton Act is from a final judgment *after trial*; and that appeal must be taken directly from the District Court to the U.S. Supreme Court.

Acknowledging the assistance of counsel for all parties, Judge Timbers stated, "The Court has been greatly assisted by the briefs, oral arguments and proposed findings of fact and conclusions of law from able counsel for all parties" (Opinion, p. 5). And he praised losing counsel for the government in these words (Opinion, p. 72):

"Government counsel on the instant preliminary injunction motions have demonstrated competence and diligence of the highest order in presenting the government's cases fully, fairly and at all times in keeping with the high professional standards of the Department of Justice."

WATSON COMMENDS PRINCETON UNIVERSITY ORGANIZATION

(Mr. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATSON. Mr. Speaker, for the past few days, Princeton University students have been calling upon Members of Congress in an attempt to gain congressional support for an organization founded by them entitled, "Undergraduates for a Stable America," or USA.

I commend these very forthright and patriotic young Americans. Their program is designed to make the American people aware of the magnificent sacrifice being waged by our fighting men in Vietnam for the cause of freedom. Symbolically, they have chosen Veterans Day, November 11, as a time for Americans to demonstrate their support for these noble efforts by our men as well as the untiring devotion and dedication by President Nixon to find an honorable peace in Vietnam.

Mr. Speaker, these students certainly have my overwhelming support, and I believe that all Americans who truly want an honorable and just solution to the Vietnam war will also give them their support. I am proud that one of them, Ken Graham, is a resident of my congressional district. His parents, Dr. and Mrs. Bothwell Graham, are dear friends of mine, and they can be justly proud of their son.

These students are in marked contrast to the youthful radicals who organized and participated in the recent so-called Vietnam moratorium day. Instead of doing such despicable things as burning the U.S. flag, throwing garbage—real and verbal—at police officers, burning draft cards, and so forth, like some of their militant campus contemporaries, these students are doing something for their country and its efforts to keep Southeast Asia free from Communist tyranny.

While it is disturbing to see youthful militants degrade America, it is absolutely appalling when the old guard liberals join their ranks. A number of these, of course, are politicians who are seeking to capitalize politically on the antiwar sentiment. Their demagoguery is disgusting.

While I would always fight for the right of a person to dissent, it is most tragic when cynical public figures join hand in hand with the most notorious radical leftists, including Communists and anarchists, to undermine the morale of our troops in Vietnam. Whether intentional or not, they and others like them have aided the Communists, and I do not know of an American fighting man over there right now who would state differently. They have delivered a propaganda victory to Hanoi, and because of their tirades and opportunistic babbling, North Vietnam will continue to carry on this terrible war, operating under the illusion that most Americans subscribe to their unpatriotic handiwork.

TEXTILE IMPORTS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, yesterday I had the pleasure of meeting with a delegation from the Japanese Diet, here in the Capitol, with the Honorable Phil Landrum, chairman of our informal House Textile Committee, and the Honorable Charles Jonas, vice chairman of our group. Both Houses of the Japanese Diet were represented. The purpose of this meeting was to promote an understanding for the urgent need of a voluntary agreement limiting Japanese textile imports to the United States.

The chairman of our committee, the gentleman from Georgia (Mr. Landrum), informed our Japanese friends that legislation providing for mandatory quotas would be initiated in the House; and he predicted it would pass unless Japan, with a favorable textile trade balance of $1.2 billion in 1968, manifests more interest in a voluntary agreement limiting her textile exports to the United States in all categories, including manmade fiber, woolen goods, and blends as well as cotton, to reasonable levels with a proviso that they and other exporting nations share the future growth of our market.

Mr. Speaker, we are not asking much of our Japanese friends. We are only seeking orderly trade in textiles covering all categories which would be to the mutual advantage of both the United States and Japan. As so many times in the past with representatives from Japan, the Japanese Diet delegation was under the erroneous impression that the American textile industry was not really hurting from Japanese imports.

Mr. Speaker, quite the contrary is true. The American textile industry is hurting badly. The condition grows progressively worse. We had been hoping that a voluntary agreement with Japan would have been reached long before now. The entire textile market is threatened. Only a moment ago I received the following release from the Abney Mills:

News Release

Greenwood, S.C., October 29, 1969.—Abney Mills announced today that it will discontinue the operation of approximately 2,000 narrow looms at its Brandon Plant.

It will continue to operate in this mill approximately five hundred 50" X-3 looms, along with the necessary supporting equipment.

The 300 people involved in the reduction will be offered employment in the other 14 Abney plants, including the new Sally Plant just coming into full production.

Management said this decision was reluctantly reached after much study. The overall depressed condition of the textile market, due to imports and adverse economic conditions, made the move necessary.

This release follows the closing of 1,911 looms and 80,496 spindles at another Abney plant in Anderson, S.C., located in my congressional district, only a few months ago. Also, Mr. Speaker, here is another letter that arrived in my office a moment ago from a good American and textile employee. Mr. Lenwood W. Melton works in the finishing plant of the Graniteville Co. It has been years since this particular plant has run less than 6 days a week.

The letter follows:

GRANITEVILLE, S.C.
October 24, 1969.

Hon. WILLIAM JENNINGS BRYAN DORN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE DORN: From recent articles I have read in magazines and newspapers, I find that you are working towards improving the textile imports in our country. I appreciate all efforts that you are making for me in Washington.

Recently Graniteville Company posted on the Bulletin Board an article which appeared in the *Textile Chemist and Colorist* published August 27, 1969, stating that imports for this year are 13% ahead of 1968 and that in the "blend program" are 32% ahead.

I work in the finishing plant of Graniteville Company in Graniteville, South Carolina. For a number of years we have been running six days. In recent months, however, we have been on short time due to the business situation. Since textile wages are among the lowest in the country, other industries may be able to survive on short time but we cannot. The loss of money in my weekly earnings, plus the inflation running wild in this country is putting me in a very bad financial position. What I am trying to say is that my fellow employees and I need to work six days to provide for our families.

Please continue your efforts in Washington on behalf of the textile industry in our country.

Very truly yours,
LENWOOD W. MELTON.

Mr. Speaker, Dan River Mills, one of our great textile firms, closed three mills in Alabama a few months ago and are now closing two mills in Clifton, S.C. They are seriously curtailing in several other plants. The following article is a cold hard fact of the depressed textile market in this country due principally to imports from Japan:

[From the Daily News Record, Oct. 28, 1969]

DAN RIVER SUFFERS $248,000 LOSS IN QUARTER

GREENVILLE, S.C.—A combination of low volume, unsatisfactory fabric prices and higher costs brought about a third-quarter net loss of $248,000 for Dan River Mills, Inc., the company said Monday.

This contrasted with a net profit of $1,656,000 or 28 cents a share for the like period of last year.

The loss dropped earnings for the 39 weeks ended Sept. 27 54.5 per cent to $2,661,000, or 43 cents a share, from $5,852,000, or $1 a share for the period of 1968.

Sales for the quarter increased 5 per cent but showed a 1.1 per cent decrease for the 39 weeks. The quarter net sales totaled $69,916,000, against $66,564,000, while the 39-week volume was $215,453,000 compared with $217,768,000 a year earlier.

The sales and earnings of Morganton Hosiery Mills, Inc., are included in the figures for this year, and results for 1968 have been restated to include Morganton's operations. Morganton was acquired on Oct. 8, 1969 on a pooling of interests basis.

During the first nine months of this year Morganton reported sales of $6,908,000 and net earnings of $309,000. For the three months, the hosiery manufacturer had sales of $2,196,000 and net earnings of $100,000.

R. S. Small, president, said staple fabrics, such as sheeting and twills, and several major apparel fabrics, such as shirtings and dress goods, were severely affected by imports. This curtailed volume and prevented price increases adequate to compensate for higher wage and other cost. He noted that production had been cut back in many of the company's plants, and that two mills of the Clifton division were now being closed down. Earlier this year, a third mill at Clifton was shut down because of unprofitable operations.

Small said there had been a general softening of the textile market, accompanied by inventory reduction programs by customers, reflecting concern about future business and the high cost of money. Many of the factors that have adversely affected operations are expected to continue through the fourth quarter, he added.

Mr. Speaker, this is the first time this great company has lost money in any quarter since 1947, and it is attributed to excessive Japanese imports. Yes, Mr. Speaker, the situation is desperate in some localities where curtailment in the work week has gone from 6 to 5 and in some places to 4 or less days. I wish to restate our position that we much prefer to work out a voluntary agreement with Japan in all categories of manmade fiber, woolen goods, blends, apparel, as well as cotton. If nothing is done, I firmly believe this Congress will take positive action to limit imports by mandatory quotas.

Mr. Speaker, in an effort to work out a voluntary agreement, I am pleased to say we have the support of a great Secretary of Commerce, the Honorable Maurice Stans and the support of President Nixon. I strongly urge the President to bring these facts of injury to our great textile industry so essential to our national defense to the attention of Prime Minister Eisaku Sato when he meets with him in November.

POUR IT ON, SPIRO

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, for those critics of our Vice President who think that they alone have a license to speak their mind, let me say that they are wrong. The Vice President's message in New Orleans was certainly an expression of my sentiments. In fact, if a poll were taken, we would no doubt find that his remarks reflect the attitude of a majority of Americans. It is very enlightening when a Vice President will speak up for the silent Americans who would like to be heard but who have no forum for their remarks. Vice President AGNEW's statements were applicable and they were succinctly expressed.

A recent editorial in the Montgomery Advertiser expresses my feelings quite well. I now insert it in the RECORD:

POUR IT ON, SPIRO

The reaction of the "effete bunch of impudent snobs," as Vice President Agnew called the supporters of M-Day, proves Agnew's indictment.

They reacted exactly like an effete bunch of impudent snobs who, to add the rest of Spiro's statement, "characterize themselves as intellectuals."

Foul, they cried; they have a copyright on name-calling and who does the Vice President think he is to respond in kind?

For our part, we think Agnew's statement was far too gentle. He was talking about the same group which has marched around cursing and vilifying two presidents and the nation as a whole; essentially the same group which attacked not only candidates Nixon and Agnew as warmongers a year ago, but Hubert Humphrey as well.

The same group wrung their hands in despair because a mixed bag of hippies, yippies, anarchists, commies and America-haters were not allowed to exercise their democratic prerogative to tear up Chicago and the Democratic National Convention last year.

They're against everything except an America reshaped in their own image—effete, powerless, fawning and coddling its impudent snobs in their every demand.

As expected, the pundits are saying Agnew is serving as Nixon's hatchet man, that he's "tricky Dicky's" answer to George Wallace and the President's attempt to court more conservatives who doubt that he is one.

It doesn't matter what the ulterior motive was, if there was one. The apparent one is good enough. Agnew simply told off the effete corps in language they might understand.

You don't beat around the bush with mobocrats; you call them what they are. And you also call them servants of Hanoi, as Agnew had implied in an earlier statement, following North Vietnam's praise of its "comrades in arms" in America. Agnew could have gone much farther than that too.

They talk about dissent, these impudent snobs, but they mean it should be a one-way proposition. Agnew taught them something of what dissent means. We hope he will ignore the girlish screams and lay it on some more, harder.

They want "dialogue," they say. Spiro is giving it to them, and their outraged screams prove the falsity of their position. They don't want free discussion, dialogue, dissent; what they want is the unilateral right of vilification, confusion, mob scenes.

Our guess is that old Harry Truman, a master of pouring it on, is sitting there on his Missouri porch and smiling at Agnew's performance, but also wishing he could teach Spiro a few pointers about really getting rough.

Agnew has been type-cast by those he offended as a hack and an oaf. If so, he's proving that even an oaf can flush cowards.

FAIR PAY FOR POSTAL EMPLOYEES

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, it is almost 8 years since the Congress committed itself to the principle that Federal employees deserve salaries comparable with that earned by workers in private industry. Last week the House finally passed H.R. 13000, a small step toward fair pay for postal employees, but I rise today to remind the House that that action was only a start, if we are to fulfill our obligation to pay those that handle the mail what they deserve on the basis of their needs, skills, and efforts.

For postal employees are among those Americans treated most unfairly in these times of uneven progress toward social justice. In part, this is because these devoted public servants have lived up to their celebrated motto so faithfully that they tend to be taken for granted in the public mind. On they toil, faithfully and unobtrusively, while all around them wheels squeak noisily and get greased.

But what neither snow nor rain nor sleet nor hail have been able to do over the centuries, national neglect is now threatening to accomplish. At last the dedicated and almost-forgotten men and women of the postal service are growing desperate.

We trust them to ferry much of the national commerce, to respect and deliver our personal secrets, to sort and transport tons of literature of all kinds. But we will not pay them nearly what they could be paid for doing less and easier work in other callings. We expect them to do forever what no one else is asked to do except in short periods of national emergency: to accept appeals for loyalty to the country they love in lieu of fair treatment by that country. It is wrong to ask this of any American. More than that, it is demeaning to all Americans when any of their fellow citizens are put in this kind of situation. And it is certainly not in the national interest to allow the wage scale of those who work for the Federal Government to become a national disgrace.

Salaries in private industry continue to rise, but pay increases are denied to postal employees in the name of combating inflation. The result is that postal employees suffer twice over—prices rise, but not their salaries. How long can we go on telling people who we underpaid to begin with, and who additionally are being crushed by inflation, that they cannot be paid fairly because if they were paid fairly it would contribute to inflation?

Even after 21 years of service, the best a postal employee can hope for is almost $2,000 a year less than what the Bureau of Labor Statistics has found to be the minimum level for a moderate standard of living. It is no mystery in these circumstances why postal employees abandon their jobs twice as frequently as do other Government workers. What is mysterious is how the public can expect to get better mail service by paying poverty-level wages to those who must provide the service.

Is it not high time we realized that one good way to begin to improve the postal service might be to improve the working conditions of those who do the serving? Many Members of this House have worked hard to ease the financial hardships of postal workers. Each time we get our own increased paychecks, we are reminded that their paychecks remain the same. One would think the President would be experiencing the same reminder.

Someone said earlier that those of us who have been pressing for the enactment of H.R. 13000 have made "nuisances" of ourselves. Let it be clear that if that is what we have been doing we will continue to make nuisances of ourselves until H.R. 13000 becomes law, and until other reforms are enacted that will bring justice to postal employees at last.

I include at this point in the Record the text of a poignant letter I have received from the staff of the Bellmore, N.Y., post office. It is important because it is representative of hundreds of letters that have come to Members of Congress from postal employees all over the country. I also include in the Record at this point the text of an open letter addressed to the Congress and to the American people on behalf of postal employees all over the country. I cannot see how anyone reading these two documents can doubt where justice lies in this matter or what those of us in elective office ought to do about this stiuation:

National Association of Letter Carriers, Branch 2715,
Bellmore, N.Y., October 12, 1969.

Hon. Allard K. Lowenstein,
Longworth House Office Building,
Washington, D.C.

Dear Congressman Lowenstein: We as representatives of the supervisors, clerks, carriers, and custodians of the Bellmore, New York Post Office, are writing to you about two matters. We are deeply concerned about proposals we have seen regarding a new postal corporation. We are also impatient with the lack of progress of the Congress in the passage of H.R. 13000, a bill which provides desperately needed pay increases for most postal employees.

If improvements can be made in our postal service, we, as postal employees, would like to see them made. There are serious problems and uncertainties, however, in the Nixon-Blount proposals for a postal corporation. Such a postal corporation, instead of enhancing postal service, would be detrimental to it. We feel that the proposal is not in the interests of either the postal employees or the general public.

We are deeply concerned over the job uncertainties in the present proposal for a postal corporation. We are distressed over the threatened loss of our coveted Civil Service status and apprehensive over the absence of any meaningful guarantees of job security. Severance and transfer of employees to other locations will be subject to the whims of a private employer. The absence of meaningful grievance machinery, the no-strike clause, and the failure to provide for compulsory arbitration all serve to weaken the influence of postal employees. We are concerned as was former Postmaster General of the United States Gronouski when he said: "The (bargaining) procedure that would be established through a Disputes Panel clearly denies the postal worker and his union the right to demand binding arbitration as a matter of right. In short, the worker is denied an ultimate weapon in those cases when collective bargaining, mediation and fact-finding fail to provide an answer to dispute."

We are opposed to the seven positions of Director with seven-year tenure at salaries of $100,000 a year. These Directors are accountable only to the President, and there is no opportunity for postal workers to evaluate these Directors or help in their selection.

There are many advantages to the public in a postal system which is directly operated as a service by the federal government. The Post Office ought to be viewed as a service rendering organization rather than a profit-seeking organization. Presently the Postal Service delivers to hard-to-reach and sparsely populated places. Existing proposals for a postal corporation are unclear as to whether such service to isolated places might be reduced because delivery there is unprofitable. In addition, the Post Office presently provides such public services as delivering "undeliverables" to charitable institutions and cooperating with the Bureau of the Census. Pending proposals are unclear as to whether a private corporation would be willing to continue such worthwhile services at its own expense.

The Post Office, because it is part of the federal government, has the authority to operate the Post Office Inspection System, to protect the sanctity of the mailbox, and to help enforce federal laws. If the postal corporation is accepted, enforcement of federal laws such as mail fraud would be more difficult.

The Post Office has provided leadership in equal employment opportunity for the hiring of the many qualified minority group members. The importance of the leadership of the Post Office in this area should not be minimized. If the Post Office was sold to a private organization, however, the federal government would lose this opportunity for providing leadership in employment practices.

It is understandable that the pending postal corporation proposals have so many deficiencies since it was developed without consultation or participation of postal employee organizations. Those people most directly affected by this proposal were not able to take part in forming these recommended changes.

We are also concerned about the lack of action taken in Congress on H.R. 13000. While we are far from satisfied with the provisions of H.R. 13000, the unnecessary delays in its passage have created critical morale problems. We feel that this pay raise ought to include supervisors up to level 18. Despite this reservation, all of us agree that this bill must be acted upon immediately. Rapidly rising prices and wages for non-postal employees, including Congressmen, are leaving us far behind. It is becoming more difficult for us to hold back other postal employees from committing drastic action.

The uncertainties of the postal corporation bill, together with the lack of action taken on H.R. 13000, are prompting many employees to consider leaving the postal service. Morale is low, and there is a loss of productivity. In our Post Office there has been a 38% turnover since January 1, 1969. Loss of experienced employees is depriving the postal service of the competence and dedication of its best workers.

As representatives of the postal workers, we would like to see the United States Post Office be the best one possible. The Nixon-Blount proposal for a postal corporation is, however, a step backward. We urge that this proposal not be adopted, and instead, that H.R. 4 and H.R. 13000 be passed.

We ask you to bring this letter to the attention of House Speaker John McCormack, Chairman Dulski of the House Post Office and Civil Service Committee, as well as to your other colleagues in the House of Representatives and that it be inserted in the Congressional Record.

We are sending a copy of this letter to Representative John W. Wydler, whose district also encompasses part of the Bellmore Postal District.

Sincerely yours,

Owen Madden,
President.

An Open Letter to the Congress of the United States and the 200 Million Citizens They Represent

President Nixon has invented a new political weapon: the veto-in-advance.

He used it this month for the first time by injecting it into House debate on H.R.

13000—the pay raise bill for Federal employes, sponsored by Rep. Udall (D-Ariz.).

It arrived on Capitol Hill in the form of a "Dear Jerry" letter to House Minority Leader Gerald Ford but the House recognized it anyhow. So it mustered a two-thirds majority to over-ride the pre-veto. The vote was 310 to 52 in favor of the pay bill.

Now we urge the Senate to pass H.R. 13000. We hope the Senate can marshal a big majority. Strict constructionists may argue that a two-thirds vote is not needed to over-ride a pre-veto. But clearly, it will be needed sooner or later.

Meanwhile, back at the "Dear Jerry" letter, we find ourselves in total disagreement with Mr. Nixon's view that the Udall bill is inflationary or gives disproportionate benefits to postal employees.

We sympathize with the President's concern over inflation. Better than most we know how much it hurts.

But we are also fed up to here with being chosen again as the sacrificial goats.

It is immoral for the Government of the United States to imprison us in a wage structure that has been so substandard for so long that some postal clerks are being forced onto public welfare to make ends meet!

Postal clerks are the victims of inflation, not the cause of inflation.

"Dear Jerry" letters trying to deny us catch-up pay come with poor grace from a President whose salary is double that of his predecessor.

It will hopefully not be given credence by a Congress which boosted its own wages 41% in a single leap.

Only a year ago, as the Republican candidate for President, Mr. Nixon told our postal clerk union in a personal message that he "wholeheartedly supports" the Republican platform provision for insuring comparability of Federal salaries with private enterprise pay.

Mr. Nixon thus joined a distinguished list of Presidents from Mr. Eisenhower, to Mr. Kennedy, to Mr. Johnson, who had made similar peldges before him. In more than 10 years none of these pledges has been fulfilled.

The Udall pay bill, H.R. 13000, brings us close to comparability at long last. But now Mr. Nixon opposes it.

WHAT A DIFFERENCE A YEAR MAKES

Most people really don't know—and may find it hard to believe—just how bad wages and working conditions are in the postal service today.

The situation smacks of medieval times. We cannot strike. We have no binding arbitration. It takes up to 25 years to reach the top pay step. And 97% of all postal clerks finish their careers right where they started—in the same grade!

Our bargaining rights are a joke.

For decades we have urged Congress to give us at least some of the labor-management structure which employes in private industry have had as a matter of right for half a century.

A year ago the Republican candidate for President promised to sponsor legislation which would establish a statutory basis for collective bargaining and union organization in Government.

Where is it?

We can't even get a promised revision of the Kennedy presidential executive order which has long since outlived its usefulness as a temporary expedient for union recognition.

Postal management, meanwhile, has been cheating us out of millions of dollars in overtime!

After two years in the Federal courts of Washington, D.C., at our members' expense, we finally won a declaratory judgment from the U.S. Court of Appeals last February.

It put a stop to violations by the Post Office Department of Public Law 89-301 which was supposed to eliminate compensatory time off in favor of overtime pay.

Despite a unanimous decision by three judges that the Department's acts under the Democratic Administration were illegal the Republican Administration has now appealed to the Supreme Court. Obviously these ingenious but illegal procedures have a nonpartisan fascination for management.

As for wages: postal clerks' annual earnings are $824 smaller today, on the average, than were the wages 17 months ago of employes in private industry holding jobs of equivalent skill.

The Government's method of calculating comparability guarantees that postal clerk salaries at any given time will always be at least a year and a half behind the private sector.

Yet President Nixon says the Udall bill, H.R. 13000, gives disproportionate benefits to postal employes.

There are also people who choose to remind us that Congress has already enacted six Federal pay raises since 1960—so how long does it take to catch up?

They have short memories. They forget to count the five presidential pay vetoes by Mr. Eisenhower between 1952 and 1960 which put us so far behind the rest of the nation that we haven't caught up yet!

Disproportionate?

Joseph Young who writes the syndicated Federal Spotlight column in The Washington Star pointed out recently that most federal classified employes during their careers get a chance to advance to higher grades through promotion—but not postal employes. "Giving (postal employes) extra 'bonuses' on rare occasions such as that represented by the pending pay legislation," he added, "would not mean the end of the Republic nor the destruction of the merit system."

But it might—it just might—have a stabilizing effect on the postal service.

For some postal employes stability can only be found on the relief rolls. Public welfare, that is.

It may come as a shock but thousands of urban postal clerks and their families are literally eligible for supplemental welfare.

Most Federal employees are too proud to apply but in our larger cities there are postal clerks who have had no choice in order to feed their families.

Thousands of others moonlight—by working at a second job.

Why, then, do they stay? They don't. The latest official figures available to us show that the annual turn-over among more than 300,000 U.S. postal clerks exceeds 45%!

That's at least seven times the total considered tolerable by private industry.

These are the simple bread-and-butter facts—the hard core economics—that have created the most militant employe unrest in the long history of the Post Office Department.

This wave of discontent, with all its ominous implications, doesn't come from the hippies, the bippies or the dippies. It doesn't come from the Far Left, the Far Right or the Far Anything.

It comes from citizens—your neighbors—the men and women who have tried to fulfill their lives in honorable careers with the postal service.

They feel bewildered by the imbalance of their economic condition. They feel betrayed by the broken promises of politicians. They feel degraded by vicious and continuing attacks from the rich and powerful—who know little about the Post Office—and most of what they know is wrong.

Help us restore the morale of the postal service.

Help us restore dignity to the postal service.

Help us restore faith in the postal service.

Enact H.R. 13000 over the pre-veto—over any real veto—and in fulfillment of pledges long past due.

FRANCIS S. FILBEY,
President, United Federation of Postal Clerks, AFL-CIO.

NEEDED: CABINET STATUS FOR THE VETERANS' ADMINISTRATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, it remains one of the greatest inconsistencies of our Government's organization that we continue to deny the Veterans' Administration full Cabinet rank. I think it is about time Congress acted to take the VA out of an agency status and give it top-level Government rank where it belongs.

Half of America's population is served by the Veterans' Administration in one way or another. Surely their voice should be heard on the highest level of Government. And this important agency should have Cabinet status to assure it of the dignity and authority it needs to translate the Nation's gratitude into action in behalf of veterans, their families, and survivors.

What better example can be shown than to compare the VA's structure to that of other agencies?

There are seven agencies in the Government of the United States with budgets in excess of $5 billion. Six of these seven are Cabinet-level departments—one is not, the VA.

There are four that have more than 100,000 full-time employees. Three of these four are Cabinet level—one is not, the VA.

There are three agencies in the Federal Government which spend in excess of $500 million for educational purposes. Two of these three are Cabinet-level departments—one is not, the VA.

There are two agencies spending more than a billion dollars for hospital and medical services. One is a Cabinet-level department—one is not, the VA.

There are two agencies spending over $5 billion annually for cash benefits for income security programs. One is a Cabinet-level department—one is not, the VA.

Since 1963, I have been introducing bills in each Congress calling for a Department of Veterans' Affairs. This year I introduced H.R. 10548 on April 24. We are all aware of the magnitude of veterans programs carried out and supervised by the Veterans' Administration. The statistics of the VA provide outstanding documentation to justify giving the VA equal standing in the executive branch with departments of smaller size and much more limited scope.

With its 175,000 employees, the VA as an employer is exceeded only by the Department of Defense and the Post Office Department.

The VA's current budget of $6.9 billion a year is larger than that of all but three of the full-fledged departments, and it is by far the largest of the 35 independent Federal agencies.

The VA operates the largest single medical program in the world. In fiscal year 1968, it provided 36.4 days of hospital care to 762,000 veterans, at a cost of approximately $1 billion. If you add all types of care—like the outpatient and the in-the-house service provided by the VA—the annual cost totals about $1.3 billion.

The Administration's network of 166 hospitals is the largest in the world, and VA research staffs are engaged in about 6,000 research projects. One-half of all the men and women who win medical degrees in the entire country receive some part of their training at VA hospitals, and the same is true of about 10 percent of all student nurses.

The VA handles 5.6 million veterans' life insurance policies, with a face value of over $38 billion. The VA also supervises another $38 billion worth of insurance for some 3.8 million servicemen.

The agency pays disability and death compensation and pension to more than 4,600,000 veterans and dependents. It operates the Nation's largest guardianship program, involving close to 700,000 children and incompetents.

There have been 7½ million home, farm, and business loans, for a total of $76 billion under the VA loan guaranty program.

AMERICA AND VIETNAM: A PERSONAL OPINION

The **SPEAKER**. Under a previous order of the House, the gentleman from Minnesota (Mr. MacGregor) is recognized for 10 minutes.

Mr. **MacGREGOR**. Mr. Speaker, I am and have been in basic support of the Nixon administration's phased disengagement and "Vietnamization" policy. On October 6 I joined with more than 100 Congressmen of both parties in authoring the following House resolution (H. Res. 566):

> *Resolved*, That it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

In the last few months I have felt that we could accelerate the replacement of American soldiers and Marines by South Vietnamese forces. Without compromising our fundamental objectives in Vietnam, I believe that indigenous troops can fully take over from Americans all necessary ground combat and combat support roles before the end of 1970.

I cannot agree with those who demand "immediate withdrawal" regardless of the consequences. It is not physically possible for America to do so, and this cry for capitulation does not advance the cause of lasting peace.

The Nixon administration has applied considerable pressure on the Government of South Vietnam to effect reforms which would enhance its popular support and thus increase its capacity to deal with Communist attacks. The American people should be told more about these efforts. In addition, the Thieu-Ky government must step up its performance in curbing corruption and carrying out land reform.

Forcing Thieu and Ky out of power will not end the killing or achieve self-determination for the people of South Vietnam—except on Communist terms. In 1963, America helped to terminate the Diem government, and near chaos followed.

While the Paris peace talks have made no visible progress, I feel it is important to continue our efforts there. America should thoroughly explore at Paris the possibility of reaching agreement with the Communist side on a "standstill" cease-fire. This initiative offers the hope of ending the killing on a mutually observed basis.

The suggestion that we, acting unilaterally, "cease" in South Vietnam while the other side retains the right to "fire" has never been appealing to me. I do not urge it now.

If we could get mutual agreement on an end to the fighting while all sides temporarily held their places, we could then move rapidly to discussions on free elections under United Nations or other international supervision. As Presidents Nixon and Thieu have repeatedly stated, the National Liberation Front—or Provisional Revolutionary Government—can participate fully in all election processes.

Since there may be a continuing stalemate in Paris notwithstanding every concession we make and each initiative we put forward, progress must be pressed toward Vietnamization and American disengagement.

My views today are an extension of the recommendations I have made during the past 2 years. In late 1967 I urged the following Vietnam program:

First. Establish and implement a timetable for shifting the burden of ground fighting from the shoulders of American soldiers and Marines to the forces of South Vietnam and other free Asian countries.

Second. Shift from an emphasis on American ground troops to a more effective and less costly use of American sea and air forces to aid the South Vietnamese.

Third. Abandon "search and destroy" military tactics and substitute "clear and hold" operations.

Fourth. Transfer control of the pacification program from American military commanders to joint South Vietnamese-American and allied civilian hands.

Fifth. Increase the humanitarian and highly valuable nonmilitary American efforts to improve the lives of the people of South Vietnam.

I am pleased that Defense Secretary Laird has rejected "search and destroy" tactics and instituted the policy of "protective reaction." In recent months the level of violence has dropped and American casualties have been sharply reduced. Our Vietnam expenditures have been cut by 30 percent and will go down farther in the months ahead.

I agree with the views expressed by the New York Times in its lead editorial of October 15:

> The answer now is not a panicky pull-out; the logical beginning is a standstill cease-fire, followed by substantially stepped-up withdrawal of troops. Such a course . . . offers the best hope of piercing Hanoi's intransigence and moving to productive negotiations in Paris.

A SHOCKING SITUATION

The **SPEAKER**. Under a previous order of the House, the gentleman from Iowa (Mr. Schwengel) is recognized for 15 minutes.

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. **SCHWENGEL**. Mr. Speaker, a shocking situation has come to my attention in recent days with respect to attempts by the trucking industry to influence congressional action on the "big truck bill."

A truck driver from my district has advised me that the company for which he works threatened to withhold his paycheck if he refused to write to me endorsing the big truck bill.

Mr. Speaker, this is incredible, and certainly must not be tolerated. The driver explained that a notice was posted on the company bulletin board indicating that drivers and their wives would be expected to write to their Congressman expressing support for the bill. The notice also stated that the company wanted copies of the letters so they could forward them to the president of the company.

The driver with whom I discussed the matter was given the runaround when he sought his paycheck. He was forced to obtain it from the dispatcher rather than the regular office, and then received it only after a not-too-gentle reminder that he had not written the required letter.

This is just one more example of the high-handed, dictatorial methods employed by some of the truckowners to steamroller their legislation through the Congress. It is incredible that in a free country like America, we could have a situation where this sort of thing could happen.

I am asking Members of Congress to advise me of any correspondence they have received which would indicate a similar pattern of action by other truck companies.

I have asked that the Departments of Transportation, and Labor, together with the Interstate Commerce Commission fully investigate this shocking situation.

A copy of a story on this subject from the Davenport Times-Democrat of October 29, 1969, follows:

SAY TRUCKER "HARASSED"

(By Tom Kuncl)

A truck driver says he has been "harassed" by his employers because he refused to write a letter to his congressman in favor of two pending "big truck" bills, the Times-Democrat learned today.

The driver said the "harassment" consisted of a threat made by management officials of a trucking terminal to hold back his weekly paycheck until he wrote the letter.

Rep. Fred Schwengel (R-Iowa), to whom the complaint went, said he will ask for an investigation by the Department of Labor and the Interstate Commerce Commission into the allegations. Schwengel is a member of the roads subcommittee of the U.S. House Public Works Committee.

The driver said he and other employes of the trucking company were told by supervisory personnel they should write letters to their congressmen expressing favor of two bills awaiting congressional action that would increase the width and weight of trucks operating on the nation's highways.

The driver said a notice on a bulletin board initially told drivers that they and their wives would be expected to write such letters and that the company wanted copies for forwarding to the firm's president.

Later, the driver said, employes whom he knew personally were told that they would be required to write the requested letter before they could pick up their weekly paychecks.

The driver is asserted to have reported the substance of these conversations to Schwengel.

The driver's own experience involving alleged management "harassment" came later, he said.

The driver said that when he went to pick up his paycheck he was told that it was not in the regular stack of pay envelopes and that he would have to report to a dispatcher to secure his wages.

The driver said he was told by the dispatcher "You haven't written your letter yet."

The driver added that when he became angry and said he would not sign such a letter the dispatcher produced his paycheck and gave it to him.

Schwengel said he would take the report of the driver to the Department of Labor and the ICC "just as soon as I can get over there," and indicated he would attempt to still do so today.

Schwengel said he was "shocked" by the driver's allegations.

Schwengel said the charges advanced by the driver support his contention that "the men who have to drive these big trucks don't want anything to do with them. It is the trucking companies who are trying to push this thing through against the wishes of drivers and the public."

Schwengel has been a consistent foe of proposed legislation that would increase the width of trucks from 8 feet to 8.5 feet and would permit them to carry heavier loads.

A similar bill died for lack of action in the 1968 House session. Two new bills calling for basically the same provisions are awaiting consideration in the House now.

ADDRESS OF PRESIDENT SERETSE KHAMA

The **SPEAKER**. Under a previous order of the House the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

Mr. **CULVER**. Mr. Speaker, one of the most significant addresses delivered to the opening sessions of the United Nations General Assembly last month was that of Sir Seretse Khama, the President of the Republic of Botswana.

In its efforts to develop a stable and viable nonracial state in southern Africa, Botswana is confronting not only the problems of economic development common to so many emerging nations, but the unique political pressures of its geographical situation, surrounded by powerful states dominated by white-minority regimes based on fundamental political principles totally divergent from its own.

President Khama's remarks are therefore particularly significant, for his discussion of the role of the United Nations in economic development and the significance of U.N. membership to the emerging nations, but even more so, for his courageous and realistic statement on racialism in southern Africa.

The policies of the United States in southern Africa have been ambivalent and uncertain at best, and African observers are questioning now whether we have any policy toward that critical area of the world at all.

President Khama's speech at the United Nations offers useful inputs to our own policy considerations, and one might hope that we approach the problem with the same courage and sensitivity he has.

I commend it to my colleagues in the House and include it at this point in the RECORD:

ADDRESS TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS BY SIR SERETSE KHAMA, PRESIDENT OF THE REPUBLIC OF BOTSWANA SEPTEMBER 1969

Madam President, it gives me great pleasure to congratulate you on your election to this important office. I feel confident that with your long experience of the work of this organization, you will steer this session through to a successful close.

May I also express my sorrow at the untimely death of the president of the twenty-third session of this assembly, Mr. Emilio Arenales Catalan, whose short term of office will be long remembered for the courage he displayed.

I should like on the behalf of my people to pay tribute to the Secretary General's work for world peace and untiring devotion to the service of humanity.

Botswana is within a week of celebrating the third anniversary of its independence. My country is thus a comparative newcomer to the United Nations, and this is my first opportunity to address the General Assembly. Botswana is a small country in terms of population if not in area. As a small and poor country we set a particularly high value on our membership of the United Nations and those of its specialised agencies which our Budgetary restrictions have permitted us to join. I should like to emphasise the particular importance of the United Nations for states like Botswana which, because of development priorities, are obliged to restrict their conventional bilateral contacts and keep their overseas missions to a bare minimum. Here in New York we can make contacts which would otherwise be difficult to achieve. The United Nations offers many advantages to a state like ours. The United Nations enables us to keep in touch with international opinion, and to put our views before the world. The United Nations is also regarded by small states as an institution which protects their special interests. Together with its specialised agencies, it is of course also a major source of development, finance and technical assistance from which Botswana benefits greatly. I am conscious of Botswana's indebtedness to the United Nations, and I am honoured to have the privilege of putting some of Botswana's problems before the world through the members of this Assembly.

I am aware that there are many international problems which will come before this Assembly during this, its 24th session. Botswana shares the general alarm at the prolonged impasse in the Middle East and the dangerous military escalation which has marked the last months. We are looking, like most member states with anxious eyes towards Vietnam and praying that this tragic and long-drawn out conflict will soon be resolved at the conference table.

We are watching the civil conflict in Nigeria with even greater anxiety, since our own Continent is directly affected. Botswana sympathizes fully with those member states both inside and outside Africa who want to see the fighting and the human suffering it involves brought to an end, and the work of reconstruction and reconciliation begin. Yet we believe the foundation for the effective resolution of this dispute in the best interests of all the peoples of Nigeria remains the work of the Organization for African Unity. Our efforts of earlier this month at Addis Ababa may not have been crowned with immediate success. But there is no magic key which will unlock this complex problem in which so many conflicting interests including interests outside Africa are involved. If the United Nations has a contribution to make to the resolution of this conflict it lies in restraining the external powers involved from taking actions and adopting policies which could further delay a negotiated settlement. Botswana favours any initiative acceptable to both principal parties involved which will lead to a peaceful and lasting settlement and which will not threaten the stability and unity of other African states. Our basic approach to all international problems stresses the need to resolve conflict by peaceful means. The weak of the world can hardly in logic support the recourse to violence, which must inevitably favour the strong.

Because Botswana is part of a region which faces the threat of violent conflict, I want on behalf of my people to lay particular emphasis on the need to find peaceful solutions to our problems. Southern Africa lives with the dangers of violent racial conflict. I want this afternoon to discuss the threat of racialism as it affects Southern Africa, and in particular my own country. Botswana. And within Southern Africa I should like in particular to draw this Assembly's attention to a problem which I fear some powerful countries, would prefer to forget. I refer to the problem of Rhodesia, which the people of Botswana are in no position to forget.

May I remind you of our geographical position and our historical circumstances. Botswana is almost entirely encircled by minority-ruled territories. We have a long and indefensible border with Rhodesia, and a long border with Namibia and with South Africa itself. The only railway running between Rhodesia and South Africa passes through Botswana. Not only is this railway operated by Rhodesia Railways, but it is vital to both Rhodesian and South African interests. It is also vital to Botswana because it provides our only outlet to the sea and to export markets overseas. Through this route must come the capital goods necessary for our development. Unlike some other states in Southern and Central Africa we have no practical alternative outlet.

We are for historical reasons part of a customs area dominated by the industrial might of the Republic of South Africa. We share the monetary system of the Republic of South Africa. Our trade and transport systems are inextricably interlocked with those of South Africa. So meager are our own employment prospects that we have for many years been obliged to permit some of our young men to go and work in the mines of South Africa. In the immediately foreseeable future we can find no way of providing alternative employment for all these men, nor can we afford to dispense with their earnings.

Botswana thus faces unusual and onerous handicaps, but we also face an unusual and challenging opportunity. I should like to describe our position because I believe it will give member states a useful insight into the problem the world faces when considering the question of minority-rule in Southern Africa. I should like to explain how Botswana is responding, not only to the challenge of underdevelopment, but also to the challenge posed by our powerful neighbours whose way of life is not our way of life and whose values are in most respects, the reverse of our own.

When my government took office in 1965 we were faced with a problem of underdevelopment of classic proportions. Such development programmes as were initiated under colonialism no more than scratched the surface of our problems. Most important of all, in contrast to other British colonies, there had been practically no attempt to train Botswana to run their own country. Not one single secondary school was completed by the colonial government during the whole seventy years of British rule. There was little provision for vocational training even at the lowest levels. The roads, water supplies, power supplies on which industrial development is based were totally inadequate. We were in the humiliating position of not knowing many of the basic facts about Botswana on which development plans could be based. We are still learning about the resources of our country.

But we are now tackling these problems, and if I appear to boast of the progress we have made, it is to praise the efforts of my people rather than to vaunt the achievements of my colleagues in government and myself. We have received generous budgetry assistance and development aid from the British, who have done much to make up for earlier neglect. We have received aid from other member states and from the agencies of the United Nations itself. What is more, all this aid has come without political strings. There has been no attempt to use aid to change our domestic or external policies. We will reject all donors who do not show the same forbearance.

Nevertheless we depend on foreign aid for more than half our revenue. On what then is based our claim to be an independent state? Can we aspire to help in developing the prosperity, unity and freedom of our continent and hence play a constructive role in world affairs? I believe we can. Because, although we are for the moment dependent on foreign aid, we are also self-reliant. Because my people are mobilising their own resources, both human, physical and financial, we can accept overseas assistance without loss of pride. Furthermore, we believe that we have succeeded in attracting the major part of this aid because we are making great efforts ourselves, and because it is recognised that we have something to offer towards a solution of one of the world's most pressing problems, the future of minority-ruled Southern Africa.

Botswana is now on the threshold of new and major development. Since independence it has been discovered that we are blessed with mineral resources, which if exploited, offer us a prospect of financial self-sufficiency during the 1970's and in the long run the hope of healthy balanced development in all sectors. My government is in the midst of negotiating international loan finance for these developments. It is a matter of the greatest concern for us that this money is raised from the right source on the right terms. For despite all the handicaps of geography, climate and the legacy of colonial neglect, the people of Botswana have now embarked on the struggle to reduce our dependence on neighbouring minority-ruled territories. Only in this way can the people of Botswana reap in full the benefits of independence. We feel that only in this way can the fruits of our labours be fully enjoyed. We did not win our independence from the British to lose it to a new form of colonialism from any source whatever.

Yet we accept that we are part of Southern Africa and that the harsh facts of history and geography cannot be obliterated overnight. We recognise that in our present circumstances we must continue to remain members of the Southern African customs union and the South African monetary area. We have noted South Africa's assurances of friendly intentions towards Botswana and other independent states. We have noted South Africa's offers to assist other African states in their development. Botswana, together with Lesotho and Swaziland are in the process of concluding lengthy negotiations with South Africa on a new customs agreement. In these negotiations we have not been seeking aid. Our objective has been to secure an equitable distribution of the revenues of the customs area, and the opportunity to protect our infant industries while retaining access to the South African market. We welcome private investment in Botswana from any source which seeks to build in partnership with our people and not to drain us of our resources with little or no return to the country. We are confident that we can co-exist with the Republic of South Africa without sacrificing our national interest or our fundamental principles.

For we have made no secret of our detestation of apartheid. Although for obvious reasons we are obliged to interpret strictly the principle of non-interference in the affairs of other sovereign states, we have not hidden our views. Our voice has been heard in this Assembly, and in other international forums, in favour of universal self-determination, in support of peaceful solutions to international conflicts throughout the world, and in pleas for a realistic appraisal of what can be achieved by this organisation.

Living, as we do, face to face with the realities of apartheid, we have little sympathy with token demonstrations and empty gestures. Yet we have unequivocally condemned the theory and practice of apartheid and we deplore its intensification and particularly the extension of the full apparatus of apartheid to the international trust territory of Namibia. Nevertheless, for obvious reasons, Botswana must maintain diplomatic contacts with South Africa. For equally obvious reasons we decline to consider an exchange of diplomatic representatives until South Africa can fully guarantee that Botswana's representatives will in all respects, at all times and in all places be treated in the same way as diplomats from other countries.

We have expressed our opposition to Portugal's unyielding refusal to permit any progress towards self-determination in Angola, Mozambique and Guinea (Bissau). We have declined to entertain diplomatic relations with the Portuguese in the absence of any commitment on the part of Portugal to allow the indigenous people of their so-called overseas provinces to proceed to independence. Our criticism of Portugal's policies is not based on an argument about the timing of a programme for progress towards self-determination, but on the point-blank refusal of the Portuguese government to concede that these territories can ever choose to move towards independence.

I would like to draw attention at this point to the firmly stated preference, endorsed by all independent African States in the Lusaka manifesto, for the achievement of self-determination through negotiation. It was thus that Botswana achieved majority rule, and eventually independence, and this has been the path which most African States have been fortunate enough to tread. It is the wish of the government and the people of Botswana that the indigenous populations of neighbouring territories should eventually share this experience.

One consequence of our geographical position is that Botswana has provided a refuge for many who have found themselves unable for one reason or another to continue to live in neighbouring minority-ruled territories. Botswana recognizes a responsibility to these victims of political circumstance, and we are trying to discharge this responsibility as well as our resources permit. Refugees come to Botswana from Angola, Mozambique, Rhodesia, South West Africa and South Africa. At present there are more than 4,000 recognised refugees in Botswana. My Government acceded to the United Nations General Convention and to the 1967 Protocol Relating to the Status of Refugees, in January this year.

Botswana grants asylum and assistance to genuine political refugees who seek our aid. The financial burden of doing so would have been heavy were it not for the generous assistance we have received from the United Nations High Commission for Refugees, the World Food Programme, the World Council of Churches, and other international bodies. For our part we have granted refugees recognition of their status. We have allowed them to settle in various parts of our country and find jobs or open their own businesses. And where possible we educate them as well as our limited educational and training facilities permit. Equally important, we issue United Nations Travel Documents with a return clause to those refugees who wish to travel to other countries, where suitable training establishments are able to accept them.

The majority of refugees in Botswana have come from Angola. These people have been settled on a hundred square mile farming scheme. Through training in agriculture and fishing, we hope that they, like many other refugees, will become integrated with the citizens of Botswana. We have welcomed them to our country. They can make their home with us until their own countries achieve a government acceptable to them.

I have already referred to certain constraints which Botswana faces when considering its position on Southern African issues. I have also mentioned certain principles which guide us. Our constant concern is to respect those constraints while not violating those principles.

The future of Rhodesia is of the utmost possible concern to Botswana. I have referred to our long and indefensible common frontier. My Government from the outset condemned the Unilateral Declaration of Independence. We are committed to supporting the principle of no independence before majority rule. For that reason we joined the majority of Commonwealth Countries in rejecting the "Fearless" proposals. We condemned in no uncertain terms the illegal regime's constitutional proposals which entrench discrimination and separate development, and which definitively block the possibility of a peaceful transition to majority rule for which the 1961 Constitution, at least in theory, provided. We recognize that these proposals endorsed by an unrepresentative electorate end the prospect of a peaceful transition to majority rule without some form of external intervention to secure this. These proposals are now being implemented by the Smith regime.

I warned the white minority in Rhodesia that by taking this course they were increasing the risk of violent conflict and endangering the stability of the region. Botswana is on record as favouring the re-assertion of British rule in Rhodesia. This course is the only one which offers a hope, however, faint, of peaceful transition to majority rule. I recognize that the white minority in Rhodesia, conscious of the injustice it has inflicted, and rearing the justifiable bitterness of the oppressed African population, will feel the need for some guarantee that the transition to democratic nonracial government should be gradual and peaceful.

One way in which Britain could restore its authority is by the use of force. But I think that we must now accept, whether we approve of this decision or not, that Britain is not under present circumstances prepared to resort to force. Botswana feels that it follows that alternatives to force must be considered. There comes a point when one policy, having been pushed to its limits, must be accepted as having failed, and must give way to another. It is essential that Britain be held to her legal and moral responsibility to the African majority in Rhodesia. There must be no absolution.

This I have to admit leaves us with a policy which, as many member states have argued in past debates, has been far from successful. I refer to mandatory sanctions. Yet for all the frustrations and disappointments which the tardy application of sanctions has given rise to, it remains essential that they are in fact maintained and intensified. We feel that these sanctions serve an important purpose, even if they are not extended to include South Africa. Just as it is clear that neither Britain nor any other country will use military force against the Smith regime, it is clear that an effective boycott of South Africa on this or any other issue cannot be achieved. The existing sanctions are thus at the present time all that stand between the rebel regime's success and failure. That being the case, rather than dismissing the sanctions weapon as totally ineffective, it is surely wiser to try and make them as effective as possible.

While it is important not to over-estimate the impact of sanctions it should not be too readily accepted that sanctions have had no effect at all on Rhodesia. From our vantage point we can see some of the effects of sanctions and I can assure this Assembly that they are not negligible.

To permit them to be eroded at this point would be unnecessarily to concede defeat. Certain consequences would follow. The way would be opened to diplomatic recognition by powers which are at the moment hanging back from this step. Rhodesia's links with Portugal and South Africa would be enormously strengthened and the whole minority position in Southern Africa would be consolidated. There are, I am convinced, elements both in South Africa and Portugal and in the world at large who have serious doubts about the viability of Rhodesia as a white-ruled state, given its rapidly expanding African population and its handicapped economy. Lifting sanctions would liberate the fettered Rhodesia economy and serve to restore the confidence of such observers in the viability of continued white supremacy.

For this reason Botswana appeals to all member states to make what contribution they can to rendering sanctions more effective. And here I should like to pay tribute to the work of the United Nations Supervisory Committee and of the Commonwealth Sanctions Committee. On their efforts and those of the member states of this organization are pinned the last hopes of preventing the illegal regime from imposing permanently its own version of apartheid on the people of Rhodesia, for whose welfare this organization has assumed a certain degree of responsibility. The present international isolation of the illegal regime and those who support it must be maintained. Our own difficulties in the matter of sanctions are obvious, but we are attempting to play our part within the limitations imposed by our frail economy and our landlocked position. We have prevented Rhodesia from using their railway to import arms and military supplies. Botswana's airline has ceased to fly into Rhodesia. We are preparing to do more. Botswana has committed itself to diverting longstanding trade with Rhodesia, despite the very considerable economic and administrative problems which such a course presents. Contingency planning is well advanced.

Our contribution to this struggle can only be a small one, for we are not a rich and powerful country. But we are hopeful that it will help to check the erosion of sanctions. There are other powers who live less closely with this problem than ourselves, but who can make greater contribution towards solving it.

May I conclude on a more general point, but one which also relates to Southern Africa. I have referred to Botswana's prospects of mineral development and to our hopes that this will permit us to dispense with budgetary aid and to develop a balanced and prosperous economy and a healthy non-racial democracy. We hope this for the sake of our people, but we also look forward to it with all the more eager anticipation because we recognize that it will permit us to make a greater contribution to solving the problem of our region. By this I do not mean that we will depart from our principle of non-interference in the affairs of neighboring sovereign states. But Botswana as a thriving majority-ruled state, on the borders of South Africa and Namibia, will present an effective and serious challenge to the credibility of South Africa's racial policies and in particular its policy of developing so-called Bantu homelands and its stated goal of eventual independence for these Bantustans. It could force them to abandon the policy or attempt to make it a more immediate reality and even face the prospect of surrendering sovereignty to genuinely independent states. Either reaction would have important political consequences. A prosperous non-racial democracy in Botswana, immediately adjacent to South Africa and Namibia, will add to the problems South Africa is already facing in reconciling its irrational racial policies with its desire for economic growth.

If Botswana is to sustain this role, which you will recognise is not an easy one, its independence must be preserved. This means that we must ensure that we are insulated from any instability which the policies of neighbouring white-ruled countries may provoke. It also means that Botswana needs the support and sympathy of friendly nations. We recognise that our independence ultimately depends on the durability of our political institutions and on our success in achieving economic development. But our independence is also buttressed by our external relations. We have friends in all continents. Our membership of the United Nations is in itself a source of strength. I should like to appeal to all member states in their deliberations on the question of Southern Africa to recall not only Botswana's particular problems, but also our potential contribution to achieving change by peaceful means.

REFLECTS ON THE SMOG TRIAL

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the level of public interest in the Justice Department's antitrust air pollution suit against the automobile industry was dramatically demonstrated by the strong and sustained opposition to the Department's agreement to a consent decree with the industry terminating the case. This opposition came from States, cities, counties, national organizations, and over 60 Members of Congress.

The suit charged the industry with collusion to delay the development and manufacture of air pollution control devices for automobiles, going back as far as 1953. If this is true, it means the automobile industry bears responsibility for a great share of the injury resulting from automobile pollution.

This concern brought New York City, Illinois, Connecticut, Maryland, Wisconsin, Ohio, Indiana, New Mexico, the county of Los Angeles, labor unions, civic and social organizations, and myself and other Members of Congress into the case when the Department decided to come to the aid of the automobile industry by dropping the case.

Nicholas von Hoffman in today's Washington Post describes the scene at Tuesday's court hearing in Los Angeles as the States and local governments attempted to salvage the public interest jettisoned by the Federal Government.

The article follows:

[From the Washington Post, Oct. 31, 1969]

Smog Trial

(By Nicholas von Hoffman)

Los Angeles, Calif.—Lawyers came from all over for the Smog Trial. They represented New York City, Connecticut, Maryland, Wisconsin, Ohio, Indiana and New Mexico. The Attorney General of Illinois showed up complaining that the air in Chicago is so foul the bears in the zoo are coming down with lung cancer.

Everywhere people are coughing, wheezing, gasping for air, straining their circulatory systems, grasping for something decent to breathe. This was going to be the trial that would begin curing our national case of black lung disease. This was going to be the case in which the automobile manufacturers would be tried for conspiring to prevent the development and installation of antipollution devices on their machines. Ralph Nader calls it "product fixing."

Some people would have preferred to see the tire manufacturers, the gas companies, and the freeway profiteers in court too, but this would be a beginning. The government might do something, and the country could sigh and breathe again.

No.

The first words the judge said when the hearing opened were, "It's apparent that the general public is aroused, and rightly so, but it may come as a shock that this isn't a hearing about smog. I wish there was some order I could make, some decree I could sign that woud put an end to smog. Smog simply isn't a legal problem. It's a government problem. It's simply not a problem the courts can deal with."

As he spoke the smallest expression of approbation sneaked on and off the face of Lloyd N. Cutler, counsel for the Automobile Manufacturers Association. Mr. Cutler, of Washington's Wilmer, Cutler and Pickering, looked quintessentially Eastern in his dark suit with a vest. There were many other lawyers for the car companies, and they may charge equally high fees but Mr. Cutler was the boss. It was he who had negotiated the defendants out of antitrust conspiracy indictment and into a harmless consent agreement.

It was this agreement that the visiting lawyers had come to object to on the ground that it would exculpate the manufacturers for what they may have done in the past while making it unlikely they would do better in the future. The question hanging before the court was whether the agreement would be acceptable to the judge or whether there would be a trial with evidence and witnesses and a jury to determine if Ford, Chrysler, General Motors and the others had conspired to dirty the air. The judge's words were the tip-off Mr. Cutler had won. Not that he relaxed when he heard them. He sat tightly upright in his chair, making vigorous little whispers to his co-counsel, Eastern man, club man, genteel man, but sharp and combative for all his good manners and politeness.

When he got up to speak he was stiff at the lectern. His words were smooth and hard and quiet, silvery gray words, expensively fitted, made-to-order custom words. He rested his arms on the sides of the reading stand, but his hands wouldn't stay quiet. They have a life of their own, the way they slipped and flashed and twitched. "This is the first case that has ever been brought against an industry for trying to solve a public health problem," he said, and the hands floated limp and then flicked out in the air as though their function was to use up the excess competitive energy in the man.

He talked about how these big rich states with skillful lawyers only wanted the government to convict the car companies to make it easier for them to move in later and sue the blood out of the automobile manufacturers. But General Motors alone is richer than any state. In the esoteric field of antitrust law it can outbid any governmental body for the most skillful and devious attorneys. Mr. Cutler finished by saying, "I want to return to the importance of getting on with the job of making progress in pollution, the job of scientists achieving a major breakthrough," as if the bad air were not made by men, but was an act of nature like polio or multiple sclerosis.

This picture of the industry devoting great numbers of technicians and sums of money to pushing back the frontiers of knowledge is contradicted by Dr. John Goldsmith of the California State Department of Health at Berkeley. An expert in the physiological effects of smog on man, Dr. Goldsmith says, "They keep talking about research, but no person identified with the motor vehicle industry has made a contribution to the field. They have very few researchers working for them." The truth of the matter was plainly stated by the representatives of the three biggest corporations in a 1967 Commerce Department report (Automobile Air Pollution: A Program for Progress); "There has been inadequate incentive for an individual automobile manufacturer to apply pollution control technology to the automobile in advance of its competitors."

But these considerations are froth; Mr. Cutler had the law with him. The lawyers for the smog shrouded cities and states tried to interest the Court in higher and broader consideration of public welfare, but privately they admitted the law was against them. Mr. Cutler had all the precedents; all the citations were over on his side because, for 70 years, all the money, all the most adept legal brains have gone into shaping and warping the law so the judge would say he was awfully sorry there was nothing the could do about the smog.

The bad air does not know about this. It kills without court orders. In the San Bernardino National Forest 46,000 acres of Ponderosa-Jeffry pine trees have already suffered heavy damage from the killing air. Their needles turn yellow and they die, or their resistance is weakened and they can't fight the pine bark beetle which finishes them off. Of the forest's 1,298,000 trees, 82 per cent are now moderately damaged, 15 per cent severely injured and 3 per cent are dead. The experiments at the air pollution center of the University of California at Riverside (where these figures come from) show that smog reduces an orange tree's yield by about a half; a grapevine growing in good air produces 17 pounds of fruit; in bad air, only seven.

Some of the worst smog is invisible. It comes in the form of ozone and is particularly prevalent in sunny, warm climes like Los Angeles, but it will be an increasingly dangerous compound in the air over cities such as Phoenix, Dallas, New Orleans, Atlanta and Miami.

Ozone is oxygen with an extra, unstable molecule. It is created when sunlight hits certain automobile exhaust pollutants. Ozone weakens the cell membranes of the lungs and blood. It increases the obstruction of air flow to emphysema patients and cuts down the performance of athletes. When the ozone content of the air reaches .35 parts per million, doctors advise that children be restrained from strenuous play so that they don't breath heavily, and therefore cut down on their ozone intake. Since July 3 of this year, Los Angeles has had to close its school playgrounds 39 times because the ozone content had gone over .35.

It's because air pollution is not a theoretical problem, but a real one that is killing and weakening people and animals and vegetation now that governmental bodies from everywhere tried to stop the Justice Department from settling this case out of court, but the law says they are wrong. The judge was even a little miffed that they had made the attempt. The politicians had endeavored, he said, to "divert the fire and heat of their constituents onto this court."

MANDATORY JAIL SENTENCE PROPOSED FOR THE CONVICTED CRIMINAL USING A FIREARM IN THE COMMISSION OF A FEDERAL CRIME

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BETTS. Mr. Speaker, last year, Congress passed the State Firearms Control Assistance Act which has since become law. A controversial provision of the House-passed version was the section providing for a mandatory sentence to be imposed on those convicted criminals who had in their possession a firearm in the commission of a Federal crime. My remarks today are addressed to the socalled Poff amendment which provided for minimum mandatory jail sentences which could not be suspended nor be subject to probation. Of significance also in this amendment was the fact that judges were required to impose the sentences to run consecutively rather than concurrently with the penalty imposed for the base felony.

It is my conviction that this was a very fine amendment. Indeed, by a overwhelming vote of 412 to 11, we demonstrated our support for the efforts of the distinguished gentleman from Virginia. In the Senate, however, an amendment pertinent to the penalty section was adopted providing for the imposition of a sentence of an indeterminate length upon any individual armed with a firearm while engaged in the commission of certain enumerated Federal felonies. It further provided that in the case of a subsequent conviction, the court could not suspend the sentence or grant probation. As one can easily determine, both Senate provisions were less certain and weaker in content than the Poff amendment. What amazed me was that in conference the Poff amendment was among those provisions compromised, despite the strong conviction of the House that it be retained. If there was one provision that should have been kept completely intact, and should not have been subject to compromise, the Poff amendment was it.

Today I am introducing legislation which would strengthen the penalty provision of the State Firearms Control Assistance Act. It is identical to H.R. 319, introduced by the gentleman from Virginia (Mr. POFF) early this year. Jail sentences for first-term offenders could not be suspended and probation could not be granted. My bill further provides that such sentences could not be imposed to run concurrently with any sentence imposed for such Federal felony committed.

If the real purpose of firearms control legislation is to control crime, then there must be included in the law a strong criminal deterrent. In short, my bill provides a penalty that focuses on the severity of a Federal crime committed with a firearm. This is not the case with the present State Firearms Control Assistance Act of 1968.

In the State Firearms Control Assistance Act of 1968 the House version requiring minimum mandatory sentences for first-term offenders was eliminated as was the important provision on consecutive sentences. At the discretion of the judge, the sentence for the first offense can be suspended and probation granted. Moreover, although it authorizes a mandatory penalty for a second offense, the present law grants the trial judge absolute discretion to impose the sentence to run concurrently with the sentence imposed for the base felony. In this instance one sees an excellent example of the permissive character of some of our laws in that it allows the convicted criminal the chance of not going to jail. As we were made aware, criminologists expound on the fact that certainty of punishment rather than severity of punishment is the significant deterrent to crime. The Poff amendment was designed to meet this objective by convincing the potential criminal that a definite penalty awaited him should he use a firearm to commit a Federal crime.

Mr. Speaker, what we need in this country is the proper enforcement of our laws in a way that will be a deterrent to the criminal element. Relevant to this subject, I am reminded of President Nixon's cogent remarks which were made during the last campaign:

> We must re-establish again the principle that men are accountable for what they do, that criminals are responsible for their crimes—that while the boy's environment can help to explain the man's crime, it does not excuse that crime.

At the Federal level, we must concern ourselves with enacting legislation which will hold the criminal accountable for a Federal crime. At the same time we must be careful not to infringe on the police powers of the State and local governments. Though the majority of felonies are committed at these governmental levels, the Constitution explicitly reserves police powers to the several States. However, we may hope that in the enactment of a strong mandatory penalty provision at the Federal level, State and local governments will take notice of our effort and enact similar legislation.

REAPPRAISAL OF U.S. OVERSEAS INFORMATION POLICIES URGED

(Mr. FRELINGHUYSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, last week the Overseas Press Club of New York City was the scene of a 1-day conference sponsored jointly by the Overseas Press Club Foundation and the Emergency Committee for a Reappraisal of U.S. Overseas Policies and Programs.

The conference was devoted to an examination, by a number of outstanding experts in communications and related fields, of our Government's information activities and their impact upon what is generally referred to as "the U.S. Image Aboard."

The foundation for this conference was provided by a report entitled "The Future of U.S. Public Diplomacy," issued last December by the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee, of which I am a member.

The former chairman of that subcommittee, our distinguished colleague from Florida, the Honorable Dante B. Fascell, addressed the conference. The New York Times of October 26, 1969, featured a lengthy article summarizing the different points of view presented by the participants.

Because I believe that the subject is of great current interest to all Members of the Congress, I wish to place in the Record Congressman Fascell's remarks and the text of the New York Times' article of October 26, 1969:

Public Diplomacy—A Fact of Life

(Address by Congressman Dante B. Fascell at the Overseas Press Club, New York, October 22, 1969)

I would like to begin by extending my congratulations to Dr. Edward L. Bernays, president of the emergency committee for reappraisal of United States overseas policies and programs, to the Overseas Press Club, Foundation and Mr. Burnet Hershey, for jointly sponsoring this conference.

It could not be more timely, or more important.

Dr. Bernays, in particular, deserves a large measure of credit for bringing all of us here today. From all the accounts that I received, he has been a real moving force behind this enterprise. I do not wonder at that for I know from our brief association during a set of hearings sponsored by my subcommittee, that he is a man of profound convictions, boundless energy and virtually unstoppable determination. He also feels very deeply about the subject of our discussion. And, therefore, he has exerted tremendous effort to bring this issue before the American public not for any selfish reason, but because of his deep concern for the best interests of our nation.

It is for this reason that I am proud and delighted to participate in this conference. And, needless to say, I fully support the objectives of the emergency committee which Dr. Bernays heads.

My own feelings on the issue before us can be summarized briefly:

I believe that the United States Government—to use a colloquial expression—has "dropped the ball" in the field of communications.

It has done so by failing to appreciate the crucial role which modern communications play in the relations between nations—and ought to play in the shaping and implementation of our major national policies on the world scene.

To date, we have done an amazingly poor job in articulating our nation's goals, in communicating our concern for peace and the improvement of the human condition to three billion people who live outside our shores, and in making our overseas undertakings relevant to the major concerns of mankind in this second half of the 20th century.

More often than not, our Government has made great plans, and embarked upon extensive international undertakings, without first considering the urgent, overriding necessity to make our efforts meaningful from the standpoint of the hopes and aspirations, fears and prejudices of other nations.

In short, we have failed to realize that relations between nations today move within a new, evolving context of public diplomacy which conditions our enterprises, shapes the character of our age, and ultimately may determine the key issues of peace and war.

As a consequence, our image abroad has deteriorated steadily and many of our efforts, some very worthwhile and constructive, have encountered increasing resistance, opposition and even met with failure.

Let me make it clear at this point that I do not place the blame for this state of affairs on any single Federal administration, any one branch of our Government, or even on any particular agency, such as the U.S.I.A.

The apparent inability to cope with the new realities of our age has been characteristic of our governments for at least three decades. It has been shared by the executive branch and the Congress. And it has been compounded, if I may use that word, by the prevailing attitudes, habits of thought and expression, on the part of that tremendously articulate and influential segment of our society which includes the press and other mass media of communication.

It is strange, indeed, that this should happen here, in the United States, where the twin great revolutions of the 20th century—in technology and in communications—have achieved the highest level of advancement.

We have set human footprints on the moon, harnessed atomic energy to peaceful purposes, and demonstrated that man can change his condition and become the master of his environment.

We perfected techniques of sending a message across hundreds of thousands of miles in an instant and made it simultaneously available to millions of our fellow citizens.

We even learned how to tailor that message so as to produce a desired, predictable response and applied that knowledge with tremendous success in our commercial, industrial and other domestic endeavors.

Our advertising and public relations industries provide a splendid testimonial of our inventiveness, our sensitivity to human needs and concerns, and our ability to capitalize commercially on our understanding of human attitudes and motivations.

Yet, at the same time, our government has failed to communicate effectively with large segments of our own population and with the world at large.

There is, I must admit, a historical predicate for that outcome. There is a strong liberal strain in our national consciousness which rebels against the attempt by any government to mold the opinions, or shape the attitudes, of the governed. We view propaganda with healthy disrespect. We insist on the right to be informed but never indoctrinated. And we apply those standards in our dealings with other peoples and other nations.

I see nothing wrong with that. But the point is that when I speak of our government's apparent inability to communicate effectively, I am not talking about government propaganda. I do not advocate, and I have never advocated, our government undertaking to ram "the American dream," or the United States position on a particular issue, down the throat of a given audience. I believe that such an attempt would be foolish, short-sighted, and very probably counter-productive.

What I am talking about is the very real fact that we live in the age of public diplomacy—and that today the success or failure of foreign policy undertakings is frequently affected more profoundly by what people think and say than by the workings of traditional diplomacy.

Modern mass communications—not our success in reaching the moon—have turned our earth into a relatively small and intimate society in which nations, in the manner of neighbors leaning over the fence, chat with each other, gossip, spread rumors, sometimes scold, cajole and threaten, and become increasingly aware of what goes on in their neighbor's back yard.

The people of those nations, in turn, exert pressures on their governments, forcing them at times to adopt one course, at times another.

This fact is recognized by most governments. Many of them engage in the practice of public diplomacy and communicate directly with the populations and opinion molders in other countries. Some ignore public opinion and suffer the consequences.

Surely nothing can underscore these realities better than the impact of the public reaction to the Vietnam war on the public postures, and policies, of many governments currently in power.

Just last week, all of us were exposed to a nationwide demonstration on behalf of a moratorium on the conflict in Vietnam. That demonstration was a fact, a reality. It touched the consiousness of millions of people, both at home and abroad. It served to reinforce some of their attitudes, perhaps to change others.

What is more important is that the United States Government's reaction to that demonstration was bound to have an even greater impact on the world-wide radio, TV and press audience. The world knows of our involvement in Vietnam and it seeks to know constantly—about our government's intentions and actions with respect to that conflict. Any statement on this subject by a high-ranking official of the present administration falls upon eager ears.

For that reason, it is legitimate to ask: Did the administration consider carefully and in advance, the impact on millions upon millions of people in virtually every corner of the world, of its public reaction to the moratorium demonstration?

I have another example. An article from Monday's New York Times entitled "Tokyo bracing for antiwar protest tomorrow: 25,000 policemen mobilized." Tuesday's story in the Times, with pictures, indicated that Tokyo had been severely upset and that there had been violence

That event and those stories also touched the minds of millions of people. It affected their thinking not only about the demonstrators and the actions of the Tokyo police but also about the United States and the role which our country plays in the world community.

The events which transpire around us are real. Our Government's reaction to them is real. Through the instrument of the communication media, both become a part and parcel of the new dimension of public diplomacy which shapes the course, and affects the success or the failure, of our foreign policy.

The United States Government should recognize that fact. We should realize that public diplomacy is here to stay regardless of what we think or do about it. And for this very reason the United States should stop reacting and take the initiative. Instead of being the passive object of public diplomacy, we should go affirmative. We should use public diplomacy to advance the objectives which are good for this country and for the world community.

I hope that today's conference hastens the arrival of that day—and that our discussions here will be followed by the appointment of a national commission, with a mandate from the President himself, to reexamine the basic premises, and the total structure, of our overseas information activities.

As most of you know, this recommendation emanates from my subcommittee's report on: "The Future of United States Public Diplomacy", filed in the Congress some nine months ago.

That report reflects the work and the convictions of the entire subcommittee—Democrats and Republicans—and of a number of outstanding experts in communication. None of us, I can assure you, claims individual credit for its content and quality. I hope, therefore, that those of you who have not seen it obtain a copy here today and read it. I do so recommend and I think that you will find the experience worth your effort.

I would like to add that this was the sixth in a series of reports issued by our subcommitte, focusing on the twin aspects of our country's image and operations abroad.

We began our studies on this subject as early as 1963 and we have continued them without interruption until the publication of this last report. I may mention that the late Edward R. Murrow who was vitally interested in our hearings was our lead-off witness.

In our studies, we addressed ourselves to the ideological factors in foreign policy—to overseas programs and operations which are a component of our national image—to the techniques of modern communication—to the input of the behavioral sciences—and to other related subjects.

We have tried to be as thorough and as objective as possible. We have produced a record which should prove valuable to any student or participant in the shaping of our Government's information policy. And we reached our conclusions with a bipartisan unanimity seldom encountered in the Halls of Congress.

We also found substantial support for some of the ideas which we have advocated—both within the executive branch and outside of our Government.

An excellent example are the last two reports of the United States Advisory Commission on Information, headed by a distinguished scholar and communicator, Dr. Frank Stanton, president of the Columbia Broadcasting System. Both of those documents recommend a thorough reappraisal of our overseas information programs—as well as a redirection of the United States Information Agency.

That agency, I may add, has been the object of much criticism, some of it undoubtedly warranted. A case in point is a series of articles published recently by the Philadelphia Bulletin and authored by a distinguished speaker at this conference, Mr. Paul Grimes.

While I do not intend to discuss Mr. Grimes' articles, which speak very pointedly for themselves, USIA's operation, or the Agency's shortcomings, I believe that it would be appropriate to point out that the USIA, like any other Government agency, can only operate within the mandate set for it by the Congress and the Chief Executive.

Unfortunately, neither the Congress nor the Presidents have given the Agency the type of a role and the kind of support which would enable it to become an effective instrument of United States public diplomacy.

Three quick examples will suffice to underscore this point:

First, in relation to the job that needs to be done, the USIA has been perennially undernourished. This applies to program expenditures as well as to its housekeeping. For example, how can you run an efficient, coordinated operation when you have to work out of 11 widely-dispersed buildings in Washington alone. And if the agency is denied the kind of a facility which modern management considers indispensable, how can it be faulted when its level of performance begins to dip.

Second, the USIA does not have a clear mandate as that term is generally understood. This is largely because the President himself has to define the role that the USIA will play in the foreign policy mechanism of his administration. The Congress cannot dictate that. And, unfortunately, in relation to the multiplicity of operations involved in our overseas information posture, none of our recent Presidents has assigned to the USIA any clear and effective role. The last directive that I have seen on this subject was issued by President Kennedy during the early part of his administration—and that was not very comprehensive, and has been subject to widely divergent interpretations.

Finally, the USIA has been denied opportunity for a systematic input into the foreign policy decisionmaking at the highest level. This is all important. Unless and until the agency will be able to contribute its proper input to the formulation of policy and the preparation of its exterior, visible shell, our Government will not begin to practice public diplomacy with any significant level of proficiency.

Mr. Chairman, gentlemen—allow me to finish on this note:

In the report to which I referred earlier, my subcommittee, with the assistance of experts in the field of communication and human behavior, made three key observations. They were:

First, that the United States should accept the fact that foreign policy begins with domestic conduct and that we will always be judged by what we are and what we do rather than by what we say.

Second, that in this age whose character is being shaped by communications, the United States must learn to listen. Communication is a two-way street, a dialog. We have to learn to accept that fact.

And, third, that the United States must learn to speak effectively to foreign audiences. To be able to do this, we will have to review and possibly revise, our whole approach to overseas information, as well as the machinery and the operations of our government agencies involved in this field.

If we accept these premises, and carry them out, I am confident that—in the words of one of our witnesses—international communication can become the basis of a rational discourse of mankind about life and the destiny of our world.

It certainly can—and I join with you in hoping that it will.

Thank you.

United States Is Criticized on Overseas News: Both Abolition and Growth of Agency Asked at Parley

(By Arnold H. Lubasch)

Journalists, diplomats, professors and politicians appealed last week for an intensive reappraisal of the Government's overseas information policies and programs.

Their suggestions, advanced in a conference at the Overseas Press Club, ranged from vigorously expanding the United States Information Agency to simply abolishing it.

Although the 20 participants voiced diverse views in the conference, they agreed on the need for a thorough review of the purposes and practices of the overseas information system.

Prof. W. P. Davison of Columbia University told the conference that new technologies and political forces required a review and revision of the information agency.

Dr. Robert F. Delaney, director of the Edward R. Murrow Center of the Fletcher School of Law and Diplomacy, asserted that the communications revolution engendered by radio and television represented "nothing less than a new diplomacy, a new weapons system."

John W. Henderson, author of "The United States Information Service," suggested that a review could consider whether the agency should be turned into a public corporation, relinquishing its role as a policy adviser.

COMMISSION IS ASKED

The hope that President Nixon would appoint a national commission to "reexamine the basic premises and the total structure of our overseas information activities" was voiced by Representative Dante B. Fascell, Democrat of Florida.

Generating support for the commission proposal was the avowed purpose of the conference, which was sponsored by the Emergency Committee for a Reappraisal of United States Overseas Information Policies and Programs in conjunction with the Overseas Press Club Foundation.

The committee and the conference grew out of recommendations by a House foreign affairs subcommittee headed by Mr. Fascell.

Dr. Edward L. Bernays, chairman of the committee advocating the reappraisal, asserted that the information agency suffered from problems of structure, administration, leadership, training, financing, coordination and objectives.

Peter Grimes, special projects editor of The Philadelphia Bulletin, said the agency was seriously inhibited by fear of Congressional criticism that resulted in severely diluting the information programs.

REPORT FROM GALLUP

The conference heard a report by Dr. George Gallup Jr. that his polling organization had found that the American image abroad "reached a low point" in 1968 as a result of the Vietnam war, race relations, violence and assassinations.

This image improved "not dramatically but decisively" this year, Dr. Gallup said, because of troop withdrawals, reduced violence, the moon landing and the Soviet invasion of Czechoslovakia.

In India, he added, the United States is more popular than the Soviet Union for the first time in several years, although both are now surpassed in popularity by Japan.

James Sheldon, columnist and lecturer, cautioned that the effectiveness of the information agency should be measured by the success of American policies rather than by the increase of American popularity.

URGES BETTER TRAINING

Ivan H. Peterman, veteran war correspondent, urged better recruiting and training of personnel to foster the "aggressive selling of America."

Contending, to the contrary, that the U.S.I.A. talked too much and listened too little, Dean Gerhart W. Wiebe of Boston University said it should "stop acting like a perennial pitchman" and participate in civil discussions with other countries.

A former Ambassador to Pakistan, Benjamin H. Oehsert, who proposed in a panel discussion that the agency and its overseas service be abolished, said, "Today they serve no useful purpose commensurate with their costs."

This was disputed by Barry Zorthian, president of Time-Life Broadcast, Inc., who evoked laughter by reporting that he knew a former ambassador who thought "the State Department should be abolished."

Mr. Fascell, citing the "horrible specter" of abolishing the U.S.I.A. and the State Department, quipped that "both agencies want to abolish Congress."

TRIBUTE TO ROSEL H. HYDE

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today Rosel H. Hyde is retiring as Chairman of the Federal Communications Commission. This marks the completion of 45 years of exceptional Federal service. Mr. Hyde's career is unique in the history of our Republic. There are few who can equal his record of distinguished service to the Nation either in length or in accomplishment.

Rosel Hyde's long and dedicated service to our country has brought honor and distinction to the State of Idaho. He is not only a valued personal friend, but I am proud of the fact that he is a native

of, and continues to be a legal resident of, the district I am privileged to represent in Congress. He was born on his father's homestead in Bannock County, Idaho, on April 12, 1900. He was one of a family of seven children that grew up in the community of Downey, Idaho.

Rosel Hyde came to the Nation's Capital in 1924. He enrolled in night classes at the George Washington University Law School and entered Government service as a member of the staff of the Civil Service Commission. He later joined the staff of the Office of Public Buildings and Parks where he served from 1925 to 1928.

In 1928 he commenced his long and productive career in the Federal regulation of electrical communications when he was appointed as an assistant attorney with the Federal Radio Commission. Since then he has served the Commission in many positions of responsibility. His career has spanned most of the life of the Nation's broadcast industry. He has helped to shape the broadcast industry during the period of its growth from its earliest days into the powerful and responsible servant of the public interest it has become.

Rosel Hyde began his service with the Federal Communications Commission, the successor agency to the Federal Radio Commission, as an associate attorney. In succession he served the Commission as attorney examiner, associate attorney, examiner, senior examiner, and principal attorney. In 1942, he was appointed assistant general counsel and was elevated in 1945 to the position of general counsel.

President Truman appointed Rosel Hyde as a member of the Federal Communications Commission on April 17, 1946. His service as a member of the Commission continued by reappointment under Presidents Eisenhower, Kennedy, Johnson, and Nixon. He served two terms as Chairman of the FCC and at the request of President Nixon, continued as Chairman until his retirement.

Rosel Hyde's contributions to the Federal Communications Commission and to the public through his service on the Commission are far too many to list in these brief remarks. It is appropriate, however, to mention some of the highlights and most notable achievements during his public service.

From his earliest days with the Federal Radio Commission, Rosel Hyde has worked to build for the Commission a strong professional staff. During the 1930's as a staff lawyer, he was instrumental in obtaining Commission approval of a proposal for the delegation to the staff of routine licensing functions. This has enabled the Commission to devote its time to more important policy matters.

In 1952, when the Commission lifted a 4-year freeze on television development, Chairman Hyde was instrumental in setting up special agency procedures to permit the effective handling of the great mass of new TV applications that were to result in the establishment of a truly nationwide television system. This successful effort avoided the delay in television development that would otherwise inevitably have resulted because of the very large volume of applications.

In 1954 Rosel Hyde's timely and effective support for established rules limiting broadcast station ownership was instrumental in preventing a much greater concentration of economic power in broadcasting.

Rosel Hyde has won an international reputation for the leading role he played in the U.S. negotiation of a North American regional broadcast agreement treaty in the mid-1950's which effectively safeguarded our country's international broadcast interests. Despite the heavy pressure of national networks and giant clear channel radio stations, he has continued to play an important role in the negotiation of international broadcasting agreements.

He was an early and effective supporter of the Commission's efforts to stimulate the development of educational television and the reservation of channels for this purpose. His support of educational television has continued. Under his chairmanship the Commission retained its educational television policies despite industry efforts to delete the reservations and to make these channels immediately available for commercial use.

Rosel Hyde was the principal negotiator of the $100,000,000 telephone rate reduction instituted by the Bell Telephone System which was approved by the Commission in 1964. This rate reduction package included Bell's establishment of its $1 coast-to-coast phone rate. For many years he has been head of the Commission's Telephone and Telegraph Panel and under the Commission's "continuing surveillance" of Bell has played an important part in many negotiations that have led to a series of interstate rate reductions.

During his earlier tenure as Chairman, Rosel Hyde achieved one of the finest records of any FCC Chairman in effectively handling the agency's heavy workload and eliminating the accumulated backlogs that have prevailed during many other times.

He has been a champion of broadcast free speech and of the right of the broadcaster to editorialize. He was a leading force as early as 1949 in the Commission decision rejecting its earlier restrictive "Mayflower" doctrine and first permitting broadcasters to editorialize. More recently, he was part of a Commission majority which has given free speech protections to unorthodox or unpopular broadcaster views.

Mr. Hyde's skill as an administrator has contributed greatly to the modernization and the increased efficiency of the administrative process. He was chairman of a major working committee on compliance and enforcement proceedings of the Administrative Conference of the United States during the period from 1961 to 1963. Under his chairmanship the committee's efforts were instrumental in the Conference's adoption of a number of important procedural innovations, such as the use of pretrial discovery in most administrative proceedings.

He has been a leader in the effort to provide parties before the Commission with full due process and to modernize and improve agency procedure. An example has been the Commission's pending proposal to permit pretrial discovery in its proceedings and its decision to follow the more modern courts in permitting pretrial disclosure of the Government's cases against broadcast licensees put on trial before it.

Rosel Hyde's career is unique in many respects.

He has served as Commissioner longer than any other Commissioner in the history of the FCC—23 years;

He was named Chairman by three Presidents—President Eisenhower in 1952, President Johnson in 1966, and President Nixon in 1969;

He has served as Chairman and Acting Chairman longer than any other Chairman in the history of the FCC;

He has served as Commissioner longer than anyone presently serving as Commissioner of a major regulatory agency—SEC, FTP, FPC, ICC, CAB, NLRB; and

He has served the Federal Government longer than any other employee presently on the rolls of the FCC.

The International Radio and Television Society honored Rosel Hyde with its Gold Medal Award for the year 1965. In 1967, the Volunteers of America presented him with the Ballington and Maud Booth Award. During the same year, the University of Utah conferred on him an honorary degree doctor of laws degree.

On September 3, 1924, he married the former Mary Henderson of Arimo, Idaho. They have four children—Rosel Henderson, George Richard, William Henderson and Mary Lynn Day. A brother, G. Osmund Hyde, recently retired as chief hearing examiner at the U.S. Department of Agriculture.

Mr. Speaker, it was my privilege yesterday to attend and participate in a ceremony at the Federal Communications Commission honoring Chairman Hyde on his retirement. In attendance were many distinguished leaders in government and in the broadcast industry, including many present and past Commissioners. Messages congratulating and paying tribute to Rosel Hyde from throughout the Nation were read. All America is deeply indebted to him for leadership that has always been characterized by wisdom, courage and a steadfast devotion to the public interest. Americans for generations to come will continue to benefit from his exceptional service.

Mr. Speaker, I am sure that all of my colleagues will join me in extending to Rosel Hyde our sincere thanks for a job well done. And, to Rosel and Mrs. Hyde go our best wishes for continued success and happiness in the years that lie ahead.

I include as part of my remarks copies of letters from President Nixon and former President Johnson addressed to Rosel Hyde on the occasion of his retirement:

THE WHITE HOUSE,
Washington, October 29, 1969.

Hon. ROSEL H. HYDE,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR ROSEL: As you retire from the Chairmanship of the Federal Communications

Commission, you leave behind a unique and truly enviable record of accomplishment. You end a Government tenure that has earned you the highest respect of your associates, and an affection and admiration that goes far beyond party lines. There are few men whose professional excellence I am so pleased to applaud.

Surely your loyalty to the Presidents you have served; your steadfast devotion to the public trust you have held and your integrity, impartiality and talent have all earned you a place of distinction in the annals of America's Federal service.

As the Commission and its staff gather to honor you and to wish you Godspeed in the years ahead, I wholeheartedly join them in conveying my own strong admiration and my very high regard. And just as any man would do who occupies the Presidency in this communications-oriented era, I can only express the hope that, in your successors, our nation will find the same qualities which you so generously gave it.

Sincerely,

RICHARD NIXON.

AUSTIN, TEX.,
October 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.:

It is a deep pleasure to know that Rosel H. Hyde is being honored today. I want to join his many friends in bidding him farewell, and to wish him every happiness in the years ahead.

Dedication, vision, commitment, honor are words repeatedly associated with Rosel Hyde. I know them to be accurate, though not nearly adequate. His high standards of public service were exemplary. His long and well-spent career have won him the admiration and respect of a grateful Nation.

As ever, he has my personal appreciation and my best regards.

Sincerely,

LYNDON B. JOHNSON.

SDS REPRESENTATIVES RECEIVED INSTRUCTIONS FROM VIETCONG

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, just about anyone who is exposed to radio, television, or a daily newspaper is aware that college today is not only a seat of learning but also the seat of considerable strife.

While no one organization or issue can be held responsible for all of the campus disturbances we have been witnessing recently, quite a few people are familiar with the name—Students for a Democratic Society—because it has been linked with much of the disorder.

I do not think many Americans are aware, however, of the degree to which this so-called democratic organization of American college students is under the tutelage of foreign Communist agencies engaged in armed hostilities with our military forces abroad. Little publicity has been given to a sojourn to Cuba by certain SDS activists during last summer's recess in college studies and college violence. Yet what was the purpose of the trip? And what were its results?

Officers and organizers of the Students for a Democratic Society, upon their return to the United States, reported quite frankly in radical newspapers that they had spent 2 out of 5 weeks in Cuba meeting with the "Vietcong." The Vietnamese delegation they met with included official representatives of the Communist government in North Vietnam, the Communist parties of both North and South Vietnam, and an officer in the armed forces presently engaged in combat with the armed forces of the Republic of South Vietnam and their American allies.

And note this: The Vietnamese specified in advance the type of Americans they wanted to talk with in Cuba. They wanted hard core new left organizers—which, as it turned out, were mainly from the Students for a Democratic Society, according to accounts in the radical press.

For quite some time, of course, SDS members have made periodic pilgrimages to North Vietnam. The SDS national secretary acknowledged back in the summer of 1968 that such trips were being undertaken by SDS people. Among the reports delivered at a meeting of the SDS National Council in the fall of 1968 was a report on meetings with the National Liberation Front, the political arm of the Vietcong.

With respect to the talks between SDS members and Vietnamese Communists in Cuba last summer, I was struck by the admission of the American contingent that it had been summoned to the meetings by the Vietnamese, and that the reason was Vietnamese Communist concern over the lull in anti-Vietnam war activity in the United States. The Vietnamese, intention—according to the Americans—was to prod American radicals into getting in motion against American involvement in the war.

Vietnamese Communist representatives told the Americans that the war was actually being waged on three fronts. The conflict extended beyond the shooting war in Vietnam to the peace talks in Paris and to the arenas of international public opinion—particularly public opinion in the United States.

I regret to report that the SDS delegation agreed under the Vietcong prodding to do everything it could to speed up what it described as the inevitable American defeat in Vietnam. The SDS announced plans for militant actions which it claimed would build another war front within the United States, and provide material aid to the Vietcong.

I think organizers for Students for a Democratic Society would find it much more difficult to enlist college students and other young people in disruptive demonstrations if these dealings with the Vietnamese Communists were more widely known.

ROGERS INTRODUCES LEGISLATION TO ESTABLISH UNDER SECRETARY FOR HEALTH WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation which would authorize the creation of the position "Under Secretary of Health" within the Department of Health, Education, and Welfare.

This Under Secretary would report directly to the Secretary of Health, Education, and Welfare and would have line authority over and responsibility for coordinating all health and health-related activities of the Department.

I believe there is a pressing need for more coordination and unified authority for health activities within the Department of Health, Education, and Welfare.

The controversy earlier this year surrounding the appointment of Dr. John Knowles as Assistant Secretary of Health and Scientific Affairs, the recent problems within the Food and Drug Administration concerning cyclamates and the GRAS list, and the skyrocketing costs of medicare and medicaid indicate to me that a focal point for the Nation's health needs and problems must be established within the Department of HEW.

Since 1961, a total of 36 major health measures have been enacted that provide for increased authority and responsibility in the field of health. There are two major agencies which operate exclusively in the health field: The Food and Drug Administration and the Public Health Service. In addition, there are large-scale health activities in the Social Security Administration—medicare and the disability insurance program—and in the Social and Rehabilitation Service—medicaid, maternal and child health, and crippled children's services.

The administration of these health programs would become the responsibility of the Under Secretary for Health and would permit more effective, overall coordination of health programs. And, I believe we would see better control of health costs by such a reorganization within the Department through more efficient administration.

The concept of an Under Secretary of Health is not new. Indeed, it is a subject which has received consideration previously, with the Congress and within the Department of Health, Education, and Welfare.

In 1965, and in 1966, I had the privilege of serving as chairman of a Special Subcommittee on the Investigation of the Department of Health, Education, and Welfare of the House Committee on Interstate and Foreign Commerce.

In its report to the Congress, the subcommittee recommended the creation of the position of Under Secretary for Health in order to better coordinate the health programs and activities of the Department of Health, Education, and Welfare.

During the first session of the 90th Congress, in 1967, an amendment was added to the partnership for health legislation by the Senate to create the position of Under Secretary of Health, but the conference committee on the bill rejected the Senate approach on the grounds that hearings on this important subject should be held by both Houses of the Congress.

There is a sense of urgency in this matter, and I am hopeful that hearings on the establishment of this important and necessary position can begin soon before the Subcommittee on Public Health and Welfare.

PRESIDENTIAL COMMITTEE'S REPORTS ON SST

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, the Subcommittee on Appropriations, of which I am a member, recently completed its hearings on the Department of Transportation. Among the appropriations requests was one for the SST. It was at my request that there was included in the hearings the report of the SST ad hoc review committee which was stated to have been made available to President Nixon by the Department of Transportation before he announced his decision to continue with the SST program. That report was made public today.

The report of that committee is so unfavorable to the program that I am amazed that President Nixon approved the request for the SST. The committee, which consisted of many of the ablest people in this administration, recommended overwhelmingly in favor of suspending work on the project.

The report rejects basic arguments used to justify the SST. It disputes that the balance of payments would be favorable; it casts doubt on the economic viability of the plane; it questions whether Americans will ever accept the jarring sonic boom which is an inseparable part of supersonic flight, it raises disturbing questions about the damaging effects the SST would have on the environment, it criticizes the two-headed conflicting role played by the FAA in acting as the guardian of the safety of the Nation's airways and of the aircraft using the airways. While acting at the same time as the principal supporter and loving promoter of an aircraft having such dubious value as the SST.

Mr. Speaker, when President Kennedy launched the SST program in 1963 he said:

> In no event will the Government investment be permitted to exceed $750 million.

With the appropriation proposed for this year expenditures on the project will very nearly reach the limit set by President Kennedy, and if the appropriations scheduled to be made over the next 5 years are added, this airplane will cost more than one-half billion dollars than the amount that Mr. Kennedy established. I believe this is the logical time to call a halt to the program and I shall try to strike the appropriation in my committee.

Mr. Speaker, the Congress and the public should have the information contained in the ad hoc committee report and I am therefore appending it to my remarks. I am also attaching the report of the airlines companies who were consulted on the SST by FAA. At the request of FAA, I have removed identification of the airlines making comments.

The material follows:

REPORT OF THE SST AD HOC REVIEW COMMITTEE

Within this report are the views of the members of the SST Ad Hoc Review Committee to the Secretary of Transportation. All pertinent documentation of the Committee activities are included.

MEMBERS

Hon. Rocco Siciliano, Under Secretary of Commerce.

Mr. T. C. Muse, Office of the Director of Defense Research and Engineering.

Hon. John Veneman, Under Secretary of Health, Education, and Welfare.

Hon. Russell Train, Under Secretary of the Interior.

Hon. Richard G. Kleindienst, Deputy Attorney General, Department of Justice.

Hon. Arnold Weber, Assistant Secretary of Labor.

Ambassador U. Alexis Johnson, Under Secretary of State for Political Affairs.

Hon. Paul Volcker, Under Secretary of the Treasury for Monetary Affairs.

Dr. Henry Houthakker, Member, Council of Economic Advisers.

Dr. Lee A. DuBridge, National Science Adviser.

Mr. Charles W. Harper, Deputy Associate Administrator (Aeronautics), NASA.

James M. Beggs, Chairman, SST Ad Hoc Review Committee.

On February 19, 1969, the President appointed this Committee to investigate the national interest questions associated with the pending SST decisions (Attachment 1).

Four meetings were held for the accomplishment of the activities of this Committee. Four working Panels were established to examine specific areas as indicated below:

1. Economics.
2. Balance of Payments and International Relations.
3. Environmental and Sociological Impact.
4. Technological Fallout.

The membership is indicated on Attachment 2.

Various witnesses, both pro and con, were called to testify before the Committee. Attachment 3 provides a listing of the outside witnesses.

The individual Panel Reports follow as Attachment 4.

At the meeting of March 25 with the Secretary of Transportation, the members stated there was some misunderstanding concerning which draft document was under consideration. As a result, the Chairman solicited final members' comments on the Comprehensive March 25 Draft (Attachment 4), and those comments are included as Attachment 5.

A Draft Summary Report of March 19 circulated by the Chairman requesting members' comments follows as Attachment 6 and the letters commenting on this draft summary follow as Attachment 7.

A letter from the Chairman providing guidance and a modus operandi for the SST Ad Hoc Review Committee, dated February 28 is included as Attachment 8.

An observer from the Bureau of the Budget participated in the activities of the Committee.

The Boeing Company report, "The SST Program and Related National Benefits," February 17, 1969, was provided to members for review.

THE WHITE HOUSE,
Washington, February 19, 1969.

Memorandum for Mr. James Beggs.

I am establishing an ad hoc committee to review the Supersonic Transport program in line with the recommendations given to me by Secretary Volpe.

I hereby appoint you the Chairman of this Committee. The other members of the committee will be:

Mr. Rocco Siciliano, Under Secretary of Commerce.

Dr. Robert C. Seamans, Jr., Secretary of the Air Force.

Mr. John Veneman, Under Secretary of HEW.

Mr. Russell Train, Under Secretary of the Interior.

Mr. Richard G. Kleindienst, Deputy Attorney General.

Mr. Arnold Weber, Assistant Secretary of Labor.

Ambassador U. Alexis Johnson, Under Secretary of State.

Mr. Paul Volcker, Under Secretary of the Treasury.

Dr. Henry Houthakker, Member, Council of Economic Advisers.

Dr. Lee A. DuBridge, National Science Adviser.

Mr. Charles W. Harper, Deputy Associate Administrator of NASA.

The activities of this committee should be coordinated closely with the Bureau of the Budget.

RICHARD NIXON.

WORKING PANEL COMPOSITION

(1) Balance of Payments and International Relations Panel—Representatives from Treasury (Chairman), Commerce and State.

(2) Technological Fall-Out Panel—Representatives from the Office of Science and Technology (Chairman), Department of Defense, and NASA.

(3) Environmental and Sociological Impact Panel—Representatives from HEW (Chairman), Interior, and Office of Science and Technology.

(4) Economics Panel—Representatives from the Council of Economic Advisers (Chairman), Labor and Commerce.

WITNESSES WHO ADDRESSED THE COMMITTEE

Dr. Arnold Moore, Director, Naval Warfare Analysis Group, Center for Naval Analyses.

Mr. Gerald Kraft, President, Charles River Associates.

Mr. Najeeb Halaby, President, Pan American.

Mr. Robert Rummel, Vice President, TWA.

Mr. Harding Lawrence, President, Braniff.

Mr. Karl Harr, Jr., President, Aerospace Industries Association.

Prof. William A. Shurcliff, Director, Citizens League Against the Sonic Boom.

Lt. Gen. Elwood R. Quesada, Chairman of the Board and President, the L'Enfant Plaza Corps.

PANEL REPORTS TO THE COMMITTEE

Balance of payments and international relations

Potential Impact of an SST on the U.S. Balance of Payments

Introduction of a supersonic aircraft will affect several closely interrelated components of the U.S. balance of payments:

Aircraft exports and imports (supersonic and subsonic):

U.S. travel abroad and foreign travel to the U.S.;

The distribution of this travel between U.S. and foreign airlines;

U.S. port expenditures by foreign airlines and port expenditures abroad by U.S. airlines;

The amount of export credit extended or received by the U.S. in connection with aircraft financing; and

General U.S. imports and exports, and U.S. investments abroad, all of which will be facilitated by the greater ease of U.S. business travel abroad due to the SST.

There are two widely divergent views about which of the above items should be considered in appraising the balance-of-payments impact of an SST. The first view is that only the aircraft account (and possibly port expenditures) should be considered. The basis for this view is that the U.S. has a long-run interest in encouraging the development and operation of better means of international transportation in the interests of the entire world economy; and that if a U.S. SST increases our aircraft exports (or decreases our aircraft imports) there is no U.S. balance-of-payments reason for not pursuing this long-run interest by production of a U.S. SST. The Commerce Department supports this view.

The second point of view is that all the above items must be considered, insofar as feasible, in appraising the balance-of-payments impact of an SST. The logic of this position is especially clear with respect to two of the above items: U.S. aircraft exports and U.S. travel abroad.

The amount of export contribution (a *plus* item) which a U.S. SST makes to the U.S. balance of payments depends in considerable part on the additional U.S. travel abroad (a *minus* item in our balance of payments) induced by the time savings on an SST. Since the *plus* item depends substantially on the *minus* item, both (as well as other relevant items) must be considered in appraising U.S. balance-of-payments impact.

State and Treasury support this second view.

In line with the above divergence of views, Section A of the attachment comments on the estimated impact of an SST only on the aircraft account in our balance of payments. The conclusion in this respect is:

If only the aircraft account is considered, there is no *balance-of-payments* reason for delaying the SST project, regardless of whether or not a commercially viable foreign supersonic aircraft emerges.

Section B of the attachment comments on the effects on other balance-of-payments items, primarily the U.S. travel deficit. The conclusion is:

If the U.S. over-all balance of payments is considered, there is substantial reason for delay in proceeding to the next stage of the SST project—prototype production. The reason lies in the large adverse effect on the U.S. travel deficit of a U.S. SST in the absence of a commercially viable Concorde *plus* doubt about the Concorde's becoming a commercially viable plane.

Results of the Concorde prototype testing over the next 12 months will throw further light on its chances of becoming commercially viable. The U.S., in addition to continuing further research in aircraft and engine design, could profitably use this period to update and improve the surveys of the effect of supersonic transportation on both the aircraft and travel accounts. The assumptions currently being used for dividing traffic between supersonic and subsonic aircraft and for estimating additional speed-induced travel are critical to both the aircraft and travel accounts and are subject to a high margin of error.

(A) *SST Impact on Aircraft Account in the U.S. Balance of Payments:* If there is a commercially viable *foreign* supersonic aircraft in existence, a competitive U.S. SST would improve the *aircraft account* in the U.S. balance of payments by reducing U.S. imports of the foreign supersonic; resulting in U.S. supersonic exports of greater value than the subsonic exports which are displaced.

There is a wide range of benefit estimates based on different assumptions about fares, passenger evaluation of time savings, etc. Also, benefits vary depending on the assumed market situations.

On a current cash basis, the FAA analysis indicates a total improvement of about $17 billion over the period through 1990, from introducing a U.S. SST in 1978 into competition with a Concorde.

If there is no commercially viable Concorde, the improvement in the aircraft account through 1990 due to a U.S. SST (beginning operations in 1978) is estimated at $11 billion—that is, an increase from around $17 billion of subsonic exports in the absence of *any* supersonic plane to $28 billion of combined SST and subsonic exports.

(B) *SST Impact on Various Accounts in the U.S. Balance of Payments:* U.S. aircraft sales and U.S. travel expenditures abroad have divergent effects on the balance of payments.

While an increase in exports of SST's will benefit the aircraft account, it will produce an even larger increase in the travel deficit, as long as Americans make the majority of supersonic trips.

The current rate of air travel deficit—including aircraft port expenditures, travelers' fares and travelers' expenditures in foreign countries, is approximately $1.6 billion. *Even in the absence of any commercial supersonic aircraft,* it is expected to increase in absolute amount, although at a reduced rate of increase, over the next few decades, totaling around $70 billion for the period 1971 through 1990—the period used by the consultant firm which has made the only quantitative analysis of the potential impact of the supersonic transportation on several relevant items in the balance of payments.

That analysis (performed in 1966) produced an unrealistically high estimate of the adverse impact on the U.S. travel account of speed-induced supersonic travel in the 20-year period. It would make the $70 billion figure mentioned above over twice as large. Use of a longer base period for determining statistical relationships, a reexamination of some of the underlying assumptions, and use of more realistic in-service dates for supersonic aircraft are believed likely to reduce the 1966 estimate substantially.

Even a more conservative estimate from revised underly assumptions is likely to indicate an adverse impact of speed-induced supersonic travel on the U.S. travel account considerably greater than the estimated *beneficial* impact of supersonic aircraft sales on the U.S. aircraft account.

The latter judgment depends heavily on whether or not a *commercially viable* foreign supersonic aircraft is assumed to be in operation when a U.S. SST is put in service. If such a foreign aircraft is assumed not to be in operation, the entire adverse travel impact of speed-induced supersonic travel must be attributed to the U.S. SST.

At present the commercial viability of the Concorde is very much in doubt—particularly because of landing and take-off noise, range limitations and prospective high operating cost per seat mile. Cables from our embassies in London and Paris indicate that some French and British officials close to the program are skeptical of the Concorde's commercial viability.

Foreign Relations Impact of U.S. SST Decision

The Anglo-French Concorde program has been a sensitive domestic issue in those countries, particularly the U.K. U.S. actions on the SST question which seem to the U.K. and France as designed to scuttle the Concorde for competitive reasons will undoubtedly stimulate an adverse political reaction. On the other hand, a U.S. decision to proceed in an orderly fashion, to delay, or to abandon the U.S. program on sensible technical and economic grounds should not generate an adverse Anglo-French reaction.

A more difficult question is raised by the problem of airport noise generated by SST's. U.S. noise standards could conceivably bar the Concorde from access to the principal U.S. international airports which would undoubtedly doom the Concorde program. It is therefore imperative that we keep the British and French advised of U.S. noise developments to insure their full understanding, if not acceptance, of the U.S. position on noise. In this connection, it would be desirable for the United States to seek early international agreement on noise standards, including airport noise created by SST's.

Economics

The Economic Subcommittee is struck by the large amount of uncertainty connected with the SST program. Almost every economic aspects of the program reflects unverifiable matters of judgment with great variance in the opinion of experts. Probably the single most uncertain aspect of the whole program relates to the uncertainty as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe, and economical.

The record to date is not completely reassuring. After extensive study, the previous design was accepted as a good design that would produce an SST with the desired characteristics, but failed. While we are assured that the current design will succeed, the previous committee was given similar assurance. Assuming the prototype design meets its objectives, major innovations will still have to be made to produce an economical SST. Past commercial plane developments have never involved such a large jump in technology. In the case of commercial transports, a new type of metal—titanium—must be fabricated; a new type of guidance and electric control system must be developed; more efficient and quieter engines must be produced.

No doubt, all of the technical problems are eventually solvable, but how soon and at what cost? The record for new aircraft being designed to make technological jumps of this magnitude is confined strictly to military production. The record in those cases is not good. Production costs have often been more than three times what they were predicted to be. The record of civilian production of new planes has undoubtedly been much better. Most civilian jet transports have met their design goals with respect to performance and price and their performance has been improved during the economic life of the plane. However, these aircraft were designed from well known technology. For example, the 707 was a commercial adaptation of an already developed and well tested Air Force plane. The developmental experience with the Concorde gives little cause for optimism; developmental costs have more than doubled.

These comments do not mean that we believe that the plane cannot be built to meet the specifications at the forecasted costs but simply that there is a large element of doubt. If the forecasts turn out to be incorrect, costs could escalate considerably.

Demand

Estimating future demand involves another area of considerable certainty. Each element in the IDA model for forecasting demand involves large uncertainties and considerable elements of judgment in which reasonable people may come to considerably different opinions. Total demand for the SST will depend on total revenue passenger miles in the future. The IDA model basically forecasts the growth rate at approximately 10 percent per year. Historical experience, especially the last few years, suggests that a higher rate would be more accurate. However, it should be noted that IDA forecast a higher rate in the near future and a lower rate in the more distant future.

Revenue passenger miles in 1968 were 30 percent above IDA's forecast. If we extend IDA's rate of growth from that base level, total revenue passenger miles in 1969 will be 30 percent higher than forecast with an increase of approximately 150 aircraft. However, airport congestion which has already reached serious proportions in international terminals such as Kennedy, may prevent this traffic growth from being achieved.

The market for supersonic transport will depend on the supersonic-subsonic split. This depends in turn on those markets which are open to supersonic flight, on the relative fare between supersonic and subsonic, and on how the public values time saved. The FAA has assumed that the public will pay one and a half times their hourly earnings to secure an hour's reduction in flight time. IDA, after having looked at some very sketchy evidence, concluded that the travellers value their time at their hourly earning rate. A 1967 Ph. D. study done by Ruben Gronau at Columbia University under the direction of Gary Becker concluded on the basis of a very detailed statistical study of air travel time from New York City to other points that businessmen value their time in air travel at 0.4 times their average hourly family income and that pleasure travellers valued their time in aircraft travel at zero. On the other hand, earlier estimates by the airlines indicate value of time from 1.3 to 2.1 times earnings.

The effect of assuming different values of time is substantial. Under the base case for the FAA with consumers valuing their time at one and a half times their hourly earnings, 500 planes will be sold. If, on the other hand, IDA is correct and they value time at one times their hourly earnings, only 350 planes will be sold.

In summary, the great uncertainties relating to estimating the public's valuation of time leaves the projected market subject to wide error.

Whatever the value of time, the split between supersonic and subsonic would depend upon the relative fares. If supersonic fares equal subsonic, all or almost all will travel by supersonic. The FAA in their base case has assumed that supersonic will have a 25 percent premium over the subsonic. The airlines are hoping for something less. The FAA predicated their relative fare position on the basis that the American SST seat costs would be roughly equal to the subsonic fares existing in 1965. They assumed that subsonic fares between 1965 and 1978 would decline in real terms by about 25 percent, producing the 25 percent differential. However, between 1965 and 1968 subsonic fares have already declined 18 percent. If one assumes as did IDA and the FAA that fares decline by 1.8 percent per year in the future, by 1978 the relative difference in supersonic and subsonic fares will grow to 36 percent rather than 25 percent. Such an increase in the difference between fares will reduce plane sales by about 150. However, airlines may be willing to accept a lower rate of return in order to preserve a 25 percent fare differential, with the result that the same 500 planes will be sold.

These plane fares, however, are highly speculative. They, of course, depend on the price of the plane and its operating costs which as has been pointed out above are highly uncertain. Both IDA and the FAA feasibility study assumed that the Concorde would not compete in the same markets with SST. Since the Concorde will be introduced five years prior to the SST, it may secure a considerable market before the SST is introduced. While the SST is expected to have operating costs below those of the Concorde, it may not be able to secure lower fares.

International fares are set by unanimous agreement of IATA in which each airline has a vote. With many airlines having the Concorde and with two airlines being intimately connected with its production—BOAC and Air France—it seems unlikely that the SST will force supersonic fares below those that are economical for the Concorde and drive the Concorde out of the market—the FAA assumption. The Concorde will be sold for about half the price and will have the seating capacity of an SST. Thus, two Concordes can be secured for each SST giving airlines an additional flexibility in scheduling. If fares are kept high enough to protect the Concorde so that both types of supersonic planes operate in the same markets at the same price, then they may split the market which will reduce SST sales from 500 to 250.

Another imponderable in the market forecast involves restrictions that might be imposed because of noise. The supersonic planes are by general agreement very noisy. Whether the planes will be permitted to land at major airports is uncertain. How much noise will the public tolerate? Problems clearly exist for Miami International, Boston's Logan Airport, and Los Angeles Airport. However, the planned or proposed construction of new airports may alleviate the problem. It is not clear how much of the added costs of new airports would be attributable to supersonic transports.

It should be noted that by the terms of the FAA-Boeing contract, Boeing establishes the price of the plane. Given the demand model specified, Boeing . . . could make more money at a price of $40 million than at a price of $37 million. In fact, Boeing could maximize its profits if it charged about $48 million. Such a price would reduce sales of planes to something under 350. This would in turn reduce government royalties to the point that the government barely got its money back.

Financing

Will the operation of the proposed U.S. SST provide a sufficient rate of return to the airlines to insure purchase of 500 U.S. SST's?

Since the SST is more capital intensive than subsonic aircraft, it is more sensitive to lower earnings. The model assumes that the higher rate of return earned on long-haul operations in the past will continue during the SST period.

The predicted ROI for the airline depends on the airlines achieving a load factor of 58 percent. This is relatively high compared to the experience of U.S. international and territorial airlines during the last two years or even the average for the seven years.

If load factors were to continue at the 1968 level of 52.6 percent throughout the SST period, 1978–1990, the return of investment to the airlines would only be 22.2 percent of the aircraft sales price compared to a ROI of 28.3 for the base case.

Statistics for the past seven years indicate that a lower overall load factor than 58 percent should probably be used in evaluating the SST program since this rate was achieved only once (1969) in the past seven years. The 1962–68 average of 55 percent would yield an airline ROI of 25.2 percent before taxes.

Moreover, long haul rates of return have been declining and were about 10.5 percent in 1968. Whether lower rates of return are practical is clearly uncertain. The problem of financing such a huge investment on top of the large investment in jumbo-jets could reduce the SST market considerably.

Financing the manufacture and purchases of the SST could prove more difficult than anticipated. It is generally accepted that the engine manufacturer will have the capacity to generate the necessary financing required. However, the EFR expresses some doubts regarding the airframe manufacturer: "Pending receipt of the financial plan from the airframe manufacturer, a reasonable approach suggests that any program decisions consider the possibility that the Government may be required to act as a guarantor of or to provide any additional funds needed by the airframe manufacturer."

Requirements

[In millions]

Facilities	$278
Development costs	1,226
Leadtime production costs	1,295
Total	3,429

Source of funds

[In millions]

Government prototype participation	$726
Airline prepayments	1,348
Tax considerations	310
Manufacturers shortage	1,045
Total	3,429

"This situation is expected to continue through 1975 at which point a cumulative financing of $1,064 million will exist . . . well in excess of twice the Boeing Company's net worth as of December 31, 1965."

Recent comments in the trade press indicate that the financing problem is more acute today due to increased costs and Boeing's additional developmental expenditures. The 747, 767, and SST programs could strain Boeing's financial and managerial resources. If the SST program is approved, Boeing might have to cut back some of its subsonic 767, 747, 727, or 707 activities.

The EFR assumed that the U.S. airline industry could provide 86 percent of its total cash requirements for the large subsonic and Concorde equipment cycle (1967–74) from internal cash generation (net income, depreciation, and disposal of flight equipment) and provide about 80 percent of its requirements for the heavy SST start-up costs during 1975–77 from the same sources.

The recent decline in rates of return on investment (8.9% in 1966, 7.7% in 1967, and an estimated 6% for 1968) suggests that the airline industry may already be overcapitalized. Declining earnings ratios will make it more difficult to obtain the large sums required for SST's from internal sources and require more expensive commercial financing.

Employment

Under the FAA base case the SST program may generate total employment, both direct and indirect, in excess of 100,000 workers, an unknown proportion of which will result from relative declines in other parts of the aerospace industry. This employment will be highly concentrated in professional, managerial, skilled, and semi-skilled occupations which in a period of full employment, when these skills are in short supply, may prove inflationary. Very few unskilled workers will be required. However, such employment should not be considered as a justification for proceeding with the program but only as a dividend from it.

REPORT OF THE ENVIRONMENTAL AND SOCIOLOGICAL PANEL OF THE AD HOC SUPERSONIC TRANSPORT REVIEW COMMITTEE

Introduction

Supersonic transport (SST) has the potential for intensifying hazards to the passengers and crew for causing significant further deterioration in the environment for people on the ground particularly in the vicinity of SST airports and along SST flight paths. In recognition of their respective responsibilities in this regard in 1968, the Department of Health, Education, and Welfare established a "Committee on Health Effects of Supersonic Transport", and the Department of the Interior assembled a "Special Study Group on Noise and Sonic Boom in Relation to Man." The Committee on Environmental Quality of the Federal Council for Science and Technology in July 1967 established a Task Force to report on noise as an environmental problem.

The Panel has drawn freely on the findings of each of these committees and has also been guided by the SST reports and briefings provided by the Department of Transportation.

The object of this report is to identify significant potential environmental and sociological problems related to the health and well-being of people which must be considered in making decisions concerning the SST. Technological, economic and political factors both domestc and international traditionally considered in developing national policy with respect to such matters are insufficient with respect to the SST.

The Panel considers the principal environmental and sociological problem areas to be: (1) Sonic boom; (2) Airport noise; (3) Hazards to passengers and crew; and (4) Effects of water vapor in the stratosphere.

Sonic boom

All available information indicates that the effects of sonic boom are such as to be considered intolerable by a very high percentage of the people affected. The Panel is cognizant of statements and reports to the effect that supersonic flight over U.S. continental land areas is not contemplated at this time and that SST design and development is proceeding on this assumption. However, the Panel is very concerned about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds. For this reason the Panel believes it is essential that the public be formally assured by appropriate authorities that commercial supersonic flights over land will not be permitted and that SST design, development, and economic considerations are and will remain restricted to over water routes.

Airport noise

The rapid growth of the air transportation system has resulted in a wave of public reaction to aircraft noise on and near major airports and many smaller ones around the world. The problem can be characterized as one of conflict between two groups—those who benefit from air transportation services and people who live and work in communities near airports. The conflict exists because social and economic costs resulting from aircraft noise are imposed upon certain land users in the vicinity of airports who receive no direct benefits.

"The development of methods to reduce engine noise is an essential element in the development of the SST as well as subsonic jet aircraft. Reduction of engine noise, however, is more difficult for the SST. Acceleration to supersonic speeds and efficient supersonic cruise require engines with high-temperature high-velocity jets. These engines are fundamentally noisier than the fan engines that are optimum for the subsonic jets." *

According to estimates provided by the FAA, the levels of noise over a community on takeoff directly under the flight path one mile beyond a 10,000 foot runway, with power reduced to hold a rate of climb of 500 feet per minute, are 111 PNdB (perceived noise in decibels) for the SST and 125 PNdB for the 707. On final approach one mile out from the runway the level for the SST is 109 PNdB and for the 707, 123 PNdB. For the SST the 100 PNdB contour extends laterally 6000 feet on either side of the runway when the plane is 200 feet in the air at the end of the runway on takeoff. The comparative 100 PNdB contour for the 707 is about 2000 feet on either side of the runway. At the three mile point on takeoff, the 100 PNdB contour extends about 2000 feet on either side of the flight line for both the SST and the 707. By way of comparison, a trailer truck at highway speed has an over-all sound level of about 90 dB at 20 feet, a pavement breaker about 115 dB at the operator's ear, and the values of 109 and 111 PNdB cited above for the SST are in the range of PNdB levels recorded indoors and outdoors during sonic booms from B–58 aircraft. On the ground the SST is significantly noisier than the 707, the 100 PNdB contour extending about 5000 feet in all directions at the starting point and from 5000 to 6000 feet on either side of the runway during takeoff roll. The data indicate that on landing and takeoff the SST can be expected to produce noise levels exceeding 100 PNdB over a distance of 13 miles. An area 4 miles long and approximately 2 miles wide surrounding the runway would be exposed to noise levels in excess of 100 PNdB.

Prolonged exposure to intense noise produces permanent hearing loss. Increasing numbers of competent investigators believe that such exposure may adversely affect other organic, sensory and physiologic functions of the human body. Noise may also disrupt job performance by interfering with speech communication, distracting attention, and otherwise complicating the demands of the task. Such disruption could cause losses in overall efficiency or require increased effort and concentration to cope with the work situation. With regard to the latter, there appears to be a close relationship between bodily fatigue and noise exposure. Noise-induced hearing loss looms as a major health hazard in American industry. However, despite numerous efforts by professional standards and criteria committees, a national hearing conservation standard governing allowable or safe exposures remains to be established. Aside from hearing loss, noise may cause cardiovascular, glandular, respiratory, and neurologic changes, all of which are suggestive of a general stress reaction. Whether such reactions have pathologic consequences is not really known. However, there are growing indications, mainly in the foreign scientific literature, that routine exposures to intense industrial noise may lead to chronic physiologic disturbances. Available information suggests that workers devoting constant attention to detail (e.g., quality inspection, console monitoring) may be most prone to distraction. Noise may mask auditory warning signals and thereby cause accidents or generate reactions of annoyance and general fatigue.

Although some reduction in SST engine noise may be expected to result from expanded research and development programs on engine design and flight operating procedures, information available at this time indicates that land use planning in the vicinity of airports is the only satisfactory solution to this problem.

On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100PNdB over large areas surrounding SST airports. It can be expected, therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

Hazards to passengers and crew

There is an urgent need to carefully evaluate the inherent operational and environmental hazards that will be encountered while accelerating from zero to Mach 3 and cruising at supersonic speeds in a hostile environment. Passengers and crew will be vulnerable to a number of potentially serious physical, physiological, and psychological stresses associated with rapid acceleration, gravitational changes, reduced barometric pressure, increased ionizing radiation, temperature changes, and aircraft noise and vibration.

Man cannot tolerate acceleration loads above 4 to 5 g. Visual disturbances occur between 3 and 4 g. At 5 g. loss of consciousness occurs. Turbulent flight may cause brief linear acceleration of 10 to 12 g. which could cause fractures in unrestrained persons. Angular acelerations in turns and linear-angular accelerations during turbulent flight are important causes of motion sickness. Under cruise conditions the SST's exterior skin temperature will approach 260° C. Therefore, it is necessary to insulate the cabin and to install refrigeration, whereas subsonic jets require heating at cruise altitudes because the external temperature is approximately 55 degrees below zero centigrade.

Ozone is present in a concentration of about 8 ppm at 65,000 feet. There is ample evidence that ozone is a highly toxic substance which must not be allowed to enter the plane.

A doubling of the present flight altitude reduces ambient air pressure from one-fifth to one-thirtieth that at sea level. Therefore, in order to maintain current cabin pressures equivalent to an altitude of 7,500 feet, pressurization of the SST must be increased by approximately 2.5 psi above subsonic jets. A loss of pressure at 65,000 feet would result in all aboard losing consciousness within fifteen seconds.

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) from this source alone. When this value is compared with the Maximum Permissible Dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance. The advisability of allowing pregnant women, especially in the first trimester, to travel in these planes, and of limiting diagnostic x-rays for individuals who fly SST's will also need to be considered. Much higher rates of exposure associated with solar flares are to be avoided by utilizing a warning network which will permit the pilot to descend to safer altitudes. Criteria should be developed to guide prospective passengers afflicted with chornic diseases for whom the environmental stresses which might conceivably be encountered could be detrimental to their health. Lastly, special consideration should be given to the bio-instrumentation of flight crews in view of experiences in manned space flight which have demonstrated the occurrence of serious loss of insight and judgment which accompany stress such as hypoxia or fatigue. At the earliest indication of malfunction of the aircraft, especially in its pressurization, temperature control, or oxygen systems, the aircraft must be brought down to safe levels as quickly as possible either by the crew or by the automatic pilot. The health and welfare of crews and passengers are incomparably more dependent on the propoer functioning of equipment for the SST than for subsonic aircraft

Effects of water vapor in the stratosphere

The widespread use of supersonic transports will introduce large quantities of water vapor into the stratosphere. The weight of water vapor released is about 40% greater than the weight of the fuel consumed. Four hundred SST's flying four trips per day might release an amount of water vapor per day that is 0.025% of that naturally present in the altitude range in which the flights occur. The introduction of this additional water vapor into the stratosphere can produce two effects which may be important:

(1) Persistent contrails might form to such an extent that there would be a significant increase in cirrus clouds;

(2) There could be a significant increase in the relative humidity of the stratosphere even if there were no significant increase in the extent of cirrus cloudiness.

Both effects would alter the radiation balance and thereby possibly affect the general circulation of atmospheric components. Of greater significance may be the local contamination one can expect from a high concentration of flights over the North Atlantic. If half the activity is concentrated over 5% of the earth's surface, local contamination would be ten times larger than calculated above on a global basis or about 0.25% per day of the naturally present water vapor. However, the local concentration of water vapor from flights on crowded routes may spread out rapidly and be of no real significance.

Although it would appear that geophysical effects are probably minor, they certainly should not be neglected. Data required include information relevant to the horizontal mixing times within the stratosphere and to the resident time of gases within the stratosphere. With these parameters at hand, it should be possible to construct a numerical model of the stratosphere to determine more accurately the possible radiative effects on the general circulation.

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*The SST Program and Related National Benefits Feb. 17, 1969, the Boeing Company, page 6–22.

The findings of the Committees referred to in the Introduction are contained in the following reports, copies of which have been provided to the Ad Hoc SST Review Committee Staff:

1. "Noise—Sound Without Value", Committee on Environmental Quality of the Federal Council for Science and Technology, September 1968.

2. "Report to the Secretary of the Interior of the Special Study Group on Noise and Sonic Boom in Relation to Man"

3. "Supersonic Transport (SST)—Potential Health Hazards to the Crew, Passengers, and Population" (Unpublished Draft) Consumer Protection and Environmental Health Service, DHEW.

TECHNOLOGICAL FALLOUT

PURPOSE

To examine the importance of the SST program to the overall national research and development posture, the technological fallout benefits that may result from the SST program and specifically whether such benefits have security value.

SUMMARY CONCLUSION

The SST program will advance many areas of technology and will result in technological fallout both to the aircraft industry in general and to other industrial and military applications. The magnitude of this effect is very difficult to assess, but it appears to be small. Nevertheless, there are a number of areas which can be identified as having a high probability of potential benefit, such as: flight control systems, structures, materials, aircraft engines, aerodynamics.

While technological fallout will inevitably result from a complex, high technology program such as the SST development, the value of this benefit appears to be limited. We believe technological fallout to be of relatively minor importance in this program and therefore should not be considered either wholly or in part as a basis for justifying the program. In the SST program, fallout or technological advanced should be considered as a bonus or additional benefit from a program which must depend upon other reasons for its continuation.

These views are developed in greater detail in the sections which follow.

APPROACH

In order to develop a report responsive to the tasks outlined above, the following questions were considered.

1. What are the principal areas of technology which will be advanced by the SST prototype program?

2. What value or importance do these technologies have to our national research and development posture?

3. What are the national security implications of technologies advanced by the SST program? Are they unique to the SST or will other programs provide similar benefits?

We shall discuss each in turn.

Question 1: What are the principal areas of technology which will be advanced by the SST prototype program?

Aircraft technology will be advanced in a number of areas and this will enhance future development of both military and civil aircraft. There are aspects of this technology which will not only be beneficial to future aircraft development but should have more general application as well.

Aircraft Technology

1. *Aerodynamics*—The SST will require high aerodynamic efficiency over its complete speed range. Achievement of high levels of performance will provide useful correlation between theory and experiment, and extensive experience of use in the design of future aircraft.

2. *Advanced Flight Controls*—The SST demands on airplane empty weight will assist in achieving advances in flight control systems which are being considered for other advanced subsonic aircraft. These advanced systems include: (a) fly-by-wire techniques which result in lower system weight than the conventional cable-pulley-hydraulic system. (b) Stability augmentation systems resulting in saving of aircraft weight through use of smaller control surfaces. (c) Control systems for suppression of flutter loading resulting in additional savings in aircraft structural weight.

3. *Aircraft Tires*—In order to meet airline operational requirements, an improvement in aircraft tires is required for the SST. The improvement expected will enhance tire life in general and will be applicable broadly to other aircraft.

4. *High Temperature Structures*—The design of structures that operate at elevated temperatures is a relatively new field of engineering involving new materials, new manufacturing techniques, and new test methods. The knowledge and experience gained during the development and testing of the SST will contribute to this field.

5. *Aircraft Engines*—Realization of SST performance goals requires a significant advance in aircraft engine technology. Performance gains will result largely from operation at significantly higher internal cycle temperatures than have been used commercially in the past. This area of improvement must be accomplished without sacrificing engine life or maintenance characteristics normally associated with airline operations. Advanced noise suppression techniques are required if these advanced engines are to comply with evolving noise standards.

6. *Fuel Tank Sealants*—The high temperature environment of the SST fuel tanks necessitates the development of sealants usable to temperatures of 500° F. These compounds may find broader applicability in other aircraft applications.

7. *Environmental Control System*—The SST environmental control system will require advanced development of lightweight air compressors, small high-speed turbines, and lightweight, accurate, and reliable system controls.

General Technology

1. *Metals and Alloys*—The SST Program will create a new level of demand for titanium alloys which is expected to accelerate use of this very useful material over a broad spectrum of applications. High engine temperatures will require development of new high-temperature alloys.

2. *Metal Joining Techniques*—New techniques for metal joining are expected to be reduced to manufacturing practice in the SST Program as a result of a need for efficient fabrication operations and in connection with weight reduction. Diffusion bonding is a new metal joining technique which permits high strength joining of complex surfaces without parent metal strength reduction due to heating.

3. *High Temperature Nonmetallic Materials*—The severe high temperature environment of the SST necessitates development of new materials for use in this environment, including glass and lightweight composite structural materials made of plastic binders and boron or carbon fibers.

4. *High Temperature Seals*—The SST will represent the first use of hydrodynamic or hydrostatic seals in aircraft applications.

5. *Hydraulic Fluids and System Components and Lubricants*—Because of the temperatures encountered in the SST and the long life required, new types of fluids, lubricants, and system components must be developed which are expected to have important industrial applications.

6. *Brakes*—The SST Program is responsible for a search for new brake materials with improved heat-sink characteristics. These materials when developed would be broadly applicable to many different types of vehicles.

7. *Electrical System Components*—The high temperatures encountered by the SST require advanced development of wire insulation, antenna parts, and electrical system components capable of withstanding this severe environment.

Question 2: What value or importance do these technologies have to our national research and development posture?

It has been suggested that the technological benefits from the SST program are impressive enough in themselves to provide strong justification for SST prototype development. It is our view that this statement unduly magnifies the significance and impact of the advances which will inevitably result from a high technology program such as the SST. Although past experience has in many cases demonstrated that predictions of technological fallout can be extraordinarily conservative when projected over a number of years into the future, we nevertheless find claims for technological fallout from the SST Program to be generally unconvincing. Many of the technologies are refinements of developments which had their origin in DoD or other aircraft programs. Others appear to be of such a highly specialized character that broader application to other areas of the economy are limited, and in any event many years from being realized.

What then is the contribution of the SST Program to our national research and development posture? It would appear to occur in two principal ways: manpower, challenge.

The Boeing Company has estimated that the design and prototype phase of the SST Program will require a peak level employment of approximately 20,000 people, of which 3,400 are expected to be skilled engineers and technical personnel. This is about 7% of the peak level employment in support of the Apollo program. As in the case of Apollo, but to a lesser degree, the SST Program, therefore, will both drain and stimulate the technical manpower pool in the U.S. We are not capable of judging the net positive or negative values in this area. For example, in the limited time available for this effort, it has not been possible to project other major programs into the same time period to determine whether the manpower drain will be at the expense of programs of potentially greater return. We have also not been able to judge the degree of stimulation to the training of future aeronautical engineers vital to the nation which may result from the existence of a visible and challenging SST development program. We expect in any event that the most significant effect will, in fact, result from the second factor—challenge.

The SST Program can provide considerable, but unmeasurable benefit because of the challenge, both in a technical and emotional sense which such a competitive and forward-looking program engenders. This sense of challenge, particularly if successfully met, can be a beneficial factor not only in the aircraft industry but also on a broader basis and on a national level.

In addition the technical challenge of a specific program can serve as a useful focus for research and technology programs and may thereby force new and important breakthroughs.

Question 3: What are the national security implications of technologies advanced by the SST Program? Are they unique to the SST or will other programs provide similar benefits?

The question of whether the SST advances will have national security implications is relatively easy to answer. Of course defense capabilities will be enhanced by the technology advances made by the SST. What value can be placed on these benefits, however, is *much more* difficult to answer.

Both civil and military aircraft performance and efficiency are dependent upon the achievement of such factors as strong, lightweight structures, low aerodynamic drag and high thrust-to-weight engines with low fuel consumption. The SST Program is directed toward achieving gains in these areas. To the extent the SST Program is successful, there will undoubtedly be application of these results to help provide better military systems. In general, however, the technology rather than particular systems can be expected to be transferred to military use, because of different systems requirements.

In many areas, this technology interchange takes place from the military program to the SST. For example, in titanium technology, the military have pioneered the use of this material for aircraft structures, such as the rear portion of the P-8 fighter, and the YF-12 and SR-71. The processing and manufacturing techniques being developed for the SST have their origin with these aircraft. Similarly, the two new fighter aircraft programs being initiated, the F-14 and F-15, while of relatively lower performance than the SST and therefore not requiring titanium for its high temperature qualities, will nevertheless be ⅓ to ½ titanium by weight and will employ the latest design and fabrication techniques. These aircraft will have their first flights before the SST so this technology will be proceeding on a parallel basis.

Similarly, there are military programs directed to developing better and lighter materials, for advanced engines, more efficient cooling and design features to increase aircraft engine temperatures, just as is being done in the SST. For example, DoD has a program to develop new technology engines for the F-14 and F-15 that are more advanced technologically than the SST engine. These developments are essentially parallel to the SST engine program, and are drawing from the same data base. Similarly the Advanced Manned Strategic Aircraft (AMSA) engine, even more advanced and coming in a later time period, will utilize the advances of both programs.

Another development that has been indicated as mutually beneficial is the fly-by-wire control systems being developed for the SST. Similar systems are being developed for military aircraft. Both systems are directed at the same objective, the substitution of electrical connections between the pilot and the controls for the present mechanical connections. Weight savings, better reliability and less susceptibility to enemy gun fire provide significant military advantages.

These are only a few of the many examples that can be cited of mutual interaction between the SST and military aircraft programs, in which each program benefits from the other. Specific applications are somewhat different in each area however, warranting separate approaches even though technology and principles are the same. Alternative approaches also provide the opportunity of developing new solutions to fundamental problems as a result of addressing these problems on multiple fronts.

In summary, the technologies advanced by the SST Program will contribute to advancement in military weapons systems but military systems will not depend in a substantive way upon the SST for such improvements. The SST Program cannot be considered as providing unique technological inputs to military programs.

DEPARTMENT OF STATE,
Washington, D.C., March 26, 1969.

Hon. JAMES M. BEGGS,
Under Secretary of Transportation.

DEAR MR. BEGGS: I appreciate the invitation extended at yesterday's meeting by Secretary Volpe and you to add some comments to the Report of the SST Ad Hoc Review Committee. We concur in the Report's discussion under the heading "Foreign Relations Impact of US SST Decision." The following comments should, however, be added to the Report.

1. There are no overriding foreign policy grounds either for pushing ahead with the SST project now, or for delaying it, or for dropping it altogether. One specific aspect of this position is our view that it would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of US prestige, or the like.

2. We would, however, gain two possible benefits from a delay of the project:

(a) If such delay were to lessen the time pressure on the builders of the Concorde, as we think it would, it might permit them to use that time to improve the noise characteristics of that aircraft. If this were successful it would be of immense importance to us, since at present it looks as if the United States, France and the UK will become involved in quite serious differences over the operation of the Concorde in US airspace.

(b) It is clear that one important element in the thinking of the United States is the potential competition of the Concorde. A delay would permit us to discuss with the British and French the effect on the plans of the Concorde of any extended delay by us. It could well be that their plans for the Concorde are also tied to our plans to build a US SST. For obvious reasons we have not to date brought this matter up with either of our allies.

3. The Committee did not have available adequate data on the Soviet TU-144 to make a judgment on its relationship to the US SST program, but this development should continue to be followed closely.

Sincerely yours,
U. ALEXIS JOHNSON,
Under Secretary for Political Affairs.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 26, 1969.

Hon. JAMES M. BEGGS,
Under Secretary of Transportation,
Washington, D.C.

DEAR MR. BEGGS: We have taken the opportunity presented by the Report of the SST Ad Hoc Review Committee to review the findings contained in the report with respect to the environmental and sociological problems which have a bearing on the pending decision regarding further development of the SST. The following is a summary of these findings and our present views on this matter.

The noise problem weighed heavily in the findings of the Panels on Balance of Payments (p. 5) and Economics (p. 8), and Environmental and Sociological Impact (p. 12). Dr. Seamans and Mr. Muse, DOD R. & E., believe noise and sonic boom potential are deterrents to the program and should be considered in the decision, not after the program goes forward. They have received approximately two hundred letters from people who think it is a deterrent. Mr. Train states that far more research is needed with respect to engine noise and noise suppressants. Mr. Volcker suggests that over the next year attention should be directed primarily to "the extent to which the noise problem may be resolved satisfactorily" among other things. Dr. DuBridge raises serious questions about the solvability of the noise problem and doubts that any reduction in noise levels which might be achieved would offset more rigid standards which a "more sensitive" public will demand.

If SST development is to proceed (even if only the prototype) as a technological venture, specific efforts to solve the environmental and sociological problems should be programmed and funded in the agencies having prime responsibilities. Close coordination should be maintained between DOT and the other agencies. Studies and other activities necessary for programs to promulgate criteria for noise, and to propose safe and acceptable limits for other environmental hazards should be initiated as soon as possible. SST and airport noise standards should be given high priority in this effort. Such standards may be needed relatively soon as a basis for decisions respecting the use of U.S. airports by the Concorde.

Continuation of a project to construct a new device can usually be justified if the feasibility of success can be based on scientific knowledge, past experience or successful research and development along similar lines. A considerable measure of risk that the device will fail to function can be balanced against potential advantages if the project succeeds. However, this may not be a sound approach if it fails to include simultaneously a rigorous evaluation of those factors which will have a profound impact on the quality of the environment and particularly on the health and well-being of very large numbers of people. In such cases it would seem advisable also to establish the feasibility of finding solutions to the environmental and sociological problems.

The comments of other individuals summarized above, therefore, reinforce our own conclusion that we would want to assure ourselves of our ability to find solutions to those problems affecting the health and well-being of people as we proceed with the developmental process.

Sincerely yours,
CHARLES C. JOHNSON, Jr.,
Assistant Surgeon General Administrator.

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., March 26, 1969.

Memorandum for Hon. James M. Beggs.
Subject: Proposed Construction of SST Prototypes.

The opinion of the Council of Economic Advisers on this proposal is determined primarily by the great uncertainties concerning the economic, technical and environmental aspects. On the economic aspects our views are identical with those expressed in the report of the Economics Panel, which was chaired by the Council. As far as the balance of payments is concerned, we agree with Treasury that all components of the balance of payments should be taken into account and that consequently the balance of payments impact of the SST is likely to be adverse. The two other subcommittee reports, on technological fallout and on environmental aspects, are also distinctly negative in tone.

In addition to these reports we were also impressed by evidence presented by witnesses to the effect that there are undue risks in the methods chosen for the development of this plane. Since at an early stage a decision was made to proceed with only one design there is a great risk of subsequent substantial modifications; in fact the necessity of going back from a swing-wing to a fixed-wing design is indicative of the problems that may come in the future. We have no reason to doubt that the design currently favored will be technically satisfactory, but we also feel that more assurance on this point is needed and that such assurance can only be obtained by further research.

We have also taken note of the case made forcefully to the Committee by General Quesada that the Government should not be involved in further work on this aircraft except perhaps in the form of research. While we do not want to rule out future Government support, there does not seem to be a sufficient case for proceeding with the prototype at the present time. While considerations of national leadership, raised especially by competition from the Concorde, are no doubt relevant, we do not believe that our prestige abroad will be enhanced by a concentration on white elephants.

Our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget. The funds still available under the old design contract, and possibly some additional funds for research, should be used to clarify the characteristics of the SST. In particular we believe that more research should be done on the development of less noisy engines, in addition to the technical problems of flutter, etc. We also believe that the economic analysis needs to be strengthened.

Finally, we would suggest that any further research on this plane be done under the responsibility of an agency other than FAA. While we do not wish to suggest that the role of FAA in the development of the aircraft has been improper in any way, we are concerned about possible conflicts of interest in the future. Ultimately FAA will have to issue a certificate of airworthiness for this plane, and it will also be involved in the setting of noise standards for airports. It is therefore desirable that FAA not be already committed to a particular aircraft design.

Hendrik S. Houthakker.

U.S. Department of Labor,
Washington, D.C., March 26, 1969.

Hon. James M. Beggs,
Under Secretary, Department of Transportation, Washington, D.C.

Dear Mr. Beggs: As agreed at yesterday's meeting of the Ad Hoc Committee, this letter supersedes my letter of March 21. It is my understanding that the report of the Ad Hoc Review Committee on the SST will be made up of (a) the reports of the four working panels and (b) this and letters from other Committee members setting forth additional views and recommendations.

I wish to summarize for the record the oral comments which I made yesterday to Secretary Volpe as follows:

1. The range of uncertainty with respect to the economic benefits from the SST is such that no clear case can be made on economic grounds for proceeding with the SST development.

2. Technological spill over benefits appear to be negligible.

3. There are major environmental and social problems which have not been solved and which should be the subject of further intensive research before proceeding with prototype construction.

4. The effect of SST development on the balance of payments is likely to be negative because of the probable major increase in United States tourism abroad.

5. The net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels.

In addition, we would recommend that the responsibility for long term research and development activities related to supersonic flight should be shifted from the Federal Aviation Agency of the Department of Transportation to the National Aeronautics and Space Administration. The basic mission of the FAA, to insure safe and efficient commercial air travel, would appear to conflict with the responsibility for carrying out a major research and development program leading to the certification of a particular supersonic aircraft to be produced by a single commercial firm.

Finally, it would be our recommendation that currently available funds for SST development be applied in 1970 to further intensive research on the environmental hazards associated with the supersonic flight and to further refinement of the economic and market studies.

Sincerely,

Arnold R. Weber,
Assistant Secretary of Manpower.

Department of Transportation,
March 19, 1969.

Subject: SST Ad Hoc Review Committee Report.
From: Chairman.
To: Each Member.

At the conclusion of the Committee meeting on March 12, the subject of the Committee's Charter was raised. Specifically, questions were raised as to how the Committee's deliberations would be presented and utilized. Such questions are certainly in order in that this group was convened for a specfic purpose and it is necessarily important that such purpose be achieved.

To clarify both the purpose of the Committee and the method by which the purpose is to be achieved, a recapitulation of the relevant instructions and memoranda is useful. Such recapitulation follows:

By memo dated January 29, Secretary Volpe was requested by the President to carry out the recommendations contained in the report prepared by Arthur Burn's group.

By memo of January 31, Secretary Volpe advised the President of DOT review actions, both underway and proposed, to accomplish an all-inclusive review of the SST program. The Secretary also proposed that an Ad Hoc Committee concerned with national interest questions be instituted under the auspices of DOT with senior members from specific agencies. This memo concluded by stating that DOT could thus provide a comprehensive review of the SST question by March 15.

By memo of February 5, the President indicated his pleasure that DOT had already instituted actions in regard to evaluating the redesign of the SST. In addition, the President specified the agencies from which representatives should be included on the DOT proposed Ad Hoc Committee and requested a proposed list of representatives.

If a memo of February 13 from Secretary Volpe to the President the Ad Hoc Committee membership was proposed with the undersigned designated as Chairman.

In a memo dated February 19 from the President to the undersigned, the President established this Ad Hoc Committee to review the national interest questions of the Supersonic Transport program in line with the recommendation given by Secretary Volpe. He also designated the membership and appointed me Chairman.

The foregoing makes it very clear that the review of the Ad Hoc Committee constitutes a major input to the total SST review process, which the President has charged Secretary Volpe with conducting. Thus, it is also clear that this Committee's views must be clearly and fully presented to the Secretary, he, in turn to utilize them and incorporate them in his report to the President.

In view of the above, a draft of the Ad Hoc Committee Report is attached for your review and approval or comment. Here, let me repeat the importance of fully conveying your views to the Secretary and thus I urge your personal attention to this draft. The panels of this Committee have developed a series of findings in several areas. Recommendations, with respect to the program, will be made to the President based upon these findings and other inputs to the total SST review. If in the course of your activities on this Committee you have come to personal conclusions about what such recommendations should (or might) be, such additional comment would be welcomed in your response to this memorandum. I regret the pressure of time, but in view of the schedule it is requested that your response be received in my office by close of business March 20.

In closing I would like to assure all members that the activities of this Committee in no way precludes nor substitutes for Cabinet-level consultation on this vital subject.

James M. Beggs,
Chairman, SST Ad Hoc Review Committee.

Report of the SST Ad Hoc Review Committee

On February 19, 1969, the President appointed this Committee to investigate the national interest questions associated with the pending SST decision (Attachment 1).

Four meetings were held for the accomplishment of the activities of this Committee. Four working Panels were established to examine specific areas as indicated below:

1. Economics
2. Balance of Payments and International Relations
3. Environmental and Sociological Impact
4. Technological Fall-Out

The membership is indicated on Attachment 2.

Various witnesses, both pro and con, were called to testify before the Committee. Attachment 3 provides a listing of the outside witnesses.

The following is a summation of the views of the Committee as presented on the SST national interest questions. Also included are the views, as presented to the Committee, of the outside witnesses.

ECONOMIC PANEL

Key to the findings on economics is the large amount of uncertainty associated with all the major input parameters. The fundamental technical capacity of the aircraft, for example, has been subjected to much public question, pointing to the design changes, new materials developments needed, new guidance and control technology needed and new quieter engines need—to mention a few items. The ultimate cost of the development of the SST with these intervening subdevelopments introduces a large element of doubt in the end item aircraft cost.

Estimates of demand are similarly subject to much question and divergence of opinion. Ultimate demand for supersonic travel will be subject to many variables including overall travel demand, value placed by travelers on their time, airport congestion impact on overall travel time, fare differentials charged for supersonic travel, and convenience of the possibly limited number of airports from which the SST will be permitted to operate because of noise. Each of these ponderables in turn is greatly influenced by another subset of controlling factors which defy accurate prediction. The overall US–SST market based on no overland supersonic flight is therefore variously estimated to be between 350 and 500 aircraft. Airline action to voluntarily reduce their return on investment, should the highest fare differential be indicated, could raise the minimum SST market to about 500 aircraft. One the other hand, if the Boeing Company were to attempt to maximize its profits the Panel estimates the market would decrease to about 350 aircraft at which point the government could recapture its investment. It should be noted, however, that provisions in the contract permit the government to set the price if it so desires.

An additional uncertainty lies in the projections of available capital for the production phase of the SST. If declining airline earnings ratios continue on the present trend it will be difficult to obtain the large sums required from internal sources and will require more expensive commercial financing, government guarantees or government investment.

Perhaps more than 100,000 jobs will be created by the SST program, but whether this impact will offset other declines or act as an inflationary factor in a full employment sector cannot be foreseen at this time.

BALANCE-OF-PAYMENTS AND INTERNATIONAL RELATIONS PANEL

Two conflicting forces influence the balance-of-payments impact of the SST. On the one hand SST exports and offsets Concorde imports are favorable factors and considering the airplane account alone it was agreed that a successful American SST would give a favorable impact on the balance-of-payments. On the other side of the ledger, the increased travel expenditures encouraged by supersonic aircraft increases the outflow projection. If the Concorde were not introduced into service the combined aircraft export and travel expenditure would indicate an unfavorable balance-of-payments. If the Concorde and SST were in service the balance-of-payments would be enhanced by $11 billion thru 1990 by virtue of SST exports. One key to the balance-of-payments question therefore revolves around whether or not a commercially viable Concorde can be developed and placed into service—a point of some doubt at present. The assessment of the balance-of-payments impact was made upon the information that was presently available, much of which was obtained from surveys taken some time ago.

Insofar as international relations are concerned we have witnessed the extreme sensitivity of the British and French Governments to our actions on noise regulations and on technical and economic debates on the SST. We must seek early international agreement on noise standards which will not be judged as steps to preclude Concorde competition for our SST. Decisions made regarding SST development should also be carefully couched such that our actions are not judged to be of a nature that would force British or French decisions regarding the Concorde.

ENVIRONMENTAL AND SOCIOLOGICAL IMPACT

The SST has the potential of intensifying certain hazards (inherent in most all transport aircraft) to passengers and crew over those that current passengers and crew are exposed to. It also has the potential of further deteriorating the environment in the environs of the airport and within the area encompassed by the sonic boom path (on the ground) when the aircraft is flown supersonically. However, this potential was not considered to be a deterrent to the SST program; instead, when and if it did move forward, this potential should be considered in detail and resolved as early as possible.

In today's time frame the aircraft should clearly be considered an "overwater" aircraft. Range, economics, and other factors should be based on this understanding. The "airport noise" problem should be based on what people near airports will accept, and design requirements established accordingly, not in the reverse order. We should not wait for the aircraft to be built, and then set standards based on what has been accomplished.

The internal environment for the passenger and crew must be the same as that for passenger in today's aircraft. Automatic controls are necessary to maintain a safe environment in case of failures and malfunction. Crew exposure to radiation should be monitored.

Increased water vapor released into the atmosphere from combustion of aircraft fuel could be a problem, in terms of local climates and changes in atmospheric circulation and must be further examined.

The foregoing environmental factors are potentially serious and therefore should not be overlooked or underestimated. They are largely known, and can be carefully examined, and a decision made to avoid them.

TECHNOLOGY FALLOUT PANEL

The SST program will advance many areas of technology and will result in technology fallout both to the aircraft industry in general and to other industrial and military applications. The magnitude of this effect is difficult to assess, and should be considered as a bonus for additional benefit from the program and should not be used for its justification. Nevertheless, there are a number of areas which can be identified as having a high probability of potential benefit. Many of these technologies are refinements of developments which had their origin in DOD or other aircraft programs. Others appear to be of such a highly specialized character that broader application to other areas of the economy are either limited or are many years from being realized.

The Panel believes the biggest fallout will result in the fields of manpower (which is difficult to assess) and in the sheer challenge of the project. This sense of challenge provided by such a competitive and forward looking program if successfully met can be a beneficial factor not only in the aircraft industry, but also on a broader basis and on a national level. In addition, the technical challenge of this project can serve as a useful focus for a variety of research and technology activities and may thereby force new and important breakthroughs.

There is no question, but that our national defense capabilities will be enhanced by the technology advances made by the SST. What value can be placed on these benefits, however, is much more difficult to quantify. The SST will draw heavily on military technology and will undoubtedly provide a technology transfer back to the military. Concurrent military aircraft development efforts will also be adding to our technology in many of the same areas as mentioned above.

The Committee heard the views of non-government representatives of the interested segments of our society. Their testimony was both for and against the SST program. The second FAA Administrator and now airline executive, cited the numerous reviews held in the past of the SST and the human tendency to focus on problems and doubts in such Committee reviews. He, however, cited the usual airline practice to invest in new aircraft before they have flown and in the case of the SST they have expressed their confidence by investing risk capital even before a final design exists. He highlighted some of the problems associated with the SST, but compared these with other national ventures of far greater difficulty, complexity, cost and risk which we have successfully accomplished. He categorically expressed his confidence in the SST project and its benefits. Other representatives of the aerospace industry and U.S. international air carriers gave frank testimony in defining problem areas but were all in strong support of proceeding with the prototype development expressing confidence that the problems highlighted are solvable and the prototype is the proving ground. The Director of the Citizens League Against the Sonic Boom, as his title would indicate, was completely against the sonic boom and hence the SST program. Other witnesses testified as to their experience in economic analysis and the problems associated with military research and development programs pointing out the common errors of underestimating the costs and time required for development.

The Committee also heard the view expressed by the FAA Administrator in office at the initiation of the SST program, that the U.S. resources, both through military aircraft development and NACA/NASA research, were very influential in providing this nation with the technological leadership and developed products which enabled our private sector to become the world leader in commercial aircraft production. However, this witness had serious reservations about the Federal Government assuming the major burden of directly developing a commercial aircraft, but rather believed that the past tradition of the government providing technological know-how and components should be continued. Normal economic demand of the market should continue to be the primary motivating force in the development of the specific aircraft. He did support continuation of the SST program, particularly in light of the fact that with flights of the Concorde and the Russian TU 144, we *are now* in the supersonic transport age. He also stated that if the U.S. SST is not developed, U.S. international carriers would buy and operate the Concorde even at a loss, if necessary, to protect their competitive status.

The Under Secretary of Commerce,
Washington, D.C., March 14, 1969.

Memorandum for Hon. James M. Beggs, Under Secretary of Transportation.

Subject: Report of the Economic Subcommittee.

Although we participated in the work of the Economic Subcommittee, we believe the general tone of the final report is unduly pessimistic. We concur that there are many technical and economic uncertainties in the SST program and that some of the economic assumptions upon which FAA and its consultants based their case were derived from limited and questionable data.

Uncertainty is inherent in any new technological program or business venture. The magnitude of the technological jump appears over emphasized. The United States now has several years experience in working with titanium in both advanced military aircraft and missiles. The military analogy is not applicable to commercial aircraft. The large cost overruns in the F–111, C5A and other advanced military aircraft are partially due to reasons that will not be a factor in the SST program such as: frequent design changes; mission redefinitions; and, weapons systems problems. It is unlikely that all of the assumptions used in the FAA base case—aircraft prices, traffic split between SST's and subsonic aircraft, fare differentials and rates of return will prove wrong in only one direction, to the disadvantage of the SST.

Rocco C. Siciliano.

Office of the Director of
Defense Research Engineering,
Washington, D.C., March 20, 1969.

Mr. James M. Beggs,
Under Secretary of Transportation,
Department of Transportation,
Washington, D.C.

Dear Jim: I have reviewed the SST Ad Hoc Review Committee Report and must confess I have some difficulty in seeing how it fits in, or contributes to, the decision on the program. Perhaps this results from my having missed the first two Committee meetings. I do feel that the report accurately summarizes the material presented and discussed at the last two meetings.

I do have some concern about the clarity of the Balance-of-Payments discussion in Paragraph 3 of Page 3. Particularly troublesome is that portion beginning with Sentence 4: "If the Concorde were not introduced into service the combined aircraft export and travel expenditure would indicate an unfavorable balance-of-payments. If the Concorde and SST were in service the balance-of-payments would be enhanced by $11 billion thru 1990 by virtue of SST experts." Maybe it's me, but if others have trouble with it, I suggest consideration be given to rewording.

Also the last Sentence, Page 4, Paragraph 2, implies that we are going to ignore the noise and sonic boom potential in the decision, but will give it consideration after the program goes forward. It seems to me that this is a deterrent to the program and should be considered in the decision. As an indication, I (actually Dr. Seamans) have received a couple hundred letters from people who think it is a deterrent.

In regard to specifics I have some relatively modest revisions on our Technology Fallout Panel material which I am forwarding to Dr.

Russell Drew for incorporation with his and Bill Harper's comments as a coordinated working panel view.

I hope these rather general comments will be useful. If there is any way I can help further, please do not hesitate to call on me.

Sincerely,

T. C. Muse,
Assistant Director, Tactical Aircraft Systems.

Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service,
Washington, D.C., March 20, 1969.

Hon. James M. Beggs,
Under Secretary of Transportation,
Washington, D.C.

Dear Mr. Beggs: Thank you for your letter of March 17, 1969, relative to the participation of this Department in the activities of the Ad Hoc Interagency SST Committee.

I have discussed the matter of explicit recommendations with Under Secretary Veneman. It is our opinion that we should not make explicit recommendations either personally or as a panel which could not be considered and acted upon by the ad hoc committee. We firmly believe, however, that the collective views of the ad hoc committee based on their deliberations should be developed by the committee and submitted to Secretary Volpe as was stated in your letter of February 28. We further believe that the collective recommendations to be submitted to President Nixon should be provided to the members of the committee and the panels. This would afford the participants an opportunity to learn how their views have been interpreted and whether their efforts have indeed been useful.

The draft report, transmitted with your memorandum of March 18, has just been received. In my opinion the summary does not convey the sense of the Environmental and Sociological Panel report, and does not adequately reflect the concerns of the members of this panel. We will comment further on this matter in a separate letter.

Sincerely yours,

Charles C. Johnson, Jr.,
Assistant Surgeon General Administrator.

Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service,
Washington, D.C., March 20, 1969.

Hon. James M. Beggs,
Under Secretary of Transportation,
Washington, D.C.

Dear Mr. Beggs: The Environmental and Sociological Panel shares the view expressed in your memorandum of March 19, 1969, to the effect that "this Committee's views must be clearly and fully presented to the Secretary, he in turn to utilize them and incorporate them in his report to the President".

We are very concerned, therefore, that the summary of our report attached to your memorandum does not clearly and fully present our views. It appears to represent a synopsis of an oral presentation given in lieu of a specific reading of the report contents at a meeting of the Committee. As such, the summary report does not convey the real sense of the Environmental and Sociological Panel's report and does not adequately reflect its concerns. On the contrary, the editorial comments, interpretations and implied conclusions in the draft summary tend to convey the impression that the panel considered the environmental factors to be of small moment. Quite to the contrary these must be recognized as being of significant concern and emphasized at every step leading to a final decision in this matter.

Our understanding concerning the development of collective views and the presentation of recommendations were submitted in our previous letter. The attached summary presents the views of the Environmental and Sociological Panel more precisely and within the approximate space you have allotted to this subject. It is requested that this summary be substituted for the version attached to your memorandum of March 19.

Sincerely yours,

Charles C. Johnson, Jr.,
Assistant Surgeon General Administrator.

SUMMARY OF REPORT OF THE ENVIRONMENTAL AND SOCIOLOGICAL PANEL OF THE AD HOC SUPERSONIC TRANSPORT REVIEW COMMITTEE, MARCH 20, 1969

ENVIRONMENTAL AND SOCIOLOGICAL IMPACT

The Panel considers the principal environmental and sociological problem areas to be: (1) Sonic boom; (2) Airport noise; (3) Hazards to passengers and crew; and (4) Effects of water vapor in the stratosphere.

The effects of sonic boom are such as to be considered intolerable by a very high percentage of the people affected. The Panel is very concerned about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds. The Panel believes it is essential that the public be formally assured by appropriate authorities that commercial supersonic flight over land will not be permitted.

"The development of methods to reduce engine noise is an essential element in the development of the SST as well as subsonic jet aircraft. Reduction of engine noise, however, is more difficult for the SST. These engines are fundamentally noisier than the fan engines that are optimum for the subsonic jets."[1] On the ground the SST is significantly noisier than the 707. On landing and takeoff the SST can be expected to produce noise levels exceeding 100 PNdB directly under the plane over a distance of 13 miles. Surrounding the runway an area 4 miles long and approximately 2 miles wide would be exposed to noise levels in excess of 100 PNdB. It can be expected that significant numbers of residents will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects. Land use planning in the vicinity of airports is the only satisfactory solution to this problem at the present time. Airport personnel and airline passengers, however, will be exposed to very high noise levels regardless of land use planning. Prolonged exposure to intense noise produces permanent hearing loss and may also disrupt job performance by interfering with speech communication, distracting attention, and otherwise complicating the demands of the task. Noise-induced hearing loss looms as a major health hazard in American industry. However, a national hearing conservation standard governing allowable or safe exposures remains to be established.

SST crews and passengers are incomparable more dependent on the proper functioning of equipment for pressurization, temperature control, and oxygen systems than are the occupants of subsonic aircraft. A loss of pressure at 65,000 feet would result in all aboard losing consciousness within fifteen seconds. At cruise altitudes ozone is present in concentrations which would be highly toxic to passengers if allowed to enter the plane. The radiation hazard would be approximately 100 times greater than at ground level. SST crews probably should be placed in the category of radiation workers and kept under close surveillance.

The widespread use of supersonic transports will introduce large quantities of water vapor into the stratosphere which could alter the radiation balance and thereby possibly affect the general circulation of atmospheric components.

U.S. Department of the Interior,
Washington, D.C., March 21, 1969.

Memorandum to Chairman, SST Ad Hoc Review Committee (Under Secretary Beggs).

From: Under Secretary of the Interior.

Subject: SST Ad Hoc Review Committee Report.

I have reviewed the above draft report, and my comments are submitted herewith.

Having listened to the reports of the subcommittees on March 12 and the discussion which followed each report, I was struck by the lack of positive justification for the SST program.

1. While the Balance of Payments Working Panel report indicated that there is evidence that a favorable balance might result from sales of aircraft and parts, it was strongly indicated that there is no positive evidence of balance of payment benefit when all aspects of the matter, including increased U.S. travel abroad, are taken into account.

2. The representative of the Council of Economic Advisers expressed an opinion that the estimates of aircraft sales are quite arbitrary. This would bear upon Point 1 above.

3. I believe that your draft report attaches more significance to technology fall-out from the program than does the actual report of that subcommittee. The latter stated "the magnitude of this effect is very difficult to assess, *but it appears to be small.*" (Emphasis supplied.) The subcommittee goes on to say "We believe technological fall-out to be of relatively minor importance in this program and therefore should not be considered either wholly or in part as a basis for justifying the program." On the relation of technological fall-out to defense programs, the subcommittee concluded: "The SST program cannot be considered as providing unique, technological inputs to military programs." My own notes of the discussion indicate that DOD does not expect significant military application of SST.

4. The Economic Subcommittee emphasized the "uncertainty" connected with the program. The subcommittee concluded that: "Probably the single most uncertain aspect of the whole program relates to the uncertainty as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe, and economical."

5. The Environmental and Sociological Subcommittee pointed to significant potential environmental and sociological problems related to the health and well-being of the people which must be considered in making decisions concerning the SST. The principal problem areas were identified as: (1) sonic boom; (2) airport noise; (3) hazards to passengers and crew; and (4) effects of water vapor in the stratosphere. I would add pollution resulting from engine discharges as an additional significant environmental problem. It is my understanding that operation at subsonic speeds, including speeds necessary for takeoff and landing, results in inefficient fuel combustion with a resulting heavy discharge of pollutants into the atmosphere. Both atmospheric pollution and ground contamination seem likely to result.

On the subject of research, it was indicated that far more research is needed with respect to:

a. Engine noise and noise suppressants;
b. Electrical control and guidance systems;
c. Market research.

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[1] The SST Program and Related National Benefits, Feb. 17, 1969, the Boeing Company, page 6–22.

On the basis of the above record, it is my own conclusion that the justification for proceeding with the program is not now apparent. There may be other considerations with which I am not familiar. The Department of the Interior has no special capability for evaluating such matters as the technological fall-out resulting from the program or its implications for balance of payments. However, we consider the environmental disadvantages to be of extreme significance. The growing environmenal deterioration in this country and abroad is already the cause of widespread public concern. We believe that the probable adverse environmental impact of the SST is such that the program should not be pursued in the absence of overwhelming evidence of positive advantages.

In the meantime, the Department would urge and support continuing research directed to eliminating or reducing to reasonable levels adverse environmental impacts.

RUSSELL E. TRAIN.

ASSISTANT SECRETARY OF LABOR,
Washington, D.C., March 21, 1969.

Hon. JAMES M. BEGGS,
Under Secretary,
Department of Transportation,
Washington, D.C.

DEAR MR. BEGGS: This letter is in response to your memorandum of March 19, and the draft report of the SST Ad Hoc Review Committee. Although my schedule prevented personal participation in the meetings of the Committee, my deputy in this matter, William Kolberg, kept me closely apprised of the Committee's work. In addition, I have carefully studied the four subcommittee reports.

My reaction to the draft report at this time is negative.

First, it is my understanding, based on the instructions to the Ad Hoc Committee members from Mr. Coy, dated February 28, that: "The objective of the Committee is to assess the impact of the SST on the national interest." The draft report fails to make this assessment. It neither reflects a Committee consensus concerning the net effects of proceeding with the SST, nor does it provide a basis for such a conclusion for Committee consideration. Instead, it merely reviews and summarizes some of the material presented by the subcommittee.

Second, the draft report presents a possibly misleading summary of the subcommittee reports. These raised numerous problems which bring into serious question the wisdom of proceeding with the SST; these problems are understated in the draft report. This is particularly true of two questions raised in the report of the Economic Subcommittee, in which the Department of Labor actively participated. The draft report understates the problem concerning the price which may be set by Boeing for the SST. The present contract with Boeing affords the government no real protection against a higher price than is currently contemplated, which could result in a substantial decrease in projected government return on its investment. The draft report also implies that the SST will make more of a contribution to desirable employment consequences than we can foresee.

For these reasons, the Department cannot support the draft Committee report. I do not know what additional steps you might want to take to rectify this situation, but I did want to state my views concerning the output of the Ad Hoc Committee to date.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

(Suggested substitute language for the first five sentences beginning with the word "Two" and ending with the words "SST exports." On page 3 of the draft "Report—SST Ad Hoc Review Committee" under the section heading, "Balance-of-Payments and International Relations Panel."

Two conflicting forces—net aircraft sales, and net travel expenditures—influence the potential impact of the SST on our balance of payments.

If only the aircraft account effects are considered, a successful American SST would favorably influence our balance of payments. But a successful American SST depends on a substantial induced expansion in our net travel expenditures abroad. Therefore, the effects of the SST on the aircraft account *cannot* logically be considered independently from the travel account.

If both supersonic aircraft sales, and the related increases in our travel deficit, are taken together, there is a substantial risk that the introduction of a U.S. SST would be adverse to our balance-of-payments prospects whether or not a Concorde is produced. If the Concorde proves not to be commercially viable and a U.S. SST were introduced, the adverse effects on our balance of payments of supersonic travel would be large and entirely attributable to the American SST.

THE UNDER SECRETARY OF THE
TREASURY FOR MONETARY AFFAIRS,
Washington, D.C., March 18, 1969.

Hon. JAMES BEGGS,
Under Secretary of the Department of Transportation, Washington, D.C.

DEAR MR. BEGGS: I would like to take this opportunity to pass along to you the present views of the Treasury Department with respect to the Government's approach toward the SST project.

Our own review of this project, heavily reinforced by certain other views expressed at the meetings of your Committee, has raised many unresolved questions concerning both the economic viability of the SST project and the potential "side effects" on the environment, the balance of payments implications, and the value of the technological "fall out." In the light of these questions and the absence of a showing of over-riding benefits in other directions, we would be opposed to heavy further commitment of Federal funds at this stage.

Essentially, the heavy Government share in the financing of this project, combined with the very great element of doubt as to whether this Government investment will ever be recouped with a reasonable return requires that this project must be justified in terms of clear and substantial public benefits. We have not found that these public benefits exist in sufficient degree to warrant a high priority in the use of budgetary funds. Indeed, the discussion suggests that, commercial considerations apart, the balance of public benefits or losses may well be negative.

Consequently, we would suggest that, over the next year, attention be devoted primarily to: (1) support of further design and engine research and development, identifying, among other things, the extent to which the noise problem may be resolved satisfactorily; (2) more careful re-evaluation of the economic feasibility, balance of payments consequences, and environmental "side effects."

While we are not competent to make a technical judgment, our convictions on this score are reinforced by what appear to be substantial doubts that the Concorde will prove to be an economically viable aircraft and the indications that further stretch-outs in the production of the plane may be under consideration by the Governments involved. Risks that the Concorde will offer a serious threat to U.S. leadership in aircraft production and be a large burden on our balance of payments at this stage appear to be sufficiently small as not to be an overriding factor in consideration of our own SST project.

I should emphasize that continued design and engineering research should keep open the option of the U.S. Government to sponsor the production of a prototype at a later stage. Proceeding to prototype production would not be prudent at this time in view of the uncertainties cited above, and the implied large commitment of U.S. Government funds, not only for fiscal 1970 but for years ahead, very probably extending to substantial assistance in production financing.

Sincerely yours,

PAUL A. VOLCKER.

TREASURY DEPARTMENT,
Washington, D.C., March 20, 1969.

Hon. JAMES BEGGS,
Under Secretary of the Department of Transportation, Washington, D.C.

DEAR MR. BEGGS: The enclosed letter from Under Secretary Volcker is in response to your letter to him dated March 17. With regard to your memorandum dated March 19 enclosing a draft of the Ad Hoc Committee Report, I understand that a number of agencies on the Ad Hoc Committee believe that another meeting of the Committee would be useful for making comments on the Report and formulating recommendations. The Treasury would be pleased to participate in such a meeting if time permits you to convene it.

I have also enclosed suggested substitute wording for the first five sentences on page 3 of the Report under Balance of Payments and International Relations Panel. Of course, these comments on the Report, even if accepted, do not imply a Treasury endorsement of the contents of the Report as a whole. Our general approach to further work on the SST is expressed in the enclosed letter to you from Under Secretary Volcker.

Sincerely yours,

JOHN C. COLMAN.

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., March 20, 1969.

Hon. JAMES M. BEGGS,
Under Secretary of Transportation,
Washington, D.C.

DEAR MR. BEGGS: I have carefully reviewed the Draft Report of the SST Ad Hoc Review Committee and have found that it does not adequately reflect the views of the working panels and of the members of the Committee. It contains primarily the most favorable material, interspersed with editorial comments, and thus distorts the implications and tenor of the reports. Unfortunately, you have not given us time enough to rewrite this draft. The report as it stands cannot be accepted as an accurate representation of either our views or those of other members. We believe that either all the reports of the working committees should be forwarded without editing to Secretary Volpe or that each panel chairman with the help of the other members should be asked to draft a summary.

In addition, as you know, I feel strongly that another meeting of the Ad Hoc Committee is necessary. In your letter of February 28 you say explicitly that the Committee "will collectively make [its] views known to Secretary Volpe." I trust, therefore, that you will call another meeting to arrive at a fair and unbiased report with appropriate recommendations.

If the committee is not to be allowed to make joint recommendations to Secretary Volpe, I want to make clear our views. While the risks both economically and technically are great, the potential benefits are uncertain. With budget needs so great, I cannot see how this program can be justified at the present time and would recommend that no new funds be devoted to the project for at least FY 1970. This would mean that about $70 million would be available after April 15 for research on noise suppression, environmental effects, and market studies.

Yours sincerely,

HENDRIK S. HOUTHAKKER.

The White House,
Washington, March 20, 1969.
Memorandum for Hon. James M. Beggs,
Chairman, SST Ad Hoc Review Committee.
Subject: Committee Report.

In response to your memorandum of March 19, 1969, I have reviewed the draft report of the ad hoc Committee. It is my view that the report in its present form is not acceptable since it does not adequately reflect the range of uncertainties and general negative character of the panel reports and committee discussions as I understand them.

I am preparing detailed comments and suggestions for modifications to the report and will forward them to you as soon as they are available.

Lee A. DuBridge,
Science Adviser.

Executive Office of the President, Office of Science and Technology,
Washington, D.C., March 20, 1969.
Hon. James M. Beggs,
Under Secretary, Department of Transportation, Washington, D.C.

Dear Mr. Beggs: This is in response to your invitation to make any recommendation on the SST question.

I do not feel I should file a formal recommendation at this point, but I would like to make informal comments to you.

The subject of SST has been under review by members of the President's Science Advisory Committee and by the staff of OST for several years. We have recently been going over the current reports and had a thorough briefing from the Boeing representatives last week. My own conclusions are as follows:

1. The SST is probably technologically feasible, but the very small ratio of payload to total weight is so small that unexpected problems during the development could greatly reduce that payload and make the airplane commercially unattractive. There are enough unsolved technological problems that it is risky to make specific assumptions as to what the payload will be. It may turn out to be somewhat larger or somewhat smaller than now estimated. Thus, this is still a high risk question.

2. I have been impressed by the statements which have been made about the doubtful commercial viability of an SST. I conclude that previous estimates have possibly been over optimistic as to the number of planes which would be sold, as to the price at which they could be sold (if there were no government subsidy) and whether this would have a positive or negative effect on our balance of payments. If one makes pessimistic assumptions, though still reasonable ones, it could turn out that the plane is not commercially attractive to the airlines in sufficient numbers to make it profitable either for the manufacturer or for airline operators.

3. The noise problem is still a matter for worry. Although it appears that the noise on approach and takeoff will be reasonable, the noise radiated sideways is still very high and there seems at present to be no assured way in which this noise can be reduced to acceptable levels. In addition, it is very likely that noise standards will change during the next eight years as residents in airport areas become more sensitive to the problem. If current noise standards cannot be met, it would seem to be difficult even with new technological inventions to meet future more stringent noise requirements.

4. The sonic boom problem is, of course, quite unsolved, and even at best will cause enormous public concern. Surely we must have a policy statement that there shall be no supersonic operations by the SST over any populated areas.

5. Closely related to the problem of the payload is the problem of the maximum range of the aircraft. At present this is marginal for long overseas flights, and it is not clear whether further development efforts will cause the range to increase or decrease. Past history suggests a hopeful point of view, but this cannot be assured.

6. The competition of French and Russian SST's seems to be far less serious than we thought a couple of years ago.

On the whole, I come out negative on the desirability for further government subsidy for the development of this plane and would suggest that the possibility be explored of turning the remainder of the development and, of course, all of the production expenditures over to private enterprise. Any technological benefits which would accrue from its further development, either for civilian or military purposes, would seem to be minimal.

Granted that this is an exciting technological development, it still seems best to me to avoid the serious environmental and nuisance problems and the Government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance.

Sincerely,

Lee A. DuBridge,
Director.

National Aeronautics and Space Administration,
Washington, D.C., March 20, 1969.
Mr. James M. Beggs,
Undersecretary of Transportation, Department of Transportation, Washington, D.C.

Dear Mr. Beggs: The following comments are offered by NASA with regard to the draft SST Ad Hoc Review Committee report forwarded with your letter of March 19.

The report is a factual condensation of the material presented to and discussed by the Committee. In some sections, the condensation is such that it appears difficult to grasp the sense of the Committee discussions. The section titled Balance of Payments and International Relations, is particularly difficult in this regard. The exact interpretation of comments under Environmental and Sociological Impact leaves some confusion as to the position taken with regard to the potential hazards of airport noise and sonic boom. In the first paragraph the distinction is not clear as to which hazard was not considered. The last paragraph indicates a decision should be made to "avoid" hazards, which is manifestly impossible.

At the last Committee meeting it was stated that no recommendation was expected of the Committee. It is understandable then, that no over-all recommendation appears. However, certain detailed recommendations do appear within the body of material (for example, top of page 6). Other comments are written in a way to avoid recommendations. Consistency might prevent the unacquainted reader from placing undue emphasis on those recommendations simply as a result of phrasing.

The Chairman of the Technology Fallout Panel is consolidating the specific revisions of this section as proposed by the members and will submit them independently.

Sincerely yours,

Charles W. Harper,
Deputy Associate Administrator (Aeronautics), Office of Advanced Research and Technology.

National Aeronautics and Space Administration,
Washington, D.C., March 24, 1969.
Mr. James M. Beggs,
Under Secretary of Transportation,
Department of Transportation,
Washington, D.C.

Dear Mr. Beggs: In response to your request, NASA forwards the following comments relative to a recommendation regarding the SST prototype development program. It must be emphasized that NASA's conclusions are drawn largely from its technical assessment of the program since it has not participated extensively in any of the detailed economics analyses.

Sincerely yours,

Charles W. Harper,
Deputy Associate Administrator (Aeronautics), Office of Advanced Research and Technology.

Recommendation by NASA on the SST Program, March 24, 1969

The decision to proceed with development of the SST prototype is dependent on the assurance with which it can be stated that the performance objectives can be met, the importance to the national economic strength of achieving this capability, and the importance to the nation of remaining competitive in this new transportation mode.

From a strictly technical viewpoint, the NASA concludes that the proposed design offers the most conservative approach that enables the mission performance objectives (range and payload) to be met while at the same time offering substantial opportunity for growth as operational experience is gained. The major uncertainties remaining do not appear to be answerable from continued research activities but require operational experience with a complete system. It is the conclusion of NASA, then, that the proposed prototype development program would now represent initiation of this phase at the logical point for the realization of this new transport capability; further delay would contribute little toward this realization.

NASA has not attempted an in-depth economic analysis of the SST as a transportation mode. However, NASA research has shown that it does offer the potential of flight efficiencies equal to that of the subsonic jets which have come to dominate long-haul passenger travel and are taking over an increasing share of high value freight transport; if operational experience can enable realization of utilization rates equivalent to present aircraft, then the SST should eventually dominate the long-range transport market where the higher speeds are of major importance. Future transportation requirements between the U.S. and the Far East and South America would seem to offer a substantial market for this class of aircraft.

An important ingredient in the decision to be made is the likelihood of success of the competition. While the Concorde prototype has flown successfully, it is far too early in the program to determine whether the mission performance objectives will be met; it will probably be at least a year before this will be known. However, from such information as is available to NASA, there seems to be no reason to expect other than the design performance to be met with proper development. The aircraft is too small to be considered economically acceptable in the long term, but a larger version could follow with considerable confidence once operational experience is gained with this first version. Further delay in the U.S. program strengthens the probability that future developments of the Concorde will have the lead to dominate this transportation mode.

It is the conclusion of NASA that delay in initiating the SST prototype program will prevent significant progress toward the achievement by the U.S. of this potentially important transportation mode. Delay will increase substantially the probability that foreign competition will achieve a strong lead that will be difficult to overcome once the operation of these aircraft is accepted by U.S. carriers; as the carriers have stated, this acceptance would be expected if a competitive position is to be maintained. It is the conclusion of NASA, then, that initiation of the SST prototype program should be given high priority amongst those programs currently competing for support.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., March 24, 1969.
Hon. JAMES M. BEGGS,
Chairman, SST Ad Hoc Review Committee, Department of Transportation, Washington, D.C.

DEAR MR. BEGGS: In his memorandum to you of March 20, 1969, Dr. DuBridge indicated that detailed comments and suggestions for modifications to the SST Ad Hoc Review Committee Report, distributed with your memorandum of March 19, would be forwarded as soon as available.

In order to accelerate your review process, I am attaching a modified condensation of the report of the Technological Fallout Panel (pages 5 and 6) for your consideration. This material has been reviewed with Mr. Harper and Mr. Muse, the other Panel Members, and is acceptable to them. I have not, as yet, had the opportunity to discuss these revisions in detail with Dr. DuBridge nor has this office considered in detail other portions of the report which appear to require revision. I assume that you will be receiving modifications to other panel reports which have been summarized in your draft. I would expect that the most productive way to register our comments on the other portions of the report would be after receipt of your next draft.

Sincerely yours,
RUSSELL C. DREW,
Technical Assistant.

TECHNOLOGY FALLOUT PANEL

The SST program will advance many areas of technology and to a limited extent will result in technology fallout. Principally these benefits will accrue in those areas related directly to the aircraft industry; direct application of SST technology to other industrial or military activities does not appear large. While technological fallout will inevitably result from a complex, high technology program such as the SST development, the value of this benefit appears to be limited in the near future to a few specific rather than many general applications. The Panel believes technological fallout should not be considered either wholly or in part as a basis for justifying the SST program, but rather should be considered as a bonus or additional benefit from a program which must depend upon other reasons for its continuation.

There are a number of areas of aircraft technology which can be identified as having a high probability of potential benefit, such as flight control systems, structures, materials, engines, and aerodynamics. Many of these technologies are refinements of developments which had their origin in DOD or other aircraft programs. Others appear to be of such a highly specialized character that broader application to other areas of the economy are either limited or are many years from being realized.

The Panel believes the SST program can provide considerable, but unmeasurable benefit because of the challenge, both in a technical and emotional sense which such a competitive and forward-looking program engenders. This sense of challenge, particularly if successfully met, can be a beneficial factor not only in the aircraft industry but also on a broader basis and on a national level.

In addition, the technical challenge of a specific program can serve as a useful focus for research and technology programs and may thereby force new and important breakthroughs.

The value to be placed on the contribution of SST technology to national defense capabilities is difficult to assess since most unique advances will occur in overcoming constraints posed by the peculiarities of civil operation; advances of most importance to military aviation are likely to evolve directly from military programs. While an exchange of basic technology between military programs and the SST can be expected which will result in some degree of mutual benefit, it is anticipated, that most difficult defense problems will be specifically military in nature and not resolved by the SST program.

THE UNDER-SECRETARY
OF TRANSPORTATION,
Washington, D.C., February 28, 1969.
Hon. ROCCO SICILIANO,
Under Secretary of Commerce,
Department of Commerce,
Washington, D.C.

DEAR MR. SICILIANO: The purpose of this letter is to provide guidance and a modus operandi for the SST Ad Hoc Review Committee. This letter supersedes the drafts that were distributed at the first two working meetings.

The objective of the Committee is to assess the impact of the SST on the national interest. This assessment is to consider both positive and negative aspects.

The results of this assessment, along with the technical evaluation conducted by Dr. Bisplinghoff's committee; the findings of the Administrator, FAA, on the government evaluation of the proposed design; and the views of the U.S. airlines who have invested in the program, will provide the basis for Secretary Volpe's recommendations.

I have designated four working panels from the staff representatives of the Committee members, to address specific areas of national interest. The working panel assignments and guidance are attached. Each of the panels will submit a report on its findings by 12 March 1969. After these working panel reports have been received, reviewed, and accepted by the Committee, we will collectively make our views known to Secretary Volpe, who in turn will make his recommendation to the President.

The next meeting of the Committee is scheduled for 5 March 1969, at 2:00 p.m., in the Secretary's Conference Room, FOB 10A, 800 Independence Avenue, S.W. At that time we expect to have the Chief Executive Officers of the principal U.S. international air carriers appear before the Committee and discuss their views of the SST program. In addition, we anticipate that Mr. John Wiley, New New York Port Authority, may appear.

I urge your personal attendance at all subsequent meetings to assure that the Committee can discharge the responsibilities assigned to us by the President.

Mr. James E. Densmore, Deputy Assistant Secretary for Research and Technology in the Department of Transportation, will serve as secretary to the Ad Hoc Committee. You mav reach him on code 13, extension: 28677.

If you have further questions, please do not hesitate to give me a call. I look forward to seeing you at the next meeting of the Committee.

Sincerely,
JAMES M. BEGGS.

ASSIGNMENTS AND GUIDANCE FOR WORKING PANELS OF THE AD HOC SST REVIEW COMMITTEE

Four working panels are established to support the Ad Hoc SST Review Committee. These working panels are comprised of Committee members or their staff representatives identified below.

Each working panel is to prepare a written report, outlining its findings on the national interest aspects of the SST program in its assigned area. Any recommendations based on such findings will be reserved to the Committee. In preparation of these papers, each of the groups will use the necessary input information furnished by the Department of Transportation. This input will include necessary data on:

(1) Program options.
(2) Associated funding requirements.
(3) Operating costs and characteristics.
(4) Anticipated market.

It is the purpose to assess the national interest aspects of the SST program in light of the results of work performed to date. If there is serious doubt concerning the validity of inputs, then comment may also be made on alternative assumptions. In event such alternative assumptions are made, the working panel should be prepared to justify and support the reasonableness of such assumptions. The following are the four panels and their areas of responsibility:

(1) Balance of Payments and International Relations—Representatives from Treasury (Chairman), Commerce and State. This panel will address the potential impact of projected foreign sales of the SST on the U.S. balance of payments considering whether the program proceeds, or alternatively should it be abandoned.

(2) Technological Fall-Out—Representatives from the Office of Science and Technology (Chairman), Department of Defense, and NASA. This panel is to examine the importance of the SST program to the overall national research and development posture, the technological fall-out benefits that may result from the SST program and specifically whether such benefits have national security value.

(3) Environmental and Sociological Impact—Representatives from HEW (Chairman), Interior, and Office of Science and Technology. This panel will consider the environmental and sociological impact of the SST program under the assumption that supersonic flight will be restricted to overwater routes. The panel will consider the negative effects of noise on airports of the future and the social effects of the increased mobility afforded by the availability of intercontinental supersonic transportation.

(4) Economics—Representatives from the Council of Economic Advisers (Chairman), Labor and Commerce. This panel will consider the economic benefits that will accrue from the SST program. The panel is to address the employment benefits, the additional tax revenues to be derived from the program, and any other domestic economic impact.

Identical letters sent:

Honorable Rocco Siciliano, Under Secretary of Commerce, Washington, D.C. 20230.

Honorable Robert C. Seamans, Jr., Secretary of the Air Force, Washington, D.C. 20330.

Honorable John Veneman, Under Secretary of HEW, Washington, D.C. 20201.

Honorable Russell Train, Under Secretary of the Interior, Washington, D.C. 20240.

Honorable Richard G. Kleindienst, Deputy Attorney General, Department of Justice, Washington, D.C. 20530.

Honorable Arnold Weber, Assistant Secretary of Labor, Washington, D.C. 20210.

Ambassador U. Alexis Johnson, Under Secretary of State for Political Affairs, Department of State, Washington, D.C. 20530.

Honorable Paul Volcker, Under Secretary of the Treasury for Monetary Affairs, Department of the Treasury, Washington, D.C. 20220.

Dr. Henry Houthakker, Member, Council of Economic Advisers, Executive Office Building, Washington, D.C. 20500.

Dr. Lee A. DuBridge, National Science Adviser, Office of Science and Technology, Washington, D.C. 20506.

Mr. Charles W. Harper, Deputy Associate Administrator (Aeronautics), NASA, Washington, D.C. 20546.

Airlines' Report on SST

February 18, 1969.

Mr. David D. Thomas,
Acting Administrator, Federal Aviation Administration, Washington, D.C.

Dear Dave: I have just completed a review of the redesign features as well as the operating economics of the Boeing SST with ———. This review has resulted in some alteration of ——— position relative to the SST development program. You are aware that throughout the initial years of development ——— has taken a positive approach to this new technology and has participated fully with the airlines committee. However, the recent SST review along with an assessment of the environment in which we are currently operating has led us to take a different posture than has been the case to date. The factors influencing this change are:

First, the operating economics of the presently proposed SST indicate that a substantial fare premium undoubtedly will be required to match the economic performance of the present generation of subsonic jets.

Second, there appears to be serious doubt that the proposed SST can meet existing or proposed airport noise criteria.

Third, the SST undoubtedly will be limited to overwater operation because of the sonic boom problem.

Fourth, the final cost per airplane will undoubtedly fall in the $40–$50 million area representing an enormous risk per single vehicle.

Fifth, important and costly improvements are immediately required to bring both our airways and airports up to a capacity compatible with the current and future traffic demand.

There are other factors which weigh against unqualified commitment to the SST development schedule, but the above are the most important ones in my view. In light of the somewhat negative aspects bearing upon the SST program as of now and our existing capital commitments, I would be unwilling to recommend to Board of Directors the venturing of any additional risk capital beyond the $— million we have already contributed, in addition to our $— million deposit for delivery positions.

If our government's assessment of this program indicates that the United States must retain its dominant position in the aircraft manufacturing industry for national reasons, then it is my opinion that the development cost risks must be assumed by the government. Finally, if our country must make a choice between appropriations for improvements of our airways-airport systems or furthering the development of the SST, then there is no question that airways-airports must be the choice.

In summation, the provision of completely adequate airways and airports in this country must take precedence over any other consideration if the vigor of our economy is to be maintained. If there are funds available after the above need is satisfied, then these funds should go toward the orderly development of an SST at whatever rate of progress is possible.

I hope that the above may be helpful to Secretary Volpe in arriving at a sound decision on the future of the program.

Best personal regards.

Sincerely,

——— ———.

March 1, 1969.

Mr. D. D. Thomas,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

Dear Mr. Thomas: In reply to your letter dated January 24th, as amended by you to extend the reply date to March 1, 1969, we herein submit our comments on the proposed design and other aspects of the Supersonic Transport Program as it now faces a major governmental decision.

The SST Office of the Federal Aviation Administration, and in particular General Maxwell himself, has been most helpful to us in providing information obtained during their analysis and in briefing us on their conclusions with respect to the current proposed design of and potential for the Supersonic Transport.

The current proposed design of the U.S. Supersonic Transport is in our opinion the best which can be obtained on the drawing board. We believe that the years of study to this point have led to a design which cannot be improved in this phase but must go forward to the prototype construction before obtaining additional answers of any real significance. We believe the design is straightforward and honest and certainly represents the best of the current state of the art.

We share with your evaluation team real concern in certain areas. The airport and community noise problem is perhaps the foremost of these. However, we believe that there is time during the construction and testing of a prototype and that that would be the right time to find any available answers to this problem and to design and test suppressive devices of all types. In this regard, we believe that there must be room also for an increase in engine size and thrust to overcome what may well be found as a requirement during testing, i.e., increased thrust to meet under all conditions actual range, payload and weight conditions and, most important, to overcome whatever thrust may be lost due to the introduction of noise-suppressing devices. We believe the concern with regard to the engine inlet can be resolved through construction and testing and through the results of the prototype phase of the program. We also believe that the wing flutter problem is one which is understood and can be resolved with, of course, the increase in weight which usually accompanies such a program, thus the requirement to remain somewhat flexible in terms of total gross weight and engine thrust to accompany it. There are other problems, well-known to your evaluation team and including such items as the suitability of the current state of the art in tire manufacture and other hydraulic, electrical and flight control systems on the aircraft. Again, however, we believe that we have gone as far as we can on the drawing board and must, if we are to proceed at all, go forward into the prototype design, construction and flight, using the best United States engineering talent to solve problems as they occur during these phases.

While we are not aerodynamicists, we do believe that it is inherent in a Supersonic Transport Program to consider that certain aspects of aerodynamics cannot be solved except through actually flight of a vehicle as close as possible in size and shape to that which may be the only economic model. Thus it is our suggestion that the prototype be designed and constructed, probably in the "six-abreast" fuselage size, as closely matched as possible to what which we and the FAA have used to develop our economic viability studies. We must then in designing and flying the prototype determine the appropriate engine size and other characteristics which go with an aircraft size whose potential at reasonable load factors is to attract passengers and, again as a potential, achieve without too great a fare surcharge a reasonable rate of return for us.

If we go forward in a prototype phase program with the determination to solve problems as we now see them and to demonstrate the flight characteristics, in a model which can meet airport and community noise criteria and which is designed to carry enough payload for the required range goals, then in our opinion the timing is such that the United States could regain and hold its superiority in the world market for transport aircraft. Looking forward to such a model in the not-too-distant future and knowing that a full-scale prototype testing program is being accomplished prior to a commitment to production, we, at least as one airline, would try to hold out for the U.S. product. Furthermore, if this model is designed to sufficient capacity and range and designed to be economic in its operation, then it should have most of its own market since it will be sufficiently different from anything now proposed by the British, French and Russian interests.

While we see many problems to be solved and at least a medium degree of risk, it is our opinion that if the United States is to have a Supersonic Transport at all we should go forward into Phase III or the prototype phase of the program. A delay would be the wrong decision in our opinion. The program should either go forward or be terminated. We recommend that it go forward. In any other event, we will not know whether our goals can be achieved.

Sincerely,

——— ———.

February 27, 1969.

Mr. D. D. Thomas,
Acting Administrator, Department of Transportation, Federal Aviation Administration, Washington, D.C.

Dear Mr Thomas: Thank you for the opportunity to comment on the future of the SST program.

There are four elements critical to a successful program:

1. A solution of the sonic boom problem.
2. An acceptable level of airport noise.
3. The ability to operate over reasonable distances non-stop.
4. Seat mile costs reasonably related to costs of subsonic aircraft.

Our first recommendation is that criteria be developed for each of these four elements and made a part of the SST program.

Our second recommendation is that a prototype SST be funded, developed and tested, if reasonable assurance can be given that (a) the prototype will meet the established criteria or (b) will provide research information which will enable the criteria to be met.

Members of our staff are ready to discuss with you the specific criteria that might be appropriate and to assist in any other way you may find helpful.

Sincerely,

——— ———.

February 17, 1969.

Mr. D. D. Thomas,
Acting Administrator, Department of Transportation, Federal Aviation Administration, Washington, D.C.

Dear Mr. Thomas: As a result of our analysis of the data submitted to us by the Boeing Company, and the reports on the technical review of the SST B2707–300 and its prototype by the FAA SST Evaluation Team, we believe that sufficient progress has been made to warrant government approval of the construction and testing of the Boeing SST prototype aircraft.

It is obvious that there are still some serious problems in the areas of community noise and economics. It also appears certain that the operation of the SST will be restricted to subsonic speeds over inhabited areas because of the sonic boom. This will limit utilization and place an arbitrary ceiling on the total market for supersonic aircraft, increasing the unit cost.

In spite of the negative aspects of the SST Program, we believe it is unrealistic to assume that supersonic transports will not be built and flown over the world's airways. We further believe we have the technology and manufacturing capability in this country to produce a superior SST.

Because of the costs involved it must be a government decision as to the priority assigned to the program. We could not in good conscience recommend the allocation of any funds to the SST Program that would delay or interfere in any way with the solution to our airport and airways congestion problems and the modernization of Airways Traffic Control equipment and procedures.

Sincerely,

——— ———.

FEBRUARY 26, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: We have reviewed the technical data describing the proposed redesign of the Boeing Supersonic Transport 2707–300. As you requested in your letter of January 14, 1969, I offer my recommendations.

The development of an economically viable SST is a logical step in the growth of the transportation industry to better serve the needs of the people of the world. I believe the program should continue.

Because the SST is such a big step in the state of the art, we should build a prototype to work out the solutions to the many technical problems facing the designers. The prototype flight testing should precede commencement of the production phase. This would aid us greatly in determining the optimum size and give a much greater possibility of success.

The construction of the first aircraft should begin at the earliest reasonable opportunity consistent with normal times required to complete the preliminaries.

The government should underwrite this project as research and development in the field of large supersonic aircraft which would undoubtedly have great benefit to other programs.

Sincerely,

——— ———.

MARCH 1, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: These comments on the U.S. SST program respond to your letter of January 24, 1969.

We appreciate the briefing given our representatives by the FAA team in Washington on February 6. The views of your team have been major factors in the formulation of our own position on our SST program. All must agree with your team that there are risks in undertaking the SST program, as there are risks in any big program involving advances in the state of the art, in the engineering and in the designing of complex technical equipment. We do not believe that these risks would be substantially reduced by further abstract study or academic research.

We have no doubt that viable, civil-commercial supersonic air transportation is inevitable. Our only doubt concerns whether European industry, Russian industry or American industry will lead and when such dominating leadership will be established. The recent flights of the Tupolev 144 and the Concorde underscore this point.

Consequently, in the interest of maintaining leadership of U.S. air transportation and aircraft construction by providing the public with ever-improving, time-saving mobility, and its attendant help to our balance of international trade, we believe that we should get on with the prototype program in order to be reasonably certain of the quality of eventual production models of supersonic aircraft.

As we recognize that this procedure will require enormous additional funding, we would be less than fair if we left any implication that this airline could at this time afford to make any further contributions to the advanced funding of the research and development represented by the prototype program. Our unprecedented contribution of $1 million per aircraft, which we have already been obliged to contribute to this research and development, has for the present exhausted our stockholders capacity to finance research and development of supersonic transportation. We suggest that the position of our foreign competitors in this regard may be different. That competition consists primarily of Government-owned airlines and it is not particularly material whether their Governments finance or subsidize either aircraft development, airline operation or both.

It seems evident that a considerable amount of prototype flying must be completed and evaluated before the start of quantity production. Our analysis of the suggested production aircraft has convinced us of the necessity of proceeding through Phase III to the completion of the prototype flying. Only as a result of such a program can we achieve the substantial overall improvements which are required.

As mentioned in my wire of February 25, there is concern that if the U.S. program is further delayed, there is some possibility that the ultimate market will be reduced through greater availability of Concordes and TU–144's or, more importantly, by giving time for an improved version of either to become available.

Because of the value of time to the travellers of the world and for reasons of national interst, favorable balance of international trade, and maintaining the leadership of U.S. air transportation and aircraft construction, we believe that the SST Prototype program should be continued.

Sincerely yours,

——— ———.

FEBRUARY 20, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Department of Transportation, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: In response to your recent invitation to provide you with airline comments regarding the currently proposed Boeing SST 2707–300 airplane, our evaluation of the design data supplied to us by Boeing and validated by the FAA Supersonic Transport Development Group is as follows:

The prototype design data defines an airplane which we believe is technically adequate for prototype test purposes, and the design should be capable of providing sufficiently accurate test data to permit the manufacturer to proceed with the development of a production airplane providing satisfactory solutions can be found for the following major problems.

SONIC BOOM

The indicated over-pressures are of sufficient magnitude to restrict by definition the aircraft's operation to overwater and hence, essentially, intercontinental use. This of course results in an airplane which has little if any use in domestic transcontinental operations.

COMMUNITY NOISE

The current prototype design as well as the planned improvements to be obtained from the advanced technology do not seem to indicate a practical means of reducing external noise to a degree which would achieve compliance with the proposed noise regulations other than by methods which certainly impose unrealistic penalties both in performance and economic values to the airplane.

SIZE

The 5-abreast 234 passenger prototype airplane design currently proposed by Boeing and validated by the FAA is not an airplane that embraces sufficient weight or space payload to be economically viable at other than substantially increased fare levels over those which we know today. The unknown changes in our economy between now and the planned availability of a production SST in 1978 or 1979 make the economic factors in this regard even more difficult to assess.

COMPETITIVE ASPECTS

The combined effects of the economic factors coupled with what we believe may be the non-competitive aspects of the small diameter fuselage, as compared to the (by then) publicly accepted wide bodied aircraft such as the 747, L–1011, and the DC–10, pose a real question as to public acceptance of the design despite its obvious speed advantage.

We are mindful that each new airplane development program to date has included a fair amount of risk, and we are also aware of the importance of our airline industry maintaining its posture of progress internationally and domestically. Recognizing that the above problem areas cannot be adequately defined or solutions arrived at without a prototype program, we feel that serious consideration should be given to proceeding with the prototype development of the presently proposed SST. From standpoint and for the aircraft to be useful over our present route system, solutions to the outstanding problems must be found which would lead to a production airplane of sufficient size, with reasonable flexible and competitive economic capabilities, and possessing performance and noise characteristics that will insure its use on a generally non-restrictive basis in the time period for which it is to serve.

Sincerely,

——— ———.

FEBRUARY 25, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. THOMAS: We have reviewed the most recent B–2707 design submitted by The Boeing Company for a prototype supersonic transport, as well as the evaluation conducted by your Office of SST Development.

As you know ——— has invested almost $——— million and a vast amount of technical and economic effort in this program. Consequently, we have a vital interest in its success.

However, we continue to be concerned about many of the technical aspects of the program, including weight and balance, flutter and dynamics, engine inlet design, and airport and community noise.

Experience has indicated that solutions to problems of this type invariably add complexity and weight to an aircraft. Since the design payload-range characteristics already appear marginal, we question whether an economically viable airplane can be produced until these solutions are accurately defined.

We believe that some of the current problem areas lend themselves to further analysis, whereas others will require extensive hardware development and a flight testing program. We feel that the prototype flight test program as proposed may be inadequate to develop solutions to the major technical problems.

It is our recommendation, therefore, that:

1. Boeing be directed to complete those analyses which can be meaningfully undertaken prior to a final definition of a prototype aircraft.
2. Upon completion of these analyses, a two-prototype aircraft program be undertaken without a commitment of resources to a production aircraft program.

We believe that the prototype aircraft program should be conducted in a manner such that there will be no expenditure of funds related to a production program until the prototype aircraft program has met the technical development objectives. It is our belief that the technical progress accomplished during an adequate prototype program will result in the definition of a production airplane that varies so significantly from the prototypes that any investments in such areas as production tooling, passenger interior accommodations and food service installations would be wasted.

Rather than delaying the ultimate certification date of the production airplanes, we believe that the program defined above will not only result in a better product, but is likely to gain rather than lose time and, most certainly, conserve development funds.

We appreciate the opportunity to comment on this important program and look forward to its development at an aggressive and realistic pace.

Sincerely,

——— ———.

February 28, 1969.

Mr. David D. Thomas,
Federal Aviation Administration,
Washington, D.C.

Subject: Supersonic transport program.

Dear Mr. Thomas: I am pleased to present ——— views on the proposed Boeing SST design and certain other SST program aspects in response to your letter request of January 24, 1969.

Present indications are that the SST program will not produce a vehicle as economically viable for airline use as formerly was believed to be the case. Nevertheless, in view of the efforts of other nations in the SST field, ——— remains convinced that national interest considerations, relating to the balance of payments and the competitive position of our aeronautics manufacturing industry, would be served by development and production of U.S. SSTs at an early date. Accordingly, we urge continuation of the U.S. SST program in an uninterrupted and aggressive manner.

It is ——— considered opinion that the U.S. supersonic transport program has reached a stage from which further progress can best be achieved by the construction of experimental prototype aircraft. We recommend that development, construction, and testing of the Boeing experimental prototype aircraft be authorized and that this program be expedited. It is by this means that needed state of the art advances in such significant areas as structure, propulsion, aerodynamics, and systems design and development can be achieved most reliably and quickly. Further, prototype aircraft development and testing will hasten the day when definition and production of certificated aircraft can be reliably undertaken on an acceptable risk basis.

——— recommends that the design of the prototype vehicles be defined by Boeing to achieve maximum state of the art advances in the stated areas and additionally to minimize the time required to achieve economically viable and operationally practical production aircraft. Specifically, in response to General Maxwell's question, whatever prototype fuselage size will best fit these two broad objectives should be selected. Development of the prototype should attempt to achieve payload range improvements, better noise attenuation features, and reduction in approach, landing, and takeoff speeds.

The Boeing prototype design is believed to be well suited for experimental and developmental purposes. However, it is not well suited and should not be planned for production application because of its prospective relatively poor economic characteristics. Final design of the production type aircraft should wait on the results of prototype aircraft development and testing programs.

Thus, summarily, recommends the uninterrupted continuation of the U. S. supersonic transport development program to achieve early construction of experimental prototype aircraft so as to advance the state of the art and provide the basis for the early development of fully viable production supersonic transport aircraft.

Recommendations reflect not only the results of careful and detailed technical analyses of the proposed Boeing designs, but also a high degree of technical judgment as to what may be attainable through prototype development efforts, all combined with business judgment as to general aircraft characteristics that must be produced if the program is ultimately to succeed in the international marketing arena. It is important that the production U. S. SST have superior economic viability compared not only to the Concorde as we know it today and the Russian TU 144 as we surmise it, but to prospective second generation designs of these aircraft as well, for they surely will exist by the time the production U. S. SST is available in fleet quantities. The most expeditious and soundest way to undertake to meet this challenge is to proceed at once on an expedited basis with the development of experimental prototype aircraft.

I am appreciative of this opportunity to comment. We commend the FAA for its management of the supersonic transport development program. No program which involves state of the art developments such as this one is without troublesome times and great problems. The FAA's reorientation of the program last year is most commendable. A sounder basis for moving forward has resulted.

Summary report of its technical findings is available on request.

Sincerely,

——— ———.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. McCulloch (at the request of Mr. Gerald R. Ford), for an indefinite period, on account of a meeting of the Dr. Eisenhower Commission on the Causes and Prevention of Violence.

To Mr. Nichols (at the request of Mr. Albert), for today, on account of official business.

To Mr. Price of Texas (at the request of Mr. Gerald R. Ford), for today, on account of official business.

To Mr. Reifel (at the request of Mr. Gerald R. Ford), for November 3 through November 14, on account of official business.

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

Mr. Byrne of Pennsylvania (at the request of Mr. Gray), for Friday, October 31, 1969, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kleppe), to revise and extend their remarks and to include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. MacGregor, for 10 minutes, today.

Mr. Duncan, for 1 hour, on November 12.

Mr. Schwengel, for 15 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks and to include extraneous matter:)

Mr. Culver, for 10 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Farbstein, for 20 minutes, today.

Mr. Patman, for 30 minutes, on November 3.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Pickle to include extraneous matter in his remarks made in Committee today.

Mr. Hanna to include extraneous matter with his remarks made today in the Committee of the Whole.

(The following Members (at the request of Mr. Kleppe) and to include extraneous matter:)

Mr. Harsha.
Mr. Fish.
Mr. Arends.
Mr. Whalen.
Mr. Edwards of Alabama.
Mr. Frey.
Mr. Roth in two instances.
Mr. Shriver.
Mr. Duncan.
Mr. Schwengel.
Mr. Zwach.
Mr. Whitehurst.
Mr. Erlenborn.
Mr. McKneally.

(The following Members (at the request of Mr. Daniel of Virginia), and to include extraneous matter:)

Mr. Long of Maryland.
Mr. Addabbo in four instances.
Mr. Gaydos in three instances.
Mr. Eilberg.
Mr. Steed.
Mr. Montgomery.
Mr. Garmatz.
Mr. Rees in two instances.
Mr. Anderson of California in two instances.
Mr. Dorn in two instances.
Mr. Helstoski in two instances.
Mr. Hungate in three instances.
Mrs. Chisholm.
Mr. Johnson of California.
Mr. Fraser in two instances.
Mr. Wolff.
Mr. Delaney.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2062. An act to provide for the differentation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes; and

H.R. 12982. An act to provide additional revenue for the District of Columbia, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The **SPEAKER** announced his signature to enrolled bills of the Senate of the following titles:

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota";

S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

BILLS PRESENTED TO THE PRESIDENT

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes; and

H.R. 12982, an act to provide additional revenue for the District of Columbia, and for other purposes.

ADJOURNMENT

Mr. **DANIEL** of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, November 3, 1969, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22) to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 91st Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: Michael J. Harrington, Sixth District, Massachusetts.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1304. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions of equipment and facilities for the quarter ended September 30, 1969, pursuant to the provisions of subsection 201(1) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1305. A letter from the Secretary of Health, Education, and Welfare, transmitting the 18th annual report of the Commissioner of Education on the administration of Public Laws 874 and 815, 81st Congress, as amended, for the fiscal year ended June 30, 1968; to the Committee on Education and Labor.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. **BENNETT**:

H.R. 14621. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. **BETTS**:

H.R. 14622. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. **BLATNIK**:

H.R. 14623. A bill authorizing a survey of harbors and rivers, territory of Guam, in the interest of navigation, flood control, and related water resource purposes; to the Committee on Public Works.

By Mr. **BURLESON** of Texas:

H.R. 14624. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. **HATHAWAY**:

H.R. 14625. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **ICHORD**:

H.R. 14626. A bill to amend chapter 115 of title 18, United States Code, to make punishable certain activities affecting captive personnel of the U.S. Armed Forces; to the Committee on the Judiciary.

By Mr. **McCARTHY** (for himself, Mr. Adams, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mrs. Chisholm, Mr. Dingell, Mr. Farbstein, Mr. Fraser, Mr. Gonzalez, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Howard, Mr. Koch, Mr. Kyros, Mr. Lowenstein, Mr. Matsunaga, Mrs. Mink, Mr. Moss, Mr. Obey, Mr. Ottinger, Mr. Podell, Mr. Rees, Mr. Stokes, and Mr. Udall):

H.R. 14627. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. **MIZELL**:

H.R. 14628. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. **RANDALL**:

H.R. 14629. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. **ROGERS** of Florida:

H.R. 14630. A bill to amend the Public Health Service Act to provide an Under Secretary of Health, Education, and Welfare for Health; to the Committee on Interstate and Foreign Commerce.

By Mr. **ROUDEBUSH**:

H.R. 14631. A bill to provide that common law marriages may not be contracted in the District of Columbia; to the Committee on the District of Columbia.

By Mr. **ROYBAL**:

H.R. 14632. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

H.R. 14633. A bill to authorize the Secretary of the Treasury to carry out a program of research and development relating to devices and techniques for the detection of illegal importation of dangerous drugs into the United States; to the Committee on Ways and Means.

By Mr. **WALDIE**:

H.R. 14634. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

By Mr. **WATTS**:

H.R. 14635. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. **ANDERSON** of Illinois (for himself, Mrs. Reid of Illinois, and Mr. Tiernan):

H.R. 14636. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. **SCHWENGEL**:

H.R. 14637. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **O'NEILL** of Massachusetts:

H.J. Res. 978. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

313. Mrs. **REID** of Illinois presented petitions signed by 3,931 residents of Youngstown, Ohio, in support of the privilege of nondenominational prayer in public schools, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE GULF INTRACOASTAL WATERWAY—THE SOUTH'S HIGHWAY TO PROGRESS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. EDWARDS of Alabama. Mr. Speaker, one of the most energetic young men in my district is Mr. Charles Steiner III. He has for some time been involved in a study of the waterways of the gulf coast area. He has traveled on tugboats and barges; he has studied statistics as well as the waterways themselves. He has written several articles concerning the waterways, the most recent of which appeared in the Mobile Press Register on September 28, 1969. At my request he has summarized this article so that all Members may have the benefit of his work. I include Mr. Steiner's summary at this point in the RECORD:

THE GULF INTRACOASTAL WATERWAY—THE SOUTH'S HIGHWAY TO PROGRESS

AMERICA'S WATERWAYS

The influence of the waterway industry on national transportation and on the economy of the United States grows each year as tonnage mounts over our country's 25,260 miles of commercially navigable rivers, canals, bays and harbors. Over 10 percent of the nation's freight is transported over these waterways. In 1967, the last year that we have complete commercial tonnage statistics, the grand total of all waterborne commerce shipped in the United States was 1,336,606,078 tons; of this, iron and concentrates accounted for 123,265,800 tons; crude petroleum for 179,670,885 tons; coal for 214,153,740 tons and marine shells for 23,365,232 tons.

The record total of 281.4 billion ton-miles were shipped along our waterways. This included 114.6 billion ton-miles on the Mississippi River System and 60.0 billion ton-miles on the coastal waterways of which the Gulf Intracoastal Waterway accounted for 13.926 billion ton-miles. This is proof, to our nation's industries and to the general public, of the valuable economical asset that they have in their waterways and reason why they should continue to be developed and improved. Due to improved navigation and modern facilities on our waterways built since 1940, the total domestic freight carried on our nation's waterways rose from 496.6 million tons of cargo to $870.6 million tons in 1967; of this, the total barge traffic amounted to 502.4 million tons.

You have to travel these waterways to really see just what has taken place in the last 20 years. There is a fantastic growth of new industries, hydro-electric power plants, and building growth taking place along the canals, industrial parks and ports along our waterways. Our nation benefits also from man-made lakes for boating, fishing and other water recreation sports; modern locks, dams, and improved navigation channels for faster shipping, flood control and electric power; and better irrigated pasture and farm lands for cattie raising and agriculture; and the revitalization of old cities along the rivers and coasts due to better national and domestic use of our valuable waterways.

BUSINESS BOOMS

One of the most important segments of these waterways and one that can be described as being the Gulf Coast's own highway of progress is the Gulf Intracoastal Waterway which has almost doubled its tonnage in the last 10 years from 46,007,718 tons to 87,850,332 tons. This massive and continuous movement of basic raw materials for production of fuel oil, gasoline, building materials and steel products along this waterway has resulted in the construction of new and modern terminals for the handling of freight and bulk cargoes. The river and channel improvements by the Corp of Engineers combined with a modern interstate highway system, the spread of jet airports and a more competitive rail rates gives this Gulf Coast area exceptional transportation advantages for industry. This development and increased shipment of materials to all ports of the nation and the world is helping the growing South to become the new industrial and financial center of our nation through the tremendous activity and growth that has taken place on this particular waterway and its connecting river systems.

Rapid growth of this waterway extends all the way from the Gulf Coast areas of Texas and Louisiana up the lower Mississippi River region eastward through Alabama and Georgia and down into Florida. Serving this area of growth and expansion is the Gulf Intracoastal Waterway, a water highway of progress and profit that extends 1113 miles from its eastern terminal at Carrabella, Florida on the St. Marks River to Brownsville, Texas across the Rio Grande River from Mexico. Eventually this waterway will be international in scope. The Mexican government plans a protected intercoastal waterway from Tampico to the terminal of the Intracoastal Canal at the Texas Border. Plans are under way to complete the missing link in the waterway from St. Marks, Fla., to Fort Myers. Also the Cross Florida Barge Canal, when completed, will provide an even shorter protected link between the Gulf Intracoastal Waterway and Atlantic Coast waterways systems. The GIWW has the most active ports in the nation.

New Orleans is rivaling New York for the nation's number one shipping center with 111,491,062 tons shipped through its 125 mile long port area; Houston is the financial and trade center of the Southwest with 58,305,362 tons of products mostly grain, marine shells, petroleum, gasoline and Sulphuric acid shipped through its Ship Channel with over three-fourths of this to foreign countries; Galveston with 41,137,933 tons of cotton, sugar, wheat, grain and fertilizer shipped through this Southwestern agricultural center's Galveston Wharves; and the petroleum centers of the West such as Beaumont with 31,001,800 tons and Port Arthur, Texas with 23,104,204 tons of cargo with over half of that tonnage being petroleum oil and its by-products; and Mobile, which is at the crossroads of this dynamic waterway and a future hub for the interchange of traffic on the Ohio, Tennessee and Mississippi River Systems once the Tennessee-Tombigbee Waterway is built, had 22,326,318 tons of cargo pass through its port area.

This waterway is by far one of the most important links in America's network of navigable channels because it connects the industrial and agricultural heart of the nation and South with the growing ports and cities along the Gulf and with the abundant sources of raw materials that this area offers. A wide variety of mineral resources including coal, iron ore, limestone, marine shell, clam shells, gravel, sand, marble, clays, natural gas, and oil has been responsible for the immense growth of water-front industry that has settled here in the South and for the continued growth of the barge and tow industry that travels day and night along the 1100 mile long waterway and connecting rivers serving industries and households with tremendous savings from low-cost and efficient barge transportation.

Mid-west grain is barged down the Mississippi River and from Texas ports to overseas markets; from the coast comes oyster shells and from the rivers and bays comes sand, gravel and clam shells for building and highway construction; timber from the forest of Mississippi, Alabama and Florida for the South's large pulp and paper mills; coal barged down the Warrior-Tombigbee Waterway of Alabama for the steam generating plants of the South; iron and bauxite for the steel and aluminum mills of Birmingham, Alabama and Baton Rouge, Louisiana and other steel mills in the South; limestone, sand and gravel from Alabama for the highway construction along the Gulf Coast; phosphate from Florida for local plants and overseas markets; sulfur and salt from the mines of Louisiana for the upstream Mississippi River ports and large volumes of oil from the Gulf and Southwest oilfields for the petro chemical industry of the nation.

Along the Gulf Coast is the nation's largest petro-chemical industry with hundreds of plants that are linked together by both a 1100 mile network of pipes and the Gulf Intracoastal Waterway. It is an industry that involves 6 billion dollars of investments and that contributed 40.2 percent of domestic commerce and shipped 33,770,009 tons of crude petroleum on the GIWW out of the national tonnage of 179,670,885 tons on our waterways. Millions of gallons of gasoline, fuel oil and jet fuel are moved by barge annually from coastal refineries in Texas, Louisiana, and Alabama to canning plants in the nation. Because of the low-cost barge transportation and the competition of the many independent distributors who have been attracted to this area—the farmer, the motorist, the householder and the industries are greatly benefited.

This water-borne commerce and the rapid industrialization of the Gulf Coast is a true indicator of the strength of America's economic future. For example; along the GIWW, the internal freight traffic between Apalachee, Florida and Mobile, Alabama covered gasoline, asphalt, iron pipe, marine shells and jet fuels. From Apalachee Bay to Panama City, Fla., the tonnage for the last 11 years rose from 1,377,549 to 1,418,936 tons; between Panama City and Pensacola. Fla., the tonnage rose from 2,839,511 to 4,136,342 tons and between Pensacola and Mobile, the tonnage rose from 3,156,867 to 4,989,500 tons.

From the Mexican Border eastward to New Orleans, the principal commodities shipped along the waterway covered crude petroleum, marine shells, basic chemicals, gasoline and grains. From the Mexican border to Corpus Christi, Texas, the tonnage rose from 1,025,268 to 1,671,623 tons. Between Corpus Christi and Galveston, Texas, the tonnage rose from 7,830,234 to 15,462,366 tons; from Galveston and Sabine River, Texas, the tonnage rose from 20,698,161 to 38,332,179 tons and from Sabine River to the Gulf Intracoastal Waterway, Mississippi River, the tonnage increased from 31,200,435 to 58,722,476 tons.

Between the Port of Mobile and New Orleans the tonnage for the last 11 years over this 134 mile stretch of the GIWW rose from 7,068,648 to 16,240,764 tons covering 583,861 oceangoing tons mostly phosphate rock. Internal tonnage shipped on this route amounted to 14,679,390 tons covering 3,360,238 tons of gasoline, 1,285,414 tons of coal, 907,605 tons of corn, 737,065 tons of marine shells and 627,914 tons of basic chemicals plus many other products.

With this growth, the future expansion of the South and increased usage of water transportation as the cheapest form of transportation for bulk cargoes and the development of the Tennessee-Tombigbee Waterway, the Port of Mobile will become a second and most vital defense and commercial interchange route for the water highway system of America. The advantages offered by the Tenn-Tomm would more than triple the tonnage on the Gulf and provide a more stable and economic growth to America. Its completion will shorten the route of industrial goods from the American heartland to the Gulf Intracoastal Waterway and its ports by 500 to 1000 miles benefiting everyone including our governments missile program.

SHASTA COUNTY LONG WILL REMEMBER C. FRED SMITH

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. JOHNSON of California. Mr. Speaker, it was with great sadness that I learned of the passing of an old friend, a man who has contributed greatly to the development of the counties which I represent here in Congress. C. Fred Smith was born in Shasta County nearly 80 years ago.

During those eight decades the contributions which he made to his community through his outstanding public service will be remembered for many decades to come. Shasta County is a better place for his having been with us.

Fred Smith's hometown newspaper, the Redding Record Searchlight, told the story of his efforts for his community in the following report which I would like to share with my colleagues:

C. FRED SMITH

"The dean of active Democrats in Shasta County" is dead at 79.

C. (for Charles) Fred Smith died early today in Mercy Hospital.

Born Jan. 29, 1890, to a pioneer Shasta County family, Smith's involvement in civic and political activities began at an early age and continued throughout his long life.

He was graduated from Shasta County High School in 1909 and became secretary-manager of the Redding Chamber of Commerce and secretary-manager of the Shasta County promotion and development agency in 1915.

He left the position to enlist in the armed forces during World War I.

For 21 years after the war Smith was a deputy in the U.S. Internal Revenue Service. For 16 years he headed the far Northern California office of the IRS in Redding.

After retiring from government service, he was appointed an inheritance tax appraiser by then State Controller Alan Cranston. Real estate and accounting work also kept him busy in recent years.

Long active in politics, Smith was honored at a fund-raising Democratic dinner in 1966. At the dinner he heard himself described as "the dean of active Democrats in Shasta County" for his years of service in the Democratic Club and county central committee.

He was a long and staunch supporter of the formation of the Bella Vista Water District.

Smith's interests weren't only political. He served as co-chairman of the final drive for building funds for Mercy Hospital. He also headed an organization that raised $6,500 to bring the Salvation Army to Redding.

He was selected as an outstanding citizen of 1950 by the Record-Searchlight and by the Eagles Lodge.

Smith served as chairman of the March of Dimes from 1949 to 1951. He was also a member of the organizing committee to form the Shasta County Senior Citizens group and served as the group's first and second-term president.

He listed memberships in the American Legion, Redding Elks' Lodge 1073 and Knights of Columbus.

NAVY DAY—1969

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ANDERSON of California. Mr. Speaker, this past Monday, October 27, was Navy Day—a day commemorating our Navy and her personnel. On this day in 1775, a bill was sent to the Continental Congress requesting the creation of a U.S. Navy. This day is also celebrated because it is the birthday of the father of our modern Navy, Theodore Roosevelt.

The Navy has been instrumental in preserving the peace and in maintaining our national security. Its diverse and unique functions have served the Nation well. The following article in the October 27, 1969, South Bay, Calif., Daily Breeze illustrates the potential uses of our Navy in this era of uncertainty.

The article follows:

[From the South Bay (Calif.) Daily Breeze, Oct. 27, 1969]

THE NAVY'S IMPORTANT ROLE

Rarely since the United States of America abandoned a policy of isolationism in 1914 have the pressures upon our national leaders been so great to reduce our military presence in the world.

We hear a clamor for precipitate withdrawal from Vietnam.

There is pressure in the Senate to reduce our commitments to other nations in Southeast Asia.

A critical national eye is being cast upon the presence of more than 50,000 American troops in South Korea.

Libya has said it will not renew our contract for Wheelus Air Force Base, our only military installation on the north coast of Africa.

Our bases in The Philippines are constantly under scrutiny. We have given up Iwo Jima and Japan is pressing for reduction of our presence on Okinawa.

Even in Japan itself the physical presence of the United Staes has been slowly eroded, and the beneficial use to which we put existing bases there is circumscribed.

And in Europe where we have withdrawn thousands of troops and supporting hardware—voices are being raised in Congress to continue the trend.

We cannot ignore some realities. There is an intense demand to remove the military and physical presence of the United States from strategic areas throughout the world. The pressures come from hostile governments, friendly rulers and even result from our own budgetary agonies.

As this occurs, the United States is faced with two choices.

We could retreat from our land bases overseas to the isolationism that dominated our foreign policy for the century before 1914.

Or we can continue the type of international cosmopolitanism that has given us world leadership and all the benefits this brings.

Isolationism would be a national economic disaster. Militarily it would leave the United States with only the option of nuclear response. It was isolationism that led to two world wars.

Clearly we must retain our world leadership and the balance of power which that connotes. The effects of our physical withdrawal from land bases will not be moderated if we realize the value of the oceans and our Navy.

The high seas comprise a vast area in which no single nation has sovereignty. We do not have to pay rent for use of the oceans. Base rights, concessions to others or the behavior of petty rulers are of no consequence.

And on the high seas the United States Navy is an extension of our sovereignty and our muscle. With a strong Navy we can quickly bring land forces, missiles, air power and firepower to wherever our national interest dictates for whatever length of time these are needed.

As we observe Navy Day it would be appropriate to remember this, and the fact that as a two-ocean nation we have always had the need for a great Navy. World conditions today dictate the need for not only a great Navy, but also for the most powerful Navy we ever have had.

HALL OF FAME AWARD FOR BATES

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ARENDS. Mr. Speaker, at page 23897 of the CONGRESSIONAL RECORD of August 13, I called attention to the Reserve Officers Association having awarded its coveted Minuteman Hall of Fame Award to our late beloved colleague, the Honorable William H. Bates of Massachusetts. At that time I did not have the details about this special award but said I would present them in due course. I am now able to do so.

On October 18 the Reserve Officers Association, holding its 47th anniversary banquet at St. Louis, devoted its entire program in paying tribute to Congressman Bates, for nearly 20 years a Member of the House of Representatives. This tribute was made before military reserve leaders from throughout the United States, with ROA president, Maj. Gen. Ray D. Free, presiding. It was a warm and highly merited honor to the memory of our esteemed friend, who throughout a lifetime of service to his country had been an inspiration to all who knew him.

The brief address of presentation was made by Brig. Gen. Homer I. Lewis, of Eagle Pass, Tex., the immediate past president of the Reserve Officers Association of the United States, and the response was given by the widow of Congressman Bates, Mrs. Jean Dreyer Bates.

The presentation of this Minuteman Hall of Fame Award to Congressman Bates is in a real sense a tribute to this entire body. The address of General

Lewis and the response of Mrs. Bates are included in the Record at this point, because of the occasion's significance to the life of our country:

Address of General Lewis

This is an evening on which we share pride in the record of our association and its 47 years of service to the cause of national security. Traditionally, we also honor on this occasion an outstanding citizen who, in a real sense, has helped us to advance our programs. We had looked forward to sharing this evening with our good friend—that great citizen, statesman, and officer—Congressman William Henry Bates, of Massachusetts. The hand of the Lord removed him, however, and we are tonight honoring his memory and giving recognition due him and to his great career. We are honored that his widow is here with us, along with her sister and the Congressman's niece and nephew.

The Reserve Officers Association of the United States, since the tragedy of unpreparedness of this country was demonstrated by the experience of World War I, has worked to keep our Nation secure, safe and at peace.

Congressman Bates, for the past quarter century himself was a part of this great movement in America. In 1940, noting the war clouds on the horizon and having a love for the sea from his life in a seafaring community, enlisted in the Navy and served throughout World War II. His outstanding leadership qualities earned him a direct commission and by the end of the war he had risen through the ranks to the grade of Lieutenant Commander. After his election to Congress, he remained in the Naval Reserve—ready to serve if again called into uniform—and at the time of his passing had been for some years a Captain in the United States Naval Reserve.

Captain Bates loved the Navy and had expected to make a career therein, but in 1949, after his statesman father died in a plane crash, he was drafted to occupy a seat in the Congress which had been occupied by his father.

Bill Bates served on the Armed Services Committee for 20 years. During the past several years he was the senior Republican on this committee and he shared in the enactment of the many sound laws governing the military service and providing for our national security. He helped with laws which were dictated by the lessons of experience of World War II and Korea. He believed strongly in the military services and himself had been ready to respond to a call to service from his position as a ready reservist. Those who know him are fully aware that had America's deterrents to World War III proved ineffective, that he would have given up his seat in the Congress to serve again in the active Navy.

Congressman Bates was a man of vision . . . a man of dedication . . . a man of deep loyalties. He was a man who believed in his country . . . believed in the causes to which he devoted his tremendous energies and talents. No man ever served in the Congress who was more genuinely beloved by his colleagues, and by those of us in all walks of life who had the privilege of knowing him personally. No man has ever merited more genuinely the place we now claim for him in the Nation's Minuteman Hall of Fame.

Mrs. Bates, I know that you share with us a feeling of satisfaction over the great and inspiring career of Bill Bates, whose example of courage, selfless devotion to duty and great work, has made this country richer in character, more safe and secure, and a finer nation for all time to come.

It is my privilege—and honor—on behalf of our association to present this citation:

Recognizing that the Honorable William Henry Bates through a long and inspiring career in the Congress, as a private citizen, and an officer of the United States Navy, has sacrifically devoted his genius and leadership to the cause of national security, and both in war and peace, has given meaning, substance, and effectiveness to the citizen-soldier tradition, vital to the safety and welfare of the United States of America, this association claims for him a place in this Nation's Minuteman Hall of Fame and this citation is awarded to him posthumously to remind other citizens of their obligation of service to country.

Approved:

The National Convention, June 1969.

Presented by Army, Air Force, Navy-Marine Corps-Coast Guard Sections, 47th Anniversary Banquet, St. Louis, Missouri, October 18, 1969.

Ray D. Free,
Major General, USAR, National President.
John T. Carlton,
Colonel, USAR, Executive Director.

Response of Mrs. Bates

General Free, General Lewis, Distinguished Head Table Guests, Members of the Military: I feel very much at home with you tonight. I was born in Missouri, as was our daughter, Susan, during the days of Iwo Jima. The uniform has always had my love. and respect. As a Navy bride, and the wife of a Congressman during the 20 challenging years he served on the House Armed Services Committee, a significant part and purpose of my life with Bill Bates was characterized by a solemn respect for, and genuine love of our country.

I am deeply touched by the splendid tribute—in your joint salute to the memory of my husband, in recognition of his interest in, and devotion to, the military—and for his earnest and untiring efforts toward the security of our country.

During the happenings of the past week, I dwelled upon the many gatherings when I had heard my husband's pleas: "We must keep our country militarily strong in order to preserve our liberties—or become second rate—and there is no prize for second place in military struggles of world affairs today" and "We are called the leader of the free world, the mightiest force for peace, and you and I should pledge we will keep it that way".

I can still hear his voice saying: "We must deal from a position of strength, not weakness. We must not allow events of past years in Southeast Asia to blur our vision when looking at our military posture. If we err in our preparedness, it must be on the side of strength, not weakness" and "The unpopular Viet Nam war has set the peace pulse of the Nation running high. We are at a dangerous point in time when we must face the stark reality that the price of security comes high, and we must be willing to pay the bill if this country is to survive."

As a Congressman, and as my husband, Bill would be pleased to have me here tonight among such fine Americans who proudly carry their patriotism on their shoulders and in their hearts, and who strongly support our Commander in Chief in his efforts to bring an end to the war in Viet Nam to assure his survival of our great Nation. And he would be humbly proud of the honor you accord his name. I want you to know that our daughter and I, and the Bates family, thank you for this Minute Man Hall of Fame Award.

Only a few days ago, I noticed among my husband's papers, some lines which would perhaps best express a proper response, and in his own handwriting I read: "I am extremely grateful to you for the signal honor you have bestowed upon me this evening. I particularly treasure this citation because, as in your own life, in uniform or not, the military security of our beloved country has represented a very full measure of my efforts." Personally, I know that to him those efforts were very meaningful and a necessary fulfillment in his life. In his untimely passing, did it not seem almost ordained that if, on that quiet Sunday morning in June at the Bethesda Naval Medical Center, he had to slip away from life, it was during the flag raising ceremony to the strains of our National Anthem?

As for me, this occasion will stand out as a heartwarming addition to the memories I cherish of my husband, who lived his life so well. If, now, I can momentarily ignore the pain of personal loss, to sense a pride in and gratification for his dedication and those contributions he made to our country, then it is you tonight whom I must salute for making this moment a reality. Thank you.

TREATED PAPER—A NEW IDEA TO REDUCE THE HAZARDS OF SMOKING

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ADDABBO. Mr. Speaker, American Safety Equipment Corp. of New York has been conducting some interesting experiments, some of which are in laboratories, located in the Seventh Congressional District which I represent. The results of these experiments were recently released and included the following findings:

> Cigarette paper treated with ammonium sulfamate reduces tumor and cancer production by cigarette smoke on the skin of mice by approximately one-third, and produces no adverse toxicological effects. These conclusions issued by ASE Corporation warrant the attention of Public Health officials because although they have urged the public to discontinue smoking, the majority of smokers have continued. In addition, the number of deaths from lung cancer, which show a statistical association with smoking, continues to rise each year.

The research findings to date on the relationship between smoking and lung cancer has not produced agreement on whether the basic problem relates to the tobacco, the paper, or a combination of these factors. To my knowledge little Government research has been directed to cigarette paper or the treatment of the paper to reduce health hazards.

According to the ASE Corp. reports the particular treatment developed by the corporation has no effect on the taste, flavor, ash, or appearance of cigarettes; and indications are that processing cost increases would be insignificant. Since the process does not result in a reduction of tar or nicotine content, the treatment of the paper has had some unknown effect on the nature of the smoke. Experts have not yet been able to define the causes of the biological activity of smoke and for that reason there are differences of opinion on the question of whether tobacco or paper produce the hazardous elements of smoking.

To date the experiments referred to above have been conducted on animals and ASE Corp. is now ready to test the product on humans. Even those who most strenuously object to smoking will admit that a large number of people will simply not give up the habit. For this reason alone it is important to research and experiment with any method of producing a less hazardous cigarette.

I urge the Department of Health, Education, and Welfare to conduct research in this area which until now has not received adequate attention. As ASE pointed out when the study was released:

> Even if we cannot prove whether human lung cancer is caused by cigarette smoke, or whether the animal test results described above apply to man, the alternative must be faced: Not using such treated-paper cigarettes will leave the death rate from cancer increasing each year, whereas using such cigarettes may possibly reduce lung cancer in man substantially, and ignoring this possibility would constitute serious negligence in an urgent matter of public health.

Mr. Speaker, we have emphasized the need for people to stop smoking but I believe we should place importance on research to reduce the health hazards of smoking to those who will not stop.

SELECTIVE SERVICE SYSTEM CHANGE CONSIDERED

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include the following letter from the chairman of Local Board 13, Rockland County, N.Y., Mr. Garry Onderdonk, who has vast experience with the Selective Service System, having been on the job for 26 years. What Mr. Onderdonk has to say is must reading for all Members of the House as they consider changes to be made in the Selective Service law and as they seek to advise the President in connection with his Executive order affecting the drafting of men for the Armed Forces.

The letter follows:

SELECTIVE SERVICE SYSTEM,
ROCKLAND COUNTY, N.Y.,
October 28, 1969.

Hon. MARTIN B. MCKNEALLY,
Longworth House Office Building,
Washington, D.C.

DEAR MARTIN: It has come to my attention that not only the general public, but also the local boards have become increasingly confused regarding the Selective Service System.

All of the news articles being put out by the news medias, though most of them are confusing in themselves, seem to be interpreted by the public as new regulations and rules. This, of course, does the local board no good. It only adds to their tasks.

After twenty-six years on this assignment I have come to some definite conclusions as to some of the things I would like to see changed in the present rules, regulations and manner of enforcement of the same by the government.

It would take far longer than I have time to enumerate them all. However I will enumerate some of them for your consideration when and if the government contemplates changes.

It seems to me that this service is in need of some better public relations. The image which they have created to the public is not one to be desired by them or the government. First of all, members should be made aware of the fact that their job is dual. One to supply the armed forces with the necessary manpower and secondly to make equally sure that all of the registrants rights and privileges are definitely observed. There is too much time elapsing between the period of processing the men and induction. I believe that the first thing to be done should be to make sure these men are physically fit before the classifications are started.

There should be a strict balance on the Boards; one Catholic, one Jew, one Protestant and one Negro on all Boards. There should be fewer classifications which would allow long deferments.

I feel that all young men should be called into service after finishing high school or reaching the age of twenty. It has been my observation that as it is now, after they reach the age of twenty-four, or complete four years of college they become far less subservient to discipline. Of course this would make available far more manpower than we have ever needed. Therefore a just and equitable form of lottery must be invoked. A much clearer guide line must be set down by the government regarding conscientious objectors.

A system must be developed whereby those who break the law are brought to trial and either convicted or acquitted. (This is one point which is thrown up to us all the time.)

The present system which can keep a young man out on a limb for long periods of time is not good for either him or the nation. He can't get work with a classification which may make him available at any time and in most cases right here is when he gets in trouble with the law.

As it is right now, the allowing of post graduate work to only those in the medical profession or those allied to it is wrong. You can't run our nation with just doctors.

I feel that regardless of any reasons to the contrary married men with children should not be drafted unless a real state of emergency exists. Those classified as 1Y should be made available for limited duty if only to replace the women civilians attached to the armed forces.

That if we are to become involved in a conflict that a state of war be declared so that those who are hurting their nation by their actions and speech could be stopped. That if we are in a war such as we are now, for Gods sake lets try and win it, not expend 40,000 lives and have over 200,000 wounded in a police action!

That a much closer relationship should be maintained between local boards and their state and national headquarters.

That an efficient alarm system be installed between local boards offices of Selective Service and that these terminate in police headquarters.

That microfilm records be kept on all records and that they be kept in a safe place in headquarters.

That all members of the Selective Service System be advised that no one comes before a local board unless he is in trouble and that this must be kept uppermost in their minds.

I believe the system of local boards is good and should be maintained.

I do not believe that a professional army would work and I am against it.

I believe that the law regarding interference and trying to change the determinations of the board is a good one and should be strictly enforced for the good of all.

The age limit of seventy-five for members of Selective Service is too high. I think the age of sixty-five should be the limit or twenty years of service whichever comes first.

I will not go into the physical operation of the Boards, however there are numerous changes here that I would like to see made.

I hope that you do not feel that I am too presumptuous in contacting you with these unrequested suggestions. I feel they may be of some help to you in coming to a determination regarding these proposed changes in the law.

Respectfully yours,
GARRY ONDERDONK,
Chairman Local Board 13.

THE COMMUNISTS CAN BE DEFEATED

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. MONTGOMERY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

BAO LOC, VIETNAM,
October 19, 1969.

Hon. G. V. MONTGOMERY,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I and many others have patiently waited a long time for results for *America* from all the compromising to the enemy in Vietnam. The elimination of air raids has just enabled more men and materiel to come south to kill more Americans, Allies and civilians. Everyone can now see that the Paris talks have just been used by the Communists as an extension of the battlefield. The pull-out of our troops adversely affects the war, both directly and moralewise—particularly in the largely VC-held Delta region. Also, why are we pulling vital troops from here when we still have combat units in the Dominican Republic? (Why are they there?)

The Administration's consideration of anti-military proposals by the "peace-niks" and their supporters has just cost us more lives, time and money. We cannot just tell the ARVNs to take over the war because the South Vietnamese simply are not capable, either now or in the near future. Korea showed you can't turn a mass of Asian peasantry into a modern military machine quickly, or even in several years: It has taken two decades to make the Korean Army as competent and battlewise as it is today.

The American people are rightly disgusted by the present handling of the war and a "No-Win" policy. However, it is just a vocal few (including the American Communists) who want us to pull out unilaterally. I hope you are not being influenced by the few rabble-rousers conducting the current anti-war riots in U.S. cities. I'm sure the great majority of our loyal citizens want a successful solution to the war: a great many of us want to win. War without victory is still un-American.

Our military leaders must be allowed to use the full potential of our tremendous air and sea power and other weaponry as needed to put an end to this endless war. Who is the Administration afraid of? The subversive peace-niks? Red China? The Soviet Union? None of the Communist powers could do any more in Vietnam than they already are doing. Atomic weaponry is not needed. For example, the enemy is mostly dependent on the port of Haiphong which can be easily blockaded or destroyed.

Dictator Ho Chi Minh's recent death automatically leaves a large power vacuum in North Vietnam. The time to win the war is now. The enemy is losing the war and we must now press on for total victory and not surrender any Vietnamese to the evil Communists. The Communists can be defeated: the civil wars in Malaya, Bolivia, Greece and Korea are examples.

I am vitally concerned for the future of Southeast Asia: a great mass of the world's population is here. What are you doing to help win the war? Are you going to casually let the Communists win Vietnam? (Remember how the U.S. Government, through the influences of just a few subversives, wrongfully permitted the Red takeover of mainland China?)

Sincerely yours,
Sp.6 DAVID C. CAVANESS,
APO San Francisco, Calif.

P.S.—I thought you'd like a copy of this I'm sending to entire Congress. I still remember your earlier visit to the Engineer Battalion here at Bao Loc. Keep up the good work, Sonny.

BLOOD FOR PEACE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. FREY. Mr. Speaker, the October 15 antiwar moratorium received a great deal of publicity in all news media across the country.

I would imagine the impression of the moratorium in the minds of many Americans centers about the highly vocal minority who used the occasion to berate everything from the establishment to the draft to the war in South Vietnam. I am not one of those who condemns all those young people who took part in expressing dissent, because that oversimplification can be just as damaging to the Nation's future and as unrealistic as the empty mouthings of the extreme radicals on the far left fringe who ingrain themselves into legitimate forms of peaceful protest so they can ultimately subvert and discredit them.

Mr. Speaker, I am proud to report to this body that October 15, the antiwar moratorium day was generally a day of moderate, peaceful demonstrations on the college and university campuses in Florida. In my own district, some students at Florida Technological University, located between Orlando and Cape Kennedy, sponsored a "Blood for Peace" drive. The drive, which is continuing and will last at least until the end of November, is being coordinated through the Central Florida Blood Bank at Orlando.

To date, 40 pints of blood have been donated by faculty, staff, and students to the blood bank. In fact, it is already being put to good use.

A Vietnam veteran in a hospital in Brevard County, Fla., has already received some of this lifesaving FTU blood from the blood for peace drive. Two FTU students, John Davis and Darryl Bannister, originated the drive and have interested student leaders at other Florida colleges and universities in expanding the drive throughout the State.

I am very proud of these students at Florida Technological University, as I am of all the responsible, dedicated students in Florida and on the campuses visited by those of us who were members of a special factfinding team earlier in the session. They represent the great majority of American students who are intelligent, responsible, and mature beyond their years.

CONGRESSMAN WHALEN PAYS TRIBUTE TO GEN. GLEN J. McCLERNON

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. WHALEN. Mr. Speaker, I rise to pay tribute to one of the finest Air Force officers I ever have been privileged to know.

He is Brig. Gen. Glen J. McClernon, who today retires from active duty after a career of devoted service to the Nation.

Military officers are officers and gentlemen by act of Congress. In my humble opinion, General "Mac" is the epitome of what that statement represents.

Yet, lurking barely below the surface of the hard-working, efficient executive is a rapidfire wit of astounding range and variety. General "Mac," with a lightning quip, can lessen the tension of a complex discussion in an instant.

He leaves the stewardship of the Defense Electronics Supply Center in Dayton after an enviable record of accomplishment. The center has been accorded high marks under his leadership for meeting the demands placed upon it by the military services and for performing its function at the least possible expense to the Federal Government.

Speaking as a former supply officer, I know that there is virtually no glamor to be found in logistics. Thus, the enthusiasm and efficiency of the personnel of the Defense Electronics Supply Center represent the best kind of testimonial to the performance of a commander.

General "Mac" took on the assignment of directing DESC after service at nearby Wright-Patterson Air Force Base. There, he was the base commander, running the 2750th Air Base Unit, or, as he so inimitably phrased it "in charge of roads and commodes."

At a massive installation like Wright-Patterson, the responsibilities of the base commander easily can lead to a premature case of ulcers and other ills. But General "Mac" took to it with a relish and earned for himself the unprecedented accolade from the civilian community of "mayor of Wright-Patterson."

A burly man—a "large leprachaun" might be the best description—General "Mac" was indefatigable in confronting the many problems that came across his desk as the base commander. He also exhibited understanding and concern for the civilian community to a degree rarely found in, or required of, officers in such posts. A notable example was his decision to speak out frankly about the possibility of increased density around the base ultimately threatening its flight operations and perhaps its very existence.

He did not have to become involved. He could have let the matter go and thereby spared himself the rigors of the embroilment that was certain to follow. But he did become involved. And although the matter is today not yet resolved, the fact that he alerted the public when he did may be central to ultimate resolution.

The Nation is indebted to intelligent, dedicated military men like Gen. Glen J. McClernon. We have been most fortunate to have him as one of the leaders of the Air Force during this critical phase of our history.

We in the Greater Dayton area, in losing an esteemd military man, have gained another citizen since General "Mac" and his family have elected to reside in our community in retirement.

Mr. Speaker, I commend General McClernon to the Members of the House of Representatives. Further, I insert herewith an illuminating perspective of this good man as written by Jim Fain, the editor of the Dayton Daily News:

General Glen J. McClernon who is stepping down as Commander of the DESC out on Wilmington Pike has more one-liners than any stand-up comedian who works for money.

They call him the Air Force's Bob Hope—and with reason. Long on material, he is often bluer than Hope, sometimes it's off in the wild blue yonder.

When Mac took over at Dessie, the Chamber of Commerce threw one of its infrequent fish fries for the home grown military industrial complex. It honored both Mac and Admiral Bob Northwood who was retiring as Dessie's skipper who now lives here and works for the Mead Corporation.

The events that the Chamber has have never been starchy with protocol despite the black tie bit. But there usually have been a few little speeches by nice guys who clear their throats a lot and make a couple of "ers" in every sentence.

These soirees have not been billed as having variety and action packed entertainments. Mac and Bob changed that by coming up with gracious little speeches that didn't say they owed it all to their wives and families and their fine teams who supported them on their jobs. They danced on stage wearing blazers and straw boaters and went into a soft-shoe routine. John Torley, the Chamber's President, was saying things with an irreverant slide introduction, showing all the unflattering pictures of Mac from the time Mac was born on a farm near Springfield, Missouri. Then Mac had the microphone, on the balls of his feet like a Pro has with timing. "That was on Labor Day, the day I was born," he told Torley. "I didn't think anything about it—shucks, I thought everybody was born on Labor Day."

Then he pointed his comments to the Master of Ceremonies. "Torley is pretty skinny," he said. "He's the male Twiggy. You can't tell which way he's facing, unless you look at his feet."

There was more, not all printable. Almost everybody there was the target of an individual thrust.

When Mac first came here as base commander at Wright-Patterson he attracted attention, mainly with such exploits as putting a two-seater outhouse on the front lawn of four-star General Mark Bradley on Halloween. But all the while he was streamlining the base commander's job.

From the beginning he operated like the mayor of a big city—which is pretty much the job of a base commander at Wright-

Patterson. He developed liaison with surrounding communities, township trustees, city council members, and county commissioners. He helped Wright State University get off the ground and worked with area officials on devising a highway system for the complex.

He is a good man as well as a fun guy and it is well to know that he will be around.

THE MURPHY AMENDMENT TO THE ECONOMIC OPPORTUNITY ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ERLENBORN. Mr. Speaker, I would like to contribute my thoughts to the considerable discussion that has been taking place about the effect that the Murphy amendment to the Economic Opportunity Act would have on the legal services program of the Office of Economic Opportunity.

As you know, a Governor now may veto an entire legal services program if he sees fit. The Director of OEO may, however, override that veto. It is his duty to assure the poor man the same range of legal services that are available to you and me.

The Murphy amendment would allow State Governors to veto legal services programs in whole or in part and would eliminate the existing power of the OEO Director to override the veto. By inhibiting, as this amendment would, these citizens' access to the law to seek redress for their grievances, I believe we would be closing the door to the court and inviting redress in the streets.

If this program is to protect the legal interests of its beneficiaries, and thus promote the interest of this Nation as a whole, I hope we in this House will act to retain the legal services program as presently prescribed by Congress.

In the event that my colleagues did not happen to hear a recent WMAL editorial on this subject, I submit the text of that message for inclusion in the RECORD, as follows:

[A WMAL editorial, Oct. 22, 1969]

LEAVE LEGAL SERVICES ALONE

The Senate's recent vote to give governors veto power over Neighborhood Legal Services projects is an amazing overreaction against a smattering of abuses. The House should restore the present system, which gives only the Director of Economic Opportunity the power to eliminate Legal Services programs. In this case, we believe control of the programs should be centralized at the Federal level for the sake of equal justice.

Legal Services is the anti-poverty project that provides free legal services to the poor. As OEO Director Donald Rumsfeld has said, this project gives the poor the opportunity to take their grievances to court rather than to the streets.

The symbolic figure of Justice wears a blindfold. The Senate's vote lifts that blindfold so that Justice can take a peek. Such an action can eliminate a poor person from equal justice before the courts. This vote is unworthy of the Senate.

TEXTILES AND OKINAWA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. DORN. Mr. Speaker, a very timely and excellent editorial recently appeared in the Greenville News, Greenville, S.C., along with an equally splendid article from the San Diego, Calif., Union.

I commend these two articles to the attention of my colleagues in the Congress and to our friends and allies throughout the world:

[From the Greenville (S.C.) News]

TEXTILES AND OKINAWA

Awhile back an editorial discussing the textile imports situation wound up with a suggestion that the United States tie the issue of Japanese imports to the question of changing the status of American occupation of Okinawa.

And now word is drifting down from Washington, via correspondents quoting reliable sources, that the Nixon administration is considering doing exactly that. If so, it's only about time this country got "hard nosed" with the Japanese on textiles.

Commerce Secretary Stans recently asked textile area congressmen for a little more time before kicking off imports quota legislation. He said the United States and Japan would discuss imports in September

Well and good, but time is beginning to run out on getting Japan to agree to voluntary restrictions on textile goods shipped into this country. Foreign textiles are flooding American markets this year, running 13 per cent higher than in 1968. Japan is the key to solution of the problem.

The Japanese are being both tough and one-way. They have refused point blank so far to even consider voluntary controls. At the same time they enforce one of the world's toughest import control systems on items allowed into Japan.

At the bottom of today's page is an excellent, concise appraisal of American-Japanese relations by the San Diego, Calif., Union, outlining the strategic, economic and political complexities. The textile problem has to be considered in context with all of these, especially the balance of trade question.

But of all the economic matters between the United States and Japan, textiles probably is the most critical for this country.

Something has to give in this situation, and give soon. Continued flooding of American markets and uncertainty for the domestic textile industry can play havoc with the economies of several states in the immediate future.

A textile slump later this fiscal year could wreck South Carolina's high, tight budget, financed by tax increases. The whole state could experience a recession, crippling many new programs designed to raise living, health and educational standards for all South Carolina.

A textile slump also would slow down, if not stop, the textile industry's continuing efforts to provide employment for members of minority groups trying to climb the economic ladder.

President Nixon promised in his campaign to alleviate the textile situation. His administration has to deliver, not only because of politics, but because the textile industry is vital to the economic and sociological health of America.

The fact is that the nation cannot put off much longer giving relief and protection to an industry whose geographic location, skill requirement level and ability to train unskilled people make it peculiarly valuable in the national effort to raise people from poverty and wipe out racial job problems.

The textile industry is every bit as important to America as Okinawa is to Japan—if not more so. Linking the two may be the way to obtain a solution to a pressing problem.

Meanwhile, textile area congressmen should keep their quota bills handy just in case all else fails. If the Japanese have shown no sign of cooperation by October, both the administration and Congress should move to take unilateral American action.

[From the San Diego (Calif.) Union]

AMERICAN-JAPANESE RELATIONS

The signs are unmistakable that relations between the United States of America and Japan are approaching a serious climax.

Best known of the problems is the issue of Okinawa. The Japanese have made a major case out of regaining full control of the strategic island—insisting, in some cases, upon having the final decision as to its military use.

The United States has indicated its willingness to relinquish some civil authority of the island. But under the present volatile conditions in Asia, the security of Japan, as well as of the United States, requires that we have full military flexibility in the use of our strategic defense bases on Okinawa.

Looming equally large as a source of major difference between Japan and the United States also, are economic problems that have reached emergency proportions.

The efficiency of Japanese industry, the quality of its goods, its labor advantages, coupled with inflation in the United States—and Japan's protectionism—are visible symptoms of a condition under which the United States last year spent $1.5 billion more in buying Japanese goods than Japan spent in the United States.

In another area of concern there appears to be a slowly maturing atmosphere of understanding. Japan is living in growing fear of the ominous shadow of a developing Communist Chinese atomic capability.

As a result, her relations with the United States now are colored less and less by radical student rioting and spurious leftist clamor. The Japanese see clearly the stabilizing nature of a United States presence in the area and, conversely, fear the vacuum that our departure will create.

Our discussions are thus down to the bedrock issues of economics and defense. And we are holding them at the highest levels. Two American cabinet members have met in Tokyo recently with their Japanese counterparts.

The high level conferences will continue in Washington next month. Prime Minister Eisaku Sato has scheduled a meeting with President Nixon later this year.

In addition to Okinawa defense and trade, Mr. Sato and Mr. Nixon will have before them the important question of Japan's role in Asia after the Vietnam War ends, and the possible renewal of the defense treaty.

No small part of Japan's economic advantage lies in the fact that she spends less per capita for defense than any major nation. On the other hand, Japan is a bridge between the United States and Asia. Her well-being is vital to the United States which spends billions for Pacific security.

It is plain that the mutual interests of the two powers are many, the problems between them are not insoluble. Now is the time, as President Nixon's Asian policy is in the emerging state, for the two great nations to drive forward to an enduring accord which will enhance the security of the entire Pacific basin.

PRAYER AGAINST POVERTY WEEKEND

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. SCHEUER. Mr. Speaker, the conditions of poverty are becoming more acute for many disadvantaged members of our society. Recently, a number of States decided to cut back on welfare, health, and education payments. Unfortunately, my own State, New York, was one of these. The Governor and the State legislature saw fit to reduce the payments while increasing expenditures for relatively insignificant programs. The result of such an ordering of priorities is all too easily predictable. Our problems stemming from widespread poverty will only be aggravated.

On October 23, in the National Conference for Christians and Jews national headquarters, 43 West 57th Street, I met with a group of concerned clergymen of all faiths to protest the decision of the Governor and Legislature of New York State. The occasion was moving and memorable. My colleagues, especially those on the Ways and Means Committee, will find the following statement of the Prayer Against Poverty Weekend most helpful:

PRAYER AGAINST POVERTY WEEKEND

As clergymen representing the three major religious faiths of New York City, we are compelled by conscience and faith to speak out in one voice regarding the suffering inflicted upon so many of our citizens—children, the disabled, the elderly and the poor—as a result of State budget cutbacks.

We feel that it is our moral obligation to communicate to our congregations our first-hand knowledge of the widespread suffering in New York City caused by the recent State budget cuts in health, education and social services. We are extremely concerned that too few New Yorkers recognize the intense hardship being experienced by low-income and welfare-recipient families as a result of these cutbacks in basic services.

For example, do most New Yorkers realize that each person on public assistance receives only *66¢ per day* for food; that there is *no* provision for transportation, furniture and clothing, telephones, school supplies, or laundry and cleaning needs in the present State welfare budget?

Are most New Yorkers aware that by lowering eligibility levels the State eliminated 200,000 low-income persons from the Medicaid rolls? Or that low-income (non-welfare) families must pay the first 20% of their medical costs before they become eligible for Medicaid?

We believe that the funds to meet this crisis can be made available without additional taxation on the working man. Since 1959, Governor Rockefeller has imposed 43 new revenue tax measures, only one of which raised levies specifically on high income groups and only one of which increased taxes on business. *All other taxes* adopted since then hit hardest at middle-income families by raising sales, use, and excise taxes. As a concrete proposal, we suggest that perhaps some of the required funds could be derived from on-going non-essential programs, such as:

(1) *The Albany Mall*—the first estimate for its construction was $600 million; the present estimate is $1.5 billion.

(2) The Golf Course at $1.5 million.

(3) The snow-making machine at $35,000.

(4) The hundreds of millions poured into the uncontrollably expanding State highway network.

We will be asking our congregations to respond to this *"Prayer Against Poverty Weekend"* because we are convinced that the people of New York City have a humanitarian and religious concern for their fellow man and will not stand idly by as millions of poor, aged and disabled suffer. We cannot afford to ignore the despair and the decay gripping the disadvantaged in our midst. We therefore call upon all men of good will to pray, in their own way, for an end to the needless poverty and human indignities that exist in our affluent America of 1969.

Finally, we call upon all New Yorkers to commit themselves to taking positive steps to correct this situation by urging Governor Rockefeller and the State Legislature to convene a special session to reverse the budget cutbacks.

Participants at the announcement included Fathers John Drew and John Mortell, designated by Msgr. Gustav Schultheiss, Dean of the Bronx Catholic Clergy, to represent all of the Catholic priests in the Bronx; Father Donohue, Our Saviour Roman Catholic Church; Rabbi David Hollander, Mt. Eden Center of the Bronx, President of the Metropolitan Board of Orthodox Rabbis; Rev. Dr. Dan Potter, Executive Director, Council of Churches, City of New York; Rev. Roy Larsen, Executive Secretary, Bronx Division, Council of Churches of the City of New York; Rev. Robert Meyer, Bronx Presbyterian Church Program Counselor; Father David Wayne, St. Edmund's and St. Simeon's Episcopal Churches, Bronx; Rabbi Abraham Krantz, Tremont Temple; Jerome Levinrad, Director, Bronx Regional Office American Jewish Congress.

Also represented were leaders of the Bronx Alliance for Adequate Living, a coalition of social service agencies, social workers, community and neighborhood organizations, religious leaders and elected public officials allied to seek reversal of the State budget cuts. Miss Marjorie Mazel, Director of Forest Neighborhood House Service Center and Executive Secretary of the Bronx Alliance for Adequate Living, was also present.

AMERICAN PRISONERS OF WAR

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ROTH. Mr. Speaker, I believe that Veterans Day, November 11, will be an appropriate time for us to call on Hanoi once again to release the names of American prisoners of war. Accordingly, I would like to insert at this point in the RECORD a copy of a letter I sent to President Nixon earlier this week:

OCTOBER 30, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In my letter to you of August 15, I expressed my concern for American troops who are currently being held prisoners of war in North Vietnam. I said then, and I believe now, that the very real tragedy is that Hanoi's obstinate refusal to release the names of prisoners of war and abide by the Geneva Convention, has left families of missing servicemen without any idea whether their loved ones are even alive. I thank your office for the thoughtful reply I received on September 4, and I thank you, Mr. President, for the Administration's efforts on behalf of our soldiers who are prisoners of war.

Unfortunately, Hanoi's secrecy has not changed; unfortunately, families still live from day to day in uncertainty, refused information about their friends or loved ones, knowing nothing about the soldiers who may or may not have given their lives in the Vietnam conflict. It is for this reason that I willingly join my distinguished colleagues in urging you to declare this Veterans' Day, November 11, a "Day of National Concern" for missing servicemen and prisoners of war in Vietnam. I also urge that you make such a proclamation during the course of your planned address to the Nation on November 3.

I agree with you, Mr. President, that as a Nation we should lower our voices. I earnestly believe, however, that November 11 will be a time to raise all our voices—in unison.

Sincerely yours,
WILLIAM V. ROTH, Jr.,
Member of Congress.

COUNTRY MUSIC GROWS IN TIDEWATER

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. WHITEHURST. Mr. Speaker, Norfolk and the Tidewater area of Virginia are rapidly achieving national recognition as one of America's historic centers of country music.

This achievement of national recognition is due in large measure to the energetic efforts of one of Norfolk's native sons, Irvine B. Hill, the executive vice president of Norfolk's distinctive and highly regarded music station, WCMS, and to the imaginative leadership of the station's president, George A. Crump.

Mr. Hill discovered that the founder of the Grand Ol' Opry, Judge George Dewey Hay, was buried in Forest Lawn Cemetery in Norfolk. Mr. Crump and Mr. Hill felt it would be appropriate to build a memorial to the man who guided the Grand Ol' Opry's destiny for 30 years, from 1925 to 1955. As chairman of the Hay Memorial Fund, and from the contributions of country music lovers, including thousands of nickels and dimes, Mr. Hill fulfilled his dream for an appropriate memorial.

Mr. Speaker, I was honored to be present for the unveiling ceremonies of the Hay memorial, along with country music singing star Minnie Pearl, Mr. Hill, and many others.

On that occasion, I recall Mr. Hill said:

> The memorial represents a public effort to give recognition to a man who had a great influence on the world of music.

Subsequent to the unveiling ceremonies, Mr. Hill has brought numerous country music stars, such as Johnny Cash, to Norfolk to pay tribute to Judge Hay.

During Johnny Cash's visit to Norfolk last month the singing star told why country music had suddenly become so popular. Cash said:

> More folks are realizing that this music is of the people and of our time . . . good country music, that is . . . Historians should be able to hear these songs 100 years from now and tell something about what we were like.

Mr. Speaker, I wish to commend George Crump and Irvine Hill for the excellent work they are doing to build and to expand the legend of country music, and more specifically, for what they are doing in the Tidewater area. Mr. Crump has developed WCMS from a small, local station into one of this country's finest proponents of country music, with the most able assistance of Mr. Hill.

The fact that they have accomplished this while directing the daily operations of radio station WCMS and at the same time providing excellent and versatile leadership to various civic groups, including Old Dominion University, makes their achievement all the more remarkable and commendable.

Country music lovers are indeed fortunate to have such effective and persuasive advocates as Tidewater's George Crump and Irvine Hill, and Mr. Crump and Mr. Hill, in turn, are fortunate to have such picturesque and worthy music to inspire them.

WRITE YOUR LAWMAKERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. HUNGATE. Mr. Speaker, the enclosed article gives some advice on how our constituents can help us to reflect their sentiments most accurately.

[From the Pasadena (Calif.) Star-News]

WRITE YOUR LAWMAKERS

Under the United States' form of representative government it is imperative that each member of Congress truly represent his constituents. The whole system breaks down if he fails to understand the wishes of the "folks back home."

It is the complaint of most congressmen that the average citizen doesn't take the trouble to let his representative know what he thinks or wants. On the other hand pressure organizations, when an issue is pending, flood senators and members of the House with letters, telegrams and phone calls, most of the messages identical, showing the organized form-letter pressure method. One senator said recently he had rather get a penciled note on a sheet of dime tablet paper than a thousand form letters. . . .

A letter beats a phone call because it constitutes a written record and requires a written reply. Reaching a member of Congress by telephone is difficult because he spends so much time in sessions and attending committee meetings. He will, however, read and initial nearly every piece of mail.

Don't write a long letter. Make it short and snappy and to the point. Make sure the name and address are legible.

Know your position and back it up with valid reasons.

Don't make threats. They're offensive and ineffective.

A personal letter is better than a form type, or even a petition.

However you feel, congressmen say, please write—and often. They want to hear from you.

If you don't write, then don't go around town orally blaming Congress for what happens.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Trenton Evening Times; the Jersey Journal; and the Hudson Dispatch, in the State of New Jersey. The editorials follows:

[From the Trenton (N.J.) Evening Times, July 18, 1969]

TRUCK LOBBY NEVER QUITS

The big-truck lobby in Congress is at it again, trying to hog a larger share of the crowded public highway space.

Last year a bill permitting the operation of bigger and heavier trucks on the Interstate system passed the U.S. Senate but died in the House in the face of heavy opposition from the newspapers and from the American Automobile Association, no mean lobbyist itself.

But again this year a big-truck bill has been rolled out and is currently the subject of hearings before a House Public Works subcommittee.

The bill, H.R. 11870, would not of itself mandate the new size and weight limits. But it would permit the states to adopt them, thus enabling the truck lobby to turn its full attention to the legislatures, many of which are setups for the kind of pressure this industry can bring to bear.

Among other things, the bill increases single axle weights from 18,000 pounds to 20,000 pounds; increases tandem axle weights from 32,000 to 34,000 pounds; increases width limits from 8 to 8½ feet plus additional width for tire bulge and exterior mirrors and lights; sets length limits at 70 feet, and replaces the maximum gross weight limit of 73,280 pounds with a formula that would make it possible for a nine-axle monster to carry 108,500 pounds.

Trucks are already far too big and heavy. The sight of a full rig highballing down the highway is a frightening thing, and for good reason. A double-trailer combination requires 440 feet to stop at 60 m.p.h., compared to 182 feet for a passenger car. The trucking industry's own figures show that while heavy trucks comprise only 1.54 percent of total vehicle registrations and drive only 5.33 percent of vehicle miles, they are involved in 11.6 percent of fatal accidents—and in a collision between a truck and a passenger car, the occupant of the car is the one who gets killed.

What heavier trucks would do to highway pavements, shoulders and bridges is something else again. The Bureau of Public Roads says a 2,000-pound increase in tandem axle load limits on federal aid highways would require $1.6 billion in road upgrading costs. The Interstate system's bridges aren't built to carry axle loads of more than 32,000 pounds tandem; state, county and city bridges, which the monsters would also use, were built to hold much less.

Passage of this incredible bill would open the way to the triple-trailer trucks and truck trains that are the industry's dream. If that happens, ordinary drivers might well consider abandoning the highways altogether for the sake of life and limb.

[From the Jersey City (N.J.) Journal, July 22, 1969]

BIG TRUCK BILL BACK IN HOUSE

WASHINGTON.—To the motorist who shudders when he sees a big tractor-trailer truck pounding down a hill from behind or approaching a narrow road ahead, take heed.

The bill to permit even bigger trucks on the highways, which nearly slipped through Congress last year until public outcry killed it, is back again.

A House public works subcommittee headed by Rep. John C. Kluczynski (D–Ill.), a former truck driver and an enthusiastic sponsor, is conducting hearings on the measure to permit wider, longer and heavier trucks on the interstate highway system. The bill won committee approval last year, but some members now appear to be having second thoughts because of public criticism.

The bill was denounced as an "anti-safety bill" by the American Automobile Association.

It was defended by trucking interests as a means of enabling construction of safer trucks and as a long overdue unfreezing of truck size limits set by the 1956 Highway Act. For truckers, bigger vehicles mean bigger loads and more profits.

The bill would allow an increase in maximum width from 8 to 8½ feet (plus side mirrors and other outcroppings), and it contains a formula that would increase maximum loaded weight from 73,280 pounds to 108,500 pounds.

The bill contains a length limit—70 feet.

[From the Union City (N.J.) Hudson Dispatch, Sept. 20, 1969]

THE SKYWAY NO PLACE FOR TRUCKS

Two weeks ago this newspaper pointed out the dangers inherent in the federal moves to allow larger trucks to use our already overcrowded highways. Now, Hudson County is face to face with an equally dangerous proposition involving these behemoths of the roads; allowing them, along with buses, to use the Pulaski Skyway between Jersey City and Newark.

This is incredible when you realize the dangers and problems involved and we agree completely with Hudson County Police Chief Fred J. Kropke in standing firm, despite any state move, not to allow trucks and buses on the elevated highway as a "temporary" alternate to using a Newark pike bridge which has been declared unsafe for them because of their weight.

The skyway, a marvel when it opened in 1932 and still an engineering triumph, was not constructed with today's king-sized vehicles—both trucks and cars—in mind. It is a good road but not suitable for trucks and buses. It seems narrow enough when you're driving along and seeing those cars coming at you in the other direction with no high divider to separate traffic.

Can you imagine what it would mean to have slow-moving trucks crawling along the grades with their loads? And then buses trying to pass them on the two-lane road? This is no superhighway with three or four lanes in one direction—it just has two each way and that's it, no room for expansion unless you want to spend millions upon millions for another skyway.

After several bad fatal accidents on the skyway in the beginning involving trucks it was extreme pressure from the then Mayor Frank Hague of Jersey City that brought the state ban on trucks and buses several years after the highway had been opened. This was a wise move and unquestionably has cut down on the number of potential tragedies. It should not suddenly be changed.

The state has acted unfairly with Hudson for many years as far as proper roads and safety installations. Just drive down to the shore, for instance, and note the nice, safe, wide highways—do we have that here in Hudson? So, in this case, New Jersey probably felt that any ukase to shift trucks and buses from Newark pike to the skyway should be accepted without question—it's only Hudson.

Fortunately, Chief Kropke after the story on the proposal appeared in Hudson Dispatch this week, took an immediate and firm stand: No trucks or buses on the skyway. He is right and we support him in his decision, primarily on the basis of safety. As he pointed out, if a multiple truck-car collision ever took place on the skyway how would help swiftly and effectively reach the crowded scene?

The chief meets on Monday with a representative of the state Department of Transportation on the impasse. It is to be hoped that he will not be forced to back down by more "promises" or orders from the state. The skyway is no place, whether "temporary" or not, for trucks. If the state doesn't care about the safety of the average driver, at least Chief Kropke does.

WHO IS THERE TO SPEAK FOR US?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ZWACH. Mr. Speaker, "Who is there to speak for us?" is the question asked of me by one of my constituents, Mrs. G. A. Oberg. In my opinion the answer is Mrs. Oberg, and people like her. For she is part of the "silent majority" of Americans who are beginning to speak out.

Mrs. Oberg's letter is a welcome sight to my office as it gives me confidence in the American people that they are not just sitting idly, but are concerned for the Nation's future.

Mr. Speaker, so that my colleagues may share the wonderful feeling I received from Mrs. Oberg's letter, I hereby insert it in the Record:

Dear Mr. Zwach: Who is there to speak for us? We are the simple, honest, decent tax-paying folks who spend our entire lives caring for families, working for them, reporting every penny of our incomes to the government and paying taxes asked of us, not involved with black markets or hidden bank accounts in Switzerland, not sitting in high places, letting hoods and hoodlums use our names or influence, not fleecing our own government right and left.

We are the folks who send our loved ones to fight wars not of our making—we are the ones who support the home town schools, welfare programs, fund drives, churches, and help our neighbors in time of sorrow or stress.

Who is there to speak for us?

Don't ever forget, that if there ever is a revolution in this country, we millions of simple, honest, tax-paying ordinary folks might decide that we have had enough of the sort of thing that seems to be going on in Washington these days.

We do not own oil wells nor large enterprises to use as tax-dodgers. We report every dime of our income and is it too much to ask that others do the same?

Who is there to speak for us? Our voices will be heard some day. Please, please—let it not be too late!

Mrs. Gust A. Oberg.

REJECTS REPARATIONS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a member of the militant Black United Front in Washington visited the National Baptist Memorial Church at the morning worship service on October 19, in order to read a statement and demand the sum of $250,000 for "reparations."

The minister of the church, Dr. R. Stuart Grizzard, who is, I am proud to say, a resident of my congressional district, responded with a written statement in which he totally rejected the "reparations" concept.

As I believe Dr. Grizzard's remarks would be of interest not only to our colleagues, but to all who read this Record, I insert them in full at this point in the Record:

Reparations, Restitution and Repentance

(By Dr. Stuart Grizzard)

II Corinthians 5: 17—"If any man be in Christ he is a new creature . . . all things are become new." Revelation 21: 5—"Behold, I make all things new."

A. INTRODUCTION

Since the Black United Front has come to us and presented these demands for what they call reparations, it seems fitting that I, as Pastor, should make some reply to them.

We do appreciate the fact that they told us they were coming and that last Sunday, when they wanted to come, they were considerate enough to postpone their coming because we had a service of ordination for Mark Tracy, which involved six ministers, and it would have lengthened that already long service unnecessarily.

In time of revolution, as in war, the first casualty is truth. Revolution has a logic of its own but common sense, objectivity, reasonableness, is turned aside for passionate emotion, confrontation and change, whether it is purposeful or not. The voice of moderate progressiveness, which tries to keep the fabric of life from being torn apart during change, is not heard. Yet, I will be heard on this for I know that ultimately it is the voice of reason that will prevail.

I quite understand the emergency of black nationalism. It is a needed corrective for the intransigence of a stubborn racism that is inflexible in granting simple human rights to people. But that kind of separatism will only result in a polarization of society which will continue animosity that will perpetuate hostility forever. We are going to have to learn to accept one another and live with one another with mutual respect.

Evidently we have been selected because we are designated as the National Baptist Church and, therefore, representative of all Baptists. Perhaps through us you hope to reach other Baptists. We are not the oldest, richest, largest or most Caucasian of all Baptist churches, as I shall show in the course of these remarks.

A Baptist church, in structure, is a democracy. I cannot speak *for* the church, I can only speak *to* it. This obtains not only for this occasion but for all. What I am to say does not officially represent a reply by this church or Baptists. It does represent the deep feelings of my own heart, given after prayer and study. The demands, as presented, will be received and acted upon by the church itself at a later meeting.

Evidently, those who composed these demands know little of this particular church. I would not, for anything, defend the past history of prejudice or inequities on the part of the white majority in this country in its relationship with ethnic minorities. It is writ in a record of shame that brings blushes to the cheek, and in this record the Church of Christ has not acquitted itself too well in trying to right these wrongs. Let it be said, however, that always there were those, laymen and ministers, who did speak out against the evils of racism and slavery. But these voices and examples were not heeded.

The indictment brought here today are not always correct as far as this church is concerned. A candor and a sense of fairness makes it necessary to set the record straight.

I do not want to be misunderstood in this. Our church is by no means perfect in its adjustment to these revolutionary days. We have not done a great deal but what we have done and are endeavoring to do should be set forth.

I fully realize that we are just beginning to get ready, to commence, to start. Most respectfully, I ask that you know of what we have done and are doing.

(1) *We are an open, inner city church.*—We have, for more than 7 years, gladly received all who will come into our fellowship and qualify for membership in our church, without concern for racial, cultural or national background. Our only concern is that they accept Jesus Christ as Saviour and pledge to serve Him as Lord of Life. Not only are there scores of black children in our Sunday School, there are about 100 people who are internationals from all over the world who have affiliated with our church. At least half of the people who now join our church are black. Many of these are now assuming places of leadership and responsibility. If you look around you today you will see that approximately one-third of this congregation is black. Here are some of the community involvements of our church.

(a) *The Columbia Heights Church Community Project.*—This is a structure of community churches to do community work in which we have put about $15,000 in the last four years. For three years the director of it was a black woman of great charm, accomplishment, education and compassion. This project has concerned itself with clothing distribution, push-cart Bible program, teenage clubs, tiny tot clubs, and a day care center which meets in our church. During the riots in 1968, along with other churches of this area in the project, we attempted to alleviate suffering through the providing of food, clothing and housing.

During the Poor People's Campaign we made available a part of our property as a registration center and groups within the church ministered to the needs of the poor people.

(b) The five houses in the next block were purchased for the purpose of doing community work and the hope that we could help upgrade the community.

(c) Recently, part of our reserve money was placed in the *Change Credit Union,* a black-owned and -operated institution to provide blacks with business opportunities and capital.

(d) The church will consider soon our participation with responsible groups in the rebuilding of our burned out area.

(e) Last summer, two members of the staff of this church, one part-time and one full-time, were black ministerial students.

Of course, we have not done enough to minister in these difficult days. But we are open and we are earnestly trying to be relevant to our situation in the name and spirit of Christ.

More than this, there are other things that have to be said.

(1) *Reparations is not a Christian concept.*—It is a legalism which is antithetical to the teaching of Christ. It seems to say that the payment of money can make right the past. I must repudiate this concept because it becomes ridiculous in application.

If all the injustices of past centuries are to be dealt with in this way, we will never settle the score. Should the descendants of the Indians, who reputedly sold the Island of Manhattan to the Dutch for a measly $24.00, be properly compensated now? Shall the descendants of the Union soldiers who were killed in the Civil War, fighting to free the slaves, be remunerated now? Shall women, white and black, until recently the most discriminated against group in society, be paid for their generations of servitude as the minions of man? I do not think this can be done.

If you are going to play this game, I have what seems to me to be a just complaint. My saintly father, the latchets of whose shoes I am not worthy to unlace, preached for 40 years for Baptists in Virginia, North Carolina, West Virginia, Kentucky and Indiana. Early in his sixties he had a stroke and was never able to function very well after that. There was no provision for his retirement, disability or support. I was forced to leave this city, interrupt my education, go home, work in the cotton mills in Danville, Virginia, and on an ice truck to support the family. This I was glad to do, but it shouldn't have been necessary. Baptists should have provided for that contingency. They could have and should have.

Reparations never catch up with injury. It cannot by its nature do so, and it heals nothing.

(2) *Restitution is a Christian concept.*—In this, by the requesting and granting of forgiveness, relationships are healed and one tries to make up to the injured for wrongs done him. This is accomplished by love, sympathy and perhaps by material things too. It is done to the person wronged and not to his descendants.

(3) *Repentance is a Christian concept.*—In fact, this is the beginning of forgiveness. One is genuinely sorry for his sins, for his acts that were wrong, for his hateful attitudes. In genuine contrition he turns from them, asks forgiveness of God and the people he has wronged. God's grace in healing power comes when we ask for it and repent. It is God's grace that makes it possible for there to be healing and a new beginning. His grace makes it possible to forgive each other.

(4) *Renewal.*—Renewal comes from repentance and forgiveness. "If any man be in Christ he is a new creature, all things are become new." (II Corinthians 5:17). Then we are told in Revelation 21:5, as God speaks, "Behold I make all things new."

The greatest injustices of all time, the cruelest also, was the rejection of Jesus Christ, God's Son, who, as a result of rejection by those he came to save, was crucified. In this foul act, God, through Christ, became completely identified with sinful man and, through the suffering of Christ on the cross, made possible man's redemption from his sinful nature. God vindicated Christ by raising him from the dead. Each of us by an act of faith may appropriate the salvation of our souls and lives through trust and acceptance of Christ.

There is a positive lesson that we in this church must not miss. Demands like these should forever disabuse this and every church of the illusion that we can shut ourselves up behind our cloistered walls and lose ourselves in obscurantism while social change whirls around us. We are going to have to become more and more supportive of those forces that are trying to bring meaningful change into our world.

Racism is a rejection of persons as persons and is a grave sin against people and God. I am resolved, so help me God, to continue to stand out against racism of any kind, as I have endeavored to do for 30 years.

Here in this church we are dedicated to what is regarded by many militants as passe, but we believe in it. We are committed to a belief that in the local, parish church people of differing ethnic, social and national backgrounds can come together under the Lordship of Christ, accepting Him and each other on the basis of our hopes to serve Christ and our day as the community of the concerned. In this fellowship we will, ever, strive to change as led by the Holy Spirit of God to be God's instrument in this place for the betterment of all His people.

SMOG AND OTHER POLLUTION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ANDERSON of California. Mr. Speaker, smog has raised the ire of America. The Justice Department decided to settle their case against the conspiracy of the auto manufacturers out of court. Thus, the judge of the district court in Los Angeles had to decide whether to accept the consent agreement or to conduct a public trial. I, along with many Members of the House, petitioned the judge to conduct a public trial to determine if the auto manufacturers had conspired to delay research, testing, development, and installation of effective air pollution control on motor vehicles.

In deciding to accept the consent decree, the court stated that "Smog simply isn't a legal problem. It's a governmental problem. It's simply not a problem the courts can deal with."

Be it governmental or legal, the problem is here and must be solved. We cannot continue to tolerate fish dying in our streams, and the dumping of pollutants into the atmosphere.

I would like to include in the Record two articles that, I believe, have merit and deserve my colleagues' attention:

[From the Washington Post, Oct. 31, 1969]

Smog Trial

(By Nicholas von Hoffman)

Los Angeles, Calif.—Lawyers came from all over for the Smog Trial. They represented New York City, Connecticut, Maryland, Wisconsin, Ohio, Indiana and New Mexico. The Attorney General of Illinois showed up complaining that the air in Chicago is so foul the bears in the zoo are coming down with lung cancer.

Everywhere people are coughing, wheezing, gasping for air, straining their circulatory systems, grasping for something decent to breathe. This was going to be the trial that would begin curing our national case of black lung disease. This was going to be the case in which the automobile manufacturers would be tried for conspiring to prevent the development and installation of antipollution devices on their machines. Ralph Nader calls it "product fixing."

Some people would have preferred to see the tire manufacturers, the gas companies, and the freeway profiteers in court too, but this would be a beginning. The government might do something, and the country could sigh and breathe again.

No.

The first words the judge said when the hearing opened were, "It's apparent that the general public is aroused, and rightly so, but it may come as a shock that this isn't a hearing about smog. I wish there was some order I could make, some decree I could sign that would put an end to smog. Smog simply isn't a legal problem. It's a government problem. It's simply not a problem the courts can deal with."

As he spoke the smallest expression of approbation sneaked on and off the face of Lloyd N. Cutler, counsel for the Automobile Manufacturers Association. Mr. Cutler, of Washington's Wilmer, Cutler and Pickering, looked quintessentially Eastern in his dark suit with a vest. There were many other lawyers for the car companies, and they may charge equally high fees but Mr. Cutler was the boss. It was he who had negotiated the defendants out of antitrust conspiracy indictment and into a harmless consent agreement.

It was this agreement that the visiting lawyers had come to object to on the ground that it would exculpate the manufacturers for what they may have done in the past while making it unlikely they would do better in the future. The question hanging before the court was whether the agreement would be acceptable to the judge or whether there would be a trial with evidence and witnesses and a jury to determine if Ford, Chrysler, General Motors and the others had conspired to dirty the air. The judge's words were the tip-off Mr. Cutler had won. Not that he relaxed when he heard them. He sat tightly upright in his chair, making vigorous little whispers to his co-counsel, Eastern man, club man, genteel man, but sharp and combative for all his good manners and politeness.

When he got up to speak he was stiff at the lectern. His words were smooth and hard and quiet, silvery gray words, expensively fitted, made-to-order custom words. He rested his arms on the sides of the reading stand, but his hands wouldn't stay quiet. They have a life of their own, the way they slipped and flashed and twitched. "This is the first case that has ever been brought against an industry for trying to solve a public health problem," he said, and the hands floated limp and then flicked out in the air as though their function was to use up the excess competitive energy in the man.

He talked about how these big rich states with skillful lawyers only wanted the government to convict the car companies to make it easier for them to move in later and sue the blood out of the automobile manufacturers. But General Motors alone is richer than any state. In the esoteric field of antitrust law it could outbid any governmental body for the most skillful and devious attorneys. Mr. Cutler finished by saying, "I want to return to the importance of getting on with the job of making progress in pollution, the job of scientists achieving a major breakthrough," as if the bad air were not made by men, but was an act of nature like polio or multiple sclerosis.

This picture of the industry devoting great numbers of technicians and sums of money to pushing back the frontiers of knowledge is contradicted by Dr. John Goldsmith of the California State Department of Health at Berkeley. An expert in the physiological effects of smog on man, Dr. Goldsmith says, "They keep talking about research but no person identified with the motor vehicle industry has made a contribution to the field. They have very few researchers working for them." The truth of the matter was plainly stated by the representatives of the three biggest corporations in a 1967 Commerce Department report (Automobile Air Pollution: A Program for Progress): "There has been inadequate incentive for an individual automobile manufacturer to apply pollution control technology to the automobile in advance of its competitors."

But these considerations are froth; Mr. Cutler had the law with him. The lawyers for the smog shrouded cities and states tried to interest the Court in higher and broader consideration of public welfare, but privately they admitted the law was against them. Mr. Cutler had all the precedents; all the citations were over on his side because, for 70 years, all the money, all the most adept legal brains have gone into shaping and warping the law so the judge would say he was awfully sorry there was nothing he could do about the smog.

The bad air does not know about this. It kills without court orders. In the San Bernardino National Forest 46,000 acres of Ponderosa-Jeffry pine trees have already suffered heavy damage from the killing air. Their needles turn yellow and they die, or their resistance is weakened and they can't fight the pine bark beetle which finishes them off. Of the forest's 1,298,000 trees, 82 per cent are now moderately damaged, 15 per cent severely injured and 3 per cent are dead. The experiments at the air pollution center of the University of California at Riverside (where these figures come from) show that smog reduces an orange tree's yield by about a half; a grapevine growing in good air produces 17 pounds of fruit, in bad air, only seven.

Some of the worst smog is invisible. It comes in the form of ozone and is particularly prevalent in sunny, warm climes like Los Angeles, but it will be an increasingly dangerous compound in the air over cities such as Phoenix, Dallas, New Orleans, Atlanta and Miami.

Ozone is oxygen with an extra, unstable molecule. It is created when sunlight hits certain automobile exhaust pollutants. Ozone weakens the cell membranes of the lungs and blood. It increases the obstruction of air flow to emphysema patients and cuts down the performance of athletes. When the ozone content of the air reaches .35 parts per million, doctors advise that children be restrained from strenuous play so that they don't breathe heavily, and therefore cut down on their ozone intake. Since July 3 of this year, Los Angeles has had to close its school playgrounds 39 times because the ozone content had gone over .35.

It's because air pollution is not a theoretical problem, but a real one that is killing and weakening people and animals and vegetation now that governmental bodies from everywhere tried to stop the Justice Department from settling this case out of court, but the law says they are wrong. The judge was even a little miffed that they had made the attempt. The politicans had endeavored he said, to "divert the fire and heat of their constitutents onto this court."

[From American Bar Association Journal, October 1969]

POLLUTION CONTROL: WHY HAS IT FAILED?

(By Arnold W. Reitze, Jr.)

In recent years nearly every literate person has become cognizant of the "quality" deterioration of our environment.[1] However, this knowledge has not been translated into the meaningful societal actions necessary to halt the fouling of our habitat. At one time the destruction of our environment was merely an aesthetic problem. Now it threatens the survival of mankind as a species.[2]

When compared to the age of the earth, the period of man's occupation of our planet has been very short. While man has been destroying his environment throughout his recorded history,[3] his ability extensively to alter his surroundings to the point of complete destruction has developed during the last century. It is therefore imperative that man's myopic view should not obscure the insignificance of this span of time.[4] Assuming he survives his radiological, biological and chemical war toys,[5] he still must face the long-term effects of pesticides,[6] air pollution,[7] destruction of the soil[8] and the many other effects of abusing his habitat. War is a danger, but peace too may be deadly. Man should not be sanguine. Why then is he acting against his long-term interests?

The most obvious reasons are the ubiquitous nature of the problem, its complexity and the concomitant cost of combating it. Professor Kenneth Galbraith put it this way: "Pollution may well be the nation's most broadly based and democratic effort."[9]

Today, virtually every identifiable social or economic interest group is actively engaged in the destruction of our environment. The average citizen functioning as the operator of an automobile and as a waste-producing machine is the most significant source of air and water pollution. Industry is a large user of water and a contributor of vast quantities of pollutants. Whether it is the air and thermal pollution of the power industry, the acid pollution of the steel industry or the organic wastes that the food processors discharge, nearly every industry is a significant contributor to the pollution problem.[10] So too is agriculture, with its pesticide residuals, chemical fertilizers, organic wastes and silt.[11] The mining industry is responsible for much of the destruction of Appalachia,[12] while the construction and road-building industries follow practices inimical to soil conservation, adding to our silt pollution problem.[13] The Federal Government is a major polluter from its military installations,[14] ships,[15] and through the activities of agencies charged with other aspects of resource development.[16] With everyone contributing to the pollution problem, it is difficult to assign responsibility.

While the universality of polluters complicates abatement procedures, it would be simplistic to attribute the failure of control efforts solely to the size and diversity of the body to be regulated. Restraints on "aggressive activities" that result in limitation of individual freedom for the benefit of society are common. Traffic laws are an example. As population density increases, these limits on individual freedom continue to become more totally encompassing. The furor over firearm control legislation is an excellent example of the conflict between the necessity for group control in areas of dense population and the individual freedom that could more readily be maintained in a bucolic society.[17]

SPENDING A FORTUNE TO DEFEND WHAT WE WON'T PAY TO CONSERVE

The argument that the high cost of pollution abatement precludes adoption of controls is also unconvincing when one realizes that what is at stake is the livability of our environment. The expenditures from the public sector of our economy for defense and agricultural price supports are examples of the high fiscal commitment to policy goals for needs deemed sufficiently great. But if we consider the vast fiscal resources of the private sector of the economy, the handling of our environmental problem is certainly within our capabilities. The problem is getting the money allocated to the task.

In our society, the traditional controls have been unable to cope with the continued deterioration of our environment basically because of our failure to recognize pollution for what it is: a form of aggression against society as a whole and our neighbors in particular. Existing or possible control methods are of three types: informal (our mores), formal or legal and economic. The informal controls are those most capable of producing a high general level of conformity to the demands of society, while legal controls operate primarily to establish a minimum standard of acceptable conduct. Economic controls hardly exist. The informal controls are the most effective, as the regulated individual conforms as a result of his ingrained socialization. Ultimately, in a democratic society, all control should be based upon this societal consensus of what is permissible the conduct. The strength of such mores is aptly expressed in the ditty about

The young lady named Wilde
Who kept herself quite undefiled
Through thinking of Jesus
And social diseases
And the dangers of having a child.[18]

IF WE WOULD VIEW POLLUTION AS VICTORIANS VIEWED SEX

If pollution could be regarded as "dirty" in the Victorian sense, then our environmental problems would soon be solved. But this is not likely to happen. In general, polluting is socially acceptable conduct. Many of the wealthiest suburban communities inflict their inadequately treated wastes on their downstream neighbors. Eleemosynary institutions such as hospitals and universities are often major air polluters. The names of the major industrial polluters read like a who's who of industry.[19] Yet the corporate directors and officers who are responsible for these chemical and biological attacks on the rest of us are often considered the leading citizens of their communities.

This acceptance of pollution is deeply embedded in our societal psyche. The Judeo-Christian tradition is a most anthropocentric influence. The man and nature unity of ancient paganism and primitive animism has had no part in our historical tradition. As a society we still believe that man can exploit nature interminably. Our technology and one predominant social institutions have evolved in this tradition, and it is this outlook that is held today by nearly all Americans. Despite Copernicus, our relationship to the environment is still based on a man-centered universe. We reject the Darwinian notion that we are part of nature.[20]

This rejection may have been useful in creating the mental framework necessary for settling the wilderness and developing a nation from a relatively unpopulated frontier.[21] But today, in our densely populated, interdependent, twentieth-century nation, this attitude can lead to our destruction. Man cannot persist in creating an environment hostile to his continued existence.

Economic controls to protect our environment do not exist. The reason is simple: Pollution increases profits to individuals and corporations. Conversely, pollution control is expensive. When the environment is defiled by a business, the cost of production includes a harm inflicted on society for which no payment need be made. Air and water are treated as elements of production that are essentially free and are, therefore, abused or wasted with impunity. Pollution controls, when avoided, do not become a cost of production. Although the cost to society of pollution, even in economic terms, may exceed the costs of abatement, the individual polluter making the decision of how to operate his business must decide whether he will abate pollution with his own financial resources or pass the costs and harm on to the public as negative externalities of his business operation. Even if the businessman possesses a highly developed social conscience, his competition is unlikely to be similarly constrained. In a competitive world the lowest level of morality, if consistent with the desire for maximizing profits, tends to become the norm.[22]

IF PRODUCTION DOESN'T POLLUTE, THE PRODUCT DOES

Even if the production of the goods does not cause pollution, the product itself can

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Footnotes at end of article.

be designed so as to become a pollution problem. Polaroid film, aluminum beverage cans, detergents and chemical pesticides are some of these. The responsibility of a manufacturer for the environmental problems caused by the use of his product is a subject that must become of increasing concern if we are to protect our water and air. The requirements for controls on automobile emissions are but a beginning.[23]

Pollution abatement is hampered, of course, by the often astronomic costs of control. The capital investment necessary to control industrial wastes can represent a substantial portion of total capital investment. Many businesses, particularly those that are small or inefficient, just do not have access to such capital. It is usually difficult to make pollution abatement financially attractive. Even if a profitable by-product can be obtained through pollution control, the economic return is rarely equal to the return which could be obtained from investing the necessary capital in more traditional investments or else in other polluting industries.[24]

Not only are capital requirements substantial, but operating costs for pollution control are significant. For most communities, proper waste treatment would engender a substantial increase in operating costs as well as a vast increase in capital expenditures. For the Lake Erie Basin, proper phosphate removal alone would double present waste treatment expenses.[25] The costs to industry for abatement programs would have to be passed on to the consumers in the form of increased costs for nearly every item purchased. The cost to municipal government would be reflected in higher water and sewage rates.

The economic cost of environmental protection is so high that a commitment of the citizenry similar to that created by war is necessary if this problem is to be successfully resolved. Environmental protection is an expense that only wealthy nations can afford, but today it is an expense we cannot afford to avoid. The capital accumulation necessary for a modern economy is obtained by exploiting natural resources. But the limits of exploitation for developed economies have been reached.[26] We no longer can afford to allow this exploitation process to continue. Rather, the process must be reversed. Continued expansion of the gross national product, if achieved at the expense of our environment, is irrational. For example, producing gas masks and distilled water for city dwellers will increase the gross national product, but it is difficult to understand how the required use of these products improves our well-being. As the production of goods of dubious value and planned obsolescence continues, it is often at the expense of our environment.

ERODE ENVIRONMENT OR PERSONAL FREEDOM?

Since economic consideration provide an incentive to pollute our air and water, only strong formal constraints have any chance of success, and these can only be considered temporary expedients. If the mental attitude necessary for developing the informal constraints is not developed, the formal regulation in the long run will not be successful. While the continued expansion of governmental powers and the erosion of personal freedom that this implies cannot be welcomed, the penalty for increased population density must be paid. The choice is either *laissez faire* treatment of the environment, followed by its destruction, or governmental regulation sufficient to prevent such destruction. The polluted condition of our air and water makes it clear that efficacious regulatory powers do not exist.[27]

The concept of governmental regulation of our waters is nothing new. From the beginning of our nation, the Federal Government has been concerned with our water resources. Most of its activity, however, was to encourage development and exploitation of these resources. Not until the end of the nineteenth century did the concept of governmental protection of resources enter our political philosophy.[28] Yet this long history of involvement in the various aspects of resource management is significant, for it helps explain the lack of a unified, coherent government policy toward our water resources or toward the larger problem of the management of all our natural resources.

DOZENS OF FEDERAL AGENCIES MOSTLY AT CROSS PURPOSES

Today water resource regulation and development is carried on by dozens of federal agencies. Many of these agencies work at cross purposes: The Department of Agriculture has paid North Dakota farmers to drain land, while the Department of the Interior spends money to create and protect such wet lands for wild fowl breeding; the Department of Agriculture pays to remove lands from agricultural production, while the Bureau of Reclamation spends large sums to create agricultural lands; the Army Corps of Engineers dredges harbors in such a manner as to increase the pollution problem the Federal Water Pollution Control Administration is attempting to abate. Examples of these inconsistent government activities are legion, and they are largely the result of numerous agencies that represent specialized economic interests.[29]

Today, most progress toward pollution control is carried out by the Federal Water Pollution Control Administration (FWPCA) of the Department of the Interior. This is one agency dealing with water resources that does not represent an economic bloc. It has been active for but four years. Its power is limited, and it has a small budget. But considering the limitations imposed on it, it has done an excellent job. Some progress finally is being made, but this progress is inadequate. As the Queen said to Alice: "[I]t takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that."[30] Our growing population and increasing rate of urbanization require an estimated expenditure of $22 billion for municipal sewage systems by 1975 and an additional $10 billion for industrial waste treatment.[31]

We must run to stand still, yet we are barely crawling. The estimated expenditures and net lending for 1968 by the Federal Water Pollution Control Administration are $190 million. Of this a little over $6 million will be allocated to Ohio.[32] The ten largest agricultural subsidies exceed Ohio's allotment.[33] With this sense of priorities, little progress can be expected. Reductions in federal outlays can be anticipated to be taken from natural resource programs out of proportion to their percentage of the total budget.[34] Few economic blocs lobby to protect water pollution control funds. Even without reduction, the present federal expenditure for water pollution is only approximately equal to the interest that could be earned on the interest that would be paid on the defense budget if invested at 5 per cent.

The state governments' attitude toward pollution control parallels that of the Federal Government. A profusion of conflicting state agencies dealing with these problems is common. Even more common are the lack of effective power and minuscule budgets.[35] Under present law the responsibility for enforcing most laws dealing with water pollution is with the states. In Ohio the Water Pollution Control Board operates with a budget of less than $500,000.[36] Though there is danger in making comparisons between systems that are not identical, it is interesting to note that the budget for the German Ruhr District Authority—the district is a fraction of the size of Ohio—is about $50 million.[37] Air pollution control in Ohio is expected to advance with a budget of $150,000. State grants to local governments in Ohio for pollution control have not materialized,[38] and this in turn denies local governments federal matching funds. Expenditures of this nature predetermine the result.

SOCIETY MUST KEEP SCIENCE'S PACE

The failure of our environmental protection program is obvious. The ability of our social organizations to deal with today's problems has lagged substantially behind our science and technology. But the reason for this failure is due largely to the lack of any consensus to effectuate the necessary change. The political pressures that encourage a high level of expenditure by the Department of Defense tend to minimize environmental controls. The general public has had but minimum concern; when its concern grows to the point where it manifests itself in a willingness to approve expenditures commensurate with the task before us, then, and only then, will there be a chance for reversing the deterioration of our environment.

Recent voter approval of bond issues for pollution control is a hopeful sign, but after two centuries of neglect and exploitation, the challenge is so substantial that these sums, while welcome, are but a beginning.[39] We can only hope meaningful recognition develops throughout the nation while the problem is capable of being solved.[40] A danger is that society will adjust to levels of pollution that apparently have only a minor nuisance value, but that this apparent adaptation will eventually cause much pathological damage.[41] Further, the ability of man to adapt to the continuing qualitative deterioration of his environment creates a political climate that makes reversal of this deterioration difficult. After a period of time citizens seem to accept as normal a long journey to areas where fish still live and swimming is safe.

It is the belated recognition that time may not be on our side that is most ominous. The air we breathe is the same as that utilized by Neanderthal man, only now 65 million tons of deadly carbon monoxide are discharged each year by automobiles in this country.[42] The long-term effects of this pollution on man's physical, neurological, and even genetic make-up cannot be determined. What will the 133 million tons of pollutants that are sent into the atmosphere each year in the United States do to weather patterns and eventually to the temperature of this planet?[43] No one can be sure. Water pollution may also become irreversible. The present deterioration of Lake Erie from phosphate—mostly from detergents—that encourages vast algae growth and greatly speeds eutrophication may continue even if additional nutrient inputs are curtailed.[44]

ABILITY TO DESTROY WHAT WE CAN'T CREATE REQUIRES HUMILITY

Our technology is allowing man to upset ecological balances without having developed the degree of technological *expertise* necessary for a new artificial ecological balance to be created that can be predicted and controlled so as to assure that a place remains in our man-defiled environment for man. Until this can be achieved, we must humble ourselves to reinstate a man-nature unity. We must being to live in harmony with our environment.[45] When this concept is accepted, the necessary money will be forthcoming and social institutions will rapidly provide the means for carrying out the mandate of the citizens. In a democratic society these attitudes can only be created through education and persuasion. Until the consensus of our citizens is that an environment undefiled by man is highly desirable, the reckless abuse of natural resources will continue. The law, particularly when large sums must be appropriated, can move only a short distance beyond the desires of the governed. Unless those who are led become convinced of the wisdom of the course of action, even limited leadership will have an ephemeral existence. Until Americans decide they want a livable

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Footnotes at end of article.

environment, we cannot have one. Our survival may depend of their decision.

FOOTNOTES

[1] Numerous publications lamenting the destruction of our environment have been written in the past several years. Two general books of value are S. Udall, The Quiet Crisis (1963) and Rienow & Reinow, Moment in the Sun (1966).

[2] In 1952 the London smog killed 4,000 people, more than the number killed in the attack on Pearl Harbor. In late October of 1963, a stagnant air mass over the Northeastern United States caused toxic gases to increase to more than five times the normal level. Only a change in wind direction prevented disaster. Lewis, With Every Breath You Take viii, xvii (1965).

[3] The decline of numerous ancient civilizations, for example, is attributable to poor irrigation practices. See generally Carr, Death of the Sweet Waters (1966).

[4] Estimates of the age of the earth vary between 5 and 6 billion years. Leet & Judson, Physical Geology 29 (3d ed. 1965). Human evolution began only 1 million years ago, and all of recorded history encompasses but 7,000 years. Storer, General Zoology 195 (1943).

[5] Weapons can, of course, effect the environment without being used in war: Contamination from nuclear testing is a well-known danger. A more dramatic example of the danger posed by modern weapons is the death of 6,500 sheep caused by the Army's nerve gas experiments in Utah. Newsweek, April 1, 1968, at 53; Hersh, *Chemical and Biological Weapons—The Secret Arsenal,* The New York Times, August 25, 1968, § 6 (Magazine), at 25.

[6] See generally Carson, Silent Spring (1962); Headley, The Pesticide Problem: An Economic Approach to Public Policy (1967).

[7] See generally U.S. Dept. of Health, Education, and Welfare, Air Pollution Publications, A Selected Bibliography 1963–1966 (1966).

[8] See generally Morgan, Governing Soil Conservation (1965).

[9] Galbraith, *The Polipollutionists,* Atlantic, January, 1967, at 52, 54.

[10] See generally Jacobstein & Mersky, Water Law Bibliography 1847–1965 (1966); National Research Council Comm., National Academy of Sciences, Waste Management and Control, No. 1400 (1966).

[11] See generally Udall, supra note 1; Herfindahl & Kneese, Quality of the Environment 35, 65 (1965); Still, The Dirty Animal 239 (1967).

[12] See Caudill, Night Comes to the Cumberlands (1962); Life, January 12, 1968, at 54.

[13] See W. Douglas, A Wilderness Bill of Rights 147 (1965).

[14] Nationally, in 1966, at least 237 federal installations were still improperly discharging wastes into United States waterways. The New York Times, January 3, 1968, at 96.

[15] U.S. Dept. of Interior, Wastes from Watercraft, S. Doc. No. 48, 90th Cong., 1st Sess. 3 (1967).

[16] See generally Douglas, *supra* note 13.

[17] Here the conflict over regulation as a responsibility of government should be distinguished from the merits of any specific regulatory proposal.

[18] Lewis, *The High Court: Final . . . But Fallible,* 19 Case W. Res. L. Rev. 528, 568 (1968), quoting from *A symposium on Morality,* 34 Am. Scholar 347, 360 (1965).

[19] See generally U.S. Dept. of Interior (Federal Water Pollution Control Administration), Lake Erie Report (1968).

[20] See White, *Historical Roots of Our Ecological Crisis,* 52 Sierra Club Bull. 123 (1967); White, *What Hath Man Wrought?* Science, March, 1967, at 11; Nash, Wilderness and the American Mind (1967).

[21] Managing the Environment, Report of the Subcomm. on Science, Research and Development to the House Comm. on Science and Astronautics 13 (1968).

[22] See generally Controlling Pollution, the Economics of a Cleaner America (Goldman ed. 1967).

[23] Clean Air Act of 1963, as amended, 42 U.S.C. § 1857.

[24] For detailed information concerning industrial pollution abatement costs see 3 U.S. Dept. of Interior (FWPCA), The Cost of Clean Water (1967).

[25] Statement of George Eagle, Conference on Pollution of Lake Erie and Its Tributaries (June 4, 1968). Perhaps these additional costs may be subject to considerable reduction. See Mich. Dept. of Public Health, Wastewater Section Division Engineering, & Dow Chemical Company, Studies on Removal of Suspended Matter and Biochemical Oxygen Demand (1967).

[26] This does not mean that underdeveloped nations do not have pollution problems, but only that their economies are less capable of absorbing abatement costs.

[27] Present government control over pollution is much better than it was prior to 1965, and we are beginning to develop a body of law capable of dealing with some of our environmental problems. However, the law has just begun to function. See Reitze, *Wastes, Water and Wishful Thinking: The Battle of Lake Erie,* 20 Case W. Res. L. Rev. 5 (1968).

[28] *Id.* at 49.

[29] See generally Moss, The Water Crisis (1967).

[30] Carroll, Through the Looking Glass, quoted in Lewis, *supra* note 18, at 566.

[31] Figures for pollution abatement costs vary substantially. There are some estimates from Cohn, Sewers for a Growing America (1966).

[32] Budget of the United States 108 (Fiscal 1969).

[33] Moore, *Slaves for Rent,* Atlantic, May, 1965, at 109, 118.

[34] Budget of the United States 109 (Fiscal 1969).

[35] This is only a generalization. Los Angeles County has an effective air pollution control, though not effective enough to solve the problem. New Jersey has begun a vigorous abatement program.

[36] Reitze, *supra* note 27, at 80.

[37] Fair, *Pollution Abatement in the Ruhr District,* in Comparisons in Resource Management 143, at 171 (Jarrett ed. 1961).

[38] Reitze, *supra* note 27, at 79.

[39] Bond issues for water pollution control were approved in Ohio, Michigan and Washington. The $1 billion bond proposal in Illinois was rejected. Business Week, November 9, 1968, at 104.

[40] A number of environmental pollution problems include a possible irrevocable destruction. A wilderness destroyed by man-created drought cannot be restored. Pennekamp, *Disaster in Everglades National Park,* 50 Sierra Club Bull. 4 (1965). Air pollution may change world weather patterns. Cole, *Can this World Be Saved?,* The New York Times, March 31, 1968, § 6 (magazine), at 35.

[41] Dubos, *Adapting to Pollution,* Scientist & Citizen, January-February, 1968, at 1, 3.

[42] Progress in the Prevention and Control of Air Pollution, First Report of the Secretary of Health, Education, and Welfare to the United States Congress, June 28, 1968, at 16.

[43] Faltermayer, *We Can Afford Clean Air* Fortune, November, 1965, at 159. See generally U.S. Dept. of Health, Education, and Welfare, Power Systems for Electric Vehicles (1967); Carr, The Breath of Life (1965); 1 Air Pollution (2d ed. 1968); Iglauer, *The Ambient Air,* The New Yorker, April 13, 1968, at 51.

[44] Reitze, *supra* note 27, at 19; see also *supra* note 39.

[45] For further discussion, see generally Murphy, Governing Nature (1967).

SOVIET SCENE 1969: RUSSIANS FEAR MAO BUT HATE GERMANS

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. STEED. Mr. Speaker, in this article, Charles L. Bennett, managing editor of the Daily Oklahoman, continues his series on the Soviet Union today. He discusses the views expressed by Russian citizens on the current world political situation.

This is the fourth installment I have entered in the Record, and the series will be concluded:

Russians Fear Mao but Hate Germans

(By Charles L. Bennett)

"We don't think Mao has the rockets to reach us here," said a Soviet journalist in Novosibirsk, a Siberian city about 1,250 miles from the troubled border between the U.S.S.R. and Red China.

"There was absolutely nothing wrong with what we did in Czechoslovakia," said a man in Kazakhstan.

"Why should we help the U.S. to get out of Vietnam?" asked an official in Minsk. "After all, you didn't ask us about going in there in the first place."

A Soviet radioman, taping an interview with a U.S. newsman, asked a pointed question about why Americans were fighting in Vietnam. The American responded by saying he thought the U.S.S.R. was getting into the same kind of entanglements in the Middle East. The radioman later said he guessed he'd take all that part of the interview out of the tape "since my question on Vietnam wasn't a very good one."

"Won't you and the British and the French ever learn your lessons about the Germans?" asked a young woman in Leningrad. "They are very dangerous people."

Everyone in our group of touring editors had some idea of Soviet attitudes toward China, Vietnam, Czechoslovakia and the Middle East, before we started on our 16-day tour in the U.S.S.R. What most of us were not prepared for was the Soviet citizens' deep hate and abiding fear of the Germans—the Nazis of World War II and the West Germans of today. We heard this hate and fear from nearly everyone to whom we talked about today's questions of war and peace.

There is little question that the Chinese border incidents and the bad relations between the U.S.S.R. and Red China are the Soviet citizens' No. 1 concern at the moment.

Then, some officials obviously are bothered by the trouble they are having with their "difficult clients" in the Middle East—the Arab nations—in trying to get them to reach some kind of acceptable settlement with Israel.

Farther down the line, it appears, is worry over what the United States may do. This doesn't appear to be a fear of any direct attack against the U.S.S.R. Instead, it is the worrisome question of what the U.S. might do that would affect Soviet interests in some other part of the world or, worst of all, the possibility that the U.S. might join hands with Communist China against the U.S.S.R.

But we kept getting the impression that most Soviets were less worried by any of these problems than by the long-term danger of the military resurgence of an aggressive West Germany.

"The Chinese problem is very serious," said Gennady Novitsky, an English-speaking journalist in Minsk who once served in the U.S. with the Soviet diplomatic corps. "But it can't compare to West Germany. I can't explain what the Chinese leaders are after. We helped the Chinese for many years, even on their nuclear work. But they have Germans helping them now."

We heard this over and over. In Alma Ata, editor Feodor Mikhailov said: "They (the Chinese) are working now on the means of delivery of nuclear weapons . . . rockets. The bad thing is, someone is helping them—most probably West Germany.

"The Chinese have been mad at us for not helping them on nuclear development. They asked us for help but we didn't give help. (A contradiction of what we heard from other Soviet citizens.) The West Germans have been helping them for several years. Officially, West Germany denies this. But West German technicians are going to China and they are building up their trade."

"We hear they are selling arms to the Chinese," another Soviet citizen said of the Germans.

Even without the irritation of today's accusations that the Germans are helping the Chinese, the Soviet hate for Germans might be almost as strong. That's because of the emphasis continually put on the country's losses to the Nazi armies in World War II.

War memorials are everywhere. Trips are organized by school children to visit them. Each one we saw had some visitors and several were crowded. As reported earlier, one of the Soviet journalists commented that the lessons of World War II "are hammered into" the students every day.

"After all," was one comment, "twice within living memory Germany has almost wiped out Russia, and now two-thirds of Germany is the most powerful nation in Europe."

Soviet feeling about the death and destruction Germans caused in their country during World War II is deeply bitter, intense and purposely being kept alive.

"The Brest Fortress was surrounded in the first days. They fought three weeks and finally had no water or food. The garrison was killed off, from 3,000 down to 300."

"One out of every four people in Byelorussia died in the war."

"This diorama shows the Kostanetz death camp."

"I was wounded seven different times; I was in the Army seven years."

"All of the Jews who did not retreat with the Red Army were taken to the death camps and killed. Four million people died at Auschwitz."

"They destroyed 83 per cent of our city. All our houses were gone and people lived in earthen huts."

"Twenty-six of us left this school to go to the Army. Five returned."

"Our economy at the start of 1945 was back to the 1913 level."

"The German slogan was: 'The Russians must die, that we may live.' "

"They surrounded this village and herded all the women, children and old men into a hay barn. All the younger men were away fighting. Then they set the barn on fire. Three people out of the 149 managed to escape."

"This city had a population of 400,000 in 1939, but 10 per cent died in the war. That was 20 per cent of the men."

"Altogether, our country lost more than 20 million people killed during the war and these were the best of the people we had, mainly aged 21 to 35."

"Sixty-two thousand cities and villages were wiped off the face of the earth. The country lost one-third of its national worth."

All of these are direct quotes from people to whom we talked in the U.S.S.R. National officials, city officials, newsmen, ordinary citizens—it didn't matter to whom you were talking—there was an insistence that you hear the war toll and see whatever vestiges of it might be nearby and still visible.

Outside of Leningrad, the Piskarevskoe Cemetery holds the mass graves of two-thirds of the more than 600,000 people who died in the siege of Leningrad.

Carved on a wall of the cemetery, where the thousands of visitors each year will be certain to see them, are the words: "Let no one forget. Let nothing be forgotten."

Soviet citizens are not forgetting—or being allowed to forget—the tragedy and loss inflicted upon them by Germans. That flow of hatred is a quieter stream, at the moment, than the torrent of anger over the Red Chinese border incidents. But the feeling toward Germany and Germans appears, even if quieter, to be deeper, wider and much more powerful.

With all the trouble you're having with China, we asked an Alma Ata editor, "has the U.S.S.R. position changed as to supporting Red China for membership in the U.N.?"

"No, it hasn't changed," said Kurmanbek Sagindikov. "We are for their admission. China, as such, is not Mao. It is the people. Maos come and go; the people remain."

Some Soviets calmly say, "This thing with China is temporary. We do not relate it to the Chinese people, but to Mao's government. Eventually, they will come to their senses. After all, it is a Socialist country as is ours."

What really has been happening along the long borders between China and the U.S.S.R. is, of course, only partially known. We asked—in Moscow, again in Novosibirsk, again in Alma Ata—to go to one of the border areas to see for ourselves. We were not surprised at the answers. They were usually hinged on "There are no accommodations there," or "Transportation is very difficult to arrange," or "You might not see anything if you went; we never know where these things are going to happen, or when", and, finally, "It's not safe there." But the answers always added up to "No."

Without the opportunity to see for ourselves, we learned what we could about the border situation from the Soviet people to whom we talked. As might be expected, the versions we heard reflected the stories that had been printed in the Soviet press.

"I think our government leaders decided properly to give them a crushing rebuff so they wouldn't intrude on our peaceful life," said a mining engineer we found sunning on a beach at Sochi, far from his home in Komi, near the Arctic Circle.

"I doubt they'll actually resort to war," commented an official in Minsk. "Both the economic chaos and the political division they have won't allow them to mount a major effort."

"They are doing it to divert attention from their internal troubles," said a journalist in Alma Ata, only about 250 miles from the border with China.

"They have nuclear weapons, we know, said Uzak Bogaev, another editor in Alma Ata. "Their test area is not so very far away—at Lop Nor in the middle of Sinkiang province. They have about 74 nuclear units. They may not be very powerful or perfected, but they have them. They say the latest ones are hydrogen. But they are still working on their delivery systems."

Still another Alma Ata newsman added: "The main thing they are trying to do is to instill hatred of the U.S.S.R. in their people. I don't think they can do that with the older generations. They mostly are working on the youth groups to brainwash them. We call them 'greenhorn hooligans'. . . ."

A radio correspondent who had been at the border shortly after one of the fighting incidents, said: "At first the Chinese prisoners refused to say anything. Later, they admitted that they had brazenly come across the border. As usual, our border guards peacefully tried to talk them into going back across. They paid no attention. The Chinese came with movie cameras to take pictures, to be used in anti-Soviet propaganda. Two of our men were killed. That was published."

But when we asked how many Chinese were killed, no one seemed to know. Reports we had heard elsewhere indicated that perhaps as many as 5,000 Chinese were killed in one incident at Demansky Island in the Ussuri River.

"It happened this way," said Editor Mikhailov. "The island is uninhabited. There are no buildings of any kind on the island. According to official documents and maps, from the 19th Century, the island is U.S.S.R. territory. Chinese used to ask the border guards if they could cut hay on the island, or have fishermen use it. We let them do it. China doesn't need the island; it's a question of principle, for both sides. If peaceful negotiations were carried on and they asked us for the island, we'd most probably give it to them.

"But instead," he went on, "they used force and took the island and shot, pointblank, several men who had gone up to them to talk. The border guards then had to drive them away."

A March 8, 1969, article in the national newspaper, "Pravda," said of this incident: "This was a pre-planned attack on Soviet frontier guards . . . Peking authorities deliberately perpetrated this armed provocation with the aim of further aggravating Soviet-Chinese relations, once again raising a wave of violent anti-Sovietism in China, and kindling chauvinistic feelings to suit the adventurist great-power aspirations of Mao Tsetung and his group. . . ."

The article continues with the official Soviet description of the incident—the honorable performance of the border guards, the Peking propaganda that the Chinese unit was attacked by the Soviets, and the apparent reasons for the Chinese provocation—internal dissension, "political flirting" with the imperialist states, "above all the USA and Federal Germany," and "treachery against the forces of world socialism."

Behind all the rhetoric of both sides in the border disputes, the facts of true ownership of much of the vast territory of central Asia—eastern Siberia and western China—are clouded in history.

When the Chinese Empire was at its height, much of the region was under its influence and China extracted tribute from those who lived there. But the Soviets base their claim on maps and documents which, they say, were formally adopted and approved in the 18th and 19th Century—giving them clear title to the disputed areas by treaty.

But as far back as 1964, the Soviets say, the Red Chinese started changing the maps and descriptions in their school textbooks—to make it appear that about 600,000 square miles of Soviet territory actually had been Chinese right along.

The Soviets say, in the words of Editor Sagindikov at Alma Ata, "There have been as many as 400 border violations in three or four years. It is a willful heightening of tensions with the U.S.S.R."

Reports since our editors' group left the U.S.S.R. have mentioned some lessening of tension between the Soviet and Red China but what we heard made it appear any real settlement would be unlikely, so long as Mao and his immediate group stay in power in Communist China.

Even more serious border incidents are predicted by one man knowledgeable about the Soviet scene—a man convinced that Red China considers the Soviet Union its real enemy, not the United States.

Is the real source of the trouble Chinese pressure for more and better land to support some of its 800 million people?

"Not really," says one Soviet editor. "Most of their people are crowded into the coastal areas, and that does cause problems. But they still have many areas that are underpopulated. The climate in those areas and the agricultural potential is as good as in our territory."

Is the dispute a sincere expression of something Red China believes it's legally entitled to?

An Alma Ata editor: "They claim their ancestors came into Kazakhstan as conquerors. They are claiming as far as 500 to 600 kilometers inside our borders. They never settled here. They were hit-and-run raiders, coming into our territory to rob.

"These raiders are the only things they can use to back up their claims. Some of the Khans, and the Mongols and Tartars all raided into this territory. But they were all kicked out. The Chinese have only these robber raiders to support their claims.

"When relations between our countries were good, the Chinese never mentioned the border."

Do the border disputes have their roots in the ideological split between Soviet and Chinese ideas of what communism should be?

This may be nearer the point. Stalin, one Soviet resident told us, really thought the future of China lay with Chiang Kai-shek—and urged Mao and his friends not to take over China. But they did, and based the future communism of their country on the peasants—rather than upon the "industrial proletariat" in the Soviet style (mainly because there was no industrial proletariat in China at the time).

"Khrushchev tolerated Mao longer than Stalin would have," this source said. "The real open break came in 1960 when the U.S.S.R. stopped admitting new Chinese students and withdrew the technicians who had been helping China."

Since then, relations have worsened rather steadily and, it would appear, the end of Soviet-China tensions is not yet in sight.

One Soviet journalist said his nation really wasn't worried about China and another added: "China has made 501 warnings to the United Nations about U.S. violations of its territory."

When we commented that those warnings apparently weren't worrying the United States, either, Anatoly Lisovsky said: "Don't think that an ocean is a barrier."

When an American suggested the Soviet Union could help with the Vietnam situation, and commented it was unfortunate the Soviet had not de-escalated its shipment of arms to Vietnam, a top Soviet official of the Journalists Union answered:

"You want to draw out of the Vietnam war and you don't know how to withdraw. You want to make us responsible to promote a method of withdrawal . . . Our advice is: Pull out. But we are not government leaders and cannot solve the destiny of Vietnam at this table."

"We can't tell the Vietnamese what to do," a Minsk editor said. "The people of the U.S.S.R. don't think the people of the United States want wars, but some of the things you do worry us."

"It's the same with us," one of the Americans replied, "Some of the things the U.S.S.R. does worry us, too."

A Minsk editor said: "The long-term interests of the U.S.S.R. and China will prevail. The long-term interests coincide."

What are China's long-term interests in Southeast Asia, then, we asked. "Would you like to see China take over Vietnam?

"I can't imagine such a situation," Editor Novitsky said, "The Vietnamese people can stick up for themselves."

"The American people," we answered, "support South Vietnam because we felt China was about to swallow up Southeast Asia. In view of your current troubles (with China) it seems we would have a common interest in preventing China from taking over all of Southeast Asia."

"Our interest," said Fyodor Kletskov, head of the Byelorussian journalists, "is only in letting people determine for themselves. We support the 'five points' including self-determination."

"But what about Czechoslovakia?" interjected one of the American editors.

"There is nothing comparable between Czechoslovakia and Vietnam," said Kletskov. "Soviet forces liberated the Czechs. Late events show the Czechs can put their house in order without the use of force. We know who stands behind this . . .

"Who?", we asked . . . "West Germany?"

"A newspaperman should not ask such a question," Kletskov snapped.

An American: "When the Germans marched into Czechoslovakia, they said they were doing the same thing you are now doing!"

Kletskov: "And U.S. Forces entered France, Germany, Belgium, Luxembourg and other countries."

American: "Yes, and we turned them all back to the people of those countries."

Kletskov: "And we will turn back Czechoslovakia . . .!"

American: "When?"

Kletskov: "Before the U.S. forces leave Europe."

I think you will sense that, by this time, the discussion had become an argument.

"Hey, wait a minute. You're all talking at once," shouted Joe Adamov, our intrepid interpreter. He pounded a glass on the table to restore order. It broke. One of the Americans pulled off his shoe, handed it to Joe and Joe pounded on the table with that.

The obvious recollection of the famous Khruschchev shoe-pounding at the U.N. broke the tension—and everyone laughed.

"Let us all drink to peace and friendship," said one of the Soviet hosts.

And we all did.

MINSHALL OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. MINSHALL. Mr. Speaker, under leave to extend my remarks, I wish to place my latest opinion poll in the RECORD:

MINSHALL OPINION POLL, NOVEMBER 1969

The 91st Congress has been in session 10 months and once again I seek your views. This poll is being sent to every home in the 23rd Congressional District. I welcome your additional comments, however I regret that time and staff limitations will not permit me to personally respond to each return. Results will be made known in my next "Washington Report". Please mail your completed questionnaire to Minshall Opinion Poll, 2243 Rayburn House Office Building, Washington, D.C., 20515. Let me know if you need additional copies.

1. Do you believe President Nixon is following the correct course to bring the war to an honorable end?
2. Did you approve the recent "Moratorium" demonstration?
3. Do you favor the President's proposal to replace Selective Service with a draft lottery?
4. To curb inflation, do you favor:
   (a) Cut-backs in military spending?
   (b) Public construction cut-backs?
   (c) Greater efficiency, with resulting economy, in poverty programs?
   (d) Wage and price controls?
5. Do you approve of my amendment to increase water pollution funds from $600 million to $1 billion for 1970?
6. Should Congress permit heavier, wider trucks to use interstate highways?
7. Do you think the Nixon Administration has done a good job during its first nine months?
8. Should penalties for sale and use of marijuana be made less severe?
9. Do you favor my bill H.R. 12555 to raise personal income tax exemption from $600 to $1,200?
10. What is the most critical problem facing the Nation today? (Comment.)

BOY SCOUTS OF AMERICA

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. GAYDOS. Mr. Speaker, this past weekend we had a demonstration in my 20th congressional district. More than 1,000 youths took part. They carried signs and they marched. They marched not to destroy American ideals but to recreate American history. They were Boy Scouts of America not members of the SDS. Their signs were not of protest but of pride, denoting the many troops who took part.

They belonged to the Monogahela Valley Scout Council and they formally dedicated a 15-mile section of what officially now is the "General Braddock Trail," a 50-mile route which begins in Westmoreland County and ends at the scene of the General's famous defeat in the community of Braddock in the 20th district.

The new trail was carefully plotted for accuracy by leaders of the Scout council. It took them 2 years to research the line of march, map the trail and pinpoint campsites, and obtain necessary legal clearances.

On Saturday, October 25, more than 200 years after Braddock marched through the same hills and woodlands, 1,000 Scouts followed the flight of an arrow and began tracing his historical footprints. They stood in the gray light of a cloudy dawn, ignoring a chill wind and a drizzle, to listen to a synopsis of what befell the Braddock army of 1755.

They heard how Braddock and his troops, accompanied by a young colonel, George Washington, stopped at the site on which they stood on July 8, 1755. The next day the army, 1,600 strong, crossed the Monongahela River and moved on Fort Duquesne. Where they crossed the river the city of Duquesne now stands and at the junction of the Monongahela, Ohio, and Allegheny Rivers, where the fort once stood, now rises the skyline of the city of Pittsburgh.

Braddock and his army never reached the fort. A much smaller force of French soldiers, supplemented by approximately 600 Indians, ambushed the general at what now is the Borough of Braddock. Utilizing the natural cover of the terrain, bushes, trees, and rocks, the French and Indians slashed at the column of redcoats. They annihilated approximately half of Braddock's men, mortally wounded the general, and routed the remainder of his troops. Braddock himself died 4 days later, July 13, and is buried at a site known as Great Meadows near Uniontown on U.S. Route 40.

The last campsite of Braddock before his defeat now is a part of White Oak Regional Park, one of several parks established by Allegheny County Commissioners to preserve the natural beauty of the Monongahela Valley's rolling, wooded hillsides.

It is appropriate, therefore, that special attention be given to preserving the Braddock trail as well. Such an idea was conceived primarily by two men—William Kearney, scoutmaster of Troop 9, and the late Robert Lewis, camp program director for the Monongahela Valley Scout Council. These men, aided by many others, including John MacLuskie and Thoms Hurrel, district commissioners; Philip Slaugh, scoutmaster; and J. Herbert Platts, council executive, spent long hours researching historical records in the interest of accuracy.

Scouts who made the dedication trek this past weekend, and those who will make it in the future, received a special patch in commemoration of their achievement. It is a colorful shield-shaped emblem designed by William Gaughan, a member of the council's executive board.

The patch is emblazoned with English and French flags of the period; a tomahawk representing the Indians who took part in the battle; a powder horn symbolizing the participation of Americans and a regimental drum signifying the Braddock march was a military expedition.

Mr. Speaker, I am proud to say I took part in the dedication ceremonies and I take this opportunity to commend in the Congressional Record the Boy Scouts of America, in general, and the Monongahela Valley Scout Council, in particular, for a true reflection of the spirit, character, and moral fiber of this Nation's youth.

DRAFT REFORM SHOULD NOT BE SHELVED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. SHRIVER. Mr. Speaker, shortly after the House passed Thursday draft reform legislation, H.R. 14001, the Democrat majority leader in the other body was quoted as saying the Senate will not act this year on this much-needed legislation requested by President Nixon.

So it is that draft reform apparently will take its place on the shelf with so many other important legislative proposals advanced to this Democrat-controlled Congress by the Nixon administration.

We all are aware of the disruptive impact which the draft poses to young American men under the present Selective Service System. Through this legislation Congress has the opportunity of minimizing as much as possible the uncertainty and disruptive impact of the draft on the individual lives of our young men.

Yesterday efforts were made here in the House to make extensive changes in the Selective Service System. Although they were not successful, it is obvious that the Democrat leadership in the other body would have shelved them anyway.

Unless there is a change of heart and priorities in the other body, I urge the President to follow through and implement these needed changes in the Selective Service System by Executive action. I hope the time soon will come that the draft no longer will be necessary. However, until that day arrives, it is essential that it be made as fair as possible now.

THE TREASURES OF VIRGINIA

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. MARSH. Mr. Speaker, generations of Virginians have known it, of course, but we of the Old Dominion take satisfaction from the confirmation by countless visitors that Virginia is "the State with everything."

In this connection, I take the liberty of inviting all Members of the House, and their constituents to visit our Commonwealth.

While I am confident they will include Thomas Jefferson's country, the Skyline Drive and the Shenandoah Valley in any itinerary, I am happy to acknowledge that there are many areas of historic and scenic interest outside the district I have the privilege of representing, and I include, under leave to extend my remarks, an article which appeared in the September issue of Holiday magazine, as follows:

VIRGINIA—THE STATE WITH EVERYTHING

(By Charlton Ogburn, Jr.)

"Perfect travel, for me, demands two qualities of a country," says E. V. Lucas, "that it shall be full of beauty; and that it shall be full of ghosts." That there are states with more spectacular beauty than Virginia's, I am quite sure. There may even be some that are equally haunted. But I insist that no other state is at once so haunted and so consistently beautiful.

The part of Virginia I inhabit could hardly be expected to have beauty or ghosts, for in recent years it has become a province of Washington, a nesting ground of government workers. After every hard rain a film of mud from construction work for a new subdivision or highway is deposited by Difficult Run on the flood plain in the woods below our house. But—brass buttons, a sword hilt, the rusted steel parts of a rifle, all from the 1860's, still turn up on Difficult Run; the shadowed banks still put forth purple fringed orchis, the deep and lofty woods—as they still are—still resound at night to the voodoo performance of barred owls; and this within thirty minutes of the huge new foreign-policy factory of the Department of State.

Virginia is tenacious. In Alexandria, a Colonial port city now swallowed up by Washington, blocks of Georgian and early Federal houses above the somnolent harbor (once busier than New York's) have been redeemed by those who love history. The blocks are bright and bursting with greenery in their alleyways and over their old walls; even Gadsby's Tavern, "the best house of entertainment in America" in the infancy of the Republic, has been brought back to flourishing life. Down the river at the end of a parkway as handsome as any in the nation, Mount Vernon commands a magnificent sweep of the Potomac's estuary. The vista is not greatly changed since Washington's day, thanks to a group of newcomers, notably former Congresswoman Frances P. Bolton of Ohio, who saved the opposite shore from an apartment house development. If from time to time, moreover, a bald eagle drifts by on prodigious wings like the totem of a proud and wild America that was, that is because another group fought and saved a promontory in the Potomac called Mason's Neck from the builders.

The promontory where the national bird still breeds is the site of George Mason's Gunston Hall. A third architectural treasure nearby is Woodlawn Plantation, where Nelly Custis—but once you embark on that road there is no end.

Beauty and ghosts: these are the properties of the old houses, early or late Georgian and antebellum, of mellowed brick or white clapboard, that are scattered all over Virginia except in the extreme west. Many still belong to the families that built them generations ago: "Keep it in the family" is a Virginian ideal. Others are now the property of well-to-do outsiders, captives of their charm. For these houses call to you insidiously to settle in one of them, anchoring your life in it, making it your abiding interest.

The new gentry have been drawn principally to the Piedmont and to the part of Virginia called the hunt country, which extends from Leesburg, Middleburg and Warrenton (all west of Washington and a bit beyond comfortable commuting distance) south to Charlottesville. Boldly rolling country, of meadowlands and woods with tree-lined streams, combines views of far hills that lift the spirit with a sense of space and closed-in dales that comfort it with a sense of home. The Virginia Piedmont comes as near as any landscape could to the Arcadian idyll that has touched men's dreams since the day of the Greek pastoral poets. Evidently it is just right for fox-hunting, and that has been its lure for many, including the Orange County Hunt Club of New York, which emigrated *en masse* around the turn of the century and still retains its name. Bill Grayson, who refers to his farm at Upperville as a horse motel, explains the appeal of foxhunting this way: "You scud over the landscape like part of a stream over rapids, carried along by a collective will, so that you sail over jumps both you and the horse would think twice about attempting by yourselves."

Recently I attended my first hunt meet, at Oatlands, near Leesburg. The events were point-to-point races in which the contestants in jockeylike attire, including a few young women riders, put their mounts over a grueling four-mile course around the grassy hills. What surprised me was the size and heterogeneity of the crowd that turned out to watch. Its garb comprised every garment that aristocratic eccentricity and the faddishness of youth could suggest. At the paddock where the thoroughbreds with their long, brittle legs, flaring nostrils and edgy deportment were being led about, I asked a young English woman if the atmosphere were anything like the equivalent in Britain. It turned out she was a riding instructor at Foxcroft School in Middleburg, where girls are taught what they will need to know in the society of this elegant countryside. She said it was exactly like, except that it wasn't as cold.

In dimensions, Virginia is hardly to be recognized as the colony that, according to its royal charter, extended from the Atlantic coast westward, and northwestward, widening progressively, "to the South Sea." But the Old Dominion still covers a fair amount of ground. From its eastern tip to its western tip the distance is 500 miles; its western point is twenty-five miles west of Detroit. A circular tour of the state I made this year, to see what Virginia's total effect would be, ran to 1,500 miles.

Driving south from Washington on Interstate 95—I took a clockwise direction on my trip—one has forest much of the way. More than three-fifths of Virginia is in woods, and except in the northwest these are never without the green of pine, mountain laurel and holly or of rhododendron; in autumn, paced by the reds of Virginia creeper, sumac, dogwood and black tupelo, they turn all the colors of ripe apples. Connecting Washington and Richmond, the highway covers the same hundred miles the Army of the Potomac took four blood-soaked years to achieve. Less than half way you come to a place where more of the war was fought than in any other—Fredericksburg and its western environs; the town itself changed hands seven times. Fredericksburg stands at the head of the Northern Neck, a long peninsula between the Potomac and Rappahannock Rivers. This land produced one of the most concentrated outpourings of talent for politics and leadership the world has ever seen: George Washington, James Monroe, James Madison, George Mason, "Lighthorse Harry" Lee and Richard Henry Lee all had their roots here.

The older parts of Fredericksburg are valiantly holding out against engulfment by the present. The noises of motor traffic seem to fall on a cushion of quiet, the old houses sheltered by trees appeal to the passer-by. The 200-year-old Rising Sun Tavern and stagecoach station, once frequented by Virginia's great, brings home to you how touchingly small-scale and intimate was that candlelit Colonial society, how thinly spread over the vast distances of the day.

In the National Battlefield Parks of Fredericksburg, Chancellorsville, the Wilderness and Spotsylvania Courthouse, you can be alone on deserted roads. The quiet fields and the somber, steadfast pines seem to echo to the presence of those legions of young men of North and South facing death in the headiest tide of life. The forest seems to stir with troops just beyond the edge of your vision, the marching column seems to have cleared the ford just before you came.

State Highway 5, which takes you to Richmond's defense works from the miles of giant warehouses and railroad yards of the present deep-water port, leads on to the early plantations of the James River and to the 18th Century mansions of Shirley, Berkeley and Westover, all three still lived in. The broad fields are nearly level and your gaze lingers on them when you reflect that some were under cultivation 350 years ago. At Shirley you might be at an elegant 18th Century country house overlooking the estuary of the Thames, indeed, the James was virtually an extension of the Thames when Shirley was begun by a branch of the Carter family in the 1720's. "And is that——?" I asked of the knowledgeable colored woman who was showing me the house, nodding in the direction of a pretty, blond little boy playing on the floor as a gaunt Negro waxed it beside him. "Yes, he's one of the Carters' children": the tenth generation. It was a Carter also, who, farther down the James, built a dwelling sometimes called the most beautiful in the nation—the plantation house of Carter's Grove.

The richness of this corner of Virginia is astonishing. Of Jamestown, the 17th Century capital, nothing remains, it is true, but the ivy-covered belltower of the 1639 church, a graveyard and some foundations. Yet there the site is—our first toehold on the continent. And at Jamestown Festival Park, where the state has portrayed the settlement's background in admirable exhibits, there are full-sized replicas of the three small vessels that brought the first 104 settlers across the sea in 1607, and of the fortified village they built. "You can tell from the headroom that they were all under five feet tall," says a retired naval officer on duty with *Susan Constant*, the flagship, in period sailor's dress (a Bedouin-style garment of awning material). In one six-month period ending in March 1610 all but sixty of 490 colonists perished; the knowledge that these adventurers were child-sized adds a further touch of improbability that so momentous an event as the English settlement of the New World could have had so utterly unpromising a beginning. Jamestown is linked by the Colonial Parkway with the Yorktown battlefield high above the York River, a rolling green meadowland, where British empire in the thirteen colonies ended just fourteen miles from where it had begun. Between the two is Williamsburg, Virginia's 18th Century capital.

I must confess that I am deeply stirred by Colonial Williamsburg—by the recovery, in the smallest detail that exhaustive detective work can achieve, of the charming town in which the nation's heartbeats were first felt. With a childlike lightness of spirit I wandered among the 150 buildings with their pampered gardens, and watched artisans work to exquisite effect in all-but-forgotten crafts. (To the charge that Colonial Williamsburg is an artifice, the answer is that eighty-five of the buildings are originals and if the others are reproductions, so are any renditions of musical classics you may hear.) At the end of the Duke of Gloucester Street is the oldest academic building in the country, built by the College of William and Mary after a design by Sir Christopher Wren. I take it as a hopeful augury for America that the merchants of the commercial end of the street have respected the character of the place in the architecture of their shops, in the modest signs they display and in foregoing neon lights. Yet there is a disturbing irony in the realization that while thousands a day may pay homage to the town, while the American Republic so dotes on it as to have made it the regular first point of call for kings and presidents from abroad, there would be no Colonial Williamsburg but for the extraordinary means and public spirit of one family, the Rockefellers, who made the Reverend W. A. R. Goodwin's dream of preservation come true.

To grasp the scope of the island sea that is Chesapeake Bay, perhaps one should look down on it from the air. A great river system invaded by the ocean some ten thousand years ago, the Bay extends 200 miles north to south, and reaches westward in the broad estuaries of the James, York, Rappahannock and Potomac rivers. Sand beaches, marshes, leafy coves and little harbors at the end of village streets, and behind, woods and fields where gulls follow the plow: that is what littoral Virginia of the inland sea still offers. A captive salient of the Atlantic Ocean up to forty miles across, an unsurpassed playground for the nautical, a major fishing grounds, home of the nation's last commercial sailing fleet—the oystermen—and winter resorts of a still fairly numerous remnant of the ducks, geese and swans that William Strachey in 1612 found so abundant that "I dare avow it no country in the world may have more": such, in part, is Chesapeake Bay.

Separating Chesapeake Bay from Delaware Bay and the open ocean is the Great Peninsula, whose narrow, seventy-five-mile-long tip is a detached part of Virginia. Just offshore are the silver strands of lower Assateague Island—one of the long sand-reefs of the East Coast on which beach-grass or sea-oats, bayberry or sand-myrtle, juniper and pine vie with the eternal winds for dominance of the dunes. Southward of Assateague stretches a jumble of uninhabited islands accessible only by boat. Developers from New York have recently turned covetous eyes on three of the most important of these, and conservationists, shocked by the projected macadamization of Assateague under the National Park Service, are rallying to their defense like leucocytes against alien bodies in the bloodstream.

Inside the islands is the village of Oyster. I mention it because, attracted by its name, I visited it and was captivated. A collection of low houses, small packing plants and piles of oyster shells around an inlet filled with little white boats, Oyster was what you might expect on Cape Cod, but with no sign of tourism or summer people. It was strictly a working port. Robust, talkative fishermen in open craft piled with wire crab-pots waited their turn at a gas pump and rallied one another with bursts of horseplay in the little cafe and general store. A sturdy woman with clear gray eyes and a total air of cheerful self-sufficiency served me coffee and a doughnut. I tried not to stare, but unsuccessfully, so taken was I by these booted outdoorsmen, conspicuously untouched by the malaise of our times, whose families had been plying the waters for crabs, oysters, clams and mackerel for two or three hundred years.

At Cape Charles, at the tip of the peninsula, U.S. 13 puts out to sea. You commit yourself to the seventeen-and-a-half-mile long bridge-tunnel combination spanning the mouth of Chesapeake Bay with no other shore in sight. From another bridge-with-tunnel across the mouth of the James, just inside the bay, you see one of the world's finest natural harbors and the nation's third busiest—Hampton Roads. Here, bordering the Roads, is maritime Virginia—the Norfolk Naval Base, home port of the Atlantic Fleet, and the huge shipyards of Newport News and of briny, historic Portsmouth, where the sunken *Merrimac* was refloated and rebuilt as the first-ironclad, *CSS Virginia*.

On the southern shore of Chesapeake Bay there are live oaks, stunted and with foliage sheered back by the spume-laden winds—outposts of the Deep South. There is also the state's prime ocean resort, Virginia Beach, with miles of hotels and motels (neither term quite right for the glass-walled, balconied vacation temples) and, separated from them by a belt of greensward, a concrete promenade above the beach. There are also hundreds of private homes. But after thirteen miles of resorts, a national wildlife refuge begins, putting an end to the spread of cottages. From there on you have before you open beach backed by dunes and, at a distance behind them, the waters of Back Bay.

U.S. 58 will take you from Virginia Beach to the state's westernmost point, at Cumberland Gap. The best-known feature of the route comes soon after Norfolk. The time to see it is at day's end with the sun like a live coal behind the dark shapes of a forest grown high in bamboo grass. This is the edge of the thousand-square-mile boggy wilderness of the Dismal Swamp. "Long by the old Dismal Swamp have I wandered"; this is the Old Virginia of *Carry Me Back* where, on the flat farmlands, "the cotton and the corn and 'taters grow"—and peanuts, and more peanuts.

The chief popular attractions of Southside Virginia are doubtless the six man-made lakes of the Roanoke River Basin. The largest, equal to the others combined, is Buggs Island Lake, whose main branch is thirty-two miles. And it does appear to be all a lake should be—at least before mid-summer when, a grocer at Clarksville told me, the stopper is partially pulled out for water to keep the generators turning. Had there been much local opposition to the condemnation of land for the reservoir? "I'll say there was!" he replied. And surely 1,600 square miles of choice river valley is enough to drown, and one hopes that the U.S. Army Corps of Engineers, which has a "system of eleven reservoirs planned," may find less destructive tasks for its staff.

Continuing west on Highway 58, you cross the ever more unconfined, more exhilarating landscape. Soon the Blue Ridge Mountains rise before you. Reaching their foothills, the highway winds, climbs through rock-cuts. You are shut in by wooded slopes falling off to a tumbling stream. At 3,000 feet or more you may come out in an open spot and, in the clean, cool air faintly spiced by the woods, find yourself in a world of mountains, of rounded peaks under a mantle of forest. At Meadows of Dan, 58 crosses the Blue Ridge Parkway, a road to lighten your heart of the cares of years.

This unassuming two-lane road leads south to the Great Smoky Mountains National Park in North Carolina and Tennessee, and north (with its upper segment, the Skyline Drive) to within twenty-five miles of Virginia's northern border. It follows the crest of the Blue Ridge for 575 miles in a tranquil world of its own, removed from the clatter and clutter of civilization. The Parkway clings sinuously to the curve of mountain and gap, slips circumspectly past mountain meadow and the massed, lichen-covered trunks of the high woods, delights you with wildflowers—trillium, columbine, mountain laurel, pinkster and flame azalea, catawba and rosebay rhododendron—or the Indian-festival colors of autumn.

Virginia's highest summit, the site of its newest park, is Mount Rogers, rising 5,729 feet on the western side of the Blue Ridge chain. U.S. 58 approaches it up gradients so steep and twisting that trucks are advised not to try them. Darkness fell as I climbed, and lightning periodically created an effect of instantaneous apricot sunsets among the heavy clouds. I camped at about 4,000 feet and went the rest of the way in the morning. A frail-looking but doubtless tough enough mountaineer, climbing with an armful of wood to an unpainted cabin, told me that you could freeze up there even in summer.

On the other side of Mount Rogers is the attractive, 19th Century town of Abingdon, site of the Barter Theater. I could not drive through without paying my respects to the theater's remarkable founder, Robert Porterfield, a large, rather large-featured, gentle Virginian whom I found in a desperately cluttered office. Mr. P. accomplished the feat of moving from a remote Virginia farm to the Broadway stage; then he performed the infinitely more unlikely feat of returning with twenty-two other actors in train, at the nadir of the Depression, to exchange theatrical entertainment for meat and vegetables. For thirty-six years the Barter Theater—the only state-supported theater in the nation—has presented current and classical plays with topnotch casts, not only in Abingdon but in many other parts of the South. I asked him how he had ever had the nerve to imagine he could do it. He said, "I wouldn't today."

Interstate 81, which skirts Abingdon, takes you up the Great Valley of Virginia (of which the Shenandoah Valley is a part). This great trough, which divides the tumultuously contoured Blue Ridge from the even succession of ridges and valleys to the west, contains Virginia's great caverns. These were dissolved out of subterranean limestone by flowing water, then the caves filled with frozen cascades of limestone slowly redeposited by water dripping from above, in formations of fantastic shapes.

The Great Valley route is a handsome one, but I chose to follow smaller roads through smaller valleys to the west, which are less caught up in the present. Split-rail fences still survive among them and they may afford you the sight of a man harrowing behind a team, a woman in a sunbonnet and 40-quart milkcans beside the road.

In Goshen Pass, north of Lexington, the boulder-strewn Maury River snakes around the overlapping, rocky abutments of a succession of lofty ridges. With its silvery, rushing waters, hemlocks and subforest of rhododendron, it is the epitome of western Virginia, a place of such beauty and grandeur that Matthew Fontaine Maury, the pioneer oceanographer, asked that his body be carried through it before burial. Bath County, at the western end of Goshen Pass, is the site of Virginia's best-known inland resorts—the historical Warm Springs Inn, and Hot Springs, where The Homestead stands ready, it seems, to enfold the new arrival to its ten-story central tower in its spreading, five-story wings. What The Homestead does not offer a vacationer is easier to catalogue than what it does, and all I can think of is an ocean beach. (It has a sand beach.) A significant attraction is its 3,200-foot trestle-car ski-lift. There is, by the way, another notably well-equipped run at Basye, near New Market. Artificial snow is making skiing country of Virginia's mountains. And there are maple-sugar groves in Highland County, in the state's extreme northwest. There, in a sudden storm of rain, hail and snow at the 4,271-foot pass on the West Virginia border, I decided I had gone as far as I could and turned back toward home.

My route led down into the Valley of Virginia, up through Rockfish Gap in the Blue Ridge, directly to the door of my last objective—the University of Virginia at Charlottesville. I arrived tense from battling rush-hour traffic and maddened by the exultant cacophony that is the expression of America along its commercial arteries. But in a matter of minutes the seizure had passed. To enter the great Rotunda of the University and to pass through it to the green quadrangle beyond—The Lawn—is to experience the restorative power of structural and landscape architecture at their best.

So that was it. Driving north on the Skyline Drive, and having the mountains largely to myself in the failing light, I could see much of the state: the Piedmont in deep shadow, the Shenandoah Valley in which the lights were beginning to form shimmering constellations of extraordinary beauty, the strange, dark, distant mountains behind which the sun had set: Virginia. Not, to be sure, the "Virginia, Earth's Only Paradise," that the poet Michael Drayton had promised in 1606, but still—Virginia.

OKEFENOKEE SWAMP

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. STUCKEY. Mr. Speaker, on January 28, of this year, I introduced legislation for the purpose of bringing the Okefenokee Swamp, which lies in the Eighth District of Georgia, into the wilderness system for the purpose of preserving this unique and beautiful swamp, one of America's truly natural wonders, for posterity and for the enjoyment of people for time to come.

My bill was sent to the Interior Committee for consideration and the chairman of that committee requested a report of the Interior Department.

Mr. Speaker, the Department of the Interior finally responded to the Interior Committee chairman in a letter dated October 16, a copy of which I received in my office on October 29.

It is because of that letter, Mr. Speaker, that I rise to speak today. I want each of my colleagues in the Chamber to know that they had best use all caution in dealing with the Department of the Interior and although I hate to admit this about one of our Federal agencies which is subject to the jurisdiction of this body, I also caution my colleagues never to take even the written word of Interior officials to be relied on.

I want to include in the Record, Mr. Speaker, a copy of the correspondence which I received from the Department of the Interior on July 8, 1968, along with a copy of the letter which the Department transmitted to the chairman on the 16th of this month, and a copy of the letter which I have had hand-carried to the chairman's office today.

These letters clearly point out that I worked with Interior officials for over a year in drafting a bill which would be mutually acceptable to that Department and to me. When we had reached agreement I introduced H.R. 4853.

Now, the Department has gone back on its word completely and disagrees with the legislation I have introduced and sent their own version of a bill which simply gives the Department that say.

Mr. Speaker, I believe that many of the problems we are having today are caused by our failure to be more specific in drawing legislative proposals and leaving so much to the interpretation of the departments or agencies. I urge each of my colleagues to give close attention to the correspondence included at this point:

Congress of the United States,
House of Representatives,
Washington, D.C. October 29, 1969.

Hon. Wayne Aspinall,
Chairman, Interior and Insular Affairs Committee, Longworth House Office Building, Washington, D.C.

Dear Chairman Aspinall: Today, I have received a copy of the letter transmitted to you on October 16, 1969, by the Department of The Interior concerning my bill, HR 4853.

It is inconceivable to me that the Department of The Interior would take such a position in opposition to my bill. Enclosed you will find a copy of a letter which I received from Interior officials on July 8, 1968, stating the Department's agreement with my proposal and including suggested language, which I incorporated in my bill, HR 4853.

Also enclosed is a copy of an official publication of the Department, entitled, "Okefenokee National Wilderness Study." This publication states the intent of the Interior Department for preservation of the Okefenokee. The bill which I have introduced does no more than spell out this intent specifically rather than leave it to the discretion of some agency official. As a matter of fact I believe that many of the problems we are having today are caused by the lack of Congress to be more specific in drawing legislative proposals and leaving so much to the interpretation of the department and agency officials. If Interior officials truly believe what is printed in this booklet which was published out of their offices then I certainly see no reason for their objection to my bill which simply specifies their intent.

Paragraph three of the Acting Secretary's letter says that HR 4853 is unnecessarily confusing and restrictive. I see no basis for this statement. My intention in the legislation was to make sure that the intent expressed by the Department of The Interior would be carried out and that the beauty and enjoyment of the Okefenokee Swamp be preserved forever according to the law not to the administrative decision of some agency head.

To the further statement in paragraph three of the Acting Secretary's letter which states that HR 4853 deviates from the established pattern of wilderness bills relating to the National Wildlife Refuge System, I say, the Okefenokee differs from any other area in the National Wilderness system because it is the only area that is predominantly covered by water.

In essence, the position of the Department of The Interior is, "We want legislation which simply gives The Interior Department complete say with no legislative specifications."

Mr. Chairman, I urge favorable consideration of my bill, HR 4853 by the Committee.

I believe that my colleagues in the House share my belief that legislation should be drawn by the Congress, not by the Agencies who are to administer the legislation. And, while I respect the opinion of various officials in the Department of The Interior, I believe that the Congress is better qualified to write the law. Also, the bill which I have written merely spells out in specific terms the stated position of the Interior Department with regard to the Okefenokee Swamp.

I will not stand by and have an area that is as unique and as meaningful to this country turned over to the administrative whim of some bureaucratic officials.

Sincerely yours,
W. S. (Bill) Stuckey, Jr.,
Member of Congress.

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., July 8, 1968.
Hon. W. S. (Bill) Stuckey,
House of Representatives,
Washington, D.C.

Dear Mr. Stuckey: Enclosed, pursuant to your discussion last week with Messrs. Buell, Crandell, Finnegan, and Wheeler of this Department, is a revised version of your draft bill relative to the Okefenokee Wilderness proposal. Also enclosed is a copy of Secretary Udall's very recent policy statement on hunting and fishing in areas administered by this Department, including the Okefenokee area.

We have again reviewed the matter of access to the sill area which we discussed with you in some detail. We agree that public access to the end of the canal at the south end of the Suwanee River sill, which is outside the proposed Wilderness area, is appropriate. We intend to provide this access just as soon as possible. We expect there will be substantial numbers of fishermen and sightseers wanting to use this access route. Vehicular traffic on the sill itself, however, will not be permitted.

The minimum facilities required to handle the visitation we expect are a graded and surfaced road, boat slip, turn-around area for cars and trailers, sanitary facilities, and a parking area. A preliminary estimate of this cost, made without benefit of engineering studies, is between $75,000 and $100,000. We want to do a creditable job in providing for visitors, or none at all. It is our experience that anything less will leave the visitor, us, and the Congressional delegation dissatisfied and with continuing problems.

Stephen Foster State Park officials are not pleased by this proposed development, but we understand they see that this second access to the west side is inevitable.

We expect to charge for boat launching at this access point, probably consistent with that of the Stephen Foster State Park. Additional personnel will be required. In addition to heavy use expected by fishermen with boats, we anticipate the fishermen that now walk to the sill will insist on driving their cars into the area.

We view the above as a commitment to provide this access, subject to the above conditions and the availability of funds. Accordingly, we believe that a provision in the bill on this subject is unnecessary. If, however, you believe it desirable, we would not object to the following language:

Sec. 5. In the area of the Okefenokee National Wildlife Refuge not included in Okefenokee Wilderness, the Secretary of the Interior shall provide, at reasonable times, public access to the end of the canal at the south end of the Suwanee River sill, upon completion of reasonable public facilities needed to accommodate such public use. There is authorized to be appropriated such sums as may be necesesary to construct such facilities.

We will be glad to discuss this matter further with you at your convenience.

Sincerely yours,
Clarence F. Pautzke,
Deputy Assistant Secretary of the Interior.

A bill to designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132(c)) the Okefenokee National Wildlife Refuge, as the boundaries of such refuge existed on April 1, 1968, except for the following areas:

(1) a 2,800 acre swamp area in the vicinity of Camp Cornelia;

(2) an 8,400 acre swamp area at the west entrance to the swamp including Stephen Foster State Park, the Suwannee River sill, and the intervening area affected by these developments;

(3) refuge management units comprising about 9,800 acres of uplands above the swamp line, including, but not limited to, Cowhouse Island near the Okefenokee Swamp Park, The Pocket, the upland area at Camp Cornelia extending out to State Highway 23, Chesser Island, Soldier Camp Island, and other refuge management units along the outside boundary of the refuge;

is hereby designated as the Okefenokee Wilderness comprising an area of approximately 319,000 acres.

Sec. 2. As soon as practicable after enactment, the Secretary of the Interior shall file a map and a legal description of the Okefenokee Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act, except that the correction of clerical and typographical errors in such legal description and map may thereafter be made.

Sec. 3. The Okefenokee Wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act. The system of boat trails existing on the date of this Act shall continue to be maintained to provide reasonable waterway access for public enjoyment of the area and for proper administration. The use of motor boats of 10 horsepower or less on such trails shall be permitted in accordance with the regulations of the Secretary applicable to such trails. Fishing shall continue to be permitted during daylight hours in the Okefenokee Wilderness in accordance with applicable State laws and regulations. Nothing in this Act shall be construed to prevent the Secretary of the Interior from prohibiting or restricting public access to all or part of the Okefenokee Wilderness for reasons of public safety and administration.

Sec. 4. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), and except as provided in this Act, there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, no landing of aircraft, and no structure or installation within the area designated by this Act as wilderness.

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., June 17, 1968.
Mr. Walter T. Shannon,
President, International Association of Game, Fish, and Conservation Commissioners, Sacramento, Calif.

Dear Mr. Shannon: I would like to take this opportunity to advise you that, after our very helpful discussions of last week, I have issued the following policy statement relative to the management of fish and resident wildlife on lands administered by this Department:

"General Policy Statement

RE: FISH AND RESIDENT WILDLIFE ON INTERIOR LANDS

"A. In all areas administered by the Secretary of the Interior through the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Bureau of Land Management, and the Bureau of Reclamation, except the National Parks, the National Monuments, and historic areas of the National Park System, the Secretary shall—

"1. Provide that public hunting of resident wildlife and fishing shall be permitted within statutory limitations in a manner that is compatible with, and not in conflict with, the primary objectives as declared by the Congress for which such areas are reserved or acquired;

"2. Provide that public hunting, fishing, and possession of fish and resident wildlife shall be in accordance with applicable State laws and regulations, unless the Secretary finds, after consultation with appropriate State fish and game departments, that he must close such areas to such hunting and fishing or restrict public access thereto for such purposes;

"3. Provide that a State license or permit, as provided by State law, shall be required for the public hunting, fishing, and possession of fish and resident wildlife on such areas;

"4. Provide for consultation with the appropriate State fish and game department in the development of cooperative management plans for limiting over-abundant or harmful populations of fish and resident wildlife thereon, including the disposition of the carcasses thereof, and, except in emergency situations, secure the State's concurrence in such plans; and

"5. Provide for consultation with the appropriate State fish and game department in carrying out research programs involving the taking of fish and resident wildlife, including the disposition of the carcasses thereof, and secure the State's concurrence in such programs.

"B. In the case of the National Parks, National Monuments, and historic areas of the National Park System, the Secretary shall—

"1. Provide where public fishing is permitted, that such fishing shall be carried out in accordance with applicable State laws and regulations, unless exclusive legislative jurisdiction[1] has been ceded for such area, and a State license or permit shall be required for such fishing, unless otherwise provided by law;

"2. Prohibit public hunting; and

"3. Provide for consultation with the appropriate State fish and game departments in carrying out programs of control of overabundant or otherwise harmful populations of fish and resident wildlife or research programs involving the taking of such fish and resident wildlife, including the disposition of carcasses therefrom.

"In any case where there is a disagreement, such disagreement shall be referred to the Secretary of the Interior who shall provide for a thorough discussion of the problems with representatives of the State fish and game department and the National Park Service for the purpose of resolving the disagreement."

I hope that with the adoption of this general policy statement covering not only public hunting and fishing—that is, hunting and fishing by the general public—but also direct management activities in these areas both this Department and the Association will be able to lay to rest this controversial issue and turn our energies to the attainment of other pressing conservation goals. I have asked the directors of each of the above agencies to take whatever procedural steps are necessary to implement immediately this policy statement fully.

I hope that this statement will be endorsed by your Association at its next meeting in September. I recognize, of course, that even with this statement, some few problems may arise in the field and may be difficult to resolve within the general ambit of this statement. In such instances, I hope that the appropriate members will bring them to the attention of either my directors or myself.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 16, 1969.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of the Department on H.R. 4853, a bill "To designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness." The comments herein apply equally to identical bills H.R. 7793 and H.R. 8031, which also are pending before your Committee.

H.R. 4853 designates some 319,000 acres of swampland within the Okefenokee National Wildlife Refuge as a wilderness area to be administered by the Secretary of the Interior as part of the National Wilderness Preservation System. The bill specifically exempts from Wilderness designation certain swamp areas and refuge management units totaling some 21,000 acres. The bill directs the Secretary of the Interior, in administering the wilderness, (1) to place no restrictions on the use of motorboats of 100 horsepower or less; (2) to prohibit all hunting; (3) to permit fishing in accordance with state law; and (4) to maintain public boat trails at described locations.

While we fully support legislation to designate the Okefenokee National Wildlife Refugee as a wilderness area, we believe that H.R. 4853, as presently drawn, is unnecessarily confusing and restrictive. Further, it substantially deviates from the established pattern of wilderness bills relating to the National Wildlife Refuge System. We see no justification for including many of the provisions which are aimed at the Department's management of the area.

The enclosed draft bill follows the pattern of all other wilderness bills with one exception and we urge its enactment. The exception relates to the use of motorized watercraft of 10 or less horsepower. We have included this provision in the bill in recognition of the fact that such motorboat use is now permitted and has been for many years. This is a historical use and is necessary for maximum public safety and public use.

The Bureau of Mines and the Geological Survey of this Department have made a survey of the mineral resources of the Okefenokee National Wildlife Refuge and have published the results in Geological Survey Bulletin 1260–N. The report concludes that there has been no commercial mineral production from the area. Vast quantities of peat occur in the area and phosphate-bearing sediments probably underlie the refuge, but the extent and quantity of these deposits are not known and could not be determined without widespread drilling.

The Bureau of the Budget has advised that the presentation of this report would be consistent with the Administration's objectives.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

A bill to designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Okefenokee National Wildlife Refuge, Georgia, which comprise about 319,000 acres, and which are depicted on a map entitled "Okefenokee Wilderness—Proposed" and dated October 1967, are hereby designated as wilderness. The map shall be on file and available for public inspection in the Office of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be known as the "Okefenokee Wilderness" and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area was established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area), and as provided in Section 4, there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles or motorized equipment, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the area designated as wilderness by this Act.

SEC. 4. Within the wilderness designated by this Act, the use of powered watercraft, propelled by motors of ten or less horsepower, on approximately 75 miles of existing watercraft trails, may be permitted to continue, subject to such restrictions as the Secretary of the Interior finds necessary.

NARCOTICS: ROOT OF URBAN TENSION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. BRADEMAS. Mr. Speaker, a number of articles have been published in recent months concerning the problem of drug abuse. I insert at this point of the RECORD some articles which merit particular attention:

[From bimonthly review of Urban America, June 1969]

NARCOTICS: ROOT OF URBAN TENSION

White America, middle-class America, suburban America, recently discovered that the nation had a drug problem. The discovery came through the communications media, which was attracted to the joyful hedonism of a turning-on generation, and sometimes through conversations with the police or one's own children.

Black America has known about the problem for some time.

White America's reaction to finding the problem suddenly on its doorstep has been one of shock. Conservatives call for stronger law enforcement and a restoration of parental authority. Liberals call for understanding of the alienation of youth and more rehabilitation centers.

Black America watches the peddlers openly ply their trade on its streets.

There are now two turned-on subsocieties in the nation, quite separate, and, of course, unequal. The white kids pool their allowances for pot and an occasional trip on something harder. The black kids, particularly in the big Eastern cities, get hooked earlier on the ghetto staple of heroin, stay hooked, wind up needing more money to support their habit than they have time or health to earn.

Narcotics officers, federal and local, chase the peddlers and users of pot, raid campuses, clean up the hippie havens and send the runaways home. This leaves less time to patrol the ghetto streets or trace the source of heroin supply—or cope with the street crime that feeds the habit.

Narcotics are a prime contributor to the tensions that grip our urban society. Crime, bred by narcotics to a degree that is unmeasured, builds white fears. Whites, with tragic accuracy, associate dope with the black ghettos, and some regard it as an interracial import to their world. Blacks, for their part, seethe at what seems the ultimate corruption of the minority by the majority—who runs the dope trade? They watch the police watch the peddlers; they curse; and respect for white society and its agents dies.

What follows is a summary of the narcotics situation in America—its history, its dual nature, and what is and is not being done about it. The premise is that doing more must be a very early step toward healing our cities and society.

The United States has long been a drug-oriented society. European settlers in the Southwest found the original Americans tripping on peyote, a type of cactus with hallucinogenic properties. A religious ritual among numerous Indian tribes still involves the sucking and swallowing of "mescal buttons," slices of the peyote which are rolled and dried in the sun. Early Spanish missionaries tried discouraging the practice, saying it led the user to the pit of hell, to which the Indian replied it really took him several steps closer to heaven.

Opium first came to this country with the English settlers who had learned the habit of opium eating from the Chinese. Oriental immigrants instituted the first opium dens in America, which became somewhat fashionable in the mid-1800's, chiefly in San Francisco and New York City. The drug first became illegal with the passage of an ordinance in San Francisco in 1875; the New York State Assembly prohibited opium traffic in 1882.

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[1] The term "exclusive legislative jurisdictional" is applied to situations wherein the Federal Government has received, by whatever method, all the authority of the State, with no reservation made to the State except the right to serve process resulting from activities which occurred off the land involved. This term is applied notwithstanding that the State may exercise certain authority over the land, as may other States over land similarly situated, in consonance with the several Federal statutes. This term is also sometimes referred to as "partial jurisdiction."

Morphine had been isolated from opium in 1816, but addiction only became a major problem 32 years later with the invention of the hypodermic needle. Direct injection greatly magnified morphine's effect, and its use spread throughout this country and Europe.

In 1874, a chemical modification of morphine was developed in England, called heroin, and said to be 10 times more potent. There was little interest in the drug until 1898 when German scientists, in a classic miscalculation, put heroin on the market as a remedy for morphine addiction. The cure proved 10 times more deadly as well. Another "remedy" for morphine addiction appeared at the same time: cocaine, an alkaloid of coca leaves.

Barbiturates—depressant drugs usually prescribed as sleeping pills—were introduced in 1903, and by 1937 the American Medical Association warned against "Evils from Promiscuous Use of Barbituric Acid and Derivative Drugs." Deaths from barbiturates rose alarmingly in the mid-1940's—about half suicides and half accidental. In 1949, a quarter of all poisoning cases admitted to hospitals were due to acute barbiturate intoxication. Some 1,500 derivatives have been synthesized over the years, and as each new brand was introduced illicit pill poppers gave it a name: Nembutal is known as "yellow jacket," Seconal is called "red bird" or "red devil," and Amytal is bootlegged as "blue heaven."

Amphetamine was synthesized in 1927 and later recommended in its vaporous state for treating colds, hay-fever, and other respiratory infections. The Benzedrine inhaler was first marketed in 1932. In 1936, students at the University of Minnesota, who had been conducting experiments with Benzedrine, sampled the drug and found it helped keep them awake for cramming. Truck drivers and night guards soon became steady consumers. A song entitled "Who Put the Benzedrine in Mrs. Murphy's Ovaltine" revolved on many a victrola while bored socialities popped bennies along with their barbiturates for a "bolt and a jolt." Narcotic addicts even found that these "thrill pills" could intensify a heroin high.

Perhaps no other drug has been more shrouded in mystery or encrusted with misconception than marijuana. In Arabia, it is known as "hashish" and still carries with it the lurid tales of Hasan and his assassins who were credited with performing their most revolting atrocities under its influence. Marijuana was introduced to this country by Mexican laborers in the Southwestern states, and its use soon spread throughout America. And as it spread, stories began to appear in the press concerning its effect, reporting a variety of incidents where individuals supposedly lost their control and committed unpremeditated acts of violence.

Synthetic hallucinogens make up the most recent addition to the drug scene. In the late 1930's Albert Hofman and his colleagues in a Swiss laboratory were working on chemical modifications of ergot alkaloids when they produced a compound known as LSD. In 1943, Hofman accidentally ingested or inhaled some of the substance and experienced the first LSD trip. It was used in controlled studies for its mind-altering properties, but by the time studies were undertaken in 1960 to determine just how LSD works, illegal production and distribution had mushroomed. Researchers at Harvard are said to have given LSD to students outside of proper research environments. Its use spread further when Timothy Leary and Richard Alpert, the former Harvard psychologists, founded the International Federation for Internal Freedom, which encourages use of hallucinogens.

The lack of scientific knowledge pertaining to drugs for so many years has been reflected in the hit-and-miss history of drug regulations. The first international effort to control opium traffic was in 1909 when the International Opium Commission convened in Shanghai. International narcotics control rested in the hands of the League of Nations from World War I until after World War II, when the United Nations adopted a Narcotic Protocol, giving the authority to the World Health Organization.

The Harrison Narcotic Act was passed in the United States in 1914, but not until 1930 was the Federal Bureau of Narcotics established. Opium dens could still be found in most American cities, and the bureau's first commissioner, Henry J. Anslinger, was under fire from Congress and the public from the time of his appointment until his retirement in 1962.

Anslinger, always outspoken, said this concerning his successful 1937 campaign to include marijuana under the Harrison Act: "As the marijuana situation grew worse, I knew action had to be taken to get proper control legislation passed. . . . On radio and at major forums, such as that presented annually by the *New York Herald Tribune*, I told the story of this evil weed of the fields and river beds and roadsides. I wrote articles for magazines; our agents gave hundreds of lectures to parents, educators, social and civic leaders. In network broadcasts I reported on the growing list of crimes, including murder and rape. I described the nature of marijuana and its close kinship to hashish. I continued to hammer at the facts."

In 1944, New York Mayor LaGuardia empowered a special committee to study the matter in his city. Most of the marijuana smoking was found in Harlem, where about 500 "tea pads" were operating. The committee reported that there were no visable withdrawal symptoms when "tea heads" or "grasshoppers" discontinued smoking reefers; that there was no significant relationship between marijuana use and crime; nor was there evidence that marijuana was the first step to hard-drug addiction. "The publicity concerning the catastrophic effects of marijuana smoking in New York City is unfounded," the committee concluded.

Evidence today shows that conclusion to be more nearly accurate than that of Commissioner Anslinger. The President's Advisory Commission on Narcotics and Drug Abuse in 1963 spoke of the "relatively trivial" nature of the marijuana evil and suggested that all mandatory sentences be eliminated from crimes involving its consumption alone, and many officials now propose that the law deal with marijuana users along the same lines used with persons who drink alcohol.

The dispute continues. The early laws still prevail, and the number of people who smoke marijuana has grown to an estimated five million.

Use of the more potent hallucinogens began in 1960 and reached a peak in San Francisco's Haight Ashbury in 1966. Timothy Leary, an early experimenter, wrote: "I think that psychedelic drugs, marijuana, peyote, LSD, STP—are sacraments. I think they are developed by a divine process, the DNA code to help man survive. . . . If it flips you out, turns you on, blows your mind, it's holy."

Encouraged by Leary and others, students flocked to San Francisco in the spring of 1966, where, it was rumored, one might find himself, the meaning of life—and love. Everyone turned on. They smoked pot, dropped acid, shot speed. They saw inside themselves and beyond—in living color. They found new beauty in flowers; in poetry; hard-rock bands, like the Grateful Dead, played high on acid; the music was distorted and the stoned listeners liked what they heard. They lived together in communes, sharing what they had. *Time* magazine reported: ". . . in their independence of material possessions and their emphasis on peacefulness and honesty, hippies lead considerably more virtuous lives than the great majority of their fellow citizens."

Money and dope changed hands openly and without fear, for laws were virtually suspended in the Haight. There was an air of lunacy as the kids tasted the forbidden fruit. "We are the people our parents warned us against!" they scrawled incredulously, exuberantly, on coffee-house walls.

Nicholas von Hoffman, an over-30 columnist, glommed onto the catch phrase as a title for his book, a staccato account of their life style. "The Haight offers plenty of elucidating philosophy," he wrote. "These ideas are important, but they don't encompass what the people on the street do. What they do, regardless of philosophy and world-view, is deal dope."

This description was not acceptable to the folks back home who preferred to think of their wandering offspring not as drugged lawbreakers, but as flower children; the love generation. The nation thought the Haight was a festival. Those coming home from the Coast taught those who couldn't go to set up small replicas of the Haight in their own community, and little hippie communes began to spring up in every major city.

As medical evidence began linking LSD with chromosome damage and birth defects, its popularity waned and kids began tripping on amphetamine and methamphetamine—"speed." They found that the pills and capsules that had kept them awake to study, when used in large enough quantity, or dissolved and mainlined (injected), produced a feeling of elation, omnipotence, increased capacity for physical activity, and sometimes hallucinations.

Again, medical facts and witness to bum trips that led to personal destruction or permanent psychosis resulted in an effective "Speed Kills" campaign that has practically eliminated its use in California, and kids there have turned now to barbiturates—"downers"—for a confident, tranquil, euphoric kind of high. Sudden withdrawal from barbiturates is more serious than from heroin. Vomiting, uncontrolled tremors, and grand mal convulsions which may be fatal are common symptoms which increase in intensity in direct ratio to the dose used.

Heroin is scarce and expensive in the West because of the route of the supply, and while unauthorized research continues to find a suitable substitute, one youthful expert says: "There is no smack (heroin) in California; not much acid. Out here it's definitely the year of the downer. But it's not the same. Reds (seconal) make you mean. There've been 20 murders in the Haight this year."

Despite the efficiency of the underground communications network, Eastern kids are still balling on speed, dropping acid when its available, and taking a generally less sophisticated approach to drug use than their Western counterparts. There is one major exception: they have been introduced to the delusive delights of heroin.

Organized crime, unable to control distribution of the hallucinogens, amphetamines, and barbiturates, saw an untapped market among the middle-class kids for the product it held exclusive rights to: heroin. Unlike the impoverished youngsters in the slums who had, in desperation, embraced "H" since the turn of the century despite the high cost of escape, the white kids had seemingly boundless resources with which to indulge their fancies. Pushers were directed to mix small amounts of heroin with the marihuana they sold the white kids, which would produce a stronger high and eliminate the need for overcoming the social stigma against *horse, boy*, or *Harry*, as it is variously called. The kids would become hooked before they knew they were using the dread drug of the ghetto.

Heroin use among high school students in Eastern cities has grown at an accelerating rate, with estimates ranging as high as 50 per cent of the student body in some schools in Washington, Baltimore, and New York City, and 35 per cent in Philadelphia and Boston. Many of these are suburban, not inner-city, schools.

Ex-addicts say the kids are getting "garbage"—heroin that has been cut so many times it is incapable of causing more than a psychological addiction. But the pusher tells them they're hooked. They think they are, and continue to use the drug in ever stronger doses as their body develops a tolerance.

As heroin becomes the drug of preference, a role it has long enjoyed in the black community, its ignominy diminishes, along with aversion to the needle. Warnings about "the friendly stranger" may be irrelevant as kids, anxious to share their experiences with friends, become pushers themselves.

The phrase "don't trust anyone over 30" didn't come about by accident. White youngsters lost respect for mature evaluation of drug dangers during their frolic in San Francisco. The streets of Harlem, however, are considerably less joyous than the streets of the Haight.

Heroin administered intravenously (mainlined) produces a feeling of elation similar to that produced by the amphetamines, and in addition, a brief euphoria, tranquility, and a momentary "thrill" or turning of the stomach—a warm, tingling sensation similar to orgasm. Following the initial effects, the subject "goes on the nod," a state of imperturbability. This pleasant drowsiness lasts, in the beginning, several hours. As one's body develops a tolerance, it requires larger and more frequent doses to produce a high, until finally the addict experiences few or none of the desirable feelings, and continues usage only to prevent withdrawal symptoms which vary in intensity from yawning and perspiration to moderate tremors and insomnia to severe vomiting and muscle cramps and spasms.

To keep from feeling ill, an addict's body may require up to 15 bags of heroin a day, though most get by on about 10. Prices vary, but average about $5 a bag. The addict cannot work. It is not only a physical impossibility, but he couldn't earn enough to support his $50-a-day habit. So he turns to pushing or other crime. Female addicts are usually prostitutes; males mug pedestrians, hoist taxis, hold up small-business men and steal merchandise. They must steal about five times the amount they need to sell their goods to a "fence" at below-wholesale prices.

Addicts, however, are not the maniacal criminals many fear them to be. They are rather docile individuals, deprived of their sex urge or almost any aggressive emotion, concerned primarily with where they'll get the money for their next fix, and secondarily with the companion fear of overdose.

The black community learned opium eating around the turn of the century from Oriental immigrants who made their way across the country and settled among the Negroes, co-segregated in Eastern ghettos. Most of the heroin that comes into the country now originates in Turkey and goes then to Corsica. The Corsicans have efficient contacts with the Mafia in New York City where it goes to receive its first cut before being parceled out around the nation. A Turkish farmer receives about $350 for 10 kilograms (about 25 pounds) of raw opium. That amount produces one kilogram of roughly pure heroin, which is cut first with milk sugar and then further diluted by each of seven or eight handlers, with anything from talcum to cleanser, and by the time it reaches the street, it sells for about $225,000.

It is estimated that half the heroin addicts in the country are in New York City, but it is impossible to determine the total number. Official statistics are unreliable due to varying definitions of drug use and addiction, random reporting methods, and the obvious fact that a very large percentage of drug users do not come to the attention of either law enforcement or medical authorities. Nevertheless, the National Institute of Mental Health estimates 100,000 addicts, and the Federal Bureau of Narcotics and Dangerous Drugs had 67,011 active addicts officially registered as of December 31, 1968. A spokesman for the bureau said that the number "could realistically be multiplied by three."

Using the NIMH estimate of 100,000 addicts, multiplying it by $200—a conservative estimate of the amount each must steal per day to net $50—heroin addicts steal a total of $20 million worth of merchandise a day, or roughly $6 billion per year. The price the nation pays in "involuntary social costs" to combat drug abuse, also by estimates of NIMH, is $541 million annually. This excludes thefts, but includes law enforcement, theft insurance, property crimes, and productivity losses.

Behavioral scientists use certain criteria for determining factors that cause an individual or a group to have a greater than average potential for drug abuse. Among these are one's IQ; his degree of respect for himself; his family's status within the community; his own status within the family; presence or absence of a father in the home; and the economics of his family and the community. Residents of city slums meet all the criteria for being considered a "high risk" population.

A study was done recently in St. Louis by Drs. Lee Robins and George E. Murphy of 235 young men, selected from public elementary school records beginning 26 to 30 years ago. The criteria for eligibility for the study were: being male, born in St. Louis between 1930 and 1934, attending a St. Louis Negro public elementary school for six years or more, having an IQ of at least 85 while in elementary school, and parent's or guardian's name and occupation appearing on the school records.

The record showed half with school problems, half without; half with father in the home, half without; half with parents or guardians who were unemployed, domestic servants, or laborers, and half with parents or guardian in better jobs. The study was limited to those men who had lived in St. Louis between 1959 and 1964 to insure they had exposure to the same drug market and had all had a risk of being known to local law enforcement and health agencies. Drug addiction seldom begins after age 35; age 16 is considered a critical age for introduction to heroin among disadvantaged youth.

The population studied was expected to have a high rate of drug use, but it was surprisingly high: 14 per cent had an official record for selling, use, or possession of narcotics. Of the 86 per cent *without* a record, nearly half reported having taken drugs and nearly all had tried marijuana. Seventeen per cent had taken amphetamines, and 14 per cent barbiturates. Thirteen per cent of the sample reported having tried heroin, and 10 per cent had been addicted to heroin.

Based on this and other detailed samplings, many experts believe this to be a fairly accurate pattern of drug use in the ghetto. However, the number of addicts in New York's slums is undoubtedly considerably higher, perhaps double the national average—or 20 per cent of the population.

For many years there was official opposition to factual drug education on the ground that knowledge would stimulate more widespread use. The national policy has changed over the past decade, but despite this, in a speech in January, 1969, John Finlater, associate director of the Bureau of Narcotics and Dangerous Drugs, said: "There is evidence that the slum children of New York who are the prime subjects for addiction actually do *not* know the facts. Isidor Chein's study, 'The Road to H,' shows that only 17 per cent of a group of 133 young users in the New York slums reported learning anything cautionary about drugs before first experimenting with heroin."

Federal statistics are not broken down in such a way as to define how narcotics affect the crime rate, or at least such statistics are not available to the press. Of the 187,613 persons arrested in New York City in 1968, however, 17,039—or 9.1 per cent of them—admitted using illegal drugs. Of those arrested for burglary, 11.9 per cent admitted drug use; 14.5 per cent arrested for possession of burglars tools, 16 per cent arrested for auto theft, 8 per cent arrested for robbery admitted they were drug users. Of the 17,039 admitted users, 86 per cent used opium derivatives and 5.2 per cent smoked marijuana.

There is considerable public pressure on the police department to make narcotics arrests. It is unquestionably easier to bust a pot party than to arrest an elusive heroin pusher in the ghetto, much less to gather enough evidence to convict a member of the Mafia.

The Bureau of Narcotics and Dangerous Drugs reports that federal arrests for hard-drugs in 1967 were 1,506, while in 1968 they dropped to 1,225. Yet there is no evidence that the supply was diminished. With more and more federal and local police units assigned to the hippie and student drug-using subculture to protect them from the dread evils of pot, the Mafia was making its arrangements to take heroin into psychedelia.

Former Attorney General Ramsey Clark said in an interview in January, 1969: "There is no question that organized crime cannot flourish without at least the neutralization, if not the corruption, of segments of local government." *Life* magazine said after the Chicago melee during the Democratic Convention. "In Chicago, it's a risky thing for a policeman to take on the Mob. The reason is obvious: the Fix, which links crime with politics, is widespread. A Chicago cop is expected to 'bend' with the political forces of the Fix, not push investigations right into it." The story quoted a young rookie: "There is no way you can be on this police force and not take payoffs. I'm offered money every day. Now I get a payoff from my sergeant."

Rev. Channing Phillips of Washington, D.C., the first black put up for major-party nomination for President, says: "Anyone who's been around the ghetto for 10 minutes has seen a policeman turn his head at a dope transaction, or accept a payoff from a pusher. With the sophisticated investigative devices we have, I don't see how anyone could believe for a minute that the law enforcement officials don't know who's behind the dope traffic. It's not a lack of knowledge; it's a lack of will to move against it. Look, if the FBI can bug Martin Luther King's phone right after the day of his death, you can bet they can bug the Mafia's—unless they're saying Martin Luther was a more dangerous guy than the dope peddlers."

Even the Federal Bureau of Narcotics has not been immune to the opportunities for corruption inherent in the drug traffic. John Ingersoll, former Charlotte, N.C., police chief, was appointed head of the bureau in August, 1968. "We haven't prevented enough drug abuse," he said at the time. "We haven't apprehended enough drug peddlers. We haven't rehabilitated enough drug abusers." A few months later, a third of the bureau's New York City agents "resigned" and the Department of Justice said it had found "indications of significant corruption during the past decade."

In California, the Department of Criminal Statistics recently announced that 37,513 arrests were made in connection with various marijuana charges during 1967. (Of these, 10,987 were of youth under 18). These "pot busts" represented 60 per cent of the total drug-related arrests for the state.

In Washington, D.C., there were 460 narcotics arrests between November 1, 1967, and

January 25, 1968. Sixty per cent of the arrests involved marijuana and the hallucinogens. For similar periods in 1965–66 and 1966–67, 65 per cent of the arrests involved heroin and other addictive drugs. Moreover, in 1967, the District of Columbia conducted at least nine separate investigations of several months' duration involving "hippies." There was only one similar investigation of heroin traffic during the period.

Individuals turn to drug use for a variety of reasons. Many feel that, no matter what the rationalization, people turn on for fun. Bernard Finch has written: "The pursuit of pleasure, as with animals, was primitive man's goal." Some see the drug scene as evidence that ours is a hedonistic society.

Dr. Stanley F. Yolles, director of the National Institute of Mental Health, contends: "To understand scientifically the problem of drug abuse, one must look beyond the specific problems to some of the underlying causes of widespread drug use and abuse. . . . Behavioral scientists use the term 'alienation' to describe the cross-generational disease epitomized by the youth-coined term 'don't trust anyone over 30.' Alienation has been characterized as a refusal of what is, without a vision of what should be. The current problem of alienation in the United States affects the rich and the poor, the college student and the school dropout, the urban and the rural youngster. A study by Drs. Alfred M. Freedman and Richard Brotman points out, "Some youngsters who feel helpless to accommodate or change an unacceptable world, consciously choose to alter their own. . . . Since you cannot alter the world or determine the direction in which it will go, you must alter your state of consciousness and perception, that is, see the world and experience the world through a 'high.' Drug use and abuse touches our deepest values, hopes, aspirations and fears. As the problem is complex and changing, so must be the strategies designed to understand and cope with it."

The development of such strategies in the United States has been hampered by rigid laws and public attitudes. The laws have prohibited extensive human research on drugs. The findings of much of what research has been done, in federal hospitals at Lexington, Ky., and Ft. Worth, Tex., can be released only to the World Health Organization or the United Nations.

In 1966, the United States launched its first major national program to control addiction and rehabilitate persons already addicted to narcotic drugs, basing its strategy on the premise that an addict is a sick person in need of treatment. But the Narcotics Addict Rehabilitation Act (NARA) demands total abstinence: relapse, a 90 percent factor in former federal rehabilitation programs, is punishable by dismissal from the program and transferral of the patient back into the hands of the law.

The act provides for civil commitment of addicts, both those charged with or convicted of violating a federal criminal law and those who desire to be committed for treatment in lieu of trial on the criminal charge. It provides hospitalization, therapy and aftercare for addicts when they return to their communities. If the patient's improvement is steady, from institution through outpatient care, he may be discharged from treatment at the end of three years and the criminal charges against him dismissed. There is also a provision for addicts not charged with a criminal offense but who apply for treatment. Voluntary patients are admitted infrequently, however, due to limited space.

Addicts are not admitted, under any circumstances, until they have been examined and the determination is made that they might be successfully rehabilitated. Since the first patient was accepted under the act on June 29, 1967, a total of 1,889 addicts have been examined and 840 committed for treatment.

The feature of NARA expected to produce the most positive results was the provision of contracting with local facilities, either private or government operated, for aftercare services. It is believed that even when an addict successfully kicks the habit in a hospital, when he returns home and tries to deal with everyday problems, he often resumes contact with his druggie friends—and his habit. This provision, unfortunately, has not yet been widely used. Few communities want to be the site of a drug rehabilitation center. The provision also sets rigid requirements for staff and procedures, which some private agencies resist on the ground that their success in rehabilitating addicts has been primarily due to avoiding use of professional staff and traditional methods of therapy and surveillance.

Synanon is perhaps the best example of an agency which has had proven success in rehabilitation but is unwilling to qualify for federal funding. Begun in 1958 by ex-alcoholic Chuck Dederich, first in a storefront and later in a converted armory in Santa Monica, Calif., Synanon has been widely criticized for its unorthodox treatment techniques. The organization is made up of and managed entirely by ex-addicts; some return to the community, but many take up permanent residence in the Synanon society. Group pressure, "attack" therapy, and development of confidence and self-control are among the methods used in curtailing addiction. Synanon at first existed almost entirely on handouts of food, clothing, and occasionally cash from addicts' families and a few others who saw merit in its approach. Citizens of Santa Monica tried to bar licensing of the first center on grounds ranging from zoning violations to charges of operating an illicit house of prostitution.

Synanon now operates six centers in and out of California. Applications for federal funds have been turned down because of Dederich's refusal to employ a professional psychiatrist as director and institute urinalysis as a means of detecting an addict's relapse to drug use. "Trust," he says, "is one of the principal reasons for Synanon's success. You can't measure human dignity in percentages." As for the professional staff, he has medical advisers, but feels one reason other programs have such a high failure rate is that psychotherapy does not work with addicts: the therapist and addict don't trust each other and have no common frame of reference. Ex-addicts, on the other hand, professionals in the con game, are as persuasive in rehabilitating others as they were in finding the means to support their own habits. They know when they're being put on; having gone through withdrawal themselves, they know what works best in individual cases. They know, too, according to Dederich, when an addict has had a relapse and how to deal with him "without having him pee in a bottle and have some chemist tell him he's back on dope."

Daytop Lodge, with two locations in New York, patterned itself after Synanon and hired away some of its staff. The major difference is that it does comply with federal regulations, and receives government funds.

Daytop administrators feel that neither punishing the addict by jailing him nor "slobbering over him with sympathy and pity" has shown much rehabilitative value. Their philosophy is to consider the addict an adult acting like a baby—childishly immature, full of demands, and empty of offerings. The addict holds himself blameless for his addiction and is convinced he has been thrown into life not as well equipped as others. Heroin enables him to escape the unfair battle, and in pursuit of heroin he is able to muster extraordinary cunning, shrewdness, and acting ability. He is untouched by psychotherapeutic approaches and is rarely motivated toward any kind of treatment except as the lesser of two evils: rehabilitation or jail.

Before he is admitted, he must telephone for an interview and initially is told to call back the next day at a specified hour. If he forgets and calls later, he is turned down. If he calls promptly, he is told to call again at another specified time. If he makes the second call on time, he's given an appointment for an interview and then kept waiting for as long as four hours before anyone sees him. He is told in the interview that he will be treated like a three-year-old, because that's the way he has acted. He is cautioned about asking questions about things he doesn't understand: "Your brain is not strong enough for that kind of exercise just yet. In time you will understand." He is told to *act as if* he understands; to *act as if* he wants to do the right thing, cares about other people, etc. His withdrawal distress is treated matter-of-factly with no payoff for histrionics.

He is given a very low-status job at first, scrubbing floors or cleaning toilets. He may progress to any job within the organization; all except that of the director are held by ex-addicts. Three times a week, all Daytop residents undergo a group encounter therapy session. This is the only time residents may use profanity and they do so enthusiastically. One member after another assumes the "hot seat" and is attacked and criticized for failing to be 100-percent honest, for being insensitive to others' feelings, for failing to adhere to basic precepts of Daytop.

The director refuses to quote numbers of rehabilitated addicts. In addition to some 300 who live drug-free in the two Daytop residences, one on Staten Island and the other at Swan Lake in the Catskills, there are at least 60 who have returned to the community to lead normal lives.

A program of drug maintenance, similar to that used in England, is gaining support in this country. Methadone, a synthesized opiate that is itself addictive, has recently been advanced as a promising way to help addicts back into society. Manufactured legally in this country, it costs about 10 cents a dose, and if carefully administered, seems to allow the patient to lead a normal life without a desire for added stimulation. He relies on it much as diabetics depend on insulin.

New York City is the first to approve an extensive methadone maintenance experiment, under the direction of Drs. Vincent Dole and Marie Nyswander. Of the 108 patients admitted prior to February 1, 1966, 20 are still in the program. The first phase of treatment involves hospitalization of the addict and withdrawal from heroin. The patient is then started on small doses of methadone, in gradually increasing proportions until he reaches a plateau of relatively great strength. It is important that methadone be given in doses adequate to block the euphoric effects of heroin. It does not itself produce euphoria, sedation, or distortion of behavior—as long as it is ingested and not mainlined. The patient remains alert, functions normally, and is not psychologically aware of his addiction unless the drug is withdrawn, and then he experiences withdrawal distress similar to withdrawal from heroin—cramps, chills, nausea.

In the maintenance program, the methadone is dissolved in fruit juice and taken orally under supervision. It is always dispensed from a hospital pharmacy; out patients are given no prescriptions and are required to return each day for their dose and urinalysis to determine whether they're using auxiliary drugs. Methadone only blocks the effects of the opiates. The addict may still get a kick from the amphetamines or barbiturates, and despite rigid precautions, there is always a considerable amount of illicit methadone on the streets.

Many think methadone will revolutionize the handling of heroin and opium throughout the world. Others doubt the morality of a deliberate lifetime commitment to drugs and recall the enthusiasm with which heroin was accepted to treat morphine addiction.

Apart from the disagreement among the experts as to the merits of the methadone maintenance program, it is unknown whether it will be accepted in the black community to any great degree. Militant leaders already are voicing concern that it is another subtle means of control over the black man, whatever its value to society as a whole.

DRUG ABUSE: THE CHEMICAL COP-OUT

THE DRUG SCENE

A group of high school students gather in their jointly-rented basement apartment in a seamy part of town. A school teacher and his wife are entertaining friends in their modest suburban home. An aging professional football player is getting ready for one of those cold Sunday afternoon games that America will watch on television. A man in New York is huddled in a dimly-lit warehouse trying to sell stolen merchandise to a fence.

Each of these divergent types shares one common denominator. Each is on drugs.

They don't all use the same drugs to be sure. But they are all dependent. And the drugs they use range from the popular marijuana and amphetamines to the highly publicized LSD and heroin. While the first two present society with serious problems, the latter two also pose grave dangers for those dependent upon their use, and for the society they blame as making it necessary.

It's true not everyone is going the drug route in an attempt to "cop out" on society. Nevertheless, the abuse of drugs and narcotics is on the rise in this country, and those who should know are becoming concerned about the threat this trend poses.

There was a time when one could easily generalize about drug users in the United States. They generally belonged to the lower socio-economic class, lived in a large metropolitan area, and the drug most often abused was heroin.

Now, however, generalizations don't come easy, and even when they are offered at all, it is with considerable scientific caution.

Today's drug dependent can be found in all socio-economic classes in any major American city, and with increasing frequency in many smaller cities and towns. Now when one looks for the most popular drugs being abused, he encounters such names as marijuana, amphetamines, LSD, DMT, mescaline, cocaine, and heroin.

The same search that uncovers the identity of these drugs also reveals some other disturbing information, the most disappointing of which is that drug abuse is rapidly and dramatically increasing among young people. From junior high school through college age, they seem to be making strong commitments to drugs and to the unreal world drugs help them create.

The question is not whether today's youngsters are using chemicals as a means of escape with alarming frequency, or even which drugs they are using. These things are known to be true. The significant question is: Why?

Why do they find it necessary to escape from the world around them? What happens along the way that causes them to slam the door on society? Why do they choose to ignore the dangers of drug abuse?

There are also other questions being raised. Questions that concern themselves more with adults, such as: How can parents continue to remain uninformed about important matters like drugs and drug abuse? What causes parental complacency toward drugs and the environmental factors that help shape their children's attitudes?

These are the real questions and the answers are difficult to come by. Nevertheless, there are some people operating close to the situation who speak freely on the subject, and who should be heard. However, before examining the sociological and psychological aspects of drug abuse, we must first look at the drugs themselves. What are they? Where do they come from?

In dealing with the subject, there is one very common denominator that can be found for many who seek to establish a buffer between their minds and the world around them. That common denominator is marijuana, or better known by those who seek its mind-bending effects as . . .

Pot

Marijuana has a long history and a reputation of having over 300 million devotees throughout the world, 20 million of whom are estimated to have used the drug in this country.

Marijuana is variously known, among other things, as pot, grass, Mary Jane, and hemp. The latter name has botanical roots since marijuana comes from the female hemp plant known as *cannibas sativa*. The flower and seed heads yield a resin containing *cannibas* chemicals, and that resin in its pure form is known as hashish.

Hashish, or hash, is some 10 times more powerful than marijuana, and authorities say its use in the United States is not nearly so great as in other parts of the world. Therefore, they believe comparatively little hashish is imported into this country.

If hashish has not become a threat, marijuana is something else. This popular Hallucinogen finds its way into the United States with little difficulty. Most of it crosses the Mexican border with a regular rhythm that has Americans responding to the tune of over $100 million annually, and its users can be found among some of our most unlikely citizens.

Marijuana is generally shipped to the United States in bricks weighing a little more than two pounds. While it is most frequently rolled into cigarettes—or "joints"—and smoked, it can also be eaten.

"Roach pipes" are popular among marijuana users, too. These pipes provide an opportunity to get those last euphoric puffs from marijuana butts once they become too short for conventional smoking.

Why smoke pot?

Without delving into all of the sociological and psychological aspects of marijuana smoking, a Gallup Survey conducted for the New York Times found that some 38 percent try it simply out of curiosity. Others gave reasons like wanting to escape from reality, the desire to retreat from tension and worry, or that famous end run around life—rebellion.

Whatever the reason, marijuana is being used with a much greater frequency than at any time in history in high schools, colleges, and even that old American institution, the family living room.

Those who have tried marijuana find its effects soothing, say the first time one inhales smoke from a "joint of grass" he may find that nothing really happens. This may be because he expects too much from his first experience and because of an ineffective smoking technique.

However, once the user has learned to take in the smoke and has developed the required technique, he is likely to experience a sudden feeling of well-being as frustrations begin to dissolve. Drowsiness is often noted as time slows itself like a giant locomotive and the world outside may take on the effect of being viewed through a water-filled fishbowl.

While under the influence of marijuana, the individual feels that his senses have become keener, and he may grow very hungry. Food reportedly will taste better. In addition, there may be an imagined sharpening of the senses so that the person is apt to overestimate his abilities due to an exaggerated feeling of awareness, thus posing a threat to his physical well-being.

A producer who spent hours filming drug abusers and pot parties for a television special described the scene as "a bunch of young people sitting around, talking and giggling, and getting pretty sleepy."

A science writer says a friend of his, whom he reported to be a clergyman, persuaded him to try pot once. According to the writer, nothing really happened other than "I felt a little lightheadedness and drowsiness."

In Washington, a young hippie girl described it as a "great feeling." She said, "It just makes you want to go out and walk through the streets and experience as many different things as possible."

A psychologist at the National Institute of Mental Health makes broader generalizations about why young people smoke marijuana.

"It varies considerably from kid to kid. There are some individuals for whom drug use, teenagers or adults for that matter, is one symptom of serious psychological disabilities or problems. Obviously we all know in our circle of people, some for whom alcohol becomes a drug of abuse and who have serious psychological difficulties. With them, alcohol sometimes becomes a solvent or apparent solvent for the problems.

"Certainly for some kids, marijuana serves something like this kind of function; a kind of chemical 'cop-out,' if you will. At the same time, for many other kids, it's a matter of simply wanting to try it.

"There is also an element of rebellion. That is, youth feels angry and at the mercy of a world they see as not of their own making." The psychologist says youth often thinks they have been incorporated into a dehumanized, governmental, industrial, academic structure. Consequently, he believes the use of marijuana is a way of demonstrating their unhappiness with The Establishment.

It's pointed out, though, that the number one drug abused on campus today is alcohol, with marijuana running a distant second.

Why the strong reaction to marijuana?

If nothing much seems to happen when someone smokes pot, what, say its proponents, is all the fuss about? Why can't it be bought at the corner drugstore, or from a well-known mail order house as was once possible?

The fact is, something does happen once the technique of smoking marijuana is developed, and it usually leads into one of two directions. First, when he becomes high on the weed, the individual frequently gets very friendly and gentle. On the other hand, he may become belligerent and aggressive. It depends on certain personality traits that existed prior to his coming under the influence of marijuana, but which the drug is likely to release.

The case of whether or not the drug itself is harmful is still before the jury, and no one can make medical statements one way or another with absolute certainty. But research is going on and the answers to many questions about marijuana should be forthcoming in the not-too-distant future.

Even though the medical investigations of marijuana have not yet led to any definite conclusions, most agree the drug should not be termed a desirable one to use for a number of reasons. The most practical of these reasons is the fact that the possession, use, or sale of marijuana is illegal and detection will lead to arrest. If conviction follows, stiff penalties result that can seriously mar an individual's future.

A young woman in the southeast has learned the painful truth of being arrested on a marijuana charge. Director of a county poverty agency's Head Start Program, she has been charged with possessing marijuana after the weed was found growing in her back yard. The charge alone was enough to force her resignation from a position to which she apparently brought much talent and from which she derived her own special rewards.

Marijuana, or the reaction to it by our society, can have serious consequences for the user. If for no other reason than a long jail sentence or a disrupted career, the use of marijuana poses grave dangers for those who seek its mind-bending qualities.

Of course, the possibility that marijuana is medically harmful to the individual is still a strong possibility and should not be quickly discounted.

Other questions frequently asked about marijuana are: Does the use of marijuana lead to addiction? Does it lead to the use of a stronger drug such as heroin?

Again the answers lack scientific certainty. It is believed that marijuana does not possess addictive qualities, although one can become psychologically dependent upon its effects. Once this psychological dependence is established, withdrawal may become very difficult.

It is not now generally believed that the marijuana smoker goes to hard narcotics as a logical progression in his drug experience. Even so the danger does exist for some, since pot is often smoked in an environment that is not conducive to highly predictable behavior.

Pot parties are usually attended by several people and sometimes the group is large enough to be considered a small crowd. Group behavior, and certainly crowd behavior, is frequently predicated upon something less than sound judgement.

People are known to act, and react, quite differently in groups than they do as individuals. Perhaps it is the atmosphere, the emotional contagion, and the presence of strong drug users in such groups that poses a danger of marijuana smokers going to a dreaded narcotic.

Marijuana, however, is not the only drug being abused even if it is the most popular. There are others which are easier to get and whose use is more difficult to detect. They belong to the amphetamine family.

Amphetamines

On a chilly afternoon in a New Orleans bar, two young people are about to turn off the society outside and turn on a make-believe world of euphoria through the abuse of a drug known as methamphetamine ("speed"). The girl is particularly interesting because of a willingness, even eagerness, to talk about her disenchantment with The Establishment. About the mother and father who she believes have failed as parents.

During her early childhood, Dani had been pretty much like any little girl. Among other things, she liked parks, animals, and daddy. Especially daddy.

And those were the years when Dani got her kicks from a box of candy, or an ice cream cone, or from a gentle lick on the cheek by her dog. But not anymore. Now kicks come from the melted crystals of methamphetamine surging through a dirty hypodermic needle.

Dani has become a "speed freak" who regularly shoots methamphetamine into her veins as a means of escaping the realities and frustrations with which she is no longer able to cope.

Methamphetamine, or "speed" as it is known, has become enormously popular among the drug users seeking a new high. It is the alternative which has been chosen by large numbers of those who turned from LSD following evidence that the latter could produce long-term mental and genetic deficiencies.

Pep pills

Other amphetamines being regularly abused include benzedrine and dexadrine. These two have historically been popular with truck drivers for keeping awake on long hauls that require more abundant energy sources than the body naturally possesses. The dangers in abusing these drugs are many, and police files tell some gruesome stories of tragic accidents caused by drivers who demanded more of their bodies than it was humanly possible for them to give.

Mood producers

The amphetamines are popular mood-producing drugs and can be helpful when taken as prescribed over a short period of time. Not only do they halt fatigue, but they also give one a feeling of limitless energy. Following a dosage of 10 to 30 mg. of amphetamines, an individual will experience a sense of elation, and a new-found self-confidence. Physical and mental work undergoes marked improvement in performance for short durations.

When the use of amphetamines continues over a long period of time, or when overdoses are taken, an undesirable effect takes place in the mind and body. The user begins to suffer mental fatigue and long periods of depression. In addition, headaches set in along with dizziness, agitation, apprehension, delirium, and confusion.

Therefore, what actually begins as a new high with extremely pleasant results can end in a depression whose recesses are deeper than those from which escape was originally sought.

A social pill

An attorney once explained to a reporter that amphetamines are becoming popular among friends at his parties and that he keeps them around for social occasions much the same as he keeps liquor. This is just one such report that indicates increasing popularity of the drug. Statistics on the abuse of amphetamines and barbiturates are difficult to gather because their widest use seems to occur within a part of society that does not otherwise break the law or associate with the criminal element.

These users include the tense executive who must have a pill at night to sleep and one in the morning "to get going"; the show business personality who can catch only a few hours sleep as he flies across the country between appearances; the bored housewife; and the athlete who needs a little help in "getting up" for that important game.

Methamphetamine

But the most frightening of all the amphetamines is the one described previously as "speed," or generically as methamphetamine. This chemical has risen to new heights among those looking for a drug experience, and its increased familiarity has caused concern among those who know of the dangers. These are fears caused by the fact that those who "mainline"—take intravenously—methamphetamine are apt to develop paranoid psychoses and certain organic syndromes, or even suffer death.

Then, of course, there is the danger of hepatitis when dirty needles are used.

Barbiturates

Barbiturates are widely-known drugs used as sedatives for relaxing the central nervous system. A depressant made from barbituric acid, barbiturates were first produced in the 19th Century.

It is estimated that over one-fourth of all prescriptions written by doctors for drugs that affect the mind are barbiturates. These include the long-acting preparations phenobarbital and amobarbital, although the shorter-acting drugs are more popular with abusers.

The barbiturates are used medically for relaxing nerves and muscles, and can be used by anyone seeking a very special feeling, or an urge to dull awareness of the environment. Although in normal doses these drugs tend to reduce blood pressure and heart beat, when taken in large doses they impair the ability to think and concentrate.

According to a survey conducted by the New York Times, the amphetamines and barbiturates are most often abused by those in the upper and middle classes of society. Among the reasons given for using the pills by those interviewed, was that they serve as a means for escaping boredom and discovering self-awareness as well as aiding in the struggle to obtain sexual freedom.

While the amphetamines apparently do not lead to any physical dependence, the barbiturates do. Withdrawal, which should be done only under supervision and which usually takes weeks to accomplish, can be agonizing.

Medical values

Both the amphetamines and the barbiturates have medically-designated purposes which include, for the latter, treatment of insomnia, high blood pressure, and epilepsy.

The amphetamines are used for such conditions as obesity, depression, fatigue, and narcolepsy (the compulsion for sleep).

It is unfortunate, but true, that many drugs capable of producing constructively for medical science can also have value for those who seek their qualities for less constructive purposes.

Both amphetamines and barbiturates are popular with drug abusers for a number of reasons. They are easy to obtain, relatively inexpensive, and difficult for authorities to control.

The abusers increase

When a drug is easy to obtain, inexpensive to purchase, and difficult to detect in illegal hands, it is natural to expect those who seek its pleasures would turn in that direction. For this reason, an official at the National Institute of Mental Health's drug study center said he would not be at all surprised to see the amphetamines become more popular than marijuana.

Other highs

The quest for a new high is what most young people who use drugs are seeking, and this has given rise to some startling information about what is being used. Investigation has turned up such unusual occurrences as teenagers drinking deodorant; eating nutmeg; smoking crushed aspirin; and injecting meat tenderizer, white wine, bourbon, and vinegar, just to mention a few.

No one is quite sure what the ingenuity of youth will develop next in its quest for the euphoric unreal. Nonetheless, those who must deal with the problem are certain there will be a next unless adult education leads to bridging the so-called and extremely complex "generation gap."

Much attention is given to youth in regard to the drug problem since this is where the greatest increases are being detected. But then again, it must be pointed out that young people comprise the group where drug abuses are most likely to be recognized because of youth activities, and the propensity social scientists have for studying this group. However, it is strongly indicated that the drug problem is also showing significant increase among adults, although this is more difficult to substantiate.

Hallucinogens

While marijuana and the amphetamines are the most popular drugs in use today, some attention must be given to hullucinogens such as LSD, if only to examine the reduction of the latter's importance among drug users.

Acid

The front page story about a young New England girl, who was found dead in the Greenwich Village apartment she shared with her hippie boyfriend, was perhaps one thing that helped to focus America's adult attention on "what the kids are doing."

The girl came from a well-to-do Connecticut family with whom other middle class parents could readily identify. Many realized for the first time that this tragedy could have happened to almost any family in America. A few realized it could also have been prevented.

What, then, happened following this unfortunate death when adults had their attention diverted momentarily from television to Greenwich Village and Haight-Ashbury? Many agree that little changed except those who were leaving homes all over America for big city hippie haunts were getting more publicity. It made good copy for the newspapers and even better pictures for television.

Nevertheless, a few people became aroused and wanted to know what these young people were doing, and why. More studies of the problem began and others already underway were intensified.

Those who began examining the hippies more closely found that an alarming number had begun using hallucinogenic drugs such as LSD. The story of its popularity was being told on psychiatrists' couches in some of the nation's best-known mental institutions.

LSD

The abbreviation LSD scientifically designates d-lysergic acid diethylamide. However, it is better known in the hippie cult simply as "acid," and has become the most written and talked about of all the synthetic hallucinogens.

LSD was first produced in 1938 as a research drug which was being used as an aid in the study of psychoses. Extremely small doses—as low as 25 micrograms—have been found to be active. This amount is equivalent to 1/40,000 of a gram, although about four times that amount constitutes the average dose.

LSD cannot be legally purchased now since the Food and Drug Administration has sanctioned its use only for research purposes. However, there are those who believe LSD will eventually have such potential medical uses as aiding chronic alcoholics, schizophrenics, and persons with various terminal diseases.

Such clinical purposes are of little concern to those who seek LSD's strange and mysterious powers for taking "trips" on an occasional weekend, or to its more consistent users who have become known among the trade as "acid heads." These people are searching for a change in time and space perception that recklessly abandons logic and reason.

The dangers

When one takes LSD, he enters an unreal world that is said to range from simple pleasure to complete ecstacy. Sometimes, however, it is different.

Good "trips" are not always the case, and sometimes what was hoped would be a magnificent new experience becomes an indescribable horror that results in panic or paranoid reactions. These can have serious, sometimes fatal, consequences.

There are stories about individuals under the influence of hallucinogens who stepped from a tenth story window or walked in front of a speeding automobile, in order to prove their invincibility.

One recent newspaper account tells of the potency of LSD and some of its harrowing consequences. A five-year-old girl accidentally swallowed a sugar cube, which had been soaked in LSD. Reportedly, the child was suffering the ill effects of her "trip" some nine months later, and it took over five months for her IQ to return to the level it had been prior to the "trip."

But now a more harrowing story about the unpleasant effects of LSD are being told. It involves the unborn children of women who have used the popular "acid" to "see music and hear pictures" existing only in the world of the unreal.

According to medical authorities, it is all too possible that LSD will cause certain chromosome breaks resulting in grotesque physical characteristics of babies yet to be born. This fate, they say, is even likely to appear in the user's grandchildren since heredity passes the chromosome separation along to yet another generation.

Chromosomes serve as the body's blueprint in that they contain genes which determine certain physical characteristics inherited from parents.

LSD is an extremely dangerous drug with a paradoxical potential for mental destruction and rehabilitation both of which are yet unmeasured. Only time and continued research will tell whether or not this drug has greater capacity for the re-orientation of the individual to society than it has for his disorientation.

The supply

But with LSD outlawed, how can those who still persist in experiencing its mind-bending qualities find a source of supply?

Actually, LSD is easy to synthesize by almost anyone who possesses a working knowledge of chemistry. And that is where today's illicit supply is being produced, in kitchens and makeshift laboratories all across the country.

Use decreasing

Those who are producing and selling LSD, however, seem to be encountering a decreasing demand for their chemical. Confronted with the dangers of homicidal and suicidal tendencies, as well as its genetically and mentally destructive capacities, those who were using LSD are now often turning to one of two alternatives for new mind-expanding experiences.

One of these alternatives is to seek freedom, if you will, through mediation in a guru-led society. Here the guru's followers seek to expand their minds through its exercise and without the use of chemicals.

The other alternative lies in the use of drugs that produce effects similar to LSD.

Peyote

Peyote, which comes from the cactus plant, is another of the well-known drugs associated with mind distorting properties.

Peyote buttons are usually chopped and brewed with tea or chewed while drinking wine or some other highly flavored drink in order to mask its bad taste.

Peyote is also known as "moon," "the bad seed," and "P."

Mescaline

Like peyote, mescaline is obtained from the cactus plant. Even though the use of mescaline is now in the experimental stage, it is believed this drug provides powerful effects almost identical to those of LSD. The effects of mescaline may last as long as 10 hours or more.

"Mesc," or "big chief," as this drug is known, is usually taken orally, but it may be shot into the arm.

Because of its unpleasant taste, mescaline is taken along with some other substance such as hot cocoa or orange juice.

Psilocybin

Psilocybin was first believed to have been used by primitives for certain spiritual communion with the supernatural. It comes from a Mexican mushroom and is taken primarily through the mouth. Its effects are extremely close to those of LSD, as are mescaline and peyote.

DMT

"The businessman's trip" is how most people in the drug crowd describe DMT, probably because its effects are much more short-lived than LSD. Reduced dosages are reported to "turn on" a user for as little as 30 minutes. However, a normal dose provides a "trip" that often lasts for about six hours.

Although it can be found as a natural constituent of the seeds of various West Indian and South American plants, DMT is more frequently obtained as a synthetic derivative of tryptamine.

There are several other hallucinogens whose effects closely resemble LSD, even though they are used to a lesser extent than those previously mentioned. Among these are MMDA; DET; psilocin; STP; and 68, or sex juice, as it is more popularly known.

The use of Morning Glory seeds should also be mentioned in this section since their use in the United States began to take on some prominence shortly after the advent of this decade.

Morning Glory seeds were first used by South American tribes for ritualistic experiences. About one-tenth as powerful as LSD, they can be chewed to obtain their effect on the mind.

Like all other hallucinogens, however, their consumption is dangerous and can result in suicidal reactions as well as certain physical discomforts.

The trip

Hallucinogens mentioned in this section all produce what users refer to as "trips." When asked to describe a "trip," they talk about "hearing pictures and seeing music," and about freeing mind from body. Such descriptions give the average person little with which to relate when he tries to picture in his own mind what actually happens during a "trip."

It, therefore, becomes necessary to turn to a clinical discipline in order to extract a more meaningful description. According to government research sources, the first thing to take place apparently is a change in the physical senses. Colors appear more vivid and may begin to form unusual patterns. Walls wave back and forth in a gentle rhythm, and flat objects suddenly leap forward into the third dimension.

The individual under the influence may be led to believe his senses have become keener.

One strangely paradoxical effect reported is the ability to feel two opposite emotions at once such as happy and sad, or elated and depressed.

Highly unpredictable in the effects they will have on the individual, these hallucinogens are extremely difficult to control even under strict laboratory conditions.

Confronting the law

Whatever the particular medium, hallucinogenic drugs pose a grave danger to those who seek to prostitute their medical purposes for personal escape.

In addition to the physical and mental dangers already discussed, there is another threat made against those who are found illegally dealing in the drugs.

There are severe penalties for anyone convicted of disposing, selling, or producing dangerous hallucinogens such as LSD. Many state laws penalize anyone who is convicted of possessing such drugs.

To hard drugs

A discussion that begins with marijuana, and proceeds through the amphetamines and the hallucinogens, almost naturally ends with the opiates.

This is not to imply, however, that one who smokes marijuana automatically proceeds through these steps.

Hard narcotics-heroin

Heroin is familiar to an estimated 65,000 addicts in this country who depend on its effects to escape the realities of life.

This drug is also variously known as H, Boy, White Stuff, Harry, Joy Powder, and Scot. It is actually synthesized from morphine, although it is several times more powerful than the mother drug.

While many argue that marijuana does little to harm the body or mind permanently, few people are willing to grant such wide berth to heroin because of its capacity to lead the individual to a life of social and physical self-deterioration. Strangely enough, and unlike marijuana, heroin can be judged most harshly by those who have fallen prey to its strong addictive powers.

A woman in her middle forties who had been dependent on heroin for over 20 years was talking about the abuse of drugs in general and heroin in particular. She vividly described how use of the drug had resulted in the deterioration of all her family relationships, as well as her social life. Talking about how addicts must continually steal and shoplift to support their habit, this woman described the excruciating story of how she had been forced to spend a major part of her life as a prostitute in order to pay for the needed heroin.

The habit is first

It is reported that heroin addicts steal over $1 billion worth of goods each year to support their habits. This merchandise is sold to a fence who pays only about one-fifth of its actual worth. It is easy then to imagine how much a "junkie"—as heroin addicts are known—must steal to finance a habit that may easily run to as much as $50 or more a day.

In New York, where over half of this country's heroin addicts live, there are thousands of personal tragedies each year, such as the one involving a young father who could not subordinate the habit to his own family's welfare.

One night, the young man left his cheap apartment where a seven-month-old baby would soon awaken and begin crying for food.

With the money he had been saving for his family, the dark-haired addict purchased a small cellophane package of heroin and quickly ducked into the men's room of a local bar. The door locked behind him, he began to dissolve heroin in a hot spoon, and then shakily injected it into his arm. Shortly afterwards, he was dead from an overdose.

Death—the result of overdose

This is a tragic story, but it is not unusual in New York where authorities estimate that one addict dies each day from an overdose of heroin.

One reason for such a high mortality rate is the manner in which heroin must be obtained and the sources from which it comes. Lacking the scientific discipline of a laboratory technician, the dealer crudely cuts his heroin down to weakened units with milk sugar. Sometimes, however, a user will unknowingly purchase a package that is almost pure heroin. Its use will prove fatal.

Another reason for death is the neophyte's ignorance about heroin and how much he should "mainline," or shoot into his vein. It is easy for him to get an overdose.

Still another contributing factor to the high death rate is that a user who has been jailed on a narcotics charge is separated from the supply and thus withdrawn from heroin. Upon being released, the addict's tolerance has diminished to such an extent that his normal dose may result in death.

"Joy Poppers," as those who shoot heroin only occasionally are known, usually begin with a dose of 5 to 10 milligrams. However, as the need increases and it is shot more often, the body builds up a tolerance that eventually may require as much as 450 mg. per day.

Although heroin is generally "mainlined," it may also be taken orally or inhaled. There are cases where workers who mixed and packaged heroin regularly became addicted from inhaling the dust over a prolonged period.

Why the first fix?

It is difficult to explain why heroin addicts seek their first fix. The need seems to vary with the individual. However, most of the hard narcotics addicts are found in the lower socio-economic classes of large metropolitan areas. It may simply be that heroin serves as an escape from the boredom and hopelessness that exists in a ghetto environment.

Then, too, there are stories about the addict who began with less dangerous drug "just for kicks," and wound up with the opiate monkey on his back because he sought a bigger and better jolt.

Of course, there is the familiar story about running with the wrong crowd.

One addict told the following story in a Connecticut newspaper.

According to the report, the young men had come out of Korea on a fast track. He was married and a few months later his wife suffered a miscarriage.

"I felt terrible," he said. "Some of my friends who were addicts offered to give me something to steady my nerves. They suggested I try heroin."

He did, and it was the beginning of an abrasive existence which saw him incarcerated five times for various offenses. His life of crime which became necessary to support the habit had him stealing up to $2,000 worth of merchandise each day.

The Korea veteran is now on his seventh cure.

The cure—Does it work?

Unfortunately for the heroin addict, the end of his affair with drugs is more likely to be death, and not cure. More than 90 percent of all addicts who take the cure are said to return to drugs following their treatment.

Perhaps the best known treatment center is a federally-operated hospital at Lexington, Kentucky. Alexander King, one of the hospital's famous and most erudite patients, described it in his book, "Mine Enemy Grows Older."

The late King, who had been addicted accidentally through medication he was taking for a kidney ailment, was admitted to Lexington three times, a further dramatization of the difficulty in really curing the addict.

The prognosis remains poor today for an addict ever knowing a heroin-free existence. The methods and medications being used at present have not solved the problem of curing addiction.

Nevertheless, much work and research is being done, a large part of which is made possible through grants from the federal government.

Treatment

One such grant has been made to the Narcotics Addiction Service Center of Southwest Fairfield County in Connecticut where an experiment is being conducted with a chemical known as methadone. This is a synthetic narcotic that actually shuts out the effects of heroin and, at the same time, fulfills the addict's physical need for the drug.

At the Narcotics Center, there are about 20 opiate addicts who have switched from heroin to methadone. A dose of this chemical costs only about 14 cents and it is estimated that the program saves the city of Stamford some $1 million annually in costs that involve welfare, stolen goods, and arrests.

The Center does more than simply provide addicts with access to methadone. It also helps them to make psychological adjustments and re-establish some solidarity in their lives. Most of those at the Center now hold steady jobs.

Authorities are quick to point out that methadone is just one experiment being conducted and that it, in itself, does not offer the ultimate answer. Also, the long-term effects of using methadone are still unknown.

Another interesting experiment involves a group of addicts who are attempting to make the psychological break from narcotics at a place known as Daytop Village in New York.

Daytop is run by the addicts themselves since they are adjudged to be in the best position for determining what a "junkie" needs in the way of discipline and responsibility.

Even though the addicts are physically separated from drugs and their dependence is no longer a physical requirement, Daytop helps them tear down the psychological barriers that exist between themselves and their ability to handle social problems. Each member at Dayton must play a therapeutic game designed to help discover his psychological reasons for turning to heroin.

Another similar treatment center on the West Coast is known as Synanon.

Withdrawal

The most difficult part of curing the addict is the psychological divorce which must take place after physical withdrawal has occurred. There are countless thousands of cases where the physical addiction has been broken by withdrawal only to find the addict returning to drugs once he is back in an old and familiar environment where sociological factors remain the same.

Withdrawal can be accomplished in one of two ways—through supervision at a hospital where the habit is reduced gradually; or by going "cold turkey" in an attempt to escape the habit without the use of drugs in a gradual withdrawal program. The latter method usually takes place when a frustrated addict elicits the help of a friend to assist him during the withdrawal.

When an addict goes "cold turkey," the body reacts violently as the drug retreats from the system. The body has built up a tolerance to heroin and is now shocked by the drug's sudden absence.

The "junkie" going "cold turkey" begins to suffer chills, diarrhea, and convulsions. There have even been cases where the reaction was so unbearable that the addict, who felt the return to narcotics would be a fate worse than death, decided instead on the latter.

It has been pointed out, however, that such descriptions of self-withdrawal are not now typical or common, especially with the small percentage of heroin available in today's average "fix."

Other hard narcotics

In addition to heroin, there are other drugs in the hard category that help to compound the problem. These include morphine which, as heroin once did, has the relief of pain as its prime medical application.

When heroin is difficult to get, the addict may frequently turn to morphine to fill the need until his favorite supply is once again available.

Morphine, too, is dangerous in that physical and psychological dependence develop and a tolerance is established by the body.

While there are numerous drugs such as cocaine that can, and are, abused, the other major one is codeine. Developed for the relief of pain and one of medicine's most effective cough depressants, codeine is not nearly so addictive as heroin and morphine. It also does not provide the same powerful surge of euphoria that can be found in the other two drugs.

The problems posed by addiction reach their gravest proportions with the narcotics described in this section. It is here that those who may have begun on a softer drug with less serious intentions could possibly end their association with drugs.

And it must be remembered that with today's methods, the cure cannot be assured in the vast majority of cases.

Drugs pose great social problems for those who choose their easy offer of a better way, as well as for the society which gives rise to personalities and conditions that lend themselves to the drug problem.

These problems are not new to the world. But even with a long history of opiate addiction, science has done very little in the way of offering real solutions.

The problem to date has largely been left to enforcement people and addicts have nearly always been considered criminals. But enforcement does not concern itself much with the sociological aspect of drug addiction. That is not its function.

Enforcement authorities must concern themselves with arrest and control, and thus they are closely involved with the problem caused by those who transport and sell drugs for a profit.

DRUG TRAFFIC

Soft drugs

Where do they come from; these drugs for which Americans commit hundreds of millions of dollars? The answer to this question must be related to the specific drug, since each finds its way somewhat differently into the mainstream of the drug market.

Marijuana, for example, mostly comes into the United States by way of the Mexican border at California. However, there is still a large amount which comes across the border at Texas. And how it comes! By the tons, and in amounts estimated to reach retail values of $100 million or more each year.

Of this, only an infinitesimally small amount is confiscated by the authorities at the borders. So little, in fact, that those who deal in the weed for a living receive only the slightest discouragement.

It must be pointed out, however, that the reason for so much activity is not because authorities are lax in discharging their responsibilities. The biggest part of the enforcement problem at the border is created by the large number of vehicles crossing daily for business and pleasure. In California alone, for example, an estimated 25,000 vehicles pass over the boundary between the United States and Mexico in any one day.

Marijuana also comes into this country by airplane as well as auto, both commercial and private. Anyone who has the desire will encounter little difficulty in crossing the border in a clandestine manner due to the expansiveness of the line itself.

Profits in marijuana

With Americans spending some $100 million each year on marijuana, it is interesting to look at the distribution system and the profits it yields.

A Mexican farmer who grows marijuana will receive from one to two dollars for a kilo (35 ounces) of the grass. He, like farmers growing other products in other countries, receives less than anyone else in the distribution system.

The next person to become involved is usually a town dealer who buys directly from the farmer. He will sell that same brick, or kilo, for about $9, and will, in turn, peddle it to a regional broker who subsequently sells it to a dealer in this country for about $20 or $25.

Once in the United States, the brick will be sold to a pusher who pays according to a number of factors, one of which is geographical. That is, if the purchase is made in Los Angeles, the brick will cost about $65; in Denver, it sells for around $110; in Chicago, approximately $160; and in New Orleans, about $300. Of course, supply, demand, and "heat" from police also affect the market.

The pusher, once he has bought the marijuana, will break it down into ounces, and in some cases, cigarettes, or joints, as they are known. These in turn will be sold to local users with an ounce usually selling from $25 to $35, and "points" bringing about $1 each, again depending on factors that affect the market price.

At any rate, a kilo of marijuana which starts out selling for about $2 will wind up bringing as much as $500. The marijuana dealer also has the advantage of almost always negotiating in a seller's market because of the demand.

Some dealers who start out in marijuana occasionally can be found moving to the lucrative methamphetamine market. This is much easier to handle since it is not as bulky as marijuana. Also, the sale of marijuana brings with it a felony charge and penalties ranging up to life imprisonment. "Speed," on the other hand, is more easily handled and the penalty for dealing in this drug is less severe than for marijuana.

Methamphetamine is produced in makeshift labs and costs only about $30 per pound to produce. However, it is wholesaled for around $1,200 per pound, and brings some $150 to $200 an ounce on the retail market. Retailers, who break it up into about 35 spoons to the ounce, sell the drug for about $20 per spoon.

The mark up on "speed" is even more dramatic than marijuana. From a production cost of $30 per pound to a retail cost of about $700 an ounce explains why methamphetamine dealers have become enormously wealthy with a few dealers making up to $1,000 per day.

There are other amphetamines on the market that pose a traffic problem for authorities, and these are primarily in the nature of pills. Many of these amphetamines can be bought by obtaining multiple prescriptions from several doctors and then making the purchases at more than one pharmacy. Officials in Washington estimate that nearly half of all amphetamines produced in legal laboratories reach the black market. The percentage is believed to be somewhat smaller for the barbiturates.

These otherwise legal pills reach illegal hands through hijackers who get them during shipment to wholesalers, thieves who steal from the labs, and buyers who purchase from laboratories by using phony orders from wholesalers.

Many of these pills are produced illegally in makeshift labs since their chemical formulas are easily obtainable. Pills generally sell on the black market for at least five times their pharmacy value.

Much is being done by federal enforcement and control authorities in the way of investigation and arrest. But they concede the problem is a big one that can best be solved not by enforcement as such, but by eliminating the illegal demands for the amphetamines.

The manufacture of LSD takes place in much the same way as does methamphetamine; that is, through production in makeshift laboratories or kitchen rigs. According to a report in the New York Times, a California chemist was arrested by authorities who said he manufactured 10 million doses of LSD in his San Francisco home!

The entire distribution system in the areas of amphetamine and LSD appears to be loosely organized and run by many small-time operators. To date, it is believed the Mafia has not concerned itself very much with the sale and distribution of these drugs mostly because there are so many small-time dealers that the market would be difficult to control.

Hard drugs

If the distribution system of soft drugs is loosely organized, the same does not hold true for hard narcotics such as heroin. Here is an elaborate and closely-knit network that can be fairly well defined.

There are two kinds of heroin used by addicts. One is brown, or Mexican, heroin; and the other is white, or French, heroin. The French product is far more popular than its Mexican counterpart.

White heroin actually originates in Turkey where farmers are licensed to grow opium poppies for scientific and medical use. Of course, in the absence of strict control, the allotments are overplanted and the surplus is sold by farmers to those dealing in the black market. Once the black marketeers obtain the illicit opium, it is loaded on the backs of camels for a long, but quiet, journey. It usually continues on its way to Lebanon or Syria where morphine is extracted and condensed into much smaller units, thus making it less troublesome to handle.

When morphine is extracted and condensed, it soon begins an association with the French from which the white heroin will get its name. Once it is shipped to the laboratories in France, these illegal operations start the process which sees the white heroin that is produced from morphine shipped to the United States largely through clandestine schemes involving some steamship and airline companies.

Like so many other things, heroin enters the United States primarily through New York. There it usually comes under control of the Mafia to whom it is a lucrative business.

THE PROBLEM

Enforcement's view

"We need to know a lot more about marijuana than we do. This may seem strange to say, but it's a fact. We have known about marijuana, man has, for thousands of years, because he has always been looking for some mind-bending drug that affects the central nervous system, thus his mind. And with all of this experience, we still scientifically say that we don't know the long-term affects of marijuana. There has been a great deal of interest in our nation today to try and find some answers to this. It has been studied in other countries by foreign scientists, but not by us.

"Now I think this is what the young people would really like to know, as well as we. That is, what are the effects of marijuana? How serious, how deleterious are they? And what are the *long-term* effects?"

These are the thoughts of John Finlator, Associate Director of the Federal Bureau of Narcotics and Dangerous Drugs. While they are not altogether new thoughts, they do seem somewhat different in tone from those of most enforcement authorities.

Even so, Finlator is not soft on this problem, merely soft spoken. Nor does he advocate the use of marijuana when he points out the fact that more knowledge is needed, for in the same voice he speaks of strong indications that the use of soft narcotics can cause a dependence that creates difficult problems for the young user.

The Federal Bureau of Narcotics and Dangerous Drugs has four main functions within its jurisdiction. Enforcement comprises a major part of the Bureau's responsibility, and there are some 600 agents scattered throughout the United States. In addition to enforcement, however, there are three others including training (state, federal, and local agents); education; and scientific divisions.

John E. Ingersol, Director of the Bureau states:

"The Bureau is concerned with all aspects of drug abuse—social, psychological, physical. However, our major concern is with its criminal aspects, for the primary responsibility of this Bureau is to enforce the narcotic and drug abuse laws of this country.

"A greater effort will be expended now and in the future to apprehend and prosecute major drug traffickers and also to prevent violation of the drug and narcotic laws, especially among the young, the naive, and ordinarily law-abiding public."

Expanding on what is termed the "drug syndrome" in this country, John Finlator says there has been no direct evidence to support the theory that smoking marijuana leads to the use of hard narcotics such as heroin. He further states that only a relatively few heroin users have been discoverd on the college campuses, although he is quick to acknowledge that these findings should not lead to complacency about the dangers of drug abuse. He points out that it is probably too early to tell what effect the increased popularity of marijuana has had on the incidence of heroin addiction, and says: "It would be a terrible thing if we let the drug syndrome go on until we get into heroin."

The drug syndrome seems to belong to the new generation even though it has existed to a lesser extent with previous generations. In commenting on drugs being "their thing," Finlator says, "While it is difficult for older generations to understand why youth would play around with something of this nature, they come back and say it is very difficult for us to understand how people in the thirties and twenties got hooked on alcohol as strong as they did."

The enforcement people hope the truth about drugs can ultimately be determined and that the story when told, will be accepted by young people.

Finlator, himself, feels that this true story, when it comes, must be told by the scientific community as well as the government. He admits this "discovery of truth" may lead to a revision in the marijuana laws which places extremely high penalties upon anyone caught using, possessing, or selling the drug. Finlator emphasizes that it is not his job as an official of the Bureau to question laws now on the books; but to follow them. However, he says, "One would be blind if he didn't look at the problems that are being raised by the severities of the penalty (referring to marijuana) and what they might be doing to us."

Others are more outspoken about the present laws that find marijuana included with narcotics insofar as jail sentences are concerned. One man who is doing something about what he feels are penalties not commensurate with the offense is Judge Kenneth Wendt of Chicago. He says:

"I believe the first offense of marijuana use, when committed by an individual with no criminal record, should be considered a misdemeanor rather than a felony."

Judge Wendt has led a drive to get the law changed in his state by the Illinois legislature.

It is the hope of many that studies urged by former President Johnson will do much to remove the crazy-quilt pattern of laws now existent, and that new and more meaningful legislation will be drafted that is universally acceptable. As Finlator puts it, he is hopeful that these studies will "bring things into better perspective."

In commenting on a solution to the problem, Finlator pays close attention to the knowledge gap and the problem this causes for society.

"There is one thing I think we are all missing the boat on. That is, we who are in authority find ourselves pretty ignorant about the drug problem around us. The school teacher, the parent, the school administrator, the businessman, and the housewife are all ignorant about the problem. Thus, when a young person starts talking about drugs, neither his parents nor his teachers are really able to keep up with him.

Although most of his information is misinformation, the responsibility is still upon the shoulders of the parents and teachers to know something about one of the most devastating problems we have in our society. Yet we find ourselves too lacking in knowledge about what's going on, and in our ability to even discuss it with young people. As long as we have an uninformed public, parents, and teachers in this area, we're not going to make much headway. We will with the criminal, but he's going to pop up again and again. If we are going to solve the drug problem, we must do so through an effective educational process and one that can be accepted."

The sociological view

Indeed, as John Finlator indicates, education plays an important part in the answer, although the educational process is difficult. It is agreed that education is not just for the young people, but for the adults as well. And the education must not confine itself to learning more about drugs and narcotics and what they can do to the individual. It must also concern itself with the sociological and psychological aspects as they relate to the motivation for using drugs. Many say that adults are lacking in their understanding of today's youth and what motivates them and this "generation gap" contributes greatly to the problem.

There can be little doubt about the necessity for discouraging young people from using drugs or about the necessity for discouraging them from committing their lives to a purposeless course. Instead, as it is put by Dr. Alfred Freedman of the New York Medical College, "We must encourage them to withhold their commitments for something more important." He adds, "We will desperately need the abilities of these young people in the future."

The question is asked, "Where does the blame belong?" And the answer seems to be that it must be shared by everyone to some extent since these children are products of an environment adults helped create. That they see the shortcomings and ask for better is commendable. That they see the gaps and seek to escape the reality of helping to fill them is, however, less than commendable.

Dr. Freedman observed: "As I see it, I think the problem in terms of where the concern is, is the fact that some of our most talented, gifted, and most creative young people are making a major commitment and involvement in the drug scene rather than involving themselves continually in the real world issues. I don't think this world or our country can afford to do without their value."

But, if as the doctor says, many of today's young people are making their commitments to drugs rather than to a more constructive means for helping to solve society's ills, they have what they believe to be justifiable reasons.

As one young drop-out on society put it, "Nobody wants us to get involved with anything, it's all so ridiculous. Just look at the political campaign with everybody being coy and playing the game of political football, and who gets kicked around? Us, that's who. None of them really give a damn."

Perhaps they have a point in that adults do not give them responsibility, yet plead with them to be responsible. Times have changed greatly since previous generations were reared in an atmosphere that was largely rural and where children by necessity assumed an important role in the family. They had to begin making contributions to the family unit at an early age and their purposes in life were fairly clear, at least for the short view.

Now, however, Americans live in a largely metropolitan country where youth's role has been diminished to the extent that parents frequently place reduced emphasis on the child's making an economic contribution to the family. Their responsibilities frequently are little more than to "be good kids and don't get into any trouble." Because these children are physically in better health and mentally more alert than previous generations, this lack of delegating responsibility to youth not only confuses, but frustrates, as well.

Another thing that helps to compound the problem is the strong effort adults make to identify with youth activities. This reduces those things with which young people feel secure in calling their own. That is, if the youngster develops a language, the adults soon adopt it. If youth comes up with a new dance, the adults take it over. If teenagers begin a new hair style, the moms and dads quickly copy it.

With such adult raiding of the youth world, teenagers may be sent scampering to new areas which they can identify as their "thing." Of course, those who are out to really shock "The Establishment" join together in unusual dress and barren apartments to form hippie clans. Many of them get attention by assuming non-conformist roles.

On the subject of attention and caring, one young unpublished hippie poet in Washington, D.C. wrote a few verses. The following is excerpted from his creation.

"Man, it's a hassle
But I don't care.
'Cause when I walk down the street
And a thousand plastic eyes stare
At me, I stare back at them.
And I laugh back at them, and
They thank their God that
I just don't care."

Perhaps care is the real key. And then must come awareness, understanding, and education. However, it is important that these elements not be misused as a platform from which to preach; but instead, a platform for establishing a common ground upon which youth and adults can approach their mutual problems.

Young people today, experts agree, are vitally concerned with the fact that to them social progress has failed to keep pace with technological advances. Young enthusiasts say that under The Establishment's rules they must look to adults to bridge these gaps, and that so far most of them don't feel optimistic about the prospects. It is here that one opportunity exists for seeking a common approach to problems.

At present, some social scientists say adults often fail to give young people a meaningful role, a responsibility for helping to bridge the gap between social and technological progress, a fault that perhaps can be corrected. But adults alone are not to blame. Much of youth is at fault for taking the less responsible drug route as a means for escaping the difficult realities. Many authorities say that, instead of committing themselves to drugs, youth should become more actively involved in a constructive means of bring about change.

Dr. Freedman comments on this aspect of their lives.

"It's not so much the physical dangers of drugs which do exist, or that they will become criminally insane, which is ridiculous; but rather the fact they are developing an inward reality that is most meaningful to them rather than maintaining a concern with society in general. We are in very difficult times it seems to me and the participation of everyone, particularly the younger people, is extraordinarily important. If the focus of their lives becomes centered upon drugs, which often happens, then I think we're losing something."

If caring is the key, education is the hand that holds the key, both in terms of young people and adults. But discussion of the problems that lead youth to a drug existence does not come easy, nor does discussion of drugs themselves. This emotional reluctance to approach the problem objectively often stands in the way of an effective educational program.

Dr. Robert Petersen, a psychologist with the National Institute of Mental Health, says: "One of the real problems, of course, is that drug abuse is an emotionally-loaded issue." He points out that many teenagers and adults have strong emotional investments making it difficult to deal with them on the subject. He also says:

"Among parents of some of the kids in the neighborhood, I have heard several of them say that their kids would most certainly never think of using drugs, and in situations when I was reasonably certain their kids were actually using them."

It is this attitude of "not my youngster" that also contributes to the problem. The use of drugs is not confined any longer to one particular socio-economic class; nor is it confined to hippies. Drug abuse is prevalent among all classes and is increasingly becoming a problem in America's middle class towns and suburbs.

The question frequently is asked about why parents react emotionally toward the use of drugs rather than seeking knowledge that permits intelligent discussion. Perhaps Dr. Petersen has the answer:

"Parents are frightened and you can certainly understand why they are concerned, if for no other reason than they tend to believe the notion that a joint of marijuana is the first step to becoming a hopeless "junkie" or something of this sort, to the very realistic dangers of the kid getting arrested. If he gets arrested, a felony conviction, or even a felony arrest, can dog his career for the rest of his days."

Therefore, fear plays a role in the reaction to drugs, especially as it relates to a parent's child. Dr. Freedman, again, comments that the biggest threat to society where marijuana is concerned lies not in the drug itself, but rather in society's reaction to its use.

Society, it is pointed out, must take the initiative in changing attitudes about the emotionalism of drugs and the factors in the environment which motivate young people to seek them as a means of escape. Parents, it is agreed, must be careful not to underestimate the ability of their children and must also make greater attempts at getting youngsters involved in responsible family and community roles. Many say that youth will respond favorably to a society which gives them meaningful roles to play and new responsibilities that lead to some identifiable sense of purpose.

But for the moment, and in brief, the question remains as to the best method for discouraging young people from "copping out" with drugs. As already stated, authorities conclude that parents should learn as much as they can about drugs and then tell their children the truth; that is, the real dangers and not the myths that may have existed in the past.

Dr. Petersen says it is a mistake to try and persuade youth into believing something that is not true about drugs, especially since they probably know more about it than their parents anyway. He says:

"My inclination with my own kids and with other peoples' kids is to tell them the truth. When kids ask me about marijuana, I tell them what is the present state of knowledge, that it is indeed at best partial. I make a point that when you say something is not clearly demonstrated to the satisfaction of all to be harmful does not by any means say that it is harmless."

"And I try to point out," the psychologist continues, "that whether you really believe this is the one social issue of our time for which you want to put yourself on the line. However unrealistic you regard the penalties to be, they exist. They are enforced some of the time and you can't be certain you aren't going to be caught. Also, do you really want to get into the habit of resorting to any kind of chemical for a sense of well being? Do you really want to be dependent on a drug in any sense?"

This last question probes deeply for a responsible reply from the potential drug user. Those close to the situation who deal with the realities of the mind's reaction agree that there is a better way for youth to "turn on" and experience a new feeling. It has been found by many of today's young people who are actively involved with social change in a variety of ways. These are the people who face up to the challenge and seek to find a more realistic hope for themselves than drugs can offer.

SOCIAL JUSTICE QUACKERY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. RARICK. Mr. Speaker, with the ink barely dry from the Supreme Court's latest social injustice decree, we are already advised that the Justice Department mechanics are ready to open a blitzkreig against schoolchildren and destroy what remains of public education in the South. It seems as if they were prepared to lower our schools to the level of those in the District of Columbia, even before the Supreme Court handed down its decision.

Ironically, the same Justice Department activists who themselves have defied the laws which exist defining "desegregation," and who now control the unlawful attempts by the Supreme Court to destroy freedom are calling upon all citizens to show "full respect for the law" and obey the High Court decision—knowing full well that it is lawless.

That is like saying, "We don't have to obey laws, but you must obey whatever we choose to call laws."

Everybody wins except the decent, hard-working citizens—the mothers and dads, the children, the educational system and the future of the United States and, to some, these come last.

I include an article from this evening's paper, as follows:

U.S. OFFICIALS ACT TO SPEED SCHOOL DESEGRATION PACE

(By Lyle Denniston)

Federal officials moved today, at an apparently quickened pace, to follow President Nixon's lead in a new effort to desegregate public schools.

The main activity seemed centered at the Health, Education and Welfare Department, where some 150 school districts have been chosen for priority handling in the wake of the Supreme Court's demand Wednesday for "immediate" desegregation.

At the Justice Department, officials were said to be studying over-all policy developments while waiting to hear what the 5th U.S. Court of Appeals will require in a test case involving 33 districts in Mississippi.

The signs of new movement came within hours after the President had called on the nation—officials and private citizens alike—to show "full respect for the law" and obey the high court decision.

The White House was making special efforts to show that Nixon was insisting that the decision be carried out and was not displaying any hesitancy about it.

Ronald L. Ziegler, the President's press secretary, stressed that "the administration will carry out the mandate of the court, and will enforce the law as stated by the Supreme Court decision."

He discounted speculation, apparently stirred by some of the language of Nixon's official statement, that the President was reacting hesitantly to the court ruling. Here's what Nixon said:

"The Supreme Court has spoken decisively on the timing of school desegregation. There are of course, practical and human problems involved.

"With all of us working together, in full respect for the law, I am confident we can overcome these problems.

"I intend to use the leadership resources of the executive branch of government to assist in very possible way in doing so.

"I call upon all citizens and particularly those in leadership positions to work together in seeking solutions for these problems in accordance with the mandate of the court."

Ziegler said the mention of the problems did not mean any lack of commitment to enforce the decision.

Nixon's pledge to use "the leadership resources of the executive branch . . . in every possible way" to implement the ruling was followed by similar promises from the two officials directly responsible for desegregation policy: Atty. Gen. John N. Mitchell and Health, Education and Welfare Secretary Robert H. Finch.

Mitchell, whose department has had the main job of defending the administration's policy of seeking some delays in desegregation, said his agency will "bring every available resource to bear" to carry out the court decision.

Insisting that the justices' ruling involved only a question of timing, and not any issue of law on desegregation, the attorney general remarked:

"All Americans, state and local officials, judges, federal officials and citizens, will be called upon to understand, cooperate and comply. If we believe in a society based upon the rule of laws, we will do so without hesitation."

Finch, while not mentioning any efforts that citizens or officials in general would have to undertake, did vow that his own department will devote "maximum resources" to get "educationally sound and prompt desegregation."

The secretary, whose Aug. 19 decision to seek delay of desegregation in the 33 Mississippi districts led to the high court decision, commented:

"By the language of the decision itself, neither the courts nor this department should tolerate any further delays in abolishing the vestiges of the dual system."

There were painful grumblings from the South, meanwhile.

Gov. Lester Maddox of Georgia called the Mississippi schools decision a "criminal act" and appealed for a taxpayers' revolt.

George C. Wallace, former Alabama governor and the 1968 third-party presidential candidate, called the decision "scurrilous policy."

Sen. James O. Eastland said, "the decision spells disaster for public education in Mississippi and many areas of the South."

Atty. Gen. A. F. Summer of Mississippi said, without amplification, his state will fight to change the ruling.

And Mississippi Gov. John Bell Williams said the school children of his state had been "cruelly offered as sacrificial lambs on the altar of social experimentation."

The schools most likely to be affected first by the new ruling are those in the 33 Mississippi districts. Federal Judge John R. Brown of Houston, who will preside over the 5th Circuit's three-judge panel to enforce the ruling in those schools, said he will get the panel to work "expeditiously."

Brown, in Washington to attend a series of federal judges' meetings yesterday through tomorrow, said it was a "safe sort of estimate" to suggest that the earliest his panel will get together is Monday.

He said he did not yet know whether the panel—which also includes Judges Homer Thornberry of Austin and Lewis R. Morgan of Newman, Ga.—would hold any more hearings on desegregation plans.

Lawyers for the NAACP Legal Defense Fund, who won the Mississippi test case in the Supreme Court, were sending desegregation plans to Judge Brown's panel for study.

In addition, fund lawyers were weighing the steps they could take to get the high court decision applied to districts other than those involved in the Mississippi case.

While Justice Department staff members were awaiting orders or requests from Judge Brown's panel, HEW assistants were making plans to give priority to 150 districts which have been negotiating with HEW over desegregation plans.

Of the 4,476 school districts in 17 Southern and border states, the department now figures that 3,327 are totally desegregated.

Court orders requiring integration are in varying stages in 374 districts, and another 336 districts are carrying out HEW-approved desegregation plans to end segregation either this school term or next.

While some of the districts under court order or HEW desegregation plans may have to step up their pace because of the high court ruling, HEW officials are aiming their initial new efforts at the districts which have done nothing to desegregate so far.

Of 439 districts in that category, 154 have been negotiating with HEW. Those will be given first attention, it was indicated. Another 133 are facing a cutoff of federal funds if they don't move toward desegregation, and an additional 120 have had their federal money cut off. Another 26 face possible court action by the Justice Department.

EDUCATION—"THE KEY TO SURVIVAL"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. MOORHEAD. Mr. Speaker, the national benefits derived from education are well known and generally recognized. That our public schools in low-income areas are in a fiscal bind is also well known, but the implications of which are not appreciated. The Washington Post editorial of yesterday goes directly to the point.

First, we have candidate Nixon expounding on education as "the key to opportunity and fulfillment" and also our "key to survival."

Second, Commissioner Allen calls for a campaign to eradicate illiteracy in America while pointing to our incredibly shameful failures in this Nation to provide for an equitable educational system.

Third, the House of Representatives, this year, responded—albeit meager—to these past failures by authorizing an additional billion dollars for Federal aid—the majority of which will go to low-income areas where functional illiterates are concentrated.

However, irony would have it that again a program which should clearly be at the top of our national agenda is being threatened with sacrifice on the altar of fiscal responsibility.

I would like to appeal to Mr. Nixon's sense of priorities. I ask Mr. Nixon what are his relative priorities—what is more critical to our survival as a nation—the education of our youth or the construction of a supersonic transport?

I would like to insert the Post editorial at this point in the RECORD for the benefit of my colleagues:

[From the Washington Post, Oct. 28, 1969]

EDUCATION—"THE KEY TO SURVIVAL"

"Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation education would be the key. . . . Education, long the key to opportunity and fulfillment, is today also the key to survival." So said Richard Nixon just a year ago when he was a candidate for the presidency. And he went on to pledge that "my administration will be second to none in its concern for education."

There has been no discernible movement to redeem that pledge. Indeed, in the fierce competition for attention and for federal funds in a period when economy is an administration watchword, education has been treated as a pesky poor relation. The President has come forward with a dramatic new welfare proposal; but he has displayed only indifference to the urgent needs set forth by a distinguished urban education task force. He has proposed immense expenditures for a new maritime program designed to "replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world"; but when the House of Representatives during the summer enlarged by a billion dollars the meager appropriation he requested for federal aid to education, he opposed the increase and threatend not to spend it if the Senate should endorse the House action.

The President and his Secretary of Health, Education and Welfare persuaded one of the ablest and most thoughtful educators in the country, Dr. James E. Allen Jr., to leave the New York State superintendency of education and come to Washington as U.S. Commissioner of Education. But Dr. Allen has been accorded scant influence since he came here, as though the administration desired a symbol of excellence rather than a promoter of it.

This country, a pioneer in mass public education, is now second to many of the countries of Europe in literacy, the most elementary index to educational attainment. Calling last month for a campaign to eradicate illiteracy in America, Commissioner Allen pointed to the shameful fact that in large city school systems in this country up to half of the students read below expectation and that about half of the unemployed youth between the ages of 16 and 21 in this country are functionally illiterate.

"Drift and neglect" have been much more—and much more seriously—the portion of the public schools in this country than of the merchant marine. For nearly half a century on one pretext or another—two world wars, two Asian interventions, a depression, an inflation—the public schools of this country have been allowed to sink further and further in arrears of the demands made upon them. School construction has not kept pace with a growing school population; the number and the caliber of teachers—and of the counselors and equipment required to complement the teachers—have lagged increasingly behind the known needs of school children.

The management of public schools is, and should be, a local responsibility. But the long neglect of the school system can be repaired only through a dramatic program of federal financial aid; the resources are simply not now available at the local level. More important still, the drive and innovation and planning for a revitalization of the public schools must come on a nationwide basis.

With the need for federal aid so urgent and so great, it is a tragedy to hear from within the administration phlegmatic talk about concentrating on research instead of on action. It is true of course, that intensive study of educational needs and aims must continue constantly. But the schools themselves—and the children whose childhood opportunities for education can never recur—cannot now wait upon research. There are plenty of pressing and indubitably constructive uses for the billion dollars of additional money a concerned Congress wants to apply to public education. There is plenty of knowledge in the U.S. Commissioner's office to put that money effectively to work at once.

MEDICAL RESEARCH AND NATIONAL PRIORITIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. BROWN of California. Mr. Speaker, a major battle between Congress and the administration may be looming in the near future, and once again, the issue at hand comes from differing views of "national priorities"—this time, in the medical research area.

Two months ago the Nixon administration announced that its latest round of budgetary cutbacks meant that a number of projects in the general clinical research program would either be reduced or eliminated completely. And, gauging from the tone of Dr. Roger Egeberg's remarks justifying these cutbacks, it would appear that billions of dollars were involved; according to Dr. Egeberg:

> We are proceeding on this basis at this time pending final action on the appropriation bill and will re-examine our position after action is final.
>
> Medical research has not been treated any differently than any of the other programs of the Department. We have endeavored to apply reasonable and limited restraints across the Department's programs to the extent possible in order to (1) effect required expenditure savings and (2) minimize the adverse impact of any one program.
>
> We regret that it is necessary to reduce these important and desirable programs. We recognize the problem which caused the Congress to establish an overall limit on expenditures and caused the President to take strong action to restrain expenditures.
>
> We fully support these efforts, not only to share in the total Government effort, but because we are convinced that it is best for the programs administered by H.E.W.
>
> These reductions are the product of the inflationary situation which the President is firmly committed to bring under control. The ravages of inflation strike hardest at the beneficiaries of H.E.W. programs: not only the poor, the aged, the disabled, those dependent on a limited, fixed income, but also the non-profit institutions dependent upon limited and fixed budgets. The administration wants to do everything it can to halt the erosion of their spending power.
>
> The problem which has been aired about a possible limitation on the number of clinical centers should be viewed in a different context. Here the budget provides for the same funding level in 1970 as in 1969. We are developing plans for administering that budget. Rising costs, changing technology and changing programs have caused us to examine the possibility that it might further the program objectives to operate fewer clinical centers of higher quality rather than spread the funds among all centers. This examination is under way. Meanwhile, the centers which might be affected have been notified of the possibility of adoption of this policy.

Yet, all this uproar centers around a difference of from $3 to $5 million.

For fiscal 1969, the Johnson administration asked for $35.7 million for clinical research programs and received an appropriation of $35 million—an increase of some $5 million over the 1968 operating level. But, even at that rate, rising costs necessitated a decrease in the number of active research beds.

Now, for the current fiscal year, the Nixon administration called for a continuation in the downward trend in these important research areas—in fields such as heart disease and stroke, cancer, arthritis, and diabetes, neurologic and sensory diseases, respiratory diseases, hormone abnormalities, and chromosomal and hereditary diseases.

The Nixon budget requested only $35 million, a total at which all centers could not be maintained even at minimal operating levels. However, an additional allocation of between $3 to $5 million would bridge the gap and allow all 93 centers to move ahead with research operations.

Thus—as predicted—we come to the matter of priorities. The Nixon administration never hesitates recommending billions of dollars to build "high priority" items such as the Safeguard ABM and the supersonic transport. And we certainly "need" all those highways, bridges, and dams.

I question by what means the public interest gets furthered by commitments to such obvious boondoggles as ABM and SST. But where do the budget slashes come? First we had the severe Job Corps cutback; now, it is medical research. Education has not fared too well either.

Indeed, there have been reductions in the military budget—as well as in other areas. But, the brunt of cutbacks is being borne by critical human investment programs, and, over the long run, this course probably will be the most costly of all.

Certainly, Congress has not failed to recognize the foolishness of budget reductions in these vital areas. First the Joelson amendment and then this week's Cohelan resolution stopgapped potential dangerous cuts in education programs. So far, the prospect is also encouraging for medical research.

In the House-passed Labor-Department of Health, Education, and Welfare appropriations bill, the proposed medical research slowdown was halted by an addition of some $3.9 million—enough to fully fund all ongoing programs. The Senate Appropriations Committee is now working on the measure and, according to latest reports, at least the $38.9 million level will be approved.

The onus now falls upon the administration. How will the administration act if Congress approves the higher figure? That is the main question I have raised in a letter sent today to Health, Education, and Welfare Secretary Finch, a copy of which I place in the Record at this point:

Congress of the United States,
House of Representatives,
Washington, D.C., October 31, 1969.

The Honorable Robert H. Finch,
Secretary of Health, Education, and Welfare,
Washington, D.C.

Dear Mr. Secretary: It is my understanding that the Senate Appropriations Committee will recommend that the higher figure of $38.9-million be allocated for fiscal 1970 General Clinical Research Centers programs.

Acceptance of the $38.9-million amount should more than serve to make up the forecast funding gap which would have led to the slowdown and elimination of a number of clinical research projects.

According to the plans announced in September by Dr. Egeberg, the General Clinical Research Center at the Los Angeles Children's Hospital would have been affected by the cutback. I believe that such a move would have many adverse results, and that this research deserves a much higher priority.

If the higher $38.9-million level is approved by the Congress, will the administration still progress in its plans to reduce the General Clinic Research Centers program, and will the Center at Children's Hospital still be closed?

I would appreciate hearing from you as soon as possible on this important matter.

Sincerely,

George E. Brown, Jr.,
Member of Congress.

Of course, I am alarmed over these possible cutbacks because of the effects it might have on research and treatment in the Los Angeles Children's Hospital. Yet, in conclusion, my concern is even deeper, for I think the cavalier attitude of the Nixon administration on the subject of across-the-board budget cutting reveals the distortions through which our leaders view their sense of national priorities.

CHARLES H. SILVER, CHAIRMAN OF THE ALFRED E. SMITH FOUNDATION

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. DELANEY. Mr. Speaker, the phenominal achievements of our scientists and technologists in propelling man to the outer reaches of space have enkindled a feeling among many that there are no problems which man cannot solve.

Yet, despite our sophisticated advances in outer space, we know there are many unresolved problems in the inner cities, and the "inner space" of the hearts and minds of men.

In this regard, I would like to take this opportunity to bring to my colleagues' attention an interesting and provocative address on this subject delivered by Mr. Charles H. Silver, chairman of the Alfred E. Smith Foundation, which he delivered at the foundation's annual dinner in New York recently:

Address by Hon. Charles H. Silver, Chairman, Alfred E. Smith Memorial Foundation Dinner, Waldorf-Astoria, October 16, 1969

Some time ago, several days after the unforgettable landing of America's space explorers, I had the good fortune to spend several minutes in rewarding conversation with His Eminence.

I was profoundly moved by the things he said concerning this incredible exploit. There came back to me some lines I had once read in a science book when I was just a boy:

"A day will come when men will walk upon the moon—but you and I will not live to see it."

Well, that day has come. Men of our nation have walked upon the moon—and you and I have lived to see it.

We have demonstrated a dramatic breakthrough . . . in breaching time and space, traveling undreamed distance at unbelievable speed to reveal the mysteries of the universe within the margins of a television screen.

You must thrill—as I do—to the presence on this occasion of that great and inspired guiding spirit of our space program, the Administrator of the National Aeronautics and Space Administration, Thomas O. Paine.

I am sure that Dr. Paine will appreciate the sentiments that move me as I say that one picture out of all those hours of prayer and suspense remains indelibly in my mind—and I do not mean the overwhelming excitement of the moment our spacecraft landed—nor even when civilization held its breath as the first men from the planet Earth set foot on the lunar surface.

The scene—forever beyond forgetting—is that of a small globe suspended in space—caught in the lens of the camera countless miles out in the vast celestial void. We saw a tiny sphere so perfectly formed—spinning with its oceans and continents, its mountains and rivers, its natural wonders, its man-made wonders, bearing upon its face billions upon billions of people of every race and nation, culture, color and creed.

This was a view of the world that men had never seen before—and we knew, as we watched, awed and perhaps even shaken, why God, when He created the earth, had said it was "good."

And so, in greeting you this evening at the 24th annual dinner of the Alfred E. Smith Memorial Foundation, I feel that as we gather in tribute to the memory of democracy's "Happy Warrior" we, too, achieve a new attitude of the intellect.

From it, we survey the surface of our earth—perhaps even the state of things a bit below the surface. We seek to learn from what we know of our world and ourselves—and from the words of those great figures of our time assembled on this dais—whether we have kept faith and can truly say today of the things left in our keeping that they still are "good."

Oh, we have worked miracles. We have probed the secret soul of the cosmos.

But let us, for these precious moments, return from outer space and probe our own souls. Let us answer to our conscience which echoes the burning questions raised on countless acres of college campus and in so many schoolrooms only yesterday . . . the questions of a new generation and generations yet unborn:

"What have you done with the 'inner space' of humanity's self respect . . . man's right to home . . . and happiness . . . to equality, liberty and justice . . . his right to share the blessings of God and of the life God gave him?"

We have let things go from bad to worse and now it is late—very late. And it is sad that men who can soar to the limit of the skies cannot maintain a climate of order, peace and justice on their own planet.

If there is hope, it is in the exalting example of such models of mankind's better self as our host this evening—that Prince of God and Prince among men—His Eminence Terence Cardinal Cooke.

Rare souls, like our cherished friend, His Eminence, can, perhaps, chart our way on earth as others have charted the heavens.

If our world must change—and our way of life—it is not merely to assure a better tomorrow for our children—but any tomorrow at all for anyone.

We live in an abundant society and thousands starve—not just in far-off lands that weigh lightly on our responsibility—but within our very borders.

We live in an age of scientific and medical marvels—yet our streets crawl with drug addicts and despair. Innocent victims of afflictions that we have the means to cure are dying because they lack the means to pay.

I am not talking in exaggerated or sensational terms. I am telling it "like it is"—and each day's headlines say it must not stay that way much longer.

Let us make this the kind of world that ought to be for every creature on God's earth . . . every man, woman and child that needs a change for the better, new standards, new opportunities, health, homes, education, dignity and hope.

Before we abandon any of our brothers who are hungry, helpless, in want or in fear—let us, if need be, change the world.

Let us make it the way God created it to be—so that he may look at it once more, a clean, perfect sphere spinning in space—and say again that it is "good."

The prosperity and privileges of our land, the opportunities of education, health, good housing and good jobs must not be enjoyed only by a particular part of our people.

If there is enough for everybody, let's make sure that everybody has enough of everything.

Thus we may paraphrase the wording on the plaque that now rests upon the surface of the moon and say that—in our time—men of the planet Earth first set foot upon a brave, new path to peace and justice for all mankind.

And, please God, we shall live to see it.

LSD A KILLER

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. HARSHA. Mr. Speaker, there is widespread abuse and illegal traffic in depressants, stimulants, and hallucinatory drugs. The users of these drugs have little or no conception of the sometimes dangerous and permanent effects of such use. The users can become physically or emotionally dependent upon these drugs, but they do not yet have the same social stigma that is associated with the use of narcotic drugs.

For example, the use of LSD has been openly and irresponsibly promoted for its alleged mind-expanding effect. However, experience has shown that users of LSD may actually lose their capacity to think clearly, to create, to reason, or to use their minds productively. In addition, LSD can cause serious and permanent mental changes, nervous breakdowns, and lead to violence and self-destruction.

One such unfortunate incident has reached the headlines of our newspapers. I am including in my remarks a newspaper article which appeared in the Washington Star pertaining to the untimely death of the daughter of Art Linkletter. This story tells far more eloquently than I the dangers inherent in merely experimenting with such drugs as LSD.

It is my hope that many of our young people and parents will read this article and come to the realization that the only result of the use of LSD is tragedy to their families and to themselves. Lives are being shackled in chemical chains because the users do not recognize the potential dangers of these drugs.

The article follows:

LINKLETTER TELLS OF DAUGHTER'S SUICIDE: DRUG DEATH DRAMA UNFOLDS AT WHITE HOUSE

(By Garnett D. Horner)

Art Linkletter recited the personal tragedy of his daughter's suicide to a White House conference today in an effort to alert parents that their children will be tempted to take drugs.

President Nixon, administration officials concerned with the dangerous drug problem and congressional leaders of both parties listened in rapt silence as Linkletter told how LSD had taken the life of his daughter Diane.

At the end of the nearly 2-hour meeting, there was general agreement among the senators and congressmen that the administration's proposals for a new law to tighten up efforts to wipe out traffic in dangerous drugs and to provide flexible penalties for marijuana users and first offenders in particular would be spurred to passage.

Linkletter, a television personality and old friend of Nixon, told the group that "two weeks ago my beautiful 20-year-old daughter leaped to her death from her apartment, while in a depressed, suicidal frame of mind, in a panic believing she was losing her mind from recurring bad trips as a result of LSD experiments six months before."

Linkletter said he decided that "this tragic death would not be hushed up" and that he would "speak out to shock the nation—that this wasn't happening to some other people's children in some poor part of town—that this could happen to a well-educated, intelligent girl" of a traditionally Christian and "straight" family.

He emphasized that Diane was not a hippie, not a drug addict, but "had everything to live for and no problems not normal growing-up problems."

Linkletter said one of the dangers of LSD is that it "works in the bloodstream like a tiger—you never know when it is going to hit."

He said his daughter had told him months ago that she had experimented with LSD and found "bum trips" frightened her. She thought use of LSD was ridiculous and that she was not going to do it again.

But, even though she took no more LSD "those trips kept recurring," and led her to think she was losing her mind, Linkletter said.

During the last 10 days, he said he has received "an alarming number" of letters from parents who say they know this is happening in their families and asked him what they should do.

"I was horrified," Linkletter told the group in the White House Cabinet Room, "to find out that I don't know what to tell them."

He said the trouble is that children are reacting to the "drug society." He said they see people on television "popping things into their mouths whether they want to get thin or fat or happy or go to sleep or wake up or erase tensions or take away headaches, or whatever."

He said children in the fourth, fifth and sixth grades should be taught that "you no more put something into your mouth or bloodstream than you walk in front of an automobile or set fire to your dress."

If this is not warning enough to both parents and youth alike of the inherent dangers of LSD experimentation, let me cite some statistics which have been accumulated by Dr. Donald B. Louria, head of the Infectious Disease Laboratory of the Bellevue Hospital in New York. Dr. Louria accumulated statistical data on 114 individuals who used LSD and were admitted to Bellevue Hospital. Of these 114 users, some used LSD as little as only one time and others as often as three times.

There were 13.1 percent of the users who experienced overwhelming panic, 12.3 percent resorted to violence, 8.6 percent of the users endured homicidal or suicidal impulses, 34.2 percent experienced underlying overt mental disease, and 15.8 percent required extended hospitalization.

Surely it should be clear to anyone that even experimentation with LSD is but an invitation to destruction of life. To the youth of America I would say your life lies ahead of you. It will be an exciting one, full of pleasant experiences; do not destroy your chance to enjoy it to its fullest extent. Do not gamble with tragedy.

PLIGHT OF THE ELDERLY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. LONG of Maryland. Mr. Speaker, the mail I have been receiving in my office, and the comments I have heard from my constituents when I tour my district, have greatly increased my concern for the plight of the elderly in our country. To find out what might be done to help ease the burden for the elderly, I am sending the following questionnaire to several areas of my district:

From: Congressman CLARENCE D. LONG.

DEAR FRIEND: The plight of the elderly disturbs me deeply. Many have no income other than Social Security. Rising prices make it difficult—even impossible—to get by.

The Nixon Administration proposes a 10% increase in Social Security, including a raise in minimum primary benefits from $55 to $61—effective next year. Too little. Too late. More—much more—is needed now. My bill would increase average benefits by 15%, minimum primary benefits by 45%, from $55 to $80 a month—effective when the bill passes.

My bill is admittedly stop-gap; it will not fully solve the problems of the elderly. Help me learn what else can be done to help. Please fill out the questionnaire below and return it to me.

Warm regards,

CLARENCE D. LONG.

How old are you? ——— Sex: M ——— F ———

Married? ——— Other? ———

Health? ———

Source of income?

——— Earnings from job?

——— Social Security?

——— Disability payments?

——— Pensions? What type? ———

——— Relatives?

——— Savings?

——— Welfare?

How do you live?

——— Own your home?

——— Rent?

——— Live with relatives?

——— Other? ———

I. Do you get enough to live on? ——— If not, what are your biggest problems?

II. Should Social Security Retirement and Disability benefits be liberalized? ——— How?

III. Should Veterans pension and compensation benefits be liberalized? ——— How?

IV. Are you satisfied with Medicare? ——— If not, what should be done?

V. What can the Federal government do to help you make ends meet?

SLOWING PAINS

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, the Nixon administration has introduced an era of commonsense and hard realism in the handling of our Nation's affairs. It has transferred the emphasis to the back shop rather than the show window.

One of those who has pinpointed the significance of the fight against inflation is Loyal Meeks, chief editorial writer of the Milwaukee Sentinel. Mr. Meeks is not one who speaks only from book knowledge and Ivory Tower meditation. He knows how Government works. He came to the Milwaukee Sentinel from the staff of Senator JACK MILLER of Iowa. He has been here. He knows the problems of Government, and the vagaries of politics. His editorial "Slowing Pains" is food for serious thought, and a call for support of tough, responsible anti-inflation Government policy.

The editorial follows:

[From the Milwaukee Sentinel, Oct. 20, 1969]

SLOWING PAINS

Good economics doesn't make good politics. President Nixon fully recognizes this but, to his everlasting credit, he is courageously choosing to practice good economics instead of good politics in the battle to control inflation.

It is more fun, while it lasts, to tromp down on the accelerator than it is to step on the brakes. For the last five years, the American economy has been driven with the gas pedal on the floor. Once in a while the brakes have been slammed on at the same time, a simultaneous stopping and going that nearly caused a fatal accident.

In his radio address on the high cost of living, Mr. Nixon put the blame for the spiral of wages and prices squarely where it belongs: Fundamentally on the last policies of your government.

For the last five years, he said, "the federal government spent a lot more than it raised in taxes. . . . To put it bluntly, the frequent failure to balance the federal budget over the last five years has been the primary cause for unbalancing the family budgets of millions of Americans."

Mr. Nixon outlined a three pronged attack his administration is making in the fight against inflation. One is to hold down government spending. He points out that "we cut proposed federal spending by more than $7 billion." The second is to continue the tax surcharge at 10% until Dec. 31 and, if congress approves, at 5% for the next six months. The third is to keep it hard for people to get credit.

This, Mr. Nixon admits, "is not the kind of policy that makes friends for people in politics." Nevertheless, this is the Nixon policy, neither to slam on wage and price controls nor to continue tromping on the accelerator of deficit spending, but to "gently, but firmly, apply the brakes."

In this gradual process, Mr. Nixon concedes, the people are going to experience some "slowing pains" which, like growing pains, "are a healthy development—but pain nevertheless."

The question now is whether Americans are going to be able to endure slowing pains. After an eight year joyride, living it up on credit cards, America has grown soft and accustomed to thinking that pain has been outlawed forever.

But if America won't endure the slowing pains, it is likely to suffer economic pains so excruciating as to make Mr. Nixon's inflation fighting policy seem pleasurable by comparison.

HAZARDOUS TELEVISION SETS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. EILBERG. Mr. Speaker, I would like to take this opportunity to congratulate the National Commission on Product Safety on the highly professional manner in which they are handling their investigation into the fire hazards associated with television receivers, particularly color sets. In arriving at their conclusion that there is a hazard associated with particularly color receivers, and that this hazard is potentially significant, they have adhered to the letter as well as the spirit of the law which we enacted to establish the Commission.

Sometime ago, the Commission requested that the major television manufacturers submit, on a confidential basis, records available on the incidence of fires in their products. Most but not all the companies contacted cooperated. The Commission's finding that there is a severe hazard particularly in color receivers was based on this information, spot checks of fire departments in major cities which retain records on the causes of fires, and from estimates which were provided by the National Fire Protection Association and the International Association of Electrical Engineers.

Taken together, the data which the Commission has developed indicates that there are at least 10,000 home fires each year caused by television receivers. This figure could very well be much higher since the 10,000 figure is an estimate based on samples from the States of New Hampshire, Illinois, and Oregon and because many large cities such as Philadelphia were unable to provide the Commission with information on television fires because of the way in which their records are set up. Another reason why I believe that this figure could be much higher is because consumers may well have a fire in their set and extinguish it before it spreads to the full house. After such a fire, I know they will not, as a general rule, notify the manufacturers because more often than not their warranty has expired.

The Commission's findings indicate that the component parts of television receivers which cause fires are the transformer, the high voltage case, the a.c. switch yoke and other parts to a lesser degree. The parts mentioned have caused over two-thirds of the reported fires.

This past Tuesday the Commission agreed unanimously that the data they had received showed that the public interest demanded its release. Accordingly, the Commission sent a telegram to the following manufacturers and asked that they meet with the Commission this Friday to hear its recommendations and comment on its findings prior to release of the Commissions' complete finding to the public:

Admiral Corp.
Ford Motor Co.
General Electric Co.
Hitachi Sales Corp. of America.
Olympic Division, Lear Siegler, Inc.
The Magnavox Co.
Matsushita Electric Corp. of America.
Motorola, Inc.
National Union Electric Corp.
Packard Bell Electronics.
Philco-Ford Corp.
Radio Corp. of America.
Sears, Roebuck & Co.
Sony Corp. of America.
Sylvania Electric Products, Inc.
Toshiba of America.
Warwick Electronics, Inc.
Westinghouse Electric Corp.
Zenith Radio Corp.
Electronics Industries Association.

This morning the Commission recommended that the manufacturers overhaul their recordkeeping procedures so that complete and accurate records of product fires are kept. The Commission also noted that it could not release to the public the names of the chief offending companies because of the wide disparity between the recorded data submitted by them. The Commission felt that one company should not be penalized for accurate recordkeeping while another company received an unfair competitive advantage because of a lackadaisical attitude towards keeping their records. Other recommendations of the Commission were that in addition to industrywide recordkeeping procedures, the companies engage in immediate redesign of their receivers to eliminate fire hazards.

The Commission is to be commended on its continuing excellent service to the public. If all our Government commissions did their job as well as this one, the taxpayers would be getting more than their money's worth. I have indicated before that I believe it is perfectly conceivable that the Commission could save one life or save one adult or child from a debilitating injury for each dollar we spend on its operation. That is quite a return on any investment. The people of the Nation have a responsible and effective champion in the Commission on Product Safety.

HANOI'S DEAR AMERICAN FRIENDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. RARICK. Mr. Speaker, Life Lines, a patriotic voice of freedom, presented a most thought-provoking report on October 27, entitled, "So You Want to Get Out of Vietnam."

The leadership of "Operation Bug-Out" has been unfailingly wrong in every activity from SDS to LSD, from Ho to Hue. There is no reason to suppose that it is less wrong now.

I include this report following my remarks:

So You Want To Get Out of Vietnam

So you want to get us out of Vietnam? You hate this war, this war in the wrong place at the wrong time. The killing of helpless Vietnamese citizens.

Well, a lot of people hate war, but they are not confused by the intellectual lies and the foul reports that pass as news reports and "news" interpretation.

The people who hate war as much as you also hate what will happen to the South Vietnamese when the sweet "nationalists" as you call the Communists, take over. And take over they will, because the word is out now about what the peacenik solution to Vietnam will be if you have your way. That word is *coalition*, or death to any South Vietnamese who isn't a Communist.

The Communists proved that when they took over the ancient city of Hue during the Vietcong TET offensive. The sweet harmless "nationalists," as you call them, killed hundreds of peasants. With a shot in the head at close range.

Let us go back to the reasons why you are so wrong, so reckless with the truth and the fate of millions.

You say we are killing Vietnamese. You bet your last McCarthy button we are. We are killing Communists who have invaded the south with the full intent of taking it over and Sovietizing it. The south will become an unlivable hell. Why do you ignore Hue? Why, in lauding the sweet nationalists don't you call them Communists who build walls and kill teenagers who try to escape to freedom? How many times has that happened at the Berlin Wall?

Why have you lauded Ho Chi Minh and criticized South Vietnamese President Thieu? Do you know you are praising a bloodthirsty cutthroat who learned everything he knew about killing at the Russian Communist Comintern's school for revolutionaries in Moscow in the 1920's? You didn't know that because Mike Wallace and Eric Sevareid and Huntley and Brinkly and Walter Cronkite and Frank Reynolds never mentioned it. The Library of Congress mentioned it, back in 1965 when they released his biography. Ask yourself why the liberal news media ignored it. You should be rather angry, because you have been given only the information the news and entertainment media wanted you to have. Still, they and you think Ho was a great patriot. You say Thieu and Ky are corrupt. You have it all bass ackwards.

Thieu and Ky are the leaders of a country whose countryside filled with refugees who fled south to escape the communism in the north. They are not corrupt: they represent the last bastion in a divided country for people who don't want to be Sovietized. You would deny them their right to their life as they want to lead it.

You say Americans are tired of this war, because it is a bad war, raised by the imperialist Americans. If you haven't said that phrase yourself, and you are demonstrating, salivating at the Pavlovian anti-intellectualisms of the McCarthies, Fulbrights and Churches, why are you demonstrating? They are helping the Communists. Why are you?

Americans *are* tired of this war. They are tired of the incessant propagandizing of doves, dupes, soft-headed pacifists and friends of Soviet communism whose voices have been amplified by a news media that doesn't deserve the name. The constant, bloodthirsty cries to get us of out of Vietnam are nothing more than those of a mouse with an amplifier. And you think it is the voice of the virtuous majority.

Have you looked around to see who's with you in this?

Well, there are the men in the Kremlin who captured a third of the world's population since 1917 by killing, starving or imprisoning upwards of 30 million people since they went into business. They are "nationalists" too. They have sent the tanks back to Hungary and Czechoslovakia to preserve freedom such as it is known in North Vietnam. And you say we are "imperialists."

Like some Congressmen pointed out the other day, Hanoi is on your side. You have allied yourself with the butchers of Hue—indeed with the executioners of thousands of South Vietnamese. The record has been documented: there are literally thousands of *recorded* instances of beheadings, bombings, disembowelments. But you can't have known about that—Chet, Walter and Frank never told you, because they were busy telling stories about napalm and Dow Chemical Company.

Speaking of Hanoi, if the North Vietnamese are such patriotic "nationalists," why are North Vietnamese troops swarming all over Laos, Cambodia and Thailand, why are they executing people in those countries just as they have beheaded and disemboweled those in South Vietnam? How much of a threat do these countries pose to the patriotic "nationalists" in North Vietnam? Who invaded whom? For what purpose? Good questions. Try to put Fulbright and McCarthy and McGovern out of your heart for a while and sort those questions out in your mind.

North Korea is on your side, too. It constantly sends saboteur teams into South Korea to "nationalize" the south. North Korea also treats American prisoners with delicate care—remember what the crew of the *Pueblo tried* to tell you about how unspeakably inhuman a Communist, a North Korean, can be? North Korea is rooting for you every time you take to the streets or indulge your fantasies in a Vietnam Moratorium.

The East European satellites are on your side because they are supplying the tools with which to kill the "imperialist" Americans and South Vietnamese. Of course, the East Europeans don't have much choice in the matter. They can't leave their countries in protest. They can't speak out in the press and television. The Communists in Moscow won't let them. Remember Dubcek? Czechoslovakia? The writers Yuli Daniel and Sinyavsky? That's the kind of freedom you are fighting for. Daniel and Sinyavsky are in prison.

Look around you again. Why, the clergy is even with you, albeit a microscopic portion of these disciples of God, who deny Him, who talk of doing your thing in church, such as rockin' and rollin'. They are the same ones who talk about human rights over property rights, which sounds good until you realize a lot of people were Sovietized before they realized such a thought was Communist to the core.

Who are the scholarly types beside you in the crowd? Professors who wouldn't recognize a Communist if one hit them with a hammer and a sickle. They counsel draft evasion, SDS courses, and a peculiar "freedom." They have taught many all they know, which isn't much. They teach permissivism and irresponsibility, but they don't teach about real American values or representative democracy. Many of them have written textbooks notable entirely for attacks on the free enterprise system which has kept you in the state of affluence to which you became accustomed but now try to destroy, textbooks which achieved a new high in omission of such names as Nathan Hale, Caesar Rodney and "I have not yet begun to fight." They are intellectual cretins, of such insubstantial substance that they never knew how good the American system is. And they taught you all they know. They are sick and have created legions of students who don't read well, and reason even less.

The *New York Times* is with you, but then, you know all about *it*. This great newspaper said Fidel Castro was the George Washington of the Caribbean, a great man. Other people didn't believe the *Times*, and have left Cuba at the rate of thousands each month for the last two years. With newspapers like this behind you, how could you possibly be right? The *Times* did as much to put Fidel and those missiles on that now miserable island as Khrushchev ever did. In fact, Khrushchev couldn't have done it alone.

Oh yes, Fidel is solidly behind you. Fidel believes in "nationalist patriotism" of the North Vietnamese variety. He orders that people who escape from his island on innertubes and creaky rowboats be machine gunned to death. Are you beginning to feel uneasy?

The Americans for Democratic Action is right in there pitching too. It believes in and pushes every program Marx ever thought of. If the ADA gets its way, we'll be just like the Soviet Union—but we'll have to get rid of most of our telephones, 80% of our consumer goods, all of our pot and LSD, and all our four freedoms to be as "good" as the Russians and the North Vietnamese.

Absolutely bubbling with enjoyment over the war dissent is the American Civil Liberties Union which has represented just about every Communist and anarchist who ever broke a U.S. law. Are you uncomfortable?

Those are some of your fellow dissenters. We feel, however, that they haven't been entirely honest with you.

This Vietnam war dissent is mostly sham, a means to an end. It is only one of the programs dreamed up by the Communists who have a very great vested interest in seeing us "bug out" of Vietnam, then they will know we haven't the guts to fight them anywhere. Go to Hawaii in five years—if we do get out of Vietnam—and you might just get arrested by a Bolshevik for surfboarding when you should have been picking pineapples for the glorious future of Socialism (communism). Fidel has a similar program going in his sugarcane fields. You cut cane or get planed.

The Vietnam war dissent is baked over Bolshevism, chocolated chicanery, sugarcoated communist. It takes your normal abhorrence of war, twists it all around, and uses it for the benefit of the most practiced killers of freedom the world has ever known.

Look around you and wonder if you are in the right place. What you are doing is making history. Just don't make the wrong bloody kind.—KK**

THE NINTH NEW JERSEY DICTRICT RESIDENTS SPEAK OUT

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. HELSTOSKI. Mr. Speaker, recently I sent out my annual questionnaire to the 155,000 families of the Ninth Congressional District of New Jersey, a district which I have the honor and privilege to represent. From this mailing, I received 27,307 responses, a very gratifying number. This, I feel, is indicative of the widespread interest and great concern that the American people have for the problems facing our Nation and the world today.

The annual questionnaire method of sampling district opinion has and continues to be an informal and convenient means for my constituents to express their views and judgments on the issues. For me it serves as a guide in reflecting the desires of the people of the Ninth Congressional District of New Jersey.

The results of the questionnaire more than compensate for the time-consuming work of preparation and tabulation, and are an invaluable aid in providing a good index of public opinion on the various issues.

I wish to take this opportunity to extend my thanks to all the Ninth District residents who took the time and effort to study, evaluate, and respond to the questionnaire.

Mr. Speaker, tabulating the over 27,000 responses was a tremendous task. Now that it has been completed, I intend to have the results circulated within my district, so that my constituents may compare their views and thoughts with those of their neighbors and friends.

I would like to make a few brief observations on the responses and trends of opinion which are evident in certain areas.

In 1966, 1968, and now, in 1969, I asked the question, "Would you support a negotiated settlement in Vietnam which provides for participation by the National Liberation Front—Vietcong—in a coalition government?" The results over these years reveal a strong upward trend toward permitting the Vietcong to participate in any discussions. In 1966 there was a 51.7 favorable response; in 1968, it rose to 53.6 percent, and the latest response is 58.4 percent. It is becoming increasingly apparent that the people want an end to the war.

Another aspect of the Vietnam question indicated that 66.4 percent of my constituents favor support of economic aid to Southeast Asia if a "satisfactory" solution is found to the Vietnam problem. The same question, asked in 1968, had a 60.8 percent favorable reply. Thus, while my constituents desire an end to the war, they are willing to extend economic aid to help the people of that area.

The returned questionnaires indicated a deep interest in the role of the military in our Nation; 81 percent of my constituents believe that military spending is excessive and in some cases wasteful; 14.6 percent feel that present levels of spending are adequate and 10.1 percent are undecided on this subject.

In connection with the military, my constituents were asked to reflect their views on the present selective service system. To completely overhaul and reform the system was advocated by 46.8 percent; an all volunteer army was supported by 22.3 percent; the lottery system was approved by 16.2 percent; and 14.4 percent indicated their willingness to see the system operate in its present manner.

My constituents were asked what attempts should be made to solve the Mid-East question; 64.4 percent of the replies favored a face-to-face negotiation between the Israeli-Arab nations, while 35.5 percent supported the concept that a four-power sponsorship of negotiations between these nations should be undertaken to guarantee peace in that area of the world.

In regard to domestic problems, 37.8 percent of my constituents support the reduction in military spending as one method of curbing inflation; 19.4 percent expressed themselves favorably toward cutting Federal spending and cutbacks in Federal programs, and 42.8 percent favored both approaches.

Mr. Speaker, on the subject of voting and elections, I presented two questions to my constituents. The first was whether we should allow 18-year-olds the right to vote. The replies indicated 51.9 percent favorable to this action, 42.2 percent against the proposal, and 5.8 percent were undecided. In comparison, the same question in 1968 was favored by 43.7 percent of the people, 49.8 percent opposed it, and 6.4 percent were undecided. This latest poll indicates a shift of over 8 percent in favor of granting our younger men and women the right to participate in our electoral processes.

The second question was directed to the process of electing the President and Vice President. In 1968, 74.8 percent of the replies favored the direct election of our Nation's two highest officials. However, the questionnaire for this year showed an increase to 81.4 percent in favor of direct elections. Those favoring the electoral college system based upon congressional district votes amounted to 12.8 percent and the retention of the present system was advocated by 5.8 percent of my constituents.

In view of the disturbances on college campuses, I asked the question whether college administrations have sufficient authority and legal recourse to curtail these disturbances. On this, 56.9 percent of my constituents feel that they have; 33.7 percent believe that they do not, and 5.7 percent were undecided.

Many of my constituents had written some additional views on this subject and a good number felt that, while the power to curb disturbances is available, the school administrators were hesitant or reluctant to exercise it to the fullest advantage.

The growing problem of the use of drugs among our younger people prompted me to ask the question whether the use of Federal funds in elementary and secondary schools for special drug education should be permitted. On this question I received a 62.9 percent favorable reply; 28.7 percent were opposed and 8.3 percent undecided.

It was evident from the replies that the average consumer desires additional protection from being exploited by unscrupulous merchants. In that respect 74.4 percent of my constituents favor the creation of a Cabinet-level Department of Consumer Affairs; 18 percent are opposed; 7.5 percent were undecided on this proposal.

Mr. Speaker, there is a continued interest in our space program, but apparently not at the same pace as was indicated in the past. The responses on this question were fairly evenly distributed. In response to the question, "Should the space program be continued with planning for further moon landings and exploration of other planets?", 42.4 percent of the replies favor a continuation of the project; 42.3 oppose it and 15.2 percent are undecided.

In two of my questions, I asked my constituents to list the order of their preference for priorities to be undertaken regarding our national problems and the pressing need for tax reforms.

Since my constituents had the opportunity to evaluate which programs, in their judgment, was uppermost and since 17 were being rated, this was the most difficult part of the questionnaire to tabulate. Education and crime control elicited the greatest interest, and foreign aid, as a first choice, was last on the list. The complete listing of these priorities, as expressed by my constituents and according to their rank are included in the tabulation as question 11.

Also, on the subject of taxes, my constituents had several options to list their choices on the subject of priorities in tax reforms. Reduction of the 27½-percent oil depletion allowance for the petroleum industry was the first choice of 36.4 percent of my constituents, and eliminating the special tax treatment for stock options was endorsed by 23.3 percent. The remainder of this category is listed in the tabulation as question 15.

Mr. Speaker, in presenting these results, I feel that they represent a good cross-section of opinions and views. I value the time and care my constituents took in completing the questionnaire. I am grateful for the splendid cooperation that was extended to me on this matter.

I would like to include at this point, Mr. Speaker, the complete tabulation of the question covered in my 1969 legislative questionnaire.

The tabulation follows:

THE 1969 LEGISLATIVE QUESTIONNAIRE, 9TH DISTRICT, NEW JERSEY

[In percent]

VIETNAM

1. Which do you favor:

(a) following the present military course in Vietnam and at the same time U.S. participation in the Paris peace talks, 11.3.

(b) an increase in the U.S. military effort, 9.6.

(c) continued gradual withdrawal and phasing out of U.S. troops beyond the contemplated 25,000, 24.7.

(d) unilateral withdrawal of all U.S. troops to be replaced by the South Vietnamese, 32.2.

(e) a U.S. declaration for a mutual cease fire to be supervised by the U.N., 17.8.

2. Would you support a negotiated settlement in Vietnam which provides for participation by the National Liberation Front (Viet Cong) in a coalition government?

Yes	58.4
No	30.4
Undecided	11.1

3. If a "satisfactory" solution of the Vietnam problem is found, would you support continued U.S. economic assistance in Southeast Asia?

Yes	64.4
No	24.3
Undecided	9.2

MILITARY

4. With regard to the ABM system, which do you favor:

(a) deployment now, 22.2.

(b) continued research and testing but no deployment, 31.7.

(c) no deployment pending the results of nuclear arms talks with other powers, 35.8.

(d) undecided, 10.1.

5. Is military spending at the present time

(a) excessive and in some certain areas wasteful, 81.

(b) adequate at the present levels, 14.6.

(c) insufficient and needs to be increased, 4.3.

6. Which do you favor:

(a) continuation of the present Selective Service System, 14.4.

(b) a lottery system for inductions, 16.2.

(c) an all-volunteer army, 22.3.

(d) a complete overhaul and reform of the System, 46.8.

INTERNATIONAL

7. Should the U.S. play a larger role in efforts to alleviate the widespread starvation in Biafra?

Yes	54.6
No	34.5
Undecided	10.7

8. Would you support Israel's refusal to withdraw her troops until she has firm guarantees of her sovereignty, peaceful existence, and access to all waterways by the Arab countries?

Yes	68.8
No	20.9
Undecided	10.1

9. Should attempts to solve the Mid-East question be made by:

(a) face to face negotiations involving Israel and the Arab Nations only, 64.4.

(b) Four-Power sponsorship of negotiations with guarantees of peace between Israel and the Arab Nations, 35.5.

10. After the disorders during Gov. Rockefeller's recent trip to South America, which policy should U.S. follow:

(a) re-evaluate our present aid program, 85.4.

(b) discontinue aid to South America, 10.

(c) continue present policies, 4.6.

NATIONAL PRIORITIES

11. If the Vietnam war is ended, what should our order of priority be. Please rank the following (1, 2, 3, etc.):

Education—public schools and higher education.
Public works—highway construction, etc.
Conservation and recreation.
Federal support for State welfare costs.
Urban mass transportation.
Veterans benefits.
Antipoverty programs—including job training.
Increased social security and medicare benefits.
Pollution control.
Space exploration.
Health care and health research.
Tax cuts.
Crime control.
Narcotics control.
National defense.
Housing and urban development.
Foreign aid.
Other.

Tabulation results:

Education	11.4
Crime control	10.1
Antipoverty programs—including job training	9.5
Tax cuts	9.3
Pollution control	9.1
Narcotic control	8.8
Health care and health research	8.1
Increased social security and medicare benefits	7.6
Housing and urban development	7.1
National defense	5.2
Urban mass transportation	4.2
Public works, highway construction, etc.	3.4
Veterans benefits	2.4
Space exploration	1.3
Conservation and recreation	1.1
Federal support for State welfare costs	.9
Foreign aid	.2

ECONOMY

12. To stop inflation, Congress has been asked to continue the income surtax at the current rate of 10% from July-December, and at a rate 5% from January to June 1970. Do you support this plan?

Yes	40.1
No	51.9
Undecided	7.8

13. As one method of combating inflation do you favor:

(a) a reduction in military spending, 37.8.

(b) a reduction in federal spending and cutbacks in programs, 19.4.

(c) both, 42.8.

14. Do you favor increasing the personal tax exemption beyond the present $600 to $1000 or $1200.

Yes	87.2
No	7.5
Undecided	5.2

15. Which, if any, of the following changes should be made in the tax law in order to close tax loopholes. Please rank the following (1, 2, 3, etc.):

Reduce the 27½% depletion allowance for the petroleum industries.
Make capital gains taxable at death.
Eliminate special tax treatment for stock options.
Repeal the tax exempt status of municipal bonds.
Require all people earning more than $50,000 yearly to pay a minimum tax equal to 20% of their income, regardless of source.
Review the tax exempt status of foundations.
Tax religious and charitable organizations.

Tabulation results:

Reduce the 27½% oil depletion allowance for the petroleum industry	36.4
Eliminate special tax treatment of stock options	23.3
Require all people earning more than $50,000 yearly to pay a minimum tax equal to 20 percent of their income, regardless of source	13.1
Review the tax exempt status of foundations	9.6
Tax religious and charitable organizations	7.4
Repeal the tax exempt status of municipal bonds	5.1
Make capital gains taxable at death	4.0

ELECTIONS

16. New Jersey will have a referendum this November on the 18 year old voting age. Do you favor an amendment to the U.S. Constitution allowing 18 year olds to vote?

	Percent
Yes	51.9
No	42.2
Undecided	5.8

17. Which system of election for the President and Vice President would you favor:

(a) direct election by the people, 81.4.

(b) an electoral college system based on Congressional Districts (The person carrying a District would receive one vote in the Electoral College), 12.8.

(c) the Electoral College system as it now stands, 5.8.

DOMESTIC

18. Do you believe college administrations have sufficient power and legal recourse to curtail any disturbances?

Yes	56.9
No	37.3
Undecided	5.7

19. Should federal funds be used for special drug education courses in elementary and secondary schools?

Yes	62.9
No	28.7
Undecided	8.3

20. Now that man has landed on the moon, should the space program be continued with planning for further landings and explorations of other planets?

Yes	52.4
No	42.3
Undecided	15.2

21. Should a Cabinet-level Department of Consumer Affairs be created to protect consumers from exploitation?

Yes	74.4
No	18.0
Undecided	7.5

WEIZMANN INSTITUTE: 25 YEARS YOUNG

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. **FARBSTEIN**. Mr. Speaker, the Weizmann Institute of Science in Rehovot, Israel, is one of the major centers of scientific research in the fields of natural and applied sciences. The school has an international reputation and enjoys links with leading institutions of its kind throughout the world. Scientists from major universities in the United States and Britain in particular like to spend their sabbaticals at Rehovot.

Sunday marks the 25th anniversary of the founding of the institute and the date of inauguration of Dr. Albert B. Sabin, who developed the oral polio vaccine, as Weizmann's new president.

The New York Times carried an article by James Feron assessing the dramatic accomplishments of this great scientific institution on Thursday. That article follows:

WEIZMANN INSTITUTE: 25 YEARS YOUNG

(By James Feron)

REHOVOT, ISRAEL, October 29.—Like many 25-year-olds, the Weizmann Instittue of Science seems full of energy and ambition these days.

A group of American friends of the institute led by Dr. Albert B. Sabin, who is taking over as president, will arrive tomorrow for 25th-anniversary celebrations that will begin on Sunday.

The heart of a good research institute is its research, of course. The Weizmann Institute has become a major center in the fields of molecular biology, theoretical geophysics, nuclear physics and the study of arid zones.

The school has an international reputation and enjoys links with leading institutions of its kind throughout the world. Scientists from major universities in the United States and Britain in particular like to spend their sabbaticals at Rehovot.

There is a complement of 1,600, including 250 full-time scientists, and the work is supported by grants, gifts and sponsored research. The institute has a brain drain in reverse, attracting more staff members than it loses.

The institute's vigor is evident in the laboratories and offices on the tree-shaded campus—in the visions, for example of a man like Prof. Michael Feldman, who comments:

"What makes us different here? Well, the crosscurrents, perhaps, for one thing. It's simply that everyone is interested in what everyone else is doing."

Professor Feldman, a 43-year-old Israeli, is dean of the Feinberg Graduate School and chairman of the cellbiology department, one of the institute's largest.

The uniqueness of the place, one of the world's leading research centers, may be its "interdisciplinary aspect," he said, adding: "We have all the specialties here, and this is unusual—perhaps even unique—for a research institute."

He spoke of the early days and confirmed the impression offered by a colleague that it was here that the sabras, the native-born like Professor Feldman, came into their own in the field of scientific research.

Technion (Israel's institute of technology) and Hebrew University, began with professors from Germany, and elsewhere, he said, while the Weizmann started with young men who were getting their doctorates. "We still have a young staff," he said: "Most of our department heads are in their late thirties or early forties."

Another professor, Joseph Gillis, British-born and educated at Trinity College, Cambridge, speaks across a desk littered with papers:

"When I came here there were two buildings and this is one of them. Now I lose my way around the place. The roads don't even go in the same directions any more."

Professor Gillis, 58, chairman of the institute's equivalent of a senate, has seen the development of new disciplines, such as nuclear physics, and of new devices, such as the Golem computer, designed and built at the institute and named for the legendary artificial man.

"One of the most important changes was the decision to have a graduate school," he said. "We started it in 1958 and it changed the atmosphere considerably."

The atmosphere may change soon again as the institute named for Dr. Chaim Weizmann, the scientist who was Israel's first President, prepares for new administrative and scientific leadership. The prospect is awaited with some uneasiness.

Meyer Weisgal, the colorful and dynamic president, is retiring at the age of 75. The top administrative post will be taken by Dr. Sabin, the 63-year-old American scientist who developed the oral vaccine for poliomyelitis.

"We don't know how he will see the role of president," an institute official said. "Weisgal was not a scientist but Sabin is, and a distinguished one. We don't know how deeply he will penetrate into the scientific work here."

Last month the institute lost its most influential scientist with the death of Prof. Amos De Shali, an internationally known nuclear physicist, who was 43. One of the institute's leading spirits, he had given up the post of scientific director not long before. His death rocked the Weizmann.

"He had tremendous speed of perception," a colleague said. "You could convince him of something over the phone, and the next morning it was being implemented. And he had great vision."

He has been replaced by Prof. Gerhard Schmidt, head of the department of chemistry. "Professor Schmidt works more through organizational means," the same colleague said, "but maybe the time has come to work that way."

The institute has been changing since Dr. Weizmann, a leading chemist and a Zionist leader, and his supporters created a research center at the edge of the desert in a town that has a population of only 40,000 today.

ZIONIST ANTI-INTELLECTUALISM

It came into being before the birth of Israel in 1948 and, strangely, in the face of an early Zionist attitude of anti-intellectualism. Those were the days when a professor would remark with pride that a brilliant student had given up mathematics to work on the land.

Some of the present leaders see that attitude as one of the motivations for the peripheral interests of many staff members—a feeling that pure research is a luxury neither the nation nor the institute can afford.

On the other hand, the institute serves Israeli needs in such areas as research in desalination and other water problems, in the development of grains and plastics and in the solution of highly complex problems for the Israeli Air Force.

The graduate school is an example of the need to provide service. Another is the work inspired largely by Professor De Shalit in the teaching of science, now a department at the institute. New textbooks are being developed and new teaching techniques established.

"The future should not be an imitation of the past," Professor Feldman says, speaking of the need to direct students to undeveloped areas of science—modern neurophysiology, applied physics, computer sciences—and also to expose students of the natural sciences to the social sciences in a more meaningful way than the inclusion of minor subjects.

Professor Gillis, whose field is applied mathematics, conducts a mathematics olympiad, a nationwide competition for children up to the age of 18. He also publishes a mathematics quarterly.

Dotting the hills and roads nearby are 10 science-based industries, the most advanced such cluster in Israel. They produce membranes for desalination, bio-medical instruments, optical components and educational aids—as well as secret devices for the air force.

The landscaped grounds, almost tropical in places, attract 200,000 tourists a year. There is a scientific summer camp for gifted children. About 100 visiting scientists are on hand nearly all the time.

Some of the industries were founded by scientists from the institute, men whose interests were not satisfied even within its generous grounds.

LUCILE KOHN CELEBRATES HER 87TH BIRTHDAY

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. LOWENSTEIN. Mr. Speaker, what a wonderful month is October, for its natural beauties of course but also for some of the people it gave to the country and the world—people like Mrs. Franklin D. Roosevelt, President Eisenhower, Senator Frank Graham, and Dr. Lucile Kohn.

Today, I want to talk about Lucile Kohn, who is perhaps less widely known than some of the others born this month, but whose life has been as great a boon to those who have been touched by it as any life can be. She marks this month her 87th birthday, still teaching, still toiling, still twinkling—still enchanting—always ready to help any in need, always applying her great ranging intellect to enlighten those about her.

The vast array of groups and individuals that have enjoyed and profited from Lucile Kohn's wisdom and energies extend over so many areas—and so many decades—that it would be risky for any one person to try to list them. Her niche in the history of the American labor movement is unique and secure, and her contributions to American education overshadow those of many who have held higher office and have received far wider recognition. She is, in fact, not one to worry about recognition. That is one of the reasons she has become a legend to the thousands of young people who first met her, as I did, through the Encampment for Citizenship, itself an enterprise of enormous value to the Nation.

But Lucile Kohn, and her equally legendary sister, Mrs. Alice Pollitzer, now nearing the century mark, belong to that tiny band of mortals who, having become legends in their own lifetime, remain better in person than in legend.

We can congratulate ourselves that we are a nation that produced such people. But we should pause a moment, too, to thank them for all they have done for us. They are surely the most remarkable pair of sisters in the United States, if not in the world. They ought to be on TV, on stamps, in magazines with great circulations. How much we could all learn from such dauntless and vibrant spirits, from human beings who in these tempting and querulous times remain incapable of dishonor or deception, and continue to leave the glow of their goodness wherever they go.

I include in the Record at this point a poem by Mrs. Linda Gordon. Those who know Lucile Kohn will marvel at how this poem captures what they love about her. Those who do not know her will sense from it how fortunate the rest of us have been:

"Never seek to tell thy Love,"
Lesson learned in season sober,
Honor we in breach thereof
With the coming of October.
Though we know she can't be told,
Yet upon her Natal Day
Festive spirits make us bold:
Birthday guests will have their say!
And, from Reason's rule exempt,
The impossible attempt.

Wisdom, love, and inspiration;
Happy gifts of conversation,
Ice cream, cookies, games and fun;
Charity to everyone;
Ignorance of affectation;
Self-regardless dedication;
Benefactions manifold;
Common bond of young and old—

Lessons in the art of living
And of unreserved giving;
Circulating compliments;
Never sitting on the fence!
Drink of water, breath of air,
Meaning of the verb "to care":
Hope for poor Humanity—
These are things she means to me:

These, and so much more as well
I could never seek to tell,
Barely hint at what I feel
On the subject of Lucile!

REORDERING OF NATIONAL PRIORITIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. MOORHEAD. Mr. Speaker, some 10 million Americans are inflicted with hunger or chronic malnutrition, and 20 million Americans live in substandard housing. What a pity it is that we can not seem to aline ourselves properly to commit an infinitesimal amount of our vast national resources to solve these very solvable domestic problems. But we can see fit to invest over $30 billion and thousands of American lives annually in fighting for "freedom" in South Vietnam. How often do we ask ourselves—how free is a 6-year-old American, suffering from chronic malnutrition—which may or may not cause future brain damage—who attends substandard schools and lives in a substandard house? What choices will be opened to this child at the age of 18 when he most likely will be a functional illiterate and face extended periods of unemployment?

The city council in Pittsburgh adopted a resolution calling for an end to our involvement in Vietnam and an immediate reordering of our national priorities.

I would like to enter this resolution into the RECORD at this point:

RESOLUTION No. 237

Whereas, American armed forces have been engaged for over four years in combat in Vietnam, and have distinguished themselves for their valor despite vague and sometimes conflicting expressions of national purpose and objectives in that war; and

Whereas, Combat deaths for American forces now exceed the death toll in the Korean War, and the nation continues to spend $100,000,000 per day to finance the war; and

Whereas, The direct American involvement in the war in Vietnam—never intended in our original intervention—has reached the point where it brings an intolerable financial and personal burden to all Americans; and

Whereas, The pressing needs of our nation's cities are being slighted, Congressional appropriations are being cut and urban programs are being curtailed in the face of increasing need for substantial government action; and

Whereas, It is apparent that the national government has not yet formulated a definite plan to end direct American involvement in the Vietnam war;

Now, therefore, be it resolved, That the Pittsburgh City Council hereby memorializes the administration of President Richard M. Nixon to declare and carry out a definite program to terminate direct American involvement in the war in Vietnam and to put into effect the systematic withdrawal of major forces in America, to be completed before the end of 1970; and

Be it further resolved, That the Pittsburgh City Council does hereby memorialize the Congress of the United States to provide through its legislative and budgetary powers that the administration of President Nixon quickly begin to extricate the United States from its crushing, disastrous involvement in Vietnam and to devote national resources to programs which meet the needs of cities in housing, education and public transportation.

In Council October 14, 1969, read and adopted.

JOHN F. COUNAHAN,
President of Council.

Attest:

LOUIS C. DINARDO,
Clerk of Council.

Mayor's Office, October 21, 1969.
Approved:

JOSEPH M. BARR,
Mayor.

SENATE—*Monday, November 3, 1969*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, the light of the pure in heart who see Thee, the life of the souls that love Thee, the strength of the minds that seek Thee, from whom to turn is to fall, to whom to turn is to rise, and in whom to abide is to stand fast forever, be Thou to us light and life and strength that our labor may be secure in Thee. Keep us alive to all true values and enable us to grow in the ways of Thy spirit.

O Lord, be with this Nation. Guide in Thy pure ways all who bear positions of trust, that they may know and do Thy will, and daily set forward Thy kingdom.

Through Jesus Christ our Lord. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 30, 1969, the Secretary of the Senate, on October 31, 1969, received the following message from the House of Representatives:

That the House had passed the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. DENT, Mr. PUCINSKI, Mr. HAWKINS, Mrs. MINK, Mr. BURTON of California, Mr. AYRES, Mr. ERLENBORN, Mr. BELL of California, and Mr. SCHERLE were appointed managers on the part of the House at the conference;

That the House had passed a bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, S. Dak.";

S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired);

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes;

H.R. 12982. An act to provide additional revenue for the District of Columbia, and for other purposes; and

S.J. Res. 164. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

HOUSE BILL REFERRED

Under authority of the order of the Senate of October 30, 1969, the bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act, was considered as having been read twice by its title, and was referred to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 30, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-189)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I hereby submit the Second Annual Report of the Department of Transportation, covering Fiscal Year 1968.

RICHARD NIXON.

THE WHITE HOUSE, *October 31, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The bill clerk read the nomination of Robert Louis Johnson, of California, to be an Assistant Secretary of the Army.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The bill clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE, ARMY, NAVY, AND MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Air Force, the Army, the Navy, and the Marine Corps which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE IMPORTANCE OF BEING COURTEOUS

Mr. MANSFIELD. Mr. President, I was disturbed to read on the ticker this morning the kind of reception given to our colleague, the distinguished Senator from Mississippi (Mr. STENNIS), when he appeared at Johns Hopkins University as a guest of that institution.

There are questions on which the distinguished Senator and I disagree, but I have always felt that anyone invited into an institution like Johns Hopkins just as anyone invited into someone's home should be treated as a guest, with courtesy and consideration. There are two sides to every question, and I abhor the fact that a Member of this body—and this would apply to any of our citizens—was not given the courteous treatment which any American deserves when he appears as a guest at any institution of this kind.

What we ought to recognize is that the differences which divide us will become wider if we do not try to narrow the gap.

I know Senator STENNIS as a man of courage, a man of deep conviction and great sincerity. I know, too, that if this situation had been reversed, Senator STENNIS would have extended toward the views of others the courtesy and tolerance that have characterized his many years of public service.

So I would hope that, despite the differences which many of us have, we would treat one another with courtesy and consideration. I know that Senator STENNIS would not have it otherwise. The example he has set over the years on that score is one all of us could follow. In that way also I think we would be less likely to resort to violence, epithets, name calling, and other forms of abuse which do none of us any good and, in fact, do this Nation great harm. I commend Senator STENNIS. I deplore the type of reception he reportedly received at Johns Hopkins.

THE TAX REFORM-TAX RELIEF MEASURE

Mr. MANSFIELD. Mr. President, the action last Friday by the Senate Finance Committee in ordering reported the Tax Reform-Tax Relief Act brings closer to completion what should prove to be the most singular achievement of the 91st Congress. During my years in Congress, I have never witnessed any committee devote itself more diligently to a task—in this case working from early morning to early evening for 2 solid months—than has the Finance Committee under the leadership of its chairman, RUSSELL LONG.

Last July, when the question of extending the surtax was before the Senate, Chairman LONG and the members of the Finance Committee agreed that they would report the tax reform bill by October 31. I do not believe that even they realized at the time just how much work would be involved in meeting that timetable. But rather than extend the period to accommodate the workload, they intensified their efforts to meet the original schedule. In setting such a timetable for his committee, Chairman LONG is to be particularly lauded for his efforts, for his commitment, for his cooperation, and performance.

In like manner, the ranking minority member, the distinguished Senator from Delaware (Mr. WILLIAMS)—who has for years championed the cause of tax reform—as well as all members of the Finance Committee who hammered out a full and distinct set of proposals in a relatively short period, deserve the praise and respect of the entire Senate and of the country.

The expeditious attitude of the Finance Committee should be the example for the entire Senate. The leadership will make every effort to assist the Finance Committee in completing Senate action on this bill by early December. The bill will be scheduled for floor action this month after the written report is filed and will be the first order of business after the disposition of the confirmation proceedings of Judge Haynsworth. It will be the leadership's intention to come in early each day on this bill—including Saturdays—and to stay until early evening in hopes of finishing work on the bill prior to the first week in December. The Senate can be most efficient when it devotes its full energies to a task. If no committees meet while the tax bill is under consideration on the floor, a great deal can be accomplished in 2 weeks.

With Senate disposition of this tax reform-tax relief package anticipated this session, there is no particular urgency or reason for proceeding in a separate bill with the repeal of the investment credit, the extension of the excise taxes, or the surtax extension. These are contained in the present Tax Reform-Tax Relief Act. Last July, when the original surtax extension was before the Senate, these provisions were not contained in the House-passed tax reform-tax relief bill. After the Senate acted to extend the surtax through December 31, 1969, the House added these provisions to the tax reform-tax relief package. These provisions remain in the Senate Finance Committee bill. If there is any question after Senate disposition of this tax reform-tax relief package with respect to completion of a conference prior to the end of this calendar year, the investment credit and excise tax extension can be reenacted as part of a separate bill for swift completion prior to a sine die adjournment. These two provisions must be completed this year to prevent a revenue loss. The surtax extension will be effective January 1, 1970, regardless of when passed.

The achievements of the 91st Congress shall be many, but none can surpass that which is foreseen in the Tax Reform-Tax Relief Act. It should be highlighted that this bill is one that originated solely within the Halls of Congress. The initiative as well as the followthrough was in Congress. This act will highlight again that our actions in Congress are far more significant than anyone's words.

I ask unanimous consent that an editorial published in yesterday's Washington Post commending the work of the Senate Finance Committee be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX REFORM GOES TO THE SENATE

Congratulations are in order for the Senate Finance Committee for sending the tax-reform bill to the floor on schedule. An immense task remains in checking the language of the bill and writing the report, but if the Senate then moves as expeditiously as the Finance Committee has done it should be possible to enact the bill before the end of the year. In our view, it would be a serious mistake for Congress to lose the momentum it has now attained by letting the bill go over into the 1970 session.

As it now stands, the Finance Committee bill is better than many supposed it would be. Chairman Russell B. Long had given the impression that his committee might indulge in a tax-cutting spree that would be highly troublesome for the Treasury. The bill that it has finally sent to the Senate would cut income taxes about $9 billion a year, offset by increased revenue amounting to $6.5 billion from reform provisions. But the impact of these cuts would be softened in some measure by postponing the full effectiveness of the reduction until 1972. In this regard the bill is somewhat more conservative than that passed by the House.

The Finance Committee must be given credit for some other improvements in the bill. Especially notable are the more equitable schedules approved for single persons and widowed or divorced taxpayers with dependents. The House had also provided relief for these overtaxed categories, but with a strange discriminatory cutoff against single taxpayers under 35 years of age. At the request of the Treasury, the Finance Committee dropped this objectionable provision and adopted a reduced schedule of rates applicable to all single taxpayers. It would require them to pay 20 per cent more than married couples filing joint returns on comparable incomes (instead of 41 per cent more under present law) and the new head-of-household rates would be about midway between the other two schedules. This equitable and workable solution should easily prevail in the House-Senate conference.

We think the committee was well advised to reject Senator Gore's attempt to substitute a higher personal exemption for the tax cuts in the House bill. The effect would have been regressive and would have further complicated the reconciliation of the House and Senate versions.

The most serious deficiency in the Finance Committee bill comes from the elimination of the House provisions designed to ease the problem of tax-exempt state and municipal bonds. The House made a realistic approach to this dilemma by offering a federal subsidy to cover the higher interest rates on bonds made taxable by the states and cities and by limiting the tax preferences that any person may pile up for himself. If the Senate version should stand, some of the wealthiest Americans, drawing millions from tax-exempt interest, would continue to pay not one cent in federal income taxes. Here are provisions that should certainly be restored on the Senate floor or in conference.

The Finance Committee also watered down the House's treatment of depletion allowances for the oil and gas industry, but the relatively narrow gaps between the bills in this area should present no major problem. Likewise the Senate committee was more gentle in its claims upon capital gains, and the conflicting provisions in regard to foundations will require substantial adjustments. No doubt the Treasury will plead for narrowing the gap between the total cuts and increases, but there are no insuperable obstacles in sight. The country appears to be much closer to the achievement of tax reform than seemed possible to many at the beginning of the present congressional session.

Mr. SCOTT. Mr. President, I do agree with the distinguished majority leader that all measures of legislation originate in Congress. I think it is proper to raise the proposition that suggestions originate with the Executive in many cases. The President did ask for tax relief and tax reform in April of this year and he has consistently pressed his requests for this and other important measures.

The need for this tax bill is obvious to everyone. The uncertainty under which the country labors is real and unfortunate. Whether the investment tax credit and extension of the surtax by 5 percent occur as a part of this bill or separately is an arguable matter; some of us have one opinion and others have another opinion, but the fact is we should dispose of this tax bill in this session of Congress. That seems to me to be of the utmost importance, and I hope we can send to the President a bill as nearly as possible in keeping with his own suggestions of April of this year and subsequently.

PROGRAM

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he could give us some information on the program for this week, bearing in mind that tomorrow is election day in many States.

Mr. MANSFIELD. I think those Senators whose States have elections tomorrow can be free to go. The calendar is practically bare. We are waiting for the committees to act. There is not a bill on the calendar that we can act on at the moment. We expect that the Committee on Armed Services will report the authorization for military construction today, and that the Committee on Appropriations, under the chairmanship of the distinguished President pro tempore, will report this afternoon the State, Justice, and Commerce appropriation bill.

If there is no objection, I would like to have the minority leader consider the possibility of taking up the State, Justice, and Commerce appropriation bill tomorrow, because that bill contains some very important drug and crime legislation—in fact, two of the items which were specifically requested by the President in his quasi-state of the Union address of October 13, 1969. I do not know of any great arguments against the consideration of that bill, and I do agree with the President that we should expedite every effort in enacting measures and appropriations dealing with drug and crime control.

Mr. SCOTT. Mr. President, I wish to say to the distinguished majority leader that that suggestion is perfectly satisfactory with me.

I am only raising the question that, tomorrow being election day, although none of us is a candidate for office tomorrow, the American Heritage Society and a great many others do urge people to vote and they urge us by our example to vote in our voting districts on the annual election day.

I assume many Senators would be somewhat conscious of their civic duty and would want to be present in their home areas for that civic purpose.

I would say it is extremely important that we get on with the appropriation bill and I would not want to impede it.

Mr. MANSFIELD. The Senator has been most cooperative in his capacity as minority leader in this body on all occasions on which I have approached him; but if Senators find it agreeable, we would consider this legislation tomorrow and if there is to be a rollcall vote it could be put over until about 12:30 p.m. on Wednesday. In that way no time will be lost and everybody will be given consideration.

Mr. SCOTT. I think that would be eminently fair to Senators. I can either go home or stay here depending on how the schedule works out.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I may have missed some of the colloquy between the two distinguished leaders. Was there any mention made of when the Senate intends to take up the general continuing resolution that the House has passed, which involves a considerable increase in HEW?

Mr. MANSFIELD. My best information is not before the end of the week at the earliest.

Mr. COTTON. I thank the Senator.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

TO SET THE RECORD STRAIGHT

Mr. MANSFIELD. Mr. President, what I am about to say is for the record. The proposed reform of the draft law is one of the most important social measures to be considered by the 91st Congress. It affects the lives of the youth of our Nation. Many Senators have devoted much effort to devise proposals to remove the great inequities in the present system. These proposals will be considered in the Senate when the Senate considers changing the draft laws. The Senate rules grant that prerogative to each Senator on every measure to come before the Senate. This draft reform proposal should not be considered as being any different. Its importance demands that it not be summarily considered by the Senate.

Last Thursday, I announced my belief to reporters that there probably would be no draft reform legislation considered by the Senate this year. That belief was based upon the realities and practicalities of the situation involved. Upon the publication of that offhand remark, it is my understanding that the President issued a statement in which he asked the Senate leadership to reconsider its position on this matter.

May I say at the outset that if and when a draft reform bill is reported out of the Committee on Armed Services, it will receive the most expeditious consideration possible. That is the position of the leadership now—it was the position of the leadership last Thursday. It has always been the leadership's position.

The majority leader, I should point out, is in no position to call up a bill that has not been considered by the committee; that has not been reported out of the committee; that is not on the Senate Calendar and that may well not be on the calendar. So if I may reiterate: Any bill covering draft reform or any other matter that is reported out of committee and cleared by the policy committee—which I have no doubt would be the case—will be called up and considered promptly.

I make this statement not in reply to the President's suggestion that the Senate leadership reconsider its position on draft reform, but only to set the record straight and to make clear what that position was, what it is now, and what it will continue to be.

So far as I am personally concerned, I voted against the last extension of the Draft Act because I thought it was inequitable, unfair, and placed unduly difficult burdens on the lower income groups in this country. I do not think the change requested by the President goes far enough. Many inequities would still exist. However, I applaud the efforts of the President to remove some of the unfairness of the present law. But the fact is, the whole system is still most inequitable, most unfair and therefore, if considered this year, I will vote against the President's proposal as I would against the extension of the present draft law as is.

Despite my personal feelings, however, may I reiterate that if any measure is reported out of committee and placed on the calendar, that measure will receive prompt consideration and will be debated and considered by the Senate as a whole for the purpose of arriving at a clear-cut decision. That is the position of the leadership on all legislative proposals. And certainly, the President is entitled, in my opinion, to that much consideration. The hundreds of thousands of young men in this country certainly deserve that much consideration. Each will have it, if and when a draft proposal reaches the full Senate. But I should add that the President knows, as well as I, that unless a bill is reported out of committee and placed on the Senate Calendar there is absolutely no way in which the Senator from Montana as the majority leader can call up such a measure for Senate consideration.

Mr. President, I ask unanimous consent that editorials on this matter appearing in the Washington Daily News, the Washington Star, and the Boston Globe on November 1 be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Daily News, Nov. 1, 1969]

THE DRAFT DEBACLE

By one abrupt statement, the majority leader in the Senate, Sen. Mike Mansfield of Montana, has killed what for a time had seemed to be rosy prospects for improving the draft system.

On the same day, the House of Representatives had passed a bill—382 to 13—to permit the President to install a lottery system of choosing young men for military service.

Mr. Nixon wants to call up 19-year-olds first. He wants to limit to one year the time in which a young man may be subject to draft call. He wants to do away with the present system which calls older men first, which keeps a man uncertain whether he will be called until he is 26.

The President thinks the present system is unfair. Even Sen. Mansfield thinks it is unfair.

But, Sen. Mansfield won't put the House bill to a vote in the Senate this year because, he says, it is "impossible" to get a consensus in the Senate on how to handle the bill. He doesn't think the lottery system Mr. Nixon proposes to use in deciding which young men are called is a sufficient reform of the draft law.

So he doesn't want any reform at all.

In this, strangely enough, he is joined by Sen. Ted Kennedy of Massachusetts who long had declared himself an advocate of a lottery system.

Mr. Nixon can make some draft reforms without legislation. But he can't set up the lottery system in the fairest possible form because there is a law which forbids it. Congress ought to change that law—and there is no legitimate excuse for not doing it now.

[From the Washington Star, Nov. 1, 1969]

POLITICS AND THE DRAFT

The Senate Democratic leaders should think again about their decision to block the administration's proposal for limited draft reform. They should reconsider—and they should follow the lead of the House which approved the measure 382 to 13.

There is no doubt about the leadership's ability to bottle up the legislation. If Senator Mansfield says it will not move this year, it will not move. There must be a strong temptation to use this simple means to embarrass the administration. But it is a temptation that should be resisted.

The leadership's arguments in favor of procrastination are not very persuasive. The limited measure, which would permit the use of lottery procedure in the draft, was attacked by Senator Kennedy as a fraud on the young because it would not cure all the ills of the present system. Mansfield argued that action is impossible in this session because there is no time to reconcile the struggle between those who favor the administration move and those who want far-reaching reform of the draft laws.

No one in the administration has argued that the plan to pick 19-year-olds first under a lottery system is a cure for all the inequities of the draft. No one has presented the proposed amendment to the present law, which would remove the prohibition against a lottery, as an alternative to further sweeping reform in the next session of Congress.

It is not an either-or situation. The amendment should be passed now so that the most glaring inequities in the present law can be promptly eliminated. Then Congress should start the lengthy and complex debate on over-all reform.

The siren song of easy political gain is always a strong temptation. But in this case the apparent advantage may be wholly illusory. It is quite possible that the young voters-to-be will remember just who it was that blocked the way when a measure of relief was in sight, and will act accordingly.

[From the Boston Globe, Nov. 1, 1969]

MANSFIELD ERRS ON DRAFT LAW

An able and good man is Senate Majority Leader Mike Mansfield. The Montana Democrat has erred, however, in his refusal to let the Senate take up proposals to amend the draft law at this session of Congress. President Nixon is on the side of the angels in urging him to reconsider. He should.

The Mansfield argument, in which he is joined by Senate Armed Services Committee Chairman John C. Stennis and others, is that, if the draft law were to be called up for floor debate now, so many amendments would be offered that the Senate would have little time for anything else. But merely because a law is so outrageously defective that major repairs are required is no reason for letting it stand as is. It is a reason for getting to work.

To remedy one major defect of the law, the Senate needs but accept one simple amendment already approved by the House. This is a one-liner striking out of the 1967 law a provision that prohibits the President from using the random selection, or lottery system under which none but 19-year-olds would be drafted, thus limiting the period of a man's vulnerability to the draft to one year.

This is not the major surgery that is required. But it would at least make the law more palatable pending the time when Congress can get around to rewriting it.

The present mishmash in the Senate is largely a result of political jockeying between the White House and Congress and between the parties in Congress. This has gone on long enough. It is time for all sides to call quits to it.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield at that point?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I want to commend the Senator from Montana for his statement which includes at least a ray of hope concerning this very important legislative proposal of the President.

Obviously, if the record had stood as it did last Thursday, there would be very little reason or incentive for members of the Armed Services Committee to report legislation in view of an announcement which indicated it would not be considered anyway.

Now, at least, we do have the assurance of the majority leader, which I appreciate, that if the measure is reported from the committee, it will be brought before the Senate, which I think is progress and for which I commend the distinguished majority leader.

Mr. MANSFIELD. Who made the statement that if it was reported it would not be considered?

Mr. GRIFFIN. Well, I am not sure at all that anyone did, I say to the majority leader. I only say that that was the impression——

Mr. MANSFIELD. I see.

Mr. GRIFFIN (continuing). That was left; an unfortunate impression. Of course, as it happens, I am glad to have the matter straightened out.

Mr. MANSFIELD. I am delighted to have the opportunity to straighten the matter out because I want to assure the distinguished Senator and acting minority leader that any measure which is reported by the committee is given swift consideration by the policy committee. Insofar as the joint leadership is concerned, we endeavor to bring legislation up as rapidly as possible, once it is placed on the calendar. But neither leaders can do a thing unless a draft reform bill is reported from the Armed Services Committee and then placed on the calendar.

For example, we find that the Committee on the Judiciary some 3 weeks ago, reported the Haynsworth nomination. It will be another week or so before it will be placed on the calendar. I would have liked to have brought up the Haynsworth nomination a month ago, but until and unless that nomination, reported by the Judiciary Committee, is placed on the Executive Calendar, there is nothing the joint leaders can do.

I made my statement this morning for the purpose of setting the record straight because some people seem to have the idea that the Senator from Montana can withhold or push forward legislation. They credit me with too much power and authority when, as a matter of fact, I really have less authority than the other 99 Members of the Senate.

This leadership operates on the basis of cooperation, understanding, and tolerance, but there are certain rules which have to be followed and, No. 1 is that before a bill can be called up, it has to be on the calendar.

Mr. GRIFFIN. I think that is an important statement of the majority leader's position. It clarifies the situation as I understand it. Now, if draft reform does not come to the floor, it will not be because of any attitude on the part of the majority leader. It will be because the bill is not reported out of the committee. At least, the committee will not now have the excuse of pointing to any statement by the majority leader; committee members cannot say, in effect, that there is no point in us considering or reporting the bill because it will not come to the floor anyway. That was the impression I was concerned about as of last Thursday.

Mr. MANSFIELD. I appreciate the President's concern. Had I been in his shoes, perhaps I would have reacted similarly. But I think that the record should be made clear, and I think it is.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Buffalo Rapids Project, Montana

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that the classification and approval of a small previously nonirrigated acreage in the Shirly Unit area, Buffalo Rapids project, Montana, has been made; to the Committee on Interior and Insular Affairs.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Report of the Commissioners of Education

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the 18th annual report of the Commissioners of Education on the administration of Public Laws 874 and 815, 81st Congress, as amended, for the fiscal year ended June 30, 1968 (with an accompanying two part report); to the Committee on Labor and Public Welfare.

Proposed Amendment of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to extend and improve the provisions relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotic addicts, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

Report on the Federal Voting Assistance Program

A letter from the Deputy Coordinator, Federal Voting Assistance Program, transmitting, pursuant to law, the seventh report on the Federal Voting Assistance Program (with an accompanying report); to the Committee on Rules and Administration.

Annual Report of Escuela Agricola Panamericana

A letter from the Chairman, Development Committee, Escuela Agricola Panamericana, transmitting for the information of the Senate its annual report, for the year 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A petition, signed by Alfred S. Dyer, and sundry other citizens of the State of New York, praying for the enactment of a just and equitable tax bill; to the Committee on Finance.

The petition of Robert Bradford Murphy, of Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 3099. A bill to provide that the U.S. district court for the eastern district of Pennsylvania shall be held at Allentown, Easton, Reading, and Philadelphia; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Hartke, and Mr. Muskie):

S. 3100. A bill to increase the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Williams of New Jersey when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DOMINICK:

S. 3101. A bill to amend section 403(c) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Dominick when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3102. A bill to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3100—INTRODUCTION OF THE SOCIAL SECURITY AMENDMENTS OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and Senators Hartke and Muskie, I introduce, for appropriate reference, a bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes.

This bill—endorsed by the National Council of Senior Citizens, the American Federation of Labor-Congress of Industrial Organizations, and the National Association of Social Workers—offers a comprehensive and realistic provision intended to help our social security system become markedly more effective in alleviating a worsening retirement income crisis which affects millions of Americans today and which threatens many more millions in the future.

The extent of that crisis—and the prospects for the future—have been the subject of intensive study and hearings by the Senate Special Committee on Aging during the past year. Perhaps the authoritative summation of the situation was provided by a distinguished task force which issued a working paper called "The Economics of Aging: Toward a Full Share in Abundance."

That document has caused a stir because it offers weighty evidence in support of a fundamental truth, and that truth is:

The economic problems of old age are not only unsolved for today's elderly, but they will not be solved for the elderly of the future—today's workers—unless this Nation takes positive, comprehensive actions going far beyond those of recent years.

To support that conclusion the task force offered economic facts of life for the elderly, including the following:

Half of single people living alone have incomes of less than $1,480, and one-fourth have $1,000 or less—1967 figure.

Families with an aged head of household: 50 percent less than $4,000; 20 percent below $2,000; 7 million people age 65 and over are living in poverty or near poverty.

The average social security benefit meets less than one-third of the needs spelled out in the Bureau of Labor Statistics "retired couples budget."

The "gap" between workers income and retirement income is widening—51 percent in 1961 and 46 percent in 1967.

Average social security payment—end of 1968—$98.90 for retired aged worker; $51.20 for the spouse; and $86.50 for the aged widow.

Widows: of 3.6 million women living alone, 2.1 million live in poverty.

The task force, while noting that the Nation's social security system has failed to keep up with the rising income needs of the aged, also said:

> The existing social insurance system is a fast and effective way to deliver an income assurance that carries commitments for the future, as well as for the current generation of the aged.

Thus, the task force envisioned a major role for an improved social security system in an overall program to improve the overall economic security of the elderly of today and in years to come.

As chairman of the Senate Special Committee on Aging, I have conducted several hearings on "The Economics of Aging" since the task force issued its report, and chairmen of three subcommittees have also conducted specialized hearings on consumer aspects, health aspects, and homeownership aspects of the economics of aging. Additional hearings are planned in the months ahead, but already we have received eloquent testimony about the grave problems related to inadequate retirement income.

We have heard from the elderly themselves.

We have heard from representatives of organizations related directly or indirectly to the field of aging.

We have heard from individual economists, other medical experts, and from representatives of many other disciplines. Their testimony, and testimony yet to come, will provide this Nation with the most compelling case yet made for the "positive, comprehensive actions" sought by the Committee on Aging task force.

The bill I am introducing today would go a long way toward assuring economic well-being for the elderly now, and in the future. If our social security system is to serve as the foundation for economic security now and in the future, we must move ahead without further delay to make fundamental changes.

My bill is identical to H.R. 14430, introduced by Congressman GILBERT, of New York, on October 21. The Congressman, the AFL–CIO, and the National Council of Senior Citizens deserve much praise for producing omnibus legislation which makes the most of funds now available in the trust fund while proposing new means of financing future improvements.

Without detailing the provisions of this bill, I will mention only a few of the major changes that should win the wholehearted endorsement of all those who are concerned that our social security system achieves its full potential.

BENEFIT LEVELS

Benefits would be increased substantially. The general level would be raised by 44 percent through a two-step increase, the first in January 1970, and the second in January 1972, with the minimum going to $120. The change in the minimum alone would remove a significant number of our aged people out of poverty.

Thereafter, benefits would be automatically adjusted annually for each 3 percent or more increase in the cost of living. Our task force report pointed out that for some social security beneficiaries, past increases in social security benefits have been too little and too late to catch up with rising prices. My proposal would correct this unfortunate situation after benefits have been raised to more nearly adequate levels, rather than merely perpetuating the inadequacy by automatically adjusting benefits that are too low by any reasonable standard.

Benefit levels of the future would also rise as a result of automatic increases in the maximum earnings that are taxed and credited for benefits.

MEDICARE

Beginning July 1970, my proposal would eliminate the supplementary medical insurance premium—now $4 monthly, and scheduled to rise—and provide for financing both hospital and medical insurance premiums through payroll taxes and a matching contribution by the Federal Government. Out of hospital prescription drugs would be covered.

Our committee's study has clearly indicated the need for these changes in order that medicare can more nearly fulfill its promise of lifting from the elderly some of the heavy burden of rising medical costs.

FEDERAL CONTRIBUTIONS

Among the most significant reforms is a proposal for general revenue sharing in the costs of social security. Our present method of relying solely on payroll taxes places a regressive tax on the Nation's workers. Unless we correct this deficiency, I do not believe we can achieve an adequate benefit level, now and for the future, that will be supported by today's workers.

Our present system involves heavy costs of paying full benefits to workers already close to retirement when first covered by the system. A Federal contribution—spelled out through a formula in the bill, so it is not subject to congressional whim—would have the effect of transferring these heavy costs from today's workers to a less regressive source of revenue, shared by the total population.

RELATION OF THIS BILL TO S. 2270, S. 2271, S. 2272, S. 2273, AND S. 2274

On May 27, 1969, I introduced five bills to amend the Social Security Act. I said:

> What I look for in the next few months, is the evolution of an omnibus bill, which will serve as a worthy vehicle for Congressional debate at the earliest possible date.
>
> Today, I am not introducing that omnibus bill. But, I am introducing several proposals which I regard as essential without which the final bill would be incomplete.

My earlier bill includes some provisions not incorporated in the comprehensive bill I am introducing today. They are, however, consistent with the objectives of this bill.

For the relationship of these earlier bills to today's bill, I submit a letter, written to Congressman MILLS, urging that the House Ways and Means Committee consider these bills at the same time as the Gilbert bill.

Perhaps several of my colleagues, especially those on our Special Committee on Aging, will wish to join me in sponsoring this important legislation. I ask unanimous consent that the RECORD include at this point an analysis of the bill I am introducing—identified as H.R. 14430, the bill introduced by Mr. GILBERT on October 21—and a comparison with the social security amendments proposed by the administration—H.R. 14080.

This useful comparison was prepared by Francis J. Crawley, Education and Public Welfare Division, Legislative Reference Service.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the analysis and comparison will be printed in the RECORD.

The bill (S. 3100) to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The analysis, presented by Mr. WILLIAMS of New Jersey, is as follows:

STATEMENT BY THE HONORABLE HARRISON A. WILLIAMS, JR.

The comprehensive hearings on Social Security legislation, which the House Ways and Means Committee is now holding, represent a timely opportunity for a thorough review of the present and potential roles of our social security system in assuring economic security to the nation's older population.

I think you know that the Senate Special Committee on Aging has been concentrating its attention on this subject during the past year.

In a report to the Committee entitled, "Economics of Aging: Toward a Full Share in Abundance", a distinguished Task Force concluded that the Social Security System "has failed to keep up with the rising income needs of the aged." The Task Force also said:

"The existing social insurance system is a fast and effective way to deliver an income assurance that carries commitments for the future as well as for the current generation of aged."

My preface to the Task Force report issued on March 24, 1969, pointed out:

"The economic problems of old age are not only unsolved for today's elderly, but they will not be solved for the elderly of the future—unless the nation takes positive, comprehensive actions going far beyond those of recent years."

The hearings which we have held on the Eocnomics of Aging have added to my conviction that the retirement income problems of today and tomorrow will not be solved by adding a few dollars every two years to social security benefits. It is clear that more fundamental changes in the Social Security System are needed to serve as the foundation for economic security now and in the future.

I urge therefore that the House Ways and Means Committee initiate the study of these more fundamental changes.

The revised Social Security bill that Congressman Gilbert has introduced on October 21 provides an excellent focal point for this study. There are other essentials to broad reform of the Social Security System—consistent 'with the objectives of Congressman Gilbert's bill—that I urge be considered simultaneously. These essentials are included in five bills to amend the Social Security Act that I introduced on May 27, 1969. At that time I said:

"What I look for in the next few months is the evolution of an omnibus bill which will serve as a worthy vehicle for Congressional debate at the earliest possible date.

"Today I am not introducing that omnibus bill. But I am introducing several proposals which I regard as essentials without which the final bill would be incomplete."

The relationship of my earlier bills to the bill Congressman Gilbert has introduced follows:

S. 2270 A bill to amend Title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produced a higher combined benefit.

S. 2270 would eliminate a social security inequity against married couples were the wives work. The Gilbert bill does not deal with this problem and hence the proposal of S. 2270 is also needed as part of comprehensive reform.

S. 2271 A bill to provide for the conduct of certain studies by the Secretary of Health, Education and Welfare with respect to the insurance program established by Title II of the Social Security Act.

S. 2271 proposes three studies. The first of these is an analysis of various approaches to automatically adjusting benefits, including a cost-of-living adjustment. The bill Congressman Gilbert has introduced provides that benefit amounts would be automatically adjusted annually for each 1 per cent or more of increase in the cost-of-living. There is still need for the broad study proposed by S. 2271 which would encompass methods of adjusting benefits to productivity and rising standards of living and would also assess the appropriateness of the use of a cost-of-living index based on the needs and spending habits of the total population.

The second study proposed by S. 2271 related to general revenue financing. The fact that the Gilbert bill provides for general revenue financing gives assurance that careful attention will be given to this subject.

The third study proposed by S. 2271 concerns the trend toward retirement before age 65 and the effects of that trend upon individual social security beneficiaries. The Gilbert bill would lessen the actuarial reduction imposed on persons claiming benefits before age 65 but it does not eliminate the need for a broad study of the trend toward early retirement.

S. 2272 A bill to amend title II of the Social Security Act to increase the amount of the insurance benefits payable to widows and widowers.

S. 2272 would no longer be needed because the bill introduced by Congressman Gilbert raises the proportion from 82½ per cent to 100 per cent of the worker's benefit where the survivor's benefit begins at age 65.

S. 2273 A bill to amend Title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from benefits thereunder.

S. 2273 would no longer be needed. The Gilbert bill proposes the same liberalization of the "retirement test" and in addition provides for automatic adjustment of the annual exempt amount of earnings under the retirement test.

Since introduction of S. 2273 I have become even more aware of the impact of the present retirement test on the participation of older workers in gainful employment. I hope the House Ways and Means Committee will address itself to two questions: (1) If benefits are raised as contemplated by the Gilbert bill, would pressures for the elimination of the retirement test be reduced? and (2) What additional costs would be involved in eliminating the retirement tests proposed by the Gilbert bill and proposed by President Nixon?

S. 2274 A bill to amend Title II of the Social Security Act so as to provide that remarriage shall not disqualify an individual from receiving widow's or widower's benefits thereunder.

S. 2274 would still be needed to deal fully with the problems of reduction or elimination of social security benefits on remarriage.

The comparison, presented by Mr. WILLIAMS of New Jersey, is as follows:

COMPARISON OF NEW OMNIBUS PROPOSAL—IDENTICAL TO H.R. 14430—H.R. 14080, AND THE PRESENT SOCIAL SECURITY ACT

EXISTING LAW	NEW OMNIBUS PROPOSAL—IDENTICAL TO H.R. 14430	H.R. 14080—ADMINISTRATION PROPOSAL
(a) Basic Amounts	*1. Benefit Amounts*	
Benefits for a worker beginning at age 65, range from $55 to $218. Benefits for dependents and survivors are based on these amounts.	Benefit amounts for the worker would be increased in 2 steps of 20% each: Beginning and range: January 1970, $90 to $293. January 1972, $120 to $537.	All benefits would be increased by 10 per cent in March 1970. The increased benefits for a worker would range from $61 to $250.
	Benefits for dependents and survivors would be increased proportionately.	Same.
	(b) Automatic Adjustment	
No provision.	Thereafter, benefit amounts would be automatically adjusted annually for each 3 percent or more of increase in the cost of living.	Same as H.R. 14430.
	(c) Actuarial Reduction	
Benefits for workers, and their wives or husbands, who start getting benefits before age 65 are payable at reduced rates. The benefits are reduced to an amount that will on the average give the same total lifetime benefits that would have been paid if the benefits had not begun until age 65. A worker's benefit at age 62 is 80 percent of the benefit he would have gotten at age 65; a wife's or dependent husband's benefit is 75 percent of the amount payable at age 65.	Smaller reductions would be made. A worker's benefit at age 62 would be 85 percent of the unreduced amount; a wife's or husband's, 82½ percent.	No provision.

COMPARISON OF NEW OMNIBUS PROPOSAL—IDENTICAL TO H.R. 14430—H.R. 14080, AND THE PRESENT SOCIAL SECURITY ACT—Continued

EXISTING LAW—continued	NEW OMNIBUS PROPOSAL—IDENTICAL TO H.R. 14430—continued	H.R. 14080—ADMINISTRATION PROPOSAL—continued
	1. Benefit Amounts—Continued	
(d) Widow's and Widower's Benefits		
Benefits beginning at or after age 62 are equal to 82½ percent of the benefit amount that would be payable to the deceased spouse.	The amount payable where benefits begin at or after age 65 would be equal to 100 percent of the benefit amount that would be payable to the deceased spouse. Benefits beginning before age 65 would be reduced; where benefits begin at age 62 the benefit amount would be equal to 82½ percent of the benefit of the deceased spouse.	Same as H.R. 14430.
	(e) Disabled Widow's and Widower's Benefits	
Disabled widows and widowers can get benefits at or after age 50. Where benefits begin before age 62, the benefit amounts are reduced.	Benefits would be payable to a disabled widow or widower at any age. No reduction would be made in benefits that begin before age 62; the benefit amount would be 82½ percent of the deceased spouse's benefit, the amount payable under present law and under the bill to a widow who begins getting her benefits at age 62.	No provision for disabled widows and widowers.
	(f) Dependent Parents' Benefits	
Benefits are provided for the dependent parents of deceased workers.	Benefits would be payable to dependent parents of disabled and retired workers.	Same as H.R. 14430.
	(g) Disabled Child's Benefits	
Benefits are provided for the disabled child of a worker provided that the disability begins before age 18.	Benefits would be provided for the disabled child of a worker provided that the disability begins before age 22, rather than age 18.	Same as H.R. 14430.
	(h) Special age-72 payments	
Certain people who reach age 72 before 1972 and who have not worked under social security long enough to get regular benefits can get special payments of: $40 for an individual; $60 for a couple.	The special payments would be increased in 2 steps: Beginning: *Individual* *Couple* January 1970 $48.00 $72.00 January 1972 57.60 86.00	The special benefits would be increased to $44 for an individual and to $66 for a couple in March 1970.
	(i) Lump sum death payment	
Equal to 3 times the worker's benefit amount but not more than $255. Range: $165 to $255.	The $255 limit would be increased to $500.	No provision.
	2. Benefit computations	
All social security benefit amounts are based on the insured worker's average monthly earnings. Nearly all benefits are now based on average monthly earnings after 1950—figured over 5 less than the number of years after 1950 and up to the year the worker reaches age 65 (62 for women), becomes disabled or dies.	The number of years used in figuring the worker's average monthly earnings would be reduced by ⅓ beginning in December 1970, and to his best 10 years out of any 15 consecutive years beginning in December 1972. The average monthly earnings figured over the shortened periods would be adjusted to take account of the length of time the person worked under social security.	No provision.
Average monthly earnings for a man are determined over a period of years ending at age 65, while for a woman it is determined over a period of years ending at age 62, earnings after age 65, or 62, may be substituted for earnings before those ages.	Average earnings for men would be determined over a period of years ending at age 62 as is provided in existing law for women.	Same as H.R. 14430.
	3. Earnings test	
No benefits are withheld on annual earnings of $1,680 or less. For earnings up to $1,200 above $1,680 (i.e., $2,880), $1 is withheld for each $2 of earnings, and for additional earnings $1 is withheld for each $1 of earnings, except that no benefits are withheld for any month in which a person does not earn more than $140 in wages nor render substantial services in self-employment.	No benefit would be withheld on earnings of $1,800 or less. For earnings up to $1,200 above $1,800 (i.e., $3,000) $1 would be withheld for each $2 of earnings, and for additional earnings $3 would be withheld for each $4 of earnings, except that no benefits would be withheld for any month in which a person does not earn more than $150 in wages nor render substantial services in self-employment.	No benefits would be withheld on earnings of $1,800 or less. For earnings above $1,800, $1 would be withheld for each $2 of earnings. However, no benefits would be withheld for any month in which a person does not earn more than $150 in wages nor render substantial services in self-employment.
No provision for automatic increases.	Beginning in 1973, the $1,800 and $150 amounts specified above would be automatically increased as average earnings levels rise.	Same as H.R. 14430.
	4. Disability provisions	
Benefits cannot be paid until after a 6-month waiting period, and are payable only if the disability is expected to last for at least 12 months or to result in death.	The waiting period would be reduced from 6 to 3 months, and the requirement that the disability must be expected to last 12 months or to result in death would be eliminated.	No provision.
Workers must be unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment.	Workers aged 55–64 could qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment) in their regular work or in any other work in which they have engaged with some regularity in the recent past.	No provision.

COMPARISON OF NEW OMNIBUS PROPOSAL—IDENTICAL TO H.R. 14430—H.R. 14080, AND THE PRESENT SOCIAL SECURITY ACT—Continued

5. *Medicare*

(a) Financing

EXISTING LAW—continued	NEW OMNIBUS PROPOSAL—IDENTICAL TO H.R. 14430—continued	H.R. 14080—ADMINISTRATION PROPOSAL—continued
Hospital insurance is financed by contributions from employers, employees, and the self-employed. Supplementary medical insurance is financed by monthly premiums paid by enrollees and matched by the Federal Government. Moneys are deposited in, and benefits and administrative expenses are paid from, 2 separate trust funds, Eligibility for hospital insurance is based on eligibility for cash benefits (except for a special transitional provision) while medical insurance is available to virtually all those over 65.	Beginning July 1970, would eliminate supplementary medical insurance premiums and provide for financing both hospital and medical insurance programs through contributions of employers, employees, and the self-employed, and a matching contribution by the Federal Government. All moneys would go into a combined trust fund, which would pay the benefits and administrative expenses of both programs. Eligibility requirements for both hopsital and medical insurance would be identical to that required under existing law for hospital insurance.	No provision.

(b) Medicare for disabled beneficiaries

Medicare is available only to people age 65 and over (without regard to disability).	Would extend medicare, under the combined financing approach described above, to people under age 65 entitled to monthly cash disability benefits. Benefits would begin with the first month for which the individual is eligible for cash benefits and end 12 months after cash benefits cease.	No provision.

(c) Drug coverage

Generally, drugs are covered only if they are provided in a hospital or an extended-care facility. Drugs are covered on an outpatient basis only if the drug is one which cannot be self-administered.	Would extend coverage of out-of-hospital prescription drugs under hospital insurance program. Drugs covered would be selected by the Secretary with the advice of an expert committee provided for by the bill. Reimbursement would be made to providers of drugs (pharmacies, etc.) on the basis of acquisition and dispensing allowances. The beneficiary would be required to make a $1 co-payment per prescription or per refill.	No provision.

6. *Military service credits*

Military basic pay has been covered under social security since January 1, 1957. For service from September 1940 through December 1956 noncontributory credits of $160 a month are provided. For service after 1967 noncontributory credits of $100 a month are provided. There are no noncontributory credits for service performed from January 1957 through December 1967.	Noncontributory credits of $100 a month would be provided for service performed from January 1957 through December 1967.	Same as H.R. 14430.

7. *Contribution and benefit base*

The amount of annual earnings on which social security contributions are payable and that can be counted toward benefits is $7,800. No provision for automatic increases.	The amount of annual earnings to be counted for contribution and benefit purposes would be increased as follows: To $9,000 for 1970 and 1971; To $15,000 for 1972; and For years after 1972, the annual earnings amount would be automatically increased (in even-numbered years) as average earnings levels rise.	The amount of annual earnings to be counted for contribution and benefit purposes would be increased to $9,000 for 1972. Beginning in 1974 the base would be automatically increased as wage levels rise.

8. *Contribution rate schedule*

EMPLOYER-EMPLOYEE, EACH (PERCENT)

Year	OASDI	HI	Total
1970	4.20	0.60	4.80
1971–72	4.60	.60	5.20
1973–75	5.00	.65	5.65
1976–79	5.00	.70	5.70
1980–86	5.00	.80	5.80
1987 and after	5.00	.90	5.90

SELF-EMPLOYED (PERCENT)

Year	OASDI	HI	Total
1970	6.30	0.60	6.90
1971–72	6.90	.60	7.50
1973–75	7.00	.65	7.65
1976–79	7.00	.70	7.70
1980–86	7.00	.80	7.80
1987 and after	7.00	.90	7.90

EMPLOYER-EMPLOYEE, EACH (PERCENT)

Year	OASDI	HI	Total
1970	4.20	0.60	4.80
1971–72	4.80	.65	5.45
1973 and after	5.10	.90	6.00

SELF-EMPLOYED (PERCENT)

Year	OASDI	HI	Total
1970	6.30	0.60	6.90
1971–72	6.90	.65	7.55
1973 and after	7.10	.90	8.00

EMPLOYER-EMPLOYEE, EACH (PERCENT)

Year	OASDI	HI	Total
1970	8.4	1.2	9.6
1971–72	8.4	1.8	10.2
1973–74	8.4	1.8	10.2
1975–76	9.2	1.8	11.0
1977–79	9.6	1.8	11.4
1980–86	9.8	1.8	11.6
1987 and after	10.0	1.8	11.8

SELF-EMPLOYED (PERCENT)

Year	OASDI	HI	Total
1970	6.3	0.60	6.9
1971–72	6.3	.90	7.2
1973–74	6.3	.90	7.2
1975–76	6.9	.90	7.8
1977–79	7.0	.90	7.9
1980–86	7.0	.90	7.9
1987 and after	7.0	.90	7.9

9. *Federal contrbiutions*

No provision.	General revenue contributions equaling specified percentages of payroll taxes and gradually increasing over a 10-year period to an amount equal to approximately ⅓ the total cost of the program.	No provision.

Mr. HARTKE. Mr. President, I am especially pleased to cosponsor the social security legislation introduced today by the distinguished Senator from New Jersey (Mr. WILLIAMS). I view this legislation as an intelligent and broad-based attempt to cure many of the inequities that plague our present social security system.

With prices rising today at an annual rate of 7.2 percent, inflation is rapidly eating up the gains of average Americans. But it hits hardest at those groups which have a fixed income. The aged, especially, are cruelly caught in the vise of fixed income and rising costs. Like a prisoner living in an ever-contracting cell, the elderly American living on social security finds his payments increasingly inadequate. Millions of older Americans who worked hard for many years and paid their fair share into social security, now discover that the payments they receive keep them barely above the poverty level.

After a lifetime of supporting the economy of this country, aged Americans deserve to spend their few remaining years in modest dignity.

On June 17 of this year I introduced the Omnibus Social Security Amendments of 1969, S. 2424, which are intended as a modernization of the Social Security Act. In some respects that legislation parallels in its intended effect the legislation introduced here today. However, I believe it is incumbent on all of us in the Senate who hope for improvement in the Social Security Act to lend our support to any legislative efforts which hold out the promise of success.

S. 3101—INTRODUCTION OF A BILL TO PROVIDE FOR THE CARRYOVER OF ADMINISTRATION FUNDS FOR MENTAL HEALTH CENTERS

Mr. DOMINICK. Mr. President, our community mental health centers programs has hit a snag.

Most States are not receiving money, as we intended, to strengthen their staff with qualified personnel and prepare State construction plans.

The source of the difficulty is the varied interpretations which have been given to existing law.

Funds for construction of community mental health centers are allotted to the States under section 202(a) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act. Construction money is available not only for the year in which allotted, but for the "next fiscal year."

Funds for administration of the State plan, however, are being given different treatment. Last year a new provision, section 403(c)(1) was added to the act to provide money to the States for the "proper and efficient administration" of the State construction plan. The amount for each State is 2 percent of the construction allotment for that State, or $50,000, whichever is lower. It can be used to pay up to one-half of each State's administration expenses. Unfortunately, no specific provision was included to permit use of administration money in the fiscal year following the year of allotment.

In short, construction money can carry over 1 additional fiscal year, but administration money—earmarked for qualified planning personnel and oversight—cannot. This seems even more unusual in this instance since the latter is a part of the former.

Aside from the question of carryover, a second roadblock has arisen. Officials at HEW hold that the administration money is only for reimbursement to the States for expenses already incurred. This is in spite of the fact that the law provides for payments "in advance" as well as by reimbursement.

The consequences have been serious, and surely were not contemplated by the Congress. For example, Dr. Hans Schapire, Chief of the Division of Mental Health for Colorado, writes:

> For many months the Mental Health Division of the Colorado State Department of Institutions had been in contact with staff of the Regional Office and with some staff of the National Institute of Mental Health, making repeated inquiries as to guidelines for administration of these funds. In states such as Colorado, the absence of qualified personnel on Central Office staff had been most keenly felt in the painful preparation of the original State Plan for the Construction of Community Mental Health Centers and of its annual revisions. We therefore felt that the 2% would afford us an opportunity to strengthen our state level staff for the purpose of assisting in the reparation of a reliable data base to be utilized in the preparation of the Plan.
>
> Finally on June 26, 1969, we received a letter from Dr. Alan I. Levenson, telling us what our state's allocation for fiscal 1969 was and encouraging us to prepare a brief plan to be submitted to the Regional Office prior to June 30, 1969. This last minute request, which gave us exactly four days including a weekend, in itself presented a hardship to our over-worked staff. However, we did what was requested of us, were able to obtain the support of the State Health Department, which is the single State agency administering the construction funds, and had our proposal in the hands of the Regional Office by June 30. Twenty-four hours later, we were informed by the Regional Office that the funds allocated to us could be used only to reimburse us for expenditures already incurred during the fiscal year 1969. Up to that time, the understanding of the Regional Office staff had been that the administrative allowance of 2% for fiscal year 1969 could be used to meet expenses in the 1970 fiscal year. The reimbursement arrangement was obviously of no help to the Mental Health Division and would have accomplished what Congress never intended to do, namely to replace State funds with Federal funds. Had we accepted the funds under these conditions, we would have had to turn them back to the General Fund of the State of Colorado.

But Colorado is not alone. Only 10 States were able to get the 2 percent administration money in fiscal 1969.

A bill I am introducing today would correct this situation by permitting the carryover of administration money for 1 year.

It might be said this is an advance funding provision to help States develop sound construction plans. Delay in appropriations means delay in State allotments. Indeed, it may be the second session of the 91st Congress before the Labor-HEW appropriations bill is sent to the White House. Four months of fiscal year 1970 have already gone by and the States are without the Federal share of money for administration.

We already have a similar carryover provision under 314(a)(4) of the Public Health Service Act to assist States in connection with comprehensive health planning.

Planning for Community Mental Health Centers deserves no less.

I send my bill to the desk for appropriate reference, and ask unanimous consent that it be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD in accordance with the Senator's request.

The bill (S. 3101), to amend section 403(c) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 403(c)(1) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended—

(1) by inserting "for any fiscal year" immediately after "title II";

(2) by striking out "during such year";

(3) by striking out "for a year" and inserting in lieu thereof "for any fiscal year"; and

(4) by striking out "for such year".

(b) Section 403(c)(1) of such Act is further amended by inserting immediately after the first sentence thereof the following new sentence: "Amounts made available to any State under this paragraph from its allotment or allotments under part A of title II for any fiscal year shall be available only for such fiscal year and for the following fiscal year".

S. 3102—INTRODUCTION OF A BILL RELATING TO FISHERY LOAN EXTENSION

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 4 of the Fish and Wildlife Act of 1956 as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act.

The original authority was provided in 1956 because conventional long-term financing was not readily available to owners of fishing vessels. Banks and other private lending institutions feared the instability of loans based solely on commercial fishing earnings as collateral for repayment. The Small Business Administration expressed reluctance for the same reason.

The Secretary of the Interior was granted the authority as a result of the expertise which could be provided within that Department.

Since December 1956, annual losses have been held to less than 1 percent of the average outstanding balance. The situation confronting the fishing industry is virtually the same as in 1956 and the need is apparent for extension of this authority.

I ask unanimous consent that a letter from the Acting Secretary of the Interior, requesting this proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The

bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 3102) to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. Magnuson, is as follows:

Department of the Interior,
Washington, D.C., September 19, 1969.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act."

We recommend that this bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

The authority for making fisheries loans was originally provided in 1956 because conventional long-term financing was not readily available to the owners of fishing vessels. Banks and other private lending institutions believed that the fishing industry was generally too unstable for loans that were based solely on fishing vessels as collateral and as a source of earnings for repayment. For the same reason applications for loans from the Small Business Administration had generally been declined. As a result, the authority for making loans of this type was given to the Secretary of the Interior so that expertise in fisheries could be provided. During the period since December 1956, when the first loan was approved, annual losses have been held to less than one percent of the average outstanding balance, largely due to the specialized servicing provided by the fishery specialists handling the program. The situation regarding the availability of credit is about the same as it was in 1956.

This proposed bill merely extends the expiration date of section 4 of the Fish and Wildlife Act of 1956 from June 30, 1970, to June 30, 1980.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,
Russell E. Train,
Acting Secretary of the Interior.

ADDITIONAL COSPONSORS OF BILLS

S. 1588

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. Murphy) be added as a cosponsor of S. 1588, to amend the Public Health Service Act to provide for the establishment of a National Institute of Marine Medicine and Pharmacology in the National Institutes of Health.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2802

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from Rhode Island (Mr. Pell) be added as a cosponsor of S. 2802, to assist the States in establishing coastal zone management programs.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2804

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the Senator from Wyoming (Mr. Hansen) be added as a cosponsor of S. 2804, to permit a compact between the several States relating to taxation of multistate taxpayers.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2893

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. Harris) be added as a cosponsor of S. 2893, to amend the act of June 27, 1960—74 Stat. 220—relating to the preservation of historical and archeological data.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 44—SUBMISSION OF A CONCURRENT RESOLUTION TO AUTHORIZE THE PRINTING OF A MANUSCRIPT ENTITLED "SEPARATION OF POWERS AND THE INDEPENDENT AGENCIES: CASES AND SELECTED READINGS" AS A SENATE DOCUMENT

Mr. ERVIN (for himself and Mr. Hruska) submitted the following concurrent resolution (S. Con. Res. 44); which was referred to the Committee on Rules and Administration:

S. Con. Res. 44

Resolved by the Senate (the House of Representatives concurring), That the manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings", prepared for the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary by the Legislative Reference Service of the Library of Congress, be printed as a Senate document.

Sec. 2. There shall be printed for the use of the Senate Committee on the Judiciary one thousand additional copies of the document authorized by Section 1 of this concurrent resolution.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

Mr. MANSFIELD. Mr. President, on behalf of the senior Senator; from Alabama (Mr. Sparkman), I ask unanimous concent that, at the next printing, the names of the Senator from California (Mr. Murphy) and the Senator from Pennsylvania (Mr. Scott), be added as cosponsors of Senate Concurrent Resolution 41, urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 261

Mr. WILLIAMS of New Jersey. Mr. President, I submit today an amendment to S. 2218 in order to amend Public Law 81–874, the act which provides aid to school districts where the student population is increased by Federal activity. My amendment would expand the definition of Federal activity to include an influx of refugees admitted from another nation to this country. This is an amendment to S. 2218, amendments to the Elementary and Secondary Education Act of 1965.

This measure would amend section 3(b) of the act by authorizing Federal assistance to school districts where free public education was provided to the children of refugees, as defined by the Migration and Refugee Assistance Act of 1962. It also amends section 3(c) of the act by stipulating that such Federal assistance shall be made available only in cases where the number of refugee children accounts for 20 percent or more of the total student population.

Mr. President, this amendment is a companion measure to a bill introduced in the House of Representatives by Representative Dominick V. Daniels, Democrat, 14th District, of New Jersey. Representative Daniels' district includes Union City and West New York, N.J.: two towns where a sudden and dramatic influx of Cuban refugees has put a tremendous strain on public educational facilities. The need of these communities is great, and the educational need of the children of these refugees from Castro's Cuba is greater still.

In point of fact, the resettled refugee population of Union City is greater than that found in 44 of the 50 States. Because of these extra burdens on the educational system, children find themselves going to school in attics, basements, and even a swimming pool. The school districts must maintain bilingual instructors. In many cases, learning disadvantages are compounded; the children are illiterate in both Spanish and English.

In the face of these serious problems, the Federal Government must assume some of the burden of educating the children of refugees. Entry into this country was a demonstration of American compassion and responsibility for oppressed peoples; now, we must back up our concern with assistance to the school districts where the burden is most acute.

Mr. President, the school districts of Union City and West New York have prepared some statistical materials to illustrate the situation. I ask that they be printed in the Record at this point, along with the text of the amendment.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment and statistical materials will be printed in the Record.

The amendment (No. 261) was referred to the Committee on Labor and Public Welfare, as follows:

Amendment No. 261

At the proper place in the bill, insert the following:

"Section 1. Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out the second sentence and inserting in lieu thereof the following: 'The Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three year period immediately preceding the fiscal year for which the determination is made, a refugee who meets the requirements of section 2(b)(3) (A) and (B) of the Migration and Refugee Assistance Act of 1962.'.

"SEC. 2. Section 2(c)(2) of such Act is amended (1) by inserting before 'subsection (b)' both times it appears the following: 'the first sentence of', and (2) by inserting after 'to whom such subsection' the following: 'or such sentence'.

"SEC. 3. Section 3(c) of such Act is amended by inserting after paragraph (2) the following new paragraph:

" '(3) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children who were in average daily attendance to whom such sentence applies amounts to 20 per centum or more of the number of children who were in average daily attendance during such year and for whom such agency provided free public education, but in determining the number of such children under such second sentence no child shall be counted with respect to whose education a payment was made under section 2(b)(4) of the Migration and Refugee Assistance Act of 1962.'

"SEC. 4. (a) The center heading of section 3 of such Act is amended by adding at the end thereof '; REFUGEE CHILDREN'.

"(b) The center heading of subsection (b) of section 3 of such Act is amended by adding at the end thereof '; REFUGEE CHILDREN'."

The statistical material, presented by Mr. WILLIAMS of New Jersey, is as follows:

I. DATA SUBMITTED BY BOARDS OF EDUCATION, UNION CITY AND WEST NEW YORK, HUDSON COUNTY, N.J.

City	Total public school enrollment	Number children of Cuban descent	Number Cuban children whose parents are citizens	Number Cuban children whose parents are refugee/noncitizens
Union City	8,655	3,452	390	3,062
West New York	6,102	3,260	386	2,874
Total	14,757	6,712	776	5,936

Survey: Sept. 15, 1969, total public school enrollment, number of children of Cuban descent, number of Cuban children whose parents are citizens, number of Cuban children whose parents are refugee/noncitizens.

Percent of Cuban students in total public school population as of Sept. 15, 1969	45.4
Percent of Cuban students whose parents are citizens of the United States	12
Percent of Cuban students whose parents are refugee/noncitizens	88

UNION CITY BOARD OF EDUCATION, UNION CITY, N.J.

Elementary schools	Total enrollment	Number children of Cuban descent	Number children whose parents are citizens	Number children whose parents are refugee/noncitizens
Edison	1,337	424	61	363
Gilmore	565	141	12	129
Hudson	623	146	11	135
Jefferson	817	274	43	231
Roosevelt	1,100	681	86	595
Washington	1,035	542	77	465
R. Waters	1,100	553	49	504
Total	6,587	2,761	339	2,422
High schools				
Emerson	995	508	7	501
Union Hill	1,073	183	44	139
Total	2,068	691	51	640
Grand total	8,655	3,452	390	3,062

Survey: As of Sept. 15, 1969, total public school enrollment, number children of Cuban descent, number of children whose parents are citizens, number of children whose parents are refugee/noncitizens.

Percent of Cuban students in Union City public school population as of Sept. 15, 1969	40
Percent of Cuban students whose parents are citizens of the United States	12
Percent of Cuban students whose parents are refugee/noncitizens	88

CENSUS: SPANISH SPEAKING PUPILS, WEST NEW YORK PUBLIC SCHOOLS, SEPTEMBER 24, 1969

[Spanish speaking includes those who speak only Spanish as well as those who can communicate in English]

Elementary school	Total enrollment	Number children of Cuban descent	Number children whose parents are citizens	Number children whose parents are refugee/noncitizens	Number of Spanish Americans	Number of Cuban Americans	Number of Puerto Ricans	Spanish total
School No. 1	686	238	48	190	13	5	19	275
School No. 3	475	161	18	143	18	12	16	207
School No. 4	751	446	48	398	13	12	14	485
School No. 5	1,496	1,145	116	1,029	36	11	31	1,223
H. L. Bain	1,095	498	57	441	42	18	14	572
Elementary total	4,503	2,488	287	2,201	122	58	94	2,762
High school	1,599	772	99	673	51	20	36	879
Grand total	6,102	3,260	386	2,874	173	78	130	3,641

Percent of Cuban students in West New York public school population as of Sept. 15, 1969	54
Percent of Cuban students whose parents are citizens of the United States	12
Percent of Cuban students whose parents are refugee noncitizens	88

II

1. Forty-four states have fewer resettlements than Union City. The exceptions are: New York, New Jersey, California, Illinois, Massachusetts, Florida, and Puerto Rico.

2. Four states have more than Florida, which has 8,037. The following states have more cuban refugees than Florida: New York (62,591), New Jersey (38,901), California (27,088), Illinois (16,362).

3. U.S. cities with more than 1,000 Cuban refugees:

State	Number of resettlements	Percent of 1960 population
California:		
Los Angeles	18,293	0.74
San Francisco	1,388	.18
Colorado: Denver	1,117	.22
Washington, D.C	2,076	.27
Florida: Tampa	2,657	.96
Georgia: Atlanta	1,129	.23
Illinois: Chicago	15,062	.42
Louisiana: New Orleans	4,813	.76
Massachusetts: Boston	3,721	0.53
Nevada: Las Vegas	1,055	1.63
New Jersey:		
Elizabeth	3,378	3.13
Hoboken	1,110	2.29
Newark	18,110	4.46
Union City	6,153	11.79
West New York	3,740	10.52
New York:		
Bronx	3,088	.21
Brooklyn	6,706	.25
New York	42,340	2.49
Pennsylvania: Philadelphia	1,762	.08
Texas:		
Dallas	1,518	.22
Houston	1,171	.12

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on October 31, 1969, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota";

S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired); and

S.J. Res. 164. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

DRAFT HEARINGS—SCHEDULE CHANGE

Mr. KENNEDY. Mr. President, may I announce a schedule and witness change for the hearings on the administration of the Selective Service System. The Subcommittee on Administrative Practice and Procedure began these hearings last week, and will continue them through next week.

I previously announced that the hearings on Tuesday, November 4, would start at 10:30 a.m. Instead, the hearings will begin at 2 p.m., and will be held in room 4200. The previously announced witnesses for November 4, Prof. Gary Wamsley and Prof. James Davis, will appear at that time.

In addition, Mr. Marion S. Barry, executive director of Pride, Inc., of Washington, D.C., will appear as a witness.

JACK ANDERSON ARTICLE ON THE MENACE OF THE PRIVATE PLANE BASED ON IMPERFECT RESEARCH

Mr. DOMINICK. Mr. President, Jack Anderson has given us another example of the shallow depth of the research on which he bases some of his articles that are given nationwide publication. In the newspaper supplement, Parade, of Sunday, October 26, Mr. Anderson's article was titled: "The Growing Menace of the Private Plane." It contains such scare statements as the following opening lines:

> An unseen pilot hovers in the crowded skies above the nation's airports. He is there with the official consent of the U.S. government. His name is instant death.
>
> The next time this sinister pilot strikes, the chances are he will be flying a private plane.

Further on in the article, he really demonstrates his disdain for the facts in discussing the tragic accident which occurred on September 9, 1969, near Indianapolis, Ind. Anderson states, flatly:

> It was a student, with only 38 hours in the air, who rammed into an airliner in September over the Indianapolis airport while making a practice pass at the runway. The student and 82 persons aboard the airliner were killed.

If he had bothered to check the facts, Jack Anderson would have found that the accident did not happen "over the Indianapolis airport," as he says it did, but actually happened 20 miles away from the airport, a considerable distance outside the traffic pattern of that airport.

Mr. Anderson's language conjures up an image of the private plane deliberately diving into the airliner, seemingly in a race to see who would reach the runway first. Again, this is not borne out by the facts uncovered by the Department of Transportation investigation following the accident. The subsequent findings of this investigation reveal that it is more likely that the descending airliner, flying several times faster than the private plane, struck the light plane which had been flying at a lower altitude than the airliner.

Anderson further demonstrates his lack of knowledge on aviation matters when he makes the following statement:

> Few private planes are equipped with radar, to act as extra eyes for the pilot. And few private planes carry transponders, which return a strong, clear signal to air controllers on the ground.

Mr. President, not even the radars carried on our largest commercial airliners are designed to spot other aircraft. Unlike the large, ground-based radars, airborne radar is designed and used to help the pilot avoid bad weather and navigate around thunderstorms.

With regard to the number of planes equipped with transponders, Mr. Anderson should have checked the breakdown between commercial and private aviation. He would have found that 98 percent of all the aircraft in the country consist of general aviation, very few of which are used purely for pleasure. These general aviation aircraft owners have now purchased 10 times as many transponders as all the airline transports in the world added together. If every general aviation aircraft owner with interest in using any one of the 120 proposed hub airports should buy and use a transponder on IFR flights, there would be a complete breakdown in the air traffic control systems. At the present time, if a pilot is flying VFR in the New York or Boston areas with a transponder and asks for radar advice for collision avoidance, the ground operator generally says that they are too busy to give it and then asks that the pilot turn off his transponder as it is interfering with IFR operations. If this is true at the present time, imagine the chaos that would exist if the proposed FAA regulation is adopted requiring all private planes to be equipped with and use a transponder around all hub airports.

The aviation editor of the Wichita Eagle and Wichita Beacon, Mr. Arnold Lewis, did some in-depth checking on the charges of villainy made against private aviation by Mr. Anderson and came up with some interesting findings. For one thing, he discovered that the photograph at the beginning of the Anderson article was apparently intended to depict five of the types of aircraft which constitute "The Growing Menace of the Private Plane." Checking the official FAA records on each of the aircraft pictured, Mr. Lewis found that each one was equipped with transponder, radar, distance measuring equipment, autopilot, redundant communications, and navigation systems, and "in essence were equipped comparably or better than the two commercial jetliners shown in the background."

Mr. Lewis also points out that Jack Anderson appears uninformed on exactly what general aviation is and the progress being made through cooperative efforts of the entire aviation community and Federal Government toward a modern and workable airport-airways system. Or, that private planes, serving 10,000 U.S. airports annually carry as many or more people than all domestic commercial airlines using approximately 650 airports. He points out that indeed, these private planes are waiting for the navigation, air traffic control, and Federal communications system to catch up so equipment they have installed can be used on any airport in the United States. Most businesses and corporations utilizing their own private aircraft today also are heavy users of the commercial airlines. Therefore, whether public or private, air safety is of vital concern to everyone.

Mr. President, I think that Mr. Anderson's article for Parade magazine is a good example of the old axiom which says: "A little knowledge is a dangerous thing." It is doubly true when the shallowness of that knowledge appears in public print.

I ask unanimous consent that Mr. Anderson's article be printed in the RECORD, together with the very well done critique by Mr. Arnold Lewis entitled, "Is Private Plane Villain of Sky, or Victim of Outdated System," published in the Wichita Eagle of October 26, 1969, and a letter to the editor published in the Washington Post of Sunday, November 2, 1969, written by Fletcher Cox, Jr., assistant director, publications and promotion, National Business Aircraft Association, which I believe is very pertinent.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows:

[From Parade, Oct. 26, 1969]

THE GROWING MENACE OF THE PRIVATE PLANE

(By Jack Anderson)

WASHINGTON, D.C.—An unseen pilot hovers in the crowded skies above the nation's airports. He is there with the official consent of the U.S. government. His name is instant death.

The next time this sinister pilot strikes, the chances are he will be flying a private plane. In 1968, there were 38 midair collisions, all involving at least one private plane. In another 1128 reported near-misses the overwhelming preponderance of these brushes with death involved private planes. And aviation officials are afraid to guess how many more close calls were never reported. Over the nation's six busiest airports, private aircraft were present in four out of every five near-misses.

Yet the Federal Aviation Administration—the traffic police of the skies—still allows small private planes to cut into the commercial flight patterns and to use the facilities of our great jetports. This is akin to permitting cyclists to use the busy freeways with full rights to take over the traffic lanes.

Today, with airline loads at an all-time peak and private aviation mushrooming, pilots live in constant fear of the airborne fender scrapings that can take a hundred lives in a flash. As airplanes continue to supplant other carriers as the key means of intercity transportation, the dangers multiply. Spokesmen for both the airlines and private aviation say there are solutions to the crisis. But they insist the FAA lacks the courage to order them.

The most timid moves by the FAA to limit the use of major airports has brought storms of protest from the Aircraft Owners and Pilots Association, an effective, heavily financed lobby of private fliers. Whenever they believe their freedom of the skies is in jeopardy, they don't hesitate to use their money and muscle, through AOPA, to bring pressure upon the FAA.

AOPA headquarters has invested heavily in modern equipment, including new-generation computers, to maintain its membership lists and to handle its mails. Yet many private planes, whose owners help pay for AOPA's fancy clerical equipment, aren't equipped to meet the dangers in the skies. It is also beyond contention that many private pilots lack the skill and training to navigate safely in the traffic jams around the big airports. Yet they cut in and out of the traffic patterns, and their presence creates a constant peril.

Meanwhile, more and more private citizens are obtaining pilots' licenses. There are already more than 125,000 private planes in the U.S., and experts expect the number to double in the next decade. Some are used for sport, others for commerce.

While commercial pilots constantly work to keep and improve their skills—they would lose their jobs if they didn't—many weekend fliers are unaware of new regulations and procedures. "It is one thing to be able to learn to fly," said one aviation official, "but that isn't enough. In today's air environment, you must also know the ever-changing rules for flying in terminal airspace."

Many of the FAA rules smack of the days of open cockpits and dashing men in leather helmets and flowing scarves. Air routes are marked by navigation aids or visual checkpoints. If two small planes should be headed for the same destination, each would be expected to fly over the same checkpoints. It is much like sailing a boat from one buoy to another. Should a number of planes con-verge on the checkpoint at the same time, at roughly the same altitude, danger is inescapable.

Few private planes are equipped with radar, to act as extra eyes for the pilot. And few private planes carry transponders, which return a strong, clear signal to air controllers on the ground. Many private pilots are so unskilled or careless in the use of their radios that they fail to keep the controllers informed of their positions in the air.

Probably the greatest threat to air safety is the private pilot who decides to go on a lark in the skies after drinking. Commercial pilots aren't allowed to drink before flying. But autopsies performed on pilots from 692 fatal private plane crashes in 1968 indicate that as many as 200 had been drinking. Of these accidents, officials said that alcohol was the cause of 45 "beyond a shadow of a doubt." No alcohol was found in the blood of commercial pilots killed in crashes.

The FAA statistics take into account only those private pilots whose blood-alcohol level was .05 percent or higher. Because the effects of alcohol are multiplied at high altitudes, one drink—which would not bring the alcohol level to .05 percent—is often enough to slow a pilot's reflexes.

Airline travelers have frequently been annoyed when their takeoff was held up while a small, private ship taxied up to the runway. But private planes contribute much more distress to the airlines than just delays. FAA files reveal that many crashes and near-crashes are caused by pilots who are preoccupied with training lessons. Strangely enough, FAA rules allow students to practice in the most heavily traveled airlanes. It was a student, with only 38 hours in the air, who rammed into an airliner in September over the Indianapolis airport while making a practice pass at the runway. The student and 82 persons aboard the airliner were killed.

IT MUST STOP

Commercial pilots are acutely aware of the dangers surrounding them. "The mix of large and small planes cannot continue," said Robert Rockwell, a Northwest-Orient captain who also flies his own small plane. " A lot of these little planes are flown by people with little experience, and they are plenty busy just keeping their plane at the right speed and in the right place at the right time. The air is full of smoke and industrial haze, and it's not always easy to spot another plane, especially a small one. Say I want to fly my light plane from Minneapolis to Chicago. It may cost me a little time, but I'll stay away from O'Hare (one of the world's most congested airports) and fly around to an outlying field. I have every right to land at O'Hare, but I don't want to get in the way. It isn't prudent."

As always, the AOPA is vocal in its defense of its members. "For some reason, whenever there's a midair collision between a large commercial liner and a small private plane, it's always the small plane that crashes into the big one, never the other way around, at least according to the press and politicians," Charles Spence, an AOPA official, charged. "In fact, the collision is often the fault of the commercial airliner, as recent reports of the National Transportation Safety Board investigations show. Unfortunately, it takes from a year to a year and a half from the time of a collision until the NTSB's investigation is completed; by then the crash is no longer news and nobody cares."

Spence cited two crashes—one in Urbana, Ohio, in 1967 involving a commercial jet and a small plane; another in Milwaukee, Wis., in 1968 between a commercial prop plane and a private craft. Both were eventually blamed on the commercial pilots.

The overwhelming majority of collisions, however, are traced to errors by private pilots. Indeed, most take place between two private planes. And conditions at many airports, which handle only private craft, are little short of chaotic. Pilots land their planes at whim, often cutting each other off in a race for the runway.

The FAA proposed last year that only planes actually landing or taking off be allowed in the airspace around the nation's 33 busiest airports. The suggestion brought immediate growls of displeasure from the AOPA. The FAA promptly caved in, putting the ban on only five airports. That ban expires in December.

FAA BLAMED

One of the people ouraged by FAA's lack of action is Erny Tannen, president of a broadcasting chain. Following the Indianapolis collision, he wrote FAA Administrator Jack Shaffer: "The FAA is clearly responsible for this and other crashes because of its refusal to take action on recommendations which had been made to the FAA months ago. Some of these recommendations do not require money—just the guts to require small planes to fly in patterns that will keep them completely away from the approaches of the large commercial airplanes." Mr. Tannen's interest is understandable. His son, Richard, was a passenger on the downed Indianapolis airliner.

[Recently, under mounting pressure, the FAA moved to cut midair crashes by proposing restricted zones around the nation's 22 busiest airports in which only electronically equipped aircraft would be permitted to fly under strict air traffic control.]

Meanwhile, every air traveler in the nation moves through the clouds in constant danger of meeting that sinister unseen pilot in a private plane.

[From the Wichita (Kans.) Eagle, Oct. 26, 1969]

Is Private Plane Villian of Sky, or Victim of Outdated System?

(By Arnold Lewis)

The private plane—menace or whipping boy?

Despite continuing progress toward developing and updating an antiquated national airport-airways system, the name-calling goes on.

Latest in the periodic verbal bursts of flak at so-called general aviation appears in the Parade Magazine Sunday supplement of The Wichita Eagle and The Beacon.

Authored by Drew Pearson's protege, Jack Anderson, "The Growing Menace of the Private Plane" labels general aviation as primary villain in the turmoil created by overtaxed airports and navigational airways.

"His name is instant death," the article said of the private pilot hovering "unseen . . . in the crowded skies.

Anderson maintains private pilots are involved in four out of five near-misses over the nation's six busiest airports and says they heavily finance a Washington lobby to preserve freedom of the skies.

Apparently unknown to Anderson is exactly what general aviation is and the progress being made through cooperative efforts of the entire aviation community and federal government toward a modern and workable national airport-airways system.

In 1968 there were more than 124,000 "private" planes in the U.S. civil fleet, ranging from small, two-place Cessna 150s in the $10,000 price range, on up to the $4 million to $5 million Boeing 737 business jet.

Serving some 10,000 U.S. airports, private planes annually carry as many or more people than all domestic commercial airlines using approximately 650 airports.

At the upper end of the general aviation fleet, the sophisticated business jet serves as just that, a business tool for corporations large and small, its value often being compared with that of a computer.

At the lower end, two-place trainers turn out an ever-increasing number of pilots, many going on to serve as pilots for the nation's airlines.

In between, uses to which general aviation aircraft are put are as wide and varied as the imagination of their owners.

They patrol petroleum pipelines, provide quick transportation for the sick and injured, haul freight, double the effectiveness and mobility of the businessmen, serve as aerial taxicabs and provide recreation.

The crux of the problem facing aviation today, however, is capacity. Airport and airway navigational and control facilities have just not kept pace with increased aircraft fleets and increased utilization.

Contacted by The Wichita Eagle for their reaction to the Parade article were Frank S. Hedrick, president of Beech Aircraft Corp.; Dwane L. Wallace, chairman and chief executive of Cessna Aircraft Co., and Malcolm Harned, executive vice president and general manager of Lear Jet Industries Inc.

All agreed that use of the nation's airspace was a partnership proposition and noted that considerable rapport had developed this year between general aviation and the public air carriers.

Industrial and government officials are clearly aware of the solution: more concrete for existing airports, new satellite airports for general aviation, additional air traffic controllers, more modern radar and tracking equipment on the ground and in the air, improved navigation systems to provide better separation between aircraft and specific approach and departure corridors at major airports (to segregate aircraft according to class and performance.)

The question being pursued by all parties involved is how to accomplish these goals and to decide who is going to pay the bill—a ticklish and lengthy process when dealing with powerful and varied interest groups.

All sides in the issue understand, however, they will have to "give" a little, both in terms of dollars and in terms of some of the "freedoms" they now enjoy in operation of their aircraft.

Over the long range, the Nixon administration's airport-airways bill, currently before Congress, would go far to relieve the congestion problem.

Based on user charges to finance a major portion of the program, the bill would assess general aviation nine cents per gallon on all aviation fuel (currently two cents nonrefundable), including jet fuel, which is not now taxed federally. It would impose an 8 per cent tax on all airline tickets (currently 5 per cent) and a 5 per cent tax on all air freight way bills.

One alternate proposal has been made by the House Ways and Means Committee, which would include an annual registration fee to all aircraft according to weight, in addition to a seven-cents per gallon fuel tax for general aviation.

It appears, now, that the Nixon bill, in one form or other, will make it through Congress, possibly this year.

In the more immediate future, the Federal Aviation Administration (FAA) is attempting to formulate regulations which would segregate different classes of aircraft in high density hub airport areas to reduce the possibility of in-flight collisions.

Included is a proposal that would require all aircraft be equipped with transponders—an electronic device which returns a positive signal from the aircraft to interrogating ground radar, thus facilitating positive air traffic control identification.

In-flight collisions, such as that of Sept. 9 between an Allegany Airlines DC-9 and a Piper Cherokee which claimed 83 lives, add new fuel to the airport-airways issue.

And, when a small general aviation aircraft is involved, the finger invariably is pointed toward the "little" plane by initial press reports.

Reaction holds the light aircraft had no right to be there, regardless who was at fault.

The Parade article declared: "It was a student with only 38 hours in the air who rammed into an airliner in September over the Indianapolis airport while making a practice pass at the runway."

Actually the accident occurred some 20 miles southeast of the airport. Subsequent findings suggest it was the airliner that struck the light plane.

In an analysis of the 38 in-flight collisions occurring in the United States during 1968, the National Transportation Safety Board (NTSB), which investigates all fatal air accidents, found FAA's air traffic control system was involved in at least seven.

And in all seven, traffic congestion, control tower visibility and human performance limitations, plus inadequacy of VFR (aircraft operating under "see and be seen" visual flight rules) traffic flow procedures were found contributory to the chain of events leading up to collision.

"In-flight collisions are very rare at airports where traffic flow is directed in a positive and orderly manner," the NTSB declared.

In the analysis, NTSB said six of the 38 collisions occurred on or above an airport, 12 within the airport traffic pattern, five within two miles of the airport and 10 accidents more than five miles from the airport.

The collisions involved 76 individual aircraft and 71 fatalities, although passengers and crew members totaled 246.

Of the aircraft, three were commercial airliners, one a military fighter and two were gliders—the remainder being powered general aviation aircraft. One collision, incidentally, involved two planes being used to herd horses in Wyoming.

Twenty-one aircraft were described as being on pleasure flights, while 20 were engaged in some form of flight instruction.

The NTSB concluded:

"While there was no evidence of adverse weather having been a significant factor in any of the 38 in-flight collision accidents, haze and-or smoke were likely to have been in the area in six instances; precipitation, showery in nature, was probably in the general area in 11 cases.

"All 38 collisions, however, occurred during daylight hours under VFR conditions (ceiling above 1,000 feet and visibility more than three miles).

"It was noted most collisions occurred in areas and periods of greatest general aviation activity and the most likely time and place for collisions to occur would be on bright clear Sunday afternoons in August at uncontrolled airports," NTSB said.

A common misconception among laymen, including the Parade writer, is that radar equipment on aircraft is used for spotting other aircraft.

Stated Parade: "Few private planes are equipped with radar, to act as extra eyes for the pilot."

Nor do any commercial airliners have these extra "eyes." Aircraft radar is for weather avoidance and does not detect other aircraft.

Parade also pointed out that the "private pilot who decides to go on a lark in the skies after drinking . . . is . . . probably the greatest threat to air safety."

It added that autopsies performed on pilots from the 692 fatal general aviation accidents during 1968 "indicate that as many as 200 had been drinking. Of these accidents, officials said that alcohol was the cause of 45 'beyond a shadow of a doubt.' "

As recently as September, however, Bernard Boyle, NTSB chief of the Safety Analysis Division, said he believed only a small percentage of private pilots fly after drinking.

In each of the past three years, he said alcohol has been attributed to 6½ to 7 per cent of fatal private plane crashes.

By way of comparison, the National Safety Council states that alcohol probably is a factor in at least half of all fatal motor vehicle accidents.

Actually, the accident rate of general aviation aircraft is decreasing—5,069, or 1.36 accidents per every one million airplane miles flown in 1968, compared with 6,115, or 1.78 accidents per million miles flown in 1967.

The number of fatal accidents, however, increased from 603, or .18 per million miles flown, in 1967, to 692, or .19 per million miles flown in 1968.

At the same time there was a 9 per cent increase in the general aviation fleet—from 114,186 in 1967, to 124,237 in 1968—and a corresponding 9 per cent increase in the miles flown by general aviation aircraft, according to Aviation Data Service (ADS), Wichita.

Again for comparison, some 26 million (25.5 per cent) of the nation's 102.1 million motor vehicles in 1968 were involved in accidents accounting for 55,200 motor vehicle deaths, according to National Safety Council figures.

There were 14.5 accidents per one million miles driven by motor vehicles and .04 fatalities per million miles driven.

The FAA categorizes all nonairline and nonmilitary aircraft in the United States as general aviation, or "private" aircraft. Its own fleet numbers more than 100.

Of the 24 million general aviation hours flown in 1968, as a point in fact, 69 per cent were for business purposes and 31 per cent could be labeled "personal use of aircraft," according to ADS.

The picture appearing at the top of the Parade article apparently was intended to depict the "private" plane menace.

A check of records maintained on each aircraft flown in the civil system revealed that all aircraft pictured have transponders, radar, distance measuring equipment, autopilots, redundant communications and navigation systems and, in essence, were equipped comparably or better than the two commercial jetliners shown in the background.

The five "private" aircraft in the picture represent a transportation investment by "private" businesses of $7.2 million, of which nearly $1 million is represented by the cost of electronic communication and navigation equipment alone.

Indeed, these private planes are waiting for the navigation, air traffic control and federal communications system to catch up so equipment they have installed can be used on any airport in the U.S.

Most businesses and corporations utilizing their own private aircraft today also are heavy users of the commercial airlines.

Whether public or private, air safety is a vital concern to all.

[From the Washington (D.C.) Post, Nov. 2, 1969]

Private Planes and Their Safety Record

Your edition of Oct. 26 carried the Parade Magazine which published "The Growing Menace of the Private Plane," by Jack Anderson.

Actually, the greatest menace to aviation safety is this kind of inaccurate and sensational writing. It will be a service to the public and to aviation if you will publish the following attempt to undo the damage done by Mr. Anderson and Parade. Here are just five errors of fact:

1. The private airplane and airliner did not collide over the Indianapolis airport, but some 20 miles away from the airport.

2. The private airplane's pilot was not "making a practice pass at the runway." He was making a cross-country flight on a flight plan. So far as has been determined, he was just where he was supposed to be.

3. Airborne radar in civil aircraft does not act as "extra eyes for the pilot." It does not picture other aircraft. Its purpose is to pick out areas of heaviest precipitation in thunderstorms.

4. The FAA "ban" at five airports does not reserve the surrounding airspace only for planes landing or taking off. The "ban" is actually a rule which limits the number of landings and takeoffs each hour under instrument flight rules. FAA instituted the rule to minimize delays (which it has not done), rather than for safety.

5. Present rules do not allow "small private planes to cut into the commercial flight patterns." Federal Air Regulations specifically prohibit any aircraft's "cutting into" the path of any other. Incidentally, there are no "commercial flight patterns."

Both Parade and Mr. Anderson have prejudged the findings of the National Transportation Safety Board, which is trying to establish specifically what did happen in that tragic collision.

This kind of sensationalism threatens aviation safety because it leads to unthinking demands that something—*anything!*—be done, and to hasty steps on the part of FAA in response to public pressure. FAA is rushing ahead right now with its proposed high density "terminal control area" rule, the application of which could actually increase hazards near some airports if not done carefully and deliberately. The "terminal control area" rule will put a greatly expanded umbrella of controlled airspace around certain major hub airports. But aircraft bound for other airports under these control umbrellas may have the airspace they use severely curtailed, in which case the danger of collisions at those airports will increase.

"Private planes" run the gamut from Piper Cubs to intercontinental business jets.

"Private planes" includes the 2,500 aircraft used by members of the National Business Aircraft Association. These aircraft are flown by professional pilots with a minimum of a commercial license and instrument rating. Most of these aircraft have electronic equipment equal to that of the airliners. Many have equipment superior to airliners', and more of it.

Recently, 141 corporate members of NBAA received Flying Safety Awards recognizing the accumulation of more than 552-million accident-free flying miles. More than 530 individual pilots of member companies have flown more than 1 million safe miles, and their cumulative total tops 890 million safe miles.

Mr. Anderson's article is a libel upon such professional pilots of private planes. May we hope for an end to sensationalism about aviation safety and, instead, see some thoroughly researched, well thought out articles to help us reach our major goal of fair, efficient, and safe use of airspace and airports?

Fletcher Cox, Jr.,
Assistant Director, Publications and Promotions, National Business Aircraft Association.
Washington.

THE PHILADELPHIA PLAN

Mr. ERVIN. Mr. President, on Monday and Tuesday the Subcommittee on Separation of Powers held hearings on the Department of Labor's Philadelphia plan, a controversial effort to increase the percentage of minority group employees in six Philadelphia area construction trades.

Almost 3 months ago, the Honorable Elmer B. Staats, Comptroller General of the United States, declared this plan illegal because it conflicts with title VII of the 1964 Civil Rights Act.

Mr. Staats decided, and I wholeheartedly agree, that the Philadelphia plan constitutes an illegal racial quota system. My distinguished colleague, Senator McClellan, also adopted this position during the hearings and championed it with great skill.

Mr. President, I find it serious indeed that the Department of Labor has chosen to ignore the Comptroller General's decision and to institute the Philadelphia plan in nine other American cities. I find it deplorable that the Department has approved further contracts in Philadelphia under the plan. It is no justification that the Department of Justice supports the Labor Department in these actions.

Under the Budget and Accounting Act of 1921, the decisions of the Comptroller General are to be regarded as "final and conclusive" upon the executive branch of Government. Further, the Comptroller General is directed under that act to make certain that the executive expenditures are consistent with any and all laws.

Nowhere in the act is the executive branch empowered to disregard the decisions of the Comptroller General. Nowhere does that act say that if the Department of Labor disagrees with the Comptroller General's legal reasoning, it can ignore his directives.

Mr. President, I would remind the Senate that the Comptroller General is an arm of the Congress. An affront to him is an affront to us all.

I ask unanimous consent that the Comptroller General's excellent statement before the Subcommittee on Separation of Powers, together with the statement I made at the opening of the hearing, be printed at this point in the RECORD.

The PRESIDING OFFICER. (Mr. ALLEN in the chair) without objection it is so ordered.

STATEMENT OF ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. Chairman and Members of the Subcommittee: We appreciate this opportunity to appear before your Subcommittee to discuss our position with respect to the revised "Philadelphia Plan." We are concerned about both the legality of the Plan and the situations which appear to have arisen as a result of our endeavors to discharge our statutory duties and responsibilities in connection with the Plan.

I believe the members of the Subcommittee are by now aware of the basic facts, which are (1) that the Department of Labor has issued an order requiring that major construction contracts in the Philadelphia area, which are entered into or financed by the United States, must include commitments by the contractors to goals of employment of minority workers in specified skilled trades; (2) that by a decision dated August 5, 1969, we advised the Secretary of Labor that we considered the Plan to be in contravention of the Civil Rights Act of 1964 and would be required to so hold in passing upon the legality of expenditures of appropriated funds under contract made subject to the Plan; and (3) that the Attorney General on September 22, 1969, issued an opinion to the Secretary of Labor advising him of his conclusion that the Plan is not in conflict with any provision of the Civil Rights Act; that it is authorized by Executive Order No. 11246; and that it may be enforced in awarding Government contracts.

We would like to offer for the record copies of our decision and of the Attorney General's opinion.

The revised Philadelphia Plan was issued on June 27, 1969, with the announcement that it was designed to meet GAO's objections to a lack of specificity in a prior plan. The new plan is frank and direct in stating its purpose. It gives a rundown of the history of alleged discriminatory practices by the Philadelphia construction unions in admitting members; it states that the percentage of minority group membership in the unions and the construction trades is far below the ratio of minority group population to the total Philadelphia population, and it advises that the purpose of the Plan is to achieve greater participation of minority group members in the construction trades.

The Plan states that there shall be included in invitations for bids (IFBS) on both Federal and federally assisted construction contracts in the Philadelphia area, specific ranges of minority group employees in each of six skilled construction trades; that each bidder must designate in his bid the specific number of minority group employees, within such ranges, that he will employ on the job; and that failure of the contractor to "make every good faith effort" to attain the minority group employment "goals" he has established in his bid may result in the imposition of sanctions, which might include termination of his contract.

The primary question considered in our decision of August 5 was whether the revised Plan violated the equal employment opportunity provisions of the Civil Rights Act of 1964.

In the formulation of that decision, we regarded the Civil Rights Act of 1964 as being the law governing nondiscrimination in employment and equal employment opportunity obligations of employers. Therefore we considered the 1964 Act as overriding any administrative rules, regulations, and orders which conflicted with the provisions of that Act or went beyond such law and purported to establish, in effect, additional unlawful employment practices for employers who engaged in Federal or federally assisted construction.

We think the basic policy of the equal employment opportunity part of the Act is set out in pertinent part in section 703(a) as follows:

"It shall be an unlawful employment practice for any employer—

"(1) to fail or refuse to hire * * * any individual * * * because of such individual's race, color, religion, sex, or national origin."

The basic policy of the Act as it relates to federally assisted contracts, is stated in pertinent part in section 601, as follows:

"No person * * * shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Another pertinent provision of the Act is set out in section 703(j), which provides in part as follows:

"Nothing contained in this title shall be interpreted to require any employer * * * to grant preferential treatment to any individual or to any group because * * * of an imbalance which may exist with respect to the total number or percentage of persons of any race * * * or national origin employed by any employer [or] referred * * * for employment by any * * * labor organization * * * in comparison with the total number or percentage of persons of such race * * * or national origin in any community * * * or in the available work force in any community * * *."

This part of the law is known as the prohibition against "quotas"; that is, the prohibition against requiring an employer to hire a specified proportion or percentage of his employees from certain racial or national origin groups.

It seems to have been generally accepted by Labor, Justice and minority group spokesmen that "quotas" are illegal. But in defense of the Philadelphia Plan the Department of Labor argued that the "goals" for minority group employees which would be included in IFBs and in contracts under the Plan could not violate the Civil Rights Act of 1964 because—

1. A quota is a *fixed* number or percentage of minority group members, whereas *ranges* to be established under the Plan are flexible in that the bidder may choose as his goal any number or percentage within the ranges set out in the IFB.

2. Failure to attain the "goals" does not constitute noncompliance, since such failure can be waived if the contractor can show that he made "every good faith effort" to attain the goals.

3. The Philadelphia Plan was promulgated under Executive Order 11246, not under the Civil Rights Act of 1964, and affirmative action programs under the Executive Order may properly require consideration of race or national origin if such consideration is necessary to correct the present results of past discrimination.

4. The Plan provides that the contractor's commitment to specified goals of minority group employment shall not be used to discriminate against any qualified applicant or employee.

In considering these arguments in our decision of August 5 we said that in our opinion the distinction between quotas and goals was largely a matter of semantics. The plain facts are, however, that the Plan sets a definite minimum percentage requirement for employment of minority workers; requires an employer to commit himself to employ at least a corresponding minimum number of minority workers; and provides for sanctions for a failure to employ that number (unless the contractor can satisfy the agency personnel concerned that he has made every good faith effort to attain such number). It follows therefore, that when such sanctions are applied they will be a direct result of the contractor's failure to meet his specified number of minority employees.

In our decision of August 5 we also said that the basic philosophy of the equal employment opportunities portion of the Civil Rights Act is that it shall be an unlawful employment practice to use race or national origin as a basis for hiring, or refusing to hire, a qualified applicant. And we said the Plan would necessarily require contractors to consider race and national origin in hiring.

In reply to the Department's contention that the Plan itself says a contractor's goals shall not be used to discriminate against any qualified applicant or employee, we expressed the opinion that the obligation to make every good faith effort to attain his goals under the Plan will place contractors in situations where they will undoubtedly grant preferential treatment to minority group employees. Later, I will address this point again.

It is our opinion that the legislative history of the Civil Rights Act shows beyond question that Congress in legislating against discrimination in employment recognized the discrimination that is inherent in a quota system, and regarded the term "discrimination" as including the use of race or national origin as a basis for hiring; the assignment of numerical ratios based on race or national origin; and the maintaining of any racial balance in employees.

In considering Labor's contention that it could properly consider race or national origin under affirmative action programs established under Executive Orders, we pointed out that while the term "affirmative action" was included in Executive Order 10925, which was in effect at the time Congress was debating the bill which was subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive Order at that time. We therefore did not think it could be successfully contended that Congress, in recognizing the existence of the Executive Order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which the present Plan imposes upon contractors.

While the Labor Department cited various court cases in support of its position that reverse discrimination may properly be used to correct the present results of past discrimination, our examination of those cases showed that the majority involved questions of education, housing, and voting. We said we could see a *material* difference between the circumstances in those cases and the circumstances which gave rise to the Philadelphia Plan, since in those cases enforcement of the rights of the minority to vote, or to have unsegregated housing, or unsegregated school facilities, did *not* deprive members of the majority group of similar rights, whereas in the employment field, each mandatory and discriminatory hiring of a minority group worker would preclude the employment of a member of the majority group. In those cases which did involve Title VII of the Civil Rights Act of 1964, we found them to be concerned with practices of labor unions or with treatment by employers of their employees in matters of seniority and promotion, and even in such circumstances, we found the courts to be divided between condoning and condeming the practice.

Our decision also pointed out that the effect of the Plan was to require an employer to abandon his customary practice of hiring through a local union if there is a racial or national origin imbalance in the membership of such union, and we concluded that such a requirement would be in violation of section 703(j) of the Act. We cited numerous portions of the legislative history of the Act which supports, we think, the view that Congress intended to prohibit and preclude the sort of program and procedures which are now included in the Philadelphia Plan when it drafted section 703(j).

In this connection we expressed the opinion that it would be improper to impose requirements on contractors to incur additional expenses in affirmative action programs which are designed to correct the discriminatory practices of unions, since such requirements would result in the expenditure of appropriated funds in a manner not contemplated by Congress. And we pointed out that if unions were, in fact, discriminating, they could be required to correct their discriminatory practices under provisions of the National Labor Relations Act, under Title VII of the Civil Rights Act, and under section 207 of Executive Order 11246. We suggested use of one of these remedies.

Finally, we concluded that until the authority for any agency to impose or require conditions in invitations for bids which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must consider conditions of the type proposed by the revised Philadelphia Plan to be in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditure of appropriated funds for Federal or federally assisted construction projects.

On August 6, the day after our decision of August 5, the Secretary of Labor held a press conference at which he expressed the opinion that "interpretation of the Civil Rights Act has been vested by Congress in the Department of Justice"; that Justice had already decided that the Philadelphia Plan was not in conflict with the Act; that GAO properly could pass upon whether the Philadelphia Plan violated *procurement* law; and that Labor therefore had no choice but to follow the opinion of Justice and proceed to implement the Plan. For the record, it should be noted that the only Department of Justice opinion Labor had, at the time it issued the revised Plan and at the time the Secretary held his press conference, was one rendered in two short paragraphs by the Assistant Attorney General for the Civil Rights Division. On September 22, 1969, the Attorney General did, however, issue a formal opinion, which was essentially in the form of a critique of our August 5 decision.

The fundamental bases of the Attorney General's opinion are his contentions that the Executive has authority to include in contracts made by the United States or financed with Government assistance any terms and conditions which are not contrary to a statutory prohibition or limitation on contractual authority; that the requirements imposed upon contractors by the Philadelphia Plan are not prohibited by the Civil Rights Act; and that the fact that the Act does not affirmatively require or authorize the imposition of such requirements upon all employers does not preclude their imposition by the Executive upon employers who enter into contracts with the Government or which are financed through Government assistance.

We believe that the argument with respect to the authority of the Executive to include terms and conditions in contracts fails to take into consideration two material factors: first, with respect to contracts executed by the Government, Congress has imposed a number of specific requirements and limitations, both procedural and substantive, entirely independent of and unrelated to the provisions of the Civil Rights Act, but which we believe to be material to the determination of the validity of the Plan; and second, with respect to contracts financed by Federal assistance, Congress has in the several acts authorizing such assistance prescribed the terms and conditions upon which it is to be furnished. With respect to the latter area, we do not believe it could be argued that the Executive has any authority from the Constitution or from any source other than those Congressional acts, and the Attorney General's argument is to that extent inapplicable to federally aided contracts or programs.

Considering the contractual authority of the Federal Government, it is recognized that the Executive agencies may, in the absence of contrary legislative provisions, perform their authorized functions and programs by any appropriate means, including the use of contracts. In doing so, they are bound to observe all statutory provisions applicable to the making of public contracts. The Attorney General's opinion states that the power of the Government to determine the terms which shall be included in its contracts is subject to limitations imposed by the Constitution or by acts of Congress, but that existence of the power does depend upon an affirmative legislative enactment.

Second to the statutory limitation that no contract shall be made unless it is authorized by law or is under an appropriation adequate to its fulfillment (41 U.S.C. 11) the most important congressional limitation on contracting is the requirement that Government contracts shall be made or entered into only after public advertising and competitive bidding, on such terms as will permit full and free competition. The purpose of the advertising statutes is not only to prevent frauds or favoritism in the award of public contracts, but also to secure for the Government the benefits of full and free competition.

The Supreme Court of the United States has adopted the policy, as set out in the procurement laws and regulations issued pursuant thereto, that competitive bidding should obtain the needs of the Government at prices calculated to result in the lowest ultimate cost to the Government. (*Paul* v. *United States*, 371 U.S. 245, 252 (1968).) Even before the decision by the Supreme Court the rule generally applied by my predecessors and at least one of the Attorney General's predecessors, and, so far as I know, never contested by any prior Attorney General, is that the inclusion in any contract of terms or conditions, not specifically authorized by law, which tend to lessen competition or increase the probable cost to the Government, are unauthorized and illegal. The situation in which this rule has been applied have most frequently involved proposals to impose stipulations concerning employment conditions or practices.

In 1890 the Attorney General advised the President as follows, with respect to a request of a labor organization for implementation of the act of June 25, 1868, which provided that eight hours shall constitute a day's work:

"Again sections 3709, etc., require contracts for supplies or services on behalf of the Government, except for prisoners' services, to be made with the lowest responsible bidder, after due advertisement. These statutes make no provision for the length of the day's work by the employees of such contractors, and a public officer who should let a contract for a larger sum than would be otherwise necessary by reason of a condition that a contractor's employees should only work eight hours a day would directly violate the law.

"In short, the statutes do not contain any such provision as would authorize or justify the President in making such an order as is asked. Nor does any such authority inhere in the Executive office. The President has, under the Constitution and laws, certain duties to perform, among these being to take care that the laws be faithfully executed; that is, that the other executive and administrative officers of the Government faithfully perform their duties; but the statutes regulate and prescribe these duties, and he has no more power to add to, or subtract from, the duties imposed upon subordinate executive and administrative officers by the law, than those officers have to add or subtract from his duties.

"The relief asked in this matter can, in my judgment, come only through additional legislation."

On the same principle our Office has held that a contract could not prescribe minimum wages in the absence of specific statutory authority (10 Comp. Gen. 294 (1931)); compliance with the National Labor Relations Act of 1935 could not be required by contract, nor noncompliance therewith be made ground for rejection of a bid (17 Comp. Gen. 37 (1937)); periodic adjustment of minimum wages incorporated in a contract pursuant to the Davis-Bacon Act could not be stipulated in the contract (17 Comp. Gen. 471 (1937)); provisions of a Procurement Division Circular Letter purporting to require contractors to report payroll statistics could not be incorporated in Government contracts (17 Comp. Gen. 585 (1938)); construction contracts could not contain provisions concerning collective bargaining (18 Comp. Gen. 285 (1938)); a requirement for compliance with the Fair Labor Standards Act could not be included in Government contracts (20 Comp. Gen. 24 (1940)); a low bid on a Government contract could not be rejected because the bidder did not employ union labor (31 Comp. Gen. 561 (1952)); construction contracts could not include provisions for a 40-hour workweek and overtime compensation for excess time, when the only pertinent statute merely required overtime compensation for work in excess of eight hours per day (33 Comp. Gen. 477 (1954)); and a clause requiring contractors to comply with wage, hour and fringe benefit provisions resulting from a labor-management agreement could not be included in construction contracts in the absence of statutory authorization (42 Comp. Gen. 1 (1962)).

Of course, many of those proposed requirements were subsequently authorized by Congressional enactment and, together with other similar requirements, are today accepted features of Government contracting in the social-economic area. The point is, that they were not permitted until the Congress, rather than the Executive, had determined that they should be. So far as I know there was no attempt in any of those instances by the Executive branch to disregard the decisions of the Comptroller General.

In the face of this history, we cannot agree that the Attorney General's position that the Executive may impose upon contractors any conditions which have not been specifically prohibited, is correct.

In contending that the Plan is not in conflict with any provision of the Civil Rights Act, the Attorney General attempts to reconcile provisions of the Plan which we feel are irreconcilable. As summarized by the Attorney General, the Plan requires the contractor to set specific goals for minority group hiring, and to make "every good faith effort" to meet these goals. This, however, he says does not require the contractor to discriminate, because the Plan includes the express statement that he may not in attempting to meet his goals discriminate against any qualified employee on grounds of race, color, religion, sex, or national origin. As we stated in our decision of August 5 this is a statement of a practical impossibility. The provision is, in effect, no more than a statement of the provisions of the Civil Rights Act, and it is difficult to avoid the conclusion that the Attorney General is saying that no requirement, obligation or duty can be considered contrary to law if it is accompanied by a statement that in meeting it the law will not be violated.

It should also be noted that the Attorney General confines his argument to consideration of the provisions of Section 703(a) of the act, and ignores section 703(j), which in our view is an express prohibition against imposition of a program such as is included in the Plan.

Finally the Attorney General falls back on the plea that, while the Plan might be clearer if it stated what "good faith efforts" are expected, it must be assumed that the Plan will be so fairly administered that no contractor will be forced to choose between noncompliance with his obligation to achieve his goal and violation of the act. Therefore, he says, it is premature to assert the invalidity of the Plan because of what may occur in its enforcement; any unfairness in administration should be left for judicial remedy.

The foregoing would indicate that the Attorney General does not fully recognize the pressure which the Plan will impose upon contractors to attain their minority group employee goals. A failure to achieve such goals will immediately place the contractor in the role of defendant, and to avoid sanctions he must then provide complete justification for his failure. Furthermore, in the first instance at least, the question whether he made every good faith effort will be determined by the same Federal personnel who imposed the requirement. In our opinion the coercive features inherent in the Plan cannot help but result in discrimination in both recruiting and hiring by contractors subject to the Plan.

In the final sentence of his opinion the Attorney General undertook to advise that the Department of Labor "and other contracting agencies *and their accountable officers*" may rely on his opinion in their administration of Executive Order 11246. We are especially concerned by this statement. In making it the Attorney General appears to have ignored completely section 304 of the Budget and Accounting Act of 1921, 31 U.S.C. 74, which provides that "Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government."

In this connection, I would like to point out as emphatically as I can that I believe that one of the most serious questions for the Subcommittee's consideration is whether the Executive branch of the Government has the right to act upon its own interpretation of the laws enacted by the Congress, and to expend and obligate funds appropriated by the Congress in a manner which my Office, as the designated agent of the Congress, has found to be contrary law.

In our decision, we informed the Secretary of Labor that the General Accounting Office would regard the Plan as a violation of the Civil Rights Act in passing upon the legality of matters involving expenditures of appropritaed funds for Federal or federally assisted construction. Our jurisdiction in that respect is derived from the authority and duty to audit and settle public accounts which was vested in and imposed upon the accounting officers of the Government by the act of March 3, 1817, 3 Stat. 366, and which was transferred to the General Accounting Office by the Budget and Accounting Act, 1921, 42 Stat. 24. Under section 8 of the Dockery Act of July 31, 1894, 28 Stat. 207, as amended by section 304 of the Budget and Accounting Act (31 U.S.C. 74), disbursing officers, or the head of any Executive departments, may apply for and the Comptroller General is required to render his decision upon any question involving a payment to be made by them, or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing the disbursement. A similar provision concerning certifying officers and other employees appears at 31 U.S.C. 82d, which also provides that the liability of certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers. It is within the framework of these authorities that we propose to act in the enforcement of our decision of August 5, 1969.

The Attorney General's opinion concluded with the statement that the contracting agencies and their accountable officers could rely on his opinion. Considering the fact that the sole authority claimed for the Plan ordered by the Labor Department is the Executive order of the President, it is quite clear that the Executive branch of the Government is asserting the power to use Government funds in the accomplishment of a program not authorized by Congressional enactment, upon its own determination of authority and its own interpretation of pertinent statutes, and contrary to an opinion by the Comptroller General to whom the Congress has given the authority to determine the legality of expenditures of appropriated funds, and whose actions with respect thereto were decreed by the Congress to be "final and conclusive upon the Executive Branch of the Government." We believe the actions of officials of the Executive branch in this matter, present such serious challenges to the authority vested in the General Accounting Office by the Congress as to present a substantial threat to the maintenance of effective legislative control of the expenditure of Government funds.

We believe the opinion of the Attorney General and the announced intention of the Labor Department to extend the provisions of the Plan to other major metropolitan areas can only create such widespread doubt and confusion in the construction industry and in the labor field (which may also be shared to a considerable extent by the Government's contracting and fiscal officers) as to constitute a major obstacle to the orderly prosecution of Federal and federally assisted construction. We further believe there is a definite possibility that, faced with a possibility of not being able to obtain prompt payment under contracts for such work as well as the probability of labor difficulties resulting from their efforts to comply with the Plan, many potential contractors will be reluctant to bid. Of course, if this occurs the Plan will result in restricting full and free competition as required by the procurement laws and regulations. Also, those who do bid will no doubt consider it necessary to include in their bid prices substantial contingency allowances to guard against loss.

In addition to recognizing the chaotic situation which could result from use of the Plan by the Executive agencies, I believe I would not be fulfilling my duties and responsibilities if I ignored the detrimental effect upon the competitive bidding process, and the improper use of public funds which the Plan entails.

On September 23, the day following the Attorney General's opinion, Labor issued another revised Philadelphia Plan which explains, *for the first time*, the manner in which the "ranges" of minority group employment goals have been determined, and the criteria for determining whether a contractor has made good faith efforts to attain his goals.

I stress that these matters are set out for the first time in the September revision of the Philadelphia Plan primarily because our decision of August 5 gave no consideration to the adverse effect that these factors, when established, might have upon application of the rules of competitive bidding to the overall Plan.

We fully expect to receive a bid protest in some future procurement which questions inclusion of the Philadelphia Plan in the IFB and the contract, and we realize the effect a decision sustaining such a protest could have on the construction industry, the contracting agencies and the disbursing officers. But we think the question is sufficiently important to justify and require such a decision.

Basically, it has been our position that the law is to be construed as written and enforced in accordance with the legislative intent when it was enacted. We believe this is what the law requires. Also, we are part of the Legislative branch of the Government and we think this approach is the only proper one we can take.

If, following enactment of a law, it should occur that social conditions, economic conditions, the political atmosphere, or any other circumstances should change to such an extent that different treatment should be given, that different objectives should be established, or that different results should be obtained, it has always been our position that the arguments in favor of change should be presented to the Congress—and if the Congress in its wisdom, agrees that social, economic, or political circumstances so dictate, it will enact legislation to permit or require the Executive branch to take necessary action to attain new objectives. This is the very procedure which Congress directed should be followed in this particular situation. As we pointed out in our decision of August 5, 1969, by section 705(d) of the Civil Rights Act of 1964, Congress charged the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination, and making such *recommendations for further legislation* as may appear desirable.

We concur with the authority of the Executive branch to establish and carry out social programs or policies which are not contrary to public policy, as that policy may be stated or necessarily implied by the Constitution, by Federal statutes or by judicial precedent. But we do *not* agree that where a statute, such as the Civil Rights Act of 1964, clearly enunciates Federal policy and the methods for enforcing such policy, the Executive may institute programs designed to achieve objectives which are beyond those contemplated by the statute by means prohibited by the statute.

We therefore hope that, as a result of these hearings, there will issue from Congress a clear and unequivocal indication of its will in this matter by which all parties concerned may be guided in their future actions.

This concludes my statement, Mr. Chairman. We will be pleased to answer any questions.

STATEMENT OF SENATOR SAM J. ERVIN, JR.

Today, the Subcommittee on Separation of Powers begins two days of hearings on the Department of Labor's revised Philadelphia Plan, a controversial effort to raise the percentage of minority group members working in six Philadelphia area construction trades.

Over the past three months, the Philadelphia Plan has become the focal point of pressures and discontent which reach far into American society. At this moment, the Labor Department and the Comptroller General of the United States are in complete disagreement about the Plan's legality. The Comptroller General, who believes the Plan conflicts with Title VII of the 1964 Civil Rights Act, has refused to allow any government funds to be spent under the Plan. The Labor Department, supported by the Attorney General, contends that the Plan is legal and intends to implement it in nine other cities, with or without the Comptroller General's approval.

During the next two days, our purpose will not be to debate the wisdom of the Philadelphia Plan, although its wisdom has been challenged in the Congress and in the streets of Chicago, Pittsburgh, and Seattle. We will not assess the social and political consequences which are inherent in any such policy. Rather, we will examine the Plan as it relates to the doctrine of separation of powers and try to determine whether the Labor Department has usurped Congressional authority and violated legislative intent.

We will ask the Labor Department to explain, in clear English, precisely what it means by "affirmative action goal" and by "specific numerical range". That task may not be easy. The Brookings Institution, in a report called *Jobs and Civil Rights,* prepared for the U.S. Commission on Civil Rights some two years ago, aptly summarized the response of Labor Department officials when asked to define such terms:

"Compliance officials", the report found, "do everything they can to avoid directly facing questions involving preferences. The usual response when confronted with this issue is to fall back on the standard semantics that compliance is not so much a matter of set requirements as it is a matter of taking affirmative actions which produce results. . . . The current approach may enable the government to go further than the Congress and public opinion would allow if its goals in this area had to be made more explicit."

Through the controversy over the Philadelphia Plan, one of the Labor Department's recurring arguments has been that the Plan has been misunderstood by its critics. If the Department is sincerely concerned about any misunderstandings, now is the time to clarify them. Now is the time for the Department to be more candid than in the past: to explain its policies in everyday English, not to cloak them in the misleading language which the Brookings report describes. For the Department to persist in using "the standard semantics" would be to leave its policies as unclear and confusing as ever.

I would like to point out that the Labor Department has been something less than cooperative in its dealings with the Subcommittee. On the several occasions in which the Subcommittee requested information from the Department, those requests were either ignored, answered incompletely, or answered after substantial delays. Ordinarily these would be small points, and I do not intend for them to become issues in these hearings. But if the Labor Department has in fact been misunderstood, perhaps this lack of cooperation is partly responsible for that situation.

We will also ask the Labor Department to make clear what is meant by the "good faith effort" which is required of contractors under the Philadelphia Plan. Nowhere in the Plan is that term defined. Does that "good faith effort" compel contractors to discriminate againts workers who are not members of any minority group, workers with seniority in their unions, workers with the immediate skills needed to complete a Federal construction project within the contract deadline? My observation is that it does, in view of the harsh pressures which the Office of Federal Contract Compliance can bring to bear on contractors subject to the Plan.

The Subcommittee wants to be shown that the Philadelphia Plan, in forcing contractors to raise the percentage of minority group employment, does not violate Title VII of the 1964 Civil Rights Act. That act certainly does not authorize any racial quota systems, by whatever names they may be called. At this point, I want to read into the record Section 703(j) of Title VII:

"(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area."

I will also read into the record a section of the interpretative memorandum prepared in 1964 by Senators Clark and Case, the floor managers of Title VII. In their statement, in the CONGRESSIONAL RECORD, volume 110, part 6, page 7213, they stated:

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race."

To me, the texts of Title VII and the interpretative memorandum constitute clear evidence that the Philadelphia Plan contravenes the intent of the most avid proponents of the 1964 Civil Rights Act. They show that Executive Order 11246, which was designed merely to guarantee equal employment opportunity regardless of race, has been stretched beyond the limits of reason to lend legal justification to the Philadelphia Plan.

I ask the Labor Department to explain why the Philadelphia Plan does not compel contractors to hire on the basis of race. I ask the Department to show that the Plan does not ignore the intent expressed in the Clark-Case memorandum.

The Philadelphia Plan, according to the Labor Department itself, requires minority group employment of 22 to 26 percent among ironworkers by 1973. It requires 20 to 24 per cent among plumbers, and among pipefitters, and among steamfitters. It requires 19 to 23 per cent among sheetmetal, electrical, and elevator construction workers. These percentages rise every year. It would be a travesty for the Department to claim that they are not based on race.

We want the Labor Department to explain, without resorting to semantic devices, why the Philadephia Plan disregards the intent of Congress that Title VII should not hold contractors responsible for the membership practices of labor unions, practices over which the contractors can exercise absolutely no control.

I want to read another section of the Clark-Case memorandum into the record at this point:

"Question: If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? . . .

"Answer: An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be."

We would like the Labor Department to justify the Philadelphia Plan's apparent conflict with the intent of Congress that Title VII should not interfere with union seniority systems.

In debating Title VII in 1964, Senator Humphrey said that ". . . there is nothing in it that will give any power to the commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or balance."

I believe the Philadelphia Plan requires just such a racial balance or quotas, whether that quota is disguised as a "target", a "goal", a "range", or a "standard". The Brookings Institution report found, in fact, that "the compliance specialist often applies a form of *subjective quota* in deciding how hard to push a given contractor." The report was completed more than two years ago, long before the revised Philadelphia Plan was adopted.

There is something very disquieting in all of this. In a statement made in January 1967, former OFCC Director Edward C. Sylvester admitted that "there is no firm and fixed definition of affirmative action. I would say that in a general way, affirmative action is anything you have to do to get results."

In making this statement, Mr. Sylvester no doubt had the high purpose of giving effect to his desire that all citizens be guaranteed equal employment opportunity according to ability. But his emphasis on results at the expense of procedure concerns me. We seem to have forgotten the admonition of Justice Frankfurter that "the history of American freedom is, in no small measure, the history of procedure." In seeking to raise artificially the percentage of minority group workers in Philadelphia through this misuse of an Executive Order, the Labor Department is establishing a nearsighted precedent. For if we are lax today in adhering to the law, what may happen tomorrow when that practice is adopted by those who would subvert procedure to their own evil purposes? The power to twist procedure is one no good administrator should want and no bad administrator should have. We cannot allow our legal principles to be fritted away by manipulation of the law.

There is another point which concerns me greatly, a point which has largely been ignored in the arguments surrounding the Philadelphia Plan. Section 202(1) of Executive Order 11246 requires Federal contractors to hire and treat their employees "without regard" to their race, color, religion, or national origin. It seems to me that those two words, "without regard", mean exactly what they say. They are clear and unambiguous.

Since all the sections of a law must be construed together, it is in the context of those words, "without regard," that the more general concept of "affirmative action" must be placed. Yes, the Executive Order requires affirmative action, but only affirmative action which is taken "without regard" to race, color, religion, or national origin. It is here that the Philadelphia Plan is fatally defective. It compels contractors to make decisions based precisely on those four considerations. The Plan is in conflict not only with Title VII of the 1964 Civil Rights Act, it also is in conflict with the very Executive Order under which it was created.

Whatever the courts may have decided about considering race as a factor in remedying inequities, those precedents cannot apply to the Philadelphia Plan. The language of Executive Order 11246 places an ironclad ban on racial considerations in employment by Federal contractors. It is no more legal for the Labor Department to reverse the meaning of the words "without regard," than it would be for the Department to mis-spend a Congressional appropriation.

I do not argue that the labor unions are violating the 1964 Civil Rights Act, and I want to make it very plain that this hearing is not designed to criticize labor organizations in any way. However, I must point out—and I am sure that the Labor and Justice Departments are aware—that the 1964 Civil Rights Act gives them ample tools to bring suits against labor organizations if they have sufficient evidence of discrimination and can prove it in open court. It therefore appears to me illogical and unfair that the Department of Labor prefers to attack the alleged problem of exclusion by penalizing the contractors, who play no role in the membership practices of labor organizations.

During the course of the Philadelphia Plan controversy, the Comptroller General has been accused of exceeding his authority in finding the Plan unacceptable because it violates Title VII. I want to comment on that criticism now. Under 31 U.S. Code 65, the Budget and Accounting Act of 1921, the Comptroller General is directed to determine whether "financial transactions have been consummated in accordance with laws, regulations, or other legal requirements." Without question, that statute provides the Comptroller General with the authority to check the Philadelphia Plan against any and all laws, not merely those which deal with procurement.

Finally, the Subcommittee has before it S. 931, a bill introduced by Senator Fannin, which would make Title VII the sole means of enforcement and remedy in the field of equal employment. It would suspend the use of Executive Order 11246. We welcome the comments of our witnesses on that bill.

EVERETT McKINLEY DIRKSEN

Mr. ERVIN. Mr. President, I deeply regret that I was unable to be present at the memorial service for our late colleague, Everett McKinley Dirksen.

Everett Dirksen did not go gentle into that good night.

With advancing years, his light grew even brighter. As illness crept upon him, his spirit, his will, his great intellect raged against the idea of a dying light—until the tragic and sudden end when he could rage no more. If his life had great meaning for those he loved, and who loved him, his absence has greater meaning. Everett Dirksen's empty chair is a symbol of the untruth of that great maxim which in our overzealous modesty or our attempt to avoid duties, we sometimes quote too easily: the adage that "no man is indispensable." I think we who served with him shall find that this man was indispensable and that his place will not be filled. Certainly the Senate will never be the same.

This was a man placed by history, by circumstances, and by his own vast talents in a unique position. It is one of the blessings of our Constitution and our system of government that at a critical moment, such a man is cast into the American political process, to help mold and eventually to help govern it. This Senator from Illinois was one of those who truly helped to govern. He held power, and not just power in a structured, legal sense. Had he chosen that path, he might, I believe, have been President of the United States, for surely he had the requisite qualities of mind and heart and an uncanny sense of the popular will. Rather, his power lay in those incalculable and intangible weapons of experience, of accumulated wisdom, of infinite ability to influence and persuade others to his view.

For the young people, especially those in Illinois, who may find him in their history books, it should be emphasized how proudly this man brought to his national service the sum total of his experiences and his successes under our form of government. As a youth, he knew poverty and he worked hard to achieve his education.

He served in the Army in World War I on the western front where he was constantly exposed to enemy fire, a fact which helped him to develop a unique outlook on life and its brevity. He served 16 years in the House of Representatives and 19 years in the Senate. He was minority leader, a member of the Judiciary and Finance Committees and of the Special Committee on Aging. For the people of Illinois, he performed constant services, officially and unofficially.

Many people have said he was an old-fashioned man. Of one thing we can be sure, his life, while full of rare grace and style, was no anachronism. He was the embodiment of the truth that the greatest fulfillment of man's God-given abilities is realized through meaningful service to his fellowmen and through his relationships with society. In this age, when many about us cry of alienation and irrelevancy, Everett Dirksen's life testifies to total involvement with the social and political processes of our society. He believed deeply that these processes are relevant for the problems of today. Endowed with an innate sense of what is enduring, he did not dismiss modernity.

Devoted to the ideals of constitutional liberty, he fought in the Senate to assure that under our form of government the individual will never be irrelevant.

While he helped to fashion many laws, it might be said that his greatest contribution to freedom was his prevention of passage of ill-advised laws which would have done violence to our political liberty.

He was a family man, a religious man, a professional man, a political man, a man who gloried in the happinesses of life that come with love of friends and family, with the beauties of nature, and with service to his country. We shall not see his like again.

Mrs. Ervin joins me in extending deepest sympathy to Mrs. Dirksen and to members of his family.

OPPOSITION TO JUDGE HAYNSWORTH BASED UPON HIS CIVIL RECORD

Mr. GOODELL. Mr. President, on October 2, I announced publicly that I would vote against the nomination of Judge Clement F. Haynsworth to be Associate Justice of the United States. I urged the President to withdraw his nomination.

At that time, I said that, although I was deeply troubled about the alleged conflicts of interest which had been raised against him, he had not profited from those conflicts of interest directly and I would not vote against him on that basis alone. I said that I opposed him because of his past decisions in the area of civil rights. I reiterate that position today.

I oppose him because we are in the midst of a social revolution in this country. This is a central fact of our time. That revolution is a reaction to the inequality of our past and present society, democratic in concept, but never fully responsive to the needs and rights of all of our people.

On the great social issue of our time, that of civil rights, Judge Haynsworth has been found wanting.

Time and again he has rejected demands of the landmark 1954 decision of the Supreme Court in Brown against Board of Election.

He spoke for segregation when he voted to allow the school doors of Prince Edward County, Va., to remain closed to Negro children, by supporting "freedom of choice" in the public schools in that State's "massive resistance" scheme.

He spoke for segregation when he defended discrimination against Negroes in federally aided hospitals.

I supported the nomination of Judge Burger to be Chief Justice of the United States. I believe that the unanimous decision of the Supreme Court in its ruling on Wednesday calling for immediate integration in Mississippi and rejecting two precedents written by Judge Haynsworth which called for delay is further reason to oppose his nomination. If confirmed, Judge Haynsworth would become the first Justice to breach the Supreme Court's apparently solid front on civil rights matters.

We must heed promptly the just demands of our contemporary American revolution. This imperative requires us to act affirmatively to prevent the appointment of Judge Haynsworth.

Although the President normally should have the broadest latitude in selecting men of his own choice for high office, I believe that a Supreme Court nominee, who is appointed for life, must be subject to special scrutiny by the Senate. That special scrutiny was afforded last year when President Johnson appointed Justice Fortas to be Chief Justice of the United States.

Judge Haynsworth has failed the test on civil rights. He has been consistently wrong in his judicial capacity on one of the most important issues facing our country.

I again, therefore, urge President Nixon to withdraw the nomination of Judge Haynsworth.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. MOSS. Mr. President, in the discussion carried on concerning the nomination of Judge Haynsworth to the U.S. Supreme Court, one often hears that it is unprecedented to question a nomination and that the Senate should accept the President's choice unless it could be shown that the individual is either corrupt or incompetent. Mr. Anthony Lewis has written an article which appeared in the Sunday Times of October 19, 1969, to show that the Senate has very often refused to confirm nominees on grounds other than corruptness or incompetence. For the purpose of illuminating the dialog, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Senate and the Supreme Court

(By Anthony Lewis)

Washington.—In their irritation at the opponents of Clement Haynsworth, some Administration officials are now saying that the issue in the confirmation fight is nothing less than the President's right to appoint Supreme Court Justices. The Senate, they argue, is trying to undermine that prerogative; Senators should support a President's choice for the Court unless he can be shown to be corrupt or incompetent.

But history contradicts that narrow view of the Senate's role. In fact, over the years, the Senate in considering nominations to the Supreme Court has rejected "a proportion far higher than for any other Federal office." So says a leading study, Joseph P. Harris's "The Advice and Consent of the Senate."

In the nineteenth century, when senatorial scrutiny was at its most rigorous, 72 men were nominated to the Supreme Court and eighteen of them—one quarter—failed of confirmation. The eighteen does not include a few others who declined the honor.

Nominees were rejected for a variety of reasons, because of their philosophy or politics or ability or temperament. Some lost in formal votes of the Senate; other nominations were withdrawn in the face of opposition.

President Madison, for example, nominated a Connecticut Collector of Customs, Alexander Wolcott in 1811. Charles Warren, the great Supreme Court historian, said the general feeling was that Wolcott was a man of "somewhat mediocre legal ability." For that reason a Senate overwhelmingly of Madison's party rejected the nomination, 24 to 9.

GRANT'S NOMINATIONS

Grant tried three times before he could get a Chief Justice confirmed. His first choice—George H. Williams, his Attorney General—was criticized as a "second-rate" lawyer. His second, Caleb Cushing, a former judge of the Supreme Judicial Court of Massachusetts, was eminently qualified. But Senators were uneasy at the fact that he had been successively a Whig, Democrat and Republican. The opposition eventually found that he had written an innocent letter to Jefferson Davis during the Civil War and used that to rally opinion against him. Both nominations were withdrawn.

Other nominees in the last century were defeated because they were partisan Whigs in Democratic times, or because they had offended Senators, or because in other offices they had followed objectionable policies. No one could read the record without concluding that Senators in those days felt quite free to make their own appraisal of any man chosen to say the last word in our constitutional system.

Today, most Senators would be more sophisticated and more restrained in the use of their confirmation power. Ironic exceptions are Senators Thurmond of South Carolina and Eastland of Missisippi, two of Judge Haynsworth's principal backers, who have not hesitated to oppose anyone suspected of liberal tendencies. They voted against the only three nominees to the Warren Court who were put to a record vote in the Senate, Justices Harlan, Stewart and Marshall.

The question for most members of the Senate in 1969 is not one dimensional. For example, the fact that a nominee is a so-called strict constructionist in constitutional matters would not necessarily make Senators of a different outlook oppose him; it is easy to think of judicial conservatives whose high intellectual qualifications would have smothered the thought of opposition on philosophical grounds.

The point about Judge Haynsworth is that he does not have such high intellectual or legal qualifications. Few would call it a distinguished appointment.

POLICY AND ETHICS

Along with that basic ground for opposition are doubts about policy and ethics. Those who feel the doubts might say that Judge Haynsworth is a man from a narrow background who has not altogether surmounted it in his view of life and the law, and that in his commercial dealings while on the bench he has at best shown insensitivity to the appearance demanded of judges.

In short, the argument against Clement Haynsworth is not that he is an evil man, or a corrupt one, or one consciously biased. It is that he is an inadequate man for a lifetime position of immense power and responsibility in our structure of government. And any Senator who reaches that conclusion is quite entitled, in precedent and in reason, to oppose his confirmation.

WISE WORDS OF ERNEST GRUENING

Mr. YOUNG of Ohio. Mr. President, one of the first Members of either branch of Congress to speak out against our involvement in an ugly civil war in Vietnam was former U.S. Senator Ernest Gruening of Alaska.

As far back as 1964, former Senator Gruening clearly recognized that we were involved in an immoral war in a little faraway Asiatic country of no importance whatever to the defense of our Nation. From that time until the time he left the Senate, Senator Gruening spoke out loud and clear in denouncing our involvement in this land war in Southeast Asia. He was among the small band of Senators and Representatives who repeatedly denounced President Johnson's escalation of that civil war into an undeclared American air and ground war. He was one of two Members of the U.S. Senate who voted against the Tonkin Gulf joint resolution in August of 1964. Citizens of our country are indebted to him for his leadership in helping to bring to their attention the folly of our Vietnam involvement.

On moratorium day, October 15, 1969, former Senator Ernest Gruening addressed five public meetings of citizens who had gathered to urge the Nixon administration to expedite the withdrawal of our forces from Vietnam and to hasten efforts toward peace. He spoke at the Georgetown University Law School, at a public meeting at Farragut Square in Washington, D.C., at Johns Hopkins University in Baltimore, Md., and before a crowd of 10,000 assembled at the city hall in Baltimore.

His speech was a masterly presentation of the case for ending our involvement in Vietnam at the earliest possible date and for bringing more American GI's home, instead of a mere token number that have been brought home to date.

I commend this address to my colleagues, and I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Ernest Gruening, Moratorium Day, October 15, 1969

If the war in Southeast Asia is to be ended—this totally unjustified, needless, illegal, immoral, monstrous war—it will be ended only by an uprising of the American people, of which, let us hope, today's demonstrations are just the beginning.

For it has long been clear that the war will not be ended by the Executive Branch, which after nine months in office, has failed to carry out its campaign promise to end the war. Meanwhile, our boys are continuing to die, and they are dying in vain, as indeed they have since they were first sent to fight in Southeast Asia. Nor will the war be ended by the Legislative Branch, which could do so by refusing to vote for the military authorizations and appropriations to carry on this war. There are, to be sure, hopeful signs of revolt on the part of a few enlightened Senators and Congressmen, but unfortunately they are still a small minority in each body. There is in my judgment no likelihood that the sound and sane proposals of Senator Goodell of New York or Representative McCloskey, and others to call for the withdrawal of all troops by a date certain will receive the needed majority in the Senate and House, desirable as that would be. I wish I could call the names of this minority for it is an honor list which deserves recognition and acclaim.

As an all-out opponent of our military folly in Southeast Asia, having made, on March 10, 1964, the first full length speech against it made by any public officials, which was entitled "The U.S. Should Get Out of Vietnam", and as one of the two members of the Senate who voted against the Tonkin Gulf Resolution in August of 1964, I have been increasingly convinced that we cannot continue to call this Johnson's war and now, despite nine months of inaction, Nixon's war. Great as was and is their responsibility for this fiasco, responsibility should now be centered in the Congress, which has had the power to end this war and could do so. It is no less than criminal to keep sending our draftees to fight in violation of their consciences, to kill people against whom they feel no grievance, get killed or maimed in the process, with the alternative if they refuse to go, of going to jail for 5 years of hard labor. This is an infamous dilemma to which no American citizen should be subjected, nor indeed, any citizen of a society which calls itself free. And I say to you that any member of Congress, any member of the Senate or House of Representatives, who continues to vote for the authorizations and appropriations to carry on this monstrous war is a participant in the crime, and the blood of everyone of our boys who dies henceforth is on that Senator's or Representative's head who votes to support the continuing slaughter. Carry that message to your Representative or Senator in every Congressional District and in each state. I would say parenthetically, that those gestures of *reforming* the draft proposed at various times on the Hill, and again more recently by President Nixon, on the ground that the present selective service law is unjust, are meaningless. It is the draft itself for *this* war which is unjust and unjustified and is the monstrosity. It makes little difference when our boys are subjected to involuntary servitude, which, incidentally, is forbidden by the Thirteenth Amendment, whether they are made cannon fodder by lot or by any other method; the draft itself, however reformed, is unjust and should be abolished for service in Southeast Asia, an amendment I twice proposed while I was in the Senate.

We can understand how five years ago the members of Congress were misled and deceived by the Executive Branch and so collaborated with it to commit our nation to a disastrous folly which to date has caused the death of 40,000 fine young Americans in combat, some 10,000 more incidental to their being in Southeast Asia, and has wounded over a quarter of a million more, some crippled for life, and the slaughter of hundreds of thousands of innocent civilians, old people, women and children.

But today, after five years of deepening disaster, of continuing loss of life, the squandering of $125 billion so sorely needed for our overdue and neglected problems at home—pollution abatement, crime control, slum clearance, housing, education, conservation, and much else—there is no longer any excuse for any member of Congress to vote to continue this madness.

Let it be clearly understood that this is a war that we cannot win and should not want to win in the conventional military sense. But we *can* win it by a confession of error, by getting out and letting the people of Southeast Asia settle their own problems. *That* would be victory snatched from the jaws of continuing defeat.

Let it be clear also to all that the policies that we have pursued in Southeast Asia not only have not achieved the proclaimed objectives, but that they could not possibly do so. They could not do so because in the first place they were based on falsehood. When President Johnson in his State of the Union Message after election gave the reasons for our presence in Vietnam, namely that we were there in response to a plea for help from the South Vietnamese people to help them repel aggression, he was not telling the truth. The record is completely bare of any such request. On the contrary, we asked ourselves in. But even assuming that such a request had taken place, what kind of saving of the South Vietnamese interest has resulted? Hundreds of thousands of them killed or maimed, millions made refugees, their homes destroyed, their rice paddies laid waste—what nation will ever want to be again saved by us? On the other hand, in regard to the second reason alleged for our being there, namely to stop Chinese expansion into Southeast Asia, we adopted precisely the wrong course. We should instead have supported Ho Chi Minh, a Moscow trained Communist, but pre-eminently a nationalist, who embodied the Vietnamese fear and dislike of the Chinese and under whose leadership the Vietnamese would have resisted Chinese expansion, had it been threatened, which is by no means certain, just as they have throughout their history resisted the invasion of all other outsiders—the French, the Japanese, and now the Americans. Let me say, as one whose opposition to our policy in Southeast Asia long preceded the rising tide of revolt against it, that there can be no peace by negotiation. There is nothing to negotiate. The Southeast Asians who are our adversaries consider that the United States is the intruder, the invader, and the aggressor, a view which the record confirms, and they will not yield. They will insist that we get out. And, why shouldn't we? For those who are talking about finding "an honorable way out" what could be more honorable than to disavow our mistake and our dishonorable course to date and let the people of Southeast Asia determine their own destiny. Whatever that determination, it will be better than one imposed by us in collaboration with the crooked, dictatorial regimes in Saigon, which we have supported for years and none of which would ever have lasted 24 hours without our military and financial support. When we consider the sleazy character of those puppets, who have suppressed all freedoms and jailed their political opponents, it makes the official allegation of wanting to free and save the South Vietnamese, a grotesque mockery. Finally, it should by now be clear that the United States has been misled, tricked, and lied into this war. I have already referred to the falsity of the allegation that we were asked by a friendly government to help it repel aggression, but there was much more deception. During his 1964 campaign for the Presidency, President Johnson asserted not once, but repeatedly, that he would not send American boys to fight a ground war on the continent of Asia. He asserted not once, but repeatedly, that he would not send American boys to do the fighting that Asian boys should be doing. He was swept into office on the basis of what the American people considered solemn pledges, yet all the time he was making these pledges, plans were being matured at the Pentagon to do the very thing he pledged not to do. And, finally, there are the revelations that the Gulf of Tonkin incident was wholly spurious. The hearings of the Senate Foreign Relations Committee and the complete summary in the recently published book by Joseph Goulden, entitled, *Truth is the First Casualty,* make clear how different were the true facts from those presented to the Congress in President Johnson's message to Congress in August 1964, requesting it to approve the White House-drafted, Gulf of Tonkin Resolution. Far from being, as he alleged, a case of an American destroyer on a routine mission in international waters, wantonly attacked without provocation, we learn now that the Maddox was not a destroyer on a routine mission in international waters, but a spy ship like the Pueblo; that she was *not* in international waters, but had penetrated the coastal waters of North Vietnam, and this was moreover happening at a time when the South Vietnamese were staging a raid with ships supplied by us and under our direction on North Vietnam ports, and that the Maddox had received instructions to draw some of the defensive North Vietnamese vessels away. In other words, from the standpoint of the North Vietnamese she was engaged in hostile operations which fully justified their attack upon her. However, even in this attack she was never hit. The allegation that the next day there was a further attack on her and another U.S. destroyer, the C. Turner Joy, was likewise without foundation. In other words, from start to finish the people of the U.S. were misled, lied to and tricked into this war. And so, clearly the most honorable way to end this dishonorable business, is to get out and not sacrifice one single more American boy's life or squander a single American dollar more in the most disgraceful, inexcusable, and disastrous episode in American history.

On top of all this the American people should be informed if they do not already know it, as I fear many do not because of administration propaganda, that our military intervention in Southeast Asia is in violation of every pertinent treaty to which we are a signator, and the Constitution of the United States, Article Six, provides that, and I quote, "all treaties made under the authority of the United States shall be the supreme law of the land".

We are first of all in violation of several provisions of the United Nations Charter, which the United States played so large a part in bringing in to existence.

We are in violation of the SEATO Treaty.

We are in violation of the pledge to support the Geneva accords and hold elections throughout Vietnam. When we reneged on this solemn commitment this reneging coupled with the tyrannical acts of our first puppet, Ngo Diem, caused the civil war in South Vietnam which has been going on ever since.

We are likewise in violation of the Constitution of the United States which gives only the Congress the power to declare war. There is no time for me on this occasion to document all of these violations. I have repeatedly spelled them out in detail in various Senate speeches.

On the whole, our Vietnam misadventure is an unredeemed, shocking story of betrayal of America's finest, noblest traditions, professions, and practices. It is high time we reverted to an America whose leaders' word can be trusted and whose military mission is one of *defense* of our country, and not of global policing with offensive action anywhere at the behest of the Executive.

It is heartening that American youth and others are today mobilizing to try to put an end to this tragic and disgraceful situation. We must all continue to work to achieve that result and turn the course of history back to when our country's policies were those we could, as we once did, esteem, love and cherish.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECTIVE SERVICE REFORM

Mr. GRIFFIN. Mr. President, a little earlier, on the floor of the Senate, the distinguished majority leader made a statement clarifying the situation with respect to the leadership's position regarding draft reform legislation and the possibility that it might be considered in this session.

Another matter, however, was raised in the colloquy which took place on the floor last Thursday—I will say to the majority leader, in passing, that I notified the distinguished assistant majority leader earlier indicating that I would make reference to him and to some remarks which he had made earlier. Accordingly, he is aware of the statement I am about to make. Otherwise, I would not make it.

Last Thursday, the distinguished assistant majority leader made some remarks, and I wish to quote them:

> But I think we perpetrate a fraud on the young people of this country if we think we are acting on draft reform just by eliminating four words in the 1967 act and then say that this is reform, because it is not.

The distinguished assistant majority leader was saying, as I understood him, that President Nixon's proposals for reforming the draft legislation were not reform at all. It is true that President Nixon is asking Congress to make only one legislative change which will involve the repeal of four words; that change would permit the designation of draftees by the random or lottery method of selection. The rest of the President's draft reform program can be implemented by Executive order, and he stands ready to do that. Now I return to the question of whether the President's total program is, or is not, draft reform.

President Nixon announced his draft reform program on May 13—the program for which he seeks cooperation from Congress to put into effect. On May 13, when the program was sent to Congress, the distinguished assistant majority leader (Mr. KENNEDY) made some remarks which I think was very appropriate. He said:

> President Nixon deserves the accolades of all of us for his forthright recognition of the need for reform in our draft. This is a subject high in the minds of our young people; it deserves a place high on our agenda as well.
>
> President Nixon has today sent to Congress a message of great significance—a message calling for basic reforms in the way we select young men for military service.

I quote another part of his remarks:

> President Nixon's proposals embody the reforms we most urgently need—moving to the youngest first, adopting random selection, reducing the period exposure to the draft, insuring that educational deferments do not become de facto exemptions, and others.

I now quote another passage from his remarks:

> There is no reason whatever to delay approval of the President's recommendations, and perhaps to work other needed changes in the draft laws at the same time.

Mr. President, I ask unanimous consent that the full text of Senator KENNEDY's remarks be printed, so that his complete statement will be available at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

The President's Message on Selective Service Reform

Mr. KENNEDY. Mr. President, President Nixon deserves the accolades of all of us for his forthright recognition of the need for reform in our draft. This is a subject high in the minds of our young people; it deserves a place high on our agenda as well.

President Nixon has today sent to Congress a message of great significance—a message calling for basic reforms in the way we select young men for military service.

Most young people in the United States know that the draft we have today operates unfairly, unpredictably, and unevenly. They know that avoidance of the draft is not a difficult matter for those with the means—financial and intellectual—to seek out the loopholes. They know also that other young men do not have the means to avoid the draft, and that these young men may be fighting in the jungles of Southeast Asia, and dying there. The most persistent call for basic reforms in the draft comes from these young people themselves, and many educators have long pointed out the cynicism the present system and its resistance to change has engendered in the young people.

But most of those who have studied the draft in any depth, too, have recognized the need for drastic changes. The Burke Marshall Commission, particularly prepared an eloquent call for reform in its 1967 report. The Senate passed in May of 1967 a bill extending the draft for 4 years which permitted the President to make most of the necessary reforms, but this farsighted bill did not survive the conference committee, and the extension bill which did pass the Congress in June of 1967 was harsh and restrictive, actually making matters worse than they were before Congress took up the extension bill.

President Nixon's proposals embody the reforms we most urgently need—moving to the youngest first, adopting random selection, reducing the period of exposure to the draft, insuring that educational deferments do not become de facto exemptions, and others. The proposals come warmly welcomed by those of us who have long urged these reforms. In February, I introduced an extensive bill making these reforms and others; a number of additional Senators and Representatives have done similarly. There is no reason whatever to delay approval of the President's recommendations, and perhaps to work other needed changes in the draft laws at the same time.

President Nixon, in his message, pointed out that we do not now know whether it is feasible to move toward an all-volunteer armed force. A part of the reason is—as I and others have pointed out—that we simply do not have enough information on the costs and implications of a professional army. Until we do, our wisest course is to move swiftly to make the draft fair, predictable, and even.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the distinguished Senator from New York.

Mr. GOODELL. Mr. President, I commend the junior Senator from Michigan for his statement. I agree with him. I think the Senate should move without delay and consider the President's draft proposals. We may want to make some changes in them.

I agree with the statement of the Senator from Massachusetts that the President has made the essential recommendations for changes in the draft that are most necessary, primarily to give the emphasis to taking the youngest first, letting our young people know in advance the obligations they will have, and the names of those to be inducted called at age 19 or not at all; and second, to select these young men on the basis of a fair and uniform system, such as a lottery. There are other suggestions I have made and that other Senators have made. There is no reason those suggestions could not be added either in this session of Congress or in the session next year. But to say we should delay making these basic and fundamental changes because there are other changes we might want to consider I think is a grave mistake. Also, I think it is an injustice to our young people. The present Selective Service System is demonstrably unfair and should be corrected, and the sooner the better.

I appreciate the fact that the Senator from Michigan has once again called this matter to the attention of the Senate, and particularly to the Democratic leadership which controls this matter.

Mr. GRIFFIN. I thank the distinguished junior Senator from New York for his contribution.

If there is one issue that is a cause of unrest and concern among young people on the campuses—one issue beyond the war in Vietnam itself—that issue is the inequitable draft system.

The point was made in the colloquy Thursday that President Nixon could go ahead and put his reforms into effect by Executive order. That is not true. The key feature of the reform program is a proposal that draftee selections be made on a random or lottery basis. Of course, the other parts of the program are also very important.

An argument was made that without enacting legislation the President could put into effect a kind of substitute for the lottery or random selection method—a substitute conveyor belt system under which birth dates would be used as a basis for selection. It is time that President Nixon could put into effect a substitute; but it is generally agreed by experts that it would not be an adequate substitute. I understand that such a substitute could be something of an administrative monstrosity. It would unfairly discriminate against some young people who happen to be born in one month rather than in another month. I understand that statistically our records indicate there are 19 or 20 percent more births in some months of the year as compared with other months.

As I understand the operation of a substitute system, it not only would discriminate against persons born in certain months, but it would also be poorly understood because it would be very complicated.

It seems to me clear that Congress has a legislative responsibility which it should face up to. The fact that Senators want more comprehensive reform is no justification for doing nothing. Certainly, that approach will not quiet the dissent. For if Congress does nothing we would be fanning the flames of unrest that we see on our campuses today.

Accordingly, I welcome the announcement made by the distinguished majority leader, which is a clarification of the impression that was left on Thursday. And I commend to the distinguished assistant majority leader (Mr. KENNEDY) the words which he uttered on the floor of the Senate, and which were printed in the RECORD on May 13, the day President Nixon sent this important legislation to Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME IN THE DISTRICT OF COLUMBIA AND UNITED STATES AGAINST WILLIAM B. McPHERSON

Mr. McCLELLAN. Mr. President, the report of the anticrime committee of the New York branch of the NAACP observed:

> The reign of criminal terror in Harlem must be stopped now. The lives and property of the people are in constant danger by day and by night. This is true whether they be black or white, male or female, young or old. Indeed the old, the weak, and the handicapped are the special prey of marauding hoodlums.
>
> The economic, civic, religious and social life of the community is being strangled. Thousands are so grateful for having reached home without being "mugged" and found their homes not yet burglarized that they dare not "tempt fate" by venturing out at night unless it is absolutely necessary.

What the committee observed of Harlem might equally be observed of the District of Columbia.

Washingtonians, white and black alike, have become thoroughly alarmed by the relentless increase in the city's rate of serious crimes in the last 2 to 3 years. Police classify as serious crimes homicide, rape, assault, robbery, burglary, larceny, and auto theft.

In the first 6 months of 1967, the District's rate stood at just about 31 serious crimes for every 1,000 residents of the city. That represented an increase of 8 per 1,000 over the first half of 1966.

By the first 6 months of this year, the crime rate had shot up nearly 50 percent from 1967—to 45 for each 1,000 people living in the city. The rate is still going up.

Street robberies are up, too. In a typical 24-hour period recently, city police investigated 27 such robberies. Of the victims, one was shot, 13 others assaulted. Most occurred in the central sections of the city, about half of them after dark.

The number of robberies has more than doubled in 2 years. It is now to the point that monthly totals—1,049 in July, 1,226 in August—are higher than the yearly totals for 1960, 1961, 1962, or 1963.

The patterns of robbery vary. A couple of years ago the typical target was the liquor store. But a lot of liquor store owners and other merchants have armed themselves and shown a willingness to fight back.

Last year it was the banks' turn. In some months, more than a dozen banks were hit.

At this point, much of the city's robbery problem is concentrated on stores that are difficult to guard, where the personnel are not likely to be armed. At his recent White House appearance with President Nixon, October 10, District Chief of Police Wilson produced figures showing that Safeway stores in the city were robbed 53 times, the stay-open-late High's Dairy Products stores 156 times.

Chief Wilson told the President:

> [The Safeway Stores] have tried to combat [these robberies] with armed guards. The consequence has been that they have had one armed guard killed and another shot. They have difficulties now hiring them. These holdups range from one individual who holds up a check-out clerk and the manager doesn't know she is held up until he is gone, to an incident two weeks ago in Northeast where five armed men go in and make 100 customers lie on the floor until they rob the store.
>
> This does something to the stores. They can't get competent help to work in the store. It forces the residents of the downtown area to go to the suburbs to shop because they are afraid to go to the neighborhood store.
>
> Safeway will have a quarter of a million dollars in holdups this year.

He then commented on High's robberies:

> It is a favorite of the holdup men. In this case, they tend to hire low-paid women who live in the neighborhood. These women often know who held them up, but they are afraid to tell the police because the man is often back on the street. So it is impossible to find out who held them up.

By the end of 1969, District crime records probably will show more than 15,000 robberies committed during the year.

And they will show some 20,000 burglaries.

Many, possibly more than half, of Washington's burglars are dope addicts. They hit any place, city or suburbs, that appears to be unprotected. They take anything they can carry if it looks salable.

Mr. President, some have suggested that this rise in violence and lawlessness in the District of Columbia and elsewhere in the United States is the product of socioeconomic factors wholly outside of the reach of our criminal justice system. They criticize, too, those of us who suggest that the ill-considered actions of some of our courts have played a substantial part in the creation of this intolerable situation.

Mr. President, I do not suggest for a moment that socioeconomic factors play no part in the complex causation of the commission of crime, but I do suggest that our courts must shoulder their part of the blame, and I should like to now illustrate what I mean by discussing a recent decision of the Court of Appeals here in the District of Columbia, *United States* v. *William B. McPherson*, No. 22-312 decided October 3, 1969.

In December of 1967, two police officers, responding to a housebreaking call, apprehended McPherson in the hallway of an apartment building, carrying a radio that belonged to a resident of the building. The thief was thus caught "redhanded" at the scene of the crime, and in April of the following year he was brought to trial for petty larceny and second degree burglary. After all of the prosecution witnesses had testified, the defendant asked to be released on a Friday evening on bond in order that he might locate certain supposed witnesses for his defense. I note here that his release shows the degree to which the trial judge sought to accord to the defendant all conceivable rights. McPherson was told by the trial judge in no uncertain terms that there would be no excuses for his failure to appear the next Monday for the continuation of his trial. The court observed:

> The COURT. [T]here will be no excuses whatsoever accepted by this Court for your failure to appear. Do you understand?
>
> The DEFENDANT. I will be here. I will be here.
>
> The COURT. No sickness, anything—there is only one thing that can happen to you in the interim, and I am not wishing that upon you. But aside from that, you will be here.
>
> The DEFENDANT. I will.
>
> (Slip opinion at 9)

Nevertheless, the defendant was absent not only on Monday but again on Tuesday. The defense informed the court that efforts to locate McPherson had been unsuccessful and recommended that the judge declare a mistrial since McPherson was the only defense witness and without him there was no defense case. The court, however, chose to continue the trial in the defendant's absence under the authority of Federal Rules of Criminal Procedure, Rule 43, which, in pertinent part, provides:

> In prosecutions for offenses not punishable by death, the defendant's voluntary absence after the trial has been commenced in his presence shall not prevent continuing the trial to and including the return of the verdict.

The trial resulted in the only possible verdict: guilty.

On appeal, however, the District of Columbia court of appeals, in an opinion by Chief Judge David Bazelon, in which Circuit Judge Robinson concurred, reversed McPherson's conviction on the incredible ground that because neither the bail form McPherson signed nor the trial judge himself had specifically and explicitly informed the defendant that the trial could proceed in his absence, his voluntary absence from the trial was not a voluntary waiver of his right not to have a trial proceed without him. This ruling was made in the face of the fact that the only reason for McPherson's absence from the trial was that "the defendant became depressed, for personal reasons, and got drunk." (Slip opinion at 5.)

Circuit Judge Tamn dissented, making the acute observation:

> The real question in this case is not whether the defendant knew that the trial could proceed in his absence but whether he knew that he had a right to be present at the trial and waived it. (Slip opinion at 8)

Mr. President, Chief Justice Warren Burger recently observed that our American system of criminal justice was the "most elaborate system ever designed by a society. It is so elaborate that in many cases it is breaking down. It is not working." In few areas of the Nation are the Chief Justice's comments more apt than here in the District of Columbia, and the court of appeals decision in McPherson is a classic example of why.

People can argue and propagandists can contend that the actions of the courts in liberalizing the rules of procedure to benefit the criminal and fail to protect society are not having an impact upon lawlessness in this country. Nevertheless, here is a man found guilty, and the court undertaking to accommodate him, at his request, in giving him an opportunity to bring in additional witnesses for his defense with the clear understanding, and the admonition, that nothing would excuse him from being present in court on Monday morning, save one thing—the implication being death—which the judge hoped would not happen.

Instead the guilty man chose to go off and get drunk and to defy the court and did not show up, not only on Monday, but also Tuesday, so that the court went ahead with the trial and the jury returned a vote of guilty.

It was the only verdict that could be returned under the evidence. Yet he goes to the court of appeals in the District of Columbia, and two judges on that court find a flimsy, unrealistic excuse to set aside the conviction.

I am asked why there is throughout this country today a lack of confidence in our system of justice.

Where was there any justice to society in this ruling?

Where will this precedent lead?

If the judge had told him everything that those two appeal judges said he should have told him, I am persuaded they would have found some other excuse to set aside the conviction or to turn the guilty person loose.

There is a responsibility on the part of courts to uphold the law, and not to circumvent it by this sort of illogical reasoning.

I make the statement again that there is an obligation on the courts to enforce the law, and not to circumvent it. There is as much duty on the courts to protect society under the law as there is to see that the accused is given his constitutional rights.

Mr. President, often it is a year or more before someone arrested for a crime here in the District is brought to trial. The 1968 report of the Director of the Administrative Office of the U.S. Courts records that the District of Columbia has the highest number of criminal cases pending and the second highest number of cases pending over 6 months. In median time for disposition from filing of the indictment, the District is exceeded only by Rhode Island and New Jersey, neither of which approach the District in backlog. Because of this time lag, and a number of high court decisions, such as the McPherson case, judges here in the District have no choice but to release arrested persons on bail, including hardened criminals and dope addicts. The young man arrested for armed robbery, as Chief Wilson recently told the President, is "likely to be out on the street almost before the police officer completes the paper work." And these persons remain on the street awaiting trial for long periods of time, time within which they are free to steal and to rob again and again.

Mr. President, we must frankly recognize that a large part of this overload in the criminal justice system is a result of appellate judges, like those in this decision, seizing upon the flimsiest of excuses to require new trials for obviously guilty defendants. This case clearly shows the cost to our society of neither imposing sufficiently strict criminal sentences to isolate the criminal nor rehabilitating him. McPherson's criminal record centered almost exclusively in the District of Columbia, reaches back to 1936. He has been involved in several narcotics violations, but his vocation has been crimes of theft. I suppose that goes along with his narcotic record. He has been arrested some 22 times for larceny, housebreaking, or robbery. The trial judge observed that McPherson had the worst criminal record that he had seen in his 20 months on the criminal trial bench. (Slip opinion at 8.) It shows a history of over 20 convictions and 40 arrests within the span of 28 years. Yet he got special treatment in the court of appeals in the District of Columbia, while society was ignored.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I ask unanimous consent to have 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, it is senseless for us to argue the role of socioeconomic factors in assessing the blame for this incredible criminal record. It is senseless, too, to punish society by making possible further crime and to punish other defendants by making possible trial delay by ordering new trials in these sorts of cases where error can only be realistically called a product of a ritualistic jurisprudence that substitutes artificial forms for substantial justice. By no stretch of the imagination could the failure of the trial judge here specifically to tell McPherson that the trial could go on without him have been anything but harmless error.

Mr. President, it is this sort of jurisprudence of technicality that is robbing us of safe streets. It is this kind of jurisprudence that is encouraging crime rather than deterring crime. Society deserves greater protection by its courts from crime. Indeed, our courts are everywhere losing that respect so necessary to the rule of law. A recent Harris poll found that a majority of our people attribute the breakdown in law and order to our courts. The courts cannot rightly receive the whole blame. They are not the only ones at fault. Yet this feeling of the people is indeed a sad commentary. It denotes a serious weakness in our peoples' confidence in our system of criminal jurisdiction and casts adverse reflections upon those who administer the system. It is time to bring a halt to these kinds of decisions.

Mr. President, I ask unanimous consent that the text of the court of appeals opinion in United States against McPherson—the case to which I have referred—be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[U.S. Court of Appeals for the District of Columbia Circuit, No. 22,312]

United States of America *v.* William B. McPherson, Appellant

(Appeal from the U.S. District Court for the District of Columbia, decided October 2, 1969)

Mr. John H. Caldwell (appointed by his court) for appellant.

Mr. Robert P. Watkins, Assistant United States Attorney, with whom *Messrs. David G. Bress*, United States Attorney at the time the brief was filed, and *Frank Q. Nebeker*, Assistant United States Attorney at the time the brief was filed, were on the brief, for appellee. *Messrs. Thomas A. Flannery*, United States Attorney, and *Roger E. Zuckerman*, Assistant United States Attorney, also entered appearances for appellee.

Before Bazelon, *Chief Judge*, and Tamm and Robinson, *Circuit Judges*.

Bazelon, *Chief Judge:* Appellant, who was released on bail during his trial for petit larceny and second degree burglary, failed to return to court at the designated time. After a day's delay, his trial was continued without him. He contends that the District Court erred in proceeding with the trial in his absence since he made no competent waiver of his sixth amendment rights. He challenges only his five-to-fifteen-year burglary sentence and concurrent one-year larceny sentence; he raises no objection to the consecutive five-year sentence for bail jumping which was imposed at the same time.

I

In December 1967, two police officers, responding to a housebreaking call, apprehended appellant in the hallway of an apartment building carrying a radio which belonged to a resident of the building. Appellant was taken into custody, and bail was set at $5,000, which appellant was unable to meet. Following a January 3, 1968, preliminary hearing, appellant was indicted on February 28 for second degree burglary, 22 D.C. Code § 1801(b), and petit larceny, 22 D.C. Code § 2202. On March 15, 1968, appellant was arraigned and pled not guilty to both counts. The following week the Court of General Sessions reviewed his conditions for release and reduced money bond from $5000 to $1000. As appellant was still unable to raise bail, his counsel filed a motion on April 1 requesting that appellant be released to the third party custody of Bonabond, Inc.[1] At the commencement of trial on Thursday, April 18, the court reserved ruling on the Motion to Amend Conditions of Release until the following day. After receiving the testimony of the two policemen who had arrested appellant, the trial was adjourned and the jury dismissed until Monday morning.

On Friday, April 19, 1968, the court held a hearing on the bond review motion. The appellant explained that he sought his release in order to locate witnesses for his defense. Bonabond, Inc., expressed its willingness to act as third party custodian for appellant, and the court released appellant to that organization, after informing him he was to appear at 9:45 a.m. on Monday, April 22, 1968. The appellant failed to appear on Monday morning, and a recess to that afternoon likewise failed to produce him. On

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[1] Bonabond, Inc., is an arm of the United Planning Organization, Washington's anti-poverty agency, staffed by ex-convicts. Among its functions, it supervises recognizance bonds for selected indigent defendants.

Tuesday morning, defense counsel informed the court that efforts to locate the appellant had been unsuccessful and recommended that the judge declare a mistrial since appellant was the only defense witness and without him there was no defense case. The trial court chose, over defense counsel's objection, to continue the trial in appellant's absence under authority of Rule 43 of the Federal Rules of Criminal Procedure.[2] Following the close of the Government's case, defense counsel's motion for judgment of acquital was denied; counsel then waived his opening statement and simply stated for the record that continued efforts to locate appellant had proved unsuccessful. The trial court then ruled that appellant's absence from trial was voluntary and sent the case to the jury,[3] which returned guilty verdicts on both counts of the indictment. Appellant was apprehended on May 2, 1968. At sentencing hearing on August 2, 1968, the court inquired into the circumstances surrounding the appellant's failure to appear at trial and again ruled that his absence had been voluntary.

II

The right to be present at trial which inheres in the sixth amendment and has been codified by Rule 43 of the Federal Rules of Criminal Procedure, has long been recognized as being of fundamental importance to the just administration of the criminal law. *Pointer v. Texas,* 380 U.S. 400, 405 (1965); *Diaz v. United States,* 223 U.S. 442, 455 (1912); *Cross v. United States,* 117 U.S. App. D.C. 56, 58, 325 F.2d 619, 631, (1963). Faced with a defendant who was not present at a portion of his trial and was thus unable to testify in his own behalf,[4] the courts have the serious responsibility of determining whether "it is clearly established that his absence [was] voluntary." *Cureton v. United States,* —— U.S. App. D.C. ——, 392 F.2d 671, 676 (1968).

To comprehend defendant's story of his search for two witnesses we must attempt to appreciate the environment in which he moves. To men with numbers and addresses in the telephone directory, fixed office hours and secretaries, it may seem dubious that defendant was making an honest and diligent effort to locate witnesses when he was out "on the streets where they generally hang out" from Friday when he was released on bond to Sunday when he went to sleep, "[l]ooking and hoping to see these people or at least learn their residences." Of course, it is uncontroverted that his search did not bear fruit,[5] that he subsequently became depressed for personal reasons and got drunk, and that, although not in hiding, he failed to contact his lawyer or the court and could not be found by Bonabond.

But whatever the implausibility of McPherson's narrative, the voluntariness of his absence from the courtroom must be determined by whether the warning given him was sufficient. As this court made clear in *Cross v. United States, supra,* we will look to the standards set forth in *Johnson v. Zerbst,* 304 U.S. 458 (1938) when the government claims a defendant waived his rights under the sixth amendment and Rule 43. In *Johnson v. Zerbst* the Supreme Court defined constitutional waiver as "an intentional relinquishment or abandonment of a known right of privilege." 304 U.S. at 464 (emphasis added).[6] *Cross* establishes that it is not merely the right to be present but its corollary, that the trial not continue when one is *not* present, which must be intelligently waived.

III

In the present case, the trial judge is to be commended for his insistence in making clear that he expected appellant to be present when the trial resumed.[7] It would be difficult to believe that appellant was unaware that serious consequences would follow his failure to appear. Indeed, appellant as much as acknowledged this by pleading guilty to jumping bail, for which he was sentenced to imprisonment for a term of not less than five years, to run *consecutively* to his five to fifteen year burglary sentence. But the question still remains whether the appellant was apprised that besides bail jumping penalties an additional consequence would be the continuation of trial in his absence, which was tantamount to a guilty plea.

To secure his release on bail, appellant signed Part IV of the "Order Specifying Methods and Conditions of Release" (Bail Reform Act Form No. 2), in which he stated that he understood "the penalties and forfeitures applicable in the event that I . . . fail to appear as required." Yet the only penalty listed on Form No. 2 is that "an additional criminal case may be instituted." There is no specific warning of any other consequences set forth on the form nor was any delivered by the court, advising that if the defendant voluntarily absented himself he would be deemed to have waived his constitutional right to testify and to confront the witnesses against him so that the trial could continue without him.

Absent such warning, it was incumbent on the court to determine whether the appellant knew in fact that his trial would go on without him. Neither defense counsel nor the Government developed facts in the District Court on which to rest an adequate consideration of this issue. Although his claim appears dubious, we are constrained to remand this case to afford appellant the opportunity to develop factual support for his contention that his absence was not truly voluntary since it was not a waiver of a "known right." *Johnson v. Zerbst, supra; Cureton v. United States, supra.*

The judgment below is vacated and the case is remanded; if the District Court concludes that appellant knowingly waived his right to be present at trial, it may reinstate the judgment; otherwise, the appellant must be afforded a new trial at which he will have the opportunity (unless he knowingly and voluntarily foregoes it) to appear and recite his story.

Remanded.

TAMM, *Circuit Judge,* dissenting: The real question in this case is not whether the defendant knew that the trial could proceed in his absence but whether he knew that he had a right to be present at his trial and waived it. The majority seems to recognize this when it speaks of a remand to enable the defendant "to develop factual support for his contention that his absence was not truly voluntary *since it was not a waiver of a 'known right.'*" (Majority opinion at 7; emphasis added.) The right that was involved was the right to be present. Thus it follows that if the defendant knew or should have known that he had a right to be present, his voluntary absence (and there is no doubt that his absence was voluntary) was a waiver of that "known right."

While Rule 43 of the Federal Rules of Criminal Procedure, in implementing the mandate of the sixth amendment, requires a defendant to be "present . . . at every stage of the trial," it permits, "[i]n prosecutions for offenses not punishable by death, the defendant's *voluntary* absence after trial has been commenced in his presence . . . ." FED. R.CRIM.P. 43. (Emphasis added.) We have construed this rule as providing "that if a defendant at liberty remains away during his trial the court may proceed provided it is clearly established that his absence is voluntary. He must be aware of the processes taking place, of his right and of his obligation to be present, and he must have no sound reason for remaining away." *Cureton v. United States*, ——— U.S.App.D.C. ——, ——, 396 F.2d 671, 676 (1968). Moreover, the oft-quoted case of *Johnson v. Zerbst*, 304 U.S. 458 (1938), speaks of a "proper" and "intelligent" waiver as being one that "must depend, in each case, upon the particular facts and circumstances surrounding that case, including background, experience, and conduct of the accused." 304 U.S. at 464. Applying these principles to the present case we find that the appellant was the possessor of the "worst" criminal record that the trial judge had seen in his twenty months on the criminal trial bench. (Sent. Tr. at 7–8) This record shows a history of over 20 convictions and 40 arrests within the span of 28 years. (Sent. Tr. at 7.) His "background" and "experience" were, at the very least, broad. Regarding his conduct, we note that after beginning appellant's non-capital trial in his presence (McPherson had been in jail up to and including his first day of trial), the trial judge permitted McPherson's release for the purpose of locating witnesses. Upon the urging of the Government, however, the judge cautioned the appellant that the trial would resume on Monday morning at 9:45:

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[2] Rule 43 provides in pertinent part:

"The defendant shall be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by these rules. In prosecutions for offenses not punishable by death, the defendant's voluntary absence after the trial has been commenced in his presence shall not prevent continuing the trial to and including the return of the verdict."

[3] Because of our disposition of this case, we do not have to reach appellant's contention that in his absence it was plain error for the trial court to give the jury the instruction permitting an inference of guilt from unexplained possession of recently stolen property.

[4] The continuation of the trial in his absence seriously prejudiced appellant, who desired to explain his possession of the goods which the government witnesses identified as having been removed from the apartment building in which appellant was apprehended. There seems to be no doubt that his intention to testify was serious, since he had previously received the trial judge's assurance that he could do so without being impeached by his criminal record. Since no one testified for the defense, the effect of the instruction on the inference which may be drawn from the unexplained possession of recently stolen property was to assure a guilty verdict.

[5] McPherson testified that he learned one witness had died of an overdose of narcotics in Baltimore. When McPherson stumbled upon the other witness, he displayed his determination not to cooperate by shooting at McPherson and fleeing; McPherson claims to know this witness only by sight and not by name.

[6] The *Johnson v. Zerbst* standard of "intelligent and competent waiver," 304 U.S. 458, was applied in that case to the right to be assisted by counsel. This standard has also been held to govern the waiver of other constitutional rights, *e.g.* the fifth amendment privilege against self-incrimination, *Miranda v. Arizona,* 384 U.S. 436, 444 (1966) ["voluntarily, knowingly and intelligently"], *Escobedo v. Illinois,* 378 U.S. 478, 490, n.14 (1964) ["intelligently and knowingly"], and *Proctor v. United States,* — U.S. App. D.C. —, —, 404 F. 2d 819, 821 (1968) ["intelligently and understandingly"]; the right to trial by jury, *Adams v. United States, ex rel. McCann,* 317 U.S. 269 (1942) ["express, intelligent"] and *Patton v. United States,* 281 U.S. 276, 312 (1930) ["express and intelligent"]; and the combination of rights relinquished through a guilty plea, *Boykin v. Alabama,* 395 U.S. 238, 242 (1969) ["intelligent and voluntary"], and *McCarthy v. United States,* 394 U.S. 459 (1969). In the latter case, the Supreme Court explicitly reaffirmed the standard enunciated by *Johnson v. Zerbst,* applying it to guilty pleas under Rule 11 of the Federal Rules of Criminal Procedure, 394 U.S. at 466. In *McCarthy,* defense counsel informed the District Court that the defendant had been advised of the consequences of a guilty plea; defendant then stated that his plea was not a product of threats or promises and that he understood that such a plea waived his right to jury trial. However, after he had been sentenced, defendant moved to set aside his pleas because the trial judge had not personally addressed him to determine that the plea was voluntary. The Court of Appeals affirmed, but the Supreme Court reversed. The Court held that as the defendant's plea amounted to a waiver of his rights to confrontation and trial by jury, "it cannot be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts" and "if a defendant's guilty plea is not equally voluntary and knowing it has been obtained in violation of due process and is therefore void." 394 U.S. at 466.

[7] Immediately before the trial court ordered the appellant released on bond, the following exchange took place:

"The COURT. Monday morning at 9:45 there will be no excuses whatsoever accepted by this Court for your failure to appear. Do you understand?

"The DEFENDANT. I will be here. I will be here.

"The COURT. Not sickness, anything—there is one thing that can happen to you in the interim, and I am not wishing that upon you. But aside from that, you will be here.

"The DEFENDANT. I will."

"The COURT. [T]here will be no excuses whatsoever accepted by this Court for your failure to appear. Do you understand?

"The DEFENDANT. I will be here. I will be here.

"The COURT. Not sickness, anything—there is only one thing that can happen to you in the interim, and I am not wishing that upon you. But aside from that, *you will be here*.

"The DEFENDANT. *I will.*"

The defendant wasn't there on Monday when a bench warrant was issued, nor on Tuesday when the trial resumed over his counsel's objection. In his absence, he was convicted.

At the time of sentence, McPherson attempted to explain his absence. He said that he fell asleep Sunday night and did not awaken until Monday evening at 4:30 (Sent. Tr. at 5). He related that upon arising he did not attempt to contact anyone nor did he attempt to contact the court or his counsel during the ensuing days of his absence when he was "back in the street" looking for witnesses (Sent. Tr. at 6). Upon his testimony,[8] the court found his absence voluntary. I do likewise. *Cureton*, Rule 43 and the Sixth Amendment have been followed.

I would affirm.

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[8] Between the time of conviction and imposition of sentence McPherson was arrested and again brought to jail. While in jail awaiting sentence he wrote a letter to the trial judge apologizing for his poor judgment and explaining, in great detail, the facts surrounding his absence. My reading of that letter convinces me that this appellant had full knowledge of the consequences of his acts and had no intention of returning to the courthouse unless forced. He knew his rights and knew his chances—he chose to take the latter.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Thursday, October 30, the Committee on Finance considered in executive session a series of miscellaneous amendments and added several of them to the House-passed tax reform bill. Additionally, the committee reconsidered and modified several previously announced decisions—concerning Federal Land Banks, REA cooperatives and health insurance payments.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 30, 1969]

TAX REFORM ACT OF 1969

COMMITTEE DECISIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance announced today that the Committee on Finance had reached agreement on several additional parts of the House-passed tax reform bill.

A large part of today's executive session was devoted to consideration of amendments offered by Senators Albert Gore (D., Tenn.) and Vance Hartke (D., Ind.) to increase the $600 personal exemption and an alternative approach by Senator Jack Miller (R., Iowa) to provide tax reduction through the use of additional tax credits. The Chairman reported that following a number of record votes on these matters the Committee decided that it would concentrate its attention at tomorrow's meeting on tax cuts worked out through reductions in the tax rate schedules. This is the same approach taken by the House bill.

During the remainder of today's session, the Committee acted on a series of amendments, the substance of which are described in the following paragraphs.

Income of American Employees Abroad.—Under present law, an American citizen who resides in a foreign country for 17 out of 18 consecutive months may exclude from his gross income for Federal tax purposes amounts paid to him from foreign sources up to $20,000 a year. If he is a bona fide resident of a foreign country he may exclude $20,000 a year for the first three years, and thereafter exclude $25,000 a year. At today's meeting, the Committee decided that these $20,000 and $25,000 exclusions should be limited to $6,000. Accordingly, the earned income limitation in existing law in these cases for the future will be limited to $6,000.

Federal Land Banks; Amendment Reconsidered.—The Committee reconsidered the amendment it had added to the bill earlier in its sessions which would have subjected Federal land banks to Federal income tax. (See Committee announcement of October 17, 1969.) Following this reconsideration the Committee decided to omit the provision from its bill.

REA Cooperatives; Amendment Reconsidered.—The Committee also reconsidered the action taken at an earlier session by which rural electrification cooperatives were subjected to tax on income earned on U.S. government bonds purchased with the proceeds of low interest bearing loans which these organizations are authorized to obtain from the Federal government. (See Committee announcement of October 17, 1969.) Following this reconsideration, the Committee decided to omit this provision from its bill.

Recapture of Soil and Water Conservation Expenses.—The Committee agreed to a provision to recapture soil and water conservation expenditures and land clearing expenditures made with respect to farm land. Under the provision, the gain on the sale of land would be treated as ordinary income, rather than as a capital gain, to the extent of the previous specified expenditures with respect to the land. However, there would be no recapture after the land had been held for ten years from the time of the expenditures. For land sold within 10 years there would be a sliding scale of recapture. Where the land was sold prior to the end of the fifth taxable year after the year in which the expenditure was made, there would be a 100 percent recapture; for sales in the sixth through the tenth years the amount would be recaptured as follows:

Year and percent recapture:	
6	80
7	60
8	40
9	20
10	0

Medical Insurance; Medicare Amendment Reconsidered.—On October 17, 1969, the Committee approved an amendment to require that payments made under the Medicare and Medicaid programs and payments made by *private* medical insurance carriers must be reported to the Federal tax collector if they aggregate $600 or more during the year. The payments to be reported include those made directly to the health care practitioner who accepts an assignment from his patient and those for which a patient submits bills and is paid for services rendered by the health care practitioner.

At today's meeting the Committee reconsidered this amendment and agreed that the new provisions with respect to private insurance would not be applicable until 1971. Reporting of payments under the Medicare and Medicaid programs, however, will be required beginning in 1970.

Real Estate Depreciation; Binding Contracts.—Under the House bill the use of accelerated depreciation is protected where the taxpayer acquires new real property pursuant to a binding contract in effect on July 25, 1969. No comparable provision protects the purchaser of *used* real estate where the acquisition occurs after July 25, 1969 pursuant to a binding contract in effect prior to that date. The committee added an amendment to allow a purchaser to use 150% of straight line depreciation with respect to *used* real property acquired pursuant to a binding contract in effect on July 25, 1969. Thus, under the Committee's action today, a taxpayer may claim fast appreciation with respect to a building, whether new or used, if he had entered into binding contracts prior to July 25, 1969, for the purchase of the building.

Another amendment was agreed to providing for accelerated depreciation with respect to a building for which the necessary land had been acquired and building plans had been completed before July 25, 1969, but for which the local authorities had failed to grant the necessary approval to permit construction to commence before July 25, 1969, even though application to build had been filed before that date. Under the Committee amendment, accelerated depreciation will be available provided construction commences within one year from the date of filing of the application for the building permit.

Insurance Companies.—The Committee agreed to four amendments with respect to the tax treatment of insurance companies. The first two of these had previously been approved by the Committee and passed by the Senate (H.R. 2767 of the 90th Congress). The substance of the four amendments follows:

Losses.—This amendment provides for loss carryovers where one type of insurance company is converted into another type (for example, where a stock casualty insurance company becomes a mutual company, or a life insurance company, or vice versa). The amount of the loss deduction generally would be limited to the lower of the amount for which the company would qualify before or after the shift.

Spin-off Phase III Tax.—This amendment provides that the so-called "phase three" tax applicable to life insurance companies is not to apply in certain cases merely because a life insurance company distributes to its holding company parent the stock of a subsidiary which it holds. However, in such a case the so-called "phase three" tax is to apply to distributions by the subsidiary, whose stock was distributed, in the same manner as it would apply to distributions by the life insurance company itself.

Contingency Reserves.—This amendment clarifies the deductibility of interest credited to special reserves under contracts of group term life insurance or group health and accident insurance established and maintained for insurance on the lives of retired workers, or for premium stabilization. On approving this legislation the Committee observed that the amendment reiterated its intent, expressed during consideration of the Life Insurance Company Income Tax Act of 1959, that this interest was deductible.

Tax-Free Exchanges of Securities.—This amendment deals with the situation where insurance companies with large holdings of appreciated securities in their investment portfolios have been able to exchange these securities for their own stock without payment of tax on the gain included in the securities surrendered. Under this amendment this sort of exchange in the future will give rise to taxable gain.

Interest on Tax Deficiencies and Refunds.—The Committee agreed to adopt a new provision (recommended by the Internal Revenue Service) which provides a penalty on taxpayers who fail to pay the tax required to be shown on the return at the time they file their return. In general, present law imposes a five percent per month penalty, up to a maximum of 25 percent, in the case of failure to file a return on the date it is due. This provision does not apply if the failure is due to reasonable cause and not due to wilful neglect. Under the Committee provision, this penalty would be expanded to apply if the taxpayer fails to pay the tax due at the same time he files his return. As in the case of the failure to file the return at the time it is due, however, the addition to the tax would not apply if the failure is due to reasonable cause and not due to wilful neglect.

Further, the Committee agreed to increase the penalty for failure to make required deposits of withholding taxes. Under this decision the present penalty of one percent per month (up to a maximum of six percent) would be raised to five percent of the amount due to the Government. This penalty would be added to any deposit of withholding taxes which are not paid at the time they are due. However, it would not apply where the failure to deposit on time is due to reasonable cause and not due to wilful neglect.

Mutual Funds; Unit Investment Trusts.—The Committee approved an amendment to prevent participants in a periodic payment plan to purchase mutual fund shares from being treated as an association taxable as a corporation. However, the Committee included a proviso that its amendment would not apply with respect to an association of persons investing in variable annuity contracts with a life insurance company.

Subpart F Income.—The Committee agreed to an amendment which would make technical corrections in the computation of "subpart F" income, which is taxed to the parent corporation of a foreign subsidiary. Under existing law, foreign base company income (a part of Subpart F Income) does not include any item of income received by a controlled foreign corporation if it is established to the satisfaction of the Secretary or his delegate, with respect to the item, that the creation or organization of the foreign corporation does not have the effect of substantial reduction of income, or similar taxes. The provision adopted by the Committee would clarify this section of existing law by providing that foreign base company income would not include any item of income received by such a foreign controlled corporation if the transaction giving rise to the item of income did not have as one of its significant purposes a substantial reduction of income, or similar taxes.

Private Foundations.—The Committee also agreed to a new provision relating to existing private foundations which would make the divestiture requirement inapplicable if the following conditions are present:

(1) The stock in the company was acquired by the foundation by gift, device or bequest;

(2) The foundation owns ninety-five percent or more of the voting stock of the corporation;

(3) The majority of the governing body of the foundation consists of persons other than the donor or members of his immediate family, taking into account the attribution rules in the bill;

(4) The current business of the corporation is substantially of the same character as the business conducted at the time of the gifts of the stock by the donor;

(5) The corporation does not purchase any stock in another business enterprise which would represent an excess business holding;

(6) The corporation annually distributes to its shareholders 40 percent of its income after taxes; and

(7) The foundation must distribute (or use) for its tax-exempt purpose substantially all of its income.

Mutual Savings Banks; Savings and Loan Associations.—The Committee considered and approved several modifications of the rules relating to investment restrictions applicable, to mutual savings banks and savings and loan associations. Under these modifications the following investments would qualify for purposes of meeting the tests (82 percent of total assets in the case of savings and loan associations; 72 percent of total assets in the case of mutual savings banks) necessary to qualify for the special deduction for additions to bad debt reserves:

(1) Loans secured by redeemable ground rents;

(2) Loans secured by an interest in real property located in an urban renewal area if the urban renewal area is predominately residential; and

(3) Loans made to finance the acquisition or development of land which will become residential property if there is assurance that building will actually occur thereon within a period of three years (with retroactive disqualification of the loan if this does not occur).

The Committee also adopted a provision under which an apartment house with commercial establishments on the first floor would qualify as "residential real property" if 80 percent of the useable space in the building was residential space. It also modified the rules applicable during the transition period over which the 60 percent deduction for bad debts is reduced to 50 percent. (See Committee announcement of October 16, 1969.) During this period it would be permissible if only 50 percent (rather than 60 percent) of the investments of the institution are in qualifying assets. Thereafter, 60 percent of investments must be in qualifying assets just as the House bill would have required. Finally, a one percentage point reduction would be made in the 50 percent deduction for additions to bad debt reserves for each percentage point that qualifying assets fall below the 82 percent test in the case of savings and loan associations. In the case of mutual savings banks, a reduction of 1½ percentage points in the bad debt deduction would be required for every percentage point that qualifying assets fall below the 72 percent test.

Supervisory Mergers of Savings and Loan Associations.—The Committee agreed to an amendment, suggested by the Federal Home Loan Bank Board, clarifying the treatment of bad debt reserves of institutions participating in a tax-free merger under the supervision of the Federal Home Loan Bank Board. Under the amendment the amount in the bad debt reserves would not be restored to income at the time of the merger. The Committee was advised that its amendment reflected the law as the Internal Revenue Service had interpreted it, and in this respect it is merely declaratory of the law.

Charitable Remainder Trusts.—The Committee decided to require a charitable remainder annuity trust or unitrust to distribute at least its current income (other than capital gains) to the income beneficiary, and to provide that in determining the amount of the charitable contribution deduction allowed in the case of a gift of remainder interest in trust, a 5 percent payout to the income beneficiary is to be assumed for valuation purposes if the 5 percent is higher than the payout otherwise determined under the annuity or unitrust rules. This rule strikes a balance between the harshness of imposing an inflexible 5 percent payout requirement which might unduly restrict the trust and the possibility of circumventing the restrictions contained in the private foundation provisions of the bill by providing for a very low income payout. The Committee action was made effective with respect to trusts created after October 9, 1969.

Limitation on Deduction of Interest.—The Committee adopted the Treasury recommendation that the limitation on the interest deduction in the case of individual taxpayers contained in the House bill be deleted pending further study. Generally, this provision of the House bill would have disallowed the deduction of interest on indebtedness incurred to purchase investment assets to the extent the interest exceeded the taxpayer's net investment income and the amount of his long-term capital gains by more than $25,000.

Corporate Mergers—Disallowance of Interest Deduction in Certain Cases.—The Committee generally adopted those provisions of the House bill dealing with the disallowance of the interest deduction on debt issued in connection with corporate mergers. However, it did make several important modifications in this provision. Under the House bill, the interest deduction would be denied for interest on bonds or debentures issued by a corporation to acquire stock in another corporation or to acquire at least two-thirds of the assets of another corporation. This rule, however, only would apply to bonds or debentures which (1) are subordinated to the corporation's trade creditors, (2) are convertible into stock, and (3) are issued by a corporation with a ratio of debt to equity which is greater than two to one, or with an annual interest expense on its indebtedness which is not covered at least three times over by its projected earnings.

First, the Committee adopted a provision authorizing the Internal Revenue Service to issue regulations providing tests for distinguishing generally whether bonds or debentures are in fact debt or equity. Since there is a great variety of situations in which this question can arise, the Committee believed it was appropriate to provide this authority to the Internal Revenue Service so it could develop rules to take account of the various characteristics of these situations.

The Committee also agreed that it would be appropriate to broaden the subordination test of the House bill so that it applies to obligations which by their terms are subordinated in right of payment to any substantial amount of the corporation's indebtedness. This action would provide for the case where although the obligation is not subordinated to trade creditors it is subordinated to substantial amounts of preexisting debt.

The Committee also decided that the debt equity and interest coverage tests of the House bill should be revised so as to allow an issuing corporation to have a debt equity ratio of four to one, and to only require the annual interest expense of the corporation to be covered at least two times over by the corporation's projected earnings. The Committee believes these tests more appropriately reflect a reasonable capital structure for a corporation. The Committee further decided to clarify the application of these tests in the case of corporations engaged in the loan business by providing that the amount of the corporation's indebtedness should be reduced by amounts owed to it and the amount of the corporation's annual interest expense should be reduced by its annual interest income.

The Committee also agreed that where the interest deduction was disallowed because the debt equity test was not met or because the earnings of the corporation were not at least two times more than the annual interest expense, the disallowance of the interest deduction would be discontinued after the debt equity test and the earnings test had been met for a period of at least three years. The House bill provides for an exception from the disallowance rule of up to five million dollars a year of interest on obligations which meet the prescribed test. This exemption is reduced by interest on obligations which do not meet one of the three specific tests in the bill. The Committee agreed that the reduction should be limited to interest on obligations issued after December 31, 1967.

In the case of corporate acquisitions the provisions of the House bill only apply where the acquiring corporation obtains at least two-thirds of the assets of another corporation. The Committee agreed to a Treasury recommendation that the two-thirds test should be applied to the operating assets (excluding cash) of the acquired company rather than to the total assets. This would prevent the two-thirds test from being avoided where the acquired company has a large amount of its assets in cash and non-operating properties.

The Committee also decided to make this provision of the House bill inapplicable in the case of an acquisition of a corporation's stock where the total interest of the acquiring corporation in the other corporation does not exceed five percent. This would eliminate deminimus stock acquisitions from the scope of this provision.

The Committee also agreed that this provision of the House bill should be applicable to indebtedness incurred after October 9, 1969. (The date used in the House bill is May 27, 1969). The Committee also agreed that this provision would not apply to the acquisition of additional stock of a corporation where the taxpayer acquired at least 50 percent of the stock on or before October 9, 1969. This would enable a corporation which had achieved practical control of another corporation by this date to acquire the additional stock necessary to give it control for tax purposes. The Committee also agreed to make this provision of the bill inapplicable to the acquisition of stock or assets of a corporation pursuant to a binding contract entered into before October 9, 1969.

Corporate Mergers—Limitation on Installment Sales Provision.—The Committee agreed to the provision of the House bill which provides that bonds with interest coupons attached, in registered form, or which are readily tradeable are, in effect, to be considered payments in the year of sale for purposes of the rule which denies the installment method where more than 30 percent of the sale's price is received in that year. In this connection, however, the Committee agreed to exclude from this treatment bonds or debentures in registered form which are non-transferable, except by operation of law.

The Committee also accepted the Treasury recommendation that the periodic payment requirement of the House bill be deleted, but that the installment method not be available where an obligation is payable on demand. Under the periodic payment requirement of the House bill the use of the installment method would be denied unless the payment of the loan principal, or the payment of the loan principal and interest together, were spread relatively evenly over the installment period.

The Committee also agreed to make these new rules regarding the installment method effective with respect to sales made after October 9, 1969 (the date used in the House bill is May 27, 1969). The Committee further agreed to make the new rules inapplicable in the case of installment sales which are made pursuant to a binding contract entered into before October 9, 1969.

Corporate Mergers—Original Issue Discount.—The Committee accepted with minor modifications the provision of the House bill which provides that in the case of bonds issued at a discount the bondholder and the issuing corporation are to be treated consistently with respect to the original issue discount. Generally, under this provision of the bill, a bondholder is required to include original issue discount in income ratably over the life of the bond. This rule applies in the case of the original bondholder as well as to subsequent bondholders.

The Committee adopted a provision making the ratable inclusion of original issue discount requirement inapplicable in the case of life insurance companies which already accrue discount on a basis which produces essentially the same result as a ratable accrual. This will eliminate the necessity of life insurance companies shifting from one method of accruing original issue discount which has been regularly employed to another method (that prescribed by the bill) where the end result is essentially similar.

The Committee agreed that this provision of the House bill should be applicable to debt obligations issued after October 9, 1969 (the date used in the House bill is May 27, 1969). The Committee also agreed that this provision of the bill should not apply to debt obligations which are issued pursuant to a binding commitment entered into prior to October 9, 1969.

Corporate Mergers—Convertible Indebtedness Repurchase Premiums.—The Committee agreed to the provision of the House bill dealing with the deductability of convertible indebtedness repurchase premiums with a minor modification. This provision of the House bill provides that a corporation which repurchases its convertible indebtedness at a premium may deduct only that part of the premium which represents a cost of borrowing, rather than being attributable to the conversion feature.

The Committee agreed to make this provision applicable to repurchases of convertible indebtedness after October 9, 1969 (the date used in the House bill is April 22, 1969).

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Friday, October 31, the Committee on Finance, in its last day of executive sessions on the Tax Reform Act of 1969, completed its work and ordered the bill reported to the Senate. The committee announced that the tax reductions and increases which the bill provides will culminate in 1972 and will involve approximately $16 billion in revenue. The committee adopted various other recommendations, added amendments, and modified certain previously announced decisions.

So that Senators might be aware of the committee's final action on the tax reform act, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 31, 1969]

TAX REFORM ACT OF 1969

REPORTED TO SENATE

The Honorable Russell B. Long (D. La.), Chairman of the Committee on Finance, announced today that the Committee on Finance had finished its work on the Tax Reform Act of 1969 and had ordered the bill reported to the Senate. He reported that the motion to report was approved by a voice vote with few Senators dissenting. He indicated this was the third most significant tax bill in the nation's history ranking behind only the original income tax act of 1913 and the massive tax cuts in the Revenue Act of 1964. He expressed hope that the technical work necessary to prepare the bill for Senate consideration could be finished within three weeks so that the bill could be acted on promptly by the Senate.

$9 Billion Tax Cuts.—Chairman Long reported that in large measure the $9 billion of individual income tax reductions recommended by the House of Representatives had been approved by the Committee on Finance. The most significant difference involved a transfer from 1971 to 1972 of a portion of the tax reductions the House bill would have provided in the earlier year. He indicated that this was done in order to prevent the bill from having an inflationary impact on the economy in 1971.

Planned Tax Reduction.—Senator Long further indicated that the Senate bill reflected a program of planned tax reduction. He noted that on January 1, 1970, the 10 percent surtax would be reduced to 5 percent and that on July 1, 1970, it would be eliminated entirely. He also indicated that the standard deduction would be increased in 1970 and that the low income allowance—designed to remove 5 million tax returns from the tax rolls—would also become effective in 1970. The combination of these features, he said would involve tax reductions totaling $10.8 billion.

In 1971 he reported the first step in the individual tax rate reductions would take place, and the second step in the increase of the standard deduction would occur. In addition, the so-called phase-out of the low income allowance would itself phase-out over a 2-year period. The combination of these changes plus the final elimination of the surtax and the planned reduction in auto and telephone excise tax rates, would result in further tax reductions for 1971 of $8.1 billion.

In 1972, the full tax rate reductions would become effective, and the final step in the increase of the standard deduction would be reached. In addition the "phase-out" of the low income allowance would be fully eliminated in 1972. Thus, in 1972 these planned tax reductions and another excise tax reduction would amount to a further $4.4 billion.

Revenue Raising Tax Reform.—In addition to these tax reductions, the Chairman emphasized that tax raising reform features of the bill would hike taxes by $6.5 billion from those who in the past have enjoyed substantial tax preferences. He observed that no industry in America would be left untouched by the bill and that the real estate industry, the oil and gas industry, financial institutions and private foundations had been singled out for particularly stringent treatment.

The Chairman stated his belief that at no time in his experience had the public interest been represented so well in a major tax bill. He praised the members of the Committee who had worked so long and so hard to reach agreement on a tax bill as complicated as the Tax Reform Act of 1969. He expressed confidence that if the full Senate would approach its work on the bill with the same diligence and dedication that the members of the Committee on Finance had displayed, the tax reductions provided by the bill could become the law of the land by Christmas.

A complete description of the day's decisions, with respect to other matter, follows:

Cement Mixers.—The Committee approved an amendment (identical to an amendment which passed the Senate in 1968 too late for the House to act before adjournment) to clarify the excise tax status of cement mixers. Under the Committee amendment, cement mixers would not be subject to the 10 percent excise tax generally applicable to automobile trucks, although the tax would continue to apply to the truck in which the cement mixer is mounted. This amendment reverses a 1967 ruling in which the Internal Revenue Service administratively reversed its long-standing position and announced that cement mixers in the future would be subject to tax.

Vacation Pay.—The Committee also adopted an amendment extending for an additional two years, for taxable years ending before January 1, 1971, the period within which vacation pay may be accrued by employers under rules in effect prior to 1960. The Committee was advised that the Treasury Department would be prepared to recommend permanent legislation within this two-year period to deal with the matter of vacation pay.

Filing of Income Tax Returns and Withholding.—The Committee adopted a number of provisions (all suggested by the Treasury Department) which will relieve many low income taxpayers from filing a tax return, permit more flexibility in the withholding system, and enable the Treasury to increase its assistance to taxpayers by computing their tax for them.

1. The first of these increases the income level at which filing a tax return is required from the present $600 ($1,200 for those age 65) to the new levels of nontaxable income provided by the low income allowance which the Committee also adopted. The filing requirement would be increased to $1,700 for single persons, $2,300 if married or age 65 or over, $2,900 if married and one spouse is age 65 or over, and $3,500 if married and both spouses are age 65 or over. The filing level would remain at $600 for a married couple filing separate returns.

2. The Committee adopted another recommendation that the problem of overwithholding for those with no tax liability (particularly those who work part-time such as students who work during the summer) be solved by eliminating withholding for such persons. This would be accomplished by an employee certifying to an employer that he estimates that he will have no Federal income tax liability for the current year and, in fact, had no income tax liability for the preceding year. This could relieve as many as 10 million persons from overwithholding.

3. The next recommendation was that the Internal Revenue Service be permitted to compute tax liability for taxpayers if they request, regardless of the amount or source of their income, their marital status, the type of tax credits claimed, or whether they itemized their deductions or take the standard deduction. Under present law, only taxpayers who have income less than $5,000, less than $100 of nonwage income, who use the optional tax table an do not use the retirement income credit, may elect to have their tax computed for them by the Internal Revenue Service.

4. The Committee also approved an amendment that the Internal Revenue Service be permitted to provide employers more flexibility in devising withholding systems which fit their particular needs and also match withholding and tax liability. In addition, employers will be permitted to annualize wage payments for withholding purposes to reduce overwithholding where wage payments are not made throughout the entire year as in the case, for example, of professional athletes. Under present law, withholding on wage payments is computed as if the same amount of wages is to be received each payroll period throughout the year.

Under the Treasury proposal, for example, if an employee is to receive wages for only 6 months of the year, his employer could multiply the amount of wages paid in the first month by 6, determine the withholding due on this amount as if it were the total wages for the year, and withhold one-sixth of the annual withholding in each of the six monthly payroll periods.

5. The next recommendation was that the Internal Revenue Service be permitted to prescribe rules for voluntary income tax withholding on payments for services which are not "wages" as defined in the law. *Tax would be withheld on these payments only when the employee requests such withholding*. This provision would reduce the amount of final tax payment (which may be burdensome) for retired persons (or their survivors) receiving pensions, farm and domestic workers, and others who receive payments not now subject to withholding.

6. The Committee also adopted a Treasury recommendation that supplemental unemployment benefits (SUB payments) be subject to withholding.

7. The Internal Revenue Service was authorizing to permit rounding of withholding amounts to the nearest whole dollar. This will aid employers, particularly those whose withholding systems are computerized.

8. Employees who have itemized deductions in excess of the level of deductions on which the withholding tables are based may claim additional withholding allowances under existing law to prevent overwithholding in their cases. However, existing law requires that estimated itemized deductions for the year be no more than the taxpayer's itemized deductions for the preceding year. This effectively prevents the provision from operating for the first year in which the taxpayer has excess itemized deductions even though their existence is clear and need not be verified by similar experience in a prior year. The Committee adopted a recommendation that the prior year requirement be eliminated where the excess itemized deductions are substantiated by court order (such as alimony) or by other evidence which verifies their existence. Also, if the excess itemized deductions would result in a fractional additional withholding allowance, the Committee action would permit a full additional withholding allowance on account of such fractional amount, rather than none as under existing law.

Reimbursement of Certain Casualty Loss Expenditures.—The Committee approved an amendment (the substance of Amendment No. 242, Senator Jack Miller (R., Iowa)) which provides for the exclusion from gross income of amounts received under insurance contracts for increased living expenses necessitated by damage to or destruction of an individual's residence. However under this amendment the taxpayer may exclude only actual extra living expenses resulting from the fire or other casualty which are over and above normal living expenses incurred by the taxpayer and members of his household.

Tax Court.—On motion of the Chairman the Committee added an amendment to the bill to create special procedures for the decision of small tax cases brought by taxpayers to the Tax Court and to change the status of the Tax Court to a legislative court under Article I of the Constitution. The amendment provides that where the taxes at issue are less than $1,000 for any one taxable year the taxpayer may request the court to review his case under a simplified procedure. Under this procedure the decisions will not be treated as precedents for deciding later cases. This provision, which is similar to proposals that had been introduced in both Houses of Congress in recent years, is expected to permit more rapid handling of many small tax cases. The amendment also changes the term of office of a tax court judge to fifteen years from the day he takes office. (Under present law it is twelve years, or the remainder of the term of the vacancy.) Modifications are provided in Tax Court retirement provisions, bringing them more in line with provisions for district court judges. Contempt and subpoena powers are made essentially the same as those of district court judges. The small claims provisions would take effect a year from the date of enactment; other provisions would generally apply as soon as the bill is enacted.

Arbitrage Bonds.—The Committee agreed to provide that State and local government bonds would not be treated as arbitrage bonds, which would cause the interest on the bonds to be taxable, where a portion of the proceeds of the bonds were placed in a reserve fund or a replacement fund. These are funds which are maintained to provide protection for bondholders and the proceeds of the funds generally are invested in Government or corporate securities. For this rule to be applicable, no more than fifteen percent of the proceeds of a bond issue could be placed in such a reserve or replacement fund. In addition, this treatment would not be available if the purpose of placing the proceeds in the fund was to obtain the benefits of arbitraging rather than to protect the bondholders. The Committee had previously dealt with the treatment of arbitrage bonds. (See Committee announcement of October 9, 1969).

Private Foundations.—The Committee modified in some respects the provisions it had previously dealt with regarding requirements that private foundations dispose of excess business holdings. (See Committee announcement of October 28, 1969). In one case brought to the Committee's attention, it was decided to permit a foundation to receive certain securities which are now subject to both a will and a trust without violating the excess business holdings requirements.

In another case brought to the Committee's attention it was decided to require a foundation to dispose of its excess holdings in stages—10 percent of the excess holdings within two years, 25 percent within five years, 50 percent in 10 years, and the remainder by the 15th year—if those excess holdings are in a corporation which owns more than 10 percent of the land area of any major political subdivision in the United

States (a county or city with a population of more than 100,000).

Investment Tax Credit; Transition Rules.—The Committee agreed to two additional transitional rules under which the investment credit will continue to be available in certain situations. The Committee previously had approved a transition rule which continues the availability of the credit in the case of property specified in a binding lease in effect on April 18, 1969 which obligates the lessor or lessee to construct under the terms of the lease. At today's meeting this rule was made applicable where the property is specified in a document filed with a local government authority prior to April 18, 1969. Thus, the investment credit will continue to be available for property which is specified in this manner and which is constructed pursuant to a pre-April 19, 1969, binding lease.

The Committee also agreed to continue the availability of the investment credit for property which would otherwise qualify for this treatment under the plant facility rule previously adopted by the Committee, except for the fact that construction had not commenced at the site of the plant facility. Generally, under this rule the credit will not be available unless the site for the plant facility was acquired prior to April 9, 1969, substantial expenditures were made prior to that date to prepare the site for its intended use (including the acquisition of access and transportation facilities related to the facility), and the taxpayer commences construction of the facility within one year from the time the site for the facility was acquired.

Capital Loss Carrybacks for Corporations.—Under present law, corporations may carry capital losses forward for five taxable years. The Committee decided to allow corporations to carry back their capital losses three years (in addition to the 5-year carryover), conforming the treatment of net operating loss carrybacks and carryovers under present law.

Accumulated Earnings Tax.—In its decisions regarding private foundations, the Committee had previously provided an exception from (1) the accumulated earnings tax (Internal Revenue Code section 531), and (2) the dividend rules (Internal Revenue Code section 303) in the case of redemptions of stock (owned by the foundation) by a closely-held corporation to comply with the new excess business holdings rules. (See Committee announcement of October 28, 1969.) An exception from the *dividend* rules appears in present law in the case of redemptions from an estate to pay death taxes. The Committee amended the bill to provide a similar exception from the *accumulated earnings tax* when a closely-held corporation redeems stock from an estate to pay death taxes.

Nonexempt Membership Organizations; Securities and Commodities Exchanges.—The Committee previously adopted the provision in the House bill which would deny the deduction for expenses incurred in supplying services, facilities or goods to members of a taxable membership organization to the extent that such expenses were not related to income received from the members. In addition to the decisions previously made (see Committee announcement of October 28, 1969), the Committee adopted an amendment making this provision inapplicable to securities and commodities exchanges.

STATEMENT OF PURPOSE OF CONSTRUCTION INDUSTRY FOUNDATION

Mr. **SCOTT**. Mr. President, the Construction Industry Foundation, headquartered in Philadelphia, Pa., is the first organization ever to represent the entire construction industry. Its purpose is to find fair solutions to the industry's pressing internal problems and to correct abuses and inequities for the benefit of the industry and the public alike.

Mr. President, I ask unanimous consent to place in the Record a statement of purpose of the Construction Industry Foundation.

There being no objection, the statement was ordered to be printed in the Record, as follows:

CONSTRUCTION INDUSTRY FOUNDATION

The Construction Industry Foundation is the first organization ever to represent the entire construction industry. Its purpose is to find fair solutions to the industry's pressing internal problems and to correct abuses and inequities for the benefit of the industry and the public alike. The Foundation was incorporated May 2, 1969, and is qualified as a non-profit, tax-exempt organization.

Membership in the Construction Industry Foundation is open to architects, engineers, building product manufacturers, suppliers, general contractors, specialty contractors, home builders, labor unions, bank loan officers, building owners and managers, credit managers, insurance companies, surety bondsmen, government officials, and others, *everybody in construction*. Individuals, partnerships, associations, and corporations are eligible to join.

Representation of all of the many distinct components of the industry is important. As the management, legal, and financial problems that the Foundation will consider affect the entire industry, every segment must have the opportunity to participate in seeking fair solutions.

The purposes of the Foundation are:

1. To be a central forum for the mutual review of all problems within the construction industry, and to clarify and improve relationships among all elements of the industry.
2. To conduct research programs.
3. To conduct educational programs.
4. To recommend specific improvements in the documents, laws, and customs applicable to the construction industry.
5. To assemble legal precedents and similar information as a guide to the industry and the public.
6. To educate the professional societies, trade associations, and others representing and serving the public and the industry in developing fair and reasonable agreements and documents.
7. To develop model laws affecting the construction industry. However, the Foundation is not a lobbying organization; it is prohibited by its Articles of Incorporation from attempting to influence legislation.

The Foundation's method of operation is as follows:

1. Each problem accepted for action will be assigned to a project committee composed of Foundation members particularly concerned with the subject.
2. The committee will engage authorities and scholars—experts in a particular field—to analyze the problem and recommend solutions to it.
3. After the consultants have presented their recommendations, there will be a period of dialogue between the consultants and the committee. The solutions judged most promising will be presented to Foundation members for their consideration. At this stage, there will be thorough discussion and negotiation with interested societies and associations.
4. The Construction Industry Foundation will accept a solution.
5. The solution will be implemented by the endorsement and positive action of Foundation members and, through their influence, their affiliates and their trade associations.

The Foundation will seek to solve problems in such areas as: (1) financial practices and the flow of funds within the construction industry; (2) bidding; (3) the quality of plans and specifications; (4) standards for product performance and guarantees; (5) legal liability of all industry groups; (6) guidelines to performance of mechanical systems and other components of a structure; (7) contract language; (8) cost estimates and quantity surveys; (9) professional responsibilities of architects and engineers, and (10) survey and soil exploration hazards.

IS THERE A CONFLICT BETWEEN DOMESTIC LAW AND THE TREATY ON POLITICAL RIGHTS OF WOMEN?

Mr. **PROXMIRE**. Mr. President, one of the most persistent objections to ratification of the three human rights conventions covering genocide, forced labor, and the political rights of women has been that they would interfere with the force of domestic law. This objection has been most frequently advanced concerning ratification of the treaty guaranteeing political rights for women. The question must be asked, however, Is there any validity to this charge?

Mr. Eberhard P. Deutsch, chairman of the Standing Committee on Peace and Law through the United Nations of the American Bar Association, dealt with this question in hearings before the Senate Foreign Relations Committee in September 1967. In response to a question asked by Senater Dodd regarding any citations of Federal or State law that would be overriden by the United States ratifying the treaty, Mr. Deutsch stated: "None whatever, sir."

When asked by Senator Dodd why he opposed ratification of the treaty if there is no possibility that the treaty would conflict with domestic law, Mr. Deutsch replied that his opposition was based on the principle that the treaty deals with the domestic affairs of the United States.

Mr. President, as we have proved many times, a treaty cannot interfere with the force of domestic law. A treaty cannot override the Constitution. A treaty cannot override the power of the state to make its domestic laws.

Mr. President, it seems to me to be a contradiction to oppose a treaty on the basis that it "deals with domestic law," after admitting that it cannot possibly interfere with domestic law. Just to say it "deals with domestic law," is not a concrete objection. As long as it does not interfere with domestic law, or preclude changes in domestic law, why should it be considered a threat? I fail to see any rational basis for this argument. To claim a threat once you have recognized that no threat exists does not make sense to me.

Mr. President, it is precisely groundless charges such as this that have delayed ratification of the three human rights conventions. We can no longer accept such arguments. The time has come to look at the facts, to look at the true impact these treaties would have. These treaties cannot interfere with domestic law. They can only expand human rights, not interfere with them. The time for action on them is now. Further delay can no longer be justified.

REGULATION OF ENERGY-PRODUCING RESOURCES

Mr. HATFIELD. Mr. President, the National Association of Regulatory Utility Commissioners—NARUC—recently held its 81st annual convention in Denver, Colo. The October 6 to 9 series of talks and panel discussions were the year's largest gathering of Federal and State utility and transportation regulatory officials with nearly 1,700 persons registered for the sessions.

Among the many subjects discussed was one of vital interest to the State of Oregon. This was the growing shortage of natural gas. Oregon is not a natural-gas-producing State. It is a large consumer and must rely on Southwestern States and western Canada for its supplies.

Natural gas is both a source of heat and a raw material for industry. A lack of adequate supplies at prices industry can pay and remain competitive will curtail economic development.

The fact is that Oregon has already faced disturbing shortages. Full or partial curtailment of supplies occurred on a total of 73 days in calendar 1968. During 39 days of this period the pipeline company was unable to supply so-called interruptible gas, the type of service upon which industry depends. Also, during 4 days within this period no more than firm gas—the basic service used for home heating and cooking—was available.

I should add that Orgeon, unlike many States, does not use natural gas to generate electric power. Thus, our experience in 1968 has an even more ominous aspect about it.

The NARUC convention afforded Mr. Sam R. Haley, Oregon's public utility commissioner, an opportunity, as a panelist, to discuss the growing concern felt in my State, and I am sure in others, over this supply situation. Mr. Haley points out that problem is national and international in scope and will not yield to present attempts to solve it on a case-by-case basis. He makes it clear that a reexamination of the Nation's energy resource policies is long overdue.

Mr. Haley feels that a prerequisite for stable energy supplies is a long range plan for maximum utilization of the energy resources of the United States and Canada. The alternative, he believes, is instability and uneconomic use of resources which will adversely affect consumer and supplier alike. His address was a timely and thoughtful contribution on a matter of national importance. There being no objection, I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE GROWING CONCERN ABOUT GAS SUPPLY: A STATE'S VIEW

(Remarks of Sam R. Haley, Oregon Public Utility Commissioner)

How often, as a state regulator, have you been advised—even admonished: "Don't worry about it, it's a Federal problem," or "It's an industry problem and it will or should be taken care of without regulation."? And how often have you wished you could better evaluate such advice and be more confidant that your acceptance or rejection thereof was in the public interest? Can local interests, including those represented by state regulators, secure or foster some better way of *really* knowing what's what in the energy supply situation than by going it alone on a case-by-case basis? Can the states play, or have the opportunity to play, a more meaningful, effective role in the development of long-range solutions or plans and their application, or at least be advised and kept aware of developments on a systematic basis so that we could better evaluate our positions and coordinate our planning within our areas of responsibility?

As a state regulator I'm concerned about gas supply because I believe I have a responsibility; but I'm not alone and I'm certainly not exclusively responsible. How is the scope of my responsibility defined and how do I coordinate with others who also have a responsibility?

The foregoing questions, and others, are not, so far as Oregon is concerned, hypothetical or academic questions. Our agency is now participating in eight Federal Power Commission or Federal court cases involving, in one was or another, natural gas. We believe the results in these cases could beneficially or adversely affect Oregonians. Oregon is not a gas-producing state and, at present, we are supplied gas from the southwestern portion of the United States and from western Canada.

During calendar year 1968 partial or full curtailment occurred on a total of 73 days; there were 39 days during this period when the pipeline company was unable to supply any interruptible gas and four days within the period when no more than firm gas was available.

Generally speaking we face the following recurring issues at the state commission level:

(1) Whether, or to what extent, we should participate in Federal regulatory and court cases involving producers and pipeline supply costs and prices.

(2) Whether to participate in cases involving alternate supply arrangements for a pipeline.

(3) To what extent do we participate in Federal regulatory and court cases directly involving the locally regulated distributor (such as distributor-pipeline supply relationships)?

(4) How will supply costs be reflected in distributor rates and operations?

Finding answers to these recurring questions (even if one at the state level had all the current and reliable, relevant data at his fingertips), is a difficult and complex exercise. This exercise is even more complex when one also considers our relationships with Canadian suppliers and Canadian regulators.

On the one hand, we concern ourselves with the nature of the demands or markets for natural gas, be they residential, commercial or industrial, and whether the price is elastic or inelastic. Also, we consider the availability of alternative energy sources, such as electric, oil, coal or propane. On the other hand, we attempt to understand the natural gas supply situation. This includes current and long-range requirements, not only of the distributors and the pipeline companies, but of the producers too. Related items of importance in the supply picture are supply supplements (such as underground storage, LNG storage, LNG via tanker and LPG) and supply alternates (such as gas from oil shales, oil sands or coal). The location of the supply, its transportation by tanker or pipeline and the effects of new technology are also important factors to consider. In the case of Oregon, if not many other states of the United States, the existence of Canadian and Alaskan supply is particularly significant.

To state that we are concerned about gas supply is to state the obvious. Manifestations of our individual state's concern are strewn through the reports of cases before the courts and the regulatory bodies, both American and Canadian. It's now time, however, that we act in a more concerted and coordinated fashion.

I'm encouraged that the National Association of Regulatory Utility Commissioners (NARUC) has invited my experienced and knowledgeable fellow panelists to discuss the subject of gas supply with us today. I await eagerly their remarks. Preceding today's presentation and, perhaps, influencing the designation of our subject as a part of this annual program, several other encouraging events have transpired:

First, the Western Conference of Public Service Commissions, at its 1969 annual meeting in May, adopted a resolution treating the subject of gas supply; and, then, following this action by the Western Conference, the NARUC Executive Committee, at its July 1969 meeting, adopted a similar resolution proposing an international agreement between the United States and Canada regarding energy supply. This resolution recognizes that an adequate supply of natural gas and other forms of energy is essential to the welfare of the people of the United States and of Canada; that the public interest requires dependable sources of energy to be assured far in advance of actual need; and that dependable, long-range markets are necessary to the economic planning and operation of energy supply and transmission facilities. Further, the NARUC Executive Committee urged the consummation of an international agreement with Canada: (a) that will establish mutually acceptable general guidelines, including economic conservation and other basic policies, under which imports and exports of natural gas and other forms of energy may be committed on a fixed and continuing basis; (b) that will establish an international agency which would include representatives of affected state regulatory commissions and the Federal Power Commission to administer such agreement and approve or reject specific applications for the import or export of natural gas and other forms of energy between the two nations; and (c) that will resolve such related energy matters as may be deemed in the public interest of both nations.

Prior to the adoption of the resolution just referred to, NARUC, to facilitate the interchange of opinions and ideas of common interest between the regulatory agencies of neighboring countries and those within the United States, had expanded the eligibility for associate membership in NARUC to include such agencies.

On other fronts, significant actions, which I believe to be steps in the right direction, were underway. In July of this year, when neither the National Energy Board of Canada nor the Federal Power Commission had under consideration a case affecting the interests of the other country, members of these agencies, including Commissioner O'Connor, met together. Perhaps he intends to comment on this meeting. It is reported that they canvassed in a general way a number of subjects of broad general interest to them, including the prospects for gas supply in North America. I'm informed that respective procedures of the two agencies in regard to hearings affecting the interests of both countries were discussed in relation to the laws presently governing the conduct of each agency. Such meetings have received fresh impetus from the recent conversations between the President and the Prime Minister of Canada emphasizing the common interest of our two countries in the expansion of cross-border movement of energy.

In August of this year, in response to the invitation of the Cabinet Task Force on Oil Import Control, Canadian authorities submitted comments including, among others, statements that each country relies on the other for energy supplies; and that large quantities of electric power generated in one country are dependent on water stored in the other country, as in the cases of the Columbia and St. Lawrence Rivers. We know that electric power lines cross back and forth across the border in numerous places and that increasing numbers of both Candian and United States utilities are members of fully interconnected power systems in which energy circulates across the international boundary as required.

In 1968, the United States exported 4.1 billion kwh of electricity to Canada and imported 3.7 billion kwh. A dozen natural gas pipe lines cross the border. Nine of these delivered 1,656 MMcf/d of Canadian gas to United States markets in 1968, while three of them delivered 223 MMcf/d of United States gas to Canada. Several major oil pipe lines cross the border. In 1968, the United States imported some 500,000 b/d of Canadian oil while Canada affords an important market for high-unit-value-oil-product exports from the United States.

The Canadian statement to the Task Force also noted that the international oil and gas pipe lines and power lines are not only arteries of trade of benefit to the whole national economy but also are essential to the energy supply of the localities served in the respective countries. It appears, they stated, that progressively the availability of new supplies of oil and gas on the North American Continent will be in Alaska and Canada. I join them in their opinion that the interest of both of our countries may well rest in developing mutually acceptable policies designed to facilitate arrangements for the most economic and secure development of these resources, including provision for an appropriate reserve capability for emergency purposes relating to transportation as well as to production capacity.

As you know, the Cabinet Task Force on Oil Import Control has been directed by President Nixon to conduct a comprehensive review of the question of oil import controls. The Task Force will soon recommend policy guidelines. Its inquiry is being conducted on the basis of an open record of submissions by interested parties, which submissions can be examined and commented on by others. Parenthetically, I might say, the Oregon Public Utility Commissioner has submitted for consideration a suggested approach for providing a stimulus to domestic production of and exploration for both oil and gas.

In December of 1968, before any contact with the Task Force, in letters to members of Oregon's Congressional delegation, I described the problem of gas supply in this fashion:

"Basically, the problem is a lack of coordinated approaches to natural gas importations from Canada to the Northwest. Such imports have in the past been dealt with on a case-to-case basis. Thus, no coordinated, orderly policy has been developed.

"The two nations have differing national interests in relation to pricing, resource development and market potential. Within each country are differing state and provincial interests. And finally, business and economic interests in both nations differ, between and among themselves. * * *

"Contrasted to this situation within the natural gas industry, Canadian and United States representatives worked out a detailed, comprehensive plan for development of Columbia River resources.

"As Mr. Jones (President, Cascade Natural Gas Corporation) points out (in a speech delivered in Richland, Washington, November 14, 1968): The Columbia River Treaty took 11 years to negotiate and several hundred millions of dollars to implement—and yet, the total energy which will be exported to the U.S. as a result is only one-third the total energy in the form of natural gas now delivered to the U.S. from Canada. * * *"

It becomes more obvious the further one pursues the subject that a concern about gas supply extends beyond local or even Federal boundaries and also becomes a matter of international concern. Furthermore, the subject cannot be limited to gas supply alone. Let us together develop our policy recommendations for the long pull as we separately meet today's particular problems on a case-by-case, ad hoc basis. While I'm not personally certain that the mechanism contemplated by the NARUC resolutions earlier referred to is the best vehicle for the development *or* the administration of a sound energy policy, I do support the objective of these resolutions. At least, their promulgation will crystallize our thinking and precipitate some action that, I trust, will be constructive.

ANNOUNCEMENT OF COMMITTEE OF CONCERN TO PROHIBIT MINORITY PERSECUTION IN THE MIDDLE EAST

Mr. TYDINGS. Mr. President, I wish to bring to the Senate's attention the recent formation of a committee of concern in this country to direct international attention to the tragic series of political trials and executions of Jews, Christians, and other minority groups in Iraq. Presided over by Gen. Lucius D. Clay, former commander of U.S. forces in Europe, and consisting of a large number of prominent Americans, the committee is undertaking the critical task of mobilizing world opinion to prevent further bloodshed and persecution of minorities in the Middle East. In addition, the committee will seek to facilitate the emigration of Jews and other minorities who wish to leave the area.

Mr. President, I ask unanimous consent that the press release announcing the initiation of this noble and terribly worthy project be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE

NEW YORK, October 18.—The formation of a Committee of Concern to focus world attention on political trials and hangings of Jews, Christians, and other minority elements in Iraq, and discrimination in other Middle East countries, was announced here today by General Lucius D. Clay, corporate executive and former commander, U.S. Forces in Europe. The Committee includes figures in American business, religion, arts and sciences, universities, public affairs, and civil rights.

Announcement of the organization of the Committee follows the execution August 25 in Baghdad of 15 men, including two Jews and two Christians, on charges of spying for the U.S. and Israel. Last January nine Jews, three Moslems, and two Christians were publicly hanged in Iraq after a secret trial on espionage charges.

In his announcement, General Clay explained that the Committee of Concern, of which he is the Chairman, would work to help secure the release of Jews in prison in Iraq, to ensure freedom of movement for the 2,500 Jews in that country, and to facilitate emigration for those who wish to go elsewhere. He pointed out that several countries, including the United States and Canada, had already indicated their willingness to accept refugees from Iraq if the Iraqi authorities would permit them to leave.

General Clay warned that the latest executions might be a prelude to further trials of Jews, Christians, and other unpopular elements in Iraq.

Last January, General Clay declared, the worldwide outcry that followed the executions may have been a factor in the temporary cessation of espionage trials in Iraq. Now, he added, the regime there may be reverting to its old practices because of the slackening off of public interest in the plight of Jews and other minorities there.

Among those who have already joined the Committee of Concern are: Morris B. Abrams, President, Brandeis University; Louis Auchincloss, author; George Ball, former Under-Secretary of State; Dr. Samuel Belkin, President, Yeshiva University; Algernon D. Black, American Ethical Union; Dr. Louis Finkelstein, Chancellor, Jewish Theological Seminary of America; Dr. Nelson Glueck, President, Hebrew Union College—Jewish Institute of Religion; Arthur J. Goldberg, former Supreme Court Justice and former U.S. Ambassador to the U.N.

Also Helen Hayes, actress; William J. vanden Heuvel, attorney; Hubert H. Humphrey, former Vice President; Dr. Homer A. Jack, clergyman; Seymour Martin Lipset, sociologist; Robert Lowell, poet; Archibald Mac Leisch, poet; Arthur Miller, playwright; Robert Merten, sociologist; Robert Murphy, former Under-Secretary of State, and Chairman of the Board, Corning Glass International; Jan Papanek, Chairman, International League for the Rights of Man.

Also Dr. Isador I. Rabi, Nobel laureate; Bayard Rustin, civil rights leader; Theodore Sorensen, attorney; Dr. Thomas Spitz, clergyman; Dr. Frank Stanton, President, Columbia Broadcasting System; Admiral Lewis Strauss, former member, Atomic Energy Commission; Whitney M. Young, Jr., Executive Director, National Urban League.

AUBURN UNIVERSITY UNAFFLICTED BY CAMPUS UNREST

Mr. ALLEN. Mr. President, at the suggestion of officials of the National Association of State Universities and Land-Grant Colleges, Dr. Harry M. Philpott, the distinguished president of Auburn University at Auburn, Ala., has prepared a résumé of university policies relating to campus unrest.

Mr. President, I take pride in the fact Auburn University has not been afflicted with problems stemming from anarchistic student militancy. There are a number of reasons for this. One important reason is that the university has a continuing tradition of giving sympathetic attention to positive ideas and constructive suggestions of students, and another reason is that Auburn University enjoys an affirmative and exceptionally fine leadership under Dr. Harry M. Philpott. In this connection, Dr. Philpott has stated a philosophy for student behavior which I believe is deserving of careful consideration by students and college and university leadership throughout the Nation.

Mr. President, the Auburn response to student militancy is set forth with clarity, preciseness, and in detail in copies of materials identified by titles, as follows. First, "University Policy for Campus Disruptions"; second, "University Undergoes Modification and Change"; third, Excerpts from a speech of September 19, 1969, to the freshman class; and fourth, three newspaper editorials which relate to protests, discipline, and freedom.

Mr. President, I ask unanimous consent that these items and a covering letter from Dr. Philpott be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

AUBURN UNIVERSITY,
Auburn, Ala., October 23, 1969.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: In the light of recent legislation introduced in the Congress relating to campus disruption and unrest, it has been suggested by officials of the National Association of State Universities and Land-Grant Colleges that you might be interested in some of the things that we have done at Auburn to deal with these things and ways in which we have responded to the positive ideas and suggestions of students.

Perhaps I should mention at the outset that we have not been faced with severe unrest or militancy at Auburn. Our students are interested in Viet Nam, ROTC, disciplinary policies, rules for social behavior, and other issues being discussed throughout the country, but they have not made protests in a militant manner. On the other hand, the administration has tried to communicate with our students and to be as responsive as possible to their proposals.

For your information, I am enclosing the following:

1. University Policy for Campus Disruptions.
2. University Undergoes Modification and Change.
3. Excerpts from a speech which I gave on September 19 to the Freshman Class.
4. Three newspaper editorials which relate to protests, discipline, and freedom.

It is my hope that these enclosures will indicate to you that we are very active in working with students in response to their concerns, but have made it clear that disruptions and the interference with the rights of others will not be tolerated at Auburn.

With kindest regards, I am

Sincerely,

HARRY M. PHILPOTT,
President.

AUBURN UNIVERSITY POLICY FOR CAMPUS DISRUPTIONS

I

Essential to any program of higher education is the necessity for order. Of equal importance is respect for the rights of others. It must be made clear that if any disturbance develops, regardless of the inciting cause, Auburn University will take the necessary steps immediately to protect members of the University from personal injury and its property from damage, and to insure that the normal functions of the university are maintained.

Activities which began as innocent pranks too often are transformed rapidly into massive disturbances resulting in personal injury and property damage, even in times of general tranquility. The danger is much greater at a time such as this when tensions and even violent confrontation can develop so quickly on a college or university campus. It is imperative, therefore, that every member of the university community recognize the potential danger and refrain from participating in or contributing to any activity which might be expected to lead to disruption, personal injury, or property damage.

Students engaged in or contributing to any disruptive or destructive activity will be subject to prompt disciplinary action and, if appropriate, to civil action. Those who are not members of the university community and who interfere with its functioning will be brought before the proper civil authorities. For their own protection, students should have their student identification cards with them at all times.

The restatement of this policy carries with it an expression of confidence that all in the University will continue to recognize the importance of self-discipline in the academic community and will conduct themselves so as to reflect credit on the institution. Such behavior has characterized Auburn in the past and will continue to do so in the future.

II

A. Marches, parades, and such similar activities may be permitted:

1. in areas and following routes designated by Auburn University's Chief Security Officer so as not to interfere with the usual University activities;
2. when the right of free and unchallenged movements of persons other than those involved is not violated;
3. when no libelous, slanderous, or obscene language, displays, or actions are a part of the activity;
4. when such activities, or a part thereof, do not tend to incite violence; and
5. where such activities do not involve violation of criminal statutes.

B. Permits for such activities may be secured from the Dean of Students Affairs and must be obtained not later than 24 hours prior to the scheduled event.

C. Students in violation of these policies and procedures shall be subject to action by the courts and/or Auburn University. The University action will be in accordance with the procedures and penalties shown in the student handbook.

D. The responsibility for implementing this policy is with the Office of Student Affairs with the support of University Security personnel and the Office of the Dean of Women.

III

A. When an assembly is to protest or to petition for a hearing of or relief from a grievance, the petition or protest will be received for consideration by the University agency to which it is directed. After the protest or petition has been presented—after the reason for the assembly has been stated—the group will be expected to disperse. When such assemblage, or any other group, does not disperse and interferes with the normal activities of the University, the following procedure will be put into action:

At the decision of the President, the Vice President for Academic and Administrative Affairs, or the Assistant to the President the following action is to be taken as to those persons remaining:

1. Where time and circumstances permit, a petition will be filed before the circuit court in equity in Lee County requesting a preliminary injunction requiring vacation of the premises.
2. Where injunctive relief is not immediately available, or where there is imminent threat to life or property, a criminal charge may be made based on any unlawful conduct observed, such as disorderly, obscene, or boisterous conduct, assault and battery, or destruction of property, or based on the Alabama criminal statutes prohibiting disturbance of a school, or the City of Auburn ordinance prohibiting assembly which interferes with traffic in or about public buildings. Those persons who are not members of the faculty or student body should be charged with trespassing after warning, under the state code. If there is other unlawful conduct, such as obscene or boisterous conduct or any destruction of University property, then these charges should be made also.
3. A combination of injunctive relief and criminal prosecution may be used.

B. While the procedures stated in A–1, 2, 3 are undertaken, the Chief Security Officer shall advise the group as follows: "Your presence here is interfering with the conduct of the affairs of Auburn University by disruption of traffic and prevention of activities necessary to carrying out the educational mission of this institution. You are hereby directed to leave these premises and withdraw from this unlawful assembly, and you are given five minutes to do so. Any of you who fail to do so may be subject to disciplinary and/or criminal proceedings. I encourage and counsel you to disperse, cease this disruptive activity, and resume your usual and normal University activities."

C. Students who fail to leave after the above warning will be given the opportunity to leave and meet with a staff member from the Student Affairs Office.

D. The following general actions will be followed by the Office of Student Affairs personnel, student leaders, University Security personnel, and others who are working with these personnel in case a building or other facility is being occupied:

1. Place Security Officers inside an occupied building or one to which entry has been blocked. These officers are to protect property and persons and to see that anyone who wants to leave can leave.
2. Keep crowds back, making a separation of the occupying group and other students or on-lookers.
3. Give individuals who voluntarily wish to leave every opportunity to do so after the warning has been given and the time limit has expired. Identify those who leave for later questioning.
4. Do not indulge in negotiations, argumentation, vindictive or threatening dialogue with the isolated group.
5. Take photographs and make notes for later identification.

IV

A. During normal office hours, the Office of Student Affairs will be the receiving center for all information concerning potential campus disturbances. Information will be accepted through students, University employees, campus and city police, and from any other sources that are available.

After office hours, the Dean of Student Affairs, or other staff members in the Office of Student Affairs are responsible for notifying the University telephone operator to call student leaders when an emergency situation arises.

Approximately thirty student leaders have agreed to assist in controlling mass demonstrations. They have been informed of their assigned loctaions and their telephone numbers have been listed with the University telephone operators. When called, they will work under the supervision of members of the Student Affairs staff to encourage participants in the disturbance to disperse and, avoiding violence or physical contacts, to discourage entrance into University buildings. Women members, when called, will assemble with the Dean of Women and her staff at the Social Center and be assigned from there.

Upon receiving adequate evidence that an emergency situation exists, the Chief Security Officer will call to duty such extra forces, including auxiliary police, as he may have available. A man will be assigned to fulltime duty at the Campus Police Office to assist in coordinating activities and relaying messages. Campus police will stand shoulder-to-shoulder with Student Affairs staff members and student leaders toward controlling disturbances.

All efforts will be toward establishing and maintaining communications with the gathered students, avoiding animosity, threats, and hostility, and attempting to disperse the gathering before it becomes a violent mob or takes forceful, disruptive, or damaging action.

The police will arrest, and take to jail, students apprehended while committing such acts as throwing rocks, breaking windows, entering University buildings, or committing other acts of violence. Student Affairs staff members may order the arresters of individuals when they personally observe the committing of such acts. However, the accusers must be prepared to identify positively those accused and to swear out warrants for their arrests.

In the event reason and persuasion fail and the gathering becomes violent, the police will be prepared and will take action to protect life, property, and to preserve the educational mission of the University.

Campus police will alert the city police when an emergency situation exists. City police will position themselves as observers until called upon for asisstance by campus police.

(Part IV was developed in conference with University and City of Auburn personnel, April 4, 1969.)

Auburn University Undergoes Modification and Change

The Auburn University Administration has made and is continuing serious and conscientious efforts to be responsive to the constructive suggestions and ideas presented by students. The University has undergone many changes, some of which do not immediately meet the eye, but which make Auburn University more able to face the challenge of the future.

In the past year, in particular, many changes and innovations have taken place on the campus, many of which have been suggested and recommended by students. Students have had important roles in analyzing curriculum, revising disciplinary procedures and in planning a greatly expanded program of student activities.

Some of the more identifiable changes taking place on the campus during the past year are—

1. In an endeavor to provide a more meaningful curriculum for our students, particularly in the freshman year, the students, faculty and administration have developed several new course sequences which were offered experimentally last year. Growing out of recommendations adopted as a result of the Project '67 self-study, these have now been incorporated in our general studies program to provide greater educational breadth and required in all schools. The program of liberal education will serve as the foundation for professional and departmental major programs, providing what we anticipate will be a more relevant educational experience for our students.

2. In response to questions raised by concerned students, a student-faculty-administration-military science committee was appointed to review the University's mandatory ROTC requirement. The committee's recommendations, after review and endorsement by the University Curriculum Committee and University Senate, were presented to the President, who in turn recommended to the Board of Trustees that ROTC be made voluntary as soon as feasible with full credit toward graduation continued. The Trustees are expected to make a final decision on November 7.

3. In order to increase the efficiency of registration and fee collection, the Registrar's Office and the Business Office worked out a plan where schedules could be distributed and fees paid by mail for the Fall Quarter.

4. The administration approved a recommendation from the University Senate that a pass-fail grading system be started. Under the system, which is now in operation, juniors and seniors with a 1.5 or better grade point average have the option of taking elective courses on a gradeless basis for credit toward graduation. The plan was designed to help students who might want to take courses not required in their curricula without endangering their GPA's.

5. The Student Government, now officially SGA, and other student activities, received and spent a record $279,000 in the student activities budget. Most of the 17 student activities projects are under student control and supervision with the aid of advisors and student-faculty committees.

6. With support from the University Administration, new projects were sponsored by the SGA. Some of them were Free University classes, (utilizing some university faculty and faculties), teacher and course evaluations, an experimental issue of a literary magazine, the Auburn Review, and the Public Affairs Seminar Board, a committee to bring speakers to the campus.

7. Showing concern for a student voice in the University Senate, the SGA president and the AWS president were named ex-officio members of that body.

8. For many years, Auburn students have served on standing University committees. SGA members also served on ad-hoc committees in planning the Union addition, considering the ROTC issue, selecting furniture for Haley Center, proposing a student academic honor code, revising student disciplinary regulations, the planning for the dedication of Haley Center, and others.

9. After concern was expressed by student leaders, a Student Discipline Committee was appointed composed of students, faculty and administration members to review policies pertaining to discipline, to receive and evaluate suggestions and recommendations from individuals and groups, and to make such recommendations to the President as the Committee thought appropriate. This Committee's findings, which were approved by the Student Senate and the President, provide for greater participation by students in disciplinary matters through increased representation on discipline committees. Disciplinary procedures and penalties for such offenses as rioting, disruption of University operations, dishonesty, and possession or use of illegal drugs were clearly defined and have been published in the student handbook.

10. For the first time, a significant number of coeds (about 175) over 21 years of age received permission to live in apartments in town.

11. After requests by coeds, telephones were installed in all girls dormitory rooms.

12. The AWS Legislative Council proposed that an experimental dormitory be set up for juniors and seniors with a 1.0 average. The plan was approved for the dormitory to operate for four quarters with consideration then being given to a further changing of hours for juniors and seniors. The girls in the experimental dorm follow all regulations except they have self-determined hours.

13. Following a recommendation by AWS, all regulations pertaining to girls dress were eliminated and a single dress rule was adopted.

14. After consideration and recommendation by AWS, approval was given whereby curfew hours were extended by thirty minutes for all coeds.

15. In response to suggestions and recommendations, other changes have been made in rules for girls, such as: girls who are 21 years of age will not have to have a "blanket" permission from home, junior and senior coeds will not have to get permission to visit boys' apartments, and freshmen can, for the first time, secure permission to visit boys' apartments. In addition, penalties given for infractions of rules were relaxed to a degree.

Other innovations and modifications have been instituted at the urging of students. Some of them are adding vending machines in the library, a reduction in the physical education requirement from six to three quarters as recommended by Project '67, and adjustments in student activities fee allocations to some projects so that others could be included.

Excerpts From a Speech by Auburn University President Harry M. Philpott, Freshman Convocation, September 19, 1969

You must enjoy freedom if you are to gain an education but this does not mean freedom as it is defined by some today. I trust that you did not come to Auburn with the idea of finding here a place "where every person can do his own thing." If so, you are in for a rude shock Monday morning at seven or eight o'clock when we have some antiquated ideas about class attendance and "doing your own thing" calls for more sleep. Freedom does not exist in the absolute for anyone. If we are to have freedoom in the university, we must have safeguards that will prevent its destruction, safeguards that inevitably limit its expression. No freedom can exist without order and order requires that we surrender some of our freedom for the common good.

For example, the university welcomes and encourages differences of opinion, knowing that this is necessary for great understanding. You will be free to advocate your opinions in discussion, debate and peaceful demonstration. However, you will not be free to advocate them in such a fashion that you deny freedom or the right to learn to others. Even as you do not wish to have opinions forced on you by others, you must not expect to be allowed to force your opinions on someone else.

The university relies on cooperation and not power, on diversity with tolerant understanding and not disturbance. It also requires from you commitment and dedication to things which are greater than you—to the ideal. In a society where too many seem totally preoccupied with their petty needs, vanities, and grasping egos, to speak of ideals may sound strange or even novel. I am, however, convinced that the unattainable quest for the ideal, and true and the beautiful is as fundamental to education today as it was in the Agora of Athens where in the shadow of the Acropolis Socrates prodded his students to think on these things.

Because of this, I have a strange sounding final word of advice for you. It is simply this: "Get lost." It does not mean that I want you to disappear but rather a simple reminder of the words of Jesus: "He that would find his life must lose it, and he that loses his life shall find it." Do you want an education? Lose yourself in the pursuit of knowledge and understanding. Do you want to be a constructive member of the human race? Lose yourself in helpful service to others. Do you want to find security and happiness? Lose yourself in great causes and endeavors. Do you want to find meaning and purpose for your life? Lose yourself in the higher purpose of the God who made you. "Get lost."

[From the Birmingham (Ala.) News,
Dec. 14, 1967]

The Limits of Campus Protest

Auburn University President Dr. Harry Philpott, suggested recently that much of the current unrest on college campuses is fanned by organized agitators.

Dr. Philpott was not trying to create a "scare" atmosphere in Alabama; he was conveying impressions gained from talks with other colleges' administrators.

His statements raise some pertinent questions: At what point is a university justified in limiting on-campus activities of its students? Are there in fact agitators who seek to stir up a campus; and if so, do they seek to subvert our national government?

A college administrator might say generally that he can in good conscience condone, and in some cases even encourage, peaceful mass protest, by placing it under the heading of "healthy student interest" or academic freedom. As long as the activity does not appreciably interfere with the orderly functioning of the institution, as long as it is not physically destructive, it generally is no major threat to society.

But the current protestors maintain that in the interest of "a higher morality," the functioning of the school may be impaired and the "lesser morality" of freedom of speech or of action (of those who might want to talk with recruiters for business or the military) may be subjugated.

We would maintain that the moral character of these protesters is being endangered by their insistence on a totalitarian means (forcibly denying other students the right to meet with the representatives of, say, Dow Chemical Co.) to accomplish a democratic end. Justice Holmes pleaded for "freedom even for the thought that we hate," and the demonstrators seem not to see the strength in this principle.

By the same token, of course, students may take the means-end argument to support many of their cases against what they may believe is an oppressively authoritarian administration. And while there may be a need for reformative action on that level, it certainly is not as much a threat to our system of government as are the current demonstrations.

Being a student does not provide a shield for an assault upon our society. A university does not exist to watch placidly over its own destruction, and should not be expected to do so.

Are the campuses being subverted by professional agitators? There is no conclusive evidence available that this is true, and Dr. Philpott took pains not to accuse any particular group of this. But campuses for many reasons are likely places for agitation.

College authorities will tell us there is a tactical pattern to the current protests. One becomes suspicious at the wide geographical area covered by the protests. And the phenomenon is not restricted to a single size school, nor to a single type school.

At least part if not most of the "pattern" probably is attributable to national student groups which openly circulate representatives from campus to campus seeking to sell specific programs. Some of these organizations are quite vocal and articulate, have definite goals (usually under the heading of "student power") and have a secure financial base, which aids mobility.

The aims of these groups are not necessarily destructive. From them a student might gain a greater "national awareness," as a high level administrator at one Alabama institution suggests. There is certainly no reason to deny flatly their presence on the campuses. Yet, because the groups have a national structure they are attractive instruments through which undesirable interests might function. Student units at member schools might be cautious, then, of endorsing blindly every action of parent organizations.

College administrators are faced with the problem of guiding, through dialogue, the vast majority of the restless students who intend no subversion. These students must be warned of the danger that some might seek to exploit them for devious purposes.

Alabama administrators have not been confronted yet with a large wave of student protest. To guard against that ever happening, they must examine their own campuses for possible genuine student grievances, and maintain open channels to all segments of the student body to identify trouble spots.

Too, campus authorities must be prepared to act quickly and decisively if they identify a disturbance as destructive to the campus life. And if the disturbance holds evidence of subversion, from within or outside the institution, they should be prepared to hand this information to the proper investigative officials.

There are insistent reasons why this should be done. Columnist Max Lerner put these reasons bluntly: "Too much thought and passion and concern has been built into the structure of freedom and community on the American campus to be scrapped in the interest of student political anger today."

[From the Anniston (Ala.) Star,
Mar. 27, 1967]

PHILPOTT ON FREEDOM

With his admirable incisiveness, Dr. Harry Philpott addressed to the March graduates at Auburn recently deliberations on freedom and discipline that deserve the thoughtful attention of all Americans.

The Auburn University president spoke in a few words volumes of wisdom about freedom and what it means to man, some excerpts here catching the high points:

"This graduating class generally covers a time span on the campus from 1962 to the present. Great events have transpired during this period of time and important issues have occupied your attention. One of the most important themes of concern to all people in this era has been that of freedom.

"On the international scene, we have witnessed the continuation of the struggle for national liberty and the emergence of new nations. Within our own nation and state, there have been various movements seeking freedom from prejudice, freedom from poverty, and freedom from oppression. Within the community of university, students have concerned themselves with their own freedoms. No issue has been of greater concern to administrators and faculty members . . .

"Freedom, as a value or goal, never stands alone—it must always be balanced with responsibility or, to use a term that is not very popular today, with discipline. We delude ourselves when we advocate, discuss, or seek freedom as an absolute. As long as we live in a human society it must be sought within the balancing concept of discipline . . . Freedom without discipline results only in chaos, disorder, and anarchy . . .

"If you will remember only one thing that I have to say today I hope that it will be this. Human history teaches us that men will be disciplined from within or they will be disciplined from without. (Here Dr. Philpott pointed out that the leftist revolution of Russia and Hitler's rightist revolution in Germany succeeded because they provided order—even if by force—to replace existing anarchy).

"All too much of our agitation and discussion today centers on freedom *from* something. Too, little attention is given to the more important aspect of freedom *for* something.

"There is a yearning within all of us also to be our own master. Yet, it is one of the paradoxes of life that we cannot attain this unless we are mastered by something greater than ourselves. It is in losing life that we find it and we become masters only by submitting ourselves to the mastery of a great cause, a great idea, a great faith . . . In the words of Tennyson in 'Oenone,' self-reverence, self-knowledge, self-control, these three alone lead life to sovereign power'."

Dr. Philpott's words put one of our most cherished—and most perishable—possessions, freedom, into meaningful perspective.

[From the Gadsden (Ala.) Times,
Mar. 29, 1967]

UNIVERSITY PRESIDENTS SPEAK FOR DISCIPLINE

Youth is a time for questing and testing.

Crusading and missionary zeal are part of its endowment. Rebellion against restraint often seems natural as breathing.

But coupled with this fervor and enthusiasm is a need, perhaps subconscious, for restrictions imposed by authority. Youth may rail against the restrictions—but secretly it welcomes having its prerogatives defined. It recognizes the need for some sort of protection during its questing years.

For this reason we have been totally out of sympathy with the tendency of many universities to refuse to acknowledge any responsibility for establishing and maintaining reasonable standards of ethics and conduct on campus.

It is not the rebelliousness of youth that has so often distressed us, but the acquiescence of the establishment. Capitulation to all the demands of youth is unnatural and unhealthy. And the results may be disastrous.

Therefore, we note with satisfaction the stand of President J. Roscoe Miller of Northwestern University in a specific ruling and of President Harry Philpott of Auburn University in defining a philosophy for student behavior.

Dr. Miller turned down a recommendation by a student-faculty committee that drinking be permitted on campus. The proposal, he said, "runs counter to standards of . . . administration and is clearly not reconcilable with the moral and ethical standards of this university.'

He was not impressed by the committee's plea that the no-drinking rule is constantly violated. True, he acknowledged, but revoking the rule would merely "make an already difficult situation impossible for administrative control."

This is the voice of common sense.

Dr. Philpott brilliantly presented the necessity for discipline in an address to Auburn's pre-Easter graduating class.

"Freedom without discipline results in chaos, disorder and anarchy . . . From history there is a clear proclamation that the one thing human beings cannot endure is chaos and disorder. A society cannot exist without discipline, nor can an individual.

"Human history teaches us that men will be disciplined from within or they will be disciplined from without. To speak of freedom only and forget the necessity of discipline is to forget the recorded experience of mankind."

Dr. Philpott touched on the difference between the desire of youth to be free from something and the more mature desire to be free for something. He concluded:

"It is our hope that you will seek and covet freedom for the creative use of your highest and best talents, for the constructive service of your fellow man and for the fulfillment of God's purpose in your life."

JUDGE CLEMENT HAYNSWORTH

Mr. McGOVERN. Mr. President, the nomination of Judge Clement Haynsworth to the Supreme Court, as is the case with any such nomination, calls for the exercise of one of the Senate's most imposing responsibilities. The obligation to confirm or deny confirmation is equally as demanding as the President's power to nominate the membership of the highest judicial body in the land. It requires our careful attention not only to the judicial philosophy of nominees—which should play a relatively minor role in our analysis—but to their intellectual stature, their personal qualifications, and their sensitivity to issues which can enhance or degrade respect for the law.

It misses the point to describe our investigations as "character assassination." In the case of Judge Haynsworth we must assume that his background was thoroughly examined and considered before he was nominated. It would be an abandonment of responsibility for the Senate to do less prior to confirmation. We have a further obligation to apply our standards, just as the President has applied his, before we vote, notwithstanding the possibility that our standards may differ from those formulated in the White House.

Of the arguments against confirmation I find quite persuasive Judge Haynsworth's retention of a large block of stock and of corporate office in a company which was bound to, and did, become involved in a controversy before his court. I think it raises serious questions about his judgment.

In the November 1 issue of the New Republic, Yale Law Prof. Alexander Bickel writes of the meaning of this set of circumstances. He points out, correctly, that—

> Judge Haynsworth's honesty and integrity have not been successfully impugned—or impugned at all—and the President is quite right; it would be unfair to drive him off the federal bench. But the Senate is not considering articles of impeachment. It is weighing Judge Haynsworth's qualifications for higher judicial office. The issue is not his honesty but his ethical sensitivity.

Further on, Mr. Bickel suggests that—

> There are two sets of standards of ethical behavior in any profession; a common standard, codified with more or less precision, and a more sensitive standard, which is hopefully the emerging common one. It is desirable to hold nominees for the Supreme Court to the standard of highest ethical sensitivity.

Mr. President, because I believe it provides a most helpful analysis of the questions which should concern us in passing on the Haynsworth nomination, I ask unanimous consent that Mr. Bickel's article, "Does It Stand Up?" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES IT STAND UP?

(By Alexander M. Bickel)

Mr. Nixon is the first genuine lawyer-President in over half a century, with the ambivalent exception of FDR—and his professional skills were in evidence as he insisted on the nomination of Judge Clement Haynsworth for the Supreme Court. Mr. Nixon makes the strongest case possible for confirmation. But lawyers are often better than their cases, and the Haynsworth case is ultimately weak.

The President's basic argument is that Judge Haynsworth is a competent—Mr. Nixon thinks a good deal better than competent—lawyer, that his ideological leanings are congenial to the President, and no concern of the Senate, and that the charges of misconduct that have been leveled against Judge Haynsworth have in no instance been supported by proof of dishonesty, impropriety or even the appearance of impropriety. The emphasis, of course, is on the charges of misconduct, and the President says that in no case which Judge Haynsworth sat was there the remotest showing that he had improperly used his influence in a party's behalf, or that he was in any way himself improperly influenced in a party's favor. Judge Haynsworth's choices whether to sit or disqualify himself in various cases where he was alleged to have an interest conformed to standards established by law and by canons of judicial ethics. He is an honest man, the President says, and his integrity is above suspicion. To withdraw the nomination in these circumstances would be unjustifiably and cruelly to "take upon my hands the destruction of a man's whole life, to destroy his reputation, to drive him from the bench and public service."

Judge Haynsworth's honesty and integrity have not been successfully impugned—or impugned at all—and the President is quite quite right; it would be unfair to drive him off the federal bench. But the Senate is not considering articles of impeachment. It is weighing Judge Haynsworth's qualifications for higher judicial office. The issue is not his honesty, but his ethical sensitivity. No more than insensitivity to ethical standards of judicial behavior was shown against Justice Fortas when the Senate, with no thoughts of driving him from the bench, failed to confirm him as Chief Justice. And no dishonesty, no actual influence-peddling was shown against Justice Fortas, even later, in connection with the Wolfson matter, when he was in fact driven from the bench. Just plain honesty and law-abiding conduct are not all we are entitled to demand of men who are to be raised to the highest judicial offices. Judge Haynsworth's transgressions are not comparable to Justice Fortas' in the Wolfson matter, although Justice Fortas' downfall was itself the consequence more of the appearance than the reality of his behavior. But Judge Haynsworth is up for promotion, not banishment.

It is wrong for judges to serve as corporate officers. The Judicial Conference said so in 1963, when it was discovered that some federal judges did hold corporate office. Most did not, of course. Judge Haynsworth was one of those who did, and he quit only when he was told to. Senators who oppose Judge Haynsworth's nomination are right to think that it would be better to have on the Supreme Court men who don't need to be told. It does not follow that they must also wish to banish Judge Haynsworth from public life.

Judge Haynsworth owned a one-seventh interest in a company, Carolina Vend-A-Matic, which did its business right in his judicial circuit. His initial investment was small, but when he sold it in 1963 (he had been an officer of Vend-A-Matic, and he sold out after he was required to resign) it was worth upwards of $400,000, and apparently constituted about half his personal fortune. More than once, Judge Haynsworth sat in cases involving customers of Vend-A-Matic. The contracts with these customers were sizable; in the Deering Milliken case, $50,000, plus another $100,000, Warren Wheeler reports in *The New York Times,* awarded while the litigation involving Deering Milliken was pending before Judge Haynsworth and his colleagues.

What if a judge owned stock in US Steel, as no doubt some do, says the President, defending Judge Haynsworth? US Steel has many customers. Must a judge disqualify himself in every case involving one? If so, says the President, perhaps half the federal judges "would have to be impeached" because they do not disqualify themselves in such cases. But how many federal judges own one-seventh of US Steel? How many have a sizable investment, constituting something like one-half their wordly goods, in a company actively soliciting business right in the judge's jurisdiction, where the company's customers are almost certain to surface in litigation in the judge's court? Besides, the question is not whether Judge Haynsworth should be impeached.

Judges may own stock, and perhaps they should be allowed to manage their own investments rather than being required to put them in trust and thus to insulate themselves from them. But Judge Haynsworth not only a heavy investment in a local business—Vend-A-Matic—resulting in an unusual kind of identification on his part with that business even aside from his directorship in it; he had in addition a diversified and active portfolio, which not unnaturally created a series of disqualification problems for him. Possibly he was right in each instance, other than the Vend-A-Matic cases, in which he did not disqualify himself. But was he right in courting these problems by maintaining an active and diversified portfolio?

A judge does not disqualify himself only when he is consciously aware that his interest in one of the parties would influence him. No man knows himself quite that well, and the public ought not to be asked to rely on such exquisite self-knowledge. Judgment may be influenced in subtler ways, less apparent on the surface of consciousness, and people—especially litigants—may at any rate suspect as much. The law and the practice that seek prophylactic assurance against bias in decision-makers—administrative and executive as well as judicial—address themselves not only, not even chiefly, to the existence in fact of conscious bias, but to the existence of relationships which may possibly cause bias, consciously or otherwise. The test is the sort of surmise that naturally arises out of general human experience, not whether in a given case actual bias can be shown.

Surmises of bias get remoter and remoter, to be sure. It becomes a question of degree, and a difficult one. No judge, not even a pauper, can avoid the problem forever, but it is a judge's duty so to conduct his private affairs that he faces it as infrequently as possible. Judge Haynsworth's Vend-A-Matic connection guaranteed that he would face the disqualification problem in aggravated form, and when, sure enough, he encountered it, he solved it wrongly—not culpably, but wrongly. His active and diversified portfolio guaranteed, moreover, that he would face the problem elsewhere with what one hopes is unusual frequency.

There are two sets of standards of ethical behavior in any profession: a common standard, codified with more or less precision, and a more sensitive standard, which is hopefully the emerging common one. It is desirable to hold nominees for the Supreme Court to the standard of highest ethical sensitivity. In the process, a certain injustice may be done to a perfectly honest man like Judge Haynsworth, who does not quite measure up. This is a price that is paid for raising the general standard. And the injustice, if anything, was inflicted by the nomination. If the appointment fails, Judge Haynsworth may continue to serve honorably where he is. Other judges may, as he has said he will in any event, resort to trusts, buy land, as the President has done, or government bonds, of blue-chip stocks in a few large, impersonal corporations. Disqualification problems will still arise, but more rarely, and not with customers of US Steel or General Motors.

The President was on sounder ground when he urged that senators who disagreed to some extent with Judge Haynsworth's opinions ought not to vote against him for ideological reasons. Ideology is relevant to both Senate and President in the performance of their functions. They are partners in exercising through the appointment process the only available form or direct political control over the Court. When the ideological clash between a nominee and a Senate majority is sufficiently violent, the Senate is well within its rights to reject the nomination, and it has done so in the past. Ideology was one, if only one, of the factors that prevented confirmation of Abe Fortas as Chief Justice.

But President and Senate are partners, and the Constitution gives the President the initiative. In order to refashion the Court so as to please himself, he were to attempt to move it beyond an ideologically moderate position, senators who are of a different mind ought to resist. But Judge Haynsworth is no reactionary. His civil rights record is centrist, although more cautious than some senators might like. If the Senate demands precisely the ideological profile it would prefer, the appointment process will be in deadlock. Judge Haynsworth should be seen ideologically as falling within that area of tolerance in which the Senate defers to the President's initiative.

The real issue is not judicial philosophy, but ethical standards, and these are equally the Senate's concern as the President's. So the Senate has shown time and again, in passing on nominees for executive offices.

NEEDS CITED FOR NATIONAL TIMBER SUPPLY ACT

Mr. HATFIELD. Mr. President, recently, the Senate Subcommittee on Soil Conservation and Forestry of the Agriculture Committee held hearings on S. 1832, which would enact the National Timber Supply Act. In Oregon, I might remind my colleagues today, the Federal Government owns 51 percent of my State's land. Much of this is in national forests, and is administered by the Forest Service.

Because the lumber industry is of such importance to my State where one out of every five lumber producing trees in the United States grows, and because our Nation is falling behind in meeting its housing goals, I am calling the attention of my colleagues to this bill and the need for its passage. The lumber industry today is in a period of a slack market, and the bill should be considered now, when extreme pressures are absent that were experienced when the lumber prices rose so rapidly last year.

This bill would assist the Forest Service in its management of our lumber producing areas. It would help the lumber industry which employs 85,000 Oregonians to produce enough timber to meet our Nation's growing lumber needs. It would help our homebuilding industry and our many new home buyers by helping keep down the price of new houses.

Although they are not in support of this bill, I think it would benefit the conservation groups who want to protect our timberlands from any encroachment by lumber interests. If we make better use out of lands now classified as commercial timberland, this will lessen pressures for timber in other forest areas. Our country needs pure wilderness areas, where a person can be free from all encroachments of man. We need easily accessible recreation areas, so that a majority of the population can get out into our forests to enjoy their many pleasures. In addition, Oregon must realize the importance of its lumber based industries, and see that those interests are not overlooked in a "cut no trees" campaign. We can protect our wilderness and recreation areas better through intensified management of our timberlands.

Mr. President, I ask that the Senate think seriously about this problem. To those Senators who represent States without timberlands. I remind them of our Nation's housing goals. We must see that sufficient lumber is available—not just in 1970, but also in 1980 and 1990—to meet these housing goals. A decent home for every American should be a prime goal for those of us who are concerned with urban problems. We here in the Senate who represent States with substantial timberlands are aware of the need for this bill, S. 1832, to pass and be put into effect.

I ask that unanimous consent be given to the printing of my statement in support of S. 1832 to the Subcommittee on Soil Conservation and Forestry at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MARK HATFIELD

As a cosponsor of S. 1832, the National Timber Supply Act of 1969, I was most gratified that your Subcommittee conducted hearings today on this measure of such fundamental importance to not only the State of Oregon but all other timber producing states of the nation.

While Oregon produces the largest volume of timber products among the fifty states; it is, like every other state, facing a growing crisis in housing its people adequately. There is a direct correlation between the production of lumber, plywood and other wood products and the realization of our national goals of a decent home for every citizen. Unless the Congress acts now to assure optimum production of wood fiber from the vast area of commercial timberlands on the National Forests, we will never be able to fulfill the demands for the timber-based building materials we must have to build 26 million new housing units by 1978.

The forests, as I have indicated, are of critical importance to Oregon. They are the basis for 85,000 jobs in the state; one of every five trees made into lumber and plywood anywhere in the United States are grown in Oregon; three-quarters of those trees are standing on Federal timberlands within the state. It is apparent, therefore, that the destiny of Oregon is directly related to the effectiveness with which the National Forests are managed. S. 1832 provides the means for the Forest Service to attain the high quality timber management practices which are already commonplace among industrial ownerships and on state and Bureau of Land Management commercial timberlands in Oregon.

The Forest Service has demonstrated that it has the skills to do an effective forest management job given the long-range financial assurances it must have to undertake intensified timber growing and harvesting. It would be wrong for the nation to consign these highly qualified and dedicated professionals to the caretaker activity of the past when they have the ability to contribute substantially to both the economic and social well-being of the nation.

Intensified management of Federal lands already classified as commercial timberlands will aid materially in assuring retention of other forest lands for wilderness and primitive areas and I consider this of vital importance.

I support the approach that generally high yield funds should be reinvested in the National Forests that produced the revenue. This would assure that the government gets the best return on its investment.

In conclusion, it is my conviction that S. 1832 should be passed promptly by the Senate and I would urge that the Subcommittee on Soil Conservation and Forestry act with dispatch to move the measure towards the floor for adoption by the Senate. Action should be taken now, while high mortgage rates have caused a temporary lull in demand, if we are to meet the clear needs of the future.

STORAGE AND PRODUCTION OF POISON BULLETS

Mr. NELSON. Mr. President, in 1946, Dr. Theodore Rosebury, a scientist who served as chief of the airborne infection department of Fort Dietrick during the Second World War wrote:

> The mere availability of offensive biological weapons constitutes a hair trigger mechanism, ominous in its capability for damage which may possibly be irreversible. The pursuit of a policy of offensive development must foster military rivalry between nations . . . it must tend to stimulate an international race in armaments of mass destruction.

While many proponents of CBW work often argue that defensive research and development is necessary for our Nation's security, it is often difficult to discern the fine line distinction between offensive and defensive research and offensive and defensive weapons. In fact, many contend that the distinction between the two is so fine that to talk in terms of offensive and defensive weaponry is meaningless. However, the military has argued that CBW research and development are necessary so this country can build up adequate defenses in case of a CBW attack.

Last Friday, an article, entitled "20,000 Poison Bullets Made and Stockpiled by Army," written by Robert M. Smith, and published in the New York Times, reported that the U.S. Army had produced and stockpiled bullets filled with the disease germ botulinum. While it is widely known that the United States has experimented with biological weapons, it is a matter of grave concern to find out that munitions have actually been produced and are in our arsenal—ready for use.

It is pretty clear that bullets loaded with infectious diseases are weapons of combat—designed to kill an enemy. Such devices in no way provide a measure of protection to ourselves as would a gas mask or other defensive weapons.

Several months ago, the Senate by a unanimous vote of 91 to zero passed an amendment to the military procurement authorization bill. In that amendment the Senate made known its feelings about the development of systems capable of delivering biological weapons. It was unanimously agreed that we should not continue our work in developing delivery systems specifically designed for biological weapons. The purpose of this provision was to make clear to the Department of Defense that the U.S. Senate does not approve of the use of biological weapons for war. The Senate, in short, was saying to the Department of Defense: If you find it necessary to do research on biologicals so the United States will know what the enemy scientists are capable of doing, and if our research endangers neither people nor the environment, then go ahead and continue research. But what was clear also was that the Senate did not want the Army to go ahead and put these biological weapons into capsules or munitions that could be used against an enemy.

Earlier this month I was encouraged by the news that the Secretary of Defense had recommended to the National Security Council that our work on biological weapons be completely halted. This proposal seems wise and I hope it is accepted.

What seems obvious is that there is disagreement within the Defense establishment about biological warfare weapons. Certainly additional ammunition should not be produced or filled with biological toxins contrary to the clearly expressed opposition of the Senate.

In the Senate- and House-passed amendment on CBW, it was clear that Congress was vitally concerned about CBW. Full reporting of our actions in this areas is necessary. Congress and the public should be informed now about bullets and any other munitions stockpiled that carry disease germs.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

20,000 Poison Bullets Made and Stockpiled by Army

(By Robert M. Smith)

Washington, October 30.—The Army has produced and stockpiled more than 20,000 poison bullets.

It is reliably reported that the bullets contain Botulinum—a toxin that produces an acute, highly fatal disease of the nervous system.

A secret memorandum prepared in 1966 by Chemical Corps officers for Secretary of the Army Stanley R. Resor said that thousands of the bullets had been produced and stockpiled at Pine Bluff Arsenal, in central Arkansas.

There is no evidence that the bullets have been used.

It is not known whether the United States is still producing the poison bullets. However, in recent private conversations with other Government officials, Defense Department personnel have indicated that the bullets are, at the least, still stockpiled.

Officially, the Defense officials have shied from the questions of officials in other departments as to what the "special" weapons at Pine Bluff Arsenal are; they refer to them in only the most general terms.

A series of questions concerning the poison bullets was submitted to the Defense Department this afternoon. Col. Rodger R. Bankson, director for defense information, called late in the afternoon and said, "I have no comment on any of your questions."

The National Security Council is now in the final stages of a review of the United States' chemical-biological warfare policies. An interagency staff report has been prepared on chemical-biological warfare, and the report is currently being discussed by high officials of the Pentagon, State Department, Arms Control and Disarmament Agency and other agencies.

President Nixon plans to meet with the National Security Council in early November to consider the issue and to try to formulate a chemical-biological warfare policy.

Reliable sources say that the 1966 memo divided the poison bullets into two types—.38-calibre and "separable." It is not clear what "separable" means. The sources say the memo reported that considerably more than 10,000 bullets of each type were stored at the arsenal.

Knowledgeable sources indicate that the poison bullets could logically serve only one purpose: assassination. To kill an enemy leader with a poison bullet, it would be necessary to do no more than nick him; he would very likely die of botulism, the disease induced by the powerful toxin.

It is not clear whether the United States produced poison bullets before 1965. However, that is the first reference to the bullets that sources familiar with Army weaponry say they have seen.

The year 1965 was when the United States began to send large numbers of combat forces to Vietnam. In 1964, there were 23,300 American troops in Vietnam; in 1965, there were 184,300.

The Hague Convention of 1907—which the United States has signed—prohibits the use, but not the manufacture, of poison weapons. This injunction is repeated in the official Army guide to the rules governing warfare, Army Field Manual 27–10, "The Law of Land Warfare."

"It is especially forbidden," the manual points out, "to employ poison or poisoned weapons." At another point it notes: "It is especially forbidden to employ arms, projectiles or material calculated to cause unnecessary suffering."

The Pine Bluff Arsenal has both biological and chemical production facilities. In the biological area, five officers, four enlisted men and 323 civilians are engaged there in a $7-million-a-year operation centered in a 10-story tower.

The Army has described the biological plant at Pine Bluff as a "pre-production facility." It says that the arsenal produces biological agents to develop the techniques and "hardware" necessary to mass produce the germs if they are needed.

The operation, the Army says, also involves storing some of the germs and toxins the dead but poisonous byproducts of bacteria) in refrigerated "igloos." The igloos, in the north and central portions of the arsenal, are reinforced concrete huts covered with two to three feet of dirt.

There are 273 igloos at the arsenal, plus 32 warehouses, 16 sheds and 72 concrete magazines, but it is not known how many of the igloos are used to store biological agents. Pine Bluff also stores lethal chemical agents.

Presumably the poison bullets are stored in the concrete magazines.

Specific information on bioligical agents is secret. However, Representative Richard D. McCarthy, Democrat of upstate New York and an outspoken critic of United States chemical and biological warfare policy, has said that the disease-bearing weapons that the United States develops, tests and in some instances stockpiles would cause—besides botulism—anthrax, tularemia, Q-fever, and Venezuelan equine encephalitis.

Another Army manual, Technical Manual 3–216, "Military Biology and Biological Agents," discusses the disease botulism in some detail.

The manual says that the mortality rate of botulism is 65 per cent in the United States. However, Americans contract the disease by eating contaminated and improperly cooked food. Presumably, the mortality rate would be higher if the toxin were introduced in a concentrated form and through a bullet wound.

The Army manual says that the symptoms of the disease appear in 12 to 72 hours and that "antitoxin therapy is of doubtful value, particularly when large doses have been consumed." The disease is not contagious.

The manual says that the "through repeated purification procedures [the toxin] has been obtained in a crystalline form and is one of the most powerful toxins known."

"Botulism is an acute, highly fatal disease," the manual continues. "It is characterized by vomiting, constipation, thirst, general weakness, headache, fever, dizziness, double vision and dilation of the pupils. Paralysis is the usual cause of death."

ENVIRONMENTAL QUALITY: PESTICIDES, NUTRIENTS, AND RESOURCE REUSE

Mr. TYDINGS. Mr. President, the public demand for effective action to protect our environment from the indiscriminate and often widespread use of persistent pesticides continues to increase. Our land, water, and wildlife have been severely abused by these pesticides.

The Department of Interior recently released the results of a 2-year study that indicated extensive pesticide residues were to be found in 584 of 590 samples of fish taken from 45 rivers and lakes throughout the Nation.

The focus of public concern is now on DDT, perhaps the best known of all the pesticides. Yet DDT is but a member of the family of chlorinated hydrocarbons, all of which are destructive to our environment. Other chlorinated hydrocarbons are aldrin, dieldrin, and endrin. Like DDT, the use of these pesticides should be curbed.

Last July I introduced a bill that would place a 4-year moratorium on DDT and these three pesticides. While the bill, S. 2747, has little chance of enactment, it has, I hope, contributed to building the momentum required for effective action.

Quite recently a new coalition of conservationists requested the Department of Agriculture to ban the use of DDT. I support this request and ask that a November 1, 1969, article in the Washington Post reporting this action be printed in the Record.

Yesterday, the Washington Post published an interesting article entitled "West's Sky-High Lake Tahoe Is Being Polluted by Algae," written by John Berthelsen. Tahoe is one of the most magnificent lakes in the western part of the United States. Yet by unwise, extensive and unplanned development, Lake Tahoe is now seriously endangered. This development leads to nutrient enrichment within the lake. Phosphate and other nutrients pour into the lake and stimulate extensive vegetation. This vegetation increases and eventually depletes the supply of oxygen in the water. When this results, the lake begins to die, or eutrophy, as the ecologists term it.

Nutrient enrichment is a danger to our water resources and must be recognized as such. Our waters may die, not by first destroying the life within but rather by increasing it to the point of suffocation.

I menton this to the Senate for at times during the summer, nutrient enrichment endangers the Upper Estuary of the Potomac. I mention it also because it is probably the primary long term threat to the Chesapeake Bay. As Dr. Donald Pritchard, director of the Chesapeake Bay Institute at the Johns Hopkins University, has said, if the bay is ruined it will first become a jungle rather than a desert. I ask unanimous consent that Mr. Berthelsen's article be printed in the Record.

Finally, Mr. President, I invite the attention of the Senate to an article entitled "Meeting the Crisis of America's Environment," written by the distinguished architecture critic of the Washington Post, Mr. Wolf von Eckardt and published in the Sunday, November 2, Post. Mr. von Eckardt notes that the key to restoring the quality of our environment is "the continuous reuse and regeneration" of our resources. The environment is a "system," a single unit of almost infinite resource relationships that are tied together and can be rather easily disturbed or thrown out of balance. We must thus not consider the byproducts of our society as wastes but rather as resources to be treated and reused again and again. In the environmental system there are no wastes as such, only resources in a less usable form. Until we both accept the concept of resource reuse and in fact act upon it, there is little hope of cleaning our water and air and of restoring the quality of our environment.

I ask unanimous consent that Mr. von Eckardt's article be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Nov. 1, 1969]

U.S. BAN ON DDT IS URGED

A new coalition of conservation groups asked the government yesterday to ban the use of the long-lived pesticide DDT which they said was possibly the worst polluter of nature in the world.

"DDT is contaminating the earth," the Environment Defense Fund said as it presented Agriculture Secretary Clifford M. Hardin with a petition requesting that he halt licensing of the pesticide.

"Those participating in the petition included the National Audubon Society, the Sierra Club, the Izaak Walton League, and the Michigan Environment Action Council. The United Auto Workers union backed up the plea.

In addition to its petition to Hardin, the group asked Secretary Robert Finch of the Health, Education and Welfare Department to ban the sale of any foods that show traces of DDT. The department now sets tolerances for limiting the residual DDT that is permitted in foods.

Former Interior Secretary Stewart Udall, leading off the news session, said: "If I can use a baseball parallel, the action on herbicides was a single, the cyclamate ban a double, and the best home run could be a ban on DDT."

[From the Washington Post, Nov. 2, 1969]

WEST'S SKY-HIGH LAKE TAHOE IS BEING POLLUTED BY ALGAE

(By John Berthelsen)

LAKE TAHOE, October 25—This beautiful sky-high lake, nestled into the crook in the imaginary line denoting California's eastern border, is one of the purest in the world.

Its color a deep blue instead of green, it is overshadowed by 10,000-foot Sierra Nevada peaks. A few miles away, the famed Donner party froze to death. But Tahoe does not freeze over because it is so deep.

Big enough to cover the state of Texas with a film of water 8 inches deep, Tahoe itself is only 22 miles long and 12½ miles wide.

It is 1,645 feet deep. This size, however, is being diminished by algae in the water.

"In the past 10 years," says Dr. Charles R. Goldman, director of the Department of Ecology on the Davis campus of the University of California, "fertility in the lake has increased by 75 per cent.

"If this progression continues, the lake will decline rapidly. We already have immense growth of attached algae on rocks in shallow areas. Ten years ago, these algae did not exist."

Oddly, the pollution of Lake Tahoe is coming at a time when the area has made an excellent start in curing its sewage and effluent problems. At one end of the lake, an entire district's sewage is being pumped out of the glacial basin in which the lake lies, down the side of a mountain and into the Indian Creek reservoir, created especially for this purpose.

THROUGH SEVEN PONDS

The effluent and sewage go through a total of seven different settling ponds before they end in the reservoir, and the resultant lake is clean enough to drink out of at the end of the process. Also, though there is now little access to it, Indian Creek is slated to become a recreation site for fishing and boating.

Around Lake Tahoe itself, it is illegal to dump sewage directly into the lake. But it is not sewage that is causing Tahoe's problems. For, according to Goldman and many others, the nutrients that feed trees and make them grow, also will feed vegetation in the lake itself.

These nutrients are being poured into the lake because of the development of the area; highways, shopping centers, recreational areas and housing developments are going up at a terrific rate.

This year within the Tahoe basin, 773 units have been approved by the planning department. Most of them are condiminiums and that many more are expected to be approved in the next year.

Any kind of construction at all strips the cover from the ground. Fir and pine needles, small brush, rotting wood and foliage, are all washed down the steep sides of the basin and end up in the lake, thereby increasing the nutrients on which algae feed.

In the natural geologic aging process, these things are bound to happen. All lakes are constantly in the process of becoming more fertile as their watersheds erode. This process is called eutrophication. As they become more fertile and algae grows, finally resulting in the removal of oxygen from the water, fish and other marine creatures cannot live.

VASTLY ACCELERATED

This process normally takes tens of thousands of years. But it has been vastly accelerated in other lakes, the most notable Lake Erie. Man made it a "dead" lake in one generation.

Lake Tahoe is far from this kind of ruin. Except for the busy beach areas and at the mouths of streams, the water is as pure as it was 100 years ago, according to California sanitarians, and the clarity of the water is as great as it was in 1873 when a 9½-inch dinner plate could be seen at a depth of 108 feet.

But every disturbance of the watershed has its influence on the lake, and eutrophication cannot be reversed. There is almost no way Tahoe can "flush" itself, Goldman adds.

All conservationists and many public officials say the only way to slow the process is to limit development. Goldman, who spent 9 years studying the lake from a research station on location, says the only structures that should be allowed are those which would disturb nothing—hardly even the pine needles.

Tahoe, however, has become one of the glamor locations of the West Coast, with a tremendous surge of population, for a variety of reasons. Nevada shares the coastline with California, and gambling casinos abound on the Nevada side. Californians flock to them, as well as to the superlative ski areas and the natural beauty of the lake itself.

The possibilities for profit have drawn many developers including the Boise Cascade Timber Products Company which created a luxury community called Incline Village. Incline Village has come under fire from every quarter for its cutting away the natural cover and for its use of treated sewage on its golf course.

"The big problem is that most of these developers are major league," said one observer, who does not want to be identified, "and its planning bodies they are dealing with are not. The planners think of progress in terms of money and that is ruining the lake."

The other problem is that until recently there was nobody to control the developers, who busily carved road cuts, ski areas and housing developments into the mountains, and the lake was a tangle of governments shared by two states and half a dozen counties.

In March of 1967, after a year of discussions, a bi-state regional government was formed with the California side having the power to levy taxes, enact ordinances, and police standards and ordinances. The Nevada side has none of these, as of yet.

California's agency, however, is threatened with a suit being brought by developers at the south of the lake, and by one of the counties which border the lake, testing its police power after it stopped the Tahoe, Paradise Co. from cutting trees.

The outcome is eagerly awaited, for conservationists see it as determining Lake Tahoe's fate. The conservationists have picked an inauspicious year—1984—for Tahoe's demise. By that time, they say, the algae in the lake will turn it from blue to green.

But, says one real estate saleswoman at Boise Cascade's Indian Village, if the lake turns green or she runs out of land to sell, she will just move on. There are other lakes in the High Sierra country.

[From the Washington (D.C.) Post, Nov. 2, 1969]

MEETING THE CRISIS OF AMERICA'S ENVIRONMENT

(By Wolf Von Eckhardt)

Next spring the kids on the campuses all across the nation will conduct a teach-in on the crisis of environment.

A special day, still to be announced, will be set aside from routine business. And that day may launch a popular movement to demand a national environment program much as we have a national defense program and on much the same scale.

The teach-in is the idea of Sen. Gaylord Nelson (D.-Wis.) who, like so many of us, had reached the desperation point about the insanity of a society that offers its young no hopeful future, a society that is about to kill its own children, if not by nucelar war, more slowly, by poisonous pollution.

Sen. Nelson announced the teach-in 10 days ago and says the response has been "overwhelming." There will be symposiums, convocations, panel discussions and outdoor rallies among students, scientists and faculty members, as well as labor, conservation, women's and other citizen organizations.

The senator says a Washington office to coordinate the event will be opened next week. But on each campus the students will do their own thing.

At the University of California they are likely to focus on the Santa Barbara oil spills. At Wisconsin they'll mostly talk about the impending death of Lake Erie.

On city campuses, the foremost concern will be the poisoned air. All the teach-ins will endeavor to involve their local community and emphasize local problems.

But the teach-ins will undoubtedly stress that the crisis of the environment cannot be viewed or solved in isolated local fragments—an oil spill in Santa Barbara or DDT-poisoned mother's milk in Boston.

Like national defense, which would hardly be assured by a submarine base here and anti-missile missile there, it must be viewed and attacked in its ecological entirety.

Nor will we get very far with negative police measures, though they are an essential beginning. Air pollution control ordinances, for instance, can at best have only a limited effect, as long as we keep building more freeways and predicate all our metropolitan planning on further proliferation of combustion engines.

What is desperately needed—and as a matter of the highest priority—is a positive national environment policy. The Congressional Conference at which Sen. Nelson first announced the teach-in brought out some premises on which such a policy must be based.

The conference, perhaps the most constructive I have ever attended, was sponsored by about 100 Congressmen and Senators and organized by the Fund for New Priorities in America (a New York-based organization of business and professional people), which had caleld toegther some two dozen bright people, including scientists and journalists.

The new phrase around which most of the discussion evolved, coined by Aaron J. Teller, dean of engineering and science at Cooper Union, was "looping the system."

It means the continuous reuse and regeneration of the water, fuels and chemicals that we now waste because we consider them garbage.

The garbage, of course, is often poisonous and always ugly and is now piling up to such an extent that it is seriously clogging the American way of life. The richer we get, the more garbage. We have reached, as John W. Gardner so eloquently put it, a state of affluent misery—"Croesus on a garbage heap!"

But the stuff isn't really garbage if you look at it rationally. Teller points out, for instance, that, although we are short of sulfur, one of the most important resources of our economy, we dump 12 million tons of the 16 million tons we consume each year into the atmosphere and into our streams. That is an expensive way to cause a lot of damage. The price of sulfur is up from $20 to $40 a ton because of the shortage.

Abatement laws reduce the damage but not the waste, Teller says. One abatement process removes sulphur oxide from power plant stacks and converts it into a new waste—four pounds of waste for every pound of sulfur removed. A typical power plant will build a mound of 150,000 tons of solid waste every year.

The same is true of attempts to put afterburners into automobiles, which waste enough fuel to provide all the power and heating needs of two cities the size of Philadelphia. The afterburner makes the effluent less toxic. But it still wastes the fuel—12 billion gallons a year.

Instead, men like Teller say, we should reuse that sulfur and that carbon monoxide and all the other materials with which we now foul up America.

Teller says: "Pollution and preservation of natural resources are inexorably intertwined by nature, and the ultimate solution must result in the simultaneous solution of both problems. Such a solution must be based on the reality of the ecological system and not merely by policing a fragment. We must loop the system."

The technical machinery for recycling "wastes," insofar as it doesn't already exist, can be researched and developed as easily and quickly as we researched and developed the technical machinery to get to the moon (and probably a lot easier than getting to Mars). The question is how to start. Teller suggested a system of special taxes and tax incentives. But there wasn't much sentiment for that at the Congressional Conference. It is doubtful that a taxride would have gotten us to the Sea of Tranquility or that a tax-manipulated market economy can buy us a livable environment.

Much of the country is sick of oily depletion allowances and at the same time as the conference in the Old Senate Office Building was hearing some doubt about industrial wisdom, another conference in the Interior Department heard one water polluting industrialist after another tell Secretary Walter J. Hickle that he was all in favor of clean water if only someone else will pay for making it clean.

"We the people," it says in the preamble of the Constitution, must provide not only for the common defense, but also promote the general welfare for ourselves and our posterity.

Building new towns, rebuilding the old cities, new fast trains and rapid transit, new order in the metropolitan areas, recreation and amusement parks and greenbelts are therefore part and parcel of the effort of recycling wastes, and cleaning up our air, rivers and lakes. It's all one effort—the design of a human environment.

This is nothing new. More than 30 years ago, under Franklin D. Roosevelt's New Deal, we started all this with the Tennessee Valley Authority, the National Resources Planning Board and the Greenbelt towns. Only the TVA survived.

Too expensive, say the small minds. But far more dangerous is the lofty computer mind that argues that a national environment program would be too cheap to replace our war program in the national economy. The "Report from the Iron Mountain on the Possibility and Desirability of Peace," which found that only ever-accelerating defense production could sustain our national economy, may have been a hoax. But the line of thinking that an environment program is too cheap for economy-sustaining is not.

The military-industrial complex is not convinced that sulfur recycling, rapid transit, new towns, recreation parks, swimmable rivers and breathable air gives them as much benefit for our cost as their ABMs and SSDs and the rest of their deadly alphabet soup.

This should give next spring's teach-in a lot to talk about.

FOREIGN EDITOR OF LOOK CALLS FOR U.S. DISENGAGEMENT FROM VIETNAM NOW

Mr. McGOVERN. Mr. President, the distinguished foreign editor of Look magazine, Mr. J. Robert Moskin, has recently returned from a trip to South Vietnam and from discussions with key persons involved in the negotiations in Paris.

On the basis of his most recent observations and studies, Mr. Moskin has reached the conclusion that we should immediately begin the full-scale withdrawal of all American forces from Vietnam.

As he puts it:

> We have absolutely no sane reason left for killing more than 1,000 young Americans before the end of this year. Our present course—spooning out American lives in an infinitely complex, inscrutable Asian game—is inexcusable.

He adds further:

> It really doesn't seem to matter whether we march to the transports today or dribble out before the 1970 U.S. elections or over the next three years. The results will be the same—except in the number of the dead.
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> No one I talked with—certainly no Vietnamese—believes we should stay in Vietnam. Everyone said we should get out. They differed only on the speed with which we should do so. The most militant—sometimes those most scared for their own skins—said in three years. At a conservative estimate of 100 U.S. dead per week, that means 15,600 more coffins.
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> The simple truth is that the price of keeping South Vietnam non-Communist has been raised to a level the American people are no longer willing to pay. That is a realistic definition of defeat.
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> If we learn the lesson of Vietnam—that American power has its limitations—this war may at least mark the end of an era and the beginning of a new, less punitive and more imaginative role in the world for the United States.

Mr. President, I ask unanimous consent that the text of this article, which appears in the November 18, 1969, issue of Look magazine, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vietnam: Get Out Now

(By J. Robert Moskin)

We should get out of Vietnam. That, bluntly and simply, is the conclusion I bring back from my most recent trip to South Vietnam, plus conversations with leaders on both sides of the negotiations in Paris. I have never been a dove over Vietnam, but I cannot close my eyes to these hard facts: We have failed to win the war in the field. Even with 500,000 men there, we cannot win it.

We have also failed to create a Vietnamese Army that can carry on its own struggle. To try to achieve that long shot will cost more tens of thousands of American lives.

And we have failed to help build a popular or democratic or cohesive government in Saigon. The current regime is a military dictatorship that depends wholly on our presence.

I have never been a Vietnam hawk either, but I respect the judgment of four U.S. administrations that called the fate of South Vietnam vital to our national interest.

Now, President Nixon has reversed this judgment, for which 39,000 Americans have died, 250,000 have suffered wounds and about $100 billion have been spent. In his policy-setting May 14 speech, he said, "We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves." This means our Government no longer believes that it is in our vital national interest to keep South Vietnam free from Communism.

It is a fair standard that young Americans should not be ordered to die unless their sacrifice is vital to their country.

We have absolutely no sane reason left for killing more than 1,000 young Americans before the end of this year. Our present course—spooning out American lives in an infinitely complex, inscrutable Asian game—is inexcusable.

It is difficult to conceive that the present South Vietnamese Government can survive the end of the hostilities or that South Vietnam, even if we go on fighting, will not be Communist-dominated soon after we leave. It really doesn't seem to matter whether we march to the transports today or dribble out before the 1970 U.S. elections or over the next three years. The results will be the same—except in the number of the dead.

In 1967, I traveled for Look along the frontier of American power on the western edge of the Pacific Ocean, and came home convinced that our involvement in the future of Asia is irreversible. That conviction remains. We are not about to scurry back into a Fortress America. Our presence across the Pacific is too massive, our interest too deep. But on this latest trip to Vietnam, I saw that we have overreached ourselves. America's historic westward-driving wave has crested.

No one I talked with—certainly no Vietnamese—believes we should stay in Vietnam. Everyone said we should get out. They differed only on the speed with which we should do so. The most militant—sometimes those most scared for their own skins—said in three years. At a conservative estimate of 100 U.S. dead per week, that means 15,600 more coffins.

Why is South Vietnam's political self-determination still worth dying for? Because, I was told in Washington and Saigon, we have committed our word, and if we leave precipitously, our word will be dishonored. We will lose face. Three years ago, Secretary of State Dean Dusk gave me the same reason for continuing this war. He called it "the credibility of the American commitment."

The Nixon Administration believes we will be "severely hurt" if we "bug out." It wants "a reasonable solution," praying for reasonableness from Hanoi while recognizing that it is against the Communists' interest to be "reasonable."

But by staying, are we telling Thailand, for example, that if it gets into trouble with Thai or North Vietnamese guerrillas, we would help? No one expects, I was told, that we would then send an expeditionary force to Thailand.

The outcome of this "war of national liberation" has no relevance to the chances of having more such wars in the future. Just about every Asia leader knows we have had enough in Vietnam.

Singapore's Prime Minister Lee Kuan Yew told me, "Vietnam was a bad place to draw the line."

Why then are Americans dying today in Vietnam? To give the South Vietnamese time to prepare to govern themselves and defend themselves. Are these reasonable goals?

We thought they were. We thought the South Vietnamese leaders would use the time we helped buy for them—with American lives and money—to good advantage. But they have not.

You need only go out in the countryside to see the failure of the succession of South Vietnamese governments to win the people's loyalty. Go to the upriver village of Dien Ban, about ten miles south of Danang, our great northern base in Quang Nam Province. You can get in safely only by helicopter. Here, American marines have to wear their flak vests in the road just outside their walled compound. This area has been fought over for years; there is still fighting every day. If the refugees were resettled in the countryside, officials fear, they would join the Vietcong.

I visited Dien Ban with the chief of the pacification program, Ambassador William G. Colby, who ranks Quang Nam 28th out of the 14 provinces in security. Terrorist attacks are heavy: government officials and ordinary civilians are being assassinated, wounded, kidnapped. The province chief, an Army of the Republic of Vietnam (Arvin) colonel, figures that the Vietcong have 900 officials of their own in the province. Our side sends out "Political Recon Units" to terrorize and kill VC leaders.

Destruction in Quang Nam Province has been massive. Five years ago, the province had 557 hamlets; only 308 are left. The number of refugees has jumped in five years from 35,000 to 124,000. (One of every 12 people in South Vietnam is a refugee today.) Less than half of the province's rice land is cultivated. Fishermen may not return to shore after 6 p.m. Anyone walking about in the countryside after dusk without a light is shot automatically. In this province of 540,000 people, only one Vietnamese doctor remains, and while I was there, he was vacationing in West Germany. The people in the villages know nothing about the peace negotiations in Paris.

"Ninety percent of the people would cut our throats if they had the chance," a top American in Quang Nam told me.

Ambassador Colby says, "It's been a war between two apparatus, and the people wish they would both go away."

Warren E. Parker, senior U.S. adviser in the province, describes the situation today: "It's like a Cadillac pushing a Model T through a muddy road with four flat tires with a driver who doesn't know where he's going and doesn't really care."

On an island in the river below the provincial capital of Hoi An sits the Xyuen Long Refugee Camp. It vividly tells part of the story of Vietnam's hopelessness. Here live 3,125 refugees. Only 240 are men. Until this summer, these people all lived on another nearby island that was regarded as a VC stronghold. A swift military sweep scooped up the women and children and a few of the men and transferred them to this desolate sand-dune camp. The rest of the men still are hiding with the VC in the tall grass. Moving their families in this manner made no converts, won no friends.

Yet President Nixon found himself able to tell U.S. troops in Vietnam this summer: "I think history may record this as one of America's finest hours."

In Paris, the diplomats debate semantics over whether troop withdrawals should be called "mutual" or "simultaneous." In Saigon, the politicians, fragmented in dozens of parties, struggle for a piece of the spoils. And out in the countryside—where there is firing every night, assassinations repeatedly, where 12-year-old girls carry rifles—you feel that whatever happens in Paris or Saigon, the word will never get down to the bitter, frightened peasants in the fields and the thatch huts. The struggle, the terror, the dying of this desperate 23-year war—in which more than a million people have been killed and wounded—will go on and on. Says a wise American official there, "You can't negotiate an end of this war. We can only negotiate our way out of it."

In a lovely house in the handsome Paris suburb of Verrières-le-Buisson, Mrs. Nguyen Thi Binh, foreign minister of the National Liberation Front's self-appointed Provisional Revolutionary Government, told me much the same thing in more dogmatic terms. An attractive woman, she left a husband, a boy, 13, and a girl, 9, in Vietnam to head the VC delegation in Paris. Wearing a pale pink *ao dai* and black silk trousers, she sat in a sunny upstairs parlor next to a vase of red roses. Her eyes were hard, but she smiled as she talked: "I am, politicially, a woman who resists American aggression for national independence. I am not a Marxist or a bourgeoisie. I love my country. I long for peace to come back so I can lead a normal life with my children."

But there is no hint of compromise: "If the American Government realizes its erroneous policy of aggression and is willing to end the war of aggression, we are ready to discuss with the American Government putting an end to the conflict. . . . If the American Government obstinately pursues its policy of aggression, the South Vietnamese people are resolved to struggle to victory."

Both sides claim they want elections in South Vietnam, and Mrs. Binh says, "The question is how to organize genuinely free, democratic general elections. The first condition is there must be no presence of American troops of aggression—and without foreign interference.

"I consider the Saigon administration has no competence to organize these elections because if the Saigon administration would organize these elections, they would only give birth to another puppet government.

"The Provisional Revolutionary Government has not asked to organize these elections or put forth election laws, and we [advocate] the formation of a provisional government that will organize the election."

That same day, Nguyen Thanh Le, the thin bespectacled spokesman for the North Vietnamese Government, sat in a room behind a heavily guarded stone wall in the Paris suburb of Choisy-le-Roi, puffed English State Express cigarettes, sipped amber tea from a signeted cup and said, "There can be no genuine free election while 500,000 American troops and 60,000 satellite troops remain in Vietnam." He asked if there could have been free elections in France when it was occupied by Hitler's troops.

I asked him why his government, if its objective is to get the United States out, doesn't agree to a cease-fire and simultaneous withdrawal of U.S. and North Vietnamese troops—and then the Americans would be gone.

Le tapped his right forefinger emphatically on his yellow cigarette box and said slowly, "Let me make it simple. Suppose there is a house, and a robber broke in and wrecks the property and killed the wife and children. The master of the house has the obligation to fight back. Simultaneous mutual withdrawal equates the bandit and the master of the house." He added, "The Johnson war is now becoming the Nixon war. Mr. Nixon is even more cunning, more perfidious."

I asked Le about the fear of many that when U.S. forces get out, there would be a bloodbath, especially of anti-Communist Catholics. He called this propaganda of the ruling class. "There are now in South Vietnam many Catholic patriots and many Catholics and people of other religions who participate in the advisory council of South Vietnam and in the leadership of the NLF and the PRG.

"We have no discrimination against any religion. We unite with every patriot to defend the country. So far, those who previously participated in the puppet administration or army, no matter how their pasts were, if they favor the independence, peace and neutrality of South Vietnam, we will cooperate with them and we welcome them."

In Saigon, Sen. Nguyen Gia Hien, who heads South Vietnam's largest Catholic party and who studied at the University of Montana and Iowa State for six years, disagrees. He foresees a massacre. "I'm sure of it. We are not scared of it. The killing is going on now already, not only soldiers but civilians. They will attack anyone who is not working with them—not only Catholics."

The truth is somewhere between a massacre and a welcome. Certainly, the Communists will try to eliminate their most ardent opponents, and asylum will have to be provided for thousands. But this is a problem that will have to be met whether we get out now or later.

Hien's party, a member of President Nguyen Van Thieu's six-party coalition, the so-called National Social Democratic Front, is strongly anti-Communist and consists mostly of refugees from the North. Hien says it was originally subsidized by the late Francis Cardinal Spellman of New York, and Hien had a three-hour meeting last winter with Terence Cardinal Cooke in New York. Today, Hien accepts the eventual withdrawal of U.S. troops. "Withdrawal of the main American force should take about three years. Give us a period of three years. Two years is too quick for us. If after three years we cannot take care of ourselves we have nobody else to blame. If the Communists take over, some people will fly off, and we will be guerrillas. And it will go on again."

Meanwhile, he presses Thieu for social and land reforms. "We can do more for peace by being more liberal, being better organized, less corrupt."

Truong Dinh Dzu, who ran second to the Thieu-Ky ticket in the 1967 presidential elections and who favored talking peace with the Vietcong and creating a coalition government, was thrown into jail. But there are still some political figures in Saigon who advocate what Le and Mrs. Binh call "independence, peace and neutrality." One such group of intellectuals calls itself the Progressive Nationalist Force. Its chairman is Tran Ngoc Lieng, a 46-year-old lawyer. He told me, "We advocate a complete and immediate cease-fire. We call for a government of reconciliation that will have the responsibility for holding elections in Vietnam." Such a government, he says, would be composed of non-Communist nationalists of both sides, and all its members would have to be acceptable to both sides. This rather idealistic plan would naturally exclude members of the Thieu government as well as the Communists in the PRG.

Although Lieng will not admit it, he is reportedly close to Gen. Duong Van "Big" Minh, who is perhaps the nearest thing South Vietnam has to a popular politician and who has now been allowed to return from exile in Thailand.

Saigon politics is atomized among northerners, southerners, several factions of Buddhists, Catholics, religious sects like the Cao Dai and the Hoa Hao, neutralists and anti-Communists. Splitting these groups are layers upon layers of individual feuds and historical animosities that go back to the period of French rule. And, above all, most of the politicians are out for their own gain.

Says retired Maj. Gen. Edward G. Lansdale, who knows Vietnamese politics. "It's a family quarrel, and a very savage one, as a family quarrel can be."

The feuding factions seem no longer able to get together before it is too late. But if these anti-Communist and non-Communist nationalists do not unite there is no chance that they can survive in the post war political turmoil.

Sen. Tran Van Don, a former general who led the 1963 overthrow of President Ngo Dinh Diem, says, "The problem is not with the NLF. The problem is inside ourselves. . . .

"I don't believe President Thieu can lead the country alone. He needs to rally the army and the people. It is not enough to rally the United States. But he is very proud. He is very jealous of his power. He wants to keep power for himself. I think he would like to become a dictator."

Responsible estimates of the number of political prisoners being held by the Thieu government range as high as 30,000. Many politicans, editors, intellectuals have been jailed by military courts or by "administrative procedures" at the government's whim. They are held for arbitrary lengths of time. The secretary general of the House of Deputies of the National Assembly, Tran Ngoc Chau, says, "Many times people get kidnapped in the streets and taken to places no one knows about."

A woman secretary in the National Assembly was jailed for a month because she has a relative in the Vietcong. A neutralist politician was given a year in prison for calling an illegal meeting—a press conference. A Saigon University professor's two-year sentence for criticizing U.S. policy was suspended; but ten months later, he was still held on the prison island of Poulo Condore. Publisher Nguyen Lau of the Saigon Daily News was sentenced to five years because he talked with a Vietcong agent. (Thirty newspapers have been closed down.) Such cases do not increase confidence in the possibility of free elections.

U.S. Ambassador Ellsworth Bunker does not condone these actions, but he says, "We have to remember they are at war. The war is right on their own soil—right in Saigon."

A courageous lawyer, Tran Van Truyen, 56, who has represented a number of such political defendants, says, "We have a national assembly, the president of the republic elected by a general election. But I tell you we have a seemingly democracy. . . . This government permits no criticism."

Sen. Tran Van Lam, a leader of Thieu's National Social Democratic Front who became South Vietnam's foreign minister in the recent cabinet shuffle, wants the military courts eliminated and all cases tried in civil courts.

Of an American withdrawal, Lam says: "Personally, I think it would be a very good thing. This must be a Vietnamese war."

The government in Saigon is not a popular government. It is basically an army regime, and the people universally fear the army—any army. Hopes that the cabinet changes in September would bring into the government a broader range of civilian views were dashed by the appointment of a right-wing general as prime minister.

The real power behind this government is in the hands of the generals, and Thieu has constantly resisted American pressure to democratize his methods and broaden his political base. What little has been achieved is mainly the result of American persuasion and arm-twisting. Ambassador Bunker, Thieu's confidant, has by all accounts been superb at this. But it has not been enough. A knowledgeable American in Saigon says of Thieu, "He wouldn't have a chance in hell if the Communists weren't pounding at the gates."

The Vietcong obviously want to avoid an election, even if internationally supervised, that would be managed on the rice-roots level by province chiefs, district chiefs, soldiers and police beholden to Thieu. The common guess in Saigon is that the Vietcong's Provisional Revolutionary Government would win 20 to 25 percent of the vote. But since Thieu won in 1967 with only 35 percent, and a major part of that came from the army and the bureaucracy, he has little margin of safety. With the PRG putting up a common front and the Saigon politicians divided, the political struggle threatens to be as hopeless as the military one has been.

Since a political solution that will leave South Vietnam non-Communist is so iffy, it's up to the army, the Arvin, to hold off the Communists. Crucial is the speed with which the Arvin can replace the GI's. The process of preparing the Arvin to take over the fighting is what we mean by "Vietnamization."

U.S. officers now admit that one of the great failures of our military effort has been our neglect of the Arvin. The result of this—plus the Arvin's war weariness, corruption, low pay and the killing off of many of the best officers—is an army that is incapable of defending its country, even if given all the benefits of the United States technology.

Says one American general in a position to judge, "They'll be reasonably self-sufficient in time—three years from now." The question is, can we wait?

When Vietnamization started, no one expected to prepare the Arvin to handle the North Vietnamese Army. The hope was that, in time, it could stand up to the Vietcong. Now, the Nixon Administration dreams of preparing the Arvin to cope with the NVA, too, as a possible alternative to mutual withdrawal.

Of course, even if a cease-fire or peace were arranged and/or American forces withdrawn, there is no way to insure against reinvasion from the North in overwhelming force months after we go.

Ironically, the greatest American hero of the war, Gen. William C. Westmoreland, who commanded our forces there and now is the U.S. Army's Chief of Staff, has become a scapegoat in Vietnam. Some American officers who want to keep fighting today claim that Westmoreland fought the war all wrong, "clobbering everything in sight" in World War II style with big unit battles and massive air support, while the enemy was fighting a semi-guerrilla war.

The military public relations people's new hero is Gen. Creighton W. Abrams, the able current U.S. military commander, whom they love to call "The Spoiler." Abrams' approach is not to wait until the enemy has massed but to hit him as he is preparing his battlefield and gathering his forces from his headquarters safely out of reach in Cambodia.

Abrams told me, "There is a limit to what the United States can do. The solution here has to be Vietnamese." He adds, "I'm in favor of taking out some American troops. There is such a thing as helping too much."

Yet, the fact remains that the Arvin continues to need a great deal of help. It has three main problems. First, it is hated and feared by its own people. One American official in the field tells how a Vietnamese Ranger battalion, supposedly an elite unit, recently went through a village, stealing chickens and belongings. He says with disgust, "You don't make friends that way."

Second, a tremendous effort is needed to train the Arvin's officers and men to handle complex weapons and communications systems, from radios to helicopters. As an American officer told me sardonically, "We'll know we're making progress when we can get a phone call to the Arvin straight."

Third—and most urgent of all—is the problem of leadership. American observers say the Vietnamese, when properly motivated and led, can be excellent soldiers. But the Arvin's officers and even noncoms are too often personally overambitious and corrupt.

All in all, I return from Vietnam this time with a sense of hopelessness, deeper perhaps than the personal despair expressed by Look correspondent Sam Castan before he was killed in combat there in 1966.

Politically and militarily, the South Vietnamese are still, after all these years, not yet prepared to take care of themselves. It would cost more thousands of American lives to give them any chance to do so. Now that our Government no longer judges it vital to our security that South Vietnam not go Communist, what justification is there for further American sacrifices?

The simple truth is that the price of keeping South Vietnam non-Communist has been raised to a level the American people are no longer willing to pay. That is a realistic definition of defeat.

If we learn the lesson of Vietnam—that American power has its limitations—this war may at least mark the end of an era and the beginning of a new, less punitive and more imaginative role in the world for the United States.

RELATIONSHIP BETWEEN AMERICAN BAR ASSOCIATION AND PRESIDENT NIXON

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Record a letter from Bernard G. Segal, president of the American Bar Association, to the Washington Evening Star.

The letter is in answer to a column entitled "ABA Waving Nixon Team Pennant," written by Mr. Lyle Denniston, and published in the Star on Friday, September 19, 1969.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Bar Association,
Chicago, Ill., October 14, 1969.

Mr. Lyle Denniston,
The Evening Star,
Washington, D.C.

Dear Mr. Denniston: My attention has been called to your recent *Washington Close-Up* column in which you commented on the relationship between the American Bar Association and the administration of President Nixon. I am responding in the interest of fairness and accuracy, because I believe that in the article you drew certain unwarranted conclusions, and that the article, and especially the headline, created the unjustified impression that the American Bar Association had departed from its traditional position of nonpartisanship.

The facts that this Association is adhering undeviatingly to a strict policy of nonpartisanship. It is true that its work in the public service sphere has expanded greatly in the past fifteen to twenty years, for example, in behalf of the effective administration of justice including judicial selection, crime control, electoral reform, and legal services to the poor. There is an inevitable convergence of interests of the federal government and the national organization of the legal profession in these and other areas of common responsibility.

This Association has worked closely and harmoniously for many years with successive national administrations of both parties. This has been particularly true in the last four administrations—two Democratic and two Republican. The pattern has been one of cooperative action in problem areas of mutual concern to the legal profession and the government, and at no time has there been any thought or suggestion of partisan purposes on the part of ABA.

The more than 140,000 members of the Association represent every shade of political opinion. Partisanship has no place either in the objectives or in the policy-making of the Association. Throughout its history the officers, members of the Board of Governors, and members of the House of Delegates have come from both major parties.

Your article is, of course, correct that President Nixon has appointed to responsible government posts a large number of lawyers, many of whom were drawn from among the thousands of ABA members active in the Association's professional and public activities. But this has also been true of prior Presidents. Historically, Presidents have relied heavily upon legally trained appointees in filling important executive and administrative posts and as the membership of our Association has continued to grow—currently at the rate of approximately 1,000 per month—more and more of these have come from the ranks of our leaders. In the Congress, a count of a few years ago showed that sixty-seven of the Members of the United States Senate and a majority of the Members of the House of Representatives were lawyers, many of them active in the organized Bar.

We were most appreciative of President Nixon's telegram to the Annual Meeting of the American Bar Association in Dallas, in which he praised the public contributions of the Association. But I believe that the conclusion you draw from the telegram is conclusively negated by the fact that similar messages were also received in person at prior Annual Meetings from President Eisenhower and President Johnson and by telegram from President Kennedy.

In 1955, General Eisenhower in addressing the Association in Philadelphia said:

"To the officers and members of the American Bar Association, I express my grateful acknowledgement of the assistance they have rendered as a public service in aiding me and my trusted advisers in the review of professional qualifications of individuals under consideration for judicial positions. You have helped secure judges who, I believe, will serve in the tradition of John Marshall."

He added his praise for the initiative the ABA had taken on an international basis in the search for world peace under law.

In 1961, a telegram to the ABA Annual Meeting, President Kennedy said:

"I want to express my personal appreciation for the useful assistance which the judiciary committee of your Association . . . is rendering to the Attorney General in evaluating the qualifications for candidates for judicial appointment."

He commended the Association for its "valuable studies in the field of equal justice and equal treatment for minority groups, organized crime, and juvenile delinquency", expressed confidence that it would "rise to these challenges and these opportunities", and asked it "to continue the fine work of this Association in its activities with lawyers throughout the world toward promoting increased respect for law in international matters."

On May 21, 1968, President Johnson, in a prepared statement read to the Board of Governors and the Standing Committee on Federal Judiciary at a meeting in the White House, first thanked the group "for what you are doing for your country"; then spoke of the "very rewarding association" with the Standing Committee on Federal Judiciary whose suggestions and judgments on potential nominees to the Federal Bench, he said, he gave "the closest attention, and the most serious consideration", and added:

"It is very clear to all of us here that you have taken your responsibilities with the serious concern that they deserve, striving to be fair, striving to serve the law and the country and the President."

After listing a whole series of matters in which he said that he had received effective objective help of the ABA, the President concluded:

"I have drawn from you both strength and comfort. Your counsel has been wise and your attitude has been cooperative. I want to pay you all the tribute that I know how to pay this morning, and say again, thank you very much for what you have done."

You correctly reported that I do not regard the assessment of the qualifications of persons under consideration for nomination as Federal judges by the ABA Committee as a "veto power". The Committee never proposes anyone for judicial appointment. Its sole function is to investigate and report to the Department of Justice on the qualifications of those persons whose names are submitted to the Committee by that Department. Almost always, more than one name is submitted for each judicial vacancy that occurs. The Association acts in its professional capacity as the conduit for the opinion, sifted and weighed and objectively appraised, of a cross-section of the judges and lawyers of the community in which the person under investigation practices or presides as a judge. The strength of the Committee is the quality and the fairness of its investigation and reports.

You state that the present administration has given the ABA Committee "a more certain clearance authority than it has ever had before." I point out that in the administrations of Presidents Eisenhower, Kennedy, and Johnson, every Supreme Court appointment beginning with that of Mr. Justice Brennan was submitted to the Committee. For reasons which he stated at length, first at a press conference, and later at a meeting with the ABA Board of Governors and the ABA Judiciary Committee, President Nixon decided to discontinue the practice of his three predecessors in this respect. In every other regard the system is functioning highly satisfactorily; the appointments of judges in the United States Courts of Appeals and District Courts have, during the present administration, been of a very high order; and the cooperation of the Attorney General and Deputy Attorney General, and their staffs, with the Committee has been excellent But the system is not operating any differently in any significant way from that in which it has been operating at least since 1957.

Referring to the creation by the Association in August of the Commission on Campus Government and Student Dissent, the article states that this step was taken "to help get the administration 'off the hook' on the problem of campus unrest." Actually, genesis of the program goes back to a period before the election of President Nixon. As early as May 1968, in an address I delivered at the Annual Meeting of the Atlanta Bar Association in Atlanta, I emphasized the obligation of the legal profession and particularly the American Bar Association to become active in this very matter and expressly urged that the ABA had a duty to make the kind of study and investigation that is now under way. I spoke to the same general effect in other addresses around the country, in press conferences, and in television interviews. You state that my purpose in appointing my predecessor as ABA President, William T. Gossett, as Chairman of the Commission, was to insure that the Commission "would have prestige." I agree that Mr. Gossett brings prestige to the project as do the other members of the Commission. The reason I selected Mr. Gossett, in addition to my confidence in his ability, was that he, too, had demonstrated his belief in the urgency and usefulness of this type of project and had spoken on numerous occasions to this effect.

In conclusion, over a period of years the activities of the Association have been directed increasingly to meeting the public responsibilities that are within the competence of lawyers. There is much more that needs to be done. Obviously, these activities entail cooperation with Federal agencies working on these same problems. The Association's cooperation with the present administration is comparable in kind and degree with that extended to its predecessors.

As a reporter of high professional stature and integrity, you will, I am confident, welcome these observations offered for your information and for the record.

Sincerely yours,

BERNARD G. SEGAL

ADDRESS BY SENATOR YARBOROUGH BEFORE NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES

Mr. TYDINGS. Mr. President, on September 29 of this year, the distinguished Senator from Texas (Mr. YARBOROUGH) was the keynote speaker at the 20th Anniversary Convention of the National Federation of Licensed Practical Nurses held in Chicago, Ill. It was an excellent address, one which commended the licensed practical and vocational nurses of the Nation for the invaluable services they are providing.

In addition Senator YARBOROUGH dramatized the urgent need to provide adequate incentives to induce more women to enter the nursing profession. As the Senator's remarks pointed out, by 1975 we will experience a grave shortage of nearly a quarter-of-a-million practical and vocational nurses in America.

Mr. President, I strongly commend the address to all Americans who, like myself, are deeply concerned by the medical manpower shortages developing in this country. Therefore, I ask unanimous consent that excerpts from Senator YARBOROUGH's speech be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BEDSIDE NURSING: KEY TO EXPANDED HEALTH CARE

(By Senator RALPH W. YARBOROUGH)

(Excerpts from speech of Senator Ralph W. Yarborough at the National Convention of the National Federation of Licensed Practical Nurses, Chicago, Illinois, 10:30 a.m. on Monday, September 29, 1969)

Madam President, Fellow Americans: Congratluations to your Federation of Licensed Practical Vocational Nurses on your 20th Anniversary Convention. From a small beginning a fifth of a century ago, you have become a strong national organization. But ten years from now, you will look back on your present organization as a small one. You have now proven yourselves, your value, and the great need of the country for your trained skill. Schools have opened to you, hospitals, nursing homes, all kinds of health centers cry out for your aid, and you meet today to prepare for a far, far greater score of years, than this very important milestone you mark today.

A rising demand for medical care has made this "A Time for Action" for all medical professions, and I commend you for making this the theme of your convention.

This growing need for care and facilities is already producing changes in the organization of health care, and will cause greater changes in the future. One change has been an expansion of the unit of care from the hospital alone to extended care, home care, outpatient care, rehabilitation, psychiatric and social services, prevention, diagnostic services, and health education.

No longer does "medical care" mean only urgent, emergency treatment at a hospital. Today, that is only one element. Today, we are moving rapidly into treatment of chronic illnesses, especially of the elderly. Alcoholism is finally receiving the attention it deserves as a chronic illness. Out-patient care, clinics, home care and nursing homes are developing as alternatives to a hospital stay. In the case of home care, outpatient care, nursing home care and other new types of care in addition to the conventional hospital, you are the first line of defense against the charge of no help for the ill and afflicted.

Aside from a shortage of facilities, the limiting factor in expansion of all these health services is the shortage of trained manpower. These forms of care depend heavily upon the bedside nurse. That is what you are. Your numbers can multiply many times over the services of one doctor, dentist, and registered nurse. That is why the practical nurse or vocational nurse has become a key to more and better health care.

SHORTAGE OF MEDICAL MANPOWER

We need 50,000 more physicians than we now have, and 80,000 more registered nurses. But hospitals are the largest employers of practical or vocational nurses, and they need 40,000 more to provide the best care. The need for practical and vocational nurses in extended care facilities is even more dramatic. In 1966, they employed 33,600 practical nurses and needed almost 10,000 more. That is a current shortage of some 50,000 practical and vocational nurses needed now. The Bureau of Health Manpower in the Public Health Services estimates that by 1975, the shortage will reach 245,000 of practical and vocational nurses. Yours is a profession where there will never be unemployment; there is a permanent shortage of people to fill a growing number of jobs.

For too long, the field of medical manpower has ignored the education of practical nurses. But recently Congress has awakened and provided for them in vocational education, and 27,000 were graduated from vocational classes in 1968 from 1,150 identifiable courses of practical or vocational nursing. I am proud that in my State of Texas, 22 of our junior colleges have programs of vocational nursing, as it is called under the laws of Texas, where vocational or practical nursing is given status under the law.

Your role in the health team will also come under study when my Health Subcommittee of the U.S. Senate of which I have the honor to be Chairman, takes up manpower training in the allied health manpower education program.

NEED FOR PROFESSIONAL RECOGNITION AND IDENTITY

Another point at which your identity needs to be recognized is in the Federal Civil Service. Present designation of "nursing assistant" by the Civil Service Commission is undergoing revision. A tentative draft of a new job standard for a "patient care technician" is under study. But both terms avoid a clear description of licensed practical or vocational nurses, and lump them with unlicensed people. The Commission informs me that the whole matter is still being explored. By recognizing the existence of your vocation, the government could help advance your standing as a full partner in the medical team. The growing importance of your profession demands that the U.S. Civil Service Commission recognize your profession and give it the status it deserves, just as colleges, junior colleges, hospitals and community colleges and the medical profession already have. The Civil Service Commission should catch up with the rest of the country.

Continuing education in nursing is another means of upgrading your vocational standing. Practical nurses licensed by waiver need to be brought up to full credential status so they can serve as charge nurses in Medicare institutions. In its report last year, the Senate Finance Committee urged the Secretary of Health, Education and Welfare—"to encourage and assist programs designed to upgrade the capabilities of those who are not now sufficiently skilled to qualify in health occupations now in short supply, but who could perform adequately with relatively little additional training."

Pursuant to this, the National Licensed Practical Nurse Education Foundation has a $27,000 grant from HEW to study means of continuing education for practical nurses. One of its major purposes is to help bring waiver licensed Practical-Vocational Nurses to full credential status.

All of us who devote time and thought to improving medical care need to give more time and thought to expanding your numbers, enlarging your capabilities, and using your dedication and knowledge more effectively. The sick and suffering cannot do without you.

President Kennedy said in 1961:

"As long as people are stricken by a disease which we have the ability to prevent, as long as people are chained by a disability which can be reversed, as long as needless death takes its toll, then American health will be unfinished business."

None of us has a more enobling service to contribute than our efforts to finish this unfinished business. To care for the ill, the sick, the afflicted and the disabled is the greatest charity. Nursing is the noblest profession, calling for greater compassion, concern, and tender care than any other. You have chosen God's work on earth as your own. The care you give will return to you riches of the soul and the spirit in addition to the material reward for the time expended. But your service with your soul and spirit is something more precious than jewels and money, something not purchaseable, and that is the service which sets your profession apart from all others. I honor your dedication.

God Bless You.

RECENT VISIT TO UNITED STATES BY PRIME MINISTER GOLDA MEIR, OF ISRAEL

Mr. MURPHY. Mr. President, I am certain that citizens across America were pleased, as was I, by the cordial welcome which our Nation gave to the Prime Minister of Israel, Her Excellency Golda Meir, during her recent visit to the United States, as well as by the obviously constructive results of that visit in contributing to a sincere understanding between our two nations and to a peaceful solution of the problems in the Middle East.

Because we can be proud of the knowledgeable and dignified approach of our President in his meetings with Mrs. Meir, I was deeply gratified to see in the Washington Post on October 28 an advertisement thanking the President for his efforts. The advertisement contains a resolution by the board of directors of the Jewish Federation-Council of Greater Los Angeles. Believing that many Americans will join in the expression of that advertisement, I ask unanimous consent that it be printed in the Record.

There being no objection, the advertisement was ordered to be printed in the Record, as follows:

THANK YOU, MR. PRESIDENT

WE COMMEND YOU FOR YOUR EFFORTS TO BRING THE MIDDLE EAST NATIONS TOGETHER IN SEARCH OF PEACE

Resolution

Whereas, the Prime Minister of Israel, Her Excellency Golda Meir, has now completed her official visit to the United States for historic and meaningful discussions with President Richard M. Nixon, and

Whereas, President Nixon, by the cordiality of his reception of the Prime Minister of the State of Israel, and by his expressed sympathy for the attainment of Israel's legitimate aspirations, has evidenced his deep concern for the continued development of a secure and progressive State of Israel which seeks peaceful coexistence with her neighboring States,

Now therefore be it resolved: that the Board of Directors of the Jewish Federation-Council of Greater Los Angeles, on behalf of its organized Jewish Community, does hereby express its sincerest appreciation to President Richard M. Nixon, and warmly commends his Administration for its efforts in bringing the nations of the Middle East together in order to achieve a just and lasting Peace.

As concerned Americans we are thankful that President Nixon is dealing with the volatile problems of the Middle East in a positive manner. His determination to help the nations in the area make peace among themselves will make the ultimate peace a lasting one and will never call for committing one American soldier to the task of preserving freedom. President Nixon's bold stance makes America a true leader for world peace.

Signed by the following:

Ammon Barnes, Beverly Hills, California.
Dr. Eliot Corday, Beverly Hills, California.
Theodore E. Cummings, Los Angeles, California.
Stanley Goldblum, Beverly Hills, California.
Taft B. Schreiber, Universal City, California.
Samuel Schulman, Los Angeles, California.

FORMER DEFENSE DEPARTMENT OFFICIAL POINTS THE WAY OUT OF VIETNAM

Mr. McGOVERN. Mr. President, yesterday's Washington Post contains a most perceptive and valuable analysis of our current dilemma in Vietnam.

Mr. Townsend Hoopes, who served in the Defense Department from January 1965 until February 1969, the period which embraces the major escalation of the war in Vietnam, has authored a new book entitled "The Limits of Intervention."

The Washington Post has wisely reprinted the epilogue of this book, setting forth Mr. Hoopes' views on our current problem in Vietnam and the alternatives that are ahead of us. The course which he recommends is one that I have tried to spell out as best I could for many months. It calls for the disengagement of American forces on a much more rapid time schedule than the administration now seems to have in mind.

I ask unanimous consent that Mr. Hoopes' article be printed at this point in the Record, and I earnestly hope that every Member of the Congress will read it.

There being no objection, the article ordered to be printed in the Record, as follows:

Our Only Out in Vietnam

(By Townsend Hoopes)

(Note.—Hoopes served in the Pentagon from January, 1965, to last February, first as Deputy Assistant Secretary of Defense for International Security Affairs and then as Under Secretary of the Air Force. The following is excerpted from the epilogue to his new book "The Limits of Intervention," published by David McKay Co., and is reprinted by arrangement with David McKay Co., Inc. 1969 by Townsend Hoopes.)

In the final 10 months of the Johnson administration—from April 1, 1968, to Jan. 20, 1969—the Vietnam policy struggle between rival coalitions within the U.S. government continued almost unabated, even though the decision of March 31, had they been applied by a President who meant what he said, ought to have resolved it in favor of the moderates. As it was, the fact that the American people promptly endorsed the decisions did put new limits on the debate.

To Washington's surprise, North Vietnam responded quickly and affirmatively to President Johnson's new call for negotiations, accepting the halfloaf of a partial bombing halt as an adequate basis for preliminary talks while adding the significant caveat that the initial meeting could have only one purpose—to determine how and when the bombing of North Vietnam was to be totally stopped. Because Hanoi's acceptance included the essential element of face-to-face contacts, the administration was hardly in a position to refuse, and so had to take the caveat as well.

But there was immediate evidence of confusion and thinly veiled discord inside the administration. Secretary of State Dean Rusk and Presidential Assistant Walt Rostow tried to slow down and, if possible, avoid altogether the kind of initial talks proposed by North Vietnam. Rusk, who was in New Zealand attending a closed meeting of SEATO foreign ministers at the time of the President's speech, reportedly told his colleagues that neither the neutralization of Vietnam nor a coalition government was a workable solution. Returning promptly to Washington, he lost no time in making evident his general distaste for the enterprise, emphasizing the limited purpose of the talks and denigrating the possibility of a total bombing halt.

MUSICAL CHAIRS

On April 3, the United States had offered Geneva as the site for initial talks. North Vietnam, in its response, had proposed the Cambodian capital of Phnom Penh. Although the President had repeatedly said he would "meet anywhere, at any time"—most recently in his speech of March 31—the administration quickly refused Hanoi's proposal.

On April 9, the United States proposed Vientiane, Rangoon, Djakarta and New Delhi. On April 11, Hanoi proposed Warsaw, which had been the site of desultory but undisturbed U.S.-Chinese diplomatic exchanges for a number of years. This, too, the Administration refused. When Hanoi reiterated its preference for Warsaw and lobbied in the world press, Washington thereupon trotted out a further counterproposal consisting of an additional 10 cities: Colombo, Tokyo, Kabul, Katamandu, Rawalpindi, Kuala Lumpur, Rome, Brussels, Helsinki and Vienna. On May 3, North Vietnam proposed Paris.

By this time, the matter had become a travesty, with the American and foreign press charging the U.S. government with "bad faith" and "quibbling." The unedifying spectacle of the American President chivying Hanoi on a location for the talks after having told the world several dozen times that he set no conditions on the time and place of negotiations was painful in Defense Secretary Clark Clifford's memory.

He has opposed Phnom Penh on the grounds that it afforded inadequate communications facilities, but he saw no objection to Warsaw and told the President so. When Paris was finally agreed upon, the President took credit for it and lectured Clifford as follows: "You've got to stand up to the Communists and not give in even on minor points; that's how we got Paris. You wanted to give them Warsaw, etc." Clifford got that LBJ speech at least ten times, but declined to respond because the issue seemed to him *de minimus*.

This fight over where to talk was merely the opening skirmish in the renewed conflict between the opposed coalitions within the administration. The President's speech had brought momentary harmony based, it was apparent in retrospect, on the assumption of the hard-liners that Hanoi would give a negative response, thus creating a situation in which all issues dealt with in the reappraisal could be reopened.

Emerging from a Senate committee hearing in mid-April, Rusk said he had seen "no evidence of restraint" by the other side and emphasized that infiltration was continuing "perhaps at an increasing rate." Gen. Maxwell Taylor was soon sending "innumerable memoranda" to the President telling him how serious were the military consequences of the partial bombing halt. Rostow and the Joint Chiefs of Staff were taking a similar line.

In early June, when enemy rockets were falling again on Saigon, Ambassador Ellsworth Bunker urged retaliatory bombing attacks on Hanoi. In the other side, Clifford in Washington and Averell Harriman and Cyrus Vance in Paris pressed hard for a total bombing halt and thus a a beginning of substantive talks.

The hard-liners were soon arguing that Hanoi's affirmative response showed that North Vietnam was all but beaten; that its coming to Paris reflected the crushing military defeats administered by American firepower in the post-Tet period. With a little more delay and stonewalling so the argument ran, and with steady military pressure, the United States could soon have Hanoi over a barrel and could thus negotiate on far more favorable terms.

That the renewal of these discredited arguments had any force at all was attributable to the fact that the President himself remained instinctively disposed toward military victory and opposed to compromise. In March, he had been reluctantly persuaded of the need to take dramatic steps toward deescalation and disengagement by the arguments of Clifford, Dean Acheson and others and by the irresistible pressure of events. In April and May, it was clear that his conversion had been, at most, intellectual but never visceral; his continued susceptibility to hard-line arguments during the spring, summer and fall amounted to serious backsliding from the major implications of the March 31 decisions and produced an official U.S. posture of acute ambivalence.

He understood that domestic political realities would not sustain a policy of renewed escalation of the bombing or any significant reinforcement of U.S. ground troops, but he remained receptive to the idea that the enemy could be worn down by sustained military pressure even within the newly established limits on resources.

The Johnson administration thus never acquired the necessary unity to redefine the U.S. political objective in Vietnam in the context of the post-Tet realities. Until October, when Clifford, Harriman and Vance succeeded in bringing off a total bombing halt, the bombing effort was not really curtailed but only geographically rearranged; statistically, there was an intensification. On the ground, Gen. Creighton Abrams made a number of sensible adjustments, including a greater emphasis on protecting the populated areas and undertaking fewer cavalier sallies to the uninhabited borderlands, but these changes hardly constituted a dramatic new strategy born of the knowledge that search-and-destroy had failed. They reflected primarily the fact that additional forces could no longer be obtained merely by telephoning the White House.

A RELUCTANT HALT

The President told Clifford in the autumn that his primary purpose was now to leave his successor with "the best possible military posture in Vietnam." Clifford argued that, for the sake of the President's ultimate standing before the bar of history, he ought to want something much broader and more positive, namely, to leave his successor "an ongoing, substantive negotiation firmly committed to ending the war and reducing the American involvement in Vietnam."

The President was finally willing to accept a total bombing halt in late October, but in November and December he was still listening to the siren song of those who clung tenaciously to the prospect of resolving the conflict by military pressure. He was listening despite evidence that the enemy's determination to fight seemed unimpaired and that his capacity to regenerate his forces remained significant.

As the Administration left office, therefore, ambivalence remained at the very heart of its Vietnam policy. Were we in Paris to negotiate a political compromise on the clearly accepted premise that military victory was infeasible? Or were we there to stonewall Hanoi in the belief that, given enough time, we could grind out something resembling a military victory in South Vietnam and thus avoid the dangers, and the further affronts to our prestige, that would attend a compromise political settlement? There were no clear answers to these questions.

At this writing (early August, 1969), the answers to these questions are only a little clearer. President Nixon is on record as believing there can be no military solution, but large murky patches remain on the fabric of American policy in Vietnam. Perhaps understandably, Mr. Nixon has insisted on going through the whole painful learning process at first hand; in any event, he has thus far declined to come down firmly on a clear-cut course of action and has maneuvered skillfully, yet with increasing evidence of improvisation, to avoid a fateful choice.

The choice, basically, is between trying yet again to strengthen and salvage the Thieu regime for the sake of a gradual, far from complete but hopefully honorable American disengagement from a war that might, in such circumstances, continue for years to come; and casting that government aside for the sake of a fairly quick, probably unpalatable political settlement which would, however, permit—indeed require—the prompt and complete withdrawal of American forces. The Nixon administration has not yet bitten the bullet; in fact, it seems to be pursuing a deliberately hedged policy of carrot and stick.

The carrot elements are embodied in the formal U.S. proposal of May 14 that the "major portion" of all foreign forces in South Vietnam be withdrawn within 12 months; the remaining "non-South Vietnamese forces" would thereafter retire to base areas, thereby creating a de facto cease-fire and setting the stage for international supervised elections. The stick elements are embodied in a supposedly tough alternative aimed at threatening the enemy with the grim prospect of interminable war through a combination of strengthening the South Vietnamese army and withdrawing enough

U.S. forces to assure that American public opinion will support the continued participation of the remainder for an indefinite period. This alternative is known as "Vietnamization."

The Nixon administration appears to be experimenting with various combinations of carrot and stick—tabling presumably generous offers in Paris while exerting "maximum military pressure" in South Vietnam in an effort to enlarge the area of Saigon's control before the onset of significant U.S. force withdrawals.

The result thus far is continued stalemate in Vietnam, and deepening deadlock in Paris. Such a result should not be surprising, for, unfortunately, this approach confronts the fundamental weakness of the U.S. bargaining position at this stage of the war.

WAITING US OUT

The Nixon offer of mutual withdrawal plus elections may indeed be generous by past standards, but it depends for success on reciprocal action by Hanoi. But Hanoi gives no indication that it feels the need to make significant concessions (like promising to withdraw its forces) in order to achieve large-scale U.S. troop withdrawals or avoid resumption of the bombing against North-Vietnam.

This position is no doubt based on Hanoi's quite accurate assessment that, nearly 18 months after Lyndon Johnson's proclaimed de-escalation, American public opinion more than ever favors and expects a liquidation of the U.S. war effort (I would go so far as to say that the American people have just about written off this war). The evidence strongly suggests that Hanoi is not going to reciprocate but intends simply to wait us out.

The alternative of "Vietnamization" suffers from similar frailties, for in truth its viability as a threat to the enemy depends far less on augmented material support for Saigon's army than on the long-term retention of significant U.S. combat power (air and ground). Effective "Vietnamization" would probably pose a genuinely bleak prospect for the enemy notwithstanding his determination to return, if necessary, to a strategy of low-level, protracted guerrilla war.

Here again, however, the political situation in the United States palpably deprives this Nixon alternative of any real credibility. Those who still cling to the hope of vindicating the strategy of victory-through-attrition have of course warmed to the concept of "Vietnamization," but they have assumed is would involve a very gradual and carefully calibrated U.S. withdrawal—say 50,000 men per year. Such an assumption seems, however, to stand on a gross misreading of domestic political feasibilities, as President Nixon himself has now substantially conceded.

In his press conference of June 19, when asked what he thought of Clark Clifford's proposal to bring home 100,000 troops in 1969 and all of the remaining combat ground forces by the end of 1970, he expressed the "hope" that his administration could beat the Clifford schedule.

The reply, whether deliberate or accidental, sowed consternation in Saigon and among the supporters of "Vietnamization" at home, for it seemed to make the real situation crystal clear to Hanoi. It has produced stiffened North Vietnamese intransigence in Paris and a protracted lull on the battlefield—a lull rather openly designed to induce larger and faster U.S. troop withdrawals and thus to deprive Mr. Nixon's "tough" alternative of its credibility.

At this writing, then, the United States remains in a tenuous position; its strategy has not succeeded, but the national leadership has thus far refused to accept either the consequence of failure (which is defeat in some degree) or the need to devise a new strategy for carrying on the war. It is very late in the day—much too late—to try a new and different military strategy. But even if it were not, "Vietnamization" would seem an unpromising horse to bet on.

For, so far as one can tell, such a strategy would involve essentially more of the same: further enlargement of the already too large and cumbersome South Vietnamese army, organized in conventional formations, heavily armed with artillery, equipped with helicopters, supported by large-scale U.S. tactical air power and sent out to vindicate the Westmoreland doctrine. The painful trials and frustrations of Vietnam have, momentarily at least, exhausted the intellectual capital of our military leaders and brought American military doctrine to a conceptual impasse. So we limp along, Micawber-like, hoping for something to turn up in Paris or Saigon.

A RISKY COURSE

Beyond the immediate tactical weaknesses of the Nixon administration's apparent posture, there are, I believe, inherent dangers in a policy of substantial, but less than total, withdrawal from Vietnam. Such a policy was perhaps seriously proposed for the first time by McGeorge Bundy in October, 1968. More recently, Clark Clifford argued for it in the July, 1969, issue of Foreign Affairs.

Bundy argued that a withdrawal down to about 100,000 men was now possible without the need to lose "what has been gained in the strategic sense." Clifford argued that withdrawal of all U.S. combat ground forces by the end of 1970 would "be consistent with continued overall military strength"; indeed, he thought it might confront Hanoi with the painful possibility that Saigon could, "with continued, but reduced American support, prove able to stand off the Communist forces."

Yet the idea that the United States can resolve its difficulties in Vietnam through the progressive, but still partial, unilateral withdrawal of its forces rests on two crucial assumptions: (1) either Saigon can really supply substitute power equal to that of the departing U.S. forces or (2) the present and future situations in South Vietnam can be managed at a lower level of aggregate Allied power than has been required in the past.

Clifford has no trouble with the second assumption, arguing cogently that present Allied power is excessive if the aim of military victory is excluded. Nevertheless the two assumptions are in a real sense interdependent, and both are inherently fragile. The first requires a dramatic improvement in the South Vietnamese army that we have not in fact seen over the past seven years; the second requires a belief not only that the North Vietnamese are much weaker than they have been but also that their weakness is now a permanent condition.

Should the U.S. government pursue a course of partial withdrawal in Vietnam while leading the American public to believe all will end well, I am afraid a number of unpleasant shocks, surprises and politically dangerous consequences would arise to confront us. For at best, such a course is a prescription for interminable war; partially disguised by the declining level of U.S. participation, it would in fact require our country to sustain a continuing burden of war casualties and heavy dollar costs that would become explicitly open-ended as we leveled off our forces at 100,000 men or thereabouts.

Sooner or later, and probably sooner, the American people, would reawaken to the fact that they were still committed to the endless support of a group of men in Saigon who represented nobody but themselves, preferred war to the risks of a political settlement and could not remain in power for more than a few months without our large-scale presence. These things are predictable because the Thieu regime is both self-serving and wholly unrepresentative; its strong anticommunist stance (which our support has both nurtured and hardened) bears little or no relation to the vaporous, myth-filled, unideological, village-oriented political sentiments of the vast majority of people who inhabit the noncountry of South Vietnam.

At worst, the course of partial withdrawal would produce a progressive erosion of the military situation in Vietnam, leading downward to a time when we faced the prospect of outright defeat. With U.S. strength reduced to 100,000 men, with no corresponding enemy reduction and with no dramatic improvement in the South Vietnamese government and army developments could seriously threaten the safety of our smaller forces and thus pose the same hard question we faced in 1965—to escalate or liquidate. Were the United States to face, several months or years from now, the serious prospect of military defeat in Vietnam, I believe that fact would strain our capacity for wise choice beyond the breaking point, and that any decision in such circumstances could only further divide our people and imperil our political process.

There is, unfortunately, an unbreakable interconnection between victory and the avoidance of defeat in the Vietnam situation. You really must have the first in order to ensure the second; or, as others have said, if guerrilla insurgents are not totally defeated, then they win. If victory is not possible, defeat in some degree (and by whatever name you arrange to call it) is not avoidable. A concept of partial unilateral withdrawal that tries to have it both ways—to forswear victory yet avoid defeat—is an inherent contradiction. It won't work.

FOR COMPLETE WITHDRAWAL

Deliberate, orderly but complete withdrawal has become, in my judgment, the only practical course open to the United States if we are to restore our foreign policy to coherence, regain our psychological balance, alleviate the deep-seated strife in our society and reorder our national priorities in ways that will win the support of a large majority of our own people. Vietnam is not, of course, the only source of division in America today, but it is the most pervasive issue of our discord, the catalytic agent that stimulates and magnifies all other issues. In particular, there can be no real truce between the generations—no end to the bitterness and alienation of even the large majority of our youth that is neither revolutionary nor irresponsible—until Vietnam is terminated.

A major premise of the Johnson administration's war effort was that a vital U.S. interest was at stake in Vietnam, requiring a total and tireless commitment to cleansing that area of Communist influence. That presumption has now fallen of its own weight—even if one broadens the context to include the argument that an unlimited commitment in Vietnam, though not vital per se, was necessary to safeguard other vital U.S. interests in Asia.

If we can forthrightly acknowledge the basic, unpalatable truth—that our intervention in 1965 was misconceived, that viewed through cold, clear eyes it could not be justified on the grounds that a vital national interest was at stake—then we can bite the bullet in Vietnam. We can acknowledge past failure and the inevitability of some degree of defeat.

We can move to a phased, unilateral and total withdrawal of forces, not as a means of pretending we have discovered a painless way to achieve partial victory or even a settlement consistent with our original objectives but as a means of liquidating an enterprise that is beyond retrieval and a condition that is poisoning the bloodstream of our society; as a means of putting the Thieu government on notice that, after a reasonable period of months, our military forces will no longer be there; as a means of demonstrating beyond words that Saigon must either move decisively to a settlement during the limited time our remaining military presence can provide supplementary leverage or else decide to fight on alone without U.S. troops beside it. The deed once done would, in my judgment, be accepted by American and European opinion and would be adjusted to by Asia without serious repercussions in areas of principal strategic concern to us.

I do not say we should abruptly abandon the South Vietnamese government; I do say we should give it a definitive indication of our intention to be totally gone within a time frame that affords a reasonable period for leaders throughout South Vietnamese society to chart their own course.

Such a U.S. policy would be extremely painful for several strata of South Vietnamese, bring to the surface the root question of whether they could accommodate to the new political uncertainties or would have to leave the country. But only such a policy could push the Thieu group to a serious contemplation of settlement.

If our course is resolute, the chances are fairly good that the submerged factions in South Vietnam will come to accommodation or a balance which will be able to avoid domination of a new government by the National Liberation Front. Almost certainly, there will be major changes in the social order producing a different distribution of political, economic and social power. But Vietnamese society, twisted and torn by the colonial era, the French-Indochina war, the Diem period and the Great American Infusion, clearly needs reorientation and self-rediscovery. For despite our massive economic assistance and its accompanying rhetoric of revolutionary development and social change, our presence and our actions there have in fact tended to confirm and even to strengthen the old order. But that order cannot be upheld except by external military support.

THE PRESTIGE PROBLEM

A severe loss of U.S. prestige in Asia and throughout the world is frequently cited as the compelling reason why we cannot withdraw unilaterally from Vietnam. It is accordingly of central importance to see this problem in perspective, admitting that Americans face a special difficulty here.

Russia, Germany, Japan, France and Britain have all suffered terrible military failures throughout long and checkered histories; some have barely managed to survive the attendant domestic convulsions. But the United States, alone among the powers of consequence now on the world scene, has never known a major defeat. We should be able to understand that, in the nature of things, we could not expect our record to remain permanently unblemished, especially not when our involvement has pervaded the globe in an era of seething change, instability and violence.

Yet the apparent perfection of the past record is admittedly an obstacle to our taking setbacks in stride. Before World War II, a large body of domestic opinion believed implicitly that America was somehow morally superior, and by this fact protected against the terrible disasters that regularly befell less splendid and upright nations. We are, I think, clearer today that such attitudes reflected the immaturity and naivete of a people not yet fully involved in the complexities of the world; we now understand that the life history of any great nation must show over time its fair share of victories and defeats.

Moreover, it is an advantageous truth that mere loss of prestige for a great power is always transient and usually brief. Many times in the past two decades, the Soviet Union has suffered painful rebuffs—in the Greek civil war in 1947; at the Turkish straits the same year; in the Berlin blockade of 1948; in the determined U.S.-U.N. response to the attack on South Korea of 1950, which so badly disrupted Stalin's calculations, and most emphatically in the Cuban missile crisis of 1962. Yet no one would deny that the Soviets quickly recovered from each of these setbacks; no one doubts that they have subsequently projected their foreign policies with undiminished vigor and determination.

PRESIDENTIAL FACE

The point is, the great powers quickly recover from blows to their prestige alone, precisely because of their power. When the world wakes up the next morning, the great power has not quite the scene. It is there, as solid as yesterday, and the world must make new arrangements to cope with it.

As with the Soviet Union, so essentially with the United States. We too have had our share—although a far smaller share—of deflations affecting our prestige since the end of World was II, and they have not affected our fundamental strengths in any way. There was the shooting down of the U-2 over Russia, the besieging of President Eisenhower by Tokyo rioters and the travesty at the Bay of Pigs.

At the time of that last fiasco, President Kennedy gave evidence that he understood the limited requirements of U.S. national prestige and he refused to inflate these by injecting considerations of presidential face. By quickly admitting his own error and by nobly taking on the full burden of responsibility, he enabled the country to see the incident in true proportion and to be steadied by his candor.

I have no trouble in believing that, had he lived, he would have similarly cut off the U.S. involvement in Vietnam—possibly at the time of Gen. Khanh's coup in January, 1964, but in any event well below the astronomical level it finally reached. It was the country's tragedy that Lyndon Johnson tended instinctively to equate the nation's prestige with his own, and that his personal needs were greater than the objective requirements of the nation.

Johnson was at bottom a combination of sentimental patriot and gambled which led him to compound original misjudgments many times over rather than risk the loss of prestige associated with an American "defeat" in Vietnam. Kennedy was too skeptical, too attuned to cold reality (as one admirer said, "too smart an Irish Mick"), not to have foreseen the developing morass. He would, I believe, have overridden the quite predictable military arguments and acted to cut the nation's loss, accepting and absorbing whatever deflation was required in terms of national and presidential prestige and taking such measures as lie within the national power and interest to cushion the consequences in places like Thailand, Korea and Japan.

This is still the road to the recovery of our lost sense of proportion, to the healing of our deep domestic divisions, to the re-establishment of a wise and respected foreign policy.

WATER POLLUTION FUNDS

Mr. KENNEDY. Mr. President, as we approach the decade of the seventies, we must face the failures of the sixties—failures which might have been avoided had our national priorities been ordered more in line with our most urgent problems. One of our most conspicuous failures has been in dealing with one of our most pressing national concerns—water pollution.

We in the Congress—in response to the demands of State and local governments and their citizens—have gone on record time and again during the sixties in favor of an all-out national effort to remove the stigma of pollution from our rivers, lakes, streams, and coastal waters. The legislation passed during the sixties and the programs authorized are both comprehensive and farsighted. But our commitment has been an empty one. It has been one of rhetoric, not of action; of promise, but of no fulfillment. For, throughout the sixties, we have failed again and again to provide the funds to make our commitment real and productive.

The real burden of our failure is carried by State and local governments. For these governments, accepting the word of the Federal Government, proceeded with aggressive and far-reaching programs of pollution control and abatement. In response to new Federal requirements under the 1965 Water Quality Act, States have set standards and enforcement deadlines for polluters. But, when these same States came to the Federal Government for the funds promised under the Clean Waters Restoration Act of 1966, for the construction of the facilities which will make these programs workable, they are sent away empty handed.

Our responsibility in this matter is clear. No longer can we offer programs based on a Federal-State partnership and then default in fulfilling the Federal part of the bargain. No longer can we respond to the demands of our citizens on paper alone.

The 1966 Clean Waters Restoration Act authorized $1 billion in matching grants for the construction of water treatment facilities. The Federal Government has had 4 years to plan and adjust the budget to provide these promised and needed funds.

And so, today, I ask my colleagues to join with me in support of the full $1 billion appropriations for pollution abatement. Such action on our part is demanded if our record in this most critical area of national concern is to be other than a record of failure.

I ask unanimous consent that the letter I have sent to the Members of the Senate be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 31, 1969.

Dear Senator: On July 13, 1966, the Senate unanimously approved a five year, $3.5 billion program of matching funds for construction of waste treatment and sewage facilities. This Clean Water Restoration Act of 1966 was hailed across the nation as a giant step in the effort to remove the stain of pollution from our national waters.

Today, we approach the fourth year of the program authorized in 1966. Upon review, we see no evidence of a true commitment to this program by the Federal Government. From the program's first year, the Congress has consistently failed to meet its promises with funds. In Fiscal Year 1968, only $203 million of the $400 million authorized was actually appropriated. In FY 1969, only $214 million of the authorized $700 million was appropriated. And now, as we consider the Budget for FY 1970, we see that, once again, we are short-changing clear waters programs—only $214 million is requested in the face of an authorization of $1 billion.

It is interesting to note that the 1966 Act, as passed, authorized a program significantly larger than that requested by the President. At that time, the Congress responded to the demands of state and local governments, and our citizens, to launch an effort on all fronts to eliminate pollution from our rivers, lakes, streams and coastal waters.

This year, the House has passed an appropriation of $600 million—$386 million more than that requested in the budget. Many Members of the House worked hard to secure the full $1 billion appropriation, and they almost succeeded—losing by only two votes, 146 to 148.

While the Congress has failed to fulfill its commitment to this program, many states and local governments, taking the word of the Federal Government, have adopted aggressive and long-term pollution abatement programs. Seven of these states have prefinanced the Federal share of these projects and now find themselves faced with a severe fiscal crisis because the Federal Government has been unable to reimburse them.

I write today to ask you to join with me in an effort to make the Congress live up to its word. I ask that you join with me in an effort to secure the total $1 billion appropriation for the programs of the Clean Waters Restoration Act. We have been told that over the next ten to twelve years the cost of pollution abatement for the nation would be some $20 billion. Unless we act now to provide the necessary funds for this year, our record in this most critical area will continue to be one of failure.

In a nation with a Gross National Product approaching the vast, and to most people incomprehensible, figure of $1 trillion, I feel that we can afford to deal with the problems created by our industrial affluence. This is especially true when we see other programs funded at significantly higher levels than I believe our national priorities demand.

The Congress can no longer respond to the needs of our citizens on paper alone. We must make a commitment of funds to the programs we have authorized in response to our citizens' demands. Failure to do so is a failure to fulfill the obligation of our office.

I ask again, that you join me in this effort. This measure will come to the Floor of the Senate in a matter of weeks. I intend to introduce appropriate amendments at that time. If you wish to support this effort requiring the full appropriation, please contact Wayne Owens at ext. 2158.

Thank you for your consideration of this most significant matter.

With best regards.

Sincerely,

EDWARD M. KENNEDY.

THE NATIONAL COMMISSION ON VIOLENCE AND THE GROWING IMPORTANCE OF TELEVISION IN NATIONAL POLITICS

Mr. PEARSON. Mr. President, the National Commission on Violence has come forth with a number of conclusions and recommendations following its lengthy study of our troubled society. None of these is more disturbing in its implications for our political system than the just announced finding that the risk of assassination for our leading public figures is on the rise. This shocking, though not surprising, conclusion has led the Commission to recommend an end to the widespread public contacts that Americans have always expected from their Presidents and leading public officials. The Commission suggests as an alternative that personal contacts with large audiences in the future be limited to large meeting halls where security precautions can be most effective.

Moreover, Mr. President, the Commission recommends that presidential campaigns in the future be oriented primarily toward television as the best and safest way of reaching the voters. To make this concentrated television approach easier to implement the Commission urges the Congress to pass a bill granting free time in the final weeks before election day "to establish a new pattern in presidential campaigning and to reduce significantly the pressure toward personal appearances in all parts of the country."

A few weeks ago the Senate Commerce Communication Subcommittee, chaired by the able Senator from Rhode Island (Mr. PASTORE), held hearings on the relationship of television to modern campaigns for high public office. Focusing primarily on the Campaign Broadcast Reform Act—S. 2876—a measure introduced by the distinguished Senator from Michigan (Mr. HART) and myself and 36 of our colleagues, the hearings clearly demonstrated the fact that in almost every race for important public office television is essential. These extremely valuable and timely hearings also developed substantial evidence to show that the cost of television is the primary reason for the rapid escalation in the price of seeking public office. It is this enormous spurt in the cost of campaigning that is threatening the validity of our most cherished democratic principle: namely, that anyone in America, regardless of his station in life, can aspire to and succeed in obtaining high public office.

I earnestly hope that the violent mood which now hangs over our country like a shroud will soon disappear. Any attempt to hide candidates from direct contact with the public they seek to represent is under most circumstances reprehensible and in any case virtually impossible to prevent given the nature of candidates and the expectations of the American electorate. The best way to reduce the tensions that now confront us is to guarantee everyone a piece of the action. To do this we must keep the entrance fees low enough for every serious candidate to afford. Open competition has always produced the answers our society has required. If this pattern of the past is to continue to work in the future then we must act now to guarantee equality of political access to all those interested. Thus, Mr. President, I commend the National Commission on Violence for its great undertaking and wholeheartedly urge my colleagues to carefully consider its recommendations. For a number of excellent reasons they command our support.

RESTRICTING THE FOUNDATIONS

Mr. GOODELL. Mr. President, the Senate Finance Committee has completed action on H.R. 13270, the Tax Reform Act of 1969. I wish to commend the committee for its efforts to complete this tremendous task in such a short time.

For the past several months, I have followed with great interest and concern proposed changes in the tax treatment of private foundations. Private foundations have traditionally been vital contributors to the development of our society, and I strongly believe that they should be allowed to continue to play their innovative and creative role. In my judgment, punitive attacks upon private foundations which result in a limiting of their effectiveness are not in the public interest.

The Finance Committee has announced a number of reasonable changes in the proposals contained in the House-passed bill. Nonetheless, I feel that some of the committee's decisions will have an unwarranted and undesirable effect. I refer specifically to a newly devised provision limiting the life of nonoperating foundations to 40 years, the imposition of an unnecessarily high filing fee for administration and supervision, a far-reaching definition which includes many organizations as foundations which have never been considered as such in the past, and a complete ban on voter registration activities.

I know that my colleagues will want to examine carefully these proposals and the legislative language of other provisions prior to their being discussed on the Senate floor. At this time, I would like to call attention to three timely and pertinent articles on this subject which recently appeared in the New York Times. Mr. President, I ask unanimous consent that the article by Anthony Lewis, entitled "The Tax Bill and the Foundations," which appeared on October 31, M. A. Farber's "Foundation Aides Call Senate Unit's Curbs Unjustified," which appeared on November 2, and a November 3 New York Times editorial entitled "Punishing the Foundations," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 31, 1969]

THE TAX BILL AND THE FOUNDATIONS

(By Anthony Lewis)

Tax policy in any country is social policy; that is a truism. But it is doubtful that many people realize how much social policy Congress is making—how drastically it may be changing a significant mechanism of American life—in the portion of the pending tax bill devoted to foundations.

A major part of the long, complex bill is devoted to placing new restrictions on the funds and operations of tax-exempt private foundations. The latest provision emerged suddenly this week from the Senate Finance Committee, after virtually no discussion in the hearings in either house; it would require most foundations to put themselves out of business after forty years.

The reasons for Congress's critical attitude are no secret. Some foundation grants have been felt to come too close to political action. There is resentment of what some Congressmen consider Eastern Establishment dominance in the foundation world, a resentment exacerbated by a certain arrogance perceived among foudation executives. Some persons have abused the tax exemption for personal gain, but the larger concern is with the possible concentration of power in tax-free sources of money.

The concern and the resentment have a real basis, and it is right that Congress should act to prevent abuses. But it is also essential to consider the affirmative role of foundations, and to understand before final passage how the legislation may affect that role.

CONTRAST WITH BRITAIN

A quick way to indicate the significance of foundations in this country is to consider the contrasting situation in Britain, where the tax laws comparatively discourages the existence of foundations and private giving generally. Most universities in Britain are totally dependent on Government funds. So is scientific research. The theater, dance and music look automatically to Government money for their main support beyond box-office receipts.

American foundations are not all that daring; most of them are in fact cautious institutions. But they do offer some alternative to total reliance on Federal Government spending, with all the deadening centralization we have come to know that brings. Foundation support of cancer research or an anti-pollution experiment or a new ballet company may give our society insights that would never be possible otherwise.

The Finance Committee's proposal to end foundation life at forty has its philosophical appeal if designed to protect against encrustation and abuse of power. There are lots of other institutions, inside and outside the Government, that Congress might fruitfully consider abolishing automatically after forty years. Or it could really move against concentration of economic power by tightening the screws on inheritance of property.

But in the legislation as it stands, there is a basic inconsistency. If the forty-year rule is intended to prevent concentration and to diversify sources of funds in our society, the bill should encourage the creation of new foundations to replace the old. But in fact it sharply discourages new ones.

Two provisions are crucial. One discourages gifts of appreciated property, mostly shares that have increased in value over the years, to foundations. The other discourages the owners of closely-held companies from creating foundations based on ownership of their shares.

BILL'S PROVISIONS

If a man bought stock at $10 a share and it is now at $100, present tax law allows him to give the stock to any charity or foundation, deduct the full market value and pay no capital gains tax on the appreciation. The new bill as it passed the House would keep that privilege for churches, schools and other charities but wipe it out for foundations. The Senate committee version cuts that discrimination in half.

As for the man who owns all the stock in a family company and wants to turn it over to a new foundation, both versions of the pending bill would rule that out unless the foundation sells off controlling shares within five years. And that in many cases would be difficult.

These provisions sound technical but are crucial, for one simple reason. The great majority of new foundations have been set up in the past, and would be in the future, by precisely these methods—the gift of appreciated shares and of control in family companies. The great example, of course, the Ford Foundation.

The sum of it is that the bill, as it now stands, is not one that would break up a concentration of economic power and enlarge the number of sources of funds in our society. It would almost certainly reduce the number and the function of private foundations, thus increasing our reliance on the Federal Government. And with the environmental and social problems that now face the United States, we surely do not want to narrow the possible sources of new ideas.

[From the New York Times, Nov. 2, 1969]

FOUNDATION AIDES CALL SENATE UNIT'S CURBS UNJUSTIFIED

(By M. A. Farber)

Foundation officials who have led a year-long drive against "excessive" Government regulation charge that a new Congressional proposal for limiting the life of most grant-making foundations is unjustified and discriminatory.

They say the proposal by the Senate Finance Committee would discourage the financial vitality of current foundations and reduce the strength and "options" of the private sector of society.

Senator Albert Gore, Democrat of Tennessee, who advanced the proposal in committee, has argued that individual foundations should not be permitted to prescribe indefinitely the use of public funds "that would otherwise be paid in taxes." He has also warned against the "retention and concentration of economic power in possibly unproductive hands."

BAN ON FUNDS SCORED

The foundation officials conceded that the Senate Committee's general provisions on foundation reform, voted last week, were less restrictive and an improvement over many features of the bill passed by the House of Representatives in August.

But they attack the committee for placing a flat ban on the use of foundation funds for voter registration drives.

The House bill, under certain conditions, would allow the use of such funds, which have been the main source of support for registration efforts among Southern Negroes.

The Senate committee's proposal on perpetuity, approved last Monday as part of a broad tax reform and relief bill, would force most "nonoperating" foundations to terminate in 40 years. Newly started foundations of this kind would be limited to a life of 40 years.

"Nonoperating" foundations—essentially organizations that make grants to other tax-exempt bodies—include most of the larger, well-known, general-purpose foundations. Examples are the Ford, Rockefeller and Danforth Foundations and the Carnegie Corporation of New York.

The proposal would not apply to "operating" foundations, whose chief objective is running a tax-exempt program of its own. Among these foundations, relatively few in number, are Colonial Williamsburg, the Carnegie Endowment for International Peace and the Russell Sage Foundation, a research group. "Nonoperating" foundations would have several alternatives at the time of their expiration, according to the proposal by the committee.

ALTERNATIVES LISTED

They could dispose of all assets to charity, not including other "nonoperating" foundations; become "operating" foundations themselves, or possibly continue much as they were but pay corporate income tax.

The idea of narrowing the life of foundations has been advocated in the past by Senator Gore and by Representative Wright Patman, Democrat of Texas, who is an analyst and critic of foundations. Both men have publicly favored a termination of particular foundations after 25 years.

But few foundation leaders believe that a life rule will be enacted by Congress. It has not been among the Treasury Department's recommendations on foundations in recent years and, only last summer, the House Ways and Means Committee dropped such a suggestion after considering it.

Only a small number of foundations have ever voluntarily willed themselves out of existence. Perhaps the major one was the Julius Rosenwald Fund.

ON THEIR OWN

Mr. Rosenwald, the president of Sears, Roebuck & Co., said in 1928 that "more good can be accomplished" by expanding foundation funds within a generation "as trustees find opportunities for constructive work" than by "storing up large sums of money for long periods of time."

"Coming generations," he continued, "can be relied upon to provide for their own needs."

Leslie Dunbar, executive director of the Field Foundation, said yesterday that his foundation "was not going to complain" about the Senate committee's 40-year proposal.

"To many of my board of trustees," he said, "it just seems unwise for large amounts of money, as it were, to take on a life of their own. From a pragmatic point of view, it's not necessary to hold that sum of money out."

Most foundation officials who were interviewed took a position against a curtailment on the lives of foundations.

McGeorge Bundy, president of the Ford Foundation, said that "no evidence has been offered which would justify singling foundations out from among all American private institutions—tax-exempt or otherwise—and imposing an arbitrary time limit on them."

The proposal, he said, would "not only end the life of existing foundations, but would tend to prevent new ones from being born. Ultimately it would limit the one vital area in the private sector whose alertness and responsiveness have already brought immense benefit to the American people and whose promise for the future is even greater."

EVIDENCE TO THE CONTRARY

J. George Harrar, the president of the Rockefeller Foundation, said that "if the reason for a limit on the life of foundations is fear that they will not alter their programs to meet the future, the evidence is all to the contrary.

"If the reason is the fear that they may grow in size and number so as to wield disproportionate influence in the society," he continued, "the evidence is again to the contrary. In spite of their relatively rapid recent growth, foundations have grown less rapidly than the national wealth or the gross national product and continue to fall increasingly behind."

Mr. Harrar said that the Senate Finance Committee's proposal, if approved by Congress after Senate debate and signed into law, would have a "depressing effect upon the imaginativeness of foundation management."

A number of foundation leaders stressed that "nonoperating" foundations were desirable because they aided the entire range of tax-exempt activities, including "operating" foundations, and because they had acquired an "expertise" in evaluating appeals for grants.

Manning M. Pattillo, president of the Foundation Center, said:

"We need to have in society a kind of institution which is free to provide funds to other groups to do important things that the Government is incapable of doing either because there is insufficient public consensus or because there is inadequate public awareness of the problem."

Many foundation executives warned that prospective donors to foundations—some of whom might want to establish foundations—would shy away from involvement in institutions with restricted lives.

Moreover, the executives said, the bill discourages gifts to foundations of appreciated property—particularly stocks—through reduced deductions and other methods. But such donations, they assert, are the main assistance to foundation endowments. And grants are primarily made with income from endowments.

Most leaders of major foundations appear to agree that a high payout rate for charity on their assets or income should obviate the need for a curtailment on the lives of foundations.

[From the New York Times, Nov. 3, 1969]

PUNISHING THE FOUNDATIONS

With marginal exceptions, the Senate Finance Committee's decision on tax treatment for foundations betray the same punitive spirit that dominated and disfigured these provisions of the House-approved tax reform bill. Those who know and admire the major philanthropic contributions made by the great foundations and many of their smaller counterparts can only be appalled at the suspicion and hatred of these agencies implicit in the decisions on Capitol Hill.

The key issue now joined by the Senate committee's vote is the proposed upper limit of forty years on a foundation's life. Under the Senate committee proposal, foundations would have the choice of distributing their assets in forty years, or beginning to pay the regular corporate income tax.

If the major foundations are—as we believe them to be—socially useful and constructive agencies, then the arbitrary time limit makes no sense. It is difficult to believe that the United States of 2010 will be such a Utopia that it will not need the creative innovations and leadership in scientific and social research that the great foundations have historically provided.

The Senate Finance Committee improved on the House bill by cutting the proposed tax on foundation income, by permitting foundation financing of educational broadcasting and by slightly easing the House-proposed limitations on foundation "political" activities. But it is astonishing that the legislature of a democratc republic should ban activities to stimulate voter participation in elections through voter registration drives. And the Senate group's prohibition of measures that could be construed as causing the public to support or oppose legislation is so vague it could bar foundation support for any program going much beyond research on cancer or particle physics.

Foundations, including even the largest, have erred at times. In addition some have recently shown more courage than discretion in backing unpopular causes. But neither the actual mistakes of foundations nor the boldness implied in some of their recent social experimentation deserve, in any way, the kind of Draconian punishment the new tax bill threatens to mete out to them. If much of the grab bag of crippling provisions now under consideration by Congress becomes law, the loser will be the United States of America and its best interests today and tomorrow.

SENATE FINANCE COMMITTEE MEETS TAX REFORM DEADLINE

Mr. KENNEDY. Mr. President, last Friday, as I am sure all Members are now aware, the Committee on Finance completed its work on what many experts regard as the most significant tax reform bill in the Nation's history. Within a brief period, the committee will file its report on the bill, and this far-reaching legislation will be ready for debate on the Senate floor.

Mr. President, I commend the distinguished chairman of the committee (Senator Long) for his extraordinary achievement in so promptly completing committee work on the bill. The bill is ready precisely in accord with the schedule tentatively established during the summer, long before the committee hearings began, and long before the various pressures with respect to the House bill began to accumulate.

In the weeks to come, there will be intense debate over many of the provisions of the committee's bill. For the moment, however, it is a time for congratulations to the distinguished Senator from Louisiana. His tireless efforts over the past 2 months deserve our praise, and all of us who are concerned with the cause of tax justice are in his debt for bringing this major bill to the floor so quickly.

Yesterday, on "Face the Nation," Senator Long eloquently discussed a number of the most important practical and philosophical aspects of the committee bill. I believe that his comments will be of interest to all of us concerned with tax reform, and I ask unanimous consent that a transcript of the program be printed in the Record. In addition I ask unanimous consent to have printed in the Record an editorial from yesterday's Washington Post, commending the committee's prompt action and highlighting a number of the most significant provisions of the bill.

There being no objection, the transcript and editorial were ordered to be printed in the Record, as follows:

Face the Nation

(Broadcast over the CBS television network and the CBS radio network Nov. 2, 1969, Washington, D.C.)

Guest: Senator Russell B. Long, Democrat of Louisiana.

Reporters: George Herman, CBS news; Walter Mears, Associated Press; Marya McLaughlin, CBS news.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. Herman. Senator Long, the Nixon administration has said it will veto any tax reform bill which cuts too deeply into federal income. The bill your committee is coming up with appears to cut more deeply than the House version. Have you received any word from the White House on whether your bill is acceptable or whether it is likely to be vetoed?

Senator Long. I have no doubt that the bill that we are reporting out of the committee is one that the President would sign. That doesn't mean that it will be in that form when it goes to the President's desk. It may very well pick up some amendments that would cause it not to knock the budget very badly out of balance. That is something we have to worry about, if we get to that.

Announcer. From CBS Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview, with Senator Russell Long, of Louisiana, Chairman of the Senate Finance Committee. The committee completed work this week on one of the most comprehensive tax bills in history. Senator Long will be questioned by CBS News Reporter Marya McLaughlin, Walter Mears, Chief of the Senate Staff of the Associated Press, and CBS News Correspondent George Herman. We shall continue the interview with Senator Long in a moment.

Mr. Herman. Senator Long, as you have indicated, tax reform is likely to mean tax reduction. That means some more deficit in the fiscal budget, the federal budget. How much deficit do you think that your tax bill is finally going to result in?

Senator Long. I would put it this way: The bill will result in a surplus next year, and it will result in a balanced budget in the following year. Now, in 1972 and 1973 this bill would cause you to have about a $3 billion-plus deficit in those years, but a lot of things can happen between now and then. For one thing, the war in Vietnam might come to a conclusion, military spending might fall off by even $15 billion, so we might not need so much money then. I really don't think that you and I can look into the future and anticipate what the government revenues are going to be more than two or three years in advance and, that being the case, we have a very responsible bill through year 1972, or up until January 1973. At that time, and that is more than two years from now, we can take another look and see if we need more money.

Mr. Mears. Senator, does that mean that there may have to be a tax increase bill in one of those years to offset the bill that is now before the Senate?

Senator Long. It could mean that, unless we find ways to economize in government or unless the war in Vietnam comes to a close. Now, if the war in Vietnam comes to an end, we should have a lot of defense savings, not immediately but after a year, and by 1973 we might be in a position to reduce taxes a lot more than this bill proposes. That is something we will have to see when the time comes. Now, of course, if we proceed to vote a lot of social programs to help the poor and to build a lot of good public works, such as expand on the interstate highway program and things of that sort, it may very well be that the things we do for people in the way of additional spending, over which my committee has very little say or control, it might require more taxes. But I would think that we can vote more taxes in 1972, because I don't think we will be at war in 1972.

Miss McLaughlin. Senator Long, looking at it from the other side, that maybe you are not cutting enough, the average taxpayer hears that you have got $9 billion and he really thinks he is going to get a little package of money the next time he has to pay his taxes. What have you done for the average taxpayer? Is he ever going to feel this? Is he ever going to see it or is it just a game we're playing?

Senator Long. Well, let's just talk about what is going to happen as compared to what he is paying now. We have some things in the tax law, laws that are supposed to expire—maybe they do and maybe they don't. We have some of these so-called "temporary taxes" that have been temporary, they have been continued ever since World War II. But let's look at what happens compared to what the man is paying right now. If he is the average fellow, in January his taxes go down by 5 per cent. That is his income tax we're talking about. Then in July his income tax goes down by another 5 per cent. Then in January next year his income tax goes down by another 2 per cent. Then next year his income tax goes down by another 3 per cent. So, over a three-year period, his income taxes go down about 15 per cent. Now, that is what it means to the average fellow. He gets 5 per cent in January, 5 per cent in July of next year. Those are the two big items.

Miss McLaughlin. I take it, from what you are saying just right now, that you anticipate that we can get this bill through this year?

Senator Long. That is going to be the case whether this bill passes between now and New Year's or whether it does not pass between now and New Year's. Even if the bill doesn't pass until January or February, it will still have the same effect.

Miss McLaughlin. Will it pass by New Year's?

Senator Long. It might and then, again, it might not. That just depends upon how Senators on the floor want to conduct themselves. If they want to know everything that is in this bill, there is no way that we can tell a fellow who doesn't know everything we have done and explain it to his satisfaction between now and January. On the other hand, if they are willing to take some of this on faith and only vote on the important things in the bill, the more striking things, then we could pass the bill, I would hope, by the first of December or at worst by the end of the first week in December, and perhaps we could make it law before January.

Mr. Herman. You seemed to indicate in your opening answers that you expect some amendments to be tacked on, on the floor which will cost even more money, which will reduce federal income even more. What are they?

Senator Long. It is quite possible that someone might want to vote for an amendment that would raise the personal exemption up to $1,000. And if that happened, then that would mean that, instead of having a balanced budget, then we would be out of balance by $6 billion.

Mr. Herman. Is that one you expect to pass? I am looking for those that you think really have a chance, those in fact that you think will pass.

Senator Long. Well, that has a lot of appeal and it could conceivably happen.

Mr. Herman. You think it will?

Senator Long. I don't think that we will have an amendment that will reduce revenues by that much but then, again, someone may offer that and find he is only about 15 votes short of prevailing and, after making a lot of good speeches—I say "good speeches," a lot of vote-getting speeches, let's put it that way—he may come back and try again with one that would put you just $3 billion a year out of balance, and it may carry. There is no way you can predict what the Senate will do with these things that have a lot of political appeal to a lot of people when they are being voted on on the floor. And there are more reasons than one why you can't predict it. Can I just give you one? One simple example is a fellow who is not on the Finance Committee, he is sitting there on the floor and he is running for office next year, and here is an amendment that would cost the government a lot of revenue but it has a lot of appeal to a lot of people. A fellow like that is sometimes inclined to vote for the amendment where he wouldn't be voting for it if he were the one that had to decide whether it finally becomes law or not. He would vote for it and tell some of us on the Finance Committee, particularly the senior members, "Well, now, that is something you fellows ought to work out in conference. If it is going to cost too much money, see if you can't work it out in conference and bring us down a bill that will think about all of those items. If it is all the same with you, it has a lot of appeal and I am going to vote for it. See what you fellows can work out in conference." When a fellow says that, he means, "Look, if this is going to mean a great big deficit, why don't you take about two-thirds of this thing out in conference and bring a third of it back?" That is the kind of thing they are thinking when they tell you that.

Mr. Mears. Senator, what about the oil depletion allowance? Do you expect a move to put it back up to the 27.5 per cent level on the Senate floor?

Senator Long. I told the people of Louisiana, the last four times I ran for office, that I was opposed to cutting the oil depletion allowance. Now, permit me to say this, Mr. Mears. When I was in state government, I led the charge to increase the taxes that the oil companies paid to our state three times what they were when I went to work for the State of Louisiana. But I think that the price not having gone up since that time, and Louisiana having taxed them as much as we think they could afford to pay, the depletion allowance should not be reduced because they are not making enough money to pay that much. I do believe that the Senate is not going to put it back at 27.5 per cent, where it has been and is now, although I expect to vote that way. I would guess it will probably stay about where the Finance Committee put it—I didn't vote to put it there—at 23 per cent. The committee voted that way by majority vote. I think there will be some effort made to reduce it below that. My guess is it will stay about where the committee voted to put it, which is about midway between what the House voted to do and what the existing law happens to be now.

Miss McLaughlin. Senator Long, there is a sort of bad expression called conflict of interest which is connected with you and with the oil depletion allowance, that you vote certainly for your state, for the oil people in your state, but at the same time you are, in fact, voting for yourself. How do you argue this?

Senator Long. Well, let's look at the difference between a conflict of interest and an identity of interest. Louisiana produces more oil per acre than any state in the Union. The oil industry provides about 50 per cent of all the money that finances the state government of Louisiana. It accounts for about 40 per cent of all the jobs in Louisiana. Now, most of my income comes from oil. If I were fighting against the oil industry I would be fighting against Louisiana because, insofar as that industry has to cut back on its drilling, insofar as it not being able to pay taxes to a state government, then Louisiana suffers. If the oil industry were to pay more taxes—and there was a time when I thought they certainly should pay a lot more, even in my own state—I would want to see that corrected by the state government where it would do a lot of good for a lot of poor people—and our state is one of the poorer states, relatively speaking—rather than correct it by the federal government up here. Yes, I am in the oil business and if I said that inasmuch as I had some interest in oil production I will not vote on this matter or I will take no part, then that would mean that on a matter that is very important to Louisiana we would have just one Senator up here looking after Louisiana's interests instead of having two Senators.

Mr. Herman. How far or how deep does that commitment to the oil industry of Louisiana go? If you felt, for example, that the oil industry was in some way raiding the land, that they were doing something that would pollute the waters, that they were doing something that in the long run would be bad not for the oil companies but for the people of Louisiana, would you support the oil companies or would you—in other words, the interests of the two are not always——

Senator Long. Well, I voted for that pollution bill a year or two ago and helped to round up the votes for it. Now, nobody was hit as hard by that antipollution bill that President Johnson supported than was the oil industry. I helped to put that bill through and I helped to increase the taxes three-fold on the oil industry at state government level. Now, nobody particularly applauded me for doing that, when I was saying that I can afford to pay this tax, and if I can afford it the other fellows can afford it.

Mr. Herman. But isn't it a dangerous doctrine to identify the interests of a state with that of one industry in the state, even if it is the biggest?

Senator Long. Well, what I was going to say, Mr. Herman, was that I have voted against the oil industry when I thought the industry was wrong. Some time ago Senator Connally said that oil production sold by the barrel should be treated as a capital gain. Now I made a speech against that. That would have been more favorable tax treatment than they were receiving at that time. I thought that they were being treated fairly and that, to do anything more for the industry, would be going too far. But I do know this, that since we got through raising taxes on them, their costs have gone up tremendously. Their cost of labor has about doubled. The cost of materials has more than doubled. The cost of transportation has increased by about 150 per cent. And their price has not gone up to more than $3 a barrel, which was what it was when we started raising taxes on them. They are making less profits on investment than the average for manufacturing. I just don't think that we have a case to further increase their taxes. Now, I have said that, I made my position clear, but I would like to make this clear: My interest is the interest of Louisiana. If there is more money than can be collected out of the oil companies, we would like to collect it on the local level rather than you take it away from them here in Washington, and if we thought they could pay more taxes, we would be taxing them right there in Louisiana.

Mr. Mears. Senator, there has been some controversy about the number of lobbyists who worked around the committee during the tax bill sessions. You have defended them saying that, if you were a businessman facing this kind of situation, you could send somebody here to represent you. Were the lobbyists effective? Did they change the outcome?

Senator Long. They do a job, let's put it that way. They see to it that the point of view of those whom they represent is presented, and there are a lot of companies that pay such enormous amount of taxes that they ought to have someone up here looking after their interests. It is very easy for one of us to vote to increase the tax on the telephone company or vote to increase the tax on the bankers, and particularly easy to vote to increase the taxes on some industry if you have nobody in that indusrty in your state. It is very easy for some fellow who represents a state that doesn't produce tobacco to vote to put a tax on ciagarettes, or some fellow who represents a state that produces no oil to vote to increase the taxes on the oil industry. Now, when those people have their taxes increased, they are entitled to either pay somebody to present their side of the argument or to come themselves and try to explain it to people, and they do it both ways. May I say that, on this bill, the so-called vested interests—and we are speaking of the business interests, when we use that term, and I don't regard it as a dirty word at all—they took a very bad beating with regard to this bill, both with regard to what we did in the Senate Finance Committee and with regard to what the House of Representatives did to them. Basically, they are paying about $7 billion more in taxes while everybody else gets his taxes reduced. So I would think that they had a right to be represented. They are paying a lot more taxes and, as one who voted to increase the taxes on the real estate people, for example, I feel better about it that we did hear everything they could say about their side of the argument, and some of them are still going to feel very unhappy. But the fact that we did hear them puts us in a better position than if we didn't hear them at all. May I say that the real estate industry, since I made that reference, is complaining, and I think rightfully so, that they had a right to be better heard than they were heard. When the fellow for the real estate boards appeared, we had an egg timer that says that he has ten minutes and when the ten minutes were up the bell rang and his time was up, and he says that wasn't fair, and I quite agree. I wish we could have heard him longer.

Mr. Mears. Well, essentially, the bill wasn't changed with the presence of these people, then?

Senator Long. Out of a tax increase of more than $1 billion, they obtained relief of about $30 million. That would be about a 3 per cent tax relief for an industry that is already suffering, on a $1 billion tax increase. So, as a practical matter, we gave them about as much relief as you could put inside an eyedropper, I guess that would be the size of it.

Miss McLaughlin. Senator Long, not included in this bill but another tax question is what is going to happen about the surtax.

Senator Long. We would have the surtax go from 10 per cent down to 5 per cent in

January, and then from 5 per cent down to zero in July. Now, that is most of the first year's tax cut in this bill. You could say that, if we don't pass the bill, the whole thing would expire in January, that is correct. But the government needs the revenue, and that is something I think we must continue——

Mr. HERMAN. Will it pass?

Senator LONG (continuing). We continue it for just six months at 5 per cent.

Mr. HERMAN. Will it pass both houses?

Senator LONG. If they let it come to a vote, it will. It has passed the House twice now, and if the Senate were permitted to vote on it, it would pass the Senate. I am talking about the continuation of half the surtax, 5 per cent of that 10 per cent, from January up until July.

Mr. HERMAN. To round out this tax reform question, let me just ask you, to go back to my opening question, I asked you about deficit, what I really meant was decrease in federal income. When all tax reform considerations are agreed to, when the thing is passed and sent to the White House, how much would you guess that it is going to reduce federal income by reforming tax provisions?

Senator LONG. If you look at the whole bill—now, you're talking about just the front side——

Mr. HERMAN. At the whole bill.

Senator LONG (continuing). And the down side, or are you talking about——

Mr. HERMAN. That's right, on balance how much is it going to reduce federal income?

Senator LONG. Well, on balance the government will be about $6.8 billion better off next year than it would be if we passed no law at all. That is how the federal government stands.

Mr. HERMAN. You mean the whole bill is going to increase income by $6 billion?

Senator LONG. Yes, because of two things: One, we repeal the investment tax credit with this bill, that would get us about $3 billion-plus, let's say roughly $3.5 billion; and then, by virtue of continuing that surtax at a 5 per cent rate of six months, we pick up the better part of $3 billion there. So then you take some reforms that we are putting into effect, and they bring in additional revenue. So, on balance this bill will cause the government to have about $6.8 billion next year more than we would have if we passed no bill. Now, of course, some legislation must be passed in any event.

Miss MCLAUGHLIN. Senator Long, could we talk just a few minutes about the Supreme Court's decision on Mississippi desegregation of schools. What do you see the future effect of that on the public school system in your state, or do you see it having any effect?

Senator LONG. It is difficult to predict just what will happen. The governors and the superintendents of education, and a lot of the school boards think that they have been presented with an absolutely impossible problem. We have many thousands of school children who are not in school in Louisiana right now. I say "many," that would be more than 10,000, a great number. I don't know the precise number. But a great number of parents are unwilling to send their children to school under the conditions required by the Supreme Court. The school boards are doing the best they can with that problem. The Governor of Louisiana made a statement the other day which might be misconstrued. I regard that as a statement of frustration, that he just doesn't know what to do about the situation now, and he just would say, "Well, you tell me what to do. I don't know what we're going to do, how we can live with this." So the people of those southern states, and Louisiana is certainly one of them, feel that the Supreme Court and the Department of Health, Education, and Welfare are trying to force upon them what they think is an answer, but they really don't think that anybody in the Nation who has to live with that kind of problem can live with that answer, certainly if they are required to do it that soon. Senator Stennis has been making the point on the Senate floor that people up north, in cities like Chicago, Detroit, New York, Philadelphia are not doing the kind of thing that some of those people would think is appropriate for the South, and contending that if they think it is all that good they ought to do it, to set the example if nothing else.

Mr. HERMAN. Is this going to have a political impact? Is this going to make any difference to Mr. Wallace's political chances?

Senator LONG. I don't see where it can make any difference any time soon. No one, you or I or anyone else, knows just what the situation will be two or three years from now, and that would be the time Mr. Wallace would be running. He won't be running next year, unless he will be running for Congress.

Mr. MEARS. Senator, while we are on the court, do you support the nomination of Judge Haynsworth?

Senator LONG. I should think that I would vote for Judge Haynsworth, just having heard what I have heard. I have heard nothing that causes me to think the man should not be confirmed. All I can learn about the man would sound like that is an honorable, decent man, doing the best he can as the good Lord gives him the light to see it, and I should think I would vote to confirm him. Now, I thought I would reserve judgment until we have debated that matter on the floor. I am not on the Judiciary Committee. They have been very busy, and we have been very busy. We have been meeting all morning and all afternoon. But I should think I would vote for him.

Mr. MEARS. What do you expect the outcome to be? Do you think the Senate will confirm him?

Senator LONG. Based on what I have heard and the conversations I have heard, that Judge Haynsworth is not going to be confirmed unless President Nixon goes beyond making some eloquent statements, such as he made from the White House, and gets down to working on individual Senators on a head-and-head basis. And I think he has a lot of hard work ahead of him if he hopes to see Judge Haynsworth confirmed.

Mr. HERMAN. Are you saying he hasn't done any of that yet?

Senator LONG. I am sure he has done some of it.

Mr. HERMAN. Not enough?

Senator LONG. He has a lot left to do, I would put it that way, if he wants to see Judge Haynsworth confirmed. In other words, I don't think that anything short of a very determined personal effort to talk to individual Senators by the President is going to assure Judge Haynsworth's confirmation.

Miss MCLAUGHLIN. Senator, we have been promised an eloquent statement from President Nixon on Vietnam pretty soon. Do you have any clues as to what that might be on, if you could give him some advice on Vietnam, could you tell us what that might be?

Senator LONG. I don't think I will offer the President any advice on that. I think he ought to make his own decision. I have offered enough Presidents advice about Vietnam, and I think that——

Miss MCLAUGHLIN. Let me put it another way——

Senator LONG (continuing). President Nixon didn't create this situation, he is doing the best he can in trying to solve it. I have expressed my views on it, and I think they are well known to most everybody, including you, Marya, so I think that it would be better for me just to leave it up to the President to say what he intends to do. I personally have been frustrated that this Nation, having gone in there, did not take the steps that I think could have assured victory, that they were not willing to really fight the war to bring it to an early conclusion, I do not think the American people are willing for this thing to drag out for ten years, so I think we have to either fish or cut bait. We have to either fight it to win it, and I don't think the decision will be made to fight it or win it under this President, just as it was not made under the previous President—that not being the case, we have two choices: we can either get out in a hurry or try to phase out our moving out in such a way that we would hope that the South Vietnamese could carry the burden of combat, at least on the ground if not in the air and at sea——

Mr. MEARS. Senator, what about the demonstrators? Do you agree with Vice President Agnew's assessment of their effect on the Nation and of their character?

Senator LONG. I think Vice President Agnew has the courage to say what he believes and I admire him for doing that. I am one of his admirers, I suppose. I didn't vote for him, but I think a man ought to have the courage to stand up and speak out for what he believes in, and that the Vice President is that kind of an American and I admire him for that. Now, I have had some discourteous things to say about some of these demonstrators myself on occasion. I didn't use the same language, but I suppose I would be subject to criticism myself for speaking out strongly for what I believe. But that is what they are doing, and that is what he is doing, and I think he had every bit as much right to speak out against what they are doing, and moreso, in my book, than they have to do in what they are doing. I personally feel that when our men are fighting on the field of battle, as long as they are there fighting and dying for this country, one does no service to us to weaken this Nation's negotiating power at the peace table by indicating that we ought to give up and pull out unilaterally. I think the President is backing up as much as he thinks we dare to and still honor the commitments we have made.

Mr. HERMAN. Senator, up until last January you were the whip, the assistant leader of the Democrats in the Senate, now another man, Senator Kennedy, is the leader. You expressed no bitterness whatsoever at giving the position over to Teddy Kennedy, can you now look back and give us an assessment of how you think he has done as whip as compared to your own performance?

Senator LONG. I don't think it is fair for me to do that. I think he is doing a good job as majority whip. And, as far as I am concerned, I feel he did me a favor by running for the job, for I have had all I could do during the last several months as Chairman of the Senate Finance Committee and representing Louisiana, looking after the interests of that state and trying to protect the national interests. I am pleased to be relieved of the job.

Mr. HERMAN. Okay. That is about the end of our time, Senator Long. Thank you very much for being with us today on "Face the Nation."

ANNOUNCER. Today, on "Face the Nation," the Chairman of the Senate Finance Committee, Senator Russell Long, of Louisiana, was interviewed by CBS News Reporter Marya McLaughlin, Walter Mears, Chief of the Senate Staff of the Associated Press, and CBS News Correspondent George Herman.

[From the Washington Post, Nov. 2, 1969]

TAX REFORM GOES TO THE SENATE

Congratulations are in order for the Senate Finance Committee for sending the tax-reform bill to the floor on schedule. An immense task remains in checking the language of the bill and writing the report, but if the Senate then moves as expeditiously as the Finance Committee has done it should be possible to enact the bill before the end of the year. In our view, it would be a serious mistake for Congress to lose the momentum it has now attained by letting the bill go over into the 1970 session.

As it now stands, the Finance Committee bill is better than many supposed it would be. Chairman Russell B. Long had given the impression that his committee might indulge in a tax-cutting spree that would be highly troublesome for the Treasury. The bill that it has finally sent to the Senate would cut income taxes about $9 billion a year, offset by increased revenue amounting to $6.5 billion from reform provisions. But the impact of these cuts would be softened in some measure by postponing the full effectiveness of the reduction until 1972. In this regard the bill is somewhat more conservative than that passed by the House.

The Finance Committee must be given credit for some other improvements in the bill. Especially notable are the more equitable schedules approved for single persons and widowed or divorced taxpayers with dependents. The House had also provided relief for these overtaxed categories, but with a strange discriminatory cutoff against single taxpayers under 35 years of age. At the request of the Treasury, the Finance Committee dropped this objectionable provision and adopted a reduced schedule of rates applicable to all single taxpayers. It would require them to pay 20 per cent more than married couples filing joint returns on comparable incomes (instead of 41 per cent more under present law) and the new head-of-household rates would be about midway between the other two schedules. This equitable and workable solution should easily prevail in the House-Senate conference.

We think the committee was well advised to reject Senator Gore's attempt to substitute a higher personal exemption for the tax cuts in the House bill. The effect would have been regressive and would have further complicated the reconciliation of the House and Senate versions.

The most serious deficiency in the Finance Committee bill comes from the elimination of the House provisions designed to ease the problem of tax-exempt state and municipal bands. The House made a realistic approach to this dilemma by offering a federal subsidy to cover the higher interest rates on bonds made taxable by the states and cities and by limiting the tax preferences that any person may pile up for himself. If the Senate version should stand, some of the wealthiest Americans, drawing millions from tax-exempt interest, would continue to pay not one cent in federal income taxes. Here are provisions that should certainly be restored on the Senate floor or in conference.

The Finance Committee also watered down the House's treatment of depletion allowances for the oil and gas industry, but the relatively narrow gaps between the bills in this area should present no major problem. Likewise the Senate committee was more gentle in its claims upon capital gains, and the conflicting provisions in regard to foundations will require substantial adjustments. No doubt the Treasury will plead for narrowing the gap between the total cuts and increases, but there are no insuperable obstacles in sight. The country appears to be much closer to the achievement of tax reform than seemed possible to many at the beginning of the present congressional session.

PRESIDENT'S PROGRAM FOR THE AMERICAS

Mr. GRIFFIN. Mr. President, in an address to the Inter-American Press Association last Friday night, President Nixon proposed a broad new program for reshaping and strengthening the partnership of all countries in the Western Hemisphere.

It is a program based on mutual interest, mutual help, and mutual respect.

Mr. President, I ask unanimous consent that the text of the President's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

[Text of the President's address to the Inter-American Press Association, Oct. 31, 1969]

Action for Progress for the Americas

Mr. Chairman, ladies and gentlemen of the Inter-American Press Association, I welcome this opportunity to speak to you and to our neighbors throughout the new world about a matter uppermost in the minds and hearts of all of us. I want to speak to you about the state of our partnership in the Americas. In doing so, I wish to place before you some suggestions for reshaping and re-invigorating that partnership.

Often we in the United States have been charged with an overweening confidence in the rightness of our own prescriptions: occasionally we have been guilty of the charge. I intend to correct that. Therefore, my words tonight are meant as an invitation by one partner for further interchange, for increased communication, and above all for new imagination in meeting our shared responsibilities.

For years, we in the United States have pursued the illusion that we could re-make continents. Conscious of our wealth and technology, seized by the force of our good intentions, driven by our habitual impatience, remembering the dramatic success of the Marshall Plan in postwar Europe, we have sometimes imagined that we knew what was best for everyone else and that we could and should make it happen.

But experience has taught us better.

It has taught us that economic and social development is not an achievement of *one* nation's foreign policy, but something deeply rooted in each nation's own traditions.

It has taught us that aid that infringes pride is no favor.

It has taught us that each nation, and each region, must be true to its own character.

What I hope we can achieve, therefore, is a more mature partnership in which all voices are heard and none is predominant—a partnership guided by a healthy awareness that give-and-take is better than take-it-or-leave-it.

My suggestions this evening for new directions toward a more balanced relationship come from many sources.

First, they are rooted in my personal convictions. I have seen the problems of the Hemisphere at first hand, and I have felt its surging spirit—determined to break the grip of outmoded structures, yet equally determined to avoid social disintegration. Freedom—justice—a chance for each of our people to live a better and more abundant life—these are goals to which I am unshakeably committed. Progress in our Hemisphere is not only a practical necessity but a moral imperative.

Second, these new approaches have been substantially shaped by the report of Governor Rockefeller, who, at my request, listened perceptively to the voices of our neighbors and incorporated their thoughts into a set of foresighted proposals.

Third, they are consistent with thoughts expressed in the Consensus of Vina del Mar, which we have studied with great care.

Fourth, they have benefited from the counsel of many persons in government and out, in this country and throughout the Hemisphere.

And, finally, basically, they reflect the concern of the people of the United States for the development and progress of a Hemisphere which is new in spirit, and which—through our efforts together—we can make new in accomplishment.

I offer no grandiose promises and no panaceas.

I do offer action.

The actions I propose represent a new approach, based on five principles:

First, a firm commitment to the inter-American system, and to the compacts which bind us in that system—as exemplified by the Organization of American States and by the principles so nobly set forth in its charter.

Second, respect for national identity and national dignity, in a partnership in which rights and responsibilities are shared by a community of independent states.

Third, a firm commitment to continued U.S. assistance for Hemisphere development.

Fourth, a belief that the principal future pattern of this assistance must be U.S. support for Latin American initiatives, and that this can best be achieved on a multilateral basis within the inter-American system.

Fifth, a dedication to improving the quality of life in the Western Hemisphere—to making people the center of our concerns, and to helping meet their economic, social and human needs.

We have heard many voices from Latin America in these first months of our new Administration—voices of hope, voices of concern, voices of frustration.

We have listened.

Those voices have told us they wanted fewer promises and more action. They have told us that U.S. aid programs seemed to have helped the United States more than Latin America. They have told us our trade policies were insensitive to Latin American needs. They have told us that if our partnership is to thrive, or even to survive, we must recognize that the nations of Latin America must go forward in their own way, under their own leadership.

It is not my purpose here tonight to discuss the extent to which we consider the various charges right or wrong. But I recognize the concerns, and I share many of them. What I propose tonight is, I believe, responsive to those concerns.

The most pressing concerns center on economic development—and especially on the policies by which aid is administered and by which trade is regulated.

In proposing specific changes tonight, I mean these as examples of the actions I believe are possible in a new kind of partnership.

Our partnership should be one in which the United States lectures less and listens more, and in which clear, consistent procedures are established to ensure that the shaping of Latin America's future reflects the will of the Latin American nations.

I believe this requires a number of changes.

To begin with, it requires a fundamental change in the way in which we manage development assistance in the Hemisphere.

I propose that a multilateral inter-American agency be given an increasing share of responsibilty for development assistance decisions. CIAP—the Inter-American Committee for the Alliance for Progress—could be given this function. Or an entirely new agency could be created. Whatever the form, the objective would be to evolve an effective multilateral framework for bilateral assistance, to provide the agency with an expert international staff and, over time, to give it major operational and decision-making responsibilities.

The Latin American nations themselves would thus jointly assume a primary role in setting priorities within the Hemisphere, in developing realistic programs, and in keeping their own performance under critical review.

One of the areas most urgently in need of new policies is trade. In order to finance their import needs and to achieve self-sustaining growth, the Latin American nations must expand their exports.

Most Latin American exports now are raw materials and foodstuffs. We are attempting to help the other countries of the Hemisphere to stabilize their earnings from those exports, and to increase them as time goes on.

Increasingly, however, those countries will have to turn toward manufactured and semi-manufactured products for balanced development and major export growth. Thus they need to be assured of access to the expanding markets of the industrialized world. In order to help achieve this, I have determined to take the following major steps:

First, to lead a vigorous effort to reduce the non-tariff barriers to trade maintained by nearly all industrialized countries against products of particular interest to Latin America and other developing countries.

Second, to support increased technical and financial assistance to promote Latin American trade expansion.

Third, to support the establishment, within the inter-American system, of regular procedures for advance consultation on all trade matters. U.S. trade policies often have a heavy impact on our neighbors. It seems only fair that in the more balanced relationship we seek, there should be full consultation within the Hemisphere family before decisions affecting its members are taken, not after.

Finally, in world trade forums to press for a liberal system of generalized tariff preferences for all developing countries, including Latin America. We will seek adoption by all of the industrialized countries of a scheme with broad product coverage and with no ceilings on preferential imports. We will seek equal access to industrial markets for all developing countries so as to eliminate the discrimination against Latin America that now exists in many countries. We will also urge that such a system eliminates the inequitable "reverse preferences" that now discriminate against Western Hemisphere countries.

There are three other important economic issues that directly involve the new partnership concept, and which a number of our partners have raised: "tied" loans, debt service and regional economic integration.

For several years now, virtually all loans made under U.S. aid programs have been "tied"—that is, they have been encumbered with restrictions designed to maintain U.S. exports, including a requirement that the money be spent on purchases in the United States. These restrictions have been burdensome for the borrowers, and have impaired the effectiveness of the aid. In June, I ordered the most cumbersome restrictions removed. In addition, I am now ordering that effective November 1, loan dollars sent to Latin America under AID be freed to allow purchases not only here, but anywhere in Latin America. As a third step, I am also ordering that all other onerous conditions and restrictions on U.S. assistance loans be reviewed, with the objective of modifying or eliminating them.

If I might add a personal word, this decision on treating AID loans is one of those things that people kept saying ought to be done but could not be done. In light of our own balance of payments problems, there were compelling arguments against it. But I felt the needs of the Hemisphere had to come first, so I simply ordered it done—showing our commitment in actions, rather than only in words. This will be our guiding principle in the future.

The growing burden of external debt service has increasingly become a major problem of future development. Some countries find themselves making heavy payments in debt service which reduce the positive effects of development aid. I suggest that CIAP might appropriately urge the international financial organizations to recommend possible remedies.

We have seen a number of moves in Latin America toward regional economic integration, such as the establishment of the Central American Common Market, the Latin American and Caribbean Free Trade Areas, and the Andean Group. The decisions on how far and how fast this process of integration goes, of course, are not ours to make. But I do want to stress that we stand ready to help in this effort, if our help should be wanted.

On all these matters, we look forward to consulting further with our Hemisphere partners. In a major, related move, I am also directing our representatives to invite CIAP, as a regular procedure, to conduct a periodic review of U.S. economic policies as they affect the other nations of the Hemisphere, and to consult with us about them. Similar reviews are now made of the other Hemisphere countries' policies, but the United States has not previously opened its policies to such consultation. I believe true partnership requires that we should, and henceforth, if our partners so desire, we shall.

I would like to turn now to a vital subject in connection with economic development in the Hemisphere, namely, the role of private investment. Clearly, each government must make its own decisions about the place of private investment, domestic and foreign, in its development process. Each must decide for itself whether it wishes to accept or forego the benefits private investment can bring.

For a developing country, constructive foreign investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available. As we all have seen, however, just as a capital-exporting nation cannot expect another country to accept investors against its will, so must a capital-importing country expect a serious impairment of its ability to attract investment funds when it acts against existing investments in a way which runs counter to commonly accepted norms of international law and behavior. And unfortunately, and perhaps unfairly, such acts by one nation affect investor confidence in the entire region.

We will not encourage U.S. private investment where it is not wanted, or where local political conditions face it with unwarranted risks. But my own strong belief is that properly motivated private enterprise has a vital role to play in social as well as economic development. We have seen it work in our own country. We have seen it work in other countries, whether they are developing or developed, that likely have been recording the world's most spectacular rates of economic growth.

In line with this belief, we are examining ways to modify our direct investment controls in order to help meet the investment requirements of developing nations in Latin America and elsewhere. I have further directed that our aid programs place increasing emphasis on assistance to locally-owned private enterprise. I am also directing that we expand our technical assistance for establishing national and regional capital markets.

As we all have seen, in this age of rapidly advancing science, the challenge of development is only partly economic. Science and technology increasingly hold the key to our national futures. If the promise of this final third of the Twentieth Century is to be realized, the wonders of science must be turned to the service of man.

In the Consensus of Vina del Mar, we were asked for an unprecedented effort to share our scientific and technological capabilities.

To that request, we shall respond in a spirit of partnership.

This, I pledge to you tonight: the nation that went to the moon in peace for all mankind is ready to share its technology in peace with its nearest neighbors.

Tonight, I have discussed with you a new concept of partnership. I have made a commitment to action. I have given examples of actions we are prepared to take.

But as anyone familiar with government knows, commitment alone is not enough. There has to be the machinery to ensure an effective follow-through.

Therefore, I am also directing a major reorganization and upgrading of the U.S. Government structure for dealing with Western Hemisphere affairs.

As a key element of this, I have ordered preparation of a legislative request, which I shall submit to Congress, raising the rank of the Assistant Secretary of State for Inter-American Affairs to Under Secretary—thus giving the Hemisphere special representation. This new Under Secretary will be given authority to coordinate all U.S. Government activities in the Hemisphere.

Debates have long ranged, both in the United States and elsewhere, over what our attitudes should be toward the various forms of government within the inter-American system.

Let me sum up my own views.

First, my own country lives by a democratic system which has preserved its form for nearly two centuries. We are proud of our system. We are jealous of our liberties. We hope that eventually most, perhaps even all, of the world's people will share what we consider to be the blessings of a genuine democracy.

We are aware that most people today, in most countries of the world, do not share those blessings.

I would be less than honest if I did not express my concern over examples of liberty compromised, of justice denied or of rights infringed.

Nevertheless, we recognize that enormous, sometimes explosive, forces for change are operating in Latin America. These create instabilities, and bring changes in governments. On the diplomatic level, we must deal realistically with governments in the inter-American system as they are. We have, of course, a preference for democratic procedures, and we hope that each government will help its people to move forward toward a better, a fuller and a freer life.

In this connection, however, I would stress one other point. We cannot have a peaceful community of nations if one nation sponsors armed subversion in another's territory. The Ninth Meeting of American Foreign Ministers clearly enunciated this principle. The "export" of revolution is an intervention which our system cannot condone, and a nation which seeks to practice it can hardly expect to share in the benefits of the community.

Finally, a word about what all this can mean for the world.

Today, the world's most fervent hope is for a lasting peace in which life is secure, progress is possible and freedom can flourish.

In each part of the world, we can have lasting peace and progress only if the nations directly concerned take the lead themselves in achieving it. And in no part of the world can there be a true partnership if one partner dictates its direction.

I can think of no assembly of nations better suited than ours to point the way in developing such a partnership. And a successfully progressing Western Hemisphere, demonstrating in action mutual help and mutual respect, will be an example for the world. Once again, by this example, we will stand for something larger than ourselves.

For three quarters of a century, many of us have been linked together in the Organization of American States and its predecessors in a joint quest for a better future. Eleven years ago, Operation Pan America was launched as a Brazilian initiative. More recently, we have joined in an Alliance for Progress, whose principles still guide us. Now our goal for the 70s should be a decade of Action for Progress for the Americas.

As we seek to forge a new partnership, we must recognize that we are a community of widely diverse peoples. Our cultures are different. Our perceptions are often different. Our emotional reactions are often different. Partnership—mutuality—these do not flow naturally. We have to work at them.

Understandably, perhaps, a feeling has arisen in many Latin American quarters that the United States "no longer cares."

My answer to that is simple.

We do care. I care. I have visited most of your countries. I have met most of your leaders. I have talked with your people. I have seen your great needs, as well as your great achievements.

And I know this, in my heart as well as in my mind: If peace and freedom are to endure in the world, there is no task more urgent than lifting up the hungry and the helpless, and putting flesh on the dreams of those who yearn for a better life.

Today, we share an historic opportunity.

As we look together down the closing decades of this century, we seek tasks that summon the very best that is in us. But those tasks are difficult precisely because they do mean the difference between despair and fulfillment for most of the 600 million people who will live in Latin America by the year 2000. Those lives are our challenge. Those lives are our hope. And we could ask no prouder reward than to have our efforts crowned by peace, prosperity and dignity in the lives of those 600 million human beings, each so precious and each so unique—our children and our legacy.

AUTHORIZATION FOR SUBCOMMITTEE ON INDIAN EDUCATION OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORT AND SUPPLEMENTAL VIEWS BY MIDNIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Indian Education of the Committee on Labor and Public Welfare be permitted to have until midnight tonight to file its report, together with supplemental views, in accordance with Senate Resolution 80, as extended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today the Subcommittee on Indian Education intends to file its final report with the Senate. This report is the culmination of 2 years' work by the subcommittee, work directed by three different chairmen: Senator Robert F. Kennedy, Senator Wayne Morse, and myself.

We have published seven volumes of hearings. We have authorized the publication of five separate committee prints, covering various aspects of our investigations and findings. These prints will be available shortly.

The report which will be filed today makes some 60 separate recommendations. These recommendations were built upon our detailed, extensive findings. The findings tell a story of a national policy failure of major proportions, a failure we simply must correct if American Indian children are to receive decent education. For today they do not—either in Federal schools or public schools. This is particularly shocking in the case of Federal schools, because the Federal Government has assumed the full share of responsibility for the Indian children in these schools. The school buildings, the teachers' salaries, the curriculum—these are all directed by the Federal Government. That they should be less than excellent is a disgrace.

I expect the report to be available late Tuesday or Wednesday. I will tomorrow announce the time and place at which I have asked the other members of the subcommittee to join with me in a presentation and discussion of the subcommittee's findings and recommendations. This presentation and discussion will be open to the press.

Mr. MONDALE. Mr. President, today, after more than 2 years of field investigations and hearings, the Senate Special Subcommittee on Indian Education will submit its final report "Indian Education: A National Tragedy—A National Challenge."

It has been a privilege, and an education, for me to serve on the subcommittee, and to have participated in the investigation which led to this report, which I am convinced will be recognized as the most comprehensive study ever made of Indian education. During the course of its relatively short existence the subcommittee has published seven volumes of hearings, five committee prints and the final report itself.

Much of the credit for this significant report must go to the distinguished Senator from the State of Massachusetts, the Honorable EDWARD M. KENNEDY, who so ably and concernedly guided its work as chairman. Senator KENNEDY picked up the task where his brother, the late Senator Robert F. Kennedy—the subcommittee's first chairman—left it, and has provided the dedicated leadership needed to put together this massive study. Senator Robert Kennedy's dedication to the cause of the American Indian is already a well-known part of history. It is fitting therefore that the report is dedicated to him.

The final report itself makes us all aware of the fact the American Indian is not receiving equal educational opportunities.

The statistics on this subject are so often quoted that they seem to have lost meaning. High dropout rates, high absenteeism, substantial illiteracy, we have heard it all before. The Indian Education Subcommittee went beyond these statistics, though, and asked "Why?" We came up with answers—many of them supplied by the Indian people themselves—which in retrospect seem so basic to any effective educational program that it is embarrassing to our Nation that we have not implemented them before.

Many times in the course of our investigation I have been shocked by the Neanderthal educational approaches used for Indian students and by the insensitivity of school personnel to students of a different culture. I hope this report can be a start in remedying some of the problems we saw in our investigation. After 400 years of failing the Indian, we do not have an easy task before us. But if we decide we want to, we can meet the challenge.

Mr. DOMINICK. Mr. President, today the Senate Special Subcommittee on Indian Education will submit its monumental report entitled "Indian Education: A National Tragedy—A National Challenge."

Mr. President, I have been involved in Indian affairs during most of my years in Congress. I served on the Indian Affairs Subcommittee in the House, and until a few years ago was a member of the Indian Affairs Subcommittee of the Senate Committee on Interior and Insular Affairs.

Now, as ranking Republican on the Indian Education Subcommittee, I must say this has been the most challenging undertaking of all.

The history of our report—the initiation, planning, and development—is that of a deep and sincere concern for the American Indian and his educational problems on the part of both political parties. It is a prime index to congressional effectiveness and cooperation on both sides when faced with a problem of national scope that requires a united approach to reach the objective, that of creating, for the American Indian, an educational program cognizant of his tribal values, willing and flexible enough to constantly reevaluate programs, and with a desire to provide the means for Indians to develop themselves educationally and be on a par with non-Indians in our very competitive society.

The long history of Federal-Indian relations in our society—despite the expenditure of millions of dollars—has not been one of successfully coping with the problem of acculturation or assimilation, as that problem has confronted our American Indians, but rather to attempt solution of the problem as the non-Indian sees it. There has been a myriad of Indian experts, but we have overlooked the development of expert Indians. Solution has been our objective, success has been our goal, but both solution and success have evaded our grasp to this day. As the Senator from Arizona (Mr. FANNIN) so aptly put it in his memorandum on the subject:

> Our efforts have not been in vain, but they have too often been inconclusive.

Past history indicates that faced with policies in the field of Indian affairs not producing the desired result we have changed that policy again and again. Indians—not liking our policy of the moment—need only wait a few years knowing that a new policy was just around the corner. Our Indian policy has been like a child's kaleidoscope, ever changing, and easily changed, by whatever hand was holding it.

Running through this myriad compound of programs and policies, however, was one consistent thread that the hand changing the policy at will was not the hand of the Indians nor was it guided by the Indians. The Government was in the position of a doctor treating a patient who never asked the patient where the pain was located nor how severe it was. This simile—though it may seem unrelated to the subject at hand—is simply to establish what I consider to be one of the most important aspects of this report, that it was constantly focused on Indian opinion, desires, and goals.

Certainly such a study could have been confined to hearings and conferences with various Government and State officials concerned with their programs for educating the American Indian but such an approach would have overlooked the basic ingredient—necessary to success—the Indian and his knowledge of why the Federal Government Indian education programs were unsuccessful. The very foundation stones that this subcommittee was built on were: First, a coordinated bipartisan approach; and second, listening to the Indian voice of concern and aspiration.

THE NATIONAL INDIAN BOARD OF INDIAN EDUCATION

This, by way of background, explains why I am so delighted that the suggestion of the minority for a National Indian Board of Indian Education was adopted.

Such an approach represents a striking departure from the past. It will give our Indian citizens—with their unique relationship to the Federal Government—a truly meaningful voice in the future of their education programs in the Federal schools.

I ask unanimous consent that recommendation No. 16 be printed at this point in my remarks.

There being no objection, the recommendation was ordered to be printed in the RECORD, as follows:

RECOMMENDATION No. 16

The subcommittee recommends that there be established a National Indian Board of Indian Education with authority to set standards and criteria for the Federal schools.

Structurally, this recommendation is patterned after the organization of education in the States, with the National Indian Board of Indian Education as the centerpoint of citizen participation much as is the State Board. It would, as do the counterpart boards in the States, have oversight over the operations of the schools and have authority to set standards and criteria and determine policy within the framework of the law. The National Board would receive funds for its operations.

The National Board would be composed of some fifteen members, representative of the Indian tribes and communities, serving staggered terms of three years. They would be appointed by the President from lists of nominees furnished by the Indian tribes and communities and would be eligible to serve no more than two consecutive terms. At least annually, but more often if necessary, the Board would submit to the Congress and to the President reports and recommendations for administrative action or legislation, thus giving the Indians themselves leverage in effecting change. The National Board could elect to ex officio membership no more than five non-Indian individuals expert in areas of concern to the Board.

The National Board would be authorized to utilize the expertise of the U.S. Office of Education, the Office of Economic Opportunity, and other Federal agencies.

While this recommendation envisions the appointment of the National Board, the subcommittee believes that the matter of election of the members of the National Board merits careful consideration. Therefore, the National Board should be empowered to establish the mechanism for electing the Board, and an equitable means by which such members might be elected. It should submit a plan for election of Board members, to the Congress, and to the President.

If this plan is not rejected by either House of Congress, following the procedure of congressional action as prescribed by law in the case of executive reorganization plans, then the election procedure would be put into effect.

The National Board would also be empowered to participate in the negotiation of contracts with individual tribes and communities to run local school systems for Indians.

The Board would present to the Department of Interior its suggestions for nominees for Assistant Commissioner for Education as well as presenting its views on any candidate that the Department may be considering for the post. Since the Assistant Commissioner for Education would be serving for one or more terms of 4-year duration, the National Board would have the foregoing review responsibilities also with respect to reappointment.

Finally, the National Board would serve in an advisory capacity with respect to Federal education programs involving Indians in the public schools. For example, the Board could review school district use of Johnson-O'Malley funds to assure they were being used for the needs of Indian students.

Mr. DOMINICK. Mr. President, we also suggested that local Indians boards of education be established for Federal Indian school districts, and, in addition, that provision be made for increased parental and community involvement. This was complied with, elevating the Commissioner of Bureau of Indian Affairs to an Assistant Secretary for Indian Affairs. The subcommittee agreed.

I ask unanimous consent that recommendations Nos. 15, 17, and 18 be printed at this point in my remarks.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATION No. 15

The subcommittee recommends (a) That the position of the Commissioner of the Bureau of Indian Affairs be upgraded by giving him the concurrent title of Assistant Secretary for Indian Affairs; (b) That the Bureau of Indian Affairs be removed from the authority of the Assistant Secretary for Public Land Management and be placed under the authority of this new Assistant Secretary for Indian Affairs.

At present, the BIA is one of four bureaus under the Assistant Secretary for Public Land Management. The four are: the BIA; the Bureau of Land Management; the Bureau of Outdoor Recreation; and the Office of Territories. This Assistant Secretary is thus principally concerned with the conservation, management, and development of some 453 million acres of the nation's public lands, and the administration of mining and mineral leasing on federally owned lands. He is also the focal point of Federal activities related to outdoor recreation.

It is perfectly plain that the present administrative arrangement short-changes the BIA, which must compete with other bureaus (whose interests are diametrically opposed) for the Assistant Secretary's attention.

The present arrangement has resulted in inadequate budget levels, neglect of educational programs and problems, and lack of forceful leadership for improvement. The change in placement and status of the BIA should permit higher budget levels, more effective leadership, and more rapid innovation.

There exist ample precedents for this dual title. For example, in the Department of Housing and Urban Development, the Assistant Secretary for Mortgage Credit is also the Commissioner for Federal Housing. Furthermore, the Commissioner of the BIA, Hon. Louis Bruce, endorsed this step in a meeting with the subcommittee on Oct. 2, 1969.

RECOMMENDATION No. 17

The subcommittee recommends that Indian boards of education be established at the local level for Federal Indian school districts.

The powers of such local boards would be similar to those powers traditionally held by local school boards. The boards, for example, would have supervision over curriculum and the hiring of faculty in the schools in their districts. Generally, they would have jurisdiction in Indian school districts containing elementary and secondary schools situated in a proper geographic, tribal, or community area. These boards would be either elected by the Indian district in which they would serve, or be appointed by the tribal or community authority there. It is assumed that the method of selection would vary from area to area. Approximately 80 percent of local boards throughout the country are elected.

In keeping with the practice throughout the Nation wherein the overwhelming majority of local school boards are elected, the subcommittee expresses the hope that local Indian boards will likewise be subject to election, keeping in mind that in a minority of areas, as elsewhere in the country, local preference may dictate that the board be appointed.

The local boards would have direct lines of communication with the National Indian Board of Indian Education, and would be empowered to convey to it recommendations for overall policy.

RECOMMENDATION No. 18

The subcommittee recommends that Indian parental and community involvement be increased.

The BIA has been particularly lax in involving the participation of Indian parents and communities in the education process. Such involvement would have a beneficial effect on the attitude of Indian children toward school and their own education, and could be helpful in bringing about strengthened and enhanced education programs.

In addition, this parental and community involvement at the school level complements the local and national Indian boards recommended above.

Mr. DOMINICK. Mr. President, in its original conception the funds for operating the Council were to come from assessment of all member departments. However, during the 90th Congress, legislation was passed containing language making it unlawful for appropriated funds to be used to finance interdepartmental boards, commissions, councils, committees or similar groups not having prior and specific congressional approval. The Council therefore was without funds for staffing or equipment and Senate Joint Resolution 121 of this Congress was to authorize such funds.

This organization, although quite new, can provide a very useful service to the Federal Government and to the Indian tribes. No other arm of the Federal Government can carry out the necessary functions charged to the Council and certainly the day has come—with our numerous programs—for one organization to be responsible for coordinating them. The reason for the lack of an appropriation for the NCIO as I explained during the floor debate was technical in nature—the House had not acted on the authorizing legislation—and my reason for discussing the subject at that time was to gain as much support for the appropriation—when it did come before the Senate—as possible.

President Nixon requested $300,000 for the Council in his 1970 budget. This coincides with his statement last fall that—

> The right of self-determination of the Indian people will be respected and their participation in planning their own destiny will be actively encouraged. I will oppose any effort to transfer jurisdiction over Indian Reservations without Indian consent. I will fully support the National Council on Indian Opportunity and I will ensure that the Indian people are fully consulted before programs under which they must live are planned.

Before this can be fulfilled, the House must act on the authorizing legislation. I hope that this will occur at the earliest possible date.

Mr. President, there were many other contributions of the minority to this report, but I wanted to specifically refer to the National Indian Board of Indian Education because I think it represents the most significant breakthrough on behalf of the Indian education in decades.

For the record, however, I ask unanimous consent that the supplemental views which list other contributions of the minority be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, let me emphasize that while there were some misunderstandings between the minority and majority from time to time, I believe they have been resolved. In my judgment, each Senator made a valuable contribution to our work and in the final outcome, all were given fair consideration to their viewpoints.

All Senators are in agreement on the greater part of the report. There is one major exception—establishment of a Select Committee on the Human Needs of American Indians.

The rationale for the opposition of the minority to such a recommendation is basic. A select committee can only study. It cannot legislate. The American Indian has heard enough about studies. Our subcommittee alone has produced one page of study for every 35 school-age Indian children, aged 5 to 18. Our position is further explained in the supplemental views.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

One further point. The subcommittee adopted our suggestion for full funding of the National Council on Indian Opportunity. I refer Senators to recommendation No. 12, and ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the recommendation was ordered to be printed in the Record, as follows:

Recommendation No. 12

The subcommittee recommends full funding of the National Council on Indian Opportunity for fiscal year 1970, and for subsequent years.

The National Council on Indian Opportunity was created by Executive Order 11399 on March 6, 1968. The purpose of the Council as stated in the Executive order is to encourage full use of Federal programs as they relate to Indians, appraise the impact and progress of Federal programs for Indians, and suggest ways to improve such programs.

By including six Indians as members, the Council affords the Indian people, for the first time in the history of Federal-Indian affairs, an opportunity to sit at the highest administrative level and have a direct say in the formulation of policies and programs as they relate to Indians.

President Johnson and President Nixon both have given their strong support to the Council. The National Congress of American Indians, the largest Indian organization in the country, indicated its strong support for this program in a position paper adopted May 6, 1969, in Albuquerque, N. Mex. The NCAI commented that the creation of the Council was:

> * * * a milestone in the involvement of Indian people with the administration of this country, and as such it can be a vital mechanism for Indian involvement in their own progress. There is no other like body which gives the Indian people such vital participation in the discussion and solution of their problems. The National Council on Indian Opportunity must be continued and funds appropriated for its continued operation.

As more and more programs for Indians are begun in agencies other than the Department of the Interior, the need for program coordination and appraisal becomes even more acute. Nearly half of the total Federal outlay in Indian Affairs goes to agencies other than the Bureau of Indian Affairs. These departments, whose secretaries, along with the Vice President as chairman, and the Indian members mentioned above, sit on the Council, are: Agriculture, Commerce, Labor, HEW, HUD, and OEO. Additionally, it is expected that the Department of Justice will embark on its first Indian program during fiscal year 1970. In the judgment of the subcommittee, the Council is the only agency equipped with the authority to coordinate all Federal Indian programs.

On September 3, 1969, the Senate passed an authorizing resolution continuing the Council. The resolution is now pending in the House of Representatives and the subcommittee recommends favorable action be taken as soon as possible.

It is expected that another request for funding of the Council will be included in a supplemental appropriations bill to be sent to Congress later this fall. The subcommittee concluded that favorable action on funding the Council is imperative.

SENATOR FANNIN

Mr. DOMINICK. Mr. President, I think it only appropriate that we take note of the initiative of Senator Fannin in the creation of our subcommittee.

The Senate Special Subcommittee on Indian Education had its beginning during consideration in 1966 by the full committee of possible amendments to the Elementary and Secondary Education Act. One of the prime areas of Committee concern was possible amendments to titles I, II, and III extending the benefits of these titles to Indian children enrolled in Bureau of Indian Affairs schools.

At that time, Senator Fannin—long sympathetic to Indian problems addressed a letter to Senator Wayne Morse, chairman of the Education Subcommittee, strongly suggesting the creation of a special Subcommittee on Indian Education to supplement the work of Senator Morse's Education Subcommittee. As a result of this primary emphasis, Senate Resolution 165—providing the authorization for a study of matters pertaining to the education and related problems of Indian children—was introduced and subsequently passed the Senate on August 31, 1967. In the report of the Committee on Rules and Administration, Senator Fannin's memorandum entitled "Need for Special Subcommittee on Indian Education" was included.

Without quoting at great length, I would like to bring to the attention of this body Senator Fannin's remarks that indicate his depth of knowledge, concern, and penetrating analysis of the subject matter. The Senator pointed out—statistically—the sad plight of the American Indian not only educationally, but in terms of unemployment, housing, life span, infant mortality rates, and then stated that "more troublesome than the statistics we do know are those we do not know." Other areas of emphasis in the memorandum included "such vexing questions as the amount of emphasis the curriculum should give to Indian languages, history and culture" and "the best way to train teachers for these students" and whether past legislation "has worked and whether new approaches are required or a different emphasis desirable." The most moving statement was when the Senator succinctly summarized the position of Congress in these few words:

> We cannot legislate in the dark.

Our subcommittee study is done now and before the Congress for consideration. It has been a long and difficult task, the subcommittee ably chaired by the gentleman from Massachusetts. We have managed to bring together one of the most comprehensive pictures of Indian education ever made and we have presented the case thoroughly documented with recommendations possible of accomplishment. A great deal of effort has been expended by all concerned, tremendous interest has been shown on the part of Congress, the Federal and State Governments, Indians, specialists in the field, and the general public—during the life of the subcommittee and its investigations.

Our task was to study the problem of Indian education—in all its scope and complexity—with particular emphasis placed on Indian concern, opinions and aspirations. As we stated in the introduction to our report:

> The ultimate test of this report is whether or not we have listened, understood, and given voice to their concern and aspirations.

Exhibit 1

Supplemental Views

The undersigned minority members of the subcommittee gave support to the study and report, consistent with the historic sponsorship and support of constructive action in education on a bipartisan basis.

CONTRIBUTIONS OF THE MINORITY

We are particularly gratified to note that some earlier misunderstandings between the minority and majority have been dispelled and that in drafting this report full and fair consideration was given to proposals advanced by the minority. As a result, some important major recommendations by Republican members were included in the report as finally approved. These include—

(1) Recommendation No. 16 that there be established a National Indian Board of Indian Education with authority to set standards and criteria for Federal schools;

(2) Recommendation No. 17 that Indian boards of education be established at the local level for Federal Indian school districts;

(3) Recommendation No. 15 that the Commissioner of Indian Affairs be upgraded to Assistant Secretary and that the Bureau of Indian Affairs be upgraded accordingly;

(4) Recommendation No. 6 for the presentation to Congress of a comprehensive Indian education act to meet the special needs of Indian children both in Federal and public schools;

(5) Recommendation No. 12 for full funding for the National Council on Indian Opportunity;

(6) Recommendation No. 52 that Johnson-O'Malley funding should not be conditioned by presence of tax-exempt land;

(7) Recommendation No. 9 that the HEW Civil Rights Enforcement Office investigate discrimination against Indians in schools receiving Federal funds;

(8) Recommendation No. 18 that Indian parental and community involvement be increased;

(9) Recommendation No. 20 that the Departments of Interior and Health, Education, and Welfare, together with the National Council on Indian Opportunity, devise a joint plan of action to develop a quality education program for Indian children;

(10) Recommendation No. 25 that BIA boarding school guidance and counseling programs be substantially expanded and improved;

(11) Recommendation No. 37 to strengthen title III (developing institutions) of the Higher Education Act to include recently created higher education institutions for Indians on or near reservations;

(12) Recommendation No. 38 to expand the Education Professions Development Act, the Higher Education Act, and the Vocational Education Act to include BIA schools and programs;

(13) Recommendation No. 56 that State and local communities should enocurage and facilitate increased Indian involvement in the development and operation of education programs for Indian children;

(14) Recommendation No. 59 to appoint Indians to U.S. Office of Education advisory groups; and

(15) Recommendation No. 60 that the BIA should have the same responsibility to the U.S. Office of Education for set-aside funds under Federal grant-in-aid education programs as do the States for similar programs.

In addition, the minority was also responsible for minor and technical contributions to the report.

Finally, we take especial pride in the key role in the creation of the subcommittee played by Senator Paul Fannin, of Arizona, the subcommittee's ranking minority member during the 90th Congress. As the late Senator Robert F. Kennedy stated at the opening hearing on December 14, 1967:

> The stimulation for the establishment of this subcommittee came from my colleague, Senator Fannin, of the State of Arizona, who has always been interested in Indian education.

OPPOSITION TO RECOMMENDATION FOR SENATE SELECT COMMITTEE

While endorsing the greater part of the report, we do take exception to the recommendation that there be established a Senate Selection Committee on the Human Needs of the American Indian.

A Senate select committee is not a legislative committee. It may only investigate and study and is not empowered to consider and report legislation. Thus, the recommended select committee would mean yet more additional studies of Indian problems. There is a surfeit of such studies.

The Indian Education Subcommittee, over a period of more than 2 years, has produced six volumes of hearings and a volume of appendix, five committee prints, 14 consultant reports, and a final report. This comes to a total of approximately one page of study for every 35 school-age Indian children, aged 5 to 18.

In addition, the subcommittee is recommending that other studies be undertaken—by the White House Conference on American Indian Affairs and by the National Indian Board of Indian Education. However, these studies possess a significantly different dimension, for they will be studies conducted by Indians about Indian problems, whereas the select committee would be just another in a series of governmental study efforts dominated by non-Indians. By utilizing studies by Indians about Indians instead of surveys by government bodies or by non-Indian academicians, we will be making the transition from reliance on Indian experts, as at present, to a reliance upon expert Indians. The latter course seems the wisest and in the best tradition of government by the consent of the governed.

A PLEDGE

For too many years study after study and report after report have been issued looking toward improvement of the lot of our Indian citizens which, while resplendent with promise, have come to naught. We stress realization over promise, especially as concerns what is perhaps the most important recommendation contributed by the Republican membership of the subcommittee; namely, a means to achieve the guidance by Indians themselves of the education of their own children through national and local Indian boards of education.

To achieve these goals, we pledge to work for realization of the recommendations contained in this report so that the education of Indian children shall be, in accord with the precepts set forth by President Abraham Lincoln, of, by, and for the Indian people.

PETER H. DOMINICK.
GEORGE MURPHY.
WILLIAM B. SAXBE.
RALPH T. SMITH.

Mr. MURPHY. Mr. President, I want to associate myself with Senator DOMINICK's remarks, particularly with his praise of Senator FANNIN, a real expert on Indian education and other Indian problems.

It was at the urging of Senator PAUL FANNIN of Arizona that the Senate Labor and Public Welfare Committee created the Indian Education Subcommittee. This landmark report being filed in the Senate today and appropriately titled "Indian Education: A National Tragedy—A National Challenge," is a result of extensive hearings, field investigations, and work by the subcommittee under the chairmanship first of the late Senator Robert Kennedy, who was succeeded by Senator EDWARD KENNEDY. I am particularly grateful for the leadership by the ranking Republican member of the Subcommittee, Senator DOMINICK of Colorado.

There are approximately 600,000 Indians in America today, 400,000 of whom live on or near reservations in 25 States. California has the second largest Indian population in the Nation. It is estimated that approximately 100,000, or one-sixth of the total Indian population in the country, reside in California.

Statistics regarding the "first American" are shocking. They show that 50 percent of Indian youngsters drop out before completing high school;

Among our largest tribes, the Navajos, there is a 30-percent illiteracy rate; and

The overall educational achievement of the Indian is only 5 years.

Evidence continues to grow regarding the correlation between educational achievement and earning levels. Therefore, it is not surprising that economic statistics are similarly depressing. They reveal:

That the average Indian income is $1,500, which is 75 percent below the national average;

That his unemployment rate is 40 percent, which is 10 times the national average;

That the incidence of tuberculosis among Indians is seven times the national average; and

That his lifespan is considerably less than the national average.

These statistics are true despite a doubling of appropriations for Indian programs during the last decade and a growth of a Bureau that today has 16,500 employees, one for every 36 Indians in the United States. Although I wish these statistics were not true in California, I regret that the California statistics, although better than the national average, nevertheless confirm the depths of the Indian education problems. For example, a 1966 report by the State Advisory Commission on Indian Affairs found that high schools with large Indian enrollments had a dropout rate three times higher for Indians than non-Indians. Some schools reported dropout rates for Indians ranging from 30 percent to 75 percent.

I was only appointed to the Indian Education Subcommittee this year, and shortly after my appointment, I testified before the Committee making two major recommendations. I called for: First, the restoration of Johnson-O'Malley funds to California Indians, and second, a transfer of the administration of Indian education from the Bureau of Indian Affairs in the Interior Department to the Department of Health, Education, and Welfare.

In my testimony, I labeled the restoration of Johnson-O'Malley funds to California as the most pressing need in Indian education in my State. The California State Legislature has memorialized Congress to restore Federal services including Johnson-O'Malley funds to California Indians. Incidentally, I am working closely with Secretary Finch and Governor Reagan in an effort to restore some Indian health services which are also direly needed by California Indians.

I described the need and traced the loss of Johnson-O'Malley funds in California as follows:

> The most pressing need in my state is for the restoration of Johnson-O'Malley funds. The Johnson-O'Malley program provides financial aid to states for educational programs for Indians, California's eligibility for the program was finally terminated in 1958. Although there were various reasons for the phasing out of the Johnson-O'Malley program in California, including the feeling that California would adequately fill the

gap resulting from the loss of these federal funds and give the Indians an adequate education and the belief that the federal government would terminate the reservation policy nationwide, the statistics, experience and events since the phasing out of the Johnson-O'Malley program in California show neither has occurred.

In addition, my examination of the other arguments advanced in support of the ending of the Johnson-O'Malley funds in California convinced me that they are equally erroneous. That the Johnson-O'Malley funds are vitally needed in California is generally agreed. For as the State Advisory Commission on Indian Affairs in a June, 1967 report noted, the Indians in California "have become lost in the 'big picture' of education in California . . . The solution to the above-stated problems and deficiencies encountered in the education of California Indian students can be found in a re-implementation of the Johnson-O'Malley program in California."

Since the phasing out of the Johnson-O'Malley program, the record indicates that the California Indian both educationally and economically was not only failing to hold his own with his contemporaries but is actually falling further and further behind. When the reason or rationale for a law no longer exists, the law itself should not exist either. This should also apply to the Johnson-O'Malley exclusion of California Indians.

It is estimated that since fiscal year 1953-54, the state of California and the California Indians have lost $3.5 million because of the ending of the Johnson-O'Malley program. In 1953, California's percentage of the nationwide Johnson-O'Malley funds of approximately $2.6 million was 12 per cent. With the total federal funds now reaching approximately $8 million, a 12 per cent share for California would come to $960,000. While California might not actually receive this amount, it is clear that substantial sums would be forthcoming which would help meet the great educational needs that do exist.

There is no question that the Johnson-O'Malley funds could be put to tremendous use in my State for there is a great need, for example, for an assignment within the State department of education of a person to be employed as an Indian education expert. With the restoration of this program, I am confident that the State would move ahead and create such a post.

I am pleased, Mr. President, that the Indian Education Subcommittee has followed my recommendation by urging that Johnson-O'Malley funds should be based on need and on evidence that the funds will be used to meet those needs. The case for returning Johnson-O'Malley funds has been made long ago. I urge the Bureau of Indian Affairs to restore Johnson-O'Malley funds to California immediately. Mr. President, today I have sent the following telegram to BIA Commissioner Bruce once again urging restoration of Johnson-O'Malley funds to my State:

> Indian Education Subcommittee has filed its Report in the Senate today documenting once again the critical need for restoration of Johnson-O'Malley funds to California. Once again I urge the Interior Department to restore Johnson-O'Malley funds to my state. Such action would indicate that the Bureau of Indian Affairs is taking the Indian Education Report seriously and I am sure would be welcomed by all members of the Indian Education Subcommittee.

On the important issue of administration, I, as previously indicated, urged the transfer of Indian Education to the Department of Health, Education, and Welfare. Indian health has already been transferred to HEW and the improvement of Indian health programs has been significant in its new home. However, there was and is considerable concern, disagreement, and suspicion by the Indians on this issue. Every time someone tries to come to grip with the problem of administration, the bogeyman of termination has been raised and spread among the Indians. The Indians fear that the Federal Government's special-relationship and services that they receive will be terminated. Vice President Agnew emphatically told the Indians at the recent conference at Albuquerque, N. Mex., that the administration opposed termination. I am hopeful that we might bury this fear so that whatever action is needed to improve the present conditions of the American Indian and the present organizational structure will take place. Personally, I am convinced that the Indians themselves will ultimately agree with my recommendations of transferring Indian education programs to HEW.

Our committee thus faced a dilemma. Change and administrative shakeup was greatly in order. Yet the smokescreen of termination prevented us from getting agreement by the Indians and prevented us from resolving this critical issue.

I am pleased that the Republicans on the committee came up with a creative solution to this impasse. First, we proposed and the committee adopted as its recommendation the upgrading of the Commissioner of Indian Affairs to that of Assistant Secretary of Interior and Commissioner of Indian Education. This upgrading will give the Commissioner of the Bureau of Indian Affairs direct access to the Secretary of Interior rather than going through layers of bureaucracy at the Interior Department. This upgrading will give the Commissioner direct line authority over BIA schools, thus cutting away additional bureaucrat layers of noneducational experts at the working and field levels.

Second, we recommended and the committee accepted as part of their recommendations, the establishment of a National Indian Board of Education.

The basic idea here is that BIA, or Federal Indian schools, should have a school board with powers and responsibility comparable to the State boards of education. The importance of this board in the eyes of the subcommittee can be seen by the fact that board members would be appointed by the President of the United States. Also, the subcommittee hopes that this board, a proposed White House conference, and an adequately funded National Council on Indian Opportunity will provide the mechanism and leadership necessary to resolve the question of organization and other important Indian education issues.

Third, the minority recommended and the subcommittee adopted a proposal for the creation of local school boards which would be analogous to local boards of education across the country. President Johnson 2 years ago directed the establishment of local Indian boards of education at BIA schools. For all practical purposes, the bureaucracy completely ignored this presidential directive as the subcommittee found that only two, I believe, of these boards were actually established.

Mr. President, the intent of these minority proposals is to allow the Indians to control their own destiny, to run their own schools. Throughout hearings the Rough Rock Demonstration School in Arizona was cited and applauded as the most exciting experiment in Indian education, and it should be noted that the creation of this school resulted primarily from agencies and organizations outside of BIA.

Mr. President, the Indians have always recognized the importance of education. Mr. Rupert Costro, president of the American Indian Historical Society, which is located in California, pointed this out in testimony before the subcommittee as follows:

> In our contact with the whites, we have always and without fail asked for one thing. We wanted education. You can examine any treaty, any negotiations with the American Whites. The first condition, specifically asked for by the Indian tribes, was education. What we got was third-rate, lefthanded, meager, miserly unqualified training, with the greatest expenditure of federal funds and the least amount of actual education for the Indian himself.

Mr. President, the challenge has been laid before us. As I said before the Indian Education Subcommittee earlier, I intend to do whatever I can to bring about a substitution of results and performances for the rhetoric and promises that have been made to the American Indian for over a century.

Finally, Mr. President, I ask unanimous consent that the committee's discussion of the Johnson-O'Malley Act, its recommendations with respect to this act, and the committee's recommendation dealing with the question of administration of Indian education be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Johnson-O'Malley Act, April 16, 1934

The Johnson-O'Malley act authorized the Secretary of Interior to contract with State or territories for the education, medical attention, agricultural assistance, and social welfare of Indians in the State.[1] In 1936 the act was amended to its present form. The amendment expanded the contracting authority of the Secretary of the Interior, giving him the authority to contract with State universities, colleges, schools, or with any appropriate State or private corporation, agency, or institution.

The intent of the act as expressed in the identical reports submitted to each House of Congress, was to "arrange for the handling of certain Indian problems with those States in which the Indian tribal life is largely broken up and in which the Indians are to a considerable extend mixed with the general population."[2] The report noted that in many areas Indians are mixed with the white population, and therefore "it becomes advisable to fit them into the general public school scheme rather than to provide separate schools for them."[3] The act thus gave legislative authority to the Bureau's policy of gradually turning over its education function to the public schools. The act also facilitated Federal-State cooperation by making con-

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Footnotes at end of article.

tracts negotiable at the State level rather than the local. It has become one of the primary means of Federal subsidization of Indian education.

In 1935, California became the first State to contract for and under Johnson-O'Malley, and by 1940, contracts had also been negotiated with Arizona, Minnesota, and Washington.[4] By 1951, 14 States and five districts within States were receiving $2,505,933 in Johnson-O'Malley funds. The estimated expenditure for fiscal 1969 is $11,552,000, or approximately $174 per student.[5]

Since the act's inception, the number of Indian students in public schools has increased to about two-thirds of all Indian students. Although the act brought about increased enrollment of Indians in public schools, its success in meeting the educational needs of those students is open to serious question.

Why hasn't the Johnson-O'Malley act dealt adequately with the needs of Indian students? The problem lies not so much with the act itself, as with the manner in which it has been interpreted. For though the language of the act is broad, its interpretation has been narrow, and therefore the intent of the legislation has not been realized.

The Bureau of Indian Affairs, for example, has adopted a more restricted eligibility requirement than that suggested by Congress. Congressional intent was to service Indians in States "in which the Indian tribal life is largely broken up and in which the Indians are to a considerable extent mixed with the general population." [6] The Bureau's policy is to serve Indian children (one-fourth or more Indian blood) "whose parents live on or near Indian reservations under the jurisdiction of the Bureau of Indian Affairs." The policy statement declares that "the tax-free status of land where the parents live will be the major consideration in determining the eligibility of the children." [7]

Despite the act's expressed intent to deal only with Indian needs, the Johnson-O'Malley money has been traditionally used by school districts to supplement their general operating budget, thus benefiting all their students. The Code of Federal Regulations (1958) sanctions this use by stating that Johnson-O'Malley money can be used to meet the financial needs of those school districts which have "large blocks of nontaxable Indian-owned property * * * and relatively large numbers of Indians which create situations which local funds are inadequate to meet."

Use of the money for "meeting educational problems under extraordinary and exceptional circumstances" is limited by regulation to those districts which receive Public Law 81–874 money to meet partial costs of normal school operation. (Public Law 81–874 funds provide "in lieu of taxes" money to districts which, because of the presence of tax-exempt land, need additional money for normal school operations.) With the inclusion of Indians in Public Law 81–874 in 1958, that law took care of some of the basic support money heretofore provided by Johnson-O'Malley. Yet the policy of the Bureau continues to place the tax-exempt status of land as the prime determiner of Johnson-O'Malley eligibility rather than educational need.[8]

The Johnson-O'Malley money not used for basic support (operation and maintenance) is used to provide lunches, transportation, administrative costs and—occasionally—special instructional services. Twenty to twenty-five percent of Johnson-O'Malley expenditures are for school lunches for Indian students, as compared to 3.8 percent of Title I, ESEA, expenditures for feeding programs. About 5 percent of the annual expenditure is for administration, and amount generally in the line with expenditures for administration under the ESEA. For example, Indian Education directors in State departments of education which hold Johnson-O'Malley contracts are paid out of the Johnson-O'Malley appropriation. The Bureau reports that in 1969, it budgeted 30 percent of the funds for "special services."

In some States, special services means providing bus service for Indian children. In others it means buying volleyball standards and tumbling pads. Some use it to pay off the mortgage on a bus, increase teacher salaries, or hire attendance officers. In a few cases it is used to hire teacher aides and provide libraries and study halls for Indians. There is no detailed accountability of the use of the money.

Today, 35 years after it was originally adopted, it is still highly questionable if the Johnson-O'Malley Act is fulfilling the intent of Congress. It is true that more Indians are in public schools, but it is doubtful if the needs of these Indian children are being met any more than they were 35 years ago.

Conflict With Public Law 874

One of the main problems with the act has been the conflict between it and Public Law 874. Public Law 874 provides funds for school districts which educate large numbers of children whose parents live or work on tax-exempt property. The law became applicable to Indians in 1958, and since that time, school districts educating Indian children have received compensation for the nearby presence of tax-exempt reservations.

Congress never intended that duplicate payments should be made to the same school for the same purpose by two different Federal agencies. But often, both Public Law 874 and Johnson-O'Malley money do just that. The Federal regulation permits such use of Johnson-O'Malley money when Public Law 874 funds are insufficient for general school operations.[9] Few local administrators are likely to admit they have enough money for normal school operations when they know they can get more, and thus Johnson-O'Malley is continually drained for normal operating budget purposes.

Dr. Alphonse Selinger of the Northwest Regional Educational Laboratory testified before the subcommittee that he had encountered at least one principal who admitted giving passing grades to Indian students only to keep them in school so the district could receive Johnson-O'Malley money. Officials from two different schools told Dr. Selinger there was very little they could do for Indian children, so they kept them in the school for the additional funds they brought into the system.[10]

Generally, though, the regulation limits Johnson-O'Malley funds to districts not qualifying under Public Law 874 and to those Public Law 874 districts in which there are "educational problems under extraordinary and exceptional circumstances." (To qualify under Public Law 874 a district must meet a 3-percent impact requirement and have a minimum daily attendance of 10 federally connected pupils.) [11] In practice, the money is used as a budget-balancing device for those districts receiving Public Law 874 money. Johnson-O'Malley makes up the difference between a district's education expenditures and its revenues after Public Law 874 has been included.[12]

When Public Law 874 became applicable to Indians in 1959, the Johnson-O'Malley budget suffered considerably. The 1959 Johnson-O'Malley appropriation of $7,953,000 was cut to $5 million in 1960. Although Johnson-O'Malley and Public Law 874 serve different functions, Public Law 874 was, and continues to be, interpreted by BIA officials as replacement money for Johnson-O'Malley.

The problem with a school district replacing Johnson-O'Malley funds with Public Law 874 aid is that there is no guarantee the Public Law 874 money will be used to benefit Indian students. Such money goes to the school district itself, and any benefit received by Indian children would only be indirect. Johnson-O'Malley funds, though, are supposed to aid only Indian children.[13]

Congress also has no control over the use of Public Law 874 money. School districts apply it in their operating budget as they see fit. The Federal Government is prohibited from setting standards for its use or requiring, for example, that it be used for special Indian needs.

Excludes Many Indians

A most important problem with Johnson-O'Malley is that, as presently administered, it excludes from participation Indians who have left the reservation. Thousands of such Indians now live in urban areas, where Indian children attend public schools. Their needs are being ignored just as much there as in rural areas. In Minneapolis, Minn., for example, an estimated 10,000 Indians live in the city. The Indian dropout rate in the city's public school system is more than 60 percent.[14] Some 45,000 Indians live in California cities.[15] The Indian dropout rate in public schools throughout the State is about 70 percent.[16] Most urban school districts are not eligible for either Johnson-O'Malley or Public Law 874 because the Indian parents do not live or work on tax-exempt reservations. Thus there Indians are not eligible for the special-needs funds Congress intended for them.

A special case exemplifying Johnson-O'Malley problems can be found in California, where some 80,000 Indians are now without Johnson-O'Malley assistance. The first State to enter into a contract with the BIA under this act, California has since had its Johnson-O'Malley program phased out. It was completely terminated in 1958.

The reasons for the withdrawal of services are many. Many people, including BIA personnel, were under the impression that the termination policy espoused in the midfifties would lead to termination of all Indian aid policies, and California seemed as good a place as any to start cutting programs. There were some who claimed Indians were already receiving an adequate education in California without Federal funds. Others were led to believe—falsely—that Public Law 874 and Public Law 815 would adequately replace Johnson-O'Malley funds. Then in 1953, California's annual Johnson-O'Malley funding of $318,000 was reduced by $50,000. The California appropriation was reduced another $50,000 every year until by 1958, nothing was appropriated.

Noting such evidence as the fact that California high schools with relatively large Indian enrollments have dropout rates three times higher for Indians than for non-Indians, California has sought the return of Johnson-O'Malley money. California educators have argued that many Indians have educational problems requiring special attention and that Public Law 874 has not replaced the need for Johnson-O'Malley funds. But the BIA appears to be following a policy of "once withdrawn, always withdrawn," and thus California Indians continue without the moneys for programs to meet their special needs.[17]

Three other eligible States west of the Mississippi are not under Johnson-O'Malley State contracts. Oregon terminated its contract after being led to believe that Public Law 815 and Public Law 874 would take care of the education of the Indian, and that the BIA intended to terminate all services to Indians shortly anyway. Utah terminated its contract because officials felt the State could get more money under Public Law 874 than Johnson-O'Malley.[18]

In 1969, Wyoming sought a State contract for its Indians, but has been unable to get approval from the Bureau's Washington office. Wyoming school officials claimed their plan called for liaison people between Indian communities and school districts to assist in developing better relationships between the

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two groups. The Wyoming State education superintendent said the BIA completely rewrote the State's proposed plan, and that the "watered-down" version offered in its place was hardly worthwhile.[19] Bureau officials have indicated their reluctance to give Wyoming Johnson-O'Malley money because they contend that Public Law 874 money is adequately serving the needs of Indians in Wyoming public schools.[20]

Complaints are innumerable regarding the administration of Johnson-O'Malley. For one thing, the levels of aid are extremely uneven. In 1967–68, Alaska received $690 per Johnson-O'Malley pupil while Oklahoma received $37. Arizona received $236 per pupil while neighboring New Mexico received $135. Even within States, the levels vary greatly. In 1966–67, Santa Fe County, N. Mex., received $310 per Johnson-O'Malley pupil, while McKinley County (Gallup), N. Mex., received $41. According to Dr. Anne M. Smith, anthropologist and author of "Indian Education in New Mexico," "It has not proved possible to discover on what policy basis the allocation of funds is made.[21]

One State, Arizona, has been reducing State aid to districts which receive Johnson-O'Malley funds. Several States were doing the same thing with regard to Public Law 847 money, but the courts ruled against the practice. (See, for example, *Shephard* v. *Godwin*, 280 F. Supp. 869, 1968) BIA officials are hopeful the Arizona legislature will resolve the problem before court action is necessary.

Poor Accountability

A major problem with the Johnson-O'Malley program is poor accountability of the funds administered. The legislation requires the State or contracting district to submit an annual report showing expenditures, but far too often these reports are summary and undetailed. Except for a school enrollment data form, there is little uniformity in reporting techniques. One State, for example, will report transportation expenditures under basic support, whereas another State will report such expenditures under special services. In neither case is an explanation of the purpose of the transportation given. The special services sections are almost entirely devoid of meaningful explanations of the services provided.

The reports also provide no evaluation of the previous year's programs. There is apparently never any attitudinal or achievement testing to test the effect, if any, the Johnson-O'Malley programs in particular school districts are having upon Indian students.

Utilizing the Amendment

The Bureau of Indian Affairs has not been particularly creative in using the expanded contracting authority granted by the 1936 amendment to the act for educational projects. This amendment authorized the Bureau to contract Johnson-O'Malley projects with State universities, and institutions. In the past the amendment has been used for such contracts as those with: (1) The Idaho Elks Rehabilitation Center at Boise for the care of Alaska native children in specialized schools; (2) The Utah School for the Deaf and Blind, for its Indian patients; and (3) The Salvation Army Booth Memorial Home at Anchorage for the care of native children and eligible adults.

In recent years, the contracting authority has been used for more innovative programs. Johnson-O'Malley money went to the Rough Rock Demonstration School, for example, since it was a nonprofit corporation. A contract was negotiated with the University of Alaska to develop a model of a cultural and educational center for Alaskan natives. And most recently, a contract has been negotiated with the United Tribes of North Dakota, set up as a nonprofit corporation, for the operation of a training center.[22]

Lack of Indian Participation

Johnson-O'Malley is supposed to serve the needs of Indian students, but Indians rarely get an opportunity to decide how the money should be spent. The proposals are usually drawn up by school administrators of white, middle-class backgrounds who direct the money toward general school operations or problem-solving techniques which might work for the middle-class student, but not the Indian. The people who are affected most by the law have little to say about how the money should be used to help their children.

New Approaches by the BIA

In recent years, the Bureau has looked at Johnson-O'Malley a little more imaginatively than in the past, and has funded a few programs which deal more specifically with the needs of Indian students. A home-visitation program in Oklahoma, for example, is working to improve relations between the Indian home and the school. A night study hall for Indians was established in Nevada. Teacher workshops designed to help teachers in dealing with the special needs of Indian students have become more common. A resource center which sends out a circuit rider is now operating in Alaska. In an attempt to get away from the institutional boarding school concept, Johnson-O'Malley money is also being used to set up a home boarding program so that students can live-in with families. Bureau officials also have their sights on Johnson-O'Malley kindergarten programs as well as model school programs for each State with a Johnson-O'Malley contract.

To streamline Johnson-O'Malley procedures, the Bureau tries to confer regularly with State education officials so that the States can share information and hear new Johnson-O'Malley approaches. Two field men, one in Albuquerque and one in Aberdeen, devote a good share of their time to working with State directors and tribal groups in helping them formulate the best possible Johnson-O'Malley budget. The field men are also expected to meet with tribal groups and consider their recommendations for Johnson-O'Malley usage. Bureau officials report that funding for this kind of activity is low, and that such activity often has to be conducted on a limited basis.

THE TRANSFER POLICY

Despite evidence of the failure of the public schools to provide Indian students with an adequate education and despite the absence of a commitment by local, State or National authorities to provide Indians with an equal education, the Bureau of Indian Affairs continues its policy of transferring Indians into public schools. Between 1930 and the present, the number of Indian students attending public schools has increased from one-half to two-thirds of all Indian students enrolled in schools. In 1926, about 37,700 Indian students were in public schools.[23] In 1968 there were about 90,000.* Nine States (California, Idaho, Michigan, Minnesota, Nebraska, Oregon, Texas, Washington, and Wisconsin) had assumed complete responsibility for educating Indians within their States.

1. Analysis

The transfer procedure employed by the Bureau has been discretionary. When the Bureau felt a public school was ready to handle Indian students, the change was effected. The transfer was often a gradual process, involving a phasing out of the educational services at the Indian school.

RECOMMENDATION NO. 48

Johnson-O'Malley Act

The subcommittee recommends that each state applying for a Johnson-O'Malley contract should be required to submit a definite plan for meeting the needs of its Indian students.

Too often the plans submitted by States are vague and meaningless, specific programs are rarely outlined, and there appears to be no concerted attack on the problems of the Indian. State plans should detail the use for which Johnson-O'Malley money will be put, and explain how the JOM contribution fits into the statewide plan for helping meet the special needs of Indian students.

RECOMMENDATION NO. 49

The subcommittee recommends that better accountability and evaluation procedures should be instituted at the State and local levels.

The Bureau of Indian Affairs should require improved evaluation components at the State and local levels. The only accountability measures now are a State's annual report, which vary tremendously in quality and content. Some uniform data collection technique should be established, and States should be required to report the results of their JOM programs rather than just the fact that such programs were in operation.

It is a fair measure of the BIA's lack of concern for the education of Indian children in public schools that the subcommittee could find no evidence of any serious effort by the BIA to assure that JOM funds were used for educational programs for Indian students. The funds are given to local public school districts, which often use the money for general educational purposes rather than the special needs of Indian students. The subcommittee cannot emphasize too strongly that these funds are to be used for the education of Indian children only, and that the BIA should condition their release upon that purpose with proper accountability.

RECOMMENDATION NO. 50

The subcommittee recommends that Indians should be involved in the planning, executing and evaluating of Johnson-O'Malley programs. A State or district's JOM plan should be subject to the approval of the Indian participants.

The Bureau of Indian Affairs, as a prerequisite to JOM contract approval, should require Indian participation in the planning, execution, and evaluating of JOM plans. Indians should be involved at both the local and State levels in formulating the JOM budget request, and in seeing that the plan is carried out. All proposals and plans must be approved by those Indians participating.

RECOMMENDATION NO. 51

The subcommittee recommends that technical assistants should be hired by the BIA to work with local agencies, State departments of education and Indian participant groups in helping to identify special Indian needs and in developing programs which would meet those needs.

The assistants should be Indians who can serve as special consultants to the parties involved in order that the best possible JOM contract can be negotiated. They should not be desk-bound nor assigned to such an expansive territory that they are unable to get out into all parts of the field.

RECOMMENDATION NO. 52

The subcommittee recommends that Johnson-O'Malley funding should not be conditioned by presence of tax-exempt land.

The criteria for approval of a Johnson-O'Malley contract should be: (a) an exhibited need for programs aimed at meeting the special needs of Indian students, and (b) a proposal which details how those needs will be met. The presence of nontaxable Indian land should not have any bearing in determining the eligibility of children for JOM money. When the law originally was passed, congressional intent was for the act to serve primarily those Indians who were "to a considerable extent mixed with the general population." That intent has not been fulfilled.

RECOMMENDATION NO. 53

The subcommittee recommends that the expanded contracting authority authorized

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by the Act's 1936 amendment should be utilized for the development of curriculum relevant to Indian culture and the training of teachers of Indian students.

Only in recent years has the Bureau shown some creativity in utilization of the expanded contracting authority. This amendment offers far greater potential for innovative educational projects than has been demonstrated. It could be a very good vehicle, for example, to improve curriculums for Indian students, and to train teachers who will be teaching Indian students. Universities and nonprofit corporations might be contracted to develop special curriculums which recognize Indian culture, and to develop and institute teacher-training programs which include a recognition that teachers of Indian students have special responsibilities.

RECOMMENDATION NO. 54

The subcommittee recommends that tribes and Indian communities should be added to the list of agencies with which the Bureau of Indian Affairs can negotiate Johnson-O'Malley contracts and that full use be made of this new contracting authority to permit tribes to develop their own education projects and programs.

The subcommittee has found that very few Indian tribes and communities have developed educational plans which identify problems and establish goals. However, the subcommittee was impressed by the fact that Indian communities have a better understanding of their education needs and problems than the schools that serve them. The schools rarely understand the Indian community and cultural differences, and the Indian community rarely has any influence on the school. Johnson-O'Malley contracts with Indian tribes and communities could do much to break down these barriers, and place the initiative and responsibility for change and improvement in the hands of those who best understand the problems.

Johnson-O'Malley contracts with Indian tribes and communities could serve a variety of important purposes. For example, tribal surveys and factfinding efforts to determine educational needs; the development of education plans and goals; developing effective liaison between Indian parents and public schools; developing Indian education leadership; planning, funding, implementation and evaluation of special education programs for Indian children in cooperation with public school districts; education programs and projects run directly by the tribe itself (for example, summer school programs).

The basic responsibility for development of this program should be vested in the National Indian Board of Education. It will require close coordination with the development of strong Indian school boards on those reservations with Federal schools.

An important and promising precedent for this tribal-contracting approach has recently been initiated by the Indian Health Service. The Indian community health representative program is worthy of careful study by the National Indian Board of Education to determine its applicability to the field of Indian education.

ADMINISTRATION OF INDIAN EDUCATION

The most difficult question confronting the subcommittee was what organizational changes are necessary if Indian schools are to become "models of excellence" in terms of both program and Indian control. The subcommittee has found that the Bureau of Indian Affairs suffers from a severe bureaucratic malaise, which militates against change and innovation as well as actively discourages Indian control. The present structure of the Federal school program, as an integral part of the Bureau of Indian Affairs, places primary control over educational decisionmaking in the hands of area directors and noneducators. It destroys educational leadership and rewards mediocrity. It is therefore not possible to conceive of change and improvement in the present structure. If an exemplary program is to be developed, it will require a radical and comprehensive reorganization.

The subcommittee recommends (a) That the position of the Commissioner of the Bureau of Indian Affairs be upgraded by giving him the concurrent title of Assistant Secretary for Indian Affairs, (b) That the Bureau of Indian Affairs be removed from the authority of the Assistant Secretary for Public Land Management and be placed under the authority of this new Assistant Secretary for Indian Affairs.

At present, the BIA is one of four bureaus under the Assistant Secretary for Public Land Management. The four are: the BIA; the Bureau of Land Management; the Bureau of Outdoor Recreation; and the Office of Territories. This Assistant Secretary is thus principally concerned with the conservation, management, and development of some 453 million acres of the nation's public lands, and the administration of mining and mineral leasing on federally owned lands. He is also the focal point of Federal activities related to outdoor recreation.

It is perfectly plain that the present administrative arrangement short-changes the BIA, which must compete with other bureaus (whose interests are diametrically opposed) for the Assistant Secretary's attention.

The present arrangement has resulted in inadequate budget levels, neglect of educational programs and problems, and lack of forceful leadership for improvement. The change in placement and status of the BIA should permit higher budget levels, more effective leadership, and more rapid innovation.

There exist ample precedents for this dual title. For example, in the Department of Housing and Urban Development, the Assistant Secretary for Mortgage Credit is also the Commissioner for Federal Housing. Furthermore, the Commissioner of the BIA, Hon. Louis Bruce, endorsed this step in a meeting with the subcommittee on Oct. 2, 1969.

The subcommittee recommends that there be established a National Indian Board of Indian Education with authority to set standards and criteria for the Federal schools.

Structurally, this recommendation is patterned after the organization of education in the States, with the National Indian Board of Indian Education as the centerpoint of citizen participation much as is the State Board. It would, as do the counterpart boards in the States, have oversight over the operations of the schools and have authority to set standards and criteria and determine policy within the framework of the law. The National Board would receive funds for its operations.

The National Board would be composed of some fifteen members, representative of the Indian tribes and communities, serving staggered terms of three years. They would be appointed by the President from lists of nominees furnished by the Indian tribes and communities and would be eligible to serve no more than two consecutive terms. At least annually, but more often if necessary, the Board would submit to the Congress and to the President reports and recommendations for administrative action or legislation, thus giving the Indians themselves leverage in effecting change. The National Board could elect to ex officio membership no more than five non-Indian individuals expert in areas of concern to the Board.

The National Board would be authorized to utilize the expertise of the U.S. Office of Education, the Office of Economic Opportunity, and other Federal agencies.

While this recommendation envisions the appointment of the National Board, the subcommittee believes that the matter of election of the members of the National Board merits careful consideration. Therefore, the National Board should be empowered to establish the mechanism for electing the Board, and an equitable means by which such members might be elected. It should submit a plan for election of Board members, to the Congress, and to the President.

If this plan is not rejected by either House of Congress, following the procedure of congressional action as prescribed by law in the case of executive reorganization plans, then the election procedure would be put into effect.

The National Board would also be empowered to participate in the negotiation of contracts with individual tribes and communities to run local school systems for Indians.

The Board would present to the Department of Interior its suggestions for nominees for Assistant Commissioner for Education as well as presenting its views on any candidate that the Department may be considering for the post. Since the Assistant Commissioner for Education would be serving for one or more terms of 4-year duration, the National Board would have the foregoing review responsibilities also with respect to reappointment.

Finally, the National Board would serve in an advisory capacity with respect to Federal education programs involving Indians in the public schools. For example, the Board could review school district use of Johnson-O'Malley funds to assure they were being used for the needs of Indian students.

The subcommittee recommends that Indian boards of education be established at the local level for Federal Indian school districts.

The powers of such local boards would be similar to those powers traditionally held by local school boards. The boards, for example, would have supervision over curriculum and the hiring of faculty in the schools in their districts. Generally, they would have jurisdiction in Indian school districts containing elementary and secondary schools situated in a proper geographic, tribal, or community area. These boards would be either elected by the Indian district in which they would serve, or be appointed by the tribal or community authority there. It is assumed that the method of selection would vary from area to area. Approximately 80 percent of local boards throughout the country are elected.

In keeping with the practice throughout the Nation wherein the overwhelming majority of local school boards are elected, the subcommittee expresses the hope that local Indian boards will likewise be subject to election, keeping in mind that in a minority of areas, as elsewhere in the country, local preference may dictate that the board be appointed.

The local boards would have direct lines of communication with the National Indian Board of Indian Education, and would be empowered to convey to it recommendation for overall policy.

The subcommittee recommends that the Assistant Commissioner for Education of the Bureau of Indian Affairs be given the responsibilities of a superintendent of Federal schools, having direct line control over the operation of the schools, including budgets, personnel systems, and supporting services. It also recommends that the term of office of the Assistant Commissioner be limited to 4 years, subject to reappointment.

This would place the Federal school system outside of area office and reservation agency control, and leave the Federal school

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system as an autonomous unit within the BIA. Furthermore, it would permit the Assistant Commissioner much greater authority to negotiate with State and local school boards and agencies for augmented Indian education programs in the public schools.

The subcommittee urges that the Assistant Commissioner for Education retain decisionmaking authority over policy matters, and delegate only ministerial functions to his subordinates.

FOOTNOTES

[*] Division of Public School Relations, Bureau of Indian Affairs.

[1] 48 Stat. 596.

[2] H. Rept. 864, Mar. 2, 1934, and S. Rept. 511, Mar. 20, 1934.

[3] Ibid.

[4] Felix Cohen, "Handbook of Federal Indian Law," 1940 ed., p. 241.

[5] BIA Branch of Public School Relations.

[6] H. Rept. 864, Mar. 2, 1934.

[7] Indian Affairs Manual, 62 IAM 3.5.

[8] Indian Affairs Manual, 62 IAM 3.25.

[9] 62 IAM 3.27.

[10] Hearings before the Senate Subcommittee on Indian Education, pt. VI.

[11] Impacted areas legislation report and recommendation, prepared for Senate Subcommittee on Education by the U.S. Department of Health, Education, and Welfare, August 1965, pp. 537–538.

[12] Interview with Charles Zellers, BIA Assistant Commissioner for Education, May 22, 1969.

[13] 48 Stat. 596 (Johnson-O'Malley Act).

[14] Minnesota State plan for the education of Indian children, Minnesota Department of Education, 1969.

[15] "The Education of American Indian: An Evaluation of the Literature," Brewton Berry, p. 25.

[16] Ibid., p. 29.

[17] A Johnson-O'Malley educational program for California Indians, State Advisory Commission on Indian Affairs, June 1967.

[18] Ibid.

[19] Interview with Wyoming State Superintendent of Education, June 1969.

[20] Op. cit., interview with Zellers.

[21] Anne Smith, Indian Education in New Mexico, University of New Mexico, 1968.

[22] Interview with J. Leonard Norwood, BIA Acting Commissioner, June 1969.

[23] "The Problem of Indian Administration," Lewis Meriam, p. 416.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. **WILLIAMS** of New Jersey. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2917.

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

DECLARATION OF PURPOSE

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(b) The occupationally caused death, illness, or injury of a miner causes grief and suffering, and is a serious impediment to the future growth of this industry;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to control the causes of occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in such mines cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of a coal mine accident or occupationally caused disease unduly impedes and burdens commerce; and

(g) it is the purpose of this Act to provide for the establishment of mandatory health and safety standards and to require that the operators and the miners comply with such standards in carrying out their responsibilities.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or part of a coal mine or the supervision of the employees in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal mine;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) "inspection" means the period beginning when an authorized representative of the Secretary first enters a coal mine and ending when he leaves the coal mine during or after the coal-producing shift in which he entered; and

(m) "Panel" means the Interim Compliance Panel established by this Act.

MINES SUBJECT TO ACT

SEC. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, shall be subject to this Act, and each operator of such mine and every person working in such mine shall comply with the provisions of this Act and the applicable regulations of the Secretary promulgated under this Act.

INTERIM COMPLIANCE PANEL

SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The Chairman of the Panel shall be selected by the members from among the membership thereof.

(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

(f) (1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 202 and 305 of this Act and to provide an opportunity for a hearing, after notice, at the request of an operator of the affected mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 202 and 305 of this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate.

TITLE I—GENERAL

HEALTH AND SAFETY STANDARDS; REVIEW

SEC. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise, as may be appropriate, mandatory safety standards for the protection of life and the prevention of injuries in a coal mine, and shall, in accordance with the procedures set forth in this section, promulgate the mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare. No mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners below that afforded by the standards contained in title II and III of this Act.

(b) In the development of such mandatory safety standards, the Secretary shall consult with interested Federal agencies, representatives of States, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. In addition to the attainment of the highest degree of safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other safety statutes.

(c) The Secretary of Health, Education, and Welfare shall, in accordance with the procedures set forth in this section, develop and revise, as may be appropriate, mandatory health standards for the protection of life and the prevention of occupational diseases of coal miners. Such development and revision shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In the development of mandatory health standards, the Secretary of Health, Education, and Welfare may consult with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and, where appropriate, foreign countries. Mandatory health standards which the Secretary of Health, Education, and Welfare develops or revises shall be transmitted to the Secretary, and shall thereupon be published by the Secretary as proposed mandatory health standards.

(d) The Secretary shall publish proposed mandatory health and safety standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. In the case of mandatory safety standards, except as provided in subsection (e) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. In the case of mandatory health standards, except as provided in subsection (e) of this section, the Secretary of Health, Education, and Welfare may, upon the expiration of such period and after consideration of all relevant matter presented to the Secretary and transmitted to the Secretary of Health, Education, and Welfare, direct the Secretary to promulgate such standards with such modifications as the Secretary of Health, Education, and Welfare may deem appropriate and the Secretary shall thereupon promulgate such standards.

(e) On or before the last day of any period fixed for the submission of written data or comments under subsection (d) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefore and requesting a public hearing on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested.

(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare determines that a proposed mandatory standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination.

(g) Any mandatory standard promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(h) Proposed mandatory safety standards for surface coal mines shall be developed and published by the Secretary not later than twelve months after the enactment of this Act.

ADVISORY COMMITTEES

SEC. 102. (a) The Secretary may appoint one or more advisory committees to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each such committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business, entitled to receive compensation at rates fixed by the Secretary but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

INSPECTIONS AND INVESTIGATIONS

SEC. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to health and safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards or with any notice or order issued under this title. In carrying out the requirements of clauses (3) and (4) of this subsection, no advance notice of an inspection shall be provided the operator of a mine. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year.

(b) (1) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through any coal mine.

(2) The provisions of this Act relating to inspections, investigations, and records shall be available to the Secretary of Health, Education, and Welfare to enable him to carry out his functions and responsibilities under this Act.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent, to the greatest extent possible, the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(g) If a miner or an authorized representative, if any, of the miners believes that a violation of a mandatory health or safety standard exists, or an imminent danger exists, in a mine, he may notify the Secretary or his authorized representative of such violation or danger. Upon receipt of such notification the Secretary or his authorized representative may make a special investigation to determine if such violation or danger exists.

(h) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

FINDINGS, NOTICES, AND ORDERS

SEC. 104. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, such representative shall determine an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard but the violation has not created an imminent danger, he shall issue a notice fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c) (1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause or effect of a mine accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health and safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Secretary shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under subsection (b) of this section, or section 105. If, during any special inspection relating to such violation or during such reinspection, a representative of the Secretary finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of the mandatory health or safety standards, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violation, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section;

(1) any person whose presence in such area is necessary, in the judgment of the operator, to eliminate the condition described in the order;

(2) any public official whose official duties require him to enter such area;

(3) any representative of the employees of such mine who is, in the judgment of the operator, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

(4) any consultant to any of the foregoing.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this section may be modified or terminated by an authorized representative of the Secretary.

(h) (1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall require that either the notice issued under this subsection be canceled, or that an order be issued by such authorized representative of the Secretary requiring the operator to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) If, based upon samples taken and analyzed and recorded pursuant to section 202(a) of this Act, the applicable health standard established under section 202(b) of this Act is exceeded and thereby violated, the Secretary or his authorized representative shall find a reasonable period of time within which to take corrective action to reduce the average concentration of respirable dust to the miners in the area of the mine in which such standard was exceeded, and shall issue a notice fixing a reasonable time for the abatement of the violation. During such time, the operator of such mine shall cause samples described in section 202(a) of this Act to be taken of the affected area during each production shift. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds, based upon such samples or upon an inspection, that the violation has not been totally abated, he shall issue a new notice of violation if he finds that such period of time should be further extended. If he finds that such period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until the Secretary or his authorized representative determines through such test procedures conducted in such area as he may require, including production and sampling, that the violation has been abated.

REVIEW BY THE SECRETARY

SEC. 105. (a) (1) An operator notified of an order issued pursuant to section 104 of this title, or any representative of miners in any mine affected by such order or any modification or termination of such order pursuant to section 104(g), may apply to the Secretary for review of the order within thirty days of receipt thereof or within thirty days of its modification or termination. The operator shall send a copy of such application to the representative, if any, of persons working in the affected mine. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of the applicant or a representative of persons working in such mine, to enable the applicant and the representatives of persons working in such mine to present information relating to the issuance and continuance of such order.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and (1), in the case of an order issued under subsection (a) of section 104 of this title, he shall find whether or not the imminent danger as set out in the order existed at the time of issuance of the order and whether or not the imminent danger existed at the time of the investigation, and (2), in the case of an order issued under subsection (b), (c), or (i) of section 104 of this title, he shall find whether or not there was a violation of any mandatory health or safety standard as described in the order and whether or not such violation had been abated at the time of such investigation, and upon making such findings he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under section 104 of this title, together with a detailed statement giving reasons for granting such relief. The Secretary may issue a decision granting such relief, under such conditions as he may prescribe, only after a hearing in which all parties are given an opportunity to be heard.

JUDICIAL REVIEW

SEC. 106. (a) Any decision issued by the Panel under section 5 or the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the effected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel, as appropriate, and thereupon the Secretary or the Panel, as appropriate, shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

(b) The Court shall hear such petition on the record made before the Secretary of the Panel, as appropriate. The findings of the Secretary or the Panel, as appropriate, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decisions or may remand the proceedings to the Secretary of the Panel, as appropriate, for such further action as it may direct.

(c) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court may, after due notice to, and hearing of, the parties to the appeal from a decision of the Secretary or the Panel, as appropriate, except a decision from an order issued under section 104(a) of this title, issue all necessary and appropriate process and grant such other relief as may be appropriate pending final determination of the appeal.

(d) The judgment of the court shall be subject only to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the Secretary's or Panel's decision.

POSTING OF NOTICES AND ORDERS

Sec. 107. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order required by this title to be given to an operator to be mailed immediately to a duly designated representative of persons working in the affected mine, and to the public official or agency of the State charged with administering State lews, if any relating to health or safety in such mine. Such notice or order shall be available for public inspection.

(c) In order to insure prompt compliance with any notice or order issued under section 104 of this title, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice or order.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health or safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

INJUNCTIONS

Sec. 108. The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order issued under section 104 of this title or decision issued under this title, or (b) interferes with, hinders, or relays the Secretary or his authorized representative in carrying out the provisions of this Act, or (c) refuses to admit such representative to the mine, or (d) refuses to permit the inspection of the mine, or an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary, or (f) refuses to permit access to, and copying of, records. Each court shall have jurisdiction to provide such relief as may be appropriate: *Provided*, That no temporary restraining order shall be issued without notice unless the petition therefor alleges that substantial and irreparable injury to the miners in such mine will be unavoidable and such temporary restraining order shall be effective for no longer than seven days and will become void at the expiration of such period: *Provided further*, That any order issued under this section to enforce an order issued under section 104, unless set aside or modified prior thereto by the district court granting such injunctive relief, shall not be in effect after the completion or final termination of all proceedings for review of such order as provided in this title if such is determined on such review that such order was invalid.

PENALTIES

Sec. 109. (a) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard or who violates any provision of this Act shall by order be assessed a civil penalty by the Secretary which penalty shall not be more than $10,000 for each such violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation. No penalty shall be assessed under this subsection pending the final termination, expiration, or completion of all proceedings, administrative or judicial, for review of an order or decision under this title.

(b) Upon written request made by an operator within thirty days after receipt of an order assessing a penalty under this section, the Secretary shall afford such operator an opportunity for a hearing and, in accordance with the request, determine by decision whether or not a violation did occur or whether the amount of the penalty is warranted or should be compromised.

(c) Upon any failure of an operator to pay a penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(d) Whoever knowingly violates or fails or refuses to comply with any order issued under section 104(a) of this title or any final decision on any other order issued under this title shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(e) Whenever a corporate operator violates a mandatory health or safety standard of this Act, or violates any provision of this Act, any director, officer, or agent of such corporation who authorized, ordered, or carried out such violation shall be subject to the provisions of subsection (a). Whenever a corporate operator knowingly violates or fails or refuses to comply with any order issued under section 104(a) of this title or any final decision on any other order issued under this title, any director, officer, or agent of such corporation who authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the provisions of subsection (d).

(f) Whoever knowingly makes any false statements or representations in any application, records, reports, plans, or other documents filed or required to be maintained in accordance with this Act or any mandatory health or safety standard of this Act or any order issued under this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

ENTITLEMENT OF MINERS

Sec. 110. (a) If a mine or portion of a mine is closed by an order issued under section 104, all miners working during the shift when such order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. Whenever an operator violates or fails or refuses to comply with an order issued under section 104, all miners employed at the affected mine who would be withdrawn or prevented from entering such mine or portion thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.

(b)(1) Compensation shall be paid under this subsection in respect of total disability of an individual from complicated pneumoconiosis which arose out of or in the course of his employment in a coal mine, and in respect of the death of any individual who, at the time of his death, was suffering from complicated pneumoconiosis which so arose. For purposes of this subsection, if an individual who is suffering or suffered from complicated pneumoconiosis was employed for ten years or more in a coal mine there shall be a rebuttable presumption that his complicated pneumoconiosis arose out of or in the course of such employment, but this sentence shall not be deemed to affect the applicability of the first sentence of this paragraph in the case of claims under this subsection on account of death or total disability of an individual when such individual has not worked for as much as ten years in a coal mine. For purposes of this subsection, any individual who suffers from complicated pneumoconiosis shall be deemed to be totally disabled.

(2)(A) Subject to the provisions of subparagraph (B), compensation shall be paid under this subsection as follows:

(i) In the case of total disability, the disabled individual shall be paid compensation during the disability at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in grade GS-2, who is totally disabled is entitled at the time of payment under the provisions of Federal law relating to Federal employees' compensation (section 8112, title 5, United States Code).

(ii) In the case of death, compensation shall be paid to the widow at the rate the deceased individual would receive such compensation if he were totally disabled.

(iii) In the case of an individual entitled to compensation under clause (i) or (ii) of this subparagraph who has one or more dependents, his compensation shall be increased at the rate of 50 per centum of the compensation to which he is so entitled under clause (i) or (ii) of this subparagraph if such individual has one dependent, 75 per centum if such individual has two dependents, and 100 per centum if such individual has three dependents.

(B) Notwithstanding subparagraph (A), compensation under this paragraph shall be reduced by an amount equal to any payment which the payee receives under the workmen's compensation, unemployment compensation, or disability insurance laws of his State, and the amount by which such payment would be reduced on account of excess earnings under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of such Act.

(3)(A) The Secretary of Labor shall enter into agreements with the Governors of the States under which the State will receive and adjudicate claims under this subsection from any resident of the State and under which compensation will be paid as provided by this subsection from grants made to pay compensation under this subsection. Such Governor shall implement the agreement in such manner as he shall determine will best effectuate the provisions of this subsection. The Governor shall make such reports to the Secretary of Labor, subject to such verification, as may be necessary to assure that Federal grants under this subsection are used for their intended purpose.

(B) The Secretary of Labor shall make grants under this subsection to States with which he has an agreement under subparagraph (A) in the amount necessary to enable them to pay the compensation required by this subsection.

(4) If the Secretary of Labor is unable to enter into an agreement under paragraph (3), or if the Governor of the State requests him to do so, he shall make payments of compensation directly to residents of such State as required by this subsection. The administrative provisions for carrying out the Federal employees' compensation programs which are contained in sections 8121, 8122 (b), and 8123 through 8135, title 5, United States Code, shall apply with respect to claims under this paragraph.

(5) No claim under this subsection shall be considered unless it is filed (1) within one year after the date an employed miner received the results of his first chest roentgenogram provided under section 203 of this Act, or, if he did not receive such a chest roentgenogram, the date he was first afforded an opportunity to do so under such section, or (2) in the case of any other claimant, within three years from the date of enactment of this Act, or, in the case of a claimant who is a widow, within one year after the death of her husband or within three years from the date of enactment of this Act, whichever is the later. Payment of compensation under this subsection shall commence with the date the claim is filed.

(6) No compensation shall be paid under this subsection to the residents of any State which, after the date of enactment of this Act, reduces the benefits payable to persons eligible to receive compensation under this subsection, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

(7) For purposes of this subsection—

(A) The term "coal mine" includes only underground coal mines.

(B) The term "complicated pneumoconiosis" means an advanced stage of a chronic coal dust disease of the lung which (i) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (ii) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, (iii) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in clause (i) or (ii) if diagnosis had been made in a manner described in clause (i) or (ii).

(C) The term "dependent" means a wife or child who is a dependent as that term is defined for purposes of section 8110, title 5, United States Code.

(D) The term "widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion, who has not remarried.

REPORTS

SEC. 111. (a) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents, roof falls, and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported for periods determined by the Secretary, but at least annually.

(b) Every operator of a coal mine and his agent shall (1) establish and maintain, in addition to such records as are specifically required by this Act, such records, and (2) make such reports and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time and released to any interested person, and shall be made available for public inspection.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

SEC. 201. The provisions of sections 202 through 205 of this title shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by mandatory health standards promulgated by the Secretary, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under the provisions of section 101 of title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

DUST STANDARD AND RESPIRATORS

SEC. 202. (a) Each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which the miners in the active workings of such mine are exposed. Such samples shall be taken by any device approved by the Secretary and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretaries shall prescribe in the Federal Register within sixty days from the date of enactment of this Act and from time to time thereafter. Such samples shall be transmitted to the Secretary at his expense in a manner established by him, and analyzed and recorded by him in a manner which will assure application of the provisions of section 104(i) when the standard established under subsection (b) of this section is exceeded. The results of such samples shall also be made available to the operator. Each operator shall certify to the Secretary at such intervals as the Secretary may require as to the condition of the mine atmosphere in the active workings of the mine, including, but not limited to, the average number of working hours worked during each shift, the quantity of air regularly reaching the working places, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.

(b)(1) Effective on the operative date of this title, each operator shall maintain the average concentration of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed at or below 4.5 milligrams per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare). In the case of an operator who requests an extension of time beyond the operative date of this title in which to reduce such average concentration of respirable dust to or below 4.5 milligrams per cubic meter of air (or its equivalent) and demonstrates to the satisfaction of the Panel that he is undertaking maximum efforts to so reduce such average concentration but is unable to do so because it is not technologically feasible for him to do so, the Panel may grant such operator no more than ninety days for such purpose.

(2) Effective six months after the operative date of this title, the limit on the level of dust concentration shall be 3.0 milligrams of respirable dust per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (is measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare). In the case of an operator who requests an extension of time beyond the effective date of this paragraph in which to reduce the average concentration of respirable dust to or below 3.0 milligrams per cubic meter of air (or its equivalent) and demonstrates to

the satisfaction of the Panel that he is undertaking maximum efforts to so reduce such average concentration but is unable to do so because it is not technologically feasible for him to do so, the Panel may grant such operator no more than six months for such purpose.

(3) Beginning six months after the operative date of this title, the Secretary of Health, Education, and Welfare shall reduce the limit on the level of dust concentration below 3.0 milligrams of respirable dust per cubic meter of air (if measured with an MRE instrument over several shifts) or an equivalent amount of dust (if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare) as he determines such reductions become technologically attainable.

(c) Respirators or other breathing devices approved by the Secretary and the Secretary of Health, Education, and Welfare shall be made available to all persons whenever exposed to concentrations of dust in excess of concentrations of dust permitted by subsection (b). Use of respirators shall not be substituted for environmental control measures. Each underground mine shall maintain a supply of approved respirators or other breathing devices adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the limit prescribed in this section.

(d) As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

MEDICAL EXAMINATIONS

SEC. 203. (a) The operator of an underground coal mine shall cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in an underground coal mine an opportunity to have, at least once every five years, beginning six months after the operative date of this title, a chest roentgenogram to be provided by the Secretary of Health, Education, and Welfare with funds derived under section 401(c) of this Act. Each worker who begins work in a coal mine for the first time shall be given, as soon as possible after commencement of his employment, and again three years later if he is still engaged in coal mining, a chest roentgenogram; and in the event the second such chest roentgenogram shows evidence of the development of pneumoconiosis the worker shall be given, two years later if he is still engaged in coal mining, an additional chest roentgenogram. Such chest roentgenograms shall be given in accordance with specifications and to the extent prescribed by the Secretary of Health, Education, and Welfare and shall be supplemented by such other tests as the Secretary of Health, Education, and Welfare deems necessary. The films shall be read and classified in a manner to be prescribed by the Secretary of Health, Education, and Welfare and the results of each reading on each such person and of such tests, shall be submitted to the Secretary and to the Secretary of Health, Education, and Welfare, and at the request of the worker, to his physician. Such specfications, readings, classifications, and tests shall, to the greatest degree possible, be uniform for all underground coal mines and coal miners in such mines.

(b) Any miner, who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading, shows substantial evidence of the development of pneumoconiosis shall, at the option of the miner, be assigned by the operator, for such period or periods as may be necessary to prevent further development of such disease, to work either (1) in any active working place in a mine where the mine atmosphere contains concentrations of respirable dust of not more than 2.0 milligrams per cubic meter of air if measured with an MRE instrument or not more than an equivalent amount of dust if measured with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare, or (2) in an area of the mine containing more than such 2.0 milligrams, or its equivalent, provided the miner wears respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare. Within one year after the enactment of this Act, any miner who shows evidence of the development of pneumoconiosis shall be assigned by the operator for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the average concentration of respirable dust in the mine atmosphere to which the miner is exposed during each shift is at or below 1.0 milligrams of dust per cubic meter of air or to whatever lower level the Secretary of Health, Education, and Welfare determines is necessary to prevent any further development of such disease. Any miner so assigned shall receive compensation for such work not less than the regular rate of pay received by him immediately prior to his assignment.

DUST FROM DRILLING ROCK

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use of permissible dust collectors or by water or water with a wetting agent, or by any other method or device approved by the Secretary which is at least as effective in controlling such dust. Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

DUST STANDARD WHEN QUARTZ IS PRESENT

SEC. 205. In coal mining operations where the respirable dust in the mine atmosphere of any active working place contains more than 5 per centum quartz, the Secretary of Health, Education, and Welfare shall prescribe an appropriate formula for determining the applicable dust standard under this title for such working place and the Secretary shall apply such formula in carrying out his duties under this title.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 317 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary under the provisions of section 101 of title I of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) The Secretary may, upon petition by the operator, waive or modify the application of any mandatory safety standard to a mine when he determines such application will result in a diminution of safety to workers in such mine, but any action taken by the Secretary under this subsection shall be consistent with the purposes of this Act and shall not reduce the protection afforded miners by it.

(c) Upon petition by the operator, the Secretary may modify the application of any mandatory safety standard to a mine. Such petition shall state that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded miners by such standard. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the representative, if any, of persons working in the affected mine and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of such representative or other interested party, to enable the applicant and the representative of persons working in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall make findings of fact and publish them in the Federal Register.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out, except in recovery shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the approved roof control plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall require that examinations and tests of the roof, face, and ribs be made before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harfmul quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any mine reaching each working face shall be three thousand cubic feet a minute and, in the case of a mechanized mine, there shall also be a minimum velocity of one hundred feet per minute passing to within five feet of the working face and over any miner operating electrical equipment at the working face. The Secretary or his authorized representative may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the safety of miners. Within three years after the operative date of his title, the dust level in intake aircourses shall not exceed 0.25 milligram per cubic meter of air. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of any entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable, explosive, and noxious gases, dust, and explosive fumes.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every underground working place in that area and shall make tests in each such working place for accumulations of explosive gases with means approved by the Secretary for detecting explosive gases and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the underground working places; examine active roadways, travelways, and all belt conveyors on which men are carried, approaches to abandoned workings, and accessible falls in sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the mandatory health safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting explosive gases and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examination for hazardous conditions, including tests for explosive gases, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week; except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, tests for explosive gases shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of explosive gas is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until such explosive gas content is less than 1.0 volume per centum of explosive gas. Examinations for explosive gases shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains 1.0 volume per centum or more of explosive gas, changes or adjustments shall be made at once in the ventilation in such mines so that such air shall contain less than 1.0 volume per centum of explosive gas. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other active workings.

If such air, when tested as outlined above, contains 1.5 volume per centum or more of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such working place shall contain less than 1.0 volume per centum of explosive gas.

(i) If, when tested, a split of air returning from active underground workings contains 1.0 volume per centum or more of explosive gas, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall contain less than 1.0 volume per centum of explosive gas. Such tests shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(j) If a split of air returning from active underground workings contains 1.5 volume per centum or more of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall contain less than 1.0 volume per centum of explosive gas. In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or power feeder wires, and if a certified person designated by the mine operator is continually testing the explosive gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by explosive gases only when the air returning from such workings contains 2.0 volume per centum or more of explosive gas.

(k) Air which has passed by an opening of any abandoned area shall not be used to ventilate any active working place in the mine if such air contains 0.25 volume per centum or more of explosive gas. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator of the mine shall use means approved by the Secretary for detecting explosive gases. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of explosive gases, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) A methane monitor approved by the Secretary shall be installed and be kept operative and in operation on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machines, and such other electric face equipment as an authorized representative of the Secretary may require. Such monitor shall be set to deenergize automatically any electric face equipment on which it is required when such monitor is not operating properly. The sensing device of any such monitor shall be installed as close to the working face as possible. An authorized representative of the Secretary may require any such monitor to be set to give a warning automatically when the concentration of explosive gas reaches 1.0 volume per centum and automatically to de-energize equipment on which it is installed when such concentration reaches 2.0 volume per centum.

(n) Idle and abandoned areas shall be inspected for explosive gases and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hour, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting explosive gases and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether explosive gas is present, such person shall use means approved by the Secretary for detecting explosive gases. If in such examination explosive gas is found in amounts of 1.0 volume per centum or more, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall contain less than 1.0 volume per centum of explosive gas.

(p) A ventilation system and explosive gas—and dust control plan and revisions thereof suitable to the conditions and the mining system of the mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.

(q) Each operator of a coal mine shall provide for the proper maintenance and care of the permissible flame safety lamp by a person trained in such maintenance and before each shift care shall be taken to insure that such lamp is in a permissible condition.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of explosive gas.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of six months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) In all underground areas of a mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for explosive gases shall be made by a qualified person with means approved by the Secretary for detecting explosive gases. If explosive gas is found in amounts of 1.0 volume per centum or more, changes or adjustments shall be made at once in the ventilation so that the air shall contain less than 1.0 volume per centum of explosive gas. No shots shall be fired until the air contains less than 1.0 volume per centum of explosive gas.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where explosive gas is likely to accumulate are reexamined by a certified persons to determine if explosive gas in amounts of 1.0 volume per centum or more exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(z)(1) In any coal mine opened after the operative date of this title, the entries used as intake and return air-courses shall be separted from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of explosive gas, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to adequately permit the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working faces, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entires, and to insure that the air therein shall contain less than 1.0 volume per centum of explosive gas.

(2) In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake air courses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active underground workings or on electric equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective methods approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other effective methods approved by an authorized representative of the Secretary, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All cross cuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where explosive gas is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of explosive gas, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subparagraphs (b) through (d) of this paragraph shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT

SEC. 305. (a) One year after the operative date of this title—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the date of enactment of this Act, to continue in use for such period (not in excess of one year) as he deems necessary to obtain such permissible equipment: *Provided, however,* That the provisions of this paragraph shall not apply to any mine which is not classified as gassy; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current.

(b)(1) Four years after the operative date of this title all electric face equipment used in mines exempted from the provisions of section 305(a)(1) of this Act shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

(2) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in and thereafter maintained in a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

(3) One year after the operative date of this title all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate which are taken into or used inby the last open crosscut of any coal mine shall be permissible and thereafter maintained in a permissible condition.

(4) During the term of the use of any nonpermissible electric face equipment permitted under this subsection the Secretary may by regulation provide for use of methane monitoring devices, under such conditions as he shall prescribe, which will automatically deenergize electrical circuits providing power to electrical face equipment when the concentration of explosive gas in the atmosphere of the active workings permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur.

(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine. After the operative date of this title, whoever knowingly, in the case of a manufacturer, distributes, sells, offers for sale, introduces, or delivers in commerce any new electrical equipment used in coal mines, including, but not limited to, components and accessories of such equipment which fails to comply with the specifications or regulations of the Secretary, or, in the case of any other person, removes, alters, modifies, or renders inoperative any such equipment prior to its sale and delivery in commerce to the ultimate purchaser, shall, upon conviction, be subject to the sanctions in section 109(f) of this Act.

(d) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(e) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(f) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(g) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for trouble shooting or testing. Energized trolley wires may be repaired only by a person qualified to perform such repairs and the operator of such mine shall require that such person wear approved and tested insulated shoes and wireman's gloves. No work shall be performed on medium and high-voltage distribution circuits or equipment except by or under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by an agent of the operator.

(h) All electrical equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(i) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(j) All electrical connections or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(k) Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(l) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(m) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected.

(n) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(o) In all main power circuits disconnecting switchces shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(p) All electric equipment shall be provided with switches or other controls that are safely designed, constructed and installed.

(q) Each ungrounded, exposed power conductor that leads underground shall be equipped with suitable lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low-resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(r) No device for the purpose of lighting any underground coal mine of flame which has not been approved by the Secretary or his authorized representative shall be permitted in any underground coal mine, except under the provisions of section 311(d) of this title.

(s) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less-effective device approved by the Secretary of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. In any case in which a temporary splice is made pursuant to this subsection such splice shall, within five working days thereafter, be replaced by a permanent splice. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively. Methods other than grounding which provide equivalent protection may be permitted by the Secretary.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them, except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.

(b) High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such portion of the mine if he determines, based on existing physical conditions, that such installations will be more accessible at a greater distance and will not pose any hazard to the miners.

(c) The grounding resistor, where required, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage, resistance grounded, wye-connected systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e)(1) Underground high-voltage cables used in resistance grounded, wye-connected systems shall be equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metalic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of portable or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment shall be effectively grounded to the high voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

(b) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded, wye-connected systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one half the power conductor and, six months after the operative date of this title, an insulated conductor for the ground continuity check circuit. Splices made in the cables shall provide continuity of all compounds.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines, employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation performed on a shift, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in face areas or other underground working places in a mine shall be in portable, fire proof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. All other underground structures installed in a mine shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, continuously test for explosive gas with means approved by the Secretary for detecting explosive gas. Welding, cutting, or soldering shall not be conducted in air that contains 1.0 volume per centum or more of explosive gas. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt conveyor drives. Such sprays or foam generators shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

(h) On or after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements established by the Secretary for flame-resistant conveyor belts.

MAPS

SEC. 312. (a) The operator of an active underground coal mine shall have, in a surface location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale as the Secretary may require. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the effective date of this paragraph which are inaccessible or cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, elevations, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells, either producing or abandoned, located within five hundred feet of such mine, and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by persons working in the mine and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, or to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when explosive gas or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no explosive gas or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for explosive gas shall be made immediately before such shots are fired and if explosive gas is present when tested in 1.0 volume per centum, such shot shall not be made until the explosive gas content is reduced below 1.0 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming bore-holes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

Sec. 314 (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) In order to be capable of stopping with the proper margin of safety each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, or shall be subject to speed reductions or other safeguards approved by the Secretary.

EMERGENCY SHELTERS

Sec. 315. The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, and adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the men while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

Sec. 316. A two-way communication system, approved by the Secretary, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than two hundred feet from a portal.

MISCELLANEOUS

Sec. 317. (a) (1) While pillars are being extracted in any area of a mine, such area shall be ventilated in a manner approved by the Secretary or his authorized representative. Within six months after the operative date of this title, all areas which are or have been abandoned in all mines, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means or sealed, as determined by the Secretary or his authorized representative, except that the Secretary may permit, on a mine-by-mine basis, an extension of time of not to exceed six months to complete such work. Ventilation of such areas shall be approved only where the Secretary or his authorized representative is satisfied that such ventilation can be maintained so as to, continuously, dilute, render harmless, and carry away explosive gases within such areas and to protect the active workings of the mine from the hazards of such gases. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine. In the case of mines opened on or after the operative date of this title, or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revision thereof approved by the Secretary and adopted by such operator, so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads. For the purpose of this paragraph, the term "abandoned" as applied to any area of a mine shall include, but not be limited to, areas of a mine which are not ventilated and inspected regularly, areas where mining has been started but not completed, areas where future mining is still possible, and areas that are deserted.

(2) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Smoking shall not be permitted underground, nor shall any person carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in any underground mine except as specifically authorized by this Act.

(e) The Secretary shall prescribe the manner in which all underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(f) (1) At least two separate and distinct travelable passageways which are maintained to insure passage at all times of any persons, including disabled persons, and which are to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each working section of a mine continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate and readily accessible escape facilities approved by the Secretary or his authorized representative, properly maintained, and frequently tested shall be immediately present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

(2) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(3) When only one main opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working face shall not exceed five hundred feet.

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in coal mines opened prior to such date, the escapeway required by this subsection to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended a greater or lesser distance so long as the safety of the miners is assured.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent explosive gases and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall explosive gases be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for explosive gases by the Secretary within one year of the operative date of this title, and coal dust shall not accumulate in excess of limits prescribed by or under this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this title.

(j) Whenever the Secretary finds that a mine liberates excessive quantities of explosive gases during its operations, or that a gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of twenty-six spot inspections of all or part of such mine each year at irregular intervals by his authorized representative.

(k) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment from roof falls and from rib and face rolls.

(l) The opening of any mine that is declared inactive by its operator or is abandoned for more than ninety days, after the operative date of this title, shall be sealed in a manner prescribed by the Secretary. Openings to all active coal mines shall be adequately protected to prevent entrance by unauthorized persons.

(m) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(n) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this section.

(o) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miners for one hour or longer. Each operator shall train each miner in the use of such device.

(p) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(q) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground and will provide an accurate record of the miners in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(r) The Secretary shall require, when technologically feasible, that devices to suppress ignitions be installed on electric face cutting equipment.

(s) Whenever an operator mines coal in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of men working or passing through such tunnels from cave-ins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to any such body of water that is, in the judgment of the Secretary, sufficiently large to constitute a hazard. No plan shall be approved unless there is a minimum of rock cover to be determined by the Secretary based on test holes drilled by the operator in a manner to be prescribed by the Secretary.

(t) The Secretary shall require that developed and improved devices and systems for the monitoring and detection of mine safety conditions and for the protection of the individual miner be acquired by each operator of a coal mine and that such devices and systems be used as soon as they become available.

(u) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which shall couple by impact and uncouple without the necessity of men going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

(v) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary facilities.

(w) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

(x) An employee, the duties of whose position are primarily the inspection of coal mines, including an employee engaged in this activity and transferred to a supervisory or administrative position, who attains the age of fifty years and completes twenty years of service in the performance of those duties may, if the Secretary recommends his retirement and the Civil Service Commission approves, voluntarily retire and be paid an annuity. Any such employee who attains the age of sixty years and completes fifteen years of service may voluntarily retire on an annuity, unless the Secretary determines that such retirement would not be in the best interests of the program and, in such case, the Secretary may extend such employee's service on an annual basis. An employee who retires under this subsection shall be entitled to annuity of 2½ per centum of his average pay multiplied by his total service, except that the annuities shall not exceed 80 per centum of his average pay. As used in this subsection, the terms "employee", "average pay", and "service" have the meaning ascribed to those terms in subchapter III, chapter 83, title 5, United States Code, and the provisions of that subchapter respecting payment and adjustment of annuity, survivor annuities, and related matters, shall apply with respect to employees retiring under this subsection.

(y) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representatives of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to section 103(g) of this title, (B) has filed, instituted, or counsel to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the

rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the civil penalties provisions of this Act.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such sections, except that, in a State where no program of certification is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certifications shall be by the Secretary;

(b) "qualified person" means, as the context requires, an individual deemed qualified by the Secretary to make tests and examinations required by this Act; and an individual deemed, in accordance with minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 3 per centum of free and combined silica (SIC_2) or, where the Secretary finds that such silica concentrations are not available, up to 5 per centum of free and combined silica;

(e) "coal mine" includes areas of adjoining mines connected underground;

(f) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(g) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(h) (1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is done,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(i) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places;

(j) "electric face equipment" means electric equipment that is installed or used inby the last open crosscut in an entry or a room;

(k) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(l) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(m) "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust during a full working shift; such determination shall be the result of applying valid statistical techniques to the minimum necessary measurement of respirable dust; and

(n) "respirable dust" means only dust particulates 5 microns or less in size.

TITLE IV—ADMINISTRATION

RESEARCH

SEC. 401. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate.

(1) to improve working conditions and practices, prevent accidents, and control the causes of occupational diseases originating in the coal-mining industry;

(2) to develop new or improved methods of recovering persons in coal mines after an accident;

(3) to develop new or improved means and methods of communication from the surface to the underground portion of the mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine. Such research shall consist primarily, but not exclusively, of (I) studies of the relationship between coal mine environments and occupational diseases of coal mine workers; (II) epidemiological studies to (i) identify and define positive factors involved in the diseases of coal miners, (ii) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of coal miners, and (iii) develop criteria on the basis of which coal mine standards can be based; (III) medical prevention and control of diseases of coal miners, including tests for hypersusceptibility and early detection; (IV) evaluation of bodily impairment in connection with occupational disability of coal miners; (V) development of methods, techniques, and programs of effective rehabilitation of coal miners injured or stricken as a result of their occupation; and (VI) setting the requirements, extent and specifications for the medical examinations provided in section 203 of this Act, and utilizing and studying the material, data, and findings of such examinations for the preparation and publication, from time to time, of reports on all significant aspects of the diseases of coal miners as well as on the medical aspects of injuries other than diseases, which are revealed by the research carried on pursuant to this subsection;

(5) to study the relationship between coal mine environments and occupational diseases of coal mine workers; and

(6) for such other purposes as it deems necessary to carry out the purposes of this Act.

(b) To accomplish the objectives established in subsection (a), the Secretary shall distribute funds available to him under this section as equally as practicable between himself and the Secretary of Health, Education, and Welfare. Activities under this section in the field of coal mine health shall be carried out by the Secretary of Health, Education, and Welfare, and activities under this section in the field of coal mine safety shall be carried out by the Secretary of the Interior. In carrying out activities under this section the Secretaries of Health, Education, and Welfare and of the Interior may enter into contracts with, and make grants to, public and private agencies and organizations and individuals. No research shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research will (with such exception and limitation, if any, as the Secretary or the Secretary of Health, Education, and Welfare may find to be necessary in the interest of national security) be available to the general public.

(c) There is hereby authorized to be appropriated for each fiscal year such sums as may be needed to carry out the purposes of section 203(a) and of this section.

(d) No payment may be required of any coal miner in connection with any examination or test given him pursuant to subsection (a) of section 203. Where such examinations or tests cannot be given due to the lack of adequate medical or other necessary facilities or personnel in the locality where the miner resides, arrangements shall be made to have them conducted in such locality by the Secretary of Health, Education, and Welfare, or by an appropriate and qualified person, agency or institution, public or private, under an agreement or arrangement between the Secretary of Health, Education, and Welfare and such person, agency or institution. Such examinations and tests shall be conducted in accordance with the provisions of subsection (a) of section 203. The operator of the coal mine shall reimburse the Secretary of Health, Education, and Welfare, or such person, agency or institution, as the case may be, for the cost of conducting each such examination or test and shall pay whatever other costs are necessary to enable the miner to take such examinations or tests.

(e) If the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, then with the consent of his next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare.

(f) On and after the operative date of this title, the standards on noise prescribed under the Walsh-Healy Public Contracts Act, as amended, in effect October 1, 1969, or any such improved standards as the Secretary may prescribe shall be applicable to each coal mine and each operator of such mine shall comply with them. Beginning six months after the operative date of this title, at intervals of at least every six months thereafter, the operator of each mine shall conduct, in a manner prescribed by the Secretary, tests by a qualified person of the noise level at the mine and certify the results to the Secretary.

If the Secretary determines, based on such tests or any tests conducted by his authorized representative, that such standards on noise are exceeded, such operator shall immediately undertake to install protective devices or other means of protection to reduce the noise level in the affected area of the mine, except that the operator shall not require the use of any protective device or system which the Secretary or his authorized representative finds will be hazardous or cause a hazard to the miners in such mine.

TRAINING AND EDUCATION

Sec. 402. The Secretary shall expand programs for the education and training of coal mine operators, agents thereof, and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines; and

(2) in the use of flame safety lamps, permissible methane dectectors, and other means approved by the Secretary for accurately detecting gases.

ASSISTANCE TO STATES

Sec. 403. (a) The Secretary, in coordination with the Secretaries of Labor and of Health, Education, and Welfare, is authorized to make grants to any State, in which coal mining takes place—

(1) to conduct research and planning studies and to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injuries in coal mine employment; and

(2) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines.

(b) Grants under this section shall not extend beyond a period of five years following the effective date of this Act.

(c) Federal grants under this section shall be made to States which have a plan or plans approved by the Secretary.

(d) The Secretary shall approve any plan which—

(1) provides that reports will be made to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to review the effectiveness of the program or programs involved, and that records will be kept and afford such access thereto as he finds necessary or appropriate to assure the correctness and verification of such reports;

(2) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State;

(3) contains assurances that the State will not in any way diminish existing State programs or benefits with respect to pneumoconiosis and related conditions; and

(4) meets any additional conditions which the Secretary may prescribe by rule in furtherance of the provisions of this section.

(e) The Secretary shall not finally disapprove any State plan, or modification thereof, without affording the State reasonable notice and opportunity for a hearing.

(f) The amount granted any State for a fiscal year under this section may not exceed 80 per centum of the amount expended by such State in such year for carrying out such programs, studies, and research.

(g) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years for carrying out this section, the sum of $1,000,000.

EQUIPMENT

Sec. 404. The Secretary is authorized, during the period ending five years after the date of enactment of this Act, to make loans to operators of coal mines to enable them to procure or convert equipment needed by them to comply with the provisions of this Act. Loans made under this section shall have such maturities as the Secretary may determine, but not in excess of twenty years. Such loans shall bear interest at a rate which the Secretary determines to be adequate to cover (1) the cost of the funds to the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this section, (2) the cost of administering this section, and (3) probable losses. In carrying out this section, the Secretary shall to the extent feasible use the services of the Small Business Administration pursuant to agreements between himself and the Administrator thereof.

INSPECTORS; QUALIFICATIONS; TRAINING

Sec. 405. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary under the provisions of this section shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer and by education. Such persons shall be adequately trained by the Secretary. The Secretary shall seek to develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions and operators in developing and maintaining adequate programs for the training and continuing education of persons, particularly inspectors, and, where appropriate, shall cooperate with such institutions in the conduct of such programs by providing financial and technical assistance.

EFFECT ON OTHER LAW

Sec. 406. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter, shall be superseded by any provision of this Act or order issued or standard promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or standard promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard promulgated thereunder, shall not be held to be in conflict with this Act.

ADMINISTRATIVE PROCEDURES

Sec. 407. Except as otherwise provided in this Act, the provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code shall not apply to the making of any order or decision made pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

Sec. 408. The Secretary is authorized to issue such administrative regulations as he deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

Sec. 409. The provisions of title I and III of this Act shall become operative 90 days after enactment. The provisions of title II of this Act shall become operative six months after enactment. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of titles I and III of this Act, except that such provisions shall continue to apply to any order, notice, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, or findings. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

Sec. 410. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

Sec. 411. (a) Within one hundred and twenty days following the convening of each session of Congress, the Secretary shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, the amount and status of each loan made under section 404, a description and the anticipated cost of each project and program he has undertaken under section 401, and any other relevant information, including any recommendations he deems appropriate.

(b) Within one hundred and twenty days following the convening of each session of Congress, the Secretary of Health, Education, and Welfare shall submit through the President to the Congress, the Secretary, and to the Office of Science and Technology an annual report upon the health matters covered by this Act, including the progress toward the achievement of the health purposes of this Act, the needs and requirements in the field of coal mine health, a description and the anticipated cost of each project and program he has undertaken under section 401, and any other relevant information, including any recommendations he deems appropriate. The first such report shall include the recommendations of the Secretary of Health, Education, and Welfare as to necessary health standards, including his recommendations as to the maximum permissible individual exposure to coal mine dust during a working shift.

SPECIAL REPORT

Sec. 412. (a) The Secretary shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety so as to achieve (1) maximum health and safety protection for miners, (2) an avoidance of duplication of effort, (3) maximum effectiveness, (4) reduce delay to a minimum, and (5) permit most effective use of Federal inspectors.

(b) The Secretary shall make a report of the results of his study to the Congress as soon as practicable after the date of enactment of this Act.

And amend the title so as to read: "An act to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes."

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2917 and agree to the conference requested by the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Williams of New Jersey, Mr. Randolph, Mr. Pell, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Javits, Mr. Prouty, Mr. Schweiker, Mr. Saxbe, and

Mr. SMITH of Illinois conferees on the part of the Senate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 40 minutes p.m.) the Senate adjourned until Tuesday, November 4, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 3, 1969:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Lt. Gen. John J. Davis, U.S. Army, of Kansas, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

U.S. MARSHAL

George A. Locke of Washington to be U.S. marshal for the eastern district of Washington for the term of 4 years, vice James E. Atwood.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 1969:

DEPARTMENT OF DEFENSE

Robert Louis Johnson, of California, to be an Assistant Secretary of the Army.

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and reponsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Lewis Blaine Hershey, 579-52-4352, Army of the United States.

The Army National Guard of the United States officer named herein for promotion as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Sylvester T. DelCorso, 703-07-7268, Adjutant General's Corps.

U.S. MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of major general:

Douglas J. Peacher
Charles T. Hagan, Jr.

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

John R. Blandford
William J. Weinstein
Harold L. Oppenheimer

IN THE AIR FORCE

The nominations beginning Edward F. Abbey, to be major, and ending Martin G. Rubin, to be major, which nomination were received by the Senate and appeared in the Congressional Record on October 13, 1969.

IN THE ARMY

The nominations beginning William L. Nichols, to be lieutenant colonel, and ending Donald D. Zana, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 1969; and

The nominations beginning John P. Lewis, to be major, and ending James R. Powell, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 1969.

IN THE NAVY

The nominations beginning Thomas C. Adams, to be commander, and ending Stephen L. Zwick, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 1969.

IN THE MARINE CORPS

The nominations beginning John W. Alber, to be lieutenant colonel, and ending Dennis A. Williams, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 1969; and

The nominations beginning Lorenza T. Baker, to be second lieutenant, and ending Wayne P. Thompson, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 1969.

HOUSE OF REPRESENTATIVES—*Monday, November 3, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty.—Psalm 91: 1.

Almighty and Everlasting God, above the disturbances of our busy days and the disorders of our troubled times we would come to Thee seeking the calm of Thy holy presence. In the secret place of the Most High we would dwell, lifting our hearts unto Thee, praying for the guidance of Thy spirit and the direction of Thy wisdom as we face the experiences of another day.

Help us to serve our country with persistent faithfulness and patient fidelity that we may keep our Nation the hope of the world and the channel of peace for our generation. By Thy grace may we continue to work for the day when nation shall not lift up sword against nation, neither shall they learn war any more.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 31, 1969, was read and approved.

ROGERS ASKS DISSENTERS TO TAKE NOTE OF RETURNING HIJACKERS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I hope that those who preach against and demonstrate for the overthrow of our Government will take note of the return of six Americans who hijacked planes and had them flown to Cuba.

These people, who turned their backs on their homeland, quickly realized the blessings of life in the United States compared to life under the Communist dictatorship of Fidel Castro. And it must be realized that these six returned to the United States even though they now face possible death sentences.

I think this thoroughly repudiates the propaganda that life in Cuba today is anything short of a depression level.

I hope that those who denounce the United States will take careful note of what those who have left America and experienced life in a Communist country have to say now.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE FEDERAL GOVERNMENT TO THE BOARD OF PUBLIC INSTRUCTION, OKALOOSA COUNTY, FLA.

The Clerk called the bill (H.R. 7618) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, and I shall have to object under the rules for the consideration of such legislation unless there is a good case made here at this time in reference to the legislation to show why we should pass this bill by unanimous consent when there are objections from two departments of the Government and the other department defers to the two departments that do object.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. BENNETT. Mr. Speaker, the bill, H.R. 7618, is a bill to provide for the conveyance of real property of the Federal Government to the Board of Public Transportation of Okaloosa County, Fla.

Over 50 percent of the real property in this county, Okaloosa County, is occupied by the Federal Government. Of the 26,000 public school students, 17,000, the vast majority, are dependents of military or civil service employees in the area.

During our hearings on this conveyance, and I am the chairman of the Real Estate Subcommittee handling this matter, and the bill is not for myself but it is for the gentleman from Florida (Mr.

SIKES), the General Services Administration objected to the bill because of the fact they claim the laws presently in existence are adequate to accomplish the proposed transaction.

The law they are talking about is the Federal Property and Administrative Services Act of 1949. This particular law would be adequate to accomplish the proposed conveyance if, in fact, the land in question were actually excess to the needs of the Air Force. However, the land involved is not excess to the Air Force requirement for its purpose. It desires to have the large acreage which is involved in this Air Force base to remain within the Air Force area. It is an integral part of the Eglin Air Force Base, and it would be quite improper for a noneducational, nonmilitary-service type of activity to be in this area. The Air Force, while recognizing the technicality involved, is willing to make available the land in question, and has written the committee to this effect:

> While there exists no planned mission for the use of the land covered by this bill, it would not normally be declared surplus as it is an integral part of the Eglin Air Force Base. In addition, no foreseeable Air Force requirement exists which would result in the acquisition of other lands to replace the land which would be conveyed by this bill.

The land is presently needed for the construction of school buildings. The situation at the present time is such that 20 or 30 barracks-type classrooms are being utilized, and children are being bused 15 or 20 miles, which is inconvenient, of course, and inimical to their education.

I urge approval of this bill so that the school can be built on this land. The State of Florida has agreed to the construction of five school buildings with money of the local government and not with Federal funds.

The truth of the matter is that this is a county which is mostly military. Most of the land is military; most of the personnel in the school will be children of the military. The local government will build the school buildings, but they would like this land because it is close to where the military people are. Most of the students will be the children of military personnel. It is only a technicality which gives rise to this negative report on the part of the Department. They say they want the schools to be built there. They say they want the land to be used for that purpose.

Mr. ASPINALL. I understand the provisions of the legislation, but the gentleman's area is no different from mine, where 50 percent of my whole district is owned by the U.S. Government, as far as that is concerned.

Mr. BENNETT. But not over 50 percent of your students are military, and that is what you have here.

Mr. ASPINALL. I do not have too many of such students, thank goodness, as far as that is concerned.

Mr. BENNETT. The school is going to be for the children of military personnel.

Mr. ASPINALL. What I am trying to find out is this. There is a statement that the land is surplus, but the Air Force will not recognize it as surplus to its needs. There is a statement in the report that the Department of Health, Education, and Welfare is opposed to the legislation. Can the gentleman assure us that the Air Force will not be asking for this amount of land someplace else, if this land is at the present time in the position that it cannot be declared surplus but can be used with their approval for the purpose stated in the legislation.

Mr. BENNETT. I would like to yield to the author of the bill on this point.

Mr. ASPINALL. I yield to our colleague from Florida.

Mr. SIKES. Mr. Speaker, I thank the gentleman for yielding. The Eglin Air Force Reservation comprises a half million acres of land. There is adequate land and there is no possibility that additional land will be needed later for air training purposes. The site for schools which we seek is located around the perimeter of the base, and next to congested built-up civilian areas. This buildup means it cannot be used for military training. The Air Force is reluctant to declare it surplus, because it is not possible to know into whose hands the land would fall if it were declared surplus. The Air Force wants it used for school purposes, because the majority of the children who would attend the facilities provided at this site are Air Force children, and children of civilian workers at the Air Force base.

We have 26,500 students in Okaloosa County; 5,500 of them do not have adequate facilities. They are either going to school in converted, substandard military barracks, or they are going to school in double shifts from 6:30 in the morning until 7 at night. It is an extremely bad situation. If we make the sites available the children can have schools.

The Air Force wants this land used for the school. It does not want it used for any other purpose, and is reluctant to declare it surplus because they feel it might fall into other hands and be denied for school sites.

Mr. ASPINALL. May I ask my friend from Florida why it is that HEW is opposed to the enactment of the bill?

Mr. SIKES. If the distinguished gentleman will yield further, the simple fact of the matter is that they have testifed they are in sympathy with the proposal but they want the acquisition to go through the normal channels. They want it to be declared surplus and go through the regular channels. We have explained why it is difficult for it to go through the normal channels, with a declaration of surplus. We feel it is primarily a matter of pique on the part of the objecting governmental agencies that they are not in the chain of disposal; that the property is not going through procedures which would normally bring them into the picture.

If we lose this land which is so badly needed for schools, it will mean further delays in making schools available. This we are extremely anxious to avoid. We have already taken much longer than we should have in providing schools for the children. Their needs cannot wait and the Congress should and can help now.

The only objection the departments could possibly raise is in procedure. They have testified they want the land used for school purposes; that they recognize the need. We do not see that it is necessary to go through normal procedures. We do know it is not good to delay this matter further. It hurts only the children.

Mr. ASPINALL. Mr. Speaker, having made legislative record that we have, I withdraw my reservation of objection.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to further interrogate the gentleman from Florida. I am familiar with the people of Volusia County, having gone to school there. They are a pretty conservative group of people.

Will they vote a bond issue on a military base to provide a school for 7,000 or 8,000 people? I am wondering first of all can the gentleman answer how much it will cost to build schools to handle the students on this 110 acres?

Mr. SIKES. Mr. Speaker, if the distinguished gentleman from Pennsylvania will yield, this measure does not have to do with Volusia County. The gentleman is thinking of the Cape Kennedy Center. The bill before us refers to Okaloosa County only.

I am glad to state the money is available to build the five schools which are needed and for which we seek to provide sites. I will also state to the distinguished gentleman, it is State and county money which will be used for the construction of the buildings.

Mr. JOHNSON of Pennsylvania. Then the gentleman assures us they will not 4 or 5 years from now come back and say they are sorry, but they do not have the money and the Federal Government must contribute.

Mr. SIKES. Mr. Speaker, if the gentleman will yield, the money is available and on hand. The school officials are waiting only for the sites to be made available. The reason these sites are so badly needed is because the area surrounding the base is built up with residences and businesses, and sites which are privately owned would be extremely costly. There is not money for both buildings and sites where the schools are needed. If these sites are not available it will mean going miles away from the area to acquire sites. This would require additional busing for the children and longer hours away from home.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, 110 acres seems like a very large tract of land. Would the whole 110 acres be needed?

Mr. SIKES. The land—135 acres—is not all in one tract. There are five tracts of land, and there will be five different buildings in as many different areas. The sites are located around the perimeter of the base. They are admirably situated for the purpose of school sites in a congested area.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection. I think what they are trying to do is highly laudatory and will probably accomplish a very worthwhile purpose.

Mr. GROSS. Mr. Speaker, reserving the right to object, what would be wrong with the Air Force declaring this land surplus and with a provision in the bill that it will revert if it is not used for the stated purpose?

Mr. SIKES. If the gentleman from Iowa will yield, the Air Force has provided me with letters which spell out the reasons for this. If the gentleman will bear with me, I will read those letters.

Mr. GROSS. I will be glad to yield to the gentleman for that purpose.

Mr. SIKES. Mr. Speaker, the letters, dated October 15 and 20, from the Air Force, Deputy Assistant Secretary—Installations—Lewis E. Turner, are as follows:

Department of the Air Force,
Washington, D.C., October 15, 1969.
Hon. Robert L. F. Sikes,
House of Representatives,
Washington, D.C.

Dear Mr. Sikes: This is in response to your request for the position of the Air Force on the attached letter from HEW on the Okaloosa school site problem.

You will recall that when we met on this matter on September 26, 1969, we agreed that the proper and most expeditious course to follow to assure that the property is made available to Okaloosa County for school purposes is to proceed with action on H.R. 7618. This position was firmly supported by the Office of the Secretary of Defense on the basis that, in a technical sense, property is not "excess" if its disposal is limited to a single recipient or use. Further, under any form of an "excess" declaration on Department of Defense property, the property must be offered first to the other military services before it can be offered, in turn, to other federal agencies, state and local governments, and interested private parties. There is no way, therefore, to assure the property will not be claimed in advance by an agency other than the one desiring to acquire it.

Informally, GSA also has advised us that normally it will not accept "conditional" excess reports, except where any interest but one would hold the property as a nuisance. Also, for the same reasons noted above, GSA agrees it cannot *assure* the ultimate recipient of the property under the "excess" route.

I have discussed the attached HEW letter with OSD and we are agreed that it does not change our previously stated position, as the procedure outlined in the HEW letter is conditioned upon "acceptance of a report of excess limiting the availability of the four sites . . .". Therefore, the "excess" route cannot assure either that the property ultimately will be cleared for transfer to Okaloosa County or that, if it did eventually clear, the transfer could be accomplished in any reasonably short period of time.

In view of the above and the stage of legislative progress on H.R. 7618, I still feel (and OSD agrees) that the only practical course to assure transfer of property to Okaloosa County in the shortest possible time is to proceed with action to obtain Congressional approval of the bill.

Sincerely,
Lewis E. Turner,
Deputy Assistant Secretary (Installations).

Department of the Air Force,
Washington, D.C., October 20, 1969.
Hon. Robert L. F. Sikes,
House of Representatives,
Washington, D.C.

Dear Mr. Sikes: This is in response to your request for my reaction on the attached letter from GSA concerning land at Eglin AFB for Okaloosa County schools. My letter of October 15, 1969, gave our views on a similar letter to you from HEW.

As in the HEW letter, the procedures outlined by GSA are subject to the Air Force and the Department of Defense declaring the property in question "excess" to military requirements and the further determination by GSA that the property is "surplus to federal requirements." As we previously discussed, and as stated in our report to the House Armed Services Committee on H.R. 7618, technically the sites are not excess. This fact, together with other factors discussed in my October 15 letter, makes it clear that the only practical course to assure that the property is transferred to Okaloosa County for school purposes is to obtain enactment of H.R. 7618.

We have been advised that H.R. 7618 was favorably reported by the House Armed Services Committee on October 16, 1969. This serves to confirm our conclusions with respect to the propriety of proceeding with action on the bill.

Sincerely,
Lewis E. Turner,
Deputy Assistant Secretary (Installations).

I believe the letters explain the situation very clearly and I hope that answers the gentleman's question. While we delay we are hurting little children, we benefit no one.

The gentleman raised a point a moment ago about acreage. I believe the exact amount is approximately 135 acres. The report is not quite clear on it, but I believe the correct information is that the five tracts comprise a total of 135 acres. I want to be certain that all the facts are known on the case.

Mr. GROSS. Yes. There is a discrepancy in the report as to the amount of acreage.

Mr. SIKES. I believe the gentleman will find it is 135 acres.

Mr. GROSS. One hundred thirty-five acres is not an inconsequential amount of land in Florida these days, I would think.

Let me ask the gentleman this question: Did the Federal Government buy this land originally from someone in Florida?

Mr. SIKES. If the gentleman will yield, this was land which formerly was in the Choctawhatchee National Forest. The Federal Government acquired it some 50 to 60 years ago. The cost was approximately $1 an acre.

In 1940 or thereabouts the property was deeded to the Department of Defense, then the Department of the Army, for use as a military reservation.

While the land is valuable land, the Government has very little invested in it. The children who need schools are more important than the dollar value and there is not money for both school buildings and school sites.

Mr. GROSS. What is the fair market value of this land today?

Mr. SIKES. I am unable to state the fair market value, but it would run rather high. The area around the base has since its establishment been built up with residences and businesses, as is usually true around military installations. If it were placed on the market it would command a considerable price.

What we are trying to say is that the money is available for construction, that the money is limited, that the schools are badly needed, and that everyone agrees on the need. We would like to get on with this work. We feel the schools are much more important than monetary return to the Government for the land.

Mr. GROSS. I am sure that was in part, the case with the San Jacinto Ammunition Depot. That land was cheap, too, when it was first obtained near Houston, Tex., but its value was greatly enhanced. Although it was one of the best ammunition outloading facilities in the United States it was closed, and apparently the land is being sold for the purpose for which I thought it would be—to industrial interests in the area of Houston, Tex.

Let us be fair about this business. When the State of Iowa wants Government land it pays the fair market value. I cannot understand why the school district in Florida is not now paying a fair market value for this land.

I do not recall, and I do not believe the contention will be made here today, that this area, this county in Florida, held any mass meetings to keep Eglin Air Force Base from being located in that county originally.

It seems to me that 135 acres of land is being handed over to the county out of hand.

I assume—and the gentleman can correct me if I am wrong—that this county gets plenty of impacted school aid and has some ability to pay the fair market value for this land.

This land ought to be declared surplus by the Air Force, if it is going to be turned over for this purpose or any other purpose, and this county in Florida should pay the fair market value, since it was originally Government property and since this is the rule that applies to practically everyone else.

This question is raised on every bill involving this kind of property. I objected to a bill that the gentleman from Georgia (Mr. Vinson) wanted passed, to turn back Government land to a school district in Georgia. Eventually they paid the fair market value for it.

Mr. Speaker, until and unless this land is declared surplus and a fair market value placed on it, I will have to object.

Therefore, Mr. Speaker, I object and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZED INCREASES IN NUMBERS AND ELIGIBILITY OF OFFICERS TO SERVE ON CERTAIN SELECTION BOARDS

The Clerk called the bill (H.R. 8664) to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers in the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering reserves for promotion.

There being no objection, the Clerk read the bill, as follows:

H.R. 8664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5701 of title 10, United States Code, is amended by—

(1) amending subsection (a)(3) to read as follows:

"(3) A board to recommend captains for promotion to the grade of rear admiral and a board to recommend commanders for promotion to the grade of captain, each consisting of not less than nine officers serving in the grade of rear admiral or above."; and

(2) adding the following sentence at the end of subsection (c): "When a board convened under subsection (a)(3) consists of more than nine members, only nine officers may act upon the case of any officer designated for engineering duty, aeronautical engineering duty, or special duty; namely, the three alternate members of the same designation as the officer under consideration (or the lesser available number of such officers) plus the number of the most senior members not restricted in the performance of duty necessary to make a total of nine."

SEC. 2. The second sentence of section 5893(b) of title 10, United States Code, is amended to read as follows: "All members of each board must be serving in a grade above the grade in which the officers that are to be considered by the board are serving.".

Mr. NEDZI. Mr. Speaker, H.R. 8664 is a bill to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering reserves for promotion.

This bill would remove the current ceiling of nine, and only nine, flag officers who may serve on rear admiral and captain selection boards. The Navy claimed that the captain and rear admiral boards are burdened by the tremendous workload imposed by the task of selecting admirals from among 1,500 eligibles and an even larger number of commanders eligible for captain—the latter chore consuming up to 5 or 6 weeks. The Navy also claimed that the legislation would permit the number of board members to be appropriately increased so as not only to ease the burden, but also to provide representation of officers with wider varieties of experience.

The second part of the bill would remove the requirement that Reserve members of inactive-duty Reserve promotion boards be senior in both permanent and temporary grade to all officers being considered for promotion. This would make the qualifications for examining Reserve officers equivalent to that for examining Regular officers.

Because this would make more efficient use of manpower, the committee unanimously recommends enactment of this bill. I urge your support.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVING RESTRICTIONS ON THE GRADES OF THE DIRECTOR AND ASSISTANT DIRECTORS OF THE MARINE CORPS BAND

The Clerk called the bill (H.R. 9564) to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band.

There being no objection, the Clerk read the bill, as follows:

H.R. 9564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6222(d) of title 10, United States Code, is amended by striking out the words "However, the grade of the director may not be higher than lieutenant colonel and the grades of the assistant directors may not be higher than captain."

Mr. NEDZI. Mr. Speaker, H.R. 9564 is a bill to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band.

The ranks of the director and the assistant directors of the Marine Corps Band are the only ones established by statute. At the present time, the director may be a lieutenant colonel and the two assistant directors may hold a rank no higher than captain.

This bill would remove the statutory restrictions. It is envisioned that the director would be promoted to a colonel and the assistant directors to the rank of major.

It seems only fitting that there should be no statute limiting the rank of director and assistant director of the Marine Corps Band to a specific grade when the other military services have no such restrictions.

I urge the adoption of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING RETIRED OFFICERS OF THE U.S. NAVY TO COMMAND THE U.S.S. "CONSTITUTION" (IX-21)

The Clerk called the bill (H.R. 8662) to authorize command of the U.S.S. *Constitution* (IX-21) by retired officers of the U.S. Navy.

There being no objection, the Clerk read the bill, as follows:

H.R. 8662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Navy is authorized to order to active duty a retired officer of the United States Navy for the purpose of commanding the United States ship Constitution (IX-21).

Mr. NEDZI. Mr. Speaker, H.R. 8662 is a bill to authorize command of the U.S.S. *Constitution*—IX-21—by retired officers of the U.S. Navy.

This legislation would allow a retired Navy officer to command the U.S.S. *Constitution*. This ship is a historic naval vessel maintained "in-commission, active status," and is permanently berthed at the Boston Naval Shipyard. The responsibilities of the commanding officer, in addition to the usual command functions, embrace those usually associated with the positions of a museum director and curator. So that the ship may be fully developed as an extraordinary historical exhibit, the Navy believed that its commanding officer should be mature, possess an extensive knowledge of the ship and the naval period which she represents, and be able to remain associated with the ship for longer periods than the normal tour of duty. The Navy also believed that a carefully selected retired officer of the U.S. Navy would most satisfactorily fulfill these qualifications.

However, 10 U.S.C. 5955 prohibits a retired officer of the Navy from command. While this is the first time such a bill has been presented, the members of the committee believe that this situation is so unique that it will not create a precedent for other retired officers to assume command of a ship, and unanimously recommend its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTING THE DATE OF RANK OF COMMISSIONED OFFICERS OF THE MARINE CORPS

The Clerk called the bill (H.R. 10317) to adjust the date of rank of commissioned officers of the Marine Corps.

There being no objection, the Clerk read the bill, as follows:

H.R. 10317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 5769 is amended by striking out subsection (d).

(2) Chapter 535 is amended by—

(a) adding the following new section:

"§ 5509. Date of rank: commissioned officers of the Marine Corps

"The President may, in accordance with the needs of the Marine Corps, adjust the dates of rank of commissioned officers of the Marine Corps."

(b) inserting the following new item in the analysis thereof.

"5509. Date of rank: commissioned officers of the Marine Corps."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 5769 of title 10, United States Code, is amended as follows:

" '(1) By striking out "Except as provided in subsection (d), each" in the first sentence of subsection (c) and inserting "Each" in place thereof.

" '(2) By striking out subsection (d).

" 'SEC. 2. The amendments made by this Act are effective on January 1, 1959.' "

The committee amendment was agreed to.

Mr. NEDZI. Mr. Speaker. H.R. 10317 is a bill to adjust the date of rank of commissioned officers of the Marine Corps.

This bill would authorize the President, in accordance with the needs of the service, to adjust the date of rank of commissioned officers of the Marine Corps.

The purpose of the bill is to delete the provisions of law under which an officer promoted to the grade of major general in the Marine Corps is assigned the date of rank held by him in the grade of brigadier general unless such date of rank would make him senior to any other major general, thus allowing the Marine Corps to assign dates of rank to major generals in the same manner as the Army and the Air Force.

When Army and Air Force officers are promoted to major general—approximately 3 years after promotion to brigadier general—they are assigned an arbitrary date of rank in that grade immediately junior to the junior rear admiral—upper half—in the Navy, but senior to the senior rear admiral—lower half.

The assignment of dates of rank to Army and Air Force major generals in this manner goes back to an interservice agreement some 18 years ago. The Marine Corps was not included in this agreement since, by law, the dates of rank of their major generals were firmly established. As a result, Army and Air Force officers promoted to major general receive a date of rank which makes them senior to Marine Corps major generals.

We have amended the bill to correct a technical error and to limit the adjustment of the date of rank to those officers currently serving on active duty.

I strongly urge your support for this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING NAVAL FLIGHT OFFICERS TO BE ELIGIBLE TO COMMAND CERTAIN NAVAL ACTIVITIES, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 11548) to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 11548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 5942 is amended to read as follows:

(a) To be eligible to command an aircraft carrier or an aircraft tender, an officer must be an officer in the line of the Navy who is designated as a naval aviator or naval flight officer and who is otherwise qualified.

(b) To be eligible to command a naval aviation school, a naval air station, or a naval aviation unit organized for flight tactical purposes, an officer must be an officer in the line of the Navy designated as a naval aviator or naval flight officer.

(c) To be eligible to command a Marine Corps aviation school, a Marine Corps air station, or a Marine Corps aviation unit organized for flight tactical purposes, an officer must be an officer of the Marine Corps designated as a naval aviator or naval flight officer.

(2) Section 6042 is amended to read as follows:

"§ 6024. Aviation designations: naval flight officer

"Any officer of the naval service may be designated a naval flight officer if he has successfully completed the course prescribed for naval flight officers."

(3) The analysis of chapter 555 is amended by striking out the following item:

"6024. Aviation designations: naval aviation observer."

and inserting the following item in place thereof:

"6024. Aviation designations: naval flight officer."

Mr. CHARLES H. WILSON. Mr. Speaker, H.R. 11548 is a bill to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval aviation activities and for other purposes.

This bill would amend the provisions of title 10 for the purpose of permitting naval flight officers, in addition to designated naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes. It would also provide eligibility for similar Marine Corps command by naval flight officers of the Marine Corps.

Command of aviation units is now denied to naval flight officers by 10 U.S.C. 5942.

With the rapid advances in technology, the naval flight officer has assumed an ever-increasing role in the modern Navy. The numbers and increasing complexity of our current airborne weapons systems have engendered a continuous need for the services of the specially trained naval flight officers.

These young officers seek challenging assignments at all levels of their careers, promotional opportunities commensurate with their capabilities and performance opportunity for command assignments and a reasonable opportunity to compete for selection to flag rank. This bill would enhance those opportunities which they seek.

This legislation is urgently needed this year. When the naval flight officer program was established in 1964, certain officers from the earlier naval aviation observer program were given the new designation in order to provide the required depth of experience to the naval flight officer community.

These restricted aviation officers of the line are now approaching the rank of commander, and should be eligible to compete for aviation command in order to provide an orderly career advancement pattern.

I feel this is one of the most vital pieces of personnel legislation that we are undertaking this year and, since it can be achieved without increased cost, I strongly urge your support of it.

The gentleman from New York, the Honorable Carleton King, a member of the Armed Services Committee, introduced a companion bill which is identical to H.R. 11548 because he wanted to emphasize the serious morale problem in existence at the present time and to take steps to correct this problem.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUBMARINE OPERATIONAL COMMAND STAFFS

The Clerk called the bill (H.R. 82) to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations.

There being no objection, the Clerk read the bill, as follows:

H.R. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(a)(2)(A) of title 37, United States Code, is amended to read as follows:

"(A) during one calendar month: 48 hours; however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month."

With the following committee amendments:

On page 1, line 5, ' "(a)' should be changed to ' "(A)'. On page 2, line 2, 'month" ' should be changed to 'month;" '.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING ACTIVE PARTICIPATION BY FEDERAL AGENCIES IN THE NINTH INTERNATIONAL CONGRESS ON HIGH SPEED PHOTOGRAPHY

The Clerk called the concurrent resolution (H. Con. Res. 178) to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that a similar Senate concurrent resolution (S. Con. Res. 12) be considered in lieu of the House concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, reserving the right to object, I will ask the gentleman if this is an identical concurrent resolution to House Concurrent Resolution 178.

Mr. ROYBAL. If the gentleman will yield, it is exactly the same.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the Senate joint resolution, as follows:

S. Con. Res. 12

Whereas high-speed photographic techniques can magnify the time scale of scientific phenomena revealing parameters for research, engineering, and testing that are extremely important to every nation; and

Whereas the First and Fifth International Congresses on High Speed Photography were held in the United States of America, as organized and conducted by the Society of Motion Picture and Television Engineers; and

Whereas the Fifth International Congress on High Speed Photography in 1960 was supported by the Federal Government, as expressed in the S. Con. Res. 75 in 1959; and

Whereas other meetings were held in Paris, London, Cologne, The Hague, Zurich, and Stockholm, and in each instance these meeting have received the recognition and the support of the governments of the respective host countries; and

Whereas with each meeting the International Congress on High Speed Photography has grown in prestige and stature, and attracts more countries in a continuing growth pattern; and

Whereas the importance of high-speed photography is reflected in nearly all of the physical sciences, including medical, biological, space, and many other fields; and

Whereas the Society of Motion Picture and Television Engineers is once again sponsoring the International Congress on High Speed Photography in Denver, Colorado, in August 1970 and is desirous of representing the United States of America as the host country in the best possible light; and

Whereas the Congress is fully appreciative of the importance of assuring this international scientific meeting is conducted in a manner which will bring credit and enhance prestige to the United States of America; and

Whereas it is the belief of the Congress that—

(1) the democratic environment of the free world is the best environment for the achievement in science; and

(2) scientists and engineers have special advantages and opportunities to assist in achieving international understanding since the laws and concepts of science cross all national and ideological boundaries; and

(3) high-speed photography is a universal tool in science, important to nearly all sciences internationally, and the International Congress on High Speed Photography is an excellent means of disseminating the advances in technology; and

Whereas the Congress is interested in (1) promoting international understanding and good will; (2) enhancing the excellence of American science, both basic and applied; and (3) furthering international cooperation in science and technology by creating the necessary climate for effective interchange of ideas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that all interested agencies of the Federal Government should participate actively to the greatest practicable extent in the Ninth International Congress on High Speed Photography to be held in Denver, Colorado, in August 1970, under the sponsorship of the Society of Motion Picture and Television Engineers.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 178) was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

DEPARTMENT OF DEFENSE PURCHASE OF CALIFORNIA TABLE GRAPES

Mr. RYAN. Mr. Speaker, today I am reintroducing my bill, which is cosponsored by 10 of my colleagues, to forbid the Department of Defense from purchasing California table grapes.

Since 1965, the United Farm Workers of California have been attempting to obtain recognition for collective bargaining purposes. This effort has been supported by a national boycott of California table grapes.

In 1965, the Defense Department was the 17th largest purchaser of California table grapes; in 1968, it was the third largest purchaser.

Last February I formally called upon the Secretary of Defense to cease buying California table grapes. This should be merely an administrative matter; no legislation should be necessary. But, since the Defense Department insists upon purchasing the grapes, legislation is necessary.

By purchasing California grapes, the Defense Department, an agency of the U.S. Government, is lending its power to efforts by the grape growers to break the strike.

The Defense Department has continued to increase its purchase of California grapes. In fiscal year 1966, the Department bought 7.5 million pounds. In fiscal year 1969 it purchased 10.42 million pounds. The cost increased from $1.04 million in fiscal year 1966 to $1.7 million in fiscal year 1969.

There has also been a large increase in grape shipments to Vietnam. In fiscal year 1967, 468,000 pounds were shipped to Vietnam. In fiscal year 1969, the amount of grapes shipped to Vietnam increased to 2.1 million pounds. However, at the same time, troop strength in Vietnam rose from 392,000 to 539,000 men. The troop figure increase is about one-third higher in 1969 than in 1967, but the grape shipment increase, for the same period of time, is about five times higher.

Mr. Speaker, I again urge the Department of Defense to discontinue buying California table grapes as long as the national boycott is in progress and until the strike is settled. And I urge my colleagues to support this legislation as well as the amendment to accomplish this purpose which I intend to offer when the Department of Defense appropriations bill is brought to the floor of the House.

The following Members of the House are cosponsoring the bill: Mr. BINGHAM, Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. ROSENTHAL, Mr. ROYBAL, and Mr. SCHEUER.

THE PURCHASE OF GRAPES BY THE DEFENSE DEPARTMENT AS COMPARED TO THE MAYOR'S ELECTION IN NEW YORK CITY

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I notice in the paper that the gentleman from New York (Mr. WILLIAM FITTS RYAN) had endorsed the candidacy—I do not know what party he is running on, certainly not Democratic or Republican—Mr. Lindsay for mayor. I would have thought he could not have gotten elected unless the gentleman from New York was up there helping him today. But, apparently, the gentleman from New York (Mr. RYAN) chose grapes above Lindsay and I think that is a proper priority. I think even one grape would be better than Lindsay.

BANNING THE USE OF DDT

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, 2 weeks ago the Secretary of House Education and Welfare banned the use of cyclamates because scientific tests revealed the presence of malignant tumors in laboratory animals exposed to strong dose levels of cyclamates.

Today 20 Members of Congress have joined me in asking President Nixon to issue an Executive order or directive banning the use of DDT for the same reasons.

First. As far back as 1947 the Food and Drug Administration found increased incidences of liver tumors in rats which were fed DDT.

Second. On May 1 of this year the National Cancer Institute reported that DDT added to the diet of mice quadrupled the frequency of tumors of the liver, lungs, and lymphoid organs.

Third. Hungarian scientists reported similar findings concerning the relationship of DDT and the development of tumors and leukemia.

Fourth. A recent university of Miami medical school study revealed that the bodies of persons who died of cancer contained more than twice the DDT concentration as persons who died of accidental causes.

Fifth. We know the DDT concentration in mother's milk has been found to be more than twice as great as the concentration permitted in cow's milk sold for public consumption.

Czechoslovakia, Sweden, and Denmark no longer allow the use of DDT. The administration banned cyclamates because evidence was present that they might cause cancer. We are asking that except in emergency situations, DDT be banned for the same reasons.

The letter follows:

NOVEMBER 3, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: On April 21, 1969, Health, Education, and Welfare Secretary Robert Finch declared that "the health of our citizens is properly and first concern of this Department." Citing his "increasingly concerned" attitude toward pesticide pollution, the Secretary said, "it is time to question the continued use of persistent pesticides from our environment. . . ." At that time he appointed a Commission on Pesticides to study "environmental pollution and its consequent risks to the health of our citizens." This Commission was to make a report and submit suggestions for action within six months.

Last week concern for the health of our citizens prompted Secretary Finch to announce that cyclamates would henceforth be removed from the list of substances generally recognized as safe for use in foods. The Secretary's action was in response to findings that "the presence of malignant bladded tumors (were found in laboratory animals) after these animals had been subjected to strong dose levels of cyclamates for long periods."

We believe recent evidence makes it clear that persistent pesticides, including DDT, are as potentially damaging to human health as cyclamates. In light of Secretary Finch's action last week and recognizing the fact that his Commission on Pesticides has not publicly come forth with any evidence to the contrary, we hereby urge you to ban the use of DDT except in cases where it may be absolutely necessary to protect the public health and safety.

Available scientific findings certainly suggest that DDT may have cancer-causing potential, and is, therefore, a potential risk to the public health. Some of these findings include the following:

1. As far back as 1947 a study by the Food and Drug Administration showed that when DDT was fed to rats there was an increased incidence of liver tumors.

2. Hungarian scientists recently examined more than 1,000 mice from five generations after adding three parts per million DDT to their diets. They found that 28% of the mice getting DDT developed tumors, while only 3.8% of the mice on clean food had tumors. Leukemia appeared in 12.4% of the DDT mice, but only 2.5% of the others.

3. On May 1, 1969, the National Cancer Institute reported that DDT added to the diet of mice quadrupled the frequency of tumors of the liver, lungs, and lymphoid organs. According to that report, DDT was one of 11 compounds "clearly tumorigenic for the strains of mice used at the high dose levels which were administered". Similar evidence was found by scientists at the Rowsell Park Memorial Institute in Buffalo, New York. Certainly this is no less compelling evidence regarding the dangers of DDT than that which caused Secretary Finch to act against cyclamates.

4. In studies done at the University of Miami School of Medicine, it was found that the human victims of cancer had more than twice as much DDT in their fat as did victims of accidental death. We do not know if the increased amount of pesticides caused the cancer of these victims, or if there was any relationship between the two, but this is something which can be ignored only at our own risk.

5. Researchers at the University of Wisconsin, among other places, have found indications that pesticides are a genetic hazard to man, capable of producing mutations. And, as one scientist at the University of California recently stated: "No responsible persons could now get up here and say that this constant nibbling at our steroids (sex hormones) is without any physiological effect. It would be irresponsible."

6. We know that DDT is passed on to the human fetus via the mother's placenta. We know, too, that the situation has become so serious that the DDT concentration in mothers' milk has been found to be more than twice as great as the concentration permitted in cows milk which is sold for public consumption.

Czechoslovakia, Sweden and Denmark no longer allow the use of DDT. Arizona, California, and Michigan have banned its use. We believe it is time that DDT be banned in every state, consistent with measures which may be needed to protect the public health and safety.

Because a number of government agencies deal with DDT—including the Department of Agriculture, which registers it for use, the Food and Drug Administration which sets tolerance levels for food, the Interior Department, which conducts research on the hazards it has to fish and wildlife, and the Public Health Service, which does research on the hazards associated with the use of pesticides—it would be difficult for just one agency to act on this matter.

Therefore, we strongly urge that you issue an executive order or directive banning the use of DDT except in instances where it is absolutely required, and that all government agencies take whatever action is required to fulfill the intent of this order.

Sincerely yours,

David R. Obey, Marvin Esch, Daniel Button, Joseph Karth, Arnold Olsen, Don Edwards, Clarence Long, Jonathan Bingham, William Clay, Thomas Rees, George Brown, Jr., Jerome Waldie, James Kee, Edward Koch, Richard McCarthy, Abner Mikva, Banjamin Rosenthal, James Scheuer, Leonard Farbstein, Bertram Podell, William Barrett, Members of Congress.

CBW AND NATIONAL SECURITY

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, it is my privilege as chairman of an informal study group to announce completion of an intensive examination of the strategic and tactical implications of chemical and biological weapons. A study of this length cannot exhaust all the implications of chemical and biological warfare, but the sponsors of the study group paper, along with 12 other Members of Congress who have become associated with this examination, believe the document contains perspectives and recommendations worthy of consideration by this Congress and the administration.

At this time, I would like to cite three other Members who joined with me as sponsors of this study group. They are Charles A. Mosher of Ohio, Howard W. Robison of New York, and Fred Schwengel of Iowa.

The following Members of Congress have joined the study group in encouraging, through the release of this paper, a reexamination of the strategic and tactical purposes served by chemical and biological weapons: Marvin L. Esch of Michigan, Peter H. B. Frelinghuysen of New Jersey, Gilbert Gude of Maryland, Frank Horton of New York, Paul McCloskey of California, Joseph M. McDade of Pennsylvania, F. Bradford Morse of Massachusetts, Ogden R. Reid of New York, Philip E. Ruppe of Michigan, Herman T. Schneebeli of Pennsylvania, Robert T. Stafford of Vermont, and Charles W. Whalen, Jr. of Ohio.

CBW and National Security

INTRODUCTION

The recent concern about safety procedures in the handling of chemical and biological weapons has caused us to re-examine the purposes for which we have these weapons. Our effort has necessarily involved analysis of the avantages and disadvantages of CBW in each of the situations our country faces or might face. Accordingly, we have considered chemicals and biologics as deterrents to all-out war and as tactical weapons in limited wars. It stands to reason that the judgment of the Congress concerning the future of these weapons must be based on this kind of analysis.

We need to determine whether these weapons are valuable additions to our already impressive arsenal of conventional and nuclear weapons. It is not justifiable to continue developing, producing and testing chemical and biological weapons simply because we can develop safe testing and storage procedures for them. Also, we cannot logically accept the rationale that we need chemical and biological weapons simply because some other country is engaged in CBW production. Similarly, it is not enough to say that they enhance "flexibility": one must analyze their specific advantages. Only weapons which add a positive measure to our overall national security deserve support.

As a result of our inquiry, we question whether chemical and biological weapons add significantly to our security. The risks we run by using and maintaining secret stockpiles seem to outweigh the dubious advantages offered by these weapons.

On this page and the next page, we will present a few of our concerns, highlighting rationales which are elaborated in the main body of the paper. Here we will also offer some recommendations.

As deterrents to all-out war, chemical weapons are neither more cost-effective nor certain than our nuclear deterrent. Biological weapons are doubly uncertain as mass killers. On the one hand, their effectiveness can be blunted by extreme weather conditions or unpredictable biological reactions. On the other hand, a successful attack by us could initiate an epidemic that might spread to infect our own population. When a weapon is potentially dangerous to both the attacker and the attacked, retaliatory threats lack sufficient credibility.

Although many have accepted the notion that CB weaponry is humane, we are dubious. Many of these weapons are naturally inhumane, while others which could theoretically be used to reduce war deaths have actually been used to increase them. Contrary to the assumption that weapons which have been secretly developed and tested for years will perform effectively in the field, many of them have not significantly improved our military position and many more cause severe ecological damage which may make them less acceptable than conventional weapons.

We suspect that virtually all CBW is highly escalatory in limited war. When we fight limited conflicts to avoid all-out war, chemical and biological weapons may push us toward total war. When we are willing to escalate, chemicals and biologics are very likely at least as escalatory as tactical nuclear devices.

Finally, we find that in the field of CBW there appear to be unique opportunities to disarm voluntarily or on a negotiated basis. There is genuine international interest in reaching a negotiated settlement on CBW, yet it is doubtful that the elimination of our chemical and biological stockpiles would result in significant military loss.

We are cognizant of the dangers associated either with using these weapons or secretly continuing to produce and stockpile them. There are already indications that our use of chemicals causes serious and permanent damage. Yet, even this damage is small when compared to the unpredictable misery that a full-scale biological attack might initiate or the total war that a chemical attack might provoke during a limited conflict. By possessing these weapons we increase the likelihood of use. In addition, we risk an international incident when an unexplained epidemic provokes charges of a secret biological attack. Finally, these uncertain weapons have a destabilizing effect on relations between adversaries because they make rational calculations difficult.

Because the logic of this paper suggests that the disadvantages of CBW outweigh their marginal advantages and because it takes into account both the evils and the alleged benefits of CB weaponry, we recommend careful consideration of the following actions:

(1) Eliminating all stockpiles of chemical and biological weapons, including any low-level chemicals designed for military use. This does not include riot control agents used for crowd control in the U.S.

(2) Publicizing the results of future research in the field of CBW.

(3) Encouraging international agreement on the prohibition of chemical and biological production and usage.

(4) Ratification by the U.S. of the 1925 Geneva Protocol.

(5) Declaring tnat the United States will not use such weapons but will respond to their use by adversaries with appropriate conventional or nuclear force.

I. THE WEAPONS

The term "Chemical and Biological Warfare" is a misleading one. It is not a form of warfare but rather a conglomeration of weapons which must be incorporated into the military strategies and doctrines which have already been developed to maintain our defense posture. The sweep of the phrase masks the diversity of our silent arsenal.

The purpose of this study is to outline the role that chemical and biological agents could play in our overall defense strategy. Where possible, we have attempted to evaluate the merits of the systems as an alternative to those weapons already in use. We also consider briefly the possibility of a negotiated agreement on the production of chemical and biological agents.

It is important that chemical and biological agents be constantly regarded as alternative weapon systems. If objective evaluation indicates that they do not prove better than present armaments, there can be no justification for adding them to our arsenal. Different criteria are unsatisfactory. Maintaining the primacy of flexibility is an imprecise position. If two weapons are of unequal value, certainly only the better one should be deployed. If they are equal, joint deployment is unnecessarily wasteful.

Arguing that the U.S. must develop a weapon because an adversary is doing so is not logically adequate; it is a rationalization of advocates. Keeping up with the Joneses in weapons development is useful only when our own security requires that enemy systems be duplicated. This reasoning was relevant during the recent ABM debate. We did not need an ABM because the Soviets had one. We needed it only if our deterrent force would be vulnerable without it. Likewise, American stockpiles of CBW are not justifiable merely because of Soviet initiatives.

A. The differences between chemical and biologics

There are several different categories of possible chemical and biological weapons. Toxins, which are produced by biological organism but cannot themselves reproduce, have been classed with chemical agents in this study as they were in the UN Report on CBW. (See appendix). While there are significant differences between categories, the basic characteristics of chemical agents are different enough from those of biological weapons that general distinctions between the two classes are both possible and helpful. Biological agents are living organisms which reproduce, chemical weapons are not. It is this basic difference which accounts for the major variations between them.

1. Extent of Effects

Because they are alive, biological agents can pose a danger for a long time and affect a wide area as they reproduce. Chemical agents are effective for only a relatively short time and the area they affect is determined solely by the size of the initial attack and the weather conditions in the strike zone. Thus, when an attack must be controlled geographically, chemical agents are preferable to their biological counterparts. Yet when a general attack is called for, biological weapons are more relevant.

2. Speed

Speed is often absolutely necessary in a military engagement. With the exception of defoliants which require several days to achieve maximum results, chemical weapons can act immediately or within a few hours. In comparison, biological agents are extremely slow. The quickest take at least a day to act and some have incubation periods of three weeks.

3. Duration

The two systems also differ markedly in their duration of effect. The living organisms of a biological weapon may lie dormant for years or centuries before finally infecting humans. Decontamination of infectious areas is difficult at best and impractical for large areas. Chemicals may evaporate relatively soon after an attack, but under certain environmental conditions or after repeated use, areas may remain contaminated for months.

4. Intensity

Some chemical agents are short-term incapacitants, but the most dangerous are those which are designed to kill quickly. Even those previously characterized as temporary have been found to have lingering side-effects such as permanent damage to the eyes or lungs. Conversely, although biological weapons are usually considered lethal, some organisms have been developed which cause illness for a while but make eventual recovery possible.

B. Military characteristics

To be useful additions to our military arsenal, these weapons should meet a number of criteria. They should be easily delivered, cheaply produced, difficult to defend against, effective under all weather conditions and reasonably controllable. Chemical and biological agents measure up to some of these standards but fall short of others.

1. Delivery

Chemical agents can be delivered in almost any form. They can be dispersed in aerosol sprays, hand grenades or small rockets. In addition, aerial spraying as well as bomb and missile attacks can be used. These systems can also deliver biological weapons, although short-range delivery vehicles are dangerous since the disease could easily return to the attacking troops. A unique delivery method for biological weapons is sabotage. A fifth-column movement is virtually undetectable; and a small amount of infectious biological organisms could quickly spread in the atmosphere or through a water supply to infect population centers. Yet for a large-scale attack the most probable delivery method would be an aerial spraying from a missile or airplane.

2. Production

Both chemicals and biologics can be cheaply and quickly produced in massive quantities with available laboratory and industrial equipment.

3. Defensibility

Defenses against the agents can be directed against the delivery systems or the agents themselves. Luck seems to be an essential part of the defense against sabotage attempts, but defense already developed against bombers and missiles should be equally effective whether CBW or nuclear warfare is being attempted.

Some chemical and biologcal agents are susceptible to medical treatment. But this treatment must be swift and certain. Because of the necessity for speed, the agent might be incorrectly identified. The wrong antidote for a chemical attack could kill the intended victim; a disease will continue unchecked if the wrong biological antibiotic is prescribed.

Of course, protective measures are possible only after an attack is detected. Nerve gas is odorless, colorless and tasteless. Unless troops correctly identified an incoming rocket as a chemical one before impact, one-third of them could die before they had a chance to don gas masks. Thousands of citizens could be fatally infected by a saboteur's biological attack before officials learned of the deadly contamination. Thus, defense against surprise attacks is extremely difficult and should be largely discounted when setting policy.

4. Weather Dependence

An unfortunate change in weather conditions can greatly reduce the effectiveness of both types of weapons when they are dispersed in aerosols or impact explosion devices. Because of this tenuous dependence on the weather, they are not reliable military aids.

5. Controllability

On the other hand, even when weather conditions are favorable an effective attack cannot be easily controlled. In some cases the area affected is indeterminable. In others, the intended victims are not the only victims. There is a constant danger that lingering effects will wreak havoc in the area for years after the war ends.

When chemical weapons affect a region, they may affect all men and animals in the area. Herbicides can be confined to a specific area. But while they are aimed only at plant life, they may also directly affect the local human and animal populations.

Most biological agents infect only one species, but the infection can spread endlessly, affecting areas far from the inital attack which may not be involved in the war.

Perhaps the most frightening dimension of these weapons is their long-term effects. Even seemingly harmless defoliants now being employed in tactical situations can affect the overall ecological balance of the area and promote extinction of those species which depend on the foliage for nourishment. Plant diseases may make critical inroads into the food supplies of already starving nations. Biological agents could linger in an area and rekindle an epidemic long after treaties were signed and enmity had ceased. They could renew the pangs of war when only historians remember why the war began.

C. Military missions

Because of the distinctions between the two types of weapons, their military missions are quite different. Chemical agents are considered tactical weapons, to be used in limited engagements. They act quickly and remain in a relatively limited area under favorable weather conditions. They can therefore be incorporated into larger battle plans.

Lethal biological weapons are reserved for all-out conflicts. Once they infect a population, an epidemic of unforeseeable proportions is possible. No battlefield operation calls for such devastation.

II. THE STRATEGY

Knowledge of the military characteristics of these weapons makes possible an examination of their implications for national security.

Our national security depends both on an ability to deter attack and on a capacity to defend against one should deterrence fail. Defense strategy is a purely military science; whereas our deterrence strategy determines our diplomatic posture and public image throughout the world. While the two concepts are related, they are not the same. Many policy discussions suffer because they assume that whatever is good for defense is of equal benefit to deterrence. This is not necessarily so. Weapons which make military victory more probable may also make victory necessary by making war more likely.

National policy makers have relied upon two basic theories of deterrence and defense: counterforce and finite deterrence.

A. Counterforce

Counterforce strategy, as the term suggests, is directed at the military force of the enemy. It hopes to disarm the enemy quickly by destroying his weapons. If it is successful the enemy will be forced to quietly surrender, accept a stalemate or face extinction. The strategy focuses on military targets, not population centers.

CBW does not contribute to our counterforce posture. In an allout war, these weapons cannot stop incoming missiles or blunt their destructiveness. They cannot ground planes or destroy missiles in their silos. Their primary function would be to attack population centers.

Even if it were assumed that we could become involved in a war which prized strikes against munitions factories during a protracted test of industrial strength, CBW would not be significantly better than conventional tactics. Biological attacks would be difficult to pinpoint and the general population could be afflicted. Chemical agents might be controlled, but they would kill people while leaving the enemy's industrial capacity intact. In both cases, new workers could resume production and repeated strikes would be necessary. Conventional sorties which destroyed the factories themselves would be far preferable in such an unlikely war situation.

B. Finite deterrence

The strategy of finite deterrence focuses on population attacks and is more suitable for CBW. This strategy attempts to prevent war by making victory so costly or so unlikely that attack is an enemy's least acceptable option. The main focus is on all-out war. We attempt to discourage aggression by threatening retaliation against population centers which would make victory too costly. Presumably any opponent perceives a level of damage which would be unacceptable when set against the gains expected from victory. Since this damage threshold is measurable and thus finite, the retaliation we threaten is finite. Accordingly our posture is termed one of finite deterrence. Once this damage threshold is reached, there is no reason to exceed it. The enemy will be deterred when the minimum threshold damage is assured. Threats of more damage will not produce more deterrence.

An essential element is this strategy is flexibility. The level of damage threatened must be correlated with the attacker's stance. Too little will not deter. Too much in a limited conflict will be disproportionate and thus either irresponsible or unbelievable.

When completely articulated, the theory attempts to respond to aggression at whatever level it is offered with a two-fold purpose in mind. First, enemy victory must be forestalled. Second, conflicts must be decided at the lowest possible level of violence. Consequently, there are three major facets to finite deterrence strategy: minimum deterrence, which makes all-out war politically and morally unacceptable; limited war, which seeks to counter all other forms of force or blackmail; and arms control, which attempts to keep tensions low by keeping force levels low and balanced between adversaries.

Minimum deterrence seeks to maintain an invulnerable strike force capable of inflicting unacceptable losses on the enemy by attacking his population. Of course this threat is only credible if it is used to deter a minor land probe since it would immediately escalate a local conflict into a world-wide conflagration.

The technique of limited war was incorporated to react to localized threats which do not warrant total war. If our limited war capabilities are great, we should be able to deter attacks in any form by threatening an appropriate level of violence.

To deter attacks and keep the attacks that cannot be deterred as small as possible, arms control is a major goal of any strategy of finite deterrence. Arms control also aids deterrence by reducing international tensions which increase the chances of war. While complete disarmament is not feasible, at least for the present, some arms control is a reasonable and highly desirable goal. Another section of this paper will consider the importance of including CBW in such controls.

1. Minimum Deterrence

(a) Civil defense possibilities

Since minimum deterrence threatens to strike a terrible blow to the civilian population of an enemy, civil defense measures might reduce casualties and defeat the purpose of the deterrence measures. However, as a practical matter, civil defense cannot be relied upon to nullify the threat of CBW. Detection of a covert attack is difficult if not impossible. The measures required to protect a population even if an attack is anticipated or identified are highly impractical. Pressurized shelters with air filters would be required to prevent exposure to a continued buildup of harmful agents. In addition, sophisticated laboratory equipment and biological experts would be needed in every shelter to identify and treat diseases before a general epidemic struck underground. Thus, civil defense should not give a victim solace or an attacker pause. The success of a CBW attack will not be significantly diminished by civil defense measures taken against it.

Civil defense against nuclear attacks aimed at population centers cannot avoid millions of deaths in the immediate blast area, even though some civilians might survive deadly fallout if adequate shelters were available. Thus, nuclear weapons will remain a credible deterrent despite attempts to develop civil defense systems.

Because all three weapons can elude or overwhelm civil defense systems, population vulnerability is high regardless of which type of attack is considered. Yet, aside from civil defense considerations, there are significant differences in the application of deterrence strategy to chemical, biological and nuclear weapons.

(b) CBW as a deterrent

Lethal chemical weapons such as nerve gas would probably require more delivery vehicles than nuclear weapons to achieve the same unacceptable level of damage. Since their range is determined by the wind direction and velocity, several gas missiles would be necessary to inflict damage equal to that of a single nuclear warhead. If delivery costs were an important factor, nuclear strikes would be more attractive since fewer missiles would be necessary. If assured destruction were the aim, nuclear weapons would again be chosen, since wind and weather conditions could blunt a chemical strike but leave a nuclear blast unaffected.

Yet chemicals might still be retained as a deterrent force. They could be responsible for avoiding a purely chemical attack. A special case has been made for retaining a substantial lethal stockpile in Western Europe to deter a major conventional and chemical onslaught from the East. It is feared that if the U.S. were to abandon its chemical stockpiles, the East would seize upon a tempting opportunity to use lethal chemicals with great success.

Some fear that the West would be faced with an unfortunate triad of options if it did not retain chemicals. NATO might be forced to retreat while suffering heavy casualties from persistent gas attacks. It might equip its troops with protective clothing while ceding a mobility advantage to the East which could be decisive. Finally, it might respond with tactical nuclear weapons to exact a casualty toll from the East similar to the losses its own forces suffered from gas attacks.

It is argued that a substantial arsenal of lethal chemicals could avoid this difficulty, since gas responses to gas attacks would force the East to don protective clothing and make mobility difficult for both sides for the duration of the war. The East might be successfully deterred from using gas if it realized that the West was prepared to respond in kind and neutralize its short-lived tactical advantage.

Yet this scenario is not necessarily a convincing case for a lethal chemical arsenal. It obviously does not weigh the risks of possession which we outline below. In addition, a large-scale conventional war in central Europe may not be possible. Escalation to tactical nuclear weapons or expansion of the war to homelands may be virtually automatic. Certainly it is difficult to imagine a war in Europe which began with lethal chemicals on one or both sides and did not quickly escalate to other weapons and other battlefields.

Yet the most important distinction which must be made in reviewing this scenario is one between deterrence and defense. While some may flinch at the thought of actually using tactical nuclear weapons when another course is open, it is not clear that the threat of nuclear retaliation would not be effective in deterring chemical warfare in Europe. If tactical nuclear devices can deter a chemical attack, the issue of actual retaliation becomes moot.

Finally, actual defense with chemical weapons may not be significantly better than with nuclear devices. There are no meaningful civil defense measures against either weapon. Both sides would have to assume that tactical nuclear weapons might be used against them and disperse their forces accordingly. This would mean that even strikes at clearly identified military targets with either weapon would involve substantial civilian and military losses. Thus, the different intensity between lethal chemical attacks and low-level nuclear blasts might be small and the case for chemical responses to chemical attacks would be marginal.

Biological weapons have also been justified as a deterrent force. There again is no practical civil defense. The delivery systems are as invulnerable as nuclear vehicles, and it seems reasonable to assume that both superpowers will remain vulnerable to a full-scale missile attack for the foreseeable future. A fifth column of saboteurs should remain potent in spite of unforeseen advances in missile and bomber defenses. Nevertheless, biological attacks are not a successful deterrent threat.

Effective deterrence must result from a credible threat of assured destruction judged unacceptable by a potential aggressor. Yet it is reasonable to conclude biological warfare neither assures destruction nor allows for a credible threat.

Even after a biological strike began, the extent of the damage would be unknown. Aerosols would be the most likely delivery method for a large-scale biological attack. Yet reliance on them means that extreme weather conditions might kill the organisms before they had an opportunity to infect the population. Certainly it would be difficult for an attacked nation to wait patiently for perfect weather conditions for retaliation. Consequently, the possibility of a complete failure is a constant danger in biological warfare and the requisite of assured destruction is lacking.

The credibility of a biological threat is undermined by the frightening prospect of a succesful attack—one which initiates an epidemic. The disease could be uncheckable. The plague would honor no natural or national boundaries. Once the infection was identified, a terrified population would scurry in all directions to avoid contamination. Yet they themselves would be the carriers who would transform a localized attack into an international tragedy.

Even laboratories with controlled environments and strict safety precautions have been unable to completely avoid infection by these lethal agents. Only strict quarantine procedures and a fair amount of luck have prevented several research accidents from becoming general epidemics.

Uncontrollable biological weapons could endanger their user; they might return to infect his population. The unbridled infection he had unleashed could return to destroy the attacker as well as the attacked. Even a country which was confident that it possessed a secret antibiotic could not launch such an attack. Living organisms often change their characteristics as the result of a mutation. Hardy mutant strains could continue to spread disease after the administration of antibiotics which would have neutralized the original disease strain but which proved ineffective against this new breed of killers.

Of course any threat to exterminate millions of people is incredible. But one is more incredulous when posed with a threat of biological destruction than when a nuclear threat is maintained. By developing "clean" bombs we have attempted to minimize the residual effects.

Our own population might suffer if we retaliated. Consequently, population losses in the U.S. would have to result from a decision by the enemy to launch a second salvo of missiles targeted on our cities. There is a very real possibility that an enemy leader would pause under the stress of a nuclear exchange and accept defeat before issuing a death warrant for another score of megadeaths. Biological weapons do not afford this opportunity to avoid mass destruction in both the attacking and attacked nation; a single disease can spread over both populations without waiting for a second decision from an opposing leader. Thus, while a nuclear retaliation makes national suicide a possibility because a devastated foe might decide to slaughter his enemy, a biological attack makes self-destruction dependent both on the course of an uncontrollable epidemic, and upon the unpredictable decision of an adversary.

Thus it seems that our overall deterrence posture would not be significantly enhanced by the threat of a biological response. The brinksmanship inherent in modern day aggression would be buoyed by the hope that retaliation would be unsuccessful. In addition, the threat of a biological response loses its credibility as the likelihood of success increases. An effective attack carries with it the fearsome danger of a global epidemic which could sweep all before it, friend and foe alike. Accordingly, the threat of a biological response may be either the threat of no response or of retaliation so costly to both sides that it might not be believed and thus not heeded.

Nuclear weapons are significantly better than biological ones for deterrence purposes. They are just as fearsome and more certain and controllable. Sole reliance on nuclear threats should preserve a credible deterrent for the U.S. Adding a biological menace would not significantly improve that deterrent.

Successful biological attacks are at least as humanly destructive as nuclear strikes. Thus, there is no reason to prefer a biological response in hopes of avoiding all-out nuclear war. Both deal death in massive proportions.

(c) The vicious response

Relying on biological weapons as a vicious military response to an all-out attack has little justification. A biological reaction to either a biological or nuclear strike might be extremely damaging and yet less effective than a nuclear response.

We indicated earlier that the incubation period for lethal organisms is from one day to three weeks. This incubation period begins only after a victim has contracted the disease. Thus, while an attacker is busily destroying its enemy's wealth and population, the beleaguered victims must wait patiently for their deadly infection to fester. In the meantime, they must accept unmerciful punishment. All the while, the original attacker might feel that he could fight continuously against an enemy that was unable or unwilling to retaliate. Such a confident adversary could be expected to increase the intensity of his attacks as long as he felt he was doing so with impunity.

In contrast, a nuclear response would be quick, calculable and highly damaging. An attacker would be forced to reassess his position against a determined foe willing to fight rather than surrender.

2. Limited War

The term limited war implies that both the weapons used and the area engaged are limited. Such conflicts are entered when the objective is worth all-out war, but when it might be achieved at lower costs in a limited conflict. In other situations, limited wars are fought when the stakes are high enough to justify armed action, but too low to justify total war.

Certainly no country is willing to rattle its nuclear sabres during every international incident. Some areas are just not worth a nuclear war. Yet they may be valuable to a country—valuable enough for a limited war. Other areas may be worth a nuclear war, but victory might be achieved without one if a flexible conventional force were available. To avoid being muscle-bound in most international crisis situations, the nuclear powers have developed a capability and theoretical framework for waging limited war.

When a nation is willing to risk all-out war to achieve its goal, there are no holds barred in the limited phase of the war. Of course, if victory can be won without resorting to nuclear weapons, none will be used. But the enemy is kept constantly aware that its opponent is taunting it up the nuclear ladder. There must be no doubt about the attacker's ultimate resolve.

However, when the stakes are not high enough to justify all-out war, the opponent must be advised that the war will be kept limited. The attacker is willing to accept defeat rather than escalate to nuclear weapons in search of victory. If there is any doubt on the part of the opponent, there exists the danger that he will escalate the conflict of his own accord in an attempt to show his resolve and perhaps win the war quickly.

Therefore, there must be implicit limits placed on such a war so that both sides clearly understand that they are fighting a truly limited conflict—not one that could reach the unlimited stage. Usually geographic and weapons limitations are self-imposed by both sides as evidence of their good faith. There are no logical reasons for these barriers, since there are no clear logical demarcations between limited and total wars. They are merely different levels of conflict in a continuous scale of violence. The value of the barriers lies in the assurance they provide to an opponent that he need not fear all-out attacks during this particular war. Once these restrictions are decided upon and recognized by both sides, it is clearly of prime importance that they not be abandoned by either side in quest of a small military advantage, lest all barriers fall and all-out war actually result.

There are three main reasons advanced for including chemical and biological weapons in our limited war arsenal. Advocates claim they are: first, more humane than other conventional weapons; second, effective in fulfilling military missions; and third, high intensity responses to enemy action which do not involve a significant danger of nuclear escalation.

(a) Humane weapons

Some proponents of chemical and biological warfare dream of "wars without death." They claim that military objectives can be achieved without the necessity of killing the enemy. They envision sleeping armies, soon to wake captives of a merciful opponent.

For some chemical and biological weapons, this argument is clearly irrelevant. Nerve gas and deadly plagues are no more humane than the conventional weapons they seek to replace or supplement. For other agents, previous military usage indicates that they have been used in conjunction with tactics which seek to kill the enemy.

Biological agents aimed at crops or animal life are used to deprive the enemy of his food supply. Yet any starvation tactics hit the army slowly—after the rest of the population has suffered from malnutrition while the army commands scarce food reserves. The policy of starvation is inhumane as conceived and unconscionable as practiced, since it first hurts those most in need of food and only eventually cuts the rations of the enemy forces.

Biological agents which affect man are also inhumane. Mild forms of disease are not militarily useful because they do not sufficiently guarantee an incapacitated enemy to insure peaceful victory. The lethal agents are just as deadly as conventional weapons and they invariably affect civilians. Certainly, weapons which deal not only death but indiscriminate death cannot be considered humane.

Chemical agents have been developed and used to defoliate large areas identified as enemy strongholds or to destroy crops. Those which seek starvation are indeed inhumane. Those which defoliate enemy hiding places do not result in humane treatment either. Fields of fire and bombing targets are revealed as leaves slowly wither. An enemy caught in these areas cannot expect merciful treatment. Instead, he can fear unobstructed shelling and bombing raids. His death is made more likely because chemical weapons were used by his enemy.

There are both lethal and non-lethal chemical weapons which are used directly against men. Lethal agents, primarily nerve gases, are certainly not humane. In fact, there is less possibility of being merely wounded by nerve gases than by conventional weapons. Even a small dose of these gases can be fatal. Thus, mortality rates are increased when nerve gases are used.

Riot-control gases and harassing agents are not designed to be fatal. If administered in laboratory-prescribed doses they do not kill or permanently damage their victims. But in battlefield conditions, too much gas is usually preferred to too little and there are strong probabilities of permanent damage or even death if an "overdose" strikes an enemy.

Chemical weapons which are theoretically capable of achieving victory without bloodshed have frequently been used to increase enemy casualties. Although the gases themselves are not fatal, they are often employed in tactical situations when the enemy is concealed from conventional weapons. Chemicals are then used to drive the enemy from his hiding place so that he can easily be fired upon.

The inhumane deployment of these weapons during battlefield situations may not be more inhumane than the use of comparable conventional weapons. However, chemical and biological weapons can continue to be inhumane long after the battle is ended. The area may remain contaminated for days, years, perhaps centuries. No conventional weapon is likely to cause this much prolonged suffering. Weapons aimed at plant or animal life may cause serious ecological imbalance, break natural food chains and disrupt environmental stability. Biological agents could cause damage of this magnitude in wideranging areas. It is conceivable that entire species, perhaps even man, would move toward extinction after a large attack.

Theoreticians have not realized their visions of wars without death. As now employed, chemical and biological weapons are usually used to kill the enemy directly or indirectly. At times their use kills scores of noncombatants.

(b) Effective weapons

The most persuasive argument for military tacticians is that CBW is an effective weapons system. It does things better, quicker, cheaper or safer than alternative weapons. The crucial element in evaluating these claims is the definition of an effective weapon. Most chemical and biological agents can be successful in fulfilling a mission. But the additional damage they cause may make them ineffective in an overall analysis, since an effective weapon should seek to maximize the chances of ultimate victory while minimizing the war's destructiveness.

There is no question that biological agents can be terribly efficient in destroying plant and animal life. Yet starvation may not be an effective addition to military tactics, since the armed forces would be the last to suffer from shortages. In some situations they might never suffer if they maintained supply lines with non-combatant allies.

But the more significant disadvantage to biological agents is their uncontrollability. The disease may return to destroy the attacker's food supplies. They may also spread to neighboring territories. Since military men, like most people, prefer to keep the number of enemies to a minimum, uncontrolled blight could be a severe setback. Neutral nations which helplessly witness their plant or animal life die might feel strong public pressure to avenge the attack as quickly as possible.

When human diseases are meted out to an enemy, the disadvantages are similar but more pronounced. Even a hypothetical army that could secretly innoculate its troops and stockpile a biological agent could not consider the agent an effective weapon. The disease could easily spread beyond the war zone and the pressures for retaliation by neutral nations would again be tremendous. The initial successes achieved by using the agents could be nullified when war was declared by the enraged nation accidently infected by the attacker. In addition, the attacking troops might be afflicted by the same disease when a mutant which proves immune to previous vaccines returns to plague them. Both of these possibilities make ultimate victory less likely. Either one makes a biological agent an ineffective military weapon.

The positive disadvantages of biological strikes must be considered in conjunction with their inherent unpredictability. As demonstrated previously, less than perfect weather conditions can quickly kill bacteria before they infect the enemy. A weapon which works only occasionally is probably worse than no weapon at all, since plans which assume effective results from its use may leave troops helpless if the weapon fails.

Chemical defoliants are effective in killing crops. The question is how effectve crop attacks are in defeating an enemy. Defoliants which seek to clear the countryside of enemy camouflage are eventually successful in denuding the area. Yet there is a real question about the military consequences of these sprayings. It takes several days for the chemicals to take effect. After they have, there is usually renewed growth in the area within a week. During this short period of defoliation, the enemy can avoid barren areas and move only through jungle that has not been affected. Persistent use can prolong the defoliation effects and perhaps even kill trees in the vicinity. Yet a militarily effective program would have to blanket a wide area while continuing to concede relatively concealed movement at night. When the advantages of this program are weighed against the significant disadvantages resulting to the soil, foliage and wildlife of the region, the effectiveness of the weapons is doubtful. Victory is not significantly enhanced while damage to the war zone is certainly intensified.

Defoliants have also been used to deny roadside cover to enemy ambushers. But it should be realized that clear roadbeds often merely widen the fire zone, thereby increasing the exposure of one's own troops as they seek shelter from attack.

Chemical agents aimed at enemy troops have varying degrees of effectiveness. Harrassing agents can be effective if the enemy is not equipped with masks. Usually these agents are used to force the enemy out of hiding into clear fields of fire or to prevent enemy pursuit or ambush when friendly troops are moving.

Lethal agents, particularly nerve gases, can be extremely efficient killers. Attempts have been made to develop warning and decontaminating devices to use in conjunction with masks as defenses against nerve gas. Yet present systems are costly, cumbersome and only partially effective. Observers estimate that troops fully equipped with protective devices would still suffer 30% casualties before they could react to a surprise attack.

(c) High intensity, nonescalatory weapons

(i) Completely limited war

The final and most crucial argument advanced in favor of the use of chemical and biological weapons is that they allow a high intensity response which does not escalate the conflict. Where the U.S. is involved in a limited war and has decided it will *not* resort to all-out war for victory, this justification is of prime importance. If this argument fails, the other two rationales offered for their use become moot. The danger resulting from escalation far outweighs the benefits which allegedly humane or efficient weapons offer.

When limited war is initiated because all-out war is not justified by the stakes of the conflict, all reasonable precautions must be exercised to insure that the war will remain limited. As we indicated earlier, the normal way of telling an opponent that the war will not be escalated is establishing arbitrary geographical and military boundaries for the conflict. Chemical and biological weapons probably transgress both bounds.

Lethal biological weapons, if successful, can kill as effectively as nuclear warheads. Thus the artificial restraints on the level of violence which are established in a truly limited war would be greatly exceeded. The shift to nuclear war would be a small one. It would be made because nuclear weapons were more reliable, not because they were necessarily more destructive.

In addition, the arbitrary geographical limits set might be unintentionally violated by any biological weapon. Sanctuaries relied upon by one side and honored by the other could well be infected by the attacking biologics. Moreover, the agents could spread to neighboring countries. This is an extremely frightening prospect for conflicts on the Sino-Soviet periphery, such as those in Korea or Vietnam. An uncontrolled epidemic might quickly engage an otherwise uninvolved superpower in all-out war.

Lethal chemical weapons probably also pose an unacceptable risk of escalation by exceeding artificial restrictions on the type of weapon used, since successful nerve gas attacks might kill as many enemy troops as a nuclear blast.

Thus, both biological weapons and lethal chemicals could break delicate barriers which are relied upon to distinguish limited war from all-out war. But even chemical agents which are not designed to kill the enemy may be dangerously escalatory and thus undesirable. This danger is a consequence of the psychological overtones associated with CBW. As we indicated at the beginning of this study, the term "chemical and biological warfare" masks a wide variety of weapons included in it. Since the entire category is normally eliminated from combat situations, with the exception of low level chemical agents which harrass or defoliate, using one of the more unusual forms of CBW immediately makes the use of all CBW weapons more likely.

The artificial psychological barrier between conventional and chemical-biological-nuclear warfare is an uncanny one. Reliance on it to distinguish limited from all-out war is wise. Breaking it in selected instances may mean breaking it altogether. Once gases and diseases are used on the battlefield, distinctions between types of gases and diseases may seem academic.

The Vietnam experience has been deceptively fortunate. Escalation might well have occurred had the North possessed the weaponry or the Russians and Chinese the motivation to intensify the conflict. Initial world reactions to American tactics did not distinguish between types of gases. Distinctions were painstakingly clung to by the U.S., even though Hanoi lacked a chemical arsenal to force escalation with. If they had, the war might have lurched precipitously forward toward a full-scale holocaust when the first tear gas canister was introduced on the battlefield. The safest course is to observe the barriers without exception. For once the established barriers are broken, it may be too difficult or too late to erect new ones.

(ii) Initially limited conflicts

In those wars where the U.S. decides the stakes are high enough to warrant all-out war, weapons which are escalatory may have a place in our military plans. But inclusion of CBW in those plans depends upon how escalatory these weapons are when compared with others already in our arsenal. If they are at least equally likely to lead to all-out war, there seems to be no justification for using them when other weapons can produce similar military results.

A decision to run the risk of total war by first engaging in a limited war does not necessarily mean that we will follow a course inevitably culminating in total war. There would be little reason to alert the opposition if all-out war were certain to result from a local encounter. We will enter a limited conflict when the stakes justify total war only when there is a significant chance of deciding the issue without resorting to total war.

Put another way, we fight limited wars with an understanding that the objective is worth a *risk* of total war. That risk may be relatively high or relatively low. Once it is gauged, our strategy must be tailored accordingly. If we are willing to run a 70 percent chance of total war, then all military responses which make total war more than 70 percent likely are to be avoided. All weapons which do not make total war 70 percent likely can be used, even though they might be characterized as "escalatory." Given this theoretical framework, chemical and biological weapons could be justified in a limited war over high stakes if they were less escalatory than other systems with similar military capabilities.

It should be understood that the criteria for assigning an escalation coefficient to weapons is not their military effectiveness, but their psychological impact on the opposition. Because of the long tradition of abstinence from lethal chemicals, biological agents and nuclear devices in limited wars, all three weapons are likely to have a similar psychological impact on the enemy and therefore be equally escalatory.

Since we have been capable of fighting limited wars in the past without relying on anything more than conventional forces, a decision to use lethal chemical, biological or nuclear weaponry is an implicit admission that purely conventional strategy is incapable of achieving victory. It is a signal to the enemy that this realization was accepted and a recourse to new, escalatory weapons was chosen instead of surrender. The use of any of these weapons is a proclamation that defeat will not be accepted without resorting to great military strength. With this warning, an enemy is just as likely to initiate an all-out war regardless of the particular weapon chosen to rupture the tradition of abstinence.

The possibility of escalation results from the breaking of tradition, not from the military mission these weapons are assigned. Their employment indicates that conventional warfare cannot do the job and defeat is unacceptable. Thus it is unlikely that lethal chemical or biological agents could be considered less escalatory than tactical nuclear weapons.

Consequently it seems that, in both the case of limited war which must stay limited and the case of limited war which runs the risk of total escalation, chemical and biological killers cannot be considered valuable for their non-escalatory characteristics.

3. Arms Control

To complete a strategy of finite deterrence, efforts must be constantly made to control the quantity and destructiveness of weapons. War is best deterred when neither side has sufficient hardware to fight one. It is best limited when the types of arms available are limited.

Lethal chemical and biological weapons impede both goals of arms control; thus there are two important reasons for seeking to control the development and proliferation of CBW.

According to publicized reports, both the U.S. and the Soviet Union have large stockpiles of these weapons. Arms control is therefore necessary to limit the quantity of arms available. The initial decision to stockpile has been made. Now the laborious process of disarming faces us.

We have indicated earlier that chemical and biological weapons are extremely destructive. The lethal agents will kill population masses when successfully employed. The non-lethal agents are also highly destructive and may lead to swift escalation when used.

The disarmament issues associated with chemical and biological weapons are in many ways unique. Since chemical and biological weapons have been developed as substitutes for other systems, disarmament can be pursued without significantly decreasing our security in the process.

(a) Voluntary

Because it is doubtful that decreasing our CBW stockpiles would yield significant military danger, voluntary disarmament remains a possibility. It might significantly decrease international fears over the weapons even if no other power followed our lead. But there are strong reasons to believe that others would quickly join in a sincere move toward eliminating lethal chemical and biological weapons from the international scene. To some extent we have justified our stockpiles on the grounds that the Soviets have similar arsenals. Certainly neither side can be comfortable when an uncertain balance of terror exists instead of a calculated equilibrium of deterrence.

The Soviets have repeatedly called for accords on CBW, as have Germany and one of the leaders in biological testing—Great Britain. Thus, both sides may be anxious to be rid of their systems if only the other side begins the process. If it is correct to assume that U.S. military security would not be impaired by the elimination of CBW stockpiles, a viable proposal might be that the U.S. take the initiative; if others then followed our lead, world stability could very well be enhanced.

Voluntary disarmament in the field of chemical and biological weapons has much to commend it. Military strength could be maintained and similar disarmament might begin in other countries. Regardless of the consequences in the rest of the world, the U.S. could claim unchallenged leadership in the quest for arms control and gain immeasurable world support in her efforts.

(b) Negotiated

In a framework of negotiated arms reductions, chemical and biological weapons also offer distinct possibilities. If it assumed that both sides truly fear their actual use in conflict, as public sentiment in both camps indicates, then both sides would be eager to eliminate them from their adversary's arsenal. Because the weapons are not essential to the security of either party, then both can offer major concessions without fearing military insecurity as a result. Thus, suggesting accords on chemical and biological weapons at the beginning of arms talks could test the sincerity of the other parties in achieving significant arms limitations. It could also develop procedures which could be duplicated in other phases of the proposed agreement.

(i) Secrecy and inspection

One important area of disagreement which could be resolved in a CBW pact is the joint issue of secrecy and adversary inspection. Chemical agents could easily be developed from compounds used for many industrial purposes. Biological agents could be produced in a converted brewery, far from the view of an adversary denied treaty inspection rights. Secret research could also nullify the effect of the agreement by developing new agents not covered by previous talks. While this may not shift the military balance, it would demean the prestige of the treaty if both parties realized that circumvention was relatively simple. To avoid circumvention of the agreement, on-site inspection procedures and fluid scientific exchanges must be demanded.

Experts have developed inspection patterns which they feel can insure a sufficient probability of detection to make treaty violation attempts unattractive. But because of the general lack of interest in arms control agreements over CBW, there have been no serious efforts to advance these systems in a formal agreement. If inspection systems are agreed to for chemical and biological weapons, their incorporation into nuclear treaties should be much easier.

Eliminating the secrecy which has previously surrounded CBW research and deployment is both necessary for a successful arms limitation agreement and wise as a measure designed to eliminate irrational fears associated with CBW in general. Because no one is quite sure of the extent of our CBW arsenal, whispered tales of a "doomsday bug" cannot be dismissed out of hand. Fear is generated both at home and abroad because of what *might be* stored in secret garrisons, not what is actually stockpiled there.

A second proposal could be the initiation of arms talks to consider CBW. If such advances are spurned, we might then advocate eliminating our stockpiles with wide public knowledge. Also to be considered as possible steps should be the de-classification of future research in the field. We gain nothing by hiding information about a weapons system that seems to be untrustworthy; yet we risk much by encouraging our opponents to believe the worst about such a weapons system.

(ii) Nuclear accords

If nuclear agreements are seriously contemplated, as we hope they are, then CBW accords are essential. Otherwise the existence of devastating chemical and bological reserves would subvert any nuclear agreement by continuing an arms race with CBW even though the nuclear surge had been halted. An agreement on nuclear weapons should be a signal that mass death is being made less likely, not that different weapons have been chosen to annihilate humanity.

III. THE RISKS

Incorporation of chemical and biological agents into our overall military strategy, it seems, would involve more than an unnecessary waste of funds for a marginal addition to our military might. Continuing secret research with these agents and augmenting stockpiles of those weapons which have reached the production stage would probably involve enormous risks for our own security and future world stability.

(A) Of use

It is frightening to realize that the dangers of using CBW are perceived most not by the uninformed but by those most knowledgeable in the field. Prize-winning biologists imagine with horror the ultimate consequences of a large biological attack. Chemists who have worked toward weapons development realize that even non-lethal agents can become killers if the wrong dosage is involved.

Our evaluation of the military merits of the various weapons points repeatedly to the following possible disadvantages: Plotting starvation in a world is which is already wrestling with the spiraling problems of population and hunger is short-sighted. Tampering with nature's delicate balance is imprudent when the dangers associated with a volatile environment are incalculable. Initiating world-wide epidemics is indeed "medicine in reverse" and adds a dimension of horror and primitivism to modern warfare which is understandably decried by many.

It is important to appreciate the international repercussions of using chemical weapons in Vietnam. By making them respectable after an almost complete international avoidance of them since World War I, the U.S. has made all chemical weapons more attractive in any future war. Once the barrier between conventional and chemical weapons is broken, it is difficult if not impossible to erect new ones which distinguish between categories of chemical weapons.

There are several reasons why chemical warfare would be attractive to many nations once international prohibitions against their use could be easily ignored. They are relatively easy to develop and comparatively inexpensive if a nation feels a need for a mass killer to improve its security. The U.S. has already made scores of countries aware of the potential advantages that chemicals offer by training foreign military officers in the use of these weapons.

The recent Nuclear Non-Proliferation Treaty has made these weapons even more attractive. Denied access to nuclear weapons, countries which still feel a need to exercise independent initiatives with strategic weapons turn quite naturally to CBW. While previous international accords may have deterred them from actually using such weapons, our policies in Vietnam have made CBW a little more respectable and may have made CBW proliferation a real danger.

As with nuclear weapons, the U.S. loses a measure of security when many smaller countries possess a capacity for CBW. Chemical and biological weapons are equalizers in battle which mute the advantage the U.S. maintains in industrial strength and conventional military firepower. It would certainly be better to forego the marginal benefits which CBW provides if such abstinence made proliferation less likely. If weak opponents can respond with CBW, we would not only lose the advantage we had sought by using such weapons, but we would also face the neutralization of our conventional firepower advantage.

(B) Of stockpiles

The dangers of actual use obviously become greater as our stockpiles mount. Moreover, previous experience indicates that an impressive arsenal makes battlefield use quite likely. A long abstinence from all chemical and biological weapons was forsaken in Vietnam after a previous decision to research and develop the weapons had been made.

During the conflict, only the decision to employ the gas was necessary. There have been reports that biological weapons were not used during the Cuban missile crisis because they were not available. Other sources indicate that biological strikes have been proposed during the current conflict but pressures to use them were successfully resisted.

It is reasonable to assume that as our capacities in the field of CBW grow, opportunities for using them will seem more numerous. One assent would set a perilous precedent. Reliance on the abstinence of the past does not insure continued avoidance if the weapons are constantly available when military plans are formulated. It is likely that only elimination of the weapons can insure avoidance of them and their inherent dangers.

(*C*) *Of secret possession*

Yet, even before they are actually incorporated into normal combat operations, we run significant risks by testing and producing chemical and biological weapons. Presumably, chemical and biological agents significantly increase international instability and tension because rational calculations are very difficult. As with any weapons system, possession indicates the possibility of use. Thus, although we constantly profess peaceful policies and argue that CBW research is defense-oriented and stockpiling is for deterrent purposes, our adversaries remain unconvinced. They are frightened by our arsenal. Their fears may well lead to unstable relations between our nation and others.

Because of the possibility of covert biological attacks, these fears can conceive a crisis from an accident. If any country were to suffer a sudden epidemic of an unusual or unknown disease it might immediately assume that a traditional enemy had attacked it with biological weapons. Assurances to the contrary might prove futile. A war might begin because of a freak fever or a laboratory mishap. Adequate control of biological weapons could very well reduce the likelihood of such a scenario.

If detection devices were developed and installed, they could increase tensions as well. A false alarm could create diplomatic chaos as accusing fingers were pointed at dozens of potential attackers before the true origins of the alarm were discovered. By maintaining a large, secret arsenal, the U.S. runs the great risk of being a prime suspect if a CBW attack were alleged for any reason. Denying such a charge would be extremely difficult and shifting the blame to another nation may be politically impossible.

Not only are enemy intentions difficult to calculate when chemical and biological agents must be considered, but the capabilities of the enemy are also uncertain. As a possible victim of such an attack, a nation must calculate its position under the assumption that the weapons will be highly effective. Yet as a possible attacker, each nation must play it safe by assuming that these agents will be largely ineffective. The latter set of assumptions will usually persuade a nation not to attack, but the former hypothesis may make a country overly fearful of attack. While one party is developing a peaceful line of diplomacy because it assumes it does not have the capability to use CBW, its opponent is constantly on guard against a CBW attack because it is possible and it must be assumed successful. Neither party benefits from this two-edged sword. Stable relations are subverted because of the unstable calculations which must accompany all adversary situations involving CBW.

It is these risks which must be weighed against the alleged benefits of CBW. Because such questions concerning the disadvantages of CBW exist, there is clear cause to consider the elimination of chemical and biological weapons from our present arsenal.

When considering the desirability of crop destruction or defoliation, the indeterminate damage that may be done to the balance of nature in pursuit of military gain should not be forgotten. The marginal safety which biological weapons add to our deterrent ought to be coupled with the misery which an uncheckable epidemic could promote. Although the suggestion that the weapons be abandoned might seem too extensive, the uneasy diplomatic and political situation which inevitably haunts the nation if it retains them might warrant such thought.

As with any priority decision, serious consideration ought to be given to the alternative resource demands which the nation constantly makes. The scientific talent devoted to perfecting virulent disease strains may be more urgently needed in the quest for medical breakthroughs. The funds required for testing and producing delivery systems might be better spent alleviating the many domestic problems now facing the country. A decision on military affairs must be made within the context of competing peacetime demands. Thus the balance between costs and benefits, advantages and disadvantages must be struck after weighing both military and non-military factors. In the case of CBW, especially lethal varieties, the balance seems heavily weighted against the weapons.

IV. CONCLUSION

One of the possible results of eliminating our silent arsenal might be the avoidance of the dangers of escalation presently believed associated with CBW. If such a policy were adopted, the risks of stockpiling and the horrors associated with using these weapons could be avoided.

Consideration of applying the brakes in our headlong rush toward developing chemical and biological killers should be a matter of the greatest urgency. These weapons seem ill-suited to today's military strategies. At best, they might be characterized as unacceptable substitutes for weapons already in use. Their abandonment could provide a greater atmosphere of rationality in military calculations and a more secure state of mind for modern day man by removing one horrifying threat to his existence.

TABLE 1.—GENERAL CHARACTERISTICS OF LETHAL CHEMICAL AGENTS

Type	Mechanism	Time for onset of effects	Examples
Nerve agent G	Interferes with transmission of nerve impulses	Very rapid by inhalation (a few seconds)	Tabun, Sarin, Soman.
Nerve agent V	do	Very rapid by inhalation (a few seconds); relatively rapid through skin (a few minutes to a few hours).	VX.
Blister agent	Cell poison	Blistering delayed hours to days; eye effects more rapid.	Sulfur mustard, nitrogen mustard.
Choking agent	Damages lungs	Immediate to more than 3 hours	Phosgene.
Blood agent	Interferes with all respiration	Rapid (a few seconds or minutes)	Hydrogen cyanide.
Toxin	Neuromuscular paralysis	Variable (hours or days)	Botulinum toxin.

Source: U.N. report.

ANNEX C.—SOME BIOLOGICAL AGENTS THAT MAY BE USED TO ATTACK MAN

Disease	Infectivity [1]	Transmissibility [2]	Incubation period [3]	Duration of illness [3]	Mortality [3]	Antibiotic therapy	Vaccination [4]
Viral:							
Chikungunya fever	Probably high	None	3 to 6 days	2 weeks—a few months.	Very low (<1 percent).	None	None.
Dengue fever	High	do	5 to 8 days	A few days to weeks.	do	do	Do.
Eastern equine encephalitis	do	do	5 to 15 days	1 to 3 weeks	High (>60 percent)	do	Under development.
Tick-borne encephalitis	do	do	1 to 2 weeks	1 week to a few months.	Variable up to 30 percent	do	Do.
Venezuelan equine encephalitis	do	do	2 to 5 days	3 to 10 days	Low (<1 percent)	do	Do.
Influenza	do	High	1 to 3 days	do	Usually low, except for complicated cases.	do	Available.
Yellow fever	do	None	3 to 6 days	1 to 2 weeks	High (up to 40 percent).	do	Do.
Smallpox	do	High	7 to 16 days	12 to 24 days	Variable but usually high (up to 30 percent).	do	Do.
Rickettsial:							
Q-fever	do	None or negligible	10 to 21 days (sometimes shorter).	1 to 3 weeks	Low (usually 1 percent).	Effective	Under development.
Psittacosis	do	Moderately high	4 to 15 days	1 to several weeks	Moderately high	do	None.
Rocky Mountain spotted fever	do	None	3 to 10 days	2 weeks to several months.	Usually high (up to 80 percent).	do	Under development.
Epidemic typhus	do	do	6 to 15 days	A few weeks to months.	Variable but usually high (up to 70 percent).	do	Available.

See footnotes at end of table.

ANNEX C.—SOME BIOLOGICAL AGENTS THAT MAY BE USED TO ATTACK MAN—Continued

Disease	Infectivity[1]	Transmissibility[2]	Incubation period[3]	Duration of illness[3]	Mortality[3]	Antibiotic therapy	Vaccination[4]
Bacterial:							
Anthrax (pulmonary)	Moderately high	Negligible	1 to 5 days	3 to 5 days	Almost invariably fatal.	Effective if given very early.	Available.
Brucellosis	High	None	1 to 3 weeks	Several weeks to months.	Low (<5 percent)	Moderately effective.	Under development.
Cholera	Low	High	1 to 5 days	1 to several weeks	Usually high (up to 80 percent).	do	Available.
Glanders	High	None	2 to 14 days	4 to 6 weeks	Almost invariably fatal.	Little effective	None.
Melioidosis	do	do	1 to 5 days	4 to 20 days	Almost 100 percent fatal.	Moderately effective.	Do.
Plague (pneumonic)	do	High	2 to 5 days	1 to 2 days	do	Moderately effective if given early.	Available.
Tularemia	do	Negligible	1 to 10 days	2 to several weeks	Usually low, sometimes high (up to 60 percent).	Effective	Do.
Typhoid fever	Moderately high	Moderately high	1 to 3 weeks	A few to several weeks.	Moderately high (up to 10 percent).	Moderately effective.	Do.
Dysentery	High	High	1 to 3 days	A few days to weeks.	Low to moderately high depending on strain.	Effective	None.
Fungal: Coccidioido mycosis	do	None	1 to 3 weeks	A few weeks to months.	Low	None	Do.

[1] Infectivity: Indicates the potency of the parasite to penetrate and multiply in the host's organism, regardless of the clinical manifestation of illness. In fact, there are several agents by which the great majority of the exposed population will be infected without developing clinical symptoms.

[2] Transmissibility: This refers to direct transmission from man to man without the intervention of any arthropod vector.

[3] The figures listed under incubation period, duration of disease, and mortality are based on epidemiological data. They vary, according to variations in virulence and dose of the infecting agent, resistance of the host, and many other factors. It also should be noted that, if the agents concerned, would be deliberately spread in massive concentrations as agents of warfare, the incubation periods might be shorter and the resulting symptoms more serious. As to mortality, this refers to the ratio between the number of fatalities to the number of diseased (not to that of infected) individuals, if no treatment is given.

[4] The availability of vaccines is no indication of their degree of effectiveness.

Source: U.N. report.

Mr. ROBISON. Mr. Speaker, the study introduced by the gentleman from Oregon (Mr. DELLENBACK), and of which I am a cosponsor, examines as has been noted the strategic and tactical implications of chemical and biological weapons. I believe that the Congress—and the administration—should also reexamine the general foreign-policy implications of such weapons.

Dr. Matthew S. Meselson, Harvard biologist and an acknowledged expert in the field of chemical and biological weapsons, did approach this aspect of our overall problem in an address he delivered earlier this year. In that address, he discussed America's chemical warfare policies and related them to such international discussions and agreements concerning CBW as have been held or attempted—pointing out that many nations have agreed to the 1925 Geneva Protocol, so-called, 12 of which have stated that they interpret the protocol to include tear gases. In contrast, he notes that the United States has not ratified the protocol, has taken various positions on tear gas since 1925, and has been using large quantities of such chemicals in Vietnam.

It is Dr. Meselson's premise that the overriding U.S. policy toward CBW ought to be one of preventing the proliferation, legitimization and use of such weapons—a premise with which I would wholly agree—and, as his address is a thought-provoking review of many of the international issues revolving around CBW we ought to be considering, I insert it now in the RECORD for the information of my colleagues:

CHEMICAL AND BIOLOGICAL WEAPONS—WHAT SHOULD U.S. POLICY BE?

(By Matthew S. Meselson)

Chemical and biological weapons, like nuclear ones, are capable of killing very large numbers of people, especially civilians. Nerve gases are comparable to the uranium bomb, in the sense that a single large bomber dispensing one of the more toxic ones under meteorological conditions favorable to the attacker could kill most unprotected individuals within an area the size of the high casualty zone at Hiroshima or Nagasaki. You may recall the accident last year at Skull Valley, Utah, where gas from a test escaped and led to the death of 6,400 sheep over an area of some 200 square miles. Biological weapons, employing Anthrax spores, or other potential biological agents, are even more powerful than nerve gas, because less is required to kill a human being and therefore less is required to attack a given area. For example, a standard United States field manual, "The Employment of Chemical and Biological Weapons," states that a single fighter plane can spray enough biological agent to cause 50% mortality in an area of 300 square miles.

Fortunately, chemical and biological weapons have never been used in this fashion. Nor does any nation in the world today prominently threaten the use of chemical and biological weapons as they do nuclear weapons. The United States and the other major nuclear powers do not need chemical and biological weapons to deter strategic attacks against themselves. These weapons are not needed to maintain the so-called balance of terror. Nuclear weapons do that. Chemical and biological weapons would simply get in the way by complicating the calculations and expectations of the respective sides in any strategic crisis.

These weapons offer no ability to limit damage from enemy strategic nuclear forces, since the latter can be easily protected. The proliferation of chemical and especially biological weapons would greatly increase the threat to nuclear nations by offering relatively cheap strategic destructive capabilities to the nuclear nations. In short, for a country like the United States, chemical and biological weapons are the worst imaginable strategic weapons.

There are some important properties of chemical and biological weapons that concern their capabilities for tactical use. In my opinion these properties should make the United States eager to prevent chemical and biological weapons from ever being used. Chemicals are very cumbersome weapons to defend against. When chemical weapons are used in combat, soldiers must be provided with protection if the enemy is able to retaliate in kind. This means masks, protective suits, and lugging along enormous amounts of decontamination equipment. The more complicated and interpendent a fighting force is, the more will these protective measures reduce their fighting efficiency. Sophisticated forces would often be placed at a disadvantage with respect to less sophisticated ones. Mortar cartridges loaded with nerve gas have a much higher kill radius than conventional ones. And as we know, large numbers of mortar shells can be deployed even by guerrilla forces. In other words, the violence level of tactical combat would be enormously increased if lethal chemical weapons were legitimized and came to be used—and their employment could be more advantageous to the enemy than to us.

Gas and germ weapons are difficult to confine—witness the death of the 6,400 sheep, 30 miles away from the test site. This is a case in which the most extreme precautions, we are told, were taken to be sure that no such accident would occur. Under not uncommonly stable meteorological conditions, the tactical employment of moderate quantites of nerve gas could create lethal concentrations as far as 100 kilometers or more downwind from the battlefield. Thus, although fighting forces can be well protected against gas, its tactical employment could easily kill large numbers of civilians. For example, a few days of tactical nerve gas employment in Europe could quite easily kill tens of millions of civilians.

Another feature of these weapons that should make them anathema to the United States is that they are prohibited by International Law. The major existing international agreement that prohibits their use is the Geneva Protocol of 1925, which specifically prohibits the use of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" and of "bacteriological methods of warfare." The Geneva Protocol was proposed by the United States.

Finally, I wish to add one more consideration which is enormously important, and that is that these weapons are particularly abhorred by mankind. We should do nothing to erode this view, because it may be the decisive safeguard against the proliferation of weapons which would gravely threaten the security of the United States as well as that of others.

In view of these circumstances, one would think that the overriding purpose of United States chemical and biological warfare policy would be to prevent the proliferation, legitimization, and use of these weapons. We are the pace-setter in military matters, or at least, a co-equal pace-setter with the Soviet Union. Therefore, our actions, our statements, our policies, will influence the nature of warfare in the future. Unfortunately, unwisely, it is not the case that the overriding purpose of U.S. chemical and biological warfare policy is to prevent the spread, legitimization, and use of chemical and biological weapons. This is not to say that the United States is at present using lethal chemical and biological weapons or that the United States is pressing hard to abolish the world-wide agreements and restraints against the use of these weapons. Rather, our policy is ambiguous, internally inconsistent, and looks menacing and provocative to the rest of the world. There's only one country whose policy I consider to be worse than our own. This is the country that has used poison gas against unprotected villagers in the Yemen—apparently Egypt, although she denies it.

Now when I say that the policy of the United States is unwise, confused, provocative, and dangerous, I don't primarily mean our research and development policy, although I would include some aspects of that. And I don't mean our work on defensive measures, although some of that I think is unwise, and it is done in unnecessary secrecy. And I don't mean our efforts in intelligence to find out what other countries may be doing in this area, although it is improperly used and badly exaggerated to stimulate higher appropriations for CBW. I don't mean any of those things if they serve the purpose (which I think should be overriding) of preventing the legitimization, proliferation and use of chemical and biological weapons. What I do refer to are two things. First, our use of "non-lethal" chemical weapons in Vietnam, specifically the agent called CS or super-tear gas and chemicals used to attack food crops. And secondly, I refer to our international policy. I'd like to say something briefly about these policies and actions.

First, regarding the use of non-lethal gas in Vietnam, it is true that the agent we use in great quantity, CS, is not lethal in the open when used for police purposes. It can kill when used in confined spaces. It is less lethal to a variety of experimental animals than the kind of tear gas usually used by police. But we really aren't sure that this comparison holds for man. CS is a very reactive chemical and, as used by the military, it penetrates to the deep recesses of the lungs. Almost nothing is known about its possible long-term after effects.

However, regardless of the toxicity of CS when used by itself, the idea that war can be made more humane by the use of such chemicals is a myth. "Non-lethal" gases introduced into the field of combat will come to be used in any way they possibly can to increase the effectiveness of bullets, bombs, and other lethal weapons. We have used nearly 14,000,000 pounds of CS in Vietnam since 1965. Most of it is used for purposes that cannot be considered "non-lethal". It is supplied to our forces in Vietnam in grenades, mortar shells, rockets, 105 mm and 155 mm howitzer projectiles, with ranges up to 15 km, and in bulk disseminating devices and aircraft cluster bombs up to 1000 pound size. The distinction between lethal and nonlethal gases might be made in the laboratory under conditions of controlled use. But that distinction looses its meaning when "nonlethal" gases are massively used in order to kill, in close coordination with conventional lethal weapons.

The myth of humane chemical war could be a reality, but not in today's world. If all lethal weapons were put away and if men still fought wars (that's hard to imagine), then non-lethal gases could be used in war without much killing. But that's not the situation. In proposing the use of non-lethal weapons, the military have never proposed that the lethal ones be put away.

I think that non-lethal gas warfare is worse than a myth; if it were just a myth you'd say, well, it's not going to do anything except disappoint those who thought that it would save lives. It won't be much worse than regular conventional weapons. The use of non-lethal gas in war is highly dangerous. Its use sets the stage for the use of other cases—for the use of lethal chemical weapons. Although that hasn't yet happened in Vietnam, it did happen in World War I. The first gases used were tear gases. The French and Germans used them in regular military operations. In one artillery barrage alone, at Neuve-Chapelle, 3,000 tear gas artillery shells were fired. This was all before the famous German use of chlorine gas at Ypres in 1915.

"Non-lethal" gas sets the stage for escalation because it makes men wear masks. It teaches officers and men the rather special techniques of gas warfare. It teaches them to look for favorable situations in which to use gas. It causes the military to ask for gases that are more effective. It causes military establishments in all countries to review their previous policies and to consider procurement of their own gas weapons. It erodes the general expectation that gas will not be used in war.

Finally, a strong case can be made that the use of "non-lethal" gas violates the 1925 Geneva Protocol, even though the United States claims it does not. This treaty, ratified by over 60 nations, prohibits the use in war of poisonous, asphyxiating and other gases, and of all analogous liquids, materials, and devices." In 1930 the United Kingdom, France, Rumania, Spain, the Soviet Union, China, Italy, Canada, Turkey, Czechoslovakia, Yugoslavia, and Japan declared that they viewed the use of tear gas in war as prohibited by the Geneva Protocol. The United States, which has not yet ratified the Protocol, was the only nation which disagreed with this view. However, two years later, at Geneva, even we agreed that the use of tear gas should be prohibited in war.

I'd like to turn to the second aspect of what I consider to be foolish and dangerous U.S. policy for chemical and biological weapons. This concerns our international policy. I'd like briefly to trace the development, or I should say the fluctuations in that policy, since World War I. I've described how World War I gas usage began with tear gas, then went to chlorine, mustard, phosgene, and other poison gases. Following that war, language was introduced into the Treaty of Versailles affirming a general prohibition against the use of asphyxiating, poisonous and other gases (the same language that is in the Geneva Protocol) and specifically prohibiting their possession by the defeated powers. Subsequently, in 1922 at the Washington Disarmament Conference, a prohibition against the use of asphyxiating, poisonous and other gases, and all analogous materials, liquids and devices was agreed upon by the nations represented there, including the United States, which introduced it. The Senate recommended ratification of that treaty without a single dissenting voice and the United States ratified it in 1925. Unfortunately, the Washington Treaty never came into effect, because it contained an article on an unrelated matter dealing with submarine warfare to which the French objected. A clause in the treaty required French ratification.

In 1925 there was a meeting in Geneva to discuss the world-wide sale of arms. The United States was represented at that meeting and asked the delegates if they would place on the agenda the question of gas warfare. It was the policy of the United States at that time to press for prohibition of gas warfare. The other nations supported our initiative and the Geneva Protocol was born. It was signed by the United States and 37 other nations present. However, the Senate failed to approve the Geneva Protocol. It was debated, but never came to a vote. The Senate debate on the Geneva Protocol was partly in secret, and partly in public. The public part began with the reading of a letter from General Pershing who wrote,

"I cannot think it possible that our country should fail to ratify the Protocol which includes this or a similar provision. Scientific research may discover gas so deadly that it will produce instant death. To sanction the use of gas in any form would be to open the way for the use of the most deadly gases and the possible poisoning of whole populations of non-combatant men, women and children. The contemplation of such a result is shocking to the senses. It is unthinkable that civilization should deliberately decide upon such a course."

General Pershing's letter was the only strong statement in favor of the Protocol. An effective lobby was organized at the time by the American Chemical Society, the Army Chemical Corps, the American Legion, and parts of the chemical industry. They opposed ratification of the Protocol and it was referred back to the Foreign Relations Committee and never came out again. The supporters of the Protocol had been caught by surprise. Thinking it would pass through the Senate as easily as the Washington Treaty four years earlier, they failed to do their homework and to organize public support. Subsequently, at the Geneva disarmament conferences in the 1930s, the matter came up again and representatives of the United States and other nations agreed to a treaty covering a large variety of weapons which prohibited the use of gas in war, specifically stating that tear gas was subject to the same prohibition as all other gases. The United States agreed to that stipulation in 1932. This treaty never came into force because the approach of World War II disrupted the meetings.

At the start of World War II the French and British exchanged assurances with the Germans and Italians that gas would not be used and that the Geneva Protocol would be obeyed. And so it was. In all of the combat in World War II on land and on the sea, neither gas nor biological weapons were used at all in Europe. Gas is thought to have been used on several occasions by Japan against China before we entered the war. In essence, however, biological and chemical weapons were not used in that global conflict. Incidently, both the United States and Germany produced large quantities of tear gas weapons but not even these were used.

In the middle 1950's, the United States budget for chemical and biological warfare research and development ran around ten million dollars a year and our efforts were mainly directed at defense. In the late fifties a large increase began, an increase which in the course of the next five years multiplied the budget more than ten-fold. The earlier emphasis on defense shifted to a new emphasis on employment of CB weapons. At the time of the changes, in 1959, Congressman Kastenmeier of Wisconsin introduced a joint House-Senate resolution stating that its sponsors did not oppose research and development, did not oppose expansion of the program, did not oppose readiness, but did feel that the United States should reaffirm her long-standing World War II policy of never using chemical or biological weapons, except in retaliation.

Unfortunately, I think foolishly, the Defense and State Departments at the time opposed the Kastenmeier resolution, and in separate letters to Congress explained their reasons. The State Department letter of 1959 stated:

"Similar declarations might apply with equal pertinency across the entire weapons spectrum, and no reason is conceived why biological and chemical weapons should be singled out for this distinction."

The State Department was not perceiving the Geneva Protocol. At the time of the increase in the budget in the late 50's and early 60's, Army manuals added language to say that the United States was not a party to any treaty that would prevent us from initiating the use of chemical and biological weapons and new field manuals were issued emphasizing the offensive employment of gas and germ weapons. And then, as you know, non-lethal gas was used in Vietnam. When non-lethal gas was first used there, it caused a storm of questioning and criticism. At that time Secretary Rusk said that the expectation was that such gases would be used "only in riot-control-like situations," and "not in ordinary military operations." Indeed he may have expected that, but it's not what happened. As you have seen, gas is now used on a very large scale and is used in close support of ordinary, conventional lethal operations.

In 1966 the Hungarians introduced a resolution in the United Nations General Assembly calling upon all nations to observe the Geneva Protocol. The resolution was cast in rather harsh language. The United States, at first, opposed the resolution but then the Hungarians indicated that they were willing to soften the language and it became apparent that essentially all other members of the United Nations were in favor of the resolution. The United States ultimately voted for and even co-sponsored the revised resolution. I'm glad to say that we did so.

In the course of the debate, however, our delegate, Mr. Nabrit said, (departing from the actual text of the Protocol):

"The Geneva Protocol of 1925 prohibits the use in war of asphyxiating and poisonous gas and other similar gases and liquids with equally deadly effects. It was framed to meet the horrors of poison gas warfare in the first World War and was intended to reduce suffering by prohibiting the use of poisonous gases such as mustard gas and phosgene, but it does not apply to all gases. It would be unreasonable to contend that any rule of international law prohibits the use in combat against an enemy for humanitarian purposes of agents that governments around the world commonly use to control riots by their own people."

I leave it to you to evaluate the accuracy and the wisdow of this statement.

Our policy at present is riddled with internal inconsistencies and I might mention just a few. The first is, do we or do we not feel that the prohibition against gas and biological weapons of the Geneva Protocol is binding upon ourselves? The field manuals still say that we are not bound by any such treaty. The State Department on December 22, 1967 on the contrary stated, "We consider that the basic rule set forth in this document has been so widely accepted over a long period of time that it is now considered to form a part of customary international law." But Deputy Secretary of Defense, Cyrus Vance, on February 7, 1967 said to the Foreign Relations Committee, "We have consistently continued our *de facto* limitations on the use of chemical and biological weapons." This statement sounds as though it is merely a matter of present policy subject to change.

The question is, do we or do we not consider ourselves bound by the Geneva Protocol which prohibits first use, but does not prevent research, development, or retaliation? Another question that might be asked of the United States is: do we believe that the use of non-lethal gases in order to kill is covered by the Geneva Protocol? As I mentioned, Secretary Rusk said that the anticipation was that these weapons would be used only in riot-control situations. The facts are very different. Another question: the Defense Department stated before the Senate in 1967, that "It is clearly our policy not to initiate the use of lethal chemicals or lethal biologicals." I question, why does the Defense Department specify lethal biologicals? Does this mean that it is not against our policy to initiate the use of so-called incapacitating germ weapons?

These are hard questions. The United States, of all nations, should be the first to wish that chemical and biological weapons not be legitimized and not come into general possession and use. These questions had better be answered soon. There's a possibility that better and more consistent answers will be forthcoming because a number of things are taking place on the international scene today with regard to chemical and biological weapons. Unfortunately, none of these have occurred at the initiative of the United States. It's a pity; all of these things could have been done by the United States. The General Assembly has asked Secretary General U Thant to prepare a study on chemical and biological weapons for the use of the Eighteen Nation Disarmament Committee at Geneva, and that study is now going on. The United States has a representative on the study, but the proposal did not come from us. The United Kingdom has proposed at the Eighteen Nation Disarmament Committee in Geneva a total ban on biological weapons, including a prohibition against their use even in retaliation, and also a prohibition on their production.

What should the United States be doing in this area? It seems to me that we should be pressing for universal ratification of the Geneva Protocol; it should be resubmitted to the Senate for advice and consent as to its ratification. I think that the United States should clearly state that we do not intend to separate gases according to their types and kinds, and that we are willing to refrain from using tear gas and anti-crop chemicals in war. We should welcome the British proposal and we should review our multi-million dollar a year investment in chemical and biological warfare research, development and procurement, to make sure that whatever is done, is done in consonance with what should be the overriding objective, namely to prevent the legitimization, proliferation and use of these weapons.

What can scientists like ourselves do about this matter? Possibly a great deal. These are not the weapons upon which the deterrence of war rests. Reasoned argument in this area can have effects. I believe that even a relatively small amount of attention given to these matters by a few citizens can lead thoughtful officials and legislators to look into the matter. I believe that there's a good deal of room for careful study and papers. There is no careful study, of which I'm aware, on the history and legal status of "non-lethal" chemical and biological weapons in war. There's no careful paper of which I'm aware on the reasons why "non-lethal gas warfare" is a myth. The subject is interesting to the general public. Newspapers, radio and television are generally receptive to anybody who wants to present responsible views on this subject. This is an area where scientists can be effective by learning facts and by expressing their views to officials, legislators, and to the public.

Mr. MOSHER. Mr. Speaker, as a cosponsor of the study introduced by the gentleman from Oregon I would like briefly to focus the attention of my colleagues on our present use of chemical weapons in Vietnam.

I was pleased last week to learn that the President has limited the use of the chemical 2,4,5–T, a principal defoliant agent. This restraint was prompted by a finding that this substance is potentially dangerous to the inhabitants of regions where the chemical is applied.

Yet there are strong reasons to eliminate all chemical weapons from the battlefield in Southeast Asia. These weapons are more readily associated with an aggressively offensive strategy, not with the new posture of protective reaction which we have adopted.

Eventually we will have to remove chemical weapons from Vietnam, since control over them should never be allowed to pass from our own military commanders. There is a great danger that chemicals will be used in indiscriminate or inhumane ways if careful control is not exercised over them. When complete Vietnamization of the conflict is accomplished, this control will not be possible. Consequently the war will ultimately have to be conducted without the use of chemical weapons.

If we make the adjustment away from chemicals now, as we should be able to in connection with our shift to a strategy of protective reaction, there could be significant advantages. It would be a clear qualitative decrease in the level of fighting.

This decrease would be a clear signal at home and abroad that the conflict was being deescalated and de-Americanized. I feel this policy deserves serious consideration by my colleagues and I hope the administration will weigh its merits during its continuous review of the Vietnam situation.

Mr. SCHWENGEL. Mr. Speaker, as a cosponsor of the study introduced by the gentleman from Oregon, I hope that a serious reevaluation of our Nation's chemical and biological warfare policy will be forthcoming. The issues which will finally determine that policy are complex, but they are considerably different from those which might prompt us to encourage other countries to achieve an independent CBW capability. I am disturbed that we may already be stimulating CBW proliferation.

According to publicized reports, we are presently giving chemical warfare training to military representatives from many foreign nations. We have been accused of training Egyptian officers who later supervised a gas attack against villagers in Yemen. Regardless of the truth of these charges, they do highlight a danger inherent in our apparent policy of training foreign soldiers in the use of chemical weapons. After they realize that chemical warfare is relatively cheap and extremely difficulty to defend against, these officers are likely to request their own chemical capability when they return to their homelands.

The United States gains nothing from CBW proliferation. If other nations use chemical weapons against us, we actually lose a significant conventional firepower advantage.

If such weapons are used in local conflicts by foreign nations, there is a great danger that they will be used irresponsibly or unmercifully. America should not be even indirectly responsible for such tactics.

I believe our reported policy of training foreign military personnel in CBW is in need of serious reevaluation. The policy may not yield a significant advantage and could well make general chemical warfare more likely, thereby compromising our own military position and increasing the level of destruction in even the smallest of conflicts.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on this subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PRESIDENT'S ADDRESS TO THE NATION WITH REFERENCE TO HIS VIETNAM POLICY

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, on this day of the President's address to the Nation which will deal with his Vietnam policy, I do not want to add to the already overwhelming amount of prejudging that is going on. I would, however, like to make a few observations about these activities.

Already we are being barraged by commentaries about what the President will probably say, what he most likely will not say, what he might say; but no one—and absolutely no one, but the President and his intimate advisers—can tell you what he will certainly say. The Soviet Union has already practically condemned it. Premier Ky has filled us all in on the fact that there will be nothing new. And the entire American news media feel they somehow have the inside scoop.

I hope that this evening when millions of Americans listen to the words of their elected President they will not already be prejudiced in their thinking. I hope that they will reflect honestly and objectively on what he has to say.

FREEDOM BECOMES ILLEGAL—EVERYBODY'S BUSINESS

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Supreme Court, ignoring the law, has decided the Mississippi school cases as recommended by the NAACP. It has ordered that the very acts forbidden by Congress be enforced as law. No one but the NAACP and the far left wants racial assignments to meet the "Doctrine of Racial Proportions," and the school boards, the Departments of Health, Education, and Welfare and Justice cautioned delay.

Parents of both races want freedom of choice, but the NAACP, which has never been led by a Negro in its history, persuaded its puppet court to enforce as law the illegal acts of its bureaucratic stooges.

The resulting crisis in our southern schools is every American's business.

When any segment of our citizens has been forcefully removed from basic freedoms through judicial tyranny, every American is threatened.

We are either one country or we are not, and so long as one section of our country is exploited and made a whipping boy for political expediency, no American is secure from extension of this oppressive theory to include suppression and intervention into his own God-given rights.

One penetrating analysis of the crisis in the South written by a non-Southerner was prepared by Richard B. Cotten, author and editor of Conservative Viewpoint, Post Office Box 17194, Dulles Airport, Washington, D.C. 20041.

Mr. Cotten calls his analytical report, "What's Happening in Southern School Districts is Everybody's Business."

I include it as part of my remarks:

What is taking place in our Southern States is everybody's business! It is very easy for those living outside the South to pretend that somehow what happens there is not their business. Yet, if the government is so far removed from any Constitutional restraints that they can *rule by bureaucratic edict*—in the Southern States—then what is to prevent it from doing exactly the same to *your* school district? The answer is: Absolutely nothing! We are either "united" as a Nation and will therefore be able to stand; or we are divided, and are fair game for the "hidden hand" which manipulates our government.

A few years ago I had no ability to speak "with authority" with respect to our southern states. Born in Arizona and raised in California, I too had believed a great deal of what I had heard about the treatment of negroes—by whites—in the South. I didn't like it one bit. Mind you, I had carefully moved my children into a neighborhood that automatically insured that their school would be segregated. At the same time, however, I felt that somehow, the South was "getting what it had coming to it" or some such nonsense.

I can now say (as many before me have said) "You have to live there to know what it's like." I have lived there—in Shreveport, Louisiana, for three full years, and I travelled extensively in the South, meeting many of their top legislators and government officials, and feel I am qualified to speak to a certain extent. I now know that, beyond any shadow of a doubt, that a Southerner cannot plead his own case, so I intend to do what I can to help the West, the North, the Mid-West, understand what is happening in the Southern States.

These views are my own. I feel very strongly that, unless we can understand—and sympathize with—the South, irrevocable damage will be done our Nation, and another civil war will be brewing. It does not have to happen, if those outside the South will support the South in demanding that the bureaucrats be made to "lay off" writing the laws themselves.

The present controversy centers in the school districts.

First and foremost, the South is aware that the 14th Amendment has never been *legally* ratified. Furthermore, they know that the Civil Rights "law" cannot (constitutionally speaking) be, in fact, "Law." Nevertheless, they have had to go along with the bureaucrats. They have watched an invasion of northern "Feds" come down and register illiterates *after their state constitutional requirements for voters' qualifications had been set aside by imperial mandate*. The day will come when other states will wish they had supported the South's resistance to this. They, too, may soon find they are no longer *allowed* to have state voter qualifications.

The South "went along" with all that happened and, under court order, proceeded to "integrate." This brings us to a vital step. The "law" itself (the 1964 so-called "Civil Rights" law) stipulates that it is not to be used for the sole purpose of overcoming an uneven racial "mix." The Congress made this abundantly clear, and any effort to overcome some percentage "mix" that the bureaucrats find displeasing, has absolutely no legal justification, but rather is done because of bureaucratic edict. Again, this pertains to *you* and to *your school district*.

When you are not protected by *law* but are at the mercy of the whims of bureaucrats, you will never be able to move into a neighborhood "of your choice" without fearing that the Feds will demand that your child be taken and amalgamated in some predetermined mix.

Despite its knowledge of the law, the South had to bend to the whip. Federal Courts held that they had to advise each and every pupil that they had complete "freedom of choice" and, irrespective of where they lived, they could go to any school they wished to attend, anywhere in the city, county (parish), school district. Quite literally, the districts were compelled to spend the taxpayers' money to run ads in the local press. They told the children of their "rights" and even pitted the child against the parent. The child was told that, if sixteen, it didn't matter what its parents said, the school district (under a federal judge's orders) would take the child to any school he wished to attend.

I watched it happen. My children were in school in Caddo Parish, Shreveport, Louisiana, and I saw the ads; saw the notes sent home to the parents; and I saw the children—both black and white—show more sense than the bureaucrats.

They stayed in their own schools, almost without exception and this happened in State after State. The bureaucrats were beside themselves with anger because they were defeated in their desire for a percentage "mix." They had bet their "everything" on the "freedom of choice" basis on which the federal courts ordered the school boards to operate. It was a genuine choice, only the kids showed some sense.

Now, a year later, we are watching naked power at work as the "Feds" attempt to punish southern school districts. They are now *demanding* that they take a certain number of negro children and put them in a certain school, and another certain number of white children and put them in a school that had been all black. Suddenly, the South has had a "belly full" to put it crudely, and they are about ready to fight back. The *tragic* part is that the "hidden hand" has been after this. The "hidden hand" is not interested in the education of the children. *It wants the white man enslaved in his own land.*

Now several things are relevant. My next point is uniquely my own, as far as I know, but it is the essence of why the "West" cannot understand the problem that exists in the South. It has to do with "neighborhood" concepts.

Most of us know what "block-busting" is. This is accomplished when a realtor sells a house in an all-white neighborhood to a black. Thereafter, the rest of the whites flee (to the suburbs) and suddenly an entire neighborhood is black. This is the existing pattern in principal cities in the West, the North, the Middle-West. Virtually without exception, when a neighborhood is "busted", it goes fast. Why? Because *the two races cannot live in harmony with each other!* This is not opinion but proven fact. Everyone knows it except the bureaucrats.

This is not the pattern in the southern states, and this is why there is no comparable neighborhood concept. This is why the concept of "the other side of the tracks" doesn't operate in the South as it does in the North, Central and the West. It has to do with the historic relationship between the two races.

Let's be frank. The white man employed the negro as a menial throughout the southern states. The white man lived in the "big house" and the negro lived in a small one, only—and this is the vital heart of the matter—the black man's home was either on the white man's property, or just around the corner. It was not "on the other side of the tracks."

The two races did—and do—live in close proximity, and very significantly, show a mutual respect. This is not based on a concept of "equality" but of mutual regard. For instance, Mrs. White employs Mrs. Black. She knows of Mrs. Black's children, her husband, her problems, and she takes a personal interest in them. She may also hire Mr. Black. At Christmas, there's a present for every member of the Black family, and in times of sickness, there are house calls and doctor's visits and Mrs. White spares no expense. She assumes a measure of *responsibility* toward Mrs. Black. Occasionally, condescending, it is still better than ignoring them, and that is the relationship that generally exists between the races in, let us say, the far West.

In some ways, the Southerner is strange in his attitude toward the negro, the classic example being the southern gentlewoman who tells of being nursed by a negress (a wet nurse). According to their code, this is not a "social" contact, and with that word we run into a hornet's nest.

The Southerner *will not tolerate* interracial social contacts, and to the Southerner, school is a "social" contact! Let's face it, kids do swim together, eat together, and dance together. All of this is too much for the Southerner. Nor can he understand how anyone anywhere in the Nation can view this with indifference. The Southerner will employ the negro, and does so, ten to one over his northern or western counterpart. And no longer are the negro's tasks only menial ones in the South.

While we lived in the South, Mary came in one day a week to iron and clean the house, leaving it spick and span. One of Mary's children is a doctor, and at least three have gone through college. Also, once a week, Ed, our gardener, took care of our yard. He made a good living and would work only for those he chose to work for. What he did for me he did on contract. He owned a number of houses which he kept up beautifully. He was a deacon in his church which was having a $100,000 fund-raising while we lived there, and he "hit me" for a contribution. He had a quota to fill and he did—with the help of his white friends for his all-black church.

But let me stick to facts. The very closeness of the relationship between the races—outside of social contact—is the very reason why they cannot segregate themselves on a neighborhood basis as is done everywhere else in the nation. They live too close. In the South, there were neither all-white or all-black communities. Small sections of blacks' homes are located near the homes of whites, where they earned their living. There are no distinct patterns. This is why school districts cannot be altered, as in the North, to include or exclude "black communities." The two races live too close.

Yet there is a world of difference between the standards, the morals, the beliefs, and the habits of the two races. To take children from these two differing household backgrounds and put them together in a classroom really doesn't make sense.

Are we trying to make the negro child hate the white? Do we want him to go to his momma and *demand* that brand new bike? Do we want him to learn that somehow he doesn't seem able to learn at the same rate as the white children? Are we trying to truly educate our children, to utilize every ability they possess, whether black or white?

Our own government, in saner moments, has recognized that the two races do not learn at the same rate, nor for that matter, neither do the same teaching tools apply. Are we to hold back the bright student whose only fault is being white and bright? Or are we going to build the best schools we can afford; hire the best teachers that can be hired; and do our level best to help *all* children attain whatever they are capable of attaining? That is what the South is determined to accomplish and it can accomplish it—if the bureaucrats will get off their back.

The South was in virtual economic bondage for one hundred years following the Civil War and during the subsequent carpetbaggers' raids. Their schools were poor, by most standards, but they have been improved. Furthermore—and this is fact, not opinion—generally speaking, the newer schools are *negro* schools while the white child takes what's left. There is a sound reason for this.

As the pressure grew for "separate but equal" schools (with emphasis on the equal) the white Southerners voted—and paid for—the bonds to build new schools for the blacks, just as they vote for bonds to build hospitals to care for indigent blacks. So they evidence their regards for the blacks, but, with very few exceptions, the negro lives in a world apart from the white. Even the children—with very few exceptions—know better than to try to integrate the schools.

Yet now the courts, having learned that "freedom of choice" won't accomplish their desired "racial mix", are demanding—completely without any law to back it up—a certain "mix." They are taking children from their parents and sending them to schools they do not wish to attend. They are destroying the southern school system, and I say it is being done with evil intent.

At this moment, the negro children are showing a great deal of sense. They are demanding to be allowed to return to their own negro high schools; demanding to be allowed to go to school with their own brothers, sisters, and friends. Doesn't that make sense?

Narrow this down to the individual. The negro child has always been taken in a certain bus (or he walked) to the school where he met his friends. He is, or will be, on the football team, or the swimming team, or what have you, and he will *compete* for recognition among his classmates and friends. He also undoubtedly has a girl friend—or friends. He is *not* in school for the purpose of fulfilling any bureaucrat's concepts.

He may even be a little selfish in his thinking. His big brother was on the football team at "Lincoln High", and he wants to follow in his footsteps. Furthermore, the big game of the year is against "Carver High" and this is the dream-stuff that kids are made of and it makes no sense to take it away from them, be they black or white.

The South is still hoping to prove, through an orderly process of law, that anything beyond "freedom of choice" is not only unconstitutional, but *must be prohibited by the courts*. Senator Thurmond, for example, has "read between the lines" and feels that the present administration is really moving the matter out of the hands of HEW and into the "Justice" Dept. and from there it will find its way to the courts. Obviously, it is of *vital* importance to see that the new appointees to the U.S. Supreme Court are Constitutionalists. This is going to be an earth-shaking decision; could well take years; and the South is working toward it. In the meantime, however, they will *resist*, with all the power at their command, any bureaucratic edict.

Miracle of miracles, the nation's press is giving full coverage to the fact that it is the negro children (in Louisiana) who are demanding that they be allowed to return to their own schools and to their friends.

A great deal could be accomplished if citizens across the land would write to their own senators and congressmen, and to the White House as well, letting them know that they are in sympathy with the South, and that "freedom of choice" is the American way. What Conservative Viewpoint fears is that, through the seeming indifference of the North, the Central States, and the far West, the bureaucrats will gain strength through our silence.

PRESIDENT NIXON'S ADDRESS AT THE MEETING OF THE INTER-AMERICAN PRESS ASSOCIATION

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, on Friday evening it was my privilege to be present at the meeting of the Inter-American Press Association, when President Nixon addressed the association on, "Action for Progress for the Americas."

Mr. Speaker, I was greatly impressed by the President's speech which was, in my opinion, carefully considered, well presented, and appreciatively received.

The President's speech was a strong speech. It was an honest speech. It did not promise the moon, but it did promise that a nation that could go to the moon would work with our neighbors here on earth.

I feel that the President should be commended for his forthright and constructive approach—an approach that emphasized the concept of partnership between North and South America. Another strength in my opinion, was the fact that he did not make too many concessions in advance of further negotiation.

Mr. Speaker, it seems to me that the President's speech points the United States toward a new era in its relations with the Americas. As the President said:

> For years, we in the United States have pursued the illusion that we could remake continents.

But our experience has taught us better.

What we can hope to achieve, as the President said, "is a more mature partnership in which all voices are heard and none is predominant—a partnership guided by a healthy awarness that give-and-take is better than take-it-or-leave-it." I think the President made clear that "we do care" and I believe that from his address will come a new and more constructive partnership.

ESTABLISHING A NATIONAL DEVELOPMENT BANK

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, congressional promises of a decent home, a suitable living environment, and full employment have been turned into empty phrases by the high-interest, tight-money conditions that grip the Nation's economy.

We promised to see to it that 26 million new and rehabilitated housing units were provided for the people of this Nation in 10 years—an average of 2.6 million units a year. Instead, we are providing housing at a rate of only 1.5 million units a year, little more than half the volume required to meet the national housing goals so enthusiastically adopted last year by Congress. Those housing goals, rather than standing as a measurement for achievement, have come to represent the failure of the Nation, and its Government to provide decent dwellings for our citizens—especially for the low- and moderate-income families of the country, the people whose need is the greatest and who suffer the most from inadequate housing. Whether we will admit it or not, this Nation is suffering from a housing recession. This is exemplified by the fact that construction of low-income housing has decreased by 70 percent, that present interest rates are now costing the owners of $20,000 homes more than $32,000 in interest alone during the term of their mortgages, that interest rates are now at maximum legal ceilings in a number of States with the result that sources of mortgage funds have all but dried up.

SYSTEM BREAKDOWN

Other symptoms of a breakdown in the system include a Federal Housing Administration report that only 55 percent of its regional offices have access to an adequate supply of funds for FHA-insured mortgages. Savings and loan associations, which finance nearly half of all residential mortgages in the country, gained $2.1 billion in new savings during the first 8 months of the year compared to a level of $3.2 billion last year. The Housing and Urban Development Department is reported to be working on plans to make a subsidy payment of 1 percent to securities dealers to market HUD's short-term notes used to finance public housing and urban renewal projects which in turn means that State and municipal governments will have to offer higher interest rates on their obligations.

Clearly we are being strangled by rampant interest rates, which are pricing people out of the housing market and destroying the housing industry.

Mr. Speaker, these are symptoms of a housing crisis that should not exist at all and must not exist any longer if the people of the Nation are to retain faith in the ability of our democracy to meet their needs. This is no generalization. Our ability to finance and construct housing presents a poor comparison to the accomplishments of Russia which has given housing the priority status it deserves. While we are producing housing at a rate of 1.5 million units a year, Russia is producing more than twice that volume, 3.25 million units a year. While we are building 30 apartments a day in Washington, Russia is building 300 a day in Moscow.

AND NOW UNEMPLOYMENT

Employment is following housing in a downward spiral. Last month the unemployment rate reached 4 percent, reflecting the largest single increase since the beginning of the decade, bringing total joblessness to 3.2 million persons. And the end is not in sight. Henry C. Wallich, senior consultant to the Secretary of the Treasury, estimated unemployment will climb to 5 percent by the end of next year and economist Milton Friedman, a campaign adviser to the President, estimates it will go to 7 percent or higher. If it does, nearly 6 million people will be out of work and the recession in housing will have spread throughout the Nation's economy.

These figures first of all represent a tragic, needless worsening of conditions for those of our people who are trapped by lack of education. Lack of skills, and lack of opportunity in depressed urban and rural areas. Almost all of those who make up the total of 3.2 million unemployed live in these areas. Our crisis in housing and the growing rate of unemployment are centered on the unmet needs of these people. We cannot truly begin to answer the housing and employment requirements of the Nation until we successfully respond to the problems of these people and provide them with the opportunities they deserve and must have.

I wish it was possible to say that the legislation many of the present House Members helped develop and support during the last 8 years had moved us a long way toward providing adequate housing, education, and job opportunities for all of our people. High interest and tight money conditions have made that impossible. High interest and tight money conditions have brought us to a point where we are producing less housing than in recent years—brought us to the point where the unemployment rate has climbed to the level of 2 years ago and may very likely go to a recession level unless the necessary investment funds are made available on reasonable terms to State and local governments, to small and moderate size businesses and industries, and for loans for the construction and purchase of homes.

PROGRAM CUTBACKS

High-interest, tight-money policies have prompted the administration to cut back on many of its own programs. Among other things, Federal construction has been reduced 75 percent, some $215 million is being held out of the model cities program, at least $2 billion is going unused in the Government National Mortgage Association fund for special assistance for low- and moderate-income housing, Federal grant funds for water and sewer systems have all but disappeared. The effect on State and local governments has been even more drastic. Literally billions of dollars worth of bonds to build schools, hospitals, roads, and other public facilities have been withdrawn from the market because maximum legal interest rate ceilings on these securities were less than the rates being demanded on Wall Street. Clearly, this is a description of disaster in the making.

Particularly so when the gouging effect of these same high-interest-rate money policies on small- and medium-size businesses and industries is realized. Five successive increases in the prime rate in less than a year have placed such firms under a tremendous burden in terms of the cost of money which they must borrow in order to stay in operation. The present unconscionable 8½-percent prime rate to the big, low-risk borrowers of large commercial banks means that all other business and industrial borrowers must pay much more than that for their loans—12 or 13 percent and more in some cases. These exorbitant interest rates in turn drastically reduce the ability of these firms to compete in the marketplace. They either have to cut back expenditures in important areas or raise prices or both. The result is that fewer jobs are available and the cost of goods for everyone soars.

AN ANSWER

Mr. Speaker, in answer to these problems, I am today introducing a bill which is designed to provide some of the resources that present economic policies and the conditions stemming from those policies are withholding from those in desperate need. This measure would create a development bank for the Nation with a potential to make direct loans as well as guarantee loans made by conventional lending institutions to finance low- and moderate-income housing, employment opportunities for those who are unemployed or have low incomes, and public facilities for depressed urban and rural areas. It would be initially capitalized with $1 billion in stock subscribed to the Federal Government, have a debt limit of 20 times that amount, and make or guarantee loans at 6-percent interest. To some extent, the Bank is patterned after the Reconstruction Finance Corporation which performed so well to bolster the Nation's economy and help the people during the 1930's and 1940's.

Specifically, the Bank will make or guarantee loans for—

Housing under the insured and guaranteed low- and moderate-income housing programs of the Department of Housing and Urban Development, the Veterans' Administration, and the Farmers Home Administration;

Public facilities to meet social, health, education, transportation, and other needs in depressed urban and rural areas;

Improvement, expansion, and establishment of businesses and industries providing employment opportunities at adequate wage rates for unemployed and underemployed persons;

Supporting public facilities required by businesses and industries; and

Promoting private investment in such projects and facilities.

Mr. Speaker, it is my conviction that this bill not only will help to provide urgently needed resources for depressed urban and rural areas, but will show the way for the administration and the private sector to truly respond to the needs of the people by making available adequate funds at reasonable rates. We cannot house the people without building houses. We cannot educate them without building schools. We cannot have employment opportunities unless business and industries can obtain the capital they need at reasonable prices. This bill will help to do these things. It is a beginning.

Mr. Speaker, the full text of my development bank bill follows:

H.R. 14639

A bill to establish a Development Bank to aid in financing low and moderate income housing, employment opportunities for unemployed and low income citizens and public facilities in certain urban and rural areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

Section 1. This Act may be cited as the Development Bank Act.

FINDINGS AND PURPOSE

Sec. 2. The Congress finds that inflation and high interest-tight money policies are making it impossible to meet the national housing goals for low and moderate income families, and provide urgently needed public facilities and employment opportunities for those Americans trapped in depressed urban and rural areas by circumstances over which they have virtually no control. Accordingly, the Congress finds it necessary to establish a Development Bank to provide credit on reasonable terms and technical assistance for:

(1) Low and moderate income housing;

(2) Public facilities to meet social, health, and educational, transportation and other needs in depressed urban and rural areas;

(3) Improvement, expansion and establishment of businesses and industries providing employment opportunities at adequate wage rates for unemployed and underemployed persons;

(4) Supporting public facilities required by such businesses and industries;

(5) Promoting private investment in such projects and facilities.

DEFINITIONS

Sec. 3. (1) The term "low and moderate income" shall be identical to definitions made by the Secretary of Housing and Urban Development in establishing criteria by which families qualify for occupancy of dwellings supplied under the low and moderate income rental and home ownership programs of the National Housing Act.

(2) The term "public facility" means the structures and equipment owned and operated by State and local governments to provide medical, social, educational, transportation and other services.

(3) The term "supporting public facilities" means those facilities which are usually publicly owned and are necessary for the operation of businesses and industries, such as roads and sewer and water systems.

(4) The term "depressed urban and rural areas" means those areas which may be designated without regard to political boundaries by the Secretary of Labor, the Secretary of Commerce and the Director of the Office of Economic Opportunity on the basis of the most recent appropriate annual statistics for the most recent available calendar year, as having a rate of unemployment of at least 6 percent for the preceding calendar year, or a high rate of underemployed persons whose income does not exceed the level of poverty as that level has been established by the Department of Health, Education and Welfare, or where pending loss of business or industry is expected to produce such conditions, or those areas characterized by substantial outmigration resulting from the lack of job opportunities, or those areas suffering from other conditions which in the judgment of the board of directors of the Bank qualify them for assistance under the provisions of this Act.

(5) The term "adequate wage" means a wage which shall not be lower than whichever is highest; (a) the minimum wage under the Fair Labor Standards Act of 1938, (b) the minimum wage set by State or local governments, (c) the prevailing rate of wages in the area for comparable work.

(6) The term "effective interest rate" means the total amounts paid on a loan for interest, commissions, bonuses, discounts, premiums and other similar charges.

ESTABLISHMENT

Sec. 4. There is created a body corporate to be known as the Development Bank (referred to in this Act as the Bank). No loan may be made by the Bank unless the borrower is unable to obtain funds on reasonable terms from other sources.

BOARD OF DIRECTORS

Sec. 5. The management of the Bank shall be vested in a Board of Directors consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Labor and ten other persons who shall be appointed by the President with the advise and consent of the Senate. Of the ten persons so appointed, one shall be an elected or an appointed official of a State government, one shall be an elected or appointed official of a local government. All of the other persons so appointed shall be from the private sector. Two shall be from among representatives of organized labor, two shall be from among representatives of business and finance, two from among representatives of social welfare organizations dealing with the problems of low income urban residents and two shall be from among representatives of rural organizations dealing with economic and social problems of depressed rural areas. The terms of directors appointed by the President shall be two years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term. Any director may continue to serve as such after the expiration of the term for which he was appointed until his successor has been appointed and has qualified.

APPOINTMENT OF OFFICERS AND EMPLOYEES

Sec. 6. The Board of Directors of the Bank shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

CONFLICT OF INTEREST

Sec. 7. (a) No director, officer, attorney, agent or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or in the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees or agents of the Bank in any way use their connection with the Bank for the purpose of influencing the outcome of any election.

GENERAL CORPORATE POWERS

Sec. 8. Except to the extent inconsistent with the provisions of this Act, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

PRINCIPAL OFFICE; BRANCHES

Sec. 9. The principal office of the Bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

CAPITAL STOCK

Sec. 10. (a) The Bank shall have capital stock of $1,000,000,000, subscribed by the United States, payment for which shall be subject to call in whole or in part by the Board of Directors.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board of Directors shall, purchase stock in amounts designated by the Board of Directors up to a total of $1,000,000,000.

BORROWING AUTHORITY

Sec. 11. (a) The Bank may issue notes, debentures, bonds and other evidences of indebtedness in such amounts and on such terms and conditions as the corporation may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the Bank under this section at any time may not exceed twenty times the paid-in capital stock of the Bank at that time.

(c) The obligations of the Bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the face thereof.

(d) In the event that the Bank is unable to pay upon demand, when due, any obligation under this section, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treasury shall succeed to all the rights of the holder of the obligations.

PURCHASE OF ASSETS BY TREASURY

Sec. 12. The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Bank.

DISCOUNT BY FEDERAL RESERVE BANKS

Sec. 13. (a) The several Federal Reserve banks are authorized to purchase or discount any note, debenture, bond or other obligation, secured or unsecured, held by the Bank.

(b) Obligations of the Bank are eligible for purchase by the Federal Reserve Open Market Committee.

INVESTMENT STATUS OF OBLIGATIONS OF BANK

Sec. 14. All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof.

LOANS FOR LOW AND MODERATE INCOME HOUSING

Sec. 15. (a) The Bank may make or guarantee loans for the purchase of low and moderate income housing under the insured and guaranteed loan programs of the Department of Housing and Urban Development, the Veterans' administration, the Farmers Home Administration of the Department of Agriculture and for military housing under sections 809 and 810 of title VIII of the National Housing Act.

(b) The Bank may make or guarantee loans to developers, contractors, subcontractors and other persons to finance the construction of low- and moderate-income housing under the insured and guaranteed loan programs of the Department of Housing and Urban Development, the Veterans' Administration, and Farmers Home Administration of the Department of Agriculture and for military housing under sections 809 and 810 of title VIII of the National Housing Act.

(c) Loans made under (b) of this section shall not exceed an effective interest rate of 6 per centum per annum or the discount rate of the Federal Reserve System, whichever is lowest, or a lesser rate of interest established by the board of directors of the Bank.

LOANS FOR COMMUNITY DEVELOPMENT

Sec. 16. (a) The bank may make or guarantee loans or purchase obligations to finance capital expenditures for public works, community facilities, land for housing development, public transportation and similar community facilities, such projects and facilities to be in keeping with comprehensive area land use plans where such plans exist, providing that such facilities and projects are of direct and substantial benefit to residents of urban slum and depressed rural areas, or provide other benefits specified by the Bank to carry out the purposes of this Act.

LOANS TO COMMERCE AND INDUSTRY

Sec. 17. (a) The Bank may make or guarantee loans for the purchase of real and personal property, for working capital and for training purposes to assure that existing businesses and industries have adequate funds and skilled manpower resources to compete in the marketplace for establishment of new businesses and industries providing that—

(1) borrowers agree to fill a specified number or job openings to be determined by the Bank with people who, prior to such employment, were unemployed and underemployed;

(2) or borrowers agree to conduct training courses for a specified number of unemployed and underemployed persons to be determined by the Bank with the result that these persons will, within a period of time to be determined by the Bank, be employed full time by the borrower.

(3) or borrowers agree to other requirements laid down by the Bank to carry out the purposes of this Act.

LOANS FOR SUPPORTING PUBLIC FACILITIES

Sec. 18. (a) To carry out the purposes of this Act, the Bank may make or guarantee loans or purchase obligations to finance the purchase or construction of roads, sewer and water systems, power and similar facilities necessary for the operation of businesses and industries or the operation of public facilities providing social, health, welfare, educational and other services to residents of urban slum and depressed rural areas.

(b) The effective interest rate for such loans shall not exceed 6 percentum per annum or the Federal Reserve discount rate, whichever is lower, or a lesser rate established by the board of directors of the Bank.

TECHNICAL AND OTHER ASSISTANCE

Sec. 19. The Bank may provide to borrowers whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

(b) The Bank shall assign an adequate number of staff members.

(c) To assure fulfilling the purposes of this Act, the Bank shall direct an adequate number of staff members to seek out and confer with representatives of State and local governments, public agencies, nonprofit private organizations, companies, corporations, partnerships and individuals, in order to provide information about the services furnished by the Bank and to provide whatever assistance is necessary for utilization of such services.

(d) To meet other requirements laid down by the Bank to carry out the purposes of this Act.

SECURITY REQUIRED

Sec. 20. The board of directors of the Bank shall make whatever arrangement it considers adequate to secure loans made by the Bank.

MAXIMUM MATURITY

Sec. 21. (a) Each loan made by the Bank to a lending institution may be made for a period not exceeding five years, and the Bank may from time to time extend the time of payment of any such loan, through renewal, substitution of new obligations, or otherwise.

(b) Each loan made by the Bank to any State or local government may be made for a period not exceeding twenty years, and the Bank may from time to time extend the period of payment.

(c) Each loan made by the Bank to any private corporation, company or individual may be made for a period not exceeding ten years, and the Bank may from time to time extend the period of payment until the loan is retired or until the loan is refinanced through another lending institution and the borrower's obligation to the Bank is erased.

PRESIDENT NIXON'S LATIN AMERICAN ADDRESS

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was frankly impressed by the Latin American policy speech given by President Nixon last Friday night. For those expecting a new set of high-sounding promises it was probably a disappointing speech. For those expecting candor and realism it was a satisfying departure from the extravagant rhetoric we have heard from others in the past. In the President's words:

> I offer no grandiose promises and no panaceas. I do offer action.

The President talked of "action for progress" in the Americas predicated on "a more mature partnership in which all voices are heard and none is predominant." That type of partnership is possible today because we have learned some valuable lessons from our early attempts at development assistance. The President made a very frank observation regarding this earlier approach:

> For years, we in the United States have pursued the illusion that we could remake continents. Conscious of our wealth and technology, seized by the force of our good intentions, driven by habitual impatience, remembering the dramatic success of the Marshall Plan in postwar Europe, we have sometimes imagined that we know what was best for everyone else and that we could and should make it happen.

The President has correctly pointed out that if our efforts are to have real developmental impact, they must reflect a basic respect for the national identity and national dignity of the recipient countries. This is vital to a truly workable and effective partnership. The President points to the need for a shift to multilateralism in treating inter-American problems.

An editorial in Sunday's Washington Post made the following observation:

> Doubtless, the Alliance for Progress was too ambitious; surely it was oversold and the Washington emphasis in it too overbearing.

To facilitate the shift from paternalism to partnership, the President has proposed a multilateral, inter-American agency begin to play a larger role in development assistance decisionmaking. It may be that the existing Inter-American Committee for the Alliance for Progress can assume this responsibility.

The President has also outlined several new trade initiatives to assist the Latin American nations in expanding their imports. Included among these would be a vigorous effort to reduce nontariff barriers against products of particular interest to Latin countries; and pressing in world trade forums for a liberal system of generalized tariff preferences for all developing countries.

The President has also promised to free AID loan funds to be spent anywhere in Latin America, not just in the United States. And the President has also promised to review all other onerous restrictions and conditions placed on our assistance loans with a view to modifying or eliminating them.

Mr. Speaker, there are those who will criticize the President for not making bigger and better promises than his predecessors and for not presenting a more detailed American blueprint for Latin American development. This criticism is understandable from those who persist in their "Big Brother knows best" approach to our Latin neighbors. They are not capable of perceiving the hypocrisy in advocating both an American blueprint and a true partnership. The time has come to break from the mentality of the sixties which permitted us to impose our ideas on other nations.

Let us approach the second decade of development armed with the lessons of the past and a rededication to assisting in the development of the third world. President Nixon has reminded us:

> Progress in our Hemisphere is not only a practical necessity but a moral imperative.

At this point in the Record I include an editorial which appeared in the Sunday, November 2, New York Times, under the heading, "Modest Steps for the Americas":

Modest Steps for the Americas

After nine months in office, President Nixon has made a beginning on a policy for Latin America. It is a modest program, but it does commit the United States anew to a special relationship with the nations of its own hemisphere and it binds this Administration to the principles and compacts of the inter-American system.

If there is nothing really new in the proposals Mr. Nixon made before the Inter-American Press Association, he has at least taken several positive first steps. And there was a good case for reserving the details of the Administration's position on social and economic policy for the important negotiations later this month at the Organization of American States.

It was refreshing to hear a President say that experience has taught the United States it cannot "remake continents" and does not invariably know what is best for others. Mr. Nixon's projection of a more balanced hemisphere partnership, "In which the United States lectures less and listens more," matched exactly the tone taken by twenty-one Latin governments in the Consensus of Vina del Mar last May.

In this connection no step could be more important—for making the United States role less pervasive and less abrasive, for encouraging Latin initiatives and for enhancing the Organization of American States—than to turn over responsibility for dispensing economic development aid to an inter-American agency. Mr. Nixon has moved cautiously toward this kind of multilateralism; his suggestion for giving the job to an expanded Inter-American Committee for the Alliance for Progress (C.I.A.P.) is excellent.

So is the President's decision to subject United States economic policies and practices to a periodic check-up by C.I.A.P. to determine their effect on other hemisphere countries. This has always been required of all other members of the Alliance for Progress. Another major forward step will be taken if Mr. Nixon makes good his promise henceforth to consult the Latins in advance on all decisions on trade policy that affect them—a step that will require greater coordination than ever before among Federal departments and agencies.

In two other important areas, the Nixon advances were considerably more modest than many had expected. He repeated the promise made by President Johnson at Punta del Este in 1967 to press in world-trade forums for generalized tariff preferences for all developing countries; but he stopped short of pledging that the United States would unilaterally adopt such a system for a trial period if other industrial nations failed to agree.

With considerable flourish, Mr. Nixon announced the scrapping of the requirement that American loans to hemisphere nations be used only for purchases in this country. But he untied this aid money only to the extent of allowing it to be spent "anywhere in Latin America," rather than anywhere in the world, as the Latins had requested.

Mr. Nixon's proposed upgrading of the Assistant Secretary of State for Inter-American Affairs to Under Secretary reflects an Administration conclusion that the United States willy-nilly has a special relationship with its hemisphere neighbors. But only time will determine whether this move brings better coordination to Washington's Latin-American activities.

Many will be disappointed that the President accepted as a necessity the concept of dealing on an equal basis with democracies and dictatorships in the hemisphere. But even many Latin democrats accept this as a realistic policy and prefer it to unilateral Washington experiments in social engineering.

Why Mr. Nixon took so long to come up with a basic policy for an area in which he claims special competence remains a mystery. However, if he can now follow through with, and expand on, the modest advances he has projected, the time lag will not be of crucial importance. At least, the President emphatically has not disengaged this country from the inter-American family and the collective machinery built up over many years to sustain it.

GAY IS GOOD—SODOM AND GOMORRAH III

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, a recent feature article in the leftwing Washington Post, followed in a few days by an approving editorial comment, heralds another project to destroy the fabric of the Nation.

We have seen a consistent and constant attack by the left on all of the values which built this Nation to a civilized power. The family, being in the way of socialist revolution, is scheduled for destruction.

The trumpets blow in support of abortion, marihuana, atheism, sedition, and sexual perversion. A task force of the National Institutes of Health has just released its report, lauded in these articles, approving of homosexuality and recommending that the taxpayers provide the money to conduct a study of this particular perversion for the purpose of giving it social approval.

I include the clippings to which I refer as part of my remarks, and commend to the attention of all Americans an important, but often overlooked portion of our Judeo-Christian heritage, Leviticus 18: 22–30, and 20: 13.

[From the Washington Post, Oct. 25, 1969]

GAY IS GOOD—HOMOSEXUAL REVOLUTION

(By Nancy L. Ross)

In October of last year, 65 professional people gathered in San Francisco for a symposium sponsored by the Council on Religion and the Homosexual. For three days, teachers, clergymen, psychiatrists, lawyers and anyone else interested listened to homosexuals describe not only their personal and social problems, but also their lifestyles.

Each evening after the sessions, the homosexuals took the group out on the town to restaurants, bars and cinemas where they had a chance to see gay life in action; couples of the same sex dancing together, male go-go dancers and strippers, female impersonators, and films showing nude homosexual lovers.

"You don't just show somebody a homosexual in a gray flannel suit and say this is it; we wanted the straights (heterosexuals) to see everything," declared an organizer. The symposium received such favorable reaction from participants that it was repeated and will be held for the third time next month.

In September of this year, the Gay Liberation Front picketed the Village Voice in New York to protest the use of what they considered derogatory terms referring to them in editorial copy and the refusal (temporary, it turned out) of the newspaper to use the words "gay" or "homosexual" in classified ads.

The demonstration followed by less than two months a riot by 500 homophiles (homosexuals and sympathizers) protesting a police raid on a gay bar in Greenwich Village, and present sodomy laws. Crying "Gay Power to Gay People" and singing "We Shall Overcome," they threw firebombs and bricks at police. There were no wholesale arrests or reprisals. The militants vow to continue.

Though few Americans heard of these incidents and fewer still participated, their significance should not be overlooked. Together they illustrate, on the one hand, the new openness, and, on the other, the new militancy on the part of homosexuals, who call themselves America's second largest minority group, estimated at anywhere between eight and 15 million men and women. (Of course the great majority, as in any other group, continue to lead their own private, and often in this case secret, lives without getting involved in causes.)

Taking their cue from the black revolution, militant leaders are using the same tactics to obtain justice, equality and power for homosexuals. Others, taking advantage of our permissive society, seek to bring out into the open a subject formerly as taboo as abortion and birth control. (The codeword "gay," first used in the '20s, is a reminder of days when "homosexual" was scarcely mentionable in public.)

As among black leaders, controversy has developed within the ranks of homosexuals as to best method of achieving their ends. San Francisco's Leo Laurence, an avowed militant, revolutionary homosexual, has allied himself with organizations like the Black Panthers. Jack Nichols, managing editor of New York's Screw magazine, suggests, instead, peaceful protests such as a subway kiss-in and a dance-in to integrate straight night clubs. The latter technique was tried successfully this fall at the Electric Circus in Greenwich Village.

Come Out!, "a newspaper by and for the gay community," in its first issue, dated Nov. 14, 1969, castigates Gay Power, a New York paper run largely by nonhomosexuals for trying to "cash in on the new interest in homosexuality via the new freedom of the press." Come Out charged that in one issue Gay Power had attacked well-known homosexuals by name in print, endorsed Mafia-run bars in New York and included "borderline" pornography.

The Advocate, a Los Angeles homophile paper, condemns brashness as well as violence and even cautions against "the implications of alliance with nonhomosexuals whose already poor image can do more harm than the temporary gain of a few people on a picket line."

While it is true public protests by homosexuals originated in Washington in 1965 with picketing the White House, the Pentagon, the State Department and the Civil Service Commission, there is as yet no militancy here of the New York or Los Angeles ilk. The gay community has better relations with the police than in those cities, Washington retains a large measure of conservatism inimical to homosexuality. And, just as important, homosexuals employed by the government fear to declare themselves lest they lose their jobs.

Homosexuality in the nation's capital remains largely underground, but an increasing number of cracks have appeared in the earth's surface.

Society's awareness, though not necessarily its tolerance, of homosexuality has grown, due in part to the spate of movies and plays on the subject in the past two years. Homosexuals complain that plays like the off-Broadway hit, "The Boys in the Band," do more harm than good by presenting stereotype gays—limp-wristed, mincing, effeminate types out to destroy themselves and everyone else. The reaction gap between gays and straights to these plays is further illustrated by a new one entitled "And Puppy Dog Tails." This is the first play to depict *happy* homosexuals, showing affection toward one another. It received raves from gay reviewers, but was panned by New York Times drama critic Clive Barnes as having an unbelievable plot as well as poor writing, construction and characterization.

The release this week of the National Institute of Mental Health's report recommending the repeal of laws against homosexual acts between consenting adults in private and reassessment of bans by employers against hiring homosexuals comes at a time when, despite the new permissiveness and concern for minorities, two out of three Americans, according to a CBS poll, still regard homosexuals with "disgust, discomfort or fear."

Were these reforms to be effected, "it would be the millenium," commented a homosexual.

Until now, nearly all of his new freedoms—and there have been many in the past two or three years—have been extra-legal. An admitted homosexual still cannot get U.S. government security clearance, serve in the army or, with one exception, the civil service. In a precedent-setting move, New York

City abolished this last prohibition in May of this year.

This past spring, a Los Angeles homophile group put up its own candidate for City Council (he lost). And, for several years, politicians have accepted invitations by homosexual groups to address them and, in some instances, accept their active support.

The Bay Area's Film Festival this month featured the first gay all-male nude film made by Pat Rocco, a pioneer in that genre. Los Angeles ran its second annual Groovy Guy beauty contest this summer with males parading in tight blue jeans and briefs. The Metropolitan Community Church in Los Angeles, founded last fall by a gay preacher for gays, now has a congregation of several hundred.

Activities of this nature remain unthinkable in Washington, at least for the present, in the opinion of many people. For instance, the gay community, in the metropolitan area, which is said by members to range from 100,000 to 250,000 (including married persons whose primary sexual preference runs toward homosexual relations), has no newspaper like the Advocate or Come Out. The only publications are the homophile Mattachine Society's conservative newsletter, devoted mainly to legal matters, and a nascent mimeographed sheet of somewhat the same genre called Gay Blade.

There are no movie houses specializing in homosexual films. The Andy Warhol gay "skin-flick" entitled "Flesh" was screened for the first time by a local theater just a week ago.

Thus it is evident Washington does not yet compare with New York or California. Local openness is best measured against the situation 20 years ago. At that time two or three gay bars existed under strict police supervision. Pay-offs, though not limited to homosexual hang-outs, were common. Entrapment of homosexuals and arrests were frequent.

Today the International Guild Guide—available at certain downtown bookstores—lists approximately 20 bars, nightclubs and restaurants catering exclusively to homosexuals and that number again which welcome them along with straight patrons. By comparison, San Francisco with a smaller population has 100. Washington homosexuals still prefer the privacy of their own homes. And there are those who disdain bars and even gay parties completely.

The establishments, located primarily in Georgetown, the Capitol Hill area and along 14th Street, are rated—up to "utterly fantastic"—and coded so the visitor knows what to expect: lesbians, hustlers, military, leather-jacket toughs, primarily Negroes, elegant atmosphere, drag show, dancing, at your own risk, etc.

It is just within the past year or two that unisexual dancing has become commonplace in gay clubs; male go-go dancers perform wearing only little pieces of netting, and moderate displays of affection (light kissing and touching) are permitted.

In general the police now leave homosexuals alone in private and in clubs except upon receiving complaints of soliciting or lewd conduct. Decorum is usually maintained in places frequented by upper-middle-class homosexuals. Inspector Walter Bishop, head of the morals squad, says the last club raid took place two years ago at a club where patrons were found "on the floor." Pay-offs have almost entirely stopped, say bar owners. Similarly arrests have dropped. Male homosexual arrests in 1960 totaled 496; in 1968, 69. Today, sodomy is becoming as rare a charge as heresy; a lesser charge like disorderly conduct or loitering is customarily substituted.

But laws against homosexuality remain on the books. Just last week, the Alcoholic Beverage Commission suspended a gay club's license on 11 counts, one of which was indecent language and acts. In 1969 this means using four-letter words in sexually suggestive statements over the microphone and a male customer touching another male's groin and making provocative remarks.

Just as gay night spots have proliferated in recent years, so have bookstores, because of liberalization of pornography laws. Washington now numbers 24 shops selling erotic material, some of it slanted toward homosexuals. Whereas 10 years ago complete nudity was prohibited in magazines, nowadays beefcake—the masculine equivalent of cheesecake—can show anything with the exception of sexual acts, evidence or intent thereof. (No comparable magazines exist for lesbians because women, say pornographers, are not aroused by nude pictures.)

A clothing store, founded three years ago, specializes in gay apparel as well as more conventional attire. It does not carry leather-and-chain sado-masochistic clothing popular on the West Coast and also worn by some Washington homosexuals.

Buttons and bumper stickers with "Gay is Good" have been circulated since last summer. And the steam bath, which a homosexual reporter described in the Los Angeles Advocate as "sex on the assembly line," has also made its appearance here within this period.

These innovations, which affect only a minute percentage of the population, do not, per se, constitute a homosexual revolution. Rather, they should be regarded in the light of the total social upheaval currently taking place in this country.

What is more important than the changes themselves is the attitude toward them, both on the part of homosexuals and the world at large. Therein lies the revolution, of which the new militancy and openness are merely the methods.

[From the Washington Post, Oct. 30, 1969]

Understanding Homosexuality

It took the National Institute of Mental Health's task force on homosexuality two years to produce a report, but finally, last week, it issued a set of recommendations to help the United States catch up with other civilized nations in understanding this complex problem: that discreet homosexuality between consenting adults be considered "the private business of the individual rather than a subject for public regulation through statute"; that current restrictive job policies regarding homosexuals be reviewed and revised; that when homosexual behavior does require sanctions, "preference is given to rehabilitation rather than imprisonment," and that the study of homosexuality be included in future general studies of sexual behavior.

Recent evidence indicates that homosexuals are being treated less harshly than in the past in some major cities, but the NIMH report underscores the fact that only nationwide concern can achieve true reform of the network of opprobrium and stigma that now haunts the nation's three to four million adult homosexuals. When the prestige of federal attention is lent to the issue—for example, through the relaxation of government employment restrictions in some non-security areas—individual states may feel moved to review their own laws as well.

Changing laws alone cannot relieve all the disadvantages now suffered by homosexuals or solve what the task force called "a major problem for our society." But it would be a start, as it has been in Britain. Then rational and mature people on all levels may be willing to break the traditional taboos against discussing homosexuality. And that might even result in development of more tolerant and progressive social policy.

Leviticus 18: 22–30

22. Thou shalt not lie with mankind as with womankind; it is abomination.

23. Neither shalt thou lie with any beast to defile thyself therewith: neither shall any woman stand before a beast to lie down thereto: it is confusion.

24. Defile not ye yourselves in any of these things: for in all these the nations are defiled which I cast out before you:

25. And the land is defiled: therefore I do visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants.

26. Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations; neither any of your own nation, nor any stranger that sojourneth among you:

27. (For all these abominations have the men of the land done, which were before you, and the land is defiled;)

28. That the land spue not you out also, when ye defile it, as it spued out the nations that were before you.

29. For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people.

30. Therefore shall ye keep mine ordinance, that ye commit not any one of these abominable customs, which were committed before you, and that ye defile not yourselves therein: I am the Lord your God.

Leviticus 20: 13

13. If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them.

PROGRESS IN RURAL ELECTRIC FINANCING

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, the rural electrification program is a fine example of a progressive program enriching the economy of the country through joint action of the people and their Government. This dynamic program was started in 1935 to provide a means of furnishing dependable electric service to unserved rural areas of the United States. The Federal Government made the capital available through long-term loans. The people of rural America developed the organizations, the leadership, and the many other tangible and intangible ingredients which contribute to the success of a new undertaking.

As a result of this joint venture, efficient and dependable central station electric service has been made available to millions of rural residents and many rural businesses. Each of the rural electric systems is an independent local enterprise, owned and operated by the consumers it serves. The Federal Government, through the Rural Electrification Administration, has a lending program which has a record of payment of principal and interest that is unsurpassed in the history of credit agencies, both private and public. Because of the accomplishments of this program, rural America is a better, more comfortable place to live and to earn a living. The future of rural America looks good, and this too is to a great extent attributable to rural electrification.

But this is not the end of the story. Much remains to be done. The dynamic men and women who are leaders in the rural electrification program realize that they face a continuing challenge. Their systems require constant upgrading and strengthening to serve the ever increasing demand for more electric power.

These same men and women also have the opportunity and an obligation to provide encouragement and leadership for community economic development activities and enterprises. Economic growth and development is essential in rural areas and is in the national public interest. It will help curtail the migration of rural people to metropolitan areas, which already have more problems than they can effectively solve.

Rural electric systems are consumer-owned electric utilities. Because of this they will need large amounts of capital for growth and development in the future. The Rural Electrification Administration has made an outstanding contribution through loans for capital improvements to rural electric systems. However, it is now recognized that the REA cannot be expected to provide all the funds required for capital improvements in the future.

Leaders in the rural electrification program have become increasingly aware of this and have worked diligently for the past several years to obtain a source of financing to supplement the capital funds being loaned these systems through the REA.

The National Rural Electric Cooperative Association, representing nearly a thousand rural electric systems, created a long-range study committee 2 years ago as one step in the search for a program of supplementary financing for rural electrification. This committee was composed of 26 outstanding leaders in the rural electrification program from all sections of the Nation, including several from my home State, Illinois.

In March of this year, by an overwhelming majority, the NRECA membership adopted the report and recommendations of this long-range study committee. This report includes, for the first time in the 34-year history of the rural electric program, a set of comprehensive written objectives for the present and the future. The objectives deal with electric service, power supply, capital, territorial protection, electric power marketing, cooperative ownership and member relations, management and leadership organization, corporate citizenship responsibility, community development and services, and natural resources.

During the study, the committee held hearings throughout the United States and gave all rural electric systems, their members and other interested individuals and organizations an opportunity to present testimony on what they believed to be the problems of rural electric systems, to suggest solutions to the problems, and to spell out what should be the long-range objectives of the rural electrification program. From my own State of Illinois, a comprehensive statement was presented at the hearing of the committee held in St. Louis, Mo., by the Association of Illinois Electric Cooperatives on behalf of all the electric cooperatives in Illinois, by the Illinois Agricultural Association, and by the Illinois National Farmers Organization.

Therefore, the report and recommendations of the long-range study committee represent the thinking, not only of members of the committee, but also of experts in the utility and finance field and of practically all rural electric systems and others interested in the rural electrification program.

This broad group of objectives represents a catalog of activities in which the rural electric cooperatives or their members should be taking an active role. Some of these objectives are already being carried out. Others are in the process of development. Rural citizens, acting individually or through their rural electric system, bear the responsibility of undertaking the action necessary to turn these objectives into meaningful and productive activities.

To implement the objective on capital, the NRECA membership authorized the formation of the National Rural Utilities Cooperative Finance Corp. to provide funds to supplement the existing REA loan program. I had supported earlier efforts to develop sources of additional capital and I endorse this new proposal.

It resembles closely a proposal I made 10 years ago to a statewide meeting of rural electric cooperative leaders in Jacksonville, Ill.

Articles of incorporation were filed in the District of Columbia on April 10, 1969, and the incorporator-directors elected their officers. NRUCFC is a self-help finance organization. The rural electric cooperative members will subscribe to capital term certificates which, along with membership fees, patronage capital and open market financing, will provide funds to be lent to rural electric cooperative member-borrowers. The interest rate to be charged on such loans will be determined by the cost of money to NRUCFC.

Subject to arrangements with REA, all applications first will be submitted to REA, which will be asked to make initial determinations on whether the loan purposes are within the Rural Electrification Act and whether the application meets the standards for 2-percent, 35-year loans established by REA. Such an arrangement is logical and reasonable in view of the fact that under present procedures, with REA holding a lien on all present and after-acquired property of a borrower, it is necessary for REA to give a borrower permission to utilize another financing source.

On June 11, 1969, I wrote to REA Administrator David A. Hamil:

> The feasibility of developing the finance corporation into an effective source of additional funds seems to hinge upon a decision which you have the authority to make. Presently, REA loans have a prior lien over all other obligations to the party borrowing the funds. If the finance corporation is to effectively supply the much needed capital, it appears that it will be necessary for its obligations to share the prior lien position with REA loans.
>
> I do not believe that this would in any way jeopardize or degrade the government's lien position on property financed by REA, and therefore I believe it is within your administrative jurisdiction to make this sharing of the prior lien position possible. I do hope that you will give this every consideration because I can see enormous benefits accruing to many rural areas which desperately need these additional funds and which may otherwise be unable to secure them during these times when the federal budget is under so much pressure.

Administrator Hamil subsequently endorsed REA cooperation with the new Cooperative Finance Corp. In a memorandum to all REA field personnel and other key staff members on July 30, he confirmed this support and provided information about the CFC.

I am informed that REA is now working out the necessary procedures which will permit coordination of the Government's lending program with the supplementary financing which CFC will provide.

Meanwhile, 563 rural electric systems have filed for membership in the new self-financing organization. In Illinois, 24 of the 30 service groups eligible for membership in CFC have already applied for membership.

I wish to congratulate the rural electric systems and their farsighted leaders for their initiative and perseverance in developing new approaches and new tools to meet their responsibilities. Over 25,000 families are served by electric cooperatives in my congressional district. An adequate source of electric power is absolutely essential to the general welfare of my district and all of rural America. The successful establishment and operation of the National Rural Utilities Cooperative Finance Corp. will enable the rural electric systems in Illinois and in the United States to meet their obligations in the future as well as they have in the past.

I am pleased that leaders of all cooperatives serving my own Illinois congressional district such as Illinois Rural Electric Co., with headquarters at Winchester; Adams Electrical Cooperative, Camp Point; M. J. M. Electric Cooperative, Inc., Carlinville; Menard Electric Cooperative, Petersburg; Rural Electric Convenience Cooperative Co., Auburn; and Western Illinois Electrical Coop., Carthage, have seen fit to join this financial institution in a self-help effort to ensure that the capital needs of these cooperatives are met in the future to insure the availability of reliable electric power for the rural areas of Western Illinois.

I wish also to commend the leadership the electric cooperatives in Illinois have taken in this endeavor and, particularly, Raymond W. Rusteberg of Valmeyer, president of Monroe Electric Cooperative, Inc., Waterloo, Ill., and former president of the Association of Illinois Electric Cooperatives, Springfield, Ill., who has served as an incorporator and is a member of the board of directors of the CFC during its formulative period. The National Rural Utilities Cooperative Finance Corp. is in the finest American tradition, building on the foundation set in the early days of rural electrification—joint action by the people and their Government—with a new emphasis on private, independent financing.

The progress already achieved in the development of this institution merits the attention and the applause of all who are concerned for rural progress, and especially those who recognize that Federal financing alone will not suffice for the expanding needs of rural electric cooperatives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Reid of New York (at the request of Mr. Ruth), for 1 hour, on November 5; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes on H.R. 7618.

Mr. Charles H. Wilson on H.R. 11548.

Mr. Nedzi on H.R. 8664, H.R. 9564, H.R. 8662, and H.R. 10317.

(The following Members (at the request of Mr. Ruth) and to include extraneous matter:)

Mr. Widnall in two instances.

Mr. Lloyd.

Mr. Schwengel in three instances.

Mr. Anderson of Illinois in two instances.

Mr. Talcott in three instances.

Mr. Minshall.

Mr. Davis of Wisconsin.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Steed in two instances.

Mr. Teague of Texas in six instances.

Mr. Montgomery.

Mr. Corman in five instances.

Mr. Giaimo.

Mr. Rarick in three instances.

Mr. Lowenstein in five instances.

Mr. Hungate in two instances.

Mr. Byrne of Pennsylvania.

Mr. Boggs.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 4, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1306. Under clause 2 or rule XXIV, a letter from the Chairman, Indian Claims Commission, transmitting the annual report of the Commission, for fiscal year 1969, was taken from the Speaker's table, referred to the Committee on Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORTON:

H.R. 14638. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 14639. A bill to establish a development bank to aid in financing low- and moderate-income housing, employment opportunities for unemployed and low-income citizens, and public facilities in certain urban and rural areas; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mr. Bingham, Mr. Brown of California, Mr. Burton of California, Mrs. Chisholm, Mr. Conyers, Mr. Edwards of California, Mr. Farbstein, Mr. Rosenthal, Mr. Roybal, and Mr. Scheuer):

H.R. 14640. A bill to prohibit the procurement of California table grapes by the Department of Defense; to the Committee on Armed Services.

By Mr. VAN DEERLIN (for himself and Mr. Hanna):

H.R. 14641. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. Lowenstein):

H. Res. 609. Resolution in support of a cease-fire and accelerated U.S. troop withdrawal from Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BURTON of California introduced a bill (H.R. 14642) for the relief of Severina Viray Manansala and her husband, Ciriaco Anicete Manansala, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

314. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to an investigation of procedures for commitment to State mental institutions, which was referred to the Committee on Rules.

EXTENSIONS OF REMARKS

SHIRLEY MARSH—A PUBLIC MAN

HON. WARREN G. MAGNUSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Monday, November 3, 1969

Mr. MAGNUSON. Mr. President, the residents of the southwestern portion of my home State of Washington have recently been saddened by the passing of a man of great stature. Shirley Marsh was a man of many talents—warm, understanding, and dedicated to the growth and development of Cowlitz County. Mr. Marsh's interests were many, and his talents, as pointed out in an editorial published in the Longview Daily News of August 20, 1969, were well refined.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Shirley Marsh—A Public Man

The man with an engaging smile and a twinkle in his eye would frequently lean close to whoever he was talking to, remove the cigar clenched between his teeth and say, "Between thee and me, well I . . ."

And when Shirley Marsh was serious, whoever he was talking with listened and listened well. Because when Shirley Marsh was talking politics, power, area problems or the law, he knew his stuff and people knew it.

Now Shirley Marsh is gone and all of Cowlitz County will be poorer for it. While he was widely known and admired around the county and indeed, around the state, relatively few persons understood where his influence came from.

Mr. Marsh was more than an attorney and civic leader. He was a political person. He had one of the shrewdest political minds around. He understood the political processes thoroughly and used them time and again not only for his party's benefit, but more often to help someone else or his native county he loved so dearly.

When he served in the legislature, leaders of both parties held him in high esteem because of his abilities. This respect and admiration continued even after he left the legislature. It proved beneficial to the area and to dozens of individuals with problems over the years. Often the way to get a problem solved was to "see Shirley" because he knew who to call or talk to.

In recent years, Mr. Marsh turned his interests to the PUD—where he was legal counsel—and the city of Longview, where he was president of the Chamber of Commerce. In both bodies, he worked efficiently and effectively for progress and community improvements.

For all his ability and positions, Mr. Marsh never lost touch with people. He seemed to be everyone's friend—the man in the street or the governor of the state. And he greeted nearly everyone with that same engaging smile and twinkle in his eye. Because he was a Democrat, some Republicans came to know that when Mr. Marsh put his talents to work, it usually meant woe for the GOP.

Shirley Marsh, then, was a public man. He spent his life in the public arena and loved it. His death leaves a void that will not be filled soon.

IOWA ARTS COUNCIL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. SCHWENGEL. Mr. Speaker, the Iowa Arts Council is a relatively new agency of the State government in Iowa. In its short life, it has made some rather significant contributions. These contributions are very ably detailed in a recent guest editorial in the October 25, 1969, Davenport Times-Democrat. The editorial, by Julie McDonald, follows:

ENRICHING A WILDERNESS

(EDITOR'S NOTE.—The guest editorial today is by Julie (Mrs. E. R.) McDonald of 2802 E. Locust St., Davenport. She has been appointed chairman of the Iowa Arts Council by Gov. Robert D. Ray. A free-lance writer, she contributes feature articles to the Times-Democrat under the name of Julie Jensen; she also is the author of several novels, short stories and a children's play. She is the wife of an attorney and mother of a boy and a girl.)

The Iowa Arts Council is three and a half years old, younger than some of the councils in each of the 50 states and several territories and older than others.

The state arts council movement is a response to a realization that human life involves more than maintaining physical existence.

The American people are ready to consider the arts as basic nourishment for all the people rather than a fancy dessert for the rich.

The job of the state arts council is to make painting and scultpure, theater, music, literature, the dance, and architectural excellence available to all the people.

Why are the arts important to a community or to a state? David Rockefeller, president of Chase Manhattan Bank, says, "Corporations genuinely concerned about their environment cannot evade responsibility for seeing that increased leisure is channeled into rewarding activities such as those the arts afford. We must face up to the task of bringing our cultural achievements into balance with our material well-being through more intimate corporate involvement in the arts."

As humans, we need the arts. Paul Engle of the University of Iowa, a member of the National Council on the Arts, says the arts will have to take the place of the wilderness in our time.

He says, "As the landscape gets chewed up and air becomes unbreathable, what do you have left to enhance your life! The power of the arts to make life bearable has been underestimated."

Artists need to be seen, heard and read, and their audiences need openness more than specialized training to appreciate the offerings of the arts.

When the 15 members of the Iowa Arts Council meet to consider proposals of arts projects to be funded each year, they yearn for rubber dollars.

A great deal of worthy talent is turned away for budgetary reasons, but the available dollars go a long way toward reaching the 99 counties of Iowa with unique small projects in the arts.

The Iowa Legislature appropriated $30,730 for the council for fiscal 1970, and the National Endowment for the Arts grants each state $31,000 a year.

Since most of the state appropriation is necessary to run the council office and pay the salary of the executive director, funding of arts programs is limited to the amount of the federal grants.

Individual grants range from a few hundred dollars to several thousand, to be matched in a combination of time, talent and money by the individual or group presenting the proposal.

About 30 projects are funded each year, mostly touring groups and shows in music, dance, theater and the visual arts.

The council's aim is to develop art resources in Iowa and spread them to areas which have no resources of their own.

Our neighboring states are richer through state appropriations and can mount more ambitious programs. The Illinois program receives $270,000 from the state for fiscal 1970 with more funds from private contributions to the council. The Minnesota Legislature has appropriated $113,825 to the Arts Council; the Missouri appropriation is $201,082.

The Iowa Arts Council is grateful for the Legislature's efforts in its behalf. Its members realize that the actions of the state governing body reflect the views of the people, and until Iowans acknowledge the importance of the arts and transmit this awareness to their representatives, we cannot hope for state funds comparable to those of our sister councils.

However, we have hopes for the development of another resource. In his inaugural message, Gov. Robert D. Ray said, "No mention of better living for Iowans would be complete without a salute to the State Arts Council, which has provided a big return for a very small investment . . . I pledge enthusiastic support to the continuing success of the Arts Council, and remind my fellow-citizens that the council is authorized by law to accept private contributions."

Jack Olds, executive director of the Iowa Arts Council, will be at the Davenport Municipal Art gallery 11 a.m. to 1:30 p.m. Nov. 12 to consult with anyone interested in offering a proposal for funding to the council to be included in next year's projects.

The council sponsors touring services, technical assistance, educational programs, and experimental projects. Colleges, school boards, PTA, services organizations, student groups, concern and theater groups, study clubs, and individuals are urged to explore the possibilities of programs the council may support.

The youth drain which Iowans deplore may be attributed in part to a poverty of cultural programs in many parts of the state. Supporting the arts is good business because they make an area attractive to business investors. Skilled, well-educated employees demand more than "things" in the choice of a long-term environment.

CATV QUESTIONS POSED

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, November 3, 1969

Mr. SCOTT. Mr. President, the cable television industry is one which is vitally important to my Commonwealth of Pennsylvania, both in terms of its contribution to the State's economy through the manufacture of CATV equipment and in terms of service to the people of Pennsylvania. Because of my concern over certain Federal Communications Commission policy in this area, I submitted a number of questions on this subject to Dean Burch during the Senate Communications Subcommittee's initial October 15 hearing on his nomination to be Chairman of the FCC. His written response now has been received. I believe this exchange will be of interest, nationally; therefore, I ask unanimous consent that both my questions and the combined answer supplied by Mr. Burch be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

QUESTIONS SUBMITTED BY SENATOR HUGH SCOTT TO DEAN BURCH, NOMINEE FOR CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION, OCTOBER 15, 1969

1. On December 18 of last year, the Federal Communications Commission abruptly ordered a complete freeze on the further growth of cable television systems within the Nation's largest 100 markets. This was done through the procedure of "interim rules" which added to and superseded the FCC's Second Order and Report of 1966. In view of the fact that this action has effectively stopped the growth of cable television in this country for almost a year, do you believe, especially in view of the economic hardship and uncertainty which has resulted, that the entire subject of CATV regulation should be brought up for a thorough review now?

2. As you are probably aware, much of the criticism of the FCC's handling of the CATV matter has centered on charges that the Commission did not faithfully follow the provisions of the Administrative Procedures Act (5 U.S.C. Sec. 1005). I am one who strongly holds this view. When I asked this question of Chairman Hyde last spring, I was told that the FCC "believes" it is acting in full accord with the Act. In view of the continuing controversy on this point from many sources, do you believe there is good reason to review again the provisions of this Act and to determine for yourself whether the FCC violated either the spirit or the letter of this Act in ordering the CATV freeze?

3. In response to another question which I asked of Chairman Hyde last year, he said he knew of no instance in which a television station had been forced off the air or even forced to reduce service as the result of CATV competition. Is there any reason, then, why the FCC should not promote the development of cable television to the fullest extent unless and until it is factually demonstrated that regular broadcast service is actually impaired?

4. There is now a provision in the FCC rules that permits the Commission to impose an indefinite injunction upon a cable system's operation with no standards for even a minimal showing of need, or for any time limit on the injunction. I am reliably informed that there are some injunctions that are now running into their third year. Do you believe this to be a proper way for the Federal Communications Commission to exercise its discretion?

5. I would like to have your views with respect to the proper role of the Federal Government in fostering an improvement in television programming. There are some who feel that the existing services ought to be protected from competition but, at the same time, subjected to rather strict programming standards, going to the content and subject matter, and thereby raising some serious questions with respect to censorship and First Amendment freedoms. On the other hand, there is a school of thought which suggests that programming controls are not needed, but that more competition *is* needed and that the Commission can more easily assure the public of better programming by providing for more channels of television. With which point of view do you side?

6. In line with the above, the FCC has now authorized the use of the broadcast spectrum for pay television, presumably to encourage program diversity. Doesn't it seem inconsistent to you that the Commission has moved at the same time to restrict cable television?

7. Do you feel that the Federal Communications Commission should ever irrevocably commit itself to a certain course of action

even if technology develops so rapidly that the policy becomes outdated?

ANSWER TO QUESTIONS SUBMITTED BY SENATOR SCOTT

Since the seven questions posed by Senator Scott are directed to the FCC's CATV regulatory policies, I believe that the following answer is pertinent to all these questions:

You will appreciate that I am not now in a position to give you a response of any substance to questions 2, 3, 4, 6. They do deal with specific Commission decisions or policies that obviously require my further study and I feel it would be presumptuous of me to seek to respond to them until after I have had the opportunity to become more familiar with the subject matter. I assure you I appreciate the significance of the questions you have raised and will endeavor to provide definite responses in the near future.

I will seek to respond in very general terms to the overall theme of the need for continued Commission review of its CATV policies as contained in Question 1. It is my understanding that the broad subject of CATV regulation will be considered, both by the Commission in its rule making proceedings and by the Congress. I certainly endorse both Commission review, and the need for Congressional guidance in those areas where Congress is disposed to act.

As to Question 5, I would stress that in my view the most appropriate course is to obtain for all the people the maximum degree of diversity of services consistent with the public interest, rather than to attempt a dubious course of strict programing regulation. I fully recognize that the new technology of CATV, because of unique features, holds the promise of a most substantial contribution to greater diversity of programing sources, and will thus seek to promote fulfillment of this promise.

Finally, as to Question 7, I do not believe that the Commission should ever irrevocably commit itself to a certain course of action. Communications would appear to be one of the most dynamic and changing fields, and it follows that the Commission must be alert to revise its regulatory policies, as technology changes.

GE STRIKE FOCUSES ATTENTION ON NATION'S LABOR LAW

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. LLOYD. Mr. Speaker, the House Republican Task Force on Labor Law Reform has conducted a series of meetings with spokesmen for both management and labor, assessing the adequacy of present labor law legislation to cope with today's realities. While we are still conducting this series of meetings, it has been significant to this point that there has been no outpouring of demands for compulsory settlements of contracts involving the national interest. Relevant to our discussions is an article written by Mr. A. H. Raskin in the November 2 issue of the New York Times which I commend to all those concerned about labor law legislation:

GE STRIKE: ADMINISTRATION'S ROLE SO FAR IS HANDS OFF

(By A. H. Raskin)

Even before the nationwide strike against General Electric began last week, Secretary of Labor George P. Shultz let the company and the heads of the 13 unions involved know that the White House intended to stay out of the dispute. The Administration's resolve was to demonstrate the genuineness of its faith in free collective bargaining by keeping hands-off, despite its awareness that the outcome of the G.E. strike might have a crucial effect on the success or failure of President Nixon's plea to all labor and management for help in checking the wage-price spiral.

When Arthur J. Goldberg served as Secretary of Labor in the Kennedy Cabinet, he was so fast on the uptake in major industrial disputes that some irreverent aides suggested equipping his office with a fire chief's helmet and brass pole. His first weekend on the job found him in New York settling a paralyzing strike of railroad towboat crews. Everything from the Big Three auto companies to the threat of a musicians' walkout at the Metropolitan Opera drew his personal attention. He never stopped running until President Kennedy named him to the Supreme Court.

SCANT SUCCESS

His successor, W. Willard Wirtz, tried to get off the merry-go-round but with scant success. Not only did Secretary Wirtz find himself directly involved in dozens of efforts to keep the peace on the industrial front; he often had a high-level helper in President Johnson, who summoned union and management negotiators to the White House and told them—not always with much effect—how desperately the country needed a settlement.

All that has changed with the advent of the Nixon Administration. No Secretary of Labor since the New Deal put government deep into labor relations 35 years ago has subscribed more determinedly than George Shultz to the notion that the White House should keep hands off. This is a matter not of politics but of philosophical conviction for the man who came to the Cabinet from the deanship of the University of Chicago's Graduate School of Business.

The Shultz approach was set forth in some detail in a talk he gave in 1963 shortly after Congress, acting on President Kennedy's recommendation, had passed the first Federal compulsory arbitration law in the country's history to halt a national railway strike. Dr. Shultz argued that what had broken down in the railroads was not free collective bargaining but "government-dominated bargaining." In his view, both sides had grown so dependent on Federal decision-making over the years that all the vitality had run out of their relationship and they could not solve even a simple grievance on their own.

He warned that in many other industries, getting the White House into the act, he felt, was becoming a kind of status symbol, especially for the party that felt it would come out ahead. "It is getting to the point where you are not a big boy any more unless you have the Secretary of Labor involved," was the way the 1963 Shultz put it. And he had a postscript: "If the President hangs out his shingle, he'll get all the business."

NEUTRALITY

Since entering the Cabinet, Secretary Shultz has been following out the precepts enunciated by Dean Shultz. Thus in the G.E. dispute, direct Government intervention has been left to the Federal Mediation and Conciliation Service in discharge of its statutory obligation under the Taft-Hartley Act. But what constitutes neutrality is hard to define in a strike involving 125,000 workers in a company with hundreds of millions of dollars in defense orders. The unions started out feeling aggrieved over President Nixon's issuance on the week before the G.E. strike deadline of his hold-the-line appeal to all management and labor—a communication they regarded as decidedly helpful to the company.

Against that backdrop they were quick to complain when they felt Secretary Shultz was tipping the balance still further on the strikes first day. What triggered their complaint was no breach in his own aloofness from the peace efforts but his reply to an interviewer's question on a C.B.S. news program. Asked why the company was putting up so much resistance to the union wage demands, Dr. Shultz attempted to give a responsive answer—always a mistake for an official in such circumstances. The Shultz explanation was that G.E. was beginning to feel the effects of the Administration's anti-inflation policies in its product market and that it feared its profits would be squeezed by a big pay increase. Although this explanation would seem axiomatic in a class in freshman economics, it brought from Paul Jennings, operating chief of the union coalition, an accusation that Dr. Shultz had taken a partisan stand in the dispute and thus abdicated the historic role of the Secretary of Labor and should resign. The White House chose to ignore the demand for Dr. Shultz's scalp and Mr. Jennings is not pressing it.

When President Nixon met with the A.F.L.–C.I.O. Executive Council in mid-week, the Labor Secretary patched up his feud with Mr. Jennings and the President reiterated the White House determination to stay neutral in the G.E. strike. With both the company and the unions dug in for a showdown test on Boulwarism, the chances were strong for a repeat of the kind of economic holy war the Big Four copper companies and an alliance of 26 unions fought for 37 weeks in 1967–68. In the end neither side won, but the national balance of payments took a bad beating through heavy dependence on high-priced imported copper.

The unions got a leg up from the United States Court of Appeals in New York last week in their long legal battle against "Boulwarism." the formula under which G.E. decides what is a fair offer and then sticks to it. But the prospect of shortening the present strike was not vastly enhanced by the court's 2-to-1 ruling that the company had not bargained in good faith in the contract talks that led up to a much smaller strike in 1960—one that resulted in a crushing union defeat. The decision condemned G.E.'s "unbending patriarchal posture" and the large-scale communications effort that went with it as calculated to persuade the workers that the company, not the union, was their true representative. The unions promptly proclaimed that the decision "buried" Boulwarism. But there were enough loopholes in what the court said to give the company the basis for arguing—even if it lost the final round in the Supreme Court—that its actions in 1969 could not be fitted into the precise mold of the 1960 prohibition. The outlook was for much more litigation, not a clear road to ending the current tie-up.

That means the final decision will be made on the picket line. The company is standing fast on its contention that it has made the best offer in its history and cannot do more without giving the inflationary spiral another upward push, to everybody's detriment. It stresses, however, that the whole package is open to "rearrangement and review" in the light of negotiations.

The strikers take no comfort from that assurance. "I don't know whether Hanoi learned from G.E. or G.E. learned from Hanoi, but they both negotiate the same way." said Mr. Jennings at week's end. "Nobody better get involved in this dispute. There is just one way to deal with a company that only respects the law of the jungle."

THE U.S.S. "MILWAUKEE" JOINS THE FLEET

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, on Saturday, November 1, it was my honor and privilege to speak at the commissioning of the Navy's newest ship, a new type replenishment oiler, the U.S.S. *Milwaukee*, AOR–2.

Because I believe my colleagues will be interested in the historic tradition of the U.S.S. *Milwaukee*, and the mission and capabilities of this newest addition to the fleet, I insert my remarks in the RECORD:

THE U.S.S. "MILWAUKEE" JOINS THE FLEET

Admiral Wylie, Captain Martin, Friends of the Navy, and you who have brought AOR–2 to this moment of availability of service to the Navy and to our Country:

For several reasons, this is a moment of recollection and pride for me.

It was here, in the first Naval District, Admiral Wylie, that I began active duty in the Navy; in the same month, Captain Martin, that you were graduating from Lowell High School. Here, with a nautical background that extended to manipulating a rowboat on some of Wisconsin's many lakes, I first went aboard a commissioned ship of the United States Navy.

It was here that, on a visit, Mrs. Davis, whom you met, consented to become my wartime child bride.

It was from here that I went through 33 months of service aboard another glorified oiler with a flight deck on top, which met its fate in the form of a Kamikaze Nick off Okinawa.

It was here, out of a book called "Customs and Traditions of the Navy" that I learned that no self-respecting Naval ship joins the Fleet without three rites: keel-laying, launching and christening, and commissioning. There is one common denominator of all three rites, somebody from Washington makes a speech!

I can only say to you Navy people that this is a selfinflicted punishment. You really cannot ask for sympathy, only merciful brevity.

And, of course, it is no matter of small pride to me, and to all the people of the Milwaukee Metropolitan Area, that this fine new ship bears the name of the city and river of Milwaukee. Milwaukee, in the Indian language from which it takes its name, means "good country". A good ship can bear such a name with pride.

This is the fourth ship of the Navy to carry this proud name.

The first Milwaukee was an iron-clad double-turreted monitor of civil war vintage. She was torpedoed in Mobile Bay in March, 1865, but her intrepid commander and crew went ashore to man a naval battery which participated in the bombardment which reduced the last confederate fort at Mobile.

The second Milwaukee was a cruiser commissioned in 1906. This ship was fatally damaged off the California Coast in 1917 while engaged in attempts to free a submarine which ran aground.

The third Milwaukee, a light cruiser of World War I vintage, performed numerous significant peacetime missions, including hydrographic soundings in the Solomons, Carolinas, and Marshalls—some familiar World War II names. She recorded the greatest Atlantic Ocean depth, an area of the Caribbean still known as "Milwaukee depth." In World War II she served on numerous Atlantic convoy missions until April 1944 when she was turned over to the Russian Navy and renamed Murmansk. Never again did she rejoin our Fleet.

So, for most of the last 105 years, the name Milwaukee has meant something to our Navy.

This, the fourth Milwaukee, OAR–2, is the second of a new class of multi-purpose replenishment ships being constructed for the United States Navy. The new Milwaukee will be able to sustain a speed of about 20 knots and will be able to operate either independently or as a unit of a fast underway replenishment task group.

She has cargo space and underway transfer equipment for petroleum products, refrigerated and non-refrigerated provisions, and ordnance, including missiles and special weapons.

The new Milwaukee carries the most advanced equipment for fueling at sea. She has a replenishment helicopter landing and launching area which increases her rapid cargo discharge capability.

Quincy Division, General Dynamics Corporation, has done its job well in delivering this modern auxiliary vessel to the Fleet. At one time, fleets operating reasonably near coastlines needed only to put into the nearest friendly port for supplies, but in this age, our fleets must move fast and far from their original supply bases along coasts. An auxiliary fleet is needed to bring the needed supplies. The Milwaukee standing here today is that kind of ship.

It is one of a series of ships being built to meet the challenge of an ever increasing Soviet Union sea power. Since World War II, the Soviets have concentrated on building a powerful Navy dominated by submarines but complemented by modern surface warships including a variety of auxiliary vessels. The Soviets now have the world's largest submarine force. They have also greatly increased their number of auxiliary vessels, freeing them from their historical dependency on their coastline.

The modernity of this vessel is important. The growth in the Soviet Navy has come about largely since World War II. This means about 90 percent of their ships are less than 15 years old. In contrast, almost half of ours are World War II vintage and one-third of ours are 25 years of age. We have something over 500 ships more than 19 years old, while the Russians have only two ships in operation that were commissioned that long ago.

Their cruisers and destroyers carry the surface-to-surface missiles which ours do not have. Their surface-to-air missiles on vessels compare with ours in ability. The Soviets are using gas turbine power on some of their ships, something which we have not tried yet.

In their merchant marine, the Soviets have also expanded greatly during the past few years. The merchant navy ranked only 21st among merchant fleets in 1950. It was in fifth place by 1966. Their merchant marine vessels are younger than ours. Four out of five in their fleet are less than 10 years old. In our merchant marine fleet, four out of five date back to World War II or before.

History records that the United States did not become an influential force in world affairs, did not become a significant factor in world history, until she became a great maritime power—until Yankee Clippers and Boston Whalers plied the seas, until a modern civil war fleet could enforce a blockade and ward off foreign interference until 1898 when, in accordance with a song of that era, "Dewey made a few remarks that carried lots of weight, and we did some fancy bottling down in Santiago Bay, and fixed it so Cevera found he couldn't get away."

For many years, it served our interests well to marry ourselves to the British fleet. This marriage, this dependence, was well illustrated in 1823.

The Spanish colonies in the New World were in revolt. Spain called upon her European allies, the so-called Holy Alliance for assistance in reconquest. The British Foreign Minister, Lord Channing, suggested to that son of Massachusetts who was serving as President Monroe's Secretary of State, John Quincy Adams, that Great Britain and the United States should issue a joint statement warning against such reconquest. At that time, Secretary Adams prevailed upon President Monroe to act independently in enunciating the Monroe Doctrine because, as he put it, "He didn't want us to be a rowboat in the wake of the British Man of War."

In today's world, there is no British Man of War—there is no Navy on which we can rely for our defense except our own.

This concept applies not only to carriers, submarines, destroyers, it applies to auxiliary vessels and merchant vessels as well; the essential support of our fleet. I am encouraged to believe there is a growing awareness of this need. The President is aware of it; the House Armed Services Committee, spurred for years by our late lamented friend Bill Bates, is aware of it; our Defense Appropriations Subcommittee is aware of it.

So, Captain Martin, anchors away to you and your crew. Yours is a proud ship that bears a proud name. Admiral Wylie and those who have delivered this modern ship into your hands, in this ceremony a few minutes ago, deserve a "Bravo Zulu" (Well Done) at the two block. I hope this will be the most frequent signal the Milwaukee will acknowledge at sea.

PREVENTIVE DETENTION PROPOSAL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. HUNGATE. Mr. Speaker, the following article on the current problem of preventive detention should be of interest:

PREVENTIVE DETENTION PROPOSAL

When a suspect is arrested in Britain for murder, rape or other violent crimes, Lord Alfred Denning told the [California] State Bar convention recently, "we keep him in prison pending his trial; we do not allow that man out on bail . . . if there is reason to believe he may commit another offense while awaiting trial."

This amounts to saying that the British already employ the system of "preventive detention" which the Nixon Administration is proposing to employ in certain criminal situations over which the Federal courts have jurisdiction.

Last July the Justice Department asked Congress for authority to detain dangerous suspects in specified classes of crimes for up to 60 days without bail if a judge, having found a "substantial probability" of guilt, determines that the defendant's release on bail would be a danger to the community.

Civil libertarians and strict constitutionalists are bitterly opposed. Senator Sam Ervin Jr., of North Carolina said the request is "unconstitutional and smacks of a police state." In his address to the bar, Lord Denning, a leading jurist of his country, took note of this opposition. "I have heard here that this is regarded as an unfair procedure because it amounts to imprisonment without trial," he said. "In England, we make sure he (the accused) is tried speedily—within eight weeks."

That is the big difference. The English provide a speedy trial; under the Sixth Amendment to the Constitution we guarantee a speedy trial but seldom make good on the guarantee. The reasons for this are many. Defense lawyers customarily play for delays, rather than for speedy disposition of their client's case, and this practice itself becomes a self-serving argument for release on bail as opposed to detention pending trial.

Courts are slow-moving and usually clogged with backlogs of cases. Most jails are crowded and would feel the strain of any substantial number of suspects being preventively detained.

In the face of these hindrances to speedy trials, all of which are frequently cited as discreditable to American justice, the opponents of the preventive-detention proposal of the Administration are making considerable headway.

Still, in any deliberation about how to control crime in this country, it is a good idea to begin by inquiring how the British do it. Our system, with its rights and safeguards, developed from theirs, and it is generally acknowledged that they have on the whole a much better record than we have of protecting society from the criminal and the criminal from injustice.

It is highly relevant to learn that preventive detention not only is customary in the homeland of Anglo-Saxon law but is no great subject of complaint because justice is swift there.

CLASS ACTION BILL WILL PROTECT CONSUMERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. FRASER. Mr. Speaker, I am happy to join over 50 of my colleagues in introducing a "class action" bill to permit law suits in the Federal courts on behalf of large groups of consumers.

Under present law, an individual customer injured by illegal conduct cannot afford to bring suit for the injury he has suffered. The amount of his separate claim is likely to be less than the costs of bringing the suit.

Thus large numbers of individuals may be victimized by conduct that is fraudulent but there is no effective redress. Deceptive advertising, usurious interest rates, overpriced drugs and food, and adulterated meat are examples where duped customers are usually helpless.

Our bill gives Federal courts jurisdiction to handle civil class actions brought by consumers when laws for the benefit of consumers have been violated.

This bill is much better than President Nixon's proposal that consumers should wait until the Department of Justice takes action. This often takes years. Our bill permits consumers to take immediate action in the courts on their own behalf without relying on the sincerity and sympathetic support of Federal officials.

SOVIET SCENE '69: CONTROL OF PUBLIC OPINION AND THE GROWTH OF INDUSTRY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. STEED. Mr. Speaker, in these installments of his story of Soviet Russia today Charles L. Bennett, managing editor of the Daily Oklahoman, continues his observations on his recent tour. He discusses Soviet control of public opinion, how it works, and how letters to the editor provide an outlet for many citizens. In another article he describes the impressive Russian industrial growth.

The materials follow:

TIGHT REIN MAINTAINED ON SOVIETS' THINKING

(By Charles L. Bennett)

"In two weeks of questioning," the American editor said, "we have not heard one whisper of criticism against your government."

"That means it's a good government," the smiling Soviet official quickly replied. Everyone in the room—that is, all the Soviets in the room—laughed heartily.

We were talking with Nikilai Baybakov, one of the 11 deputy premiers of the Soviet Union and chairman of the State (U.S.S.R.) Planning Board—a very powerful position.

Back in Moscow after visiting eight other Soviet cities, our group of touring editors had become intrigued with the question of whether—under the massive and all-powerful bureaucracy that is Soviet government at all levels—citizens of the U.S.S.R. really had any freedom of expression at all, any chance to criticize or influence what happens in the country.

When the laughter from Baybakov's remark died down, the American editor pressed ahead: "To us, coming from another system," he said, "the lack of criticism could only mean it has been silenced."

We mentioned recent news stories in the United States saying the Soviet government was exercising stronger controls over critics than in the Khrushchev era.

"These articles are incorrect," Baybakov said. "They propagandize the theory that we are returning to Stalinism and re-introducing terror and the hard line. This does not correspond to reality. Who needs it?

"Apparently, it comes from our ill-wishers. From our current democratic freedom of action, creative atmosphere that we now have, we do not intend to return to the past.

"The idea that people are jailed and we have repression is not true," Baybakov concluded.

A basic operating principle of the Communist doctrine, since revolutionary days, has been to maintain strict control over all media of communication—making them serve the interests of the party and "the state". We detected no sign that the present Soviet regime is deviating from that principle.

We heard from the editors themselves that their newspapers and magazines exist only to serve the interestts of the government, the Communist party, "and the people."

Feodor Mikhailov, editor of "Kazakhstan Pravda" in Alma Ata, put it this way: "Our press and government and people all agree—so why would we come out for something against government policy?"

When we asked if any paper ever had disagreed with government policy, the Alma Ata journalists finally did remember "the case of a paper in Leningrad—back in the 1920's—that disagreed. It was a Trotskyite paper." We got the impression that the disagreement—and the paper—were both short-lived.

"We do not separate the interests of the citizens and the party," said Kenesbai Usebaev, chairman for radio and television in the Kazakh S.S.R. "Their interests are the same and when we advance the party and the government, we advance the interests of the people."

"Can we assume the Izvestia's policy is government policy?" we asked Uri Filonovich, assistant editor of this national paper issued from Moscow.

"Yes, of course," he replied.

"And is there any difference between the policies of Izvestia and Pravda?" (another major national paper and official voice of the Communist party) ?

"Not on basics, but some on approaches and emphasis . . . We differ in our evaluations of works of art and literature."

Four thousand magazines, more than 7,000 daily newspapers, untold millions of radio sets and, now, more than 25 million television sets make up the core of the Soviet communications media. Thousands of factories, universities and other enterprises also produce special papers. There also are both magazines and newspapers tailored for young people of various age groups.

All of the media is government-controlled, of course. Policy direction comes through government and Communist party channels. Ideological "guidance" is equally present for all kinds of artists—visual, literary, musical and dramatic.

Newsmen expelled from the U.S.S.R. or returning to the U.S. after duty there have reported Soviet authors are under tight ideological reins. "They write things acceptable to the government," one newsman wrote, "or their work isn't published." Anatoly Kuznetsov was recently granted political asylum in England, saying he no longer could stand the restrictions imposed upon him in the U.S.S.R. His defection reportedly has caused tightening of restrictions on foreign travel for Soviet writers.

Russian writers Yuli Daniel and Andrei Sinyavsky were charged, in 1966, with anti-Soviet agitation and propaganda. They were sentenced to five and seven years, respectively, in prison at hard labor. We asked Deputy Premier Baybakov whether such trials did not constitute a bad situation.

"You should find out more about what they did," he replied. "They violated the U.S.S.R. laws and this cannot be passed by. It wasn't that they criticized leaders. There were actions as well as words. They did things that would be punished under your laws, too. This led to stories of repression. I categorically deny it."

Undenied, however, is the general knowledge that Soviet authors, composers and playwrights are expected to produce material not only acceptable to Communist ideology, but actively advancing it.

Nikolai Bezraydin, newspaper editor in Siberia's Novosibirsk, said there probably was one magazine or newspaper a day for every man, woman and child in his area "and that probably is typical of the whole country."

We saw lines of people at kiosks in Moscow, waiting to buy a newspaper or magazine. Home deliveries are made, even in the large cities, through the mail system. Newspapers are posted on public bulletin boards for people who do not buy them.

Soviet newspapers generally contain only four pages, infrequently going to six. The usual cost is two kopeks (roughly, cents) if the paper is four pages, three kopeks if it's six.

There are a number of national newspapers, distributed in all parts of the Soviet

Union. Both Pravda and Izvestia claim circulations of seven to nine-million a day.

Next come the Republic or regional papers, published in major cities and the capitals of the various republics that make up the Soviet Union. The regional paper at Novosibirsk, for example, circulates its 125,000 daily copies over much of eastern Siberia. The largest paper in Byelorussia, from Minsk, has 300,000 circulation, just about the same number of copies circulated in that republic by the two major national papers, Izvestia and Pravda.

Many other papers serve smaller districts, or even single cities or metropolitan areas. Magazines, too, are found with regional or district circulations, as well as the national publications.

Local and district papers—and even the regional papers to a large extent—print only news of their own areas, leaving the national and international news to the nationwide papers like Izvestia and Pravda.

A young editor in the Ukraine was asked if he ever wrote about international affairs. "What do I know about foreign affairs?" he said. "I have no contacts, no sources. I read Izvestia and Pravda. I know what our government has decided. I have no reason to distrust our government."

The Novosibirsk editor said he received, from the U.S.S.R. wire news service, Tass, and printed some news about the debate in the U.S. as to whether to go ahead with the proposed anti-ballistic missile system, Safeguard, and the results

When we asked if there was similar debate in the U.S.S.R. over such issues, Bezraydin said: "There is a difference between talk and action. We don't have such debates, but we are firmly convinced we must come to an agreement on disarmament."

"At this time," he said, "we are discussing going over to ten years of compulsory education. We are getting the parents involved in this debate."

Journalists in at least two cities scolded us for "printing the Chinese side of the border disputes," insisting, "Only our side of the argument is true."

Trying to use this as leverage to get approval of a trip to the border, we said, "We have no way to tell what is true or untrue unless you let us go to see for ourselves."

"We weren't on the moon when Apollo landed, but we believed it," one newsman snapped back."

"You presented the conflicts in two versions of some of the border incidents," charged Nikolai Novikov, head of the Southeast Asia department for Izvestia.

"Whose side are you believing? Ours, because the truth is on our side? Or are you presenting it so your readers could also believe the Chinese side? Many of your journalists are not certain of the position they're taking. Your readers could think it might be either side."

We took that as something of an unintended compliment, and tried to explain the American news system of reporting all sides of any situation—rather than expressing judgments or conclusions. The explanation left our hosts puzzled, unenlightened and unconvinced.

Soviet newsmen also were critical of American newspapers "because they carry so much paid advertising" (failing to note that even the U.S. papers with the highest percentages of advertising still carry three to five times as many columns of news space as any Soviet newspaper.)

They also criticized "printing of gossip and rumors that have not been officially announced by the government." They wondered how, under our system, the government ever managed to make its views known to the public. We assured them that our system gave government at any level ample coverage, but they still shook their heads.

Soviet reporters are subject to "ideological" training along with the coaching they receive in technical and professional aspects of journalism "and, of course, they have to be tested on their political knowledge along with everything else," a newsman confirmed.

Professors at the university in Novosibirsk's Science City said students have "much freedom in choice of thesis subjects," and "as a matter of fact a number have been written about the controversial charges of 're-Stalinization' and 'The Cult of Personality'."

With these little glimpses into Soviet thinking about freedom of expression—in newspapers, the arts, even in the scholarly work of a university—we were not reassured. It appeared, without reasonable doubt, that any conforming expression would be acceptable but that anyone attempting to swim against the stream of Soviet Communist thought certainly would be doing it at his own—and considerable—risk.

LETTERS TO EDITORS PROVIDE OUTLET FOR SOVIET CITIZENS

(By Charles L. Bennett)

Letters to their newspapers, it appears, may be one of the most effective ways Soviet citizens have of making their views known and having some—however slight—influence on shaping their laws and living conditions.

Represented in legislative bodies by deputies elected from no-choice ballots, the Soviet voter may feel remote from the law-making process. But when he takes pen in hand to complain about something, his letter may appear in a national newspaper of seven or eight million circulation. It may, even, require a formal answer from a top national official or be instrumental in changing a proposed law.

This letter-writing and answering function of Soviet newspapers was little known to our group of touring editors when we arrived in Moscow. Before we left the country after visiting eight other cities, we were convinced letters to the newspapers may be the Soviet citizen's only effective outlet for his own, personal opinions. Maybe that's why they write so many of them.

While providing an outlet for the citizens, the great mass of letters also provides editors and government officials with broad insight into the minds of their countrymen and a gauge on how the latest programs and proposals are being viewed by the proletariat.

Out in eastern Siberia, Editor Nikolai Bezraydin said his paper in Novosibirsk receives 17,000 letters a year. Izvestia's editors said they received 1,000 to 1,500 a day at that nationwide paper's offices. That can add up to 400,000 to 500,000 a year.

"We have a staff of about 50 people who do nothing but handle the letters," assistant Editor Yuri Filonovich said. "We try to answer practically every one, either personally or in the paper. Sometimes, when we get a great many letters on the same subject, a staff member does 'Review of Letters' as a special article. Or we may send a staff member to investigate a situation that has caused complaints.

"We pubilsh as many as possible of the letters, but our space is limited so this goes only to about 10 a day, at the most.

"Writers complain about city services, international tension and acts of aggression, work progress, transportation, the airlines, local Soviets (city councils), bureaucratic faults, pensions, red tape in organizations or a certain official.

"The only thing they don't complain about is lack of work."

"Were any letters received about the Czechoslovakian actions?" we asked.

"Not too many," an Izvestia man replied. "Most of them were letters of solidarity" (agreement with the U.S.S.R. action). "We got more letters on the Safeguard system.

"Some writers criticize the paper for mistakes. Others want advice on purely personal matters.

"We frequently refer letters to those who can do something about whatever the complaint is. If some organization is criticized in a published letter, it usually replies—and we publish the reply. We could pressure them to reply, even though there is no law to require it. We would just write a story that the complaint had been made but the organization declined to answer it. Then they would. We follow up, too, to see what has been done about the problem.

"This is common practice on all of our papers. We deal with all problems except intra-party affairs."

"We get some crackpot letters, too."

We asked whether the letters were signed.

"Most of them are," was the reply.

We asked if organizations or governmental bodies ever were critical of the paper for printing letters of complaint about their operations.

"Yes, but it doesn't mean anything," Filonovich replied. "It is a peculiarly Russian characteristic to write letters of complaint and the tradition of requiring that they be answered goes back to Lenin."

We wondered if Soviet newspapers said anything critical of Nikita Khrushchev, before his 1964 downfall that caught most of the world by surprise.

"He's on pension. Why discuss him now?" a Minsk journalist wanted to know.

"Did any of your papers say anything against him when he was in power, if he was so unable to lead as we heard afterwards?" we persisted.

"There was criticism of some enterprises," answered Anatoly Lisovsky, a member of the board of the Union of Journalists for Byelorussia. "We published what was said at various meetings."

"Did the papers themselves say anything?"

Another Minsk journalist replied: "You'll just have to look back through your papers."

"Did your papers have anything to say about the Czechoslovakian action by the U.S.S.R.?" we asked the Novosibirsk editor.

"Of course not," Editor Bezraydin answered, "because we didn't feel critical about it. No objective observer would call the U.S.S.R. action in Czechoslovakia aggressive.

"We have a law," Bezraydin commented another time, "that prohibits anyone from propagandizing for war. Our strivings are peaceful strivings and the people want peace. So you can't say our people don't influence decisions."

"We'd be glad to explain the differences between what the American government is, and the American people are," Bezraydin replied. "Just read Marx's 'Das Kapital' if you don't know what an imperialist is."

"Do papers in Byelorussia sometimes find themselves in differing positions on actions of the Supreme Soviet?" we asked.

"We have not had such cases," a Minsk journalist answered, "because any decision would have had wide discussion before the law is passed. Before that, papers give lots of coverage and many letters would be received and printed.

"For instance, in the last two months we have been discussing the charter for collective farms, publishing articles by various experts who give the pros and cons on all the points. Such comments and discussions are taken into consideration before the final law is adopted and published."

Members of the Soviet Women's Committee, too, had told us of their coverage of provisions of a new family and marriage law. "We had much comment," one of the committee editors said, "and these were influential in shaping the final law."

"Would your paper, on its own, have something to say about the proposed law?" we asked the Minsk editor.

"Very often," he said, "the papers will make their own suggestions before the law is adopted. They would publish this as article bylined 'From the Editorial Board'. Such an article might also criticize specific ministries or ministers."

"We are helped by the people," an Alma Ata news official said. "If there are drawbacks in a farm or factory, workers usually write to us to complain. We read these. Or a correspondent may discover a drawback and write about it."

In Minsk, we discovered an aspect of Soviet newspapers we had not heard about.

"In addition to our handling of their letters, the public has another way of expressing its views," said Leonid Proksha, the bush-haired and literate editor of "Voice of the Motherland," a satirical magazine nicknamed "The Hedgehog".

"We also have readers' conferences. We bring them together and they can criticize or praise the editorial board. How often this is done depends on how well the editorial office works. The paper that wants to interest its readers does it often. We have one 'Press Day' a year on which each paper reports to its readers on its activities.

"We don't invite specific readers, but publish the date of the conference and anyone can come. The central papers, such as Pravda and Izvestia, have readers' conferences out in the Republics. They do this at various enterprises and other places."

"The last such conference we had," said Deputy Editor Tolstik of the local Minsk paper, "was at a tractor plant and 300 attended. The workers there said 'This is a big plant and few stories are printed about it.' We later lined up volunteer correspondents at that plant to give better coverage.

"Two months ago," he continued, "when Pravda had a conference here, 600 people attended. Their two local correspondents, their science writer from Moscow and their Japanese correspondent reported on their work. About eight readers spoke, including some of the engineers and scientists who attended. They criticized Pravda for its failure to note some developments in the Academy of Science here."

Similar conferences of radio and television listeners and viewers also are held, we were told in Alma Ata.

When we asked about outside broadcasts being received, such as the Voice of America, BBC German and Chinese broadcasts, the answer was "Yes, they are heard" and "No, we do not jam them". We really didn't expect any different answer.

The role of our hosts, the Union of Journalists also was questioned. We were told the union has only 45,000 members, even though there actually are some 200,000 people in newspaper, radio and television news jobs.

"We accept professional newsmen," an official said, "and journalists who, by their work, have proved their professionalism. At our Congress every four years, the members elect an executive board of 125 members. This board elects the chairman, vice-chairman and 23 secretaries, from each of the Republics and other well-known groups and organizations." This group sets policy and, with a secretariat in Moscow, runs the affairs of the union.

At a meeting with officials of the Soviet's Novosti press agency, an American editor said, "We need more open daily coverage of each of our countries, by correspondents of the other, if we are to have better understanding."

Victor Mayevskiy, one of Novosti's founders and a noted writer, immediately replied, "But we can't have correspondents write dishonest things about us."

We chided Novosti for its notorious (in the western world) practice of charging foreign correspondents fees to arrange interviews with Soviet officials. But they defended this as "simply a convenience to reporters who are new to our country and cannot do it themselves."

Resident American correspondents in the U.S.S.R. are strictly limited to a 25-mile radius around Moscow; they can go elsewhere only with permission of the Soviet government. Some say approval is difficult or impossible to obtain, especially if the correspondent has incurred the displeasure of Soviet authorities. Others feel they are allowed to travel around the country reasonably well in the "open" areas. Many cities and parts of the U.S.S.R. are officially and absolutely closed to anyone but Soviet citizens. Officials told us they were constantly reducing the list of "closed" areas but we had no opportunity to check past and present lists.

One correspondent said the situation had eased considerably from the days of Stalin. "You think it's closed now," he said, "but in 1953, when he died, there had been no tourists from the U.S. for years and no tourists to the U.S. There were only three American correspondents in the U.S.S.R." (Seventeen attended a reception held for us by the American Embassy.)

Whatever the merits or demerits of the Soviet system of media control, we were forced to the conclusion that it works—from the viewpoint of creating a steady, all-embracing and thorough mental bath of government and party propaganda. Wherever we went, and no matter to whom we were talking, many answers to our questions came out almost exactly in the "official" language spread by the government-controlled press and broadcast media. These answers were quoted with conviction and assurance that could only mean unquestioning acceptance of the government version.

Never did we hear even so much as a mild comment of, "It might be better if we spent less on space and more on consumer goods." The official line is that both kinds of expenditures are necessary and good. And, certainly, we never heard anything resembling, "Of course, the situation in Czechoslovakia might have been handled better."

Such thoughts may well exist in the Soviet Union. They may be quietly exchanged between close and trusting friends. But they are not expressed in any public way that could attract support to a dissident or nonconformist idea. Information and thought-stimuli from outside the U.S.S.R. are severely limited. The mass Soviet brain is continually washed with controlled propaganda and little light from the outside world penetrates that communication curtain.

Soviet Industrial Output Improving

(By Charles L. Bennett)

When Soviet industry managers talk about how their factories are doing, the yardstick they use to measure by is what's done by industry in the United States. Frank to admit their manufacturing capacity still lags far behind America, they make no secret of their intention, eventually, to match and surpass U.S. output.

With complete government control over all industry, U.S.S.R. planners set ever-increasing goals for all kinds of production and every sign of closing the "industry gap" is hailed as a major achievement.

Our touring group of editors visited a sprawling new textile mill outside Alma Ata, a plant manufacturing huge earth-moving trucks near Minsk and a factory making prefabricated apartment buildings in Leningrad.

Despite low productivity per worker, which Soviet managers acknowledge as one of their chief problems, and technology not yet approaching modern American standards, it was obvious from our inspection tours that Soviet production is improving and expanding rapidly.

Nikolai Baybakov, a deputy premier of the U.S.S.R. and chief of the national planning board, said the Soviet's economic growth rate hit 10 per cent in 1967. "That was a very high rate," he commented, "but we were unable to hold it. We think rates of 6, 7 and 8 per cent are good rates. But we are never satisfied. There is a proverb that says: 'When you get something, you want more'."

Along with the Soviets' own determination to do better, U.S. sources estimate that, with only about one-fifteenth of the world's population, Soviet industry already accounts for nearly one-fifth of the total world output.

Vast natural resources and hydro-electric power potential back up the Soviets' drive to industrialize. Fifty per cent of the world's coal reserves are available in the fields of eastern Siberia alone, with other major deposits scattered from the Komi fields near the Arctic Circle to the famed Karaganda basin in Kazakhstan. Some of the world's largest rivers flow through all parts in the U.S.S.R. and the hydro-electric installation at Bratsk, in Siberia and one of the world's largest is only one of scores already producing or planned.

Baybakov himself was instrumental in developing the U.S.S.R. oil industry. Major pipelines carry oil and natural gas thousands of miles to urban and industrial centers.

Diamonds, gold, rare earths, potassium for fertilizer, copper, lead and minerals of practically every known kind have been discovered in many parts of the country. While some of the deposits are already being worked, many remain untapped reserves of far greater size than even the Soviets can see any use for until far in the future.

Areas such as Kazakhstan, where only a generation or two ago most people were nomadic herdsmen, are being industrialized rapidly. Under the massive Soviet planning system, whole new industrial cities have been created in the Urals and on the Siberian plains. Central planning may decide a plant in Moscow should be, instead, 4,000 miles away in a new Siberian city. The order is given and the plant is moved.

"We are not in the city, but out here in the country," said Ivan Sidorovich, manager of the Belaz truck factory outside Minsk, "because the government wants to solve problems of full employment in this area. Mechanization had released part of the labor force from agriculture so, to put them to work, our plant was set up here and helps to solve the problem."

Decisions on what a plant is to produce and in what quantity and quality come out of the central planning machinery too, with national, Republic and even city governments cooperating in the final plans.

Central controls over the factories extend all the way from the appointment of managers to such matters as air and water pollution. When problems appear, government officials order the factory to take the necessary steps to correct them "or shut down"—knowing such an enforced shutdown would be a black mark on the record of any plant manager from which his career would never recover.

"At Lake Baikal," Baybakov said, "where we built a paper mill on the shores of this Siberian lake which holds 25 per cent of the fresh water in the world, we spent 25 per cent of the total cost of the plant just for high quality filters and other devices to prevent pollution."

The whole personnel situation in Soviet industry is fascinating, because it differs in so many respects from the U.S. approach. First, of course, the government is the only real employer. By law, no individual in the U.S.S.R. can hire anyone to do any work for him. Pay levels are low—averaging only 120 rubles a month for all workers although industry pay is slightly higher than the average for farm workers. Soviet factory managers make an interesting distinction between "workers" and "employees". It's something like our "white collar, blue collar" difference. Workers, by and large, are those who do physical work—carpentry, running machines, driving trucks, digging ditches. The employees, generally, are secretaries, accountants, designers, managers—who do "think" work, rather than physical labor. But in another sense, everyone employed wants to be considered a "worker" because this is the magic word in the Communist lexicon—the "industrial proletariat" upon whom Marx and Lenin based the Communist-socialist theory.

Low pay levels are compensated to a degree by the "free" health, recreation and social benefits which, under strict government control, are provided for the workers. In many instances, hospitals, schools and even apartment housing for the workers are provided directly through the management of the factory where they work.

In the Belaz truck plant, 1,300 of the 7,000 workers are women, doing such jobs as electrical and mechanical assembly, running cranes and doing test and quality control jobs, among many others.

In the Belaz plant, the average age of all the workers is only 26 or 27, illustrating the importance of technical education available to the younger generation.

Technical training, on through engineering, is available to those who qualify and many with the necessary training become managers of major factories while still relatively young. Nikolai Yakoblev, manager of the housing plant, is 29 and, like many others, gained most of his education while working and studying nights.

At the Alma Ata textile mill, 200 of 5,000 workers were also studying college courses and 186 were in technical courses, while continuing full-time work.

Special training courses in the factories are run jointly by the plant management and the trade union, as are tests for job advancement. In all our meetings with factory officials, there seemed to be sort of a "triumvirate" management . . . the official manager, the top trade union official and the Communist Party secretary for the plant—or "commissar". It appears that the manager is responsible for physical operations of the plant, the trade union for guarding the interests and welfare of the workers, and the party official for their political education and morale.

Raisa Panova, the red-haired, green-eyed party secretary at the textile mill, whom one of our editors characterized as an "18-cylinder gal," said shop foremen generally are members of the Communist Party. This is because "They lead the political education classes for workers who are not going to any school." (Those in school or college get their political education there, along with other subjects.)

"The workers attend moral and political lectures," she said, "and we explain international affairs to them."

Typically in a factory, Manager Sidorovich told us at Belaz, about 10 per cent of the work force might be members of the Communist Party. "They are the 'front line' workers," he said. "I am a member of the party committee, too. The plant manager participates in the party, and the party participates in management of the plant. There are closely-knit ties. The best proof of the closeness of these ties is the good quality and quantity of production. It shows we work well together."

Despite their showing of statistics indicating steady improvement in production per worker, all three plant managers agreed that low productivity is a continuing problem in Soviet factories.

"It is one of our problems," Manager Yakoblev said at the housing factory. But it was much worse before 1917. As a young man, I can assure you we won't have this problem for very long."

The trade union official beside Yakoblev chimed in with: "Productivity is now increasing faster than pay."

Official recognition like being named to one of the honorary orders of workers, such as "Hero of Soviet Labor", is one of the incentives used to spur workers. Massive campaigns are launched to inspire them to greater productivity such as the drive this year and next to mark the 100th anniversary of Lenin's birth.

Leading workers pictures are posted on huge billboards at plant entrances as another form of recognition.

"We do have some of the usual problems with some workers," Yakoblev said at the housing factory, "such as absenteeism, drinking and woman chasing." Discipline for such offenses can range from official reprimands, through being assigned an unfavorable vacation time or not being given a pass to a rest home for his vacation, and on to having his picture posted as a bad example.

Discharges are unusual, Yakoblev said. "Our main goal is not to fire a person, but to keep him at work. If he's substandard and we fire him, he'll just go elsewhere and be a problem—so we might as well work with him here."

The housing factory and truck plant seemed to us to be safety engineers' nightmares. Floors in the truck factory were greasy and slippery and the safety guards and warning signs common to U.S. plants were totally absent. The housing factory was rather dark and full of hazards for unwary workers. We saw one woman hurt while we were touring the plant. It happened when another worker tossed a heavy iron rod out of a doorway and it struck her in the foot.

Yet the plant managers, unanimously, said their safety records were good. We couldn't get any statistics that were clear or could be compared to U.S. figures, but Madame Panova said, at the textile mill, "We have had only seven minor accidents in the past seven months."

Madame Panova mentioned one "trial" that Soviet managers apparently share with those in America—difficulty in getting some workers to use safety devices. "We try to get the workers in the loom area, where the noise level is high, to use earmuffs and provide them," she said, "but the workers just won't wear them."

Soviet technical and scientific institutes spend much of their time and resources creating the technology used in manufacturing plants and solving specific technical problems.

"Thirty-nine per cent of our budget is spent directly on projects to improve the economy," the deputy director of Kazakhstan's Academy of Science told us. "That's about eight to nine million rubles annually. In the past years, the Academy's science findings have created 80 million rubles of savings or profit for the Republic."

The textile plant manager said, "Only 3 per cent of our profit goes into research, but that is because we are a new plant."

Manager Sidorovich said of his Belaz truck plant, "This is the only plant of this kind in the U.S.S.R. So far as we know, there is no plant to equal this one in the world. The U.S. makes such trucks, but in small numbers at many different plants." His output, he said, is about 2,500 trucks a year, of all types.

When we asked about prices, he said "It all depends on where you sell and to whom." The "standard international price" though, he said, is about $2,000 per ton of capacity. That would make the standard price of one of the Balaz 27-tonners about $54,000.

"Eighty per cent of whatever profit we make goes to the government," Manager Dekin said at the Alma Ata textile mill. "The other 20 per cent we can use to improve the plant, build rest homes or culture palaces (recreation centers) or other benefits for our workers."

Despite vast differences in the Soviet and U.S. industrial systems, we learned, the "success story" of a hard worker who has moved to the top in Soviet management can have a familiar Horatio Alger ring.

The 42-year-old manager of the Belaz truck factory, when we asked how plant managers are chosen, said: "I use myself as an example.

"I was called for army service in 1942 when I was 17 and served seven years, longer than normal because of the war. This hindered my training, of course, but everyone has lots of opportunity for training.

"I began work in the Minsk automobile plant, as a fitter on the assembly line. There were many like me, who studied while working. I started in the sixth grade of evening school, and sat at a sixth grade desk at the age of 25. Despite this, I studied a lot and worked during vacations and all of my free time. This allowed me to go through two grades each year.

"In 1954 I got my matriculation papers for high school. I came to this (Belaz) plant in 1958, when it was just being built. I entered the Byelorussian Polytechnical School to study truck and tractor design. I continued working and went to evening school. I went for six years and graduated in 1960. I was a shop foreman by then. Then I advanced in my work and became head of the quality control department. At the end of 1961 I was named director (manager) of this plant.

"This appointment was on the basis of my qualification for the job. Much attention is paid to the authority of the person among his subordinates. Attention also is paid to whether he is a (Communist) party member. If I am entrusted to run a plant like this, I must be equally trusted by the party.

"I was talked to first (before his appointment) by various people, including the party committee. Then the minister of the auto industry of the U.S.S.R. issued an order appointing me.

"I am happy with the job that has been given to me and the trust placed in me. I have been twice elected to the Supreme Soviet (congress) of the Republic of Byelorussia, which is an honor. I also have been named Winner of the Red Badge of Labor and Laureate of the State Prize. Many of my colleagues have received similiar honors. Of course, it is very satisfying that your country recognized your work.

"I think every person thinks about what he will leave after him and it is very satisfying to see this huge plant where once was just a potato field."

THE AMERICAN ONCOLOGIC HOSPITAL—A 65TH ANNIVERSARY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, November 3, 1969

Mr. SCOTT. Mr. President, November 7, 1969, marks the 65th anniversary of the American Oncologic Hospital in Philadelphia, Pa.

The American Oncologic Hospital is one of only nine hospitals in the United States devoted exclusively to the treatment of cancer and related diseases.

Pennsylvanians—indeed all Americans—can be justly proud of the physicians, employees, volunteers, and supporting community members whose dedication and hard work has made this 65th anniversary possible.

DISTRICT OF COLUMBIA SCHOOLS: AN EXAMPLE TO BE AVOIDED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. RARICK. Mr. Speaker, shortly after the Warren Court handed down its infamous Black Monday decision some 15 years ago, both the certified liberals and the confused "me-too-ers" promised that here in Washington, D.C., the Nation's Capital, school integration would be conducted promptly. The idea was that the District of Columbia schools would become the model for the Nation.

They have.

It is no wonder that decent Americans from one end of the country to the other, desiring to protect their children—desiring that the schools educate them—have resisted the ruin of the school systems maintained by their taxes.

The recent episode at one of the Washington schools last week, after which the faculty demanded a full-time police guard for the teachers, is a small indication of what other Americans will not tolerate in their cities.

I submit pertinent newspaper clippings for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Evening Star, Washington (D.C.), Oct. 27, 1969]

MacFarland Faculty Demands A Full-Time Police Guard

(By Walter Taylor)

Teachers at a Northwest Washington junior high school troubled recently by disorders met this morning with top school administrators and demanded, among other things, a full-time policeman.

Almost all of the 49 teachers at Macfarland Junior High at Iowa Avenue and Varnum Street NW attended the meeting with Acting School Supt. Benjamin J. Henley and George R. Rhodes, assistant superintendent for secondary schools.

Even as the meeting was going on in the teachers' lounge, scores of students roamed the hallways playing radios, singing and threatening to go home.

At least half the teachers at Macfarland staged their own walkout Friday after a small group of students pelted a faculty member with eggs. The school then closed early.

William H. Simons, president of the Washington Teachers Union which backed the teachers' demands, said the faculty also demanded, besides the full-time policeman, an improved administrative structure, additional teaching personnel, the immediate repair of the school's bell system and the installation of an intercom system and "panic equipment" on all doors.

Simons said the union was in "full support of the faculty" and "their actions of Friday."

He said the walkout on Friday is "something that sometimes must occur to demonstrate the problems teachers sometimes face."

Rhodes, commenting after the meeting, said the teachers "pointed out some things we didn't know."

He added that he was "taking everything discussed at the meeting under consideration" and promised that some of the teachers' demands would be met "almost immediately."

Rhodes said an emergency repair crew would be at the school tomorrow to install the "panic" equipment—which allows doors to be opened from the inside but not from the outside. He also said the bell system would be repaired.

Rhodes said he would attempt to get a policeman assigned to the school "to keep outsiders away" but said only 50 officers are available to patrol more than 180 schools. "We may have to have a re-evaluation of our priorities on this regard," he said.

While the teachers met for nearly two hours with the administration, MacFarland's nearly 500 students were in the school's auditorium watching a movie. However, as the lunch hour neared, the pupils, supervised by a handful of substitute teachers and student monitors, began to parade through the hallways.

There were no serious incidents, however.

The egg-throwing incident at the school Friday is only one example of a "general breakdown of discipline" at MacFarland, teachers have charged. The school principal, Bertha Baylor, confirmed that the school has experienced several similar disorders.

In September five outsiders surrounded a male teacher who was struck above the eye, Mrs. Baylor said. On Thursday, a male teacher intervened when a student "pulled at" a female teacher, resulting in a scuffle and a heated verbal exchange, she added.

However, the walkout Friday, which caused school to be dismissed a half hour early, was the first this fall at any District public school.

[From the Washington (D.C.) Evening Star, Oct. 25, 1969]

Egg-Throwing Triggers Walkout by Teachers

(By John Mathews)

About half the teaching staff walked out of the District's Macfarland Junior High School yesterday, forcing an early closing. It was the city's first teacher work interruption over discipline this fall, after several incidents in spring.

Teachers say they will be back Monday.

Students pelting a teacher with eggs in a second floor hallway were the immediate cause of yesterday's walkout.

That incident was followed by a general breakdown of discipline with bands of outsiders roving in the hall. But teachers said yesterday's events were a "last straw kind of thing," the culmination of a series of incidents, including physical assaults on teachers, since schools opened in September.

Last night, after a 6-hour meeting of about 30 of the school's 49-teacher staff, Mrs. Marcia Derricotte, an English teacher who is building representative for the Washington Teachers Union, said the teachers planned to return Monday.

If the school administration does not act on a series of teacher demands, Mrs. Derricotte said, "I'm not saying we will walk out again, but we are not going to go on as we have. We do have a plan, but I can't disclose it now."

Charles Cheng, assistant to the president of the teachers union, said that Acting Supt. Benjamin J. Henley and George R. Rhodes, assistant superintendent for secondary schools, will meet with teachers at the school Monday morning.

The teachers at Macfarland, a generally middle-class school adjacent to Roosevelt High School in upper Northwest, are demanding added personnel to deal with discipline, security measures to control the entry of outsiders and some plan for dealing with problem and disturbed students.

"We also want a general meeting of teachers from all over the city to put our heads together and come up with solutions to problems we all have," Mrs. Derricotte said. She added, "There has been a trend to keep quiet about it (the discipline problem), but we think the citizens should know the full extent of the problem."

Since opening in September, District schools have been plagued with incidents, many caused by what has become the common enemy of most teachers and administrators—the "outsider." The term is used to describe teen-age dropouts and young adults who hang around and often enter the schools to mingle with students and disrupt activities.

On opening day, a teacher was beaten at one junior high, requiring hospital care. Since then, a teacher has been robbed in an elementary classroom, another has been stabbed by a student and gang threats and fights have caused several early closings.

WALKOUTS OVER SUSPENSION

Last spring, teachers walked out of two junior high schools. The issue then revolved about school board decisions requiring hearings before suspensions of students and the virtual elimination of dress codes. Teachers reacted, feeling their authority to control students had been undercut.

The Macfarland principal, Mrs. Bertha Baylor, said the school has experienced several incidents. Five outsiders surrounded a male teacher who was struck above the eye in September, she said. On Thursday, a male teacher intervened when a student "pulled at" a female teacher, resulting in a scuffle and a heated verbal exchange.

Teachers yesterday mentioned another incident that happened Thursday, but which Mrs. Baylor said was not reported to her. They had a group of boys, presumably outsiders, enter a classroom taught by a substitute teacher, and held their hands in their pockets, claiming they had guns. The teacher was pushed into a chair, her keys taken and she, with 30 students, was locked in the room.

Following the egg-throwing incident, Mrs. Baylor said she called a policeman to eject groups of outsiders roaming the halls. She thought the situation was under control when shortly after 1 p.m. teachers told her they were leaving.

Mrs. Baylor gathered the students in the auditorium from about 2 p.m. until 2:30 when she dismissed the school a half hour early.

"I don't approve or disapprove of the teachers' action, but I only wish they had informed me," she said. Teachers said 32 of the staff of 49 walked out, but Mrs. Baylor said no more than 21 left. Five teachers were absent yesterday.

MORE PERSONNEL SOUGHT

Mrs. Derricotte said the teachers had no basic complaint against the principal, but wanted either replacement of the two assistant principals or more personnel to control discipline. "In instance after instance we have asked for help on discipline matters and we haven't gotten it," she said.

Teachers also want locks on doors that would allow students to exit, but prevent persons from coming in during class hours. The union also feels that students should have a more meaningful voice in school affairs and better planned lunchtime recreation activities.

An added element contributing to the situation yesterday was the annual homecoming football game at adjacent Roosevelt High School. Mrs. Baylor in the morning asked the downtown school office to approve a 2 p.m. closing of the school, but was refused.

SYSTEMS BUILDING AND THE FUTURE OF CONCRETE

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. WIDNALL. Mr. Speaker, Mr. John C. Mundt, a senior vice president of the Lone Star Cement Corp., made a most interesting speech recently on the uses of the systems approach in homebuilding, and the use of concrete in it.

Industrialized housing production in the United States is lagging behind many other nations. If we are to meet our housing goal, set last year, we must build twice as many units per year as we are building this year. Mr. Mundt points to one approach we might take.

His speech follows:

SYSTEMS BUILDING AND THE FUTURE OF CONCRETE[1]

EXPERIENCE IN EUROPE

In Great Britain the Bison and Wates systems building factories are operating busily, turning out prefabricated modular concrete components for public housing. Of total housing starts between 20–30 percent will be built with systems in Britain this year.

Thirty kilometers outside of Paris, Camus concrete system personnel recently sold 250 houses on three weekends.

In Milan, the latest model Balency plant, neat as a pin, produces attractive concrete wall panels for both the private and public market. The walls and stairs are precast—the floors are cast in place. Systems can use either precast or readymix.

In Vienna, the city owns two Camus plants and competes with private precasters—but the competition is more theoretical than real, for the city plants are booked up several years in advance with city housing projects.

In Russia, 20 years ago after the war thousands of people in Leningrad and Moscow were homeless. Today hundreds of new systems—built apartments rise where the postwar "Shanghai" slum area of Moscow stood. In Leningrad, 67 percent of current residential construction is industrialized, according to city officials. Most of the new apartments in both cities are of concrete—and the newest apartments are far more attractive than the first generation monotonous rectangles. In Moscow each floor of one 1969 experimental apartment unit has a color TV room and small restaurant.

In Denmark, the government estimates a 15-20 percent saving in construction costs using systems.

We must conclude that prefabrication is making significant inroads in Europe through industrialized building methods. These methods are responsible for about 25 percent of all construction currently put in place, with a higher percentage for housing in Russia, and there are today literally hundreds of building systems available throughout Europe. Most of them use precast concrete panels and are designed primarily for the construction of high-rise, high-density housing. The components can be produced in either a large central manufacturing facility or in an onsite plant. The central manufacturing facility is by far the most popular.

If this is true in Europe, will systems building shortly sweep the United States?

In attempting to predict the future in our own markets, it is very important to understand the conditions in Europe that assisted the introduction of industrialized building. There are five factors that have been clearly influential:

1. First, in Europe, there was an acute housing shortage after World War II particularly in damaged areas, requiring speedy erection of shelter. The need to house large numbers of people rapidly created large concentrated markets congenial to industrialized, mass production, which appeared to be the only way of meeting the problem.

In Russia, massive precast concrete factories were established without regard to how the first generation apartments would look but with close attention to perfecting methods of mass production of components.

Similarly, in other parts of Europe after World War II, public sector construction of low income housing created a dependable volume of work and encouraged the formation of systems companies. Continuity of production and concentration of volume in and around urban areas was so attractive, in fact, that excess capacity developed. Over the years, strong systems construction organizations were established to supply this market, with the result that many names of European systems builders are becoming well-known in this country—Balency, Camus, Bison, Wates, Jespersen, Larsen & Neilsen, and others.

2. Second, official government sanction has paved the way for the widespread use of prefabricated components in Europe.

In Great Britain, systems building has benefited from the official British encouragement of industrialization. The government rebates the Selective Employment Tax (SET), which is 1 pound, 5 shillings per man per week, if the employee works in a factory, such as a Bison or Wates precast plant. In addition, in 1965 the Ministry of Housing announced that special consideration would be given local housing authorities using systems building.

In Russia, it is official policy to use concrete, mostly on a systems basis. In Leningrad, structures in addition to residential construction are also systems built. The Sovietsky Hotel and a new 4000 seat auditorium were built with concrete modules.

In Denmark, the government requires concrete components for all projects in which it guarantees the mortgage.

3. The third factor assisting systems building in Europe was the need to save on labor.

In Denmark an acute skilled labor shortage developed after World War II. Skilled labor went into factory work (where wages were higher than in construction) as Denmark became an industrialized country (exports of industrialized products jumped from 15 percent before World War II to 65 percent of total exports today). Systems building was a logical answer since unskilled labor could quickly be taught to produce and erect concrete components. In the Jespersen system it is estimated that unskilled manpower on the site can be reduced to ⅓ and skilled labor to ⅙ of traditional construction.

In Leningrad, the Deputy Chief of Design estimates that conventional construction requires 2.5 man/days per square meter of construction whereas only 1.5 total man/days per square meter are required for modular construction. Here again it was necessary that unskilled labor do the work—the 900 day seige in Leningrad killed 80 percent of the city's construction workmen.

In Denmark and Leningrad, therefore, systems building succeeded, at least in part, because of a skilled labor shortage. This was also true in Vienna and Paris.

4. There has been little labor opposition to systems building in Europe.

Throughout Europe a unique method has developed in calculating the pay of construction workers. Basically, workers are all paid on an incentive plan, consisting of a fixed rate plus bonus. The plan militates in favor of cost savings resulting from systems building.

In Russia, incentives are common in the housing factories, with a 25 percent premium over monthly base pay for those who exceed quota. In addition, the winning employees have their pictures mounted on bulletin boards at the plant entrance, near the bust of Lenin!

In the Balency plant in Milan, 20–30 percent of company workmen study at night with tuition paid by the company. They are aware that time and motion studies are carried out regularly in the plant and as a consequence they have often requested new machines to assure more productivity.

We should also note that at the same time these events were occurring, the European work force, in general, was fully employed. This too, meant that little opposition—based on fear for job security—to systems developed.

5. Fifth, in most countries there is a single national building code. Systems builders, therefore, encounter few code problems.

In Great Britain, Model By-Laws (MBL) for building throughout Britain were adopted in 1962–1963 and superseded local building codes.

In other countries, the fact of official sanction for the use of concrete components and a single national building code have eliminated this possible obstacle as an issue.

To recapitulate, the marketer of systems building has had everything going for him in Europe: a severe housing shortage, official government approval, a skilled labor shortage, little or no opposition from unions, no code complications.

How, we must now ask, does this foreign experience apply to the United States?

Let us determine whether the same factors assisting industrialized building in Europe are present in America. It is clear that they are not.

1. First, whereas there *is* a housing shortage (vacancy rates are at record lows), there is no sizable, continuing low income housing program comparable to Europe's. We have been long on talk and short on action; we have Phases I and II of Operation Breakthrough, but we do not yet have Phase III—actual creation of an aggregated mass market upon which possible investors in systems building can rely.

The Kaiser Commission concluded that 7.8 million households in the United States are unable to afford decent housing, yet during the entire history of Federal activity in this field only 800,000 low income units have been built. Thus, in a third of a century, Federal efforts have met only one-tenth of the nation's subsidized housing needs.

Comparing European and American low income housing, we lack two things: aggregation of market and continuity of program.

2. Second, there is no official government sanction in the United States establishing a preference for systems or for concrete. Nor should we expect such a policy preference in the near future. Most of our houses are still built of wood, and in a traditional manner.

3. Third, we are experiencing a developing shortage of skilled labor in the United States that could ultimately ease the way for industrialized building. However, it was the conclusion of the Battelle study on "The State of the Art of Prefabrication in the Construction Industry," that the overall supply of labor would be sufficient to meet the demands of the construction industry through 1975.

4. Fourth, there has been union opposition to technological change in building con-

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[1] Statement by John C. Mundt, Senior Vice President—Marketing and Public Affairs Lone Star Cement Corporation. Fall Meeting, Concrete Reinforcing Steel Institute, Jackson, Mississippi, October 23, 1969.

struction, such as the now famous Philadelphia Door case, a legal hurdle not present in Europe. The Tower amendment seeks to reduce constraints on technological innovation.

We must conclude, however, that the subject of construction manpower is more complicated in the United States than in Europe, where the future of industrialized housing is concerned.

5. Finally, our building code situation is much more troublesome than Europe's.

Because of substantial variation in code standards for specific components between marketing areas, the potential of the sectionalized home in the USA is more seriously hampered than in Europe. Many products and materials are accepted in some large cities and rejected in others. Precast and prestressed concrete components have been fighting a long uphill battle to gain universal acceptance—only recently was the way cleared for the use of prestressed units in New York City.

This is a countrywide problem. I am told by architects in Massachusetts that California systems are not applicable under the Boston Code. In Florida, 67 counties each have separate county codes—a contractor who qualifies in Dade County cannot build in Broward County without requalifying with a tough exam, mostly directed to exceptions to the Uniform Building Code.

In the Cleveland area, over 50 separate building codes are in effect. Take one small example of the result. The State of Ohio has a live load requirement for roofs of 25 pounds, Cleveland requires 30 pounds, and Akron 40 pounds. A systems builder could not, without waste, produce the same standardized component on a repetitive basis in this market.

The basic point of difference here between Europe and the United States is that central planning and control is characteristic of Europe with its national building codes. In our country land development has been regulated primarily by local government. As a result, builders, lenders and real estate brokers must cope with a new set of rules each time they enter a new market.

To recapitulate then, the marketer of systems building in the United States does not have the same factors helping him as his counterpart in Europe: there is neither aggregation of low income markets nor continuity of demand; manpower considerations complicate the picture; there are serious code problems.

It would be unrealistic to contend therefore that because systems building has succeeded in Europe it will *ipso facto* succeed in the United States. If it does succeed in the United States, it will have to be our own system, adapted to our own requirements, taking into account our own problems. We have not yet done this. The best evidence of this is that the largest current residential project in the United States, the $300 million Co-Op City project, is being erected with reinforced, poured-in-place concrete though there was certainly sufficient volume and continuity to support use of industrialized components.

FUTURE OF SYSTEMS IN THE USA

Does all this mean, in considering the future of concrete, that to be realistic we should discard any notion of a systems building future?

Before going further into this in detail, three quick comments are in order: (1) lest you consider me gloomy about American housing progressiveness, let me state that our 66 million housing units are still a marvel of production, leading the world in comfort and amenities—we provide 1.48 rooms per inhabitant (highest space per capita in the world); (2) none of the obstacles to industrialization we have mentioned (labor, codes, tradition, inadequate concentrated volume) are technical in nature; and (3) industrialization would increase concrete consumption. There is twice as much concrete in a European industrialized apartment of 1,000 sq. ft. using concrete panels as interior and exterior walls. If 20 cubic yards of concrete are used per living unit in conventional construction, 40 yards are used in European industrialized public housing. Applying the same increment to the 600,000 low income housing units needed each year in the United States would mean another 12,000,000 cubic yards of concrete annually in this one market alone. So we have a volume stake in systems building.

Now what of the future?

You are all probably aware that the Battelle and Kaiser reports were both essentially cautious about the future of prefabrication. The Kaiser report concluded that many technological breakthroughs failed to succeed, not because of artificial constraints on their use, but rather because they simply turned out to be more expensive than existing techniques. The Battelle study concluded that initial building cost reduction, derived from prefabrication, has not generally met expectations. If apartments can be built for $13 per square foot by conventional construction, industrialized components will not be used unless they are cheaper and equally attractive, marketing-wise. The Kaiser report found that manufacturers of prefabricated houses have been successful "primarily where they have not had to compete with modern line assembly operations on the sites themselves."

The latter point is important—for we have more systems building in America than we think. Technology in construction has not exactly been stagnant. Industries ancillary to construction have spent sizable sums on R&D. As a result, electrical services installed in a home are much more sophisticated today, as are heating, air-conditioning and appliances. In our industry, the advent of ready mix trucks, tower cranes and concrete pumps has revolutionized the placing of concrete. All sorts of pneumatic equipment permit greater productivity by construction crews. Contractors use PERT and CPM scheduling. Architects specify more and more prefabricated assemblies, knowing of the shortage of skilled labor. These changes have come in small increments, without the fanfare of dramatic discoveries—yet it is against this ever more effective construction process that full-fledged systems building must compete.

After all of the obstacles to systems building are listed in detail, it is still not possible to discard industrialized building on the basis of its present record in the United States for the simple reason that it has never been tried on a really large scale. A. Allan Bates, Director, Office of Standards Policy, Department of Commerce, flatly asserts, after studying Soviet methods, that, if an aggregated market develops (on the order of 5000 family units per year per factory), American industry could produce low cost housing of the required quality for $5 to $6 per square foot ("Low-Cost Housing," *Civil Engineering*, September 1969, pp. 44–48). Mr. Bates calculated this saving on the structure alone. Nor is Mr. Bates alone in these assertions. Throughout much of Europe, construction savings of 10–20 percent are not uncommon for industrialized building, plus all of the ancillary savings that flow from speedier construction.

The ancillary savings are very important. It should be made clear that "systems building" includes far more than the structure itself. In its broadest sense, it embraces every step from start (land acquisition, land development, and basic design) to the finished structure (its management, maintenance and rehabilitation). Systems building is essentially rationalized building and is as much a function of software as hardware.

The rising cost of construction will greatly assist the advent of systems. In 1967, according to Department of Commerce figures, the average annual earnings for craftsmen and operatives in the construction industry were $7,161 compared with $6,374 for craftsmen and operatives in manufacturing. The old pattern of high hourly rates and low annual incomes in the construction industry has been broken. We now have a pattern of high hourly rates and high annual incomes. If the Kaiser Commission was correct that in construction and homebuilding together, 1.8 men are required to fill every average yearly job, a higher ratio than in any other industry, costs are further inflated and we have a most expensive situation. If this sort of trend continues in the construction industry, labor will simply price itself out and industrialization in.

The possibility of substantial savings on a mass market basis and the opportunity of applying systems know-how to building is enticing new companies into the construction industry. These large firms will be able to bring immense pressure on code or labor restrictions—whenever these restrictions complicate the introduction of aerospace and other assembly-line techniques. Given a big enough market and given continuity, there is no question that American ingenuity will rise to the occasion and effect real cost reduction, without sacrificing aesthetic value. Systems building, at less cost per square foot, cannot be stopped—owners will demand structures at the lowest prices—within quality regulations—and will insist that savings be passed on to them.

Accepting the fact that systems building is inevitable, when and how rapidly will this come about?

Gentlemen, I have a definite personal opinion about that. I believe systems building is already with us to a substantial extent, that we will see more and more of what is better described as rationalized construction, and that further change will come with real acceleration. But the point I want to make today is really another point. Our whole social and economic structure calls for highly individualistic, democratic-if-you-please, procedures. As these procedures have been applied in the construction industry, we have accumulated a mass of hobbling restraints on innovation. My plea to you today is this: as we preserve our free institutions and commercial structures, let us make certain that they are flexible enough and open enough to embrace change. If systems building, on the merits, is a superior approach to the construction process, artificial constraints in the way should be removed. We have already noted that the obstacles to systems building are non-technical in nature. They are concerned with such matters as the fragmented structure of the industry, tradition, and labor and code complications.

There is one other related obstacle. The floundering of our low income housing program, the ups and downs in the highway and public works program, and the fluctuations in construction employment, result from an unclear definition of national priorities. As things stand now, housing is considered postponable, our program for eliminating urban blight is inconstant, and the effort to solve traffic jams in our cities is one of starts and stops, in more ways than one!

The reason for inconstancy of policy has been the failure to reach national conclusions about this matter of national priorities. It is high time that we as a nation came to real grips with this—fortunately there are signs that a comprehensive national debate to determine national priorities has begun. As citizens, and as representatives of our companies, we have a clear obligation to participate in this debate and make our voices heard.

In order to guarantee needed flexibility in the construction industry so that it will be sufficiently open to innovation and change, there are a number of things that you and I can do. To demonstrate the practical application of these suggestions, let us relate them to housing, though they apply to other segments of construction as well:

1. As regards codes, our architectural-engineering-contracting fraternities and local officials should pay immediate, concerted attention to the elimination of building code anachronisms and inconsistencies. This is tiresome and unremunerated work, but it is best carried out in each community and state. Otherwise, there will be increasing pressure for federal takeover of the field. Local officials and businessmen should not abdicate their responsibility so that Federal pre-emption becomes necessary. It is obvious to all that the existing crazy-quilt of state and local building codes and mechanical codes burden and restrain interstate commerce in construction, frustrate housing programs for low and moderate income families, and discourage innovative building systems. As a minimum, we should seriously consider a uniform building code for each state.

2. We must convince labor that, if the volume of housing is sufficient and there is continuity, their problems will be less severe.

The answer to labor opposition to systems and innovation is the development of a satisfactory, national homebuilding program of sufficient size and continuity, for with such a program would come a dependable, yearly rate of earnings for construction labor. For example, if the United States jumped from an annual rate of 1.5 million new housing starts to 2.6 million, it would be clear that proposed technological advances would not be designed to supplant workmen but to supplement their job opportunities, through greater volume and continuity of compensation.

3. We must undertake a revision of our financial, tax and mortgage regulations. This is a vast and complicated area—a challenge to our tax experts, the American bar, the financial world, the tax committees of the Congress and the Treasury. Notice again that technology is not the problem.

Time does not permit a complete statement here of all that is involved, but permit me to make these assertions:

(a) Our current real estate tax policies penalize rather than encourage an owner to improve his property. Fear of increased tax assessment deters rehabilitation. Tax structures should be devised that penalize the unproductive use of land and offer incentives to new housing and rehabilitation.

(b) Longer term mortgages would reduce the ever greater burden of interest and amortization payments that now deter so many families from building their own homes. Imagine what 50 year rather than 25 year mortgages would do to the ability to undertake mortgage payments for young families and others who shy away from ownership.

(c) The total amount of taxation on real property is too high. Property taxes may represent 25–30 percent of monthly shelter costs in moderately-priced single-family housing, and some 15 percent in elevator apartment units. The increasing presence of abandoned or vacant housing in slum areas is evidence that something is wrong. If Federal income sharing with the states becomes a fact, we should consider making Federal grants conditioned on partial abatement of the property tax.

(d) One more little item to start you thinking: in Moscow and Leningrad, under subsidized housing, a person spends only 3–4 percent of his monthly income for rent. In London the renter in public housing pays about ⅙ of his earnings, plus gas and electric. In the United States we talk about 20–25 percent—this is far too much for a low income family.

4. We must assure HUD sufficient R&D funds, in proportion to the importance of housing to the economy, and see to it that these funds are expended by private companies, individuals or universities as the most efficient way of conducting research. In 1966, HUD's R&D expenditures were only 1 percent of those of the Department of Agriculture. Such a disproportionate allocation of funds is indefensible in view of the nation's housing needs. We must also make clear that private R&D expenditures in the construction industry are not practicable under conditions of inconstant, widely fluctuating demand. There are any number of promising areas for R&D work related to construction: the elimination of seasonal construction patterns, the development of new low cost means for transporting complete housing units or components, increasing densities without losing amenities, the trade off relationship between initial costs and subsequent operating and maintenance costs, the costing of design alternatives, the cost effectiveness of alternative assembly techniques. Americans spent over $25 billion a year on residential construction and upwards of $100 billion to buy, rent, operate and maintain their places of residence. An R&D effort commensurate with this volume should be able to save millions in national resources each year.

5. We must see to it that any efforts to "fine-tune" the economy with fiscal and monetary policies fall equally on all segments of the economy and not disproportionately on housing, highways and construction, as has been the case in the past. This can be accomplished by industry advocacy at the right policy-making levels. If the nation is to solve its social and economic problems, it can no longer turn its construction programs on and off every few months.

6. We should affirm that private enterprise should be the principal vehicle for meeting housing needs. We have seen a slow evolution of thinking in America toward this position. Public housing was born with the passage of the United States Housing Act of 1937. The theory of this early legislation was that the development, ownership, and management of housing projects are the responsibility of local government bodies. Down through the years the responsibility has evolved with loans to nonprofit sponsors of rental projects for the elderly and handicapped (1959), loans to limited dividend entities and cooperatives (1961) and finally to private developers. The basic policy trends since 1937 have been in the direction of increased reliance on private development, private financing, private ownership, and private management of subsidized housing. We should continue to encourage this concept and secure the passage of legislation to make it feasible.

7. Finally, we should not be hesitant to push concrete forward as the most logical building material of the 70's. The most strategic use of our national resources gives concrete a decided edge.

America imports 40 percent of the iron ore it processes, with a consequent drain on our balance of payments. We also import large amounts of petroleum. Use of steel shapes in construction and asphalt in roads therefore suffers a fundamental disability on this score.

The use of timber for housing may become increasingly a luxury. There is rising public pressure for preservation of large timber tracts. Moreover, consumption of timber will exceed production within a few years and timber—as well as iron ore and petroleum—will of necessity have to be considered for more strategic uses.

Concrete, on the other hand, can be manufactured from relatively unlimited national resources—sand, aggregates and calcareous materials from which portland cement is made.

We can make a strong case that in our housing and highway programs during the next few decades our most unlimited building resource should be used first—concrete. The Russians appear to have made precisely this determination, as have other European countries.

I think the conclusion we must reach in these seven matters is that taxes, subsidies, financing, enforcement of building codes, income maintenance and manpower training are all related. A decent house in itself is not enough. All of these subjects must comprise a consistent package and should be carefully re-evaluated so that they produce positive results. They must all be considered simultaneously.

CONCLUSION

In conclusion, gentlemen, our industry should plunge actively at every level into the developing debate over national priorities. We must make certain that our economic system is capable of solving our problems—that our system is relevant to its age.

I am confident our system is sufficiently resilient, productive and strong to meet the challenge. Let me remind you that our principal competitor, the Soviet Union, is successfully housing its citizens, and today may actually be presenting more convincing housing solutions to the developing world than we are. Putting men on the moon could turn out to be a pyrrhic victory if we cannot put adequate roofs over the heads of our citizens.

A final comment about the decade ahead. It is my impression that we are living in an almost revolutionary moment in which the conscience of the country is increasingly aroused. We were proud to put the first man on the moon, proud of our progress in technology; but we are disturbed about lack of progress in solving our human problems, in improving our environment, or in even providing adequate housing. At times a democracy is most cumbersome! If we were in the Soviet Union, we could concoct a Soviet plan and simply decree—

That government apartments will be built for all, of modular concrete components.

That large central heating plants will be used for surrounding blocks of apartments as this is the most efficient manner of heat generation.

That highways will not go through cities but around them in order to reduce noise and pollution (Moscow has a 127 mile circumferential highway), and

That there shall be greenery and sanitary protection zones between industrial and residential areas.

Sounds easy. And it saves time. But we do not operate in this manner in a democratic society for we value our individual freedom too highly.

We must therefore remind ourselves that the freedoms of democracy carry an extra burden for citizens: the burden of spending time to make our system work. The freedom and burden of democracy for the citizen are worth preserving but the test of our system is that it be sufficiently flexible and practicable to solve problems—to solve them more quickly, and completely, and to solve them better—than would be the case under rival systems of government.

As de Tocqueville long ago stated: "The success of a democracy may be measured by the quality of functions performed by private citizens."

I hope these last remarks will not sound too general—they need not be, for no industry or product are more relevant to solving such problems as the housing or traffic problems than the concrete industry. We must accept the responsibility as citizens and as representatives of our companies, to participate in the making of the necessary public and private decisions. This is a time-consuming challenge. But if we accept the challenge and succeed, our lives will be more productive and rewarding than would be the case under a more dictatorial governmental system, where citizen opinion and integrity are unimportant.

WHAT'S RIGHT WITH AMERICA

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. **MONTGOMERY**. Mr. Speaker, these days when we are hit from all sides with a great deal of verbage on everything that is supposedly wrong with our Nation, it is refreshing to find people who still believe we have a great and wonderful country and are willing to put their feelings into words for others to read. I commend the following editorial on "What's Right With America" to my colleagues. It appeared in the Winston County Journal in Louisville, Miss., which is edited by Joe T. Cook:

WHAT'S RIGHT WITH AMERICA

(By Joe T. Cook)

Some of us are getting a little tired of all the emphasis on what's wrong with America.

Certainly, this country is not without fault; and it is right and proper that a great and free people should know its faults and seek to mend them.

But, if the left-wing broadcasters and the liberal press had their way, Americans would conclude that all public officials are corrupt; that war is being prolonged by greedy, profiteering industrialists; that rioting and anarchy are in control; that we are waging an aggressive war against a poor, defenseless people; that dope addiction and alcoholism are universal; that racial discrimination and poverty have made of us a third-rate nation, utterly incapable of world leadership; in short, that the skids are under America the Beautiful, the home of the brave and the free—and that it won't be long now.

Well, we have news for the liberals, the socialists, the communists, the draft-card burners, the drop-outs, the hippies, and the traitorous "peace" propagandists.

Instead of everything's being wrong with America there are countless thousands of things that are right with America. Here are just a few of them:

This country still offers the greatest opportunity to be found in the world for those who want to work, discipline themselves, and sacrifice in order to enjoy the fruits of a free enterprise system.

America offers the greatest freedom in the world. No other major country provides complete freedom of speech, of press, of assembly, and of religion.

This country has unquestionably the highest standard of living in the world. We have twice the standard enjoyed in Western Europe, and four to five times the standard found in Eastern Europe and the Soviet Union. No other country remotely compares with the United States in this respect.

While we have a vocal minority who irresponsibly demonstrate on every supposed wrong in this country, we still have the great silent majority, who still work, educate their children, pay taxes, worship God and patriotically support their country.

We can be thankful for the courage, dignity, and dedicated leadership of President Nixon and his family. We can be thankful that he cannot be stampeded by any street demonstration that happens along.

The Nixon Supreme Court appointments are most encouraging and a part of what's right with our country.

We should bow our heads in thanksgiving for the country's faithful spiritual and moral leadership—men like Evangelist Billy Graham and countless other pastors and religious leaders of lesser prominence but equal dedication—who have the courage to point the way of righteousness.

We can be genuinely grateful for commentators and newsmen—men like Paul Harvey—who are unafraid to call it like it is.

We can point with genuine pride and hope to the countless young people of our nation whose ideals are high, whose morals are sound, whose faith is strong, and who love their country.

While we have, and will continue to have in the future, some bleeding-heart, liberal, demagogic Senators and Congressmen, we still have a hard core of realistic, patriotic, courageous statesmen that try to keep the ship of state on an even keel even though the waters around them are turbulent and threatening.

We can be thankful that our government is conscientiously trying to strangle the inflow of dope from Mexico and other countries.

It's right and good for the General Federation of Women's Clubs to conduct at nationwide campaign against pornography, vile movies, and smut literature, a great part of which is known to be inspired by communist organizations determined to undermine the moral fibre of our nation. (As a matter of fact, world communism has boasted that it will so undermine the morals of this country that our youth will not have the desire or be strong enough physically to defend our country.)

It's right with America when people, like those recently in Memphis, will dare to become involved to protect the lives of innocent people from deranged criminals and murderers.

Yes, there is a lot that is right with America.

As we approach our Bi-Centennial in 1976, let's set as our goal an emphasis on patriotism and loyalty to country, rededication to God and the great principles of the Bible, reaffirmation of our faith in the free enterprise system that has made our country the greatest in the world, to helping the minority groups of our country to help themselves with dignity and self-respect, to repudiation of the subversive forces that would infiltrate and weaken our nation, and to re-assuming for America the role of the great symbol of freedom and opportunity and leadership and helpfulness for all the peoples of the world.

PRESIDENT'S MESSAGE ON CONSUMER AFFAIRS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. **ANDERSON** of Illinois. Mr. Speaker, "Caveat emptor"—"Let the buyer beware"—is a slogan coined by the ancient Romans. A few unscrupulous merchants and producers still follow that motto. Fortunately the President's message to Congress on consumer affairs offers a new approach. "Let there be justice for the buyer."

The President presents in that message what he calls "a buyer's bill of rights," and I believe that his comments in this regard are well worth noting.

He speaks first of the consumer's right to choose—but, the President notes, the consumer also has a right to accurate information about the products from which he is making his selection. He has a right to be sure that his health and safety has been fully taken into account. And he has a right to have his complaints heard and fairly considered. All of these rights, as the President understands, are less easily achieved today than they were for past generations, for both our marketplace and our products are far more complex than they were, far less easily understood by the average purchaser. When someone takes advantage of him, there is often little that he can do about it.

The President's message tells us what Government and the people, working together, can do about it. He presents us with a program which is fair to both the consumers and the suppliers of goods and services; one which will move against deceptive or unfair businessmen without harassing or restricting the honest legitimate majority. This is an important fact, I believe, for, in the end, the best interests of buyers and sellers must inevitably coincide. I hope the President's proposals will receive prompt and favorable attention from this body.

WEIZMANN INSTITUTE CELEBRATES 25TH ANNIVERSARY—A TRADITION OF EXCELLENCE IN RESEARCH

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. **TAFT**. Mr. Speaker, on Sunday, the famed Weizmann Institute of Science, in Rehovoth, Israel, began a weeklong celebration of its 25th anniversary.

From humble beginnings, this research complex has grown into a world renowned center for advanced study in the fields of molecular biology, theoretical geophysics, nuclear physics, and the study of arid zones.

The 1,600 employees, including 250 full-time scientists, have earned an international reputation.

I take great pride in the fact that my fellow Cincinnatian and personal friend, Dr. Albert Sabin has been named the new president of the institute. We wish him well in his new responsibilities and are confident that he will carry the institute on to even greater achievements.

On October 20, President Nixon conveyed his congratulations to the institute on its 25th anniversary. I am happy to include the President's remarks, and join him in extending hearty best wishes from the American people:

MESSAGE OF PRESIDENT RICHARD M. NIXON TO INTERNATIONAL TRIBUTE DINNER, OCTOBER 21, 1969, HONORING THE WEIZMANN INSTITUTE OF SCIENCE AND ITS PRESIDENT, MEYER W. WEISGAL

OCTOBER 20, 1969.

Mr. DEWEY D. STONE,
Chairman, American Committee for the Weizmann Institute of Science, New York, N.Y.

As the Weizmann Institute of Science reaches the quarter century mark in its inspiring history of service to humanity, I am happy to extend the warm congratulations of the American people to its members.

From a meager beginning just twenty-five years ago, the Institute has become a widely recognized center of excellence in the fields of research and graduate training in the natural sciences. It has indeed been a worthy memorial to Dr. Chaim Weizmann, scientist, statesman and proud patriot of the State of Israel.

Reflecting his magnanimous human spirit, through its remarkable contributions to man's capacity to improve his well being, it has inspired, as he did, hope in a better future and courage to persevere through present adversity. Lifting men's hearts and minds to an unrelenting pursuit of knowledge and of wisdom, you have speeded the pace of progress and constructive achievement.

Its members have surely earned the admiration and gratitude of all peoples.

RICHARD M. NIXON.

AMERICAN ONCOLOGIC HOSPITAL MARKS 65TH ANNIVERSARY

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. BYRNE of Pennsylvania. Mr. Speaker, one of Philadelphia's significant institutions, the American Oncologic Hospital, will observe its 65th anniversary on November 7, 1969, and I should like to take this opportunity to share with my colleagues something about the history and services of this highly specialized treatment and research center.

Founded in 1904, the American Oncologic Hospital is one of nine in the country, and the only one in Pennsylvania, devoted exclusively to the treatment of cancer patients. Its impressive record includes the pioneer use of radium in cancer treatment and the installation of a supervolt X-ray therapy unit, the first in the Philadelphia area.

Located since 1911 at 33d Street and Powelton Avenue, American Oncologic affiliated with Jeanes Hospital and the Institute for Cancer Research in May 1966, to form the Fox Chase Center for Cancer and Medical Sciences. The hospital moved to Central and Shelmire Avenues in December 1967.

Situated on land made available by the trustees of Jeanes Hospital, with an enclosed bridge connecting American Oncologic and Jeanes, the center is aimed at waging a coordinated attack on the dread disease of cancer, by placing, at one location, the very best in resources, talent, and patient care.

The Fox Chase complex, a multimillion-dollar project, stands out in the medical field as a major center—combining laboratories for both basic and clinical research and hospital facilities for the diagnosis, study, and treatment of cancer patients.

During the fiscal year ended in June 1969, the American Oncologic Hospital admitted for treatment 1,239 patients, representing a 42 percent increase over the previous year. Patients received 17,546 days of nursing care, with the average length of patient stay 14.2 days.

Outpatient services during the year saw a similar substantial increase. To be exact, a 14-percent increase was registered by 9,045 outpatient visits, and cobalt treatments, which came to 7,558, increased by 11 percent over the previous year.

Recognizing the psychological as well as physical needs of cancer patients, American Oncologic, designed by the Philadelphia architectural firm of Vincent G. Kling and Associates, boasts a noninstitutional environment that unites the patient with nature, to offer a feeling of harmony, hope, and reassurance.

The building lends itself to an excellent arrangement of interior spaces, with bedrooms divided into small groups of no more than six two-patient rooms on each segment of the three nursing floors. Every unit is served by lounges, solariums and terraces, and bedrooms look out upon landscaped grounds and wooded areas.

Outpatient facilities, prepared to accommodate 30,000 annual outpatient visits yearly, include three waiting rooms surrounding the 2½-story lobby. Focal points of the lobby are clusters of sculptured metal leaves—a gift from the Women's Board—suspended from the ceiling, and tubs of live plants suggesting an arboretum.

A nonprofit, nonsectarian institution, American Oncologic does not receive support from any governmental or private agency. The treatment and research institution thus needs the support of many individuals and corporations to maintain its modern conveniences and standard of excellence.

It is indeed a model of what can be done in the never-ending fight against disease.

SPACE EXPLORATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the University of Texas at Austin produces a weekly radio program entitled "Insight: Campus '69" in which discussions are held as to the ways the modern university can assist in meeting the needs of our society. Recently, with Mr. Joe Gwathmey as moderator; Dr. Norman Hackerman, president; Dr. Harlan Smith, chairman of the astronomy department; and Dr. Irwin C. Lieb, chairman of the philosophy department, all of the University of Texas at Austin, discussed space exploration and man's future in this new environment. The panel discussion went far beyond the useful analysis of the immediate future and examined the more profound aspects of space and its utilization for science and man's intellectual and material growth. Because of the significance of this discussion I commend it to my collegues and to the general public. The panel discussion follows:

INSIGHT: CAMPUS '69

"Insight: Campus '69"—A series of discussions about the ways in which the university of today is helping meet the needs of our society. Your host is Joe Gwathmey.

JOE GWATHMEY. As most of the world watched and cheered the successful moon landing of Apollo 11, this most ambitious of ventures inspired sharp and lively debate among scientists, philosophers, even poets and others who ponder men's actions and motives. Many think it hopeful that the moon trip may release another burst of human energy, that the world can be transformed as it was during the Renaissance. The moon landing itself, described by one noted astronomer as being the most dramatic single achievement of this time, only opens the door to countless other technological discoveries and advances. We will be talking about space exploration on this program in the series "Insight". Among our guests, as usual, is Dr. Norman Hackerman, President of The University of Texas at Austin. Dr. Hackerman, is The University of Texas at Austin directly involved in the study of the universe and space exploration?

Dr. HACKERMAN. Yes, the University is deeply involved. As many of the people who are listening know, we have completed the installation of one of the world's major telescopes at the McDonald Observatory on Mount Locke in West Texas, at which place the University also has several other major facilities. This potentially has greatly expanded our contribution to the study of space and the universe. The research programs now being conducted at the Department of Astronomy at the University involve the training of a significant share of the nation's Ph.D. graduates in astronomy. The use of the facilities at McDonald for experiments connected with the recent moon landing are also of importance. This is the retro reflector that some of the listeners may have heard about—which experiment will go on for a very long time indeed. So we are very definitely involved in astronomical research and space exploration. In fact, I believe one of the members of the next crew—the Apollo 12 crew—is a U.T.-ex, Commander Bean. U.T. Austin is also a member, among a number of consortia, of the Association of Universities for Research in Astronomy, Inc. This group operates the Kitt Peak National Observatory just west of Tucson, and also has established an observatory at Cerro Tololo in Chile, where our scientists, as well as others in this country and other countries, will be able to study the skies of the Southern Hemisphere, perhaps as well as we now can study the Northern Hemisphere's skies.

JOE GWATHMEY. Thank you, Dr. Hackerman. Also among our guests on this program is Dr. Harlan Smith, who is chairman of the Astronomy Department at The University of Texas at Austin. Dr. Smith is also director of the University's McDonald Observatory in West Texas. He came to the University from Yale University in 1963. Dr. Smith is author of an award-winning series of film strips on astronomy entitled "The Story of the Universe", and he has served as co-editor for the Astronomical Journal. He holds degrees from Harvard University. Dr. Smith, Dr. Hackerman referred to the involvement of McDonald Observatory in the recent Apollo 11 landing. Could you tell our audience something about the University's experiments?

Dr. SMITH. Yes, they all go farther back I think than even Dr. Hackerman knows. We were involved in the moon program before it was born. The 82-inch telescope at the observatory, which has been there about thirty years, was used for some years to take high resolution photographs of the moon back in the day when that was the only way to do it—before any orbiters had reached the moon. The major maps of the moon were made, to a considerable extent, from these photographs, and these were used for the original Apollo site reconnaissance studies. So, in this sense, our involvement began twenty or thirty years ago. But, of course, the current involvement is the exciting one. The retroreflector that was put on the moon by the first astronauts is an incredibly small thing—just a little over a foot square. And it's a quarter of a million miles away. Somehow we have to throw a beam of light at it from the earth—throw a kiss to the moon, as one reporter put it—and pick up a reflection from that little object a quarter of a million miles away. This needs a giant telescope, a very powerful reflector, and not just a large telescope, but one that can be aimed with precision that is at or almost beyond the state of the art. Our new 107-inch apparently is capable of this. We've had some successes and expect to continue with this program now for as much as ten or twenty years.

Joe Gwathmey. Also among our panel is Dr. Irwin C. Lieb, Chairman of the Philosophy Department of The University of Texas at Austin. Dr. Lieb is interested in both the humanities and the sciences, and especially space exploration and travel. He was formerly a member of the Yale University faculty and also taught at Connecticut College. Dr. Lieb holds degrees from Princeton, Cornell, and Yale. Dr. Lieb, what is the role of the philosopher in aiding man to understand the significance of space exploration and its impact on the individual and on society?

Dr. Lieb. Well, I'm not sure, Mr. Gwathmey, that philosophers have an especial competence or an especial role in enabling man to understand the significance of space exploration. This has been done, so far as it has been done, very successfully by imaginative writers. And they show us how to extend and elaborate and qualify our present understanding. We move toward understanding space from understanding other things. And these men have been very successful in showing us how we might do this. It is my impression, however, that philosophers might be of help in having us *establish* the significance of space travel It isn't as though that significance is *there,* to be discovered. That significance has to be established. And I think philosophers might be of help in enabling us to see how fully significant space travel might be. For it to be significant, or fully significant, it has to be connected with a variety of other activities. Philosophers, as "gadflies" might be attentive to these other activities and ask, what bearing does this have on art? What bearing does it have on religion? What bearing does it have on practical affairs? It might even be interesting to ask, what bearing does it have on theological matters? So philosophers might help us here in that they have, or try to have, a wide view of things. As they try to locate, and encourage others to locate, space travel in this wide view, they will perhaps help us to see what significance it can have.

Dr. Hackerman. How about making a guess at some of the significance? Philosophers usually take a little longer, I guess, but we have just a short time here. (Laughter)

Dr. Smith. Let me interject here: Astronomers have a term, the "cosmic year," when we feel things aren't going fast enough. The cosmic year is how long it takes the earth and the sun to make one revolution about the galaxy. It's about two hundred million ordinary years. The saying is that in a cosmic year, perhaps we'll solve these problems. (laughter). I'm sorry, Chet, go ahead.

Dr. Lieb. Well, what problems are we talking about?

Dr. Hackerman. Let me interject one. It's practical, it's also philosophical, and certainly critical: Most of the people on the earth who read and speak are now vastly concerned about the pollution about them. Let's take the point of view that this is the first step to getting off the planet. In the past, ancestors have used up the woods, the brooks—whatever they needed—wherever they happened to be, and then moved to some other portion of the continent and then off the continent to another one. That's what exploration has done. And I suggest to you that is what this is—that this is our first step toward getting off the planet.

Dr. Lieb. We may very well have to go off the planet, and sooner perhaps than some of us would like to go at the rate the atmosphere is being polluted. But this, I think then, is one of the *practical* measures of space travel. It is now possible, for the first time—not merely imaginatively, but in fact—for men to leave the earth. Now, if this is possible, we can raise questions about where it would be desirable to go, and who will go, and under what conditions they will go. And it might well be the case that we will have as a body of humans and animals to move, and maybe make another Noah's Ark and go to another world.

Dr. Smith. But it should be clearly understood that this is a safety valve for a vanishingly small minority of the human race. It may be immensely important in the sense that it takes, in principle, only a couple of people to perpetuate the race. But the wishful thinking one sometimes reads about the entire human race either escaping its overpopulation problems by moving out into the solar system, or escaping the muddying of our own nest that we're doing on earth by moving to other planets—this is purely wishful thinking. The energies to escape from the earth are now fantastic even than one can appreciate, unless, like Dr. Hackerman, you watched one little rocket take off. Now, the places to go in the solar system are so limited that the most we can hope to do, over several thousand years of very advanced technology, is to generate viable colonies of some size. But not even one-millionth of the human race can hope to go and live at such places.

Dr. Hackerman. But Professor Smith, we're talking about a cosmic year. (Laughter.)

Dr. Smith. Yes, now in a cosmic year, this is a very interesting question. I'd like to digress for a moment and tell about three hierarchies of things that astronomers are very seriously discussing. These are what they call "levels of civilization". The "Class I" civilization is one like the Earth, like mankind on the Earth, which has succeeded in making a very habitable place in principle (if we'd only use our brains with the world we have around us). The "Class II" civilization is one that realizes that its central sun is putting out on the order of trillions of times as much energy as is being utilized by that civilization, and if all of this energy could be trapped, that civilization would be able to rise to at least technological, and perhaps other, levels proportionately higher. So Class II civilizations are those that have built "trapping shells" around their suns to utilize all of the unbelievable amount of energy which has come from these objects. Now these are sometimes called Dyson civilizations because one of the world's leading physicists first seriously proposed this, and even indicated ways in which we might look for such civilizations in the universe.

Now a young Russian has gone beyond him and suggested "Class III" civilizations that utilize all the energies of entire galaxies. He even speculated that the quasars might be related to these. Now, this is getting a little bit wild, but in the long, long run, and I wanted to say this because I think it is very important, in the long, long run I think the human race has a marvelous future. Human beings, with all their cussedness, are still some of the nicest things we know, at least when they're children (and some retain it a little bit longer). (Laughter). I think the human race is worth preserving. That's an article of faith. Maybe a philosopher could prove it, I don't know how. But assuming the human race is worth preserving, then we need to preserve not only our nest here but also to plant a few colonies of ourselves around in the solar system so that even if some character a few years from now does press the lethal trigger for the earth, the race has a chance to go on.

Dr. Hackerman. Well, we are talking primarily about the scientific and the practical rather than about the theological, but I'm afraid they're verging. (I don't mean I'm afraid, but I *think* they're verging). One thinks of this particular feat that we've been discussing as *the* most dramatic of the century, or certainly of the half-century, but I'm not so certain that the beginning of the unraveling of the genetic code isn't much more important. And they tie together in the sense that by control of the genetic code the population can indeed be moved, in principle, but in part, to some other location. We are oxygen-breathing animals that require certain kinds of ingestations that keep our systems functioning. There is nothing critical about that. One can conceive of other types of metabolism, if you could tinker with the code problem in a sufficient detail.

Dr. Smith. Indeed some other planets probably have done this. The glimmers of life signs that are appearing on Mars, if they do turn out indeed to be life forms, almost certainly will turn out to be primitive ones that were presumably on the earth three or four billion years ago that were essentially ammonia-methane utilizers and/or producers rather than oxygen-carbon dioxide type life forms. And Jupiter likewise would be a planet of this character of life. So we may find that the solar system is already ahead of us along the lines that have just been suggested, but, whether or not it is, there is no question that in principle genetic engineering can show the way to these things someday. Are we wise enough yet to handle that?

Dr. Hackerman. Now we are verging on theology. That's what nature may be doing to us—may be playing games with us.

Dr. Lieb. When you say are we wise enough to handle that, how could anybody answer this question when we don't know? There may be vast adaptations we can make. Certainly here and now on the earth there have to be adaptations to the achievements that have already been made. We can hardly accommodate these achievements. Anyone who watched the televised reports of the landing on the moon will, I think, be appalled by the fact that we did not know how to speak of this. You may have remembered that everybody talked about things being fantastic, unbelievable. We were using the language of superlatives, and the man who uses the language of superlatives is at the end of his resources in language. He doesn't know what to say. So he makes exclamations. Until we can begin to speak comparatively, and say, well this is *like* something else, or this is more or less than something else, we haven't brought in this achievement. We haven't brought it into connection with the things that we do *know* how to talk about and do *know* how to understand. So if we think about our understanding, that has to be spread. It has to be spread *through* our language, and I think it's very plain that even the most professional of commentators were overwhelmed by this occurrence and did not know what to say about it.

Dr. Hackerman. I agree, there were a plethora of superlatives all right. But let me tell you some of those superlatives had a purpose: that is, funding for the space program for the seventies. (laughter).

Dr. Lieb. Well, it's all right to have mixed motives, I guess. A number of people have been very struck by the mixture of motives that has gone into the space program—whether it's competitiveness with the Russians, whether it's human exploration, and excellent and admissible because of this fine aspiration, whether it's to support American industry, and what not. I think it may very well come out of a variety of motives. And so far as I can see, there's not a thing wrong with its having a variety of motives impelling it forward. Do you think it will be continued now?

Dr. Hackerman. I think so. It will have some difficulties, because it takes a large amount of our treasure and it competes with other vital, important things for that treasure, but I suspect it is now so deeply ingrained that it will. Let's go back to Columbus's time. I suspect the same motives existed in a smaller culture as exist here. The forces, I don't doubt, were just as strong and the tensions were just as great. The time scale was different, of course. But the fact is that, once the discovery was made, even though it became no less dangerous and no less likely of loss (not of people but of treasure—because I suspect that people were less important), the fact is that there was a steady stream which widened and widened until it engulfed this continent. So I really don't see why we would turn our backs on this now that the accomplishment has been made. I'm somewhat biased—I think Harlan is somewhat biased in this regard, both of us being in the natural sciences—but I really, as objectively as possible, can't see any reason for the space exploration stopping.

Dr. Lieb. Well, I'm not opposed to its continuing at all. As a matter of fact, for personal reasons as well as more general ones, I am in favor of its being continued. One of the striking things about it is that it is now a *fact* that men have gone to the moon, and we don't have to sustain this thought any more merely by imagination. Imagination, precious as it is, is fragile. It doesn't fill in the details. But living men have in fact put their feet upon the moon. And now, out of this, a vast number of consequences which we could never have imagined, and possibilities which we could not have defined, are before us. In one or another way, for dozens and dozens of motives, men will have to go further here.

Dr. Smith. It is sometimes asked if we can afford the space program. I think one might very reasonably ask can we afford *not* to have it in terms of quite a variety of arguments. The very existence of the very large aerospace technology, if that were to be cancelled, would create a depression of major magnitude in large areas of the country. We talk about bringing up the economic levels, and these are certainly extremely necessary in areas that now lack that, but I am not sure that the cure for that is to destroy the thriving technology in areas where it exists. Or alternatively, if that technology were to remain employed, it probably would remain employed in still overproducing yet more missiles to add to the overproduction we now have and would render the world perhaps a trifle more unstable rather than helping, as the space program does, to offer a reasonably peaceful outlet to some of these extremely advanced, and in some ways potentially dangerous, technologies. These are just two of the many arguments that I think can be raised along these lines. The space program looks expensive, and is, to be sure, expensive, because it's a focused effort of the American people into one budget—one rather clearly defined goal. If one tried to count up the amount of money that the American people put into miscellaneous types of disorganized activity, which is also a part of living and fun, but which does not conduce to any great social or scientific or human race type of progress, I think the total bill for that would be of the order of several hundred billion dollars a year. The miscellaneous trips, the extra bottle of beer from the ice box, all the things that one could very readily do without—having them adds a little color and flavor to life—having them to the tune of hundreds of billions of dollars is an invisible use of our time and energy. Focusing approximately two- or three-tenths of one per cent of the total national effort of the country into reaching the solar system, to me, is an eminently worthwhile thing, and—can we afford *not* to do it?

Dr. Hackerman. How about the question that has been raised time and time again in the scientific community that there is insufficient science in the space exploration program, that science takes a far back seat, that the scientists of the country have little or nothing to say about the functions of the program, and that if there is any outcome of value to the world it will be scientific and thereby lead to the improvement of the world's population by translation from science to application. Do you have any opinion on whether science indeed is deeply enough involved to make this program worthwhile in their eyes?

Dr. Smith. That's a good question, and there is a lot of discussion about it. A few scientists say that science is pushed too much into the back seat in the space program. It should be remembered that NASA has worked very hard to interest scientists from all possible relevant areas. In the first few years I must admit that many scientists did not come forward as rapidly as they should, so that in part the lack of top scientific direction, if it exists, is the fault of the scientists themselves. However, almost everyone who is active in science today, and wants to be involved in the space program, has found a welcome in it in some place or other. Our advice is sought—it isn't always listened to. I think, though, that if I were responsible for the safety of the first few sets of astronauts to the moon, I, too, would give primary consideration to the engineering factors and would necessarily put science in the back seat in the beginning. I think that there is no question that in the long run the advances in science will be one of, if not the technical result, from the space program. But in addition to that, there will be economic factors, especially communications, earth resources type studies, which themselves will pay the bill of the space program. But science certainly has a place, a large place, a growing place, and in my estimation it is not too far from where it belongs at this stage of the program.

Dr. Hackerman. Dr. Lieb, how do you feel about the question of the use of our treasure in this area when there are, of course, the problems of the cities and the problems of the poor and the problems of the disabled and the unabled? Do you have any particular point of view that might either justify the program or justify its cessation?

Dr. Lieb. Well, I have a point of view, but I don't have the facts which would justify recommendation. Harlan has said extremely well something about the use of our resources in the space program and otherwise. A nation does have limited resources, but a nation also tries to do many sorts of things. We talk as if our resources were strained, and perhaps they are. But on the other hand, this is a luxurious nation that can afford to do things that others cannot do. And furthermore, it can afford to do them—or some of them—on behalf of the others. It seems to me a facetious argument to say offhand we can afford to do this and we can't afford to do that. I think Harlan's point about what is it that we can afford not to do, or that we *can't* afford not to do is an important one, so that there have to be tables of priorities, and the developments of technology, the exploration of space, has *some* place on that table. If we were confronted with national catastrophes which we could not bear, or which we could not bear at the pace at which they are being borne now, then we might have to forego some portion or part of the space program. But then we would have to insert it at some muture time. We might say, well, for five years or ten years, this will proceed at a more modest pace, and then we'll go ahead. But I don't think there is any question that we *have* to be moving here, and, of course, we have to be moving in our cities, too.

Dr. Hackerman. It seems to me that there are two points of great consequence in this program. One of them is apparently the deep-felt need by people to look outside their own boundaries. I don't know how you evaluate that quantitatively. But it's always been true. It's true of children. They wander off, you know. They just go out and see what they can find. And it's true of us. The second is, and a very important one, that within this program, as Harlan's already said, it's entirely possible that we will be able to exploit our resources much more effectively than we can do now. Resource exploration via satellite is indeed a finite possibility and a very important one. Along with that is the fact that the investigations which inevitably must go on in the attempt to improve the vehicles, and their propulsion units and communications units—inevitably in there is a place where we will learn more about power and its production. Now aside from all the necessities of life, to improve its quality and so on, there are two things that are vital—one is energy and one is food. And the population on this earth will last only so long as it knows how to produce the energy and produce the food. It will inevitably decline when its needs exceed that which is available. And this program has inherently in it, it seems to me, the seed of that very important far-ranging, far-looking aspect of finding both resource and of producing forms of energy which are of paramount importance to us. I don't see how anybody can look at a program like this and look only at its facade, only at its press relations, only at the flag-waving aspects which are important, perhaps, to the nation, without recognizing that herein lies a real hope for the future.

Dr. Smith. I'd like to add one more to that list of priorities. Food and energy are the basic constraints, but what we do with them depends on our attitudes, and I think the overall, integrated attitude of the human race, or of the segments that are active, like our country, in setting the pace now, are the third equally important variable. I think until the space program reached its present height, very few people had even reached what astronomers sometimes call the Copernican Revolution—the realization that the earth is a planet with limited, finite resources, and we're stuck with it. We've got to do the best we can here with these resources—that we're passengers on a spaceship in a very real sense. If the space program had done nothing else but to bring this home to most of the people of the country, so that we begin to think constructively about these problems and know them as real problems, then that alone I think has also been worth the bill.

Joe Gwathmey. And gentlemen, on that point, I'm sorry, but we must conclude. Our guests have been Dr. Harlan Smith, Chairman of the Astronomy Department of The University of Texas at Austin, Dr. Irwin Lieb, Chairman of the Philosophy Department at U.T. Austin, and the President of The University of Texas at Austin, Dr. Norman Hackerman.

KENSINGTON CIVIC ORGANIZATION SUPPORTS MORATORIUM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. WOLFF. Mr. Speaker, the broadly based public support for the Vietnam peace moratorum held throughout the country last month was a remarkable demonstration of citizen sentiment on this crucial issue. It is clear that the American people want an end to the war in Vietnam without further loss of life.

I was impressed by the active support given the moratorium by a myraid of citizens groups in my congressional district. One such resolution of support came from the civic organization of the village of Kensington, where I reside. Because this resolution is typical of those adopted throughout the country and because such expressions of public sentiment require a positive response from the Congress, I include my remarks and that resolution in the Record at this point:

THE KENSINGTON CIVIC ORGANIZATION,
Great Neck, L.I., N.Y., October 16, 1969.
Hon. LESTER L. WOLFF,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WOLFF: The following resolution was adopted by the Kensington Civic Organization of the Village of Kensington in the County of Nassau in the State of New York:

"RESOLUTION

"This general membership meeting of the Kensington Civic Organization, held on October 16, 1969, hereby voices its positive appreciation for, and its endorsement of the Vietnam war moratorium held on October 15, 1969."

Very truly yours,
MARTIN L. ELLIS, *President.*

THE SMOG DANGER GROWS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. BROWN of California. Mr. Speaker, smog is no joke.

It was not so long ago that Los Angeles' air pollution problems made that city the laughingstock for a myriad of punsters and comedians.

Now, there is not a major city in America not plagued with dirty, unhealthy air.

The magnitude of the smog problem was recently put together in a series of articles by Scripps-Howard Staff Writer William Steif. Steif's stories are not very funny; indeed, they portend tragedy if we just maintain the type controls we have in operation today. I believe these four articles are must reading, and I include them in the Record at this point:

[From the Washington Daily News, Sept. 23, 1969]

SMOG THREATENS "IRREVERSIBLE" CATASTROPHE

(By William Steif)

Earlier this summer long fingers of yellow-gray smog reached 110 miles from Los Angeles to Palm Springs. The desert resort, which formerly baked under a brilliant blue sky, no longer could boast it was "a refuge from smog" for tearful Angelenos.

The episode was not unusual. Pollutants are despoiling more and more of America's air. Smog is only one manifestation of a situation alarming many scientists and even politicians. The Administration's recent public prod to manufacturers to produce a low-pollution auto engine is one result of that alarm.

The air is ambient—that is, all-encompassing. It envelops the earth to an altitude of 19 or 20 miles. Four-fifths of it is in the first seven miles above earth.

Until recently man considered the air infinite. But it actually is finite, amounting to between five and six quadrillion tons. That is a lot of air—a quadrillion is one followed by 15 zeroes—and would seem sufficient for all time.

But many scientists worry that we are expelling so many poisons into the air so quickly that we are in danger of changing the air's nature.

A recent government report says:

"New danger signals indicate that the planetary atmospheric system is undergoing changes that may have irreversible catastrophic effects . . .

"The world's population is expected to double by the year 2000, with an associated increase in industrial growth and commercial activities, and a commensurate increase in the potential for pollutants to be emitted into the atmosphere.

"Meteorologists and other scientists in the U.S. and elsewhere have alarming evidence that pollution particles which are conspicuous over urban communities and industrial complexes, are spreading across nations and continents and slowly encircling the world . . .

"It has been suggested by eminent scientists that the net increase of pollutants such as particulate matter and carbon dioxide in the atmosphere since the beginning of the Industrial Revolution has affected the weather. Since 1860, fossil fuel burning has increased the atmospheric content of carbon dioxide about 14 per cent.

DESPOILED ZINC

"Some scientists fear that increases in carbon dioxide will prevent the earth's heat from escaping into space, melt the polar ice caps, raise oceans as much as 400 feet, and drown many cities. Other scientists predict a cooler earth as the sunlight is blocked by increases in particulates. The results could be more rain and hail and even a possible decrease in the food supply . . ."

Almost four-fifths of the air is nitrogen, almost one-fifth oxygen, the rest other gases and water vapor.

About 30 per cent of the oxygen inhaled by a person goes to the brain. Without oxygen, the brain is damaged fatally within six minutes.

Human lungs are highly specialized tissue which evolved over millions of years. They are, in effect, a one-way screen, holding back the blood on one side but permitting the oxygen in the air to make its way to the blood, where millions of red cells transport the oxygen to other body tissues and there exchange the fresh oxygen for carbon dioxide. This waste is conveyed back to the lungs and exhaled.

Scientists warn that it is impossible for the lungs to adjust fast enough to cope with the present rate of increased air pollution.

EARLY POLLUTION

One of the first laws against air pollution was recorded in England about 1300, when King Edward I issued an edict against burning coal. The penalty was death, and at least one man was executed for breaking the law.

But economics soon triumphed over the desire for pure air.

In the 17th Century John Evelyn, an English writer, was so concerned about smoke pollution he compared "dark London" to "Troy sacked by the Greeks." One remedy he proposed was planting sweet-smelling trees. It took the Industrial Revolution and Henry Ford's mass production of the internal combustion auto engine, to take air pollution out of the crank-case category.

Most major air pollution episodes have occurred in this century. Here are some of the best-known:

In December, 1930, in Belgium's heavily industrial Meuse Valley, 62 persons died during a three-day fog, 10 times the normal number.

A month later 592 persons—again, a large jump in the death rate—died in the Manchester area of England.

In 1948, at Donora, Pa., almost half the town's 14,000 inhabitants became ill during a four-day fog, and 22 died.

A great fog which blanketed London in 1952 left 4,000 more dead than would have been expected normally, and in 1956 some 1,000 "extra" deaths were blamed on an extended fog.

In New York City, in November, 1953, there were 220 excess deaths during an air pollution episode; early in 1963 such an episode brought 300 to 350 excess deaths; in Thanksgiving week of 1966 extra deaths were figured at 168.

DEATH RATE ZOOMS

Today the death rate from bronchitis and emphysema in the U.S. is nine times as high as it was 20 years ago. At the present rate of increase, 180,000 Americans will die of these lung ailments in 1983.

Emphysema—a progressive breakdown of the lungs' air sacs brought on by chronic infection or irritation which diminishes the lungs' ability to transfer oxygen to the blood and carbon dioxide from it—is not the only disease brought on by dirty air. It has been indicted in lung cancer, bronchial asthma, and other respiratory diseases, and even the common cold. Air pollution also is listed as a probable cause of lead poisoning, with its concomitant effect of mental retardation in children, and more exotic diseases like beryllicsis (beryllium poisoning) and fluorosis (fluoride poisoning).

A study on northern Staten Island, N.Y., showed the male death rate from respiratory cancer was 55 per 1,000, compared to 45 only a few miles to the south; the death rate among women from the same disease was twice that of the women a few miles to the south. The reason? The evidence pointed to the smoke blown by the prevailing westerly wind from the Bayonne-Elizabeth industrial complex in New Jersey.

CLEO'S NEEDLE

Air pollutants affect more than our health.

Since coming to America in 1881, Cleopatra's Needle—an ancient Egyptian obelisk—has been more deeply eroded in New York City's air than it was during the 3,000 years it spent in Egypt.

A Public Health Service study showed that air pollution reduces the amount of sunlight reaching earth; Chicago, for example, loses 40 percent of its light overall, New York City 25 per cent.

Steel corrodes 200 to 400 per cent faster in urban, industrial areas than in rural areas. Pollutants abrade, tarnish, soil, erode, crack, weaken and discolor all kinds of materials.

Cattle in West Central Florida have been stunted by the polluted fallout from 15 phosphate plants operating in two counties where 600,000 people live.

The best estimates are that agricultural losses caused by air pollution now exceed $500 million a year.

In California alone, air pollution losses exceed $100 million yearly. The once-thriving spinach industry in the Los Angeles basin has been driven out; citrus has been hit, as has grape production in the state's Central Valley. In New Jersey damage has been reported in every county and has affected 36 commercial crops.

Probably the most dramatic destruction of vegetation by air pollution occurred in 1910–11 at an Anaconda, Mont., copper smelter. Every major tree species in an eight-mile radius was found dead or dying.

Extensive crop damage also has been reported in Colorado, Oregon, Florida, Montana, Pennsylvania, North Carolina, Tennessee, Idaho, Utah and Washington.

[From the Washington Daily News, Sept. 24, 1969]

America Despoiled: Air Pollution Ills Obvious

(By William Steif)

Dr. John T. Middleton, commissioner of the National Air Pollution Control Administration (NAPCA), compares air pollution episodes to the exposed tips of icebergs.

The toll in terms of increased death rates and widespread illness often is obvious.

"But the rest of the damage air pollution causes to health is more difficult to see altho it is greater in extent," Dr. Middleton says. "It is daily, insidious, usually unnoticed in its early stages, and it affects millions."

What are the leading pollutants and their sources?

NAPCA experts have just compiled their estimates of nationwide emissions of the main pollutants during 1966. There has been no substantive change since then, except probably for the worse.

The experts found the U.S. expelled 188.8 million tons of pollutants into the air in 1966. Of this total, half came from mobile sources, mainly autos. The other half came from stationary sources, such as power plants, steel mills, burning coal, refuse banks, cement plants, oil refineries, etc.

FIVE WORST POLLUTANTS

The five major pollutants are almost wholly the products of combustion. They are:

Carbon monoxide, a tasteless, odorless, colorless, lethal gas which has an affinity for hemoglobin 200 times greater than oxygen does. Some 94 million tons are expelled each year into the air in the U.S., three quarters by motor vehicles.

Particulates, tiny bits of matter which can become deadly irritants in combination with other pollutants. Some 21.5 million tons are thrown into America's air yearly, mostly by smoke stacks.

Sulfur oxides, which in combination with the moist membranes of the lungs (for example) form sulfuric acid, a poison. Some 30.4 million tons are thrown into the air yearly, two thirds from burning coal.

Hydrocarbons, organic compounds which are a vital ingredient in the photochemical process producing smog and its deadly byproducts such as ozone. Some 25.9 million tons are expelled into the air annually, more than half from vehicles.

Nitrogen oxides, another vital smog ingredient. Seventeen million tons go into the air each year, just under half from transportation sources.

SIX YEARS—BILLION TONS

In the six years the U.S. alone can throw more than a billion tons of pollutants into the ambient air, but other advanced cultures are keeping up with us. Thousands of Japanese walk around Tokyo today wearing gauze face masks in the hope of protecting themselves from pollutants (little chance, the experts say). Vehicular and industrial emissions are as bad in European centers as in the U.S.

Los Angeles—"Where the birds cough"—is noted for auto-produced smog.

Not so well known is the effect of air pollution from stationary sources, as described in a new report prepared by the NAPCA. For instance:

In Jackson County, Ala., a coal-fired TVA power plant deposited 43 tons of particulates per square mile monthly at a spot 3.6 miles from the plant last year. The normal fallout figure is five tons per square mile monthly. Measurements at a spot almost 10 miles from the plant showed fallout was 18 tons a month—still 3.5 times the norm.

An aluminum smelter 15 miles from Portland, Ore., emitted 3.5 tons of fluorides daily up to 1946. In the next six years controls cut the emissions to 1.5 tons, and after 1952 to 700 pounds daily. Nearby dairy farmers sued and won on grounds milk production was cut; medical testimony also attributed liver and kidney damage of a farmer and his wife to fluorides.

A beryllium extraction and manufacturing plant six miles from Reading, Pa., has had pollution-control equipment since the 1930's (beryllium is a toxic metal used in oxide form as a copper alloy). But the company has faced 35 lawsuits since 1948, charging it with causing berylliosis (beryllium poisoning). The state health department began a study of the problem at Reading in 1957 and found 48 cases of the disease by 1959, 68 by 1960, 75 by 1963.

LITTLE BOY VICTIM

Among the cases were a three-year-old boy and his 15-year-old sister exposed to their father's contaminated clothes for the two years the father worked in the plant. Twenty-one people who suffered berylliosis had no direct contact with the plant or its employes, but lived 0.6 to 5.3 miles from the plant. By 1960, 31 of the Reading berylliosis victims had died.

Sulfur oxides and particulates are the prime pollutants emitted by stationary sources.

A typical plant, such as one operated by Armco Steel Corp., 25 miles north of Cincinnati, expels 30,000 tons of sulfur dioxide and 25,000 tons of particulates each year. The U.S. Steel Corp. plant at Lorain, Ohio, 20 miles west of Cleveland, throws off 77,000 tons of sulfur dioxide and 44,000 tons of particulates, for example.

But it is unfair to single out the steel industry.

Five miles from Tacoma, Wash., a copper smelter emits 196,000 tons of sulfur dioxide into the air yearly, more than two-thirds of all the sulfur dioxide spewed into the 15,000-square-mile Puget Sound area. A mile from the smelter concentrations of the gas often are greater than one part per million; by contrast, the peak of the Thanksgiving, 1966, disaster in New York City found a sulfur dioxide of only 0.97 parts per million.

The coal-fired power plants of Louisville Gas & Electric Co. emit two-thirds of the sulfur dioxide and two-thirds of the particulates in that area.

Union Carbide's ferroalloy plant five miles from Marietta, Ohio, emits two-thirds of the area's sulfur dioxide, nearly a quarter of its particulates.

LONG GRIM LIST

The list compiled by the federal government is long.

Sulfur dioxide and particulates of solids—silica, lead sulfate, ammonium sulfate, aluminum, iron, copper—have been indicted as health hazards.

Congress more than two years ago asked HEW to report "on the need for the effect of national emission standards for stationary sources."

The report has been completed. It recommends a federal crackdown on the public and private electric utilities which produce nearly half the sulfur dioxide emitted into the air and a sixth of the particulates.

Initial investment for air pollution controls, the report estimates, would be $340 million to $510 million, with annual cost thereafter $120 million to $180 million.

Without controls, the report says, power plants in rural areas "will bring the problems of the urban area with them." Selective controls, and constant review, are asked for other industries, too.

But the federal government fights the battle against air pollution from stationary sources like a fighter with an arm tied behind his back.

After pioneering efforts in Pittsburgh, St. Louis and California, Congress in 1962 held hearings on air pollution and in 1963 passed a weak bill. It strengthened the law in 1965 to provide future national standards for autos, but didn't get around to dealing with stationary sources until 1967. Then it left control of stationary air pollution to the states.

So far, the NAPCA has designated 16 areas of the nation in which air quality controls must be applied. Eventually, an additional 41 regions will be designated. In these regions, states are supposed to set air quality standards to conform with federal criteria. But this is still in the future; no one knows how tough the states will be, or how effective the industry lobbies may be.

Meantime, our air gets dirtier.

[From the Washington Daily News, Oct. 8, 1969]

U.S. Cars Spew Out 94M Tons of Poison a Year

(By William Steif)

The evening of Aug. 28 was hot and muggy in Boston this year, but 30,000 people, mostly young, thronged through the Commons, the big center city park, to hear a rock group named the Chambers Brothers.

Many parked their cars underneath the Commons in a three-tier, 1,500-car municipal garage. In all, 1,300 cars were in the garage when the show was over. A large part of the audience descended into the garage and, almost simultaneously, drivers started their motors and headed for the garage's three toll-booth exits.

Within minutes, youngsters started staggering out of the garage on foot, choking and gasping. Others passed out in their cars.

Police carried at least 20 unconscious persons out of the garage, ambulances took 25 persons to hospitals, while oxygen was administered to still others in the Commons. A city official ordered the garage cleared. Everyone soon recovered and went home. And 24 hours later the incident was nearly forgotten.

Yet the near-disaster beneath the Boston Commons is a sign of how badly we have despoiled America. Those who passed out were suffering from carbon monoxide poisoning. They had inhaled part of the 94 million tons of a tasteless, odorless, colorless, lethal gas which U.S. exhaust pipes pour into the atmosphere yearly.

MOTORS EMIT HALF

Half the nation's air pollution comes from stationary sources, such as power plants, steel mills, cement factories, coal cleaning plants and forest fires.

The other half of the 188.8 million tons of pollutants the United States pours into the air yearly comes from transportation sources, mostly 100 million cars and 15 million trucks and buses.

Vehicles produce three quarters of the carbon monoxide the United States emits so casually into the air; they produce more than half the 25.9 million tons of hydrocarbons emitted yearly; they produce just under half the 17 million tons of nitrogen oxides produced each year.

The vehicular emissions, all the result of incomplete combustion, poison the air envelope in which we live. They are concentrated in the great metropolitan areas, where most of the autos are.

Some 25 million tons of carbon monoxide go into the air of the 10 most populous areas annually from vehicles. In Los Angeles, vehicular carbon monoxide represents 98 per cent of all that gas emitted; in Philadelphia vehicles produce 69 per cent of the carbon monoxide. In New York City vehicles emit 5.3 million tons of carbon monoxide annually, in Kansas City, they emit 600,000 tons yearly, and similar amounts in Milwaukee and Denver.

Almost everyone knows enough not to shut the garage doors while his car's motor is running.

The reason is that carbon monoxide, a deadly poison has a vastly greater affinity for the blood's hemoglobin than oxygen. Inhaled, it is a quick killer.

Air containing 80 parts per million of carbon monoxide, breathed over an eight-hour period, renders about a sixth of the body's hemoglobin—which transports oxygen to the tissues and takes away wastes—temporarily useless. This is equivalent to the loss of a pint of blood.

Peak-hour traffic jams in Los Angeles and Detroit have built carbon monoxide concentrations to as high as 150 and 120 parts per million. Some measurements have been even higher, up to 400 parts per million.

An official of the National Air Pollution Control Administration says:

"A friend of mine, 62 years old, was caught in the Holland Tunnel, under the Hudson River, for three hours one day. When he got to his home in New Jersey he told his wife he felt terrible. That night he died of a heart attack.

"You can't prove any connection, but . . ."

LOS ANGELES ACTS

Hydrocarbons are organic compounds that seem fairly harmless in themselves. So are nitrogen oxides (altho nitrogen dioxide concentrations have caused severe lung diseases).

But put hydrocarbons and nitrogen oxides together, bake them in the sun, and a photochemical reaction takes place which produces smog and a whole new family of pollutants called oxidants.

Los Angeles County, plagued by smog since World War II, pioneered its control. In the early 1950s it got tough with its citizens, forcing the shutdown of 1.5 million backyard incinerators. When that didn't work the county got tough with industry, prosecuting oil refineries, steel mills and 40,000 other offenders.

But the smog just got worse.

Finally, the internal combustion engine was pinpointed as the culprit and in 1960 the California legislature passed a law requiring auto makers to reduce contaminants, starting with 1966 models. In 1965 the U.S. Congress followed suit, providing controls on 1968 models and more stringent ones on 1970 and 1971 models.

Yet today 80 per cent of all of metropolitan Los Angeles' air pollution is produced by autos. The same is true of the District, where the number of cars per square mile is one and a half times as great as in Los Angeles.

How much smog is there in the cities?

The chemical products of smog initially cause upper respiratory irritation when they concentrate at 0.05 parts per million. But state lawmakers are chary of setting "smog alert" levels too low. It doesn't look good to hometown boosters.

So California's "adverse level," by law, is 0.15 parts of oxidant per million. Colorado is stricter; its "adverse level" is 0.10 parts per million.

Under the California standard, Denver in 1965 had only 14 days of bad smog, Cincinnati only five days, Washington only four, and even Los Angeles only 83.

But under the Colorado standard, Denver had 51 days of bad smog in 1965, Cincinnati 36, Washington 40, and Los Angeles 149.

And under the initial-irritation standard, Denver had 226 days of bad smog, Cincinnati 137, Washington 163, Los Angeles 221.

That's one way of measuring smog's effect in the cities.

Another way is to measure total emissions of the smog-producing ingredients. Thus, in 1967, hydrocarbon emissions in Los Angeles amounted to 1.3 million tons and nitrogen oxide emissions 471,000 tons; in Pittsburgh, in the same year, 95,000 tons of hydrocarbons and 267,000 tons of nitrogen oxides were emitted; in Dallas-Fort Worth, 143,000 tons of hydrocarbons, 95,000 tons of nitrogen oxides; in Birmingham, 64,000 tons of hydrocarbons, 25,000 tons of nitrogen oxides.

GIRLS' STOCKINGS BURN

Several years ago a Detroit auto maker sent a car across the country with a new gas turbine engine. At Los Angeles the company's press agents turned out a group of long-stemmed girls wearing mesh stockings to pose with the car.

The girls stood to the rear of the car when the ignition was switched on—and the next thing they knew, their stockings were on fire. The car's exhaust was more than the press agents had bargained for.

None of the girls was burned badly, but the story illustrates the type of problems the nation faces in groping for replacements for the internal combustion engine.

This engine, invented by Nikolaus Otto, a German engineer, more than a century ago, is reliable, compact and cheap. Probably no other mechanism has contributed more to Western civilization. Indeed, its problem is its popularity.

The internal combustion engine burns its fuel within itself. Its carburetor mixes air with gas. The mixture is forced into combustion chambers (cylinders), where sparks explode the mixture, driving pistons. The power produced is transmitted to the wheels.

The trouble with the system, from the standpoint of smog-fighters, is that the fuel is never completely burned. When the engine is operated at maximum efficiency, cruising at high speed, it produces large amounts of nitrogen oxides. When it is decelerating it produces its maximum emissions of hydrocarbons.

Either way, it produces the raw materials of smog.

Since the early part of this century people have been experimenting with external combustion engines. This amounts to lighting a fire under a boiler which makes "steam" (power) that is transmitted to move a piston.

The external combustion engine has the singular advantage over the internal combustion engine of burning its fuel much more completely. It requires lower-grade fuel, doesn't need a transmission (since its power can be transmitted directly to the wheels), and doesn't need as much horsepower as the internal combustion engine (since it doesn't lose as much power).

But there are problems, reminiscent of the Los Angeles girls' mesh stockings.

[From the Washington Daily News, Oct. 9, 1969]

INTERNAL COMBUSTION DIRTIES THE AIR: CARS POWERED BY STEAM AND ELECTRICITY TESTED IN POLLUTION FIGHT

(By William Steif)

William Lear, an energetic retired millionaire, has set up shop at a former Air Force base near Reno, Nev., to build an experimental car driven by a pollution-free steam engine.

Mr. Lear, 66, has a string of industrial successes, climaxed by development of the Lear Jet executive plane. When he sold out in 1968, he retired to Los Angeles, where the smog, which is despoiling so many American cities, bothered him. He also was having transmission problems with his Cadillac and when he found repairs would cost $280, he decided to build a car with an external combustion engine since it would require no transmission. Mr. Lear's engine—powered by a steam turbine—is one of several being developed as a possible pollution-free replacement for the internal combusion engine.

General Motors has worked on such a project with an Oakland, Calif., firm. The National Air Pollution Control Administration has a Waltham, Mass. firm doing similar work for it. The California Highway Patrol is starting to test an Oldsmobile with a steam engine, and Dallas and San Francisco are scheduled to test steam buses under a Department of Transportation (DOT) contract.

SOME DRAWBACKS

But the external combustion engine has drawbacks, too.

For instance, an auto's internal combustion engine runs continually when the driver is on the road, even if the car is stopped for a red light. The way to stop the external combustion engine is to turn off the power; that also turns off radio, air-conditioner and, if it's night, the lights. So an auxiliary power source has to be designed and put in the car.

More expensive metals and higher-precision tooling are needed. Some think the external combustion engine is overweight and accelerates too slowly.

Nevertheless, the National Air Pollution Control Administration is spending $1 million this year in research and development on steam engines, while DOT is spending $1.2 million on electric engine research.

The big problem with an electric engine, beyond development of a practical battery, is that if the nation's autos went electric, demand for power to charge the batteries would skyrocket. That, in turn, would mean building many more coal and oil-fired utility plants, which are among our worst industrial polluters.

Both General Motors and Ford have experimented with, and are continuing to work with electric engines, the only assured way of getting zero emissions of pollutants from an auto. General Dynamics, Gulton Industries, and Allis-Chalmers have worked on the problems involved, too, and Westinghouse Electric has even produced, commercially, a scaled-up golf cart using lead-acid batteries for suburban shopping retirement villages and other restricted uses.

But a federal report says, "there has not yet been developed a battery power source which could economically provide an auto with both the power needed to achieve reasonable speeds . . . and the energy needed to give the auto a reasonable range of operation between recharging."

Many believe the best bet still may be to reform the internal combustion engine. One way to do this is by direct injection of the fuel into each cylinder, metering the gas and cutting emissions. Four foreign car makers, Volkswagen, Mercedes-Benz, Porsche and Alfa-Romeo, already have begun to build their engines this way, and there are hints that American manufacturers are considering fuel injection.

TWO METHODS

So far, American auto makers have used two methods to reduce emissions:

By injecting air into the still-hot mixture going out the exhaust system, which creates more thorough combustion. This method requires an air pump, and is being used only in Cadillacs and manual-shift cars because it is more expensive.

By regulating the carburetor jet or nozzle that mixes gas with air more precisely, so that less fuel goes into the mixture. This is used in about 80 per cent of new American cars.

Although the auto makers talk about how expensive emission controls are, federal experts say the average cost per car is only $15 to $20.

The Justice Department and General Motors, Ford, Chrysler and American Motors agreed last month to settle an antitrust suit, filed 10 days before President Nixon took office, accusing the auto makers of conspiring to retard development and use of devices to control air pollution in cars.

Under the consent agreement, the auto makers—without admitting guilt—said they would not obstruct development of anti-smog devices and would make available, without fees, licenses on anti-pollution inventions to any firms desiring them.

The Justice Department said the consent decree would stimulate immediate attacks, through competition, on air pollution.

But the Los Angeles County supervisors have asked Federal Judge Jesse W. Curtis to reject the consent decree. They want a full trial, arming potential litigants with data to sue the companies for damages. At least 24 congressmen feel the same way and have urged court delay on the consent decree. Rep. Bob Eckhardt (D-Texas), talks of a congressional inquiry into the settlement. And last month two Chicago aldermen filed a $3 billion suit against GM, Ford and Chrysler on the same conspiracy charge.

RACE WITH TIME

Federal standards for pollution emissions, to reach maximum stringency in 1971 models apply only to hydrocarbons and carbon monoxide. No nitrogen oxide standards have ever been set, nor are there standards for emissions of lead.

Pre-1968 model cars now on the road emit 1,575 pounds of carbon monoxide from the exhaust. They also emit 215 pounds of hydrocarbons from the exhaust, 105 pounds from a tube running out of the crankcase, and 85 pounds by evaporation.

By 1980, federal experts say, the federal standards will reduce carbon monoxide levels in urban areas 45 per cent and cut hydrocarbon levels 33 per cent.

But, because more complete combustion produces more nitrogen oxide, the nitrogen oxide emission levels will be 70 per cent higher by 1980. Emissions of lead will be 100 per cent higher by then, because of an increased auto population—combustion doesn't destroy lead.

After 1980 emissions in all categories will rise because of the rising population and increasing number of autos.

"That gives us just about 10 years," one expert says.

SHARING THE BLAME

The outraged citizen tends to blame Detroit's auto makers for air pollution. But there are less obvious and equally large targets for indignation.

The oil industry (with a single exception) continues to put lead in gas to remove knocks and increase octane rating, altho this can also be done at the cost of a cent or two a gallon by more precise refining. As a result, autos dump 200,000 tons of fine lead particles into the air yearly, and the auto makers are prevented from using a muffler which would be very effective in producing almost-total combustion in lead-free fuel.

Nobel prize-winning geneticist Joshua Lederberg recently noted healthy people now have 100 to 300 parts per billion of lead in their blood, a "two- to five-fold increase" over the unpolluted environment. Clear-cut symptoms of lead poisoning appear at 800 to 1,000 parts of lead per billion, Mr. Lederberg said, adding that he felt the safety margin was getting slim.

Altho kerosene-burning jet planes account for only 2.1 per cent of the nation's carbon monoxide emissions and only 1.2 per cent of hydrocarbon emissions, they are big polluters in airfields' immediate areas. Federal experts say it would cost all U.S. airlines $12 million to put an improved kind of combuster on their planes the next time the engines must be overhauled. The airlines so far have rebuffed federal efforts to get them to cooperate.

Yet Dr. Lee A. Dubridge, the President's science adviser, concluded in a 55-page "backgrounder" prepared for the White House last month:

"Autos are the prime source of air pollution in the U.S. . . . and pose a hazard to health . . . (but) at present there is a lack of incentive, both in and out of the auto industry, for adequate further development of unconventional vehicles.

CRIME AND THE BLACK MAN

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. WIDNALL. Mr. Speaker, Sterling Tucker, vice chairman of the District of Columbia City Council, recently addressed himself to the question of crime in this city, and the black leadership's response to it.

As a black leader, as a minister, and as a local government official, Mr. Tucker's words should carry special weight; they are worth serious consideration.

A summary of his speech, and a Washington Star editorial commenting on it, follow, so that my colleagues might share Mr. Tucker's perspective:

CRIME AND THE BLACK MAN

Crime in our country, crime in our city, increasing at a bewildering rate, casts a shadow over our lives. There is no one sitting here today who is untouched by it. You may not have been robbed yourself, held up in a dark alley, or your purse snatched as you walked down the street; you may not yourself have felt a gun in your back or found your home broken into, belongings stolen you'd saved to buy . . . but you are nonetheless a victim. A victim of the fear that is perhaps the highest cost of crime. The fear that catches you when you simply hear footsteps behind you on a dark street. Or when you see someone waiting up there ahead in an alley. Or when you keep wondering if you double-locked your door. Many are the irreparable injuries of crime, to the victim and to the offender himself. But one of the very worst is what it is doing to the way we live with each other.

And certainly we experience it to the full here in Washington, D.C. Our city ranks among the highest in crime in the nation. Not only is it higher than most cities but it is growing faster: our rate of crime increase is triple the national average. Statistics for D.C., for the first six months of this year showed robberies up 46%, rape up 50%, over last year.

We know the majority of the perpetrators come from the social levels of the poor and the disadvantaged. The rich white boys in the suburbs are stealing cars too, more and more in fact. But for an overall daily record of larceny, burglary and assault, they don't match our brothers in the ghetto.

Similarly, we know who the victims generally are. They are not the voices who cry the loudest in this country for law and order; they are not the ones buying the police dogs and the burglar alarms for their suburban fortresses. No, the victims are, far and away, the poor and the black. Statistics (from the President's Commission on Law Enforcement, 1967) reveal the shocking fact that if your income is under $3,000 your chances of being robbed are five times higher than if your income is over $10,000; your chances of being raped four times as high; of suffering burglary, almost double. So if you're poor *and* black in this beautiful land of ours, you begin to know what crime really means.

We also know what is at the root cause of the crime. The President's Commission's report included what was to me a very poignant statistic. A survey was conducted to determine how American citizens rated the seriousness of national problems. All income levels, both black and white, rated race relations at the top of the list, and all rated crime as the number two problem; except for one category, the category that was the poor black, they put as the number two problem, *above* crime, the problem of education. So those, by far the most victimized, knew what the seed cause is.

We know and we agree that in the last analysis at the root of the crime are the desperate conditions of the ghetto: the inadequate, overcrowded, ill-equipped schools; the unbearable, dilapidated overcrowded housing; the unemployment; the broken families; all the vicious forces that push the poor urban black outside of society. And it is no wonder then, say the sociologists and the reformers, no wonder then that he *acts* as if he were outside that society—acts out that alienation in crime.

But while I am disturbed about the rampant wave of crime, and while I am deeply disturbed about the conditions that perpetuated the ghetto and foster crime, there is something else here that also disturbs me.

What disturbs me is the failure of black leadership to speak out against crime itself. I do not hear their voices raised against the robbery and burglary and rape that is perpetrated on our people, against the guntoting that turns our streets into alleys of fear. *The statistics rise, but they maintain an aloof silence. And it disturbs me because their silence most damages the black community itself.*

Now it is easy to understand *why* there has been this silence. We black leaders have been directing our attention to society's crimes against our people, and quite rightly so—to the tragic injustices of our system, to the attitudes and vicious practices of a racist white majority that have kept our people so long in poverty and despair. When it comes to crime, we have focused on police tactics: we have told the story of police brutality and bigotry and documented it, of how the ghetto-dweller feels the need not for protection *by* the police, but *from* the police. We have brought this out into the open and forced changes and the first steps toward community control.

This is good. What is *not* so good is that in fighting these practices our attention has been diverted from crime itself. Now my point is that the time has come when black leaders must speak out against crime as well as against the police. We must lay equal stress on the crimes of the people against society as on the crimes of society against the people. My point is that *not* to do so distorts the picture and lays an intolerable burden on the black man himself.

For this silence encourages certain assumptions that are degrading and dangerous. It tends to encourage the assumption, for example, that crime is only a function of poverty and injustice. It tends to justify the crime rate in terms of the cost of living. Bleeding hearts, both black and white, say in so many words, "You steal because you're poor. You're not responsible for your poverty, therefore you are not really responsible for your crime." Now this attitude is highly injurious, not only to society, but most particularly to the recipient of all this commiseration and sympathy, the black man himself. It is degrading, it is harmful, and it is false.

It is false because those who steal are not those who are trying to make ends meet. Those who steal are not those who are trying to meet the monthly rent bill and the gas bill and all the other bills, and trying to feed their children and clothe them. Those who are doing that, those who really *are* fighting the cost of living, are not the ones who steal. Take the working mother who is up before dawn to get out to the suburbs to do another woman's housework, and returns after a hard day's work to cook for her own children and then stay up late into the night doing her own housework and washing and ironing their clothes. If you want to know about poverty, about the grueling daily effort to make ends meet, ask *her*—not the hold-up artist.

And it is degrading to her, to her efforts and to her courage and dignity, to condone the assumption that poverty justifies crime. As statistics show, she more likely than not is the victim.

Therefore, we must not let the injustices of society, as cruel as they are, muffle our alarm over crime. We must speak out. The burden of being black in this society is bad enough. The burden of being poor is bad enough. What we certainly do *not* need is the additional burden of being told, "You steal because you're poor." What we do *not* need is to condone and tacitly support the assumption that we are not morally responsible. We do not need this erosion of our dignity. We must not let society hang *this* on us as well.

Over a year ago, it appeared we were on our way to a new kind of people involvement in the war on crime in this city. This was to take place through the pilot project in the old 13th precinct, with the people taking the lead.

What, then, was a promising new prospect of a people-police partnership has turned into a nasty, highly explosive people-police confrontation.

One of the issues here is Dr. Robert Shellow, the Director of the project who has been highly controversial from the beginning and whose credits (with a large part of the black leadership of the area) were long ago exhausted.

A second tension point developed when this precinct was merged into the new Third Police District, thus nullifying much of the planning already underway and raising fresh suspicion as to the sincerity of the District Government in this experiment in crime fighting.

The "people" role here seems to have been diluted and the Government seems determined that its point of view shall prevail.

What was originally proposed for this project is too important for it to become lost and washed out in this controversy. We need the people's voice, their leadership and their support if crime is to be stamped out.

We particularly need the Black leadership, those who can move with ease and effectiveness in the ghettos, interpreting the program, pointing out the problems, developing activities of community education, and forging a new relationship between police and the people.

It seems to me, at this point, that this can only be achieved by replacing Dr. Shellow and by bringing *intact* into the Third District the pilot precinct leadership structure which had already been put together before the merger of the precincts.

I think the Government would serve itself and the people well by following this course of action.

This may be the door through which Black and white leadership might walk together in effecting a solid and well-coordinated partnership with the police in a winning battle against crime—a common enemy.

[From the Washington Evening Star, Oct. 28, 1969]

APPEAL TO BLACK LEADERS

Sterling Tucker, vice chairman of the City Council, was right the other day in criticizing "the failure of black leadership to speak out" against the criminal element in this city.

Tucker was right for one reason because of the fact, well known but not often mentioned, that the great majority of the victims of crime in this city are black. And as the volume of crime increases, which it will, more and more members of the black community will suffer the consequences.

It is hard to understand why black leaders have not been more active and vocal in the effort to cut down on crime, especially since the principal offenders are youthful blacks. Several starts have been made, but nothing much ever came of them. Perhaps this is due to a reluctance to be identified with the police, with the "power structure," or with the theme of "law and order"—associated in some minds with racism.

Whatever the reason or reasons, effective action by the black leadership is overdue. Crime in Washington is indeed reaching what the President has called "crisis proportions." It is estimated that by the end of this year there will have been 15,000 robberies and 20,000 burglaries in this city. The appalling rate of crime increase is shown by the fact that the number of robberies here in July, and again in August, was greater than the yearly totals for 1960, 1961, 1962 and 1963.

It would be quite wrong to think that the black leadership alone holds the key to the solution of this problem. Nor can the police, even when at full strength, do the job alone. Both can help, especially if they will work together. But the best hope, perhaps the only real hope, lies with Congress. If the legislators will stop sucking their thumbs and pass the package of anti-crime bills which has been put before them, then this community may be on the way to seeing some daylight ahead.

APOLLO 11 ASTRONAUTS OFFER THEIR THANKS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, our U.S. Apollo 11 astronauts, in their world travels from country to country on behalf of the U.S. space program, are living up to the high standards that we Americans and the world are proud they possess in full measure.

In a heartwarming gesture Neil Armstrong, Michael Collins, and Edwin Aldrin have sent cards of appreciation to those of us who have supported the Apollo moon landing program, and to the many people who have participated in these programs.

As I believe the U.S. Congress and the American people generally should know of this fine response by our U.S. Apollo 11 astronauts, as well as officials, scientists, workers, and taxpayers, I am including this pleasant greeting and appreciation in the CONGRESSIONAL RECORD:

> We are grateful and proud to have participated in the achievement of our national goal of a successful lunar landing . . . and return. We believe that as the exploration of our universe expands, so will the benefits of all mankind. We hope that the people of earth are now entering a new era of peace and common understanding.
>
> To those of you who have offered encouragement and good wishes, whose dedicated support has made our programs possible, and whose prayers have sustained us, we extend our humble thanks.
>
> NEIL A. ARMSTRONG,
> *Commander.*
> MICHAEL COLLINS,
> *Command Module Pilot.*
> EDWIN E. ALDRIN, JR.,
> *Lunar Module Pilot.*

RACIAL QUOTA PLANNED FOR JOBS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. RARICK. Mr. Speaker, the action of the Supreme Court last week, blandly ignoring the law enacted by the Congress and authorizing Federal judges to enforce as law the totally illegal decrees of HEW means more than the end of public education in the South.

For a number of weeks, the left wing has been carefully laying the groundwork for the Supreme Court to destroy craft labor unions. The sleeper is the so-called Philadelphia plan.

The Civil Rights Act of 1964, rotten as it is, spells out plainly the prohibition against racial assignment of pupils to schools to overcome what is called racial imbalance. The Department of Health, Education, and Welfare ignored that provision of law, and the Supreme Court did likewise.

The same law also prohibits racial employment quotas of the type undertaken in Philadelphia. Agencies of the Federal Government, however, believing themselves to be above the law, have blandly ignored this law.

I include as part of my remarks section 703(j) of Public Law 88–352, the Civil Rights Act of 1964, together with recent newspaper clippings indicating its patent and flagrant violation.

The material follows:

[P.L. 88–352, 78 Stat. 257]

SEC. 703. (j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

[From the Sunday Star, Oct. 26, 1969]

HEARING SET TOMORROW ON PHILADELPHIA PLAN

Labor Secretary George P. Shultz and U.S. Comptroller General Elmer B. Staats are to testify this week at hearings before a Senate subcommittee on the Labor Department's plans to increase job opportunities for minority groups on federal construction projects.

The hearings start tomorrow before the Separation of Powers subcommittee. They will deal with the so-called "Philadelphia plan," under which federal contractors must agree to meet goals of minority group employment when they offer bids.

Staats ruled in August the plan was a racial quota system conflicting with the 1964 Civil Rights Act, but the Labor Department, backed by a Justice Department opinion, maintains the plan is legal.

Sen. Sam J. Ervin Jr., D-N.C., the subcommittee chairman, said the hearings will look into whether the Labor Department, in pursuing its plan to increase minority job opportunities, has "usurped congressional authority and violated legislative intent."

"To me, the plan is a classic breach of separation of powers. It openly disregards the intent of Title VII of the 1964 Civil Rights Act and twists the purpose of an executive order," Ervin said.

The Philadelphia plan, so-called because so far it applies only to that city, is an attempt to improve what Shultz has called a deplorably low rate of minority employment among higher-paid construction trades there.

Witnesses at the hearings are to include Jerris Leonard, assistant attorney general in charge of the Justice Department's Civil Rights Division; Sens. Jacob K. Javits; R-N.Y., and Paul J. Fannin, R-Ariz., and spokesmen for labor and the construction industry.

[From the Evening Star, Oct. 27, 1969]

JAVITS SEES NO VIOLATION IN "PHILADELPHIA PLAN"

(By Dana Bullen)

~~Sen.~~ Jacob K. Javits, R-N.Y., today told a ~~Senate~~ subcommittee the controversial "Philadelphia plan" to promote minority hiring on federal construction projects does not violate a ban against racial quotas.

Speaking for himself and eight other senators Javits defended the Labor Department move as necessary to spur hiring of minorities.

Sen. Sam J. Ervin Jr., D-N.C., however, contended that plan requires racial quotas and charged it would be "a travesty" for the Labor Department to claim minority hiring percentages are not based on race.

ERVIN HITS PLAN

The plan—based on an executive order promulgated in 1965 by the Johnson administration and implemented several months ago by the Labor Department—requires federal contractors to agree to meet goals for minority group employment when they offer bids for projects.

Ervin, whose separation of powers subcommittee today opened hearings on the plan, said he felt it imposed an improper racial "quota" whether this is "disguised" as a "target," a "goal," a "range," or a "standard."

Although other Nixon administration officials disagree, Comptroller General Elmer B. Staats asserts the plan constitutes a racial quota system conflicting with provisions in the 1964 Civil Rights Act.

So far, the plan applies only to projects involving six Philadelphia construction trades, although the Labor Department expects to extend it to projects in other cities.

According to Ervin, the Labor Department's approach would require minority employment of between 19 and 26 percent by the affected trades by 1973. These figures start lower, however, with a range of 4 to 9 percent until Dec. 31, 1970.

GOOD FAITH

Javits contended the plan sets standards for judging minority hiring complaints but does not require a contractor to do more than take "good faith affirmative action" in this area.

He said this removes "a great deal of the uncertainty and confusion which have so far plagued minority-hiring efforts in federal programs. "In the past, many contractors have voiced legitimate complaints that they simply did not know what was expected of them," Javits said.

Other senators he listed as joining in his statement were Birch Bayh, D-Ind.; Edward W. Brooke, R-Mass.; Clifford P. Case, R-N.J.; Charles E. Goodell, R-N.Y.; Robert P. Griffin, R-Mich.; Fred R. Harris, D-Okla.; Philip A. Hart, D-Mich., and Edward M. Kennedy, D-Mass.

[From the Washington Post, Oct. 28, 1969]

ERVIN ASSAILS PLAN ON MINORITY HIRING

(By William Chapman)

The Labor Department's controversial Philadelphia Plan to increase the hiring of minorities on federal contract jobs was denounced yesterday as a case of discrimination in reverse.

Sen. Sam J. Ervin (D-N.C.) opened two days of subcommittee hearings on the plan by insisting it forces contractors to "discriminate against workers who are not members of any minority group."

Ervin's view was disputed by nine liberal senators, led by Sen. Jacob J. Javits (R-N.Y.), who contended the plan is both legal and fair.

The plan is a device by which the Labor Department hopes to increase the number of Negroes and other minority-group members working on jobs under federal contracts.

In applying it to Philadelphia, the Labor Department established "goals", or specific percentages, to be used in determining whether an employer was making an effort to increase the hiring of Negroes.

Ervin contended yesterday that that is the same as fixing a quota of blacks to be hired. That, he said, violated even the 1964 Civil Rights Act, which forbids discrimination in hiring under federal contract awards.

Javits, however, argued that the Labor Department's "goals" are merely criteria by which the employer's efforts can be graded.

The employer's contract is not cancelled nor is his company blacklisted if the goals are not met, Javits said.

Ervin was backed up by one Northern congressman, Rep. Roman Pucinski (D-Ill.), who complained, "The heavy hand of the federal government setting up quotas is not the answer."

Pucinski observed that 10 years ago the Labor Department was bent on removing racial designations and secret quota systems from its own hiring practices. "Now they are bringing them back in," he said.

Contractors cannot meet the percentage goals, he added, without specifically recruiting Negroes, a practice he said would violate the 1964 Civil Rights Act.

While Philadelphia contractors have bitterly resisted the plan, a spokesman for the Associated General Contractors of America took a wait-and-see attitude in testifying before Ervin's Judiciary subcommittee.

William E. Naumann, a Tucson builder and member of the general contractors' legislative committee, said his organization wants to see how the plan is applied in other instances before taking a position.

[From the Washington Post, Oct. 29, 1969]

AFL-CIO JOINS FOES OF PLAN ON MINORITY HIRING

(By Spencer Rich)

The AFL-CIO lined up yesterday with Sens. John L. McClellan (D-Ark.) and Sam J. Ervin Jr. (D-N.C.) and U.S. Comptroller General Elmer B. Staats in opposition to the Labor Department's minority hiring plan for Philadelphia construction workers.

But the plan was defended by Labor Secretary George P. Shultz and Assistant Attorney General Jerris Leonard as necessary to combat what Leonard called "blatant discrimination" against Negroes by construction unions in the Philadelphia area.

Leonard told a hearing of Ervin's Senate Judiciary subcommittee on separation of powers that of six unions in the Philadelphia area whose workers would be subject to the plan, four had 1 per cent or less minority members as of June, 1969, one had less than 1.5 per cent and one had just under 2 per cent.

The plan has already been put into effect in Philadelphia and is expected to be extended to at least nine other cities by the Labor Department. It requires firms bidding on federally financed construction contracts of $500,000 or more to agree in advance on an "affirmative" program for hiring minority members.

For ironworkers, for example, where Negro employees now number less than 2 per cent in the Philadelphia area, the contractor must agree to try to raise his portion of Negro ironworkers to between 5 and 9 per cent by the end of 1970, 11 and 15 per cent the next year, 16 and 20 per cent the next year, and 22 to 26 per cent by the end of 1973. Similar goals are set for five other trades.

McClelland and Ervin hammered away at Leonard and Shultz in an attempt to get them to concede that the plan imposes racial hiring quotas on construction firms working under government contracts and therefore violates Title VII of the 1964 Civil Rights Act, which forbids such quotas.

Staats, in his role as congressional budget watchdog, has already issued a ruling to this effect and repeated yesterday that his office will refuse to certify for payment any contracts in which a low bidder fails to get the job because he refuses to agree to the hiring plan or in which government costs are raised as a result of inclusion of the plan.

But Leonard and Shultz refused to concede any violation of Title VII. They insisted that the minority hiring figures were merely "goals," not quotas forbidden by the 1964 law, and that a contractor who failed to meet them would suffer no penalty if he could show he had made good faith attempts to hire minority group members.

"That is a subterfuge," shouted McClellan. "It's a quota."

The AFL-CIO spokesman, Louis Sherman of the building and construction trades department, said the AFL-CIO adopted a resolution at its convention last month opposing the Philadelphia plan as a quota system. He said the unions were doing all they could to get more Negroes into the building trades, but the Philadelphia plan was not the right way to do it.

SALUTE TO INTERSTATE HIGHWAY SYSTEM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. SCHWENGEL. Mr. Speaker, one of the greatest public works projects ever undertaken is our Interstate System. This system is now nearing completion and the full benefits of this great system are now being fully realized for the first time by the many motorists of our country. The system was expensive to be sure, but just in terms of the lives it is already saving, it is well worth the expense. The Muscatine Journal recently took note of the importance of the Interstate System:

INTERSTATE DIVIDENDS

A motorist from the Muscatine area can now go up to Interstate 80 and drive to Boston, Mass., or Chamerlain, S.D., or the western part of Nebraska, without seeing a red light.

Progress on the Interstate highway system (including the toll roads which are a part of the system in some areas) permits a vacationer to drive nonstop—except for toll booths and gasoline refills—between Boston and Chamerlain, S.D., in about 30 hours. That is 1,800 miles.

Almost 66 per cent of the planned 42,500-mile super-road network has now been completed.

Largest public works program in history, the interstate system will link virtually every locality of 50,000 or more people with high-speed, limited-access roads that will carry 20 per cent of the nation's traffic.

Besides speeding travelers on their way, the system saves lives. Highway officials estimate that interstate travel is 25 per cent faster and two and one-half times safer than the old primary roads.

More than 2,000 miles of the system have been opened to traffic in just the past year.

According to the Department of Transportation's Bureau of Public Roads, 27,975 miles of interstate highways have been completed since the program began: 5,050 miles (12 per cent) are now under construction and 9,474 miles (22 per cent are in preliminary stages.

The final cost is expected to exceed $60 billion—an average of more than $1,400,000 a mile. The federal government pays 90 per cent of the expenses through the Highway Trust Fund (gasoline taxes). The states pay the rest.

In terms of driving safety and convenience, the interstate highways are already paying tremendous dividends to the motoring public.

THE NEXT 10 YEARS IN SPACE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. **MILLER** of California. Mr. Speaker, thoughtful Americans have been asking each other and their Representatives in Congress what are we getting for all the dollars we have invested in space exploration. This is a question that has been asked ever since the National Aeronautics and Space Administration opened its doors for business in 1959.

The outstanding successes of the space program have culminated in the successful return of Apollo 11 astronauts to the surface of the earth from the epochal journey to the surface of the moon. Those successes include weather satellites, communications satellites, applications technology satellites, and navigation satellites, which are at this very moment producing a steady flow of benefits for the American people and the people of the world. The past 10 years have been a prolog to the enormous advancements we anticipate in the next 10 years.

In a speech before the Engineering Society of Detroit, Mr. Robert Anderson, executive vice president of North American Rockwell Corp., outlined in exciting fashion what the future holds for this Nation in the next 10 years in space. I urge every Member to read and reflect upon the ideas expressed by Mr. Anderson, a man who is a leader in an organization that has made realistic commitments of its resources to the achievement of success over those years. The speech follows:

THE NEXT 10 YEARS IN SPACE

(Remarks by Robert Anderson, executive vice president, North American Rockwell Corp., before the Engineering Society of Detroit, Sept. 26, 1969)

Ladies and Gentlemen: Just ten days ago the Space Task Group submitted to President Nixon its recommendations for future space activities.

PRESSURE OF PRIORITY

The document details for the President's consideration the different paths he may elect to follow in implementing a national space program.

"Our opportunities are great," the committee said, "and we have a broad spectrum of choices available to us."

The Task Force report comes at an opportune time, for many questions are being raised about our space activities.

Specifically what should be our next goal? What should be the sequence of events for the next ten years, or for the remainder of the century?

If we elect manned missions to Mars, when should we embark?

Or should we ground the space ships, put them in moth balls and let a future generation take up the challenge?

Behind a great deal of the uncertainty, of course, is the pressure on the budget and the scale of national priorities. The pride of accomplishment in what we have done with Apollo 11 is being weighed against the needs of man on earth.

I'm as aware as any man of the need for solutions to growing ecological and social problems here on earth.

We must tackle those problems and solve them. But we also need to exploit our achievements in space.

I am convinced we can do both. In fact, my main point here today is that the two are directly related.

This nation needs a balanced space program, a well planned series of steps that will carry us into the next century. I will outline some of the steps that should be taken during the coming decade.

I contend that those steps, in the long-term, will make this earth a better place in which to live. In that sense, space activities are not competing with programs of ecological improvement or social betterment. They are actually complementing them.

TERRIFYING ENVIRONMENT

Our earth environment is terrifying in many ways, with its air and water pollution, its congested cities, with its population explosion and the threat of world hunger. The ironical part is that many of today's problems are caused by yesterday's technical solutions. Triumphs in health and sanitation have brought overpopulation. Triumphs in communication have brought an almost unmanageable mass of information.

That does not lessen the urgency of the situation. Every projection we encounter is pessimistic about the future if we don't find a way to clean the water we drink and the air we breathe. Every new baby born into this world is a reminder that we must find a way to convert useless land into fields of growing crops, or recover more food from the sea.

As scientists and engineers, many of us confess our inadequacies. We see over and over again that knowledge of our planet as an environmental system has been woefully inadequate. We have sometimes upset the balance of nature by forgetting the side effects of our advances and problem-solving.

ABSOLUTE NECESSITY

As a result of that inadequacy, gentlemen, it is absolutely necessary for us to continue space exploration. Only there can we fully observe the interaction of man, nature and technology.

We are in considerable trouble today. That trouble could be compounded as our technological society advances toward the year 2000 if we do not make use of the extraordinary new tools that are now within our grasp.

Space gives us an effective platform overseeing the earth. We will be able to see problems clearly; we will be able to measure the severity of those problems; and we will be better able to control them. Pollution, food supply, and cloud cover data will come under global surveillance. We will be able to manage our environment in the supercrowded eras to come.

On the earth, with our space-sponsored advances, we will be making effective contributions in urban affairs; while education, law enforcement, and city planning will be direct beneficiaries of those advances.

The sweeping scope of space technology will be felt more and more in the vast programs being planned to change the course of rivers and the flow of electricity over thousands of miles. It will reach into the purification of our waters and the desalting of the sea. It will have a bearing on the revitalization of our earth transportation system, and it will have a great influence in the field of medicine.

TECHNOLOGICAL ADVANCES

The amazing technological advances witnessed in this country since the end of World War II came about in large measure because of the tremendous impetus of both military and space research and development activities.

Where would television be today without the impetus of that research? What would be the state-of-the-art of today's commercial jet aircraft if that flood of research and development had been shut off? What would be the status of nuclear energy or microelectronics?

Dr. George Mueller of the National Aeronautics and Space Administration puts the case for space research and development in these unequivocal words: "Our space program is forcing technological innovation which leads to new processes, new products, new companies, and, in fact, whole new industries. This space program is the focal point of our industrial growth."

The advances are the seeds of increasing productivity and the foundation for new products and services. They have been the catalyst needed to keep our economy growing and to keep the products of our industries a step ahead of the rest of the world.

They have enabled our economy to grow to the point where we can seriously contemplate eliminating poverty, transforming our cities into habitable areas again, and planning massive changes to improve our education and transportation systems.

CONTINUED RESEARCH AND DEVELOPMENT

Those vast infusions of research and development can continue with a well-planned space program.

We will, I am sure, continue to have a strong program. The alternative would be like building a huge factory, turning out one automobile, then shaking hands all around and going home while the factory gathers dust.

It will be a different kind of program, however, because there's going to be a big switch in space.

Up to this time it's been a research and development effort. We've stood, figuratively, with a wet forefinger in the air, testing the unknown wind of space.

There was a time only a few years ago when we thought that prolonged weightlessness might cause a man's bones to disintegrate. We weren't entirely sure how different metals would stand up under the alternate extremes of heat and cold in space or withstand constant exposure to radiation.

Now we know the answers.

We're out of the pure research, development and test stage—that is, the steps leading up to the first moon landing.

We're ready for operational activities.

We're going into long-term moderate cost operational space programs that will have as their central theme the maximum benefit for man on earth.

The key to economy will be re-usable space shuttles, spacecraft that journey out to orbit then return intact on their own power and land just like an airplane.

We're rapidly coming *to the end of the period* when we toss a hundred-million dollars worth of hardware into the sky, then let it drop back into the Atlantic Ocean after its one-time-only task as a booster is finished.

It's costing this country one thousand dollars a pound to put a payload into earth orbit and return it to earth. The industry's goal is to bring that price tag down to fifty dollars a pound—which is just about equivalent to the cost incurred with our most advanced research aircraft.

That's earth orbit. We've got similar savings planned for lunar activity. It's been costing this Nation $100,000 to move a pound of material from the earth's surface to the moon's surface and return. The goal of the National Aeronautics and Space Administration is to drop the cost to $200 a pound. And that means a lunar transportation system.

MEANING FOR EARTH DWELLERS

Understandably, people are demanding, "What does it *mean to us here on earth?*"

Ladies and gentlemen, it is almost certain that the missions planned for this coming decade and beyond will improve the living habits of every man, woman, and child on earth.

Consider the returns from just two unmanned satellites alone. Various groups have estimated that in the United States about $2 billion could be *saved annually by farmers, fuel producers,* and public utilities if effective weather forecasts could be made just two weeks in advance. This capability will be provided by the advanced weather satellites that soon will be ready.

But that $2 billion figure pales before another projection.

Earth Resources Technology Satellites will become operational within a few years.

Congressman Joe Karth of Minnesota, second ranking majority member of the House Science and Astronautics Committee, is an authority on that particular project.

He estimates that the economic benefits from this one satellite alone—in weather forecasting and increased food production, and in uncovering new resources of the ocean and new mineral and water resources—could add more than $6 billion a year to the economy of America alone.

Here's another unmanned satellite example:

The new communications satellites that will soon be on station in space will represent an incredible advance in the state of the art. With them, truly "Every call will be a local call."

Those satellites will enable even the most primitive of emerging nations to leapfrog a century of development efforts such as we have seen in this country—from the first Western Union telegraph pole to today's automatic nationwide dial system. The new nations will literally "space talk" themselves right into the 21st century.

We are convinced that we *can and must use men* and machines in space to cope with the problems and fulfill the expectations of the 1980s.

We know where we are going in space for the next three years, for the hardware has already been allotted.

NEXT IN LINE

We must now complete the next four landings to give us the basic scientific data on the characteristics of the moon. These data are the key to establishing the origin and evolution of that body.

The famed chemist, Professor Harold Urey of the University of California at San Diego, has pointed out that the surface of the moon is timeless and unchanging. In contrast, the air and water that sustain life on our planet have ground away most of our geological history.

These next four Apollo missions should answer question after question about the moon's evolution, and many of these answers may apply to the Earth. The latter Apollo missions should also uncover a great many more questions.

But we are ready for this with more advanced lunar exploration missions. They will be programmed to answer the unanswered questions.

They will lay the foundations of knowledge if we are to make commitments in the late 1970s for permanent lunar bases.

The use of our lunar landing space craft and launch vehicles as an earth orbiting space station is an indication of the versatility of the coming generations of space hardware. We will convert the *third stage of the launch* vehicle into an orbital workshop for launch in 1972.

This program looks toward a permanent space station for Earth resources observation and on-the-spot weather interpretation.

Looking further ahead, we at North American Rockwell are deeply involved in the studies and industrial competitions that will rival or excel in importance the Apollo effort.

In the 1960s our space program was determined by one single goal—land a man on the moon and return him safely to earth. Space technology today has matured to the point where no single spectacular goal will serve as did the Apollo program.

Space programs will have multiple goals, and they will be driven by requirements for low operational costs and direct tie-in to what we do on Earth.

ADVANCED SPACE STATION

The advanced space station is one of these systems. North American Rockwell and the General Electric Company, as a team, are designing such a system for National Aeronautics and Space Administration.

We are in a competition to design a national laboratory in space, a laboratory to operate continuously for ten years. It will be manned by engineers, scientists, and astronomers, all spending several months in orbit just as they now spend time as visiting researchers, at laboratories or on research ships sailing the Earth's oceans.

The station will be an effective operational system because we can change missions and operations at minimum cost. It will be economical in operation which will mean that private industry, universities, and other nations of the world can "rent" time in space for their own needs and purposes.

There will be entirely new areas of research open to these scientists-in-space as they explore the results of weightlessness on materials and processes. We will enter a new era in manufacturing technology, for engineers in orbit will be able to perform industrial processes with materials and chemicals that today are impossible or not even dreamed of.

Within the past fifty years the advances that have been made in materials development have resulted in new industries, new products, and to a large extent the burgeoning economy we know today.

That same surge of materials development, with a resulting benefit to man on Earth, is waiting in the new era of orbiting space stations.

KEY TO ECONOMY

The key to economical, low cost operation of our space station and of all the space missions to come *will be the space shuttle* program, a technical advancement over Apollo far greater than that of Apollo over Sputnik.

This is the system to transport men, material and satellites into Earth orbit and bring them back at less than $50 a pound.

We are investigating a system where the launch vehicles and the spacecraft are as one; where we *can reuse our boosters* 100 times or more.

They must be operational spacecraft in the same sense as *the jet airliner.* Instead of the current two months of checkout and countdown, we must operate with the post flight inspection, refueling and takeoff procedures of jet airliners coupled with progressive maintenance and overhaul programs—a true "spacelines" operation.

The technical challenges run the whole spectrum *from basic materials* through space traffic control. But we can do it, and this system is the key to the "harvest of space."

What I've just related is a balanced, national space program, one that is a logical sequence to these years of preparation.

We don't have to talk in terms of the future alone when we consider the benefits to man from the space program. Earlier I mentioned the big switch in space from research and development activities to operational flights. There's a switch down here on Earth, too. I'm talking about the transfer of aerospace technology to everyday human needs.

National Aeronautics and Space Administration officials have identified over 3,000 technological innovations useful in civilian life that have been directly attributable to the space program. New biomedical equipment, new food treatments, new flame proof materials, new energy sources are just a few. Important developments from the space effort are being studied by commercial firms that will affect the lives of all of us.

Gentlemen, the world changed permanently the moment Neil Armstrong stepped on the surface of the moon.

Dr. Glenn T. Seaborg, Chairman of the U.S. Atomic Energy Commission has said, "We are experiencing the birth shock of being born into a new world. There is no turning back."

We have no thought of turning back. Our eyes are on the charting of the course that lies ahead. Determining that course in space for the United States will not be an easy decision. It will be a far more difficult and complex task than setting the Apollo goal in 1961.

Nevertheless, a great deal of the future growth and health of this nation depends on our choice. Space technology is opening a new world, not a hundred miles above us, but here on Earth. Operations in space have a vital role to play in making this a better, a more livable world.

For that reason, I am sure the national decision will be to accept the challenge.

We will take the next giant step for mankind.

Thank you.

MISAPPROPRIATION OF FUNDS ENDORSED BY BURGER COURT, MITCHELL AND NIXON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. RARICK. Mr. Speaker, HEW appropriations authorized by Congress to allow the spending of taxpayers' moneys by HEW expressly prohibits, in sections 409 and 410, the use of any part of the funds for designated acts to overcome racial imbalance.

The recent Supreme Court decision orders enforced as if law specific guidelines prepared by salaried HEW employees, advisers and consultants, educators, and counselors. In the Mississippi case the guidelines number some 30 volumes. All of this preparation required vast expenditures of money. Whose money?

If one penny of taxpayers' funds was used in this social injustice bonanza against the express provision of the act of Congress appropriating money to HEW, the spending constituted the crime of misappropriation of taxpayers' funds. In such case, it would appear that every involved HEW employee, consultant, and other recipients of the misappropriated funds were guilty of a crime and certainly are open to civil suits by taxpayers who are interested in restoring the misused funds to the Treasury, as well as criminal action by various grand juries in the Southern States, where crimes took place.

Now we certainly understand why Mr. Finch is pleading so desperately with Members of the other body to try to remove the Whitten amendment from the 1969–70 HEW appropriations bill so that he is not again forced to steal the taxpayers' money to continue his guideline racket.

Can anyone imagine what would happen to an ordinary citizen if he or she stole taxpayers' money, or even if they were the recipient of misappropriated Federal funds.

Or can anyone imagine what would happen at the Pentagon if some general used military funds to pay for a project which was expressly forbidden by Congress?

When these civil suits or criminal indictments are filled, who will hear the cases?

All of the judges who are involved in the elevation to a phony "law of the land" of the illegal guidelines, manufactured with misappropriated funds, must certainly be held to be accessories after the fact. Their ignorance of the law is apparent, but no excuse. They are, therefore, subject to being excused or denied the honor of sitting in judgment in cases in which they have an interest entirely contrary to the American people.

Another interesting innovation in the Supreme Court's per curiam was that despite jurisdiction in civil rights cases being conferred by Congress on U.S. district courts, the Supreme Court apparently does not trust its control over all district judges and has decided to amend the judicial code as well as the Civil Rights Act of 1964, so in paragraph 4 of its decision, it decreed that the courts of appeal retain jurisdiction and enforce their own illegal orders.

Recent actions of the Supreme Court of the United States leave much to be desired.

The present Justices seem to be laying the groundwork for an ugly and destructive confrontation with the U.S. Congress and the American people.

So that our colleagues will know the absolute absurdity of the HEW guidelines which the Supreme Court would dignify by treating as the "law of the land," I submit guidelines typical of the 30—except for breakdown of school assignments—section 409 of the current HEW appropriations and the Supreme Court per curiam follow my remarks:

Sec. 409 of the Appropriations Act under which the H.E.W. employees are paid reads as follows:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

SUPREME COURT OF THE UNITED STATES

NO. 632.—OCTOBER TERM, 1969

Beatrice Alexander et al., petitioners against Holmes County Board of Education et al. On Writ of of Certiorari to the United States Court of Appeals for the Fifth Circuit.

[October 29, 1969.]

PER CURIAM.

These cases come to the Court on a petition for certiorari to the Court of Appeals for the Fifth Circuit. The petition was granted on October 9, 1969, and the case set down for early argument. The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin* v. *School Board*, 377 U.S. 218, 234 (1964); *Green* v. *County School Board of New Kent County*, 391 U.S. 430, 438, 439, 442 (1968). Accordingly. *It is hereby adjudged, ordered, and decreed:*

1. The Court of Appeals' order of August 28, 1969, is vacated, and the cases are remanded to that court to issue its decree and order, effective immediately, declaring that each of the school districts here involved may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color.

2. The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education, and Welfare, with any modifications which that court deems proper insofar as those recommendations insure a totally unitary school system for all eligible pupils without regard to race or color.

The Court of Appeals may make its determination and enter its order without further arguments or submissions.

3. While each of these school systems is being operated as a unitary system under the order of the Court of Appeals, the District Court may hear and consider objections thereto or proposed amendments thereof provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments, if any are made. No amendment shall become effective before being passed upon by the Court of Appeals.

4. The Court of Appeals shall retain jurisdiction to insure prompt and faithful compliance with its order, and may modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

5. The order of the Court of Appeals dated August 28, 1969, having been vacated and the case remanded for proceedings in conformity with this order, the judgment shall issue forthwith and the Court of Appeals is requested to give priority to the execution of this judgment as far as possible and necessary.

A DESEGREGATION PLAN FOR THE WILKINSON COUNTY SCHOOL SYSTEM

(A report to the superintendent by the Division of Equal Education Opportunities, U.S. Office of Education, Atlanta, Ga.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Atlanta, Ga.

Mr. BERNARD WAITES,
Superintendent,
Wilkinson County School District,
Woodville, Miss.

DEAR MR. WAITES: In accordance with the July 5, 1969 order of the United States District Court for the Southern District of Mississippi, the following desegregation plan for ending the dual school system in the Wilkinson County School District is submitted for your consideration.

We wish to express our appreciation for the cooperation received from you and your staff.

Sincerely yours,

JESSE J. JORDAN,
Senior Program Officer, Equal Educational Opportunities.

III. DESEGREGATION OF FACULTY AND OTHER STAFF

The School Board shall announce and implement the following policies:

1. The principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned for the school year 1969–70 and subsequent years that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin, except to the extent necessary to correct discrimination.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

IV. TRANSPORTATION

The transportation system shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a nonsegregated and otherwise non-discriminatory basis.

V. SCHOOL CONSTRUCTION AND SITE SELECTION

The size and location of new school buildings and additions to existing building can significantly affect desegregation now and in the future.

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in this system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

VI. MAJORITY TO MINORITY TRANSFER POLICY

Whenever there shall exist schools containing a majority of Negro students, this school district shall permit a student (Negro or white) attending a school in which his race is in the majority to choose to attend another school where space is available, and where his race is in a minority.

VII. ATTENDANCE OUTSIDE SYSTEM OF RESIDENCE

If the School District grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

VIII. SUGGESTIONS FOR PLAN IMPLEMENTATION

Successful implementation of desegregation plans largely depends upon local leadership and good faith in complying with mandates of the Courts and the laws upon which the Courts act. The following suggestions are offered to assist local officials in planning for implementation of desegregation orders.

Community

1. The Superintendent and Board of Education should frankly and fully inform all citizens of the community about the legal requirements for school desegregation and their plans for complying with these legal requirements.

2. The Board of Education should issue a public statement clearly setting forth its intention to abide by the law and comply with orders of the Court in an effective and educationally responsible manner.

3. School officials should seek and encourage support and understanding of the press and community organizations representing both races.

4. The Board of Education, or some other appropriate governmental unit, should establish a bi-racial advisory committee to advise the Board of Education and its staff throughout the implementation of the desegregation plan. Such committee should seek to open up community understanding and communication, to assist the Board in interpreting legal and educational requirements to the public.

5. The Superintendent should actively seek greater involvement of parents of both races through school meetings, newsletters, an active and biracial P.T.A., class meeting, parent conferences, and through home visits by school personnel.

6. The Superintendent and Board of Education should regularly report to the community on progress in implementing the desegregation plan.

School personnel

1. The Superintendent should provide all personnel copies of the desegregation plan and arrange for meetings where the personnel will have an opportunity to hear it explained.

2. The Board of Education should issue a policy statement setting forth in clear terms the procedures it will follow in reassignment of the personnel (see section on Desegregation of Staff).

3. Assignments of staff for the school year should be made as quickly as possible with appropriate followup by school principals to assure both welcome and support for personnel new to each school. Invitations to visit school before the new school year begins should be offered.

4. The Superintendent should see that a special orientation program is planned and carried out for both the professional and non-professional staffs (including bus drivers, cafeteria workers, secretaries and custodians) preparatory to the new school year. He should make every effort to familiarize new and reassigned staff with facilities, services, and building policies, and prepare them to carry out their important role in a constructive manner. The Superintendent should direct each principal to see that each teacher new to a school is assigned for help and guidance to a teacher previously assigned to that school. Each such pair of teachers should have an opportunity to meet before the school year actually begins.

5. The Superintendent should arrange an in-service training program during the school year to assist personnel in resolving difficulties and improving instruction throughout the implementation period. Help in doing this is available from the South Mississippi In-Service Consulting Center at Hattiesburg, Mississippi.

6. It is important that, through personal observations, students see that nonprofessional service positions in their schools are not for members of one race and that harmonious working relationships can exist between members of both races. The Superintendent and Board of Education should therefore take all necessary steps to assure that all staffs are bi-racial.

Instructional program

1. Each principal should be required to appoint biracial faculty committees to study and, as necessary, revise each area of the curriculum to assure better learning opportunities for all students. This should become a continuous activity in each school and throughout the district.

2. Student evaluation policies and procedures should be reviewed continuously for areas in need of improvement and adjustment to encourage the educational growth and motivation of students.

3. Remedial programs in reading and mathematics skills, as appropriate, should be introduced and/or expanded for *all* students in need of special help. Such a program should supplement regular course offerings and assignments of students.

4. Grouping procedures should be reviewed and revised as necessary to assure they support the spirit as well as letter of desegregation plan the district has accepted responsibility for implementing in good faith.

5. Participation in extracurricular activities by students of both races should be actively encouraged by administrators and teachers as a means for developing school spirit and a feeling of belonging.

6. School organizations—student government, cheerleaders, musical organizations, athletic teams must be operated on a nondiscriminatory basis and should include students of both races.

7. Guidance counselors should be oriented and urged to plan a leading role in successful implementation of the desegregation plan.

8. The curriculum should be reviewed and, as necessary, revised to provide recognition of Negro history, culture and contributions to our society. Library books which deal with such subjects should be added to school book collections.

9. Vocational education offerings should be reviewed and improved as a means of providing students of both races with education relevant to vocational interests and as a means of reducing dropouts.

10. Headstart or similar preschool programs for children of both races should be implemented.

11. Use of Federal and State education funds should be planned comprehensively for maximum educational benefit to all eligible children.

Students

1. The Superintendent should direct each principal to hold special orientation programs welcoming students who will be new to a school, before the regular school year begins.

2. The Superintendent should require each principal to see that students are frankly and fully informed about the desegregation plan and their responsibilities to help carry it out. Each principal should seek to establish rapport and communication links with new students to encourage mutual understanding and confidence.

3. The Superintendent should direct each principal to establish a student-faculty human relations committee representing both races to aid in the successful implementation of desegregation.

4. All school staff and members of the student body should exert extra effort to assure the full participation of all students of both races in extra-curricular programs, including when appropriate the provision of a "late bus" for those staying after school to participate in such programs.

5. Each principal should request teachers to make themselves available to students outside of regular class for counseling and extra instructional help.

IX. RESOURCES FOR ASSISTANCE

In addition to the regular resources for assistance available to school officials, districts developing or carrying out plans of desegregation in Mississippi may call upon the following agencies for help:

South Mississippi In-Service Consulting Center, University of Southern Mississippi, Southern Station, Hattiesburg, Mississippi 39401, Phone: (601) 266-7150.

Division of Equal Educational Opportunities, U.S. Office of Education, 50 Seventh Street, N.E., Room 404, Atlanta, Georgia 30323, Phone: (404) 526-3076.

BATTLE OF PHILOSOPHY

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 3, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, it appears to me that well-organized pressure groups have united to exert unseeming pressure to prevent the confirmation of President Nixon's nominee as Associate Justice of the U.S. Supreme Court, Judge Clement Haynsworth.

Their real objection, the Judge's constitutionalist philosophy, has been masked behind the recitation of other thin objections. Mr. Haynsworth's philosophy is the real issue, and I hope the Members of the other body will come to see the matter in that light. Neither political opportunities nor faulty vision should stand in the way.

I wish to insert herewith, by unanimous consent, a timely and perceptive editorial which recently appeared in the Milwaukee Sentinel:

BATTLE OF PHILOSOPHY

As the Clement F. Haynsworth, jr., debate grinds on, it is becoming increasingly obvious that organized labor is the main force behind the opposition to his confirmation as a supreme court associate justice.

There has been considerable said about pressure exerted by President Nixon in behalf of the Haynsworth nomination. But there has been too little said about the pressure that unions evidently are exerting on various senators to vote against Haynsworth. The political arm twisting by the unions might make the White House efforts seem relatively gentle.

Just why the unions are so dead set against Haynsworth is not clear. His judicial record is not that antilabor. He has sat on eight labor cases that were reversed by the supreme court but none of the reversals suggested that the decisions overturned were "antilabor." Haynsworth has written eight prolabor opinions and joined in 37 other prolabor rulings.

Having failed to find any damaging conflict of interest evidence and apparently unable to smear him as antilabor, the opposition to Haynsworth has swung back to an original complaint, that he is a southerner, ipso facto, a segregationist. But his record in civil rights cases shows him to be a moderate.

One is left with the feeling that the opposition to Haynsworth is motivated by a desire to try to preserve the philosophical status quo of the court. One senator, in fact, candidly says he will vote against him simply because he disagrees with his socio-economic philosophy.

President Nixon, in defending his nomination, effectively answered this attitude by saying that "if Judge Haynsworth's philosophy leans to the conservative side, in my view that recommends him to me.

"I think the court needs balance, and I think that the court needs a man who is conservative—and I use the term not in terms of economics, but conservative, as I said of Judge Burger, in respect to his attitude toward the Constitution.

"It is the judge's responsibility, and the supreme court's responsibility, to interpret the Constitution and interpret the law, and not to go beyond that in putting his own socio-economic philosophy into decisions in a way that goes beyond the law, beyond the Constitution."

This, we believe, is the fundamental issue involved in the Haynsworth nomination, and the basic reason for the opposition to him is that the liberals are fighting a desperate rear guard action to keep the supreme court's philosophical scales weighted on the side of social activism—in spite of the fact that the people in the last presidential election in effect voted to redress the supreme court's balance.

SENATE—*Tuesday, November 4, 1969*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, maker and preserver of all things visible and invisible, we worship Thee in Thine infinite majesty and thank Thee for Thy wondrous gifts to us and to all mankind. We thank Thee for life and reason, for the gifts of nature and of grace, for truth revealed in Thy word and made known through men, for the precious gift of freedom, and the hope of a more perfect world. Make us good men in a good government. Give us the peace of forgiveness and reconciliation that we may find our way to peace among the nations.

Now unto the King eternal, immortal, invisible, the only wise God, be honor and glory forever and ever. Amen.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 7, 1969, Mr. McClellan, from the Committee on Appropriations, reported favorably, with amendments, on November 3, 1969, the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, and submitted a report (No. 91-502) thereon, which bill was placed on the calendar and the report was printed.

INDIAN EDUCATION: A NATIONAL TRAGEDY—A NATIONAL CHALLENGE

Under authority of the order of the Senate of November 3, 1969, Mr. Kennedy, from the Committee on Labor and Public Welfare, on November 3, 1969, submitted a report entitled "Indian Education: A National Tragedy—A National Challenge" (S. Rept. No. 91-501), which report was printed together with supplemental views.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO STATE, JUSTICE, COMMERCE, AND THE JUDICIARY APPROPRIATION BILL, 1970—RECEIVED DURING ADJOURNMENT

AMENDMENT NO. 262

Mr. PASTORE submitted the following notice in writing:

In accordance with rule XI of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, namely:

"Page 48, at the end of line 17 and before the period, insert the following: ': *Provided*, That all funds herein appropriated to the business loan and investment fund and all moneys hereinbefore or hereinafter appropriated to such fund, together with all moneys otherwise available to such fund, shall be available to meet guarantees bearing the full faith and credit of the United States of America heretofore or hereafter made by the Small Business Administration pursuant to section 303(b) of the Small Business Investment Act of 1958, as amended.' "

Mr. PASTORE also submitted an amendment, intended to be proposed by him, to House bill 12964, making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 3, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT NIXON'S VIETNAM ADDRESS

Mr. MANSFIELD. Mr. President, the President spoke sincerely for peace. He emphasized, once again, that he wants to get the United States out of Vietnam. What is still not clear is the how or when. There were no specifics. The President undoubtedly had his reasons for not making this clarification. Nevertheless, until it is made, I am afraid the issue of Vietnam will remain as divisive as ever in the life of the Nation.

The difficulty in waiting for the "other side" and for Saigon to make up their minds that there has been enough bloodshed and destruction is that we are also enmeshed in that bloodshed. It is a cancerous and tragic war—in which we had no proper national purpose to become involved militarily in the first place.

The tragedy is compounded, not alleviated, by the continued presence of our forces in Vietnam. Along with the people of Vietnam, we will suffer the more, the longer our involvement persists. And to what end?

I am glad that the President saw fit to refer to the Nixon doctrine which he enunciated on Guam in the course of his visit to Asia. That doctrine, which has my full support, calls for the sharp restriction of American military involvement in Asia and, notably, on the Southeast Asia mainland where our national interests are peripheral at most. That doctrine has not yet been applied anywhere on the mainland. The sooner it is applied by this Government in Vietnam and throughout the Southeast Asia area, in my judgment, the better it will be for this Nation and for all concerned.

Mr. KENNEDY. Mr. President, I and millions of Americans were most disappointed by the President's address last night on Vietnam. The President's speech, simply stated, was more of the same—no new hopes, no new considerations, no new inspiration for an American people who have waited so long and given so much for peace.

I do not wish to be harsh or overly critical, but the time has come to say it: As a candidate, Richard Nixon promised us a plan for peace once elected; as Chief Executive, President Nixon promised us a plan for peace for the last 10 months. Last night he spoke again of a plan—a secret plan for peace sometime.

There now must be doubt whether there is in existence any plan to extricate America from this war in the best interest of America—for it is no plan to say that what we will do depends upon what Hanoi does.

In effect, the President has passed all decisionmaking power for peace over to the government of Hanoi—if they wish the fighting to subside it will subside, if they wish the war to escalate, it will escalate. At this late hour of war and killing and violence, I find that position to both tragic and unacceptable.

I feel that the people of this country had a right to expect more of their leader than a simple reiteration of the past. To say there must be more war to prove our fidelity to friends after 6 years of war is but rhetoric; to hold out the possibility of the horror of killing in Vietnam after we leave, as a reason why we must continue the killing, is almost beyond comment.

And so this administration, by clinging to the policies of the past when the time for peace has come, must expect that those who feel differently will rise to this test. The call for unity cannot be responsibly heeded when a leadership has exhibited no policy or plan that unifies. It is difficult to ask a people to join in support of a position that is no different from that which has split our country before.

I do not feel that the war in Vietnam is worth thousands more American lives. Yet we have been given no indication that there now exists any limit to the number of lives or amount of resources that this country will expend to preserve the government of Saigon.

If real negotiations and peace were more important to us than the continued personal power of President Thieu and the Saigon regime, the August 25 letter from Hanoi could have been seized as an opening, not a closing of communication between adversaries. If that chance is now gone, and the only alternative is war and more war, then there is little hope that the burden of Vietnam will be lifted from America in the near future.

Mr. TALMADGE. Mr. President, for 7 years the American Government has been engaged in a very unpopular war in Southeast Asia. We have refused to make an all-out effort to achieve victory, and our Government has likewise refused to end the war by withdrawing. This has divided the American people to a greater degree than at any time since the War Between the States.

The President made a candid, forthright statement about his plans and intentions. I doubt that his statement will result in bringing harmony to the American people. There will be many Americans who want to leave Southeast Asia now. There will be other Americans who will want to achieve a victory on the battlefield. Still others will support the President's position on a timed and orderly withdrawal. Our people need unity now as never before. We can have only one Commander in Chief, and as long as he is making a serious effort to bring this unfortunate war to a conclusion, he should have our support.

To persist in demonstrating against our own Government provides aid and comfort to the enemy. It only serves to further stymie our efforts in Paris. It pushes further away the date at which the last U.S. combat soldier can be removed from the battlefield. This is what we all want. Increased division among our people makes this goal more difficult to attain, and this is certainly no time to parrot the propaganda slogans of Hanoi.

AN EXERCISE IN RESPONSIBILITY

Mr. GRIFFIN. Mr. President, last evening President Nixon spoke to the American people and to people throughout the world. His address was an act of great courage. I believe it will prove to be a turning point in history.

In words of eloquence and compassion, the President said what needed to be said and what I believe a large majority of the American people wanted to hear.

Even more important, perhaps, he said what Hanoi needed to hear, words that Hanoi should heed if there is any sincere desire on the part of Hanoi for peace.

In a message of unusual candor—one straight from the shoulder—the President has charted a course that will bring peace in Southeast Asia—and contribute toward peace throughout the world.

The word which first came into my mind when I heard President Nixon deliver his speech on Vietnam was the word "responsibility." In his rejection of gimmicks, his refusal to be spectacular, his plea for reason, his candor in telling what had heretofore been secret, his realism in assessing the progress in Paris, his caution in pinning us down to a definite timetable, his assurance that we would be out of the war regardless of what happens in the negotiations—in all of these ways, the President's speech was the essence of responsibility.

Winston Churchill once said:

> The question which we must ask ourselves is not whether we like or do not like what is going on, but what we are going to do about it.

It was that question to which President Nixon addressed himself in his television speech. He wasted no time in complaints about how we got to our present position, he did not go in for recrimination. He indulged himself in no emotional rhetoric. Clearly, calmly, responsibly, he faced the problem of Vietnam as it now exists and he told us "what he is going to do about it." He also told us—and the point is equally important—what he wants us to do about it.

In brief, he wants us to be responsible citizens. That does not mean that we should never criticize. It does not mean that we must agree on all points with him. It does mean, however, that we should carefully judge our actions in view of their impact on all the parties to the conflict, doing always what we believe will help our country achieve the most rapid and most lasting settlement.

"Let us be united for peace," said the President. That is a call which all of us should readily answer. For unity and peace are truly two sides of the same coin in our current situation. The fastest way to end the war is to unite the country and the truest way to achieve a lasting unity is to win the peace.

Together let us pursue both these goals. Let us see to it that the American public proves itself to be as responsible in dealing with this difficult issue as has our President.

The PRESIDENT pro tempore. Is there further morning business?

Mr. ALLOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, on this rather historic morning I want to say a few words about the speech of our President last evening and to join in the support of the position he has taken.

I know that this is not and was not an easy decision for him to make. I know that politically it would have been a far greater gimmick to say, "I am going to withdraw all of the troops immediately," or "I am going to withdraw 50 percent of them by Christmas," or "I am going to withdraw a certain percentage on a given timetable."

I think one thing most people have missed and forgotten is the complete intransigence of the Communists in the negotiations at Paris. To describe as cynical their appearances there, their talks, and negotiations would be kind to them, far beyond what they deserve.

I have been looking at the mortality of our situation in Vietnam, and while I would be disposed to speak at some length on the mistakes and errors which I think have brought us to this point, it seems to me that the President has said regardless of what has occurred or how much we disagree with those things, this is the situation we are in and this is my plan to end the war, and we will negotiate on anything except the final ability of the South Vietnamese to choose their own government.

When I think of an all-out retreat at this point in Vietnam, and the immediate withdrawal of troops, as proposed by some people, I cannot help but wonder—and this figure is as of early this year, March 22—about the 33,641 battle deaths The figure is much higher now, of course.

If I were one of the wives or one of the parents, and we were to turn our tails without giving the Vietnamese people a chance to pursue freedom in their own way, I would have to ask, "For what did my son die?" or "For what did my husband die?"

The President has offered us the only clear choice of concluding that war and making these sacrifices meaningful. I do not think the President was asking that the people be deprived of their right to dissent or their right to discuss or their right to march on the streets. All these things are inherent in our American principles. I think probably he put his finger on the basic point when he said:

> I want to end the war so that the energy and dedication of our young people, now too often directed into bitter hatred against those they think are responsible for the war, can be turned to the great challenges of peace, a better life for all Americans and for people throughout the world.

In these hard, difficult days today in the Senate, when we worry about solving the problems of our cities, solving the problem of our ghettos, solving the problems of the quality of education, work opportunity, and housing for all the people in this country—all of them—and when we look hopefully at what the dollars spent in the war in Vietnam might do and might have done in that area, it causes a great challenge to come to those who are serious minded about the efforts to solve the problems of this country.

In the Revolutionary War, in the Civil War, in World War I, in World War II, and in the Korean war we had those people who voiced their opinions, those people who dissented from the course that the Government had taken; and yet, over all, we had a solidarity and a community of interest that it was our country. I feel our community of interest as a country is as great now and as much at stake as it has ever been in our history. So I would hope that while people dissent and offer their views, that they will be constructive. Continuing to damn what has occurred in the past, while tempting, will not solve our problems now.

This can only be done through a realistic look, as the President did last night, at where we are and how we can meaningfully end the war and bring our troops home and achieve a peace which will have significance not only to Vietnam but perhaps to all of Southeast Asia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 12) to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States;

H.R. 8662. An act to authorize command of the U.S. ship *Constitution* (IX–21) by retired officers of the U.S. Navy;

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes; and

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States; to the Committee on the Judiciary.

H.R. 8662. An act to authorize command of the U.S.S. *Constitution* (IX–21), by retired officers of the U.S. Navy;

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities, and for other purposes; to the Committee on Armed Services.

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Labor and Public Welfare.

VIETNAM—PRESIDENT NIXON'S ADDRESS TO THE AMERICAN PEOPLE LAST NIGHT

Mr. DOLE. Mr. President, last evening the American people heard one of the most direct, straightforward, and revealing discussions of national policy ever presented to them. President Nixon very carefully and meticulously defined the U.S. commitments, its goals and, most important, the steps which have been taken to fulfill our commitments and achieve our goals in Vietnam. Briefly, our commitment is to the assured and secured right of the South Vietnamese freely to choose their own destiny; our goal is to end American military involvement as quickly as is consistent with our commitment.

As President Nixon said:

> The question before us is not whether some Americans are for peace and some against it. The great question at issue is not whether Johnson's war becomes Nixon's war.
>
> The question is: how can we win America's peace?

The President very carefully and thoroughly explained what he and his administration have done, even before taking office in January, to bring a just and lasting peace. He told of specific initiatives which he undertook in utmost good faith and generosity. He disclosed the unprecedented step of a direct letter, outside regular diplomatic channels, to Ho Chi Minh seeking to promote meaningful progress at the Paris negotiations.

As he said many, many times and emphasized many, many times—

Each and every gesture, feeler, and contact made by the United States has been summarily dismissed by the North Vietnamese and the Vietcong.

In spite of the Communists' total lack of cooperation in the diplomatic field, the President has pursued his policy for peace in Vietnam itself. The foremost feature of this policy has been the process of Vietnamization, the success of which has permitted a timetable to be established for the withdrawal of American combat forces from the country. This plan for peace, which is to some extent independent of the Paris negotiations, has produced tangible results and is proceeding.

Critics have been saying that President Nixon has no plan, but he obviously does have a plan and he has had a plan for many months. It is the result of deliberate study and weighing of alternative policies and the consequences of these policies. President Nixon very clearly explained these alternatives last night. That the President does not announce specific details of his policy in an illustration of his understanding of international politics and the fundamentals of negotiation. He surely would have liked to have announced further withdrawals and other moves toward peace, but it would not be in the best interests of our dealings with the Communists to do so. We must maintain our bargaining position, while at the same time we make efforts to achieve peace away from the table at Paris.

Mr. President, President Nixon has leveled with the people. We now know where he stands and what he seeks to achieve. We should meet this honesty and directness with full vocal support of his efforts.

TELL IT TO HANOI

Mr. President, President Nixon has given America the facts. He has not ducked the hard questions. He has made clear that there has been little progress in Paris, and that continued sacrifice is going to be necessary in Vietnam itself if the war is to be brought to a satisfactory conclusion.

At the same time, he has demonstrated persuasively that the path to peace does have an end, and that that end is in sight. This, of course, has been indicated by the announcements of withdrawals of U.S. combat ground forces, which withdrawals have already begun under this administration and which are going to continue, until eventually—and sooner rather than later—the burden of actual fighting will once again be borne by the South Vietnamese, but with a difference: they will at last have been strengthened sufficiently so that they can carry that burden.

This leaves one thing to be done: For the American people to "tell it like it is" to "tell it to Hanoi", to tell it to the enemy and carry the message, loud and clear, that we are not going to be pushed off this path to peace; that we are behind the President; and that Hanoi ~~might~~ just as well give up its hopes of winning in the streets of America what it cannot win on the battlefields of South Vietnam.

If that message gets through, then maybe we will have some progress in Paris—and maybe we will have peace sooner than many think. So, let us shout about it, let us write about it, let us wire about it—let us "tell it to Hanoi."

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD the full text of President Nixon's address to the American people of last evening.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF ADDRESS BY PRESIDENT RICHARD NIXON, DELIVERED NOVEMBER 3, 1969

Tonight I want to talk to you on a subject that deeply concerns every American and other people throughout the world—the war in Vietnam.

I believe that one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about the policy.

Tonight I would like to answer some of the questions that I know are on the minds of many of you listening to me.

How and why did America get involved in Vietnam in the first place?

How has this Administration changed the policy of the previous Administration?

What has really happened in the negotiations in Paris and on the battlefront in Vietnam?

What choices do we have if we are to end the war?

What are the prospects for peace?

Let me begin by describing the situation I found when I was inaugurated on January 20.

The war had been going on for four years.

31,000 Americans had been killed in action.

The training program for the South Vietnamese armed forces was behind schedule.

540,000 Americans were in Vietnam with no plans to reduce the number.

No progress had been made at the negotiations in Paris and the United States had not put forth a comprehensive peace proposal.

The war was causing deep division at home and criticism from many of our friends as well as our enemies abroad.

In view of this circumstances there were some who urged I end the war at once by ordering the immediate withdrawal of all American forces.

From a political standpoint this would have been a popular and easy course to follow. After all, we became involved in the war while my predecessor was in office. I could blame the defeat which would be the result of my action on him and come out as the peacemaker. Some put it quite bluntly: This was the only way to avoid allowing Johnson's war to become Nixon's war.

But I had a greater obligation than to think only of the years of my Administration and the next election. I had to think of the effect of my decision on the next generation and the future of peace and freedom in America and the world.

Let us all understand that the question before us is not whether some Americans are for peace and some against it. The great question at issue is not whether Johnson's war becomes Nixon's war.

The question is: how can we win America's peace?

Let us turn now to the fundamental issue. Why and how did the United States become involved in Vietnam in the first place?

Fifteen years ago North Vietnam, with the logistical support of Communist China and Soviet Union, launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution.

In response to the request of the government of South Vietnam, President Eisenhower sent economic aid and military equipment to assist the people of South Vietnam in their efforts to prevent a Communist takeover. Seven years ago, President Kennedy sent 16,000 military personnel to Vietnam as combat advisors. Four years ago, President Johnson sent American combat forces to South Vietnam.

Many believe that President Johnson's decision to send American combat forces to South Vietnam was wrong. Many others—I among them—have been strongly critical of the way the war has been conducted.

But the question today is—now that we are in the war, what is the best way to end it?

In January I could only conclude that the precipitate withdrawal of all American forces from Vietnam would be a disaster not only for South Vietnam but for the United States and for the cause of peace.

For the South Vietnamese, our precipitate withdrawal would inevitably allow the Communists to repeat the massacre which followed their takeover of the North fifteen years ago.

They then murdered more than fifty thousand people and hundreds of thousands more died in slave labor camps.

We saw a prelude of what would happen in South Vietnam when the Communists entered the city of Hue last year. During their brief rule there, there was a bloody reign of terror in which some 3,000 civilians were clubbed and shot to death.

With the sudden collapse of our support, these atrocities of Hue would become the nightmare of the entire nation—and particularly for the million and a half Catholic refugees who fled to South Vietnam when the Communists took over the North in 1954.

For the United States, this first defeat in our nation's history would result in a collapse of confidence in American leadership, not only in Asia but throughout the world.

Three American Presidents have recognized the great stakes involved in Vietnam and understood what had to be done.

In 1963, President Kennnedy said with his characteristic eloquence and clarity, "we want to see a stable government there carrying on the struggle to maintain its national independence. We believe strongly in that. We're not going to withdraw from that effort. In my opinion for us to withdraw from that effort would mean a collapse not only of South Vietnam, but Southeast Asia, so we're going to stay there."

President Eisenhower and President Johnson expressed the same conclusion during their terms of office.

For the future of peace, precipitate withdrawal would thus be a disaster of immense magnitude.

A Nation cannot remain great if it betrays its allies and lets down its friends.

Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest.

This would spark violence wherever our commitments help maintain peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere.

Ultimately, this would cost more lives.

It would not bring peace but more war.

For these reasons, I rejected the recommendation that I should end the war by immediately withdrawing all our forces. I chose instead to change American policy on both the negotiating front and the battlefront.

In order to end a war fought on many fronts, I initiated a pursuit for peace on many fronts.

In a television speech on May 14, in a speech before the United Nations, and on a number of other occasions I set forth our peace proposals in great detail.

We have offered the complete withdrawal of all outside forces within one year.

We have proposed a cease-fire under international supervision.

We have offered free elections under international supervision with the Communists participating in the organization and conduct of the elections as an organized political force. The Saigon Government has pledged to accept the result of the elections.

We have not put forth our proposals on a take-it-or-leave-it basis. We have indicated that we are willing to discuss the proposals that have been put forth by the other side and that anything is negotiable except the right of the people of South Vietnam to determine their own future. At the Paris peace conference, Ambassador Lodge has demonstrated our flexibility and good faith in 40 public meetings.

Hanoi has refused even to discuss our proposals. They demand our unconditional acceptance of their terms; that we withdraw all American forces immediately and unconditionally and that we overthrow the government of South Vietnam as we leave.

We have not limited our peace initiatives to public forums and public statements. I recognized that a long and bitter war like this usually cannot be settled in a public forum. That is why in addition to the public statements and negotiations I have explored every possible private avenue that might lead to a settlement.

Therefore, tonight I am taking the unprecedented step of disclosing some of our other initiatives for peace—initiatives we undertook privately and secretly because we thought that we thereby might open a door which publicly would be closed.

I did not wait for my inauguration to begin my quest for peace.

Soon after my election through an individual who is directly in contact on a personal basis with the leaders of North Vietnam I made two private offers for a rapid, comprehensive settlement. Hanoi's replies called in effect for our surrender before negotiations.

Since the Soviet Union furnishes most of the military equipment for North Vietnam, Secretary of State Rogers, my Assistant for National Security Affairs, Dr. Kissinger, Ambassador Lodge, and I, personally, have met on a number of occasions with representatives of the Soviet Government to enlist their assistance in getting meaningful negotiations started. In addition we have had extended discussions directed toward that same end with representatives of other governments which have diplomatic relations with North Vietnam. None of these initiatives have to date produced results.

In mid-July, I became convinced that it was necessary to make a major move to break the deadlock in the Paris talks. I spoke directly with an individual who had known Ho Chi Minh on a personal basis for twenty-five years. Through him I sent a letter to Ho Chi Minh.

I did this outside of the usual diplomatic channels with the hope that with the necessity of making statements for propaganda removed, there might be constructive progress toward bringing the war to an end. Let me read from that letter:

"DEAR MR. PRESIDENT: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam.

* * * * *

"The time has come to move forward at the conference table toward an early resolution of this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam. Let history record at this critical juncture, both sides turned their face toward peace rather than toward conflict and war."

I received Ho Chi Minh's reply on August 30, three days before his death. It simply reiterated the public position North Vietnam had taken in the Paris talks and flatly rejected my initiative.

The full text of both letters is being released to the press.

In addition, Ambassador Lodge has met with Vietnam's chief negotiator in Paris in 11 private meetings.

We have taken other significant initiatives which must remain secret to keep open some channels of communication which may still prove to be productive.

The effect of all the public, private and secret negotiations which have been undertaken since the bombing halt a year ago and since this Administration came into office on January 20, can be summed up in one sentence—

No progress whatever has been made except agreement on the shape of the bargaining table.

It has become clear that the obstacle in negotiating an end to the war is not the President of the United States. And it is not the South Vietnamese Government.

The obstacle is the other side's absolute refusal to show the least willingness to join us in seeking a just peace. It will not do so while it is convinced that all it has to do is to wait for our next concession, and the next until it gets everything it wants.

There can be now no longer any doubt that progress in negotiation depends above all on Hanoi's deciding to negotiate seriously.

I realize that this report on our efforts on the diplomatic front is discouraging but the American people are entitled to know the truth—the bad news as well as the good news where the lives of our young men are involved.

Let me now turn, however, to a more encouraging report on another front.

At the time we launched our search for peace, I recognized that we might not succeed in bringing an end to the war through negotiation. I, therefore, put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front.

It is in line with a major shift in U.S. foreign policy which I described in my press conference at Guam on July 25. Let me briefly explain what has been described as the Nixon Doctrine—a policy which not only will help end the war in Vietnam, but which is an essential element of our program to prevent future Vietnams.

We Americans are a do-it-yourself people—an impatient people. Instead of teaching someone else to do a job, we like to do it ourselves. This trait has been carried over into our foreign policy.

In Korea and again in Vietnam, the United States furnished most of the money, most of the arms, and most of the men to help the people of those countries defend their freedom against Communist aggression.

Before any American troops were committed to Vietnam, a leader of another Asian country expressed this opinion to me when I was traveling in Asia as a private citizen. "When you are trying to assist another nation defend its freedom, U.S. policy should be to help them fight the war but not to fight the war for them."

In Guam, I laid down these three principles as guidelines for future American policy toward Asia:

1. The United States will keep all of our treaty commitments.

2. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

3. In cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

After I announced this policy, I found that the leaders of the Philippines, Thailand, Vietnam, South Korea and other nations which might be threatened by Communist aggression welcomed this new direction in American foreign policy.

The defense of freedom is everybody's business—not just America's business. And it is particularly the responsibility of the people whose freedom is threatened. The policy of the previous Administration not only resulted in our assuming the primary responsibility for fighting the war but even more significantly it did not adequately stress the goal of strengthening the South Vietnamese so that they could defend themselves when we left.

The Vietnamization Plan was launched following Secretary Laird's visit to Vietnam in March. Under the plan, I ordered a substantial increase in the training and equipment of South Vietnamese forces.

In July, on my visit to Vietnam, I changed General Abram's orders so that they were consistent with the objectives of our new policy. Under the new orders the primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam.

Our air operations have been reduced by over twenty percent.

We have now begun to see the results of this long overdue change in American policy in Vietnam.

After five years of Americans going into Vietnam, we are finally bringing American men home. By December 15, over 60,000 men will have been withdrawn from South Vietnam—including twenty percent of all of our combat troops.

The South Vietnamese have continued to gain in strength. As a result they have been able to take over combat responsibilities from our American forces.

Two other significant developments have occurred since this Administration took office in January.

Enemy infiltration over the last three months is less than twenty percent of what it was over the similar period last year.

Most important—United States casualties have declined during the last two months to the lowest point in three years.

Let me turn now to our program for the future.

We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. ground combat forces and their replacement by South Vietnamese forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater.

I have not and do not intend to announce the timetable for our program. There are obvious reasons for this decision. As I have indicated on several occasions, the rate of withdrawal will depend on developments on three fronts:

One is the progress which may be made at the Paris talks. An announcement of a fixed timetable for our withdrawal would completely remove any incentive for the enemy to negotiate an agreement.

They would simply wait until our forces had withdrawn and then move in.

The other two factors on which we will base our withdrawal decisions are the level of enemy activity and the progress of the training program of the South Vietnamese forces. Progress on both these fronts has been greater than we anticipated when we started the withdrawal program in June. As a result, our timetable for withdrawal is more optimistic now than when we made our first estimates in June. This clearly demonstrates why it is not wise to be frozen in on a fixed timetable.

We must retain the flexibility to base each withdrawal decision on the situation as it is at that time rather than on estimates that are no longer valid.

Along with this optimistic estimate, I must—in all candor—leave one note of caution.

If the level of enemy activity significantly increases we might have to adjust our timetable accordingly.

However, I want the record to be completely clear on one point.

At the time of the bombing halt last November, there was some confusion as to whether there was an understanding on the part of the enemy that if we stopped the bombing they would stop shelling cities of South Vietnam. I want to be sure there is no misunderstanding on the part of the enemy with regard to our withdrawal program.

We have noted the reduced level of infiltration and the reduction of our casualties and are basing our withdrawal decisions partially on those factors.

If the level of infiltration or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy.

Hanoi could make no greater mistake than to assume that an increase in violence will be to its own advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

This is not a threat. This is a statement of policy which as Commander-in-Chief of our Armed Forces I am making in meeting my responsibility for the protection of American fighting men wherever they may be.

I am sure that you can recognize from what I have said that we have only two choices open to us if we want to end the war.

I can order an immediate, precipitate withdrawal of all Americans from Vietnam without regard to the effects of that action.

Or we can persist in our research for a just peace through a negotiated settlement if possible, or through continued implementation of our plan for Vietnamization if necessary—a plan in which we will withdraw all of our forces from Vietnam on a schedule in accordance with our program, as the South Vietnamese become strong enough to defend their own freedom.

I have chosen the second course.

It is not the easy way.

It is the right way.

It is a plan which will end the war and serve the cause of peace—not just in Vietnam but in the Pacific and in the world.

In speaking of the consequences of a precipitate withdrawal, I mentioned that our allies would lose confidence in America.

Far more dangerous, we would lose confidence in ourselves. The immediate reaction would be a sense of relief as our men came home. But as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people.

We have faced other crises in our history and have become stronger by rejecting the easy way out and taking the right way in meeting our challenges. Our greatness as a nation has been our capacity to do what had to be done when we knew our course was right.

I recognize that some of my fellow citizens disagree with the plan for peace I have chosen. Honest and patriotic Americans have reached different conclusions as to how peace should be achieved.

In San Francisco a few weeks ago, I saw demonstrators carrying signs reading: "Lose in Vietnam, bring the boys home."

One of the strengths of our free society is that any American has a right to reach that conclusion and to advocate that point of view. But as President of the United States, I would be untrue to my oath of office if I allowed the policy of this nation to be dictated by the minority who hold that view and who attempt to impose it on the nation by mounting demonstrations in the street.

For almost two hundred years, the policy of this nation has been made under our Constitution by those leaders in the Congress and in the White House who were elected by all the people. If a vocal minority, however fervent its cause, prevails over reason and the will of the majority this nation has no future as a free society.

I would like to address a word to the young people of this nation who are concerned about the war.

I respect your idealism.

I share your concern for peace.

I want peace as much as you do.

There are powerful personal reasons I want to end this war. This week I will have to sign 83 letters to mothers, fathers, wives and loved ones of men who had given their lives for America in Vietnam. It is very little satisfaction to me that this was only one-third as many as I signed during my first week in office. There is nothing I want more than to see the day come when I no longer must write any of these letters.

I want to end the war to save the lives of those brave young men in Vietnam.

I want to end it in a way which will increase the chance that their younger brothers and their sons will not have to fight in another Vietnam someplace in the world.

I want to end the war so that the energy and dedication of our young people, now too often directed into bitter hatred against those they think are responsible for the war, can be turned to the great challenges of peace, a better life for all Americans and for people throughout the world.

I have chosen a plan for peace. I believe it will succeed.

If it does succeed, what the critics say now will not matter. If it does not succeed, anything I say then will not matter.

I know it may not be fashionable to speak of patriotism or national destiny these days. But I feel it is appropriate to do so on this occasion.

Two hundred years ago this nation was weak and poor. But even then, America was the hope of millions in the world. Today we have become the strongest and richest nation in the world. The wheel of destiny has turned so that any hope the world has for the survival of peace and freedom in the last third of this century will be determined by whether the American people have the moral stamina and the courage to meet the challenge of free world leadership.

Let historians not record that when America was the most powerful nation in the world we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people on this earth to be suffocated by the forces of totalitarianism.

And so tonight—to you, the great silent majority of my fellow Americans—I ask for your support.

I pledged in my campaign for the Presidency to end the war in a way that we could win the peace. I have initiated a plan of action which will enable me to keep that pledge.

The more support I can have from the American people, the sooner that pledge can be redeemed; for the more divided we are at home, the less likely the enemy is to negotiate in Paris.

Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Fifty years ago, in this very room and at this very desk, President Woodrow Wilson wrote words which caught the imagination of a war-weary world during World War I. He said: "This is the war to end wars." His dream for peace after that war was shattered on the hard realities of great power politics, and Wilson died a broken man.

Tonight I do not tell you that the war in Vietnam is the war to end wars.

I do say that I have initiated a plan which will end this war in a way that will bring us closer to that great goal of a just and lasting peace to which Woodrow Wilson and every President in our history has been dedicated.

As President I hold the responsibility for choosing the best path to that goal and then for leading our nation along it.

I pledge to you tonight that I will meet this responsibility with all of the strength and wisdom I can command in accordance with your hopes, mindful of your concerns, sustained by your prayers.

[From the office of the White House Press Secretary, Nov. 3, 1969]

(NOTE.—In the President's address to the nation, he refers to an exchange of correspondence he had with President Ho Chi Minh of the Democratic Republic of Vietnam. For your information and use, this exchange of correspondence follows:)

THE WHITE HOUSE,
July 15, 1969.

His Excellency HO CHI MINH,
President, Democratic Republic of Vietnam, Hanoi.

DEAR MR. PRESIDENT: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam. My speech on May 14 laid out a proposal which I believe is fair to all parties. Other proposals have been made which attempt to give the people of South Vietnam an opportunity to choose their own future. These proposals take into account the reasonable conditions of all sides. But we stand ready to discuss other programs as well, specifically the 10-point program of the NLF.

As I have said repeatedly, there is nothing to be gained by waiting. Delay can only increase the dangers and multiply the suffering.

The time has come to move forward at the conference table toward an early resolution of this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam. Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war.

Sincerely,

RICHARD NIXON.

HANOI,
August 25, 1969.
(Received in Paris August 30)

His Excellency RICHARD MILHOUS NIXON,
President of the United States,
Washington.

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter.

The war of aggression of the United States against our people, violating our fundamental national rights, still continues in South Vietnam. The United States continues to intensify military operations, the B–52 bombings and the use of toxic chemical products multiply the crimes against the Vietnamese people. The longer the war goes on, the more it accumulates the mourning and burdens of the American people. I am extremely indignant at the losses and destructions caused by the American troops to our people and our country. I am also deeply touched at the rising toll of death of young Americans who have fallen in Vietnam by reason of the policy of American governing circles.

Our Vietnamese people are deeply devoted to peace, a real peace with independence and real freedom. They are determined to fight to the end, without fearing the sacrifices and difficulties in order to defend their country and their sacred national rights. The overall solution in 10 points of the National Liberation Front of South Vietnam and of the Provisional Revolutionary Government of the Republic of South Vietnam is a logical and reasonable basis for the settlement of the Vietnamese problem. It has earned the sympathy and support of the peoples of the world.

In your letter you have expressed the desire to act for a just peace. For this the United States must cease the war of aggression and withdraw their troops from South Vietnam, respect the right of the population of the South and of the Vietnamese nation to dispose of themselves, without foreign influence. This is the correct manner of solving the Vietnamese problem in conformity with the national rights of the Vietnamese people, the interests of the United States and the hopes for peace of the peoples of the world. This is the path that will allow the United States to get out of the war with honor.

With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem.

Sincerely,

HO CHI MINH.

DRAFT REFORM

Mr. GRIFFIN. Mr. President, an editorial published in this morning's New York Times reads in part as follows:

> The need for more comprehensive reform than the President has proposed or the House has seen fit to consider does not excuse the Senate from acting now on the limited improvement in draft procedures that could still be achieved during the current session. Promises of a major Selective Service overhaul next year would be more credible if the Senate followed up the House vote this year to institute a random selection system. Some reform is better than none.

Mr. President, I ask unanimous consent that the editorial be printed in full in the Record and that an article written by David S. Broder in today's Washington Post, entitled "Senate Democrats Mistaken in Postponing Draft Reform" also be printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 4, 1969]

PARTIAL DRAFT REFORM

The draft lottery legislation approved by the House last week is, as the Senate majority leadership pointed out, only a partial step toward needed Selective Service reform. Both Houses of Congress have been delinquent this year in failing to enact sweeping changes in a system that was described by a Federal judge in New York recently as a "mind-numbing maze of statutes, regulations and memoranda . . . inscrutable not only to laymen but also to most lawyers."

But the need for more comprehensive reform than the President has proposed or the House has seen fit to consider does not excuse the Senate from acting now on the limited improvement in draft procedures that could still be achieved during the current session. Promises of a major Selective Service overhaul next year would be more credible if the Senate followed up the House vote this year to institute a random selection system. Some reform is better than none.

[From the Washington Post, Nov. 4, 1969]

SENATE DEMOCRATS MISTAKEN IN POSTPONING DRAFT REFORM

(By David S. Broder)

Cambridge, Mass.—In deciding to postpone until next year consideration of the draft reform bill that President Nixon recommended and the House passed, the Democratic leaders of the Senate have taken a heavy responsibility on themselves and their party.

The inequities of the present draft law are so obvious and the corrosive effects of its continuance so severe that the decision to delay relief—even the partial relief promised by the Nixon plan—is one for which the Democrats can properly be held to political account.

Some of the arguments for delay are reasonable enough in themselves. The Senate calendar for the remainder of the year is crowded with matters of some urgency, including the Haynsworth nomination, the tax-reform bill and most of the tardy appropriations measures.

While Congress itself is at least partially to blame for the logjam, there is no doubt that adding draft reform to the agenda would be burdensome.

But this would not be the case if the advocates of major draft reform—including Senators Hart, Hatfield and Kennedy—were willing to pass the simple measure the President requested, authorizing a random lottery system, and to delay consideration of other changes until next year. In rejecting the half-load proposition passed by the House, the liberals have exposed themselves to accusations of political opportunism, which are probably unjust. What can be questioned is whether their holdout tactics take into account the urgency of some immediate relief from the inequities of the present system.

Just how urgent draft reform is can perhaps be better seen from this college community than from Washington. The present system keeps young men in a state of jeopardy for the unconscionable period of 7½ years. Their fate is controlled by a complex of regulations, which are subject to constant change and which are applied by local boards in so capricious a manner as to make the ultimate decision on induction or deferment seem highly arbitrary to the individual concerned.

The present regulations, discriminate against the poor, the less educated and the minorities, and work in favor of the wealthy, better educated whites, who can find temporary and sometimes permanent draft havens, in college, in graduate school, in teaching and in other favored professions.

It is easy to guess the kind of resentment this stirs among draftees toward those who enjoy draft exemptions while preparing themselves for lucrative, high-status careers. If the veterans of Vietnam do not despise the college-trained contemporaries who manage to avoid the draft, they are a darn sight more forgiving than we have any right to expect.

Equally serious is the effect of the current system on the draft-exempt college students themselves. From their privileged sanctuaries, they have become the most severe critics of the Vietnam war, the "military-industrial complex" and the purposes of American foreign policy. One cannot say to what extent their criticisms stem from their need to rationalize their own advantageous position in the draft, but the connection between privilege and protest is hard to overlook.

Today's campus culture sanctions the use of almost any lawful tactic—and some of questionable legality—to avoid the draft.

Career decisions are routinely altered to improve the odds on staying out of the Army. Uncounted numbers of young men have taken up teaching because it is draft-except, thus increasing the likelihood that their views of military service are passed on to those still below draft age.

What it will do to this country if a whole generation of its potential leaders grow up with this cynical view of the obligations of national service cannot be calculated. But that is the price we pay for the present draft law.

The Senate Democrats note quite correctly that Mr. Nixon's plan will not reach all these evils, and they claim he can do almost as much by executive order as by legislation. They vow to consider major reform next year.

But is that enough, under the circumstances? When the system of government is as seriously challenged as ours is today, is there not a duty to act when the opportunity for action exists? A Congress that procrastinates is no help in an era of confrontation politics.

AUSTIN, TEX., REAL ESTATE TRANSACTION QUESTIONED

Mr. WILLIAMS of Delaware. Mr. President, last Thursday I commented upon the highly improper, if not actually illegal, manner wherein land valued at $2 million had been given away during the closing days of the preceding administration.

I ask unanimous consent that an editorial entitled "Light on a Dubious Venture," published in yesterday's Washington Post on that subject be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

LIGHT ON A DUBIOUS VENTURE

Sen. John J. Williams's report on the concealed gift of land valued at $2 million to an Austin foundation headed by three friends of former President Johnson should not be an end of the matter. From what is now known, the transaction has the smell of slick maneuvering as well as of favoritism. The country, the Congress and presumably the Department of Justice will want to know what strings were pulled to set this transaction in motion and by whom and whether any law was violated.

Apparently the venture had a worthy purpose—to build a nonprofit nursing and housing center for the aged. But laudable ends do not justify irregular or unlawful means. If Senator Williams's account of what happened is accurate, the first error came in saving the General Services Administration declare the land in question surplus property four days after the Interior Department had declared that it had no further need of the site. The law contemplates that when one department finds land in its possession is no longer necessary to its operations, other governmental agencies be given a chance to obtain it. In this instance, it appears that the HEW rushed in with a gift of the land to the foundation represented by L.B.J.'s friends without any effort to determine whether it might be needed by any other governmental agencies.

The reduction in the appraised value of the site from more than $2 million to $642,000 is equally mysterious. Even at that reduced value, however, the Austin Geriatrics Center was able to use the gift (plus a geriatric research contract from HEW and grants from federal housing agencies) as the basis for government-guaranteed loans totaling $8.5 million, suspiciously approved on the last day of the Johnson administration.

The current demand of the HEW for return of the land should not preclude a full airing of the transaction. Congress should also review the law to see if it contains ample safeguards against repetition of undercover deals of this kind. There may be some occasions when the government can properly give surplus land to nonprofit projects, but if so, they should be subjected to the closest public scrutiny. There can be no excuse whatever for short-circuiting give-away procedures to favor friends of the President.

IMMORAL UNDECLARED WAR

Mr. YOUNG of Ohio. Mr. President, more than 56,000 Americans have been killed in combat in Vietnam since 1961 or killed in what Pentagon terms "accidents and incidents," most of which are really combat deaths. In addition, more than 265,000 have been wounded. Recently, the Wall Street Journal reported:

> In many cases, the men are coming back with wounds far worse than those suffered by the survivors of other wars . . . For many the price of survival will be to go through the rest of their lives badly mutilated. "We're saving them, but I don't know what for" says one top Army medical officer.

In addition to the tragic human loss, more than 6,000 U.S. aircraft have been lost in combat and more than $115 billion of taxpayers' money been wasted—all blown up in smoke.

While Americans fight and die in that immoral undeclared war, most ARVN divisions, the so-called friendly forces, still cling to relatively safe areas. The desertion rate in the South Vietnamese Army is one out of five each year. Newsweek reports:

> Relations between the allied armies are already so strained, in fact, that the U.S. command has drawn up contingency plans for fighting the South Vietnamese, if necessary, during a final American withdrawal.

Unfortunately if the President continues to withdraw troops at the present rate, it will take at least 10 years to remove all of our forces from Vietnam.

It has been mentioned here today that President Nixon had a secret plan to end the war. Our President, more than a year ago, while campaigning for the Presidency in New Hampshire and elsewhere, said he had a secret plan to end the war. The Senator from Ohio listened intently, following the ballyhoo and buildup for his speech last evening, and the Senator from Ohio reports that, in his mind, that plan is still the President's secret. His speech must have disappointed millions of Americans. The President revealed no new initiatives toward peace. His talk about a secret schedule of withdrawal reminded me of his promised secret plan to end the war—a plan announced more than 13 months ago which remains his secret. His plea to the American people was not successful and will only serve to increase opposition to our continued involvement in that immoral undeclared war in Vietnam.

We sent our men to South Vietnam to fight in this undeclared, immoral, and unpopular war in ships and in planes. At the present time there are more than half a million American fighting men in South Vietnam and in Thailand. In addition, there are at least 35,000 men of the U.S. Navy in the ships of the 7th Fleet in the Gulf of Tonkin, in the China Sea, and off the coast of South Vietnam.

Of that huge number, we could easily withdraw this year, before December 31, at least 100,000 men. We could readily bring home in the same manner in which we sent them over there—by ship and plane.

ACCEPTABLE UNEMPLOYMENT

Mr. YOUNG of Ohio. Mr. President, when the unemployment rate recently rose to 4 percent, Secretary of the Treasury Kennedy stated that this was "acceptable" to the administration. In addition, he stated that the administration believed that it was necessary to continue present economic policies that might force unemployment even higher. The recent unemployment increase indicates that in a short period of time more than half a million Americans were thrown out of gainful employment. Evidently, the Treasury Secretary has no conception how that "acceptable" level of unemployment affects working men and women who have rent to pay and children to feed and clothe. This economic policy is more disastrous than a hurricane, or tornado, for the family with no paycheck. What would the Treasury Secretary say were a doctor to dismiss a small cancer lesion as "acceptable?" It appears that the only casualties in the administration's war against inflation are working men and women. They are the expendable victims—the forgotten Americans.

Very definitely, an unemployment rate of approximately one of 20 working men and women should not and must not be considered acceptable, even though Secretary of the Treasury Kennedy says otherwise.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. GURNEY. Mr. President, I want to commend the President of the United States on his remarks to the Nation last night on Vietnam. It seems to me he struck just about the right note we need at this time in this unhappy affair. It seems to me it was a very serious speech, pitched in a low key, to a majority of responsible Americans, a group which has been supporting the President in his plan to bring peace to Vietnam and extricate us from the war over there.

He reviewed, I think, in very thorough fashion, the history about Vietnam, how we got involved, who involved us, how much we have been involved.

He said, of course, we have two courses in Vietnam. One is to pull out—and there are many voices in this country who are urging us to do that, some here in the Senate of the United States. The other course, of course, is to follow what the President is attempting to do in Vietnam, and that is to withdraw American troops in an orderly fashion and turn the fighting over to the South Vietnamese.

The President, of course, hit the nail on the head when he said that to pull out right now in Vietnam would be the most disastrous thing we could do, not only as a nation but also in the interest of peace around the world. Of course, the first thing that would happen by our throwing one of our allies to the wolves and jeopardizing the whole peace in Southeast Asia would be to further invite the Communists to troublemake the world. Indeed, if we have learned anything from history since World War II, it is that this, indeed, would follow.

This course was unacceptable, the President said; and I think he is right.

The other course, of course, is the one he is trying to follow. That is to deescalate the war, withdraw our troops, turn it over to the South Vietnamese, and let them fight their own war—something that should have been done a long time ago and that the President initiated as part of his policy about 6 months ago.

There are some national leaders who say that this is "more of the same." As a matter of fact, I think the distinguished majority whip made those remarks on the floor just a short time ago.

It seems to me the course in Vietnam is completely different under the President's plan for peace than what occurred before. He has indeed turned the war over. He has indeed withdrawn American combat troops. He has indeed turned more and more of the fighting over to the South Vietnamese Army, which will go on in accelerated fashion in the coming months.

If that is "more of the same," then the people who make that statement just have not reviewed the facts on Vietnam, or else they are drawing conclusions which can only be termed to be exaggerated, to say the least.

There was one other thing the President said that I thought was very significant, and should have been said a long time ago by other people and other leaders. He served notice on the leaders in Hanoi that if they did not cooperate with the President of the United States in achieving deescalation of this war and bringing peace in Vietnam, then they would have to answer for the consequences. He reminded Hanoi that, indeed, we do have forces at our disposal which we can use if we are forced to do so. Obviously the President does not want to do that; but I hope that Hanoi, if it learns nothing else from the speech the President made last night, took note of the fact that there is the capability within this country of ending this war in another fashion if we have to do it.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. GURNEY. I ask unanimous consent to proceed for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Perhaps one way of paraphrasing what the President said in that part of his speech would be to repeat what another President said years ago. I refer to President Theodore Roosevelt, and that part of his philosophy on foreign policy which he enunciated by saying, "Walk softly and carry a big stick." I think that is what President Nixon was saying.

I do, then, commend the President on his remarks to the Nation on Vietnam last night. He is on the right course. I support him 100 percent. If we can read anything from the pulse of America today, I believe it is that the majority of responsible Americans, even though they may not be seen on the television tube every night or read about in the press every day, are behind the President in his attempts to extricate us from Vietnam. I hope more and more of those people will become vocal, and indicate to the President their support of his, I think, extremely sound plan to get us out of this war in Vietnam.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, as I stated previously, I certainly endorse the message conveyed last night by President Nixon. I am not surprised that some Senators have appeared already on the Senate floor and expressed great disappointment because we cannot have peace now, because there was not some magic plan unveiled last night.

It is unfair to President Nixon to say, as has been said on the Senate floor today, that there is not a plan, that he is in the same old Johnson-Kennedy rut we have been in all along. He has had a plan, as I have stated before, even before his inauguration and, in my opinion, it is high time we start talking about what North Vietnam should do. It is time the Averell Harrimans stop trying to second guess what is good for America, and start thinking about the enemy in this war. It is time for President Nixon to negotiate with the enemy. He should not try to appease the Averell Harrimans.

I have nothing personally against Mr. Harriman and I have never criticized him. I did not criticize President Johnson or Cyrus Vance, because they had a grave responsibility. But I was a little frustrated, and in fact, as an American and as a Member of the Senate, a little discouraged, to hear the media critics—not analysts—after the speech last night, ask leading questions of those who were on the program, and everything they could to discredit President Nixon saying, in effect, "There is nothing new; why did he not say this 6 months ago?"

I believe the President when he said we have not been able to negotiate. The question was asked by the Senator from Massachusetts this morning, "Why do we not negotiate?" We cannot negotiate; but President Nixon is trying to wind the war down. It was Americanized by President Kennedy and President Johnson, and now, under President Nixon, he is trying to Vietnamize the peace. I believe this is a step in the right direction. It has been a part of President Nixon's policy, as enunciated last summer after his trip to the South Pacific.

I hope those who criticize will reread what was said last night, and for once unite behind our President in his efforts for peace. That is all he asks.

Mr. GURNEY. I thank the Senator from Kansas for his contribution. As he says, everyone knows about the President's efforts to extricate us from Vietnam. I certainly join my colleague from Kansas in saying, too, that I think more voices should be heard in this country, especially from the political leadership, asking why we do not ask some questions of Hanoi as to why it does not cooperate in trying to bring this war to an end, instead of always being so critical of our own leaders and their worthwhile efforts to terminate the war. There has been too much criticism of our leadership and that of our allies, and very little criticism of the Communist leadership, which started the war in the first instance, has escalated the war on down through the years, and is making very little if any effort to bring peace to Vietnam now.

So I certainly endorse the remarks of the Senator from Kansas.

Mr. HOLLAND. Mr. President, I happened to come on the floor at the moment that my distinguished colleague (Mr. GURNEY) was beginning his remarks. I merely wish to say I approve of the portion of his remarks I heard, and to state for the RECORD my own reaction to the President's speech of last night.

I listened carefully, attentively, and sympathetically to the speech of President Nixon. I think that every American who listened probably listened in that same spirit, because all of us know that the problem which he has upon his heart and within his executive responsibility is a very grave one, and must be handled as probably the most serious problem, short of a declaration of war, that any President could possibly be confronted with.

I thought the President spoke with great candor, and I wish to say for the RECORD that I approve that candor. I think, moreover, that, when he spoke of the unofficial negotiations which he had had, and particularly of his exchange with the late Ho Chi Minh, stating that he was making available his letter to the late leader of North Vietnam and the response which he had had from Ho Chi Minh, such candor must have appealed to the average American citizen.

I hope I am an average American citizen, Mr. President. I am a veteran. My two sons are veterans. I know what it is to fight for my country. I have two grandsons now of military age and awaiting their call, one of them already in the Reserves; and I think I have the same interest in the difficult Vietnam situation confronting not only the President but the entire country as the average citizen must have in that problem.

As I say, I appreciated President Nixon's candor. I appreciated also the fortitude with which he stood by a position which is not altogether easy to do, but which I think is the sound position for him to take. I think his approach to the withdrawal of our forces is a responsible approach, and I think the average American citizen does not want any withdrawal that is not responsible; because we do have heavy responsibilities, not only to our allies who are there with us, and not only to our men who are there, but particularly to the South Vietnamese people; and we should not have much question as to what is likely to happen to them in the event some precipitate withdrawal should be attempted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLAND. I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. So his fortitude and his candor appealed to me, and I wish to say that I am particularly strong in my support of his attempt to achieve a responsible withdrawal from South Vietnam, and of his insistence upon an honorable peace, because I think that is the only kind of peace that America should want, and I believe it is the only kind of peace that the average American does want.

Mr. President, I listened this morning also to the statement of our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) on his appearance on the television program "Today". I thoroughly subscribe to the way in which he stood behind the President and the President's statement of last night.

We all wish that we were easily out of this dilemma. Of course, it is easy to wish. But the President made it very clear that he is approaching the problem in a responsible way, and seeking only an honorable peace; and our distinguished majority leader made it clear this morning that on that basis, he stood by him, and approved of his statement and would back him. I call special attention to that.

For the record, I was not able to attend the session of the Senate earlier today. I have been in conference on the space authorization bill, and I hurried here as soon as we had finished with the conference. I want to make it very clear that I think the distinguished majority leader was speaking for most of the Senators who sit on this side of the aisle.

So far as I am concerned, the majority leader was speaking for me. He approves of what the President is trying to do and will support him in his position. I wish for the President the greatest of good fortune and success in his efforts.

PRESIDENT NIXON'S SPEECH ON VIETNAM POLICY—IT IS NOT THE SAME OLD POLICY

Mr. BELLMON. Mr. President, like everyone else in this country, I have fervently hoped for a quick and simple solution to the Vietnam war. I am sure that the President fervently wants peace as much as or more than anyone else. However, the Vietnamese war is a complex situation of long duration. And there is not any simple or quick way to get out of it.

Perhaps the most frequent of the early criticisms of President Nixon's Vietnam speech was this one: "It is nothing but the old Johnson-Rusk policy, dressed up in new clothing."

In my view, no one looking at the President's speech objectively could possibly reach that conclusion. The only thing about the policy that is similar to President Johnson's, and this is the point which evidently motivated the critics, is the President's insistence that unilateral withdrawal would be disastrous. But along with that important similarity to past statements, the President's speech included a host of important contrasts.

In almost every paragraph of his speech, President Nixon went to great lengths to demonstrate the differences between his new policy and that of the past administration. In fact, he went so far that I have heard some critics say that the speech might be considered partisan.

First, he pointed to our new comprehensive peace proposal—including an offer of complete withdrawal, a proposed cease-fire, and a plan for free elections. The United States has indicated that it is willing to negotiate even on these proposals. All this is new with President Nixon.

Second, we have increased our contact with the other side—not only in Paris, but in a number of private channels, not only since the inauguration, but even before. All this was revealed for the first time in the President's speech—and all this is new with Nixon.

Third, in keeping with a dramatically new foreign policy doctrine which the President described at great length, we have begun to Vietnamize the war. And because of Vietnamization, the President was able to say with complete assurance that he will "bring the war to an end regardless of what happens on the negotiating front."

I repeat, and I cannot emphasize this enough, the President has promised to end the war—no matter what happens in the negotiations.

Now, that certainly is something far different from the position of the past administration. President Nixon put it this way in a line which was interpolated into his speech after the advance copies were distributed to the press:

> In the previous Administration, we Americanized the war in Vietnam. In this Administration, we are Vietnamizing the search for peace.

That is it in a nutshell—and it is a fact of the greatest importance.

That this Vietnamization policy is working is readily evident. Battlefield orders have been changed. The training of the South Vietnamese Army has been stepped up. American casualties are lower than they have been in 3 years. Most importantly, our soldiers are coming home. By December 15, over 60,000 Americans will have been withdrawn—including one-fifth of all our combat forces.

On top of all of this, the President was even more optimistic with respect to the future than he has ever been before. In unmistakably clear language, he indicated that he has a definite schedule for the complete withdrawal of all U.S. ground combat forces. And he even went beyond that statement to make this one: The rate at which we are implementing that schedule is now faster than he thought would be possible this summer. I have never heard any responsible person say that he wants unilateral, precipitate withdrawal.

The only thing that the critics seem to desire is some timetable for withdrawal. I believe that such a timetable would be useless because we could not set a timetable and keep it in the face of possible additional action by the Communists.

All of these are dramatic departures from the policy of the past administration, one which had no clear negotiating position, one which was not making frequent overtures to Hanoi, one which had no conception of Vietnamization, one which was bringing more and more soldiers into Vietnam, one which was experiencing higher and higher American casualty rates, one which promised indefinite fighting unless North Vietnam could be forced to negotiate. In view of all the departures from that position, I find it difficult to believe that responsible critics could charge that this is the same old policy.

In truth, it is a new and hopeful approach. The ironic thing is that the critics may be able to make their prophecies of doom come true. If they persuade the American people that this policy cannot possibly succeed, then—and only then—will this fresh, new policy fail. It is up to us to see that this does not happen.

THE VIETNAM WAR

Mr. GORE. Mr. President, I ask unanimous consent that I be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, a careful reading of the address to the American people last evening by President Richard M. Nixon causes me to reach the following conclusions:

First. Hopes are dim for an early peace.

Second. Reliance on a negotiated settlement has been all but abandoned.

Third. Military victory has been ruled out.

Fourth. A one-sided withdrawal of U.S. troops on an uncertain, but long, drawnout incremental basis tied to maintenance of the Thieu-Ky regime in power is now the U.S. policy.

Fifth. The President has retreated from the constructive positions for a political settlement taken in his speech of last May 14, to wit—genuine self-determination by the South Vietnamese people through elections held "under agreed procedures and under the supervision of the international body," and acceptance of the principles of the Geneva accords, "as the central elements of a peaceful settlement."

Sixth. The ultimate survival of the democratic process in South Vietnam is jeopardized.

It has been my strongly held conviction that a negotiated political settlement held the best hopes for an early peaceful settlement and for the ultimate survival of the democratic processes in South Vietnam. Because of this conviction, I found hope in the speech by President Nixon last May 14. In that speech, the President specifically "ruled out" two programs which would, in my opinion, lead to disaster for the United States, on the one hand, and imperil the survival of democratic processes in South Vietnam, on the other. I refer to the following:

First, "a purely military solution on the battlefield," and

Second, " a one-sided withdrawal from Vietnam."

President Nixon specifically said on May 14 that both of these courses of action had been "ruled out."

In fact, President Nixon condemned a "one-sided withdrawal" three times in his speech of May 14. For instance, he said:

> Almost without exception, the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations.

On the contrary, the President proposed on May 14 what I regarded as a constructive program for settlement through a political compromise that offered, I thought, a plan for peace that would give democratic processes and freedom a chance to survive in South Vienam. He said "its basic terms are very simple: mutual withdrawal of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam."

Though I took heart from the President's speech of May 14, which I expressed in a speech to the Senate on May 20, I found it necessary, in addition, to express my apprehension over plans which, I had been informed, had already been formulated in both Washington and Saigon military circles. I said:

> One deep apprehension I have is that out of an inability to achieve a peaceful settlement, or out of an unwillingness to accept the kind of peaceful settlement that may be available, President Nixon might turn to the alternative that I believe has been already prepared, which is a phased withdrawal of troops with a commitment that sufficient American troops would remain to maintain the Saigon regime in power. In my view, this would not be a formula for peace but, instead, for prolonged war and long-term commitment on the order of South Korea, a costly client-state.

The piecemeal withdrawal that was started in June, Mr. President, is the very one-sided withdrawal plan to which I referred and which President Nixon ruled out in his speech of May 14. There have been no mutual withdrawals. We have no record of any withdrawal of the North Vietnamese from South Vietnam. But such a one-sided withdrawal appears to be the cornerstone of U.S. policy as enunciated by the President last evening, though the planned schedule of further withdrawal was kept secret.

It is my view that we should utilize our overwhelming presence in Vietnam to persuade the establishment of a broadly based government that would include the diverse factors, sects, and factions to serve as a means of concluding a peaceful settlement and to provide some hope for the ultimate survival of democratic processes and freedom in South Vietnam.

A withdrawal of U.S. troops—whether "onesided" or "precipitate"—with an unpopular, unstable, military junta in power, would seem severely to jeopardize the survival of processes of freedom.

Every American who is returned home from Vietnam gladdens our heart, the more the better. But the peace program that is in the vital interest of the United States and in the interest of worldwide peace, and one which I believe the American people earnestly desire, is one which will lead to a peaceful settlement of the war and one which will permit all U.S. troops, not just a few at a time over a long withdrawal period, to be disengaged and returned to the peaceful and fruitful pursuits of a normal life.

The President asked for unity and support of the American people. As for me, I earnestly desire to support a policy for peace. I cannot in good conscience, however, endorse President Nixon's policy on a matter as serious as ending this tragic conflict simply because he happens to occupy the White House, any more than I could similarly endorse the policy of previous Presidents, if I found myself in disagreement with those positions.

Presidents—Republican and Democratic—were responsible for getting our Nation into this war. The Nation's highest leadership—civilian and military—has been far from infallible in Vietnam. My own error in permitting myself to be misled into voting for the Tonkin Gulf resolution testifies to the plentitude of mistakes. There is no evidence to date that the present incumbent of the White House is an exception to the rule.

Pleas for unity are not a substitute for sound policy, and a President has no right to ask the American people to accept a policy involving grave issues of war or peace on faith alone. To urge the public to unite behind the President in support of a policy which has not been defined—after years of erosion of public confidence in the Nation's leadership because of the war—is, as the song popular with the young people says, like "blowing in the wind." And I might add further that Presidential credibility on Vietnam war policy can only come from deeds; words will no longer suffice.

For 9 months, the American people have waited patiently for the unfolding of the administration's peace plan. Our people—those who are bearing the burden of this war in lives and treasure—deserve details, not further rhetoric. President Nixon has repeatedly stated that "self-determination" was the U.S. basic, nonnegotiable objective in Vietnam. It was for the last administration, too. But what does the President mean by "self-determination"?

The recent administration fact sheet on Vietnam sheds little light on this crucial issue. It states that:

> We have proposed free elections organized by Joint Commissions under international supervision; and that
>
> We and the Government of South Vietnam have announced that we are prepared to accept any political outcome which is arrived at through free elections.

The record indicates that either we mean one thing and the South Vietnamese something else or that it is only a phrase aimed at world public opinion, meaningless as a gesture for genuine political compromise.

On May 14 the President did, in fact, say that "We are prepared to accept any government in South Vietnam that results from the free choice of the Vietnamese people themselves." But events in South Vietnam make it obvious that Saigon's view of the election process was of one which would insure continuation in power of the Thieu government. President Nixon did not dispel that impression on his visit to Saigon, after which he described President Thieu as one of the four or five best politicians in the world. He did not dispel it in his speech last evening, either.

The divergence between the Washington and Saigon postures on self-determination was apparent in the events surrounding the announcement of South Vietnam's policy. The President, in patting President Thieu on the back for agreeing to hold internationally supervised elections, pledged that "We will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government." But Mr. Thieu obviously had different ideas. The day after President Nixon spoke, he said that his country "will not stop short of victory, no matter what happens in Washington." And he went on to define victory as "no Communist domination and no coalition with the Communist." The Thieu government has made it clear that the elections it envisions will be organized and controlled by the Saigon government. Shortly after the Midway Conference, in fact, President Thieu stated:

> There will be no coalition government, no peace cabinet. no transitional government, not even a reconciliatory government.

Self-determination will never be possible, in my view, as long as our primary aim is to maintain the Thieu government in power.

I hope the President will explain the "Vietnamization" program sometime and tell us what this means in terms of ending the war and of bringing all our forces home. The fact sheet recently issued by the administration said:

> We have instituted a Vietnamization program which envisages South Vietnamese responsibility for all aspects of the war—coping with both Viet Cong insurgency and regular North Vietnamese forces—even if we cannot make progress in the political negotiations.

What does "Vietnamization" mean? Where is "Vietnamization" actually taking us?

Secretary Laird has spoken lately of a "residual force" of thousands of U.S. troops to remain in Vietnam indefinitely for training and support purposes; Secretary Rogers has said that Vietnamization "contemplates complete removal of the troops in Vietnam;" and President Thieu said recently:

> You came here to help us repulse the aggressors. As long as we are not capable of doing this by ourselves, you must remain to help us.

Will the South Vietnamese, not the United States, be the judge of their capability—thus setting our pace for incremental withdrawals.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, only about 3 weeks ago President Nixon alluded to a possible ending of the war in about 3 years.

If Vietnamization is a policy and not merely a slogan, there are some important questions.

Is Vietnamization a program to win a military victory by proxy?

Have we given up on political negotiations in Paris?

Does Vietnamization mean that 200,000 or more U.S. support troops will be kept in Vietnam indefinitely to back up South Vietnamese ground forces? If not, what is the timetable for bringing all our forces home?

Is it a means to avoid a compromise political settlement?

Does it work at cross purposes with self-determination, in providing permanent backing for the Thieu government?

These and other questions must be answered before Vietnamization, as a policy, can be weighed rationally, and be supported by the unity of the American people.

The fact sheet stated:

> We have emphasized to our military commanders the requirement that losses be held to an absolute minimum, consistent with their mission to protect allied forces and the civilian population.

Secretary Rogers, on October 12, said:

> President Nixon has changed the orders from maximum pressure to protective reaction, which means that we are not maintaining the same maximum military pressure on the enemy.

Secretary Laird later said that the orders to Vietnam commanders had never really used the phrase "maximum military pressure" and that the new orders made only one essential change—that "Vietnamization was to be given the highest priority.

But U.S. Forces in the field seem to be taking the confusion in stride. In answer to a question as to changes in operations since June, Maj. Gen. John Wright, commander of the 101st Airborne Division, was quoted in the October 23 New York Times as saying:

> I wouldn't say there has been any change in strategy or tactics. We continue to maintain surveillance over the entire area and attempt to find the enemy any place we can. If and when we do find him, we put as much force in as it takes to meet that requirement. And when we're no longer in contact we go back to looking again.

Lt. Gen. Frank Mildren, head of U.S. Army Forces in Vietnam, when asked if the Army was following a policy of "protective reaction" said he did "not know what the term means" and went on to say he had heard of no orders to scale down the fighting. One Army spokesman in Vietnam, asked the meaning of "protective reaction," said:

> Protective reaction. Hey, that's good. Give me a half an hour and I'll dream up something.

The American people have a right to ask "What goes on here?"

There has been much discussion in recent days of a possible cease-fire. The fact sheet stated:

> We have offered to negotiate supervised cease-fires under international supervision to facilitate the process of withdrawal.

The distinguished Republican leader, Senator SCOTT, recently proposed a cease-fire, an idea promptly rejected by Secretary Laird, who cautioned against a cease-fire without some indication from the other side that they will go forward with it. President Thieu warned:

> We will not agree to a cease-fire without first arranging that which will follow it.

Mr. President, most issues concerning the future course of Vietnam policy come down to our relationship to the Thieu government. Several weeks ago, a Time magazine reporter, in an interview with President Thieu, posed this question:

> Q. Let us consider a hypothetical proposition. If someone came to you and said, "If you resign, I can guarantee that peace will be restored and South Vietnam will have the right to determine its own fate," would you resign?
>
> A. I have no reason to resign. I am doing well.

General Thieu may be doing well, as are many South Vietnamese, but the American people who have sacrificed the lives of 46,000 of our finest young men, and the health and limbs of many more thousands, and 100 billions in tax dollars in a war in which our vital interests have never been involved, are not doing so well.

The President has begun a gradual withdrawal of U.S. forces from Vietnam. This, as I have said, is not a policy to bring about a political settlement of the war but evidence of a lack of a real policy for peace. It appears to me to be, instead, a policy to continue the war and to continue our involvement indefinitely.

If the President has decided to bring about the complete and early one-sided withdrawal of U.S. forces without laying the foundation for a compromise political settlement, we will be inviting the death knell of democratic processes in South Vietnam and a bloodbath of vast proportions. President Nixon foresaw in May the same consequences of a one-sided withdrawal as he foresaw last evening for a precipitate withdrawal.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The time of the Senator has expired.

Mr. GORE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, to avoid rampant political retaliation and widespread bloodshed in Vietnam as a consequence of our departure, the United States must use its influence now to bring about political change in Saigon that will result in a representative government which can deal effectively with the National Liberation Front.

The Thieu government is not now, and never has been, willing to share power based on the political realities of South Vietnam. It is futile to expect it ever to be willing to do so. General Thieu, instead of broadening the base of his government, has narrowed it. And he recently said that there is "no pressure from within or without" to come forth with new peace proposals.

The other side, as we are wont to call the opposition, cannot reasonably be expected to believe that the United States seriously wants a political compromise so long as it gives a policy veto to the government whose leader says, "We will not concede any village, any hamlet to the Communists, we will concede no inch of land even though it might be useless." Mr. Thieu has assumed a stance, supported by the United States, of seeking total political victory, a victory which has neither been won on the battlefield ner in the hearts of the Vietnamese people.

The United States possesses vast power over Vietnamese affairs and it must use that power to create the political changes that can bring this war to an end. By supporting the Thieu government we are buying false stability, of a sort, at a frightful price to the Vietnamese and to our own society. The American people owe no obligation to Mr. Thieu.

President Nixon is obligated to the American people to end this war. Let it be said to his credit that he frankly acknowledges this. We will not end the war, as I see it, but assuredly continue it, by giving unflinching support for the Thieu regime. Until the United States shows to the other side that it is no longer wedded to the Thieu government and uses its influence to bring a representative government into power, I fear the killing will go on.

And with the departure of each plane load of our troops, America's ability to bring about political accommodation will diminish. To be effective we must act while we are there, not as we are on the way out.

Like it or not, we bear the burden for policies of the Saigon government. We bear that responsibility before the world. Saigon is our albatross, but unlike the Ancient Mariner we can rid ourselves of this burden by using the power available to us. We have sacrificed enough to maintain that particular government in office.

As President Nixon said on last May 14:

> The time has come for some new initiatives. Repeating the old formulas and the tired rhetoric of the past is not enough. When Americans are risking their lives in war, it is the responsibility of their leaders to take some risks for peace.

The hopes of the American people for peace "have too often been raised and cruelly dashed over the past 4 years."

Mr. DOLE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I gladly yield to my distinguished colleague from Kansas.

Mr. DOLE. Let me say at the outset that I have listened with great interest and have read the remarks of the Senator from Tennessee. The Senator from Tennessee has stated clearly his views on what might be done to bring about peace in Vietnam.

The Senator indicates on the first page of his remarks, almost in his first statement, that he feels, after listening to President Nixon last night, that hopes are dim for an early peace.

I got the opposite impression, that we are on the road to peace, that we do have a program and do have a plan, that there has been a reduction in the fighting, that there has been a reduction in infiltration, that some 60,000 Americans will be home by December, and, even more, as time goes on, which indicates that we are on the road to peace.

What does the Senator mean by the word "early." Is the Senator looking at it in terms of a month, a year, or 2 years?

Mr. GORE. The quicker the better.

Mr. DOLE. I agree with that.

Mr. GORE. I would not be satisfied, nor do I believe the American people would be satisfied, to continue the war for another 3 years which President Nixon indicated in his statement at the White House 3 weeks ago Sunday.

Mr. DOLE. There is a difference in talking about——

Mr. GORE. I do not—let me finish, please—I do not mean 3 more years of war. When I use the term "early peace"——

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from Tennessee may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. These terms need some clarification. As I understand what President Nixon said—after listening very carefully to every word—and having discussed his policy in the presence of the President, I assume the Senator means, when he uses the term "war," that Americans will do the fighting.

As I understand President Nixon's policy, we will have all combat forces out of Vietnam probably quickly. There may be some support forces there to render assistance to the South Vietnamese Government but they will not be engaged in the fighting, there will be fewer combat deaths, as is already the case under President Nixon, and that is an indication of progress. Hopefully the Senator from Tennessee would agree.

Mr. GORE. Well, I must say again, as I tried to make clear in my previous remarks, I think a mutual withdrawal would be an acceptable policy, at least in part. This is the kind of program which President Nixon urged in his policy speech on May 14. I have the gravest of reservations about unilateral action. I have grave reservations about a unilateral cease-fire which some of our distinguished colleagues have proposed. Equally I have reservations and apprehensions about unilateral withdrawal, either precipitate or over a long-drawn-out period.

I have apprehensions for two reasons: One, how many can we withdraw unilaterally or, as the President described it in his speech of May 14 "one sided," without subjecting those of our forces who remain to the gravest of dangers, dangers which might impel us to return a military expeditionary force in post-haste to Vietnam; second, a unilateral withdrawal of U.S. forces or, as President Nixon described it, a one-sided withdrawal of U.S. forces, leaving in South Vietnam as unstable, unpopular, uncertain military regime in Saigon, and an army of many thousands of North Vietnamese still in South Vietnam with another army of many thousands just across the border, plus there are unreconciled Vietcong, would, in my view, invite the deathknell of democratic processes in South Vietnam and perhaps invite the bloodbath to which the President referred last night as a consequence of a precipitate withdrawal.

After I heard the President's speech last night, I went back and read his speech of May 14. I studied both. I interchanged the term "precipitate withdrawal" with "one-sided withdrawal." It seemed to me that he was forecasting the same consequences whichever term was used. Yet, unilateral withdrawal now appears to be the principle thrust of the program.

Thus, I say to my distinguished and able friend from Kansas, to whom it is an honor to yield, that I have apprehensions about the phased withdrawal policy in the absence of any agreement for mutual withdrawal or in the absence of any agreement whatsoever for reciprocal withdrawal of forces from South Vietnam by North Vietnam. It seems to me that what we need is a negotiated peace based upon the Geneva accords.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from Tennessee may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Based upon the Geneva accords, as I interpreted the President's speech of May 14, this was his view at that time. Perhaps my interpretation was not fully accurate at that time. Perhaps my interpretation of his speech last evening is not fully accurate. But to the best of my lights, in his speech last night the President retreated from the constructive proposals for a political settlement which he advanced in his speech of May 14.

Mr. DOLE. I say to the distinguished Senator from Tennessee—with whom I do not always disagree—but on this particular problem, we do, that we both agree in wanting peace. Everyone wants peace. As the President said last night, and also on May 14, and as he has said almost every day since his inauguration, he wants peace as strongly as did President Johnson and President Kennedy.

Mr. GORE. Could I interject there, if the Senator will let me interrupt the flow of his eloquent language, I am happy to say that I have no question whatsoever that President Nixon desires peace, and desires peace as earnestly as any living American. I think he can end the war. The question is, Will he? When and how?

Mr. DOLE. Well, the Senator has so many reservations. He has many reservations, but he does not give the President the right to have any. The Senator has reservations about a precipitate withdrawal. The Senator has reservations about a one-sided withdrawal. And he has other reservations about how to win the peace in Vietnam. I would guess the President has some reservations. But there is one striking difference. He must make the hard decision. The Senator from Tennessee does not have to make it. I do not have to make it.

As I listened to your answer to my question about an early peace, the Senator indicated some question about withdrawal of our troops from Vietnam now. Does he think they should stay there at the same level we have now, or perhaps add more and escalate the war?

President Nixon pointed out what he had done privately, before taking office, to work out negotiations with the enemy, and their refusal, time after time after time, including a reply from Ho Chi Minh 3 days before his death.

What does the Senator from Tennessee suggest President Nixon do if the enemy will not negotiate and the Senator is against withdrawing American troops? What would the Senator do? What would be the alternatives of the Senator from Tennessee?

Mr. GORE. The Senator has made some interesting observations and has posed three questions. I will take them as he has posed them, seriatim.

First, with respect to his remarks that the President of the United States has to make the hard decisions and that we as Senators do not, I think they deserve some analysis. True, the President of the United States is Commander in Chief. True, he is our leader in foreign policy. And because he is our leader and because only the President can lead, he has a grave responsibility. His responsibility is heavy, indeed. His decisions are hard ones.

But, Mr. President, the Constitution places a grave responsibility upon U.S. Senators, too. It is the responsibility of the U.S. Senate to advise and consent to policies, or to advise and not consent to policies which Senators regard as unwise and contrary to the public interest. The Constitution places the President and the U.S. Senate in a limited partnership for the conduct of international affairs. However, the President, the chief executive officer, is the leader. The Senate serves as a board of directors, more or less, as it were.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed for an additional 10 minutes.

Mr. GORE. The people of our respective States who have honored Members of this body with service and responsibility as U.S. Senators would not, I fear, quite agree with the able Senator's dismissal of the obligation of Senators in this regard. These decisions are hard for Senators, too, and hard for Members of Congress, because Members of the House and Members of the Senate have the responsibility of appropriating funds to prosecute the war, or declining to do so. Yes, the policy of war or peace is something which the elected leadership of the people of our great country must share, and share to the fullest concept of the Constitution.

Now, to go to the second question, the Senator inquires if I oppose withdrawal of U.S. troops from Vietnam. Perhaps the able Senator is not as familiar with my record with respect to the Vietnam war issue as I would that he were. I tried to keep us out of this war. I undertook to dissuade President Johnson from sending combat troops to Vietnam. Even before that, I undertook to express my view in opposition to the sending of paratroopers to Dienbienphu when President Eisenhower was our Chief Executive, at which time then Vice President Nixon was urging the dispatch of paratroopers. Later, once we had committed the tragic error of getting into the war, I undertook to dissuade our Government from escalating the war.

I was the first U.S. Senator to urge a negotiated settlement of the war, in January of 1965. I have urged for years the kind of peace settlement which would permit not just a few of our men at a time, over a long period of time, to return home, but the kind of peaceful settlement which would permit the entire disengagement of U.S. forces.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. GORE. Just let me respond, please. The Senator had one other question, to which I wish to refer, and I shall do so.

The Senator asks what kind of peace settlement I would suggest. Perhaps it is presumptuous, in a brief time, in a brief colloquy here, under the limitations of the morning hour, to undertake it; but if the distinguished Senator will permit me to be brief, I have the honor to say that, in my view, the Geneva accords, to which the United States adhered in 1954, constitute, as President Nixon said in his speech of May 14, a basis for peaceful settlement of the war.

I would that the President had pursued it; that he now pursue it. I hope I am in error in interpreting his speech of last night as a retreat from that position.

If the Senator will now pardon my brevity and the imprecise formulas which I could give extemporaneously and in such a brief period, I thank him for his interrogation.

Mr. DOLE. I thank the Senator from Tennessee. I reread the May 14 speech and listened carefully to the President last night. I do not see any change in position or retreat.

But the point is that the Senator from Tennessee has certain reservations on the withdrawal of the American troops. He condemns the Thieu government. As pointed out by the majority leader this morning on the "Today" show, it is the only government there is. It may not be perfect, but it is the only government there we can deal with.

Another thing that concerns me very deeply—and I say this in all respect to the Senator from Tennessee—I read his statement carefully and listened to the senior Senator from Massachusetts earlier today. I do not find any recognition on their part that before we can negotiate there must be some willingness on the part of the enemy. I was never critical of President Johnson. Perhaps I should have been, but I felt he had information not available to me. But it is the Vietcong, the North Vietnamese, the enemy, who were and are killing Americans.

It seems to me, as I have said earlier this morning, that it would be very helpful to President Nixon, the Senator from Tennessee, the Senator from Kansas, and all of us who want peace, to serve notice on the National Liberation Front and the Hanoi government that we are not going to be pushed out of Vietnam. We want peace; we are going to achieve it. If we cannot negotiate, what other choice do we have? The President has made it very clear that the enemy has rebuffed, time after time, his efforts to negotiate. They have rebuffed every suggestion he has made. What other choice does he have, except some plan of phased withdrawal?

I believe he is making progress; perhaps not as rapid as he wants, or as rapid as you and I want; but American boys are coming home alive now, for the first time in 5 or 6 years; I happen to believe we should serve notice on the enemy that the U.S. Senate and the leadership of this country, Democratic and Republican alike, wants peace in America and peace in the world, but not at any price.

I would hope the Senator from Tennessee might join in sponsoring my resolution, Senate Resolution 271, which calls upon the Hanoi government to respond and indicate some willingness to negotiate for peace. I am certain the Senator from Tennessee wants that as badly as anyone. But it seems to me that to say, "Well, I have reservations about troop withdrawal; I believe we should negotiate," is not very helpful. If they will not negotiate, how can we possibly ever end the war on the basis the Senator suggests?

Mr. GORE. I thank the able Senator. I am not acquainted with the text of the resolution to which he refers. I shall be happy to review it.

Insofar as the remarks the able Senator from Kansas has just made are concerned, I am happy, here and now, on the floor of the U.S. Senate, to join him in the message he has just spoken to North Vietnam and to the Vietcong.

I think, if I may respond further, there is one other message we should give to the other side, so to speak, and that is that we are willing to compromise and to use our influence to seek compromise with respect to the character of government in Saigon. That is the central issue. Indeed, that is what the war is about. Unless we are willing to compromise that central issue, then we really have not offered a basis for political compromise and negotiation.

Such may have been offered in secret. That I do not know. If so, it seems to me that such secrecy is hardly justified, in view of the divisive character of the issue before the American people.

Yes, I say to my able friend from Kansas, I join in the message to Hanoi which he has so eloquently stated. I too, am an American. I, too, wish to achieve a settlement of the war that casts honor upon the United States of America, and that attests to the valor and the bravery of the American soldiers who have sacrificed their lives, their limbs, and their health.

Mr. GRIFFIN. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GORE. May I have 5 additional minutes?

The PRESIDING OFFICER. Without objection, 5 additional minutes are granted to the Senator from Kansas.

Mr. GORE. I did not wish to conclude until the Senator from Kansas had finished his interrogation.

Mr. DOLE. I wish to ask one further question.

Mr. GRIFFIN. Let me make just this one point——

Mr. GORE. I must insist, Mr. President, that it is only fair that the two Senators in colloquy be permitted to conclude. Then I shall be happy to yield, if given more time, to the Senator from Michigan. I yield now to the Senator from Kansas.

Mr. DOLE. President Nixon has stated, and the Thieu government has acquiesced in, the principle of free elections. We have made it clear it will be under international supervision. I have reread President Nixon's May 14 speech, and in that speech and again in his statement last night, he has made it clear the only thing that is not negotiable is the right of self-determination for the South Vietnamese. In fact, that is the primary purpose of our being there, if I understand the history of our involvement.

The Senator from Tennessee agrees with that; as the Senator made such a statement in his speech today.

Mr. GORE. Mr. President, it is not easy to deal with this subject in the context of the conditions that prevail in South Vietnam.

Mr. DOLE. Is the Senator suggesting we topple the government in South Vietnam?

Mr. GORE. If I may proceed at the time President Nixon and President Thieu met on Midway, a joint statement was issued which referred to self-determination and elections in South Vietnam. I watched on television as President Nixon landed at the airport in Washington upon his return. He said, as I recall—and I think I recall it accurately, though I do not wish to be held to the exact words, because I do not have them before me—"We have opened the door of peace." He then referred to the process of elections.

But when President Thieu returned to Vietnam, he had an entirely different interpretation. As I have quoted him in my speech earlier, he said:

> There will be no coalition government. Indeed, there will be no reconciliatory government.

He has made it perfectly plain that any elections held in South Vietnam will be held by his regime.

That is not what President Nixon said on May 14, from which I took heart. The division between the United States and the South Vietnam governments with respect to this issue is an interesting study in itself. I have alluded to it in some detail in my speech earlier.

The essence of self-determination in South Vietnam is not represented by the unpopular minority military junta. If an international body is created—which President Nixon proposed on May 14—and has the responsibility and the authority to supervise and conduct a genuine plebiscite of the forces and the factors, the religious sects, the tribal groupings, the individuals, the Bao Dai, the Vietcong, the South Vietnamese, the Buddhists, the Catholics—all the diverse elements within Vietnam—then there is hope for self-determination. This was envisioned by the Geneva accords. This was proclaimed as policy by President Nixon, as I interpreted his speech, on May 14.

Mr. DOLE. I think it is still the policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I ask for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Let me add just one thing, to conclude the colloquy. I appreciate the Senator's patience.

Mr. GORE. I consider it an honor.

Mr. DOLE. I noticed in the Senator's statement that he mentioned there were some 46,000 deaths. Even one death is tragic enough, but I think the figure is more accurate about 39,300 combat deaths as of this date. I hope that the RECORD might reflect the exact number.

Then, finally, let me say again to the Senator from Tennessee—and I am certain he is just as strongly in favor of ending the war and in his desire for peace as anyone on this floor. We do have perhaps somewhat different points of view but as I said earlier, it seems that as some of us make speeches, some demonstrate, and some take to the streets, the actions of some make it appear that the real enemy and the real block to peace is not the North Vietnamese, but the South Vietnamese.

I do not share that view. I do not know for a fact that everything is bad in South Vietnam. There is some corruption, and there have been problems with land reform; but it is a new government, and I would guess that George Washington had a few problems in his first few years. It is not perfect.

We cannot compare any government that is 2 or 3 years old with our Government today. We are not perfect. We have corruption. We have problems. We have people who make statements, in and out of politics, not always in accord with what we think should happen or should be said.

I would guess that President Thieu has political problems, just as we do.

President Nixon has not deviated from his course. He is still following a plan and a strategy for peace and I hope that the Senator from Tennessee will find it in his heart to support the President.

The statement of the Senator from Tennessee is not particularly critical of President Nixon and of course there is room for division. The Senator said a moment ago that he agrees the President does desire peace. However, the Senator should realize it is difficult for the President to hold negotiations if the other side refuses to talk and therefore if the Senator does not agree with the action of the administration in withdrawing American troops. What choice does the President have?

Mr. GORE. Mr. President, the able Senator has made so many points that it is difficult to respond briefly to all of them.

First, I must refer to his reference to the RECORD with respect to the number killed. There have been some 46,000 U.S. troops killed in Vietnam. The smaller figure that the distinguished Senator has used is, I believe, the number classified as killed by hostile action.

I have made some considerable inquiries into the classification. I do not wish to be critical of the classification. It seems that in general one killed by hostile action falls directly by the weapon of the enemy, but that if a helicopter that has been in combat crashes on its return and its crew is killed, those casualties are not listed as killed in hostile action.

I hope that statement clarifies the RECORD. I believe that the figure I have used is correct. In fact, it was taken from statistics furnished by the U.S. Department of Defense.

The able Senator is very generous in his remarks when he points out that I have acknowledged that the President wished for peace. I believe he used the words "admitted" or "confessed." I have forgotten his exact terms. However, let me say at this time that I proudly assert my belief that the President of the

United States wishes for peace earnestly and devoutly.

The Senator was also, I thought, generous—and I thank him for it—in saying that he did not interpret my speech as being particularly critical of President Nixon.

I had not so intended it. I think if the Senator searches the Record, he will find that the strongest speech in support of President Nixon's May 14 speech was delivered by me.

My concern my earnest desire, is to make, if possible, a constructive contribution to the formulation of a feasible policy for peace. I do not believe that we yet have one. I think that the Senate, the Senate Foreign Relations Committee, and individual Senators are dutybound to undertake to make a contribution to end this war. It is horrible. It is devastating. It is divisive to our people. What it costs this country internally is priceless and precious; staggering. So, I thank the able Senator.

I am happy to yield to the distinguished junior Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I thank the senior Senator from Tennessee for yielding to me.

I have not been on the floor throughout the discussion. However, I have been on the floor from time to time. At one point in the remarks of the senior Senator from Tennessee—and I have reviewed a copy of his remarks to make sure I would not misquote him—I heard him say "as long as our primary aim is to maintain the Thieu Government in power."

I do not know whether the senior Senator from Tennessee means exactly what he said in that sentence or not. I can understand the Senator's criticism of the Thieu government and his criticism concerning some of the statements of Mr. Thieu himself. However, certainly as far as our Government is concerned, President Nixon has never said that our primary aim is to maintain the Thieu government in power.

The only nonnegotiable item, as far as our Government is concerned, is the proposition that the people of South Vietnam shall have a free choice as to their government. We have indicated that, if the Thieu government is overthrown or replaced in a free election, our Government will accept the result.

I therefore challenge the statement that our primary aim is to keep the Thieu government in power. I want the Record to reflect such a challenge.

Mr. GORE. Mr. President, I thank the able Senator. His challenge serves the useful purpose, I think, of bringing into sharp focus the paradox here presented. President Nixon says, on the one hand, that he strongly supports the right of self-determination by the people of South Vietnam, and then he adds that this is nonnegotiable. However, he has said, and has repeatedly made it very plain, that he stands firmly beside and behind President Thieu. Indeed, he stood on the steps of the capitol in Saigon beside Mr. Thieu—a symbolic act in itself—and made it perfectly plain that the U.S. policy was alined with the maintenance of the Thieu regime in power.

Upon departure from Vietnam, he characterized Mr. Thieu as one of the four or five best politicians in the world. And in a news conference at the White House, he made an additional remark—which I cannot exactly quote at this time—to make it unmistakably clear that he was firmly backing Mr. Thieu.

So, in essence what our distinguished President seems to be offering is a contradiction—self-determination they may have if they determine to keep our man Thieu.

I say to the distinguished Senator from Michigan that this is an inconsistency. This is a contradiction. And until we are willing to reach a political compromise with respect to the character of the political regime in South Vietnam, the war is apt to continue.

Mr. GRIFFIN. Mr. President, will the Senator yield further?

Mr. GORE. I yield.

Mr. GRIFFIN. Mr. President, I recognize absolutely nothing that the Senator has said which gives any substance whatsoever to his earlier statement that our primary aim is to maintain the Thieu government in power.

For President Nixon to recognize that Thieu is now the leader of the South Vietnam Government, having been elected to that position—for the President to otherwise recognize Thieu's position—does not, by any stretch of the imagination, lead to proof or even of substance to a statement that our primary aim is to maintain Thieu in power.

Our primary aim is to see that the people of South Vietnam can choose their own destiny.

I find it very difficult to understand the Senator from Tennessee in his criticism of our Government because we do not agree to a coalition government or some kind of compromise on that point.

What is wrong with a free election in South Vietnam in which the Communists have the right to vote, in which the Communists have a say concerning international supervision of that election? Why are we not unified behind that principle?

Mr. GORE. Mr. President, the Senator has touched upon a very vital and sensitive area. We seem to have a cacophony of contradiction which some have called a peace policy.

If the language I have used is not precisely what the Senator thinks it should be, then I will be glad when time permits to state as precisely as possible what I believe to be the record, the central issue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Allen in the chair). The hour of 2 o'clock having arrived, the morning business is concluded.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 497, H.R. 12964.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. STEVENS. Mr. President, last night the Nation heard a man of courage describe the path this Nation must travel if it is to live up to its commitments, if it is to stand by its allies, and if it is to face unblinkingly the verdict of history.

That man, of course, was the President of the United States. Last night he had his choice—the same choice he has had for more than 9 months. He could take the easy way, leading the Nation along by the hand until it was too late to turn back. Or he could take the hard road and the high road of honor and purpose, and he could exhort the Nation to follow, telling them that the way was not easy, but the goal was worth the effort.

The President chose the second road—the right road.

He could do no less. No American President has done less.

Mr. President, the road the President chose for himself and the Nation last night was not a partisan road. Neither was it the road traveled exclusively by either the hawk or the dove.

It was the road to an honorable peace, the road we all seek.

He took it despite strident voices urging peace, now, and peace at any price.

He took it despite the threats of those who take to the streets instead of to the polls in an effort to force their will on the Nation.

He took it because he knows of the consequences. "I mentioned," he told us, "that our allies would lose confidence in America" if we chose the road to precipitate withdrawal. "But far more dangerous, we would lose confidence in ourselves."

The President knows—we all know—that the immediate reaction to withdrawal now would be a great sense of relief as our men came home. "But," he went on, "as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people."

Of course, the President is right.

And, frankly, there are none so blind as those who cannot see that he is right.

Those who stand ready to attack him for refusing to submit to the politics of surrender should read that speech again. They should look closely at what the President has proposed to Hanoi.

And they should note Hanoi's reaction, a contemptuous refusal to negotiate in any manner, either publicly or privately.

Those who stand ready to attack the President are aiming at the wrong target.

Instead of seeking to rally world opinion against their own President, why do they not seek to rally world opinion against those who murder, those who torture, those who mistreat prisoners and use them for political purposes? Why do they not turn on the real culprits—not the President of the United States—but the dictators of North Vietnam?

Mr. President, it is time the nation rallied behind its leaders the way it always has in time of crisis and war. As the President works for peace in accordance with our hopes, it is time we sustained him with our prayers.

We are, as we all know, divided as a Nation regarding the support we have given to the military effort in Vietnam; but, we cannot, we must not, be divided in the search for peace. President Nixon needs and must have the support of a united America as he searches out each avenue and each prospect for peace.

Mr. President, after the Senator from Oklahoma (Mr. Bellmon) and I returned from Vietnam in July, we pointed out that over 84.2 percent of the total population of Vietnam lived at that time in pacified areas.

We pointed out that only 7.8 percent of the total population of Vietnam lived under control of the Vietcong or the North Vietnamese. We pointed out that, as of May 1969, 1,360,272 South Vietnamese had pledged their support of the Thieu government and to become members of the Home Guard. We pointed out that over 860,000 of these people had been trained and had been armed by our Nation and that 300,000 of them had been armed with our automatic weapons.

One of the young Vietnamese colonels told me, when we were in Vietnam:

> A nation which does not have the support of its people does not arm its people; particularly, it does not arm its people with automatic weapons.

The results of total pacification in Vietnam are there for anyone who wants to see the results. I would point out that in this year alone, 145 villages and 1,109 hamets have held free elections. I cannot understand my colleagues when they insist that the Thieu government is not supported by the South Vietnamese people. The evidence is there to the contrary. The South Vietnamese people today contain more power to defend themselves than does any nation on this globe.

I ask unanimous consent to have an article entitled "One in Every Nine Citizens of RVN Trained To Fight," published in the Army magazine of October 1969, printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. This article points out the number of forces that have been trained by our people under the Vietnamization program in South Vietnam. I might add that it is current only up to the end of the fiscal year, until June 30, 1969, and much has been done since that time.

But how can we stand here today, when there are almost one and a half million Home Guard people supplementing the forces of Vietnam, and say that these people, who are armed with automatic weapons, who are ready and have the ability to either support or overthrow their Government, are not supporting the Thieu government, when in fact no revolt has taken place in South Vietnam and the situation is to the contrary?

Senator Bellmon and I spent considerable time traveling in all four corps areas, and I wrote a series of reports at that time concerning what we had found in those four corps areas. I ask unanimous consent to have those reports printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. Those reports to my constituents show my conclusion that the South Vietnamese people do, in fact, support the Government of Vietnam and that there is no substance to the claim that we must have a coalition government in South Vietnam.

I think the one thing the President said in his address last evening that is definitely representative of the will of the people of the United States is that self-determination still is not a negotiable item so far as the conditions for peace in South Vietnam are concerned. I am hopeful that we will hold to that course, that we will withdraw our troops as they can be replaced by South Vietnamese troops, and that we will support that Government so long as it wishes to stand up to Communist aggression.

I believe that the road to peace as the President has chosen it is the road that the majority of the American people support, and I am proud to support him on the floor of the Senate.

Exhibit 1

One in Every Nine Citizens of RVN Trained To Fight

The Republic of Vietnam (RVN), now fully mobilized for the first time in two decades of warfare, has trained one out of every nine citizens to fight the Viet Cong and the North Vietnamese Army. With 1,045,500 uniformed servicemen recently augmented by nearly as many civilian home-defense recruits, 11.7 percent of the population bears arms.

South Vietnamese national, territorial and para-military troops, strongly reinforced as a result of a general mobilization call in 1968, today represent six percent of the country's 17,400,000 people. According to figures released in Saigon, on a proportionate population basis, these full-time warriors—excluding the unpaid civilians trained and armed to protect their home villages—constitute a force 3½ times the size of the standing military establishment of the United States. (If the United States had six percent of its population in uniform, it would have 12 million instead of 3.4 million servicemen.)

Before the end of 1969, the Republic's force of 1,045,500 uniformed men is due to be augmented by another 71,000 soldiers, 8,000 sailors and 10,000 policemen. Already they make up nearly 63 percent of all forces opposing the communists in Vietnam. And casualties, a prime measure of activity, indicate the degree of combat responsibility assumed by the South Vietnamese forces. They are carrying a burden of the fighting so heavy that they have lost twice as many men killed in the past 15 months as have all the allied forces put together—forces from six free world nations totaling nearly 625,000 men. According to President Nguyen Van Thieu, from January 1968 through March 1969, the South Vietnamese lost 39,307 troops to the allies' 19,433 men killed. Since 1960, the Vietnamese armed forces have lost 108,500 men killed in action.

"We have made great sacrifices," said President Thieu on 19 April as he marked the 14th anniversary of the Vietnamese Air Force. A professional soldier with the rank of lieutenant general, the commander in chief added, "We will continue to make even greater sacrifices."

The nation's armed forces include:

The regular 10 infantry divisions and three independent regiments of the Army of the Republic of Vietnam (ARVN) totaling 384,000 men.

More than 46,000 elite striking forces like the three brigades of the airborne division, the 20 battalions of the rangers, the 9,500 marines, and the few but highly trained men of the Vietnamese special forces.

The territorial or militia troops, including 218,000 Regional Forces (RF) and 173,000 Popular Forces (PF) for a total of 391,000 men.

A navy of more than 21,000 men, including 11 percent officers and 27 percent petty officers.

An air force of 18 squadrons, including two jet squadrons (to be increased to at least four), some 400 aircraft and 21,000 men, including more than 1,000 pilots.

Paramilitary troops totaling 182,000 men, including more than 79,000 national police, 45,000 troops of the Civilian Irregular Defense Groups, or CIDG (tough combat patrol specialists — Montagnards, Vietnamese, Khmer and Nung Chinese—led by the special forces), 4,000 former Viet Cong in armed propaganda teams, 1,500 former Viet Cong serving as Kit Carson scouts for U.S. marines, 46,000 armed Revolutionary Development (RD) team members, and 7,000 Truong Son (pacification teams) members doing similar RD work in hamlets of the Central Highlands.

While not listed as members of the armed forces, an important adjunct in urban neighborhoods and rural hamlets are the People's Civil Self-Defense Forces (PCSDF) of about one million youths, women, veterans and older men, organized since May 1968 to defend their own communities, with some 800,000 already trained and with weapons already issued to them on the basis of one submachinegun, rifle, carbine or shotgun to every three members.

The communist Tet offensive of February 1968 marked a turning point for the armed forces in terms of morale, manpower and equipment. During that lunar new year holiday the Viet Cong and the North Vietnamese Army hurled 84,000 troops against the South Vietnamese and their allies, and Hanoi assured its troops that ARVN units would desert to them in droves. But not a single squad went over to the enemy, and the communists lost half their attacking force (20,300 to the South Vietnamese, 18,581 to the Americans, the rest to other allied forces). The ARVN went over to the offense in mid-year and has not lost the initiative since then. Amid a rare burst of public praise for their showing against the heaviest attacks the enemy could mount, the regulars of the ARVN divisions and the "Ruff Puffs" of the RF companies and PF platoons experienced a soaring of morale unequaled in the army's 20-year history.

The Tet offensive spurred the Saigon government to new action. In mid-June the National Assembly answered President Thieu's call for general mobilization by lowering the minimum and raising the maximum draft ages. It passed a law inducting men from 18 to 38 into military service and ordering youths of 17 and men from 39 through 43 into civil defense duty. The primary goal was to augment army strength by 268,000 recruits before December 1968, a 33 percent increase (excluding casualties suffered during the mobilization period). The quota was met well before the deadline, 220,000 being inducted before the summer was out. Of them, 161,000 chose their branch of service by volunteering for induction.

At the same time, with the help of its foreign allies, the Saigon government embarked on an extensive program to upgrade the weapons and equipment of its fighting forces, as well as a program of fringe benefits for servicemen to raise morale. Delivery of fast-firing M16 rifles to ARVN units, for instance, was such a stimulus to the Vietnamese soldiers' aggressiveness that it was immediately reflected in enemy casualty rates. Viet Cong facing ARVN units armed with the M16 left more of their dead on the battlefield than neighboring communist forces opposing ARVN units that had not yet received their M16s. Said one Green Beret on a front near the Cambodian border, "Give a Vietnamese soldier an M16 and you make a tiger out of him!"

Stronger aggressiveness is shown in current battlefield statistics. Each day now, the ARVN mounts from 40 to 60 operations by battalions or large units, and the "kill ratio" has risen from one to 2.9 in 1965 to one ARVN killed for every 5.9 of the enemy slain today. The daily battalions-in-combat statistics are also significant. During 1967, an average of 101 ARVN battalions were engaged in combat operations each day. The number rose 16 percent during 1968 to 118 battalions. Weekly tactical sorties by the Vietnamese Air Force, which now flies one out of every five missions throughout the country, rose from 2,242 in 1967 to 3,510 during the first 11 weeks of 1969. Vietnamese Navy missions rose from 2,428 per week in early 1968 to 2,860 in the same period of 1969.

What makes the South Vietnamese armed forces so different from the usual military aggregation is the fact that the military is responsible not only for the defense of the nation but for much of its civil administration as well.

The regular divisions of the ARVN are striking forces directed by the general officers who command the four corps tactical zones (CTZ) into which South Vietnam is divided. In addition to his military functions, each corps commander is responsible for civil administration within his CTZ.

The Regional Forces companies come under the tactical command of the chiefs of the 44 provinces, who are usually ARVN lieutenant colonels or colonels; yet the province chiefs are also responsible for civil administration within their provinces.

The Popular Forces, usually in static defense near each platoon's home village, recently have come under the direct supervision of the village chiefs, civilians elected to head the committees administering the routine civil life of the villages. But the village chief's military commissioner is a PF officer, and in practice both RF and PF units are deployed and led in local operations by the district chief. District chiefs are ARVN captains or occasionally majors, and they are responsible through channels for RF–PF actions and civil activities within their 243 districts.

While neither province chiefs nor district chiefs deploy the regular ARVN divisions within their jurisdictions—company-grade and field-grade officers do not make troop dispositions for a general officer's command—they do coordinate their RF–PF operations with the local ARVN commander, often can "borrow" ARVN elements for their offensive requirements, and occasionally take part in massive cordon operations involving all regular, territorial and paramilitary forces in the area.

Within each CTZ there is a dual-command structure. The principal military channel goes from corps commander to division and regiment. A second channel goes from corps commander through province chiefs to district chiefs. Each channel has its own prerogatives and forces. In recent years there has been a trend away from concentration of all civil power in corps headquarters, province chiefs now being appointed by Saigon rather than by corps commanders and central government ministries communicating directly with province chiefs. Most villages and hamlets now elect their own chief and administrative bodies, so province and district chiefs have advisory, coordinating and occasionally veto functions in' the villages rather than administrative tasks. But some 291 military officers from general to captain stationed at headquarters of corps, provinces and districts still bear heavy responsibility for the day-to-day activities and the general well-being of their jurisdictions.

This dual civil-military responsibility evolved from the necessity of martial law in a country at war, and continued even after popular elections were held under the Second Republic because it was found that, in a society so long at war, it was inevitable that the best manpower resources, the best leaders and administrators, were in uniform. Cabinet ministers, mayors and some other government officials have had to be recruited from the ranks of the military. One benefit is that officers experienced in the dual system develop a comprehensive grasp of the war in its total military, political and psychological compass.

By their votes at the polls the people of South Vietnam have endorsed this military administration. Much of this acceptance of military administration by the country's majority seems to stem from the fact that the army has built a tradition of civic responsibility, a reputation for bringing relative stability out of chaos in order to permit the government to govern. It was the army that prevented the Viet Cong insurrection from sweeping the country. The army toppled a mandarin dictatorship that was losing the war in 1963. It took over direct administration of the government in 1965, ending a period of revolving-door regimes in Saigon that had brought political chaos to the country. It was the army that in 1967 voluntarily gave up total power in favor of an elected, constitutional republic.

The Army of the Republic of Vietnam was created on 28 May 1948 (now celebrated as Armed Forces Day) by decree of Bao Dai, who had earlier abdicated as emperor but retained power as chief of state until Ngo Dinh Diem's election to the presidency of the First Republic. From a force of fewer than 100,000 men—some units tracing their lineage back to Vietnamese units fighting as part of the French Union forces and some created by Bao Dai's decree—the ARVN in the past score of years has developed into a modern, well-trained and aggressive army of professional soldiers.

Today, the Republic's armed forces are headed by a minister of defense. Under him comes the Joint General Staff, made up of the army, navy, air force and logistics and political warfare commands. Also directly under the JCS is the national strategic reserve, the marines and some of the 20 ranger battalions.

The regular ARVN divisions are triangular, normally having three regiments, a cavalry squadron and two artillery battalions, or about 10,000 men. Each regime has three battalions and each battalion three companies. Recently, support elements—engineers, transport, ordnance, logistics—were brought into a division support command in a more modern organizational structure for each division. The ten regular ARVN divisions as well as ARVN's three independent regiments were, at mid-summer of 1969, deployed under CTZ commanders as follows:

In the I CTZ, embracing the five northern provinces, are the 1st Division at Hue, the 2nd Division at Quang Ngai, the 51st Independent Regiment at Hoi An and the 54th Independent Regiment at Tam Ky.

In the II CTZ, covering the central coast and the Central Highlands, are the 22nd Division at Qui Nhon, the 23rd Division at Ban Me Thuot and the 42nd Independent Regiment north of Kontum.

In the III CTZ surrounding Saigon are the 5th Division at Phu Loi, the 18th Division at Xuan Loc and the 25th Division at Duc Hoa.

In the IV CTZ, in the populous Mekong Delta, are the 7th Division at My Tho, the 9th Division at Sadec and the 21st Division at Bac Lieu.

The 1st Division, guarding the two northern provinces just below the Demilitarized Zone, has been judged one of the finest divisions to take the field of battle. U.S. Defense Secretary Melvin Laird recently awarded this division the Presidential Unit Citation for repeated bravery in action during engagements in Quang Tri and Thua Thien provinces. This elite division includes an elite company, the Hac Bao—the Black Panther assault company that stopped an entire North Vietnamese battalion on the Hue airfield during the Tet offensive and later emerged victorious from a 72-hour battle against overwhelming NVA forces with 19 of its 240 men alive.

During that battle in the Hue citadel, the 1st Division successfully tackled two NVA divisions. Through 10 October 1968, the division's men killed 12,661 NVA and VC troops, took 2,571 prisoners and picked up 5,622 weapons. In that period the division lost 1,600 killed, 6,675 wounded and 238 weapons.

No army ever is a good as its best units, and the ARVN has its 25th Division as well as its 1st Division. Until last year, by the candid acknowledgment of a JGS general at Saigon's Camp Tran Hung Dao, the 25th was "the worst division ever to enter any battlefield east of Suez." Working out of Duc Hoa in Hau Nghia province west of Saigon and extending into Long An province south of the capital, the 25th operated as most divisions did in the Orient during the 1930s: it shunned combat to conserve resources.

The 25th, therefore, carried out the traditional role of preparing and holding strongly fortified positions near major population centers and road routes, but did not commit troops to offensive patrolling except at the stern and insistent direction of higher headquarters. As the 25th improved its intelligence network, learning more about enemy dispositions, it improved its ability to march its troops in the opposite direction. Then, early in 1968, Brig. Gen. Nguyen Xuan Thinh took command with the announcement that "I am cultivating aggressiveness." Launching joint operations with their "brother" division in the area—the U.S. 25th Infantry Division—the men of the ARVN 25th Divison showed what capable soldiers can do under capable leadership. Today, the 25th stands firm in a blocking position across a major enemy infiltration route from the Cambodian border to Saigon. It is pulling its weight there in Hau Nghia, and is conducting an important pacification operation in Long An as well.

Other South Vietnamese units have similarly distinguished themselves.

The Vietnamese troops suffering the heaviest casualties and inflicting the most casualties on the enemy in proportion to their numbers are the "Ruff Puffs," the Regional Forces and the Popular Forces. The RF operate in 123-man companies under the province chiefs, though often led on operations by district chiefs. The PF are organized into

35-man platoons for local village and hamlet security. Originally the Ruff Puffs were regarded as guard troops and as the first line of community defenders they often were the first target of any attacking force. No longer are they in static defense positions, however. Now better armed, the RF does much the same work as company-size units from the regular ARVN divisions, going on extended operations against Viet Cong forces, doing village pacification work, joining in combined operations with allied forces, and utilizing the helicopter and artillery support services of the big divisions.

The PF, also much better armed as a result of a militia modernization program, still maintain static defense posts but also send out roving patrols to meet the enemy before he reaches the PF perimeter.

Statisticians list the National Police as a paramilitary force (without listing U.S. police in comparative military establishment figures) because usually the police are the first to be informed of a Viet Cong raid and the first to rush to the scene.

The police special branch is the core of Operation *Phung Hoang*, a nationwide pooling of intelligence data to flush out the Viet Cong infrastructure (VCI). The VCI are the leadership elements who run the communist political apparatus, control the guerrilla bands, collect taxes, order assassinations, set up front organizations, draft men and women as soldiers, guerrillas and laborers, spread propaganda and direct terror campaigns. About 80,000 cadres originally were estimated to hold VCI jobs. In the first 11 months of a campaign that jumped off at the beginning of 1968, Operation *Phung Hoang* resulted in 13,404 of these cadres being rooted out of their underground positions in the communist shadow government. Under *Phung Hoang* the national police and other government intelligence agents man district centers which collect information on the VCI, check it against files and dossiers and, where warranted, arrange for operations.

Viet Cong who have turned their backs on communism and rallied to the government's side under the Chieu Hoi (Open Arms) program engage in various paramilitary activities. More than 104,000 have defected since the program started.

Most are in regular ARVN divisions and about 4,000 are in armed propaganda teams (APT). Another 1,500 former VC are serving as Kit Carson scouts, helping in pacification and village development, identifying members of the VCI, passing on knowledge of terrain, people, guerrilla fighting methods and booby traps. Some former VC have joined such specialized groups as provincial reconnaissance units (PRU), whose stock in trade is terror against Viet Cong terrorists.

Other important paramilitary forces are the 46,000 revolutionary development and the 7,000 Truong Son members, the men (and a few women) who help villagers reinstate local democratic government in newly pacified areas. Lightly armed, they provide hamlet defense until the people can be motivated, trained and armed to protect their own communities.

While RD teams, some working in 59-man units and others in 39-man units, have for some years been teaching self-defense methods to villagers, the program to build hamlet-level civilian home protection units did not begin to snowball until after the communist Tet offensive. The general mobilization decree helped, for it called for drafting 17-year-old boys and men from 39 to 43 into civil self-defense units. In most cases, the draft was not necessary, for young boys and older men were quick to volunteer in order to have a voice in their local unit's organization. In many units, teen-age girls and women, who are not subject to the draft, volunteered in such numbers that they constitute the majority of the members of the People's Civil Self-Defense Force. Since the Tet offensive, about one million PCSDF members have been recruited across the country.

The average Vietnamese soldier is 19 to 24 years old, with litle more than a rural education. Of peasant stock, he is small, lithe, but surprisingly muscular, and he can carry a 60-pound pack for hours without tiring. He has undergone 12 weeks of basic training (cut to nine weeks during the general mobilization drive of 1968) but often has had advanced training in division camps. Properly led, he develops a dash and fighting spirit under the most difficult combat conditions. He must be at home in Delta rice paddies, mountain rain forests and city streets. He must fight often, and in his less hectic hours he is expected to help the rural people build a new life. He must guard long stretches of road and railroad and canals, thousands of bridges, thousands of hamlets and government facilities. For this, if he is a private with no dependents, he earns 3,000 piasters (about $25) a month. Ruff Puffs earn less, but they are closer to home than the ARVN regular, who may be sent to serve in any of the South Vietnam's 44 provinces. Men with dependents and elite troops—those wearing the jaunty berets (green for special forces, red for paratroopers, black for armored troops, maroon for rangers)—earn more.

Promotions do not come easily in the ARVN. A colonel may command a division. Regiments are given to lieutenant colonels and sometimes majors. Captains often command battalions. Rank is tight, but programs have been begun recently to award merit promotions in the field, especially in raising promising young noncommissioned officers to company-grade officer ranks. But most promotions still are based more on seniority than merit, and a number are across-the-board promotions of one grade for all enlisted ranks ordered by the government to celebrate, for instance, a new national holiday.

Two years ago, extra efforts were made to upgrade the training of officers and noncoms. The Thu Duc Officers School was expanded and its curriculum improved. Special command and staff schools were established for field-grade officers at Dalat, with attendance a prerequisite for promotion. The Dalat Military Academy this year graduated its first class of 90 students after four years of education. Since its founding in 1948 it has had only nine-month and two-year courses, and the expanded curriculum is considered a major step in providing the army with an educated corps of professionally trained young officers. Ranking officers now are being given advanced command training at the newly established National Defense College in Saigon. Key officers continue to be sent to advanced schools in the United States such as the infantry course at Fort Benning and the command and general staff schools at Fort Leavenworth. Since 1957, more than 8,000 officers and men have been trained in U.S. military schools.

Improved leadership has done much to boost ARVN morale and proficiency, but one of the greatest spurs to aggressiveness has been the refitting of the armed forces with modern weapons. Morale had been badly shaken when the North Vietnamese in 1965 and 1966 began equipping their infiltrating troops with weapons the South Vietnamese could not match—modern Soviet-design automatic weapons, including the RPD light machine gun, the AK47 assault rifle, and armor-piercing rocket launchers. Then the United States offered to re-equip the ARVN with a newer family of U.S. weapons. In addition to the M16 rifle, these included LAW antitank rockets, the useful M79 grenade launcher and the M60 light machine gun. First issued to regular ARVN divisions, these weapons now are being given the Ruff Puffs, with completion of the rearming program expected by the end of this year. Some 350 mobile advisory teams of U.S. officers and noncoms have been assigned to help upgrade the RFs–PFs, through training in battle tactics, weapons use, and tighter security.

The number of artillery battalions is being doubled, and newer pieces, such as the light M102 howitzer of 105-mm. size, are being introduced. At the start of 1968 the ARVN had only 600 armored personnel carriers, but by the end of 1969 it is expected to have 1,500. The ten armored cavalry squadrons also have some older M41 tanks.

A major spur to ARVN offensive operations has been improved mobility. Now able to call on transport planes and helicopters for troop airlift, and now assured of good communications and artillery support, field commanders order combat sweeps, enveloping maneuvers and direct assaults that would have been unthinkable in 1965 and 1966. Today, even militia companies and platoons can be tactically deployed by helicopter, and are being so deployed, in ever-increasing numbers.

The areas in which the ARVN has made the most improvement—firepower and mobility—are still the areas of its greatest weaknesses. The ARVN is quite capable of fighting and defeating the 20,000 main force Viet Cong troops and the 70,000 local force VC guerrillas in the country. In open combat on a particular battlefield the ARVN could defeat the 110,000 North Vietnamese Army regulars now in the South, despite their modern Chinese and Soviet-bloc weapons. But with the ARVN's basic responsibility for territorial defense that the NVA does not have, and with the NVA's proclivity for regrouping in inaccessible sanctuaries, it would be a formidable task for the ARVN to drive the NVA back. It could not conceivably do so without the helicopter, jet-strike, artillery, communications and logistical support now provided by U.S. forces. An ARVN division is a potent force, but even in the case of the 1st Division, one of the factors making it an elite unit is its ability to call in helicopter and artillery support from the neighboring U.S. 101st Airborne Division. Because the average ARVN division, particular since the war became a big-unit war in mid-1965, has been able to rely on its ally's artillery, air strike and transport capabilities, it has not yet developed its own similar capabilities to a point that would make it self-sufficient on a modern battlefield. Even when the 300 new helicopters all have been added to the present fleet of 100 choppers, the entire Vietnamese Air Force still will have fewer helicopters than the U.S. 1st Cavalry Division's 425. (Some 3,000 helicopters are assigned to all U.S. forces in Vietnam.) Even when the 60 new jet attack bombers are added to the 40 fighter jets now in action, the VNAF's jet capability still will be little better than that of a single U.S. aircraft carrier with its 75 to 80 jets aboard. The average American division has about twice the number of howitzers and mortars available to an ARVN division.

One way to help make up this deficiency is a plan announced on 23 March by U.S. Defense Secretary Laird, and that is to hand over the equipment of disbanding U.S. units to ARVN units remaining in the field. The first such turn-over took place that March weekend near Can Tho, in the Delta. The 6th Battalion of the 77th Artillery, attached to the now disbanded U.S. 9th Infantry Division, sent some of its men on normal rotation back to the United States and assigned the rest to other outfits in Vietnam. Although the battalion was inactivated, overall U.S. troop strength was not lowered. After spending two months in training ARVN artillerymen to use its 105-mm. howitzers, the 6th, in its last formal act as an active battalion, turned over its howitzers, trucks, radios, ammunition and repair equipment to the newly activated 213th Artillery Battalion of the ARVN 21st Infantry Division.

The ARVN, once a loose force of diverse troops, has developed during 20 years of bitter fighting into an effective, highly motivated army. Its improvement, particularly since the Tet offensive, is regarded by U.S. officers as exceptional.

EXHIBIT 2

[From the Congressional Record, July 14, 1969]

Mr. STEVENS. Mr. President, I am pleased to be able to join with the minority leader and our able colleagues to support the action taken by President Nixon in his endorsement of the position of Vietnamese President Thieu in his call for free elections in South Vietnam.

From June 29 until July 4 of this year, I was in Vietnam with my good friend Senator HENRY BELLMON of Oklahoma. It was our privilege to be able to visit with our American forces in every area of South Vietnam as well as the forces of the South Vietnamese.

Mr. President, the impact of our visit on me was that the results of the pacification program in South Vietnam have not been fully appreciated here at home. For instance, 76.4 percent of the rural population of South Vietnam—10,783,300—now live in areas under control of the Thieu government; another 11.8 percent of the rural population are in areas occupied by, but not completely controlled by, the Thieu government; and only 11.8 per cent of their rural population are now in areas not controlled by the government. If all urban and rural areas are considered together, 84.2 percent of the total population—17,219,100—now live in pacified areas under complete South Vietnamese Government control while 8 percent live in areas occupied by, but not completely pacified by, the Thieu government and only 7.8 percent of the total population does not live in pacified areas.

The most significant reason that the Thieu government now has the control of the vast populated areas of South Vietnam is that there has been organized the Peoples' Self-Defense Force. By the end of May of 1969 1,360,272 individual South Vietnamese pledged their support of the Thieu government and agreed to become a member of this "home guard." Of that number 863,208 of these people have been trained and over 300,000 of them have been armed—mostly with automatic weapons.

Mr. President, as one of the young South Vietnamese colonels told me:

"A nation which does not have the support of its people does not arm its people; particularly it does not arm its people with automatic weapons."

The results of the total pacification program are shown in the election results in South Vietnam for 1969. I ask unanimous consent that these results be printed at the end of my statement and I point out that 145 villages and 1,109 hamlets conducted free elections in June of 1969. In this year alone 791 villages and 4,461 hamlets have held free elections.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. STEVENS. It is obvious from these statistics why the North Vietnamese want to insist on a coalition government rather than await the outcome of free elections to determine to what extent Communist elements in South Vietnam should have membership in a new post free election government.

It is my feeling that it is only a matter of time—and a very short time at that—before the South Vietnamese will be able to completely defend themselves. When that time comes all of our troops will be able to come back home, and this, I feel, emphasizes the position taken by President Nixon. If there is to be peace in Vietnam, it will be because the North Vietnamese realize that they cannot win the war and that this Nation is united behind our President and his policies which are designed to bring our boys home alive while at the same time preserving the right of self-determination to the people of South Vietnam.

EXHIBIT 1

ELECTION RESULTS, JUNE 1969

	Village		Hamlet	
	Planned	Conducted	Planned	Conducted
I CTZ	38	68	125	
II CTZ	23	18	328	300
III CTZ	12	13	135	137
IV CTZ	42	46	474	482
Total	115	145	1,062	1,109

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

Soon after becoming a member of the Senate it was apparent to me that almost every returning member of the Senate had visited Vietnam to see first hand the total effort there. Regardless of whether these members supported or opposed the war, each said a Vietnam trip was necessary to understand the country, the war, the pacification efforts, and particularly the work of the Agency for International Development (AID). (This Agency has made remarkable strides through measures to prevent inflation in Vietnam and to assist the civilian community—both in providing health care to injured civilians and assistance for economic growth.)

After discussing the subject with our good friend Senator Henry Jackson, from our neighbor State of Washington, and with the Department of Defense, Senator Henry Bellmon and I were authorized to travel to Vietnam and the Pacific Trust Territories for the Interior and Insular Affairs Committee, of which Senator Jackson is Chairman.

Before leaving Washington we were briefed by the staff of the Joint Chiefs of Staff (J.C.S.) on the Vietnam war situation—including troop locations, mission, casualties, enemy strength, and the South Vietnam capability. Also, we were briefed by A.I.D. Unfortunately, one absolute requirement was that we renew the shots we had received in World War II. I found that Senator Bellmon had been a 1st Lt. in the Marines in the Pacific—while I had served as a 1st Lt. in the Air Force in China. We had sore arms and rear ends for about a week prior to leaving because of those shots.

An Air Force C–141 took me from Dover Air Force Base in Delaware to Elmendorf in Anchorage, where Senator Bellmon, arriving from Oklahoma, joined me. We were greeted in Anchorage by Brig. Gen. F. J. Roberts, and Col. R. S. Culet, and after a brief meeting with my Anchorage secretary Barbara and her husband, Don Andrews, we left for Yakota, Japan.

It was 11:30 p.m. when we arrived in Yakota—and we had lost a day going across the date line. Having two hours to wait for the C–141 to proceed to Phu Cat in Vietnam, Senator Bellmon and I wandered about the PX—which is open 24 hours a day.

We left Japan for Vietnam, scheduled to arrive at 6 A.M. Monday morning—and our plan is to go to Saigon for a briefing from General Creighton W. Abrams, Commander in Vietnam before noon in Saigon. We will be in the Mekong Delta with the units of the IV Corps by Monday afternoon.

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

SOUTH VIETNAM, SECOND DAY

After visiting with Col. Harry Trimble and his men of the 37th Tactical Fighter Wing at Phu Cat, and inspecting the new version of the F–4, we left for Tan Son Nhut, Saigon's military airport. Escorting Senator Henry Bellmon and me from Phu Cat through the balance of our Vietnam trip was Lt. Col. George A. Custer III.

George, who long ago became steeled against comments about his "last stand" and shed his hair to escape being called "Yellow Hair" was able to get us in and out of each installation we visited with a minimum of difficulty.

In Saigon, we moved into the "White House"—a white compound for transients. We hurried immediately to a briefing being given for General Creighton W. Abrams, Commander of the Military Assistance Command, Vietnam (MACV). He is referred to as COMUSMACV. General Abrams, a man obviously dedicated to his job, emphasized that he believed the South Vietnamese had "turned the corner" and were able now to assume a greater role in the defense of their country. It was, however, my conclusion that the burdens and tensions of command in this conflict were really taking their toll from General Abrams.

Senator Bellmon and I were also briefed by the Commanding Officer of our Naval Forces in Vietnam (COMNAFORV), Admiral Zumwalt, and at lunch we were joined by his Deputy Admiral Flanigan. Strangely, the delta area of Vietnam has given rise to a new form of naval activity—the Riverine Force. Admiral Flanigan explained for us the network of rivers and canals which are the traditional "highways" of South Vietnam. And we immediately left for Ben Luc—a base for Game Warden, the code name for the River Patrol Force. Traveling in a UH–1 helicopter (a "Huey") to the Tien River, my first feeling was we were over the Kuskokwim Delta in the summertime—but this flat delta area was cultivated and filled with green rice paddies. At Ben Luc we saw the "Monitor"—an armored steel small river patrol boat with a turret that obviously reminds you of its famous predecessor.

Next the "Huey" took us to the U.S. Benewah, anchored in the Mekong river. The Benewah is an APB which is the command post for the River Assault Flotilla—comprised mainly of fast PBR's (River Patrol Boats) which escort the ACT's (Armed Troop Carriers).

Here at the Benewah we met units of the VNN—the Vietnamese Navy—units trained this year, which were replacing American naval units in the Riverine Force.

And, to prove to us the capability of the PBR's the VNN took us out on the river for a short trip. In the quick briefing given us at the river, VNN and U.S.N. personnel pointed out that it was only a matter of time before South Vietnamese forces could perform not only the patrol activity but also maintain the maintenance and repair functions.

Our next stop was Binn Thuy where we visited the 74th VNAF (Vietnamese Air Force) Wing, commanded by an aggressive young Colonel Anh. This wing is now equipped with Cessna A–37 jets and O–1 twin engine prop observation planes. Colonel Anh proudly told us his unit was up to 100% strength and was flying almost 170% of the sorties programmed for his wing. The A–37, a small twin jet, carries a tremendous load—yet it is so small I could stand on the ground and look into the cockpit. This plane, I predict, will find its way into Alaskan civilian flying—mainly because it can cruise in excess of 300 knots on one engine—and uses two engines only on take off, climb and when landing.

One thing at Binn Thuy struck me—the maintenance and repair of every single vehicle, whether it was a jeep, T–37, crane or fork lift—showed this was an on the ball outfit. I remembered my days as a pilot in World War II in China—maintenance and repair at an advance base is tough for anyone. This VNAF operation was so good that the 74th Wing had just received a U.S. Presidential citation for their performance.

We left Col. Anh and flew in our "Huey" to Soccer Field, at Can Tho, where we spent the night with General Wetherill and the IV Corps headquarters staff. It had been a long day—this was Monday night and I had last been in bed on Friday, the night before I left Washington, D.C. (having lost Sunday going across the date line).

The day had left me with many impressions—the strongest of which was that I had not known how capable and well trained the South Vietnamese were. And, I now understood President Nixon's comments when he announced the withdrawal of 25,000 troops. These troops were being replaced by Vietnamese, trained by U.S. forces, and equally capable of defending this troubled country. I went to bed with the feeling that the U.S. is not involved in fighting an interminable war—and that it really is only a matter of time before Vietnamese forces will replace all our fighting men.

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

VIETNAM, THIRD DAY

On Tuesday morning, Senator Bellmon and I joined the General Staff of IV Corps for its morning briefing. Significantly, the bulk of this briefing concerned pacification efforts—the formation of peoples forces (P.F.) and regional forces (R.F.) and the reopening of hamlets and villages previously abandoned by friendly South Vietnamese. No significant incidents were reported except the movement of a North Vietnamese regiment to a position opposite IV Corps just across the border in Cambodia.

Our first stop Tuesday was My Tho—the headquarters of the 7th ARVN Division. We were met by General Nguyen Thanh Hoang. On the way we flew over a portion of the contested area of the Mekong Delta. General Hoang and his Senior American Advisor Col. Tansey, seemed confident that the build up of local political organizations—hamlet and village councils—provided the deterrent necessary to prevent the Viet Cong or the North Vietnamese from taking the initiative in this area.

Through this 7th Division we learned of the arming of the people of this area. Not only carbines, which are semiautomatic, but also our M–16 automatic rifles had been issued to over 101,000 men. This represents the Peoples Self Defense Force (PSDF)—and in and of itself demonstrates the increasing confidence of the Thieu government in the people and vice versa, for these guns have been issued to Catholic, Buddist and Cao Dai alike. The PSDF is the South Vietnamese "home guard"—an almost limitless source of reserve strength.

We had lunch that day with the NCO's of the U.S. Advisory team assigned to the 7th ARVN Division. Apparently, a Newsweek article had been written about this area—because several of the sergeants asked me what I thought about it. Unfortunately, neither Henry nor I had read the article, issued last week, but it demonstrated to each of us that the men of the U.S. forces here were informed—very current in their exposure to public opinion at home. These NCO's were as Senator Bellmon put it "evangelists for the U.S. effort in South Vietnam". Only one expressed any reservation about the ability of the 7th ARVN Division to defend this area of South Vietnam—the area from which the 9th U.S. Infantry Division is being withdrawn in accordance with President Nixon's decision to commence withdrawal of troops.

Our "Huey" helicopter lifted us from My Tho to Cu Chi where we discussed the withdrawal with Col. Homer Long. Significantly again, our conversation was about the success of the pacification effort: The 25th U.S. Infantry is being reassigned because its job is done and it has been done well. The South Vietnamese have reformed their Provincial government, organized and trained its army, and organized and armed its home guard.

Major General Ellis Williamson joined us in Cu Chi and went with us as we traveled by "Huey" again to Duc Hoa, where we were briefed by Major General Nguyen Xuan Thinh, Commander of the 25th ARVN Division. This Division, which patrols the Cambodian border, faces the greatest threat today. We were shown aerial photographs of North Vietnamese troops just across the Cambodian border. And, for the first time, our briefings included reference to substantial enemy and ARVN losses due to engagements in the past few days. General Thinh, however, has confidence in his ability to meet North Vietnamese invasion, and his opinion was shared by Col. George Robbins, his senior advisor.

We met with the Chief of the local province, Col. Hanh, in Bao Trai, and the Province Senior Advisor, Lt. Col. Bremer. Despite the continuing military engagements in the area, pacification, primarily due to the PF, RF, and PSDF programs, was proceeding at a rapid pace, we went to Rung Tre where U.S. Captain Dewese of the 27th Infantry and the 494th R.F. Company had established protection for an area formerly occupied by NVA. This small group—one U.S. rifle company and one Vietnamese RF company had, in the past three weeks, "pacified" the area. What they had done sounds simple—traveling at night, they had searched out the North Vietnamese in the area and had cleared their district of enemy troops. Then they had repaired the homes in the hamlets, and encouraged the villagers to return. In pouring rain, this young U.S. Captain spoke to us of "his" hamlets, his district—and as we walked through these hamlets his hamlets his accomplishments were obvious. School was full, the elders—and they really were ancient men—were planning new public buildings to replace those destroyed in the war, and most important, the rice fields were in the process of being restored and replanted.

From Rung Tre we went, again by "Huey" to Fire Support Base (FSB) Jackson. It was hard to realize that we were only 8 to 10 miles from Cambodia—and that the area in between was almost a no-man's land. In this Boa Trai Province we visited another hamlet, spoke with the District Chief Major Ai and inspected the 1st ARVN Armored Cavalry, commanded by Lt. Col. Ty. Without doubt, these were first rate, well trained troops. And all of the U.S. advisors were outspoken about the effectiveness of this ARVN force if properly equipped and supplied.

Our "Huey" lifted us away from these front line troops and deposited us on the heliport of the American Embassy in Saigon. There we met Ambassador Ellsworth Bunker—a silver haired, soft spoken man who spoke of peace and the hope for the future of Vietnam. Senator Bellmon and I found Ambassador Bunker to be a man of inspiration—a man with an insight brought about a vast knowledge of the history of this Southeastern Asian area and the potential of the people once peace is restored.

We completed the day by having dinner with General Abrams, his son Captain Abrams, Ambassador Bunker and members of the General's staff. Our frank, personal exchange with these men set the stage for our visit on July 2 with the U.S. Marines who have the prime responsibility for I Corps—the area just South of the DMZ in South Vietnam.

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

VIETNAM, FOURTH DAY

DaNang, in Quang Nam Province, lies in the center of a small peninsula on the coast of the South China Sea. We had left Saigon's Tan Son Nhut airfield at 6:30 a.m. in a small plane—and were greeted at DaNang by Lt. Gen. H. Nicherson, Jr., commander of I Corps. General Nicherson is a marine, and his staff was one of the best I've ever met. We joined the morning briefing at 8:15 a.m. and found there was sporadic activity the night before just south of DaNang.

Most importantly, this briefing dealt with the increasing effectiveness of the VNAF (South Vietnamese Air Force) and the expanding Combined Action Program. The VNAF, in the I Corps area, under the command of Lt. General Lam, has made the transition to A–37 jets and has accelerated its training program to the point that it provides substantial support for ground troops and reconnaissance activities for I Corps.

The Combined Action Program (CAP) is designed to utilize the facilities of both U.S. and South Vietnamese forces—and effectively combines a unit of each so that the Vietnamese are being trained while performing their mission. General Nicherson explained to Senator Bellmon and me that the CAP mission was primarily defensive—a CAP team works with the local forces (RF of PF companies) to establish defenses for each village. Pacification in this area just south of the DMZ has been most difficult because the North Vietnamese have had easy access to it through infiltration. And most of the village people had fled from their homes in the TET offensive of 1968.

But, with CAP activity almost 70 percent of these villages had been re-established.

After visiting General Lam's office we flew by helicopter to Hill 37, about 40 miles south of DaNang. There we were told of the activities of the 1st Marine Division which operates in the river valley from Hoi An to the Laotian Border. This valley, a fertile agriculture area, had almost been abandoned because of enemy activities. However, working with the Corps of Engineers, and using the CAP approach, the 1st Marine Division had reopened the roads, re-established villages in the area, and was finishing up the task of pushing a North Vietnamese element out of the valley. While we were on Hill 37 an "arclight" mission—6 B–52's—bombed the hills about 8 miles away, an area where the North Vietnamese unit was holed up.

Hill 37 is one of three artillery positions which command the Thee Bon Valley. The area is now protected by the 51st ARVN regiment—another combat ready organization commanded by Colonel Throng Tan Thuc. Despite the continuing fighting in this area, a "county fair" to stimulate interest in new varieties of rice and vegetables available for planting was being held just four miles from the area of the B–52 strike.

One of the most interesting demonstrations we witnessed was the LSA operation—the logistic support area—at Hill 55. Here, through the use of "palletized" cargo, supplies were prepared for shipment to troops in the field by helicopter flying cranes and chinook helicopters. These supplies included water and fuel in huge plastic bags, and even ice cold beer and coke which an enterprising NCO had packed in the styrefoam containers that had been packed around artillery ammunition for shipment to Vietnam.

We witnessed another interesting demonstration when the 7th Marines showed us how a "Lob Bomb" works. This bomb was devised by enemy guerrilla forces—and is just what the name describes, an explosive device which is "lobbed" into our sites by a small detonation, the effect of which is similar to a football player making a place kick. The first detonation lifts the bomb and lobs it into its target.

At lunch I met four young Alaskans stationed at or near Hill 55. These young marines, two from Fairbanks, one from Bethel and one from Anchorage, were alerted by a notice on their bulletin boards of our visit—

and were interested in the North Slope oil boom, the attitude of Congress toward the Vietnam war, and what was happening at the University of Alaska.

From Hill 55 we flew by "Huey" to CAM Lo, and I was surprised to meet April Johnson, a friend of Larry Fanning, Publisher of the Anchorage Daily News. She asked me what Senator Bellmon and I thought we could gain by such a short visit to Vietnam. I told her five days didn't seem short to me. When Wally Hickel and I inspected the coal mines in Pennsylvania we were at the mines about six hours, and I thought we learned more in those six hours than we could have learned through hours of testimony in a hearing. And, I still feel that this is true—in five days we visited all four Corps areas of Vietnam, talked with GI's, Generals, South Vietnamese elements of every type and description, saw the navy riverine forces being turned over to the VNN, inspected the new A-37 jets, and, most important, we saw the people of the country from North to South, coast to border, on the ground and from the air, in hamlet, village, air base, on rivers and in cities. And, if we are to know what is involved as the issues of defense appropriations and the AID program come up in the Senate, this five days was well spent, in my opinion.

From Cam Lo we went to Gia Dang, a new fishing village, formed by residents of several destroyed areas. North of Gia Dang we could see the Cruiser *Boston*, patrolling the waters south of the DMZ. Residents of this area told us, through interpreters, that they had lived in caves and hidden along the beach until the pacification program brought defense to the area. Now, some 80 boats, manned by small weathered men, with big smiles, and the look of the sea, go to fish daily. A new road, built to the Province Capital at Quang Tri has opened a vast new market to these people. They had pride in their new hondas, new outboard motors, new fish nets, and their new homes with aluminum roofs—and well they might because this village was self supporting and their income was close to $200 (U.S.) per month per family—a tidy sum in Vietnam.

Senator Henry Bellmon was fascinated by a liquid produced here—Nuoc Mam. This is made from the juice of fermented salted fish, and although it is reported to contain enormous protein and vitamin values, it is slightly less sweet smelling than decayed limburger cheese. Henry's fascination led to a present of a full bottle of Nuoc Mam, given to him by General Lam—I hope he keeps it in Oklahoma.

Hue' is the capitol of Thua Thien province. Located on the railbelt, which used to join Saigon with Hanoi, Hue is making a comeback from the Tet offensive of 1968. In fact, my impression was that the reaction of all South Vietnamese, regardless of religious, ethnic or regional differences of the past, to the bloody battles of that 1968 offensive was probably the most significant cause of solidarity behind the national government of President Thieu.

Hue' is surrounded by level plains—full now of rice paddies under cultivation—solidly protected by the armed home guard (PSDF) assisted by Marine and Vietnamese Ranger Combined Action Teams. And, in Hue the Chinese ancestry of the Vietnamese people is apparent. Ancient sunken gardens, and the ruins of a walled fortress, containing a citadel of the ancient capital, made me think of Peking and the Summer Palace there as I saw it in 1945 just before leaving China. We flew over this area—and wondered how soon it would be before tourists from all the free world would be lured here and to the endless miles of white sandy beaches along the coast line as we returned to DaNang.

General Nicherson's quick mind put a sparkle in his eye as he prodded Senator Bellmon and I to discuss inflation, the problems of our separate states, and our impressions of Vietnam. He had stayed with us all day—and had given us the good news that at Ben Het the ARVN had routed the North Vietnamese.

Henry, as an ex-marine, had obviously enjoyed the day. And as I went to bed it seemed to me that anyone who believes we should abandon South Vietnam before the South Vietnamese are ready to defend themselves should talk to the villagers of Gia Dang or the marines at Hill 37. They have seen this war at its worst—and now their hope for peace depends entirely upon the ability of the ARVN to deter renewed aggression from the North.

Off the Cuff Comments

(By Senator Ted Stevens)

SOUTH VIETNAM, FIFTH DAY

Having visited the other three corps areas, we left DaNang early Thursday morning for Plei Ku. This is the headquarters of II Corps—it is the largest corps area in South Vietnam, borders on both Cambodia and Laos on the west and has almost one half the South Vietnam coastline for its eastern border.

Senator Henry Bellmon and I were interested in this area because it was the area where intense fighting had taken place in the past three weeks—and Hen Het, the forward artillery post which had been besieged by the North Vietnamese had been released only two days ago.

In Plei Ku, we were briefed on the situation in the whole corps area. North Vietnamese enter this area from several directions—from the Ho Chi Minh trail and from the Cambodian sanctuary recently established by the North Vietnamese. Yet, once again the briefing concerned, mainly, the pacification program. This II Corps area embraces 12 provinces of South Vietnam—and only 5 of them, those on the western borders, were concerned primarily with military operations. The Commanding General of II Corps explained to us the problems encountered by his South Vietnamese troops—they have, he said, been shelled by North Vietnamese artillery firing from Cambodia.

But he was extremely proud of the 42nd ARVN Regiment, which had defeated the 16th Regiment of the North Vietnamese army in a decisive encounter around Ben Het. Senator Bellmon and I had not realized the background of this encounter.

In 1967 and again in 1968, there had been substantial fighting in the Ben Het area. In late 1968, responsibility for ground troops in this area had been assigned to the 42nd ARVN Regiment. When the 1969 battle commenced, the North Vietnamese commander in Cambodia, we were told, had written to the ARVN Regimental Commander and demanded his surrender. This North Vietnamese had stated that the Americans had abandoned the ARVN, that they were outnumbered and would be overrun.

It was a battle of the Bulge type of demand. And, the ARVN responded to it by digging in around Ben Het, and bringing up reserves. No U.S. ground forces were used in this battle.

So we could talk to the men directly involved, Senator Bellmon and I asked to be flown to Ben Het—it was no longer under fire, although several small engagements had been reported that morning about 8 miles from Ben Het.

This outpost is the last on the South Vietnamese road #14 which goes through the Montagnard area of South Vietnam. Proud, small mountain people, the Montagnards had been brought into the war by Special Forces personnel who sought their help to stop the flow of supplies from North Vietnam over the Trail. And, as we flew from Plei Ku to Ben Het in another "Huey" helicopter we saw the Montagnard villages—newly established—along the road. Stationed about every mile on this road were parked tanks, half tracks, or personnel carriers of the ARVN regiment. They were taking no chances that remnants of the North Vietnamese Regiment could break through to either Kentum, which is at the junction of the South Vietnamese main roads—#14 and #58, or to Plei Ku.

The Ben Het fortifications were located on three hills—and had two batteries of 155 howitzers which also had one 175 mm gun. It was the monsoon season and the mud came up over our boots. We were met in a tracked vehicle by two young U.S. Captains. One had been there just 18 days—he had come in in the middle of the battle, and was still very much keyed up. The artillery captain told us how the post had been defended—at times, we were told, the artillery pieces were fired at point blank range into the North Vietnamese who tried to take the position. Both Captains warmly praised the ARVN ground troops which had protected the post—three perimeters had been set up, the farthest out being manned by ARVN, the next by ARVN and the inner by the artillery and camp support forces.

The shelling of this post, we were told, was fantastic—and the damage caused was evident. Every vehicle had flat tires, shattered windshields, and evidence of the air drops abounded everywhere.

During the battle, it was discovered that the North Vietnamese had tunneled under the post—and it was necessary for the defenders to sweep away the enemy from the tunnel so that it could be destroyed.

An indication of the intensity of the fighting was demonstrated by the B-52 air strikes which delivered bombs within a mile of the outer perimeter of Ben Het.

The significance of Ben Het was that South Vietnamese troops met and defeated a well supplied North Vietnamese force. And, the command decisions were made by South Vietnamese. As we left Ben Het, we were told that intelligence reports indicated that the enemy had withdrawn to Cambodia and the front line ARVN troops were being relieved.

At Kontum Senator Bellmon and I had a chance to visit with lads from our respective states who are serving with the 2nd Brigade of the 4th Infantry Division. This was at "Mary Lou"—a Fire Support Base near Kontum. (Each of these FBS areas is named by the commanding officer with his wife's first name).

The "Highlander" Division gave each of us an HK-47—the Chinese made automatic rifle used by the North Vietnamese in this area. And, we were shown the most amazing array of weapons taken from the enemy—mortars, machine guns, anti-aircraft rifles, and automatic rifles and pistols of every size and description. Each of these showed—through markings and serial numbers—their origin. I can't read Russian, Czechoslovakian or Chinese, but I can recognize Chinese characters, and the Russian letters—and no doubt rests in my mind that the information given us of the origin of those weapons was correct.

We flew from the Kontum area to Cheo Reo in Phu Ban Province next. This province has no U.S. ground troops—and has only a small advisory team of U.S. people working on pacification projects. We were shown the new water system, a new hospital, a new housing area, experimental fruit tree farms and so many projects it's hard to remember all of them. Obviously, the war was almost over here in Phi Bar Province.

A U-21 flew us to Nha Trang where we spent our last night in South Vietnam with Lt. Gen. Corcoran. At dinner that night Henry Bellmon and I talked with General Corcoran about the future of South Vietnam, the readiness of its forces, and the stability of its government.

This war has been a tough war for all Americans—it has been brutal on our men here in Vietnam, and most of our conversations with these men, regardless of rank, involved their questioning of us about attitudes at home.

Barring an immediate new offensive from the North, this war is about over. We have not won the war—but we have given the South Vietnamese time to train and arm themselves to resist further attack.

We have returned home with confidence that President Nixon's withdrawal policy is sound—and with the conviction that even if there is dissension at home, the American forces in South Vietnam know why they are there. One thing surprised me—that was the number of men serving a second assignment to South Vietnam. Almost half the men I talked with, personally, had been there before and had volunteered to return.

I earnestly hope that the next time I go back it will be when peace has come to Vietnam—when our troops have all returned home—and the beautiful, proud people of South Vietnam are once again restored their fertile, productive land into farms of every size and description.

Mr. PERCY. Mr. President, I support the President's plan of phased withdrawal of all U.S. combat forces from Vietnam without imposing a public deadline.

I also believe very strongly that casualties can be reduced and withdrawal hastened if the administration seizes the earliest opportunity to suspend all offensive operations, concentrating our efforts on the safety and security of our forces.

The President has recognized that honest and patriotic Americans differ on the best means toward achieving peace.

He has spoken candidly about the problems that still face us.

And he has been gentle about the past. Bluntly, in my judgment, the United States made a dreadful mistake in committing combat forces to South Vietnam and allowing our troop levels to swell in excess of a half-million men, misjudging the consequences of such continued escalation and American involvement.

I agree with the President's analysis that progress in the Paris peace talks now depends entirely upon the willingness of the leaders of North Vietnam and the Vietcong to negotiate in good faith. The President has made it clear that the only certain way to insure that all American combat troops are withdrawn quickly is for them to reduce their own level of hostilities.

But whether or not the Paris talks prove fruitful, accelerated troop withdrawals remain the best means we have to force the South Vietnamese to face up to their responsibilities and take upon their own shoulders the main burden of their war.

Mr. CURTIS. Mr. President, the President of the United States last night made a factual, well-reasoned statement on the Vietnam situation. There were no claims in it such as you might hear from the barker outside a circus. We are in a grim war. He told the people the truth, and he projected the only course of action that reasonable men can follow.

The fact that President Nixon's position was unsatisfactory to the extremists on both ends of the Vietnam issue constitutes a compliment. It probably proves that he is right.

I condemn no particular individual. I do say that some of those who advocate immediate and total pullout in Vietnam and abandonment of all responsibility on the part of the United States often forget to say anything critical about the Vietcong, the North Vietnamese or Communists generally.

No American in his right mind would want to walk away and leave the Communists free to impose a reign of terror and slaughter against defenseless people in South Vietnam. The President made this point, and made it clearly. The facts as to what happened after the French pullout were cited by the President.

If the Hanoi government is serious in its quest for peace, then let that government demonstrate its seriousness by calling off the campaign of terror which the Communists are conducting in South Vietnam at this very moment, aimed largely at maiming and killing civilians.

I will cite some specific instances to document the type of ruthless bloodshed that is being fostered by the enemy of the people of South Vietnam.

Starting in 1964 and continuing through August of 1969, the Viet Cong and North Vietnamese slaughtered 19,502 South Vietnamese civilians in terror attacks and raids documented by our own Department of Defense.

These terror tactics have not let up this year, despite the decrease in fighting that has been taking place in recent months. During the first 8 months of 1969, 4,621 civilians were killed in these documented incidents of terrorism. This compared with 5,389 deaths by the same type of tactics during all of 1968, the previous peak year for terrorism in South Vietnam.

Now, let me cite some specific incidents of the type of terrorism of which I am speaking:

From the Department of Defense Report dated September 24, 1969:

> Six hamlet and village chiefs were among 420 victims of Viet Cong terrorist attacks on civilians in South Vietnam during the week ending September 20. Two of the hamlet chiefs were killed, two wounded and two were kidnapped.
>
> In a separately reported incident which occurred early Monday morning, September 22, a force of Viet Cong raided PHUOC MY Hamlet in Quang NAM Province and abducted thirty women members of the Peoples Self Defense Force.
>
> Twenty-one civilians were shot to death in a VC terrorist raid on a village in Northern Quang NGAI Province on Tuesday of last week; the terrorists burned down 16 houses in the village.

From the Government of South Vietnam, a press release dated September 27, 1969:

> Viet Cong terrorists killed, wounded, or abducted ninety-six People's Self Defense Force members in the week ending September 24. According to reports compiled by National Police and the Combined Information Center Vietnam (CICV, the PSDF were among 525 victims of VC terrorists during the week.
>
> A total of 203 incidents were reported, in which 163 civilians were assassinated, 328 wounded, and 94 kidnapped. In the previous reporting period, there were 245 incidents in which 99 were assassinated, 238 wounded, and 83 kidnapped.
>
> Officials announced that to date since January 1, there have been 8,624 incidents in which 5,193 civilians were assassinated, 13,263 wounded, and 5,558 abducted.

From a Department of Defense report dated October 16, 1969:

> Viet Cong elements fired B–40 rockets and automatic weapons fire into a crowded residential area of Chanh Ngai Hamlet October 11th, killing two unidentified civilians and wounding forty others.
>
> Four cakes of TNT (125 grams each) and 300 grams of C–4 plastic were removed from the corner of Cong Ly and Hong Thap Tu by an ARVN (Army Republic of Vietnam) team. The device was located in front of an ARVN Captain's residence. He spotted it and telephoned, whereupon the ARVN team came and dismantled it.
>
> Police officials also made public details of twenty additional provincial incidents, including the incidents mentioned above. They account for nineteen civilians killed, eighty wounded and eight kidnapped.
>
> October 14—One hamlet chief and three PSDF members were wounded when a VC threw two hand grenades into a crowd in My Phuoc Hamlet, My Khanh village in the Phong Dinh District of Phong Dinh Province. The terrorist, identified as Truong Van Di is being detained by local authorities. An unknown number of VC blew up a house belonging to Mr. Cao Van Duong in an Thuong Hamlet, Pho Dai Village, in the Duc Pho District of Quang Ngai Province. The man's son was killed and his wife wounded in the explosion.
>
> October 13—A 17 year-old male youth, identified as Pham Vo, was abducted by the VC from Binh Hoi Hamlet, Binh Phuong Village in the Vinh Son District of Quang Ngai Province. An unknown number of Viet Cong infiltrated Binh My Hamlet in the Phu Giao District of Binh Duong Province and wounded seven civilians.
>
> October 12—A Hoi Chanh was abducted by the VC from his home and shot to death nearby. The incident took place in Nha Do Hamlet, Tan Binh Village in the Phy Giao District of Binh Duong Province.
>
> One unidentified civilian was killed and a young Vietnamese boy kidnapped by the VC in Long Dien Hamlet, Lien Huong Village, Tuy Phong District of Binh Thuan Province. The VC "Arrow Action" team also destroyed the Hamlet Public Office Building.
>
> October 11—VC elements penetrated Thoi Trung Hamlet, Thoi Dong Village and abducted five PSDF members. The incident occurred in the Thuan Trung District of Phong Dinh Province.
>
> A deputy village chief, one PSDF member and four other civilians were killed and another fifteen civilians wounded when the VC threw a grenade into the home of the Deputy Chairman of the Peoples Council. The victims were attending a meeting in the house at the time of the terrorist attack.
>
> Two civilians were killed by the Viet Cong in Cho Hamlet, Phuoc Hiep Village in the Cu Chi District of Hau Nghia Province. The victims, identified as Cao Van Mien, 49, and Vo Van Don, 61, were killed when the VC infiltrated their hamlet at 0230 hours.
>
> October 10—A civilian riding his Honda through Cay Trom Hamlet, Phuoc Hiep Village in the Cu Chi District of Hau Nghia Province was killed by the VC. The Viet Cong assailants took the motorbike.
>
> VC gunners fired five rockets into the Tan Tru District town in Long An Province, killing one child and wounding two civilians. Five homes were also destroyed in the attack.
>
> A VC threw a hand grenade into a PSDF Station in Duc Huu Village, Tam Quan District of Binh Dinh Province, wounding one PSDF member.
>
> October 9—A PSDF member was killed by the VC in the Phu Ly Market, Tan Xuan Hamlet in the Phu Cat District of Phu Yen Province.
>
> A 5-year-old was killed and three civilians, including a 3-year old child, wounded when a VC threw a grenade into a house in Bao

Trai Hamlet. The hamlet is in Tan Thu Thuong Village in the Duc Hoa District of Hau Nghia Province.

October 8—In Phu Yen Province, another VC element threw a grenade into Ngan Son Village in Tuy An District, wounding two civilians.

October 6—A VC platoon entered Long Phung Hamlet in the same district and kidnapped two unidentified civilians.

Viet Cong gunners fired a B-40 rocket at a Lambretta, wounding one of its passengers. The incident took place on a road in the Song Cau District of Phu Yen Province.

A VC Squad infiltrated An Hien Hamlet in Tuy Hoa District of the same province and killed one unidentified civilian.

October 5—Also in Phu Yen Province, an unidentified civilian was wounded when the VC fired a B-40 rocket at the car in which he was riding. The incident occurred in Chinh Nghia Village, Tuy Hoa District.

From a Department of Defense report dated October 17, 1969:

> Viet Cong terrorists infiltrated My Thanh Village in the Cai Be District of Binh Tuong Province and detonated an explosive in front of the Village Office, October 14th.
>
> According to National Police authorities today, a Deputy Village Chief, a PSDF member, and one Hoi Chanh were killed and twelve other civilians were wounded in the explosion.
>
> October 15—During the night, an unknown number of VC entered BINH MY Hamlet, BINH MY Village in the PHU GIAO District of BINH DUONG Province. Posters and slogans, left by the VC, were found by National Police Officers the following morning. A Village Police Chief, identified as NGUYEN VAN PHAM, was killed instantly when he removed a poster and triggered a Viet Cong mortar booby-trap.
>
> October 14—Two identified civilians were killed and seven more wounded when they detonated a hidden VC Booby-trap in XUYEN Long Village, HIEU NHON District, QUANG NAM Province.
>
> In the same province, one hour later, four more civilians were wounded when an undetected VC Booby-trap was detonated. This incident occurred in the THANH SON Village of DIEN BAN District.
>
> October 13—Viet Cong elements infiltrated DONG KHANH Hamlet, TAM PHUOC Village, Long THANH District of BIEN HOA Province. The VC spread propaganda leaflets in the area and set Booby-traps. Two children walking in the area later detonated one of the mines. One child was killed and the other wounded.
>
> October 10—A 13-year-old male youth was abducted by the VC from the HOACH ONG PAGODA in BA CHUC Village, TINH BIEN District of CHAU DOC Province, the victim was from nearby AN HOA Hamlet.
>
> October 9—A PSDF Member, identified as LE VAN VON, was murdered by the Viet Cong in CAY DUONG Hamlet, BAN TAN DINH Village in KIEN BIEN District of KIEN GIANG Province.
>
> October 7—Three VC came to the home of Mr. DAN VAN XE. They led him 300 meters from his home and shot him to death with three bullets fired into his head. The VC attached to his body a copy of the "Peoples Court Sentence of VINH LONG Province." The VC claimed that Mr. XE was a GVN Agent, and the incident took place in HOA LONG Village, DUC THANH District of SA DEC Province.

These are just a few examples of terrorism practiced by the Communists in South Vietnam, Mr. President. They provide a compelling moral reason for me to support the President of the United States in his efforts to bring peace with honor, dignity, and responsibility in Vietnam.

I hope and I believe that the vast majority of Americans will join me in this support of our President in his determined efforts to do the right thing.

Mr. JORDAN of Idaho. Mr. President, I was greatly impressed with President Nixon's message last night to the American people. The dominant theme was peace—not only peace in Vietnam but an enduring peace for the years ahead.

For the long pull a most significant part of the message was the President's restatement of the Nixon doctrine. He said:

> The defense of freedom is everybody's business—not just America's business. And it is particularly the responsibility of the people whose freedom is threatened . . . we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

In essence the President is repeating what he has said before, "There will be no more Vietnams." As the President said in his message, "But the question today is—now that we are in the war, what is the best way to end it?"

For ending the war the President identified two choices:

> (1) Immediate, precipitate withdrawal of all Americans from Vietnam without regard to the affects of that action.
>
> (2) Or we can persist in our search for a just peace through a negotiated settlement if possible or through continued implementation of our plan for Vietnamization if necessary—a plan in which we will withdraw all of our forces from Vietnam on a schedule in accordance with our program as the South Vietnamese become strong enough to defend their own freedom.

The President has chosen the second, adding:

> It is not the easy way! It is the right way.

Pointing to the progress that is being made the President said:

> After five years of Americans going into Vietnam, we are finally bringing American men home. By December 15th, over 60,000 men will have been withdrawn from South Vietnam—including 20 percent of all of our combat troops . . . It is not wise to be frozen in on a fixed timetable. We must retain the flexibility to base each withdrawal decision on the situation as it is at that time rather than on estimates that are no longer valid.

In essence, what the President is saying is that even if we bungled into this war let us not bungle out of it. Calling on North Vietnam to negotiate the President said:

> Anything is negotiable except the right of the people of South Vietnam to determine their own future.

With eloquent reference to the Biblical story of the Good Samaritan, he said:

> Let historians not record that when America was the most powerful nation in the world we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people of this earth to be suffocated by the force of totalitarianism.

In appealing for unity, he said:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

The President has clearly outlined his plan for peace. To repeat, he says it is not the easy way but it is the right way. I applaud him for his forthright statement. It is realistic and timeless.

I support him wholeheartedly in this effort.

EXECUTIVE COMMUNICATIONS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Department of Defense Negotiated Contracts

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense negotiated contracts for the period January through June 1969 (with an accompanying report); to the Committee on Armed Services.

Report of Office of Civil Defense

A letter from the Director of Civil Defense, reporting, pursuant to law, on the Federal Constributions Program Equipment and Facilities for the quarter ended September 30, 1969; to the Committee on Armed Services.

Report of Small Business Administration

A letter from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report of the Administration for 1968 (with an accompanying report); to the Committee on Banking and Currency.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination into the effectiveness of the construction grant program for abating, controlling, and preventing water pollution, Federal Water Pollution Control Administration, Department of the Interior, dated November 3, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the County Supervisors Association of California, praying for the enactment of legislation to secure for the counties of California relief from the financial burdens borne by counties in administering the present welfare programs; to the Committee on Finance.

A resolution adopted by the County Supervisors Association of California, praying for the enactment of legislation to limit the public ownership of land in the counties; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Board of County Commissioners, County of Lake, Painesville, Ohio, relating to the official sanction and recognition to a program in honor of Veterans' Day, to be held at Veterans' Park, Painesville, Ohio; to the Committee on the Judiciary.

An order adopted by the New York State Labor Relations Board, New York, N.Y., relating to the problem of Federal-State jurisdiction in the field of labor relations; to the Committee on Labor and Public Welfare.

A resolution adopted by the City Council of Philadelphia, Pa., praying for the enactment of House bill 4, providing for the modernization of the postal service; to the Committee on Post Office and Civil Service.

A resolution adopted by the County Supervisors Association of California, in support of the proposed Dos Rios Project, on the Eel River; ordered to lie on the table.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 329. A bill for the relief of Doctor Paolo (Paul) Genoese Zerbi (Rept. No. 91–509);

S. 1786. A bill for the relief of James Harry Martin (Rept. No. 91–503);

S. 2353. A bill for the relief of Dr. Leonardo M. Cabanilla (Rept. No. 91–508);

S. 2354. A bill for the relief of Dr. Bernard Weston March (Rept. No. 91–507);

S. 2363. A bill to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert (Rept. No. 91–506); and

S. 2426. A bill for the relief of Dr. Delsa Evangelina Estrada de Ferran (Rept. No. 91–505).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 910. A joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam (Rept. No. 91–504).

By Mr. EASTLAND, from the Committee on the Judiciary with an amendment:

S. 118. A bill to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes (Rept. No. 91–510);

S. 2339. A bill for the relief of Dr. Maria Luisa Gorostegui de Dourron (Rept. No. 91–512); and

S. 2481. A bill for the relief of Dr. Farid M. Fuleihan (Rept. No. 91–511).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 614. A bill for the relief of Francis Charles Miller (FranzCanto) (Rept. No. 91–513).

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—REPORT OF A COMMITTEE (S. REPT. NO. 91–514)

Mr. EASTLAND, from the Committee on the Judiciary, pursuant to Senate Resolution 238, as amended, 90th Congress, second session, submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania;

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada;

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia;

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama;

Robert D. Olsen, Sr., of Alaska, to be U.S. marshal for the district of Alaska;

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky;

Seiberg W. Lockman, of North Carolina, to be U.S. marshal for the western district of North Carolina;

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee;

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin; and

Paul J. O'Neill of Florida, to be a member of the Subversive Activities Control Board.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MATHIAS:

S. 3103. A bill to amend the act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PROXMIRE:

S. 3104. A bill for the relief of Krikor Telfeyan; and

S. 3105. A bill for the relief of Dominico Piemonte; to the Committee on the Judiciary.

By Mr. YOUNG of Ohio:

S. 3106. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes; to the Committee on Public Works.

By Mr. YOUNG of Ohio (by request):

S. 3107. A bill to permit the Secretary of Transportation to commence progress payments to a bridge owner upon ordering alteration of the bridge; to the Committee on Public Works.

By Mr. MAGNUSON (for himself, Mr. Cannon, Mr. Cotton, Mr. Pastore, Mr. Scott, Mr. Hartke, Mr. Pearson, Mr. Hart, Mr. Baker, Mr. Moss, and Mr. Cook):

S. 3108. A bill to provide additional Federal assistance in connection with the construction, alteration, or improvement of the airway system, air carrier and general purpose airports, airport terminals, and related facilities, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McCLELLAN (by request):

S. 3109. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; and

S. 3110. A bill to amend the Act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bills appear later in the Record under the appropriate headings.)

By Mr. PERCY (for himself and Mr. Smith of Illinois);

S. 3111. A bill to designate Route 74 of the National System of Interstate and Defense Highways in the State of Illinois as the Everett McKinley Dirksen Highway; to the Committee on Public Works.

(The remarks of Mr. Percy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia (for himself, Mr. Scott, and Mr. Randolph):

S. 3112. A bill to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing coal; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (for himself, Mr. Dole, Mr. Mansfield, Mr. Byrd of West Virginia, and Mr. Baker):

S. 3113. A bill to provide for a separate session of Congress each year for the consideration of appropriation bills, to establish the calendar year as the fiscal year of the Government, and for other purposes; to the Committee on Rules and Administration.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3108—INTRODUCTION OF AIRPORT/AIRWAYS DEVELOPMENT ACT OF 1969

Mr. MAGNUSON. Mr. President, on behalf of myself, Mr. Cannon, Mr. Cotton, Mr. Pastore, Mr. Scott, Mr. Hartke, Mr. Pearson, Mr. Hart, Mr. Baker, Mr. Moss, and Mr. Cook, I introduce a bill known as the Airport/Airways Development Act of 1969.

This bill is the result of more than 2 years of hearings, study, and research by the Senate Commerce Committee in the field of national needs for airport and airways development.

Beginning in June 1969, the committee held extensive hearings on four major legislative proposals directed toward this goal. One was the Senate Commerce Committee bill of last year, introduced by the chairman, S. 1637; another was the proposal submitted in June by the Nixon administration, S. 2437; and two others, S. 2651 and S. 2713, introduced by Senator Randolph, on behalf of several segments of the aviation industry.

The committee, during the course of the hearings, and, later, in informal sessions, carefully considered the provisions of each of these major legislative proposals and found that each contained many provisions of merit. In informal meetings between members of the Aviation Subcommittee and its staff this committee draft bill was prepared to be used as a working paper for committee markup sessions embodying the best provisions of the proposals before us, and designed to offer our best judgment as to solutions of the tremendous problems created by the growth of air transportation.

While this bill in its entirety does not satisfy all members of the committee, the chairman and the cosponsors feel that it generally is the most thorough and comprehensive development program to be advanced so far.

Inclusion of certain provisions and omissions of others has prompted spirited discussion among some of the committee members, and those views will be considered at a second committee executive session tomorrow. At that time the members of the Commerce Committee will have this bill before them for approval or amendment.

While the provisions of this bill do not provide for additional taxes or user charges to fund the development program embodied in the bill, the revenue features are based upon the Commerce Committee making the following recommendations to the appropriate committees of Congress which have the responsibility and authority to develop tax legislation:

1. Increase the passenger excise tax on all domestic air passengers from 5 percent to 8 percent of the ticket price.

2. Levy a $5 per passenger charge on all enplaning U.S. passengers destined for international points and for points not within the continental United States.

3. Increase the present 2¢ per gallon tax on aviation gasoline to 6¢ per gallon and add a new 6¢ per gallon tax on jet fuel used in non-commercial aviation. Repeal the pres-

ent 2¢ per gallon tax on gasoline used in commercial aviation.

4. Levy a 5% tax on all air cargo waybills.

5. Levy an annual airplane registration fee on airplanes used in commercial aviation of $25 plus 3¢ per pound of gross certificated take-off weight.

This level of taxation will provide revenues in excess of $600 million per year.

Mr. President, I ask unanimous consent that the committee draft bill be printed together with a digest of its provisions.

The **PRESIDING OFFICER**. The bill will be received and appropriately refered; and, without objection, the bill and the digest will be printed in the RECORD.

The bill (S. 3108) to provide additional Federal assistance in connection with the construction, alteration, or improvement of the airway system, air carrier and general purpose airports, airport terminals, and related facilities, and for other purposes; introduced by Mr. MAGNUSON, for himself and other Senators, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport and Airways Development Act of 1969".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds that the Nation's airport and airway system is inadequate to meet current and projected growth in aviation and that substantial expansion and improvement of the system is required to meet the demands of interstate commerce, the postal service, and the national defense. The Congress finds that the civil users of air transportation are capable of making a greater financial contribution to the expansion and improvement of the system through increased user fees. The Congress finds, however, that the civil users should not be required to provide all of the funds necessary for future development of the system and that revenues obtained from the general taxpayer will continue to be required to pay for actual use of the system by the Government of the United States and for the value to the national defense and the general public benefit in having a safe, efficient airport and airway system in being and fully operational in the event of war or national emergency.

TITLE I—AIRPORT AND AIRWAYS FINANCING

ESTABLISHMENT AND ADMINISTRATION OF TRUST FUND

Establishment of Trust Fund

SEC. 101. (a) There is established in the Treasury of the United States a trust fund for airports and airways (hereafter in this Act referred to as the "trust fund"), consisting of such amounts as may be appropriated, credited, or transferred to the trust fund as provided in this section.

Transfer of Tax Receipts

(b) There is hereby appropriated to the trust fund (1) amounts equivalent to the taxes received in the Treasury after July 1, 1969, under subsection (c) of section 4041 (taxes on aviation fuel) and under sections 4261 and 4271 (taxes on transportation by air) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4041(c), 4261, and 4271), and (2) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after July 1, 1969, under section 4081 of such Code (26 U.S.C. 4081), with respect to gasoline used in aircraft. The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts described in clauses (1) and (2) of this subsection. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

Transfer of Unexpended Funds

(c) Upon the effective date of this Act, all unallocated funds, which have been appropriated for the purpose of carrying out the provisions of law referred to in subsection (f) of this section shall be transferred to the trust fund.

Appropriation of Additional Sums

(d) There are hereby authorized to be appropriated to the trust fund such additional sums as may be required to make the expenditures referred to in subsection (f) of this section.

Administration of Account; Report to Congress

(e) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and (after consultation with the Secretary of Transportation) to report to the Congress not later than the 1st of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during subsequent fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and proceeds from the sale of, any obligations held in the trust fund shall be credited to and form a part of the trust fund: *Provided, however,* That funds transferred to the trust fund pursuant to subsection (c) and funds appropriated to the trust fund pursuant to subsection (d) shall not be invested.

Appropriations

(f) Amounts in the trust fund shall be available as provided by appropriations Acts—

(1) to meet the obligations of the United States heretofore incurred under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.), and hereafter incurred under titles I, II, and IV, of this Act, including administrative expenses incidental thereto; and

(2) to meet the obligations of the United States heretofore and hereafter incurred under the Federal Aviation Act, as amended (49 U.S.C. 1301 et seq.), for the planning, research and development, construction, and operation and maintenance of the airway system.

As they relate to the Federal Airport Act and title II of this Act, administrative expenses include, but are not limited to, expenses of the character specified in subsection (a) of section 303 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1344(a)), and expenses for planning and research.

Availability of Funds

(g) No moneys are available for expenditure from the trust fund before January 1, 1970. Sums appropriated under this section shall remain available until expended.

HIGHWAY TRUST FUND

SEC. 102. Subsection (c) of section 209 of the Highway Revenue Act of 1956, as amended (23 U.S.C. 120, note), is amended by adding at the end thereof the following new paragraph:

"(5) The amounts described in paragraphs (1)(A) and (3)(A) with respect to any period shall (before the application of this subsection) be reduced by any amounts transferred to the airport and airways trust fund under section 101 of the Airport and Airways Development Act of 1969 with respect to such period, and subsection (f)(3) of this section shall not apply to those amounts."

COST ALLOCATION STUDY

SEC. 103. The Secretary of Transportation (hereinafter in this title referred to as the Secretary) shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users and shall identify the costs to the Federal Government that should appropriately be charged to the system and the value to be assigned to the general public benefit. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this Act.

REVENUE ALLOCATION AND APPORTIONMENT STUDY

SEC. 104. The Secretary shall conduct a study respecting the appropriateness of that method of allocating and apportioning revenue provided by section 204 and section 205 of this Act for meeting the needs of the airport and airways system for the five-year period beginning July 1, 1975. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress not later than February 1, 1975.

TITLE II—AIRPORT DEVELOPMENT

DEFINITIONS

SEC. 201. As used in this title—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings and the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical

demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of systemwide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means the area used or intended to be used for the landing, take-off, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any planning agency designated pursuant to the provisions of subsection (a) of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3334(a)).

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means the United States Government or any agency thereof; a State, or Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this Act, an application for financial assistance.

(15) "State" means a State of the United States, or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 206 of this Act which is to be paid from funds made available for the purposes of this Act.

NATIONAL AIRPORT SYSTEM PLAN

Formulation of Plan

SEC. 202. (a) The Secretary is directed to prepare and publish, within two years of the date of enactment of this Act, and thereafter to revise at least once every two years, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of development eligible for Federal aid under section 204 of this Act, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes of categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

Consideration of Other Modes of Transportation

(b) In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

Federal, State, and Other Agencies

(c) In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to insure that the national airport system plan reflects the product of interstate, State, and local airport planning.

Cooperation With Federal Communications Commission

(d) The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

Consultation With Department of Defense

(e) The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

Consultation With Secretary of the Interior

(f) In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior with respect to the need for development of airports in, or in close proximity to, national parks, national monuments, Indian reservations, and national recreation areas.

Cooperation With Federal Power Commission

(g) The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

PLANNING GRANTS

Authorization To Make Grants

SEC. 203. (a) In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

Amount and Apportionment of Grants

(b) The award of grants under subsection (a) of this section is subject to the following limitations—

(1) The total funds obligated for grants under this section may not exceed $100,000,000 and the amount obligated in any one fiscal year may not exceed $10,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 10 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, Puerto Rico, and Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

Regulations, Coordination With Secretary of Housing and Urban Development

(c) The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

General Authority

SEC. 204. In order to bring about, in conformity with the national airport system plan, the establishment of a Nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized, within the limits established in appropriations Acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not less than the following:

(1) For the purpose of developing in the several States, Puerto Rico, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation $270,000,000 for each of the fiscal years 1970 through 1979.

(2) For the purpose of developing in the several States, Puerto Rico, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $30,000,000 for each of the fiscal years 1970 through 1979.

(3) For the purpose of acquiring, establishing and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, as amended, $250,000,000 for each of the fiscal years 1970 through 1979.

(4) The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in paragraphs (1), (2), and (3) of this subsection, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 307(b) of the Federal Aviation Act of 1958, not otherwise provided for in paragraph (3) of this subsection, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958, as amended: Provided, however, That the initial $50,000,000 of any sums appropriated to the trust

fund pursuant to subsection (d) of section 101 of this Act shall be allocated to such research and development activities.

DISTRIBUTION OF FUNDS, STATE APPORTIONMENT

Apportionment of Funds for Air Carrier and Reliever Airports

SEC. 205. (a) (1) Subject to the study required pursuant to section 104 of this Act, as soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 204 of this Act, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States: *Provided, however,* That prior to such apportionment 3 per centum of such funds shall be available to Hawaii, Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(B) One-third to be distributed to airport sponsors for airports located in areas designated by the Civil Aeronautics Board as large hubs, medium hubs, or small hubs to be distributed among the hub areas in the same ratio as the number of passengers enplaned in each hub bears to the total of passengers enplaned in all such hubs.

(c) One-third to be distributed at the discretion of the Secretary.

Apportionment of Funds for Nonair Carrier Airports

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 204 of this Act, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(C) Twenty-five per centum to be distributed at the discretion of the Secretary.

(3) The amounts apportioned to a State under paragraph (1) (A) and (2) (A) of this subsection shall, during the fiscal year for which they were first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State or sponsored by that State or some public agency thereof but located in an adjoining State. Thereafter, any portion of the amounts remaining unobligated shall be redistributed as provided in subsection (c) of this section.

(4) Each hub area shall be credited each year with the apportioned amount of the preceding year's taxes as provided in paragraph (1) (B) of this subsection and to the extent such credit exceeds the amount of all payments to airport sponsors within such hub area in the current year under grant agreements entered into pursuant to this subsection (excluding payments under paragraph (1) (A) and (1) (C)), such excess shall remain to the credit of the hub area throughout the next following two years. If at any time during the current year or the next following two years, the Secretary shall approve a project for airport development within such hub area, such remaining credit, plus any remaining credit which may have been accummulated in the next succeeding two years, shall be available to the sponsor as a grant toward the payment of construction cost for such approved project. If the Secretary shall not have approved a project for airport development within such hub area prior to the end of the second fiscal year following the crediting of any sum to such sponsor, such sum shall be redistributed as provided in subsection (c) of this section.

For the purposes of this section, the term, "passenger enplanements" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be annually compiled by the Secretary pursuant to such regulations as he shall prescribe.

Discretionary Fund

(b) (1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the National Airport System Plan, regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) or by redistribution pursuant to subsection (c) of this section, may be used only in accordance with the purposes for which originally appropriated, except as provided in paragraph (3) of this subsection.

(3) Amounts placed in the discretionary fund pursuant to paragraph (2) (C) of subsection (a) of this section to carry out paragraph (2) of section 204 of this Act shall also be available for approved projects for airport development sponsored by the United States or any agency thereof in national parks and national recreation areas, national monuments, national forests, and special reservations for Government purposes as the Secretary considers appropriate for carrying out the national airport system plan. No other funds authorized by this Act are available for these purposes. The sponsor's share of the project costs of any approved project shall be paid only out of funds contributed to the sponsor for the purpose of paying those costs (receipt of which funds and their use for this purpose is hereby authorized) or appropriations specifically authorized therefor.

Redistribution of Funds

(c) Any amount apportioned for airport development projects in other than Hawaii, Puerto Rico, or the Virgin Islands pursuant to paragraph (1) (A), (1) (B), or (2) (A) of subsection (a) of this section which has not been obligated by grant agreement prior to the end of the second fiscal year following the crediting of any sum to an airport project sponsor for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

Notice of Apportionment, Definition of Terms

(d) Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency or airport sponsor which has requested such information as to the amounts apportioned to each State and hub area. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT

Submission

SEC. 206. (a) Subject to the provisions of subsections (b) and (c) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this Act, and all proposed developments shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

Public Agencies Whose Powers are Limited by State Law

(b) Nothing in this Act shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

Applications By Federal Agencies

(c) Nothing in this Act shall authorize the submission of a project application by the United States or any agency thereof, except in the case of a project in Puerto Rico, the Virgin Islands, Guam, or in, or in close proximity to, a national park, national recreation area, or national monument, or in a national forest, or a special reservation for Government purposes.

Approval

(d) (1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act;

(B) sufficient funds are available for that portion of the project which is not to be paid by the United States under this Act;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this Act have been or will be met. No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 207 of this Act and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of communities in or near which the project may be located.

Notice

(e) Upon submission of an application for a project for airport development the Secretary shall publish notice of the pendency of the application in the Federal Register.

Hearings

(f) Applications for projects for airport development shall be matters of public record in the office of the Secretary. Any public agency, person, association, firm, or corporation having a substantial interest in the disposition of any application by the Administrator may file with the Secretary a memorandum in support of or in opposition to such application; and any such agency, person, association, firm, or corporation shall be accorded, upon request, a public hearing with respect to the location of any airport the development of which is proposed. The Secretary is authorized to prescribe regulations governing such public hearings, and such regulations may prescribe a reasonable time within which requests for public hearings shall be made and such other reasonable requirements as may be necessary to avoid undue delay in disposing of project applications, and shall provide for reasonable notice of any such hearing to any agency, person, association, firm, or corporation having a substantial interest in the disposition of any application by the Secretary.

UNITED STATES SHARE OF PROJECT COSTS

General Provision

SEC. 207. (a) Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved project for airport development submitted under section 206 of this Act may not exceed 50 per centum of the allowable project costs.

Projects in Public Land States

(b) In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

Projects in the Virgin Islands

(c) The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this Act.

LANDING AIDS

(d) To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 75 per centum of the allowable costs thereof.

PROJECT SPONSORSHIP

SEC. 208. As a condition precedent to his approval of a project for airport development under this Act, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft:

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this Act, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this Act or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

GRANT AGREEMENTS

SEC. 209. Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this Act and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this Act, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

ALLOWABLE PROJECT COSTS

SEC. 210. (a) Except as provided in section 211 of this Act, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this Act, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount. If the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable. In no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 203 of this Act.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

Costs Not Allowed

(b) The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such as those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport. The cost of construction, alteration, or repair of buildings or those parts of buildings directly related to the handling of passengers or their baggage shall not be an allowable project cost unless the Secretary finds that no reasonable financial alternative to inclusion as an allowable project cost exists. Such a finding must be based upon consideration of the feasibility and extent of other sources of financial participation, the financial condition of the airport sponsor as disclosed by uniform accounting procedures promulgated by the Secretary and any other factors relevant to such determination.

PAYMENTS UNDER GRANT AGREEMENTS

SEC. 211. The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times, and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed

90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

PERFORMANCE OF CONSTRUCTION WORK

Regulations

SEC. 212. (a) The construction work on any project for airport development approved by the Secretary pursuant to section 206 of this Act shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

Minimum Rates of Wages

(b) All contracts in excess of $2,000 for work on projects for airport development approved under this Act which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

Other Provisions As To Labor

(c) All contracts for work on projects for airport development approved under this Act which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 511 (1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

USE OF GOVERNMENT-OWNED LANDS

Requests for Use

SEC. 213. (a) Whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this Act, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the projects in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

Making of Conveyances

(b) Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

REPORTS TO CONGRESS

SEC. 214. On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this title during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

FALSE STATEMENTS

SEC. 215. Any officer, agent, or employee of the United States or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this Act;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this Act;

(3) knowingly makes any false statement or false representation in any report required to be made under this Act;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

ACCESS TO RECORDS

Recordkeeping Requirements

SEC. 216. (a) Each recipient of a grant under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

Audit and Examination

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this Act.

GENERAL POWERS

SEC. 217. The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this title, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this title.

TITLE III—MISCELLANEOUS

PROCUREMENT PROCEDURES

SEC. 301. Section 303 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1344), is amended by adding a new subsection (c) to read as follows:

"Negotiations of purchases and contracts

"(c) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property."

REPEAL AND SAVING PROVISIONS

Repeal

SEC. 302. (a) The Act of May 13, 1946 (Federal Airport Act), as amended, is hereby repealed.

Savings provisions

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

Separability

(c) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

The digest, presented by Mr. MAGNUSON, is as follows:

BILL DIGEST: COMMITTEE DRAFT BILL

This bill establishes an airport/airways "Trust Fund" the revenues in which would be used to finance an expanded airport/airways development program over the next ten years. Revenues in the fund are to accrue from existing and increased aviation user charges and from general appropriations.

The recommended level of funding upon which this draft is based would provide in excess of $600 million per year. The draft bill would provide a disbursement in the amount of at least $300 million per annum for airport development and $250 million per annum for airways development.

TRUST FUND

As in the Highway Trust Fund, provision is made that the Secretary of the Treasury invest, in interest bearing government obligations or obligations guaranteed by the government, any revenues in the fund in excess of those needed for current withdrawals. This investment authority would only apply to those trust fund revenues accruing from the user taxes, and would not pertain to revenues in the fund derived from appropriations from general revenues.

COST ALLOCATION STUDY

The bill provides that within two years of the enactment date, the Secretary of Transportation shall conduct a cost allocation study to determine the appropriate method for allocating the cost of the airport and airway system among the various users and shall identify the costs to the Federal government that should appropriately be charged to the system and the value assigned to the public benefit.

NATIONAL AIRPORT SYSTEM PLAN

The bill directs the Secretary of Transportation to prepare, within two years, a national airport system plan to encompass the nation's airport development needs for the next decade. The plan shall include the type and estimated cost of airport development necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, the military and the postal service. The plan shall be revised every two years.

PLANNING GRANTS

The bill provides a ten year authorization of $10,000,000 per year for grant agreements to be made between the Secretary and planning agencies for airport system planning and airport master planning. Grants may be made for two-thirds of the cost of any planning project provided, however, that no more than 10 percent of the funds authorized may be allocated for projects in a single state.

GENERAL AUTHORIZATION

The bill provides that the Secretary is authorized to make grants for airport development, by grant agreements with project sponsors, in not less than the following amounts.

$270,000,000 per year for each of the next 10 fiscal years for airports served by CAB certificated carriers and for reliever airports which serve general aviation and thereby relieve congestion at air carrier airports having a high density of traffic.

$30,000,000 per year for each of the next ten fiscal years for airports serving segmnets of aviation other than those served by air carriers certificated by the CAB. (general aviation airports).

The bill also provides authority for the Secretary to spend no less than $250,000,000 per year for each of the next 10 fiscal years to acquire, estabilsh and improve airway facilities.

While 10 year authorization for airport development grants and for airways facilities investment is provided, the Secretary is required to conduct a study respecting the appropriations of this apportionment of revenue for the 5 year period following July 1, 1975, and report to Congress the results of that study.

The remainder of revenues in the trust fund are to be used to meet the expenses of administering this program and for maintenance and operations expenses incurred under the Federal Aviation Act of 1958 and for research and development, provided, however, that the initial $50,000,000 appropriated to the trust fund from general revenues shall be alloacted to research and development activities.

APPORTIONMENT AND DISTRIBUTION

Funds for airport development grants to air carrier and reliever airports are to be distributed in the following manner.

One-third of the revenues or $90,000,000 annually is to be apportioned to project sponsors in the states, one half in the proportion which the population of each state bears to the total population of all the states, and one-half in the proportion which the area of each state bears to the total area of all the states. (Area/population formula used in the present Federal Airport Act). In addition, 3 percent of this one-third shall be apportioned to Hawaii, Puerto Rico and the Virgin Islands to be distributed in shares of 40 per cent, 40 percent and 20 percent, respectively.

One-third, or $90,000,000 annually, to be distributed to airport sponsors for projects in small, medium, and large hub areas in the same ratio as the number of passengers enplaned in each hub area bears to the total of passengers enplaned in all such hub areas.

One-third or $90,000,000 annually to be distributed at the discretion of the Secretary.

The funds for airport development grants to general aviation airports are to be distributed as follows.

73½ percent to the states based on the area/population formula, 1½ percent for Hawaii, Puerto Rico and the Virgin Islands in shares of 40 percent, 40 percent, and 20 percent respectively and 25% to be distributed at the discretion of the Secretary.

PROCEDURES FOR GRANTS

The bill generally retains administrative procedures for administering grants as found in the existing Federal Airport Act. The United States share of project costs is still generally limited to 50 percent of the total project cost.

However, the bill does change that part of the existing Federal Airport Act relating to projects eligible for assistance.

TERMINAL AREA ASSISTANCE

Under terms of this bill, with certain limitations, terminal area projects will be equally eligible for assistance as are airfield areas. The bill provides that terminal area projects shall be eligible providing that such projects are directly related to the handling of passengers or their baggage at the airport.

Further, the cost of construction, alteration or repair of buildings or those parts of buildings directly related to the handling of passengers or their baggage shall not be an allowable project cost unless the Secretary finds that no reasonable financial alternative to inclusion as an allowable project exists. Such a finding must be based upon consideration of the feasibility and extent of other sources of financial participation; the financial condition of the sponsoring entity as disclosed by uniform accounting procedures promulgated by the Secretary and any other factors relevant to such determination.

AVIATION USER TAXES

While the provisions of this bill do not provide for additional taxes or user charges to fund the development program, the bill is based upon the Committee making the following recommendations to the appropriate Committees of Congress which have the responsibility and authority to develop tax legislation.

1. Increase the passenger excise tax from 5 percent to 8 percent.
2. Levy a $5 per passenger charge on all enplaning passengers destined for international points and for points not within the continental United States.
3. Increase the present 2¢ per gallon tax on aviation gasoline to 6¢ per gallon and add a new 6¢ per gallon tax to jet fuel used in non-commercial aviation. Repeal the present 2¢ per gallon tax on gasoline used in commercial aviation.
4. Levy a 5% tax on all cargo waybills.
5. Levy an annual airplane registration fee on airplanes used in commercial aviation of $25 plus 3¢ per pound of gross certificated take-off weight.

This level of taxation would provide in excess of 600 million dollars per year to the airport/airways trust fund.

S. 3109—INTRODUCTION OF A BILL AMENDING THE PATENT SECTION OF THE UNITED STATES CODE

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, by request of the Department of Commerce, a bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

The United States has been an active participant in recent years in international cooperative efforts in the patent and trademark fields. The United States has assisted in the activities of BIRPI, the United International Bureau for the Protection of Intellectual Property, and ICIREPAT, the Committee for International Cooperation in Information Retrieval Among Examining Patent Offices.

The proposed legislation would give the United States the authority necessary to make contributions such as those requested by BIRPI and contributions of a similar nature which may be required in the near future.

Subsection (a) of the proposed bill includes the same provisions presently incorporated in section 6 of title 35, United States Code. It also adds the phrase "shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law." This phrase is merely intended to state specifically an already existing authority clearly implied in present section 6.

Subsection (b) provides that the Commissioner of Patents may, under the direction of the Secretary of Commerce and in coordination with the Department of State, carry on or authorize to be carried on, programs and studies with foreign patent offices and international intergovernmental organizations in connection with the performance of the duties outlined in subsection (a). Again, this merely states specifically an already existing authority of the Commissioner implied in present section 6.

Subsection (c) provides that the Commissioner may, under the direction of the Secretary of Commerce and with the concurrence of the Secretary of State, transfer appropriated funds of the Patent Office to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs concerning patents, trademarks and related matters. The amount of such payments is limited to $50,000 in any year.

The PRESIDING OFFICER. The bill will be received and appropriately referred. (S. 3109) to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks, introduced by Mr. McClellan, by request, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 3110—INTRODUCTION OF A BILL AMENDING THE TRADEMARK ACT

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, by request of the Department of Commerce, a bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes", approved July 5, 1946, as amended.

The Trademark Act, as amended, requires that the prospective registrant of a trademark make actual use of the mark in commerce prior to applying for registration of the mark. It is contended that the inability of a business firm to apply for registration of a mark prior to actual use represents a considerable hardship and occasionally results in the loss of substantial sums of money devoted to sales and merchandising campaigns. The proposed legislation would permit potential users of marks to apply for registration on the basis of their intent to use a mark rather than its actual use. The date of application would be considered as equivalent to actual use under present law insofar as establishing rights relative to other actual or potential users of the mark. No actual registration, however, may occur until the mark has been used in commerce, nor can there be an assignment of the application prior to the use except in special circumstances.

Bills on this subject have been introduced in recent Congresses by the late Senator from Illinois, Mr. Dirksen. Senator Dirksen introduced the most recent such bill, S. 1568, on March 17. In introducing, by request, the administration bill, I express no preference as between this bill and S. 1568.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3110) to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3111—INTRODUCTION OF A BILL DESIGNATING ROUTE 74 IN THE STATE OF ILLINOIS AS THE EVERETT McKINLEY DIRKSEN HIGHWAY

Mr. PERCY. Mr. President, today I am introducing, with the support of my colleague from Illinois, Senator RALPH SMITH, a bill which will designate that portion of Interstate 74 in Illinois as the Everett McKinley Dirksen Highway.

Realizing that no one effort to memorialize the life and work of the late Senator Dirksen would be totally sufficient, I do feel that by naming Route 74 in Illinois the Everett McKinley Dirksen Highway we can give the citizens of Illinois and individuals traveling through our State a unique opportunity to turn their attention to a colleague of ours that labored so diligently for 36 years in the Congress for his State and the Nation at large.

Interstate 74 is one of the main east-west arteries in Illinois and passes through that part of the State where Senator Dirksen was reared and which he loved as home. The highway enters Illinois at Danville on the Indiana border and runs through Champaign-Urbana and Bloomington to Peoria. In the western part of the State, the highway runs from the Iowa border and the Quad-Cities to Galesburg. The remaining segment, from Galesburg to Peoria, is now under construction. At its completion, the route will provide over 214 miles of superhighway for the State.

I know that there are many citizens in Illinois who support this legislation. The mayor and city council of Peoria recently petitioned the State to commemorate the late Senate minority leader in this manner. It is my hope that this measure will receive the most favorable consideration from my colleagues here in the Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3111) to designate Route 74 of the National System of Interstate and Defense Highways in the State of Illinois as the Everett McKinley Dirksen Highway, introduced by Mr. PERCY, for himself and Mr. SMITH of Illinois, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3113—INTRODUCTION OF A BILL TO PROVIDE A SEPARATE SESSION OF CONGRESS EACH YEAR FOR CONSIDERATION OF APPROPRIATION BILLS AND TO ESTABLISH THE CALENDAR YEAR AS THE FISCAL YEAR

Mr. MAGNUSON. Mr. President, today I am reintroducing a bill which I have introduced for many years, and I must say without very much success. The bill basically provides for a separate session of Congress each year for the consideration of appropriation bills and establishes the calendar year as the fiscal year of the U.S. Government.

Under my bill Congress would consider legislative matters from January 3 through the first Monday in November, unless the Congress has adjourned such meeting sine die prior to such first Monday. Congress, under this bill, would assemble on the second Monday of November of each year for the purpose of considering bills and resolutions making appropriations for the support of the Government. Such meetings shall terminate on December 31 of such year unless the Congress has adjourned such meeting sine die prior to such day.

Last week my distinguished colleague from Montana (Mr. MANSFIELD) mentioned this bill and said as follows on page 32109 of the RECORD:

> I should like to suggest to the Senate, Mr. President, that in view of the fact that we are becoming a year-round institution, as attested to by the fact that we agreed to a 3-week recess during August—and will very likely do so again next year—we recognize realities and shift from a fiscal year to a calendar year basis.
>
> I would hope, also, that if that would be given serious consideration, the idea propounded by the Senator from Washington (Mr. MAGNUSON) over the years—if not decades—could be adopted in both the House and the Senate. His proposal is that each session be divided in two, one for legislative authorization bills and the other for appropriation bills. With these proposals in operation, perhaps we could do our job a little more effectively and be able to spend the time we should on both types of measures—that is, the authorization and the appropriation bills.
>
> This is not a reply to the President. This is just a statement of fact. As I have said, I think that the President's letter is well merited. It is an understanding letter. But he is faced with reality, just as we in this body are. So far as the joint leadership is concerned, I think we can assure him that we will do our very best to get the appropriation bills and other proposed legislation he has requested to the floor for consideration, debate, and disposal as soon as possible.

The President of the United States has also recognized this problem and in a letter to Senator SCOTT, printed in the RECORD on page 32110, stated as follows:

> THE WHITE HOUSE,
> *Washington, October 28, 1969.*
>
> Hon. HUGH SCOTT,
> *Minority Leader,*
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR SCOTT: My great respect and regard for the leadership of the Congress and of the Senate and House Appropriations Committees make me extremely reluctant to send this letter.
>
> I must, however, call attention to an impending crisis in the handling of the Nation's financial affairs. We are already almost four months into the new fiscal year. Only the second appropriation bill has come to me for signature. Authorizing legislation still lags. For the country the situation is fast becoming intolerable.
>
> The Executive Branch has already begun the preparation of the 1971 budget. Under the law, this budget must be submitted in January. It must be completed, therefore, in December. But unless the Congressional pace is sharply accelerated, it is clear that many appropriation bills will not pass in time for Federal agencies to assemble the voluminous details necessary to meet the budget deadlines.
>
> To array and print the vast amount of technical detail required by the Congress in time to meet this schedule, Congressional action on appropriation bills must be substantially completed within the next few weeks. *If this is not done, it may be impossible for me to transmit the 1971 budget in January.*
>
> The Nation clearly has a right to question a Government which cannot conduct its financial affairs in an efficient manner. I urgently request your cooperation, therefore, in securing swift action by the Congress on the pending 1970 appropriation bills. Otherwise we will be frustrated in our efforts to move ahead efficiently on the 1971 budget.
>
> I write in this vein neither to criticize the Congress for delay nor to exonerate the Executive Branch for delay. At this critical point in the appropriations and budgetary process I am less interested in why we are where we are than I am in where we now seem to be headed. I am confident that you share these concerns.
>
> This same letter is being sent to the President of the Senate, Speaker of the House, the Majority and Minority Leaders of both Houses, and the Chairmen and senior Minority Members of the Senate and House Appropriations Committees.
>
> Sincerely,
>
> RICHARD NIXON.

As every Senator knows, a key problem this year resulted from the submission of two separate presidential budgets with the resulting delays caused by the necessity for appropriate review by the Nixon administration of the Johnson budget.

Another critical problem is the delay in passing authorization bills, which must be on the books before appropriations can be properly voted. Congress has fallen into the habit of passing new authorizations for some programs every year. As chairman of the Labor, HEW Subcommittee on Appropriations, I am still waiting for the OEO authorization which must be passed before its budget should properly be reviewed.

I was pleased to note that Phillip S. Hughes, Deputy Director of the Bureau of the Budget, testified before the Subcommittee on Congressional Reorganization of the House Committee on Rules that the administration favors a switch of the fiscal year to make it coincide with the calendar year. It appears that this is the only reasonable course of action.

Congress must consider, as soon as possible, the changes this bill would provide for, if we are to keep the confidence of the American people in our appropriations procedures.

At this point I ask unanimous consent to have printed, at the appropriate place, the full text of this bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3113) to provide for a separate session of Congress each year for the consideration of appropriation bills, to establish the calendar year as the fiscal year of the Government, and for other purposes introduced by Mr. MAGNUSON, for himself and other Senators, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 3113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fiscal Act of 1970".

TITLE I—FISCAL SESSIONS OF THE CONGRESS

SEC. 101. The meeting of the Congress which begins on the third day of January of each year (or on such day as they shall appoint pursuant to section 2 of article XX of the articles of amendment to the Constitution) shall terminate on the first Monday in November of such year unless the Congress has adjourned such meeting sine die prior to such first Monday. Each such meeting, and every other meeting, of the Congress, other than a meeting pursuant to section 102 of this title, shall be known as a "legislative session". The legislative sessions of each Congress shall be numbered serially.

SEC. 102. The Congress shall assemble on the second Monday of November of each year for the purpose of considering bills and resolutions making appropriations for the support of the Government. Such meeting shall terminate on December 31 of such year unless the Congress has adjourned such meeting sine die prior to such day. Each such meeting shall be known as a "fiscal session". The fiscal sessions of each Congress shall be numbered serially.

SEC. 103. (a) Except as provided in this section, no matters shall be considered by the House of Representatives or the Senate during a fiscal session other than bills or resolutions making appropriations for the support of the Government.

(b) The provisions of subsection (a) shall not preclude any committee of the House of Representatives or the Senate or any joint committee of the two Houses from meeting during a fiscal session for the consideration of any matter over which such committee or joint committee has jurisdiction, or from holding hearings or conducting studies and investigations with respect to any such matter, but, except as provided in this section, no committee of either House, other than the Committees on Appropriations, shall, during a fiscal session, report any bill or resolution or take any other legislative action, and no committee of the Senate shall report any treaty or nomination.

(c) Notwithstanding the provisions of subsections (a) and (b), the appropriate committees of the House of Representatives and the Senate may report, and the two Houses may consider, during a fiscal session, any bill or resolution if the President notifies the Congress that the consideration of such bill or resolution during such fiscal session is necessary in the national interest.

(d) Notwithstanding the provisions of subsections (a) and (b), the appropriate committee of the Senate may report, and the Senate may consider, during a fiscal session, any treaty or nomination if the President notifies the Senate that the consideration of such treaty or nomination is necessary in the national interest.

(e) For purposes of this section, in the case of a joint committee which has legislative jurisdiction, the members of the joint committee who are Members of the Senate shall be considered as a committee of the Senate, and the members of the joint committee who are Members of the House shall be considered as a committee of the House.

SEC. 104. (a) Except as provided in this section, the House of Representatives and the Senate shall not consider any bill making appropriations for the support of the Government during a legislative session.

(b) The provisions of subsection (a) shall not preclude the Committees on Appropriations of the House and Senate from meeting during a legislative session for the consideration of any matter over which such committees have jurisdiction, or from holding hearings or conducting studies and investigations with respect to any such matter, but except as provided in this section, neither of such committees shall, during a legislative session, report any appropriation bill or resolution.

(c) Notwithstanding the provisions of subsections (a) and (b), the Committees on Appropriations of the House and Senate may report, and the two Houses may consider, during a legislative session, bills or resolutions making supplemental or deficiency appropriations for the fiscal year which is current during such legislative session.

SEC. 105. The provisions of sections 103 and 104 shall not preclude the reconsideration by the House of Representatives and the Senate, during any session, of any bill or of any order, resolution, or vote returned by the President to either House pursuant to the second or third paragraph of section 7 of article I of the Constitution.

SEC. 106. For purposes of this title, the term "appropriations" has the meaning assigned to it by section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2).

SEC. 107. (a) Sections 101 and 102 of this title shall become effective at noon on the day on which the Congress assembles, pursuant to section 2 of article XX of the articles of amendment to the Constitution, in the year 1970.

(b) Sections 103, 104, 105, and 106 of this title shall become effective upon the adjournment sine die of the meeting of the Congress which begins pursuant to section 2 of article XX of the articles of amendment to the Constitution in the year 1970.

TITLE II—CHANGE OF FISCAL YEAR

SEC. 201. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) Except as provided in subsection (b), the fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations shall commence on July 1 of each year and end on June 30 of the following year.

"(b) The fiscal year of the Treasury of the United States which commences on July 1, 1971, shall end on December 31, 1972. The next succeeding fiscal year shall commence on January 1, 1973, and end on December 31, 1973, and thereafter the fiscal year of the Treasury of the United States shall commence on January 1 and end on December 31 of each year.

"(c) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year, as established by subsections (a) and (b)."

SEC. 202. The following provisions of law are repealed:

(1) The ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) The proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

SEC. 203. (a) Appropriations for the fiscal year which begins on July 1, 1970, shall be made at the legislative session of the Ninety-first Congress which begins on January 3, 1970 (or on such day as may be appointed pursuant to section 2 of article XX of the articles of amendment to the Constitution). Appropriations for the fiscal year which begins on July 1, 1971, shall be made at the legislative session of the Ninety-second Congress which begins on January 3, 1971 (or on such day as may be appointed pursuant to section 2 of article XX of the articles of amendment to the Constitution). Appropriations for the fiscal year which begins on January 1, 1973, shall be made at the fiscal session of the Ninety-second Congress which begins on the second Monday of November 1972. Appropriations for each fiscal year thereafter shall be made at the fiscal session of the Congress which immediately precedes the commencement of such fiscal year.

(b) Nothing contained in subsection (a) shall preclude the making of deficiency or supplemental appropriations for any fiscal year—

(1) at any session of the Congress prior to the fiscal session of the Ninety-second Congress which begins on the second Monday of November 1972; or

(2) at any fiscal session of the Congress.

TITLE III—AMENDMENTS TO THE BUDGET AND ACCOUNTING ACT, 1921

SEC. 301. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out in subsection (a) "during the first fifteen days of each regular session" and inserting in lieu thereof", at the time specified in subsection (c)"; and

(2) by adding at the end thereof the following new subsections:

"(b) In addition to the information required by subsection (a), the Budget shall contain a statement, in such form and detail as the President may determine, of the capital assets of the Government, and their value, as of the end of the last completed fiscal year.

"(c) The President shall transmit the Budget to the Congress as follows:

"(1) for any fiscal year prior to the fiscal year which begins on January 1, 1973, during the first fifteen days of the session which begins on the day prescribed, or appointed pursuant to, section 2 of article XX of the articles of amendment to the Constitution preceding the commencement of the fiscal year, and

"(2) for the fiscal year which begins on January 1, 1973, and for each fiscal year thereafter, on or before July 15 of the year preceding the commencement of the fiscal year.

If the Congress is not in session on the day on which the President submits the budget for the fiscal year which begins on January 1, 1973, or for any fiscal year thereafter, such budget shall be transmitted to the Clerk of the House of Representatives and shall be printed as a document of the House of Representatives."

(b) This section shall become effective on July 1, 1972.

Sec. 302. (a) Section 201(a)(5) of such Act is amended by striking out "October 15" and inserting in lieu thereof "May 15".

(b) This section shall become effective on May 1, 1972.

Mr. MAGNUSON. Mr. President, we have had some hearings occasionally before the Committee on Rules and Administration and the Joint Committee on Congressional Reorganization.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. Mr. President, first, I would appreciate it if the Senator would ask unanimous consent that I be listed as a cosponsor.

Mr. MAGNUSON. I would be glad to.

Mr. President, I ask unanimous consent that the name of the Senator from Montana be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, to my personal knowledge the distinguished Senator from Washington has been trying to get action on a bill of this nature for more than two decades, first while he was a Member of the House of Representatives and later during his many years in the Senate.

Mr. MAGNUSON. Substantially, I think the session this year points out the necessity for action of this kind. As far as I know, we are the only legislative body in the free world that does not divide its sessions. Every other legislative body in the free world has a legislative session; then, they have a date beyond which no further legislation will be considered and they go into their fiscal session. It seems to me this is the only way we can avoid some of the problems that are occurring now.

The President was somewhat critical of Congress the other day when he suggested the passage of appropriation bills. However, the appropriation bills are being held up because the authorization bills are not around and the authorization bills are not around because it took a long time for the administration—and I am not being critical because I think they want to examine all these matters—to send up legislative proposals.

Independent offices have been held up for weeks because there was no authorization on the space program. In connection with HEW, as the Senator from West Virginia knows, we have 300 or 400 witnesses we never had before because they want a reorganization. I do not know if that will succeed. The OEO appropriation is not here. These matters cause the problems.

I have sat in meetings of the Committee on Appropriations on many occasions when we would be passing on whether or not to fund a program of some kind that Congress had authorized and at the same time the Senate will be sitting here on the same day changing that program. The Senator from Colorado knows that.

If we had a legislative session we would know what we had authorized and what would have to be appropriated, and come back and do that. That is the purpose of the legislation I am introducing. I hope we can give it consideration.

I remember the night we adjourned last session. The Senator from Montana and I were here. I think only two or three of us were still in the Chamber. We were talking about the time of the session. Finally, we concluded there must be a better way to do it than the way we are doing it. We must try something new.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. Will the Senator add my name to the list of cosponsors?

Mr. MAGNUSON. I am happy to do so.

Mr. President, I ask unanimous consent that the name of the Senator from West Virginia may be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. MAGNUSON. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent that my name may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I thank the Senator.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. DOLE. Mr. President, I ask unanimous consent that my name may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I thank the Senator.

Mr. President, there has to be a better way. This year we had a recess during the summer. Many Members of Congress, felt this was a good thing because it provided an opportunity for those who have families to spend time with their families. This bill would enable Members to do that.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 163

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. Montoya), I ask unanimous consent that, at the next printing, the name of the Senator from Maine (Mr. Muskie) be added as a cosponsor of Senate Joint Resolution 163, to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 45—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO PUBLIC EXPRESSION OF RELIGIOUS FAITH BY AMERICAN ASTRONAUTS

Mr. TOWER. Mr. President, on behalf of myself and Senators Stevens, Cooper, Holland, Fannin, Thurmond, Spong, Smith of Illinois, Dole, Allen, Cotton, Gurney, Byrd of Virginia, and Allott, I am proud today to submit a concurrent resolution expressing the sense of the Congress that the expressions of religious faith by our astronauts in outer space were in accord with their first amendment rights of Freedom of Religion and that future astronauts should not be prohibited from engaging in similar expressions of faith while in future flights.

I was truly surprised that there would ever have been any criticism of our astronauts when on their voyages they reiterated their belief and trust in their religion. These expressions have been in the highest American tradition of public displays of faith. For example, here in the Senate, we open our daily sessions with a prayer and our motto is "In God we trust." The first amendment to the Constitution deals with the freedom of all Americans to worship as they see fit. To deny this right to our astronauts simply because they are on a Government mission would be violative of their rights.

Mr. President, I know that millions of Americans will never forget the reading of Genesis from the environs of the moon last Christmas Eve by Colonel Borman and his crew. This was truly one of the most moving national experiences that we have ever had, and it helped to lift our spirits as a nation.

If the enemies of religion had their way, such experiences would be condemned and any future ones prohibited. It is the purpose of this resolution to see that such a condemnation and prohibition does not occur.

I ask my colleagues to join with me in sponsoring this measure, so that we may help to insure that our astronauts may exercise their constitutional rights and that the enemies of religion shall not triumph.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 45), which reads as follows, was referred to the Committee on the Judiciary:

S. Con. Res. 45

Whereas, there has been worldwide interest in the space program and extensive coverage of space projects by the mass media;

Whereas, the National Aeronautics and Space Administration is directed by section 203(a)(3) of the National Aeronautics and Space Administration Act of 1958 to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof";

Whereas, the free exercise of religion and the freedom of speech for all Americans is protected by the First Amendment of the Constitution of the United States;

Whereas, there are questions presently before the courts intended to test the prerogative of astronauts to express their religious faith publicly during the course of space flights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that all the past expressions and exercises of religious faith practiced by the astronauts, during the space explorations, were compatible with the First Amendment of the Constitution of the United States which guarantees the freedom of speech and religion. It is further resolved that the astronauts while engaged in any duties connected with the space program should not be obstructed from exercising these freedoms.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 271

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. Dodd) be added as a cosponsor of Senate Resolution 271, calling for peace in Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION THAT TIME SPENT BY A FEDERAL EMPLOYEE IN A TRAVEL STATUS SHALL BE CONSIDERED AS HOURS OF EMPLOYMENT—AMENDMENT

AMENDMENT NO. 263

Mr. STEVENS. Mr. President, I recently introduced a bill to make time spent by Federal employees in travel status hours of employment. It has since been pointed out to me that the original bill was too broad. I am submitting an amendment today intended to be proposed by me to S. 2880, which will make clear that time spent in travel status is hours of employment only if the employee is directed to undertake such travel as a part of his employment responsibilities.

I ask unanimous consent that the amendment be printed in the Record at this point.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment, No. 263, was referred to the Committee on Post Office and Civil Service, as follows:

Strike out all after the enacting clause and insert:

"That (a) Section 5542(b)(2) of Title 5, United States Code, is amended to read as follows:

"'(2) time spent in a travel status away from the official duty station of an employee is hours of employment only if an employee is directed to undertake such travel as part of his employment responsibilities.

"'(b) The last sentence of Section 5544 (a) of such title is amended to read as follows: "Time spent in a travel status away from the official duty station of an employee subject to this subsection is hours of work only if an employee is directed to undertake such travel as a part of his employment responsibilities.'"

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 264

Mr. BYRD of Virginia proposed an amendment to the bill, H.R. 12964, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to be printed.

(The remarks of Mr. Byrd of Virginia when he proposed the amendment appear later in the Record under the appropriate heading.)

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 265

Mr. CANNON. Mr. President, I seriously question the wisdom of repealing the investment tax credit. It has been a mechanism of immense value to the economy, since it encourages plant modernization and therefore constantly improves productivity.

Repeal of the investment tax credit is proposed as a curb on inflation. I question whether it will have any such effect.

I am concerned that its repeal may instead contribute to inflation.

Inflationary trends of the past few years have been caused primarily by a soaring demand for goods and services. Newer, more productive capacity is the best means of meeting this demand and, thereby, easing inflationary pressures.

The 7 percent tax credit on investment in capital goods is one of the best tools we have for stimulating the replacement of less efficient productive capacity with the more efficient.

The need to expand and upgrade the country's productive capacity is a continuing one that has existed throughout our economic history. The investment tax credit is a long-term approach to meeting this need.

If the Congress decides, nevertheless, upon repeal, I urge most strongly that the credit be continued for the Nation's beleaguered transportation industry. The need to retain the investment credit for transportation is so compelling that I am offering an amendment to the tax reform bill to provide for continuation of the credit for regulated transportation.

Continuous improvement in transportation services is essential to our economic well-being. There is no question that, if the tax credit is repealed for transportation, some gain in productivity will be lost, contributing to inefficiency in our transportation system and in the economy at large. This is the only large Nation in the world with a privately owned and run transportation system and we want to keep it that way. But transportation is in trouble, not only in my own State of Nevada but across the whole country.

Airways and airports are congested and require a minimum expenditure of $20 billion in the next 10 years. At the same time, the airlines are having the most severe financial problems in years amid growing demand for air services. They must spend billions of dollars in the next few years for air and ground equipment to accommodate millions of new passengers. Repeal of the 7 percent investment tax credit will virtually wipe out one of the few viable financing mechanisms available to that industry—the tax credit lease. What will happen if the airlines are unable to finance the acquisition of badly needed new, more productive equipment? Certainly fares will have to be increased to meet the cost of inflation. Passengers and shippers will not be accommodated, and the economy will suffer. The only question is how much it will suffer.

As for the railroads, all of us are aware of the constant shortage of boxcars that plagues this industry year after year. The American consumer and our economy are the losers, as well as the railroads. At a time when we are demanding more services from the rails we should not be digging their tax grave.

Our Nation's maritime industry is in perpetual crisis. Not enough U.S. ships are being built. Loss of the investment tax credit can only worsen this very serious situation. Senators should be concerned that 93 percent of U.S. ocean freight is carried in foreign bottoms.

The investment credit has been extremely helpful in enabling the Nation's motor carriers of freight to keep abreast of the ever increasing demands for their service by America's shippers.

New industries are increasingly becoming highway oriented and the tens of thousands of communities served only by trucks are increasing in number. Railroads no longer or rarely handle shipments under 6,000 pounds and this also has thrown an additional burden on the highway carriers.

All of this calls for increased capacity, more rolling stock and the modernization of truck fleets. The more than 15,000 regular motor carriers are hard pressed to meet these demands in the face of increased cost of all kinds.

It is apparent that our transportation industries, upon which we all depend so heavily, are not in the best of financial health.

Therefore, Mr. President, I submit an amendment intended to be proposed by me to the investment tax credit repeal provision which will provide the Government and the Nation with far greater benefits than will be lost through diminished tax revenues. It would exempt from repeal the transportation services of all companies regulated by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board.

I hope my colleagues agree that such an amendment is profoundly in the national interest.

The **PRESIDING OFFICER.** The amendment will be received, printed, and will lie on the table.

AIRPORT/AIRWAYS DEVELOPMENT ACT OF 1969—AMENDMENT

AMENDMENT NO. 266

Mr. **PROUTY.** Mr. President, I submit an amendment, intended to be proposed by me to S. 3108, a clean bill introduced by the distinguished chairman of the Senate Commerce Committee for the purpose of airport/airways development. Before I explain the purpose of my amendment, Mr. President, I want to point out I am extremely pleased that the chairman has introduced a bill which incorporates so many of the proposals continued in the administration's airport/airways bill, S. 2437. Just the other day I was looking over the legislative history of the Federal Airport Act of 1946 and one fact stood out in my mind above all others—that was the distinguished senior Senator from the State of Washington was a member of the Senate Commerce Committee at that time. I suspect that WARREN MAGNUSON probably has served on that distinguished committee as long as any other Member ever to serve in this body.

I think all of us can agree that no man has done more toward the development in the field of aviation than WARREN MAGNUSON. I believe that the bill he introduced with other members of the committee to a large extent embodies Senator MAGNUSON's dream of having a truly great national airport system with the safest airways possible. All of us on both sides of the aisle owe a great debt of gratitude to the distinguished senior Senator from the State of Washington for introducing and fighting for such a comprehensive bill designed to insure that aviation in the United States is the best that man can provide.

Now, Mr. President, the amendment that I have introduced today includes a provision that was in the administration bill but was not included in the bill that the distinguished Senator from Washington introduced. I would be less than candid if I did not point out that my amendment concerns a subject about which reasonable men differ. My amendment, which is identical to a provision contained in the administration bill, would offer an incentive to States to enact State channeling laws whereby aid to airports would be channeled through State aviation agencies. At the present time there are 27 States which have State channeling laws. I ask unanimous consent, Mr. President, that some material explaining the role of the States in greater detail be printed in the RECORD immediately following my remarks.

In many ways, Mr. President, the disagreements concerning section 212 concern the same principles which were debated in this body in 1946 when the Federal Airport Act was first considered. At that time this body voted for a provision which would have channeled all Federal funds through State aviation agencies. They did so with the realization that only through close Federal-State cooperation can our Federal system work. Back in 1946 the House also agreed to such mandatory channeling of Federal funds for local airports through State aviation agencies but they reconsidered their position and the matter had to be resolved in a conference between the House and the Senate. During that conference the best compromise that could be reached was a provision which left up to the State the option of whether or not they wanted Federal funds channeled through State agencies. The material that I have submitted for the RECORD illustrates how many States have taken such action.

Mr. President, I realize that some States do not have laws which require the channeling of Federal airport funds through State agencies. My amendment to Chairman MAGNUSON's bill does not in any way force a State to adopt such a channeling provision. However, my amendment would serve as an encouragement for some States to enact such a law so that their State planning agency could receive funds for planning purposes.

Mr. President, I am certain that if my amendment were adopted, many more States would require the channeling of Federal airport funds through State agencies. I, personally, think such a Federal-State partnership is desirable and has worked well where it has been used. One example of where States have worked in close cooperation with local airports involves the New York Port Authority. New York and New Jersey require State channeling of Federal airport funds. With this requirement they have been able to build and operate the largest airport complex in the world.

In this day and age when all of us are realizing that the transportation policy depends upon the close cooperation between all the modes of transportation, I believe we should do all we can to encourage States to become more active in the area of aviation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Governors' Conference, Office of Federal-State Relations, Oct. 8, 1969]

STATE ACTION IN AIRPORT/AVIATION DEVELOPMENT

STATE ACTION

Forty-eight States have state aviation agencies with various responsibilities including the channeling of Federal Aid to Airports; planning of state airport systems; granting of state aid to local airports; owning and operating airports; and owning and operating navigational systems and equipment.

Twenty-five states own and operate 691 airports, 314 of which are served by air carriers certificated by the Civil Aeronautics Board, in addition to state owned heliports.

Twenty-two states own and operate modern navigational equipment and facilities used by both commercial and private aircraft and recognized by the Federal Aviation Administration.

Twenty-seven states have "State Channeling" laws for the Federal Aid to Airports Program funds as authorized by the Federal Airport Act.

Thirty-three states have laws and procedures requiring varying degrees of state approval for federally aided local airport development projects.

STATE FUNDING OF AIRPORTS

Forty-three states have budgeted nearly $180 million for fiscal year 1970 for airport development. This is five times the funding available from the Federal Aid to Airport Program of $30 million.

Census Bureau figures show that in 1966 states spent $59 million for airports; 1967, the figure went up to $88 million; 1968 up to $96 million; 1969 estimates of $110 million.

In 1968 states received revenue from airports which they own of $26,549,000. Three states have experimented with passenger fees, and user charges collected at commercial airports for use by local airports. These have been challenged by litigation initiated by commercial carriers.

THE ROLE OF THE STATES IN AVIATION

(Submitted by A. B. McMullen, executive vice president, National Association of State Aviation Officials, at the request of House Ways and Means Committee, for record of hearings held September 17, 1969, on the schedule of aviation user charges proposed in S. 2437 and H.R. 12374)

The States have long been active in the field of aviation development and regulation. It is believed that the first aeronautical law of regulation in the world was enacted by the State of Connecticut on June 8, 1911. This was entitled: "An Act Concerning the Regulation, Number, and Use of Air Ships, and the Licensing of Operators Thereof." The first U.S. Air Commerce Act was adopted in 1926.

Forty-eight States currently have a Department, Commission, or similar agency to administer aviation and airport programs. A majority of these agencies were created under laws patterned after a "Model State Aeronautics Commission or Department Act" which was prepared jointly by the National Association of State Aviation Officials, the then Civil Aeronautics Administration (now Federal Aviation Administration), and the Council of State Governments.

The "State Channeling of Federal Aid Airport Funds Act", another model State Act which was developed by the same three state and federal organizations, supplements the Aeronautics Commission or Department Act, and is designed to facilitate full implementation of the Federal Airport Act of 1946, as amended.

The purpose of these two Acts was to provide—

(a) For each state the outline of an act which would: (1) create a state aeronautics agency with powers sufficient to permit it to develop aeronautics in the state and to deal with the enforcement of certain phases of aeronautical safety regulation in harmony with federal air law and in cooperation with the federal aeronautical agencies; (2) permit the state to make available state financial, technical, and other assistance to municipalities for airport purposes and to develop state-owned airports.

(NOTES.—The States currently own and operate 700 airports, 315 of which are served by certificated air carriers. See attachment to statement presented by A. B. McMullen before House Ways and Means Committee, September 17, 1969.)

(b) Require State approval of project applications for aid under the Federal Airport Act submitted by political subdivisions, and to require the channeling of Federal aid funds through the state.

The purpose of the underscoring in the foregoing paragraphs is to point out that the position of the National Association of State Aviation Officials with respect to the role of the states in aviation is embodied in the language of the various model Acts which have been prepared, approved, updated as necessary, and endorsed by the Association.

States that have adopted these laws have the authority and responsibility to—

(a) Act as the agent of sponsors of airport projects located in the state;

(b) Accept in behalf of the sponsors and disburse to them all payments made pursuant to grant agreements under the Federal Airport Act;

(c) Acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

(d) Engage in the development of a statewide system of airports, and

(e) Undertake airport development, or provide financial assistance to public agencies within the state for carrying it out.

(NOTE.—During FY 1970, 43 states will contribute $178,959,485 for airport development, approximately 6 times the amount made available under the Federal Aid Airport Program. State aid for airports in FY 1970 is 14 times the amount made available for airport development in 1959, 10 years ago, whereas Federal aid is less than one-half of the amount appropriated in 1959.)

Under Section 212 of S. 2437 and H.R. 12374, the Federal Government offers encouragement to all states to undertake the five functions listed above and NASAO policy is in agreement that these are responsibilities that are properly within the purview of the states. This would lead not only to the development of an adequate system of airports, intelligently planned, efficiently administered and economically financed, but it should also streamline the Federal aid airport program and make it less expensive to administer by requiring the Federal government to deal with only the 50 States, in a manner comparable to the highly successful Federal Highway Program, rather than dealing with hundreds of individual communities.

In addition to providing engineering and technical assistance, and rendering substantial financial aid to their political subdivisions for the construction and improvement of airports, as well as generally administering the Federal Aid Airport Program where state law requires the channeling of federal funds and/or approval of project applications, the States have engaged in many other activities under laws charging them with broad responsibility for the development and regulation of aeronautics. While these activities are too numerous to outline in detail, several considered vital to the protection of the citizens of the various states and the welfare of the aviation industry are outlined below:

(1) It has been and will continue to be impossible, financially and otherwise, for the federal government to maintain a personnel force capable of preventing and/or enforcing violations of safety regulations. Thus, this responsibility has been assumed by most of the states, through the aviation agencies, state and local police departments.

(2) The same is true in the investigation of non-fatal accidents involving non-commercial aircraft, and the states have assumed the responsibility for securing wreckage until federal investigators arrive at the scene, or conducting the investigation and turning their findings over to appropriate federal officials.

(3) State aviation agencies are constantly seeking to improve scheduled airline service to cities within their respective states, and represent the state, and often individual communities, before the Civil Aeronautics Board in airline route and service cases. They also work closely with individual carriers in developing air transportation markets in cities that could not otherwise be served economically by the scheduled carriers.

(4) The Federal Government has no authority or responsibility in the field of intrastate air service and the states, either through their aviation or utility agencies, certificate and regulate these intrastate carriers for the safety and economic protection of the citizens of their respective states.

(5) State aviation agencies are responsible for State and Regional Defense Airlift Planning (SARDA Plan developed by the Federal Government), to assure that an adequate organization and means are available in time of emergency to effectively utilize non-air carrier aircraft in support of military and civil defense, survival and recovery of the economy.

(6) Many of the states have air marking programs, and provide funds for the installation, operation, and maintenance of state-owned air navigation and communications aids where federally provided aids of this type do not exist.

(NOTE.—For detailed information regarding state navigation aids programs, see attachments to statement presented by A. B. McMullen before House Ways and Means Committee, September 17, 1969.)

(7) State aviation agencies sponsor safety clinics and refresher courses for pilots, mechanics, and instructors, as well as conduct seminars dealing with the major causes of aircraft accidents, such as weather, air turbulence, etc.

(8) These agencies also sponsor Teacher Workshops in cooperation with various colleges and universities and otherwise work with State Education Departments in the introduction of aviation into the curriculum.

As indicated previously, all but two states have established an agency or office responsible for the administration of aviation and airport development programs.

Adoption of legislation containing provisions such as those recommended by the Administration and incorporated in Section 212 of S. 2437 and H.R. 12374, will provide the catalytic force and necessary incentive for all states to assume authority and responsibility, and to adequately staff for the planning and administration of both state and Federal airport development programs, as they have for state and Federal highway programs.

It must be realized, however, that the States require funds to carry out their aviation programs, which are an integral part of Federal programs, and that some of their revenue sources are the same as those of the Federal Government. Therefore, Federal taxes on fuel consumed by non-commercial aircraft, a principal source of state income for aviation purposes, must not be so high as to preempt this source of income.

For reasons outlined herein, NASAO strongly recommends that language similar to that contained in Section 212, be included in any airport/airways legislation adopted by the 91st Congress, and that the Federal tax on non-commercial fuel remain at less than 6¢.

Prepared by National Association of State Aviation Officials, State-Owned Airports; State Funds Available for Airport Development

SUMMARY

Twenty-five States own and operate 691 airports, 314 of which are served by air carriers certificated by the Civil Aeronautics Board. (NOTE.—This does not include several State-owned Heliports.)

Forty-three States have a total of $178,959,485 available for airport development during fiscal year 1970. (NOTE.—Funds appropriated or otherwise made available for airport development in some States is unusually low, in comparison to previous amounts available for this purpose. This is due in part to a reduction of the Federal Aid Airport Program to $30 million for FY 1970.) The amounts shown below do not include funds for State airport system planning.

STATE OWNED AIRPORTS

State	Served by CAB certified carriers	Not served by CAB certified carriers	State funds available for airport development, fiscal year 1970
Alabama		4	$350,000
Alaska [1]	283	215	35,000,000
Arizona			200,000
Arkansas			125,000
California		1	[2] 1,900,000
Connecticut	2	3	7,000,000
Georgia		2	250,000
Hawaii [3]	12	2	71,952,000
Florida		3	
Idaho		30	268,000
Illinois	[4] 1		8,458,000
Iowa			200,000
Kentucky		3	1,225,000
Louisiana		1	500,000
Maine	1	2	[5] 3,447,500
Maryland	([6])		1,300,000
Massachusetts [7]	2		500,000
Michigan	1	4	4,100,000
Minnesota			4,000,000
Mississippi	1		87,500
Missouri	[8] 1		200,000
Montana	1	11	248,000
Nebraska		5	600,000
New Hampshire		1	750,000
New Jersey			([9])
New Mexico		5	127,000
New York			[10] 17,500,000
North Carolina			250,000
North Dakota		2	100,000
Ohio			4,000,000
Oklahoma			150,000
Oregon		43	675,000
Pennsylvania	3	2	1,000,000
Rhode Island [11]	1	4	2,800,000
South Carolina	2	19	906,985
South Dakota			778,000
Tennessee			1,350,000
Texas		3	650,000
Utah			1,700,000
Vermont	3	8	360,000
Virginia			2,500,000
Washington		13	125,000
West Virginia			500,000
Wisconsin			700,000
Wyoming			126,500
Total	314	377	178,959,485

[1] Alaska owns and operates all public-owned airports in State, except 2.

[2] California will also pay $200,000 in 1970 for Decca system—part of a 3-year, $600,000 test of system for low level navigation.

[3] Hawaii owns and operates all public-owned airports and heliports in State.

[4] Illinois constructing new airport, to be owned by that State but primarily to serve St. Louis, Mo. metropolitan area.

[5] Legislative action on airport development funds not yet completed.

[6] State presently contemplating purchase of Baltimore-Friendship airport.

[7] Two airports operated by Massachusetts Port Authority. Legislation stipulates that Authority is branch of State government.

[8] Airport to be opened in fall of 1969—air carrier service expected within a year.

[9] New Jersey will request $1.5 million for airport development when legislature convenes in 1970.

[10] Amount obligated from $50,000,000 available.

[11] Rhode Island owns and operates all public-owned airports in State. Legislative action on airport development funds not yet completed—part of a 10-year long-range program totaling $28 million. An additional $1.7 million will be available for operation, maintenance, and minor improvements.

Brief Facts Concerning New York and New Jersey and the Port of New York Authority

1. The New York Port Authority was created by an interstate compact between New York and New Jersey and approved by the states' legislatures and the Congress in 1921.

2. Both New York and New Jersey adopted the Model State Channeling of Airport Funds in 1947. Since that time both states have channeled all federal funds for airports through their state aviation agencies to the Port Authority. The state law requires that plans for airport development proposed by the Port Authority must be coordinated through the states involved.

3. In 1966 New Jersey created a state Department of Transportation. New York State created a department of transportation in 1967. In the same year New York State enacted the $25 billion Transportation Capital

Facilities Bond Issue. $250 million of this fund will go for aviation developments.

4. The channeling acts in each state enable them to integrate the Port of New York airport development with access facilities including bus, highway, waterways, and rail transit.

5. Neither the Port Authority nor the States have experienced any difficulty in developing the comprehensive transportation system needed for the metropolitan region.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Commerce.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years, vice Orville H. Trotter, term expired

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, November 11, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

UNIVERSITY ECONOMISTS AND LAWYERS FAVOR HOUSE BILL ON TAX REFORM

Mr. KENNEDY. Mr. President, today's New York Times contains a significant letter from Prof. Richard A. Musgrave, of Harvard University, on the subject of tax reform. In his letter, which was signed by 14 other distinguished economists and lawyers, Professor Musgrave emphasizes some of the most important changes made by the Committee on Finance in the Tax Reform Act passed by the House. He urges the Senate to restore the provisions of the House bill in areas such as the minimum tax and allocation of deductions, the holding period and alternative tax rate for capital gains, and the Federal interest subsidy for State and local bonds.

I am informed that the other signers of the letter are Profs. William D. Andrews, of Harvard; Harvey Brazer, of Michigan; George Break, of the University of California at Berkeley; E. Cary Brown, of MIT; John Due, of Illinois; Arnold Harberger, of Chicago; Walter W. Heller, of Minnesota; Daniel Holland, of MIT; Harry Kahn, of Rutgers; Oliver Oldman, of Harvard; Joseph Pechman, of Brookings; Carl Shoup, of Columbia; Melvin White, of Brooklyn College; and Bernard Wolfman, of Pennsylvania.

Mr. President, the signers of the letter are among the most eminent economists and tax lawyers in the Nation. I believe that their views will be of interest to all Senators who are concerned with the cause of tax justice.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FOR HOUSE TAX BILL

TO THE EDITOR:

Current press reports on the mutilation of the House tax reform bill at the hands of the Senate Finance Committee are distressing. The House bill, which offers the most important step towards constructive tax reform in many years, deserves a better fate.

The thrust of the bill aims at narrowing the scope of tax preferences available to high-income taxpayers, and thus to correct what has become recognized increasingly as an intolerable situation. Two main items are an effective minimum tax for individuals based on income prior to allowance for tax preferences, and the prorating of deductions between taxable income and income excluded by such preferences.

The former provision has been watered down greatly by the Finance Committee with regard to high-income individuals, and the latter has been discarded altogether.

Other provisions of the House bill, such as repeal of the alternative 25 per cent capital gains rate, extension of the holding period for short-term capital gains, and a modest step towards a more rational treatment of interest paid by state and local governments have also been discarded. Moreover, the proposed reduction in depletion allowances has been cut by one-half.

While other aspects such as tightened taxation of real estate are to be retained, the Finance Committee's cut-backs have gone far beyond the modifications in the House bill which were proposed by the Administration and threaten to scuttle the entire reform.

Adoption of these amendments to the House bill will severely damage taxpayer morale and the fiscal strength of the country, and this at a time when national resolution to deal with social inequities is most urgently needed.

As teachers and students of taxatioh, the undersigned have for long been advocates of structural tax reform, pointing to a broadened and more equitably defined income tax base. While the House bill does not solve all problems, and the proposed rate reduction is premature, it surely takes a major step towards structural reform.

We therefore urge that the weakening actions of the Finance Committee be reversed on the Senate floor and that the structural components of the House bill be written into the Senate version.

R. A. MUSGRAVE.

U.S. FOREIGN POLICY AND RATIFICATION OF THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, the late President John F. Kennedy, in one of his most brilliant speeches, declared that peace is "in the last analysis, basically a matter of human rights." Conflict has always developed when one individual felt that another was violating his basic rights. For many years the basic foreign policy of this country has been to reduce conflict and promote cooperation on an international scale to promote peace. Essential to the success of such a policy is the recognition of certain international human rights.

Unfortunately, the United States, though committed in principle to the promotion of human rights, has taken very little concrete action to insure their acceptance. We are only too happy to adopt sweeping declarations of our belief in the dignity of mankind, but are very reluctant to work toward actual implementation. I am sure that no Senator opposes the abolition of forced labor, political rights for women, or the outlaw of genocide. No one would deny that these are very basic rights. Yet, when we are asked to recognize these rights officially on an international scale, we start making excuses such as, "we cannot do anything because they fall within the domestic jurisdiction of the State." Of course they fall within the domestic jurisdiction. Each State must guarantee basic rights to their citizens. What is more, however, each State must guarantee the same right to citizens of other nations. Only this will guarantee mutual respect for the rights of others and prevent the growth of conflict. To protect the rights of some individuals and deny the same protections to others is to spread the seeds of war.

Equal protection under the law has been guaranteed to all Americans since the founding of the Nation. Why should we deny the same protection to all peoples?

The time has come to act on the beliefs which Americans take for granted. To continually advance these beliefs before the world and do nothing to guarantee their universal acceptance is to practice the worst from of hypocrisy. Further preaching without action can only antagonize those people who look to us for leadership. By ratifying the three human rights conventions covering political rights of women, genocide, and forced labor we would underscore our commitment to these basic freedoms. We would underscore this commitment in a way which is unmistakable. Our intent would be clear. Once again we would be recognized as the world's greatest defender of basic freedom.

Mr. President, this reaffirmation is desperately needed. We are losing ground in the eyes of the world. We must reverse this trend if we are to preserve our status as a great power. Ratification of the human rights conventions will be an important step on the road to recovery of basic respect in the eyes of the world.

CRITICAL SHORTAGE OF NATURAL GAS

Mr. MOSS. Mr. President, on November 12 and 13, as I have previously announced to the Senate, the Subcommittee for Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs will hold hearings on the potentially critical shortage of natural gas facing this country. A great deal of interest has been generated from my announcement that these hearings would be held, and I am sure that we will have a thorough examination of the problem at that time.

I was interested to read in the Sunday, November 2, Washington Post, an article on this matter written by Lisa Cronin. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

Natural Gas Deficiency Is Forecast

(By Lisa Cronin)

New York.—Industries seeking to expand their gas consumption or convert to natural gas to reduce air pollution are being turned down in some areas due to shortages of the cleaner burning fuel.

Utilities say they can't guarantee gas supplies for conversion in some areas, said W. Morton Jacobs, president of the American Gas Association. The Bureau of Natural Gas in its latest national study, moreover, has forecast a deficiency by 1974.

Consolidated Natural Gas in New York said it "will honor all existing contracts to industry customers but at the moment we will not take on any large industrial customers."

Rochester Gas & Electric, which gets its gas from Consolidated, said it recently turned down a request from Eastman Kodak Co. for a major gas conversion project.

"We've had a number of our customers indicate an interest in converting from other fuels and we expect in the coming months we are going to turn down these new loads," a Rochester Gas spokesman said.

DEMAND . . . BALLOONED

He said the main call for conversions to natural gas came from industries wanting to combat air pollution.

"Market demand simply has ballooned all out of proportion," said James B. Henderson, president of Transcontinental Gas Pipeline Corp. His company serves utilities on the East Coast from Alabama to New York City.

By 1970, he said, "we could sell twice as much gas if we were able to bring it to market."

Several big companies in concentrated industrial areas have switched to gas, which now supplies a third of the country's energy needs, to lessen air pollution.

CPC International's refined syrups and sugars division in Yonkers, N.Y., has converted. A spokesman explained it avoided the problems of fly ash, sulfur dioxide and other pollutants produced by its previous fuel, coal.

LONG-TERM NEEDS

CPC's supplier, Consolidated Edison Co. of New York, said it had 64 major industrial or commercial conversions to gas this year. Con Ed said it faces no supply problem this winter, or in the near future. But it said it looks to liquid natural gas to help meet its long-term needs.

Peoples Gas of Pittsburgh, which serves 16 counties in Western Pennsylvania, said four major industrial customers who asked that their names be withheld are using gas because of its clean air characteristics.

Detroit's Consumer's Power Co. said it switched it own electric generating plant near Kalamazoo from coal to gas for pollution reasons.

In Indianapolis, Citizens Coke & Gas said a big shift to gas is taking place among local industries. Companies switching include Ford's local truck plant, a Jones & Laughlin steel warehouse and a Chrysler Corp. plant. A shift also is taking place at Ft. Benjamin Harrison, an Army base, and about a dozen big schools are changing to gas.

EAST AFFECTED MORE

There has been no strain on supply in Indianapolis because the shift was anticipated, a spokesman said.

Gas supplies mainly have been affected in the East, but a Midwest pipeline company is backing off on expansion because it lacks sufficient supplies.

Northern Natural Gas Co. in Omaha said it was trying to withdraw a pipeline application it had made with the Federal Power Commission because it didn't have enough gas reserves for the projected line.

Texas Eastern Transmission Corp. said the West Coast gas supply also may face growth problems. The company serves these markets through Transwestern Pipeline Co., a subsidiary.

"We simply are not getting the new reserves we would like to have," a spokesman said. "We have all the gas needed to fill current commitments, but the situation is hard to deal with when it comes to new supply requirements." The spokesman said the supply problem does not affect expansions in development for months.

HOMEOWNERS UNAFFECTED

The utilities stressed that any supply problems would not affect the home owner. "No one's stove is going to be cut off with a Thanksgiving turkey in it," said a spokesman for the Elizabethtown (N.J.) Gas Co.

John N. Nassikas, chairman of the Federal Power Commission, said there is no crisis or widespread gas shortage, but cautioned that steps are needed to avoid long-term shortage.

VETERANS' DAY

Mr. BYRD of West Virginia. Mr. President, beginning on November 10, nine veterans organizations including, among others, the American Legion, Veterans of Foreign Wars, Military Order of the World Wars, Disabled American Veterans, Retired Officers Association, Reserve Officers Association, Fleet Reserve Association, will join—along with the members of the National Guard of our 50 States—in the observation of a National Week of Confidence in America.

On Veterans' Day, November 11, for example, there will be a Freedom Rally in Washington to include services at the Washington Monument and at Arlington National Cemetery.

The late President John F. Kennedy, himself the commander of a PT boat in World War II, once pointed out that West Virginians were second to none in this country in their devotion to the freedom and security of their Nation. This has been well attested to by the large numbers of West Virginians who have served in our Armed Forces and, indeed, by the motto of the State: "Mountaineers Are Always Free."

A native son of West Virginia, Prof. James D. Atkinson, of Georgetown University, has, I believe, sounded the keynote for this week of rededication to the principles which have made our country great. He did this in a prayer which he read to his class in the Conduct of U.S. Diplomacy on the occasion of the October 15 moratorium protest day. It should serve to alert our people that professors and students alike who support our country are in the majority, not the minority.

Professor Atkinson is a native of Weston, Lewis County, W. Va. He comes from a pioneer West Virginia family whose people were among the first to settle in Kanawha County. His great uncle, George Wesley Atkinson, was a former Governor of our State.

In these troubled times, when all of our people want peace—but a just and lasting peace—I believe that Professor Atkinson's statement is especially meaningful. I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Prof. J. D. Atkinson, Department of Government, Georgetown University

The Moratorium Day Committee requested University Professors in colleges and universities across the entire United States to do something meaningful on October 15, 1969, relating to the war in Vietnam and the U.S. involvement in that war. Accordingly, in my class on the Conduct of U.S. Diplomacy at 10:15 a.m. on Wednesday, October 15, 1969, I, Professor J. D. Atkinson, Department of Government, Georgetown University, responded with a discussion of the foreign policy issues relating to the Vietnam war, following which I read a short prayer which I had composed for the occasion.

I composed this prayer with the thought that the clergy—many of whom were adopting what seemed to be a political stance on the Vietnam Moratorium—would not object to a layman reading a prayer. I also attempted to compose a prayer to which members of the Jewish faith, Protestants of all churches, and Roman Catholics would all alike subscribe to, if they wished. This is the prayer:

O God of Israel, of Abraham, of Isaac and Jacob, whom we Americans acknowledge in our own Declaration of Independence, grant that we do not dishonor *our nation* by denying freedom to the people of South Vietnam.

Grant, O Lord that the Americans who have given their lives in Vietnam have not died in vain.

Strike down the hand of the wicked, enlighten the minds of the weak, of the ignorant, and of the misguided that the United States may honor the pledge of Thy late servant, President John Fitzgerald Kennedy, not to abandon the poor people of South Vietnam.

Do not deliver them, O Lord, into the hands of the brutalitarian Communists of North Vietnam whose crimes against humanity far exceed even those of Stalin and of Hitler, but order that the peasants, the workers, and the other good people of South Vietnam be kept under Thy protection. As we Americans have trusted in Thee and as the South Vietnamese have trusted in us, do not, O Lord God, abandon either us or them. Amen.

EMERGENCY DETENTION PROVISION OF INTERNAL SECURITY ACT OF 1950

Mr. INOUYE. Mr. President, earlier this year, I introduced, with 25 other Senators, S. 1872, a bill to repeal title II of the emergency detention provision of the Internal Security Act of 1950.

As evidence of the growing support for this legislation, I ask unanimous consent to have printed in the Record an editorial published in the Honolulu Star-Bulletin and resolutions adopted by the Honolulu Japanese Chamber of Commerce and the 442d Veterans Club. As the editorials and resolutions point out, title II of the Internal Security Act of 1950 is contrary to the accepted traditions and precedents of our legal system. I again urge the Senate to repeal title II.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin,
Oct. 27, 1969]

Watch Your Lip!

For the past 19 years a razor sharp ax has hung perilously over the heads of all Americans, held immobile only by a thin threat of circumstances.

That ax is Title II, the emergency detention provision of the Internal Security Act of 1950, the so-called McCarran Act.

The threat of questionable strength that keeps the blade from falling is the weak refrain of those who defend the McCarran Act that "This couldn't happen in America."

The McCarran Act gives the President the power to proclaim an "internal security emergency" in event of 1) invasion of the United States or its possessions; 2) declaration of war by Congress; and 3) insurrection within the United States in aid of a foreign enemy.

Should the "internal security emergency" be declared, the President may detain persons "if there is reasonable ground to believe that such a person will engage in acts of espionage or sabotage."

Hawaii's Sens. Daniel K. Inouye and Hiram L. Fong and Reps. Spark M. Matsunaga and Patsy T. Mink are sponsoring bills in Congress for repeal of Title II.

They point out that Title II has never been tested in the courts.

Before the Senate, Inouye noted that Title II became law over the veto of President Truman, who said the great majority of the law's provisions "would strike blows at our liberties."

Additionally, Sen. Inouye said, "widespread rumors have circulated throughout our Nation that the Federal Government is readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated and believed in our urban ghettos . . ."

Congressman Matsunaga noted, in his call for repeal, "As a lawyer, I find that Title II . . . is repugnant to the accepted traditions and precedents of our legal system . . ."

The McCarran Act is reminiscent of 1942 when 110,000 Americans of Japanese ancestry were arrested, their property confiscated and they were detained in "relocation camps" for most of World War II.

Any person or group detained under this act would be assumed guilty and have the onus of proving innocence.

When it was conceived, Title II was sharpened especially for the Communists. But, as it is written, the President conceivably could apply its provisions to any group—Black Panthers, Mormons, Yippies or another.

What Title II says, in essence, is that everyone should "watch your lip," or else.

Title II is ridiculously horrifying in our "due process" society.

Its implications are readily apparent. Of course it has never been used—but it is there; it has remained a threat over the last 19 years to any group whose views run counter to those of the man in the White House.

Sens. Inouye and Fong have the backing of 24 other U.S. senators for their repeal proposal; Reps. Matsunaga and Mink are joined by 125 co-sponsors.

The sooner Title II is repealed the better. There is always a chance that the ax will be allowed to fall.

RESOLUTION OF HONOLULU JAPANESE CHAMBER OF COMMERCE

Whereas, The Honolulu Japanese Chamber of Commerce, being a duly ordained and organized group of Americans in the State of Hawaii, recognizes that sub-title II of the Internal Security Act of 1950 (Emergency Detention Act) presents a serious threat to the civil rights of all Americans, and

Whereas, The Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency", and

Whereas, The Emergency Detention Act fails to provide for trial by jury, or even before a judge, substituting instead hearings before a departmental preliminary hearing officer and a detention review board where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify the detention, and

Whereas, The Emergency Detention Act thus violates the basic rights of the individual guaranteed by the Constitution of these United States and provides for detention procedures which are inconsistent with our normal judicial procedures, now therefore

Be it resolved That, The Honolulu Japanese Chamber of Commerce strongly urge the repeal of sub-title II of the Internal Security Act of 1950, and

* * * * *

RESOLUTION OF 442D VETERANS CLUB, HONOLULU, HAWAII

Whereas (1) The Americans of Japanese ancestry, from previous experience in emergency detention, recognize the danger of Sub-Title II of the Internal Security Act of 1950 (Emergency Detention Act), to the civil rights of all Americans, and

Whereas (2) The Emergency Detention Act provides that, during periods of "Internal security emergency", any person who "*probably* will engage in, or *probably* will conspire with others to engage in, acts of espionage or of sabotage" can be incarcerated in detention camps, and

Whereas (3) A person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify the detention, therefore, be it

Resolved (A) That the 442nd Veterans Club of Honolulu, Hawaii reaffirms it's opposition to Sub-Title II of the Internal Security Act of 1950 (Emergency Detention Act), and it be further

Resolved (B) That the 442nd Veterans Club of Honolulu in conformity with it's opposition to aforesaid Sub-Title II of the Internal Security Act of 1950 adopt this resolution urging the members of the 91st Congress of the United States of America to repeal said Sub-Title II of the Internal Security Act of 1950, and be it further

Resolved (C) That duly certified copies of this resolution shall be forwarded to the Congressional Delegation of Hawaii:

Senator Hiram L. Fong.
Senator Daniel K. Inouye.
Representative Spark M. Matsunaga.
Representative Patsy T. Mink.
Dated: Honolulu, Hawaii, Oct. 22, 1969.

TWO AMENDMENTS TO TAX BILL TO HELP UTAH INDUSTRY

Mr. MOSS. Mr. President, I commend the Committee on Finance for action recently taken which will benefit Utah and surrounding oil-shale States.

On September 12, I submitted two amendments. One of them would give the same percentage depletion allowance to minerals extracted from the brine of the Great Salt Lake that those minerals receive when extracted from land resources. The lake has been considered like the ocean, an inexhaustible resource. Therefore, no depletion allowance is allowed. But the fact is that the lake minerals are exhaustible and should receive the same consideration as extraction of minerals from dry land. I am delighted the Committee on Finance has now accepted this amendment, and if it is agreed to by the Senate and eventually the House, the future industrial development of the lake will be tremendous.

The other amendment adopted by the Committee on Finance will allow the same depletion allowance for oil from shale after the retorting state, the same as crude oil extracted from wells receives. I submitted an amendment to this effect on September 12. The only way the oil shale depletion allowance can be made fully equal to the oil depletion allowance is for it to pertain to shale oil at a time when the product is retorted and in liquid form, rather than when the shale is in the crushed rock state. I am glad the Committee on Finance has adopted this amendment. The adoption of this amendment by the Senate would greatly encourage the development of a truly tremendous potential source of energy within our country that the Nation will need for its security and economic growth during the next few years.

The senior Senator from Utah (Mr. BENNETT) strongly backed the adoption of this provision, as did Senators from the other oil-shale producing States, Wyoming and Colorado.

FLOOD INSURANCE

Mr. SYMINGTON. Mr. President, the recent 75-percent freeze on all new Federal construction contracts can only result in delays in the completion of many Corps of Engineers flood control projects. These delays will be costly indeed, because they will mean that vitally needed flood protection will be postponed in many areas. Thus, this situation underlines the need to move ahead with the Federal flood insurance program which is designed to protect communities from the ravages of seasonal flooding and hurricanes.

On September 24, I warned that the flood insurance program was becoming hopelessly bogged down because time-consuming studies were needed to establish local actuarial rates. This is evident in the fact that only three U.S. cities have qualified for flood insurance to date.

I am pleased to note, therefore, that the House version of the Housing and Urban Development Act of 1969 includes a provision introduced by Representative ST GERMAIN to permit the Secretary of Housing and Urban Development to grant flood insurance to communities in which these studies have not yet been completed. This measure would solve the problem of the heavy backlog of communities waiting to be studied and would allow the flood insurance program to be carried out as was the intent of Congress in 1968, when the National Flood Insurance Act was passed.

I would hope that Congress will adopt this measure; and inasmuch as it will shortly be before a Senate-House conference committee, I would urge the Senate conferees to support this provision.

Moreover, I would recommend that all interested communities make application to the Federal Insurance Administration, Department of Housing and Urban Development, so that they might be eligible to receive the benefits of this program if the Congress acts favorably.

Recently Station KCMO in Kansas City, Mo., broadcast an editorial which summarized the need to cut the delays which have brought this program to a standstill. I share their concern and ask unanimous consent that this thoughtful editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

FLOOD INSURANCE

(By Jim Monroe, director, KCMO Public Affairs)

Flood insurance struggles against red tape. Communities located on flood-prone rivers in Mid-America need to take advantage of the federal insurance program, but the process of qualification is defeating them. *Missouri Senator Stuart Symington* reports it may be fifteen years before many communities can become qualified.

Federal money is available to private insurance firms to help pay the high premiums for flood insurance so local communities can afford the price. The new law designates the Army Corps of Engineers to conduct surveys in each case to prove likelihood of damaging floods, but any community desiring to qualify for flood insurance must request the survey. Even if all interested communities in Missouri and Kansas made survey requests, the Corps of Engineers is not provided extra manpower to do the work speedily. After the survey establishes flood potential, each community must comply with land usage regulations before it finally is eligible for insurance.

More than two years has elapsed since flood insurance was authorized, but no more than a handful of communities in the whole country have qualified. To add more confusion to the picture is a tentative deadline of next June 30 for completion of the survey and community compliance with regulations. What we may really need is insurance against red tape.

This has been a KCMO editorial. Copies are available on written request. If you have a different opinion, we invite your comments. Send them to SPEAK UP, KCMO Broadcasting, Kansas City, Missouri.

MIGRATION TO MISERY

Mr. MONDALE. Mr. President, the Palm Beach, Fla., Post-Times has recently completed an eight-part series entitled "Migration to Misery." The author of the series, Kent Pollock, has written what I consider to be one of the most vivid descriptions of the realities of the migrant and seasonal farmworker problem that I have read.

In the first of the series, Pollock discusses the people that he met in his field investigations, and describes the self-perpetuating cycle of migrancy in which they are caught.

Migrant farmworkers, whose strong backs, calloused hands, and seasoned muscles are their livelihood, live in an American atrocity in terms of their housing, food, and the entire atmosphere in which they exist. Pollock finds that "migrants are the unwanted people, except at harvest time. Even then they are not accepted as members of communities."

Pollock notes that migrants have few friends and many enemies, and that they are often exploited by many, including their own people. He gives an example of a man that sold migrants life insurance on a weekly basis, and when the migrant died and his family sought relief, they found the insurance was for an automobile. The man did not own an automobile.

Pollock notes that—

> Some farmers have automatic systems to water their beans, but their workers live in housing without showers and inside toilet facilities. Some have insulated cow barns while their workers must live in tin shacks and cram old newspapers into cracks to keep the wind out.

The second of the series of articles discusses in greater detail the perpetual cycle that traps the migrant and concludes:

> Sickness, disability, bad fortune—tragedy sometimes provide the only exit from the migrant stream.

Pollock attempts to understand what makes a migrant continue to travel from State to State in search of back-breaking work by analyzing his educational background. Migrant children at an early age work alongside their parents, and are rarely spared from working in the fields long enough for school attendance. Child labor laws are not enforced, and few compulsory attendance laws are applied to migrant children. It is not unusual that we find that the average migrant and his family had attained an education equivalent of only 8.6 years, and that over 17 percent of all migrants are functionally illiterate. This perilously low level of education perpetuates an inability to perform other than unskilled tasks. More importantly, it perpetuates a lack of confidence to try other work, and locks the migrant into the cycle of poverty.

In the third of the series of articles, entitled "Squeezing Out a Living," the author discusses the pay that migrants receive, the extent to which laws such as the Crew Leader Registration Act are not enforced, and in describing the nature of the work, notes:

> The migrant might work like a machine and live like an animal, but he is a human being.

In the fourth and fifth columns, the housing situation is discussed:

> Everyone in a position to better migrant housing is aware of the problem. But some simply won't publicly admit that there is a housing shortage. There is no quick solution. Meanwhile, the migrants suffer. They are serving life sentences in the prison of their environment.

The plight of the elderly migrant is discussed in the sixth article.

In the seventh of the series of articles, the author discusses an extensive interview that he had with Elijah "Bubba" Boone, who at one time was a migrant, but because of education and drive has been able to settle out of the stream. In this interview—much as he did when he testified before the Subcommittee on Migratory Labor, Boone discusses the reasons that migrants are unable to leave the stream and the need for change which he feels can be accomplished only through power:

> Money makes power, education makes power, legislation makes power—we have none of these. All you can do is hope for change and this I do every day.

In the final article, Kent Pollock talks about efforts to improve migrant conditions in Palm Beach County, Fla. He notes that although that effort has been expansive, it has not been enough.

Mr. President, as Chairman of the Subcommittee on Migratory Labor, I have become personally aware of the facts and realities covered in these articles. I regret that I have to report to the Senate that too much of this discussion and these conclusions are all too true.

Because of their significance, I ask unanimous consent that the series of eight articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Palm Beach (Fla.) Post-Times, Oct. 5, 1969]

THEY LIVE UNWANTED, IN THE SHADOWS OF SOCIETY

(By Kent Pollock)

Georgia Johnson stooped down, ran his fingers through a plant and came up with 14 string beans. His 70-year-old body ached, but he continued to work.

Caught in a self-perpetuating cycle, Georgia has to work. He is a migrant.

Lillie Mae Brown, 61, leaned back on her rusty bed and cried. A plaque inscribed with the Lord's prayer hung over her head.

Lillie Mae was a migrant all her life until her body gave out. Now she sits alone in her one-room shack, praying, waiting to die.

Harvey Woodard sat atop an unmounted, muddy tire. A broken man, he was drunk in the middle of the day. The smell of cheap wine surrounded him.

Harvey turned to wine years ago when he began migrating—nothing else reduced his misery. In the past two months, Harvey has made about $100.

The plight of the migrant is full of untold stories, stories very much like that of Georgia's and Lillie's and Harvey's.

They travel from state to state straining to harvest an affluent nation's food.

They snap beans, pick squash, pull tobacco or corn—stoop labor mostly.

Their strong backs, calloused hands and seasoned muscles are their livelihood.

A migrant's work, his housing, his food—the very atmosphere in which he exists—is an American atrocity.

Nobody really knows how many migrants there are, but most estimates fall around 276,000. An educated guess would put Palm Beach County's migrant population at 38,000.

Migratory workers performed more than nine per cent of the nation's seasonal farmwork in 1968, working in 900 counties of 46 states.

The migrants go where there is work. They travel either in old buses or old cars, up and down the migrant stream from New York to Florida and points west.

Migrants are the unwanted people except at harvest time. Even then they are not accepted as members of communities.

They live in the shadow of society. The only road left open to a migrant in most cases is the road to the next farm.

Mrs. John B. Herbert and her husband left the migrant stream three years ago. Now they live in a tin shack with no toilet facilities in Belle Glade.

"I have nothing to do but sit here and wait on the $78 they gave us per month and the season," Mrs. Herbert said. Her husband, suffering from a heart condition, leaned on a rickety chair nearby.

Unlike the Herberts, some migrants get away from farm labor entirely, but they are a minority.

Since 1949, the migratory work force has decreased from 422,000 to 276,000. Available statistics show a peak period of migrant employment in 1965 of 466,000.

Migrants work in incredibly abominable conditions for incredibly low wages.

The migrant in 1967 worked an average of only 85 days for an average annual income of $922.

Yet, there is a feeling of pride in their work. They are fighting a losing battle against elaborate mechanization:

But there is hope—a sort of unexplainable dream that tomorrow might hold an answer.

But it won't.

A migrant has few friends and many enemies. He is exploited by many—even by his own people.

In Belle Glade last year a man sold migrants life insurance on a weekly basis. When a migrant died and his relatives sought relief they found the insurance was for an automobile.

The family did not own a car.

Many of the farmers who need migrant services show their gratitude by providing blighted housing. Other farmers try to better migrant conditions.

But their efforts have not and apparently will not be sufficient to effectuate major changes.

The primary problem with migrants is the very nature of their work—it's seasonal. They must move to keep up with the crop.

And before conditions can be bettered, many feel, migration must be stopped and migrants must settle into communities.

They are never in one place long enough to reap the few benefits available to them.

Despite several health projects aimed directly at migrants, the average per capita health care expenditure in 1967 was $12, in contrast to an average of more than $200 for the total population.

Levels of education are perilously low. So low, in fact, that Palm Beach County schools have begun a special program aimed solely at exposing migrant children to modern society.

Although funds for improving primary and secondary schools across the nation have soared to new heights, the migrants in 1967 had attained an average grade level of only 8.6.

Over 17 per cent of all migrants were functionally illiterate in 1967.

A U.S. Senate subcommittee reported, "Children of migratory farm workers have fewer educational opportunities and a lower educational attainment than any other group of American children."

Florida's problem is particularly pressing because many experts predict that when the migrants stop migrating they will settle in the state.

Florida needs the farm workers on a seasonal basis, but the state does not have adequate provisions to accommodate them year around.

According to statistics compiled by the U.S. Department of Agriculture, some 290,000 acres of vegetables are harvested yearly in Florida with a yield of almost two million tons.

Although mechanical harvesting becomes more prevalent yearly, many crops must still be picked manually because they don't lend themselves to economical mechanization.

These are the crops left for the hard-working, abused migrant.

The harvest season in South Florida extends from late October to the end of May. During that time migrants from all over the United States are employed here.

There are roughly nine groups of people within the migrant population, breaking them down by race, language and origin:

These groups of traditionally oppressed people find themselves the target of a special discrimination when they enter the migrant stream.

Some farmers have automatic systems to water their beans, but their workers live in housing without showers or inside toilet facilities.

Some have insulated cow barns while their workers must live in tin shacks and cram old newspapers into cracks to keep the wind out.

Federal and state legislation which covers migratory laborers is often conflicting, confusing and unenforced. There are strict housing codes available, but many migrants still live in filthy, decaying huts.

Farmers say they are doing all they can to better the situation. If we tear down the rotting housing, they ask, where will we put the people?

Floyd Ericson, president of the Everglades Farm Bureau, says the small farmer is caught in an economic squeeze and cannot afford to provide better housing.

He says farmers who try to better their migrant housing lose money through vandalism and improper care of facilities.

"No matter what kind of housing you have for your help the laborers won't take care of it. They'll break your commodes and you're always sending a plumber down . . . no matter what you do they just don't take care of it, they just won't," Ericson said.

But those who fight for betterment of migratory conditions question whose responsibility it is to take care of housing.

"If I rent an apartment and it needs painting or fixing, the landlord is responsible for fixing it or painting it," Alan Kuker of South Florida Migrant Legal Services said.

He feels the best solution to housing problems is wholesale destruction of substandard dwellings.

"If there's no place for the migrant he won't come here and the crops won't get picked in which case this whole area won't have an economy. So you can bet your life there'll be measures to put up decent housing so the crops can get picked."

The migrants continue to work and travel and sweat while others talk about the controversy. Some drop out of the stream, others die.

When they arrive in Palm Beach County next month there will be no substantial changes from years past.

Many will live in housing they have paid for throughout the year as insurance against having to move to either the Belle Glade or Pahokee Housing Authority labor camps.

Both authorities have housing projects in progress to provide more housing, but neither will be completed in time for this year's influx of workers.

And by next year, the new housing is likely to be filled by permanent residents and the migrants again will be left out.

Pahokee's Housing Authority has three farm labor campus which have been condemned since 1962. It is in these camps that migrants without reserved housing will likely reside.

Then every morning they will go to the loading ramp near downtown Belle Glade where their labor will be contracted on a daily basis.

Farm representatives and crew leaders will drive up in aged buses and pickup trucks with wooden sides to choose their workers.

Somehow it carries the atmosphere of a human auction.

Ten to 12 hours later the migrants will be returned to the loading ramp and paid. Some will have made less than $10 for their lengthy day's work, a few will have made as much as $50.

At night the migrant might get drunk and get in a fight. He might go home and sleep away the thoughts of his painful life.

If he wants to bathe away the dust and sweat accumulated in the field he must sometimes walk 100 yards or more to the nearest water. If he wants hot water, he must heat it on a stove.

He and his wife will sleep in a room separated from their children only by an old sheet or blanket hung from the ceiling. Sometimes there is no separation at all.

In the morning he starts over again.

This is the life of a migrant. He is not a migrant by choice but by necessity—it is the only life he knows.

One Proposed Solution: Insure Their Right To Vote

Among a lengthy list of proposals for programs to alleviate the plight of the migrant is a suggestion that federal legislation be passed to insure migrants the right to vote.

Such legislation would give the migrant a voice in his government now lacking because of stringent residency requirements.

The Senate Subcommittee on Migratory Labor proposed amendments to national voting rights legislation to forbid states from denying citizens the right to vote on account of residency requirements.

Because of a migrant's high degree of mobility he cannot often qualify to vote, adding to his powerless state.

The subcommittee also recommended immediate extension of the five-year Migrant Health Program which terminates in 1970 to insure continuation and possible extension of health services to the migrants.

The subcommittee called for appropriations "more commensurate with the problem" to expand present health services and increase the number of health projects in areas of large migrant population.

Some $15 million has been authorized to fund programs under the Migrant Health Act in 1970.

A study to determine how effective OEO programs are in lifting migrants out of poverty was proposed. OEO has been appropriated a budget of $27.3 million for the fiscal year 1969 to assist impoverished migrants and seasonal workers.

Sources in Washington indicate that the Migrant Health Act will likely be extended an additional five years soon. The fate of the other proposals looks much gloomier, they report.

A third recommendation of the subcommittee was to review all Office of Economic Opportunity programs aimed at migrants to evaluate their effectiveness.

[From the Palm Beach (Fla.) Post-Times, Oct. 6, 1969]

A Perpetual Cycle Traps the Migrant

(By Kent Pollock)

Hendersonville, N.C.—Mary Longs doesn't really want to migrate and pick beans the rest of her life, but she probably will.

She is trapped in the migrant cycle and doesn't know why.

Mary sat between two rows of bright green crawl beans, a bushel basket nearby, and talked in a sleepy voice.

"It's pretty hard to find a job with the kind of work you can do. . . . I don't have no ambition for this work. It gets worse and worse."

She was wearing blue jeans and a man's shirt. A small cap covered her hair and a soiled sweat band hung down the back of her neck.

"My husband is dead. I have nine children but not with me. I ain't going to go too many more years."

Mary is 43 years old. She says the reason she "ain't going to go too many more years" is because she is "sort of on the sick list."

If she gets sick enough, she will stop migrating and go on welfare. If not, her miserable migration will continue.

Sickness, disability, bad fortune—tragedy sometimes provides the only exit from the migrant stream.

Lillie Mae West has been migrating since 1951. She wears a straw hat with a little feather in the side. Her bright yellow dress, imitation pearl earrings and blue blouse separate her from others in the field.

But her story is essentially the same.

"I'll work until I get disabled and sick, I guess," she said in a crackly voice.

Lillie Mae and Mary are members of a migrant crew from Belle Glade. They came here in early July and will soon return to Florida.

Ella Grant, another Belle Glade resident, takes a realistic view of her continuing plight. Ella is 59 and a migrant by birth.

"It's been pretty good until this year. This year it's been bad. It's the rains. I reckon it's account of the rain. The beans just ain't here."

Does this mean Ella is ready to stop migrating and settle into a community?

"Nah, it looks like I'm going to be picking all my life. . . . I can't crawl, though, I never could. I sure is getting tired of them beans."

Did Ella ever consider other work?

"I reckon I never thought about that, no, sir. I don't know much else."

Georgia Johnson is looking forward to returning to Florida this year. He has been traveling between Belle Glade and North Carolina since 1956.

"I like it better in Belle Glade in a way, that's right. I got to go back this year, I'm going to get my teeth."

Last year Georgia had his teeth pulled for $37. He didn't have enough money to buy a plate. He plans to make the purchase at the end of the Belle Glade bean season this year.

At 70, Georgia looks healthy and strong. He's proud of his youthful appearance.

"I'm strong all right. I take care of myself. This work will keep you in shape, but if the other fields keep being like this here one I'll be in bad shape!"

The field he is working is being picked for the second time. Georgia will only pick seven bushels in 10 hours for $1 per bushel.

He's wearing a blue service station shirt inscribed with the name Malcom.

"When I go to the store I pick up anything. I don't take me long, that's right. I just slip it right on."

Georgia, too, says he will quit soon.

"I guess I should stop right now. It's not worth it, you can't make any money. When I get sick I'll quit. And I'll tell you what I'm going to do. I'm going to draw them checks."

A fellow worker nearby says Georgia has been saying he'll quit as long as he can remember.

Migrant after migrant tells you he will quit soon. They don't know what makes them continue, but when the crop is picked they traditionally head for the next farm.

"I'm not going to pick no longer than I can help. I'll quit when I'm old enough to get my pension," says James Reed.

Reed is 63. He wears a straw hat and a burlap sack tied to his waist. Gray suspenders hold up his faded blue jeans.

"I'm a little too old for construction right now. It used to be good to me, but I'm too old right now. I do pretty well at this sometimes."

Reed leans over and grabs another handful of beans. He tosses them into a half-filled bushel basket then picks some more.

Like his life of migration, bean picking has become automatic to the old man.

To understand what makes a migrant continue to travel from state to state in search for backbreaking work one must study his sociological background.

Migrant children become adults at an early age. They work in the fields alongside their parents as soon as they can walk.

Many times children cannot be spared from working in the field long enough for school attendance. Laws forbidding farmers from hiring children during school hours are not strictly enforced.

The net result is a perpetual continuation of illiteracy among migrants.

In 1967 the average migrant and his family had attained an education equivalent of only 8.6 years. Over 17 per cent of all migrants were functionally illiterate.

"Children of migratory farm workers have fewer educational opportunities and a lower educational attainment than any other group of American children," Sen. Harrison Williams of New Jersey, chairman of a Senate Subcommittee on Migratory Labor, wrote in this year's annual report.

This perilously low level of education perpetuates an inability to perform other than unskilled tasks. More importantly, it perpetuates a lack of confidence to try other work. By the time a migrant is 15 he is often married. Pregnant child brides are not uncommon.

When the youthful couples have children they are forced into the mainstream of migrancy. They must continue traveling to the next farm to exist.

It is not long before they are trapped.

Dr. Robert Coles, a Harvard University psychiatrist engaged in a study of "the migrant subculture," discusses his observations of young adult migrants becoming trapped in the stream.

"At 20, at 22, they are full-fledged adults; we would call them 'older' migrants. They have lost much of their interest in the possibilities of another kind of life; they often move about by themselves, no longer attached to their families . . . they are caring for their own children.

"They have settled into the curious combination of industry and initative (needed to keep moving over such distances, to keep working at such back-breaking work) and lethargy and despair (reflected in their faces, their way of slow movement, flattened speech, infrequent merrymaking)."

Dr. Coles said migrants develop "symptoms" which result from their "cumulative stresses of their kind of existence."

"They may drink heavily before or after work, using the cheap wine and beer they can afford to dull their senses in the face of, or in the wake of, their long hours of harvesting.

"They often become careless and hurtful towards the homes furnished them by farmers, destroying screen doors, stopping up central plumbing facilities of a camp. Some may call such behaviour accidental, but many farmers are correct in sensing the barely submerged hostility and resentment at work in these people.

"The migrants don't specifically intend to damage property, but are aware of feeling overworked and underpaid, and carry those feelings around with them fairly constantly."

The rest of the migrant story is always the same. Once in the stream, he will suffer the hardships of poor housing, poor working, poor eating.

He will know a special form of discrimination which keeps him in different social circles than other impoverished Americans.

The migrant is the poorest of all poor Americans.

He tries to work for a living while others head for the city to go on relief.

Dr. Coles says what keeps the migrant from the temptation of city life and welfare cannot be explained by any one generalization.

"The explanation rests in a combination of such factors as fear of the city, a genuine attachment to the land, a sometime enjoyment of movement, a depression that sets in for many of them when they do stop traveling and working, and a fear of that depression."

So they continue and don't really know why.

ANOTHER SOLUTION: A NATIONAL ADVISORY COUNCIL

The U.S. Senate Subcommittee on migratory labor suggested last year that a national advisory committee on migratory labor be founded to better plot the future of the migrant.

Duties of the national council would be to advise the President and Congress on effectiveness of federal programs aimed at betterment of migrant conditions.

Another important duty of the council would be to advise the government on legislation to assist the migrants.

The council would perform a "valuable watchdog" role for federal programs aimed at migratory labor.

The subcommittee said a comprehensive evaluation of the causes and possible remedies of unemployment and underemployment of agricultural workers needed to be made.

The evaluation should be made "with a view toward ending the migratory way of life," the subcommittee's report said.

"Migratory farmworkers constitute one of our nation's great manpower problems, for as a group they are underemployed and underutilized. Underemployment and poverty are more widespread and no less severe in rural areas than in urban areas," the report said.

The subcommittee's overall proposal to solve the many migrant problems is to increase industry in rural areas and dry up the migrant stream.

The increased industrial activity would provide jobs for migrants during off-season periods, but would not necessarily rob farmers of needed help at harvest time.

The subcommittee proposed federal wage subsidy for migrants who discontinue their migration and are caught between periods of harvest and the establishment of nonfarm industrial jobs.

Washington sources say passage of these proposals is doubtful in the near future.

[From the Palm Beach (Fla.) Post-Times, Oct. 7, 1967]

SQUEEZING OUT A LIVING

(By Kent Pollock)

HENDERSONVILLE, N.C.—There are rows and rows of bright green snap beans. Between the rows dark spots move slowly in misery.

Those spots in the distance are migrants trying to squeeze a meager living from a second-crop bean field.

This is a bad bean field. Each plant has only six or seven beans hidden under its soft green leaves.

There are lots of bad fields in North Carolina this year. Hot sun and heavy rains plagued the farmers, ruining many first crops.

This bean field is immense. The unending pattern of rows blends into a green mush on the horizon.

A migrant's life is centered around his difficult work. When conditions are right he can make a poverty-level income.

When the crops are bad, the migrant suffers. It's not a new story.

These crops are bad. These migrants have suffered. They came here from Palm Beach County.

James Reed of Belle Glade is on his knees between two rows of beans. He wears a straw hat with a yellow band around its center. Gray suspenders hold his faded blue jeans up as he treks his way up the row.

"I just lean over like this and push the leaves aside, see, and grab them beans," Reed explains as he strips another plant.

He tosses the few beans into a half-filled wooden bushel with his left hand as his right hand reaches for another plant.

He works without thinking. As he talks his muscles automatically continue moving.

When the bushel is full Reed's crew leader will give him a small yellow ticket—not much to show for more than an hour's work.

At the end of the day, the tickets can be cashed in for $1 each. Snap beans also are called crawl beans because of the backbreaking chore they present at harvest time.

Like machines, the migrant's fingers sift through a bean plant and strip its sweet product. The experienced migrant can snap every bean from a tangled plant in seconds.

They either crawl or stoop or bend over nearly double to harvest the ground-hugging crop. Some work all three ways, budgeting their aches to different parts of their abused bodies.

For this they receive $1 per bushel. A bad field yields only about six bushels per 10-hour day.

At a good field, the migrants say they can pick 20 bushels in 10 hours—but this requires plenty of skill. And abundant fields are rare.

Migrant workers across the nation averaged $1.33 per hour earnings in 1967, according to a Senate subcommittee on migratory labor.

In Florida, the average was $1.12.

But these statistics only cover the hours worked. There are many days when the migrant sits at the loading ramp waiting for a job.

Along with their other problems, migrants sometimes have to compete with foreign labor for jobs.

While some 15,000 foreign workers entered the United States last year thousands of migrants suffered from a lack of continuing employment.

Most foreign workers were from the British West Indies and Canada, admitted to this country to harvest sugarcane in Florida and apples in the North.

Cane growers are allowed to import laborers because they say they cannot find domestic labor to cut cane.

"The American citizen continues to avoid acceptance of employment in the cane-cutting operations even though the basic wage has been substantially increased." U.S. Sugar Corporation's Fred Sykes told an agricultural stabilization committee in July.

Before growers in this country can hire foreign laborers they must pass stringent housing inspections and agree to meet high standards of wages, food and transportation.

Ironically, standards for hiring migrants across state lines are much lower and are not as strictly enforced as offshore labor hiring standards.

The average migrant farm worker was employed only 82 days during the year in 1965, according to the latest statistics available.

And much of the labor is conducted by children under the age of 16, leaving the older, less productive members of migrant society without work.

According to the Senate subcommittee, there are some 800,000 paid farmworkers under 16, about one-fourth of the entire work force.

Statistics show there were 2,700 fatal accidents in agriculture in 1967—the highest of all industries. There were also 230,000 additional disabling injuries.

Most of the fatal farm accidents came from dangerously operated machinery and poisoning from improper care when spraying chemicals on crops.

It has been alleged that higher farm labor wages would raise consumer costs. However, the Senate subcommittee, reported, a twenty-one cent head of lettuce represents only a field labor cost of 1.3 cents.

A pound of celery retailing at 15.5 cents represents a field labor cost of .3 to .5 cents. Lemons retailing at 24 cents per pound cost the farmer less than one cent for field labor.

"It is therefore clear from these statistics that wage increases for farmworkers would have little, if any, impact on the consumer in terms of the price . . . in the local supermarket," the subcommittee reported.

But statistics mean nothing to the migrant working and living under abominable conditions.

All he knows is that when the season ends there is rarely enough money to move. Often he works for a crew leader who provides transportation.

But those who work for crew leaders risk the possibility that their boss might be dishonest.

Legislation requiring crew leaders to register if they intend to cross state lines has quashed much exploitation, but some still exists.

Many crew leaders skirt registration laws by traveling in caravans with each vehicle carrying less than 10 migrants. Crew leaders with 10 or more workers must register.

There are crew leaders who "take the pennies," a term for collecting money for social security payments, and never report the deductions to the federal government.

There are crew leaders who charge their workers for transportation, meals and even water—deducting the charges from workers' pay without any records.

All crew leaders aren't bad, though. Erskine McCullough Jr. of Pahokee is one of the good ones.

Even though McCullough openly admits working around crew-leader registration laws his people will tell you he treats them fairly.

McCullough sat atop his tractor in a Hendersonville apple orchard and told of his plight. He has been migrating most of his life and can't get out of the cycle.

"You're always behind the eight ball, see. You're always living from day to day 'cause you never make enough money to pay your bills or anything else. I don't see how I can stop."

McCullough runs Streamline Taxi company in Pahokee during the season. It has been a losing venture, he says. "The credit bureau people are probably looking for me right now."

Apple picking, too, is backbreaking work. The workers climb up and down ladders with half-bushel containers strapped to their shoulders.

Up and down; up and down; carry the ladder to the other side of the tree; back up, down—as in bean picking the work seems endless.

Water for the hard-working, sweaty migrants is available at the end of the bean row, several hundred yards from where they are picking.

Leaving for a drink of water means wasted time. Wasted time means wasted money—and to a migrant wasted money can mean the difference between an evening meal and hunger.

But migrants don't complain about their work conditions. They are accustomed to misery and despair.

When the day ends they leave the field in the same aging bus they arrived in, to be deposited, like used bottles, back at the loading ramp near downtown Hendersonville.

Migrants gather at the loading ramp every morning to contract their labor in auction-like fashion.

If it rains, there will be no work.

But the migrants wait patiently for the sky to clear.

Migrants are used to waiting—their entire life has been controlled by others.

When someone says work, they work until someone says quit. There is no coffee break in a bean field or apple orchard.

The buses used to transport migrants to and from the fields are old and sometimes dangerously in need of repair.

One bus sits empty at the loading ramp. Inside there is dirt and garbage on the floor. The seats are relatively clean.

A swarm of flies gathers on a half a loaf of bread left on one seat. A blue sweater and a burlap sack tied in a ball sit on a seat across the aisle.

The interior smells the stale odor of hard work and poverty.

The migrant is immuned to the smell; it surrounds him constantly.

His impoverished family is caught in a treacherous cycle of mental and physical anguish.

He might work like a machine and live like an animal, but he is a human being.

These migrants are looking forward to returning to Florida. They talk about plentiful bean fields and better work conditions.

But they aren't fooling themselves. In six months they will look forward to North Carolina and talk of plentiful bean fields and better work conditions.

Theirs is a story of migration to misery.

PROPOSAL: EXTEND LABOR RELATIONS ACT

A major proposal of last year's U.S. Senate subcommittee on migratory labor dealt with extending the National Labor Relations Act to cover all agricultural workers.

The extension would give migrants the right to organize and set up procedures to bargain with farmers for better work conditions and wages.

"We must guarantee employes the right to organize and bargain collectively, and we must make the orderly procedures of the act available to the (agricultural) industry," the subcommittee's yearly report said.

"Mounting evidence confirms that the lack of established procedures for communication, elections, negotiation, arbitration and settlement by employers and employes leads to costly strikes and disruption of interstate commerce," the report said.

The subcommittee also suggested increasing Labor Department personnel to insure adequate compliance with crew leader registration laws.

Unemployment compensation coverage for migrants would be a "great step forward" in providing small amounts of income for migrants during the off-season periods.

Of all 50 states, the subcommittee reported, only Hawaii has made its unemployment program applicable to agricultural workers.

"Most often the migrant worker is unemployed through no fault of his own," the report said.

Other suggested legislation by the subcommittee would extend workmen's compensation programs to cover all migrant workers.

"While such laws (workmen's compensation) have traditionally been within the province of state government, the interstate recruitment and employment of migratory farmworkers . . . strongly suggests the desirability of federal action in this area."

In addition, the subcommittee suggested modifying the Social Security Act to shift the burden of reporting wages from the crew leader to the farmer.

Often, the subcommittee found, crew leaders did not make sufficient reports to the federal government to guarantee benefits to migrants under the Social Security Act.

There has been little movement by Congress to adopt any of the subcommittee's proposals to better migrant work conditions.

[From the Palm Beach (Fla.) Post-Times, Oct. 8, 1969]

FOR $50 A MONTH: A ONE-ROOM SHED, NO TOILETS

(By Kent Pollock)

Where there isn't tall grass there is deep mud.

The foul odor of poverty fills the air as you walk between rows of decayed wooden shacks.

You tell yourself human beings cannot live here, but you are wrong.

A group of barefoot children romp in the mud and the broken glass and the garbage, smiling, not knowing better.

It is not a pretty sight.

You are at Armstrong Quarters in Pahokee, the home of some 35 families of former migrating farm workers.

When some 38,000 migrants arrive in Palm Beach County next month they will be fortunate if they can find housing this good.

Some will sleep in old buses and cars for a while before finding a place to call home.

Others have paid as much as $7.50 per week while working "up the road" to reserve one-room sheds without inside toilet facilities.

Housing is a critical problem to the migratory farm laborer. There is no such thing as really comfortable migrant housing—only bad and worse.

According to information compiled by the Florida Migrant Health Project, 18,416 farm workers were housed in private facilities last year in the Glades.

The other 52 percent of this county's migrant population lived in public housing camps. Private housing is hard to find even during off-season periods.

Annie Lee Harris was burned out of her home in Pahokee in early February. For three days Mrs. Harris and her six children searched for shelter.

Finally they found a rotten shack in Davis' Quarters. They haven't located anything better.

Davis' Quarters is just outside the Pahokee City limits. It was condemned by the county health department and ordered vacated by Sept. 1, but many families still live there.

In fact, few have left.

A U-shaped dirt road filled with huge potholes runs through the horrible housing. Toilet facilities consist of tin sheds covered with grass.

Diane Freeman, 9, shows you where her toilet is located. Her two younger sisters run along with her in bare feet as she makes her way through grass, broken glass and soggy garbage.

Diane is Georgia Bell Freeman's daughter. Georgia Bell and her family moved to Davis' Quarters years ago.

The outhouse is covered with weeds and grass. The girls giggle when you shake your head at the excreta-covered privy.

A hole in the ground, a rickety tin shelter overhead, a piece of plywood with a rough-edged space in the center—this is the migrant bathroom.

Ella Mae Jenkins lives across the street with her nine children. They, too, have an outdoor privy.

When you open the outhouse door a rat so big it doesn't even run in fear stares you in the eye.

Ella Mae sees rats inside her house almost daily. A child was bitten in the head by a rat not long ago in Davis' Quarters, she says.

There are those who say Davis' Quarters, Armstrong Quarters and other such facilities are rarities. But it is not so.

For every migrant house with individual inside toilet facilities in the Glades area you can find a shack without them.

At Thompson's Quarters in South Bay, families live in ten-foot-square rooms. They have inside water, but it is cold unless they can afford to have the electricity turned on.

One woman says she doesn't have her electricity turned on because her meter covers two houses and she can't pay for someone else's power.

The toilets at Thompson's quarters are attached to a sewer system and will flush—sometimes. But they haven't been cleaned for months.

Derotha Franklin lives on the main street in South Bay. She hurt her toe last November and her leg became infected. In December she lost her right leg about the knee.

She too lives in a one-room house. Her toilet is located 200 feet down a hallway and is shared by several other families.

For this she pays $10.50 per week. If she doesn't pay, she will be evicted—almost immediately.

Most slum rental is on a weekly basis. If the tenants don't pay they are put out. The housing shortage is so critical there's always someone to fill the shack.

Rent at Thompson's Quarters runs $5.75 per week. Some pay $28 per month.

At Davis' Quarters it's as much as $10 per week. At Armstrong Quarters it adds up to about $50 per month.

Armstrong Quarters is only a few blocks from downtown Pahokee. It is owned by Dr. and Mrs. L. W. Armstrong.

Mr. and Mrs Jim Garrison live on the corner of Reardon Ave and Carver Place in one of the better houses at Armstrong Quarters

Their income during the summer consists of $67 in welfare assistance and $82 in aid to the disabled. Garrison has a kidney ailment and must go to the hospital twice monthly at a cost of $42 per visit.

The Garrisons pay $50 per month for rent and about $12 per month for water and electricity. Their water is located on the corner of a community outhouse.

The toilets are connected to a sewer system, but residents say the only way to flush them most of the time is by dumping a bucket of water inside.

Dr. Armstrong is an elderly retired dentist. He and his wife were among the pioneers of migrant hiring in the Pahokee area.

"Doc and I brought the first niggers into the area to farm in 1916," Mrs. Armstrong says proudly.

The Armstrongs say they cannot afford to better their housing facilities. Besides, Dr. Armstrong said, "I haven't heard of too much migrant dissatisfaction because we have ample housing here."

He said he felt his views were representative of most property owners in the area.

Dr. Armstrong said he builds concrete block structures with inside facilities to replace shacks destroyed by fire or vandalism.

"We can't afford to put inside toilets in the others. It would cost thousands of dollars."

The area needs more housing, Dr. Armstrong said, but not public housing.

"I'm afraid they're (public housing authorities) going to overdo it . . . there's such a thing as too much housing for too few jobs, you know."

Dr. Armstrong said housing for migrants did not really need upgrading.

"I don't think the migrants suffer for anything. I don't think they do. They should and could better themselves but they don't want to work. It's not because they can't find work."

There are many who would agree with the retired dentist. But W. C. Taylor, president of the Progressive Citizens Association, does not.

He says the answer to migrant housing problems is in ownership. His organization bought land and sold it to migrants at reasonable prices.

The project developed into Progressive Park subdivision. Already 49 families have settled there.

His organization was formed by nine migrants who decided to better their lives.

Taylor, like many men who fight hard to better migrant living conditions, feels that housing codes should be strictly enforced.

County officials agree, but ask where they can relocate the thousands of people who would be evicted through strenuous condemnation.

"We haven't pushed too hard. You can't move these people out unless you've got someplace to put them. There's a critical shortage of housing," William Tucker of the county health department said.

Tucker is in charge of housing and labor camp inspections in the Belle Glade area.

Since there is no place for the impoverished slum dweller to move if his house is condemned, Tucker's efforts have focused "more or less on education."

"It mainly consists of talking to the landlords and pointing out these deficiencies. We also try to work with tenants . . . improving housing and getting rid of some habits which lead to accumulation of filth."

George Wedgeworth, president of the Sugar Cane Growers Co-op of Florida, said there had been a lot of excellent housing built in the past 10 years in the Glades area.

He is in favor of more housing, whether it's built by private enterprise or public housing authorities.

"Our farm organizations are to a great degree dependent on a good and stable source of workmen. Labor to us is as important as capital, as farmland, as management or even as owners themselves," Wedgeworth said.

Everyone in a position to better migrant housing is aware of the problem. But some simply won't publicly admit that there is a housing shortage.

There is no quick solution.

Meanwhile, the migrants suffer. They are serving life sentences in the prison of their environment.

SENATORS PROPOSE EFFECTIVE ENFORCEMENT OF HOUSING CODES

The U.S. Senate subcommittee on migratory labor proposed that federal agencies should encourage strong, effective enforcement of existing housing codes.

The subcommittee reported that while 42 per cent of all farm housing is substandard only 14 per cent of nonfarm housing was substandard.

"Only in isolated instances has housing for migrants been constructed to meet minimum standards of health, safety and sanitation," the subcommittee reported.

It suggested that a substantial portion of housing appropriations be earmarked to carry out rural housing programs.

The subcommittee also proposed an incentive for farmers desiring to build adequate migrant housing in the form of rapid tax amortization of construction costs.

A rapid tax amortization period of five years as opposed to the current 20–40 year period in the case of some farm housing was suggested.

The subcommittee also recommended that the special amortization incentive be applied to remodeling of existing farm housing facilities not up to standard.

To qualify for the special tax treatment, the owner of housing for farm laborers would provide housing which is decent, safe and sanitary; establish a reasonable rental price; make the housing available primarily for farm workers during the five-year period; and operate the housing in accordance with standards of safety and sanitation.

Whether Congress will pass legislation to cover the subcommittee proposals remains to be seen.

[From the Palm Beach (Fla.) Post-Times, Oct. 9, 1969]

Migrant Gets What's Left

(By Kent Pollock)

There are five publicly owned, federally financed migrant housing camps in Palm Beach County.

Each has shanties unfit for human habitation.

The decent shelters are occupied by yearly residents. As new facilities are built, more year-round residents move in.

A migrant gets what is left—and it isn't nice.

The worst facilities were built under a U.S. Department of Agriculture grant in 1939. Since then there has been little maintenance.

Some sheds are twelve-by-twenty foot tin shelters which often house families of nine or more.

A quick tour of the five camps begins at Everglades Camp, one of three operated by the Pahokee Housing Authority.

The camp is located outside the city on State Rd. 15. A row of royal palm trees ironically lines the main entrance to the insect and rat-infested facility.

Washtubs hang on the sides of huts. Children and mangy dogs play in the filth.

The signs of poverty are everywhere.

Community bath houses are at various locations. It's impossible to imagine the migrants' plight, bathing, inside a rickety facility which stinks.

There is running water available from a number of faucets. Some are as far as 100 yards from houses.

The migrant toilet here is no different than it is in other places—a wooden shack, shared by several families.

Up the road, toward Pahokee, is the Pahokee Farm Labor Center. It houses only white laborers and has been mostly demolished.

It is designed in the same manner as the all-black Everglades Camp.

There is little difference between the atmosphere in the two facilities, but at least most of these shacks have been destroyed.

Residents have ingeniously pulled plastic covers over windows broken long ago. Old newspapers stick through cracks in the wall depicting a hard-fought battle against cold wind.

Although maintenance at both camps appears almost non-existent for the shacks, the camp managers homes near each entrance are freshly painted and clean.

The third Pahokee Housing Authority camp is a black facility located on U.S. 441 about eight miles north of the city.

They call it Sandcut Camp or Canal Point Camp. Like the other labor centers, Sandcut Camp was condemned in 1962.

The only water at Sandcut Camp comes from Lake Okeechobee and is often brown with mud. The shallow lake becomes murky with the slightest of storms.

Houses stand on wooden stumps and lean at varying angles in the muck.

Belle Glade's two farm labor housing centers are no better.

There is considerable construction under way at the city's two camps, but many families still reside in tin shacks.

The shacks are without plumbing. Electricity comes in the form of dangerously frayed cords running from place to place.

Okeechobee Center, the city's black camp, is located on State Rd. 80 a few miles outside downtown Belle Glade.

Residents of the faded green sheds here are poor, often hungry and always miserable.

A young man of about 15 months plays in the mud. Someone has tied a brown paper bag to his waist with string for underwear.

One toilet facility at this camp is the worst in any of the five publicly owned facilities.

Upon entrance the odor is stiffling. The toilets are literally piled full of human waste. I didn't go close enough to determine whether they flush.

When I turned to exit my foot slipped. I looked to the floor and shivered at what I saw.

When the toilets filled, the migrants begin using the concrete floor instead.

Most human beings could not exist in such conditions. It is expected of a migrant.

Outside the outhouse there's a water facet—the only water facet for several families.

A piece of old wood provides a makeshift bridge over the green slimy mud surrounding the facet. A group of children wait their turn to drink from the rusted, corroded fixture.

Osceolla Center is the other Belle Glade camp. It, too, has tin sheds and outhouses. Poor whites live here.

The facilities have been maintained better than at Okeechobee Center. Toilets flush and bath houses are in working condition.

Fewer people live in the tin sheds here than at Okeechobee Center.

Both the Belle Glade and Pahokee labor camps are racially segregated, yet they are supported by federal funds.

The men in charge maintain that camps are segregated by the residents' wishes.

"We are not segregated as far as we are concerned. We have no colored people living in this one and no whites in the other but the people segregate themselves." Fred Simmons, Belle Glade Housing Authority director said.

He added, "I don't want to say we're segregated because nobody's allowed to be segregated any more. You know that."

James Vann, Pahokee Housing Authority director for the past 23 years, said his authority's segregated camps "apparently resulted from the desires of the tenants rather than any policy of this housing authority."

He added: "We have had an open policy on this for three years."

The Civil Rights Act of 1954 guarantees equal housing opportunity to Negroes.

Simmons said his authority didn't intend to get involved in forcing camp integration. "We'll let nature take its course on integration," he said.

Both housing authorities have expansive new housing projects under way to better their filthy, slumlike condition.

But the new projects will not aid the migrants.

Housing is a problem in both communities and as quickly as low-income facilities are constructed they will be filled by year-round residents.

Pahokee's three farm labor camps are to be demolished. The Farm Labor Center will be closed next year and the others should topple by 1972, making way for planned low-income housing projects.

Vann said many migrant families which use his labor camps won't qualify for his authority's new low-income housing because of poorly kept income records.

"That's the sad part of the problem. They (migrants) have a problem but we have no answer to it. I don't like the implications of what I'm saying, but it's just a statement of fact," he said.

Many migrants could not qualify because they make more than poverty level incomes. But their wages are often wasted on exploiting hustlers for food, rent or poor purchases such as faulty automobiles.

They remain in the poverty cycle.

There are many who feel the only answer to the problem is individual home ownership. Alan Kuker, an attorney with South Florida Migrant Legal Services, is one.

"Public housing is not the answer. The answer is individual home ownership. It's not only the way I feel about it, it's the way the migrants feel about it as well," he said.

Roy Vandergriff, a sweet corn, celery and bean farmer, also prefers private housing to public housing—if the private housing is adequately maintained.

"My opinion is that either private or public housing should be brought up to standards or removed. It's that easy, I would prefer private housing providing it's adequate, or even housing owned by the workers," Vandergriff said.

After extensive research, a report by the American Friends Service Committee's Migrant Project suggested establishment of a county housing authority and sewer system.

The housing authority would provide more housing at reasonable rates. The sewer system would allow private enterprise to economically build low-cost housing.

County commissioners have already taken the first steps towards formation of a county housing authority, but it will take at least a year before the organization is a reality.

Directors of the Belle Glade and Pahokee Housing Authorities contend they have done all they can to maintain their labor camps.

Last year, the Belle Glade Housing Authority spent more than $110,000 in maintenance of its two camps—but the filth continues.

Pahokee Housing Authority Director Vann says he spends as much as possible for maintenance of his camps but makes only necessary repairs because the camps are closing.

That only minor repairs are made is evident.

There are an estimated 410 families which rely on the Belle Glade Housing Authority for shelter. Some 1,700 people live in Pahokee's farm labor centers.

When about 38,000 migrants arrive in Palm Beach County next month these figures will skyrocket to enormous proportions.

The problem is gigantic. And it probably will get much worse before it gets better.

One Need: Get Rid of Redtape

There is a need to formulate a serviceable plan of action to combat overlapping jurisdictions of the various agencies administering low-income, rural housing programs.

That was the finding of the U.S. Senate subcommittee on migratory labor last year.

The subcommittee said the overlapping caused frequent delays and a frustrating maze of red tape for rural low-income housing applicants.

The subcommittee also found that greater attention should be given to employing modern technology to provide inexpensive housing for migrants.

It suggested utilizing prefabricated or portable buildings that could be transported from place to place depending on migrant needs.

Agencies administering federal housing projects for rural areas, particularly for migrants, should also investigate the possibility of collapsible structures, the subcommittee said.

In addition, the subcommittee asked that federal agencies encourage strong, effective enforcement of existing housing codes.

One possible approach to better migrant housing camps, the subcommittee said, would be prelicensing powers to prohibit occupancy of defective structures.

The focus of all federal rural housing projects, the subcommittee said, should be on the local level "in direct response to local needs."

Legislators have not expressed any intentions of adopting such legislation.

[From the Palm Beach (Fla.) Post-Times, Oct. 10, 1969]

An Elderly Migrant Who Waits To Die

(By Kent Pollock)

Lillie Mae Brown is waiting to die.

Her tired body let her down five years ago following an abusive life of migration from state to state as a farm worker.

She hoed cotton, picked beans, pulled corn. She harvested food for an affluent nation.

The work all but killed her.

Now she is forgotten.

She just sits in a decayed one-room shack in South Bay. There is nothing else to look forward to.

She is not a lonely person. She has her faith in God.

The hot water heater doesn't work because Lillie Mae can't afford to turn on her electricity. But the rats behind it don't seem to mind. You can hear them scratching and gnawing day and night.

There are so many Lillie Mae Browns in the migrant world. They travel everywhere, but belong nowhere. No community outside their world really accepts a migrant.

The traditional rejection continues when migrants grow old. They exist in a subculture all their own, separated from other impoverished Americans.

"I have no one but myself," Lillie Mae says. "If it wasn't for the Lord what would happen to me today . . . he's my mother, my father, my sister, my brother."

The thought brings tears to Lillie Mae's eyes. She wipes her cheek with one hand. The other holds a vest-size edition of the Bible.

Lillie Mae was born in 1906. Nine years later, she began working in the fields with her family.

She was born "up the road" near a bean field in Charlotte, N.C.

"I been working ever since I was big enough to know it. Field working all my life. I worked when I was too young to work. I used to go in the woods and cut cord wood when there wasn't no crops."

Lillie Mae's past is not a happy one, but she enjoys reminiscing anyway.

She sits on a milk crate. The only light inside her 10-foot square shack rushes through a decayed doorway. At night, she lights a kerosene lantern.

She jokes about her fat body. It is the product of illness and a poor diet.

"I been heavy all my life. I weigh 268 right now. I've been fat all my life. I guess I was born fat as a baby, yes sir."

She doesn't remember when she left home, exactly, but she remembers why she left her family of 22.

"When I left home my daddy was mean to me. He treated me like I was a dog. I left home to keep him from beating on me, knocking on me."

Whatever happened to young Lillie Mae Brown—the young woman who worked by day and played by night; the woman who landed in jail four times on morals charges?

"I'm just tired and old, that's all. You see, I's been just a poor little girl all my life, yes sir. I never had nothing. I had a hard way to go, that's right."

It was in 1965 that Lillie Mae's body finally quit on her. It could work in the fields no longer. Her heart, her lungs, her back all quit.

"I took sick and never worked no more."

Sad, perhaps, but it was while Lillie Mae was in the hospital that she became "a child of God." It was there that she gained the faith that keeps her alive today.

Her words tell the story well:

"I know I'm a child of God 'cause I've been born and been healed by the spirit. Praise the Lord, I know it 'cause Jesus come into my room and told me when I was flat on my back in Belle Glade hospital.

"And God came and stood over my bed and I asked Him to heal me and he told me that he would. And I knowed it was Him 'cause He had His hair parted in the middle and coming down on each side.

"And I Looked at Him like I'm looking at you. I said Lord I know it's you. And He had three trains running in and out. Each one of them trains had eight coaches on each side, listen to me good, and the train in the middle, it had 11.

"He said pick out which one of these trains you want to ride. I said I want that train in the middle, that's a fine coach. And He said this is the train to ride, 'cause that's the one I drive and I am Jesus. Hallelujah, hallelujah. I know I'm all right."

Lillie Mae Brown is crying now.

"He's my God, Dr. Jesus. He's my God. He stood on my bed with his hair flowing to the floor and He healed me."

You listen to Lillie Mae, the child of God, and you wonder why she has to be poor.

Her washtub is opposite you under an unsteady shelf. Beside the shelf is a kerosene stove sitting on an orange crate.

Why must this woman of faith live in this Hell on earth? Will death be kinder to the old woman?

"I'm not afraid to die 'cause I'm a child of God. I'll let God handle it like he wants it. I know I got to die. I was born to die. I'll die when God gets ready for me."

She raises both hands to the air, her Bible clutched tightly in the left hand.

"I ain't got too much longer to wait. God's going to let me know when He gets ready for me. I'm already ready. Whenever He calls me I'm going to be all right."

Heaven to some, is a very personal thing. It often reflects a person's innermost feelings.

Many people look to Heaven for personal betterment, but not Lillie Mae.

"Heaven is going to be a beautiful home for everyone. It's a beautiful place, a level country. Everything is living happy. All the human beings is living together and the Holy Ghost, he'll be on the inside and the devil can't get in. And the gates will be open when I get there."

This is Lillie Mae Brown. She was a migrant all her life.

Her worldly possessions sit at the foot of her raggedy bed in a wooden chest. On the wall above is a calendar inscribed with the Lord's Prayer.

The food she eats is contained in four tin cans. There is lard, flour, corn meal and rice. A hunk of cheese sits in the sink.

The meat she occasionally buys is stored in a friend's freezer. Lillie Mae doesn't even have a place to put a block of ice for food storage.

Lillie Mae Brown picks up her small Bible and begins reading it to herself.

She is waiting to die.

[From the Palm Beach Post-Times, Oct. 11, 1969]

Bubba Boone: A Migrant Out of the Stream

(By Kent Pollock)

He speaks of the migrants with passion. He knows their despair.

For nearly 30 years Bubba Boone worked in bean fields from Florida to New York helping support a family deserted by its father.

He lived in a bean box when he was a baby.

"I sat in that bean box and when I cried mother would come over and caress me. . . . I started working as soon as I was old enough to crawl out of that box."

Bubba is an investigator for South Florida Migrant Legal Services.

Through education the former migrant found his way out of "the stream." Now he has dedicated his life to helping others leave the self-perpetuating cycle.

He speaks out against the injustices he experienced as a migrant. He says a migrant's life is worse than that of a slave.

"At least when farmers owned slaves they treated them as their property."

Bubba was the first black student from Pahokee to graduate from Everglades Vocational High in Okeechobee Farm Labor Housing Center.

He looks at the migrant problem emotionally. He says it's hard to explain his feelings to a man who hasn't lived the life of a migrant.

"The migrant is where he is because there's no place else for him to be. He's left outside society . . . he's not included in society, not in the laws . . . there's no equal protection under the law for a migrant."

Bubba is sitting at his desk in an air conditioned office. It is quite a contrast from his former life working in bean fields.

But he still toils in the fields for extra money sometimes. He recently spent his two week vacation planting and hauling potatoes.

He wears gray pants and a shirt without tie. It is buttoned down, neat and starched. His hair is cut short, especially in front.

His face is an open book. His eyes speak frankly.

Society, says Bubba, made the migrant what he is today and has an obligation to change him into a full member.

"Experience has taught the migrants that nobody cares about them. Experience shows them they are the scum of this earth, they're the absolute rock bottom of American civilization and they know it.

"It's the obligation of society to change these people. They are a part of society. These same people who are not allowed to reap the benefits of society are paying taxes along with everyone. They do all the things society demands of them and yet they receive nothing in return."

The only solution to the migrant problem is the complete elimination of the migrants, Bubba says.

But to make change you must have power, he says, and the migrant is "the most powerless person in America."

"Money makes power, education makes power, legislation makes power—we have none of these."

Bubba Boone doesn't understand why a migrant must suffer merely because he is a migrant.

"This country was created on the theory of being the land of the free and the home of the brave but you still have people living under a form of slavery and you have some people who are not very brave because of it.

"There are people who are afraid to tell their boss man he's a liar or even disagree with him. There are lots of kinds of slavery—there's financial slavery, there's political slavery. There's every type of slavery imaginable, even physical slavery."

Legislation is the first necessary step for bettering the migrants' lives, Bubba says.

"Laws that govern all the people, not laws that govern only a part of them, that's what's needed. Then when you make the laws, enforce them. How much enforcement have we had of the Civil Rights Act?"

Now Bubba is warming up. He leans forward, clasps his strong hands, sits on the edge of his chair.

What he is saying has been on his chest for a long time.

"Money is still the main power. We say that each man has an equal vote and all this, but a man with money rules the country his way.

"The farmer with 10,000 acres gives the orders. He gives the orders because he contributes to campaigns. Then the officials who are supposed to be representing both me and the farmer represents the farmer when our interests conflict."

He leans back in his chair, relieved. He smiles because he feels good now.

"It's the same old conspiracy, there's no getting around it. It extends all the way from the lowest government to the top. It's nothing new, everyone knows that."

Bubba says its difficult to find older migrants ambitious enough to really start organizing for change.

"What you will find is a man who is absolutely even without hope. A man who works hard and all he has to look forward to is another day like the one he just had."

For this reason, Bubba focuses his efforts on younger migrants who have more ambition.

"The younger migrants come into a little bit closer contact with society and see a small ray of hope. You hear them talking about owning a home, getting out of the stream.

"But necessity keeps them there. They are untrained workers with no special skills. The jobs you see advertised in the city require some experience, they're only experts in harvesting crops."

Bubba says he tries to convince migrants to keep their children in school. Education can build the foundation for change, he says.

"For me education and ambition were the key. I believe they are the basic essentials for others."

Discrimination is hard for Bubba to understand even though he has felt it as a black man and a migrant all his life.

There are restaurants in the Glades area of Palm Beach County which will let Bubba sit inside without service.

"They won't kick me out, but I'd get pretty hungry waiting for them to serve me.

"Why does one man hate another because he's black or he's a migrant? If someone had a good reason for hating me I'd admire him. . . . If the time ever comes when a man is judged on his own merits, we'll be somewhere."

But Bubba doesn't foresee rapid change. He is patient, but every day he hears a new story of a migrant family in misery.

"All you can do is hope for a change and this I do every day."

Here are excerpts of testimony before the Senate subcommittee on migratory labor in June:

Bubba Boone: "All migrant workers, without regard to race or color, are continually subjected to illegal discrimination by their employers, landlords, governmental agencies, places of business and even other members of their own races.

"Even the word migrant has become a dirty word. It is deplorable that we work under the most depressing conditions for ridiculous wages, but we are, in addition, subjected to this special discrimination—adding even greater burdens on the lowly harvesters of this nation's crops.

"The prejudices that I have experienced are by no means centralized. I, as a migrant, have at one time or another experienced almost indiscriminately the injustices in every state between and including New York and Florida.

"In almost every state, highway patrolmen lay in ambush waiting for the migrant caravans to prey on them and drain from them whatever small savings they might have in the form of fines.

"It all seems to be a part of a national conspiracy to keep us on the lowest level of human existence on this continent. Time and again I have searched for a reason for being so intimidated. As yet, I have found none.

"We, the migrant, live in fear, because we have been indoctrinated with it. We live in shame because we are treated as the scum of the nation. And we live in hopelessness for experience has shown us there is no road open to us except back to the field."

Newlon Lloyd, former crew leader from Opalocka: "Years of living in such an environment has conditioned many workers to accept their station in life in a slave-like fashion. They believe that life will not change for them or their children and that the best course to follow is the one that makes the least number of waves.

"Do the migrant workers provide the food for our nation's tables? Yes—despite his vital role in putting food on the nation's tables, he is hard put to provide for himself. Why?

"Migrant workers are caught in a circle of exploitation. The system which they labor under is outdated. Therefore, it works against them."

Sen. Walter F. Mondale of Minnesota: "What would you say about housing provided for the farm worker?"

Boone: "It is deplorable . . . the government built some housing in this area (Pahokee) for emergency use back in 1942 and these same houses have possibly more than one-third of the town's population. And they have been condemned for about eight years.

"People are living there, and there is no other place in town to stay. What they end up doing, they have to live in condemned shacks."

Sen. Mondale: "When I was in Immokalee, I was surprised at the filth and the sanitation levels, things which the tenant can't fix. You have to have plumbers and this and that come in and fix it.

"What about the sanitation levels in this housing?"

Boone: "You wouldn't believe it. You have to see it. You actually wouldn't believe it. There is no sense in my telling you."

Sen. Mondale: "I saw it. I don't want to go back."

Boone: "You didn't see the worst."

Sen. Mondale: "I had to get out of where I was. I couldn't stand it."

[From the Palm Beach (Fla.) Post-Times, Oct. 12, 1969]

The County's Effort Expansive but Not Enough

(By Kent Pollock)

Palm Beach County has not turned its back on the migrant.

County programs in the areas of health, education and legal aid are expansive, covering many of the basic problems of migratory farm laborers.

The programs, however, have not reached the vast majority of the 38,000 migrants who enter the county yearly.

This fact lends support to a Senate subcommittee on migratory labor opinion that the solution to the migrant problem lies in the discontinuation of migration as a way of life.

More than 1,000 migrants received medical services at family health clinics, private physicians offices and hospital emergency rooms through the county's Migrant Health Project last year.

Health clinics in Belle Glade and in the "rangeline" area of eastern Palm Beach County served most of the migrants. Services included medical, pediatric, prenatal, gynecology, venereal disease and family planning.

Patients with acute illnesses were referred to private physicians or hospitals at the county's expense.

The county also operated dental care clinics for migrants which served 720 patients last year.

Education programs administered for migrants by the county school system fall under two main categories—adult and child education.

There are an average of 90 adults served through the system's adult education program yearly at a cost of $50,000.

The adult education program provides subsidies for migrants attending classes. Adults receive $30 per month plus $3 per child up to five children while attending classes.

To be eligible for the program the adult must have earned at least 50 per cent of his income during the preceding year in agricultural work and must be employed on a seasonal basis. His income must also be below the national poverty level.

Classes teach basic skills such as reading and writing. Special emphasis is placed on vocational skills such as tractor driving.

There are a wide range of children's programs aimed at advancing the county migrant education level estimated at six years of school. This falls below the national average of 8.6 years.

The 13 migrant child educational programs fall under five basic areas at a cost of $882,000 yearly.

Physical well being including clothing and food services.

Bridging experiences to acquaint migrant children with the ways of modern society.

Language development.

Personal and social development.

Occupational development through vocational training.

One of the newest migrant programs administered by the school system will be a radio station operated from Hagen Road Elementary School in Belle Glade.

The station will carry shows aimed at bridging the gap between the school and the home at a cost of $60,000 yearly.

South Florida Migrant Legal Services, changed recently to Rural Legal Services with much of the same personnel shifting to the new organization, had an active program in Palm Beach County aimed at lending legal aid to migrants and identifying their problems.

In addition to representing many migrants in court, SFMES published a book which attempted to outline the basics of the migrant plight.

Alan Kuker, an attorney with SFMLS, said his organization found that one problem is that migrants do not have "the basic rights of the American citizen."

Kuker said new legislation was essential in the areas of unemployment compensation, workmen's compensation and the rights of the farm worker to organize through extension of the National Labor Relations Act.

The Senate Subcommittee on Migratory Labor also suggested legislation extending the NLRA to include agricultural workers.

Extension of the act would allow migrants to organize and set up procedures to bargain for better work conditions.

However, the subcommittee reported, the migrant plight cannot be solved by "piecemeal attempts to facilitate mobility . . . to make dislocation bearable."

They offered only one long-range solution to the problem.

"We must encourage and aid his (the migrant's) withdrawal from the migrant stream, and permit him to become a permanent member of an agricultural community where he is needed" the committee's yearly report says.

To accomplish such a long-range goal, the report says, the migrant must be offered a viable economic alternative" to his life of migration.

"An interim program of income assistance for the migrant worker might be necessary pending the establishment of nonfarm jobs which have their high demands coincident with low workers needs in surrounding farm areas."

The committee hopes additional rural industrialization might alleviate some problems of overcrowding in the cities.

"Of course, an end to the migrant stream is not an overnight affair," the report says.

The first step suggested in the report includes an evaluation of the precise labor requirement of each agricultural area.

After the areas of need are defined, the report suggests an effort to redistribute and permanently place farm workers in farm communities in numbers compatible with needs.

"Finally, and of paramount importance, emphasis must be placed on more intense development and attraction to rural areas of the many activities previously found in cities and large metropolitan areas."

If efforts aren't made to carry out the subcommittee's suggestions things will get worse, the report says.

"The short supply and decreasing number of jobs, and the abundance and growing number of workers . . . is likely to worsen in both the short and long run unless dramatic efforts are made to alleviate the situation."

Farm employment, through increased mechanization, is expected to decline between 1967 and 1980 from 4.9 million to about 3.6 million.

"The migrant worker and his family face a near hopeless future. Each year the migrant's opportunities will become further limited as the educational and skill requirements of tomorrow's farm jobs are increased."

Programs designed to eliminate rural poverty are a "myth" to the migrants because their mobility makes it difficult for them to participate, the subcommittee report says.

Sen. George Murphy of California wrote the subcommittee's minority report and opposed extension of the National Labor Relations Act to cover agricultural workers.

Such an extension, Murphy said, "would undoubtedly represent the last straw for thousands of farmers who are barely able to keep their heads above water under present conditions."

He said migrant organization would lead to higher wages and force farmers to mechanize to a greater degree.

"To the extent that increased mechanization will reduce the number of unskilled jobs on the nation's farms, it will aggravate even further the crisis of our cities by encouraging additional hundreds of thousands of unskilled, uneducated, practically unemployable people to migrate from rural to urban areas in search of, at best, jobs which do not exist, or, at worst, relief," Murphy said.

Of 13 basic recommendations for legislation proposed by the subcommittee, only the extension of the five-year Migrant Health Program is headed for rapid enactment.

A subcommittee spokesman in Washington told The Post speedy passage of any of the proposed legislation was "doubtful."

Meanwhile, time is running out for the migrant.

Anyway you slice it, it's Hell being caught up in the migration to misery.

A KEY: AMEND SOCIAL SECURITY ACT

Two amendments to the Social Security Act would eliminate "discriminatory treatment" of the migrant under the Act, a U.S. Senate subcommittee on migratory labor said last year.

"Old age, survivors, and disability insurance is one of the few major areas . . . from which agriculture migrants may receive even the slightest theoretical benefits. But even in this area, like all others, inadequate coverage prevails," the subcommittee's yearly report said.

The proposed amendments include eliminating restrictive wage and work period qualifications and the law which makes the crew leader an employer for Social Security purposes.

The migrant, due to his low pay and short employment periods, often doesn't meet the Social Security Act qualifying requirements of receiving wages of more than $150 from one employer during the year.

The only other way a farm worker can qualify for Social Security benefits under present law is through working for one farmer the equivalent of at least 20 days.

"Every dollar that these citizens are allowed to pay for their own social security entitlement will lessen the financial burden on the taxpaying public during the workers' nonproductive years," the subcommittee report said.

Congress has not yet acted to amend the act as proposed.

THE RECOMMENDATIONS OF THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR

Here are the programs proposed by the U.S. Senate Subcommittee on Migratory Labor to alleviate the plight of the migrant:

Extension of National Labor Relations Act to include migratory labor.

Extension of five-year Migrant Health Project.

New nutrition programs aimed at serving migrants.

New rural housing programs with appropriations from older programs earmarked for rural housing development.

Review of current Office of Economic Opportunity programs for effectiveness and possible extension.

Better protection for youthful farm workers.

Expansion of current migrant education programs.

Increase in Labor Department personnel to insure crew leader registration.

Extension of compulsory workmen's compensation laws to provide coverage for all agricultural workers.

Modify Social Security Act to shift burden of reporting wages from crew leader to farmer.

Legislation forbidding states to deny right to vote on account of residency in national elections or physical presence in any election.

Establish national advisory council on migratory labor to provide longrange understanding of conditions, needs and problems of migrants.

Evaluate causes of unemployment and underemployment of migrants with views towards ending migratory way of life.

REMOVAL OF HIGHWAY SIGNS

Mr. MOSS. Mr. President, within a few days the Senate will have before it my bill to authorize pilot programs on the removal of highway signs which should come down under the Highway Beautification Act. The bill received the unanimous endorsement of the Committee on Public Works.

On October 31, Time magazine published a most informative article on this question. Believing that this clear, succinct explanation of a complex question will be helpful to the Senate, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HIGHWAY: HOW TO REMOVE BILLBOARDS

With his garish ties and gaudy boots, Douglas T. Snarr, 35, comes on like a big bad billboard. He is, indeed, the founder and president of Snarr Advertising, Inc., which owns 1,600 outdoor signs in 13 Western states. Yet Doug Snarr has also become a one-man lobby to ban billboards from any rural road built with federal financial help.

Why? First, because the Highway Beautification Act of 1965 commands such a ban—and Snarr stoutly insists that "when a law is enacted, it ought to be implemented." Second, if the law is ever funded, all billboard men who are put out of business by the act will be compensated—to the tune of $3 million in Snarr's case. A fervent capitalist, Snarr would like to start again, maybe in restaurants.

JOLTING MOTORISTS

The fact is that Lady Bird Johnson's famous highway-beautification program has become a parody of its original intentions. For one thing, the Federal Highway Administration has done virtually nothing to implement it. Because the law forbids rural-highway signs, many banks have also quit financing small billboard companies. Without cash for maintenance, a lot of billboards have been allowed to rot on the roadsides—becoming uglier than ever. Big billboard companies—still collecting rent on their legal signs in urban and commercial areas—are buying billboard locations cheap and building new signs, betting that the Government will not enforce the law in the foreseeable future. Some companies have also noted that the law forbids signs within 660 feet of an interstate highway, and are thus putting up monstrous billboards 661 feet from the roadside. In brief, the Beautification Act has worsened the billboard blight.

Snarr is confident that things will improve. After all, his whole life has been spent meeting challenges, including a childhood stutter, three Golden Gloves boxing championships in his native Idaho, and a tour as a Mormon missionary in Ireland ("Now *that* was tough," he roars). Snarr got into billboards because his father, a potato farmer, was too poor to send him to college. By designing weirdly shaped signs that visually jolted motorists, he earned his way through two years of Brigham Young University, then snagged a $400,000 sign contract from Harrah's casinos.

By 1965, Snarr Advertising had moved to Salt Lake City, boasted assets of $3.5 million, annual revenues of $800,000. Then the Beautification Act was passed. "My heart sank," Snarr recalls, "and the next week my bank called in a loan of $700,000."

"I wrestled and wrestled with what I should do," continues Snarr. "I finally realized that highway beautification was a fundamental responsibility of every citizen." He moved to persuade other billboard companies in Utah not to fight the act, then helped to get a state compliance law passed. Now he is trying to move the whole country.

The big obstacle is bureaucracy. Most states planned their beautification programs on a far too complex basis. Committees would choose the stretches of road to be cleaned up first. Then teams of engineers would draw survey maps, appraisers would evaluate every sign, Government would review the appraisals, and finally the billboard company would get a contract to remove a sign. The whole process, Snarr saw, could last decades and cost $2 billion or more.

SPELLBOUND SENATORS

He proposed a better way. Each state should merely pay each billboard company to take down its signs as leases expire. In one blow, red tape would be minimized. Knowing exactly where they stood, the companies could say to their banks: "We are going to be compensated. Can we have money to start to diversify?" The "Snarr Plan" would cost some $500 million and offensive billboards would vanish in a few years.

Despite its logic, the Snarr Plan will not be tested until a bill introduced by Utah's Senator Frank Moss is passed to authorize $15 million for a pilot sign-removal project in several states. Snarr is lobbying hard for it. Even hardened Congressmen find him irresistible. Speaking before the Senate subcommittee on roads last June, he explained his plan and exalted "the inspiration of America." The Senators were spellbound; John Sherman Cooper of Kentucky was reportedly on the verge of tears. Last week the subcommittee approved the Moss bill, which now goes to the floor for the consideration it surely merits.

THE 39TH WORLD TRAVEL CONGRESS IN TOKYO

Mr. JAVITS. Mr. President, last month the American Society of Travel Agents held its 39th World Travel Congress in Tokyo. The Congress attracted more than 2,800 delegates from over 90 countries throughout the world, and was perhaps the most meaningful and productive one in the long history of these events.

Participating at the Congress was the director of the U.S. Travel Service, Langhorne Washburn. Mr. Washburn took this opportunity to restate President Nixon's pledge not to restrict the right of U.S. citizens to travel freely to places of their own choosing but rather to attack our balance-of-payments travel imbalance by constructive and positive steps designed to stimulate increased tourism to the United States.

The American Society of Travel Agents, which took the lead in opposing efforts in the prior administration to restrict the right of U.S. citizens to travel abroad, is continuing to play an important role in stimulating U.S. tourism, and Director Washburn's speech also illustrated the constructive industry-government partnership which exists in this field. I commend ASTA for this effort as well as their effective work in improving the standards and proficiency of the travel industry.

Having joined with the Senator from Washington (Mr. MAGNUSON) the introduction of the bill which established the U.S. Travel Service and urged our Government to be more forceful and imaginative in the programs to stimulate tourism to the United States—having also known Langhorne Washburn for years—I take personal satisfaction in the enthusiasm and effectiveness which he has brought to the important role of the director of the U.S. Travel Service. I certainly hope that Congress will respond to the efforts of Director Washburn and the U.S. Travel Service by appropriating an amount sufficient for the USTS to begin to meet the commitments which the Nixon administration has made and which Director Washburn has outlined. At the very least, this amount should correspond to the $4.7 million statutory ceiling presently on the books. Also, bills at present before the

Senate—including one of my own—would raise this ceiling significantly.

Because of the importance of Director Washburn's message and the need to focus the attention of the Senate on the programs he has outlined, I ask unanimous consent that his remarks to the 39th World Travel Congress be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of C. Langhorne Washburn, Director, U.S. Travel Service, Before the 39th ASTA World Congress, Tokyo, Japan, September 18, 1969

President West, distinguished guests.

It is an honor for me to be with you today.

I feel especially privileged to speak to you here in Japan, which last year ranked third in terms of the number of its citizens who visited the United States.

Next year, I hope that even more citizens of Japan will visit the United States and its territories.

My purpose here today is to talk to you about "Government & Travel's Future."

Too many people have a conceptualized view of "Government" with a capital "G". They see it as a gigantic monolithic structure which controls mainstreet USA from Washington.

Government is not a monolith. It is millions of people in hundreds of agencies operating thousands of programs.

It is not only composed of three separate branches—but of 67 independent agencies which don't fit in any branch and whose work is both semi-administrative and quasi-judicial.

Every government agency with a travel program affects a different segment of the travel industry differently. The Civil Aeronautics Board regulates the airline industry; the Interstate Commerce Commission the railroads, and the Federal Maritime Commission the steamship companies.

But the policies of the CAB still affect the interests of the railroads and the steamship companies, and those of the ICC and the FMC no doubt influence the welfare of the nation's airlines.

Federal agencies in the travel and tourism field also affect each other. The rates and fares approved by the CAB have an impact on the VISIT USA market, and consequently, on the efforts of the United States Travel Service.

To a lesser extent, VISIT USA considerations can influence route decisions and foreign air carrier permits authorized by the CAB.

There are many Federal agencies today which operate travel or travel-related programs. Their policies and practices not only affect each other; they also affect you.

Actions at the Federal level also have an impact on the efforts of state and territorial tourist offices and local convention and visitors bureaus.

UNITY IS STRENGTH

What I am saying is that those of us in the travel industry live in a very complex and fragmented world.

This is a fact. It is not necessarily a happy fact.

History teaches us that strength lies in unity, not diversity and fragmentation. It is not the feudal fiefdoms and baronial enclaves which achieve great things; it is the Roman "empires".

There is a lesson in this: we in the travel field can accomplish far more if we identify our common concerns and work together. Thousands of men with one objective can accomplish far more than one man with thousands of objectives.

I concede that unity—like peace—does not come easily. It has to be worked at. But there are compensations: with joint enterprise comes joint reward.

Today, the need for concerted action was never greater. U.S. citizens interest in foreign travel is growing. Bulk and charter fares are opening up the overseas tour market to more and more less affluent Americans. The balance of payments deficit, this year, is widening.

At the same time, your stake in the international travel market continues to climb, and foreign tours and transoceanic air travel contribute a larger and larger portion of your profits.

You and the Nixon Administration share a joint interest.

You seek to book your clients unimpeded by artificial barriers.

The Administration seeks no restrictions on the American tourist's freedom to travel, but we need the assistance of the private community.

ASTA has always backed the visit USA drive. Your President, Chuck West, serves on the Commerce Department's Travel Advisory Board.

Today, I ask your support again.

THE SHAPE OF THE FUTURE

The United States Travel Service will soon unveil several new visit USA programs and projects. The success of these activities will depend on the concerted action of government and industry.

One of the most important of these new programs is a visit USA drive in Canada. Our objective is to generate both automobile summer vacation travel and air traffic to U.S. winter destinations.

Your active participation in this campaign could add the crucial momentum required to put it over. But this is also an opportunity for you to capitalize on our investment; to gain new business and sources of income at limited risk. We invite you to promote existing package tours—to develop new ones—and to participate in tie-in campaigns.

As a part of the Canadian effort, USTS will send visit USA exhibits across Canada in tractor-trailers. We will also go into Canada with a visit USA fair, using exhibits from each of the 50 States.

Eventually, we expect to re-stage the fair in London and perhaps the principal cities of Europe.

We also plan other projects and activities which will affect you and which I want you to know about. These include:

An effort to sell less affluent overseas nationals on the use of rental camper units for tours of the United States.

Low-cost, foreign visitor accommodations—including retired railroad Pullman cars—in or near National Parks or other major tourist attractions.

Multilingual reception corps to meet and assist incoming overseas nationals at U.S. ports of entry.

A re-visit American program aimed at 10,000 former foreign graduate students who once studied in the U.S. and now occupy influential positions in their home countries.

Those of you who are non-resident actives will be pleased to know we are working out a commission policy for accommodations aboard Pullman cars in National Parks. Eventually, you will be able to book a client into a National Park-based Pullman and collect the standard commission. USTS offices in your region will be providing you with more information on this in the future.

NEW CONVENTION OFFICE

We are also planning activity on the business travel front.

Last month, I set up an office of International Convention and Business Travel Development in Paris. The office will be headed by Richard Henry, former Regional Director of USTS' Paris office. Dick will solicit congress business for the United States. He will be an important contact for those of you who specialize in VISIT USA convention tours, and I hope you will get in touch with him at the U.S. Embassy in Paris.

Dick will be able to provide you with information about venues and congress groups. You will be able to help him promote convention attendance.

USTS will also unveil new VISIT USA marketing tools for use abroad. They are:

A new and really informative VISIT USA promotion film for use at America Weeks and travel trade seminars.

More VISIT USA seminars to acquaint leading members of the overseas travel trade with U.S. tour attractions and facilities.

"Floating" VISIT USA briefings aboard American flag passenger ships docked in ports abroad.

I cannot predict how government will affect the future of travel. Government has many diverse, interacting components and I speak for only one.

But I can tell you this: the United States Travel Service will do its very best to attract foreign visitors to the United States.

Our cause is monumental. I assure you our commitment will be equal to it.

ANTITRUST POLICY

Mr. INOUYE. Mr. President, it seems that almost every business publication I have picked up lately has contained articles critical of the Federal Government's current antitrust policy and specifically with the manner of its activities dealing with conglomerate mergers. Such influential publications as Barron's, Duns Review, Business Week, and Fortune have, in articles or editorials, reflected criticism of the Justice Department and have suggested that the department should reconsider its present merger philosophy.

I do not claim a great expertise in the antitrust enforcement field, but I must confess to great uneasiness over a governmental policy that seems to have stirred up some of the best, and most objective, business voices in our Nation. One of the most lucid of these articles was published in the September issue of Fortune. The piece, written by Prof. Robert Bork, of the Yale University Law faculty, deserves the attention of all Members of Congress. I ask unanimous consent that the article, entitled "Antitrust in Dubious Battle," and an editorial on the same subject, published in the same issue of Fortune, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Antitrust in Dubious Battle

(By Robert H. Bork)

In antitrust policy the Nixon Administration has sprinted away to a fast start in the wrong direction. The Antitrust Division of the Department of Justice appears in danger of not only missing a rare and invaluable opportunity to reform this sadly decayed field, but—if its unreflective assault on conglomerate mergers is a taste of the future—making a bad situation much worse. If it wishes to purvue a course that is responsible and constructive, this Administration had better pause and take serious thought about the proper goals of antitrust and the means by which they can be achieved.

There has grown up in recent years the pernicious notion that antitrust is some sort of open warrant for prosecutors to roam the business would like knights-errant, deciding for themselves, often in defiance of conventional anatomical indicia, which are the damsels and which the dragons. Right now the chief of the Antitrust Division, Richard W. McLaren, seems to think he sees a lot of conglomerate mergers exhaling flames. Before he slays them, it is fair to ask his reasons, since he sometimes sounds as if the antitrust laws were his mandate to pursue every social policy except the prevention of lascivious carriage.

Among other things, he has mentioned that conglomerate acquisitions may be tax-motivated, may involve the issuance of dubious securities, are causing something called a "radical restructuring" of the economy, and result in "human dislocations." Valid or not, these objections have nothing to do with antitrust policy. Take "human dislocations," for example. What precisely, does McLaren have in mind? "When the headquarters of one or two large companies are removed from the nation's smaller cities to New York or Chicago or Los Angeles, I think we all recognize that there is a serious impact upon the community. The loss is felt by its banks, its merchants, its professional and service people—accountants, lawyers, advertising agencies. The community loses some of its best-educated, most energetic and public-spirited citizens. I am concerned that even some of our larger centers may become 'branch house cities,' whose major business affairs are directed by absentee managers. As I have indicated earlier, these are results which contravene the national policy as repeatedly expressed by Congress."

Every lawyer loves a skillful gambit, and attributing to Congress a clear-cut policy it never voted on has always been considered good, clean legal fun, the sort of ink cloud you shoot out when neither the statute nor the facts of the case support your position. But this is going a little to far. McLaren is now more than an advocate: he is a policy-making official.

It is time somebody spoke the magic words "law and order." Members of this Administration must certainly display a positive reaction to that phrase, and law, we surely need not remind them, imposes restraints upon prosecutors and courts quite as much as upon ordinary citizens. The creative flair of the Antitrust Division must be kept within the bounds of the statutes it has been given to enforce. Congress has never, much less "repeatedly," enacted a keep-'em-down-on-the-farm statute that makes the illegality of a merger depend upon its contribution to some interstate brain drain.

It may be admitted that the opinions expressed in the congressional debates on the merger statute, Section 7 of the Clayton Act as amended in 1950, display the same richness of variety as the contents of a fruitcake, so that you can pry a fragment of almost any social policy out of them. But the statute Congress actually voted on calls solely for the preservation of "competition" and the avoidance of "monopoly." It forbids acquisition of one company by another, that is, only where the effect "may be substantially to lessen competition or tend to create a monopoly." With the aid of a little basic economics, you can make a law out of that—taking the terms, as is natural and sensible, to refer to the desirability of efficient use of economic resources in the interest of consumers. But should the Antitrust Division attempt to judge conglomerate mergers by weighing gains in efficiency and competitive vigor (which McLaren admits are relevant) against losses to the certified public accounts of Keokuk, mixing in sociological speculation whether that city or Chicago more urgently needs a particular lot of public-spirited citizens, the results can only be uninformed, ad hoc political guesswork, not anything remotely recognizable as law.

Such a result would violate not merely the wording of the statute but, more fundamental, the ideal of law. Antitrust is a hybrid policy science, being composed of both law and economics. I use the word "science" deliberately. We are too little accustomed to thinking of law as a science, and indeed in current practice there is little enough to suggest the concept, but it should be obvious that law must develop the characteristics of a policy science if the ideal of the rule of law is even to be approximated. At the center of any science of law must stand a normative model of judicial behavior, which is to say a system of understood constraints upon the values judges may consider in deciding cases and the methods by which they may reason from proper values to the decision of specific controversies. To a large extent that model must be based upon the specialized function of courts as against the explicitly political role of the legislature.

Antitrust, unlike many other fields of law, already possesses the rudiments of such a science, but failure to follow its principles consistently has led to much that is wrong, and even preverse, in current judge-made law. To start with the bright side, the Supreme Court has resolutely refused to judge the legality of pricing agreements by the general "reasonableness" of the prices charged. To do so would have mired the Court, without criteria fit for judicial use, in a grossly political balancing of the interest of consumers in low prices against the interest of producers in high prices. Any such compromise between the conflicting claims of interest groups belongs to the legislature. But the Court in recent years has failed to recognize that it commits the very error it avoided in pricing cases when it undertakes to balance the interest of consumers in increased efficiency against the interest of what the Court calls "viable, small, locally owned businesses." That is what the Supreme Court has done in some merger cases. This case-by-case legislative compromise is not only an improper function for courts applying statutes, but also one at which they are not at all adept. In antitrust, when inconsistent values have been let in, it has been the consumer interest that has gone under. And yet this is the primary value that antitrust's protection of competition is intended to serve.

THE FIRST REQUISITE OF REFORM

It hardly needs saying that the same value constraints are relevant to prosecutors. If, for example, a judge is not properly free under amended Section 7 of the Clayton Act to determine the legality of a corporate acquisition according to the dollar worth of the corporation's assets, it is certainly not proper for a prosecutor either to try to persuade the judge to do just that, or to bring actions, motivated by such considerations, that will at the least have harrassing effects. That amalgam of muddled thinking, social mythology, and sentimental rhetoric known to its intimates as "the social purposes of antitrust," however sonorously it may ring upon ritual occasions for mock-Jeffersonian oratory, must be excluded from judicial and prosecutorial decisions about actual cases. The first requisite of antitrust reform, therefore, is the identification of and principled adherence to proper goals. The only legitimate goal of our present statutes is the maximization of consumer welfare. And that is true, I stress, not because antitrust is economics, but because it must be, first and foremost, deserving of the name of law.

Businessmen can seek profits in two quite different ways that impinge upon consumer welfare. One is the method of monopoly—gaining market control in order to increase net return by restraining output and raising prices. Monopoly misallocates resources with the result that the economy as a whole produces less than it otherwise could, a clear disservice to consumers. The other and altogether different method is the creation of efficiency—by cutting costs, opening new markets, offering new or modified products and services, or in other ways vying successfully for consumer dollars. The whole task of a consumer-oriented antitrust policy is to estimate which of these opposing effects predominates in any specific market behavior or structure.

Since neither misallocation of resources nor efficiency can be directly measured, there is absolutely no merit to the common proposal to decide cases by studying all relevant performance factors. To illustrate, we cannot begin to quantify a claimed future improvement (or decline) in the performance of Jones & Laughlin resulting from its acquisition by Ling-Temco-Vougt, because that would require, among other impossibilities, precise statements about differences in quality of future decisions concerning problems that cannot now even be identified.

THE PHILO VANCE APPROACH

Correct analysis employs what has been called, with misplaced sarcasm, "the Philo Vance approach to antitrust." Since courts cannot measure efficiency or misallocation directly, they must rely on probabilities, framing general rules on the basis of economics. Where economic theory tells us that certain business behavior is likely to result in monopoly profits and misallocation of resources, such behavior should be illegal. All other behavior should be lawful so far as antitrust is concerned, since, in relation to consumer welfare, it is either neutral or motivated by considerations of efficiency. A tax-propelled conglomerate merger, for example, is neutral since courts have no means of judging what impact, if any, it will have upon consumer welfare. They should, therefore, leave the situation to the tax laws or to any other statutes Congress may enact. *Efficiency-motivated mergers deserve the law's protection. The market will penalize those that do not in fact create efficiency.*

Economics provides one other lesson that should be written in red letters across every antitrust prosecutor's bathroom mirror: injury to *competitors* is irrelevant to the question of injury to competition and consumer welfare. Much antitrust argument today seizes upon the fact of competitor injury and treats it as not merely relevant but decisive. The antitrust enforcer, with a massive *non sequitur,* leaps from observed fact to inferred significance as nimbly as did the aprocryphal fundamentalist: "Believe in baptism? Why, man, I've seen it done!"

You may see injury to a competitor; you will never see, as raw fact, injury to competition. The presence of the latter can be inferred only on the basis of economic theory. A company's loss of sales—which is all that is ever meant by injury to a competitor—is fully consistent with a gain in efficiency by a rival company. Because antitrust law has confused the fact with the inference, many of its most cherished doctrines strike directly at efficiency as a threat to competition. In such cases, and they are increasing in number, the law itself inflicts upon consumers the kinds of losses that it is intended to prevent.

Unhappily for those of us who make a living out of antitrust's mysteries, the truth is that the law almost always, regardless of context, uses one of two basic theories of how competition may be injured:

(1) Competitors may agree to remove the rivalry existing between themselves; or

(2) Competitors may inflict injury on rivals and thereby ultimately injure the competitive process.

Cartels and large horizontal mergers fall within the first theory, which, through it has been drastically over-extended, contains an important core of validity. The second theory—that of supposedly "exclusionary" practices—is the sole support for the present stern rules concerning vertical mergers, tying arrangements, exclusive dealing contracts, and price discrimination, as well as for the developing harsh treatment of conglomerate mergers and reciprocal buying. This large and growing structure of law rests upon an exceedingly flimsy foundation, for in the version used by the law the idea of exclusionary practices as a threat to competition is fallacious.

ADD TWO AND ZERO AND GET FOUR

The fallacy lies in counting the same thing twice—in this case, the same market power. The nature of the error, which is basic to antitrust's current confusions, can be simply illustrated. Frank Carruthers, let us suppose, owns the only motion-picture theatre in the remote hamlet of Lakeville, Connecticut. Having a monopoly, he drives the price of films down to $800 while exhibitors in New Haven must pay $1,000 for a film of equal quality. Carruthers expands by purchasing one of the New Haven theatres, thinks the situation over, and telephones a distributor to announce that he wants better-quality films for his newly acquired theatre in order to gain an advantage over the opposition. "Delighted," the distributor replies, "I can let you have them for $1,200 each."

"You don't understand," says Carruthers. "I want the better films in New Haven for $1,000 or I won't show any of your films in Lakeville."

According to the prevalent antitrust thinking, the distributor has no choice but to say yes to this demand, but I think we may confidently rely upon him to say no. Of course, it is worth something to the distributor not to be excluded from Lakeville. But—and this is the overlooked point—Carruthers has already exacted that something, in the form of the $200 discount on $1,000 films. Carruthers cannot eat his cake in Lakeville and have it in New Haven too. In demanding a $200 discount in Lakeville *and* a $200 discount in New Haven, he is demanding that the distributor pay for the same thing twice, pay $400 for a market advantage worth $200. It won't work.

Presumably, Carruthers could, if he chose, give up the discount in Lakeville in exchange for a $200 discount on better films in New Haven, but that would bring him no unfair advantage. Rival exhibitors in New Haven would have to pay $1,200 for better films, and so would Carruthers—$1,000 plus the $200 given up in Lakeville.

Under one guise or another, the fallacy of counting the same market power twice pervades antitrust law. It turns up, for example, in the precedent-making suit that the Antitrust Division filed against I.B.M. in the closing days of the Johnson Administration. The charge, laid under Section 2 of the Sherman Act, is monopolization. I.B.M.'s share of industry revenues has varied, according to the complaint, from about 69 to 80 percent in recent years. These figures suggest superior efficiency, but the complaint attempts to avoid this natural inference by alleging that I.B.M. denied its rivals the opportunity to compete.

I.B.M. did this, it is alleged, through such devices as quoting a single price for computers and software. But since I.B.M. can charge all its computer is worth in the price of the computer, it cannot get more than the combined worth of computer and software by selling them together, any more than Carruthers could get more than the combined worth of his positions in Lakeville and New Haven by negotiating for them together. Does the selling of computer and software together improperly inhibit the ability of rival computer makers to compete? Of course not. If they can compete with I.B.M. in computers, they can either produce the necessary software themselves or find other companies that can. Then the customer can choose the package he likes best. To assume that competitive software is not available to I.B.M.'s rivals is to assume that I.B.M.'s market strength lies not in computers but in software, and, therefore, that the government has the case backward. Chances are I.B.M.'s single-price package was a convenience or contributed to the total service the company sold, in either case a form of efficiency—which does, to be sure, make life harder for rivals. But it is impossible to see that practice as a means of improperly preventing competition, and with that idea out of the way, the government's suit stands revealed as an attack on outstanding commercial success as such.

Although numerous economists point to the double counting of market power as an obvious error, antitrust prosecutors continue to assert, in one context after another, the equivalent of the proposition that a seller can add $200 and zero and get $400. Clearly, this peculiar form of new math is wrong—the questioned behavior has other motivations and other effects. Since double counting forms the mainspring of antitrust reasoning about exclusionary effects, a large body of antitrust doctrine, including the existing and emerging rules against vertical and coglomerate mergers, must be considered to stand unjustified.

CONGLOMERATE MERGERS—PHANTOM THREAT

The Nixon Administration's announced determination to wage war on conglomerate mergers—with special but by no means exclusive attention to the acquisitions of the top 200 manufacturing companies—must rank as one of the bleakest, most disappointing developments in antitrust history. An Administration that could have initiated pro-consumer reforms has chosen instead to accentuate and extend some of antitrust's most irrational economic theories. The campaign against conglomerate mergers is launched in the teeth of the conclusion reached by the task force that President Nixon himself appointed to study and report on antitrust policy. The task force, headed by George J. Stigler, professor of economics at the University of Chicago, said of conglomerate mergers: "Vigorous action on the basis of our present knowledge is not defensible." It most certainly isn't. And yet since the submission of that report we have had not only announcements that vigorous action is to come, but also the filing of suits against L-T-V's acquisition of Jones & Laughlin, I.T.T.'s acquisition of Canteen Corp., and Northwest Industries' attempt to purchase effective control of Goodrich.

If McLaren succeeds in sustaining the theories of these cases in court—and in recent years the Antitrust Division has been able to get almost any theory upheld in the Supreme Court—he may have succeeded in destroying the last vestiges of rationality in the antitrust laws. If conglomerate mergers can be held a threat to competition, an antitrust attack upon conglomerate mergers raise a variety of debaters' points that can, I believe, be characterized as essentially frivolous. The most commonly urged points against conglomerate mergers are that they increase a general concentration of ownership in the American economy, raise the possibility of reciprocal buying, and create—dread phrase—"barriers to entry." The first of these points is, at its strongest, irrelevant; the second describes a practice that is either harmless or beneficial; and the third raises a specter that is just that, an incorporeal apparition.

A PROPHECY THAT NEVER CEASES TO FRIGHTEN

The imminent concentration of all ownership in a few giant corporations, with the accompanying demise of sturdy, locally owned small business, is the standard, Mark I, all-weather antitrust hobgoblin. It serves not only against conglomerate mergers, of course, but against any merger involving a very large company, even where the acquired company is far from large. This congealing of the economy has been prophesied freely at least since 1890 on the basis of perceived trends, and it never happens. It also never ceases to frighten people. The evil of the predicted economy-wide concentration is supposed to be both so self-evident and so enormous that counterargument is overwhelmed. Nothing about the prediction is self-evident, not the statistics, the correctness of the extrapolation, or the assumed sociological, political, or economic consequences.

These all deserve examination, but the point to be emphasized here is that the superconcentration issue, whether genuine or synthetic in other aspects, *is a bogus antitrust issue*. It has no proper place whatever in enforcement decisions under the present statutes, because it is irrelevant to competition in particular markets and to the allocation of resources by the market mechanism. Consistent with the consumer-welfare standard, it is *market* concentration, not economy-wide concentration, that is the subject of the Clayton Act's provisions concerning "competition" and "monopoly." Congress could write a statute about the sociological implications of economy-wide concentration achieved through mergers—a statute that would perhaps be phrased in terms of the size merging companies' assets. But Congress has not done so. If superconcentration is a matter of concern, Administration officials should appear before the appropriate congressional committees to ask for a political decision, expressed in the form of a statute, on how superconcentration should be dealt with, and how much economic benefit we are willing to sacrifice in the process.

Another hobgoblin is reciprocity, the business practice of buying from those who buy from you. Though it has probably been going on since men traded arrowheads for mammoth hides, it has only recently been discovered to be anticompetitive. The discovery comes at an opportune time for the anti-conglomerate campaign—the more diversified a firm becomes, the more likely that somewhere in its complex dealing it will find the chance to practice reciprocity. Attorney General John N. Mitchell has indicated that the potential for reciprocity will be a key argument in the attack on conglomerate mergers. He characterized the practice as "one of the most easily understandable dangers posed by the conglomerate merger."

On the contrary, in economic terms the "danger" is not understandable at all, much less easily. As the Stigler task force reported, the "economic threat to competition from reciprocity (reciprocal buying arrangements) is either small or nonexistent." The objection to reciprocity involves the Carruthers fallacy—counting a quantity of market power more than once. If a company is using its position as an important customer to bargain the best possible prices from its suppliers, then that company has no market power left to force the suppliers to buy from it on noncompetitive terms.

The rhetoric of "barriers to entry" is the latest conceptual fig leaf used by the enforcement agencies to hide the obtrusive fact of life that commercial success is usually due to superior efficiency. So far this rhetoric, too, has been highly successful. It persuaded the Supreme Court to strike down Procter & Gamble's acquisition of Clorox on the theory that any addition to Clorox's effectiveness in the market for household liquid bleach would raise barriers to entry. (See "The Supreme Court versus Corporate Efficiency," Fortune, August, 1967.) In the long course of that litigation, nobody—not the FTC, the Antitrust Division, the Solicitor General, or the Court—ever explained even once how a "barrier to entry" differed from superior efficiency.

The case centered on the "barrier" that would be created if Clorox shared in the quantity discounts that Procter was supposed to receive from the television networks. Nobody ever showed why the ability to get such discounts should not be considered an efficiency. And now, most humiliating development of all, it begins to appear from the separate researches of David Blank, a vice president of C.B.S., and John L. Peterman, a professor at the University of Chicago law school, that the crucial quantity discounts may have suffered from the even more serious defect of not existing. This whole episode has an air of satire: a major merger was dissolved, an unsound concept was embedded in the law, and a vital precedent was established—all on the application of an erroneous theory to an apparently nonexistent "fact."

The only way a company can make entry more difficult through a conglomerate acquisition is by increasing efficiency, and that is beneficial. But if the Antitrust Division succeeds in inhibiting conglomerate mergers with these theories, it will have erected real, and truly anticompetitive, barriers to entry. A successful legal attack would deny us the benefits these mergers can confer: revitalizing sluggish companies and industries; improving management efficiency, either through replacement of mediocre executives or reinforcement of good ones with aids such as superior data retrieval or more effective financial-control systems; transferring technical and marketing know-how across traditional industry lines; meshing research or distribution; increasing ability to ride out fluctuations; adding needed capital; and providing owner-managers of successful small companies with a market for selling the enterprises they have created, thus encouraging other men to go into businesses of their own.

MISTAKING HORIZONTAL FOR VERTICAL

The same sort of confusion that characterizes antitrust arguments against conglomerate mergers also shows up in arguments against vertical mergers. A vertical merger, of course, is one in which the acquired company is, actually or potentially, a customer or supplier of the acquiring company. The courts, at the urging of the Antitrust Division, treat vertical mergers with a ferocity wholly unjustified by economic analysis. The law supposes that a manufacturer, M, with 5 percent of a market, can "foreclose" his rivals and "lever" himself to a competitively unjustified market share by acquiring a retailer R, who has 1 percent of the market and has been selling other manufacturers' products. This is the Carruthers double-counting fallacy again. The theory assumes that R can both enjoy whatever market position it had established and simultaneously transfer its enjoyment to M. It is assumed, in other words, that by forcing its good on R, M picks up an additional 1 percent of the market in manufacturing, while R keeps its 1 percent in retailing.

But whatever considerations of price, quality, consumer preference, etc., had previously persuaded R not to specialize in M's goods are still operative. If M's goods are forced on R, then the retailer loses the profits that the manufacturer gains. The law's theory of foreclosure, then, turns out to be mistaken. The only sensible explanation for the vertical merger of M and R is that through economies in distribution, management, and the like, it creates profitable efficiencies, which are socially beneficial.

Apologists for tough rules against such mergers (joining manufacturers and merchants in the same line of goods) usually prefer to argue an extreme case. Suppose M should buy 100 percent of the retailers, they say; that surely confers the ability to gain a manufacturing monopoly. As an objection to vertical merger, this argument is spurious—the case as stated is horizontal, not vertical. The problem in such a situation is not the foreclosure of rival manufacturers but the elimination of rivalry at the retail level. To be clear about that, ask yourself whether the situation would be any better, if instead of M, a complete stranger to the industry had bought all the retailers. The answer, clearly, is no: in either case a horizontal monopoly has been created at the retail level.

What I am suggesting is that vertical mergers should be judged by horizontal-merger standards. Thus any acquisition by a manufacturer of a single retail firm should be lawful, because it does not increase market power at the retail level. If the manufacturer acquires two or more retailing companies, horizontal merger standards should be applied to the share created in retailing. I am further suggesting that a manufacturer's acquisition of retailers in the same line of goods should be judged by the same standards as would apply to their acquisition by a newcomer to the industry.

AVOIDING BOTH KINDS OF MISALLOCATION

Size or market concentration created by horizontal merger (merger between actual or probable rivals) is a completely different animal from size achieved by internal growth or by conglomerate or vertical merger. Growth demonstrates superior efficiency; horizontal merger to a very large market share does not—it may have been motivated primarily or even solely by a desire to reap monopoly profits. Conglomerate and vertical mergers cannot create the ability to increase profits with restricted output; large horizontal mergers can. On the other side, however, monopoly profit cannot be the motivation for horizontal mergers that add up to only a small share of a market.

To take a clear case: when companies each having 1 percent of a fragmented industry merge, they cannot be supposed to have a monopoly profit in mind. As in the case of conglomerate and vertical mergers, their motivation must be either increased efficiency or some effect irrelevant to antitrust. It is, therefore, intelligible policy to set limits on market shares achievable by horizontal merger, but the limits must not be so narrow that their predominant effect is to ban mergers motivated by valid business considerations. Error in either direction will be costly. Allowing horizontal mergers that are too large invites resource misallocation through deliberate restriction of output. Allowing only horizontal mergers that are very small enforces resource misallocation through lowered efficiency.

We are dealing with a spectrum, and it must be confessed that the proper place to cut it is not at all clear. Unfortunately, our guidelines are few and uncertain. But rough observations are enough, I think, to indicate that present law about horizontal mergers is far too harsh.

A CONCESSION TO A PHOBIA

The purpose of limiting horizontal mergers to market shares far smaller than those that would be required for monopoly profits is to guard against "oligopolistic" erosion of competition, i.e., the possibility that a few dominant companies may restrict output through noncollusive mutual restraint. (The term "noncollusive" is essential here, for collusive restraint of competition is illegal per se.) In a concentrated industry, according to some theories of how oligopolies work, it is possible for supposed rivals to soften rivalry through "conscious parallelism." By following an industry leader, or by acting in accordance with what they know of each other's policies, it is said, these companies move in lockstep in matters of production levels and pricing without actually communicating with each other.

But even if one assumes this picture to be accurate for some industries, that still does not justify the stringency of the present rules on horizontal mergers. Judging from such indications as the eagerness of oligopolists to engage in actual collusion despite the considerable legal dangers, the frequency with which even elaborately negotiated and policed collusive schemes break down under the temptations and pressures of the marketplace, and the dramatic drop in prices that often occurs when even a two-company situation replaces a one-company situation, I would estimate that noncollusive restriction of output is usually not a serious problem where there are as many as three substantial companies in a particular market. (I am not asserting that it is necesarily a serious problem where there are only two.)

As a tactical concession to current oligopoly phobia. I am willing to weaken the conclusion that should follow from that and propose a rule permitting horizontal mergers up to market shares that would allow for other mergers of similar size and still leave four significant companies in the market. In a fragmented market, this would indicate a maximum share attainable by merger of about 30 percent. In a market where one company already has more than 30 percent, the maximum would be scaled down somewhat. For example, where one company has 50 percent, no other company could go above about 20 percent by merger (barring some exceptional case, such as the imminent failure of one of the merger partners).

I do not claim that such a rule, or any other I might devise, would either completely prevent noncollusive restriction of output or completely avoid needless destruction of efficiencies. Some such welfare losses are inevitable in any policy that can be framed with respect to horizontal mergers. But I am reasonably confident that this rule, whatever its imperfections, would strike a much better balance between the factors impinging upon consumer welfare than the present judge-made proscription of horizontal mergers creating market shares as small as 5 percent. The harmful effects of that rule upon consumers may be imagined if one realizes it is equivalent to saying that when there are a hundred lawyers in a town no law firm may contain as many as five. Such a rule obviously cuts far too deep into the efficiencies of integration.

The rules on mergers, it should be clear, urgently require reform. And the need for antitrust reform extends beyond merger rules, to fields it has not been possible to discuss here. To put the matter bluntly, we have now reached a stage where the antitrust laws, as they are being interpreted and applied, are simply not intellectually respectable. They are not respectable as law or as economics, and, because they proceed to stifle competition while pretending to protect it, they are not even respectable politics.

THE MISSING DISCUSSION

Most of the rules that should be changed were made over the years by the Supreme Court, usually at the urging of the Antitrust Division, and reform can quite legitimately come in the same way. The antitrust statutes lay down very little hard law. The courts remain free to change the subsidiary rules they constructed, and the head of the Antitrust Division should play a key role in that process.

Reform should have an ideal in view, and an ideal consumer-oriented law would, for the most part, strike at large horizontal mergers and at cartel agreements among competitors. I agree with the recommendation of the Stigler task force that more resources and ingenuity should be devoted to a drive against price-fixing and market-division cartels, since there appear to be many that enforcement of the law does not now reach. An enforcement drive against collusion in national, regional, and local markets would pay high dividends in consumer welfare, particularly since cartels, being subject to a rule of per se illegality, are among the least difficult and least expensive offenses to prosecute.

Beyond the reformation of existing antitrust law there is a broader and potentially far more important role that lies waiting to be seized by a bold and creative antitrust administration. The original antitrust philosophy of open markets and free competition that underlies the rule against cartels should be steadily expanded to cover other fields of economic behavior where control of entry, price fixing, and similar eliminations of competition now occur *with governmental blessing*. The Antitrust Division should make itself the spokesman for antitrust ideals throughout the economy, by testifying on proposed legislation, by intervening in federal and state regulatory processes, and by other means. The opportunities are innumerable—in the regulation of trucking, banking, communications, drug retailing, and in many other fields where regulation often acts less to protect consumers than to preserve business fiefdoms from competitive challenge. A positive antitrust program such as this would elicit enough outraged screams from protected companies to dispel any notion that the policy is narrowly "pro-business."

Some readers may suppose that the views I have expressed here are extreme. They are not. Far from being personal or idiosyncratic, they represent, in their general outline, a broad and growing school of thought about antitrust policy. Views in many respects quite similar to mine are presented, for example, in the Stigler report, which the Administration has so far assiduously ignored. Reform is a necessity, and, regardless of his own views, Richard McLaren could contribute greatly by using his office to start and focus a systematic discussion of antitrust goals and economics. Without reappraisal and reform, antitrust is likely to go on fighting—and, worse, winning—even more dubious battles.

Antitrust's Pregnant Silence

Though neglect and oblivion may follow, reports submitted by presidential panels often start out with a moment in the sun: they are received with expressions of thanks, hailed as major contributions to sound policy, and officially released along with a commendation by some high official or the President himself. Only after these rituals are the reports filed and forgotten. But a quite different start in life, it appears, awaits reports by presidential panels on antitrust policy. They meet with deep silence right from the start.

Lyndon Johnson and Richard Nixon each appointed a task force, made up mostly of economics and law-school professors, to scrutinize U.S. antitrust policy and to present recommendations. In both cases, oddly enough, the chairman was a University of Chicago professor: Phil C. Neal of the law school headed the Johnson panel and economist George J. Stigler of the business school headed the Nixon panel. In both cases, also, the President who appointed the task force showed no inclination at all to make its report public. The Johnson Administration never did release the Neal report. The Nixon Administration finally released Neal last May, without comment, but has not yet released its own Stigler report, though the text has appeared in the *Congressional Record*. The Administration, indeed, has yet to make a formal acknowledgment of the Stigler report's existence.

This official silence is what fiction writers like to call a "pregnant silence." A reading of the Stigler report makes it quite clear that the Administration must find the report terribly embarrassing. Its analysis and recommendations run almost totally contrary to what the Justice Department's Antitrust Division has been saying and doing since Nixon appointed Richard W. McLaren to head it. (See "Antitrust in Dubious Battle," page 103.) The Stigler report urges "a series of strategic cases against regional prixe-fixing conspiracies, which we believe to be numerous and economically important," but McLaren has not noticeably bestirred himself in that direction. On the other hand, he has very energetically thrown himself into an assault on large conglomerate mergers, while the Stigler report says: "We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power."

The Stigler report is full of other sound recommendations that it would be well for McLaren and Attorney General John N. Mitchell to heed. It urges them, for instance, "to insist that every antitrust suit make good economic sense." It also urges them "to resist the natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets." It argues that, in appraising a merger, the Antitrust Division should delineate the relevant market with care, "for if the market is drawn narrowly enough, virtually any merger can be made to seem monopolistic in its effects."

We do not suggest that Mitchell and McLaren adopt the Stigler report as their own: they clearly have no intention of doing that anyway. Nor that it is right in all respects: its analysis proceeds from classical perfect-competition economics, which does not always accurately correspond to what actually goes on in particular industries. But this cogent, tough-minded, and admirably lucid document has laid down a powerful challenge to the Administration's antitrust policies, and McLaren owes the members of the task force, the business community, and the public at large a reply.

A PROPOSAL FOR CAMPUS PEACE

Mr. CASE. Mr. President, recently Parade magazine published an article entitled "A Proposal for Campus Peace," written by Sam Zagoria. As might be expected from Sam, his article is a succinct and constructive statement of a problem we all recognize. To help resolve it, he suggests we turn to a method that has worked well in the field of labor-management relations—the establishment of a formal grievance procedure. It has much to recommend it.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A Proposal for Campus Peace

(By Sam Zagoria)

WASHINGTON, D.C.—Seven million American students are on college campuses this fall. College administrators, after five years of campus unrest, are naturally worried. Some student disruptions have taken their toll, resulting in vacancy signs displayed outside 200 college presidents' offices.

The problem, it seems to me, is not the university administration's alone. We all have a stake in providing orderly processes for resolving campus disputes, for as taxpayers, parents, fund contributors or merely as citizens seeking an educated community we recognize disruption of university training is a tragic and expensive waste.

One technique which has proven itself in the labor-management field is the establishment of a formal grievance procedure. Employers in both union and non-union plants have found that workers need a method for voicing complaints, some clear-cut way of sounding off and seeking relief without suffering retribution. For management, it may be a way of discovering problem areas, of clearing the atmosphere of pent-up irritation, of improving operations.

The grievance process may start with a written protest, followed by investigation and then hopefully culminate in a calm, problem-solving discussion. If agreement is not forthcoming, an appeal to higher authority is usually provided. In the course of this procedure the issue is clarified, often cooled down. There is no need to create a crisis confrontation in order to be heard.

Similar grievance machinery in the university would, in my opinion, help achieve these same benefits. The very existence of a clearly designated, well-publicized formal plan for prompt adjustment of grievances would help students realize that the university is willing to hear, discuss and act on problems. In some schools, such as the University of Chicago, this has taken the form of appointment of an ombudsman, following the Swedish plan of an official empowered to hear individual complaints and act on them.

FACE TO FACE

Such points of contact would provide students and administrators with opportunities to defuse explosive situations, to occasionally face parties with the tempering question, "What would you do about it if you were in my place?" They would also make it harder for groups seeking revolution rather than reform to attract a following for disruptive, violent tactics.

Those college presidents who argue that their doors are always open are discovering that students are little taken by these grandiloquent gestures and are more impressed by the earnest ring of specific methods by which they can file a grievance and get an adequate response.

This does not mean that a university should give in to every complaint, swinging from firm authoritarianism to docile concurrence. It does mean that both administrator and student can profit by the give and take of discussion, for at the heart of their relationship is the simple fact that they have more to gain by getting along than by trying to destroy one another. Even though the grievance procedure does not assure perfection, experience in the industrial field proves that it does resolve thousands and thousands of grievances in a peaceful, lawful way each year.

While I do not believe traditional collective bargaining is appropriate for resolving student disputes, I do suggest that if the grievance process fails to resolve the issues, mediation be tried. Here a third party is called in to help resolve a dispute by offering advice or suggestions. Indeed, several experienced labor-management experts have already taken part in campus disputes with some useful results. Professor Fred Freilicher of Cornell University successfully mediated a many-sided dispute at Wilberforce University in Ohio, and other mediators such as Theodore W. Kheel and Ronald Haughton have eased problems on other campuses. Kheel helped establish a permanent office of student discussion at Pennsylvania State University as a grievance mechanism for use in future disputes.

State mediation boards, the Federal Mediation and Conciliation Service and the National Center for Dispute Settlement of the American Arbitration Association are available when both students and administration feel they can contribute to peace-making. Their mediators can bring a fresh approach to a festering problem and help develop acceptable and sometimes innovative solutions. They know how to engineer the face-saving devices which may be necessitated by wild-swinging statements of both inexperienced administrators and students.

There are those who tend to look down from ivory towers on college students as veritable babes who should be seen and not heard. But if students are old enough and responsible enough to lead men into battle, to help choose the President of the United

States and to marry and raise a family, are they not ready to be given a role in the discussion of decisions that affect their university life?

CAN PENSION PLANS HELP IN THE HOUSING CRISIS

Mr. JAVITS. Mr. President, as the author of S. 2167, a bill to establish minimum standards for private pension plans, I have naturally taken a great interest in all aspects of the private pension plan system as it exists in America. In the past, I and many others have had occasion to point to the tremendous growth of the private pension plan system in recent years and the prospects for its continued growth in the future. Today, private pension plans control over $100 billion in assets; that money constitutes one of the largest single sources of investment capital which exists today in the United States.

I have also pointed out that the administrators of private pension plans who control these great resources have it within their power to utilize this money to make a significant contribution to helping to solve the urban crisis with which we are not confronted in the United States. I recognize that the first responsibility of the pension fund administrators must be to invest their resources safely and productively, to the end that plan beneficiaries receive their retirement benefits. Nonetheless, I believe that without in any way derogating from this responsibility, fund administrators might invest in a wide variety of projects directed at helping to upgrade and improve conditions in our cities. Particularly appropriate, I believe, would be investment in housing. The Nation's insurance companies have already agreed to invest some $2 billion in housing projects; moreover, numerous jointly administered pension funds have invested in lower or middle income housing with no deleterious effects whatsoever on the security of their beneficiaries.

I think that the present time is particularly appropriate for pension fund administrators to consider the desirability of investing in the housing market. There is today an acute shortage of capital to finance badly needed new housing; mortgage money is difficult to find, and exorbitantly expensive when it is available. Housing starts are down, reflecting the tight money market.

In the October 1969, issue of Pension and Welfare News, Mr. Raymond D. Edwards, president of Glendale Federal Savings & Loan Association of Glendale, Calif., and past president of the Conference of Federal Savings and Loan Associations, suggests that one of the ways in which pension funds could help to alleviate the current housing crisis may be to invest a part of their funds in savings and loan associations. This suggestion certainly makes a good deal of sense to me, and I hope that Mr. Edwards' article will receive wide attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE PENSION FUNDS HELPING OR HINDERING THE HOUSING MARKET?

(By Raymond D. Edwards)

Today, during a time of tight money, rapidly rising interest rates, increased taxes, and decreasing savings flows, savings and loan associaitons are finding it more difficult to provide needed funds for the home building industry. These economic pressures come at a time when our nation is badly in need of housing.

Recently, the Department of Housing and Urban Development set a goal of 26,000,000 housing units projected for 10 years. Our statisticians have been telling us for some time that many factors are combining to spell out the necessity of a substantial housing boom in the 1970s. We know that new family formations will create a good part of this market. It is estimated that the population of the United States will reach 203,940,000 in 1970 and is expected to increase an additional 11 percent to 227,000,000 by 1980. The home buyer's desire for the amenities of newer homes, obsolescence of existing housing, and the announced planned return of veterans from Vietnam all lend support to this prediction of increased housing.

PENSION FUNDS AND THE ECONOMY

What about the involvement of pension funds in supporting this vital sector of our nation's economy?

Pension funds have taken the traditional place that the savings and loan industry has had over the past decades. They have become the fastest growing segment in the financial world. In fact, pension funds have now become the largest buyers of common stocks, holding somewhere in the neighborhood of $50,000,000,000 in stocks listed on the New York Stock Exchange. Total reserves of private pension funds approximate $90,000,000,000. It is predicted that by 1980 reserves of private and state and local government pension funds will exceed $345,000,000,000.

As a result of the contributions of thousands of individuals, as well as the employing businesses and governments, pension fund assets have increased from $28,200,000,000 in 1955 to over $140,000,000,000 in 1968, an increase of 396 percent. During this same period, savings and loan association assets increased from $37,700,000,000 to over $152,000,000,000, or an increase of 303 percent, 93 percent less than pension funds. Pension funds have experienced a growth in assets of 28 percent from 1965 to 1968 as compared to a growth rate in savings of only 5 percent for savings and loan associations during the same period.

WINNING THE COMPETITION

The pension funds are in competition with all the other financial intermediaries—and they are winning. With this growth, however, comes responsibility. It is not enough that a pension fund measure its growth in terms of interest rate achieved or growth of dollars. *Pension funds have become of such size and membership that they must look to see what kind of effect they have on the total market, what responsibility they have in the total marketplace,* and *what means are available to fulfill these responsibilities.*

Since the pension funds are actually taking more of the dollars that in prior years were voluntarily saved by the general working public and deposited in savings and loans, it is logical to assume that this is an area that pension fund members must look to as one of their responsibilities.

Although savings and loan associations continue to be the major suppliers of funds for housing, it is significant to note that pension funds have shared only to a limited extent in this responsibility with investment in savings and loan associations. As shown by the accompanying table, pension funds, which play a substantial role in financial markets, have only $452,000,000, or 0.4 percent, of all savings.

Type of ownership	Account balances (millions)	Balances as a percentage of total savings
Personal and household	$115,357	94.4
Nonpersonal:		
Corporations	2,325	1.8
Unincorporated business	571	.5
Financial institutions	1,560	1.3
Governments	191	.2
Pension funds	452	.4
Nonprofit organizations	1,693	1.4
Nonpersonal total	6,792	5.6
Total	122,149	100.0

Source: Federal Home Loan Bank Board, based on May 1968 survey of FSLIC-insured associations.

HOUSING AND THE ECONOMY

And why housing? Housing has one of the greatest multiplying effects of any industry in the United States. No single force equals the number of people affected by this industry. When there is home building, the services of carpenters, masons, plasterers, plumbers, bricklayers, electricians, painters, and many other craftsmen and tradesmen are needed, so employment goes up. These workmen need materials with which to work and they buy lumber, stone, bricks, mortar, electrical supplies, plumbing equipment, heating plants, paint, and many other materials. These purchases, in turn, create employment for the material manufacturers in the local community and across the nation.

HELPING EMPLOYMENT

When the materials come from outside the local community, the use of various transportation facilities is increased. The materials to provide that housing come from the mining industry, the lumbering industry, the steel industry, the copper industry, just to name a few. And then to service these homes once they are built requires furniture, cooking utensils, carpets, draperies, TVs, radios and all the accouterments of today that make up our standard of living.

Then, of course, the doorbell is rung by salesmen for all the known products—from insurance to encyclopedias, from fund raising candy sales by the local Boy Scouts to burial plots. No other expenditure of capital funds involves so many people and provides employment for so many people as does the housing industry.

FOSTERING HOME OWNERSHIP

In the depression of the 1930s, our government, at that time, recognized the need for a force that would get people back to work. It was then that the FHA government guaranteed type of lending was established. It was then, also, that the federal savings and loan associations were formed with the aid of the government to get the housing movement going.

Amortized loans were developed to bring home ownership within the grasp of the average American. Today, nearly 66 percent of our citizens are home owners due primarily to the financing arrangements offered by savings and loan associations. Monthly payments which could be met out of a man's salary on a planned basis for 20, 25, or 30 years were more workable from the borrower's standpoint than having a balloon payment at the end of 5 or 10 years, which happened with the conventional mortgage of old.

PROPORTION OF HOME OWNERSHIP

As I pointed out earlier, savings and loan associations have played an important role in encouraging home ownership. In 1890, when American society was largely rural, 48 percent of the families in the United States owned their own homes. As society became increasingly more urbanized, however, home ownership took on a lesser significance. Rental units became increasingly popular until in 1940, 56 percent of the American households rented dwelling units and only 44 percent owned their homes. This level was maintained for the most part until the end of World War II. Since then, home ownership has increased. In 1950, 55 percent of the households owned their own homes. Since 1950, this proportion has climbed to nearly 66 percent.

In 1968, savings and loan associations provided nearly 44 percent of the mortgage money used by home buyers. They financed the construction of nearly $5,000,000,000 in new homes and loaned over $11,000,000,000 to families buying existing homes. At year end 1968, savings and loan associations held mortage loans totaling over $130,000,000,000.

It has often been proved that a home owner is a stable citizen who is interested in and contributes to the stability of America. The home owner, and ownership of property, is, in effect, the greatest contributing factor to our success as a country.

FUTURE HOUSING PROBLEMS

The problem of the future will be to continue to provide housing for our growing number of people. In addition, one out of ten existing houses is dilapidated and deteriorated and not up to the standards which this country should enjoy. The number of houses demolished due to urban renewal and highway systems being constructed is rising each year. This means that between our substandard housing that has to be replaced and our new housing to take care of the families that we know will be formed, we will have to have 2,600,000 new units per year.

CHANNELING FUNDS FOR HOUSING

The question is, "Who is going to provide the money for this much needed housing?" There are several possibilities and we have but to look around the world to see how each actually works.

France is a good example of the non-housing approach. With tight governmental lids on rentals, it stifled home building to a point that new housing was nonexistent for years. A black market developed to the point that decent housing required an under-the- table payment in order to pick up the lease at the old maximum rates limited by the government. With this type of operation, there is no incentive and no possibility of obtaining the funds from private sources to build new housing.

Another example is in Russia where the government builds the housing. There, one has to be high up in the government ranks in order to obtain an apartment for his family with any of the limited amenities. Those not so fortunate end up sharing apartments with other families in very, by our standards, substandard accommodations.

IMPORTANCE OF FREE MARKET

In the United States we have always had a free housing market where it is to the advantage of all concerned to have the opportunity to buy or build a house. At times the government has sponsored the insurance of these housing units through FHA or now through the VA loans. We have programs to take care of some of the minority housing that is being implemented through the FHA and through the Housing and Urban Development Agency, but most important of all, we have had the availability of financing for the average American to buy or build his own home.

It is essential that we maintain this availability rather than let our system slip into a socialistic or communistic approach, or total government control by whatever name it may be. Therefore, the pension funds of today can help to maintain this strength of America that has been so successful in providing opportunities and standards of living for our people. This should be continued and housing should be the source of the implementation of our democratic way of life.

How can this be done? The savings and loan industry, with 5,996 savings and loan associations across the country, has the machinery and the skill in the business of providing this housing, especially so, since the enactment by Congress of the Housing and Urban Development Act of 1968. This act makes it possible for savings and loan associations to join hands with government and other segments of private industry to meet head-on the problem of rebuilding our cities and providing housing for the low and moderate income families as well as the conventional markets so well covered in the past by savings and loan associations.

WHAT DO SAVINGS AND LOAN ASSOCIATIONS OFFER?

Savings and loan associations offer the four ingredients desired by a saver—safety, availability, earnings, and convenience. Today, over 96 percent of all savings accounts are insured up to $15,000 through membership in the Federal Savings and Loan Insurance Corporation, an instrumentality of the federal government. They have a record of having paid out funds as needed to all accountholders. Savings and loan associations have generally paid a higher rate of earnings than other types of financial institutions. And as for convenience, most savings and loan associations have modern attractive quarters in central business districts.

In recent years, where the law permits, many associations have opened branch offices in nearby residential areas and shopping centers. Drive-in teller stations, save by mail service, are other conveniences provided for savers. Many savings associations provide other services such as safety deposit boxes, sale of travelers checks, money orders, United States Savings Bonds, and bill-paying services for the local utilities.

People save money in many ways. They can purchase homes, Government securities and corporate stocks and bonds. The value of all of these, however, fluctuates which means that the saver cannot be certain he will get the full amount of his investment in cash at any time he wants it. For example, many savers and investors have realized that common stocks and Government securities do not always result in the higher effective rates anticipated.

Let's assume an investor, for the purpose of increasing his yield, withdraws $10,000 from his savings account to purchase a 6½ percent note issued May 15, 1969, one of the highest rates offered by the United States Government in 100 years. On August 15, 1969, the saver found it necessary to sell this note due May 15, 1976, and received 98-10/32, or $9,831.25, plus accrued interest of $162.50, for a total of $9,993.75. Had the saver left his $10,000 on deposit during this period with Glendale Federal Savings, he would have received $125 in interest in addition to the full principal amount of $10,000.

And how about common stocks? The Dow Jones Industrial average declined from 990 in November 1968 to 802 on July 30, 1969, a 19 percent decrease. This must have had many a corporation treasurer wondering about some of his investments.

Other forms of savings are the purchase of a life insurance policy or regular contribution to a retirement or pension plan. In both instances, the saver agrees to invest a specified amount at regular fixed intervals. One other form of saving, and a popular one, is a savings account in a financial institution. Money so invested is not subject to fluctuation. The saver is under no obligation to place regular amounts in the account at specified times. In other words, the holder of a savings account can put money into or take money out of his savings account at will without the possibility of losing any of his investment.

The simplicity of savings and loan accounts offers a painless way for pension fund members to invest their funds. The immediate availability of funds as well as the insurance of accounts offers a security and convenience not found in many types of investments. In addition, where a higher yield is desired, actual participation in the loans made by savings and loans is possible. There are ways now to purchase a participating interest or loans outright and have them serviced by the savings and loan associations so that there is a minimum of accounting on the part of the pension fund members.

The pension funds can provide and must help to provide the housing of tomorrow. It is in their interest, it is in the interest of the members of the various funds, it is in the interest of all of the corporations, industries, and individuals who have anything to do with housing to see that money is allocated for this purpose.

The pension funds have an ever increasing amount of money. It is logical to assume that these two industries—the savings and loan and pension fund membership—can get together in a way to provide the necessary financing for the housing of tomorrow. This is the way that the pension funds can be a moving, stabilizing force and can help to build a better America.

ATTACK BY OIL INDUSTRY ON NATION'S MASS MEDIA

Mr. McINTYRE. Mr. President, a vice president of Texaco made an address last month in Dallas to the Texas Public Relations Association. Texaco is the second most profitable oil company in the United States, and this address, by one of its top officials, is quite typical of the insensitivity to the public interest which today seems characteristic of a large segment of our domestic oil industry.

The speech was titled "The New Communications Gap." It was given by a Mr. Kerryn King, who, in addition to his position with Texaco, is a treasurer-elect of the Public Relations Society of America. A copy of this speech has come to my attention. I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McINTYRE. Mr. President, as becomes clear from a reading of it, the speech is basically an attack on the Nation's mass media for the coverage they have afforded the oil industry in recent months. According to Mr. King, the media have been neither fair, accurate, nor objective.

King said:

> Business is not getting its story across in the mass media. Objective reporting has gone out the window in most cases, and there is no attempt to balance news. If you are not on the same side of the fence as the editorial page, your chances of being heard are minimal in far too many cities.

To support his case, Mr. King cites several examples of alleged bias on the part of the media. A look at only two of these examples will make crystal clear where the real bias and news management on oil industry matters exist today.

Mr. King is speaking in both instances about the press coverage of the hearings held earlier this year by Senator Philip Hart's Antitrust and Monopoly Subcommittee to investigate the merits of the mandatory oil import control program.

He first attacks the Washington Post. The Post, he charges, ran 300 lines of coverage on the days the anti-industry witnesses testified and no coverage at all when the industry spokesmen were testifying.

Let us look at the facts. Mr. King is correct in suggesting that the Post devoted 300 lines to the anti-industry side. What he overlooks, however, is that on May 23, the Post ran a 93-line story on industry testimony before this subcommittee; and on June 9, it ran another story under the five-column headline "Oil Industry Lashes Back at Its Critics." This story, specifically devoted to the pro-industry viewpoint, ran 276 lines. Three hundred and sixty-nine lines on the industry side and 300 lines against does not sound like an anti-industry bias to me.

Mr. King next attacks the Wall Street Journal. The Journal, he points out, ran only one story 14 inches long on the first day of the hearings. He said:

> That was the only coverage of hearings vital to one of the most important industries in this Nation.

In this instance, Mr. King has his facts right but fails to place them in their proper perspective. He should have noted that it is a standing operating procedure of the Wall Street Journal not to cover congressional hearings, except in very unusual instances. Its treatment of Senator HART's hearings was merely in accord with this procedure, and no different from its treatment of other industries and other subject matters dealt with in congressional hearings.

Mr. King's own attention to details leaves a lot to be desired. Even more disturbing, however, is the remedy he urges the industry to adopt.

To begin with, he suggests, the industry should communicate directly and at all levels with millions of citizens directly and indirectly affected by the industry's well-being.

Mr. King says:

> We all have stockholders. Let us make certain our story is told to them, not just in our annual reports but in special messages which explain our position.

And, he continues:

> Let us go a step further. More than 100 million Americans have a stake in pension funds and mutual funds with investments in oil stocks. We must try to reach these people with our message.

Mr. King goes on to mention other people the industry should go after through some kind of direct contacts—the 1.5 million employees directly working in the petroleum industry, the suppliers and customers of the industry, and "our neighbors in the towns and cities where we have plants."

He concludes that the industry must also take the "effort and time" required to establish a "rapport" with the academic community, with officials of regulatory agencies, and with elected officials at all levels of government.

This barrage of direct contacts should be accompanied, Mr. King suggests, by "increased use of purchased space in newspapers and magazines to get across an editorial message."

Mr. King does not regard such purchased space as "advertising in the usual sense of the word. I am talking about the purchase of space to present your own corporate opinions, in your own words, the way you want to express them, and not as rewritten by some reporter and as edited by some copy desk."

Mr. President, I do not dispute for a moment that the oil industry has a right to have its voice heard. What I fear, however, is that it may speak so loudly as to drown out the other voices in the arena. The industry has a vast array of economic resources available for a campaign of the type advocated by Mr. King. If such a campaign were mounted by this special interest group, I strongly doubt whether consumer-oriented groups would have the resources available to answer it on nearly comparable terms.

Even more disturbing is that such a campaign, like so much of the industry's present public relations effort, would be conducted largely at Government expense. Much of an oil company's public relations costs can be deducted from its income as an ordinary and necessary business expense, with the Treasury paying the price in the form of reduced tax revenues.

It is because of the immense power thus capable of being wielded by special interest groups such as the oil industry that a free and independent press is so essential to our way of life. Mr. King seeks to make a scapegoat of the press. What has actually happened over the past year is that a great number of hard-nosed professional journalists have taken an in-depth look at the workings of the oil industry. They have set down their thoughts in a thoughtful and balanced manner, and in doing so, have performed an important educational service both to the public and to many of us here in Congress.

I think that some of these journalists deserve to be singled out for very well-deserved recognition. As far as feature articles on the oil industry are concerned, I think special credit should be given to August Gribbon, Michael Malloy, Patrick Young, and Edwin Roberts of the National Observer; to Lewis Beaman, of Business Week; to Allen Demaree, of Fortune; to Ronnie Dugger, of the Atlantic Monthly; and to David R. Francis, of the Christian Science Monitor. All of these writers have explored at first-hand the various protectionist schemes available to the industry today. And each in turn has reached the same conclusion—that a way must be found to end this protectionism and make the industry competitive once again.

Apart from these feature articles, a large number of reporters have done an excellent job of covering the day-to-day news on the industry front throughout the past year. Clearly included in this number would be Spencer Rich, Larry Stern, and Frank Porter of the Washington Post; Bill Blair, of the New York Times; Jerry Landauer and Roger Benedict, of the Wall Street Journal; Dick Stewart and Peter Greennough, of the Boston Globe; Theresa McMasters, of the Boston Herald Traveler; New England columnist Don Larrabee, who writes a column for several New England newspapers; Joe Brooks, of the Bangor News; Frank Sleeper, of the Portland Press Herald; Don Bartlett, of the Cleveland Plain Dealer; Stephen Aug, of the Washington Sunday Star. In addition, CBS Television and NBC Television along with the National Educational Television network have all contributed substantially to educating the American public on this issue as have our national wire services, the Associated Press and the United Press International.

Mr. President, seldom have we owed so much to the press as on this oil industry issue. I have news for Mr. King. With journalists like these around, he should stop trying to find scapegoats and stop conceiving ingenious new campaigns. He should instead take a long hard look at his own industry. For it is only by changing that industry—by returning it closer to a free competitive market—that its image is going to change.

EXHIBIT 1

THE NEW COMMUNICATIONS GAP

(An address by Kerryn King, vice president, Texaco, Inc., Sept. 5, 1969)

We are in the midst of an age of immense social upheaval. Changes taking place throughout the world have their counterparts in the United States. Our Society is in trouble, and all indications are that the 1970's may be even more difficult than the 1960's.

That this shifting environment will affect all our institutions is obvious. That this will affect the conditions under which business is conducted is just as clear. For those of us who believe in our system of competitive enterprise, who believe that the private sector must be maintained in strength if our entire economy is not to break down, there are many serious causes for concern.

All of us believe that if business is to survive it must adjust to changing conditions. And as part of that adjustment we must communicate, to all those affected by what we do, the policies of our companies; why we take certain courses of action; our answers to those who attack our system. And we in public relations know full well that unless we can reach those who are affected by our actions, unless we can tell our side of the story, we are failures. It is as simple as that.

The story of business is not getting across. Answers to those in and out of government who attack our motives, who assail our actions, who decry our policies, who would destroy our economic system, must be communicated effectively. Why are our views not reaching the public? What is wrong?

Let us withdraw a little, assess where we stand and look at our recent history. It is essential to do so at this time if we are to see what the future holds, the paths we are to take, how we are to find the way out of the morass we are now in. Public relations practitioners, as communicators, have always depended upon the mass media as one of the best means of reaching the public. If we had a legitimate story to tell, media would report it. Responsible newspapers were anxious to balance their reporting. Good newspapers did not suppress opinions which did not agree with the editorial page viewpoint. If a public relations man understood the needs of media, and provided newsworthy material, editors were glad to judge it on its merits. And if it were a valid, responsible view there would be no difficulty in being heard.

That there have been changes from that traditional position of the newspapers should be obvious to everyone here. We all remember when even our largest and most powerful newspapers reported what a man or an organization had to say, accurately, fairly. And the best newspapers prided themselves on thoroughly objective reporting. Now this did not mean that the newspaper did not have an opinion. Nor that it published anything and everything without checking, without care, without judgment. But a man or an organization was not stifled, nor its opinion censored because of editorial policy.

The newspapers felt they had an obligation to their readers to give both sides of a controversy. In addition there was competition among several newspapers in one city. If one editor slanted the news to suit his prejudices, another editor across the street would not do so. The competition of newspapers, and so of ideas, provided a safeguard to the reader so that he would get the news and not propaganda. It is essential to our political system that the reader, and therefore the voter have an open door to many views so that he can judge intelligently and * * *.

My father was a newspaperman. I was a newspaperman. In fact, I am a journalism graduate of Southern Methodist University. I was taught at college that our job was to collect the facts, present them in a clear, concise and readable form. And, most important, we were taught that a news story had to be balanced if it were to get by the copy desk. We thought it was our professional duty not to permit our personal opinions to distort our reporting.

What are the conditions today?

The ideal of objective reporting has gone out of the window in far too many cases. If you are not on the same side of the fence as the editorial page, your chances of being heard are minimal in many of our largest cities. In many newspapers there is no attempt to balance the news, to assure that the reader has the other side so that he can reach a decision based on real conditions rather than on the fragmented reporting so many newspapers inflict upon their readers today.

Also, we have fewer newspapers today. In New York, the nation's communications center, there were, only a few years ago, eight daily newspapers. Today there are only three, and two of these are tabloids. So we are left with one standard newspaper, *The New York Times,* through which we are to communicate to the public in a city of eight million people. And if *The New York Times* doesn't tell your side of the story, you do not exist, or, as a friend of mine so bluntly put it, "You are dead," And what *The Times* reports, how it interprets events, has a heavy influence on what the radio and television news departments report.

How severe is this whole problem of both shrinkage and control of mass media can be readily seen from the information the Federal Communication Commission provided to the Senate Antitrust and Monopoly Subcommittee late in 1967: There are 73 communities where one person or company owned or controlled all of the local newspaper and broadcast outlets. Moreover, from 1950 through 1968, there was a decrease of 28 per cent in the number of major metropolitan daily newspapers.

A few minutes ago I mentioned objective reporting. Today many newspapers practice a new type of reporting. It is called interpretative reporting. Now, no one can object to a columnist giving his interpretation of the news. But the place for that is on the editorial page or in a by-line story clearly labelled as interpretative. For the newspaper reporter to write what he interprets you or your company president means, and not tell what he actually said, can lead to all kinds of dangers. In fact it has.

A penetrating comment on this subject appears in the *Quill,* the magazine published by Sigma Delta Chi, the national professional journalism fraternity. It was by Norman J. Isaacs, executive editor of the *Louisville Courier-Journal and Times:* He said, and I quote—

"I have long been for more and more background and interpretation. But this has never meant editorializing in the news columns. We have been seriously damaged all over the country by three types of journalists—one, those lax in ethical responsibility; two, the newspapermen with a cause and determined to jam it down the readers' throats; and three, those so poorly trained and so lacking in skills they simply seem unable to know the difference between a factual statement and an opinion". End of quote.

Part of the reason for this change in newspaper reporting is due to competition with television and its drain on the advertising dollar that otherwise might go to newspapers. It must be remembered that television is essentially a medium of entertainment. When it comes to reporting events like the astronauts' trip to the moon, television is superb. But when it comes to day-to-day news, television with its need for dramatic values, for pictures to illustrate the story, is not as good. It is sad to say that drama and news values are in conflict. What makes news does not always readily adapt itself to picture treatment. Dramatic pictures, often less important than hard news, are given preference by television news shows. And this all too often leads the press to try to follow by stimulating news, by dressing it up to make a greater impact, rather than reporting what may be important but not so exciting.

These changes in news treatment I mention have many distinguished witnesses. Let me quote a journalist who is highly respected as a man of integrity as well as of experience. Arthur Krock won the Pulitzer Prize three times. He was for more than 30 years Washington correspondent for *The New York Times*. In his book, published a year ago, "Memoirs: Sixty Years on the Firing Line," he has this to say in discussing the present publisher of his newspaper, Arthur Ochs Sulzberger. At this time, says Mr. Krock, there is "no proof that he can avert the complacency that too much power and too little competition instill in news and editorial executives, and proof that he can stem the seepage of editorial attitudes into the news columns that his father and Dryfoos vigilantly excluded."

Gay Talese, one of the brighter young men in journalism, in his best-selling book about his old newspaper, *The New York Times,* "The Kingdom and the Power," has this to say about newspapermen: "Most journalists are restless voyeurs who see warts on the world, the imperfections in people and places. The same scene that is much of life, the great portion of the planet unmarked by madness, does not lure them like riots and raids, crumbling countries and sinking ships, bankers banished to Rio, and burning Buddhist nuns—gloom is their game, the spectacle their passion, normality their nemesis."

I wouldn't say that this Talese description of his fellows covers all the newsmen I know. It certainly is not descriptive of the kind of men in whose hands one can expect objectivity and balance on any subject, least of all business.

But in addition to the new modes of reporting, in addition to the shrinkage in the number of major newspapers, there is also much more for the newspapers to cover than they used to. Foreign news is today of vast importance and must be covered. The scope of the entertainment and sports fields is increasing the pressure on space. Of course political coverage demands a great deal of space. The pressure, even under the best of conditions, for the limited space, makes it extremely difficult for business to get its views communicated through the mass media. Compared with demonstrations of hippies, parading students, riots and reports of the reaction to nude plays like "Hair" and "Oh! Calcutta!" the story of business has little hope of obtaining very much of the shrinking news space for its story.

When I say that the business story is not getting across through mass media you have every right to ask me for specifics, for substantiation of what otherwise may be considered only an opinion. Let me cite a few cases, which I think you will agree, make my point.

Let us take first one of the nation's largest and most respected publications. In the June 13th issues of *Life Magazine* there was a five-page layout, complete with color photos and text. The headline was "Irridescent Gift of Death." The sub-head was "As the oil leak off Santa Barbara keeps right on killing wildlife, the proposal is for all-out drilling."

Now, very briefly, the facts as substantiated by the Department of the Interior of the U.S. government, and by independent scientists, were these:

Early this year, an offshore oil well in the Santa Barbara channel experienced an accidental blowout. Considerable oil escaped from its natural reservoir, causing pollution of the Santa Barbara channel and its beaches. The leakage was brought under control, and the company operating the well spent more than four-and-a-half million dollars cleaning up the resulting damage.

Parenthetically, it should be noted that this offshore area of Santa Barbara has been subject to natural underwater seepages of oil for centuries. Explorers in the 1700's and 1800's recorded finding oil and tar on the Santa Barbara beaches and on the rocky coasts of nearby islands.

Also parenthetically, it is worth noting that the oil industry has drilled more than eight thousand wells in the waters offshore the United States. Only sixteen of these have been blowouts, and only one of * * * caused any pollution.

What *Life* published was essentially a horror story—a story of how wildlife, sea lions and elephant seals were allegedly—and I stress *allegedly*—killed by the Santa Barbara oil leakage. The magazine showed a picture of an infant sea lion and the caption said: "Above, on San Miguel Island, 35 miles away, an infant sea lion—himself stained by the spillage—surveys his threatened domain." End of quote.

Now, what actually happened? Two studies were made of the area's wildlife and marine organisms—one by the California State Bureau of Commercial Fisheries, the other by the California Institute of Technology. Both agreed that there was indeed a substantial loss of birds immediately following the blowout. But both studies also agreed that there was *no subsequent damage* to wildlife attributable to oil.

Now, the *Life* article appeared four-and-a-half months *after* the blowout. Their reporters overlooked or ignored these two studies. And they ignored or misinterpreted the photo of the baby sea lion. Contrary to the caption, that sea lion was *not* stained by oil spillage—his fur was wet only from *sea water*—as the area's scientists quickly confirmed when they examined the picture.

The reporters from *Life* not only had trouble interpreting what they thought they saw. Their sense of smell also got them into difficulty. They reported that, sitting in their boat downwind from San Miguel Island, and I quote, "another odor met our nostrils, borne upon the wind and more sickening than that of the oil. It was the stench of death."

Now, any sailor in the Santa Barbara area can tell you what that smell is. The all-pervasive odor downwind from San Miguel is the stench from the excrement of more than 20,000 sea lions and elephant seals of that island. It does not resemble the stench of death, and in fact it completely blots out all other odors in the area.

But perhaps *Life's* reporters are only slightly myopic like the rest of us. While they were at San Miguel, other newsmen rushed northward to Point Conception. Someone had reported there were two dead seals on the beach. When the newsmen arrived to report the inquest, the two seals woke up and went swimming away.

Further inaccuracies were strewn throughout the *Life* story. Essentially, *Life* claimed—after an all-too-brief and all-too-superficial visit to San Miguel Island—that the wildlife there was dying out. The truth was and is that—as attested by expert scientists and wildlife specialists living on the island—the wildlife was and is thriving—sea lions and elephant seals, fish and wildfowl.

After the oil company involved prepared and presented a full refutation to *Life*, the magazine ran a box in the Letters to the Editors columns which indirectly admitted a few points. But, once again, the correction could never catch up with the distortion.

Now let me offer one further evidence of my point that business' case is not getting to the public through the mass media.

I work in the oil industry, as the chairman mentioned. It is an important industry, affecting many millions of our people. In fact the Department of Commerce issued its Input-Output study in July which tells much better than I can what this industry means to the country. That study, which represents a comprehensive survey of overall inter-industry transactions, shows that the petroleum and rubber industries are the only industries, excluding the service industry, upon which every other U.S. industry is dependent.

So, naturally, I am peculiarly sensitive to what is said and done about the oil industry.

In March, April, and May of this year, Senator Hart of Michigan held hearings before his Senate subcommittee which were vital to the oil industry. The subject of the hearings was the oil import program and whether this nation needed to maintain a healthy and viable domestic oil industry.

I have made an analysis of how the daily press reported those hearings. And I say the results of my analysis will convince any public relations practitioner of the futility of trying to communicate with the public through the press.

Some papers, of course, were better than others. Many papers, particularly those in producing states, gave a fairly well balanced account of what happened at the Hart hearings. But let me give you the results of a check of three important and extremely influential newspapers: *The Washington Post, The New York Times* and the national newspaper of business, *The Wall Street Journal*.

Now, first, as to *The Washington Post*. It is one of the most influential newspapers in the country. It is seen and read by the President, by senators, by congressmen and by those senior civil servants whose daily decisions affect the oil industry. It is read as well by those members of the regulatory agencies so important to any large industry. And, of course, *The Washington Post* is read by Washington correspondents representing various media in this country and abroad.

Here is the record of *The Washington Post*:

For seven days the Hart committee heard what may well be called the anti-industry witnesses. Fifteen economists pontificated about the oil business, including three from the London School of Economics. How well informed these latter could be about an American industry I leave to you to assess.

These anti-industry witnesses testified on March 11, 12, 24, 25, 26, and on April 1 and 2. Here is what the record shows about *The Washington Post's* coverage:

On March 12, that newspaper ran a two column head, top middle on Page 3. The coverage totalled 100 lines. On March 26 the coverage was on Page 2, with a three column head, lower left. There were 80 lines of space devoted to the witnesses. In the issue dated April 3, a story appeared on Page 7, under a two column head, top left corner. There were 120 lines of space devoted to the story.

After that date, and during the entire testimony of the witnesses stating the case for the oil industry, there was not one single line of coverage by *The Washington Post*.

So the score for *The Washington Post* was: Anti-industry days, 300 lines, Pro-industry days, 0.

Now let us take a look at what happened in *The New York Times*. And I cite *The Times* because it is one of the great newspapers in the world. Their news is syndicated to papers all over the country. It is published in the heart of the American communications world. *The Times* is read by opinion-formers throughout the country, not to speak of the fact that the television and radio network news heads and writers read *The Times* as well.

Let us then survey the coverage by *The Times;* first, the anti-industry witnesses:

The Times carried stories on five days in March and April reporting the views of anti-industry witnesses. These stories totalled 80 inches.

In May, the pro-industry witnesses testified for six days. They were a blue-ribbon panel if there ever was one—the nation's leading oil and conservation experts. How did *The Times* cover the views of these witnesses?

It carried three stories—totalling 19½ inches.

The score for *The Times*, which proclaims on the front page of every edition these words: "All the New's That's Fit to Print" was as follows: Anti-industry days: 80 inches. Pro-industry days: 19½ inches.

Now what did *The Wall Street Journal* do? How well did this, the most important business newspaper in the country, report Senator Hart's hearings?

Here is the record. On March 12, *The Wall Street Journal* ran a story on page 16. It appeared under a one-column heading, top center of the page. Space devoted to the story was 14 inches. And hear this. That was the only coverage of the hearings vital to one of the most important industries in this nation. That was all. Just one day out of a total of thirteen days of hearings before the Senate Committee.

Now may I ask you? How well is the oil industry reaching the public through the press?

Older newsmen might find fault with the analysis I made of the news reports and complain that I did not take into account other events on the news front during the Hart committee hearings. They might ask what were the big stories that forced out the industry side of the story?

I know that every editor has only a certain amount of space allocated to him each day and that big news-breaks can affect what is run and what remains as overset in the composing room. I agree that on certain days major news-breaks can force lesser news to fall by the wayside.

But let me say this in reply. This can happen on one day or on two different days or perhaps more. But it is beyond reason to expect anyone to believe that a story which stretches over thirteen days of Senate hearings in a three-month period is only a matter of news budget and not a lack of fair representation of the case of business. No. There is no other basic reason except that some editors, at least those responsible for the publications I discussed today, feel that the reporting of a balanced story does not rank high in their editorial or news priorities.

And at this point let me make it clear that I do not mean to be overly critical of the press, radio or TV. After all, they are selling a commercial service to the American public. And if the public is interested primarily in shock value, controversy, sex, murder and what self-appointed oracles have to say about the world, no self-respecting businessman can seriously object. But he should—and can—take the steps necessary to see that his ideas, his opinions, his points-of-view are communicated to the people who are concerned—to the people who *do* have an interest that goes beyond the superficial, biased or slanted, perhaps even prurient views so easily tossed about by our biggest by-line reporters today.

I have spoken about business not being heard through the mass media. But others are worried about this as well. Indeed there is the beginning of a movement, which is now clearly apparent by those now being overlooked by media to insist on the right to be heard.

As evidence that this is more than idle talk let me refer you to an article on the right to access in the mass media. It appeared in the March issue of the *George Washington Law Review*. It was written by Professor Jerome A. Barron of George Washington University. The title of the article is "An Emerging First Amendment Right of Access to the Media?" I recommend that you read it, for it is more than a glimmering of the feeling of many that views which are not presented in the mass media should be given space and time.

I would also like to mention several articles in the Spring edition of the *Columbia Journalism Review* in which the First Amendment is discussed. These articles show an interesting trend for they too deal with the problem of groups which can't get a hearing in newspapers. There is even a group which feels that newspapers should be licensed. Their argument is that if radio and TV are subject to FCC regulations, why not the press?

But this is not for us. At least, I am sure it is not the answer for me. Most of us are communicators who must work through the means we have. And we have a special job to do for our employers, for our industries.

If we are frustrated in our efforts to reach the public through the mass media, it is also up to us to find other means of reaching the public. This is our challenge. And complaints and breast-beating are not going to solve our problems.

Let us also face the fact that we are in a period when public confidence in our institutions is being undermined by mass media. And unless we can get our message across, unless we can explain the position of business, we are in for the kind of trouble that will make today's problems look insignificant. I am not exaggerating when I say that unless we can communicate more effectively, the very structure on which business is built will soon crumble.

We must re-think our approaches and change them to fit the altered environment. The only option we have is to adopt new methods, new techniques, to build a total communications program to win public confidence and hopefully its support. Let us get out of our minds that mass media represents the only answer.

Let me suggest the path it seems to me we must pursue. But remember that executive management must support our plans completely and be willing to communicate in the fullest sense of the word. Executive management must also be prepared to provide the budget and participate in carrying out our plans.

Let's begin first of all with those who have a vital interest in our companies and in our industries. They are the ones who have a real interest in the survival of American business.

We all have stockholders. They certainly have an interest in the company they put their money into. In the case of the oil industry let me cite some figures which show how extensive is one of our audiences who will listen to our case properly presented. Of the 24 million stockholders in the country one out of every seven has stock in the oil industry directly. Here are then about three million citizens who want their companies to succeed. Let us make certain our story is told to them, not just in our annual reports but in special messages which explain our position. These stockholders have family, relatives, friends.

Now let us go a step further. More than 100 million Americans have a stake in pension funds and mutual funds with investments in oil stocks. We must try to reach these people with our message.

Let me outline another step in my suggested plan. The number of employees directly working in the petroleum industry is 1.5 million. Every one of these employes' jobs depends on the health of the industry. These workers in the industry are ambassadors. And let me remind you they can be ambassadors for good or for ill. No matter how well they are paid, no matter how good their working conditions and pension plans, they cannot know our story unless we tell them. And by that I do not mean a one-shot effort, but a continuing and fruitful job of providing information. Not in our terms but in the terms that involve them.

In addition, we must reach other groups who have a special interest in our industry. I mean our suppliers, our customers, all those with whom we do business directly. They are the ones who know us and to whom we can communicate if we are sufficiently creative, sufficiently imaginative.

Then there are our neighbors in the towns and cities where we have plants. They too know us by our deeds and if our performance is in their interest they will listen to what we have to say. And, of course, continue every effort to provide hard news to that vast portion of the press that wants and will use it.

But we must develop a more thorough and imaginative use of our own communication devices. I mean our publications, our films, our exhibits, our seminars, our meetings and our community events. We must also build bridges to the academic community, the teachers, and if we are creative enough we can also reach students in the schools.

Elected officials, government employes, the members of regulatory agencies also must know our story and here we simply must develop new and effective means of communicating with them. And by that I do not mean only when a company or an industry has pressing problems, but on a year-round basis. Think back. How often do your company executives visit their congressmen or senators? How often do they see their local city fathers or state legislators unless they go to them for some help? To develop a rapport with these men requires effort and time. And it must in large measure be face to face. For no matter how well written your material may be, no matter how creative are your films, none can match the value of a direct meeting between your executives and key opinion leaders.

Now, this brings me to another point in my suggested program. Our executives must get out more. They must make speeches. They must appear before varied groups. And by this I do not mean the chairman or president alone, but all executives. They cannot leave the communications job to their public relations departments. They, too, have a job to do and without their direct participation the mission cannot be wholly effective.

A company must be willing to think through its position on every issue. If it is to make a successful stand on any issue, it had better know where it actually stands. And it must communicate its policy to everyone in the company. It must do so by providing background memoranda, by circulating "white papers," and in large measure by giving face-to-face briefings to its field people. Moreover, the company must turn its field people loose—it must authorize them, it must persuade them, it must encourage them to get out and tell the company's story at the local level in every area.

Make no mistake about it, no one yet has developed a communication technique that is as effective as personal give-and-take, man-to-man, the kind of personal communication we are having here today.

Getting our message across to Washington and to the public at large presents a greater challenge. On rare occasions, we can capture free space in the mass media with the ingenious gimmick and the staged event. But how can we hammer home our case on the big issue? There is a crying need for the answer—in fact, a whole pocketful of answers that will represent the best thinking of the most experienced public relations professional.

Among the most promising answers is the increased use of purchased space in newspapers and magazines to get across an editorial message. I don't consider this to be advertising in the usual sense of the word. I am talking about the purchase of space to present your own corporate opinions, in your own words, the way you want to express them, and not as rewritten by some reporter and as edited by some copy desk. This kind of an approach can sell our ideas, can explain our positions, in such a way that it will command the reader's attention because it is not only important but interesting.

Now, I know that management is always worried about expense. But I assure you that such paid space can be especially effective for handling local issues in individual communities at a surprisingly low cost, even for full-pages. And you can buy a half-page in a local newspaper for as little as two hundred dollars. Just check the figures and you will find out how economical this technique can be, especially when you use reprints for direct mailing to employes, customers and influentials.

Other promising answers involve the use of the newer methods—television, radio, movies, a whole range of audio-visual techniques. You can develop news events or interviews for television, especially if you can be fast enough to rebut a Congressman's attacks while they are still news. You can obtain prime time and wide audiences on radio-interview shows, if you can talk provocatively and if you are not so thin-skinned as to wilt under some barbed questioning. You can get your short subjects into movie theaters from coast to coast—if you can convince your own management that you must deliver entertainment as well as a subtle sales message.

Perhaps I can best summarize the point this way:

No company would hesitate to buy space to sell its products. Why hesitate to buy space to sell the *ideas* that will preserve your right to keep on selling those products?

The battle lines for men's minds are clearly drawn. The issue at stake is nothing less than our competitive enterprise system. Have we the commitment, the willingness and the imagination to use our resources to the full? Much depends on your answer. This is the challenge to you as public relations professionals. The question is: Are you and the management you represent ready to meet this important challenge?

I hope that you are.

Thank you very much.

EVERETT McKINLEY DIRKSEN

Mr. MOSS. Mr. President, our late beloved colleague, Everett Dirksen, is sorely missed by all of us on both sides of the aisle. As a member of the same college fraternity with the late Senator, I feel that we shared an additional closeness.

Aside from his expertise in performing his senatorial duties, Senator Dirksen brought great joy and laughter to this body at a time when laughter and joy are becoming more and more scarce. The melodious tones drifting throughout this Chamber on the merits of the marigold versus the rose, or any other bloom, to be our national flower afforded us a much-needed relief from the crises facing the Nation, both here and abroad. It helped give us a new perspective.

As one commentator put it, the passing of Senator Dirksen may be the marking of the end of an era—an era of great oratory and debate where a politician was distinguished more by his performance on the Senate floor than his performance before the television camera. The commentator also intimated that when a bust of Senator Dirksen is placed in the Capitol with his craggy face and fly-away hair, he will certainly stand out from the newer crewcut models—though, he added, it will certainly save on plaster.

I miss Senator Dirksen for many reasons, not the least being his splendid humor and fine wit.

CONFUSING WEALTH WITH INCOME

Mr. STEVENS. Mr. President, the Committee on Finance has been doing a yeoman job on the House tax reform bill and will soon be reporting that bill to the Senate. I wish to point out one oversight in our tax philosophy that apparently will be perpetuated even by this extensive reform legislation.

For many years, we have recognized the unfairness of the graduated tax system when applied to individuals whose income varies greatly from year to year. We have special rules for capital gains, which are often realized by the taxpayer in a lump sum in 1 year and may represent income actually earned over several years. We provide special treatment for lump sum distributions of retirement funds built up over many years. We have rules which allow a taxpayer to average his income over several years when income in a given year is substantially above his previous earnings.

But for some reason—which I cannot fathom—we do not have any provisions for adjustments in situations where the buying power of a taxpayer's income is substantially less where it was earned than it would be if it had been earned elsewhere. For example, the cost of living in Fairbanks, Alaska, is approximately 50 percent higher than it is in Seattle.

Thus, it would appear, a family in Fairbanks would have to earn $15,000 in order to maintain the same standard of living as a family earning only $10,000 in Seattle. But, if we compute the taxes that would be paid in each situation, we see that the tax in Seattle would be $1,114—assuming a family of four and a 10-percent deduction—whereas in Fairbanks it would be $2,062 for the same family of four. In this example we are talking about two families whose incomes maintain precisely the same buying power, but whose taxes are not at all in proportion to the differences in dollar income. The family in Fairbanks has paid 13.8 percent of its gross income in Federal income taxes while the Seattle family has paid only 11.2 percent of its gross income in Federal income taxes. Or, to put it another way, the Seattle family was permitted to retain 4.6 percent more of its buying power than was the Fairbanks family, even though they purportedly have comparable incomes.

The solution to this problem is a simple one. The fixed exemptions and deductions now permitted under the income tax law should be adjusted to reflect the geographic differences in buying power. I have introduced a bill (S. 1908), which would accomplish this for the exemptions allowed for a taxpayer and his dependents. A similar provision should also be added to the limit on the standard deduction.

This would not be the first instance in which geographic differences in cost of living were taken into account. Industry provides for cost-of-living adjustments for transferred employees. Many government programs provide for adjustments to reflect cost of living differences. My proposal is simply to extend this concept into the area of Federal income taxation.

What we are doing with our present tax law is confusing income with wealth. A person is not wealthier simply because he has a larger dollar income. He is wealthier only if he has greater buying power. I urge the Committee on Finance, in its deliberations on the present tax reform bill, to consider the provisions of S. 1908, which relate to adjustment for geographic cost of living differences, and to include this basic and truly meaningful reform in the bill it reports.

THE CRISIS OF THE ENVIRONMENT

Mr. MONDALE. Mr. President, the public is becoming increasingly aware of the "other war" we are waging. It is a war we cannot win, but can certainly lose, because it is a battle of man against nature. If we continue on our present course, driving toward progress and comfort, all the while ignoring the side effects of our new luxuries, we may well wipe out the possibility of any future for our children.

It is time to channel the renewed interest in the preservation of our natural resources into the creating of an effective national environmental policy. The junior Senator from Wisconsin (Mr. Nelson) has been at the forefront of this effort for nearly all of his political life. He has called for a nationwide teach-in on the crisis of the environment, a day next spring to be set aside for educating the public on the severity and urgency of the problem. It is hoped that the teach-in may launch a movement that will lead to a positive environmental program.

Senator Nelson mentioned his teach-in proposal at a congressional conference on the crisis of the environment on October 24. An excellent report of the main points of the conference, written by Wolf Von Eckardt, was published in the Washington Post on Sunday, November 2. Because the problem is one that concerns us all and one that demands our immediate attention, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 2, 1969]

Meeting the Crisis of America's Environment

(By Wolf Von Eckardt)

Next spring the kids on the campuses all across the nation will conduct a teach-in on the crisis of environment.

A special day, still to be announced, will be set aside from routine business. And that day may launch a popular movement to demand a national environment program much as we have a national defense program and on much the same scale.

The teach-in is the idea of Sen. Gaylord Nelson (D-Wis.) who, like so many of us, had reached the desperation point about the the insanity of a society that offers its young no hopeful future, a society that is about to kill its own children, if not by nuclear war, more slowly, by poisonous pollution.

Sen. Nelson announced the teach-in 10 days ago and says the response has been "overwhelming." There will be symposiums, convocations, panel discussions and outdoor rallies among students, scientists and faculty members, as well as labor, conservation, women's and other citizen organizations.

The senator says a Washington office to coordinate the event will be opened next week. But on each campus the students will do their own thing.

At the University of California they are likely to focus on the Santa Barbara oil spills. At Wisconsin they'll mostly talk about the impending death of Lake Erie.

On city campuses, the foremost concern will be the poisoned air. All the teach-ins will endeavor to involve their local community and emphasize local problems.

But the teach-ins will undoubtedly stress that the crisis of the environment cannot be viewed or solved in isolated local fragments—an oil spill in Santa Barbara or DDT-poisoned mother's milk in Boston.

Like national defense, which would hardly be assured by a submarine base here and an anti-missile missile there, it must be viewed and attacked in its ecological entirety.

Nor will we get very far with negative police measures, though they are an essential beginning. Air pollution control ordinances, for instance can at best have only a limited effect, as long as we keep building more freeways and predicate all our metropolitan planning on further proliferation of combustion engines.

What is desperately needed—and as a matter of the highest priority—is a positive national environment policy. The Congressional Conference at which Sen. Nelson first announced the teach-in brought out some premises on which such a policy must be based.

The conference, perhaps the most constructive I have ever attended, was sponsored by about 100 Congressmen and Senators and organized by the Fund for New Priorities in America (a New York-based organization of business and professional people), which had called together some two dozen bright people, including scientists and journalists.

The new phrase around which most of the discussion evolved, coined by Aaron J. Teller, dean of engineering and science at Cooper Union, was "looping the system."

It means the continuous reuse and regeneration of the water, fuels and chemicals that we now waste because we consider them garbage.

The garbage, of course, is often poisonous and always ugly and is now piling up to such an extent that it is seriously clogging the American way of life. The richer we get, the more garbage. We have reached, as John W. Gardner so eloquently put it, a state of affluent misery—"Croesus on a garbage heap!"

But the stuff isn't really garbage if you look at it rationally. Teller points out, for instance, that, although we are short of sulfur, one of the most important resources of our economy, we dump 12 million tons of the 16 million tons we consume each year into the atmosphere and into our streams. That is an expensive way to cause a lot of damage. The price of sulfur is up from $20 to $40 a ton because of the shortage.

Abatement laws reduce the damage but not the waste, Teller says. One abatement process removes sulphur oxide from power plant stacks and converts it into a new waste—four pounds of waste for every pound of sulfur removed. A typical power plant will build a mound of 150,000 tons of solid waste every year.

The same is true of attempts to put afterburners into automobiles, which waste enough fuel to provide all the power and heating needs of two cities the size of Philadelphia. The afterburner makes the effluent less toxic. But it still wastes the fuel—12 billion gallons a year.

Instead, men like Teller say, we should reuse that sulfur and that carbon monoxide and all the other materials with which we now foul up America.

Teller says: "Pollution and preservation of natural resources are inexorably intertwined by nature, and the ultimate solution must result in the simultaneous solution of both problems. Such a solution must be based on the reality of the ecological system and not merely by policing a fragment. We must loop the system."

The technical machinery for recycling "wastes," insofar as it doesn't already exist, can be researched and developed as easily and quickly as we researched and developed the technical machinery to get to the moon (and probably a lot easier than getting to Mars). The question is how to start. Teller suggested a system of special taxes and tax incentives. But there wasn't much sentiment for that at the Congressional Conference. It is doubtful that a tax rise would have gotten us to the Sea of Tranquility or that a tax-manipulated market economy can buy us a livable environment.

Much of the country is sick of oily depletion allowances and at the same time as the conference in the Old Senate Office Building was hearing some doubt about industrial wisdom, another conference in the Interior Department heard one water polluting industralist after another tell Secretary Walter J. Hickle that he was all in favor of clean water if only someone else will pay for making it clean.

"We the people," it says in the preamble of the Constitution, must provide not only for the common defense, but also promote the general welfare for ourselves and our posterity.

Building new towns, re-building the old cities, new fast trains and rapid transit, new order in the metropolitan areas, recreation parks and green-belts are therefore part and parcel of the effort of recycling wastes, and cleaning up our air, rivers and lakes. It's all one effort—the design of a human environment.

This is nothing new. More than 30 years ago, under Franklin D. Roosevelt's New Deal, we started all this with the Tennessee Valley Authority, the National Resources Board and the Greenbelt towns. Only the TVA survived.

Too expensive, say the small minds. But far more dangerous is the lofty computer mind that argues that a national environment program would be too cheap to replace our war program in the national economy. The "Report from the Iron Mountain on the Possibility and Desirability of Peace," which found that only ever-accelerating defense production could sustain our national economy, may have been a hoax. But the line of thinking that an environment program is too cheap for economy-sustaining is not.

The military-industrial complex is not convinced that sulfur recycling, rapid transit, new towns, recreation parks, swimmable rivers and breathable air gives them as much benefit for our cost as their ABMs and SSDs and the rest of ther deadly alphabet soup.

This should give next spring's teach-in a lot to talk about.

DEDICATION OF HAMPSHIRE FIELD IN VIETNAM

Mr. McINTYRE. Mr. President, earlier this month I discussed my views on Vietnam in an address before the National Academy of Sciences at Hanover, N.H.

In the course of that speech, I said the war had truly come home to Tom McIntyre in a moment last month at Grenier Field in Manchester, N.H.

There I witnessed a scene I will never forget—the arrival of five flag-draped coffins bearing the bodies of five young members of New Hampshire's 197th Field Artillery Battalion of the National Guard—five young men from one neighborhood—killed in action the very week the battalion was to return home from Vietnam.

Last week those five young guardsmen were honored at the dedication of Hampshire Field, near where they fell in Vietnam on August 26.

The account of the dedication of the field was published in the Manchester, N.H., Union Leader on October 29. I ask unanimous consent that this touching tribute be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Five Slain New Hampshire GI's Honored in Vietnam

FSB Thunder III, Vietnam.—Five New Hampshire National Guardsmen, killed by a mine near here on Aug. 26, were honored at the dedication of Hampshire Field here last week.

The newly dedicated field is a memorial to Staff Sergeant Richard P. Raymond, SP5 Richard E. Genest, SP4 Guy A. Blanchette, SP4 Gaetan J. Beaudoin and SP4 Roger E. Robichaud, all of Manchester.

Also honored during the ceremonies was 2nd Lieutenant Thomas J. Dostal, Des Moines, Iowa, who was killed Aug. 24 while serving as a forward artillery observer.

Battery A, 2nd Battalion, 12th Artillery, the unit which replaced Battery A, 3rd Battalion, 197th Artillery, N.H. National Guard, when the unit returned home in September, conducted the ceremony.

Most of those who took part in the dedication had known and served with the men they were honoring.

During the ceremonies, the rifles of the six men, with fixed bayonets and their helmets laying atop them, were stuck into the ground in the traditional tribute to fallen GIs.

Capt. Leo X. Dwyer, Marshfield, Mass., Battery A commander, told the artillerymen present "I can think of no better way to honor these American soldiers than to fly two flags over the field. The American flag to commemorate the country they loved so much and the Vietnamese flag for the country they were fighting to save."

At the conclusion of the ceremonies, a final salute was fired by the 155 millimeter howitzers that the six men had lived with for a year.

FSB Thunder III is about 65 miles north of Saigon and sits on Vietnamese National Route 15, known as Thunder Road," a vital link between the capital and bases along the Cambodian border.

It was on Thunder Road, about 15 miles south of the base, that the five Granite Staters were killed when their truck struck a mine on Aug. 26.

Lt. Dostal, a regular Army officer who had been with the battery since May, was killed by small arms fire two days earlier while serving as a forward observer with the Third Mobile Strike Force, a composite Vietnamese-Cambodian unit with Special Forces advisors, which was operating in the Duc Phong area, about 40 miles north of Thunder III.

THE MUKTUK GUARD

Mr. STEVENS. Mr. President, recruiting for the Alaska National Guard is not an occupation, it is a way of life.

M. R. "Muktuk" Marston is the most famous of the recruiters.

This summer "Muktuk" will again go on a recruiting mission. Muktuk Marston is a living legend in Alaska. He was responsible for the establishment of a territorial guard during the bleakest days of World War II; days when a Japanese invasion of Alaska was a reality, not just a fear.

Muktuk Marston is one of the men who helped to preserve Alaska and contribute to its growth. The Nation owes him a hearty thanks. But men like Muktuk do not rest on their laurels.

I ask unamimous consent that the news release about Muktuk's new efforts be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

M. R. "Muktuk" Marston

A familiar face will appear in Unalakleet, Nome, Kotzebue and Barrow next month, in conjunction with a National Guard recruiting campaign in those towns.

"Muktuk" Marston, the man generally credited with organizing the Alaska Territorial Guard during World War II, will visit the four cities to help recruit men for the 1st Scout Battalion, Alaska Army National Guard.

Now retired, and living in Anchorage, Marston volunteered to go north to help with the recruitment program for two reasons. First and foremost is his strong attachment to the Scouts, successors to his old ATG units, and second is his attachment to the youthful new commander of the 1st Scout Battalion, Major John W. Schaeffer, Jr.

Schaeffer is the son of John Schaeffer, Sr., of Kotzebue, a man who served Marston as a dog musher in those earlier days, and whom Marston credits with saving his life during a trying five-day ordeal in the Baird Mountains, east of Noatak.

The pair were traveling from village to village in the area, talking with the Eskimos, explaining the importance of the Alaska Territorial Guard, and forming ATG units in each village. During bad weather, in the dead of winter, the pair lost the trail, and spent five days in temperatures below minus 50 degrees before finding the trail and continuing their mission.

Marston won't admit they were really lost, "just a little confused" but he readily pays compliments to the trail-wise senior Schaeffer, and avers that he might not be here today "had it not been for a real man, and one of the greatest dog-mushers, John Schaeffer, Sr."

The story of Marston and the Alaska Territorial Guard goes back to the early days of World War Two.

In 1942 there was no Alaska National Guard. Alaska's Guard units had been called into Federal service, and its men were scattered through units in the south 48. The regular Army forces in Alaska were still spread thinly through the Aleutians and Southeast Alaska. With the advance of Japanese invaders in the Aleutians, then-Governor Ernest Gruening resolved that Alaska needed a better defense, some kind of territorial guard.

He established the Alaska Territorial Guard, and gained the appointment of Major M. R. Marston, a reserve officer assigned to the staff at Ft. Richardson, to assist in the formation of ATG units.

Marston's efforts were invaluable. He served as an administrator, recruiter, organizer and trainer. Traveling throughout the state, Marston spread the gospel of self-defense in Alaska. He located men willing to tackle the tasks of organizing units in villages and towns across the state. He helped to procure arms, ammunition, equipment.

Often traveling in the dead of winter, going into villages which could be reached only by dog team, Marston perservered. Through his efforts a live and functioning Alaska Territorial Guard was available should the enemy have reached the mainland of the Great Land.

The bulk of the units he formed were located in the western half of the Territory. When the ATG was disbanded in March 1947, its peak strength had exceeded 3000 men. Throughout the war, it had provided the psychological security so necessary to prevention of panic in the State.

It was not until 1949 that the present day successors to the ATG, the Eskimo Scouts, were formally organized, but it was easy to recognize the lineal descent from the old ATG in the new Scout units. A large percentage of the men who joined in the villages were the same men who had volunteered seven years earlier.

It was during those troubled times in the early forties that Marston earned the nickname "Muktuk". He was accepted by the Eskimo and Indian residents of the remote area he knew so well. Accepted because he accepted them as the proud people they were, and learned their language and ways.

Stopping in one of the villages to check on the condition of the ATG unit there, Marston was invited to have his evening meal with a villager recognized as the champion eater in that area. During the course of the meal, Marston was offered a heaping platter of muktuk, the Eskimo delicacy formed of the skin and first fat layer of the whale. Whites, not being used to the extreme richness of the meat, normally can eat only a few bites. Because the major had been living with the natives during most of his travels, he had overcome this weakness of the stomach, and at the end of the meal had become the new local champion. His nickname was earned.

Even today, almost thirty years after his earlier recruiting trips into the villages, people look forward to the return of "Muktuk."

And this year, he will return to the scenes he knew so intimately in World War II.

Muktuk is going north to spread again the word of preparedness, and the need for a strong National Guard.

His first foray on behalf of the Scout Battalions will take him to Unalakleet on Nov. 10th, Nome on Veteran's Day, to Kotzebue on the 12th and Barrow the following day. There, Marston will talk with old friends, and meet new friends, the young men of the towns. He will tell these young men of the value to the Nation of their service in the National Guard, and of the returns they can gain by serving as volunteers in the 1st Scout Battalion units of the northwest.

Traveling with Marston on his mid-November journey will be Major John W. Schaeffer, Jr., who in his own right is a pioneer. Schaeffer is the first Eskimo to command a scout battalion. A native of Kotzebue, Schaeffer joined the Scouts in 1957 as a private. Slightly over a year later he completed the strenuous Infantry Officer Candidate course at Ft. Benning, Ga., and was commissioned a second lieutenant in the Alaska Army National Guard. Since that time, Schaeffer's progress up the ladder of command has been steady. He has served as patrol leader, company commander, staff officer at the battalion level and at Alaska Army National Guard headquarters in Anchorage.

Schaeffer is one of the two Eskimo officers to reach field grade (major or higher) in the National Guard. The other is Lt. Col. Lloyd Ahvakana, of Barrow, now assistant G-3, State Headquarters and Headquarters Detachment, Alaska Army National Guard.

Alaska's adjutant general, Major General C. F. Necrason, asked Marston to join in the Scout recruiting effort because, in his words, "Muktuk is known to every Eskimo along the coasts of Alaska. They all know men who served with his ATG units during World War II, and they know that Marston has a sincere interest in their well-being." He went on to say "Marston performed a great service for Alaska during World War II, and we feel that his presence in the northwest, even for just a few days, will do a great deal to awaken the young men to the opportunities that await them in the National Guard."

The part-time soldiers of the Alaska National Guard receive basic infantry training at Ft. Ord, California, then may attend a specialty training course at another stateside post. Upon completion of their training, they return to their home villages, assigned to one of the nearby National Guard units.

Each year of their enlistment, the Guardsmen work at their military specialties for a minimum of 48 training periods, and attend an annual field training session held each winter at Ft. Richardson. During this two week encampment, the men receive further concentrated training in scouting, field maneuvers and other military skills.

Each four-hour training period during the year brings one day's pay for the rank the man holds. During the two week field training, he draws full military pay and allowances for his rank. All the while the men remain in the Guard, they accumulate points which may be translated into a permanent retirement pay after twenty years' service, and reaching age 65.

BUDGETARY CUTS IN HEALTH RESEARCH FUNDS

Mr. McGOVERN. Mr. President, I am disturbed that in the process of making legislation and spending money, Government tends to forget that it is people and not laws and dollars which count. The treatment which our health programs have received at the hands of this administration is one good example of placing dollars before people.

The human tragedy involved in this budget decision is clearly set forth in the story of Sandra Vitorelo, a 22-year-old nurse dying of leukemia, who wrote the President about the need for cancer research funds. She received a typical, insensitive bureaucratic response and died 3 days later. No more compelling argument can be made for the need for health funds than the story of this young woman. I ask unanimous consent that the Associated Press story concerning this young woman, which appeared in the Huron, S. Dak., Daily Plainsman on October 30, 1969, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

White House Letter Explains Cuts; Girl Dies 3 Days Later

San Francisco, Calif.—A month ago Sandra Vitorelo, 22-year-old leukemia sufferer, wrote to President Nixon protesting cuts in federal funds for medical research.

The reply from the White House arrived Monday at the University of California Cancer Research Institute, where she was a patient.

"I opened the letter for her—she was so feeble," said her mother, Mrs. Emile Silver. "She read it in a great deal of pain. It was three pages of explanation.

"Then she sort of shrugged and said, 'Just about what I expected. That's his rationalization, not mine.' And she told us to see that the newspapers got the story."

On Wednesday, Sandra died.

Newspapers and the California Nurses Association monthly bulletin had printed the Sept. 27 letter in which Sandra, a college-trained nurse, told the President:

"We who are afflicted with such diseases as leukemia and cancer live only in the hope that a cure can be found in time . . .

"By cutting off the great federal allotment to this cause, you have greatly jeopardized our hopes of a breakthrough."

The reply was from White House staff assistant Noble M. Melencamp, who said the President "has asked me to relay to you his personal good wishes and hopes for your speedy and complete recovery."

The letter listed "peace for this country and the world" as the Nixon administration's first priority and halting "erosion of the purchasing power of the dollar" as its second.

"The administration is convinced," the letter said, "that the excellence and productivity of the nation's biomedical research effort generally, and particularly the high priority cancer research programs, will not be jeopardized by the current situation."

Mrs. Silver said Sandra was stricken with leukemia two days afer her 21st birthday, Sept. 9, 1968.

She was able to finish work for her bachelor's degree and registered nurse's certificate at San Francisco State College and was graduated last June.

Her fiance, John A. Vitorelo, Jr. came home last autumn from Vietnam, where he served in the Signal Corps. They were married Oct. 5, 1968, and he was reassigned to the Presidio of San Francisco.

There will be a funeral Mass for Sandra Friday morning.

Explaining why Sandra wrote to the President, her mother said:

"All she hoped was that some good would come out of it . . . some benefit to sufferers."

DEVELOPMENT ASSISTANCE

Mr. JAVITS. Mr. President, in the near future the full House and the Senate Foreign Relations Committee will take up the Foreign Assistance Act of 1969.

The other body has already materially reduced the administration's appropriations request.

In considering the administration's appropriation's requests—the lowest in recent history—I ask Members of Congress to ponder the wise article on developmental assistance which appeared in the November 1 issue of the London Economist.

The great foreign aid fraud which the Economist refers to is the widespread popular belief that "after years of generous aid giving, the poorer countries are as poor as ever, mainly because they are inept, prolific and ungrateful." As the Economist points out, the recently released Pearson Commission report on which the United States was represented by a most distinguished American, Douglas Dillon, former Secretary of the Treasury and Ambassador to France, clearly indicates that this belief is "grotesquely false."

The Economist article also puts the developmental assistance activities of the Communist world in proper perspective. As the Economist points out the transfer of developmental assistance funds by the Communist states to the developing world only runs at $350 millions a year—"no wonder Russia has excused itself from joining in the preparations for a second UN Development Decade."

The Economist article also puts in perspective the recommendations of the Pearson Commission when it notes that the Commission's recommendations ask only that one-sixtieth of the increase in the gross national product of the developed world be earmarked for aid. The Economist asks, "Is this absurdly visionary?"

It is a question well worth pondering not only for the future but as we consider this year's foreign assistance appropriations request.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Great Foreign Aid Fraud

In 30 years' time, the majority of the world's poorer countries can achieve self-sustaining growth. That is the judgment of the Commission on International Development headed by Mr. Lester Pearson, which includes such hard heads as those of Mr. Douglas Dillon, Sir Arthur Lewis and M. Robert Marjolin. They justify their judgment by the record of recent years. These countries already show an average annual real growth rate of 5 per cent. A rate of 6 per cent would do the job by the year 2000.

The commission's report[1] shows how this rate can be generally attained if the community of nations would actually do some of the things its members have lately talked of doing. The report is wholly realistic. Of the population explosion, it says that: "No other phenomenon casts a darker shadow over the prospects for international development." It notes that massive family planning programmes have now been launched in countries that contain 70 per cent of the poor world's population; and it shows the need to sustain and extend this work. It is very specific about action required to increase the poorer countries' earnings from exports. It insists on the role of private capital in development, and prescribes means of encouraging investment.

But it is most revealing when it discusses aid; and it may have most impact here. "Aid" is the word that leaps into the average man's mind when he reads something about international development. His current cynicism reflects the prevalent idea that, after years of generous aid-giving, the poorer countries are as poor as ever, mainly because they are inept, prolific, and ungrateful. The Pearson report shows this belief to be grotesquely false.

When President Kennedy launched the United Nations into its first "development decade" in 1961, two main targets were set. The poorer countries (roughly, those where average annual incomes were less than $500) were each to aim at achieving at least 5 per cent annual growth by 1970. The richer ones

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[1] "Partners in Development." Pall Mall Press. 400 pages. Cloth 50s., paperback 18s.

(including communist states) would undertake to channel to the poorer ones, in aid and investment, at least 1 per cent of their national incomes. Later, it was agreed to raise this target to 1 per cent of their gross national products—an increase of over a fifth.

The less developed countries, on average, now show an annual rate of gross investment equal to 17.8 per cent of gnp; and 85 per cent of this has come from domestic savings. In the face of worsening terms of trade, they have raised their export earnings by an annual average of 6.1 per cent. In the face of the population explosion, they have raised average production per head by 2.5 per cent per year. Even in the huge "hard case" of India, the new farming breakthrough leads the Pearson commission's staff to envisage a steady annual gnp growth rate of 6 per cent in the 1970s.

If the richer countries had fulfilled their part of the compact, they might now have more right to carp at the poorer ones' performance. But carp they do. The commission is obliged to speak of "aid weariness" and to record that "international support for development is now flagging." And one reason is that "the real economic burden of foreign aid to wealthy countries is often considerably exaggerated."

This exaggeration largely arises from the habit of seeing "the total flow of resources to developing countries . . . as something that the rich countries 'give' to the poor. Nothing could be farther from the truth." The report shows that the developing countries are now paying back to the richer ones over $4,000 million a year in servicing their debts (quite apart from paying dividends on investments), and that in the 1960s these debt service payments have mounted by 17 per cent per year. If present trends continue, there would by 1977 again be a large net flow of money from the poor to the rich countries.

Far from approaching their own target, the richer countries as a group have receded from it. At the start of the decade, the net flow of resources to the poor world from the non-communist richer nations equalled 0.89 per cent of their combined gnps. By 1968 it had sunk to 0.77 per cent. Its composition had also deteriorated. By 1968, nearly half consisted of investment and commercial credit. This, the Pearson commission points out, can in no sense be termed "aid"—though it too often is. Of the remaining half (now equal to only 0.39 per cent of the gnps), the proportion taking the form not of grants but of loans tripled during the 1960s. The proportion "tied" to purchases in one country rose until only a sixth of the aid was untied. Tying, the commission notes, usually reduces the aid's value by over 20 per cent. A fifth of the aid took the form of surplus food and commodities. The commission questions whether in such cases there is any real cost to the supplier.

During the 1960s the richer non-communist nations doubled their combined gross national products to a total of $1,700 billion in 1968. Yet the aid they provided in grant (or "grantlike") form fell from $4.5 billion in 1961 to $4.1 billion in 1968. The fall in real value was much sharper. This performance can be favourably viewed in only one perspective: in comparison with that of the communist states. These states' transfers to the poorer countries still run at only about $350 million a year. No wonder Russia has excused itself from joining in the preparations for a second UN development decade.

The Pearson commission, regretting its inability to get information about the communist states' activities, does not prescribe for them. For the others, its primary recommendation is that they should each aim at making an aid contribution equal to 0.7 per cent of gnp by 1975 (without abandoning the 1 per cent target for all resource flows). It urges them to channel at least a fifth of their aid (instead of the present tenth) through multilateral agencies, and to make commitments for periods of at least three years at a time. Its 20 proposals for making aid more effective include a plan for gradually (and painlessly) untying the greater part of it. It is also urged that aid loans should bear no more than 2 per cent interest and provide for grace periods of 7 to 10 years, with maturity at between 25 and 40 years.

What the main recommendation on aid means is that nations which will by 1975 have probably increased their combined annual gnps by $600 billion (at 1968 prices: the nominal increase being doubtless much greater) should earmark for aid something like a sixtieth part of that increase. Is this absurdly visionary?

RICHER NATIONS' 1968 AID PERFORMANCE

	Net aid as percent of GNP	Grants as percent of commitments	Average loan terms		
			Rate of interest	Years to maturity	Years grace
Switzerland	0.10	48	4.9	13.5	2.0
Japan	.25	57	3.9	18.0	5.4
Canada	.28	75	1.1	43.5	8.6
Sweden	.28	75	2.5	34.0	9.6
United States	.38	45	3.5	30.0	7.8
Britain	.42	46	1.3	24.8	6.3
Germany	.42	36	3.9	21.2	5.9
Holland	.54	56	3.9	29.7	6.6
Australia	.57	100			
France	.72	70	3.7	18.0	.8
Average for 15 DAC countries[1]	.39	50	3.3	24.8	6.5

[1] The 10 shown plus Austria, Belgium, Denmark, Italy, and Norway.

HOW THE MAIN AID RECIPIENTS HAVE BEEN DOING

	GNP per head, 1967			
GNP growth (annual average 1960-67)	Under $100	$100 to $200	$200 to $300	$300 and over
Over 6 percent		S. Korea 7.4	Taiwan 5.2 Jordan 31.9	Mexico 2.0 Peru 5.1 Spain 2.0
5 to 6 percent	Pakistan 4.2	Egypt 3.7	Turkey 5.7	
4 to 5 percent		Kenya 6.4 Philippines 2.8	Brazil 2.7 Colombia 5.2	Chile 14.5
3 to 4 percent	India 2.4 Nigeria 2.1	Congo 7.1 Morocco 6.9	Ghana 7.7 Tunisia 18.9	
Under 3 percent		Indonesia 1.0	Algeria 12.3 Senegal 13.9	

Note: Figures after each country show, in dollars, annual aid received per head of population (1964–67 average). Each country shown received over $50,000,000 aid per year in 1964–67. So did Israel, Yugoslavia, Laos, and South Vietnam.

BRITAIN'S RECORD IN THE 1960'S

	1961	1968
Gross aid disbursements (£mn)	170	210
Net aid (deducting loan repayments and interest) (£mn)	151	150
Net aid as percent of GNP	.55	.42
Grants as percent of aid commitments	52	46

Note: The latest studies indicate that the balance-of-payments cost of aid is less than £50,000,000 a year. Each £100 allotted to bilateral aid has brought £63 of orders to British firms. And for each £100 channeled through multilateral agencies, orders worth as much as £116 have been placed in Britain.

Britain's 1 notable advance during the 1960's was the switch in 1965 to interest-free loans. In 1968 these loans made up 30 percent of its aid disbursements.

ASSISTANCE FOR OUR BLIND CITIZENS

Mr. MONTOYA. Mr. President, blindness is perhaps the worst affliction which a man can suffer and still hope to function as a full-fledged member of society. In this country there are nearly one-half million blind people, about 150,000 of whom are of working age. Many of these people are able to work and do work. Others who are able to work, even though blind, find it impossible to find steady work, and some are unable to find any kind of work.

The economic consequences of blindness to the individual are staggering. Regardless of what work or activity a man would do, man needs sight to assist him. The blind man purchases this sight. A blind person's earning capacity is diminished and his living expenses are increased. The aids he needs to live and to work in a community of sighted people are expensive. Inasmuch as our society is oriented to and structured for the sighted, I feel that society has a responsibility to help the blind to adjust to our society of sighted people. Over the years we have made great strides in helping the blind to be self-sufficient members of their communities. There is, however, much more that we can do.

Mr. President, in the spirit of helping our sightless fellows, the Senate, starting in the 88th Congress with an amendment by then Senator Humphrey to a star-crossed social security bill, has on three occasions passed an amendment to the Social Security Act substantially liberalizing the conditions under which blind people can qualify for social security benefits. On each of these occasions the provision has failed of enactment. On the first occasion, the entire social security bill died in conference. On the two subsequent occasions, important parts of the amendment for the blind were adopted. The major parts, however, which would allow blind people to qualify for social security benefits with six quarters of social security coverage, rather than 5 years out of the last 10, and which would have repealed the earnings test as it applies to blind people, have yet to be enacted.

I am proud to be counted among the 69 Senators who this year have joined in sponsoring a bill, S. 2518, to complete the job which former Vice President Humphrey started as a Senator in the 88th Congress. I feel confident that the next time we pass this provision it will be in the bill which is sent to the White House. Over the past few years, support for the measure has been building in the House, and more than 150 Members of the other body—under the leadership of Representative JAMES A. BURKE—have sponsored identical legislation in this session.

I am gratified to see this growing recognition of the financial disadvantages under which blind people labor when they try to function as self-sufficient members of our sighted community. The enactment of S. 2518 will enable many blind people to pay the extra costs of hiring sight so that they may operate as responsible and self-sufficient citizens. It would provide these people—in a dignified way and as a matter of right, not as charity—with a regular source of funds to offset some of the economic consequences of blindness.

I hope that when this measure comes before us for a vote that it will pass without a dissenting voice.

Mr. President, I am also deeply gratified to count myself as a cosponsor of another important measure which will enable many able-bodied blind people to retain their pride and dignity through earning their own way. This important measure, S. 2461, would significantly update and expand the far-reaching Vending Stand Act enacted 33 years ago to establish the program of granting preference to blind persons in the operation of vending facilities in Federal buildings.

The bill would change the term "vending stand" to "vending facility" to cover more accurately the wide variety of concessions operated on Federal property by blind persons. It would further define a vending facility to include various types of concessions, including vending machines. Since the assignment of vending machine income has adversely affected blind vending stand operators in some instances, the bill tightens the procedure for making this assignment.

Under the provisions of S. 2461 the State licensing agencies could license responsible and capable blind individuals who are under 21. It would also permit food, beverages, and other items to be prepared on the premises, as in fact is presently being done in many locations, and it would eliminate the 1-year residence requirement as a prerequisite for licensing of blind concessionaires. An important new provision is the requirement for inclusion of sites for vending facility locations in the design, construction, or substantial alteration of Federal buildings or those leased by Federal agencies.

The fair hearing mechanism for aggrieved licensed blind operators now in the law is expanded to include an arbitration procedure if a dispute arises which cannot be settled otherwise. Another provision would permit arbitration of disputes between agencies controlling Federal property and State licensing agencies. In addition, a blind person or State licensing agency is authorized to seek judicial review of any agency action if they are adversely affected by that action.

Mr. President, the proposed legislation will bring present law into conformance with accepted practice in the vending stand program and effect additional needed improvements. The enactment of this measure is vital to the dignity and welfare of many working blind persons, and I would urge Senators to stand firmly behind the bill and give it their full support when it comes before the Senate for a vote.

Mr. President, I ask unanimous consent that the texts of S. 2518 and S. 2461 be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2518

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 222(b)(1) of the Social Security Act is amended by inserting "(other than such an individual whose disability is blindness, as defined in section 216(i)(1)(B))" after "an individual entitled to disability insurance benefits".

(b) Section 223(a)(1) of such Act is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)(B), has not attained the age of 65,"; and

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)(B), the month in which he attains age 65".

(c) That part of section 223(a)(2) of such Act which precedes subparagraph (a) thereof is amended by inserting immediately after "(if a man)" the following: ", and, in the case of any individual whose disability is blindness (as defined in section 216(i)(1)(B)), as though he were a fully insured individual.".

(d) Section 223(1) of such Act is amended—

(1) by inserting "(other than an individual whose disability is blindness, as defined in section 216(i)(1) (B))," after "An individual"; and

(2) by adding at the end thereof (after the sentence following subparagraph (B)) the following new sentence: "All individuals whose disability is blindness (as defined in section 216(i)(1)(B)) shall be insured for disability insurance benefits in any month if he had not less than six quarters of coverage before the quarter in which such month occurs."

(e) Section 223(d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216(i)(1)(B))."

(f) The second sentence of section 223(d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i)(1)(B)" immediately after "individual".

SEC. 2. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted, on the basis of applications for such benefits filed after the date of enactment of this Act.

S. 2461

A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Randolph-Sheppard Act for the Blind Amendments of 1969."

PREFERENCE FOR VENDING FACILITIES ON FEDERAL PROPERTY

SEC. 2. Section 1 of the Act entitled "An Act to authorize the operations of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936 (20 U.S.C. 107), is amended to read as follows:

"SECTION 1. For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal or other property. In authorizing the operation of vending facilities on Federal property, preference shall be given, so far as feasible, to blind persons licensed by a State agency as provided in this Act; and the head of each department or agency in control of the maintenance, operation, and protection of Federal property shall, after consultation with the Secretary and with the approval of the President, prescribe regulations designed to assure such preference (including exclusive assignment of vending machine income to achieve and protect such preference) for such licensed blind persons without adversely affecting the interests of the United States."

CONCESSION VENDING SURVEYS

SEC. 3. Section 2(a)(1) of such Act of June 20, 1936 (20 U.S.C. 107a), is amended to read as follows:

"(1) Make surveys of concession vending opportunities for blind persons on Federal and other property in the United States;"

VENDING FACILITY

SEC. 4. Such Act of June 20, 1936, is further amended to strike the words "vending stand(s)" and "stand(s)" wherever they appear and inserting in lieu thereof the words "vending facility(ies)".

ELIMINATION OF AGE REQUIREMENT AND VENDING OF FOOD AND BEVERAGES

SEC. 5. Section 2(a)(4) of such Act of June 20, 1936, is amended by (1) striking out "and at least twenty-one years of age" and (2) striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles" and inserting in lieu thereof the following: "foods, beverages, and other such articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency:".

DELETION OF CERTAIN LIMITATIONS IN LICENSING BLIND OPERATORS OF VENDING FACILITIES

SEC. 6. Section 2(b) of such Act of June 20, 1936, is amended by (1) striking out "and have resided for at least one year in the State in which such stand is located" and (2) striking out "but are able, in spite of such infirmity, to operate such stands."

PROVISION OF VENDING FACILITY LOCATIONS

SEC. 7. Section 2 of such Act is further amended by adding a new subsection (d) at the end thereof:

"(d) In the design, construction, or substantial alteration or renovation of each public building after January 1, 1970, for use by any department, agency, or instrumentality of the United States, there shall be included, after consultation with the State licensing agency, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. No space shall be rented, leased, or otherwise acquired for use by any department, agency, or instrumentality of the United States after January 1, 1970, unless such space includes, after consultation with the State licensing agency, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. All departments, agencies, and instrumentalities of the United States shall consult with the Secretary (or his designee) and the State licensing agency in the design, constructon, or substantial alteration or renovation of each public building used by them, and in the renting, leasing, or otherwise acquiring of space for their use, to insure that the requirements set forth in this subsection are satisfied. This subsection shall not apply when the Secretary (or his designee) and the State licensing agency determine that the number of people using the property is insufficient to support a vending facility."

ARBITRATION BETWEEN OPERATORS AND LICENSING AGENCIES

SEC. 8. Section 3(6) of such Act (20 U.S.C. 107b) is amended by substituting a comma for the period at the end thereof and adding the following new wording: "including binding arbitration by three persons consisting of one person designated by the head of the State licensing agency, one person designated by the licensed blind operator, and a third person selected by the two."

DEFINITIONS

SEC. 9. (a) Section 6(b) of such Act (20 U.S.C. 107e) is amended to read as follows:

"(b) The term 'blind person' means a person whose central visual acuity does not exceed 20/200, in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees."

(b) Section 6 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The term 'vending facility' includes, but is not limited to, automatic vending machines, cafeterias, snackbars, cart service, shelters, counters, and such other appropriate auxiliary equipment (as the Secretary may by regulations prescribe) as are necessary for the sale of the articles or services referred to in section 2(a)(4), which are, or may be operated by blind licensees."

ARBITRATION BETWEEN AGENCIES

SEC. 10. Such Act is further amended by redesignating section 8 (20 U.S.C. 107f) as section 9 and by inserting the following new section after section 7:

"SEC. 8. (a) An arbitration board of three persons consisting of one person designated by the Secretary who shall serve as chairman, one person designated by the head of the Federal department or agency controlling Federal property over which a dispute arises, and a third person selected by the two who is not an employee of the departments concerned shall hear appeals as provided in subsection (b) of this section.

"(b) If, in the opinion of a State licensing agency designated by the Secretary under this Act, any department or agency in control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act, or any regulations issued thereunder, it may appeal to the board. The board shall, after notice and hearing, render its decision which shall be binding. If the board finds and determines that the acts or practices of any such department or agency are in violation of this Act, or the regulations issued thereunder, the head of the affected department or agency shall promptly cause such acts or practices to be terminated, and shall take such other action as may be necessary to carry out the decision of the board. All decisions of the board shall be published."

JUDICIAL REVIEW

SEC. 11. Such Act is further amended by adding the following new section:

"SEC. 10. Notwithstanding other provisions of this Act, any blind person or State licensing agency suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of this Act or other relevant statutes, shall be entitled to and shall have standing for judicial review thereof."

EFFECTIVE DATE

SEC. 12. The amendments made by this Act shall become effective January 1, 1970.

THE SECRET GOVERNMENT OF OIL—ADDRESS BY SENATOR McINTYRE

Mr. BROOKE. Mr. President, my good friend the able Senator from New Hampshire (Mr. McINTYRE) has written an incisive and illuminating article entitled "The Secret Government of Oil," published in the Boston Globe of November 2, 1969.

The article chronicles a part of the fight which we in New England have waged against the pervasive power of the oil industry. The battle started many years ago with attempts to channel the benefits of imported oil to our six-State region. It found partial success in the subsequent removal of trade restrictions on imports of residual oil, and has most recently found its greatest symbol in the project to establish a foreign trade zone and oil refinery at Machiasport, Maine. TOM McINTYRE has been in the thick of this battle throughout, and has done as much as anyone to change Machiasport from a small, unknown town on the coast of Maine to a symbol in the national fight to achieve lower consumer prices.

The junior Senator from New Hampshire deserves our gratitude for his courageous efforts. I recommend his article as important reading for all, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SECRET GOVERNMENT OF OIL

(By U.S. Senator THOMAS J. McINTYRE)

We have heard much in recent days about the military-industrial complex. As a member of the Senate Armed Services Committee, I have been made aware of this complex and have spent may hours trying to understand and control it.

But during this past year I have run up against a wholly different force, just as subtle in its pervasive influence on our lives. I like to call it The Secret Government of Oil.

In Washington, D.C., in our state capitals, and in our major financial centers, its pressure is brought to bear. And so effective is it that it now controls the prices we have to pay for almost all our energy needs. Whether it is gasoline for our cars, heating oil for our homes, or a wide range of plastics, chemicals, and textiles—the price is set by the Secret Government of Oil.

I knew very little about this Secret Government until I became involved in the Machiasport project. This is the imaginative project which calls for the construction of a modern oil refinery in a Foreign Trade Zone at Machiasport, Maine.

Devised by Governor Kenneth Curtis of Maine, it has won the support of all six New England governors, all twelve New England senators, and all twenty-five New England congressmen. It has been supported also by the New England Council for Economic Development and by a wide range of business and community leaders.

The reasons for this support are not difficult to discover. Above all, the Machiasport project would lower significantly the heating oil costs of New England consumers. But it would also bring employment to the sorely pressed area of Washington County, Maine. It would strengthen the competitive position of the independent terminal operators and independent fuel dealers of New England in their battle with the oil industry's giants. And it would strengthen our national security by dispersing our domestic refining and storage capacity now heavily concentrated along the Gulf Coast.

In fact, the Machiasport project offered so many compelling and obvious benefits that I naively assumed it would be rapidly approved in Washington.

How wrong I was. More than 16 months have passed since applications were filed with the Federal Government. How much I have learned during these months about the far-reaching influence expertly wielded by the Secret Government of Oil!

In some respects, this Secret Government actually dwarfs the military-industrial complex. In scope, for example, it is international rather than just domestic. And its annual sales—the sales of the oil industry—are over $100 billion, far in excess of the cost of our annual defense budget.

It is simply amazing what handouts this Secret Government has won from our elected governments. They are of three basic types, and each of them serves to reinforce the others.

The first type of handout is the series of production controls established and enforced by our main oil producing states, such as Texas and Louisiana. The purpose of these controls is simple—to limit the amount of oil produced to keep prices high. They work as follows: Buyers of crude oil estimate each month to state regulatory agencies the amount of oil they plan to buy in the state during the following month. These state agencies then "pro-rate" the state's oil fields, curbing their production so that it never exceeds the expected demand. It is through this market control mechanism that our oil producing states first create and then maintain rigged petroleum prices.

These prices are close to 200 percent higher than the East Coast delivered price of totally comparable foreign-produced oil. In a free market environment one would expect this low-cost foreign oil to capture a large share of our domestic market. In fact, that is what was starting to happen in the 1950's, until oil's Secret Government won another of its handouts.

This handout, known officially as the Mandatory Oil Import Control Program, was initiated by President Eisenhower in 1959. It limits the foreign-produced oil imported into the United States to only 12.2 percent of our own domestic production. It has produced rising crude oil prices at home even as crude oil prices abroad have fallen sharply over the last decade. It has cost American consumers more than $6 billion a year.

Moreover, the Program has discriminated harshly against New England. There are at latest count, 284 refineries in the United States. None of these are in New England, and the reason is very simple. There are no indigenous oil supplies in the region and because of import controls enough foreign oil to run a refinery cannot be imported. The main source of oil for a New England refinery would therefore have to be the Gulf Coast and it is simply too costly to ship high priced domestic oil that far to be refined.

Because there are no refineries in New England, the major oil companies headquartered elsewhere have the market to themselves. It is the market power of these companies—preserved by the Oil Import Control Program and now being expanded into the wholesale end of the industry—which has made New England home heating costs the highest in the country.

And on top of these two handouts there is yet a third—the elaborate system of tax loopholes which allow the oil industry to keep the vast profits made possible in the first place by state prorationing and import controls.

The oil depletion allowance is by far the best known of these many tax loopholes. It permits tax-free treatment of 27.5% of an oil company's revenues, up to 50% of its net profits. The official purpose of this loophole, which has been in effect for over forty years, is the encouragement of oil exploration at home. Yet it is applied in full, not only to domestic oil, but to all oil produced by American companies abroad.

This depletion allowance does not stand alone. Oil companies, for example, can "expense" their intangible drilling costs instead of amortizing them over a period of years like most other industries. And they can deduct from their United States tax bills the "tax" payments they make to foreign governments, even when these payments are nothing more than royalties which bear no resemblance to the income they actually earn from foreign operations. These and other loopholes too complicated to mention together provide the oil industry with even more tax-free income than does the depletion allowance.

With loopholes like this it is really no wonder that oil companies end up paying Federal income taxes many times lower than those of most corporations. In 1968, for example, the average corporation had a 40% tax rate while the average oil company had a 7.7% rate. Sinclair actually paid no taxes at all on profits of over $100 million, while Gulf, with profits of almost $1 billion, had a rate less than 1%.

State prorationing, import quotas, and tax loopholes—these are the three types of handouts won in the past by The Secret Government of Oil. I know about them now if I did not a year ago. And I know, too, about the pressures brought to bear by oil's Secret Government on anyone so brash as to try to change the system.

And that is what Machiasport is all about. It has become a symbol for change, a change badly needed not only in New England but in oil consuming states from Maine to Hawaii. With a Foreign Trade Zone and a refinery at Machiasport, New England could end its dependence on oil from the Gulf Coast. Heating costs could fall to more reasonable levels, as cheap foreign oil was substituted in its place. The new refinery could compete with major oil companies and drive down their prices. The savings would be at least 10%, or $20 on a $200 heating bill. And if Machiasport were successful, other oil consuming regions with higher than normal prices would probably seek Foreign Trade Zones of their own. Machiasport could produce a leak in oil's protective shield.

Because Machiasport is a symbol of change, it has also become a target, a very prime target, for the Secret Government of Oil. The pressures exerted against it provide a classic case study of the Secret Government's response whenever oil's profits begin to appear vulnerable.

It was in May, 1968, that the State of Maine first applied to the Federal government for permission to establish a Foreign Trade Zone in Portland, with a sub-zone at Machiasport. Application was made to the Foreign Trade Zones Board, an interdepartmental agency with the Secretary of Commerce as chairman and the Secretaries of the Army and the Treasury as the two other members. Three months then went by before officials of the Board formally agreed to even consider Maine's application.

Hearings on the application were finally scheduled for Portland on October 10th. Before they got under way, however, several changes were announced in the rules under which such hearings had been held for years. And on October 9, the very eve of the Portland hearings, another precedent was decreed. The Portland hearings would have to be followed by special additional hearings in Washington.

By late October all these hearings had been held. But problems then developed with the transcripts of the hearings. The few copies available were almost hopelessly garbled, with parts of a divorce proceeding appearing at one point right in the midst of Machiasport testimony. Normally, of course, accurate copies of a hearing transcript are available within days, both to interested parties and to the examiners charged with a hearing report. Yet in this particular case, a full month and a half went by before the transcript was in order.

This series of delays operated very strongly against Maine's interests. For in late 1968 every week counted if the application was to be approved before the Nixon Administration, heavily in debt to oil industry campaign contributors, took office in January.

Oil's Secret Government was also at work outside government channels. Shortly after the hearings the Sinclair Oil Company brought suit in Federal court to prevent the Foreign Trade Zones Board from acting if it wanted to. This attempt to stall till January was thwarted when the case was thrown out of court for lack of merit.

But hopes of early approval were severely dashed in mid-December when Commerce Secretary Smith suddenly announced that Maine's application was simply too important for an outgoing Administration to deal with, and that he planned, therefore, to take no further action on it.

This announcement was really quite a shock. I had been assured repeatedly by Foreign Trade Zones Board officials that a decision would be forthcoming before the year's end.

What is more important. Secretary Smith had no authority whatever to make the decision he did. It is true, as he suggested, that Maine's application had important implications for the long-range future of the Oil Import Control Program. But this program was under the direction of the Department of the Interior. The Foreign Trade Zones Board, on which Secretary Smith's authority rested, has no discretion to consider such peripherally related matters. The Board's enabling legislation very clearly states—and Federal court decisions have held—that a Foreign Trade Zone "shall" be granted to any qualified applicant.

It was at this point, as chairman of the Senate Small Business Subcommittee, that I held hearings of my own to investigate the roadblocks in the way of Maine's application. These hearings clearly established that the Board had an obligation to act. They also made clear that Maine's application deserved acceptance. But as I might have expected by this time, no Administration officials ever showed up for the hearings.

As a result of the hearings, however, consideration of Maine's application got under way again. In the last month of the Johnson Administration, the hearing examiners at last made their report, unanimously approving the application.

This report was then transmitted to the Committee of Alternates, a body composed of high-ranking officials from Commerce, Treasury, and the Army. Given the busy schedules of the Secretaries themselves, it has always been this Committee which has made what in practice have been final Board decisions. There was plenty of time left for the Committee to act before the Johnson Administration left office. It met to consider the matter, but it never did act. Some months after President Johnson left office, I was informed by a completely authoritative source that the Committee had been ordered to kill the application.

You can imagine my frustration as Administrations changed. My whole effort, and that of many of my New England colleagues, had been premised on the belief that the outgoing Administration would act as the public interest required.

But all we had received from the Foreign Trade Zones Board was an endless series of unjustified delays. The Board appeared firmly within the Secret Government's control. In fact, as I came to learn over these last crucial months, some Board officials had such close personal ties with the oil industry as to appear themselves almost a part of that Secret Government.

Then for a short while it seemed as though the new Administration itself might be responsive. Shortly after January 20th, the Committee of Alternates went back to work and a few weeks later gave unanimous approval to Maine's application. When the new Commerce Secretary, Maurice Stans, publicly announced that the Board itself would meet within two weeks to review the Committee's action, the light at the end of the tunnel seemed in sight. For in the entire history of the Foreign Trade Zones Act, the Board had never reversed a Committee determination.

But it was not to be. Before the two weeks were up Secretary Stans reversed himself. Like Secretary Smith before him—and with the same lack of any justification—he raised Machiasport's implications for the whole Oil Import Control Program. Any Board decision would have to be deferred, he said, until a full-scale study of the Program had been concluded.

In the interim there had been a visit at the White House. A top official of the American Petroleum Institute and the Chairman of the Board of Standard Oil of New Jersey had met with Dr. Arthur F. Burns, a top Presidential adviser, to request such a study.

Five of my Senate Republican colleagues from New England then journeyed to the White House for a meeting of their own. The President admitted to them that under the law Maine was entitled to a Foreign Trade Zone. He promised them that while he had commissioned a Task Force to study the Oil Import Control Program a Machiasport decision would still be made "before the snow flies in New England again."

The President's Task Force, under Labor Secretary Shultz, has almost completed its work. It will report to the President soon, "before the snow flies," unless oil's Secret Government can win still more delays.

During the past several months many government agencies, public officials, and private individuals have submitted to the Task Force their views concerning the Oil Import Control Program. Among the most interesting are those from within the Administration itself.

Since the Program was first initiated because imports were thought to threaten our national security, the Defense Department's submission has a special relevance. While it makes no recommendations, it makes a number of interesting points:

1. That some foreign sources, such as Canada and Mexico, from which imports

are now restricted, are probably as secure as our domestic oil supply;

2. That shipments of oil to the East Coast from the Caribbean are no less secure than shipments from the U.S. Gulf, as both move by tanker and are equally susceptible to hostile submarine action; and

3. That Alaskan supplies, due to the North Slope's high vulnerability to enemy action, offer less security than those in Canada, Mexico, or the Caribbean.

Another interesting submission is that of Richard McLaren, head of the Justice Department's Antitrust Division. It calls for an end to all oil import controls. According to McLaren, the present Program creates "serious and persistent market distortions." And as McLaren also argues, the United States could store all the oil it might need in an emergency for considerably less than the $6 billion cost of the Program to consumers.

Other Administration officials have also expressed doubts about the Program's merits. Now the time of decision draws near. Despite my frustrations during the past year and a half, I hope the President will stand firm, that he will not give in to The Secret Government of Oil.

I hope that he will not try to thwart the drive to close the industry's tax loopholes at last under way in Congress. I hope that he will approve some obviously needed changes in the Oil Import Control Program. And I hope, above all, that he will, at least, soon give the go-ahead on the Machiasport proposal.

ROSEL HYDE, DISTINGUISHED PUBLIC SERVANT, RETIRES

Mr. BENNETT. Mr. President, last week brought to a close the distinguished Government career of one of this Nation's most dedicated public servants—Federal Communications Commission Chairman Rosel H. Hyde.

It has been my personal pleasure to have known Rosel well both officially and unofficially for many years, and his integrity and devotion to duty have been a source of consistent inspiration.

During the 45 years that Rosel has been in Government service, the world has experienced a virtual revolution in communications technology. He has been in the forefront—through 23 years on the Commission, including two terms as Chairman—in advocating maximum possible freedom to allow radio and television to develop to its fullest potential.

In his farewell address before the International Radio and Television Society last month, he enunciated this philosophy:

> The greatest service to healthy and vigorous broadcast journalism the Federal Communications Commission can render is to set aside the temptation to interfere with the freest workings of the journalists' craft . . . Over-zealous government intervention is more to be feared than the dishonest reporter.

In an informative article on the work of the FCC and Mr. Hyde's considerable role in shaping its policies, the November 3 issue of Broadcasting magazine notes:

> Today, the FCC regulates some 8,000 radio and television stations, is struggling to develop policy for the regulation of the new CATV industry, has set color-television standards and authorized a new pay-TV service, presides over the enormous telephone and telegraph industries and is deeply involved in space-age communications by computers and satellites.

As the magazine says, Rosel Hyde—who has had the distinction of being named Chairman by two Presidents, Eisenhower and Johnson—leaves Government service "with no visible enemies, many friends, and free of any taint of corruption."

I ask unanimous consent that an editorial, a feature article, and a news article describing Mr. Hyde's farewell ceremony—all from Communications magazine—be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Rosel Hyde—Career Official

Last week the longest and most illustrious career in the regulation of communications ended with the formal retirement of Rosel H. Hyde after 41 years, the last 23 as member or chairman of the FCC. The running story of his career—a contemporary account of the communications explosion—is told elsewhere in this issue.

Mr. Hyde reaches 70 next April. He is young for his years, blessed with exceptional vigor. It would be a colossal waste of manpower, wisdom and experience to allow Mr. Hyde to remove himself permanently from public life. Certainly he has earned retirement. But after he loafs a while, if that's at all possible for a man who has never indulged in that pursuit, he should be called in by his government, when needed, as consultant and adviser in both domestic, and international communications affairs.

A Rosel Hyde Retrospective—A Gentle Man Who Was Pained by Controversy Was Called To Lead in a Time of Mavericks

One day recently, as he was in the final countdown of his term as chairman and a member of the FCC, Rosel H. Hyde sat in his shirt-sleeves at a long table in his office picking over the oddments from his years of government service.

There were copies of orders he had helped draft and of speeches he had delivered, including the penciled manuscript of one he had given somewhere in Texas and never had transcribed, and letters. There was, also, a 16-year-old copy of a trade magazine bearing his picture on the cover, with the legend, "FCC's Ninth Chairman."

"How about that?" he said to a visitor who had called his attention to it. "I sure don't look like that any more, do I? The ravages of time have taken their toll."

He delivered the line with the lightness the cliche deserved. But, although one has the feeling his native Bannock county, Idaho, would still recognize him, there had been changes since the days of his first tour as commission chairman. The face smiling out from the trade journal was youthful looking, even for a man of 53, lean and handsome with even features and thick gray hair waving back from a high forehead.

The face is still relatively unlined and pink-cheeked, and there is spring in his step and a quickness in his movements. But, at 69, there are pouches under the eyes; the hair, now white, has thinned, and there is a thickness behind the belt that, one is sure, the man in the photograph never knew.

To survive, indeed, to thrive, as Mr. Hyde has—for 45 years in the jungles of Washington requires a good measure of skill, resourcefulness, resilence and patience. And in the last three-and-a-half years, in his second tour as commission chairman, he has had to dig deep into his resources of those qualities. The commission seemed at times about to be overwhelmed by two revolutions—one technological, the other social.

Problems related to domestic and international satellites, computers, CATV and pay television, the soaring spectrum demands of land-mobile radio users, high capacity undersea cables—all these and more seemed at times to stretch the commission's technical facilities beyond the breaking point. And the growing rash of petitions to deny television renewal applications, by citizens' groups dissatisfied with the service they are receiving, and of competing applications, by bold, well-financed local groups prepared to battle such broadcast giants as NBC and RKO General Inc. for TV channels in major markets, have presented the commission with the kind of judging jobs seldom known in an earlier, more ordered day.

It has not been a time for slack administration.

"You know what the referee says when he gives the fighters their instructions before a fight," Mr. Hyde was saying, by way of explaining what he meant by the ravages of time, " 'protect yourselves at all times.' That's how I feel when I go into a commission meeting—I have to be prepared to protect myself at all times."

The image was an odd one. For Mr. Hyde is a gentle man who never developed a reputation as a battler. This fact frequently dismayed his friends in and out of the agency who felt the conservative Mr. Hyde was not holding the line against the demands of the activists on the commission—Commissioners Kenneth A. Cox and Nicholas Johnson. They have increasingly sought to fill what they seemed to regard as a power vacuum in commission leadership.

One former commission official who greatly admires Mr. Hyde nevertheless felt constrained to say recently: "He was no real leader. He acted in meetings on the assumption that other commissioners could read [the material on the issues before them]. He did not try to impose his views."

This view overlooks some essentials. Mr. Hyde, in a series of rulings on complaints about various broadcast-news reports, managed to persuade the commission to "eschew the censor's role" and give broadcasters considerable latitude in their news and documentary efforts.

In the last such ruling, dealing with CBS's documentary, *Hunger in America*, Mr. Hyde drew considerable satisfaction from the commission's promise not to defer action on a license renewal because of complaints against a station's news programing, unless there is evidence the licensee or top management is involved (Broadcasting, Oct. 20). The commission, over the chairman's objections, had previously deferred action on CBS's California renewals while *Hunger in America* was under investigation.

He felt that the disposition to withhold license renewals while an investigation was under way represented a serious threat to the free flow of information. And in his farewell appearance before the International Radio and Television Society last month, he made his position public, and clear: "The greatest service to healthy and vigorous broadcast journalism the Federal Communications Commission can render is to set aside the temptation to interfere with the freest workings of the journalist's craft," he said. "Overzealous government intervention," he added, "is more to be feared than the dishonest reporter" (Broadcasting, Sept. 29).

Mr. Hyde took a leading role in other matters, too—in the fashioning of commission policy on international and domestic communications satellites, and on CATV and, more spectacularly, the commission's actions in first applying the fairness doctrine to cigarette advertising and then in proposing to ban all such advertising from radio and television. He also prides himself on his role in helping to develop the fairness doctrine. And under him, the commission adopted rules prohibiting broadcasters from discriminating in employment on the basis of race, and is now considering making those rules tighter and more extensive.

However, he seemed out of character in supporting two proposals that could have far-reaching effects on the structure of broadcast ownership. One was the notice of rulemaking looking to bar owners of one full-time station from acquiring another one in the same market. The other provided for an investigation of conglomerate ownerships of broadcast stations. Those proposals seemed to have been forced upon him.

And his refusal to vote in the WHDH–TV Boston case stunned broadcasters everywhere. The commission, in a 3-to-1 decision last January, denied WHDH–TV a renewal of its license and awarded the contested channel 5 to a competing applicant, principally on grounds of diversification of ownership of mass media (WHDH–TV is owned by the Boston *Herald Traveler*) and on the promise of the proposed winner, Boston Broadcasters, Inc., to provide greater integration of management and ownership of the station. Mr. Hyde, who had voted for and against WHDH–TV in two previous rounds of the 15-year-old case, found it "no less difficult" in the third round to choose among the applicants, so he abstained. He noted his vote would not affect the result (Broadcasting, Jan. 27). However, nervous multiple-owner broadcasters wondered how the chairman could walk away from a decision which, to them, threatened the foundations on which the industry had been built, and which has given encouragement, if not inspiration, to groups challenging renewal applicants for their facilities.

It is no secret that the job of running the commission has been difficult, particularly in the past year, following the departure of former Commissioner Lee Loevinger. Mr. Loevinger, a combative type who shared Mr. Hyde's distaste for strong government regulation of broadcasting, seemed to relish taking on Commissioners Cox and Johnson in their efforts to persuade the commission to take a harder-nosed attitude than Mr. Hyde favored.

After Mr. Loevinger departed, the chairman was left with dwindling support. Commissioner Robert T. Bartley, who is second in seniority on the commission only to Mr. Hyde, increasingly found himself aligned with Commissioners Cox and Johnson, while H. Rex Lee, who succeeded Mr. Loevinger, has attempted to avoid the embrace of the activist wing of the commission while at the same time remaining independent of Mr. Hyde. Mr. Hyde's fellow Republicans on the commission, Robert E. Lee and James J. Wadsworth, offered him their votes and sympathy, but not much else.

The strain on Mr. Hyde was sometimes evident. Late one Wednesday afternoon, after a commission meeting in which the activists had pressed hard for a policy the chairman was doing his best to stave off, he sat slumped at his desk, looking weary, his usual store of optimism temporarily depleted. "I feel," he said, "like I'm being overrun by the Vietcong."

The kind of bitter divisiveness that so tried him that day represented one of the heaviest burdens he had to bear, "and one of the most difficult challenges in 23 years as a commissioner," according to one commission official who knows him well.

Mr. Hyde was particularly disturbed by Commissioner Johnson's frequent free-swinging dissents and statements which the chairman interpreted as attacks on the commission's integrity and intellectual capacity. Commissioner Johnson has accused the commission, at various times, of making a "mockery" of its public-service responsibility, of serving the "economic interest" of one of its "favored broadcast licensees," and of being a "do-nothing" agency that is the captive of the industry it is supposed to regulate.

"The chairman likes everyone to have his say," one official said. "But he doesn't think it helps the commission to engage in name-calling as to skullduggery or alleging intellectual incompetence." And although the chairman occasionally hit back at some Johnson remarks, he more often held his tongue, fearing again, according to commission sources, that a public debate with someone "at the other end of the policy pole" would reflect adversely on the commission.

Frequently, debates within the commission centered on renewal matters, with Commissioners Cox and Johnson urging the agency to look closely at, and set standards for, program service. But the chairman, wary of violating First Amendment rights, has held back (although the Supreme Court decision in the fairness-doctrine case last June appears to bolster the Cox-Johnson position). Station sales to multiple owners have also been controversial, with Commissioners Cox and Johnson—invariably backed by Commissioner Robert T. Bartley whose position on the issue antedates their arrival at the commission—expressing concern about the danger of placing too much "political power" in the hands of multiple owners. Mr. Hyde felt they never demonstrated the reality of that danger.

Mr. Hyde's position on matters has caused some to suggest that he is a "captive of the industry"—a term that is easier to express than to define. But one former official who knows him well and who could not himself be considered "pro-industry" says such a description is unfair. "Hyde's philosophy was arrived at through his experience and background," he said. "He simply feels that the public interest is served best when the regulatory agency provides a climate for industry development." (On this point, though, some communications lawyers see inconsistency in his position on CATV; they feel he tends to be anticompetitive and protective of the broadcast industry. However, that view of him may change as a result of the recent commission order he helped prepare that requires CATV systems with more than 3,500 subscribers to originate programing and permits them to sell advertising, all in competition with radio and TV stations [BROADCASTING, Oct. 27]).

But the chairman's problems were not only internal. When it was suggested, that day as he looked at the 16-year-old picture of himself, that he would miss the commission in retirement, he said, with an irony not unusual for him: "Oh sure, I'll miss the warm and friendly relationship I've had with the House Interstate and Foreign Commerce Committee." That congressional unit has spent considerable time and effort trying to "get something" on the commission.

And his remark was made more than two weeks before the committee took the extraordinary actions of recommending that the House of Representatives cite Mr. Hyde for contempt for refusal to turn over confidential documents that the full commission said could not be released without violating the law.

The fact is, of course, that he will miss the House committee and the rest. For the other side of the pain inflicted by Representative Harley O. Staggers (D.-W. Va.) group and by his own personal Vietcong was the pleasure and pride he took in a career that was truly extraordinary.

It began in 1924, when he entered government service through a Civil Service examination as a member of the staff of the Cvil Service Commission. Four years later, after earning his law degree at George Washington University in Washington, he joined the Federal Radio Commission. He was absorbed with it into the new Federal Communicatons Commission in 1934, rose through the ranks to become general counsel and, in April 1946, was named to the commission by President Harry S. Truman.

The Republican Mr. Hyde has had the distincton of being named chairman by two different presidents—Eisenhower and Johnson. And in the view of many, he was treated with greater consideration under Democratic administrations than Republican. President Eisenhower named him chairman for only one year, ostensibly on the theory the chairmanship was to be rotated. One reason given for President Eisenhower's action was that the White House felt Mr. Hyde lacked the talent for firing Democratic officeholders. Another, not necessarily mutually exclusive, theory was that Mr. Hyde was simply not regarded as "a regular Republican."

Mr. Hyde, who had risen to the top of the commission staff and to the commission itself, under Democrats, was returned to the Chairmanship by President Johnson in June 1966, to succeed E. William Henry. President Johnson reportedly broke precedent to name a member of the opposite party because of his sensitivity to the fact of his family's ownership of broadcast properties and his desire to name as chairman a respected, non-controversial figure. (The former President apparently had no prejudice against controversial figures as such, for at the same time that he elevated Mr. Hyde to the chairmanship, he named Nicholas Johnson, then the very controversial head of the Maritime Administration, to the commission vacancy. But if one apparently well-grounded story circulating Washington is correct, President Johnson apparently did not expect the commission to rock as violently as it has. He is said to have invited both men to the White House, together, before they assumed their new duties, praised Mr. Hyde lavishly and advised Mr. Johnson to take his lead from the wise veteran. No advice was ever ignored as fast.)

After President Nixon's election victory last fall, one of the Republican's tasks was finding a replacement for Mr. Hyde, whose term was to expire on June 30. As that day drew near, with no successor in sight, it seemed Mr. Hyde would be asked to stay on; he wasn't to reach the mandatory retirement age of 70 until April 12, 1970. But it wasn't until mid-June that Mr. Hyde got from the White House a request that he fill the gap until a replacement could be found.

When Mr. Hyde went to work for the FCC's predecessor agency, its main task was to bring some order out of the chaos that the lack of federal regulation had allowed to develop—whim and presumably financial resources were the only factors governing the location, power and frequency of the stations then on the air. One of its jobs was taking about 150 of the country's 732 AM stations off the air. Today, the FCC regulates some 8,000 radio and television stations, is struggling to develop policy for the regulation of the new CATV industry, has set color-television standards and authorized a new pay-TV service, presides over the enormous telephone and telegraph industries and is deeply involved in space-age communications by computers and satellites. (An ironic footnote to all this is that one of the commission's current headaches is, of all things, the need to tighten up its AM allocations policy; the number of stations has been growing at a rate that threatens to create a chaotic situation.) In all of these matters, Mr. Hyde had a hand.

He has also dealt with those men in and out of government who have shaped the communications industry. There were FCC Chairmen Paul Porter, who was principal figure behind the commission's 1946 Blue Book, a statement of policy on broadcasters' public-service responsibilities; James Lawrence Fly, who preceded him and, in a moment of anger at a 1941 National Association of Broadcasters convention, referred to radio management as a "dead mackerel in the moonlight which both shines and stinks;" and Newton N. Minow, who gained a measure of immortality for himself in 1961 by referring to television as a "vast wasteland."

And on the other side there were David Sarnoff of RCA, William Paley and Frank Stanton of CBS, Leonard Goldenson of ABC, and the men who over the years have held the chief posts at AT&T, ITT and Western Union. Mr. Hyde had come a long way from Bannock county.

Perhaps even more remarkable than the length of his career, and the significance of the events it covers, is that he is leaving government with no visible enemies, many friends—and free of any taint of corruption. It is these qualities that those who deal with the commission speak of first in discussing Mr. Hyde. "His integrity is something to which all public officials should aspire," said one prominent communications attorney. "He lent a moral tone to the commission," said another. The same attorney labeled him "the most popular chairman of the FCC" in years—possibly in the agency's history. And there is evidence this is the case.

The Federal Communications Bar Association will break precedent by honoring him at a testimonial dinner on Nov. 7. The National Association of Broadcasters is expected to name him its Man of the Year at its convention next spring. The National Association of Railroad and Utilities Commissioners has already honored him by awarding him its first distinguished service award.

Mr. Hyde, on the eve of his retirement, has some regrets. "I'm sorry we didn't get a domestic satellite policy out," he said. Actually, that wasn't the fault of the commission. Reviews ordered by Presidents Johnson and Nixon stalled commission action.

"On CATV," he added, "we hoped we would have made more progress in resolving what is somewhat of a stalemate," he said in one of his gentle understatements.

But he thinks, these days, not of the past but of the future. "Things are just starting," he says, "in terms of the economic, cultural, and technical potential being created by the technological revolution under way in the communications industry."

And although he has spent an entire lifetime in the service of the FCC, he is prepared to see it superseded by a Department of Telecommunications—a department that would centralize within it all related communications regulation functions and command the appropriations to do the necessary research and spectrum management. He made the suggestion in his IRTS speech as a counter to suggestions by the Department of Commerce that it be given the commission's spectrum-management function.

For some men, it seems, 45 years, however difficult, are not enough, and the post isn't all there is. Mr. Hyde says he has no plans, outside of taking a vacation. One has the impression that he would like to give the government a few years more.

Hyde's FCC Role Praised As "Unique"—Letters From Nixon, L. B. J. Hail Contribution While Hill Unit Votes Contempt

"Unprecedented" and "unique" were words frequently associated with Rosel H. Hyde in his final days as chairman and member of the FCC last week, but not always in the same context.

He was honored on Thursday at an "unprecedented" ceremony, where his "unique" contribution to government in the past 45 years, 41 of them in the regulation of communications, was hailed by such as President Richard M. Nixon.

And while that ceremony was under way, at a theater in the FCC building, the House Commerce Committee, meeting on Capitol Hill, was voting to cite him for contempt of Congress (see page 26). As far as anyone could recall, such an action against the head of a government agency was unprecedented.

Mr. Hyde was honored twice on Thursday. The ceremony in the theater was held in the morning and was presided over by Metromedia Inc.'s Mark Evans. In the afternoon, Mr. Hyde shared the tributes of his fellow commissioners with outgoing Commissioner James J. Wadsworth, who is to become a member of the U.S. delegation to the International Telecommunications Satellite conference.

Many old colleagues were among the 500 or so who virtually filled the theater. Former commission Chairmen Paul Porter, John Doerfer and Frederick W. Ford were there. So were former Commissioners Eugene Merrill, Edward Webster and Lee Loevinger.

Herbert Klein, President Nixon's director of communications, was on hand to express the President's "deepest appreciation" for his years of service.

But the President spoke for himself, in a "Dear Rosel" letter that was read at the ceremony and that praised Mr. Hyde for his "steadfast devotion to the public trust" he has held, and to his "integrity, impartiality and talent."

Former President Johnson, who appointed Mr. Hyde chairman in 1966, was equally lavish in a note from Austin, Tex.

There were dozens of such messages, including letters and wires from Vice President Spiro T. Agnew; Judge Oren Harris, who for 10 years was chairman of the House Commerce Committee; Senate Commerce Committee Chairman Warren G. Magnuson, and former FCC Chairman Newton N. Minow and E. William Henry.

There was one, also, from Representative Torbert H. Macdonald (D-Mass.), chairman of the House Commerce Committee's Communications Subcommittee. His letter, which referred to Mr. Hyde's "deserved reputation for honesty and sincerity," was read at about the time the Commerce Committee was voting its contempt citation against the outgoing chairman. Mr. Hyde's final day on the FCC was Friday, Oct. 31.

MEDICAL EDUCATION OF BLACKS

Mr. KENNEDY. Mr. President, in the United States today—the wealthiest Nation in the history of man—millions of our citizens are sick. They are sick because they are poor. The statistics are alarming:

Death comes earlier to citizens living in poverty. A child born to poor parents has twice the risk of dying before reaching his first birthday. His chance of dying before the age of 35 is four times greater.

Illness is twice as frequent among families with annual incomes below the poverty line. Chronic illness is four times as great.

The poor suffer three times as much heart disease, seven times as many eye defects, five times as much mental retardation and nervous disorders.

Forty-five percent of mothers delivering babies in public hospitals have had no prenatal care. Yet we know that the lack of such care inevitably results in a higher incidence of infant mortality and mental retardation in their children.

Three-quarters of the 18-year-olds rejected by the Selective Service System for medical reasons need immediate medical attention.

Indeed, by almost any standard—visits to doctors, preventive services, or incidence of disease—the data show a clear progression in which the poor have a higher incidence of disease and lower access to medical facilities than other social groups.

A number of factors contribute to our Nation's failure to provide adequate health services for the poor. One important element is simply too few doctors. Especially in the ghetto, there is a scarcity of trained physicians. And in particular, the desperate shortage of black doctors is a national tragedy which strikes heaviest on the poor.

Today 45 percent of the medical students come from families in the upper 10 percent of income groups. Although blacks constitute 11 percent of our population, only 2 percent of our doctors are black. Of the close to 200 black physicians graduated last year, over three-quarters come from two medical schools—Howard in Washington and Meharry in Nashville, Tenn.

Mr. President, 1 week ago a column discussing the shortage of and need for black doctors written by Jack Anderson, was published in the Washington Post. Mr. Anderson cites a number of statistics to indicate how serious the problem is and how important it is that Congress and medical schools give attention to the education of black physicians. We in Congress must fund a major expansion of our overall health training programs. We must assist medical schools to expand, and medical schools, in turn, must pursue further efforts to recruit and assist low-income and minority individuals who wish to become doctors.

Mr. President, the column by Jack Anderson is shocking. It highlights a problem which is or should be a concern for all of us. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Black Doctors

(By Jack Anderson)

Graduates of the nation's 98 medical schools will assemble as usual next June to hear the usual speeches about responsibility to their communities and their patients. For the socially aware young doctors, the message will smack of hypocrisy as well as Hippocrates. For under the 8,596 black caps and gowns, there will be only 196 black faces.

There is a desperate shortage of Negro physicians in the United States. Although blacks make up 11 per cent of the population, the medical profession is only 2 per cent Negro.

The statistics are reflected in the soaring sickness rates in the ghettos and in the staggering number of blacks who are rejected for employment on medical grounds. Black babies stand a greater chance of dying in infancy than white, and insurance tables show that black adults will die sooner than whites.

Despite appeals from medical authorities, few white doctors are interested in practicing in Negro neighborhoods. The prestige as well as the earnings are higher in white areas, so the burden of treating America's 22 million blacks falls largely on 6,000 overworked black physicians.

Although Negroes have made their mark in every other segment of the American experience, medical schools have somehow managed to remain insulated from the push for equal opportunity. Most black doctors are products of two largely Negro schools, Howard University in Washington and Meharry Medical College in Nashville, Tenn.

The other 96 medical schools will graduate only 34 blacks in the class of 1970. Recruiting efforts by some of these schools have increased the number of blacks in the class of

1972 to 130, still only 1.37 per cent of their enrollment.

The pressures on blacks in medicine are particularly noticeable in the fields of specialization. Black women are desperately in need of more prenatal care, yet there are only 152 certified Negro obstetricians and gynecologists in the nation. Despite the heavy death rate among black children, there are only 143 Negro pediatricians.

In all, there are but 1,074 certified black specialists in the nation. The demands of service and economics prevent Negro medical school graduates from spending the required years in hospital residency.

It adds up to a stacked deck for the eager Negro students and more years of inferior health in the inner cities. One white in every 560 is a physician. The rate for Negroes is 1 in 3,800.

New efforts by some medical schools to encourage and tutor black students at college and occasionally high school levels reflect an awareness by the medical profession of the failings of the past. The prescription, however, is hardly more effective than giving two aspirins to a man with a broken leg.

To bring the ratio of black doctors up to that of the white population, 34,000 new Negro physicians are needed right now. That is the total medical graduation for next four years, and rather obviously beyond attainment.

But unlike much of our society, health is not divided into two Americas. Although there has been a custom of segregation in medicine—and until recently even in medical societies—there is no justification for it.

The programs for enlarging black enrollments in medical schools are long range and, almost certainly, will need government assistance. Yet strangely, plans already under way to produce more black doctors are endangered by planned federal cutbacks in aid to education.

Meanwhile, there is an immediate, urgent need for more doctors in the ghettos. Since there are not enough Negroes, these doctors will have to be white.

MARITIME RISKS ASSOCIATED WITH OIL POLLUTION

Mr. BAKER. Mr. President, during its consideration of the bill, S. 7, to amend the Federal Water Pollution Control Act, as amended, which passed the Senate on October 8, 1969, the Committee on Public Works was faced with many difficult and complex issues concerned with liability and insurability of maritime risks associated with oil pollution. Many days of hearings, followed by several days of executive sessions were devoted to these issues and finally resulted in the language that appears in the Senate passed version of H.R. 4148.

Last week I read an article from the October issue of the George Washington Law Review by Allan J. Mendelsohn, entitled "Maritime Liability for Oil Pollution—Domestic and International Law," that reviews the entire subject of maritime law and policy dealing with marine oil pollution. In my judgment it confirms not only the reasonableness, but also the legal approach of the legislation adopted by the Senate. I would like to highlight several aspects of this article following which I ask unanimous consent that the full text of Mr. Mendelsohn's article be printed.

Mr. President, at the time of the adoption of the water pollution measure by the Senate I discussed certain aspects of the alternative methods of imposing liability particularly those involving schemes of shifting the burden of proof that I think the Senate properly rejected:

> If we get into the procedural aspects of presumptions and reversals thereof, it seems to me we have sown the seeds of very extensive litigation.

Mr. Mendelsohn writes on the same point—

> But the inevitable consequence of adopting any of these approaches (presumptions) rather than absolute liability is to guarantee that whenever a defendant so wishes he can delay cases of this type indefinitely.

A paramount concern of the Committee on Public Works in writing this legislation was deciding what party should bear the expenses associated with the cost of cleanup, and in what circumstances. Mr. Mendelsohn, supporting the concept of absolute liability, writes:

> A modern tort law commentator would have responded that the question today is not one of fault or blame but rather who is in the best position to bear the losses or distribute the risk.

He adds at a later point:

> Furthermore, there was also a growing realization that while liability based on negligence might have been appropriate when industrial enterprises were still relatively small and in the process of development, it had increasingly less justification as the industrial revolution matured into the technologically super-sophisticated type of society which we have today. In the vast majority of cases today, the individual has neither the ability nor the finances to withstand protracted litigation involving issues of negligence; there is, in truth, no fair balance between the opposing interests. Moreover, issues of negligence are becoming increasingly more obtuse and complex as technology advances. The structures of aircraft bodies and the mechanics of jet engines are so intricate as to be understood by almost no one except aeronautical engineers and trial lawyers specializing in aviation accident litigation. And finally, there is the element of insurance—now so widespread in our society, unlike the situation in this country even as recently as 1950.

Although the Senate bill adopted a dollar limitation for the primary standard of liability, there are serious policy questions raised by such limits, particularly as limits relate to future vessel size. Mr. Mendlesohn states this relationship quite well:

> To the extent that giant tankers represent future trends, it becomes imperative that irrespective of what per g.r.t. or per d.w.t. limit, if any, is adopted, no overall ceiling be adopted either in a treaty or in legislation, unless that overall limit varies with the dead weight tonnage of the tanker. Otherwise a tanker capable of spilling off 500,000 tons of crude oil, with the immense damage this could cause, would be subject to no greater liability than—taking a $10 million overall ceiling with a $100 per g.r.t.—a much smaller tanker carrying only 100,000 tons. In other words, an additional 400,000 tons of crude oil can pollute without additional liability.

I commend this article to all those who are concerned about this legislation and have not been able to read the entire legislative record on the bill S. 7. The article presents a clear and concise perspective and contributes materially to an understanding of the issues involved.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARITIME LIABILITY FOR OIL POLLUTION—DOMESTIC AND INTERNATIONAL LAW

(By Allan I. Mendelsohn*)

It is now well over two years since the Torrey Canyon broke apart off the coast of Southern England. Yet United States maritime law on the subject of liability for oil pollution remains exactly as it was on that day. And this is exactly the same as it was when originally enacted in 1851 as the first limitation of liability statute for a then fledgling American merchant marine.

The statute governing limitations of liability of merchant vessels, as originally enacted,[1] and as it continues to read today,[2] provides that in a disaster like that of the Torrey Canyon the vessel owner may limit his liability, in the absence of a finding of "privity or knowledge," to the value of the vessel.[3] As interpreted by the Supreme Court in 1871, the vessel's value is determined *after*, not before, the accident.[4] Thus in the Torrey Canyon case a United States federal district court held that the value of that vessel was $50,000—the value of the one lifeboat that was not destroyed in the disaster. Accordingly, the vessel owner was permitted by the district to file a limitation petition in that amount.[5]

Recent reports suggest that the owners of the Torrey Canyon have agreed to a $7 million out-of-court settlement covering the clean-up costs of the French and British Governments. There is no word, however, as to what amounts, if any, will be recovered by the privately-owned fishing, hotel and wildlife interests who presumably suffered extensive damages beyond clean-up costs and who, so far as can be determined, are not expected to share at all in the $7 million government recovery.

But apart from the adequacy or inadequacy of that settlement, it seems plain that even a disaster of the magnitude of the Torrey Canyon would not alone have impelled the Congress to modernize the archaic 1851 United States limitation of liability law. In fact, it was not until the Santa Barbara offshore drilling disaster in late January and early February of this year that the problem of oil pollution in this country became something significantly more important than a matter of conversation and sympathetic concern.

To be sure, bills addressed to the subject had been introduced in the Senate and the House from 1966 through 1968. But it was not until after the Santa Barbara disaster that the subject (particularly as it pertained to vessel owner limits of liability), received a searching and thorough public airing. Though Santa Barbara had nothing to do with vessel owner liability or 46 U.S.C. § 183, its effect on these areas was, as shall be seen, far more significant to the maritime industry than anyone could have ever anticipated, particularly in light of the tepid and largely inadequate response that followed Torrey Canyon.

What might best explain the current progress in this area of amending vessel owner liability limitation, however, is the fact that the most important developments are taking place in the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, under the Chairmanship of Senator Edmund S. Muskie (D-Me.). It is an oddity and perhaps and even unprecedented development for hearings to be held on vessel owner liability limits—a subject which vitally affects the maritime industry—by a congressional committee other than one concerned with commerce and the merchant marine. Indeed, there is a very recent detailed memorandum, unsigned and undated,

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Footnotes at end of article.

presently circulating around Capitol Hill, which discusses precisely this problem and concludes that jurisdiction should have been vested in the Merchant Marine and Fisheries Committee and not in Public Works. Furthermore, it is by now no secret that the maritime industry is quite disturbed by the reception it received from the Muskie committee compared to that which it is accustomed to receiving from the House Merchant Marine Committee or the Senate Commerce Committee.[6]

But in light of the past inability of both these latter Committees to produce any forward looking legislation on liability limits, either with respect to property damage or even personal injury and death, it was inevitable that the vacuum sooner or later would be filled by some other committee.[7] On this occasion it was Senator Muskie, aided by a concerned subcommittee and two skillful and knowledgeable staff assistants, who did so by proposing and holding hearings on amendments to the Federal Water Pollution Control Act.[8] If enacted, the effects of these amendments would be to substantially revise and modernize 46 U.S.C. § 183, at least in the water pollution context.

OIL POLLUTION—LIMITS OF LIABILITY AND THE 90TH CONGRESS

As early as 1966, even before the Torrey Canyon disaster, S. 2947 was introduced by Senator Muskie.[9] As passed by the Senate, it provided that anyone responsible for oil pollution would be *absolutely* liable for any costs incurred by the United States Government in cleaning up the oil from adjoining shore lines. But S. 2947 was gutted in the Conference Committee, and when it emerged it not only eliminated absolute liability but required a showing of gross negligence for recovery. On April 20, 1967, shortly following Torrey Canyon, Senator Muskie introduced S. 1591.[10] One object of this bill was to remove the test of gross negligence required by S. 2947. The hearings on this bill, however, began to reveal the several inadequacies in the state of United States oil pollution law.[11]

In the light of the facts developed during these hearings, S. 1591 was merged into S. 2760, resulting in the first direct recorded assault on the 1851 statutory limitations as they apply to pollution and property damage. As reported out by the Senate Public Works Committee on December 11, 1967 and passed by the Senate the following day, S. 2760 provided that in the event of a discharge causing pollution the vessel owner would be liable, without proof of fault, for the *full* costs incurred by the U.S. Government in cleaning up the discharge. The only way in which the vessel owner could avoid such liability was by proving that the "discharge was due to an act of God." [12]

Oddly enough, S. 2760, like all the subsequent bills which have since been introduced on this subject, did not even advert to the 1851 statute. It was (as all the later bills have also been) a graphic demonstration of how an encrusted century old statute can be substantially amended, indeed, partially repealed, simply by implication. But despite this, S. 2760 came as a relief to many in the Executive Branch who had been working unsuccessfully toward such maritime law reform for many years.

On March 21, 1968, Senator Muskie introduced yet another bill directed at the pollution problem. Although when introduced this bill did not touch on the maritime limitation problem, S. 3206 was destined to serve as the major vehicle for action in the 90th Congress. During April 1968, Senator Muskie's Subcommittee held hearings on both S. 3206 and S. 2525. But since neither of these bills was intended to deal with the liability limitations, already dealt with and passed by the Senate in S. 2760, that problem was not a factor in the hearings.[13]

Just a few days after the Muskie hearings closed, however, the House Public Works Committee, under the Chairmanship of Congressman Fallon (D-Md.), opened hearings on H.R. 15906 and several related bills, including H.R. 14000—identical to the version of S. 2760 as passed by the Senate. It was on this occasion that a series of maritime and insurance industry witnesses, led by John C. Shearer and Peter N. Miller, began to make the first of several appearances before the three Congressional Committees that were working on the problem. Both Britishers associated with the London firm of Thos. R. Miller & Son, Messrs. Shearer and Miller managed and probably control the major portion of the protection and indemnity (P. & I.) insurance that is available to vessel owners throughout the world.

The Thos. R. Miller firm serves as the Manager of the United Kingdom Mutual Steamship Assurance Association, Ltd., the largest of nine mutual protection and indemnity associations colloquially known as "clubs." Together, these associations are referred to as the London Group of P. & I. Associations. Their business is to insure vessel owners against "P. & I. claims," i.e., liability claims for personal injury and death, cargo loss or damage, and property damage including oil pollution.[14] The associations themselves are made up of member shipowners and charters who, in effect, insure each other by mutually sharing the liability to which anyone of them may become subject.

However, they insure each other only up to a certain monetary amount, known as their "retention" point. For liability beyond, or as it is called in the trade, "in excess" of this point, the associations seek reinsurance. They do this by banding together in the London Group which, through the Thos. R. Miller firm, attempts to place the maximum possible amount of reinsurance throughout the world. Where the retention point is at a given time and whether it changes depending on the extent of reinsurance that is available on the world market is difficult to ascertain. Mr. Miller indicated that while there are differences, the amount retained is usually sufficient to cover all claims "other than those in the major catastrophe class." [15] On the other hand, Mr. Paul J. Kreuzkamp, testifying for the Marine Brokers' Committee of the New York Insurance Brokers' Association, indicated that American companies writing P. & I. insurance "do not usually retain more than $250,000" [16] per vessel, and in the case of inland craft, it "could be as low as $30,000 or $40,000." [17] The issue is interesting because to the extent retention points are low the reinsurers assume the greater part of the risk. Moreover, to the extent that reinsurance beyond a certain point is unavailable, the risks beyond that point fall back on the associations themselves. Thus, the primary insurers, especially the P. & I. clubs, are in large measure dependent on their reinsurers, and the reinsurers tend to give the word for changes in terms and limits of liability.

It is a most complicated system and one which is seldom fully understood by anyone other than the few managing people in the business. Until now, however, the system has managed to work reasonably well—though probably only because limits are generally low throughout the world and, more importantly, because the United States Government has never repealed or even substantially amended its archaic 1851 limitation law. Once that occurs, as may now be happening in the context of oil pollution, the inadequacies of the system become apparent.

Mr. Shearer appeared as the representative of the London Group and Mr. Miller, whose task it is to place reinsurance for the Group, appeared on behalf of the Reinsurance Underwriters. Both men testified that unlimited liability, such as that contemplated by S. 2760 and H.R. 14000, would be "uninsurable." [18] Both also testified that the maximum amount of coverage that could be obtained in the world insurance market was "between $10 million and $15 million." [19] Mr. Miller explained that the reason for this low maximum was that under both H.R. 14000 and S. 2760 liability was to be absolute, rather than based on the "normal underwriting criteria." [20] Both testified against the adoption of absolute liability, leaving the implication that if negligence rather than absolute liability was to be the standard the available coverage could be expanded beyond the $10-$15 million range.

Their testimony was buttressed by similar views from other industry witnesses. The witness for the American Petroleum Institute, for example, suggested limits of $250 per ton subject to a maximum of $8 million,[21] while the witness for U.S. flag vessel owners pleaded that all action be deferred until after the outcome of the then pending international efforts to solve the problem.[22]

On July 10, 1968, the Senate passed S. 3206. The bill was sent to the House and referred to the Public Works Committee. By the time it emerged on October 3, 1968, it had been amended to meet what were perhaps the most restrictive demands of the maritime industry. Rather than providing that the vessel owner would be liable for the *full* costs of clean up, as was the object of S. 2760 and H.R. 14000, amended S. 3206 proposed a limit on liability of only $67 per gross registered ton (g.r.t.) subject to a maximum limit on liability of only $5 million. These limits were far less than those proposed by Messrs. Miller and Shearer and also less than those proposed by the American Petroleum Institute.

Neither the public record nor the Committee Report discloses how or why these limits were adopted by the Committee. At first glance this would seem strange, especially considering that no one had recommended them during the course of the hearings.[23] But to lawyers familiar with maritime law, the $67 per ton figure was the identical limitation that had been adopted in the 1957 Brussels Convention on Shipowners Limitations.[24] The terms of this Convention, though vigorously and continuously supported by American carrier interests, failed to be enacted by the United States Congress in 1962 and 1963 and again in 1968.[25] By 1968, the Convention had not one public proponent within the Executive Branch of the United States Government.

In addition, amended S. 3206 eliminated absolute liability and substituted in its place a system of liability based simply on a presumption of fault. Such a system is little more than the application—typical and traditional in cases of this nature—of the doctrine of *res ipsa loquitur;* it is no improvement over present American law.[26]

The House did not pass its amended version of S. 3206 until October 7, almost three months after its receipt from the Senate and only days before the Congress was scheduled to adjourn. On October 11, the Senate agreed to the House amendments, but suggested some of its own in addition. Since none of these additional amendments concerned the limitations, it was generally believed that the legislation would pass.

But time was running very short and many members of Congress were by this point directing all their energies to the imminent November elections. By October 11 there was not even an opportunity to appoint a conference committee to resolve the few remaining differences. Early on October 14 the House let it be known that it would reject the Senate's proposed amendments. That day Congress adjourned and the House version of S. 3206 thus died in the 90th Congress. Its death, a defeat for the insurance and maritime industries, provided a

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second chance for the proponents of real reform.

TOVALOP

Almost at the same time the 90th Congress was making plans to adjourn, reports began to circulate that the oil tanker owners, primarily the major oil companies, were putting together a plan contemplating voluntary agreement among oil tanker owners on new limits and terms of liability for oil pollution. On November 7, 1968, the scheme was publicly announced.[27] Known formally as the Tanker Owners Voluntary Agreement Concerning liability for Oil Pollution, or simply, TOVALOP, it provided limits of liability of $100 per g.r.t. subject to a maximum amount of $10 million. Liability (as in the House passed version of S. 3206), was to be based simply on a presumption of negligence. Furthermore, the plan was designed to cover *only* clean-up costs of governments, and not all third party claims.

To be sure, the bills that had been introduced in the Congress had likewise been limited only to the issue of Government clean-up costs. This was probably because the entire issue of limitations was first raised not through the Senate Commerce or House Merchant Marine Committees but by the Senate Public Works Committee whose object, at least at that point, was not so much to modernize maritime limits of liability as it was to assure that spills be cleaned up expeditiously and not at the expense of the public treasury. It was only after the Muskie Subcommittee became deeply involved in the problem, during the 91st Congress, that its members began to realize—and then only as incidental to their main object—precisely how the 1851 statutory limits came into play and how adversely they could operate not only to impede expeditious clean-up by the vessel owner but also to preclude innocent private coastal interests from recovering damages suffered from pollution. By that time, however, it was probably too late to broaden the thrust of the attack on the 1851 limits, even assuming that a Committee on Public Works could in some way justify an extension of its jurisdiction into an area which would so plainly impinge upon that of the Commerce and Merchant Marine Committees. In short, it is safe to say that maritime limits of liability did come into the Congress through the back door and, as an unfortunate consequence, only to the extent that they affected recoveries by the Government for its clean-up costs.

But the fact that the problem came up in so restrictive a manner in the Congress certainly should not have been an excuse for knowledgeable tanker owners, conceiving and adopting an unprecedented voluntary scheme for maritime liability, to work within the same restrictive area. Why, one may ask, were the tanker owners not prepared to cover *all* third party damage claims, not merely those of governmental clean-up costs? Are not the damages suffered by private hotel, fishing, and wildlife interests the responsibility of the tanker owners and equally as important as the clean-up costs suffered by the Government? Is it at all proper that limits be substantially improved for recoveries by the Government but left totally unchanged from what they were in 1851 for recoveries by private citizens?

Clearly, if the tanker owners were embarking on an unprecedented and comprehensive scheme, that scheme should have covered all third party damage. And the fact that it did not raised the inference that the main purpose of the plan was not so much to modernize the limits as it was to attempt to head off an even more serious and pervasive modernization either by legislation in the 91st Congress or by an international convention. Indeed, the events at this time called to mind a similar effort by the international airlines in 1965 to increase the international airline limits of liability for passenger injury and death from $8,300 to $50,000. Their plan was promulgated, however, at a time when the United States Government was threatening to denounce the Warsaw Convention unless agreement could be reached on a limit of $100,000. As events ultimately transpired, the United States Government rejected the airlines' voluntary plan, gave notice of its intention to denounce the Convention, but later withdrew that notice in return for a limit of $75,000 and a system of absolute liability.[28] In light of what has occurred in the 91st Congress, it is more than a reasonable likelihood that just as the 1965 airline voluntary plan did not deter the United States Government, nor will—or should—the TOVALOP.[29]

OIL POLLUTION, LIMITS OF LIABILITY AND THE 91ST CONGRESS

At the opening of the 91st Congress, both before, though to a greater extent after the disaster at Santa Barbara, a host of bills was introduced on oil pollution and the limitation problem. On January 15 and 22, Senator Muskie introduced two bills, S. 7 and S. 544 which, as they pertained to the liability problem, were identical in proposing limits of $450 per g.r.t. subject to a maximum of $15 million. On the other hand, both also adopted the presumption of fault system rather than the system of absolute liability. In the House, Congressman Fallon introduced H.R. 4148 which, like the Muskie bills, also set out limits of $450 per g.r.t. with a $15 million maximum. Congressman Blatnik (D-Minn.), proposed H.R. 7361, with the lower figures of $200 per g.r.t. and a maximum of $10 million. Finally, the House Merchant Marine and Fisheries Committee had before it, among several other bills, H.R. 6495, introduced by Committee Chairman Garmatz (D–Md.). It opted for limits, like those in TOVALOP, of $100 per g.r.t. with a maximum of $10 million.

While none of these House bills proposed absolute liability, all of them contemplated limits substantially in excess of the $67 per g.r.t./$5 million maximum that was adopted by the House at the close of the 90th Congress. At the very least, therefore, one might predict that the 1957 Brussels Convention figures will again be rejected and that the decade-long chapter of industry efforts to secure United States adoption of that Convention or its limits will now finally come to a close.

With so many figures in the mill, however, it was inevitable that, perhaps for the first time in history, not only would the limitation problem be subjected to careful examination, but the marine insurance industry would need to be called on to explain and justify in detail how it works, what it can insure, and why.

The first Muskie hearings

The first opportunity arose before Senator Muskie's Subcommittee which held its opening hearings on S. 7 and S. 544 from February 3–6.[30] Messrs. Shearer and Miller again testified for the international insurance interests. Since both S. 7 and S. 544 provided only for a presumption of negligence rather than absolute liability, their testimony was limited primarily to the amount of the limitation. As described earlier, their testimony in 1968 before the House Public Works Committee on this point indicated that the reason the insurance market capacity was limited to a ceiling of "between $10 and $15 million" was because of the presence of absolute liability in the proposed bill. Yet, despite the substitution of a presumption of fault in place of absolute liability in S. 7 and S. 554, both Shearer and Miller continued to hold to the view that the market capacity was such that the ceiling could still not exceed $12 to $15 million.[31] The record contains no explanation for this diminution in market capacity other than the general remark made by Mr. Miller that "the capacity of the Market to absorb such risks has diminished even since the time when I addressed the House of Representatives with my colleague, Mr. Shearer, last spring."[32]

Both men also testified that the combination of a $450 per g.r.t. and a $15 million maximum was "simply uninsurable."[33] Perhaps the maximum could be between $12 and $15 million, both witnesses suggested, but that could not be combined with a limit of $450 per g.r.t. The reason: with a $450 per g.r.t. limit, an accident involving any ship over 33,333 g.r.t. would immediately command the maximum $15 million limitation; and there happen to be many ships of more than that tonnage. On the other hand, if the per g.r.t. limit were only $100, a ship would have to be 150,000 g.r.t. in order to command the $15 million maximum; and there are not too many vessels in existence today of that tonnage.[34] In other words, the ceiling cannot exceed $15 million because of market capacity and the per g.r.t. limit cannot exceed, as both Shearer and Miller estimated, $125 to $150 because otherwise claims reaching the ceiling might come up too frequently.[35]

Perhaps this logic really is understandable, but if so, and if the per g.r.t. figure is so essential, why was it not even mentioned during the 1968 House Hearings when the only concern of both Messrs. Shearer and Miller was to replace unlimited liability by a liability subject to a limit? That limit, as Mr. Miller stated before the House Committee, was somewhere between "$10 million to $15 million each accident, each vessel," presumably without any regard to the vessel's g.r.t.[36] Now, however, when S. 7 and S. 544 set out an upper limit of $15 million and the first goal has thus been achieved, it apparently next becomes essential to include a rather low per g.r.t. limit so that the "$15 million each accident, each vessel" will materialize in as few situations as possible.

The frequency and expense of oil spills also began to play an interesting role for the first time in the hearings. Mr. Shearer introduced a chart which showed that since 1960 the largest oil pollution claim that was paid (except for the Torrey Canyon) amounted to just over $500,000, and the average of all 29 claims that were paid during this seven year period was just under $8,500. He indicated that in view of the smallness of these payments, a limit of $450/$15 million would be simply unnecessary.[37]

It was at this point that Senator Muskie first posed a question which was to be repeated several times in this and later hearings and which never received a persuasive reply: "If experience indicates that no losses in excess of $67 per gross ton are recorded, why then should you be concerned about the $450 limit?"[38] Mr. Shearer deferred to Mr. Miller, who replied that since the Torrey Canyon disaster, underwriters were afraid to underwrite because oil tankers are getting constantly larger and more crude oil is being carried now than ever before.[39] To an observer, this reply confirmed the need for a far higher limit than any under discussion. To the British insurers, however, it seemed to offer a sound reason why limits must be kept low. In short, as the public's need for protection expands with the increasing size of tankers, the willingness of the insurance market to offer them protection seems to contract.

In other testimony, Mr. Kreuzkamp, testifying for the Marine Brokers, indicated that American companies are not interested in providing "excess" or reinsurance and, in light of poor experience, the British capacity "is becoming increasingly limited."[40] Hence, Mr. Kreuzkamp continued, even limits of $67 per g.r.t. would confront the American

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shipowner with "a substantially reduced market capacity, thus restricting his ability to purchase sufficient insurance in respect to such critically important other liabilities as loss of life, personal injury, and so forth." [41] Views of this type are particularly perplexing when one realizes that if the personal injury and death limits of 46 U.S.C. § 183 are literally applied to the survivors of the 90 passengers who died in the 1965 disaster aboard the Yarmouth Castle, no survivor will recover in excess of $2,700 for each victim.

Speaking for the Maritime Law Association of the United States, its President, James J. Higgins, pleaded for return to the $5 million or $67 figures that emerged the previous year in the House amended version of S. 3206. He spoke of "[t]he right of limitation of liability . . . [which] has been the law of the land since 1851." [42]

And thus the first of several sessions of the Muskie Subcommittee in the 91st Congress came to a close. To many, it appeared that the insurance and maritime industry had advanced a formidable case. But Senator Muskie and the members of his Subcommittee were beginning to show signs of a much greater interest in and concern for this subject than had been demonstrated in recent memory by any Congressional Committee. On February 6 the hearings were "recessed until the call of the chairman." It would be almost three months before the call was made. For the moment, however, we should turn to the action on other fronts.

The hearings in the House Public Works Committee

Less than three weeks after Senator Muskie's hearings were recessed two House Committees—Public Works and Merchant Marine—opened hearings almost simultaneously. In the Public Works Committee the primary bills were those of Congressman Fallon (H.R. 4148) and Congressman Blatnik (H.R. 7361), the former containing the Muskie formula of $450/$15 million and the latter containing the lower formula of $200/$10 million.

Mr. Miller, making his second appearance before this Committee, again testified for the international insurance industry, repeating the position that the combination of $450 per g.r.t. and $15 million was "uninsurable." [43] Supporting the figures of $67 per g.r.t. and $5 million, he added, however, that the outside limit of insurability was $150 per g.r.t. with a probable ceiling of $10 to $15 million, though more likely no more than $12.5 million.[44] The exchange between Mr. Miller and the House Committee was largely devoid of the searching questions that were later to be posed by the members of the Senate Subcommittee. The figures most often bandied about in this House Committee were the same $100 per g.r.t. and $10 million maximum appearing in the TOVALOP. In reply to a question about absolute liability, Mr. Miller spoke of its "inherent unfairness" and repeated that it represented a "complete departure . . . from almost all known maritime legal precedents and concepts." [45] The following day Mr. Kreuzkamp appeared, also opposing absolute liability and repeating that anything beyond $100 per g.r.t. and $10 million "is just prohibitive." [46] The United States Maritime Law Association and the American Institute of Merchant Shipping (representing U.S. flag dry cargo vessel operators) filed statements urging adoption only of the $67 per ton figure of the 1957 Brussels Convention, if not the entire Convention as well.[47]

When the bill emerged from the Committee, the same limits as those in TOVALOP were adopted, namely, $100 per g.r.t. and a $10 million ceiling. It also based liability only on a presumption of fault.[48]

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The hearings in the House Merchant Marine and Fisheries Committee

Almost at the same time as Public Works was holding its hearings, Merchant Marine and Fisheries was holding its own, with many of the same witnesses. The primary bill under discussion was H.R. 6495, which adopted the TOVALOP limits of $100 per g.r.t. with a $10 million ceiling.

Though Messrs. Miller and Shearer did not personally appear, a detailed statement was presented on their behalf by two members of the United States Maritime Law Association.[49] The statement again registered the British insurers' opposition to absolute liability and pointed out that its adoption "would not only make the insurance . . . very much more expensive for the shipowner, in particular the American shipowner, but [it] would also cut down the amount of insurance which the shipowner could buy." [50] Why the American shipowner should now have been singled out in this manner poses an interesting question, especially in light of Mr. Miller's testimony just a week earlier before the House Public Works Committee that, unlike other insurance costs, the costs of pollution clean-up insurance would probably not be greater for United States flag operators than for foreign flag operators.[51]

They again attacked absolute liability on grounds of its "inequity," citing the examples of a vessel "[s]triking a mine" or "overwhelmed by a hurricane," cases in which the shipowner is obviously blameless.[52] A modern tort law commentator would have responded that the question today is not one of fault or blame but rather who is in the best position to bear the losses or distribute the risk. Should it be the adjacent shore owner who had absolutely no relationship to the vessel or its cargo, indeed, did not even know of its existence until the oil spilled on his beach, or the Government paying for clean-up costs out of the public treasury? Or should it be the vessel owner, together with the oil cargo-owner, who profit from the carriage contract, appreciate the full risks that are involved, and are in the optimum position to bear the losses or distribute those risks through self, mutual or other forms of insurance?

Finally, in regard to the limits, the statement supported the $10 million/$100 g.r.t. combination but indicated that even these "would impose a heavy additional burden on shipowners." [53]

The United States Maritime Law Association, through its President, also testified on its own behalf and repeated its support for the $67 per ton limitation of the 1957 Brussel's Convention.[54] It also supported an overall ceiling limit of $5 million. This ignored the fact that no such overall ceiling was provided for in the Brussels Convention, which simply set a $207 per ton limit ($140 for personal injury and death, the remaining $67 for property damage, including cargo and pollution). In short, if the Association's position were adopted, it would impose upon the United States a limitation which, because of an overall ceiling, would be even lower than that of the Brussels Convention.

The Merchant Marine Hearings closed on April 1, 1969, and as of this writing a Report has not yet been issued. In view of the fact that the Public Works Committee has already reported out a bill, there has been some speculation that the Merchant Marine Committee may not report out its own. A Committee Print of a bill, presumably agreed to by the Merchant Marine Committee, provides the same $10 million/$100 g.r.t. combination with a presumption of fault as appears in the bill reported out by Public Works. So in terms of maritime liability, both House Committees appear to be in agreement.

The second Muskie hearings and the aviation analogy

When the second Muskie hearings opened on May 23, 1969, it was immediately apparent that since February 6 the members of the Subcommittee had devoted much time and interest to a careful study of the background and facts of the entire limitation problem, and especially its aviation counterpart. The first witness to appear before the Subcommittee was Mr. Clarence Pell, Director of the newly created aviation insurance company, known as Air Transport Insurance, S.A.

At this point it would be useful, for background purposes, to examine the recent history of the airline industry relating to the problems presently facing the maritime industry, namely, the amount of the limit and whether absolute liability is an appropriate doctrine.

On May 14, 1966, the major international airlines agreed to a liability scheme which, it is fair to say, the United States Government insisted on as a condition for withdrawing its notice of denunciation of the Warsaw Convention. If the United States had not withdrawn that notice, it would have become effective on May 15, 1966, and, as of that date, every American on a journey to or from the United States would not have been subject to any limitation of liability. Rather than allow such a system of unlimited liability to come into effect, the international airlines, aided by the International Air Transport Association (IATA), agreed to the United States' proposed limits of $75,000 per person under a system of absolute liability.[55]

Limitations in the Air. Until the United States Government threatened to denounce the Convention unless a limit of $100,000 could be agreed on, probably no one in the international aviation legal community outside of the United States would have conceived that such an increased limit was either possible or practical. After all, the Warsaw Convention limit was only $8,300 per person and as late as 1955, in the Hague Protocol, (never ratified by the United States), this limit had been raised to only $16,600. Moreover, as Mr. Pell testified during the second Muskie hearings, the aviation insurance industry, when questioned prior to May, 1966 as to the insurability of a scheme like $75,000 with absolute liability, was apt to say—as the maritime insurance industry says today—"uninsurable." [56] Yet, when the alternative was a high limit or no limit at all, the high limit was adopted together with absolute liability, and the insurance industry found the necessary market capacity. Today, some three years later, the aviation community is looking toward a limitation figure of at least $100,000, and it may be substantially higher.

The airlines created the Air Transport Insurance Company with the express purpose of providing for the potential liability exposure to which they will be subject when the Boeing 747 "Jumbo Jet" comes into use later this year. One such jet carrying 360 passengers on an international journey has an exposure of up to $27 million (360 x $75,000); a collision of two such jets—the type of catastrophe which is apparently a major factor in underwriting criteria—gives a total insurance market exposure of $54 million. On a domestic flight within the United States—where there are no limits of liability—the exposure for a single disaster could be, as Mr. Pell estimated with his example of 400 passengers who are "young, very expensive sales managers," upwards of $100 million (400 x $250,000).[57] Yet the maritime insurance industry can speak in maximum market capacity terms of only $10 million for a tanker carrying thousands of tons of oil.

Absolute Liability in the Air. The background of aviation and absolute liability is equally instructive. In Rome in 1952, a Convention was adopted covering injury or damage by aircraft to persons or property on the surface. In the sense that it covers damage to third persons who, unlike passengers, have no contractual or other relationship with the aircraft owner, it is identical to the damage caused to coastal interests by oil pollution from vessels.

This "Rome Convention" provided for absolute liability on the part of the aircraft owner.[58] The rationale then was not, such as we have today, one of enterprise liability or which party was in the best position to bear or distribute the risk. Rather, it was a rationale based on simple principles of equity. The person on the surface had no relationship to the aircraft; he was in the least likely position to be able to prove negligence; and he was totally innocent of wrongdoing or risk taking. Accordingly, there seemed to be no reason why in order to recover he should be required to do anything more than prove his damages. Even a presumption of negligence, so it was thought, would not be sufficient protection.

The United States did not ratify the Rome Convention for two reasons. First, considering that there are no limits of liability for this type of damage in the United States, only a Convention with very high limits might, in the interest of international cooperation, be arguably acceptable. And the Rome Convention limits were in fact quite low.[59] But the second and perhaps more important reason was that during this period the United States opposed the theory of absolute liability because, as the instructions to the United States Delegation to the Rome Conference read, "the theory is unjust to the aircraft operator in requiring it to respond to damages regardless of fault." At the Rome Conference, the United States appeared to be the only country favoring a presumption of fault; all the others favored absolute liability.[60]

By early 1965, however, the position of the United States Government had changed. In addition to the equitable factors that were important when the Convention was adopted in 1952, there had developed the entire school of thought that looked upon tort liability not in terms of fault or negligence but rather in terms of risk and loss distribution between the parties to the accident.

Furthermore, there was also a growing realization that while liability based on negligence might have been appropriate when industrial enterprises were still relatively small and in the process of development, it had increasingly less justification as the industrial revolution matured into the technologically super-sophisticated type of society which we have today. In the vast majority of cases today, the individual has neither the ability nor the finances to withstand protracted litigation involving issues of negligence; there is, in truth, no fair balance between the opposing interests. Moreover, issues of negligence are becoming increasingly more obtuse and complex as technology advances. The structures of aircraft bodies and the mechanics of jet engines are so intricate as to be understood by almost no one except aeronautical engineers and trial lawyers specializing in aviation accident litigation. And finally, there is the element of insurance—now so widespread in our society, unlike the situation in this country even as recently as 1950.

In any event, in 1965 the United States Government reversed its position and supported absolute liability in the context of the Rome Convention. In commenting on this reversal, former CAB General Counsel John H. Wanner, who was the Chairman of the United States Delegation to the March ICAO Legal Subcommittee meeting on amending the Rome Convention, pointed out in his Report on this meeting to the Secretary of State, that "the United States withdrew from a position which it alone had maintained for some years without support from any of the 108 other Member States of ICAO."[61] Soon after the United States adopted this position, it adopted the same position in the passenger injury and death context under the Warsaw Convention, for the significant issues in both contexts were the same.

Today, some three years after its adoption by a then reluctant industry, IATA, the trade association representing virtually every international airline in the world, has officially announced that it also is in favor of absolute liability, even if only on the ground that its application will promote "speedy settlement of claims without recourse to litigation."[62] There are, of course, other equally persuasive reasons. But the fact that IATA has endorsed the concept at all is a major step forward in international transportation law.

Thus, international air law today provides a system of absolute liability for personal injury and death claims by passengers and for personal injury, death and damage claims by third parties on the surface. In maritime law, on the other hand, even the enactment of a presumption of fault, not to mention absolute liability, seems a major achievement.

The second Muskie hearings and the substantive issues

As the lead off witness for the second Muskie hearings which opened on May 23, Mr. Pell left the strong impression that the airlines of the world were making every possible effort, even to the point of setting up their own mutual insurance company, to meet their responsibilities to the public. And though he may have been thinking only in terms of the aviation industry, he seemed to please the Subcommittee members by pointing out a fact which was only first appreciated *after* the United States Government insisted on a $75,000 absolute liability air limit. This fact, in Mr. Pell's words, was that: "The chances are that when the crunch comes, somehow or other, the underwriters who may be somewhat loath at this moment to commit themselves on a hypothetical basis will come in and will fill the gaps that you require."[63] That is precisely what happened with respect to aviation limitations in May, 1966, and the Subcommittee members probably concluded that this experience offered them a green light for substantially increasing the maritime limits in 1969.

But then Mr. Peter Miller made his second appearance before the Subcommittee. He opened by pointing out that the new airline insurance company was no more than a mutual association like those comprising the London Group, and that it could therefore be said that "[t]he airlines are . . . a little more than 100 years behind shipowners, in operating self-insurance."[64] Perhaps this is true. But it does not explain the notable disparity between the capacity of the aviation insurance market to insure jumbo jets as high as $50 to $100 million coupled with absolute liability and the inability of the maritime market to exceed $10 million coupled with a presumption of fault.

Moreover, by this date, Mr. Miller categorically indicated that the TOVALOP limits were the maximum insurable limits at reasonable costs. It was no longer a figure between $100 and $150 per g.r.t. or between $10 and $15 million or $12.5 million but simply and only $100 per g.r.t. with a ceiling of 10 million. These limits were characterized as "insurance trail blazing."[65] Even these limits, however, had to be predicated on a presumption of fault system which Mr. Miller described as "something so radical and basic . . . a burden so heavy that in my humble opinion it is as far as need reasonably be done by a legislator or insurer, or anybody else."[66] He did not describe how such a system differs so radically—if it differs at all in results—from *res ipsa loquitur*, a doctrine which would assuredly be applied by every United States court faced with a Torrey Canyon or similar pollution disaster claim. Nor was explanation offered why the $10 million ceiling now applied when only the presumption system was the standard. Moreover, at a later point Mr. Miller insisted that in the event absolute liability was adopted, the maximum market capacity would shrink to only $5 million,[67] and that even this reduced ceiling could only be made available at a cost to the shipowner of twice what it would cost him if the $10 million ceiling was adopted with simply a presumption.[68]

These inconsistencies, however, seemed to be fully appreciated by Senator Muskie and each of the members of his Subcommittee. For example, when Mr. Miller stated that all oil spills are paid for because it is like the "aircraft [that] falls out of the sky, *res ipsa loquitur*,"[69] Senator Muskie was quick to ask: "If as a practical matter you can't envision the failure to pay such a claim, then why should there be such a difference in the insurability between absolute liability and negligence liability—if in either case the results will be payment?"[70] To which Mr. Miller's only response was that the "underwriters . . . have a horror of legal liability based upon absolute liability."[71] At a later point in the hearings Senator Muskie quipped that this was the "first time [he] had ever heard a suggestion that insurance rates are based upon the subjective factor of horror."[72]

But the searching questions did not stop here. The entire theory of tort liability based on negligence was put in issue with Senator Muskie's statement that:

"It strikes me to be a rather unusual situation when the owner of shore property who finds himself inundated from the sea by the results of an oil spill is told he must prove negligence against the unseen perpetrator . . . of the spill in order to get damages . . . it seems to me that the nature of the problem of proof is so unusual as to suggest some different definition of liability."[73]

Senator Muskie followed with the observation that "those who generate the risk ought to have something more than simple negligence responsibility for meeting the costs of the damage that flow from that risk."[74] Mr. Miller's ultimate response was that faced with a choice between $5 million with absolute liability and $10 million with a presumption, the latter was "a much more attractive proposition."[75]

Senator Muskie even raised the primary failing of TOVALOP in not providing for third party liability generally. The response was simply that third party liability is already insured.[76] However, the fact that apart from insurance the limits under present American law (46 U.S.C. § 183) effectively insulate the owner of a totally destroyed vessel from *any* liability to third parties, was not pointed out.

With the conclusion of Mr. Miller's testimony the hearings were again recessed. They were reopened on June 4, however, in order to hear additional testimony from the American Petroleum Institute (API), representing oil tankers and the oil industry, and from the American Institute of Merchant Shipping (AIMS), representing United States flag operators. The API witness, like his predecessors, opposed absolute liability and supported the TOVALOP limits of $100 per g.r.t. with a $10 million ceiling. He too was questioned as to the difference between absolute liability and a presumption of fault, and he too indicated that oil spills are always traceable to some fault and hence damages from oil spills are always paid. But when he was questioned why, in the face of this almost automatic payment, Mr. Miller had nevertheless projected a premium cost twice as high for absolute liability despite a ceiling of only half as much, he candidly replied, "I

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cannot say what is in the underwriter's mind, which at times is as perplexing to us as it is to this committee. . . . We have tried to rationalize this ourselves, and have been unable to arrive at a definite conclusion in this regard."[77]

Testifying as the newly installed President of AIMS, former Undersecretary of Labor James J. Reynolds vigorously opposed the adoption of absolute liability. And it was perhaps only in his testimony that the industry's real and basic reason for opposing absolute liability emerged. He openly and for the first time expressed the fear that:

> "If the concept of absolute liability . . . is imposed for oil pollution then I can well imagine the maritime unions shortly coming in and demanding absolute liability for injury or death of a member of the crew, regardless of his own conduct; absolute liability for cargo damage, absolute liability for third parties for property damage, et cetera."[78]

It might well have been asked (except for cases involving contributory negligence), why absolute liability would, indeed, be inappropriate in any of these contexts. It is certainly as appropriate for third party property damage as it is in the aviation law Rome Convention context. In workmen's compensation cases not involving contributory negligence it is already the generally accepted rule. Moreover, with respect to maritime cargo damage cases its adoption, though possibly unprecedented, might prove far more efficient in terms of saving both time and money, public and private, than the system which is presently in effect. For that system, which is set out in the 1936 Carriage of Goods by Sea Act,[79] incorporates all the antiquated defenses devised on behalf of vessel owners during the 19th Century, and does little more today than spawn endless and protracted litigation. In short, these are fears that could stand careful reappraisal.

But Senator Muskie had his own questions and he pursued them with Mr. Reynolds just as he did with Mr. Miller and the API witness.

Thus, he suggested to Mr. Reynolds that if most spills do result from negligence—as all the industry seemed to agree—then the adoption of an absolute liability system should make no difference and insurance costs for it should be no higher than for a presumptive fault system. Mr. Reynolds replied: "I cannot give the answer to that, Mr. Chairman. I don't know why the cost should be double for less insurance when there is absolute liability."[80]

Senator Muskie continued by pointing out that proof of negligence in oil spills could be "a very difficult matter . . . because the facts that bear upon the question of negligence are peculiarly within the possession of the agents or the instruments owned by the alleged tort feasor."[81] In replying, Mr. Reynolds again voiced the fear that absolute liability "brings into the whole field of admiralty law, and the way of the sea, a new concept, which would have most dangerous implications . . . I think it would encourage the view that there should be absolute liability for everything that happens at sea."[82] Shortly following this testimony, the hearings were adjourned.

Posthearing developments

For several weeks following the adjournment there was much speculation over whether the Committee would adopt a system which had been discussed in detail throughout the last stages of the hearings and which seemed to have considerable appeal to several of the Committee members.[83] This system contemplated absolute liability with *no* limits and simply a financial security provision requiring vessel owners to show sufficient financial security to cover damages of $100 per g.r.t., up to a ceiling of $10 million. This would work like an average automobile insurance policy in the United States. An individual opting for coverage of only $50,000 might well later find himself, in the event of a major accident, subject to a court judgment of, say, $75,000. In such a case the uninsured portion could be satisfied by executing against the individual's assets. The obvious effect is the creation of a major incentive for automobile owners to carry very high, if not maximum coverage.

In the vessel pollution context, the vessel owner would be required to cover himself up to the $10 million/$100 g.r.t. combination amount. His liability, however, could be beyond that, and to the extent it did his assets could be levied upon. To be sure, vessel owners have some advantages available to them which are not available to automobile owners. Not the least of these are the ability to insulate other assets by engaging in the increasingly popular practice of incorporating as one vessel corporations, and also of course, the ability to reinsure.

Nevertheless, the adoption of such a system would still have several advantages. First, the large tanker owners, many of whom are responsible well known oil companies, would probably not go the route of one ship corporations to avoid liability. While there might be exceptions, it is more likely that they would rather devote their energies to devising some effective means by which insurance market capacity, both primary and reinsurance, could be increased. As for the smaller owners, the financial security requirements of $10 million/$100 g.r.t. should prove adequate. Second, such a system entirely avoids the perplexing question of an appropriate limit, except to the extent that it requires a showing of certain financial security. Finally, and perhaps most important, the unlimited liability feature would have the effect of providing a major incentive for tanker owners and oil companies to devise an international system of insurance which, unlike the present system, would be capable of coping not only with the problems of today but those of tomorrow as well. Like automobile owners, neither tanker owners nor the oil companies would wish to see their assets levied upon to satisfy judgments. Once limits were eliminated, therefore, it is most probable that both the maritime industry and the oil companies would look to the precedent of the airlines, with their jumbo jets, and devise some system of international insurance that could effectively cover the risks of jumbo tankers.

Despite the advantages of such a system, its adoption would admittedly represent a major departure from the tradition of maritime limitation law as it has developed over the past century. It is perhaps for this reason and also because any major change ought perhaps best be made in the realm of third party claims or personal injury and death claims, that the Muskie Committee seems now to be adopting a narrower approach.

On July 2, 1969, a Committee Print (No. 3) of a bill appeared which set a limit of $150 per g.r.t. without an overall ceiling. As for financial security, a requirement of $67 per g.r.t. was imposed. Considering the absence of an overall ceiling, and that in the light of past pollution clean up claims a $15 per g.r.t. limit is not unreasonable, the bill, at least in these respects, is a significant improvement over existing United States law. However, the liability provisions appear less adequate. These provisions exclude shipowner liability in any case "where an owner or operator can prove that a discharge was caused solely by act of God, act of war, or negligence on the part of the United States Government."[84] Act of God is defined as "an act occasioned exclusively by violence of nature without the interference of any human agency."[85]

While one need not take issue with precluding the Government from recovering when it is contributorily negligent, the other two exceptions pose far more difficult problems. Neither, of course, is consistent with the modern tort law concept of determining liability on the basis of risk distribution rather than fault or blame. Moreover, despite the narrowness of the Act of God definition in the bill, both will inevitably stimulate unnecessary litigation as well as delay and probably depress most recoveries. This author recently received a letter from the head of the legal department of the British Aviation Insurance Company, Ltd. The author of that letter, Mr. Harold Caplan, has long been involved in the Warsaw Convention controversy and its accompanying insurance ramifications. In commenting on whether acts of war should be excepted from the absolute liability feature of the 1966 airline agreement—an issue which is directly facing the international aviation community at this very time—Mr. Caplan stated:

> "Those who advocate an exception for 'War Risks' do not realize how difficult it is to devise satisfactory words, or more importantly to prove what was the cause of a particular loss. As you can imagine, we have had considerable experience with this problem in the course of devising War Risk policies and my conclusion is that any international convention which contains reservations for War Risks is doomed to failure."[86]

Is not the same reasoning applicable as well to both war risk and act of God exceptions in United States legislation on maritime liability?

GENERAL OBSERVATIONS

Considering the voluminous nature of the testimony received throughout all the hearings, not to mention the complexity of the subject involved, it is at some risk that anyone undertakes to summarize the problems in terms of firm conclusions. General observations, therefore, seem more appropriate, and these are as follows:

1. On the basis of the testimony it would seem that neither the American flag vessel owners nor the American marine insurance industry have any significant influence, at this time, on either the world market capacity for marine insurance or the costs at which such insurance is made available. The insurance market appears to depend primarily on largely undocumented and uncontrolled personal negotiations in the London Group.

2. Messrs. Shearer and Miller, representing the London Group and the international reinsurance market, are the two pivotal individuals in P. & I. marine insurance throughout the world. At the present time, their conclusions—whether right or wrong—as to capacity and cost determine, if not dictate, not only the limits and terms of liability that can be negotiated in international conventions but also those that can be adopted in United States legislation on the subject.

3. While the international aviation insurance market has adjusted to the adoption of absolute liability in circumstances that will involve much greater potential liability than virtually anything conceivable in the area of vessel pollution liability, the international marine insurers have a "horror" of absolute liability and are presumably prepared to allow it only at double premium costs with a halved ceiling on liability.

4. If absolute liability is appropriate in any transportation context it is certainly appropriate here, where the vessel owner and the oil industry are in a far superior position to bear and distribute the risk than the coastal shore owner, whose property interests are by the merest chance inundated with oil. Moreover, since the United States Government officially demanded absolute liability in the international aviation passenger context, it follows almost a fortiori that the Government

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should favor absolute liability in the oil pollution context. In the passenger context it might always be argued (although in air law the argument was rejected by the United States Government) that simply by contracting with the carrier for passage the passenger assumes a risk or enters into a joint venture which should operate to bar him from the benefits of the absolute liability doctrine. But assuming arguendo that this agrument is valid for passengers, it has no applicability to the Government or to coastal shore interests, neither of whom is in any contractual or other relationship with the vessel causing pollution.

5. Beyond the "subjective factor of horror," there appears to be no persuasive reasons why the costs of absolute reliability should be so high and the market capacity for it so low. Perhaps it is because operating under a presumption of fault vessel owners and their insurers can always attempt to negotiate lower damage settlements simply by threatening to litigate the issues in the courts. Under such circumstances, the average coastal shore owner would probably be prepared to accept a sizable smaller settlement rather than face the prospect of protracted litigation plus the risk that at the end he might recover nothing at all. Moreover, these precise disadvantages to the coastal shore owner would also obtain in any legislation or convention that adopts exceptions for acts of God, acts of war, or acts of third parties.

6. One reason why the maritime industry may be protesting absolute liability so vigorously is their fear that it will spread to other aspects of maritime law. But change is an inevitable concomitant of progress. Eventually the repressive United States limits of maritime liability for passenger death and injury will be modernized. The adoption of absolute liability in the instant context may well influence the outcome on those modernized personal injury and death limits, as well as third party liability in general. It is doubtful, however, whether the influence would extend beyond this point—and up to this point there are persuasive reasons why such a change is justified.

7. The present infrastructure of the P. & I. marine insurance industry appears incapable of meeting even this first change, much less the others—primarily in the personal injury and death area—that will inevitably follow. Accordingly, that infrastructure must be modernized, and there is perhaps no better place to start than with the oil industry. Together with the maritime industry, the oil industry must now begin to direct its energies to developing a system of worldwide insurance, with emphasis and influence in this country, that will adequately cover the vast majority of the risks of oil pollution that are becoming increasingly important as the 300,000 to 500,000 dead weight ton tankers appear on the seas.

8. The need for this change becomes particularly pressing when considered in the context of the claim by the insurance industry that the market capacity is a total figure representing not just coverage for oil pollution Government clean up claims but also for all other third party damage claims, hull and cargo claims and, more importantly, for personal injury and death claims. Thus, to the extent that a greater portion of the limited available capacity is allocated to Government clean up claims, it is entirely possible that the capacity available for personal injury and death claims will be reduced. In short, if oil does not pay its own way, that way may well have to be paid by means of reduced recoveries for personal injury and death victims. When this is considered against the fact that, as Mr. Kreuzkamp testified, the market capacity for the average American shipowner has diminished over the past, five years from $30 million to $17.5 million,[37] the urgent need for a change in the insurance market infrastructure becomes even more apparent.

9. To the extent that giant tankers represent future trends, it becomes imperative that irrespective of what per g.r.t. or per d.w.t. limit, if any, is adopted, no overall ceiling be adopted either in a treaty or in legislation, unless that overall limit varies with the dead weight tonnage of the tanker. Otherwise a tanker capable of spilling off 500,000 tons of crude oil, with the immense damage this could cause, would be subject to no greater liability than—taking a $10 million overall ceiling with a $100 per g.r.t.—a much smaller tanker carrying only 100,000 tons. In other words, an additional 400,000 tons of crude oil can pollute wtihout additional liability.

10. Moreover, considering the immense cost savings effected by the use of such giant tankers, it should not be too much to suggest that tank owners not be permitted to effect additional savings from the lower premiums that result from lower limits and terms of liability. We are not dealing here with a marginal industry or one whose ability to pay is uncertain. According to statistics presented by the industry itself during the hearings, seven major oil companies own 40% of the total privately owned dead weight tanker tonnage operating under the American flag. An additional 26% is owned by seven non-oil companies or "independents" With roughly two-thirds of our tanker tonnage distributed among only 14 companies, it seems clear that they should be able to work out some system—perhaps by an improvement in TOVALOP or through the creation of an insurance pool funded by a royalty assessment on each barrel or ton of crude transported—that would be able to afford adequate protection to the American public. Added cost, if any, to oil users probably would not be significant, considering that a 200,000 d.w.t. tanker carries roughly 55 million gallons of crude oil.[38] Finally, it is a fact that if adequate protection is not legislated now when the giant tankers are just beginning to make their appearances, it will be infinitely more difficult to so legislate once these tankers are common and industry has grown accustomed to the cost savings they realize with low levels and terms of liability.

THE INTERNATIONAL SCENE

While the efforts in progress in the United States Congress are presently the most important, the critical scene may soon be shifting to the efforts of the international maritime legal community. Shortly after the Torrey Canyon disaster, this community embarked upon an effort to draw up a convention covering the limits and terms of liability for future cases of pollution damage. The work was undertaken largely by the newly created Legal Committee of the Intergovernmental Maritime Consultative Organization (IMCO), a United Nations Agency specializing in international maritime affairs. However, ths appears to be the first time that IMCO, unlike its aviation counterpart, the International Civil Aviation Organization (ICAO), has entered into the area traditionally known as "private international law."

Historically, this area, (at least in the maritime field), has been the province of the Comité Maritime International (CMI) a nongovernmental body composed of the maritime law associations of 29 countries, the majority of which are economically developed. Most individual members of these national associations are lawyers who, in their private practices, represent shipowner interests to a large extent. Through the efforts of these indvidual members, the CMI has traditionally assumed the responsibility of preparing drafts of the private law maritime conventions. These drafts are then transmitted to the Belgian Government which, in turn, calls a diplomatic conference so that governments may consider, approve, and promulgate the drafts as international treaties, for signature and ratification by states.

At latest word, a diplomatic conference called by the Belgian Govrnment is scheduled to take place in Brussels from November 10 to November 28. The tentative agenda of the conference includes consideration of two separate draft treaties. The first treaty covers public law issues such as when and under what circumstances a state may take action, as the British Government did, to bomb a vessel like the Torrey Canyon to prevent further pollution. The other concerns itself with the private law issues of terms and limits of vessel owner liability for pollution damage.

The draft of the first treaty was prepared exclusively by the IMCO Legal Committee. While acceptance of its terms will not notably advance the rights of governments in polluton disaster situations, it will at least codify the existing state of international law on the subject. The draft of the second treaty, however, is far more important because it could well become the international law on this sensitive subject for several decades. At the moment, there appear to be two drafts of this second treaty—one prepared exclusively by the CMI and the other prepared by the IMCO Legal Committee with some assistance from the CMI. Both are inadequate for several reasons.

First, the CMI draft provides a limit of liability of only $67 per ton. Considering that the minimum figure presently before the U.S. Congress is $100 per ton, and that one seriously considered proposal envisioned no limits at all, it is hard to understand how or why the drafters opted for the $67 million figure, unless it was only by way of anticipating the horse-trading that will occur at the conference and to open that trading at the lowest conceivable price. The IMCO prepared draft on this subject, as of this writing, leaves a blank space to be filled in by the participants at the November conference.

Second, both drafts are directed to pollution by oil and not to all forms of pollution. If adopted, therefore, this very narrow approach would probably always leave the nations of the world one convention behind each maritime disaster. Only after a disaster involving a tanker carrying dangerous gases or chemicals would an additional convention or protocol be undertaken to provide a more expanded coverage. Here too, it is hard to understand why the drafters were not moved, particularly in view of the increasingly obvious dangers of pollution, highlighted recently by the Rhine River poisoning disaster, to cover all forms of pollution irrespective of the responsible agent.[39] This too, however, may well prove to be no more than another negotiating tactic.

Finally, neither draft continues the modern tort law concept of making the vessel owner liable for damages without regard to the issue of fault or negligence. The CMI draft simply incorporates the same presumption of negligence as industry urged on the Senate Subcommittee. The IMCO draft, much like the Committee Print that emerged from the Senate Subcommittee, excludes liability in any case where pollution damage results "directly from an act of war, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character."[40] These inclusions, identical in object to the acts of God and war exclusions in the Committee Print, do no more than retain in the law of torts what is rapidly becoming recognized as the technologically displaced theory of basing liability on fault or negli-

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gence. Their inclusion as possible defenses against third party claims is even less justifiable than it might arguably be against government clean-up claims. Were liability to be based on the modern concept of risk distribution, none of these exclusions—with their inherent potential for spawning unnecessary litigation—would be necessary or appropriate.

The effect of congressional activities on the international scene

There can be little doubt that the members of the international maritime legal community, particularly those who will play a leading role at the forthcoming November Brussels Conference, are studiously watching the efforts and progress of Senator Muskie and his bill. Naturally, there is a significant difference between the Muskie efforts and those of the forthcoming Brussels conferees. The former, as indicated earlier, cover only damages incurred by government as a result of clean-up work, while the latter will cover all damages, including, for example, loss of income by fishing interests, loss of customers and, of course, loss of income by hotel interests. But despite these differences, it may be said with some assurance that whatever ultimately emerges from the Senate (or the Congress if the bill should proceed rapidly), will inevitably constitute the floor, but to a large extent also the ceiling of what the United States Government can hope to achieve at the November Conference.

Thus, for example, if the Senate passes a bill which provides only for a presumption of fault or for liability subject to the exceptions for acts of God, war and third parties, rather than for absolute liability, it would be extremely difficult, if not impossible, for the United States Government at the Conference to stand steadfastly in favor of absolute liability.

To be sure, the perfectly tenable argument can be advanced that in disaster situations, governments can and should be better able and more prepared than private citizens to bear the clean-up costs of a true accident, i.e., one in which fault cannot be ascribed to any party. Moreover, private citizens who suffer coastal pollution damage are not in the optimum position, assuming they are even able, to insure against the highly contingent risk of pollution damage from a vessel. Thus, while governments can be expected, as part of their governmental responsibilities, to bear some or all of the clean-up costs of a true accident, there is no persuasive reason why perfectly innocent third parties suffering coastal damage should be expected to bear the burden of damages over and above clean-up, assuming, of course, that in such circumstances the government will clean up. Tenable as this argument may be, however, its adoption by the international maritime legal community is at best only a speculative possibility—particularly in the face of what may well appear to be, or be made to appear as, a policy decision by the United States Senate that absolute liability is not an appropriate rule of law generally for maritime pollution damage. In short, if the Senate or the Congress rejects absolute liability, its chances for adoption by the Brussels Conference in November are diminished.

An equally important area where the resolution of the Senate will largely be both a ceiling and a floor is that of the limitation itself. For if an overall ceiling of, for example, $10 or $15 million is adopted, it is inevitable that the Brussels Conference will insist on the principle of an overall ceiling, though they might be prepared to increase the amount slightly to compensate, if only in small part, for damages over and above clean-up costs. Moreover, if a per ton limitation figure is ultimately adopted in the legislation, inevitably the horse trading at the conference will begin in the area of that figure; and judging from the insurance industry's testimony during the hearings, it is safe to say that the prospects for a much higher figure will not be bright.

To what extent either the Senate or the House of Representatives are today or will in the future be moved by this intriguing international interplay cannot be known. Nor would it be prudent to venture even the slightest prediction how this mini-crisis in both domestic and international law will be resolved. Suffice it to say, however, that the Congress is faced with the major and immediate burden of rectifying a United States law which has been with us almost unchanged, since 1851. That law, moreover, has at no time since its enactment been the subject of an international treaty sufficiently attractive to the United States Government to warrant its repeal, accompanied by ratification of the treaty. Perhaps the Muskie hearings may have served their most important purpose in moving the marine insurance industry to reappraise and revise their methods of operation. If so, the November Conference might just produce an acceptable treaty. If not, and assuming Senator Muskie succeeds in getting some bill enacted, the public will at least have witnessed one reform of the 1851 law. And considering the information that Senator Muskie and the members of his Subcommittee succeeded in developing, it may not be too much to hope that other broader reforms of that law will not be long in coming.

FOOTNOTES

[*] Member, Glassie, Pewett, Beebe & Shanks, Washington, D.C. B.S., LL. B., University of Illinois; LL.M., Harvard University.

[1] Act of March 3, 1851, ch. 43, § 3, 9 Stat. 635.

[2] 46 U.S.C. § 183 (1964).

[3] *Id.*

[4] Norwich & N.Y. Transp. Co. v. Wright, 80 U.S. (13 Wall.) 104 (1871).

[5] *In re* Barracuda Tanker Corp., 281 F. Supp. 228 (S.D.N.Y. 1968).

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[6] Morison, *Shipping Industry Irked on Pollution Hearings*, J. COM., June 3, 1969, at 11, col. 5.

[7] For a review of the absence of progress, domestic or international, on the subject of maritime limitations for personal injury and death, as well as oil pollution and property damage generally, see Mendelsohn, *The Public Interest and Private International Maritime Law*, 10 WM. & MARY L. REV. 783 (1969). In the personal injury and death area, for example, the limit provided for in 46 U.S.C. § 183 (1964) remains the value of the vessel or $60 per ton, whichever is higher. As applied to the Yarmouth Castle disaster, where the vessel had no value following the accident, section 183 would permit a recovery of no more than $2,700 for the survivors of each of the 90 fatal victims.

[8] 33 U.S.C. § 431 *et seq.* (1964). The members of Senator Muskie's Subcommittee during the 91st Congress are Senators Randolph (D-Va.), Bayh (D-Ind.), Montoya (D-N.M.), Spong (D-Va.), Eagleton (D-Mo.), Boggs (R-Del.), Cooper (R-Ky.), Baker (R-Tenn.) and Dole (R-Kan.).

[9] S. 2947, 89th Cong., 2d Sess. (1966).

[10] S. 1591, 90th Cong., 1st Sess. (1967).

[11] *Hearings on S. 1591 and S. 1604 Before the Subcomm. on Air and Water Pollution of the Senate Comm. on Public Works*, 90th Cong., 1st Sess. (1967).

[12] S. 2760, 90th Cong., 1st Sess. (1967).

[13] *Hearings on S. 2525 and S. 3206 Before the Subcomm. on Air and Water Pollution of the Senate Comm. on Public Works*, 90th Cong., 2d Sess. (1968).

[14] There are two other important marine insurance interests which, for purposes of this article, need only be briefly mentioned. The first, known as "hull insurers," serve the vessel owner but only insure against damage or loss to the vessel's hull. The other, known as "cargo underwriters," serve the shipper of cargo aboard the vessel but not the vessel owner. They insure the cargo against loss or damage. It is a significant question why, apart from tradition, the marine insurance industry continues to make it necessary to have two groups of insurers—the P. & I. Groups and the cargo underwriters—insuring the same cargo.

[15] *Hearings on S. 7 and S. 544 Before the Subcomm. on Air and Water Pollution of the Senate Comm. on Public Works*, 91st Cong., 1st Sess., pt. 1, at 156 (1969) [hereinafter cited as *1969 Senate Hearings*].

[16] *Id.* at 157.

[17] *Id.* at 163.

[18] *Hearings on H.R. 15906 and Related Bills Before the House Comm. on Public Works*, 90th Cong., 2d Sess. 391–407 (1968) [hereinafter cited as *1968 House Hearings*].

[19] *Id.* at 394.

[20] *Id.* at 403.

[21] *Id.* at 362–63.

[22] *Id.* at 390.

[23] HOUSE COMM. ON PUBLIC WORKS, WATER QUALITY IMPROVEMENT ACT OF 1968, H.R. REP. No. 1946, 90th Cong., 2d Sess. (1968).

[24] INTERNATIONAL CONVENTION RELATING TO THE LIABILITY OF OWNERS OF SEA GOING VESSELS (Brussels, Oct. 10, 1957) (not ratified by the United States). Though this Convention is presently in force, it apparently has not been registered with the United Nations and hence does not appear in the U.N. Treaty Series. The text has been reprinted, however, in 68 YALE L.J. 1676, 1714–1719 (1959).

[25] S. 3602, 90th Cong., 2d Sess. (1968); S. 556, 88th Cong., 2d Sess. (1962); S. 2314, 88th Cong., 1st Sess. (1962).

[26] Perhaps the only difference between the two appears in whether the case is tried with or without a jury. If tried with a jury and a presumption is applicable, a directed verdict will be granted in the event the defendant does not proffer any evidence to rebut the presumption. If *res ipsa* is applicable and the defendant proffers no evidence, the case will in any event go the jury, who would be appropriately instructed that the application of *res ipsa* should call for a judgment for the plaintiff. In a non-jury context, the judge, when confronted with a situation calling for *res ipsa* would probably himself simply shift the burden of proof from one requiring the plaintiff to show negligence to one requiring the defendant to show an absence of negligence. Such a shifting of the burden is identical to what would occur under a statutory presumption of negligence. But the inevitable consequence of adopting any of these approaches rather than absolute liability is to guarantee that whenever a defendant so wishes he can delay cases of this type indefinitely.

[27] N.Y. Times, Nov. 7, 1968, at 93, col. 1. For the exact terms and details of the agreement, see *1969 Senate Hearings* pt. 1, at 257–65.

[28] For a general description of these events see Lowenfeld & Mendelsohn, *The United States and the Warsaw Convention*, 80 HARV. L. REV. 497, 548–50 (1967).

[29] At latest reports more than 50% of the world's privately owned tanker tonnage has voluntarily agreed to the plan. In accordance with the terms of TOVALOP, this means that the plan should now or shortly be in effect. It is doubtful, however, whether implementation will actually occur before the present Congress concludes its work on the subject.

[30] *1996 Senate Hearings.*

[31] *Id.* at 141, 143, 146, 156.

[32] *Id.* at 156.

[33] *Id.* at 153.

[34] According to information obtained from the U.S. Maritime Administration, there are only 4 vessels operating today which have a g.r.t. in the area of or in excess of 150,000. An additional 3 are under construction. Vessels, such as tankers, are measured both by their g.r.t. as well as by their deadweight tonnage (d.w.t.) which is their cargo-carrying capacity. A comparison of the 2 weights of several randomly selected tankers follows:

Vessel	Flag	D.w.t.	G.r.t
Vega	French	50, 600	33, 000
Egmont	German	50, 300	31, 800
E. Maersk	Dutch	100, 600	53, 000
Iyoharu Maru	Japan	103, 000	61, 300
Bergebig	Norwegian	149, 500	78, 700
Esso Scotia	United Kingdom.	250, 000	130, 000
Universe Island	Liberia	312, 000	149, 600
Universe Kuwait	do	312, 000	149, 600

Other than the fact that g.r.t. is always substantially lower than d.w.t., there appears to be no reason why g.r.t. should be the basis for a pollution damage limitation, particularly when d.w.t. bears a much closer relationship to the carrying capacity and hence the potential for damage by pollution. Historically, however, it seems that in maritime law the lowest basis for limitation is always selected. For example, in limitations for personal injury and death, it is not the g.r.t. of a vessel that is selected as the basis for limitation but rather a complicated tonnage formula which, as compared to g.r.t., shows the following significant differences:

Vessel	Flag	G.r.t.	Formula
Yarmouth Castle	Panama	5, 000	4, 074
Constitution	United States	20, 269	18, 830
France	French	66, 348	57, 294
Michelangelo	Italian	45, 900	39, 269

No one has ever explained why this formula has been devised for use as the basis for personal injury and death limitation rather than simply the vessel's recorded g.r.t.

The limitation figures, based on the formula, are taken from hearings on S. 1351 and related bills before the Subcommittee on Merchant Marine and Fisheries of the Senate Commerce Commission, 89th Cong., 2d sess. 210 (1966).

[35] *1969 Senate Hearings*, pt. 1, at 146, 164–65.

[36] *1968 House Hearings* 405.

[37] *1969 Senate Hearings* pt. 1, at 141–43.

[38] *Id.* at 154.

[39] *Id.* at 148–49, 155.

[40] *Id.* at 158.

[41] *Id.*

[42] *Id.* at 124.

[43] *Hearings on H.R. 4148 and Related Bills Before the House Comm. on Public Works,* 91st Cong., 1st Sess. 219, 223 (1969) [hereinafter cited as *1969 House P.W. Hearings*].

[44] *Id.* at 224.

[45] *Id.* at 226.

[46] *Id.* at 552.

[47] *Id.* at 643–47, 671–74.

[48] HOUSE COMMITTEE ON PUBLIC WORKS, WATER QUALITY IMPROVEMENT ACT OF 1969, H.R. REP. No. 91–127, 91st Cong., 1st Sess. (1969).

[49] *Hearings on H.R. 6495, H.R. 6609, H.R. 6794, and H.R. 7325 Before the House Comm. on Merchant Marine and Fisheries,* 91st Cong., 1st Sess. 261–69 (1969) [hereinafter cited as *1969 House MMF Hearings*].

[50] *Id.* at 262.

[51] *1969 House P.W. Hearings* 225. Testimony during the earlier Muskie hearings (*1969 Senate Hearings* pt. 1, at 158–62) indicated that insurance costs on a comparable fleet of vessels can be as much as ten times higher for U.S. flag owners than for foreign flag owners. In P. & I. coverage for personal injury and death claims there might be some justification for at least a part of this difference, if only because a high value is normally attached to these claims by courts and juries in the United States. But this justification would not appear applicable at all to loss or damage claims for cargo (which has a definite value no matter what the flag of the vessel on which it is shipped). And as for hull and third party claims, while there might be a justification for some difference, a ten times higher cost appears hardly justifiable. Mr. Miller did suggest that one of the reasons for the difference is "that the legal costs in defending a case [in the United States] are very high and form part of the claim." *Id.* at 161. No one mentioned, however, that by adopting absolute liability, these legal costs could be considerably reduced.

[52] *1969 House MMF Hearings* 263.

[53] *Id.* at 262.

[54] *Id.* at 249–57.

[55] *See* note 28 *supra*. These limits and terms of liability apply only to passengers who are traveling to, from, or by way of the United States. British European Airways (BEA), however, has voluntarily extended these limits and terms of liability to all of its passengers regardless of origin or destination. It is the first and only international airline that has so far adopted this public interest approach.

[56] *1969 Senate Hearings,* pt. 4, at 1332.

[57] *Id.*

[58] The text of the Convention appears at 19 J. AIR L. & COM. 447 (1952).

[59] *See* Brown, *The Rome Conventions of 1933 and 1952: Do They Point a Moral?*, 28 J. AIR L. & COM. 418 (1962).

[60] I ICAO, *Conference On Private International Air Law, Rome,* Sept.-Oct. 1952, Minutes and Documents 12–15 (1952); II ICAO, *id.* at 113–14.

[61] This report is on file in the Office of Legal Adviser, United States Department of State.

[62] ICAO Doc. LC/SC Warsaw WD 13, November 19, 1968.

[63] *1969 Senate Hearings* pt. 4, at 1326.

[64] *Id.* at 1363.

[65] *Id.* at 1368.

[66] *Id.* at 1382.

[67] *Id.* at 1372.

[68] *Id.* at 1309, 1375.

[69] *Id.* at 1370.

[70] *Id.*

[71] *Id.*

[72] *Id.* at 1452.

[73] *Id.* at 1370.

[74] *Id.* at 1371.

[75] *Id.* at 1372.

[76] *Id.* at 1369.

[77] *Id.* at 1413–14.

[78] *Id.* at 1446.

[79] 46 U.S.C. § 1300 *et seq.* (1964).

[80] *1969 Senate Hearings* pt. 4, at 1450.

[81] *Id.* at 1451.

[82] *Id.*

[83] *See, e.g., id.* at 1350–51, 1384–85, 1399, 1401–02, 1419–20, 1429–31.

[84] S. 7, 91st Cong., 1st Sess. § 12 (1969) (Comm. Print No. 3). When the final report was ultimately issued, the reported bill contained, in Section 12(f) (1), still another exception from liability, *i.e.*, when the damage results from "an act of a third party." Moreover, the reported bill also reduced the per ton limitation from the $150 amount in Committee Print No. 3 to $125. In addition, the reported bill provided an overall ceiling limit of $14 million. It would be interesting to speculate on the scope and intensity of the industry's efforts between the publication of Committee Print No. 3 and the publication of the Committee's final report. *See* S. REP. No. 351, 91st Cong., 1st Sess. 106 (1969). However, in a seeming effort to reach some balance, the Committee's final bill provided that in the event negligence can be proved, the vessel owner is subject to unlimited liability. This type of provision, colloquially known as a "breaking the limits" clause, does no more than inspire litigation in any instance where damages may exceed the limits. Internationally, clauses of this type are rapidly falling into disrepute and, indeed, the current position of the United States Government vis-a-vis the presence of a similar clause in the Warsaw Convention is one of opposition.

[85] S. 7, 91st Cong., 1st Sess. § 12 (1968) (Comm. Print No. 3).

[86] Letter from Harold Caplan to the author, June 30, 1969. For a thoughtful analysis of these and other problems in aviation law, see Caplan's recent article, *Law for Aerospace Activities 1966–2066,* 73 AERONAUTICAL J. ROYAL AERONAUTICAL SOC'Y 255 (1969).

[87] *1969 Senate Hearings* pt. 4, at 1336.

[88] It is also interesting to note that the seven oil companies owning the largest amounts of deadweight United States flag tanker tonnage (Standard Oil of New Jersey, Texaco, Gulf, Mobil, Sun Oil, Atlantic Richfield and Standard Oil of California) also happen to be among the nine oil companies receiving the largest oil import allocations under the Interior Department's Oil Import Quota System. *See id.* at 1422–23, 1434–39.

[89] According to reports of the U.S. Corps of Engineers, 45 million tons of chemicals were transported in U.S. waterborne commerce during 1966. *See id.* at 931–32.

[90] IMCO Doc. LEG. VI/6, Annex, p. 3.

GOLDEN ANNIVERSARY OF LEAGUE OF WOMEN VOTERS

Mr. BOGGS. Mr. President, this year the League of Women Voters celebrate their golden anniversary. For 50 years, this organization has served our Nation.

In 1920, women won the right to vote. Since that time they have had an enormous effect on American politics and Government. Their participation has strengthened the foundations of our Nation.

Women have come a long way in a short time. In Delaware, as across this great Nation, the role of women in government has expanded. In the election of last year, women not only occupied positions of authority in political parties and campaigns but many were successful candidates for public office.

In Delaware much of the credit for the encouragement of feminine involvement goes to the chapters of the League of Women Voters. As an organization, their nonpartisan approach to government has had great effect on the system. Participants in the league have also reaped the personal benefit of increased knowledge of our political system. Equipped with this increased knowledge these women have become hardworking, conscientious citizens, anxious to educate and serve their fellow Americans.

Mr. President, I salute the ladies of the League of Women Voters on the 50th anniversary of their great organization. I take this opportunity to thank the many members of the Delaware chapters who have been so kind to me in my years of public service. An article describing the growth of the League of Women Voters in Delaware and its many contributions to the citizens of the First State was published in the Wilmington Morning News of October 24.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

1920: A great year not only for women but for the country. Women won the vote and the League of Women Voters was founded.

An outgrowth of the women's suffrage movement, the League since then has worked to better inform citizens about their government. One of the mottos of the League is: "Toward a More Responsible and Responsive Society". To expand its services and activities the League is celebrating its 50th anniversary with an 11 million dollar national fund-raising campaign.

The 50th anniversary celebration was officially launched on April 17 in the East Room of the White House. Mrs. Bruce Benson, national president; Mrs. Alf H. Gundersen, national campaign chairman; and John W. Gardner of the Urban Coalition working with the League as chairman of the sponsors committee met with President and Mrs. Nixon and various members of Congress.

President Nixon spoke highly of the League and of its valuable contribution to the country. He said in his speech that "The League of Women Voters . . . has played a major role . . . on a nonpartisan basis of stimulating creative thought, new ideas, discussion on the great issues confronting the American people".

Wilmington's League has joined in this celebration. Coffees and teas have been given to tell old and new members about the campaign, to arouse their interest and to ask for contributions. Mrs. William Cann gave a coffee for charter members (22 are still in Wilmington since that League's founding in 1953). Members present were Mrs. Bessie Grant; Miss Catherine Johnson; Mrs. Clifford Stirba, now President; Mrs. J. M. Tinker; Mrs. van Zonneveld, vice president in 1953 and Mrs. Charles Young. Also present were Mrs. Ralph Lilly and Mrs. Henry Linton, who are connected with the 50th anniversary campaign.

Mrs. William Said gave a tea for early members of the League, and Mrs. Roger Hines gave a coffee for recent board members.

All these events and the efforts of member solicitors resulted in spectacular membership contributions last year. 192 members out of 280 contributed money and made pledges in the amount of $6,501.12.

The League is now ready to go out in the business community to ask for funds. As part of the publicity for the drive a display was placed in the window of the Delaware Trust Building from Oct. 13 to 20. Theme "50 Years of a Great Idea," the display showed how far women have come in such a short time.

Why is the League having this national drive; why does it have such a large national goal? A look at its activities past and present will more clearly explain what the League actually does and what it stands for.

Delaware's League goes back to 1921 when Mrs. A. D. Warner of Wilmington was president. Other board members were from Dover, Milford, Middletown, Smyrna, Del Mar, Georgetown and Newark. An annual convention of the Delaware League was held at the Hotel du Pont Nov. 13, 1923. The following are some of the activities of this early League:

(1) As part of a highway tour in connection with a national "Get Out the Vote" campaign, members toured the state from one end to the other on the new state highway built by the DuPonts.

(2) League members sought to abolish child labor, formed a ratification committee toward this end.

(3) In 1925 the League was instrumental in organizing a joint legislative committee with an ambitious program and 20 organizations participating. First item on the program was an adequate school building program for Delaware sponsored by Pierre S. duPont.

In 1926 there were directors from Wilmington, New Castle County, Kent County and Sussex. There is little more mention of the League in Delaware for the rest of the decade, except that it seemed completely under the control of Mrs. Warner, nor was there any indication of why it disbanded. It seems as if a dynamic person had carried a really interesting League program for a number of years, but had not built the kind of organization that could survive.

The League reappeared in Delaware in 1952 with the formation of the Newark League. Among the charter members who were instrumental in organizing Newark's League is Mrs. Samuel Handloff, now serving her second term as mayor of Newark. Mrs. Handloff was Newark's first president and the first state president. The Newark League now has 120 members.

The Dover and Laurel Leagues which were formed in the late 50s have a membership of 70 and 30 respectively.

Greater Wilmington's League is the largest, with 280 members. It was founded on March 24, 1953, with Mrs. Samuel Lord presiding. She was second state president, later ran for office in Wilmington, and became state senator. She ran for mayor of Wilmington but lost. She is now administrative assistant to the county executive in Jefferson County, Ky.

The State League was formed in March, 1958, after all three counties had Leagues.

One of Wilmington's early studies was conducted in the field of housing, mainly urban renewal, better known as slum clearance in 1954. When the city tore down 22 blocks east of Market Street as part of slum clearance, the League helped relocate some of the people.

From 1958–1960 the League worked toward the adoption of a merit system for New Castle County which finally became law in 1966 with the Reorganization Act. The League favored the merit system to rid the county government of patronage and a changing of hands after each election.

Sometimes League activities take on a festive air such as the fall cruise this year down the Chesapeake and Delaware Canal sponsored by the water committee. This committee has been studying the Corps of Engineers' plans for recreation along the canal. The purpose of the trip was to learn more about the canal, to see canal developments and changes proposed by the Corps of Engineers, to hear of plans for recreation along the canal, to understand interrelationships between water quality, navigation, economic demands and recreational needs. The committee was particularly interested in the modernization of the canal, which has been a waterway of economic importance since 1829. This modernization has been accomplished through the widening and straightening of the canal.

Wilmington's present activities follow the same pattern—the League in tackling any problem, works for a more responsible, more responsive and more effective citizenry. It does this in a variety of ways.

Activities or committees of the League include: voters service, speakers bureau, publications, water resources, representative government, Delaware State Constitution education, election systems in Delaware, transportation, comprehensive planning, human resources and community involvement project.

The League of Women Voters needs the help of various segements of the community to help carry out these and other programs not touched upon. "Its leadership is directing a special appeal to the business community. The business institution has become increasingly responsive to the concept that it must assume new and unaccustomed social responsibilities as a normal part of its function. The desirability of a government-business partnership in attacking urban ills is today commonly accepted as a sound springboard for progress. It is still a dilemma to many in business to determine where this kind of responsibility begins and ends.

"The League has established and tested procedures for bringing about social changes which have won praise from officials on all levels of government as well as from the business and academic communities. It does not seem inappropriate . . . to regard the League as an effective ally which can assist business in furthering some of its policies of social involvement." (From A Report to the Nation by the League of Women Voters of the United States.)

THE APPROPRIATIONS PROCEDURE

Mr. MANSFIELD. Mr. President, the distinguished Senator from Delaware had some questions to raise about bringing up the pending business.

Mr. WILLIAMS of Delaware. Is the Senator referring to the appropriation bill?

Mr. MANSFIELD. Yes.

Mr. WILLIAMS of Delaware. I have no objection. As the distinguished majority leader knows, under the present rules of the Senate, as amended several years ago, an appropriation bill is in order the day following the day it is reported. There is no question about that; unanimous consent is not required.

I wish to point out what I think is a questionable procedure in the Senate with respect to holding appropriation bills in committee until the last minute. Here we are in November and appropriation bills should have been acted upon by July.

These bills are reported around midnight, and the Senate is expected to pass them the next day.

In this bill we have an appropriation for $2.25 billion. The bill only came back from the printer at about 10 minutes of 11 today. Yet, the bill is to be laid before the Senate and made the pending business today. The old Senate rule was that, except by unanimous consent, appropriation bills had to lay over for 3 days. Not many Members insisted on the 3 days, but they did lay over so that Members could become familiar with the bills.

However, we are in a position now, under the rules we have today in connection with appropriation bills—and the appropriation could be for $2.25 billion or could be the $80 billion defense bill—that if a bill is reported by midnight it is eligible to be the pending business the next day. If the Senate were to come in early we could be asked to act on an $80 billion bill before it is back from the printer.

I appeal again to the Senate to recognize the mistake it made when it changed the rules a couple of years ago. I think our rules should be corrected so that there will be some assurance that Senators will have an opportunity at least to read these appropriation bills before being required to vote. Above all, I would like to see the leadership exercise some of its great powers, which I respect, to see that the Appropriations Committees get on the job and get these bills before the Senate so we can dispose of this unfinished business.

Appropriations bills are scheduled to be acted upon before July 1 of each year, and it is now November 4 with nearly all of the major bills awaiting congressional action.

I was interested in the remarks of my good friend the Senator from Washington (Mr. MAGNUSON) in connection with his proposal to change the fiscal year to January 1 rather than July 1. Presumably in that way we would pick up 6 months.

That reminds me of the story of the engineer who damaged the caboose whenever he backed up the train. He said, "I will take the rear car off the train and then I will not have trouble."

I think this proposed solution is somewhat the same. If the fiscal year is extended by 6 months and if these committees continue to be as dilatory as they have been this year, we shall be in the same situation as the engineer in taking the rear car off the train. It is not going to solve the problem.

I think we need to emphasize to the membership of the committees that they are being paid. This is their job, and while it is nice to go abroad on a junket, they should stay here and get these bills reported. Let us get this business done. Then we can take our vacations.

Mr. President, I want to cooperate with the leader; however, I think we must get these appropriation bills reported and acted upon. I think it is highly irresponsible to try to operate the executive branch by these continuing resolutions. I think something should be done. It needs to be done right here in Congress. It is my responsibility. It is the responsibility of every Member of the Senate. All I am appealing for is that we get down to business and get the work done.

Mr. MANSFIELD. I agree completely with the distinguished Senator from Delaware.

Mr. ALLOTT. I have been a member of the Appropriations Committee for 10 years. I do not want to prolong this colloquy because we want to get down to the business at hand. However, I cannot acquiesce in all that my very good friend from Delaware has said. I am not sure; although I have not yet looked at it, that the resolution introduced by the Senator from Washington is the answer, either. I want to set one thing straight. It is not the Appropriations Committee of the Senate which is holding up the legislative process. What is holding it up are the legislative committees of Congress who do not get the authorizations out in time.

I have just been informed by the distinguished senior Senator from Maine, for example, that just today, the 4th day of November, the conference committee met and decided upon an authorization for NASA. Here we are, on the 4th day of November, and the Subcommittee on Independent Offices of the Appropriations Committee has been ready to mark up the bill since before the recess in August. In fact, if it had had the authorizations, the Senate could have passed the bill before or by the 1st of August. So the real problem is being overlooked. The real problem is to get the legislative committees in action so that we can get the authorizations.

Mr. President, I have not seen any lack of diligence on the part of any Appropriations Subcommittee. There have been times, I must say, when the chairmen of those committees have been completely wound up and absorbed in other duties. The big delay—and this can be documented, and I am willing to defend it—has been in the authorizations area.

Mr. WILLIAMS of Delaware. I realize that in many instances it is the lack of authorizations, but again it is Members of Congress who approve authorizations for fiscal 1970 as well as appropriations that should have been acted upon. I say that what we need is a little more action to get the job done. Here we are in November, and we have only two or three appropriations bills cleared. Certainly, something is wrong. I think that the Senator from Colorado would agree with me that under existing rules, where we consider appropriation bills now as normal bills, the day after they are reported, is a rather loose arrangement. The rule should be changed.

Mr. ALLOTT. If the Senator will let me interject there, let me say that I want to agree with him on both counts. I certainly agree that we should have the normal length of time on the floor for the consideration of appropriation bills; but it is the responsibility of all of us who are members of legislative committees to get the authorizations completed.

Mr. WILLIAMS of Delaware. I agree with that. As I said, I want to make it clear that the majority leader said if any of us objected, he would carry the bill over today. I do not want the record to show that the majority leader was trying to ram this down our throats. The point I am making is that under the rules of the Senate, conceivably a motion can be motioned up with or without objection under the existing rules and made the pending business.

We might not always have a majority leader who will be as considerate as the one we have today. I am looking to the time when this question could be raised in the future and we would have someone acting as a majority leader, or another majority leader, who would want to take advantage of it. Thus, I think we should change the rules of the Senate and put them back as they were before we got this cockeyed ruling about 2 years ago, when the ruling was made for the convenience of the day, but has put the Senate subsequently in a straitjacket.

VIETNAM—PRESIDENT NIXON'S ADDRESS TO THE NATION LAST NIGHT

Mr. BAKER. Mr. President, there will be a lot of talk in the next few days and weeks about the President's speech last night.

I am sure there will be great defenses of what the President said and I am also sure that there will be great anguish and wailing because the President did not unveil the magic plan for peace now.

But as we listen to the piteous cries and the gnashing of teeth, I think we should remind ourselves of what the President told us last night.

We have, in fact, in the last 9 months, unveiled every plan available for peace now except "leave Vietnam and overthrow the South Vietnamese government on the way out."

That is the only magic plan for "peace now" that the North Vietnamese will accept.

Surely no reasonable American will accept that proposal.

Certainly any reasonable person anywhere in the world who really wanted peace would be willing at least to negotiate on the peace proposals that the President has advanced.

But not the North Vietnamese.

They have refused even to discuss our proposals. They have, the President tells us, agreed on only one thing—the shape of the bargaining table.

Mr. President, it is time those who clamor for peace now quit clamoring at the President and aim their slings and arrows at the real target—Hanoi.

It is time they quit blaming Lyndon Johnson and Dick Nixon and began placing the blame where it belongs—on Ho Chi Minh and his successors. It is time they began letting the President try to work out a peace that is something less than peace at any price, without forever lending aid and comfort to Hanoi by presenting the United States as the un-tied states.

It is time they made it possible for the President to negotiate less with Averell Harriman and more with the North Vietnamese.

It is time, indeed, that they came to grips with reality.

Mr. President, I venture to say that many of those who will talk and write critically in the next few days have re-read the President's speech for only one reason—not to see what it offers, but to see where it can be used against him.

Their purpose is to divide our Nation, not to unify it. Their purpose is to rule the President or ruin the President.

Mr. President, I am ashamed for those who would destroy and not build in the name of peace. I am sorry for those who are taken in and who believe we can have peace at any price.

The President of the United States last night dealt honestly and candidly with the American people.

He told us where we have been, where we are, and where we are going. Perhaps the road behind is one we should not have traveled. Perhaps the road we are on is rough. But what is important today is the road ahead. It can be the road to humiliation for us as a people and a nation, or it can be the road we have always traveled, the road with the beacon light of freedom and justice and peace at its end.

Mr. President, it is up to us which road we will take.

Mr. JAVITS. Mr. President, I have heard a good deal of discussion on the floor of the Senate, and in other places, with regard to the President's speech of last evening. I see a very unfortunate tendency to erect strawmen and then to proceed to knock them down. These strawmen go with scare words such as "humiliation," "defeat," "betrayal," and "surrender," and the fact that someone has advised, even according to the President himself, "precipitate withdrawal."

Mr. President, I do not know of anyone in responsibility who advises precipitate withdrawal.

I do not know of anyone in responsibility who is counseling "defeat" or "surrender" on the part of the United States.

I hope very much that these strawmen, and other apparitions, will not be used to kill off the constitutional and, indeed, the natural right of every American, in complete patriotism, to advise the country on a course which that American, peaceably and in accordance with the Constitution, believes would be best for our Nation.

The President is too intelligent a man, himself, to assume that he is the sole repository of wisdom and that he can get no help from anybody else.

In addition, the whole argument is off on the wrong track, because it is not what the President said—and he said some eloquent and moving things—it is what he did not say. I think the key to this whole debate is this one question, with which the President will ultimately have to deal because it will be demanded by the situation—not that there is a timetable, or that it is secret—but: "whose timetable is it?" Is it the timetable of the United States, according to the interests of the United States and its people, or is it the timetable of the government in Saigon? And is it possible to get from the government in Saigon the timetable which is the most suitable to—or even compatible with—our interests in the United States, unless they know they finally have to face the issue that we are going to disengage from combat and that it will be for them to take it over? Can they muster the valor or government organization or support of their people adequately to carry on the war for their own freedom unless and until they are faced with that alternative?

Nobody is talking about cutting off military aid or economic aid or even phasing out lock, stock, and barrel. Nobody is calling for precipitate withdrawal. We are not wild children running around hearing the sound of our own voices. But what I do say is that, having come to the aid of the South Vietnamese—we have not declared war; we have just come to their aid—there comes a time when it is necessary to look to our own interests and to say, "We have aided you as much as we humanly can. We have taken over the combat there. Now comes the time for you to do it. We have followed your national interest for 4 years. We have spent blood and treasure in unmeasured amount. Now it is time to follow our own national interest."

That is the real argument. That question has not been settled. The President did not even address himself to it last night. I hope the generalizations will yield to the specifics.

I will yield to no man in my respect for the President of the United States. I was deeply moved, as were many of my colleagues, I think, by some of the things he said last night. I think he made a splendid point in disclosing to the American people things which show America's good faith, which I do not doubt.

In my judgment, that is not the arguable question. What I think is the arguable question is the situation which we now face, which many of us feel has resulted from a built-in veto by the government in Saigon. How do you grasp that nettle? How do you deal with that issue?

I had no intention of speaking today on this matter, but I think it is necessary to have it in focus so that if we are going to debate it, at least we debate those matters which are in issue, rather than those matters which are not in issue and which have not been urged, as, for example, "precipitate withdrawal," to use the words of the President himself.

My own desire is to state the issue. For example, I think the resolution which the Senator from Kansas (Mr. DOLE) has proposed, with other Senators, in juxtaposition to the proposal of the Senator from New York (Mr. GOODELL), makes a tremendous contribution to the debate on Vietnam, precisely because it poses the issues very sharply, and in a very practical way. I feel the same way about the resolution proposed by the Senator from Rhode Island (Mr. PELL) and myself.

I hope Members of the Senate will not immediately jump to conclusions which are extreme in their nature about the President and confidence in the President. This President is too intelligent to expect anyone to follow him with his eyes shut. He himself is too cognizant of the responsibilities and duties of the Senate, let alone the people of the United States, to wish to put a damper on any creative thinking, even if it is in dissent.

The issue is, "Are we locked into this situation based upon Saigon's ability or willingness to measure up to the responsibility of taking up the combat herself"; or must the timetable for combat disengagement now be the interests of the United States? I submit that, if it is only the national interests of the United States and we are not locked into a Saigon timetable, our disengagement will move very fast.

Again, in justification of the President—because it is not an unmixed statement I am making—he started the policy of withdrawal. That is irreversible. What we are talking about now is the timing and the criteria for the timing rather than the path along which we are moving, which, in my judgment, is now irreversible.

Mr. ALLOTT. Mr. President, I had not intended to make any remarks on this matter again, but, in view of the statement of the Senator from New York, for whom I entertain great respect, I would suggest that he perhaps is guilty also of throwing up strawmen. He has thrown up two in his very brief argument, which I think ought to be answered and answered unequivocally. No one on this floor or in the United States is going to give up his right to express himself, even though that expression is a voice of dissent. We had dissent in the Revolutionary War. We had it in the War of 1812. We had it in the Mexican War. We had it in the Civil War. We had it in World War I. We had it in World War II. We had it in the Korean war. Now we have it in this one. So the question of whether people have a right to express themselves or not is not the issue. It was not raised by the President. It is not in issue now. No one denies that right. What the President has called for is an act of unity by the United States to terminate the war along the lines he has laid out.

Second, although the distinguished Senator from New York has many contacts and is well informed, I can tell him something, as a member of the Defense Subcommittee of the Committee on Appropriations, which perhaps he does not know. That is that within the 5 years prior to this administration we had been trying to get answers out of former Secretary of Defense McNamara, as well as his successor, Mr. Clifford, as to what they were doing to get the Vietnamese to move on their own. I heard Members on both sides question him as to why we could not get along faster and why they could not get them to take over the war. In all of those 5 years I never heard one answer—I repeat, one answer—which even tended to make us believe they were taking any effective steps.

So if nothing else has been done since the first of the year—January 20, to be explicit—this much has been done: The war has been turned around in an effort to get the Vietnamese to assume their responsibility for the defense of their country.

Having said that for history, I will say this for the future. I am not privy to the President's inside thoughts, but I am sure we are not moving at the complete will or whim of the Vietnamese. I am sure the President is much too intelligent a man, and much too shrewd a man, to let the policies of this country be determined by the whims of anybody in any government, whether it be Vietnam, or Israel, or Venezuela, or Chile, or Ecuador, or Bolivia, or wherever it may be.

What we are doing is trying to establish a concrete pattern of moving forward. I believe the President is doing that. In his report to the people last night, the President set forth not only the good things, but also the cold-hearted facts. A full disclosure of the situation is what the American people have wanted for a long time. I think the response in the next few weeks will reflect this fact, because far too long during the past several years there has been a credibility gap between what emanated from the White House and what was actually happening.

So I think, Mr. President, that we have demolished these issues. We are not on Vietnam's time schedule. We are on our own.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill, H.R. 12964, making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. McCLELLAN. Mr. President, my remarks regarding the pending bill providing appropriations for the Departments of State, Justice, Commerce, the judiciary, and 14 related agencies will be rather brief. In my judgment it is a fairly good bill. It is not the best bill possible, nor is it all that I would desire. But the amounts included for the various activities should be ample to meet their necessary obligations this fiscal year. As Senators know, the departments and agencies have been operating under the continuing resolution for the past 4 months, and I am glad that we are finally able to get this bill to the floor for Senate action.

I noted what the distinguished Senator from Delaware said a little while ago regarding these continuing resolutions, that this is not the best way for Congress to function with respect to appropriations. I wholeheartedly agree with him. But many circumstances have developed—some of which the Senator referred to—which hinder the expedition of appropriation bills.

For a number of years I have sponsored, and the Senate has I believe four or five times passed, a joint resolution that would establish a Joint Committee on the Budget, to give the Senate and the House of Representatives a staff of experts to help both Houses prepare for committee hearings on appropriations, and be able to intelligently and appropriately challenge and question the executive agencies when they come before Congress seeking their appropriations. Today, it is almost an ex parte proceeding, and we are not, I am sure, achieving efficiency nor receiving, in many areas, value received for the dollars we appropriate; and I do not think we ever will until Congress equips itself with the personnel and the expertise that is necessary in dealing with a $200 billion budget with 2 or 3 million employees.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. The Senator from Arkansas is correct, and I think the proposals he has made on various occasions, and that we have passed through the Senate many times but have not been able to get through the House of Representatives, would go a long way toward correcting some of the problems we are confronted with each year. As one who has supported those proposals, I hope that some day we will devise a better procedure than that under which we are now operating. It is long overdue, and I believe the Senator's proposal is sound. I know his efforts have been very diligent in that area.

Mr. McCLELLAN. I thank the Senator. I hope that, if the other body has a better suggestion, it will come forward with it, because there is urgent need for some change and some improvement in our present procedures.

As the report indicates, the recommended allowance is $315,276,800 above the total sum appropriated for the activities in fiscal 1969, and is a net increase of $34,315,500 above the total sum allowed in the House bill. However, the bill as recommended by the Senate committee is $105,754,900 under the revised budget.

For the State Department the committee has added $3,051,500. This increase includes $32,000 for the salary and related costs of two positions—an attorney and an engineer, to enable the American Section of the International Joint Commission to have continuity of employment and to better cope with the workload. Also recommended was $19,500 to cover the U.S. membership fees in two items under the appropriation for the International Fisheries Commissions, namely $10,000 for the International Council for Exploration of the Seas, and $9,500 for the International Commission for Conservation of the Atlantic Tuna. For the exchange program, $1.5 million was added to permit increased activity in the exchange of persons programs, including the Hays-Fulbright program.

For construction, by the United States section, of the International Boundary and Water Commission, the committee has added $1.5 million. This amount will provide the Commission with needed funds to continue repairs and improvements on the lower Rio Grande Valley, a joint venture project developed with Mexico following the Beulah flood in 1967.

For the Justice Department the committee has added $25,861,000 to the House recommendations. Of this sum, $25.5 million was added for the law enforcement assistance program to provide $275.5 million to carry out the administration's responsibilities authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The budget figure for this item, as submitted by the President, was $296,570,000. The House of Representatives cut it down to $250 million. The administration asked for a restoration of $45.5 million. We have restored $25.5 million of that request.

Mr. President, this is one area where I would have been glad—for I think the need exists, and I think it is wholly justified—to approve the full amount of the budget request, and even more.

We have, however, taken into consideration, since we are now operating under a continuing resolution, the fact that by the time the money can possibly be made available for expenditure, 4 or more months of the current fiscal year will have expired.

We believe that this amount, in view of that situation, is ample and that to give any greater amount would possibly be appropriating more than it would be possible to expend judiciously.

This is a new program. It is still in an experimental stage. Although it is a program that is vital to the needs of our Nation and our national security, it is urgently needed and as quickly as the Department can develop and demonstrate its ability to administer the program effectively and efficiently, I for one Senator will be more than happy and anxious to vote for a very substantial increase in the fund.

I anticipate, and I believe that we can expect, that this item will increase each year for the next 2 years and perhaps for the foreseeable future as we undertake to strengthen the arm of law enforcement and combat more effectively the crime wave that is sweeping the Nation.

Specifically, the allowance we have made available would provide $21 million for planning grants; $215 million for action grants; $20 million for academic assistance; $14 million for the national institute programs which includes $1.5 million for the National Criminal Justice Information and Statistics Service; $1.2 million for technical assistance, and $4.3 million for general administration expenses.

An additional $361,000 was allowed for the salaries and expenses appropriation of the Bureau of Prisons to permit an increase of $200,000 for the medical program; $149,000 for three more halfway treatment centers and $12,000 more for civilian help needed in handling medical records at various institutions.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. FULBRIGHT. Mr. President, I was unfortunately engaged in a conversation when the Senator dealt with the items for the State Department.

I point out with reference to the education exchange program that I appeared before the committee at the time testimony was taken on that matter.

I thank the Senator from Arkansas, the chairman of the subcommittee, for restoring the $1.5 million for that appropriation and also, and especially, for changing the $8.5 million requirement on excess currencies to $4.5 million.

That was a very deceptive figure. $8.5 million could not be efficiently used. If it were used, it would distort the program out of all reason. So the changing of that figure and the restoration of the $1.5 million will, I think, enable the program to survive during this very critical period when the demands of the war are so great.

I point out to the chairman of the subcommittee that I think this is a very good investment. As the Senator knows, I recommended that it be increased at least to the budget estimate. However, I understand what the House has done and the pressures under which they operate.

I hope very much that the Senate will retain this very modest amount of $1.5 million which the committee has recommended.

This is not very much in view of the fact that some 47 countries, I believe, are participating in the program, and a great many of them, particularly the western European countries, have now begun to pay a share of the costs. In some cases, the countries have begun to pay their full share, that is 50 percent, of the cost of the educational program. I refer to some of the wealthier States. The program has become in some cases a fully mutual program and not a one-sided one.

I am very much appreciative of the Senator's enabling this program to survive. I was afraid that if we had not made some gesture of this kind, these countries would simply give up any hope that the program would ever be continued; that it would be discontinued and never revived. So I thank the Senator very much for his help.

Mr. McCLELLAN. I thank my distinguished colleague from Arkansas. Possibly we could have given more. The Senate committee might have allowed more. But we are under some stress to hold down expenditures.

I may say, about the whole bill, that in many areas the chairman simply went about as far as the Scotch strain in him would permit, taking into account the fiscal problems that confront our Nation. We may have some trouble in conference. I do not know whether the House will be adamant about the amount, or possibly be more adamant with respect to the change of language concerning foreign funds than with respect to the amount of the hard money increase. I do not know. Anyway, it would be my hope that my colleague from Arkansas will be a member of the committee of conference. If we are unable to hold the item in conference, he will be present and will know the reason why. I shall do my very best, but we shall need the Senator's help.

Mr. FULBRIGHT. I thank the Senator. I shall do my best. I think, in view of the budget estimate and the cost, that we ought to be able to hold it. But I realize the difficulty, because I have been a member of conferences in the past.

Mr. McCLELLAN. For the Department of Commerce, the committee has added $28,179,000 to the recommendations of the House. Of that amount, $8,231,000 was added for the Economic Development Administration development facilities. I take full responsibility for this increase. It is one of our current programs. It is a modern program of Federal aid in which I strongly believe, because I know from observation of the experience of my State that when these dollars are expended, there is something tangible to show for them. The recipient gets something of value, something that he can look at, see, appraise, and evaluate. It is not intangible; it is there. It increases; it enhances the economy and the physical facilities for which the contribution is made. And I am hopeful that this amount will finally be approved.

As I stated, the sum of $8,231,000 was added for the Economic Development Administration, development facilities, to provide the full budget request of $178,231,000 for grants and loans authorized by the Public Works and Economic Development Act of 1965, as amended. We did not go beyond the budget, but we went to the full budget request.

There was $829,000 added to restore the 1969 base level of expenditures in the Operations and Administration account, and thus avoid a reduction in personnel strength needed to cope with the workload; $1,366,000 for the international activities program; $350,000 for expenses incident to demolition of the New York World's Fair pavilion; $1,385,000 for the Environmental Science Services Administration to provide $700,000 for air pollution forecasts, aviation weather forecasts and basic weather network expansion, also $685,000 more for the research and development programs; also allowed was $100,000 of the $344,000 request for the fire research and safety program, under the National Bureau of Standards. The additional $100,000 added to the $326,000 in the House bill will provide a total of $426,000 for this program in fiscal 1970. For ship construction, the committee has allowed the budget estimate of $15,918,000. This sum added to the carryover balance of about $102 million will make available in fiscal 1970 over $117 million. The committee recognized the fact that recent authorization for the item was $145 million and as such would be receptive to a supplemental request at an early date.

In other words, we did not undertake at this time to make an appropriation of the total authorization of $145 million. We had had no testimony with respect to it due to late passage of the authorization bill. It was the feeling of the chairman and other members of the committee—at least, some of them—that a supplemental request be submitted to Congress and be considered after appropriate hearings and after due deliberation with respect to the merits of the additional request for funding.

For the related agencies, the committee recommends a net reduction from the House allowance for this group of activities, distributed as follows: A reduction of $25 million in the Small Business appropriation for Business Loan and Investment fund, as testimony indicated it was not needed until 1971. So we struck that amount from the bill. But there are increases in the House allowances for the following activities: for the Foreign Claims Settlement Commission, $331,000; for the National Commission on Reform of Federal Criminal Laws, $50,000; for the office of Special Representative for Trade Negotiations, $77,000; for necessary expenses of the U.S. Information Agency, $1,500,000; this sum is one-half of the request to help fund the costs of overseas missions, media service, and administrative expenses, and for additional fairs and exhibitions behind the Iron Curtain that had been programed by the U.S. Information Agency, $266,000.

Mr. President, I realize that this is a brief outline of the bill and of the committee's recommendations, but I believe it is adequate to form a basis of discussion and to acquaint the Members generally with what the committee has recommended.

Mr. President, I yield to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I believe that the committee has done a good job on this bill. In the first place, it has cut the proposed budget by nearly $106 million. In doing so, we were trying to do our part to make a meaningful contribution to the fight against inflation.

But we may not have done enough. I do hope that the full membership of the Senate will carry on the theme and momentum of the challenge to the Defense procurement authorization bill and scrutinize this appropriation bill to find places where other members feel that cuts can be made that the committee did not make.

I do hope that this bill will not go through unchallenged and without changes being made on the floor of the Senate. For otherwise there will be an indication that the full Senate really is not doing its job in seriously studying this bill but instead merely leaving the bill up completely to the committee.

We of the committee may be the experts because we have spent the time and the effort to study this bill in depth, to hold lengthy hearings, and to deliberate at length in the markup on the bill.

But surely we do not possess such omniscience, to the exclusion of all other Members of the Senate, that our judgment is infallible and to be accepted without question.

For example, upon my recommendation the subcommittee, with subsequent approval by the full committee, increased the amount for the mutual educational and cultural exchange program $1,500,000 over the house allowance and lowered the limitation in the bill for this program as passed by the House from $8,500,000 down to $4,500,000.

I recommended this change because it will allow the Department the use of more hard dollars to carry out its program and, more importantly, allow the Department to place its programs in countries where in its judgment they will do the best job rather than put programs into countries because foreign currencies are available.

I was greatly persuaded to make this recommendation because of the very eloquent appeal of the junior Senator from Arkansas (Mr. FULBRIGHT) and by great respect for his expertise as chairman of the Foreign Relations Committee.

Yet, I must recognize that he and I may not be right about this. If we are wrong, then I surely hope that someone in the Senate will point out where we are wrong and challenge this change.

Let not the spirit of reappraisal—whether it be agonizing or gratifying—that so brilliantly flamed on the defense procurement authorization die out or even dim the slightest. Instead, let it prevail.

Let it prevail on this bill. Let it prevail when we bring back the conference report on the defense procurement authorization bill.

Yes, let it prevail as we seriously scrutinize our foreign commitments and involvements when the foreign aid authorization bill comes to the floor for debate and later when the foreign aid appropriation bill is debated.

Let it prevail as it did on the Kennedy Center bill in the debate that aired the shocking state of affairs on that project.

We have tried to cut the fat out of this bill—but I am sure that there must be items in the bill where there is fat that can be cut out but which, in our own lack of knowledge, we failed to detect and on which specific items some Senators, not on the committee, have inside knowledge as to fat than can be cut out.

I urge Senators with such inside knowledge to point out the fat and offer amendments to cut that fat. Do not let this bill be passed perfunctorily without any challenge or attempted change.

Mr. President, I would like at this time to commend the distinguished chairman, the Senator from Arkansas (Mr. McCLELLAN), for the very thorough job he has done and the staff, Mr. Merrick, Mr. Kennedy, and Mr. McDonnell, for the fine job they did in assisting and bringing to the floor what I consider to be a very good bill.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Maine, the ranking minority member on the subcommittee. I have been very fortunate in the years I have served as chairman to have her valuable assistance and cooperation.

I can say truthfully that when we undertake to process this bill each year I cannot recall any partisanship. We go after this measure and give it the attention and study we think is required to provide those funds, the minimum funds, that are essential to the efficient and effective operation of the Government.

It is a very pleasant task for the chairman to have the cooperation he has had not only from members of the minority and the ranking member of the minority on the subcommittee, but also the cooperation of his colleagues on the Democratic side.

As I recall nearly every item—I believe every item—was reported unanimously by the subcommittee and by the full committee. That does not mean there was complete unanimity of agreement. There is always some give and take. That is the only way we can arrive at these things. But it was an effort, a successful effort, to reach an understanding and report the measure. That kind of environment and atmosphere of cooperation and dedication is certainly a great pleasure to the chairman.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 8, line 13, after "1944", strike out "$400,000" and insert "$1,900,000".

On page 9, line 9, after the word "vehicles", strike out "$561,000" and insert "$593,000"; in line 14, after the word "of", where it appears the first time, strike out "two" and insert "the"; and, in line 16, after the word "President", strike out "(the other Commissioner to serve in that capacity without compensation therefor)".

On page 10, line 21, after the word "Congress", strike out "$2,335,000" and insert "$2,354,500".

On page 11, line 19, after "(31 U.S.C. 529)", strike out "$31,425,000" and insert "$32,925,000"; and, in line 20, after the word "than", strike out "$8,500,000" and insert "$4,500,000".

On page 19, line 7, after the word "Code", strike out "$74,179,000" and insert "$74,540,000".

On page 20, line 14, strike out "$250,000,000" and insert "$275,500,000".

On page 24, line 6, after "(79 Stat. 552; 81 Stat. 266)", strike out "$170,000,000" and insert "$178,231,000".

On page 24, line 23, after the word "for", strike out "$19,000,000" and insert "$19,829,000"; and, in the same line, after the word "than", strike out "$2,000,000" and insert "$1,200,000".

On page 25, line 19, after the word "abroad", strike out "$19,000,000" and insert "$20,366,000"; and, in line 20, after the word "which", strike out "$11,100,000" and insert "$12,466,000".

At the top of page 27, insert:

"PARTICIPATION IN U.S. EXPOSITIONS

"PARTICIPATION IN NEW YORK WORLD'S FAIR

"For an additional amount for 'Participation in New York World's Fair,' for the purposes of demolishing the U.S. Pavilion and restoration of the site at the former New York World's Fair, Flushing Meadows, New York, $350,000 to remain available until expended."

On page 28, at the beginning of line 13, strike out "$121,000,000" and insert "$121,700,000".

On page 29, line 2, after the word "instrumentation", strike out "$24,000,000" and insert "$24,685,000".

On page 30, line 14, after "(15 U.S.C. 278d)", strike out "$37,000,000" and insert "$37,100,000".

On page 31, after line 13, insert:

"SHIP CONSTRUCTION

"For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $15,918,000."

On page 42, after line 17, strike out:

"SEC. 404. None of the funds contained in this title shall be available for the salaries and or expenses of any deputy clerk in any District court clerk's office that does not accept applications for passports except in cities where the State Department presently operates passport offices."

On page 46, line 6, after the word "aliens", strike out "$450,000" and insert "$781,000".

On page 46, line 12, after the word "vehicles", strike out "$250,000" and insert "$300,000".

On page 48, after line 5, strike out:

"BUSINESS LOAN AND INVESTMENT FUND

"For additional capital for the Business Loan and Investment Fund, authorized by the Small Business Act, as amended, to remain available without fiscal year limitation, $25,000,000."

On page 48, at the beginning of line 16, strike out "$482,000" and insert "$559,000".

On page 51, line 25, after the word "organizations", strike out "$160,000,000" and insert "$161,500,000".

On page 53, line 16, after "(75 Stat. 527)", strike out "$2,500,000" and insert "$2,766,000".

On page 56, line 8, after the word "after", strike out "October 12, 1968" and insert "August 1, 1969".

AMENDMENT NO. 262

Mr. PASTORE. Mr. President, I call up my amendment No. 262 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Page 48, at the end of line 17 and before the period, insert the following: ": *Provided*, That all funds herein appropriated to the business loan and investment fund and all moneys hereinbefore or hereinafter appropriated to such fund, together with all moneys otherwise available to such fund, shall be available to meet guarantees bearing the full faith and credit of the United States of America heretofore or hereafter made by the Small Business Administration pursuant to section 303 (b) of the Small Business Investment Act of 1958, as amended."

Mr. PASTORE. Mr. President, I have in my hand a letter from the National Association of Small Business Investment Companies addressed to the Honorable JOHN A. MCCLELLAN, who is chairman of the subcommittee, on the particular bill we are discussing today. The letter reads as follows:

NATIONAL ASSOCIATION OF SMALL
BUSINESS INVESTMENT COMPANIES,
Washington, D.C., October 21, 1969.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MCCLELLAN: Two members of the National Association of Small Business Investment Companies from the State of Rhode Island met earlier today with Senator Pastore to discuss the crisis facing our industry at the present time because of the inability of the Small Business Administration to make loans to SBICs.

The Johnson and the Nixon Administrations have cut off direct funding of the SBIC program as a part of their anti-inflation drives and have sought to replace it with a system under which SBICs would borrow money privately with the assistance of a guaranty issued by SBA. The managers of the sources of these borrowed funds, however, have raised the question whether SBA has the power to back up such a guaranty.

The Comptroller General has ruled that SBA has the authority to guarantee these borrowings in a letter written to SBA in 1968. On the other hand, the Attorney General has not issued a similar ruling and the private money market requires either such a ruling from the Attorney General or clear legislative direction on this point.

In order to expedite Congressional action in clarifying this uncertainty, our industry has explored several courses of action.

Senator Pastore has been a long-time supporter of the SBIC program and desires to add a sentence to the SBA Section of H.R. 12964, making appropriations for the Departments of State, Justice, and Commerce, and the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes. The brief sentence would clarify any possible questions about the propriety of the use of SBA appropriations to honor guarantees made pursuant to Section 303(b) of the Small Business Investment Act of 1958.

Senator Pastore asked me to inform you of his wish to assist the SBIC program through this action and to ask your indulgence in bringing the proposal before your Subcommittee.

Naturally, the officers and the staff of our Association stand ready to answer any questions you or your staff might have.

Thank you.

Sincerely,

WALTER B. STULTS,
Executive Director.

Mr. President, I raised this matter before the subcommittee and the chairman, the Senator from Arkansas (Mr. MCCLELLAN), suggested that I take up the matter before the full committee in marking up the bill, which I did. At that time the question arose that this was language on an appropriation bill and, rather than to act on it in committee, that it should be brought up on the floor of the Senate.

Referring now to the report on the bill, at page 33 the following language appears:

> The 1970 budget contemplates the use of up to $40 million to guarantee loans to small business investment companies from the business loan and investment revolving fund, provisions governing which are contained in this bill. The committee unanimously authorized Senator John O. Pastore to offer the following amendment on the floor:

The amendment I am offering is exactly the same as has been spelled out in the committee report on page 33.

Not being satisfied with the letter I received from the National Association of Small Business Investment Companies I asked the Honorable Joseph T. McDonnell, who is one of our staff members, to pursue this matter. He furnished me with a memorandum, after consultation with the Small Business Administration, and the Small Business Administration is in complete accord with the amendment. The modified amendment was drawn with their approval and at their suggestion.

Mr. President, I ask unanimous consent that the memorandum be placed in the Record, as an explanation of what this is all about.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum to Senator John O. Pastore, October 30, 1969

From Joseph T. McDonnell.

Subject: Proposed Amendment to the State, Justice, Commerce, Judiciary, and Related Agencies Appropriation Bill clarifying the authority of the Administrator of SBA to guarantee loans made to Small Business Investment Companies.

Pursuant to your request, the following information is submitted regarding the need for your amendment to the Small Business Investment Act. In compiling this information, conferences were held with officials of SBA and the National Association of Small Business Investment Companies.

For the past 18 months, the SBICs have been unable to replenish their capital requirements by borrowing from private financial institutions, due to the fact that the authority of the Administrator of SBA to guarantee these loans has been in question. The Senate, on August 13, 1969, passed S. 2540 to amend the Small Business Investment Act in order to clarify the Administrator's authority. This bill is now pending before the House, but there is no indication as to when action will be taken.

On March 20, 1968, the Comptroller General, in a letter addressed to the Administrator (copy attached), ruled that under the 1967 amendment to Section 303(b) of the Small Business Investment Act, the Administrator did have such authority. Due to the fact that Congress, in passing the 1967 amendment, deleted wording in Section 303 (b), the question presented to the Comptroller General was whether deletion of the said wording was indicative of Congress' refusal to grant the Administrator authority to guarantee such loans. In essence, the Comptroller General ruled that even though the Congress had inserted specific authority in Section 303(b) and then had deleted the clarifying language in 1967, such would not divest the Administrator of his authority to guarantee loans. The ruling of the Comptroller General was predicated on the fact that there was no mention in the legislative history of the clarifying language, and it was therefore concluded that in the absence of any legislative history, the deletion was actually unintended.

Even with the ruling of the Comptroller General, private financial institutions, for the past 18 months, have taken the position that without a concurring opinion of the Attorney General, the authority of the SBA Administrator is still under a cloud.

The basic reason for your offering an amendment to this appropriation bill is to give the assurance required by the private financial institutions. Said amendment, even though such would be legislation in an appropriation bill, is believed to be germane for the reason that the appropriation for SBA is contained in this bill. Further, the original Johnson budget and the Nixon budget for FY 1970 contemplated the use of up to $40 million in the "business loan and investment fund" to guarantee loans from private sources to small business investment companies. (It should be noted that this $40 million is not a direct appropriation, but simply a limitation on the said revolving fund which is set forth in the budget.)

As indicated above, the small business investment companies have been unable to replenish their capital by borrowing from private financial institutions because of the cloud on the Administrator's guarantee authority. This has caused an undue hardship on small business companies which look to SBICs for equity and loan type financing. This hardship has been intensified by the high interest rates in effect at the present time.

The existing situation, which your amendment would correct, has also imposed a hardship on small business investment companies by reason of the fact that they have not been able to replenish their loan funds. It is alleged that even assuming that small business investment companies could have borrowed money during the last 18 months, they would have had to pay in excess of 15% without said guarantee. This is significant because the said SBICs are precluded by law from charging more than 15% to their borrowers. Therefore, the more that money costs them—assuming that such is available—the narrower their operating margin becomes.

In consultation with officials of the SBA, your proposed amendment has been revised so as to clarify the language therein. A copy of the revised amendment, together with suggested report language, is attached. It is suggested, if this amendment is inserted in the bill, that such be done on page 47 at the end of line 19, as a proviso.

Comptroller General of the
United States,
Washington, D.C., March 20, 1968.

Hon. Robert C. Moot,
Administrator, Small Business Administration.

Dear Mr. Moot: By letter of February 12, 1968, you stated that it is your desire, under authority of section 303(b) of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 683(b), to increase participation of the private sector of the national economy in Small Business Administration lending programs by encouraging institutional lenders to finance small business investment companies, through guaranteeing such loans made by institutional lenders to SBIC's.

You point out that this would be similar to a liquidity guaranty program initiated by SBA in 1961 under which lenders could require SBA to purchase the outstanding balance of a loan at any time, but that the present proposal contemplates guaranty against default. You request that we confirm your authority to engage in the proposed program.

Section 303(b) of the act, prior to its amendment by section 205 of the Small Business Investment Act Amendments of 1967, Public Law 90–104, 81 Stat. 270, provided that:

"To encourage the formation and growth of small business investment companies, the Administration is authorized (but only to the extent that the necessary funds are not available to the company involved from private sources on reasonable terms) to lend funds to such companies either directly or by loans made or effected in cooperation with banks or other lending institutions *through agreements to participate on an immediate or deferred (standby) basis.* * * *." (Italics supplied.)

The underscored language was added by Public Law 88–273, approved February 28, 1964, 78 Stat. 146. By decision of September 4, 1962, B–149685, this Office had ruled that authority existed for the guaranty program initiated by SBA in 1961, despite the absence of specific authorization therefor. The underscored language was added in 1964 to make clear by specific statutory reference that the Congress concurred in the exercise of such authority. See our decision of March 15, 1965, B–149685, wherein we relied upon section 303(b) as quoted above together with its legislative history to support the conclusion that SBA was authorized to institute a program identical to the one which is now in question.

The reason for the question arising lies in the fact that the 1967 amendments rewrote section 303(b) to revise significantly the basic structure of SBA financing for SBIC's. In making this revision, the Congress deleted the words "or deferred (standby)" from the phrase underscored in the portion quoted above. Although the legislative record discloses in precise detail the reasons and purpose for rewriting section 303(b), we do not find any mention of intent related to deletion of the critical words which specifically authorize deferred participation loans. See House Report No. 660, September 25, 1967, at page 9; and Senate Report No. 368, June 27, 1967, at page 13.

In 1962 we held that bank disbursed programs under guaranty by SBA were authorized irrespective of the lack of specific statutory provision therefor, and it followed that insertion of the specific authority embodied in the underscored portion of the quote was, in a sense, superfluous. However, the specific clarifying language having been provided, can it be said that its deletion carries no legal significance?

Ordinarily, we would be required to give some meaning to the kind of change in statutory language in question. Nevertheless, in the instant case, we believe the only meaning we could ascribe—that deletion of the words involved was intended as a cancellation of the authority they covered—is so at variance with the prior history of the statute, that in the absence of any related explanatory material in the legislative history on such an important aspect, we are reluctant to conclude that the deletion was legislatively so intended. In other words, we believe that from the standpoint of the Congressional intent in rewriting section 303(b), omission of the words "or deferred (standby)" may well have been inadvertent.

Accordingly, you are advised that we will not object to your exercising authority to guarantee bank loans made by institutional lenders to SBIC's, provided that the Committees on Banking and Currency of both the Senate and the House of Representatives state their approval of the proposed plan.

A copy of this letter is being furnished to the Chairmen of the Senate and House Banking and Currency Committees.

Sincerely yours,
Elmer B. Staats,
Comptroller General of the United States.

Mr. PASTORE. Mr. President, I might say at this juncture that I realize the desire of the committee that we not have recorded votes today. As far as I know there is no objection to the amendment. I have discussed the amendment with the Senator from Maine, the gracious lady, Margaret Chase Smith. She is in accord with the amendment. I have been unanimously directed by the Committee on Appropriations to propose this amendment on the floor.

Therefore, I ask for the question on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. McCLELLAN. I wish to make this observation. Ordinarily, as chairman of the committee, I would not agree to this procedure because I think it is very, very bad practice, to legislate on appropriate bills, but we do have a situation which is clearly an emergency from my viewpoint, and that is we have funds appropriated that cannot be used until and unless legislation, so to speak, is enacted. If we do not enact it, we might as well not appropriate the funds. If we do not appropriate the funds, many small businesses in this country will suffer. That is the intention of the appropriation in this program, to give assistance to small business by guaranteeing loans that they may secure from private vending agencies. I think it is a good program. I think it is a situation now which warrants this action. For that reason, I have gone along with the procedure.

However, I would not want anyone to regard this as a precedent, that any time legislation is needed they might offer it on this appropriation bill without finding some objection on the part of at least the chairman or other Members. But this is an unusual situation which warrants this procedure, and therefore I have no objection to it and I hope that the amendment will be agreed to.

Mr. PASTORE. I want to thank the Senator from Arkansas for his clarifying statement. I add only this to it, that we have already passed in the Senate the authorizing legislation which is identical in effect to the language I am proposing here today.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. McCLELLAN. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I send an amendment to the desk and asked that it be stated at this time, and then I wish to address a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 13, after line 10, insert the following:
>
> "Sec. 106. It is the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would be to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, without the advice and consent of the Senate."

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia will state it.

Mr. BYRD of Virginia. I should like to ask the Chair whether the amendment which I have just submitted would be subject to a point of order.

The PRESIDING OFFICER. The Chair is informed by the parliamentarian that this is a sense resolution that does not involve legislation.

Mr. BYRD of Virginia. I thank the Chair. I interpret the Chair's ruling to mean that the amendment can be appropriately and properly presented to the pending legislation.

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. BYRD of Virginia. Mr. President, I should like to address myself briefly to the amendment. I do not seek a vote this afternoon.

Mr. President, later this month, the Prime Minister of Japan, Mr. Sato, will come to the United States to discuss with the President the future status of the Ryukyu Islands, the principal one being Okinawa.

There will be a difference of views among Members of the Senate as to what the future role of Okinawa shall be. There will be some Members who will oppose any change in the present status, the present status being that the United States has sole and exclusive control over Okinawa.

There will be other Members of the Senate who will feel that there should be a change, and that Okinawa should revert to the administrative control of Japan.

Mr. President, my amendment does not suggest what the future status of Okinawa shall be. It does not in any way circumscribe the State Department or the President in negotiating with Prime Minister Sato, or other officials of the Japanese Government.

What the amendment provides is that it shall be the sense of Congress that whatever changes the administration concludes to make with the Japanese Government, affecting the treaty of peace with Japan, shall come to the Senate for ratification.

The treaty of peace with Japan was ratified by the Senate in 1952. It was under that treaty that the United States was given control over the Ryukyus which includes Okinawa.

Because the treaty governing control over the Ryukyus was ratified by the Senate, it is my view that any changes in the treaty should come to the Senate for approval or disapproval.

Mr. President, I do not argue whether it would be wise or unwise to change the treaty of peace with Japan. What I am suggesting to the Senate is that whatever changes are deemed desirable by the executive branch not become effective by unilateral action, but that they come before the Senate for its approval or disapproval.

It was only a few weeks ago—a few months ago, perhaps—that the Senate adopted, I believe unanimously, the national commitments resolution which was presented to the Senate by the distinguished Senator from Arkansas (Mr. Fulbright), chairman of the Foreign Relations Committee. The purpose of that national commitments resolution was to attempt to restore to the Senate some of the constitutional prerogatives which are Senate's, but which, in my judgment, and apparently in the judgment of many Senators, have been taken over in recent years by the executive branch.

So this amendment, which will be presented tomorrow, is, in reality, the first opportunity that the Senate has had to pass on a specific issue coming before the Senate since the national commitments resolution was adopted by this body.

I want to emphasize again, Mr. President, that the amendment does not in any way circumscribe the State Department or the Chief Executive of our Nation in his negotiations with the government of Japan. But it does say, "Whatever decisions you make must then be submitted to the Senate of the United States for approval or disapproval." That, as I see it, is the constitutional process under which our Government is supposed to work.

I feel that in recent years the executive branch of the Government has assumed too much authority, and I think the Senate of the United States has helped the executive branch assume authority by refusing to demand that its own constitutional prerogatives be upheld. I feel that we have given away many of our responsibilities.

Here is an opportunity, on a vitally important issue, to decide whether there shall be a change in the control of the greatest military base complex that the United States has in the far Pacific—namely, Okinawa—by unilateral executive action, or whether such action taken by the President, to be effective, must be submitted to the Senate for its consideration, advice, and consent.

I shall not detain the Senate longer today. Tomorrow I would like to present a few additional facts in regard to the amendment and mention some other aspects of the problem of Okinawa which faces the United States.

I think it will be a very important mission which the premier of Japan will undertake on behalf of his government when he comes to the United States on the 18th of this month. I think it is very desirable at this time to focus on the question of Okinawa. I think the Japanese Government should understand that, while the negotiations properly will be carried out by the executive branch of the Government, the Senate of the United States will participate in the final decision by having the opportunity to accept or to reject whatever commitments are made to that government on behalf of the United States.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

Mr. THURMOND. Mr. President, will the Senator withhold that request?

Mr. HOLLAND. Mr. President, I am glad to withdraw the suggestion of the absence of a quorum, if the Senator wishes me to.

Mr. THURMOND. Yes. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I am glad to yield.

Mr. THURMOND. I would like to commend the able and distinguished Senator from Virginia for the fine presentation he has made on the Okinawa situation. I have been to Okinawa, and I have studied that section of the world considerably in connection with our responsibilities around the world.

It is my firm conviction that it is vital, under present circumstances, that we retain Okinawa. It is the only part of the Far East we can hold on to. In my judgment, it would be a great mistake if we allowed Okinawa to go back to Japan in the next few years.

The time may come, in the years ahead, when we feel we can do it without jeopardy to the security of our country and our people. Under present circumstances, especially with a war going on in Vietnam, it seems to me it would be foolhardy to consider allowing Okinawa to go back at this time.

I want to request that I be associated with the remarks of the able Senator from Virginia.

Mr. BYRD of Virginia. I thank the distinguished Senator from South Carolina.

PRESIDENT NIXON'S SPEECH ON VIETNAM

Mr. THURMOND. Mr. President, last night the President of the United States called upon the Nation to support him in his efforts to conduct an orderly windup of the Vietnam war and thereby achieve a just and honorable peace.

In this endeavor, President Nixon has my support and I believe the support and prayers of the people of the Nation. This country wants no part of a precipitate withdrawal which would dishonor the over 40,000 American men who have already died in this conflict. Moreover, it is my view the people want a conclusion of this conflict which will help insure a lasting peace and prevent the dispatch of American boys to other foreign shores as the forces of world communism continue to press for world domination.

In his speech last evening President Nixon disclosed numerous efforts he has made since the mandate of leadership was placed on him by the American people last November. These efforts have borne little fruit, as was the case with those of the previous administration. Nevertheless, I commend the President for making them and hope he will continue to exercise every initiative for a just peace.

It is easy for some of the President's critics to rise here on the Senate floor and elsewhere to propose immediate withdrawals of U.S. troops and other moves. The words spoken here are like the fall leaves, blown about, and where they will land nobody knows—for the real responsibility of the actions taken in Vietnam will not rest upon any of us here, but upon the President of the United States. He is not moved when some say if immediate withdrawal is ordered the shame of surrender and the blood of the innocent will not be laid at his doorstep. He is taking the high road, the only course open to a nation such as ours.

In carrying forward an orderly disengagement, the President has told the North Vietnamese these withdrawals will be based partially on the current reduction of enemy infiltration and reduced U.S. casualties. We could not possibly hand total responsibility of the war over to our allies in the face of rising enemy attacks and accelerating U.S. casualties. To do so under such circumstances would amount to retreat and defeat on the battlefield and write off the lives of countless innocent men, women, and children. As the President so succinctly stated:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

The Nixon peace plan is new. Early reports of reaction to the President's speech indicate some think his remarks are nothing more than an extension of the Johnson policy. A study of the President's remarks will show otherwise. He is moving to Vietnamize the war—this was not the policy of the previous administration. They talked about it at times, but it was never supported with the wherewithal necessary for implementation. The South Vietnamese were given only castoff equipment, and not enough of that to be an effective fighting force. Just last year did we start giving M–16 rifles to the South Vietnamese forces. At the same time they faced well supplied enemy units of North Vietnam which were equipped with excellent Soviet weapons. No nation, no matter what its will, can succeed against well supplied invaders if they are outmanned and outgunned. This has been the case until recent concrete steps were taken by Secretary of Defense Melvin Laird to give our allies a chance to carry a fuller share of the load.

Mr. President, this speech last night was the most frank and candid statement the American people have ever heard on the actual circumstances involved in the Vietnam war. It represented an act of great courage, because the President of this country refused to buckle under to a shrill minority who is urging a sellout. This speech will mark a turning point away from piecemeal surrender. The President has offered a sound plan, an orderly plan. If he is supported by the American people, and I think he will be, he has raised the hopes of mankind for achieving a just peace in an exceedingly complex military involvement.

Finally, Mr. President, I ask unanimous consent that a press release I issued last night, November 3, in response to the President's address, be printed in the RECORD at the conclusion of these remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND, REPUBLICAN OF SOUTH CAROLINA, IN REFERENCE TO PRESIDENT NIXON'S VIETNAM SPEECH

President Nixon has made it clear that a peace which results in a Communist victory is totally unacceptable. The President has called on all Americans to support his policy of bringing a just and lasting peace to Vietnam, and he deserves our support in this difficult task. The President's policy is geared toward turning over the fighting to a strengthened South Vietnam and subsequent withdrawal of American troops. Thousands of American men have given their lives in Vietnam, and their lives must not have been lost in vain.

It is time for the great "silent majority" of hard-working, tax-paying Americans to stand up for freedom or the vocal, militant minority will destroy the rights of all men to choose their own destiny.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. BYRD of Virginia. Mr. President, I call up my amendment which is now at the desk, and ask that it be stated and made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 13, after line 10, insert the following:
>
> "SEC. 106. It is the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would be to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, without the advice and consent of the Senate."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business tomorrow be limited to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the conclusion of routine morning business tomorrow, debate on the pending amendment offered by the Senator from Virginia (Mr. BYRD) be limited to 2 hours—as to that amendment and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that debate on all other amendments be limited to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the time on each amendment be equally divided between the offerer of the amendment and the majority leader; or, if the majority leader favors the amendment, the minority leader; or, if he favors the amendment, any Senator whom he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on the bill tomorrow be limited to 1 hour, to be equally divided between the majority and minority leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That, effective on November 5, 1969, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 12964) an Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, debate on any amendment (except the pending amendment offered by the Senator from Virginia, Mr. BYRD, on any amendment thereto, on which there shall be 2 hours) motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S SPEECH ON VIETNAM

Mr. MILLER. Mr. President, last night the President of the United States again took the American people into his confidence and gave them a forthright picture of where we are in the Vietnam war and what we are trying to do.

The White House had taken pains to warn newsmen to not try to speculate on what the President would say and to avoid sensationalism which such speculation would invite. Nevertheless, because the President did not come out with some new, dramatic statement, certain members of the press were disappointed and critical. On the other hand, I would suggest that a great majority of the people of the country, who are not, perhaps, as familiar with affairs of state as are some of the members of the press, derived considerable benefit from President Nixon's statement. He included certain events which are well known to some, but to most are not well known and, in any event, bear repeating. An example would be his quotation from the late President Kennedy:

> We want to see a stable government there carrying on the struggle to maintain its national independence. We believe strongly in that. We're not going to withdraw from that effort. In my opinion for us to withdraw from that effort would mean a collapse not only of South Vietnam, but Southeast Asia, so we're going to stay there.

Another example would be the murder by the Communists in North Vietnam of 50,000 people following their takeover there 15 years ago. Another example would be the murder of 3,000 civilians during the brief period that North Vietnamese troops held the South Vietnamese city of Hue during the Tet offensive.

No, the President did not announce a new, dramatic call for a cease-fire. He merely repeated our offer to North Vietnam to have a cease-fire under international supervision. He did not announce a scheduled timetable for withdrawal of troops, as some have demanded, because—as he has previously stated—this action would remove any incentive for the enemy to negotiate an agreement—something that would seem to be rather obvious.

Because he did not do so, the so-called "critics" have responded by saying they will continue their negative criticism. These same individuals were told a long, long time ago by people who knew that open, public dissent would merely cause North Vietnam to harden its position and prolong the war. And, indeed, the war has been prolonged—with the added casualties such prolongation has meant. They apparently do not care that their continued criticism means further prolongation of the war—although, if they were among the fighting men in Vietnam who bear the real burden of the war, they might feel differently.

There would really be no point in the President's trying to satisfy these people by announcing new troop withdrawals. They would only respond by more negative criticism and say the President was not doing enough. And so the President, sustained by his own belief plus the recent Gallup poll showing 58 percent of the people support his efforts and only 32 percent disapprove, will persevere in his plan of orderly withdrawal consistent with an honorable end of the war.

I would hope that those who are inclined to assemble peaceably in the name of a moratorium would disown those radical leaders who could not care less about prolonging the agony of war and join together in a great show of unity in support of the President so that the Communist leaders of North Vietnam will understand that they have nothing to gain from persisting in depriving the people of South Vietnam of their right to self-determination by armed aggression. And I would hope that the handful of my colleagues who have been resorting to negative criticism of the President would do the same.

IN SUPPORT OF PRESIDENT NIXON'S SPEECH

Mr. DODD. President Nixon's report to the American people on television last night was a courageous and statesmanlike address. It was in the best tradition of the American Presidency.

The speech was addressed in the first place, as the President himself said, to the silent majority of the American people. I am confident that this silent majority will respond affirmatively to the President's forthright presentation of the facts and of the choices before him.

For the choice is brutally simple.

The choice is between purchasing peace through an unconditional surrender to Vietcong aggression, and seeking peace with freedom and honor through the graduated de-escalation of the conflict and the phased withdrawal of American forces.

It was a remarkably honest speech, devoid of the false optimism which fostered a serious credibility gap under previous administrations.

In setting forth the record of our numerous initiatives for peace, including the secret exchange of correspondence with Ho Chi Minh, President Nixon established a new relationship of trust between the administration and the American people.

Any fair-minded American who listened to the President's recitation of the numerous concessions we have made in the interest of peace, would have to conclude that the protesters have misaddressed their complaints, that, if they really want peace, they should be telling it to Hanoi rather than to Washington.

But while assuring the South Vietnamese people and the world that we intend to live up to our commitments, President Nixon made it emphatically clear that there will be a very substantial reduction of the American military presence in Vietnam over the coming period, as our South Vietnamese allies expand their armed forces and improve their quality.

According to the accounts of many observers, even critical observers, enormous progress has been made in this direction.

Needless to say, the President's speech will not satisfy many of those who have been involved in the demonstrations against the Vietnam war.

There are those who have been agitating for an immediate withdrawal of American forces from Vietnam because they are committed to the victory of our enemies and to the destruction of our society. They have engaged in continuing communication with our enemies, and they have sought in every possible way to undermine the morale of our soldiers and the morale of the home front. Such elements play an altogether disproportionate role in the leadership of the forthcoming march on Washington.

Others who urge an immediate American withdrawal are at least frank enough to admit that such a withdrawal means accepting defeat. They even talk about trying to find havens for anti-Communist Vietnamese whose lives would be endangered by a Communist takeover. What they do not realize is that if it ever came to the calamity of a Communist victory in South Vietnam, the number of refugees would have to be measured not in the hundreds of thousands but in the millions.

Still others try to deceive themselves and deceive the American people by pretending that an immediate withdrawal would not necessarily be interpreted as an American defeat.

But let no one imagine that we can surrender "on the cheap" or that the Communists will oblige with some face-saving arrangement.

On the contrary, they will seek to humiliate us to the utmost, to defeat us "stinking," as a top European expert recently put it.

If we now surrender in Vietnam, American honor will be nonexistent.

Our credibility will be zero, with friends and foes alike.

The system of alliances we have so painfully constructed in Europe and Asia will crumble.

Our country will be a thousand times more divided and polarized than it is today.

On every front the Communists will be encouraged to go over to the offensive.

It is my earnest hope that Congress will give the President of the United States the support to which he is entitled in seeking peace with freedom and honor in Vietnam.

It is my hope that those Congressmen who have, out of understandable frustration, called for our immediate withdrawal from Vietnam will reconsider their position in the light of the President's appeal.

The situation is far from hopeless. There are solid reasons for optimism.

According to reports from a wide variety of sources, the Vietcong insurrection is going downhill, and the fighting in Vietnam has been waning because the Vietcong are suffering from loss of morale and a sharp reduction in popular support.

Only this morning, the press reported that Vietcong defections in the month of October hit the all-time record level of 5,615, bringing the total for the year thus far to more than 40,000.

The article quoted Maj. Rudolf Fromm, psychological operations officer in Binh Duong Province, as stating that Vietcong local force units are now more frequently defecting in small but complete units. He was quoted as saying:

> For the first time since I have been here we have been finding in our interrogations that the feeling among these people is that they are not going to win the war.

There is very reason, therefore, why we should persevere and why the American people should heed the President's closing appeal. This is what he said:

> Let us be united for peace. Let us also be united against defeat. Because let us understand—North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

VIETNAM POLICY—WHAT ROBERT KENNEDY SAID

Mr. HANSEN. Mr. President, at the heart of President Nixon's determination to reduce U.S. participation in the Vietnam war gradually rather than precipitately is his conviction that precipitate withdrawal would sabotage the long-term cause of peace.

Mr. President, few public figures have so persuasively argued the case for reducing the level of U.S participation that existed under the previous administration as did the late Senator Robert F. Kennedy. But he, too, recognized that this would have to be done in a way that did not betray our essential trust. As he put it in a book "To Seek a Newer World" published only a few months before his assassination:

> Withdrawal is now impossible. The overwhelming fact of American intervention has created its own reality. All the years of war have profoundly affected our friends and our adversaries alike, in ways we cannot measure and perhaps cannot know. Moreover, tens of thousands of individual Vietnamese have staked their lives and fortunes on our presence and protection: civil guards, teachers, and doctors in the villages; mountain tribesmen in the high country; many who work for the present benefit of their people, who have not acceded to the Viet Cong even though they may not support the Saigon government. Many have once already fled the dictatorship of the North. These people, their old ways and strengths submerged by the American presence, cannot suddenly be abandoned to the forcible conquest of a minority.
>
> Beyond this is the more general question of the American commitment, and the effect of withdrawal on our position around the world. Without doubt, the so-called "domino theory" is a vast oversimplificatin of international politics. In Asia itself, China is the biggest of all possible dominoes; yet its fall to the Communists in 1950 did not cause Communist takeovers in its neighbors (though it participated in the Korean war and aided the cause of the Viet Minh rebellion already underway). Burma, which refused military and economic assistance from the United States, repressed two Communist insurgencies without interference or disturbance by the Chinese. The Cuban domino did not lead, for all Castro's efforts, to Communist takeovers elsewhere in Latin America. Nor did the collapse of Communism in Indonesia in 1965 seem to weaken the Communist regime in North Vietnam. Moreover, North Vietnam and the Viet Cong draw their strength, not from the Communist theory but from their own dynamic of nationalist revolution, and from the unique weakness of the Saigon government. Vietnam's neighbors do not share this combination of government weakness and revolutionary strength; if they did, surely we could expect that they would long ago have erupted in insurgency, while the United States is so heavily engaged in Vietnam.
>
> If the domino theory is an unsatisfactory metaphor, still it contains a grain of truth. World politics is composed of power and interest; it is also spirit and momentum. A great power does not cease to be that because it suffers a defeat peripheral to its central interests. The Soviet Union is still a great power notwithstanding the collapse of its Cuban adventure in 1962. But in some degree, the aftermath of Cuba was a perceptible lessening of Soviet prestige and ability to influence events in many parts of the world. I saw this to be especially true in Latin America when I visited there two years later. So I believe, would defeat or precipitous withdrawal in Vientam damage our position in the world. We would not suddenly collapse; Communist fleets would not appear in the harbors of Honolulu and San Francisco Bay. But there would be serious effects, especially in Southeast Asia itself. There, as Prince Norodom Sihanouk of Cambodia said in 1965, the result of intervention (which he opposed) and retreat would be that 'all the other Asian nations, one after another (beginning with the allies of the United States), will come to know, if not domination, at least a very strong Communist influence.' Prime Minister Lee Kuan Yew of Singapore, an independent leader often at odds with the United States, has stated similar views.
>
> Beyond Asia, in other nations that have ordered their security in relation to American commitments, a sudden unilateral withdrawal would raise doubts about the reliability of the United States. Our investment in Vietnam, not only in lives and resources, but also in the public pledges of presidents and leaders, is immense. It may be, as some say, that the investment is grossly disproportionate to the area's strategic value, or to any ends it may conceivably accomplish. But it has been made. Simply to surrender it, to cancel the pledges and write off the lives, must raise serious questions about what other investments, pledges, and interests might be similarly written off in the face of danger or inconvenience. Of course, other nations will not cease to defend themselves, or surrender themselves to our adversaries, simply because they do not regard us a reliable protectors. But the relationships that they might develop with other countries might not be completely to our liking.
>
> We cannot discount the likely effects on the morale of other nations, especially those now narrowly balanced between stable progress and revolutionary upheaval. Forces antagonistic to us within those countries would be strengthened—such as the Indian Communist Party—and these nations' ties to us weakened or strained.

EXPORT EXPANSION AND REGULATION ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4293.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill, H.R. 4293, to provide for continuation of authority for regulation of exports, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. WILLIAMS of New Jersey, Mr. MONDALE, Mr. HUGHES, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE, conferees on the part of the Senate.

PRESIDENT NIXON'S ADDRESS ON VIETNAM

Mr. BYRD of West Virginia. Mr. President, there was little that was new in the President's speech on last evening. But in my judgment he took the only reasoned and logical position under the circumstances.

It is clear that the obstacle to ending the war is North Vietnam. For us to precipitously withdraw could bring about the massacre of thousands of South Vietnamese. It would cause our friends to lose confidence in us and, as the President stated, we would lose confidence in ourselves.

In view of the unwillingness of Hanoi to negotiate, the President clearly stated that he has adopted a plan for complete withdrawal of all United States ground combat forces "on an orderly scheduled timetable" conditioned on the growing ability of the South Vietnamese to defend themselves and on the reduced level of enemy activities. This will take time. It cannot be done overnight.

The President can get us out of the war sooner if he has the unity and support and understanding of the American people.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 56 minutes p.m.) the Senate adjourned until Wednesday, November 5, 1969, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—*Tuesday, November 4, 1969*

The House met at 12 o'clock noon.

The Reverend John C. McCollister, Bethlehem Lutheran Church, Lansing, Mich., offered the following prayer:

Almighty God, our Heavenly Father, sometimes we are overwhelmed with the responsibilities with which we have been entrusted. Yet we are mindful that Thou hast promised Thy help to those who call upon Thee.

If our visions grow dim, guide us by Thy hand.

If we feel alone when our work is not welcomed by others, strengthen us with Thy presence.

We do not ask to escape our responsibilities; we ask only for help in doing Thy will.

God bless this Congress in all of its deliberations. God bless our President in his decisions. God bless our great Nation as together we strive for peace on earth, good will toward men.

Grant this through Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 2917) entitled "An act to improve the health and safety conditions of persons working in the coal mining industry of the United States," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WILLIAMS of New Jersey, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. SAXBE, and Mr. SMITH of Illinois to be the conferees on the part of the Senate.

DR. JOHN C. McCOLLISTER

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, through the courtesy of our Chaplain, Dr. Edward Latch, it was a pleasure for me to invite Dr. John C. McCollister, pastor of Bethlehem Lutheran Church of Lansing, Mich., to offer the invocation today.

Dr. McCollister is a graduate of Capital University and Evangelical Lutheran Theological Seminary of Columbus, Ohio, and received his doctorate from Michigan State University this past summer. He served as pastor of the Zion Lutheran Church of Freeland, Mich., before coming to Bethlehem Church of Lansing.

It is interesting to note that in addition to his ministry at the church, Dr. McCollister also serves as a juvenile probation officer for Ingham County, Mich.

It is an honor to welcome Dr. and Mrs. McCollister to our Nation's Capital and, particularly, to the House of Representatives.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2546

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report, on the bill, S. 2546, the military procurement authorization bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESOLUTION IN SUPPORT OF THE PRESIDENT FOR A JUST AND HONORABLE PEACE IN VIETNAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, upon the convening of the House today, a bipartisan group of 100 Members, including 50 Democrats and 50 Republicans, introduced a resolution expressing our essential support of the President in his efforts to negotiate a just and honorable peace in Vietnam.

The 100 initial cosponsors jointly represent perhaps 45 million Americans. They come from every section of the country. We believe that the resolution firmly expresses the feelings of the preponderant majority of the American people.

This resolution says to the world that this Nation is not about to tear itself apart upon the shoals of international dissension, but is fundamentally united in support of the basic principles of peace and self-determination enunciated by Presidents Kennedy, Johnson, and Nixon.

This resolution, if it is adopted by the House in an overwhelming vote, will illustrate quietly but clearly and effectively to North Vietnam that its leaders may not simply hold out, refuse to negotiate, and intransigently prolong the war in the expectation of our imminent internal collapse.

The thrust of the resolution, however, is clearly toward peace. It makes no threats. It rattles no sabres. It pledges us, as President Nixon has done, to abide by the result of free elections. It calls on Hanoi to make the same pledge.

I include the text of this resolution at this point in the RECORD:

H. RES. 612

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

VIETNAM RESOLUTION

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, I want to commend the able gentleman from Texas, who has just left the well, for his leadership in the sponsorship of the unity resolution, which has been joined in today by 100 Members of the House of Representatives representing both sides of the aisle. I join with him in the hope that this will provide a broad foundation on which the American people can unite in support of the President's efforts to conclude a peace with justice in Vietnam. I think it is the time across this country to stop dividing the American people between hawks on one side and doves on the other. It is time to try to reach a broad plane of American agreement and understanding that is clear to those hostile forces who are primarily responsible for the continuation of hostilities in South Vietnam.

It is my hope that we can bring an end to bipartisanship on this issue, that we can bring an end to the divisions that have been present in our own ranks, that the House Committee on Foreign Affairs will speedily report this resolution favorably to the House of Representatives, and that it will be passed by an overwhelming vote and a majority vote of both Democrats and Republicans in the House.

IN SUPPORT OF THE VIETNAM RESOLUTION

(Mr. SLACK asked and was given permission to address the House for 1 minute.)

Mr. SLACK. Mr. Speaker, everyone wants peace in Vietnam. No American wants to prolong the conflict. The basic question is: How do we get peace?

As I see it, there are only two ways, either we can surrender and abandon the effort, leaving the North Vietnamese to do as they please; or, we can drive harder for a decent and honorable settlement of the issues. This resolution would help achieve the latter.

Unless we simply want to get out immediately and agree to a Communist victory, all of us should support this resolution.

TENTATIVE SCHEDULE FOR REMAINING APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, the Committee on Appropriations has laid out a tentative schedule for the appropriation bills which must pass the House during the remainder of this session. All but one hinge to a greater or lesser degree on authorization bills not yet enacted.

We marked up two bills yesterday which we now expect to report next week.

We also hope to report two more bills the following week. And the others shortly thereafter.

We expect the other body to shortly report and act upon several of the bills now pending there. It reported the State-Justice-Commerce bill yesterday.

There will be much conference business to attend to.

While the bills not yet reported to the House—except for the District of Columbia bill for which the revenue measure was cleared last week—all hinge to some extent on pending authorization, we expect to keep in touch with the leadership to the end that these bills can be taken up on the floor just as soon as possible.

WE MUST WIN THE WAR IF WE ARE TO END IT

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, I join in commending the President for his determination not to advise the Communists of North Vietnam that if they can but hang on until a date certain, they will be allowed to conduct any butchery they want to in South Vietnam with no interference from us. The President has clearly exposed the fallacy of those who would send a notice to the Communists as to when it will be safe for them to proceed with their orgies. Certainly the President has taken a far more realistic stand than the "peace at any price" group.

He has not encouraged our enemies. For this reason I join in the resolution commending this determination, but I feel that it is indeed unfortunate that the President has not gone further and announced that unless the Communists begin meaningful negotiations at once, he was going to end this war once and for all without further delay.

The way to end this war is to win it. The way to win it is, after giving public notice of what we plan to do, to bring all of our military force to bear on Hanoi. Only by doing this can we stop the day-by-day loss of American lives, and only in this way can we keep faith with those brave men, both living and dead, who struggled there. In the words of Abraham Lincoln:

> It is for us the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced . . . that we here highly resolve that these dead shall not have died in vain.

THE PRESIDENT'S SPEECH ON VIETNAM

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, President Nixon's speech made a lot of sense. It was a timely and needed discussion of the facts about Vietnam. It took courage because most of the pressure on the President undoubtedly has been to yield to the elements which are demanding that we get out of Vietnam.

The speech will not satisfy the critics, nor will anything satisfy most of them except capitulation to Communist demands. The speech may help steel the resolve of the American people and make them realize there is another side to the controversy—the American side. This is something which has been too long neglected.

It is my hope that the President will now have the full support of the American people as the quest for peace—a reasonable peace with honor—continues. I am proud that America has a President who has refused to accept defeat. If the American people will now rally behind him, we will find the Communists much easier to deal with.

AMERICAN PEOPLE ARE UNITED

(Mr. PURCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURCELL. Mr. Speaker, it is with a great deal of pride that I join the gentleman from Texas (Mr. WRIGHT) and the other cosponsors of the resolution introduced here today expressing support for meaningful efforts to obtain peace in Southeast Asia.

I would hope that by this action, it will be readily apparent to the North Vietnamese Government that while this Nation may have differing opinions as to our proper course of action in Vietnam, these differences should not be interpreted by the North Vietnamese as a sign of weakness on our behalf.

Any debate among ourselves does not affect, nor will not affect the constitutional power vested in the President of the United States to speak for the United States on official foreign policy. If the North Vietnamese have not yet learned this, they had better learn it now. I hope they pay close attention to what we are saying here today.

Mr. Speaker, I am proud to be an original cosponsor of this resolution. The best military information indicates that the enemy in Vietnam has been, for major purposes, militarily defeated. The Vietcong is incapable at this time of launching another major offensive. Yet what irony that, at the moment of disintegration of the Vietcong, America appears to be disintegrating. I believe that America's internal disintegration is more apparent than real. I think the American people are united. I support this resolution because I believe it expresses the basic convictions of the Nation.

PRESIDENT'S SPEECH ON VIETNAM

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the President's speech on the Vietnam war last night was not just disappointing—it was tragic.

The President took no new initiatives to end the war—he proclaimed its perpetuation. He reiterated in the same tired terms used by President Johnson the inadequate justifications and discredited rationales for continuing our military participation that already have been the basis for our sacrificing 44,000 of our youth in South Vietnam.

It seems incredible that the President in his speech should so totally have failed to comprehend the fundamental error of our Vietnam policy—the commitment of American troops to impose a repressive military regime on South Vietnam.

"Vietnamization" is just another name for military victory as our goal in Vietnam. It means indefinite military support of the Thieu-Ky regime. It reveals no plan to end the war. Quite the contrary, the plan revealed is for an endless continuation of the war with U.S. military support.

The President's failure to respond to the North Vietnamese reduction in troops and fighting as an invitation to mutual deescalation forecloses one of the most promising ways to end the war. If every enemy pullback is interpreted as a sign of weakness, we make it impossible to achieve the fading away of the war that many experts see as the most promising avenue of its termination.

Many of my colleagues are saying that the President has done everything he can to achieve an end to the Vietnam war. I question this. At no time would it appear that the President has made any offer in negotiations that was not predicated on the perpetuation of the present South Vietnamese military government either directly or as controling the terms of an eventual election. These are propositions that Hanoi cannot be expected to accept

Many of my colleagues say that we should call on Hanoi, not the President, for concessions. Certainly, Hanoi must come half way if we are to realize a settlement.

But, while Hanoi has not been forthcoming with words in Paris, it appears to have responded in action in South Vietnam. It has drastically reduced its troops in South Vietnam, its rate of infiltration and its attacks.

Instead of interpreting Hanoi's reductions as a gesture of peace, however, and responding in kind, the President has ignored them. If the President really wants to end the war, he should at least test the enemy's reductions with our own.

I agree with the President that we should not engage in precipitate unilateral withdrawal—but I cannot agree that this is the only alternative to plodding on with the war.

The President's laying down of the gauntlet to dissenters as the harbingers of "defeat" and "humiliation" was particularly unfortunate. It will only arouse ugly passions and play into the hands of those who have dispaired of peaceful, democratic change.

The only defeat or humiliation the United States has experienced from the Vietnam war is the pursuit of mistaken policies. Those who seek peacefully to change those policies enhance the honor of their country. We seek a settlement of the war that will truly permit the Vietnamese to determine their own future—not one that will permit either Hanoi or the South Vietnamese generals to impose their solutions upon them.

In my opinion, we must now redouble our efforts to seek this fundamental change.

PRESIDENT'S SPEECH INTENSIFIES DIVISIONS WITHIN COUNTRY

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, President Nixon has chosen, in his long awaited speech on Vietnam, to intensify the divisions within our country on that war. His policy is based on the belief, which I must reject, and which is obviously faulty that the United States, having announced a policy of withdrawal, can still win the war.

He has asked the American people to support that policy, no matter where it leads. The President has dismissed the opponents of that policy as a vocal minority. In this, he has made a grave miscalculation of the judgment of the country.

The silent majority in our country want the war ended now. The President fails to understand that judgment. He compounds the error by seeking support for policies already tried and already discredited.

We in Congress must try to lead that great majority of Americans who now admit that Vietnam was a tragic error from which no great victory of principle or of the battlefield can come.

We are beyond Vietnamization of the war which has been tried and has failed. We are beyond further reliance on a South Vietnamese Government which has tried for 6 years to win the support of its people, and has failed.

We must now assert an Americanization of the peace. The silent majority of Americans will speak out in the coming days and months for that peace.

PRESIDENT WAS FIRM IN HIS DESIRE AND HIS COURSE

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY. Mr. Speaker, I have joined with the gentleman from Texas (Mr. WRIGHT) in his resolution. This resolution was drawn before last night.

Some people were expecting a bombastic type of speech from the President and some were expecting some new gimmick, but none was forthcoming, and none should have been forthcoming. Our country's course has been one of responsibility and our leadership has been one of responsibility.

I was pleased that the President was firm in his desire and firm in what his course was going to be.

I disagree with the gentleman who preceded me in the well, the gentleman from New York (Mr. ROSENTHAL). I think the majority of the people do want the President to be firm, and they do want him to make all the effort he can to convince North Vietnam we want to negotiate now, not grind them into the dust. The President was firm in making it clear that, if they did not react and if they did not recognize the solidarity of this country and our desire to negotiate a peaceful settlement, that some other action would be forthcoming.

I would like the President to take any action he sees fit, if North Vietnam does not realize the responsibility it has to the peace of this world and negotiate now on a very firm and dignified basis for a peaceful settlement of this war.

One of the commentators on TV last night stated that this speech would encourage Members of Congress to take to the streets on the 15th of this month in support of withdrawal. I do not know where that commentator got his information or where he gets such a warped idea, but he certainly does not deserve to be with a major network as a news analyst.

I urge the other Members of this body to join with those of us who have placed our names on this resolution, and to join in passing this resolution, showing the firm determination and the solidarity of this country to get a peaceful settlement for South Vietnam and for the people of the world.

There is no question about it; if we pull out we are losing the war. It would be a defeat. That is something this country has never done when we thought we were right, and I for one do not want our great Nation humbled in this fashion.

SUPPORT FOR THE PRESIDENT

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was one of the 100 who introduced the resolution today to affirm support for the President, and I am going to read from that resolution.

It refers to "his efforts to negotiate a just peace in Vietnam."

It calls attention to the "numerous peaceful overtures which the United States has made in good faith."

It "supports the principle of free elections open to all South Vietnamese."

It says we will abide by the results and asks Hanoi to do likewise.

I heard a Member of the House of Representatives on television last night in commenting on the President's speech say that the American people were not going to any further support the corrupt regime in South Vietnam. I am sure there is some corruption in the South Vietnamese Government, but at least it was elected by somebody. I cannot understand for the life of me these people who go around supporting Hanoi and never once admit that it is a dictatorship that nobody ever voted for.

That is exactly what people who are trying to divide this country are doing. They are supporting Hanoi.

There is not a Communist government in the world which would submit to a free election. Do you believe they would do it in Czechoslovakia? Do you believe they would do it in Rumania? Do you believe they would do it in Hungary? I could read the whole list—yes, Poland, and even Soviet Russia itself.

In my 21 years in this House there has been only one election that I can recall in a country which was partially occupied by Soviet troops which was a free supervised election, and that was in the little country of Austria when it was still occupied by the occupying powers. The prognosticators said the Communists would get probably 30 or 40 percent of the vote. They got 4.7 percent when people had a choice, a chance to express themselves.

If we could put the question—I do not care what language it is put in—simply to the American people, "Do you want a just peace in Vietnam or do you want Hanoi, a Communist dictatorship, to take over?" you fellows can kid yourselves all you want to, that the silent majority would support your position; it would be repudiated 10 or more to 1.

The American people want peace. They want a just peace. They want a peace that will last, that will insure that American boys now in grade school will not be fighting a strengthened international Communist Army somewhere else closer to home.

SUPPORT FOR THE PRESIDENT

(Mr. HULL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULL. Mr. Speaker, I cosponsor and heartily endorse the resolution on Vietnam being introduced today by myself and a number of my colleagues.

In this resolution, we express our support of the efforts of the President of the United States to effectuate an honorable end to the Vietnam conflict and state the conditions we believe should be obtained before any negotiated settlement is reached.

While we do not seek a military victory at any price in Vietnam, we must also avoid peace at any price if the price is the abject and humiliating and dangerous surrender which some of the immoderates in our country demand.

This resolution, in my judgment, articulates the feelings of the great majority of Americans concerning the Vietnam conflict. These are not the people who are out shouting and waving placards and telling us how terrible we are to be fighting those harmless Communists. These are not the citizens who try to dictate American foreign policy on the streets. These are the openminded, levelheaded, patriotic Americans that join us in supporting the President as we carefully move to achieve peace with honor in Vietnam.

SUPPORT FOR THE PRESIDENT

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker and my colleagues, I rise to support the position of the President of the United States of America this morning in regard to Vietnam and Southeast Asia.

I might point out that Admiral Peary, speaking before the National Geographic Society in New York City in 1856, said that some day the forces of freedom and the forces of totalitarianism would be locked in a death struggle in Southeast Asia.

Teddy Roosevelt in 1902 echoed the same sentiments and warned the free peoples of the world against the totalitarian regime that would conquer all of Asia.

Secretary Stimson commented about it in 1931. I only wish the American people and the Congress of the United States at that time had heeded the warning of Secretary Stimson, when the imperial warlords of Japan first entered in Manchuria.

If ever there was a nation in the history of the world which had a responsibility in Southeast Asia and in Asia it is the United States of America. Billions and billions of dollars and hundreds of thousands of American manpower were poured into Asia to free this very area of the world from the imperial warlords and conquerors of Japan—all of China, Southeast Asia, India, Thailand, Burma were saved by the United States of America.

I am glad that we have a President today, as we have had in the past, who is not going to preside over the liquidation of American interests in Southeast Asia, and who is not going to precipitously run, and abandon the cause of freedom. To do so would encourage the Communists all over the world, including Communist Cuba, located only 90 miles from our shore, and eventually we would have to face them in some other place at some other time, in greater strength closer home.

Today I join many of my colleagues from both sides of the aisle in introducing a resolution supporting the President's position that the people of South Vietnam are entitled to choose their own government by means of a free election. I stand by free elections in Vietnam. This resolution calls on Hanoi to make the same pledge. We will abide by the results of such elections. In fact, the regime in South Vietnam today was elected by the people in a free election. The warlords and those who oppose peace are in Hanoi. Once again we call on them to meet us one-tenth of the way in our efforts to negotiate a just and honorable peace in Vietnam.

CONGRESSMAN ANNUNZIO SUPPORTS PRESIDENT'S EFFORTS TO NEGOTIATE PEACE IN VIETNAM

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I would like to join with my colleagues today in cosponsoring and supporting the resolution on Vietnam introduced by the Honorable JIM WRIGHT, the distinguished Representative for the 12th District of Texas.

I believe that the time has come for all Americans to unite and stand behind our President in his pursuit of a just and honorable peace in Vietnam. The U.S. commitment to a peaceful resolution of this conflict has been made clear. We have time and again met North Vietnam's demands for demonstrations of good faith: We have stopped the bombing. We have met at the negotiating table. We are withdrawing troops. We have deescalated our offensive deployment of troops. Meanwhile, what has North Vietnam done?

The United States seeks no territory and no domination in Vietnam. We seek only one thing: Some solid assurance that the people of South Vietnam will be allowed freely to choose their own path for the future, to elect their own government. The United States has repeatedly reiterated its willingness to stand by the results of free elections supervised by an international body. Why cannot North Vietnam endorse the concept of freedom of choice and accept this plan for free elections? Such an action by North Vietnam would at last be a demonstration of North Vietnam's commitment to peace. To date we have seen no true expression of North Vietnam's interest in peace.

Those Americans who support the President should not stand silent. We too must stand and be counted. In introducing this resolution, Representative WRIGHT has made his voice heard. I feel honored to join him by endorsing a resolution which I believe echoes the sentiment of many Americans. The President has outlined a rational and honorable path to a true and lasting peace in Southeast Asia. Let us give him the time and the support necessary to enable him to follow this road toward a just resolution of the Vietnam conflict. A wise man once said that the journey toward world peace is one of a thousand years; let us all unite in an effort to make 1969 the year that marked a giant step in that journey.

THE PRESIDENT'S SPEECH ON VIETNAM

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, last evening my President and yours addressed the people of this Nation in a manner which I think is to be commended.

The President of the United States talked to the people of this country honestly and as factually as they have ever been talked to about the war in Vietnam. I do not believe I have ever seen a man talk more sincerely than the President of the United States did last night. He talked about the facts of life that we are faced with in the war in Vietnam.

Mr. Speaker, the President should have proved conclusively to the people of the United States that he as their President has done everything that could possibly be done to bring an honorable end to the conflict in Vietnam. I believe that he is wholly sincere. He said to our people and he said to the Vietnamese, we will end this war if you want to.

I am convinced that he has done everything one man could do to bring an honorable end to this war.

But, Mr. Speaker, it is time for those who demand so much of our President and country in the way of concessions to ask the North Vietnamese for once to do their part.

Those whom I believe are in a minority in this country and who demand that we quit and destroy this country at home and abroad ought to ask Hanoi to meet us halfway. They have not taken the first step yet.

Mr. Speaker, I support my President in his efforts to achieve peace, a lasting honorable peace in these troubled times.

NOT THE EASY COURSE, BUT THE RIGHT COURSE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, in his address to the Nation, President Nixon made it abundantly clear that he specifically and categorically rejected the counsel of those who have urged that our troops be pulled out immediately, regardless of the consequences. As a President must, he has weighed the consequences—and he rightly concluded that whether measured in terms of the safety of the people of Vietnam, the future of Southeast Asia, the long-term prospects of peace, or even the health of the American spirit itself, such a course would be catastrophic. But he has committed himself to their withdrawal, on a timetable carefully pegged to the readiness of the South Vietnamese to take over the fighting, and to the level of combat itself.

In short, the war in Vietnam will be turnd over to the Vietnamese—but in a way that gives them a chance. The United States will thus be true to its commitments, true to its conscience, and true to the cause of peace.

This is the path not of expedience, but of statesmanship. As the President noted, he has a responsibility to think not only of the years of his own administration, but also "of the effect of my decision on the next generation and the future of peace and freedom in America and the world." It is in that spirit that he has taken not the easy course, but the right course.

Mr. Speaker, I am also one of the authors of the Wright resolution that supports the President's stand on the Vietnam war.

MAKEUP OF THE NEW MOBILIZATION COMMITTEE AGAINST THE WAR IN VIETNAM

(Mr. ICHORD asked and was given permission to address the House for 1 minute.)

Mr. ICHORD. Mr. Speaker, I support the resolution of the gentleman from Texas. I support the President of the United States. The plan which he outlined is not what I would do if I were in his position, but he is my President, he is the Commander in Chief of the Armed Forces of the United States, and I support him.

However, I rise specifically, Mr. Speaker, to advise the gentleman from Texas (Mr. CASEY) with whom the Congressmen who take to the streets on November 15 will be joining. On October 8 I pointed out to the House that the evidence strongly indicates that the New Mobilization Committee Against the War in Vietnam, the group heading up the fall offensive of which the coming march on Washington is a part, is dominated by Communists. In order that my colleagues will be apprised of the nature and extent of this propaganda assault upon the Nation, I directed the staff of the Committee on Internal Security to prepare a study of the nature and the relationships of the various groups involved.

Mr. Speaker, I ask unanimous consent that I may be permitted to insert this study in the Extensions of Remarks portion of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(See page 32947.)

IN SUPPORT OF THE PRESIDENT'S PLAN

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, there are those who are disappointed by the President's speech last night because it did not offer some new panacea for peace.

I think, however, that in the cold light of today they must recognize that the President was right when he made it plain that there is no easy solution; there are only two alternatives: immediate, precipitate withdrawal of all Americans without regard to the consequences, or a continued search for a just peace through a negotiated settlement if possible or through continued efforts to Vietnamize the war, if necessary.

For those without responsibility it may be easy to call for peace at any price.

But those entrusted with making the cold, hard decisions that America must live with now and forever, know that the easy answers are not always the right answers.

The President said the road to peace is a two-way street and we have gone down it as far as we can alone. The next move is up to Hanoi. The speed with which U.S. troops withdraw will be determined by the decisions made in Hanoi.

We have no reasonable alternative, the President said. A hasty withdrawal of U.S. troops would only pose larger threats to peace in the years to come. The lessons of history are clear on that point.

An orderly Vietnamization of the war is in keeping with the President's overall new foreign policy in Asia and throughout the world. That policy does not mean the United States will pull back into an isolationist shell. It means that we will lower the scale of our involvement throughout the world lending our support, but not our troops, to developing nations faced with external threats.

The President is clearly the only man who can bring us the meaningful and lasting settlement of this tragic war we all so earnestly seek. My prayers, my hopes, and my support are with him.

PRESIDENT NIXON'S SPEECH ON ENDING THE WAR IN VIETNAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, first let me say to those who have sponsored the resolution presented to this House that I compliment them and applaud them, and I am happy that I could be a part of the 100, and I am sure there would be many more who would like to join.

Mr. Speaker, President Nixon's speech last evening on the perplexing problem of Vietnam well served the purpose for which it was designed.

Without fancy rhetoric and without oratorical dramatics he presented to the American people the hard, cold facts with respect to why we are in Vietnam and how we seek to bring this war to an honorable settlement. He took the American people completely into his confidence, well knowing that once the people have all the facts they will arrive at the right decision.

The speech was also designed to make crystal clear to our allies, as well as Hanoi, that while the American people love peace and will tirelessly work for peace, they love freedom even more.

He made it crystal clear to the world that we have no intention to summarily haul down our flag and summarily withdraw our troops—in other words simply surrender.

Such a course would mean that all our sacrifices have been in vain. It would mean deserting the people of South Vietnam and leaving them to the ruthlessness of the Communists. It would create a distrust among our allies around the world as to our loyalty and our firmness in the cause of freedom. It would be an open invitation to Communist Russia to continue with its policy of subversion and aggression in keeping with its design for world conquest.

This is the course the vast majority—

the silent majority—of the American people would not have us take.

Contrary to what many have been contending, President Nixon has a plan for bringing the Vietnam war to an honorable settlement. He outlined the nature of this plan which he initiated shortly after taking office last January.

President Nixon's plan for Vietnam is to Vietnamize the war—increasing Vietnamese responsibility for all aspects of the war and for the handling of their own affairs.

It is directed toward preparing South Vietnam to handle both the Vietcong insurgency and regular North Vietnamese armed forces regardless of the outcome of the Paris talks. It involves much more than enabling the South Vietnamese military forces to assume greater military responsibility. It means more than building a stronger South Vietnamese military force. It means building a stronger economy and stronger internal forces and a stronger government to the end that the people of South Vietnam will be able to establish whatever kind of government they wish free from outside aggression.

The President revealed the many avenues, aside from the Paris talks, of approach he has made to bring this war to an honorable settlement and that he intends to continue in these efforts. I am sure the vast majority of the American people will give our President their support. We must recognize that under our Constitution he has primary responsibility for the conduct of foreign relations and he is Commander in Chief of our Armed Forces. It would be folly for us to second-guess the President. The time has long since arrived when we should stop negotiating with ourselves and unite behind the President in his efforts to negotiate a settlement which will best insure peace in the world and security for the American people. I am pleased that the President will not allow himself to be stampeded by noisy outbursts of those who differ even among themselves as to how the war should be brought to an end.

For my part I have the greatest confidence in President Nixon. I am sure the vast majority of the American people share this confidence in him. Last night he took all of us into his confidence. As our President—the President of all of us—he speaks and acts for all of us. No less than anyone of us he strives to end this war and to end it honorably. All of us are for peace but very few are for peace at any price. Our President deserves our active support.

IN SUPPORT OF THE PRESIDENT

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, last night the President of the United States candidly "laid it on the line," to the American people. To use a current expression, "he told it like it is."

The President put the Hanoi government on notice that the word of the United States is not to be taken lightly, and that we as a nation are not going to run out on our commitments.

And that if the war in Vietnam is to be prolonged, it will be prolonged by the refusal of the Communist of the north to negotiate a just and honorable peace.

I think it should also be noted, Mr. Speaker, that the message Mr. Nixon gave to the Nation last night was prepared and written by him—the elected representative of all the people of the United States, and was not written by some Member of the Congress who is elected as a representative of only one State, or even a section of one State.

The President has said he has a plan to end the war and bring home America's fighting men. I believe him.

He called on the strong silent majority of Americans, those who have indicated their support of his methods of "winding down" the war—by not taking to the streets or degenerating into name calling and character assassination—to come forth and make themselves heard in unity and support of his attempts to find a peaceful settlement. Surely, no longer can truly responsible individual citizens properly exercise their responsibility as good citizens, otherwise.

I join with the President in asking all Americans for this support. The least I can do is offer him mine. I believe the great central group of broad support who do not carp, criticize, or demonstrate, will now step forward, speak out, and be heard in support of our Nation's interest.

DISHONORING OUR WAR IN VIETNAM

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, today I received in the mail a letter from the Washington Action Office of the New Mobilization Committee To End the War in Vietnam requesting me to join in the so-called march against death and to carry the name of one American from Wisconsin who has died in the war.

Mr. Speaker, I consider the proposed use of the name of the war dead in this march an affront. It is a most inappropriate thing to carry the name of one who gave his life in honor for the cause of human freedom and dignity in a march designed to force this Nation under whose flag he has fought and died to surrender to the enemy he had met in so intimate a manner on the battlefield. Is nothing sacred to these apologists for freedom? Cannot even the dead lie in peace? Must the families of those who died be so misused? Where is freedom of the families whose permission was not secured to carry the name to be read?

Shame on those who show so little respect not only for the dead but for the living whose loved ones are being so ungraciously dishonored.

PRESIDENT NIXON'S ADDRESS ON VIETNAM

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, last night President Nixon gave one of the most candid, forthright, and honest appraisals of where the Republic stands on a critical issue that has ever been given to the American people by their Chief Executive.

Following his patient and calm recitation of what this country has done in the past year to seek peace in Vietnam, I find it impossible to understand how anyone save possibly Hanoi could ask for more. But, unfortunately, we have in this country those whose lack of responsibility in making the decision is matched only by their peevish, petulant insistence on more and more concessions to an enemy that has not shown the remotest sign of making any himself.

Criticism of the President's remarks center around two points: First, that he did not announce an immediate, unilateral cease-fire; and, second, that he did not announce either a scheduled, step-by-step or immediate unilateral withdrawal. Let us look briefly at the implications of either move.

A unilateral cease-fire on the part of our troops would be equivalent to saying to our soldiers: "Don't shoot at the Communists. We'll stop protecting ourselves, and we'll trust them to do the same."

Unilateral withdrawal, on a timetable, or not, without any sort of similar concession on Hanoi's part, can only be called what it would be: crawling out, backward, in abject, utter surrender. Announcing to the enemy where our forces would be and what we would do, would be violating every principle of national defense.

Early in October, I wrote in one of my weekly newsletters words that I feel apply in large measure to the critics of the President's address last night:

> What in the name of all common sense do these people expect their Government to do? I sometimes think that this element will not be satisfied with *any* gesture to Hanoi, short of offering the entire North Vietnamese Politburo free entry to this country; rent-free, for life, accommodations in Blair House itself; unlimited expense accounts and Federal pensions; a Government-subsidized, syndicated column for every newspaper in the land, and the privilege of dictating U.S. foreign policy in all of Asia from Kamchatka to Kuala Lumpur!!"

I would also say to the President's critics: "It seems as if you prefer to believe Hanoi, but I notice you are not inclined to march there, nor do you address your criticism to the North Vietnamese Government."

As the President told the Nation last night, only Americans can defeat or humiliate the American Republic. We have a vocal minority that consciously or unconsciously seems to be trying to do just that. I myself have backed every single President ever elected when he called for national unity in the face of danger. And, also, for myself, I am thankful that we have a President and an administration today, and that great, silent, long-suffering American majority, that will not stand idly by and let this vocal minority defeat or humiliate this, their native land.

PRESIDENT NIXON'S ADDRESS ON VIETNAM

(Mr. LLOYD asked and was given permission to address the House for 1 minute.)

Mr. LLOYD. Mr. Speaker, I am very proud to be one of the 100 Members of this body who have today introduced the resolution in support of the President of the United States.

Mr. Speaker, the President of the United States has told his fellow Americans the situation regarding the war in Vietnam.

I am certain that many will be surprised to know how far we have gone down the road to peace in the last 9 months, and how much further we could have come had we not been dealing with an intransigent enemy.

I think many will be surprised, because our progress has been blinded by those who cry loudly for peace now and refuse to give the President a chance to unwind this war in a way that will allow him to withdraw American fighting men without leaving South Vietnam defenseless.

Mr. Speaker, I think it is well to look again at that progress. First of all, after 5 years, Americans are coming home. Sixty thousand this year. Many more next year. And eventually the complete withdrawal of all American ground combat forces.

Second, progress in training the South Vietnamese moving at a greater rate than initially expected. That means quicker withdrawal of American troops.

Third, enemy infiltration down more than 80 percent in the last 3 months, compared to a similar period a year ago.

And last, U.S. casualties have declined in the last 2 months to the lowest point in 3 years.

Mr. Speaker, President Nixon is making progress. It is time that Americans united behind him. If they do that, progress will become even more rapid.

PRESIDENT'S REPORT ON VIETNAM

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, I would like to commend President Nixon for his candor and forthrightness in addressing the Nation last night. He has made his position clear to the American people that he is doing everything conceivable to secure a just and honorable peace in Vietnam.

In his appraisal of the war, Mr. Nixon has indicated that he has not ignored—rather, he has carefully and thoughtfully considered—any recommendations by the people of this country and of the world to bring an end to this war. He has indicated that he has accepted the responsibility, and I believe he has accepted it well, that we have given to him as our Commander in Chief to take what must be the right, but apparently very difficult, steps to end the war in Vietnam. I laud the President's courage. He has not flinched from taking this responsibility because it might be too difficult.

By considering the circumstances and evaluating the ramifications of any action he does take, I believe that the President has indeed chosen the right course to bring about an honorable extraction from the Vietnam conflict.

Mr. Speaker, we have a common goal with Mr. Nixon, and I believe that the American people should unite behind the President in his efforts to bring our troops home and to protect the mantle of liberty and freedom with which we cloak ourselves.

PRESIDENT NIXON'S ADDRESS

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, I too have joined in the resolution introduced by 100 of our colleagues. In this connection, Mr. Speaker, I would like to direct the attention again of the Members to the remarks of the President last night.

Mr. Speaker, on nationwide television last night the President leveled with the American people. His message came through loud and clear. He has devoted himself and his administration to an honorable peace. The enemy must realize he is sincere in his desires, but resolute not to knuckle under to loudmouth minority pressure groups who have no answer except surrender, bug out or sell out.

President Nixon told the world he intends to continue his orderly withdrawal program, however in unmistakable terms announced serious consequences if there is an escalation by the enemy or significant increases in U.S. casualties. The President obviously did not telegraph his shots by revealing to the enemy the actual line, chapter, and verse of his withdrawal program.

Regretfully, Mr. Speaker, it is my opinion some of the news media in the form of television commentators, have rendered a great disservice to the Nation. Even before the President's final words had died away these self-professed experts were busy analyzing each other's analysis. They echoed each other with such phrases as "nothing new," "the minority dissidents are not satisfied," "the doves and peaceniks are not satisfied," and they trotted out people like Averill Harriman, sometimes referred to as the original architect of surrender, who utterly failed in his negotiating efforts, and who again reiterated his philosophy of unilateral cease-fire, deescalation, and surrender.

Thank God, Mr. Speaker, that the majority of the American people do not react like these commentators and other apologists for the Harrimans, McGoverns, McCarthy's and Kennedy's or we would be quickly relegated to the posture of a third- or fourth-rate nation.

The President is to be commended for one of the most outstanding and statesmanlike pronouncements of any President in the history of our Republic.

THE PRESIDENT SEEKS PEACE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I want to join those who praise the speech of the President last night. Even more, I want to join those who like what he said.

For several weeks now we have been listening to those who hopefully predicted a massive withdrawal of American troops, regardless of what it might do to our allies, the South Vietnamese; and to those who hopefully predicted that the President would initiate a unilateral cease-fire, regardless of how many American deaths might result; and to those who hopefully predicted the President might take the final unilateral step toward retreat and surrender.

Many of those who spoke and many of those who wrote, spoke and wrote with a certitude that indicated inside knowledge. Some of us wondered and worried. We need not have.

Today we know that they were writing out of thin air.

This American President, like every one of his predecessors, is not about to be the first President to preside over an American defeat. And he made that very clear last night.

The President seeks peace, the President is working hard for peace, but not peace at any price. Let me repeat his warning:

> This first defeat in our nations' history would result in a collapse of confidence in American leadership, not only in Asia but throughout the world.

What American is willing to risk that calamity? Not most of us here. Not most Americans. And—and we can all be grateful for this—not the President of the United States.

PEACE WITH JUSTICE IN VIETNAM

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker—

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Those are the words the President of the United States spoke last night in addressing the Nation on his plan for ending the Vietnam war.

They were true words and they were words that should burn in the minds of all Americans.

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Some seem to have lost the will to win a just peace. Somewhere they have come to believe that retreat and defeat and betrayal of commitments to one's allies are honorable courses for free men and a great nation.

Mr. Speaker, God forbid that America should listen to those who have lost their faith that we can achieve a proper peace in Vietnam.

Last night the President of the United States told the world:

> Let historians not record that when America was the most powerful nation in the world we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people on this earth to be suffocated by the forces of totalitarianism.

Mr. Speaker, we should all be grateful that the President of the United States is determined that this will not happen.

If we do indeed share his views, we should so inform the White House.

I think it is particularly appropriate today following the President's speech of last night that 100 Members of the House of Representatives—50 Democrats and 50 Republicans—have introduced this day a resolution calling for "peace with justice in Vietnam." The gentleman from Texas (Mr. WRIGHT) must be given credit for his initiative in this matter. Through this resolution this bipartisan group urges that the House affirm its support for the President in his efforts to negotiate a just peace. I strongly urge all Members of this body who, like myself, are dedicated to the cause of peace in Vietnam to support this resolution.

Mr. GERALD R. FORD. Mr. Speaker, after hearing President Nixon's address to the Nation, I am more convinced than ever of the rightness of his course on Vietnam.

I fully agree with Mr. Nixon's rejection of immediate withdrawal and his policy of phasing out American troops and phasing in South Vietnamese, with a continued push toward meaningful negotiations. We must not have an American Dunkirk in Vietnam.

Mr. Nixon's speech leads me to believe we can achieve a peace in Vietnam that will discourage Communist aggression in Southeast Asia and elsewhere in the world. The best way for Americans to realize that objective is to show strong support for the President in this time of crisis. President Nixon has made a frank and forthright statement on Vietnam. He is fully deserving of the people's trust and confidence.

Mr. Speaker, I append to these remarks the text of President Nixon's address on Vietnam delivered to national television and radio audiences from the White House, November 3, 1969:

Good evening, my fellow Americans:

Tonight I want to talk to you on a subject of deep concern to all Americans and to many people in all parts of the world—the war in Vietnam.

I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Tonight, therefore, I would like to answer some of the questions that I know are on the minds of many of you listening to me.

How and why did America get involved in Vietnam in the first place?

How has this Administration changed the policy of the previous Administration?

What has really happened in the negotiations in Paris and on the battlefront in Vietnam?

What choices do we have if we are to end the war?

What are the prospects for peace?

Let me begin by describing the situation I found when I was inaugurated on January 20.

The war had been going on for four years.

31,000 Americans had been killed in action.

The training program for the South Vietnamese was behind schedule.

540,000 Americans were in Vietnam with no plans to reduce the number.

No progress had been made at the negotiations in Paris and the United States had not put forth a comprehensive peace proposal.

The war was causing deep division at home and criticism from many of our friends as well as our enemies abroad.

In view of these circumstances there were some who urged I end the war at once by ordering the immediate withdrawal of all American forces.

From a political standpoint this would have been a popular and easy course to follow. After all, we became involved in the war while my predecessor was in office. I could blame the defeat which would be the result of my action on him and come out as the peacemaker. Some put it quite bluntly: This was the only way to avoid allowing Johnson's war to become Nixon's war.

But I had a greater obligation than to think only of the years of my Administration and the next election. I had to think of the effect of my decision on the next generation and on the future of peace and freedom in America and in the world.

Let us all understand that the question before us is not whether some Americans are for peace and some Americans are against peace. The question at issue is not whether Johnson's war becomes Nixon's war.

The great question is: How can we win America's peace?

Let us turn now to the fundamental issue. Why and how did the United States become involved in Vietnam in the first place?

Fifteen years ago North Vietnam, with the logistical support of Communist China and the Soviet Union, launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution.

In response to the request of the government of South Vietnam, President Eisenhower sent economic aid and military equipment to assist the people of South Vietnam in their efforts to prevent a Communist takeover. Seven years ago, President Kennedy sent 16,000 military personnel to Vietnam as combat advisors. Four years ago, President Johnson sent American combat forces to South Vietnam.

Now, many believe that President Johnson's decision to send American combat forces to South Vietnam was wrong. And many others—I among them—have been strongly critical of the way the war has been conducted.

But the question facing us today is—now that we are in the war, what is the best way to end it?

In January I could only conclude that the precipitate withdrawal of American forces from Vietnam would be a disaster not only for South Vietnam but for the United States and for the cause of peace.

For the South Vietnamese, our precipitate withdrawal would inevitably allow the Communists to repeat the massacres which followed their takeover in the North 15 years before.

They then murdered more than 50,000 people and hundreds of thousands more died in slave camps.

We saw a prelude of what would happen in South Vietnam when the Communists entered the City of Hue last year. During their brief rule, there was a bloody reign of terror in which 3,000 civilians were clubbed, shot to death, and buried in mass graves.

With the sudden collapse of our support, these atrocities of Hue would become the nightmare of the entire nation—and particularly for the million and a half Catholic refugees who fled to South Vietnam when the Communists took over in the North.

For the United States, this first defeat in our nation's history would result in a collapse of confidence in American leadership, not only in Asia but throughout the world.

Three American Presidents have recognized the great stakes involved in Vietnam and understood what had to be done.

In 1963, President Kennedy, with his characteristic eloquence and clarity, said, "we want to see a stable government there carrying on the struggle to maintain its national independence. We believe strongly in that. We're not going to withdraw from that effort. In my opinion for us to withdraw from that effort would mean a collapse not only to South Vietnam, but Southeast Asia, so we're going to stay there."

President Eisenhower and President Johnson expressed the same conclusion during their terms of office.

For the future of peace, precipitate withdrawal would thus be a disaster of immense magnitude.

A nation cannot remain great if it betrays its allies and lets down its friends.

Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest.

This would spark violence wherever our commitments help maintain peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere.

Ultimately, this would cost more lives.

It would not bring peace but more war.

For these reasons, I rejected the recommendation that I should end the war by immediately withdrawing all our forces. I chose instead to change American policy on both the negotiating front and the battlefront.

In order to end a war fought on many fronts, I initiated a pursuit for peace on many fronts.

In a television speech on May 14, in a speech before the United Nations, and on a number of other occasions I set forth our peace proposals in great detail.

We have offered the complete withdrawal of all outside forces within one year.

We have proposed a cease-fire under international supervision.

We have offered free elections under international supervision with the Communists participating in the organization and conduct of the elections as an organized political force. The Saigon Government has pledged to accept the result of the elections.

We have not put forth our proposals on a take-it-or-leave-it basis. We have indicated that we are willing to discuss the proposals that have been put forth by the other side. We have declared that anything is negotiable except the right of the people of South Vietnam to determine their own future. At the Paris peace conference, Ambassador Lodge has demonstrated our flexibility and good faith in 40 public meetings.

Hanoi has refused even to discuss our proposals. They demand our unconditional acceptance of their terms, which are that we withdraw all American forces immediately and unconditionally and that we overthrow the government of South Vietnam as we leave.

We have not limited our peace initiative to public forums and public statements. I recognized, in January, that a long and bitter war like this usually cannot be settled in a public forum. That is why in addition to the public statements and negotiations I have explored every possible private avenue that might lead to a settlement.

Tonight I am taking the unprecedented step of disclosing to you some of our other initiatives for peace—initiatives we undertook privately and secretly because we thought that we thereby might open a door which publicly would be closed.

I did not wait for my inauguration to begin my quest for peace.

Soon after my election through an individual who is directly in contact on a personal basis with the leaders of North Vietnam I made two private offers for a rapid, comprehensive settlement. Hanoi's replies called in effect for our surrender before negotiations.

Since the Soviet Union furnishes most of the military equipment for North Vietnam, Secretary of State Rogers, my Assistant for National Security Affairs, Dr. Kissinger, Ambassador Lodge, and I, personally, have met on a number of occasions with representatives of the Soviet Government to enlist their assistance in getting meaningful negotiations started. In addition we have had extended discussions directed toward that same end with representatives of other governments which have diplomatic relations with North Vietnam. None of these initiatives have to date produced results.

In mid-July, I became convinced that it was necessary to make a major move to break the deadlock in Paris talks. I spoke directly in this office, where I am now sitting, with an individual who had known Ho Chi Minh on a personal basis for 25 years. Through him I sent a letter to Ho Chi Minh.

I did this outside of the usual diplomatic channels with the hope that with the necessity of making statements for propaganda removed, there might be constructive progress toward bringing the war to an end. Let me read from that letter:

"Dear Mr. President: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam. . . .

"The time has come to move forward at the conference table toward an early resolution of this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessing of peace to the brave people of Vietnam. Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war."

I received Ho Chi Minh's reply on August 30, three days before his death. It simply reiterated the public position North Vietnam had taken in the Paris talks and flatly rejected my initiative.

The full text of both letters is being released to the press.

In addition to the public meetings I referred to, Ambassador Lodge has met with Vietnam's chief negotiator in Paris in 11 private meetings.

We have taken other significant initiatives which must remain secret to keep open some channels of communication which may still prove to be productive.

But the effect of all the public, private and secret negotiations which have been undertaken since the bombing halt a year ago and since this Administration came into office on January 20, can be summed up in one sentence—

No progress whatever has been made except agreement on the shape of the bargaining table. Now who is at fault?

It has become clear that the obstacle in negotiating an end to the war is not the President of the United States. And it is not the South Vietnamese.

The obstacle is the other side's absolute refusal to show the least willingness to join us in seeking a just peace. It will not do so while it is convinced that all it has to do is to wait for our next concession, and the next until it gets everything it wants.

There can now be no longer any question that progress in negotiation depends only on Hanoi's deciding to negotiate, to negotiate seriously.

I realize that this report on our efforts on the diplomatic fronts is discouraging to the American people, but the American people are entitled to know the truth—the bad news as well as the good news, where the lives of our young men are involved.

Now let me turn, however, to a more encouraging report on another front.

At the time we launched our search for peace I recognized we might not succeed in bringing an end to the war through negotiation. I, therefore, put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front.

It is in line with a major shift in US foreign policy which I described in my press conference at Guam on July 25. Let me briefly explain what has been described as the Nixon Doctrine—a policy which not only will help end the war in Vietnam, but which is an essential element of our program to prevent future Vietnams.

We Americans are a do-it-yourself people. We are an impatient people. Instead of teaching someone else to do a job, we like to do it ourselves. And this trait has been carried over into our foreign policy.

In Korea and again in Vietnam, the United States furnished most of the money, most of the arms, and most of the men to help the people of those countries defend their freedom against the Communist aggression.

Before any American troops were committed to Vietnam, a leader of another Asian country expressed this opinion to me when I was traveling in Asia as a private citizen. He said, "When you are trying to assist another nation defend its freedom, U.S. policy should be to help them fight the war but not to fight the war for them."

Well, in accordance with this wise counsel, I laid down in Guam three principles as guidelines for future American policy toward Asia:

First, the United States will keep all of its treaty commitments.

Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

Third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

After I announced this policy, I found that the leaders of the Philippines, Thailand, Vietnam, South Korea, and other nations which might be threatened by Communist aggression, welcomed this new direction in American foreign policy.

The defense of freedom is everybody's business—not just America's business. And it is particularly the responsibility of the people whose freedom is threatened. In the previous Administration, we Americanized the war in Vietnam. In this Administration, we are Vietnamizing the search for peace.

The policy of the previous Administration not only resulted in our assuming the primary responsibility for fighting the war but even more significantly did not adequately stress the goal of strengthening the South Vietnamese so that they could defend themselves when we left.

The Vietnamization Plan was launched following Secretary Laird's visit to Vietnam in March. Under the plan, I ordered first a substantial increase in the training and equipment of South Vietnamese forces.

In July, on my visit to Vietnam, I changed General Abrams' orders so that they were consistent with the objectives of our new policies. Under the new orders, the primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam.

Our air operations have been reduced by over 20 percent.

And now we have begun to see the results of this long overdue change in American policy in Vietnam.

After five years of Americans going into Vietnam, we are finally bringing American men home. By December 15, over 60,000 men will have been withdrawn from South Vietnam—including 20 percent of all of our combat forces.

The South Vietnamese have continued to gain in strength. As a result they have been able to take over combat responsibilities from our American troops.

Two other significant developments have occurred since this Administration took office.

Enemy infiltration, infiltration which is essential if they are to launch a major attack, over the last three months is less than 20 percent of what it was over the same period last year.

Most important—United States casualties have declined during the last two months to the lowest point in three years.

Let me now turn to our program for the future.

We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces, and their replacement by South Vietnamese forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater.

I have not and do not intend to announce the timetable for our program. There are obvious reasons for this decision which I am sure you will understand. As I have indicated on several occasions, the rate of withdrawal will depend on developments on three fronts.

One of these is the progress which can be or might be made in the Paris talks. An announcement of a fixed timetable for our withdrawal would completely remove any incentive for the enemy to negotiate an agreement.

They would simply wait until our forces had withdrawn and then move in.

The other two factors on which we will base our withdrawal decisions are the level of enemy activity and the progress of the training program of the South Vietnamese forces. I am glad to be able to report tonight progress on both of these fronts has been greater than we anticipated when we started the program in June for withdrawal. As a result, our timetable for withdrawal is more optimistic now than when we made our first estimates in June. This clearly demonstrates why it is not wise to be frozen in on a fixed timetable.

We must retain the flexibility to base each withdrawal decision on the situation as it is at that time rather than on estimates that are no longer valid.

Along with this optimistic estimate, I must—in all candor—leave one note of caution.

If the level of enemy activity significantly increases we might have to adjust our timetable accordingly.

However, I want the record to be completely clear on one point.

At the time of the bombing halt just a year ago, there was some confusion as to whether there was an understanding on the part of the enemy that if we stopped the bombing of North Vietnam they would stop the shelling of cities in South Vietnam. I want to be sure that there is no misunderstanding on the part of the enemy with regard to our withdrawal program.

We have noted the reduced level of infiltration, the reduction of our casualties, and are basing our withdrawal decisions partially on those factors.

If the level of infiltration or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy.

Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

This is not a threat. This is a statement of policy which as Commander-in-Chief of our Armed Forces I am making in meeting my responsibility for the protection of American fighting men wherever they may be.

My fellow Americans, I am sure you recognize from what I have said that we really only have two choices open to us if we want to end this war.

I can order an immediate, precipitate withdrawal of all Americans from Vietnam without regard to the effects of that action.

Or we can persist in our search for a just peace through a negotiated settlement if possible, or through continued implementation of our plan for Vietnamization if necessary—a plan in which we will withdraw all of our forces from Vietnam on a schedule in accordance with our program, as the South Vietnamese become strong enough to defend their own freedom.

I have chosen the second course.

It is not the easy way.

It is the right way.

It is a plan which will end the war and serve the cause of peace—not just in Vietnam but in the Pacific and in the world.

In speaking of the consequences of a precipitate withdrawal, I mentioned that our allies would lose confidence in America.

Far more dangerous, we would lose confidence in ourselves. The immediate reaction would be a sense of relief that our men were coming home. But as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people.

We have faced other crises in our history and have become stronger by rejecting the easy way out and taking the right way in meeting our challenges. Our greatness as a nation has been our capacity to do what had to be done when we knew our course was right.

I recognize that some of my fellow citizens disagree with the plan for peace I have chosen. Honest and patriotic Americans have reached different conclusions as to how peace should be achieved.

In San Francisco a few weeks ago, I saw demonstrators carrying signs reading: "Lose in Vietnam, bring the boys home."

Well one of the strengths of our free society is that any American has a right to reach that conclusion and to advocate that point of view. But as President of the United States, I would be untrue to my oath of office if I allowed the policy of this nation to be dictated by the minority who hold that point of view and who try to impose it on the nation by mounting demonstrations in the street.

For almost 200 years, the policy of this nation has been made under our Constitution by those leaders in the Congress and in the White House selected by all of the people. If a vocal minority, however fervent its cause, prevails over reason and the will of the majority this nation has no future as a free society.

And now I would like to address a word if I may to the young people of this nation who are particularly concerned, and I understand why they are concerned about this war.

I respect your idealism.

I share your concern for peace.

I want peace as much as you do.

There are powerful personal reasons I want to end this war. This week I will have to sign 83 letters to mothers, fathers, wives and loved ones of men who have given their lives for America in Vietnam. It is very little satisfaction to me that this is only one-third as many letters as I signed the first week in office. There is nothing I want more than to see the day come when I do not have to write any of those letters.

I want to end the war to save the lives of those brave young men in Vietnam.

But I want to end it in a way which will increase the chance that their younger brothers and their sons will not have to fight in some future Vietnam someplace in the world.

And I want to end the war for another reason. I want to end it so that the energy and dedication of you, our young people, now too often directed into bitter hatred against those responsible for the war, can be turned to the great challenges of peace, a better life for all Americans, a better life for all people on this earth.

I have chosen a plan for peace. I believe it will succeed.

If it does not succeed, what the critics say now won't matter. Or, if it does succeed, what the critics say now won't matter. If it does not succeed, anything I say then won't matter.

I know it may not be fashionable to speak of patriotism or national destiny these days. But I feel it is appropriate to do so on this occasion.

Two hundred years ago this nation was weak and poor. But even then, America was the hope of millions in the world. Today we have become the strongest and richest nation in the world. The wheel of destiny has turned so that any hope the world has for the survival of peace and freedom will be determined by whether the American people have the moral stamina and the courage to meet the challenge of free world leadership.

Let historians not record that when America was the most powerful nation in the world we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism.

And so tonight—to you, the great silent majority of my fellow Americans—I ask for your support.

I pledged in my campaign for the Presidency to end the war in a way that we could win the peace. I have initiated a plan of action which will enable me to keep that pledge.

The more support I can have from the American people, the sooner that pledge can be redeemed; for the more divided we are at home, the less likely the enemy is to negotiate at Paris.

Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Fifty years ago, in this room and at this very desk, President Woodrow Wilson spoke words which caught the imagination of a war-weary world. He said, "This is the war to end wars." His dream for peace after World War I was shattered on the hard realities of great power politics and Woodrow Wilson died a broken man.

Tonight I do not tell you that the war in Vietnam is the war to end wars. But I do say this:

I have initiated a plan which will end this war in a way that will bring us closer to that great goal to which Woodrow Wilson and every American President in our history has been dedicated—the goal of a just and lasting peace.

As President I hold the responsibility for choosing the best path to that goal and then leading the nation along it.

I pledge to you tonight that I shall meet this responsibility with all of the strength and wisdom I can command in accordance with your hopes, mindful of your concerns, sustained by your prayers.

Thank you and good night.

Mr. CHAMBERLAIN. Mr. Speaker, last night our President gave us a sober, realistic appraisal of the situation in Vietnam that I believe should prove reassuring to the vast majority of American people. Taking the Nation into his confidence in a manner that the Chief Executive of a great and powerful nation can seldom undertake in matters gravely affecting international relations, President Nixon made abundantly clear his determination to bring an end to the hostilities. From this address, three facts of particular importance stand out. First, that during the past 9 months the trend of the conflict has been reversed and the level of hostilities substantially reduced; second, that a timetable exists for the complete withdrawal, in the near future, of American combat soldiers; and, third, the existence of this timetable puts the South Vietnamese Government on notice of its impending responsibilities toward maintaining its own security and establishing a viable nation.

The decision about our military disengagement in Vietnam therefore has been made. What remains is the question what will most help to bring it about at the earliest possible time.

The record of private contacts makes clear that the desire of the United States for an honorable, negotiated settlement fair to all concerned has been made manifest to the North Vietnamese.

So, too, has the readiness of the United States to consider not only its own proposals, but any others.

Therefore, what is needed now is not further evidence of U.S. "good faith," or of the U.S. desire for peace.

What is needed is evidence—persuasive to the North Vietnamese—that time is not on their side; that they have nothing further to gain by further prolonging the war.

And only the American people can now deliver that message to North Vietnam. We should do it by a clear and constant voice of support for our President's program for a just and lasting peace.

Mr. Speaker, I stand ready to do my part. Today, therefore, I am joining a bipartisan effort urging adoption of a resolution expressing confidence in the President's Vietnam policy.

Mr. BROYHILL of North Carolina. Mr. Speaker, anyone who listened to President Nixon's address with an open mind would have to acknowledge that America's Vietnam policies have been set in an entirely new direction since he took office.

Look at some of the evidence:

After 5 years of sending more and more troops to Vietnam, the troops are are now coming home from Vietnam.

For the first time, a comprehensive peace plan has been laid before the negotiators in Paris.

After years of Americanizing the war, the war is being Vietnamized.

The President has publicly committed himself to complete withdrawal of all American ground combat forces, with the fighting turned over to South Vietnamese troops.

This is not a policy that guarantees an instant end to the war; there is no instand end, short of a disastrous U.S. surrender. But it is a policy that guarantees an end, in a reasonable time, to the American combat role—and at the same time guarantees to the people of South Vietnam a chance to enjoy the freedom and independence so many thousands have died to secure.

The easiest thing in the world is to say "get out now"—or blithely to demand a "prompt and honorable end" to the U.S. involvement. But the plain, inescapable truth of the matter is that a "prompt" end—if that is defined as an immediate end—would wreathe us in dishonor, because it would betray the cause we have fought to uphold, and it would betray those South Vietnamese who have risked their lives for freedom because they had faith in our pledges. President Nixon has charted a course to an honorable end, as promptly as that can be achieved—and the greater the support for that course, the more promptly we all can have peace.

Mr. SPRINGER. Mr. Speaker, some supposedly well-informed people still say, "but the President does not seem to have a plan for ending the war." Or, 'if he has a plan I do not know what it is."

No one who paid attention to President Nixon's speech on Vietnam policy should any longer make statements like that.

But in case the point still needs emphasis, let me give you a brief summary of his plan:

First, complete withdrawal of all U.S. ground combat forces and their replacement by South Vietnamese forces on an orderly, scheduled timetable. By December 15, 12 percent of total U.S. forces, equaling 20 percent of our combat strength, will be withdrawn. And because the level of enemy activity has dropped, "our timetable for withdrawal is more optimistic now than when we made our first estimates in June."

Second, buildup of South Vietnam capability to defend itself. Under our Vietnamization program, South Vietnamese forces have been trained and equipped to the point where in many cases "they have been able to take over combat responsibilities from our American forces." South Vietnam's armed forces have increased from 823,000 in January to more than 875,000 in November.

Third, continued public and private negotiations with the other side, taking into consideration in our own withdrawal timetable the level of their military activity and progress in the Paris Peace talks.

Fourth, an openness to negotiation on all points except the basic right of the South Vietnamese people to determine their own destiny.

This is a plan for peace—a double-edged plan involving both negotiations and new strength for the South Vietnamese forces.

It is a plan that is worthy of the wholehearted support of the American people—and I believe that it has that support.

Mr. MAILLIARD. Mr. Speaker, last night President Nixon pointed the way for the American people, the way to peace with honor, the way, if you will, to victory.

Mr. Speaker, when I say victory, I do not refer to the unconditional surrender we sought and won in World War II, for that is only one kind of victory. There are others.

For surely it will be a victory if, when we leave South Vietnam, as the President plans, we will leave it fully able to defend itself if it has the will to do so.

We will not have run out on our allies as some have proposed, and we will not have run out on our honor.

Instead, we will have taken a major step in implementing the President's plan for all of Southeast Asia.

The plan that says: The United States will keep all of our treaty commitments.

That we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

That in cases involving other types of aggression, we shall furnish military and economic assistance when requested, in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Mr. Speaker, it is clear the President means to follow this plan in Vietnam. With our support in the Congress and the support of the American people that plan can work and we will indeed have victory for the South Vietnamese and peace with honor both for them and for the United States.

Mr. BUSH. Mr. Speaker, the President's speech reaffirmed my conviction that he does have a plan for peace.

Some say he has revealed nothing new, yet I would point out that he has revealed a plan for total withdrawal. This should encourage all Americans who want a prompt withdrawal of American forces.

I for one am not troubled that he has not revealed details of this plan for the very reasons stressed in his speech, namely, that such would be to play into the hands of Hanoi. As we have been aware of the public initiatives for peace, I think it is good he revealed the private initiatives for peace.

In discussing the slaughter at Hue, I feel certain the President created amongst all Americans an even greater awareness of the problems involved in total unilateral withdrawal with no safeguards for the people of South Vietnam.

I am now convinced more than ever of the President's personal desire to end the war. I think most Americans will agree with my assessment of his intentions and will support him as he tries to bring the war to a prompt conclusion.

Mr. KUYKENDALL. Mr. Speaker, the greater part of the world listened carefully last night to hear the President of the United States spell out, candidly and calmly, our Nation's position in Vietnam.

I happen to think his is the proper course, the only course open to us. I agree with his logic, and I hope the public will heed this appeal to reason.

We have dwelled too long on the fringe questions of Vietnam—who got us there, whose fault is it we are still there, why we should be supporting what some people consider a despotic regime—these are questions for historians to solve. Our problem, as our President reminded us last night, is not whether to get out of Vietnam, but how to do it.

If we holler "Hell no, we won't go," long enough and loud enough, we are faced with two choices. One is the far-fetched assumption that Hanoi will be so impressed with how reasonable we are being that Hanoi will be reasonable, too. The other, more likely assumption, is that we must prepare ourselves for total acceptance of Hanoi's surrender terms.

I need not dwell on the predictable results of that. Our President outlined them in no uncertain terms—mass murder, torture, reprisals, religious genocide. If our consciences hurt now for the Americans who have died—and mine does, every time I see another young man's face looking at me out of the obituary columns—think what a complete lack of national conscience would be necessary to turn our backs on the innocent men, women, and children whose deaths would be the price of our disinvolvement.

We are not warmongers. We simply want to get out by a route that will preclude the necessity of getting back in.

Mr. WOLD. Mr. Speaker, many comments have been made with regard to the address President Nixon made last night to the Nation about the path he is seeking to end the war in Vietnam. Many were sympathetic but there were a great number already crystalized in their determination to destroy the President. In my opinion, their efforts can only prolong the bitter agony of Vietnam.

It was not, however, to the political analysts to whom the President made his speech. He made it to the American people and to the Vietnamese—both North and South.

The President was under intense pressure to announce a complete and precipitous withdrawal or to announce that we would seek an early military victory in Vietnam.

The President announced the intention to do neither because both are extreme positions that do not lie within the realm of possibility. The President gave the American people and the world a candid and honest assessment of the Vietnamese situation, of how we became involved, and he did it without casting stones.

Then he proceeded to delineate what steps he has taken to end the war. It is even more obvious than before his address that the United States has bent every effort to come to an agreement with Hanoi for an end to the war. Our only condition is that the people of South Vietnam have the right of self-determination to choose their fate.

I do not believe this to be an unreasonable condition nor do I believe the world will find it an unreasonable condition.

The President has now placed the onus for continuation of the war squarely where it belongs—on Hanoi.

Despite the lack of response from the Communists, the President indicated he is using every measure possible to end the war without the cooperation of Hanoi. In an unprecedented act of confidence with the American people, he outlined the steps—omitting only the specifics of time and troop movements. I add that these omissions are necessary for the success of the plan.

Two months ago I visited Vietnam. I had the opportunity to inspect first-hand the policy the United States has begun of turning the fighting of the war to those who must win it—the South Vietnamese.

It has been a slow policy but it is a process that began only 10 months ago upon the inauguration of President Nixon. I believe it has the elements of success.

The President emphasized the obligations the United States has, as a world power, to free nations around the world. The credibility of these commitments will depend upon our keeping the faith with those Vietnamese who over this long struggle have backed the cause of freedom in Vietnam.

Whether by choice or accident, circumstance and time have made the United States a world power. It is a burden that lies heavy, but it is a burden we must bear unless we are willing to destroy the faith of Americans in their Government and in the ideals that have taken this Nation from 13 colonies to the greatest nation on the face of this earth. We can do no less than honor these commitments.

The President has asked for the confidence of the American people. I believe he has their confidence but it must not be undermined by those who would use dissension as an instrument for political gain. We cannot afford division—either for our Nation or for the gallant Americans still fighting and dying in Vietnam.

Mr. HUNT. Mr. Speaker, I want to salute the President of these United States—a man of courage and integrity, a man who knows what it means to stand by his friends and his commitments.

And a man who knows also what it means to quit and retreat and surrender.

Mr. Speaker, the average American—that fellow out there who is your neighbor and mine—does not want to quit, does not want to go back on his word.

Sure, he is tired of this war. We all are. As we drive around in fancy cars and watch television and go to the football games, we are all tired of the war.

Some of us who have fought in other wars even have some idea of what this one is all about. And what it means to shoot and be shot at.

But, Mr. Speaker, despite all this, that fellow out there—your neighbor and mine—wants to hold his head up. He always has. And he knows he cannot and never will again if we surrender to a little, third-rate, rice paddy dictatorship like North Vietnam.

That is why, in spite of all the talk we are going to hear from the doves and the new left in the next few days—that is why most Americans are going to cheer the President and the speech he made last night.

He offered them the road to an honorable peace, a peace that will get our boys home without leaving our allies to the tender mercies of a regime that has an unequaled record of torture and mass murder. He offered them a way out—with honor.

Mr. Speaker, that fellow out there—your neighbor and mine—he is going to take that offer. The President is betting on it. And I am betting on the President. I think we both have made good bets.

Mr. AYRES. Mr. Speaker, I rise to note today that, much to the disappointment of some, this is neither the year of the dove nor the year of the paper tiger. I think the President made that clear in his address to the Nation last night.

He told Americans they can have an honorable peace. He told Hanoi that it cannot have peace at any price.

And as he told Americans that he has made progress in bringing their sons home and in winding down the intensity of the war, he also told Hanoi that it must stay wound down, because they do not have the alternative of intensifying it unilaterally.

I would like to repeat here what the President said, because it stands as a beacon to all the world that the United States and its President have not and will not settle for unconditional surrender.

He said:

> We have noted the reduced level of infiltration and the reduction of our casualties and are basing our withdrawal decisions partially on those factors.
>
> If the level of infiltration or our casualties increases while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy.
>
> Hanoi could make no greater mistake than to assume that an increase in violence will be to its own advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

Mr. Speaker, I am sure the American people are behind the President in that decision. I urge them by letter and wire to tell him so. He deserves their support.

Mr. MYERS. Mr. Speaker, President Johnson asked for patience and support.

President Nixon asked for patience and support.

What is the difference? Simply this: It is a far different thing to ask for patience when the end is not in view than to ask for patience when the end is visible. The former is a plea for blind faith. The latter is an appeal to informed reason.

The most important fact about President Nixon's Vietnam speech came in a comment midway through his speech. His plan, the President said, "will bring the war to an end regardless of what happens on the negotiating front." That is more than a prediction: it is a commitment. And it is a commitment on which the President can deliver.

The reason the President can deliver on that commitment is that an end to American participation no longer depends on negotiations. For the first time, we can say that control over our withdrawal lies largely in Saigon and Washington.

As the President said in a line which he added to his prepared text after it was released to the press:

> In the previous Administration we Americanized the war in Vietnam. In this Administration we are Vietnamizing the search for peace.

It is that line which gives the lie to those critics who say this is the same old policy.

According to the conventional wisdom, it takes two to make a war and two to end it, but President Nixon's recent speech on Vietnam goes beyond that formula. It still takes two to make a fast peace, he says, but he assures us that we will be able—on our own—to end our Vietnam war participation. In view of that fact, the President's call for patience and support is most reasonable. And if that support is forthcoming, then it is likely that we can end the war by the even faster route—the route of negotiations.

Mr. JOHNSON of Pennsylvania. Mr. Speaker—

> The more divided we are at home, the less likely the enemy is to negotiate in Paris.

That sentence from President Nixon's speech on Vietnam was, in my opinion, the most important part of a great, comprehensive statement on this country's policy.

For this is now the key to our success or failure. The President gave it to us straight:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

As the President outlined with great candor the public and private and hitherto secret steps he has taken in an effort to bring peace, it became obvious where the obstacle to peace lies.

It is not the President of the United States.

It is not the Government in South Vietnam.

It is, as the President said, "the other side's absolute refusal to show the least willingness to join us in seeking a just peace."

And why have they refused? Because they are counting on divisiveness in the United States to weaken this country's resolve and lead to capitulation and humiliation. As the President said, the other side will not negotiate seriously "while it is convinced that all it has to do is to wait for our next concession, and the next until it gets everything it wants."

This leaves no doubt about what our course must be. We must show Hanoi clear evidence that we are a strong, united people who want peace—but who want a just and lasting peace.

The President said:

> Let us be united for peace. Let us also be united against defeat.

I say let all of us support our great President in his unrelenting pursuit of a just and lasting peace—and let us be sure that Hanoi has no doubt about where we stand.

Mr. POLLOCK. Mr. Speaker—

> I respect your idealism.
> I share your concern for peace.
> I want peace as much as you do.

In those three sentences in his speech on Vietnam policy, President Nixon showed his understanding for the young people in America who are concerned about the war.

And he left no doubt that he, too, is deeply concerned. He said:

> There are powerful personal reasons I want to end this war. This week I will have to sign 83 letters to mothers, fathers, wives and loved ones of men who had given their lives for America in Vietnam. It is very little satisfaction to me that this was only one-third as many as I signed during my first week in office. There is nothing I want more than to see the day come when I no longer must write any of those letters.
>
> I want to end the war to save the lives of those brave young men in Vietnam.
>
> I want to end it in a way which will increase the chance that their younger brothers and their sons will not have to fight in another Vietnam some place in the world.
>
> I want to end the war so that the energy and dedication of our young people, now too often directed into bitter hatred against those they think are responsible for the war, can be turned to the great challenges of peace, a better life for all Americans and for people throughout the world.

After hearing the President of the United States utter these words, I cannot understand how anyone can charge that he is not for peace.

And I say he deserves the unified support of the American people in his program for peace.

Mr. BROWN of Michigan. Mr. Speaker, the record of private contacts makes clear that the desire of the United States for an honorable, negotiated settlement fair to all concerned has been made manifest to the North Vietnamese.

So, too, has the readiness of the United States to consider not only its own proposals, but any others.

Therefore, what is needed now is not further evidence of U.S. "good faith," or of the U.S. desire for peace.

What is needed is evidence—persuasive to the North Vietnamese—that time is not on their side; that they have nothing further to gain by further prolonging the war.

And only the American people can now deliver that message to North Vietnam. We should do it by a clear and constant voice of support for our President's program for a just and lasting peace.

Mr. TAFT. Mr. Speaker, I was particularly struck by the call to the "silent majority" of Americans to support the President's policies.

In effect the President has called upon all of us who hitherto have sat back and listened to others give their opinions, to let the world know just where the average American stands.

The President knows where that silent majority stands: It stands with peace—peace with freedom—peace with justice.

It stands with the President and with peace.

The President has done—is doing and will continue to do—his part in the struggle for peace.

Now it is the turn of the vast hitherto silent majority of Americans to speak out and say in one great voice that will echo across America and echo through the corridors of history:

Peace with justice. Peace with freedom. Peace that will remain peace.

Just recently, I have received almost 20,000 replies to a questionnaire to my district on the question of Vietnam. The results testify to the accuracy of the President's assessment. Approximately 70 percent of the replies favored the President's policies or even stronger ones. Less than one in five took the bug-out position.

I urge every American to show his support by writing or wiring the President and Congressmen with these simple words: "The President and peace."

Mr. RIVERS. Mr. Speaker, I was impressed with President Nixon's address to the Nation last night. He was candid, firm, and summarized the situation in South Vietnam so that everyone can understand.

Anyone who gives any thought to the situation knows that we cannot pull our troops out of Vietnam precipitously and thus invite a blood bath, as well as endanger the American troops who might be among the last to leave.

The President has indicated the steps that he has tried in the past and his hope for success in the future, but he did not paint a glowing overly optimistic picture of the future.

He cautioned that any future withdrawal would be based upon the reaction of the enemy. I was particularly impressed with his statement that if increased enemy action jeopardizes our remaining forces in Vietnam he will not hesitate to take strong and effective measures to deal with that situation.

The President has a very grave responsibility and only he can make certain decisions under our form of government. I will support him because he is my President, just as he is the President of every American citizen.

Mr. MILLER of Ohio. Mr. Speaker, I commend President Nixon on his statement to the Nation reasserting his earnest desire to bring an honorable peace to South Vietnam.

There can be no question about the sincerity of this country's peace efforts. We have explored every available diplomatic and private channel of communication to the enemy and have taken numerous initiatives to scale down the level of combat and casualties. The only response from the other side has been renewed intransigence and continued demands for us to, in effect, turn over the south to Communist control. The world should take note of which side in this conflict is obstinately refusing to move in the direction of peace.

Now, more than ever before, the American people must unite in a solid front behind our President and pledge their firm support for the policies he has designed to bring lasting peace to this troubled planet.

Mr. ESCH. Mr. Speaker, if there was any disappointment in the President's message last night, it was because the President dispelled for once and for all the myth that there is some "magic solution" and "easy way out" to the war in Vietnam.

It was a most objective and clear definition and disclosure of our present position in Vietnam and of the President's attempt to disengage this Nation from the conflict.

I was both heartened and discouraged by the speech, and I am sure that most Americans share my feelings. While I was discouraged by the negative report of our progress in negotiations, I was heartened by the disclosure of specific and identifiable evidence of a deescalation of the conflict and by the President's assurances of specific plans to disengage this country from the battlefield within a year. I was, however, distressed by the failure of the President to emphasize the need to move toward a more representative government in South Vietnam.

The people of this Nation should give close attention to the action, rather than simply the rhetoric of this administration. I believe that in the coming weeks there will be more explicit action regarding troop withdrawals and disengagement from fighting. I trust that there will also be movement toward an election in South Vietnam which will involve all parties.

While recognizing that the burden of policy must remain with the President, I intend to use whatever influence I have to further these two causes.

Mr. MESKILL. Mr. Speaker, I want to commend President Nixon for his forthright statement last night on the Vietnam war.

Last night, the President told it like it was. His statement was a frank, complete, and truthful résumé of everything that he has done since his election to bring an honorable end to the conflict in Vietnam at the earliest possible date.

The President has chosen the only sensible path to peace. The North Vietnamese have demonstrated that they do not want peace. The President made this clear last night by reciting the long series of peace initiatives he has undertaken only to see one after the other frustrated by the intransigence of the North Vietnamese leaders.

I agree with the President that the alternative to a negotiated settlement, which appears unattainable at this time, is to strengthen the South Vietnamese nation until it can stand freely and independently among the community of nations.

This is a logical and sensible approach to an extremely difficult situation bequeathed to President Nixon by his predecessor.

The Nixon policy statement was a refreshing contrast to the hazy messages of his predecessor on the subject of Vietnam. I am confident that the American people will rally around the President, thereby adding strength to the American pursuit for peace.

Mr. HAGAN. Mr. Speaker, this was one of the most sincere speeches I have heard any President make.

It is a speech that should convince any doubters of President Nixon's sincere desire and efforts to end the war in the speediest possible fashion, under conditions that everyone can live with.

I was glad to see that he clearly reiterated his determination that U.S. policy will not be set by a vocal minority in the streets.

The President has outlined the road we must travel to peace; I think the American people should now unite behind our President.

I heartily applaud Mr. Nixon's efforts to dissolve the "credibility gap," which plagued the previous two administrations.

GENERAL LEAVE TO EXTEND

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the subject of the President's speech last night and the resolution introduced today.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THANK YOU, MR. PRESIDENT, FOR LEADING US ON AN HONORABLE AND REASONABLE COURSE TOWARD PEACE IN VIETNAM

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, before the sound of the President's voice last night had died away, we heard the carping critics of the press and of politics begin to say that he had said nothing new about Vietnam. Some of the things the President said were not new. Devotion to human freedom is as old as America itself, and reflects the essence of the concepts upon which this great Nation was founded.

The President has led us on an honorable course, and that is not new for American Presidents. But there are things that are new in Vietnam. First is the President's new policy for Asia, which he reaffirmed to the American people last night, and had earlier made clear to Asian leaders, which should keep us from becoming involved in a combat way, as we have been in Vietnam, in the future.

Second is his new policy in Vietnam itself of the Vietnamization of the war, a phased withdrawal of American troops and a policy for peace that can succeed, and is not contingent upon the negotiations in Paris for its success.

What is not new, Mr. Speaker, is the tired, sad song of surrender that some are still singing after 4 long years. That has not changed with the situation as the enemy has become weaker and the infant democratic Republic of South Vietnam stronger. That has not changed as the President has started on a policy that can succeed. And I would suggest a new song for the critics entitled "Thank you, Mr. President, for leading us on an honorable and reasonable course that can bring peace with honor in Vietnam."

PRESIDENT NIXON'S PEACE EFFORTS

(Mr. HANSEN of Idaho asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Idaho. Mr. Speaker, I commend President Nixon for his thoughtful, candid and responsible statement on the war in Vietnam.

The President's efforts to achieve peace with justice in Vietnam are deserving of the support of all Americans.

Since taking office in January President Nixon has reversed the policies of two previous administrations, changing the direction of American involvement in the war.

The level of fighting has been sharply reduced.

Instead of a steady buildup of American troops, our forces are being withdrawn.

The armed forces of South Vietnam are being trained and equipped at a much more rapid rate to assume the responsibility for the defense of their country.

Instead of building up false hopes with optimistic reports, the President has taken the American people into his confidence, telling them the bad as well as the good news about the war and prospects for peace.

The President has made a good faith effort to use every channel available, official and unofficial, public and private, to open meaningful negotiations for a peaceful settlement of the conflict.

The road to peace that the President is following is not an easy one. But, it is the road of responsibility and reflects his deep commitment to the principles of freedom, human dignity, and self-determination that are so much a part of our American history and tradition. To yield to the demands of a few for immediate, total and unconditional withdrawal of American forces from Vietnam, regardless of the consequences, would betray these principles and set the stage for future wars and greater bloodshed.

The President's sincere quest for an honorable settlement that will be the foundation for a permanent peace is deserving of our support.

The quickest way to end the war and to secure peace and freedom in Southeast Asia will be for all Americans to heed the President's plea for unity, to close ranks and demonstrate their support for his peace efforts.

THE PRESIDENT'S VIETNAM STATEMENT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, Some headline writers, in my view, missed the central theme of President Nixon's address on Vietnam last night. Like others who have spoken, today I am glad to be a cosponsor of the Wright resolution. It is fine as far it goes, but it, too, misses the central theme of the President's address. The central theme of Mr. Nixon was:

First, a plan has been worked out for the total withdrawal of all U.S. combat ground forces.

Second, the timetable for withdrawal is more optimistic now than when it was first made in June. It was in June that the President expressed his hope that he could beat former Secretary of Defense Clark Clifford's timetable of withdrawing 100,000 troops by the end of this year and all ground combat troops by the end of 1970. Now, the President is even more optimistic than he was then.

Third, fulfillment of the plan does not depend on diplomatic developments in Paris or elsewhere.

The rest of the address was a carefully balanced combination of optimism and caution, aimed at preserving maximum stability both here and in South Vietnam while orderly withdrawal takes place.

Considering that the President had earlier written off a military solution and and directed substantial reductions in combat personnel, the address should encourage all who seek an earlier end to U.S. invovement in the war.

PRESIDENT NIXON'S NOVEMBER 3 VIETNAM SPEECH

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD.

Mr. ANDERSON of Illinois. Mr. Speaker, last night the President of the United States addressed the Nation on the most critical problem facing us today, the war in Vietnam. I listened with undivided attention, and I have since read the text of his speech with great care. I find it a remarkable speech, not so much because of anything the President said—for he announced no bold new initiatives—but because of the candor and sincerity with which the President took the American people into his counsels and into his confidence. If it is true that in a modern presidential system of government only the President can effectively make and implement foreign policy, it is nonetheless true that no President can shape a successful foreign policy without the support of the American people. One of the great tragedies of this war is that our Nation became involved in the bloodshed by Presidential discretion, without the clear understanding and support of our people. President Nixon has seen that we cannot bring this war to an honorable end, we cannot redeem our commitment with honor, unless the American people know exactly what is going on. Last night the President told us. He recited the details of our involvement in Vietnam with the utmost candor and sincerity. But he went farther: He disclosed the full record of his own attempts at private negotiations and his personal appeal for peace in his letter to Ho Chi Minh; he made clear that from the beginning of his administration, and indeed from before the time that he took office, he has been personally dedicated to ending the war and insuring a lasting peace. No longer do we have a President who will not tell the American people the full story. I believe this speech will mark a turning point—not necessarily in the war, for that depends on Hanoi's response—but it will mark a turning point in our people's confidence in their Government. The credibility gap is gone.

To those who ask, "What is new?" The answer is: "Not what has been said but what has been done." What is new is not in the speech but in the record of this administration. President Nixon has turned the war around. Instead of escalating he is deescalating. Instead of sending American troops to Vietnam, he is bringing them home—and some 60,000 are now on their way, more than 20 percent of all our combat forces in Vietnam. The heavy fighting is now being done by South Vietnamese troops. And the President has made a firm commitment to seek a formal peace whenever Hanoi is ready to negotiate.

There is no new policy as of November 3. Why should there be, when the new policy that President Nixon began to put into operation in June and July of this year shows clear evidence of being successful? What is new about our Vietnam policy is that it is working. And lest there is any doubt about what that policy is, let me quote from the President's own words. He said last night:

> In July, on my visit to Vietnam, I changed General Abram's orders so that they were consistent with the objectives of our new policy. Under the new orders the primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam.

What is truly impressive about the President's handling of the war is that, despite the absolute refusal of Hanoi to negotiate in good faith, Mr. Nixon has been able to proceed on the second track of his policy, which is Vietnamization of the war, and he has been able to report impressive gains in the fighting capacity of the South Vietnamese and their ability to replace American troops in heavy combat missions.

I am sure that many of you have seen the press reports from Vietnam which indicate that the very journalists and private observers who have always been most pessimistic about America's involvement in the Vietnam war are having second thoughts. It may well be too early to sound the call for a "new optimism," but it is nevertheless clear that the South Vietnamese people are not about to give up quickly or desperately the security that many of them are beginning to feel under the Saigon government. The American Government has forsworn the attempt to gain a brutal military victory, but it now seems clear that the Vietcong and Hanoi are no closer to military victory themselves, and indeed their hold upon the people of many parts of the South may be slipping quietly away. Now is the time to negotiate seriously, and we should call upon Hanoi to make clear its good faith just as President Nixon has made clear his own.

Mr. Speaker, I would like to underline if I may another point that the President made in his address to the Nation last night. He stated clearly that he has worked out a plan, with the cooperation of the South Vietnamese, for the complete withdrawal of all U.S. ground combat forces, and their replacement by South Vietnamese. The timetable for withdrawal has not been announced, and the President firmly intends to maintain the flexibility needed to withdraw from strength and not from weakness. The schedule of withdrawal will be governed by three important factors:

First, the progress made by South Vietnamese forces who will replace our American combat troops; this factor depends on our allies' strength of will and our own capacity to train and equip them for the defense of their own Government.

Second, the withdrawal schedule will depend on progress made at the Paris talks, and as the President indicated last night, the responsibility for delay now lies squarely at Hanoi's door; if North Vietnam wants peace, the table has been set and they have been invited.

Third, and perhaps most important, the schedule will be worked out in view of the level of enemy activity in the South; here Hanoi will have a chance to show clearly if it wants peace, for if hostilities against our forces and the South Vietnamese are increased, it will be solely the initiative of Hanoi.

The significance of these provisions, as I see it, is this: American troops are coming home, regardless, and the Vietnamese will be encouraged to settle their problems among themselves peacefully and politically. But we will not leave a weak and unprepared ally to face an intransigently hostile foe, and at the same time we have made it clear that it is up to Hanoi to hasten or halt the search for peace, whether at Paris or on the battlefield in Vietnam. The initiative for war or peace now rests with them.

We are at a critical juncture in the development of American policy toward Vietnam and toward Asia. President Nixon needs the support of the American people to demonstrate that the United States will accept neither a military defeat nor a political humiliation. The American people can hasten the day when the last U.S. soldier leaves Vietnam if we will now give the President the vote of confidence he deserves—not for what he has said or promised, but for what he has actually done in turning the war around, and for what he is committed to do: bringing the war to an early and honorable end.

PRESIDENT'S SPEECH ON VIETNAM

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, the President's strong denunciation of a unilateral withdrawal certainly met with my approval. As I listened, I sympathized with the President. He has inherited a situation which is as difficult as any in history, with the possible exception of the decision President Lincoln had to make on the Civil War. It seemed to me that the President took the only rational approach. If we simply surrendered and said there is no hope—we are pulling out, we could have no self-respect as a nation. I liked his strong appeal for unity. Just now, we must unite behind our President if we are to negotiate a meaningful peace.

He announced no cease-fire. He said that we would continue withdrawal as quickly as South Vietnam troops can take over the military responsibility. The President is searching for a lasting peace in Vietnam. I thought he was right that we cannot give up a chance for lasting peace by immediate peace through surrender. That would be a disaster of immense magnitude and there would be no opportunity for lasting peace. The President has taken many steps which he hopes will bring about an early and peaceful settlement and yet insure the integrity of South Vietnam. I think the "silent majority," as he called them, will support him in his approach to "Vietnamize" the search for peace.

PRESIDENT'S SPEECH ON VIETNAM WAS CANDID, FORTHRIGHT STATEMENT

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speaker, I am pleased to join my colleagues in cosponsoring the Wright resolution.

I thought President Nixon's speech was a candid, forthright statement to the American people on the situation in Vietnam.

He stated the extent of our efforts to secure peace, and the cruel result which could be expected from a "precipitant" withdrawal—but he also gave us hope that there is now a plan to effect our withdrawal. I suppose we all hoped for an announcement of some dramatic breakthrough, but even more I believe the American people appreciate the truth.

It seems to me that the speech was directed as much to Hanoi as to the American people, and if Hanoi was listening the message should have been clear: the United States will continue to withdraw its troops as long as the tempo of the war continues to decline.

This is the heart of the so-called Grid plan, which I have advocated since 1967. Those of us who drafted the plan called it a "phased bilateral deescalation," and now that it is finally being implemented I am hopeful that the war will end by a mutual disengagement. The President's speech certainly opens the door wider on this avenue to peace.

PRESIDENT'S SPEECH ON VIETNAM

(Mr. McCLURE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLURE. Mr. Speaker, President Nixon's superb statement on Vietnam last night must have been reassuring to just about everyone. For those who felt we have been drifting from stalemate to stalemate, there is the knowledge of a plan for peace. For those who said that a land war in Asia should be the burden of Asian boys, there is comfort in the planned withdrawal of American combat troops on an orderly basis. For those who see this Nation as overcommitted, fighting Communist totalitarianism virtually alone, there is now the Nixon doctrine under which future aggression will be resisted through aid and leadership, but not manpower. For those who were appalled at the policies of limited escalation and gradualism, there is the President's implied threat that a "conscious decision" by the enemy to increase the conflict will result in "strong and effective measures."

For me personally, the President's most memorable words were these:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

How badly that needed saying.

It is not unlawful—or even un-American—to picket the White House or to lead a torchlight parade in behalf of peace. Nor is it un-American to oppose the President's foreign policy or demand immediate withdrawal of all American troops. But on the other hand, it is also not un-American to provide the leadership of the free world in behalf of liberty and against totalitarianism. And it is certainly not un-American to make the sacrifices—regrettably, but willingly—needed to maintain this freedom, just as American fighting men do each day in Southeast Asia.

None of these things are unlawful or un-American, but some are unwise. Surely we must again recognize the difference between those things which perpetuate the spirit of America and those which promote dissension and destroy the moral stamina of our people.

I sincerely hope the President's words unite the American people and that those men of influence who have made a career out of opposing the Vietnam war will put their personal ambitions aside long enough to let the message take its natural course.

FREE WORLD NEEDS PATRIOTS

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEALL of Maryland. Mr. Speaker, the President spoke last night of patriotism and national destiny, and noted that they "may not be fashionable" at this time.

And he may be partly right. Certainly there are those today who sneer at patriotism, who speak derogatorily of superpatriots and flag wavers, who downgrade pride in country and any talk of national honor.

But, Mr. Speaker, I am sure that the President's words struck a chord in the hearts and minds of millions and millions of Americans all across the country last night.

Americans whose grandfathers fought in the Civil War, or who fought in World War I, Americans who fought in World War II, or who are fighting in Vietnam. Americans of all ages and races and both sexes who know they live in the greatest country in the world and are proud of it.

Americans who cannot understand the talk of retreat and surrender.

Mr. Speaker, let me quote the President:

> Two hundred years ago this nation was weak and poor. But even then America was the hope of millions in the world. Today we have become the strongest and richest nation in the world. The wheel of destiny has turned so that any hope the world has for survival of peace and freedom will be determined by whether the American people have the moral stamina and the courage to meet the challenge of free world leadership.

Mr. Speaker, the kind of leadership the free world needs comes only from patriots and men with a sense of national destiny. We should be grateful that America's President is indeed a patriot, a man who intends that our country will live up to its destiny with honor and integrity and faith in God.

IT IS NOT "BUY NOW, PAY LATER"

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, in his address to the American people, President Nixon spoke with a forthright candor rare among Presidents discussing delicate international issues. He has spelled out why we are there, how our policies have changed, what we have done in an effort to bring the war to a peaceful conclusion, what the consequences would be if he took the advice of those urging a precipitous withdrawal.

Anyone who listened carefully could only conclude that this is a man of peace, genuinely, and fervently dedicated to the pursuit of peace—but a genuine peace, not the false peace that comes with a "buy now, pay later" tag.

It is time for America to abandon its illusions, and face up to the hard fact that there is no simple, easy way out. The sooner we accept this, the sooner the enemy will be ready to let the war end.

PRESIDENT GAVE HONEST AND DIRECTLY STATED APPRAISAL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, last night President Nixon addressed the Nation on radio and television to give the people a clear picture of what we are trying to do in Vietnam, and where he hopes his course will lead us in the future. It was an honest and directly stated appraisal that requires no "reading between the lines" for interpretation. The President should be applauded by all Americans for such frankness and honesty on a subject that has not always been treated the way his administration has treated it.

President Nixon indicated he clearly understands America's desire for peace. He outlined the unusual steps he has taken since becoming President to seek that peace. Unfortunately, he was obliged to report to Americans that there has been little or no response on the part of the other side in the war.

But his plan for peace and an end to the war means we can still reach those objectives if the South Vietnamese will do their part, and if the North Vietnamese do not escalate the war. Much now depends on the future actions in Hanoi—and those actions may depend on what those in this country who oppose our President do in months ahead.

The President is conscious of the fact that his action must stand the test of history—and that history is a harsh judge. I am sure it will stand that test.

The real question is whether America's national character will stand the test. I am confident that it will, also. It always has.

SUPPORT FOR THE PRESIDENT

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I am very pleased to have this opportunity of joining with my colleagues here on the floor of the House today to pay tribute to the speech I heard last evening by the President of the United States.

I heard the speech with mixed emotions. I listened very intently and very objectively. I listened with an open mind because I really wanted to know how the people would feel after they heard the speech.

At the conclusion of his remarks I was very proud to be an American. I am very proud to have President Nixon as the leader of our country. I agreed with everything he said. I wished that he had said more, but I realize that he must impose restraint on himself as the leader of this great country. He must also take into consideration many other factors that would lead him to moderation in his remarks to the people of the United States.

As I said, I felt great pride in our country and in our President; however, before the echoes of his words had died, we heard the nitpickers and the carpers, who sat in their smugness, taking him apart and criticizing. The critics told why his speech was not good and why it did not live up to their hopes and expectations. I could not help but feel that their remarks were prepared long before the President had even finished writing his speech. I am sure no matter what he said or in what manner his words might have been delivered, the reaction of some of those self-centered, self-appointed "molders of public opinion" would have been the same. This was very disappointing to me.

I know that those who criticize for the sake of hearing their own voices do not speak for the American people any more than the gentleman from New York (Mr. ROSENTHAL) who says he speaks for the silent majority. They speak for no majority whatever. They speak for themselves. They speak for those self-servicing, gutless people who would like to "bug out," to do anything to get out, to sacrifice everything America stands for, simply to serve the interests of a very vocal minority.

SUPPORT FOR THE PRESIDENT

(Mr. MARSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARSH. Mr. Speaker, last night the President appealed to the "silent majority" of Americans to take the leadership in providing national unity to support our foreign policy in Southeast Asia. This appeal was long overdue, and I congratulate the President for making it. I share the belief that the vast silent majority of our fellow citizens want to see the war end in such a way that it will secure the peace, and are willing to support the President in achieving that goal. It is for this reason that I have joined with my other colleagues in sponsoring this resolution today to show the President that there exists a reservoir of support and strength for his efforts to obtain an end to that conflict in such a way as to prevent a far wider war.

The President's speech is only the first step in achieving national unity. Ways and means must be provided for the silent majority to express their support. Time and time again, I have stressed the need for our Chief Executive to mobilize public opinion, and I have criticized past administrations for their failure to achieve greater citizen understanding of our objectives and greater civilian participation in our war effort. This failure resulted in the credibility gap, in my opinion.

In a democratic nation, you cannot effectively prosecute a war by a small group of power elite who make all the decisions and who do not incorporate into the effort the great strength and talent that is available outside of the resources of government.

The American people must be given ways and means to demonstrate their support of our efforts other than just sending their sons to the battlefields.

Citizens and civic groups that have tried to aid the American effort through civic action programs designed to demonstrate their support of the American military man, or to assist the Vietnamese people, often have found these efforts to be an exercise in frustration and futility. More often than not, they have met with continued discouragement in such attempts when they deal with agencies of Government charged with prosecuting a war effort, including the Department of Defense.

I hope the President will urge high-ranking Government officials who wonder about the erosion of public opinion here at home to devote some of their time and attention to ways they can help interested American citizens who want to put a shoulder to the wheel and demonstrate their support for the American cause and those who serve in our Armed Forces in Vietnam.

In March of 1968, I urged the creation of a blue-ribbon committee on ultimate victory in Vietnam, composed principally of prominent qualified figures from the private sector and given full backing by the administration in the matter of necessary expenses and access to the governmental centers of policy.

Ways and means should be found to develop teams from industry, agriculture, medicine, public safety, and professional public administration; and a bipartisan group of senior statesmen could be enlisted to formulate basic concepts and sweeping recommendations for getting a program of governmental and economic stabilization moving in the troubled land which is the Republic of Vietnam.

I am certain that business would respond, and that there are thousands of local civic service organizations which have been waiting to be asked to help, and to be told how to help, as they have in past wars.

I similarly urge creation of such a committee in order that the "silent majority" to which the President referred can be heard as the voice of the Nation.

DISAPPOINTMENT AT THE PRESIDENT'S SPEECH—THE SILENT SOUTH VIETNAMESE

(Mr. WALDIE asked and was given permission to address the House for 1 minute.)

Mr. WALDIE. Mr. Speaker, listening to my colleagues, I assume I was apparently one of the few people in the Nation that listened to the President's speech last night and was not in fact delighted with that which I heard. In part I suppose my disappointment was so great because of the great buildup for the speech, that the failure to meet those expectations and anticipations to any degree contributed to my disappointment. I would think that the President, instead of addressing himself just to the silent majority here in our country, ought to have also addressed himself to that silent majority in South Vietnam; the silent South Vietnam that does not fight, does not care, and does not like us or his own country.

We talk about bugging out and leaving South Vietnam subject to a blood bath. There are 1.2 million South Vietnamese men we have there under arms opposing roughly 400,000 of the enemy. If we pull out American troops, now, and leave 1.2 million South Vietnamese men who have been in an army for 6 years, confronting an enemy one-third in size, that is not bugging out unless that army is totally incompetent and incapable or does not care. That I suspect is the case. If that is the case, it does not seem to me that the best interests of America are any longer served by tolerating a casualty rate of 82 to 100 men dead a week while we leisurely pursue a withdrawal.

Let the silent South Vietnamese start speaking up and fighting for his country. We have done enough for them.

I was very disappointed, Mr. Speaker, at the President's address.

IN SUPPORT OF THE PRESIDENT'S SPEECH

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I had not intended to take the floor today, but I want to add my voice too as one of the Americans who was satisfied with the President's speech. I wonder where these people have been for the past 6 to 8 years who suddenly become dissatisfied with everything but who prior to January of this year never had the courage to raise their voice or, if they did so, it was in some obscure place where only those who attend the bar meetings would understand—and I do not mean places that attorneys frequent. I thought that the speech last night was the only speech that a sensible man who holds the distinguished post of President of this Nation could give. It was an outright offer for peace on honorable conditions. It was not one that held out the hand of total surrender. It was not one that would belittle or demean those who had fought with us—our allies—nor would it abandon those persons in Asia and the Asian Continent who have depended upon us so long. There is only one way to do things honorably. That is to keep your word. I think President Nixon is doing his best to keep the word of the two Presidents who preceded him in this very vital matter. I am not dissatisfied with the President, in fact I am very satisfied. I have at times been somewhat critical of his program. So if you are going to talk about the devil, then be the devil's advocate not just today but every day in your life and stand by your remarks and principles to the end.

THE PRESIDENT REPORTS ON VIETNAM

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. LATTA. Mr. Speaker, the President of the United States has made his long-awaited report to the Nation on the war in Vietnam. It was just that—a report—and not a pronouncement of a change of policy. Many had failed to heed the frequent admonitions from the White House not to expect any dramatic or startling announcements to be made during this report. Many would have preferred that the President use the occasion of his address to the Nation—and to the world—to announce further and accelerated withdrawals of American troops from Vietnam. He chose instead to bring the American people up to date on the conflict, to set forth guidelines for further deescalation of the American involvement and increased Vietnamization of the war, as well as recalling the history of our involvement. His was the type speech one would expect from a President determined to bring this war to an end in a way not to bring dishonor to his country nor to permit history to record that our tremendous sacrifices in Vietnam have been for naught.

The President recited the efforts of his administration to get North Vietnam to deescalate the conflict and to enter into meaningful negotiations. He pointed to his efforts to get Ho Chi Minh to break the deadlock at Paris just prior to Ho's death. He also pointed to efforts made to secure Russia's assistance in getting negotiations for peace underway.

All through President Nixon's address, one could sense that he was trying to impress upon the American people that the more divided we appear at home on this issue, the less likely it is that North Vietnam will choose to negotiate an end to this conflict. How difficult it must be for the President of our great country to labor for an honorable peace when his every action is challenged by one segment or another of our population and for him to know that these very challenges bring reassurances to Hanoi that all they have to do is to wait us out.

Notwithstanding the many obstacles intentionally or unintentionally laid in his path toward peace, the President had some progress to report. The Nixon administration has reversed a trend of the last administration and is bringing troops home instead of sending more and more of our young men to Vietnam. The President stated that by December 15, over 60,000 men will have been withdrawn from South Vietnam. Most importantly, this will be 20 percent of all of our combat troops.

President Nixon reported that the South Vietnamese have taken over more of the combat responsibilities, that enemy infiltration over the last 3 months is less than 20 percent of what it was over the same period last year, and most importantly, that U.S. casualties have declined during the last 2 months to the lowest in 3 years.

As for the future, the President announced a plan for the complete withdrawal of all U.S. ground combat forces and their replacement by the South Vietnamese forces on an orderly scheduled timetable. Naturally, the President did not announce this timetable, as it would have put an end to the Paris peace talks and would have given North Vietnam a schedule to wait out before moving into South Vietnam.

President Nixon mentioned two other factors on which he would base our withdrawal decisions—the level of enemy activity and the progress of the training program for the South Vietnamese forces. He went on to say that progress on both these fronts has been greater than we had anticipated. I welcome this progress and I am certain all of the American people do as it will bring our troops home—with honor—if it continues.

Mr. Speaker, as the President of the United States struggles to bring this war to an end, let us not forget his words:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

IN SUPPORT OF THE PRESIDENT'S SPEECH

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, let me add my words of support for the President and the message he delivered to the Nation yesterday. It is encouraging to note that support is bipartisan and I know the President will welcome the kind remarks of my Democratic colleagues, as well as Members of our own party. I have today joined with many other Members of both parties in introducing a resolution in support of the President in his efforts to negotiate a just peace in Vietnam.

I was particularly impressed with that portion of the President's speech relating to the Vietnamese taking over the responsibility of fighting the war in Vietnam as rapidly as circumstances will permit. I suppose people throughout the world will attempt to read something additional into the President's message. In this vein I would hope, that not only in Vietnam but throughout the free world other freedom-loving nations will be encouraged to assume their fair share of the burden of maintaining peace in the world. Also that our foreign policy will be based on the principle of helping nations who help themselves and that our friends in Europe will assume an increased share of the burden of protecting their interest and that of maintaining peace throughout the world.

The President, as I recall, said that we would support all of our treaty obligations; but, recognizing that the freedom-loving nations of the world have their own responsibilities, I believe we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense. Let us hope that our country will be united behind our President in his efforts to negotiate a just peace with the common enemy.

THE PRESIDENT'S SPEECH ON VIETNAM

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. McEWEN. Mr. Speaker, I join with so many of my colleagues today in commending the speech of our President.

I might say I was proud also of my Speaker's comments on this address.

Mr. Speaker, some 2 weeks ago I was privileged, along with some dozen of our colleagues in this Chamber, to meet with the President of the United States. At that time we had the opportunity of hearing our President fully express his views, his policies and, yes, his concerns, while at the same time soliciting our own views and concerns and what we believed to be the feelings of our constituents.

I want to say, Mr. Speaker, that from that meeting I came away with an awareness and an assurance that there was no need for anyone in America to take to the streets in order for the President of these United States to know the feelings of this country. He knows how the country feels.

At that time when our President asked of me what the feelings of my constituents were, I said then that I thought my own actions, in never having criticized by word or deed my President, be he the present President or his predecessor, were representative of the overwhelming sentiment of the majority of my constituents who were silently concerned.

Now, Mr. Speaker, the President has spoken to the silent concerned majority of America. I hope that not only those of us in this Chamber who have been heretofore silent and concerned, but our constituents all across America, will now speak out and let the President know that they stand behind him in his policy to bring peace to Southeast Asia.

WHAT IS NEW AND WHAT IS RIGHT

(Mr. BURTON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Utah. Mr. Speaker, no words could better sum up the strength of President Nixon's speech on Vietnam than those 11 simple but profound words he himself used in the middle of his speech. Speaking of his choice to pursue a policy he has already begun, he said:

> It is not the easy way. It is the right way.

Those stark, unadorned words, spoken from the depths of the mind and heart and spirit of a man of peace, are eloquent testimony to his intense desire for a just peace with freedom in Vietnam.

He has chosen to do what he knows is right. Not what is easy. Or necessarily even popular. But right.

That is all I want to know. That is all the American people want to know.

Does this man believe in his policy? Will he change it if enough demonstrators march in the streets? Will pressure make him cave in and sell out? Will he take the "easy way?" We have our answer. We have a President who says: "The right way."

It is my conviction that those words will echo through history when the sophistry and the cant and the misdirected eloquence of lesser men have long since been forgotten.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF H.R. 1961 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 86, referring the bill (H.R. 1961) to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. BROYHILL of Virginia. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DELILAH AURORA GAMATERO

The Clerk called the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero.

There being no objection, the Clerk read the bill, as follows:

H.R. 2817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Delilah Aurora Gamatero may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. Carlos C. Gamatero, a citizen of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Delilah Aurora Gamatero shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Carlos C. Gamatero, a citizen of the United States and a lawfully resident alien, respectively: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERRING JURISDICTION ON CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BERT N. ADAMS AND EMMA ADAMS

The Clerk called the bill (H.R. 7567) for the relief of Bert N. Adams and Emma Adams.

There being no objection, the Clerk read the bill, as follows:

H.R. 7567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Internal Revenue Code of 1954, the amounts received by Bert N. Adams and Emma Adams, of Yuma, Arizona, pursuant to a judgment rendered against the United States for infringement of a patent held by the said Bert N. Adams shall not be subject to income tax under chapter 1 of such Code.

With the following committee amendment:

Page 1, lines 7 and 8, strike "not be subject to income tax under chapter 1 of such Code." and insert "be treated as gain from the sale or exchange of a capital asset held for more than six months.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Bert N. Adams, deceased, and Emma Adams."

A motion to reconsider was laid on the table.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. AND MRS. WONG YUI

The Clerk called the bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DUG FOO WONG

The Clerk called the bill (S. 2019) for the relief of Dug Foo Wong.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia (Mr. Davis)?

There was no objection.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2059 of title 28, United States Code, as amended.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

Mr. HUNGATE. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman cannot reserve the right to object.

POINT OF ORDER

Mr. HUNGATE. Mr. Speaker, may I be heard on a point of order?

Mr. Speaker, I would raise the point of order that a reservation of objection to the unanimous-consent request would lie. This is not a reservation of objection to the bill. This is a reservation of objection to the unanimous-consent request to pass the bill over.

The SPEAKER. The Chair calls the attention of the gentleman from Missouri to the rules of the House, clause 6, rule XXIV, which can be found on the inside page of the Private Calendar for today, in connection with the call of the Private Calendar that:

> No reservation of objection shall be entertained by the Speaker.

Mr. HUNGATE. Mr. Speaker, may I be heard on that paragraph?

The SPEAKER. The gentleman from Ohio has asked that the resolution be passed over without prejudice and in accordance with the specific rule applying to the Private Calendar, no reservation of objection shall be entertained by the Speaker.

Is there objection to the request of the gentleman from Ohio (Mr. Brown) that the resolution be passed over without prejudice?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

BANK HOLDING COMPANIES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 587 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 587

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed five hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California is recognized for 1 hour.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 257]

Abbitt
Addabbo
Barrett
Berry
Biaggi
Blackburn
Blanton
Blatnik
Boland
Bolling
Brasco
Brown, Calif.
Byrne, Pa.
Cahill
Carey
Carter
Celler
Chisholm
Clancy
Clark
Clausen,
  Don H.
Clay
Cleveland
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Daddario
Dawson
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edwards, Calif.
Eilberg
Eshleman
Fallon
Farbstein
Feighan
Fish
Flood
Flynt
Ford, Gerald R.
Ford,
  William D.
Fulton, Tenn.
Garmatz
Gaydos
Giaimo
Gilbert
Goldwater
Green, Pa.
Griffin
Griffiths
Grover
Halpern
Hansen, Wash.
Hastings
Hébert
Helstoski
Howard
Jarman
Jonas
Jones, Ala.
Kee
Kirwan
Kleppe
Koch
Lipscomb
Lowenstein
Lukens
McClory
McDonald,
  Mich.
McKneally
Mann
Mathias
Mayne
Meskill
Monagan
Morgan
Morton
Murphy, N.Y.
Nix
O'Hara
Olsen
Passman
Patten
Pepper
Pike
Pirnie
Podell
Poff
Powell
Pucinski
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ryan
Scheuer
Smith, Iowa
Smith, N.Y.
Snyder
Steiger, Ariz.
Stokes
Stubblefield
Taft
Teague, Tex.
Thompson, N.J.
Udall
Utt
Vigorito
Watkins
Watson
Watts
Weicker
Whalley
Whitehurst
Whitten
Widnall
Williams
Wolff
Wyatt
Wydler
Yatron
Zion

The **SPEAKER** pro tempore (Mr. ALBERT). On this rollcall 292 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

BANK HOLDING COMPANIES

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 587 provides an open rule with 5 hours of general debate for consideration of H.R. 6778 to amend the Bank Holding Company Act of 1956, and for other purposes. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The principal purpose of H.R. 6778 is to bring within the regulation of the Bank Holding Company Act of 1956 companies which control only one bank. Another purpose is to broaden the scope of activities in which bank holding companies can engage beyond the rigid standard set forth in the 1956 act, while at the same time retaining the separation between banking and bank related activities, on the one hand, and industry and commerce, on the other. This is accomplished by permitting the Federal Reserve Board to approve nonbanking activities of bank holding companies which are "functionally related to banking."

All bank holding companies, one-bank as well as multiple-bank holding companies, would be subjected to the 1956 act.

As amended, the bill retains the Federal Reserve Board as the administering agency and gives the Board added flexibility in administering the act. It treats one-bank and multiple-bank holding companies alike.

Under the present act holding companies owning no more than one bank are permitted to engage in any other business activities regardless of whether they are related to banking.

Mr. Speaker, as a result of actions taken by the Congress some years ago there has been a very rapid buildup in so-called one-bank holding company activities.

I am sure my colleagues will agree, if they are in the same position that I am, that this is a rather controversial issue. I am sure all Members have received a large variety of mail on the subject, both pro and con.

Let me simply say, Mr. Speaker, the Committee on Rules heard a good deal of discussion on this subject at the time the Committee on Banking and Currency sought a rule. There was a specific request by the members of the committee, including the chairman of that committee, the distinguished gentleman from Texas, to make in order a bill recently introduced by the gentleman from Pennsylvania (Mr. MOORHEAD). There were a variety of other suggestions at that time. The Committee on Rules in its wisdom, and you may agree or disagree with the wisdom that we used with reference to this, decided to report the bill as brought to the committee and as reported out by a majority vote of the Committee on Banking and Currency.

It is my understanding that there will be, of course, since it is an open rule, a variety of amendments offered in one form or another. On the other hand, it is my understanding that certain provisions of the Moorhead bill will not be considered germane and would, therefore, not be in order. But I do think it is well that we understand, as I have indicated, that there is substantial controversy surrounding this legislation. I would assume that most Members would want to attune their time in order to be available at the time this bill will be open for amendment.

As has been indicated, there are 5 hours of general debate allowed because of the complexity of the subject, and I am not sure whether the committee will use the entire 5 hours or not. But it was the judgment of the Committee on Rules that they be given the 5 hours in order to explain amply the various positions that various Members have taken in connection with bringing under regulation of the One-Bank Holding Company Act the one-bank holding companies.

Mr. Speaker, I urge the adoption of the resolution in order to permit the Committee on Banking and Currency to discuss the provisions of H.R. 6778.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from California very ably, House Resolution 587 provides an open rule with 5 hours of debate for the consideration of H.R. 6778, the bank holding company bill.

Mr. Speaker, the purpose of the bill is to bring under the regulation of the Bank Holding Company Act of 1956 those holding companies which have up to now escaped regulation because they controlled only one bank.

Additionally, the bill broadens the scope of activities in which any bank holding company may engage, in addition to its banking activities, such activities to be determined and regulated by the Federal Reserve Board.

Congress has long seen the desirability and necessity of the basic separation of banking activities from other business operations. This principle has been embodied in Federal law since 1933 and was fully enunciated in the 1956 Bank Holding Company Act. That act prohibited any company holding 25 percent or more of two or more banks from engaging in non-bank-related activities or business. Companies controlling only one bank were exempted from the provision of the act. In recent years this exemption has proven a problem as major banks have discovered it and, by restructuring themselves into holding companies controlling only one bank, have been able to go into business activities forbidden to holding companies covered by the act.

The purpose of this legislation is to curb this growing trend.

The bill repeals the exemption for one-bank holding companies. However, for those companies already formed and operating non-bank-related business prior to February 17, 1969, no divestment requirement is included. They will be permitted to continue as before, but may not add other non-bank-related operations to their business activities.

Regulation of all bank holding companies will continue to be done by the Federal Reserve Board. It will decide what activities are permissible and what are not for a bank holding company under the new language which somewhat expands the area of permitted activities. Any nonbanking activity which the Federal Reserve Board determines to be "functionally related to banking" may be engaged in. Two areas are forbidden to banks—insurance agency business and sale of mutual funds.

Prevailing views are filed by a bipartisan group favoring the bill. They believe it remedies the existing abuses and will stop future ones. Further, they believe it unfair to cut off bank holding companies lawfully operating prior to February 17, 1969, under the existing exemption which permits such companies to engage in non-bank-related businesses. These members do not believe such companies should be forced to divest themselves of such operations. The date selected is the date of the introduction of legislation to remove this exemption; they believe it to be a fair date. Finally, these members support the broadening of the possible areas of activity for all bank holding companies, under regulation and control of the Federal Reserve Board, and using the new criteria of "functionally related to banking." This is in line with testimony on the subject by Board Chairman William M. Martin.

Additional views are filed, opposing the bill in its present form, by Chairman PATMAN and 11 members. They agree that action is necessary but oppose specific features of the bill.

As stated by the gentleman from California (Mr. SISK), H.R. 14403, introduced by the gentleman from Georgia (Mr. BLACKBURN) and others on October 20 of this year, was not made in order as a substitute. The committee bill itself is a substitute, and that was made in order, so that measure, H.R. 14403, as suggested, will have to be considered in the nature of an amendment. My information is that people are all over the lot on this one. Some travel agents want it, some travel agents do not want it; some banks want it, some independents do not want it. All of them seem to say that they will accept it. They want the grandfather clause moved back.

I imagine that during the 5 hours debate we will have quite an elucidating education as to H.R. 6778, the bank holding company bill. Undoubtedly you will all like to stay around for the next couple of days and listen to the debate.

Mr. Speaker, I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BENNETT).

(Mr. BENNETT asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. BENNETT. Mr. Speaker, the one-bank holding company bill, H.R. 6778, is one of the important pieces of legislation this Congress will face.

On the first day of this session I introduced H.R. 946, a bill simply to eliminate all exemptions in the Bank Holding Company Act of 1956; and I testified before the committee, when hearings were held on this matter. My bill would eliminate all the remaining exemptions in the Bank Holding Company Act of 1956. A bank holding company, after the passage of my bill, which chose to keep its bank would have to divest itself of its nonbanking businesses.

I believe in the principle established by the Glass-Steagall Act of 1933: That it is in the public interest for banks and nonbanking businesses to remain separate.

This principle was first laid down by Congress during the depression partly because of the relationship established at that time between commercial banks with nonbanking activities, and the stock market crash of 1929.

The House Banking and Currency Committee and the House of Representatives in 1955 upheld this principle that banks and nonbanking businesses should not do business under the same management. This was in the hearings which led to the enactment of the Bank Holding Company Act in 1956. The House agreed in 1955 and again in 1965 endorsed this policy in a record vote, 199 to 178. This is a sound and good policy, protecting our competitive, free enterprise system.

Mr. Speaker, my bill would have insured this policy—twice supported by the full House of Representatives. I am disappointed it was not reported to the House floor, because it would have eliminated the loopholes written into the Banking Act of 1956. H.R. 6778 fails to meet this test.

Chairman William McChesney Martin of the Federal Reserve Board testified to the House Banking Committee that he favored some kind of a "grandfather clause," and suggested a fixed date or as an alternative exempting "companies with banking assets of less than $30 million and nonbank assets of less than $10 million," Chairman Martin said in the hearings:

> An exemption for companies with banking assets of less than $30 million and non-bank assets of less than $10 million would not seriously weaken the protection this legislation is designed to provide, while it would recognize that divestiture would be particularly difficult for small, closely held holding companies.

About 85 percent of the one-bank holding companies in existence September 1, 1968, had deposits of less than $30 million. Vice Chairman J. L. Robertson of the Federal Reserve Board also supports this amendment.

Although the House has twice passed a measure without this savings clause, the measure has twice been greatly reduced in the Senate—so I favor the Martin suggestion as a method of increasing the chances of Senate support.

In order to accomplish what I think should be done I have drafted the following amendment. I hope to be recognized for the introduction of this amendment during the amendment proceedings on the bill before us. My amendment reads:

Amendment To Be Offered to H.R. 6778 by Congressman Charles E. Bennett

Strike all after the enacting clause and insert in lieu thereof:

"That subsection (a) of section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a), as amended by Public Law 89–485) is amended by striking the words 'each of two or more banks' wherever such words appear and inserting in lieu thereof the words 'any bank'.

"SEC. 2. The first sentence of subsection (a) of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89–485), is amended to read as follows:

"'It shall be unlawful, except with the prior approval of the Board, (1) for any action to be taken that causes any bank to become a bank holding company or any other company to become a bank holding company with respect to more than one subsidiary bank; (2) for any action to be taken that causes a bank to become a subsidiary of a bank holding company; (3) for any bank holding company to acquire direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will directly or indirectly own or control more than 5 per centum of the voting shares of such bank: (4) for any bank holding company or subsidiary thereof, other than a bank, to acquire all or substantially all of the assets of a bank: or (5) for any bank holding company to merge or consolidate with any other bank holding company.'

"SEC. 3. The first sentence of subsection (c) of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c), as amended by Public Law 89–485) is amended by striking the words 'shall not apply to any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and such prohibition shall not, with respect to any other bank holding company' and inserting in lieu thereof the words 'shall not, with respect to any bank holding company'.

"SEC. 4. The provisions of this law shall not apply to one-bank holding companies with bank-assets of less than $30,000,000 and nonbank assets of less than $10,000,000."

Mr. Speaker, the health of the American economy is in part dependent upon keeping the business of banking completely separate from nonbanking business.

There are several important reasons for this:

First. Depositors' funds in a bank doing business with a subsidiary business can be threatened because of the extension of unwise credit to the nonbanking subsidiary. Some of our largest banks in the 1920's were guilty of this type of activity, which caused detriment to depositors, stockholders, and the public at large.

Second. Banks are the principal suppliers of credit and capital to industrial and commercial businesses in our Nation. They are in a position to discriminate against businesses other than their own nonbanking businesses in the extension of credit. This is a particularly serious problem in the many cities and towns in the country where there are only one or two major banking institutions to which business can turn for substantial amounts of credit.

Third. Banks which own or are owned by nonbanking businesses are in a position to demand, with minor regulation, that borrowers do business with their subsidiaries to continue a good relationship with the bank. This is a basic threat to competition and creates unfair competitive practices.

Fourth. The size of the combined banking and nonbanking aggregation is in itself a thrust toward monopoly.

The Banking Act of 1933 did not solve the problem completely because bank holding companies were formed to get around the law by allowing such companies to own banks and businesses, since it was not the bank that owned the business. For 20 years, between 1936 and 1956, the Congress was urged by the three different Presidents and the Federal Reserve Board to enact legislation bringing bank holding companies under adequate Federal bank supervision. The rapid expansion of bank holding corporations and bank mergers in the 1950's led to the enactment of the Bank Holding Company Act of 1956.

The report on the 1956 act outlines the reasons for requiring bank holding companies to divest themselves of nonbanking businesses:

> The reasons underlying the divestment requirement are simple. As a general rule,

> banks are prohibited from engaging in any other type of enterprise than banking itself. This is because of the danger to the depositors which might result where the bank finds itself, in effect, both the borrower and the lender.
>
> The bank holding company is under no such restriction. It may acquire and operate as many non-banking businesses as it has funds and the disposition to acquire. There are in the country today . . . banking holding companies which, in addition to their investments in the stocks of banks, also control the operations of such non-banking businesses as insurance, manufacture, real estate, mining, and a number of other.

The report continued:

> Whenever a holding company thus controls both banks and non-banking businesses, it is apparent that the holding company's non-banking businesses may thereby occupy a preferred position over that of their competitors in obtaining bank credit.

Significant exemptions were written into the act of 1956, which violate the principle adopted in 1933 by the Congress and I believe all exemptions should be removed from the 1956 act.

In signing the 1956 act into law, President Eisenhower said:

> As a result of the various exemptions and other provisions, the legislation falls short of achieving these objectives . . . The exemptions and other special provisions will require the further attention of the Congress.

In its first report after the passage of the 1956 act, the Federal Reserve Board said:

> If it is contrary to the public interest for banking and non-banking businesses to be under the same control, the principle is applicable whether a company controls one bank or a hundred banks, and the possibility of abuses from such common control is the same. In fact, if a company controls only one large bank, that company's interests in extensive non-banking businesses could lead to abuses even more serious than if the company controlled two or more very small banks.

In 1955, when the bank holding company legislation came up in the House of Representatives the bill contained no exemptions as I have outlined to you. The House Banking and Currency Committee had hearings and reports and decided that no exemptions were necessary and there was no reason for them. The bill, which I voted for, passed the House on June 14, 1955, by a vote of 371 to 24. Then the bill went over to the Senate where the exemptions were written into the bill.

In 1965, two bills were reported by the House Banking and Currency Committee. One would have removed the financial general exemption from the 1956 act, and the other would have removed the Du Pont estate exemption. The Du Pont bill came to the floor first.

I had attended many of the House Banking Committee meetings on the Du Pont legislation, has made a detailed and thorough study of the Banking Act of 1933 and the Bank Holding Company Act of 1956, and had meetings with the staffs of Federal Reserve Board and the House Banking Committee.

When the time came to make a decision on H.R. 7371, the bill to remove the Du Pont exemption. I was well prepared on the issue and was convinced as to what the right thing was to do, that is, remove all exemptions or in lieu of that any one or more of them.

The bill, H.R. 7371, came before the House on September 13, 1965. In the debate on the rule to determine parliamentary procedure for the bill, I announced that I would carry out the recommendations of the Federal Reserve Board and try to remove all the exemptions to the Bank Holding Act of 1956, or failing in that, to eliminate any exemption that the House would agree to eliminate.

The House passed my amendment in 1965 to eliminate all exemptions to the 1956 act by a vote of 199 to 178 and passed the bill as amended by a voice vote. The Senate agreed with the House, to eliminate the Du Pont exemption and several others but retained the one-bank holding company exemption and the labor union exemption and that is the way the law is today.

Since 1965, I have had legislation pending to eliminate all exemptions in the Bank Holding Company Act of 1956. Mine was the first bill introduced in the current Congress to do this.

In the last year or so there has developed great concern over the increased formation of one-bank holding companies and the growth in this area represents a present danger that a few corporate giants and big banks could control the economy of the Nation, leading to more monopoly and less competition. There is concern about this problem not only because of the increasing holding company operations, but because of the greater incidence of chain banking raising serious questions about concentration and monopoly.

Since 1955 one-bank holding companies have grown from 117 to almost 800 today. In 1955, the deposits of the 117 one-bank holding companies were $11.6 billion.

Under the present banking laws, the activities by one-bank holding companies are not regulated and the Federal Reserve Board cannot prohibit business dealings between banks and other nonbanking subsidiaries of the holding company. The only power the Federal Reserve Board has in this is the periodic audit which it has for all Federal Reserve member banks.

It is conceivable that a holding company would combine, say, General Motors, General Motors Acceptance Corp., a major bank, a major builder, and major insurance companies.

The purposes of the Bank Holding Company Act, to prevent intermingling of banking and nonbanking activities, and to curb the concentration of power in banking, are being nullified by the exemption on one-bank holding companies.

I believe in the words of Federal Reserve Board Chairman Martin, who said recently:

> This is a real can of worms. It can affect the whole capitalistic system in the United States. The line between banking and commerce should not be erased.

Traditionally, the strength of American business has been in its diversity. The continuation of the one-bank holding company exemption clearly has the ability to bring this Nation to a point where a handful of huge conglomerates could control our total economy.

This trend must be checked if we are to continue a healthy, free enterprise and competitive society, which our strength rests upon.

The three bills considered in the House Banking and Currency Committee, the chairman's bill, H.R. 6778, the administration bill, H.R. 9385, and my bill, H.R. 946, sought to eliminate or vastly reduce the significance of one-bank holding companies but the method of going about this was vastly different in the three proposals. I felt my bill was a simple, easily understood measure based on sound principle. If the need for legislation is as great as it appears to be, then we must protect the public to as great a degree as is possible under the law.

Mr. SISK. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I rise to give a little bit of the background of the legislation, which is before the House at this time. I hope to give some indication of how the debate should run and what the outcomes pro and con will probably be.

In 1965 we considered legislation on bank holding companies and came to the determination, after having had the question before us over the years, that the Congress would set under the Federal Reserve System controls over the bank holding companies having two or more banks. Regardless of how we look at the arguments here as to why the one-bank holding companies were not covered then and why there were other exemptions, such as the one in which we exempted the testamentary trusts—and we had to address ourselves to that in 1967—we are here now, in 1969, addressing ourselves to the largest exemption we had in 1965, which was the one-bank holding company.

Since March of 1965, 87 commercial banks have formed or are forming one-bank holding companies. During the period since March 1965, there were the first stirrings of those who saw the great opportunities for expanding banks and bank operations under this form of corporate organization. Especially was there movement after 1967, because 61 banks out of the 87 have formed one-bank holding companies since 1967.

Why all this drive? I think if we look at the history of banking we will find bankers were by and large rather a prosaic group in terms of how aggressively they addressed themselves to their role in the economy. They tended to sit in the quiet, musty interior of the bank and gather in deposits and await the suppliant public seeking loans. This was true until we got past World War II. At that time there began to be a great deal of aggressive action by other financial institutions and the requirement in modern days came strongly on line for capital, because we came out of a period of time when new businesses tended to have a balance between what they required in manpower and what they required in machinery or capital investment, to a heavy distortion on the part of capital requirement.

For instance, I will use an example out of my own district. Before World War II the Dairy Belt which was in my district was pretty heavily populated with small dairies, with 40 to 60 cows, usually run by a Dutch or Portuguese family with six, eight, or more children. This was one of the most economical units, because there were many milkers in the family. A dairy could be run with 60 cows and maybe 100 or 200 acres and with enough kids, because they provided manpower to balance off the investment of capital.

Today I have far fewer dairies. I would say there are less than one-twentieth of the dairies we had at the beginning of World War II. There are not now 40, 50, or 60 cows; there are from 300 to 600 cows. The dairy operation does not need kids, because there are electrical machines to do the milking. But if one wants to go into the dairy business, it is necessary today to have at least a half million dollars.

This is an example of what has happened in the business world of the United States. A heavy investment in capital is required to go into almost any business enterprise today.

With these requirements for capital it was clear there was money to be made in accumulating capital. The banks saw this. They have aggressively answered the call for trying to accumulate capital. They do not wait for deposits. Banks solicit and bid for time deposits as well as saving deposits. The banks are going to the market with bonds. They are in the Euro-dollar market. Anywhere capital is available, the banks are out early and late working for the Yankee dollar.

In doing that they have also wanted to get in on part of the action where the capital goes to work. They have become service organizations as well as capital accumulating institutions, because just accumulating capital was not enough. Some people could do that easier than the banks.

Banks have become service organizations and they are trying to expand their services. They see in the full range of business needs of their loan and deposit clients a broad spectrum of services which they could collectively supply efficiently and effectively. By and large I believe that is all right. However, there has to be a balance in our economy between those who have financial capability and those who have productive capacity and service capacity in the broad sense. We should not have the two competing one against the other in a way which makes for unfair competition; that is one of the basic economic policies of America. The challenge is to encourage proper and productive innovation but protect against unfair advantage or unjustified economic power.

We want to make America strong. We want to do all we have to to keep up with all the other economies in the world. But we want to keep within our country a balance between these forces of innovation and competition.

That is what this bill is all about. We should not do in this bill anything to destroy the opportunities of the banks to play a new dynamic role such as they are now playing. On the other hand we should not give them any opportunity to be unfair competitors in fields of enterprise in which, having capital controls and having capital abilities, they would be able to outbid services of other persons who have been giving the services and doing the production.

I believe that if the Members will follow on that line we may be able to come out with a good bill here.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6778, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 2½ hours, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 2½ hours.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, in the next 2 or 3 days the House of Representatives will be considering legislation to regulate the activities of one-bank holding companies. While this may seem to be a dry, technical subject, it is, in fact, a matter of grave concern to millions of people and thousands of businesses across the United States.

Every so often, a fundamental issue, which has been avoided, evaded, passed over or ignored for a long period of time finally comes to a head. Circumstances require that the delay in meeting such a basic issue head on is no longer possible or acceptable.

In my opinion, the Congress and, indeed, the country has reached this point concerning the effective regulation of bank holding companies. This issue, however, is much broader than the regulation of this type of business activity. It concerns the question of the proper relationship between the business of banking and all other businesses. It is not strictly a banking issue at all, or even an issue involving the relationship among different segments of the financial community. It is, in essence, a question whose answer could shape the ultimate structure of the entire American economy for many years to come.

Interest in this issue has been reflected in administration circles as well as in Congress. For example, the concern of the Federal Reserve Board about this matter was expressed recently by J. L. Robertson, Vice Chairman of the Board of Governors.

Governor Robertson said—

> We believe that the recent accelerating trend toward the establishment of [one bank holding] companies underscores the need for a re-examination of the Bank Holding Company Act. The Board is currently studying this important question which has so many ramifications, not only for banking but for the basic structure of our economy.

The basic issue before us is a fairly simple and a very fundamental one. In the 1930's Congress emphatically decided that the health of the American economy depended in large part on keeping the businesss of banking separate from all other businesses. The history, background, and development of the circumstances surrounding this issue, however, are not so simple. It took 20 years to obtain enactment of the Bank Holding Company Act of 1956. And, as pointed out by President Eisenhower on signing this landmark legislation, there remained many weaknesses and loopholes in the original Bank Holding Company Act which he urged the Congress to correct.

The time has now arrived when we can wait no longer to consider amending this legislation to plug these loopholes. The growth of unregulated bank holding companies over the last few years has been as dramatic as it is alarming. In 1965 there were estimated to be 550 one-bank holding companies with commercial bank deposits totalling $15.1 billion. The average deposit size of the bank subsidiaries of these 550 unregulated one-bank holding companies at that time was only $27.5 million. In 3 short years, however, by the end of 1968, the number of one-bank holding companies had grown by over 200 to 783, including those either created or planned. The total commercial bank deposits of these 783 unregulated one-bank holding companies was $108.2 billion. The average deposit size of the bank subsidiaries of these holding companies had grown five times to $138.2 million.

Congress did not think it necessary to regulate one-bank holding companies in the 1956 act because almost all of them at that time were quite small and had little overall economic power. But by 1969, due to the dramatic growth in one-bank holding companies outlined above, it became clear that the major banking institutions in the United States were prepared to use this device to expand into many nonbanking fields prohibited to them as banks by the banking laws. In addition, many large conglomerates decided to become one-bank holding companies by acquiring banks.

The growth of these unregulated one-bank holding companies has continued during 1969. Hardly a day goes by when there is not another announcement of the formation of new unregulated one-bank holding companies. Possibly as much as 40 percent of all commercial bank deposits in the entire United States are now held by one-bank holding companies. Among those who have converted to one-bank holding company status are nine of the 12 largest commercial banks in the United States.

Why is this issue so important to the future of the American economy?

Our economy cannot function properly without a sound, efficient, and objective banking system which will allocate credit and provide other banking services on a fair and equitable basis. Therefore, it is imperative that we continue to maintain the separation of banking activities from other businesses that has existed in Federal law since 1933.

As the prime source of credit, banks are in a unique position. No other business activity can exert this type of pressure and influence against other businesses. It has an exclusive monopoly on bank deposits. No other financial institution can accept deposits. Commercial banks have an exclusive, lucrative franchise on that. Clearly the banks are in a position to engage in unfair competition when they move into nonbanking businesses. The potential abuses are many but let me list some of the major dangers when a bank becomes part of a bank holding company operation:

First. Unsound lending decisions by banks feeding unwarranted amounts of credit to nonbank subsidiaries of the holding company.

Second. Loan discrimination of banks in favor of enterprises owned by the holding company and against companies which compete with subsidiaries of the holding company.

Third. Banks forcing borrowers, particularly small businesses, to purchase nonbanking services and goods from other subsidiaries of the holding company in order to obtain banking services, thus further tightening control and forcing a greater concentration of economic power.

Fourth. Banks using confidential information obtained from customers to enable other subsidiaries of holding companies to compete unfairly with their own customers.

Now, these problems are not theoretical or potential. The Banking and Currency Committee heard testimony during its lengthy consideration of H.R. 6778 concerning the kind of pressure banks have exerted to gain customers for various departments of the bank, including travel departments, accounting and bookkeeping departments and data processing services. Banks have been accused of requiring loan customers to furnish lists of their customers to the bank, and then the bank has used these lists to solicit business for the bank at the expense of their own customers. And a subcommittee of the Judiciary Committee has heard testimony recently on how banks can use their life and death power to grant or withhold credit to influence critical policy decisions of nonbanking corporations. This is a very serious problem under present circumstances. Just think how much more serious it would be if banks were permitted to go into any significant nonbank businesses. This is why the present situation requires the complete separation of banking activities from nonbanking activities.

The bill before us today, H.R. 6778, as amended, can be briefly described as follows:

First. It brings holding companies controlling 25 percent or more of the stock of one bank under regulation of the Bank Holding Company Act for the first time. Present law regulates bank holding companies which control 25 percent or more of the stock of two or more banks.

Second. It changes slightly the definition of nonbank activities in which bank holding companies may engage from that set forth in the 1956 act.

Third. It prohibits bank holding companies from engaging in the insurance agency business and the underwriting, public sale or distribution of mutual funds.

Fourth. It permits bank holding companies being regulated for the first time as a result of this legislation to continue to carry on all nonbank activities operated by them prior to February 17, 1969.

Let me discuss for a moment in some detail H.R. 6778, as amended, and reported from the House Banking and Currency Committee. Under section 1(c) of the bill, section 4(c)(8) of the Bank Holding Company Act would be amended by modifying to some degree the basis on which the Federal Reserve Board determines what nonbank activities bank holding companies and their subsidiaries may lawfully be permitted to engage in. The new test for the Federal Reserve Board to apply is that the activity must be "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects." While many members of the committee preferred to use the term "closely related to banking" instead of "functionally related to banking," it is not felt that there is any substantial difference between the two tests. In addition, it is extremely important to understand that, under the language of the amendment reported from the committee, the Board must determine not only that the activity is functionally related to banking, but that permitting a bank holding company or its subsidiary to engage in a particular activity must also be likely to produce genuine and substantial benefits to the public that would outweigh any possible adverse effects created by performance of such activity.

This language concerning the benefits to the public that outweigh possible adverse effects was taken from a suggestion made by the Federal Reserve Board. This proposed legislative language is found on page 220 of the hearing record of H.R. 6778. We can draw from the text of the Federal Reserve Board's recommendation the kind of criteria they would apply in making a judgment on whether a particular activity sought to be engaged in by a bank holding company or a subsidiary would benefit the public or, on the other hand, would have possible adverse effects. On the benefits side, the Board would have to make a judgment as to whether the particular activity would tend to offer the public such advantages as greater convenience, increased competition, or gains in efficiency. Some of the specific adverse effects to be considered in ruling on an application would be whether such activities, if carried on by the applicant bank holding company or its subsidiary, would tend to create the possibility of undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.

These are the kinds of judgments that the Federal Reserve Board should make in approving or disapproving an application under the proposed new section 4(c)(8). The criteria listed above, however, are not all-inclusive, and other public interest factors should also be considered.

Another important point should be made. The public benefit standard in the proposed bill as reported includes the competitive factors, bringing into play the very important antitrust considerations necessary for proper review of such applications by the Board, as well as by the courts, if an appeal from the Board's decision is made.

My personal view is that these specific criteria outlined above should be contained in section 4(c)(8) rather than leaving it to the Board, as it seems they will, to interpret the amendment as reported to include these specific criteria. I will explain a little later on why I believe we should amend this section of the bill to specifically include these criteria.

While H.R. 6778, as amended and reported by the Banking and Currency Committee does for the first time bring one-bank holding companies under Federal regulation, the bill as reported also contains in the opinion of several members of the committee, including myself, certain grave deficiencies and omissions which must be corrected by amendment if Congress is to deal with this most serious economic problem in an effective and thorough way. Therefore, a number of amendments will be offered concerning these deficiencies. Some of these amendments, I understand, will receive support from both Democratic and Republican members of the committee.

Perhaps the most glaring deficiency in the bill is the so-called grandfather or forgiveness clause. The basic principle embodied in the Bank Holding Company Act is to completely divorce bank and bank-related activities from all other business activities. The February 17, 1969, grandfather clause in the bill as reported would reward certain one-bank holding companies by permitting them to engage in a large number of non-bank-related activities simply because those who control these companies anticipated that Congress would plug the one bank loophole. Such a grandfather clause is bad for a number of reasons:

It rewards those, for no particular reason, who entered non-bank-related businesses prior to the cutoff date in order to avoid regulation.

It creates unfair competition for banks and bank holding companies which would have to compete on unequal terms with their competitors who gain an advantage from the grandfather clause.

It permits a large number of important banking institutions to carry on, through the holding company device, a substantial number of non-bank-related activities and would, therefore, allow them to compete unfairly with nonbank competitors.

Personally, I am opposed to any grandfather clause. The present act provides for up to a 5-year period within which the newly regulated holding companies could divest themselves of nonqualifying nonbank activities. In addition, Congress has traditionally permitted such divestiture to take place on a tax free basis, since it is required by change in the law. Therefore, it is highly unlikely that anyone would suffer financially from passage of this bill without a grandfather clause.

However, the Congress did recognize in 1956, when the original Bank Holding Company Act was passed, that there were a substantial number of one-bank holding companies operating very small banks in small communities which could only be profitable if they were allowed to engage in nonbank activities. Therefore, some contend that a reasonable exemption from the Bank Holding Company Act should be provided for these small, traditional one-bank holding companies. It is clear that neither the grandfather date in H.R. 6778, as reported, of February 17, 1969, nor the grandfather date supported by the administration of June 30, 1968, is necessary to protect these small, traditional one-bank holding companies. The principal advantage of these dates is to allow a few large holding companies created between 1965 and 1968 or early 1969 to continue to mix banking and nonbanking activities in the future.

If there must be a grandfather clause, it seems to me that there are two reasonable alternative approaches. One would be to set the grandfather clause date at January 1, 1965. The reason for this is that the movement of large corporations, both banking and nonbanking, into the one-bank holding company field began in 1965. Almost all the one-bank holding companies existing before 1965 were the small, traditional, one-bank holding companies.

Because of my concern for the special privileges that would be obtained by certain corporations due to such a late grandfather clause as February 17, 1969, or June 30, 1968, I stated in my individual views, printed along with the report on H.R. 6778, that I would provide all Members of Congress with data concerning the corporations benefiting from that date. The basic findings of this survey, which was printed in the CONGRESSIONAL RECORD of October 21, 1969, beginning at page H9776, are as follows:

A total of 239 one-bank holding companies formed on or after January 1, 1965, and carrying on one or more nonbanking activities has been identified.

These 239 one-bank holding companies operate 575 nonbank subsidiaries engaged in no less than 124 different nonbank activities.

These 239 one-bank holding companies are located in 33 States and the District of Columbia. They operate banks in 31 States, having total deposits of over $15 billion.

Among the one-bank holding companies whose nonbank activities are exempted from divestiture under the proposed grandfather clause are the largest independent finance company in the United States, assets $3.7 billion; the largest trading stamp company in the United States, assets $422 million; the 114th and 293d largest industrial companies in the United States, assets $605 million and $667 million, respectively; the sixth largest retailing company in the United States, assets $2.6 billion; and a holding company controlling the 29th largest commercial bank in the United States, deposits $1.5 billion.

The nonbank activities of these recently created one-bank holding companies are likewise spread throughout the United States and are carried on in 33 States and the District of Columbia. The total assets of these companies run into the many billions of dollars.

The nonbank activities of these bank holding companies range over the entire spectrum of business activity, but are heavily concentrated in the following areas: insurance agencies, insurance companies, real estate, various types of credit and finance companies, department stores and retail outlets, and many types of manufacturing concerns.

It is clear from the examination of these detailed data that the basic purpose of this legislation would be substantially defeated by a grandfather clause with a date as late as 1968 or 1969. If we use a date, it should be before any major movement toward the use of the one-bank holding company loophole by the large corporate entities whether centered around bank or nonbank activities.

A second alternative to the problem of the small, traditional one-bank holding company would be the use of a so-called asset test. This would exempt from regulation of the Bank Holding Company Act all bank holding companies whose banks had total assets of less than a certain figure and whose nonbank assets were less than a designated amount. One proposal that has received wide comment was made during our hearings on H.R. 6778 by Vice Chairman J. L. Robertson, of the Federal Reserve Board. His proposal was to exempt all bank holding companies with banking assets of less than $30 million and nonbank assets of less than $10 million.

In some ways this proposal is a better approach to the problem than the use of any cutoff date. Under the asset test, there would be no blanket exemption from the act as there would by using a date. As soon as a holding company's bank assets or nonbank assets exceeded the limit prescribed, they would be required to register with the Federal Reserve Board and be subjected to regulation under the act.

As stated earlier, I am opposed personally to any grandfather clause. However, if it is found necessary to accept a grandfather clause, the best alternatives are either an early date, such as January 1, 1965, or the asset test as proposed by Governor Robertson of the Federal Reserve Board.

There is one more thing I would like to point out about the question of a grandfather clause. Those who support the date in the bill as reported that is, February 17, 1969, argue that this is the proper date because it is the date that H.R. 6778 was introduced. I believe this is totally irrelevant. Bank and nonbank businesses alike have been on notice that Congress was concerned about the one-bank loophole since the bill was originally enacted in 1956. The House of Representatives both in 1956 and in 1965 eliminated the one-bank loophole, but because of circumstances of time and compromise, the House's view did not prevail in the Senate or in conference.

It should also be pointed out that neither the 1956 act nor the 1966 amendments to the Bank Holding Company Act contained any grandfather clause. Under the 1956 act divestiture was required of 13 companies, including the giant Transamerica Co., which controlled the Bank of America. It is clear from the record that none of these companies was adversely affected by the divestiture.

Proponents of the February 17, 1969, grandfather clause date will also argue that the grandfather clause is written in such a way as to be unacceptable to those who appear to benefit from it. If that is the case, we really need no grandfather clause at all. Of course, the grandfather clause in the bill as reported does not meet with the complete acceptance of those who would benefit from it. In other words, it does not give them everything they want. But it clearly gives them much of what they want and does benefit them.

For example, the Sperry & Hutchinson Corp., which operates the largest trading stamp company in the United States, acquired the State National Bank of Bridgeport, Conn., in October 1968. This is a large bank in central Connecticut with over $318 million in bank deposits. In addition, the Sperry & Hutchinson Corp. controls three department stores, one in Buffalo, N.Y., one in Lansing, Mich., and one in Grand Rapids, Mich. It also operates a travel agency and controls one of the largest carpet and rug manufacturing companies in the country, Bigelow-Sanford, Inc. In addition, it controls a manufacturer of office and industrial furniture and two textile mills.

Now, it is true that if the February 17, 1969, grandfather date were left intact, the Sperry & Hutchinson green stamp people could not go into other business activities beyond those they now operate. However, there is absolutely nothing to prevent the Sperry & Hutchinson green stamp company from expanding their department store chain, their travel agency, their carpet manufacturer, their furniture manufacturer, their textile mills, and their banking operation within the State of Connecticut to an unlimited extent. And they could expand their other nonbanking activities in any State in the United States.

Many other examples, such as the CIT Financial Corp., which operates a half dozen other businesses besides banking; the National Lead Co., which is involved in many nonbanking activities; Montgomery Ward, which is one of the largest retailers in the United States, and many others could expand their present activities to an unlimited extent and also carry on banking with the February 17, 1969, grandfather clause. This is an unwarranted violation of the purpose of the Bank Holding Company Act and should not be tolerated.

Other amendments to be offered to strengthen H.R. 6778 deal with the following matters: tightening the definition of what constitutes control of a bank for purposes of regulating a holding company; the removal of the partnership exemption now found in the act; a more clearly defined test for determining the proper nonbank activities of bank holding companies, including the addition of specific criteria for the Federal Reserve Board to use in making a judgment on whether to approve an application—such as increased competition, undue concentration of resources, conflict of interest and unsound banking practices—specifying certain limitations and prohibitions on the nonbank activities of bank holding companies, such as the extent if at all to which they could engage in the travel agency business, offering professional accounting services, offering general data processing services, combining with insurance companies, selling mutual funds through the bank subsidiary of a bank holding company and running an equipment leasing operation.

I would like to discuss briefly each one of these proposed amendments at this point.

TIGHTENING THE DEFINITION OF WHAT CONSTITUTES CONTROL

Both H.R. 6778, as originally introduced, and H.R. 9385, the administration bill, which was endorsed by the Treasury Department, the Justice Department, and the Federal Reserve Board, would have amended existing law to more realistically define what constitutes control of a banking corporation. Present law defines control as existing when a company controls 25 percent or more of the stock of a bank. It is well known that any large corporation can be controlled with substantially less than 25 percent of its stock. This fact was supported in testimony before your committee on H.R. 6778 and was not challenged by any witness, even those representing the banking industry.

The amendments to the Bank Holding Company Act supported by the administration would have found that control existed when a company had the power to direct the management and policies of a bank. Unfortunately, H.R. 6778, as amended and reported by your committee, does not change present law and, thus, would permit a company to control any number of banks with just under 25 percent of the stock of each bank and still remain completely unregulated as to its nonbanking activities. Failure to amend the Bank Holding Company Act in this regard could have serious adverse effects in effectively administering the Bank Holding Company Act.

THE PARTNERSHIP EXEMPTION

Both H.R. 6778, as originally introduced, and H.R. 9385, the bill supported by the administration, remove the exemption in present law for banks controlled by partnerships. H.R. 6778 as amended and reported by your committee, however, leaves totally intact this exemption.

This is a serious loophole in the law, particularly since limited partnerships as well as general partnerships, are exempted from regulation by the Bank Holding Company Act. The limited partnership is very similar to the corporate form. By continuing to exempt all partnerships from regulation under the Bank Holding Company Act, another extremely serious defect in the coverage of the law exists which could be used to completely avoid the intent of Congress in regulating bank holding companies. One large chain of banks already exists through control by partnerships. Under the version of H.R. 6778 reported by your committee, partnerships controlling banks could engage in any nonbanking activities that they wished, along with operating their banking businesses in complete disregard of the purpose of the act.

THE PROPER TEST FOR DETERMINING NONBANK ACTIVITIES OF BANK HOLDING COMPANIES

H.R. 6778, as originally introduced, did not change the "closely related to banking" test found in the Bank Holding Company Act for determining what nonbank activities are permissible for bank holding companies. During consideration of the bill by your committee the test "functionally related to banking" was adopted. While many preferred to use the term "closely related to banking", it is not felt that there is any substantial difference between the two tests.

The test in H.R. 6778 as amended and reported is not the same as that recommended by the Federal Reserve Board, though the intent seems to be the same. I think that intent should be made clear in this legislation. The test recommended by the Federal Reserve Board reads as follows:

> (L) performing any other activity that the Board has determined, after notice and opportunity for hearing, is functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public, such as *greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.*

Under the Federal Reserve Board's recommended language it is clear that the Federal Reserve Board, in considering an application for a nonbank acquisition under section 4 of the act, must consider anticompetitive, as well as other antitrust factors. This provides important guidelines and criteria for the Board not explicitly contained in the bill as reported.

Further on in this debate, we will be discussing the desirability of specifically requiring the Federal Reserve Board to consider such antitrust factors as the anticompetitive effects of an application of a bank holding company to enter certain nonbanking fields. I suspect that when this is discussed, certain Members will claim that antitrust considerations are not properly the subject of banking legislation, but should be within the exclusive jurisdiction of the Judiciary Committee. They will produce a letter which I received from the distinguished chairman of the Judiciary Committee and claim that this is the position taken by Chairman CELLER.

These claims are totally and completely inaccurate. The application of antitrust laws to banking, including bank holding company matters, has never been questioned. In fact, the Banking and Currency Committee worked long and hard for many years on the Bank Merger Act. In addition, as every member of the Banking and Currency Committee knows or should know, the Bank Holding Company Act itself has antitrust provisions. Section 11 of the Bank Holding Company Act deals almost exclusively with antitrust matters. Chairman CELLER's letter, which I wish to insert in the RECORD at this point, did not state that antitrust matters pertaining to banking were not properly considered by the Banking and Currency Committee. The only point made in the letter was that H.R. 9385, the administration's bank holding company bill, introduced by the ranking minority member of the Banking and Currency Committee, contained a new antitrust criteria—that is, the absolute size of a company—which was not contained in any existing antitrust legislation. Chairman CELLER's point was that if new antitrust standards were to be considered, they should be considered by the Judiciary Committee. I wholeheartedly agree with this point.

Chairman CELLER's letter follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 19, 1969.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

MY DEAR WRIGHT: The Administration bill to regulate one-bank holding companies, H.R. 9385, introduced by Representative Widnall, contains a provision which makes size alone relevant in a determination of potential anticompetitive effects. This provision appears in a proposed amendment to section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843).

As you recall, section 4 of the Bank Holding Company Act proscribes bank holding companies from having ownership or control of nonbanking organizations, or from engaging in business other than that of banking, and section 4(c) grants exemptions to the activities otherwise prohibited in section 4. Clause 8 of section 4(c), among others, exempts activities which are found to be so closely related to the business of banking as to be a proper incident thereto. The Administration bill would amend clause 8 to provide guidelines established by the unanimous consent of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board. The "size" test is provided in the following language which appears on lines 20 through 24 on page 7, and lines 1 through 4 on page 8 of H.R. 9385:

"In establishing such guidelines consideration shall be given to any potential anticompetitive effects of a bank holding company engaging in any proposed type of activity, and limitations on permissible activities may be established on the basis of any relevant factors, *including size of bank holding company or its subsidiary banks, the size of any company be acquired or retained, and the size of communities in which such activities should be permitted."* (*italic supplied*)

The proposed provision applies concepts of size as relevant factors in four contexts: size of the bank holding company, size of subsidiary banks, size of any company to be acquired, and size of community in which the activities are located. Under the amendment "bigness" in any one of these areas could be the basis for a finding of potential anticompetitive effects.

This proposal is one of the most far-reaching that I have seen to make "size," or "bigness" determinative in an antitrust context. It goes beyond the test originally enacted in the Bank Holding Company Act of 1956 in section 3(c). That section, until amended in 1966, required the Federal Reserve Board to consider whether the acquisition of a bank "would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking . . ."

The House Antitrust Subcommittee at the present time is conducting an investigation into mergers and activities of conglomerate corporations. The legislative purpose of the Antitrust Subcommittee investigation is to determine whether the antitrust laws as presently formulated are adequate to cope with problems presented by conglomerate corporations. Any determination of the adequacy of the antitrust laws to meet the threat of conglomerate corporate growth and concentration of economic power necessarily involves a consideration of whether a "size" test is appropriate.

For many years, both the Congress and the Courts have been reluctant to equate size and bigness with badness or antisocial behavior. Courts invariably have declared that size alone does not constitute a violation of the antitrust laws. The only exception to this has been where size has been measured by the share of a market, and the market share has amounted to a monopoly.

I believe that if it is appropriate at this time to legislate against size, such legislation should be based upon a consideration of a broader segment of the economy than banking alone. A departure of this magnitude from our previous policies should have a broad base. We need consideration of all segments of industry and of general business behavior in the economy. The banking industry should not be singled out for such a flank attack. All segments of business and industry, including banking, should be examined.

There are many factors to be considered before a "size" test is accepted as a measure of the legitimacy of business behavior. Many authorities point out that our economy is large and growing, with magnitude unprecedented in the history of the world. Such an undertaking requires great companies, with substantial assets to support domestic and foreign operations. Large size, particularly, is asserted to be necessary for the conduct of essential research operations. Other opponents of a "size" test point to the necessity of counterbalancing the power of large and growing unions. Further, if we are to accept a "size" test, how do you determine what is the appropriate size? What may have been too large in 1920, might not be too large under conditions in 1969.

Wholly apart from the wisdom of adopting for the first time a "size" test limited to the banking industry, there is another consideration involved in the proposed Administration amendment that disturbs me. The subject of the effect of size on business behavior is essentially an antitrust problem. Antitrust policies, enforcement of the antitrust laws, and factors in business behavior that result in restraints on trade, conspiracies, or monopoly always have been the province of the Committee on the Judiciary. Under the Rules of the House, the Judiciary Committee is responsible for matters relating to "protection of trade and commerce against unlawful restraints and monopolies." This jurisdiction has been resident in the House Judiciary Committee for many years, and the Members of this Committee have developed an expertise on antitrust matters, including the complex competitive considerations that would be involved in the adoption of a "size" test.

In view of the foregoing, I urge that the Members of the Banking and Currency Committee do not take action on that portion of the Administration bill which would establish a size test as relevant for a determination of potential anticompetitive effects. I urge that the Banking and Currency Committee defer to the Judiciary Committee on this part of the bill.

This request is made in the interest of logical and orderly procedure. The current investigation of the House Antitrust Subcommittee will canvass most thoroughly the antitrust elements of a size test. The Judiciary Committee is in a position to consider the application of such fundamental changes in our antitrust policy to all phases of our economy.

As Chairman of the Judiciary Committee, as well as of its Antitrust Subcommittee, I shall be more than pleased to keep the Chairman of the Banking and Currency Committee, the distinguished gentleman from Texas, Mr. Patman, fully informed of the progress made in our inquiry.

Sincerely yours,

Mannie

EMANUEL CELLER,

Chairman.

Since the standard of size found in H.R. 9385 is not present in the bill before us today, Chairman CELLER's letter is not relevant to the issues before us.

Aside from the importance to the public interest of having the above-mentioned specific factors considered by the Federal Reserve Board in approving a nonbank acquisition by a bank holding company, it is extremely important to include these factors so that competitors of bank holding companies will clearly be found to have an opportunity to be made a party to a proceeding before the Federal Reserve Board. On this ability to enter such a proceeding may also depend the right of such a competitor to obtain adequate judicial review of a Board ruling. Because of the strong feeling that any party allegedly injured by an administrative ruling should be permitted to have his day in court, H.R. 6778 as reported should be amended to clearly provide for this right.

ACTIVITIES WHICH SHOULD BE PROHIBITED TO BANK HOLDING COMPANIES

H.R. 6778, as amended and reported by your committee, prohibits bank holding companies or their nonbank subsidiaries from performing the function of a general insurance agent. On the basis of extensive testimony taken by your committee during 4 weeks of hearings, it was convincingly pointed out by many witnesses that certain other businesses, in addition to insurance agents, are seriously threatened by potential unfair competition from bank holding companies. These businesses, involving hundreds of thousands of independent businessmen throughout the United States include travel agencies, professional accounting firms, data processing companies and equipment leasing companies.

In addition, serious questions were raised by several witnesses during our hearings on H.R. 6778, including leading economists, concerning the tremendous economic power that would be created by the concentration of giant insurance companies and large banks under a single holding company umbrella. The assets of commercial banks and insurance companies comprise most of the assets available for use by all the institutional investors in the United States. Insurance companies and banks combined control roughly $865 billion, or 77.2 percent of the $1.1 trillion of institutional investors in the American economy. Commercial banks alone control $646 billion, or 57.7 percent of this total. Various news media have indicated possible mergers, through the holding company device, of several of the largest commercial banks and largest insurance companies in the country. One such merger was dropped last winter after the Justice Department brought suit. However, we cannot rely in the long run on such administrative action. We should legislatively prohibit such massive concentrations of economic power. There is no justification for them. By permitting a combination of banks and insurance companies, a tremendous concentration of financial resources would be attained to the detriment of the public interest.

Unfortunately nothing in H.R. 6778 as reported would prohibit these combinations from taking place within the bank holding company systems.

PROTECTING AGAINST BANKS AND BANK HOLDING COMPANIES ENGAGING IN THE SECURITIES BUSINESS

H.R. 6778, as amended and ordered reported, prohibits a bank holding company from acquiring the shares of any company "engaging in the underwriting, public sale, or distribution of mutual funds." This provision of the bill as presently drafted raises two serious questions: First, it prohibits nonbank subsidiaries of bank holding companies from engaging in the sale, underwriting, or distribution of mutual funds, but it does not prevent a bank subsidiary of a bank holding company or any other banking institution from carrying on such activities if permitted to do so by the bank supervisory agencies. In fact, the Comptroller of the Currency has already ruled that national banks can engage in what, in effect, are mutual fund operations; and second, the term "mutual fund" is not defined anywhere in Federal law. Technically, what banks have been seeking to do is to sell participations in what are known as commingled agency accounts. This is, in effect, a mutual fund activity.

Therefore, it is questionable whether the amendment adopted in your committee will accomplish the stated purpose of prohibiting banks as well as bank holding companies, from engaging in this aspect of the securities business. An amendment should be adopted that clearly prohibits both banks and bank holding companies from engaging in mutual fund sales, as was intended in the original Glass-Steagall Act of 1933 which separated the business of banking from all aspects of the securities business.

In conclusion, let me say that as the author of the original bill, H.R. 6778, the bill before us today I strongly support legislation to broaden the coverage of the Bank Holding Company Act. This includes provisions found in the bill as reported which would for the first time bring one bank holding companies under the regulation of the Bank Holding Company Act and prohibits bank holding companies from engaging in the insurance agency business and the underwriting, public sale or distribution of mutual funds.

At the same time, I support certain amendments to strengthen and make more clear the legislative purpose in enacting these amendments to the Bank Holding Company Act. In particular, I will support amendment either removing or rolling back the grandfather clause, tightening the definition of what constitutes control of a bank for purposes of regulating bank holding companies, removing the exemption for limited partnerships, making more specific the test that the Federal Reserve Board should use for determining nonbank activities permitted to bank holding companies, and adding to the list found in the bill, activities which would be prohibited to bank holding companies.

The bill, as reported, strengthened by these amendments, would in my opinion, be a landmark piece of legislation of vital concern to the future development of the American economy and the free enterprise system.

(Mr. WIDNALL (at the request of Mr. Brock) was granted permission to extend his remarks at this point in the Record.)

Mr. WIDNALL. Mr. Chairman, as of January 1, 1968, there were only three one-bank holding companies with $2.5 billion of deposits which had been formed on the initiative of the bank. Since then, as the following table shows, there has been a substantial increase in the announced formation of such companies, particularly on the part of large banks.

Bank announced Cos. period	Number of Cos.	Deposits (billions)
6 months, Jan. 1 to June 30, 1968	6	$4.3
6 months, July 1 to Dec. 31, 1968	74	104.3
6 months, Jan. 1 to June 30, 1969	30	32.9
3 months, July 1 to Sept. 30, 1969	7	1.6
Total	117	143.1

These bank announced one-bank holding companies account for more than 33 percent of all bank deposits and about 2½ times the deposits held by multiple-bank holding companies.

Theoretically, these bank initiated one-bank holding companies are free to engage in banking and any other business activities subject only to the restraints of antitrust law. Actually, with comparatively minor exceptions, they have not chosen to do so.

In addition to the bank announced one-bank holding companies, there have been an increasing number of acquisitions of a single bank by nonbanking companies.

Both types of acquisitions should be brought under the constraints of the 1956 Bank Holding Company Act. Essentially that is what this bill, H.R. 6778, would do. It would remove the one-bank holding company exemption from the 1956 act. Even if the bill did nothing more than that, it would be a good one-bank holding company bill.

The 1956 act did require multiple-bank holding companies to divest themselves of outside business activities not closely related to banking. The 1956 act has prevented multiple-bank holding companies from mixing banking and commerce. It is not theory but fact that the 1956 act has been and is sound and effective bank holding company legislation for the multiple-bank holding companies subject to its control. The act will work equally well in providing sound and effective Federal regulation of one-bank holding companies.

At the suggestion of the Chairman of the Federal Reserve Board, the committee changed the criteria the Board must use in deciding the types of outside business activities in which a bank holding company can engage. The present law states that such activities must be of "a financial, fiduciary, or insurance nature" and so closely related to banking as to be a proper incident thereto. That is broad authority but over the years the Board has given it very strict interpretations. The result is the Board finds itself unduly restrained by the precedents of the tight administrative interpretations it has made in the past. The Chairman of the Fed suggested the test be recast in terms of activities functionally related to banking which when performed by a bank holding company will bring probable benefits to the public which outweigh possible adverse effects. That is also broad authority. It could be more, or less, restrictive than existing law depending on Board determination. But it is a change which gives the Board leeway to adjust its administration of the act to evolving economic change with emphasis on more fully meeting the needs of the public.

The bill does limit the Board's direction in two respects. It prohibits the holding company and its nonbanking subsidiaries from entering into the general insurance agency business and sale of mutual funds hereafter. It leaves unchanged whatever right the bank subsidiary has under applicable State and Federal law to engage in such activities.

There had been some complaints that the Board had been too slow in acting upon holding company applications. A 90-day action requirement was added under which within 90 days after the Board has received a completed application, it must act to approve or deny, as otherwise the application will be deemed approved.

One of the real problems confronting the committee was what if anything should be done about recognizing the status of the more than 700 one-bank holding companies already in existence which legally are engaging in various types of outside nonbanking activities.

Since the Congress in the 1956 act initially sanctioned and in the 1966 amendments reaffirmed the exemption of one-bank holding companies from coverage of the act, the decision was made that in all fairness a grandfather clause should be provided as of the date of introduction of this bill; namely, February 17, 1969. It is a tight provision. It freezes nonconforming activities to the status as of that date. A one-bank holding company then engaging in what are to become nonconforming activities is frozen into the activities in which it was then engaged and prohibited from expanding into other nonconforming activities. Also, the one-bank holding company is frozen as to the share investment it held in nonconforming businesses as of the grandfather date.

Theoretically, the grandfather clause treats all alike in that it gives full recognition to the status quo. Practically, it will not work that way. A great number of small one-bank holding companies probably can live with the grandfather clause. A large proportion of these, ironically, were formed by insurance agencies operating in the midwestern part of the country where such an arrangement is a common way of life. They came into existence not for expansion purposes but because of tax considerations. For a small holding company owning a bank, if it has a qualifying percentage of other business income, it can avoid being treated as a personal holding company for tax purposes. The grandfather clause, therefore, will prevent forced disruption of the banking pattern presently existing in the whole Midwestern section of our country. However, it will call a halt to the future creation of such companies.

For the larger and substantial companies the results will be quite different. They can continue as they are only if they are content to remain frozen in the activities in which they are then engaged and only if they will sit still with a freeze on share investment in the nonconforming activities. This they will not do. Faced with a freeze on expansion, there is no question in my mind that they will elect to dispose of their bank and cease to be a one-bank holding company.

A dissenting minority of the committee has cited the Sperry & Hutchinson Co. as a beneficiary of the February 17, 1969, grandfather clause and attempted to dub the grandfather clause as an S. & H. green stamp amendment. Let us examine the facts.

The Sperry & Hutchinson Co., a $422 million company, acquired the $320 million deposit State National Bank of Connecticut in September 1968 and thereby became a one-bank holding company. In addition to its trading stamp operations, the S. & H. Co. is a multiple business firm. It acquired Bigelow-Sanford Inc., one of the Nation's four largest carpet manufacturers, in 1968. In January 1969, it acquired the W. H. Gunlock Chair Co., manufacturers of quality wooden seating. S. & H. owns three department stores located in Buffalo, N.Y.; Grand Rapids, Mich.; and Lansing, Mich. Last year, the company sold a previously owned department store in Baton Rouge, La. Only the other day, S. & H. announced the acquisition of David M. Lea and Co., a furniture manufacturer located in Richmond, Va.

S. & H. is a company on the move. No matter what date is chosen for a grandfather clause, it cannot live with a freeze on the businesses in which it can engage and the shares it can own. A Washington representative of the company made clear in a letter to the chairman of our committee under date of July 9, 1969, that the company is opposed to the grandfather provision in the bill and that, and I quote, "under no circumstance would it be appropriate to call the Widnall amendment 'the S & H green stamp amendment.' "

I think simple equity demands that there be some sort of equitable grandfather clause for existing companies. Further, I believe it might be necessary to have a grandfather provision to muster the political support necessary for passage of the bill. There is no such thing as a perfect grandfather clause doing equity to all in fact as well as theory. The provision in the committee bill in my opinion is the best yet proposed and I support it.

The bill as reported by the committee is concise. It meets the problem within the framework of a time proven statute. The 1956 Bank Holding Company Act has worked well. Bringing one-bank holding companies under control of that act will maintain the line between banking and nonrelated business. Such action will forestall potential abuses which otherwise could develop. The bill deserves the support of the Members of this House.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 258]

Abbitt
Addabbo
Arends
Aspinall
Barrett
Berry
Biaggi
Biester
Blackburn
Boland
Brasco
Brown, Calif.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Carter
Celler
Chisholm
Clancy
Clark
Clausen,
  Don H.
Clay
Cleveland
Conte
Conyers
Corman
Coughlin
Cowger
Daddario
Daniels, N.J.
Dawson
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edwards, Calif.
Eilberg
Eshleman
Fallon
Farbstein
Fish
Flood
Flynt
Foley
Ford, Gerald R.
Frelinghuysen
Friedel
Gallagher
Gaydos
Giaimo
Gilbert
Goldwater
Green, Pa.
Griffin
Griffiths
Grover
Halpern
Hanley
Harsha
Hébert
Helstoski
Horton
Howard
Jarman
Jonas
Jones, Ala.
Kee
Kirwan
Kleppe
Koch
Leggett
Lipscomb
Long, La.
Lowenstein
Lukens
McClory
McDonald,
  Mich.
McKneally
Madden
Mann
Mathias
Mayne
Meskill
Miller, Calif.
Monagan
Morgan
Morton
Murphy, N.Y.
Nix
O'Hara
Olsen
Ottinger
Passman
Patten
Pepper
Pike
Pirnie
Podell
Powell
Pucinski
Railsback
Reid, N.Y.
Reifel
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ryan
Scheuer
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Steiger, Ariz.
Stokes
Stubblefield
Taft
Tiernan
Udall
Utt
Vigorito
Watkins
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson,
  Charles H.
Wolff
Wyatt
Wydler
Yatron
Zion

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill H.R. 6778, and finding itself without a quorum, he had directed the roll to be called, when 285 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. DEL CLAWSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Chairman. I rise today in support of H.R. 6778, a bill to amend the Bank Holding Company Act of 1956.

Mr. Chairman, at the outset, I would like to take this opportunity to express my thanks to all the members of the Banking and Currency Committee who have worked long and hard over the last 6 months to bring this bill to the floor of the House. I would especially like to commend the chairman of our Banking and Currency Committee, the Honorable WRIGHT PATMAN from the State of Texas.

I have been an occasional critic of the activities of our committee when I have felt that meaningful legislation did not receive the deliberate and meaningful attention of our committee due to the fact that we seemed to be always under pressure to report a bill out of committee within a specific period of time. On this bill, however, the chairman granted ample and adequate opportunity for full discussion and debate. Witnesses were requested from all of the Members and 6 weeks of testimony was received in full committee.

Mr. Chairman, I think the generosity of the committee chairman is reflected in the bill that we have before us today. In my opinion, it is not the chairman's bill, it is not the administration's bill, but, in reality it is what the framers of the Constitution meant the legislative process to perform, a committee bill.

As a member of the House Banking and Currency Committee, I have, personally, resented in the past the general impression that has been created in the Congress that we do not have an effective committee. We have on our committee some of the most capable Members of the House of Representatives. Their general knowledge of the field of finance, both domestic and international, has been gained by years of experience. To those members who have contributed so much to the formation of this bill, I extend my most sincere thanks and I express publicly the pleasure that I enjoyed in working with them on this legislation and the hope that we can continue to do this in the future.

I think it would be interesting, Mr. Chairman, to state that on this legislation as in other similar legislation before the House, certain Members seem more active in one phase of a given subject than they do in another. This is true for many reasons.

It reminds me of the conversation I had with the gentleman from Illinois last week, the very able and distinguished Mr. ERLENBORN. I was quite curious to know why Mr. ERLENBORN, while only in his third term in Congress, seemed to carry the ball for the minority on the all-important subject of coal mine safety. Upon questioning him, I found that his congressional district did not contain a single coal mine. I felt that Mr. ERLENBORN gave me a very intelligent answer when I asked him how he developed such an interest in this particular subject. He explained to me that very few members on the minority side of his committee had coal mines, that this was an especially technical bill that required considerable personal study and attention, and he found himself slowly becoming an expert in this field for the simple reason that everyone else at that particular time on the committee was engaged in other activties and, honestly, there was no one else to carry the ball.

Mr. Chairman, I must admit that I feel somewhat the same in regard to H.R. 6778 and the general field of bank holding companies. Because of the tax structure of the State of Ohio, making it a prohibitively expensive proposition for a bank to become a one-bank holding company, there are relatively few Ohio banks that have joined the deluge of banks throughout the country in the formation of one-bank holding companies. To my knowledge, there are no one-bank holding companies in my district and there are none that are contemplated. I own no stock nor have I any personal interest in any one-bank holding company.

However, I do have a genuine concern for the orderly growth and development of the banking industry in this country. I genuinely believe the banking industry has contributed to making the free enterprise system the envy of the world and have contributed so much to the American way of life.

Mr. Chairman, we have come today, however, to remedy a development in this country that, if left unchecked, could affect the whole economic system of the United States. The time has come to provide legislation that would regulate one-bank holding companies. As with all legislation that appears before our committee and the Congress, this legislation to regulate one-bank holding companies is in the public interest.

Years ago, the Congress, in the Banking Act of 1933, took steps to separate banking from nonbanking businesses. In 1956, Congress, by the enactment of the Bank Holding Company Act, followed this philosophy in enacting legislation that affected companies that owned two or more banks. Again, in 1966, the Congress, in its wisdom, recognized that the Bank Holding Company Act was one that would need continual review by Congress and rightfully closed a loophole that had developed out of the original 1956 act.

Today we have come to the House to close another loophole. We will attempt, in the next couple of days, to enact legislation that will bring one-bank holding companies under the Multi-Bank Holding Company Act. At the end of our deliberations, I will be amazed if this bill does not receive unanimous support from the Members of the House of Representatives.

Mr. Chairman, there is some background that the members of the committee should have in regard to this legislation. I think that everyone would agree that we are here, primarily, because one of the most outstanding Americans of our time, the present Chairman of the Board of Governors of the Federal Reserve System, William McChesney Martin, appeared before our committee last fall and stated:

> The Board of Governors was deeply concerned about the rapid increase in the for-

> mation of one-bank holding companies, and I express the view that this development, if unchecked, could affect the whole economic system of the United States.

Mr. Martin went on in detail to explain the potential for abuse with the formation of these one-bank holding companies to the principle of the separation of business and commerce. In testimony before our committee, Mr. Martin and other members of the Board continued to emphasize that their fears were for potential abuse rather than existing abuse. There is not one single case that the Board cited for the immediate need of this legislation, as was the case in the creation of the original 1956 act and in the amendments of 1966.

The chairman of our committee, on February 17, introduced a bill to accomplish Mr. Martin's goal and a goal which will be welcomed by Government officials and members of the banking industry. It is most significant that the chairman properly entitled this bill, and I quote: "A bill to amend the Bank Holding Company Act of 1956, and for other purposes."

Within a matter of days, the new administration, under the leadership of the Treasury Department, presented a bill along similar lines. It is known as H.R. 9385.

To some of us on the committee, it became apparent, as the weeks went by, that neither bill had the majority of support from the members of our committee. It was my firm feeling that both bills attempted to go much farther in the control and regulation of our banking system than the original idea of bringing one-bank holding companies under the Multi-Bank Holding Company Act. Both bills contained, not only amendments to the Multi-Bank Holding Company Act, they contained amendments to the Federal Deposit Insurance Act and amendments to the National Housing Act.

In order to bring order out of chaos and to bring a simple approach to the subject before the committee, I, personally, introduced a bill, H.R. 12130. Instead of a 12-page bill and a 23-page bill, we had an alternative before our committee in a three-page bill that would accomplish the original goal as outlined to the committee by the Chairman of the Federal Reserve Board.

The bill we have before us today, Mr. Chairman, is a refinement of H.R. 12130. This committee bill was voted out of our committee in this form by the overwhelming vote of 28 to 5.

In the bill before us, we are asked to amend two sections of the 1956 Bank Holding Company Act. It is expected that the Parliamentarian will recognize this fact and that all amendments that shall be offered will be limited to changes in these specific sections. There are numerous amendments that may be offered to other sections of the 1956 Bank Holding Company Act. The majority of the committee, however, in its wisdom, has declined at this time to consider these changes. And, Mr. Chairman, I should like to tell you why.

There is a general feeling among the members of our committee and members of the Banking Committee on the other side that the time has come to take a new and broad look at financial institutions generally. My distinguished colleagues, Mr. MOORHEAD and Mr. REUSS, more adequately stated it than I could, when they said last week, and I quote:

> Frequently we find ourselves legislating on specific banking and other financial measures without being able to visualize the over-all affect on financial institutions in general.

They recommended a plan, for the consideration of the Members, to set up a national commission on financial institutions to report to Congress within 3 years legislation which would improve the structure and operation of financial institutions. Mr. Chairman, I feel strongly that we should, this year, bring one-bank holding companies under the Multi-Bank Holding Company Act and leave any further changes than those that have been reported in the committee bill to the wisdom of such a commission at a later time. Under no circumstances do I think the changes in our banking regulations should be made on the basis of complaints from competitors or potential competitors alone. I think that the establishment of a body with the time and resources to determine the proper scope for banking services, as determined by the public need and the public interest, should be the sole criteria for further changes in the banking industry.

For this reason, I wish to commend the gentlemen for their foresight and wisdom in calling for enactment of this legislation and, for what it is worth, I am pleased to inform them that I will wholeheartedly join with them in the introduction of their legislation.

Mr. Chairman, much has been said in the last few months concerning the activities of bank lobbyists and other lobbying activities with reference to this bank holding company legislation. I would like to express at this time my personal experience on this subject, since H.R. 6778, in its present form, is similar in nature to H.R. 12130.

The fundamental and simple approach taken by H.R. 12130 was the result of individual efforts by myself and the members of the minority staff on the Banking and Currency Committee. When H.R. 12130 was drafted and introduced, I was pleasantly surprised that none of the supposedly big, bad bank lobbyists contacted me in regard to it prior to its introduction. I, personally, believe that this was due to the fact that the lobbyists had concentrated their efforts on provisions of the chairman's bill and the administration's bill. I suspect that the big bank lobbyists never thought that the committee itself would rewrite the legislation.

Mr. Chairman, I would have to say, though, that, in all of my experience on the Banking and Currency Committee, I have never been attempted to be influenced by anyone as much as I have by the National Association of Insurance Agents. During the markup on this legislation, three of my most personal friends were brought in from my district to lobby for a provision that would, presumably, keep the banks from operating as insurance agents. In the last 48 hours I have received more telegrams from insurance agents in my district, asking me to support amendments, than I have ever received on any other legislation. I thought that the education lobbyists in this country had superseded some of the labor union lobbyists for the questionable title of lobbyist "No. 1." However, over the last few months, I am convinced that the National Association of Insurance Agents holds this questionable title at the present time.

Mr. Chairman, I would simply like to state further that the lobbying activities of the insurance agents have, so far, been successful. The committee, in its wisdom, recognized the fact that provisions prohibiting banks from engaging in certain insurance activities were a political necessity.

Mr. Chairman, I bring the activities of the National Association of Insurance Agents to the attention of the Members at this time for a specific reason. As stated earlier, I feel strongly it is the duty of the Banking and Currency Committee to always keep in mind that our first and foremost consideration is, and always should be, "what is best for the public interest." As I stated earlier, I do not believe in making changes in our banking regulations on the basis of complaints from competitors or potential competitors alone. Public need and public interest should be the criteria for further changes in the banking industry.

One must also take a look at another aspect of the deluge of mail that we have received from the National Association of Insurance Agents. One would be less than honest if he did not admit that the National Association of Travel Agents, the organizations involved in data processing and many other similar national organizations could, if they had wanted to spend the money or were so well organized, equal the volume of material that we have received from the insurance agents' representatives.

In this regard, I would like to further state that there is a gross misconception of the general purpose of this bill among many people. This legislation does not pertain to the regulation or restriction of activities which may be carried on by a bank. In fact, this legislation has no real relevance to banks that are not affiliated with or owned by holding companies. The regulation of activities in which a bank may be engaged is provided for in other laws which control the activities of banks. The regulatory agencies of this country for that purpose have been and will continue to be the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Federal Reserve Board, depending on what type and charter that bank happens to be.

Mr. Chairman, in conclusion, I would like to reiterate the need for the passage of this legislation. The House will work its will tomorrow. I, for one, recognize that we do not have a perfect bill. I do believe, however, that we have a good bill. It is my sincere hope that the bill will pass out of committee and be voted overwhelmingly by the Members of the House in its present form.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I would like to make two points. First of all, I think the gentleman has done the House a very great favor in making clear that this bill does not have any influence whatsoever in those instances where a bank which is not a holding company at all is engaged in the insurance business and under the regulation of the Comptroller of the Currency, as in the case of banks. This legislation will not affect that situation at all.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman bringing out that point, but I wonder if the gentleman would not agree with me on this. Does the gentleman think this is common knowledge around this country, or does the gentleman think these people have been motivated by the thought that in their city or town, they, too, could be affected?

Mr. HANNA. I think perhaps there is some misunderstanding as to just what this bill will do and what the situation is. The insurance business is being carried on by the one-bank holding companies, but it is also true insurance business is being carried on by others. This bill will not touch that situation.

The other point the gentleman makes is one that interests me, about lobbying. Does the gentleman not agree with me that Members of the House should not be so naive as not to expect any influential sector of this country is not going to try to lobby Congress if that sector has a very important interest in what we are considering? Certainly the gentleman would agree with that.

Mr. STANTON. Let me say the gentleman in the well is a realist. He really meant to point out in what he said that other people in private life and in industry, such as the data processing and travel industries, if they would be willing to spend the money would be able to bring the same pressure to bear.

Mr. HANNA. I think we should place ourselves on record as expecting in this society and with the communications we have available in this country today and at this time, that Congress will be and should be contacted by people who have an interest in many subject matters which the Congress is considering.

Mr. STANTON. I thank the gentleman from California for his contribution.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, at the outset I thank the gentleman in the well for his fine statement on this legislation. I would be remiss if I did not commend the gentleman even more for the tremendous amount of work and time he has contributed to the consideration of this legislation in the committee and generally.

I would like to ask the gentleman in the well if it is not true that we have been receiving a number of communications on the holding company legislation from Michigan, but as the gentleman pointed out, Michigan does not permit the holding company structure. Is that not true?

Mr. STANTON. I would say to the gentleman that in preparing these remarks today, one of the things that surprised me last week was when a Member from the State of Michigan said:

> What are you doing in my State of Michigan about insurance?

I said that to my knowledge I did not think we were doing anything, but I would doublecheck. I said I thought there was no holding company in the State of Michigan that had gotten into the insurance company business. Am I right, that there is no holding company in the State of Michigan for any purpose? Is that correct?

Mr. BROWN of Michigan. The gentleman is correct.

Let me ask another question. Is it not true that prior to consideration of this legislation this spring none of those who now feel adversely affected by this legislation, such as travel agents, accountants, data processors, and insurance agents, contacted us about abuses by the banks with respect to these activities?

Mr. STANTON. I would say to the gentleman this is true. For years we did not hear from people concerning the 1956 act and all we are doing now is bringing the one-bank holding company under the Bank Holding Company Act of 1956. So we will have to say, that if these people had complaints they are the same ones they have had for years.

Mr. BROWN of Michigan. Does not the gentleman believe that many of those who are indicating they are adversely affected by this legislation, are really reflecting a feeling that this legislation is authorizing some new activity that was not authorized before? Does the gentleman get that impression?

Mr. STANTON. I would say the gentleman from Michigan is correct in that respect. Sometimes the letters have expressed a certain fear that we are taking a different turn in this country. That certainly is contrary to the intent and purpose of the bill, which is to tighten a loophole.

Mr. BROWN of Michigan. If anything, in fact, this legislation restricts any of those practices.

Mr. STANTON. It is certainly the attempt and the desire of the committee to do that.

Mr. BROWN of Michigan. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. STANTON. I am happy to yield to the chairman.

Mr. PATMAN. I appreciate the gentleman's kind remarks. I know he is a very valuable member of our committee and will be helpful in formulating this legislation.

On the question of insurance agents, I believe the gentleman said he was for the provision that would keep the banks from acquiring insurance agencies; is that correct?

Mr. STANTON. I did not make that statement in my remarks here. I would say I support in this bill the provision to keep banks from acting as insurance agent. I personally believe banks should not act as insurance agents.

Mr. PATMAN. Does not the gentleman believe another threat is the banks acquiring insurance companies? I believe the information was brought out in the hearings that if a few banks, like the big banks of New York, a half dozen of them, should acquire a half dozen of the largest insurance companies, they would have enough cash reserves under the fractional reserve system to buy out practically every important business in the United States. They can create the money on the basis of 22 to 1, averaging time deposits and demand deposits, and that would give them unlimited amounts of money to do that. Does not the gentleman believe it would be against the public interest for the banks to be allowed to acquire insurance companies?

Mr. STANTON. I certainly would like to tell the chairman of our committee the overriding fear in my mind is no longer of the banks acquiring insurance companies. The trend in this country is for insurance companies to buy banks. I think there is an equal fear.

Mr. PATMAN. That is right.

Mr. STANTON. And an equal regard.

Mr. PATMAN. I share that view.

Mr. STANTON. It was pointed out at one time in our committee and we made a great thing about the bank in New York buying the Chubb Insurance Agency. This is what we were going to stop at one time in our committee.

Mr. Chairman, we did not stop it. It was the antitrust laws of this country and the Justice Department who moved to stop it. That was all important.

I would certainly bring out for the attention of the committee, there are certain antitrust provisions in the Bank Holding Act of 1956. All are maintained in this act.

Mr. PATMAN. Will the gentleman support an amendment to bring the antitrust laws as recommended by the administration in particular into this act here?

Mr. STANTON. I am glad the chairman asked for this colloquy, because it does bring out, and we will bring out tomorrow, all the different subjects we discussed in the committee, and the wisdom of the committee.

The gentleman read the letter to Chairman CELLER, and he made the statement that this bill in its present form does not refer to that. In the present form the gentleman is correct. When we get into antitrusts and all the rest, we have been warned by the chairman of the Judiciary Committee to take our time and to present antitrust legislation to the proper committee.

I know also that section 11 of the Federal Reserve Act involves bank holding companies, and we are today fully covered, in my opinion, on that.

I have to state, the answer would be, "I will not support it."

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. STANTON. Surely.

Mr. PATMAN. Basically, does the gentleman not believe that this act is for the purpose of keeping the banks in the banking business and keeping the banks out of the nonrelated businesses, for an obvious reason, that for the last 100 years the banks have had quite a lucrative business? And they should have. They should be profitable. They should make money. That is the best way to serve the public. But this is new. This is getting the banks into the business of nonrelated companies.

Mr. STANTON. I believe, Mr. Chairman, in your remarks in your statement you have answered the question adequately.

The bill before the committee at this time in its present form does exactly, in my opinion, what you want to do. Definitely you have to separate banking and industry in this business.

Mr. PATMAN. One more question. If we were to leave the February 17, 1969, grandfather clause in there, that will allow not only nine of the 12 biggest banks in the Nation to have this one-bank holding company privilege, but next session of Congress, if we were to do that, we would have a request that would be backed up with lots of support to bring the other big banks in. Otherwise we would be discriminating against them. This could just be a springboard for subsequent legislation with other banks brought in.

Mr. STANTON. Let me ask you a question with regard to these nine or 12, because once again it brings out, in my humble opinion, a fallacy, I am sure you do not mean to state what you did in regard to the type of grandfather clause we have.

First of all there has been much made of these nine or 12 big banks becoming one big bank holding company. Of the nine, seven of them never bought an affiliate. They formed their structure, and they are waiting to see the type of bill that we pass, and also what the Federal Reserve Board allows them to get into in the way of other businesses. Under no circumstances will seven of these nine formed be affected by this grandfather clause. So I would like to state that this grandfather clause which we will get into tomorrow, in my opinion, is a very restricting thing the way it is formed. It definitely limits the type of business a person or a company is in to the business that they are in at the time. It limits their expansion, and it is a good type of grandfather clause, in my opinion.

Mr. PATMAN. If I understand the gentleman correctly, if he will yield further, he believes that the one-bank holding company should not be allowed to buy insurance agencies or insurance companies, and that being correct I think two of the major provisions of the act, and most valuable provisions, also, would be put in if we make sure that those banks come through along with travel agencies and others that are actually screaming to high heaven, and have a right to because they believe that they would be destroyed by this.

Mr. STANTON. As the chairman knows, this will be a subject for discussion at great length tomorrow when the subject comes up.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I am pleased to yield to the gentleman.

Mr. HANNA. I think while we are making some clarifications—and I think the gentleman is doing a great service in making the clarifications—we should say this: It is true, is it not, that there is no place in the language of the present bill that we have before us where there is any authorization for one-bank holding companies to get into the insurance business or travel agency business as such? There is no power given under this bill for them to do this. Is that not true?

Mr. STANTON. The gentleman is correct.

Mr. HANNA. And if there is any concern, it would necessarily lie in the direction of the interpretation of the language "functionally related to banking." The question would be raised as to whether or not the Federal Reserve Board would be the one interpreting it under the regulations as to how far related functions go. If they have a concern, it would have to be in that direction, would it not? The public ought to know these things and know that this is the place that we are concerned in the bill. Is that correct?

Mr. STANTON. The gentleman's interpretation is exactly the same as mine. I appreciate it.

Mr. HANNA. And the responsibility for this interpretation lies with the Federal Reserve Board?

Mr. STANTON. The gentleman is correct.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman.

Mr. MIZE. The multibank holding companies have been supervised by the Federal Reserve Board since 1956. Is that correct?

Mr. STANTON. That is correct.

Mr. MIZE. Have any of us heard any gripes on the part of anybody as to the way the Federal Reserve Board has supervised the multibank holding companies?

Have any of you heard of any gripes on the part of anybody based upon the manner in which the Federal Reserve has handled the multiholding companies?

Mr. STANTON. I would say that I have not heard of one single complaint as to the way the Federal Reserve has handled the multibank holding companies. I could not give you a specific example.

Mr. MIZE. Mr. Chairman, if the gentleman will yield further, is it not true that the situation that Chairman PATMAN described a few minutes ago about the possibility of banks buying up several life insurance companies and thereby laying a base for taking over American industry, is not that rather farfetched?

Mr. STANTON. We know perfectly well that the Department of Justice would never let such a thing happen. We have the experience of the past that no matter under what type of administration we have we do have protection on that point.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I thank the gentleman for yielding and have asked him to yield for the purpose of asking him this question.

In the Glass-Steagall Act, Congress mandated the principle of separation between banking and the securities business. Recent testimony before the committee on one-bank holding company legislation amply demonstrated that this principle remains valid and necessary after a generation of experience.

Am I correct in understanding that this bill does not in any way limit the prohibitions contained in the Glass-Steagall Act against banks or their affiliates engaging in the securities business, generally.

Mr. MOORHEAD. I would say to my distinguished colleague that the gentleman is entirely correct. The Glass-Steagall Act presently prohibits a bank and any of its affiliates from engaging in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, or of interest in any such securities, whether or not any such interests are redeemable.

Banks, however, are not prohibited from dealing in and underwriting certain types of securities under section 5136 of the revised statutes and in these specific cases are exempted from the limitations and restrictions of the Glass-Steagall Act.

Mr. ST GERMAIN. Mr. Chairman, if the gentleman will yield further, the gentleman does agree that the bill now pending before us does not in any way affect the application of the Glass-Steagall Act?

Mr. MOORHEAD. No.

I think an amendment to clarify this section with respect to bank holding companies and their subsidiaries would be advisable.

Mr. ST GERMAIN. And we will get to that later?

Mr. MOORHEAD. That is correct.

Mr. ST GERMAIN. I thank the gentleman for yielding.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 6778 as reported by the Committee on Banking and Currency.

My support for the bill as reported is somewhat less than enthusiastic.

As reported, H.R. 6778 is like gift whisky. If it were any better they would not have given it to you. If it were any worse you could not swallow it.

As the gentleman from California (Mr. REES) said in his individual views, "I have mixed feelings in regard to H.R. 6778."

Because of the parliamentary situation in the committee, H.R. 6778 is a bobtailed bill. It is a one-section bill that does not cover all the problems which should be covered in one-bank holding company legislation.

I must confess to you that the committee has left undone those things which we ought to have done and we have permitted to be done those things which ought not to be done.

However, these sins of omission and commission can be corrected by amendment.

I believe we should seriously consider amending the bill insofar as it relates to the following situations.

We should change the grandfather clause date and prohibit the expansion of grandfather rights under any type of acquisition or merger.

Second, we should expand the legislation to cover situations relating to those raised by the gentleman from Rhode Island to cover securities and investment banking fully as well as insurance, travel agencies, auditing, data processing, and leasing.

While the bill as reported out of the committee should, in my opinion, be strengthened by amendments which will be offered at the appropriate time, it is certainly a step in the right direction. For the first time it brings under regulation of the Bank Holding Company Act holding companies which control only one bank.

And this is a very, very important step.

For the last few years, there has been mounting concern about the growth of what are known as conglomerate corporations. These are corporations which expand into many different activities, largely through mergers and acquisitions.

Some professional economists have predicted that if the present trend continues at the accelerated pace that has been typical of the last few years, within a decade a major part of our economy will be controlled by 200 or less corporations.

Within part of this overall picture is the growth of unregulated one-bank holding companies. To a large extent, one-bank holding companies are financially centered conglomerate corporations. They can, under present law, go into any business they wish. In terms of the large one-bank holding company, there are two varieties. One is what could be termed as the bank-centered one-bank holding company. This type is created by converting a large commercial bank, through an exchange of stock, into a holding company. The holding company becomes the parent holding most or all of the stock of the commercial bank. The bank itself becomes a subsidiary of the holding company. Other subsidiaries of the holding company may be added either de novo or through acquisition or merger as desired. While the bank subsidiary is subject to Federal and/or State regulation, the parent holding company and its nonbank subsidiaries are not.

The other type of large one-bank holding company that has emerged in recent years is the nonbank corporation which has acquired a bank. An example of this type of one-bank holding company is the CIT Financial Corp. which controls, in addition to the National Bank of North America, the 33d largest commercial bank in the United States, a number of nonbank subsidiaries. These include the largest finance company in the country, as well as subsidiaries manufacturing various kinds of scientific equipment and furniture. Another example would be the Sperry & Hutchinson Corp. which markets S. & H. green stamps. This company also controls one of the largest carpet manufacturers in the United States, a chain of department stores and textile manufacturers, in addition to the State National Bank of Bridgeport, Conn.

The growth of one-bank holding companies in the last few years is by now a well-known fact. Without going into detail, since 1965 that growth in terms of commercial bank deposits has been over 700 percent. Thirty-four of the hundred largest commercial banks in the country, with deposits over $100 billion, have formed or have announced plans to form one-bank holding companies. It is because of these facts that the Congress, the administration, the Federal Reserve Board, and many experts in the fields of economics and antitrust law have become extremely concerned by the fact that the present Bank Holding Company Act does not cover these very large financial conglomerates.

Therefore, earlier this year several bills were introduced to bring under regulation of the Bank Holding Company Act one-bank holding companies. The Banking and Currency Committee held what only can be described as exhaustive hearings. The hearing record runs to over 1,600 pages. The committee heard from Government witnesses, academic witnesses, industry witnesses, private citizens, consumer advocates, and others.

I believe that all of the members of the committee were convinced after hearing 4 weeks of testimony that there was indeed a need to regulate in some fashion companies controlling one bank, as well as those controlling more than one bank.

Why do we regulate bank holding companies at all? The Glass-Steagall Act of 1933 established the principle that the business of banking shoud be divorced from all other businesses. The Bank Holding Company Act of 1956 extended this principle to all holding companies controlling two or more banks.

There are a number of reasons for maintaining this separation of banking and nonbanking activities. Some of them are as follows:

First, there is a strong temptation to have the banking subsidiary of a holding company extend credit, perhaps unwisely, to others in the holding company family. This tends to create unsound financial conditions for the bank to the detriment of the bank's stockholders and the public at large. Some of the major banks in the country engaged in such activities during the 1920's and many experts feel that this was an important cause of the stock market crash of 1929;

Second, banks are the principle suppliers of substantial credit to almost every industrial, commercial, and other types of business, large and small, in the country. Therefore, banks should not be in a position to discriminate unfairly against the users of bank credit by establishing competing subsidiaries and then deny credit to the competitors of these subsidiaries.

Third, many large and small businesses, as well as individuals, depend on bank credit for their economic existence. If a bank is a part of a large conglomerate with many subsidiaries, the bank is in a position to insist that a borrower use the services of the holding company's other subsidiaries in order to maintain its line of credit. This creates unfair competition for non-bank-related competitors of these subsidiaries and would tend to substantially reduce or eliminate competition in many business activities to the detriment of the public interest.

These are the kinds of potential abuses which the amendments to the Bank Holding Company Act reported by the committee, and those that will be offered on the floor at the appropriate time, seek to prevent. The legislation we are considering today and tomorrow is the first before the Congress directly involving the control and regulation of conglomerates.

Even if, God forbid, no amendments are agreed to, H.R. 6778 is good enough to swallow.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. The gentleman has mentioned several amendments that he would propose or that he believes the House should consider. Are any of these amendments that were not at least to a certain extent discussed in committee?

Mr. MOORHEAD. I think each and every one of them—maybe not the exact wording—because they had to be changed due to the form in which the bill was reported—but the substance of them were all considered in committee. They were not voted on in committee, but they were discussed.

Mr. BROWN of Michigan. But would not the gentleman agree that any of the amendments that may be offered to this legislation were necessarily considered and disposed of by the committee in connection with reporting out this bill from committee?

Mr. MOORHEAD. Considered—yes. Disposed of—no.

I think many of the Members would like to have had a vote on just, for example, the effective date of the grandfather clause and on the issue of whether partnership should or should not be included and whether the definition of control should be revised. All these matters which were discussed in committee we had no votes on, so I would say they were considered and not disposed of.

Mr. ST GERMAIN. As a matter of fact, and I think the gentleman will agree with me, if it were not as a result of some very brilliant parliamentary maneuvering, the particular amendments, in fact, some in the exact form would have been offered by the committee had there been an opportunity to offer those amendments. However, it was impossible to discuss and vote on the amendments—and they were not because of the brilliant parliamentary maneuvering.

As a matter of fact, the substance of these amendments were fully discussed during many, many days of hearings and in the 1,600 pages of testimony I think all of this is amply clear that there was ample testimony by all of the individuals concerned with whom we are concerned and who will be concerned when we offer these amendments; is that not correct?

Mr. MOORHEAD. The gentleman is entirely correct. They were either included in the adminstration bill or one of the other bills.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. STEPHENS. Mr. Chairman, I appreciate the statement the gentleman has just made. I would like to point out one thing and see if he would not agree.

It is true that we did not have a formal vote in the committee on the grandfather clause, but we did have what you might call a straw vote on proposals I made on three dates and they were all rejected.

Mr. MOORHEAD. I do not remember that, I will tell the gentleman, but I would hope that the amendments that will be offered on this subject, a very important subject of the bill, will be considered and will be voted on by the Committee of the Whole.

Mr. STEPHENS. What I mean is the committee did have an opportunity to decide whether they would or would not vote on some of these things and decided they would not vote on them.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. HANNA. I think whereas the gentelman from Michigan made it clear that this bill does not affect banks that may be doing some of the activities that we have been considering here, such as entering into insurance or the travel agency business, it is equally true, is it not, that this bill will not change the situation otherwise, and that national banks that are involved will still be subject to all the laws that presently apply to national banks in regards to the way they operate under present, current law? Is that not correct?

Mr. MOORHEAD. That is entirely correct, I will say to the gentleman, and so far as I know, to the amendments pending that would also apply. They would be limited to the subject of bank holding companies and their subsidiaries.

Mr. HANNA. I think it should be made clear that this bill would in no way do away with one-bank holding companies, no more than the bill in 1956 did not do away with multiple-bank holding companies; is that correct?

Mr. MOORHEAD. It would merely provide that they would be regulated instead of unregulated, as the one-bank holding companies now are.

Mr. HANNA. Without an amendment, the guideline for regulation as contained within this bill is again formulated in language that such activities as the bank is involved in must be functionally related to banking.

Mr. MOORHEAD. Yes. To the extent that an existing one-bank holding company has a subsidiary in a totally unrelated field, this would apply.

Mr. HANNA. Unless they were grandfathered in, in which case they could keep any involvements they have.

Mr. MOORHEAD. If they come within the grandfather exemption, they can keep anything and expand internally, but not go out and acquire additional companies.

Mr. ST GERMAIN. Mr. Chairman, as a member of the House Committee on Banking and Currency who filed additional views regarding H.R. 6778, a bill on the Bank Holding Company Act of 1956, I wish to speak as clearly and forcefully as possible in support of amendments which will be offered to this bill which are essential to protect the very existence of hundreds of thousands of independent businessmen throughout the United States, including travel agencies, professional accounting firms, data processing companies and equipment leasing companies and insurance agencies.

I sat through the extensive hearings before our committee on this legislation and became more convinced than ever of the serious threat which these small businessmen are confronted with as a result of their being forced to compete with large and powerful banks and bank holding companies.

I regret that the bill which our committee reported did not take into account the need to protect these small businessmen and I strongly urge my colleagues to join with me in supporting corrective amendments to afford a degree of protection for these businessmen and to assure that the Federal Reserve Board administering the Bank Holding Company Act of 1956 carefully weighs the anticompetitive effects of certain steps taken by bank holding companies and affords travel agents standing to protect themselves in the proceedings before the Federal Reserve Board in connection with efforts by bank holding companies to expand their operations.

Additionally, as stated in the report which accompanied H.R. 6778, one purpose of this bill is to retain "the separation between banking and bank-related activities, on the one hand, and industry and commerce, on the other."

One of the areas in which the committee feels that nonbank subsidiaries of bank holding companies should not engage "under any circumstances" is "the insurance agency business."

The language of H.R. 6778 which amends section 4(c)(8) of the Bank Holding Company Act of 1956 and adds a new seciton (11) which reads as follows:

> The board shall not approve the acquisition or retention under this paragraph (8) of shares of any company:
>
> (a) performing the functions of an insurance agent nor permit the bank holding company itself to act as an insurance agent, etc.

Section (11) is the grandfather clause and reads as follows:

> Shares lawfully acquired and owned on February 17, 1969, etc.

Without getting into the merits of February 17, 1969 date, the committee report clearly states that under no circumstances should nonbank subsidiaries of bank holding companies be permitted to engage in the insurance agency business.

All of explanation above notwithstanding the language of H.R. 6778 contains a loophole which might permit the acquisition of an insurance agency by a bank holding company so long as there is no exchange of shares involved in the acquisition. That is to say, any agency which is not incorporated—a partnership or proprietorship might legally be acquired by a bank holding company.

The report makes the intent of the committee with regard to the activity of insurance agencies abundantly clear. The existing language should be corrected to reflect this intent.

For these reasons I shall support the amendments that will be offered that are so necessary to accomplish that which must be accomplished in this very important area.

Mr. DEL CLAWSON. Mr. Chairman, at the present time, there is no Federal prohibition on a one-bank holding company controlling a bank and any other nonrelated business or businesses. One-bank holding companies are exempt from the Bank Holding Company Act of 1956 which prohibits multiple-bank holding companies from controlling two or more banks and nonrelated businesses. The bill H.R. 6778 would remove the one-bank exemption from the 1956 act, thereby making one-bank holding companies subject to the constraints of the act.

H.R. 6778 was introduced on February 17, 1969. That date of introduction of the bill has been set as the grandfather clause date because it was with introduction of the bill that all were put on notice of an impending statutory limitation on the right of one-bank holding companies to engage in nonrelated business.

As of February 17, 1969, there were approximately 700 known one-bank holding companies which had been formed by companies other than a bank. Deposits of their subsidiary banks amounted to about $16.7 billion.

As of February 17, 1969, there were 19 one-bank holding companies in operation which had been formed by banks. Deposits of the subsidiary banks totaled $37.4 billion. These are listed in appendix I.

Subsequent to February 17, 1969, and as of October 1, 1969, another 39 one-bank holding companies formed by banks came into operation. Deposits of the subsidiary banks totaled $94.9 billion. These are listed in appendix II.

It is obvious from these figures that the big impetus calling for one-bank holding company legislation has come from the recent formation by banks of one-bank holding companies. On January 1, 1968, there were only three bank-formed one-bank holding companies in existence. Since then, 55 banks, including many of the largest have formed one-bank holding companies. The 58 bank-formed one-bank holding companies with bank deposits of $132.3 billion dwarf the 700 one-bank companies formed by other than banks with deposits of only $16.7 billion.

Equitable treatment of the 758 companies for whom the rules are about to be changed as to the nonbanking activities in which they can engage, confronts the Congress with a problem. A majority of our committee had recommended a February 17, 1969, grandfather clause, with restrictive conditions.

The restrictive conditions are three in number. First, the holding company must have acquired its bank on or before

February 17, 1969, so that it was in fact a bank holding company by that date.

Second, the grandfather clause restricts the one-bank holding company to the business activities in which it was engaged on February 17, 1969. The company may elect to sit still and be frozen out of expansion into other fields and be a registered one-bank holding company. Or, the company may decide to dispose of its bank, cease to be a one-bank holding company and thus regain its freedom to grow and expand with changing business conditions.

Finally, the grandfather clause restricts the company's share investment in the nonconforming business to shares owned as of February 17, 1969. While internal expansion or debt expansion is not precluded, nevertheless, if the business needs additional share capital, this can only be obtained from outside sources thereby diluting the holding company's investment in its nonconforming business subsidiary.

It should be made clear that the grandfather clause does not exempt any one-bank holding company from the 1956 Act. All must register with the Federal Reserve, be supervised by the Board and be subject to the constraints of the act including the applicable provisions of the grandfather clause.

With the grandfather clause restrictions in mind, let us consider how it will work.

In several cases, banks formed holding companies prior to the grandfather clause date. For instance, Bank of America N.T. & S.A. formed its holding company in 1968. However, it did not acquire the bank until April 1, 1969. Because of the restriction in the grandfather clause that the one-bank holding company must have owned its bank on the grandfather clause date, this largest of all such companies is precluded from any possible benefit from the February 17, 1969, grandfather clause. In all, as has been noted, there are 39 bank-formed one-bank holding companies which acquired their banks after February 17, 1969. Their deposits of $94.9 billion account for 63.7 percent of the $149 billion total for all one-bank holding companies. They receive no benefit whatsoever from the grandfather clause. For them, it makes absolutely no difference whether the grandfather clause date is February 17, 1969, June 30, 1968, January 1, 1965 or for that matter, January 1, 1900.

There are 19 bank-formed one-bank holding companies with deposits of $37.4 billion which acquired their banks prior to February 17, 1969. Of these, 10 with deposits of $30.7 billion—20.3 percent of the total—had not acquired any nonbanking subsidiaries as of the grandfather clause date, so they do not benefit from the grandfather clause.

Considering these two groups together, it is clearly apparent that changing the grandfather clause to an earlier date means absolutely nothing to 49 bank-formed one-bank holding companies with $125.6 billion or 84 percent of the deposits of all one-bank holding companies.

Only nine bank-formed one-bank holding companies have acquired subsidiaries prior to February 17, 1969. They hold $6.7 billion deposits or but 4.5 percent of all one-bank holding company deposits. The chairman of our committee has inserted a table in the RECORD which includes these nine bank formed companies and lists their subsidiaries. What the table does not show is that in most instances the subsidiary operations represent activities previously conducted by the bank itself and merely spun off to the newly formed holding company. The table, beginning on page 444 of the hearings, brings out that very pertinent information.

It is crystal clear, based on the facts as they exist, that the problems of the grandfather clause lie not with the 58 bank-initiated one-bank holding companies—88.8 percent of the total deposit picture—but primarily with the 700 one-bank holding companies formed on the initiative of nonbank companies and accounting for $16.7 billion or 11.2 percent of the bank deposits involved in all one-bank holding companies. Let us examine the impact of the grandfather clause on them.

There are some 30 to 40 large industrial and nonbank financial companies which have acquired banks, including companies such as $2.6 billion Marcor—formerly Montgomery Ward—$605 million National Lead, $667 million General American Transportation, $613 million Gamble-Skogmo, $2.4 billion Goodyear Tire & Rubber, $422 million Sperry & Hutchinson and $3.7 billion CIT Financial Corp. For them, the grandfather clause is of questionable benefit. They are more concerned with its other restrictions than they are with the date.

The restrictions in the grandfather clause prohibiting expansion into other fields of business activity and freezing share investment in subsidaries will force them to make a hard decision. They may elect to retain the bank and become frozen out of expansion in other fields of activity, or they may elect to dispose of the bank and thereby regain their freedom to grow and expand with changing business conditions. Since in most of these instances, bank investment and earnings are relatively small compared with overall operations, it is probable they will elect to dispose of their bank. This is what has already happened with $4 billion International Tel & Tel which became a one-bank holding company upon acquisition of one of its subsidiaries which held a bank. I.T. & T. disposed of the bank. You can be sure the tail will not be allowed to wag the dog.

The hundreds of small one-bank holding companies are the heart of the grandfather clause problem. Tax considerations were the principal motivating force in the creation of these small corporations combining other business activities and banking. It is a common form of organization throughout the midwestern States. Over 200 of them have been formed in the past 5 years.

These small one-bank holding companies would be seriously damaged by a rollback in the grandfather clause date, as some have suggested, to January 1, 1965. Many would be forced out of business and for the others the banks probably would have to be merged into other larger banking institutions. All this would take place at the same time that an even larger number of similarly situated small one-bank holding companies engaging in nonrelated business were permitted to continue because they had acquired their banks prior to a January 1, 1965, grandfather clause date.

For the small one-bank holding companies, the date of the grandfather clause is of critical importance. The small companies can live with the activity and share investment freezes imposed by the grandfather clause as reported by the committee. They were formed, not for growth and expansion purposes, but for tax reasons.

A suggestion also has been made that the problem of small one-bank holding companies could be met by eliminating the grandfather clause and instead substituting an exemption from the act for all one-bank holding companies with less than $30 million banking assets and $10 million nonbanking assets. In retrospect, the biggest mistake the Congress made in enacting the Bank Holding Company Act of 1956 was the loophole it established by providing the complete exemption of all one-bank holding companies. The asset exemption approach for small companies would repeat this past error although in a more limited manner.

Today, you can find the mixing of almost any line of business you care to name with the business of banking, mostly on the part of the smaller companies. The asset approach limitation would allow this to continue unabated with more and more small companies mixing more and more types of nonbanking business with banking. That is no way to draw and much less maintain a line of demarcation between the two. Furthermore, an asset size loophole would build in future pressures to increase the prescribed limits when exempted companies approached the size limitations. If such limits were not increased, we only would have postponed the day when an ever larger number of companies would be faced with drastic readjustment of their affairs. To me, the asset exemption aproach makes neither good political nor economic sense.

If we were starting anew, there would be little disagreement over a policy of drawing a firm line between banking and other business not functionally related to banking. But we are not starting from scratch. We have hundreds of one-bank holding companies in operation making banking and nonrelated business in a multitude of ways and all operating in accordance with existing law. We are about to change the law because of potential serious abuses that could arise if action is not taken. There is no perfect solution that will do equity to all in fact as well as in theory. The grandfather clause in the bill as reported is a well reasoned approach to the many facets of the problem which I have tried to outline and support by the facts as they exist.

I think the committee approach in the bill it has reported is a good solution. It should have the support of the Members of this House.

APPENDIX I

BANK-FORMED 1-BANK HOLDING COMPANIES ACQUIRING BANK BEFORE FEB. 17, 1969

Location	Name of holding company	Name of bank	Date announced	Date bank acquisition	Deposits (millions)
Alabama: Birmingham	Birmingham Trust National Bank.	Birmingham Trust National Bank	Sept. 25, 1968	January 1969	$313.4
California: Los Angeles	Unionamerica, Inc	Union Bank	Mar. 10, 1967	September 1967	1,400.0
Indiana: Indianapolis	American Fletcher Corp	American Fletcher National Bank & Trust Co.	Aug. 6, 1968	January 1969	988.6
Massachusetts:					
Quincy	Shorebank, Inc	South Shore National Bank	Sept. 16, 1968	January 1969	137.5
Boston	Boston Co., Inc	Boston Safe Deposit & Trust Co	1964	1965	122.0
Nevada: Reno	First Bancorp	Nevada National Bank of Commerce	Dec. 19, 1968	December 1968	99.6
New York:					
New York	Chemical Bank New York Corp	Chemical Bank	Oct. 25, 1968	do	7,600.0
New York	First National City Corp	First National City Bank	July 3, 1968	October 1968	16,600.0
Brooklyn	Kings Lafayette Corp	Kings County Lafayette Trust Co	July 17, 1968	December 1968	197.9
North Carolina:					
Charlotte	First Union National Bancorp	First Union National Bank of North Carolina	Mar. 5, 1968	May 1968	831.2
Charlotte	North Carolina National Bank Corp.	North Carolina National Bank	June 19, 1968	November 1968	1,100.0
Winston-Salem	Wachovia Corp	Wachovia Bank & Trust Co. NA	May 10, 1968	December 1968	1,300.0
Oklahoma: Oklahoma City	First Oklahoma Bancorp	First National Bank & Trust Co	Oct. 1, 1968	October 1968	426.3
Oregon: Portland	U.S. Bancorp	United States National Bank of Oregon	Sept. 10, 1968	December 1968	1,500.0
Pennsylvania: Philadelphia	First Pennsylvania Corp	First Pennsylvania Banking and Trust Co	July 24, 1968	January 1969	2,100.0
Rhode Island: Providence	Industrial Bancorp, Inc	Industrial National Bank of Rhode Island	May 23, 1968	September 1968	824.6
Tennessee: Memphis	First National Holding Corp	First National Bank of Memphis	Aug. 19, 1968	January 1969	665.6
Texas: Houston	Capital National Corp	Capital National Bank	Sept. 9, 1968	December 1968	91.9
Washington: Seattle	Marine Bancorp	National Bank of Commerce	1927	1928	1,083.0
Total					37,381.4

APPENDIX II

BANK-FORMED 1-BANK HOLDING COMPANIES ACQUIRING BANK AFTER FEB. 17, 1969

Location	Name of holding company	Name of bank	Date announced	Date bank acquisition	Deposits (millions)
Arkansas: Little Rock	First Arkansas Bankstock Corp	Worthen Bank & Trust Co	Nov. 12, 1968	March 1969	$186.5
California:					
San Francisco	Bank America Corp	Bank of America National Trust & Savings Association.	Sept. 18, 1968	April 1969	21,500.0
Beverly Hills	City National Corp	City National Bank of Beverly Hills	Oct. 3, 1968	August 1969	371.9
San Francisco	Crocker National Corp	Crocker-Citizens National Bank	Sept. 19, 1968	April 1969	4,200.0
Do	Wells Fargo & Co	Wells Fargo National Association	Oct. 11, 1968	Feb. 28, 1969	4,700.0
San Diego	Southern California 1st National Corp.	Southern California First National Bank	Sept. 12, 1968	Feb. 28, 1969	501.8
Connecticut: Hartford	Hartford National Corp	Hartford National Bank & Trust Co	Aug. 23, 1968	April 1969	943.1
Georgia: Atlanta	Fulton National Corp	Fulton National Bank	Dec. 5, 1968	do	803.5
Illinois:					
Chicago	ANBATCO, Inc	American National Bank & Trust Co	Dec. 16, 1968	March 1969	755.3
Do	Central National Finance Corp	Central National Bank	Dec. 19, 1968	April 1969	412.2
Do	Conill Corp	Cont. Illinois National Bank & Trust Co	Nov. 12, 1968	March 1969	6,300.0
Do	First Chicago Corp	First National Bank of Chicago	Feb. 5, 1969	August 1969	5,700.0
Indiana: Indianapolis	Indiana National Corp	Indiana National Bank	Aug. 16, 1968	May 1969	926.5
Kansas: Wichita	Fourth Finance Corp	Fourth National Bank & Trust Co	July 25, 1969	August 1969	262.0
Maryland: Baltimore	Maryland National Corp	Maryland National Bank	Nov. 12, 1968	May 1969	920.3
Massachusetts: Worcester	Worcester Bancorp	Worcester County National Bank	Sept. 12, 1968	March 1969	269.8
Mississippi: Jackson	Deposit Guaranty Corp	Deposit Guaranty National Bank	Oct. 18, 1968	May 1969	357.1
Missouri:					
Kansas City	Merchants Bancorp	Merchants-Product Bank	Dec. 23, 1968	June 1969	58.9
Clayton	Clayton National Bancorp	St. Louis Co. National Bank	Dec. 17, 1968	August 1969	199.2
New Jersey: Jersey City	First Jersey National Corp	First Jersey National Bank	Nov. 12, 1968	June 1969	419.4
New York:					
New York	Chase Manhattan Corp	Chase Manhattan Bank National Association	Jan. 9, 1969	June 1969	16,700.0
Mineola	Franklin N.Y. Corp	Franklin National Bank	June 4, 1969	September 1969	2,300.0
New York	Manufacturers Hanover Corp	Manufacturers Hanover Trust Co	Dec. 4, 1968	April 1969	9,200.0
Do	J. P. Morgan & Co	Morgan Guaranty Trust	Dec. 19, 1968	April 1969	8,200.0
Oklahoma: Oklahoma City	Liberty National Corp	Liberty National Bank & Trust Co	Dec. 11, 1968	October 1969	364.0
Oregon: Portland	Orbanco, Inc	Oregon Bank	Oct. 8, 1968	April 1969	71.0
Pennsylvania:					
Philadelphia	Fidelity Corp. of Pennsylvania	Fidelity Bank	Nov. 12, 1968	April 1969	1,200.0
Bethlehem	First Valley Corp	First National Bank & Trust Co	Dec. 24, 1968	July 1969	114.5
Philadelphia	Lincoln National Co	Lincoln National Bank	December 1968	June 1969	37.9
Do	Philadelphia National Bank Corp.	Philadelphia National Bank	Jan. 22, 1969	June 1969	1,700.0
Do	Girard Co	Girard Trust Bank	Dec. 11, 1968	June 1969	1,400.0
Pittsburgh	Pittsburgh National Corp	Pittsburgh National Bank	Aug. 23, 1968	May 1969	1,400.0
Do	Western Pennsylvania National Bank Corp.	Western Pennsylvania National Bank	Sept. 13, 1968	April 1969	756.4
South Carolina:					
Charleston	Citizens & Southern Corp	Citizens & Southern National Bank	Aug. 8, 1968	June 1969	242.5
Columbia	First Bankshares Corp. of South Carolina.	First National Bank of South Carolina	Jan. 7, 1969	July 1969	196.3
Texas:					
Austin	American First Corp	American National Bank	May 22, 1969	June 1969	137.8
Houston	Houston National Corp	Houston National Bank	Dec. 23, 1968	March 1969	253.4
Do	Southern National Corp	Southern National Bank	Dec. 2, 1968	Apr. 1969	120.0
Virginia: Richmond	First & Merchants Corp	First & Merchants National Bank	Oct. 10, 1968	Feb. 26, 1969	692.0
Total					94,873.3

Mr. DEL CLAWSON. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BROWN) such time as he desires.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Mr. Chairman, due to the tremendous amount of correspondence that I have received with respect to this legislation, some time back, I prepared a statement in which I attempted to explain what I thought the committee had done in reporting out this legislation and interspersed my own views with respect to the substance of the legislation. Rather than belabor all of you with those lengthy remarks, since they amount to several pages of the RECORD, I would just like to refer the Members present and others who might be interested to the location of those remarks in the CONGRESSIONAL RECORD. They appear in the CONGRESSIONAL RECORD of October 28, on pages 31989–31992. I think a reading of them would be well worthwhile—of course, I am bound to think so—but certainly a reading of them would be much more palatable to the Members present than my exposition of them would be at this time.

Mr. DEL CLAWSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. Beall).

Mr. BEALL of Maryland. I thank the gentleman from California.

(Mr. BEALL of Maryland asked and was given permission to extend his remarks at this point in the Record.)

Mr. BEALL of Maryland. Mr. Chairman, as a former member of the Banking and Currency Committee and one who participated in the deliberations on this legislation, I rise in support of the bill as reported from the committee. In recognizing the problem created by banking institutions extending their operations into unrelated activities, through the bank holding company device, I feel that the extension and modification of the 1956 act is the logical method in which to treat this problem.

The entire subject matter, however, has been dealt with very effectively by others and I would like to confine my remarks to that part of the bill that has been so heavily lobbied.

I speak, of course, about the section dealing with the "grandfather clause" and the efforts of some representatives of the Insurance Agents Association to have this clause rolled back to July 1, 1965.

I should mention, in all candor, that I am an insurance agent by profession.

Prior to my election to Congress last year I received the bulk of my income from the sale of insurance. I have been an officer of my local agents association and belong to the State and National Association of Insurance Agents.

One of the great concerns of those who are engaged in the sale of insurance has been that financial institutions would get into the insurance agency business and thus deprive others of the opportunity to compete openly in the marketplace for the American public's business.

This I believe is a legitimate concern and, I might add, the Banking and Currency Committee agreed and wrote a prohibition into this bill restricting the activities of bank holding companies to the sale of credit life and accident and health insurance.

Up to this point I am entirely in agreement with my former associates in the insurance business.

Since the reporting of the bill, however, you have been deluged with communications asking that the grandfather clause be rolled back to July 1, 1965.

Since the bill was reported, the NAIA has continued its intense inspired letter campaign. I am sure all of you have mail saying the grandfather clause is "immoral" and demanding that, if there is to be a grandfather clause, it be rolled back to a January 1, 1965, effective date.

I have made no bones about disclosing the fact that I am an insurance agent. On a narrow self-interest basis, I suppose I should be for such an amendment. But, I am not and I would like to tell you why I oppose any amendment rolling back the grandfather clause date. It is a matter of commonsense equity. Rolling back the grandfather clause date to January 1, 1965, would serve the selfish interests of the particular groups. A substantial number of one-bank holding company competitors would be eliminated from the insurance agency business. In the process, over half that number of one-bank holding companies probably would be eliminated altogether since it was an insurance agency which formed the one-bank holding company and insurance is the only other business in which the holding company engages. When you look at a list of the hundreds of small one-bank holding companies in existence, you are struck by the large number bearing the names not of the bank acquired but instead the name of the insurance agency which formed the company.

We do not have small one-bank holding companies in Maryland, but it is a very common form of organization throughout the Midwestern States. Moving back the grandfather clause to January 1, 1965, as I have said, would knock out a large group of small one-bank holding companies. At the time, it allows substantially more than that number of such companies established prior to that date to continue their operations as is. That is not my idea of equity and I oppose any such change in the date of the grandfather clause.

Incidentally, other insurance agents associations do not take the hard line taken by the National Association of Insurance Agents. I call attention to documents I have received from two other agent groups which I will read into the Record. The first is a release under date of July 15, 1969, from the Washington counsel of the National Association of Casualty and Insurance Agents. It is a rather revealing statement on this controversy. It reads as follows:

NACSA Wins First Battle in Legislative War on Bank Holding Companies

The House Banking and Currency Committee has approved language in its bank holding company legislation that will forbid any bank holding company from purchasing an interest in any insurance agency and also forbid the bank holding company from itself acting as an insurance agent—except where the insurance provided is limited to insuring the life of debtor pursuant to or in connection with a specific credit transaction or providing indemnity for payments becoming due on a specific loan or other transaction while the debtor is disabled.

As NACSA Washington Counsel, we are extremely pleased to see the House adopt the NACSA position on this legislation. Although we are disappointed that the proposed legislation has a grandfather clause, i.e., does not cover acquisitions made or business activities engaged in prior to February 17, 1969, we are confident that this legislation will prevent the widespread increase in bank holding companies acquisition of local insurance agencies/brokerage firms that had been anticipated by industry members.

This has been our first major legislative effort on behalf of NACSA and as previously stated, we are pleased with the results. We ended up with everything we asked for. However, although NACSA has won this battle, we have still a major part of the war to fight.

Let us review what NACSA has done to date:

1. As your Washington representatives, we briefed your officers and directors on the various one bank holding company bills before the Congress.

2. The NACSA Board decided to support neither the Administration nor the Patman bill but, to support instead, legislation that generally would limit the insurance activities of bank holding companies to credit accident and life coverage issued in connection with specific loans.

3. As Washington counsel, we prepared and submitted to the NACSA Regulatory Committee for approval, a complete legislative package for distribution to all members.

4. The legislative package was approved and distributed to all NACSA members. It provided facts and guidelines telling NACSA members what, when and how to tell their Congressmen in connection with this legislation.

5. As NACSA Washington Counsel, we worked with President Thorp Minister in preparing testimony for submission to Congress. We met with House Banking and Currency Committee staff and with the Committee Chairman, Wright Patman to see how the NACSA position could best be promoted.

6. Constant contact was kept between the NACSA Executive Secretary, Bruce Wallace, NACSA Board members, and NACSA Regulatory Committee, Counihan, Casey & Loomis and NACSA members so that the effects of our program could be evaluated on a day to day basis.

7. Meetings were held with Washington representatives of other insurance industry groups so that efforts could be coordinated wherever possible.

As a result of this action, the interests of NACSA were protected in the legislation finally agreed to by the House Banking & Currency Committee.

Indeed, the Committee has adopted the NACSA position on the only issue that was considered major by the Association.

We have outlined in detail the action taken so far just to show that every legislative campaign requires tremendous effort.

The One Bank Holding Company legislation will now go to the floor of the House for a vote. The bill must also be considered by the Senate Banking Committee and then go to the floor of the Senate for a vote.

Finally, any differences between House & Senate versions must be ironed out in conference before the bill is presented to the President.

As you can see, we still have a long war to fight. Each NACSA member will be getting requests to contact his Congressman and Senator on this bill. We thank you for your help so far, but warn you that more help will be needed.

The Senate Banking Committee is known to be extremely pro-banking and conservative. Banking interests will be fighting strongly behind the scenes to eliminate our section of this bill. Thus, while we have won the first battle, the war has just begun.

We urge all NACSA members to actively participate in this fight to keep banks and bank holding companies out of the insurance agency and brokerage business.

The other document is a copy of a resolution dated June 5, 1969, and signed by the executive vice president of the Minnesota Association of Independent Insurance Agents and submitted to the National Association of Insurance Agents executive committee. It reads:

Resolution to National Association of Insurance Agents Executive Committee

Whereas the Minnesota Association of Independent Insurance Agents commends the National Association of Insurance Agents for their untiring efforts in the area of protecting the independent agent throughout the entire United States; and

Whereas the Minnesota Association of Independent Insurance Agents have always attempted in every way possible to support these activities; and

Whereas every agent member of the National Association of Insurance Agents should recognize and support this effort; and

Whereas geographically, problems from time to time vary; and

Whereas the problem of the spreading of the Bank Holding Company concept may be unique to other regions; and

Whereas the situation has been in existence in Minnesota for many years; and

Whereas the membership of the Minnesota Association of Independent Insurance Agents consists of many such bank affiliated agencies; and

Whereas these agencies have supported the many programs of both the State and National Associations; and

Whereas the membership of these said agencies is important to the strength of the Minnesota Association of Independent Insurance Agents, the National Association of Insurance Agents, and the American Agency System: Now therefore be it

Resolved, That the Board of Directors of the Minnesota Association of Independent Insurance Agents go on record requesting the National Association of Insurance Agents Executive Committee to direct its Federal Affairs Committee to become aware of the unique situation of the Minnesota Association of Independent Insurance Agents and their many bank affiliated agency members, and to promote, if possible, enactment of legislation by the Banking and Currency Committee of the United States House of Representatives, grandfathering clause and such other legislation which would protect existing bank affiliated agencies conceived for the purpose of handling the insurance buying needs of the public under the American Agency System.

Dated Thursday, June 5, 1969, Minneapolis, Minn.

JAMES P. ANDERSON,
Executive Vice President, Minnesota Association of Independent Insurance Agents.

I call to your particular attention the last three lines of the resolving clause which asks for a "grandfathering clause and such other legislation which would protect existing bank-affiliated agencies conceived for the purpose of handling the insurance buying needs of the public under the American agency system." I have emphasized their words which in no uncertain terms support the February 17, 1969, grandfather clause instead of rolling it back to an earlier date.

It appears that a grandfather clause is necessary and I suggest it is not fair to say in 1969 that what was legal in 1965 is no longer so.

The committee bill does provide equitable treatment for all concerned and should be adopted as reported.

Mr. DEL CLAWSON. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, in response to an invitation to speak to the South Dakota Bankers' Association from a good friend and former Columbusite, Mr. Neil Milner, back in December 1968, I was asked among other things to comment on the controversy over the Bank Holding Company Act, the exception and growth of one-bank holding companies, and to predict what might happen in the 91st Congress.

Everyone seemed to agree something had to be done, that there had to be a change in the present law which would avoid the growth of unregulated bank holding companies and I predicted a change. Little did I realize what was in store when I made that prediction at that time.

After that, on February 17, 1969, the gentleman from Texas, Mr. PATMAN, chairman of the Banking and Currency Committee, introduced H.R. 6778, which would subject one-bank holding companies to the same rules and regulations that govern multibank holding companies, as provided for in the Bank Holding Company Act of 1956. This bill and the administration bill—H.R. 9385, introduced by the gentleman from New Jersey (Mr. WIDNALL) sought to remove what had become an undesirable exemption from the Bank Holding Company Act of 1956, in that it exempted the one-bank holding company. But they went further and attempted to define statutorily what would be considered as bank-related activity.

I do not pretend to be an expert on the subject of banking or one-bank holding companies or multibank holding companies, and so, at one of our very first meetings, I asked what appeared to me at the time to be a not-too-intelligent question, which was: If the 1956 Bank Holding Company Act has held us in such good stead, and we have been allowed to perform so well under its rules and regulations and under its statutory authority, why do we go through all the complications of changing definitions or of establishing a laundry list of permitted activity? Why do we not just simply change the definition in the Bank Holding Company Act of 1956 from "each of two or more banks" to "any bank"? The general reaction at that meeting was what might be said to be one of "Ugh, thud." That was the reaction, unless I misinterpreted it.

But after a month of hearings and much pulling and hauling, a bill was reported out of the Banking and Currency Committee which does basically exactly that, except that it changes the definition of the business of banking to what is functionally related to banking rather than what is closely related to banking, as in the present law, and I cannot see much difference in that definition.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the chairman of the committee, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I am glad to hear the gentleman say he does not see any difference between "functionally related" and "closely related." I think it is generally accepted by Members of the committee that they remain the same thing and they intend the same thing. I am glad to hear the gentleman make that statement.

Mr. WYLIE. I thank the chairman.

I was about to add that there are many precedents for the language "closely related" and as to what it means, since 1956, and there is much history on it. I have the feeling that using the words "functionally related" might serve to confuse the administration of the statute, but I would also hasten to add I would accept the judgment of William McChesney Martin, then Chairman of the Federal Reserve Board, who said he preferred the words "functionally related" because they would be easier to interpret and administer, and that the words "closely related" are unnecessarily restricting.

I am not hung up, in other words, if the statute should be changed, as to whether the words should be "functionally related" or "closely related." I cannot see much difference.

But further, the bill provides for a grandfather clause so that all one-bank holding companies engaging in noncongeneric activities prior to February 17, 1969, would be permitted to continue. On this I feel strongly. I feel the grandfather clause is indefensible. It, in effect, says that, although we agree that the practice of one-bank holding company activity through a bank-centered conglomerate company is bad and the economic consequences may be so far-reaching as to cause dire economic results, still, if a one-bank holding company had the foresight to seize on the economic advantage prior to the time Congress cut off this economically evil practice, it should be allowed to continue.

I will offer an amendment which will strike the grandfather clause. There are many instances of the merging of banking and commerce and this type of activity has threatened to change the entire concept of the American free enterprise system. Between January 1, 1965, and June 30, 1968, 239 one-bank holding companies were formed having deposits of over $15 billion. The administration, through the Widnall bill to which I have referred, suggested a June 30, 1968, cutoff date as far as the grandfather clause is concerned. The theory of this date was, according to Under Secretary of the Treasury Charls E. Walker, "that it was not so far back in time that forced divestitures would disrupt the operations or threaten the liability of the small traditional one-bank holding companies."

An amendment will be offered to return the grandfather clause date to January 1, 1965. This would exempt approximately 400 one-bank holding companies. Because of the parliamentary situation, after a grandfather clause amendment of January 1, 1965, is offered, I will offer an amendment to make the date May 9, 1956, which is the date of the enactment of the original Bank Holding Company Act of 1956. On that date, 117 one-bank holding companies were, in effect, grandfathered in, by being excepted from the provisions of the new law. They were all small banks located in rural communities. It does not bother me very much that the grandfather clause will continue the exemption which they had on the date of the Bank Holding Company Act of 1956. None of them has grown to such an extent as to endanger our economy since that date.

I also plan to offer an amendment which would include partnerships in the definition of a bank holding company. This appears to me to be another obvious exemption which, if retained, could only extend the problem through another outlet. And I would predict we would be back here again in 2 or 3 years trying to amend the Bank Holding Company Act.

Everyone who has studied the problem agrees that the trend toward the merging of banking and commerce must be stopped. In his statement on March 24, 1969, President Nixon said:

> Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.
>
> The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.

The Bank Holding Company Act of 1956—apparently from the testimony of all witnesses—has been effective and has done the job. If we have a statute which has done the job, why do we not retain as much of it as possible and recognize the problem as one of prevention rather than one which needs complete overhaul?

I support H.R. 6778, but feel strongly the grandfather clause should be eliminated and partnerships should be included.

Mrs. MINK. Mr. Chairman, I rise in support of amendments to H.R. 6778, the Bank Holding Company Act Amendments. The adoption of these amendments to H.R. 6778 is necessary to protect travel agencies and insurance agencies and to insure that these small private businesses have the opportunity to compete on an equal basis.

These amendments would restrict or prohibit bank holding companies from engaging in various business activities conducted by travel agencies, accounting firms, data processing firms, equipment leasing companies, and insurance agencies and companies. I favor general amendments for these types of businesses as well as specific amendments concerning travel agencies and professional accounting firms.

The principal purpose of H.R. 6778 is to amend the Bank Holding Company Act of 1956 to bring within the regulation provisions of the act companies which control only one bank. The closing of this huge loophole, which has allowed huge banking firms with all of their concentrated economic power to enter unrelated business activities in competition with independent firms which must in some cases borrow funds from the same banks for their operation, is indeed commendable.

Our purpose is to retain the separation between banking and nonbanking activities, and between business and commerce. The House Banking and Currency Committee bill, however, leaves broad discretion with the Federal Reserve Board to approve nonbanking activities of bank holding companies which are "functionally related to banking." The only two areas which the committee majority specifically barred under the bill are the insurance agency business and the mutual fund industry.

Unfortunately, there is nothing in the bill to prevent bank holding companies from combining with insurance companies in massive economic conglomerates which could have a devastating impact on independent businesses. Commercial banks and insurance companies are the two major sources of credit in this country. By permitting a combination of the two we would be creating financial empires that could well dictate and control entire industries.

Numerous travel agencies and other business firms in Hawaii have indicated to me their concern for the lack of control over these practices by bank-dominated holding companies under the bill as approved by the committee.

Congress acted wisely in 1956 by attempting to proscribe the gigantic economic control that could be exercised by banks through the holding company device. More recently the banks have discovered the one bank holding company loophole and have rushed to establish themselves in key industries prior to congressional action to close the door to this source of reckless windfall profiteering. The committee bill plays into the hands of these worldly wise bankers by inclusion of a "grandfather clause" which would protect their millions or billions of dollars of profits. There are other loopholes, such as the partnership exemption, in the committee bill as well.

We must move firmly to give banks full opportunity to expand in their own field and allow businesses to do so as well without interference by bank holding companies. The amendments to H.R. 6778 would accomplish this separation of function, and I strongly support their adoption.

Mr. ASHLEY. Mr. Chairman, I intend to speak only briefly on the bill before us and I do so only in the hope that my comments may clarify an apparent misunderstanding with respect to the purpose and scope of this legislation.

Since enactment of the 1956 Bank Holding Company Act, it has become reasonably clear that one-bank holding companies should be subject to regulation as well.

There are two principal issues involved in the legislation before us. First is the question of how to distinguish between banking and bank-related activities on the one hand, and industry and commerce on the other. This is accomplished in H.R. 6778 by charging the Federal Reserve Board with the responsibility of approving activities of one-bank holding companies which are "functionally related to banking" and to disapprove activities which are not so related.

The alternatives, rejected by the committee, would be for the Congress itself to specify in detail what activities are bank related, and I believe the committee was right in judging that this would result in far too inflexible an approach that would tend to put bank holding companies in an economic straitjacket in an economy that is changing very rapidly.

The second issue arises over the proposed cutoff or grandfather date of February 17, 1969. This problem arose because the Bank Holding Company Act of 1956 only brought under regulation holding companies having two or more banks. The result, as we now know, is that hundreds of one-bank holding companies have been formed since that date, some of which are congeneric—those having only bank-related activities—while others are conglomerate—those mixing nonbanking with banking activities.

The congeneric one-bank holding companies present no problem. They would simply become subject to regulation and to Federal Reserve scrutiny to assure future acquisitions are also bank related.

The conglomerate one-bank holding companies do pose a problem, however. These were formed in complete accordance with existing law and without foreknowledge, except with respect to the formation of very recent holding companies, that there would be any change in the law.

Inasmuch as one of the principal purposes of H.R. 6778 is to prevent the future formation of one-bank holding companies that mix bank related with non-bank-related activities, the question arose as to how the committee should treat this category of holding companies that have been formed in the past. While some members took the view that all conglomerate one-bank holding companies should be required to divest either their bank and bank related activities or their commercial activities, a majority felt that such companies formed prior to February 17, 1969, the date of introduction of the bill before us, should be allowed to retain their acquisitions, with the positive stipulation that these companies will be prohibited from further non-bank-related acquisitions in the future.

Frankly, Mr. Chairman, I think the second issue is more apparent than real. It's difficult to imagine a one-bank holding company with non-bank-related activities that would be willing to forgo further conglomerate acquisitions indefinitely into the future. My point is simply that the bill in effect requires voluntary divestiture rather than involuntary, because these companies will surely choose to spin off either their bank or their non-bank-related activities so that they can continue to grow.

For this reason I supported the February 1969 cutoff date.

Tomorrow I intend to offer amendments that will more clearly define what is meant by control of one-bank holding companies, together with two noncontroversial amendments that will make it clear that foreign banks are exempt, as well as domestic companies having banks abroad whose activities are ancillary to their domestic activities. The latter amendments have the approval of the Treasury Department and the Federal Reserve Board and I believe I am right in saying that they have the approval of both the majority and minority members of the Banking Committee.

Mr. MONTGOMERY. Mr. Chairman, like many other Members of this body, I maintain a continuing interest in, and sympathy for, the problems of small businessmen such as are in my district in Mississippi and who make up the backbone of our free enterprise system.

The local independent property insurance agents of my State and of this country are fine examples of this system. You will find them as community and business leaders in the villages and metropolitan centers of this country where, through their services, they have historically been as important in many instances to the economy of the community as have been the banks.

The fact is, the independent insurance agents and the banks have usually complemented one another in carrying out the various business transactions in the business communities.

Business moves on the vehicle of credit. Credit is extended on the basis of security. A part of that security, inevitably, insures against loss from the unforeseen catastrophe be it fire, wind, explosion, accident, death, or infidelity. As a consequence, the borrower or the lender has, over the years, turned to insurance agents, specialists in their field, to prescribe and provide insurance or indemnity against the unforeseen loss.

In 1916 the Congress appeared to recognize the importance to the community of the local independent insurance agents by amending the National Bank Act to include section 92, wherein national banks are restricted to the sale of insurance to communities of less than 5,000 population.

Prior to this limiting action by the Congress the Office of the Comptroller of the Currency at that time ruled that national banks possessed no power to act as insurance agents. The Comptroller recommended to Congress that it grant insurance agency powers to national banks only in the smaller communities.

Some significance must also be attached to the fact that banking rules in some States prohibit a bank official from acting as an insurance agent. Banking regulation—mind you—not insurance regulation.

In the light of the 1916 congressional attitude and that of banking regulation, it would seem certainly that both Federal and State legislative bodies had in mind the blunting of the all too forceful, coercive power of credit.

Our House records will show that an attempt was made by the banking interests in 1958 to have the 1916 mandate set aside so that there would be no restrictions against wholesale entrance of big banks into the insurance agency business. This body refused to remove that 5,000 population restriction in the National Bank Act.

In 1963 the then Comptroller of the Currency, James J. Saxon, waived aside the congressional act of 1916, and the reaffirmation of 1958, when he took it upon himself to say that national banks could engage in the insurance agency business. The Federal courts overruled the Comptroller's action and reaffirmed our congressional intent as expressed in 1916 and 1958.

Today, unfortunately, many thousands of local independent insurance agents' business lives are threatened through big banks using the holding company device as a means by which to circumvent the banking laws and regulations which have confined banks to banking.

Through the big banks' use of this device, independent insurance agents are confronted with the need to fight with every means at hand to keep the coercive power of credit from draining off business from which they make a living and serve their community.

The independent insurance agents of this country are accustomed to meeting competition: competing among themselves, others like us, and the so-called captive agents. Independent agents succeed in proportion to their proven abilities and efforts. This is typical of our free enterprise system. I can agree with local insurance agents when they insist that never did they conceive that they would have to compete with big banks whose competitive weapons need not be ability or effort, but only the lending of money that maintains the flow of community business. I can well understand the predicament of the independent insurance agents, since I was one before coming to this great body.

I would therefore commend to the chairman, as being in the public interest, the reasonable requests of the independent insurance agents in connection with the bill we are considering to regulate bank holding companies, H.R. 6778.

I urge that we accept and endorse their three recommendations that this bill, H.R. 6778, be passed, including a present provision in the bill limiting the insurance agency activities of banks to writing credit life and/or credit accident and health written on the life of an individual to insure repayment of a loan. I recommend that we roll back the grandfather clause's forgiveness date to January 1, 1965. Also I recommend that we amend the bill by addition of the following language to section 4(c)(8) providing necessary tests to be used by the Federal Reserve Board in judging what are activities functionally related to banking:

> (8) shares retained or acquired with the approval of the Board in any company performing any activity that the Board has determined, after notice and opportunity for hearing, is functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public as greater convenience, increased competition or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased competition, conflicts of interest or unsound banking practices.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, under the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 6778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Amendments to the Bank Holding Company Act

(a) Section references in this section refer to the sections of Public Law 511, 84th Congress, as amended.

(b) Section 2(a) of the Bank Holding Company Act of 1956, is amended by striking the words "each of two or more banks" wherever such words appear and inserting in lieu thereof the words "any bank".

(c) Section 4(c) of the Bank Holding Company Act of 1956 is amended by:

(1) amending Section 4(c)(8) to read as follows:

(8) shares retained or acquired with the approval of the Board in any company performing any activity that the Board has determined, after notice and opportunity for hearing, is functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. The Board shall not approve the acquisition or retention under this paragraph (8) of shares of any company:

(a) performing the functions of an insurance agent, nor permit the bank holding company itself to act as an insurance agent, except where the insurance provided is limited to insuring the life of a debtor pursuant to or in connection with a specific credit transaction, or providing indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled, or

(b) engaging in the underwriting, public sale, or distribution of mutual funds.

The Board shall not approve any retention or acquisition under this paragraph (8) except in accordance with regulations prescribed by it, which shall include guidelines taking into account the standards above specified. Such guidelines shall be developed by the Board after consultation with the Comptroller of the Currency and the Federal Deposit Insurance Corporation. In making determinations under this paragraph (8) the Board may take into consideration whether entry is to be on a de novo basis or by acquisition of an existing company. The Board shall grant or deny any application under this subsection within ninety days after submission to it of the complete record on the application and in the event of the failure of the Board to so act, the application shall be deemed to have been granted. The Board shall include in its annual report to the Congress a description and a statement of the reasons for approval of each transaction approved by it under this paragraph (8) during the period covered by the report."

(2) striking "or" at the end of paragraph (9), striking the period at the end of paragraph (10) and inserting "; or", and adding a new paragraph (11) reading as follows:

"(11) shares lawfully acquired and owned on February 17, 1969, by any bank holding company (or subsidiary thereof) as of that date which will become subject to the Bank Holding Company Act of 1956 as a result of the enactment of the Bank Holding Company Act Amendments of 1969, so long as the company issuing such shares is not engaging and does not engage in any business or activities other than those in which it or the bank holding company (or its subsidiaries) was lawfully engaged on February 17, 1969."

Mr. PATMAN (during the reading). Mr. Chairman, in view of the fact that the amendment is printed in the bill and available to all Members, I ask unanimous consent that we dispense with further reading of it and that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Chairman, I move to strike the last word with reference to clarifying the situation.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry. Is this just one section that is considered read and open to amendment at any point?

The CHAIRMAN. There is just one section in the substitute committee amendment.

Mr. HALL. Then, this is to the entire bill as written?

The CHAIRMAN. Yes.

Mr. HALL. I thank the Chairman.

Mr. PATMAN. The situation is tomorrow we have at least one bill which will be called up under suspension, which will take 40 minutes. Then there is another bill that the leadership will bring up in the way of a conference report. That will take an hour. If we have as much as 3 hours tomorrow and certainly as much as 4, we can finish the bill, I believe, with the cooperation of the membership. With that understanding, I will ask, when we get back in the House, that all Members may have permission to revise and extend their remarks and include extraneous matter.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BROWN of Michigan. As I understand it, your request was that the committee amendment be considered as read, and that it be open to amendment at any point, and then seek to have the Committee rise. Is that correct?

Mr. PATMAN. That is correct.

Mr. BROWN of Michigan. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Holifield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6778 to amend the Bank Holding Company Act of 1956, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EDUCATING HANDICAPPED CHILDREN

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, all of us who have been blessed with happy and healthy children should never forget the pains and anxieties of those who are less fortunate. There has been wonderful work done and amazing strides made in the field of educating handicapped children.

In my State of Rhode Island, the Meeting Street School in Providence is one of the finest examples of the dedication shown by those who are working in this vital area. This Children's Rehabilitation Center is one of the 25 model centers involved in the development of preschool educational practices for handicapped children. It is certainly a leader in its field.

The Meeting Street School is presently embarked on a transitional project to bring to the slow learner specific remedial programs. On October 19 the Providence Sunday Journal printed an article describing how this school "is extending itself, both geographically and philosophically, well beyond the image of that cute little girl on the Easter Seal posters."

I urge all of my colleagues to read about the work done at the Meeting Street School. It deserves our interest, support and energy.

The article follows:

MEETING STREET SCHOOL—TREATING THE INVISIBLY HANDICAPPED

(By Douglas R. Riggs)

For most of us, the Easter Seal Child serves as an annual reminder of Meeting Street School, Rhode Island's Easter Seal Society agency. She's that cute little girl with a happy smile, wearing leg braces or holding crutches, whose photograph appears regularly every March on posters and mailings for the annual fund drive. She has become a familiar symbol. Familiar, appealing, effective—and obsolete.

Well, not entirely obsolete. Meeting Street School continues to accept pre-school youngsters with physical handicaps of all sorts. And despite the near-eradication of polio after the introduction of the Salk vaccine in 1954, crutches and braces are still in evidence. Polio is not the only crippling disease.

But in recent years Meeting Street has become increasingly concerned about more subtle handicaps—handicaps which often can't be photographed, or seen, or even described concisely, but which interfere with a child's most important function: learning.

Estimates vary widely, but there's a growing suspicion that perhaps one child in every four is laboring under some sort of learning disability, which may or may not have a neurological basis. Perhaps the figure is only one in ten. But one thing is fairly certain: The number of recognized cases is only a fraction of the total.

Meeting Street School has been helping children with such handicaps for years. Thousands of youngsters who might otherwise have been labeled "slow" or "retarded" or "disturbed" (and who might have become all of these things eventually, if left to their own devices) have been helped toward normal schooling and useful lives. The school has earned a national reputation in the process.

It has grown in size and effectiveness through the years as well. It served 18 youngsters the year it opened, in 1946. This year it will help more than 650. It has a professional staff of 50, 30 of whom deal directly with the children. It also calls upon an active volunteer medical staff of 14 people, covering six specialties. It outgrew its original quarters on Meeting Street in 1957 and moved everything (including its original name) into rented buildings at the Butler Health Center on Grotto Avenue, where it now occupies about 10,000 square feet of space. The operating budget for the current fiscal year is $412,682.

Meanwhile, its philosophy of service to the community has undergone some expansion, too. The school was founded primarily to help children with cerebral palsy, which was then deemed the greatest unmet need in the community. "As we went along, we found that what we were doing had greater implications; our philosophy and techniques applied to other neurological problems," explained Miss Nancy D'Wolf, executive director.

"We are egotistical at the preschool level," she said. "We think we have an approach. Now we think the information we have on the severely handicapped has some value for the less handicapped. So the school will be placing greater emphasis on the "marginally" handicapped child, without lessening its commitment to the critically handicapped.

But whatever the school does on its own, in terms of the problem—the elusiveness and intractability of which confound the experts and the dimensions of which overwhelm them—Meeting Street is but a small voice in the wilderness . . . with a three-month waiting list.

Now it is embarking upon a three-year pilot project designed to amplify that voice and multiply its effectiveness, in cooperation with the Providence school system. With the help of a $30,000 planning grant from the federal Bureau of Handicapped Children (U.S. Office of Education). Meeting Street School last month launched a project titled "Establishment of Early Identification and Special Programs for Kindergarten and Grade One Children with Learning Handicaps."

"Early identification" is a message Meeting Street School has been preaching for a long time now. Indeed, its entire program is designed for, and generally limited to, infants and pre-school youngsters. (It is not a "school" in the academic sense at all. It's more like a Head Start program for the handicapped.)

The following excerpt from the grant proposal submitted by Dr. Peter K. Hainsworth, the psychologist at Meeting Street who is directing the current project, helps explain the school's philosophy:

"The state of Rhode Island established Rules and Regulations to govern the Education of Handicapped Children in 1963. These rules and regulations mandate special education services for all categories of handicapped children. While this legislation has resulted in an increase of special education services throughout the state, the increase has been of uneven quantity as well as quality. This has been particularly evident in the pre-school and early education areas where there is a consistent paucity of early detection, prevention, and/or habilitation programs.

"The result is that a small segment of the population of handicapped children, i.e. the grossly handicapped, identify themselves early and are served in the few private agencies available. But the large segment of the handicapped population have deficits which are not easily discernible until they are enmeshed in the school frustration-failure-despair syndrome. In most cases, one to three or more years elapse before any attempt is made to ameliorate their plight. By that time, it is often much more difficult to effect changes."

In fact, the response of the public schools to date can only be described as inadequate. Despite estimates of the number of school-age children with learning handicaps in Rhode Island that run into the tens of thousands, at last count only 14 of the state's 40 school districts had programs for "neurologically impaired" children, serving a total of 346 youngsters.

The experts are unanimous in agreeing on the need to catch it early, long before the child reaches school if possible. There is considerably less agreement on what "it" is, or even what to call it. "Brain damage" and "neurological impairment" are among the most common terms, both inadequate—and downright misleading, according to some physicians and most psychologists. Probably it is many things. Certainly it can't be called a disease and even the term "condition" seems too specific.

One thing it definitely is not is mental retardation, although anything which seriously impairs the learning process obviously can produce the kinds of mental deficits referred to as retardation eventually.

The kids involved are often of normal intelligence, however, which makes their handicap all the more frustrating—to their parents, their teachers, and above all to themselves. Especially if the problem is so well hidden that everyone expects the afflicted child to behave like everyone else, as is often the case. This kind of frustration almost always leads to emotional problems, which complicate the diagnosis even further. All too often, in fact, a child's emotional imbalance is the first hint parents have that something is wrong.

The layman venturing into the domain of Meeting Street School soon finds himself adrift in a maze of terminology. The children there may be called brain damaged, neurologically impaired, perceptually handicapped; they may exhibit psychomotor deficiencies, cerebral dysfunction, maturational lag, learning disabilities, developmental aphasia, and such more-or-less specific symptoms as dyslexia (impairment of reading ability), dyslalia (speech impairment), or dyskinesia (difficulty making voluntary motions).

Eventually the suspicion dawns that this whole bewildering thicket of words and phrases conceals a wealth of medical ignorance. Somewhat disconcertingly, the suspicion is confirmed by no less an authority than Dr. Eric Denhoff, the school's medical director, and a man internationally known for his work in cerebral palsy and other neurological problems affecting children.

Dr. Denhoff doesn't say so in so many words, but he freely admits, in effect, that when it comes to the processes by which neurological impairment or brain dysfunction or whatever you call it prevents normal functioning, the experts literally don't know what they're talking about. Sometimes the *causes* of the handicap can be identified with some confidence, but often they too are a mystery.

In some cases, the cause of the problem or problems is almost certainly a specific episode, such as lead poisoning or a temporary loss of oxygen to the brain, as sometimes happens in difficult births. In other cases environmental factors can be identified, as when severe tensions between parent and child lead to emotional upsets producing hyperactivity and a short attention span. In other cases a combination of environmental and physiological factors is suspected, and in still others no one knows.

Dr. Hainsworth and Dr. Marian Siqueland, another Meeting Street School psychologist who has been closely associated with the current project from the beginning, prefer to speak of "psychoneurological inefficiency," to indicate that the handicaps in question are dependent upon both the child's "neurological intactness" and his past experience. They also speak of a child's "range of efficiency" and "level of functioning" rather than using the more specific (and hence more hazardous) terminology based on guesses as to the specific source of the problem.

They see the motor, visual-motor and language handicaps which come to their attention as being parts of a continuum of efficiency, which ranges from the severely handicapped, cerebral palsied child to the barely perceptible learning disabilities of the mildly inefficient child.

Diagnosis is obviously a tricky business at Meeting Street School. Every Wednesday morning the school's "team"—psychologists, therapists, social workers and Dr. Denhoff—meet for diagnosis and evaluation of specific cases. At these sessions Dr. Denhoff, seeing a child for the first time, gives him a thorough neurological examination in front of the others (who have examined the youngster previously). Then the child is led out and each member of the staff reports in turn on his findings, including the child's home environment and medical history.

Finally there is a general discussion, including recommendations. Frequently there are fundamental disagreements. (At one such session, Dr. Denhoff said of one five-year-old: "Ten years ago I would have said this kid is emotionally disturbed. But now I'm not so sure. We just don't know whether this is neurological or psychiatric or physiological.")

It seems to add up to this: In many cases, perhaps most, all one can say about a child with a learning handicap is that somewhere in the process of receiving information, sorting it into concepts, and expressing those concepts in words and deeds, something has gone wrong. The difficulty may be with the "input" (a perceptual handicap); the "output" (as in speech impairment) or somewhere in that mysterious sorting-out process which lies at the heart of human thought.

Most of us from time to time probably come very close to experiencing the kind of frustration felt by such children—when we dream. The kind of dream in which someone is calling you, for example, and for some reason you can't seem to answer. Or someone is beckoning to you and your legs won't move. Or you have to take a test in a subject you know well, but when you see the questions they make no sense. We call it a nightmare. For the handicapped child, it is life.

Such children can be helped. Meeting Street School has been doing so for years. In some cases, help means teaching a child to live with his handicap. In other cases it may mean teaching him to conquer the problem entirely. In most cases it also means teaching parents how to cope, how to lessen frustration in themselves and their children. But the children must be identified before they can be helped.

Last spring the school staff published the Meeting Street School Screening Test (MSSST), formulated with the help of a previous two-year federal grant. It is designed to evaluate a youngster's range of psychoneurological efficiency, particularly in relation to his chances for academic success or failure, and provide some indication of what remedial steps might be taken if the range is below normal.

The MSSST is quite different from the standard I.Q. test. I.Q. tests, roughly speaking, measure reasoning power—that mysterious process of concept-formation referred to above. The MSSST measures a child's efficiency of input and output. It may or may not be an index of neurological impairment. "At the lower end, we presume there are neurological problems," Dr. Hainsworth said. "In the middle it's hazardous to speculate."

This test was devised primarily for professional educators' use. The school has since published another for physicians, to help them expand their traditional neurological testing. Meanwhile, the staff has also produced a 300-page curriculum for children with learning handicaps, which it will continue to evaluate and refine during the three-year life of the current project.

This curriculum is actually more a matter of "how" to teach than "what." It emphasizes such things as providing a stable environment for the children; keeping everything in the classroom in the same place every day, having identical time schedules, etc. Inefficient children can't absorb very much at one time, nor deal easily with change. So you introduce materials one at a time, speaking in simple sentences rather than whole paragraphs.

The current cooperative project with the Providence school system came about because the Meeting Street School staff wanted to build upon, and use, the knowledge gained through devising the MSSST and the experimental curriculum. Dr. Hainsworth expects the planning grant to be the prelude to operational grants, which will support the project for three years at about $130,000 a year.

The plan is to set up a kind of demonstration classroom at Meeting Street School, using children from a Providence neighborhood where the prevailing socio-economic levels are low. (Children from "deprived" areas generally run a higher risk of learning disabilities.)

In the first year, one public school teacher will be brought in and trained extensively in this classroom, working with the 60 (approximately) "inefficient" children screened from the 600 kindergarteners and first graders in the target area, using the MSSST. In the second year, this teacher will start a transition class in the Providence schools, under the supervision of Dr. Hainsworth, Dr. Siqueland, and Mrs. Bernice Graser, assistant director of education for the project.

Meanwhile, the original demonstration classroom will be used to further develop curriculum and train two to four more teachers. In the third year these teachers will establish two more transitional classrooms, in Providence or in another school district in the state.

During the three-year lifetime of the project, the children in the demonstration classroom will have the benefits of careful scrutiny and testing. Many of them will be referred to specific remedial programs within or outside the public school system. In all, about 1,200 children will be screened, three to five teachers will receive special training, and three transition classes will be established in the public schools—classes in which children with minimal handicaps will get the special attention they need before entering the regular classroom. Hopefully this transitional program will continue and be expanded after the pilot program has run its course.

This is just one of the ways in which Meeting Street School is extending itself, both geographically and philosophically, well beyond the image of that cute little girl on the Easter Seal posters. And if she appears again next March, as she probably will, just smile back at her and remember that she has to symbolize an awful lot of progress, most of which can't be photographed, or seen, or even understood very well by most of us, But progress, just the same.

SOCIAL SECURITY INCREASES

(Mr. PHILBIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I think we all must realize the urgency of raising social security benefits at the earliest possible time. We cannot further delay action that should have been taken long ago to bring these benefits in line with current high price levels and the cost of living.

It is estimated there are 25 million poor people in the country, and 8 million of them are on social security. Some 2 million of these receive only $55 a month.

We must have in mind that even when and if we do have these increases voted by Congress, there will be almost 3 million people on social security in this country to whom these increases will be meaningless, because the States, if they follow current practices authorized by State laws, will simply reduce benefits they are now receiving by the amount of the increases, thus in effect nullifying the increases.

It is gratifying that some have moved to support a bill calling for a 15-percent increase, and for other adjustments in the social security system that will provide support for the family welfare program, as suggested by the President, and insure that the increases voted by the

Congress will be assured to every social security recipient.

With due respect to the President's proposed 10-percent increase, I do not believe that it is sufficient, and had previously introduced a bill calling for a 15-percent increase across the board that would represent the cost-of-living and price-escalation factors.

I have taken this action, not because I believe a 15-percent increase across the board would be sufficient. To the contrary, I believe that it probably would not be enough to satisfy all cost-of-living factors.

But we must keep in mind that any bill enacted by the Congress would have to be signed by the President, and I am of the opinion that he would probably sign a bill calling for a 15-percent increase this year, if Congress should pass it.

On the whole, as I have stated many times, I believe that we need a complete overhauling of the social security system to provide benefits that will be nearest in line with current living costs and prices, and I think that before this can be done, it will be necessary for Congress to recognize that the payroll taxes are already too high, and we must be prepared to bolster the social security fund by annual appropriations from the national revenue.

There has already been entirely too much delay in voting social security increases, and I think that we must move at once, in fact, if there is further delay, it will not be countenanced, and the House will be constrained to take emergency action.

I believe our Ways and Means Committee is one of the greatest committees of this Congress, led by its very able, distinguished leader, and comprised of some of the most learned, informed, sophisticated, and capable Members of the House.

These gentlemen are, without exception, fully informed on all phases of social security laws, and other laws pertaining to the work of their committee.

None of them needs additional briefing and study that is necessary to prepare and report a bill that would meet the overwhelming consensus of the House and the American people.

I think that this committee could very easily report out a social security bill such as we require within a few days, so that it could come to the House where it could be passed by a most emphatic vote, and then sent to the Senate, where I feel that it will also be passed overwhelmingly, and be sent to the President for his signature, even before Christmas. It would be a fine Christmas present for millions of worthy Americans.

Mr. Speaker, I again urge, as I have done so many times, that we act in this vital matter without further delay. The hour is late, and we must relieve the unfortunate blight of many needy fellow citizens, and furnish them at least with some substantial support. Inadequate as it will be, to cover their full needs, we will be doing a duty that the American people expect us to perform to help large numbers of good fellow citizens whose only offense is that they are in advancing years without the surplus of worldly goods and enjoyments of high standards of living that so many Americans have these days.

Let us move substantial social security increases—and now.

GRAMBLING COLLEGE OF LOUISIANA: "THE PRIDE FACTORY"

The SPEAKER. Under a previous order of the House the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, a recent issue of Mid-South magazine carries an article entitled, "The Pride Factory," a story about Grambling College of Louisiana. This college is not in my congressional district, but I have known the president of it, Dr. Ralph W. E. Jones, for a number of years and have the greatest respect and admiration for him, his faculty, and students.

It is an inspiring article, Mr. Speaker, and an inspiring success story of what can be accomplished by guts, grit, and determination. In these unfortunate times when the college campus is, too often, a battleground instead of a quiet arena for the pursuit of education, Grambling is a standout college. I hope every Member will take a few minutes out and read this article. One cannot help but be uplifted by it.

THE PRIDE FACTORY

(By William Thomas)

Six A.M. A dismal hour for football.

But there they are, more than 50 of them, some as big as fighting bulls, jogging through the mist of an autumn morning and fanning out across a field of trampled dandelions where, season after season, they come to separate the men from the supermen.

A whistle sounds.

A hundred hands clap.

A voice shouts—"Go, big baby! Tear their heads off!"

And it begins: Crounched toe-to-toe, knuckle-to-knuckle, nose-to-nose, they crack together with a resounding whoop—"Hut! Hut! Hut! Hut! Hut! Hut!"—popping pads, butting helmets and grappling over one foot of sod which, on another day in another place, may separate even further the haves from the have-nots.

To the casual observer, it might seem like just another collegiate football squad going through the wringer of conditioning. But this is no ordinary congregation of athletes bent on merely winning their letters, covering themselves with weekend glory and basking in the cheery smiles and misty glances of admiring coeds.

These are the Tigers of Grambling College, La., a small, mostly Negro school 20 miles below the Arkansas border. To those who play there, football is more than just a kick. It's their bag—a cram course in instantaneous success, the means by which a youth with little else going for him can climb to the top of the heap on the man-piles of professional football.

For if there ever was a football factory, it is Grambling. "The College Where Everybody Is Somebody" is just a whistle stop in Lincoln Parish, Louisiana, just a dot on the map, but a dot known to every major football scout in the country. (At one Grambling game not too long ago; there were 24 professional scouts in the stands.)

Little wonder. For as a producer of pro football players, Grambling has few peers. Last year, for example, there were nine graduating seniors on the Tiger squad—and every one of them was signed to a professional contract. Although it was the first time in the school's history—any school's history—that every senior player went on to the pros, the movement from Grambling to big-time football has been going on since the mid-1940s.

It began with Paul 'Tank' Younger, a 230-pound fullback, who scored 60 touchdowns in four years at Grambling and became the first graduate of a Negro college to play professional football.

"Tank Younger opened the door," says Grambling's top booster and publicity director, Collie Nicholson. "And when he did, every Negro athlete in the country saw his chance."

Since then, more than 80 Grambling graduates have plunged into professional football—35 of them were on the active rolls of National and American League teams this season—and they included some of the game's most outstanding players. Last year alone, for example, five former Grambling men were chosen for all-pro honors—Roosevelt Taylor of the Chicago Bears, Buck Buchanan of the Kansas City Chiefs, Clifton McNeil of the San Francisco Forty-Niners, Willie Brown of the Oakland Raiders and Garland Boyette of the Houston Oilers.

And, Sunday after Sunday, Grambling grads figure prominently in the professional football wars.

Late last season, for instance, San Francisco was trailing Green Bay, 20–7, when Grambling's Clifton McNeil speared a pass and darted for a touchdown to start the Forty-Niners on a fourth-quarter scoring jag. When it was over, San Francisco had upset Green Bay, 27–20.

Later, when Kansas City was playing Boston, another Grambling graduate, Goldie Sellers, returned a punt 76 yards and fired his Chiefs to a 31–17 victory.

A year before that, as the Baltimore Colts churned toward a touchdown that would have tied them for a divisional championship of the National Football League, it was Grambling's Willie Davis, playing for Green Bay, who tackled Johnny Unitas with such force that he lost the ball—and the game.

The man responsible for the production *of* all this black power is Edward Gay Robinson, who came to Grambling as football coach 29 years ago—with orders to produce a winning team. Although he had no coaching experience, "Eddie" Robinson had been a Little All-American at now-defunct Leland College in Baker, La., where he once completed 59 straight passes in six games.

Though green and young, Robinson was hired by R. W. E. Jones, Grambling's sports-minded president, who decided in 1941 that if a Southern college was going to amount to anything, it had to have a strong football program. And, as the college president saw it, Robinson was the man to produce the program.

However, Grambling wasn't built in a day. During his first season, Coach Robinson lost every game but one—and it was a tie. Then, the very next year, his team went undefeated, untied and unscored-on. Five years later, Robinson put together a football machine which had four Little All-Americans in the lineup, including Tank Younger.

"When a professional football scout finally showed up at Grambling," Robinson recalls, "we wouldn't let him get away till he'd seen Tank. And when Tank was signed by the Rams, he gave every Negro boy in the country something to shoot for."

Indeed he did. During his years with the Rams, the enormous Younger blasted his way to a place on the All-Pro team. His 60-touchdown record at Grambling still stands and he is now a member of the Small College Football Hall of Fame.

But more important, perhaps, is what all this did for Grambling College, an institution with such humble beginnings that it was founded originally as a private Negro high school in 1901. It was not until 1928 that the school was turned into a junior college to train teachers.

When Dr. Jones became president in 1936, it was still a junior college and had only 120 students and 17 faculty members. Four years later, in 1940, it became a four-year state college which has grown steadily until today it boasts an enrollment of 4,000, a faculty of nearly 200, a campus exploding with a 16-million-dollar construction program and an operating budget of about six million dollars a year.

Even so, Grambling remains a relatively small Negro school, at the edge of a tiny community with a two-block business district and scattered residential section inhabited mostly by faculty members. On nearly every automobile there's a bumper sticker: "How Sweet It Is—Grambling Tigers."

On the surface, Grambling—both the town and the school—seem nothing more than a very small, very quiet college community which traditionally has attracted more girls than boys. Nevertheless, to this remote spot, mid-way between Monroe and Shreveport, La., has come a steady stream of magazine writers, national television crewmen, media men of all kinds who have helped make Grambling famous as few other Negro schools.

Partly, all this national attention is due to the savvy promoting of publicity director Collie Nicholson. But mostly it's the result of a football program which has been compared with the likes of Notre Dame, one of the few schools that consistently turns out more football professionals than Grambling.

The upshot is a steady influx of football talent—big, fast, tough, young athletes who frankly come to Grambling in hopes of landing a professional football career.

"I would be lying if I didn't say that many of our boys come here to prepare for pro football," says Coach Robinson. "We're not ashamed of it. A lot of these kids are from underprivileged families, and they see this as a short-cut to some of the things they want. And a lot of them get it.

"Some of these kids graduate from here and start right in making more money than anybody on our faculty. We encourage them to get an education, but we don't discourage them from playing professional football."

Actually, Coach Robinson helps prepare his Grambling players for pro ball by teaching them professional play patterns and methods. "The name of the game is blocking and tackling," he says. "But we also teach the terminology of the pros. If a boy is going to play professional football . . . if this is what brought him to Grambling . . . then the least we can do is teach him the terminology along with the basics.

"So, if I walk into his room where he's sleeping and I yell, 'Red Left!' I want him to jump up and tell me the formation is strong left, the backfield is split, and flankers are out or whatever."

Although Robinson has been employing professional coaching methods for years—he was one of the first Negro coaches to use the movie camera for review—he is continually revising and modifying his system to keep pace with the latest innovations in pro ball. Much of it comes from former Grambling players who have turned professional and, like Tank Younger, now a scout, return to the school year-after-year to lend a hand.

"Every boy who comes to Grambling with visions of playing pro ball is going to get every scrap of information we can pick up," says Robinson.

In addition to professional coaching, Grambling also provides its players with a remarkable showcase for their talent. Although its regular season consists mostly of games with other small Negro schools throughout the South, increasingly it has been playing special games on a national level.

Last year, the Tigers played in Yankee Stadium, in Madison Square Garden, in the Astrodome at Houston and in the Rose Bowl Stadium at Pasadena. This year, they opened their season with a charity game on the West Coast and followed it up a week later with another benefit in Yankee Stadium. (In both cases, the proceeds went to the Urban League.)

"We've got a new recruiting slogan going," quips one assistant coach. "Play for us and see the world."

Actually, Grambling now plays to more fans than many major universities. In 11 games last season, including their post-season victory in the Pasadena Bowl over Sacramento State, the Grambling Tigers performed before 227,585 paying customers.

However, fame has its disadvantages. "Every team we play wants to beat Grambling. So everybody's laying for us," says Robinson. It doesn't seem to make all that much difference, however. As he entered his 29th season this year, Robinson had won 188 games, tied 11 and lost only 66.

All this hasn't gone unnoticed by professional scouts or young athletes who want to play pro ball. In fact, for the first time, Grambling has attracted two white players to its squad.

Robinson, overjoyed by the fact that he has at last interested white contestants, is nevertheless surprised that it didn't happen earlier. "Surely, there are white boys who want to play professional football as much as colored boys," he says. "Well, why shouldn't they come to Grambling?"

Robinson anticipated some possible trouble when the first white youth, James Gregory, of Corcoran, Calif., applied for a football scholarship at Grambling. (Young Gregory was an all-state football player at Corcoran) where the team is coached by a Grambling graduate. He picked Grambling over several other schools at his coach's suggestion.)

"I was flattered when this boy . . . when any boy . . . says he wants to play for us," Robinson recalls. "And I felt this was important. I wanted to show everybody the kind of people we are—to demonstrate that anybody can play football for Grambling. All my life, I've seen one or two Negro boys on white teams. Now we had a chance to give as much as we asked, to accept this boy as part of our team."

Robinson is extremely conscious of Grambling's public image, and it shows in the habits of his players. Although they are undeniable rough housers on the field, they wear coats and ties on road trips and almost always bow their heads and say grace at the training table.

Thus, when the first white athlete came to Grambling, Robinson went to some lengths to see that nothing went awry.

"The first thing I did, was to have a talk with him. I told him, 'You're in a new environment, now, son, and when you get knocked down it's going to be different. Because all the other times you got knocked down, you looked around and everything was white. Well, when you get knocked down here, you're going to look around and everything's going to be black. What you've got to do is hang in there.' "

And, throughout his freshman year, that's precisley what Gregory, a quarterback, did.

"Gregory helped us in more ways than one," says Robinson. "We lost our first two games last year, and everybody was down in the dumps. We were trying to work ourselves out of it on the practice field. Our first-string defensive team was taking it out on the team for which Gregory was playing quarterback, and they were getting tough and pushing him.

"Well, everybody was mad and Gregory was wet and dirty and tired of being pushed around. He went back to pass, but the receivers were all covered and so he made his move and started a sweep. The offense started blocking like hell and Gregory went into the end zone. He slammed the ball on the ground and it bounced 15 feet in the air and everybody grinned.

"Somebody said, 'Now you got soul, Greg.' and that broke the tension and we never lost another ball game."

Long before the season ended, Gregory was an accepted part of the team. "When we walked into the Astrodome," recalls Robinson, "a sports writer began asking some of the players who the white boy was. They acted like they didn't know what he was talking about. What white boy? they asked. 'Isn't there a white boy on the team? said the sports writer. Oh, said one of our boys, he must mean James Gregory. Man, he ain't no white boy—he's a Tiger.' "

And, indeed, it takes a bit of tiger to play for Grambling, where seldom does a lineman weigh less than 240 pounds, and the backs aren't much smaller.

Although Robinson has turned out tackles, ends, halfbacks and fullbacks who have played some of the best professional football in the country, he has never developed a pro quarterback. And, after 29 years it has begun to bother him.

"For a long time, the Negro athlete wouldn't try for quarterback, because he never believed the pros would play him at that position. Once, one of them told me, 'I'll play quarterback for you, but you'll have to let me play defensive back for myself, because that's what I'm going to have to do with the pros.' "

Robinson no longer believes the argument holds water. "If we do our homework and produce a good quarterback, I think the pros will play him. And I really want to turn out a quarterback. I've been at this game 29 years, as long or longer than 'the Bear' (Alabama Coach Paul Bryant) and if he can produce any number of good quarterbacks, it looks like we could come up with just one."

For the past four years, Robinson has been grooming a likely candidate—James Harris—who was signed as a quarterback by the Buffalo Bills of the AFL. Although they have two veteran quarterbacks, the Bills' coaches are mightily impressed with Harris. In the Buffalo opener with the New York Jets, he became the first Negro quarterback ever to start the season for a professional team. And he was matched against the unmatchable Joe Namath, no less.

After a creditable showing in that game, Harris gave way to one of the Buffalo veterans and Robinson concedes that "he might not make it. But if he doesn't, the next guy will. This is just one more door we've got to open."

Grambling has opened many doors. In addition to one of the most remarkable football machines in the country, the school also turns out one of the finest basketball teams in small college circles, and some of its graduates have made the professional ranks on the courts. Two all-pro players last year, James Jones of New Orleans and Willis Reed of the New York Knicks, are former Grambling stars.

However, it is on the football field that Grambling has become a legend. And it is here that you learn why its program is so successful.

"You gotta have Pride! Pride! Pride!" shouts Coach Robinson as he watches his squad butt heads on the practice field. "You gotta look like a pro! Look like a champion! Because nobody's gonna respect you if you don't!"

Under Robinson's direction, two burly giants crouched nose-to-nose and, at a signal, crashed into one another through a narrow corridor formed by two tackling dummies. One of the boys lay sprawled on the ground, blood flowing from his nose.

"You got whipped, son," said Robinson. "You better get up and try again."

Six more times, the two players collided, and six more times the same youth was flattened. On the seventh try, in desperation, he finally came out on top.

"I knew you could do it," Robinson told the boy delightedly.

"All you gotta have is a little pride. That's we're here to teach you."

TANGIBLE EVIDENCE NEEDED FROM THE SILENT MAJORITY

The SPEAKER. Under a previous order of the House the gentleman from Maryland (Mr. Hogan) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, last night's major foreign policy speech by President Nixon well deserves the thoughtful attention and perusal of all Members of this body and of all Americans.

Two points in particular impressed me as I listened to the President speak to the American people. First, I believe it is absolutely imperative that the vast "silent" majority end their silence and begin to give tangible evidence that they support the President's Vietnam policy.

President Nixon outlined a cogent policy and plan for peace which merits the support of the American people.

Second, President Nixon's appeal to our young people touched upon the ultimate source of hope—or despair—in the future of this great country. The President made it clear that he favors peace as much as anyone. He is concerned about the same things which concern so many of our young people. I hope, therefore, that many of them will rally to his support and will not be lured to demonstrate opposition to his policy on November 15.

One thing which concerned me about the October Vietnam moratorium was that it presented only one side of American sentiment on the war. The moratorium was for many participants an expression of public desire for peace. Unfortunately, however, it was accepted by the North Vietnamese as a show of support for their war efforts, and, consequently, the protest seriously weakened our negotiating position at the bargaining table in Paris.

I am disturbed by the view which is emerging in some quarters that, unless one actively supported the moratorium, he is not in favor of ending the war in Vietnam. This is a most unfortunate circumstance because it can divide our people before both sides of the issue can even be heard or discussed. Regretfully, the news media plays up the role of the vocal minority and, as a result, the views of the vast majority are never heard.

Because our children are bombasted by the mass media throughout their formative and impressionable years, I fear that they are in danger of becoming saturated with only one point of view.

Those who participated in the moratorium do not seem to recognize that every responsible American prefers peace to war. President Nixon wants peace in Vietnam. I want peace in Vietnam. America as a Nation wants peace in Vietnam. I am fearful that Drew Pearson's successor, Jack Anderson, may be correct when, in his October 15 column, he wrote of some of our more vocal peaceniks—who seem to think they are the only ones in this country on the side of world peace and tranquillity—that: "They aren't against the war at all; they merely are on the enemy's side."

While I am not one who sees a Communist behind every tree, it nevertheless disturbs me greatly to see so many protests lodged against the American Government when, as the President said last night, we have initiated and carried through proposals for peace, while the Vietcong have thwarted negotiation and mutual withdrawal efforts at every point. If there are to be protests, why not direct them against the government of Hanoi which has brutally treated thousands of U.S. prisoners of war and continually refused to enter into any meaningful negotiations with the United States or South Vietnam?

Few Americans realize that, between the beginning of 1957 and the end of August this year, 25,243 South Vietnamese civilians were slaughtered in Communist terror attacks. These are not civilians killed during the battlefield action. They were victims of political assassination, of reprisals against villages, or they were persons killed because they had skills useful to the Saigon government.

The population of South Vietnam is one-twentieth that of the United States. If we suffered the same rate of deaths from terror attack, we would have lost a half million mayors, councilmen, health workers, teachers—people—in less than 12 years.

This is the other side of the Vietnam story which must be told to our people. I think it is particularly critical that this story be told now because, in every estimation, the November moratorium is expected to be even more one sided than that which occurred in October. The October observance proved to be cool and concentrated and nonviolent, but the inclusion of the Mobilization Committee To End the War in Vietnam in the November plans will undoubtedly increase the chances of a chaotic and turbulent demonstration.

THE BIG TRUCK BILL

The SPEAKER. Under a previous order of the House the gentleman from Iowa (Mr. Schwengel) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, on Friday of last week, I took the floor to reveal some preliminary data with respect to alleged truck safety violations in Davenport, Iowa, and also with respect to pressure being applied to truck drivers to obtain their endorsement of the big truck bill. At a press conference this morning, I released more detailed information on these violations and the pressures applied with respect to the big truck bill.

For the benefit of my colleagues, I am inserting the following material documenting the charges in the Record: Statement by Congressman Fred Schwengel; letter from Charles M. Zogg, letter from drivers on safety violations; letter from Portland, Oreg., driver; stories from the Davenport Times-Democrat by Tom Kuncl:

Statement by Congressman Fred Schwengel

A shocking situation has come to my attention in recent days with respect to attempts by the trucking industry to influence Congressional action on the "Big Truck Bill."

A truck driver from my district has advised me that the company for which he works threatened to withhold his paycheck if he refused to write to me endorsing the Big Truck Bill.

This is incredible, and certainly will not be tolerated. The driver explained that a notice was posted on the company bulletin board indicating that drivers and their wives would be expected to write to their Congressman expressing support for the bill. The notice also stated that the company wanted copies of the letters so they could forward them to the president of the company.

The driver with whom I discussed the matter was given the run-around when he sought his pay check. He was forced to obtain it from the dispatcher rather than the regular office, and then received it only after a not too gentle remainder that he had not written the required letter.

This is just one more example of the high handed, dictatorial methods employed by some truck owners to steamroller their legislation through the Congress. It is incredible that in a free country like America, we could have a situation where this sort of thing could happen.

I am requesting that Members of Congress advise me of any correspondence they have received which would indicate a similar pattern of action by other truck companies.

I have asked that the Departments of Transportation and Labor, together with the Interstate Commerce Commission fully investigate this shocking situation.

This same driver has provided detailed information on safety violations with respect to equipment operated by his company. Some of these violations have been documented by a reporter from the Davenport Times-Democrat, Tom Kuncl.

The photographs taken by Brent Hanson at Mr. Kuncl's direction strikingly demonstrate the violations. I am urging an immediate and thorough investigation of this matter by the Motor Carrier Safety Bureau in the Department of Transportation.

I am authorized to release the contents of a letter from the driver to whom I have referred, Mr. Charles Zogg of Davenport, Iowa, and copies of the letter will also be made available to the appropriate government agencies.

I have suspected all along that the reason these drivers haven't come forward, is the extreme pressure from their employers. It now appears they realize how much they stand to lose under the bill.

It seems to me that the drivers do, indeed, have a good deal to lose by the enactment of this legislation.

First and foremost is the question of safety, but there is also the question of potential economic loss from enactment of the bill.

However, I think we are now witnessing a change in the attitude of our nation's truck drivers. The information provided by Mr. Zogg is one indication of this change. The evidence gathered by Ralph Nader's summer interns further substantiates this charge in attitude.

Also, I have received a copy of a letter from several Davenport truck drivers calling attention to equipment defects. The letter is to the Bureau of Motor Carrier Safety's Kansas City office. I will ask that they co-ordinate their investigation with respect to all of these alleged violations.

Finally, I have received a detailed letter from a Portland, Oregon, driver with respect to a safety factor which was completely overlooked at hearings on the bill. The problem is that of the relation of loading to control of the vehicles. The driver very articulately sets forth the problem and I am authorized to release the text of his letter.

Gentlemen, all of this points to the need for a complete and thorough study of the safety aspects of this legislation by a competent and impartial study group. I intend to propose such a study as a substitute bill in executive sessions on the big truck bill.

Letter From Charles M. Zogg,

Davenport, Iowa,
October 31, 1969.

Congressman Fred Schwengel,
House of Representatives,
Washington, D.C.

Dear Sir: In reference to our conversation a few weeks ago, I feel I should restate the facts I related to you at that time. I am doing this because I feel it is vital there be no misunderstanding and also that you may have these facts for your files to do with as you think best.

As you know, I am employed as a truck driver at the Bettendorf, Iowa, terminal of Ruan Transport Corporation.

About mid-August of this year a notice was posted on the bulletin board at the terminal saying that John Ruan considered it necessary for all the drivers and the drivers' wives to write to their Congressman, individually, expressing support for the "Big Truck Bill" pending in Congress. The letters were to be written in duplicate, one copy to be kept at the terminal to be forwarded to John Ruan later. All replies were to be turned into the Bettendorf office and they would in turn forward them to John Ruan. The notice also stated that if anyone did not know what to write, a sample letter was available in the office to copy from.

The following payday when I asked for my check I was told I had to see one of the office girls. When I asked her for my check, she asked me if I had written my letter yet and I said no, I am not in favor of the bill. At that time the dispatcher, Mr. Frazer asked me why not and we discussed it for a few minutes. I told him there was no provisions in the bill for added safety features and that I did not think the present highways and bridges were adequate to carry this increased load and width. He said he was not aware that it included widening the trucks but that I "need not worry." "Do you think John Ruan would put a piece of equipment on the road that was not safe?" I told him at that time that I would look the bill over and let him know. About two (2) weeks later another notice was posted asking the men if they had written their letters yet. It again said that all replies were to be turned in to the office and they would forward them to John Ruan.

The next payday when I asked for my check I was told it was not in the regular stack of checks and that I would have to see Bill Frazer. When I asked him he said he was going to hold it until after I had talked to the terminal manager, Roy Campbell. He said he wanted to talk to me after I talked to Roy Campbell and that if he kept my check he was sure I would come to see him. I became quite angry and told him that if my word was not good enough that I would be in to talk to him then he could keep the check. He said "O.K. I will." After I had the discussion with Mr. Campbell, which was in no way related to this matter, I went back to Bill Frazer's office and asked for my check.

He asked me why I hadn't written a letter to my Congressman yet. I told him I still did not favor the bill. He put my check in my shirt pocket and we discussed the Big Truck Bill for a few minutes more and then I left. The next day while talking to two (2) other drivers, Howard Hill and James Clark, they told me that when they had asked for their checks they had been told they had to write a letter first. They did and were then given their paychecks. The same procedure was used on a number of other drivers.

They are: Frank Gall, Fred Dirks, Thomas Sharpe, Dennis Hamburg, Donald Ellis, Gerald Kephart, and others including James De Vaughn who now drives for another company. Another driver, Colby Loechel was present when James De Vaughn was told he had to write a letter before he could get his check. Mr. Loechel told the dispatcher he could not hold a man's pay check like that and the dispatcher, Glen Maynard replied, "You haven't seen many things John Recon can't do."

It was only a few days later when I contacted you by telephone and related substantially these same facts. Since that time I have been told by the other drivers at this terminal that this is not the first time this has occurred at this terminal. When this bill first came before Congress I was not employed by Ruan Transport. The men who were here then and are still here say the same tactics were used at that time. Withholding pay checks until letters were written to Congressman in favor of the bill.

I feel very strongly about this bill, and I am sure most of the motoring public would too, if they were made aware of the many serious consequences involved.

I wish to thank you and all the others who have devoted so much time to what I hope is the eventual defeat of this bill. If at any time I may be of assistance in any way, I would consider it a privilege.

Very sincerely,

Charles M. Zogg.

Letter From Drivers on Safety Violations

Davenport, Iowa,
November 1, 1969.

Dear Sir: This is a copy of the letter that was sent to the Department of Transportation, Oct. 31, 1969.

Below are the names of the drivers that signed this letter:

Thomas E. Sharpe, Dennis Hamburg, James Clark, Ray Taylor, Charles Zogg, Donald Ellis, Gerald Kephart, Fred Dirks.

For the record, there were others that wished to sign said letter. But, due to circumstances were unable to be reached at the time.

For verification of these signatures contact: Mr. Byron Schierier, U.S. Department of Transportation.

Very sincerely,

Thomas E. Sharpe.

October 29, 1969.

U.S. Department of Transportation, Federal Highway Administration, Office of Motor Carrier Safety,
Kansas City, Mo.
(Attention of Mr. Byron Schrerier).

Gentlemen: I am writing to you in regard to a situation which I believe has become intolerable.

At present, I am driving for Ruan Transport Corporation, Terminal No. 10, located in Bettendorf, Iowa. The situation which I refer to is the unsafe and poor condition of an alarming number of vehicles which other drivers and I take out on the road each day.

Specifically, I will cite these instances: The company for which I drive daily sends out vehicles which have faulty steering and brakes, bad coupling devices, poor lights, broken speedometers, trailers that leak petroleum both internally and externally, safety valves wired open, and air valves wired open, faulty equalizer arms on air suspension units, broken and cracked glass, no visors, units lacking necessary engine power, trailer frame cracks, split bulkheads, excessive engine oil leaks, and units rendered unsafe on present width highways because of dog-tracking.

Time and again we have challenged the safety of these vehicles, and in turn have been badgered, bullied and harrassed by management officials at the terminal. On one occasion I was advised that faulty couplings were not a safety factor.

In addition, the company has been able to find a certain percentage of drivers to continue taking these unsafe units out on regular runs.

Because I feel deeply about the potential threat to life that these unsafe vehicles pose, (not only to the motoring public, but to drivers as well), I am appealing to you to investigate the conditions I have outlined. I think you will find that steps need to be taken to insure that the trucks that other drivers meet on the highways tomorrow are as safely equipped and well maintained as they can be, and that they at least meet minimum standards enforced by your department.

Very sincerely,

——— ———.

Letter From Portland, Oreg., Driver

October 31, 1969

Re: H.R. 11870, increased truck length, width, and weight limits.

Dear Sir: I am in adamant opposition to any increase in length (third trailer), width, or weight limits (even under the tightest restrictions), because, in time, these restrictions will be chipped away one inch at a time, witness the State of Oregon regarding darkness and Saturday operation.

My main reason is due to lack of trailer control. After the problems that we, the drivers, have had, and are having with standard size doubles, I have no desire to pull longer, wider, or heavier trailers. At times, they are totally unpredictable. In a cross-wind, it's almost impossible to keep them from swaying across the center line. If the truck has the slightest amount of play in the steering, then it becomes impossible.

Next comes load factor and cargo weight distribution. I can't begin to describe to you the eerie feeling of trying to maneuver this equipment down the road if one or both trailers is loaded tail-heavy, or top-heavy, or too heavily on one side or the other. They do whip; they do weave; they do lean; they do sway. All these things have happened to me. There are times when we bring the loads thru on sheer luck.

Please note that the glowing reports are uttered by the management personnel, not by the men who drive these trucks day in and day out.

Regarding the economy factor, why did the Interstate Commerce Commission recently rescind a temporary freight rate increase here in the Northwest after a thorough study?

Please note that the State of Minnesota won't even allow two-trailer combinations (doubles).

Please note that most of the test runs were made under controlled conditions with specially equipped tractors. These conditions and tractors are *not* indicative of what the situation will be like once the carriers get this bill across.

These are but a few of the many reasons for my opposition to this bill. These reasons are based on actual over-the-road experience with doubles. They are shared by most, if not all, of the other road drivers.

Respectfully,

——— ———.

P.S.—Copies of this letter have been sent to Reps. Cleveland, Kee, Everett, McCarthy, McEwen, Dellenback, Wyatt, Mrs. Green, and Rep. Fallon (and A.A.A.).

In addition, perhaps you could ask a few pointed questions as to why are we experiencing control and steering problems with the International Harvester Co. 4000 Series trucks that are equipped with the Rockwell-Standard steering and suspension (front-end). The problem is somewhere in caster-camber adjustment and spring length (front). In driving, they have a tendency to be slow to take in a sharp L.H. curve until the steering wheel hits a certain point and then—wham—you are unexpectedly going too far left and have to pull right, and then left again to negotate the curve. You can well imagine the path that the trailers have taken at this point. Sound like fun? Thanks again.

[From Davenport (Iowa) Times-Democrat, Oct. 29, 1969]

Say Trucker "Harassed"

(By Tom Kuncl)

A truck driver says he has been "harassed" by his employers because he refused to write a letter to his congressman in favor of two pending "big truck" bills, the Times-Democrat learned today.

The driver said the "harassment" consisted of a threat made by management officials of a trucking terminal to hold back his weekly paycheck until he wrote the letter.

Rep. Fred Schwengel (R-Iowa), to whom the complaint went, said he will ask for an investigation by the Department of Labor and the Interstate Commerce Commission into the allegations. Schwengel is a member of the roads subcommittee of the U.S. House Public Works Committee.

The driver said he and other employes of the trucking company were told by supervisory personnel they should write letters to their congressmen expressing favor of two bills awaiting congressional action that would increase the width and weight of trucks operating on the nation's highways.

The driver said a notice on a bulletin board initially told drivers that they and their wives would be expected to write such letters and that the company wanted copies for forwarding to the firm's president.

Later, the driver said, employes whom he knew personally were told that they would be required to write the requested letter before they could pick up their weekly paychecks.

The driver is asserted to have reported the substance of these conversations to Schwengel.

The driver's own experience involving alleged management "harassment" came later, he said.

The driver said that when he went to pick up his paycheck he was told that it was not in the regular stack of pay envelopes and that he would have to report to a dispatcher to secure his wages.

The driver said he was told by the dispatcher "You haven't written your letter yet."

The driver added that when he became angry and said he would not sign such a letter the dispatcher produced his paycheck and gave it to him.

Schwengel said he would take the report of the driver to the Department of Labor and the ICC "just as soon as I can get over there," and indicated he would attempt to still do so today.

Schwengel said he was "shocked" by the driver's allegations.

Schwengel said the charges advanced by the driver support his contention that "the men who have to drive these big trucks don't want anything to do with them. It is the trucking companies who are trying to push this thing through against the wishes of drivers and the public."

Schwengel has been a consistent foe of proposed legislation that would increase the width of trucks from 8 feet to 8.5 feet and would permit them to carry heavier loads.

A similar bill died for lack of action in the 1968 House session. Two new bills calling for basically the same provisions are awaiting consideration in the House now.

[From the Times-Democrat, Davenport-Bettendorf, Iowa, Oct. 30, 1969]

Truck Bill Rolls

(Editors note: A truck driver charged Wednesday that his employers "harrassed" him because he has refused to write a letter to his congressman in favor of a proposed "big truck bill" pending before Congress. Those charges prompted Rep. Fred Schwengel to demand a probe into trucking company practices. Schwengel asked for hearings to be conducted in Davenport by the Department of Labor and the Interstate Commerce Commission. To put the "big truck bill" in to perspective, a Times-Democrat reporter was assigned to prepare this story.)

(By Tom Kuncl)

Rumbling noisily on a dozen tires, geared down for maximum power, a controversial piece of legislation which would permit wider and heavier trucks on the nation's highways is speeding through Washington again, heading for Congress.

Provisions of two bills pending before the House of Representatives would allow increases in maximum width of trucks and busses from 8 feet to 8.5 feet and permit increases of weight on both single and tandem axles.

An additional provision would set maximum truck lengths at 70 feet, a length now allowed unconditionally by only two states.

Hoping for a green Congressional light for the wider-heavier provisions are trucking companies, their lobbyists, and large volume truck service users.

They argue that present laws were written for a different motoring era and that continued growth of the trucking industry depends on liberalization of current width and weight restrictions.

In addition, the bills' supporters contend greater width provisions would allow design engineers to build a new and better generation of intercity trucks by incorporating safer equipment inside the expanded area.

Waiting to flash a red light against passage of the bills are doubting legislators, including Iowa's Fred Schwengel, who say they are concerned about the lack of real research into the implications of wider-heavier trucks on existing roads.

Their opposition is backed by some of the nation's principal motoring clubs arguing that more lives will be lost in traffic deaths due to increased truck widths and by some engineers who maintain that America's costly road networks will be more rapidly broken down by trucks carrying heavier loads.

Engineers argue also that large portions of road network may not even be sufficient to survive weights trucks are presently permitted to carry.

The potential replacement costs for these systems, Schwengel says "is staggering."

Spokesmen for the trucking industry do not share Schwengel's views.

William A. Bresnahan, managing director of the American Trucking Association, says passage of the bill would "create an opportunity for significant advances in the economics and technology of highway transportation and, at the same time, assure protection of the roads and bridges."

The additional half-foot width, Bresnahan told a Congressional sub-committee studying the bill, "would make it possible to mount more adequate tires, to space them better for cool running, to have adequate room around them for dual chains and still have room for adequate springs, and larger capacity brakes on an adequate frame."

Edward V. Kiley, research counsel for the trucking association, told the same committee that the trucking industry is "vitally concerned with safety and continuously strives to improve its record."

Kiley said truck drivers' impressive record of safety per million miles traveled "should not be attacked by resorts to arbitrarily selected statistics, extensions of existing data to unreasonable units, or by illustrations of the simple laws of physics."

Kiley was referring to a study conducted by the Wisconsin Division of the American Automobile Associaton showing that proportionately nearly twice as many automobile occupants die in collisions between cars and twin-trailer trucks as in collisions between cars and semi-trailer trucks.

The Federal Highway Administration study says: "Until accident analyses and statistical methods can afford us better insights, judgment must rest on inferences from existing facts, taking into account the limitations of the data."

Of the economics involved the study says, "While our analysis has estimated the effect of such traffic on the Interstate and other Federal Aid Systems, no estimate has been made of effects of local roads and city streets that are not located on the Federal aid systems."

Unweighted, and perhaps precisely unweighable, remains the feeling of John Q. Motoring Public about bigger, wider, heavier trucks.

To date he has made his feelings known somewhat, and adversely, through surveys conducted by motoring clubs.

How heavily that reaction will ultimately weigh when the bill comes up for action remains questionable.

Truckers We're Vitally Concerned About Safety

The highway department study concedes, very near the end of its report that "the advisability and practicality of increasing truck sizes and weights depend in part on how other highway users feel about this."

Schwengel says he feels that the issue cannot be resolved "in part" by how other motorists feel about the issue of bigger trucks.

"It's not just a question of dollars and cents, which is important enough, it is also a question of human lives," Schwengel said.

"We had better know what we are doing before we finally consider this legislation," he added.

The bills now awating dispatch by Congress are similar to proposals made in 1968. No final action was taken on those proposals and the bills died at the end of the session.

The hue and cry raised against passage of the wider-heavier provisions at that time threw the question into the arena of the 1968 presidential election.

Both Vice President Humphrey and Richard Nixon said they favored further study before Congress gave its approval to the legislation.

Nixon, during the campaign, said he wanted "a good hard look" at the proposal. He said it raised "serious questions, including the safety and convenience of the motoring public."

That "hard look" Nixon said would be to make certain ". . . the interests of the traveling public and also the life of our highways are fully protected. . . ."

Those two issues, broadly, safety and cost, have become the bones of contention contained in the two new bills proposed before this session of Congress.

The "hard look" asked for by Nixon resulted in preparation of a study by the Federal Highway Administration reviewing safety and economic questions raised by the proposed width-weight increases.

While that report cited general approval of provisions of the increase bill, it did so with some qualifications and two direct reservations.

The report pointed to wide gaps in what experts really know about the effect of bigger trucks on traffic deaths and admitted there is much more to learn about how well many of the nation's roads could stand up under increased weights.

The report added that it was the feeling of the federal agency that even if approved, the new limits should not be put into effect until new equipment safety laws are passed. It also recommended passage of another law designed to assure the trucking industry would pay a larger share for road improvement and maintenance.

Neither of those provisions is a part of the two pending bills on which Congress is asked to act.

Key to the question of safety, say opponents, is the fact that wider trucks will operate not only on the Interstate System, where road widths can accommodate them, but also on hundreds of thousands of miles of secondary roads, much older and narrower, where regular small vehicle traffic must meet them.

Key to the question of economics is the fact that heavier trucks will pound away harder at the existing interstate system, meaning earlier replacement, and the more serious damage that can be expected on secondary roads and bridges, already deteriorating at present weight limits.

On both questions Schwengel, the bills' leading opponent, says facts already in hand should spell doom for the legislation in this session. The absence of other facts, he maintains, are reason enough in themselves to delay any passage of the proposals.

As to safety, Schwengel says not enough is known about how auto drivers will react when facing a wider vehicle on a secondary road.

"This legislation must, of necessity, reduce clearance between passing vehicles, decrease visibility, increase difficulty in passing, increase the hazards of negotiating narrow corners and generate additional suction or blast caused by ever larger trucks and busses . . ."

"These are problems upon which we now lack sufficient information to make a reasoned judgment," Schwengel adds.

As to costs, Schwengel says that increased weights would mean that roadway deterioration would occur between 35 and 45-per cent faster than the present rate of pavement and shoulder wear.

Schwengel says the interstate system was designed with current weight limitations as the criteria and that weight increase would begin calling for replacement of some sections of the interstates "before the total system has even been completed."

Just as bad, Schwengel says, is the probable effect that wider and heavier trucks would have on the nation's and states' secondary road systems.

Calling those systems "the backbone" of our road network, Schwengel states they are not adequate to safely carry bigger trucks without being severely damaged.

That network, Schwengel says, now has in its road miles 95,750 bridges. More than 70 per cent of those bridges, he contends, are designed to carry less weight than interstate bridges. Thirty per cent of them, he adds, call for even lighter limits.

Schwengel says studies show that the passage of a heavy truck over a section of roadway is equal to 6,000 individual passages over the same area by a passenger vehicle.

[From the Times-Democrat, Davenport-Bettendorf, Iowa, Nov. 1, 1969]

SCHWENGEL HITS FIRM'S TACTICS TO WIN "BIG TRUCKS"

(By Tom Kuncl)

WASHINGTON.—Rep. Fred Schwengel, R-Iowa, took the floor of the House Friday afternoon to accuse trucking firms of "high-handed and dictatorial methods" aimed at winning passage of pending "big truck" bills.

Schwengel termed "shocking" charges made earlier this week by a truck driver that his employers had attempted to force him to write a letter in favor of bills which would permit bigger trucks on highways.

Schwengel read into the Congressional Record a Times-Democrat news story which detailed a truck driver's complaint that his company had threatened to hold back his paycheck until he wrote a letter to Schwengel in favor of the bill.

"This is incredible and must not be tolerated," Schwengel said.

"It is further incredible that this could be happening in a free country like this," Schwengel added.

Schwengel asked his congressional colleagues to advise him if they have been receiving letters in support of the bill from truck drivers in their districts.

Schwengel said he hoped to learn if those letters "might indicate a similar pattern of action by other trucking companies."

The Davenport Republican told House members he has asked the Department of Transportation, the Department of Labor and the Interstate Commerce Commission to conduct an investigation and a hearing in Davenport into the driver's charges.

Schwengel said he was informed the Department of Labor has "alerted its legal department" as a result of preliminary evidence which he had turned over to it.

Schwengel said Friday night he has heard from other drivers since the Times-Democrat carried its story about the trucker who was allegedly threatened by his company.

Schwengel said he understood a letter was in the mail Friday to his office signed by eight truck drivers who charge they are required to drive unsafe vehicles.

Schwengel said he plans to take the floor of the House again Monday to continue reading Times-Democrat stories about the big truck bill into the Congressional Record.

Schwengel has also scheduled a news conference Tuesday at which he is expected to disclose additional charges made by drivers.

"TRUCKER FUDGING ON LOGS CAN KILL"

(By Tom Kuncl)

"We don't know how many sleepy truck drivers there are on the road each day," a lawyer for the Federal Highway Administration told the Times-Democrat Thursday.

But a U.S. Attorney in Des Moines said this much is known: "Sleepy truck drivers kill people."

Both federal attorneys are aware of the problem of truck drivers operating big rigs without enough sleep. They are involved in prosecution of drivers and companies violating federal regulations on the hours that any driver may spend behind the wheel in one day.

Both deal with violations and falsifications of "logs," which drivers are required to keep indicating the number of hours driven per day.

C. Kenneth Cranston, regional Federal Highway Administration legal counsel in Kansas City, Mo., says there is no way to know how widespread log falsification really is.

"We don't have enough investigators to do much more than check here and check there as we can," Cranston says.

But they do know of the kinds of situations that develop where the driver behind the wheel of a huge truck is exhausted.

"A driver will call in to his terminal and tell the dispatcher he has his hours in and shouldn't be driving.

"Sometimes the dispatcher will tell him to bring the truck on in anyway," Cranston said.

"Sometimes too, the driver wants the overtime and doesn't care about changing his log to make things look right.

"We know that tired drivers start taking 'Bennys' (pep pills) and drugs like that to help them stay awake," Cranston said.

Regulations state that a driver may be on duty no more than 14 hours out of a 24-hour day.

But to track down sleepy drivers and bring charges against companies that encourage or permit falsification of logs is no easy job, Cranston points out.

Cranston's Kansas City office is responsible for a seven-state area in which 22,000 trucking carriers operate. To enforce motor vehicle regulations, the Kansas City region has a staff of 13 investigators.

"You can see that we are in no position to make exhaustive checks," Cranston said.

"It's clear that there is a lot more of this going on than we are able to track down," he added.

The Kansas City region initiates about 75 proceedings per year against log violators in the seven-state area.

Cranston knows that does not really scratch the surface, but he says "we're doing the best job we can."

Cases which are initiated are generally handled by U.S. attorneys in the district where the violation occurred.

U.S. Atty. Allan L. Donnielson in Des Moines, said he has handled about six cases of log violations over the last nine-month period.

The prosecution is "vigorous" Donnielson says because the charge is viewed seriously by the government.

"The courts are stern about log violations," Donnielson said. "They know that sleepy drivers kill people."

Donnielson said tough prosecution of log violations is a deterrent.

"We haven't had a second violation from any of the companies that have been prosecuted since I've been here," he said.

Cranston hopes the Nixon administration will beef up staffing for the Federal Highway Administration.

"There are good signs that this administration is really concerned about highway safety," he said.

Until then, Cranston said, there will still be sleepy drivers on the road and the government will attempt to find them and prosecute "here and there when we can, the best way we know how."

ACTS ON TRUCKER REPORT

(By Tom Kuncl)

Rep. Fred Schwengel, R-Iowa, said he has arranged to take the floor of the House of Representatives this afternoon to read into the Congressional Record news accounts carried by the Times-Democrat concerning alleged company harassment of a truck driver.

A Times-Democrat story told Wednesday of a driver who said he has been "harassed" by his employers for refusing to write a letter to Schwengel in favor of pending "big truck" bills.

Schwengel said he would ask members of Congress to report to him if they have been receiving letters from drivers as part of a nation-wide campaign by trucking companies to influence passage of the legislation.

"We will attempt to find out if there is a pattern behind the sending of these letters," Schwengel said.

Schwengel said he will also tell other Congressmen that he has asked for an investigation by the Department of Labor and the Interstate Commerce Commission into the charges made by the driver stating that his company threatened to hold back his paycheck until he wrote the letter to Schwengel.

Schwengel said he will be asking for the floor of the House again on Monday and Tuesday to read into the Record other stories about the big truck bill which appeared in the Times-Democrat.

In addition, Schwengel said he has scheduled a press conference for Tuesday at which he is expected to bare other charges made by drivers.

Schwengel has not yet identified the driver from whom the initial allegation came or the company for whom he works.

THE OIL INDUSTRY AND OUR NATION'S SECURITY

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, during the period in which this body was considering the so-called tax reform bill, I had an opportunity to appear on a nationwide television program with three other Members to debate the proposal to cut the oil depletion allowance. One of the points which I tried to stress in order to clarify the widespread misunderstanding which exists on this subject, was the vital connection which exists between the oil industry and the very security of this Nation. You may recall, Mr. Speaker, that I have stressed this point over and over for months now in other statements here on the floor.

A recent editorial in the Shreveport, La., Journal, states the case even better than I have been able to do it. It is guest editorial written by Mr. J. F. Bookout, Jr., vice president of the Shell Oil Co. I commend this editorial to the attention to every Member in the hopes that it, too, will serve to straighten out the confusion and misunderstanding which has been promoted by some to convince the people and the Congress that the oil depletion allowance is some sort of tax favoritism that accrues to multimillionaire oil barons. Nothing could be further from the truth and this editorial states the facts in explicit fashion.

The editorial follows:

IS NATIONAL SECURITY IN JEOPARDY?

(By J. F. Bookout Jr., vice president, Shell Oil Co., New Orleans)

(NOTE.—Mr. Bookout, who is in charge of Shell's southeastern exploration and production region, is a native of Shreveport. He was graduated from Fair Park High School and he attended Centenary College prior to receiving his Bachelor of Science and Master of Arts degrees from the University of Texas in 1949 and 1950.)

National security embraces all elements which contribute to our nation's economic and military strength. Our high productivity, high living standard and industrial and military capabilities all require consumption of large quantities of energy supplied by a variety of sources with oil and gas being the principal contributors—about 75 per cent of total requirements. Transportation, for example, a particularly security sensitive sector of the U.S. economy, is especially dependent on oil for more than 99 per cent of its energy needs.

Today certain safeguards of our nation's economic and military security are subjects of unprecedented attack, generally under the banner of benefiting the consumer and taxpayer. There are those who contend that the oil industry receives preferential tax treatment at the expense of other taxpayers. In addition, there are some who advocate the elimination of the oil import control program as being too costly to the consumer. Of course, challenge and change are necessary ingredients of progress. However, if change is to be constructive, we all know it must be based on a sound analysis of facts and prudent judgment.

The existing tax laws and the oil import program were both designed to encourage and maintain a viable domestic exploration and production industry capable of providing a reasonable level of national energy self-sufficiency. This has been accomplished at a moderate cost to the nation and, contrary to critics' claims, the oil industry has not been the recipient of excessive profits. It is a matter of record that oil industry profit levels are about the same as those of all manufacturing industries.

The House of Representatives recently passed a bill which could materially reduce the percentage depletion allowance. The attack on the depletion allowance is principally based on the idea that the oil and gas industry pays less federal income tax than other industries. This is not the full story because for every dollar of federal income tax paid by the petroleum industry, more than three dollars of state and local taxes are paid. Considering federal, state and municipal taxes, the oil industry actually pays a slightly higher percentage of its revenue in taxes than the average of all other U.S. businesses and this doesn't even include the motor fuel excise and sales taxes.

Percentage depletion has proven to be an effective stimulant and a sound basis for the recovery of the high risk capital invested by industry in the search for new oil and gas reserves. Without it the additional industry cost would result either in increased gasoline prices or there would be a sharp decrease in the search for needed new domestic supplies of oil and gas.

Some critics of the present tax and import programs claim that the way to reduce energy costs and supplement any decline in reserves created by a lessening of domestic exploration and production activities is to have unlimited imports of foreign crude. The claim is often made that the existing import control policy lets industry realize excessive profits. The record refutes this argument as mentioned earlier. Moreover, prices for petroleum products over the past 10 years have increased only about one-third as much as the general consumer price index. The really important point that seems to be overlooked is that excessive reliance on foreign sources of petroleum would imperil the security of U.S. supplies. Foreign sources have a well-established history of intermittent availability and interruption of supply.

Some have advanced theories to provide for energy security with government-subsidized programs, such as "mothballing" existing oil fields, more wildcat drilling, storing imported oil, oil shale development, or substitute fuels. These programs are either unworkable or would be more costly than the existing program.

Make no mistake—the economic and military security of this nation is at stake. There is no evidence that foreign oil will be consistently available as needed to supply our ever-increasing demands. Suppose that through faulty judgment the domestic exploration and production segment of the oil industry is destroyed. How will the government at all levels recoup huge losses in revenue it now receives from lease sales, royalties and taxes? No critic has satisfactorily answered these question—but we do know the answer. The public would pay for this misadventure—in terms of higher prices, higher taxes and, above all, less security.

CONFERENCE REPORT ON S. 2546—MILITARY PROCUREMENT AUTHORIZATIONS

Mr. RIVERS submitted the following conference report and statement on the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-607)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $3,965,700,000: *Provided*, That of the funds authorized to be appropriated for the procurement of aircraft for the Air Force during fiscal year 1970, not to exceed $28,000,000 shall be available to initiate the procurement of a fighter aircraft to meet the needs of Free World forces in Southeast Asia, and to accelerate the withdrawal of United States forces from South Vietnam and Thailand; the Air Force shall (1) prior to the obligation of any funds appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense, and (2) be authorized to use a portion of such funds as may be required for research, development, test, and evaluation.

MISSILES

For missiles: for the Army, $880,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,983,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $228,000,000; for the Marine Corps, $37,700,000: Provided, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M-551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,646,055,000;

For the Navy (including the Marine Corps), $1,968,235,000;

For the Air Force, $3,156,552,000; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

SEC. 204. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of $12,700,000, and funds are hereby authorized to be appropriated for this purpose.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

(a) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. (a) Prior to April 30, 1970, the Committees on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70.

(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary.

SEC. 403. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs incurred under contracts entered into subsequent to the effective date of this Act for any amount in excess of 93 per centum of the total amount contemplated for use for such purposes out of funds authorized for procurement and for research, development, test, and evaluation. The foregoing limitation shall not apply in the case of (1) formally advertised contracts, (2) other firmly fixed contracts competitively awarded, or (3) contracts under $100,000.

SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by striking out "seven" in subsection (a) and inserting in lieu thereof "eight"; and

(2) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of defense.".

(b) Section 5315 of title 5, United States Code, is amended by striking out item (13) and inserting in lieu thereof the following:

"(13) Assistant Secretaries of Defense (8)."

SEC. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other weapons unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 406. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"SEC. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

SEC. 407. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of any Federal funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

SEC. 408. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective, representative basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information maintained in the normal course of business by such contractor as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of the cost basis, percentage of sales basis, or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) Upon the request of the Comptroller General, or any officer or employee designated by him, the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) Any disobedience to a subpena issued by the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate to carry out the provisions of this section shall be punishable as provided in section 102 of the Revised Statutes.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by/or for the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract, as defined in subsection (a) of this section, between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

Sec. 409. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six-month period for research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented:

(1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety;

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and

(4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

(c) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, or storage, or both, at any place outside the United States of—

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent,

unless prior notice of such deployment or storage has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

(e) After the effective date of this Act, the operation of this section, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

(f) None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

Sec. 410. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty in the grade of major (or equivalent) or above, and

(B) served on active duty for a period of ten years or more.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum salary rate at such time for positions in grade GS–13.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to the Department of Defense under a contract directly with the Department of Defense.

(4) The term "services and materials" means either services or materials or services and materials and includes construction.

(5) The term "Department of Defense" means all elements of the Department of Defense and the military departments.

(6) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than $10,000 each.

(7) The term "fiscal year" means a year beginning on 1 July and ending on 30 June of the next succeeding year.

(b) Under regulations to be prescribed by the Secretary of Defense:

(1) Any former military officer or former civilian employee who during any fiscal year,

(A) was employed by or served as a consultant or otherwise to a defense contractor for any period of time,

(B) represented any defense contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the Department of Defense by such contractor, or

(C) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties and the work performed by him for the defense contractor.

(5) His military grade while on active duty or his gross salary rate while employed by the Department of Defense, as the case may be.

(6) A brief description of his duties and the work performed by him while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.

(7) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment, as an employee, consultant, or otherwise with the defense contractor began and, if no longer employed by such defense contractor, the date on which such employment with such defense contractor terminated.

(8) Such other pertinent information as the Secretary of Defense may require.

(2) Any employee of the Department of Defense, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to a defense contractor in any fiscal year, and whose salary rate in the Department of Defense is equal to or greater than the minimum salary rate for positions in grade GS–13, shall file with the Secretary of Defense, in such form and manner and at such times as the Secretary may prescribe, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties and the work performed by him for the defense contractor.

(7) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his

employment as a consultant or otherwise with the Department of Defense began thereafter.

(8) Such other pertinent information as the Secretary of Defense may require.

(c)(1) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded by the Department of Defense to such contractor during such year was less than $10,000,000; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded to such contractor by the Department of Defense during such year was less than $10,000,000.

(2) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year on account of active duty performed or employment with or services performed for the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the effective date of his employment with the Department of Defense.

(3) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than $15,000 per year; and no employee of the Department of Defense, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than $15,000 per year.

(d) The Secretary of Defense shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b)(1) and (b)(2) of this section. The Secretary shall include after each name so much information as he deems appropriate and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(e) Any former military officer or former civilian employee whose employment with or services for a defense contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the Department of Defense terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(2) of this section for such year if he would otherwise be required to file under such subsection.

(f) The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b)(1) and (b)(2) of this section and such file shall be open for public inspection at all times during the regular workday.

(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(h) No person shall be required to file a report pursuant to this section for any fiscal year prior to the fiscal year 1971.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

L. Mendel Rivers,
Philip J. Philbin,
F. E. Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
Sam Stratton,
L. C. Arends,
Alvin E. O'Konski,
William G. Bray,
Bob Wilson,
Charles S. Gubser,
Managers on the Part of the House.

John C. Stennis,
Richard B. Russell,
Stuart Symington,
Henry Jackson,
Howard W. Cannon,
Thomas J. McIntyre,
Margaret C. Smith,
Strom Thurmond,
John Tower,
Peter H. Dominick,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TITLE I—PROCUREMENT

AIRCRAFT

Army

The Department of Defense requested $941,500,000 for Army aircraft. In May of this year the Department of Defense announced the cancellation of the CHEYENNE helicopter program thus reducing the Department of the Army request by $429,000,000. Shortly thereafter a further request was made for 195 AH–1G COBRAS at a cost of $106.1 million. The Senate failed to act on this request during its normal consideration of the bill and recommended authorization of $484,400,000. The House recommended authorization of $570,400,000, including $86 million for 170 COBRAS to fill the gap caused by the cancellation of the CHEYENNE and to replace other helicopter gunships lost due to enemy actions in Southeast Asia. The conferees agreed to the amount contained in the House bill.

The Senate recedes.

Navy and Marine Corps

For the Navy and the Marine Corps the Senate authorized $2,287,200,000. The House authorized $2,391,200,000. The increase in the House figure over the Senate figure reflects the restoration of $104 million for the procurement of A–7E aircraft for the Navy.

The Senate recedes.

Air Force

For the Air Force the Senate authorized $3,965,700,000 with the proviso that $400,400,000 would be authorized to be appropriated only for the procurement of the F–4 aircraft, and with the further proviso that none of the funds authorized could be used for the procurement of A–7 aircraft.

The House amendment authorized $4,002,200,000.

The conferees' actions on the differences between the House and Senate versions are as follows:

The Senate receded on its language on the procurement of F–4 aircraft and its language prohibiting the procurement of A–7 aircraft. The net effect is to restore $374.7 million for the procurement of A–7D aircraft for the Air Force.

The House version provided $23 million more than the Senate bill for the procurement of A–37B aircraft and spares.

The House recedes.

The House authorized $21.5 million for the procurement of T–X trainer which was not included in the Senate bill. The conferees agreed that other aircraft in the current inventory should be considered for this mission.

The House recedes.

The House authorized $40 million for B–52/SRAM modifications which had been deleted by the Senate. The conferees agreed that in view of delays experienced in the SRAM program, these modifications could be delayed. At the appropriate time, the program can be accomplished under the line item "Aircraft Modifications."

The House recedes.

The House deleted $52 million for C–5A long-lead time items which had been provided by the Senate, on the basis of information supplied by the Department of Defense that this amount of money would not be expended if made available to the Department of Defense. Since it now appears that no final decision has been reached with respect to long leadtime items for the C–5A program, the House receded from its deletion of this authorization for the C–5A.

The House amendment authorized $4 million for long leadtime items and $48 million for research, development, test and evaluation for a free world fighter aircraft. The Senate bill did not contain similar language.

The conferees agreed that of the total amount authorized for aircraft procurement for the Air Force, an amount not to exceed $28 million shall be available to initiate "the procurement of a fighter aircraft to meet the needs of the free world forces in Southeast Asia and to accelerate the withdrawal of United States forces from South Vietnam and Thailand."

The conference report further requires that the Air Force, prior to the obligation of any funds for this program shall "conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense." In addition, such funds may also be used as may be required for research, development, test and evaluation.

The conference report conforms with the recommendation of the Deputy Secretary of Defense who asked the Committee on Armed Services of the House to "make the necessary adjustments in its action on the military procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new free world fighter aircraft by the Air Force."

Thereafter, the Secretary of Defense advised the conferees that, "For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (a) have adequate capabilities to handle the existing threat, (b) be as inexpensive as feasible, and (c) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.

"Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.

"In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat."

It is significant to note that this will constitute the first effort on the part of the United States to Vietnamize the air defense of South Vietnam with a jet fighter which the South Vietnamese can operate and maintain with their own personnel. It is clear from the studies that have been conducted on this program that our present day fighter aircraft, in Air Force and Navy inventories, are much too sophisticated to be maintained and operated by the South Vietnamese. Thus, a much less sophisticated air weapons system must be made available at the earliest practicable date if we are to safely withdraw United States forces now operating and maintaining fighter aircraft in that area. The authorization would permit modification and/or improvement of existing aircraft now in United States inventories or in inventories of aircraft furnished under the military assistance program.

MISSILES

Army

The Senate bill included an authorization of $922,500,000 for missiles for the Department of the Army. The House version recommended $780,460,000, a difference of approximately $142,000,000. This difference resulted from the House deleting $142,000,000 in the TOW anti-tank missile program. The House action would have terminated the TOW program. The Senate bill had reduced the same program by $14,000,000. The conferees agreed to restore $100,000,000 to continue TOW procurement. The House recedes on $100,000,000 with an agreement that both the TOW and the SHILLELAGH will be re-evaluated for use as an anti-tank weapon in both the air and ground modes. Funds for this purpose are provided in Title II of the bill.

The House conferees receded from their position on the elimination of the TOW missile with the greatest reluctance and wish to make it abundantly clear that the Committee on Armed Services will continue to review the development of this missile with the utmost scrutiny.

Air Force

The Senate reduced the amount requested for the Short-Range Attack Missile (SRAM) by $20.4 million. The House restored this amount.

The Senate recedes.

It should be noted that the conferees insist that prior to the commitment of any production funds with respect to SRAM, the Air Force should make certain that the development problems on this missile have been satisfactorily resolved.

NAVAL VESSELS

The Senate provided for a shipbuilding program of $2,568,200,000.

The House provided for a shipbuilding program of $3,591,500,000.

In recognition of the Navy's dire need to obtain new naval vessels with modern equipment as quickly as possible, the conferees agreed upon a shipbuilding program of $2,973,300,000. This final figure is $608,300,000 less than the amount in the House bill and $415,000,000 more than the Senate bill.

The shipbuilding program of the Senate was accepted as a base to which was added $415,000,000 for the program containing the Navy's nine highest priority items in the House bill, except for the long leadtime items for the CVAN–70.

These 8 approved high priority items are as follows:

$20 million for advance procurement for nuclear attack submarines (SSN).

$41 million for conversion of two frigates (DLG).

$31 million for advance procurement for conversion of two frigates (DLG).

$157.3 million for three DD–963 class destroyers.

$32.1 million for advance procurement for one nuclear frigate (DLGN).

$45.3 million for two ocean salvage tugs (ATS).

$7 million for advance procurement for conversion of 10 ocean mine sweepers (MSO).

$81.9 million for a destroyer tender (AD).

The House bill also contained a provision requiring the construction of the new type destroyers of the Class DD–963 to be built in at least three shipyards. Because of the advanced state of the contracting procedures for this class of destroyers, the conferees agreed to remove this requirement on this class of destroyer at this time. However, the conferees strongly point out the necessity of developing and maintaining the shipbuilding capability for all kinds of combatant and support ships on the East Coast, the West Coast and the Gulf Coast.

TRACKED COMBAT VEHICLES

For tracked combat vehicles for the Army the House version provided $195,200,000, $81,700,000 below the Senate figure of $276,900,000. The conferees agreed on an authorization of $228,000,000.

The final figure represents the following compromise: The House reduced the General Sheridan vehicle (M–551) by $52.55 million below the Senate figure. The conferees agreed to restore $9 million of the amount cut by the House to allow the Army to exercise an option to procure an additional quantity of approximately 100 vehicles during FY 1970.

The House bill reduced the funds for the M–60A1E2 by $3.8 million.

The House recedes.

The House reduced the procurement authorization for the Main Battle Tank (MBT) by $25.4 million. The conferees agreed on including $20 million in the bill to enable the Army to proceed if the current evaluation and reconsideration of this weapon system is determined by the Secretary of Defense to justify proceeding into production. This determination is scheduled to be made in December of this year.

The House bill contained an amendment barring any new or additional contract for General Sheridan vehicles. No such language was contained in the Senate bill.

The Senate recedes.

TITLE II—RESEARCH AND DEVELOPMENT

GENERAL

Both the Senate and the House modified the research and development program of the Department of Defense. The conferees agreed upon the following:

The conferees agreed on a total of $7,296,042,000. This amount, which is $926,358,000 less than the amount requested by the Department of Defense, is $125,358,000 less than the amount contained in the House version and $187,156,000 more than the amount contained in the Senate bill.

Army

For the Army, the conferees agreed upon a total of $1,646,055,000. This reflects an 11 percent reduction from the amount requested by the Administration.

In its version the House provided that certain funds could be used only for RDT&E in connection with specific weapons systems, as follows: the heavy-lift helicopter, $10 million; and the SAM–D, $75 million. The House receded from this language with the understanding that $2 million is authorized for the heavy lift helicopter and $60 million is authorized for the SAM–D.

The House version also contained a proviso barring expenditure of funds on the CHEYENNE helicopter system. The conferees were of the opinion that the House proviso on the CHEYENNE helicopter could prohibit the Army's use of funds available from prior year appropriations to complete the Government's obligation under its presently existing contract. Therefore, the conferees agreed to delete this restriction to enable the government and the contractor to comply with these contract provisions.

None of the funds authorized and appropriated in FY 1970 can be used in further development or testing of the CHEYENNE helicopter without the prior approval of the Committees on Armed Services and the Committees on Appropriations.

The Senate bill reduced authorization for research and development on the main battle tank (MBT–70) by $14.9 million.

The House recedes.

In its report on this bill, the House expressed its concern over the performance and cost of the TOW missile and stated that the selection of the TOW missile for the helicopter launched applications should be reconsidered and recommended the authorization of $14 million for a competition of the TOW and the Shillelagh as an anti-tank missile for helicopter application. This included $6,000,000,000 for continued development of the passive infrared night vision equipment (PINE).

The conferees agreed that $10 million should be allocated from the Army's R&D assets to develop, test, and evaluate the TOW in the helicopter mode.

The conferees also agreed that $20 million should be allocated to the development, test, and evaluation of the Shillelagh missile for both the infantry ground mode, including application to the M113 and light wheeled vehicles, and the helicopter mode.

Priority should be given to the development of the Shillelagh for its use in an infantry mode with an open breech launcher in a manned portable configuration.

The Senate reduced the budget activity "Military Sciences" by $24,393,000. The House version contained no such specific provision. The Senate restriction was directed primarily toward Federal Contract Research Centers, Foreign Research, Social and Behavioral Sciences, and University Research.

The House recedes and accepts the Senate language for military sciences, which reduction is included in the 11 percent overall reductions.

The Senate also made certain reductions in the area of chemical and biological warfare.

It is the intent of the conferees that the Department of Defense take steps to reduce the RDT&E effort on biological agents and new chemical agents, and on delivery systems for disseminating lethal chemical and all biological agents. The total funds authorized for Department of Defense RDT&E in the conference report represent a reduction from the President's budget of approximately 11 percent. It is the intent of the conferees that $10.5 million of this reduction shall be taken in the area of RDT&E on chemical and biological warfare to accomplish the purpose set forth above and that this reduction be divided among the military services as follows: Army, $6.1 million; Navy, $1.55 million; Air Force, $2.85 million.

The House recedes.

Navy

For the Navy and Marine Corps, the conferees agreed on $1,968,235,000. This reflects an 11% cut in the Administration's request. The amount agreed upon by the conferees compares to $1 911,343,000 provided in the Senate bill and $1,990,500,000 provided in the House version. The House bill included language earmarking funds for specific programs as follows:

$66,091,000 for the E–2C aircraft; $165,400,000 for the S–3A aircraft; $20,000,000 for the Undersea Long Range Missile System (ULMS); $67,900,000 for the Advanced Surface Missile System (ASMS).

The House recedes from its language with the understanding that the following amounts are authorized:

$66,091,000 for the E–2C; $140.4 million for the S–3A; $10 million for the ULMS; and $35 million for the ASMS.

The House bill provided that of the funds authorized for the Navy R&D $517,300,000 was authorized only for R&D on ASW systems.

The conferees agreed that the amount requested by the Administration for ASW, $472 million, is adequate for this coming fiscal year.

The House recedes.

The Senate reduced the Navy military science budget activity by $25,157,000 to be applied against Federal Contract Research Centers, Foreign Research, Social and Behavioral Sciences, and University Research. These reductions are included in the 11 percent overall reductions agreed to by the conferees.

The House recedes.

Air Force

For the Air Force, the conferees agreed on $3,156,552,000. This reflects an 11% reduction from the funds requested by the Administration. This final total compares to an authorization of $3,041,211,000 in the Senate bill and $3,241,200,000 in the House version.

The House bill contained language providing that funds were authorized only for specific purposes as follows:

For the RF–111, $15 million; for the Light Intratheater Transport (LIT) aircraft, $1 million; for the CONUS air defense interceptor, $18.5 million; for the SRAM missile, $84.7 million; and for the airborne Warning and Control System (AWACS), $40 million.

The House recedes on its restrictive language with the understanding that the following amounts are authorized for these programs:

RF–111, $2 million; SRAM, $75 million; CONUS air defense interceptor, $2.5 million; AWACS, $40 million.

The conferees agreed that the funds requested for the LIT should be deleted.

The House bill provided that none of the funds authorized in the bill should be expended for RDT&E on the A–X aircraft. The conferees agreed to support this program at a level of $8 million.

The House recedes.

The Senate reduced military science budget activity by $25,980,000, which was to be applied against Federal Contract Research Centers, Foreign Research, Social and Behavioral Sciences, and University Research. This amount is included in the reduction of $404,648,000 in the Air Force R&D budget.

The House recedes.

DEFENSE AGENCIES

For Defense Agencies the Administration requested $500,200,000. The Senate authorized $454,625,000. The House authorized $450,200,000. The conferees agreed that of the amount reduced, $5,000,000 shall be taken from Project AGILE, and $14.6 million from Military Sciences.

The Senate recedes.

Sec. 204.

This section authorizes $12,700,000 for the construction of research, development, test, and evaluation facilities at Kwajalein Missile Range in support of the Safeguard Anti-Ballistic Missile program. These funds were provided in the Senate bill but not in the House bill. However, the funds were previously authorized by the House in the military construction authorization bill, H.R. 13018.

Therefore, the House recedes.

TITLE III—RESERVE FORCES

For the Fiscal Year beginning July 1, 1969, the House provided that the Selected Reserve of each reserve component of the Armed Forces would be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

The Senate bill differs from the House version only in that it provided 395,291 for the Army National Guard of the United States and 256,264 for the Army Reserve.

The Senate recedes.

SECTION 303

Section 303 of the House amendment made the Secretaries of the military departments specifically responsible for providing personnel, equipment, facilities and supplies to reserve components, and provided that funds authorized for personnel, equipment, facilities and supplies for a reserve component might not be transferred or expended for any other purpose. The conferees agreed that this language was not necessary.

The House recedes.

SECTION 304

Section 304 of the House bill increased from sixty to ninety days after the end of the Fiscal Year the time allowed for year end status reports. No comparable section was contained in the Senate bill.

The Senate recedes.

TITLE IV—GENERAL PROVISIONS

SECTION 401. SUPPORT OF SOUTHEAST ASIA FORCES

Section 401 of the House version provided that funds authorized in the legislation are authorized to be made available to support Vietnamese and other Free World Forces in Vietnam and local forces in Laos and Thailand and for related costs on such terms and conditions as the Secretary of Defense may determine.

The Senate version imposed a ceiling of $2,500,000,000 on such funds and specified that funds to support forces in Laos and Thailand shall be limited, except where protection of U.S. personnel are concerned, to providing supplies, material, equipment, facilities and training.

The House receded and accepted the ceiling of $2,500,000,000 and the Senate receded on the further restrictive language.

SECTION 402. NUCLEAR CARRIER STUDY

A provision in the Senate version required a study by the Congress to be completed prior to April 30, 1970, on the cost and effectiveness of attack aircraft carriers. The results of this study were to be considered before any authorization or appropriation was to be made for the CVAN–70.

The House had no similar provision. Indeed, in the shipbuilding portion of the amendment, the House directly provided for long leadtime items for the CVAN–70.

The House recedes with an amendment which provides that the study is to be jointly made by the Senate and the House Committees on Armed Services.

SECTION 403. INDEPENDENT RESEARCH AND DEVELOPMENT

The Senate version contained a provision requiring that funds authorized by the Act shall not be available for the payment of independent research and development, bid and proposal, and other technical effort costs in the total amount in excess of $468,000,000. The provisions did not apply in the case of formally advertised contracts or to other firmly fixed price contracts competitively awarded.

This language was intended to provide a reduction of approximately 20% in the funds which would otherwise be expended for this purpose during Fiscal 1970. The House version contained no comparable language.

The conferees agreed on a compromise, which provides that contracts awarded subsequent to the effective date of this Act, costs incurred for independent research and development, bid and proposal and other technical effort shall not be in excess of 93% of the amount contemplated for such purposes in the 1970 Defense procurement and RDT&E program. This limitation shall not apply in the case of formally advertised contracts, other firmly fixed contracts competitively awarded, or contracts under $100,000. This limitation shall not apply to present contracts awarded prior to the effective date of this Act and shall not disturb independent research and development and other technical efforts already agreed upon.

It should be understood that the language of Section 403 applies to the Fiscal Year 1970 program only and is not to be considered a precedent for any future legislation. The Committee on Armed Services intends to study the matter of independent research and development and other technical effort and bid and proposal financing in detail during its review of defense authorization requests in the next session of Congress. The Senate conferees agreed with the House conferees that this matter is inadequately understood and that much greater knowledge must be gained in this area before determination is made as to any further legislative requirements.

SECTION 404. ASSISTANT SECRETARY FOR HEALTH AFFAIRS

The House version provided that one of the Assistant Secretaries of Defense shall be Assistant Secretary for Health Affairs and shall have a Deputy Assistant Secretary for Dental Affairs.

The Senate version contained no such provision.

The conferees agreed to establish an additional Secretary of Defense to be designated as Assistant Secretary of Defense for Health Affairs.

The House receded on its language requiring by statute a Deputy Assistant Secretary of Defense for Dental Affairs.

CHIEF, NATIONAL GUARD BUREAU

Section 403 of the House version provided for three-star billets for the Chief of the National Guard Bureau and Chiefs of the Air Force Reserve and Army Reserve.

The Senate version contained no such language.

The Senate conferees were adamant in their opposition to this provision and therefore the House recedes.

SECTION 405. EXPANSION OF AUTHORIZATION AUTHORITY

Section 405 of the House version would have extended the requirement for authorization legislation prior to appropriations to, in addition to those weapons systems now requiring authorization, all other vehicles, all other weapons, and all ammunition. The section is designed to give the Committee on Armed Services broader oversight and more effective control of the use of procurements funds by the armed forces. The Senate version contained no such language.

The Senate conferees had serious reservations about assuming this additional workload at this time in view of the time required for the completion of action on the present bill. The House receded, therefore, with an amendment limiting the expansion of authorization authority to "other weapons." As used here, the term "other weapons" is limited to heavy, medium, and light artillery, anti-aircraft artillery, rifles, machine guns, mortars, small arms weapons, and any crew-fired piece using fixed ammunition.

SECTION 406. TROOP STRENGTH CEILING

The House version would have provided a ceiling of 3,285,000 on the active duty personnel strength of the armed forces after July 1, 1970, except when the President determines that this ceiling will jeopardize the national security. The corresponding section of the Senate version contained language providing the total active duty personnel strength of the armed forces shall not exceed 3,461,000 on June 30, 1970, and that whenever the total of personnel serving on active duty in Vietnam is reduced on or after July 1, 1969, the limitation of 3,461,000 shall be reduced by a like number.

The Senate recedes.

Dependent educational travel

Section 406 of the House version contained a provision to provide travel of one round trip each year to and from a school in the United States for dependents of members of the armed services serving overseas when the dependent is attending college in the United States to obtain an undergraduate education. Whenever possible, the transportation would have been provided by the Military Airlift Command on a space required basis. The Senate conferees were adamant in their opposition to this provision.

The House reluctantly recedes.

SECTION 407. SALARY LIMITATION ON EMPLOYEES OF FEDERAL CONTRACT RESEARCH CENTERS

The Senate version contained a provision (Section 204) providing that the annual compensation of employees of the Federal Contract Research Center shall not exceed $45,000 except with the approval of the President. The comparable section of the House version provided an identical dollar limitation but specified that the exceptions require the approval of the Secretary of Defense under regulations prescribed by the President and applied the limitation to salaries paid with DoD funds rather than any funds.

The conferees agreed on a compromise applying the limitation to salaries paid from any Federal funds and specifying that the exceptions required the approval of the Secretary of Defense.

SECTION 408. STUDY OF DEFENSE CONTRACTOR PROFITS

The Senate bill contained language authorizing and directing the Comptroller General of the United States to conduct a study and review of profits made by contractors and subcontractors on certain Government contracts awarded on other than formally advertised competitive bid basis. The Senate language could have been interpreted to require contractors and subcontractors to maintain their accounting records on a basis other than that normally followed in their business practice. In addition, the Senate bill would have granted subpoena power to the Comptroller General. The House amendment contained no similar provision.

The House receded from its position with an amendment which requires the Comptroller General to conduct a study and review on a selective, representative basis of the profits made by contractors and subcontractors.

The conferees also agreed that since the General Accounting Office is an arm of the Legislative Branch of the Government which has subpoena power, it is not necessary to grant additional subpoena power to a subordinate Agency of the Legislative Branch. However, the conference report provides that upon the request of the Comptroller General or any officer or employee designated by him, the Armed Services Committee of either House may sign and issue subpoenas requiring the production of records which may be necessary for the study to be carried out by the Comptroller General contemplated by the conference language.

The conference report further provides that none of the information obtained by the Comptroller General under the authority provided shall be disclosed to any person not authorized by the Comptroller General to receive such information, without the consent of the contractor or subcontractor concerned.

RETIRED PAY ADJUSTMENT FOR GENERAL LYMAN LEMNITZER

The House version contained a section authorizing an adjustment in the retired pay of General Lyman Lemnitzer, former Commander of forces in Europe and former Chairman of the Joint Chiefs of Staff, so that General Lemnitzer's retired pay would be computed in the same manner as any other four star general who is placed on the retired list after July 1, 1969. This would have resulted in a net increase in General Lemnitzer's monthly retired pay of $180.87. The Senate conferees were adamant in their opposition to this section.

In view of the unyielding opposition of the Senate conferees, the House recedes.

SECTION 409. CHEMICAL AND BIOLOGICAL WARFARE

Both the House and Senate versions of the bill contained restrictions on certain aspects of the chemical and biological warfare program. The Conferees agreed on a compromise provision which is set out in the Conference Report.

Subsection (a) requires semiannual reports by the Secretary of Defense covering research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The intent of both Houses is to obtain information on the current and planned chemical and biological program, which will disclose amounts obligated and expended and explain their purpose and necessity.

Throughout the remainder of this section, the Conferees agreed to uniform use of the term "any lethal chemical or any biological agent." While adopting this term, the Conferees wish to make it clear that the restrictions imposed by subsections (b) through (f) are not intended to apply to the use of chemical or biological materials which are themselves harmless to man, or to chemical or biological materials used for public health disease control, or for medical research, development, test, evaluation or diagnosis.

With regard to transportation and open air testing, the Conference Report sets forth the following procedure. The Secretary of Defense must determine that the proposed transportation or open air testing is necessary to national security, and he must notify the Secretary of Health, Education and Welfare of the proposed action. The Secretary of Health, Education and Welfare may then direct the Surgeon General and other qualified persons to review the proposed action and to recommend what precautionary measures are necessary to protect the public health and safety. The Secretary of Defense is required to implement any precautionary measures recommended, including, where practicable, detoxification where the agent is to be transported to or from a military installation for disposal. The Secretary of Defense must notify the President of the Senate and the Speaker of the House of Representatives ten days prior to any transportation and thirty days prior to any open air test. In addition, the Secretary must notify the Governor of any State through which such agents will be transported, appropriately in advance of such transportation.

The compromise language covering transportation and open air testing is designed to establish a procedure whereby the Secretary of Defense will call upon the medical health expertise of the Surgeon General and any other qualified persons whom the Secretary of Health, Education and Welfare may wish to appoint. It is not the intention of the Conferees to vest the Department of Health, Education and Welfare with any power to make national security decisions. Clearly, the roles of the Department of Defense and the Department of Health, Education and Welfare should remain separate and distinct. This subsection does not require the Secretary of Health, Education and Welfare to make a review, nor does it require that he submit precautionary measures. While the proposed transportation or open air testing cannot be impeded by inaction on the part of the Department of Health, Education and Welfare, the Secretary of Defense is required to implement recommended precautionary measures. Should these measures prove so burdensome as to prevent the proposed action, or should the Surgeon General recommend against the proposed action, it may still occur if the President determines it is necessary to national security and reports this determination to the President of the Senate and the Speaker of the House of Representatives.

The transportation regulations established in subsection (b) of the present section are not intended to affect the authority of the Department of Transportation with respect to the shipment of hazardous materials, as established by 18 USC 831–835 and 46 USC 170. The protections afforded by subsection (b) are intended to supplement these provisions.

With regard to future overseas deployment or storage of agents and delivery systems, the Conferees agreed that prior notice must be given to the host country. Where the deployment or storage will be on territory under the jurisdiction of the United States, prior notice must be given to the President of the Senate and the Speaker of the House of Representatives.

With regard to future overseas handling of agents, the Senate receded and accepted the House approach that no such action may occur if the Secretary of State determines that international law will be violated. He must report these determinations to the President of the Senate, and the Speaker of the House of Representatives, as well as to appropriate international organizations in the event such report is required by treaty or other international agreement.

The House amendment defined the "United States" to include the several States, the District of Columbia, and the territories and possessions, except to overseas deployment and storage in subsection (c) (1). The Senate recedes and accepts this definition.

The House amendment provided for suspension of this section's provisions during any war or national emergency. The Senate recedes and accepts this provision with a modification clarifying the fact that the power of suspension is vested in the President.

The Senate bill prohibited the procurement of delivery systems specifically designed to disseminate lethal agents and the procurement of any part or component thereof. The House recedes and accepts this prohibition with a modification limiting it to this act. The House Conferees were gravely concerned over the possible affect that this prohibition may have on our deterrent capability and receded only after assurances that, by limiting the prohibition to this act, there would be no adverse affect on our capability. Since it is dangerous to presume that our needs as presently contemplated will not change, a further modification was made which allows such procurement whenever the President certifies to Congress that it is essential to national safety and security.

Except as authorized in the Senate bill, subsection (g) of the Senate bill prohibited authorization for research, development, test and evaluation or procurement of any chemical or biological weapon including those for incapacitating, defoliation or other military operations. No similar provision was contained in the House amendment. The Senate recedes and accepts the House position.

SECTION 410. DISCLOSURE PROVISION BY FORMER MILITARY AND CIVILIAN OFFICIALS

The Senate bill contained a provision requiring certain reporting procedures by all former military officers employed by industry holding defense contracts. It also required similar reporting by civilians from defense industry working for the Department of Defense.

The conferees agreed to accept the Senate provision with an amendment requiring certain reporting procedures from those persons employed in defense industry who were former commissioned officers in the grade of Major and above or former civilian employees of the Department of Defense in the grade of GS–13 or above.

RESEARCH AND DEVELOPMENT CONTRACTS OR GRANTS

Section 402 of the House bill contained a provision requiring detailed reports from the Department of Defense on research and development contracts or grants provided colleges or universities or individuals. Included among the information requested was a statement summarizing the record of the school, college, or university with regard to its cooperation on military matters, including ROTC and military recruiting on the campus.

The Senate bill contained no similar provision.

The House conferees reluctantly receded from their position with respect to Section 402. However, the agreement to recede from the House position and delete this section of the bill was arrived at only after the Senate conferees concurred with the House position that information on this subject is an essential preliminary before Congress can in future years intelligently assess the value of programs of this kind and their contribution to the national defense effort.

The House conferees strongly believe that the American people should be fully informed as to the manner in which defense dollars are being spent on research and development contracts in various universities and institutions of higher learning, and the identification of personnel entrusted with vital classified security information. The American people are also entitled to know why some research and development contracts and grants are being given to schools and universities for defense purposes when at the same time there appears to be an effort on the part of administrators of some of these schools to deny to the Department of Defense and individual Service Departments reasonable cooperation in related defense programs.

The House conferees fully appreciate the significant research opportunities that are provided these various institutions through the Federal defense monies involved in these contracts. However, the House conferees do not believe that a relatively few schools and educational institutions in the United States should be given a virtual monopoly on this research opportunity. There are hundreds of universities and colleges throughout the United States which have a demonstrated research capability that has heretofore not been utilized by the Department of Defense and the individual Service Departments. It is the conviction of the Managers on the part of the House that new emphasis must be placed on the distribution of these research and development contracts among the various educational institutions of our nation so as to provide other, equally competent, educational institutions with the same opportunity to avail themselves of the research funds utilized in these defense projects. Obviously, the continued award of these defense research and development contracts to educational institutions which appear to be making a determined effort to either ignore or deter our national defense effort will be given very careful scrutiny by the House Committee on Armed Services during the coming years.

The Department of Defense and the individual Service Departments are hereby being given notice that detailed information on this entire subject matter, including the identity of persons receiving classified information, will be required by the House Committee on Armed Services. This information shall be provided the Committee in such detail as may be necessary to enable it to objectively assess the policy governing the award of research and development contracts of this kind in the future.

QUARTERLY GOVERNMENT ACCOUNTING OFFICE REPORTS

Title V of the Senate bill provided for a reporting system for major contracts which would have required quarterly reports to the Congress from the Defense Department and audits by the General Accounting Office. The House version contained no comparable provision.

After considerable discussion the conferees agreed that this Title is not required at this time.

Therefore, the Senate recedes.

SUMMARY

The bill as presented to the Congress by the President totaled $21,963,660,000. The bill as it passed the House totaled $21,347,860,000. The bill as it passed the Senate totaled $20,001,586,000, including $12.7 million for military construction of research and development facilities at Kwajalein which was not in the House version, but was included in the military construction authorization bill previously approved by the House.

The bill as agreed to in conference totals $20,723,202,000.

The figure arrived at by the conferees is $624,658,000 less than the bill as it passed the House, $721,616,000 more than the bill as it passed the Senate, and is $1,240,458,000 less than the bill as it was presented to the Congress by the President.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill and agrees to the same.

L. Mendel Rivers,
Philip J. Philbin,
F. E. Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
Sam Stratton,
L.C. Arends,
Alvin E. O'Konski,
William G. Bray,
Bob Wilson,
Charles S. Gubser,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Wolff (at the request of Mr. Albert), for today, on account of official business.

Mr. Corman, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Waggonner, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mrs. Heckler of Massachusetts); to revise and extend their remarks and include extraneous matter:)

Mr. Hogan, for 15 minutes, today.

Mr. Schwengel, for 15 minutes, today.

Mr. Gonzalez (at the request of Mr. McFall), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Record, or to revise and extend remarks was granted to:

Mr. Hall immediately following 1-minute speech of Mr. Arends today.

Mr. Mahon in four instances and to include extraneous matter.

Mr. Daniel of Virginia.

Mr. Ichord.

Mr. Aspinall and to include extraneous matter.

Mr. St Germain to insert his remarks following Mr. Moorhead in Committee today.

(The following Members (at the request of Mrs. Heckler of Massachusetts) and to include extraneous matter:)

Mr. McKneally.
Mr. Findley in three instances.
Mr. Zion.
Mr. Brock.
Mr. Lloyd.
Mr. Pettis.
Mr. Bray in three instances.
Mrs. Heckler of Massachusetts.
Mr. Scherle.
Mr. Meskill.
Mr. Pelly.
Mr. Winn in two instances.
Mr. Wold.
Mr. Burke of Florida.
Mr. Landgrebe.
Mr. McDade.
Mr. Ashbrook.
Mr. Wyman in two instances.
Mr. Zwach.
Mr. Collier in five instances.
Mr. Goldwater.
Mr. Erlenborn.
Mr. Cleveland.
Mr. Halpern in two instances.
Mr. Schadeberg.
Mr. Hogan in four instances.
Mr. Derwinski.
Mr. Schwengel.
Mr. Wylie.
Mrs. Reid of Illinois.
Mr. Buchanan.
Mr. Broyhill of Virginia in two instances.
Mr. Bush.
Mr. Gross.
Mr. Steiger of Wisconsin.
Mr. Esch.

(The following Members (at the request of Mr. McFall) and to include extraneous matter:)

Mr. Bolling.
Mr. Matsunaga.
Mr. Culver.
Mr. Steed.
Mrs. Hansen of Washington in three instances.
Mr. Rodino.
Mr. Giaimo.
Mr. Marsh.

Mr. Rooney of Pennsylvania in two instances.

Mr. Ottinger.

Mr. Hungate in three instances.

Mr. Rarick in three instances.

Mr. Shipley.

Mr. Gonzalez.

Mr. Stephens.

Mr. Pickle in two instances.

Mr. Hathaway in two instances.

Mr. Aspinall in two instances.

Mr. Van Deerlin in two instances.

Mr. Tunney.

Mr. Boggs.

Mr. Burton of California.

Mr. Rivers.

ADJOURNMENT

Mr. McFALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 5, 1969 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1307. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a list of Department of Defense contracts negotiated under the authority of sections 2304(a) (11) and 2304(a) (16) of title 10, United States Code, for the period January through June, 1969; to the Committee on Armed Services.

1308. A letter from the Acting Secretary of the Interior, transmitting the Annual Report of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year 1968, pursuant to the provisions of section 106(a) and 212(c) of the Federal Coal Mine Safety Act, as amended; to the Committee on Education and Labor.

1309. A letter from the Comptroller General of the United States, transmitting a report of an examination into the effectiveness of the construction grant program for abating, controlling, and preventing water pollution, Federal Water Pollution Control Administration, Department of the Interior; to the Committee on Government Operations.

1310. A letter from the Chairman, Federal Power Commission, transmitting a copy of the map, "Major Natural Gas Pipelines, as of June 30, 1969"; to the Committee on Interstate and Foreign Commerce.

1311. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1312. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELANEY: Committee on Rules. House Resolution 610. A resolution providing for the consideration of H.R. 14465 to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes (Rept. No. 91–605). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 611. A resolution providing for the consideration of H.R. 2777 to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer (Rept. No. 91–606). Referred to the House Calendar.

Mr. RIVERS: Committee of conference. Conference report on S. 2546 (Rept. No. 91–607). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 14643. A bill to amend title 10 of the United States Code to require that accurate medical records be kept with respect to each member of the Armed Forces; to the Committee on Armed Services.

By Mr. BROWN of California:

H.R. 14644. A bill to amend section 5 of the Outer Continental Shelf Lands Act to require public hearings before leasing, and to require a moratorium on further leasing under such act; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 14645. A bill to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President; to the Committee on the Judiciary.

By Mr. CELLER (for himself, Mr. Bingham, Mr. Button, Mr. Carey, Mr. Daddario, Mr. Giaimo, Mr. Gilbert, Mr. Hastings, Mr. Horton, Mr. King, Mr. Koch, Mr. McKneally, Mr. Meskill, Mr. Monagan, Mr. Murphy of New York, Mr. Ottinger, Mr. Reid of New York, Mr. Robison, Mr. Smith of New York, Mr. St. Onge, and Mr. Weicker):

H.R. 14646. A bill granting the consent of Congress to the Connecticut-New York railroad passenger transportation compact; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 14647. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. DORN:

H.R. 14648. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

H.R. 14649. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 14650. A bill to amend titles X and XVI of the Social Security Act to increase the amount of earned income which must be disregarded by State agencies in determining the need of blind recipients of public assistance; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 14651. A bill to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 14652. A bill to amend title 38 of the United States Code to liberalize the specially adapted housing assistance available under chapter 21 of such title for the remodeling of dwellings; to the Committee on Veterans' Affairs.

By Mr. GRAY:

H.R. 14653. A bill to apply prevailing wage protection in accordance with the Davis-Bacon Act to the construction, modification, alteration, repair, painting, decoration, or other improvement of buildings leased, or to be leased, by the Post Office Department; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 14654. A bill to amend the Internal Revenue Code of 1954 to facilitate the discharge of tax liens in certain cases; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 14655. A bill to provide for a program of grants to State and local governments for the construction or modernization of certain correctional institutions; to the Committee on the Judiciary.

H.R. 14656. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 14657. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 14658. A bill to amend section 204 of the Agricultural Act of 1956 to apply its provisions with respect to bilateral agreements limiting imports; to the Committee on Agriculture.

By Mr. MOSS:

H.R. 14659. A bill to amend section 104 of the Truth in Lending Act; to the Committee on Banking and Currency.

By Mr. PERKINS (for himself, Mr. Thompson of New Jersey, Mr. Pucinski, Mr. Brademas, Mr. Carey, Mr. Hawkins, Mr. Hathaway, Mr. Scheuer, Mr. Burton of California, Mr. Stokes, and Mr. Clay):

H.R. 14660. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts; to the Committee on Education and Labor.

By Mr. PREYER of North Carolina:

H.R. 14661. A bill to amend section 13a of the Interstate Commerce Act so as to provide for reimbursement to the carrier of the cost of operating uneconomic interstate railroad passenger train service performed under order of the Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIE:

H.R. 14662. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 14663. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 14664. A bill to authorize Federal payments to owner-occupants of residential property; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 14665. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 14666. A bill to establish marine sanctuaries; to the Committee on Interior and Insular Affairs.

By Mr. WATSON:

H.R. 14667. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 14668. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

By Mr. KING:

H. Con. Res. 435. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. WRIGHT (for himself, Mr. Edmondson, Mr. Abbitt, Mr. Bennett, Mr. Brooks, Mr. Burleson of Texas, Mr. Casey, Mr. Daniel of Virginia, Mr. Downing, Mr. Fallon, Mr. Gray, Mr. Holifield, Mr. Kee, Mr. Kluczynski, Mr. Marsh, Mr. Miller of California, Mr. Mills, Mr. Pickle, Mr. Poage, Mr. Purcell, Mr. Roberts, Mr. Satterfield, Mr. Sisk, Mr. Slack, and Mr. Teague of Texas):

H. Res. 612. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. HAYS (for himself, Mr. Morgan, Mr. Zablocki, Mr. Fountain, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Aspinall, Mr. Daniels of New Jersey, Mr. Dulski, Mr. Friedel, Mr. Fuqua, Mr. Garmatz, Mr. Hull, Mr. Ichord, Mr. Johnson of California, Mr. McFall, Mr. Madden, Mr. Minish, Mr. Moss, Mr. Preyer of North Carolina, Mr. Price of Illinois, Mr. Rodino, Mr. Rostenkowski, Mr. Steed, and Mr. Taylor):

H. Res. 613. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. ADAIR (for himself, Mr. Gerald R. Ford, Mr. Arends, Mr. Anderson of Illinois, Mr. Mailliard, Mr. Ayres, Mr. Belcher, Mr. Berry, Mr. Betts, Mr. Bow, Mr. Bray, Mr. Buchanan, Mr. Bush, Mr. Byrnes of Wisconsin, Mr. Cederberg, Mr. Chamberlain, Mr. Cleveland, Mr. Collier, Mr. Corbett, Mr. Cramer, Mr. Davis of Wisconsin, Mr. Findley, Mr. Gubser, Mr. Harvey, and Mr. Hutchinson):

H. Res. 614. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD (for himself, Mr. Langen, Mr. Lipscomb, Mr. Lloyd, Mr. McCulloch, Mr. McKneally, Mr. MacGregor, Mr. Michel, Mr. Mize, Mr. Morton, Mr. O'Konski, Mr. Pelly, Mr. Quie, Mr. Rhodes, Mr. Roth, Mr. Roudebush, Mr. Saylor, Mr. Schneebeli, Mr. Mr. Shriver, Mr. Smith of California, Mr. Talcott, Mr. Teague of California, Mr. Thomson of Wisconsin, Mr. Widnall, and Mr. Wydler):

H. Res. 615. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. STRATTON (for himself, Mr. Del Clawson, Mr. Broyhill of North Carolina, Mr. Pettis, Mr. Mayne, Mr. Johnson of Pennsylvania, Mr. Camp, Mr. Kleppe, Mr. Pucinski, Mr. Long of Louisiana, Mr. White, Mr. Utt, Mr. Williams, Mr. Minshall, Mr. Flowers, Mr. Rivers, Mr. Sikes, Mr. Montgomery, Mr. Davis of Georgia, and Mr. Waggonner):

H. Res. 616. Resolution toward peace with honor in Vietnam; to the Committee on Foreign Affairs.

By Mr. ABERNETHY:

H. Res. 617. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. BELL of California:

H. Res. 618. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida:

H. Res. 619. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. CUNNINGHAM:

H. Res. 620. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. DENNEY:

H. Res. 621. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. DEVINE:

H. Res. 622. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. DORN:

H. Res. 623. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H. Res. 624. Resolution to affirm the support of the House of Representatives for the President in his efforts to negotiate a just peace in Vietnam; to the Committee on Foreign Affairs.

By Mr. ERLENBORN:

H. Res. 625. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Res. 626. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Res. 627. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H. Res. 628. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. KING:

H. Res. 629. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Res. 630. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. KYL:

H. Res. 631. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. LATTA:

H. Res. 632. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mrs. MAY:

H. Res. 633. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. MAYNE:

H. Res. 634. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. RAILSBACK:

H. Res. 635. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. ROGERS of Florida (for himself, Mr. Henderson, Mr. Dowdy, Mr. Baring, Mr. Nichols, Mr. Hunt, Mr. Brotzman, Mr. Mizell, and Mr. Myers):

H. Res. 636. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Res. 637. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. SCOTT:

H. Res. 638. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. VANDER JAGT:

H. Res. 639. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. WOLD:

H. Res. 640. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Res. 641. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Res. 642. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. DORN:

H. Res. 643. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone: to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Res. 644. Resolution providing for the adjustment of salaries of certain employees of the House press gallery; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 14669. A bill for the relief of Gordon W. Heritage, Sr.; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 14670. A bill for the relief of Digna Lithgow; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 14671. A bill for the relief of James Tien-Hsiung Tso; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

315. By the SPEAKER. Petition of the Alaska Federation of Natives, Anchorage, Alaska, relative to appropriations for the construction of a hospital at Saint Mary's, Alaska; to the Committee on Appropriations.

316. Also, petition of the Virginia Young Americans for Freedom, Lexington, Va., relative to support of the President's policy in Vietnam; to the Committee on Foreign Affairs.

317. Also, petition of the Palau Legislature, Koror, Palau, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to appointment of a High Commissioner of the trust territory; to the Committee on Interior and Insular Affairs.

318. Also, petition of the County Supervisors Association of California, relative to north coast water development; to the Committee on Interior and Insular Affairs.

319. Also, petition of the County Supervisors Association of California, relative to limitation on public ownership of land; to the Committee on Interior and Insular Affairs.

320. Also, petition of the County Council, King County, Wash., relative to repeal of title II of the Internal Security Act of 1950; to the Committee on Internal Security.

321. Also, petition of Marion W. Root, Joshua Tree, Calif., relative to pensions for veterans of World War I; to the Committee on Veterans' Affairs.

322. Also, petition of the Board of Commissioners, Lake County, Ohio, relative to the appropriate observance of Veterans Day; to the Committee on Veterans' Affairs.

323. Also, petition of the County Supervisors Association of California, relative to welfare reform; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

WOULD COLUMBUS BE PROUD?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HOGAN. Mr. Speaker, I am proud to bring to the attention of my colleagues thoughts of a 10-year-old boy in my district on the subject: "What Does Columbus Day Mean?" With this essay, he won a contest sponsored by the St. Columcille Council 5317, Knights of Columbus, Oxon Hill, Md.

Stephen Hayes is in the fifth grade at St. Columba School in Oxon Hill, Md., yet his thoughts in the essay far exceed his years and show a mature wisdom which can give us hope for his future and for ours.

What is unique about the essay is the incisive thinking to the very essence of the subject and its application to the world of today. As has been said in the Psalms:

> Out of the mouth of babes and sucklings has thou ordained strength . . .

I recommend that my colleagues read it carefully.

Stephen Hayes is a very outstanding young man with whom I am personally acquainted and of whom I am very fond. I congratulate him for winning the contest, but above all, for having given us these words to ponder in this moment of America's turmoil. We can be reassured that the future of our country in the years ahead will lie in good hands when we read such thoughts from a 10-year-old today. Here is the essay as written:

WOULD COLUMBUS BE PROUD?

(By Stephen Hayes, St. Columba School)

If someone were to ask you who Christopher Columbus was, you would undoubtedly answer "He discovered America." And, if someone were to ask you why we have Columbus Day, you would probably say "To honor the man who discovered America."

But Columbus Day should honor him for more than his discovery—it should honor him for being a truly great man. Christopher Columbus was many things. He was brave enough to go where no one had gone before, smart enough to believe the world was round, and had enough spirit to speak out when he knew he was right, even though many laughed at him.

If Columbus were here in America today, what would he think? He might get angry at his friend Amerigo Vespucci for "double-crossing" him and having the place named America. But he would also be proud of having discovered one of the greatest countries on earth. Or would he? would he be proud of the slums, the poverty, the killings and riots? Columbus *isn't* here today, and even if he was, he wouldn't be able to change these things much. Only we can do that—the citizens of this great country. And, we certainly should be able to. After all, aren't we the ones who sent three men millions of miles into space to land on the moon? Didn't we place a plaque there announcing that we "came in peace for all mankind?" Yes, we were the people that sent three modern day Columbuses to "discover" a "new world," not in galleons this time, but in a rocket ship. If we were clever enough to do that, we certainly should be clever enough to make peace among ourselves.

The president can't order everyone to stop killing, or clean up the slums. But each of us can help. If every American did his duty, this would be a country Columbus would truly be proud of. And if he were here today, I'm sure he would agree with me.

Happy Columbus Day.

JOBS FOR HANDICAPPED VETERANS AND CIVILIANS

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, November 4, 1969

Mr. DOLE. Mr. President, in the last month I have visited more than 100 disabled Vietnam war veterans in Walter Reed hospital here and in Fitzsimons Hospital, in Denver. Anyone who visits at length with any of these boys becomes acutely aware that for these returned servicemen, the war is far from over.

The battle they wage now is very personal and, in some cases, for life itself. In other cases, the battle is to regain sufficient physical health to return to their families, communities, and jobs. Their needs transcend health care to include rehabilitation, education and job counseling, training, and placement.

It is a monumental task to which all of us—in the Federal, State, and local governments, as well as in the private sector—must be committed.

In this regard, I recall a speech in New York City on September 30, at the annual meeting of the Interstate Conference of Employment Security Agencies. The speaker was William P. McCahill, who is executive secretary of the President's Committee on Employment of the Handicapped. Mr. McCahill, a forceful spokesman for the handicapped and a disabled veteran himself, cited some challenges to State employment security leaders and others in helping to restore handicapped Americans to dignity and economic independence.

It is a speech recounting past deeds well done and a charting of opportunities for the future which must be exploited now if the hope of sufficient, satisfactory employment is to be realized by more Americans with handicaps.

Mr. President, I ask unanimous consent that Mr. McCahill's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF WILLIAM P. MCCAHILL

I returned last week from the 11th World Congress of the Handicapped in Dublin to find an imperative phone call from Gerry Foster waiting me. As a result, I'm on this side of the mike, instead of being out there with you listening to a dynamic man born without legs, Henry Viscardi, your scheduled speaker, and Chairman of the New York Governor's Committee on Employment of the Handicapped.

Half an hour isn't a long time. But, multiply it by an audience of 400 and you have 200 hours or five work weeks. I hope to make these five work-weeks productive and stimulating in behalf of the disabled for whom I am privileged to speak.

It is an irony of fate that a former quarter-miler and reserve Marine like me, should be teamed up with the legless WW II Red Cross volunteer, Henry Viscardi, in a race against time for the disabled. I guess it just proves that the Good Lord has a sense of humor. It also proves that anybody can get into the act, an act in which the State Employment Security Agencies have been playing a leading role for a quarter century and more.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK

Next week, we celebrate the 25th "National Employ the Physically Handicapped Week". I hope most of you get home in time to discharge your important leadership roles in this national campaign. Twenty-four years ago, the Public Employment Service and the Disabled American Veterans teamed up with Paul Strachan's American Federation of the Physically Handicapped to observe the first NEPH Week and to coin the slogans, "It's Good Business to Hire the Handicapped." A year later, Oliver Kincannon, who died this summer, called me at the Retraining and Reemployment Administration from the Office of Vocational Rehabilitation and suggested that RRA coordinate a "Week" I had never heard of. Well, what has happened since then is a small part of the social and economic history of our times. It has been great being involved with you as a small partner and catalyst in one of the most humanitarian and common-sense efforts which ever joined government and private groups together.

PCEH AND THE CONFERENCE

Since we're probably the oldest President's Committee and have both legislative and Executive Order independent status, we feel our early partnership with the employment security and vocational rehabilitation family was helpful in establishing a climate of mutual trust and confidence which made it easier for the host of special programs that followed.

In any event, I've had the high honor to work with you since 1946. I thank you from a full heart. This is personal, and I mean it to be. I have enjoyed your friendships and your confidences. I have gloried in our mutual victories and rolled up my sleeves when we have suffered setbacks. The Committee has had a most unusual and rewarding relationship with this Conference. Colonel Kendall and now Clem Bassett have served on our policy-making Executive Committee. Working with Conference leaders like Sam Bernstein, Bernie Teets, Curt Harding, Willard Dudley and a host of others has been most rewarding.

And what can I say to express my appreciation to Gerry Foster, who faithfully has seen that we had our say at your Executive Committee meeting, your Employment Service and Veterans' Committee meetings, and on Conference Annual agendas for enough years to turn my hair to gray.

Our Chairmen, Admiral McIntire, General Maas and now, Harold Russell, have criss-crossed the Continent, meeting with you in your states and cities, working with you in a most unique relationship. Ours has been a relationship built on common agreement on need, and on common commitment to meeting that need. You have backstopped and midwifed the Governor's Committees and local committees for almost 25 years. The wonder of it is, now that we come apart at the seams now and then, here and there, but that the basic dedication and personal commitment is still there in spite of more new programs than you can absorb or I can recite.

In bringing you the personal best wishes of Harold Russell, indeed of our entire staff, I do so in a spirit of profound gratitude. Saying this, I can also promise you that our office will do everything humanly possible to make certain that you remain as good as you can be in the service of the handicapped.

From time to time we have to speak up. You wouldn't respect us if we didn't nor would we be carrying out our official responsibilities. Over the years we have always been heard. We're still being heard. It's no secret that we were unhappy when the Division of Special Worker Service was set up with no top official having specific responsibilities for "Services to Handicapped". We felt the states might follow the lead of Washington and one did. This isn't a trend, but it does bear watching. Ours is a government of laws and rules and not of men and women. Although people now in positions of influence will watch out for the handicapped, people do change jobs. Just look around you here today and you'll have to agree.

1968 MEETING: A MORALE BOOSTER

However, the initiative shown in scheduling a Conference for State Supervisors of Services to the Handicapped immediately following the 1968 National Rehabilitation Association Convention was a tremendous morale booster for those of us who felt that the handicapped were in danger of losing their place in the galaxy of special services. The scheduled conference following this year's NRA Conference is another evidence of the Manpower Administration's continued commitment to the handicapped. I was delighted to accept Bob Brown's friendly invitation to speak at their luncheon and to provide staff support.

DELIVERY OF SERVICES

This summer Chairman Russell made a major policy speech at the IAPES Convention where he sounded a warning that the handicapped were not getting Wagner Peyser services at enough local state employment security offices and were being selected out of too many MDTA-type training programs for which they were otherwise eligible.

At the IAPES Convention, Harold pointed with pride to the progress since 1954, but said that too many of the old problems of lack of money and staff time were still with us. He singled out what he said were "new problems arising from redirection of effort, transfer of staff and an emphasis on individuals who for one reason or other, usually called cultural, educational or economic, are given priority in service."

He said that he favored providing every individual with the assistance needed to become productive and economically independent, but not at the expense of downgrading and lessening of services to the physically and mentally handicapped in order to provide services to other groups of individuals. He emphasized the necessity of increasing and improving our cooperative efforts so that the handicapped know about and receive the kind and quantity of services they need.

SERVICES FOR DISABLED VETERANS

He also spoke strongly in behalf of services to disabled veterans and then came home and involved our Committee in a major backstop effort to increase private sector cooperation with agencies responsible for the disabled of Vietnam. He wrote every Governor's Committee Chairman (and a few are here in this room today), and every individual member of the President's Committee, asking for innovative and imaginative efforts in behalf of the returning war wounded.

As you know, military experience will be helpful to some of the returning disabled veterans, but not for most of them. All our disabled veterans must receive priority attention over everybody else in the labor force and receive whatever assistance needed on their way back to jobs and economic independence.

The large bulk of the disabled will require the most intensive and finest job counseling, training and job development and placement you can provide. If we aren't ready for this kind of involvement, this kind of commitment, then we'd better get ready, all of us. I can pledge every possible cooperation from our office. You can be sure that the disabled veteran won't be left out of any of our promotional efforts this year. The title of this year's Ability Counts writing contest in the high schools is not accidental. It is "The Disabled Veteran As a Manpower Resource In My Community" and hundreds of thousands of young people will be researching and writing on this theme. Nor is the inclusion of a line in the 1969 Joint Statement being issued this Wednesday over the signature of the entire Cabinet and four other top Independent Agency heads accidental. It calls upon the Civil Service Commission to "expand its efforts, particularly stressing opportunities for the returning disabled Vietnam veteran."

We don't have much authority and very little money, but if moral suasion and major policy statements mean anything, we're doing our part to help you to do what you know should be done and what you know so well how to do in the field of veterans.

Like you, we are watching with interest the work of the President's Committee on the Vietnam Veteran. Like you, we were shocked and surprised to read in a veterans column that the inclusion of the Secretaries of Labor and HEW was inappropriate on this Presidential Committee, particularly since both Secretaries had served with distinction in the Marine Corps as combat officers. But, and there is always a but, the fact remains that too many stories are coming to us that veterans are not getting served. It is generally the white veteran who isn't getting the service, just as it is the white handicapped who isn't getting the referral or job training slots. I am not talking out of school. You all know it, if you read your own reports as I do.

I'm not here as the veteran spokesman, but one last comment. We've heard a lot about backlashes. Secretary Wirtz once said that you'd never see a paraplegic in a wheelchair leading a protest march or picketing a government building. Maybe not. But, if large numbers of returning disabled veterans of Vietnam find out that they aren't getting the services the Congress, the President and the American people have promised them, we may be in for some rude awakenings.

THE TASK AHEAD

All your states have taken part in the Statewide Planning for Rehabilitation Planning and some Employment Security leaders have had a leading role, as in Maine. But, if you think you've got problems serving the disabled now, listen to the capsule highlights just released from the first 14 final reports evaluated.

The total client caseload of 570,000 today is estimated at 3.2 million in 1975.

Caseloads in individual states will increase between 200% and 800% by 1975.

States plan to double or quadruple rehab staffs by 1975.

An estimated 25,000 VR counselors will be needed in '75 against 5,000 in '67.

States are recommending VR budget increases of from 300% to 1400% for 1975.

Total dollars needed in 1975 for VR will approximate $2.4 billion, versus the 1967 total budget of $303 million the year the studies got underway.

Just as some questions are being raised in veterans circles as to whether the state employment security agencies can actually serve the veteran, there are sure to be serious questions raised as to whether you can provide services in terms of the above projections for the handicapped who are also caught up in the urgency of rising expectations.

I raise these questions more in sorrow than in anger, for I know what you want to do. At a recent appearance before the ICESA Employment Service Committee I was asked by the Chairman if the current emphasis on the disadvantaged wasn't hurting the handicapped. I said that it would be unrealistic to answer to the negative, but that it had been my experience that regardless of the word from Washington, the States would probably find a way to do what should be done for the disabled they had served so nobly for two decades. I still feel that way and hope that many of you will earnestly try to carry out the forthright resolution on this subject which you have before you at this Conference.

MANPOWER ADMINISTRATION ROLE

I'd like to take this occasion to thank the Manpower Administration publicly for its financial backing of our efforts for the mentally retarded and the mentally restored, as well as generous support for Project Earning Power in the sheltered workshop area. These projects have given significant impetus to the almost unbelievable advances in employment of the retarded and in the dawning of a new day for the mentally restored, those with a past history of mental or emotional illness.

I would hope that the priorities for the future would provide for some additional innovative and imaginative efforts in other MDTA-type projects such as the recently-completed project in the field of epilepsy.

The new and wonderful two-color Manpower Administration magazine has featured the handicapped time and time again and this month has given us the back cover for the 1969 "NEPH Week" poster, which most of you know is paid for entirely from granted funds, just one more in a litany of a thousand acts of cooperation, small and large which would take me too long to recount.

I was delighted on my return to Washington to read Mal Lovell's statement on Hire the Handicapped Week in which he said "that improving our services to handicapped persons is a year-round crusade, but I urge all Manpower People, in the national organization and in the States, to devote special effort in this direction during the first week of October."

CLARIFYING FIELD MEMO 44–69

But, we still have problems. For instance, when Field Memorandum No. 44–69 on Uniform Standards for Applying the Definition of the Term Disadvantaged Individual was issued, we pointed out that the last paragraph on page 9 had some unfortunate connotations since it included persons with a history of alcoholism, drug addiction, parolees and prison releasees as "handicapped." Secretary Weber quickly responded, saying that a clarifying revision of the Field Memorandum would be issued.

Then, we found out that this not only affected the "image" of the handicapped, but that it resulted in reporting figures which to us were meaningless since the placements of handicapped workers now reflect these other groups. Lest I be misunderstood here, as in my earlier references, we have no desire to see any decrease of services to these hard-core unemployed. We just want to tidy up reporting.

In response to the Chairman's second letter on the subject, Secretary Weber replied that he would recommend that his staff explore possibilities for a computer breakout of the drug addicts and law offenders under the ESARS program. He further said that the current administration would continue its efforts to help the handicapped, "not only because of our legal mandate, but also because of a moral obligation."

We were proud to have Secretary Shultz as a featured speaker at our Annual Meeting this year and as the President's personal representative. He has since published an editorial in our monthly magazine and next month we'll feature Secretary Finch. Harold and Bernie Posner and I have met with V.A. Administrator Don Johnson and set an early date for our Committee on Disabled Veterans meeting where we will explore with the veterans groups some of the problems mentioned here. We are working with Bud Wilkinson, our White House liaison, on an early date for our Advisory Council meeting where we will place before this Cabinet-level group some of our problems which government can help solve within the family. In a word, we have been doing everything we can to influence and direct policy at the top.

PRESIDENT NIXON AND THE HANDICAPPED

And, speaking of policy at the top, the President issued a statement to all agency heads after less than two months in office in which he reemphasized the Federal policy of hiring the retarded, the restored and the physically handicapped in the Federal service. He followed this up with a Rose Garden ceremony at the time of our Annual Meeting and just this month signed our 1969 Proclamation and issued a new Executive Order for the Committee. This Order adds the Secretaries of HUD and DOT to our Advisory Council and bolsters our efforts to remove architectural barriers and transportation barriers to disabled veterans and other handicapped Americans. He also assigned us for the first time an official responsibility of working cooperatively with international organizations.

THINGS ARE HAPPENING

Together, we have reached the stage where both the National Association for Retarded Children and the National Association for Mental Health have a national awards program for an "employer of the year" who has done the most in these two areas. The Post Office Department, the Federal Aviation Administration and now the U.S. Civil Service Commission have a "Handicapped Worker of the Year" program and the Commission has just issued a Handbook of Selective Placement for use by agency coordinators in a partnership with vocational rehab and employment service personnel throughout the country. Things are happening and will continue to happen.

Two of our newest programs should be of special interest to you, one a Rural Areas Committee pilot project in West Virginia, Florida and Iowa and the other a Youth Committee. We hope to find better ways of helping the handicapped in Rural America in the first project and, in the other, are involving the major youth groups of the Nation for the first time. We have a young man with sideburns and under 30 serving on our Executive Committee and telling it like it is. It's too early to tell you what will come of it, but we expect considerable high school and college involvement in helping people to help themselves.

Another significant step has been the appointment of an Ad Hoc Blue Ribbon Committee of outstandingly successful handicapped persons, including several former Handicapped Americans of the Year, to advise us in a number of areas of their own selection as to how goes it in America for the Handicapped.

I could go on and on, but let me wind up by saying that we have compiled and released statistics on 229 state institutions for the mentally retarded and on 200 mental hospitals showing what steps are being taken to prepare the retarded and restore them for employment. In the most recent survey just completed, we found that there were 6 full-time and 20 part-time state employment service counselors on the grounds of institutions for the retarded against 126 full-time and 50 part-time VR counselors. These studies have been or will be shared with the state employment security agencies in the hope they will be helpful in future planning.

A recent study of the strengths and weaknesses of the Governor's Committee has been completed and shared with your State offices. Chairman Russell has made State liaison a priority responsibility of our staff for the year ahead, a liaison which would have us meeting in a shirt-sleeves discussion session with all appropriate groups each time we visit a State capital. We also are under instructions to arrange meetings with Governor's Committee representatives at the time of the various NRA Regional meetings.

EIGHT RECOMMENDATIONS

In conclusion, I'd like to make the following suggestions, requests or what have you:

1. That all of you here take seriously the Resolution you will pass and personally see what you can do to implement it within your own State, particularly those of you from States furnishing the Executive Secretary or Chairman of Governor's Committees. This means giving local office personnel time to act as local NEPH Committee secretaries.

2. That a pilot project be written and financed which would indicate the quality of the placements of the handicapped today, the percentage of long-term or short-term placements, the percentage of seriously disabled placed and the possible desirability of establishing a percentage figure for placing the seriously disabled, regardless of time and cost.

3. That a project to study the work record of the handicapped in government be written up and financed in cooperation with an institution of higher learning or an organization like the Brookings Institution, as was first proposed to OMPER in early 1967.

4. That the handicapped be included in the various training programs and that they specifically be mentioned in the language of the announcement and in the agency plans for implementation since too often not being mentioned results in being forgotten.

5. That a Manual amendment be prepared to handle the travel approval for specified employment security state personnel to the President's Committee Annual Meeting in order to avoid the recent "cliff hangers" where the clearance process inordinately delayed issuance of what should be a routine matter after some 20 years.

6. That a study be undertaken on "Impediments to Hiring the Handicapped in the 50 State Governments" since government must practice what it preaches and since very few, if any, states can match the U.S. Civil Service Commission record percentage-wise of an average of 15,000 handicapped accessions annually and employment of more than 5,000 qualified retarded workers in the last three years.

7. That the recently released "Summary Report of a Study on the Problems of Rehabilitation of the Disabled" by the Roper Research Associates be reviewed by the Manpower Administration with a view to possible R&D projects complementary to the Study and by State Employment Security Agencies as a check against their own programs for the handicapped.

8. Finally, the Employment Service Committee of the ICESA Report on Additional Resource Needs of the Employment Service in Fiscal Year 1971 be favorably received and implemented, particularly the third paragraph in section 4, Special Manpower Programs and Services, which say that the E.S. must be equipped to meet the ever-increasing demand for services to the handicapped.

I'm not quite sure what use will be made of it, but I most sincerely hope that the Greenleigh Associates Report on "A Study to Develop a Model for Employment Services for the Handicapped" will be one of the first orders of business for the new Employment Service Committee on this Conference.

I have with me most of the reference material on all the items I have mentioned specifically and will be happy to discuss them with those interested. I also have with me three sets of our most recent materials which I will leave with Clem Bassett, Gerry Foster and your President-elect.

Well, that should do for starters. In the negative world of the handicapped our function is to topple all barriers which impede our facilitating the development of maximum employment opportunities for the physically handicapped, to paraphrase our Executive Order. We can't do it alone. Working with you, we can do it together.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Butte, Mont., Standard, in the State of Montana. The editorial follows:

NO "TRUCK TRAINS"

There is a bill before Congress that should be of much concern to those Montanans who have fought against "truck-train" use of our highways. It would permit longer and larger trucks on the federal interstate highway system.

We oppose the proposed legislation and are confident if the "truck trains" are permitted on the interstates they soon will be driving on other highways.

The trucking industry has attempted before to put larger and longer trucks on Montana's highways. Their efforts so far have been rejected. Opponents contend the bigger trucks would materially speed up the deterioration of the roads and increase the hazards of traveling.

We have become apprehensive more than once, and tightened our grip on the steering wheel, when massive trucks roared by. From such experiences and for the sake of one's safety we oppose trucks being larger and longer.

But aside from the safety angle and the disturbing effect on autoists, there is the possible impairment of the highways.

The Wall Street Journal points out that "even if it were perfectly safe and sane to operate larger trucks on the interstate highways, it is unrealistic to assume that they would operate only there. Obviously enough the heavier vehicles also would have to travel on connecting roads, many of which were never intended for trucks of such weight and size."

The truckers' position is the wider, heavier and longer trucks would be safer because their larger size would permit improved safety features and make driving of them easier. They say that less damage would be caused to bridges and highways by bigger trucks because the weight distribution would be more favorable.

Actively opposing the bill are the American Automobile Association and American Association of State Highway Officials. Questioning the truckers' contentions, also, are some federal highway people.

A spokesman for the AASHO recently asserted the "larger trucks even at their present sizes and weights do not pay their total share of the highway cost." Even though the truck bill had official Johnson Administration support, and has a powerful lobby, we just can't see Congress making "truck-train" use of the peoples interstate system. We feel confident autoists, millions of them, will protest the bigger trucks, if for no other reason than their personal safety. This objection could be called defensive driving.

NATIONAL BUSINESS WOMEN'S WEEK

HON. CLIFFORD P. CASE

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, November 4, 1969

Mr. CASE. Mr. President, October 19 through 25 marked the observance of National Business Women's Week. I join those who paid tribute to the achievements of the business and professional women in their communities.

The more than 3,800 member clubs of the Business and Professional Women's Clubs, Inc., recently spotlighted woman's role in today's world by means of congresses of career women leaders. They are actively aware of the importance of an informed and active electorate and with the necessity for civic responsibility and service. The interest of their members in legislation before Congress has long been known to me.

I ask unanimous consent that the legislative platform adopted by the members of the national federation at their 50th anniversary convention in St. Louis this past summer be printed in the RECORD.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.

NATIONAL LEGISLATIVE PLATFORM, 1969–1970

Action items

Item 1. Constitutional Amendment. Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2. Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3. Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4. Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5. Propose and support legislation to bring about more effective crime control and law enforcement.

Policy item

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the long-standing support for ratification of this convention by the Federation.

PROCEDURE

State federations and clubs are urged to review the National Legislative Platform as published in *National Business Woman.*

Who may submit proposed changes

National Legislation Committee.
Executive Committee.
National Board of Directors.
State Federations.

Clubs may also submit suggestions for changes in the National Legislative Platform, but such proposals must be submitted through their state federations for review and possible recommendation.

Procedure for submitting proposed changes

State federations shall submit proposed changes to the National Executive Offices within ten days after adjournment of their state conventions. Such proposals shall be signed by the state president and forwarded by certified mail with return receipt requested.

The Executive Committee, National Board of Directors and the National Legislation Committee shall submit proposed changes, properly signed, to the National Executive Offices at least 30 days prior to the date the National Legislation Committee convenes, except in cases of emergency. If such proposals ars mailed, they shall be forwarded by certified mail with return receipt requested.

THE APPROPRIATIONS BUSINESS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. MAHON. Mr. Speaker, under leave granted earlier today, I include a statement highlighting congressional actions as of a recent date on the budget recommendations of the President:

THE APPROPRIATIONS BUSINESS OF THE SESSION

Congress does not annually act upon all of the appropriations or new budget (obligational) authority requests. Something in excess of $81 billion or so of the grand total currently estimated for fiscal 1970 arises from previous permanent-type legislation that does not require action in bills this session (interest, social security and other trust funds, etc.).

About $132.6 billion of the 1970 total is presently involved in the form of specific budget requests in connection with the 13 regular annual appropriation bills—$49.5 billion in the eight bills passed by the House and $83.1 billion in the five bills not yet reported.

Another major part of the total is a $3 billion allowance for the July 1, 1969, civilian and military pay increase.

The gross total in the April 15 budget revision by the new administration, relating to fiscal 1970, was $219.6 billion. The Summer Review of the Budget reflects many changes in details and identifies several of them, but does not include a new grand total. But the total remains in this vicinity. The October 22 "scorekeeping" report of the Joint Committee on Reduction of Federal Expenditures—distributed to all Members—supplies more details.

STATUS OF THE 13 REGULAR ANNUAL APPROPRIATION BILLS FOR FISCAL YEAR 1970

House actions

The January budget of the outgoing administration for fiscal 1970 was reviewed and revised by the new administration, which released its revision on last April 15. The House has acted on eight of the 13 regular appropriation bills for fiscal 1970 (three of them before July 1, five after July 1).

The other five are still in the Committee on Appropriations. Most hearings were completed weeks ago.

The Defense appropriation bill has been delayed, awaiting disposition of the related defense authorization bill now in conference.

The Military Construction appropriation bill has been delayed, awaiting disposition of the related authorization bill which has passed the House but not the Senate.

The Foreign Assistance appropriation bill has been delayed, awaiting disposition of the related authorization bill which has not yet passed either body.

The District of Columbia appropriation bill has been delayed, awaiting disposition of the related District of Columbia revenue bill which has now cleared conference.

The Transportation appropriation bill is to some extent dependent on authorizations, but will be reported shortly.

Senate actions

The Senate has passed four of the regular bills for fiscal 1970. Four others are pending there.

Final actions

Two regular bills for fiscal 1970 have cleared Congress—the Treasury-Post Office bill and the Interior bill.

BUDGET ACTIONS OF THE HOUSE—IN APPROPRIATION BILLS

Recommendations on the spending side of the budget are handled mostly in appropriation bills, dealing—in this session—with supplements to fiscal 1969 and with the main budget for the current fiscal year 1970. A handful of items relate to fiscal 1971. And a number of actions with impact on the pending budget have been taken in bills out of the legislative committee—the details of which are reported on in the latest (October 22) budget "scorekeeping" report of the Joint Committee on Reduction of Federal Expenditures.

The eight regular appropriation bills for fiscal 1970 involved consideration of about $49.5 billion of the President's budget requests for new appropriations and other new budget (obligational) authority. Against this total, the Committee on Appropriations recommended about $49.3 billion—a net reduction, overall, of $204 million in round figures.

But the House, through floor actions in the eight bills already voted on, made net additions of $725 million to the committee recommendations, with the result that the eight bills—as finally voted in the House—are *above* the related budget requests by some $523 million in news spending authority. The principal floor additions occurred on the Labor-HEW bill, increased $922 million above the committee total.

In terms of expenditures—or more precisely, budget outlays—it is tentatively estimated that House actions to date in the eight appropriation bills already voted on would result in *increasing budget expenditures* for 1970 by roughly $340 million.

The late passage of the second supplemental bill for fiscal 1969, in which reductions were made, resulted in some spillover effect of the reductions in relation to expenditures for fiscal 1970 which began July 1, in consequence of which it is tentatively estimated that the $340 million increase is diminished, on the basis of final passage of the second supplemental to about $265 million above the budget projections.

FISCAL 1969 SUPPLEMENTALS

In respect to fiscal 1969 supplementals at this session, budget requests for new budget spending authority totaled nearly $5.9 billion. Amounts approved by Congress totaled $5.4 billion, a reduction of nearly a half billion dollars—$461.9 million—from the budget requests.

BUDGET ACTIONS OF THE SENATE—IN APPROPRIATION BILLS

The Senate has passed four of the regular appropriation bills for fiscal 1970—Treasury-Post Office, Agriculture, Interior, and Legislative. They involve $11,045 million of new budget spending authority requests, against which the Senate voted $11,648 million, a net increase of $603 million *above* the budget.

FINAL ACTIONS ON 1970 APPROPRIATION BILLS

Two bills for fiscal 1970, the Treasury-Post Office and the Interior appropriation bills, have cleared Congress. As enacted, they appropriate $10,163 million of new budget (obligational) authority on a *gross* basis, a reduction of about $49 million from the related budget requests.

The amount in the Interior bill is $1,380 million.

On the net basis used in the budget, that is, counting estimated postal revenues as offsets to postal appropriations rather than as budget receipts, the net amount enacted in the Treasury-Post Office bill is roughly $2,276 million. But this does not take account of the revised estimate for postal revenues that was projected in the summer review of the 1970 budget, released September 17; that review now assumes enactment of new postal rate legislation effective January 1, 1970, valued at $315 million, and makes a slight refinement of the estimate otherwise.

THE APPROPRIATION AND LEGISLATIVE BILLS IN RELATION TO THE BUDGET

Folding in the various spending actions in legislative bills that bear on the budget with those in the appropriation bills for fiscal 1970, the latest (October 22), budget "scorekeeping" report of the Joint Committee on Reduction of Federal Expenditures projects a more comprehensive picture of congressional actions or inactions thus far on the budget. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on).

And on this more comprehensive comparison, the picture of congressional action in relation to the 1970 budget is somewhat different than it is when using the regular appropriation bills alone. According to the October 22 "scorekeeping" report:

1. The House, as of October 22, was *above the budget* by $1,677,437,000 in budget obligational authority; $1,543,937,000 in budget outlays (expenditures).

2. The Senate, as of October 22, was *above the budget* by $1,277,960,000 in budget obligational authority; $1,187,265,000 in budget outlays (expenditures).

A summary table in support of these totals appears at the end of this report. There have been additional floor actions since then—a sizable one in terms of immediate budgetary impact being the Federal salary comparability bill. Still other unbudgeted items are in various legislative stage of consideration.

These developments are in the face of the action of Congress in July in adopting an overall budget expenditure ceiling for 1970 in the Second Supplemental Appropriation Act, directing a cut of at least $1 billion below the $192.9 billion expenditure (outlay) budget for fiscal 1970 projected in the President's April 15 budget revision—a figure to which the President holds in the summer review of the 1970 budget, released September 17.

Following is Supporting Table No. 1 from the October 22 "scorekeeping" report of the Joint Committee on Reduction of Federal Expenditures:

SUPPORTING TABLE NO. 1.—ACTIONS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF OCT. 22, 1969)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)[1] House (1)	Senate (2)	Enacted (3)	Congressional actions on budget outlays (changes from the budget)[1] House (4)	Senate (5)	Enacted (6)
Fiscal year 1970:						
Appropriation bills (changes from the budget):						
Treasury, Post Office, and Executive Office (H.R. 11582, Public Law 91-74)	−42,382	−34,519	−38,482	−37,000	−30,600	−34,000
Agriculture and related agencies (H.R. 11612)	−160,907	+675,236		[2] +53,000	+556,000	
2d supplemental, 1969 (H.R. 11400)				−110,000	−82,000	−75,000
Sec. 401 outlay ceiling[3]					(−1,900,000)	(−1,000,000)
Independent offices and Department of Housing and Urban Development (H.R. 12307)	−471,325			−113,000		
Interior and related agencies (H.R. 12781)	−15,810	−8,090	−10,481	−15,300	−11,800	−7,800
State, Justice, Commerce, the Judiciary, and related agencies (H.R. 12964)	−130,070			−71,000		
Labor and Health, Education, and Welfare and related agencies (H.R. 13111)	+1,078,365			+521,000		
Legislative branch (H.R. 13763)	−26,850	−29,842		−7,900	−8,800	
Public works (H.R. 14159)	+301,469			+10,500		
Subtotal, appropriation bills	+532,490	+602,785	−48,963	+230,300	+422,800	−116,800
Legislative bills with spending authorizations (changes from the budget):						
Civil service retirement benefits (H.R. 9825, Public Law 91-93)	(4)	(4)	(4)	[5] +86,100	[5] +94,700	[5] +94,700
Defense: Overseas mailing privileges (H.R. 8434)	+8,900			+8,900		
Veterans readjustment benefits (Public Law 91-22)	+1,362	+1,362	+1,362	+3,952	+3,952	+3,952
Veterans hospital care for 70-year-olds (H.R. 693)	+16,225	+16,225		+16,225	+16,225	
Veterans care in State homes (H.R. 9334)	+2,803	+2,803		+2,803	+2,803	
Veterans care in community nursing homes (H.R. 692)	+5,954			+5,954		
Veterans outpatient care (H.R. 3130)	+8,000	+8,000	[6] +8,000	+8,000	+8,000	[6] +8,000
Veterans nursing home care (service connected) (H.R. 2768)	+1,500	+1,500	[6] +1,500	+1,500	+1,500	[6] +1,500
Veterans non-service-connected benefits (H.R. 372)	+8,538			+8,538		
Additional district iudges (S. 952)		+1,473			+1,473	
Additional clerks for House Members (H. Res. 357)	+3,600		+3,600	+3,600		+3,600
J.F.K. Center (H.R. 11249, Public Law 91-90)	+5,000	+5,000	+5,000	+5,000	+5,000	+5,000
Appalachian highways (H.R. 4018)	+20,000					
Food for needy children (H.R. 11651)				+100,000		
Veterans education assistance (H.R. 11959)	+206,500	[7] +383,000		+206,500	[7] +380,000	
Veterans Vietnam insurance (S. 2003)		+1,700			+1,700	
Veterans additional $5,000 insurance (S. 1479)		+45,000			+45,000	
Veterans double indemnity insurance (S. 1650)		+100,000			+100,000	
Veterans dismemberment insurance (S. 2186)		+10,000			+10,000	
Veterans increased dependency and indemnity compensation (S. 1741, H.R. 13576)	+61,565	+52,840	[6] +61,565	+61,565	+52,840	[6] +61,565
Navajo Indian road (S. 404)		+5,000				
Savings bond interest (H.R. 14020)	[7] +18,000			[7] +18,000		
Travel per diem (H.R. 337)	+27,000	+40,000		+27,000	+40,000	
District of Columbia delegate in House (S. 2163)		+145			+145	
Federal salary comparability (H.R. 13000)	[8] +750,000			[8] +750,000		
Public Health Service retirement (S. 2452)		+110			+110	
Prisoner-of-war medical care (S. 1279)		+1,017			+1,017	
Subtotal, legislative bills	+1,144,947	+675,175	+81,027	+1,313,637	+764,465	+178,317
Total, fiscal year 1970	+1,677,437	+1,277,960	+32,064	+1,543,937	+1,187,265	+61,517
Fiscal year 1969:						
Appropriation bills (changes from the budget):						
2d supplemental, 1969 (H.R. 11400)	−580,794	−354,636	−461,948	−464,000	−254,600	−325,000

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[1] Accurate estimates of the cost impact of congressional actions on mandatory spending legislation are frequently difficult to obtain—especially for outlays. Cost estimates are obtained from various sources, including Committee reports, floor debates, government agencies and informal staff contacts. Sometimes cost estimates on new legislation are not available. What is reflected in this Congressional action table is the best that the staff has been able to put together. Occasionally it is necessary to revise an estimate as more current information becomes available.

[2] Reflects floor action increasing milk funds by $120 million, but does not reflect effect of $20,000 limitation on subsidy payments adopted by House. The Appropriations Committee assumed a reduction in P.L. 480 spending which if not realized will result in higher spending than estimated.

[3] The Second Supplemental Appropriation Act, 1969, carried an overall expenditure limitation for fiscal 1970 which was different in all three versions. The House-passed version set the ceiling at the April 15 budget figure of $192.9 billion with provision for increases or decreases depending upon actions or inactions of the Congress affecting the budget. The Senate version made a flat reduction of $1.9 billion in the overall ceiling but exempted certain items from the ceiling. The enacted version made a flat reduction of $1 billion, provided for increases or decreases depending upon action or inaction of Congress affecting the budget, and granted up to $2 billion of flexibility in the ceiling to the President for certain uncontrollable items.

[4] Not available.

[5] Updated estimate based on revised assumptions of number who might retire under the new law.

[6] Cleared for signature.

[7] Committee action.

[8] As amended on House Floor costs could vary between $500 million and $1 billion.

CHANGING TRAVEL PATTERNS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 4, 1969

Mr. THURMOND. Mr. President, Frances G. Knight, Director of the Passport Office, recently spoke before the International Trade and Transportation Seminar at the University of Wisconsin on the subject, "Changing Travel Patterns."

In this fascinating talk, Mrs. Knight traces the history of the passport and shows how her office has been handling the ever more complicated and extensive work load which has resulted from modern-day travel.

Renown for her innovative methods of administration, Mrs. Knight has made the Passport Office one of the most efficient in the Federal Government.

Mrs. Knight has very interesting ideas on ways in which some of the serious problems now facing our country could be solved, as well as a perceptive glance into what the future holds for foreign travel. For this reason, Mr. President, I feel certain that Senators would like to study a copy of her talk.

I ask unanimous consent that Mrs. Knight's address, be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DISCUSSION ON "CHANGING TRAVEL PATTERNS" AT THE INTERNATIONAL TRADE AND TRANSPORTATION SEMINAR, UNIVERSITY OF WISCONSIN, MADISON, WIS.

(By Frances G. Knight)

Gentlemen: This has been a difficult talk to organize because I really have more questions to pose than answers to give on the international travel situation. Naturally, I relate travel to the affairs of the Passport Office. Like Department stores preparing for Christmas in July, we no sooner get through one travel season when we start planning for the next.

I have tried to arrange this discussion into the following divisions: The passport of the past; the present and the future.

I do not know how many of you are acquainted with the history of passports, much of which has been lost in the mists of time. But for a brief moment, let's consider past history.

The first known reference to a passport appears in the Bible—in the Old Testament —when Nehemiah, a cup bearer to the King of Persia, wrote:

"Moreover, I said unto the King, if it please the King, let letters be given me to the Governors beyond the river, that they may let me passthrough till I come unto Judah." (Nehemiah: Chapter 2, Verse 7.)

The word "passport" is formed of two French words—"passer" meaning "to pass" and "port" meaning "a port or harbor". Originally, the document gave permission to enter or leave a port or harbor, and records show that passports were issued to ships as well as to individual travelers. In the strict sense of international law, passports were classed with those documents known as "safe conducts" or "letters of protection", authenticating the traveler's right to protection.

Our archives, beginning in 1796 show that many of the passports issued abroad by U.S. Legations in London and Paris, were valid for a limited period of three to six months. The first United States Passport issued overseas is dated October 27, 1795.

The first passport on record as being issued in the United States is dated July 8, 1796. This was prepared in the form of a letter and signed by Timothy Pickering, Secretary of State under George Washington.

Many of the early passports were in the form of letters signed by Presidents of the United States. Some were written in French, the international language of the day. The handwriting was fancy, and many of these documents were veritable works of art, adorned with ribbons, colored sealing wax and intricate scroll work. Those were the days before passport pictures were used and, in my opinion, the verbal description of the bearer was almost as harsh as the photographs which were to follow.

For instance, a passport signed and sealed by President James Monroe in 1804, described a citizen as follows:

"Thin, brown hair; eyes, crossed; nose, large; forehead, low; middling mouth; chin, round with scar; head, square."

In the absence of any law on the subject, the issuance of passports to United States citizens fell to the Department of State as one of its proper functions, but it was not an exclusive function. Governors, Mayors and even notaries public issued passports causing a great deal of confusion and many problems for the traveler. Finally, on August 18, 1856, an Act of Congress provided that only the Secretary of State was authorized to grant and issue passports and, in 1870, there was organized within the Department of State the first Passport Bureau.

While there is no statutory definition of the United States Passport, it has always been considered a document of identity and nationality, issued to persons owning allegiance to the United States.

It is a fact that many seasoned travelers never leave U.S. borders without a passport, even when traveling to areas where passports are not required.

In doing my research for this paper, I checked back into talks I made in 1958, after I had completed an extensive reorganization of the Passport Office. On February 10, 1958, I spoke to a group in New Orleans and stated: "I think a very significant trend is developing in the 25% increase in passport applications received in 1957 from young people under the age of 20," and I also noted that "there are more and more retirees traveling." I predicted that these trends would continue, thus changing the travel pattern of U.S. citizens. And at that time, I also stated that "We do not have a crystal ball, nor can we forecast national or international situations, but the travel explosion is beginning, and we must be prepared to cope with it." I said, "We must make every effort to maintain the security of the passport, yet meet the requirements of speed, accuracy and efficient public service in the jet age." Remember, that was in February of 1958, and I say with some sadness and distaste that there was bureaucratic opposition every inch of the way to virtually every improvement that was suggested.

The Immigration and Nationality Act of 1952 established the Passport Office in the Bureau of Security and Consular Affairs in the Department of State. Since that time there have been numerous attempts by Members of Congress to establish us as a "United States Passport Service", thus severing our ties with a Bureau, which since its inception has had political overtones. But, unfortunately, this step in the right direction, has also been thwarted by the bureaucracy, and politics.

Most people think of the Passport Office as a Government agency which engages exclusively in the issuance of passports. This is not true. Our assignment has a wide spectrum. The activities and responsibilities of the Passport Office are officially described as follows:

1. Administers laws, and plans, formulates and recommends regulations and policies relating to nationality and the conduct of all passport activities including protection, documentation, and control of travel of United States nationals.

2. Coordinates and provides general and technical direction to the work of the domestic passport field agencies and the Foreign Service posts in this functional area.

3. Our Domestic Operations Division formulates, coordinates and implements policies, practices and procedures regarding diplomatic, official, and "no fee" passports and the general issue of passports within the United States, Guam, Puerto Rico, Virgin Islands, and American Samoa.

4. It examines passport applications originating in the United States and determines if applications are supported by evidence of citizenship, and properly executed, and if applicants are eligible to receive passports in accordance with existing laws, regulations, and policies.

5. Replies to correspondence from and conducts interviews with persons in the United States relating to passport facilities. Issues, renews, amendments, and extends passports and maintains appropriate records relating to this activity.

6. Coordinates and directs the domestic passport field agencies. Maintains continuous studies and develops recommendations relating to the advisability of establishing new agencies and continuation of existing ones.

The extent and diversity of Passport Office activities in supervising citizenship and passport services overseas are defined as follows:

1. Provides direction to the activities of the Foreign Service in the effective application and administration of the laws and regulations governing the nationality status of persons abroad who purport to be United States nationals and governing passport issuance and related services.

2. Administratively adjudicates cases involving claimants to United States nationality originating at Foreign Service posts in accordance with the terms and provisions of the Immigration and Nationality Act, and other pertinent laws and regulations.

3. Determines which United States nationals residing abroad are entitled to the protection of the United States Government to the extent that such protection is determined by the issuance of passports.

4. Subject to the coordination with other responsible areas of the Department, conducts liaison with, and gives guidance to, officials of other Government agencies and official representatives of foreign governments on matters of nationality and passports, particularly regarding interpretation of laws and international agreements to which the United States is a party.

5. Renders information to United States nationals concerning foreign nationality and recommends formal or informal representations to foreign governments in behalf of those nationals of the United States who have been wrongfully inducted into foreign armies or who have been required to serve prison sentences in lieu of military service.

6. Furnishes assistance to the Office of the Legal Advisor on United States nationality cases, and conducts interviews with attorneys in cases involving loss or possible loss of United States nationality or the right of certain individuals to receive the protection of this country.

I do not wish to bore you with details but our job is worldwide, supervising the passport and citizenship activities of approximately 275 overseas posts and offices in addition to the issuance of passports in the United States through ten field agencies.

Now, how did we cope with the challenge of the jet age? First, let us consider the rate of increase in passport issuances. In fiscal year 1950, we issued or renewed 306,871 passports; in 1960 that figure rose to 828,512; in 1969 we issued 1,759,286 passports and by 1970 we could easily exceed the 2,000,000 mark. These statistics indicate an increase of over 500% in passport issuances in the past 20 years.

One of our first efforts was to simplify the validity of the passport. At the urging of the Passport Office, on September 14, 1959, Congress increased the validity of the passport from four to five years, but the law continued to provide for a renewal feature, making the passport initially valid for three years and renewable for two. I should explain that this was done so that naturalized U.S. citizens who returned to the country of birth or to a third country for more than three years without returning to the U.S., could be warned that they would lose their citizenship if they continued to reside abroad. However, in 1964 the Supreme Court held that a naturalized citizen would not lose his citizenship solely for residence abroad, thus making it possible to abandon the renewal feature. The Passport Office immediately asked for legislation to establish a straight five year passport. This may be hard for you to believe, but it took four long years to get that simple, patently efficient, non-controversial and highly desirable legislation through the interminable red tape of the Government bureaucracy. Finally, on July 26, 1968, a bill was passed which extended the initial validity of the passport to a full five years, with no renewal feature. This one simplification permitted us to insert in the passport, at the time of processing, the date of expiration, as well as the date of issue. This, in turn, eliminated approximately 60% of our "emergency" calls from international airports where citizens found themselves with expired documents at the moment of departure.

It is a sad commentary on the alertness of the U.S. public that, generally speaking, they do not read, they do not follow instructions, and apparently they cannot count. Now the passport holder does not have to tax his brain to add five years to the date of issue to determine whether his passport is valid—we do it for him. The expiration date is now printed in the passport.

As a preliminary step towards speeding up the issuance of passports, a moderate revision of the passport format was adopted in April 1956 so that it could be processed on an electric typewriter instead of a slow, cumbersome hand-operated flat-bed machine. The Passport Office was instrumental in the development of the sophisticated passport writing machine which was subsequently adopted.

The passport format was again revised in 1961 so that it could be prepared on modern, high speed machinery. The cover was redesigned to better withstand wear and tear. The message from the Secretary of State on the first page of the passport was rewritten in the third person so that with a change of Secretaries we would not be left with tens of thousands or hundreds of thousands of passports which would have to be overprinted or overstamped with a succeeding Secretary's name. There were sixteen major physical changes made in the passport document to improve its appearance, its durability and security. The information within the passport was rearranged to facilitate and speed up its inspection by immigration, border control and transportation officials. The Passport Office was the first Federal Government Agency which requested, tested and finally approved the use of color identification photographs.

Prior to December 1, 1955, all passports were sent to applicants by registered mail. A careful survey of this system revealed that only a very small fraction of one percent of the passports sent by registered mail were either lost or delayed in the mails. So, we decided to send them by regular mail. The percentage of loss or delay remains the same, but the cumulative savings since 1955 resulting from this action alone, exceeds $3,000,000.

On February 1, 1956, the first wire transmission system was installed to provide the Passport Office and its field agencies with rapid, recorded clearance of information required for issuance of a passport. Prior to this installation, clearance requests were sent by mail and emergencies were cleared by telephone, when and if the lines were open.

Year after year we have made changes and improvements in our intercommunications. In 1967 a completely new teletypewriter network system was designed for compatibility with computerization. All ten Passport Agencies are now connected with Washington, and at the rate of 100 words per minute, we obtain clearances on passport applications from an IBM 360 computer in a matter of seconds. In addition, we get automatic recordings, and passports are issued anywhere from one to three days after the application is received. A far cry from the three to six weeks required for passport issuance prior to 1955.

Like most Government agencies, the Passport Office was bogged down with an accumulation of files and records. In March 1966, we embarked on what appeared to be an impossible task. We had over 20 million index cards which were our only tool for the retrieval of passport application files dating back to 1906. This card index was kept in 165 file cabinets which took up valuable floor space. We culled the files, cleaned them, mended the documents, put them in proper order, microfilmed them, boxed them and sent the original records to the Federal Records Center for permanent retention—all this was done between March 18, 1966 and August 22, 1967.

The microfilm project was an outstanding success. We did not hire additional personnel. We released 900 square feet of floor space, and the use of microfilm made possible faster and easier retrieval. We saved 182 man-days of research time per year. The total savings averaged $8,240 annually.

The decision to gear our clearance operation to the computer was made in 1964. We knew that we would have to adjust our entire lookout system comprising a quarter of a million cards, which since its inception had been manually checked, into the standardized type of codes and entries which could talk to the computer and get answers. Well, we did it. It was a four year job, completed in 1968, and today our computerized name check feeds in the question, searches and checks the name, and returns a response in one second flat. As a result, personnel costs in our filing and research areas have been reduced materially, with a net saving of $99,885 in one year. Space requirements for the new system are one-half the former space requirements, permitting an additional savings of $4,812 annually. In the first full year of computer operation, the savings totaled $104,697.

There have been scores of lesser improvements and savings, all of which have been geared to the present travel requirements of United States citizens. One in which I take great pride is the work productivity of the individual Passport Office employee. In 1955 there were 1,404 passports issued per man year of employment. In 1960 this rose to 2,164 passports issued per man year employment. In 1965, the figure rose to 2,820, and in 1968 we reached 3,190. In other words, the productivity of the Passport Office employee rose 127% between 1955 and 1968. This was due to training programs and our special concentration on trying to develop supervisors from within the ranks rather than use the historic bureaucratic system of superimposing echelon upon echelon of new and untried employees.

In the past fiscal year, my Administrative Division advised me that a very conservative estimate of the cumulative savings to the U.S. taxpayer, resulting directly from the changes made in our operations and management over the past decade, totaled $20,000,000.

So much for the past. What about the present?

The 1969 travel season was utter chaos. The Passport Office was denied 22 permanent employees it requested in Fiscal 1968. It was denied an additional 24 permanent employees requested in Fiscal 1969—the year terminated on June 30 past. We were denied funds for the opening of three new Passport Agencies requested for 1969 and sorely needed to alleviate workload in such overburdened Passport Agencies as New York, Chicago and New Orleans. As a result, we entered the 1969 travel season with a total of 46 permanent employees short, and that is administrative murder in a relatively small operation.

Certainly it is no secret that the spectacular increase in overseas travel in the past few years is a result of our affluent society. Even those who do not have the money to travel can borrow it.

The introduction of inexpensive charter flights has enticed citizens to travel overseas who never would have considered such trips in the past. As some of my own acquaintances have said—we can't afford to stay home. It costs more to spend a week at the beach than it does to make a ten day tour of Europe.

Today, young people consider international travel as part of their education, and they get very attractive group rates. With bigger and better social security, more and more of the retirees are traveling overseas. Teachers, secretaries and club women have always been avid travelers, and as these categories grow, so do the number of applicants for passports.

I am sure many of you have read about or perhaps seen the mobs of people who stood in line for hours to file their applications at our Passport Agencies during the past May, June and July. We didn't have the staff to cope with the situation. Temporary employees, while welcome, do not overwork themselves. I suppose this is understandable. Permanent Passport Office employees, who put in some 17,000 hours overtime in the past year, were groggy on the job; some were ordered home by their doctors, and others threatened to resign. Overtime is expensive, not only in dollars, but in the health of employees and in the high rate of errors made from fatigue.

We are also faced with a personal problem to which little or no weight is being given by those who try to solve all difficulties with platitudes. Men and women do not like to work at night, thanks to the crime-ridden streets of our cities. It is not safe for a woman to stand at a bus stop in Washington, D.C. at night. It is not safe for a man or woman to walk the few blocks between the bus stop and home at night in our nation's Capital. It is not safe to travel the subway route in the fun city of New York at night. No husband wants his wife en route from office to home after dark. Temporary employees and overtime might have been the emergency answer to heavy workloads ten years ago, but not today.

Another off the cuff suggestion has been to use the Post Office for passport services. This is not a very practical idea considering the horrendous problems the Post Office has had and is having in handling its own business, approximately eighty-one billion pieces of mail yearly. It takes several days to get a letter from New York to Washington, which is more time than it takes us to issue the passport.

Another idea being pushed forward by interested parties is to turn over to the national banks the job of accepting passport applications. The American Society of Travel Agents is adamantly opposed to this because there are thousands of operators of small travel agencies who eke out a living by arranging travel for the families, friends and neighbors. Banks are trying to get into the travel business; some already are in the travel business, but as of today it is competitive. A passport application is a privileged document and has no relation to a bank account or a credit rating. For the United

States Government to turn over to the banks the job of accepting passport applications is giving the banks the first whack at the tourist business. It would be a travesty for this Administration to cut the ground out from under thousands of small travel agency operators.

The truth of the matter is that the Passport Office cannot operate under the present official restrictions to its growth. Unless we get more permanent employees and are permitted to open up new Passport Agencies where needed, we cannot cope with the volume of business we expect in 1970 and succeeding years. We have no funds for research into the future. We have little or no support for our concern about the impact of the supersonic jets. Expedient, makeshift remedies are not the answer now or later.

Well, what of the future? If the past is prologue, then we see nothing but frustration and difficulty ahead. It was only by a Herculean effort on the part of dedicated Passport Office employees that we pulled ourselves up by our own bootstraps to meet the requirements of the jet age of the 1960's. Every effort to organize and equip the office to meet the needs of the public was questioned and delayed and blocked for weeks and months at a time, thanks to red tape and inept bureaucrats.

Now, the President has given the green light to the supersonic jet. I am sure you all have read of the highly publicized performance of the SST, due to enter commercial service by 1978 which will be four or five years after the British-French Concord SST and the Soviet TU–144. In the meantime, we will be struggling with the impact of the Jumbo Jets which they claim will be in operation by the end of this year. I seriously doubt it. I don't know how many of you have seen the Boeing 747, but it is a tremendous vehicle seating between 360 and 370 passengers. Over 180 747s have been ordered by international airlines. Food will be served from six galleys; there will be 14 stewardesses on each plane; there will be ten doors for the entry and exit of passengers. Following the 747 will be other giant aircraft, such as Lockheed's L–1011 and McDonnell Douglas' DC–10. These fantastic carriers will cut a half-hour to an hour from Trans-Atlantic flights, and probably more from the Pacific runs.

Are the airports ready for this? The answer is no. Are the cities of departure and entry ready for this? The answer is no. Is air safety and traffic control ready for this? The answer is no. Sure, everybody is working on an investigation or a study or a survey of a certain facet of the over-all problem, but they've been doing this for years in the past, and apparently will continue for years in the future. In the meantime, these planes are being built and will be in service in a matter of months.

The air traffic problem, airport congestion, the transportation between airports and the inner city, baggage handling; personnel problems—are all in the collective laps of the experts. I have a headache of my own—that is the documentation of U.S. citizens for travel abroad in the decade of the Seventies.

The most emphasized and often-repeated requirement of the future is speed, which is necessary, we are told "to prevent too great a disparity between the ever diminishing flying time and the time needed to clear passengers and their baggage." Another requirement is reasonable cost of producing, issuing and maintaining the travel document, as well as related citizenship records. A third requirement, but certainly not the least important, is security, not only on the national level, but on the individual citizen level.

In this day and age, it is very easy to overemphasize speed, but speed, like everything else, must be relative. In the case of travel, it must be related to security, accuracy, sufficiency of information and passenger convenience.

Emphasis on "speed" has brought about the so-called "one-man clearance" at airports which supersedes clearance of passengers through public health, immigration, agriculture and customs. One inspector is supposed to handle the primary inspection for all four agencies. If he detects a "problem case," he refers the passenger to a specialist for a secondary or more detailed inspection. Just how successful this rapid clearance system will be when related to undetected entry of drugs, contraband, pornography, human and agricultural diseases, is a matter for future analysis. The proponents of this system stress the convenience of the passenger. They stress the lack of customs search in other countries, but they fail to stress the high rate of disease to animal and plant life; communicable human diseases; the lucrative international traffic in smuggled goods, and so forth, ad infinitum. They fail to stress that the U.S. is the target for drugs and contraband because this is where the money is, and the financial kick-back in the U.S. is likely to be the largest in the world. Who in a foreign community cares if American citizens are saddled with a staggering tax bill to prevent the spread of agricultural and animal diseases. Who in a foreign community cares about the destruction of American youth by narcotics? Who cares if America is plastered with pornographic literature, pictures and films?

Do you know how much it costs you, as a taxpayer, to fight plant and animal disease and the destruction of our natural resources from the infestations introduced into this country by the illegal entry of fruits, plants, vegetables, seeds, meats and meat products? A minimum of two and a half billion dollars annually. This figure was given to me two days ago by the Plant Quarantine Division of the Department of Agriculture.

Is there no significance to such statements as made by President Nixon when he pointed out that "between the years 1960 and 1967 juvenile arrests involving the use of drugs rose by almost 800 per cent. New York City alone has records of some 40,000 heroin addicts, and this number rises between 7,000 and 9,000 a year." Consider this for a moment and to our shame: During Fiscal 1969 the Customs Service chalked up a record-breaking 6,200 arrests as against 4,343 in Fiscal 1968—a 42% increase—related directly to drug smuggling. In keeping with the times, import of all types of drugs has increased—heroin, opium, cocaine and hashish have skyrocketed. The same can be said of pornographic literature entering the U.S. But thanks to our court decisions, we are now manufacturing our own—almost as authentic as the filth which was and still is smuggled into this country. But we have developed a permissive society, more intent on protecting the lawbreaker than the law abider. And we are reaping our just rewards.

The U.S. citizen gripes about inconvenience if he is delayed about ten or twenty or thirty minutes when Customs inspects his baggage or when he is questioned about food or bulbs or seeds he may have hidden in his belongings. When the Health Officer asks the homecoming traveller where he spent the two weeks prior to his return, in order to find if he had been exposed to contaminated areas, our emancipated citizen snarls back that it's nobody's business. Of course, no one expects or wants 100% baggage inspection. As we heard this morning, over 70 million bags, crates and packages enter the U.S. annually, and it would be physically impossible to inspect all of them. On the other hand, there is a vast difference between haphazard inspection and adequate inspection geared to safeguard our national interests.

If you read the newspapers you couldn't have missed the furor being raised by some of our so-called intelligentsia regarding a few questions being asked by the Census takers in the hope of getting accurate data regarding our population. U.S. citizens have bucked the checking of social security records as an "invasion of privacy." The search for narcotics is an "invasion of privacy."

You may not see the connection between these facts and the accent on speed and accommodation of the international traveler—the connection is this: We are curtailing virtually all phases of interrogation, search and inspections and compromising national security and well-being in order to satisfy a national psychosis for speed and more speed, individual convenience and rights. What about the requirements and rights of good government serving all our citizens and not just the vocal and organized few?

I am in full agreement that better methods of clearing international travelers at ports of exit and entry *must be developed*. But I would *never* agree to lessening the national security to accommodate speed and convenience.

There has been considerable pressure from various quarters, primarily the airlines, to substitute a card passport for the present book passport. The card could be scanned electronically. It would feed its reading into a computer which would give a "go" or "no go" signal to the passenger who would then proceed to pick up his baggage. The "no go" passenger would move along to a visual inspection by an official. It sounds great. But we are not living in the best of all possible worlds, and the incidence of counterfeiting and fraud are too prevalent to entrust individual identification to a document akin to a credit card. Certainly, you all must be aware of what is happening in the credit card business. The loss to U.S. business and the Government is in the scores of millions of dollars, and this loss is financed by your tax dollars.

Of course, every country must establish its own criteria in the security field, and while 100 percent security in personal identification *has never been achieved*, and *may never be achieved*, it is *imperative* that any new system of international, personal, identity documentation attain a higher degree of security than we have today.

Without getting into the details of the *insecurity of plastic cards* and the cost of computer clearances and the technical problems involved with the establishment of such automatic clearances at some 300 ports of entry and international land border crossings, let me state that this type of solution to mass travel is a long, long way off. If we could not obtain the funds for 22 or 24 employees for fiscal 1968 and 1969, or the funds to establish three new Passport Field Agencies for 1970, where do you suppose we will get the funds for such sophisticated equipment as computers and scanners? This equipment costs millions of dollars. This is my first practical question.

I have recommended for some time an interim solution—that is the standardization of all passports—the world over. As long as visas are required, the passport book is required. But if the format of the passport were standardized, it would aid and speed up border inspections everywhere. And believe me, we are well on our way towards such standardization. Some 49 foreign nations have sent their representatives to the Passport Office to study our methods of accepting applications, as well as processing the document, and our format has already been adopted by a number of countries. In due course, this may spread. Other standardizations recommended by the International Civil Aviation Organization are being adopted, so that we are moving towards the development of a better travel document.

As of now, a card passport is not feasible. It is not secure, and it does not provide for visas. If we are to provide accurate identification of the individual, security of the document and the flexibility required for international travel, we must develop a fool-proof document. This leads to my opinion, that this country, sooner or later, will have to move towards a national registration. This is no invasion of privacy—it is a personal safeguard. No intelligent, law-abiding citizen can seriously object to a national registration which would establish his identity and safeguard such accounts as his social security, bank, tax and insurance benefits. Most of the loop-holes and errors in today's identification methods which result in enormous tax evasion; social security frauds and national crime, could in large measure be corrected by national registration. Scores of millions of tax dollars are going down the drain annually because there is no practical fool-proof method or system by which criminals who are defrauding the Government can be apprehended if they have no tax record, or social security record or bank account. Other countries have solved some of these problems by national registration—why can't we?

One other word on behalf of the law-abiding citizen who normally would not object to national registration. This will make you shudder because we have all been brainwashed about fingerprinting. Do you know that there are over 190 million individuals in this country who have been fingerprinted? All Government employees are fingerprinted. So are all members of the military services and employees in defense plants. There is no better identification in this world than a fingerprint, and I suggest that a secure, counterfeit-proof, national registration card, with or without the fingerprint, may be the genesis of the international passport card of the future. If the format can be standardized, let us say by ten nations with the largest volume of tourism, we would be well on our way towards an acceptable international identification document.

However, I don't believe that the American public is sophisticated enough to accept this idea at the present time. We may have to go through more traumatic experiences, such as the assassinations of the past few years; increased crime and violence and widespread drug addiction and all their related national and international off-shoots before our citizens will demand an accurate accounting of who's who.

The real question is: Do we want an international travel document with integrity, or do we want a travel document which sacrifices integrity and security for speed and the convenience of the passenger? I believe we can attain a high degree of all three—integrity, security and convenience—if we can get the support for the interim research which has to be conducted before we reach any conclusions. We are at that point now, and we need judicious support from business and industry for the further development of the international identification document of the future.

Thank you.

SISTER ST. MARY ORR OF MARYWOOD COLLEGE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. McDADE. Mr. Speaker, it has been so often true in the annals of American education that there should arise a person who quietly steps forward to a position of leadership and, when the years of that person as an educator are finished, we should all realize that in that person's time a veritable revolution in education had been accomplished.

Such a person is Sister St. Mary Orr of Marywood College.

No other could more fittingly be called the complete daughter of Marywood. She was a member of the first graduating class of Marywood. She went from the college into the Order of the Sisters Servants of the Immaculate Heart of Mary, and put her keen mind to work on the problems of the troubled child.

Under her expert care there was founded at Marywood the psychoeducational clinic at Marywood College. It became the principal consulting service of the St. Joseph's Children and Maternity Hospital. It became, also, the great hope of countless mothers and fathers who took their troubled children to Marywood for help, and found help in abundance. To the clinic also came very bright children who had somehow fallen behind in their reading abilities, and who found the road to education blocked by their inability to read well. Again, countless children found that, through the help of this magnificent educator and her associates, there was a road to reading that could be opened for them, and they joined their classmates as peers, or even better than peers.

Sister St. Mary Orr was selected to be dean of students, then worked for 6 years as assistant to the Mother General of her order. Her extraordinary intellect and administrative talents were then called upon when she was selected as the president of Marywood College in 1961.

For 8 years she has worked to make Marywood one of the truly distinguished women's colleges in America. That she has been successful is attested to by the record of the graduates of Marywood, whose talents are in demand all across America, and all across the spectrum of learning.

At the very height of her achievements, Sister St. Mary Orr has announced that she has chosen to retire, to give the presidency of Marywood into the hands of a younger woman. I know that the whole community would like to turn to her, to ask that she remain as the president of Marywood a little longer. But I know also that the whole community respects her profound wisdom, and recognizes that her judgment in this matter must be followed just as we have learned to follow her judgments in the past.

I am paying, today, my own personal tribute to Sister St. Mary Orr and to the other magnificent educators of Marywood College. It is the college from which my own wife was graduated. It is the college from which thousands of other young women were graduated, to spread the tradition of learning which was given to them so generously at Marywood.

Each generation must pass the torch of learning to the next generation. I know no hand in which the torch of learning has burned more brightly as it has burned in the hand of Sister St. Mary Orr. By whatever test she might be measured—be it as woman, as educator, or as president of a college—I have no doubt that Sister St. Mary Orr will always be known as one of the truly outstanding servants of God and one of the outstanding Sisters Servants of the Immaculate Heart of Mary.

With your permission, Mr. Speaker, I will append here an editorial and an article from the Scranton Tribune, and an article from the Scranton Times.

[From the Scranton (Pa.) Tribune, Oct. 7, 1969]

MARYWOOD'S SISTER ST. MARY

The action of Sister M. St. Mary Orr in submitting her resignation as president of Marywood College, and the decision of the college's governing body to accept the resignation effective with the appointment of a new president, prompt the mixture of emotions typical of such instances.

One feels a touch of regret that Sister St. Mary, after nine years as head of the Catholic women's college, and with an identity with Marywood extending back to membership in its first graduating class 50 years ago, is leaving an office in which she served with great ability and fidelity.

Yet, there is complete understanding that sister feels the burdens of the office—and they are heavier than ever—should be undertaken by "a younger person." And there is total understanding, too, that sister has well-earned some ease and respite from the responsibility which falls to administrators in the area of higher education today.

Much of love and unselfishness is woven into sister's decision. Her real motivation is the advancement of the institution which has so well served our area and its people. It is a conclusion drawn from her own words: ". . . a strong belief that a younger person should continue the pursuit of the common goals of those most concerned with Marywood College."

During Sister St. Mary's term as president of Marywood the college experienced a record of unprecedented growth. Land acquisition enlarged the campus and the Nazareth Hall Student Center; Madonna Hall, a student residence; Emmanuel Hall, a faculty residence, and the Learning Resources Center, with a new library at its core, were constructed and tremendously enlarged the college's capacity as a regional asset adapted to the needs of today and the challenges of tomorrow.

Sister's term has been distinguished further by the establishment of the first graduate school of social work in Northeastern Pennsylvania and the initiation of a teacher-exchange program. Familiar as we are with the productivity and progress Marywood has known through sister's direction and guidance, we heartily join in the expression of "well done" which she has earned and wish her health and satisfaction as she prepares to enter a new phase in a life dedicated to the work of God and man.

Sister M. St. Mary Orr, IHM, who for nine years steered the largest Catholic woman's college through the turbulent waters of higher education, tendered her resignation as president of Marywood College to the Board of Trustees at their annual meeting at the college on Saturday. This just one week to the day after she celebrated the Golden Anniversary Homecoming as a member of the first graduating class of the local women's institution.

Convinced of the continuing vitality of Marywood and with characteristic foresight, the president explained: "My resignation was based on a strong belief that a younger person should continue the pursuit of the common goals of those most concerned with Marywood College."

The governing body which made the decision to accept Sister St. Mary's resignation effective when the new president is appointed is itself an example of her adaptability to change. Composed of lay and religious members, the revised Board of Trustees was organized last year under the first lay chairman, Dr. Clarence C. Walton.

During Sister St. Mary's term, the local women's college has enjoyed a period of unprecedented growth. Campus boundaries were expanded by the purchase of land; buildings were erected—Nazareth Hall Student Center, Madonna Hall Student Residence, Emmanuel Hall Faculty Residence and more recently, the Learning Resources Center in Northeastern Pennsyvlania, the inauguration of a teacher-exchange program and participation in such cooperative efforts as the Lehigh Consortium and NEPIC were some of the academic steps taken under Sister St. Mary's direction.

[From the Scranton (Pa.) Times, Oct. 7, 1969]

PRESIDENT RESIGNS POST AT MARYWOOD

The president of Marywood College has resigned, according to the board of trustees.

Sister M. St. Mary Orr, I.H.M., president of the Catholic women's college for the past nine years, submitted her resignation at the recent fall meeting of the governing board.

In accepting her request the trustees asked that Sister St. Mary agree to serve as acting president until a successor is named.

It is expected a new president will be named in the spring, near the close of the current academic year, said the announcement.

During the near-decade of her term in office, Sister St. Mary indicated in a recent report, the college has witnessed an acceleration of pace and an awareness of the times unequaled in any comparable period.

"Caught in the tide of a society tossed by crosscurrents of political and social issues, Marywood has been anchored in faith and intent upon its mission of nurturing personhood and intellectual discovery. Most of all we are a college meeting the contemporary on the strength of the past, cutting what we hope will be a clear path into the future of independent higher education," she declared.

Speaking of her resignation she said, "Such an objective imposes a daily burden best carried on by those equipped with the youth and vitality demanded by the task. . . . My resignation was based on a strong belief that a younger person should continue the pursuit of the common goals of those most concerned with Marywood College."

Sister St. Mary, a native of Scranton, received a bachelor of arts degree with the first class graduated from Marywood in 1919. She earned a master of arts degree at Catholic University and a doctorate in psychology at Fordham University. She has taught in the parochial schools of the Scranton Diocese and at Marywood Seminary.

With Sister M. Cuthbert, dean, she founded the Psycho-Educational Clinic at Marywood and was chairman of the Department of Psychology.

She served for a time as dean of students and for six years was assistant to the mother general of the Sisters, Servants of the Immaculate Heart of Mary, immediately prior to her appointment as president of Marywood College in September, 1961.

She is a fellow of the American Psychological Association, a diplomate of the American Board of Examiners in Professional Psychology, a registered clinical psychologist of Pennsylvania, a charter member of the American Catholic Psychological Association, and professor of psychology and education.

Under Sister St. Mary, a major building program at Marywood was inaugurated and the dedication of Madonna Hall, resident for students; Nazareth Hall, the Student Union Building; Emmanuel Hall, residence for the priests on the faculty, and the Learning Resources Center took place.

Under her supervision and direction the 50th Jubilee Campaign Fund was organized and the 50th anniversary of the founding of the college was celebrated.

A spokesman for the board of trustees said Sister St. Mary's success as an administrator has been manifested in many areas: The material growth of the college in terms of buildings and acreage, her ability to attract faculty of high competency, and the extending and enrichening of the curricula within the various degree programs.

Her greatest success, however, cannot be measured statistically, he said, explaining it is her capacity to instill in faculty and students alike what she calls "the exciting pursuit of excellence."

Sister St. Mary was honored recently by the Catholic University of America with an alumni award for distinguished achievement in higher education.

THY FIRST LOVE

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. SHIPLEY. Mr. Speaker, Dr. and Mrs. George S. Reuter, Jr., were in Chicago recently. He presented a paper to the Bryan Society entitled "Thy First Love." Because I wish to share Dr. Reuter's thoughts about two of our former colleagues in this body—William J. Bryan and Ruth Bryan Owen—with the current membership, I include with my remarks in the RECORD this paper:

THY FIRST LOVE

(By Dr. George S. Reuter, Jr.)

INTRODUCTION

Slightly over twenty years ago, a delightful book, *The Flight of the Jew,* was published. The editor and one of the authors is Dr. Gerald L. Stover. Dr. Stover is still one of America's greatest Christian statesmen. While these wise man said many profound things, I am concerned here with only two. First, Dr. Stover said: "This is God's purpose in this age of grace in which we live. His purpose is to draw out from every kindred, tribe, and nation by His Holy Spirit a people who shall bear His Name. This body shall be comprised of Jew and Gentile, bond and free, male and female, rich and poor. This multitude of believing children of God is spoken of as the Church, His body, His building, and His Bride."

Later, Dr. Stover noted: "Love is not gone, but first love has been left. The fervency of it all, the wonder of His very presence, the glory of His touch, the sweetness of His words—these are left. Affections have been divided between the world and the Lord Jesus, the place of prayer and communion have been exchanged for the tinsel and camouflage of a world that crucified its Savior. And in the glory His great heart yearns for her love, for her return to the ecstacy of first love. But thank God, it is His purpose in grace to one day deliver us from all the spots and stains of our unfaithfulness to our Lord."

GOD'S SERVANTS

We are immersed in the stream of time. As history bears us onward over its cataracts of change we cannot be certain of all facts in life. Charlemagne's followers never thought of themselves as "coming out of the dark ages." The people of the late Middle Ages did not know their period was giving away to the Rennaissance. Yes, historical change has a way of deluding its observers.

All through the skittish 1969's, America has been almost obsessed with its alienated minorities—the incendiary black militant and the welfare mother, the hedonistic hippie and the campus revolutionary. Suddenly, this focus is changing. "You better watch out," barks Eric Hoffer, San Francisco's bare-knuckle philosopher. "The common man is standing up and someday he's going to elect a policeman President of the United States." The odd thing is that the common man did not plan it that way. Of course, apology has become the American posture. The liberal virtue of self-criticism is becoming the national vice of self-hate. We seem to see everything about ourselves except what is good, everything about our past except what we have achieved. Groveling has become the national disease. Democracies are seldom murdered. More often they commit suicide. A democratic society cannot be destroyed except with the collaboration of its victims. In our time we can see a foreshadowing of this collaboration in the widespread tendency to Spiritual Appeasement. Yes, spiritual appeasement is the disease of those who lack faith in themselves, in their institutions, and in the struggle to make all men fully human. The antidote is not hate: It is faith, trust, and pride.

William Jennings Bryan, who was born in Salem, Illinois, on March 18, 1860, and who died on July 26, 1925, retired from this world an undefeated heavy-weight Christian statesman. He was the son of Judge Silas Lilliard and Mariah Elizabeth (Jennings) Bryan. When he received his A.B. degree from Illinois College in 1881, he was graduated with highest honors and valedictorian. Later, in 1884, he received an A.M. degree from that historic college. The Union College of Law of Chicago awarded him the LL.B. degree, and he received LL.D. degrees from the University of Nebraska, the University of Maryland, and the University of Arizona. He was admitted to the bar in Illinois in 1883 and practiced in that state until 1887, when he started practice in Lincoln, Nebraska.

Dr. Bryan served in the 52d and 53d Congresses (1891–1895) from the First District of Nebraska. He was the Democratic nominee for U.S. Senator in 1894, but a Republican legislature made the selection. We all recall that he was the Democratic nominee for President in 1896, 1900, and 1908, but he was also Secretary of State from March 4, 1913 to June 9, 1915, and during this latter period, he negotiated 30 treaties with governments representing ¾ of the world's population. Also, during his busy life, he was Editor of the Omaha *World-Herald* from 1894–1896; Editor of *The Commoner*, a political magazine; he raised the 3d Regiment of the Nebraska Volunteer Infantry for the Spanish American War in May, 1898, and became its first colonel; and he toured the world in 1906 and contributed to newspapers.

Statesman Bryan married Mary Elizabeth Baird of Perry, Illinois, on October 1, 1884. This charming lady was born on June 17, 1861, and was a student at Monticello Seminary of Godfrey, Ill., from 1878 to 1879, and was graduated from the Presbyterian Academy for Young Women at Jacksonville, Ill. in 1881, as valedictorian. Later, she took special work at Illinois College and the University of Nebraska. Also, she was admitted to the bar in Nebraska by the district and the supreme court. While the historian remembers Mr. Bryan's books: *The First Battle*, 1897; *Under Other Flags*, 1904; *The Old World and Its Ways*, 1907; *Heart to Heart Appeals*, 1917; *The Menace of Darwinism* and *The Bible and Its Enemies*, 1921; *In His Image*, 1922, etc. Mrs. Bryan was the mother of Ruth; W. J., Jr.; and Grace (Mrs. R. L. Hargreaves). Mrs. Bryan died on January 21, 1930, in Miami, Florida.

The world remembers at least two other members of the Bryan Family. First, there was Charles Wayland Bryan, a brother, who was born in Salem, Ill., on February 10, 1867, and who passed away on March 4, 1945. He was educated at the University of Chicago and Illinois College. He married Bessie Louise Brokaw on November 29, 1892, and their children were Silas Millard, Virginia, and Mrs. Mary Louise Harnsberger. He settled in Lincoln, Nebraska, in 1891. He was Publisher and Associate Editor of *The Commoner* in 1901 to 1923, and Editor of the *American Homestead* for five years. Also, he was engaged in farming and the wholesale coal business (State Coal Co.). The world recalls he was Mayor of Lincoln from 1915 to 1917 and 1935 to 1937, Governor of Nebraska from 1923 to 1925 and 1931 to 1935, and the Democratic nominee for Vice President in 1924. He was also active as a member of the Odd Fellow, Woodman, Elk, and Kiwanis groups.

Second, there was Ruth Bryan Owen Rohde, the eldest daughter of W. J. Bryan. She was born on October 2, 1885 and died on July 22, 1954. She was the first woman ever chosen to represent the U.S. in another country—she was Minister to Denmark from 1933 to 1936. She was born in Jacksonville, Illinois, and educated at Monticello Seminary (1899–1901), the University of Nebraska (1901–1903), and held LL.B. degree from Rollins College in Florida (1927), Woman's College of Florida (1935), and Denison University (1946), and the L.H.D. degree from Russell Sage College (1931) and Temple University.

She married Major Reginald A. Owen on May 3, 1910, and the following children were born to that union: Ruth (Mrs. Jonas Reimer), John, Reginald, and Helen (Mrs. Harrison Brown). After the death of her husband in December of 1927, she became the first woman sent to Congress from Florida—she served from the 4th District from 1929 to 1933. She served as an alternate to the U.S. Representative to the General Assembly of the United States in 1949. Mrs. Owen married Captain Borge Rohde of the Danish Royal Guards on July 11, 1936. Her last American home was on Wolden Road in Ossining, New York. She is buried in St. Albans Church, Copenhagen, Denmark.

Mrs. Rohde was as proud of her membership in the D.A.R. as her father was as President of the National Dry Federation in 1918. She was also a fine writer, including the following: *Elements of Public Speaking,* 1931; *Leaves from a Greenland Diary,* 1935; *Denmark Caravan,* 1936; *The Castle in the Silver Wood,* 1939; *Picture Tales from Scandinavia,* 1939; *Look Forward Warrior,* 1943; and *Caribbean Caravel,* 1949.

On Sunday, October 12, 1969, Dr. John R. Spaulding of Omaha took the speaker and his wife to Lincoln, Nebraska. Out on Summer Street in the southeast section of that city, stands a dignified old mansion that would have become the "Monticello of the Midwest" had William Jennings Bryan been President of the United States. Mr. Bryan spent $10,000 on Fairview in 1902. On its front steps the Silver-tongued Commoner accepted for the third time his party's nomination for the Presidency. William H. Taft and Woodrow Wilson later visited Fairview. Today, Lincoln has grown up around Fairview and until a few years ago, the Bryan home was a nurses' residence hall serving adjacent Bryan Memorial Hospital. The house is much the same as when Bryan left it to move to Florida for his wife's health in 1917. Efforts to restore its interior to its original state have been highly successful, although few of the furnishings are original. On that rainy day, I recalled that "God's Servants" lived there many years. More people should avail themselves of the opportunity for such a visit to the home that was reopened a few years ago by the Junior League of Lincoln.

CONCLUSIONS

If this family of statesmen were alive today, they would tell the world that there "first love" is still Christianity but that wise leadership via Christian principles is still essential. They would be concerned with current issues such as:

1. Providing for autonomy in all areas.
2. Providing for justice and equality.
3. Providing for tax reform.
4. Providing for reduction of the depletion allowance for oil.
5. Providing for the continuation of nonsectarian and nondenominational prayers in public schools.
6. Providing guidelines to live with the cost of living.
7. Providing for continuation of internationalism as the answer to isolationism.
8. Providing for quality in education of all.

"God is not mocked." We reap as we sow. I beg you love one another and all God's children. Let us purge our hearts of hatred and thus purge our land of all misery. Let us not merely love one another sentimentally; let us do the works of love, the first of which is justice. With the Christian faith as demonstrated in the lives of the Bryans, all of us have a bright tomorrow.

COMMENTS ON 10 MORAL ISSUES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. LANDGREBE. Mr. Speaker, we have heard much in the media lately about the Nation's intellectuals rising up in some kind of unanimous righteous wrath about this country's allegedly "immoral" war in South Vietnam. The fact of the matter, however, is that the architects of surrender, even in academic circles, are far from unanimous, neither do they have the patent on morality.

On the eve of the infamous moratorium, an eminent scholar of political science, Prof. Albert Wehling, of Valparaiso University, in my hometown of Valparaiso, Ind., did a first-rate job of "telling it like it is," both morally and intellectually. His remarks were reprinted in the October 14 issue of the Valparaiso Vidette-Messenger, and I insert the story at this point in the RECORD:

COMMENTS ON 10 MORAL ISSUES

On the eve of the national moratorium against the war in Vietnam, planned locally and nationally for Wednesday, Dr. Albert Wehling, professor of government at Valparaiso university, today told The Vidette-Messenger that "there are 10 moral issues intimately connected with the participation of the United States in the Vietnam conflict."

Herewith is Prof. Wehling's commentary on that timely issue:

"I have no authority to speak for Valparaiso university and do not do so now. The university has no authority to speak for me, expressly or tacitly, by actions or sanctions except on matters of principle previously announced in its official publications. Our country's engagement in Vietnam is not one of these.

"There has been in effect for about five years or more a moratorium on facts, reason, and particularly on the great moral issues involved in that engagement. The later are inextricably and properly interwined in our system with legal and political principles and decision.

"I submit that there are 10 moral issues intimately connected with the participation of the United States in the Vietnam conflict.

"First is the moral issue of the obligation of the United States under a valid treaty and of the national honor in fulfilling it. Just as the Supreme court is the final interpreter of the Constitution and of Congressional statues, the official interpretation of a treaty is in the presidency. (Treaties are not made under the Constitution but under the sovereign authority of the United States.)

"Four Presidents and four secretaries of state have agreed upon our country's commitment under the Southeast Asia Collective Defense Treaty and its protocol, both made to respond to the criminal trespass of international villains.

"Second is the normal issue of responsibility to the approximately one million inhabitants (mostly Roman Catholics) who fled to the south relying on the protection of the government in authority there and on the announced support of the government by the United States.

"Third is the moral issue of the duty of a great and civilized world power to further the development and expansion of a world rule of law. An effective and accepted system of international law is now 'the last best hope on earth' because the only alternative to world law is world war or, more properly, world destruction. It is elementary and axiomatic that such law depends absolutely upon the principle of the sanctity of treaty commitments.

"A position on adherence to or repudiation of existing international obligations may well be the greatest moral issue of our time. It could be that President Nixon had this in mind when he said in effect that the time of our presence in Vietnam and the devotion of our troops there in support of our position constitute one of the finest hours in our history.

"Fourth is the moral issue of him who will not, as a conscientious objector, support this position by military service. It is self-evident that he can exercise his right to object only if enough men will put their lives on the line to defend his right to object conscientiously. I submit that this is not only unconscionable but immoral.

"Fifth is the moral issue of him who dodges military service by any ruse. His sensitive conscience is seemingly undisturbed by the knowledge that someone must take his place. More despicable and immoral is the one who counsels another called for military service in ways to cheat his country.

"Sixth is the moral issue of bitter, irresponsible, uninformed dissent from official policy, knowing such dissent gives to the enemy aid and comfort—psychological and physical. Such contemptible dishonor to the more than 40,000 men who have died and the more than 100,000 wounded in this conflict, and disservice to the more than half million troops in the field reach the madir of immorality.

"This kind of damaging dissent is all the more reprehensible because the military forces have fought under unprecedented orders not to seek a military victory but to use every reasonable precaution to protect noncombatants, while fighting an enemy who rejected the laws of war and gave no quarter.

"Seventh is the moral issue of the easy way—of remaining silent or of opposing, not because our country is wrong but because being right in this cause is to support that which is expensive, irritating, inconvenient, devisive, and unpopular. Persons who take the easy way should remember the retired 'politician' down in Texas who would rather be right than be president.

"Eighth is the moral issue of whether the United States is to continue in its reluctant but natural role as the leader of the peoples of the world who would be free. A country which does not keep its word cannot lead very many very far very long.

"Ninth is the moral issue of permitting that excess of freedom which destroys freedom. 'Every form of government has within itself the seeds of its own destruction.' A democracy is especially vulnerable and delicate; it is always one short step away from a mobocracy to which it descends when freedom becomes license. Anti-war protesters in substantial numbers have already reached this level.

"Tenth is the moral issue of allowing the Constitution to be a refuge for those who would destroy it when and if they can. To interpret the guaranty of constitutional rights as applicable to the activities of disloyal makers of national mischief is to prostitute the meaning and purpose of the Constitution.

"Those are the immense issues of personal, national and international morality involved. The price of abandoning high principles and a firm moral stance is national self-contempt and mortification unless traditional values have been so diluted or forsaken that our country has lost its soul.

"Some of us have felt on occasion a sudden mysterious breeze on a tranquil day and for which there seemed to be no explanation. From the distant past has come the belief founded in the wisdom of the ages that this phenomenon is God sighing when the most beloved of his creations reach for the noble heights of which He made them capable—and they falter because in the ultimate push too many are too weak, too selfish, too thoughtless, too cowardly, too faithless, too inmoral.

"If this should be true, there will be that sudden, mysterious breeze, somewhat stronger than usual, blowing across our land this mid-week. And we will know the reason why."

ECONOMIC AND POLITICAL TRENDS IN THE 1970'S

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. GIAIMO. Mr. Speaker, in a speech to the Arkansas Petroleum Council on October 15, James G. Morton, director of Government relations for the Manufacturing Chemists Association, presented a thorough, realistic appraisal of this Nation's economic and political outlook for the 1970's.

Mr. Morton, an able substitute for our distinguished colleague from Arkansas (Mr. PRYOR), who served as special assistant to three Secretaries of the Department of Commerce, stated that the economic and social problems of the next decade will have no simple solutions. He predicted, however, that the American business community will lend a great deal of support to our efforts to solve these problems and that the individual businessman will be much more issue oriented, pragmatic, and public-service minded than heretofore.

I wish to insert the text of Mr. Morton's remarks at this point in the RECORD, and I trust that the business community will take his pertinent suggestions to heart:

ECONOMIC AND POLITICAL TRENDS IN THE 1970's

(Remarks by James G. Morton before the Arkansas Petroleum Council, Oct. 15, 1969)

It is a pleasure to be here today to pinch-hit for my friend, David Pryor. I always welcome the opportunity to return to this land of scenic wonders and warm-hearted, down-to-earth people. The new dynamism in Arkansas is as invigorating as the mountain air; it gives exciting promise to your future.

Congressman Pryor has earned a reputation in Washington for wit, charm, and eloquence—all of which are well known to the people of Arkansas. He is one of the bright young leaders on the national scene. It thus took considerable temerity on my part to agree to appear in his place.

For me to come here was like a bench warmer replacing Bill Montgomery in the backfield of the Razorbacks. But, come to think of it, it is a more welcome assignment than Wichita State faces a week from Saturday.

Economic forecasting is being followed with no less enthusiasm than football predictions these days, even in Arkansas. So I shall try to sketch a few dimensions of our economic future and also size up the changing shape of American politics in the 1970's.

As our country proceeds into the final third of the 20th Century swift and sweeping changes are occurring in our economic life as well as in our politics.

Powerful forces of growth and change produced by the wave of new technology are, indeed, remaking America. We should welcome the challenges of change, not fear them. But the transition will be more satisfactorily negotiated if we achieve an adequate measure of control over the forces affecting our future.

This is easier said than done, of course, as one perceives in our frustrated efforts to end the war in Vietnam and dampen the fires of inflation. These two complicated and difficult tasks relate in various ways to nearly all our other major problems.

President Nixon is finding, like Lyndon Johnson, that unless he succeeds in ameliorating the Vietnam situation there are narrow limits on what else he may accomplish.

Equally vital to our nation's future and to each of us as individuals is the urgent need to curb inflation. The noted economist George Hagedorn recently penned a proverb for our times when he wrote: "Fear of inflation is the beginning of economic wisdom."

The Administration is following a carefully gauged path of gradualism to contain inflationary forces rather than risk disrupting the economy by slamming on the brakes.

The object is to lessen inflationary pressures effectively while minimizing the price which must be paid in reduced employment. The President must negotiate the difficult passage between the Scylla of unemployment and the Charybdis of inflation, either of which could prove ruinous in the election year of 1970.

A return to normalcy could well result in an unemployment rate of four and a half to five percent in the first half of next year. That might be tolerable in some circumstances, perhaps, but under present conditions it would have to be offset by governmental actions to alleviate the effects on the ghettoes. Increased idleness among Negroes could be explosive.

The unemployment rate reached four percent in September, the rate which prevailed during the high employment economy prior to escalation of the military effort in Vietnam.

This sign was read with much hope by the Nixon Administration that restraints are working and the economy is cooling off.

One hopes the return to more normal, sustainable employment levels indicates that we are getting inflation under control but there is no firm evidence that increased unemployment will spell the end of either inflation or high interest rates.

The experts now think they see the top of the price spiral but this kind of forecasting is at best chancy business. A certain amount of wishful thinking influences economic analysis when one is fighting inflation psychology. It is, in fact, essential in striving to dispel hedge buying and other inflationary practices.

The picture at this point is mixed and one can interpret the indicators either way. Several basic indicators clearly suggest undiminished strength in the economy. Personal income is expanding and further large increases are in prospect during the coming months. A continuing strong flow of income will be translated into large spending by consumers.

Industrial production has been increasing at a brisk pace and new orders show no slackening. Consumer spending, marked by increased purchases of services of all kinds, continues strong. These are scant signs of a moderating economy in these key indicators.

The root-cause of inflation is rising costs—labor costs, interest rates, insurance, construction costs, but especially labor costs. In key industries the two and three year contracts provide wage hikes substantially in excess of productivity increases.

Taking the steel industry, as an example, workers were granted a 7–8 percent wage increase last year. The contract automatically gave them another six percent rise on August 1 of this year and another sizable increase will take effect next year. Steel prices have been rising as a consequence and the effects are felt in widening circles throughout the economy.

In assessing the economic outlook one can reasonably anticipate that inflationary restraints will take hold in a significant way in the period ahead, most pronouncedly in the first quarter of next year.

It is predictable that—

The unemployment rate will continue its uptrend.

Plant and equipment spending will head downward after this quarter.

Housing will suffer the effects of credit restraints for a prolonged period.

Corporate profits will lag as a result of the tightening squeeze.

On the other hand, the cost of living is likely to continue upward after the end of the year. Some easing may be expected if food prices cease to rise. Cost of services will continue their 9% inflationary pace. Wage increases are apt to counteract some of the anti-inflationary gains as they are translated into consumer spending.

While we will continue to feel the troublesome effects of inflation for some months to come, it appears at least to be slowing from a gallop to a trot. The consequences of the readjustment will be painful to many Americans, most particularly in lost jobs.

The Administration has failed to utilize moral suasion and public opinion to help hold the line on wages and prices. The failure to act will draw mounting criticism unless the President takes the inflation issue to the people. It is my belief he will not delay longer in employing the power and prestige of his office to demand price and wage restraints, the latter being related to productivity increases.

The passing problems we are experiencing, however, should not obscure the long-term prospects of the giant American economy. In any direction we look the potentials are breathtaking.

Sometime next year or the year after—depending on the rate of growth and the rate of inflation—the Gross National Product of the United States will cross the trillion-dollar mark.

That is a fantastic figure, far beyond the comprehension of the ordinary mortal. It will be an economic high water mark for all history. It could be achieved only by a fantastically productive economy like ours.

It will be more than a tribute to the American system; it will provide us the means to better that system for ourselves and for every citizen.

The petroleum industry will play its full part in this economic miracle, in the future as in the past.

The total value of crude, natural gas liquids, and natural gas produced in the United States last year topped $14 billion—some $83 million produced by you here in Arkansas.

Crude oil is the leading mineral product of the United States in value—as it is also in your own state.

Our increasingly industrialized, increasingly mobile society will continue to demand energy in enormous quantities. This is no less true of the rest of the world as living standards rise and mobility becomes an imperative.

Oil and gas will supply nearly three quarters of the world's demand for energy in the foreseeable future, particularly since the prospects for nuclear energy, while they remain bright, are not as glowing as once appeared.

Moreover, petroleum is growing in significance as a life stream of the burgeoning organic chemical industry. It provides the basis for almost nine-tenths of the organic chemicals manufactured in the United States—and the demand for petrochemicals is expanding at the rate of 9% to 10% a year.

I might finally add that oil and gas account for nine-tenths of the space heating that keeps Americans living and working in comfort.

There has been so much controversy over import quotas lately that people forget that petroleum and petroleum products contribute to our export performance as well—$350 million last year in the face of the stiffest kind of foreign competition.

The most sensational new development is, of course, the emergence of the North Slope of Alaska with its tremendous potential for production. That prospect has already resulted in bringing to reality the dream of explorers over the centuries—the commercial use of the Northwest Passage. The maiden voyage of the S.S. Manhattan was clearly an outstanding success, and she will be repeating that trip this coming spring.

In the years to come, a fleet of giant tankers will carry fuel to the oil-hungry East Coast. Alaskan oil will also be going by pipeline and tanker to our rapidly growing and rapidly industrializing Pacific Coast states.

Do any clouds darken the far horizon? Some of you, I suspect, are already worrying about the electric automobile. But the best forecasts I can get from experts in and out of government is that this is many years—fifteen at a minimum—away from being a practical possibility for the many millions of American drivers. That gives ample time for the scientists and technologists to develop a smog-free fossil-fueled automobile engine—and I have enough confidence in the creative ingenuity of Americans to believe they will find the answer.

It is exciting to consider the majestic panorama of the American economy in the year 1975—only half a decade from now. Our population will number more than 218 million. This means an average increase of 2.4 million a year between now and then, portending very large market growth.

On the assumption we will maintain a 4% annual rate of real GNP growth and prices increase only moderately, the Gross National Product in 1975 would soar to $1,200 billion—that's one trillion, 200 billion or, putting it in a time frame, $2 million per minute.

Projections of the National Industrial Conference Board show that less than one-fourth of the families will have an income of less than $5,000 in 1975, down from one-third in this decade. The proportion of families falling within the $5,000 to $10,000 range will be only 34% in 1975, down from 43% a decade before.

But the dramatic shift takes place in the proportion of families with incomes over $10,000: an increase to 42% in 1975 from 25% a decade earlier.

Thus, a substantial shift into upper income ranges is expected in the 1970's—a fact with far reaching implications for the kinds of consumer goods and services which will be in future demand.

Petroleum will have a prominent place in this stupendous market growth. One needs only to consider the housing demands and transportation required of this kind of economy to gain perspective of the potential. It will not be surprising if new car purchases exceed 13 million in 1975.

I would like to turn now briefly to the political scene. Perhaps one of the most profound changes which will occur in politics in the 1970's will be in the makeup and in the philosophies of the major political parties themselves.

The political landscape today is cluttered with obsolescent and decaying structures which are giving way to the new ideas and the realities and the challenges of our times.

In the South, for example, we see the emergence of a two-party system in place of the monolithic structure which had prevailed for nearly a century following the Reconstruction. The term "the Solid South" is a political anachronism buried under the economic and social upheavals of the new day. This will benefit the South because it will no longer be politically like the good wife who is taken for granted.

We see a spreading revolt against some of the outworn political machines which once held many of our major population centers in the tight grip of powerful big city bosses.

We see a decline in the political power of the agricultural bloc as more than seventy percent of the American people now live on one percent of our land area in dense urban concentrations.

We see a breaking up of the old coalitions and alliances of minority groups, hyphenated Americans, the underprivileged and the exploited who were joined by common fears and misery.

The broadening stream of a well educated, industrious, and prospering American middle class is producing an evolution, if not a revolution, in the ideologies, philosophy, and assumptions which had cast the mold of politics in America since the Roosevelt years.

There are few indications that the Nixon domestic program will differ to any substantive degree from the Johnson domestic program. One might conclude that in the present day of complex, difficult, and costly national problems, disagreement centers not on the definition of fundamental objectives but on the approach for attaining the objectives.

This could well mean that politics in the 1970's will be strongly influenced by demonstrated management ability in government. Certainly more and more Americans are going to insist on more efficient and economical management of the Federal Government from planning and the ordering of priorities to productivity and cost effectiveness.

There are clear signs of this in the debate over reform of the postal system, as an illustration.

There seems to be a turning of the tide in the flow of organized labor toward one political party and business toward the opposing party. This is a welcome development because it would prove extremely unfortunate if labor and business were to become polarized into opposing political parties which would thus become their captives.

We have only to consider the difficulties of England today to comprehend the danger. The strength of our society rests to an important degree on our broad diversity and the free running streams of pluralism. We invigorate and enhance our two-party system by ensuring that each preserves diversity and a certain universality within its framework.

Both the Republican and the Democratic parties need the wisdom, experience, innovative talents, and resourcefulness of businessmen. The problems of our times are of such scale and complexity that we shall not find satisfactory solutions to many without the full participation of businessmen.

American businessmen have had a leading role in building for our nation the world's largest, strongest, and most productive economy. Without our great economic leaps forward there would be small hope of eliminating squalor and want.

The government cannot decree economic success; but it can help set the conditions for businessmen to achieve it. This is the essence of the constructive partnership that holds real hope for the attainment of our social objectives as well as continued economic progress.

It is extremely unfortunate that so many people in public life who should know better persist in pursuing a business-baiting course which too often exaggerates the shortcomings of industry while obscuring its towering contributions to social and economic gains which have made our country the envy of the world.

To the well-intentioned but misguided business-baiters I say let's cease those tactics which tend to create general distrust of the business community and undermine confidence in our economic system.

We should and must continue to eliminate abuse and shoddy practice wherever we find it but let us reject those who paint businessmen as villains in order to obtain headlines.

Our system isn't perfect; nor will it ever be. But no system has worked so well for so many. We must exercise great care in our actions affecting the economic engine that has taken us so far so fast.

In assessing the shape of politics in the 1970's I predict that businessmen will take a broader, more energetic and enlightened role in public affairs than at any time in the past.

It is also predictable that businessmen will increasingly support candidates of both parties who understand the problems and the needs of business. I think the healthy pragmatism which has characterized business decision-making will assert itself in the political sphere. It is difficult to conceive of a modern day business executives persisting in dogmatic loyalties which have come to be empty of meaning.

In the 1970's the business executive will not buy dogma and demagogy; he will be issue-oriented and will carefully assess the plans and alternatives proposed by the candidates. His loyalty will be less to a political party and more to those who set the conditions that are good for our economic system irrespective of political affiliation.

Finally I would like to say that I feel we are approaching a new political epoch in the 1970's. Perhaps at this moment there is not apparent on the scene the ideas and the inspirational drive which mark great political movements.

But it is my belief that a powerful new political movement is in the making.

There has never been a great civilization which has not had as its seat great cities. We cannot continue as the world's leading nation if we permit our cities to decay.

Rather must we build cities of beauty and splendor worthy of the real America. These cities must be more than the mirror of our advances in science, medicine, the arts, architecture, literature, commerce and industry.

They must shine as examples for the world that in a free society all things are possible—and that they are possible for all. The next truly great political movement in America will in my judgment embody this assumption.

This movement is now awaiting its leader who may well become the next political giant in our history. He will succeed only if he draws upon the strengths of the great mainstream of middle class America which, in truth, provides the foundations for building a renewed and better nation.

THE SELECTIVE SERVICE ACT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BOLLING. Mr. Speaker, a few days ago I received a detailed and thoughtful letter from Noble Lee, dean of the John

Marshall Law School in Chicago on the subject of the Selective Service Act. In his four-page letter to me, Dean Lee discusses his remedies for the current inequalities, particularly in the area of deferments and exemptions from military service. Dean Lee's letter follows:

THE JOHN MARSHALL LAW SCHOOL,
Chicago, Ill., October 28, 1969.
HON. RICHARD BOLLING,
House of Representatives Office Building, Washington, D.C.

DEAR REPRESENTATIVE BOLLING: In the Chicago Sun-Times for Sunday October 26, there appeared a story concerning your endeavor to amend the present draft law. After twenty-eight years as a member of the House of Representatives of the Illinois General Assembly (as a maverick Republican), I have some conception of what you are up against, both as to "bucking" the administration and as to "bucking" a plan that has a tremendous lot of undeserved but quite understandable backing.

While I do not know the extent of the amendments in which you are interested, nevertheless I heartily concur in your opposition to continuing to make college boys a specially favored class.

Admittedly, as a veteran of World War I, I rank as antediluvian. However, I feel that it has been a terrible mistake that for years we as a people have failed to emphasize military service simply as a primary obligation of every man.

In the course which I teach in Illinois Constitutional Law, I have emphasized for thirty years the simple proposition that, for practical purposes, ours can be deemed the only nation in the world which, at the same time it drafts its manpower for military service, nevertheless pays the market value of the services for which they were drafted. The Ordinance of 1787 embodies the first geographically widespread application of the principle that the government can take neither the property nor the services of an individual except for public use and upon payment of full, fair compensation.

In every country in Europe, including Great Britain, a drafted man is not "paid" in the American sense, but merely gets a tiny spending-money allowance—a few cents per day, since his country is, legally, the paramount owner of his services. By contrast, except for the artificial effect of the maintenance of the union scale in a city like Chicago, the American Army private gets in cash, clothing, food, shelter and medical service the full equivalent of what he would earn on the basis of a forty-hour week at common labor.

It has been somewhat of a struggle to convince our students (85% of whom have college degrees and the remainder the legal minimum of three years of college) that our constitutional provision does not refer to what they may be earning presently or may aspire to earn or may be capable of earning, but means merely the market rate for the kind and rating of services for which they are drafted—and that in the scale of "labor" in any military establishment, a private is "common labor", (my own rank for 27 months in W.W.I.). However, I must say that when hammered upon, the idea gradually sinks in, and I have even overheard students unaware of my presence, "show off" their superior knowledge by stating this fact in arguments with others—thus indicating their acceptance of the thesis.

Both in classes and at our semi-annual commencement exercises, I have never failed to emphasize the debt under which every man lives and the fact that the debt exists whether he likes it or not, and furthermore, that it cannot be repaid to his actual creditors because, with the exception probably of their immediate families, their creditors have been dead for years or centuries, and they are living on the accumulative bounty handed down to them by those who have gone before. Consequently, the only conceivable method of repayment—on a moral basis at least—is repayment in kind to their contemporaries and to their successors.

It is always easy to point out that whether they like it or not, the sovereign body politic always has, and historically had, the legal right to make such use of its members as is deemed necessary by the policy determining body in that body politic. Even in this republic, wth the hghest range of freedom of choice existing anywhere, the individual's freedom of choice is still subject to the completely involuntary obligation which fell upon him by the fact of birth.

I have watched with distress for the whole period since 1950 the growth of the resentment against the existence of this obligation and even greater resentment against satisfying it, in any fashion. Despite the high-flown vocabulary which now attaches to all sorts of manifestations of "dissent," the basic fact remains that its evolution and growth in the last two decades has been based upon fear and self-centered unwillingness. These are harsh words, but their truth was much more apparent ten and twelve years ago than it is today, because now an aura of respectability and intellectualism serves as a camouflage for baser motives.

The final crown of respectability was placed upon the entire "dissent" philosophy by virtue of the fact that at the present time a tremendous proportion of the men teachers in both secondary schools and colleges have managed to use the inequities of the selective service system to avoid completely the performance of a military service obligation. Consequently (in the Freudian jargon which is their habitual language), to justify themselves in their own past draft-dodging, they need to place their actions on some high moral plane, regardless of truth or fact. I have watched, personally, too many specific instances of this sort of evolution to have any doubt as to either its reality or its efficacy.

To get down to earth, it seems to me the only conceivable answer is to stop the nonsense of "selective" service—because no selection can ever be anything but arbitrary and discriminatory, if by no factor other than the human fallibility of its inevitably bureaucratic administration.

Therefore the only remedy that I can conceive of which is consistent with our basic concept of the legal equality of men is to replace "selective" service with universal service. Nothing could more completely fulfill the demands of "democracy."

The only exceptions I can contemplate with equanimity would be those due to a substantial physical impediment. In World War I, every European nation engaged made no such nonsensical exception as flatfeet, poor eye-sight, and the host of actually noninterfering ailments which can beset man. They merely put these persons at work in non-combat services—depots of all sorts, offices, administrative jobs, etc. I can well recall a French general, commander of a combat division, laughing himself nearly sick at the thought of my having been turned down three times by the American Army on account of poor eye-sight and a left elbow broken so that the arm has never been full straight since—but finally getting into the American Army by the expedient of an early morning examination by an American Army doctor in Paris whose idea of a complete physical examination was to take my pulse and blood pressure—and then write up the rest of the record showing me to be a perfect physical specimen.

If every young man were compelled to serve, unless manifestly unable to do even office work or tend the lawn in front of the Officers Club at Otis Air Base—the present antagonisms would never conceivably have developed to the point they have now reached. Everyone would have known that everyone else was "in the same pot," and that those on the "soft" jobs were rated unfit for anything else—or else were men who had re-enlisted voluntarily and wanted to make it a career.

The overall period of service could have been reduced to eighteen months—in spite of Army objections. A semi-active reserve status of five years could easily have been attached—even without a really wasted two weeks annually in camp.

The knowledge of the inevitability and the universality of service would have brought it down to a very commonplace incident instead of an avoidable accident. It is the incredible discriminations which have gone on under the selective service system, and the possibility of utilizing "escapes" within the limits of that system until a person reached the age of twenty-seven and was deemed entirely "out of range" which have been the all-pervasive basic and continuously operative cause—out of which so many ancillary discontents have grown.

In view of the fearful waste of time that goes on in military training, eighteen months would have been adequate to cover a nine month tour of duty in Vietnam—if that were deemed necessary—by every able-bodied man—plenty of others in the services of supply. In both World Wars, three months—and even in many cases within my own personal knowledge, seven weeks was considered adequate before a man was sent out to join a combat unit as a replacement in France, as soon as he could get there. I have seen men in trenches in 1918 ten weeks after they exchanged their civilian clothes for uniforms. I am not advocating that but merely, to me, it illustrates the large part of the fallacy in the opposition of the military establishment to any 18-month service. Further proof of the fallacy is afforded by the ease of early discharge, throughout the entire last decade, when men have gotten out four months and even longer, before the date when their two years were up, on an incredibly wide variety of excuses—but including that of going to college.

Universal service could also answer in a manner which I conclude from the newspaper is along your own line of thinking, the present discrimination in favor of those able to attend college.

It would be necessary only to provide that upon the attainment of the specified age, every man would be examined to ascertain his fitness for service in one form or another, or else his outright unfitness for any service. If fit for service, he could *immediately* be inducted and then given a leave for a specified period of time to attend college, subject to the maintenance of scholastic standards. However, he would already be *in the service,* so there would be no possibility of this type of educational deferment being employed as a long stride toward ultimate, complete avoidance as is the case today.

This would, even more effectively than the President's lottery scheme, terminate uncertainty and fraud. Furthermore, all of the services can well use college-trained men, so the educational advantage they derive through the postponement is something by which the services themselves would benefit.

This is the present method of operation under the ROTC system. We now have in this law school three young men who received commissions as Second Lieutenants of Infantry upon graduating from college, after ROTC training. They are in law school subject to maintenance of the required academic standards, but completely and expressly within the scope of the military forces, so that there can be no argument, upon their completing this law course, of their performance of their obligation.

Furthermore, in the case of this and other professional schools, the professional training can in many cases be of great utility to the armed services. For example, by decision of United States Supreme Court, the Armed Forces are compelled to make some kind of arrangement to have an actual attorney involved in General Court-martials. Whether the three students in this category which we now have will become part of the official JAC establishment is beside the point. If they do not, they will very definitely be law officers by virtue of that decision, since it will be a long time before there are sufficient to satisfy the requirements of that Supreme Court opinion.

Despite my strong feelings on the subject, this is the first time I have written to a member of Congress about it—and unquestionably that is part of the explanation for my present verbosity. I have discussed this matter several times with Senator Dirksen (my friend for 30 years) and as recently as four months ago, he told me that the idea of universal service had grown to impress him more and more, and he felt that the principle involved would go a long way toward quieting the discontent.

In any event, I wish you success in bringing the academic world back into the field of reality, rather than special privilege.

Yours very truly,

Noble W. Lee,
Dean.

EDITORIAL IN PRAISE OF PRESIDENT NIXON'S SPEECH ON VIETNAM

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mrs. REID of Illinois. Mr. Speaker, the Boston Herald Traveler today did for it what is quite unusual. It ran a front-page editorial in praise of President Nixon's speech on Vietnam.

Mr. Speaker, the editorial makes the point that no President has ever needed—or deserved—the Nation's support more than this President.

I commend it as must reading for all, regardless of their personal convictions, as follows:

President Nixon last night offered the United States the leadership which Americans elected him to provide. There can be no question but that the nation will respond with the strength and support Mr. Nixon clearly needs and merits.

The Nixon Doctrine, first proclaimed in a statement issued by the President in Guam and now applied for the first time in our history, is simply this: We will support freedom and self-determination—but those who would be free must be prepared to fight for it.

In Vietnam, the progress already made as a result of accelerated training of native troops is encouraging. For the first time since we began escalation of our direct military involvement, we are reducing the number of American troops in the battle zone. Under Mr. Nixon's plan, the process will continue until he has undone the situation which he inherited.

It was a speech completely free of any promise of instant solution. It was an uncomfortable speech, thorny with facts. It was definitely not a speech for Camelot: in the difficult months ahead, we were told, we will have to achieve our goal despite inclement conditions which we cannot control by fiat of fantasy. But what the speech may have lacked in 'charisma, it made up for in candor: the President spoke to us as though we were responsible adults. He will find his fellow citizens to be both—responsible and adult.

Stripped of decorative and even slippery language, the choices forcing us were, after all, pitifully few. We could have decided to attack North Vietnam and "end all the nonsense." We could have decided to lose—to get out and forget our promises and close our eyes to the massacres that would have followed. We could have elected to continue as we have been doing since the first 16,000 American soldiers were committed in the beginning of this decade. We did not in conscience want the first. We could not stomach the second. We might have had difficulty surviving the third.

Therefore, only one other course remained: to do what we should have done from the beginning, to help the Vietnamese take over their own fight for their own right to self-determination.

This is the direction that has been chosen. It is the right direction.

Never has an American President needed the nation's support more. Never has one deserved it more.

A MOTHER'S THOUGHTS ON VIETNAM

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ERLENBORN. Mr. Speaker, with more and more voices being heard on our role in Vietnam, a mother from my district has written me of her wish to make her feelings known. She is Mrs. John Scull, of Glen Ellyn, Ill., and her son was killed in Vietnam in 1966. I believe her story should be heard:

Glen Ellyn, Ill.,
October 28, 1969.

To all demonstrators against the war in Vietnam:

So you hate war.

You hate it because it kills, wastes, and destroys.

Other Americans have also despaired of the killing, the waste, and the destruction in Vietnam; but they did not surrender, they did not demonstrate, and most did not complain. Their commitment to democracy was firm and unyielding. These Americans served their country, obeyed its laws, fought and died, probably hating war more than you do.

As demonstrators for immediate withdrawal you have chosen to abandon them, to "bug out" on responsibilities that are distasteful to you and, inadvertent as it may be, to aid and abet the cause of communism.

You vigorously pursue the rights bestowed upon you with the blood of generations of American men who fought to keep alive the democracy that many of you have not helped to earn and that some of you are unwilling to defend. I submit that most of you have squandered their magnificent legacy upon yourselves with no thought of generations to come.

It may well be that destiny has been kind to my beloved son, whose death among thousands of others you profess to mourn, for he is not here to endure the treachery of your pursuit of peace at any price and your willingness to deny the value of his participation in a war he felt to be justified.

The memory of my sweet, gentle son is vivid and needs no prodding from demonstrations of those who hate war but not enough to hate both sides of it—theirs and ours.

When you are ready to take your long list of war dead to the streets of North Vietnam, to sing your songs in the by-ways of Red China, to utter your prayers and shout your speeches in the factories of Russia . . . then I will be ready to clasp you to my heart, join you in your pleas and stand beside you in your cause . . . unto death . . . because you see my son, too, hated war.

Mrs. John F. Scull.

THE AMERICAN TERRITORIES OF TODAY AND TOMORROW

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ASPINALL. Mr. Speaker, some 2 years ago the National Archives and Records Service of the General Services Administration instituted a scholarly series of conferences to provide a wider channel of communication between the archivist, the academic historian, and those interested in our Nation's documentary heritage.

Last evening I had the honor to be invited to attend the fifth in this series of conferences which concerned the history of the U.S. Territories. One of the distinguished speakers of the evening was the Hon. Harrison Loesch, assistant secretary for Public Land Management, Department of the Interior. The remarks of Assistant Secretary Loesch convey an excellent and basic understanding of American territorial developments. For this reason, I recommend that my colleagues take the opportunity to read the interesting statement of Assistant Secretary Loesch, entitled "The American Territories of Today and Tomorrow," which I include with these brief remarks:

The American Territories of Today and Tomorrow

(By Harrison Loesch)

Mr. Chairman, Distinguished Guests, Ladies and Gentlemen: Thank you for the honor of speaking to you this evening. A review of your conference program shows aspects of the history of U.S. territories being brought sharply into focus. The papers you receive will be valuable to those who later do research in this field.

The National Archives and Records Service of the General Services Administration is to be commended not only for its contribution in this regard but also for its timing—a number of important events are occurring in the territories, with a rising tempo in the near future. Before I discuss the present and future, however, a brief reference to the past may be helpful in setting the scene.

By 1925 the United States had acquired all of the geographic areas which came to be known as the insular possessions or territories of the United States, and Cuba already had been granted independence only four years after the Treaty of Paris.

The territories of the United States were acquired by purchase, conquest, and cession. Alaska and the Virgin Islands were purchased. Hawaii and American Samoa became associated with the United States through acts of cession. Cuba, Guam, Puerto Rico and the Philippines came to us as a result of the Spanish American War and its Treaty of Paris.

The manner in which these areas were acquired, while perhaps interesting historically, bears no relation to how they were and are administered, or to their ultimate destiny.

The Constitution of the United States, Article IV—Section 3, vests in the Congress plenary authority with respect to territories. Since 1900 the Congress had dealt with the insular territorial areas on an individual basis, making provision for each according to its needs and, generally, the desires of its people. This action, over the years, has taken various forms resulting in a variety of kinds and degrees of political status. Independence, Commonwealth status, organized and unorganized, incorporated and unincorporated, and statehood are the terms we associate with territorial political development.

Independence, granted to Cuba and the Philippines, and statehood, accorded Alaska and Hawaii, are well understood terms. Between these polar extremes of self-government, our system, as implemented by the Congress and by the Executive, has had flexibility for the accommodation of varying needs of different cultures, economies, and heritages. The method takes into account the dynamics of social and political development and growth. It has seen simple forms freely evolve into other, more advanced institutional arrangements.

Defining our terms:

Whether or not a territory is organized is determined by whether the U.S. Congress has enacted organic legislation defining the form of the territorial government. Incorporation means that the territory is under the umbrella of the Constitution of the United States, and the term has carried with it an implied promise of ultimate Statehood.

Commonwealth status has no constitutional basis, but in different forms was created for the Philippines and Puerto Rico as those areas reached higher stages in their development and capability for independent administration.

Prior to statehood, Alaska and Hawaii were organized, incorporated territories. The Virgin Islands and Guam are organized, unincorporated territories, and American Samoa is unorganized and unincorporated.

Immediately after World War II, the United States became involved in an entirely new sort of territorial concern. Pursuant to a Trusteeship Agreement between the United States and the Security Council of the United Nations, we assumed full responsibility for and complete jurisdiction over a vast area in the Western Pacific called the Trust Territory of the Pacific Islands. But this strategic trust does not result in sovereignty, as such, over Micronesia.

Today, as the overseeing Assistant Secretary, my involvement is with the present and future of Guam, American Samoa, the Virgin Islands, and Micronesia. The Department of the Interior is charged with responsibility for other small insular possessions but our concerns with those areas are different. They are largely uninhabited, uninhabitable specks of land as to which, oddly enough, sovereignty is sometimes disputed.

The Department of the Interior is not officially concerned with areas such as the Panama Canal Zone or the Ryukyu (re-yoú-kuh) Islands, which include Okinawa, and are administered by the Department of the Army. The leased Canal Zone and Okinawa are not considered to be American territories.

The four areas which I have said concern us most vitally today fall into three levels of association with the United States.

Let us look first at American Samoa.

Situated some 2400 miles south of Hawaii and 26 degrees south of the equator, the territory of American Samoa consists of the principal island of Tutuila, Two-twilah); the small island of Annu'u (ah-nú-oo); just off the eastern end of Tutuila; the three small Islands of the Manu'a (Mah-nu-ah) group eighty miles away; and, two hundred miles from Tutuila, Swains's Island, A coral atoll about a mile in diameter.

In 1925, Swains, geographically part of the Tokelau (Tok-a-low) Islands, was extended U.S. sovereignty and appended to American Samoa for administration in recognition of its private ownership by an American citizen.

The population of the territory is about 30,000. Its citizens are our nationals. As such, while not citizens, they owe permanent allegiance to the United States.

The territory is still heavily dependent upon grants appropriated to it annually by the Congress as a part of the Department of the Interior budget. In recent years, the ratio between local revenues and appropriated grants has changed. The increasing local revenues will soon equal half the fiscal needs of the territory.

While the territorial government remains the largest single employer, rapid improvement in the private sector accounts for the economic growth. Two major fish canneries process tuna delivered to them by foreign fishing fleets and in turn support an operation by the American Can Company and create a subetantial business in supplying petroleum products to the fishing fleets. The newest and still developing industry is tourism.

Politically, American Samoa is an unorganized, unincorporated territory. Congress decrees that the President shall be responsible for the government of the territory. That responsibility has been delegated to the Secretary of the Interior, and was discharged initially through the promulgation of Secretarial Orders creating a three branch government for the territory patterned upon our own democratic form.

Secretarial direction has been superseded now, however, by Secretarial sanction and promulgation of a constitution created through the efforts of a constitutional convention held by the people of American Samoa. That constitution, locally drafted and ratified by the electorate, is the basis for the government of the territory today.

The Virgin Islands and Guam illustrate another level of status or development.

The territory of Guam is a single island, with a population of approximately 100,000. The Guamanians are citizens of the United States, as of course are the considerable numbers of military personnel and their dependents who are stationed there.

The Virgin Islands—St. Thomas, St. John, and St. Croix—in the Caribbean about eighty miles east of Puerto Rico, have a population in excess of 60,000. The Virgin Islanders, too, are United States citizens.

These territories are alike insofar as political status is concerned. Each is an organized, unincorporated territory. The Congress enacted organic legislation for the Virgin Islands in 1936 and added a major revision in 1954. The Guam Organic Act dates from 1950. Since 1954, these two acts have been uniformly amended to maintain virtually identical treatment for the two territories.

Economically Guam is dependent largely upon a private sector devoted to serving the extensive military activities situated there. Light industry and tourism are areas of development yet in their infancy.

The Virgin Islands, on the other hand, have been the beneficiaries of a ten-year economic boom, due largely to the amazing influx of tourists which has stimulated growth in almost every facet of the economy. This is supplemented by the substantial development of the watch movement assembly industry. Heavy industry is limited to an oil refinery and an alumina facility.

Neither territory seeks appropriated Federal funds to support governmental operations, but a special category of funds is appropriated annually to Guam under the terms of the Guam Rehabilitation Act which followed the devastating typhoon which hit the island in 1962.

That Guam and the Virgin Islands do not seek appropriated funds does not mean these two territories have achieved fiscal self-sufficiency. Each is heavily subsidized.

The Congress has extended the Federal Income Tax to each of the areas with the provision that the tax shall be in the nature of a territorial levy. Collection is made locally and the proceeds are retained by the island governments.

In addition, Guam receives the Federal withholding taxes collected by the United States from persons living or stationed there. That return in fiscal year 1970 will approximate $7 million.

In the case of the Virgin Islands, Federal law provides for the return annually of Federal excise taxes collected on products of the Virgin Islands shipped to the United States, to the extent that such funds are matched by local revenues.

In recent years such local revenues have risen to far exceed the amount of excise taxes collected, with the result that each year the territory receives the entire amount of such excise tax collections less only refunds and costs of collection. In fiscal year 1970 the return to the Virgin Islands of the so-called "matching funds" will reach $11.2 million.

The Trust Territory of the Pacific Islands—or Micronesia—occupies a third category. Spread over an area of the western Pacific slightly larger than the United States, it consists of about 2,000 islands, of which approximately 120 are inhabited. The total population is about 94,000.

The responsibility for discharging our trust obligations with respect to Micronesia is vested in the Secretary of the Interior, who consults with the Departments of State and Defense on matters involving defense and foreign policy.

The government of Micronesia has its basis in Secretarial Orders promulgated by the Secretary of the Interior. The form of government is like that of the territories of the United States—an executive branch, an independent judiciary, and an elected legislature, called the Congress of Micronesia.

Economically, Micronesia is the most under-developed of the areas with which we are concerned. It must rely upon Federally appropriated grants for 98 per cent of its annual budget. Economic growth in the private sector, while improving, still leaves much to be desired, and this is an area on which we shall concentrate in the next few years.

This, then, is where we are today.

Within the framework of the governments I have described, each of the areas administers its own affairs with a minimum of Federal intervention. This is consistent with our policy of according the maximum degree of home rule consistent with the level of development and ability in each of the areas.

As we consider the existing relationship between the territories and the United States and speculate upon the future of these areas, we cannot escape awareness of the international concern with "colonialism", old or new.

In the parlance of the United Nations, American Samoa, Guam, and the Virgin Islands are categorized as non-self governing territories and, as such, are of concern to the United Nations General Assembly's "Special Committee on the Situation With Regard To The Implementation Of The Declaration On The Granting Of Independence To Colonial Countries And Peoples." This mouthful is better known as the "U.N. Committee of 24."

Micronesia and its development are under the particularly close scrutiny of the Trusteeship Council to which the Security Council has delegated its review responsibilities for this strategic trusteeship.

The United States, usually as a part of an international political ploy, is charged from time to time with maintaining a colonial posture. It is said we are not doing enough soon enough in the discharge of our "obligation" to permit the peoples of the territories and Micronesia to choose their destiny through self-determination. I cannot agree with such charges.

An examination of our history will prove that we have never been a colonial power in any traditional sense. People in the off-shore areas have been, and are, free to work out political relationships with the United States best suited to their circumstances. It would be difficult to document an instance which might be construed as exploitation of those peoples or their resources. Over the years an element of our territorial policy has been to give rather than to take.

Neither has our policy been static nor directed toward maintenance of the status quo. As time, circumstances, and most particularly the wishes of the people of the territories have required changes in our relationships, those changes have been made. Not all at once and not always in the fullness the people desire at any given time, perhaps, but they occur.

Our policy does not lay down inflexible rules requiring a certain level of "progress" before making changes. If it did it could not be responsive as it must be to the wishes of the people. Our past performance is illustrative of how our system works, but it is not binding precedent.

This policy, system or approach is not a newly enunciated one in response to our critics. It is basic to the American philosophy of government and the rights of the people. in 1900 President McKinley, in speaking of the Philippines said "the government they are establishing is designed not for our satisfaction nor for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Philippine Islands."

I need not rely upon a quotation from 1900, however, to support my thesis. In the weeks just past we participated in an extended series of meetings here in Washington with representatives of the people of Micronesia. Those representatives were charged with responsibility for negotiating with the Federal establishment a course of substantive action which will ultimately determine the future policy status of Micronesia.

The course of action can only succeed if the Micronesians on the one hand and the Executive Branch and the Congress on the other, are successful in efforts to meld the aspirations of the people of Micronesia with national and international considerations arising from the realities of today's world. There is no question in my mind but that we will succeed.

Since my involvement in territorial affairs is of quite recent date, it is especially gratifying to me to be able to participate in this intimate way in the deliberations concerning the future political status of Micronesia, starting as we are almost at the beginning of the process. The unique experience is possible only because—as in other areas of modern life—we are moving faster on a geometrical progression.

Our concerns are not, by any means, limited to the future of Micronesians. We are as interested in the other areas I have mentioned.

A major political development involving the Virgin Islands and Guam was the recent enactment of legislation permitting their people to elect their own governors in 1970.

This significant increment of increased home-rule is an example of the flexibility of our system. The people of Alaska and Hawaii were at no time prior to statehood allowed to elect their governors. On the other hand, the citizens of Alaska and Hawaii were bent on achieving statehood.

The peoples of Guam, American Samoa, and the Virgin Islands have not spoken out with respect to their views of the desired ultimate status of those territories, although it is a matter of concern and contemplation.

Several years ago the people of the Virgin Islands convened a constitutional convention and through the report of that body made known to us the views of the people insofar as recommended changes and amendments in the Revised Organic Act are concerned.

In September, an American Samoa Status Commission appeared in Washington after visiting in the Virgin Islands and Puerto Rico. The report of that group is not yet available to us.

In Guam a "constitutional" review group has recently been organized. But a different kind of question also occupies the attention of the people. It has been suggested by some that the time has come to reunify the Marianas in Micronesia with Guam, in view of the historical ties and the present community of interest.

A reunification plebiscite to test local sentiment is being held in the islands of the Northern Marianas and at this very moment the people of Guam, through a plebiscite, are expressing their wish in this regard.

Incorporation of the Marianas into the territory of Guam, if that be the wish of the peoples concerned, could not be accomplished without action by the Congress—and the United Nations would certainly take a position on the question. Furthermore a satisfactory solution for the rest of the Trust Territory would have to be developed.

If the people of the two areas strongly favor such a course, the United States Government would doubtless consider it.

I cannot tell you what the future holds for the territorial areas of the United States. We do not have a grand scheme which plots by day and year the course of their development and their ultimate status.

I submit that it is not for us to devise such a scheme. Their destiny will, I am certain, be more the product of the will of the people than of our judgment as to what is good—or better—or best for them. That is the way it should be.

Our immediate goals are less sweeping than the issue of ultimate status.

The United States citizens resident in the territories are not able to vote in the national elections for President and Vice President. That should be remedied.

None of the territories is represented before the Congress. A non-voting delegate to the House of Representatives may be appropriate.

While the Federal Courts in Guam and the Virgin Islands, created by the Organic Acts of those territories, offer access to the Supreme Court of the United States, the citizens of American Samoa and Micronesia, within those areas, do not have recourse to the Federal Courts. Perhaps they should.

At the local level we intend to assist in every way to insure that the people of the territories, during the period of growth and development, have a government strong enough to serve their needs and an environment conducive to the happiness, peace, and prosperity of which President McKinley spoke, and conducive, as well, to rapid and worthwhile growth politically, economically, and socially.

The environment we envision presupposes the absence of fear—fear of corrupt government, fear of economic instability, fear of adverse external influences, and fear of shortages in physical necessities.

So there we are—our challenge is where do we go from here?

WRITE HANOI FOR BETTER POW TREATMENT

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DANIEL of Virginia. Mr. Speaker, the following newspaper article outlines the gallant efforts of three young ladies of Danville, Va., to organize a chain letter program in behalf of the nearly 1,400 Americans missing or known to be held prisoners by North Vietnam or the Vietcong.

Through this effort, these young ladies have become a meaningful part of a national movement that is gaining momentum to focus worldwide attention on the inhumane treatment of prisoners of war and the continued violation of the Geneva Convention by Hanoi.

The article follows:

[From the Commercial Appeal, Danville (Va.), Oct. 27, 1969]

ORGANIZED EFFORT BEING MADE TO WRITE HANOI CONCERNING POW'S

Three local women, Mrs. Ronald W. Williams, Mrs. John Ryland III, and Mrs. Walter Hodges, have started a chain letter in this area aimed at entreating the North Vietnamese government to grant better treatment and living conditions to American prisoners of war.

First mailed in the Danville area, it is hoped that the letter will be picked up and mailed by more and more Americans, creating a "snowball" effect, with everyone involved writing a letter of protest to the Hanoi government.

In addition to a plea for decent conditions and treatment for American prisoners, the letter also asks that the government in Hanoi release information regarding the welfare and conditions of some 1,400 American soldiers listed as either "missing in action." or "prisoner." To date, the North Vietnamese have not released any word on the 1,000 men listed as missing. It is believed that a number of these men may be held prisoner in the North.

The basic plan of the chain letter is for everyone receiving a copy of it to write to Hanoi. The chain letters are being mailed along with copies of a Register & Bee editorial on the subject, reprinted by J. T. Townes Printing Company. Copies of the letter, itself, were printed by The Commercial Appeal. Roughly 500 copies of the letter and editorial have been started on their way by the ladies mentioned above. Each time these letters are remailed, another 500 letters will hopefully be sent to North Vietnam.

Mrs. Williams asks that anyone receiving a copy of the chain letter and writing to Hanoi try to keep their letters simple and brief. If the letter is to the point and short, it will be more effective. She has hopes that within six months, a total of 250,000 letters will have reached the North Vietnamese government.

All those writing to the Hanoi government should address their letters in this fashion: The Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam.

The chain letter reads in part:

"Yes, I wrote to Hanoi. Won't you please do the same, but do not stop there. Send a copy to your President and Congressman. Let them know you are trying to help. I am not asking you to take a stand on the war, but to take a stand against the inhumane treatment of our servicemen and their families by the government of Hanoi. No man, no government has the right to disregard human feelings so completely for any reason . . ."

"We do not want (the chain link) to be broken until word is received from every American Hanoi is holding. We want the chain to reach around the world to let those serving for our flag and country know we care for them and their families . . ."

"All you have to do is write your letter to the address given in the editorial, add your name to the bottom of this letter and send this one on to a friend . . . If you are not satisfied with adding only one link, let us know. We will be thrilled to help you add as many as you wish, just write."

"To insure the continuation of the chain after it has left your hands, remember the only one who can carry it through, and ask Him."

QUESTIONS COMPULSORY ARBITRATION OF LABOR-MANAGEMENT DISPUTES INVOLVING NATIONWIDE STRIKES

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. LLOYD. Mr. Speaker, in the field of labor-management disputes involving nationwide strikes, as presently illustrated in the strike against the General Electric Co., the attention of an increasing number of editorial writers is directed to the proposal of compulsory arbitration. Quite surprisingly, it seems to me, there is widespread doubt that compulsory arbitration is in the general public interest. Today's Wall Street Journal, November 4, carries an editorial which I consider to be of significance. The House Republican Task Force on Labor Law Reform will have this matter under advisement when it confers tomorrow with representatives of the Associated General Contractors.

The Wall Street Journal editorial follows:

ARBITRATION'S ILLUSORY ALLURE

As the strike against General Electric Co. increasingly looks like a long one, more observers are suggesting the dispute should be submitted to compulsory arbitration. The idea has a great deal of appeal to the public, not only in connection with the GE impasse but for other costly and disruptive labor-management confrontations.

The International Union of Electrical Workers and the United Electrical Workers thus may have scored some public relations points when they proposed, less than 24 hours before the strike deadline, that the dispute be submitted to the American Arbitration Association for binding settlement.

It's easy to see why the concept is so appealing. When two parties can't settle a disagreement, submitting it to an impartial third party seems so much more civilized than merely slugging it out. The appeal is even greater when, as in the GE strike, innocent bystanders are sure to be hurt in the slugfest. Arbitration's supporters can argue that the procedure already is used, quite successfully, to handle such matters as workers' grievances.

Despite all of this, any careful examination of arbitration should show up its shortcomings as a method for settling labor contract disputes. It really doesn't matter whether one looks from the vantage point of labor, management or the general public.

Labor unions long have made clear their strong opposition to compulsory arbitration, and for understandable reasons. (The electrical unions' proposal was no more than a political ploy, one that they could be certain that GE would reject, as it did.)

Unions, after all, are not organized to serve merely as social clubs. An individual worker has little power to induce an employer to raise his pay or improve his working conditions, but a large group of workers can at times be extremely persuasive.

For better or for worse, then, a union is a power bloc. If it becomes no more than an information-gathering organization to submit briefs to an arbitrator, a lot of workers will start to wonder whether they are getting their money's worth for their dues. Find a union that sincerely supports compulsory arbitration, and you've found one that has no faith in its own power.

Power also influences the emloyers' attitudes. A company that delegates its wage-setting to outsiders, no matter how able they may be, has handed over an important part of the power to run its own business.

Any company must consider the interests of its employes; a disgruntled work force is seldom very productive. At the same time, though, it must consider the interests of its stockholders and the future prospects of the enterprise. If a corporation does not hold its costs at reasonable levels, furthermore, it won't be a reliable source of future jobs.

No company can expect a union to take so broad a view of any dispute, nor can it really expect an arbitrator to do so. While arbitrators may try to arrive at a just solution, their primary object is peace. And whether their decision is binding or not, their goal is usually a settlement that both sides can more or less accept and live with.

Such a goal, however, is hardly ever attainable. Where arbitration has been tried, the common result has been some sort of split-the-difference decision that has left neither side truly satisfied. The decisions thus end one dispute only by assuring future battles.

As that suggests, arbitration also is no solution for a public distressed by disruptive labor disputes. Compulsory arbitration is the law in Australia, and yet strikes are numerous. Unions have become so heavily involved in arguing before national tribunals that local leadership, which might head off local strikes, is too weak to be able to do so.

In the U.S. the balance of power in labor-management relations for too many years has been tilted toward unions, and new legislation is needed to redress the balance. General Electric presumably can take care of itself, but the same cannot be said for many other employers.

Equality in bargaining may be no formula for labor peace. But it surely makes more sense than succumbing to arbitrations' illusory allure.

RESPONSIBILITIES OF ACADEMIC FREEDOM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. WOLD. Mr. Speaker, Wyoming's superintendent of public instruction, Harry Roberts, delivered a speech October 28 in which he looked not only at the principles of academic freedom but at the problems that have beset the campus of the University of Wyoming in recent days.

Noting that "academic freedom is basic to the educational process," Superintendent Roberts asserted that "we are going to have to define responsible academic freedom versus irresponsible academic freedom." This responsibility, he maintained, rests with the educational community.

Superintendent Roberts has delivered a very thoughtful comment on education and I include his speech at this point in the CONGRESSIONAL RECORD:

PERILS TO ACADEMIC FREEDOM

Today across our country we are witnessing a process of change on many university campuses. There has always been change, and certainly we couldn't exist today with the same educational programs that were in common use 50 or 100 years ago.

It's how this change occurs that creates the problem. No one can, or should, condone illegal or destructive acts, many of which we have seen during the last few years. The majority of our universities and colleges have established better communications between boards, administration, faculty and students. This is on the plus side of the ledger. All of these segments on the college campus should be in close communication if we are to maintain our universities as the prime sources of knowledge for those wishing post high school degrees.

During the last two weeks we have seen the first significant sign of dissent on our own university campus at Laramie. At this point I would commend the board, the administration, the faculty and the students for their handling of the situation. If responsibility had not been part of the picture an explosive situation could have occurred.

Academic freedom is basic to the educational process. Academic freedom might be defined as the free contest of ideas and the right of the instructional staff to teach what they think is important, without limitation of expression of points of view. Let me make it clear that I support academic freedom, but I say it must be responsible freedom. Harold Howe, Commissioner of Education during the Johnson Administration said that university instructors should be free to criticize on the basis of responsible knowledge, and I would emphasize the last part of that sentence 'the basis of responsible knowledge.'

In my opinion there are certain responsibilities that must accompany academic freedom and I would suggest that somewhere along the line, we are going to have to define responsible academic freedom versus irresponsible academic freedom. When in the name of academic freedom there is an abuse of the academic process or where there is behavior not in line with true professional performance, then perhaps we have gone too far and I believe firm action should be taken.

Perhaps one of the less publicized ramifications of the recent dispute at Laramie was the effect it had in the classroom. It has been reported that there were a number of healthy discussions in the classrooms on the pros and cons of the situation, and the whole procedure was conducted in an orderly manner under the careful supervision of the instructor.

There is another side of the coin however. One might guess that there were more phone calls from students to parents last week than in any normal week of the school year. Some students walked out of classrooms, and I emphasize that this was in a minority of classrooms.

In my opinion the college classroom on any campus is not the place or the time for an instructor to circulate and urge the signing of a petition to support one side of a situation which he, himself, endorses, without a proper presentation of the other side. Teachers at all levels have a tremendous responsibility to conduct their classroom in an objective manner.

I do not believe that it is within the bounds of responsible academic freedom on ours, or any campus, for instructors to bring in outsiders to sway the feelings of students in only one direction in order to support personal opinion that the instructor might hold. This is particularly true when there is a relationship to a current problem that students may be asked to vote upon. In such a case, a complete presentation of both sides is imperative. In addition, there is no place in any educational classroom for the use of foul and profane language on anybody's part; it is even worse when the instructor makes no effort to control it.

I bring this to your attention because across this country, if we go beyond the limits of responsible academic freedom, we will damage the instructional process and, in turn, the universities themselves.

I see all this primarily as a challenge to the university professor and his profession. To keep things within bounds. To see that the academic process is not abused, and as I said earlier, the great majority who teach responsibly are going to have to be the watch dogs of their fellows who exceed the bounds of their teaching responsibilities.

The people of this, and every other state, are vitally concerned with the educational process from kindergarten through the university. They have demonstrated their support with appropriations and tax levies to the point where education consumes a large amount of the tax dollar.

Time and time again the people have shown their willingness to endorse the development of improved educational programs as they want the best possible education for their children. It is up to those in the educational community to see that academic freedom is responsible.

THE FALL OFFENSIVE: COMMUNIST MANIPULATION, EXPLOITATION, AND SUBVERSION

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ICHORD. Mr. Speaker, on October 8, I addressed the House briefly on the character of the so-called fall offensive being organized by the New Mobilization Committee To End the War in Vietnam—New Mobe—an organization which, as I pointed out, the evidence strongly indicates is dominated by Communists.

In my remarks, I referred to the Vietnam moratorium committee and stated that the VMC's program is an integral part of the fall offensive, which I characterized as "a propaganda maneuver designed and organized by Communists and other revolutionaries."

Because my remarks have been misconstrued by some—and even misquoted in some instances—I have instructed the research staff of the House Committee on Internal Security, on which I serve as chairman, to prepare a detailed analysis of the available evidence in order to clarify first, the exact relationship of the Vietnam moratorium committee and its program to the New Mobe's fall offensive; and second, the extent to which Communist and other revolutionary elements are playing a dominant role in the organization and execution of the fall offensive.

Mr. Speaker, in order that my colleagues in the House and all other Americans are apprised of the nature and extent of this blatant propaganda assault upon our Nation, I include the staff study in the RECORD. Of course, I recognize that a majority of the people who participated in the Vietnam moratorium were loyal Americans who were exercising their constitutional right to dissent against the war in Vietnam. Ninety percent of the demonstrators may have consisted of such persons, but it further appears that 90 percent of the revolutioning Marxists in this Nation also participated and their untiring organizational efforts should be made public. It is not surprising, in view of the evidence, that many well-known Americans have backed away from the November demonstrations of New Mobe.

The staff study follows:

STAFF STUDY OF THE HOUSE COMMITTEE ON INTERNAL SECURITY ON THE FALL OFFENSIVE

The October 22 issue of the Daily World, official newspaper of the Communist Party, U.S.A., carries an article entitled "March against death Nov. 15: Peace groups unite for huge capital rally." The article reports on press conferences held here in Washington, D.C., on October 21 by leaders of the Vietnam Moratorium and New Mobilization Committees, two of the key organizations behind the so-called "Fall Offensive" praised recently by North Vietnamese Prime Minister Pham Van Dong.

According to the *Daily World's* account, "Sam Brown, Moratorium coordinator, declared here, 'On November 15 the New Mobilization Committee To End the War in Vietnam is sponsoring a peaceful and legal mass march and rally in Washington, D.C. Coordinators of the Vietnam Moratorium Committee, as well as Moratorium supporters from around the country, plan to march. We will provide support for local Moratorium groups who will be coming to Washington and we encourage others to join us in the March on Washington.'"

Immediately following the Moratorium group's press conference, leaders of the New Mobe held their own press conference in the same room in what the *Daily World* termed a "deliberate unit demonstration" that "dashed President Nixon's hopes of driving a wedge between the two massive anti-war movements. * * *" This unity "guaranteed an 'enormous anti-war outpouring' against the war, declared the Moratorium committee."

Another group which has given its unqualified endorsement to the November demonstrations is the Student Mobilization Committee To End the War in Vietnam, an organization which, according to FBI Director J. Edgar Hoover, "is controlled by members of the Young Socialist Alliance, the youth group of the Socialist Workers Party. . . ." (The Socialist Workers Party is the largest Trotskyist Communist Party in the United States and has been declared subversive by the Committee on Un-American Activities and two Attorneys General.)

SMC Executive Secretary Carol Lipman announced on October 20 that her group was backing "all anti-war activities," including the expanded Moratorium scheduled for November 13–14 (the same days as the New Mobe's "March Against Death" and SMC's November 14 student strike) and the Washington march scheduled by the New Mobe for November 15. And a Student Mobe leaflet circulated recently exhorts the faithful to "Join the Fall Antiwar Offensive" and states categorically that "SMC has endorsed and is actively building the November 15 demonstration."

This three-way collaboration is of particular interest because of the independence which some people claim for Moratorium activity.

The Fall Offensive was formulated at the National Anti-War Conference held in Cleveland, Ohio, over the July 4 weekend of this year. This conference, hosted by the Cleveland Area Peace Action Council, the regional affiliate of the Communist-oriented National Mobilization Committee, predecessor of the New Mobe, was characterized by an extraordinarily conspicuous Communist presence, especially from members of the Trotskyist Communist Socialist Workers Party and its youth arm, the Young Socialist Alliance. The SWP's official newspaper, the *Militant*, later boasted of the "central role" of the SWP and YSA and the "key" role of the YSA-controlled Student Mobilization Committee in winning broad support at the conference for the November demonstrations.

Documents from the National Anti-War Conference show that Vietnam Moratorium Committee coordinator David Hawk was present and took an active part in the proceedings. These same documents also reveal that Hawk was a member of the conference steering committee as the representative of the Moratorium.

The Vietnam Moratorium Committee, then, was already in existence at the time of the National Anti-War Conference. The exact time of its formation is not clear, but formal announcement of the October 15 Moratorium date was made last in June, prior to the convening of the National Anti-War Conference in Cleveland.

One of the results of the conference was the organization of the New Mobilization Committee to carry on the work of the now-defunct National Mobe in organizing the Fall Offensive. Most of the members of the conference steering committee, including Moratorium leader David Hawk, were named also to the steering committee of the New Mobe.

An official New Mobe mailing circulated later in July includes a document outlining the accomplishments of the Cleveland conference. Among the decisions made at the conference, according to this official Mobe document, was the scheduling of "the most intense anti-war campaign ever undertaken in the United States—the Fall Offensive." The program was to include the October 15 Moratorium, one of the three projects "being organized by associated groups" which the Communist-saturated National Anti-War Conference formally endorsed and incorporated into the Fall Offense.

Subsequent Moratorium and Mobe literature reflected this. The VMC, in literature mailed to editors of GI newspapers, referred to the Vietnam Moratorium Committee "and its part in the 'Fall Offensive' against the war in Vietnam. . . ." And New Mobe Offensive literature speaks of those numerous groups, including the Vietnam Moratorium Committee, which will provide the "principal resources" that will assure the success of the November actions.

It is clear, then, that the Moratorium is indeed an "integral part" of the Fall Offensive. Organized ostensibly by an independent organization, it wound up instead as part and parcel of a program formulated and adopted by Communist-dominated "anti-war" conference. Again, so that there may be no possibility of confusion or misinterpretation, the Vietnam Committee is not necessarily Communist or necessarily under Communist leadership. No doubt many of the leaders are sincerely motivated. However, as the evidence plainly indicates, the Moratorium's program and leadership have become intimately allied with a distinctly pro-Communist program and leadership.

And what of the planning for the Fall Offensive? Documents issued by the Mobe itself leave no doubt that, from the beginning, the organization of the Fall Offensive has been characterized by blatantly heavy Communist participation.

On August 5, for example, there was a meeting of the New Mobe's San Francisco Action Project. A memorandum to the Executive Committee and Steering Committee of New Mobe from Sidney Peck, an East Coast Co-Chairman of New Mobe and former State Committeeman in the Wisconsin CPUSA, reveals the broad composition—and heavy Communist complexion—of the session. Included in the list of those invited to attend were:

(1) Alex Forman, Joe Hill SDS;

(2) Art Goldberg, West Coast Bureau of the revolutionary Communist newsweekly *Guardian;*

(3) Curtis McClain, International Longshoremen's and Warehousemen's Union, a union headed by Harry R. Bridges;

(4) Keith Eickmann, ILWU;

(5) Karen Talbot, employed by the official West Coast newspaper of the Communist Party, the *People's World;*

(6) Andrew Pulley, a member of the Young Socialist Alliance;

(7) Phil Shapiro, a member of the Medical Committee for Human Rights and supporter of the Black Panther Party-sponsored United Front Against Fascism;

(8) Donald Kalish, member of the Southern California Peace Action Council, West Coast Co-Chairman of New Mobe, member of New Mobe steering committee, and, by his own admission, somewhat to the left of the CPUSA;

(9) Ronald Dellums, Berkeley City Councilman and frequent speaker for the Black Panther Party;

(10) Terry Hallinan, West Coast Co-Chairman of New Mobe and member of the Communist-front National Lawyers Guild and W.E.B. DuBois Clubs of America;

(11) Eleanor Ohman, delegate to the World Peace Assembly, held in East Berlin in June of this year under the auspices of the World Peace Council, international Communist "peace" front;

(12) Dr. Carleton Goodlett, West Coast Treasurer of New Mobe and also a delegate to the World Peace Assembly;

(13) Irving Sarnoff, an identified member of the Communist Party, leader of the Southern California Peace Action Council, and member of the New Mobe steering committee;

(14) David Hilliard, Chief of Staff for the Black Panther Party;

(15) Harold Supriano, a founding member of the Communist Party's official youth front, the W.E.B. DuBois Clubs of America;

(16) Barry David, Student Mobilization Committee and YSA; and

(17) Lew Jones, a long-term functionary in the Socialist Workers Party.

Thus, of the 40 people invited to attend this session to help plan the Fall Offensive, at least 17 were outright members of the Communisty Party, U.S.A., the Socialist Workers Party, or their fronts, or were affiliated with organizations of a demonstrably pro-Communist or revolutionary nature.

On August 17–18, a New Mobe steering committee meeting to plan the "Fall Offensive—1969" was held at the Central YMCA in Philadelphia, Pennsylvania. Among those invited to this meeting were the following:

(1) Allen Young of Liberation News Service, the New Left's pro-Castro, pro-Vietcong wire service;

(2) Anne Braden, identified member of the Communist Party, U.S.A., and executive director of the Southern Conference Educational Fund (SCEF);

(3) David Herreshoff, member of the New Mobe steering committee and prominent supporter of fronts and causes of the Socialist Workers Party;

(4) Norma Becker, coordinator with Dave Dellinger of the Fifth Avenue Vietnam Peace Parade Committee, New York affiliate of the New Mobe, and member of New Mobe steering committee;

(5) Rennie Davis, New Mobe steering committee member and Vietcong supporter, currently on trial in Chicago for conspiring to foment violence during the August 1968 Democratic National Convention;

(6) Dave Dellinger, East Coast Mobe Co-Chairman and self-styled non-Soviet communist;

(7) Jerry Gordon, New Mobe steering committee member and head of the Cleveland Area Peace Action Council, a Mobe affiliate;

(8) Fred Halstead, New Mobe steering committee member and long-time leader in the Socialist Workers Party;

(9) Arnold Johnson, New Mobe steering committee member and National Legislative Director for the CPUSA;

(10) Irving Beinin, New Mobe steering committee member and an employee of the Communist newsweekly *Guardian;*

(11) Sid Lens, East Coast Co-Chairman of Mobe and former official in the Revolutionary Workers League, designated subversive by the Attorney General under Executive Order 10450;

(12) Carol Lipman, national executive secretary of the YSA-controlled Student Mobilization Committee, member of New Mobe steering committee, and formerly on the editorial staff of the YSA's official magazine, the *Young Socialist;*

(13) Sidney Peck, East Coast Co-Chairman of Mobe, leader in the Ohio Peace Action Council, and former Wisconsin State Committeeman, CPUSA;

(14) Irving Sarnoff, former member, District Council, Southern California CPUSA;

(15) Sylvia Kushner, member of New Mobe steering committee and the Chicago Peace Council, a Mobe affiliate, and wife of Communist Party member Sam Kushner;

(16) Donald Kalish;

(17) David Hawk, member of New Mobe steering committee and coordinator of the Vietnam Moratorium Committee, which is closely allied with the New Mobe;

(18) John Froines, currently on trial in Chicago for conspiracy to foment violence during the August 1968 Democratic National Convention;

(19) Terry Hallinan;

(20) Unnamed representatives of the YSA, W.E.B. DuBois Clubs, and Veterans for Peace (founded in January 1966 by Communist Party member Leroy Wolins);

(21) Otto Nathan, Communist and member of New Mobe steering committee;

(22) Dagmar Wilson, leader in Women Strike for Peace who has proclaimed publicly her advocacy of the North Vietnamese cause;

(23) Dr. Benjamin Spock, sponsor of the New Mobe's November demonstrations, member of the National Council of the Communist-run National Emergency Civil Liberties Committee, and supporter of the Communist-created Freedom and Peace Party;

(24) Carleton Goodlett;

(25) Louis Goldblatt, member of the Communist Party and official in the Communist-led ILWU;

(26) John Wilson, formerly of the Student Nonviolent Coordinating Committee and leader of the National Black Anti-War, Anti-Draft Union, an offshoot of the Student Mobilization Committee, and a member of the New Mobe steering committee;

(27) Pvt. Joe Miles, member of the New Mobe steering committee and Young Socialist Alliance; and

(28) Allen Myers, member of New Mobe steering Committee and editor of SMC's *GI Press Service.*

The official minutes of a Chicago Steering Committee meeting on September 12 reveal participation by the following persons:

(1) Sidney Lens;

(2) Irv (Irwin) Bock, member of New Mobe steering committee and the Communist-founded Veterans for Peace;

(3) Tony De Leon, representing the Student Mobilization Committee;

(4) Rennie Davis;

(5) Sylvia Kushner;

(6) Ben Friedlander, identified member of the CPUSA; and

(7) Jack Spiegel, identified member of the CPUSA and a leader in the united front Chicago Peace Council.

In addition, two members of the Vietnam Moratorium Committee were present at this session; Joe Valadez and Rob Roberts.

Topics discussed at this meeting included the October 15 Moratorium and the November student strike. Among the organizations scheduled to participate in activities looking forward to these demonstrations were Veterans for Peace, the Chicago Peace Council, and the DuBois Clubs, all of which are under definite Communist influence or control.

On September 13, there was a meeting of the New Mobe's Washington Action Committee in Washington, D.C., with the following people among those present:

(1) Irving Beinin;

(2) Barbara Bick, member of Women Strike for Peace and among the American delegates at the Communist World Peace Assembly in East Berlin, June 21–24, 1969;

(3) Don Gurewitz, staff employee of New Mobe and member of the YSA-controlled Student Mobilization Committee;

(4) Fred Halstead, leader in the SWP;

(5) Gus Horowitz, member of New Mobe steering committee and a "leading SWP activist in the antiwar movement," according to the *Militant;*

(6) Carol Lipman;

(7) Allan Myers;

(8) Otto Nathan;

(9) Sid Peck; and

(10) Peer Vinther, member of New Mobe steering committee and the SWP's Young Socialist Alliance.

One item of business at this meeting is perhaps of particular interest. Susan Miller of the Mobe staff reported, according to these official minutes, that the Moratorium Committee will lend major support to the "March Against Death," Mobe action scheduled for November 13–14, just before the mass rally on November 15. This shows irrefutably that, despite any surface indications conveyed by regular press accounts, the Vietnam Moratorium Committee's support of the New Mobilization Committee's plans is by no means recent or fresh—*that it has been a matter of settled fact for at least five weeks.*

The Steering Committee of the New Mobe met in Washington on the following day, September 14. According to the official minutes of the session, Sidney Peck acted as chairman, with the following people listed as being among those present:

(1) Marc Beallor, member of New Mobe steering committee and representative of the Communist Party-controlled W.E.B. DuBois Clubs of America;

(2) Barbara Bick;

(3) Rennie Davis;

(4) Dave Dellinger;

(5) Don Gurewitz;

(6) Fred Halstead;

(7) Arnold Johnson;

(8) Carol Lipman;

(9) Allan Myers;

(10) Abe Weisburd, who has served on the administrative committee of Mobe's New York affiliate, the Fifth Avenue Vietnam Peace Parade Committee, as the representative of Trade Unionists for Peace, described by FBI Director J. Edgar Hoover as an organization "set up by the Communist Party;" and

(11) Leroy Wolins, member of Mobe's Washington Action Committee, founder of Veterans for Peace in Vietnam, and identified member of the Communist Party, U.S.A.

At this meeting, a committee was set up to handle legal and police problems anticipated in connection with the November march. On this committee, among others named, is SWP leader Fred Halstead. The March Against Death Committee includes SMC leader Carol Lipman, with Moratorium coordinator David Hawk among those also suggested. The committee to decide the program for the November rally consists of ten members, among whom are SWP member Fred Halstead, non-Soviet communist Dave Dellinger, former CPUSA Wisconsin State Committeeman Sidney Peck, and CPUSA National Legislative Director Arnold Johnson.

Peck, according to the minutes, "reported that the Black Panther Party will be relating to the demonstration on the West Coast." Members of a committee to deal with such "Black and Third World Participation" includes Dellinger, Weisburd, and Rennie Davis, with YSA member Andrew Pulley among those also suggested for membership.

The minutes further reflect that Fred Halstead was "hired immediately to work on logistics" for the march, while Carol Lipman and Arnold Johnson were named to serve on a committee concerned with "International Aspects." The committee on "Labor Participation" includes Weisburd, Beallor, Peck, Lens, Halstead, and Johnson (six of the seven designated!); and the "Promotional Material" committee includes, of the ten named to serve, Gurewitz, Lipman, Wolins, Peck, and Dellinger.

The important subject of "Youth Participation" is being handled by a committee of five members, including SMC leader Carol Lipman, Vietnam Moratorium Committee coordinator David Hawk, and W.E.B. DuBois representative Marc Beallor.

On September 18, the New Mobe held a press conference in New York City to publicize the Fall Offensive. New Mobe leaders, according to a Mobe press release dated September 18, "revealed detailed and comprehensive plans for a fall 'offensive' of anti-war activity." Among those present at this news conference were Benjamin Spock; Mobe Co-Chairman Stewart Meacham, Dave Dellinger, and Cora Weiss; and Vietnam Moratorium coordinator David Hawk.

The official New Mobilization Committee publication, the *New Mobilizer*, carries in its September 25 issue a lead article entitled "Fall Offensive Skyrockets—Meetings Held with over 5000 in 50 Key Cities!" In this article, there are capsule accounts of numerous meetings held around the country during the week of September 15. Conducted by "New Mobe traveling teams," these sessions resulted in area offices being established "in between seven and ten locations. . . ." Plans for both the October 15 Vietnam Moratorium and the November New Mobe demonstrations were laid at meetings in the following listed cities: Milwaukee and Madison, Wisconsin; Columbus and Toledo, Ohio; Portland, Maine; Miami, Florida; New Orleans; and Dallas-Fort Worth. The New Orleans session included representatives from Women Strike for Peace and Students for a Democratic Society.

A meeting held near St. Louis, Missouri, on September 27 and 28 provides us with yet another instance of major Communist participation in Fall Offensive planning. According to public press accounts, which are confirmed by other information which has come to me, this meeting was called to plan for the October 15 Moratorium and the November 15 march on Washington. Among the groups sponsoring the session were Students for a Democratic Society and the Young Socialist Alliance. One of the featured speakers at the September 27 evening session was YSA member Andrew Pulley. Two discussion leaders were identified as Communist Party member Hershel Walker and YSA member Larry Swingle, a St. Louis area contact for the New Mobe. Another Communist Party member, Orville Leach, was present at the conference; and a key workshop on organizing resistance to the Vietnam war among military personnel was led by two members of the Communist Party: Hershel Walker and Elliot Waxman.

And, as a final piece of evidence of Moratorium-New Mobe collaboration prior to the October 21 formal announcement mentioned earlier, an article in the *New York Times* for Sunday, October 5, stated flatly: "Student organizers of the Oct. 15 Vietnam Moratorium joined forces yesterday with the National [New] Mobilization Committee to End the War in Vietnam. The two organizations held a news conference and together pledged 'the most massive and, we hope, final demonstration against the war in Vietnam.' Both actions are a part of a 'Fall Offensive'. . . ." This item confirms the statement made by Susan Miller at the September 13 Washington Action Committee meeting—*a good two-and-a-half weeks before the October 21 announcement* in Washington.

Two conclusions must be drawn from this mass of evidence. First, it is obvious that collaboration between the Vietnam Moratorium and New Mobe people has existed from the beginning. No matter what Moratorium partisans may try to claim, the cold fact is that VMC plans and leadership have meshed precisely with the plans and leadership of the New Mobilization Committee.

A second conclusion to be drawn is that the leadership of the New Mobilization Committee is top-heavy with Communists and pro-Communists, including members and partisans of both the Communist Party, U.S.A., and, most particularly, the Trotskyist Socialist Workers Party and Young Socialist Alliance. Add to this the unqualified endorsement given to both the Vietnam Moratorium and the New Mobe marches by the YSA-controlled Student Mobilization Committee, along with the very active participation of both YSA and SMC activists in Fall Offensive planning around the country, and we can see the all-too-clear pattern that emerges.

This pattern is not one of legitimate, sincere protest against presumed inadequacies in our Vietnam policies. Rather, it is one of blatant Communist manipulation, exploitation, and subversion. From the very beginning in Cleveland at the National Anti-War Conference, the Communist presence has been conspicuous. Whenever major planning sessions have been held—whether in San Francisco, Philadelphia, Chicago, or Washington—the trained members and supporters of the Communist and Socialist Workers Parties have been present, lending their invaluable expertise.

Just look for a moment at some of the organizations officially represented in the New Mobilization Committee:

(1) the Chicago Peace Council, several of whose leaders are known Communists and/or closely associated with Communists, represented by such people as Sylvia Kushner and Sid Lens;

(2) the Fifth Avenue Vietnam Peace Parade Committee, New York Mobe affiliate in which Communists of varying hues have played an extraordinarily active role, represented by Dave Dellinger and Norma Becker;

(3) Veterans for Peace in Vietnam, organized in Chicago during January 1966 by Communist Party member Leroy Wolins, a member of New Mobe's Washington Action Committee;

(4) the revolutionary Communist newsweekly *Guardian*, represented by Irving Beinin and Art Goldberg;

(5) the "Conspiracy," an organization made up of defendants currently being tried for conspiracy to foment riots during the August 1968 Democratic National Convention in Chicago, represented by Dellinger and Rennie Davis;

(6) the Student Mobilization Committee, YSA-controlled, represented by Carol Lipman and Allen Myers;

(7) the Student National (formerly Nonviolent) Coordinating Committee, represented by Eric Jones;

(8) the W.E.B. DuBois Clubs of America, official youth front for the Communist Party, U.S.A., represented by Marc Beallor;

(9) the Communist Party, U.S.A., officially represented by National Legislative Director Arnold Johnson;

(10) the Socialist Workers Party, represented by such SWP stalwarts as Fred Halstead, Harry Ring, and Gus Horowitz; and

(11) the SWP's official youth arm, the Young Socialist Alliance, represented by Peer Vinther, Joe Miles, and YSA National Chairman Larry Seigle.

In addition, at least four national leaders of the New Mobe and participants in Mobe planning and strategy sessions were delegates from the United States at the World Peace Assembly held in East Berlin during June 1969; New Mobe steering committee member and identified Communist Irving Sarnoff; New Mobe West Coast Co-Chairman Carlton Goodlett; Eleanor Ohman; and steering committee member Barbara Bick. This tie is extremely significant because of its international character. As pointed out above the Assembly was sponsored by the World Peace Council, long-standing and notorious international Communist "peace" front.

Surely, the evidence is conclusive. Despite participation in the New Mobilization Committee-Vietnam Moratorium Committee-Student Mobilization Committee Fall Offensive by sincere pacifists and others concerned with our foreign policies, the dominant presence is clearly a Communist one.

In the words of the Communist Party's West Coast newspaper, the *People's World*, "the Moratorium is being viewed not as the climax or high point but the opening shot of the Fall Offensive against the war." The usage may have been inadvertent, but it is nonetheless apt; the Fall Offensive is indeed a "shot"—a shot at the heart of America during a time of crisis.

Let those who chose to continue to participate in this Fall Offensive do so with no illusions. No matter what their intentions, the result will only be aid to the cause of the Communists in Moscow, Peking, and Hanoi—and their adherents and agents here at home.

HELICOPTER AMBULANCES, LIFE-SAVING MACHINES OF THE AEROSPACE AGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HOGAN. Mr. Speaker, I have been directing the attention of my colleagues in the past to the question of civilian use of helicopters for emergency services here in the District of Columbia as part of the proposed Ambulance Service Corps as envisioned in my bill, H.R. 12552. I think that this article is just one more substantiation of their effectiveness in an age which demands that we use the best latest methods to save lives.

For your information, I submit this article from the Federal Aviation Agency's southeastern regional publication, Southern Wings of October 1969:

HELICOPTER AMBULANCES, LIFE-SAVING MACHINES OF THE AEROSPACE AGE

Your life may be saved some day by a helicopter. Certainly you're not looking forward to such an event but if it comes, you'll surely become a helicopter enthusiast in a hurry.

The Korean War was the setting for the birth of helicopter ambulances. As in every war, men were being shot up right and left, but in that war, men who had been wounded in the field had a better chance of survival, thanks to an extensive military helicopter ambulance setup. The medics were able to get to the wounded more quickly than ever before and to evacuate the war-smashed men to hospitals away from the action with much greater speed than was possible before. Helicopters and the men who flew them increased the wounded men's chances of survival to the extent that it was said that if a helicopter reached a man while he was still living, he'd have almost a 100% chance to survive.

In the Vietnam War, using more modern, jet-powered helicopters, the corpsmen are able to get in even faster, give the wounded immediate medical assistance and transport them to hospitals in jig time, resulting in many fewer deaths per hundred warriors wounded than in any previous conflict.

Meanwhile, back in the United States, it's not uncommon for the victims of an automobile crash to wait endlessly and sometimes die before ground ambulances can pick their way through dense traffic to reach the accident scene. It appears that, in some instances a man would be better off to be a wounded soldier in the field than to be an injured motorist on an expressway.

Is anything being done to bring the lifesaving technology developed in war, to help the bent motorist in peacetime? Yes, An emphatic Yes!

In various metropolitan areas around the country, demonstrations of helicopter ambulances are taking place. They're being conducted by manufacturers and operators of the whirlybirds, cooperating with ambulance firms, hospitals and municipal government officials, to show the value of air ambulances and to find the funding necessary for setting up the new life-saving services. Funds are available from the U.S. Government's Department of Transportation highway safety pocketbook for assistance in setting up helicopter ambulance programs for communities that will undertake extensive research proving the necessity and usefulness of such programs.

A demonstration was held earlier this year in Columbia, South Carolina. A "Southern Wings" observer was on hand to cover the first day of the program. The rooftop heliport on the Capital Cabana Motel in Downtown Columbia was the site of base activities for the practical demonstration of jet helicopter ambulance operations. The helicopter used was N747FH, a red and white Fairchild Hiller FH1100 with ambulance markings on each side of its tail boom.

Taking part in the program were experts in their various fields including helicopter men, ambulance authorities, medical technicians and local municipal officials. Principals in the operation were Michael J. Hayes of Atlanta, Georgia, demonstration sales pilot for the Fairchild-Hiller Corp, of Germantown, Maryland; Al Futrell, of Alexandria, Virginia, Washington Office operations manager for Evergreen Helicopters; and Tom Hulfish, President of Paramed, Inc. of Alexandria, Virginia. Paramed is a professional ambulance operation and management firm serving cities in Virginia and the Carolinas. The company owns Carolina Ambulance Service which manages the emergency medical system for the City of Columbia. Also joining in the program were Henry Pettit, General Manager of Carolina Ambulance and Samuel Richard Fryerson, Ambulance technician who rode shotgun in the right rear seat of the specially equipped FH1100, and Calvin Burkhart, Washington Representative for the Franklin Institute of Arlington, Virginia. Burkhart is working with the Department of Transportation highway safety people in emergency medical services development.

The demonstration in Columbia was not just a simulation of what a helicopter might do in the event of an emergency, but a practical showing of the use of the workhorse helicopter in actual emergency conditions. The first day of the demonstration, the weather was almost zerc/zero. The pilot was unfamiliar with the Columbia area. Yet despite all these disadvantages, the ambulance helicopter reached the scene of its first assigned accident in good time proving the worth of such equipment. Helicopters save precious minutes in ambulance work and, according to Hulfish, those minutes are often the difference between life and death or between permanent disablement and total recovery. He said that the primary consideration in emergency medical service is in getting trained medical technicians to the injured. Contrary to what most have long thought, it is not the high speed transportation from accident scene to hospital that saves lives, so much as it is the speedy procurement of trained medical help at the scene of the accident. Modern medical helicopters such as the FH1100 used in the Columbia demonstration can be equipped with all sorts of life saving equipment including oxygen and stomach pumps, to assist the medical technician.

Important to such a system is that it be operated on a thoroughly professional basis like the Carolina Ambulance system. Carolina had been in operation in Columbia for less than a year at the time of the demonstration yet had already transformed the system into one of the most modern and thoroughly professional in the country. Every ambulance technician here is a well-paid former corpsman. A doctor is near the ambulance radio base at the hospital 24 hours a day to give instructions to the technicians by radio, when necessary.

Modern hospitals are installing helicopter landing pads near their emergency room doors so that they can quickly handle patients arriving in helicopter ambulances. Recently completed was a pad installed on the grounds of the Florida Sanitarium and Hospital in Orlando, Florida. The Heliport is located at the edge of one of Orlando's hundreds of lakes and has a clear approach over the lake. Already a number of workers from the Cape Kennedy/Patrick Air Force Base have been brought in to the hospital by helicopter for emergency treatment. The real big use for the pad though could come in the event of a large-scale disaster either at an area industrial plant or at one of Central Flordia's numerous military installations.

Helicopter ambulances are expensive life saving tools, but so are iron lungs and artificial heart-lung machines. Helicopter ambulances are needed especially in the metropolitan areas of the United States and forward thinking people are working hard to establish the civilian version of the "Jolly Greens."

The Hughes 500, the Bell JetRangers, and the Fairchild FH1100 are all competing for first place in the race to serve the big cities with air ambulances.

A very interesting film, prepared in Arizona by Fairchild-Hiller, with cooperation of Arizona State University, showing the helicopter in action and telling of the economies of an air evacuation system is available from Fairchild-Hiller or through Al Futrell, Evergreen Helicopters, 3007 Cunningham Drive, Alexandria, Virginia 22309. Sounds like a good idea for a civic-minded organization's next program.

MR. NIXON'S NEW DIRECTIONS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BURKE of Florida. Mr. Speaker, on Sunday, November 2, 1969, there appeared in the Miami Herald an excellent editorial concerning President Nixon's "new directions" in our policy toward Latin America.

This editorial concerns the President's pledge to realine our Latin American policy, which in my opinion is one of the most important and significant aspects of our U.S. foreign policy, insofar as our Nation is concerned.

The President in his new directions of our Latin American policy calls for progress by action. Certainly, we can agree that a new policy is long overdue.

We in South Florida can hope that the importation of revolutionaries by way of Communist Cuba will be minimized, or perhaps even halted, by the new policy proposed.

I commend the Miami Herald for its excellent editorial and call the attention of it to my colleagues:

[From the Miami (Fla.) Herald, Nov. 2, 1969]

As Promised, Mr. Nixon Shows "New" Latin Policy

President Nixon kept his showdown with Latin America and produced an abrazo rather than a shoot out. He had promised realistic "new directions," and he delivered them.

Action for Progress will be his theme, and it apparently will be a pragmatic version of the Alliance for Progress.

Latin America is a tough audience, but his policy speech in Washington pleased even the Latins. Editors and pubilshers at the Inter-American Press Association meeting there reacted for the most part enthusiastically.

On four major points, the President responded directly to Latin anxieties that have built up during the past 10 months while waiting for him to speak.

Significantly, he called for the upgrading of Latin America within the State Department. He wants the chief Latin officer to hold the rank of Under-Secretary of State, rather than the present Assistant Secretary. The man in this position will "coordinate all U.S. government activities in the hemisphere." This change, long advocated by The Herald, should provide more clout for Latin America in Washington.

Aid was "untied," which means that Latin nations can spend their loan dollars anywhere they like in the hemisphere. This corrects a situation that had been demeaning, wasteful and inefficient. There previously had been a requirement that the dollars be spent in the U.S.

Equal partnership will be the aim of U.S. policy. This in effect means the United States will give up trying to remake Latin America in its own image and will accept it as it is.

As the President put it, experience "has taught us that economic and social development is not an achievement of one nation's foreign policy but something deply rooted in each nation's own tradition. It has taught us that aid that infringes on pride is no favor. It has taught us that each nation, and each region, must be true to its own character." This kind of talk will be applauded in Latin America, which has chafed under U.S. paternalism.

The U.S. prefers to deal with democratic governments, but "on the diplomatic level, we must deal realistically with governments in the inter-American system as they are." This follows the line of a resolution already passed by the U.S. Senate that diplomatic recognition should be a matter of acknowledging the government in power.

In a direct reference to Cuba, the President added: "The 'export' of revolution is an intervention which our system cannot condone, and a nation which seeks to practice it can hardly expect to share in the benefits of the community." This serves both to lay down the rule that Cuba will continue to be excluded by U.S. policy, and to open the way for it to return to the community if it adopts a policy of non-intervention.

Major criticism of the Action for Progress policy probably will center around its practicality as opposed to the idealism of the Alliance for Progress. Some will find it lacking in advocacy for the democratic principles.

Neither was there any direct mention of the Hickenlooper Amendment, which calls for a cutoff of U.S. aid to any nation which expropriates U.S. property without adequate compensation. Along with "untying aid," revocation of this amendment has been a particular hope of the Latins.

However, the President responded to almost all the other demands of the 21 Latin nations who met at Vina del Mar, Chile, last summer to develop a consensus posture toward the United States. Additionally, Gov. Nelson Rockefeller indicates the policy is a direct reflection of his own findings during his controversial mission.

It must be remembered that unity is not a characteristic common to the Latins. They disagree from nation to nation, and within each nation from faction to faction, just as we do here in the U.S. So their initial enthusiastic response to the President must be regarded as extraordinary.

As one Washington wag commented, "Don't forget that there is no plug-in Messiah." The problems—political, social and economic—are immense.

But the President's good and practical start toward helping the Latins meet them with a working partnership is encouraging.

FEDERAL CIVILIAN EMPLOYMENT, SEPTEMBER 1969

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. MAHON. Mr. Speaker, under leave granted earlier today, I include a release highlighting the September 1969 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

Monthly Report on Federal Personnel and Pay for September 1969

Executive agencies of the Federal Government reported civilian employment in the month of September totaling 2,958,374. This was a net decrease of 70,147 as compared with employment reported in the preceding month of August, reflecting reduction in temporary seasonal employment and temporary summer employment under youth opportunity programs.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,062,319	9,276	
August	3,028,521		33,798
September	2,958,374		70,147

Total federal employment in civilian agencies for the month of September was 1,661,976, a decrease of 39,081 as compared with the August total of 1,701,057. Total civilian employment in the military agencies in September was 1,296,398, a decrease of 31,066 as compared with 1,327,464 in August.

Civilian agencies reporting the largest decreases were Post Office Department with 14,475, Department of Health, Education and Welfare with 6,661, Agriculture Department with 5,686 and Interior Department with 4,355.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 15,530, Navy with 10,285, Air Force with 4,253, and Defense Supply Agency with 740.

Total employment inside the United States in September was 2,710,128, a decrease of 69,829 as compared with August. Total employment outside the United States in September was 248,246, a decrease of 318 as compared with August. Industrial employment by federal agencies in September was 577,207, a decrease of 9,675 as compared with August.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

FULL-TIME PERMANENT EMPLOYMENT

The total of 2,958,374 civilian employees reported for the month of September 1969 includes 2,633,286 full-time employees in permanent positions. This represents a decrease of 6,418 in full-time permanent employment from the preceding month of August. These figures are shown in the appendix (p. 17) of the accompanying report.

FOREIGN NATIONALS

The total of 2,958,374 civilian employees certified to the Committee by federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 112,217 foreign nationals working for U.S. agencies overseas during September who were not counted in the usual personnel reports. The number in August was 113,060.

NOTE.—The monthly report has been distributed, but a limited supply is usually available at the Committee, room 329, Old Senate Office Building.

SOVIET RUSSIA TODAY: A STUDY IN CONTRADICTIONS

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. STEED. Mr. Speaker, in these concluding articles, parts 9 and 10 of a series, Charles L. Bennett, managing editor of the Daily Oklahoman, summarizes his reactions to the Soviet Union and its people gleaned on his recent tour of the U.S.S.R. as one of 10 members of the American Society of Newspaper Editors.

He concludes with the South African author Laurens van der Post, who also once visited Russia, that the most important factor in winning our ideological war with communism is to make certain that the example we set lives up to the ideals of our own society.

The concluding articles follow:

[From the Daily Oklahoman, Oct. 9, 1968]

Soviet Not So Rosy as Claims

(By Charles L. Bennett)

What kind of society has been produced by 50 years of Socialist-Communist rule in the Soviet Union?

According to Soviet leaders, it's like this: The society is Godless and classless. Crime and alcoholism are minor problems, and drug abuse is none at all. The people are well-behaved, and not regimented. They have no racial or ethnic problems nor any with nationalism in the many countries that have been absorbed into the U.S.S.R. Family life is exemplary and the notion that government nurseries and schools have usurped parental functions is incorrect.

That's the official picture, but even the brief glimpses obtained by our group of touring editors cast serious shadows of doubt across that rosy portrait of the Soviet today.

"We don't think the guy with four pairs of pants is in a different class from the guy with one pair," said Joe Adamov, our guide-interpreter from Radio Moscow.

It may be true that material possessions provide less "status" measurement in the Soviet Union than in some other countries. If so, it's at least partly because relatively narrow pay ranges, between the highest-paid and the lowest, and short supplies of consumer goods like clothing, cars and luxury appliances make acquiring "fancy" possessions difficult for everyone in the Soviet.

Then, too, apartments are assigned by the government and the look-alike buildings in which nearly everyone lives in the cities—managers and workers side by side—enforce a leveling effect as far as housing is concerned.

But other kinds of class distinctions are obvious. The deference paid to high government officials, their big black Zim limousines that zoom down the streets in utter disregard for scattering pedestrians, the salutes and bows given as they pass all testify to their "rank".

Top academicians, we were told, have "complete freedom of movement" within the country. That, in itself, is a distinction ordinary Soviet citizens cannot claim. Writers, authors, composers, playwrights and leading performers in music and ballet constitute a class in themselves with social standing far beyond mere recognition of their talent.

One knowledgeable source said about 30 million Soviet citizens receive about one-third of the total personal income in this nation of 240 million people. Ruble millionnaires, he estimated, might total 100 or more. These would be, mainly, composers and playwrights who get royalties for widespread performances of their work, and some farmers who can raise enough high-value crops—such as citrus fruits—on small plots to acquire large personal profits.

Money alone though, he pointed out, doesn't really create a "wealthy class" in the U.S.S.R. simply because there is so little that can be done with money. No labor can be hired and funds can't be invested to make more money, except in state bank accounts that pay 2½ per cent interest, or 3 per cent on longer-term savings.

"A wealthy person can buy a second house in the country, a better car, or take longer or better vacations—but that's about all," he commented.

Money and personal property can be inherited in the Soviet Union and inheritance taxes are negligible.

Income taxes go only as high as 13 per cent for the highest-paid people and make up only seven per cent of the total national budget. There are no state or local taxes. Installment buying has been available in the U.S.S.R. for about ten years, with carrying charges of one-half to two per cent.

When we suggested that class distinction is based on four factors—power, freedom of action, wealth and intellect—our Soviet acquaintances rejected the whole definition. Class simply means ownership of the means of production, they said, and since all means of production are owned by the state in the Soviet, they couldn't have any classes.

In Moscow, when we asked Mayor Vladimir Promyslov about crime, he said: "I can assure you of one thing. You can walk safely anywhere in the city, in the suburbs or anywhere else. No one will touch you.

"There are bound to be certain excesses," he said, "from jealousy, derangement, etc. But if you took all the offenses in Moscow for a day, they would fit on one page of paper."

He said the city of more than six million has 4,000 to 5,000 policemen, whom they call militia. "In addition," he said, "we have voluntary citizen patrols, people who get no pay but wear a red armband and help patrol at night." Some 300,000 people, it was explained, are assigned through their places of work and do patrol duty one night each month—which would put a force of about 10,000 of these civic watchdogs on the street every night.

Our group encountered absolutely no trouble in late-night strolls in any of the cities we visited. We did have an opportunity to see a civilian patrolman in action in Sochi.

One blast on his whistle and a few sharp words quickly silenced a noisy group that came singing down a street after midnight.

"Anyone who's drunk or causing trouble would much rather be stopped by a regular militiaman than one of these citizen patrolmen," said Vasili Isayev, deputy mayor of Moscow. "The civilian patrolman will surely report the person to his place of work, for discipline, where the militiaman might not."

Yuri Filonovich, assistant editor of Izvestia, told us in Moscow: "We do not find people turning to crime because there is no other way to support themselves, and there is no organized crime. There are cases of robbery and hooliganism, mostly from unrestrained use of alcohol, and some murder and rape cases. Ninety per cent of our crime is committed under the influence of alcohol but, generally, crime is decreasing in the country.

"In 1964," he recalled, "there was a killer here, who did several murders in a short time. Disguised as a gas worker, he entered apartments and robbed and killed the occupants. He is still remembered. The militia blocked all the roads and he was caught, sentenced and shot.

"We don't believe crime has biological causes," he said, "but social. We will not try to idealize the situation. Some steps have been taken toward curbing alcoholism, but not very effectively. We are not thinking of prohibition."

We did see, in each city we visited, a few men on the street who obviously had managed some "overuse" of vodka. There was no way to tell, of course, the extent of alcoholism but several Soviet officials exhibited concern about the problem in their country.

"The problem with our police," interpreter Adamov commented, "is that they don't dare hit even a troublesome drunk, even if he pulls a knife.

That's because we were so strict about not wanting citizens to be abused by police. Only recently, a law was passed that allows a policeman to defend himself in such circumstances."

"We just don't have any racial problems," said Madame Atina Zhaketova, magazine editor in Kazakhstan, one of the republics with the greatest variety of ethnic groups in the U.S.S.R. "There's no friction at all." Kazakhstan is reported to have segments of what once were 114 ethnic groups and 14 separate nationalities.

"There was friction under the Czars," she said, "because they counterposed one nationality against the other. But now the law forbids any manifestation of great power, chauvinism or discrimination. It's not fear that holds the people together, but education and actual equality. The major nationalities don't fight with each other but try to preserve their culture, traditions and costumes."

Non-Soviet observers say the Russians mainly responsible for absorption of non-Russian areas into the Soviet Union tended to integrate local aristocracies and leaders into the governments and this helped prevent strong anti-Russian feelings. We saw no outward signs of discrimination although we were told that Kazakhs, who make up only about a third of the Republic's population, hold most of the key governmental posts.

Balancing against Madame Zhaketova's description of the situation are reports that especially in the Crimea, nationalistic feelings have led to suppression of minority leaders there. In the Ukraine, as well, there have been signs of recurring nationalistic feelings from time to time.

Negroes who actually are citizens of the U.S.S.R. are an almost infinitesimal number—including one all-Negro village in the Caucasus mountains. There are a number of Negro students from foreign countries at U.S.S.R. universities.

On somewhat surer ground—because appearance and behavoir of young people was easily apparent to us as we traveled around the country—we were inclined to take at face value the Soviets' assurance that there is no "youth revolt" in the U.S.S.R.

"One of our good traditions was the unflinching obedience of children to their parents, and we still have that good tradition," Madame Zhaketova said.

The vice-chairman of the Soviet Women's Committee, Ksenia Proskurnikova commented: "Of course there are some parent-child difficulties, but this has not evolved into a social problem. Much attention is paid to the coordination of education of young people by the schools, in the home and in society. We have to teach the parent a scientific attitude toward bringing up the child. It is a difficult job to bring up a child."

Of Moscow's "stellagi" of a few years ago, she said "There never were very many of these early 'hippies' in the first place. They stood out like a sore thumb but the numbers were never great. It was mostly a fad for fashions more than anything else but lost its attraction because there was nothing behind it. There are some of them still around."

Seated in a hotel lounge one night, two of us did witness a brief but vicious fight involving three young men of 19 or 20. Two of them apparently attacked the other but the lone battler had all the best of it before hotel personnel stopped the fight. They said "It was over a girl."

But we never saw anyone resembling a hippy as we traveled about. Long hair and mini-skirts certainly are not the Soviet style.

One late-night encounter on a Leningrad street, when two young girls propositioned the photographer who accompanied us, seemed to indicate Adamov's note that "there are exceptions" was true.

His indignation over that incident reflected the rigid standards of "the new morality" which is so much a part of the modern Soviet outlook. Almost puritanical in some aspects, it is sort of a non-religious but moral-ethical "Thou shalt not" code that constitutes a set of unwritten "culture rules."

These rules put great stress on dignified behavior and that may explain, in part, why one of Khrushchev's sins was his allegedly "buffoon" actions, like pounding his shoe on the table at the U.N.

"No self-respecting man would sit on the floor," Adamov once chided one of our more informal editors. Chewing gum is frowned on for the same sort of reasons and I was abruptly shushed by an attendant when I absentmindedly whistled softly while looking at some paintings in the Hermitage at Leningrad. "It may seem ridiculous," Adamov half-apologized, "but it's a custom here not to whistle in public."

It's also a custom not to litter in the U.S.S.R.—so much so that after only a couple of days the smokers among us were self-consciously snuffing out their cigarettes army-style and stuffing the dead butts into their pockets.

Whether or not these moral rules are part of the "substitute" religion of the Soviet Union, it is apparent the Soviets have adapted many church-like rituals to their own uses. The veneration at Lenin's tomb gives it the atmosphere of a shrine and his presence as a god-like father figure is everywhere. Portraits of him look down from the walls of offices, schools and most public buildings, his statue is seen frequently and Lenin quotations are featured on the signs on buildings as inspiration posted along highways and to the workers.

Officially atheistic, Soviet government says in its pamphlets that individuals are entitled to their own beliefs about religion but discourages any practice of religion. "A religious marriage rite, as well as other religious rites, has no legal significance," one pamphlet notes.

More personally, Adamov put it this way: "We find no place in modern society for religion. If people believe in a supreme being that's their business; we don't believe we should use force to control or eliminate it."

We were told that Moscow, before the 1917 revolution, had one million population and 560 churches but now, with over six million population there are only 40 churches "and most of them are half empty most of the time."

In Leningrad, the next largest city, churches still open include 11 Russian Orthodox, and one each for Moslems, Roman Catholics, Baptists and Jews.

"But only old people ever go," one Leningrader said. In contradiction, non-Soviets living in the country told us many churches are crowded at Christmas and Easter and many young couples still take their babies to church for baptism.

Akai Nusupbekov, historian and vice-chairman of the Kazakhstan Academy of Science, commented: "There are some phenomena in society that are positive and negative. In its time, religion was positive, such as the influence of Christianity against paganism. The religion that propagandizes certain standards of living (behavior), is positive. When Russia adopted Christianity, it was positive.

"But when scientific interests clashed with religion, when such great men of science as Galileo were burned at the stake, then religion became negative.

"Here in Kazakhstan, besides Islam we had leftovers of witch doctor customs, but you cannot consider that as something that will continue to exist in the minds of people. No one crosses religion off the map. With the growth of the consciousness of man, religion drops off.

"Some old people still go to church but propagandists of science educate and brush aside all this past."

We asked if he thought religious belief continues in some other form.

"We have built socialism," he said, "and we are building Communism. We have not crossed off religion, legally. Lenin said a man should be free to go to church or to a museum, as he chooses. We'll never prohibit religion by law. As people learn more, they will leave religion."

We learned little of current treatment of Jews in the Soviet Union, except to have one official say that they could leave the U.S.S.R. at will to go to Israel. When we picked this up, saying we wanted to quote him, he said that really wasn't his field and we shouldn't quote him but ask higher authorities about it. We did and learned that Jews, like any other citizen, are certainly not free to leave the country at will. The U.S.S.R. considers each citizen to have obligations to the country that must be fulfilled; leaving them behind would be traitorous.

We thought it significant, though, that one official pamphlet offered to us was entitled "Treatment of Jews in the Soviet Union." It consists mainly of history of the persecution of Jews before the revolution—when they were allowed to live only in certain cities—the slaughter of Soviet Jews by Nazi soldiers and assurances that Jews have equal treatment with all other citizens now.

One Soviet resident told us there is a dissident element of Baptists in the U.S.S.R. that may include as many as three to five million people. He also said there have been stories published in the Soviet press about members of Jehovah's Witnesses smuggling religious materials into the western Ukraine and that some have been caught, tried and jailed. Most of the material had to do with conscientious objection to military service, he said.

A Minsk journalist commented, "The prospect for building any new churches or synagogues is very low. We are not afraid to say this because we bring up our children in a spirit of materialism and atheism." Another journalist added: "And in the west, you do the same."

[From the Daily Oklahoman, Oct. 10, 1969]

SOVIET TOUR OFFERS MANY CONTRADICTIONS

(By Charles L. Bennett)

Alexander Arustamenko may not be a typical Soviet citizen; in fact I feel sure he's not. Yet I feel sure, too, that much of what he is also exists in many of his countrymen.

Tall, slim, tanned—looking fit with only the slightest suggestion of a stomach bulge—he is perhaps 55. He has the classic Mediterranean face, looking Greek perhaps, or maybe Roman or Lebanese. Dark eyes and a crinkle of white-grey hair are less noticeable than the nobly arched nose that dominates his face.

He wears slacks, a short-sleeved white sports shirt and casual shoes—suitable attire for the editor in Sochi, the Soviet's Rivera-like resort area on the Black Sea.

Courteous, almost courtly, he speaks softly and never seems hurried or harassed, or anything except at peace with himself. He gently shepherds his flock of visiting American editors to see the sights of the lushly green region where his compatriots come each year to rest.

He is a gentle man—and a philosopher.

We asked him if he thinks the Russian soul, as some writers have described it, is a sad soul.

"No, no," he said. "That is not true. It is a merry, gay soul."

What, then, we asked, makes you happy?

"I am happy I was born after the revolution," Alexander said, "and that I was brought up in the spirit of Lenin. It is these ideas that help me to enjoy life. And I am happy to meet you. It was one of Lenin's behests to be friendly to all nations, large and small."

But aside from the government or Lenin, we asked, just within the family—personally—what are your sources of happiness, satisfaction, the rewards of your life?

"I have one family; I stick to one woman; I'm that kind of man. My older daughter is a student, in her fifth year at the power institute in Moscow. Her husband is the same. And now I have a grandson.

"My second daughter hopes to enter medical college. She wants to follow in the footsteps of my sister, her aunt—who helped to rid this area of malaria.

"The happiness of the family is my happiness. You cannot bypass Lenin here, either. He called the family the first unit of society."

When your family is together what do you talk about?

Alexander smiled a little and said, "It is likely to begin with Yuri Gagarin and end with the Apollo flight. I am sorry I wasn't there. I wanted to be a space pilot.

"The fact that I was at the North Pole four times makes me happy.

"I took part in the battles at Stalingrad, Berlin and Sevastapol. I am happy I lived through it all.

"Being a newspaper man is very fulfilling. I want no other profession. I worked 24 hours the day before you came.

"For the cause of peace, I would be happy to work a thousand hours a day. I do not want to see my grandson maimed, or anyone else's."

Sir Winston Churchill once said in a broadcast speech on Oct. 1, 1939, "Russia is a riddle, wrapped in a mystery, inside an enigma." To those of us living outside the Soviet borders, much of the riddle remains. Contrasts, contradictions, still-unanswered questions seem to be the lot of anyone who takes a close-up look.

It is a country that values education and has almost unlimited manpower and resources. Yet, its industrial production still—almost 25 years after the war that devastated much of the country—lags behind countries less favored and similarly devastated. But then, it was also the first country to launch vehicles and men into space.

It is a nation that includes many areas once independent nations in themselves, and perhaps a wider variety of ethnic and language groups than any empire in all history. It's leaders say all these people now are equal and there is no friction among them. Yet, there are obvious signs of suppressed nationalistic yearnings in some of the "adopted" areas. There are other signs that Jews generally are discriminated against there, too, as they have been in so many other nations.

Conversations with the Alexanders of the Soviet—and the Ivans and Vladimirs—give one a distinct conviction that these are people to whom feelings are all-important. Slav or Kazakh or Georgian—whatever they may be—people of the Soviet seem to live in a world in which feelings and understanding are far more important than physical realities. They have emotions that even a stranger can feel without even knowing their language. Yet, these people operate under a system that says materialism is everything, seeming to deny the most essential qualities of humanity.

They look backward to "the days before the revolution" for their favorite comparisons to prove how much better off they are now. They look outward to the United States for their measurements of what they would like to accomplish. Yet they also preserve with loving care—as the best among their rare beauties—the buildings and relics of the pre-revolutionary period. And their admiration for things American is mixed with scorn for decadent, capitalist, imperialist America.

Soviet managers and officials freely admit some of the problems with which they struggle—low productivity, troublesome international relations, the need for more technicians and skilled workers. Yet, they are secretive and defensive about a great many things and herd most foreign visitors through carefully-channeled itineraries under constant escort.

They take great pride—and justly so—in their music, opera and ballet. While some of it rests on nationalistic or propaganda themes, much of it does not, and ranks high among artistic performances of the world. Yet, newsmen and authors must express only that which serves the interests of Communism and the government. Jail can be the penalty for non-conforming thought.

Their scientists, physicians, engineers and physicists say they have free exchange with their counterparts "in the outside world." Yet, last year 30,000 Americans visited the Soviet Union and only 1,500 Soviet citizens came to the United States.

They say they want peace—that this is the foremost desire of all Soviet citizens and their leaders. Yet, they foster and promote hate of former enemies and insist the world around them consists almost entirely of current or potential new enemies.

Of Khrushchev's ill-famed comment, "We will bury you," our interpreter Joe Adamov said: "I think it's still on the agenda." Then he hastened to explain he didn't think it was on the agenda militarily—but just through the spread of Soviet influence, and economically.

An Australian girl we met in Novosibirsk as she traveled alone through the U.S.S.R., at each stop escorted by an Intourist guide, said: "I feel sorry for these people—just because they have to live here."

Our group of editors, after our days of observing, listening and talking, decided we did not feel that way.

One of them put it into these words: "I can't honestly say that I think these people feel enslaved or are unhappy." Another added: "No, they aren't—because they believe what they are being told and get so little information or stimulus from outside."

Laurens van der Post, the South African author, who now lives in England, once traveled through the Soviet Union too. Two things he later wrote express, for me, perhaps the most important conclusions of all. One was:

"Neither British nor Americans any longer can remember what it means to be invaded and conquered, so long ago is it since the experience. Consequently they are in danger of underrating what they have and the value of what they are."

The other was when a young Russian told him, gleefully, of something he had learned from an English play performed in Russia. It was a rather small and silly bit of knowledge but its importance was that it was something "from outside."

That "convinced me," van der Post wrote, "how much the example we set matters even down to the smallest detail. If we fail in that we fail not only ourselves and our own young but also the young of Russia.

"The example we set, our capacity to practice what we preach, to live out in the routine of life the fine things we think, are our only true ways of winning the clash between ourselves and Communism."

I left the Soviet Union remembering all the things I had seen, and, even more, remembering Joe Adamov and Alexander Arustramenko and Leonid Proksha and Nikolai Bezraydin and all the others . . . perhaps Alexander most of all.

NEED FOR ORDERLY MARKETING LEGISLATION CRITICAL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. WYMAN. Mr. Speaker, I repeat, something must be done about the constant overflow of imports into the American marketplace. Report follows report and figure after figure discloses the continual increase in the importation of shoes. Factories continue to close and American workers continue to lose their jobs, and it becomes increasingly difficult to understand how Congress and the executive branch can justify their present course of inaction.

It is apparent that Members representing shoe districts are going to have to take a more active course. The Orderly Marketing Act of 1969, H.R. 733, provides the flexible basis necessary for the adjustment of the U.S. economy to expanded trade. It gives foreign nations a fair share of the growth or change in the U.S. market—but no more. Those sitting on it in committee should bring it before the House for consideration now.

As evidence of the need for immediate action, the following information supplied by the Foreign Trade Committee of the National Footwear Manufacturers Association is compelling:

NONRUBBER FOOTWEAR IMPORT-PRODUCTION COMPARISON, JANUARY–JUNE 1969

NOTICE TO TRADE

The Business and Defense Service Administration today released preliminary statistics comparing nonrubber footwear imports and production for the first six month of 1968 and 1969.

During the first half of 1969, imports of shoes and slippers, excluding those with soles vulcanized to fabric uppers, totaled 108.3 million pairs, an increase of 11.7 percent over

January–June 1968 imports of 97 million pairs. Domestic production for the first six months of 1968 declined 9.9 percent, to 299.9 million pairs, from the comparable 1968 period when 332.7 million pairs were produced. First half 1969 footwear imports were equal to 36.1 percent of domestic production compared with 29.2 percent for the same period of 1968.

Almost half (45 percent) of all January-June 1969 imports of nonrubber shoes and slippers had uppers of supported vinyl. Virtually all of these imports came from Japan, Hong Kong and Taiwan. Vinyl upper footwear imports increased 9.1 percent from 44.7 million pairs in the first half of 1968 to 48.8 million pairs in the first half of 1969. The average foreign value per pair of these imports increased from $0.64 to $0.72 or about 12.5 percent.

During the first six months of 1969, imports of nonrubber footwear, excluding footwear with supported vinyl uppers (predominantly leather and part-leather footwear), totaled 59.6 million pairs, an increase of 13.9 percent above the 52.3 million pairs imported in the same 1968 period. Average foreign value per pair of these imports increased 14.2 percent from $2.54 in 1968 to $2.90 in 1969.

January–June 1969 domestic shipments of nonrubber footwear totaled 292.3 million pairs with a value of $1.4 billion. Imports during this period, totaling 108.3 million pairs valued at $207.5 million, were equal to 37 percent of the quantity and 14.5 percent of the value of domestic shipments.

U.S. exports of nonrubber footwear during the first half of 1969 totaled 1.1 million pairs and had a value of $3.9 million. Exports were equal to 0.4 percent of the quantity and 0.3 percent of the value of domestic shipments.

Import data consist of 78 footwear items, while comparable production data consist of 23 items, including both leather and nonleather footwear.

TABLE I.—U.S. PRODUCTION AND IMPORTS OF SHOES AND SLIPPERS EXCEPT THOSE WITH SOLES VULCANIZED TO FABRIC UPPERS AND IMPORTS AS PERCENT OF PRODUCTION AND PERCENT OF CHANGE, JANUARY–JUNE 1968 AND JANUARY–JUNE 1969, BY KINDS

[Quantity 1,000 pairs]

	January–June 1968		Imports as percent of production	January–June 1969		Imports as percent of production	Percent of change, 1968–1969	
	Production	Imports		Production	Imports		Production	Imports
Shoes and slippers (except rubber)	332,679	96,986	29.2	299,856	108,310	36.1	−9.9	+11.7
Shoes, sandals, and playshoes (excluding athletic)	274,110	94,197	34.4	243,581	104,977	43.1	−11.1	+11.4
Men's, youths', and boys' shoes	77,826	15,958	20.5	74,317	20,505	27.6	−4.5	+28.5
Men's work shoes, 6 inches high and over (including over-the-foot boots)	13,626	[1] 621	4.6	14,595	[1] 1,075	7.4	+7.1	+73.1
Men's handsewns (genuine moccasin construction)	6,624	91	1.4	5,725	186	3.2	−13.6	+104.4
All other men's, youths' and boys' shoes	57,576	15,246	26.5	53,997	19,244	35.6	−6.2	+26.2
Women's, misses', children's and infants' shoes	196,284	78,239	39.9	169,264	84,472	49.9	−13.8	+8.0
Women's wedge shoes	14,270	14,384	100.8	10,183	9,913	97.3	−28.6	−31.1
Misses', infants' and children's wedge shoes	5,852	1,057	18.1	4,407	877	19.9	−24.7	−17.0
All, other women's misses', children's, and infants' shoes	176,162	62,798	35.6	154,674	73,682	47.6	−12.2	+17.3
Athletic shoes	3,827	629	16.4	4,064	951	23.4	+6.2	+51.2
Slippers	53,608	986	1.8	51,336	1,060	2.1	−4.2	+7.5
Other footwear	1,134	1,174	103.5	875	1,322	151.1	−22.8	+12.6

[1] Work footwear covers footwear having outsoles ¼ inch or over in thickness (measured at the ball of the foot) and having uppers of grain leather extending above the ankle.

Source: Production—Current Industrial Reports, Bureau of the Census. Imports—BDSA; based on census data. Prepared by Consumer Products Division, BDSA, October 1969.

U.S. FOOTWEAR IMPORTS, JANUARY–SEPTEMBER 1969

September imports of 13 million pairs of leather and vinyl footwear amounted to 23% more than were shipped during the same time last year. Leather and vinyl imports were 28% of an estimated September production of 46.7 million pairs.

The table below summarizes the growth of imports over the past ten years:

U.S. SHOE PRODUCTION AND IMPORTS, LEATHER AND VINYL

[In thousands of pairs]

	U.S. production	Imports	Percent imports of production	Total new supply [1]	Percent imports of total supply
1960	600,041	26,617	4.4	626,658	4.2
1961	592,907	36,668	6.2	629,575	5.8
1962	633,238	55,057	8.7	688,295	8.0
1963	604,328	62,820	10.4	667,148	9.4
1964	612,790	75,372	12.3	688,162	11.0
1965	626,229	87,632	14.0	713,861	12.3
1966	641,696	96,135	15.0	737,831	13.0
1967	599,964	129,134	21.5	729,098	17.7
1968	645,942	175,438	27.2	821,380	21.4
9 months:					
1968	489,503	132,907	27.2	622,410	21.4
1969	439,574	152,181	34.6	591,755	25.7

[1] Domestic production plus imports.

All major footwear supplying countries, listed below, scored excellent increases in September. Japan increased shipments by 5% over September last year. Italy sold 37% more pairs, and Taiwan maintained her growth by shipping 72% more pairs over the same month last year. Details through September are shown below:

Shoes and slippers (leather and vinyl) from—	January–September				
	1969 pairs (thousands)	1968 pairs (thousands)	Percent change, pairs, 1969 from 1968	Percent share of total	
				1969	1968
Japan	50,390	50,691	−0.6	33.1	38.2
Italy	47,265	44,507	+6.2	31.1	33.5
Spain	16,017	10,127	+58.2	10.5	7.6
France	2,251	2,302	−2.2	1.5	1.7
China (Taiwan)	18,706	10,878	+72.0	12.3	8.2
Othe countries	17,552	14,401	+21.9	11.5	10.8
Total pairs	152,181	132,907	+14.5	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

Type of footwear	September 1969 (thousands of pairs)	Percent change, September 1969/September 1968	9 months, 1969			Percent change, 1969/1968	
			Pairs (in thousands)	Value (in thousands)	Average value per pair	Pairs	Dollars value
Leather and vinyl, total	12,238.6	+19.3	146,677.1	$316,049.3	$2.15	+13.5	+31.9
Leather, excluding slippers	5,635.4	+32.2	75,263.5	258,482.4	3.43	+16.5	+32.7
Men's youths', boys'	2,049.0	+39.6	22,529.8	95,040.4	4.22	+30.0	+41.2
Women's, misses'	3,120.8	+33.5	46,359.1	146,669.4	3.16	+8.2	+28.0
Children's, infants'	188.3	+17.3	4,275.1	6,712.4	1.57	+88.7	+107.9
Moccasins	40.7	+29.2	491.6	595.8	1.21	−.5	+11.3
Other leather (including work and athletic)	236.6	−10.7	1,607.9	9,464.4	5.89	−3.5	+3.2

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR—Continued

Type of footwear	September 1969 (thousands of pairs)	Percent change, September 1969/September 1968	9 months, 1969			Percent change, 1969/1968	
			Pairs (in thousands)	Value (in thousands)	Average value per pair	Pairs	Dollars value
Slippers	52.1	+51.5	276.4	568.9	2.06	+8.7	+0.5
Vinyl supported uppers	6,551.1	+9.8	71,137.4	56,998.0	.80	+10.5	+29.1
Men's and boys'	851.2	+29.5	7,459.9	8,554.3	1.15	+22.9	+42.8
Women's and misses'	4,920.0	+3.0	55,910.0	43,234.0	.77	+6.6	+25.2
Children's and infants'	658.6	+44.8	6,411.7	4,499.8	.70	+36.3	+47.5
Soft soles	121.3	+54.7	1,355.9	709.8	.52	+16.5	+21.5
Other nonrubber types, total	860.3	+119.6	5,503.7	5,800.0	1.05	+49.5	+101.5
Wood	123.7	+1,004.5	786.4	1,906.9	2.42	+315.2	+364.4
Fabric uppers	620.7	+87.7	4,056.0	3,086.2	.76	+29.1	+46.1
Other, not elsewhere specified	115.9	+131.8	661.3	806.9	1.22	+89.9	+126.6
Nonrubber footwear, total	13,098.9	+22.9	152,180.9	321,849.3	2.11	+14.5	+32.7
Rubber-soled fabric uppers	3,695.4	−10.1	34,468.4	25,737.4	.75	−10.9	+9.2
Grand total, all types	16,794.3	+13.7	186,649.3	347,586.7	1.86	−8.8	+30.7

Note: Details may not add up due to rounding. Figures do not include imports of waterproof ubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes nonmerican selling price types.

Source: National Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the association, room 302, 342 Madison Ave. New York, N.Y. 10017.

TABLE II.—U.S. PRODUCTION AND IMPORTS OF SHOES AND SLIPPERS EXCEPT THOSE WITH SOLES VULCANIZED TO FABRIC UPPERS AND IMPORTS AS PERCENT OF PRODUCTION AND PERCENT OF CHANGE, JANUARY-JUNE 1968 AND JANUARY-JUNE 1969, BY TYPES OF CONSTRUCTION PROCESSES

[Quantity in 1,000 pairs]

	January-June 1968		Imports as percent of production	January-June 1969		Imports as percent of production	Percent of change 1968-1969	
	Production	Imports		Production	Imports		Production	Imports
Shoes and slippers (except rubber)	332,679	96,986	29.2	299,856	108,310	36.1	−9.9	+11.7
Shoes, sandals, and playshoes (excluding athletic and work shoes less than 6 inches high)	260,484	93,576	35.9	228,986	103,902	45.4	−12.1	+11.0
Men's, youths' and boys' shoes	64,200	15,337	23.9	59,772	19,430	32.5	−7.0	+26.7
Men's shoes:								
Cemented and sliplasted	17,833	[1] 4,941	27.7	15,676	[1] 6,749	45.1	−12.1	+36.6
Goodyear welt (including silhouwelt)	29,220	1,470	5.0	25,687	1,912	7.4	−12.1	+30.1
All other men's, youths' and boys' shoes	17,147	8,926	52.1	18,359	10,769	58.7	+7.1	+20.6
Women's, misses', children's, and infants' shoes	196,284	78,239	39.9	169,264	84,472	49.9	−13.8	+8.0
Women's shoes:								
Cemented and sliplasted	123,131	[2] 30,383	24.7	108,242	[2] 30,313	28.0	−12.1	−0.2
Goodyear welt (including Silhouwelt)	2,101	(3)		1,846	(3)		−12.1	
Misses', children's, and infants' shoes:								
Cemented and sliplasted	28,872	[2] 2,587	9.0	25,331	[2] 3,969	15.6	−12.1	+53.4
Goodyear welt (incl. Silhouwelt)	6,189	(3)		5,441	(3)		−12.1	
All other women's, misses', children's, and infants' shoes	35,991	45,269	125.8	28,354	50,190	177.0	−21.2	+10.9
Work shoes (6 inches high and over)	13,626	[4] 621	4.6	14,595	[4] 1,075	7.4	+7.1	+73.1
Athletic shoes	3,827	629	16.4	4,064	951	23.4	+6.2	+51.2
Slippers	53,603	986	1.8	51,336	1,060	2.1	−4.2	+7.5
Other footwear	1,134	1,174	103.5	875	1,322	151.1	−22.8	+12.6

[1] Cemented only.

[2] Includes cements and casuals.

[3] Women's, children's, infants', and boys' combined, beginning Jan. 1, 1966.

[4] Work footwear covers footwear having ¼ inch or over in thickness (measured at the ball of the foot) and having uppers of grain leather extending above the ankle.

Note: Production imputed by applying 1966 percentages of production by construction process to totals for each category.

Source: Production—Current Industrial Reports, Bureau of the Census. Imports—BDSA, based on census data.

U.S. DEPARTMENT OF COMMERCE, BUSINESS AND DEFENSE SERVICES ADMINISTRATION

TABLE III.—U.S. SHIPMENTS AND IMPORTS OF SHOES AND SLIPPERS, EXCEPT THOSE WITH SOLES VULCANIZED TO FABRIC UPPERS AND IMPORTS, AS PERCENT OF SHIPMENTS AND PERCENT OF CHANGE, JANUARY-JUNE 1968 AND JANUARY JUNE 1969, BY KINDS—Continued

[Dollar amounts in thousands]

	January-June 1968		Imports as percent of shipments	January-June 1969		Imports as percent of shipments	Percent of change 1968-69	
	Shipments	Imports		Shipments	Imports		Shipments	Imports
Shoes and slippers (except rubber)	$1,453,761	$161,354	11.1	$1,434,534	$207,453	14.5	−1.3	+28.6
Shoes, sandals and playshoes (excluding athletic)	(1)	154,389		(1)	197,281		(1)	+27.8
Men's, youths' and boys' shoes		44,921			64,229			+43.0
Men's work shoes, 6 ins. high and over (including over-the-foot boots)		[2] 2,069			[2] 3,191			+54.2
Men's handsewns (genuine moccasin construction)		503			800			+59.0
All other men's, youths' and boys' shoes		42,349			60,238			+42.2
Women's, misses', children's and infants' shoes		109,468			133,052			+21.5
Women's wedge shoes		22,587			16,796			−25.6
Misses', infants' and children's wedge shoes		1,243			1,026			−17.5
All other women's, misses', children's and infants' shoes		85,638			115,230			+34.6
Athletic shoes	(1)	4,313		(1)	6,507		(1)	+50.9
Slippers	(1)	715		(1)	735		(1)	+2.8
Other footwear	(1)	1,937		(1)	2,930		(1)	+51.3

[1] Detail not available.

[2] Work footwear covers footwear having outsoles ¼ inch or over in thickness (measured at the ball of the foot) and having uppers of grain leather extending above the ankle.

Source: Shipments, current industrial reports, Bureau of the Census. Imports, BDSA; based on Census data. Prepared by Consumer Products Division, BDSA, October 1969.

THE POOR IN THE AFFLUENT SOCIETY

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mrs. HANSEN of Washington. Mr. Speaker, in late October my very distinguished colleague, Representative BROCK ADAMS of the Seventh District, spoke before the Washington Association for Social Welfare giving an excellent summary of welfare problems.

It is my pleasure to place his remarks in the RECORD so that all Members may have the privilege of sharing his views:

THE POOR IN THE AFFLUENT SOCIETY

(By Congressman BROCK ADAMS)

THE AFFLUENT SOCIETY

In the decade since the beginning of the Kennedy Administration in 1960, we have had almost nine years of continuing prosperity that has reduced those living in poverty (i.e., below $3300 per year for a family of four in 1968) from 22% in 1960 to 14% in 1968. This definition of poverty is not accurate, however, because we have many families in the United States who are really the "working poor." The heads of these families work full time and do not receive any assistance from the government and yet are forced to live at bare subsistence levels.

The grave problem in our immensely wealthy country is that most of our people have been able to find a job and earn a living for themselves and their families, but we have not developed a program for those who cannot. The poverty in America today is in hard-core spots and not chronic overall unemployment such as existed in the 1930's, yet our welfare programs are to a great degree patterned on the problems of the 1930's. These programs, such as welfare and unemployment compensation do not appropriately deal with the problems of the 1960's. They will not deal with the problems of the 1970's.

Our nation's welfare system today is dehumanizing to the recipients, wasteful to the taxpayers and debilitating to the working poor.

A new program must break the cycle of chronic welfare and at the same time maintain the incentive in America for people to work and contribute their talents to our society. I know you are aware that in some parts of the country a family can draw more money in the Aid to Dependent Children program than an unskilled working father can earn. He therefore is forced to leave his family. For example, in New Jersey the average monthly AFDC payment for a family of four is $263 per month. The minimum wage at the present time is $1.60, and for 160 hours a month a man will earn $256.00, less taxes, Social Security, etc. If he is laid off for part of the month (which happens frequently), you can see that he earns less than his family can receive on welfare. Many families have been broken by the impact of this system.

THE PRESENT WELFARE SYSTEM

Welfare in its broadest sense can refer to all government spending for domestic purposes, but we are not discussing that today but instead are discussing social welfare programs based on the "need of benefit recipients." There are four federal assistance programs in this category which provide money to the states:

1. Old Age Assistance;
2. Aid to Families with Dependent Children;
3. Aid to the Blind; and
4. Aid to the Permanently and Totally Disabled.

There is a fifth category called "General Assistance" which is a program for needy people who are not eligible for any federally assisted program and that must be financed entirely by state and local government.

The four categories mentioned above are entitled to cash grants from the federal government and in addition payments are made available to vendors of medical services for these groups.

Despite the fact that our gross national product has been growing rapidly and unemployment until recently has been at an all-time low, we have had cash public assistance outlays rise from $4 billion in 1960 to $9.9 billion in fiscal year 1968. The two major factors causing this growth have been the rise in medical payments under the impetus of Medicaid (aid to the needy) and the rise in number of persons receiving assistance under the Aid to Families with Dependent Children program. Medical assistance payments rose from $493 million in 1960 to $3.5 billion in 1968. The number receiving AFDC payments rose at the rate of 325,000 a year in the 1960's from 3,080,000 in 1960 to 5,707,000 in 1968.

It is necessary to review these figures (and I have a chart available showing the amounts paid in cash living allowances under the public assistance acts) to see that the welfare costs are not with the unemployed male as is so often stated in public rhetoric but with categories that are not easily moved into the work force, such as the elderly (over 65), mothers with children under 18 (AFDC), the disabled and the blind. In fact, an examination of the percentages of people on welfare indicates that general assistance has dropped from 9.8% in 1960 to 8.8% in 1968, whereas Aid to Families with Dependent Children has risen from 30.5% of the program in 1960 to over 50% in 1968.

Each of these programs had a very reasonable background in terms of the 1930's but these are no longer relevant. For example, the AFDC program started in 1935 as an adjunct to the program many states utilized in aiding widows with dependent children. Today, however, the bulk of the payments are made to families who do not have an employable male at home because of divorce, separation, desertion or the fact the children are illegitimate. In fact, as we all know, in many cases the father of the children has left the home in order that the mother could obtain welfare payments and he could surreptitiously add to the family's income by working and then only visit at intervals.

We will always have the problem of aiding the disabled and the blind but these are a relatively small drain on the treasury. The three major groups which must be cared for in any future program are:

1. The elderly;
2. Dependent children; and
3. The working poor.

THE NIXON ADMINISTRATION PROPOSAL

Without going to great detail because this had been available in the newspapers and elsewhere, I want to quickly outline the basic thrust of the President's proposal.

(a) Family assistance plan: This program would establish a nationwide $1600 payment for families of four, and in addition would allow the family to earn $60 per month without any reduction in benefits. The family would then be able to earn additional amounts up to $4,000 with the federal benefits decreasing. I have attached a second chart to my speech, this one indicating the manner in which this sliding scale would work.

(b) Food stamp proposal: Second, it is proposed that food stamps be made available for such a family so that benefits up to $2,350 per year (including the $1,600 per year) would be available to every family.

(c) Aid to the aged, blind and disabled: The aged, blind and disabled would have a nationwide income floor of $90 per month per person, which would mean $2,160 per year for two persons. (This is up from the $65 per person originally proposed by the President.)

(d) Training and day-care centers: It is proposed that 150,000 new training opportunities be funded under the Manpower Training Act and that approximately 450,000 child care positions be funded.

IMPACT ON THE STATES

This program proposes a national set of minimum benefit levels with the recipients registering for the benefits at their Employment Service office. This would result in raising payment levels in 10 states and for about 20% of the present welfare recipients. It would also provide $2.9 billion in new federal money for expanded cash assistance. Of this an estimated $700 million will go to states to help meet their present costs. These states would either have a savings of $700 million or could grant supplemental benefits. This is meant to be a minimum federal assistance program and the states would be entitled to supplement this program with such additional amounts as they might deem appropriate.

A NATIONAL SYSTEM OF PUBLIC ASSISTANCE FOR THE POOR

I support a number of the proposed changes suggested by President Nixon but I believe the suggested program must be drastically improved if it is to do the job. I believe one of the key factors in any future welfare programs should be to relieve the pressure on our major cities caused by the crowding of the poor into central core ghettos. This has been caused by the harsh laws of some of our states. Without going into the details of each of these 10 states, we can take, for example, the State of Mississippi and compare it to the State of New Jersey. In the State of Mississippi the AFDC payments average $39 per month for a family of four while such a family receives $263 a month in New Jersey. In the State of Washington the average payment is $199.40. The result of this is that states such as New York which has a $241 payment per month has experienced a 193% rise in AFDC caseload whereas the State of Alabama with average monthly benefits of $53 and a 20% decrease between the years 1959 and 1967. Overall, the 10 states with the highest benefits experienced an average AFDC caseload rise of 149%. Conversely, the 10 states with the lowest benefits had an average growth of only 11%. Nationally the growth for the period was 75%. The effect of this has been to force the rural poor, many from the south, into the ghettos of the large northern cities with tragic implications for the country.

I believe we should stop trying to encourage these states to increase their programs by using matching funds and simply go to a federally-administered program by using the Social Security Administration and the United States Employment Service offices, and not the states', so that it will become attractive for many of the poor and unskilled to remain in rural and small-town America and will make it possible for them to supplement their wages and living conditions by remaining out of the cities or by returning to their home communities. This must be coupled with a national program of effective minimum wages for all types of employment, including agricultural workers, so that certain segments of our economy will not take advantage of the working poor.

This must also be coupled with a national program of extensive day-care centers to enable the mother of dependent children to leave the home for at least portions of each day. I am convinced that in modern America most women want to spend a portion of the day out of the home and that the concept of remaining all day in the house with the children, other than for very small children, is out of date. Think of your own acquaintances in our affluent society and check as to how many spend all day at home with the children. These day-care centers should be a positive educational force and not a "holding tank" or babysitting operation. The positive Head Start approach that has been used, for example, by the Washington Citizens for Migrant Affairs in eastern Washington gives a good example of this. These day-care centers stress learning skills, the teaching of abstract concepts and preparation of children of migrant workers so they can compete in the standard American public education system. The experiments conducted in these day-care centers show that a different type of education at an early age is necessary for the child whose parents have been required to work very hard at unskilled jobs and have been unable to prepare their children for so-called middle-class education as have other parents. Without either praising or condemning our present system of public education, it is a fact that we can more easily attack the problem of the relatively small number of culturally deprived children by aiding them than we can by immediately changing the whole American system of public education.

The problem of assisting the pockets of poverty in America is a federal problem and should no longer be looked upon as a state obligation. The migration of the poor to the cities affects the entire nation and must be reversed. This can only be done by having national standards for welfare payments.

This also answers the argument about federal revenue-sharing with the states. I do not believe you should separate the spending powers from taxing powers in a government. This is what is proposed when it is suggested the federal government raise funds through the federal income tax and then disburse these funds to the states to be spent under state control. Instead I suggest we establish a federal system of public assistance. We will lift from the states a burden which will enable the states to then spend their tax revenues as each state desires and at the same time we will have the federal government raising and spending the federal welfare money.

You will notice that I have supported a number of parts of the Nixon program. I believe its greatest weakness is that it does not provide the jobs that it is demanding that people take, and it does not provide minimum wage protection for these people and the working poor. Its levels of subsistence are also too low in most areas and therefore many states may have to supplement the program and we could fall back into the same trap that presently exists wherein certain states will continue to have very high benefits compared to the rest of the nation with the result that the migration to these states will continue. This can be corrected in one of two ways—either by raising the basic federal payments or by making federally-assisted jobs available at a minimum wage in all parts of the country. I favor the second approach because it would create an incentive for those on public welfare to work and thus have pride in their existence and would enable the poor who cannot migrate to have an opportunity to supplement their incomes sufficiently to live in decent surroundings.

I would like to close by reading a portion of a letter I have just received from my sister, who is one of the middle class who has been forced out of New York City because of the living conditions there. She points out in her letter that a person in the middle-income brackets cannot afford to live in New York City and relates her experiences in trying to live in New York in proximity to the poor. She has had personal experience with the problems faced by the poor, and I think she states it far better than I could in a recent letter she sent to me:

"It really is hell to be poor. The effects of slum living on the human spirit are unbelievable. I feel that I now know whereof I speak. After only a few months of that kind of existence I can perfectly well understand why slum dwellers let themselves and their homes go to pot. The treatment, or rather lack of everything decent that these people endure soon depresses them to a point where they just don't care anymore. When nobody collects the carefully stacked garbage bags in the hall, it is only one small step until you're tossing it out of the window or down the airshaft. When there is no heat or hot water, it soon becomes too much trouble to heat water for washing and too cold in the winter to bathe. Then it is just too much trouble to change your clothes or bed linen or to shove a mop or dust rag. Finally you just sit and stare out the window at a bleak world which ignores you and obviously doesn't care whether you're dead or alive. So I wonder why the 'haves' of this world are puzzled by things like dirty neighborhoods, filthy buildings, slovenly people, drug addiction, prostitution, and, God forbid, law and order! To me it is utterly amazing that any of these should survive at all—let alone turn into anything even resembling what the middle-class calls responsible citizens! How can they, and why should they."

AMOUNTS OF CASH LIVING ALLOWANCES UNDER PUBLIC ASSISTANCE BY PROGRAM, SELECTED CALENDAR YEARS, 1950-68

[In millions of dollars]

Year	Total	Old age	Families with dependent children	Disabled	Blind	General assistance
1950	2,395	1,470	554	8	53	295
1955	2,526	1,490	532	135	68	214
1960	3,282	1,632	1,000	238	86	322
1965	4,027	1,601	1,660	418	88	259
1966	3,930	1,411	1,695	439	75	310
1967	4,504	1,454	2,097	521	77	355
1968	5,046	1,393	2,570	561	77	445

PROPOSED BENEFIT SCHEDULE (EXCLUDING ALL STATE BENEFITS)

Earned income	New benefit	Total income
0	$1,600	$1,600
$500	1,600	2,100
$1,000	1,460	2,460
$1,500	1,210	2,710
$2,000	960	2,960
$2,500	710	3,210
$3,000	460	3,460
$3,500	210	3,710
$4,000	0	4,000

Note: For a 4-person family with a basic payment standard of $1,600 and an earned income disregard of $720.

WASTE TREATMENT FACILITIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DINGELL. Mr. Speaker, the October 20, 1969 issue of Air & Water News carried a report on developments relating to the effort to secure adequate funding for the Federal Water Pollution Control Administration's program of grants for the construction of waste treatment facilities. So that my colleagues may have an opportunity to read the report of Air & Water News on this matter, I include its text at this point in the RECORD.

DOMINICK ASKS SENATE PANEL FOR $600 MILLION MAXIMUM

WASHINGTON.—Before a skeptical Senate subcommittee on public works appropriations, FWPCA, Commissioner David Dominick last week defended the Administration's recommended limit of $600 million on sewage-treatment plant grants this fiscal year.

Although Interior Secretary Hickel did not testify, he had the previous week written the House Appropriations Committee, reaffirming the Administration's original $214 million request. Hickel added: "In any event, it is our best estimate that existing capacity of the state, local and private sectors could support no more than $1.5 billion worth of new municipal waste treatment plant construction during the remainder of Fiscal Year 1970, so that no more than $600 million in federal grants effectively could be used."

Sen. Allen Ellender (D-La.), chairman of the subcommittee, questioned why FWPCA can't use the full $1 billion authorized for Fiscal 1970. Answered Dominick:

"Under a billion-dollar appropriation, you have about one-third of the money—$300 million—which is not usable for 18 months under the present allocation formulas. That is because the allocation formula is so written by the Congress to give certain states which are small in population large sums of money which in actuality are in excess of their present needs and present abilities to spend."

STATES CAN'T USE IT

When pressed, Dominick agreed that inability to raise the money to match the federal grants was the dominant factor, rather than lack of "need." He added that "the figures . . . come from the states themselves, showing what applications are processed and ready for funding."

Dominick explained that the Federal Water Pollution Control Act (which allocates the first $50 million of grant money specifically to sparsely-populated states, and apportions the rest according to state population but not according to need) gives the states 18 months to qualify for their allocated funds by raising matching funds and meeting a few other requirements. After the 18-month period, the Secretary of Interior is allowed to reallocate unclaimed money.

Based on all applications pending as of Aug. 31, Dominick said 20% to 30% of the amount appropriated won't be used by the states authorized it (see table). If $600 million is appropriated, only $500 million would be committed by Dec. 31, 1970. If $750 million is appropriated, only $600 million would be committed in the 18-month period. If the full $1 billion is authorized, only $700 million would be committed.

"Under the existing allocation formula, and the fact that we have to allocate for 18 months under that formula, we would be tying up a significant amount of money which would not be spent until the expiration of the 18 months—plus six months for re-processing," he said.

The basic problem with tying up funds for this time, Dominick indicated, was the present tight-money period. "Carryovers . . . have not been too favorably received by the appropriations committees."

Nor by the Bureau of the Budget, either, he might have added. BOB usually subtracts carry-over funds automatically from the Administration's budget requests long before they are submitted to Congress. Knowing this, most federal agencies try to commit the bulk of construction appropriations by January of the following fiscal year. FWPCA, for example, has not carried over more than $10 million in any year since the program started.

MANPOWER'S SHORT

Besides the allocation limitation, Dominick mentioned other difficulties FWPCA foresees in spending all the money Congress seems willing to appropriate this year. The agency is currently staffed with about the right number of personnel (209) to handle a $214-million appropriation; for $600 million it would need an additional 130 people; for $750 million, about 40 more than that; and for $1 billion, it would need 459 personnel.

Finding and training this number of people—discounting the current "freeze" on personnel—would be a problem. And, of course, the states and communities would have similar problems.

Some other difficulties outlined by the FWPCA commissioner: "The overcoming of local financing difficulties . . . high interest rates, the inability to float bonds because of the interest rate limits, and/or debt limits by state or local laws and constitutions, the provision of sufficient and qualified design engineering, and construction capability for waste treatment works in a very short time frame, and the timely production and delivery of material and equipment."

REACTIONS TO DOMINICK

A quick check by AWN of some of the proponents of full funding elicited strong reaction against the Administration's arguments. Donald G. Alexander, a legislative counsel for the National League of Cities, said "Every argument Interior makes is true. But with a high-enough priority project like sewage-treatment plants, I think local governments can overcome all of them."

There are various devices, for example, to get around borrowing "limits," such as issuing short-term 8-year bonds instead of 20-year paper to get money otherwise unavailable at 6 to 6½%. Although 24 states still have 6% debt limits on general obligation bonds, many are considering raising this limit of market realities.

Also, Alexander pointed out, a lot of special districts are not subject to as stringent an interest-rate limit, and these are many of the present applicants.

As for the argument that there aren't enough applications (Alexander claimed that many states have been discouraging local governments from applying—knowing money wasn't available.

Dominick's argument about lack of design engineering capability was challenged by the Consulting Engineers Council. On Oct. 9, CEC released results of a recent survey of 114 of its 2,200 member firms that concluded "U.S. consultants can assimilate design work covering more than $5 billion in Fiscal 1970 waste treatment plant construction without adding a single man to existing staffs. Not only are there engineers available, but they are looking for work."

The director of the utilities of the Associated General Contractors of America, Joseph Ashooh, told AWN that contractors have "plenty of capacity" to handle the $2.5 to $3-billion of work that would be generated by a $1-billion appropriation.

Labor would be available, too, according to the president of the AFL-CIO's building trades union, C. James Haggerty. Even a "crash" program, if well conceived, would be supported by sufficient force of the six basic crafts, Haggerty told AWN. "Take the missile program. We built in the most remote areas of the country, where they got nothing but jackrabbits." It might be a bit tight, Haggerty admitted, but he was positive sufficient labor could be found, "providing the ordering body doesn't schedule it all in one day in one place."

The Administration's arguments against more than $600 million this fiscal year don't seem good enough. Interior's strongest case is its contention that some states wouldn't be able to spend it all. But, as Dominick himself pointed out, the more of the $1 billion appropriated the more applications will be funded. And there's no good reason to believe that states authorized funds in excess of their present applications wouldn't do their darndest to come up with more applications before Dec. 31, 1970.

Even if they didn't, there's a good chance the uncommitted carry-over funds would not be deducted from the Administration's Fiscal 1971 budget request, assuming the current mood of Congress for full funding continues —R.R.

BREAKDOWN OF WASTE PLANT FUNDING

[In millions of dollars]

States	Pending applications (as of Aug. 31)	Allocation based $600 million	Allocation based $1 billion
Alabama	0.5	11.1	18.3
Alaska	2.0	1.4	1.9
Arizona	1.8	4.9	7.8
Arkansas	4.6	6.6	10.6
California	68.9	48.3	82.8
Colorado	1.5	6.1	10.0
Connecticut	29.6	8.3	13.9
Delaware	.7	2.0	3.0
District of Columbia	36.8	2.9	4.6
Florida	37.7	15.9	26.8
Georgia	8.7	13.0	21.6
Hawaii	3.0	2.7	4.1
Idaho	.1	3.0	4.5
Illinois	128.9	32.1	53.4
Indiana	34.6	14.9	25.2
Iowa	6.3	9.2	15.2
Kansas	3.9	7.4	12.2
Kentucky	3.1	10.3	17.9
Louisiana	7.6	10.9	18.1
Maine	19.7	3.9	6.0
Maryland	46.8	10.1	17.0
Massachusetts	20.4	16.3	27.7
Michigan	183.1	24.4	41.6
Minnesota	29.4	11.2	18.7
Mississippi	1.8	8.0	12.8
Missouri	17.9	13.9	23.4
Montana	.3	3.0	4.5
Nebraska	3.5	5.1	8.2
Nevada	5.0	1.6	2.2
New Hampshire	11.2	2.7	4.0
New Jersey	48.2	19.1	32.4
New Mexico	1.4	4.1	6.2
New York	1,290.6	51.5	88.4
North Carolina	5.7	14.7	24.8
North Dakota	.1	2.9	4.3
Ohio	44.9	30.2	51.5
Oklahoma	1.9	8.0	13.2
Oregon	16.0	6.2	10.1
Pennsylvania	28.9	35.1	60.0
Rhode Island	9.4	3.4	5.3
South Carolina	6.4	8.4	13.6
South Dakota	2.5	3.2	4.7
Tennessee	23.8	11.9	19.7
Texas	20.3	29.9	51.0
Utah	.2	3.7	5.6
Vermont	2.4	2.1	3.0
Virginia	14.5	12.9	21.7
Washington	17.1	9.4	15.7
West Virginia	5.1	6.7	10.8
Wisconsin	94.3	12.8	21.5
Wyoming	.2	1.9	2.6
Guam		1.6	1.7
Puerto Rico	2.6	8.5	13.7
Virgin Islands		1.5	1.6
Total	2,356.3	600.0	1,000.0

OUR THRESHOLD OF SHOCK IS DISAPPEARING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ZWACH. Mr. Speaker, people throughout our land are concerned about the lowering standard of conduct and the resultant loosening of our moral fiber here in America. This is a matter of wide concern.

One evidence of that increased concern is the editorial comment appearing in our newspapers. An example of this is the following editorial written by Editor Don Olson in the award-winning Marshall Messenger in our Minnesota Sixth Congressional District.

Mr. Speaker, I am inserting Mr. Olson's editorial in the CONGRESSIONAL RECORD and I heartily recommend its reading to my colleagues:

OUR THRESHOLD OF SHOCK IS DISAPPEARING

Arthur Goldberg, in a guest editorial in Life magazine, says he is appalled . . . indeed frightened . . . by the deterioration of our national standards of morality and law.

He cites the dropping of murder charges against the Green Berets as a case in point.

In the past, he says, from Valley Forge on, Americans have given even spies and traitors their day in court. During World War II Nazi saboteurs who were landed on our East Coast were given a fair trial.

Almost tearfully he asks, "Has the time now come, after all these years, to adopt a lower standard of conduct?"

We don't know where the former Supreme Court associate justice has been these past 30 years but during that time his question has been answered a billion times as we kept lowering our standard of conduct.

Each time standards were lowered one more notch, our threshold of shock was pushed back, making further lowerings more acceptable.

There was a day when a scantily-clad body was shocking. Today a naked body is only mildly shocking to a majority of Americans . . . and not shocking at all to others. Rising sex crimes are hardly shocking at all . . . providing they happen to somebody else.

Destruction of public property once was a shocking thing that could get the vandals not only their day in court, but some days in jail.

Today park benches are chopped up and burned just to keep a few persons warm while demonstrating. Trees, 50 or more years old, are destroyed, buildings burned or sacked.

It is so commonplace most of us yawn, turn off the TV set and retire for the evening, thankful only that it didn't happen where we live.

Honesty once was expected of all except the common criminal. Now we expect many elected officials to line their pockets while in office, and we aren't alarmed by the general thievery that goes on in every community in the nation.

The burden is on the property owner to protect his property. If he leaves it unguarded, it should be stolen. This seems to be the attitude.

So Arthur Goldberg is appalled and frightened because most Americans greeted the dropping of charges against the Green Berets with a sense of relief.

What did he expect? Shock? Outrage? How stupid!

We Americans don't shock easily anymore. We've dropped our standards so low we've pushed our threshold of shock almost out of sight.

This is what silly old moralists warned about years and years ago.

HARRY L. BROOKSHIRE, OF MARION, OHIO

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. WYLIE. Mr. Speaker, last Friday, Mr. Harry L. Brookshire, minority clerk of the House, retired after 30 years of outstanding public service in both local and Federal Government.

His life is the great American success story. Harry is a fellow "Buckeye," having been born in Forest, Ohio, the son of a village blacksmith. From humble beginnings, fortune led him into public service where his integrity and talents have served well the executive branch and Members of this House. As minority clerk, his office door was always open to Members and staffers alike who came to request his wise and patient counsel.

Men of Harry Brookshire's caliber

have helped make this House a great institution of a free people.

The following June 10, 1956, public service broadcast by Mr. Joel McCaffrey entitled "Personalities in Your Government," chronicles the distinguished career of Harry Brookshire before he came to serve the House of Representatives, and why many of us, as new Members, learned early to go to him for counsel.

Harry L. Brookshire, Postmaster General Arthur E. Summerfield's executive assistant is a friendly man from Marion, Ohio. But before he arrived at the Post Office Department more than 3 years ago, he spent a long time on Capitol Hill as an assistant to one of the best known Members of Congress. And in between the jump from Capitol Hill to the Post Office Department, Brookshire has held some of the toughest political jobs ever placed on a man's shoulders.

During the 1952 Presidential campaign, Brookshire, working in team with Robert Baker of Seattle, Wash., acted as advance man for the campaign train of Dwight D. Eisenhower.

Brookshire recalls today with a shudder:

> I was supposed to keep 10 days ahead of the train, but I'd wake up at night thinking I heard the train whistle blowing—some days I was only 5 or 6 days ahead—when the campaign was over I was ready to fall into bed and stay there for a month.

But he was not allowed to take it easy. He was immediately drafted to work on the Eisenhower inaugural. And here again he was kept so busy with so many headaches that he never had time to have the luxury of a headache of his own:

> I remember sitting in Inauguration Headquarters on New Year's Eve—holding the phone in my hand and trying to track down Republicans all over the nation to confirm their hotel accommodations—or whatever it was I needed to talk to them about.

And for Harry Brookshire the grind still goes on. After he cleaned up his work on the Eisenhower inauguration in 1953, he again planned to take some time off and get caught up on his sleep and rest.

But the finger waved again and he moved into the Post Office Department to serve as confidential assistant to an Assistant Postmaster General. Next he was appointed to special assistant to the Postmaster General himself and last October he was named as General Summerfield's executive assistant.

Brookshire said:

> It's a wonderful job—anything to do with the boss would be. He's just that kind of a man to work for and to work with—this department is perhaps the most challenging in the government. I never realized, settling back in his chair, the vastness of this department and job it actually does day in and day out.

Harry Brookshire's job is to act as a liaison between the Department and Congress. For one who has been so active in politics it is surprising that Brookshire never showed any interest in politics during his younger years. During the days of his hometown's greatest glory—when its leading publisher moved up from the Senate of the United States to become President of the United States.

It took, Brookshire admits, quite a bit to get him interested, but once interested, he stayed that way.

He says with deep sincerity—

> And any success I might have had in public life, is traceable to a person I regard as a really great man—Doc Smith.

And by that he means former Congressman Frederick C. Smith of Marion, Ohio, the man who made a national reputation even before he got to Congress by pulling Marion out of bankruptcy as its mayor. It was Doc Smith, a highly successful practicing physician, who, as Brookshire says, "sparked" his interest in politics. And to it, Brookshire emphasizes that he owes his success.

But before Smith "sparked" his political interest Brookshire had put in a lot of hard years fighting the depression and gaining an education.

He was born in June of 1902 in Forest, Ohio, where his father was a blacksmith. Shortly afterward the family moved to Kenton, Ohio, where he attended the first two grades of grammar school. The family moved to Marion, Ohio, and he continued in school there until his sophomore year in high school. At that time his father died and he was forced to get out and work to help his sister, Lelia M. Brookshire, through Ohio Northern University. Miss Brookshire now teaches junior high school in Marion, Ohio. To help support his mother, Brookshire went to work on the railroad first as a helper and later he worked his way up to a machinist's job. It was during this time that Harding was serving as President after winning the 1920 election by the very simple campaign method of sitting on his front porch and letting the Republican leaders from around the country come to him, rather than having the candidate go to them. The most vivid memory Brookshire has of Harding is a tragic one. He was one of the men who helped drape the locomotive which carried Harding's body back home to Marion, Ohio, after his death which so stunned the Nation. Brookshire was over 21 when he returned to high school to finish up there. Upon graduation he enrolled at Miami University at Oxford, helping pay his way by working in restaurants and other jobs he picked up. In 1926, he had to drop out because of the death of his mother and he did not go back until 4 years had passed when he returned for a year. He left then without his degree and never did return.

He recalls today:

> I was offered a good job with the Osgood Steam Shovel Company in my hometown as a public relations man, so I took it . . . little did Brookshire know then that this job would lead him into an active—and for the first year or so—a hective political career. At this time—1935—the city of Marion was in bad financial shape. Taxes were high and so was the bonded indebtedness.
>
> The city council was proposing the purchase of a water plant. One of the leading opponents to the purchase was Dr. Frederick Smith, who up to then had kept busy enough with his practice and his private clinic. The city council ignored Smith and his supporters and voted to buy the water plant.
>
> I'll never forget going to visit the Doctor the next evening. He was sitting on his front porch, swinging back and forth and snorting. As soon as I stepped on the porch Doc started storming about how the new water plant couldn't go through. "The people have a right to vote on it" said Doc. Well, how are you going to stop it? I asked him, remembers Brookshire. "I'll run for mayor", replied Doc . . . it's now almost five o'clock, run down and get me a petition—tonight is the deadline for filing.

And like that—on the spur of the moment—began a political career that was to reach as far as the U.S. Congress. Actually, it started two political careers, because Brookshire was swept along with the Doc Smith tide.

Smith won the election only to move into the mayor's office to find the city broke and some $80,000 in unpaid bills filed away in the bottom drawers. There was not a penny in the treasury and in order to buy coal for the fire department and the hospital Doc Smith had to pledge his own money. There was not money enough to buy drugs for the hospital and doctors had to bring their own ether in order to operate. Before Smith walked into this beartrap, however, he had armed himself with a pretty good aide. He had persuaded young Brookshire to serve with him.

Mr. Smith said:

> I'll be rough, because you'll have to work nights and weekends—but there is a job to be done and we have to do it.

However, reluctantly, Brookshire moved in with the new mayor. He rapidly became enthusiastic as Smith chewed into one problem after another. In 1937 Smith stood for reelection. Never in more than 20 years had a mayor of Marion—regardless of party—been reelected. Smith was reelected to office. In 1938, Smith ran for and was elected to Congress. He took Brookshire along with him to head up his Washington office. Brookshire stayed with Smith until illness forced Smith to give up his seat. Brookshire, reluctantly, made the run for the vacant House seat, carrying five counties out of the six—but ending up a couple of hundred votes shy of the nomination.

Next came service with Congressman Howard Buffett as administrative aide and then came the hective 1952 political campaign. Although he still is going at top speed, Brookshire retains his friendliness, his calm approach to problems and his appetite for hard work.

> I've always enjoyed my work, and I owe everything to a great man—Doc Smith who is still keeping busy back there in Marion, Ohio.

That is the story of a man who has spent more than 20 years in political life—but never wanted to get into it in the first place, Harry Brookshire, of Marion, Ohio.

END OF INVERSE SUBSIDIES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. FINDLEY. Mr. Speaker, 18 months ago Agriculture Secretary Freeman coined a new term called inverse subsidy. It was clearly a euphemism intended to make an export tax sound like something else. Of all the curious devices cooked up over the years in the U.S. Department of Agriculture, this one should qualify for some sort of award as the most curious of all. Imagine the imposition of an export tax on a commodity which had been in serious surplus condition since the war years. Happily, last week the inverse subsidy was terminated, and I hope for good.

Enclosed is an editorial comment on this bureaucratic curiosity as published by the Southwestern Miller magazine:

END OF INVERSE SUBSIDIES

A milestone in export pricing of wheat was passed last Tuesday when, for the first time since June of 1968, all classes of wheat could be exported from any coast of the United States without the imposition of the so-called inverse subsidy. The last of the export charges to be eliminated was on soft wheat clearing from the Pacific coast, at a zero level on Friday, compared with a charge of three cents a bushel a week earlier. Only several weeks before, the inverse subsidy, or export certificate payment, had been eliminated on soft wheat for shipment from Gulf and Atlantic ports. In effect, elimination of the export certificate charges, along with the payment of export subsidies on a number of classes of wheat, signifies the desire of the Department of Agriculture to adopt a competitive stance in world marketing of wheat. Of equal significance, the absence of export levies symbolically marks the removal of the last vestiges of adherence to the unrealistic pricing goals in the international Grains Arrangement.

Inverse subsidies were first imposed by the Department of Agriculture on June 13, 1968, the date the Senate gave its advice and consent to ratification of the I.G.A. The charges were designed to make up the gap between domestic prices and minimums in the Arrangement. In other words, foreign buyers were quoted higher prices than the actual market in the United States, and the inverse subsidy payments went to the Commodity Credit Corp. This unworkable system, which continued throughout the 1968–69 marketing year, reached its most ridiculous point in September, 1968, when an inverse subsidy of 48 cents a bushel was in effect on soft wheat to be sold for export from the Gulf or East coasts. The latter, the highest of the inverse charges, was a tax equal to more than 40 per cent of the market price for that class of wheat. The result of inverse subsidies, as the tool for U.S. compliance with the pact minimums, is history—a drop in exports in the 1968–69 crop year to the smallest aggregate in a decade. While this export performance cannot solely be attributed to the impact of inverse subsidies, because many other unfavorable developments occurred that reduced foreign sales, it is much more than a coincidence that the fall in business abroad accompanied an impossible procedure to raise export prices by highly artificial means.

The trend toward elimination of inverse subsidies began on July 18 of this year when the Department of Agriculture cut export levies in order to make certain classes of U.S. wheat competitive in world markets. This initial step was followed by a series of similar policy moves. The wisdom of these decisions, which were implemented only after considerable agonizing at the highest levels in the U.S. government, is evidenced by the response of the domestic market itself. Since the end of July, or just following the first step to abandon the I.G.A. as a pricing guide, wheat futures have registered just above twelve consecutive weeks of upturns. It is not foolhardy to attribute the persistent upward course in the domestic market, which in turn has facilitated final elimination of export levies on wheat, to the beneficial impact of a competitive stance for U.S. wheat in world markets.

The only disturbing note for those who believe that the export policies launched July 18 are in the best interests of the entire U.S. wheat economy is provided by rumors and hints from competing exporting countries of a resurgence of interest in seeking to raise the level of world wheat prices. In light of the present world wheat supply-demand situation, which is still marked by a substantial stock excess in relation to prospective import needs, it would be foolhardy for the United States again to fall into the trap of artificially seeking to raise export quotations. This country suffered to an acute degree in pursuing that course during 1968–69, and it should be assiduously avoided in the months ahead. Competitive pricing of wheat into world markets is not only essential to participating in current dollar business abroad. It is a prerequisite to needed adjustments in world production patterns in the coming years. Now that inverse export subsidies have been finally eliminated, they should never be restored.

A NEW CONCEPT OF FORESTRY

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. STEPHENS. Mr. Speaker, my good friend and constituent from Athens, Ga., Dean A. H. Herrick, School of Forest Resources at the University of Georgia, has written a very enlightening article on a new concept of forestry. This new system, which is being explored by forestry scientists in Georgia, will be of great importance in helping meet our growing needs for timber and its products.

It is my understanding that this article has been distributed by the U.S. Information Agency to its posts throughout the world for use in various overseas publications.

I think this article will be of great interest to all of the Members of Congress. I submit it, therefore, for insertion in the RECORD:

GROW A FOREST IN 3 YEARS

(By A. H. Herrick)

Harvesting trees for pulpwood every two to three years—compared to the present 20 to 40 years—is a revolutionary new concept being explored by forestry scientists in Georgia.

It holds promise of helping the United States and other nations meet growing needs for timber, pulp, and other wood-based products. And costs would be greatly reduced.

The new system called "silage sycamore," consists of planting sycamore trees at a very close spacing and then harvesting crops of sprouts with a silage cutter every two to three years. Time and space savings are comparable to conventional wide-spaced tree plantations for pulpwood or other wood products. And higher yields of wood fiber per acre of land are expected. Trees are now harvested for pulpwood every 20 to 40 years.

Regeneration of forests by sprouts is not new. Willow shoots have been grown for basket weaving since the dawn of civilization. But bulk production of fiber or cellulose, by harvesting young sprout growth of trees, would be a real innovation. What we need for our two- or three-year forest is a tree that has the fiber properties sought by industry to make reconstituted products such as particleboard and paper.

Ten years of sycamore studies by the U.S. Forest Service at Athens, Georgia, proved the great versatility of that species. It occurs naturally in all states east of the Great Plains except Minnesota and grows on a wide range of soils and sites. Under reasonably good sunlight, soil, and moisture conditions, sycamore grows fast. It sprouts prolifically from a low stump and responds well to fertilization. Then, too, it has relatively few insects and disease enemies in the South.

Not to be overlooked are other species such as sweetgum, yellow-poplar, and cottonwood. Even boxelder is a possibility because of its rapid early growth, light wood color, seeding characteristics, and possibilities for direct seeding. But sycamore is favored.

In the beginning, the new sycamore forest should be planted on a well-prepared site by using seed, seedlings or cuttings. Use of cuttings is particularly attractive since genetic gains are realized quickly; superior stock can be selected in one or two years and reproduced vegetatively.

Mechanical weed control and cultivation improve survival and growth. Repeated croppings will require fertilizer applications, and intensive management may call for irrigation. Possibly both irrigation and fertilization can be accomplished by applying discharges from sewage treatment plants to the forest crop.

Fertilizers, and pesticides if necessary, can be applied from aircraft. Likewise, when the product to be manufactured will not tolerate leaves, an aerial spray can be used for defoliation during the growing season. It would be nice to do all the harvesting in the dormant season when the leaves have fallen, but mills need supplies of chips the year round. The two- or three-year forest will replace itself by sprouting after each harvest cutting.

Sprout stands differ from annual crops which must be harvested when ripe and then stored. The sycamore tree silage can be stored on the stump for one or more years when harvesting needs to be delayed for any reason.

Experimentation so far suggests that initial growing space should equal the square of as many feet as they are years in the harvest interval. For example, in a planting designed for a three-year cutting cycle, the trees would be given nine square feet (.837 square meters) initially. The close spacings make full use of the site almost immediately. In conventional cuttings at eight-by-eight-foot (2.4-by-2.4-meter) or wider spacings, the tree crowns do not fully shade the ground for several years.

Two-year-old rootstocks in a nursery planting of sycamore placed one foot (.3 meter) apart in four-foot (1.2-meter) rows produced an average of more than 17 tons of one-year-old sprouts per acre (42 tons per hectare). When a similar planting was harvested after six years, only a few of the trees had died, but growth was drastically reduced during the last four years. At the end of six years, 42 tons of green material were produced per acre (104 tons per hectare). This equals seven tons or a respectable 2.3 cords per acre (17 tons per hectare) per year. However, if the sprouts had been harvested each year for six years, the total yield probably would have exceeded 100 tons per acre (247 tons per hectare) or about two and a half times the total of the single cutting.

A rig like a forage harvester is used to convert the forest of sprouts to chips. In one pass, the machine severs the stem three or four inches (7.6 to 10 centimeters) above the ground, chips up the entire miniature tree, and blows the "silage" into a trailer towed behind. When full, the trailer is hauled to a loading dock or transport terminal for dumping. Chips are either stored or sent to the mill for processing.

Foresters are not the only ones pleasantly surprised with sycamore as a short-term wood producer. Pulp and paper technologists have been amazed to discover that this "upstart" of the timber world has excellent characteristics for making certain types of products. Its very thin bark permits use of the whole tree and eliminates the cost of debarking before chemical conversion.

Fresh samples of paper made from unbeaten pulp show green flecks from the chlorophyll in the leaves that were cooked with wood and bark just as the sprouts came out of the silage chopper. Yet, the strength properties, bleaching qualities and printability of whole-tree young sycamore sprouts command the respectful attention of the paper industry.

A vast variety of paper products, fiberboards and hardboards or molded articles for building and other purposes, can be manufactured from seedling-sprout silage, as is now being done from wood grown the conventional way. Soon, entire wall units as well as floor and deck units for homes and other small buildings may be molded in pairs, with a dead-air space in between to serve as insulation. These units would be light in weight and structurally very strong. The wall units would be ready to receive completed door and window units. Such buildings could be erected quickly at low cost.

With the silage sycamore concept, some tremendous cost savings in wood production can be expected. Gains are accomplished by cashing in on both biologic and economic principles. Every square foot of growing space is used. Yields are near capacity, and rotations (number of years between crops) are minimized. Consequently, both time and space are conserved.

Our sprout forest continually renews itself and yields heavy crops, thanks to close spacings and rapid growth. Rootstocks not only replace the newly-harvested stems by sprouting, but also stimulate new growth by giving the sprouts carbohydrates stored in root tissues. Yields per acre are tremendous. The young stems are easy to harvest and chip with fairly simple and light equipment. The young wood is relatively uniform in its characteristics. Bark and leaves are not considered trash in the manufacture of some products.

Maybe the young forest of sprouts will mass-produce raw material for mass-produced housing to help shelter exploding populations. What about the other two necessities of life—clothing and food? Rayon, along with other chemical converts, may also be an end product of the new forest, helping to clothe people in generations to come.

Sugar, molasses and yeasts can also be derived from wood. They could help considerably to provide the world with vital and urgently needed foods and proteins at low cost.

SECRECY AND SAFETY AT ROCKY FLATS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. TUNNEY. Mr. Speaker, an article appeared on September 7, 1969, in West magazine, a weekly publication of the Los Angeles Times, on the hazards of radioactive contamination.

After hundreds of mishaps and a major fire last May, some people think the Atomic Energy Commission and the management at the Rocky Flats, Colo., plutonium plant are not conducting the best of all possible safety programs, either for workers or the people living nearby.

According to the article the May 11 fire "was the biggest step the United States has ever taken toward nuclear disarmament. More than $20 million worth of plutonium burned in the fire—roughly enough plutonium to build 77 atom bombs like the one that incinerated Nagasaki."

The story discusses the problems of cancer arising from the radioactivity and I want to bring it to the attention of my colleagues:

SECRECY AND SAFETY AT ROCKY FLATS

(By Roger Rapoport)

The road from Denver northwest to Boulder, Colorado, is an enchanting, 20-mile drive, uncluttered by gas stations, hamburger stands or motels. At night, when traffic is light and fierce winds howl out of the 8,000-foot Flatirons, it can be a scary place to run out of gas or blow a tire. But more often than not, an angel of mercy will show up behind the wheel of a pickup truck, armed with a can of gas, the know-how to fix flats and plenty of Western hospitality.

The men in the pickups seem anxious to be good, unobtrusive neighbors to the 1.1 million people of metropolitan Denver. And in this way they have something in common with the people who run a plant at Rocky Flats nearby. But some of the reasons are different.

The Rocky Flats plant is operated by the Dow Chemical Company for the Atomic Energy Commission under a cost-plus contract. It employes 3,200 persons and its specialty is the fabrication and processing of plutonium, a radioactive grayish metal (worth $43 a gram) created as a by-product of nuclear reaction and the key ingredient in most atomic bombs. The plant also repairs and replaces defective bomb and warhead components which are sent back to it when spot checks of nuclear stockpiles turn up duds.

All this dangerous work so close to a metropolitan area has made the plant's management, certain union leaders and the AEC sensitive about the issue of safety, both for the general area and for the workers at the plant. How much of the safety is substantive and how much is empty reassurance has become a matter of bitter debate in recent years.

Plutonium is doubly hazardous to work with. Minute quantities of it inhaled or imbedded in the skin can be lethal. It has a radioactive half-life of 24,400 years (something that makes it imperative that any of it that gets away not be left to lie about). Its radiation, of course, can cause permanent damage to living cells leading to leukemia and other forms of cancer. It also oxidizes quickly, making it a serious fire threat.

From its side of the fence, Dow and the AEC emphasize super-safety precautions, and boast that the plant "ranks first in AEC facilities for safety and holds the fourth best all-time mark in American industry—2,122 consecutive days (24,295,542 man-hours) without a disabling injury."

Rocky Flats officials tell about the elaborate safety precautions taken in the final assembly area (buildings 776 and 777). All workers in the area were heavily shielded and the entire plutonium assembly line with its milling machines, furnaces and presses was enclosed in glove boxes (ventilated, shielded, enclosures) connected by conveyors. Moreover, to guard against the accidental release of plutonium into the atmosphere, the entire production area was sealed off inside a self-contained unit with a special internal filtration system. An elaborate network of automatic heat and radiation sensors plus roving teams of safety monitors guarded against accidents.

But at 2:29 p.m. on Sunday, May 11, this fail-safe system fell through, a fire broke out in the final assembly area. Despite the efforts of the Rocky Flats fire department, the blaze spread through both buildings 776 and 777. Smoke billowed so thickly that some of the firemen (wearing air tanks to protect against radiation danger) had to crawl along exit lines painted on the floor to make their way out.

By 5:30 p.m., when the blaze was brought under control, it had caused more than $50 million worth of damage. The worst accident in AEC history, the fire put the final assembly area out of commission and forced a halt in American nuclear missile production for part of the year.

Potentially, the disaster was the biggest step the United States has ever taken toward nuclear disarmament. More than $20 million worth of plutonium burned in the fire—roughly enough plutonium to build 77 atom bombs like the one that incinerated Nagasaki.

But rather than signal Geneva, Congress quickly shelled out $45 million in supplemental funds to clean up the mess, a figure equal to the entire fiscal 1969 Rocky Flats budget. Now 240 Rocky Flats regulars and 60 summertime college students are sifting through charred debris to recover the burned plutonium. Meanwhile hundreds of railroad cars will ship 330,000 cubic feet of radioactive wastes to AEC burial grounds in Idaho.

Anxious to understand how the AEC's safest plant could produce its worst disaster, I paid a visit to Rocky Flats recently. I learned that despite the vaunted precautions there have been over 200 small fires since the nuclear weapons facility opened in 1953. Recently, fires had been occurring about once a month in the buildings where the $50 million blaze took place. But on the Sunday afternoon the disaster started, only one ventilation system operator was in the building. Says Rocky Flats General Manager Dr. Lloyd M. Joshel: "I think we're going to have to review our monitoring procedures in this area."

All this has led local scientists to ask Rocky Flats officials if they shouldn't also review the possibility of moving their plant away from Denver. The Denver scientists are worried even though health surveys show that there was no release of plutonium from the plant site during the fire. Most of the smoke was trapped by the special filtration system.

Denver may not be so lucky next time.

Even the clean-up of the May 11 fire is causing more trouble. On July 30 two plastic bags surrounding a can containing some of the plutonium recovered from the $50 million blaze caught fire. Two workmen in the area were contaminated.

Their names are only the latest addition to the roster of more than 325 workers who have experienced radioactive contamination at the plant. Officially, AEC spokesmen say there have been a mere 21 disabling injuries and one fatality since the plant opened. But they refuse to disclose the number of workers who have received their maximum permissible dose of radiation and been transferred to cold (non-radioactive) sections of the plant. The local union is not allowed to see medical files of contaminated workers or make an independent investigation of plant accidents.

Perhaps the biggest question looming over Rocky Flats is the number of workers who have cancer or have died from it. Dow public relations man Mike Carroll says "It would not be discreet to discuss this. I've got the figures but I won't give them to you."

One known cancer victim within the plant is 60-year-old Everett Holloway, an inspector with terminal leukemia: "I started checking into my medical records at the plant to see if I could establish some compensation. But I discovered that the company has lost some of my quarterly urine sample reports (which are taken to measure radioactive contamination). I was told that there was nothing the company could do for me until I become completely disabled. Supposedly they have switched me into a cold area but they're still machining a lot of radioactive material in my area and I don't know what effect it will have on my condition. I can't afford to quit because when a 60-year-old man like me comes asking for a job they look at you like you're poison."

Of course no one saw the plant as a liability when it came to Denver in 1953. Geographically, the rocky cow pasture 25 miles northwest of Denver was a smart choice because it was close by Colorado University in Boulder, skilled manpower in Denver and attractive recreational opportunities in the mountains. The plant soon grew into a crucial link in the AEC nuclear weapons complex.

In all, the bomb work was divided between eight AEC facilities. Design research and testing was done at New Mexico and California plants. Rocky Flats was responsible for plutonium components, the Kansas City plant made electro and electro-mechanical components, a Dayton, Ohio, plant made detonators and a plant in St. Petersburg, Fla., made neutron generators. These parts were assembled into nuclear weapons at plants in Burlington, Iowa, and Amarillo, Texas.

In the late 1950s, the plant mushroomed and radiation hazards grew with it. Between June 14, 1957, and October 28, 1958, there were 24 documented fires, explosions, plutonium spills, and contamination incidents at the plant. Testimony by Rocky Flats union leaders and government officials at AEC radiation hazard hearings in Washington during March, 1959, detailed many of the accidents; among them were serious fires in June and September of 1957.

Rocky Flats union leaders were particularly concerned about management's reluctance to bring in health physicists (who supervise worker health) after serious accidents took place. For example they testified that on October 28, 1957, a "chip fire in a production area occurred and as usual health physicists were not notified. No air samples were taken nor were any respirators worn to guard against inhaling dangerous plutonium. Health physicists learned of this operation after a worker involved in it coughed up black sputum at his home and became thus concerned with the method in which the incident had been handled by his supervisors."

The union leaders also pointed out that on September 4, 1958, supervisory personnel instructed workers to clean up a radioactive materials spill "using no respirators and without health physicists being informed of the situation." Subsequently, health physicists were notified, and recommended respirators and "area supervision gave in and allowed the workers to wear them on subsequent cleanup operations of the spill."

On October 3, 1958, another supervisor "stopped health physicists from allowing the men to know what the airborne contamination was in their production area on the grounds that it was his business only as to what the level was."

A variety of serious contamination incidents were also reportedly in supposedly cold areas. For example, on September 10, 1958, a "cafeteria survey showed 50 to 54 smears (taken to measure radiation) to be over allowable tolerance level." Ninety-seven of 99 smears in the locker room also showed contamination. Radioactivity was also found on drinking fountains, sinks, laundered caps, shoes, drums, flasks, carts, lifts and saws in cold areas.

As health hazards increased some workers were disappointed to see modification of some safety procedures. For example, prior to March, 1961, health physicists checked all employees out of hot areas with an alpha counter to make sure they were not carrying excessive radiation. But after March, 1961, workers were given more discretionary authority to monitor themselves out of hot areas.

Then and now, Rocky Flats officials felt that national defense precludes public discussion of these matters. But in the meantime they have been quietly documenting their problems in articles for the scientific community. For example, in 1964, Rocky Flats health physicists S. E. Hammond and E. A. Putzier had this to report in the sober international journal *Health Physics:*

"The Rocky Flats wound counter was developed in 1957 to measure the amount of plutonium contamination present in wounds incurred in process areas. Since that time more than 900 wounds have been monitored of which more than 300 have indicated some degree of plutonium contamination . . . the material is completely removed when possible. However, in cases where the plutonium is deeply imbedded or where physical impairment might result from complete excision, small amounts of plutonium may be left in the wound."

By 1965 union officials felt it was time to make a strong pitch for a new safety package in their contract negotiations with Dow. They asked for a joint "Radiation Safety Committee" with the company that would meet bi-monthly "to discuss problems arising from radiation safety complaints from any employees." They also proposed adding three union members to the company's Executive Safety Council and making radiation records of all employees available to "the union at least once each year in writing." All the proposals were rejected by management.

By 1967 it was becoming clear to *Health Physics* readers that the situation at Rocky Flats was getting worse. In an article titled "Evaluation of Lung Burden Following Acute Inhalation Exposure to Highly Insoluble PuO_2 (plutonium oxide)," J. R. Mann and R. A. Kirchner of the Rocky Flats staff reported that "On 15 October 1965, a fire in a plutonium fabrication plant resulted in a large-scale spread of plutonium oxide. The Rocky Flats body counter (a device that measures radioactivity in the body) was used to measure the plutonium in the lungs of all employees working in the area. Of approximately 400 employees counted, 25 were found to have enough plutonium in their lungs to deliver a dose of 15 rem/year. (In line with federal radiation standards Rocky Flats generally tries to keep worker exposure under 5 rem/year, although a complicated formula permits special exceptions.) On the average, 30 percent of the material initially deposited was cleared in 2 to 3 months. The remaining material is clearing very slowly with little or no measurable absorption into the bloodstream."

In another 1967 *Health Physics* article, C. R. Lagerquist, E. A. Putzier and C. W. Piltingsrud of the Rocky Flats staff described the gradual amputation of the thumb and second finger of a worker injured by the "explosive reaction between hot plutonium metal and carbon tetrachloride." They wrote that eleven months after the amputation "it was thought that there was a high concentration of plutonium in a small portion of the remaining thumb stump." But the operation was only a partial success and six months later "the remaining portion of thumb was removed."

Dissident members of Rocky Flats Local 15440 of the International Union of District 50 of the United Mine Workers finally got a little of the safety story out into the open in late 1967. At the time the goal-conscious international leadership of the United Mine Workers was conducting a vigorous campaign against a proposed nuclear power plant at Platteville, 30 miles north of Denver. Spearheading the campaign was the Ralph Nader of the atomic energy industry, a United Auto Workers official named Leo Goodman.

As Secretary of the Atomic Energy Technical Committee of the AFL–CIO, Goodman had served as a consultant to unions working in atomic energy and proved a nemesis to the AEC.

His files suggest about 6,000 Western states uranium miners are now dying of cancer. He also points out that there have been 1,400 known accidents in atomic plants and 200 known cases of cancer. Naturally these statistics are useful to the United Mine Workers in their fight to protect coal power and guard against the inherent dangers of nuclear power.

So in November, 1967, Goodman joined UMW leaders in a trip to Denver where they worked to block the proposed atomic power plant at Platteville.

After reading in a Denver paper that Goodman was in town, a group of Rocky Flats employees visited him at his motel room. They told the atomic hazards expert that safety was deteriorating rapidly in their plant, and reviewed case histories of workers who had contracted cancer and then been denied medical pensions. Reporters for the *United Mine Workers Journal* and *Cervi's Journal*, a muckraking Denver business weekly, were present and published accounts of the meeting. To the chagrin of Dow officials and leaders of Rocky Flats Local 15440 of District 50 of the UMW the stories pointed out that "Officials of District 50 of the UMW representing the Dow Chemical workers will not discuss the radiation dangers involved for workers at Rocky Flats. If they do, they face loss of their security clearance."

This story ignited a feud within the UMW. International Leaders of the UMW were already sore at District 50 (with a regional office in Denver) because it refused to join their fight against the proposed atomic plant at Platteville. After the stories on the meeting with Goodman were published, District 50 officials went out of their way to back the new atomic plant. In February, 1968, a delegation of Rocky Flats local 15440 leaders headed by President Jim Kelly traveled to Washington for a regional directors conference of District 50. Aided by their Denver regional director Sam Franklin, the Rocky Flats union leaders extolled the virtues of the safety program at their AEC plant. Using color slides provided by the Rocky Flats management they showed how "the Rocky Flats plant has achieved one of the world's best safety records . . . through a highly effective program of industrial safety." They pointed out that "The design of Rocky Flats facilities insures that each worker's exposure to radiation is kept to a minimum . . . The average work-related exposure of a Rocky Flats employee for an entire year is barely above the radiation received during a chest x-ray . . ." Gene DeCarlo, chairman of the union's radiation committee told how "all employees are particularly careful about cuts and scratches on their flesh as the radiation danger increases in an open flesh."

According to District 50's Denver Regional Director Sam Franklin, the assembled directors "were so impressed by the presentation that they subsequently passed a resolution calling for the expansion of District 50's role in the atomic power industry."

Back at Rocky Flats, workers soon received news of the meeting in the February 26, 1968, edition of *District 50 News*. In the lead story it was reported that District 50 International President Elwood Moffett declared that "District 50's future is 'clearly interwoven' with the progress and development of the atomic energy industry." Further, the International Executive Board of District 50 promised to "continue to represent and safeguard our membership employed in every phase of that industry . . ."

The paper also carried the text of District 50's resolution endorsing atomic power plants ". . . contrary to the thinking of those who sporadically would remind us that progress in the field of nuclear energy represents a destructive force which could annihilate humanity . . . mounting scientific statistics amassed through the 2,000 man-years of experience in the Atomic Industry discount this pessimism."

Rep. Chet Holifield, chairman of the Joint Committee on Atomic Energy, inserted the District 50 resolution into the Congressional Record. Beneath the Holifield story in the March 11, 1968, *News* issue was a Freudian slip of a filler that did not amuse the Rocky Flats workers: "1.4 million Americans now alive have been cured of cancer. Early detection and prompt treatment saved their lives. The American Cancer Society urges you to become familiar with cancer's seven warning signals and to fight the disease with a checkup and a check," it read.

The International leadership of the United Mine Workers was also not amused by District 50's endorsement of atomic power at the expense of coal. In March, 1968, the UMW International expelled District 50 charging that it was "willing to risk the lives of every citizen of this country in potential nuclear reactor accidents for the sake of a few members they have in atomic plants."

Since the break, District 50 has been getting along better with Dow and worse with the UMW. In March, 1968, just after District 50 endorsed atomic power, one of its biggest locals, 12075 in Midland, Mich. set a "chemical industry precedent" by winning an 80-cent-plus, three-year package from Dow. This paved the way for a 60-cent-an-hour direct wage hike plus a wage reopener in the third year for Rocky Flats Local 15440. The latter contract was ratified in June, 1968. But Local 15440 again lost its demand for the safety package originally proposed in 1965.

The UMW, through Washington atomic consultant Leo Goodman, subsequently charged that "Because the workers revealed the real hazards in the *UMW Journal* and *Cervi's Journal* of Denver (in November, 1967) . . . a sweetheart agreement was negotiated between District 50, Dow and the AEC (June, 1968) to foreclose any public discussion of the unsafe operating practices in the Rocky Flats plant . . . Thus, in order to cozy up to Dow Chemical, District 50 not only abandoned labor's traditional role in behalf of workers' safety in the plant but also collaborated with AEC-Dow Chemical in hiding from the people of the Denver community the great hazard which this plant brought to them."

Rocky Flats Local 15440 President Jim Kelly hotly denies these charges. The senior radiation monitors says that "If anyone told me to my face that we were playing sweetheart with management I'd knock him clear across the table. The real problem is that individual workers are afraid to turn their own plant health records (which they are eligible to see) over to the union. They think they'll lose their job. These guys raise a lot of hell in the locker room but they don't have the courage to get involved."

But on July 24 Kelly suddenly found that 200 of his chicken-hearted men had turned into wildcats. They walked off their jobs in building No. 44 when a plant official sent a union vice-president home because he refused to stop investigating an alleged work violation on company time. The grievance was the use of an inadequately trained radiation monitor on the cleanup of the May 11 fire. It is now in arbitration. The union vice-president and 154 of the wildcats received temporary layoffs and were docked on pay.

Both President Kelly and District 50 Denver Regional Director Sam Franklin are reluctant to talk loudly in public about their problems. They refuse to give out their records on the number of workers who have pick up their maximum permissible body burden of radiation and been transferred out of hot areas of the plant. Explains Franklin: "I'd appreciate it if you wouldn't bring up anything about this radiation business and men getting cancer because it will scare a lot of people."

But quietly, local 15440 is trying to arrange for some Washington-style publicity. Letters have been sent to Senator Edward Kennedy and to chairman Chet Holifield and vice chairman John Pastore asking for a meeting to discuss safety problems surrounding the fire on May 11 as well as discriminatory hiring practices. Chairman Holifield has already spoken with the union leaders by phone and they say Sen. Kennedy's staff is trying to set up a meeting in Washington for mid-September.

But even should the meeting come off, the Q clearance may well save the day for the AEC. For the Q clearance is the real barrier to the truth about Rocky Flats. Ostensibly invoked to protect the national defense, it is really used by plant officials for self-defense. The Q clearance is the nation's highest security classification and explains why every Rocky Flats employee down to janitor is reluctant to discuss plant safety. For violating security can cost an employee his clearance, job, and pension as well as leave him open to federal prosecution. In the end, though, this silence may be shattered by disaster.

The May 11 fire has led the Colorado Committee for Environmental Information, a group of scientists from colleges and industries in the area to voice "real concern for the health and safety of Colorado citizens because of possible accidents involving large quantities of radioactive chemicals at Rocky Flats, located in the rapidly growing metropolitan area between Denver and Boulder."

Rocky Flats officials are not oblivious to this fear themselves. The AEC's Mike Sunderlind, who has been with the plant since it opened, keeps a thick civil defense manual nearby at all time: "If some plutonium smoke went up we'd call all the police agencies, tell them which way the smoke was going and ask them to move everybody out of the path. Afterwards decontamination teams would have to scrape all the plutonium off everyone's roofs—it would take months. Then we'd have to bring in all the people and put them through our one body counter (designed to measure radiation). It would be one hell of a mess."

The AEC is particularly anxious to minimize fears about atomic power, and with good reason. At this writing, there are 15 American atomic power plants in operation, 31 being built and 42 in the planning stage. Several have had serious accidents and two good new books *The Careless Atom*, and *Perils of the Peaceful Atom*, document the hazards. One accident in Michigan endangered the lives of 133,000 people. After a 1957 accident at the Windscale Works breeder reactor in England, authorities had to seize all milk and crops within 400 square miles of the plant. And a 1957 AEC survey shows that a reactor built 30 miles from the nearest city could kill 3,400 people, injure 43,000 and cause $7 billion damage in a bad accident. The risks of atomic power are so bad that insurance companies will not sell policies for these reactors. Only a special act of Congress provides $500 million worth of insurance for atomic power plants and absolves them for liability over that amount.

Thus a panic in Denver over Rocky Flats could jeopardize the future of the entire atomic energy industry. For if the public figures out that nuclear war is not inevitable and nuclear accidents are, the AEC is in trouble. Of course the AEC does its best to discourage this kind of thinking. When I first started work on this story, the AEC made a special effort to dissuade me from visiting Rocky Flats. After I insisted on takings a look, I was accompanied by three p.r. men (one flew in 400 miles from Alburquerque; another was an FBI agent) who shadowed me into toilets and wouldn't let me within 100 yards of the firesite. George Dennis, the AEC man who came in from Albuquerque (his office governs Rocky Flats) pleaded with me "Not to give any of our secrets away to the Russians."

At a time when six nations have atom bombs and most high school physics students know the basic of atom bomb making, it seemed like he was really trying to invoke old-fashioned patriotism to keep AEC secrets from the Americans. After all, the AEC is spending a record $7,891,000 on Q clearance investigations of 17,300 personnel in fiscal 1970. Each investigation takes several months and one middle-aged Rocky Flats worker told me that "when they investigated me they went all the way back to my first grade teacher and she was 84."

Apparently the AEC is getting its money's worth. For security is a good way of keeping problems like leukemia, plutonium spills, and $50 million fires in the AEC family. Veteran Rocky Flats employees confess they still don't know what really happened on May 11: "Normally they have 8 to 10 guys patrolling those buildings for fires and radioactive contamination. Either they were playing around with something they don't want to admit to or they're guilty of the most incredible safety blunder I've ever heard of. If you had fires regularly in a building wouldn't you keep people on guard?"

In the end, the plant work force and the people of the Denver area are dependent on the AEC's good faith for their safety. Responding to public concern, Colorado Governor John Love arranged for a private briefing on the fire with Brig. Gen. Edward B. Giller, director of the AEC's military applications division. In an interview with *West*, Gov. Love indicated he found the AEC reassuring: "They seemed to be quite certain no radiation escaped from the plant site during the fire and will take precautions to make sure this kind of thing doesn't happen again. If you've got to have nuclear devices in the country I guess you might as well have the work done here as any place else."

But at a time when the United States has enough nuclear weaponry to wipe out the world several times over, one wonders what Rocky Flats is doing with enough plutonium to make at least 77 Nagasaki size atom bombs. While cleanup crews put the final production area back together Rocky Flats is moving ahead with a $75 million dollar expansion program. Some critics feel this is the wrong direction in the wake of the AEC's worst disaster. Says UMW atomic consultant Leo Goodman: "Now's our chance to get together with the Russians and ban nuclear weapons together. It will save us a lot of money and be a lot safer."

But this is only wishful thinking. Clearly the AEC will continue running the plant, paying the salaries, regulating security, determining health standards, monitoring radioactive leaks and investigating accidents. Questions about deterioratng safety conditions, accidents and worker health will remain unanswered. For Dow officials are beholden only to the AEC.

As criticism has grown there has been a predictable reaction inside the plant. Rocky Flats General Manager Dr. Lloyd M. Joshel inserted a brief message in his house organ *Dow Newsline* to remind employees that silence is golden: "We are facing a difficult situation as a result of the fire May 11. Certain uninformed people have questioned the value of our presence here and have attacked the integrity of both the AEC and Dow. It is hard not to make an angry rebuttal, but I hope each of you will help our efforts to solve this problem by not commenting on the situation either by letters or by discussions off the plant site."

TAX REFORM BILL OF 1969

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BRAY. Mr. Speaker, the following article from the Washington Post of Monday, November 3, 1969, gives a detailed breakdown of the tax reform bill of 1969, and the differences in the Senate-House versions of this measure:

TWO TAX BILLS HAVE MUCH THE SAME FISCAL IMPACT

(By Frank C. Porter)

Sometime this month, either after or in the midst of the consideration of Judge Haynsworth's nomination, the public will be treated to the first free-wheeling Congressional debate on the monumental tax reform bill.

Two versions of this vital measure—House and Senate—were forged behind closed doors and a number of the issues were not even illuminated in the preceding open hearings. It is true the 368-page bill got an airing on the House floor. But the less than two-day debate occurred under a closed rule: Members could vote the entire bill up or down and so there was little incentive for a point-by-point consideration of its many provisions. And much of the bill's contents was clearly above the heads of many, if not most of the members.

It will be different on the Senate floor. Except in the unlikely case cloture is invoked, discussion is likely to stretch out for weeks and few of the 29 broad areas of tax reform and relief the bill embraces are expected to escape scrutiny. The bill's sponsors already shudder at the flood of expected floor amendments as individual members move to protect the interest of diverse constituents—or at least to have their concern recorded.

NEARLY THE SAME IMPACT

In the main, the House and Senate versions have roughly the same fiscal impact—$9.2 billion in tax relief and $6.8 billion in reforms when they are fully implemented 10 years hence for the House bill, $9.0 billion in relief and $6.5 billion in relief for the Senate measure.

There is little difference in the relief provisions. But the Senate bill is gentler on some of the more visible and controversial tax preferences such as oil depletion, municipal bond interest, capital gains and the bad debt reserves of financial institutions.

This easier treatment is largely compensated by tightening up in less spectacular areas—extending the minimum income tax to corporations, for example, and cutting back on depreciation concessions for antipollution equipment.

Following is a point-by-point comparison of the major features of the House and Senate bills. Revenue estimates assume full implementation of the bill's provisions, a few of which are not fully phased until 1979.

TAX RELIEF

Rate cuts

Both the House and Senate Finance Committees voted general rate cuts that, when combined with other relief measures would provide at least a 5 per cent reduction for all individual taxpayers and considerably more in the low-income brackets. For most wealthy persons the rate cut would be more than offset by reforms that would limit present preferences such as farm losses and oil depletion. The present top rate of 70 per cent (not including the surtax which temporarily raises it to 77 per cent) would be reduced to 65 percent.

The House bill would make these cuts in two equal steps, one in 1971 and the other in 1972. But to prevent a shortfall of revenue in the former year—when the Nixon administration feels it still may need a healthy budget surplus to fight inflation—the Finance Committee made one-quarter of the total cut in 1971, the other three-quarters in 1972. Under both measures, the ultimate tax loss would be $4.5 billion beginning in 1972.

Single persons, widows, and widowers

Acknowledging growing complaints that single persons bear a disproportionate burden of income taxes (because married couples benefit from lower rates since they are allowed to split their income), the House bill permits single persons over 35 and widows and widowers of any age to use what has been known as head-of-household rates. These are midway between the rates paid by single and married taxpayers.

The House would also permit widows and widowers with dependent children, now filing as heads of household, to split their income and file joint returns just as though their spouses were still present.

Senate Finance considered the special tax treatment accorded single persons over 35 discriminatory and adopted a new "intermediate" schedule for all single persons.

This would be a lesser cut than provided by the House and there would be no change in the lowest and highest brackets. But it would affect far more people by removing the age qualification and there would be considerable savings in the middle brackets (see tax rate chart).

Whereas single persons now pay as much as 41 per cent more than married couples with the same income, the new schedule would insure that they pay no more than 20 per cent above the joint level.

The committee, disagreeing with the House, would keep widows and widowers with dependent children at head-of-household rates but these rates would be moved downward, resulting in a cut deeper in the middle brackets than the general reduction.

The regular rates, now applicable to single persons, would continue to be used by married persons filing separately and for joint returns (at double the regular brackets).

The House version would result in an ultimate revenue loss of $650 million a year, the Senate bill $445 million.

Low income allowance

Both the House and the Senate Finance Committee wrote into the bill an ingenious formula created by Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, which would remove from the tax rolls more than 5 million persons, including virtually all the remaining 2 million families classified as poor under federal standards and part-time breadwinners such as college students with summer jobs.

In place of the present minimum standard deduction of $200 plus $100 per personal exemption up to a maximum of $1000, a taxpayer would be allowed to deduct a flat $1,100. When combined with personal exemptions, this amount almost exactly matches the federal poverty cutoff for each family size.

This means that no tax would be due from a single person with income up to $1,700, married couple with $2,300, family of three with $2,900, family of four with $3,500 and so on.

Cohen recommended a phase-out of the low income allowance so that its effects would be concentrated on low-income Americans. Thus for every $2 of income above the nontaxable level, the low income allowance would be reduced by $1.

To protect the prospective budget surplus, the House adopted the phase-out for 1970 only. Thereafter the low-income allowance would be available to all as a minimum standard deduction (most moderate and high-income taxpayers wouldn't use it because their deductions would exceed $1,100).

The Finance Committee made one change: It continued one-quarter of the effect of the phase-out through 1971—again to insure against eroding revenues. Thereafter, the phase-out would die.

In both versions the low-income allowance for those below the poverty line would cost $625 million a year. Making it available to others through elimination of the phase-out provision would cost another $2 billion.

Standard deduction

Present law permits taxpayers to deduct 10 per cent of adjusted gross income (total income less business expense and sheltered items such as oil depletion and the untaxed half of capital gains) up to a maximum of $1,000 in lieu of itemizing their deductions.

The House bill would raise this to 13 percent with a ceiling of $1,400 in 1970, 14 percent with a $1,700 ceiling in 1971 and 15 per cent with a $2,000 top in 1972. This would benefit an estimated 34 million returns. It would also result in substantial simplification since an estimated 8.4 million persons who now itemize would find it worth their while to shift to the standard deduction.

The Senate committee adopted this provision intact. It would cost an ultimate $1.4 billion in lost revenues.

Maximum tax on earned income

The House wrote a provision which would put a ceiling of 50 per cent on the taxation of earned income—mainly wages and salaries as opposed to so-called unearned income such as dividends and capital gains. By giving an incentive to earned income, it sought to discourage the search for tax shelters. This would have resulted in an ultimate revenue loss of $100 million. The Senate Finance Committee deleted this provision.

TAX REFORMS

Municipal bonds

Interest on state and municipal bonds is presently exempt from federal taxation. This creates a shelter by which wealthy Americans can and do escape taxation altogether and the bonds' consequent desirability means they can be be marketed at interest rates far lower than those for conventional bonds.

The House Ways and Means Committee provided a no-strings federal subsidy of up to 40 per cent of the interest costs to encourage states and cities to market taxable bonds. Treasury claimed that the added tax revenue from these bonds would more than offset the subsidy and that the subsidy would actually improve the marketability of the bonds. The net revenue effect would have been small.

But governors and mayors wouldn't buy the argument and put heavy pressure on the Senate committee to delete this provision, which it did. The committee also eliminated the House's inclusion of municipal bond interest under the limit on tax preferences (minimum income tax) and allocation of deductions (to be discussed later), thereby leaving a loophole whereby wealthy persons may still escape taxation altogether.

Capital gains

Gains from the sale of securities, real estate and other property held more than six months are now taxed at half of ordinary rates up to a maximum of 25 per cent. For all practical purposes, half of these gains escapes taxation.

The House voted to extend the holding period from six months to a year for an estimated revenue gain of $150 million. The Finance Committee deleted this.

The House voted to remove the 25 per cent ceiling, which would let the maximum rise to 37½ per cent under present ordinary rates (without surtax). This would raise $360 million. The Senate versions would deny the 25 percent ceiling only to those with other preferred income of more than $10,000 or those with capital gains in excess of $85,000 for single persons and $140,000 for couples. The revenue again would be $330 million.

Present law permits full long-term capital losses to be deducted up to $1,000 from ordinary income although only half of capital gains is subject to tax. Both House and Senate committees ruled that only half the net capital loss can be deducted from ordinary income. The revenue gain would be $65 million.

Lump-sum distributions of pensions and profit-sharing plans are now taxed at the lower capital gains rate. Both versions call for the taxation of that part of the payment contributed by the employer after 1969 will be taxed at ordinary rates. That part attributable to employee contributions, capital appreciation and dividends would still be taxed at capital gains rates and a five-year average formula would help reduce the one-year tax bite. The revenue gain would be $50 million.

Both House and Senate versions would also increase the maximum capital gains rate for corporations from 25 to 30 per cent with an estimated revenue gain of $175 million.

Mineral depletion

To encourage exploration and in recognition that supplies of natural resources can be exhausted, present law allows a mineral developer to deduct a fixed percentage—27½ per cent for oil and gas to lesser amounts for various other minerals—of his gross income from his net income before computation of taxes, but not more than 50 per cent of net income.

The House reduced the oil and gas allowance to 20 per cent and that for most other minerals by a proportionate amount. It also eliminated the depletion allowance for foreign oil and gas production. The revenue gain would be $400 million.

The Senate committee reduced oil and gas depletion to 23 per cent and left allowances for other minerals as they now stand. It would raise the 50 per cent of earnings ceiling on depletion to 65 per cent for companies with a gross of less than $3 million. The revenue gain would be $155 million.

Both versions would end a complex system of evading limitations on depletion allowances by juggling income and losses among different years through so-called carved-out and ABC production payments. The bill would treat these transactions much the same as mortgage loans and produce savings of $200 million a year.

Foreign income

The House inserted complex provisions that would recapture the tax benefit of deducting foreign losses from domestic profits when the foreign operation subsequently produces income. Another rule would limit the amount of foreign tax credits on mineral income to the amount of U.S. tax on that income. These two items would produce $65 million in added revenues. But the Finance Committee deleted both pending further study of the issue.

Financial institutions

Under present law the commercial banks are permitted to deduct 2.4 per cent of outstanding loans from income as a bad-debt reserve and mutual savings banks and savings and loan institutions may deduct either 3 per cent of loans or 60 per cent of income.

This results in these institutions paying far lower effective rates of taxation than the 44 per cent for corporations on average: 23 per cent for commercial banks, 17 for savings and loans and 6 per cent for mutual savings banks.

The House would reduce the 2.4 bad debt reserve of banks to the far lower actual loss experience of the past five years, eliminate the 3 per cent reserve for mutual thrift organizations and scale down the alternative deduction from 60 per cent of income to 30 per cent over 10 years.

The Senate cut back this increased taxation by 60 per cent—from $375 million in added revenues to $140 million—by keeping a fixed debt reserve for commercial banks but reducing it to 1.8 per cent and shaving the 60 per cent deduction for the other institutions to only 50 per cent.

The House measure would raise commercial bank taxation to 30 per cent, savings and loans to 29 per cent and mutuals to 19 per cent. The Senate version would raise commercial banks to 25 per cent, S & Ls to 19 per cent and mutuals to an estimated 13 or 14 per cent.

Both bills would pick up an added $85 million through changed treatment of these institutions' capital gains.

Minimum income tax and allocation of deductions

In an effort to reduce tax shelters and insure that wealthy persons pay some share of their income to the government, the House devised a limit on tax preferences (LTP). This calls for taxes at half ordinary income rates on the total of regularly taxed income plus certain types of presently excluded income if the latter exceeds the former plus $10,000. The excluded income to be included in the base would be (1) municipal bond interest, (2) excluded half of capital gain, (3) untaxed appreciation in value of property donated to charity, (4) excess of accelerated over straight-line depreciation on real estate, and (5) excess farm losses.

A companion measure would reduce personal deductions in the ratio of preferential income to total income, this preferential income being defined as under LTP plus excess drilling expense deductions and oil depletion allowances. LTP would raise $85 million additional and the allocation of deductions $460 million.

The Senate Finance Committee junked both these items in favor of a flat 5 per cent minimum income tax levied on 12 different kinds of preference income in excess of $30,000. This would be in addition to the regular income tax. Not included among the preferences taxes would be municipal bond interest, appreciated value on gifts and farm losses. The House provisions would apply to individuals only and while they would not be taxed as heavily under the Senate version the latter raises more revenue ($700 million) by extending the minimum tax in corporations.

Foundations

The House passed a long series of complex regulations prohibiting self-dealing between foundations and their donors or principals, grassroots lobbying, more than 20 percent control of an individual business. It provided heavy fines for violations, required that income of 5 per cent of assets (whichever is higher) be disbursed currently, made foundations responsible for the way recipients spend grants, and levied a 7½ per cent tax on investment income, the first in history.

The Senate relaxed many of these rules. It eased slightly self-dealing regulations, permitted business ownership up to 50 per cent, reduced the foundation tax to one-fifth of 1 per cent of assets at fair market value and called it a supervisory fee for tightened Internal Revenue Service audits. It dropped tough language prohibiting foundations from trying to influence public opinion in order to influence legislation in favor of present language which bars outright lobbying but permits research into social problems involving the government.

The House bill would raise $100 million in new revenue; the Senate measure, $55 million.

Other tax-exempt organizations

Despite a number of technical differences, the bills generally follow the same course in tightened up tax treatment of these groups. They would extend the tax on unrelated business income to churches and similar groups, tax the advertising non-profit publications such as the National Geographic and American Medical Association Journal and tax the investment income of social clubs. Both bills would raise about $20 million.

Charitable contributions

Both versions phase out the special unlimited charitable deduction and raise the regular deduction from 30 to 50 per cent of adjusted gross income.

Real estate

The House limited double depreciation, now available for all new building, to new housing construction. Other new building would be limited to 150 per cent depreciation presently permitted on used property, which henceforward would be limited to straight-line depreciation. The bill also tightens up recapture of excess depreciation by taxing part of the gain on sale at ordinary rates. These rules would raise $1 billion in new revenues. The Senate versions, which made a number of minor changes, would raise $980 million.

OTHER REFORMS

The House bill would lose $110 million, the Senate bill $100 million through liberalized deductions for moving expenses.

The Senate wrote tighter fast-depreciation concessions for railroad rolling stock (to ease effects of the investment tax credit termination), reducing the loss in the House bill from $170 million to $100 million.

Similarly, the Senate was much tougher on 5-year writeoffs for anti-pollution equipment. limiting this tax break to installations in existing plants. The House bill would lose $400 million, the Senate $120 million.

Despite minor differences, both bills would raise $235 million by ending the surtax exemption for multiple corporations.

Both bills liberalize rules for income averaging whereby persons such as authors or athletes with extraordinary income in a single year can reduce the tax bite. But by disallowing the House inclusion of capital gains and other non-wage income, the Senate committee reduced the tax drain in the House bill from $300 million to $110 million.

The House would permit interest on loans used to buy investments to be deducted only against 1) dividend income and 2) capital gains. The revenue gain would be $20 million. The Senate deleted this pending further study.

Changes in the depreciation procedures for regulated industries in both bills would permit the government to recapture $310 million in taxes that would otherwise be lost.

GENERAL FISCAL MEASURES

Both bills would:

Repeal the 7 per cent investment tax credit for an ultimate revenue gain of about $3.3 billion.

Extend the present 10 per cent income tax surcharge at a reduced 5 per cent rate for the first six months of next year. This would increase revenues by about $3.1 billion.

Postpone for a year reductions in telephone and automobile excise taxes scheduled for Dec. 31. This would add $1.2 billion to revenues (both this and the surcharge extension are already included in administration revenue estimates).

COMPARISON OF PRESENT AND PROPOSED INCOME TAX RATES

To arrive at taxable income, subtract all business expenses, exclusions, exemptions and deductions from total income. For those who don't itemize deductions, subtract either $200 plus $100 for each exemption or 10 per cent of adjusted gross income up to $1,000 under present law. Under proposed rates, subtract a flat $1,100 (low income allowance) or 15 per cent up to $2,000 under proposals to be fully effective in 1972. To compute tax, multiply first $500 (for single person) by 14 per cent (under present law), the next $500 by 15 per cent, next $1,000 by 16 per cent and so on. New rates reflect cuts when fully implemented in 1972. Present rates don't include 10 percent surcharge.

Taxable income (in thousands of dollars)		Tax rate (percent)				
Single, married persons filing singly and heads of household	(Married-joint)	Present regular (single, joint and married filing singly)	Present head of household	New regular joint and married filing singly	New head of household	New intermediate (for all single persons)
0 to 0.5	0 to 1	14	14	13	13	13
0.5 to 1	1 to 2	15	14	14	13	14
1 to 1.5	2 to 3	16	16	15	15	15
1.5 to 2	3 to 4	17	16	16	15	16
2 to 4	4 to 8	19	18	18	17	18
4 to 6	8 to 12	22	20	21	19	20
6 to 8	12 to 16	25	22	23	20	22
8 to 10	16 to 20	28	25	27	22	24
10 to 12	20 to 24	32	27	30	23	26
12 to 14	24 to 28	36	31	34	25	28
14 to 16	28 to 32	39	32	37	27	30
16 to 18	32 to 36	42	35	40	29	32
18 to 20	36 to 40	45	36	42	31	34
20 to 22	40 to 44	48	40	44	32	35
22 to 24	44 to 48	50	41	47	34	37
24 to 26	48 to 52	50	43	47	36	37
26 to 28	52 to 56	53	45	49	38	42
28 to 32	56 to 64	53	46	49	40	42
32 to 36	64 to 72	55	48	50	43	47
36 to 38	72 to 76	55	50	50	45	47
38 to 40	76 to 80	58	52	52	47	52
40 to 44	80 to 88	58	53	52	48	52
44 to 50	88 to 100	60	55	54	51	54
50 to 52	100 to 104	62	56	58	53	55
52 to 60	104 to 120	62	58	58	53	58
60 to 64	120 to 128	64	58	60	55	60
64 to 70	128 to 140	64	59	60	55	60
70 to 76	140 to 152	66	61	60	55	60
76 to 80	152 to 160	66	62	60	55	60
80 to 88	160 to 176	68	63	61	57	61
88 to 90	176 to 180	68	64	61	57	61
90 to 100	180 to 200	69	64	61	57	61
100 to 120	200 to 240	70	66	62	60	62
120 to 140	240 to 280	70	67	63	62	63
140 to 150	280 to 300	70	68	63	62	63
150 to 160	300 to 320	70	68	64	62	64
160 to 180	320 to 360	70	69	64	63	64
180 to 200	360 to 400	70	70	64	63	64
200 to 300	400 to 600	70	70	65	64	65
Over 300	Over 600	70	70	65	65	65

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Omaha World-Herald of July 11 and July 12, and the North Platte, Nebr., Telegraph, in the State of Nebraska. The editorials follow:

[From the Omaha World-Herald, July 11, 1969]

PUTTING LEGISLATURES IN TEMPTATION'S WAY

The big-truck bill cosponsored by Rep. Robert V. Denney of Nebraska has come under attack in a House highway subcommittee.

Rep. Fred Schwengel of Iowa spoke against the bill on the grounds that it would increase safety problems by introducing wider, longer, harder-to-handle trucks on the highways.

Rep. Richard D. McCarthy of New York said the bill would allow states to authorize the lengthening of trucks by as much as 11 feet.

"This legislation is going to be a green light," McCarthy declared. "I'm sure every state legislature (would be the target) of high-powered trucking lobbyists going in to seek an extension to 70 feet."

To this Denney replied:

"You have no confidence in your legislature to behave sensibly."

At this point we must pause to wonder whether Denney has taken a look at his own state's Legislature lately.

With a whoop and a holler, the Nebraska lawmakers decreed that Nebraska roads may carry the heaviest trucks in this part of the country.

Given this record of performance, it would not be hard to envision the Legislature yielding again, and giving Nebraska truckers permission to widen and lengthen their vehicles to the maximum allowable in Denney's bill. After all, what is a maximum for, if not to be crowded to the utmost?

The Nebraska Legislature already has created enough potential for damage to highways and worsening of safety problems by voting for 47½-ton trucks. It should not be given the temptation, via the Denney bill, to take further action detrimental to the public inerest.

Rep. Schwengel predicted the bill will die on the House floor. We hope he's right.

[From the Omaha World-Herald, July 12, 1969]

WIDER TRUCKS ARE SAFER? THEY HAVE TO BE KIDDING

Bus operators and truckers told a House highway subcommittee that wider, longer, heavier vehicles than are now on the road would be more comfortable for bus riders and safer than are present buses and trucks.

Not so, said Rep. Fred Schwengel, R.-Ia. He said that drivers he talked to did not agree with their bosses. The drivers said they had enough trouble handling present-sized buses and "stated flatly that increasing the width of buses would increase safety problems and make their jobs more difficult."

The average motorist has some experience in driving behind and around the trucks and buses now on the road. Congress should ask him what he thinks about the chances of increasing safety by widening vehicles to 102 inches from the present 96 inches and authorizing lengths of 70 feet.

The truck-bus lobby had better stick to its economic arguments that bigger trucks are a fine thing.

Never in this world can it convince the average auto driver that wider, longer, heavier trucks speeding along the country's jammed highways will make those highways safer.

[From the North Platte (Nebr.) Telegraph, Aug. 2, 1969]

SCHWENGEL, DENNEY: SIMILAR OPPOSITES

(By Bob Poos)

WASHINGTON.—Two congressmen, remarkably alike in many respects, have taken opposing positions in a House battle over a bill that would permit bigger trucks on the federal interstate highway system. Fred Schwengel and Robert Denney, both moderately conservative midwestern Republicans—and personal friends—are on the public works subcommittee studying a bill that makes them antagonists.

It is House Resolution 118708, "the big truck bill."

Schwengel, of Iowa, is its foremost opponent and Denney, Nebraska, is one of its cosponsors.

The measure would permit wider, heavier and in some cases longer trucks and buses on interstate highways.

Witnesses in favor of the bill during three weeks of testimony were mostly representatives of the trucking or allied industries but did include Norber T. Tiemann, governor of Nebraska, where the subject is a touchy one. Those against comprised a wide range of interests, including the American Automobile Association, the American Association of State Highway Officials, county highway engineers' groups and the Federation of Women's Clubs.

Opponents said bigger trucks would be more dangerous to other motorists and would break up highways and bridges much more than present maximum size trucks.

Proponents said the bigger trucks would have improved braking and steering systems, better load distribution and would actually be easier on roads and bridges.

Also, they claimed, resultant economic benefits would permit them at least to hold the line on transportation costs and thus fight inflation.

Schwengel and Denney fought for their sides eloquently, vigorously and at times heatedly.

Both are obviously convinced they are right and each is confident of the outcome.

Schwengel said in an interview, "They've got the votes to get it out of subcommittee. But just maybe we can block it in the full Public Works Committee. There are a lot of committee members who don't want to see that bill get out on the floor where it would embarrass them.

Schwengel said if he cannot stop it in the committee "I'll take it to the people of the United States. I'll make a speech on the floor of the House every day. They won't get it through a roll call vote."

Denney, on the other hand, calls it "a good bill" and said in an interview he expects to get it out of the committee onto the floor of the House.

"Look," Denney said, "I know people, some of them, are going to say 'you're for the truck industry.' But let's put it this way, I'm for agriculture, not trucks." Citing one reason bigger trucks are needed, he said "The railroads are taking off more trains continually."

As Denney envisions it, the big trucks will use the interstate highways to get to large cities and smaller trucks will take over on the state highways.

"The new truck bill means that shippers such as cattlemen and grain growers will now be able to rent one, rather than two, trucks to get their products to market," Denney said.

But Schwengel, also from a rural area, contends the bigger trucks would be acutely more dangerous and would cause more expense in road and bridge destruction.

CHARLES MARSHALL WASHBURN

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HATHAWAY. Mr. Speaker, I was exceptionally pleased to learn that Mr. Charles Marshall Washburn, a longtime writer for the Bangor Daily News has been presented the Distinguished Service Award from the American Forest Institute.

The AFI is the communications and education arm of the forest industries and presents its Distinguished Service Award each year as it did Tuesday at the Mayflower Hotel.

The award is presented to an individual outside the forest industries who has made an outstanding contribution toward a better public understanding of the industries.

I would like to note just a few of the comments of Mr. J. V. Sutton, chairman of the AFI board of trustees, during the presentation. Mr. Sutton said:

> We in the AFI have the responsibility for communicating the programs and problems of the forest industries to the public. The importance of our work increases in direct proportion to the intensity and sound of the demands to withhold timberlands from production.
>
> Our future depends upon the public's understanding of our duty to provide an adequate timber supply for domestic uses. Without this understanding, both the forest industries and our country would be in serious trouble.
>
> This understanding can come about only through fair, objective reporting. And fair, objective reporting is an active job. It requires digging for all the facts, rather than re-writing handouts. It requires a balancing of viewpoints, rather than biased presentations. And finally, it requires giving all of the facts, rather than a few judiciously selected to support a particular point of view.
>
> The highest compliment that I can pay Mr. Washburn is to say that he is a fair, objective journalist. In a very brief summary of his work, the citation that goes with this award tells you why I say that.

I am happy to include the citation which accompanies the Distinguished Service Award, and a news release on the presentation, as follows:

CITATION

Charles Marshall Washburn is a man who comes face-to-face each day with the advancements of the 20th Century space society, but treasures the simple virtues of having the respect and admiration of his fellow men.

As the Forestry, Farm and Fisheries Editor of the Bangor (Maine) Daily News, Mr. Washburn has been closely associated with the popular issues of conservation and the practical developments of the forest resources for many years. Throughout his career he has endeavored to understand and present each side of public issues. In recent years when it has become daring to challenge public crusades, he has performed research to determine the accuracy of the various statements and to correct misunderstandings.

He has visited forests and wildernesses for an on-the-site study of the developments; he has attended public hearings to learn the attitudes of land owners and the needs for public use of the lands; and he has personally conducted tours for conservation leaders to clarify areas of doubt.

His reward for this continuing effort to better inform the public has been the respect and admiration which his readers generously extend to him.

There are few men who have achieved the trust which conservationists, educators and industry leaders have placed in his news stories.

One conservation leader has written:

"One of the finest reporters in Maine is Charles Marshall Washburn of the Bangor Daily News. His articles on matters of conservation, whether the subject be forestry, agriculture, or wilderness, such as the Allagash Waterway, are always vital and extremely readable, with a wealth of information wrapped in each sentence. In my work with the Audubon Group and the Bird Conservation Club of Bangor, I have always found his reports on controversial issues to be as fair and unbiased as is possible for any individual."

The Director of the School of Forest Resources of the University of Maine has added:

"(Mr. Washburn) has done a great deal in this state to help people understand the problems of forestland owners and the importance of the forest products industry and the economy of Maine."

An official of the forest industries has rounded-out the general confidence in his work by writing:

"Mr. Washburn has consistently written feature stories on our industry . . . presenting fairly and favorably the conservation work which the industry has undertaken and accomplished as well as interpreting for the public some of the issues involved in the public use of our lands."

The American Forest Institute is privileged to join in the tribute extended to Charles Marshall Washburn by awarding him its Distinguished Service Award for 1969.

V. J. SUTTON,
Chairman of the Board of Trustees.

OCTOBER 28, 1969.

WASHBURN WINS AFI'S DISTINGUISHED SERVICE AWARD

WASHINGTON, D.C., October 28.—Charles Marshall Washburn, Forestry, Farm and Fisheries Editor of the Bangor, Me., Daily News, today was presented with the Distinguished Service Award of the American Forest Institute.

Washburn was presented the award, a plaque and a $500 honorarium, by V. J. Sutton, chairman of the Institute, at the organization's annual meeting at the Mayflower Hotel here.

The Award is presented annually to an individual outside the forest industry in recognition of outstanding contribution toward a better public understanding of the industry. Washburn, who has covered developments in Maine's extensive commercial timberlands since 1954, has won the respect of both the forest industries and conservationists.

In presenting the award, Sutton said:

"Mr. Washburn has been closely associated with the popular issues of conservation and the practical developments of the forest resources for many years.

"Throughout his career he has endeavored to understand and present each side of public issues. In recent years when it has become daring to challenge public crusades, he has performed research to determine the accuracy of the various statements and to correct misunderstandings.

"His reward for this continuing effort to better inform the public has been the respect and admiration which his readers generously extend to him.

"There are few men who have achieved the trust which conservationists, educators and industry leaders have placed in his news stories."

EX-REPRESENTATIVE HALLECK IS NOW "PROFESSOR CHARLIE"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BRAY. Mr. Speaker, it is with great pleasure I insert the following story by Robert P. Mooney, from a recent edition of the Indianapolis, Ind., Star. I am sure all of us who knew Charlie Halleck over the years, and who miss him so much here in the House, will be pleased to read of his new and rewarding career in the college classroom:

EX-REPRESENTATIVE HALLECK IS NOW "PROFESSOR CHARLIE"—TEACHES HISTORY COURSE

(By Robert P. Mooney)

RENSSELAER, IND.—Former United States Representative Charles Abraham Halleck, now becoming known as "Professor Charlie" to a number of college students, believes America is at the crossroads of returning to a new isolationism."

An isolationist before World War II, Halleck later enraged several of his Republican Hoosier Congressional colleagues and state GOP leaders by transforming into an advocate of foreign aid.

He backed such foreign aid programs as the Marshall Plan, designed to rebuild a war-wrecked Europe, and also supported (at the request of a former, scrappy President) the Truman Doctrine, basically drawn to stem the tide of Communist aggression.

While Halleck still is strongly anti-Communist and supports President Richard M. Nixon's policy in Vietnam, he does not try to impose his own opinions on students at St. Joseph's College.

Shortly after he announced his plans to retire from Congress on Jan. 23, 1968, Halleck was offered a teaching position by the Rev. Charles B. Banet, president of St. Joseph's. Father Banet later was to remark:

"Getting Halleck into a classroom made the trip to the moon anticlimactic."

Halleck and St. Joseph's officials came up with an assignment to teach one class a week in History 57—or more favorably called "Washington since 1934."

Halleck set a maximum of 25 students each fall semester. He still will winter in Florida.

On registration day, the class was filled in 20 minutes. Halleck relented and accepted four "emergencies." Most of the students are history and political science majors, but a few students with other majors, such as accounting, slipped into the class.

Halleck's course deals with Republican national conventions from 1940 to 1968, government and labor relations, foreign aid legislation, domestic problems, defense committments, etc.

Of course, Halleck's background is formidable for the task.

Halleck was elected House majority leader in 1947, serving in that capacity until 1953. He pushed legislation which reduced taxes, balanced the national budget and lowered the national debt. The Taft-Hartley Act, a landmark of labor legislation, also was a result partially of Halleck's efforts.

Elected minority leader in 1959, Halleck was instrumental in the passage of the Landrum-

Griffin labor law and the Civil Rights Act of 1964.

From 1952 to 1960, Halleck was one of President Dwight D. Eisenhower's closest advisors and confidantes.

Halleck first entered Congress in 1935. He was appointed to such dubious committees as "Pensions" and "World War Legislation."

Halleck, a Hoosier lawyer (and former Jasper County prosecutor), once recalled that he does not remember that the committee on "Pensions" ever met. But another first appointment was to the Civil Service Committee.

When Halleck entered his final and 17th Congressional campaign in 1966, he held the distinction of being the only living American to serve as both majority leader and minority leader in the House of Representatives.

The former Congressional leader was offered a healthy fee for his one-semester a year, weekly class. He accepted, but not for his personal use—the fee will go into a fund to provide scholarships for students hoping to attend St. Joseph's.

Halleck has taken his teaching duties seriously, missing but one class since he started. That was two weeks ago when he went to South Dakota to hunt pheasant. He is an avid hunter and fisherman.

The Rev. Donald F. Shea, chairman of the history department at St. Joseph's, said Halleck was nervous, but sincere, about his new duties.

"When I was in London last summer," Father Shea said, "he sent me an outline syllabus (course of lectures) for my review and approval. I was amazed."

When he first started lecturing, Halleck had bulky, copious notes but he quickly found out that he didn't need quite so much material. The class is scheduled for one hour, 30 minutes, but he sometimes cuts the time to an hour.

He doesn't stand at a platform and lecture. He stresses informality and openness in all class discussions.

There is little doubt that a few of the students enrolled just to have the privilege of having a class under Charlie Halleck.

And there are others who take the attitude:

"This course is like a story hour at the public library. It's so interesting because Mr. Halleck makes it so real—after all, he was there."

Halleck also is on the board of trustees at St. Joseph's.

A replica, but smaller, of Halleck's old office in Washington is set up in the college administration building. He had his desk and chair shipped from Washington and also the nameplate, "Mr. Halleck," which fronted his office door in the nation's capital.

Many photographs of highlights in his career adorn the walls of the comfortable office.

One of the famous Eisenhower signatures reads:

"To Charlie Halleck: With the admiration and affectionate regards of his devoted friend. Dwight D. Eisenhower."

Halleck often spends two or three hours daily in his campus office. He still has a law office in downtown Rensselaer and converses frequently by telephone with former Democratic Governor Roger D. Branigin. The two have been friends for years and formed a semi-partnership of accord when Branigin left office earlier this year.

Halleck last week threw his class into open discussion on Vietnam. Like most discussions on Vietnam, it was confusing, contained some misinformation, revealed partiality and much apprehension and left Halleck groping for answers to some well directed questions that even long-time experts on Vietnam have failed to answer to the satisfaction of questioners.

But the class was open and free. Nobody lost his temper. Halleck, like a cagey boxer, wove in and out of the more difficult questions. A few times, when backed into a corner, Halleck simply, but honestly replied, "I don't know."

There was one refreshing note of student behavior. When Halleck entered the classroom to start proceedings, the students stood up out of respect, a mark of good training and personal courtesy.

Most of Halleck's students favor President Nixon's phased withdrawal of troops in Vietnam, but a third or more replied that they had favored the national moratorium on Vietnam and unilateral withdrawal. These students were more vocal and participated more in the discussion that did those who favored President Nixon's policy.

Later, when Halleck entertained the class at a reception in his new home in Rensselaer, followed by dinner at Former State Senator Roy Conrad's Sportsmen's Inn at Monticello, several of Halleck's students who favored the moratorium admitted that it probably was impractical to pull all U.S. troops out of Vietnam at once.

A few of the students remarked that Halleck's easy-going, amiable attitude as a teacher belied his "gut fighter" reputation in Congress where the Halleck wrath had chased many a foe to the sanctuary of a nearby cloakroom.

They got a wee sample of the old Halleck after the dinner when an Indianapolis senior, Ken Griffin, a member of the Marine Corps Reserve, proposed a toast to "Professor Charlie."

Griffin drew a laugh when he said that Halleck should know that he had worked for the re-election of U.S. Senator Birch E. Bayh Jr. (D-In.) in the 1968 election.

But Halleck drew a louder response, when he quickly retorted:

"If you can stand him (Bayh), I guess I can."

Then the "Professor" blew a policeman's whistle.

"The show's over, let's hit the road back to Rensselaer."

He turned to Conrad, saying:

"Roy, I'm going to have to bring you a new picture, that one's getting a little old, isn't it?"

Conrad has a framed picture of Halleck on the wall of his dining room.

It looks like it was taken not too long after Halleck first went to Congress.

RETIREMENT OF JOHN C. HAZEN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, this week marks the retirement of a distinguished national spokesman for our private enterprise system: John C. Hazen.

Representing the National Retail Merchants Association in Washington for 25 years, 17 as vice president for government affairs, John has earned the title "Mr. Retailing," in the Halls of Congress and the executive branch.

John's quarter-of-a-century record of integrity and responsibility leaves the Nation, and particularly the tens of thousands of retailers across our land, in his debt. In the years since John came to Washington from a career as a publisher and civil defense administrator, many of the Nation's leaders have come to value his friendship and respect his judgment, his unfailing sense of humor, and his confidence in America's private enterprise economy. Those qualities, applied with great measures of hard work, have helped to shape many of the important legislative and executive decisions in Washington over the past two and a half decades.

During John's years with the National Retail Merchants Association, America's department stores emerged from a wartime economy and so prospered that their customers now enjoy a wider selection of merchandise, at higher quality levels than at any other time in history or place in the world.

Our system of government has worked, in no small part, because able and dedicated men like John Hazen have not let us forget that government is the servant of the people and freedom is our most precious asset.

So to John, on this occasion, we offer best wishes, and hope we may continue to call on his good counsel.

FOUR-MONTH MAIL SERVICE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. PETTIS. Mr. Speaker, after reading and listening to the torrent of words which have been spoken and written over the past year about the defects of our present postal system, I feel sure that our fine Postmaster General needs little more evidence of the chaotic conditions which, unfortunately, beset the U.S. mail service. I also recognize the fact that "Red" Blount has been striving mightily to gain congressional approval for his postal reorganization plan and for those reasons I am reluctant to add even a jot of criticism to his already heavy burden. However, I feel constrained nonetheless to cite one more case of ineptitude because it seems almost impossible to believe. The incident in mind concerns a special delivery, air mail letter that was addressed to me and mailed July 9 from San Bernardino, Calif.; the postmarks indicate that it arrived in Washington, D.C., on July 10. That's great speed, so far; but that letter was delivered to my office yesterday, November 3.

Though the temptation is great, I will refrain from the now normal analogy with the era of Pony Express service. And if this were a matter of a box of Christmas cookies gone astray, I might be inclined to pass off the incident with a facetious aside but this was a far more important letter. It concerned a Federal matter of great interest to about 700,000 people in my district. The fact that the county board of supervisors spent 55 cents to dispatch it attests to its urgency.

I do not know how many other Members here can cite similar incidents. But I do want to say that this situation causes me considerable distress. As we all know, letters and communications of all sorts are the very lifeblood of every Congressman and when something happens to interfere with the vital interchange of correspondence between a constituent and his elected representative, then we become the victims of derelict service.

One of Mr. Blount's predecessors was wont to say on frequent occasions that the postal service was in a race with catastrophe. Well, for my money the race is over and the name of the winner begins with "c." Make that capital "C."

PHILANTHROPY SHOULD BE ENCOURAGED—NOT CHOKED OFF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. RODINO. Mr. Speaker, as one who has long sought comprehensive tax reform I have been heartened by the progress made thus far on this most complex matter. However, I am concerned that in some areas we may, in fact, take action contrary to the objectives we seek of creating an equitable and realistic tax system. One aspect of the omnibus tax reform bill which must be very carefully considered is the question of changing the tax treatment of charitable foundations. There are certainly great abuses by many so-called foundations which actually are established as tax havens, but I seriously question the wisdom of the action by the Senate in setting a limit of 40 years on the existence of all private foundations.

In this connection, the Newark Sunday News of November 2, 1969 published an excellent editorial which I ask to be printed in the Record at this point. As the editorial notes, much more detailed information on all foundations is needed, and until this is available we must take care that we do not act to correct abuses by "shackling the varied and valuable initiatives many responsible foundations have shown in helping to ease social problems."

The editorial follows:

CURBING FOUNDATIONS

Limiting the life span of private philanthropic foundations to 40 years, a move endorsed by the Senate Finance Committee, reflects congressional resentment over abuses uncovered in use of the tax-exemption privilege. Yet they scarcely warrant such drastic action as contemplated.

Radical differences over how foundations should be treated are found in Senate and House versions of the tax-reform bill. No one knows what compromise will finally emerge but apparently tough new restrictions on operations and finances are coming.

One difficulty in deciding what should be done is lack of knowledge about what the current picture is. Sketchy details compiled by Internal Revenue indicate there are at least 30,000 private foundations, with assets of perhaps $20 billion, but the real totals may be higher. As a first step toward needed regulation, the government should compile details, including classifications of the foundations by purpose, size and nature of donors.

Some curbs on foundation activities are obviously needed. While individuals are saddled with a special 10 per cent surtax to meet government needs, a few foundations are using untaxed income to pay for the education of their founders' children or finance the recruiting of college football players. One spends $500,000 on public relations. Some finance corporate acquisition programs. Others control retail store chains, an aircraft company, an oil complex, a breakfast food manufacturer.

As minimum steps to eliminate abuses, any legislation finally adopted by Congress should prohibit self-serving dealings between foundations and their major donors, limit involvement in businesses unrelated to the foundations' charitable functions, restrict direct attempts to influence political decisions, and assure that net income is distributed, not accumulated.

Such correction should be accomplished, however, without unnecessarily shackling the varied and valuable initiatives many responsible foundations have shown in helping to ease social problems. Philanthropy is one of man's nobler traits. It should be encouraged, not choked off.

MODERN HYPOCRISY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. WYMAN. Mr. Speaker, Eric Sevareid's recent comments point out the essential hypocrisy of those youthful agitators who condone violence for their own objectives but decry it when necessary to preserve the Union. Because of the intrinsic dangers to the preservation of a government of law and not of men implicit in any subjective yardstick measuring when violence is proper, I include Mr. Sevaredi's thoughtful remarks at this point in the Record.

WHO'S A HYPOCRITE?

(By Eric Sevareid)

The youthful avant-garde, both black and white, is persuaded that feeling is where it's at, not thinking, that the soul is superior to reason. So perhaps it should surprise no one that they demand that the churches fork over a half billion dollars to black Americans, in reparation for the historical sufferings of Negroes. No discount allowed, apparently, for the big role played by the churches in abolishing chattel slavery in this country. And none of the loot to be shared with the descendants of the 300,000 or so white men who died fighting against slavery in the Civil War.

Many young rebels, black and white, disclaim any personal responsibility for what their parents did wrong, and properly so. But their parents are to be held responsible for what their parents or grandparents did wrong. Nice work if you can get it.

True pacifists aside, the young militants claim they hate war and love peace. They hate this particular war in Asia, but they love their own substitute wars on campuses and elsewhere. They are, in fact, warriors, containing within their breasts all the hate, fear, envy, aggression and boredom out of which so many wars have been born. They assume the right to commit acts of common criminality, but demand exceptions from the common penalties.

One of the basic complaints of young revolutionaries is that adult society is full of hypocrisy. But it appears that hypocrisy is one phenomenon that has managed to bridge the generation gap.

MEETING OF THE INTER-AMERICAN CONFEDERATION OF THE PARTNERS OF THE ALLIANCE HELD IN FLORIDA

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. CULVER. Mr. Speaker, on October 17, 18, and 19, the Board of Directors of the Inter-American Confederation of the Partners of the Alliance held their first meeting in Coral Gables, Fla. The Board, composed of representatives of Latin American and U.S. Partner organizations, met to establish priorities for private sector activities in social and economic development in the hemisphere. The Secretary of the Inter-American Confederation is Mrs. Jeanette Westfall. She is executive secretary of the Iowa Partners of the Alliance and has been instrumental in the success of the Partners nationwide.

At the meetings, Dr. Edgar Barbosa Ribas of Curitiba, Brazil, President of the Inter-American Confederation, noted that he hoped that an expanded interchange among the people of the hemisphere will result from the initial discussions concerning the Partners that were taken in Coral Gables. He stressed the two-way nature of the Partners as an important part of the program's concept. While Latin Americans are receiving technical assistance for self-help projects, they are also contributing to their U.S. Partners in cultural and educational fields. James H. Boren, Director of the Partners of the Alliance in the Agency for International Development, also stressed the importance of the Coral Gables meeting by noting that it marks the transition of the Partners program into a truly Inter-American effort.

The Board of Directors unanimously passed a resolution in support of Congressman DANTE FASCELL's bill, H.R. 13120, to establish the Inter-American Social Development Institute. The resolution stated:

Whereas, Congressman Dante Fascell of Florida is leading the efforts to establish a private sector "Inter-American Social Development Institute" which offers so many possibilities for meaningful and significant contributions to the mutual self-help development movement within the Americas and,

Whereas, Congressman Fascell has given effective leadership and support to the resolution adopted by the Fourth Inter-American Conference of the Partners of the Alliance which called for the allocation of a "Partners Plan for Peace" to the Inter-American efforts of the Partners programs,

Therefore, be it resolved that: The Board of Directors of the Inter-American Confederation of the Partners of the Alliance expresses its gratitude and appreciation to Congressman Dante Fascell for his dedicated enthusiasm, outstanding leadership and effective contribution to the improvement of Inter-American understanding and development.

Mr. Speaker, I would also like to call to the attention of my colleagues in the House an article that appeared in the

Miami Herald on Sunday, October 19, which discussed the objectives of the Partners program and gives added emphasis to the importance of the meetings held in Coral Gables:

ALLIANCE FOR PROGRESS IS FLOUNDERING BUT ITS PARTNERS ARE WELL

(By Don Bohning)

The Alliance for Progress is floundering but its "partners" are still alive and well.

The Partners of the Alliance program was created in 1964 to help personalize the Alliance for Progress between Latin America and the U.S. by putting the emphasis on people instead of governments.

Individual U.S. states pair off with countries and areas throughout Latin America to help promote regional development through high impact but frequently low economic priority self-help projects.

It might mean, for example, a fire truck from Wisconsin for a volunteer fire department in Matagalpa, Nicaragua. Or 1,200 pieces of used dental equipment from Iowa for work among the Mayan Indians of the Yucatan Peninsula. Or technical know-how and potato seed from Delaware to aid in establishing a potato chip factory in Panama.

There are now 40 states working in direct relationship with 40 areas in 17 Latin American countries and the benefits are not all one-way.

"The Latin American Partners, while receiving technical assistance for self-help projects, are also contributing to their U.S. Partner in cultural and education fields," says Dr. Edgar Ribas of Curitab, Brazil.

He cites art exhibitions, musical performances and assistance to U.S. language instruction programs among the contributions made by the Latin American Partners.

Ribas is president of the newly formed Executive Council of the Inter-American Confederation of the Partners which concludes its first meeting in Coral Gables today.

Creation of the Council is another effort to assure continuation of the Partners program, regardless of what happens to the Alliance for Progress.

The Council is composed of representatives of U.S. National Association of the Partners of the Alliance, a Brazilian Confederation of the 15 Brazilian state Partners, a Central American and Panama Confederation and a Confederation of the remaining Partner countries. All are non-governmental.

"The meeting here is the first organizational step to make coordination, planning and direction of the Partners program genuinely inter-American," says James Boren, its founder and director.

"It's not proper for the U.S. association to make all the decisions and call the shots," says Boren. "We want the Latin American participation to be not only in name but in fact."

President Nixon still has not publicly outlined his Latin American policy although Administration spokesmen have indicated the Alliance for Progress as conceived by the late President Kennedy will be in for an overhaul.

Boren sees any policy change as having only limited, if any, effect on the Partners program, since it is largely operated outside the governmental sphere now.

Additionally, both Nixon and Charles M. Meyer, assistant secretary of state for Latin American affairs, have praised the Partners program and indicated continued administration support for it.

The Council removes the Partners program even further from the governmental realm.

Boren and his seven-man staff now operate under the U.S. Agency for International Development on a budget of less than $500,000 a year.

His office functions primarily as a catalyst in bringing private sector leaders from the Partner areas together. Then they are on their own.

It is hoped by mid-1970 that the entire program, including Boren and his staff, will be completely outside the governmental realm.

"If ever we needed citizen-to-citizen communications in this hemisphere, we need it now," says Boren, who just returned from a five-week tour of some of Latin America's most remote regions.

One of the Partner program's most immediate needs, says Boren, is transportation.

They hope it will come in the form of a "plane for peace," a project being pushed in Congress by Florida Rep. Dante Fascell, chairman of the House subcommittee on inter-American affairs.

The resolution, as presented by Fascell, calls for the U.S. government to provide a plane to transport people and equipment involved in Partner projects.

"At the present time we have many, many tons of equipment and supplies throughout the U.S. ready for shipment to Latin America but no way to ship it," says Boren. "And in Latin America we have students with scholarships available, large numbers of painting exhibitions and musical groups that would be brought to the U.S. if there were means to get them here."

Boren echoed delegates to an Inter-American Partners' meeting in Salt Lake City earlier this year who wondered "with so many planes being given over to purposes of war, why could not just one airplane be provided for the cause of peace and understanding in the hemisphere."

RETIREMENT OF HARRY L. BROOKSHIRE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, those of us who have come to know Harry L. Brookshire well are going to miss him very much. I certainly want to join with my colleagues in wishing the retiring clerk to the minority a long and happy retirement. He leaves the U.S. House of Representatives after many years of diligent and faithful service that began far before my service. I understand Harry first came to Washington in 1939 with Congressman Frederick C. Smith, of Ohio, and took up his duties with Doc Smith as his top assistant.

When the Eisenhower administration came into office, the search for capable talent reached out and touched Harry who became the executive assistant to Postmaster General Arthur E. Summerfield.

In retrospect it was only logical for the Republicans in the House to recognize Harry L. Brookshire's outstanding ability and to pick him as their clerk to the minority, in which position he was serving when I first came to Congress in January 1961. Indeed, he had already received well earned recognition for his executive ability and his keen sense and awareness of moving politics in America. This was very much self-evident the first time a newcomer to the House of Representatives like myself had the occasion to consult with and to seek his wise counsel.

Some of the qualities that endeared us to Harry were his loyalty, dedication, sincerity, and his ever-constant desire not only to serve but to serve well.

Most assuredly, if there has ever been anyone who has reached retirement age and deserved to be honored by a retirement program, then Harry L. Brookshire ought to be listed right on top.

He will take with him, I know, many fond memories and recollections of his years on Capitol Hill which I am sure will fill his reminiscences with a warm glow. We hope that he will remember us with the same warmth that we too will remember him.

A PROFESSOR SPEAKS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. GROSS. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD the splendid speech delivered recently to the Omaha, Nebr., Rotary Club by Mr. William H. Thompson, dean emeritus of the University of Nebraska.

Mr. Thompson was for 30 years a member of the faculty at the University of Nebraska. The speech of this outspoken educator follows:

ADDRESS BY MR. THOMPSON

I submit the following qualifications for appearing before you: ten years teaching in high school; ten years teaching in college; thirty years as college professor and administrator. During the Great Depression of the 1930's and in the years following World War II, I survived two campus riots and a student body strike. I fired ten faculty members in one day and thirty-five students in a day. I have endured innumerable parades, complaint committees, appearances before my superiors, and a bushel basket of unfriendly newspaper comments. During my career, I have made many mistakes—among them was the flunking of the mayor's son. I've appeared before boards of education, boards of regents, superintendents, presidents, faculty and ministerial committees to answer for my deeds. I have only one virtue—I didn't run away! These, gentlemen, are my credentials.

A recent visit to the campus of the University of California at Berkeley is the stimulus producing my reaction today. As I stood at the entrance to the campus of one of the world's most beautiful and famous universities, and saw it spew out a scummy product, my heart was sick. To walk along Telegraph Avenue leading to the main gate is an unforgettable experience. It was hard to believe my own eyes as I saw the dirty, ugly horde of young people eating, drinking, sleeping in what was formerly a lovely street. The desecration was made worse by ordorous hawkers of underground newspapers paid for by pro-Chinese Communists and distributed as a means of support for Communist China. These newspapers are pornographic and contain indescribable filth. An editorial spoke of the "New Utopia" to be brought about by a revolution that would dissolve the family as a social unit. The first page of a newspaper ran an advertisement inviting all to a party: "Come bottom-less or top-less, or both; however, you have to furnish your own pot."

I was told that Telegraph Avenue has the highest venereal disease ratio in the world. Its inhabitants are supported by welfare, that is, by contributions from parents and by money from Communist sources.

Policemen on campus describe the university population as of two kinds: bright, well-adjusted young people; others ranging from bearded Left-wingers to the most degenerate "hippies." I was told that about a third of the faculty members are hippies. I talked with one of them. He had food in his beard and a stale-beer breath. I asked him what he represented at the university. He replied, "The New Left." I felt he should have been left somewhere else long ago.

The real villain in the situation is never mentioned; he gets no publicity. Yet, in my judgment, he is largely responsible for many of the unspeakable conditions on the faculties of our universities. The villain is the man who hires the faculty, too often on the basis of academic proficiency alone. I submit to you that our youth deserve better than the character of "the New Left." Our universities owe it to the young generation that it should be led and instructed by men of good character, personality and basic appreciation of the real issues of life—certainly by men loyal to our country, which preserves us all.

The policemen told me about a new breed called "street people," who are joined by the hippies. The policemen said the campus plan of the pro-Chinese Communists is to corrupt the bright youth of this generation and prepare the downfall of our nation. The police told me that people come from everywhere in the world to witness this festering menace. Without Governor Reagan's strong support, the police couldn't control the situation.

I have talked with many college administrators from various parts of the country. They tell me that what is happening at Berkeley is part of the plot by which Communists plan to achieve the destruction of our republic by those who have received its greatest benefactions. They are skillfully and intelligently led; their agents invade every campus, break no laws and prey upon the credulity and the urge for adventure that exists in all youth. They ply their destructive schemes by use of an ingenious and insidious philosophy which challenges our whole system of values.

I had sometimes felt that perhaps men like J. Edgar Hoover exaggerated the Communist danger. But when I saw the existing situation at Berkeley, I changed my mind.

One asks the question: How can these things be? The agony of this question should be borne by every American. Perhaps we should thank God for the many thousands of dedicated professors and scientists who are faithful to their responsibilities, and for the further fact that they still are in the majority. Many administrators are alert to the threatening disaster, but often feel helpless for many reasons. I should like to discuss a few with you:

(1) It is my opinion that the television networks and some members of the news media have been large contributors to the present situation. In my view, too many publications have become journals of abnormal psychology, and television is the most modern means of confusion, distortion and disorientation of the mind of man yet invented. The dregs of campus society are glorified through presentation by the news media.

Too often today, one must turn to page 16 of the newspapers or switch the TV to soap operas or movies made long ago to find anything normal or natural about the human animal.

(2) Our universities have become temples of data processing. Freshman Joe is only a number. He is too often offered a curriculum of pap such as, "How to fish in the Northwest," or "How to play games on the recreation field," or "English I" as a euphemism for fourth grade English. Freshman Joe is taught by a graduate student who couldn't care less about him and is interested only in how to finish a thesis for a master's degree and thus disappear from the legitimate function of the university—teaching—to go into "research." Freshman Joe is hounded by a horde of disinterested, ill-prepared, poorly paid harpies known as "counselors." At the end of the year, he finds himself depersonalized and on probation because he didn't make the necessary grade point averages. Meanwhile, highly paid academicians empty bottles into test tubes, push rats through mazes, cook bacteria, write scholarly papers for scholarly journals and make 13 copies for their government grant. Freshman Joe sees the name of the "great man" in the university catalogue or on an office door; that's about as far as he ever gets to knowing him or learning from him.

It is sad to think that the great multi-university of today has no room for the olive grove of Socrates, or the crack in the castle wall of Pestalozzi, or the walk to Emmaus with Christ.

(3) While one may find many faults in the great civilizing institution called the university, the predicament we face is not totally explained in terms of the university. Recently, a seven-year-old boy was sent to me for psychological analysis. He had set his home on fire three times and the last time he nearly destroyed it. I asked him why he had done it. He looked at me with big earnest eyes. "It was the only way I could get my folks to come home," he explained.

We have produced a generation gap by perching on cocktail stools, rushing into all the social and economic go-getter-isms, and, when at home, turning on the TV. We live with our children as strangers, little realizing that there are others who do communicate with them and who think with them. The English have a saying, "We send our son to the schoolmaster, but the school boy educates him."

There are many facets to the problem.

Our political leaders compromise with indolence, greed and sloth, forging more and more chains to hamper the producer and adding more and more stuffing to the feather-bedding for those who will not work.

We have witnessed the degeneration of the theater and the debauchery of the motion picture. We place heavy emphasis on sex obscenity, have emptied sex of its spiritual values, and accepted the poverty-stricken fare of motel short order sex.

In our great city of Chicago, there stands in the city square a tremendous so-called "art form." The politicians and professors gathered together at the unveiling. They talked of public relations, international relations and modern art. The crowd gaped at the big shots. "I don't know what it's all about," said a taxi driver, "and I don't think they do." This modern exhibit of sculpture, in the center of one of our nation's greatest cities, daily speaks of the *depersonalization* of man. Modern art critics praise the monsters that wriggle from the caverns of Picasso's subconsciousness.

From the mouths of our clergy, too often, comes the dragon-breath of Marxism, welfarism, Mao-ism, that leads to personal degeneracy in the name of the social gospel. Our educators, too often, compromise with ease and get-something-for-nothing pressures from a public that wants the symbols of education without the price. Consequently, we have divested our curriculum of the difficult discipline of the classics. We have accepted, too often, the concept of education as a custodial function. "Just keep them off the street!" Thanks to the non-failure policy of our public and parochial schools, we have overwhelmed the universities with a host of semi-illiterates. These institutions adjusted to this flood of incompetence by cheapening the curriculum and debating the worth of a college degree. Nowadays, it serves merely as an I.D. card for job application or as a ticket of admission to the Society of the Lounge.

Our courts of law have compromised with crime, and officers of the law are badgered as never before in the history of our nation.

All this is not unnoticed by our youth. You had better believe it! It would be a complete distortion to think that what I have been saying here is the real picture of our youth or characteristic of the majority of it. Never has there been a generation whose average health and strength is greater. Never before has there been, among the children of men, a generation equal to the present one in intelligence, ability and capacity to perform. These young people now provide the footfalls in the halls of our institutions of learning. They are capable of meeting the challenge of greatness. However, they are the victims of our generation, which daily bathes them in the glorified dregs and iniquities of our society as portrayed by many of our artists, writers and self-anointed intellectuals, and by muckrakers in the news and communications media. Our young people are frustrated by the lock-step of inferiority imposed on them in our schools. They are neglected yet indulged by their parents, uninspired by our churches, and disillusioned by our own political infidelities to the principles of our Constitution. Thus many of our young people have become easy prey to those who lead them into moral degeneration, political anarchy, religious nihilism and personal disaster.

I ask you: What is wrong with an honest devotion to the things that have made our country great? What is wrong with "In God We Trust"? I ask you: Shall we stand again on our proven values, or shall we go stuttering and stumbling, brawling and burning, reeling and bleeding, back to barbarism?

DECLINING FAITH IN THE MILITARY—A FACT TO CONSIDER CAREFULLY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, at a time when our so-called Military Establishment is the center of widespread public discussion and often heated debate, an editorial which recently appeared in the Sunday Call-Chronicle newspaper in Allentown, Pa., is worthy of widespread dissemination.

In his editorial, Mr. Edward D. Miller offers a thought-provoking commentary on present day public opinion regarding the "military."

I am pleased to bring this to the attention of my colleagues in Congress and representatives of the executive branch of our Federal Government. It deserves our thoughtful consideration.

Mr. Miller neither condones nor dismisses lightly the errors which have produced an avalanche of antimilitary criticism. On the other hand, however, the editorial points out the potential dangers of applying our criticism with a broad and indiscriminate brush.

The editorial referred to follows:

DECLINING FAITH IN MILITARY

(By Edward D. Miller)

There was a time when a general with a sufficiently impressive cluster of ribbons could walk into a congressional hearing, request a few billion dollars for a new weapons system and get it without much discussion. Those days are over.

Citizens of yesteryear respected a man in uniform almost automatically. His service to his country, the thinking went, set him apart. Seldom were his motives questioned. His dedication overshadowed everything. Those days are over too.

The pendulum of public opinion, which used to be permanently fixed in the dangerously extreme portion of blind respect, is swinging to an equally dangerous resting place—blind suspicion and contempt. Fortunately it has not reached that point yet and it must not be allowed to. But concerned citizens should understand why it is moving and what it will take to stop it.

Respect of the military has declined seriously during the last five years because of a series of blunders, miscalculations, bad judgments, inefficiencies and scandals. Consider the following incidents:

The Air Force's C5A transport plane is probably going to cost the taxpayers about $2 billion more than the original Pentagon estimates.

The Safeguard antiballistic missile system will cost anywhere from $10 billion to $50 billion, depending on how successful the military is in lobbying for a complete system.

Costs for the Vietnam War are running about $35 billion a year. About every six months since 1964 the Defense Department has blithely told the American public that "we have turned the corner in Vietnam," or that "we can now see the light at the end of the tunnel."

The Army's former provost marshal general and chief of the military police corps has been charged with unauthorized private sales of military and civilian firearms and stripped of his Distinguished Service Medal.

Several sergeants, including the first sergeant major of the Army, have been accused of raking in more than $1 million while operating or selling to service clubs in this country and in Vietnam. They have been accused of skimming money from slot machines, stealing funds for capital for their own corporation and accepting kickbacks on the bookings at the clubs.

The Special Forces has been linked with the Central Intelligence Agency in the execution of a Vietnamese double agent. The Army dropped the charges without sufficient explanation.

An Army nerve gas test killed hundreds of sheep in the Rockies and the Army denied any blame for 18 months before confessing responsibility.

A Marine doctor and chaplain have accused the corps of brutalizing prisoners in the Camp Pendleton, Calif., brig.

These are but a few of the incidents in the last few years which have contributed to the sinking image of the military. The confusion about the Gulf of Tonkin incident, the capture of the Pueblo, the ability of a Russian-built Cuban Mig to land at a Florida Air Force base without U.S. jets rising to meet it and growing awareness of the inequities in the military judicial system have further fanned the fires of discontent.

The danger this eroding public opinion presents is that the military will be forced into a corner of society—defensive about criticism, secretive, inward-looking. If the dedicated career officers feel their sacrifices are not appreciated, they will either leave the service of their country or band together as a rejected class. Even a brief reading of history points out the dangers present in a military class which feels separated from the rest of society.

To prevent this decay from becoming permanent, the military establishment must realize that its greatest mistake of the past has been a lack of candor with the rest of society. As the nation becomes more responsive to the needs and aspirations of its young, its black, its poor, the military must also open up to society rather than turn its back.

An attitude which says that once a man becomes a soldier he is U.S. government property and has no rights must be peeled away. The idea that the national treasury is bottomless when it comes to military hardware must be eliminated.

Military leaders must be wise enough to see that what has been standard operating procedure will no longer suffice. Not only must the individual soldier be treated with dignity and justice, but society itself must be accorded its priorities.

The armed forces cannot claim to be defending the free enterprise system when their own abuses are undermining the financial stability of that system. The military cannot argue that it fights in Vietnam for individual freedom and justice when its own code of justice violates those principles with brutal and unwarranted punishments.

The military has established a fine record during our history. It cannot afford to have this blemished by extreme public reaction to its excesses.

NEED NATIONAL UNITY ON VIETNAM ISSUE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DERWINSKI. Mr. Speaker, now that President Nixon has reemphasized in a very objective and logical manner the need for national unity over Vietnam and has appealed to the public for an understanding of our long-term foreign policy goals, he hopefully will receive a strong display of public support. However, it is obvious that the President's sane approach to international problems will still be subject to intense criticism and the professional organizers of next week's moratorium will continue their protest.

An article carried in the Thursday, October 23, Blue Island, Ill., Sun-Standard by Columnist Leonard Carriere, is as an effective commentary on the subject of moratorium performance as any I have seen and therefore I place it into the RECORD to draw attention to this sound commentary:

IN PASSING

(By Leonard Carriere)

Every now and then someone comes along with the ability to voice an idea that touches the very depths of your soul. Malcolm Thompson of Las Vegas, Nevada, whose 18 year old son was killed in Viet Nam, in responding to the Moratorium of October 15th, had this to say:

"When those hypocrites read the list of dead who defended South Viet Nam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died.

"America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty, and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who have killed them."

There is no more that need be said.

In truth, the dissidents are not great in number—they have high visibility. They achieve an effect greatly disproportionate to their numbers. Their actions, their thoughts, strike a responsive chord in certain publications as well as members of the fourth estate, as a result of which their visibility is materialized, while the vast, vast majority, not representative of their views, go about their daily affairs unnoticed and unheralded.

One of the immediate results of the unbalanced picture is that the world does not understand us, our purpose, nor our determination. The enemy understands it less. The antics of the few provide Hanoi with great comfort and hope, hope in that the seemingly derisive forces in our society cause Hanoi to take more time. More time translates itself into more death. The list of the dead will be longer, made longer by those whose aim is to eliminate it altogether. When again they read those names let them choose and mark with an asterisk those which appear there in consequence of their misguided motives. The bullets that kill are not all fired by the soldier in the field.

We do not have a state of declared war although there is no doubt that we are at war. It was a state of declared war that led this country to imprison tens of thousands of loyal Japanese during World War II who did nothing and said less, while our present-day monsters go abroad unpunished in the land, advocating treason, sedition and rebellion. Somewhere, somehow, the ends of justice are not being served.

The world must be made to understand that the American people are not divided to the extent that they would believe. This cannot and is not being accomplished with the present format. The world is only willing to believe that which it can see. Come November 15th another and more intensive Moratorium demonstration is being planned. Is it not logical that those of us who are of a contrary mind display our loyalty and purpose by counterdemonstration of such magnitude that the actions and antics of those who would serve the enemy appear but as a fly speck on the devils dung heap? And could this not be best accomplished on November 11th when we traditionally honor the fallen, led by their brothers in the American Legion and the Veterans of Foreign Wars, aided and abetted by the various civic and fraternal organizations, whose sons make up the list of the dead?

This, Hanoi can understand. This the world can understand. Let our purpose and actions end the list of the dead, rather than to have the few unwittingly add a single name thereto. The fabric of peace is woven by many hands, not the least of which are yours. Let us not yield to those who have not only killed our sons but whose stated intent is to destroy us all. Some would say that that which we do is immoral. I say, there is less morality in capitulation; in capitulation we dishonor not only dead, but ourselves. That is the greater evil.

AIR TRAFFIC CONTROLLERS, UNSUNG HEROES OF THE SKYWAYS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. MINSHALL. Mr. Speaker, America's air traffic controllers are the unsung heroes of the skyways. Only gradually is the general public becoming aware of these men behind the scenes—of the tremendous responsibilities they carry, the pressures under which they work, the mental, physical, and emotional stamina they must have to make repeated rapid-fire, accurate decisions. On their alertness rests our safety in the air.

My own admiration for these dedicated men has been boundless for many years. Both as a private pilot and a frequent traveler on commercial planes, I know how much depends on them.

It was with great pleasure that I opened last Tuesday's Plain Dealer to discover an excellent, full-page article featuring two of my good friends, Bobby C. Coil and Emil R. Emery. Essentially, Terence Sheridan's fine story is a graphic profile of Bob Coil on the job as an air traffic controller at Cleveland Hopkins Airport. It tells of his devotion to his work as well as the tensions which accompany decisions that may literally mean life or death.

I am glad, too, to have this opportunity to salute Bob's crew chief, Emil Emery, a dean of air controllers who has given so much of his life to air safety.

These two great men, Emil Emery and Bob Coil, and all of the air controllers like them across the Nation are long overdue for an expression of the gratitude we feel to them. The article follows:

[From the Plain Dealer, Oct. 28, 1969]

Tension, Worry Plague Hopkins Air Controllers

(By Terence Sheridan)

Bobby C. Coil, a 31-year-old air-traffic controller at Cleveland Hopkins International Airport, expects to burn out in nine years.

He assists aircraft to arrive and depart safely at the airport, the 16th busiest air terminal in the nation with 150,177 commercial airline operations in 1968.

Near misses in a crowded sky are burned into his mind.

"You don't think of near misses," he says.

"You are too damn busy to think of them, but they are there, back of your mind."

Three weeks ago a light plane zipped out of a cloud into the path of a climbing jet. The jet screamed into a 500-foot dive and avoided collision.

"Just one of many near misses," says Coil.

Coil, one of 8,500 air-traffic controllers working for the Federal Aviation Administration (FAA), has been at Hopkins since 1963.

He works in the control tower, a glass box called "the cab" 80 feet above the runways.

He has worked in air-traffic control in Seattle and Atlantic City. By the time he is 40, he will have 23 years in air control, counting four years in the Air Force.

He has a $15,000 annual salary, a wife, two children, a private pilot's license and worries.

He worries about the near misses, the traffic jam in the sky and the jets yet to come, like Boeing's B747, a behemoth fitted out to carry 362 passengers.

With adjustments the B747, scheduled for a Dec. 15 New York-London-Frankfurt commercial flight, can accommodate 490 passengers, seated 10 abreast.

Coil and 30 other air controllers helped last year with 318,396 aircraft takeoffs and landings at Hopkins, the 29th in the nation in terms of total airport operations.

"Air traffic has increased 25% a year," said Coil. "By 1974 our traffic will double.

"This airport is too small for them. Airports are 10 years behind the times.

"One of the biggets problems is shortage of air controllers with outdated equipment at outdated airports."

Coil is chairman of the local safety committee of Professional Air Traffic Controllers Organization (PATCO).

"Tension? There's nothing to compare with it, nothing in industrial work.

"It's quite standard to stop and have a beer and unwind. Have a bull session to cut the tension. After a busy day, you are so keyed up you can't get to sleep. Even when the fatigue is there you can't get to sleep."

Some of the tension is reduced by alternating positions on live control and instrument control in the tower.

Controllers also split their work day by manning one of four 16-inch scanning scopes in the third-floor radar room.

As ears become adapted to the crackle of headsets, so eyes become adjusted to the dimly lit radar room, which electronically monitors Hopkin's jurisdiction, and air corridor covering a 30-mile radius.

As green blips sparkle and recede on the radar tubes, controllers herd aircraft, separating them in trail for landing or overflights, picking them up at points designated by the regional air-control center in Oberlin.

At 3 p.m. Coil put on a subdued brown sport coat and lights another cigarette. This week he is working from 7 a.m. to 3 p.m. Next week it will be 3 to 11 p.m. Every sixth week he works from 11 p.m. to 7 a.m.

"I won't come in on overtime, if they call me. I feel five days is enough," he said.

Coil's wife, Roseann, said: "I don't really like the shifts very much. I have to bring up the children by myself."

The family lives at 16104 Ramona Drive, Middleburg Heights.

"I don't take my work home with me," says Coil. "But my wife knows when I've had a hard day and she stays away from me."

"The job has a lot of pressure," says Mrs. Coil.

Coil adds: "There's something about aviation that keeps you in it, something you can't put your finger on."

Feeling that their complaints to the FAA were going unheeded, 477 U.S. controllers called in sick two consecutive days last June, paralyzing air traffic in many parts of the country.

The public had discovered air controllers.

"There is so much traffic and so few controllers you have to be on the lookout all the time, like being on a swivel," says Coil.

He moves gracefully, swiveling his 6-foot-three, 210-pound frame fishing a mentholated cigarette out of the pocket of his drip-dry shirt.

At 11:18 this morning a Boeing 737 was cleared for takeoff by Coil. The jet taxied down 23 Left, the 9,000-foot runway, longest at Hopkins.

The ceiling was 3,000 feet, the sky broken by clouds.

Someone handed Coil a cup of coffee, his sixth of the morning. Two weeks after a coffee maker was installed in the tower, the controllers had drunk 3,200 cups of coffee.

While Coil's cup of coffee steamed untouched, United Flight 402, a Boeing 707, was cleared for landing on 23 Left.

"Wind is two five degrees at two zero," Coil informed the arriving plane.

Four jets lined up for departure as Coil's cigarette burned down in an ash tray.

The jets departed at one-minute intervals, beginning at 11:28.

An average work load in the tower means a plane arriving or departing every minute.

A Cessna 392 radioed it was coming in from the south, 10 miles out, and requested landing instructions.

A Boeing 727, arriving from the southwest, was cleared to land.

A few seconds later two Apaches and two Cessnas approached the airport from different directions, and a Beechcraft took off.

Coil, a button transmitter in his left hand and a cigarette in his right hand, said:

"The thing is to keep your verbiage down. You have to use minimum words."

From 11:18 a.m. to 1:01 p.m., 100 aircraft had arrived or departed.

"A light day—a real breather," said Emil R. Emery, crew chief.

"At 45 you're over the hill in this business," said Emery, in air control 26 of his 45 years.

"This is a young man's game."

"If I'm not off the (control) boards at 40, I'll resign," says Coil.

"I feel that's the maximum age I should be working the boards."

PERMANENT LABELING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. PICKLE. Mr. Speaker, because of our concern today over inadequate and improper labeling of poisons which are contained in many standard household supplies, I would like to present the following news item from the Screen Printing Association which calls for "direct, permanent, childproof" printing on common containers.

The U.S. Public Health Service estimates that between 500,000 and 1 million persons are victims of accidental poisoning in the United States each year; almost half of that number are children. Permanent printing which would become an integral part of the container would make possible immediate identification of the poison or caustic agents involved and therefore, would signal the immediate administration of the negating antidote procedures. Too often, the paper labels are lost as the news release indicates. I hope the Federal agencies will take cognizance of the safety possibilities.

The article follows:

Screen Printers Request Nixon Administration Help in Proper Labeling of Poison Containers

Washington, D.C.—The Screen Printing Association today called upon the Office of Consumer Affairs and the Department of Commerce for leadership in helping save the lives of hundreds of children who are annually poisoned by improperly labeled, dangerous household supplies and toxic substances.

In a simultaneous communication to Commerce Secretary Maurice Stans and President Nixon's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, the Association pointed to the many potentially poisonous household products that become a "mysterious danger" when the container label is removed or lost. SPA pointed out that mothers are often unable to tell their community or hospital Poison Information Centers what their children have swallowed because of improper labeling, thus negating proper antidote procedures.

Both Administration officials were urged to help formulate and promote enactment of Federal regulations requiring labelling information to be printed directly and permanently on all containers of hazardous and toxic substances.

In its letter, the Association stated:

"We abhor the increasing record of scores of young children being poisoned annually while helpless mothers stand by unable to tell the emergency doctor or hospital Poison Information Center what the child has swallowed—simply because the container label has been lost or marred. Our Nation's technology can put an end to this 'mysterious' danger through proper labelling.

"Direct, permanent, 'child-proof' printing on all types of containers is today a well-established practice, as evidenced in any grocery or drug store (Coke bottles, toothpaste tubes, beer cans, shaving cream cans, plastic bottles, lip-stick tubes, etc.). The identification—screen printed—becomes an integral part of the container. We ask: Why not do so universally on all containers for dangerous and toxic substances?"

The Association pointed out the seriousness of the situation by stating:

"The National Clearing House of Poison Control Centers, U.S. Public Health Service, estimates that between 500,000 and 1,000,000 persons are accidentally poisoned by solid and liquid substances each year in the United States. While these figures are estimates, 105,000 accidental poisonings were reported in 1968 by the 420 Poison Control Centers which voluntarily submitted statistical information to the Federal agency. Children under the age of five accounted for 71,563 of these poisonings, while an additional 6,152 incidents concerned children age five to fourteen. The National Vital Statistics Bureau reported 2,506 known deaths by accidental poisoning in 1967."

A pledge of SPA's "full support and counsel" was tendered to all interested Nixon Administration officials by the Association's Executive Vice President, Carl D. Soresi, for "any constructive Container Marking Program calling for the life protection of the consumer."

Parents who are concerned about this matter are invited to write SPA, 708 Associations Building, Washington, D.C. 20036.

RONALD A. DOUGAN, WISCONSIN DAIRYMAN

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. SCHADEBERG. Mr. Speaker, Mr. Ronald A. Dougan, of Beloit, Wis., recently sold the entire dairy herd of what had since 1911 constituted the basis of the largest dairy in and around Beloit. With the sale of his herd, an era of 62 years of service to southern Wisconsin was brought to a close.

Ron Dougan, a dairyman, seed grower, conservationist, experimenter, patron of the arts, and teacher has contributed much to the people of southern Wisconsin. It is with pleasure, and with some remorse, that I place an article in the CONGRESSIONAL RECORD from the Beloit Daily News on the closing of the Dougan Dairy and with it commend Ron Dougan for his outstanding leadership in business, agriculture, and community:

DOUGAN HERD SOLD; ERA ENDS

(By Bill Behling)

He brushed away the sawdust bedding to reveal two childsize handprints in the concrete floor.

"The biggest one is mine," chuckled Ron Dougan. "My brother and I left our marks in the floor when our father built this barn in 1911." That's when Ron Dougan got into the dairy business; Friday, he got out.

It was a day for such nostalgic interludes in and around the great, round barn on Colley Road east of Beloit.

It was Dougan's last hurrah as a dairy farmer.

Inside a large tent an auctioneer's chant went on for hours; interrupted frequently by the interjected comments of a ringman extolling the virtues of the cattle being sold.

"Look at her, boys!" the ringman shouted, "She's safe with calf, and look at her width. She's all cow; she'll make you a lot of money . . ."

COAXED PRICES UP

And the auctioneer resumed, coaxing and chiding the sparse crowd of farmers to bid the price up. He started most of the animals at $350 or $400, then accepted a lower opening offer and usually managed to get the bid well over his starting figure before crying "sold!" Top price was about $500.

The animals had brought a good, if not spectacular, price. "Not as much as I had hoped, but more than I feared," said Dougan. The sale attracted only about 40 people, and as it began Dougan was "sick about it." But it soon became clear that those who took time off from harvesting corn and soybeans, were there for a purpose. They added some heavy producers to their herds: the Dougan cattle have been making around two tons of milk daily. Buyers were here from throughout Wisconsin and northern Illinois.

Standing by the chute leading to the sale ring was Dougan, hatless and in work clothes. As the cattle were herded, one by one, into the ring Dougan glanced at the sale book and murmured something, usually to himself, about the cow on sale.

WIFE BREWED COFFEE

Then he'd turn away and talk about other things. Of his father, the late Rev. W. J. (Daddy) Dougan, who came to Beloit and estabilshed a dairy business in 1907. Of the satisfying years, when the dairy and a seed corn business (still operating) flourished. Of his son and daughters and grandchildren. Of his wife Vera, nationally prominent in music club circles, who spent Friday brewing coffee for the auction crowd because a commercial lunch wagon never arrived.

Dougan, the indefatigable tour guide, has shown thousands of Beloit youngsters the wonders of a dairy farm. He was still at it Friday, pointing out interesting things to sale visitors. Such as the "Aims of This Farm," painted on the side of a huge silo in the center of the familiar Dougan round barn.

The "aims" were painted there well over 50 years ago by Dougan's Father:

1. Food crops.
2. Proper storage.
3. Profitable operation.
4. A stable market.
5. Life as well as a living.

TALK OF FATHER

Reminiscing: "My father's method of protecting the market price was different from that of the co-ops and other organizations. He believed in 'vertical integration,' growing the feed, raising the calves, milking the cows, processing the milk, and selling the milk at the customer's doorstep. I followed his lead."

It's the same with the Dougan seed business. Hybrid corn is raised on the farm, processed there, and sold direct to farmers throughout the Midwest. Dougan plans to continue that part of the business. He disposed of the dairy operation three years ago and then decided to sell the herd.

It wasn't an easy decision.

Selling the herd was a little like selling a part of himself.

Ron Dougan was only 11 when he placed his right hand in the still-soft cement of the round barn's floor. The barn was designed wtih the milking cow stanchions circling the silo, from whence came much of the feed. In feeding, as in milking, "You worked your way around the barn and the tools and utensils ended up right where they belonged," Dougan said.

An early-day professor suggested the round barn design, and the Dougans have been following the advice of the experts ever since. The farms have been showplaces of soil conservation practices; new varieties of seed have been developed there, new feeding and cattle handling techniques have been tried in the Dougan barn.

Dougan's progressiveness as a farmer led him to be associated with many agricultural experimental endeavors, including the artificial breeding of cattle. He was a founder and longtime director of the American Breeders Service and the Rock County Breeders Cooperative. He was a director of the American Society for the Study of Genetics, which in its early years mainly concerned itself with dairy cattle.

ONCE HAD GUERNSEY

The Dougan Dairy once boasted all-Guernsey milk, which is somewhat richer than the milk of most other breeds. But the public's preferences changed and in later years Dougan gradually switched from Guernseys to Holsteins, a breed that produces heavily. Through the means of artificial insemination he experimented with various crossbreeds, eventually settling on straight Holstein breeding although not insisting on purebred registration.

The Dougan policies were not calculated to please purebred cattle people. Using Dairy Herd Improvement Association testing records for his own herd, and selecting the semen of bulls with a background of heavy producing, Dougan built a herd of milking cows long on production but not always meeting the coloring and type requirements of the breed purists. Many of the Dougan animals sold Friday were registered, however, and in most cases brought a higher price.

"Maybe," mused Dougan, "these breed people have a point."

When it was over, 117 cows and calves had been auctioned off and Dougan was out of the dairy business. After 62 years.

Friday was the end of an era.

BESTIRRING THE SILENT MAJORITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ASHBROOK. Mr. Speaker, last night in his speech on the situation in Vietnam, President Nixon referred to the "silent majority." He no doubt used the expression as a contrast to the vocal elements who have, and will, participate in the fall offensive, that series of demonstrations sponsored by the Vietnam Moratorium Committee, the New Mobilization Committee and the Student Mobilization Committee during October and November. As I pointed out in my remarks of October 16, the overall goal of these demonstrations is an immediate unilateral withdrawal of American troops from Vietnam regardless of how unprotected the South Vietnamese troops and people are as a result of our leaving. As has been observed before, this is truly the making for foreign policy in the streets if such protests are heeded.

If recent events are any indication, it would seem that elements among the silent majority are bestirring themselves. The Washington Daily News of October 31, for example, carried an article reporting on upcoming Freedom Rally on November 11—Veterans Day—at the Washington Monument. Sponsored by the American Legion and Veterans of Foreign Wars, the rally will feature addresses by Members of Congress, patriotic bands and other entertainment.

In New York City, the National Committee for Responsible Patriotism—NCRP—announced its efforts to declare November 10 to 16 as Honor America Week. As in the case of the above-mentioned rally in Washington, the positive approach is accentuated. Recommendations set forth by the New York committee include the flying of the flag, headlights turned on, visits to veterans hospitals, and the honoring of our dead servicemen and prayers for our servicemen in Vietnam and for an honorable peace as quickly as possible. These are but some of the proposals which advanced by the NCRP to help the silent majority express their feelings.

These wholesome projects are, I believe, most appealing to the majority of fair-minded and concerned citizens. Whether by their prayers or by participating in public patriotic events these efforts are highly recommended and should merit the consideration of all who still believe in the heritage and integrity of this Nation.

I submit the above-mentioned article from the Washington Daily News of October 31, along with the press release of the National Committee for Responsible Patriotism for inclusion in the RECORD, as follows:

[From the Washington Daily News, Oct. 31, 1969]

A TRIBUTE TO THE "GOODNESS OF AMERICA"—VETERANS WILL RALLY 'ROUND THE FLAG HERE

(By Michael Bernstein)

"We are going to have flags like this distributed," said James Wilson, pointing to his red, white and blue lapel pin, "as a symbol of positive Americanism and a faith in the goodness of America."

One of the places Mr. Wilson and other American Legion officials will be distributing the American Flag pins will be at a Freedom Rally Nov. 11 (Veteran's Day) at the Washington Monument.

The purpose of the 2 p.m. rally, Mr. Wilson and other leaders said here at a press conference yesterday, is to let the "silent majority speak out for peace with freedom in Vietnam and in all the world." While the rally is two days before the Nov. 13–15 anti-war marches here, leaders said it is not a "counter protest."

Dr. Charles Moser, rally chairman and a professor of slavic languages at George Washington University, did however, differ with the anti war groups that are demanding an immediate withdrawal of all U.S. troops from Vietnam. "If there was a conflict," he said, "we would pick freedom over peace. The other group (the anti-war people) would pick peace."

Dr. Moser said, "The war in Vietnam is not just a civil war. It is part and parcel of a campaign being conducted all across the world against our concept of freedom."

The Nov. 11 rally, he said, is part of a National Unity Week—Nov. 9–16, when people will be encouraged to turn on lights, wear the lapel pins and fly the American Flag every day.

Lee Edwards, coordinator of the rally, which is sponsored by the American Legion and Veterans of Foreign Wars, said, "We expect a good crowd, a happy crowd, a patriotic crowd." He said Congressional speakers, "patriotic bands" and other entertainment are planned for the Monument program.

"We want people to come who believe this is really America and this is the time to stand up and be seen and heard," said Frank Manson, a national VFW official.

He said the VFW feels that if there is no real progress in the peace talks in the next 90 days, "We support new and expanded military efforts to achieve such progress."

[From the National Committee for Responsible Patriotism, Inc.]

HONOR AMERICA WEEK, NOVEMBER 10–16, 1969

Calling for a positive image of the United States, the National Committee for Responsible Patriotism is appealing to Governors, Mayors, and other officials to declare November 10–16 as Honor America Week. Referring to the present climate, Charles W. Wiley, Executive Director of the NCRP, said:

"The United States cannot survive a continual barrage of destructive criticism from within. In a very short time, we will have raised an entire generation that has heard from all sides that its country is evil—and not worthy of survival. If we treated our children as we do our nation, and judged them solely on the basis of their faults, *they* would be psycopaths, and *we* would hate them."

In conjunction with its campaign, the NCRP will distribute posters and "Honor America" buttons, decals, and bumper stickers. The public is asked to contribute funds to help the project. The Committee has headquarters in the Commodore Hotel, N.Y.C.

Among the activities suggested for Honor America Week:

(1) Schools and colleges to hold classes on American heritage—with our Country measured by the yardstick of the reality of human beings and the world we live in, instead of the perfection of Utopia.

(2) All-out support of Veterans' Day ceremonies.

(3) Flags to be flown for the entire week.

(4) Headlights to be turned on, and other symbolic activities conducted during the weekend.

(5) Visits to Veterans Hospitals, and the honoring of our dead servicemen.

(6) Prayer for our gallant men in Vietnam and for an honorable peace as quickly as possible.

(7) Urge all citizens to send their views on current problems to the President.

(8) Radio and TV to feature Honor America themes. Theatres to show films that salute our country.

(9) Businesses to place pro-U.S. advertisements; Unions and other organizations to carry on Honor America projects.

COMMITTEE BACKGROUND

The non-partisan National Committee for Responsible Patriotism has sponsored numerous activities dedicated to show support for the men and women of our armed forces, respect for law, pride in our heritage, and love of country. In October 1967 the Committee initiated a nation-wide program that included turning on vehicle headlights during the day to indicate approval of these causes. In May 1967 the Committee organized the "Support Our Men in Vietnam" parade down New York's Fifth Avenue, the longest parade in the United States since 1947. Last year, the Committee coordinated the "Free the Pueblo" petition campaign and other non-political activities backing the Government in any honorable action to obtain the crew's freedom.

NCRP projects have received the endorsement of President Nixon, the late President Dwight Eisenhower, former Vice-President Hubert Humphrey, the late Senator Robert Kennedy, Governors of 41 States, and numerous other outstanding public figures. The NCRP is a non-profit organization, supported by contributions from the public. Its activities are decided by a board of directors elected by the membership. It has received the cooperation of major veterans' and fraternal organizations, police and firemen's line organizations, labor unions, ethnic and youth groups, etc.

AMERICAN LEGION RESOLUTION 427

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BUCHANAN. Mr. Speaker, the Middle East situation is of extreme concern to all of us in the United States.

In expressing this concern over the continuing conflict between the United Arab Republic and Israel, the 51st American Legion convention readopted a resolution urging the United States to assist Israel in maintaining a Mideast balance of power.

The following resolution, which I was happy to receive from the members of Mountain Brook Post No. 75 of the American Legion in Mountain Brook, Ala., which it is my pleasure to represent in the Congress, should be of interest to all my colleagues:

RESOLUTION No. 427

Whereas, the position adopted by the American Legion at its 1967 National Convention concerning the Middle East urged the President of the United States to use his utmost influence in an effort to bring about direct Arab-Israeli negotiations, and to lift the U.S. embargo against sales of arms to Israel if the Arab nations re-armed while refusing to negotiate; and

Whereas, the Arab nations continue to resist entering talks for settlement of differences and have instead re-armed to a level higher than that for the period preceding the June 1967 six day war; now, therefore be it

Resolved, That the American Legion reaffirms its position on the Middle East as expressed in Resolution N. 524, adopted at the 1967 National Convention; and

Further Resolved, That the Government of the United States is urged to take whatever measures are feasible so as to permit the government of Israel to provide itself with any arms it might require in order to maintain a balance of power against its hostile neighbors, pending such time as a full and equitable settlement of Middle East problems is reached and agreed to by the nations concerned.

GIVE THE CONSUMER HIS DAY IN COURT

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HALPERN. Mr. Speaker, a fundamental tenet of our legal system declares that every party with a genuine cause of action is entitled to his day in court. Recent proposals by the administration for consumer class action suit suggest that the consumer may have as much trouble getting into judicial chambers as he has had for years past.

Although the new administration bill recognizes the need to enable many consumers with small financial grievances under Federal law to band together to obtain counsel and a proper hearing, it does not go far enough. It erects a barrier to the use of this new power. It requires the Justice Department to initiate and win a prior action before private citizens can bring suit. In effect, it requires the consumer to be dependent on the cumbersome bureaucracy for his protection, instead of upon himself. This self-reliance was the very core of the intent of the bill and the new bill does much to defeat this intent.

Make no mistake, I am encouraged that the President has taken such a strong proconsumer stand and that he has recognized the need for this vital legal tool. But my colleagues, as well as the administration, must be made aware of the potential for frustration that is in the new bill.

A recent article in the New York Times has described the somewhat mixed reaction to this proposal of New York City and State officials, who deal most intimately with consumer protection and know government's inadequacies in protecting the consuming public. I would like to place the article in the Record at this point:

Consumers Score a Nixon Proposal—City and State Officials Ask Wide Damage-Suit Rights

A key provision in President Nixon's consumer message to Congress generally disappointed some consumer affairs officials and experts here.

The provision would allow private citizens to bring damage suits against businessmen, but only after the Government had already proved their case in court.

The city's Consumer Affairs Commissioner, Mrs. Bess Myerson Grant, State Attorney General Louis J. Lefkowitz and officials of the Consumers Union in Mount Vernon, N.Y., were among those critical of Mr. Nixon's proposal.

Mrs. Grant said she felt "extreme disappointment" at this part of the President's message.

"There is no reason why consumers should have to wait to get money back which is rightfully theirs until the Attorney General chooses to act, and there is even less reason for the Government to force individual consumers to go to court on their own after it has won their case," Mrs. Grant said.

Mrs. Grant's counterpart in the President's office, Mrs. Virginia M. Knauer, drafted some of the proposed consumer protection legislation that Mr. Nixon said he would send to Congress.

BLOW TO "HIGH HOPES"

Robert L. Smith, assistant director of the independent Consumers Union, said that "high hopes" raised by Mrs. Knauer's public statements last summer "are largely exploded by the limitations on the class action right imposed in the message."

Both Mr. Smith and Mrs. Grant, however, said they welcomed the broad thrust of the President's message and thought it would advance the cause of consumer protection.

Mr. Lefkowitz said he would prefer a Cabinet-level Department of Consumer Affairs, instead of the Office of Consumer Affairs in the Executive Office of the President, which Mr. Nixon proposed in his message.

Mr. Lefkowitz has also filed a brief in a New York State court case supporting the right of consumers under state law to bring class actions where they feel they have been defrauded.

The case involving three New York City consumers who brought suit against the Coburn Corporation of America, a finance company, is now before the State Court of Appeals.

ILLEGAL FINE PRINT CITED

The principal appellant, Edna A. Hall, is seeking to recover service charges for herself and all other persons who bought merchandise under installment plans prepared by the finance company.

Her case is that the contracts violates state law because they were printed in smaller type than was required.

The case has been struck down in two lower courts, principally on the issue of the right for individuals to sue on behalf of many others under state law.

"In filing our brief, we request that recognition and right be given to bring class actions where one or more consumers can sue for themselves and for others who may have been the victims of alleged similar fraudulent business practices," Mr. Lefkowitz said.

Mrs. Grant's Consumer Affairs Department has also proposed city legislation that would enable the city to sue merchants on behalf of defrauded consumers here and to distribute any money recovered to those who were cheated. The proposal is under consideration by the City Council.

POOR CALLED VICTIMS

Philip G. Schrag, a lawyer who helped draft the city proposal, and counsel in the Hall-Coburn case, criticized President Nixon's more restrictive measure as having "no effect" for poor people who could not afford an individual lawsuit to recover money from merchants who had cheated them.

A broader consumer-protection bill than the one suggested in the President's message has been sponsored by Senator Joseph D. Tydings of Maryland and Representative Bob Eckhardt of Texas, both Democrats.

This bill, pending in Congress would enable consumers to bring class actions in Federal courts without the conditions suggested in the Nixon message.

THE CROSSROAD DIGEST OF MUSICAL MINUTIAE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HUNGATE. Mr. Speaker, although highly unlikely, it occurs to me that it is possible that a Congressman might be called upon to comment about a subject in which he is not really expert. I believe the following article will enable him to acquit himself well:

Poof! You're an Expert—The Crossroad Digest of Musical Minutiae

I. GENERAL RULES

The name of the game is musical one-upmanship. Play it hard, fast, clean and ruthlessly and you can't lose. Give in to sympathy or permit yourself to be swayed by facts and you can't win.

The object of the game is to perplex and befuddle your opponent . . . with full knowledge that he would do the same to you if given half a chance.

All the ammunition you need to stamp out Beethoven Bullies and Bach Bigmouths is contained in this handbook. Use it wisely and well. Follow the simple guidelines we have set forth and the spoils of victory are yours.

Look at it this way. Maybe you *can* hum the first few bars of "Swan Lake." Maybe you can distinguish a Steinway from a Stradivarius. Forget it. Musical knowledge is not power in the world of conversational infighting. It can only confuse and frustrate your efforts.

Stick with us and we'll get you through.

A word of caution, however: any attempt to step beyond the bounds of this handbook may result in acute embarrassment, for which Crossroads Records cannot assume responsibility.

Good luck.

II. REQUIRED DEMEANOR

Playing attitude counts. As in physical sport, form is essential. To the astute conversational strategist, even momentary hesitation at a crucial moment can be disastrous in terms of lost face. And face is all.

Therefore it is important to assume a demeanor of confident invulnerability. The opinions of others must be dismissed as erroneous, misguided or incredibly naive.

To effectively project this indispensable attitude of superiority, an heroic disregard for opposing views is paramount.

This is often best accomplished by facial expression alone. The non-verbal putdown is virtually unanswerable. Your repertoire should include the glacial stare in retort to contradiction, the exasperated brow-knit, and the barely perceptible shrug of the shoulders as you turn away to devote yourself to worthier opponents.

Remember Mona Lisa. The enigmatic smile is mightier than the sneer.

III. BASIC GAMBITS

1. Never come right out and say you like anything. It may be inferred that you have low or flexible standards.

2. Never tap the feet or drum the fingers in time to music. It is assumed that your internal metronome needs no physical outlet.

3. Never comment on an entire work. Single out one movement. If there are no movements, single out a section of the orchestra (brass, strings, etc.) for criticism (always adverse). If it is a quartet, say the cellist has poor playing posture or find a misspelled word in the program notes and criticize the impresario. (You need not know who he is. You will not see him. If you did, you would not recognize him.)

4. Always maintain absolute silence when listening to recorded music. When you are certain the piece is over (the needle will begin to scratch), say "My 1913 pre-electric recording of this piece captures the real essence of what he was trying to tell us." (N.B.: First be certain it wasn't written in 1914. For modern recordings, smile knowingly and say, "Have you heard the Crossroads reading?" Whether we have actually recorded the work is unimportant unless your opponent has the handbook. In that event, the game is an automatic draw.)

5. Never respond directly when challenged on factual content. Simulate distraction and wave at someone you know over your adversary's shoulder.

IV. CONCERT HALL PLAYS

The concert hall can be dangerous ground . . . or it can be the scene of your greatest triumphs. Use these simple stratagems and meet any situation with dignity and aplomb.

1. Late Arrival at Concert—"I'm only here to see what he does with the third movement." (N.B.: Check your program to be certain there is a third movement. If not, give your ticket to a standee and go to a movie.)

2. Early Arrival at Concert—"I wanted to observe them tuning up. Individual technique means so much in a work like this."

3. Unavoidable Absence From Concert—"I just couldn't bear the thought of hearing them hack away at that again." (N.B.: Not applicable for debut performances. Substitute," Is anything really new?")

4. Unescorted Attendance at Concert (Failure to Get a Date) "Some things can only be experienced in solitude." (Drape your cape over the empty seat.)

5. Falling Asleep at Concert (On Awakening)—"If you listen . . . I mean really listen . . . there are subtleties here." (If you wish, you may now resume your nap without compunction. Avoid loud snoring.)

V. COMPOSER CRITIQUES

It is important to seem to know something about the people who write music. Most are strange indeed. Some are eccentric and others infirm. They have funny names and many of them are dead. Do not concern yourself with this, as it can only lead to confusion. Take it on faith and use the following.

Beethoven. "If Ludwig had heard this, would it have been so great?"

Mahler. "Poor Gustav! Always striving to reach God!"

Bruckner. "Poor God! Always striving to reach Anton!"

Schubert. "Poor Franz!"

Haydn. Same as above, except when Schubert and Haydn works are performed together. Avoid these.

Mozart. "Ah, Wolfgang Amadeus! All elegance and rococo." (Do not elaborate, Mozart already has.)

Bach. Johann, Johann Sebastian! "Will

there ever be another?" (There probably won't. The name is out of style. So you should be home safe.)

Handel. "It just doesn't compare with The Water Music." (N.B.: Unless it is The Water Music. Then say, "The Water Music is overrated.")

Stravinsky. "Ah, mon enfant terrible." (That's "tu-reeble." Your command of French will close the issue.)

When delivered in an appropriate subdued tone with the eyes closed in meditation, these are all you need. Again, never explain. A condescending shrug turneth away rude inquisitors.

Other composers are not as easily dealt with. When you encounter their works, maintain eloquent silence. Shake your head impatiently in response to impudent questions. Or whistle through your teeth and gaze upward for deliverance.

As a last resort, feign a violent coughing seizure. All artistic people are in poor general health.

VI. PERIOD PARRIES

There are many different styles and periods of classical music. Most of them sound very much like one another and they overlap awkwardly. To bring order out of chaos, you need know only five basic categories.

1. Baroque: "The ornaments are interesting, but quite unacceptable in historical perspective."
2. Rococo: "Really! But it's just too much!"
3. Renaissance: "How human! And hence, of course, how droll."
4. Modern: "It has definite merit, but I had always hoped he would someday settle down to fulfill his early promise." (N.B.: For middle or late works, substitute the Stravinsky one-liner in Part V.)
5. Opera: (People will be shouting at one another on stage. The orchestra will have retreated downstairs to escape them. For reasons that will be obvious, this is called the pit.) "If only he had lived to supervise the production." (N.B.: If he is alive, say, "If only they had given him a free hand." If they did, say, "His genius, alas, was music, not drama.")

As before, answer no questions and venture no comments on music that does not fit the categories. If you are uncertain what type of music you are hearing, your only admissible recourse is a benign, "What is there to say? The music says it all."

VII. ARTIST SIDESTEPS

From time to time you may be called upon to comment on individual performers. First look to see what they are doing. If they are facing away from you and have long hair, they are conductors. If they are not there, they are composers. Once you have recognized them for what they are, you can use these:

Composers. "His premise is shaky and his antecedents disturb me, but what a craftsman!"

Conductors. "One really must admire his stickwork." (Check first to see if he is waving a little stick at the others. Some don't. If you get one of these, say, "His tempi are fanciful." and let it go at that.)

Singers. "His (her) tessitura seems rather limited."

Pianist. "His pedalwork is rather heavy." (If the pianist is wearing a dress, substitute, "Her pedalwork is rather light.")

Violinists. "I understand he (she) uses the Russian bowing technique." (Since even Russians cannot agree on what this is, your posture is unassailable.)

Brass Section. (A group of men holding funny trumpets. They often look like brothers. They often are.) "Did they miss their double-tonguing there?" (It's gone, so your opponent cannot refute you.)

Reed Section. (Usually thin ladies huddled together to the left.) "Are they thin, or is it me?" (A clever play on words.)

Percussion Section. (That man who runs around a lot and can't seem to decide which instrument he wants to play.) "I think he has a damp tympano there. Would you agree?" (Your opponent will be forced to comment on the weather rather than the music, and no one can do anything about that, anyway.)

VIII. ALL-PURPOSE COPOUTS

You may have need of several functional comments to carry the day with the occasional upstart. If you cannot dispatch him with a snort, use one of the following.

Beethoven's Fifth: "Overexposed and underdeveloped."

All of Tchaikovsky: "Hopelessly enamored of past forms."

Most Cacophonous Modern Music: "It is impossible to understand this without total immersion." (By implication, yours.)

Italian Opera: "He gave the singers too much freedom."

German Opera: "He didn't give the singers enough freedom."

Spanish Opera: "Like any good Spanish composer, he was pure French."

French Opera: "What do you think of De Gaulle?" There is, of course, an ultimate copout. But it is volatile and should be used only in direst straits. Here it is, for those with the courage and style to carry it off:

"Lenny and I were discussing that very point only last week. I think he could tell you all you need to know. You have his number, of course?"

IX. SCORING

The devoted tactician carries a small pad in which he takes note of significant milestones in his quest for unquestioned authority.

You would be well advised to purchase such a notebook and use it to tabulate your progress. The following scoring system is in widest favor.

On reaching an overall score of 50, you are entitled to put this handbook aside and go it on your own:

	Points
Reducing Harvard Undergraduate to Tears of Shame	4
Embarrassing Hostess Before Her Assembled Guests	3
Persuading Journalist to Quote You in His Review	9
Getting Away with Wearing Long Hair	6
Encouraging Young Musician to Forsake the Piano for the Autoharp	8
Advising Electrical Engineer that his Stereo System is Faulty	5
Vanquishing Juilliard Graduate in Full Repartee	8
Convincing Friends that Benny is Just Not Good Enough for their Chamber Music Group	7

(*Naturally, ingenius improvisation is healthy and permissible.*)

X. THE COMPLEAT MUSIC EXPERT

Once you have mastered the techniques herein, you will be equipped to meet and master all on the field of honor. Success is assured. Do not overburden yourself with clumsy and unnecessary additional information.

But when you are armed to tilt with troublesome know-it-alls, you are also free to devote private listening time to music you can enjoy on its own merits.

HANOI'S DANGEROUS GAME

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the actions of the leadership of the North Vietnamese with respect to our men who are their prisoners of war is nothing short of heinous. When the first group of wives from Texas visited with their representatives in Paris, they were assured that they would hear about their husbands. To this date, they have not. The Paris representatives indicated on the occasion of this first visit of wives that they would be glad to talk to anyone providing they were not Government-sponsored. This they have done, but they have used this means now to urge these wives and families to join in the antiwar demonstrations.

The Washington Daily News on October 29 editorialized this policy of the North Vietnamese and under leave to extend my remarks I wish to include this editorial, as follows:

Hanoi's Dangerous Game

North Vietnam frequently boasts, without any proof, of its "humanitarian" treatment of U.S. prisoners of war. Now it is clearly trying to use these unfortunate men to manipulate United States opinion and build up the "peace movement" in this country.

From the start, the Hanoi humanitarians have been vulnerable on the PW issue. In violation of the Geneva convention on war prisoners, North Vietnam has not released their names, nor permitted them a regular flow of mail, nor allowed an impartial group like the Red Cross to inspect the camps, nor released sick and wounded prisoners.

With a particularly Communist view of human life, Hanoi's Politburo views the prisoners as a tool with which to pry concessions out of the American government.

This callous tactic began to backfire when world opinion noticed that the self-proclaimed "victims of U.S. aggression" were behaving in a thoroly uncivilized way. Hanoi's discomfiture grew when small groups of missing men's wives came to ask its delegation to the Paris peace talks whether they were "wives or widows."

Off balance at first, Hanoi's delegates told the women they would receive news of their husbands. They haven't. Later the North Vietnamese told the wives the best thing they could do for their husbands was to join the anti-war demonstrations in the United States.

It goes without saying that this latter tactic has the nasty smell of blackmail.

Next the Hanoi delegates summoned two leading U.S. pacifists to Paris. They happened to be on trial among the "Chicago eight," and their lawyer went instead. He returned with the "momentous" news that the Communists would give out the prisoners' names and permit them to receive mail—thru the radical peace movement.

This has since been hedged by Hanoi's man in Paris: "if" the North Vietnamese have any PW information to announce they will do it thru the anti-war mobilizers.

By now Hanoi's strategy is obvious. By refusing to deal with the U.S. delegation in Paris on the PW question, it is attempting to portray our government as incapable of protecting its captured servicemen.

By working thru the National Mobilization Committee to End the War in Vietnam, Hanoi is trying to enhance that group's stature and win for it influence and adherents.

In lending itself to this maneuver, the "movement" is coming close to giving aid and comfort to the enemy, which is proscribed by the Constitution. Quite wisely, our government is overlooking this point, stating it will welcome news about our PWs from any source.

Hanoi has an exaggerated idea of its understanding of U.S. public opinion, and could be making a dangerous mistake. There are many decent people, in and out of the peace movement, who want to see the war over, and who are repelled by the sight of U.S. citizens collaborating with the enemy over the fate of helpless prisoners.

North Vietnam would be well advised to give up its dirty game before it provokes an unwanted backlash—against it and against its peace supporters here.

A TRIBUTE TO WOMEN

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, it gives me great pleasure to submit to the attention of my colleagues an address by the Honorable Bess B. Stinson, member of the Arizona House of Representatives. This very fine speech, "A Tribute to Women" was delivered at the awards luncheon of the National Federation of Republican Women, on September 27, 1969. I was privileged to hear Representative Stinson deliver her message in person, and I am confident that the Members of this body will share my admiration for this beautiful testimonial to the contribution that American women have made to the building of America:

A TRIBUTE TO WOMEN

"For everything there is a reason, and a time for every matter under heaven . . . a time to plant and a time to harvest."

Through the centuries, women have worked and carried their share of the burdens . . . and waited . . . but the harvest for them has not yet been full equality.

Theirs has been the role of planting, cultivating, tending and enduring. The wheels of time turn slowly, but they do turn, and today the star of woman is in the ascendancy. Much has been accomplished—but much more remains to be done.

Let us go back down history's trail for a moment. For centuries man dreamed of freedom but seldom achieved it or held it for very long, though he never gave up the struggle.

It was finally to be achieved in a new land at places called Plymouth . . . Philadelphia . . . Valley Forge. A new kind of self-government was devised based on the concept that our inalienable rights come from God and government is the tool to safeguard those rights. It was to be chained down by a Constitution.

All this began in a virgin country, the wealth and expanse of which the founders never dreamed. With their newly-found freedom came exciting and daring opportunities to go beyond the immediate horizon and explore the vast territories to the West.

There were great men and women in that virgin society who shaped the destiny of the nation and set it on its course.

Before the next hundred years had passed, miracles had been wrought and man's hold on freedom has been dramatically strengthened.

Slaves were freed and in 1869 were enfranchised. March 15th of that same year a woman suffrage amendment to the Constitution was proposed to the Congress. It failed to pass.

Women endured equally—almost unequally—the bitter hardships of Colonial and Pioneer life. They worked side by side with their men but they were classed as inferior citizens and denied the right of franchise.

As early as 1848 a Convention was held in Seneca Falls, New York to promote women's suffrage by an Amendment to the Constitution. We owe much to the dogged determination of Susan B. Anthony, Elizabeth Cady Stanton, and Lucretia Mott, as they worked to free women from legal, financial and voiceless servitude.

The road to emancipation was long and heart-breaking. Its foremost heroines did not live to see its full achievement, but rejoiced in the small victories and exciting anticipation of things to come. Against the opposition of the clergy, ridicule by the press, and unyielding hostility, the pioneers endured. They were magnificent!

The first break-through came out of the West in the territory of Wyoming in the year 1869. Women were acknowledged as independent beings and full suffrage was granted them. It was a victory guided by the determined efforts of Mrs. Esther Morris of South Pass, Wyoming, who was shortly afterward appointed Justice of the Peace of South Pass—a truly Western salute to what the West always admires—sheer grit.

Hard on the heels of Wyoming, the territories of Utah and Washington granted women suffrage. The ladies fought on—Colorado, Idaho and California joined the ranks, then Arizona, Kansas and Oregon. It was almost a phenomenon of the West . . . and with good reason.

Nowhere had women worked, struggled and borne hardships with more tenacity, fortitude and endurance than the women who traveled to the West in Covered Wagons.

There had been years of backbreaking toil, life in sod dugouts with scant furnishings. There were years of apprehension . . . droughts, locusts. There was never enough food. There were bowed heads and thanks to God for their blessings. There were harsh winters—snow, blizzards, sickness and no doctors. Sometimes prairie fires that were terrifying . . . and there was always WORK! There was spinning and weaving, garment making, patching, quilts to be pieced, and feather beds to make; clothes to wash on the scrub boards—and ironed with the old flat irons; canning and preserving of everything available.

In spite of the hardships that tested their endurance, there was the sweet taste of freedom to nurture their enterprising spirit. There was faith and love of family—neighbor helping neighbor—that kept them striving and working always for a better tomorrow. Their unfulfilled dreams lived on in the hearts of their children who brought many of them to fruition.

The settlement of the West, or any other part of this Country for that matter, owes more to the endless toil of pioneer women than to all other factors in its history. A character in Edna Ferber's *Cimarron* tells it this way:

"You can't read the history of the United States, my friends, without learning the great story of those thousands of un-named women . . . women in mud-caked boots and calico dresses and sunbonnets, crossing the prairie and the desert and mountains enduring hardship and privation. Good women with a terrible and rigid goodness that comes of work and self-denial. Nothing picturesque or romantic about them, I suppose. . . . No, their story has never been told, but it's there just the same. And if it's ever told straight, you'll know it's the sunbonnet and not the sombrero that's settled this country."

That is a glimpse of the past—of how America was built. The essence of it all was a love of freedom, willingness to work. Faith in God, enterprise, indomitable spirit and helping one's neighbor. No other land can match this conquest of the unknown, the untried, nor the major role of its women.

The greatest of all observers of the American scene, de Toqueville agreed. Over 100 years ago he said, "If I were asked . . . to what the singular prosperity and growing strength of the United States ought mainly to be attributed, I should have to reply 'To the superiority of its women'."

This was a great man's highest tribute, richly and nobly deserved by women who were more than great.

Today, we celebrate the 100th anniversary of that victory in Wyoming and the 50th Anniversary of the passage of the 19th Amendment by Congress which finally gave all women the right to vote. In the interim, life has greatly changed in America, but the quest has not ended. Full equality as citizens should be our well-earned right, not just the vote alone.

No one knowledgeable in the history of America's women, their triumph over adversity, steadfastness in character and fidelity to purpose, doubts the outcome as they continue to minister to the needs of the nation.

And so, at this Awards Luncheon of our 15th Biennial Convention, we pay tribute to American Women, past and present. We honor all that they have been, take pride in all that they have become.

The slogan of those early, intrepid leaders has the same meaning, the same validity today:

"Principles, not policy; justice, not favor; men, their rights and nothing more; women, their rights and nothing less."

It is still a time for planting that the harvest may be more bountiful for all and Freedom more secure.

Our Country still needs the devotion, the effort, yes—even the sacrifice—of women to insure that "this Nation under God shall not perish."

CHAMBER OF COMMERCE SUPPORTS REPEAL OF TITLE II

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. MATSUNAGA. Mr. Speaker, in these troubled times for our country and for our world, we would do well to pause and examine the ideals and values which traditionally have been associated with our great Nation. As we examine these ideals and values which we consider as being peculiarly American, we must also bear in mind that perhaps the most urgent task confronting the United States today is that of developing a thoughtful, well-informed, and responsible citizenry, able to cope with the complex problems of our time. It has been said by wiser men than I that in a democracy such as ours we can have no greater enemy than citizen indifference. This is an enemy which can be overcome by commitment and involvement, flowing from a deep concern for the common good and nurtured by as deep a faith in the dignity of man and his destiny. I know that these are concerns truly and deeply felt by many Americans, and particularly by Americans of Japanese ancestry.

During this, the centennial of Japanese immigration to the United States, this sense of commitment and involvement and a deep concern for the common good are evidenced in a resolution recently adopted by the Honolulu Japanese Chamber of Commerce, strongly urging the repeal of title II of the Internal Security Act of 1950—the Emergency Detention Act.

This resolution reads in part:

> Whereas, the Emergency Detention Act thus violates the basic rights of the individual guaranteed by the Constitution of these United States and provides for detention procedures which are inconsistent with our normal judicial procedures, Now therefore
>
> Be It Resolved That, the Honolulu Japanese Chamber of Commerce strongly urge the repeal of sub-title II of the Internal Security Act of 1950 . . .

Mr. Speaker, I am privileged to submit for inclusion in the CONGRESSIONAL RECORD the full text of the resolution in support of pending legislation to repeal the Emergency Detention Act:

RESOLUTION

Whereas, The Honolulu Japanese Chamber of Commerce, being a duly ordained and organized group of Americans in the State of Hawaii, recognizes that sub-title II of the Internal Security Act of 1950 (Emergency Detention Act) presents a serious threat to the civil rights of all Americans, and

Whereas, The Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency", and

Whereas, The Emergency Detention Act fails to provide for trial by jury, or even before a judge, substituting instead hearings before a departmental preliminary hearing officer and a detention review board where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify detention, and

Whereas, The Emergency Detention Act thus violates the basic rights of the individual guaranteed by the Constitution of these United States and provides for detention procedures which are inconsistent with our normal judicial procedures, now therefore

Be it resolved that, The Honolulu Japanese Chamber of Commerce strongly urge the repeal of sub-title II of the Internal Security Act of 1950, and

Be it further resolved that, copies of this resolution be forwarded to:

Gov. John A. Burns; U.S. Senator Daniel K. Inouye; U.S. Senator Hiram L. Fong; U.S. Congressman Spark M. Matsunaga; U.S. Congresswoman Patsy T. Mink; Senator David McClung, President, State Senate; Representative Tadao Beppu, Speaker, State House of Representatives; Mr. Ray Okamura, JACL National Cochairman; Mr. Mike Masaok, JACL Washington Representative; Dr. Robert Suzuki, JACL Executive Liaison; Mr. A. A. Smyser, editor, Honolulu Star Bulletin; Mr. George Chaplin, editor, Honolulu Advertiser; Mr. Takeshi Fujikawa, editor, Hawaii Hochi; Mr. Ryokin Toyohira, editor, Hawaii Times; Mayor Frank F. Fasi, city and county of Honolulu; Councilman Walter Heen, chairman, city and county of Honolulu.

EISENHOWER'S FORECAST OF ATLANTIC UNION SAVINGS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. FINDLEY. Mr. Speaker, the current issue of Freedom & Union magazine published in Washington, D.C., by the Federal Union, Inc., with Clarence K. Streit as editor, carries an editorial which discloses a forecast made years ago by General Eisenhower as NATO commander in chief but which still has relevance today.

During an interview with Mr. Streit, General Eisenhower made the following statement:

> I believe if we got effective political union in the Atlantic we could cut our defense cost by half.

As we contemplate the $80 billion annual outlay the United States is now making and the limitations of the military power it buys as evideneed in Vietnam, Ike's forecast of 18 years ago has special meaning.

After leaving the White House, General Eisenhower gave his support publicly to a resolution proposing a convention of NATO nations where the federation idea would be explored. He did this on April 6, 1966, in a letter addressed to me as one of the sponsors of the proposal.

The need for the exploratory convention is even greater today than when Ike first forecast its financial advantage to the U.S. taxpayer in 1952 and when he first urged the convention idea in 1966. The opportunity to give it the needed Presidential initiative now rests with Richard Nixon who also in 1966 gave the proposal eloquent support.

Here is the text of Mr. Streit's editorial comment:

WHAT PRICE ATLANTIC UNION DELAY?

(By Clarence Streit)

Ike's now disclosed answer: "I believe if we got effective political Union in the Atlantic we could cut our defense cost by half." (Saving $38-Billion in '69 . . . $480–B. Lost already).

The time has come, I believe, for me to disclose a statement which General Eisenhower made to me in a private talk, when he was NATO Commander-in-Chief. I do so because it is so relevant—so helpfully relevant—to several major issues now raging in Congress, press and public.

Coping with Arms—and Hornets. It concerns primarily the question of reducing U.S. military expenditure, and the swarm of hornets buzzing around it. It is dangerous both to fail to cut this burden substantially and also to cut it in ways that would seriously weaken the defense of Freedom. The Eisenhower statement points out a way to avoid these dangers, whether of action or inaction.

The way he suggested would, by his "guesstimate," permit a huge reduction in U.S. military cost—far more than current proposals would. Yet it would demonstrably strengthen, instead of weaken, Freedom's defense. Moreover, because of the huge economy he estimated it would bring, it would provide means massive enough to meet, instead of nibble at, the dangers and urgent needs which those who call for cutting the military burden stress.

Massive Means Needed. Certainly far more massive economies than those now sought are needed to end the ominous inflationary trend, and the risk of depression it brings—one triggered by the crash of the world monetary system which is based on the dollar remaining "as good as gold." Depression, of course, can also result from the methods now being used to halt inflation, such as soaring interest rates and "cooling" an economy which can get out of hand from a chilling slide even more easily than when rising with the heat.

It is no less obvious that massive means are required to cope with the dangers in racial conflict, campus unrest, the trend—left and right, white and black—toward extremism and revolution, the plight of the cities, the population "explosion" and air, water, mental and moral pollution . . . to mention no more.

With such a sea of dangers facing us today, and such need for massive means to meet them, it is high time to disclose, and ponder, the way by which General Eisenhower told me he believed we could safely make a huge reduction in the U.S. arms burden.

1951 Talk with Ike. I had a 25-minute talk with General Eisenhower in his Paris office on April 26, 1951, when he was Commander-in-Chief of SHAPE. I told him, as Justice Roberts [*then President of the Atlantic Union Committee*] had requested I do, of my talks with leading European statesmen in Britain, France, West Germany, Belgium, the Netherlands, Norway, Sweden and Switzerland—and of the widespread hope they had expressed that the U.S. would lead in forming an Atlantic Federal Union.

General Eisenhower listened most sympathetically, and told me of the difficulties he had experienced in trying to get results through the alliance system. Dealing with the NATO Council, he said, was "like being in a boat in the Atlantic ocean without any oars and without any helm." Our talk reached its climax at the very end.

Ike Saw Big Saving In Union. As General Eisenhower conducted me to the door of his office, he said:

"I don't see how anyone can get away from it—in *union* there *is* strength. It seems as simple as that to me." Then at the door, he added: "I believe if we got effective political union in the Atlantic we could cut our defense costs by half."

I wrote his words down immediately after closing the door. His estimate was obviously meant as a rough guess, but no one was in better position than he to make a fairly accurate guess.

Harriman Agreed. When I returned a little later to Washington, I had a talk with Averell Harriman, then a Special Adviser to President Truman. Since he, too, was highly qualified to speak on the subject, I told him of General Eisenhower's estimate of what might be saved on defense through Atlantic Union. Mr. Harriman studied a bit and then added his broad guess:

"Yes, I suppose we could cut our costs by half if we formed a real United States of the Atlantic."

$38-Billion Saving on Arms This Year. No one would take the Eisenhower-Harriman guesstimate as more than an offhand but highly educated guess nor hold them to the figure, *one half*. This was only a vivid way of saying that the saving on defense which Atlantic Union would allow would be enormous, huge, massive. But since General Eisenhower did use a figure, and it does permit at least a closer idea of the economy Atlantic Union would bring than do such adjectives as "enormous," let us apply it to the present expenditure on arms.

The total defense item in the budget now under debate in Congress was when submitted, $76.56-billion. This does not include $4.6-billion for the Atomic Energy Commission; though much of it is for defense, it also is for civilian purposes, and the AEC finds it too hard to disentangle the two. Nor does the defense figure cited include the cost of foreign military aid—which also could be cut by Atlantic Union—or pensions and care for veterans, or interest on the national debt caused by war.

Consequently, the $76.56-billion figure is a conservative one for getting a concrete idea of how much Atlantic Union would save U.S. taxpayers this fiscal year on arms alone, by the Eisenhower guesstimate.

Half of $76.56-billion is $38.28-billion. Even if Ike overshot the mark, even if Atlantic Union saved only one quarter instead of one half, the saving would still be enormous—$19.14-billion in one year.

A Shocker. If you are so used to billions that you think a mere $19-billion isn't huge, please note that it is nearly twice the entire U.S. military expenditure in 1949—which was only $10-billion in that happy year. Note also that $19-billion isn't much less than the $23-billion total the U.S. spent on defense in 1942—the first year of World War II.

Now, a Worse Shocker. The $76.56-billion military budget submitted to Congress this year is half a billion greater than the $76-billion total the U.S. expended on this item during a two-ocean war in 1944—the year of the invasion of Europe. This item reached its peak in U.S. history in 1945—$80.5-billion. The present figure is only $4-billion under it, and climbing fast.

At the average rate of increase in this item through the past five years—$5.4-billion annually—military expenditure in the next fiscal year will pass its World War peak and set a new all-time record of $82-billion. An ephemeral record, of course, for at that rate of $5.4-billion more each year, it would be $87-billion in 1971—and would have soared to $114-billion in 1976 when the U.S. marks the 200th anniversary of the Declaration of Independence.

Union Could Save $340-billion by 1976. In those seven fat years—for the Pentagon, not the taxpayers—military expenditure (always assuming that the annual average increase during the past five years continues) will have totaled $680-billion . . . and the bonanza, which taxpayers could save in that brief period by Atlantic Union would be $340-billion, according to the Eisenhower guesstimate.

All such projections are, of course, very speculative. Yet those who think my figures are far above probability should ponder military expenditure during the past 20 years in Table 1 (see page 2). The average annual increase in those 20 years was $3.1-billion; if the rate for the next seven years was no greater than that, the total for them would be $665-billion—or but $15-billion less than by the rate for the past five years.

Skeptics should also consider the effect of inflation, to which such expenditure has already contributed so dangerously; it is bound to continue to depreciate the dollar's value if this expenditure is not cut—hugely. Then there is the ever-higher skyrocketing cost of modern weapons—quite apart from inflation—and the fact that they become obsolete soon after put in use—a factor to which I'll return later. Finally, skeptics should note none can be sure that before we get out of Vietnam we may well get into much more dangerous and costly war in the Mideast (with how many doves and hawks changing beaks?) Certainly any economy in Vietnam that encourages communism to stage new Vietnams elsewhere will add heavily to the arms burden.

Experience (please see page 8 for mine in 1948) and true conservatism, I submit, make it more prudent to err in over-estimating than in under-guessing future military expenditure, while nationalism divides the free Atlantic peoples.

State's Fateful 1949 Choice. How much U.S. arms will cost Taxpayers in future—without Atlantic Union—is guesswork at best, however useful such reasoned guesswork is. Turn now to the firmer ground of past experience where definite figures are at hand. Let us start with 1949—the truly fateful year when the U.S. Government first made the choice between Atlantic Alliance and Federation. Led by the State Department, it signed and ratified the Nato Treaty. Immediately afterward, Senator Estes Kefauver, who had supported the Alliance as a stopgap, introduced the Atlantic Union resolution calling for a convention of Nato nations to explore the possibility of transforming their alliance into a federation.

It was cosponsored by such powerful conservatives as Senator Walter George (D., Ga.) and Rep. James Wadsworth (R., N.Y.) and by younger men who have risen since to seats of power, such as Senator Wm. Fulbright, now chairman of the Foreign Relations committee, and Rep., Hale Boggs, now Majority Whip in the House. They were joined as cosponsors by Hubert Humphrey and Richard Nixon when these two entered the Senate a little later. Despite the impressive backing on the Hill, and the fact that President Truman told Justice Roberts he favored the resolution, the State Department managed to block it.

What Price, Power by Alliance? What has that policy of the State Department—whose bureaucracy still continues it against the current Atlantic Union resolution—cost the taxpayers already? U.S. military expenditure (excluding atomic weapons, foreign military assistance, etc.) in the 21 years, 1949–1969, totals $959.86-billion.

Rep. Paul Findley (R. Ill.) stressed this $960-billion total in re-introducing June 5 the Atlantic Union Resolution which had gained during the previous Congress the strong endorsements of Richard Nixon, Hubert Humphrey, General Eisenhower, Barry Goldwater and the late Robert F. Kennedy. Rep. Findley also emphasized that during those 21 years the U.S. had spent nothing on exploration of the federal alternative:

"We have spent since 1949 almost $1-trillion more on the strength that comes from arms"—and, he later added, "alliance"—than on exploring Atlantic federal union. Yet we all know that the immense productive, financial, scientific and armed power of the United States came from federal union. Our Founding Fathers had the foresight, when the alliance of the 13 States proved weak and unreliable, as NATO is today, to call the kind of exploratory convention in 1787 we urge today. That convention resulted in the discovery that a federal union was the way to unite the free effectively and democratically, which has brought us our great strength."

$480-Billion Lost Already. By General Eisenhower's 1951 guesstimate (which Mr. Findley was not aware of then) half of that $960-billion—or $480-billion—could have been saved had the State Department not blocked exploration of Atlantic Union and gambled so enormously on alliance instead.

What $480-Billion Could Do. Consider tax relief. The entire U.S. budget now before Congress totals $193-billion. If we subtract half the $76-billion military item, the total is $155-billion. The $480-billion saving on arms would pay the total U.S. budget for three years at that $155-million rate.

Put in another way, the saving by Atlantic Union during the past 21 years could have given U.S. taxpayers one tax-free year in every seven—a year-long "Sunday" in which to rest from paying taxes.

Billions for Budget Cinderellas. Suppose the $480-billion went instead to the Cinderellas of the budget. Consider how much could have been done to avert or ease the problems we now face from urban decay, rural slums, ghettos, poverty, ignorance, disease, air and water pollution, racial conflict, campus revolt, extremism.

The annual saving in those 21 years would have averaged $23-billion. Let those who know tell what could have been done—and could still be done—with that amount available annually, and divided, say, between public and private efforts for more or better housing, schools, education, libraries, hospitals, medicine, disease and drug prevention, technological and scientific research.

Where Ike Lost Out—But Helped Nixon To Win Now

Why didn't General Eisenhower, in his eight years as President, lead the way to the Atlantic Union he believed could reduce defense expenditure hugely, and bring other blessings?

Many will ask that question now; as History will later. On April 2, 1952—less than a year after my talk with him at Shape—he wrote in his final report:

"Peacetime coalitions throughout history have been weak and notoriously inefficient. * * * There is power in our union. . . . Visible and within grasp we have the capability of building such military, economic and moral strength as the communist world would never dare to challenge. . . . Then the Atlantic Community will have proved worthy of its history and its God-given endowments. We shall have proved our union the world's most potent influence toward peace."

On April 6, 1966—14 years later—General Eisenhower wrote Rep. Findley, endorsing in these words his resolution for a Convention of Nato nations to explore the possibilities of Atlantic Union: "I strongly favor your undertaking; let there be no mistake about that."

Senator Kefauver had reintroduced his basically similar resolution in 1955; it had the support of powerful Senator Walter George, then chairman of the Foreign Relations Committee. He left it in July 1956 up to the President whether his committee should report it favorably. On July 24 I wrote President Eisenhower, asking him to lead. Only two days later he replied: "I am aware of your deep interest in furthering a closer unity among the members of the Atlantic Community. Because I share that interest, I have given your letter earnest study."

He then explained that Nato had recently adopted a Dulles proposal to have a Committee of Three to study how to strengthen the Atlantic Community, and so, to avoid "creating confusion" by the U.S. seeming "simultaneously to support two different concepts of Atlantic unity" he had "decided not to take, at this moment, a position in support" of the Kefauver bill. He added: "This by no means forecloses future consideration of the alternative you support. I am most deeply appreciative of your continuing interest in this subject."

Enter, Tragedy. That proved to be the peak Atlantic Union reached in his Administration. Later in the very day he wrote me, Nasser seized Suez; result: far worse than confusion split us from our closest Allies. While we were in tragic conflict with France and Britain, Hungary revolted . . . and Freedom's finest opportunity in East Europe was lost by Atlantic disunion.

History may answer why President Eisenhower did not grasp his own opportunity to be the George Washington of the NATO nations by leading them to federate as the latter led the 13 States to do. I do not have the answer, but only some attenuating circumstances History may weigh—and future Euripides may find makes the drama at once more tragic and more human.

While President, General Eisenhower was plagued by ill health and operations. Trained to delegate power, he relied too much on Secretary Dulles, who once reaffirmed to P. F. Brundage and me his belief in Atlantic Union, but added: "I guess Clarence here thinks I always find some reason for deferring it."

Most important, I think, was another factor which General Eisenhower himself mentioned on two occasions after he left the White House, in discussing Atlantic Union with different friends of mine. In substance he said, sadly, "The great difficulty in the White House is that the urgent is always crowding out the important." He might have added that each President is surrounded by loyal associates who seek to protect him mainly from the nearest pitfalls. Each President has devoted secretaries concerned with saving his "image" on tonight's TV, tomorrow's press, Floor attack, or intrigue on the Hill or in Bureaucracy. I know of none who has had anyone assigned to protect him at History's Bar—which disregards these urgent trivia and is concerned with the man, not his image. This may help explain why, in 180 years. History bows only to three Presidents: Washington, Jefferson and Lincoln. It may be in the interest of Euripides-to-come that this situation should continue. It is not in the interest of any President, or his devoted friends or enemies, or the People.

What of President Nixon? This is the most formidable challenge he now faces. History—and events that jump in before its judgment—will be harsher to him than to Ike for several reasons. Ike did not cosponsor the Kefauver resolution; Senator Nixon did. Ike did not commit himself publicly before election to the proposal to explore Atlantic Union; Mr. Nixon did in 1966—and in terms History will find unanswerable. The need, and demand, to cut military cost was not nearly so acute in Ike's terms, as now. Nor had any President, or great General, in President Eisenhower's time, said that Atlantic Union would cut these billowing billions in half. But our publication of Ike's statement does make known now what otherwise only History would know.

This information thus becomes what "fact" always is: A powerful instrument for either good or bad, depending on the use made of it. Known, but ignored by President Nixon, it can hurt him in History. Known, and made much of by him. General Eisenhower's belief that Atlantic Union could cut defense cost by half, would greatly help him de-fang the venomous domestic and foreign threats he faces.

There are some causes that can not fail, and so statesmen who back them strongly, publicly can't fail either. Even if they seem to, History will call their effort noble. Is Atlantic Union, such a cause? On President Nixon's answer hangs his fate.

FARMERS NOT AT FAULT

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. SCHERLE. Mr. Speaker, Robert B. Lyon, editor of the Schleswig Leader in Schleswig, Iowa, has performed a fine public service by compiling the figures to prove the inflationary cost of feeding a family is not the fault of farmers, but, rather, the result of increased costs to the food processor—increased wages, taxes, and rentals. In my district there are over 32,000 farms and more than 120,000 rural inhabitants who are weary of being blamed by our urban friends each time food prices rise. Increased costs are not lining the farmer's pocket.

A loaf of bread which sold for 13:5 cents 20 years ago brought the farmer only 3.3 cents. The same 1-pound loaf which sells today for 22.9 cents on the average still brings the farmer 3.3 cents.

In 1951 more than 23 percent of take-home pay went for food. Now the cupboards can be stocked with a better variety and quality for only 17 percent of the take-home pay.

The housewife should look to the shopping gimmicks and giveaways which are paid for by her shopping dollars. The increases are not to the benefit of America's farmers.

Mr. Lyon's editorial should be of special interest to American housewives who deserve to know why their food prices continue to rise:

[From the Schleswig (Iowa) Leader, Oct. 23, 1969]

EDITORIAL OBSERVATIONS

(By Robert B. Lyon)

When it comes to women, farmers are cowards.

Take most any farmer. He'll risk it all in a gamble with the weather. He'll take on a new variety of insects, weeds or disease in the cattle herd. He's even willing to put a seed drill into the ground every spring without any idea what his price will be in the fall.

But when it comes to an irate housewife marching up and down in front of a supermarket trying to drive down food prices, farmers get jittery.

Food prices are up. But only two-thirds as much as other consumer goods and services. And while farmers probably stand to lose more than anyone else in this current protest movement against supermarket prices, the blame is not really theirs.

As the Associated Press reported recently, more than two-thirds of the cost of food is added by the processors and marketing agencies. And that's where most of the price increases have been going.

A loaf of bread which sold for 13.5 cents twenty years ago brought the farmer 3.3 cents. The same one-pound loaf which sells today for 22.9 cents on the average still brings the farmer 3.3 cents.

Still, the housewives picket. And some of them will go home after a day's picketing and pop a pre-baked cake into the oven to thaw out and then open a fliptop box of prepared frosting for it.

Mother used to add milk, vanilla and egg whites to powdered sugar to make frosting.

Grocers say this growing demand for frozen three-course dinners and instant breakfasts is what drives the price up—together with higher wages for employees, higher taxes on store buildings to support schools and a 99 percent increase in rent over the past twenty years.

Actually, farmers are the housewife's best friend. In 1951 more than 23 percent of dad's takehome pay went for food. Now the cupboards can be stock with a better variety and quality for only 17 percent of the take-home pay.

Housewives who take a notion to picket supermarkets might try a different approach—like spending more time being a housewife.

Prudent shoppers prepare shopping lists—and stick to them. Shop selectively, watching grocery ads and taking advantages of sale items. When the price drops on items you need, stock up on them.

Have a supply of food ahead. Many people store a full year's supply of nonperishable items. It makes it easier to ride out periods of high prices.

Another suggestion for irate housewives. How about a campaign against trading stamps. The National Commission on Food Marketing says "the increased use of trading stamps has increased food store prices by an amount about equal to the cost of the stamps."

While housewives continue the search for a villain in the rising cost of living, they might concentrate on their own spending habits as well as inflationary spending by government.

If you ask the farmer the whereabouts of the villain, he'll correctly point his finger in that direction and tell you, "he went that-a-way."

CONSUMER PROTECTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ROSENTHAL. Mr. Speaker, I discussed at a press conference last week the significance of the steps proposed by the President for improved consumer protection and the improvements in his approach which I believe Congress will make. I summarize my remarks below.

The President's consumer message made some good points:

The Federal Trade Commission does need additional powers which the President's message urged.

The limited steps to improve the operation of the Food and Drug Administration are important but should be expanded.

Legislation on medical devices is badly needed and the President's support, following that of President Johnson last year, may help effect passage of this proposal.

The Consumer Bulletin, to compile Federal consumer action in a single document, is an important aid for consumers trying to find their way through 33 agencies and 260 programs in the Federal Government which affects their interests.

And the President's interest in warranties represents a well-established and important concern.

TROUBLESOME PARTS

The other parts of the President's message are troublesome for they tend to proliferate the disparate consumer programs of the Federal Government without regard for their administration or even their ultimate effectiveness. Congress has passed many good consumer laws in recent years. Many go unenforced, or are badly administered.

We need a strong central consumer office in Washington which can give the American consumer the "one door" he needs for proper attention to his many and varied problems.

For many years, I proposed a Cabinet-level Department of Consumer Affairs to this end. Hearings on my bills—H.R. 6037, H.R. 6038, and H.R. 6040—were held September 16 through 18 by the Executive and Legislative Reorganization Subcommittee of the Government Operations Committee under Chairman JOHN BLATNIK.

Ralph Nader, Consumers Union, Consumer Federation of America; Esther Peterson, former Presidential consumer adviser, and Dr. James L. Goddard, former FDA chief, all testified. Each made important suggestions.

ULTIMATE GOAL

Most of these leading consumer experts testified that a department, although perhaps ultimately the desirable goal, is not achievable at this time. But all the witnesses strongly supported the establishment of a new central consumer agency, by statute, with real powers and far-reaching responsibilities.

Since I share with these experts an overriding concern for the immediate creation of a separate Federal agency for consumers, these changes in the bill have been made: Changed the Cabinet-level Department of Consumer Affairs to an independent consumer protection agency—CPA—in the executive branch; and left the administration of existing consumer protection programs in their present agencies and departments.

Nevertheless, the revised bill, which is the product of numerous meetings with Nader, Consumer Union, and the Consumer Federation of America, retains the force of H.R. 6037.

I will propose these revisions within the subcommittee as amendments to the original bill. I am confident that the bill will be reported out by the subcommittee. It will be a model consumer agency bill with the broadest possible support.

Mrs. DWYER, the ranking Republican member of the Government Operations Committee, introduced a bill in September which provides for a strengthened statutory Office of Consumer Affairs in the White House. The President's proposal on consumer representation, provides for continuing the Office of Presidential Consumer Adviser with no new powers.

Neither the Dwyer bill nor the administration proposal meets the urgent need for a separate, self-contained, and independent agency with full statutory responsibilities.

A SINGLE SPOKESMAN

Patching up the existing consumer mechanism in Government—which is the President's prescripition—will not solve this basic problem of representation in the heart of the Federal Government. The consumer needs a single articulate spokesman in Washington.

I consider our present efforts for the Consumer Protection Agency as a most important step toward the goal of a Cabinet-level Department of Consumer Affairs. And I am confident that Congress will respond to the President's consumer message properly with careful consideration of those steps which should be taken now for the consumer, the most important of which, in my view, is the creation of the Consumer Protection Agency.

I include below an analysis of my committee amendment, to be proposed soon, and an article from the Washington Post describing my proposal and its wide support.

I also include an editorial from the New York Times which both praises the President's consumer principles and asks Congress to reshape the programs he suggests so that those principles can become truly effective.

The material referred to follows:

HIGHLIGHTS OF THE CONSUMER PROTECTION AGENCY ACT

OFFICERS

Administrator, appointed by President with senatorial consent.
Consumer Counsel.
Director of Consumer Information.
Director of Consumer Safety.
Director of Consumer Research.
Director of Economics.

REPRESENTATION OF CONSUMERS BEFORE FEDERAL AGENCIES AND COURTS

The Consumer Counsel with a staff of attorneys, economists, and scientists, will intervene in matters pending before courts and federal agencies which substantially affect consumers. Every federal agency must notify the CPA when taking consumer-related actions and must furnish it with its consumer data, including access to investigatory files.

REPORT TO CONGRESS

The Administrator will transmit an annual report to Congress on the CPA's activities and accomplishments, its legislative recommendations, and an evaluation of federal consumer programs particularly with respect to improved coordination.

CONSUMER COMPLAINTS

The CPA will receive, evaluate, act on and, if necessary, transmit to the appropriate agency, consumer complaints.

CONSUMER INFORMATION

The Division of Consumer Information will develop and disseminate information—including product test results—from public and private sources which will benefit consumers.

CONSUMER SAFETY

The Division of Consumer Safety will take over the responsibilities of the National Commission on Product Safety upon its termination. It will also design and develop improved safety features for categories of consumer products that are considered unsafe.

CONSUMER RESEARCH

The Division of Consumer Research will encourage, initiate, and coordinate research and studies leading to improved products, services, and consumer information.

CONSUMER EDUCATION

The CPA will encourage, initiate, participate, in consumer education and counseling programs (including credit counseling).

STATE AND LOCAL ASSISTANCE

The CPA will give technical assistance to states and local governments for the establishment of consumer protection offices and arbitration programs.

ANALYSIS OF CONSUMER PROTECTION AGENCY ACT OF 1969—H.R. 6037, AS AMENDED, OFFERED BY MR. ROSENTHAL

Section 3(a): This section establishes as an independent agency within the Executive Branch of the Government, the Consumer Protection Agency. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(*b*) There shall be in the Agency the following officers:

1. The Consumer Council;
2. The Director of Consumer Information;
3. The Director of Consumer Safety;
4. The Director of Consumer Research;
5. The Director of Economics.

Section 4: This section sets forth the powers and duties of the Administrator of the Consumer Protection Agency. He shall have the authority to select, appoint and fix the compensation of officers and employees; employ experts and consultants; enter into contracts; appoint advisory committees; promulgate such rules as may be necessary; utilize, with their consent, the services, personnel, and facilities of other Federal agencies.

Subsection (c): authorizes and directs each "Federal agency" to "make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Agency;" and "subject to provisions of law, executive orders, and rules relating to the classification of information in the interest of national security, to furnish to the Agency 'such information, data, estimates and statistics, including access to investigatory files,' as the Administrator may determine to be necessary in the performance of the functions of the Agency."

Subsection (d): requires the Administrator to transmit to the Congress in January of each year a report which shall include—

1. a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year;
2. such recommendations for consumer legislation as may be deemed necessary;
3. a summary and evaluation of selected major consumer programs of each Federal agency, including comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration or enforcement of such programs.

Section 5: This section sets out the functions of the Consumer Protection Agency, the broad mandate of which is to "advise the President and the Congress as to all matters affecting the interests of consumers; and protect and promote the interest of the people of the United States as consumers of goods and services . . ."

Subsection (*b*): sets forth the specific functions of the Agency, as follows:

1. Advise Federal agencies and report to the Congress on the coordination of Federal programs and activities relating to consumers and help resolve differences among Federal agencies with respect to such programs and activities;
2. Assure that the interests of consumers are presented and considered by the appropriate levels of the Federal Government in the formulation of Government policies and in the operation of Government programs that may affect the consumer interest; including representing the interests of consumers in proceedings before Federal agencies and courts;
3. Receive, evaluate, act on and, if necessary, transmit complaints to the appropriate Federal or other agency, concerning actions or practices which may be detrimental to consumers;
4. Develop information from other Federal agencies, other public and private sources which is of benefit to consumers, including test results and economic analyses of consumer products and services; and to disseminate such information in the most effective manner possible;
5. Conduct economic surveys in accordance with the provisions of the Act;
6. Continue the work of the National Commission on Product Safety;
7. Encourage, initiate, and coordinate research and studies leading to improved products, services, and consumer information;
8. Encourage, initiate and participate in consumer education and counseling programs (including credit counseling);
9. Cooperate with and give technical assistance to State and local governments in the establishment of State and local consumer protection offices and with respect to programs to arbitrate consumer complaints;
10. Cooperate with and assist private enterprise in the promotion and protection of consumer interests;
11. Submit recommendations to the President and the Congress on measures to improve the operation of the Federal Government in the protection and promotion of the consumer interest.

Section 6: This section provides for effective and timely representation of the consumer interest in matters pending before any Federal agency or court (except in a criminal proceeding). In any hearing, investigation or other proceeding affecting substantially the interests of consumers, the Agency through its Consumer Counsel may intervene and, pursuant to the rules of practice and procedure of that Agency or court, may enter an appearance in that proceeding for the purpose of representing the interests of consumers.

Section 7: This section requires that every Federal agency, in taking any action which can reasonably be expected to substantially affect the consumer interest, must—

(1) provide specific notice of such action to the Consumer Protection Agency and

(2) take such action in a manner calculated to give due consideration to the consumer interest.

Section 8: This section directs the Consumer Protection Agency to receive, develop on its own initiative, evaluate and take action on consumer complaints that involve violations of Federal law or rules or orders of any Federal agency or which disclose any commercial act or practice detrimental to the interests of consumers.

The provision requires that the Consumer Protection Agency notify producers, distributors, retailers or suppliers of complaints concerning them or their products, and directs the Agency to maintain a public file and listing of complaints arranged in meaningful and useful categories.

Section 9: establishes a Division of Consumer Information, which shall be headed by the Director of Consumer Information.

The Division shall develop on its own initiative, gather from other Federal agencies and non-Federal sources and disseminate to the public, information, statistics, product test results, economic analyses, price studies and other data which would be useful to consumers of the United States.

Subsection (c): directs all Federal agencies to cooperate with the Consumer Protection Agency in making available to the public all useful consumer information in their possession.

Section 10: creates a Division of Consumer Safety headed by a Director of Consumer Safety. The responsibilities of the Division are similar to those now performed by the National Commission on Product Safety. Additionally, the Division of Consumer Safety is authorized to design and develop improved safety features for categories of consumer products which are deemed unsafe.

This section shall not take effect until the termination of the National Commission on Product Safety.

Section 11: establishes a Division of Consumer Research and authorizes consumer product testing by the Agency and the National Bureau of Standards.

The Division of Consumer Research shall be headed by the Director of Consumer Research who shall—

(1) Oversee and coordinate all activities of the Agency involving product research and testing;

(2) Develop methods for testing consumer products and for improving consumer services;

(3) Make recommendations to other Federal agencies with respect to research, studies, analyses within their authority which could be useful and beneficial to consumers;

(4) Investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary self-supporting "Info-Tag" program similar to Great Britain's "Tel-Tag" program.

Subsection (c): authorizes the Secretary of Commerce to establish facilities, or utilize existing facilities, for the purpose of determining, through testing, the performance and safety characteristics of consumer products. Such tests would be authorized only upon request made by a manufacturer or by the Consumer Protection Agency.

Section 12: establishes a Division of Economics which shall be headed by the Director of Economics.

The Division of Economics shall—

1. Conduct economic surveys with respect to matters of interest to consumers and including the levels of prices for goods and services affecting consumers and the factors entering into their establishment; suitability of goods and services affecting consumers; and the degree to which the trade and commerce of the United States succeeds in satisfying consumer needs for goods and services.

Economic analyses would not duplicate those of the Federal Trade Commission or the Justice Department.

Section 13: authorizes the establishment of a Consumer Advisory Council composed of 12 private citizens appointed by the President, to advise the Consumer Protection Agency on a wide variety of consumer matters.

Section 14: is the "Saving Provision." Among other things, it states that "Nothing contained in this Act shall be construed as relieving any Federal Agency of any authority or responsibility to protect and promote the interest of the American consumer . . . or as eliminating the need for consumer representation within the Executive Office of the President."

[From the New York Times, Nov. 1 1969]

CONSUMER BILL OF RIGHTS

The speed with which public demand has grown for stronger consumer protection is reflected in the message President Nixon has sent to Congress proposing a "buyer's bill of rights." In the election campaign just a year ago Mr. Nixon was putting most of his emphasis on "self-reliance" in the market place. Now he invokes the shades of Upton Sinclair and Rachel Carson to stress his identification with the concept that "consumerism" is here to stay.

Unfortunately, the braveness of the President's rhetoric is not matched by recommendations remotely adequate to give consumers the safeguards they need against fraudulent and deceptive practices. The effect of most of the Nixon proposals would be to water down much sounder measures now awaiting action in Congress and already assured of strong support.

This effect appears most glaringly in the section which purports to clear the way for damage suits on a collective basis where private citizens have been the victims of fraud or deception. The right way to open this avenue for class actions would be through a law authorizing consumers to initiate such suits on their own.

Under the President's plan, however, citizens would be able to act only if the Justice Department took the initiative by first establishing fraud through a Federal suit. Even then recovery would be limited to eleven types of fraud. Both these restrictions ought to be eliminated in any bill finally passed on Capitol Hill.

Another major defect in the Nixon package is his proposal for putting the projected Division of Consumer Protection into the Justice Department and thus separating it from the new Office of Consumer Affairs, which the President visualizes as the consumer's chief governmental watchdog. The office ought to be set up as a wholly independent administrative agency, with a fully staffed legal division of its own and with authority over all consumer programs.

In a dozen other specific fields relating to consumer protection the message promises "surveillance" and "study" rather than concrete measures to prevent shoddy or unsafe goods from being marketed.

The most affirmative section is the one proposing new legislation to clarify and extend the consumer protection functions of the Federal Trade Commission and to empower it to obtain injunctions against unfair or deceptive practices. The proposed review of substances on the "safe" list of the Food and Drug Administration also is highly salutary.

The President has articulated most persuasively the urgency of far-reaching Federal activity to police the market place and prevent the unscrupulous from defrauding both the consumer and the honest businessman. The important thing now is for Congress to reshape his proposals to achieve the sound objectives Mr. Nixon has enunciated.

[From the Washington Post, Nov. 1, 1969]

TOUGHER BILL COUNTERS NIXON'S CONSUMER PLAN

(By Morton Mintz)

Rep. Benjamin S. Rosenthal (D-N.Y.), charging that President Nixon's consumer package contains more air than "cornflakes," countered yesterday with a bill to set up a powerful, centralized, independent agency for consumer protection.

Rosenthal predicted that the House Government Operations Committee will report the bill within a few weeks and that the House will pass it by year's end. He recalled that he had about 100 co-sponsors in the House and Senate for his earlier proposal for a department of consumer affairs.

The congressman made his prediction at a news conference where he won support from consumer advocates including Ralph Nader; David Swankin, Washington representative of Consumers Union, Howard Frazier, president of the Consumers Federation of America; and Rep. John A. Blatnik (D-Minn.), chairman of the Government Operations subcommittee with jurisdiction over consumer bills.

The agency proposed by Rosenthal would have an "unfettered" consumer counsel whose primary duty would be to intervene on behalf of consumers in administrative and court proceedings.

Under the "Buyer's Bill of Rights" that Mr. Nixon sent to Capitol Hill Thursday, a consumer protection division—also with power to intervene in agency and court cases—would be created in the Justice Department. Virginia H. Knauer, the President's consumer affairs adviser, would have statutory coordinating powers similar to those she now has under executive order.

"I can't visualize Mrs. Knauer telling Attorney General John Mitchell in which cases to intervene," Rosenthal said. "It won't work."

Esther Peterson, President Johnson's first consumer adviser, agreed. Mrs. Knauer would find herself "absolutely helpless," she told the news conference.

Nader charged that the President's plan has a "built-in conflict of interest" because the Justice Department sometimes represents agencies opposed by consumers and because Justice has almost no lawyers dealing with "corporate crime" that, he said, steals "at least 20 per cent" of consumers' total income through usurious financing charges and other abuses.

In addition to its counsel, the agency sought by Rosenthal would have:

An administrator who would audit for Congress the consumer performance of government agencies (the reports required by the Nixon plan would be made to the President.)

A director of consumer information who would tell consumers about the performance of brand-name products tested by the government. (The President is committed to dissemination of "general information.")

A director of consumer safety who would take over the work of the National Commission on Product Safety when the panel expires next June 30. (The President seeks "continued surveillance" by Mrs. Knauer's office pending possible new product safety legislation.)

Rosenthal said the agency would have a staff of about 1,000 persons, which he said was 1 per cent of the number of employees in the Agriculture Department but 20 times the number envisioned for the new Justice Department unit.

Nader said the agency "should be funded at least to the extent of one atomic submarine," which he priced at between $150 million and $200 million. Mrs. Knauer's current budget is $451,000. She has 21 employees.

Nader praised Mrs. Knauer while accusing the President of enfeebling his consumer proposals in response to "pressure" from Commerce Secretary Maurice H. Stans and White House aides Bryce Harlow and Peter Flanigan.

COMMISSION STATEMENT ON ASSASSINATION

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BOGGS. Mr. Speaker, Congressman WILLIAM M. MCCULLOCH and I are privileged to serve as members of the National Commission on the Causes and Prevention of Violence. We were appointed by President Johnson in those hours of national distress which followed the assassination of Senator Robert F. Kennedy as he campaigned for the presidential nomination of the Democratic Party.

When the National Commission on the Causes and Prevention was appointed, we were charged with, among other things, to examine, to analyze, and to make recommendations how to prevent the assassination of public leaders.

Last weekend, the Commission issued a comprehensive statement on assassination, and I am now inserting in the RECORD and calling it to the attention of my colleagues and to the American people:

COMMISSION STATEMENT ON ASSASSINATION, OCTOBER 1969

(Dr. Milton S. Eisenhower, Chairman, National Commission on the Causes and Prevention of Violence)

This Commission was established in the dark hours following the assassination of Senator Robert F. Kennedy as he campaigned for the presidential nomination of his party. Just two months earlier, one of America's great spiritual and moral leaders, the Reverend Martin Luther King, had been slain by an assassin's bullet. Not quite five years before these terrible murders, President John F. Kennedy had been assassinated in the prime of his life.

As we Americans mourned the loss of these three young and vital men, we could not help but wonder if the slayings were grotesque symptoms of some awful disease infecting the nation. Had assassination become part of our political life? What did these assassinations signify for America and its future?

Assassination is only one of many topics within this Commission's purview, but an especially important one. Eight American Presidents—nearly one in four—have been the targets of assassins' bullets, and four died as a result.

Violence has been a recurring theme in American life, rising to a crescendo whenever social movements—agrarian reform, abolition, reconstruction, organized labor—have challenged the established order. Though presidential assassinations have not been typical of these periods of great stress, such periods have often produced assassinations of other prominent persons. Consistently they have subjected political leaders to vilification and threats to their safety.

The 1960s afford a grim example. The present decade, though by no means the worst in American history, has witnessed disturbingly high levels of assassination and political violence. No clear explanation emerges from a consideration of the men who have been slain; no ideological pattern fits murders as diverse as those of George Lincoln Rockwell and Medgar Evers or President Kennedy and Doctor King.

In comparison to the other nations of the world, the level of assassination in the United States is high. It is still high when the comparison is limited to other countries with large populations or other Western democracies.

Probably no other form of domestic violence—save civil war—causes more anguish and universal dismay among citizens than the murder of a respected national leader. Assassination, especially when the victim is a President, strikes at the heart of the democratic process. It enables one man to nullify the will of the people in a single, savage act. It touches the lives of all the people of the nation.

The reaction to the slaying of a President lives in the public memory and is recorded in national surveys. Americans were shocked by the killing of President Kennedy. Most described themselves "at a loss" or "sad" or "hopeless." Many adult Americans wept, were dazed and numb or felt very nervous; others had trouble sleeping and eating. Many were ashamed of their country and felt a burden of collective guilt for the assassination. Some escaped the feeling by insisting that the act had been committed by a foreign agent.

The other side of the public reaction was an outpouring of rage and vindictiveness against the assassin. Only one out of three Americans felt Lee Harvey Oswald deserved a trial; one in five was pleased that Oswald had been murdered. (Vindictiveness attended earlier presidential assassinations: John Wilkes Booth, for example, probably shot himself, but a Union sergeant claimed to have killed him as an agent of God and was widely acclaimed for the alleged killing. Garfields' assassin, Charles Guiteau, though not killed was shot at twice—also with widespread approval. The trial of Leon Czolgosz for the assassination of McKinley took less than eight and a half hours, including the time spent impaneling the jury.)

Deeply affected by President Kennedy's assassination, many chose conspiracy as the only possible explanation of the dreadful and otherwise senseless act. Although three out of four persons believed Oswald was the assassin, 62 percent believed others were involved. When asked who or what was to blame, apart from the man who pulled the trigger, only 20 percent could specify a group: 15 percent said Communists or leftists and 5 percent said right-wingers or segregationists.

Suspicions of conspiracy are rooted in the history of American presidential assassinations. When a deranged house painter tried to kill Andrew Jackson in 1835, rumor spread that the man was an agent of a Whig conspiracy against Jackson. Charles Guiteau's sister and others argued that President Garfield was killed by a member of the conservative faction of the Republican party. When Giuseppe Zangara shot at President-elect Roosevelt in 1933 but killed the mayor of Chicago instead, some claimed the killing was not a mistake but the intent of a gangland conspiracy. Technically a conspiracy existed in the murder of Abraham Lincoln, though the conspirators were a motley few with no backing from powerful groups; still the suspicion survives in folklore that Booth and his crew were associated with prominent government officials. Suspicions about Oswald as conspirator may survive as long, despite the exhaustive investigation and contrary findings of the Warren Commission.

Considering the high visibility, the substantial power, and the symbolic (as well as actual) importance of the American presidency, it is not surprising that Presidents are prime victims of assassination, or that conspiracy theories attend the event. The presidency is the fulcrum of power, the focus of hopes, and the center of controversy in American politics. What better target for those who wish to punish a nation, strike out at a symbol of great power, or simply draw the attention of the world and history to themselves? John Wilkes Booth remarked that the person who pulled down the Colossus of Rhodes would be famous throughout history.

II

The evidence from American history is overwhelming: no presidential assassination, with the exception of an abortive attempt on the life of President Truman, has been demonstrated to have sprung from a decision of an organized group whose goal was to change the policy or the structure of the United States Government. With that single exception, no United States presidential assassin has ever been linked to such a group, either as a policy maker or as a member or hireling carrying out its directives.

The occasions on which American Presidents have been assassination targets have in common this absence of an organized conspiracy. But they have little else in common. The type of President, his party affiliation, his public policies, the length of time he was in office, his personal characteristics, his political strength—all of these provide no clue to the likelihood of his assassination. The men who have been targets differ greatly. For example, Lincoln was the President of a divided nation during a civil war, Garfield a compromise candidate of a faction-torn party and McKinley a popular President of a relatively unified and stable society.

To the extent that a pattern exists at all, it exists in the personalities of those who have been presidential assassins. In the biographies of these lonely, demented men we may discern common elements that help to explain their actions. From those common elements we may begin to draw a picture of the archetypal assassin.

Richard Lawrence, the house painter who attempted to kill President Jackson in 1835, was a man of grand delusions. At times he claimed to be Richard III of England; he believed the United States owed him large sums of money and, further, that Jackson was responsible for blocking his claim. As later assassins would do, Lawrence focused his mind on a particular political issue. Jackson had vetoed the bill to recharter the Bank of the United States; if Jackson were killed, Lawrence believed, the bank would be rechartered and all working men would benefit.

Other assassins were self-appointed saviors. John Wilkes Booth apparently believed that Lincoln had achieved the presidency through voting fraud and intended to make himself king. Booth claimed that he had acted as an agent of God in killing the President. Charles Guiteau thought it was his God-appointed task to kill James A. Garfield. After killing President McKinley, Leon Czolgosz claimed that he had removed "an enemy of the good working people." John Schrank, who attempted to kill Theodore Roosevelt, saw McKinley's ghost in a dream and heard it accuse Roosevelt of the McKinley assassination; Schrank also regarded himself as an agent of God. Giuseppe Zangara apparently believed himself a savior of the poor; he bore no personal malice toward Franklin D. Roosevelt, but attempted to kill him just because he was the chief of state (though he had not yet taken office).

Alone among assassins, Oscar Collazo and Griselio Torresola were members of a recognized political movement. Both were ardent Puerto Rican nationalists, and their attempt to storm Blair House, the temporary residence of President Truman, appears to have been part of a plot to dramatize the cause of an independent Puerto Rico. Yet the plot was inept, not only because Blair House was well-secured, but because Truman was an inappropriate target. As President he had initiated important steps toward self-determination for Puerto Rico. After the attempted assassination, Puerto Ricans quickly denounced Collazo and Torresola.

Presidential assassins typically have been white, male, and slightly built. Nearly all were loners and had difficulty making friends of either sex and especially in forming lasting normal relationships with women. Lawrence, Schrank, and Zangara were foreign-born; the parents of all but Guiteau and Oswald were foreign-born. Normal family relationships were absent or disrupted. Booth was an illegitimate child; Guiteau's mother died when he was seven; Czolgosz lost his mother when he was twelve; Schrank's father died when Schrank was a child; Zangara's mother died when he was two. Oswald's father died before he was born and his mother's subsequent marriage lasted only three years. All of the assassins were unable to work steadily during a period of one to three years before the assassination. All of the assassins tended to link themselves to a cause or a movement and to relate their crime to some political issue or philosophy. All but Oswald used a handgun. At great risk to themselves, nearly all chose the occasion of an appearance of the President amid crowds for the assassination attempt.

Thus it might have been hypothesized in 1968 that the next assassin to strike at a President—or presidential candidate, as it turned out—would have most of the following attributes:

From a broken home, with the father absent or unresponsive to the child;

Withdrawn, a loner, no girl friends, either unmarried or a failure at marriage;

Unable to work steadily in the last year or so before the assassination;

White, male, foreign-born or with parents foreign-born, short, slight build;

A zealot for a political religious, or other cause, but not a member of an organized movement;

Assassinates in the name of a specific issue which is related to the principles of philosophy of his cause;

Chooses a handgun as his weapon;

Selects a moment when the President is appearing amid crowds.

We do not know with any degree of certainty why these characteristics appear in the presidential assassin. (Certainly the personal attributes can be found in many valuable, trustworthy citizens.) Nor do we know why the assassin politicizes his private miseries or why he chooses to express himself through such a terrible crime. Perhaps he comes to blame his own failures on others. Maybe because he does not live in a true community of men and has no rewarding relationships with others he relates instead to an abstraction: "the poor" or "mankind." Once his own inner misery becomes identified with the misery of those whom he champions, he places the blame for both on the nation's foremost political figure. Incapable of sustained devotion toward a long-range goal, the assassin is capable of short bursts of frenzied activity which are doomed to failure. Each failure seems to reinforce the self-loathing and the need to accomplish—in one burst of directed energy—something of great worth to end his misery and assert his value as a human being.

III

Deranged, self-appointed saviors have been the murderers of American Presidents. They have also been responsible for many of the assassinations of other national leaders and public officials. This Commission's Task Force on Assassination studied 81 assaults, fatal and non-fatal, on American Presidents, members of Congress, governors, mayors, and other officeholders. In case after case, their study reveals, the attacks were prompted by fanatic allegiance to a political cause or revenge for some petty slight or imagined evil. Only in the years immediately following the Civil War were assassinations typically undertaken by organized groups to alter or terrorize government.

While non-conspiratorial assassination has been the American pattern, it surely has not been typical for the rest of the world. Throughout most of the world assassination has been used as an instrument of calculated political change, as a means of seizing power or terrorizing a government until it falls. Thus, for example, assassinations were a major part of the strategy of mass revolution in Russia and Eastern Europe beginning late in the nineteenth century. In Latin America assassinations have been committed less by fanatics or unstable persons than by daring political adventurers bent on seizing power for themselves or their supporters. And in the Middle East, assassination continues to be used as a deliberate political weapon by one political group against another. Where conspiratorial assassination is common, many besides the chief of state are apt to be targets.

Because assassination typically serves a political function, it is possible to predict with a fair degree of accuracy, using characteristics that are crudely measurable, what countries will experience high rates of assassination at particular moments in their history. For example, high rates of assassination tend to occur in countries experiencing political instability, in countries undergoing rapid economic development, under regimes that are coercive but not wholly totalitarian, in nations with high rates of homicide but low suicide rates.

By several of these measurements, the United States should be a nation with a low rate of murders of political figures—contrary to the actuality of its high rate. Thus, for example, almost alone among the nations with the highest level of economic development and greatest degree of political freedom the United States has a high assassination rate. Countries with high suicide rates tend to have low assassination rates; the United States is among a handful of exceptions.

During only one period of its history did the United States experience the turmoil and instability classically associated with high assassination rates: in the Reconstruction era immediately following the Civil War. During that decade, America experienced close to half of all the assassinations in its history. In the defeated South, still occupied by Union troops, many officeholders were not regarded as "legitimate" incumbents by the population. Many white Southerners resented the continuing presence of the military, the systematic disenfranchisement of former Confederates, and the new political power of former slaves and Northern "carpetbaggers." Some took violent action: two governors of Louisiana and a host of other state and local political figures became victims of assassination plots.

A century later the assassination rate in the United States is only a small fraction of the rate during Reconstruction, but still it is comparatively high and remains to be accounted for. A number of explanations have been offered: our frontier culture, the ready availability of guns, tensions among diverse groups, a low standard of political decorum.

It may be that persistent low-level turbulence and non-conspiratorial assassination are associated, just as conspiratorial assassination usually occurs amid other intense forms of political violence. Consistent with its principles of freedom, the United States tolerates a fair amount of political tumult—not enough to inspire political assassination, but perhaps sufficient to provide the condition under which the twisted mind of the assassin decides that an imagined evil must be set right through violence. Dissidents in the United States have often been very vocal and very abusive; they sometimes have heaped scorn on a President, even vilified him. Americans demonstrate boisterously, stage emotion-charged strikes and sit-ins, hurl stones and filth and foul language at authorities who, in turn, have not always been restrained and fair in their use of power. Though an assassin is mentally deranged, the violent rhetoric of our politics and our constant flirtation with actual violence may be factors that bring him at least halfway to his distorted perception of what actions are right and legitimate.

Although the United States has differed significantly from the rest of the world in the kind of assassination it has experienced, there are indications that the future may bring more similarities than distinctions. Many of the conditions associated with conspiratorial assassination in other countries appear to be developing in this country:

Political violence in the United States today is probably more intense than it has been since the turn of the century. If civil strife continues to become more violent, political assassinations may well occur.

There is much talk today of revolution and urban guerrilla warfare by extremists, and there have been outbreaks of violence with aspects of guerrilla warfare, as in the Cleveland shoot-out of July, 1968. If extremists carry out their threats, we can expect political assassinations.

Even if the rhetoric of revolution and vilification of governmental authority is never translated into deed, the constant excoriation of America's institutions and leaders may destroy their legitimacy in the eyes of other segments of society. The assassinations during the Reconstruction era arose in just such a context.

Throughout the tragic history of race relations in this country, Negroes have been victims of white terrorist murderers. To this recurring threat is added a new one: plots and murders from within the radical wing of the black protest movement. The increasing number of Negroes holding public office and positions of political prominence will thus be running risks of assassination from two opposing extremist groups. From whichever direction, such attacks would appropriately be regarded as political assassinations.

Racial tensions have been at a high level in this country during the 1960s. If violent racial confrontations increase, the level of political violence in the United States could approach that of countries in which political assassinations typically occur.

Finally, the United States may in the next few years undergo even more rapid socioeconomic change than it has in the recent past. Rapid change is another characteristic that correlates with high levels of conspiratorial assassination.

Present trends warn of an escalating risk of assassination, not only for Presidents, but for other officeholders at every level of government, as well as leaders of civil rights and political-interest groups. Accordingly, this Commission suggests:

1. that the Secret Service be empowered to extend its protective services to that limited number of federal officeholders and candidates for office whose lives are deemed imperiled as a result of threat, vilification, deep controversy, or other hazarding circumstances. A Joint Resolution of the Ninetieth Congress, in June of 1968, authorized the Secret Service to protect "major" presidential and vice-presidential candidates, the eligibility of persons to be determined by the Secretary of the Treasury after consultation with a special advisory committee consisting of the Congressional leadership. Specifically, we recommend that the Secretary and the special advisory committee be

empowered to designate, without publicity, a limited number of persons (federal officeholders or candidates) as temporary assassination risks and to assign them Secret Service protection wherever and whenever needed.

2. that state and local governments carefully review the adequacy of the protection accorded to candidates and officeholders, especially governors and mayors, and that the protection be strengthened where it is deficient. The responsibility for protection should be clearly delineated, and new avenues of cooperation should be opened between those with state or local protective responsibilities and the Secret Service and the Federal Bureau of Investigation, to include a sharing both of technological information and of information about dangerous persons and potential assassins.

In our statement on firearms control we made recommendations that, if adopted, would greatly curtail the risk of assassination to all who might be targets. We have recommended drastically limiting the availability of handguns through restrictive licensing. We have further recommended intensified research to develop mechanisms that would assist law enforcement officers in detecting concealed firearms and ammunition on a person. Handguns are the weapons favored by assassins (by all but one presidential assassin, for example); effective detection devices would minimize the risk of assassination in meeting halls and other enclosed gathering places.

The precautions we are urging are worthwhile whether or not this nation faces a new outbreak of political assassinations. We do not predict that such an outbreak will occur. But we feel compelled to note that some of the conditions for such an outbreak are present or may be developing. These conditions add urgency to the need to develop effective protection against assassination.

We can only hope, along with all Americans, that the conditions which have kept our society free of the scourge of conspiratorial assassination will prevail—conditions such as the ability of the American people to absorb radical challenge, to respond to the need for reform, to keep their basic democratic values intact even in periods of bewildering and buffeting social change.

IV

Whatever the future holds for the United States, it is clear that, among all public figures, Presidents, will continue to run the greatest risks of assassination. It is in the nature of their office; it is in the nature of the distorted logic by which assassins choose their targets.

The death of President Kennedy poignantly demonstrated the resilience of the American people in the face of tragedy and of their institutions of government at a time of abrupt transition. With skill and grace President Johnson exercised a calming influence on the nation, and the nation rallied in support of the new administration. That has been the pattern in the American past. We cannot safely assume, however, that our republic will always fare so well. An assassination of a President occurring during an edgy, critical moment in history could have disastrous consequences. Moreover, even when an assassination does not impair the strength of the nation or the continuity of its policies, the murder of a President is a tragedy of unrivaled proportions.

In the years since President Kennedy's death, and as urged by the Warren Commission, the policies and procedures for guarding Presidents have been thoroughly studied and imaginatively reconsidered, and many improvements have been made. A detailed discussion here of new procedures would lessen their effectiveness. We simply state that the Secret Service has reported to this Commission improvements in equipment and the various procedures of intelligence work. The Secret Service is confident that, had its new intelligence system been in effect in 1963, the activities of Lee Harvey Oswald would have brought him to the attention of the Secret Service before the fatal attack on President Kennedy. As we have pointed out, more research is needed, especially in the technology of concealed weapons detection.

There can be no perfect system for guarding the President short of isolating him, confining him to the White House and limiting his communication with the American public to television broadcasts and other media. This extreme solution is neither practicable nor desirable. For political reasons and for the sake of ceremonial traditions of the office, the American people expect the President to get out and "mingle with the people." (Among the eight Presidents who have been assassination targets, all but Garfield and Truman were engaged in either ceremonial or political activities when they were attacked.)

Still, a President can minimize the risk by carefully choosing speaking opportunities, public appearances, his means of travel to engagements, and the extent to which he gives advance notice of his movements. He can limit his public appearances to meeting places to which access is carefully controlled, especially by the use of electronic arms-detection equipment. Effective security can exist if a President permits. Moreover, during the past twenty years television has proven an accepted and effective vehicle for presidential communication with the American public, and its continued and possibly expanded use by the President is to be encouraged.

During election campaigns there are extraordinary pressures both on the incumbent President and the contenders for his office that serve to maximize their risk as targets of assassination. Rightly or wrongly, presidential candidates judge that they must be personally seen by audiences throughout the country, through such rituals as motorcades, shopping-center rallies, and whistle-stop campaigns. Whether the long grind of personal-appearance campaigning is really the most effective investment of a candidate's time is debatable, since even the most strenuous travel schedule will expose him to only a small percentage of the American people. It has been argued that the grueling pace is itself a test of the candidate. It is more difficult to argue that political rallies test the candidate's reasoned consideration of the issues, since the speeches usually are brief, superficial, and suited to the carnival atmosphere of rallies. While campaign rallies involve the public in the electoral process by bringing that process close to them, they cannot be said to involve the public deeply in the pressing, complex issues of the nation.

A more reasonable defense of personal-appearance campaigning is that it provides important "feedback" for the candidate: he can sense the public mood through audience response to his speeches, learn of their problems and feelings through the questions they raise and comments they make, and observe firsthand—as Kennedy is remembered to have done in his West Virginia campaign—the conditions that will demand his attention if he is elected. Yet this function can be better served in the quieter atmosphere of an enclosed meeting place where, we note, the risk of assassination can be significantly reduced.

But the most promising vehicle for campaigns effective in reaching large audiences and safe to the candidates is *television*. The intimacy with which television projects events and personalities has been amply demonstrated, and it is doubtful whether heavier reliance on television appearances need sacrifice any of the intimate contact with American people which candidates now associate with personal appearances. It has also been demonstrated that the American people have come to rely heavily on television in forming their opinions of presidential candidates. In a poll conducted for the Television Information Office in November, 1968, 65 percent of the respondents said television was their best source for becoming acquainted with candidates for national office.

The fuller potentiality of television for presidential campaigning has not been explored primarily because of the high cost of television time. Yet the value of television in reaching large audiences has been recognized, and more and more campaign funds are being invested in its use. Indeed, as campaign costs continue to soar, some fear that presidential politics will eventually become a contest where only millionaires need apply.

Out of concern for the safety of Presidents and presidential candidates, this Commission recommends that the Congress enact a law that would grant free television time to presidential candidates during the final weeks preceding the national election. The amount of television time allocated to the candidates should be adequate to establish a new pattern in presidential campaigning and to reduce significantly the pressure toward personal appearances in all parts of the country.

To ensure that candidates used their time for responsible, informative presentation of themselves and their views, the free time might be allocated only in half-hour blocks. Within his allotted time, however, a candidate would be free to choose the format best suited for his presentation.

It has long been recognized that broadcasters have a public-service commitment to the American people in exchange for their licensed use of the airwaves. To ensure an equitable sharing of that commitment, consideration would have to be given to the question of whether all networks should be required to carry each program or only one network at a time, with the burden shared in rotation. Moreover, a formula would have to be devised for allotting time in a way that would give fair expression to important minor parties.[1] Consideration should also be given to expanding greatly federal support of public television facilities for the express purpose of having these facilities share the political education function with the commercial networks.[2]

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[1] Given television's superiority, a shift toward its greater use by presidential candidates appears inevitable. But other campaign reforms, such as the increased use of enclosed meeting places, may require strong endorsement by the major political parties if they are to be effected. It is unrealistic to expect individual candidates, acting upon their own initiative, to alter significantly the traditional pattern of campaigning.

[2] A *Twentieth Century Fund Commission on Campaign Costs in the Electronic Era* has just issued its report, suggesting among other things that the Federal government pay for television time for presidential candidates at one-half the normal commercial rate. The Commission has also recommended a formula for the allocation of such time, called "voters' time," between major and minor candidates. Though the recommendations of the Twentieth Century Fund Commission are somewhat different from ours, we hope they will be given consideration by the President and the Congress, along with those we submit in this statement. We also note that Great Britain, with more than twenty years experience in allocating broadcast time to a number of political parties, offers proof that this knotty problem may be equitably solved.

Though this proposal is put forth out of a desire to lessen the risk of assassination to Presidents and presidential candidates, other considerations lend merit to the proposal. The superiority of television as a forum for serious consideration of modern complex issues has already been noted. Moreover, political rallies attract the curious and the party faithful. Many of the marginally motivated stay home. On the premise that it is easier to flick a dial in the living room than to drive across town to a rally, we note that television programs could widen the base of political participation in America.

V

Broader participation in American politics might be an antidote to the political violence that has been a recurring feature of American life and which has recently been on the upswing. Our concern is not simply that the future may bring to America the alien phenomenon of conspiratorial assassination. Irrational, non-political killings of national leaders will also be a continuing risk as long as political violence, in rhetoric or act, is present to inspire the assassin. For while such assassins are mentally unbalanced, their beliefs are not wholly antithetical to what other Americans believe but simply distortions thereof.

Thus, assassins are not alone in believing in the efficacy of political violence. Nor are they alone in their simplistic, exaggerated view of the power of the American President. Ever since George Washington's day, we Americans have mythologized our Presidents. We have attributed to them powers beyond human limitation and far beyond the realities of our constitutional system. Through the nation's press we follow every move, public and private, of the President—sometimes in adulation, sometimes in malicious anticipation of some sign that the man is only human.

Political violence often arises when a group feels the government has been unresponsive to legitimate demands. This Commission recognizes, as do many Americans, that the political institutions in our democracy need to be made more sensitive and responsive to the interests they are intended to represent. It is not difficult to understand the impatience and alienation of those who believe that the government has been consistently neglectful of their welfare. It is noteworthy that many are organizing new political groups to press for reforms. They are demonstrating a basic truth of American politics: groups that appreciate the complexities of American government, and that can organize to promote their ends through persuasion at the right times and places, benefit the most from policy decisions. The counter-trend—shortcutting to violence before the peaceful means of redressing grievances have been exhausted—can only be deplored. That counter-trend has been alive in this decade but not unique to it. Except for those to whom the complexities of government are workaday business, Americans have not typically been patient with the subtleties of political issues. In part this stems from the natural preference for simplicities; in part it reflects the glossing over of subtleties by politicians, journalists, and the educators of our nation's children.

A significant decrease in the level of political violence in our country requires a new level of participation in the increasingly complex processes of local, state, and federal government and a new level of communication between government and the people it serves. Those responsible for the institutions of government must serve both needs—by clarifying their functions and purposes, and by responding to the needs and legitimate grievances of all they are intended to represent.

Thus legislators and administrators must creatively use the political processes to ensure the prompt amelioration of wrongs. Thus legislators, administrators, and private citizens must share with the President the responsibility for realistic demonstration that the society is in fact acting in behalf of all citizens.

The nation's press must respond to these needs—by clearly representing the complexities of the institutions of government, by fully and fairly reporting the issues these institutions face, and by delving into the issues deserving governmental attention. By lessening its attention to the personal lives of the President and his family, with correspondingly greater attention to the working nature and limitations of the presidency, the nation's press may achieve the additional effect of discouraging a simplistic notion of the presidency that assassins are not alone in holding.

The nation's schools must also respond to these needs: by emphasizing in American history and social studies the complexities and subtleties of the democratic process; by shunning the myths by which we have traditionally made supermen of Presidents, "founding fathers," and other prominent persons; by restoring to history books a full and frank picture of violence and unrest in America's past, in confidence that children will repudiate violence and recognize its futility.

There are themes in American culture that have served us for good and ill. American folklore has always emphasized—and continues to emphasize in television heroes—direct action and individual initiative. Equally compelling within the American experience has been the emphasis placed on freedom of conscience. Many of the authentic heroes of American history have been individuals willing to suffer ostracism and to employ unconventional (and even violent) means to realize goals unpopular to a majority of citizens. While these qualities have been a source of strength and a goad to progress for our nation, it is not difficult to see that perverse relationship to the act of a demented assassin.

Perhaps a new generation of Americans, trained to these subtleties of American life, shamed by its violence as they are proud of its achievements, determined to achieve a better record for their time and sophisticated in the ways to achieve it, will guarantee a more peaceable America.

VI

These are long-range hopes, and responsible citizens must give serious attention to how we can best realize them. For the short range, this nation is not powerless to prevent the tragedy of assassination. We conclude with a reiteration of the steps that can be taken to minimize greatly the risk of assassination:

Selective expansion of the functions of the Secret Service to include protection of any federal officeholder or candidate who is deemed a temporary but serious assassination risk;

Improved protection of state and local officeholders and candidates, and strengthened ties between those holding this responsibility and the appropriate federal agencies;

Restrictive licensing of handguns to curtail greatly their availability;

Development and implementation of devices to detect concealed weapons and ammunition on persons entering public meeting places;

A significant reduction of risky public appearances by the President and by presidential candidates;

A corresponding increase in the use of public and commercial television both as a vehicle of communication by the President and as a campaign tool by presidential candidates.

POW CRUELTY BY HANOI CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. RARICK. Mr. Speaker, on September 17, 1969, nearly 300 Congressmen cosponsored legislation calling upon the regime in North Vietnam to adhere to the terms of the Geneva Convention and stop mistreating U.S. servicemen held captive by that country.

Despite the overwhelming response of world opinion condemning the barbarous acts being perpetrated against American servicemen by Hanoi, the Communists continue to flagrantly disregard the Geneva Convention.

Navy Lt. Robert Frishman is one of only nine Americans freed from North Vietnamese prisons in the past 5 years. Every American should be shocked by his first-hand description of the pitiful plight of our captured men at the hands of their uncivilized Communist captors.

I think that every Member of this House has a solemn duty to continue to rally world opinion against the atrocities and inhuman treatment being inflicted on our POW's. Every American should know and feel the agony that these men suffer for us.

Let no one be deceived by the false promises of humanitarianism, peace, or understanding advanced by Communist nations.

A news interview of Lieutenant Frishman follows my remarks:

[From the Evening Star, Oct. 29, 1969]

HANOI HIDES FACTS, BUT POW REMEMBERS

(By William Delaney)

Long days alone in a tiny, stifling room; a bowl of pumpkin soup twice a day; an open arm wound that stuck to his blanket each night; a fellow officer with cigarette burns on his arms and fingernails yanked out . . .

Locked in the tortured memory of 28-year-old Navy Lt. Robert Frishman is probably as thorough a report as anyone in America now has on the condition of the 1,320 U.S. servicemen captured or missing in Vietnam action.

Frishman, one of the nine Americans freed from North Vietnamese prisons in the past five years, recalls an anecdote from childhood to describe "the worst" part of his 20 months in captivity.

NOT MUCH IS KNOWN

"When I was a little kid and I did something wrong, my dad would ask, 'Do you want to have a beating, or else you can't go out with the boys in the afternoon.'

"I would always take the beating. The isolation and the solitary confinement is the worst on you."

But neither Frishman nor the U.S. government knows the worst that has befallen those who have not been freed.

In fact, the government does not even

know from Hanoi whether these men are today alive or dead.

All it knows, as it cautiously appraises reports of an imminent break in Hanoi's POW silence, is that varying sorts of evidence suggest that at least 414 individuals are probably now in enemy prisons.

The evidence on these "confirmed" prisoners—letters from more than 100 of them, images and voices in North Vietnamese propaganda, U.S. intelligence information, reports from foreign journalists, and first-hand accounts of returnees like Frishman—indicate that the bulk of them are in camps within North Vietnam.

More than 50, however, are believed to be scattered among enemy units in South Vietnam. According to reports from some 40 Americans released or escaped from captivity in the South, these men are not held in camps but individually, at the most in twos or threes.

Only last Sunday, the Viet Cong announced that three more of these men would be released but did not say when or where.

As for the 906 Americans missing and unaccounted for, the Pentagon feels that perhaps half of these may be in North Vietnamese prisons.

150 IN LAOS

The rest include some 300 missing in South Vietnam and about 150 missing in Laos.

Of all the 1,320 listed as either POWs or missing, nearly two-thirds are Air Force pilots or crewmen. For the most part, they were downed during the 2½-year-long bombing of North Vietnam—which ended a year ago this week.

Many others are Navy pilots, like Frishman.

They include Lt. (j.g.) Everett Alvarez Jr., who was downed Aug. 5, 1964, in the first U.S. air strikes against North Vietnam, during the Gulf of Tonkin crisis.

Alvarez has been captive longest of any of the confirmed POWs, according to the Pentagon.

More than 200 others have been in Communist hands over 3½ years.

Some of the captured or missing men are Army personnel—all of them in South Vietnam or Laos—and the Defense Department believes "a few" Marines are being held in North Vietnam.

As for the conditions in the enemy POW camps, probably the freshest and most thorough information available to the U.S. is that obtained from Frishman and the two other Americans released by Hanoi last August.

Like the six earlier returnees, the latest trio personally saw only a limited number of other Americans (Frishman remembers a total of "around 150" in two camps where he was held).

But what Frishman saw and heard, and smelled and felt, all served to confirm Washington's conviction that not only has North Vietnam failed to honor one basic tenet of the Geneva POW Conference agreement—listing the prisoners. It has also, as Defense Secretary Melvin R. Laird said, "violated even the most fundamental standards of human decency."

For example:

Right after Frishman was shot down by a surface-to-air missile on Oct. 24, 1967, he was driven blindfolded through a gun emplacement and stoned.

He was refused treatment for the elbow wound he initially suffered unless he would agree to give information.

When he passed out, he was taken to a hospital and roped to a stool until he passed out again. ("In two days your feet swell up, and then it creeps up your legs until they're numb . . .")

When his elbow finally was amputated, fragments of the missile remained in his arm. It took six months for the incision to heal because it formed a scab against his blanket each night in the 45-degree winter.

Most of Frishman's time was spent in solitary confinement in 10-by-11 or 14-by-26-foot rooms, where he shivered in the winter and suffered from a heat rash during the sultry summer. Twice a day the prisoners were served pumpkin soup with pig fat in it and some bread.

Most Americans are allowed to read only North Vietnamese propaganda and to listen to Radio Hanoi.

"They took pictures of me reading Newsweek magazine," said Seaman Douglas Hegdahl of Clark, S.D., who was released along with Frishman. But he said that as soon as the picture was snapped, "they took the magazine away."

GOT SOME MAIL

Hegdahl also confirmed that in a Japanese newspaper photo of him reading "Christmas mail" at the POW camp, the letter he was looking at was dated the previous April 2. He said he got 15 other letters from home, but that packages were rifled if he got them at all.

"Many POWs do not write or receive mail," he said.

The 1949 Geneva Convention permits the exchange of two letters and four cards per month between the POW and his family.

During the five years since Alvarez was captured, a total of only about 800 letters have been received by the families of more than 100 of the POWs. "The mail there really should have been something like 20,000 to 22,000," says a Pentagon source.

Frishman and Hegdahl also said they had no contact with the Red Cross, which is authorized to inspect POW camps under the Geneva Convention.

Most prisoners, they said, are kept in "isolated" situations, some in solitary confinement, some in two- or three-man rooms.

After initial "rough treatment" to obtain military information, the captors later apply pressure to obtain statements that the POWs are receiving "humane" treatment.

Frishman said he was rehearsed before an interview with an Italian journalist. "You try to do what you can to resist that thing, but, like I say, they have ways of forcing you . . ."

A WEIGHT PROBLEM

The North Vietnamese, though "capable of giving good medical care," do only what is necessary to keep the POWs alive. Both Frishman and Hegdahl lost about 50 pounds in captivity.

In contrast to the reports from American POWs, the Pentagon says South Vietnam and the Red Cross have supplied Hanoi with lists of the 28,000 to 30,000 Viet Cong and North Vietnamese prisoners currently being held in six POW facilities in South Vietnam.

The camps are regularly inspected by the Red Cross, and the prisoners regularly receive mail.

Hanoi has been informed that 60 of the prisoners are sick or wounded. But Hanoi has failed to arrange for their return to the North—in some cases, for as long as two years.

Over the past five years, more than 400 of the POWS held in the South have been released, partly in hope that such action would inspire a counter-release by Hanoi. That figure does not include the 88 whose release Saigon proposed yesterday.

LAIRD'S DECISION

Only in recent months, however, has the U.S. begun applying the pressure of world opinion to the plight of its enemy-held servicemen.

According to a Pentagon spokesman, Laird reviewed the entire POW problem after taking office last January and became increasingly convinced that America's discreet past posture on the matter didn't seem to be obtaining results.

Furthermore, the halt of bombing of North Vietnam and the public forum provided a chance to put pressure on Hanoi. A final factor was a feeling that the families of the men needed reassurance from their government that "they have not been forgotten."

Working closely with the State Department, Laird repeatedly made public appeals to Hanoi to abide by the Geneva convention—to list the prisoners, release the sick and wounded, treat them properly and provide regular mail and impartial inspections of POW camps.

During the summer, Richard G. Capen, Jr., deputy assistant defense secretary for public affairs, was dispatched to speak with more than 1,700 members of POW families in 21 U.S. cities to assure them of the government's interest. He also told them the government would no longer discourage any efforts on their part to secure the release of the men.

WOMEN ON THE MOVE

Although feelings among the families are mixed, and some wives fear retaliation against their husbands if they speak out, many of them organized to put the POW plight in the national and international spotlight.

From California to Colorado to Long Island, they have handed out bumper stickers, written countless letters to Hanoi, pleaded with congressmen, corporation presidents and newspaper editors.

In the last six weeks, several of them visited Paris and won assurance from North Vietnamese delegates that they would soon be informed of their husbands' status.

In a third prong of the world opinion against Hanoi attack, delegates at the International Red Cross conference in Istanbul last month approved, without dissent, a resolution calling on all parties to the 1949 Geneva POW Convention to abide by its tenets.

The resolution, which did not specifically mention North Vietnam, was approved by attending representatives of the Soviet Union and Yugoslavia among other Communist powers. Neither North Vietnam nor its Red Cross society attended.

In addition, American Red Cross officials say they are "greatly pleased" by 11 positive responses to their separate plea to Red Cross societies in 30 countries—including Russia, Yugoslavia, and many neutrals—asking them to appeal to Hanoi in behalf of the Americans.

As for Hanoi's reported new promise last weekend to release all POW names to anti-war militants here, the State Department says it welcomes information "through whatever channel."

But privately, government sources dared not regard the new hope as a sure thing.

"I'M HOPING . . ."

Neither does Candy Parish of Alexandria, who was told by North Vietnamese in Paris 3½ weeks ago that she would soon be told the status of her missing pilot husband, Navy Lt. Charles C. Parish. As of yesterday, she hadn't.

"I'm hoping that something will come of it," she said, referring to the reported new Hanoi move, "It may be that this is the form the answer (promised her) will take."

Remarked one official source close to the POW dilemma: "It's possible that the weight of world opinion played some role in bringing this about . . .

"But I'm afraid Hanoi is going to stretch it out for every dime's worth of propaganda they can get."

THE QUESTION OF AIRCRAFT HIJACKING

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HUNGATE. Mr. Speaker, at a time when aircraft hijacking is a recurring and serious international problem, the World Peace Thorugh Law Center has proposed a convention for consideration by the nations of the world with a view of taking affirmative legal action to meet this growing problem.

I respectfully call the attention of my colleagues to this convention and urge them to study the proposal and to offer any suggestions or criticism they may have to strengthen and improve it:

CONVENTION TO DETER AIRCRAFT HIJACKING

The States parties to this Convention:

Believing the increasing incidence in every continent and the accelerating tempo of aircraft hijacking is causing grave and universal alarm; that both national and international law are necessarily involved in its prevention; and that the legal steps taken so far have proven largely ineffectual,

Considering that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously impair the operation of international air services, disrupt freedom of transit, imperil air navigation, and undermine the confidence of the peoples of the world in the integrity of civil aviation,

Realizing that these hijackings are often being perpetrated by criminals, the mentally ill or emotionally unbalanced or immature seeking refuge or publicity and heedless of dire consequences, and that only by inaugurating measures including the denial of asylum of any kind can the imperative goal of immediately halting these offenses be achieved,

Recognizing the urgent need for expeditious action to denounce, prevent, dissuade, and punish such acts or attempts with utmost severity, by adopting provisions additional to those of international agreements in force and in particular to those of the Tokyo Convention of 14 September 1963 on Offenses and Certain Other Acts Committed on Board Aircraft, have agreed as follows:

ARTICLE 1

Each Contracting State undertakes with all deliberate haste to promulgate such legislation and regulations as may be necessary and proper to implement the provisions of this Convention.

ARTICLE 2

1. While on board, whoever commits or attempts to commit aircraft hijacking, as herein defined, or who is an accomplice, shall be deemed a pirate.

2. As used in this Article, the terms—

(a) "Aircraft hijacking" means any seizure or exercise of control, by force or violence or threat of force or violence and with wrongful intent, of a civil commercial aircraft in flight in air commerce;

(b) "In flight" means from the moment power is applied for take-off to a completed landing.

3. Irrespective where the initial act or attempt shall have occurred it shall be deemed to continue until the aircraft hijacked lands.

ARTICLE 3

Each Contracting State shall reasonably insure that persons on aircraft and the aircraft itself are protected from the presence of deadly or dangerous weapons, explosives, and any other object capable of injuring such persons or property or threatening the lawful operation of civil commercial aircraft.

ARTICLE 4

Each Contracting State, in whose territory a civil commercial aircraft initially hijacked elsewhere lands—

(a) Will restore immediate control thereof to its lawful commander, and release automatically and instantly the aircraft, crew, and passengers to continue the scheduled journey as soon as practicable.

(b) Will apprehend, disarm, and restrain the alleged hijacker and effect his departure under guard either in said aircraft, if practicable, or by any other available means to the State to which the aircraft was destined before the hijacking.

(c) Will refrain from detaining anyone on board for any reason, except for the alleged hijacker to the extent necessary to accomplish his expulsion and delivery to the originally scheduled destination of the hijacked aircraft.

ARTICLE 5

Each Contracting State undertakes to make the offense of aircraft hijacking punishable in a manner commensurate with its gravity.

ARTICLE 6

1. Each Contracting State will establish its jurisdiction over the offense in the following cases:

(a) When committed on board an aircraft registered in that State;

(b) When committed in its territory;

(c) When the aircraft lands and the alleged offender leaves the aircraft in its territory.

2. This Convention shall not apply where the aircraft on board which the offense was committed neither took off nor landed outside the territory of the State of registration of that aircraft.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

4. In order to effectuate the purpose of depriving an offender of any benefit whatsoever from an aircraft hijacking, manifested by the contents of Article 4 hereinabove, the Contracting States shall appropriately defer their own jurisdiction, if any, accordingly.

ARTICLE 7

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft not registered in any one State, shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to the Convention.

ARTICLE 8

1. If for any supervening reason immediate expulsion of the alleged offender is not feasible, and upon being satisfied that the circumstances so warrant, the Contracting State in the territory of which the aircraft lands and the alleged offender leaves the aircraft, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is reasonably necessary to enable any criminal or extradition proceedings promptly to be instituted before a competent tribunal with due process of law.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 9

The Contracting State which has taken measures pursuant to Article 8, paragraph 1, shall, if it does not extradite the alleged offender, be obliged to submit the case to its competent authorities for their decision whether legal proceedings should be initiated against him. These authorities shall make their decision in the same manner as in the case of other offenses.

ARTICLE 10

1. The offense shall be deemed to be an extraditable offense in any extradition treaty existing or to be concluded between Contracting States.

2. The Contracting States which do not make extradition conditional on the existence of a treaty or reciprocity shall recognize the offense as a case for extradition as between themselves.

3. The offense shall be treated, for the purpose of extradition, as if it had been committed not only in the place in which it occurred but also in the territory:

(a) Of the State of registration of the aircraft;

(b) Of the State in which the aircraft lands and the alleged offender leaves the aircraft.

ARTICLE 11

At the request of the Council of the International Civil Aviation Organization, each Contracting State shall furnish to that Organization as rapidly as practicable all relevant information in its possession relating to:

(a) The circumstances of such offenses;

(b) The measures taken in applying Article 4 a, and b, above;

(c) Measures taken in respect of the alleged offender, in particular the outcome of any extradition or other legal proceedings.

ARTICLE 12

Contracting States shall, in accordance with their law, afford one another the greatest measure of assistance in connection with proceedings brought in respect of the offenses.

ARTICLE 13

1. All States or any of the Specialized Agencies of the United Nations may become parties to this Convention at any time by (i) signature without reservation as to approval; (ii) signature subject to approval followed by acceptance; (iii) acceptance.

2. Acceptance shall in no way imply recognition as a State where none exists and no treaty relations will arise between such parties as a consequence of acceptance.

3. Instruments of acceptance shall be deposited with the International Civil Aviation Organization (ICAO).

4. As soon as ten States have deposited their instruments of acceptance of this Convention, it shall come into force between them on the fifteenth day after the date of the deposit of the tenth instrument of acceptance. It shall come into force for each State adopting thereafter on the fifteenth day after the deposit of its instrument of approval.

5. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by ICAO.

ARTICLE 14

Any Contracting State may denounce this Convention by notification addressed to ICAO, which shall take effect six months after the date of its receipt.

ARTICLE 15

1. ICAO shall forthwith send certified copies hereof to all States Members of the United Nations or of any Specialized Agency.

2. It shall further give notice to the aforesaid, as well as to all other parties hereto:

(a) Of any signature of this Convention and the date thereof;

(b) Of the deposit of any instrument of acceptance and the date thereof;

(c) Of the date on which this Convention comes into force in accordance with Article 13, paragraph 4;

(d) Of the receipt of any notification of denunciation and the date thereof; and

(e) Of the receipt of any declaration or reservation or other notification affecting or modifying any acceptance hereof and the date thereof.

ARTICLE 16

This Convention consists of three authentic texts in the English, French, and Spanish languages.

In witness whereof, the undersigned, having been duly authorized, have signed this Convention.

INFLATION AND LIVING COSTS FOR THE NATION'S ELDERLY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HALPERN. Mr. Speaker, inflation is sapping the modest buying power of the Nation's 25 million elderly people. In order to help rectify this crisis, this week I submitted testimony to the Ways and Means Committee setting forth a viable legislative program for giving retirees the buying power they need in their later years.

I would like to share my testimony on proposals to amend social security with my colleagues, at this point:

STATEMENT OF HON. SEYMOUR HALPERN

Mr. Chairman: These hearings before the Ways and Means Committee on proposals to amend the Social Security Act are long over due recognition that the retirement benefits accorded the nation's Senior Citizens are totally inadequate to meet the minimum needs of life.

After a life-time of contributing to the productivity of America, retirees have a right to expect to live free of hardship and despair. Social Security benefits must be realistically aligned to reflect today's cost-of-living and built-in provision must be made to protect retirees against future inflationary increases in living standards.

Indeed, Social Security benefits are clearly inadequate to offset the inflationary pinch on retirees living on fixed incomes. The result of our grossly unfair law is to consign many honorable, hard-working Americans to the poor house when they become old.

Three out of 10 people over age 65 are living in poverty, in contrast to 1 in 9 younger people considered poor. And the gap is widening: retirees have less than half of the buying power of those working.

A realistic reappraisal of Social Security is needed then, building into the system automatic benefit increases which will "depoliticize" old-age insurance.

Retirees have a right to live their declining years in reasonable comfort, yet current benefits are as slight as $44 monthly or even less in some cases—hardly very reassuring for someone who has worked all his life.

I urge the committee to give utmost consideration to H.R. 14149, which I co-sponsored, which will increase cash payments by 50 percent. It would provide a $103 monthly minimum in three steps over the next four years.

Let me emphasize that retirees are not looking for a handout. They have worked steadily and faithfully for a great many years, or they wouldn't be on pensions. They deserve to have some protection against the inflation that is cruelly diluting their only sustenance.

Even a 50 percent increase would provide a very modest living level for today's impoverished retirees. With this increase, a retiree would average no more than $1,764 yearly and elderly couples would average about $2,970 annually.

Under the bill I co-sponsor, the present minimum monthly benefit of $55 would increase to $103 by 1974, with an immediate 15 percent Social Security boost to $80 in January 1970. Other provisions of the bill include:

Benefits would be adjusted automatically every 2 years for each 1 percent increase in the cost-of-living starting in 1975.

Widows would get 100 percent of their deceased spouse's benefit at age 65, instead of today's fragmented 87½ percent. And the age 50 limit for qualifying disabled widows is eliminated, providing them with regular benefits.

The elderly can earn $1,800 yearly without reduced benefits; now the ceiling is $1,680. And in any one month earnings can rise $10 to $150 without loss of benefits.

Reduce the waiting period for disability benefits from 6 to 3 months and liberalize definition of disability.

Extend medicare health insurance coverage to the disabled and include prescription drugs in coverage for the elderly.

The cost for these increases will be met by raising the contribution base to $15,000 a year, which is equivalent to the $3,000 base used when the program was started in 1935. Social Security tax increases will be one-tenth of a percent for employees and employers. After two years, the Federal government would start contributing nearly a third of the cost.

The need for a significant and immediate Social Security increase is dramatized by the consumer price index for September 1969—a 5.8 percent increase over a year ago. The major victims of this relentless upward trend are the elderly who must subsist on small fixed retirement incomes. Medical costs, which impose a particularly heavy burden on the elderly, increased at an even faster rate during this same period, by 7.7 percent.

The Department of Labor has just released three typical budgets for retired couples, which describe the kind of standard of living to be expected for a given income in the Spring of 1969. The Department reports that rising prices between Spring 1967, the last period for which other budgets had been prepared, and Spring 1969 added about 9 percent "to the cost of goods and services required to sustain the retired couples."

The cost estimates of the retired couple's budget are for an urban family of 2 persons—a husband age 65 or over and his wife—who are presumed to be self-supporting and living independently. The budgets permit the couple to maintain its health and well-being and to participate in community activities. The three budgets are divided into lower, intermediate, and high. Couples living under the lower budget can expect average total costs of $2,671. The intermediate budget cost is $3,857 and the higher budget totals $6,039. The lower budget assumes a small proportion of home ownership while the intermediate budget assumes 65 percent of home ownership and the higher budget assumes that 75 percent of the couples own their homes.

Consumption items such as housing, food, transportation, clothing and medical care totaled $2,556 in the lower budget, $3,626 in the intermediate budget, and $5,335 in the higher budget. While representing a comfortable standard of living the higher budget definitely is not an affluent budget. Obviously, an income of $5,000 would require a tight budget.

I would also point out that the elderly pay taxes that may seem small compared to that paid by an employed person, but to the elderly man trying to support his wife, this tax added to his other expenses may create an economic crisis. The retiree is also faced with rising taxes at the State and local level. For those who own their homes, property taxes have been rising steadily. In addition, sales taxes are often imposed on food and non-prescription drugs.

The elderly should not have to be satisfied with a hand-to-mouth existence. These people have worked hard all their lives and deserve to look forward in their final years to a time of dignity and reward not to one of foreboding and degradation.

THE CHRISTIAN AND MILITARY SERVICE

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. MARSH. Mr. Speaker, the relationship of the Christian ethic to service in the Armed Forces, particularly in time of war, frequently is a matter of concern to those who profess a belief in God and a respect for Christian teachings.

In this connection, I found of interest the view one military chaplain takes of his ministry, as expressed in a sermon on the Sunday prior to the Vietnam moratorium demonstration.

Because I believe it would be of interest to other Members of the House, I include, under leave to extend my remarks, the text of this sermon, delivered by Post Chaplain (Col.) Alexander L. Paxson, in the Post Chapel, Fort Myer, Va., as follows:

THE CHRISTIAN AND MILITARY SERVICE

I feel that I must be a bit personal as I begin my message this morning. I think it is accurate to say that my public ministry here could be characterized as Bible-centered preaching. I admit to staying close to God's Word and make no apologies for being what is called a "Bible preacher." In short I do not address myself to themes that are socio-economic or political, particularly avoiding PARTISAN politics. However, I recognize that all preachings, if it has any value whatever, must be involved with social, ethical and political issues as these touch the life of a given congregation. The Gospel speaks to the WHOLE of life. Christianity cannot be confined to a sanctuary and a chancel. The Christian message is not worth the effort to destroy it if it must stay behind the pulpit. I do not subscribe to the ancient saw, "preacher stick to the gospel." The Gospel I proclaim must go out into the market place. I really wanted to say go into the streets, but that has another meaning now, yet in spite of that modern implication, I WILL say the Gospel must go into the streets.

This morning I want to address myself to an event that is to take place here. As I understand it, the participants in the Anti-Vietnam Moratorium will assemble less than a quarter of a mile from this chapel on the other side of this holy hill, our national shrine, Arlington Cemetery. I cannot be silent in the face of that demonstration. Now please understand I do not disapprove of dissent. These people, the young and the old, the student and the non-student, the black and the white, the minority representative and the majority, have a perfect right to do what they are doing. I am sure that we who represent the various military services would defend that right, for if ever the right of peaceful assembly, peaceful demonstration, and sincere dissent is denied our country will have lost its pursuit of liberty. I am not criticizing what they are doing. But I am saying that they represent one opinion. They give voice to one particular idea. There IS another side to this debate, but no matter how diligently I search for an expression of the other side I cannot find it. It is not in the secular press, at least in this city. It is not represented in the religious press. I am going to take the opportunity to voice the other side of this great debate. Moreover, I am persuaded that the principles I present here today are firmly based in religious, that is to say, Christian ethics.

This is one of the most unpopular wars in which the United States has ever engaged. It is not, contrary to expressed opinion, the only war to arouse dissent, public, political, and popular. The Mexican War was acceptable only to certain sectional interests. U. S. Grant participated in it, but in his autobiography he called it immoral. Almost every facet of the current debate was foreshadowed in the public revulsion toward that most UNcivil, fraticidal blood-letting called the Civil War. There were demonstrations against it, there were draft riots, there was violence and dissent. The Union had its Copperheads and their counterparts existed in the South. Lincoln, who is now revered as a saint and a martyr, was vilified, hated, almost driven out of office. One member of his official family called him a gorilla. The great debate raged on in the press, in the legislative halls, in the body politic. However, it is certainly true that this is an unpopular war. For a long time the pollsters reported that there were more hawks than doves, that the "silent" majority supported the administration. In preparation for this sermon I have been watching these reports and just this morning Mr. Gallup reports that 57% now favor withdrawal. This is the official position of the administration, but one would think that the opposite were true. In fact it would appear even now only the doves, leftists, intellectuals (self appointed), SDS, and assorted others of these types are the only "peace-makers". As far as I can see this is because they are articulate, loud, emotional, and persistent. I am not certain that a majority exists whose ideas may differ from those of the Moratorium people, but a very strong minority exists whose voice is seldom if ever heard.

Never before in my career as a chaplain have I had so many soldiers come to me in genuine agony of spirit seeking help in the old problem of the Christian and War. It is consistent with the temper of the times. These men reflect their generation. They are conscientious participators and their motives are just as sincere as the man who refuses induction. The question usually centers on the Christian's attitude toward all war, but it always moves on to a confrontation with the issues raised by the Vietnam Conflict.

There has always been a minority of Christians who hold tenaciously and sincerely to the belief that a Christian cannot participate in war. The Christian, these contend, must be neutral and pacifist. But the majority of Christians, and certainly the historic church has consistently held that participation in the unhappy and undesired business of war is a Christian obligation.

A good many of you have completed your Vietnam tour, some will soon complete your military obligations altogether. There is not a man among you who needs to apologize for, nor regret your participation in this bloody and brutal conflict, you have a thoroughly defensible position as a Christian soldier. It is my purpose to give you some ammunition you may find useful in the war of ideas in which you may find yourself caught up. If you make a career of the military service I offer you some guidelines by which to order your life. A Christian soldier has a grand heritage upon which he may draw for the moral authority of his vocation. There are certain principles by which we may live and serve in the military.

THE RESTRAINT OF EVIL

There was a time in the history of the Hebrew Nation when every man "did that which was right in his own eyes". The Bible record tells us that the people became disenchanted with the resultant anarchy and insecurity and demanded a king who would put their society in order. This was the beginning of the Israelite Monarchy which helped bring into being a great nation and an orderly society whose contributions to legal processes have been the foundation of human dignity, liberty and security for thirty centuries.

The New Testament expanded this idea and teaches us that God ordained governments for our own good and for the further purpose that evil might be held in check. Evil is aggressive. It will not restrain itself. This is a truism on every level of existence from the individual to the family to the local community and right on up to international relationships. Good men must be strong enough to limit the spread of evil.

The good man must not only be strong enough to restrain evil, he must be willing to do so. The Christian police officer limits evil on the local level. The Christian soldier limits evil on the international level. He supports and helps to create the orderly society.

THE DEFENCE OF THE GOOD SOCIETY

The benefits of our society, blessings material and spiritual, have come down to us as a sacred trust. Good men and citizen soldiers from the Revolution of 1776 to the present conflict have invested their life's blood to secure and maintain the privileges and opportunities we enjoy today. Granted not all our citizens enjoy the same blessings. Not all members of our society are permitted the opportunities and privileges that are taken for granted by the majority. There are minorities among us who are not accorded their rights. The black man is not yet free and so long as he remains in bondage the White Anglo-Saxon Protestant (WASP) majority is not fully free. But this does not mean that we destroy the system that has brought us these blessings so much desired by all men in this land and everywhere else on earth. Sometimes when I hear what is being said by the activists, the Lunatic Left, the witless intellectuals and their ilk I am reminded of the poor old nurse-maid who was so enthusiastic about her cleaning activities that she threw the baby out with the bath water. The Christian Soldier wants to extend, yes, fight to extend these blessings to every person in our society regardless of his national origin, his race, or his creed. He is supremely conscious of the indubitable fact that a good society has a right to perpetuate and protect itself. It is his right and duty to do so.

Every person who voices his disagreement with government policy and society's practice is indebted to a lot of soldiers who paid with their lives for his right to dissent. I think the compelling reason that brought this message into being was the fact that this demonstration is to begin right down here at Arlington Memorial Gate. Those men and women who gather there will indulge in denunciation, vituperation, and all the oratory of opposition, while just to their backs, on the other side of the wall lie the thousands of honored dead, known and unknown, who "gave the last full measure of devotion" and who by their death created the society that allows them to "do their thing."

It is the Christian soldier's privilege and duty to defend that society and to develop this heritage and extend it to all men if he is to give as much to his children as was given to us. We often hear that it takes two to make a quarrel. That is true on the childish level and in some adult relationships, but it is not always true. In fact it is often absolutely inconsistent with the harsh facts of life. When the first murderer, Cain, took club in hand and beat out the brains of his Brother Abel, you may be sure he got no help from Abel. He carried that quarrel to its bloody conclusion all by himself. When Hitler murdered the Jews of Europe and all the others who disagreed with his policies those innocents were not accessories after the fact. They were victims sacrificed on the altars of hate. One man with hate in his heart can create hell on earth until he is stopped cold by good men—Christian soldiers, if you will—who are strong enough and courageous enough to strike him down. The Christian soldier DEFENDS the good society.

THE OBLIGATIONS OF CITIZENSHIP

The Christian soldier assumes all the obligations of citizenship—social, political and military. What manner of man is he who can enjoy the blessing brought into being by the blood, toil, sweat, and tears of other men and yet remains unwilling to make a similar contribution to the general welfare himself? The Christian soldier assumes his rightful share of the load of life. He does not leave the protection and defense of his own life, of his family, and/or of his country to others. In this day and age he is expected to come to the aid of other people and other countries who are too weak to defend themselves from subversion within their own borders or from aggression by neighboring states.

Our own country was once weak and insecure. Its own government was as shaky and unsure as the whole series of governments that have attempted to direct the affairs of the bleeding and unhappy land in which our soldiers now fight and die. Another country came to our rescue; its government sent its armies to aid us when we so desperately needed it. This is a fact conveniently forgotten by the doves, the peace-niks and sob-sisters of today. That is one of the reasons we are in Vietnam today. We Americans are driven by an historic social conscience to help others as we were once helped.

RESPONSIBILITY FOR THE OUGHT TO BE

It is distinctly Christian to be responsible for things as they are. It is also equally Christian to assume responsibility for the way things ought to be. Strength owes a debt to weakness. The man who has a God-given power to restrain evil and does not do it stands condemned.

The famous parable of the Good Samaritan has its obvious lesson. A good neighbor helps a man in need. But suppose the Good Samaritan had come upon the scene while the robbers were assaulting the traveler. Do you really believe that he would have stood to one side waiting for the gangsters to finish their work so that he could then administer first aid? I cannot believe that Jesus was describing that kind of a man. He would have waded in to help at risk to life and limb. Saint Ambrose, one of the early church fathers wrote, "He who does not defend a friend from injury is as much at fault as he who commits the injury".

The love of liberty

In the breast of every true man there burns an unquenchable fire. It is the love of liberty. No matter what his condition, no matter the length of his servitude, nor the manner of his bondage he longs to be free. Only man knows this drive. The greatest and the strongest of the wild beasts will at length trade his freedom for food and security. Had it not been for Christian men who prized freedom above all else—even life itself—there would be no such land as ours. And for all her faults, in spite of all her shortcomings she is still the greatest and the best. In all the centuries of human history no land and no society has offered so much to so many. The lode-star that has drawn mankind to its fold has been its people's love of liberty. Above all else the Christian soldier treasures freedom for himself and for all men everywhere.

I am well aware, as is everyone else who has been there, that freedom as we know it does not exist in Vietnam—North or South. What I have never been able to understand is why the opponents of past and present American policy seem to believe that the bondage imposed by Ho Chi Mihn and his successors is preferable to the apparent bondage imposed by the South Viet government. Communism recognizes no form of freedom. The present Saigon regime is all that we have. We cannot impose our will upon it lest we betray our own love of liberty. May I remind you that it is only one of a number of government administrations in Saigon? Each began with great hope. None has fulfilled our hopes. It is no fault of any American administration that the Western concept of liberty is an unknown quality to the Vietnamese mind. It was the goal of the American policy to try to instill that concept in the heart of every Vietnamese from the Prime Minister to the last and least peasant. We have not failed completely for here and there are those brave men and women who have tasted the heady wine of freedom and someday it will ferment in every Viet soul. The Christian soldier works and prays for that miracle.

There is no room in the Christian Soldier's thinking for such a cowardly philosophy as "better Red than dead." Such confusion turns Patrick Henry's dictum inside out—give me tyranny and give me life. God forbid that we should have to learn the value of our freedom by being deprived of it. Czechoslovakia has lost hers. Hungary is in bondage. Whoever thinks of Latvia, Lithuania, and Estonia anymore? These were people who loved liberty, but were not strong enough to defend it. These are only a few of those who have been crushed beneath the heel of ruthless tyranny.

Abraham Lincoln spoke for all Christian soldiers when he said: "Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men in all lands everywhere. Destroy this spirit and we have planted the seed of despotism at our own door.

RETIREMENT OF HARRY L. BROOKSHIRE

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. AYRES. Mr. Speaker, I have always been highly impressed by the quality of the employees of the House of Representatives. Sometimes, I believe, that we have taken their excellence for granted and it is only on an occasion such as this when one of the most able of these employees is about to retire that we realize the great service that they render not only to us but to the Nation as a whole.

On the retirement of minority clerk, Harry L. Brookshire, we shall have lost a man of great legislative expertise. He came to this body for the first time over 30 years ago and for many years served as an executive and administrative assistant to two very able Members of Congress. Later he served in the campaign of President Eisenhower and with the Republican National Committee. Former Postmaster General Arthur E. Summerfield then chose him as his executive assistant.

Harry Brookshire had a great love for U.S. House of Representatives and gladly returned to it as minority clerk in 1958.

I know that I was but one of the many Members of this body who sought him out for his advice on matters of legislation.

We, Ohioans, have always had great pride in the ability of Harry Brookshire. Born and educated in our great State, he overcame the handicaps of poverty and rose solely by his own efforts.

Now he and his charming wife, Ruth, will return to their beloved Ohio to spend their days in retirement.

We, of Ohio, are proud of the long list of famed public officials that we have given to our country. We now add the name of Harry L. Brookshire to that list.

POPULATION, RESOURCES, AND THE GREAT COMPLEXITY

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BUSH. Mr. Speaker, as chairman of the Republican Task Force on Earth Resources and Population I have made numerous comments on the complex interrelationships between population growth and our earth's resources. Our task force has sponsored legislation to establish a Commission on Population Growth and the American Future. We have also cosponsored legislation to redesignate the Department of the Interior to the Department of Resources, Environment, and Population.

The words ecology, environment, pollution, population, family planning, birth control, and earth resources have become more increasingly part of our everyday vocabulary here in the Congress. We need to make these words more common to the general public. We must create an acute awareness of the problems that are procreated by increased population growth.

The following article well depicts the problems of which I speak and I recommend its reading by my colleagues:

[From the Population Reference Bureau, August 1969]

POPULATION, RESOURCES AND THE GREAT COMPLEXITY

(By Durward L. Allen)

("It is too late to solve today's problems," states a noted ecologist. "Tomorrow's problems can be solved only if we agree to be responsible for them." As human crowding gives rise to an exponential increase in social and economic crises, Americans would do well to reconsider their national obsession with growth.)

Over the past quarter-century, an increasing body of scientific leadership has been concerned with the accelerating increase of world population. Since the early 1940's major advances in the control of infant mortality and epidemic disease, as well as aid to areas of food shortage, have reduced death rates in many tropical countries by about half. Humanity as a whole is in a logarithmic phase of the population curve. The 3.5 billion people now inhabiting this globe are on the way to doubling by the end of the century. Unless strenuous countermeasures are taken, in the United States our 200 million citizens will grow to more than 300 million in the same period.

It is a looming threat that already more than half the world's people are underfed. Although food-production technology has made important recent gains and food scientists are making every effort to rescue mankind from major disaster, there appear to be few authorities who expect such efforts to overtake the irruption of human numbers. There is, instead, a growing consensus that the chance of avoiding a demographic reckoning in the so-called "developing" countries is small, and that within 20 years hundreds of millions of people will be faced with a debacle of starvation and its associated ills.

This is the context in which we must consider our policies and programs in North America. We are deeply involved at present in food shipments to the needy, and our technology is being exported at an increasing rate. Unfortunately, while there is a growing belief that population limitation is essential and inevitable in this nation and elsewhere, our leadership in these matters is not in depth. It is a leadership of a few informed and concerned individuals, diluted by the attitudes of the many who, with an ear to the political ground, do not yet hear the tramp of approaching millions.

Although some sociologists and economists will not agree, I postulate that the problems of human welfare are biological, behavioral and economic—in that order. There are no interfaces where one leaves off and another begins. Understanding these problems requires both the detailed knowledge of the specialist and the broad appraisal of the generalist. Such a generalist is usually a biologist who has extended his interests far enough into the problems of human society to communicate with the specialists. The time is not far ahead when generalists will be appointed to high government commissions and committees.

My present purpose is to suggest relationships that can help us understand many of the problems that plague mankind increasingly with each passing year. It may be that we do not fully grasp what is happening to us and that a re-examination of primordial adjustments will be profitable. Long before the human line became human there were millions of years of evolution in which the ancestral stock occupied its functional niche in the ecosystems in which it was found. We probably pay penalties when the primitive inner man is outraged too far, and there could well be clues to rights and wrongs in the social and habitat adaptations of some of our common animals and birds. A few of these characteristics are worth reviewing, for they are nearly universal.

BIOLOGICAL ANALOGIES

In our latitude, the young of most species are born in spring and summer, and they develop to a "subadult" stage in late summer and fall. These adolescents commonly wander widely in a "fall shuffle," evidently seeking a place to live. The farther such individuals move in strange country, the higher their mortality rate. They are at every kind of disadvantage, including the need to invade desirable space already occupied by their own kind.

When the wanderer finds a location where food, cover and other requisites are in useful combination, it settles down into a "home range." This is a unit of habitat where the animal becomes familiar with the terrain, develops its routes of travel, knows the location of every necessity, and is best able to escape from its enemies. Seasonally, at least, it does not leave the security of its home range. Here it has relationships of tolerance with other individuals of the same species whose ranges overlap. A high quality home range is a small one, where daily needs can be fulfilled with a minimum of movement. Both economic security and behavioral ease are found by the animal in its own familiar surroundings. Residents tend to display antagonistic behavior toward strangers.

Let us now consider a human analogy—the resident of a small town in rural America, perhaps in the more simple times of 40 years ago. This person has a high degree of self-sufficiency. He has a garden and a cellar stocked with food. He has a well, his own outdoor plumbing, and his supply of fuel for heat and lighting. He disposes of his own trash and garbage.

His home range is small; he commonly gets to his work or wherever else he needs to go by walking. He recognizes most of the people of his community. Here he has feelings of security and comfort. There is, he says, no place like home. His high degree of independence becomes particularly evident under "emergency" conditions. He can ride out a winter blizzard with composure, and he can meet most of the dislocations that affect him with his own efforts. He needs a minimum of public service.

Compare his situation with that of a dweller in one of four large cities today. Passing over the social and economic enclaves that produce something akin to small-town conditions, I select an individual who is representative of urbanized man. Wherever he lives, he is dependent on a wide range of public services. His food, water, fuel and power are brought to him, and his wastes are taken away. His work is likely to be many miles removed from his home. To fulfill a specialized function in his community, he must meet a rigid transportation schedule in getting to his place of employment and returning home daily. Likely enough, he passes through territory that is largely unexplored and unfamiliar, and he has continual contacts with individuals with whom he is unacquainted. He has lurking anxieties in dealing with a wide range of unpredictable situations. He may develop the social callouses and aggressive behavior frequently observed in the residents of large cities. In a measure, the city dweller has lost his identity in a social melange that is diffuse and uncertain.

This individual is dependent for many things. He is vulnerable to every kind of public emergency. A drought or power failure, a strike or riot, a heavy snow that ties up traffic, can immobilize him and jeopardize his security. In this aggregation of largely strange humanity, he finds many of his activities organized and regulated. In turn, he needs protection from his fellow men. Aberrant and antisocial behavior must be dealt with. Health hazards must also be guarded against. It is testimony to the unusual adaptability of man that he can so often tolerate these essentially unnatural conditions reasonably well.

THE DENSITY DETERMINANT

Since all "higher" animals are socialized in some degree, a measure of association between individuals is beneficial. It follows that with the increase of numbers an optimum density is reached in terms of behavioral needs and available habitat resources. At still higher concentrations, we see the development of competition for space and other necessities and the breakdown of normal social relationships.

The behavioral and logistic attrition that builds up can be described conveniently by the term "stress." Eco-social stress is an elusive phenomenon—difficult to define, analyze and quantify. For good reasons, scientists have largely avoided this baffling universe of inquiry in their investigations of population mechanics and animal relationships, although the physiology of stress is somewhat better understood. The physical and psychic well-being of the individual is tied closely to environmental conditions.

To appraise the nature of high-density stress in human society, we may review, for want of more appropriate terms, some of the findings of Alfred Korzebski, known for his innovations several decades ago in the field of general semantics. In a paper of 1943, largely drawn from three earlier sources, Korzybski explored the increase in complexity of functional relationships or problems as individuals are added to a managerial system. He cited the work of V. A. Graicunas, who calculated the growth of problems faced by a supervisor as assistants with related work were added to his responsibilities. Deriving an appropriate formula, Graicunas solved for the increasing relationships as follows:

Number of assistants or functions:	*Possible relationships*
1	1
2	6
3	18
4	44
5	100
6	222
7	490
8	1,080
9	2,376
10	5,210

We need go no further than ten in the series, since it illustrates beyond question that the addition of individuals or functions in this relatively simple organization gives rise to some kind of exponential increase in relationships. "At the root of the problem," said Korzybski, "lies the significant fundamental difference in the *rate of growth* between arithmetical progression, which grows by addition, for example, 2, 4, 6, 8, 10, etc., and geometrical progression, which grows by multiplication, for example, 2, 4, 8, 16, 32, etc." He stated further: "My whole life's work, and particularly since 1921, has been based on the *life implications* of this neglect to differentiate between the laws of growth of arithmetical and of geometrical progressions." In effect, he despaired that those who govern could find the wisdom and means to meet their proliferating managerial tasks satisfactorily.

It seems evident that concentrations of people and, more generally, the growth of nations, produce a great complexity that expands in geometric proportion to the buildup of population density. If, for example, our present world population of 3.5 billion doubles by the year 2000, it might be supposed that the problems of government and social affairs would be twice as great. Using the scale of the Korzybski example, however, we can see that such a concept would fall far short of reality. The buildup of eco-social stress would undoubtedly take place much more rapidly.

THE COSTS OF OVERPOPULATION

Americans customarily think of mass production as a means of attaining efficiency and lowering the cost per unit—an approach that clearly does not apply to human beings. As people multiply and concentrate, they require more protection and services of every kind, and they are correspondingly more costly.

Thus, a significant question: Is this great and burgeoning complexity related to our increasing costs of government, our deficits, our inadequacies in dealing with social problems—especially the rising rates of mental and psychosomatic disease and crime? Does it help to explain why municipalities and state governments find it progressively more difficult to collect enough taxes to carry out their commitments to education and other multiplying functions?

If population growth beyond an optimum begets problems that increase more rapidly than human numbers, it might be assumed that this only bespeaks the immaturity of our social and economic science—that in due time, man and his computers will handle the dilemma and produce a higher living standard despite the difficulties. To an extent, such optimism may be justified. But whether management skills can overtake a problem that is growing geometrically—and whether they can do so soon enough to be a relief to this generation and those immediately ahead, is highly questionable.

It is particularly evident that many of the high-density problems of humanity exist in the world's cities. Ironically, many educated Americans hold the view that the rural populations of the "underdeveloped" countries must be gathered into cities and their land given over to large-scale mechanized agriculture. It is assumed that industrialization in our image will bring this two-thirds of the world the blessings of modernity.

Yet, to an impressive degree, we have ourselves fallen far short in dealing with the challenge of urban complexity. Some 70 percent of the American people now live in cities of more than 50,000—a proportion that is increasing. The President's Council on Recreation and National Beauty has remarked: "No major urban center in the world has yet demonstrated satisfactory ways to accommodate growth. In many areas, expanding population is outrunning the readily available supply of food, water, and other basic resources and threatens to aggravate beyond solution the staggering problems of the new urban society."

Perhaps the most widely evident sign of our overabundance is degradation of the environment. The technological "explosion"—a term that suggests a consciousness of some of the exponentials involved—has been accompanied by a corresponding reworking of the face of the land. The widespread pollution of water and air, and the despoilation of natural beauty need no particular documentation here. The solid wastes to be disposed of now aggregate 4.5 pounds per American per day. Thermal modification of natural waters as a result of power production is doubling in ten years. There is ample evidence that in North America we have exceeded the capacity of the biosphere to degrade and assimilate our wastes. Not only should we be making strenuous efforts to avoid further population increases, but real and rapid progress toward better standards of life in America probably must await the attaining of a negative growth rate.

Finally, the concept that American-style industrialization can be the salvation of overpopulated and impoverished peoples seems to neglect the fact that the U.S. system is based on an abundance of native and imported wealth. *The inhabitants of North America—only seven percent of humanity—are using about half the world's yield of basic resources.* Sociologist Philip M. Hauser has stated that, at our standard of living, the total products of the world would support about half a billion people. This seems a dim outlook for the 3.5 billions now alive and those yet to come.

OUR GROWTH OBSESSION

Nowhere in the state of nature do we find animals prospering so well, surviving in such large numbers, living so long, and reproducing so abundantly as when a population is expanding to fill a vacant environment. Of course, this is what has happened to our own species in North America during the past 300 years. The white man displaced the Indian and took over his resources for use at a "higher" cultural level that could support many more people. It is perhaps understandable that modern Americans have developed an expansionist euphoria that attributes collective weal to the growth process itself, rather than relating it to the availability of resources on which growth can take place. The "expanding economy" idea has passed from the stage of useful realism to one of economic dogma.

Two of the "easy" approaches to success in business and industry have become routine. First, we have assumed the right to pollute air, water, and land or to mutilate the scenery as a valid part of the profit-taking process. Secondly, and because we have always had it this way, it is assumed that every enterprise has the "right" to expand through continuous increases in customers—which takes place through additions to the population. The view that this process should go on indefinitely and that it holds the key to the "American dream" is behind the huge promotion now under way to "attract new industry" and build population in practically every community that can support more people through private or public development.

We need to understand clearly that human numbers do not grow in thin air. Their increase is a response to the broadening of the resource base and the opening of vacant or sparsely occupied areas through developments that support new communities. This is one way in which population can be manipulated—by creating more centers of buildup or, in the other direction, by deliberately preserving our open spaces for less intensive uses. We have no legitimate incentive to increase population, yet our planning is consistently in this direction.

MANIA FOR DEVELOPMENT

One who reads the transactions of the Western Resources Conferences will learn that, as of 1960, there were $22 billion worth of water development projects for 17 states in the files of the Bureau of Reclamation—plans that engineers considered "feasible." These projects are scheduled for construction by the year 2000. It is assumed that every river system must come under complete control, with the total water supply utilized to establish new agriculture, new industry, and more people in all of the "undeveloped" open space that can be found. There are many enthusiastic promoters of this program in Congress, and, needless to say, in the local electorates.

I do not imply that all such enterprises are against the public interest. But to make these far-reaching resource decisions, our representatives in Congress must have access to every kind of information. Today they draw much of their information from—and are frequently reminded that they represent—the construction beneficiaries who move the earth and pour the concrete. But our harried Congressmen also represent every taxpayer who supports the great works, with their wonderful and baffling cost-benefit ratios. They represent the millions of people at large who make use of the scenic and recreational features of this land—people who have little concept of what is happening to their environment. Most Americans know only that we are dedicated to "progress." Where that progress leads, or what kind of world it is contriving, they are never told. Has someone decided for them that we are to have no hinterland? Are there to be smokestacks in every wilderness, a smog over every countryside, the threat of extinction over every flowing stream?

There is another concept of resources management that sees our continent as a composite of environmental types, each with its own character and its particular contribution to the national scene. The latter view presupposes that there are many and diverse ways to achieve a pleasant life and that various regions have much to offer in their existing features and natural assets.

The wild creatures of this earth have survived because each performs a useful function in a reasonably stable ecosystem. Any living thing that is too successful destroys the sources of its livelihood and disappears with the community on which it depends. Man's vast power play in using, if not inhabiting, nearly every environment on this planet could be self-defeating if he does not have the insight to impose his own controls and work for that necessary stability in his ecosystem.

The 1968 report of Congressman Emilio Q. Daddario, Chairman of the Subcommittee on Science, Research and Development, observed that ". . . the population explosion is fundamental to the requirement for environmental management. Population must come under control and be stabilized at some number which civilization can agree upon. Otherwise, the best use of natural resources will be inadequate and the apocalyptic forces of disease and famine will dominate the earth."

Stability and an "agreed-upon" population level are indeed worthy objectives in realistic planning for the future. For now, a curb on the birth rate by every acceptable means and a major reduction of the government-sponsored environmental onslaught are two requisites of the greatest urgency. It is heartening to see signs that these are getting attention in Congress.

DEMANDS OF CRISIS

We have come to a threshold in world and national affairs where there is immediate need to apply sophisticated, up-to-date thinking if we are to mitigate, rather than augment, the growing miseries of mankind. Around the earth, much that needs to be done is blocked by a massif of ignorance. However, it certainly is true that the wars of history have made greater personal demands on men of many countries than what must be asked of the world's people in the years ahead. The population issue does not brutalize the masses and inflict hardship on the innocent. It calls for an appeal to reason backed by all the skills social science can muster. In our own nation, public acceptance of new ideas is of such great urgency that every effort must be applied in bringing it about. Many of our old traditions, assumptions and slogans need a searching review with open-minded willingness to innovate.

Most of us are all too aware of the unrest of the new generation of our citizenry. I make no case for those who march and protest with no real effort at problem solving. But we probably can ascribe some of their social malaise to the frustrating complexity of the world in which they find themselves.

THE FAILURE OF EDUCATION

There is, to be sure, an "establishment" devoted to high-sounding maxims that are supposed to be worthy and venerable by definition, but which seem to confuse rather than simplify our problems. In the sum total of their ecological malpractice, the elders are heading humanity toward the damnation of the lemmings. If young people do not see this at once, there are good reasons; for no one has given them any rational concept of man's relationship to the earth or any basic ethos of human respectability. In our overgrown institutions of higher education, the husbandry of intellects is monitored by humanists who are not biologists and biologists who are not humanists. They learn marvelous techniques but are the why of nothing.

This is to identify one of our overshadowing difficulties. In this time of television, moon exploration, and the imminent availability of nearly unlimited sources of energy, it is obvious that accomplishments in engineering and its supporting sciences are awe-inspiring testimony to the human mind's capacity.

Attending all our technical triumphs, however, is a growing realization that we have a critical area of weakness. While we know how to do fantastic things, we frequently do not know when and where—nor indeed why—to do them. The problem transfers itself from physical science in the development and use of hardware to another sphere in which we are less competent—that of the biology and ecology of man.

The nature and proportions of this problem actually bespeak the relative complexity of the systems of nature. Even though the physical characteristics of matter and energy are inconceivably involved, they are far less so than the limitless intricacies of the world of living things. Biological systems include all the variables of physical science plus the endless elaborations of more than two billion years of organic evolution. To the structure and physiology of the living organism are added the organization of ecosystems and the behavioral adaptations that are essential to survival.

In these dimensions were the origins of man, and now his culture has taken over to reorient his own speciation and vastly modify the habitat in which he developed. If, with the tools now at his disposal, he blunders unaware into the throes of overpopulation and environmental ruin, he could in a tick of the geological time clock be carried away to oblivion by the mechanical monster he has created.

Pessimism often has a hollow ring. But where so much is at stake there is more safety in planning to cope with the worst than in idly hoping for the best. The truth is that it is already too late to solve today's greatest problems. We have failed for lack of foresight. Only tomorrow's problems can be solved, and only if we of today agree to be responsible for tomorrow.

JACK LACOVEY WINS EMMY AWARD FOR "COURTS ON TRIAL"

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, recently the Washington Chapter of the National Academy of Television Arts and Sciences held its ninth annual awards ceremony during which "Emmy" awards were presented to a number of individuals and programs from the various stations for achievement in their field.

The only winner for WMAL–TV was writer-producer Jack LaCovey for his work on a program entitled "Courts on Trial." The program dealt with the inadequacies of the system of criminal justice in the District of Columbia court of general sessions and the U.S. District Court for the District of Columbia. It described how the system works to the advantage of the criminal and the disadvantage of society.

Although several other awards were made to other deserving individuals and stations, I wanted to take this opportunity to bring special attention to Mr. LaCovey who has recently joined the staff of Administrator of General Services Robert L. Kunzig. The entire Nixon administration can be proud of the high-caliber individuals that Administrator Kunzig has on his staff.

Until early August, when Mr. LaCovey joined GSA, he had been associated with WMAL radio and television since 1961, when he entered the management training program there. Since then he has served in writing, editing, announcing, producing, and directing positions. He was graduated in 1961 with a bachelor of science degree in radio and television from Ithaca College, Ithaca, N.Y.

THE PILL TRADE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. VAN DEERLIN. Mr. Speaker, there has been a great deal of discussion lately about Federal efforts to impede the illicit traffic in drugs and narcotics.

Some of the most pertinent suggestions were made last week in an editorial by the Los Angeles Times, which believes that far more could be done to restrict shipments of so-called dangerous drugs—a growing menace in their own right to the youth of America.

Most of us are aware of "Operation Intercept" and related efforts to shut off the marijuana supply from Mexico. But dangerous drugs made in the United States present a different sort of challenge, for, as the Times states:

> Mexico can hardly be blamed for failure to control the flow of illicit drugs manufactured here.

The editorial, published last Wednesday, October 29, follows:

THE BORDER TRAFFIC IN "PILLS"

ISSUE: Why blame Mexico for the traffic in illicit drugs that originates in the United States and thrives because of weak laws?

Mexican officials have made many Americans bridle with their accusations of hypocrisy in our massive crackdown on the border narcotics traffic.

The United States is actually at fault, goes the argument, for if there were no demand, there would be no smuggling.

But if the charge of hypocrisy is specious when applied to heroin and marijuana, it surely can be justified in the enormous traffic in "pills"—the illicit amphetamines, barbiturates and other drugs made by American firms that are sent to the border for transshipment throughout the country.

The congressional hearings that concluded Monday in San Francisco should leave no doubt as to the enormity of the problem or the incredibly lax federal regulations that have allowed it to grow.

Witness after witness told the House Select Committee on Crime of the ease with which dangerous drugs can be shipped to Tijuana and other Mexican border towns and then diverted for resale at great profit to American users. So minimal are the restrictions that some suppliers do not even bother to have the pills sent across the boundary.

Perhaps the most stunning example of the laxity of federal control was the mail-order purchase of 20,000 secobarbital sodium capsules by Los Angeles Police Department narcotics officers, who had the illicit drugs delivered to the Van Nuys police station—with no questions asked or any check made by the drug company as to the doctor whose name the officers used.

Worst of all, the firm broke no law in its indiscriminate supplying of the $85 worth of capsules that would have brought $5,000 on the street.

"It is entirely possible for anyone to make the same kind of purchase," said Capt. Roger Guindon, commander of the LAPD Narcotics Division. "Eight billion units of dangerous drugs are manufactured in the United States each year by legitimate pharmaceutical firms," he said. "This is more than twice the annual needs of U.S. citizens through legitimate sources."

Last year alone a total of 17 million such illicit drugs were seized in California. And as the House committee hearings showed, major pharmaceutical firms are involved as well as smaller companies.

This wretched dealing in dangerous drugs, however, will surely continue and expand unless Congress and the White House take strong action to control it.

Capt. Guindon, California Atty. Gen. Thomas Lynch and many other law enforcement officials repeatedly have urged far more effective licensing of drug manufacturers and restrictions upon their shipments. Bonding requirements should be imposed upon such shipments, which also should be placed under the Export Control Act.

Mexico can hardly be blamed for failure to control the flow of illicit drugs manufactured here. The fault—and responsibility for reform—is our own.

CLEVELAND OFFERS TYPICAL LETTER OF OUTRAGE ON PART OF ORDINARY CITIZEN

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. CLEVELAND. Mr. Speaker, my friend, Clarence Bent, D.V.M., wrote me a letter of outrage recently. I think Dr. Bent's letter is a good reflection of the frustrations which infest our country today. I offer it for the RECORD for its representative value:

SEPTEMBER 18, 1969.

DEAR JIM: Somehow I missed your questionnaire this year; so forgive me if I write a letter instead.

Now as an honest, hard-working, patriotic American, I'd like to point out a few grave errors in legislative and legal acts.

1. In Lowell, Massachusetts, are members of an infamous motorcycle group. They have been known to enter a restaurant, eat and leave without paying because owners fear retaliation. If I tried that, I'd be called upon by the police *and* the courts. Instead those fools in Hollywood make pictures with, and of, them. Who's protected?

2. The leader of this group has, I am told, moved into a $40,000.00 house in Nashua. Drug sales paid for it. No one touches him. Once I missed, in the confusion of post-war re-establishing, paying $1.00 for a narcotic stamp on time. I was fined $10.00. Who's protected?

3. The Police in this city know the name and face of the pusher from Massachusetts selling most of the drugs in town. The kids and many parents know who he is. But the police are so hog-tied, they won't even act—till they have him 100% caught. And in the meantime, more and more kids get hooked. But if a party were held in my house and my house was raided and "grass" were found, even though I didn't know it, I'd be liable. Who's protected?

4. College students take over a building and with arms on at least one occasion (my alma mater). They do damage. The President resigns, the tax payers repair. If I speak too loudly in a Library, I may be asked to leave. Who's protected?

5. Soldiers publish underground newspapers and stockade prisoners can hardly be kept in line by guards. Yet I, as a Lieutenant Colonel, would not dare raise a voice of protest against a cussed General. Who're you protecting?

6. A man broke furniture in a Plymouth, New Hampshire, restaurant and injured customers. The judge gave him a suspended sentence and told the restaurant owner—"After all we couldn't afford to board and room him in a New Hampshire prison." Who's right?

Three boys broke into camps in Campton, New Hampshire. They stole and destroyed property. They even used the center of a dining room table as a toilet. A suspended sentence by a judge because otherwise they'd be in jail with old time criminals. Who's right?

8. Federal Securities and Exchange Commission forces companies thinking of mergers to put all facts before the public to make it fair to all. Some poor little fellow buys and the merger fails to go thru. The little fellow who was to be protected, is severely hurt. Who's helped?

9. You have a law which makes it illegal to cross state lines to incite riots. SDS and other commies are actually photographed crossing lines just before a riot, at the riot, and I suppose even leaving. I have yet to see anyone convicted. Who are you protecting?

10. Liquor is involved in 60–80% of all fatal accidents. Because legislators, big businessmen (and professionals), police commissioners, state safety officers, college leaders, etc. ad infinitum, all love the poison, no one works too hard to save your children or mine from possible death or severe injury. Who's protected?

11. A man, alias Dr. Clive Jordan comes to New Hampshire, poses as a veterinarian, obtains a temporary license to practice. I hire him. The board of Veterinarian examiners and I unearth the fact that he is in fact, a fraud against the state of New Hampshire and wanted in at least six other states. The Attorney General's office, the State Police, the city police are all informed. No one takes any action. The big fine of $25.00 for such a fraud doesn't interest them enough. Canada jails him, England sentences him, Israel has him, Holland, and now he's back in the United States somewhere. Who's protected?

12. Welfare recipients in Massachusetts "know their rights" and demand special clothes for Easter for their children. A party with eight children has too good a welfare income to go to work.

I can't work at my profession after 62 and collect social security which I've paid in because I'll have guts enough to work on; and I'll also have planned for my own security anyway. I started as a farm boy with a mother who was forced to run a poultry farm after less than two years out of the city. Who get help—at whose expense?

13. You pass laws on unemployment, minimum wage, workman's compensation, and illegal withholding which strangle the small business to its death. If for no other reason than hiring of lawyers, accountants and bookkeepers to keep the records. Yet people in your class and mine complain of cost of veterinary services. Who are you protecting?

But you go on spending in Washington. Help South America, help Germany, help Spain, help, help, help. And above all help the criminal by disarming the honest homeowner, and help North Vietnam by doing business with the suppliers so they can help North Vietnam kill more of our boys.

Thanks for listening,

CLARENCE.

P.S.—Sorry, too much—In short: Do you ever consider the fellow at the bottom, the hard-working honest fellow trying? The guy who pays most of the bills?—C.P.B.

PESTICIDES ANYONE?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DINGELL. Mr. Speaker, the November 1968 issue of Field & Stream carried an article on the misuse of pesticides by George Laycock entitled, "Pesticides Anyone?" This article was recently called to my attention by a constituent, and so that my colleagues may have an opportunity to read this article, I insert it at this point in the RECORD:

PESTICIDES ANYONE?

(By George Laycock)

The tiny body louse has a lot of things to his discredit but the most spectacular is the universal threat to man and beast posed by modern pesticides. For it was the louse that got the whole thing started. Back during World War II, Government officials became worried because GI's were going into louse-infested areas and would need protection against the little disease carriers. So laboratories were put to work to find a sure louse killer.

In Orlando, Florida, a large number of chemicals were tested in a laboratory of the Department of Agriculture. Eventually the testers got to a compound known as DDT, and they hailed it with delight. It was so effective over long periods that chemists and entomologists could hardly contain their enthusaism. According to the laboratory director, E. F. Knipling, "DDT was many times more effective than the best of the other materials known at the time. One ounce of a powder containing 10 percent of DDT, dusted on the inside of underwear, killed all lice present . . . and any that hatched from eggs or crawled on the person as long as a month after treatment."

This, obviously, was bad news for lice. What people could not have known then was that is might be bad news for humans too. And DDT is only one of a class of chlorinated hydrocarbons developed by research. These "wonder chemicals" soon became popular weapons in man's age-old fight against pests.

But in time Americans became aware of the potential menace of these so-called hard pesticides. Commonly there are seven of them, sometimes referred to as "the dirty seven"; DDT, dieldrin, aldrin, endrin, heptachlor, lindane, and chlordane. Now we know that the chlorinated hydrocarbons are dangerous because they are practically indestructible—time and the elements do not disintegrate them and render them neutral. They may persist in soil for fifteen or more years. And if, during those years, we add more and more of them to even one acre in twenty, we build them up closer to a level that would be lethal for all manner of creatures, including man.

We have been warned. In 1963, the President's Science Advisory Committee recommended that we eliminate the use of them entirely. This was no mild suggestion that we use such chemicals as DDT with care but that we cease their use completely.

The result? Five years later DDT compounds are still being spread freely by farmers. They are being used in aerosols in millions of households. In 1965 our production of DDT alone totaled 141,783,000 pounds. As late as last March, Congressional hearings on pesticides were not concerned with banning their use but whether manufacturers should be compelled to print warnings on their labels.

Dr. Stanley A. Cain, Assistant Secretary, Department of the Interior, testified that "About 130,000 metric tons of pesticides are being applied on a world basis annually." Some scientists were then anticipating that this would increase to 700,000 metric tons within seventeen years, as part of the effort to double the world's food supply.

Pesticides respect no national boundaries. They can be carried by streams and rivers to the oceans. DDT has even been found in rain, and dust particles carry it through the air. Pesticides have been detected in the tissues of penguins and seals from the Antarctic and in ducks and their eggs from the Arctic. "No one can predict," Dr. Cain said, "whether man and other creatures can adapt biologically to the drastic and rapid changes now being wrought." Another witness told a Congressional hearing, "Someone might develop a wonderful pesticide which completely does the job—but might kill every animal coming into contact with it."

Is the menace universal? Practically all fish and game animals tested for pesticides in recent years carried residues of the poisons, regardless of the part of the world from which they came. The authority for that statement is Dr. E. H. Dustman, Director of the Patuxent Wildlife Research Center of the U.S. Fish and Wildlife Service.

Yet some defenders of the pesticides continue to minimize their danger. At a House hearing, Representative Jamie L. Whitten, Mississippi, said, "So far as the fish and wildlife record is concerned, this shows no injury except from improper use." Perhaps the following cases might indicate otherwise.

In New Brunswick, where the spruce budworm is a forest problem, an aerial application was made in 1954 of ½ pound of DDT per acre. Practically the entire annual production of young salmon in the streams perished. Two years later the treatment was repeated, and again the young salmon were killed.

In British Columbia, forests in four watersheds were sprayed with 1 pound of DDT per acre to combat the blackheaded budworm. The pilots were extremely careful not to spray the streams, yet there was nearly a 100 percent kill of cohos.

In Michigan and Wisconsin, elm trees were sprayed with DDT to control the Dutch elm disease. The poisoned leaves fell to the ground and were devoured by earthworms. Earthworms are fairly resistant to DDT, so they built up sizable concentrations of the poison in their bodies. Robins fed on the worms. They were less resistant, and lawns were littered with dead robins.

Nor do pesticides have to kill directly to decimate an animal population. The President's Advisory Committee has reported that dieldrin "reduces the reproduction of captive quail by decreasing egg production, decreasing the percentage of eggs that hatch, and increasing the mortality of chicks."

By 1966 the U.S. Public Health Service was able to report that the average American had accumulated in his fatty tissue 12 parts per million of DDT. Infants fed with mother's milk now get it complete with DDT—.08 parts per million.

California's Clear Lake, plagued with nuisance midges, was treated with DDT in the ratio of 1 part per million parts of water. Over the months the pesticide concentrated in the tissues of plants and animals. Tests showed plankton carrying 10 ppm, plankton-eating fish with 903 ppm, and 2134 ppm in the tissues of birds that fed on the fish. Most such birds at the end of this food chain perished.

Do you hunt big game? Expect, in some sections of the U.S., to get pesticides in your elk or venison steaks. In South Dakota, tests showed that the dieldrin level in big-game animals exceeded the tolerance for meat animals established by the U.S. Government.

In Montana, forests were sprayed with ½ pound per acre of DDT, and the chemical showed up in grouse two years later at levels in excess of tolerances set by the U.S. Food and Drug Administration. Michigan's fish hatcheries, in a crash program of producing stocks of young cohos for the state's salmon program, ran into a shocking complication. Hundreds of thousands of fry began spinning crazily, then sinking to the bottom, dead. The fry had hatched from eggs stripped from Lake Michigan salmon, and tests showed lethal concentrations of DDT in them.

When a massive campaign was mounted against the fire ant in the South in 1958, wildlife specialists feared for the welfare of the grouse. In the Gulf states—wintering grounds for most of the country's woodcock population—27 million acres were scheduled to be showered with heptachlor or dieldrin, at the we-mean-business rate of 2 pounds to the acre. Heptachlor would remain effective for at least three years, and it has been known to last nine.

Patuxent Wildlife Research Center set up a test in Louisiana. Woodcock were fed earthworms containing various levels of the pesticides. Practically all the birds died that consumed worms with field-level concentrations. Fortunately, the fireant program was adjusted to smaller dosages and less potent chemicals.

In Georgia, a four-acre experimental plot was treated with 2 pounds per acre of heptachlor. Within forty-seven days, thirty-eight wild animals died, and no living animals were seen or heard on the plot. "That 2 pounds per acre knocks hell out of bobwhites," a biologist said, "and depresses the population for three years."

Scientists worry about the effects when an animal ingests more than one kind of chemical. Synergism may go to work here. Synergism means that two different agencies working together get an effect greater than the total of two independent efforts. In other words, one and one can equal three. When 8 ppm of one insecticide "cooperates" with, say 2 ppm of another, the effect on the animal may be equal to 30 or 40 ppm of either chemical used alone.

Federal researchers began in 1958 to examine the threat to wildlife posed by pesticides. In 1965 the Fish and Wildlife Service was authorized to conduct a study limited to three years. One may surmise that it was pressure groups more interested in agricultural chemicals than wildlife that contrived to force the Service to return to Congress in 1968, hat in hand, or abandon its research and dismiss 100 highly trained technicians.

As mentioned, the Service conducts research at the sprawling Patuxent Wildlife Research Center, among others. Research is also conducted at Denver, and there are pesticides monitoring stations widely scattered across the country. Mere opinion that chlorinated hydrocarbons are lethal does not satisfy the Fish and Wildlife Service. It wants facts—data carefully checked and scrutinized.

Over the years the Service established test populations of captive mallards, pheasants, and bobwhite quail. One of the most revealing programs has been the Patuxent experiment with sparrow hawks, the smallest American branch of the falcon family. Researchers wanted to establish scientifically whether the diminishing populations of duck hawks, eagles, ospreys, and other predatory birds high in nature's food chain were being killed off by pesticides. Or whether doses too small to be lethal were affecting their reproduction. Were pesticides at fault, for example, when the breeding colony of ospreys around Old Lyme, Connecticut, dropped from 100 nesting pairs to eight in the years following 1957?

The sparrow hawk, the choice for Patuxent research, was easily obtained, had been raised in captivity, and was widely distributed; thus the findings would have wide application. The researchers soon obtained thirty-six pairs of sparrow hawks.

By the end of the 1967 nesting season data had begun to accumulate. The hawks had been paired and housed in flight cages measuring 50 feet long by 20 feet wide by 6 feet high. Each cage has a nest box and a food shelf. Here the captive birds carry on as they would in the wild.

With the hawks divided into three groups of twelve pairs, feeding tests began in March 1966. One group was given pesticides in its diet at the maximum field exposure but still at a level designed to keep the birds alive. A second group was given a lower dosage, approximating that commonly found in the outdoors. The third group, with an identical diet, was not given any of the dieldrin or DDT fed to the other groups.

The control group—the third group—hatched 84 percent of its eggs. The second, or low-dosage, group hatched 61.1 percent. The high-dosage group hatched 58.7 percent. The control group raised 3.7 birds per pair, the low-dosage group 2.7 birds, the high-dosage group 2.5. Another interesting fact developed. Nearly 11 percent of the eggs of the high-dosage birds disappeared before hatching, compared with 7.4 percent for the low-dosage birds, and none at all for the control group.

For many years there has been research to discover why hatching eggs are lost. A pioneer researcher is Scotland's D. A. Ratcliffe, who, by dint of much work, found a most enlightening clue. Delving into old records, Ratcliffe found that investigators between 1904 and 1950 had checked the success of 109 duck-hawk nests. Only three contained broken eggs. But of sixty-eight nests checked between 1960 and 1966, forty-seven contained broken eggs. At about the same time there was a big increase in egg breakage in the nests of golden eagles and sparrow hawks.

Convinced that the new weakness lay in the shells, Ratcliffe began measuring shell thickness of thousands of old eggs in museums, and weighing the empty shells. Up to the year 1946, weights and thicknesses were constant. But as Ratcliffe measured and weighed shells collected between 1946 and 1950, he found that the thickness had decreased sharply in the eggs of both duck hawk and sparrow hawk.

Other scientists soon joined the shell game. They found that what was true of the British Isles was also true over large portions of the world. The sudden decrease in shell thickness occurred about the time that DDT came into wide postwar use as an insecticide. Their conclusion: DDT somehow affects the bodily function that produces calcium.

Here then is a clue to the egg breakage at Patuxent. It is also a clue that probably encompasses a wide range of birds in trouble today. Thus the relatively small amount of money that financed Patuxent and other Fish and Wildlife research produces remarkable dividends.

Is there no alternative to the dirty seven? Of course there is. We already have less-destructive pesticides. One is malathion. Unlike DDT or dieldrin, it does its job, then breaks down rapidly. There is no buildup of poison in wildlife, and thus no threat to every creature in the food chain. But *malathion* is more costly than DDT, so we go on using DDT, saving pennies and expanding our wildlife.

We know the answer to the problem of the chlorinated hydrocarbons. We knew it back in 1963, when the President's Science Advisory Committee made its recommendations: stop their use. Time after time since then we have heard our leading scientists recommend that we stop polluting our environment with DDT, dieldrin. aldrin, endrin, heptachlor, lindane, and chlordane. The individual states cannot be expected to put themselves at an economic disadvantage by banning their use. This calls for Federal legislation.

What are you going to do about it?

THE ORDEAL OF ANATOLY KUZNETSOV—CBS INTERVIEW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. RARICK. Mr. Speaker, some of our citizens who live in a fantasy world have fallen easy victims to the Moscow party line that the Bolsheviks are mellowing and granting their enslaved peoples some of the basic human rights which they loudly propagandize for others.

At terrible risk and sacrifice, men and women continue to vote with their feet and leave the Communist world for freedom. One of the more recent escapees is the noted author Anatoly Kuznetsov, who escaped from his guard in England on July 30.

CBS News Correspondent Morley Safer performed a valuable public service when he interviewed Mr. Kuznetsov in London, and the 1-hour interview was broadcast for the enlightenment of anyone who might believe that Bolsheviks ever mellow. I insert the interview at this point in my remarks, for the benefit of Members who may not have had the opportunity to analyze this continuing tragedy and terror:

THE ORDEAL OF ANATOLY KUZNETSOV

(As broadcast over the CBS Television Network, Tuesday, Sept. 2, 1969, with CBS News Correspondent Morley Safer)

SAFER. This man's name is Anatoly Kuznetsov. He is forty years old, one of the Soviet Union's leading novelists. On July 30 of this year Anatoly Kuznetsov, on a trip to England, escaped from his Russian guard and defected. In the lining of his coat he had sewn this film, copies of the original manuscripts of his novels.

KUZNETSOV. That there is the whole of my life. These are my real books. Not the ones as they are known to the reader.

SAFER. This is the story of a man who got away. And there are men in this building who would like nothing better than to get their hands on him. This is the Soviet Embassy in London. But Anatoly Kuznetsov will have nothing to do with it.

Kuznetsov spent his adult life in that schizophrenic twilight zone, trying to be both an honest novelist and a Soviet citizen. His best known work in the West is the novel, "Babi Yar," an account of the Nazi massacres in the Ukraine in 1942.

Kuznetsov's story is made of the stuff of classic spy fiction, but it is brutally true. It involves the Soviet Secret Police, the KGB; a shabby hotel in the West End of London, the Apollo, a favorite place for the Soviet Embassy to put up visiting delegations. And sex too, among the seedy strip clubs of Soho. It is a story of escape and betrayal.

Like many good thrillers, a newspaperman is involved, the *London Daily Telegraph's* Soviet affairs editor, David Floyd, the man in the middle. Someone had given Kuznetsov Floyd's name.

Kuznetsov now lives in hiding. He prefers to be called by his first name—Anatoly. Kuznetsov, he says, was the man who wrote what he was told to write and he wants to forget him. But he emerged from hiding to tell his remarkable, sometimes sickening story of life in the Soviet Union. The interpreter is David Floyd, the man who took Kuznetsov in from the cold.

I know that the Soviet Embassy has been very anxious to talk with you and you've flatly refused to do so, even in the presence of British Foreign Office people.

KUZNETSOV. I am afraid of them. Even in the presence of British officials and even at a distance, I am afraid of them.

ANNOUNCER. This is a CBS News Special: "The Ordeal of Anatoly Kuznetsov," with CBS News Correspondent, Morley Safer.

(Announcement.)

ANNOUNCER. Now "The Ordeal of Anatoly Kuznetsov," with CBS News Correspondent Morley Safer.

SAFER. Anatoly Kuznetsov, when did you decide to leave the Soviet Union?

KUZNETSOV. The decision to leave I took on the morning of the 21st of August last year.

SAFER. That was when Soviet troops went into Czechoslovakia?

KUZNETSOV. Yes.

SAFER. But there have been many things in the past twenty years or more equally horrible. What was so special about Czechoslovakia?

KUZNETSOV. Well, probably for me personally that was the last drop. After that I really didn't have any faith left, or any hope.

SAFER. All right, there you are a Soviet citizen who decides to leave Russia. What do you do?

KUZNETSOV. Of course, it is very difficult to leave the Soviet Union. Very few people get to travel outside the Soviet Union. First of all, if there is a dossier on you with the police, then you won't get out anyway. You've got to have a very good reputation at work; you've got to have made frequent statements about your political loyalty, your love for the party and the government. You must be psychologically and nervously in good form, fit. If you've consulted a doctor, and especially if you've consulted a psychiatrist, you would never be let out.

And then for five or six months you fill in a mass of different forms. You particularly have to put down what people near to you, close to you, you leave behind in Russia. A bachelor has very little hope of getting out. A man with a family has better chances; then he has children left behind and people related to him. Then you have to go through all sorts of conversations, interviews with people. Sometimes they will tell you to follow the activities of the people who go with you because they very seldom let you out alone. You have to go out in a group. In my case they attached a special personal agent to me.

I had no permission to leave. I once made a journey in 1961 to France and since then—for eight years—they wouldn't let me out. There were foreign publishing houses inviting me out. I was invited to Paris by a French publishing firm, at their expense, for their money. And it looked as though they were going to let me out. But then the Secret Police got in the way and I wasn't released. Then I was invited to New York by the Dial Press publishers. They wrote a long letter; they promised to put up five thousand dollars. Then once again, at the very last moment, they wouldn't let me out.

So then I decided to get out at any price. I got ready to try and swim out under water. Of course, it's very difficult. There's tremendous guard on the frontier everywhere. I took a lot of chances and I was very scared. I trained myself to do this. I trained myself to swim under water. I can now, for example, swim for fifteen hours under water because what I had to do was swim under the water and do it in one night and only if it were bad weather. I just got a letter from another Russian who actually did manage to do it by swimming. He got out to Turkey in the end. There he met up with a Soviet frontier guard who had also got out to Turkey.

And the frontier guard explained to him it was only a miracle that he had got out at all. Lots of people try but they all get caught. The Russian authorities don't only have radar equipment on the surface which are good enough even to detect a child's ball floating on the surface, but they also have hydro-radar locators underneath the water. And they would have caught me. They would have detected me.

Safer. So you decided against trying to swim out and you made one more attempt to come out legally.

Kuznetsov. I made my last, my third effort to get out legally so that I would—I decided to try to fit in with what the Secret Police wanted. I knew that if they didn't let me out that time, then I knew I would never get out. Well, I succeeded, but at a very considerable price.

Safer. What was that price?

Kuznetsov. As I said, I had to demonstrate in some way my loyalty; not only my loyalty but my anxiety, my willingness to work with the Secret Police. They persecuted me for eight years. They demanded that I should inform upon my friends who were writers—Yevtushenko, Aksyonov, these are all my friends. I refused. So then they developed a great dossier on me. They got people to attach themselves to me, pretending to be friends. They got women to try to become my mistresses. A lot of these people told me what was happening and warned me about it. My telephone was bugged; my letters were opened. I think there were microphones in my room. They knew absolutely everything about me. I had two copies of the magazine *Amerika* and suddenly some completely unknown person rang me up and said, "Why on earth do you keep those foreign magazines in your home? It's already written down in your dossier."

So then in desperation I decided to show them that I had changed my ways, that I would improve, would behave differently. "What you have to do," I said to myself, "is to just pretend to yourself that this is the Gestapo. I must escape from the concentration camp. What do they want in order that they should believe me? That I should inform on my own friends. That will be fine. Let them have their informer."

I composed what was probably the most striking, the most—the finest piece of writing in my life. I said that these writers like Yevtushenko, Aksyonov and a group of others, right down to some actors in the comedy theater, were getting ready to produce and publish a frightful underground magazine. That they've got an underground print shop. That they're gathering manuscripts together and money for the job. Oh, how the Secret Police were pleased with this. It was a pure fiction. I even thought I might put in that they were actually planning to blow up the Kremlin, but then I thought that they'd see through that. But it didn't matter. They have no sense of humor. They took it all seriously.

Safer. Then what did you do?

Kuznetsov. I decided to write a really persuasive application. There's a terrific campaign there going on at the moment preparing for the hundredth anniversary of Lenin's birth. If you want to do something in this connection, then everything is possible. I said I wanted to write a novel about Lenin and how he created the Communist party in London and I would just have to go and visit all the places where he'd been in London.

Safer. You created a kind of phony project in a way?

Kuznetsov. Yes. And I made it a very detailed plan, too. So then they started to work with me and said that they'd let me go to England and that maybe they would give me some secret task to perform, secret mission. That just before I left from—left Russia I should telephone and I would probably get my secret instructions. You know, I took a chance and I didn't bother to ring up.

Safer. Anatoly, do you feel any guilt about what you wrote and reported about Yevtushenko and the others?

Kuznetsov. Of course, I do. It's by no means excluded that they may have had difficulties. I wrote about it immediately, as soon as I was here, in *The Daily Telegraph*, so that the KGB over there should know what I'd done.

Safer. That it was a false project?

Kuznetsov. Yes, of course. But it's such an ordinary everyday thing with them that this isn't going to surprise anybody.

Safer. Yet you know that Yevtushenko was once greatly admired in the West, and many of his poems were against the Soviet system.

Kuznetsov. Yes, of course.

Safer. So, perhaps there were some grains of truth in what you reported to the KGB?

Kuznetsov. No, of course not. He has no plans to start an underground print shop.

Safer. So there you are, on a plane, with your shadow, and you arrive in London. Then what do you do?

Kuznetsov. Well, we found a room in a hotel which was booked for us by the Soviet Embassy. All the people who are very close to the Embassy. I don't have the right to choose a hotel myself.

Safer. Then you have a plan?

Kuznetsov. We always, when we come on these trips, have several sheets of paper containing the program of what we are to do and a copy of this remains behind in Russia.

Safer. What I meant was a plan to evade the authorities.

Kuznetsov. Well, that's a different question, of course.

Safer. Tell me about that.

Kuznetsov. My first problem was to get a few hours of freedom when my agent, my watchdog, wasn't with me. I didn't manage to get that for four days. He never took his eyes off me.

Safer. You must have been a desperate man.

Kuznetsov. No, no, no. I studied him pretty carefully. I knew his weaknesses.

Safer. What were they?

Kuznetsov. We went walking around London and he, like any young man, he was simply amazed at the beautiful women, the pretty girls, the short skirts, the miniskirts. I noticed the effect this had on him and I worked on him with a view to suggest that he should visit the strip tease shows. You had to become a member and he wrote himself in as a Yugoslav citizen. In Russia we are strictly forbidden to visit anything like strip tease or get mixed up with women. We have to sign a paper saying that we shan't do this. And this way both of us, both I and my watchdog, became criminals. So this introduced a certain amount of confidence between the two of us. We agreed with each other not to tell on each other. And when he told me in the evening that he absolutely had to meet certain people, that I should have to sit in the hotel, then I said, "Much better if I were to go and have a look at another strip tease and if it looks all right then we can both go along there another time." He hesitated for a moment and then he agreed. And I said if I don't come back for rather a long time he shouldn't worry. And he went off while I went off to a telephone kiosk, a telephone booth. I telephoned *The Daily Telegraph*. Tried to get in touch with David Floyd, who speaks Russian. I managed to get hold of him and we met.

Safer. What did you say to him?

Kuznetsov. I told him that I wanted to stay in London, asked him to help me because I didn't know English. That I wanted to hide away from my watchdog, my KGB man. This was a very dangerous step to take. They've got their agents all over the place, all over the world. They used to tell me with a smile that they had agents in all parts of the world, in the most incredible places. Places you just couldn't imagine. They suggested that I might perhaps go to a police chief and this police chief might in fact be a Soviet agent. This was just theoretically. So I looked for somebody in whom I could be—of whom I could be quite certain. He quickly understood what was the matter and he helped me and I shall be grateful to him for the rest of my life.

Safer. You know that some Western writers, the American novelist William Styron, have described what you have done as despicable, both in informing and, in fact, in leaving the Soviet Union.

Kuznetsov. If Mr. Styron thinks that way, well, I'm happy to offer him my flat in Tula. Let him go and try it. They still don't understand just what the Soviet Union is. If Thomas Mann, or Berthold Brecht had been faced with the dilemma of leaving Germany or living under Hitler what would they have said then? They left Germany, after all. If they had had to save themselves at any price to get away from the Gestapo . . . In any case, this is a question which I myself can't decide. I ask myself, after all, what would people say if they learned, say, that, well, Dostoevski, say, had written and informed, even falsely, but had informed on his friends. I don't know what to answer. I can only say that neither Dostoevski nor Tolstoy nor Turgenev, none of them lived in Soviet Russia.

Safer. Yet Daniel, Sinyavski, Pasternak did live in the Soviet Union.

Kuznetsov. So you would be advising a Russian writer simply because he's Russian to live in a concentration camp? I have a small hope that not living in a concentration camp I may be able to say more. I don't know.

Safer. What were your feelings as a Soviet writer during the trials of Daniel and Sinyavsky?

Kuznetsov. Horror.

Safer. Did you want to speak out for them?

Kuznetsov. I didn't have the courage to do that.

Safer. And where would you be today if you had spoken out?

Kuznetsov. If I'd done it really actively I should be alongside them now. Or they would certainly not have published me, or I should't have been able to come out of the country.

Safer. The Soviet authorities said you left for the most tawdry of reasons, that you left a mistress pregnant behind.

Kuznetsov. Well, I learned about this from the Soviet press. I don't yet know what they're talking about. It was Boris Polevoi who wrote about this and apparently he knows more about this woman than I do.

Safer. You know, Anatoly, human nature is a very funny thing. No one really likes a turncoat. How do you feel about that?

Kuznetsov. So what do I have to do? Am I condemned to remain always a coward, a conformist? What can I do? I was born in Russia. I was born in Russia, I lived there forty years and I know no other life. The moment came when I could no longer live that way. What do you advise me to do? Commit suicide? I though about that.

Announcer. "The Ordeal of Anatoly Kuznetsov" will continue in a moment.

(Announcement.)

Announcer. Here again is Anatoly Kuznetsov with CBS News Correspondent Morley Safer.

Safer. You know, Anatoly, at the very beginning a great many people, people outside the Soviet Union, had great hopes for communism. What went wrong?

Kuznetsov. Communist doctrine, Communist teaching is very attractive. And it grew out of good convictions and beliefs. But life, it appears, is a good deal more complex than it appeared to the founders of communism and we see ancient history being repeated again. The road to hell is paved with good intentions. Thanks to communism that road has become many miles longer. I only have to mention the name Stalin and you're bound to agree with me. If that's possible, if it's possible to have millions of victims completely senselessly, that means that the idea itself is no good.

Safer. But how is it that the Russian people, with their great sense of nationality, great sense of being Russian, how on earth were they so easily cowed?

Kuznetsov. Oh, there is in Russia a long, long tradition of tyranny. You see, if you were born in a concentration camp, and your parents were born in a concentration camp, and your grandparents were born in a concentration camp, you see you no longer imagine any other life. First of all, the Czars oppressed Russia. Then came communism. There was that little short period, that intermission in 1917 between February and October that was so small that you can really write it off.

Safer. There was another brief intermission, a tiny crack of light created by Khrushchev, a few years ago. What went wrong there?

Kuznetsov. No, no. That was only just a nuance, just a shade. I personally didn't take that seriously. That was really just within that same concentration camp. You just make slightly more human conditions. You're banned from writing letters and receiving parcels, say. And then, for a time, you're allowed to write letters and allowed to receive parcels. You see, some people took it all seriously and thought very soon that the doors were really going to open. No, no, no, the Soviet regime cannot possibly open the doors properly.

It seems to me at the moment when I think about it it's like some nightmare, some frightful dream. It's like—life is like some constant unbroken theatrical production. You never say out loud what you really think, but what you ought to say. There are, of course, some people who do say what they think. But these are just people, not very bright people, who are just using set phrases of official propaganda. But a thinking man finds it very hard there. And it's a terrible system of universal informing, universal following. You cannot trust a single person there. It's quite possible for a son to inform on his father, or a wife on her husband. Not to mention what friends can do to friends.

Safer. What gave you the idea or the sense that it might be any different in the West?

Kuznetsov. They isolate us all from foreigners, but we read books. And, sometimes, we're able to travel abroad. In order to know a little bit more about the world I especially learned Polish. You can buy Polish newspapers in Moscow and they tell you more about the world than Russian newspapers do, Then, after all, once I was actually in Paris—nine years ago. But then I also became a criminal. I got away from my group once in Montmartre and got to know an artist who was painting modern pictures. I asked him whether he was allowed to paint pictures like that. He just laughed. I went home with him. He showed me his pictures, said he'd won some prizes for them. I said, "This is just fantastic, this is tremendous happiness." He took me to the window. He lived up in an attic right at the top. He said, "Look, it's all right here. Why the hell do you want to go back to Russia? Why don't you stay here with me? I'll paint what I like and you can write what you like. And a glass of milk—we'll have enough for a glass of milk."

Safer. Why didn't you do it then?

Kuznetsov. It's very frightful for a person who's born in a concentration camp. It's too sudden. I'd left my wife, whom I loved, in Russia and my son, a son who was only just born then. I listened to it as if it were like a fairy tale, something fantastic. You see?

Safer. Did you brood on that when you got back to Russia?

Kuznetsov. All thinking people in Russia think about this and brood on it. You see, it's very difficult. We Russians are very fond of our country. Every single emigrant is really suffering from a sort of nostalgia. Then, of course, it's especially frightful for a writer to cut himself off from his people.

Safer. Yet as a writer in the Soviet Union, you were a member of a very select group of people. What I'm really trying to get at is when you were sitting around in Russia with other writers, thinking men, intellectual people, what on earth did you talk about?

Kuznetsov. Mostly we complain. It's just one long complaint. One of them says he's written a novel, and so they won't publish it. Or else they publish it in such a frightful form that he's simply desperate.

Safer. Isn't that dangerous though?

Kuznetsov. Yes, that's dangerous.

Safer. Well, just where do you draw the line in these conversations? Can you really ever trust each other?

Kuznetsov. A hundred percent you can't trust anybody. You have to carry on your conversation like this: you say, this is very bad and this is bad and this is bad, but these are all mistakes. But altogether we are Communists. We just think that there are little small mistakes committed in Russia.

Safer. Anatoly, I've read everything you've written and one word keeps coming up in almost every article, the word "cynicism." Could you expand on that?

Kuznetsov. I am at this moment a very fortunate person. I am for the first time in my life saying what I really think. Many, many people in Russia think exactly the same as I do. I'm responsible for my words. I know what I'm saying. Insofar as we have to live in that theatre, every single person has a sort of collection of phrases which he speaks and says officially, publicly. And a corresponding collection of actions. For a normal human being it is extremely difficult to lead such a double life.

Safer. What are the rewards for that cynicism?

Kuznetsov. Well, of course, he gets the possibility of living more richly than others, of being better off than others. He can buy commodities in special shops. He will be allowed to travel and travel abroad. He may receive decorations, official state medals, state prizes.

Safer. Do you or your colleagues place any real value on these awards?

Kuznetsov. No. On the whole we're pretty cool towards the sort of rewards you get. My novel, "Babi Yar," was put forward for a state prize. Used to be called Stalin Prizes. But when this was reported in the newspapers a lot of very decent people began to change their attitude towards me for the worse. Fortunately for me, I didn't get the prize.

Safer. The Soviet authorities were very unhappy with your novel, "Babi Yar." Now I know that book and it's a simple account of how the Nazis slaughtered hundreds of thousands of Jews and Ukranians in the Ukraine. What on earth did they object to in that?

Kuznetsov. There were three main objections to the book. In the first place, there is a great deal of anti-Semitism in the Soviet Union and "Babi Yar" is primarily concerned with the murder of Jews. The Soviet officials prefer not to talk about this.

Then, my novel went rather further than this. It begins with talking about the beginning of the war and inquiring why there was such a terrible defeat at that time. You see, the truth of the matter is that a great many Soviet citizens, and especially Ukranians, waited for Hitler as a liberator. Then it turned out that the Germans were offering them the same kind of terrorist regime as Stalin. So the people found themselves between two fires, between the hammer and the anvil. The ordinary citizen preferred his own Russian form of terror.

And the third objection on the part of the censor was purely literary quality. My literary methods. They considered that they knew better than I how I should write. Consequently, they did such an enormous number of cuts and changes that the novel in fact was turned upside down. And all my novels have been treated in the same way. So I'm always faced with a dilemma of printing at least something or publishing nothing at all. But in the end, it became so objectionable to me, what they're going to print, that I simply reject the whole of it.

Safer. In coming out you didn't really come out alone. You came out with everything you'd ever written out. How did you achieve this?

Kuznetsov. I'm a bit of an amateur photographer and I took pictures. All my manuscripts, I took—put them onto film. I'll show you some of them. I've got them here. That's roughly—that's the sort of thing, just ordinary film. I managed to get six sheets, typing sheets, onto each exposure. If you brought it all out as actual manuscript, well, it would make something like five or six cases. I squeezed it, wound it up really tight and it didn't take up much more room than that cigarette pack. I hid it inside my jacket. That really was the whole of my possessions, the whole of my property with which I came out of Russia. That there is the whole of my life. These are my real books. Not the ones as they're known to the reader.

Safer. You've left your homeland. As restricted as it was, it was your home. Do you think you'll be able to find the things you are searching for in the West or will you always be known as Kuznetsov, the man who left?

Kuznetsov. Of course, I'm making an absolutely desperate effort to turn myself into another person. I don't like it when people call me Kuznetsov. This is a compromised name. Only the future will show whether I can be a real artist and writer and a person.

Safer. We in the West have all sorts of problems—Vietnam and other things that are tearing our society apart. Have you ever thought about any of these things?

Kuznetsov. Yes, of course. I consider that the war continues in Vietnam only because of the Soviet Union. As for America, there are a lot of thinking people in Russia who think the same as I do, but rather less as far as Vietnam is concerned.

Safer. As a thinking man in the Soviet Union, did you regard the United States as a threat to peace, as a threat to yourself?

Kuznetsov. I've been living too short a time in the West and have too little information. I have no knowledge at all of America.

I very much want to go there. But now and for a long time my personal opinion is that the real aggressor in the modern world is the Soviet Union. They don't conceal their aims. They say that communism's spread over the whole world. But the—after all, the Western world, including America, defends itself.

Safer. You know, even here in the West one of the great conflicts at the moment for writers is a writer's commitment, a writer's involvement in politics. Do you feel that even here you must engage yourself?

Kuznetsov. Oh, God! How I am tired of all that! I don't want to have anything to do with politics. You put to me political questions, but my answers are the answers of a dilettante. I really like writing. Writing literature. There I got to the point where I felt I couldn't live there any more. I couldn't do it there. So I'm going to try to do it here. That's all I'm hoping for.

Safer. You called Russia a concentration camp, yet you've left your own family back in that concentration camp. Do you fear for them?

Kuznetsov. Very much indeed.

Safer. And do you think the Soviet authorities will make them pay for your crime?

Kuznetsov. I have no doubt about that.

Safer. And so you feel some guilt over that too?

Kuznetsov. Yes, yes.

Safer. Even here in the West you're living under strain, under great tension.

Kuznetsov. Yes.

Safer. How long can a man go on living like that?

Kuznetsov. I don't know.

DAUGHTERS OF PENELOPE—1929–69

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BURTON of California. Mr. Speaker, on November 16 the Daughters of Penelope will celebrate the 40th anniversary of their founding in the city of San Francisco in 1929.

The Daughters of Penelope have, over the years, served humanitarian ideals, preserved their rich heritage of Hellas and enriched our society by their presence and their efforts.

I became aware of this most worthwhile organization through a charming lady, Mrs. Alexandra Apostolides Sonenfeld, who, with the help of the late Dr. Emanuel Apostolides, founded the Daughters of Penelope. This first chapter is now one of over 300 worldwide and bears the designation of "Mother Chapter."

Mrs. Sonenfeld was kind enough to send me the remarks which she, as first grand president, has prepared to note this anniversary. After reading them, I wanted to share the eloquent and thoughtful statement of this fine lady with you.

I am sure my colleagues join with me in extending to the Daughters of Penelope our most heartfelt congratulations on this their 40th anniversary and to wish them ever continued success.

Mr. Speaker, I am placing in the Record at this time the text of Mrs. Sonenfeld's remarks:

To Commemorate the 40th Anniversary of the Founding of the Daughters of Penelope: 1929–69

You may be humbly proud of your accomplishments of the past 40 years, because, from a single chapter in San Francisco, California, where the Daughters of Penelope was founded in 1929, you have, at this time, more than 300 chapters, not only in the United States, but also in many parts of the world; and, what is most gratifying a chapter in Athens, Greece.

Your many humanitarian projects have always been for the betterment of others, especially in the fields of scholarships for young people and for young girls to attend the institutions of higher learning. You have given inestimable help, also, to the Greek churches and schools, wherever such are established for the furtherance of the Hellenic ideals (which underly the very basis of American ideals). Your principal aim has always been for the purpose of keeping in mind the greatness of the American educational system which afford the highest standards in the world. Accompanying your specific programs of this nature, you are also co-operating in every way possible in civic, state, and national projects of cultural benefit to all.

For all these things of human endeavor on your part, you have the respect and admiration of all, especially mine.

In previous anniversaries it has been customary to dedicate the occasion to some aspect of American or Hellenic culture; but today, November 16, 1969, it may not be unfitting to dedicate our 40th anniversary of the Daughters of Penelope wholly to America: the America of immigrants, and especially of those like myself, who have been here for 50 years or more, and who have been privileged to avail themselves of the many gifts of America—gifts of a better life, not only for ourselves, but also for our children who have been so fortunate to be born in such a humanitarian country as America.

What have the immigrants observed in the past half century? First of all, we have been awed by this country's bounty and welcome. With time, we came to know its unsung but real worth, and to realize that it has been a very unique nation, for the following reasons:

(1) It is the first nation in recorded history to struggle to liberate freedom from its many forms of past oppression: freedom from ignorance, from hunger, from disease, and from tyranny.

(2) It is the first nation in the world that has contributed (and is still contributing) more to needy peoples in every way humanly possible, to rehabilitate themselves economically and spiritually. It has contributed to their efforts to assert themselves as dignified human beings who are entitled to the basic human rights, but who are in great need of help to become strong enough to attain those rights.

Nothing brings this more clearly to our minds than a communication we received from the Honorable Phillip Burton, Member of the House of Representatives (5th District of California), who was kind enough to solicit information from the State Department for us pertaining to the number of countries to which the United States offers material aid. The following notation shows that in the past 20 years, from April 3, 1948, through June 30, 1968, the United States has given "economic assistance" to 67 countries, and other forms of aid in loans and scientific assistance to more than 107 nations of the world. (For such information, the Daughters of Penelope remain ineffably grateful).

The immigrants have observed that the United States has become the beacon-light to all needing help in the world, giving of its resources to revitalize many parts of this troubled earth that incessant wars throughout history have almost destroyed beyond human recognition, as far as human dignity is concerned.

We have witnessed this because America looks upon human beings as worthy of her care, and not as slaves of a deplorable environment which has been brought about by those who have never cared enough.

It is the first time in history, too, that an entire nation has shown such deep concern for human welfare, enough to try to do something to benefit it as a whole. It is the first time in history that a nation is applying the philosophy of Socrates—the profound assertion that "an unexamined life is not worth living". America is examining the lives, not only of its own people, but also the peoples of the whole world, to help them in the honest examination of their lives and to make them better. The lives of those who seek refuge from cruelty, inequity, and injustice are of special concern.

But what we have observed, most of all, in America, is that this country has been the greatest exponent and exemplar of the greatest contribution of ancient Greece to civilization: namely, the "assertion of the individual's life and place in society . . . its awakening with human reason by the eternal questioning of the great verities of life and the world," and the fact that "true freedom lies in the application of reason to human affairs." Freedom does not mean licence. Freedom must be earned. It is "recognition and acceptance of life's responsibilities." Freedom means a "free form of government, popular assembly, a common council held for the common good" and not for the specific benefit of any particular group.

It was for the sake of maintaining these human rights and freedom "to think things through with the full freedom of an unbiased mind" that Socrates died.

It for the purpose of maintaining and insisting upon this sort of freedom that America lives, to carry on the contributions to civilization of the ancient Greek mind.

We have observed that America is bringing about this humanitarian state of affairs by a very simple method: by examining the mistakes of the past—including her own short historic past—and determining not to repeat those mistakes that debase human dignity. By being the greatest contributor to the United Nations Organization in its efforts to wipe out the disasters of fumbling, groping peoples of the past, their wars, and discrimination against people because of race, color, or creed. By "putting aside all the evils of the past" and exhorting the nations of the world who seek freedom from oppression to join America in mutual efforts of benevolence and humanity, leading to a future non-violent world, when the rights of all are duly respected.

Finally, we immigrants have observed that America is trying to prove that peoples of the world need never again be slaves of bad governments, but willing builders of good governments, for the benefit of all humanity.

We may well ask ourselves, in considering all that this fantastic America is doing for the sake of the life of true freedom, What are *we* contributing? How can *we* further such a magnanimous and unselfish program for a better way of life for all?

Maybe the best thing for us—any of us, all of us—is to remind ourselves often of the ideals of Greece—especially, that part which states, "with wisdom and knowledge, people *can* govern themselves." By doing work such as you, Daughters of Penelope, are doing, totally unselfish and altruistic. By reminding ourselves often of the ceaseless vigilance of America, so aptly and so wisely expressed by Daniel Webster, at the laying of the corner-stone of the Bunker Hill Monument, in Charlestown, Mass., on June 17, 1825. Those words are inscribed on a marble plaque, on the wall in the House of Representatives, United States Congress, above and just back to the Speaker's chair.

"Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we, also, in our day and generation, may not perform something worthy to be remembered".

Cannot we, too, in our own small but grateful manner, remember these things that two such noble and great peoples have given to the world, as a token or *our debt* to them? Can we do less?

THE AGE OF AQUARIUS? NOT ENTIRELY

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. ZION. Mr. Speaker, the "under 30" generation, however well motivated, does not hold a monopoly on compassion and concern for the future of our Nation. The hard-hitting new editor of the Evansville Press, Mike Grehl, reminds us that the "over 40's" have some understanding of "'what's happening," too. Tempered by the trials of a depression and two other wars, the "now" generation's elders just may have their own contribution to make.

Mr. Grehl's fine editorial follows:

THE AGE OF AQUARIUS? NOT ENTIRELY

(By Michael Grehl)

The Take Charge Generation is not in its teens but in its 40s. That's a fact, not an argument. Debate over the generation gap has obscured it.

The present generation of men and women in their 40s is looking to the future, and is not about to surrender that future to anybody else however loud the demands may be. Tempered and schooled by the past, it is moving faster than many think or admit to take over the board rooms, the city halls and the union halls.

Members of the generation don't like being lumped in with everyone over 30 any more than the teenagers do. They think they still deserve a chance to make a better world as they see it. They are convinced they have some answers and the right to offer them. And the power.

People now in their 40s didn't sell apples or get pink slips in their final paychecks. But they do remember that allowances were mighty thin and irregular and they remember whispered conversations between their parents when they thought no one was around. They remember long periods when the man of the house was around the house all day and not because he wanted to be. They remember asking for a job before asking what it paid and how generous is your pension.

All this was a normal part of growing up. They are not asking favors because of it and they don't want to inflict anything similar on their kids.

They learned some things in those years and the experiences are part of their thinking now. They're not hitched to the past; in fact they want an entirely different future.

They don't like the war in Vietnam any better than anybody else, but they remember a war for survival that they fought. No amount of debate can convince them that one was unjust or imperialistic. Coming from World War II through Korea to Vietnam—and all the self-examination that implies—they have probably done more questioning and changing that any other age group.

They went to college if they could because that was a way to make a better life not only for themselves but for the kids they expected to provide for. Along the way they encountered a lot of the same issues today's students think they invented. They debated them and worried about them, too. Now they are doing something about them and have been for years.

At a time when they were pretty far down on the economic ladder they moved for change knowing they would have to pay the bills. At the same time they see nothing immoral about a buck in the bank and something put aside for a color TV.

Right or wrong, they decided to change the system from inside, after they mastered it. They are convinced hard work and learning can pay off. They want to use the system, not destroy it; they want to see the plans before they turn loose the bulldozer.

To them there is nothing wrong with gadgets or devices to make work easier or life better. They don't see anything sinister in all-electric kitchens. They were not born with automatic transmissions, frozen orange juice or civil rights laws so achieving them represents a step forward. So does producing them.

Now they can afford mortgages they can't afford and stereo and time for protesting their taxes and they regard these as justification for the system, not indictments.

They are foremen, department heads, assistants, vice-presidents on the way up and are glad of it. And looking at improvement, not retirement. They are convinced they have more expertise, enterprise and drive than those ahead of them and more experience, maturity and tolerance than those behind them. The status quo upsets them too. In fact, they may be more impatient for change than anybody around. Also better equipped to get the job done.

UNIVERSITY OF TEXAS COLLEGE OF PHARMACY LEADS THE NATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. PICKLE. Mr. Speaker, with what I hope you will pardon as justifiable pride, I would direct my colleague's attention to the latest record setting accomplishment by the University of Texas; namely, the college of pharmacy was the leader among colleges of pharmacy in the number of bachelor of science degrees granted during the year ending June 30, 1969. I know from talking with graduates and with the staff that this is not merely a record in numbers—it is a record in quality as well.

In a report published by the American Association of Colleges of Pharmacy, UT Austin's 141 bachelor's degrees topped those granted by the other 78 colleges and universities which are members of the association.

The University of Wisconsin and the University of Georgia colleges of pharmacy share the No. 2 spot with 128 bachelor's degrees granted during the specified time.

With an additional 24 master's and 17 doctoral degrees, Wisconsin had the greatest total number of degrees granted—169.

UT Austin, in addition to its 141 bachelor's degrees, conferred seven master's and three doctorates for a total of 151 degrees in pharmacy. Thus Texas was second to Wisconsin in the total number of degrees granted in pharmacy.

Wisconsin and UT Austin were followed by the University of Georgia in the total number of pharmacy degrees conferred with seven master's and one doctorate, for a total of 136 degrees including bachelor's.

Dr. Joseph B. Sprowls, dean of the UT Austin College of Pharmacy said:

> Even though we do have the largest number of graduates in the U.S. we do not feel we are fulfilling the demand for more pharmacists.

Dr. Sprowls said the college is at its peak enrollment—623—now and will not be able to increase enrollment until its facilities have been expanded.

IN FREEDOM'S NAME

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. COLLIER. Mr. Speaker, the following item by Wallace R. Wirths of Sussex, N.J., which appeared in the Wall Street Journal of October 22, should interest all who are concerned about the abuse of certain fundamental freedom. I am offering this editorial for the RECORD:

It's an unfortunate fact of life that while we have little difficulty interpreting history we often fail utterly to comprehend the significance of current events. I believe this is particularly true of the rapid transition in this country from acceptance of rule by elected representatives to rule by the mob.

Almost daily we see new evidence of assorted groups attempting to gain their objectives or thwart the desire of the majority by taking to the streets. These mobs are invading every facet of our daily lives except our homes (thus far). They are seizing schools and universities, churches, government agencies, Selective Service offices, businesses, courts and state legislatures. They are burning, bombing, looting and shooting. They are armed with helmets, gas masks, gasoline bombs, guns, clubs, chains and rocks. They are injuring, maiming and killing our law enforcement officers. In short, they are substituting anarchy, violence and disorder for order and constitutional government. And they are doing this in most instances with impunity.

There is nothing new or unusual in this pattern. History books are filled with examples of where the very same symptoms preceded the fall of constitutional governments during the centuries. What makes this particular situation so ironic is that we are permitting the destruction of our democratic institutions with the excuse that it would be undemocratic to do anything to stop it.

In the name of "freedom of speech" we permit our officials to be slandered, vilified and cursed; we permit depravity and filth to be printed, acted and broadcast. In the name of "freedom of the press" we permit the dissemination of material aimed at the overthrow of our Government. In the name of "freedom of assembly" we permit gangs of degenerates to roam the streets cursing, burning, beating and destroying. In the name of "academic freedom" we permit individuals who are dedicated to the overthrow of our nation to teach our children.

All this we have done in the name of freedom and in so doing we have all but destroyed the freedom of the majority. We have taken away the freedom of our people to walk the streets unharmed, to pray in their churches unmolested, to attend school or college without interruption, to enjoy entertainment without being offended, to conduct their courts, their legislatures and their official business without obstruction—all this we have done in the name of democracy.

And when the final vestiges of our democracy have vanished, will we look back and exclaim, "It was all worthwhile, we lost our freedom in support of a worthy principle"?

REV. H. W. LINN, S.J., A DEVOTED PRIEST AND EDUCATOR

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. CUNNINGHAM. Mr. Speaker, the Reverend H. W. Linn, S.J., president of Creighton University, died early Saturday in Omaha.

Father Linn's passing is not only a great personal loss, but takes from Omaha and Creighton the man who has often been described as the savior of the university.

It was through Father Linn's efforts over a 31-year period that Creighton—one of 28 Jesuit colleges and universities in the United States—achieved its greatest heights in the field of education. It is widely known through its distinguished alumni in the fields of medicine, dentistry, the law, and education.

When he became president of Creighton in 1962, he had already logged more than 800,000 miles visiting its graduates and seeking donations.

Mr. Speaker, Father Linn overcame many obstacles to serve his Maker and his university—Creighton. Hardships were common to him as outlined in the following article from the Omaha World-Herald. May he rest in peace:

HARDSHIPS COMMON TO LINN

The Rev. H. W. Linn, S.J., a man whose personal accomplishments as a youth compared favorably with the achievements he would record as a college president, nearly died in a 1952 auto accident near Kilgore, Neb., while on a fund-raising trip.

He suffered 27 rib fractures, although the body has only 24 ribs. A vertebra was fractured and his life hung in the balance for part of the month he was hospitalized.

Associates believed that he was in constant pain since that time. Father Linn rarely discussed his condition except in facetious remarks about his rib cage.

But his friends and associates at Crieghton University were aware of Father Linn's frequent hospital stays. Sudden respiratory ailments caused some of them.

THIRD-DEGREE BURNS

A second severe accident hit Father Linn during a 1967 train ride from Chicago to Omaha, when he received third-degree burns on his left arm. He was ready to go to bed in a roomette when somehow he was thrown against steam pipes and pinned there for 2½ hours. The compartment door was locked and he was unable to attract rescuers.

Father Linn died Saturday at the age of 65.

Christened Henry, he preferred to be called Harry by close friends. After his promotion to president, the university usually referred to him as "H.W." in official statements.

"We were very, very poor," Father Linn said about his childhood in a German-American family in St. Louis, Mo.

His father was a low-income bookbinder who became a tubercular invalid and died when the future priest was 19.

Henry started working in the sixth grade and dropped out of school after one month as a high school sophomore. He arose at 3 a.m. to sort vegetables, had jobs later as a delivery boy for a drugstore and a hat cleaning establishment.

FACTORY WORKER

When a brother and sister also were invalided with rheumatic fever, Henry Linn quit school to become a printer, then worked three years in a factory making tires and inner tubes.

This involved so much pulling work that his right shoulder muscles became much stronger than the muscles on his left side.

Henry Linn, who never obtained a high school diploma, took four years of tutoring in Latin and Greek while working to support his family. He also helped a sister buy a house for the family.

Because of his excellence in Latin and Greek, he was admitted to the Florissant, Mo., Jesuit Seminary, on a scholarship despite having only a ninth grade formal education.

The seminary course was 13 years and he was ordained at age 32. Except for two years of teaching classical languages at a Milford, Ohio, seminary, Father Linn's entire professional career was spent at Creighton.

Father Linn was rector, or director of spiritual activities, for the Jesuit community until last January. As rector he was addressed as "the very reverend." Succeeding him as rector was the Very Rev. Robert J. Shanahan, S.J.

WEAK HEART

"He had a bad heart and he knew it," Dr. Ross Horning, associate professor of history and former chairman of the University Faculty Committee and former member of the executive committee, said Saturday.

"But he never let up on himself, realizing that being a university president is an arduous task. He was deeply conscious of human relations, of the problem of bringing faculty and students into good communication."

"He was sensitive and always receptive to the legitimate aspirations of faculty and students," Dr. Horning continued. "He wanted to preserve the best of the past in American education for the future. He was never rigid in his views."

Any student or faculty member could walk into Father Linn's office at almost any time, it was said. He read mystery stories for relaxation, smoked six or seven Italian cigars a day, and took almost no time off from his job.

Father Shanahan, Father Linn's spiritual superior, said: "He was quite sensitive, a good listener, alert educationally.

"I don't doubt that his poverty-stricken youth and his many jobs gave him great empathy with the poor and the struggling."

C.U. "HIS LIFE"

Creighton University "was Father Linn's whole life in his more than 30 years here," said the Rev. Carl M. Reinert, S.J., Father Linn's predecessor as president.

The school's Greater Creighton Development Program, started in 1956, has resulted in 11 new buildings at a cost of $45 million.

Father Linn played a major role from the start, working as a team with Father Reinert. Since Father Linn's elevation to the presidency, the school has added six buildings and made a total expenditure of $26.6 million.

This includes $5 million for research. The faculty was increased from 528 to 667 with a $2 million increase in salaries. The student body has increased 11 per cent to 4,180. The school has added courses leading to 12 more degrees.

Creighton became a lay-controlled Catholic university in October 1968, after 89 years under the sole control of the Jesuits.

The 21-member board of directors has eight Jesuits. Only three of the 13 laymen are Catholics.

"The university has grown so much in recent years that we need the expertise of outside help," Father Linn said at the time of the change.

Creighton was the second of the nation's 28 Jesuit universities to shift control to a lay-dominated group. The new board has total control of operations and decides all major financial questions and policy matters.

TECHNOLOGY ASSESSMENT

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DADDARIO. Mr. Speaker, the Subcommittee on Science, Research, and Development has made substantial progress in its study of a technology assessment capability for the Congress. By this we mean improved information and analytical inputs to the legislative process so that our management decisions can insure the realization of full benefits from our knowledge and minimize the unwanted, unintended, and unanticipated consequences of applied science.

Since 1966, we have originated staff studies, held hearings, participated in formal and informal professional society meetings, and consulted with our research management advisory panel. Special studies were commissioned from the Legislative Reference Service and the National Academies of Sciences and Engineering; these have now been completed.

The time has come to establish on operating assessment organization for the Congress. There is ample discussion and justification for such action in the records of our subcommittee. But even more important are the many instances in other legislative activities which show concern for the optimum management of the forces and resources at our disposal. In both the House and the Senate, the need for independent objective evaluation of the impacts—both positive and negative—of technology on the natural and social environments is demonstrated daily. Whether our terminology; that is, "technology assessment," is used or some similar phrase, the theme is clear—new and better services are required.

The Subcommittee on Science, Research, and Development, which I chair, will hold hearings to develop organizational specifics beginning November 18. It is expected that some form of institutionalization of technology assessment will evolve from such open discussions. In addition, we expect to receive testimony on suggestions already made to us through the special reports mentioned, on legal problems involved in the technology assessment process, and on some of the areas in immediate need of technology assessment. We have now identified an assessment procedure which has these elements:

First. Setting of priorities among the many current problems of technology, society, environment to take full advantage of existing technology.

Second. Continual alert for early signs of unforeseen consequences or opportunities.

Third. Selection of specific assessments to be made.

Fourth. Contracting with appropriate groups for performance of assessments.

Fifth. Coordination with executive branch assessment efforts.

Sixth. Public—joint congressional—hearings to receive the results of assessments and to provide a forum for commentary by witnesses.

Seventh. Staff analysis of assessment results and public hearings.

Eighth. Further study and hearings to resolve controversies.

Ninth. Referral of findings to the appropriate standing committees of the Congress for action.

Hopefully, the hearings will produce a recommendation for legislative action to establish a congressional format and staff service to carry out these steps—as well as possible corresponding mechanisms for the executive branch.

OTTAWA WILL REDUCE USE OF DDT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. OBEY. Mr. Speaker, I was delighted to learn today that Canada has joined a growing list of nations, individual States in our country, and Provinces in her own, which have recognized the hazards of DDT and acted to curb the abuse to our environment and human life brought about by its use.

According to reports in this morning's New York Times, Canada is significantly reducing the number of plants on which DDT can be used, and in addition, is reducing the tolerance levels in various foods.

Mr. Speaker, as a number of Members of the House wrote to the President yesterday, the potential dangers from the continued use of DDT to both man and animal are clearly menacing. This Nation ought to follow the fine lead of our northern neighbor regarding DDT.

Instead of using DDT until we prove that it is dangerous, we ought to institute a moratorium on its use until it is proven safe.

The New York Times article follows:

OTTAWA WILL REDUCE USE OF DDT BY 90 PERCENT NEXT YEAR

OTTAWA, November 3.—Canada announced measures today to reduce the use of the pesticide DDT by 90 percent next year.

The number of cultivated food plants on which it may be used will be reduced from 62 to 12 beginning Jan. 1. Also, the tolerance levels in various foodstuffs are to be substantially reduced.

Prime Minister Pierre Elliott Trudeau, making the announcement in the House of Commons, said the Government was acting on the basis of studies showing effects of DDT on birds and fish. Long-term effects of the pesticide on human life are still unknown, he said. He emphasized that the Government had no evidence of injury to human beings.

The Prime Minister noted that the Canadian diet contained on the average only one-fifth of the maximum daily intake of DDT (0.7 milligrams) accepted as safe by the World Health Organization.

In recent months several Canadian provinces have curbed the use of the pesticide, whose effects have been found harmful in a number of studies in the United States. Ontario announced a general ban on DDT six weeks ago.

Mr. Trudeau today commended the provincial governments for the initiatives they had taken to control the use of DDT, but he said more comprehensive action was needed.

The new regulations, to be enforced through the Food and Drug Administration of the Department of Health, provide that in 1970, DDT will not be registered for control of insects in outdoor areas except under emergency situations.

The Government will reduce the permissible level of DDT in common vegetables and fruits from 7 parts per million to 1 part per million. For apples, pears and celery, the level is to be reduced to 3.5 parts per million.

There will be no change in regulations forbidding any DDT in potatoes, eggs, fish, milk, butter, cheese, ice cream and other dairy products.

In the United States, the Department of Agriculture and a number of state agencies have taken similar steps to reduce the use of DDT.

ARIZONANS PUSH FOR FEDERAL TIMBER BILL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. RHODES. Mr. Speaker, today the House Committee on Agriculture, under the able chairmanship of the gentleman from Texas (Mr. POAGE) takes up consideration of H.R. 12025, the National Forest Timber Supply Act of 1969.

I joined with the chairman of the Forests Subcommittee, the gentleman from South Carolina (Mr. MCMILLAN), in introducing this important legislation and am confident that this bill will receive prompt and favorable consideration by the full committee and by the House.

In this connection, I would like to bring to the attention of my colleagues an article which recently appeared in the Christian Science Monitor summarizing the remarks of Mr. Robert N. Sternberger, vice president of Southwest Forest Industries, Phoenix, before the Arizona Watershed Symposium.

The article follows:

ARIZONANS PUSH FOR FEDERAL TIMBER BILL

PHOENIX, ARIZ.—Arizona lumbermen are winning strong public support for the proposed National Timber Supply Act of 1969, now pending in the U.S. House of Representatives.

Adoption of that measure would make approximately $200 million a year available for intensified management of the national forests, and improvements that would greatly increase their timber production.

Those improvements would also cause more usable water to run off the forests. This is a main reason why Robert M. Sternberger gained so many influential allies when he addressed the annual Arizona Watershed Symposium. For Arizona is a state desperately short of water, and with potentialities for a lumber industry of far greater proportions than at present.

Mr. Sternberger is vice-president of Southwest Lumber Mills, Arizona's principal lumber producer, and a leader in the current effort to publicize the timber supply bill.

Each year the Forest Service sells about $300 million worth of timber. One-fourth of that goes to the counties where the timber originates; the rest goes into the federal treasury. The service operates on direct appropriations from Congress.

GAP POINTED UP

Those appropriations, according to Mr. Sternberger and others, far from meet the nation's need for more forest products and, in cases like Arizona's, more water.

If the timber supply bill becomes law, 65 percent of stumpage sale receipts will go into a special fund for timber management according to principles already developed by experience. A prime need, Mr. Sternberger says, is 400,000 miles of roads and trails to make mature timber accessible, and result in logging operations that will leave room for more trees to grow. Growth can be accelerated by selective thinning and spacing, and waste prevented through orderly salvage operations.

STRONG PLEA MADE

"All these things are being done on private forest lands," Mr. Sternberger adds. "They should be done on all forest lands so that there need never be a timber shortage in the United States, and at the same time our water supplies can be augmented."

As evidence that a severe shortage already exists he mentioned skyrocketing prices for lumber and plywood. There is capacity production only from private forests, which represent a mere 17 per cent of the 97 million acres of commercial forests in the United States. The national forests have 54 percent of the total inventory of softwood sawtimber but "produce only one-third of the output necessary to meet our housing, construction and other needs."

Those needs will be even more acute, Mr. Sternberger points out, if this country ever meets its goal of 2,000,000 housing units a year. Because of high mortgage interest rates, lumber prices, and building costs, only 1.3 to 1.4 million units will go up this year.

A TIME FOR UNITY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BROCK. Mr. Speaker, Monday night, President Nixon spoke to the American people about the war in Vietnam and the chances for peace. It was a quiet, thoughtful speech and it clearly laid out the course we must follow if we are to achieve a lasting peace instead of a disastrous surrender in Southeast Asia.

The training and modernization of the South Vietnamese Army; the gradual withdrawal of American combat troops; and the continuation of diplomatic efforts to reach a negotiated settlement—all of these principles are ones which the American people can unite behind, and must unite behind. For, make no mistake about it, the President was right when he said:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

If this quest for peace fails—if this bloody war drags on far longer than it should—it will be because a reckless, vocal minority—often goaded on by irresponsible politicians—has encouraged a ruthless enemy to fight on until America's will and courage fail.

I believe that the vast majority of Americans will never let this happen. Today more than ever before, our prayers are with the President as he sincerely attempts to lead our country to an honorable and lasting peace.

THE RUSSIANS DID IT

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. SIKES. Mr. Speaker, my attention has been directed to a statement released by the Honorable Charles J. Conrad, speaker pro tempore of the California Assembly. Mr. Conrad has made a commonsense, down-to-earth analysis of some of the scare stories which have been directed at the testing and transportation of chemical and biological weapons. His analysis contains information which has been largely ignored by the U.S. press. Consequently, I feel that it should be called to the attention of the Congress, and I am very glad to have it reprinted in the CONGRESSIONAL RECORD. Mr. Conrad's statement is entitled "The Russians Did It," and it was dated Tuesday, October 21, 1969.

The statement follows:

THE RUSSIANS DID IT (AND WHERE WAS EVERYBODY)

Assemblyman Charles J. Conrad, Speaker pro tempore of the California Assembly today charged that a scare story was released from Copenhagen on the day before the United States Senate voted strong restrictions on the testing and transporting of chemical and biological weapons. Conrad said the article was an attempt to influence the Senate vote, and called for a Congressional investigation of this type of propaganda.

The story which Conrad termed "sensationalized and inaccurate" claimed that lethal mustard gas leaked from a British underwater wartime dump had injured six fishermen, and brought panic to the vacation resorts in Southern Sweden and in the Danish Island of Bornholm. The article said holidaymakers had deserted the beaches and that thousands of tons of fish were being boycotted.

"The fact is," said Conrad, "the munitions were captured German chemical warfare materials of World War II which were dumped, not by the British, but by the *Russians*. When the British news media called attention to the fact that the *Russians* were the guilty party the story was immediately dropped.

"Where was New York Congressman Richard D. McCarthy and his colleagues who have been denouncing the United States Chemical Warfare Service for so many months? Where was the group of international experts who prepared a report on chemical and biological warfare for the United Nations General Assembly at the request of Secretary-General U Thant? Where was the Polish delegate at Geneva, Antoni Czarkowski, who attacked the United States for what he called 'recent mishaps with chemical munitions? Where were the Japanese who demonstrated against the United States maintaining chemical warfare material on Okinawa?

"Why is it that not one voice, national or international, has been raised in criticism when the *Russians* are guilty of criminal negligence by disposing of dangerous chemicals in water shallow enough to constitute a hazard?

"Our disposal operations, which some Congressmen raised such a hue and cry about, were to have been made in 7,200 feet of water. The British have followed similar precautions, their disposal being a considerable distance from Bornholm.

"Evidence that this exaggerated story was released to influence a vote in the United States Senate is seen in the fact that it has long been known that quantities of mustard gas were dumped by the Russians in 1947. Incidents of fishermen being burned by mustard have been *reported routinely* in the press for *many years*, since some fishermen, although well aware of the danger, are willing to take the risk in order to get a good catch.

"Far from being deserted Bornholm has enjoyed one of its best tourist seasons, and the fish market, as far as Denmark is concerned, has not been affected.

"No real hazard to bathers is considered to exist unless for some reason a leaky bomb were dropped by fishermen in the bathing area. There has been no reported incident of anyone becoming ill or contaminated as a result of eating or handling fish in the area.

"This is just one more example of the need for honest and factual debate on the subject of chemical and biological warfare.

"I strongly urge that the Congress of the United States conduct an investigation to ascertain who was behind the release of such a story at that particular time, and why the subject was hushed up. I also call upon the United Nations General Assembly to condemn the Soviet Union for creating a hazard to human life as well as damage to a rich fishing ground," said Conrad.

HEARINGS BEFORE THE SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1969

Mr. FEIGHAN. Mr. Speaker, the Immigration and Nationality Subcommittee of the Committee of the Judiciary will hold hearings on November 5, 1969, at 10 a.m., in room 2237, Rayburn House Office Building.

Representatives of the Association of Immigration and Nationality Lawyers will testify on the subjects of the temporary admission of executives and specialist personnel, the temporary admission of aliens to perform services or labor when the U.S. labor market is unable to supply such persons, and the temporary admission of finances and finances of U.S. citizens and permanent resident aliens. Witnesses will also testify concerning the administration of the labor certification provisions by the Department of Labor.

Officials of the National Foreign Trade Council and representative U.S. corporations will testify on November 12 and 13 and officials of the AFL–CIO on November 19.

THE CONTINUING RESOLUTION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. MAHON. Mr. Speaker, last Friday's Washington Post carried what seems to me to be a rather well-balanced editorial analysis of some of the current problems pertaining to legislative aspects of the appropriations business of the session. Especially does it question the wisdom of undertaking to use the continuing resolution as a vehicle to make decisions on what the appropriations for the whole year should be.

Mr. Speaker, the architect of provisions of continuing resolutions is long trial and experience. They are a growth, not a scheme. They are works of art. The first rule is that they be noncontroversial so as to secure prompt enactment and thus assure orderly continuation of the vast array of Government functions on some rationally minimum basis until the final decisions on appropriations are made through the regular processes.

The wisdom of this rule comes sharply into focus when we consider that late last June the House and the Congress, in adopting the July 1 continuing resolution, provided for orderly continuation of a $200 billion enterprise—and did so through a simple unanimous-consent request proceeding.

Mr. Speaker, under leave granted earlier today, I include the Washington Post editorial:

[From the Washington Post, Oct. 31, 1969]

APPROPRIATIONS LOGJAM

The vote of the House to raise federal spending for education by $1 billion immediately was a gesture of disgust with present funding procedures. Members who sponsored this short-cut proposal were deeply conscious of the fact that the House had approved more generous outlays for education in July long before the beginning of the school year. Now, long after the school year has begun, the bill is still awaiting action in the Senate. There is good reason for dismay on the part of conscientious legislators.

The outcry from the House coincides with an appeal from the President for a speedup in the appropriating process. He is right in saying that the situation "is fast becoming intolerable." Only two out of 13 regular appropriations bills have reached his desk. There was good reason for the President to avoid controversy over the cause for growing chaos in the country's fiscal affairs, for his revision of the budget last spring set the appropriating process back about three months. But the important thing, as he noted, is not to allocate the blame but to find a remedy.

The action by the House is not, of course, an appropriate remedy. The House adopted a "continuing resolution" designed to allow the departments and agencies to operate during the remainder of the congressional session or until their appropriations for fiscal 1970 are passed. The educational rider attached to this resolution was in effect an attempt to appropriate funds in advance of the enactment of an appropriations bill. Even if the Senate should acquiesce in this extraordinary gesture, the President could be expected to veto it or simply withhold the funds until the appropriations bill has been passed.

What is needed is a speedup of the appropriating process—not special spending concessions attached to "continuing resolutions." Any attempt to make general use of "continuing resolutions" in this fashion would defeat its own purpose by arousing controversy over the resolutions themselves, thus complicating a process that is already bordering on chaos.

Senate Majority Leader Mansfield and others have suggested changing the fiscal year to coincide with the calendar year so that Congress will have more time to enact appropriation bills before actual spending under them is scheduled to begin. No doubt this would be a big improvement, although it would presumably increase the lag between the formulation of a budget and initiation of the programs covered by it. Maybe this is inevitable, but some experts believe that Congress could go a long way toward clearing the appropriations bills in the six months now allotted to that business if it settled down to work in an earnest and systematic manner. Minority Leader Ford's call for a five-day week on Capitol Hill (or preferably a six-day week) should not go unheeded.

One of the major difficulties is the delay in passing authorization bills, which must be on the books before appropriations can be properly voted. Congress has fallen into the time-wasting habit of passing new authorizations for some programs every year. A vast amount of wear and tear could be saved by authorizing continuing programs for three years or longer periods. Control can always be exercised through appropriations. In our view, the two houses would do well to set up a commission of experts who would study the whole complex process and come up with recommendations for modernization of the machinery which now appears to be close to a breakdown.

PEEKSKILL, N.Y., ROTARY OBSERVES 50TH ANNIVERSARY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. OTTINGER. Mr. Speaker, on October 18, the Rotary Club of Peekskill, N.Y., celebrated its 50th anniversary. This outstanding service organization has a long record of contributions to Peekskill and its citizens. The club's current president, William W. "Bill" McDonald is continuing five decades of commitment to civic and social progress. As an example of a group of Americans helping their fellow citizen, the Peekskill Rotary Club deserves our highest commendation.

I am proud to present for inclusion in the RECORD a history of the Rotary Club as it appeared in the 50th anniversary journal:

TURNING THE SYMBOLIC ROTARY WHEEL—PEEKSKILL ROTARY IN RETROSPECT

Peekskill's Rotary Club is 50 years old—a time in the life of the organization when a celebration is not only expected but also warranted.

We celebrate our Golden Anniversary recalling the glories of a useful past and the achievements of the present day. More importantly, we remain alert to the problems of the future and are planning for brighter tomorrows.

Five decades passed since that summer of 1919 when nine members of the New York Club journeyed northward and explained to eleven community leaders here what a Rotary Club was and what opportunities it offered the business and professional men of the then Village of Peekskill which had just celebrated the return of the doughboys of World War I.

It was, of course, a different Peekskill than today; it was more of an industrial community with stove foundries exporting their products around the world, the hat industry was in full bloom and Fleischmann's main product was yeast. The population was about 16,000, about 2,500 less than that of today. The surrounding area consisted largely of farms.

The club, organized in August, but receiving its charter from Rotary International in October, had 22 original members. Meetings were held every two weeks and it was not until January 1922 when the meetings were on a once-weekly schedule.

Only one Rotary Club, that of Mt. Vernon had been organized in Westchester County by the end of 1918, with White Plains, New Rochelle and Peekskill starting in 1919.

Rotary International which now has over 13,900 clubs and a membership of about 657,600 in 146 countries and geographical regions, was only 14 years old at the time. It had been started in Chicago in 1905 by a few lonesome men yearning for companionship in a large city. The first meeting in the Windy City were held in the offices of members. Rotary is not established in all parts of the world, except behind the Iron Curtain of Communism which frowns on such organizations.

The charter members of the Peekskill Rotary Club were active and influential citizens. They led the campaign to merge the two school districts, separated since before Civil War days, and participated in the moving of the Field Library "uptown." Before the club was 10 years old, it had organized a boys' band and provided instruments and uniforms.

Ever since, Rotarians, imbued with an ideal of public service, have been serving on boards directing the Peekskill Hospital, Field Library, churches, school-related groups, Board of Education, the Salvation Army, Y.W.C.A. fire companies, fraternal and kindred organizations.

It has been said, and not contradicted, that any group that is moving here today has a Rotarian pushing it.

The creation of a picnic area in Depew Park, known as Rotary Knolls, was a contribution to the public welfare in 1940. During World War II, substantial support was given the Service Men's Auxiliary which published the Peekskill Home News sent to local and area men and women in the armed forces.

The Student Loan, or Scholarship Fund, was established in 1935 and, over the decades since, loans were made to many students unable to complete their college education without such help. More recently, monetary grants have been made to needy students.

Peekskill Rotary, since its inception, has provided substantial support for Boy Scout work and has for many years sponsored Troop 42, an outstanding unit. For sometime the club conducted the annual Hollowe'en parades and parties.

Members of the Peekskill Hospital Board of Directors have been saying since as long ago as 1930 that "we have a friend in Rotary." Contributions to the operating funds, children's ward and building funds have been made over the years with the donations probably exceeding $15,000. Club members rendered an outstanding service in moving most of the hospital equipment and records to the new hospital from Franklin Street to Crompond Road.

Like the missionaries of old, Peekskill Rotary has spread the gospel of Rotary, carrying its messages to nearby places. We fathered three clubs, Croton in 1929, Mahopac-Carmel in 1932 (now two separate clubs) and Yorktown in 1950.

More recently the club's list of charities has ben expanded and with substantial contributions made to the Peekskill Volunteer Ambulance Corps and the Peekskill War Memorial Fund.

Last year an Interact Club, a Rotary-sponsored organization for students, was formed at St. Peter's School. The students displayed considerable interest in the opportunity for service to the community.

A fruitful partnership with the Super Bowl champion New York Jets established in 1963 and during the professional football team's five formative years in training here at the Peekskill Military Academy. The club sponsored the 1963 inter-squad game and annual community Peekskill Days with the Jets at the Polo Grounds and then Shea Stadium, accommodating upwards of 1,000 fans each time.

It is no accident that those pioneers who founded Rotary selected a wheel with mounted gears as the insignia. It is not a wheel that simply rolls as it waves. Selected was a wheel geared to mesh with the power generated by the members of a club. The Peekskill club has never pulled the switch on the power needed to promote its ideals of service to the individual, the community, the nation and world.

Peekskill Rotary is proud of the role it has played in Peekskill's progress, but seeks no accolades. Even as we live, the present has become the past, and whether we like it or not, we must think of the future, for that is where we will spend the rest of our lives.

Peekskill Rotary is alert for a future that it faces with confidence, ready for all opportunities to render "Service Above Self."

YALE CONFRONTS URBAN TRAUMA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. HOGAN. Mr. Speaker, here is an article from the Roche Medical Image and Commentary which dramatically underscores the fact that an urban community can implement and operate an effective emergency services program. Of particular note, which I recommend that my colleagues read, is the first paragraph.

The situation in New Haven, Conn., is not unlike our District of Columbia. Here, as in New Haven, there are medical school faculties and university hospitals. In fact, we have three such institutions in the District, yet we have no such program. Here again is another example of what a community can do when it utilizes its resources to save lives.

Under my bill which would create a separate ambulance corps for the District of Columbia, it would be easier to initiate constructive innovations. I submit the article for your information:

YALE CONFRONTS URBAN TRAUMA

"I'd rather sustain a major wound in Vietnam—where a battlefield casualty is in the hospital within 35 minutes—than on the streets of any American city," declares Dr. Kristaps J. Keggi, Assistant Clinical Professor of Orthopedic Surgery at Yale University School of Medicine. "There would be a far better chance of surviving. For although our U.S. hospitals may be well equipped and our doctors well trained, emergency care at the community level is completely inadequate for the rising number of accidents that punctuate our daily lives."

Dr. Keggi's statement (admittedly "phrased for maximum impact") is well grounded: As a military surgeon in Vietnam for over a year and the prime mover of a community-wide antitrauma program centered at the Yale University School of Medicine, he has had ample opportunity to examine the problems of emergency medical care confronting American physicians today.

"The hub of our program—Yale-New Haven Hospital—serves as the major intake area for the ghetto population of New Haven and is located near the crossroads of two dangerous highways (Interstate 91 and 95)," says Dr. Keggi. "To meet this situation, Yale-New Haven—which fulfills the threefold function of a teaching, a municipal, and a community hospital—has for years given considerable emphasis to the staffing and facilities of its emergency room. Unfortunately, this was not enough; as most large hospitals around the country, we have had deplorably poor control over the critical *outside* factors of emergency care—communications, first aid, transportation—that are operative before a patient is admitted to the E.R."

When he began his tour of duty in Vietnam in the summer of 1965 with the 173rd Airborne Brigade's third surgical hospital, Dr. Keggi was immediately impressed by the Army's "tremendously competent" system for evacuating battlefield casualties to field hospitals. This system—based on daily computerized predictions of the number of combat casualties and the number of helicopters and hospital beds that would be needed—has been largely credited with reducing the death rate for wounded reaching a hospital to 1 percent, as against 3 percent in Korea and 8 percent in World War II.

"It was a triumph of organization," recalls Dr. Keggi, "built around the concept of *staged emergency care*—a chain of priorities stretching all the way from the combat-line medical corpsmen and the battalion aid station to the hospital for definitive surgical care back in the States.

"I was convinced that the basic principle of trauma management in Vietnam—to integrate and deploy all evacuation and treatment facilities according to an established system of priorities—would have to be developed at the community level before our cities could hope to resolve the tragic and costly hodgepodge of emergency-care services."

In 1967, soon after joining the medical faculty at Yale, Dr. Keggi undertook to implement these ideas by organizing a broad trauma-prevention and emergency-care program—a project made possible by the strong support of Dr. Jack Cole, chairman of the department of surgery, John D. Thompson, associate dean of the medical school, and other members of the faculty. Beginning with this small but dedicated nucleus of workers, the program in a short time has expanded to embrace Yale University, the Yale University School of Medicine, the Yale-New Haven Hospital, the New Haven police and fire departments, the ambulance companies, as well as the Connecticut Regional Medical Program.

"The first step was to obtain hard, objective data on communications, transportation, and medical care in our emergency system," says Dr. Keggi. "It was apparent to all that before we could plan improvements, we would have to clearly determine the existing patterns of operation." To accomplish this, a trauma registry was set up for collecting as complete data as possible on all patients with injuries seen in a 30-day period (November 16 to December 15, 1967) in the Yale-New Haven Emergency Service.

During this period, 1,123 patients were examined and interviewed by registered nurses and physicians (for patients requiring hospitalization), who covered all day and night admissions to the service. The data reflected not only the presenting condition of the patient but also the surrounding operational events, from the onset of trauma until delivery to the emergenry room; supplementary information on these events was also solicited from the investigating police officers and the ambulance drivers.

Preliminary analysis of the data failed to reveal any significantly new causal or situational factors of trauma but sharply illuminated the lag in communications and transportation, as well as some inadequacies in first aid, that may result in the death or permanent disability of an accident victim.

"Although the implications of our findings are still being weighed," says Dr. Keggi, "they have made it abundantly clear that any emergency medical care system, to be effective, must be organized on a total community-wide basis.

"No community can afford to maintain a system—or *non*system—in which commercial ambulance companies or morticians compete for the transportation of the trauma victim, and the police and the fire departments compete in rendering first aid, while none of these agencies has been properly trained or equipped for such vital work."

The urgent need for an improvement in ambulance services has been well documented by Arnold Nadler, who is investigating patterns of emergency care in the U.S. under the joint sponsorship of the Yale School of Medicine and the Connecticut Regional Medical Program. Mr. Nadler's study indicates that the time between onset of trauma and the rendering of first aid is more significant than the time spent transporting the injured individual from the scene of the accident to the hospital.

This problem, Dr. Keggi believes, can be significantly alleviated by the broad use, after appropriate field trials, of the Yale Index of Injury Severity. "This simple device," he maintains, "can be of enormous importance in raising the standards of emergency workers. By routinely using the index to check physical distress signs, the policeman, fireman, or ambulance attendant will tend to make a more thoughtful, systematic evaluation of the patient's condition; by the same token, he will become more conscious of the things that should *not* be done, such as moving a patient with multiple fractures onto the back seat of a car."

In cases of critical injury, Dr. Keggi points out, the Index of Injury Severity could be a prime factor in the summoning of prompt medical attention: "Consider two typical situations: The first—a two-car collision—occurs in a crowded urban community that is notoriously short of ambulances. Two men have been injured. A policeman, using the Index, finds that one shows signs totaling an injury level of 7 (moderately severe). He sends out an emergency communication, 'ambulance needed, patient injury 7'—an indication that the ambulance should use a siren (8 and above might mean that a physician should accompany the ambulance). The second situation—a highway collision in Nebraska—takes place 50 miles from the nearest hospital. A state trooper feeds the message 'Here's a patient with an index of 9' into the emergency communications system. To the dispatcher, 9 and above would signify injuries so severe that instead of an ambulance, a helicopter should be called."

The Yale group hopes that after final revision, the Index will correlate favorably with the abbreviated injury scale that is being developed by the A.M.A. Committee on the Medical Aspects of Automotive Safety. This consists of a uniform severity rating system (to be completed by physicians) for classifying injuries. Dr. Keggi is eager to see how closely New Haven emergency crews can approximate the medical diagnoses.

One of the most promising innovations of the Yale trauma program has been a pilot study of closed-circuit television in emergency care situations. A portable TV camera and taping unit is now being used to test the feasibility of establishing direct audio-visual communication between the first-aid crew at the scene of an accident and the medical staff at the hospital.

"Our field trials indicate that television can be of tremendous practical and educational value in a total emergency care programs," says Dr. Keggi. "TV cameras at the scene of an accident make it possible for the physician in the hospital to view the trauma patient and monitor the operations of the first-aid crew. With instantaneous microwave TV transmission, which we hope eventually to install, the doctor will, in effect, become a participant—he will be able to advise, "Keep his head to the left . . . no, don't use oxygen . . . Now, be careful moving him.'

"From an educational and training standpoint, TV is already working for us. Videotape recordings taken at the site of an accident are now being used in trauma courses which we have introduced into the medical school curriculum. They are also being used in first-aid training courses for firemen and other emergency personnel—an urgently needed teaching function in which some of our trauma-oriented medical students have been most helpful."

Introducing the subject of emergency medical care into the curriculum at the Yale school of medicine has been a primary concern of Dr. Keggi. "How can physicians be expected to meet their responsibilities in the control and management of trauma," he asks, "when they learn virtually nothing about it at school? The graduating M.D. at most schools has absorbed a creditable amount of basic sciences and medicine but knows less about routine first-aid procedures than a conscientious boy scout!"

At the Yale School of Medicine, exposure to emergency care teaching begins early. Most first-year students taking preclinical subjects attend a short trauma management course given by Dr. Keggi in the spring, at which videotapes of accidents are viewed. Gross views of injuries are used, with dramatic effectiveness, to illustrate tissue structures in anatomy classes. Students in their junior and senior years, who have the option to take courses in a preferred field, may now choose emergency medical care as their area of specialization.

One student who has done so is Michael Klein, who last summer completed a voluntary tour of duty with the New Haven Fire Department—arranged with the help of Dr. Keggi—in preparation for a Master's degree in public health. In his new role, he has gained much valuable firsthand knowledge of the functions—and malfunctions—of emergency care agencies. He was surprised to observe, for example, that firemen—who have a primary responsibility for rendering first aid—in many cases were unclear as to how to administer oxygen or use suctioning devices on premature infants.

To help overcome such shortcomings, Mr. Klein, representing the Yale trauma program, has collaborated with the police and fire departments in setting up weekly videotape sessions for emergency crews, during which they have the opportunity to witness and critically evaluate their own activities at the scene of an accident. The results have been so good that a TV training program has been set up, by which firemen can make their own televised record of emergency operations for periodic review.

Side by side with their efforts to raise the level of emergency medical care, the members of the Yale group are carrying out numerous studies aimed at the prevention of trauma. Home accidents, accounting for 42 per cent of all injuries recorded in the Yale trauma registry, are under intensive study by Eric W. Mood, Associate Professor of Public Health at the Yale School of Medicine.

Mr. Mood, who is also a professional engineer and a member of the WHO Expert Advisory Committee on Environmental Health, has been active locally and nationally in the movement to alter current housing regulations, which, he insists, 'must be changed before anything significant can happen." He is cochairman of a joint effort by the American Public Health Association and the U.S. Public Health Association and the U.S. Public Health Service to strengthen housing codes affecting health and safety.

Locally, Mr. Mood has proposed several additions to the New Haven housing code that, he believes, "may be unique, but could easily set the standard for housing everywhere." His first recommendation is the mandatory provision in every home of "a safe 'childproof' place for storing household drugs and chemicals." Another proposal, of perhaps equal importance, is for a regulation requiring landlords to provide a stove as standard kitchen equipment. "In virtually all codes," he explains, "the kitchen must be provided with a source of cooking power—gas or electric inputs—but the only appliance that is required is the kitchen sink. Yet accident statistics show hundredfold proof that flame-using stoves and space heaters improperly attached by the tenant are a leading cause of death by fire or asphyxiation."

ROLE OF SMOG IN ACCIDENTS

Physicians participating in the Yale trauma program vigorously support stronger legislation and stricter enforcement of existing laws on air pollution, which in certain industrialized areas can create smog banks that obscure drivers' vision. "This phenomenon can easily occur as a result of auto exhaust clouds at heavily congested traffic junctions, especially under weather conditions that cause a sudden temperature inversion," says Samuel Webb, Jr., an instructor in public health who is doing research in the field of automotive safety. "Impairment of vision may also result from smoke or chemical waste products that are ejected into the atmosphere by manufacturing plants. When all three factors—auto exhaust fumes, temperature inversion, and industrial air pollutants—are present simultaneously, the driver may suddenly find himself enveloped in a veritable man-made fog bank."

A prime example of such conditions cited by Mr. Webb is the heavily traveled Quinnipiac River bridge, which on the New Haven side serves as an interchange between interstate highways 91 and 95. "Given the factors I have just described," he points out, "it is small wonder that this bridge area has one of the highest accident rates in the state."

Mr. Webb's studies have convinced him that stricter laws must be passed to cope with the problem of the drinking driver. "The National Highway Safety Bureau reports that from 47 to 67 per cent of all drivers who died in accidents had been drinking," he pointed out. "Yet the maximum acceptable blood alcohol level is far too high in most states, where to qualify as a drunken driver a 150-pound man must show a minimum blood alcohol concentration of 0.15 per cent—a level that requires the consumption of six to eight martinis in one hour! Only one state in the U.S.—Utah—has a limit of 0.08 per cent, which is the generally accepted level throughout Europe."

Mr. Webb hopes that concerted effort by the agencies and individuals in the trauma program may bring sufficient pressure on state legislators to lower the acceptable blood alcohol level for drivers in Connecticut to a maximum of 0.10 percent. He also would like to see legislation passed that would authorize a patrolman to stop suspected violators and demand that they submit to a blood alcohol test. This system, Mr. Webb maintains, is working extremely well in Great Britain and in Scandinavia.

Despite the increase in the number of driving safety devices, Mr. Webb reports, trauma registry data and other surveys show that a large number of injuries are caused by failure to use such devices. He believes this problem could be alleviated by the development of an ignition mechanism that would make it impossible to start a vehicle before all safety devices were secured.

The problem of highway design—an important but poorly publicized factor of automotive accidents—has attracted increasing interest among trauma program investigators. A common and universally disregarded example of bad designing, they point out is the failure to allow a large enough margin of safety between the highway and such lethal-impact hazards as concrete embankments, trees, or poles. Yale engineers are considering the feasibility of shielding such danger points with sandbags or other soft materials.

"When all else fails, those who oppose necessary change can always trot out the bugaboo of prohibitive costs," says Dr. Keggi. "Highway designers are concerned with the cost of concrete. Yet, if we could find out how much it costs annually to treat each highway accident victim, and the cost of lives lost in such accidents, we might be able to convince legislators to give some priority to the improvement of our highway systems."

As the per capita use of power appliances—from rotary mowers to gas-driven tree saws—continues to rise and automobile traffc passes reasonable dimensions, the accident rate may be expected to climb accordingly, warns Dr. Keggi. Much will depend, he maintains, on how well the public is made aware of such dangers. But he is especially vehement on the responsibilities of the medical profession in this situation:

"The doctor should be in the forefront, alerting the community to hazards in the home and on the highway. He should carry an emergency kit with him at all times and urge his colleagues to do so. He should lend his support to an aggressive accident prevention program utilizing the media, public forums, and the schools. As an influential member of the community, he is in an excellent position to demand efficient ambulance service, new highway and housing legislation, and an end to air pollution. If he cannot do this, no one can."

IN MEMORIAM: "ROBBIE"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. BRAY. Mr. Speaker, there was nothing at the top center of the editorial page of the November 1, 1969, Indianapolis News but a large blank space, surrounded by a black border, in touching, silent tribute and memory to "Robbie" Robinson, editorial cartoonist for the News for 21 years.

A talented, skillful, perceptive man whose great abilities guided his pen, he brought to the field of editorial cartooning a fund of humor and insight that is seldom if ever matched by his contemporaries.

The following, from the Indianapolis News and the Indianapolis Star, reflect the esteem and affection which all who were privileged to know him, as I was, held for him:

[From the Indianapolis News, Oct. 31, 1969]

CARTOONIST ROBINSON DIES AT 61

William Busby Robinson, 61, editorial cartoonist for The News the last 21 years, died today at St. Vincent's Hospital.

"Robbie," of 946 Tulip Drive, who was born in Belfast, Ireland, had won numerous national cartoon awards, which included six Freedoms Foundation Awards, National Safety Council Award, Community Service Award and the Junior Chamber of Commerce Award.

He was a past president of the Indianapolis Press Club, and a member of Sigma Delta Chi and the American Editorial Cartoonists Association, of which he was a director.

Robinson attended Butler University and the Herron School of Art. He was a graduate of Tech High School.

He was the creator of "Josephine," a comic panel cartoon nationally syndicated for 12 years in 75 metropolitan newspapers.

Robinson's cartoons were reprinted in newspapers from coast to coast and in six foreign countries.

Presidents Richard Nixon, Harry Truman, Dwight Eisenhower, John F. Kennedy and Lyndon Johnson requested originals of his editorial cartoons. Permanent collections of Robinson's cartoons are in the State Historical Society of Missouri, the University of Southern Mississippi and the University of Syracuse.

He began his newspaper career in the advertising department of The Star in 1934 and transferred to The News advertising department in 1940.

In 1948 he accepted the editorial cartoonist position.

Robinson was an original member of the Indianapolis Symphony Choir and was tenor soloist for 14 years in the famous men and boys choir at Christ Church Episcopal Cathedral on Monument Circle.

"Robbie" won first place in a state music contest when he attended Tech High School in 1926.

Survivors—wife Jeannette; daughters Mrs. Molly Stratton and Mrs. Peggy Haven; sister Mrs. Frederick Weber; brother Norman Robinson.

[From the Indianapolis News, Nov. 1, 1969]

ROBBIE ROBINSON

The death of William B. "Robbie" Robinson, cartoonist for The News, has shocked and saddened his colleagues. We know our sense of loss will be shared by the rest of the community.

Robbie was famous throughout our city and state, and the nation as well, for his editorial cartoons. His enormous talent was repeatedly recognized by national awards panels as well as by countless newspapers and magazines which reprinted him. He was one of the best caricaturists in the business, and all the presidents from Truman to Nixon had at one time or another requested originals of his drawings.

His ability as a draftsman, however, was but the first of the qualities Robbie brought to his work. He had as well the gift of humor and an enduring sanity which helped make sense of a sometimes incomprehensible world. He could say more about a complex issue in one cartoon than his struggling coworkers could say in a week's editorials.

The Robbie visible to the public in the drawings he produced over a span of 21 years was the expression of a private man whose unfailing kindness and balance were a daily example to his friends. He was immensely popular in the newspaper fraternity, as was indicated by his selection as president of the Indianapolis Press Club. No man was better liked.

With his other qualities, Robbie united a deep concern for the well-being of his community and his nation. He cared about what happened to people, and he cared about what happened to the United States. His generous nature was also equipped with the power to cut through fraud or pomposity and to expose things he believed were harmful to American society. He loved his country and he battled for it.

To say that Robbie will be missed around here is only to suggest the emptiness that afflicts us. Mere words cannot convey it. Only Robbie himself, with one of his marvelous drawings, could have said for us the things which need to be said. And now we shall somehow have to learn to go on without him.

[From the Indianapolis Star, Nov. 1, 1969]

"ROBBIE"

The Indianapolis Star shares with its colleagues on The Indianapolis News the untimely loss of William B. "Robbie" Robinson, editorial cartoonist for The News for nearly a quarter of a century.

An ancient Chinese saying declares that "one picture is worth a thousand words" which, in essence, sums up the work of the editorial cartoonist who takes the issues of the day and from his imagination and talent draws a picture that says more than words alone.

"Robbie" had a friendly word for everyone and accepted graciously both the brickbats and the accolades of those who commented on what he drew.

A cartoonist, whether he lambasts or praises, often is able to cut through the mist that surrounds an issue and penetrate to the heart of the matter in a way that makes the truth crystal clear.

"Robbie" Robinson was a master of that ability.

The News has lost a devoted colleague. We at The Star have lost a friend and respected adversary.

SENATE—*Wednesday, November 5, 1969*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, amid many voices we would now hear Thy voice calling us to duty and service to the Nation in this House. Direct those who speak where many listen and write where many read. Save the people who read and see and hear from merely reading and seeing and hearing. Give them understanding minds. Deliver them from that darkness which comprehends not what is Thy will and purpose. Shed the light of Thy truth upon the crucial concerns of our times. Guide all men that they may communicate so as to espouse idealism and not idolatry, to express love and not hate, to promote unity and not discord.

Grant that all who lead the Nation may speak so as to make the mind of the people wise, its heart sound, its will righteous.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 4, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On October 30, 1969:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.; and

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

On October 31, 1969:

S.J. Res. 164. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

SUBVERSIVE ACTIVITIES CONTROL BOARD

The bill clerk read the nomination of Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NATIONAL DAY OF PRAYER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 499, House Joint Resolution 910.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Major Natural Gas Pipelines

A letter from the Chairman, Federal Power Commission, transmitting for the information of the Senate a map entitled "Major Natural Gas Pipelines, as of June 30, 1969" (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation Governing the Conduct of United States Judges

A letter from the Director, Administrative Office of the U.S. Courts, transmitting on behalf of the Judicial Conference of the United States, proposed legislation to amend section 331 of title 28, United States Code, to authorize the Judicial Conference of the United States to promulgate rules and standards governing the conduct of U.S. judges (with an accompanying paper); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of the Division of Coal Mine Inspection, Bureau of Mines

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Genesee County Board of Supervisors, Flint, Mich., praying for the enactment of legislation to implement a program to provide that counties are included within the definition of "local governments" so as to participate in the Federal system; to the Committee on Finance.

A resolution adopted by the County Council of King County, Wash., praying for the enactment of legislation to repeal title II of the Internal Security Act of 1950; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 1442. A bill to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section (Rept. No. 91–520).

EXPANSIONS OF THE MORTGAGE MARKET—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 91–516)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 2577) to provide additional mortgage credit and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with minority and individual views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

FAIR CREDIT REPORTING—REPORT OF A COMMITTEE (S. REPT. NO. 91–517)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, and I submit a report thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and the report will be printed.

AMENDMENT OF FEDERAL CREDIT UNION ACT—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 91–518)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

I ask unanimous consent that the report be printed, together with minority views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–519)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 241, 90th Congress, second session, as extended, submitted a report entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Bolivia;

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund;

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization; and

David R. Derge, of Indiana, Jewel LaFontant, of Illinois, and William C. Turner, of Arizona, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John F. Fitzgerald, of Pennsylvania, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN (for himself, Mr. ALLEN, and Mr. HOLLAND):

S. 3114. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McGOVERN:

S. 3115. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences to be located in the District of Columbia, to function primarily as a national center at which individuals of outstanding ability will pursue studies anticipating, identifying, and isolating social problems in the United States; to the Committee on Labor and Public Welfare.

By Mr. BELLMON (for himself and Mr. Harris):

S. 3116. A bill to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Bellmon when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS (for himself, Mr. Case, Mr. Goodell, Mr. Gravel, Mr. Hart, Mr. McCarthy, Mr. Mondale, Mr. Muskie, Mr. Javits, Mr. Randolph, Mr. Nelson, Mr. Pell, Mr. Proxmire, Mr. Harris, Mr. McGovern, Mr. Scott, and Mr. Eagleton):

S. 3117. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PELL (for himself, Mr. Magnuson, and Mr. Pastore):

S. 3118. A bill to amend the National Sea Grant College and Program Act of 1966 in order to authorize Coastal Zone Laboratory Programs, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Pell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MONDALE:

S. 3119. A bill for the relief of Ernesto and Lucila Peraza, and daughter Belinda; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. Bellmon):

S. 3120. A bill to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Harris when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Dominick, Mr. Prouty, and Mr. Murphy):

S. 3121. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to extend and improve the provisions relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotics addicts, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3116—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN INDIANS TO SELECT THEIR PRINCIPAL OFFICER

Mr. BELLMON. Mr. President, today, on behalf of myself and my colleague, the senior Senator from Oklahoma (Mr. Harris), I am introducing a bill which will allow for the selection of the principal chiefs of the Cherokee, Choctaw, Creek, and Seminole Tribes and the governor of the Chickasaw Tribe, by tribal members, by any method they choose. This is a long overdue change in our law and is intended to help bring full citizenship to our Indian citizens.

Since April 26, 1906, the President of the United States and the Secretary of the Interior have had the responsibility of appointing the leaders of these tribes. Before 1906, when the tribes existed as independent nations, much of the tribal organization was institutionalized. Tribal members provided their own educational system, law, justice, and constitutional government. Since 1906, when many of these rights were taken from the Indian people in order that Indian territory and Oklahoma territory could be joined to form what is now Oklahoma, the system of government created by the people themselves has disintegrated.

Mr. President, the sad plight of American Indian citizens is well known and abhorred by Members of the Senate. There can be no doubt that our Indian citizens have the innate ability to cope with their problems and to develop the skills required by 20th century civilization. However, the paternalistic attitudes and the archaic methods long used by our Government in dealing with Indians of this country have suppressed the development of individual Indian citizens until they are in desperate straits.

This bill, while it deals only with the members of the Five Civilized Tribes, is an important step toward full, responsible citizenship for a major sector of our Indian population. By its passage, the Congress will be saying to the American Indian that we have confidence in their abilities to share fully in the responsibilities and the challenges of our time.

Mr. President, prior to the introduction of this legislation, I contacted the chiefs of the Five Civilized Tribes concerning this matter. I ask unanimous consent that the replies received be placed in the Record following my remarks.

I also ask unanimous consent that the bill be printed in full following my remarks.

An identical bill is being introduced in the House of Representatives. This legislation has the support of the entire Oklahoma congressional delegation.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and correspondence will be printed in the Record.

The bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes, introduced by Mr. Bellmon (for himself and Mr. Harris), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Principal Chiefs of the Cherokee, Choctaw, Creek and Seminole Tribes of Oklahoma and the Governor of the Chickasaw Tribe of Oklahoma may be selected by the respective tribes in accordance with procedures established by the respective tribes.

Sec. 2. The Secretary of the Interior or his representative is hereby authorized to assist, upon request, any of such tribes in the development and implementation of such procedures.

Sec. 3. A principal officer selected pursuant to section 1 of this Act shall be duly recognized as the Principal Chief, or in the case of the Chickasaw Tribe, the Governor, of that Tribe.

Sec. 4. Any principal officer currently holding office at the date of enactment of this Act shall continue to serve for a period not to exceed twelve (12) months or until expiration of his most recent appointment, whichever is shorter, unless an earlier vacancy arises from resignation, disability, or death of the incumbent, in which case the office of Principal Chief may be filled at the earliest possible date in accordance with section 1 of this Act.

Sec. 5. Nothing in this Act shall prevent any such incumbent referred to in section 4 of this Act from being selected as a Principal Chief.

The letters, presented by Mr. Bellmon, are as follows:

Executive Office of
Principal Chief, Choctaw Nation,
Durant, Okla., October 24, 1969.

Senator Henry Bellmon,
U.S. Senate,
Washington, D.C.

Dear Senator Bellmon: Thank you for a copy of the proposed legislation which you are planning on introducing relative to the election of the principal chiefs of the Five Civilized Tribes.

While I have always felt that the Indian people should have a voice in the selection of their headmen, I have some comments which I feel are timely in view of the situation among the Indian people at this point in Indian history.

If you would hold your proposed legislation until you and I can meet and discuss the over-all situation, I would certainly appreciate this consideration. I might say here that I was selected by the people through a balloting process under a gentlemen's agreement with the Bureau of Indian Affairs which was vitalized by appointment by the then president of the U.S., Harry S. Truman, consequently, I know what it means to enjoy the democratic process in our Indian affairs. Times have drastically changed since then—this is one of the things I wish to discuss with you, and I am sure that the stable, sincere, and thinking Indians will agree with much of my Indian philosophy.

I am directly involved in Indian affairs, out in the field where the Indians live, work and struggle. I am an Indian. I know how an Indian thinks and why he is the way he is, but there are some things that those high in authority need to know, before they try to cut a pattern to fit the Indian.

If you will give me a chance to talk with you, I will be happy to give you my views which are shared by many Indians and Indian organizations that have to do with Indian affairs. I trust you will give me this opportunity before you introduce the subject proposed legislation.

Sincerely,

Harry J. W. Belvin,
Principal Chief.

Creek Nation of Indian Territory,
Tulsa, Okla., October 14, 1969.

Hon. Henry Bellmon,
U.S. Senate,
Washington, D.C.

Dear Senator Bellmon: Your letter of October 10, 1969, in re the proposed bill for the election of the principal chiefs of the Five Civilized Tribes has been received.

I have read the proposed bill very carefully, and let me assure you that I have no objection whatever to the bill in its present form.

I do have some misgivings, however, that the election cost shall be paid from funds held by the respective tribes, since the instigation and proposal of the method to change the selection of the principal officers of the Five Civilized Tribes originated with the Bureau of Indian Affairs, Washington, some two years ago, but this is insignificant.

Senator, as far as I am concerned, I wholeheartedly support your bill and deeply appreciate your interest and concern for the Indian citizens.

My very best wishes to you.

Sincerely,

W. E. McIntosh,
Principal Chief.

Chickasaw Nation,
Oklahoma City, Okla., October 13, 1969.
Hon. Henry Bellmon,
U.S. Senate,
Washington, D.C.

Dear Senator Bellmon: This will reply to your letter of October 10, 1969 in regard to legislation which will provide for the popular election of the Principal Officers of the Five Civilized Tribes.

Long before I became Governor of the Chickasaw Nation I advocated and asked for election by tribal members, rather than by appointment, of the Governor. I strongly favor and will support legislation to give the Chickasaw people the democratic process of popular election.

I am in agreement with the proposed bill with the exception of the cost of the election being borne by the tribe. I favor the cost of preparing and certifying eligible voting members, and the cost of the initial election be chargeable to the Interior Department.

Please call on me if I can be of assistance on this legislation.

Sincerely,

Overton James.

Mr. HARRIS. Mr. President, I am pleased to cosponsor, along with other members of the Oklahoma congressional delegation, a bill which is being introduced in both Houses of Congress to provide for the election of the principal officers of the Choctaw, Cherokee, Creek, and Chickasaw Tribes of Indians.

The bill provides for the repeal of the act of 1906 which empowered the President of the United States to remove the principal chief of the Choctaw, Cherokee, and Creek Tribes and the governor of the Chickasaw Tribe, should the principal officer fail to carry out his duties and to "fill any vacancy arising from removal, disability, or death of the incumbent by appointment of a citizen by blood of the tribe." The act of 1906 was passed at a time when it was thought that tribalism was going out—at a time when courts of law and schools of the tribes were being abolished and supposedly the tribal governments were also being abolished.

Fortunately, these tribal organizations did not expire, but have continued to function and are stronger today than they have been in the last 50 years. The tribes still own land and their tribal governments continue to meet and to take action which has an effect on all members of the tribe.

I am certain that if Congress had thought in 1906 that these tribes would continue to function with principal officers and other officers empowered to conduct the financial affairs of the tribe and to speak on behalf of all members of the tribe, legislation providing for the appointment of the principal officer, rather than election, would have never been enacted. In present context, the act of 1906 is inconsistent with the principles of a democratic society.

It is untenable that at a time when our objective should be to give the American Indian the right of self-determination, Federal law does not permit members of the Choctaw, Cherokee, Creek, and Chickasaw Tribes to elect their principal officer.

I have been contacted by numerous members of these tribes urging that they be given the right to elect their principal officer, and I have received letters from the present officers in support of the bill being introduced today. I urge Congress to act promptly on this matter.

S. 3117—INTRODUCTION OF A BILL TO IMPROVE THE JUDICIAL MACHINERY OF MILITARY COURTS-MARTIAL

Mr. TYDINGS. Mr. President, no group of Americans are more deserving of the basic safeguards traditionally designed to guarantee a fair trial than our brave men and women in the armed forces. Indeed, we have a special responsibility to assure that those who risk their lives in defense of our democratic principles receive all of the blessings of these principles when called for in their own defense against criminal charges. I am concerned that our servicemen are not being afforded all the fundamental judicial safeguards for which they have fought and to which they are entitled. Furthermore, I am concerned that public trust in our system of justice shall wither and the morale of our servicemen shall decline if our military tribunals fail to eliminate all practices that tarnish the appearance of justice.

The factor in the court-martial system which is most likely to produce an actual obstruction of justice or to scar the appearance of justice is the commander's control of court-martial personnel and machinery. As past Army Chief of Staff Gen. George H. Decker has stated:

> No other single factor has a greater tendency to destroy public confidence in the [court-martial] system than allegations of command influence.

The cogency of General Decker's observation was vividly illustrated by the recent public and congressional outcry caused by the suggestion that the court-martial proceedings in the case of the Green Berets were laden with command influence. One might recall that the Green Berets defendants charged that their impending trial could not be conducted in a setting free from bias because of the commander's personal interest in the outcome of their case and petitioned to have their trial removed from his command. Moreover, the implications of command influence in the recent Presidio mutiny trials produced a similar public reaction including a petition to the Secretary of the Army signed by 45 members of the Harvard Law School faculty asking "whether the intense command interest in prosecuting these soldiers for serious crimes and the unusually severe sentences indicate that the court-martial proceedings did not result in a fair and impartial trial."

Opportunities for a commander to unfairly influence the course of a military trial are inherent in the nature of the military system. The commander who convenes a general court-martial not only has the power to select the attorneys for the prosecution, but also has the power to select the counsel for the defense and the members of the court as well. Moreover, because he selects these participants from his own command, he retains over them the awesome power to affect their efficiency reports, duty assignments, promotions and transfers. Such control has lead the Supreme Court in O'Callahan against Parker recently to lament that—

> The suggestion of the possibility of influence on the actions of the court-martial by the officer who convenes it . . . is a pervasive one in military law.

Surely, such ostensible singular control over both sides of a criminal case as well as over the triers of fact is at war with the basic principle of judicial impartiality as applied to our civilian courts.

I do not believe that commanders generally seek to interfere with the faithful performance of court-martial duties of members of their command, even though there is ample opportunity to do so. Indeed, I am sanguine that the great majority of our military commanders seek to assure that the rights of the accused are fully protected. In this regard, I applaud the enlightened efforts of such forward thinking men as Gen. Kenneth Hodson, the Judge Advocate General of the Army, to improve, by administrative means, the fairness of military judicial proceedings.

Equally commendable are certain sections of the Uniform Code of Military Justice and the well-reasoned decisions of the Court of Military Appeals interpreting this code, especially in the area of procedural due process. As a result, military justice has led the way in implementing certain rights of a criminally accused that are now considered basic throughout our society. For example, a soldier facing a general court-martial was afforded by the military the advice and assistance of counsel in his defense even before the Supreme Court held in the landmark Gideon case that this was a fundamental constitutional right. Similarly, those in the military accused of crime have been warned of their right to remain silent long before this constitutional protection was made applicable to our civilian community by the Supreme Court in Miranda against Arizona.

Notwithstanding these efforts, the basic structure of court-martial machinery remains an incubator in which improper court-martial influences are innocently and inadvertently bred. So long as the court-martial system continues to operate along command lines and in an atmosphere of command control, court-martial personnel will remain sensitive to the practical realities of military life. As the Court of Military Appeals has noted:

> Courts-martial are manned by officers whose opportunities for advancement and promotion are controlled largely by their commanding officers and it is no reflection on their honesty and integrity to conclude that they desire to make a fine record.

In the same vein, court-martial participants are not oblivious to the risks incurred by performing in a manner which displeases or is not in accordance with the interests of their military superiors. In this atmosphere, rumors, however unfounded, of the commanding officer's desires in the matter are not likely to go unheeded. And even when the commander in nowise seeks to influence the participants, their court-martial performance may well be affected by a conscious or subconscious desire to do that which they presume will please the commander.

Expressions of concern over the erosive workings of command influence upon military justice have been widespread. As early as 1919, Gen. Samuel T. Ansell, the Acting Judge Advocate General of the Army, urged the removal of the commander's authority to select the court members. More recently, the American Bar Association and other bar associations, the American Legion, the American Civil Liberties Union, and a number of law professors have called for changes in the court-martial structure that would insulate key court-martial personnel from the influence of the commanding officer and erase the appearance of one-sided partiality.

The calls for court-martial reform have not gone unnoticed by Congress. In 1948 Congress enacted legislation which criminally proscribed attempts to coerce or unlawfully influence the actions of a court-martial. Congress, in passing the Military Justice Act of 1968, again acted to minimize the possibility of command influence. This most recent legislation provides in part that a serviceman's performance as a member of a court-martial or as defense counsel cannot be considered in the preparation of his efficiency report or in determining his promotions and assignments. However, because a commander is rarely so brazen as to document his efforts to wrongly influence a court, this admonishment, as well as the prohibition created in the 1948 act, appears to be of only superficial value. As the Court of Military Appeals has observed:

> In the nature of things, command control is scarcely ever apparent on the face of the record.

A much more meaningful safeguard against command influence was the creation by the 1968 legislation of an independent judiciary composed of military judges who are insulated from the control of local commanding officers. The idea was initiated administratively by the Army in 1958 when it established a Field Judiciary Division directly subject to the authority of the Judge Advocate General. Under the Army's plan, the entire military command was divided into judicial areas which were subdivided into judicial circuits. One or more judicial officers were assigned to each circuit and the senior officer among the circuit judicial officers within an area was appointed as the area judicial officer, a position which carried some additional administrative responsibilities. The Office of the Judge Advocate General rated the performance of the area judicial officers who in turn rated their respective circuit judicial officers. This system which was designed to prevent one facet of improper command influence, met with great success, and on the basis of recommendations in 1963 and again in 1968 by Senator ERVIN's Subcommittee on Constitutional Rights, the system was enacted into law for all the armed services.

Notwithstanding the advancement made by the 1968 legislation, command influence remains a serious problem in military justice. The two most serious impediments to court-martial impartiality are the commanding officer-convening authority's control through his staff judge advocate over defense counsel and his power to appoint and affect court members.

The commander's authority over the defense counsel represents the most serious weakness in the military's judicial machinery. In this regard, Senator ERVIN's Subcommittee on Constitutional Rights has recognized "that many possibilities exist for command influence to be exercised on defense counsel." The basic problem is that military defense counsel operate in the same office as the prosecution and under the direction and control of the staff judge advocate. According to the Military Court of Appeals—

> In a general way, the position of staff judge advocate can be likened to that of a district attorney.

The staff judge advocate operates directly under the control of the very commander who convenes the court; his primary responsibility is to assure that the interests of the commander, including the commander's disciplinary interests, are preserved; and as the commander's principal legal officer, he has the duty to advise him as to whether the court-martial allegations are legally correct and are factually supportable. As Judge George W. Latimer of the Court of Military Appeals has stated:

> If we look the facts in the face, we must realize that presently the staff judge advocate is the officer who is suspected of being a messenger of conviction. He is always pictured as the alter ego of the commander.

This arrangement whereby the defense counsel is under the control of a military officer who is likened to a prosecuting attorney is clearly at odds with the basic philosophy of our adversary system of justice.

Understandably, it frequently produces serious conflicts of interest between the defense counsel's duty to his client and his duty to the command. For instance, a defense counsel is placed in an extremely difficult predicament when the court-martial activities of the staff judge advocate or the convening authority run contrary to the law, for then he must expose the misfeasance of his military superiors and incur their wrath in order to properly defend his client. Similarly, as Dean A. Kenneth Pye of Duke Law School has observed:

> The defense counsel who has the option of asserting the defense which will embarrass his commander or staff judge advocate appreciates that this officer may ruin him professionally simply by making his efficiency report "satisfactory" without utilizing any letter of reprimand, transfer, or punitive matter.

So long as defense counsel remains a part of the military hierarchy responsible for preserving military discipline, he will be deprived of his traditional freedom of action in preparing his client's defense. And that freedom, as any lawyer knows, is the best assurance of fairness in any criminal proceeding.

The second major obstacle to court-martial fairness is the commander's authority to hand-pick court members. The inherent vice in this system is that it creates the appearance as well as the occasional fact of the commander stacking the court with men who he believes will support his disciplinary policies and convict the accused.

This system of court member selection which practically invites abuse is as inimical to the appearance of judicial impartiality as an actual showing of abuse. If military trials are to be impartial and to appear impartial, the selection of court members must be removed from the control of the commander and vested in an independent authority.

I am today introducing legislation to prevent command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings. The bill would remove defense counsel and court member selection from the control of the military commander who convenes a court-martial and place these functions under the control of an independent trial command. My proposal utilizes the framework and is founded upon the principle of the independent judiciary which was created by the Military Justice Act of 1968.

My proposal remains mindful of the important and legitimate interest of the military in preserving discipline. It seeks to strike a balance between this interest and the interest of procedural due process. Thus, while the bill removes defense counsel and jury selection from command control, it does not interfere with the convening authority's control over the prosecution of a case.

Under my proposal each armed service will establish an independent trial command directly under its Judge Advocate General or his designee. Each command will be divided into three divisions: First, military judges; second, defense counsel; and third, court administrators. Each command will be divided geographically into judicial circuits which will be headed by a judicial circuit officer. Upon deciding to convene a general or special court-martial, the convening authority will notify the circuit judicial officer in whose circuit his command is located.

The circuit judicial officer will assign from his judicial circuit the judge, the defense attorney or attorneys, and such administrative personnel as he deems necessary to the court-martial. He will also assign defense counsel to special courts-martial. Subject to the regulations of each Armed Forces Secretary, he may also assign military judges and administrative personnel to special courts-martial. The circuit judicial officer will select the court members of a general court-martial. In making this selection, he will employ the principle of random selection among those who are eligible. Subject to the regulations of each Armed Forces Secretary, the circuit judicial officer also may select the court members of special courts-martial.

The military judges, defense attorneys, and court administrators within each division will be accountable for their court-martial performance only to their superior officers within those divisions, the circuit judicial officer, and the Judge Advocate General or his designee. Only this line of command will be used in the preparation of fitness reports and in decisions affecting the promotion, transfer, and duty assignment of the military personnel within each Armed Service Trial Command.

Today, I am introducing this bill for appropriate reference for myself and Senators CASE, EAGLETON, GOODELL, GRAVEL, JAVITS, HART, HARRIS, MCCARTHY, MONDALE, MUSKIE, NELSON, PELL, PROXMIRE, RANDOLPH, MCGOVERN, and SCOTT. I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD:

The bill (S. 3117) to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is hereby amended as follows:

(1) Section 825 is amended by creating a new subsection (a) as follows:

"(a)(1) The Judge Advocate General of each armed force shall establish a Military Trial Command which shall be an independent command directly under his authority or the authority of his designee. Each Military Trial Command shall be divided into judicial circuits each of which shall be commanded by a Circuit Judicial Officer and shall include the following divisions: (1) military judge division, (2) defense counsel division and (3) court reporter and administrative division. The military members of these divisions shall be under the supervision, direction and control of only their superiors within their division, the Circuit Judicial Officer and the Judge Advocate General or his designee and shall perform duties of a judicial or nonjudicial nature other than those relating to their primary duty within the division only when so assigned by these superiors.

"(2) The authority convening a general or special court-martial shall promptly so notify the Circuit Judicial Officer of the circuit in which the authority's command is located."

(2) Existing subsections (a), (b), (c)(1), (c)(2), (d)(1), and (d)(2) of section 825 shall be changed to subsections (b), (c), (d)(1), (d)(2), (e)(1), and (e)(3), respectively.

(3) Subsection (e)(2) of section 825 shall be amended as follows:

"When convening a special court-martial, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. For each general court-martial, the Circuit Judicial Officer, upon notification of the convening authority of his intent to convene a general court martial, shall select at random the members of the court from among those officers and enlisted men who are eligible and available within the circuit. No member of an armed force is eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

(5) The first sentence of section 826(c) shall be amended as follows: "The military judge of a general court-martial shall be designated by the Circuit Judicial Officer of the circuit in which the general court-martial shall be held for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned to the military judges division of a particular judicial circuit under the Military Trial Command of the armed force of which the military judge is a member."

(6) Section 827(a) is amended as follows: "(1) For each general and special court martial the authority convening the court shall detail trial counsel and such assistants as he considers appropriate. No person who has acted as investigating officer, military judge or court member in any case may act later as trial counsel or assistant trial counsel in the same case.

"(2) For each general and special court-martial the Circuit Judicial Officer, upon notification by the convening authority of his intent to convene a court-martial, shall designate from those assigned to the Defense Division of the Judicial Circuit in which the court-martial shall be held a defense counsel and such assistants as he considers appropriate to represent the accused in the court-martial. Neither the convening authority, nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness or efficiency of the defense counsel so designated."

(7) Section 827(c)(2) and 827(c)(3) are amended by deleting from each the words "detailed by the convening authority."

(8) Section 828 shall be amended as follows: "Under such regulations as the Secretary may prescribe, the Circuit Judicial Officer, upon notification by the convening authority of his intent to convene a court-martial, shall assign from the court reporter and administrative division, court reporters and such other administrative personnel as he considers appropriate, who shall record the proceedings of and testimony taken before the court and perform other administrative duties."

S. 3118—INTRODUCTION OF A BILL RELATING TO AMENDMENT OF NATIONAL SEA GRANT COLLEGE AND PROGRAM ACT OF 1966

Mr. PELL. Mr. President, 3 years ago the Congress gave its approval to the National Sea Grant College and Program Act of 1966. The intent of that act was to stimulate a more intensive national effort in the marine sciences and marine engineering. The act was designed to apply to this Nation's marine resources the combination of education, applied research, and extension services that has been so spectacularly successful through the land-grant college system in developing our agricultural resources.

As the coauthor of the Sea Grant College Act, I have followed very closely the development of the program. I can report that the sea-grant college program in its first 2 full years of operation has showed every indication of living up to the expectations of the Congress, despite rather limited funding.

The program has been given an enthusiastic reception by every segment of the oceanologic community in the United States. Our universities and colleges, the scientific community, industry, State and local governments, all have given the sea-grant college program warm endorsements.

They have applied for participation in the program, with matching funds in hand, far beyond the fiscal capacity of the program to accommodate their proposals.

As a result of the sea-grant college program, expansion of education programs for marine scientists, engineers, and technicians is underway; applied research projects are being supported that explore promising potentials for increasing the yield of the sea; and sea-grant institutions are beginning to reach out to the fishermen and marine-related businessmen to discover their problems and help to solve them.

A few months before approving the sea-grant college program, Mr. President, the Congress ordered a comprehensive study of the entire national oceanologic program. The Commission on Marine Science, Engineering, and Resources was established and directed to make recommendations to the Congress for improvement of the national program.

The Commission has now completed its work and submitted its report to the Congress. The report, "Our Nation and the Sea," includes several comments, observations and specific recommendations relating to the sea-grant college program. These recommendations, I believe, constitute a tribute both to the concept of the program and to its performance during its initial years of operation.

The Marine Science Commission recommended a significant broadening and expansion of the national sea-grant college program functions. I agree fully with the Commission's recommendations relating to the sea-grant college program. Accordingly, I am today introducing a bill to carry out those recommendations, and to provide adequate financing for the more extensive sea-grant college program envisioned by the Commission.

I am delighted that the senior Senator from Washington (Mr. MAGNUSON) who has exercised such outstanding leadership toward development of a national oceanologic program, is cosponsoring this bill along with my senior colleague from Rhode Island (Senator PASTORE).

I am delighted to say, also, that a similar bill is being introduced today in the other body by Representative PAUL ROGERS of Florida. Representative ROGERS and I were coauthors of the Sea-Grant College Act, and I am proud to be working once again with one who has such a deep interest in our national marine science affairs and who has contributed so much to them.

The Marine Science Commission urged the Congress to authorize a new program of coastal zone laboratories and recommended that the program be administered through the sea grant college program. This bill would implement that recommendation.

One of the most pressing problems in the marine sciences, Mr. President, is the need for proper management and wise utilization of our coastal zone. This region of relatively shallow water along our coasts and the shores of the Great Lakes, is the area of most concentrated marine activity.

Pressures for use of this coastal zone area are increasing rapidly and can be expected to continue to mount as coastal populations grow and as increased use of the coastal zone is required to meet recreational, shipping, fishing, and other demands.

Proper management of this zone to protect the marine environment and to provide maximum public benefits from the competing, and at times incompatible, uses is imperative.

In response to this need, the senior Senator from Washington (Mr. MAGNUSON) has introduced the Coastal Zone Management Act of 1969, S. 2802. That proposal, implementing another recommendation of the Marine Science Commission, would provide for comprehensive and coordinated long-range planning and management of the coastal zone for maximum public benefit. I am proud to be a cosponsor of that bill, and congratulate Senator MAGNUSON on this demonstration of his continued leadership in oceanologic legislation.

I believe the measure I have introduced today is an important complement to the Coastal Zone Management Act, for it would provide the research facilities and capabilities required for wise coastal zone management.

Management of this coastal zone area rests primarily with local, State, and regional authorities. The coastal zone laboratories would be charged specifically with providing information, assistance, and recommendations to the State and regional authorities.

A series of laboratories is required simply because the characteristics of the coastal zone and estuarine areas vary widely from State to State and region to region. The resource management problems likewise vary widely.

I would like to emphasize, however, that this bill does not propose the establishment of another network of Federal Government laboratories. The coastal zone laboratory programs would be conducted by sea-grant colleges, and other suitable institutes, laboratories, and public or private agencies.

As in other Sea-Grant College Act programs, the participating laboratories would be required to provide matching funds equal to 50 percent of the Federal Government contribution. To assure that the coastal zone laboratories are responsive to the needs of State and regional management authorities, the bill requires that research programs of the laboratories be planned in consultation with appropriate management authorities.

Mr. President, I concur with the Marine Science Commission's recommendation that the sea-grant college program is the logical administrative vehicle for the coastal zone laboratories program.

Many of the colleges and universities currently receiving sea-grant college program support are already deeply involved in scientific exploration and investigation of the coastal zone in their immediate vicinity. In fact, 90 percent of the projects being supported under the sea-grant college program involve work in the coastal zone. Many of these colleges and universities are State institutions and, thus, ideally suited to work with State and regional authorities.

The Commission also recommended that the existing prohibition against the use of sea-grant college funds for construction, purchase and repair of vessels and other facilities be eliminated.

The prohibition against use of sea-grant college funds for "bricks and mortar" was included in the original act because of strong convictions that the limited funds authorized for the program in its initial years should be concentrated on projects and programs, not construction. I believe that was a sound decision.

The Commission concluded, however, that if the sea-grant college program is to be a fully effective instrument for new programs contemplated for it, the prohibition must be removed. I accept the Commission's recommendation and have incorporated it into my bill.

The Marine Science Commission offered several additional recommendations regarding the sea-grant college program. These recommendations do not require specific legislative action for implementation. For example, the Commission recommended that the sea grant college program expand its support for ocean engineering and marine technician training at all levels, and that it aid selected universities in the application of social sciences to marine affairs.

These recommendations call for an expansion of currently authorized sea-grant college program activities. It is clear, however, that no expansion will be possible unless adequate funds are authorized and appropriated. It is also evident that if the sea-grant college program is to be expanded to include administration of a coastal zone laboratories program, and to include assistance in construction and repair of vessels and other facilities, increased funds will be required.

In recognition of this need, my bill provides a new basis for funding of the program. The bill provides that the first $50 million in Federal revenue in each fiscal year from leases and rents from the Outer Continental Shelf be placed in a sea-grant college fund. Congress would be authorized to appropriate from this fund in each fiscal year such amounts as it deems necessary for the purposes of the program.

Mr. President, I believe this financing makes good sense. I can think of no more appropriate use of revenues the Federal Government derives from the marine wealth of the Continental Shelf than to reinvest those funds in research, education, and extension services designed to develop, protect, and wisely manage our marine resources.

Indeed, when I first introduced the sea-grant college bill in 1965, I proposed the earmarking of a portion of the Continental Shelf revenues to finance the program. I reluctantly withdrew that provision from the bill because of very strong opposition at that time from the Bureau of the Budget.

The situation has now changed somewhat. The Congress last year earmarked a portion of Federal Continental Shelf revenues for the land and water conservation fund, and Senator MAGNUSON, who also proposed in the last Congress the earmarking of a portion of these funds for marine sciences, has proposed similar funding for the Coastal Zone Management Act of 1969. I hope very much that the administration and the Congress will concur in this approach to adequate funding for these programs.

Mr. President, we in the Congress have for the past 2 years deferred acting on most new legislation in oceanology and the marine sciences, awaiting the report of the Marine Science Commission.

We now have that report. I believe we have a responsibility now to give the Commission report the most careful study, and to move ahead vigorously with the establishment of a well-coordinated national oceanologic program to meet the demands of the coming decades.

I would bring to the attention of my colleagues the fact that although the Marine Science Commission recommended an extensive reorganization of our national marine sciences program, the Commission urged that action on specific recommendations not be made to await a decision on reorganization.

It is in keeping with that recommendation, which I believe is a wise one, that I have today introduced these amendments to the National Sea Grant College and Program Act.

Mr. President, I ask unanimous consent that the text of the bill and a summary of the provisions of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 3118) to amend the National Sea Grant College and Program Act of 1966 in order to authorize coastal zone laboratory programs, and for other purposes, introduced by Mr. PELL (for himself, Mr. MAGNUSON, and Mr. PASTORE), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the National Sea Grant College and Program Act of 1966 is amended (1) by inserting after paragraph (c) a new paragraph as follows:

"(d) that management of the coastal zone to preserve and develop its rich resources and to provide maximum public benefits from those resources requires increased scientific knowledge of the characteristics and processes of the coastal zone and estuarine areas;"

and (2) by redesignating paragraph (d) and (e) as paragraphs (e) and (f), respectively, and (3) by striking in the paragraph redesignated (e) the following: "(a), (b), and (c)" and inserting in lieu thereof "(a), (b), (c) and (d)".

SEC. 2. (a) Section 203(b)(1) of the National Sea Grant College and Program Act of 1966 is amended by striking the comma after "June 30, 1970, not to exceed the sum of $15,000,000" and inserting in lieu thereof a period, and by striking all that follows through "Congress may hereafter specifically authorize by law."

(b) Section 203(b) of such Act is further amended by redesignating paragraph (2) as paragraph (3) and by inserting before such paragraph a new paragraph as follows:

"(2) The initial $50,000,000 of all revenues received in each fiscal year beginning after June 30, 1970, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1337 et seq.), including the funds held in escrow under the interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds, shall be placed in a special fund in the Treasury to be known as the 'Sea Grant Colleges Fund'. Moneys in such Fund shall be used only for the purposes of the National Sea Grant and Program Act of 1966, and are hereby authorized for such use to the extent made available in appropriation Acts.

SEC. 3. (a) Section 204(b) of the National Sea Grant College and Program Act of 1966 is amended by striking out "and" at the end of clause (2), by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and", and by inserting after such clause (3) a new clause as follows:

"(4) initiating and supporting coastal zone laboratory programs which (A) are for the purpose of carrying out comprehensive scientific investigations of the characteristics and processes of the coastal zone and estuarine areas of the State or region in which such laboratories are established in order to provide necessary information, assistance and recommendations to the appropriate State, regional or federal government authorities responsible for the management of the coastal zone and estuarine areas, and (B) are carried out by sea grant colleges and other suitable institutions, laboratories or public or private agencies."

(b) Section 204 of such Act is further amended by striking subparagraph (d)(2) and inserting in lieu thereof a new subparagraph as follows:

"(2) Payments by the Foundation to any participant in any program to be carried out under this title may be used for the rental, purchase, construction, preservation, and repair of buildings, docks, vessels and equipment necessary to such program.

(c) Section 204 of such Act is further amended by redesignating subsections (h) and (i) as subsections (i) and (j) respectively, and by inserting after subsection (g) a new subsection as follows:

"(h) In carrying out its functions under section 204(b)(4), the Foundation shall (A) encourage cooperative programs under which a single coastal zone laboratory may serve two or more states whose coastal zones and estuarine areas, or portions thereof, have a high degree of similarity in geographic, biological, chemical and physical characteristics, and (B) require submission of a satisfactory and detailed program of scientific investigation by such coastal zone laboratories and evidence that the research program was planned in consultation with the governmental authorities responsible for the management of the coastal zone."

(d) Section 204 of such Act is further amended in redesignated subsection (j) by striking out "and" at the end of clause (3), by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "and", and by inserting after clause (4) the following:

"(5) the term 'coastal zone' means the lands, waters and lands beneath the waters in close proximity to the coastline (including the Great Lakes) and strongly influenced by each other."

"(6) the term 'estuarine area' means the area in which the marine environment meets and interacts with the fresh water environment."

The summary, presented by Mr. PELL, is as follows:

SUMMARY OF PROVISIONS

Section 1: This section amends the declarations and findings of the Congress to include a new paragraph recognizing the need for increased scientific knowledge of the coastal zone and estuarine areas to preserve and develop the resources of those areas and to provide maximum public benefit from those resources.

Section 2: This section requires that the first $50,000,000 received each year by the Treasury Department in revenues from the Outer Continental Shelf Lands Act be placed in a special "Sea Grant Colleges Fund". The section further authorizes the Congress to appropriate from the fund such amounts as the Congress deems necessary for use only for the programs authorized by the Sea Grant College Act of 1966 as amended.

Section 3: a. Authorizes the National Science Foundation, as part of the Sea Grant College Program, to initiate and support coastal zone laboratory programs designed for comprehensive scientific investigation of coastal zone and estuarine characteristics and processes. The section further provides that such programs shall be designed to provide necessary information, assistance and recommendations to regional, State or Federal Government authorities responsible for the management of the coastal zone. The programs may be conducted through Sea Grant Colleges, or other suitable institutions, laboratories, or public or private agencies.

b. Removes the existing prohibition against use of Sea Grant College Program funds for rental, purchase, construction and preservation or vessels, docks, buildings and equipment necessary to the proper conduct of the authorized programs.

c. Requires the Foundation in carrying out the Coastal Zone Laboratories program to encourage cooperative programs under which a single laboratory may serve two or more adjoining States whose coastal zone and estuarine areas are highly similar. The section further requires submission by the laboratories of satisfactory programs of scientific investigation and evidence that the research program was planned in consultation with authorities responsible for management of the coastal zone.

d. Adds to the act definitions of the coastal zone and estuarine area.

S. 3120—INTRODUCTION OF A BILL TO ESTABLISH THE FIVE CIVILIZED TRIBES NATIONAL PARK

Mr. HARRIS. Mr. President, I introduce for myself and my colleague from Oklahoma (Mr. BELLMON) a bill to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma. The bill has the endorsement of the intertribal council of the Five Civilized Tribes of Oklahoma and the endorsement of the legislative council of the Oklahoma State Legislature.

Under the terms of the bill we introduce today, the Five Civilized Tribes National Park would encompass the areas now included in the Fountainhead State Park and the Arrowhead State Park, both of which are located on the shores of the Eufaula Reservoir, which was constructed and is operated by the U.S. Army Corps of Engineers. These two parks are located in the eastern part of Oklahoma which has the largest concentration of Indians belonging to the Five Civilized Tribes. Both Fountainhead State Park and Arrowhead State Park have outstanding lodges and other recreational facilities available, and most of these facilities were constructed by the State with loans obtained from the Area Redevelopment Administration now known as the Economic Development Administration.

Under the terms of the legislation we introduce today, these parks and lodges would be a gift from the State of Oklahoma to the Federal Government, in return for which the Federal Government would consider "satisfied in full" all "obligations of whatever kind of the State of Oklahoma due and owing to the United States," in connection with these lodges.

The American Indian is a vital part of American history and culture, and the Five Civilized Tribes are of special interest in that they were totally relocated from the eastern part of the United States into Indian territory which is now the State of Oklahoma. The establishment of the Five Civilized Tribes National Park as proposed in this bill will guarantee the preservation of a portion of our State which is filled with educational artifacts and inspirational reminders of the early culture and society of the Five Civilized Tribes.

Furthermore, the Eufaula Reservoir is a recreation paradise visited by thousands of people annually for the purpose of swimming, boating, fishing, and simply relaxing and enjoying the esthetic beauty of the eastern hills of Oklahoma. The State of Oklahoma has constructed the Fountainhead and Arrowhead State lodges on the shores of this beautiful lake, and these lodges provide the most modern accommodations available anywhere. The establishment of a national park which would include these two outstanding lodges, plus the surrounding landscape, would make a significant contribution to our already overburdened national recreational facilities and would, of course, provide yet another point of interest for thousands of people who travel annually to the national parks throughout the United States.

Mr. President, the State of Oklahoma in the development of Fountainhead State Park and Arrowhead State Park did an excellent job in preserving the natural beauty of the area; and, the architectural design of the lodges and other facilities blend well with the surrounding scenery.

Interstate Highway 40 and the Indian Nations Turnpike both pass within a short distance of Arrowhead and Fountainhead State Parks, and both these State parks are convenient to the large metropolitan areas of Oklahoma City, Tulsa, Dallas, Fort Worth, and even Little Rock, and St. Louis. I feel that the part this area of Oklahoma has played in the history of our country and in the history of the American Indian underlines the need for us to assure its preservation for future generations to study and enjoy. The scenic beauty of the landscape and the modern lodges and other facilities would certainly make Fountainhead and Arrowhead State Park an asset to our national park system. The State, as I have stated earlier, is willing to turn these two facilities over to the National Park Service in order to take advantage of the professional management capabilities which the National Park Service has so admirably demonstrated in preserving other areas of historical and esthetic significance throughout the United States. I feel that both the State of Oklahoma and the Nation as a whole will benefit as a result of the enactment of this legislation. Therefore, I urge its early and favorable consideration by the Senate.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3120) to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma, introduced by Mr. Harris, for himself and Mr. Bellmon, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF BILL

S. 2004

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the Senator from Louisiana (Mr. Long), that, at the next printing, his name be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 46—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF A REPORT, ENTITLED "HANDBOOK FOR SMALL BUSINESS," AS A SENATE DOCUMENT

Mr. BIBLE submitted a concurrent resolution (S. Con. Res. 46) relative to printing as a Senate document of a publication of the Senate Select Committee on Small Business, entitled "Handbook for Small Business, 3d Edition, 1969," which was referred to the Committee on Rules and Administration.

(The remarks of Mr. Bible when he submitted the concurrent resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 278—RESOLUTION REPORTED RELATING TO FEES OF WITNESSES APPEARING BEFORE SENATE COMMITTEES—REPORT OF A COMMITTEE (S. REPT. NO. 91-515)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 278); and submitted a report thereon, which resolution was placed on the calendar and the report was ordered to be printed:

S. Res. 278

Resolved, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $25 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination, in no case to exceed 20 cents a mile for the distance actually traveled by him for the purpose of appearing as a witness if such distance is not more than six hundred miles or 12 cents a mile if such distance is more than six hundred miles.

FAMILY ASSISTANCE ACT OF 1969—AMENDMENT

AMENDMENT NO. 267

Mr. PERCY. Mr. President, on behalf of myself and Senators Brooke, Case, Cook, Goodell, Gravel, Inouye, Mathias, Nelson, Packwood, Randolph, Schweiker, Stevens, and Tydings, I submit an amendment, intended to be proposed by us, jointly, to Senate bill 2986, the Family Assistance Act of 1969. My amendment is entitled "Day Care Facility Construction Amendment."

It is the purpose of this amendment to provide financial assistance to public and private nonprofit agencies and organizations to help meet the acquisition or construction cost of day-care centers in communities where such facilities are needed.

The Federal funding of day-care centers is not a new or novel idea. It had its origin in the manpower needs of World War II. During one of the more critical periods of the war, Federal funds under the Lanham Act were made available to the States on an inducement to provide day care for the children of mothers who worked in wartime industries. This Federal funding terminated after the war, however, in anticipation of working mothers returning to their household duties on a full-time basis. The need for day-care services, it seemed, would thus disappear.

As we are all aware, the working mother did not disappear from the American scene. Many families discovered that a second income had become indispensable. Working mothers were reluctant to relinquish the economic assistance and personal independence brought by their own pay checks. In addition, American business discovered that it could ill afford to lose the pool of talent and energy provided by the working mother and accordingly, encouraged women to remain employed through salary and work incentives.

Today, there is an increasing need for women in the job market and an increasing number of women who need or will need jobs. A significant number are mothers, many of whom are the sole support of their families. Some are mothers now receiving welfare payments under the aid to families with dependent children program who will be equipped to assume employment when they receive training under the work incentive program.

Day-care facilities are needed for the children of all these mothers and I advocate a Federal program that will contribute to their construction. As an initial step toward a more comprehensive program, however, I feel we should begin to provide such facilities where they are most urgently needed. I am, therefore, proposing that we concentrate first efforts on building day-care centers for the children of low-income working mothers and mothers on welfare. For these mothers, the availability of full- or part-time day care for their children often determines whether they will or can work; whether their children will receive supervised care or roam the streets.

There are numerous social benefits that will accrue from providing adequate day care for these families. To begin with, children will be attended in centers where their welfare is paramount and where they will assimilate social behavior meeting society norms. These children will receive an education as well as good care—both of which are vital if they are to become productive members of society when they mature. In addition, more women who are physically capable and unencumbered by very small children or infirm members of their families could participate in job training programs and go to work. Their addition to the labor force would effect tremendous savings in Federal and State expenditures as they begin to support their families.

For the city of Chicago alone, for example, it has been estimated that if 2,000 mothers who are receiving AFDC grants could be placed in gainful employment there would be a savings of $12 million a year in State and Federal funds. This situation in Chicago is not unique; it exists to a greater or lesser extent in cities and towns across the country.

Finally, the expansion of the labor force and the reduction of poverty which will occur as more mothers work will contribute to the growth of our economy and the development of our society.

The Federal Government has responded to the national need for day-care programs in a variety of ways, in a number of Federal departments. With a few exceptions, most of these programs are geared toward staffing and training people to staff day-care centers.

It is estimated that federally assisted day-care programs are currently serving more than 75,000 children and that approximately 325,000 more are being provided day-care services for State and local governments, churches, both nonprofit and profit organizations, and private industry. These 400,000 children, however, represent but a fraction of those who could benefit by day-care programs.

In Illinois alone there are over 300,000 children in families receiving AFDC payments. And as of March of this year, there were 4.8 million such children in the country. While it is true that the mothers of some of these children could not work for a variety of reasons, day-care services for a great proportion of these children would permit mothers to obtain job training and employment.

President Nixon in his bold new welfare reform proposal has taken a major step in insuring the development of comprehensive day-care programing. He has both called public attention to the need for day-care services and committed more Federal funds, $1,600 per child a year, to provide day care for children of welfare recipients who are being trained or working.

The amendment I am submitting today will complement the President's proposal by providing the third ingredient for adequate day care—funds for the construction, acquisition, or remodeling of buildings for day-care centers.

The day-care facility construction amendment to the Family Assistance Act of 1969 enables the Federal Government to provide financial assistance to public and nonprofit agencies and organizations to meet part of the cost of the acquisition or construction of day-care facilities in localities where they are needed. Priority would be given to the development of day-care centers in low-income areas and for children of low-income facilities or welfare recipients.

Funds will also be available for the remodeling of an existing structure so that it meets local and Federal requirements for day-care centers. This is an especially important provision since in many communities church basements and Sunday school rooms as well as other buildings are readily available for day-care use but remain unused because they fail to meet exacting codes. Modification of these structures with Federal funds would provide the communities with adequate physical plants for day-care centers.

The financial assistance provided in this legislation would be spread over a 4-year period so that the maximum number of facilities could be constructed. A total of $45 million would be authorized for appropriation for the first year and the dollar level would increase by 10 percent each year to offset rising cost levels.

The impact of this $208,842,000 over 4 years would be substantial. It has been estimated that the cost of building a day-care facility for a 40-child program is $96,000. This means that the construction funds provided in the bill would create day care facilities for almost 2 million children.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD following my remarks and urge prompt action on it.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 267) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 267

Beginning on page 40, line 9, strike out all through page 42, line 3, and insert in lieu thereof the following:

"DAY CARE FACILITIES CONSTRUCTION

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 437. (a)(1) The Congress finds and declares that (A) because women are assuming an evermore important role in the Nation's work force, (B) because of the increasing complexities of society, and (C) because many parents are financially unable to provide adequate day care services for their children, there is an urgent and growing need to provide adequate day care facilities to provide proper care of the children of working mothers and of other children who are in need of care outside the home.

"(2) It is therefore the purpose of this section to provide financial assistance to public and nonprofit organizations to meet part of the cost of acquisition or construction of day care facilities in communities where such facilities are needed.

"Authorization of Appropriations

"(b) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $45,000,000 for the fiscal year ending June 30, 1971, $49,500,000 for the fiscal year ending June 30, 1972, $54,450,000 for the fiscal year ending June 30, 1973, and $59,895,000 for the fiscal year ending June 30, 1974.

"State Allotments

"(c)(1) Each State shall be entitled for each fiscal year, beginning with the fiscal year which ends June 30, 1971, to an allotment of the sums appropriated pursuant to subsection (b).

"(2) Of the sums appropriated pursuant to subsection (b) for any fiscal year—

"(A) 75 per centum thereof shall be available for allotment in the manner provided in paragraph (3)(A); and

"(B) 25 per centum thereof shall be available for allotment; in the manner provided in paragraph (3)(B).

"(3)(A) The sums available for allotment under paragraph (2)(A) for any fiscal year shall be allotted as follows: Each State shall be allotted an amount of such sums which bears the same ratio to such sums as the number of children under age 15 in such State who are receiving welfare assistance bears to the number of children under age 15 in all the States who are receiving welfare assistance.

"(B) The sums available for allotment under paragraph (2)(B) for any fiscal year shall be allotted as follows: Each State shall be allotted an amount of such sums which bears the same ratio to such sums as the number of children under age 15 in such State bears to the number of children under age 15 in all the States.

"(C) For purposes of paragraph (A), the term "welfare assistance" refers to benefits in the form of money payments (i) under a State program approved under part A of title IV prior to the effective date of part D of title IV (as added by the Family Assistance Act of 1969) or (ii) part D of title IV (as added by such Act).

"(4) Allocations under paragraph (3) shall be made on the basis of the most recent data available to the Secretary immediately prior to the fiscal year with respect to which such allocations are made. The Secretary, in determining the number of individuals referred to in subparagraph (A) or (B) of paragraph (3) shall use a monthly average over such period of time (not in excess of one year) as he may deem appropriate.

"(5) Any sum allotted to a State for a fiscal year under this subsection and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year.

"GENERAL REGULATIONS

"(d) The Secretary shall by general regulations prescribe—

"(1) the general manner in which the State agency (designated pursuant to subsection (d)(1)(A)) shall determine the priority of day care facilities based on the relative need for such facilities in the various areas of the State, giving special consideration to neighborhoods of low per capita income;

"(2) general standards of construction and initial equipment for day care facilities of different size and in different types of location; and

"(3) criteria for determining need for day care facilities.

"STATE PLANS

"(e)(1) Any State desiring to participate in the program established by this section must submit to the Secretary a State plan which—

"(A) designates a single State agency as the sole agency for the administration of the plan, or designates such agency as the sole agency for supervising the administration of the plan;

"(B) contains satisfactory evidence that the State agency designated in accordance with subparagraph (A) will have authority to carry out such plan in conformity with this section, and will cooperate with other State and local agencies concerned with child care programs;

"(C) provides for the designation of a State advisory council, which shall include representatives of nongovernmental organizations or groups, and of public agencies, concerned with the health, education, and welfare of young children to consult with the State agency in carrying out the plan;

"(D) sets forth, in accordance with criteria established in regulations prescribed under subsection (d) and on the basis of a statewide inventory of existing day care facilities, a survey of need for such facilities in the various communities of the State;

"(E) establishes a program for acquisition and construction of day care facilities which program conforms with regulations prescribed under subsection (d) and is designed to meet the needs revealed pursuant to the survey conducted pursuant to subparagraph (D);

"(F) sets forth the relative need, determined in accordance with regulations prescribed under subsection (d), and provides for the meeting of such need, insofar as financial resources available for such purpose make possible, in the order of such relative need;

"(G) provides such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(H) provides for affording to every applicant for a grant an opportunity for a hearing before the State agency;

"(I) provides that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such records;

"(J) provides that the Comptroller General of the United States or his duly authorized representative shall have access for the purpose of audit and examination to the records specified in subparagraph (I); and

"(K) provides that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary.

"(2) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of paragraph (1). If any such plan or modification thereof shall have been disapproved by the Secretary for failure to comply with paragraph (1), the Secretary shall, upon request of the State agency, afford it an opportunity for a hearing.

"Approval of Projects for Construction or Acquisition

"(f) (1) For each project for construction or acquisition of a day care facility pursuant to a State plan approved under this section, there shall be submitted to the Secretary, through the State agency, an application by the State or political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(A) a description of the site for such project;

"(B) plans and specifications therefor, in accordance with regulations prescribed under subsection (d);

"(C) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility after it is acquired or when construction is completed, as the case may be;

"(D) reasonable assurance that adequate financial support will be available for the maintenance and operation of the facility after it is acquired, or construction thereof is completed, as the case may be;

"(E) reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended; and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(F) reasonable assurance that use of the facility will not be denied to any child because of his race, creed, color, or national origin; and

"(G) a certification by the State agency of the Federal share of the project.

"(2) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of such project are available from the allotment to the State, and if the Secretary finds (i) that the application contains the reasonable assurance referred to in subparagraphs (C), (D), (E), and (F); (ii) that the plans and specifications are in accord with the regulations prescribed pursuant to subsection (d), (iii) that the application is in conformity with the State plan approved under subsection (e) and contains the assurance that in the operation of the project there will be compliance with State standards for operation and maintenance; and (iv) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to subsection (d) (1).

"(3) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(4) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENT OF GRANTS

"(g) (1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the allotment of such State, except that (i) if the State is not authorized by law to make payments to the applicant, or if the State so requests, the payment shall be made directly to the applicant, (ii) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (h), payment may, after he has given the State agency notice of opportunity for hearing pursuant to such subsection, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (iii) the total of the payments under this paragraph with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

"(2) In case an amendment to an approved application is approved as provided in subsection (f) or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the allotment of the State for the fiscal year in which such amendment or revision is approved.

"WITHHOLDING OF PAYMENTS

"(h) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in subsection (e) (1) (A), finds—

"(1) that the State agency is not complying substantially with the provisions required by subsection (e) to be included in its State plan; or

"(2) that any assurance required to be given in an application filed under subsection (f) is not being or cannot be carried out; or

"(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under subsection (f); or

"(4) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify the State agency that—

"(5) no further payments will be made to the State under this section, or

"(6) no further payments will be made from the allotments of such State under this section for any project or projects which the Secretary determines to be affected by the action or inaction referred to in paragraphs (1), (2), (3), or (4) of this subsection, as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments may be withheld, in whole or in part, until there is no longer any failure to comply (or carry out the assurance or plans and specifications or provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"Judicial Review

"(i) (1) If the Secretary refuses to approve any application for a project submitted under subsection (f), or the State is dissatisfied with the Secretary's action under subsection (h), the State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within 60 days after such action. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporary or permanently, but until the filing of the record, the Secretary may modify or set aside his order.

"(2) The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Secretary's action.

"Recovery

"(j) If any facility with respect to which funds have been paid under subsection (g) shall, at any time within twenty years after the completion of construction—

"(1) is sold or transferred to any person, agency or organization (i) which is not qualified to file an application under subsection (f), or (ii) which is not approved as a transferee by the State agency designated pursuant to subsection (e) (1) (A), or its successor, or

"(2) ceases to be a day care facility, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from this obligation,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be public or nonprofit, from the owners thereof) an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of construction under such project or projects. Such right of recovery shall not constitute a lien upon said facility prior to judgment.

"Definitions

"(k) For purposes of this section—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

"(2) The term 'Federal share' with respect to any project means the proportion of the cost of construction of such project to be paid by the Federal Government. The amount of the Federal share for any project shall be the amount fixed by the State, except that the amount so fixed shall not be greater than 75 percent, nor less than 25 percent, of the cost of construction of the project.

"(3) The term 'day care facility' means a facility which (i) is licensed by the State as being adequate to meet the needs, with respect to health, safety, education, and recreation, of young children placed under the care of such facility for all or part of the day, and (ii) meets any other licensing requirements imposed by the political subdivisions in which the facility is located.

"(4) The term 'nonprofit' as applied to any facility means a facility which is owned and operated by one or more nonprofit corporations or associations no part of the earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(5) The term 'construction' includes acquisition of land and buildings, construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any of such buildings (but initial equipment shall be taken into account only to the extent that the cost thereof does not exceed 3 per centum of the cost of construction attributable to items other than such equipment); such term also includes architects' fees.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the annual rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years' undisturbed use and possession for the purposes of construction and operation of the project.

AMENDMENT OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 268

Mr. TYDINGS. Mr. President, I rise to submit an amendment, intended to be proposed by me to S. 2218, a bill to amend the Elementary and Secondary Education Act of 1965.

In order to operate effectively and dispense funds efficiently, school boards on all levels must begin formulating education plans and budgets a year before they are to go into effect. However, given the nature of the appropriations process in Congress, such advance planning is virtually impossible.

For example, the 1969–70 school year will be nearly half completed before the Federal education appropriations for 1969–70 are enacted into law. School systems across the country have been forced to operate education programs involving Federal funding at last year's levels since they have no way of knowing what this year's appropriation will be. If Congress significantly increases educational appropriations for fiscal year 1970 over last year's levels—which I believe it must do—the additional funds will hardly come to school systems under conditions conducive to their efficient use.

To begin with, the schools will not have been able to provide specific plans for the use of these funds because they had no way of knowing 12 to 18 months prior exactly how much they would receive. More importantly, since the money will become available midway through the school year, it will be exceedingly difficult to integrate this money into existing programs and plans. For teachers, counselors, administrators and new curricula must be hired and initiated at the beginning of the school year for maximum effectiveness.

Finally, this year school boards will only have 6 months or less to expend Federal funds before they automatically revert to the Treasury. This short time period in which funds must be spent often leads to two undesirable results: In an effort to meet the June 30 deadline, funds are often used less efficiently than if there had been time for adequate planning and preparation; also, there are many instances of school systems having to return desperately needed funds to the Treasury because there was not time to spend all of the money usefully and without waste.

Several days ago, I received a letter from Jerome Frampton, Jr., president of the Maryland State Board of Education, describing the critical problems caused by the requirement that all Federal educational appropriations must be spent by the end of the current fiscal year and suggesting a possible remedy. I would like to read this excellent letter into the RECORD:

MARYLAND STATE DEPARTMENT OF EDUCATION,
Baltimore, October 30, 1969.
Hon. JOSEPH D. TYDINGS,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR TYDINGS: The Maryland State Board of Education has during recent years become increasingly concerned with the problems presented to our State Department of Education and our local school systems by the uncertainties surrounding Federal funding. We are now at the end of the fourth month of the current fiscal year and still do not know what the amount of Federal funds available to the State during the current year will be. Intelligent educational planning is under these circumstance well-nigh impossible. Even if Congress had acted a few months earlier it would have been difficult to gear in Federal appropriations with the plans evolved by the State and the local systems a year ago.

To do the job we simply must do, we must provide stability in educational planning. To reach a level of stability, we must have a reasonably accurate idea as to how much Federal money will be available at the time the State, City and county staffs enter into the process of budget preparation.

The most effective way of solving the foregoing problem, we believe, is to end the present requirement that certain Federal funds must be spent by the last day of the fiscal year for which they are appropriated. Instead, each school system should be given flexibility to spend Federal money either during the year of the appropriation or the year immediately following. We request that all legislation relating to Federal aid to education be amended to authorize such flexibility.

Cordially yours,
JEROME FRAMPTON, Jr.,
President, Maryland State Board of Education.

Therefore, Mr. President, in order to enable school districts across America to better meet the needs of their students and to insure that the taxpayers are getting the most from every education tax dollar, I am submitting an amendment to the Elementary and Secondary Education Act to enable school districts to carry over unexpended funds from this act into the succeeding fiscal year. I am convinced this amendment, if enacted, would serve the interests of efficiency and economy in the use of Federal education funds.

I ask unanimous consent that the text of the amendment be printed in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent that two telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

Washington, D.C., November 6, 1969.
Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.:

The American Federation of Teachers strongly support your efforts to improve the Elementary and Secondary Schools Education Act by amending section 406 to allow school districts to use unexpended Federal funds from the previous year. This provision introduced much needed flexibility. It would reduce waste by permitting more effective planning. The present spend-it-or-lose-it requirement is costly and disruptive. We pledge our full support.

DAVID SELDEN,
President, American Federation of Teachers.

WASHINGTON, D.C., *November 4, 1969.*
Hon. JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.:

We strongly support the objective of the Tydings amendment to the Elementary and Secondary Education Act, to permit local school districts to carry over Federal education funds into the next fiscal year. This would be of enormous benefit to education by allowing for better planning and use of Federal money.

JOHN M. LUMLEY,
National Education Association.

The **PRESIDENT** pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 268) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 268

At the end of the bill add the following new section:

"AVAILABILITY OF APPROPRIATIONS

"SEC. 11. Section 405 of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247) is amended by inserting '(a)' immediately after the section designation thereof and by adding at the end thereof the following new subsection:

" '(b) notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such fiscal year.' "

EXTENSION OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 269

Mr. MONDALE. Mr. President, today I submit an amendment intended to be proposed by me, to S. 2218, a bill to extend the Elementary and Secondary Education Act of 1965, which I will propose during the upcoming executive sessions on bills to extend and improve ESEA. My amendment provides for the establishment of a National Advisory Commission on School Finance. This Commission will be charged with recommending to the President and the Congress steps to alleviate the financial crisis faced by school districts throughout the Nation.

Caught in a squeeze between inadequate resources on the one hand and ever-increasing demands from citizens on the other, State and local school systems face fiscal chaos. Rising expenditures result from many factors: Inflation, improved salaries, burgeoning construction costs and interest rates, and individualization of instruction by such means as the introduction of new technology, curricular improvement, and small classes. These expenditure pressures are often coupled with statutory and practical limitations on taxing and bonding authority. The school bond issue approval rate has declined from 69 percent in 1968 to an estimated 50 percent in 1969.

Several school districts have been faced with the prospect of actually ceasing operation. School districts depend primarily upon the local property tax, a resource inadequate to the task because it does not rise in proportion to inflation or economic growth. At the same time, the Federal Government collects two-thirds of all national tax revenue through the more progressive and more responsive personal income tax. Federal revenue sharing may be the only solution to the fiscal crisis of State and local governments. Unlike the current administration proposal, a revenue sharing plan should give local school districts credit for school taxes in its distribution formula.

In a nation which prides itself on a stated commitment to equality of opportunity, the quality of a child's education is determined more by the accident of residence than by any other factor. State average per-pupil expenditures in some States are close to three times those in some other States. Equally shocking variations exist within many States from one district to another, and even within some school districts. Yet, per-pupil expenditure alone does not reflect the comparative effort being made from State to State, or from district to district, because of the wide variation in available tax resources.

Inequities in the per-pupil investment in education can be illustrated by a brief example from my home state of Minnesota. Despite a State aid formula which incorporates an equalization factor—and not all States base their aid on this principle—inequities still occur. In 1967–68, the owner of a $20,000 home in one community paid $236 in support of the operation of the public schools, which expended $1,078 per pupil. In contrast, the owner of a similarly priced home in another community paid $357 to support his public school system, which was able to expend only $651 per pupil. In other words, the child in the latter district had considerably less money invested in his education despite the fact that the average homeowner in his community paid more to support education.

Similar illustrations can be found at the State level, where we note that in 1967–68 the child from New York benefitted from a State average per-pupil expenditure of $1,024 while the child from Utah, for example, had $501 spent on his education. Another look reveals, however, that Utah ranked third in the Nation in its effort to support education, as measured in terms of the percentage of personal income expended for education, while New York ranked twelfth. In other words, New York was able to invest twice as much as Utah in the education of each of its children with considerably less burden on the individual taxpayer.

The financial crisis in education is by no means limited to our cities. While we have focused great attention upon the problems of urban America in recent years, as we should, we must also recognize that suburban and rural areas often face severe financial problems resulting from rapid and unusual enrollment growth and inadequate tax resources. Minnesota school districts—suburban, rural, and urban—face serious financial problems.

The suburban Anoka-Hennepin district typifies the dilemma of many rapidly growing suburban school systems. Facing annual enrollment increases approaching 10 percent and dependent upon a relatively limited tax base, the residents of this district have found their taxes increasing 30 percent in a single year. Enrollment in the elementary schools is approximately twice that in the secondary schools; the average age in the community is 14. This district, which has seen its public school enrollment triple within 10 years, thus faces continued dramatic growth. Despite a significant local tax effort, the per-pupil expenditure in the Anoka-Hennepin schools is less than that of many Twin City area districts which are not as dependent upon the individual property owner.

In contrast, the Aitkin school district, located in a rural, lake resort area, faces financial problems typical of many rural communities. With much of its land either unproductive or owned by the State and therefore tax-forfeited, this district faces serious financial problems resultant from its exceptionally low per-pupil evaluation. Despite a State aid formula which provides some equalization, Aitkin has seen its local support rise from 28 percent to 51 percent of its total budget within the most recent 5-year period. With its static tax base, this district has been forced to increase its school taxes to a level approaching 40 percent in a single year.

And, of course, Minnesota cities—like those throughout America—face tremendous financial problems as they attempt to educate large numbers of disadvantaged children whose exceptional needs can be met only through expensive compensatory programs and special services. At the same time, the city schools are confronted with competition for funds as a result of municipal overburden—characterized by extraordinary costs of welfare, fire and police protection, and urban redevelopment. The problems of the city are often compounded by decreasing personal income levels, a shrinking tax base, an aging population, charter limitations on taxing authority, and inappropriate State aid formulas.

We all recognize the importance of quality education to the Nation, as an investment in its human resources and as a source of strength for its democratic institutions. We further appreciate the importance of education to the individual, whose personal fulfillment and economic well-being in an increasingly complex society are closely related to his educational level. The solution to inadequacies and inequities in school finance cannot be postponed. The damage inflicted upon the undereducated individual is irreparable and inexcusable.

Landmark education legislation passed by Congress in recent years has had a remarkable impact upon elementary and secondary education in America. Bills calling for general aid and for school construction assistance have been introduced again in the current session, although proposals incorporating interest subsidies or aspects of the urban development bank concept have yet to be broadly explored for school purposes. Extension and refinement of existing categorical programs are now under consideration in the Education Subcommittee of the Committee on Labor and Public Welfare. The House has already taken major action in this area. Realistically, however, we must recognize that major new departures are unlikely this year. In fact, existing programs are grossly underfunded.

Little agreement exists concerning the respective responsibilities of local, State, and Federal Government in a partnership approach to the support of education. Debate continues on the question of categorical grants versus general assistance, on advanced funding, on maximum discretion at the State level versus the retention of certain Federal functions in the interest of assuring that national priorities will be met—all to little avail while thousands of school districts and millions of children face the harsh reality of pending fiscal disaster.

In an era which cries out for bold curricular and organizational reform at all levels, our educational system is inadequately funded to even maintain its present level of efficiency and relevance. Commissioner of Education James Allen recently stated that the shaping of the expanding Federal role in education is one of the crucial issues we face as a nation. When the Vietnam peace dividend becomes a reality, American education should be prepared to stake its rightful claim to a major share of available funds. It is my belief that we shall be unable to shape this expanded Federal role without the benefit of comprehensive study of educational finance as it exists today, and as it should be molded in the future.

The commission proposed in the amendment which I am introducing today will serve two basic purposes. First, it will provide for a comprehensive study of the many alternative approaches to financing the Nation's elementary and secondary schools. Second, it will provide a prestigious national forum to focus attention on the financial needs of our Nation's schools at a time when education must assume its rightful place in our ordering of national priorities.

Mr. President, the amendment states that the Congress recognizes: First, that many school districts are facing an unprecedented financial crisis as society's demands upon education increase, taxpayer resistance rises, and statutory taxing and bonding limits are reached; second, that serious inequities exist within and among the States of this Nation in the quality of education offered in elementary and secondary schools; third, that there is neither a clear consensus concerning the appropriate structuring of a local-State-Federal partnership in financing education nor a definition of the appropriate balance among programs of categorical aid, general assistance, and school construction aid; and fourth, that insufficient national concern has been focused upon the fiscal crises faced by all school districts—urban, suburban, and rural.

In response to these recognized needs, the amendment proposes the establishment of a 15-member National Advisory Commission, appointed by the President, which will include school board members, faculty, administrators, municipal and State educational authorities, and informed citizens. I would also hope that such appointments would give appropriate consideration to broad economic geographic, racial, and political representation.

The Commission would be directed to report, within 2 years, its specific analyses and recommendations regarding, but not limited to, the following: First, the definition of an appropriate partnership among local, State and Federal levels of government in supporting elementary and secondary education; second, an approach to relieving the fiscal crisis now facing the schools through a redefined Federal role in tapping the Nation's human and financial resources in support of elementary and secondary education; third, the determination of an appropriate balance of categorical aid, general assistance, and school construction aid in the total Federal response to the financial needs of elementary and secondary education; fourth, the role of Federal revenue sharing in supporting education; and fifth, means by which inequality of financial support for the elementary and secondary schools of this Nation might be eliminated.

I believe that the creation and the activity of this Commission would equip us to plan intelligently and respond realistically to the educational challenges of the future. John Gardner once observed:

> We have a great and honored tradition of stumbling into the future. In management of the present, our nation is—as nations go—fairly rational, systematic, and orderly. But when it comes to movement into the future, we are heedless and impulsive. We leap before we look. We act first and think later. We back into next year's problems studying the solutions to last year's problems.

In the critical area of education, we can no longer afford this luxury. My amendment would provide a vehicle for building a rational, systematic local-State-Federal partnership in support of elementary and secondary education in America.

I ask unanimous consent that a copy of my amendment be printed at this point in my remarks.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 269) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 269

Insert the following at the appropriate place:

"SEC. (a) The Congress recognizes that many school districts are facing an unprecedented financial crisis during a period characterized by increasing demands upon the educational system. Taxpayer resistance to the existing tax structure is growing and school bond issues and annual budget requests are being rejected at an alarming rate. School districts across the nation are facing serious fiscal crises as they approach or exceed statutory limitations on taxing and bonding authority.

"The Congress finds that serious inequities exist within and among the states of this nation in the quality of education offered in the elementary and secondary schools. The expressed national commitment toward equality of educational opportunity is not yet a reality.

"The Congress recognizes that there is neither a clear national consensus concerning the appropriate structuring of a local-state-federal partnership in financing education nor a definition of the appropriate balance among programs of categorical aid, general assistance and school construction aid in the federal responsibility in financing elementary and secondary education.

"The Congress further recognizes that insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts which are experiencing unusually high rates of enrollment growth.

"The Congress also finds that many children are housed in obsolete, overcrowded, and inadequately maintained schools.

"Therefore, it is the purpose of this section to establish a National Advisory Commission on School Finance to conduct a comprehensive study of the problems of financing elementary and secondary education in America.

"(1) There is hereby created a National Advisory Commission on School Finance (hereafter referred to as the "Commission") to be composed of fifteen members, appointed by the President of the United States. In making such appointments, the President shall give due consideration to the need for representation on such Commission of school boards, public and private school administrators, faculty, municipal and state educational authorities, and informed citizens. Consideration shall also be given to economic, geographical, racial and political representation on the Commission.

"(2) It shall be the duty of the Commission to make a study of the financing of elementary and secondary education in the United States and submit a report on such study together with such recommendations, as hereinafter provided, to the President, to the Secretary of Health, Education, and Welfare, and to the Congress. The report shall include, but shall not be restricted to, analyses and recommendations regarding:

"(A) the definition of an appropriate partnership among local, State, and Federal governments in financing elementary and secondary education;

"(B) the determination of the appropriate balance of categorical aid, general assistance, and school construction aid in the total Federal responsibility for financing elementary and secondary education.

"(C) an approach to relieving the fiscal crisis now facing the schools through a redefined Federal role in the use of the human and financial resources in support of elementary and secondary schools; and

"(D) the use of a Federal revenue sharing plan for supporting elementary and secondary education; and

"(E) means by which inequality of opportunity in the elementary and secondary schools of the Nation might be eliminated.

"(3) The Commission shall make a preliminary report within nine months of the enactment of this Act and shall make a second preliminary report, not later than eighteen months after enactment of this Act and a final report not later than two years after the enactment of this Act.

"(4) The President shall appoint a Chairman and Vice Chairman from among the members of the Commission.

"(5)(a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of the civil service laws and the Classification Act of 1949, as amended.

"(b) The Commission may procure, without regard to civil service laws and classification laws, temporary and intermittent services to the same extent as is authorized for the department by Section 15 of the Act of August 2, 1946 (60 Stat. 810) but at rates not to exceed $125 per diem for individuals.

"(c) The Commission is authorized to make contracts with public and private organizations, including educational institutions, to conduct such studies and to prepare such reports as the Commission deems appropriate in order to carry out its functions under this section.

"(d) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: and *Provided further*, That the Commission shall not be required to prescribe such regulations.

"(6) Eight members of the Commission shall constitute a quorum.

"(7) Compensation of Members of the Commission. Members of the Commission from private life shall each receive $150 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

"(8)(a) The Commission, or any member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places and take such testimony, as the Commission or such member may deem advisable.

"(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized, and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

"(9) There are hereby authorized to be appropriated such sums, not exceeding $3,000,000, as may be necessary to carry out the provisions of this section."

Mr. MONDALE. Mr. President, I also ask unanimous consent that two very relevant articles from the November issue of School Management magazine be printed at the close of my remarks. These articles, entitled "The Case for Fiscal Reform Now," and "When the Dollars Dry Up in Suburbia," illustrate, in part, the need for the Commission study which my bill seeks to provide.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From School Management, November 1969]

The Case for Fiscal Reform Now

(By Theodore J. Miller)

Public schools will close this month in Fremont, Ohio and won't reopen until January. Reason: Voters have refused to endorse a tax millage needed to keep schools open.

Fremont is only the latest victim of a nationwide taxpayers' revolt that is focused on the most visible target available: school systems. Consequences of the revolt can be seen in the adoption of austerity budgets by many districts and in the growing number of actual or threatened school closings.

In district after district, taxpayers are reacting against the towering costs of school construction, instructional materials and salaries by rejecting budgets, tax overrides and bond issues in record numbers.

There is no relief in sight, under the present system of school financing. The taxpayers' revolt is clearly a result, not a cause, of the fiscal mess schools are in.

Experts who have studied educational financing agree to a man that present systems are woefully outmoded. They point to an anachronistic collection of traditions, foundation programs and formulas that are as suited to today's needs and philosophies as McGuffey's Reader.

Schoolmen and taxpayers recognize that the primary basis of school support—the local school property tax—has *had* it. Property taxes, which provide 56% of all public school revenue in the United States, are inadequate, inequitable and too inflexible to provide a viable means of support for education. In fact, criticisms of the local property tax are so basic that, taken together, they mandate a major and immediate overhaul of educational support patterns.

Generally, shortcomings of local school property taxes fall into three broad areas:

1. *Lack of tax ratio uniformity*. The level of assessed property valuation as a percentage of real value fluctuates greatly from one taxing district to another—and often within the same district. Result: unequal tax burdens on residents of different communities, and sometimes on residents of the same community.

The inequities of different tax ratios become especially apparent in state aid formulas. States generally require a minimum tax effort on the part of local districts to qualify for state funds. Until recently in Missouri, for example, each district had to levy at least 10 mills. But a district paying 10 mills on a 39% valuation ratio was obviously making a greater effort than a district paying 10 mills on a valuation pegged at 29%. Yet, there was no differentiation at the state level.

On the local level, inequities become even more apparent. A resident owning a $20,000 house, assessed for taxing purposes at $10,000, pays twice as much tax as the owner of an identical house assessed at $5,000, if their tax millages are the same. It's almost enough to make them vote, "No."

2. *Industrial dispersion*. Taxes on industry are the only visible means of relief for beleaguered property owners. Without the lucrative tax base industry brings to a community, many districts simply cannot afford to support quality schools. Compounding the problem is the tendency for industrial concerns to settle in one district—often at a substantial tax saving arranged by the city fathers—and to then draw a great many employees from other districts. Residents of the district in which the plant is located get a tax break, but the plant's employees, if they reside in a different district, get nothing. In fact, simply by working in the plant, they indirectly contribute to the support of another district's schools!

3. *Property tax exemptions*. Few people realize there is between $300 billion and $500 billion worth of tax exempt property in the United States. This situation cut severely into the potential tax receipts of communities with large tracts of such property within their boundaries. The federal government offers impacted aid to districts encompassing federal property, but state governments, which mandate the bulk of tax exemptions, offer no alternative sources of revenue.

JUST THE BEGINNING

These are the major problems of school support through the local property tax. But the corollaries of these problems—and the attempts at solving them—present other, perhaps more fundamental difficulties for administering the schools of the urban-suburban 1970's under fiscal systems of the agrarian 1920's and 30's:

Municipal and educational overburden. This phrase was coined by the Philadelphia Commission on Human Relations last year, when it pointed out that cities are forced to spend a disproportionate share of local tax revenues for police, fire, sanitation and other noneducational purposes, leaving a much smaller percentage to spend on education than the suburbs, which don't have the same municipal problems. On top of that, cities must educate greater numbers of disadvantaged and handicapped children, which makes their educational per capita costs infinitely greater.

In its research, the Commission discovered that, in 1965, the 37 largest cities in the United States spent an average of $100 more per capita on noneducational items than their suburban counterparts. In the same year, Philadelphia spent 30.7% of revenue from all sources—local, state and federal—for education. The suburbs spent 60.7%.

State aid formulas. The horrendous problems big cities have financing schools point up some of the major shortcomings of state aid formulas. In general, such formulas don't acknowledge the differences in educational needs between the cities and the suburbs, nor do they attempt to close the huge gaps in educational opportunities that exist between districts. It obviously costs more to educate pupils with disadvantaged backgrounds but, incredible as it seems, most state aid formulas pay little more than lip service to the fact that such pupils are concentrated in the cities.

Lack of coordination. Good fiscal planning is hampered in most districts by lack of coordination of three key elements: the school fiscal year, state and local tax assessment calendars and federal and state distribution of funds. Result: The local district doesn't know 1) how much revenue the property tax will yield for the following school year, or 2) how much money the state and federal government will supply or where it can be used.

Financial instability. It would be hard to find, in any other business field, a budget so vulnerable as that of local school districts. In eight states, the school budget must run the gamut of an annual vote in the community. In most other states, tax overrides must be approved by referendum and legal prescriptions on the vote required to carry the increases are often absurd. Similarly, bond issues must also be passed at the polls. As previously indicated, funds from federal and state sources are subject to rapid and unpredictable change and the amounts due local school districts are generally not specified until well past school budgeting deadlines. Finally, soaring interest rates require most districts to set aside 10% to 15% of their budgets for the retirement of debt and interest; this sizable chunk of unproductive money is an added irritant in the craw of the overburdened taxpayer.

Low priority given to education. Perhaps the biggest problem of all, because it has permitted fiscal difficulties to reach crisis proportions, is the relatively low state and national priority given to education. One disheartening illustration is President Nixon's pledge not to spend the additional $1 billion recently voted by the U.S. House of Representatives for federal aid to education, even if the Senate approves the expenditure. And in the House, the bulk of the additional funds were earmarked for pork barrel aid to impacted areas.

"The present pattern of local financing for education is totally inadequate," Allen says, "and we must take a serious look at it. This will shake up a lot of sacred cows that we've held dear for a long time. But it must be done."

In Allen's views, the old way simply isn't good enough or fair enough. Although he is not prepared to fully embrace any particular plan for fiscal reform, he does accept as inevitable the idea James B. Conant introduced some three years ago: a total state takeover of responsibility for funding local schools.

"Communities are begging for money today and it's usually the state that bails them out," the commissioner says. "In Chicago this year state funds paid for a new teacher contract. Last year, it took an influx of state money to keep schools open in Los Angeles and Philadelphia."

Financial brinkmanship is taking its toll in district after district and the only answer, in Allen's view, is some sort of state funding probably through a combination of state property and income taxes. Such a system, though it wouldn't reduce the burden of costs, would at least spread it more evenly, Allen says. Additional funds would still be needed from other state taxes and from the federal government.

Total state funding would also:

Equalize tax ratios throughout the state at a level equal to, or lower than, the average local district's tax rate.

Permit redrawing of district boundaries into more efficient units.

Permit all districts to benefit from the taxes paid by industry, rather than confining the benefits to some districts at the expense of others.

Make the *state* pay the bill for tax-exempt property, rather than "penalizing" districts with high concentrations of churches, cemeteries, historical shrines and government buildings.

Free local administrators from yearly budget and bond issue battles, leaving them more opportunity to concentrate on educational matters.

The end result, Allen emphasizes, will be a level of educational opportunity that is more or less equal throughout a state for all youngsters. "This is the nub of the problem," the commissioner says. "As long as we have the gross disparities in opportunity that exist in virtually every state today, we have an inequitable and indefensible school system. We know there is a direct correlation between poor educational opportunity and low ability to pay for education. Therefore, whatever we do to develop a more effective, efficient structure for financing education must contribute toward solving this problem of equal educational opportunity—or we have not solved any problem at all."

Along with a shift to state property taxes must come certain safeguards, says Allen. Most districts despite their financial difficulties, fear loss of local control would accompany a state takeover of the purse strings. Some wealthy districts, which are experiencing little or no financial troubles, fear that a general "leveling off" of educational expenditures will hurt them. They will have to share their wealth but will not get substantially more state aid than they now receive. And they see state salary schedules impinging on their ability to lure good teachers by offering higher salaries.

Furthermore, there is no guarantee that a state financing plan would bring needed relief to the cities. If city districts can't secure the necessary *supplementary* funds from reluctant state legislatures under present state formulas, why should the situation improve if the state controls *all* of the money?

Here's how Allen assesses these misgivings about state financing of local schools:

Local control. "If the state supplies the money, it doesn't necessarily follow that it must call the shots in the district. Local control will be maintained as long as the important decisions—that is, the hiring and deployment of teachers and administrators and determination of the educational program required to meet local needs—is left in the hands of the local board.

"Local control and local finance aren't necessarily inextricably tied together. These days, local boards and administrators spend most of their time drawing up and explaining budgets and trying to secure the votes to pass them. If freed from this chore, they will be able to address the *real* problems of education.

"And let's be realistic: For most districts, local control is a myth. It doesn't exist, beyond their having the privilege to try to make the most out of a mediocre situation. Any district with a high school of only 500 students, or with a community that is unwilling or unable to vote necessary operating funds or bond issues, is very limited in what it can do. It may have 'local control'—but control over what? Once these restrictions on their operations are removed, local control can begin to mean something."

Aid to the cities. "If the cities are ever going to get the money they need, the switch to state financing must be accompanied by the concept of 'metropolitan' school districts. This is needed to strengthen the cities' voice in the legislatures. In other words, New York City, for example, wouldn't be one concentrated, urban entity. For financial purposes, it must be part of an even larger district that includes most of the suburbs it now has to battle for state funds.

"At present, most state aid formulas are totally unsuited to an urban society. They must be redesigned to reflect the fact that the problems of the cities are the problems of the suburbs, too."

What about direct *federal* aid to the cities?

"The federal government can't intervene directly in the cities, other than through limited programs of categorical aid. The role of the federal government must be one of encouraging change at the state level and providing the resources for it. The actual shift in aid patterns has to take place at the state and local levels."

Even without a major change like complete state financing, there is much room for improvement, Allen says. For instance, tax and debt limits for local districts that were written into state constitutions after World War I just don't make sense anymore.

Teacher's salaries. "Most of the money for salaries comes from the states already, even though it's the local board that devotes weeks and sometimes months to collective bargaining with teachers."

In a speech at Columbia University last year, Allen pointed out that collective bargaining at the local level sometimes leads to maneuvering by school boards to hold salaries at certain levels, and by teachers to use raises in one district to force similar concessions in another. Attempts to prevent this kind of scheming, he said, are leading to increased state intervention in contract talks. "It could therefore be argued," he added, "that the drastic step of relieving the local school board of any responsibility for setting the level of teachers' salaries would simply be a hastening of the inevitable."

Today, Allen feels that any state salary schedule would have to include differentials for cost of living factors in various parts of the state. "The suburbs still have various non-monetary incentives to offer that would keep them in a favorable position for attracting teachers," he says, "which is why I don't think a state-mandated salary would hurt those districts."

Wealthy district. "State financing should *not* mean that wealthy districts must give up their option of raising more money locally," Allen says. "The state would provide a minimum level of support, leaving room for pacesetting districts to exercise initiative for local innovations. We need these lighthouse districts. But we also must be careful about this, because too much local financing, leading to gross disparities between districts, will defeat the purpose of fiscal reform, which is to give all youngsters within a state roughly equal educational opportunity."

THE FUTURE FEDERAL ROLE

One source of funds that Allen thinks will figure prominently in future educational funding is, of course, federal aid. But districts cannot count on a great influx of federal dollars in the immediate future.

"Federal aid to education is now under the same constraints that apply to all federal funding," the commissioner says. "President Nixon's immediate priorities are, first, to end the fighting in Vietnam and, second, to cool off inflation. Until there is evidence that inflation is being curbed, we can't expect any large increase in federal funds. And since inflation is a very large part of the school finance problem, we can't argue with the priority.

"In the meantime, therefore, the Office of Education is using this period—when no new programs are being proposed—to assess the worth of existing programs. But by 1971, when ESEA comes up for review, we'll have some concrete proposals for increasing or modifying federal aid to education as it now exists."

One basic aim of future federal programs, Allen says, will be to bring greater stability to educational financing. He predicts that the federal share of school costs will increase to 25% or 30%, by the time total expenditures on elementary and secondary education rise to about $100 billion per year. He sees the money being distributed in three basic ways: 1) general aid to states to use as they see fit, hopefully with some provision for funding at least five years in advance; 2) continuation of categorical aid; and 3) incentive grants to spur research and development and encourage innovative programs.

Almost certainly, as federal dollars increase, so will local and state accountability for how they are spent. This fall, USOE began a pilot series of "educational audits" of 10 federally funded dropout-prevention programs (see page 53). If the audits show these programs aren't producing significant results, federal subsidies will be halted.

"This kind of accountability for results will eventually be an integral part of federal funding," Allen says.

ENCOURAGING CHANGE

Obviously, changes of the magnitude needed to bail education out of its fiscal morass must be implemented at the highest levels. State governments have the constitutional authority and responsibility for education, and it's at the state level that reform has to come.

Says Allen: "There is little the federal government can do, beyond generally pushing for reform and supplying incentive grants to bring it about. The real power is at the state level—governors, legislatures and state educational leaders. In this respect, organizations such as the Education Commission of the States can be useful in coming up with concrete proposals for change and supplying some much needed encouragement."

Also helpful, Allen thinks, will be the national assessment of education. "It's quite clear that the assessment program will be very helpful in pointing out where the deficiencies are in education," he says. "This should encourage states to start putting the money where it's needed the most."

One highly visible example of an attempt to make public school support more equitable is Hawaii, where the state assumes complete responsibility for financing education.

In Hawaii, the state department of education receives its funds from the governor and legislature each year, just like other departments of the state government. However, *no* property taxes are used to support schools; money comes from the state's income and other tax receipts, from federal funds and from receipts for school lunches, adult education courses and other minor sources. (County governments do levy a property tax—but they have no responsibility for financing local schools.)

In terms of financial problems, Hawaii is for the most part untouched by the crisis plaguing mainland states. Since school costs are distributed across various forms of taxation it is highly unlikely that they will ever outstrip the state's revenue-raising capacity, as they have outstripped local property tax bases elsewhere.

But in terms of local control, Hawaii's plan does have a serious drawback: all schools are administered as part of a unified statewide system. School functions are centralized at the state level and administered by an elected state board.

Many local districts will probaby resist assumption of some of their prerogatives by the state. However, they are recognizing that the state has to absorb more costs—in ways that go beyond stop-gap "emergency" allocations—if the local districts are to survive. For example, Connecticut has approved a plan that will take the burden of spiraling interest rates off the backs of individual districts. From now on, regardless of the interest rate charged for bond issues, local districts will pay only 4%. The state will pick up the rest of the tab, and it also assumes the responsibility for marketing the bonds. Result: Much of the money in Connecticut district budgets that used to be set aside for debt service can now be diverted to more productive projects.

TAKING THE PLUNGE

The state which may set the pace for major reform is Michigan, where Governor William G. Milliken believes so strongly in the necessity for an overhaul of the school financial structure that he says he is staking his political future on it.

Milliken's new plan, devised by his blue-ribbon Education Reform Commission, calls for elimination of the local property tax in favor of a state property tax, state-level salary negotiations with teachers, halving the number of school districts in the state and guaranteeing private schools at least 2% of state education receipts each year.

The program will require constitutional changes to authorize the state tax and eliminate an eight-member state board of education, which Milliken wants to replace with a single state education head appointed by the governor. Significantly, elimination of the board and aid to private schools seem to be the most controversial aspects of the proposal.

Details of the plan are being worked out at this writing and should be announced around November 1, but the broad outlines contain several key provisions, including:

A state property tax pegged *below* the average local tax of 24 mills.

Inevitably, a sharp increase in the state's 2.6% state income tax—conceivably, it could double within the next few years.

Allocation of money on a "classroom unit" principle, geared to an average salary for each teacher of 25 pupils. The conventional method of distributing money on a per-pupil basis is dropped.

Establishment of a low ceiling on remaining local taxes for school operation and building.

Milliken's plan faces a tough fight in the legislature. If it survives there, Michigan voters will have to approve it at the polls. But whether it passes into law or not, it is a useful example of the sweeping change needed, and of the level and quality of leadership required.

[From School Management, November 1969]

When the Dollars Dry Up in Suburbia

The homes are new. The lawns are lush and neatly manicured. The children are tanned and healthy.

But Pacifica, Calif., is a community in serious trouble.

It cannot afford its schools.

People move to Pacifica because they think it's the American dream. But to their dismay, property owners—many of them owning their own homes for the first time—are saddled with a hellish tax rate. For the elementary school district alone, the Pacifica tax rate is $2.76 per $100 assessed valuation. Since homes are assessed at 25% of true value, the owner of a $30,000 home pays more than $200 per year for the elementary schools—and substantially more when a tax override is approved. The total tax rate in this low-wealth bedroom community is just under $12 per $100 assessed valuation, which pegs the homeowner's yearly tax bill at nearly $900.

This incredible burden makes Pacifica the second highest-taxed community in San Mateo County. Only East Palo Alto, a black ghetto, is higher. The lowest-taxed community in the county, heavily industrialized South San Francisco, pays only $8-plus per $100 assessed valuation.

TAXES AT CEILING

Tax overkill is not a new phenomenon in Pacifica. The school tax rate has not risen substantially in the past five years because, says Superintendent James Brien, it *can't*. Even so, one new elementary school has been built each year for the past 15 years. And several permissive tax overrides have been approved to meet spiraling costs. But such overrides are not likely to be passed again.

Pacifica's look-alike homes—homes that recently cost $25,000 and now cost $30,000 or $35,000—mass on the oceanside plateaus just south of San Francisco, entwine the knobby hills and glut the valleys. There is little else here, besides houses. The largest industry is extractive and self-exhaustive—a small quarry. Local support for Pacifica's elementary schools, therefore, comes heavily from the overmined property tax. State support has dwindled to 40% (from 65% five or 10 years ago).

The result: Elementary school youngsters in the Laguna Salada district are attending bankrupt, bone-bare schools this year. Worse, there is a possibility that next year, they may not be able to attend school at all.

SKATING ON THIN ICE

According to photographer Michael Alexander, who took the accompanying pictures, Pacifica is a remarkably average community: average income, average number of children per family (three), average school test scores (bell curves are so skewed that almost everyone's in the middle). Until recently, Pacifica's school finance problems were "average," too—serious, but not unmanageable.

Real trouble—unmanageable trouble—began brewing the year before last, when the California legislature voted funds for single-session kindergartens. Laguna Salada, like many other elementary districts in the state, proceeded to take kindergartens off double sessions by hiring twice as many teachers, ordering supplies and setting up programs. Then, last year Gov. Ronald Reagan vetoed the bill to continue the program, leaving the schools with salary commitments they had to keep. The money? It came out of contingency reserves.

Teachers had to pass up a pay hike that year. But last year, with reserves down to less than $50,000 in a $6 million budget, they demanded a 9½% raise. By last spring, it was clear to everyone that the 1969–70 Pacifica budget could not accommodate both the salary increase and even a *status quo* educational program.

As late as June, the amount of state aid the district could expect was wildly uncertain. Some board members, remembering what had happened the previous year, refused to second-guess the state and argued for a balanced budget—which required large cuts in program, personnel or both. Other board members pushed for quality education—or none at all. "It's high time we engaged in a little extreme behavior," said one, "rather than have this continuing educational starvation." She favored running a quality program until the money ran out and then shutting down the schools.

The debate raged for weeks last spring and summer. Finally, the board opted for a middle course. Hoping to receive additional state funds and working for local support of a one-year-only $1 tax override, it came up with a balanced budget and an austerity program. The teachers, aware that a number of bills were pending in the legislature, agreed to accept the board's offer of a salary increase that was contingent on adequate state aid. This concession meant that nurses, the music program and counselors could be salvaged. Still, the board warned that it was prepared to advise the state education department of a shut-down if the district's program was forced to become even more custodial.

STOPGAP ANSWERS

In early August, the tax override was squashed at the polls by a better than 3-to-1 margin.

But several days later, the district learned that it would receive a windfall: a one-year, $513,000 grant in state aid, made possible by passage of a special bill to aid low-wealth districts.

Thus, Pacifica was partially bailed out of a jam. Teachers received an 8½% raise. Capital outlay expenditures that had been dropped from the budget were put back in, as were single-session kindergartens and some $23,000 in teaching supplies.

For one more year, Pacifica had a reprieve.

But no problems had really been solved.

This year, youngsters are still attending austere schools. The pupil-teacher ratio is inordinately high (31–1 in kindergarten, 30–1 in grades 1-3 and 33-1 in grades 4-8). The district cannot buy badly needed basic supplies and equipment. Teacher turnover stands at an extravagant 25%. Last year, the superintendent and six of 15 principals left the district. Perhaps most debilitating is the depressing effect money problems have had on district morale.

Superintendent Brien, new in the top slot but a veteran of 20 years in administration (three years in Pacificia), has done a quiet and courageous job of bucking up spirits.

But what of tomorrow? The prospects, for Pacifica, of again going through a cliff-hanger at budget time next fall are excellent. So excellent, in fact, that no one discounts the outside possibility of closing down the schools.

The photos on these pages, taken in Pacifica, depict only too well the anguish that is afflicting communities throughout the nation as an antiquated school finance structure caves in.

But the situation, in Pacifica and elsewhere, is far from hopeless. Now that fiscal crisis has come to suburbia, the land of milk and honey, perhaps drastic financial reforms—reforms long urged by schoolmen from bankrupt cities and impoverished rural areas—will at last be enacted by sluggish, shortsighted state legislatures.

NOTICE OF HEARINGS ON THE CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary has scheduled hearings for November 4, 5, 12, 13, 18, 19, and December 4, on the constitutional rights of the mentally ill.

The hearings will begin at 10:30 a.m. each day in room 2228, New Senate Office Building. Anyone wishing more information on the hearings should contact the subcommittee office in room 102–B, Old Senate Office Building, telephone extension 8191.

THE DRAFT REFORM PROPOSALS

Mr. PACKWOOD. Mr. President, on Monday night, the Senator from Connecticut (Mr. Ribicoff) and I had occasion to appear jointly on a platform at the University of Alabama, on the subject of the draft. After we had spoken and had opened ourselves to questions from the students of the University of Alabama, I could not help being struck by the force of the objection of the students to the present draft system and the inequities with which it operates.

I call to the attention of the Senate the lottery bill that has passed the House of Representatives and now is in the Senate. Among the students with whom I talked, I found almost uniform approval of the lottery system of the draft as proposed by President Nixon. At the moment, that bill apparently is not going to be considered by the Senate, and the President is going to be left with having to institute the lottery system, which although admittedly better than the present draft system, will still be an inequitable lottery system.

I would simply ask—and I cannot emphasize too strongly the feelings of these people in college—that the leadership of the Senate reconsider the decision by which they have indicated we will not consider the lottery proposal for the draft, and at least allow the Senate to work its will on this particular provision, while I hope we will undertake the entire subject of draft reform at a later time.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. MONTOYA. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

CONFERENCE REPORT (REPT. No. 91——)

[To accompany S. 1072]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

. That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969

"SEC. 101. This title may be cited as the 'Appalachian Regional Development Act Amendments of 1969.'

"SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

" '(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed $1,900,000 for the two-fiscal year period ending June 30, 1971. Not to exceed $475,000 of such authorization shall be available for the expenses of the Federal cochairman, his alternate, and his staff.' "

SEC. 103. (a) The second sentence of section 201(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows: "The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads."

(b) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

" '(g) To carry out this section there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1970; $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; and $170,000,000 for the fiscal year ending June 30, 1973.' "

SEC. 104. (a) The first sentence of subsection (a) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202(a)) is amended to read as follows: "In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers and other facilities and services necessary for the purposes of this section."

(b) The second sentence of subsection (c) of such section 202 is amended by striking out "50 per centum" and inserting in lieu thereof "75 per centum."

(c) Subsection (c) of such section 202 is further amended by inserting immediately following the second sentence the following new sentences: "The Federal contribution may be provided entirely from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health services. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection."

(d) Subsection (e) of such section 202 is amended to read as follows:

" '(e) In order to provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung.' "

SEC. 105. (a) The first sentence of clause (2) of subsection (a) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by striking out "in accordance with the" and inserting in lieu thereof "or to make grants to the States for carrying out such projects, in accordance with the applicable".

(b) Subsection (b) of such section 205 is amended by striking out "and 1969" and inserting in lieu thereof "1969, 1970, and 1971".

SEC. 106. Subsection (e) of section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207(e)) is amended to read as follows:

" '(e) The Secretary is further authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families in such areas of the region.' "

SEC. 107. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1967" in the first sentence thereof and inserting in lieu thereof "December 31, 1970", and by adding at the end of such subsection the following: "For the purpose of this section, any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under such section shall be regarded as if constructed with such assistance."

SEC. 108. Section 302(a)(1)(B) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended by inserting before "a local" the following: "a State agency certified as".

SEC. 109. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1971, to carry out this Act, of which amount not to exceed $90,000,000 is authorized for section 202, $15,000,000 for section 203, $15,000,000 for section 205, $3,000,000 for section 207, $50,000,000 for section 211, $82,500,000 for section 214, and $13,000,000 for section 302.".

SEC. 110. Section 403 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 403) is amended by adding at the end thereof the following:

" 'The President is authorized and directed to make a study of the extent to which portions of upper New York State which are geographically part of the New England region or the Appalachian region and share the social and economic characteristics thereof should be included in either of such regions. He shall submit the results of such study together with his recommendations to Congress not later than June 30, 1970.' "

SEC. 111. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by inserting immediately after "Act" the following: ", other than section 201,".

TITLE II—AMENDMENTS TO TITLE V OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Regional Action Planning Commission Amendments of 1969".

SEC. 202. Section 501 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181) is amended by redesignating section 501 as section 501(a) and adding the following new subsection (b):

" '(b) Upon resolution of the Committee on Public Works of the Senate or the House of Representatives, the Secretary is directed to study the advisability of altering the geographical area of any region designated under this section, in order to further the purpose of this Act.' "

SEC. 203. (a) Subsection (a) of section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3185) is amended to read as follows:

" '(a)(1) The Secretary is authorized to provide to the commissions technical assistance which would be useful in aiding the commissions to carry out their functions under this Act and to develop recommendations and programs. Such assistance shall include studies and plans evaluating the needs of, and developing potentialities for, economic growth of such region, and research on improving the conservation and utilization of the human and natural resources of the region, and planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grant-in-aid to the commissions. The Secretary, in his discretion, may require the repayment of assistance provided under this paragraph and prescribe the terms and conditions in such repayment.

" '(2) In carrying out their functions under this Act the commissions are authorized to engage in planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act and which have been approved by the Secretary. Such activities may be carried out by the commissions through the payment of funds to departments, agencies, or instrumentalities of the Federal Government, or through the employment of private individuals, partnerships, firms, or corporations, or suitable institutions under contracts entered into for such purposes or through grants-in-aid to agencies of State or local governments. In the case of demonstration projects and training programs, to the maximum extent possible, such projects and programs shall be carried out through departments, agencies, or instrumentalities of the Federal Government or of State or local governments.' "

(b) The second sentence of subsection (b) of section 505 of such Act is amended to read as follows: "Thereafter, such expenses shall be paid 50 per centum by the Federal Government and 50 per centum by the States in the region, except that the administrative expenses of the Federal cochairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal cochairman shall not participate or vote in such determination."

(c) Subsection (c) of section 505 of such Act is amended to read as follows:

" '(c) Not to exceed 10 per centum of the funds appropriated under authority of section 509(d) of this title for any fiscal year shall be expended in such fiscal year in carrying out subsection (a)(1) and subsection (b) of this section.' "

Sec. 204. Section 506 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3186) is amended by inserting "(a)" immediately after "Sec. 506." and by adding at the end thereof the following new subsection (b):

" '(b) The Federal cochairman shall establish and at all times maintain his headquarters office in the District of Columbia.' "

Sec. 205. (a) Subsection (a) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended to read as follows:

" '(a) In order to enable the State and other entities within economic development regions established under this Act to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the Secretary shall, once a comprehensive long-range economic plan established pursuant to clause (2) of section 503(a) is in effect, provide funds pursuant to specific recommendations, to each of the Federal cochairmen of the regional commissions heretofore or hereafter established under this title, to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. No program, or project authorized under this section shall be implemented until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be compatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this Act, and (2) the Regional Commission involved has approved such program or project and has determined that it meets the applicable criteria under section 504 and will contribute to the development of the region, which determination shall be controlling. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets all of the requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under titles of this Act other than this title, and under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on authorizations for appropriation in any other Act.' "

(b) Subsection (c) of section 509 of such Act is amended by striking out in the first sentence thereof "December 31, 1967" and inserting in lieu thereof "December 31, 1970".

(c) Subsection (d) of section 509 of such Act is amended to read as follows:

" '(d) There is authorized to be appropriated to the Secretary to carry out this title, for the two-fiscal-year period ending June 30, 1971, to be available until expended, not to exceed $255,000,000. After deducting such amounts as are authorized to carry out subsections (a)(1) and (b) of section 505, the Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year to the regional commissions, except that not less than 10 per centum nor more than 25 per centum of such remaining amount shall be allocated to any one regional commission. All amounts appropriated under this authorization for any fiscal year shall be apportioned by the Secretary to the regional commissions prior to the end of the fiscal year for which appropriated.' "

Sec. 206. Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181 et seq.) is amended by adding at the end thereof the following new sections:

" 'COORDINATION

" 'Sec. 511. The Secretary shall coordinate his activities in making grants and loans under titles I and II of this Act with those of each of the Federal cochairmen in making grants under this title, and each Federal cochairman shall coordinate his activities in making grants under this title with those of the Secretary in making grants and loans under titles I and II of this Act.

" 'ALASKA

" 'Sec. 512. There is hereby authorized not to exceed $500,000 for the two-fiscal-year period ending June 30, 1971, to the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska.

" 'REGIONAL TRANSPORTATION SYSTEMS

" 'Sec. 513. (a) The Secretary of Transportation, acting jointly with the regional commissions, is authorized to conduct and facilitate full and complete investigations and studies of the needs of the economic development regions established under this title for regional transportation systems which will further the purposes of this Act, and in connection therewith, to carry out such demonstration projects as he determines to be necessary to the conduct of such investigations and studies. The Secretary of Transportation shall report to Congress not later than January 10, 1971, the results of such investigations and studies together with his recommendations and those of each regional commission.'

" '(b) There is authorized to be appropriated not to exceed $20,000,000 to carry out this section. Such amount shall be in addition to those sums otherwise authorized to be appropriated to carry out this title.' "

TITLE III—AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Sec. 301. Title I of the Public Works and Economic Development Act of 1965, as amended, is further amended as follows:

"(1) The first sentence of section 101(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(c)) is amended by inserting before the period at the end thereof a comma and the following: 'except that in the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share'.

"(2) Section 105 is amended by striking 'June 30, 1969' and inserting in lieu thereof 'June 30, 1970'."

Sec. 302. Section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by adding at the end thereof the following new subsection:

" '(f) The Secretary is authorized to make grants, enter into contracts or otherwise provide funds for any demonstration project within a redevelopment area or areas which he determines is designed to foster regional productivity and growth, prevent out-migration, and otherwise carry out the purposes of this Act.' "

Sec. 303. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "1970." and inserting in lieu thereof "1969, and $50,000,000 for the fiscal year ending June 30, 1970."

Sec. 304. (a) Subsection (a) of section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and the following:

" '(6) those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964, and those areas which the Secretary determines meet the purposes of section 150 of part D of title I of the Economic Opportunity Act of 1964, and which otherwise meet the requirements of this Act, except that no redevelopment area established under this paragraph shall be eligible to meet the requirement of section 403(a)(1)(B) of this Act.' "

(b) Subsection (b)(3) of such section 401 is amended by inserting after "(a)(3)" the following: "or (a)(6)".

(c) Subsection (b) (4) of such section 401 is amended by striking out "and (a)(4)" and inserting in lieu thereof the following: "(a)(4) and (a)(6)".

(d) The second sentence of subsection (d) of such section 401 is amended by inserting immediately after "any other subsection of this section" the following: "other than subsection (a)(6)".

And the House agree to the same.

That the House recede from its amendment to the title of the bill and agree to the same.

Joseph M. Montoya,
Jennings Randolph,
Edmund S. Muskie,
W. B. Spong, Jr.
Howard H. Baker,
John Sherman Cooper,
Robert Dole,
Managers on the Part of the Senate.

Robert E. Jones,
John A. Blatnik,
Jim Wright,
Ed Edmondson,
William C. Cramer,
William H. Harsha,
James C. Cleveland,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. Mr. President, I ask unanimous consent that such legislative and staff assistants as may be needed be granted the privilege of the floor during the consideration of this conference report.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, the conferees on S. 1072, the Appalachian Regional Development Act amendments and the Public Works and Economic Development Act amendments of 1969, reached agreement at their final meeting on October 21, 1969. It was a strongly contested conference, with both sides holding firmly to the main positions adopted by their respective Houses.

In my judgment, after a struggle that lasted over 6 weeks, we have written a good bill, a sound bill, a bill containing a number of imaginative new proposals that will further stimulate the economic growth of Appalachia and the other five economic development regions: my own region, the Four Corners; and the Coastal Plains, Upper Great Lakes, Ozarks, and New England regions.

I wish to compliment and thank the Senate conferees for their support, assistance, and contribution to the success of this effort—the distinguished chairman of the full committee, Senator RANDOLPH; the other majority colleagues, Senators MUSKIE and SPONG; the able minority Members, Senators BAKER, COOPER, and DOLE.

The House conferees, all of whom made valuable contributions to the final agreement, were headed by Hon. ROBERT JONES of Alabama who served with tact and distinction as chairman of the conference.

The two bills are not much different from each other, but we made a few minor changes to try to arrive at a consensus with respect to the allocation of the funds that are authorized in the particular bill.

While the Senate, of course, did not prevail in all respects, and I am particularly disappointed at the reduction in specified authorization for regional transportation systems, nevertheless I am pleased with the conference report and urge its approval by my colleagues in the Senate.

The conference report, Mr. President, contains three titles, as did the Senate bill as passed.

Title I extends and expands the activities of the Appalachian Regional Commission. The conferees approved a 2-fiscal year authorization of $268,500,000 for all the programs conducted by the Appalachian Regional Commission, except the development highway system. Authority for the highway system was extended until June 30, 1973, and a new authorization of $150 million was added.

Until title II, which deals with the five regional development commissions, the conference authorized $275 million for the fiscal years 1970 and 1971, plus $500,000 for planning grants to the Alaska Federal Field Committee.

For title III the conference report authorizes a 1-year extension of the grant programs under title I of the Economic Development Act at the present rate of $500 million annually. It also increases by $25 million for 1 year the funds authorized the Secretary of Commerce for technical assistance under title III of the existing law.

Therefore, Mr. President, the conference report provides an overall 2-fiscal year authorization for all the programs involved of $1,219 million.

I ask unanimous consent that a table showing the amounts of authorization for each section of the bill be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AUTHORIZATIONS FOR 2 FISCAL YEAR PERIOD ENDING JUNE 30, 1971

APPALACHIAN REGIONAL COMMISSION	
Sec. 102 Highways—Specific authorization of $175 million per year for fiscal years 1970, 1971, and 1972, and $170 million for fiscal year 1973. (This constitutes a reauthorization of highway funds provided for in the 1965 and 1967 versions of the legislation with the addition of $150 million in this bill. Total highway authority 1965, 1967, and 1969 $1,165 million.)	$150,000,000
Sec. 105 Administrative expenses	1,900,000
Sec. 202 Demonstration Health Projects	90,000,000
Sec. 203 Land stabilization	15,000,000
Sec. 205 Mining area restoration	15,000,000
Sec. 207 Housing assistance	3,000,000
Sec. 211 Vocational education	50,000,000
Sec. 214 Supplemental grants	82,500,000
Sec. 302 Administrative expenses of local development districts and research	13,000,000
Total	268,500,000
TITLE V. REGIONAL COMMISSIONS	
Authorization for commission programs	255,000,000
Allocations:	
1. Up to 10 percent of amount appropriated, for Secretary of Commerce technical assistance, etc.	
2. Of the remainder, not more than 25 percent nor less than 10 percent to each regional commission.	
Authorization for regional transportation study	20,000,000
Total	275,000,000
ALASKA	
Authorization (for planning)	500,000
TITLE I OF EDA	
Authorization for 1-year extension	500,000,000
TITLE III OF EDA	
Increased authorization for 1 year	25,000,000
Total authorization in the conference report	1,219,000,000

Mr. MONTOYA. Mr. President, in view of the long time dedication of the Senator from West Virginia (Mr. RANDOLPH) to the development of Appalachia—he is the true founder of this legislation and the prime sponsor of this bill—I would ask that he describe to the Senate the provisions of title I.

Subsequently, I shall discuss titles II and III of the report.

Mr. RANDOLPH. Mr. President, I am grateful to the distinguished Senator from New Mexico for his remarks and for affording this opportunity to me. It is through the combined efforts and mutual assistance of many Members that accomplishments of merit are achieved in the Congress. It is my opinion that no Senator has contributed more to the success of this legislative endeavor than the Senator from New Mexico (Mr. MONTOYA). As chairman of our Subcommittee on Economic Development, he devoted much time to a broad study of these programs and chaired lengthy hearings earlier this year in Washington and the States. He guided this complex bill through the subcommittee and the Committee on Public Works and also managed it during debate in the Senate and chaired the Senate managers at the conference with the House.

Mr. President, I express appreciation for the contributions to the progress of this measure from its inception through the conference made by my fellow Appalachians, the senior Senator from Kentucky (Mr. COOPER); the junior Senator from Tennessee (Mr. BAKER); and the junior Senator from Virginia (Mr. SPONG). As the manager of the bill, Senator MONTOYA, has explained, there are meaningful and useful provisions in the other titles beyond that extending the Appalachian program. In their development and refinement, especially, as well as in the title for Appalachia, the junior Senator from Maine (Mr. MUSKIE) continued to provide wise counsel, as did the newest and much appreciated Member of our team, the junior Senator from Kansas (Mr. DOLE).

The conference was fortunate, Mr. President, and we as conferees were grateful, that the managers on the part of the House of Representatives were capable and cooperative. Our friend from Alabama, Representative BOB JONES, did a truly fine job. He presided with customary fairness and deep understanding of the Appalachian legislation and the needs of the region.

Senator MONTOYA has placed in the RECORD the dollar amounts approved in the conference report. Some of the more significant advances made in legislative strengthening of the Appalachian regional development program, are noteworthy.

Mr. President, I stress again, as I have done before, how vital to the success of this program is the initiative, the creativity and the support of the States that participate in the Appalachian Commission. I cite a few figures to indicate that, far from the Federal Government bearing the lion's share of the financial burden, the Appalachian States have provided more of their own funds than has the Federal Treasury.

For example, in the fiscal years 1966 through 1968 the Commission participated in funding nonhighway projects totaling $612 million. Of this amount, local and State funds provided $325 million or 52 percent.

The experience of 4 years of operation has proven the basic validity of one of the underlying assumptions on which the program is based. As a direct result of the structure which the Congress created in the 1965 act, the States of the Appalachian region have been provided the tools to better control the numerous Federal programs operating in their States. The purpose of our legislation was to give the States an opportunity to demonstrate their ability to guide their own destinies. I believe the record shows clearly that they have grasped the opportunity and moved forward.

In the conference report before us, Mr. President, we have placed strong new emphasis on health in Appalachia, especially on the need for nutrition and early child care projects as part of the other ongoing health demonstration programs.

We have sought to insure that child health and nutrition projects can be financed to 100 percent with Federal funds by using Appalachian Regional Commission funds in conjunction with other Federal grant funds available for such health programs.

To assure that already existing health programs can continue to function in the face of inadequate local financing, we have increased the Federal share from 50 to 75 percent for those projects that have been operating for 2 years.

Of great importance to my home State of West Virginia, but likewise to Pennsylvania, Ohio, Virginia, Kentucky, Tennessee, and Alabama, we have added new and special emphasis on programs and research for the early detection, diagnosis, and treatment of coal miners' occupational diseases, including the dread "black lung."

To aid low- or moderate-income families we have authorized the Secretary of Housing and Urban Development to assist nonprofit organizations in Appalachia to construct, rehabilitate, and operate housing units.

We have made sewage treatment projects eligible for supplemental grants under section 214 of the act.

This past year the people of West Virginia voted a $375 million bond issue, mainly for the construction of highways under the Appalachian developmental highway program. That was the largest bond issue ever approved by West Virginians. The Federal Government must keep its share of highway funds flowing into the State, and into other States of Appalachia. With this partly in mind, S. 1072 extends the Appalachian highway system for 2 more years beyond its present terminal date and adds $150 million in new authorizations. We have made the contract authority provision of the Federal-aid highway law applicable to the Appalachian development highway system.

While the Senate provided preliminary engineering and right-of-way acquisition for portions of the development highway system which cannot be constructed with funds hitherto authorized, the conferees decided instead to emphasize road construction to the maximum extent possible. The amended language does not, however, preclude expenditure for preliminary engineering and right-of-way acquisition under the normal provisions of title 23 of the United States Code, the Federal-aid highway law.

Mr. President, I give expression to my real regret that one significant section of the Senate version, that providing a new $10 million program for manpower training and development, has to be dropped because of the opposition of House conferees.

There was agreement, however, that in all applicable manpower training programs emphasis must be placed on reaching out to rural areas to bring rural workers within the orbit of these programs. The Commission already has authority under the existing provisions of section 302 of the act to engage in demonstration programs and training projects. To the extent regular manpower training programs fail to meet the needs of the rural labor market, the conferees expect the Commission to take full advantage of their section 302 power and supply this needed service.

Another smaller but valuable section of the Senate bill, that providing $1 million for cultural and artistic programs, did not prevail in the conference.

The House version had no language relating to either of these proposals.

As passed by the Senate, S. 1072 authorized $294 million for Appalachia, exclusive of funding for highways. The House figure was $250 million, or a difference of $44 million. The conference report authorizes $268,500,000 for 2 years.

We can, therefore, reasonably claim to have done justice to the intent of the Senate. All conferees from both Houses have signed the conference report. I urge the Senate to give its approval.

Mr. MONTOYA. I thank the Senator from West Virginia for his concise description of the effect of the conference report on Appalachia; and I am most appreciative of the chairman's complimentary remarks about my role in processing this legislation.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. SCOTT. Mr. President, the continual and faithful sponsorship of this program by the Senator from West Virginia over the years has contributed in very great part to the success not only of the program for Appalachia, but also to the recognition in the country at large that the Appalachian program works. This, in turn, has led to its expansion into other regional programs where, in this affluent country, many people have been left behind in the march of progress. Many of these people live in mountainous areas or industrial communities; many of them live in smaller communities where the particular industry has moved on or the natural resources are near exhaustion; or where wage-price spirals have added some additional economic burden to these communities.

I do not believe there is any program in my Commonwealth of Pennsylvania that is more universally accepted and more popular than the Appalachian program.

The distinguished Senator from West Virginia will remember that during the time of the Eisenhower administration, former Representative Van Zandt and I introduced former Appalachian bills. I recall that I disagreed sharply and publicly with the chairman of the economists at the White House at the time, who, like many economists, I am afraid, may see too many trees to observe the needs for the conservation of the forest. This economist will always linger in my mind as the man by whose singularly myopic advice delayed a program, which once instituted and implemented proved to be one of the greatest programs we could possibly have. It works. Pennsylvania has been benefited by this program. Employment is up. We have one of the lowest unemployment rates in the country. I believe it is 2.6 percent.

Our cities like Wilkes-Barre, Reading, Scranton, and Uniontown, where industries are coming forward, while not enjoying a perfection of economic balance, nevertheless are improved over their former condition.

They have done much of it themselves through their Operation Bootstrap, but they could not have done this had it not been for what I think the Senator will agree was a fervent bipartisan determination to make this program work and to make the new programs which followed also work.

Again I congratulate the distinguished chairman of the Committee on Public Works, the distinguished chairman of the subcommittee, the Senator from New Mexico. I am delighted to be a part of the support for the Appalachian program.

Mr. MONTOYA. Mr. President, the conference report, as it relates to the development regions under title V of the Public Works and Economic Development Act, makes major new improvements in the funding, administration and operation of the five regional Commissions.

The sum of $275 million is authorized for the next 2-fiscal-year period. Of this, $255 million are authorized for ongoing programs under title V of the act and $20 million for a new study of regional transportation systems. The Secretary of Commerce is authorized to use up to 10 percent of the $255 million for technical assistance of the Commissions under section 505 of the act. This assistance includes studies and plans evaluating the needs and potentialities of the regions and research on improving the conservation and utilization of their human and natural resources.

The Secretary is directed to allocate all of the remaining amount to the Commissions. He cannot apportion less than 10 percent nor more than 25 percent to any one Commission. This would mean, if the full appropriation were made, and the Secretary retained his full percentage, that no Commission could receive less than $23 million for fiscal years 1970 and 1971, and no Commission could receive more than approximately $57 million.

Each Commission is granted independent authority to expend the sum allocated to it by the Secretary for its own planning, investigations, studies, and, most important, demonstration projects and training programs. The Commissions are thus given much more new power and flexibility than they have previously enjoyed. This new authority will be a real challenge to the Commissions to perform, to put into action the ideas they have been developing during the early period of their existence.

In addition, the Commissions are to be allowed to use the funds allocated to them to pay all or any part of the basic Federal-dollar share of any grant-in-aid program whenever the Federal portion of such a program in any region is inadequately financed. This gives each Commission power to use its funds as first dollar money.

All present and future Federal grant-in-aid programs enacted through December 31, 1970, will be subject to the provisions of the supplemental grant program. Under this, each commission can use its own funds to raise to 80 percent any Federal grant, even though the basic law may require lower Federal matching.

No such supplemental grant may be made, however, until the responsible Federal official administering the basic program certifies the program to be supplemented meets all the requirements of the basic Federal grant-in-aid law and would be approved for Federal contributions if funds were available. Further maintenance of effort is provided for by requiring that the level of assistance for Federal and State programs in a portion of a State within a region be continued in order to be eligible for supplemental grants. Finally, funds authorized by this act shall be available regardless of any limits on authorizations set forth in any other act.

I am especially pleased that the conference accepted the Senate position with respect to the location of the headquarters offices of the Federal cochairman.

The main concern of the Federal cochairman must be a successful relationship with the Federal agencies and departments which administer the grant-in-aid programs from which the regional commissions benefit. To pursue this objective the Federal cochairman must maintain his permanent headquarters where the principal Federal policy decisions are made, in Washington, D.C. This provision is now firmly fixed in law.

One of the most important concessions which the Senate conferees were obliged to make relates to the amendment authorizing $20 million for each commission for planning, development, and construction of regional transportation systems. This important feature of the Senate bill was drastically altered in conference. The resulting compromise adds a new section 513 to the act, which authorizes the Secretary of Transportation acting jointly with the regional commissions to conduct and facilitate investigations and studies of the needs of the regions for regional transportation systems and to carry out demonstration projects in connection therewith. An authorization of up to $20 million is provided to carry out this section in addition to other amounts authorized for the title V regions.

These studies are to consider all types of transportation including, but not limited to, development highways, local access roads, airports, urban mass transit facilities and railroad commuter services.

The Secretary of Transportation is authorized to report the results of these studies together with his recommendations to the Congress by January 10, 1971.

The conferees expect that priorities for development of these systems will be part of the Secretary's recommendations, and, so far as possible, highway corridor designations and specific data on the locations of facilities proposed for construction, such as airports and rail and mass transit projects, will be included.

With respect to Alaska, the House conferees were opposed to the broad Senate language and the amount of money authorized. As a compromise, we agreed to a 2-year grant of $500,000 for the Alaska Federal Field Committee for planning programs and projects in Alaska, in cooperation with the State. We provided that nothing in this section would preclude establishment of a regional commission for Alaska.

The Senate accepted a House amendment requiring coordination of activities between the Secretary of Commerce and the Federal cochairman.

The House agreed to a Senate provision that upon resolution by the Public Works Committees of either House the Secretary of Commerce is required to study the feasibility of altering the geographical area of any economic development region.

Finally, Mr. President, the conference adopted in toto title III of the Senate bill. This contains amendments to the Public Works and Economic Development Act.

As agreed to, the bill authorizes the Secretary to reduce or waive entirely the non-Federal share of a grant to an Indian tribe. Also, $500 million are authorized for title I grants for the fiscal year ending June 30, 1970.

We have provided that under title III of the act the Secretary may make grants for any demonstration project which he determines is designed to foster regional productivity and growth, limited, however, to grants within a designated redevelopment area or areas.

The authorization of funds for title III activities is increased from $25 million to $50 million for the fiscal year ending June 30, 1970.

The Secretary is authorized to designate redevelopment areas for the purposes of title III, the so-called "special impact areas" created under the Economic Opportunity Act of 1964. The purpose of this provision in the Economic Opportunity Act is to establish special programs for solving critical problems in particular neighborhoods within urban areas having especially large concentrations of low-income persons and within rural areas suffering from substantial outmigration. We have taken care to assure that these "special impact areas" would not also be eligible for establishment as economic development districts under title IV.

Mr. President, the conference report is before the Senate for approval.

Mr. President, I wish to say a few words of commendation with respect to the great leadership that has been furnished in this particular field by the Senator from West Virginia.

He is the real pioneer in this concept and in forging this particular legislation. It was because of his leadership that Appalachia was made possible and because of his continued interest that Appalachia is turning into a very successful concept which the rest of the country is now embracing through the creation of regional commissions.

I want especially to thank the Senator from West Virginia because he was at the side of the subcommittee at all times.

With respect to the minority membership on the committee they, too, helped and contributed greatly towards bringing about this piece of legislation.

When the Public Works Committee passed on the legislation and recommended it to the Senate, there was unanimity in the subcommittee as well as in the full Public Works Committee with respect to it.

I thank the Senator from West Virginia for yielding to me.

Mr. BAKER. Mr. President, I am pleased to join with my colleagues today in endorsing the conference report on S. 1072 and in urging its adoption by the Senate.

The Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965 grew out of initiatives taken during the administration of the late President Kennedy. The President, the Congress, and many of the Nation's Governors worked together in a fruitful partnership to fashion these highly significant programs designed to promote the quality of life in areas of the country that have lagged behind the rest of the Nation in economic growth, particularly as measured by an unusually high rate of unemployment.

The mechanisms built into these two important pieces of legislation to promote economic growth and increased employment have been essentially four, none of them entirely revolutionary but each of them innovative and important. The first is a program of grants and loans for the construction of public works and the development of industrial facilities. The second is a series of special programs designed for particular problems peculiar to the given region or development area, such as acid mine drainage, timber supply, and so on. The third is the highly effective device of supplementing existing Federal grant-in-aid programs by increasing the Federal share in areas where States and localities are too poor to provide the non-Federal share for a given matching program. The fourth and perhaps most significantly new device embodied in these two acts is the establishment of the economic development commission. This governmental mechanism provides for the formation of areawide commissions made up of the Governor of each participating State and a Federal cochairman appointed by the President and confirmed by the Senate. This effective institutional arrangement is further strengthened by the formation within each region of multicounty local development districts which promote planning and coordination by local officials, public and private. Although the six regional development commissions have performed with varying degrees of success, few question the fact that this new Federal-State-local partnership has greatly facilitated areawide planning and development.

There are no radical changes in any of these programs contained in the conference report on S. 1072. The amendments represent essentially an extension and refinement of existing programs and policies. Perhaps the most significant changes are made in title V of the Public Works and Economic Development Act of 1965, that title which authorized the establishment of regional commissions. Although still supervised and coordinated by the Secretary of Commerce, the so-called title V commissions are given greater autonomy through the broad authorization of demonstration projects. A large and comprehensive study is authorized of the transportation needs of the various regions, a study which will presumably lead to federally assisted transportation systems suited to the particular needs of each of the regions. Authority to supplement the Federal share of existing grant-in-aid programs has been significantly expanded to include what is called "first money," that is the Commission will be allowed to use its own money for all or any portion of the basic Federal share in any grant-in-aid program whenever the Federal portion of a program in its region is partially or wholly unavailable due to a lack of funds in the original program.

The Appalachian Regional Development Act is amended to extend the authorization for the developmental highway system, to provide additional assistance for low- and middle-income housing, and to extend supplemental grant authority to sewage treatment facility construction. The act would also be amended to encourage small projects to demonstrate various approaches to coordinated programs for child health and development. President Nixon has made plain his commitment to improving the quality of the first 5 years of life for thousands of American children who would otherwise be medically, nutritionally, intellectually, and culturally deprived. No commitment can be more meaningful to the long-range improvement of our society. It is my hope, and I think the hope of the Congress, that the established structure of the Appalachian Regional Commission can be effectively utilized to develop several small scale and discrete demonstration projects within the region that will concentrate new and existing programs and knowledge on a relatively small number of children to assist in the development of wider programs for national application.

As ranking minority member of the Senate Subcommittee on Economic Development, it has been a great pleasure for me to work closely with the chairman of the subcommittee, the distinguished Senator from New Mexico (Mr. Montoya), the distinguished chairman of the Committee on Public Works, Senator Randolph, who has had so much to do with this legislation from the beginning, and the distinguished ranking minority member of the full committee, Senator Cooper. I have also enjoyed and profited from my association with the distinguished conferees on the part of the House, whose constructive and reasonable approach to differences in conference was I hope, matched by that of the Senate conferees.

Senator Cooper had wanted very much to be here today, because he has played such a large part in the writing of this legislation and because he believes so deeply in the need for it. Unfortunately, he is absent on official business. He has asked that his remarks prepared for this occasion be printed in the Congressional Record and, Mr. President, I ask unanimous consent that it be so ordered.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator John Sherman Cooper

Mr. Cooper. Mr. President, I have always been glad to urge the support of the Senate for legislation which we hope will bring substantial and lasting assistance to citizens of this great and rich nation who do not fully share in its wealth and opportunities. I am particularly gratified by the experience I have had as a member of this body in the development of the Appalachian Regional Development program. Senator Randolph, Chairman of the Committee on Public Works and my regional neighbor, and I were, with others, original co-sponsors of this legislation. It was a new plan, founded on the belief, first, that massive and coordinated programs of Federal and State assistance were required to break the cycle of poverty which has left so many millions of American out of our fruitful society, and second, that to be effective these programs must be designed and carried out with the active support and participation of the people and governments of the areas.

The Appalachian experiment has had many successes. The Title V Commissions of the Public Works and Economic Development Act of 1965 were patterned after the organization of the Appalachian Regional Development Commission, and are now located in five regions of the country. Additional areas are currently being considered for regional designation by the Department of Commerce. Regional development is a term of increasing currency throughout government—an indication that this approach is proving itself meritorious.

The House and Senate had a rather difficult conference on the legislation before the Senate today. While preferring, of course, the original Senate version, I believe that the bill as adopted by the conference is satisfactory and in many areas very progressive. In Appalachia we have extended the authorizations for the Regional Development Highway System for an additional two years and increased that authorization by $150 million. We have written new provisions to allow nonprofit organizations to participate in every aspect of the adequate housing effort. We have indicated the desire of Congress that the Commission become involved in child health and nutrition projects in a manner consistent with the articulated commitment of the President to the first five years of life of children throughout America. We hope that the Appalachian Regional Commission will serve as the laboratory for the development of new techniques of assistance and the delivery of that assistance, demonstrating the value of the coordinated child health, education and nutrition projects. Most of the amendments to the Appalachian Regional Development Act are designed to continue and extend the authorizations for programs already underway, with the exceptions of the new programs I have outlined above. The total authorization provided by the bill through fiscal 1971 is $618 million.

Our efforts for the Title V Commissions, on the other hand, were directed at granting them authority to move from the planning stages, which have occupied these regional bodies since their creation, to the action stages of program implementation. Three of the Commissions have been in existence since 1967; two since 1968. They did not have the foundation of study and planning upon which to begin their program implementation, as did Appalachia when it was created.

The time has now come for these Commissions to undertake development projects in a manner consistent with careful and prudent planning. My colleagues have delineated in some detail the provisions of this Act directed to the Title V Commissions. In brief, we have authorized a joint planning project between the Secretary of Transportation and the Commissions on regional transportation needs. We have extended to the Commissions independent authority to carry out planning, investigations, studies and, most important, demonstration and training programs, which are part of their comprehensive plan for development and have been approved by the Secretary of Commerce. In addition, we have made available to the Commissions a comprehensive supplemental funding authority to finance projects which meet applicable criteria for federal grant-in-aid programs, but can't be funded solely because of lack of sufficient federal funds in the budgets of those programs. We have greatly increased the authorizations allocable to the Title V Commissions. The total authorization through fiscal 1971 is $255,000,000. Of this figure, not to exceed 10% is available to the Secretary of Commerce to carry out technical assistance for the Commissions, and the remainder is to be allocated to the Commissions for their use on a formula providing that no Commission shall receive less than 10% or more than 25%.

The bill also includes extension of three sections of Title I of the PWEDA Act of 1965, and modifies an area eligibility requirement to allow the "special impact areas", designated under the Economic Development Act of 1964 (section 150 of part D), to receive assistance from the Economic Development Administration.

Mr. President, we have seen demonstrated in the past four years the kind of progress possible when Federal-State-Local partnership in program development and implementation is given more than lip service. The Regional approach to problems is not only achieving results throughout Appalachia, but is bringing new hope and through this bill can begin to prove its promise from the seacoast of Maine to the sands of New Mexico. I commend my colleagues in the Senate and House Committees on Public Works for their perseverence in the development and growth of this program. It is a program rooted in the land and its people. We can be proud of its successes, and look forward to its future achievements.

Mr. DOLE. Mr. President, as one of the conferees, I join with my colleagues on the Public Works Committee in supporting S. 1072 as reported by the House-Senate conference. It has been a privilege for me, a junior Member of the Senate, to work with the Members of the House and

Members of the Senate in drafting this legislation.

Because there are nine counties in southeastern Kansas that are in the Ozarks Regional Commission, I was particularly interested in the amendments to the Public Works and Economic Development Act of 1965.

The regional commissions authorized by title V created a unique relationship between the State and Federal Government. It represented a recognition that problems of the economy, demography, and environment of an area are not circumscribed by State or county boundaries and consequently the problems of an area are best engineered and most efficiently pursued in conformance with their regional character. As with all new institutions, it has taken time to define their objectives and devise programs to meet these objectives. The commissions have also been hindered by a shortage of funds. In fiscal year 1968, there was only $2.3 million appropriated for supplemental grants in the Ozark region and $2.7 million in fiscal year 1969.

This is clearly inadequate when one considers the breadth of the problem. Data from the last national census shows that in the Ozarks region per capita income is less than 70 percent of the national average. By 1980, at this same loss rate, it is estimated the Ozarks region will lose $7.1 billion. For my State of Kansas, unofficial figures for 1968 reveal that total lost income to the nine counties in southeastern Kansas amounted to more than $134 million.

This legislation has several significant aspects which I would like to discuss. Section 202 of the Senate bill amends section 501 of the Public Works and Economic Development Act of 1965 by adding a new subsection (b) requiring the Secretary to study the feasibility of altering the geographical area of any economic development region, upon resolution of the Committee on Public Works of the Senate or of the House of Representatives.

This provision is a result of an amendment I presented to the Public Works Committee and which was accepted by the committee. My particular reason for doing so was to require the Secretary of Commerce to study the advisability of including more Kansas territory in the Ozarks Commission. Kansas expansion seems reasonable since the six Kansas counties contiguous to the region reflect similar socioeconomic conditions. Upon final passage of this bill and signing by the President, I will submit a resolution to the Senate Public Works Committee directing a study of the advisability of expanding the Ozarks region to Chautauqua, Elk, Greenwood, Coffey, Anderson, and Linn Counties.

Section 304 of the Senate bill amends section 401(a) of the Economic Development Act to require the Secretary to designate as redevelopment areas those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964. Because designation of redevelopment areas under this section would have meant that the two Kansas counties—Crawford and Cherokee—designated redevelopment areas under the so-called Mink amendment included in section 401(d) would have lost their designation, I introduced an amendment providing that when the Secretary designates an area under 401a(6) such designation will not cause areas already designated redevelopment areas to lose that designation. Loss of their designation as redevelopment areas would have meant these counties were no longer eligible for EDA grants for public works and development facilities and technical assistance research and information.

I urge the Senate to accept this conference report on S. 1072.

Mr. MUSKIE. Mr. President, I congratulate the chairman of the Public Works Subcommittee on Economic Development, who served as chairman of the Senate conferees on S. 1072, for his achievement in bringing back to the Senate a strong bill and an imaginative bill.

If it is adequately financed and energetically implemented, it will add a major forward thrust to the momentum of economic growth that has been slowly developing in the less fortunate areas of the country.

I was, of course, disappointed that the conference turned away from the Senate provisions for specific sums for each of the title V regions. Under the sliding scale formula of the House bill, as approved in amended form by the conference, each region will be entitled to a considerably smaller amount than the Senate provided, and the entire program will be required to function with reduced authorizations. We will have to make do with what we receive, and we will have to make the best possible use of it.

The New England Regional Commission is now ready to go forward with some 18 specific development proposals. I think that under the language of the conference report amending sections 505, 509, and 514 of the act, there will be sufficient authority to proceed with the implementation of these plans.

For example, there is clearly provided authority for demonstration projects initiated by the commission on its own. This should permit preliminary work to begin on meeting some of the greatest needs of our region as determined by the Governors who form the commission.

These proposals are outlined in the Senate hearings, beginning on page 401.

We have emphasized the need for greater autonomy on the part of each of the commissions in assessing and meeting the priorities of their own region. This increased flexibility of action is in keeping with the changes made in the basic act by the amendments first adopted by the Senate in 1967, particularly the supplemental grant provisions.

Adequate funding of commission efforts is the key to their success. If they have not shown greater forward movement up to this time, it is simply because they have not had the money.

While the Senate conferees would have preferred to move with specific authorizations for each commission's programs, the conference measure does give them a greater control over funds made available by requiring the Secretary to allocate all but the 10 percent he is authorized for technical assistance and administration.

The funds authorized to each commission by the Senate were of course based on certain criteria, such as population, area, per capita income and ability to use funds for development programs.

The conferees expect the Secretary, in making his allocation, to give full consideration to these factors as well as to the proportionate amounts which the Senate adopted.

In addition, the conferees expect the Secretary will submit to the Senate Public Works Committee notification of all factors utilized by him—including the weight given each such factor—in making allocations to the regional commissions.

Mr. MONTOYA. Mr. President, I move that the Senate agree to the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Mexico that the Senate agree to the conference report.

The motion was agreed to.

DEATH OF U.S. DISTRICT JUDGE ERNEST W. GIBSON, A FORMER MEMBER OF THE SENATE

Mr. PROUTY. Mr. President, it is my sad duty to inform this body that one of its former Members, Ernest William Gibson, died last night in Brattleboro, Vt.

This is a particularly sad occasion for me, for Ernest Gibson was among my closest friends.

At the time of his death, Ernest Gibson was U.S. district judge for the district of Vermont. This January would have marked the 20th year of his judgeship.

Judge Gibson's life was devoted to the service of his State and Nation.

From 1929 until his death he served in public office. He was a State's attorney, the assistant secretary of the Vermont State Senate, secretary of the senate, and a member of the Vermont Railroad Tax Commission.

In June of 1940, he was appointed to fill the U.S. Senate vacancy caused by the death of his father, Senator Ernest Willard Gibson. He served this body with distinction from June 24, 1940, to January 3, 1941.

Four months after leaving the Senate, he entered the U.S. Army as a captain. His military service exemplified the strength, courage, and sense of duty he had shown in his civilian positions. He left the service in December 1945, a colonel wearing the Silver Star, the Purple Heart, and the War Department Citation. To Vermont and the Nation, he was a hero, but I doubt that Ernest ever thought he had done anything more than his duty.

Ernest did not have much time to relax when he returned to Vermont. Vermonters wanted to return him to public service. He was elected Governor in November 1946 and reelected in 1948.

Today, reflecting on my good years of association with Ernest, I particularly recalled his first term as Governor. At the time I was speaker of the Vermont

House of Representatives. Then Governor Gibson presented a comprehensive legislative package which he reinforced with his dynamic leadership. Through this leadership the legislature that term enacted some of the most far-reaching legislation in Vermont's history.

Dynamism marked Governor Gibson's incumbency. His energies equaled his compassion and concern. Vermont moved rapidly and in the right direction.

On January 15, 1950, he resigned as Governor having been appointed U.S. district judge for the district of Vermont. He served in that position until his death last night.

He brought to the bench his vast range of experiences, his eminent knowledge of the law and a deep sense of compassion.

It is said that we are a nation of laws, not men. But only men can interpret the laws. Judge Gibson's interpretations mark him as an eminent jurist, brilliant in the field of law and wise in the ways of men.

In recent months, Ernest Gibson was contemplating retirement. With the full, rich life he had led, he deserved some time for himself. Yet, I could not envision Ernest inactive. I would imagine that had he lived to retire, his retirement would have been as active and full as his life.

Ernest Gibson truly served us well and gave us much. I am deeply saddened by his death, but immensely grateful for his life.

LITTLE DANNY ROSE AND DR. MARY COLEMAN

Mr. MATHIAS. Mr. President, Danny Rose and Dr. Mary Coleman are the best of friends. Dr. Coleman is a pediatric neurologist at Children's Hospital in Washington. Danny is her patient. He came to Children's 2 months ago with his undersized body twisting into grotesque positions. He could not control his movements and was unable to speak. Recently, he sat up unaided and for the first time in 3 years, he spoke. Danny, who is 11, suffers from dystonia, a brain disease. He is being treated by Dr. Coleman with L-Dopa, a new drug that provided exciting results in the treatment of Parkinson's disease.

Dr. Coleman expects and hopes to have Danny walk out of Children's Hospital one day soon. But he may not. Dr. Coleman's work may be curtailed by cutbacks in research funds.

Mr. President (Mr. Allen in the chair), this relationship between a little boy who is fighting to walk and talk and a doctor who is trying to help him represents the human side of a technical, impersonal dollars and cents argument facing the Congress. It is the human side I would like to discuss today.

The budget cuts, combined with the effects of inflation, are causing alarm among scientists and medical educators.

First there is concern for the survival of important research and training programs currently being conducted in the Nation's medical schools. Second, there is concern that Federal economy measures enforced today may destroy the base for long-range research and, in turn, ultimately affect adversely the health of all American citizens. The effects appear to be widespread. Not even the most famous institutions are being spared. At Johns Hopkins University in Baltimore, for example, the medical school has been forced to discharge some technicians and research personnel because of the squeeze on funds. At Albert Einstein College of Medicine in New York, staff doctors who have been paid on a part-time basis are being requested to contribute their services for free.

Maryland doctors have written me to express their concern. One, who has been conducting research in arthritis for the past 14 years, writes that his grant, although approved, has not been funded. This means that his research will practically be terminated and that he will have to lose an experienced technician.

Another doctor writes that the cuts "will have dire effects on the ongoing research—like Dr. Coleman's—into neurological diseases and on the training of physicians to care for these patients." He contends that the budget reduction would not represent a "tightening of the belt—but would necessitate totally abandoning many worthwhile research and training programs that required years to build."

A cancer researcher complains that the planned allocation to the National Cancer Institution—$180.7 million compared to a requested $300 million and a 1969 appropriation of $184 million—is "grossly inadequate" and "cannot fail to jeopardize our fight against cancer." He points out that cancer will cost this country about 325,000 deaths this year, that cancer is currently the leading cause of death among women age 30 to 54, and that more schoolchildren will die this year from cancer than from any other disease. He adds that there are today 550,000 children under 18 who have lost either their father or mother to cancer.

A general practitioner informs me that as a result of the cuts many long-range studies of tuberculosis prevention are being terminated. He writes:

> Special tuberculosis project funds have been largely responsible for revitalizing the anti-tuberculosis work in Maryland's two worst tuberculosis areas—Baltimore City and the southern counties of the Eastern Shore. If these funds are cut, the progress against TB, which is just now beginning to bear fruit, will probably stop.

Dr. James Shannon, former Director of the National Institutes of Health, said these cuts and the resulting attrition were likely to have devastating effect on the overall research purposes of the Nation. In an interview with the New York Times, Dr. Shannon said the situation probably could not be corrected unless the Nation began to have some overall research policy. He said there was none at present.

Dr. Shannon's assertion that this country has no overall policy on research is disturbing and it becomes perfectly frightening when one considers that the Federal Government provides about 65 percent of all funds for health research. It is also estimated that 48 percent of all medical school faculty members have some of their salary paid through Government funds; that 16 percent receive all of their salary through Government funds and that, for another 11 percent, the Government is the source of at least half the salary.

The problem is complex, but we must tackle it immediately. We can start by restoring the NIH budget to at least its present level of operation. I do not argue with the President's decision to fight inflation by cutting Federal spending. However, I believe that it is the duty of this Congress to set the order of priorities and I believe we must look long and hard for other places to begin this economy drive.

Next, I believe that we must look to the future and plan how the Government can adequately fund medical research which is so vital to our national welfare. Danny Rose and millions of other citizens are depending on us.

STUPID POLICY OF TOP BRASS

Mr. YOUNG of Ohio. Mr. President, in Vietnam our military brass are now blatantly and stupidly censoring the GI newspaper, circulation 500,000. Also, reporters on the military radio and publications are instructed to never use the word "napalm." "Selective ordinance" is to be used in stories referring to Vietnamese women, children, and old men killed and maimed by napalm bombing. No longer must the phrase "search and destroy" be used; the facts are that 80 percent of the Vietcong fighting in the Mekong Delta were born and reared in the Mekong Delta which is south of Saigon. Most are peasants, many of whom have been fighting for national liberation since 1946, first against the French now against Ky and Thieu who fought with the French in their effort to reestablish the lush French Indo-Chinese colonial empire. The great majority of them never heard of Karl Marx or Lenin. U.S. troop withdrawals must now be referred to as "troop redeployment." The small city, Ben Het, was recently surrounded by the Vietcong. This resulted in a rebuke of Saigon bureau chief of the GI newspaper Stars and Stripes. He was ordered to stop referring to this as a siege, although Ben Het was completely cut off and American forces were air dropping supplies there. GI's in South Vietnam resenting this censorship published an underground newspaper named "GI" which was suppressed on higher authority. The paper offered a reward "for the neck of the battalion commander responsible for the assault on Hamburger Hill."

I refer to that as a stupid action on the part of the top brass in Vietnam.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of an unusual circumstance, I ask unanimous consent that the distinguished Senator from North Carolina (Mr. Ervin) be allowed to proceed for 3 minutes before the time limitation begins.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3114—INTRODUCTION OF A BILL MAKING FREEDOM OF CHOICE THE LAW OF THE LAND

Mr. ERVIN. Mr. President, I introduce today, for appropriate reference, a bill to amend the Civil Rights Act of 1964 by adding at the end thereof a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers upon parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve.

In presenting the case for my bill, I shall disobey Mark Twain's admonition:

> Truth is precious. Use it sparingly.

Indeed, I will use truth in quantities which may embarrass and displease some judicial activists and crusading bureaucrats.

THE OBJECTIVES OF THE BILL

These are the objectives of the bill:

First. To restore to local school boards the power to administer the public schools committed to their charge.

Second. To confer upon parents the right to choose the public schools their children attend.

Third. To secure to children the right to attend the public schools chosen by their parents.

Fourth. To make effective the right of administrators and teachers of public schools to serve in the schools in which they contract to serve.

Fifth. To end the perversion of the equal protection clause of the 14th amendment by judicial activists and crusading bureaucrats.

Sixth. To end the disobedience of acts of Congress by judicial activists and crusading bureaucrats.

Let me explain what I mean by the terms "judicial activists" and "crusading bureaucrats."

It is the function of judges to interpret the Constitution and the laws, not to amend them. To interpret the Constitution or a law is to ascertain its meaning, and to amend the Constitution or a law is to change its meaning.

Most judges rightly regard themselves as the servants of the Constitution and the laws, and not their masters. Consequently, the number of judicial activists is comparatively small.

Judicial activists are judges who undertake to amend the Constitution or the laws while professing to interpret them. In so doing, they actually substitute their personal notions for constitutional principles and rules of law.

Judicial activists are motivated by good intentions. Daniel Webster undoubtedly had them in mind when he made this trenchant statement:

> Good intentions will always be pleaded for every assumption of authority—it is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Judicial activists labor under the delusion that there was little, if any, wisdom on earth before their arrival. As a consequence, they lay the flattering unction to their souls that the amendments they usurp the power to make improve the Constitution and the laws. For this reason, they believe the ends they have in view excuse the unjustified means they employ to accomplish them.

Let me make it plain that all the Federal judges who do the things of which I complain are not judicial activists. The Federal judiciary is structured as a hierarchy in which the judges in one echelon are compelled to follow the rulings of judges in higher echelons, no matter how much they may disagree with them. As a consequence, many Federal judges in lower echelons, who rightly regard judicial activism as a cardinal judicial sin, are forced to do the will of more highly placed judicial activists to escape the charge of judicial insubordination.

Crusading bureaucrats are power hungry officers of the executive branch of the Government who steal a mile of authority for every inch given them by law.

EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT

If we are to understand the conditions out of which the necessity for the bill arises, we must understand the equal protection clause of the 14th amendment which prohibits a State from denying to any person within its jurisdiction the equal protection of the laws.

While the opinions of judicial activists and the guidelines of crusading bureaucrats tend to shroud this clause in obscurity, the true meaning of the clause is simple and readily understandable. The clause means simply that all persons subjected to State action shall be treated alike under like conditions, both in the rights conferred and in the obligations imposed.

In interpreting this clause in *Brown* v. *Board of Education of Topeka*, 347 U.S. 483, the Supreme Court held that a State denies the equal protection of the laws to black children if it denies them admission to its public schools attended by white children under State laws requiring or permitting segregation according to race. One of the intellectual and legal giants of our age, the late Chief Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit, correctly explained what the Supreme Court decided in the Brown case in his per curiam opinion in *Briggs* v. *Elliott*, 132 F. Supp. 776, 777:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the state or state agencies, not a limitation upon the freedom of individuals.

What Judge Parker said in the Briggs case correctly interprets the ruling in the Brown case. Circuit Judge Wisdom's attempt in *U.S.* v. *Jefferson County Board of Education*, 372 F. 2d 836, 862, to dismiss what Judge Parker declared in the Briggs case as "pure dictum" is not even plausible. The Briggs case was one of the four cases consolidated for hearing and decision in the Brown case, and Judge Parker was applying that decision to the Briggs case on its remand to the three-judge district court sitting in the eastern district of South Carolina.

It is as clear as the noonday sun in a cloudless sky that Judge Parker's assertion that when a State opens its schools to children of all races and grants to them freedom to choose the schools they attend, its action in so doing does not violate the equal protection clause of the 14th amendment and is absolutely sound. This is so because when it takes such action, the State treats all persons of all races exactly alike under like conditions, and thus fulfills both the letter and the spirit of the equal protection clause. No amount of judicial or bureaucratic jargon and sophistry can erase this obvious truth.

Moreover, Judge Parker's declaration is faithful to the proposition that the Constitution decrees that Americans are citizens of a free society and not the hapless and helpless subjects of judicial and bureaucratic oligarchies.

It is worthy of observation at this point that when the Brown case itself was remanded to the court in which it originated, the three-judge U.S. district court sitting in the district of Kansas revealed itself to be in complete agreement with Judge Parker's analysis of the Brown case by making the following statement:

> It was stressed at the hearing that such schools as Buchanan are all-colored schools and that in them there is no intermingling of colored and white children. Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.
>
> If it is a fact, as we understand it is, with respect to Buchanan School that the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live. (139 F. Supp. 468, 470)

It is noted, in passing, that in *Bell* v. *School City of Gary*, 324 F. 2d 209, *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55, and other well considered cases able Federal courts rendered decisions in full harmony with the sound views expressed by Judge Parker in the Briggs case.

CIVIL RIGHTS ACT OF 1964

The Congress enacted the Civil Rights Act of 1964 in part to implement the equal protection of the laws clause of the 14th amendment as interpreted by the Supreme Court in the Brown case. In so doing, Congress accepted the view that the equal protection clause prohibits a State from taking into consideration the matter of race in assigning children to public schools, and for this reason, forbids a State to deny to any child admission to any public school solely because of the child's race.

This conclusion is made manifest by section 401 of title IV which is concerned with desegregation of public education, and section 602 of title VI which relates to nondiscrimination in federally assisted programs.

I will analyze these and other relevant sections of titles IV and VI in subsequent remarks, and for this reason forgo elaboration of this point at this time.

The legislative history of the Civil Rights Act of 1964 likewise makes this conclusion abundantly clear.

During the course of the debate on the bill which became the Civil Rights Act of 1964, Senator BYRD of West Virginia addressed this question to Senator Humphrey, the floor manager of the bill, and received this reply from Senator Humphrey:

> Mr. BYRD of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under Title VI school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?
>
> Mr. HUMPHREY. I do.

Senator Humphrey made these further statements relating to the purposes of the bill:

> Mr. HUMPHREY. Mr. President, the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts, and I understand that other Senators will cite the particular cases.
>
> I shall quote from the case of Bell against School City of Gary, Ind., in which the Federal court of appeals cited the following language from a special three judge district court in Kansas: "Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color." *Brown* v. *Board of Education* D.C. 139 F. Supp. 468, 470.
>
> In *Briggs v. Elliott* (EDSC), 132 Supp. 776, 777, the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination." In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic *Brown* case of 1954.

THE PERVERSION OF THE EQUAL PROTECTION CLAUSE AND THE CIVIL RIGHTS ACT OF 1964

Before the advent of the judicial activists, the equal protection clause of the 14th amendment was uniformly interpreted in multitudes of decisions to be merely prohibitory in nature and operation, and to impose upon a State no duty whatever except the duty to refrain from the specified prohibited action, that is, denying persons within its jurisdiction the equal protecton of the laws. This is manifestly the right interpretation of the clause because this is exactly what it says.

But this interpretation is not pleasing to judicial activists, who are afflicted in virulent form with the disease of tyrants which George Washington diagnosed in his farewell address as "love of power and proneness to abuse it."

As a consequence, the judicial activists now pervert the equal protection clause and the Civil Rights Act of 1964, and declare that they not only outlaw State imposed segregation in public schools, but also thrust upon a State the affirmative obligation to use compulsory methods to mix black and white children in public schools, regardless of the desires of such children and their parents, and regardless of the impact of the compulsion upon the schools as educational institutions.

In so doing, the judicial activists undertake to add to the equal protection clause things which expand their power and subtract from it things which limit their power.

Lack of time precludes me from stating in detail the specious reasons advanced by the judicial activists in support of their declaration that the equal protection clause now requires the compulsory integration of public schools. I must refer those interested in this phase of the subject to the 69-page opinion of Circuit Judge Wisdom in *U.S.* v. *Jefferson County Board of Education*, 372 F. 2d 836, and the 118-page opinion of Circuit Judge Wright in *Hobson* v. *Hansen*, 200 F. Supp. 401, where these reasons are presented with profuseness.

Some of the Federal courts inferior to the Supreme Court are now attempting to rob schoolchildren and their parents of the liberty to select schools embodied in the freedom of choice concept. For example, the fourth circuit court of appeals declared on July 11, 1969, in the still unreported case entitled Hawthorne against Lunenberg that—

> The famous *Briggs* v. *Elliott* dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration, is now dead.

In this quotation from the Hawthorne case, the fourth circuit court of appeals was referring to the constitutional principle enunciated by Judge Parker in these words:

> Nothing in the Constitution—takes away from the people freedom to choose the schools they attend. *Briggs* v. *Elliott*, 132 F. Supp. 776, 777.

I make this observation: If this constitutional principle is now dead, it was murdered by judicial activists in violation of the equal protection clause of the 14th amendment itself. This is so because no man who is willing to give words their obvious meaning can find anything in the equal protection clause which deprives any individual in the United States of the freedom to choose the public school he attends or any other freedom. Indeed, as I have pointed out, this clause relates solely to State and not to individual action.

Judicial activists cite the opinion of Justice Brennan in *Green* v. *County School Board of New Kent County*, 391 U.S. 430, as a pronouncement of the Supreme Court that the Brown case requires all public schools to be compulsorily integrated if both black and white children of school age are obtainable and that all "freedom of choice" plans are automatically unconstitutional.

I shall not undertake to say what the Green case holds. If one desires to speak with assurance concerning it, he must limit his remarks to these observations: Its facts are plain; its verbiage is ambiguous and murky; it lays down no understandable or workable rule.

New Kent County is a rural county in eastern Virginia which possesses only two schools. One of these schools, the New Kent School, is designated by the opinion as a "white" school, and the other, the Watkins School, is designated by the opinion as a "Negro" school. Three years before the opinion was written, the school board of New Kent County completely removed from its school system all State-imposed segregation, and adopted a "freedom of choice" plan which allowed each black and white school child in New Kent County to attend whichever school he chose to attend.

The district court and the fourth circuit court of appeals adjudged this freedom of choice plan valid, and the Supreme Court reversed their rulings and remanded the case to the district court with a statement that the school board must be required to "fashion steps which promise realistically to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools." I will not undertake to determine whether the case constitutes a solemn adjudication that the words "just schools" imply that all schools must be black and white schools where black and white children are available for coercive mixing.

I will make certain comments, however, concerning the only real reason given by the opinion for the rejection of the school board's "freedom of choice" plan.

The opinion declares that such plan did not constitute an "adequate compliance" with the responsibility imposed upon the school board by the second decision in the *Brown* case, 347 U.S. 294, 300–301, "to achieve a system of determining admission to the public schools on a nonracial basis" because not a single one of the 550 white children in the county had chosen to attend Watkins School, and only 115 of the 740 black children in the county had chosen to attend the New Kent School.

This ruling to the contrary notwithstanding, it is as clear as the noonday sun in a cloudless sky that the most effective way "to achieve a system of determining admission to the public schools on a nonracial basis" is to open the public schools to children of all races, and allow them or their parents to choose the schools they attend. Oceans of judicial sophistry cannot wash out this plain truth.

If the Green case means anything, it means that freedom of choice plans are valid if black and white children choose to mix themselves in public schools in proportions pleasing to Supreme Court

Justices, but are invalid if black and white children exercise their freedom of choice in a manner displeasing to Supreme Court Justices.

Obviously, the United States cannot continue to boast that it is a free country if the freedom of its people hangs on such an arbitrary and tenuous judicial thread.

I wish to call to the attention of the Senate a cartoon and editorial which appeared in the Washington Star on June 23, 1968, and which are highly pertinent to the subject under consideration. The cartoon depicts a black-robed Federal judge who presides over a classroom inhabited by small children, banging his gavel on the teacher's desk and declaring in stern judicial language: "This court will come to order."

I deeply regret that the format of the CONGRESSIONAL RECORD does not permit reproduction of the cartoon for the edification of Senators. Fortunately, however, I can have the editorial reproduced in the CONGRESSIONAL RECORD.

Therefore, I ask unanimous consent that the editorial which is entitled "Our Judges Should Stick to Their Judging," be inserted at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR JUDGES SHOULD STICK TO THEIR JUDGING

Eleven months ago the American Association of School Administrators, with some 17,000 members around the country, strongly urged that an appeal be taken from Judge Skelly Wright's decision in the District school case.

The association said that the decision "usurps the prerogatives of boards of education and school administrators" and, further, that Judge Wright's educational theories are "wrong and dangerous."

Now, a year after the ruling, an appeal will be heard this week by the United States Court of Appeals. What the result will be is, of course, uncertain. But one may at least hope that the appellate judges will return control of the Washington schools to the school authorities, and that Judge Wright will be encouraged to devote himself to his judicial knitting.

Judge Wright has not been the only federal judge to get into the business of running or trying to run public school systems. The Supreme Court and the Fourth Circuit Court of Appeals also got in a few whacks this year.

The case of Brown vs. Board of Education was decided by the Supreme Court in 1954 and an implementing decision, known as Brown II, came down a year later.

The 1954 Brown ruling held that segregated public school systems imposed or required by state or local law were in violation of the Fourteenth Amendment and therefore unconstitutional. Brown II decreed that such segregated systems must be abolished. The court did not say, however, that compulsory segregation must be replaced by compulsory integration.

John J. Parker, then chief judge of the Fourth Circuit, construed the Brown decision in this language: "It (the court) has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. * * * Nothing in the Constitution or in the decision of the Supreme Court takes away from the people the freedom to choose the schools they attend."

Chief Judge Parker was a distinguished jurist, not a man to bypass or undermine Supreme Court rulings. A few years before his death in 1958 he was awarded the American Bar Association's gold medal for "conspicuous service to American jurisprudence." But in undertaking to construe Brown, Judge Parker spoke too soon. He couldn't foresee, of course, what the Supreme Court would say in May 1968 in the case of Virginia's New Kent County, and he would have been horrified to read that opinion.

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins School. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

In an ambiguous opinion, Justice Brennan said this was not good enough.

He did not, and indeed he could not, properly say that a bona fide freedom of choice plan, such as New Kent's, is unconstitutional. In fact, he did not cite any specific constitutional basis for holding that the New Kent system wouldn't do.

He said the plan placed a "burden" on children and their parents—the burden of applying for admission to one school or the other if they wanted to switch. He did not stress the point that the parents of 115 Negro children did not find this too burdensome last year. He also suggested that the county should adopt some kind of "zoning" system, although he was very vague about this. And without more ado, he set aside a ruling by the Fourth Circuit which had upheld the New Kent plan.

So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states? (2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County, regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Another judicial shocker, which reinforces our belief that judges, especially eager-beaver judges, should stay out of the school room, has just come down from the Fourth Circuit.

The effect of this 5-to-2 ruling in a Norfolk case is to cut down the neighborhood school concept. Again, the court majority uses weasel words. It says that the assignment of pupils to neighborhood schools is a sound concept. But it adds that this is not true if purely *private* discrimination in housing keeps Negroes out of a given residential area. How does private discrimination, as distinguished from public or state discrimination, offend the Constitution? The majority judges, of course, do not say. But we note with interest the dissenting opinion by Judge Albert V. Bryan, who said the court was guilty of "usurpation," and that the majority through its decision "once again acts as a school board and as a trial court, and now is about to act as a city planning commission." This last presumably refers to the problem of how to bus pupils in Norfolk, which has no school bus system.

To sum it up, federal judges have a constitutional duty and the competence to strike down any law which imposes school segregation. They have neither the duty nor the competence to demand compulsory integration and to run the schools by judicial fiat. The sooner the judges recognize this, if they ever recognize it, the better it will be for our system of public education.

Mr. ERVIN. Mr. President, in passing from this phase of my remarks, I note that since it is authorized by congressional legislation to extend Federal financial aid to public school activities, the Department of Health, Education, and Welfare administers the provisions of title VI of the Civil Rights Act of 1964, which deals with nondiscrimination in federally assisted programs. I content myself with the observation at this time that the crusading bureaucrats in HEW have allied themselves with the judicial activists. As a consequence, they pervert congressional intent expressed in titles IV and VI of the Civil Rights Act of 1964, and use Federal funds appropriated by Congress for educational purposes to compel school boards to operate public schools as integrating rather than educating institutions.

A FEDERAL JUDGE'S ANALYSIS OF JUDICIALLY FORCED INTEGRATION

What I am trying to say has been much better said by an observant and wise Federal district judge, J. Robert Elliott, of the middle district of Georgia, who performs his task where people live, move, and have their being rather than in some remote judicial ivory tower.

A short time ago, the Fifth Circuit Court of Appeals remanded the case of United States against Board of Education of Crisp County, Ga., to the U.S. District Court for the Middle District of Georgia with directions that Judge Elliott reconsider his former ruling in the "light of the most recent decisions of the Court of Appeals and the Supreme Court dealing with school desegregation.'"

In an order requiring the school board to submit a new plan of desegregation, Judge Elliott made an accurate and penetrating analysis of the tragic impact of judicially coerced integration upon law and public school education. I quote his words:

> A review of these decisions shows that it is intended that integration be brought about in some way by school administrators as the first order of business. Problems of money, problems of transportation, problems of finding competent teachers willing to staff completely integrated schools, problems of political and emotional ramifications and the myriad frustrating difficulties peculiar to public education, and even the substantial objections of those thought to be benefited, are either ignored or brushed aside. We are told not to be "color blind", but to be "color conscious". The three R's long thought to be the reason for the existence of the public school system have been eclipsed by the one big R—Race. Integration is primary. Education is secondary. And through it all is the clear implication that Federal Courts are competent to design, supervise and administer plans for the integration of all school systems within our jurisdiction regardless of the diverse and complex problems presented. As for myself, I disavow any such occult power and am convinced that a fairly administered freedom of choice plan is the best answer and that the "immediate total integration at any cost" approach must inevitably result in serious damage to the public school system. However, we are bound by the decisions of the Supreme Court and the Court of Appeals for the Fifth Circuit, so we will make one more drag of the judicial claw across this sensitive area.

HOW THE PERVERTED VERSIONS OF THE EQUAL PROTECTION CLAUSE AND THE CIVIL RIGHTS ACT OF 1964 ARE ENFORCED

The judicial activists and the crusading bureaucrats have virtually taken over the public schools of the South. Their inconsistent professions remind me of Aesop's fable entitled "The Man and The Satyr," which goes like this:

> A man had lost his way in a wood one bitter winter's night. As he was roaming about, a Satyr came up to him and finding that he had lost his way, promised to give him a lodging for the night, and guide him out of the forest in the morning. As he went along to the Satyr's cell, the man raised both his hands to his mouth, and kept blowing at them. "What do you do that for," said the Satyr. "My hands are numb with the cold," said the man, "and my breath warms them." After this they arrived at the Satyr's home, and soon the Satyr put a smoking dish of porridge before him. But when the man raised his spoon to his mouth he began blowing upon it. "And what do you do that for," said the Satyr. "The porridge is too hot, and my breath will cool it." "Out you go," said the Satyr. "I will have nought to do with a man who can blow hot and cold with the same breath."

The judicial activists and the crusading bureaucrats blow hot and cold with the same breath. At one moment they accept as valid the ruling in the Brown case and the congressional definition of desegregation, and assert that school boards are forbidden by the Constitution to consider race in assigning faculty members and pupils to public schools. The next moment they declare that school boards must take race into consideration in assigning faculty members and pupils to public schools because the Constitution obligates them to mix black and white faculty members and pupils in public schools.

In thus blowing hot and cold with the same breath, the judicial activists and crusading bureaucrats exemplify the moral taught by another fable of Aesop, namely, the fable of "The Wolf and The Lamb," which proclaims the truth that "any excuse will serve a tyrant."

Let me recount with succinctness what Federal judges and officials of the Department of Health, Education, and Welfare do to public school boards, public school administrators, public school teachers, public school children, the parents of public school children, and taxpayers to enforce the fallacious interpretations which the judicial activists and crusading bureaucrats put upon the equal protection clause of the 14th amendment and the Civil Rights Act of 1964.

They arbitrarily establish numerical or percentage quotas based on race for specified schools, and compel school boards to assign black and white administrators and teachers, and black and white children to these schools in numbers or percentages sufficient to meet these racial quotas. In so doing, they compel school boards to breach the provisions of contracts giving the affected administrators and teachers the legal right to teach in other schools.

If neighborhood schools are located in racially mixed school districts, they compel school boards to force children residing in the districts to attend their neighborhood schools even in instances where some of the children have valid reasons for assignment to schools elsewhere.

If neighborhood schools are not located in racially mixed districts, they compel school boards to resort to geographical rezoning, to bus schoolchildren from one school to another or from one school district to another, and to "pair schools". The sole objective of each of these courses of action is to mix black and white children in the same schools, and each of them requires that substantial numbers of black and white children be denied the freedom to attend the neighborhood schools nearest their homes because children of their race are needed to integrate schools elsewhere.

Let me explain what each of these courses of action involves.

In geographical rezoning, Federal judges and HEW officials compel school boards to create new geographical districts or zones, gerrymandered if necessary for the purpose, to embrace racially mixed residential areas, and to make arbitrary assignments of black and white children to the various schools within the newly created districts or zones, even though such arbitrary assignments deny substantial numbers of the children the right to attend the neighborhood schools nearest their homes and require them to travel substantial distances to reach the schools to which they are assigned.

Some of the judicially and bureaucratically imposed geographical zoning plans thrust grave hardships upon schoolchildren and their parents. Others are irrational. Moreover, some imposed in the fifth circuit where judicial activism runs rampant even imperil the safety of schoolchildren.

I mention only a few of the numerous instances which prove the validity of these observations.

The school board of Raleigh, the capital of North Carolina, was coerced by HEW to adopt new geographical zoning by the threat of cutting off Federal funds otherwise available to it. Under the HEW coerced geographical rezoning plan, the school board in Raleigh had to deny to numerous children, both black and white, the right to attend their neighborhood schools, and to assign them to schools located substantial distances from their homes. Two boys who reside only 4 blocks from a high school were assigned to another high school 4½ miles distant from their home. When their father made requests in their behalf that they be assigned to their neighborhood high school instead of the distant high school, he received this response from the school authorities in respect to each of his sons:

> I regret to inform you that your request for transfer of school assignment * * * for your child has been denied. * * * Honoring your request would have resulted in exposing your child to fewer students of a different race than he would be exposed to in the school to which he has been assigned for the next year.

The father wrote me a letter in which he pointed out that the denial of his request for the transfer of his sons to their neighborhood high school compelled them to walk 9 miles daily to and from the distant high school, despite the intervening traffic hazards. He then put to me a question which I now in turn put to the Senate: Why should children "be herded around like cattle and shifted like pawns in a chess game?"

I will now call attention to a few judicial decisions in the fifth circuit where the courts are dominated by judicial activists of highly immoderate attitudes. They compel school boards to create geographical zones sufficient to "produce integration of faculties, staff, facilities, transportation, and school activities such as athletics, along with the integration of students"—*Adams* v. *Matthews*, 403 F. 2d 181—even though the geographical districts are so irrational as to compel little children to imperil their safety by crossing hazardous railroad tracks, bridges, and bayous—*U.S.* v. *Indianola Municipal School District*, CA-5, April 11, 1969, No. 25,655; *U.S.* v. *Greenwood Municipal School District*, CA-5, February 4, 1969, No. 25,714—ignore the density of population in the zones, the proximity of the residences of schoolchildren to schools, and natural boundaries created by God; and deprive school boards of the ability to make maximum use of existing school buildings—*U.S.* v. *Indianola Municipal School District, supra; Henry* v. *Clarksdale Municipal School District*, CA-5, March 6, 1969, No. 23,255.

Indeed, the Court of Appeals for the Fifth Circuit intimates in the Greenwood Municipal School District case that the equal protection clause of the 14th Amendment requires school boards to give "all Negro students a desegregated education," regardless of what burdens such action would impose upon them, their parents, other schoolchildren, the parents of other schoolchildren, and the taxpayers.

Moreover, the same court makes the astounding declaration in the Indianola Municipal School District case that even nondiscriminatory action of a school board is unconstitutional if it fails to result in substantial desegregation.

When they require school boards to resort to the busing of students, Federal judges and HEW officials compel the school boards to deny to substantial numbers of black and white children the right to attend their neighborhood schools, and to transport them by bus to other schools in the district in which they reside, or to other schools in other districts for the purpose of altering the racial composition of their neighborhood schools, or the racial composition of the schools to which they are transported.

When they require the pairing of schools, Federal judges and HEW officials compel school boards to swap certain grades in a school located in a predominately black residential area for certain other grades in a school located in a predominately white residential area. For example, they may require a school board to transfer grades one through four from school A to school B, and grades five through eight from school B to school A.

In their zeal for compulsory integration of schools, Federal judges and HEW officials have even assumed overlordship over the property of the public schools of the States. In many cases, they compel school boards to close public schools attended in predominate numbers by children of one race, and to transfer such children to other public schools attended in predominate numbers by children of the other race. In so doing, they regard with utter distain the fact that the schools which are closed were built with the hard-earned dollars of the taxpayers, and the further fact that the closing of such schools deprive the people of the community of any community center.

During last year, under pressure from HEW, the school board of Hyde County, N.C., undertook to close two schools black children had been attending and to force the black children to attend a predominately white school located elsewhere in the county. This action evoked violent demonstrations by black citizens of Hyde County who demanded that the closed schools be reopened and that their children be permitted to attend them. Events of this nature have been inspired by similar action in other areas.

In the recent unreported case entitled Swann against the Charlotte Mecklenburg Board of Education, the District Court of the Western District of North Carolina ordered the school board "not to divest itself of any land, options, rent arrangements, or other access to or control over real estate which it may have in the second ward area" until it could be determined whether "a midcity high school" would "prove most desirable for desegregation purposes."

Sometimes one encounters statements in desegregation cases that courts only enforce plans for desegregation presented to them by school boards. Candor compels me to say that these statements savor of hypocrisy. The truth is that the plans are dictated by Federal judges, and are presented by school boards simply because their members sit beneath damoclean swords. The members of the school boards know they are subject to being fined or jailed for contempt of court if their official action is displeasing to Federal judges. As a consequence of this, it requires great patriotism for any person to serve on a school board nowadays.

Even apart from constitutional considerations, Federal judges and HEW officials ought to stop taking over and exercising the functions of school boards. This is so because they lack the competence to operate schools. The validity of this observation is made manifest by the arbitrary guidelines of HEW, which exalt the integration of the bodies of school children above the enlightenment of their minds; and the decisions of judicial activists which mommick educational processes almost as badly as they mangle the Constitution.

I yield at this point to the temptation to comment briefly upon one of these decisions, *Hobson* v. *Hansen*, 269 F. Supp. 401, where Judge Wright uses 118 pages to instruct the Board of Education of the District of Columbia as to how it should perform its constitutional obligation to abolish de facto segregation produced in the public schools of the District by prevalent residential patterns, and as to how it should teach the children of the District after its schools are desegregated. Judge Wright adjudges, in essence, among other things, that the Constitution now forbids a public school to extend to bright or diligent students any opportunity to learn anything more than it attempts to teach to dull or lazy students.

I challenge the validity of this adjudication. Gov. Charles Brantley Aycock, of North Carolina, was right when he asserted that the highest of the inalienable rights of the American people is the "right of each individual to make of himself all that God gave him any possibility of being." I deny that the Constitution of my country undertakes to rob children of this right by imposing upon them the equality of inferiority.

THE ACTIONS OF JUDGES AND HEW OFFICIALS VIOLATE THE CONSTITUTION AND ACTS OF CONGRESS

Since they treat all parents and children of all races alike under like conditions, freedom of choice plans are in perfect accord with the equal protection clause of the 14th amendment, which merely forbids States to treat differently persons similarly situated. This being so, Federal judges and HEW officials violate the equal protection clause when they nullify freedom of choice plans and undertake to impose on State school boards affirmative obligations to commingle black and white children in public schools.

It is obvious, moreover, that Federal judges and HEW officials actually force school boards to violate the equal protection clause as interpreted by the Supreme Court in the Brown case when they compel school boards to employ such programs as large-scale geographic rezoning, the busing of children, or the pairing of schools. These programs require school boards to deny to substantial numbers of children the freedom to attend their neighborhood schools and assign them to other schools because children of their race are needed to desegregate the other schools. Consequently, these programs discriminate against the children affected by them because they deny those children admission to their neighborhood schools on account of their race.

Furthermore, when Federal judges and HEW officials undertake to produce desegregation of faculties of public schools by compelling school boards to force administrators or teachers to serve in schools other than those in which the administrators or teachers have contracted to serve, they compel school boards to violate the spirit, if not the letter, of article I, section 10 of the Constitution, which provides that—

> No state shall * * * pass any law impairing the obligation of contracts.

In addition to being repugnant to the equal protection clause of the 14th amendment, the actions of Federal judges and HEW officials, which I have previously recounted, violate laws made by Congress.

The first of these laws is the Civil Rights Act of 1964. In title IV of that act, Congress undertakes to enforce the interpretation placed upon the equal protection clause by the Supreme Court in the Brown case. In so doing, Congress uses the terms "desegregation" and "discrimination" interchangeably to express the concept made familiar by the prevalent use of the word "discrimination" to mean State action denying persons admission to public colleges or public schools because of their race.

This observation is made indisputable to all except judicial activists and crusading bureaucrats by section 401(b) which expressly declares that "desegregation" merely means "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin"; section 407(a)(1)(2) which refers to children who "are being deprived by a school board of the equal protection of the laws" and individuals who have "been denied admission" to a public college or permission "to continue at a public college by reasons of race, color, religion, or national origin"; and section 409 which directs its attention to "discrimination in public education." There is not a single syllable in title IV of the Civil Rights Act of 1964 giving any support to a different interpretation.

Section 401(b) merits further consideration because it specifies not only what Congress means by the term "desegregation," but also what Congress does not mean by that term.

Section 401(b) consists of two clauses. The first clause provides that "desegregation" as used in title IV "means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin," and the second clause provides that "desegregation" as used in title IV "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

As a law made by Congress, title IV is binding on Federal judges, and defines their jurisdiction in respect to public schools operated by public school boards acting as State agencies

The first clause of section 401(b) simply commands school boards to ignore race, color, religion, and national origin as factors in assigning students to public schools. Hence, it is self-evident that a school board complies with every jot and tittle of this clause if it opens the schools it operates to children of all races, colors, religions, and national origins, and allows them or their parents to choose the schools they attend.

Since Federal judges have no power to add anything to the laws they enforce, this clause merely confers upon Federal judges the limited jurisdiction to enforce its command by decrees which prevent recalcitrant school boards from denying otherwise eligible children admission to schools on account of their race, color, religion, or national origin.

Since Federal judges do not have power to subtract anything from laws they enforce, the second clause of section 401(b) denies to Federal judges jurisdiction to compel school boards to assign "students to public schools in order to overcome racial imbalance." By this clause, Congress forbids Federal judges to make decrees compelling school boards to take affirmative steps to commingle black and white children in public schools in proportions satisfactory to judicial activitists, even in cases where judicial activists assert that such action is necessary to achieve what they speciously, sententiously, and unrealistically call a unitary nonracial system free of the vestiges of State-imposed segregation.

This interpretation of section 401(b) is completely confirmed by sections 407 and 409 of title IV.

Before the enactment of title IV of the Civil Rights Act of 1964, only the individuals aggrieved thereby had legal standing to make complaint in Federal courts concerning State-imposed segregation in public education. They were restricted to seeking relief for themselves and their children. They did not have the right to demand that Federal courts should substitute federally coerced integration for State-imposed segregation.

When it drafted title IV, Congress decided to extend to the Attorney General standing to sue for "such relief as may be appropriate" in behalf of two groups of people if he believes their complaints to be "meritorious" and concludes that they are "unable to initiate and maintain appropriate legal proceedings for" their own "relief." These groups of people are described, in essence, as children who "are being deprived by a school board of the equal protection of the laws" and individuals who have been "denied admission" to a public college or "permission to continue in attendance at a public college by reason of race, color, religion or national origin." To this end, Congress inserted section 407(a) in title IV.

At the same time, however, Congress decided to preserve intact the existing rights of individuals to sue in their own behalf for relief against State-imposed segregation. To accomplish this purpose, Congress stipulated in section 409 that nothing in title IV "shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education."

Congress was determined, however, not to increase the powers of Federal judges when it gave the Attorney General standing to seek relief against discrimination in public education in behalf of the aggrieved persons designated in section 409(a). It made this purpose manifest by inserting in the section language expressly providing "that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Federal judges are violating these provisions of title IV of the Civil Rights Act of 1964 with constantly increasing frequency and intensity.

Section 601 of title VI of the Civil Rights Act of 1964, which is designed to insure "nondiscrimination in federally assisted programs" rather than to achieve the desegregation of public schools, provides that—

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Since it is empowered by certain statutes enacted by Congress to extend Federal financial assistance to certain programs conducted by public schools, the Department of Health, Education, and Welfare is empowered by section 602 of title VI to do these things:

First. To effectuate the provisions of section 601 with respect to such programs "by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken."

Second. To enforce compliance with requirements embodied in such rules, regulations, or orders by withholding Federal financial assistance from "the particular program, or part therefor," in which noncompliance with title VI is found.

Notwithstanding title VI does not commission them to compel school boards to desegregate public schools, notwithstanding none of the statutes authorizing them to extend Federal financial assistance to programs conducted by public schools have as their objective the achievement of compulsory integration in public schools, notwithstanding section 407(a) of title IV expressly forbids them "to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance," and notwithstanding their power to withhold Federal finanical assistance is expressly limited to "the particular program, or part thereof," in which noncompliance with title VI is found, crusading officials of the Department of Health, Education, and Welfare avidly seized upon title VI as a pretext for forcing school boards to desegregate public schools in a manner pleasing to them. To accomplish this purpose, these HEW officials compelled school boards to employ geographic rezoning, the busing of children, the pairing of schools, and other artificial methods to mix black and white school administrators, teachers, and children in public schools in proportions dictated by them as conditions precedent to obtaining Federal financial assistance for school programs, regardless of whether the programs were, in whole or in part, in noncompliance with title VI.

When protests were made against these violations of titles IV and VI, the HEW officials advanced specious arguments to justify their illegalities and continued to persevere in them.

Congress thereupon inserted this provision in the Elementary and Secondary Education Act of 1965, the principal statute which empowers the Department of Health, Education, and Welfare to extend Federal financial assistance to public schools:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the personnel of any school system, * * * or to require the assignment or transportation of students or teachers in order to overcome racial imbalance. (P.L. 89–10, Title VIII, Section 804; 20 U.S.C. Section 884)

The crusading HEW officials ignored this statutory prohibition and proceeded to violate it as well as titles IV and VI of the Civil Rights Act of 1964.

This contumacy prompted Congress to enact this provision in 1968 and insert it as an amendment in the act making appropriations for the Department of Health, Education, and Welfare for the fiscal year 1969:

> No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school. (P.L. 90–557; 82 Stat. 995)

Despite this statutory inhibition, HEW steadfastly continues its efforts to compel school boards to mix black and white administrators, teachers, and students in public schools in a manner pleasing to it.

I put this question to the Senate: How can America expect murderers, robbers, and thieves to obey the law when Federal judges and HEW officials treat acts of Congress with contempt and violate them with impunity?

In virtually all instances, the actions of Federal judges and HEW officials, which I have recounted, were strongly opposed by substantial numbers of the black and white parents and other black and white residents of the communities affected by them.

Some weeks ago a Federal district judge, who had signed a compulsory desegregation decree, had this question put to him:

> If the whites don't want it and the blacks don't want it, why do we have to have it?

The judge answered, in substance, that the Constitution requires it.

If the judge had replied that the judicial activists demand it, he would have been right. But he erred in saying the Constitution requires it.

There is nothing in the Constitution which requires, or even authorizes Federal judges and HEW officials to substitute federally coerced school integration for outlawed State-imposed school segregation. Moreover, there is nothing in the Constitution which confers upon Federal judges or HEW officials the autocratic power to deprive schoolchildren and their parents of the freedom to determine for themselves how their constitutional and legal rights are to be exercised. Yet this is precisely what Federal judges and HEW officials do when they assume authority to nullify freedom-of-choice plans, deny schoolchildren the liberty to attend their neighborhood schools, and compel them to attend schools other than those chosen by them or their parents.

THE ACTIONS OF FEDERAL JUDGES AND HEW OFFICIALS ARE UNJUST AND UNWISE

The actions of Federal judges and HEW officials, which I have enumerated, are unjust and unwise as well as unconstitutional.

Governmental action which visits the sins of the guilty upon the innocent is repugnant to justice. Yet that is what HEW officials intend to do when they deny the benefits of Federal financial assistance to innocent children merely because the members of public school boards charged by law with the duty of operating public schools with wisdom disagree with their self-manufactured views and arbitrary guidelines in respect to the desirability of compulsory desegregation or the particular methods of achieving it.

In so doing, they not only punish the innocent children for things for which they are not remotely responsible, but they thwart the primary purpose Congress had in mind in authorizing Federal financial assistance to public schools; that is, the promotion of the education and welfare of disadvantaged children. As every intelligent man knows, disadvantaged children suffer the most when HEW officials deny Federal financial assistance to the school systems operating the schools they attend.

On occasions the HEW bureaucrats engage in the unspeakable act of denying food to hungry children to impose their self-manufactured notions on the school boards and the general public.

When HEW officials cut off Federal funds and they and Federal courts deny to children the freedom to attend their neighborhood schools, and herd them around like cattle and shift them about like pawns in a chess game, they seriously impede their education. Moreover, their efforts to compel administrators and teachers to serve in schools other than those in which they contract to serve is driving untold numbers of gifted administrators and teachers either from public school work entirely or from the particular schools which stand in sorest need of their talents.

On August 2, 1969, the Washington Post carried an article by Eric Wentworth entitled "Integration of Teachers Is Aim of U.S. Drive for Equal Schooling," in which he made observations on this point.

I ask unanimous consent that a portion of this article be printed at this point in the body of the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> The scope of this task is already being demonstrated as the federal government turns its civil-rights artillery increasingly toward urban school systems outside the Deep South. In case after case, one of the Government's key targets is the segregation of teachers—too many black teachers in black schools, too many white teachers in white schools.
>
> Not only is this a noxious color scheme, the government contends, but to some extent at least the mostly-black faculties tend to have teachers with less impressive academic credentials—and vice-versa.
>
> However, when it comes to schemes for enforcing a better balance of black and white teachers in these schools, the obstacles are immense. A lot of teachers simply don't want to comply.
>
> Desegregating the pupils is one thing—after all, the law requires them to stay in school. But there's no law requiring a teacher to teach, especially to teach in a particular school system he thinks is trying to push him around.
>
> For example, after Indianapolis ordered mandatory transfers for 204 teachers last September to meet the demands of a desegregation order, it discovered that 55 of them had resigned by the end of the year.
>
> More recently, when Memphis sought to transfer nearly 400 teachers to comply with a federal court order, the teachers threatened at one point to go to court themselves.
>
> The highest hurdles to forced teacher desegregation have been erected where the ever-heftier teachers' trade union movement has taken hold. One of the basic protections espoused by the American Federation of Teachers and sought by its affiliates in contracts with school boards is the right to voluntary transfers.
>
> "Forced transfers have been tried in a number of instances," the AFT asserted recently, "and they have brought about increased teacher turnover and a general increase in the teacher shortage."
>
> Transfer rights are a key issue in Chicago, where the Justice Department has threatened court action unless the Windy City's school board takes quick steps to break up its "segregated pattern of faculty assignments."
>
> The Chicago Board, hoping to promote voluntary transfers, has asked Washington among other things for money to offer $1,000 bonuses to teachers willing to work in ghetto schools. It has also proposed lowering its ceiling on the number of fully-certified teachers in each school to spread those less qualified more evenly through the system.
>
> But federal officials doubt they have authority at present to fund ghetto "combat pay"—which teachers unions eye askance in any event. And to lower the ceiling would require rewriting the Chicago board-union contract.
>
> Atop these other obstacles, systemwide desegregation faces still another, relatively new challenge—the mounting clamor for decentralized, neighborhood control from parents fed up with fighting officialdom downtown. And here especially, if there are white parents who want white teachers there are also black parents today who want black teachers.
>
> Judge Wright, while noting two years ago "a significant if not startling" correlation between the races of pupils and their teachers in D.C. schools, stopped short at the time of ordering mandatory faculty shifts.
>
> Mandatory transfers would almost certainly bring a new confrontation between the school board and the Washington Teachers Union. Such a development could only add to the confusion, inner conflict and consequent low morale of a school system that already provides ample proof that the nation's capital is hardly the nation's showplace.

Mr. ERVIN. While the judicial activists and the crusading bureaucrats have made some threats to the Chicago School Board as set forth in Mr. Wentworth's article, they have thus far virtually concentrated all of their efforts upon the public school systems of the South.

Knowing as I do the insatiable hunger of nonelective Federal officials for power, I give this warning to those who live in the North, in the East, and in the West. When the judicial activists and crusading bureaucrats reduce the South to a state of vassalage, they will not sit down like Alexander the Great and weep because they can find no other worlds to conquer. They will turn their attention to the North, the East, and the West, take over and exercise the functions of their school boards, and herd their children around like cattle and shift them about like pawns in a chess game.

For this reason, it is highly advisable for northern Senators and Representatives to join me in my effort to put an end to judicial and bureaucratic tyranny, and restore to the States their right to operate their public schools in a manner consistent with wisdom and the true interpretation of the equal protection clause of the 14th amendment.

WHAT THE BILL DOES

Let me enumerate the things the bill is designed to accomplish.

If it is enacted, the bill will restore to the local school boards of the States their constitutional power to administer the public schools committed to their charge without impairing in any way their constitutional obligation under the equal protection clause of the 14th amendment to treat all schoolchildren and all parents of all races in like manner under like conditions. In so doing, the bill honors and enforces the truth proclaimed by the Supreme Court in *Texas* v. *White*, 19 L.Ed. 227, 237, that—

> The Constitution in all its provisions, looks to an indestructible union composed of indestructible states.

If it is enacted, the bill will confer on parents the right to choose the public schools their children attend. In so doing, the bill will honor and enforce the truth proclaimed by the Supreme Court in *Pierce* v. *Society of Sisters*, 268 U.S. 510, that parents have a right to a voice in the upbringing and education of their children. After all, God gives the children to parents and not to judicial activists and crusading bureaucrats, and parents have more interest in their upbringing and education than any other human beings anywhere on the face of this earth.

If it is enacted, the bill will secure to children, the right to attend the public schools chosen by their parents. In so doing, the bill recognizes the further truth proclaimed by the Supreme Court in Pierce against Society of Sisters, supra, that children are not the mere creatures of the State. After all, the father of the schoolboys in Raleigh, N.C., was right when he declared that children ought not "to be herded around like cattle and shifted like pawns in a chess game" to satisfy the undefined notions of judicial activists and crusading bureaucrats concerning compulsory integration.

If it is enacted, the bill will make effective the right of public school administrators and teachers to serve in the schools in which they contract to serve instead of being compelled by judicial or bureaucratic fiat to serve in other schools in violation of their contracts and contrary to their conveniences and desires.

If it is enacted, the bill will end the perversion of the equal protection clause of the 14th amendment and the disobedience of the acts of Congress by judicial activists and crusading bureaucrats.

The bill is in perfect accord with the Constitution. Moreover, it makes a substantial contribution to the constitutional ideals that all Americans of all races shall be members of a free society and that none of them shall be the hapless and helpless subjects of judicial or bureaucratic oligarchies.

The bill is designed to accomplish these things by restoring freedom of choice to its rightful place in the law of the land, and by placing certain prohibitions upon Federal judges and executive officials with respect to the busing of children, the closing of schools, and the assignment of members of the faculties of public schools to schools other than those in which they contract to teach.

Let me explain the provisions of the bill.

Section 1201(g) provides:

> "Freedom of choice" means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

Section 1202, 1203, 1204, and 1205 of the bill forbid the Department of Health, Education, and Welfare to do any of these things:

First. To withhold, or threaten to withhold, Federal financial assistance from any public school operating under a freedom of choice plan "on account of the racial composition of its student body."

Second. To withhold, or threaten to withhold, Federal financial assistance from any public school "to coerce or induce the school board operating the public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school."

Third. To withhold or threaten to withhold, Federal financial assistance from any school board operating any public school to coerce or induce the school board to close any public school and transfer the students from such public school to any other public school or schools for the purpose of altering the racial composition of the student body at any public school.

Fourth. To withhold, or threaten to withhold, Federal financial assistance from any school board operating any public school to coerce or induce the school board to transfer any member of any faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

Section 1206 of the bill empowers any school board or any parent of any student affected or to be affected by any violation or threatened violation of any of the provisions of sections 1202, 1203, 1204, and 1205 to sue the United States in the District Court of the United States, and obtain such relief "as may be necessary or appropriate to redress the violation or prevent the threatened violation."

Section 1207 specifies:

> No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in Section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer any students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract.

Section 1207 is sanctioned by article III of the Constitution which empowers Congress to regulate the appellate jurisdiction of the Supreme Court and both the original and appellate jurisdiction of all Federal courts inferior to the Supreme Court.

In order that the complete text of the bill may be made available to all Members of the Senate, I ask unanimous consent that it be printed in full at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ERVIN. Mr. President, my bill may seem to some to be strong legislative medicine. Be this as it may, its provisions must be prescribed by Congress to protect public school systems, administrators, teachers, and children from "the love of power and proneness to abuse it" of judicial activists and crusading bureaucrats. The bill would do this by granting to parents of all races the freedom to choose the public schools their children attend, and by depriving Federal judges and the Department of Health, Education, and Welfare of the power to deny to any child of any race the freedom to attend the public school chosen by his parents. In so doing, the bill would exalt freedom above governmental tyranny and make effective to a substantial degree the constitutional objective that Americans of all races shall be members of a free society. Moreover, it would do these things in complete harmony with the equal protection clause of the 14th amendment whose only command is that States treat in like manner all persons similarly situated.

My bill merits the support of every Senator and Representative who believes that it is either unconstitutional or unwise for Federal judges and bureaucrats to herd children around like cattle or shift them about like pawns in a chess game.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, will be printed in the Record, as requested.

The bill (S. 3114) to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve, introduced by Mr. Ervin (for himself, Mr. Allen, and Mr. Holland), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Civil Rights Act of 1964, 42 U.S.C. 1971, 1975a–1975d, 2000a–2000h–6, is amended by adding at the end thereof the following new title:

"TITLE XII—PUBLIC SCHOOL—FREEDOM OF CHOICE

"Sec. 1201. As used in this title—

"(a) 'State' means any State, district, commonwealth, territory, or possession of the United States.

"(b) 'public school' means any elementary or secondary educational institution, which is operated by a state, subdivision of a state, or governmental agency within a state, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(c) 'school board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

"(d) 'student' means any person required or permitted by state law to attend a public school for the purpose of receiving instruction.

"(e) 'parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'freedom of choice system' means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"Sec. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class a freedom of choice system as defined in section 1201(g).

"Sec. 1203. No department, agency, officer, or employee of the United States empowered ot extend Federal financial assistance to any program or activity at any public school by way of grant, loan or otherwise shall withhold, or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"Sec. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of, any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another pub-to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"Sec. 1205. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"Sec. 1206. Whenever any department, agency, officer or employee of the United States violates or threatens to violate section 1202 or section 1203 of this Act, the school board aggrieved by the violation or threatened violation or the parent of any student affected or to be affected by the violation or threatened violation may bring a civil action against the United States in the District Court of the United States complaining of the violation or threatened violation, and the District Court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which students affected or to be affected by the violation or threatened violation reside, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"Sec. 1207. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 82. An act to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero; and

H.R. 7567. An act for the relief of Bert N. Adams, deceased, and Emma Adams.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 82. An act to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations; to the Committee on Armed Services.

H.R. 2817. An act for the relief of Delilah Aurora Gamatero; and

H.R. 7567. An act for the relief of Bert N. Adams, deceased, and Emma Adams; to the Committee on the Judiciary.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The PRESIDING OFFICER. Under the order of yesterday, the Senate will now proceed to the consideration of H.R. 12964, which will be stated by title.

The Legislative Clerk. A bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia (Mr. Byrd).

The Chair recognizes the Senator from Virginia.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator yield to me for 2 minutes?

Mr. BYRD of Virginia. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may be permitted to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE "SILENT MAJORITY" SPEAKS

Mr. SCOTT. Mr. President, I wish simply to observe that yesterday the voice of the silent majority was heard loud and clear across the Nation, and that silent majority decided to put on a parade, the best kind of parade Americans can put on—a parade to the polls. They marched in, and there, having an opportunity to say whether they agreed with the philosophy of the party which I represent here, or with the philosophy of the other party, and, more particularly, having a chance to say whether they agreed with the President, they decided in all those elections where such inferences can properly be drawn—such as in New Jersey, Virginia, Pennsylvania, and many other States—that the President does have a vote of confidence; that the silent majority does know how to be heard; that the silent majority will be heard, and will be heard where it counts, as the distinguished Senator from Kansas has pointed out.

The President, on the basis of the first survey so far made—a telephone survey—has the confidence of 77 percent of Americans on his Vietnam policies. Only 6 percent expressed outright opposition, and another 17 percent are undecided. That is a pretty good record. That also ought to be an answer to those who would say that if you are loud enough, you are a majority.

I say the majority must be found in the ways in which the majority can express itself, by a parade to the polls, by the expression of support for the President, by every method in our American system, including the right to parade, which both sides have, including the right to express opinions, nonviolently, which both sides have.

I am very proud of the fact that in my Commonwealth of Pennsylvania, on the one opportunity the voters had to express themselves in a statewide election for a justice of the Supreme Court, on less than complete returns, Justice Thomas Pomeroy has been the victor by more than one quarter of a million votes.

In the city of Philadelphia, overwhelmingly consisting of voters who are not registered in my party, the district attorney was reelected by 106,701 votes, and the city comptroller has been put into office by a majority of 86,184 votes.

I must say, Mr. President, I like parades. I like this kind of parade particularly.

I thank the distinguished Senator from Virginia for yielding.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The **PRESIDING OFFICER.** Under the unanimous-consent agreement, consideration of the pending amendment is limited to 2 hours, to be equally divided between the proponents and the opponents.

The Chair recognizes the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, at this point may I ask who will control the time for the opposition?

Mr. SCOTT. Mr. President——

The **PRESIDING OFFICER.** If the Senator from Arkansas is not against the amendment, the time will be controlled by the minority leader.

Mr. SCOTT. Mr. President, I understand that the time here will be controlled by the minority leader, if there is no objection.

The **PRESIDING OFFICER.** Very well. Who yields time?

Mr. BYRD of Virginia. Mr. President, I yield myself 15 minutes. I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL) and the Senator from Nebraska (Mr. CURTIS) be added as cosponsors of the pending amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, the pending amendment was laid down yesterday.

It deals with the treaty of peace signed by the United States with Japan in 1952. The amendment provides that the treaty of peace having been ratified by the Senate of the United States, any changes which are proposed in the treaty shall come back to the U.S. Senate for approval or disapproval.

The Prime Minister of Japan will arrive in Washington on Monday, November 17.

He will be in the United States to discuss the future status of the island of Okinawa.

Okinawa, and, in fact, the whole U.S. position in the Far East, is part of the heritage of World War II, which ended 24 years ago.

During the past quarter century, the United States has entered into mutual defense agreements with 44 nations—and has been involved in three major wars, counting World War II.

I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now, I know that within that Department the overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our Nation in this year of 1969 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States: we are the military head of CENTO—Central Treaty Organization—Turkey, Iran, and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State, Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-four years after the defeat of Germany, we have 225,000 troops in Europe, mostly in West Germany.

Twenty-four years after the defeat of Japan, we have nearly 1 million military personnel in the far Pacific, on land and sea.

The question of Okinawa, which the Japanese Prime Minister is coming here to discuss, is of great significance to our position in the Pacific.

Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II.

Beginning with President Eisenhower, each administration since 1951, has firmly maintained that the unrestricted use of U.S. bases on Okinawa is vital if the United States is to continue to have obligations in the Far East.

Sometimes the future status of Okinawa is linked to the United States-Japan Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan. Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But, the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her gross national product is spent on defense—and thus concentrate on expanding and modernizing its domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present gross national product is over $120 billion and Japan ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government.

For example, when the North Koreans seized the U.S.S. *Pueblo* last year, Adm. Frank L. Johnson, commander of naval forces in Japan, testified that one reason aid could not be sent to the *Pueblo* was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos, and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific; namely, Okinawa.

While I agree that eventually the Ryukyu Islands will be returned to Japan, it would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multinational defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The future role of the United States in the Far Pacific is of tremendous importance.

It is of great importance to the American people—and it is of great importance to the people of Asia.

Many feel, as do I, that our worldwide commitments must be reduced. This, too, appears to be the view of President Nixon.

But so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

This month's visit to the United States by the Japanese Prime Minister presents a good opportunity for our Government to focus attention on the Far Pacific and the future role there, both of the United States and Japan.

The issue of Okinawa and its future status is not alone an executive decision.

It was the U.S. Senate which, in 1952, ratified the Treaty of Peace, which treaty gave to the United States the unrestricted use of Okinawa.

That treaty, Mr. President, was approved by the Senate on March 20, 1952. The yeas were 66, the nays 10. Two-thirds of the Senators present and voting having voted in the affirmative, the treaty of peace with Japan was agreed to on March 20, 1952.

Any change in that treaty must come to the Senate for approval. It would be unwise and undesirable for the executive branch to make commitments to Japan without the consent of the Senate.

If the Senate is to fulfill its constitutional responsibility in the field of foreign policy, it must make clear that any change in the Treaty of Peace with Japan must be ratified by the Senate.

The issue of Okinawa is important on its own; and the Senate may be divided on the proper course to pursue.

But the Senate, I should think, would be united in its determination to require Senate ratification of any changes which may be made in regard to treaties which have been ratified by the Senate.

For the Senate to concede to the executive branch of Government the right to change treaty commitments without Senate approval would be to make a mockery of the national commitments resolution it adopted unanimously only a few months ago.

On the eve of Prime Minister Sato's visit to the United States, I call on the Department of State and the President to make clear to the Prime Minister that any change in the treaties between the United States and Japan must be submitted to the Senate for approval.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes on the pending amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Virginia discussed the amendment with me on yesterday. He also discussed it with other Senators. This amendment is certainly in order, as far as the pending bill is concerned. I believe the Presiding Officer, on the advice of the Parliamentarian, ruled to that effect.

It is, in effect, a sense-of-the-Congress resolution which would have to be agreed to by the House. In my opinion, while it would have no force as far as tying the President's hands is concerned, it could have an effect upon the President in the carrying out of the very delicate negotiations now going on relative to the status of the prefecture of Okinawa.

The United States has held control of Okinawa for a quarter of a century but our country has recognized, at the same time that Japan had residual sovereignty. I hope that we are approaching the time when a reasonable agreement can be reached between our two countries to bring about a return of Okinawa to Japan.

If this is not done, I fear the consequences, not so much in our country, where I do not believe the situation is fully understood, as in Japan, where the situation is fully understood.

It is my belief that it is the desire—and I think a legitimate and overwhelming desire—on the part of the people of the prefecture of Okinawa to become once again an integral part of Japan rather than to continue to operate on a hodgepodge basis, as has been the case in recent years.

If we intend to treat Japan as a full fledged nation, ally, and friend in the Pacific, I think we would do well not to tie the President's hands, but to provide him as much leeway as possible in the working out of an agreement. I understand, from the public print that such an agreement has been reached in part and I hope a more definitive settlement will be reached at the time the Prime Minister of Japan visits our country later this month.

I can well understand the feelings of the distinguished Senator from Virginia. He has been consistent with respect to the return of Okinawa. But I think it would be a hollow victory for this country if the pending amendment were to be agreed to and have an influence upon the President of the United States who is charged under the Constitution with the conduct of the foreign policy of this country.

I think also that, in effect, we would be going back on our word that the residual sovereignty of this prefecture is Japan's. We have stated time and again that it was our intention at an appropriate time to do what we could to bring about the return of the prefecture of Okinawa to the Japanese Empire.

Mr. President, I hope that the Senate today will give full recognition to the arguments of the distinguished Senator from Virginia, as it undoubtedly will and always has. The Senate should also weigh the consequences and understand that these delicate and dangerous negotiations which are being carried on might well have a decided influence on the peace and the security and welfare of the Pacific area.

I call attention to the fact that last July the President of the United States made a declaration which has since become known as the Nixon doctrine. Under that doctrine, the President has made clear—and I agree with him 100 percent—that the United States is primarily a Pacific power and only incidentally and peripherally an Asian power.

To explain the latter clause, as I interpret it—and I think it is the correct interpretation—we do not intend to get involved in affairs on the Asian mainland except under the most extraordinary circumstances.

I daresay that one of the reasons for this is our unhappy experience in Korea, where, 16 years after the supposed end of the Korean war, there is no peace, but instead an uneasy truce; and our tragic involvement in Vietnam, where we have no business and should not have become involved in the first place, in an area that is not vital to the security of the United States.

I hope that the Senate in its wisdom will weigh all of these factors before reaching a final decision on the sense-of-the-Congress amendment offered by the distinguished Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. BYRD of Virginia. Mr. President, I would like to put the matter in focus. I do not disagree with much of what the distinguished majority leader has said, but the amendment does not in any way circumscribe the President of the United States in his negotiations with the Japanese Government.

The amendment provides that whatever agreements the President and the State Department work out with the Japanese Government to change a treaty, once it has been ratified by the Senate, the change must come back to the Senate to get its approval.

If the Senate does not like what the President has done, it will have a chance to reject it. If the Senate does like what the President has done, it will have a chance to approve it.

The amendment has nothing to do with changing the status of Okinawa. It only provides that if there is any change in the treaty, it must come back to the Senate for the Senate's ratification.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. McCLELLAN. Mr. President, I would like to have some explanation of the matter. Ordinarily I do not favor a procedure of this kind on an appropriation bill. That is the primary objection I have at the moment.

I would like to know what the precedent is with respect to treaties when a treaty has been ratified by the Senate. Does the President have any constitutional authority to change that treaty? Has there been any such delegation of power to the President by the Senate, or does the President have the constitutional power to do this under the advice and consent of the Senate?

I would like to have some guidance along that line.

Mr. BYRD of Virginia. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, I point out to the distinguished Senator from Arkansas that, in my judgment—and I emphasize this because as the Senator knows, I am not a constitutional lawyer—it seems logical and sound that, if the Senate of the United States ratifies a treaty, before that treaty can be changed, the proposed changes must come back to the Senate for its advice and consent.

Mr. McCLELLAN. That makes a great deal of sense to me. Assuming that it does not have to, how far is the treaty binding? What is the ultimate effect of ratification by the Senate under the Constitution? If, after it is ratified, the President can change the fundamental terms of it without further approval or ratification by the Senate, then I am wondering what a treaty really amounts to.

Mr. BYRD of Virginia. I agree with the distinguished senior Senator from Arkansas. It seems to me that it makes a mockery of our procedure in the Senate to ratify treaties and then for the Chief Executive, whoever he may be, to change those treaties by Executive order.

Mr. McCLELLAN. I think that is the crux of the entire issue.

Mr. BYRD of Virginia. May I give the Senator an example of why I brought this proposal up today?

In the same treaty of peace with Japan which the Senate ratified in 1952, it dealt with the Bonin Islands as well as the Ryukyus. Talks were held in November 1967, between President Johnson and Prime Minister Sato, and the Bonin Islands were given back to Japan by Executive order.

I believe my contention is the same as that of the distinguished Senator from Arkansas. If we are going to ratify treaties, then any fundamental changes in those treaties, it seems to me, should come back to the Senate for the Senate to pass on those changes—either approve or disapprove.

Mr. McCLELLAN. I do not know how a treaty can be vitiated by Executive order. I cannot understand that. If that is the law, if it is a constitutional power of the President to revise or to relax a treaty or to disregard its provisions in dealing with the country with which the treaty is made, if the President of the United States can change it from time to time according to his judgment as to what is best, in the best interests of our country, I think that fact should be clearly established. If that is so, I do not think that a treaty ratified by the Senate has the power and the force and the stature that I always thought it had.

I am wondering what has been the practice in the past.

Mr. BYRD of Virginia. I agree 1,000 percent with the Senator from Arkansas. If the Senate today rejects this amendment, it will be saying to the President of the United States, any President—I am not speaking of President Nixon, because he will not be President for eternity—"You can take these treaties that the Senate ratifies, and you make whatever executive agreements you wish; do it on your own; you do not have to come back and talk to us."

Mr. McCLELLAN. Even if he came back and talked to us and the Senate ratified it, the next day he could change it.

Mr. BYRD of Virginia. Then he would have to come back for ratification.

Mr. McCLELLAN. That is my thought about it. In other words, the amendment offered by the Senator from Virginia either is wholly unnecessary or is necessary.

Mr. BYRD of Virginia. The Senator is correct.

Mr. McCLELLAN. If the President has the power to disregard the provisions of a treaty or to make substantial changes in a treaty by negotiations with the other country, if he has the power to do that without ratification of those changes by the Senate, then I am learning something about treaties.

Mr. BYRD of Virginia. I agree.

Mr. McCLELLAN. I thought that in order for a treaty to be effective it had to have ratification by the Senate of the United States, under the Constitution.

Mr. BYRD of Virginia. That is my understanding.

Mr. McCLELLAN. And that is my understanding. If that is true, once it is ratified, are we saying now that the President can change it at will, upon his whim?—not this President, but any President? It is getting pretty fundamental.

Mr. BYRD of Virginia. I think it is getting very fundamental. This amendment says that he cannot make a change in a treaty without submitting it to the Senate for its approval or disapproval.

Mr. THURMOND. Mr. President, I rise to support the amendment offered by the distinguished Senator from Virginia (Mr. BYRD) which would express the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would be to change the status of any territory referred to in article 3 of the Treaty of Peace with Japan, without submitting such change to the Senate for ratification. The Japan treaty was signed in San Francisco, September 8, 1951, and ratified by the U.S. Senate on March 20, 1952.

My deep interest in this matter is directly related to the fact that Okinawa has become the major U.S. supply and operations base in the western Pacific.

There are presently 45,000 U.S. military personnel on the island, and extensive warehouse and port facilities which house conventional warfare equipment vital to the fulfillment of our military commitments in the Far East. This represents over one-half billion dollars in U.S. investments on Okinawa. Moreover, the United States has important naval facilities at Okinawa, extensive and expensive air facilities and carries out from that forward base critical intelligence operations.

Earlier this year the Senate, in the exercise of its constitutional responsibility in the field of foreign policy, adopted unanimously a national commitments resolution. Therefore, it seems appropriate at this time to make clear to the State Department that the issue of Okinawa is not solely an executive decision. Having ratified the Treaty of Peace with Japan, it follows any change in that treaty should come to the Senate for advice and consent.

Furthermore, it is my belief the handling of this difficult problem would be strengthened by such a procedure, especially in view of the critical nature of Okinawa to the security of the people of the United States, as well as to the security of Japan and our allies in the Far East.

Mr. President, this issue is a timely one as the Prime Minister of Japan is to visit Washington November 17 for the express purpose of discussing the future of the island of Okinawa.

Under the Treaty of Peace with Japan the subject of Okinawa, the principal island in the Ryukyu Island chain, is covered in chapter 11, article 3. This article gives the United States "the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters."

This country has exercised these rights since the signing of this treaty, and in fact prior to its signing, our control of Okinawa having been established in a bloody battle toward the close of World War II in which we paid dearly. While the United States is under no obligation whatever to consider any claims the Japanese Government might have on the Ryukyu Islands, our Government has done so because of the Japanese-American alliance resulting from World War II.

In 1960, the United States entered into a security treaty with Japan which strengthened the American commitment to defend Japan against external attack. The treaty remains in effect until June 1970, after which time either the United States or Japan may give notice of its intention to terminate it. The treaty will expire 1 year after the giving of such notice.

While the Okinawa question is covered in a permanent treaty, the approaching review of the Security Treaty will serve to reopen the Okinawa issue. This situation is also receiving additional emphasis because of pressure on the Japanese Government for reversion of Okinawa.

These conditions, therefore, provide the impetus for the mid-November visit of the Prime Minister of Japan to the United States at which time the Okinawa question will be the chief topic of discussion between the Prime Minister and President Nixon.

Mr. President, our allies in Korea, South Vietnam, Formosa, and elsewhere in the Far East are vitally concerned regarding any decisions made affecting Okinawa. This is natural in that Okinawa amounts to our forward most base in the Pacific and is of critical strategic importance in the fulfillment of our commitments in that area.

The loss of Okinawa would be a crushing blow to the maintenance of peace and security in the Far East. It would result in the United States taking a fallback position into the Central Pacific and entail enormous expenses from the standpoint of withdrawal as well as reestablishment of our military forces which play a dominant role in the Southeast Asia Treaty Organization.

For a moment it would be well to emphasize the military importance of Okinawa to the United States.

Before World War II the Ryukyu Islands were known as Okinawa Prefecture, one of the 47 prefectures of Japan.

American forces in World War II landed on Okinawa on Easter Sunday, April 1, 1945. During the next 3 months in the Battle of Okinawa, American battle casualties were 49,151 of which 12,520 were killed or missing and 36,631 wounded. Approximately 110,000 Japanese lost their lives in the attempt to hold the island as did an equal number of Okinawan civilians.

Circumstances of geography have placed Okinawa in a highly strategic location in the western Pacific. Over the past 24 years it has formed a major link in the chain of military bases along the eastern rim of Asia, from Japan through Korea, Okinawa, Taiwan, and the Philippines and into Southeast Asia. Okinawa lies approximately 800 miles from Seoul, 800 miles southwest of Tokyo, 750 miles northeast of Manila, 325 miles from Taipei, and 700 miles northeast of Hong Kong. From 1950 to 1953, Okinawa bases were used in active support of the United Nations forces protecting the Republic of Korea.

In 1958, the presence of U.S. forces in Okinawa was considered to have been a factor in preventing an outbreak of hostilities in the Taiwan Straits.

Today, Okinawa is still a forward base for the United States.

Unlike other areas, there are no other constraining treaty arrangements limiting our use of Okinawa. On our own initiative, and without the legal requirement for consultation with a host government, the United States has been able to maintain all kinds of weapons on Okinawa, more troops, equipment, and supplies, in and out at will.

Okinawa has been a major staging area for Vietnam. From Okinawa major logistical support has gone to our forces in Southeast Asia, with the 2d Logistical Command playing a primary role. This role will continue for some time in the foreseeable future. Okinawa will be the keystone of the Pacific and play a primary role in any retrograde from the Pacific.

In a statement made in March 1962, the late President Kennedy said:

> The armed strength deployed at these bases is of the greatest importance in maintaining our deterrent power in the face of threats of the peace in the Far East. Our bases in the Ryukyu Islands help us assure our allies in the great arc from Japan through Southeast Asia not only of our willingness, but also of our ability to come to their assistance in case of need.

Mr. President, in view of these points it appears the amendment of the distinguished Senator from Virginia deserves the support of the Senate. While the Senate is most assuredly divided on the proper course for this country to follow in the Far East, it nevertheless would seem wise to approve this consent amendment which would give this body the opportunity to ratify any changes the President might wish to undertake regarding Okinawa and other islands covered under chapter 11, article 3, of the Treaty of Peace with Japan.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. How much time does the Senator desire?

Mr. GRIFFIN. Four minutes. I shall be glad to use time from this side.

I wish to commend the distinguished majority leader for his statesmanlike analysis of this amendment and its possible implications.

Mr. MANSFIELD. In that case, I will give the Senator time.

Mr. GRIFFIN. I can understand some of the reasons which may prompt the senior Senator from Virginia to propose this amendment, but I share the deep concern of the majority leader as to the misunderstanding that it could create. The amendment moves into a very difficult and a very delicate area at a most inappropriate time.

I believe it already has been demonstrated, as a result of the colloquy with the Senator from Arkansas, that the amendment would not affect the constitutional role and responsibility of the Senate. As I understand the wording of the amendment, it would not increase or decrease the constiutional responsibilities that we otherwise have.

The arguments advanced by the Senator from Virginia reach considerably beyond the wording of his amendment. His arguments reach to the policies involved in negotiations with Japan. Because that is the case, it seems to me this is a matter that appropriately should be referred to the Committee on Foreign Relations for hearings. It should not be considered as a rider on an appropriations bill.

I take this brief time at this point to make clear my position and to indicate that, under the circumstances, at the appropriate time, I or someone will move to lay the amendment on the table.

I thank the majority leader for the time.

Mr. MANSFIELD. I yield myself 3 minutes.

Mr. President, I quote from yesterday's RECORD a statement by the distinguished senior Senator from Virginia, the author of the amendment now pending:

> I think the Japanese Government should understand that, while the negotiations properly will be carried out by the executive branch of the Government, the Senate of the United States will participate in the final decision by having the opportunity to accept or to reject whatever commitments are made to that government on behalf of the United States.

The language of the amendment now pending reads as follows:

> It is the sense of the Congress that the President shall not enter into any agreement—

Shall not enter into any agreement—

> or understanding the effect of which would be to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, without the advice and consent of the Senate.

It appears to me, from reading the language which is now before the Senate, that what is proposed in effect is to shackle the President and the Japanese Prime Minister in their discussions and negotiations, if such they may be designated, considering the question of the return of the prefecture of Okinawa to Japan.

I recognize the validity of the argument raised by the Senator concerning the return of the Bonins and the Ryukyus. Perhaps there is a question there based on the use of the executive agreement formula. That is debatable. I do not know the answer, although, personally, I was glad that those islands, which were of little value to us and had so few Americans on them, except a communications base, were returned to Japan, if for no other reason than a gesture of good will and understanding.

So far as the Senate is concerned, I am quite sure in my own mind that the Senate will have the opportunity to consider any agreement reached between the Japanese and the American officials who have been and who are and who will be carrying on negotiations relative to Okinawa itself.

I would most respectfully suggest to the distinguished Senator from Virginia, and to the chairman of the committee, who is the manager of the bill now under discussion, that perhaps a change in language would get away from a handcuffing of the President and Prime Minister Sato, which would exist under the language now before us.

The proposed modification reads as follows:

> SEC. 106. It is the sense of the Congress that any agreement or understanding entered into by the President to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, shall not take effect without the advice and consent of the Senate.

This language would not shackle Prime Minister Sato or President Nixon or their representatives in negotiations. This would protect the rights of the Senate under the Constitution, and I think it would accomplish the end desired by the distinguished Senator from Virginia, although on a more equitable basis, in my opinion.

Mr. BYRD of Virginia. Mr. President, the proposed change is precisely what I feel the amendment I presented seeks to do and would do. I do not see any fundamental difference between them. It seems to me that both of them say and do exactly the same thing.

Mr. MANSFIELD. No.

Mr. BYRD of Virginia. If the Senator from Montana wishes, I would be glad to accept his language in lieu of my language. It seems to me they mean the same thing.

Mr. MANSFIELD. No; they do not, because the word "shall" is not in the proposed change.

Mr. BYRD of Virginia. Yes, it is. The proposed change states "shall not take effect."

Mr. MANSFIELD. Yes, but that appears in a different place. Amendment No. 264 states:

> The President shall not enter into any agreement or understanding.

That is the difference, because if that language is retained, it would shackle the President and Prime Minister Sato, and it would place us in an embarrassing situation.

Mr. McCLELLAN. Mr. President, amendment No. 264 states:

> The President shall not enter into any agreement.

Nothing could come before the Senate until some agreement had been entered into. That is the difference.

Mr. MANSFIELD. Exactly.

Mr. McCLELLAN. I think the proposed change would do what the Senator has in mind. As the amendment of the Senator from Virginia now reads, the President could not enter into an agreement.

Mr. BYRD of Virginia. The proposed change would do precisely what I had in mind.

Mr. President, I now modify my amendment in accordance with the discussion just had with the distinguished Senator from Montana.

The PRESIDING OFFICER. The amendment is modified accordingly.

Mr. BYRD of Virginia. Mr. President, I wish to say again that if the proposed change tends to clarify the meaning of the original amendment I am very glad to accept it. It was not the purpose of the original amendment to say that the President and the Japanese Government could not enter into negotiations. I said clearly on yesterday that was not the purpose of the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, the purpose of the amendment is to say that such agreements shall not take effect without the advice and consent of the Senate. That is all I want to do.

I want to get the matter before the Senate if any agreements are worked out between the Japanese Government and the United States.

So I am delighted and happy to accept the suggested change made by the Senator from Montana. It states precisely what I desire to accomplish.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

In offering the suggested change in the amendment I am only trying to ameliorate a difficult and delicate situation which I thought was inherent in the original language. This does not necessarily mean I will vote for the change because I feel that the Prefecture of Okinawa should be returned to Japan under proper circumstances and as expeditiously as possible, on the basis of a mutual agreement between the two nations. I am sure both nations are aware of the difficulties inherent in this problem at this time, which I assume are tied to Vietnam. Unfortunately, it seems Vietnam is tied into everything in Asia and in other areas.

But this is significant and of importance. It is something the Senate will consider and give due attention to. However, I do not want to downgrade the delicacy, importance, and significance of the negotiations which have been underway and which will be resumed, and hopefully reach a climax after Prime Minister Sato and the President have had a chance to get together and discuss the matter in full detail.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for yielding me this time.

I want to make clear that I stand strongly for the integrity of the jurisdiction of our various committees.

I do not want to make any contribution to the erosion of any committee's powers or responsibilities.

Stated another way, I want actively to oppose any crossfiring or any invasion of the responsibilities and prerogatives of any committee.

Now, this amendment on an appropriation bill would ordinarily not be relevant and would invade the jurisdiction of a committee. The Appropriations Committee does not have primary jurisdiction on this subject matter. But, there is a provision already in the House bill which does open up the general question of legislation of this kind.

The Parliamentarian has said that this is permissible under the special language in the bill. The amendment is on a subject matter in which I am vitally interested, and I am going to support it under these circumstances.

I do not speak for the Armed Services Committee at all, because it has not had a chance to consider the amendment and make any recommendations or even exchange views on it. But I think I can say that we are all vitally interested in this subject matter.

Mr. President, the matter of changing the substance of a treaty concerning Okinawa is one which gnaws at the very vitals of our policy system in the entire Pacific area and particularly military support of that policy.

If we want to change that policy, if we want to alter it, if we want to reverse it, if we want to get out of the Pacific, why, that would be one thing we would naturally be willing to get out of Okinawa under those circumstances, in spite of its strategic location and the tremendous investment we have made there. But I think it is a matter of the greatest consequence that the Senate should play a major role in the formulation of any far-reaching change of policy of this kind.

Certainly, the Commission on Foreign Relations would have primary jurisdiction on a question like that. It is so involved in the military program backing up a policy, that it is one of those matters which I think the Armed Services Committee would also have a vital interest in and a vital responsibility connected therewith.

As I say, this is the reason I speak today.

With all deference to the executive branch of the Government, and I am not averse to it as such, including the present President, I cannot conceive of any substantial change in the status of Okinawa without the legislative branch of the Government having a high priority in the consideration thereof, especially the Senate when a treaty is involved.

The United States has a capital investment in Okinawa military installations of more than $566 million as of April 1, 1969.

As everyone knows, its location is vital and essential to the security of the United States. It was of great importance during the military operations and modus operandi in the Korean war, and has remained so since that time up to this very minute, including, of course, the war in Vietnam.

If we are to substantially change our status there, and our rights and our prerogatives, it will mean that we will have to pull out and build a base somewhere else. It is unthinkable that, under present conditions, we would be forced to do that.

Mr. President, I think this matter is tied in with the question of what we are going to do about our relations with our friends, the Japanese. I do not think that subject can be considered here today, but if we are going to continue our obligation for the protection of Japan and other areas of Asia, of course, we must have a major base of operations, and this is the base we should have. If we are going to be relieved of that responsibility as to Japan, and let that country take over their own defense, then that would be a strong argument in favor of our receding from Okinawa. This shows how serious the matter is.

I emphasize that I am not in a position to speak for the committee. I speak on my own, as a member. I could hardly be any more concerned about a subject of this nature than I am on this.

I thank the Senator from Virginia for yielding to me.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Mississippi for his comments. As chairman of the Committee on Armed Services he realizes so very well the immense commitments our Nation has undertaken—and the importance of Okinawa to the defense of the far Pacific.

If we eliminate our commitments in the far Pacific we will not need Okinawa, but no one has suggested that.

Mr. FULBRIGHT. Mr. President, will the Senator yield me a few minutes?

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. I appreciate the Senator's yielding. I wish to comment particularly with respect to the idea as to whether this is consistent with the proper role of the Senate in our foreign relations, and also whether it is consistent with the recently agreed to Senate resolution sometimes referred to as the commitments resolution. I told the Senator from Virginia I thought it was. I think it is well taken.

The remarks of the Senator from Mississippi have already gone to the merits of the matter.

I hope very much that the administration will take the sense-of-the-Senate resolution seriously and begin to reestablish the relationship between the Senate and the executive which I believe the Founding Fathers contemplated and which I believe the Constitution provided.

We will all recall that when Mr. Katzenbach testified before the Foreign Relations Committee a number of us were shocked by the attitude in which they approached these matters, which was, in effect, that the Constitution with regard to the war power, and I assume, consequently, the treaty power, to some degree at least, was obsolete. The war power, he said in effect, was obsolete, and no longer was the Congress required or expected to play the traditional constitutional role.

I rejected that view at the time, and I still do. I think the Senator from Virginia, in introducing this amendment, simply recalls to us again the responsibile position of the Senate. I certainly expect to support the amendment. I think it ought to be recorded. I cannot imagine that the State Department would object to it, although the executive has a tendency to say nothing is necessary; "We can attend to it. Leave it to us." That is their first reaction, but I think it is a human reaction and not necessarily a very serious one. I would not be surprised if they said, "Well, we have no objection to it, but it is not necessary." I think it is necessary.

Mr. BYRD of Virginia. Mr. President, I concur in the views expressed by the distinguished chairman of the Committee on Foreign Relations. I think it is necessary.

It is intended to preserve the role of the Senate in foreign policy and to say to the executive branch, "Make whatever agreements you feel wise, but bring them back to the Senate for consideration."

Mr. FULBRIGHT. And I hope they will make them with the view that they will be brought back here, which would mean, if they are wise at all, they will consult the Senate before they go too far in their commitments, simply to avoid friction in the future.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator from Virginia for the very fine work he has done in his presentation. I am not too happy about putting resolutions in appropriations bills which go outside the jurisdiction, and I oppose them generally, but this time the jurisdiction was established, and I commend the Senator for his presentation.

Mr. BYRD of Virginia. At this time, Mr. President, I ask unanimous consent to have printed in the Record the national commitments resolution which was presented on February 4, 1969, by the Senator from Arkansas (Mr. Fulbright).

It was considered and agreed to by the Senate on June 25, 1969, and expresses the unanimous view of the Senate that matters affecting commitments to foreign governments should come before the Senate for ratification. The amendment which the Senator is considering is directly in line with the national commitments resolutions which the Senate approved some time ago.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 85

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

Mr. GRIFFIN. Mr. President, once again I wish to indicate my deep concern regarding the pending amendment offered by the senior Senator from Virginia. I believe it is premature for the Congress to go on record at this time in a fashion that might suggest, perhaps, some judgment of policy, rather than a judgment limited to the precise words of the amendment.

I want to announce that I have received assurances as recently as this morning from the State Department that Congress, particularly the Senate, will be consulted fully as to any agreement that might be entered into involving Okinawa.

I have also been assured, and want to indicate for the benefit of the Senate, that if an announcement is made, at the conclusion of Prime Minister Sato's visit here, it would be made clear that any understanding involving Okinawa would be subject to the necessary legislative support.

Furthermore, it should be kept in mind that the exact nature and extent of a possible United States-Japanese agreement involving Okinawa is not at all clear at this point. It is not at all certain that there will be an agreement. Substantial progress has been made with respect to preliminary negotiations, but there are still important matters which remain at issue. Many details remain to be worked out.

Particularly in view of the arguments made for this amendment and advanced by the Senator from Virginia, a vote by the Senate adopting his amendment might be misinterpreted in international affairs and might handicap the President as he seeks to negotiate.

As I indicated before, the amendment opens a very difficult and delicate matter at a very inappropriate time—at a time when the Prime Minister of Japan is about to arrive in our country.

Needless to say, I wish the amendment had not been offered. It is not that I do not agree with the basic philosophy or basic purpose of the amendment; but I believe that, since it seems to be directed at policy matters, it is the kind of amendment which should not be attached as a rider to an appropriation bill. I believe it should have been referred to the Foreign Relations Committee so hearings could be held.

I hope, in the light of these considerations, and in deference to the President and his efforts to negotiate in this field, that the Senate will see fit, at the appropriate time, to lay this amendment on the table.

Mr. BYRD of Virginia. Mr. President, I yield myself 2 minutes.

I feel certain that the distinguished Senator from Michigan well knows that I do not wish in any way to handicap the President of the United States in his negotiations with Japan.

But this amendment will not in any way handicap the President in his negotiations with Japan.

As a matter of fact, in my judgment, it will help him. It will help him in his negotiations, because he is being put under great pressure, by the State Department and by foreign governments, to make concessions to Japan that he might not wish to make.

So all this resolution does is say to the Government of Japan that the President cannot do this unilaterally, but that any agreement he works out must come back to the Senate for approval or disapproval. In that respect, I think it will be helpful to him. It will strengthen his hand in seeking to protect the best interests of the United States.

One other point: The Senator mentioned that there should be hearings on this matter. That is a rather astonishing assertion, it seems to me, that we should have to have a committee hearing to determine whether or not the Senate of the United States should have the right to advise and consent to treaty commitments made by the executive department to a foreign government.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Michigan.

Mr. GRIFFIN. What the Senator seems to be saying is that there is no need for this amendment; that after all, under the Constitution, the Senate does have the right and the responsibility to advise and consent.

That makes me wonder why the amendment is being offered at this time, if it cannot raise or increase the power of the Senate in any way. My concern is that offering it, and advancing the arguments for it which the Senator has advanced, may create misunderstandings and raise implications which are not intended.

Mr. BYRD of Virginia. I shall be glad to give the Senator from Michigan the reasons why the amendment was offered.

First, the Amami Islands, which were covered by article III of the Treaty of Peace with Japan, were given back unilaterally to Japan. That was accomplished by an executive agreement. There was no consultation with the Senate.

Then we come to the matter of the Bonin Islands. The Bonin Islands reverted to Japanese control in June 1968, following a meeting between President Johnson and Premier Sato. That was accomplished by an executive agreement.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BYRD of Virginia. There was no Senate approval of that action. So I think if the Senate is ever to put any meaning into the national commitments resolution that the Senate recently passed unanimously, now is the time to begin to do it.

I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I think I earlier expressed my displeasure, to some extent, that such a resolution would be offered on this appropriation bill. I expressed that, however, as a matter of practice and procedure.

I do think the better procedure, and the procedure that we should respect and observe unless there are exceptional circumstances, is that a resolution of this kind should go to the appropriate legislative committee, in this instance the Committee on Foreign Relations, for hearings if, in its judgment, hearings are required, or for its recommendation whether hearings are required or not.

In this instance, however, the chairman of the Committee on Foreign Relations has just appeared on the floor of the Senate and announced his support of the amendment, which to me is tantamount to that committee, at least so far as its chairman is concerned, waiving jurisdiction and conceding that no hearings are needed.

If he had asserted jurisdiction, we would certainly have a problem here, and I would be inclined to support the vote against the amendment, and support its referral, in effect, to the Committee on Foreign Relations for consideration and disposition. But that is not the situation here.

Apparently what has happened here is tantamount to that committee's having waived its jurisdiction and consented for the amendment to be considered.

Something has been said to the effect that the action taken here today may be misconstrued. I repeat, I wish that this amendment had not come before the Senate on this bill. But there can be misinterpretations and misconstructions on both sides of this matter. The amendment is before us; what do we do? Do we vote it down, and thus, in effect, say the Senate is waiving its jurisdiction and abdicating its responsibility in these areas?

In two instances, on this same treaty, Executive action has been taken without the advice and consent of the Senate. That should not become a practice on the part of the executive branch, and this is the opportunity for the Senate to express its disapproval of that kind of arrangement and that kind of procedure, and of permitting the Executive by its orders to usurp the authority that the Constitution reposes in this body.

For that reason, I support the resolution; and I support it for another reason also. Mr. President, we hear every day, or almost daily, on the floor of the Senate, criticism of the President, that he is exceeding his authority, that he is entering into secret negotiations that usurp the constitutional authority of the Senate. Here the Senate is stepping forth with an amendment to this bill and saying to those with whom he undertakes to negotiate that in those areas, however delicate the negotiations may be, there will be no binding agreements except as the Constitution is adhered to, and that whatever agreement is made must come to this body for its ratification.

That is the only way to preserve the integrity of treaties. That is the only way to preserve the integrity of jurisdiction, and the separation of powers. For that reason, I support the amendment, though, I should much have preferred that it had come up in the regular way.

I am anxious to see how those who have been criticizing the President about usurping powers and carrying on secret negotiations will vote, today, on a resolution specifically expressing the sense of the Senate that a modification of a treaty which would yield control of territories should not be made by Executive order, except with the approval and ratification of the Senate.

If we are consistent, Mr. President, we will certainly take the position that this amendment is in accord with the Constitution, and with our responsibilities under the Constitution, as emphasized in the separation of powers between the executive and the legislative branches of the Government.

Mr. BYRD of Virginia. Mr. President, the Senator from Arkansas has made a powerful argument in behalf of my amendment. It is certainly persuasive. I wish that I could speak as well. I am most grateful.

Mr. McCLELLAN. Mr. President, will the Senator yield one moment further?

Mr. BYRD of Virginia. I yield.

Mr. McCLELLAN. I wish to say at this point that I have no opinion whatsoever as to the merits of what was being negotiated. It may very well be that the treaty should be modified. I am not opposing the modification of the treaty. But let it come about in the constitutional way; that is all I am insisting.

Mr. BYRD of Virginia. The Senator from Arkansas was speaking only as to the role of the Senate and its constitutional prerogatives and responsibilities. His argument in this respect is a powerful one.

Mr. McCLELLAN. That is all.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

First, Mr. President, I agree completely with the position taken by my distinguished chairman, the Senator from Arkansas. It seems to me that as we consider this bill, the appropriation bill for the Department of State, in the light of the recent action taken, at the request of the Committee on Foreign Relations, to reaffirm the Senate's unanimous feeling that the Senate should retain, in every respect, its constitutional rights in connection with treaties, this is a proper time to offer this particular amendment, which is simply an expression of the sense of the Senate.

I point out to my friend, the distinguished Senator from Michigan, that I was a Member of the Senate when another distinguished Senator from Michigan, the late Senator Vandenberg, was arguing in behalf of a sense of the Senate resolution that it would encourage the then Chief Executive to enter into the NATO arrangement. One of the arguments which he strongly made at that time, as the record will bear out, was that our expression of the sense of the Senate in that way and our giving of that advice would strengthen rather than weaken his hand in connection with negotiations which were highly complicated, which then went forward and did result in the NATO treaty. The Senator from Arkansas, I am sure, will remember that incident.

I want my distinguished friend, the Senator from Michigan, to understand that his distinguished predecessor not only supported a sense-of-the-Senate resolution, but also made it very clear that he thought in so doing he was helping his Executive to go through with the highly complicated and very controversial negotiations with which he knew he would be confronted.

I strongly support the amendment, as I stated yesterday to my distinguished friend from Virginia. I do not think that it will hurt in any way. I think it will help the President.

We are talking about a proposed treaty modification. I have heard, although I am not a member of any committees which would hear this matter, any number of suggestions as to what that modification might be. I have heard the suggestion with respect to the entire turning back of Okinawa, likewise for the turning back of administrative authority over the civilian population, coupled with the holding on to military bases and certain other rights, and other specific potential modifications.

I do not know what the best course is. However, I do know that this will be a controversial matter. That already appears here. And for those who would negotiate with our President to know in advance that they are approaching the President on a matter that is very delicate and highly complicated, and as to which there will certainly be controversy, is a good thing, because they will proceed with even greater caution.

I think it will be fine from every standpoint to have the amendment added to the bill.

I thank the distinguished Senator for yielding.

Mr. GRIFFIN. Mr. President, will the Senator yield me a few minutes to respond?

Mr. BYRD of Virginia. Mr. President, the Senator from Michigan has a great deal of time.

Mr. GRIFFIN. Mr. President, I yield myself 4 minutes so that I might respond to the words of the Senator from Florida, particularly his reference to a predecessor of mine from Michigan who was a most distinguished Member of the Senate.

Certainly if we were considering whether to agree to a sense-of-the-Senate resolution urging the President to enter into negotiations concerning this matter, it would be a different question.

I take no back seat to anyone in this body concerning the jealousy with which the Senate guards the power of advice and consent. I feel very strongly about the role of the Senate insofar as those particular words in the Constitution are concerned, both with respect to nominations and with respect to treaties.

If the resolution were worded in more general terms and were to say that no agreement on the part of the executive branch which modifies the status of any treaty could take effect without the advice and consent of the Senate, of course, we would be reiterating what already is provided in the Constitution.

But the pending amendment is pointed at particular negotiations concerning Japan at a time when the Prime Minister of Japan is about to arrive, and it must be considered in light of arguments made by the Senator from Virginia, which goes to policy matters, and not just to the responsibility of the Senate. Accordingly, I share the concern expressed earlier by the distinguished majority leader.

I reiterate that I believe it is unfortunate that the amendment has been offered. I can understand the difficult posture in which the Senate finds itself. When Senators read the words of the amendment, they find themselves in agreement with the words, therefore, find it difficult to oppose it. For that reason I believe the amendment should not be considered on its merits; it should be referred to the Foreign Relations Committee. That is the reason a move will be made to lay the amendment on the table. Under the parliamentary circumstances, I believe that would be the appropriate way to deal with the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield me 1 additional minute?

Mr. BYRD of Virginia. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator for yielding. I reiterate even more strongly the argument already made by my distinguished chairman, the Senator from Arkansas.

The fact that the Senate has expressed no concern or has, in effect, yielded any constitutional interest that it had in these two prior incidents of modifications of this same treaty, makes it peculiarly appropriate and, I think, necessary because of the controversial nature of this particular matter, that the Senate go on record clearly, so that those friendly officials coming from Japan may understand, and also so that the Chief Executive will have bolstering his position in his arguments, the fact that this is a matter on which we do not propose to simply stand idly by, but on which the Senate expects to be consulted and expects its constitutional authority to be respected.

I think the Senator from Michigan should well recognize that, having, in effect, yielded twice—that is, without objecting—the Senate should now on this occasion when a proposed modification is clearly upon us, give notice to all concerned that we do have such an interest and that we expect to be consulted and to have a chance to exercise our power of advise and consent.

I think the situation perfectly justifies the amendment, which I hope will be agreed to.

Mr. BYRD of Virginia. Mr. President, the Senator is quite right. The Senate has a constitutional right to be consulted. Otherwise we would be saying in effect to the executive branch, "We are going to wash our hands of it. Do not worry about the United States Senate. We are not taking any more interest in the matter."

The Senate of the United States must assert its constitutional authority in the field of foreign policy.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the amendment I have offered be modified to insert the word "Senate" in place of the word "Congress."

The PRESIDING OFFICER. Without objection the amendment is modified accordingly.

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, no one questions section 105. If it is proper to have section 105 in the bill, then I cannot understand the objection to including the Byrd of Virginia amendment in the bill. It makes a good deal of sense to me, if only to make Japan pause and reconsider her adamant and stubborn refusal to consider import agreements concerning Japanese textiles, shoes, and other products that are flooding American markets—Japanese cheap-labor products which are destroying our textile and shoe industries and destroying the jobs of thousands of American workers.

Mr. BYRD of Virginia. I thank the distinguished Senator from Maine. Her support is of tremendous value.

Mr. President, I ask unanimous consent that the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a consponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SCOTT. Mr. President, I have no requests for time.

Mr. BYRD of Virginia. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Virginia has 2 minutes remaining.

Mr. BYRD of Virginia. Mr. President, I understand a motion will be made to table the pending amendment.

Of course, it is within the prerogative of the Senate to table the amendment.

I think the Senate should be aware, however, if it does do that, in my judgment it is abdicating a high responsibility to the executive branch of the Government.

There have already been two cases where islands have reverted to Japanese control by Executive agreement. The Amami Islands reverted to Japanese control by Executive agreement and more recently the Bonin Islands reverted to Japanese control by Executive agreement.

If the Senate were to agree to table this amendment it would be establishing on its own a clear precedent that the President, whoever he may be, may enter into Executive agreements in regard to treaties which already have been ratified by the Senate.

In conclusion I wish to say that the amendment is not directed at the Japanese in any way. Its purpose is to preserve the role of the Senate in foreign policy.

I speak as one who admires the Japanese people and the recovery they have made as a nation since World War II. They are a fine people. I have great admiration for them, but I am speaking in behalf of this amendment because I think the Senate must reassert its role in foreign policy.

We have been involved in three world wars in 25 years. We have turned over to the executive branch too much authority. We have given to the State Department too much authority.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. BYRD of Virginia. Mr. President, I think it would have a very desirable effect if the Senate were to make clear to all foreign governments, if the Senate were to make clear to all State Department officials, and make clear to all administrations, be they Democratic or Republican, that the Senate will not stand idly by and permit its prerogatives and responsibilities to be usurped and assumed by executive action.

I say again, Mr. President, that this will not in any way hamstring the President of the United States. He can enter into any agreement he thinks desirable. He can negotiate in any way he feels best with the Japanese Government.

What the amendment would say to him is that once he reaches a conclusion, before it shall take effect, he shall submit it to the Senate for advice and consent.

Approval of my amendment could have far-reaching consequences in protecting the role of the Senate in foreign policy, and, incidentally, in protecting American interests in the far Pacific.

Mr. SCOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. I understand that the Department of State has some concern about the resolution. There is a feeling that they would like to be as free as possible to negotiate a highly delicate situation which affects many political and military considerations both in this country and in Japan.

I state only a personal opinion, which I have made in Japan and have made here many times, that I am in favor of negotiating the earliest favorable reversion of Okinawa to the Government of Japan under terms which both countries will come to feel are compatible with their national interests.

Having said that in Japan, I should like to reiterate it here publicly again, that that is my own feeling and I think it will increase the good will between our two great nations, if we can work this thing out as soon as possible and on an equitable basis. It is the desire of the people of Okinawa for a reversion of their island to the homeland of Japan, which is thoroughly understandable to all of us.

Therefore, Mr. President, at this time, I move to table the amendment of the Senator from Virginia (Mr. BYRD), and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SCOTT. Yes, Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

Mr. SCOTT. Mr. President, I withdraw my motion for the moment and yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum. I do not believe we have enough Senators in the Chamber to support a request for the yeas and nays.

Mr. SCOTT. The Senator is correct.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I support the increased sum in the State Department appropriations that will provide the American section of the International Joint Commission with two new staff positions, one to be filled by an attorney and one to be filled by an engineer.

In recent years the International Joint Commission has devoted extensive time and attention to the Great Lakes, the largest fresh water supply in the world. With a small staff, the U.S. sector has participated vigorously in the IJC. The Commission has done a commendable job conducting studies and furnishing information and recommendations to the Governments of Canada and the United States in the area of conservation and wise use of the Great Lakes.

The work of this agency would be benefited immensely by the employment of one engineer and one lawyer as part of the permanent staff. This would bring the staffing of the U.S. sector up to the level of the Canadian sector. More importantly, it would allow for a degree of continuity not possible under present conditions. Furthermore, this is the only international agency that we have that treats the lakes as a complete system, and as such deserves our support.

For these reasons, I commend the Appropriations Committee for reinstating this important provision, and urge that the Senate act favorably on it.

Mr. SCOTT. Mr. President, I now renew my motion to lay on the table the amendment of the Senator from Virginia (Mr. BYRD), and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. SAXBE) would vote "nay."

The pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Texas would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Vermont (Mr. AIKEN) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Vermont would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 24, nays 54, as follows:

[No. 136 Leg.]

YEAS—24

Baker
Boggs
Brooke
Gurney
Harris
Hatfield
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
Mondale
Moss
Mundt
Muskie
Packwood
Pearson
Pell
Percy
Prouty
Scott
Smith, Ill.
Stevens

NAYS—54

Allen
Allott
Anderson
Bellmon
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fulbright
Goodell
Gravel
Hansen
Hart
Holland
Hruska
Hughes
Jordan, Idaho
Magnuson
McCarthy
McClellan
McGovern
McIntyre
Miller
Montoya
Murphy
Nelson
Pastore
Proxmire
Randolph
Russell
Schweiker
Smith, Maine
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, for

NOT VOTING—21

Aiken
Bayh
Cooper
Cranston
Dominick
Fannin
Fong
Goldwater
Gore
Hartke
Hollings
Jackson
Jordan, N.C.
Long
Metcalf
Ribicoff
Saxbe
Sparkman
Thurmond
Tower
Yarborough

So Mr. Scott's motion to lay on the table was rejected.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment, as modified, of the Senator from Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. GRIFFIN (after having voted in the negative). On this vote, I have a pair with the Senator from South Carolina (Mr. Thurmond). If he were present and voting, he would vote "yes"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from South Carolina (Mr. Hollings), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough), are absent on official business.

I also announce that the Senator from California (Mr. Cranston), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Kentucky (Mr. Cooper), the Senator from Colorado (Mr. Dominick), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Hawaii (Mr. Fong), the Senator from Illinois (Mr. Smith), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) and the Senator from Texas (Mr. Tower) would each vote "yea."

The pair of the Senator from South Carolina (Mr. Thurmond) has been previously announced.

On this vote, the Senator from Arizona (Mr. Fannin) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from Arizona would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from Vermont (Mr. Aiken). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Vermont would vote "nay."

The result was announced—yeas 63, nays 14, as follows:

[No. 137 Leg.]
YEAS—63

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fulbright
Goodell
Gravel
Gurney
Hansen
Hart
Holland
Hruska
Hughes
Jordan, Idaho
Magnuson
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Russell
Schweiker
Smith, Maine
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—14

Boggs
Brooke
Harris
Hatfield
Inouye
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGee
Muskie
Percy
Scott

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against

NOT VOTING—22

Aiken
Bayh
Cooper
Cranston
Dominick
Fannin
Fong
Goldwater
Gore
Hartke
Hollings
Jackson
Jordan, N.C.
Long
Metcalf
Ribicoff
Saxbe
Smith, Ill.
Sparkman
Thurmond
Tower
Yarborough

So the modified amendment of Mr. Byrd of Virginia was agreed to, as follows:

Sec. 106. It is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in article 3 of the Treaty of Peace with Japan shall not take effect without the advice and consent of the Senate.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of Virginia. Mr. President, I move to lay that motion on the table.

So the motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, it is my understanding that as reported from the Appropriations Committee H.R. 12964 provides the Department of Commerce, for economic development assistance, a total of $275,060,000, of which the sum of $16.5 million is allocated for the regional development commissions authorized under the Public Works and Economic Development Act of 1965.

Mr. McCLELLAN. The Senator is correct. The sum of $16.5 million is the amount of the administration request to Congress for the regional commissions and the same amount as approved by the House. It is $4 million more than appropriated for the commissions last year.

The Senate Appropriations Committee, while aware of the desirability of increasing the funds for these commissions, has decided not to propose any increase at this time in view of the fact that the authorization bill, S. 1072, which authorizes much greater amounts for the regional commissions, has not yet been enacted into law.

Mr. MUSKIE. May I inquire of the Senator from Arkansas whether he would be agreeable to supporting a substantial additional amount for the regional commissions when a supplemental appropriations bill is submitted by the administration, which we hope will be before the end of this year?

Mr. McCLELLAN. I can give the Senator from Maine my firm assurance that I will make every effort as a member of the Committee on Appropriations to urge that the committee approve considerably larger amounts for the title V commissions, particularly in view of the action taken by the Congress in enacting S. 1072, which as I understand would authorize a total of $275 million for the next 2-fiscal-year period for title V.

Mr. MUSKIE. I thank the Senator for his remarks and for his assurances. I hope his views may prevail within the Committee on Appropriations. I further hope that this brief colloquy will indicate to the administration the strong feeling that exists in this body in support of adequate funds for these vital purposes.

FUNDS TO FIGHT SEA LAMPREY IN THE GREAT LAKES

Mr. HART. Mr. President, I want to thank the Senate Committee on Appropriations, and in particular the chairman and members of the Subcommittee on State, Justice, Commerce, and the Judiciary and Related Agencies Appropriations, for recommending that $200,000 be added to the budget request for the Great Lakes Fishery Commission.

Inasmuch as the House of Representatives appropriated a similar amount, the approval of this item by the Senate will insure that the funds will be included when the bill becomes a law.

As I noted in a statement I submitted to the subcommittee urging a budget increase, fisheries is one of the major resources sustained by the Great Lakes.

This resource has been under attack by sea lampreys since the 1920's.

In an effort to protect the fishery potential of the Great Lakes, this Nation joined with Canada to establish the Great Lakes Fishery Commission.

The fight to control the sea lamprey, starting in Lake Superior, then in Lake Michigan, and now in Lake Huron, has been effective.

Under the terms of the agreement setting up the Commission, the United States pays 69 percent of the budget; Canada, 31 percent. That means for every $2 that we refuse to appropriate, the Commission's budget is reduced by $3.

This year the Commission requested a budget based on a U.S. allocation of $1.29 million. The administration cut that request back to $1.06 million.

A reduction of that amount would mean:

First, suspension of surveys on the lower lakes needed to prepare for control programs;

Second, discontinuation of research projects; and

Third, postponement of treating additional Lake Huron streams.

Mr. President, that is why it is so important that we approve the $200,000 addition passed by the House and recommended by the Senate Appropriations Committee.

With those additional funds, the United States will be able to allocate $1.26 million to the Great Lakes Commission, which would be enough to push the fight against the lamprey in Lake Huron.

UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that a statement prepared by him relative to funding for the United States-Mexico Commission for Border Development and Friendship be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

I am disappointed that there cannot be provided in this bill funding for the United States-Mexico Commission for Border Development and Friendship. In its comparatively short lifetime—less than three years—this commission has done an outstanding job of designing programs for the mutual development of our common border with Mexico.

The problems of the border area are great. Along the 2,000 mile frontier from Brownsville-Matamoros to San Diego-Tijuana live approximately 5 million people—Mexicans and Americans. The levels of income and education are low; the rates of birth and unemployment are high. These problems and the further problems that they cause cannot be dealt with exclusively by the municipalities along the border, by the state governments or the Federal government of Mexico or the United States. Only through a cooperative effort involving parties from both sides of the border and from the appropriate government agencies of both countries can these problems be meaningfully attacked. It is CODAF that provides the framework for this effort.

Programs of urban planning, industrialization, technical training, transportation planning, health services, cultural exchange, intergovernmental relations, and many more, have been among the projects with which CODAF has been concerned. In its initial work, excellent in itself, the commission has thus demonstrated an enormous potential for the furthering of prosperity along our southern border and for strengthening our relations with Mexico in a spirit of partnership. I am hopeful that the enabling legislation for the continued work of CODAF will soon be reported for the consideration of this body, for I am confident that my fellow Senators recognize the worth of this commission and do not wish to see it terminated.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The message also announced that the House had passed a joint resolution (H.J. Res. 934) to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000, in which it requested the concurrence of the Senate.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The assistant legislative clerk read as follows:

On page 45, line 5 strike out the figure "$11,500,000" and substitute therefor the figure "$15,905,000."

On page 45, line 3, strike out the figure "$700,000" and substitute therefor the figure "$1,200,000."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MATHIAS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. MATHIAS. Mr. President, I offer my amendment on behalf of myself, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished Senator from New Jersey (Mr. CASE).

Mr. President, the President of the United States included in his budget for fiscal year 1970 the figure of $15.9 million for the Equal Employment Opportunity Commission. The House of Representatives cut the sum requested by President Nixon to $11.5 million. And the Senate Appropriations Committee has retained the figure adopted by the House of Representatives.

I do not think this a sufficient amount of money to permit the Equal Employment Opportunities Commission to effectively carry out the responsibility that had been entrusted to it by Congress in the critical area of job discrimination.

The purpose of the amendment is to restore the $4.4 million which was cut from the amount requested by the President and to bring the amount of the appropriation up to the budget request.

The Equal Employment Opportunity Commission was created by title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin in all aspects of employment. The Commission is authorized to receive charges of discrimination and to attempt to resolve grievances through informal means of conciliation and persuasion.

The Commission also has a technical assistance program to help business firms which seek advice in setting up equal employment personnel procedures. I would emphasize this, because it is a very important preventive function which will help eliminate the need for filing charges against various employers in the future. It is one of the features of the program which can relieve business generally of nit-picking and false charges. It can help them get on with the productive function that they play in our society. But, without adequate funds, the Commission cannot handle the charges which are currently pending, nor can it effectively serve those businesses that come to it wanting advice and technical assistance.

Since its inception, the Commission has been plagued by a steadily rising backlog of cases. Over 4,000 cases are currently awaiting decisions, while the rate of incoming charges continues to rise. It is the unhappy situation today that aggrieved parties have to wait nearly 2 years for relief, and the effectiveness of title VII is very severely reduced. This situation can be attributed to a history of inadequate funding.

The Department of Housing and Urban Development recently hired 164 equal employment opportunity counselors to serve the Department's 14,598 employees, just by way of contrast. The EEOC, on the other hand, must operate with enough money to maintain, at last count, only 244 equal employment officers to handle the discrimination complaints of the 44 million workers under its jurisdiction.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senate will be in order.

Mr. MATHIAS. Neither Congress nor the Commission has any control over the number of complaints the Commission receives. Any individual who feels that he is discriminated against in employment may file a charge.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I yield.

Mr. MURPHY. During hearings last year there was a question raised as to the administration of the EEOC. This bears on the cost, and this is why I raise the point. In my State of California there had been no complaints as to the administration of the agency. It had operated in very, very good favor at the State and Federal levels, but there was an attempt to superimpose on the State organization a Federal oversee which I questioned for some time. If the State organization was doing its job and doing it well, I saw no reason why taxpayers' dollars—of which too few are available and too many are collected—should be spent in duplicating this effort, with the result of creating not only a duplication but also a competition for the two,

I wonder if the need for the extra funds may have any bearing on a situation of this kind. Does my distinguished colleague have any information in that regard?

Mr. MATHIAS. President Nixon, in formulating this request, I think had in mind that we would not want to duplicate functions that were already being discharged. But I think he also had in mind the fact that the Commission is directed to process charges which, as I have just said, are filed by those who have a grievance and over which, of course, no one has any right which the law gives them. The law requires that these charges be processed within 60 days.

Without specific reference to the Senator's California experience, I can say that nationwide the Commission has never been able to meet the 60-day deadline. One of the reasons is that, nationwide, we have not had the people to do it.

Let me advise the Senator that the EEOC started business in 1965 with a budget which was intended to handle approximately 2,000 complaints. I cannot tell the Senator how many of those arose in California, or were anticipated would arise, but I can say that the history of the act shows that there were 8,800 complaints in the first year.

I think that a responsible administration, such as we now have, would direct field personnel to the sore points, at places where they were needed, and would not assign unnecessary personnel to an area where complaints were not coming in.

The $4.4 billion which I have suggested to be added to this appropriation would actually add 222 enforcement personnel to the field.

Mr. MURPHY. If the Senator would further yield, it was my recollection of the dialog we had in the hearings that a representative of the Justice Department appeared and pointed out at some length—that most of these cases could only be properly handled in Washington. At the time I pointed out to him that I thought—in fact, I was certain—that there were people of knowledge and capability who could handle these cases at a local and State level. I am, therefore, pleased to hear my colleague point out that this perhaps will decentralize control.

At that time I asked how long it would take some of the cases to be processed. In fact, I spelled out an example of a person who wants a job, and I asked, "How long does he have to wait?"

He said that in some cases he would have to wait 18 months. That is a little long to wait.

I am glad to hear my distinguished colleague point out that these added funds would open local offices so that these cases could be processed more quickly, and therefore provide a much needed service for the unemployed. He does not need a job 6 months from now; he needs it right now.

Mr. MATHIAS. I would say further to the distinguished Senator that the President's aim here, which is to add 222 field personnel—not just in Washington—works both ways. It will help not only the aggrieved employee or the prospective employee but also the employer who is forced to defend himself or else straighten out his situation in various ways to conform to the law. In either case, a rapid decision, a rapid processing, is highly desirable to the employee and to the employer. The extra money which I have requested in this amendment will make that more possible.

The Senator points to the happy record in California. Unhappily, the nationwide record is not that good. Despite an original estimate of 2,000 complaints a year, there were 8,800 complaints the first year, and in the first quarter of this fiscal year there have been 3,500 complaints. This means, of course, that we are getting up somewhere into the range of 12,000 or 15,000 complaints in a year.

The Commission began this fiscal year—and President Nixon's administration was confronted, when it came into office—with a backlog of 6,700 cases, involving over 12,000 separate complainants. Of course, a continuation of this backlog will mean that the average complaint, instead of taking 60 days, which Congress originally anticipated, will take about 20 months per case. As the Senator from California so correctly pointed out, this is a very grievous burden.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. MATHIAS. I yield myself 5 additional minutes.

Mr. MURPHY. I thank my distinguished colleague for permitting the interruption. I am sorry I took up his time.

Mr. MATHIAS. I thank the Senator from California for his useful contribution in connection with this matter.

The new and growing Commission has never been given funds to meet the job demanded of it by Congress. President Nixon and Congress both expressed the conviction that we have to provide the means to find work for everyone who wants to work.

Now we do have an opportunity to help achieve some progress in this area. The budget request for the Equal Employment Opportunity Commission is a relatively modest $15.9 million. In view of the need to move ahead in this critical area, I hope the figure adopted in the other body will be increased by $4.4 million to bring it in line with the budget request. This will provide an adequate base figure on which to negotiate with conferees from the other body.

Discrimination in employment has been estimated by the President's Council of Economic Advisers to cost the economy—and this is an important factor in the kind of situation in which we find ourselves economically today—at least $30 billion annually. It would be false economy to deny the small increase requested for the agency of Government which has the prime responsibility to deal with the problem of job discrimination.

Mr. President, I yield 4 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I rise to support the amendment of the Senator from Maryland. I think I can bring to the attention of the Senate some added aspects of this matter which is my only reason for taking this time.

It is a fact that the equal employment opportunity question is one of the grave basic problems which is creating racial tensions in the United States.

We have adopted the policy of answering to claims for wages wherever possible. We are limited in answering those claims by financial considerations because we do not have sufficient money to go around to do all the things we want to do. Hence, when the opportunity arises to do a great deal with a very little we should take advantage of it.

Mr. President, what is involved here is the matter of adequate enforcement of title VII of the Civil Rights Act. The backlog of cases in the EEOC is about 2 years with thousands of cases backed up. Decreasing this appropriation is the least expensive way in which a grave cause of tension can be dealt with because it is strictly administrative and has tremendous leverage for the amount involved, which is $4.5 million. Great results can be obtained which would otherwise take millions of dollars in job placement, job training, and so forth. The machinery is there and the law is in order. It is a matter of adding more funds for administration.

I said I would bring an additional fact to the consideration of the Senate. There is now pending before the Committee on Labor and Public Welfare, of which I am the ranking minority member, basic legislation with regard to amendments to the statute which created this Commission. This legislation proposes to concentrate in the Equal Employment Opportunity Commission the work of the Office of Federal Contract Compliance. Of course, discrimination in Government departments now is in the hands of the Civil Service Commission. There is some opposition for that consolidation which otherwise would make an enormous amount of sense. The Commission is now 2 years behind and its back would be broken if we do the efficient thing and concentrate jurisdiction of all these matters within this one Commission without substantially increasing funds.

That is the reason we should give this Commission the means to do the job. There is no pretense in the report of the committee that we are giving the means to the Commission. It is based on the fact we are giving them a little more money than last year, so it must be adequate without regard to the substantive questions involved.

For those reasons I hope the Senate will agree to the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I thank the Senator from New York.

I ask unanimous consent that I may yield briefly to the distinguished chairman of the Committee on the Judiciary if that time will not come out of my time.

Mr. McCLELLAN. I will yield to the Senator from Mississippi.

THE GREAT PLAINS CONSERVATION PROGRAM—CONFERENCE REPORT

Mr. EASTLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10595) to amend the act of August 7, 1956, 70 Stat. 1115, as amended, providing for a Great Plains conservation program. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 21, 1969, p. 30891, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. EASTLAND. Mr. President, the differences between the House bill and Senate amendment are generally of a technical nature. The conference substitute adopts the Senate language, except in the case of fund limitations.

The House provided for an additional authorization of $150 million—excluding administrative costs—while the Senate provided for an additional authorization of $250 million—including administrative costs. Administrative costs account for 25 to 30 percent of total program costs, and when administrative costs at these levels are deducted from the total Senate authorization, the Senate amendment provided between $25 and $37.5 million more for cost sharing than the House version.

The Senate version also required that the $25 million annual limit of expenditure include administrative expenses, while the House version excluded administrative expenses.

The fund limitations under both the Senate version and the House version are completely adequate, and the conference substitute therefore includes the lower House version.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

FULL FUNDING FOR EEOC

Mr. BROOKE. Mr. President, the Civil Rights Act of 1964 was far more than a statement of purpose. In one of its most important and constructive steps, a Commission was created to provide administrative and legal relief to individuals and organizations involved in discriminatory suits. The Equal Employment Opportunity Commission was created in hope, and charged with a major responsibility and with authority to pursue its goals. It only lacked one thing—sufficient funds to hire the people to handle its load of cases. The promise was there, but through no fault of the Commission's, that promise was never fulfilled.

Three years after its inception, in 1968, the EEOC had a backlog of 1,675 cases. It had requested $7.2 million, which would have permitted it to maintain a staff of 424 persons. Instead $6.6 million was authorized, and 389 persons served on the staff.

Therefore, for fiscal 1969, the Commission requested $13.1 million. This would have permitted the hiring of an additional 600 persons to handle a backlog which by June of this year totaled 2,556 cases. But the Congress authorized only $8.7 million, and the EEOC had to function with a staff of only 579 persons. Now, the Commission has asked $15.9 million for fiscal 1970. If this request is not granted, the Commission estimates it will have a backlog of 4,728 cases by June of 1970.

Mr. President, discrimination in employment is a fact. We do not like to admit it, but it exists, it is widespread, and it must be corrected.

In some cases, to be sure, employment opportunities are denied for reasons other than race or color or creed. Discrimination cannot be used as a catch-all excuse in such cases. It is the task of the EEOC—a task which it has performed admirably to date—to distinguish such cases and advise the parties concerned as to whether a court suit is justified. The Commission has in fact found that in a little over 50 percent of the cases brought to its attention there was no violation of the law.

In all too many cases, however, charges of discrimination are justified. In such cases justice must be done. And justice is not done when men and women are required to wait as much as 2 years just to find out from the Commission if they have a case, and may file suit in court.

It is not my purpose here today to discuss the problems of our entire judicial system. But one of the most significant findings of the Eisenhower Commission on the causes of violence has particular relevance here. According to the Commission's report, a major cause of the growing disrespect for law is the inordinate length of time required to secure punishment or redress. An individual may believe he has been unjustly denied the most basic right of all—the right to work. He takes his case to the EEOC and he expects aid will be granted within a reasonable time. If he is then told he must wait 2 years or more before being advised on whether he may file suit in court to seek redress, the ingredients of frustration and despair are readily at hand.

Frustration and despair need not be a part of the process. EEOC offers a systematic administrative process by which this most urgent problem can be handled. It can be handled efficiently, but only if sufficient funds are provided to do the job which Congress has defined.

Having recognized the immensity of this problem, both economically and morally, by enacting title VII of the Civil Rights Act of 1964 and establishing the Equal Employment Opportunity Commission, we must at long last give the full support to the enforcement procedures. The most constructive opportunity before us is immediately to restore the EEOC appropriation to the requested $15.9 million. I, therefore, fully support the proposed amendment, and hope that my colleagues will also support it.

I thank the distinguished Senator from Maryland for yielding to me.

Mr. MATHIAS. Mr. President, I thank the very distinguished Senator from Massachusetts for his observations and for his support.

Mr. President, I now yield 5 minutes to the distinguished minority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Maryland.

As its primary cosponsor, I welcome this opportunity to support the amendment of the distinguished Senator from Maryland (Mr. MATHIAS) to increase, to the full administration request, fiscal year 1970 funding for the Equal Employment Opportunity Commission. I do so both out of deep personal conviction, and in response to a letter which President Nixon sent to me only yesterday, again confirming his endorsement of this goal.

As you know, Mr. President, the House of Representatives, in passing the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies, approved only $11.5 million for the Commission. I feel strongly that the Commission must have the entire $15,905,000 requested by the President in his budget message; anything less would be simply, and regretfully, inadequate. This amendment, to provide an additional $4,405,000 to the Commission for fiscal year 1970, will accomplish the administration's request exactly.

Mr. President, the Equal Employment Opportunity Commission was created by title VII of the Civil Rights Act of 1964 as an instrument effectively to provide a means of recourse for those individuals who, historically, have been denied the economic aspirations which most of us take for granted. Title VII, which had broad bipartisan support, prohibits—in all aspects of employment—discrimination based on race, color, religion, sex, or national origin. It authorizes the Commission to receive charges of discrimination and to attempt to resolve differences through the informal means of conciliation and persuasion.

Another important aspect of the Commission's activity has been its technical assistance program through which businesses may seek expert guidance in establishing equal employment personnel procedures.

Without sufficient funds, however, the Equal Employment Opportunity Commission can handle neither the complaints currently pending with it, nor can it usefully continue to serve those businesses which come to it voluntarily seeking assistance.

Unhappily, the Commission has been characterized, since its inception, by inadequate funding and by a rising backlog of cases. This backlog, which continues to grow daily, can be attributed directly to the fact that Congress has never given the Equal Employment Opportunity Commission the funds needed to do the job demanded of it. President Nixon and Congress have expressed the conviction that there must be jobs for all Americans who want to work. Now, with this amendment, we have the opportunity truly to achieve some real progress in this area.

Real progress, of course, demands a willingness to deal with the fact that the effectiveness of title VII is accordingly reduced each time an aggrieved party is forced to wait unnecessarily for relief. It is this situation which exists today, and toward which this amendment is specifically directed. I am informed reliably that over 4,000 cases are currently awaiting a decision by the EEOC, and that the average period of time now required for final disposition ranges from between 18 months to 2 full years. Obviously, a victim of employment discrimination cannot afford to wait for this period of time. A remedy that is not readily available is, at best, illusory. For the millions of our citizens who were given new hope by the enactment of title VII, the result can be only a return to the old feelings of frustration and despair. For the more than 15,000 persons who are expected to turn to the Commission for assistance in the current fiscal year alone, this situation is particularly discouraging.

What is really at issue in this amendment is a consideration that is basic to the quality of American life itself—the decent, self-respect that goes with the ability to secure a job commensurate with one's abilities. Few goals so deserving of high national priority can be pursued at such little cost and yet with such high possible return in contributions to the national well-being.

I am persuaded absolutely that there is compelling need for this amendment, and I urge, most sincerely, its immediate and favorable adoption.

I ask unanimous consent that President Nixon's personal letter of support be printed in the Record. I will not read the letter in full, other than to point out that the President fully and without reservation supports the restoration of the funds to the full budget amount and has sent a copy of his letter to the distinguished majority leader.

I want to thank the distinguished Senator from Maryland for his courtesy in yielding to me.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., November 4, 1969.

Hon. Hugh Scott,
Minority Leader, U.S. Senate,
Washington, D.C.

Dear Hugh: This is in reference to the Equal Employment Opportunity Commission's appropriation for Fiscal Year 1970.

In my budget message transmitted to the Congress, I requested that the Commission be allowed a total of $15,905,000 for its FY 1970 operations. The House reduced this figure to $11.5 million, and the Senate Appropriations Committee has not seen fit to restore the cut.

I would be grateful for any action you might take on the Senate floor to obtain the full amount requested. The Equal Employment Opportunity Commission, while charged with fulfilling a heavy task, has since its inception been consistently underfunded. On the very day that it came into existence, the Commission had a backlog of over two thousand cases. During the last four years the backlog has steadily mounted, and now threatens to become unmanageable.

EEOC's mission is one particularly important to the nation's social prosperity. Title VII of the Civil Rights Act of 1964 guaranteed equal employment opportunity to all Americans, and that guarantee must not be allowed to lapse for lack of the relatively modest resources necessary to its implementation.

I am sending this same letter to the Majority Leader.

With warm regard,

Richard Nixon.

Mr. MATHIAS. Mr. President, I thank the distinguished minority leader for cosponsoring the amendment and for his support of it. I think that he has succinctly stated the grounds for granting this additional amount of money.

The President's letter, which the Senator has had printed in the Record, makes it perfectly clear again that what the President has stated is one of the keystones of this administration; namely, that we are not going to continue to follow, as in the past, the policy of overpromising and underfunding, but that we will say what we can do, and then we will do it. That is really what we are trying to do here in a commonsense, reasonable, and economical kind of way.

We have a problem. We have a solution. Now we have to find the means to achieve that solution.

I hope that the Senate will support the amendment.

Mr. SCOTT. Mr. President, at this time, if the Senator will yield further, I intend to suggest in a moment the absence of a quorum for the purpose of asking for the yeas and nays.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. On whose time?

Mr. SCOTT. On the time of the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland does not have enough time available.

Mr. SCOTT. Then I withdraw that request and respectfully ask unanimous consent that the time for the quorum be not taken from the time of either side.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, may I inquire if there are any further requests for time?

Mr. MATHIAS. Yes, Mr. President. I yield myself 3 minutes, and I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from Maryland for yielding to me. I wish only to say that I heartily commend the Senator from Maryland for his leadership in presenting this amendment, an amendment which has the strong backing of the administration. It is in keeping with the budget. It is in the best interests of the Equal Employment Opportunity Commission, which is an agent that is performing excellent and valiant service in a field where we have great work to do.

I thank the Senator for yielding.

Mr. MATHIAS. I thank the Senator for his very kind remarks and for his support of this amendment.

Mr. President, I have no further requests for time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. MATHIAS. I yield back my time.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

First, I want to say that the Appropriations Committee—first the subcommittee handling the bill, and then the full Appropriations Committee—weighed these items and requests very carefully. No motion was made and no request was made, either in the subcommittee or the full committee, to increase this item.

I think one of the reasons for that was that the Commission was created in 1964, under the Civil Rights Act of 1964. In that same year it was given $2,250,000. In the next fiscal year the amount was increased to $3,250,000. In 1967 the approppropriation for it was increased to $5,640,000. In 1969 it was increased to $9,120,000.

The House, in looking at the figures, increased the amount in this year's appropriation bill to $11,500,000.

That is a pretty substantial increase. Especially is that true when it provides for 85 new positions. With the 85 new positions provided for with the money in the bill now, together with 30 positions which are now unfilled and vacant, it means that there are 115 positions more than the Commission is operating with.

This increase in the amount of $4,405,000, if granted, would be a total increase this year over last year of

$6,785,000, or an increase of over 70 percent. It will be an increase of more than 70 percent in the amount of money with which the Commission was operating last year.

I think the House and the Senate have been reasonably generous. Taking into account the problem of finances and the strain on the budget and the urge to economize that face us at this time, a 70-percent increase is a pretty good increase—so generous, in fact, that the House of Representatives and the Appropriations Committee of the Senate—both the subcommittee which considered the bill and the full committee that reported the bill—felt the House allowance of $11,500,000, an increase over last year of $2,380,000, or about 20 percent, was a pretty generous increase. Especially is that true with 30 positions not filled in the Commission. The money provided by the bill would give an increase of 85.

We feel we have been very considerate and just in this matter. We have gone over the House appropriations in the bill some $34,000,000. If we keep adding to it, we are going to get out of proportion, in my judgment, with respect to an equitable adjustment in the differences between the House and the Senate.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. McCLELLAN. I yield myself 2 additional minutes.

With the 115 positions that will have to be filled, with the vacancies now existing, and with the money now provided in the bill before the Senate, the total number of positions will amount to 664. That does not include 70 temporary positions that were granted on October 31 to help reduce the backlog.

We feel that we have been very just, and we hope the committee will be sustained. The question was raised in committee, and we worked on it very diligently.

I yield 3 minutes, or such additional time as she may require, to the distinguished Senator from Maine (Mrs. SMITH).

Mrs. SMITH of Maine. Mr. President, as the able chairman has so accurately stated, the Equal Job Opportunities Commission has provided for it in this bill 85 new jobs, in addition to the many vacancies that are still unfilled. Five months of this fiscal year have passed. In addition, there are funds such as those for the legal research program, $1,486,000, and administrative money, $1,421,000, which can be transferred and used in various ways. If investigators are needed, they can be put on by transferring the money.

The agency can cut back a little from each function, if that is necessary.

The committee and Congress do not direct this agency as to how these funds shall be used. In other words, there is no earmarking.

There is not any magic in the figures before us. There is no end to the need in this very good program, which I have supported from the beginning. But I would expect, from what the distinguished Senator from New York (Mr. JAVITS) has said, that the proposals before his Subcommittee on Labor will be approved. As they are supported strongly by the administration, they would be approved and would come up in a very early supplemental bill.

Therefore, with these things in mind, I regret that I cannot support the amendment.

Mr. PERCY. Mr. President, equality of opportunity is the birthright of all Americans. Our failure to protect this right must concern us all. The guarantee of job equality—the right of every citizen to have a meaningful job—is a basic requirement of a healthy and dynamic society. It affects every aspect of a person's life: it gives a perspective, and therefore an incentive, to education; it gives a vested interest in the society and therefore a personal interest in its preservation and its well-being; it provides personal security and therefore a personal identity and itegrity. We must strive to build a better life order. The opportunity to obtain worthwhile employment is essential to this purpose.

Title VII of the Civil Rights Act of 1964 makes it illegal for an employer "to fail or refuse to hire or discharge any individual because of such individual's race, color, religion, sex, or national origin." This provision covers employers, employment agencies, labor organizations, and joint labor-management apprenticeship committees. The Equal Employment Opportunity Commission has been entrusted with the enforcement of this law. Their job is vitally important, widely influential, and increasingly difficult.

The Commission's 589-man staff cannot keep up with the demand for its services. An individual who has been illegally discriminated against must wait nearly 2 years before the final disposition of his complaint—10 times the length of time prescribed in the Civil Rights Act. At the present time, EEOC has a backlog of 2,700 cases, with an additional 4,000 cases awaiting decision. Since its inception in 1966, EEOC has received almost 44,000 charges and has, out of this number, developed some 26,500 actual cases, but it has been able to dispose of only 14,000.

In reporting out an appropriation for this agency which is $4.4 million less than even the amount the President requested, the committee has failed to take into consideration the enormity—in size and importance—of the task facing the EEOC. At the proposed level of funding, the EEOC can only expect to get further and further behind.

In my view, justice delayed is justice denied, and this is as true in the protection of elemental human rights as it is in other areas of the law. The Congress must not fail to appropriate enough funds to protect these rights.

I urge my colleagues to support the amendment increasing the appropriation for EEDC in light of the demonstrated crucial need for funds.

Mr. CASE. Mr. President, as a member of the Committee on Appropriations, I have cosponsored and do strongly support the pending amendment to restore the funds cut by the House for the Equal Employment Opportunity Commission.

Since beginning its operations in 1965, the Commission has been an expanding agency. The number of conciliations undertaken in 1969 was 10 times greater than those undertaken in 1966. At the same time, the number of cases on hand at the end of the year awaiting conciliation quadrupled between 1966 and 1969.

The investigation and conciliation of employment discrimination charges is a lengthy and involved process, but one vitally important to our society. At the present time, with its existing staff, it takes the Commission nearly 2 years to complete a case. It is hoped that with adequate staff at headquarters and in the field this period of time will be eventually reduced to 60 days.

The House allowed $4.4 million less than the $15.9 million requested by the Commission. This lesser amount will not cover the cost of adding to the Commission staff the personnel demanded by its expanding role.

The EEOC was established to assure all our citizens equal opportunity to work according to their training and ability. To force those denied that opportunity to wait 2 years for vindication of their rights is to make a mockery of the act. It cannot but increase frustrations and encourage cynicism among those already disheartened by the difficulties that so often block the way to equal participation for all in our economic well-being.

Mr. President, I ask unanimous consent that the justification material provided me by the EEOC be printed in the RECORD.

There being no objection, the justification was ordered to be printed in the RECORD, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The House of Representatives has cut the President's FY 1970 request of $15,905,000 for the operation of the Equal Employment Opportunity Commission (EEOC) to $11.5 million. If sustained, this amount would provide an increase of only $1.5 million over the Commission's FY 1969 authorization (after pay increases and annualization), a sum that has proven woefully inadequate.

The Commission currently has a backlog of over 2,500 respondent cases which is steadily mounting. Victims of employment discrimination have to wait between a year and a half to two years for their cases to be processed by the Federal Government, despite the Congressional mandate to complete such efforts within 60 days.

If the employment provisions of the Civil Rights Act of 1964 are to be successfully implemented, the Commission must have a sufficient number of investigators and conciliators to process cases on a current basis. We are mindful of the country's budgetary problems, but we are also mindful of the $30 billion that employment discrimination costs the United States each year, not to mention the continuing damage done to its social fabric.

We respectfully urge the Senate to restore the $4.4 million cut by the House, and to approve the full amount requested by the President.

WILLIAM H. BROWN III,
Chairman.
LUTHER HOLCOMB,
Vice Chairman.
VICENTE T. XIMENES,
CLIFFORD L. ALEXANDER, Jr.,
ELIZABETH J. KUCK,
Commissioners.

Investigations backlog as related to personnel authorizations and budget appropriations, fiscal years 1968, 1969, and 1970 (estimate)

Backlog:	
June 30, 1968	1,675
June 30, 1969	2,556
June 30, 1970 (estimate):	
Fiscal year 1969 budget	4,728
Fiscal year 1970 request	1,425
Personnel:	
1968:	
Requested	424
Authorized	389
1969:	
Requested	1,026
Authorized	579
1970:	
Requested	820
Authorized	664
Budget: [1]	
1968:	
Requested	$7,170
Authorized	6,655
1969:	
Requested	13,093
Authorized [2]	8,750
1970:	
Requested	15,905
Authorized [3]	11,500

[1] In thousands.

[2] Adjusted to $9,032 with supplemental pay increase and annualization.

[3] House authorization.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, SEPTEMBER 10, 1969

CASELOAD AND BACKLOG

A random sample of cases indicates that the average case completes the investigation process 182 days after filing of the charge. 201 more days elapse before a decision is rendered, and if reasonable cause is found, the conciliation process requires an average additional 211 or 187 days, depending on whether the Commission's efforts are respectively successful or unsuccessful.

Thus the total elapsed time for a case in which reasonable cause has been found and conciliation has been successful averages 20 months. Currently the Commission has a backlog of approximately 2700 respondent investigations, with an additional 4000 respondent cases awaiting decision. The figures below show the four year history of the Commission's workload. The first seven months of the current calendar year indicate that the rate of incoming respondent charges will increase by approximately 48% during the twelve month period.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—CASELOAD STATISTICS FISCAL YEARS 1966–70

	1966	1967	1968	1969	1st quarter 1970	Total
New incoming charges	8,854	9,688	10,095	11,720	3,497	43,854
New charges recommended	3,773	5,084	6,056	9,152	2,496	26,561
Respondent investigations:						
On hand, beginning year		561	1,476	1,675	2,556	
Received during year	1,207	2,875	3,709	5,874	1,714	15,379
Completed during year	642	1,740	3,510	4,993	1,327	12,212
On hand, end year	561	1,476	1,675	2,556	2,943	
Respondent conciliations:						
On hand, beginning year		141	311	535	677	
Received during year	214	339	864	916	156	2,489
Completed during year	68	174	640	774	198	1,854
Successful	45	66	253	319	68	751
Partially successful	7	22	53	57	17	156
Unsuccessful	16	86	334	398	113	947
On hand, end year	141	311	535	677	635	

Mr. KENNEDY. Mr. President, today there is a continuous appeal for law and order. Usually, that appeal is made by those who claim they are hardworking, wholesome supporters of American traditions. But one of our Nation's outstanding traditions is the insistence of the desire to work. All youngsters are taught to look to the day when they can get out and hold a good job to support themselves and their family. Yet we know that all too often qualified workers cannot fulfill their desire. Women, blacks, Spanish-speaking migrants, the physically handicapped, and members of certain religious groups have learned to accept bigotry in employment.

Many a father of four who is barely making enough to support a family has been forced to watch others around him enjoy promotions while he is kept on the same job because of discrimination. Even in 1969, he may have to use different washrooms than those used by his fellow employees if he is black and they are white. Many people are fired from jobs or can never get a decent one in the first place because of discrimination.

Congress provided a remedy to those who suffer from discrimination in employment when it created the Equal Employment Opportunity Commission. The Commission was mandated to provide leadership for all employers in the Nation to insure that hiring, promotions, and working conditions would be equitably available for every worker. Congress also provided, when the Commission was created, enough money to begin exercising that leadership function as vigorously as possible.

During 1969, the agency has not shown that leadership. It has not continued the kind of improvements in employment practices that were developed one or two years ago. More significantly, this lack in leadership has failed to maintain the atmosphere that equal employment opportunities are traditional rights for every citizen who wants a job.

Today, we are considering the Commission's request for an increase in its operating funds. Let me say, loud and forcefully, that additional money is critically needed.

Additional money is vital to making it possible for the commission to follow its mandate. But just as forcefully, I want it to be known that the forward direction in equal employment opportunities has got to be provided in the months ahead.

The inaction of recent months must be ended. I know that there is a tremendous job to be done. It cannot be accomplished if the proper resources are withheld. At the same time, however, those resources must be effectively used to eliminate the patterns of historical mistreatment. I am concerned not only about the people who suffer from discrimination but also about the need to insure that the Executive helps to resolve such difficulties. For these reasons, I shall vote to support the request for increased funds. But I will also watch and express my concern that the Commission will be an active force in eliminating the inequities of employment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Let us vote.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back the remainder of his time?

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 50, nays 26, as follows:

[No. 138 Leg.]

YEAS—50

Anderson
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Cannon
Case
Church
Cook
Dodd
Dole
Eagleton
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
Miller
Mondale
Montoya
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Schweiker
Scott
Stevens
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—26

Allen
Allott
Bible
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Gurney
Hansen
Holland
Hruska
Jordan, Idaho
McClellan
McIntyre
Mundt
Randolph
Russell
Smith, Maine
Spong
Stennis
Talmadge
Williams, Del.
Young, N. Dak.

NOT VOTING—24

Aiken
Bayh
Cooper
Cranston
Dominick
Fannin
Fong
Fulbright
Goldwater
Hartke
Hollings
Jackson
Jordan, N.C.
Long
McGovern
Metcalf
Moss
Ribicoff
Saxbe
Smith, Ill.
Sparkman
Thurmond
Tower
Yarborough

So Mr. MATHIAS' amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 44, line 20, strike out "$1,500,000," and insert "$2,850,000." And on page 44, line 22, strike out "$12,000,000," and insert "$20,000,000."

Mr. SCOTT. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. SCOTT. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, this is an item which has been affected, since the original consideration of this feature of the bill, by a recent decision of the Supreme Court which will considerably increase the activities of this Department of the Federal Government, and therefore is a further justification for the restoration—and, I may add, only to the budget figures.

The purpose of this amendment is to restore to the fiscal 1970 appropriations the full amount requested by the administration for title IV of the Civil Rights Act of 1964.

The administration requested $20,000,000 to carry out this program. The House and now the Senate committee have reduced that amount to $12,000,000. My amendment would add $8,000,000 and bring the figure up to the President's request.

The other part of my amendment also has been read by the clerk.

On October 29, 1969, the U.S. Supreme Court declared in the Alexander against Holmes County decision that "it is the obligation of every school district to terminate dual school systems at once and to operate now and hereafter only unitary schools." The Department of Health, Education, and Welfare and the Department of Justice have pledged their full cooperation in carrying out the Court's mandate.

At the present time, there are over 1,400 school districts in the 17 Southern and border States that do not have unitary school systems. In the northern and western sections of the country, it is estimated that there are approximately 350 school systems with one or more schools having more than 50 percent minority student population. In light of the Supreme Court's decision, it is not improbable to assume that all of these school districts could request assistance from title IV during fiscal year 1970.

To deal with the problem of school desegregation, the Department of Health, Education, and Welfare has taken two actions which require a significant increase in staff and other resources. First, we are trying to enforce the law on a truly nationwide basis, instead of focusing mainly on the South. Second, we are attempting to provide more technical assistance so that it will be easier for school districts to comply with the law. Much of the concern with compliance relates to uncertainties as to how to go about it, how to maintain quality education, and how to prepare students, teachers, and the community for the transition. The Office of Education title IV program assists local school officials by providing direct grants for the purpose of training teachers and hiring consultants, by supporting university desegregation assistance centers and State technical assistance units, and by making Office of Education specialists available, largely at the regional level.

A reduction from the appropriation request of $20 million to $12 million for fiscal year 1970 will have the following specific effects upon the assistance available to requesting school districts:

First. The three regional university desegregation assistance centers planned for the Northeastern, Midwestern and Pacific coast sections of the country will not be funded.

Second. The number of new State education department desegregation assistance units planned will be reduced from 12 to 3 units.

Third. Since no less than half the local school board grants funded in fiscal year 1968 will need to continue for another year for full effect, less than $3 million will be uncommitted and available for direct assistance to local school districts—compared to a total of $8,689,000 in the original appropriation request—at a time when most districts will be facing substantial desegregation. Only 63 rather than 137 districts will be aided.

Fourth. Aside from losing three positions authorized for 1969, the Office of Education will not be able to assign desegregation assistance specialists to presently unserved geographic areas in need of help. The 92 new positions requested were to offer assistance, on request, to school districts throughout the country which must now act to end the dual school system by establishing unitary schools.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. I yield myself 2 additional minutes.

The volume of the division's workload has risen sharply since January 1, 1969. In the 6-month period of January 1, 1969, to June 30, 1969, all the assistance resources funded under "Civil rights educational activities"—Office of Education specialists, State education department assistance units, and university desegregation centers—received approximately 2,700 requests for help from school districts. This figure represents 68 percent, well over half of all such requests—4,000—received during the entire calendar year 1968. Most significant among the several reasons for this increase in the number of requests for title IV assistance are:

First, in nearly all instances during 1969, where school districts have been ordered to desegregate their school systems, the courts have directed school officials to request assistance in developing desegregation plans from Office of Education specialists. Since April 1, Office of Education specialists have been involved in assisting more than 150 school districts that were ordered by the courts to seek such aid; and

Second, Congress has directed that school desegregation be applied equally in the North and South. Until recently, this division had provided the bulk of its assistance in the South. Thus, the number of requests from school districts in the North and West, which have larger systems with more complex problems, has risen.

This need is great; more than 1,400 school districts in the Southern States alone must move to unitary school systems during fiscal year 1970 in order to comply with the Supreme Court's October 29 decision. As these moves take place, the districts will be requesting the assistance authorized in title IV of the Civil Rights Act of 1964. It is anticipated that increased numbers of large school systems in the urban northern and western sections of the country will need and ask for title IV assistance during fiscal year 1970.

The nature of the title IV program is positive; it is the kind of program which we must expand as the Federal Government moves to help our Nation deal with today's complex domestic problems. I urge my colleagues to support this amendment, and I can tell the Senate that the amendment has the full backing of the President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield 3 minutes to the

distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to identify myself with the amendment that has been offered by the distinguished Senator from Pennsylvania.

I was in touch with the Department of Health, Education, and Welfare yesterday about this very question, to inquire about their attitude with respect to raising the limitation on the appropriations which were available and what this was going to mean in terms of achieving the purposes of title IV.

As the Senator from Pennsylvania has brought out, I think the important point about this whole provision is that it is entirely voluntary.

Title IV in no way serves as a club. Rather it provides resources that are needed in terms of education and training and overall assistance to help in difficult problems of understanding and adjustment. Rather than increase any kind of friction, it will help reduce it.

We know that there are many different communities which have requested this kind of help and assistance. But only about one-half of them, under present appropriations, will be able to take advantage of title IV. With the recent Supreme Court decision there undoubtedly will be even more requests, and even greater funding needs.

Recognizing that this is an entirely voluntary program, and that a school district and community can decide whether or not they want to take advantage of it, the whole purpose and thrust of the amendment would provide greater understanding and an easing of restrictions and tensions. I think the amendment is extremely important. I certainly hope Senators on this side of the aisle will support it.

Mr. SCOTT. Mr. President, I thank the distinguished senior Senator from Massachusetts very much for his support.

I have no immediate request for time on this side of the aisle.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, the House bill allows $12 million of the $20 million revised request. I might say that the original estimate submitted by President Johnson was $13,950,000. The House allowance and committee recommendation is an increase over the 1969 appropriation of $1.183 million.

The latter figure appears to me to be significant in that it appears that the agency can increase the number of its permanent positions, since the committee was informed that of the $8 million restoration request approximately $1,200,000 would be needed to compensate the 92 additional positions requested for fiscal 1970.

Mr. President, I wish to say that these questions were not raised in the Committee on Appropriations. There was not a motion made. There was not an amendment offered on any of these items. We thought the bill was satisfactory, but if it is not, the Senate has the privilege of overriding the committee.

This figure becomes more significant in view of the fact that the $1.2 million was calculated on a full 12 months. However, only 7 months remain because nearly 5 months will have elapsed before the bill becomes law. Therefore, more money would be provided than contemplated by the House at the time their figure was approved. Therefore, the committee felt that the $12 million recommended would be sufficient in terms of manning this office. It is also worthwhile to point out that since fiscal year 1965, and assuming the $12 million recommended in the bill is approved, the annual appropriation for this agency has grown from $8 million to $12 million.

As of October 31, 1969, this office was employing a total of 73 people out of a ceiling for 1969 of 86 permanent positions. In other words, as of October 31, 1969, 13 positions were not filled.

Mr. President, let me demonstrate what the committee on appropriations has allowed. If the $8 million that is proposed to be restored were agreed to, here is what it would do in these areas: For about 74 grants to local school boards, the Senate bill allows $4,019,350 or 63 grants. This amendment would add to that and more than double it.

With respect to three university desegregation centers, the House bill allowed and the Senate committee on appropriations approved $3,626,000 in 16 centers.

For State education agency technical assistance units, the committee has provided, as did the House, $2,160,650 and 27 units. This amendment would increase that by $720,350.

For technical services and administration, the committee bill and the House bill provide $1.5 million. The amendment would increase that to $1,350,000.

Mr. President, if that is the way the Senate wants to increase these appropriations, the Senate has that right. However, I know this; some of us who favored other programs on the Committee on Appropriations, who would like to have increased their programs, did not do so because we were trying to hold these figures down.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. McCLELLAN. Mr. President, we are about $40 million over the House figure. It is a matter which addresses itself to the Senate. If the Senate wants to increase it, the Senate has that right. But I think we have provided adequate funds here for the 7 months that the committee's figure of $12 million is going to be available.

Mr. YOUNG of North Dakota. Mr President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YOUNG of North Dakota. Mr. President, I attend leadership meetings at the White House every week. The President is determined to stay within the $192.9 billion budget, regardless of what Congress does, in his drive to control inflation. When we increase the funds for various programs, that money will have to come out of something else. We should give some better indication of what we think has a high priority rather than to raise every appropriation bill that comes along.

Mr. McCLELLAN. In addition, the President might cut some of the very things that Senators would prefer. That should be brought out. There is so much money, and if the Senate wants to agree to this amendment it may mean doing without another item that may have a higher preference. If the Senate wants to follow that course, there is nothing we can do about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, as has been said, there is $12 million in this bill for this civil rights educational program. This is $653,000 more than was appropriated in fiscal 1969.

During the hearings, the chairman asked how much would actually be needed to continue with the present program, and the answer was $11,347,000.

Mr. President, the recent ruling by the Supreme Court may alter the situation. If this is true, a supplemental appropriation request would be considered by Congress and no doubt approved. This would give a better reading on the situation after it is determined what bearing the Supreme Court ruling will have on this program.

I hope very much, with the 5 months already gone, that we would not approve this amendment, but wait for the supplemental and hear the results of the Supreme Court ruling.

Mr. STENNIS. Mr. President, will the Senator yield to me? I am opposed to the amendment.

Mr. McCLELLAN. I yield.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly so that I may ask for the yeas and nays?

Mr. STENNIS. I yield for that purpose.

Mr. SCOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I shall be brief. This matter comes up as a surprise to me. The remarks of the distinguished Senator from Maine (Mrs. SMITH) point out clearly that nothing is yet known as to how much additional personnel will be required if there is any genuine effort to enforce integration of schools outside the southern States. I have no ill will about it. I am not critical of anyone. The amendment, however, is an attempt to be justified on the ground that we need the extra money to enforce integration outside the South.

I want to ask the Senator from Pennsylvania this question: Would the Senator support an amendment that would have the effect of being a mandate that the money used to enforce the law would be enforced in the East, the West, and the North to the same extent as it is in the South? Would the Senator stand for a national policy of that kind on this matter?

Mr. SCOTT. I am glad to respond to my good friend from Mississippi by saying that if the Senator wants an amendment to be offered stating that all the laws and all the decisions of the Supreme Court shall be enforced equally, without fear or favor, in all parts of the United States, I would support it.

Mr. STENNIS. The Senator is not answering my question——

Mr. SCOTT. I thought I would go further with my answer than the Senator asked me.

Mr. STENNIS. This is a practical matter now. The Senator is asking for money, in his own statement, to enforce the integration of schools outside the South. I am interested in finding out whether the Senator would support an amendment here that clearly stated that we will proceed with an equal degree of fairness outside the southern areas, as well as in the southern areas. Can the Senator answer that?

Mr. SCOTT. The Senator would normally object to such a provision as being legislation on an appropriation bill, but if the Senator wishes an amendment to contain such words as, "This amendment shall be enforced with equal fairness and equal diligence in every part of the United States," I would agree to it. That is what the Supreme Court says.

Mr. STENNIS. No. The Supreme Court did not mention anything about any regional law—not this last case, or any other case. There has been no case brought to it by the Department of Justice that raises that issue.

Mr. President, as I say, I am not being personal about this, but the Senator says there are 350 schools outside the South which have more than a 50-percent minority student population.

I stated on the floor of the Senate the other day that there were 106 schools in Chicago alone which have 100 percent black student population.

I judge that is far more than any of the 350 schools outside the South that are more than 50 percent. I judge that there are many a hundred—although I do not have the exact figures—I said 106 in Chicago alone—or in another appropriation bill where it is more relevant or pertinent and I propose to offer an amendment along that line. So far as he went, I thank the Senator from Pennsylvania for his support.

Mr. President, on this matter of unitary schools, the Supreme Court handed down a decision—and I speak with all deference to the Court—requiring a unitary system. It did not say what a unitary system was, nor did it say what a unitary system is. The judges in New Orleans will have to decide that, I assume. But these are major legal questions that the new employees cannot decide. They cannot contribute a thing to it. There are many major legal decisions which will have to be made before this matter can proceed any further.

Therefore, I think that the Appropriations Committee has made a sound decision, just to stay this thing and let us see where we are, let us find out what a unitary system is, let us see what will actually be done, in good faith, and with diligence, throughout the Nation; and then we will appropriate plenty of money and allow plenty of employees. There has been virtually nothing done so far. We talk about needing more. A lot more will be needed if we are really going even to think according to some of the comments made here today.

Mr. President, I got in some facts in my speech of October 16 on the floor of the Senate this year. There is no need to repeat all of them here. There is not even time to look for the statistics but it shows an alarming set of facts, where everything has been concentrated in one area of the country to the exclusion of others.

The other day, I looked into this more recent case, and there was not one word said about defining what is a unitary system, or when it meets the requirements. What is it? There is no word said about it in the national law. We should hold back all the way down the line on this. I think it will continue to be largely until we get some kind of congressional act. Let us not get the cart before the horse. If this is to be a nationwide policy, then we will help to get plenty of money. I think the Senator from Pennsylvania means what he says, that he will help get it. I hope the Senate will support the amendment.

Mr. KENNEDY. Mr. President, I wish to ask the Senator from Pennsylvania this question: As I understand, even prior to the time of the recent Supreme Court decision, in 1967 there were some 1,400 applications. In 1968, there were 4,000. In 1968 there was some $10 million appropriated for the 4,000 applications. In 1969, the best estimate we could get from HEW was between 7,000 and 8,000 applications. That is without the recent Supreme Court decision.

The increase in the appropriations in the House-passed bill before us provides for less than $2 million additional funds. So that the best information we have been able to receive, as I understand it, is that under the existing situation, at best only one out of two applications will be funded by HEW. Is that the impression of the Senator from Pennsylvania?

Mr. SCOTT. Yes, that is my impression. I am the more convinced, after hearing the debate here, that if we are going to implement the decision of the Supreme Court—as indeed we must—this is the minimal amount of money with which we can get along.

Mr. KENNEDY. One additional point. Does the Senator not agree with me that title IV, unlike title VI, is a completely voluntary title? Title VI is mandatory under the act, but title IV is completely voluntary. Therefore this amendment will in no way require any school districts to take any additional action. It will provide additional kinds of services in terms of advice, personnel, education, and university funded programs which will be available in the school districts in the North as well as in the South. Let me add parenthetically that I think the point of the Senator from Mississippi is well taken—that we should be equally concerned with ending segregated schools in the North and other areas besides the South. This amendment will provide additional funds to lessen friction, and to smooth these kinds of adjustments which are necessary.

Mr. SCOTT. The Senator from Massachusetts is entirely correct. This is a program of assistance to school districts. It does not involve any discussion of fund cutoffs at all. It is a voluntary program, a program made necessary by the South on the branch of Government as it seems to me the branch of Government, must in good faith, comply—that is the executive branch—which is seeking to save money and make sure that we adhere to a given budget limitation. This particular request does not exceed the budgetary limit.

Mr. KENNEDY. The administration is supporting it.

Mr. SCOTT. The administration is fully and completely supporting that request, yes.

Mr. KENNEDY. As I understand, it was actually a request of the President.

Mr. SCOTT. This is a request of the President.

Mr. KENNEDY. I would certainly hope that——

Mr. SCOTT. By way of Health, Education, and Welfare.

Mr. KENNEDY. I would certainly hope that the request would be supported.

Mr. SCOTT. Yes.

FULL FUNDING FOR TITLE IV

Mr. BROOKE. Mr. President, the Office of Education title IV program represents a many-pronged approach to the problem of desegregation. Many school districts throughout the Nation have been found in violation of the law in recent years, either by virtue of de jure or de facto segregation. But while a court can tell a school district what must be done, it does not have the capability or the expertise, in most cases, to suggest how it should be done.

One of the functions of the Office of Education, therefore, is to provide advice and assistance to schools in their efforts to comply with the law. Under title IV, for example, grants are provided for the purpose of training teachers, and for hiring consultants on school transition and community relations. Support is provided to university desegregation assistance centers. Office of Education specialists are made available at the regional level to advise local school officials. All of this work is vital to the welfare of the communities involved, and is essential to a smooth transition and the maintenance of high educational standards.

The Office of Education has asked for $20 million for the title IV program. The bill presently before us reduces that appropriation to $12 million. Twelve million dollars was insufficient to meet the Department's needs even prior to the October 29 Supreme Court decision, Alexander against Holmes County. Since the decision, however, the needs have grown dramatically. We cannot permit the Department to function with only $3 million available for new obligations and local assistance programs at a time when hundreds of new districts will be facing substantial desegregation requirements. We cannot leave the Department unable to hire new desegregation assistance specialists at a time when the demand for them is greater than ever before. We cannot require the Department to cancel—for budgetary reasons—three regional university desegregation assistance centers for the Northeast, Midwest, and Pacific coast sections at a time when the pressure will be upon all sectors of the Nation to meet desegregation orders.

A $20 million appropriation would make possible 137 grants to local school boards, 36 State department of education assistance units, 10 university institutes and 19 university assistance centers, plus nearly $3 million for technical services and administration as needed. Even these are modest requirements. But they must be met if the law of the land is to be enforced. They must be met if quality education is to be provided to all our children. And they must be met if the transition to desegregated facilities is to be made peacefully and productively in those communities where a potential for disruption exists.

The need is great. The proper course is clear. I hope that the pending amendment will be overwhelmingly adopted.

Mr. SCOTT. Mr. President, I yield back the remainder of the time I have not used.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now expired.

The question is on agreeing to the amendment of the Senator from Pennsylvania.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Arkansas (Mr. Fulbright), the Senator from South Carolina (Mr. Hollings), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough) are absent on official business.

I also announce that the Senator from California (Mr. Cranston), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), and the Senator from Connecticut (Mr. Ribicoff), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Kentucky (Mr. Cooper), the Senator from Colorado (Mr. Dominick), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Hawaii (Mr. Fong), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Maryland (Mr. Mathias) and the Senator from Alaska (Mr. Stevens) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cooper) and the Senator from Colorado (Mr. Dominick) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from Arizona (Mr. Fannin). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

On this vote, the Senator from Alaska (Mr. Stevens) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 51, nays 22, as follows:

[No. 139 Leg.]

YEAS—51

Allott
Baker
Bellmon
Bible
Boggs
Brooke
Burdick
Cannon
Case
Church
Cook
Dodd
Dole
Eagleton
Goodell
Gore
Gravel
Griffin
Hansen
Harris
Hart
Hatfield
Hughes
Inouye
Javits
Kennedy
Mansfield
McGee
McIntyre
Miller
Mondale
Montoya
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—22

Allen
Anderson
Bennett
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Gurney
Holland
Hruska
Jordan, Idaho
McClellan
Russell
Smith, Maine
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—27

Aiken
Bayh
Cooper
Cranston
Dominick
Fannin
Fong
Fulbright
Goldwater
Hartke
Hollings
Jackson
Jordan, N.C.
Long
Magnuson
Mathias
McCarthy
McGovern
Metcalf
Moss
Ribicoff
Saxbe
Smith, Ill.
Sparkman
Stevens
Tower
Yarborough

So Mr. Scott's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROOKE. Mr. President, I call up my amendment making appropriation for a weather ship for New England, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. The Senator from Massachusetts (Mr. Brooke) proposes an amendment as follows:

On page 29, line 11, after "equipment;" insert "the acquisition, commissioning, and operation of a weather ship;".

On page 29, line 12, strike out "$4,385,000" and insert in lieu thereof "$6,185,000".

Mr. BROOKE. Mr. President, New England is in a particularly exposed position when it comes to violent storms. During the summer and fall months of the year the coast is hit by vicious hurricanes. Northeast blizzards sweep up the coast once, twice, and sometimes more during the long winter months.

Science has found no way to dissipate these storms before they reach the mainland, bringing with them a trail of death and economic disaster. But the commissioning of a weather ship, which would be permanently stationed in the waters between Cape Hatteras and Nantucket Island, could provide New England and the whole northeastern section of the Nation with vastly improved weather forecasting information. The data provided by such a ship would save many lives, and avert much economic loss when these storms strike.

New England's last encounter with "killer" storms occurred last winter when snow storms struck repeatedly and without warning, bringing loss of life and great economic destruction to New York and the New England area. Estimates of property loss in this series of storms alone runs as high as $100 million.

Dr. Robert N. White, the Administrator of ESSA, and Dr. George Cressman, the Director of the Federal Weather Bureau, who have conferred with me about this problem, agreed that New England needs the protection which a weather ship would provide. They and a number of other prominent meteorologists share the conviction that the commissioning of a weather ship would enable the Weather Bureau to keep the northeast section of the country far better informed about the approach of these storms, and their intensity. I ask unanimous consent that a letter to that effect from Dr. White be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Commerce,
Rockville, Md., April 4, 1969.

Hon. Edward W. Brooke,
U.S. Senate,
Washington, D.C.

Dear Senator Brooke: Thank you for your letter of March 31. Dr. Cressman and I welcomed the opportunity to appear before you and other members of the New England Congressional delegation to review the past winter's weather forecasting of heavy snows in the northeastern part of the country.

As a followup to our meeting I have now sent forward to the Coast Guard a formal letter requesting their serious consideration of acquiring a weather ship for the ocean area south of New England.

Sincerely yours,
Robert M. White,
Administrator.

Mr. BROOKE. The only problem with the program I suggest has arisen not on the merits of the case, but on its cost. Funds for the ship were not included in the original budget request, and there is an understandable reluctance to increase expenditures in view of the tight budgetary restrictions under which our Government is presently operating.

But in this instance we are dealing with pennies in terms of the appropriations bill as a whole. The initial cost of the installation and staffing of the weather ship would run no more than $1.8 million. The annual recurring expenditure would range between $500,000 and $600,000. Such a sum is small indeed when measured against the good that this appropriation would do, the protection of property it would give, and above all the lives it would save.

I suggest that in these terms an appropriation for this purpose, this year, is consistent with the true economy which we all seek. As further evidence in support of my argument, I submit an editorial entitled "False Economy," broadcast over radio station WBZ, Boston, Mass., on March 4 and 5, 1969; an editorial entitled "The Forecasting Gap," published in the Boston Herald in March 1969; and an editorial entitled "Snow Disaster Inquest," published in the New York Times of February 13, 1969, and ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[An editorial from radio station WBZ, Boston, Mass., Mar. 4, 1969]

False Economy

Weather has been the number one issue around New England these past few weeks. And the situation has focused attention on a long-standing problem that can and should be corrected. Weather forecasters just can't give us accurate information on some storms. And the reason for this is lack of weather data from out in the ocean.

At the present time there are no weather ships or even buoys stationed in that huge stretch of ocean below New England which is so crucial in keeping tabs on coastal storms. Accurate forecasts won't make it snow or blow any less. But they can help public officials, private industry and you and me to be properly prepared. That can save money and a lot of human misery. In the hurricane season, good forecasts can mean the difference between life and death.

This offshore information blackout is something our WBZ meteorologists have been grumbling about for a long time. The last three weeks have driven the point home to many people. Most encouraging was Sen. Edward Brooke's letter to the U.S. Weather Bureau asking remedial action. The head of the bureau in Washington, Dr. George Cressman, is fully aware of the problem. He told us he's working on a package that would include a weather ship, expanded aerial reconnaissance and added reports from shipping in the area. The problem is money. Dr. Cressman puts the cost of this added service at slightly over $2 million a year, at a time when the agency is being forced to cut back. But we think there's such a thing as false economy. And in light of the benefits to the huge population affected, from New Jersey northward through New England, false economy is just what failure to provide this service would be.

The Nixon Administration and Congress should be told in no uncertain terms the public wants the Commerce Department budget expanded to provide the necessary money in the coming fiscal year.

[From the Boston Herald, March 1969]

The Forecasting Gap

Man has not yet learned to control the weather, and sometimes—as in this year's February storms—he cannot even forecast it adequately. But perhaps the weatherman does not deserve to be the scapegoat the disgruntled public often seeks to make him.

Obviously a meteorologist's predictions are no better than the information on which they are based. The Weather Bureau knows what is happening at Cape Hatteras, North Caroline, at Nantucket Island and at Logan Airport in Boston, because it has weather stations there. But the weather can change significantly between these points, and an East Coast storm that was nasty at Cape Hatteras can be vicious by the time it moves up to Nantucket and Boston.

Sen. Edward W. Brooke of Massachusetts has called on the government to plug this "dangerous gap" in the weather forecasting system for New England. He is urging that either a weather ship or a series of meteorological buoys be placed off the coast to provide better tracking of storms that affect New England. He suggests the President request a supplementary appropriation from Congress so these facilities can be installed immediately.

Senator Brooke's proposal makes sense. A major storm can be extremely costly, both in lives and dollars. But the cost can be reduced if individuals and their governments can make adequate storm preparations. And for this they need adequate warnings. An improved storm-tracking system along the East Coast would be less an expense than an investment.

[From the New York Times, Feb. 13, 1969]

Snow Disaster Inquest

Like the electric power blackout of 1965, last Sunday's snowstorm provided alarming proof of how inadequately prepared the New York metropolitan area is for a major emergency.

The seriousness of the problems exposed makes it particularly unfortunate that maneuvering for political advantage has already begun to dominate discussion of what went wrong. The real need is for an impartial, orderly inquiry into the situation to diagnose the errors and make recommendations for the future.

Since New York, New Jersey and Connecticut were primarily affected, the Governors of all three states would be well advised to join in naming a high-level study group and providing it with needed financing and technical staff. Out of such a regional approach might come sound answers to the interrelated problems the storm brought to urban and suburban areas.

Even now, however, it is apparent that the single most important error in the city and its environs was the failure—no later than noon last Sunday—to ban motor vehicles from the streets, as Mayor Wagner did in the five boroughs in 1961. The result of this failure was that hundreds of important routes—from the Tappan Zee bridge on the State Thruway to the Van Wyck Expressway in Queens—were made impassable at least as much by abandoned cars and trucks as by the huge volume of snow. Unfortunately, no metropolitan areawide coordinating body can now order such a ban, but this week's events argue strongly for giving the present ineffectual Metropolitan Regional Council special powers for emergencies.

The shortages of men and equipment for the cleanup job in the city and many suburbs point to organizational weaknesses. On Tuesday, for example, this community of eight million was able to recruit only 1,500 persons—aside from regular Sanitation Department personnel—to help break the snow blockade. Yet New York City has many thousands of persons who could have been hired—the hard-core unemployed capable of physical labor, longshoremen and truckers idled for many weeks by the dock strike, tens of thousands of healthy college students and others. After the comparable snowfall in 1961 the number of extra men used was five times as great.

Part of the recruiting difficulty this time may have been the relatively low wage offered—$2.50 an hour, just a little more than half the normal pay of sanitation workers. But there is also a plain need for better stand-by arrangements with unions and employment services to get lists of persons who might be called on for quick help in a crisis. Needed, too, is an inventory of privately owned bulldozers and similar equipment that might be mobilized speedily.

The metropolitan area's railroads—among which the Long Island predictably suffered the worst debacle and failed the largest number of long-suffering passengers—have much to learn from the Erie-Lackawanna whose sterling performance is one of the few bright spots in an otherwise dismal record. It is a tribute to the railroad's labor relations and to the workers involved that so many of its employes reported voluntarily Saturday night and afterward to keep the trains rolling. The techniques used by the Erie-Lackawanna must be made standard procedure on the other lines serving the city, particularly the Long Island.

The airlines and the Port of New York Authority bear a heavy responsibility for the inconvenience and worse suffered—often for 48 hours or longer—by the 6,000 people marooned at Kennedy Airport. The airlines are notorious for assuring inquirers that planes will fly and that passengers should go out to the airport even when there is serious question about the weather. One reason is that the airlines apparently suffer no loss and pay no damages to those they disappoint—or make involuntary prisoners.

The gruesome experience of those who underwent the ordeal at Kennedy Airport demonstrated how grossly inadequate are airport preparations for any such major stalling of air and ground traffic. Pan American World Airways did finally get some people away by commercial helicopter Monday evening, but it was a colossal failure of imagination that no official request was made for evacuation and food delivery by military helicopters based in this district.

The whole dismal story of the mishandling of this emergency—in many suburbs as well as in the city—was the product of inadequate foresight, bureaucratic complacency fed by misleading weather reports, lack of needed areawide leadership and incredible business-as-usual attitudes in many quarters, private as well as governmental. Now is not too early to begin rectifying the appalling weaknesses that have been uncovered, weaknesses that in a future emergency could threaten the safety and lives of even more New Yorkers than suffered after Sunday's snowfall.

Mr. BROOKE. I strongly urge that the Senate give favorable consideration to this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield 5 minutes to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, this item is now being considered by the Bureau of the Budget. The best information I have been able to obtain is that a decision as to the action to be taken is expected about November 14. It is further indicated that the Coast Guard will be furnishing $1 million toward the project; and the Coast Guard appropriation comes through the Transportation Subcommittee. The remainder, or $800,000, is provided by ESSA and the Weather Bureau, and is being considered together with other hurricane supplementals.

Mr. President, I am in complete agreement on the need for this weather ship, and support the distinguished Senator from Massachusetts in his desire to provide the necessary funds. I hope there will be a budget estimate, so that action can be taken in the near future, in an early supplemental bill.

I would, however, suggest that the Senator not press for the amendment on this bill, but wait for the budget estimate.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield the Senator from Rhode Island such time as he may require.

Mr. PASTORE. Mr. President, I compliment the Senator from Massachusetts for bringing this very important matter to the attention of the Senate; but I hope that he will subscribe to the recommendation made by the distinguished senior Senator from Maine. I think we would have a much better chance later, in a supplemental bill, once we obtain a budget estimate.

I would not wish to see this amendment go down in defeat, because it is a necessary item which should be brought about; but I am afraid if it were defeated on the floor today, the repercussions would not be favorable to us at all.

I hope that the Senator will subscribe to the recommendation made. I think it is a fine thing that the Senator brought the matter to our attention. However, I sincerely hope that the Senator will not press it at this point.

Mr. BROOKE. Mr. President, I thank the distinguished Senators from Maine and Rhode Island for their words of encouragement.

I certainly will take their advice. I hope that the Bureau of the Budget will include the item in the budget and that we can consider it in the supplemental budget.

The equipment is sorely needed for the entire eastern coast. We all remember that after the devastating Camille hurricane, the President stated strongly that there was a great need for a better weather warning system in the country.

We are very hopeful that we can have this item approved in the supplemental budget.

Based upon the recommendation of the distinguished Senator from Maine, I withdraw the amendment.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. One hour still remains on the bill. Do the Senators yield back their time?

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. KENNEDY. Mr. President, there is one item in the report of the Committee on Appropriations which I believe deserves some notice and some discussion at this point. One of the most important and vital dimensions of the Safe Streets Act of 1968 was the establishment of the National Institute of Law Enforcement and Criminal Justice. The report of the National Crime Commission in 1967 and the unanimous testimony of the witnesses who appeared before us in the Criminal Laws Subcommittee demonstrated the pressing national need for research and development efforts in the field of crime prevention and control. Whereas, in every other kind of public and private endeavor a significant portion of the available resources has been allocated to R. & D. activities, the fact was that before 1968 only a miniscule percentage of the amount spent on our anticrime activities was spent on R. & D. The establishment of the National Institute for the first time gave us hope that we would be able to answer the many unanswered questions about crime in the United States, that we would be able to utilize the latest developments in science and technology in the fight against crime, and that we would be able to take advantage of the great store of expertise in many different disciplines in our universities, in our corporations, in private research organizations and in Government agencies.

Although under the Safe Streets Act we had authorized an appropriation of at least $10 million for fiscal 1969, the actual appropriation last year was only $3 million. This year the Department of Justice requested $20.9 million for the National Institute, which, considering the amount the Nation as a whole spends on anticrime functions, and considering the usual ratios for R. & D. work, is really still a drop in the bucket. It did reasonably reflect the expansion which was requested for all activities of the Law Enforcement Assistance Administration, which received just under $60 million in fiscal 1969, compared to a 1970 request of just under $300 million. Unfortunately the House of Representatives ignored the vital nature of this activity and allowed an appropriation of only $7 million. The Department of Justice very properly objected to this most damaging reduction and requested full restoration in the Senate of the $13.4 million cut. Taking full cognizance of the House position, the Senate Appropriations Committee has moved prudently by proposing a compromise which would restore half of the House cut, leaving the institute with a 1970 appropriation of $14 million. This is still a very minimal amount in relation to the need, but I am pleased that the members of the Appropriations Committee have recognized this need at least to some extent. Certainly we cannot afford to have this appropriation cut by $1 and the figure of $14 million is the lowest acceptable compromise between the $7 million House figure and the $21 million Justice request. I hope that the Senate conferees will keep these facts in mind, and I am hopeful that next year we can see the institute fully and adequately funded. We are being penny wise and pound foolish if we try to carry on the war against crime without a strong research and development dimension. We are going to be spending hundreds of millions of dollars at the Federal level and billions of dollars at the State and local levels to prevent and control crime. If we are to spend this money wisely and effectively, we must know more about our crime problem; we must know more about the effectiveness of different solutions; we must know more about what science and technology can provide in the way of help; we must test out and develop new modes of attack; and we must involve the best brains our Nation has to offer from fields of every kind. The National Institute can and must do these jobs. But it can succeed only if it has the resources it needs.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD), the Senator from Maryland, (Mr. MATHIAS) and the Senator from Alaska (Mr. STEVENS) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 140 Leg.]

YEAS—72

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Holland
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Schweiker
Scott
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—28

Aiken
Bayh
Cooper
Cranston
Dominick
Fannin
Fong
Fulbright
Goldwater
Hartke
Hatfield
Hollings
Jackson
Jordan, N.C.
Long
Magnuson
Mathias
McCarthy
McGovern
Metcalf
Moss
Ribicoff
Saxbe
Smith, Ill.
Sparkman
Stevens
Tower
Yarborough

So the bill (H.R. 12964) was passed.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. FULBRIGHT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. CASE conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is with a great deal of gratitude that I point to the fine work accomplished today by the entire Senate and in particular by the chairman of the Appropriations Subcommittee on State-Justice-Commerce, my distinguished colleague, the Senator from Arkansas (Mr. McCLELLAN). His fine presentation and outstanding advocacy assured this splendid success. With it, Senator McCLELLAN has again demonstrated a legislative skill and ability unexcelled in this body. The Senate is deeply grateful.

Aiding Senator McCLELLAN in guiding this important measure through to its unanimous approval was the ranking minority member of the subcommittee, the distinguished Senator from Maine (Mrs. SMITH). Her contributions to the consideration of the bill were exemplary. Her clear and perceptive observations regarding this funding measure were, as always, most helpful and most welcome.

Also noteworthy for contributing to the high calibre of the debate were the efforts of the Senator from Virginia (Mr. BYRD).

The Senate appreciated as well the views of the distinguished minority leader, the able Senator from Pennsylvania (Mr. SCOTT) and those of the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN). Their contributions, as always were most welcome.

The same may be said for the contributions made by the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mr. MATHIAS).

I personally am very pleased about the fact that another appropriations measure has now cleared the Senate. I thank the membership for its cooperation.

TAHOE REGIONAL PLANNING COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 505, S. 118, a bill which has been cleared all the way around, and which I understand has a time limitation on it.

The PRESIDING OFFICER (Mr. SPONG in the chair.) The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 118) to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 22, after line 23, strike out:

SEC. 3. The right to alter, amend or repeal this Act is hereby expressly reserved.

And, in lieu thereof, insert:

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the Tahoe regional planning governing board.

On page 23, after line 4, insert a new section, as follows:

SEC. 4. Any additional powers conferred on the agency pursuant to article VIII(b) of the compact shall not be exercised unless consented to by the Congress.

After line 7, insert a new section, as follows:

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

And, after line 14, insert a new section, as follows:

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

So as to make the bill read:

S. 118

A bill to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake, the consent of the Congress is hereby given to the Tahoe regional planning compact heretofore adopted by the States of California and Nevada, which compact reads as follows:

"TAHOE REGIONAL PLANNING COMPACT

"Article I. Findings and Declarations of Policy

"(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

"(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution, and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

"(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

"ARTICLE II. DEFINITIONS

"As used in this compact:

"(a) 'Region,' includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16, East M.D.B.&M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

"(b) 'Agency' means the Tahoe Regional Planning Agency.

"(c) 'Governing body' means the governing board of the Tahoe Regional Planning Agency.

"(d) 'Regional plan' shall mean the long-term general plan for the development of the region.

"(e) 'Interim plan' shall mean the interim regional plan adopted pending the adoption of the regional plan.

"(f) 'Planning commission' means the advisory planning commission appointed pursuant to paragraph (h) of Article III.

“Article III. Organization

“(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

“The governing body of the agency shall be constituted as follows:

“One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

“One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

“(1) A member of the board which appoints him; and

“(2) a resident of or the owner of real property in the region.

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance. A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

“One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation; he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

“The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

“(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

“(c) The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years.

“(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as ‘the first Monday of each month,’ and shall not change such date oftener than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each country a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date, place and agenda at least 5 days prior to the meeting.

“(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

“(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

“(g) A majority of the members of the governing body from each state shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members present representing each state shall be required to take action with respect to any matter. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

“(h) An advisory planning commission shall be appointed by the agency, which shall consist of an equal number of members from each State. The commission shall include but shall not be limited to: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and the Counties of Douglas, Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee, the Chief of the Bureau of Environment Health of the Health Division of Department of Health, Welfare and Rehabilitation of the State of Nevada or his designee, the executive officer of the Lahontan Regional Water Quality Control Board or his designee, the executive officer of the Tahoe Regional Planning Agency who shall act as chairman and at least four lay members each of whom shall be a resident of the region.

“(i) The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

“(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. Upon receipt of certified copies of the resolution or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

“(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.

“Article IV. Personnel

“(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

“(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency, and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

“(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

“Article V. Planning

“(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this paragraph shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

“The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this paragraph.

“If a request is made for the amendment of the regional plan by:

“(1) a political subdivision a part of whose territory would be affected by such amendment; or

“(2) the owner or lessee of real property which would be affected by such amendment.

the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency.

“Tahoe Regional Plan

“(b) Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region, and a statement of the policies, standards, and elements of the regional plan.

“The regional plan shall include the following correlated elements:

“(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities.

"(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

"(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

"(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

"(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

"In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals.

"(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

"TAHOE REGIONAL INTERIM PLAN

"(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

"(e) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information of the availability of and use by other agencies of government and by private organizations and individuals concerned.

"(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.

"ARTICLE VI. AGENCY'S POWERS

"(a) The governing body shall adopt all necessary ordinances, rules, regulation and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the basin, and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan.

"Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the interim plan or the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

"Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

"Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

"(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

"(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.

"(b) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties, and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court. For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

"(c) Except as otherwise provided in paragraph (d), all public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

"(d) All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect, or may specifically apply, to the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

"(e) The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

"(f) Violation of any ordinance of the agency is a misdemeanor.

"(g) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by State or Federal law.

"(h) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

"(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

"(j) Every record of the agency, whether public or not, shall be open for examination to the Legislative Analyst of the State of California and the Fiscal Analyst of the State of Nevada.

"(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.

"ARTICLE VII. FINANCES

"(a) Except as provided in paragraph (e), on or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion not more than $150,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sums from its general fund or from any other moneys available therefor.

"(b) The agency may fix and collect reasonable fees for any services rendered by it.

"(c) The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

"(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds.

"(e) As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

"(1) For the remainder of the then-current fiscal year; and

"(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

"(f) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

"ARTICLE VIII. MISCELLANEOUS

"(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in paragraph (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

"(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

"(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

"(d) No provision of this compact shall have any effect upon the allocation or distribution of interstate waters or upon any appropriative water right."

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized, upon request of the Tahoe Regional Planning Agency, to cooperate with said agency in all respects compatible with carrying out the normal duties of their Departments.

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the Tahoe regional planning governing board.

SEC. 4. Any additional powers conferred on the agency pursuant to article VIII(b) of the compact shall not be exercised unless consented to by the Congress.

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. BIBLE. Mr. President, the decade of the 1960's, I think, will be remembered as the period when America finally came awake to the dangers threatening its natural heritage. We have paused in our headlong rush toward industrialization and urbanization to look at our polluted lakes and streams, our vanishing forests, our dwindling open spaces, our scarred mountains and valleys. We have looked in horror and we have pledged that we will do something about it.

My bill, which is before us now, represents one small but significant effort to carry out that pledge. It gives the consent of Congress to a compact between the States of Nevada and California that is dedicated to the protection and conservation of one of the Nation's prized scenic treasures—beautiful Lake Tahoe and the majestic Sierra Mountains that form the lake's basin.

It would not be an exaggeration to say this compact symbolizes the growing battle to save our Nation's priceless natural environment. And it is a symbol with a sense of urgency because time is running out on Lake Tahoe. Its waters are famed the world over for their pristine clarity. The sight of this magnificent, 22-mile-long lake nestled a mile high in the green Sierra forests is as spectacular today as it was 125 years ago when explorer John Fremont discovered it—when Mark Twain a few years later dubbed it a "prized scenic jewel." Unlike many thousands of other great lakes and streams in our country, Lake Tahoe has largely escaped the desecration of urbanization.

But time has run out.

The bi-State Tahoe Regional Planning Compact represents the united determination of the people of Nevada and California to make certain the Lake Tahoe basin survives the advance of civilization. Through their legislatures, which adopted this compact last year, they have pledged that future generations will also enjoy this scenic treasure.

The need for a regional compact is self-evident. The Lake Tahoe Basin in the past two decades has experienced phenomenal growth and development. It has changed from a sleepy summer resort to a year-round water sports, skiing, and entertainment attraction. Commercial development has been rapid and too often ill-planned.

Since the basin is bisected by the California-Nevada line and politically subdivided by five counties and innumerable districts, it has been impossible to mount a unified, coordinated control of this development. Already the first signs of water pollution have appeared. Shoreline forests are giving way to neon lights. The quality of its water and the beauty of its land have been invaded—but fortunately not yet conquered.

I first introduced legislation to ratify the compact last year a few days after it received the final approval of the State legislatures. It was too late in the session to move the bill forward and I immediately reintroduced the bill at the start of the current session. Unfortunately, delays in receiving reports from executive agencies kept the bill in committee most of this year. The result is that far too many months have passed by despite the urgency of the legislation.

I wish at this point to commend the Committee on the Judiciary, its distinguished chairman, the Senator from Mississippi (Mr. EASTLAND), the distinguished Senator from Nebraska (Mr. HRUSKA), and the other members and staff for the fine work they performed in moving the bill to the floor little more than 2 months after receiving the executive reports. In particular, I commend them for the outstanding report on the bill, which I recommend as excellent reading to anyone interested in the cause of conservation.

As outlined in the report, the compact establishes a Tahoe Regional Planning Agency of 10 members—five each from California and Nevada—with broad powers to develop and enforce a plan of orderly developed and resource conservation and to exercise effective environmental control. Because the Federal Government also has a large and continuing interest in the basin and its protection, an amendment proposed by the executive branch and adopted by the committee provides for a nonvoting Federal member of the agency's governing board. The amendment also provides for further consent of Congress to any additional powers exercise by the agency and specifies that nothing in the compact shall affect the powers, rights, or obligations of the United States with regard to resources.

The Governors of both States stated they had no objections to the amendments in letters directed to my office, and I submitted these letters and other pertinent data to the committee. They are included in the report.

No major agreement can be put together without some differences in views but no objections to the compact have been brought before Congress since I first introduced the ratifying legislation. I think it is fair to say this compact is not burdened by controversy.

Further, in addition to my authorship, the ratifying bill has the cosponsorship of my distinguished colleague (Mr. CANNON) and the distinguished Senators from California (Mr. MURPHY and Mr. CRANSTON).

I should add with emphasis that I have received assurances the executive agencies proposing the amendment to the consent language that the change will not delay the implementation of the compact once it has been ratified. Because no changes have been made in the language of the compact, I am advised, it will not be necessary to take the compact back to the State legislatures. The amendment is a condition to congressional consent and not an alteration of the compact.

It is imperative to implement the compact as soon as possible. If there were any danger that the consent amendment might delay such implementation I frankly doubt that it would have been accepted as it was by the committee. My own agreement, and the agreement of the Governors of Nevada and California, also were based on that understanding.

I might add that this compact legislation is the starting point of a program I am advocating in Congress for the development and protection of Lake Tahoe as a national scenic and recreation resource. Separate legislation I have introduced would authorize a study into the feasibility of Federal recreation development at the lake. The Interior appropriations bill, which I had the honor to steer in the Senate, contained $2.2 million to initiate Federal land acquisition by the Forest Service. And legislation I plan to introduce shortly would extend the boundaries of the Toiyabe National Forest at the lake to make possible additional acquisition of undeveloped areas along the shoreline.

It would not be fair to close without further commendations—commendations to the people of Nevada and California for this insistance on the wise use and management of the Lake Tahoe basin's resources and commendations to the Governors and legislatures of the two States, immediate past and present, for the leadership they displayed in developing the compact.

I urge approval of my bill, S. 118, as reported.

Mr. CANNON. Mr. President, today the Senate has an opportunity to vote on a compact designed to establish a comprehensive long-range plan to harmonize the needs of an entire region with the plans and activities of Federal, State, and local governing bodies and other public and nongovernmental agencies.

The proposed legislation, granting the consent of Congress to the Caliornia-Nevada Lake Tahoe Regional Planning Compact, is before this body for ratification.

The compact, agreed to by the legislatures of both Nevada and California, authorizes creation of a bi-State agency to deal with water pollution control and land development problems in the Lake Tahoe basin.

Today, Lake Tahoe is a State and national treasure; however, it faces many problems due to indiscriminate, largely uncontrolled development. It is essential that its problems be attacked on a regional basis. Stopgap measures have been taken, but these are not, and cannot be, as useful as Federal-State working agreements for planning the development of this beautiful region. For this reason, I urge passage of this timely and important measure.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 118) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–510), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to conform the effect of the compact to the suggestions and recommendations submitted by the Department of the Interior and the Attorney General.

PURPOSE

The purpose of the bill, as amended, is to grant the consent of the Congress to the Tahoe regional planning compact, and to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created.

STATEMENT

Subject to the foregoing amendment, the Department of the Interior, the Attorney General, and the Department of Agriculture have no objections to the enactment of this legislation. Copies of these reports are attached hereto and made a part hereof.

The States of Nevada and California passed enabling acts adopting the compact as set forth in S. 116 and copies of those enactments are maintained in the files of the committee.

Attached hereto and made a part hereof are the following: (1) a letter dated September 17, 1969, from Senator Alan Bible to the Honorable James O. Eastland, chairman of the Senate Judiciary Committee, forwarding a copy of a letter from the Governor of the State of Nevada, together with a report to the Secretary of the Interior regarding the protection of the Lake Tahoe environment dependent on the California-Nevada Lake Tahoe planning compact as submitted by Governor Reagan of the State of California; (2) a letter dated September 2, 1969, from Coe Swobe, State senator for Washoe-Storey Counties of Nevada to Jack Carpenter, administrative assistant to Senator Bible; and (3) a letter dated October 6, 1969, from Senator Alan Bible to Senator James O. Eastland, chairman of the Senate Judiciary Committee, forwarding a letter from the Governor of California.

The compact itself is dedicated to the proposition of increasing the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake. The compact further provides the commission created under the compact to make plans and exercise such functions as to enable the described area to remain in the public interest so that Lake Tahoe and the surrounding area will remain as far as possible undisturbed by population growth and attendant spoilage that is a natural result thereof.

Article I of the compact sets forth the policy of the compact. Article II contains definitions necessary to define terms and areas involved within the compact. Article III of the compact sets forth the organization of the Tahoe Regional Planning Agency. Article IV sets forth the personnel to be employed by such agency. Article V sets forth the method and scope of the plan to further the policy of the compact. Section (b) of article V of the compact relates the Tahoe regional plan for the basic application of the compact including land use, transportation, conservation, recreation, and so forth. Article VI defines the agency's power in furtherance of this compact. Article VII allows for the agency to establish the amount of money necessary to support the activities of the agency commencing July 1 of each following year and further provides for the allocation of such amounts from the States of California and Nevada as its interest appears. Article VIII of the compact provides that the compact shall be reasonably and liberally construed and further provides that the provisions of the compact shall be severable so as to make the compact separate even though a certain part or parts thereof may be contrary to the constitution of any of the participating States or of the United States and further provides that either State may withdraw from the compact by statutory enactment in order that this compact shall not have any effect upon the allocation or distribution of water rights. Article VIII further contains a provision that no provision of this compact shall have any effect on interstate waters or upon any appropriative water right.

Section 2 of the bill, as amended, requests the Secretary of the Interior and the Secretary of Agriculture upon request to cooperate with the agency in all respects and to carry out the normal duties of their Departments.

Section 3 of the bill, as amended, provides for a nonvoting representative of the United States to the Tahoe Regional Planning Governing Board.

Section 4 of the bill, as amended, provides that any additional powers provided for in the compact shall not be exercised unless consented to by the Congress.

Section 5 of the bill, as amended, provides that the consent to the compact shall not affect the powers, rights, or obligations of the United States into or over the region or waters which are the subject of this compact or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

Section 6 of the bill reserves the right to alter, amend, or repeal this act.

The following is a historical background, basic description of the area involved, its recent development, the problem involved to which this compact addresses itself, the need for a regional compact, the State legislation concerning the compact, together with its interim measures which clearly give a picture of the desirability for the Congress to consent to the compact.

HISTORICAL BACKGROUND

Lake Tahoe, a High Sierra Mountain lake, is famed for its scenic beauty and pristine clarity. Of recent geologic origin, the 190-square-mile lake bore little evidence of even natural aging processes when it was discovered by John Fremont in 1844. Because of its size, its 1,645-foot depth and its physical features, Lake Tahoe was able to resist pollution even when human activity began accelerating as a result of settlement and early logging operations. Even by 1962 its waters were still so transparent that a metal disc 20 centimeters in diameter reportedly could be seen at a depth of 136 feet and a light transmittance to a depth of nearly 500 feet as detected with a hydrophotometer.

Only two other sizable lakes in the world are of comparable quality—Crater Lake in Oregon, which is protected as part of the Crater Lake National Park, and Lake Baikal in the Soviet Union. Only Lake Tahoe, however, is so readily accessible from large metropolitan centers and is so adaptable to urban development.

BASIN DESCRIPTION

The Lake Tahoe Basin comprises a 500-square-mile area bounded on the west by the crest of the Sierra Nevada and on the east by the Carson Range. It is divided lengthwise by the California-Nevada State line with 75 percent of the land area and 70 percent of the lake surface area in California. About 40 small mountain lakes and 60 streams are within the basin which is drained by the Truckee River. Lake Tahoe itself is 22 miles long and 12 miles wide with a natural surface elevation of 6,223 feet above sea level. A small outlet dam raises the level to a maximum 6,229 feet above sea level. About one-third of the basin is comprised of mountainous terrain with the remainder made up of slopes ranging from 1 to 25 percent. Vegetation is a mixture of desert, montaine, and alpine species typical of the Sierra Nevada's east slope. Most of the pine and fir forests surrounding the lake, having been heavily logged in the late 1800's, range in age from 40 to 80 years. A few stands of virgin timber remain in the more inaccessible areas.

Climate is strongly influenced by topography. Marine air moving in from the Pacific Ocean 150 miles to the west drops most of its moisture as it rises over the crest of the Sierra Nevada. Annual precipitation averages 50 to 60 inches on the basin's western slope but diminishes rapidly to about 30 inches or less along the east shoreline. Under the influence of marine air and the lake itself, temperatures are moderate: summers are cool and winters seldom severe. However, the basin's high elevation produces a relatively short growing season averaging only 70 frost-free days a year near the lake and about 30 in higher elevations.

The combination of weather, terrain, and vegetation together with highly erodable soils create within the basin a fragile environment. Consequently, greater than normal attention is required to preserve the quality of environment which is a prized asset that could be destroyed forever without proper controls.

RECENT DEVELOPMENT

A combination of modern trends has triggered explosive growth and development in the basin and along the lake shore. First, the advent of the high-speed, all-weather highway brought Lake Tahoe to within a short few hours' drive of major California population centers. This was coupled with a postwar boom in tourism and outdoor recreation that converted Lake Tahoe from a quiet summer resort to a year-round playground for water sports, skiing, and entertainment.

Population growth in the postwar years, particularly since the mid-1950's, has been rapid, perhaps exceeding even the explosive increases now characteristic of the Western United States. Although population data are not normally gathered on a regional basis, a special tabulation by the U.S. Census Bureau fixed the 1960 population of the basin at 12,461 permanent residents. Estimates in 1966 put the figure at 28,750, representing a tenfold increase since 1956. Peak summer population, estimated at 36,400 in 1956, now exceeds 150,000. It is forecast that by 1980 the permanent population will top 50,000 and the summer peak will exceed 300,000.

THE PROBLEM

This rapid population growth and accompanying commercial and residential development has posed a serious threat to the Lake Tahoe Basin's fragile ecology. Not only the scenic beauty of the region but the very quality of its natural environment are now at stake. Ominous signs of water pollution are becoming all too evident. The native Lahontan cutthroat trout no longer survive in Lake Tahoe because of man-caused changes in the habitat. Tree removal, excavations, highway construction, landfill, and other development activities have scarred the basin slopes and triggered destructive erosion. Outdoor recreation facilities, meanwhile, have not kept pace with the expanding public demands and accepted projections are for that demand to increase by five times in the period between 1960 and 1980. Fortunately, Federal and private land ownership patterns have served to maintain much of Lake Tahoe's natural shoreline quality, particularly the eastern shore. owever, pressures are mounting to develop these areas.

NEED FOR A REGIONAL COMPACT

The Lake Tahoe Basin, shared by the States of California and Nevada, has five county political subdivisions, two municipalities, more than 10 general improvement districts, three public utility districts, several sewer and sanitation districts, and innumerable public entities for schools, fire protection, soil conservation, and varied public services. In addition, the Federal Government owns and manages nearly half the total basin land area. The threat to Lake Tahoe's environment has been obvious and efforts to contain development and control the dangers of irreparable damage have been genuine and determined. However, the political fragmentation in the basin has prevented a unified and organized approach to the mounting problems.

STATE LEGISLATION

Recognizing the seriousness and complexity of the problem, the legislatures of California and Nevada in 1965 authorized a concurrent study of the Lake Tahoe Basin's planning and development control needs. The Lake Tahoe Joint Study Committee created by this legislation worked closely with local government in developing its report that was submitted to the two legislatures in March of 1967. Legislation developed from the study authorizing the formulation of a bistate Tahoe Regional Planning Agency with broad powers subsequently passed both legislatures and was submitted to Congress for ratification in 1968.

INTERIM MEASURES

Because of the urgency of the regional planning needs the Nevada Legislature adopted interim legislation in February of 1969 creating the Nevada Tahoe Regional Planning Agency to work with a counterpart California agency that had been operating since 1967. This provided immediate authority for the States to prepare a regional plan and for the exercise of individual controls pending congressional ratification of the bistate compact. Although the States cannot work together officially until the compact is ratified, the State agencies did undertake the employment of a joint staff to insure coordinated efforts. The Nevada agency, with the concurrence of the California agency, was prepared by the summer of 1969 to retain a planning consultant for the purpose of drawing up the Nevada portion of the regional plan.

After a study of all of the foregoing, the committee is of the opinion that the compact is meritorious and recommends that the bill, S. 118, be considered favorably.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the intention of the distinguished Senator from Mississippi (Mr. STENNIS) to lay before the Senate at this time the conference report on the military procurement authorizations bill, S. 2546.

Mr. STENNIS. Mr. President, if the Senator will yield, I should like to make a very brief statement about the conference report.

This is a very big bill. It contains many items. I assure the Senate that it has been gone over with a fine-tooth comb. There were 99 points of disagreement between the two bills.

The PRESIDING OFFICER. Does the Senator from Mississippi wish to call up the conference report at this time?

Mr. STENNIS. Yes, I do.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Nov. 4, 1969, pp. 32919–32922, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no action taken on the conference report which is now pending.

MARIHUANA, NARCOTICS, AND THE DRUG SCENE

Mr. KENNEDY. Mr. President, as a member of the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, I share the interest and concern of so many Americans over the facts, issues and laws relating to the use of marihuana. We have much still to learn about the nature of this subject, and the whole question of regulation and control of the use of marihuana is currently receiving a very necessary and long overdue reexamination.

There is no question that the subject is timely and important. An estimated 12 million Americans today have used marihuana at least once. From 30 to 40 percent of today's college undergraduates have smoked marihuana more than once, according to the best estimates of university health officials; and an estimated 20 percent of high school seniors in urban areas have tried marihuana.

Life magazine for October 31 presented a discussion of several aspects of the subject. Most shocking is the account of a young college student with an impressive academic and all-around background who is now serving a 20-year jail sentence for possession of marihuana. As the article points out, in the Commonwealth of Virginia the minimum penalty for possessing marihuana is 20 years, the same as the minimum penalty for first-degree murder. Penalties are equally startling, and equally harsh, in several other States.

The issue of Life magazine also contains a discussion by Dr. James L. Goddard, former Director of the U.S. Food and Drug Administration, of whether or not marihuana should be legalized.

The articles raise some very important questions about our laws and our attitudes on marihuana today.

I ask unanimous consent that the two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

For the Long-Distance Runner Who Got Caught—20-Year Sentence

(By Jane Howard)

Long-distance running is what Frank LaVarre misses as much as anything, now that he sits in the Danville, Va. city jail serving a 20-year sentence for possessing marijuana.

At his Tennessee preparatory school, Frank broke several track and cross-county records. When he entered the University of Virginia on a full scholarship in 1967, the track coach was glad to see a boy whose idea of a vacation was to ride a bicycle all the way to North Carolina. Often, for the joy of it, Frank ran alone through the Virginia woods—as many as 15 miles a day. Last year, the *Rapier,* an off-campus literary magazine, pretended to have stolen the flame from the Olympic Games in Mexico, and sought relay runners to take a torch supposedly lit from that flame from the Charlottesville campus to the Mexican embassy in Washington, D.C. Most volunteers did one-mile stints; Frank ran eight, nonstop.

But his next long-distance run was not on his own legs but in a Trailways bus, and his cargo was not a torch but three pounds of what court records were to call "a brown-green-grasslike substance—marijuana." In the Commonwealth of Virginia the minimum penalty for possessing more than 25 grains (about half a teaspoonful) of marijuana is 20 years, the same as the minimum penalty for first-degree murder.

Frank LaVarre was arrested in the Danville bus station Feb. 24, 1969. His bus was bound for Atlanta, where friends awaited the marijuana they had wired him $700 to buy. Acting on a tip from the police chief in Charlottesville, 110 miles north, where Frank had boarded the bus, Danville detectives took him into custody. In jail, he was invited to "cooperate" by divulging names of all university students he knew of who used drugs. As Frank declined to do this, his bond was raised from $5,000 to $8,000 to $50,000.

In court, he pleaded guilty. On July 30, after several hearings, Judge Archibald Aiken sentenced him to 25 years in the penitentiary, with five years suspended for good behavior. "Now, I want to say to you, young man," the octogenarian judge proclaimed, "that you still have time to mend your ways and make a useful citizen out of yourself." By this the jurist presumably meant that with luck Frank LaVarre might be eligible for parole after only five years, a quarter of his unsuspended sentence. That thought did not console Frank's mother and other kin in Nashville, Tenn. They feared the exposure to veteran criminals and homosexuals that the 20-year-old boy, who had never so much as stolen a hubcap, could expect in the penitentiary.

Until three weeks before his arrest Frank LaVarre had never tried marijuana. "I used to think grass was oh-oh, horrible, dangerous stuff," he says. But he kept hearing a lot of talk to the contrary—in Europe, where he spent a summer, and on campus. He heard it was "a nice way of relaxing and opening your senses, of getting into a real nice thing very quickly. with no hangover." He heard it would deepen his already keen sensitivity to music and arts. Still skeptical, he made many trips to the medical school library to read all he could find on the subject. (He forgot, however, to read about drug laws.) "He prepared for getting stoned," one of his friends says, "the way you'd prepare for a trip to the moon."

Finally convinced it wouldn't harm his body or his head, Frank tried marijuana and liked it. "When Frank liked something," that friend continues, "he liked it super." So it was with photography ("He'd stay all night working in the darkroom, and hang around all day at train stations taking pictures of old colored guys"), and music (Frank's taste had switched from Mahler to Bob Dylan) and food (he liked to astound his friends by cooking *escargots* and beef Stroganoff). So it was with his own dark brown hair, which to the woe of his elders grew down to his shoulders.

"I'd have grown it long sooner," says Frank, who has since had a prison crew cut, "but, see, McCallie is a semimillitary school." At McCallie, his preparatory school in Chattanooga, Frank was short-haired and exemplary. "He is very personable," his headmaster wrote to whatever college admissions officers it might concern, "a boy of high ideals and character, cooperative, loyal, interested in good literature and artistic things—a well-rounded, fine young man."

Two years later the fine young man was in police custody, being asked to name names. "I guess they figured Frank for a big-time head, the brains behind a ring of dope pushers, who was planning to make a big profit," a friend speculates. "But he wasn't even going to earn his *bus* fare. He was incredibly naive. In a way I envied his innocence. Friends asked him to carry them some pot, and he didn't want to be the low man on the T.P.—totem pole—so he was going to do it."

"He may not have been pushing," says one Danville official, "but he was doing right much transporting." Right much indeed—enough so that the court was little swayed by the 50 or so letters that poured in commenting on the boy's dazzling potential, lamenting his unlawful act, and respectfully requesting leniency. One letter offered to arrange group therapy sessions if the boy could be paroled to Nashville. Another, from a corporation president, offered him a job. "We need young men like him," the letter said.

Though some of Frank's friends regard him now as a romantic martyr-hero, others make it clear that he is, as one says, "no rose." Frank "didn't always make his bed or balance his checkbook," his roommate says. "Sometimes he'd do things, like letting his hair grow, just to rile people." He also was suffering an extreme case of a syndrome known to his mother as a Sophomore Slump, and to his contemporaries as a Freakout, or Zapout. His grades had slipped so badly that the university had suspended him for a semester.

Frank hoped to work that semester as a photographer in Atlanta. His arrest en route there was instigated by a tip to the Charlottesville police chief. The tipster, suggests a classmate, "had to be a close friend of Frank's, who was worried about him and thought it would be doing him a favor to get him busted. Some favor."

"I think it was a nark [undercover narcotics agent]," another classmate speculates. "Remember, Frank was a loudmouth. All his broadcasting around town about how great grass was could have got to the wrong ears. With pot, he was like a kid with a new go-cart: cautious at first, but then reckless. He wouldn't listen when I told him it *was* conceivable to be busted. The funny thing is, he didn't *need* grass to turn on with. Before he ever tried it he'd just sit sometimes and stare at a candle."

I've always been," as Frank says, "a staunch individualist." And so the individualist was into pot, with as much abandon as he had got into photography and Buddhism.

Now he has plenty of time to read of Zen and Gandhi and Asian wisdom, jailed in a city where the phone book lists 208 clergymen and 124 churches to serve 49,900 souls, where a boy recently died from inhaling Bactine sprayed into a paper bag. Danville people fear, as a prominent citizen puts it, "that the marijuana seed might get loose and grow wild in this part of the country.

"It worries the goose eggs out of me," the man says. "But we're not going to put up with any foolishness, and everybody knows it."

An honor student at the university disagrees. "The older generation had better get used to pot," he says, "because it's *here,* and I don't think it's going anywhere. If they're going to lock up people like Frank LaVarre, they're going to have a violent revolution on their hands."

"We went to college in the Depression," says Frank's mother, "but these kids had so much handed to them on a silver platter." She and her husband, who died six years ago of cancer, gave their three children an exceptional childhood. Mr. LaVarre represented the Singer Company in South America, and raised his family there in what apparently was a cheerfully bilingual atmosphere, with servants, and, as Frank puts it, "a lot of cultural enrichment."

It puzzles many people that so promising a scion of so enriched a background should now face two decades—or at the very least five years—behind bars. Among the puzzled is a minister in Danville, who comments that "the law Frank was tried under was meant to catch very heinous persons." Clearly the minister has doubts that Frank, whom he has often visited, is "very heinous." In fact, he seems to detect in the young prisoner a certain contemporary valor. "Nobody's going to sing Homeric chants about most of the bravery in today's world," the minister says. "Is Frank religious? He might not want me to say so, but he *is,* in the best sense of the word.

In jail, right much though he longs to be elsewhere, Frank quotes a Japanese haiku: "My storehouse having burnt down, nothing obscures my view of the bright moon."

"See," he says, "I love life. I love the world. Everything about it fascinates me. I'm stoned all the time on nothing, just on being alive. The food here is a gastronomical disaster, sure, and I miss a lot of things, but I have to try to learn something from the experience."

Frank's attorney has filed an appeal to the Virginia State Supreme Court. Frank sits waiting and doing calisthenics in the Danville city jail, pallid as your belly from being outdoors only three days since last February 24, but, he says, "incurably hopeful."

Should It Be Legalized? "Soon We Will Know"

(By Dr. James L. Goddard)

Man has used marijuana both socially and medicinally for several thousands of years and yet today there is little scientific knowledge of its dangers or merits. In spite of our lack of knowledge, an estimated 12 million Americans have used the drug in recent years. Now we are in a near crisis caused by ignorance and the blanket of misinformation which governmental agencies have used to cover their ineptitudes.

One thing we know about marijuana is that it is definitely not a narcotic even though our federal laws (and most of our state laws) restricting its usage erroneously define it as such. The effects of the drug are variable, depending largely on the experience of the user, his mood, the quantity smoked or eaten, the potency of the plant and the form the drug is used in—leaf (grass) or resin (hashish). The drug effects sought by the user are a state of relaxation, an enhancement of sensory stimuli, particularly sound, an apparent expansion of time, a dispelling of the problems of the day. He may also experience a marked increase in appetite, a slight increase in pulse rate, a pronounced dryness of the mouth and throat, a sensation of heaviness of the extremities. He may even experience a mild period of depression and in some rare cases, an acute panic reaction which may lead to brief hospitalization.

Marijuana, unlike narcotics, does not produce tolerance, requiring higher dosages to produce the same effect. Nor does it produce addiction, which is true of narcotics. But this does not mean it is without its dangers. The principal danger is that one may become psychologically dependent on marijuana and, instead of coping with the everyday problems, withdraw through frequent use of the drug. Adolescents are particularly vulnerable to this danger because of their limited experience and less well-developed habits of living.

Though marijuana has been the drug first used by 90% to 95% of heroin users in the U.S., there is nothing inherent in it to cause people to switch from it to the addictive and more potent drugs. Rather it is thought that personality factors are responsible. I find parents to be most concerned about this one facet of the problem, and the only reassurance I can offer them is that while marijuana usage has skyrocketed in the last decade, heroin addiction has increased only gradually.

Some of the questions we must answer are:

Does long-term usage of marijuana have harmful effects?

Does it affect the reproductive processes?

What type of treatment will be most effective in rehabilitating chronic marijuana users?

What conditions favor continuation of marijuana use as opposed to moving to hard drugs?

What kinds of educational approaches are most effective in reducing misuse?

Does marijuana affect human chromosomes?

Steps are being taken to obtain answers to these and other questions. The major support for this research comes from an element of the U.S. Public Health Service—the National Institute of Mental Health. Its program was initiated early this year, although limited studies had been supported in earlier years, and involves providing funds ($1 million in fiscal year 1969) and supplies of the drug in both natural and synthetic forms to scientists in institutions across the U.S.

Phase I of the program—assuring adequate supplies of the drug for testing—has been largely completed. Phase II—study of the effects on various animals—is under way. Parts of Phase III—clinical tests on humans—have been started. Answers to some of our questions will be forthcoming within a matter of months. Within two to three years, according to Dr. Stanley Yolles, director of NIMH, most of what we need to know will be available.

Our laws governing marijuana are a mixture of bad science and poor understanding of the role of law as a deterrent force. They are unenforceable, excessively severe, scientifically incorrect and revealing of our ignorance of human behavior. The federal and state laws should be revised to reflect the fact that marijuana is a hallucinogen and should be classified as such. The federal statutes should be repealed, and the Food, Drug and Cosmetic Act should be amended to bring marijuana under the jurisdiction of that act, thereby automatically de-escalating the penalties for simple possession to a more reasonable level (a misdemeanor, with the judge being given considerable authority to adjust the penalty to more nearly fit the circumstances). At the same time sufficiently serious penalties should be provided to handle the major traffickers in the drug. State laws should then be revised in conformance with a model law containing similar provisions.

I do not believe that marijuana should now be legalized, and the steps which I have suggested will not satisfy those who seek to legalize it. Their arguments are that the laws are not enforceable, that the use of marijuana is a private act and does not harm society, and that marijuana is less a danger than alcohol. These are attractive arguments but they begin to break down upon closer examination. First, although not precisely defined, law may have a deterrent effect. Second, although the use of marijuana is a private act, it has the potential to cause harm to society. One has only to visualize marijuana being more freely available and more widely used by adolescents who have not learned to cope with the problems of daily life, and it is not difficult to reach the conclusion that cannabism would become a societal problem. Our inability to keep cigarettes away from minors should serve as a reminder that we would not be able to keep marijuana out of their hands.

I know that my stand on marijuana may seem contradictory. If the *known* harmful effects of alcohol and tobacco are greater than those of marijuana, and those substances are legal, why do I not advocate legalizing marijuana? I believe that if alcohol and tobacco were not already legal, we might very well decide *not* to legalize them—knowing what we now know. In the case of marijuana, we will know in a very few years how harmful it is or is not. If it turns out to be relatively harmless, we will be embarrassed by harsh laws that made innocent people suffer. If it turns out to be quite harmful—a distinct possibility—we will have introduced yet another public-health hazard that for social and economic reasons might become impossible to dislodge.

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Mr. KENNEDY. Mr. President, last Sunday the Boston Globe contained an impressive, in-depth, and informative discussion of the more general question of drug use and drug abuse in our society today. The Boston Globe presentation discusses the wide use of marihuana among college students, high school students, and even junior high school students, as well as among many of our other young citizens. The discussion also covers the subject of laws against marihuana and the need for reform.

The Boston Globe presentation includes firsthand observations from those who have used marihuana, and from parents of teenagers who have turned to serious drugs.

I am acutely aware of the drug problems because of the situation in my own State of Massachusetts. In 1967–68, there were 1,323 heroin arrests statewide. In 1968–69 the figures jumped to 5,295 cases, and the projected figures for 1969–70 will bring the cases up to almost 7,000.

In Boston, the average age of a drug user has dropped from age 27, 5 years ago to age 21 today. The rate of known drug use in Boston is rising at a higher rate than in any other city in America. Heroin use in Boston has increased 10 times since 1965.

The nationwide costs of situations such as this are staggering. As Dr. Stanley Yolles, Director of the National Institute of Mental Health, testified before the Subcommittee on Alcoholism and Narcotics:

> A conservative estimate of the total involuntary social costs of narcotic drug abuse amounts to $541 million per year. Unfortunately, it is not possible to provide an accurate estimate of the total narcotic and non-narcotic drug abuse costs to society . . . it is probably 5 times the narcotic drug estimates, hence in the range of $2 to $3 billion per year.

Mr. President, the Boston Globe discussion covers a number of important points and issues on the drug scene today. I ask unanimous consent that it be printed in the Record.

There being no objection, the discussion was ordered to be printed in the Record, as follows:

The Drug Scene—What Every Parent and Teenager Should Know

(By Carl M. Cobb)

America is a drugged society, in the grip of an epidemic that is spreading rapidly to teenagers in city and suburb alike.

Psychiatrists agree that today's teens have had 20 years of widespread drug use among adults to serve as a model.

"There are more than five million alcoholics in this country and millions more using the martini on a regular basis to escape from reality," one psychiatrist observed.

"It should come as no great surprise to see the teen-ager using different, more powerful, more effective drugs as an escape mechanism," he added.

Millions of today's college and high school students grew up in homes where the sleeping tablet, the tranquilizer and the pep pill were used regularly by adults.

The single most startling fact about the current drug scene in America is the rapid drop in the age level of boys and girls experimenting with a wide range of drugs.

Authorities note that it took five years for the use of hallucinogens to move from the postgraduate to the undergraduate college level.

It took only three years to spread from college campuses to senior high schools.

. . . And it has taken only two years to reach into the junior high schools and the upper grades of some elementary schools.

Drug users in the junior high schools?

"Marijuana and pill popping are a reality in junior high schools throughout the Greater Boston area," Richard Callahan, regional director of the Federal Bureau of Narcotics and Dangerous Drugs, says emphatically.

Middle class America's smug assumption that the drug problem is confined to a small inner city area has been smashed in recent years.

Spreading beyond the college campuses, the drug scene and drug arrests are a reality in every Boston suburb. The past year has seen the sons and daughters of physicians, professors and parole officers "busted" for drugs in more than a dozen Boston area communities.

Perhaps the best barometer of drug use is heroin arrests.

"When the 'hard-stuff' is making the rounds we know the whole spectrum of drug abuse is in the area," a leading police official explained.

There have been a score of heroin cases in Maine in the past 18 months, according to federal officials. Vermont had never had a federal narcotics raid two years ago. Today heroin arrests are a fact of life and federal agents are working the Green Mountain State on a regular basis.

The declining age level and rapid spread of drugs are just part of today's realities.

Some others:

Americans are paying an estimated $500 million for ILLEGAL drugs every year.

In Boston, heroin addicts will spend more than $5 million this year to feed their habit, most of the money obtained through criminal activity.

One of every ten college students in the United States is believed to have tried "mind-blowing" LSD or similar drugs at least once.

Roughly one third of today's college undergraduates has smoked marijuana more than once, according to the best estimates of university health officials.

Probably 20 percent of high school seniors in urban centers have tried marijuana at least once.

One of every six of the nation's physicians misuse drugs or are addicted to them, according to the American Medical Assn.

In some American units in Vietnam regular marijuana use runs as high as 90 percent of the troops, according to military psychiatrists.

Most parents know little about the extent of the drug problem and even less about the language of drug usage.

The teen-ager who does not know where to obtain illegal drugs, especially marijuana, is a rarity.

How "square" parents can be was dramatized recently at an evening discussion between students and parents at a local suburban high school.

During the question and answer period one mother said she could see that marijuana might be a serious problem if there were a source of the drug, but there was none in her community and, anyway, most of the kids didn't "get into Cambridge" very often.

The discussion leader asked a boy in the audience how long it would take to find a source.

"About 30 minutes," the boy replied.

The fact is that at most high schools a marijuana source—usually another student—is as near as the school parking lot or washroom.

Profit is not always the seller's motive. In many high schools the student with a reliable source of marijuana has replaced the athlete as the Big Man on Campus.

Somewhere along the line, of course, there has to be a supplier dealing in marijuana, LSD or heroin for profit.

The presumed sharp decline in LSD and related drugs among college and high school youths may be reversing itself, federal officials report.

A nationwide survey shows hallucinogen arrests up enormously in the last six months, and Boston is part of the pattern.

Richard Callahan, the top Federal drug abuse official in this area, offers two explanations for the marked increase in LSD and similar drug arrests.

"Either we are getting better at tracking down the sources and breaking up the distribution rings, or there is a resurgence in the use of these hallucinogens."

Despite all the adverse publicity LSD had received, Callahan believes it is now a regular part of the scene among the drug-addicted.

Acid remains a serious problem and the "bad trip" is a reality.

The first documented case of a baby born with birth defects because the mother had taken LSD was reported in 1967. The baby was born with a severely deformed right leg.

The infant's mother, a 19-year-old college co-ed, had gone on four LSD trips during her pregnancy, causing a breakdown in the body's chromosomes controlling hereditary characteristics.

Since then literally dozens of similar cases have been documented in girls across the nation. A recent medical meeting heard a report on 20 LSD deformed babies from a single Washington, D.C., physician.

Boston has been a center for the "underground chemist" turning out LSD, and now, related compounds.

Most parents and teen-agers don't know dimethyl-tryptamine, but many teen-agers do know DMT. Callahan's agents report DMT was being manufactured in Boston in "large quantities, apparently for distribution to other parts of the country."

There are a whole string of letter combinations standing for various chemicals that will produce the mind-blowing trip that provides an escape from reality unlike anything the alcoholic ever encountered.

The current rage in the Midwest is 3-methoxy-4, 5-methylenedioxy-amphetamine (MDA), and there have been increasing amounts turning up in Boston in the past 90 days.

Officially described as three times stronger than mescaline, the ancient Indian hallucinogen derived from cactus, MDA is a nutmeg derivative being manufactured illegally.

Marijuana, although conceded by medical authorities to be less dangerous than LSD, also can lead to behavioral problems. Despite this reality it is in growing favor among the under-25 set.

Some young married couples use marijuana at social gatherings as casually as their parents offer guests a cocktail. They are quick to point out that alcohol is a drug, a killer and that millions of the previous generation are "hooked."

Reaction to the mounting drug problem ranges from a firm denial that it exists and deep concern about adverse publicity over drugs in some communities, to vigorous education programs for both parents and teen-agers in some communities.

"Any drug education which is not scrupulously honest will fail with the kids," one psychologist stresses. "Once you exaggerate, you lose them."

Parents are wrong if they believe that marijuana is an inevitable stage in a progression toward stronger drugs like LSD or heroin.

Teen-agers are wrong, if they argue that marijuana never leads to any of the other drugs that come along in an almost endless chain.

It is true that most marijuana users do not go on to heroin, yet at the same time it is true that most heroin users did start on marijuana.

This is the aspect of the problem that has school officials, psychiatrists and law enforcement officials worried.

"If only 1 of every 1000 marijuana users ultimately goes on to heroin we are in for big trouble in the 1970s," a local university psychiatrist predicts.

Marijuana use has mushroomed in recent years and law enforcement officials are seeing striking changes in the heroin problem.

In Boston, Callahan reports "the entire heroin picture has changed in the past two years in this region.

"Heroin sources were limited to the South End and Roxbury two years ago. Today it is being pushed on Beacon Hill, in Beverly, in East Boston—no section of the city is immune. Lowell and Lawrence have a heroin problem today."

Callahan continues, "It is not just the location that has changed. Two years ago the bulk of the heroin supply came in with individual traders from New York City. They would go down, buy a $5 bag of 'H', return to Boston and sell it for $10.

"Today Boston is a distribution point. Heroin is shipped here in bulk, cut down and sold directly. We are on our own. New York City is no longer the source for Boston."

The dramatic changes in the heroin picture reported in Boston are being substantiated by police officials in other cities where the problem was once considered minor. Pittsburgh, St. Louis, Detroit, Dallas all report sharp increases in heroin arrests over the past 24 months.

Another change in the picture of "hard stuff" in Boston is the growing use of cocaine, almost non-existent two years ago. Cocaine is addictive and is linked to other drug use. Unlike marijuana, the number of users who jump from cocaine to other drugs is substantial.

Callahan puts the drug problem in two categories: the experimenter, and the drug-dependent user. Both categories are growing.

Psychiatrists are convinced that a portion of the experimenters go on to become drug dependent, whether it is with marijuana, hallucinogens or, ultimately, heroin.

Another official in the Federal Bureau of Narcotics and Dangerous Drugs, John G. Evans, sums it up this way:

"I sometimes think the whole world is going insane, but I doubt that drugs are the cause. They are the result—a form of escape.

"Meanwhile a lot of good kids are going down the drain before they can be stopped.

"The ultimate solution has to involve everybody in this country. No one arm of the government is capable of doing it. Everyone has to put in some collective thinking on solutions. And it is going to cost a lot of money—one hell of a lot of money."

MARIJUANA: JUST WHAT IS DANGER IN THE GRASS FIRE?

(By Herbert Black)

One of today's most controversial questions is whether marijuana is a dangerous or harmless drug.

Parents and non-users assert it is more dangerous than alcohol and attack its use in righteous and indignant tones. Young people, on the other hand, label police as unknowledgeable and narrow-minded establishment squares.

Most would agree that there can be no simple answer. Many factors are involved in addition to the actual smoking of pot. These include the personality of the user, the purposes for which marijuana is used, the circumstances under which it is smoked, the quality of the pot, the age and economic status of the user and frequency of use.

A big problem in making a true assessment is that these factors often become confused with rebellion—driving the young into a rigid defense posture and their elders into an equally rigid attack position.

It is essential to look at the record.

Two major committees of the American Medical Assn. have labeled marijuana as dangerous to certain individuals. Its Council on Mental Health and Committee on Alcoholism and Drug Dependence took a formal position after a conference in Chicago.

The doctors agreed that marijuana will not hurt everybody but that it will harm certain people. "Because it is impossible to tell in advance who will be harmed, the drug must be classified as dangerous. Everybody takes a risk in using it."

It is estimated that 20 to 25 percent of the population—the percentage with demonstrable instability before taking marijuana—is the most likely to be harmed.

A study at Boston University, during which marijuana was smoked under settings simulating pot parties, indicated that marijuana could be classified as "a mildly intoxicating drug that significantly affects behavioral and thought processes for short periods of time."

The investigators said their study, involving only nine persons, was too limited to make generalizations about dangers. The study found no increase in heart rate and no change in respiratory rate or in sugar levels. They found that the effects wore down in about 15 minutes and were completely gone in three hours.

American Medical Assn. physicians, however, reporting on the basis of their own clinical practices, said they have treated many young persons for psychiatric complications associated with marijuana use.

The Massachusetts Supreme Judicial Court ruled last January, in upholding state laws banning the use and possession of marijuana, that pot is a mind-altering drug.

The court made the point that marijuana can have different effects on different people and said the evidence in a trial here indicated "the smoking of marijuana may cause a state of euphoria and hallucinations or mental confusion and acute panic."

The court said "use of marijuana tends to exacerbate underlying mental conditions and to accentuate the smoker's basic personality makeup."

It also said "there is considerable evidence that marijuana does lead some people to the use of more dangerous drugs. The progression from marijuana to heroin is a frequent sequence."

Dr. Dana L. Farnsworth, director of the Harvard Health Service, told a conference on drugs of the American Medical Assn. that recent interest in drugs has centered in large measure on quite different motives—of the users—than formerly. It now involves the desire for a new experience, the development of greater insight into the nature of behavior, a means of expressing disapproval of the values of society, a form of expressing adolescent rebellion against parents.

He made the point also that there is no "typical user" either in terms of economic status, individual psychodynamics, motivation or frequency of use. "Moreover, individual responses to drugs vary greatly, and even vary in one person from time to time."

The greatest obstacle to studying drug use, he said, is that it is so laden with meanings, some appropriate and some not, that the issue becomes a vehicle on occasion of intellectual or emotional acting out.

When drug users talk about drug experience they frequently employ a tone of self-righteousness which may stem from their belief that they have found "the right way," he said. "Rather than believing in everyone's right to do his own thing, drug enthusiasts tend to proselytize and to dismiss those who disagree or who are not interested."

A number of experts have testified in recent months, both in the Boston trial and at medical meetings, that chronic marijuana use does decrease an individual's drive. If a person wants to drop out of society, the drug road is an easy avenue of escape. But if normal ambitions to achieve something are important, then it appears that one must exercise caution.

Most marijuana users and many impartial observers would contend that moderate use of marijuana and conventional drive and achievement are not mutually exclusive. But the question arises—as it does with an alcoholic—when does one reach the point between moderation and habituation. Even casual use blunts normal drive temporarily and this could be easy for some people to get used to.

As doctors have been saying more and more frequently in recent months, "We have 5 million alcoholics in the country now. We can do without 5 million potheads in addition."

The use of marijuana might be viewed then as a highly individual matter. At one end of a sliding scale are people who have no serious imbalance of personality, no serious emotional problems, who try marijuana once or a few times out of curiosity. They may even enjoy an occasional pot party in adulthood. Most of them find pot fails to provide insights into the meaning of life or into their own character that they thought it might. They smoke it for pleasure.

Then there is a group who get involved with marijuana, grow to enjoy the pot parties and associations and suddenly find out that they are deeply dependent on it. They manage, often only with help, however, to extricate themselves from the situation.

A third group comprises people with serious emotional problems who find they can put such problems out of their minds under the influence of marijuana. These people often find themselves falling deeper and deeper into a dream world where they drift along. These people often are the ones who eventually move on to LSD and heroin.

Many psychiatrists have pointed out that while marijuana is not what one considers an addictive drug—that is a user does not suffer pangs as in heroin withdrawal—a minority of users can become marijuana-dependent. This means that they can become so habituated to a way of life in which they don't use their mental capacities that they become noncontributing and passive members of society.

The following are questions most often asked about marijuana.

Q. What is there about smoking pot that gets the user "high"?

A. A resin called tetrahydrocannabinol is carried into the lungs. The resin passes across the lungs into the blood and circulates to the brain, where it affects the central nervous system.

Q. How can one tell if a person has been using marijuana?

A. There really is no way to tell. Marijuana can mimic both the depressing and exhilarating effects of alcohol. The user might be quiet and introspective one time and highly excitable and talkative the next.

Q. Does marijuana affect vision?

A. It often makes near objects appear distant. A driver under the influence risks danger of collision. For some people colors are heightened. A driver might be unable to distinguish between a green light and a red light on a traffic signal.

Q. Are there other effects on perception?

A. Yes. Perception is disturbed. Minutes may seem like hours and seconds appear to last minutes. Space may be broadened so that a driver obtains a distorted view of what is in front of him. Oddly enough, however, marijuana appears to make drivers more cautious and less sure of themselves. Alcohol makes drivers overconfident in most instances.

Q. Does marijuana lead to criminal acts or violence?

A. Usually not unless there is an underlying personality defect. There is no evidence that marijuana "per se" will induce criminal acts.

POT AND THE LAW—A FELONY IS A FELONY IS A FELONY

(By Richard A. Knox)

Dr. Dana L. Farnsworth, director of the Harvard University Health Services, says various estimates of marijuana use among the 10,000 students at Harvard and Radcliffe range from 15 to 70 percent.

"No one really knows, of course," Dr. Farnsworth said, and the problem is further complicated by the need to specify whether any statistic refers to regular, occasional or one-time users—and what is "regular" and "occasional."

The health service director's personal impression is that "at least half have tried marijuana at least once." Of these perhaps 10 percent are "regular," chronic users. In the remaining 90 percent, there are probably as many who have smoked marijuana more than 20 times as there are those who have smoked the weed less than 20 times.

The doctor also quoted from the thesis of a "very responsible student" who found that 100 out of 172 Harvard students had used marijuana. A book published this Fall by Harvard senior Mark Gerzon entitled "The Whole World Is Watching" asserts that 50 percent of Harvard students use marijuana.

A recent survey of high school students showed that in some areas 50 percent of them have had some experience with it, Dr. Stanley F. Yolles recently told a Senate judiciary subcommittee considering changes in the federal narcotics laws.

By the conservative estimate of Yolles, who is director of the National Institute of Mental Health, marijuana has been used at least once by at least eight million Americans, and possibly by as many as 12 million.

"Can you imagine what would happen to the law enforcement and corrections system of this country if each of these 12 million people had been caught by a policeman when smoking his first marijuana cigarette?" Yolles said.

These figures have more than shock value. Lurking beneath the various raw percentages is the unavoidable fact that there are between 1500 and 7000 potential felons enrolled at Harvard.

Obviously, all these people cannot be dismissed either as a "hippie fringe" or as hardened criminals. Thousands of the nation's brightest students, the leading professionals and scholars of the future, could have their careers ruined if they happened to be in the wrong place at the wrong time.

They wouldn't even have to be marihuana-smokers to become narcotics felons. Under Massachusetts law, merely being in the presence of marihuana (or other narcotic) can get a person five years in the state penitentiary.

Under this statute, a government attorney must demonstrate that the person charged had "knowledge" of the drug's presence, according to a state Supreme Court decision of about eight months ago.

"But as a practical matter, 'knowledge' must be inferred from facts," according to a government attorney. In other words, a specific jury may decide that the circumstances surrounding the arrest of someone on a "presence" charge may warrant the assumption that he must have known a drug was being used.

Item: One of the many inconsistencies in the drug laws is the fact that the first-offense penalty for marihuana possession is 3½ years, compared with a five-year sentence for merely "being in the presence."

Critics may ask whether it isn't being overly dramatic to say that careers are ruined by a simple marihuana conviction. What, exactly, does it mean to be "a felon?"

One indication is the number of routine forms filled out as a person progresses through life: job forms, drivers license application forms, credit and insurance forms. Many if not most of them inquire whether the applicant has ever been convicted of a felony.

If the answer is "yes," the next question invariably is "what type?" and the applicant is forced to reply: narcotics. The law makes no real distinction between conviction for a marihuana felony and a heroin felony, and neither do most questionnaires.

Revocation of a drivers' license, or of the right to vote, may be a major nuisance. It doesn't really compare, however, with the difficulty a "felon" encounters when he attempts to join a state bar association in order to practice law, or to be licensed to practice medicine.

He quickly finds: a felony is a felony is a felony.

"We're talking now about millions of young people who are using marijuana and thousands and thousands who are being arrested in raids every single day," said Boston attorney Neil Chayet recently at a convention of the American Medical Assn.

Chayet, who also teaches legal medicine at Boston and Tufts universities, is one of the most vocal and articulate advocates of reforming the state and federal drug laws to conform with changing social patterns and the overwhelming evidence that marijuana—whatever its debatable physical and moral effects—is not in the same drug category as heroin, LSD, and methamphetamine or methadrine ("speed").

(Paradoxically, the most dangerous, "speed," which is injected hypodermically, is legally classed as merely a "harmful drug," not a narcotic.)

Conclusion: "The first thing we have to do is to have a realistic classification of these substances" so we stop treating all marijuana smokers like hardened criminals. Chayet ardently believes.

If reclassification is "the first thing," then revision of the arbitrary and harsh penalties is the second.

As already mentioned, the unshakeable label of "felon" is a severe penalty in itself. But on top of that, sentences specified for marijuana possession, "pushing" (in the eyes of the law, transfer of pot from one person to another, no matter how casual) and "being in the presence" range from 3½ years in Massachusetts to 20 years in states like Michigan, Georgia and Washington.

In Georgia a subsequent marijuana conviction can actually bring the death penalty, according to statute. "There is a fellow in the state of Washington," Chayet said, "who is serving a 20-year sentence for simple possession of marijuana. He finds it very difficult to understand why he has 20 years and the fellow in the next cell who killed his mother has only seven."

On top of state drug laws, the punishments prescribed by federal narcotics laws for marijuana as well as other narcotics are also harsh.

Present law provides a mandatory five-year sentence for the first sale of marijuana. Penalties range to 20 years for the first offense and 40 years for a second with no provision for probation or parole.

Two pending bills would retain those penalties but allow for parole and probation.

Pending bills also would retain the present 2-to-10-year first-offense sentence for possession of marijuana. Like the present law, they would allow probation or parole.

"The principle and the effects of mandatory penalties defeats the whole purpose of treatment and rehabilitation of drug users," Dr. Yolles told the Senate subcommittee.

In Massachusetts, however, a new law signed this Fall by Gov. Francis Sargent will begin to provide a more humane alternative to harsh prison sentences when it is put into effect in about a year.

The new law will give first offenders the legal right to receive physical and psychological treatment for drug dependency instead of prosecution for the offense—if a medical examiner certifies to the court that the defendant needs such treatment.

In other words, if the defendant requests treatment and the court finds that he needs it, the court must stop prosecution if treatment facilities are available. In the event that treatment is not available, the court will continue the case until treatment becomes available.

The law will cover both "hard-core" addicts, marijuana users, and drug users in between because of the broad way that "drug-dependency" is defined: a drug-dependent person is a person "unable to function effectively and whose inability to do so causes or results from the use of a dependency-related drug."

While the so-called new Quinn Drug Law (after Atty. Gen. Robert Quinn) will provide an alternative for those picked up the first time for possession and being in the presence of drugs, it will not affect the penalties for these offenses in cases where the defendent is found not to "need" treatment for "drug-dependency."

Those who smoke marijuana, for example, but also "function effectively" will not benefit from the new rehabilitation provision. They will still be subject to the same penalties as before. While the law may be viewed as a liberalization of drug laws in making treatment a legal right, it will not allay the criticism of many who take issue with the harshness of the penalties for possession and "presence."

Obviously, out of thousands who have been arrested in marijuana raids, few have actually served time in jail, with the exception of those arrested in California, where courts have shown a disposition to sentence even first-offenders to prison.

So if only a few people are actually serving the lengthy terms, why worry about what's on the books?

The reason, as Chayet and others have explained, is that the severity of punishment invariably forces the plea of guilty—whether or not there was actual guilt.

Although Nixon's Atty. Gen. John Mitchell recently said he favored more lenient penalties for marijuana offenders, the official Justice Dept. recommendations for legislation would class marijuana with heroin and LSD and continue mandatory jail sentences for its use—with total disregard for medical and scientific evidence of the properties of the drug or its effects, Yolles charged.

Chayet talked at the A.M.A. convention about the implications of these legal policies.

"It's a very funny thing," Chayet said. "Many people want to be the test case that takes these laws to the Supreme Court of the state or of the country—until they get arrested. Then they don't want to be a test case any more."

The reason is simply the intimidation of severe penalties if the court battle is lost. Few attorneys are willing to take that risk for their clients. Fewer still are the young people who have access to the kind of legal help and money to pay for it that legal resistance would require.

The result: a couple of days before the trial date, the district attorney's office commonly calls a defendant and offers probation in return for a guilty plea.

When the alternative is either probation (in which "all they have to do is call a much-harassed probation officer once a month to let him know they are still within his jurisdiction," Chayet explained) or almost certain incarceration, the temptation to plead guilty is overwhelming.

"The thing that troubles me," said Chayet, "is that they think they have gotten off free. In reality they have not."

The lawyer personally believes that the severe penalties for marijuana convictions are unconstitutional by reasoning parallel to a federal court's recent finding that the mandatory death penalty in the Lindbergh federal kidnap law was unconstitutional. The severity of the punishment invariably forces the plea of guilty, and makes a fair trial impossible.

Still other faults that are found with current drug laws include one involving the statutes in Massachusetts and New York which require every physician and every hospital to "squeal" on patients they have treated for abuse of narcotics.

One doctor, when asked his opinion of this requirement, responded: "I don't even want to tell you that I know about that law. If I knew about it and followed it, I wouldn't be able to help anybody who came to me for drug abuse, for the simple reason that no one would come."

Specifically, the law requires doctors to supply to state authorities "within 72 hours of treatment" a statement containing the patient's name, address, height, weight, date of birth, eye and hair color, and narcotic drug treated for. This is made available to any state or federal agency that requests it.

Opponents of this law include many otherwise conservative doctors who complain that it forces a breach of the confidential relationship between patient and physician.

On a larger scale, they say, the law militates against a drug-user seeking medical help if he needs it. In effect, he is punished for going to a doctor.

Meanwhile the pot parties go on at all levels of society, from junior high schools to professorial cocktail parties, and young people continue to be stigmatized by drug arrests.

More than ever, the administration of drug laws is being left in the hands of local police, who may not have the expertise or the manpower to exercise this authority so as to preserve everyone's full legal rights.

This is of prime concern to Richard Callahan, director of the Boston area office of the Bureau of Drug Abuse Control.

Callahan said that his professionals are spending nearly all their time on a burgeoning heroin problem, in tracing the supply and distributors of the "hard stuff." This means that administration of marijuana laws is left to local police, and ultimately the responsibility rests with the beat cop and the lower police echelons.

"The man on the beat with a high school education is forced to decide whether to raid the local junior high school," Callahan said recently. "Who interprets who gets busted? Who gets in the patrol wagon? These are the questions that must be answered in each instance.

"The police are more unsure of what to do. This is no longer the black kid, but the professor's son or daughter." Callahan worries that "we may be heading toward a double standard of law enforcement."

Many people are complaining, too, about the way in which the youths are arrested. Many drug raids are "gangbusters" affairs, with kids being hearded against the walls, hands up, by policemen brandishing guns.

The new Massachusetts law will attempt to remedy injustices stemming from careless or unsophisticated administration. The new measure provides for establishment of a program to train all Massachusetts law enforcement men—state, municipal and Metropolitan police—in what the narcotics laws are and in techniques such as detection and identification of drugs and procedures in carrying out drug raids.

Unknown at present is whether the state Legislature will appropriate enough funds to carry out a program of the scope the new law provides. Even if funds are forthcoming, it will be some time before the program can be set up and begin to train the state's police officers.

Meanwhile, with the opening of schools and colleges and congregations of large numbers of young people again, more abrasive contact between drug-users of all categories and policemen can be anticipated.

Neil Chayet, for one, is worried about this abrasion and ill will between cops and kids, and what it may all mean. "I think we've been making a mockery of justice for a huge segment of the American people," said Chayet (who does not, by the way, support legalization of the drug.) "The youth of America are our most important asset and we must deal with them on a level which they deserve."

For many people, marijuana particularly, has come to be associated with defiance of the law in a cause-and-effect way. Thus many arguments against the drug are based not on avoiding possible physiological effects but on crushing the youthful defiance that the weed symbolizes.

No matter what side of the fence one is on, the most moderate observers of the present emotion-laden situation appear to agree that two things are needed:

—First, more medical and psychological research. Young people are immune to moralizing and temperamentally impelled to question everything from the opinions of "authorities" to the "validity" of a law;

—Second, new laws must be drawn up at the state and federal level and new training methods must be developed to teach police to enforce them. Present laws and present methods of enforcement are unrealistic to most police, court officials, parents, school administrators and youth alike.

DRUGS AND CRIME: CONSTANT COMPANIONS, THOUGH VIOLENCE RARE

(By Ray Richard)

Both crime and the prevalence of illegal drugs have climbed at an alarming pace in recent years in Massachusetts and throughout most of the country, and law enforcement officials see a correlation between the two.

Not all of the increase in crime can be blamed on drugs. Deputy Supt. Joseph Jordan of the Boston Police Dept. observes, "The main cause of the climbing crime rate is the changing attitudes and behavior of our people."

But people who illegally want or need drugs need money. It is an expensive habit. And most of them, because of their addiction, can't keep steady legal employment.

Heroin costs anywhere from $2 to $40 a "fix." Even a small habit requires two or three fixes a day. "That could add up to $120 a day," explains Jordan.

Boston has an estimated 500 heroin addicts, he adds.

There are also people on pills—the barbiturates, amphetamines—even tranquillizers. An increasing number are resorting to methamphetamine, commonly called "speed." The number of people in Massachusetts seeking money for these drugs reaches into the thousands.

They account for a lot of crime. Not so much the violent crimes often in the past thought to be typical of the drug addict.

More likely, the addict will shoplift, steal from parked cars, seize handbags, forge checks, write fake medical prescriptions, or break into houses.

"The percentage of armed robberies by addicts is negligible," says Edward Cass, deputy regional director of the Federal Bureau of Narcotics and Dangerous Drugs, an agency established two years ago under the Justice Dept.

"Their psychological makeup precludes armed robebry, usually," he adds. "They can't plan that far ahead. And they usually don't have the nerve to commit an armed robbery."

Shoplifters can hit six or seven places in a day—and must in order to obtain the money they need, because the most they can get for stolen goods is about one-third of its retail value.

That many shop-lifters are drug addicts has been proved by the admission of many addicts themselves when picked up. Cass corroborates the connection more dramatically.

"In one midwestern city where we knew there were about 250 heroin addicts on the street at any one time, we made a mass arrest of many of them one night. Immediately there was a drop in the number of thefts from department stores."

Unless desperate for the money to get a "fix" (in which case they might resort to violence) most addicts usually are mild-mannered. They "prowl around" looking for something to steal.

Some police experts find a correlation between the increasing number of house breaks in suburban communities as well as in the city, and the increase in drug use.

Many addicts do have stolen goods in their possession when arrested.

Television sets appear to be the most commonly sought objective of the house-breaker.

Lt. William P. Gross, head of the narcotics unit of the Mass. State Police, says there is a great increase in house breaks throughout the state and his unit has inaugurated a special file on such breaks to determine more precisely their relevance to drug abuse.

Addicts "on the prowl" often watch mailboxes for checks. The arrival date for social security, welfare and other regularly mailed checks is predictable, and the checks often are easy prey from unlocked, unwatched mailboxes.

Books and movies often portray the heroin addicts as a crazed man who sadistically beats his robbery victim, or as an innocent young girl forced into prostitution to obtain money to support her drug habit.

The few "crazed" addicts who sadistically beat their victims generally fall into two categories, says Jordan, who was a member of the Boston Police vice squad for many years. They are addicts in the state of withdrawal from heroin. Or other drug-hooked people who are addicted to pills.

"Bennies", Jordan says, using the addicts terms for benzedrine pills, "can make a person aggressive. Too many of them and a guy will rob a bank, commit a violent act, or do almost anything."

Cocaine also can trigger such actions, he adds. And cocaine is now more prevalent in the Boston area than ever before, he says.

And the "innocent young girl" supposedly drawn into prostitution to satisfy her addiction also is the exception instead of the rule. Most of them, vice-squad veterans say, more likely were prostitutes before they got hooked on drugs.

While a recent New York City survey showed that 90 percent of the prostitutes in that city were drug addicts, Jordan feels the ratio in Boston is just the opposite. Only a small number of Boston prostitutes, he says, are addicts, in terms of heroin or other "mainline" drugs.

The following basic conclusions can be drawn about the relationship between drugs and crime:

Most heroin addicts with police records began their criminal careers before they became hooked on drugs.

Heroin addicts vastly outnumber other addicts involved in non-narcotics crimes since their drug habit is more expensive to maintain.

Many of the individuals committing street crimes, whether addicts or not, take amphetamines or other stimulants to bolster their nerve.

Drug-taking, in most instances, seems to be a companion to crime rather than a cause, although the high cost of heroin is a major factor in the number of robberies committed.

A recent study by the FBI showed that 72 percent of heroin users involved in its survey had an arrest for some other criminal act prior to their first narcotics arrest. The study covered more than 150,000 criminal offenders, 4385 of whom were identified as heroin users.

Some persons believe that marijuana also is a major cause of crime and violence, particularly in the nation's larger cities. But the President's Ad Hoc Panel on Drug Abuse, which studied such a possibility extensively seven years ago, reported insufficient evidence to substantiate it.

Not to be overlooked, of course, in associating illegal use of drugs with crime is the fact that thousands of violations of the narcotics laws—often serious offenses—are committed each year.

SUPPOSE YOU SUSPECT YOUR CHILD

Drug abuse?

Children don't abuse drugs.

They abuse themselves with drugs.

And until parents understand why children take drugs, there will continue to be a drug problem, psychiatrists say.

It will require an awareness by parents of the emotional needs of their children, along with some self-education in recognizing the danger signs.

When teen-agers begin using drugs regularly, there is usually a marked change in behavior.

Think of them as "signal flags."

A child might:

Change his style of dress. When children start on drugs, they often acquire a new sense of identity which will be reflected in what they wear.

Change his social pattern. This could mean suddenly dropping old friends in favor of a new crowd. It could also mean suddenly finding new forms of activities with his old friends.

Change his personality. A child who has been out-going may withdraw; the loner may suddenly blossom.

Call for help.

It takes a willing ear to hear a child's plea for help.

Children seldom speak directly, especially to their parents. They'll mask an appeal to protect themselves.

The simplest form goes something like this:

CHILD. "Hey, guess what? Cindy says she's smoking pot!"

Translation: "I've started smoking, and I like it, but I'm frightened because I don't know why I like it. Help me!

The parent who doesn't really comprehend will say:

"Stay away from Cindy. You can't see her anymore!" . . .

Then wonder why the child turns resentful.

Another way children seek to attract the attention of their parents is to antagonize.

Recently, a 16-year-old Swampscott girl, who felt unloved, told her parents she was going to visit a girl friend. She gave her parents the friend's name, address and telephone number—and made a point of saying she'd be home by 6 p.m.

She went to the friend's house and waited by the phone until midnight, desperately hoping her parents would show some signs of concern for her safety.

They didn't.

They waited until she came home—then scolded her.

It's this type of home situation that often pushes children into experimenting with drugs, according to doctors.

What are the chances that your child has experimented with illegal drugs?

By the time he graduates from high school, the chances are about one in five that he's smoked marijuana at least once.

Of the teen-agers who have tried marijuana, 75 percent will quit after the first or second cigarette.

If your child has gone beyond this point—smoking regularly or "moving up" to other drugs—there are physical signs to look for:

Marijuana will leave a distinctive odor—almost like sage—on a person's clothing for several hours.

Marijuana smokers experience an unusual appetite for sweets and starches. Users call such people, "food freaks."

Tranquillizers, obviously, will make a person sleepy and lethargic.

Opiates—like heroin and morphine—will cause eye pupils to contract.

Drugs containing atropine (a heart stimulant) may cause the pupils to dilate. A user frequently begins wearing sunglasses indoors.

One of the latest drug fads involves a capsule that can be purchased without a prescription—and from which youngsters have learned to extract atropine.

LSD type drugs produce a sense of disembodiment. A user may begin talking about feeling a "oneness" with love, nature, the universe or God. A "bad trip" on LSD is unmistakable—the user is locked in a personal nightmare and displays panic.

A heavy dose of amphetamines shows itself in a great burst of activity, total loss of appetite, and inability to sleep.

Parents may also find some drug paraphernalia—cigarette papers, hypodermic syringes and needles, a bent spoon, unusual tobacco-smoking devices, and incense burners to mask marijuana's distinctive odor.

But what's a parent to do when he's convinced his child is using drugs?

Some parents—from sheer anger—call the police. This action can break the final link between parent and child.

Other parents launch into a tirade about the danger of drugs. They're horrified by the word "Drug." They don't stop to think that alcohol and aspirin are drugs, too.

Most children know more about drugs than their parents, and scare tactics based on half-truths generally will be ignored.

Remember that children who use drugs are experimenting in much the same way that today's parents experimented with alcohol when they were teen-agers.

If a child is beyond the experimentation stage, it usually means that he is seeking something outside himself: that drugs have opened a gate; that he has a problem.

Find out what the problem is. Just listen; really listen.

There isn't a teen-ager alive who hasn't experienced feelings of emptiness, loneliness, confusion and worthlessness.

He is filled with profound philosophical questions.

Many of which have no answer.

But that doesn't mean a parent can't listen.

Drug-taking is an "acting-out" behavior just like disrespect for property, accident proneness and delinquency.

It means the child already has a problem too big for him.

Too often, the parent will scream: "You're ruining me!" The child's sense of guilt, and his feeling of rejection, can be unendurable.

Youngsters want their parents to be fair, and to hear them out before pronouncing judgments.

But if a child becomes truly "hooked" on drugs, the problem is usually beyond the parent's ability to handle it alone.

Counseling is needed. It could be a family friend, school adviser, a minister or family doctor—not necessarily a psychologist or psychiatrist.

Very often, the child just wants, and needs, an understanding adult he can talk to.

FROM FURTIVE FADS TO ESTABLISHED FACT

(By Richard A. Knox)

Back in the mid-1940's, it was a solemn article of faith that you could get "high" on a combination of aspirin and "Coke."

Nobody really did. But some teen-agers thought they were getting tipsy, and the first "drug fad" lived for years on that tenuous myth.

Later years brought increased dependence on drugs in the whole society, and other drug fads that were not so harmless.

In 1966, authorities noticed a surge in glue-sniffing among teens and sub-teens. The fumes of such solvents such as acetone, xylene, butyl alcohol and tricresyl phosphate would cause loss of coordination, slurred speech, blurred vision, a ringing in the ears and mild hallucinations.

They also were found to cause death in dozens of instances. In others, permanent kidney disorder and even damage to the chromosomes was found.

The drug fad of 1968 was a different phenomenon. "Mellow Yellow," a supposed mild high induced by smoking oven-dried scrapings from banana peels, was a big joke.

The "Amy Joy" fad in 1968 was, perhaps, less widespread—and less innocuous.

The use of "Amy Joy" or amyl nitrate for a 5 to 10-minute "warm feeling" marked a heightened awareness of, and recklessness towards, more potent drugs.

Amyl nitrate is a potent drug prescribed for treatment of angina pectoris—pain around the heart. It comes in "pearls," inch-long capsules of fragile glass wrapped in cloth. Angina victims shatter the glass in their hand, inhale its contents and get relief from their sharp pain.

The drug, which until very recently could be purchased without a prescription, relaxes the muscles that surrounds the body's blood vessels. The result is a flush that starts in the face and spreads downward.

Police have known teen-agers to crush as many as a half dozen ampules and inhale the volatile fumes. In some cases their blood pressure dropped so precipitously that the drug produced heart arrest and death.

A Boston Police narcotics specialist said recently that such fads as "Amy Joy" are no longer the principal problem with youngsters.

Youngsters who once experimented with various kicks are now using the same drugs—marijuana, amphetamines, benzedrine—as their collegiate counterparts.

Some of them are emulating not the college types with their pipes of pot but the heroin addict with his hypodermic needle.

A recent article in CITY magazine reported that some estimates of heroin use in some Boston and Philadelphia high schools approach 35 percent of the student body.

"Ex-addicts say the kids are getting 'garbage'—heroin that has been cut so many times it is incapable of causing more than a psychological addiction," says the magazine.

"But the pusher tells them they're hooked, they think they are, and continue to use the drug in ever stronger doses as their body develops tolerance."

Professional pushers have been distributing marijuana that has been laced with opiates—thus getting customers "hooked" without their knowing it.

In general, Boston with its post-high school student population of 100,000 is a "pot" city. Heroin use has probably not reached widespread proportions. Most of the college pot smokers are well aware of, and properly wary of, the addictive dangers of opiates.

The distribution in Boston of psychedelics such as LSD and its cousin DMT, of pep pills and depressants, and of officially "harm ful drugs" such as methamphetamine ("speed") is widespread among all levels of young people, according to authorities.

In the national marketplace of psychedelic drugs, Boston is known as the "second city" behind Los Angeles, a local narcotics expert said recently, adding that LSD and "Speed" are "readily available in high schools."

IT WAS CHARLIE'S LAST TRIP

(By James A. Treloar)

Charlie Michaels did something to himself. Just as his mother feared.

She'd call his apartment near an in-town universty almost daily and ask:

"Charlie, you wouldn't do anything to yourself, would you?"

And if Charlie were away from the phone, attending class, she'd ask relatives:

"You don't suppose Charlie has done something to himself, do you?"

Mrs. Margaret Michaels used to make the same plaintive plea about her first husband's safety. One day he ran off with another woman, and she got herself a divorce.

She married a bartender in a Western Massachusetts town, and when she was 47, Charlie was born.

Charlie seemed a normal, well-adjusted boy until he was six and his father died.

Then he started putting on weight.

And he turned bookish. His mother saw to it that he came straight home from school every night and didn't fool around with the other kids.

After all, Charlie was all she had left.

When he graduated from high school, where he played tuba in the marching band, Charlie had never dated a girl, and he was grossly overweight.

He had been a good student, and earned a scholarship to college.

When he came here to enroll in 1966, his mother came with him, and they lived together for a while. But Charlie soon split and got his own apartment near the university.

For nearly two years Charlie studied hard, made the dean's list, and inched his way toward his goal—a degree in foreign languages. He wanted to become a college professor.

Last Fall, the pattern of his life began to change. Young men with beards and scruffy jackets and girls who wore sunglasses at night began to move in and out of Charlie's apartment.

It was the first time in his life he seemed to have any friends.

One day, while cleaning, his landlady noticed some empty gelatin capsules and granules of drugs on the floor of Charlie's apartment.

"Those are just diet pills," he told her. "I can't swallow them whole."

Then one night she smelled a "perfumey" odor coming from Charlie's apartment. She knocked, and quite a while later somebody opened the door, and there was a gang of hippies sitting around a lighted candle.

"We're just reading poetry," Charlie told her.

Next day, she told him, "If I ever smell anything like that again, I'm calling the narcotics squad."

"They'd be the right people to call, all right," Charlie admitted sheepishly.

The people who visited the apartment looked progressively tougher.

"He was just so hungry for someone to like him," his landlady said, "that he got in too deep and couldn't get out."

He'd been a neat boy, but Charlie's attire became sloppy, then filthy.

His landlady called Charlie's family to warn them he was headed for trouble, but his mother wouldn't hear of it.

"Charlie's a good boy, and don't you say he isn't," she scolded.

Somebody told Charlie that his mother was the cause of all his problems with people, and by last Christmas he had turned against her.

He bought Christmas presents for everybody in the family except her. And he denounced her in front of everybody else for her possessiveness.

"You wouldn't even let me play with my little red wagon!" he berated her.

In February, Charlie called his half-sister and proudly announced:

"Guess what! I've got gonorrhea!" He was—at 21—proclaiming his achievement of manhood.

But still Charlie brooded. He wrote poetry about not being able to find a place for himself in the world.

His use of drugs quickened, and his school grades slipped. In March, Charlie moved into a cheaper apartment.

The new landlady wasn't fond of Charlie's hippy friends.

"I know the type. They weren't college students—just hangers-on. And they took advantage of Charlie. They knew he usually had food in his refrigerator and that they could always use his apartment to smoke pot.

"I finally had to warn him that this tough crowd had to leave or he'd have to move."

Charlie couldn't reject his "friends." Moochers, perhaps, but they were the only ones who'd shown him any attention.

So next day Charlie wrote notes to his friends. One said in part:

"Life has given me all that it had to offer. This was my last trip, and I want to unite again with the infinite."

Then he sat down in an overstuffed chair, propped the stock of a shotgun against a door placed the barrel to his temple and pulled the trigger.

That was March 19 . . .

. . . his mother's birthday.

ILLICIT (PROHIBITED) DRUGS (MANUFACTURE AND DISTRIBUTION PROHIBITED EXCEPT FOR APPROVED RESEARCH PURPOSES)

[A guide to some drugs which are subject to abuse]

	What they are	Primary effect	How to spot abuser	Dangers
Hallucinogens (LSD, acid)	LSD-25 is a lysergic acid derivative. Mescaline is a chemical taken from peyote cactus. Psilocybin is synthesized from Mexican mushrooms.	All produce hallucinations, exhilaration, or depression, and can lead to serious mental changes, psychotic manifestations, suicidal or homicidal tendencies.	Abusers may undergo complete personality changes, "see" smells, "hear" colors. They may try to fly or brush imaginary insects from their bodies, etc. Behaviour is irrational. Marked depersonalization.	Very small quantities of LSD may cause hallucinations lasting for days or repetitive psychotoxic episodes, which may recur months after injection. Permanence of mental derangement is still a moot question. Damage to chromosomes, and hence potentially to offspring, has been demonstrated.
Heroin (snow, stuff, H, junk, and others).	Heroin is diacetylmorphine, an alkaloid derived from morphine; it does not occur in opium. A white, off-white, or brown crystalline powder, it has long been the drug of choice among opiate addicts. Its possession is illegal.	Like morphine in all respects, faster and shorter acting.	Morphine-like	Like morphine; dependence usually develops more rapidly. Dependence liability is high.
Marihuana (Cannabis) (pot, grass, joints, weed, Mary Jane, reefers, sticks).	Marihuana is the dried flowering or fruiting top of the plant Cannabis sativa L., commonly called Indian hemp. Usually looks like fine, green tobacco. its possession is illegal. Hashish is a preparation of cannabis, taken orally in many forms.	A feeling of great perceptiveness and pleasure can accompany even small doses. Erratic behavior, loss of memory, distortion of time and spatial perceptions, and hilarity without apparent cause occur. Marked unpredictability of effect.	Abusers may feel exhilarated or relaxed, stare off into space; be hilarious without apparent cause; have exaggerated sense of ability.	Because of the vivid visions and exhilaration which result from the use of marihuana, abusers may lose all restraint and act in a manner dangerous to themselves and/or others. Accident prone because of time and space sense disturbance. Dependence (psychic but not physical) leads to antisocial behavior and could be forerunner of use of other drugs. (The effects of marihuana, as with so many drugs, have never been fully demonstrated. The effects noted here are those suggested by many competent authorities.—Editors).
LEGITIMATE (PERMITTED) DRUGS (ESSENTIAL TO PRACTICE OF MEDICINE; LEGITIMATE MANUFACTURE AND DISTRIBUTION CONFINED TO ETHICAL DRUG CHANNELS)				
Amphetamine (bennies, copilots, footballs, hearts, pep pills).	Amphetamines are stimulants, prescribed by physicians chiefly to reduce appetite and to relieve minor cases of mental depression. Often used to promote wakefulness and/or increase energy.	Normal doses produce wakefulness, increased alertness and a feeling of increased initiative. Intravenous doses produce cocaine-like psychotoxic effects.	An almost abnormal cheerfulness and unusual increase in activity, jumpiness, and irritability; hallucinations and paranoid tendencies after intravenous use.	Amphetamines can cause high blood pressure, abnormal heart rhythms and even heart attacks. Teenagers often take them to increase their "nerve." As a result, they may behave dangerously. Excess or prolonged usage can cause hallucinations, loss of weight, wakefulness, jumpiness, and dangerous aggressiveness. Tolerance to large doses is acquired by abusers; psychic dependence develops but physical dependence does not; and there is no characteristic withdrawal syndrome.
Barbiturates (Red Birds, Yellow Jackets, Blue Heavens, goof balls).	Barbiturates are sedatives, prescribed to induce sleep or, in smaller doses, to provide a calming effect. All are legally restricted to prescription use only. Dependence producing both psychic and physical, with variable tolerance.	Small amounts make the user relaxed, sociable, good humored. Heavy doses make him sluggish, bloomy, sometimes quarrelsome. His speech is thick and he staggers. Sedation and incoordination progressive with dose, and at least additive with alcohol and/or other sedatives and tranquilizers.	The appearance of drunkenness with no odor of alcohol characterizes heavy dose. Sedation with variable failure of muscle coordination.	Sedation, coma, and death from respiratory failure. Inattentiveness may cause unintentional repetitious administration to a toxic level. Many deaths each year from intentional and unintentional overdose. Potentiation with alcohol particularly hazardous. The drug is addictive, causing physical as well as psychic dependency, and withdrawal phenomena are characteristically different from withdrawal of opiates.
Cocaine (the leaf, snow, speedballs—when mixed with heroin).	Extracted from the leaves of the coca bush. It is a white, odorless, fluffy powder that looks like crystalline snow.	Oral use is said to relieve hunger and fatigue, and produce some degree of exhiliration. Intravenous use produces marked psychotoxic effects, hallucinations with paranoid tendencies. Repetitive doses lead to maniacal excitation, muscular twitching, convulsive movements.	Dilated pupils, hyperactive, exhilarated paranoic.	Convulsions and death may occur from overdose. Paranoic activity. Very strong psychic but no physical dependence and no tolerance.
Codeine (Schoolboy)	A component of opium and a derivative of morphine, in most respects a tenth or less as effective as morphine, in individual doses.	Analgesic and cough suppressant with very little sedation or exhilarant (euphoric) action. Dependence can be produced or partially supported, but large doses are required and risk is minor.	Unless taken intravenously, very little evidence of general effect. Large doses are morphine-like.	Occasionally taken (liquid preparations) for kicks, but large amount required. Contribution of the alcohol content to the effect may be significant. Degree and risk of abuse very minor. Occasionally resorted to by opiate-dependent persons to tide them over with inadequate result.
Methamphetamine (speed, crystal).	Stimulant, closely related to amphetamine and ephedrine.	Effects resemble amphetamine but are more marked and toxicity is greater.	Extreme restlessness and irritability; violence and paranoid reaction possible.	Excessive psychotoxic effects, sometimes with fatal outcome.
Morphine (1 M, Dreamer, many others).	The principal active component of opium. Morphine sulfate: white crystalline powder, light porous cubes or small white tablets.	Generally sedative and analgesic (rarely excitatory). The initial reaction is unpleasant to most people, but calming supersedes and depending on dose, may progress to coma and death from respiratory failure.	Constricted pupils. Calm inattentive, "on the nod," with slow pulse and respiration.	Man is very sensitive to the respiratory depressant effect until tolerance develops. Psychic and physical dependence and tolerance develop readily, with a characteristic withdrawal syndrome.

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METHADONE

(By Jean Dietz)

Methadone: A controversial synthetic drug offers only temporary help to overtaxed traditional state health agencies—and serves as sort of a sugar pill to shield a society not yet willing to be aware.

The Boston area may be emerging as the only region in the world where middle-class young people who could enjoy all the material possessions and educational opportunities slum-dwellers envy are shooting themselves downhill with heroin.

The state's Drug Addiction Rehabilitation Board receives dozens of telephone calls daily from private social agencies, hospitals, school counselors, and doctors alarmed by drug addicts in their midst.

"What shall we do with them?" ask the workers in the community's traditional agencies.

Demands on the board created by state legislation some five years ago could be inexhaustible, because the days of shipping narcotics addicts to some far away specialized hospital are over.

"The addiction problem is in the community, and it must be treated in the community" says Dr. Victor Gelineau, the psychologist who directs the state's research activities in drug dependency.

Statistics are nearly meaningless in the mushrooming narcotics jungle today because the scene is so fluid.

One new state-wide study suggests that

20 percent of all boys and girls in grades 7 through 12 have had "some contact" with drugs—even if only in experimentation.

Some 1800 addicts with serious drug dependency have been evaluated or are now in treatment under state auspices. This figure can be considered non-epidemic in view of the state's population of 6 million, — or as a serious signal of countless numbers of addicts starting to seek help as resources become available.

At a state-funded treatment unit in the city health center on Whittier st., Roxbury, addicts of all ages are swarming in for aid at the rate of 50 a day.

The carrot-on-the-stick which brings them in is methadone, a synthetic narcotic now widely used to bolster the admittedly feeble resolution of addicts to "kick the habit."

Methadone does not dope or sedate. It does ease symptoms of withdrawal.

Using methadone to treat symptoms of withdrawal is a rare practice at an outpatient clinic, according to Dr. Frank Haendel, director of the Whittier st. program for the past year.

While Boston's Dept. of Health and hospitals has operated the unit for two years, no more than two addicts a day turned up so long as a "vague psychotherapy" and advice were offered.

Use of methadone is held to be among the most promising—and, at the same time, controversial—methods of treatment.

Methadone does not produce the euphoric feeling of heroin or any distortion of behavior. It allows the patient to remain alert and function normally. If the patient on methadone for maintenance after withdrawal takes heroin, the heroin has no effect. It is "blocked out" by the synthetic narcotic.

Until recently, methadone was used for maintenance at the first state-sponsored Drug Rehabilitation Center at Boston State hospital, directed by Dr. David J. Myerson.

Fifty percent of the addicts on methadone achieve some sort of "social recovery," says the psychiatrist. "But you are also saying to them that your problem is hopeless and you can never get off drugs."

Heroin is the drug of choice of at least 95 percent of the patients now being treated at the state-sponsored clinics, reports Andre St. Pierre, senior drug addiction counselor at the Boston treatment units.

This upswing in the use of heroin has occurred at an alarming rate in the past year.

St. Pierre emphasized certain facts in a recent report to Massachusetts School Adjustment Counselors:

The difference between today's typical heroin addict and one of a few years ago is that he is no longer in his mid- and late-twenties but in his late teens and early twenties.

These young heroin users are supporting $30 to $100 a day habits by living outside the law, so that the community is taking an awful licking from crimes against property.

Drug addiction is spreading to all classes in society, with no exception as to color, creed, social status or location. Typing drug-dependent personalities is no longer possible because many of the youngsters now becoming addicted are bright and capable.

These young people have the usual transitory emotional upheavals of adolescence such as having to make school, work and sex adjustments and having to adopt some philosophy of life.

"Very likely, if drugs had not been there to take, many would have eventually resolved their difficulties, and made their place in society," notes St. Pierre.

But drugs are here, on the "scene," and creeping fast into every hamlet and town—spreading out from the Boston area, which now has a reputation as one of the "hippiest" drug center in the United States.

In Texas, heroin addicts are likely to be poor Mexicans, in Washington, D.C., they are often black ghetto dwellers, in Puerto Rico, the educated classes stick to alcohol, according to Dr. Haendel, who toured drug treatment centers from coast to coast recently.

Only in Boston apparently are rehabilitation workers struggling to motivate patients who have a high percentage of college degrees or high native academic ability.

A young man and young woman interviewed at Whittier st. described themselves as "experience seekers" who turned to drugs, they suggested, because of "lack of communication" with their parents.

With an honors science degree from a local university most students would give their eye teeth to enter, the young man, now 27, had worked for a few months in his field, and spent most of the last six years shooting drugs.

Neither member of the couple wore a wedding ring. "Track" marks on their arms from repeated needle injections were the only external bond holding them together.

The girl, whom he described as "my common law wife," was bright and attractive, obviously gently reared. She was also a heroin addict. She said she would agree to marriage only if children came because "marriage leads to divorce and breaks down communication."

The young woman, who works at office jobs from time to time, said she left college because "sociology was all in books and I want to learn about people."

Like many others, the couple came to the clinic because they felt sick. They knew methandone would make them feel better. They seemed a long way off from coming to grips with whatever their problems were.

THORNS GROW IN GARDEN OF EDEN

(By Stephen Cain)

The flower children are wilted.

The hippie culture of love—that innocent search for peace, brotherhood and happiness through mind-expanding psychedelic drugs—has virtually disappeared.

Hippies remain, and drugs are used more than ever. But the honest seekers of something better have discovered that the drugs are a fraud, an illusion rather than a solution.

"Flower power" has left its mark, however, through the well publicized love-ins staged from San Francisco to New York.

Straight people can now talk publicly about love without being too embarrassed. Witness Detroit Police Commissioner Johannes Spreen's "love your cop" campaign.

Drug-inspired psychedelic art tried to portray what it's like to "see sounds" and "taste colors" while on an LSD trip.

These illustrations, combined with the distortions of time and space which are part of the drug experience, were translated into brightly colored posters.

This new wave was quickly commercialized into such diverse things as mod neckties and automobile ads.

Pockets of gentle flower children remain, but the seekers were driven out of places like San Francisco's Haight-Ashbury district, not by the police but by the motorcycle hoods.

Replacing the love-seekers were the thrill-seekers.

Today, the youth world of such hallucinogens as LSD, amphetamines and barbiturates is populated by people seeking kicks, escape, or both.

The amphetamine users—"speed freaks"—display a hostility, a drug-induced aggressiveness foreign to the ways of the flower children.

The drug world attracted an undue share of misfits and psychotics.

With these people on one side and police on the other, there was little middle ground left for the flower children.

The famous (or infamous) apostles of the drug experience, like Dr. Timothy Leary, have lost much of their appeal.

For one thing, they charge high fees as speakers.

The Eastern mystics are saying that drugs are not the way of wisdom and meditation.

It seems that many of those who remain to preach the "rewards" of drugs are merely trying to justify their own use.

Hospitals like Boston State simply don't have the space or manpower to help all the young drug-takers struggling with severe mental problems.

The drug world has proved to be no Garden of Eden for the flower children.

NOW, INSTEAD OF DOLLS IT WAS DRUGS: "YOU'LL HAVE TO COME RIGHT DOWN HERE. WE HAVE YOUR DAUGHTER FOR POSSESSION OF MARIJUANA"

(NOTE.—This is a true story—of a mother who remembered her daughter as a little girl with cuddly dolls and skinned knees—and then saw her as a teenager hooked on drugs. It was written anonymously by the girl's mother in the hope that her experience might help others to be alert for the danger signals. Only names are changed. The events are as they happened.)

My real-life nightmare began two years ago with the ring of a telephone at 3 o'clock in the morning.

When I picked up the receiver, a male voice identified himself as a sergeant at the police station.

"You'll have to come down here," he said matter-of-factly. "We have your daughter for possession of marijuana."

Marijuana? It couldn't be. Judy was spending the night at her friend Karen's home. She had called at 11 to say goodnight and that she loved me.

No, it couldn't be, I thought. Not marijuana. Judy was, after all, only 15.

Ripping curlers out of my hair, I slipped on a pair of slacks, a blouse and my coat. Fog was thick, and my arms and legs were shaking so violently I could hardly control the car.

Karen's parents were at the police station, too. Her mother was crying. An officer led me to a back room.

There Judy sat—not quite like the blond, blue-eyed daughter I knew. The aggressive expression, general disarray of her person and dilated pupils did not fit the picture. My stomach turned.

They released her to me. Instructions from Juvenile Court would follow.

We didn't speak . . . not then. I decided to wait. She apparently wasn't ready to talk, either.

But next morning she was first to break the ice.

"Where are you going to do to me, Mom?"

"I'm not going to yell at you, Judy. You must know how I feel—how disappointed and sick at heart I am. But because I think I know you, I'm going to give you another chance. All I want is your promise that this will never happen again."

"It won't, Mom. Please believe me and forgive me."

"I don't have to tell you how wrong you were, or what fire you were playing with," I said. "You don't even have to tell me the details if you don't want to. All I want is to help you."

Thoughts of dolls, mud pies and skinned knees flitted through my mind as I looked at her. I remembered her as a little girl when she would unexpectedly throw her arms around me and say, "I love you, Mom."

Now, instead of dolls, it was marijuana cigarettes.

What had happened? More than ever, I needed the loving strength of Warren. Maybe this wouldn't have happened if he had lived. Judy missed him, the two boys missed him . . . and so did I.

An uneventful week passed after I had taken Judy home from the police station. I decided that a long week-end at the cottage would be good for all of us. Each of the youngsters invited a friend.

An hour after they were expected to be in bed, the girls came into the cottage—obviously elated but looking strange. I let it go and sent them to bed. With the boys asleep there was little I could say without fear of disturbing anyone.

In the morning I was the first up and left to buy some milk. Emptying some trash as I left, I lifted the lid and notice a paper bag. Inside was a water pipe and package of cigarette papers. I knew who had put them there.

The nightmare was continuing.

The girls were quiet Sunday. They helped clean up and pack and asked if they could walk to a nearby fruit stand before we left for home.

An hour later and a trip on my part to the stand failed to turn up the girls. I was frantic.

Then a state police car swung into the driveway. My heart leaped.

Judy and Karen had been taken into custoday for breaking and entering a closed cottage.

My Judy? I couldn't believe it.

Local authorities released the girls to my custody with a severe reprimand because they were juveniles. I paid the breaking and entering damages.

On the way home I asked them if they had remembered to pack their water pipe. It was a silent trip.

I grounded Judy for a month with no phone privileges—the crulest blow of all.

Two weeks into the punishment period, I arrived home early one afternoon. A couple of cars were parked in front.

As I turned the key and took a deep breath, I was already afraid of what I was going to find.

The pungency hit me immediately. Judy, Karen and four boys sat in the living room. Two incense burners smoked on the mantel. Stereo and hilarity going full blast. Enough to drown out my entrance.

There it was. A pot party in full bloom.

My God! Would there be no end to this. I suddenly realized the need for professional help.

I told Judy this was the end of the line. Our pediatrician referred us to a psychiatrist and set up a series of appointments. The doctor could take Judy the next afternoon. Surprisingly, she agreed to go.

When I came home to keep the appointment. Judy was gone—lock, stock and pot.

My son Jeff—with tears in his questioning 10-year-old eyes—told me his sister had left by bus for Toronto. She took money from his piggy bank which he hadn't touched in three years.

I felt defeated, helpless and desperately alone.

She was home a week later—bedraggled and with the pleading eyes of a stray puppy.

The old parental hang-up. I was so happy to see her alive, I could only clasp her to me.

Whatever she had seen or done or had been frightened by, a remarkable change seemed to come over Judy in the ensuing weeks.

Toward the end of three months, I began to breathe easier and sleep through the night. Some kind of miracle had taken place. It lasted three more wonderful months.

Judy asked if she could redecorate her room. Because she displayed excellent taste in colors and clothing, I gave her carte blanche. Walls were painted black; her ceiling fixture bulb was replaced with a black light; and psychedelic posters dotted the walls.

I should have known. But once more I was trying to relate— "that's teen-age taste for you."

On her 16th birthday, I allowed Judy to have a party for 16 of her friends. Judy, her brothers and I all pitched in to decorate the basement and set up a refreshment table.

All went well as her friends arrived. I checked on the festivities every now and then without posting myself on the bottom step like a warden.

The doorbell continued to ring, and I went along with Judy when she asked to admit a few more pals who hadn't been invited. Word of the party had spread.

At 11, I had to ask her guests to leave. Judy had allowed 10 more boys to sneak into the house through the back door near the basement. It infuriated me and I hastily kicked out the whole group. Judy went to her room in tears.

I went to the basement and through my tears picked up the party dregs. They included plastic bags of greenish-gray material; "Band-Aid" wrappers; a charred spoon and some white material that looked like flour. All in the basement lavatory.

No one had to tell me our refreshment fare had included more than soda pop and chips.

Things quieted down for a few weeks until the day Jeff called me at the office. Through his sobs he explained "Mama, I'm over at Timmy's house and I want you to come home."

It seems Jeff and John had walked into Judy's room without knocking. As punishment, she sadistically forced her brothers to watch her raise the vein in Karen's arm before jabbing in a needle. She said she was going to do the same thing to them if they told me.

I ran into the house and up to Judy's room. She was alone, listening to records and reading a comic book. I pulled her to her feet and slapped her face. It was the first time I had touched her in years, but I couldn't stop myself.

Then, almost screaming in my rage, I told her:

"If you ever do such a thing to your brothers again, I'll murder you. You're grounded for two months, and you're never to have Karen in this house again."

Judy just looked at me—silent and defiant.

She remained quiet in the days to come, merely going to and from school. The only conversation I had at home was with her brothers. But she seemed to be behaving.

Maybe she has seen the light, I dared to hope.

Then came the day that I found the note addressed to Judy! It was in her bedroom wastebasket, which I checked periodically.

"Please do not leave these things under your mattress. They scare me."—signed "Clara."

Clara is the woman who comes to clean once a week. She was referring, I learned later, to the hypodermic needles she found while changing Judy's bed.

Clara is loyal to our entire family. Judging from recent events in our once-happy home, she knows how upset anything of this nature can make me.

Judy was in deep trouble.

When she came home I called her into my bedroom.

"Judy. I'm going to say something I never thought I could: Leave home. You are heading for hell. You won't cooperate and you are not only killing me, but you are ruining your brothers' lives.

"Since you refuse to be a normal member of this family, I don't want to consider you a member. So this time, go to Toronto and stay."

She just stared at me and went to her room.

That evening Judy came to me.

"I've been thinking it over, Mom. I don't want to leave you. I want to finish school. I'm all mixed up and I want to be better. If you let me stay, I'll go to that head shrinker."

What could I do but go along with her?

She has weekly sessions with the doctor. It is encouraging to find library books in her room on the dangers of drugs.

But I don't know what tomorrow will bring. I can only pray that the nightmare is over.

CONFRONTATION AS A "CURE"

(By Phyllis W. Coons)

The only sound in the Boston State Hospital ward room was the echo of an empty coffee can rolling off the table after the 14-year-old boy ground out a cigarette. An empty grin was pasted across his mouth.

A dozen other drug addicts, two ex-addicts and a psychiatrist in a torn blue shirt watched and waited for him to answer their questions.

"Man, you . . . mother's son, I'm real teed-off at you. Do you think you're keeping the sidewalk clean by just sitting there? You might just as well be lying on the street if you're going to sit there while we try to drag it out of you like we had a pick and shovel."

Tim, the group leader and an ex-addict, fixed tired eyes on the grinning mouth. "You think you're cool, dont' you? Well I have news for you. A lot of junkies thought they were cool because they wouldn't talk and wouldn't show their feelings, and they're dead now.

"How does it make you feel when you don't answer us?"

"Stupid!" was the barely audible reply.

"Speak up, man. We can't hear you," put in the doctor.

"STUPID!" This time it came out like a scream, but the smile was still there.

"Look at me, Steve, when you're talking to me," said the doctor.

"He can't look at you because he's crying behind that smile," said a thin, drawn-looking girl. Her bracelets almost fell off a needle-scarred arm as she pushed tissues at Steve.

"Look at your mother. She's crying, too. Look at her. Say something to her," prodded Tim. "Do you ever talk to her?"

"He don't, but his sister does," offered Steve's mother.

"I can't," Steve whispered, tears rolling down his bumpy adolescent face.

"If you think anybody can make you stop taking 'smack' (heroin) you're crazy. You got to do it yourself, man. What do you think of yourself, Steve? Do you want to be a man or do you want to be a . . . junkie until you can cop out with an O.D. (overdose)?"

"Do you think I never cry?" said Tim, holding a cigarette lighter close to Steve's face to focus his attention.

"When I came in here with an O.D. I didn't know if I was going to live or die. When I came out of it, I had to sit here in front of my brother and tell him how I forged morphine prescriptions and stole to shoot dope. Do you think I don't want some right now?" prodded Tim, rubbing a stubbly jaw.

Steve had started to shake. He looked at his mother.

"Will you talk to her and to your uncle? Will you tell her that if you want to go out at night it's your own choice because you're a man now. Can you be a man?"

Phil came in, late. A dark-haired boy with a high forehead and an over-cultivated accent, he was the next target.

"Don't be late, again, Phil," said Tim, cutting off his excuses. "Did you take a fix this week?"

"First, I said no . . . damn you," started Phil with an ingratiating smile. "I didn't invite my friends to my house. They just came and said did I want to get high with them?"

"Did you get high or did you say that it was your house and you didn't want the stuff?"

"I took the stuff, but I couldn't get high. I was angry with myself because it was so pointless."

"What do you do when you get angry? Do you dare to show it or do you try to keep your friends on your side by letting them push you around?"

"I won't let them push me around any more."

"How do you know you won't?"

A girl on crutches put her face down and began to moan. "I lost my baby. I lost my baby."

"Do you think I didn't feel bad, too, when I lost my baby?" asked a doctor.

"I just don't seem to be able to take it," said the girl, rubbing the deep circles under her eyes.

"Do you think your pain is worse than anybody else's pain?" asked a former addict.

Alice was qualifying as a patient at the Drug Addiction Rehabilitation Center at the Boston State Hospital. It was started by Dr. David J. Myerson in 1964.

By limping in on crutches for three consecutive weekly meetings with other addicts, she was showing the depth of her commitment to therapy.

Her skin was bruised purple by falls, but sympathy was something that she would have to earn by showing courage through exhausting marathon sessions of confrontation with other addicts led by ex-addicts and lasting up to several days. After her third visit and a wait for one of the 19 beds at the unit, she received a physical examination and was treated with methadone.

"There is no question that it helps many to adjust to society, but we are not really treating patients to acquire self-respect if we keep them going with methadone. We are treating society by protecting it against stealing and prostitution."

Dr. Myerson compares his confrontation treatment to the methods of Synanon, a group pressure "attack" therapy started by ex-alcoholic Chuck Dederich in Santa Monica, Calif.

Other self-help groups like Synanon are springing up with private support. Many do not apply for Federal funds, since they operate on mutual trust and are unwilling to require urinalysis to prove total abstinence and do not wish to comply with rigid requirements for professional staffs.

A relaxed but authoritative figure, Dr. Myerson has accepted more than 1300 addicts for treatment during the past five years. He and Dr. Albert B. Samaraweera, who will take over when Dr. Myerson becomes director of Worcester State Hospital shortly, have a dedicated staff, which relies on frequent meetings among nurses, secretaries, psychiatrists and former addicts hired by the hospital as group leaders.

Analyzing some 500 patients referred by welfare and child guidance agencies, vocational centers, prisons, probation officers and law enforcers during a three-year period, Dr. Myerson described the progress of 197 accepted for treatment.

Some 22 percent have been able to give up drugs and have returned to work or to school; 16 percent were able to give up drugs periodically; 23 percent have not renounced drugs but are in longterm involvement with therapy; and 39 percent gave up treatment after six months.

Dr. Myerson speaks of a patient's adjustment to life, not of his being cured.

"The average addict we treat, started at 13 or 14 and dropped out of school by the 10th grade.

"If we accept a patient, we expect him to cut way back on drugs but not renounce them entirely at first. He is accepted by a vote among fellow patients in a group, and spends two hours a day or more, five days a week, in confrontation," Dr. Myerson explained.

"Each recovered addict is tremendously valuable to the community," points out Dr. Myerson. "Addicts react best with other addicts.

"We send recovered addicts out to speak."

Self-government is the rule on the open wards of the Boston State Hospital. Self-analysis and honesty are the principal tools. One girl, admitted after an overdose, lied consistently for a week, until she identified closely enough with her group to admit that a drunken mother and a hen-pecked father had prompted her to "run away" through drugs.

In a chapter he has written with Dr. Joseph Mayer of the Washingtonian Hospital for "The Practice of Community Psychiatry" Dr. Myerson notes, "Certainly we have demonstrated that, given an environment that encourages growth, some are able to control their addictive needs and progress to a point where they can cope with their problems as responsible adults."

Giving addicts a chance to earn a sense of self-respect is no sure or quick or easy way, but therapists like Dr. Myerson, and a widely increasing number of self-help groups, believe that working through the patient's own potential, with the help of others who have renounced drugs, is a positive first step.

TUNED OUT: THE ONSLAUGHT OF DRUG USE CAUGHT AMERICA UNPREPARED

Drug-swallowing, drug-injecting and drug-sniffing have become so prevalent among young people that some scientists are now viewing the problem as a "medical Pearl Harbor."

And, as in the early hours after Dec. 7, 1941, no one is quite certain how much damage has been done or what the final outcome will be.

Youth's swing to drugs—amidst a whirling confusion of facts, half-truths and myths—has clearly caught the nation unprepared.

Drug and medical authorities, law enforcement officials and local, state and federal agencies agree on one stark truth:

We are a long way from any kind of solution to "the drug problem"—if, indeed, a solution is possible at all.

The first and most urgent needs are for extensive research programs to explore the nature and long-term effects of various drugs, and for new drug treatment and rehabilitation centers.

Education—of parents, teachers, children, doctors, the police and public officials—is seen as the ultimate answer. But education must await facts, and facts come from research.

No one can begin to estimate the time, cost or effort that will be required, but it will take money, money and more money. Even establishing priorities is a complex problem.

It would be oversimplification to characterize drug abuse as nothing more than a product of the tensions of modern life, but there IS an element of truth in this generalization.

For we have become a pill-oriented society. Americans gulp pills faster than candy. We are taught from crib to grave that there is a simple medical remedy for most ailments.

"Why suffer?" is the cry heard hourly from Madison Avenue.

Magically, in the span of a 60-second television commercial, the frowning, pounding symptoms of headache are converted into smiling normalcy by a vast array of pills and tonics.

And, just as magically, colds are relieved, insomnia is conquered, jangled nerves are calmed, fatigue vanishes and "the blues" are routed.

Why not, then, pills to cure poor grades in school, a boorish personality, a sudden financial crisis or anxiety over world problems?

Why not, indeed!

In the pages of this magazine, the dimensions of the problem have been drawn. There is a mushrooming abuse of drugs among young adults and teenagers. And the age level is dropping alarmingly.

Such drugs as heroin, marijuana, the amphetamines, the barbiturates and LSD have acquired new names—and new meaning—to a young world that refers to pot, speed, bennies, goofballs, junk and acid.

It's a world where turning-on and turning-off can be a way of life. And most parents are tuned-out.

There is little reason to suspect that the situation will change for the better quickly.

But there are some hopeful signs.

For one thing, today's young people—the "now generation"—are the product of a technological society. They see, and believe, the miracles of space flight, medical advances and computers.

And they hold a healthy respect for facts and research findings—when they are presented without distortions and with supporting evidence.

Already, the use of one of the more dangerous drugs, LSD, is declining at the nation's universities and colleges. This decline can be traced at least in part to solid scientific findings that genetic damage can result from its use.

Young people won't be fooled. They are brighter, better educated and more inquisitive than previous generations. They want to be told "like it is."

But how is it with the drug scene?

Americans today, including the drug "experts," don't really know. The nation needs more facts, more facilities, more manpower, better educational programs and revamped laws to cope effectively with the problem.

Congress is beginning to recognize the enormity of the problem. Senator Harrison A. Williams Jr., New Jersey Democrat, introduced a bill during this session to authorize a $350 million attack on drug abuse.

The bulk of Federal money for drug research currently comes from the National Institute of Mental Health. It has a budget of $6 million for such research and $900,000 for educational programs.

The institute also is supporting 23 projects directly related to the use of marijuana. One is a two-year study of the pharmacology and the physiological and psychological effects of synthetically produced THC—the active ingredient in marijuana.

A preliminary study of THC's effect is reported to show that 200 micrograms—one-quarter of a drop of the liquid—has the potency of about 10 marijuana cigarettes for a man weighing 170 pounds.

In controlled experiments, the quarter-drop was enough to cause hallucinations, distortions of sensory perception, loss of insight, muscle rigidity and muteness.

At 480 micrograms, all of the volunteer subjects experienced severe psychotic episodes.

"We still know very little about how THC acts on the brain," says Dr. William R. Martin, director of the addiction research center at Lexington, Ky.

Marijuana smokers—and there may be millions who have tried it at least once or use it routinely—are breaking laws that now carry heavy penalties.

Another research warning has been sounded by Dr. Daniel X. Freedman, of the University of Chicago's department of psychiatry. At an AMA conference on drug abuse last year, he advised physicians and biomedical scientists:

"One implication of research in drug abuse is that we should not use it prematurely to control people's behavior.

"It is fair enough to warn people what we in medicine know: that there is always the unexpected which occurs with drugs, and that they are never given without weighing the risk.

"Publication of suspicions about LSD certainly offended the pride of youth who believed that there were drugs and experiences which were their civil right to have with impunity. They expected parental, but not biological recriminations!

"It seems to me that what is at stake in many arguments about the use of drugs for recreation and self-enhancement is the arrogance of those who believe that drug dependency cannot occur and that adverse reactions are an invention of the moralistic medical people.

"No society can thoroughly regulate what a population of two-year-olds, adolescents or depressed adults can put in their mouths.

"It can try to regulate personal 'vice'—but not successfully. It cannot avoid establishing stabilizing, or harmful, customs surrounding the recreational use of drugs.

"Society may very well wish to regulate the spread of indiscriminate self-medication and advertisements which lure the unwary. But it is not the business of research to provide flimsy rationalizations for issues that require value judgments and public choice.

"With appropriate support, the data required can be generated, evaluated and shared with those who will arrive at means for social control."

At the AMA conference, attorney Sheldon Krantz, member of the Committee on Law Enforcement and Administration of Criminal Justice of Massachusetts, discussed the role of law as one of the deterrents to drug abuse.

"Never in our history," he declared, "has it been quite as important to re-assess the role of law in controlling the misuse of drugs as it is today.

"There is a present cynicism about the validity of many of the restrictions and penalties imposed by federal and state drug laws, particularly among youths, that parallels the attitude toward the Volstead Act during the prohibition era.

"Much of this cynicism may be warranted. Many of the drug abuse laws have not been the result of careful analysis, but rather have been the result of an emotional response to what is, admittedly, a serious problem.

"Possibly even more disturbing is the fact that it is often difficult to convince legislative bodies to update laws or rectify old mistakes, even though substantial evidence exists that change is desperately needed."

Krantz contended that the role of law could become a significant deterrent to the misuse of drugs if the following steps were undertaken simultaneously:

Accelerate medical research to determine the harmfulness of drug consumption, both controlled and uncontrolled, and to evaluate various treatment programs.

A review of all narcotic and drug abuse laws at both state and federal levels based upon current knowledge.

Provide greater resources for law enforcement agencies, along with improved coordination of efforts to insure that illegal trafficking in drugs is more effectively curtailed.

Research hopefully will provide some answers for the future but what is being done today to help drug addicts and those emotionally dependent upon drugs?

For years, about the only answer that could be given was "Lexington," the U.S. Public Health Service Hospital in that Kentucky city. For male addicts west of the Mississippi, the answer was a smaller federal facility at Fort Worth, Tex.

They are still the chief centers for "large" numbers of patients—1042 beds at Lexington and 777 at Fort Worth. But these are pitifully few for the demand.

At one time, the only way an addict could get into Lexington was as a prisoner. Now the regulations permit voluntary commitment, and about half the patients at any given time are in this category.

The relapse rate, however, remains extremely high.

More recently, new state-supported programs have gone into effect, particularly in California and New York, where drug abuse is higher than the national average.

Of wider scope, the state programs often provide both in-patient and out-patient care; vocational and academic training; halfway houses for those returning to society; and follow-up guidance or supervision.

THE PICTURE IN BAY STATE

In Massachusetts, warnings issued five years ago by the special White House Conference on Narcotics and Drug Abuse, the then newly-created State Drug Addiction Rehabilitation Board, police, doctors, youth counselors in schools, the courts and the corrections system unanimously agreed that drug abuse was increasing at an alarming rate.

For a while, there was little response from the public. It still visualized drug addicts solely as opium-smokers, or heroin-shooters sprawled in dark and dingy dens in the poorest sections of the big cities. Kids from nice homes don't take dope, many people still thought, particularly kids from suburbia.

Bay Staters learned, fast, however, and many learned the hard way. Drug abuse suddenly broke out in nearly every community in the state.

The public began hearing almost daily about drug raids. Often, they involved high school students, sometimes even junior high pupils were involved.

Coupled with this were reports from colleges, where pot, LSD and illicit pills suddenly, it seemed, became as prevalent as school books. The state, indeed, became frightened that the "drug problem" was racing out of control.

"People began participating in programs to help drug addicts and abusers, and to prevent the problem from spreading. Parents, youth, addicts themselves, wanted to become involved in the fight," explains Lawrence D. Gaughan, director of the Drug Addiction Rehabilitation Board.

Local committees were set up in cities and towns throughout the state, most of them within the past two or three years. Some were sponsored by local government, others by neighborhood groups or other civic organizations, some by medical associations.

But these new committees of persons who knew little about a new problem, needed guidance. They got it from Gaughan and his board.

"We set up a model co-ordinating plan for local groups," says Gaughan. "We told them to be sure to get the local government, the city council or selectmen, the police, the school committee, any other agency in the community which could help, involved.

"We also pointed out the safeguards they should set up. They should establish themselves as a non-profit organization, for example. They should have no more than 15 nor less than 10 members on their board, and they should include a lawyer, a doctor and a clergyman. And their books, if they are set up by the mayor or a local governmental agency, should be subject to auditing."

Every major city in Massachusetts, and some towns, now have such a citizen's group fighting drug abuse. And they, in turn, are generating new interests and enthusiasm among other people in the community.

To help these local groups further, Gaughan asked the Legislature for $250,000 in a supplementary budget this year.

In 1964, the Massachusetts Legislature gave this state the third state-sponsored drug rehabilitation unit in the country, and the first to work with voluntary patients, as well as those assigned by the court.

The first year, the board had about $265,000 to work with. Its only facility was a 12-bed unit set up at the Boston State Hospital in Mattapan. With its budget doubled in five years, the board has expanded services into many sections of the state, and has plans for even further expansion.

A goal, points out Gaughan, is that "every person who is a drug addict or abuser should be able to get help in his immediate area." Another goal, based on a recommendation by the 1962 President's Committee on Drug Abuse, is that state facilities be reserved for the hard-core, serious cases, people who can't help themselves on an out-patient basis. For those who can—and this seems to include most persons with a drug problem—out-patient facilities should be provided.

Set up throughout the state now, usually because of the help from Gaughan's board, are seven facilities. Two more are planned. And another 49, including the 12 State Mental Hospitals and 39 proposed community mental health centers, will be drawn into the program under legislation passed this year.

There are two key facilities: the Boston State Hospital unit, which now has 20 beds (which treated 497 patients, both in-patient and outpatient last year) and the drug rehabilitation center at the Massachusetts Correctional Institution at Bridgewater. Last year the Bridgewater unit treated 586 persons, 417 of them sent there by the courts. The remainder were voluntary commitments.

In Boston, the city's Dept. of Health and Hospitals, in conjunction with the state board has established an out-patient clinic on Whittier st., Roxbury, and an information and referral center in East Boston. An evening clinic at Boston City Hospital is to be opened soon.

Elsewhere in the state, a new unit has been set up at the Massachusetts Correctional Institution for women in Framingham. Units are planned at the Springfield Medical Center and Pittsfield General Hospital. An Oct. 1 target date has been set for opening these.

Also planned, but due to open later, is a drug rehabilitation units at Northampton State Hospital.

Gaughan also is seeking to establish rehabilitation units in private hospitals, a move authorized by the Quinn bill. He is working with the Massachusetts Hospital Assn. to expedite this.

The director warns that while the Quinn Bill "was a good bill," use of the 37 Community Mental Health Centers is a long way off. Only one such facility has been built, and all 37 are not due to be operating until 1973.

Massachusetts, in other ways, is waging a new attack on drug abuse. Public meetings to discuss the problem are being sponsored with increased frequency by community groups, the schools or the police.

Doctors are more willing now, than five years ago, to accept as patients people with drug problems.

Gaughan finds several reasons for this. Drug addiction now is recognized is a middle class problem, as well as one for other economic levels. Also, today's drug addicts aren't so frequently involved with crime as they formerly were.

CORRECTION OF THE JOURNAL AND THE RECORD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal and the RECORD of February 7 be corrected to change the Roman numeral "XXI" to "XVI" so that the order granted that day to permit the Committee on Appropriations to file reports during adjournments or recesses of the Senate will read "with accompanying notices or motions to suspend paragraph 4 of rule XVI."

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF THE HONORABLE STEPHEN M. YOUNG BRINGS APPRAISAL OF HIS CONSTRUCTIVE LEADERSHIP IN WATER RESOURCE PROGRAMS—ARTICLE IS CITED

Mr. RANDOLPH. Mr. President, recently our esteemed colleague from Ohio, Senator Stephen Young, announced his intention to retire when his term expires in 1970.

As chairman of the Committee on Public Works, I personally and officially press tribute to the work that Senator Young has done in the area of water resource development. He is chairman of the Subcommittee on Flood Control—Rivers and Harbors, and has become a recognized expert on these matters.

The subcommittee is one of our most important. It has the responsibility for recommending legislative authorizations for the comprehensive water resources development programs. These are carried out under the jurisdiction of the various Federal water resources agencies, including the Corps of Engineers, Department of the Army, the Soil Conservation Service, Department of Agriculture, and the Tennessee Valley Authority. Under the leadership of Senator Young, the subcommittee has recommended the enactment of legislation which has enhanced water resource development throughout the Nation.

Wherever water resources exist—whether in the Great Lakes region or the Ohio River in his own State, or in the Mississippi Valley, the West, or the East—Senator Young has been an ardent spokesman for the wise and prudent use and development of these water resources.

It is significant that less than 2 weeks before Senator Young announced his intention to retire, a paper on water resource development authored by him was published by the National Waterways Conference, Inc. It is entitled "A Water Development Program for America's Future," and outlines graphically the water resource needs that the Nation faces, as well as a plan of action to meet these needs.

I am sure we can count on Senator Young's advice and counsel in years to come as we grapple with various water resource problems—whether they be water supply, pollution abatement, flood control, river development, or navigation.

Because his article on water resource development is both informative and timely, I ask unanimous consent that it be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

A Water Development Program for America's Future[1]

(By U.S. Senator Stephen M. Young)

FOREWORD

Recent studies and official reports, notably *The Nation's Water Resources, Summary Report* published by the U.S. Water Resources Council in late 1968, highlight the urgent need for an expanded and accelerated program of comprehensive water resource development—if we are to meet the pressing needs of a rising population and a growing economy. Recurrent droughts, even in the humid East, and devastating floods from California to New England are grim reminders of the inadequacy of our present efforts and of the vital urgency of a greater commitment of national energy and resources to an enlightened water resource development program.

Ironically, the funding of Federal water projects in recent years manifests a steady downward trend. In Fiscal Year 1970, for instance, the construction budget of the Army Corps of Engineers for water resource projects is the lowest since 1959. We are losing ground, much less keeping pace with increasing needs.

This essay by Hon. Stephen M. Young, senior Senator from Ohio, Chairman of the Flood Control—River and Harbors Subcommittee of the Senate Committee on Public Works, is a major contribution to public understanding of this critical problem. In this paper, which the National Waterways Conference, Inc., is privileged to publish, Senator Young clearly defines essential goals, analyzes the principal obstacles to their attainment, and proposes water policies designed to facilitate accomplishment of "the massive and challenging task * * * which confronts the Nation."

America lives on water. Our industries are enormous and growing users of this vital resource. For example, over 68,000 gallons of water were used to produce the steel in your automobile. Navigation on our lakes and rivers sustains the efficiency of the country's basic industries, such as petroleum, steel, coal, chemicals, building materials, electric power, and agriculture. The average American municipality withdraws 110 gallons of water a day per resident. Our water resources are basic to rising standards of health and well-being—to the resilience of a free society in a threatening world.

But, while our people and their water needs are multiplying, the available supply of water stays the same. From the wells, lakes and rivers the American people in their industries and homes now draw a daily average exceeding 1500 gallons per person. By the end of this century, the Nation's water needs will more than double. But, for most of the country, the only water we can use is that which falls as rain and snow. This is fixed. It will be the same in the year 2000 as it is today—as it was when America was discovered.

Even now, in much of the country, most of our waste water is returned to the lakes and rivers, to be drawn out and used again by downstream communities and industries. The water becomes less and less fit for reuse. If we are to have the water we need for our homes and industries by the year 2000, we will have to maintain its quality while using it over and over again.

I venture to say, therefore, that we are on the threshold of a fundamental change in attitude and practice with regard to water. We have looked upon our fresh waters as limitless and incorruptible, as did the Indians before us. But, we now see that this is not so. We enter, therefore, into an era of highly comprehensive husbanding of our water supply. Either we embark upon such a program, unprecedented in scope and concept, or this civilization will wither.

Water resource neglect and the urban crisis

A challenge of the scope I have indicated penetrates to the basic issues of our national destiny. History is strewn with the wreckage of great civilizations which neglected their water and land resources. Senator Allen J. Ellender of Louisiana, an extensive world traveler, recently pointed to the tragic history of the Valley of Mesopotamia, between the Tigris and Euphrates Rivers, which once produced food and fiber to sustain 15 million people. Today it barely provides for 2 million. The great water resources of the Tigris and Euphrates Rivers, with their countless tributaries, were allowed to deteriorate, and, as the rivers carried away the fertile soils in uncontrolled floods, the countryside became a semi-desert. The people little sensed the water thirst which underlay the dissensions and turmoil of their decline.

As in ancient societies, guilty of this improvidence, riots are now erupting in American cities. Again, the neglect of water resources lies at their roots. From 1955 to 1965, over 8.5 million Americans migrated from rural areas to the cities. Millions of these migrants are desperately poor and ill-equipped to cope with the complexities of urban life. Our cities have consequently become festering centers of poverty and frustration in which both rats and riots breed.

Much of this migration could have been avoided. Data compiled by the American Waterway Operators, Inc., disclose that from 1952 through 1968 about $136.3 billion was invested in industrial production facilities at waterside locations in the United States. Commenting on this remarkable record, Lt. General William F. Cassidy, as Chief of Engineers, U.S. Army, testifying in 1968 before the Public Works Appropriations Subcommittee of the Senate stated:

"Comparably, the Nation's total capital investment on all navigation work to date—for harbors, inland waterways and the navigation share of multiple-purpose developments—is less than $5 billion. This represents an investment ratio of more than 26 to 1, and the result has been more jobs for more people while reducing the cost of goods and services to consumers.

"It is a program in our Nation's welfare where the direct benefits exceed the direct costs and where the indirect benefits from the public investments multiply the economic values many times."

Thus, if we had developed adequately the water resources of the great basins from which the people have migrated in such vast numbers, many of these people would have found opportunity and a better life in their home areas and the scale of urban in-migration would have been greatly reduced. At the same time, the hopeless stagnation of depressed rural areas would have been relieved.

The former Secretary of Transportation, the Honorable Alan S. Boyd, stated in a 1967 speech in Atlanta, Georgia:

"I am forced to conclude that at the present time there is only one transportation mode in which technological progress is not generally weighted in favor of metropolitan areas. That is the inland waterway system. * * * I see at least one implication, and that is the likelihood that rural industrial sites will remain a stable locational pattern here in the Southeast."

The continued neglect of water resources will continue to strain the fabric of society in directions not now discernible. If we persist in this neglect, the turmoil of the cities will almost surely prove to have been but the first chapter of progressive deterioration in the structure and unity of American society. We must not let this happen.

Fortunately, America has been blessed throughout her history with leaders with the wisdom to read the lessons of the past and the foresight to build for the future. We must be eternally grateful to men such as Teddy Roosevelt, Gifford Pinchot, George Norris, and in our own day Robert Kerr,

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Carl Hayden, Allen Ellender and Michael J. Kirwan, to mention only a few, who with vision and courage have fought unceasingly for reclamation, conservation and development of our water and related land resources against the forces of inertia and, at times, against the misleading propaganda of special, self-centered interests. Only the broad and far-sighted vision of such leadership, dedicated to the interest of the Nation as a whole will prove equal to the task ahead.

1. THE GOALS OF WATER RESOURCE DEVELOPMENT

Let us first spell out our goals. Then we can gauge the obstacles to be overcome for their achievement.

Water supply

Our first goal is to have enough water. Sufficient rain and snow fall on the United States each year to flood the whole Nation to a depth of two and one-half feet. But, most of this evaporates or passes off into the air through the leaves of trees, grass, and farm crops. We are left, then, with the residue, only 1/40 of an inch per day. Each time you burn up a gallon of gasoline in your car, bear in mind it took seven gallons of water to produce that gasoline. This illustration could be multiplied with respect to steel, aluminum, paper, chemicals and countless other products. Personal uses run high—washing cars and sprinkling lawns.

Besides, every region doesn't get its daily 1/40 of an inch. The yearly runoff of water in New England, at two feet a year, is the highest in the country. But, the Upper Missouri River Basin gets only 1 inch per year—1/24 as much.

The American people now withdraw from wells, lakes, and streams about 270 billion gallons of water a day. By the year 2000, they are expected to withdraw about three times this amount. Where will we get all this water?

Research for additional water

New technologies may be developed to add to the supply. We should redouble our support of research to this end. But, invention is very conjectural, and at best, new technologies will almost surely fall far short of total solution. We must prepare, therefore, for the use of three times as much water from an available supply only moderately enlarged—or not enlarged at all.

Water resources and food supply

The management of water bears also on the food supply. Multiplying world populations confront us with the terrible prospect of mass starvation abroad with its associated disorders and its menace to world peace. By the year 2000, our own population will very probably exceed 300 million. Already our surpluses of grain are depleted and the margin of our abundance grows thinner.

Uncontrolled water runoff erodes our richest soils. The massive mud deposits in the Missouri and Mississippi Rivers represent the irreplaceable loss of fertile topsoils in such states as Iowa and Nebraska while obstructing navigation in the rivers. Meanwhile, blocked by such obstruction and, without ready access to domestic and foreign markets via the Missouri, grain rots while piled in the streets awaiting railway cars in chronically short supply.

Potentially rich, but arid, lands call for irrigation. The endless cropping of our soils depletes their nutrient content, requiring massive chemical refertilization. The industries which supply the fertilizers are built on a base of water transportation via the inadequate river channels.

Pollution abatement

Growing public concern regarding our water resource development program is particularly manifest in the field of pollution abatement. Ohioans witnessing the deterioration of Lake Erie with continuing biological changes and large accumulations of unsightly algae; citizens of all Great Lakes States alerted to the encroachment of filth and noxious wastes into these God-given resources of beauty and usefulness; residents of our river communities facing destruction of priceless natural assets and of recreational waters by untreated sewage and industrial pollution—all these comprise an aroused public demanding action now. Efforts on this front are demonstrably productive, but far too slow.

The control of floodwaters

Floods are a continuing problem, wasting the soil and causing enormous property damage and loss of life. The vast development of industries along the Nation's rivers encouraged by water supply and navigation raises each year the quantity of the U.S. wealth committed to areas of flood exposure. Extensive networks of railroads and highways follow the exposed river flood plains for ease of grade. Much has been done toward flood control and protection, but a great task remains ahead.

With the continued growth of industrially-oriented cities and towns in the river valleys, the cost of floods in human life and suffering is beyond calculation.

Recreation

Still another goal must be the preservation of the Nation's heritage of open spaces in a form to enrich the life of an increasingly urbanized society. The rising portion of our population living in cities now approaches 75 percent, and the fringes of our great metropolitan areas reach ever outward and merge with each other. No longer can we take for granted our native forests, open vistas, and wild life. The enhancement of the natural environment, including fish and other wild life, and the provision of wholesome recreational opportunities on our lakes and rivers assume, therefore, a high priority.

Navigation

Since the end of World War II, the volume of vessel freight carried on our rivers has multiplied more than five-fold. Extensive industrial areas and communities have grown to new dimensions on this traffic, and efficient river carriage will have much to do with achieving the expansion in the national product required to meet our goals for a rising standard of living. The rivers carry ever-growing tonnages of those materials and fuels most basic to the economy—bituminous coal for electricity and other uses, industrial chemicals, iron and steel, petroleum, farm crops, and chemical fertilizers, for example. New jobs, rising incomes, and a more abundant life depend on this mounting traffic.

The inherent advantage of water transportation is its ability to move immense tonnages of bulk commodities at very low cost. For every dollar spent on railroad freight the very same tonnage could be moved an equivalent distance by river barge for only 25 cents. This advantage is derived from dramatic improvements in barging technology since World War II: navigation by radar, ship-to-shore telephone, and the adoption of huge Diesel-engine, screw-propelled power units which move assemblies of barges through the circuitous river channels in tonnages bigger than those of an ocean liner.

Meanwhile, however, the navigation works and channels of our rivers and canals remain at obsolete, pre-war dimensions. The navigation system of the Ohio River, now only partially modernized, was completed in 1929. Its structure and dimensions are woefully out of date. Most of the system of the Upper Mississippi River, between Minneapolis and St. Louis was completed some 30 years ago, and that of the Illinois River in the same period. Barge tows a quarter of a mile long have to be repeatedly broken up to get through 600-foot (or smaller) locks of these major rivers. Many hours are lost waiting for access to one-way lock installations. Moving modern vessel units through the antiquated passages is like compressing superhighway traffic into an old fashioned two-lane country road—with occasional one-way traffic. As our population and national product expand to unprecedented dimensions, the construction of improved navigation facilities becomes increasingly urgent.

Waterways complementary to railways: We must dispel completely the widespread notion that waterway carriage takes needed business away from the railroads. The rapid expansion of our industries is placing such mounting demands upon the railroads, and upon all other modes of transportation, as to strain the capacity of the system. Since 1966, the railroads have been carrying more freight than in any previous era in their history. Railway freight has gone up five times as much since 1960 as that on the inland waterways. One of our serious national problems, in fact, is the inability of the railroads to handle the freight now being offered them. One government official is reported to have estimated that the freight car shortage is trimming some $7 billion a year from our Gross National Product.

Without the expansion of water transportation in recent years, the railway freight car shortage would have become insupportable. A single tow of barges on the Mississippi River can carry as much as 60,000 tons, a load exceeding that of 36 average railroad trains; just one 1,500-ton barge carries the equivalent of over 38 average railway freight cars.

By 1975 the national product will exceed $1 trillion; for the year 2000, it is projected at $2 trillion, nearly three-fold the present level. We must move decisively toward modernizing and increasing the capability of our railroads and our water ways, too, as we expand, also, our airports and improve our highways.

Adequate and modernized transportation by all modes of carriage releases the forces of industrial growth in which all share. We have already noted the enormous industrial expansion occurring along our navigable rivers. With good water and land connections, the new plants receive and ship large tonnages of bulk materials and fuels by vessel, while moving, at the same time, large volumes of high-rated components and finished products by rail and truck.

Since 1950, more than $25 billion has been invested in major plant projects on the banks of the Ohio River and its tributaries. This has obviously been a boon to the railroads serving the region. From 1955 to 1965, the ton-miles of freight carried by the five major railroads serving the expanding water-based industries of the Ohio and Mississippi Valleys increased by 30 percent. Meanwhile, the ton-miles carried by all other railroads in the country went up only 10 percent. The harmonious relationship between waterway and railway freight traffic and their common reliance on industrial development should be evident in these figures.

As Herbert Hoover pointed out long ago:

"The new waterways are not competitive but complementary to our great and efficient railways. It is the history of transportation that an increase of facilities and a cheapening of transportation increases the volume of traffic."

Vital instrument of national defense: Modernization and extension of the waterway system has an important bearing on the national defense. For one thing, waterway equipment conserves scarce materials. Only 250 tons of steel will build a 10,000-barrel gasoline barge of simple box design. But, to build this same carrying capacity in the form of railway tank cars would require 1,000 tons of steel, in addition to lots of skilled and scarce manpower for the intricate rolling undercarriage and brake mechanisms.

The attractions of waterway transportation induce widely dispersed industrial growth throughout the continental interior, minimizing vulnerable concentrations of industry at coastal ports.

The contribution of inland navigation to the national defense was well stated by President Truman's Water Resources Policy Commission when, in its 1950 Report, the Commission said:

"The service rendered by inland waterway transportation during World War II demonstrated conclusively that it is a vital instrument of national defense."

Surely the importance of our inland waterways to the national defense is even greater today, when the Soviets have a great fleet of vastly improved submarines, when a hostile regime is entrenched in Cuba, and when Red China is developing a nuclear rocket capability.

The locks and channel systems of our rivers are open and free to all—to recreational craft such as house boats and power cruisers—as well as to commercial vessels. With the rapid growth of power boating in this country, recreation and commerce have a common stake in a modernized waterway system.

Upstream reservoirs

Water management begins with catching the rain and melting snows close to where they fall. This means upstream reservoirs. Upstream reservoirs are, in fact, man-made lakes impounded, usually, by big earthen dams on small tributary streams back up in the hills. During the wet season these reservoirs fill with water, thereby saving the downstream communities from devastating floods. In the subsequent dry season of late summer, the impounded waters are released in controlled volumes, thus maintaining water supply in the downstream basin, cleansing the lower-river waters with a flushing action, and keeping navigation channels deep for pleasure boaters and commercial vessels. At times as much as one-half of all the massive flow of water where the Ohio River pours into the Mississippi consists of releases from these distant upstream impoundments.

Nor are all the benefits of the upstream reservoir system bestowed on the distant down-river communities. In its immediate locality, the reservoir is a vital component in a local system of barriers to soil erosion. And it is commonly an attractive base for local fish and wildlife enhancement and for recreation.

Reservoir benefits, nevertheless, are widely distributed. During the drought of 1954, water from the Upper Missouri River reservoir in Montana and North Dakota was combined with releases from reservoirs as far away as West Virginia and Pennsylvania to save the municipal water supply system of New Orleans from ruinous salt water intrusion. If ever there was an interstate function lying in the area of Federal administration, this is certainly it.

Defense against major floods: The pairing of reservoirs with local flood protection works can be immensely effective. Although much of the task still lies ahead, enough has been done to provide its efficacy. The Federal government, over many years, has paid out about $6 billion to build flood control works. These works have already warded off flood damage which would have exceeded $15 billion, not counting the cost of interruptions to production, employment, and income which would have ensued. The Nation's attention in early 1969 was centered on the disastrous floods in California and the Mississippi Valley highlighting the inadequacy of our defense against the menace of major floods. But how few of us realize what the scale of these tragedies would have been without the control and protection works already in place!

In Southern California, where the deluge exceeded even the record flood of 1938, the works built by the Corps of Engineers prevented more than $1¼ billion in damage, and some of the projects more than paid for themselves in the single storm. Existing works in the Missouri and Upper Mississippi prevented another $100 million in damages and the temporary work done in the Northern Tier has already averted damages in excess of $250 million. The incalculable values of flood control in preventing disease and saving human life represent, of course, an additional value beyond dollar measurement.

Water-based recreation enhanced: The contribution of reservoirs to recreation must be viewed in the light of the emerging urban structure of the Nation. Where the terrain and patterns of precipitation are favorable, upstream reservoirs, in association with recreational areas and refuges for wildlife, will maintain among our urban population a continuing contact with open spaces, forests, and vistas, and provide as well facilities for boating, swimming, fishing, and other water-based recreation so essential to wholesome family and community living. Much of the life of such character-building groups as the Boy Scouts, the Girl Scouts, fraternal lodges, and local parish societies is enriched by available waterside vacation and picnic sites.

The benefits of water recreation are not confined to these vital, but intangible, values. Recreation is a big and growing industry, and it holds high promise for jobs and incomes in such depressed regions as Appalachia and much of the South. The manufacture and sale of powered boats, boating fuels and supplies, as well as camping and vacation equipment, combine with numerous services at recreational centers to constitute a valuable and growing area of economic production.

Thus, the construction of upstream reservoirs and flood protection works constitutes a joint undertaking with modernization of our inland navigation system. Navigation works increase water supply on the major rivers and improve its quality. The contribution of upstream reservoirs in the dry season to unimpaired depth in the lower rivers contributes to aquatic life and recreational values. Our navigation system is thus a joint product in the total program of water resource development.

Magnitude of the task

I have pointed to past achievement as an indicator of the efficacy of the various elements of our water resource program. But this does not mean that we can be complacent with present accomplishment. The task is barely begun.

Nowhere is the inadequacy of our effort more glaringly evident than in the critical area of water pollution abatment upon which the health of the Nation depends. Already there is a backlog of applications for municipal waste treatment projects being processed or prepared with a total eligible cost amounting to $13 billion dollars, involving a Federal share of about $5.2 billion dollars. At the present rate of Federal expenditure—about $200 million a year—26 years would be needed just to work off the backlog. Very conservatively, an annual outlay of at least $3 billion dollars for all levels of government—national, state, and local is needed to meet requirements for municipal waste treatment projected to 1980. This would mean Federal matching grants at an average rate of more than $1 billion a year—or five times the present level.

Our multiple-purpose reservoir program, a crucial element in comprehensive river basin development, is also seriously behind schedule. In the basin of the Ohio River, for example, 50 reservoirs have been constructed. But these reservoirs will accommodate only 14 percent of the basin's water storage estimated by the Army Corps of Engineers as necessary by the year 2020 for all water supply and quality control needs. For the Nation as a whole, the Corps estimates an additional need of 500 million acre-feet by the end of the century. The cost may well approach a total of $20 billion, to be paid out at a rate exceeding $600 million a year.

Admittedly, too, existing flood control works have saved the Nation several-fold their cost in damages averted. But, there remain throughout the country 250 additional flood control projects already authorized by Congress on which construction has not yet even begun. We must work off this backlog at a faster pace. Growing industry and urban extensions will soon pre-empt the needed land sites. Only prompt action will avert excessive economic cost and community dislocations.

The time may well be at hand when Congress should consider legislation to assume Federal responsibility for reservoirs for comprehensive stream flow regulation and to authorize a system of grants to states to share the costs of state reservoirs for such purposes.

Sound investment in our national water resource base

Should we be shocked, then, at the enormous dollar outlays we shall have to make for water resource development? Sobered, yes—but not shocked. For one thing, our present outlays are relatively stingy. Let's take as a measure the present total outlays of all major Federal agencies, combined, on water resource development. These agencies are: 1) the Army Corps of Engineers; 2) the Bureau of Reclamation; 3) the Soil Conservation Service; 4) the Federal Water Pollution Control Administration; 5) the Office of Water Resources Research; and 6) the Office of Saline Water. These agencies altogether are now paying out about $2.4 billion a year on water resources. A huge sum, yes; but, actually, it is equivalent to less than 10 percent of our annual expenditure on the Viet Nam War. Another measure: For every $100 of our Gross National Product, the American people, through all these Federal agencies combined, are expending only 35 cents on the water resource base which makes that product possible!

Our outlays on water resource should never be viewed as an expense. These outlays are an investment. By making them wisely and adequately, our national product will be substantially increased. We cannot regard ourselves as a prudent people by confining our pay-out to only 35 cents to expand a national product of $100. If we raise this wisely, the resulting output expansion would repay us many-fold. No man is more improvident than the farmer who, to save an immediate dollar, neglects the fertilization of his soil—none more wasteful than the businessman who fails to maintain and modernize the equipment which produces his living. So it is with the American people and the water resource base of their livelihood. Can we afford to invest more in our water resources? We cannot afford not to.

2. THE PSYCHOLOGICAL OBSTACLES TO PROGRESS

Why, then, do we hesitate? I think we have shackled ourselves with out-of-date notions. We are afflicted by attitudes of timidity, a heritage, perhaps, of the privations of the Great Depression with its attendant doctrine of economic stagnation. These attitudes have been reinforced by a stream of well-financed propaganda, issuing from selfish and short-sighted interests, intent on fostering a body of myth to confuse public understanding and obstruct action.

The "pork-barrel" myth

Most people who are victims of the "pork-barrel" myth undergo a kind of split personality in their attitude toward the United States Congress. The American people have a well-founded confidence in the generally high level of intelligence and responsibility of Congress in almost every area of national policy.

While every American will disagree with some particular congressional actions, in the overall view, he understands, and quite rightly, that this body is fundamentally dedicated to the national welfare. The United States Congress is living testimony to the effectiveness of representative government.

But, there is one exception. Whenever action is taken by Congress toward the development of water resources, it is supposed by some that the Congressman suddenly sheds his customary concern for the Nation and in this area, almost uniquely, seeks to plunder the public treasury. Strangely, he is supposed not to do this to any comparable degree on other matters involving Federal spending in his state or congressional district—not on urban renewal, not on poverty programs, not on agriculture, not on military programs. On these, while he may exhibit some bias for his home area, it is not bad enough to be "pork barrel". But, if the spending is for water resources—so goes the supposition—the magic wand is waived, Dr. Jekyl becomes Mr. Hyde, and the Senator or Congressman wantonly squanders the public funds. This is the "pork-barrel" myth.

We have seen in 1968, and in numerous earlier periods, the courageous and persistent labors of congressional leadership to bring about reductions in government spending. How can anybody believe that a body of men among whom dedication to government economy is so prevalent can, in the water resource field, suddenly transform itself into a pack of vultures? Yet, the "pork-barrel" myth is one of the most deeply-rooted superstitions in American folklore. It is costing the country dearly in water resource development.

The unspoiled wilderness

Urgently needed water resource development will be seriously obstructed if we allow our recreational objectives to become a focus of inter-group conflict. On the one hand, there are those who seek to preserve the peace and beauty of the wilderness where man has not intruded. Their sentiments are to be respected. Certainly I wish to protect and enhance our fish and wildlife resources and to preserve the majesty of forest and mountain.

Often, however, the wilderness is accessible only to the fortunate few who can afford the high outlay of time and money to reach its remote and sequestered recesses. Meanwhile, the overriding demands of an expanding and urbanized population require recreational accessibility for ever larger numbers. These demands and the mounting requirements for a clean water supply, low-cost transportation, and flood control inevitably shrink the untouched areas of the wilderness.

I believe a balanced development will solve this problem. Admittedly, a wilderness landscape peopled with campers and boaters is no longer a wilderness. But, with careful planning, the beauty of hill and lake can be preserved, or even enhanced, to be enjoyed by vastly larger numbers of people. Multipurpose reservoirs can, and do, incorporate features for enhancing the fish and wildlife habitat. Releases of water in dry seasons dilute wastes and help restore conditions favorable to aquatic life. If we must choose between moose and people, we will, of course, have to serve the people, meanwhile conserving all wildlife for human enjoyment. We can only strive for the best practical balance—for the best features of the wilderness accessible to the greatest numbers of people. The "books in running brooks" are meaningful only if people can read them.

The vital role of news media

Our mass media, particularly the newspapers and some of the news magazines, must assume greater responsibility for balanced presentation of news about water resources. Much of the "pork-barrel" myth is a product of the press. Admittedly, a headline such as "Mammoth Pork Barrel Bill" is more eye-catching and suggestive of congressional indiscretion than a headline describing a "Water Resources Development Bill." Snide comments about a Congressman's "pet project" supposedly hold reader attention.

But, the newspaper readers are American citizens. Their awareness of the water development crisis mounts. They want, and need, to learn about the issue on its merits. And, what, after all, will happen to our newspapers—and their circulation and advertising revenues—in an economy stifled by water shortages, water pollution, transportation congestion, and lack of recreational facilities? A hard look at newspaper circulation in the long run will show that nothing is so profitable as full and fair reporting.

3. NEW WATER POLICIES FOR THE AMERICAN PEOPLE

The stream of railroad propaganda, broadcast by a short-sighted press has induced in the official procedures of government a set of policies almost guaranteed to hamstring water resource development. Let me sketch briefly the present structure of these policies and the revisions which must be adopted if the full potentials of our water resources are to be realized.

There are, it seems to me, two major areas of policy to be revised and clarified. These two are: 1) A broadened view of the total social value of each water resource project, so as to liberate our judgment from the present artificially narrow standard of the direct dollar benefit to be expected; and 2) An explicit and conclusive rededication to the principle of open availability of water resource and waterway projects to all the people, free from restrictive and self-defeating use taxes, tolls, or user charges. Let me discuss briefly the implications of each of these policy revisions.

Toward a realistic measure of public benefits and costs

For a very large segment of our water resource program, both the Executive Branch and the Congress now scrutinize each project as though it were a narrow commercial undertaking. We concentrate attention on those direct prospective benefits which are strictly measurable in dollars and cents such, for example, as the dollar value of property saved from floods, or the amount by which river navigation saves freight charges. We then compare these narrowly construed monetary benefits with project cost to derive a ratio of prospective benefit to cost. In almost every instance, the benefits, sharply constricted in this manner, must exceed the cost for the project to win approval. Indirect benefits, human and social values, and vital objectives of national policy which cannot be measured in direct money terms often receive only supplementary attention, or none at all.

How narrowly mercenary we are to consider only the dollar value of property saved by flood control, while giving scant attention to the saving of human life and the averted anguish of families driven from their homes by rising waters! How short-sighted to measure only the saving in freight cost offered by a new navigation facility, while largely ignoring the new employment horizons for many thousands of our young people which the resulting industrial expansion will generate! The relief of social turbulence in our cities, the strengthening of the national defense, and a more wholesome recreational environment for millions of families in an increasingly urbanized society—all these, as "indirect" or "secondary" benefits, are left out of the benefits-cost formula. They enter the decision-making process somewhat as an afterthought or are omitted altogether.

How startling that development of our water resources is the only major Federal program which is subjected to this strictly calculated commercial screening! We place no such restriction on public expenditure for the highway program, nor on aid to agriculture, nor on foreign aid. The War on Poverty and the financing of our schools are not put through this acid test of the cash register.

As Chairman of the Subcommittee on Flood Control-Rivers and Harbors of the Senate Public Works Committee, I was particularly gratified that the Subcommittee took note in 1968 of the need for full consideration of all water resources projects. For six years it has been the explicit, but unfulfilled, policy of the government to do so. Senate Document 97 of the 87th Congress formulated by members of the cabinet, and approved by President Kennedy in 1962, calls for uniformity and inclusiveness in the weighing of prospective benefits of all water resource projects. We are already seven years late in implementing this explicit and necessary policy.

Releasing the straitjacket of the interest-discount factor

Meanwhile, the straitjacket of the benefit-cost calculation is being drawn tighter. Because a water resource facility is a long-lived investment, it has been Federal practice to saddle it with a yearly charge of assumed "interest" on that investment. This is in addition to the annual cost of maintenance. As for the estimated benefits, they will be realized by society only in the future. For this reason, Federal practice "discounts" these benefits to a lower-level present value. Obviously, the higher the rate of "interest" assumed, the higher will be the estimated yearly "cost" and the lower the present value of the future benefits.

In late 1968, the Water Resources Council of the Executive Branch announced a new formula for a rate of assumed "interest" based on the average yield of long-term government obligations during the preceding fiscal year. The immediate effect was to increase the interest-discount rate from 3¼ percent to 4⅝ percent, a 40 percent hike. For a project where the benefit-cost ratio has been computed on the expectation of a 50-year service life, a benefit of $1,000 to be realized in the 50th year would have a present value of $202 at 3¼ percent, but of only $110 at 4½ percent. The estimated benefits of each of the other 49 years would also be trimmed down substantially. Clearly, numerous water resource improvements, vitally needed by the American people, are going to be withheld from them by the computer.

Threat of "opportunity costs" approach: I do not quarrel with the new formula of the Water Resources Council as such. It is a technical decision, supported by technical reasoning. The problem, however, is that it may be construed as an official blessing upon a movement which would virtually cripple the Nation's entire water resource program. This is the growing clamor of the "opportunity cost" set.

The "opportunity cost" school, consisting principally of theoretical academicians, would shackle water resource projects with a rate, not of 4⅝ percent, but with more than double this amount, contending for a rate in the range of 10 to 15 percent. The protagonists argue that this is the rate of return on new business investments in the private sector of the economy and that the government is a sucker if it doesn't get the same. In this view, the Federal government is considered a shrewd negotiator seeking to strike an advantageous arms-length bargain with the people rather than a sovereign power promoting the general welfare.

We have seen that at the long-used interest-discount rate of 3¼ percent, a $1,000 benefit to be realized in the final 50th year of a project's life is assigned a present value of $202.00. But, at the rate of 10 percent, this valuation would shrink to $8.50, and at 15 percent, the $1,000 would be valued at only 90 cents. Every benefit of each of the other 49 years would likewise be drastically reduced. This is a blue print for a Berlin Wall against any significant progress in the Nation's water resource program. If we are going to place a value of only 90 cents, or even of $8.50, on $1,000 worth of future benefit to our children, we have become a short-sighted people, indeed. We must decisively reject such a flagrant disregard of the essence of conservation philosophy—concern for our posterity.

The danger is not an imaginary one. A number of influential Senators and Congressmen, beguiled by the ostensible "logic" of the "opportunity cost" theory, are already advancing this doctrine, seeking to prove that if Federal investment in water resource development does not show prompt profits at a rate normal to business corporations it should be disallowed. This "logic" based upon a false analogy.

Government's obligation to posterity: The Federal government is not a profit-seeking business. In water resource development it must look ahead beyond the life-span of living persons to the needs of posterity, a longer view than private enterprise can normally take. The government must be dedicated to the general welfare, advancing values of health, security, and well-being which are now under-rated or totally ignored in our preoccupation with the narrowly construed monetary values of the benefits-cost ratio.

We need stability in our water resource policy with some independence from repeated drastic revisions of the kind proposed. Stability requires that all agencies give full weight to all benefits reasonably anticipated from every water resource project considered and that the principles of evaluation, including such techniques as the interest-discount factor, remain constant as between projects and from year to year.

The avoidance of special, restrictive taxes and user charges

Finally, I must issue a warning against a policy of the Executive Branch which I believe to be profoundly inimical to the sound and essential development of our water resources. This is the matter of special fees, taxes, tolls or user charges repeatedly proposed by the Bureau of the Budget for imposition on the use of Federally provided water resource facilities. High on the list is the proposal for user charges on navigation facilities. Such charges are inherently in the nature of an excise tax clearly regressive in character, which should be rejected out of hand for that reason alone. In addition, they are objectionable by reason of their dislocative and destructive effect on both public and private investments made in reliance upon our long-established, toll-free waterways policy. Moreover, they would tend strongly to disrupt deeply-rooted patterns of commerce affecting major movements of basic industrial materials and fuels as well as enormous quantities of agricultural commodities.

Use taxes, tolls, or user charges on our waterways would reduce freight traffic very severely. Naturally, of course, this cut-back in waterborne freight would reduce the transportation benefits to be expected of new water resource improvements. Navigation benefits are often only a joint product with other objectives. For example, the dams on the main stream of the Ohio, the Mississippi, and the Illinois Rivers, constructed primarily for navigation, provide stable pools for water supply on which countless communities and industries depend. Upstream reservoirs maintain channel depths for navigation in the main river during the dry season while providing attractive sites for recreation, reducing the downstream flood hazard and improving water quality. Illustrations could be multiplied. Use taxes or user charges on navigation, therefore, would spread backward like an infestation in a tree, stunting every root and branch of our water resource development program.

With respect to proposed charges for recreational use of water resource projects, such as charges for access to reservoirs or for licenses of docks or mooring facilities, I was pleased to give my full support in 1968 to legislation to prohibit, or sharply limit, such charges on Corps of Engineers reservoirs. Such charges penalize the very uses Congress seeks to encourage in providing these facilities. Many water-based recreational facilities are located within easy reach of urban area, affording wholesome outdoor recreational opportunities to the disadvantaged poor.

In view of the present crisis in our cities and the frightening turbulence in the central slum areas, no program to provide release from tensions and relief from the crushing urban confinement should be burdened with taxes and charges. Use charges on water-based recreation in proximity to the cities would conflict directly with Federal programs of poverty relief, improved schooling in the central city, and neighborhood renovation and housing. The prohibitions and limitations on such charges recently enacted serve the public interest in this vital area of concern and must be preserved.

The lesson of the St. Lawrence Seaway

The problem of tolls on the St. Lawrence Seaway is a matter of deep concern to me, and, from the very start, I have been opposed to such tolls. The public has made the outlays for construction of the Seaway, but it is deprived of the benefits of otherwise available traffic by the toll barrier.

Tolls on the St. Lawrence Seaway act as an excise tax on the American farmer and worker. The Seaway, for example, carries enormous quantities of export grain from such ports as Duluth, Milwaukee, and Chicago. This special tax placed on its sale to foreign consumers impairs the price realized at the farm throughout the upper Middle West.

Our experience with Seaway tolls demonstrates the insatiable appetite for ever higher charges on the part of the narrow interests opposed to waterway improvement. Although these tolls were set very high to begin with, the demands that they be raised never cease. For those who seek tolls or user charges on waterborne commerce, there is no ceiling, and the demands will be stilled only when the commerce itself has been destroyed. From the St. Lawrence Seaway we have learned that the central target of the user charge advocates is the elimination of waterborne commerce. There is no conceivable level of waterway user charge which, as long as cargo still moves, will lay the issue to rest.

Thus our experience with tolls on the St. Lawrence Seaway leaves no doubt as to the folly of attempting to apply such an imposition to our domestic waterways.

The conditions of success

A massive and challenging task in developing its water resources confronts the Nation. With vision and determination we can do the job. But it is imperative that the public understand its urgency and the true values at stake. To that end, it is my hope that special interests will refrain from misleading propaganda undermining public confidence in the competence and integrity of the Federal agencies involved, and that communications media will seriously concern themselves with objective presentation of the facts to the public. It is essential also that Congress take all appropriate steps to develop and implement a truly adequate program under meaningful standards appropriate to so commanding a task, and that it reject with unmistakable conviction all proposals for imposition of unsound taxes, tolls or special charges which would frustrate attainment of vital national water resource objectives. These conditions are basic to success in achieving goals on which our future welfare depends. We must see to it that they are fulfilled.

MODERN PROGRESS IN WYOMING

Mr. McGEE. Mr. President, Field Editor Bob Shafer, of Rural Electrification, the magazine of the National Rural Electric Cooperative Association, recently visited the State of Wyoming and reported upon its modern progress. In particular, of course, Mr. Shafer's article deals with the key role played by the rural electric cooperatives in Wyoming's growth and development. And he is right; they do indeed play a key role, often setting the example for progress. I ask unanimous consent that his article, published in the October issue of Rural Electrification, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG WYOMING: TAKING ITS PLACE IN THE SUN

(By Bob Shafer)

The afternoon sun stood so tall in Wyoming's "Big Sky" it seemed centuries from setting. Had it been early morning, there would have been a reason for wet grass clinging to Merle Rissler's boots. Frost and dew are no strangers to a Wyoming daybreak, even in August. But it was mid-day, and dampness underfoot brought cooling contrast to a sunny blast so fierce it drove both cowboy and dude to refuge in the shade of wide-brimmed hats.

Rissler watched his electric sprinkling system plod insistently along, raining life-giving drops of water on drought-dried range grass. Rainbows in its shower made him wonder if this was to be a wraith-like pot-of-gold, considering how miserly with rain the weatherman had been all summer.

About irrigation, and his own particular stake in it as a rancher, Rissler theorized: "It's not just going to revolutionize farming in Wyoming; it may well save it."

When reminded that the state's agriculture survived well enough before sprinkler irrigation systems were devised, Rissler elaborated:

"At least once every ten years," he began, "Wyoming farmers could count on losing an entire crop to natural calamities such as frost, drought, hail or early snow. You learned to accept this, even though it just about put you in the poor house when it happened."

"Now-a-days, such acceptance of the whims of weather *will* put you in the poor house. Modern transportation and packaging methods being what they are and the markets so close-knit, farmers from far away with more favored growing seasons can beat your price if you have an off year."

"Today's farm market is too competitive to disregard the advantages of technology and the investment it demands. Those who choose to ignore these factors will, sooner or later, die on the vine."

Rissler named a few such "casualties" in his own county, ranchers who had clung to the self-sufficiency dream and, as a result, proved to be as expendable as the pony express.

Rissler and others like him are determined to make those necessary changes and continue ranching as a way of life in Wyoming. Saying goodbye to open range with its gangs of hired hands, and hello to fences and farm machinery, is part of the transition. Windmill waterpumps will stay as a reminder of the romantic past—a trademark without a future. Electric motors will shoulder the work load.

But, when Rissler relates how little remains unchanged in his 30 years of ranching, there is no trace of sadness in his voice, no tearful farewell for an age gone by. To a man whose week knows no weekend and whose day has no quitting time, any deliverance from yesterday's drudgery is a god-send.

On today's working ranch, co-op electricity is the best hired hand, and the only help whose wage is not dogged by inflation.

"The cost of one kilowatt hour," says Rissler, "is the same as it was 20 years ago when Hot Springs Co-op first pushed lines into these parts."

PERIODS OF ADJUSTMENT

If there is anything small about "Big Wyoming" it would be the time-span of its history. In contrast to neighboring Colorado, Wyoming has had half-a-century fewer years to grow: a century less than the sophisticated agricultural midwest and industrial east. To match contemporary trends, Wyoming had to come from behind without breath-catching "periods of adjustment"—valuable respites from rapid progress which allow time for growing pains to ease.

One hero in the cowboy state's frantic "catching-up" has been an electric power supply with pioneering instincts. Chaperoning every step of Wyoming's growth, the state's 15 co-ops are no longer content with just being power suppliers on demand. With co-ops in the vanguard, progress is no longer an act of nature in Wyoming. Today's headway is purposely promoted.

Vital to Wyoming's bright tomorrow is the gaining of "total" industries. As things stand now, of the state's big three—tourism, mineral and oil, and agriculture—only tourism keeps much of the income dollar inside the state. Meanwhile, Wyoming's wealth of crude uranium, ore and oil deposits are exported to other states where refining, marketing and consumption levels are more advanced.

The same is also true of the state's cattle industry. Beef and sheep are bred in Wyoming, graze on Wyoming pasture, fatten-up there, then are hustled off to be butchered, processed, and shipped from market centers outside the state. Unless considerably more than one-third of the industry revenue can be retained, Wyoming's native oilmen, cattlemen and co-op men know their state's potential will be dissipated.

Stuart Crawshaw, manager of Wyoming Statewide, believes the mantle of leadership in securing "total" industries should fall to the co-ops. By virtue of their organizational strength, financial know-how, and as merchandisers of a commodity basic to all economic interests, Crawshaw believes this role of uniter and promoter is a natural for electric co-ops.

According to State Agriculture Commission Jack Hertzler, Crawshaw's idea has merit but should begin with the cattle industry. Disregarding bias, he may be right. Considering Wyoming's lack of a single metropolitan center and the nature of oil drilling and mining, the lucrative processing phase of that industry may continue to elude the state. But beef and wool processing are Wyoming industrial possibilities.

"About 75% of our agricultural industry lies in livestock—most of the remaining 25% consists of feed crops such as barley, alfalfa hay and oats. Keeping the 'finished' livestock inside the state would not only spawn new industries, it would put a fairer share of the grocery dollar into the pockets of Wyoming ranchers."

The new industries Hertzler speaks of are scientific feed lots, slaughter houses, processing and packaging plants, warehouses. Because Wyoming is one of the nation's major beef states and second only to Texas in wool production, developments on these fronts could improve revenue figures in spectacular fasion.

It will take a Wyoming-size effort to make this come true. In the long run, Merle Rissler's irrigation investment, and those of other ranchers, will be just as vital as that of giant corporations.

A good "how-to-do-it" lesson on total industry promotion could be taught by lower Valley Electric Coop at Afton which has thrived for years on its own initiative. With a service area scattered in-and-around the Grand Teton Mountains, this Rocky Mountain co-op has shared largely in developing a resort empire at Jackson Hole. Conspicuous in this vacation area is the absence of national-chain infiltration. There are no Hot Shoppes, no Howard Johnsons, no Holiday Inns. All lodging, restaurant and entertainment spots are locally-owned, which does as much for preserving the charm of this old outlaw haunt as the plush dude ranches nestled at the foot of the mountains. Local ownership also does much for keeping economic yields from siphoning off to coffers of businesses outside the state.

Teton Village is a model of co-op promotion from the ground up. Boasting one of the world's longest aerial trams (which is all electric), this resort offers electric room and swimming pool heating, all electric kitchens, electric fireplaces, and even the novelty of infrared heaters around restaurant and lodging entrances to melt the ice and warm the feet of chilled skiers.

Action at such places at Teton Village and Jackson is largely seasonal, but new home building in the valley is year-round. And 95% are total electric!

Lower Valley's service image is so well known the U.S. Park Service and Bureau of Reclamation, which operate vast acreages in national parks and wildlife refuges, rely on co-op electricity rather than construct and maintain their own lines. Working and planning for Wyoming progress, this co-op shines as a prototype of leadership which inspires similar ideas in other co-ops.

Such ideas are being born faster than they can be put into action. If thought processes could be heard, rumblings would be sounding all across the state—throughout the farmlands of Goshen and Laramie; around the mines of Medicine Bow and oil wells of the Big Horn; across the pasturelands of Sweetwater.

Wyoming has been called a sleeping giant. That characterization is a misnomer. More fitting would be a streaking Indian runner or galloping bronco—anything that could "catch-up" so fast it would pass the others without ever knowing it.

ALBUQUERQUE SOUTH DIVERSION CHANNEL PROJECT—AN APPEAL FOR HELP

Mr. MONTOYA. Mr. President, on numerous occasions in the past, I have spoken in the Senate, I have testified before the Senate Appropriations Committee, I have negotiated with the Corps of Engineers, and I have held other discussions with others in an effort to seek adequate funding of the Albuquerque south diversion channel project in Albuquerque, N. Mex.

This project is a flood control project which is greatly needed in the city of Albuquerque in order to alleviate the threats of future flooding. In this effort to seek the adequate funding of the Albuquerque south diversion channel project, I have had the active support of many individuals and organizations. Among them is Mr. Edward Apodaca, member of the Model Cities Citizens Board of Albuquerque, chairman of the New Mexico Operation Jobs for Progress, Service Employment Redevelopment Board, and member of the student senate at the University of Albuquerque.

I ask unanimous consent to have printed in the Record a statement which Mr. Apodaca recently presented to the Subcommittee on Public Works of the Appropriations Committee in the Senate on behalf of funds for this project.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Edward Apodaca

My purpose in submitting this statement in support of appropriations for fiscal year 1970 for the construction and completion of the southern portion of the Albuquerque Diversion Channels Project is in my capacity as a member of the Model Cities Board. The area that has over the years been affected by the flooding in what is known as East San Jose, South Broadway and adjacent areas. This is the area that flooded on September 7, 1969, and in recent years. My statement will be limited to discussing, not past floods, but the flooding of September 7, 1969.

The last flood was perhaps one of the most vicious and devastating floods that has affected our area. The results were devastating in that over thirty-nine families received extensive damage to their homes, approximately thirty-four homes received moderate damage, and 32 homes were slightly damaged. This accounts only for the loss of homes. The individual damage exceeds the damage to property. Many people lost their furniture, furnishings, clothing, food supplies, and other personal belongings and I would estimate that these losses approach almost one million dollars annually.

Many individual lives, including those of children, were affected by the last flood. Children had to disrupt their schooling because of their parents inability to replenish their loss which included no clothing or food for their children. The flood also caused a severe problem in that most of the homes affected were shortly thereafter swarmed with rodents, mosquitos and other disease carrying insects. Naturally, this greatly endangered the health and welfare of our citizens. The human misery and the demoralizing effect that the flood had on the individual family residing in the area was far greater than the damage to property.

Many of the people that are generally affected are persons who are wage earners, who earn low incomes, have large families and are generally paying on a mortgage on their homes or loans that they obtained in the past from individuals, and in some cases, from institutions to replenish losses from past floods. These flash floods occur annually and people in the American tradition go back and rebuild their homes only to lose their property the next year.

This cannot be tolerated in a nation such as ours where in one decade this nation committed itself to conquering space and did so. And yet, the flooding conditions that exist in Albuquerque, New Mexico have existed before and since New Mexico became a State in 1912, and these conditions, as our population increases, become more unbearable. Today these conditions are affecting primarily the impoverished, the wage earner, the old, the young and the needy. Unfortunately, there is no end in sight to the problem unless and until our local, state and federal governments make this problem their goal and seek to resolve it in this next fiscal year. We ask not for a ten billion dollar commitment, but only for enough funds to complete this project to alleviate at least 80% of the misery. I have nothing against this great nation in setting goals that take us to the moon and space, I am all for it. As an ex-serviceman who responded to the call of his country during the Korean War, I ask for nothing more than the dedication of the government to resolve the problem that affects us in Albuquerque, New Mexico.

Flooding can be prevented if, and when, the commitment to prevent is genuinely made by our local, state and federal government. If the completion of the South Diversion Channel is delayed two or more years, the suffering and misery will be more devastating.

We need a crash program to solve the flooding, and I urge that you give this problem your most serious consideration.

I welcome a visit from the members of the Congress, the Executive Branch of the Government and all persons concerned, to view the area and see for yourselves what the citizens are going through.

TRIBUTE TO U.S. DISTRICT JUDGE LAWRENCE GUBOW, OF MICHIGAN

Mr. HART. Mr. President, the Congressional Record is a difficult publication in which to reflect the pleasure and excitement and pride which attended a magnificent meeting in Michigan, but the circumstances of that occasion are such that permanent record of it should be made. Several factors combined to make it a remarkable evening: Tribute to a distinguished Michigan citizen, U.S. District Judge Lawrence Gubow, from America's oldest institution of higher learning under Jewish auspices, Yeshiva University, and the discerning message from the distinguished Senator from Connecticut (Mr. Ribicoff). It was the occasion of the 14th annual dinner of the Detroit Friends of Yeshiva University. The University presented to Judge Gubow its distinguished service award, recognizing his remarkable contributions not alone as a lawyer and a jurist, but as a courageous and sensitive leader in community and veterans affairs.

In order that a record of this significant evening not be lost, I ask unanimous consent that the program of the evening with the identification of those who were primarily involved in the arrangements, and the speech by Senator Ribicoff, be printed in the Record, a Record which I hope is read not alone by Members of Congress, but by many other Americans, as well.

There being no objection, the items were ordered to be printed in the Record, as follows:

Detroit Friends of Yeshiva University Fourteenth Annual Dinner in Honor of Judge Lawrence Gubow

A TRIBUTE TO LEADERSHIP

An eminent jurist and public servant imbued with a deep and abiding concern for the common good of man, Judge Lawrence Gubow epitomizes the spirit of human understanding and compassion eternally linked to the Judaic tradition—eternally linked to the hope for all mankind.

Thus, as America's oldest and largest center of higher learning under Jewish auspices, Yeshiva University is proud and pleased to present to Judge Gubow its coveted Distinguished Service Award.

DINNER PROGRAM

Opening: Nathan I. Goldin, dinner cochairman.

National Anthem and Hatikvah: Cantor Jacob H. Sonenklar, Congregation Shaarey Zedek.

Invocation: Rabbi Irwin Groner, Congregation Shaarey Zedek.

Grace: Norman Allan.

Introduction of Stanley J. Winkelman, dinner chairman, by David Pollack, dinner cochairman.

Greetings from our host, Abraham Borman.

Address by Senator Abraham A. Ribicoff.

Greetings from Dr. Samuel Belkin, president, Yeshiva University; by Miss Deborah Leah Hertz of Detroit, student, Stern College for Women.

Presentation of master builder plaques by Edw. C. Levy to Norman and Esther Allan, Abraham and Molly Borman, Tom and Sarah Borman, David and Florence Goldberg, Nathan and Ruth Freedland, Nathan I. and Betty Goldin, Samuel and Lillian Hechtman, Morris and Hannah Karbal, Daniel A. and Elsie Laven, Edw. C. and Pauline Levy, John E. and Edith Lurie, Max and Frieda Stollman, Phillip Stollman.

Presentation of the Distinguished Service Award by Senator Philip A. Hart to Judge Lawrence Gubow.

Benediction: Rabbi Jay Braverman, Midrasha. Detroit College of Jewish Studies.

OFFICERS

Honorary chairmen

Tom Borman, Rabbi Hayim Donin, Max M. Fisher, Rabbi James I. Gordon, Joseph Holtzman, Hon. Nathan J. Kaufman, Philip Slomovitz, Philip Stollman, David P. Zack.

Chairman: Abraham Borman.

Co-Chairmen: Morris Karbal, Edward C. Levy.

Treasurer: David Goldberg.

Secretary: Daniel A. Laven.

DINNER OFFICERS

Chairman: Stanley J. Winkelman.

Co-Chairmen: Nathan I. Goldin, David Pollack.

Scholarship co-chairmen

Norman Allan, Mandell L. Berman, Louis Berry, Jack Bushkin, Avern L. Cohn, Irwin I. Cohn, Howard S. Danzig, Louis M. Elliman, Nathan Fishman, Nathan Freedland, Irwin Green, Samuel Hechtman, Jack Korman, Sol Lessman, Julius Rotenberg, Harry Rott, Max Stollman, Isadore Winkelman, Charles S. Wolpin.

Dinner committee

Philip Ash, Samuel Berger, David I. Berris, Paul Borman, Paul D. Borman, Rabbi Aaron Brander, Morris Brandwine, Rabbi Jay Braverman, Robert Brody, Norman Cottler, A. J. Cutler, Alfred L. Deutsch, Julius Feigelman, Walter L. Field, Dr. Leon Fill.

Hyman Freedland, Joseph Frenkel, William A. Genser, Jack Greisman, Rabbi Irwin Groner, Jack I. Kraisman, Joseph Lee, Morris Ben Lewis, Jack Lieberman, Hyman Lipsitz, Alfred A. May, David M. Miro, Isadore Muskovitz, Meyer H. Must, Werner Osten.

Max R. Ostrow, Irving I. Palman, Henry Pariser, David Rosen, Meyer Rosen, David Safran, I. William Sherr, Joseph B. Silver, Richard Sloan, Nathan Soberman, Harold Soble, Max Sosin, Rabbi Samuel S. Stollman, Morris Tulupman, William J. Weinstein.

Speech by Senator Ribicoff

By conventional standards, America is the promised land.

We produce two-thirds of the world's goods and consume one-half of them.

Our gross national product is approaching one trillion dollars.

The average man can buy stock in General Motors and listen to the results when the Dow-Jones averages are broadcast every hour on the hour.

And some people even predict that within 15 years, Americans will only have to work six months a year to maintain their current standard of living.

But what if you are not a conventional American?

What if you and your children are among the 26 million Americans who live in poverty?

What if you and your children are among the 10 million Americans who are hungry and underfed?

What if you were among the 11 million Americans who were without work some time during the past year.

What if you were among the millions who had to live in our 6.7 million units of substandard housing?

How would you then feel about life in the promised land?

Would you be patient, thoughtful and understanding when the richest nation in history debated—for more than a year—whether it could afford to feed the hungry?

Would you quietly accept the judgement that unemployment was necessary to fight inflation?

Would you listen to the various explanations offered to explain why the United States never made good on its 20-year-old promise to end substandard housing?

If anyone in this audience were forced to live in such conditions, he would not tolerate it.

He would protest and rebel.

He would shout from the rooftops that such conditions destroy human spirit and individual dignity.

He would insist that a nation that can land a man on the moon should be able to end its slums.

And he would insist that we end a war that has shattered our morale, distorted our priorities, cost us $30 billion a year and 35,000 lives.

That is exactly what American youth has been saying for the past several years.

With devastating accuracy, they have exposed the inequity and injustice in our society—the difference between the game we talk and the game we play.

They have exposed the casual attitude with which we accept these injustices as natural facts of life, the price of progress.

They have exposed the fact that, as a nation, we have been judging ourselves almost solely on the quantity of our goods, rather than by the quality of our lives.

They have reminded us how the sheer size of society can overwhelm and crush the individual—sprawling government bureaucracies, huge impersonal corporations, universities as big as cities.

And they have reminded us that institutions become stale and stodgy when we neglect them—especially our institutions of politics and learning.

In short, the youth of America has given this nation a heart transplant.

We needed one very badly.

All this has made many people and institutions very uncomfortable.

And they would like nothing better than to turn the clock back a dozen years or so.

For then life was very sedate and relaxed. Young men and women moved in and out of universities and took their place in society with hardly a ripple.

If it weren't for some panty raids and a few students who swallowed goldfish, we might never have known they were alive.

And the only problem the university faced was the problem of any corporation—gathering money to run the school and making sure they turned out their quota of the national manpower needs—enough engineers, lawyers, doctors, teachers, businessmen.

In fact, one university administration recalls with a profound sense of loss and nostalgia the 1957 panty raid that fizzled out—because, when the boys got to the main intersection of this urban campus, the light was red.

As far as the politicians were concerned, we were so secure we never worried about anyone under 50.

But suddenly, all of this changed.

Our young people want us to get out of Vietnam, end the draft, cut the defense budget and spend the money in our cities. They want to participate in our politics and restructure our universities.

And a bewildered older generation is asking:

How did it happen?

When did it start?

Where did they get their ideas?

The last question is the easiest to answer.

By and large, they got their ideas from us. They are the ideas Americans have been professing for generations. But the difference was that this generation wants to put our principles into practice. They had the courage of our convictions.

Another part of the answer can be found in the number of young people and college students in the United States.

Two years ago half the country was under 25. By next year, half will be under 21.

Our college population has doubled in the past ten years. Though we comprise only six per cent of the world's population, we have 32 per cent of the world's college students.

These young people have developed a strong identity. They may come from different social or economic backgrounds. But they share similar social and political concerns.

Another factor that accounts for the change relates to the basic purpose of education.

College is a time when young people are supposed to develop both their intellectual abilities and their moral priorities.

It is a time to question and doubt.

And the first institution the students began to question and doubt was the university.

Why, they asked, do our universities teach more about America Samoa than the American city?

Why, they asked, does the university publicly defend the individual's right to be heard and then refuse to give students and faculty a voice in major policy matters?

Why, they asked, do universities hire people as deans and administrators who are totally out of touch with the younger generation?

And they began asking the university questions of conscience.

They asked why the university accepted money from the CIA.

They asked what intellectual purpose was served by granting ROTC full academic standing.

And they asked how a university could dispossess people from their homes one day to get more land for expansion—and on the following day hold memorial services for Dr. Martin Luther King.

They asked these questions—but received few answers.

Moderates were viewed as radicals—and little change occurred.

The universities played right into the hands of the anarchists. They fell victim to the politics of confrontation. They were convulsed with violence.

They provided no outlet for the unrest, the frustration, the sense of anger, disappointment and powerlessness that students—and many faculty members—were feeling.

Emotions were bottled up. Voices were not listened to. Ideas for improving the university were stifled. Dialogue and a genuine exchange of ideas did not occur.

Today, change is on its way. The year 1969 will mark a new era in university life.

But we are paying a terrible price for this change.

Because, once again, we gave credence to the view that significant social change only occurs in the wake of violent action.

What can we do to prevent this?

First, we must learn to distinguish between the moderate and the radical, between the activist and the anarchist.

This is critical.

There is a difference between the two. All of us must recognize this—especially politicians and university officials whose business it is to *know* the difference.

The activist is seriously dedicated to social change. He knows this change will be difficult, but he believes it must come in a peaceful manner. The anarchist seeks only ruin and destruction. He rides a tidal wave of terror.

For if we have reached the day when we are so set in our ways, so smug in our affluence, so oblivious to our shortcomings that peaceful men with strong views send shivers down our spine, then we are in some very deep trouble as a nation.

Second, we must be willing to listen and talk to students, or anyone else who feels lost in our society or troubled by its direction. And then we must be willing to take constructive action to relieve this anguish and anxiety.

Retaliations and threats are no answer.

Nor is telling somebody else to talk tough when you don't know what to do yourself—and when you are not willing to spend the time developing a solution.

Nor is threatening to cut off financial support to any university that riots—as some Congressmen have proposed. This does not support democratic principles. It tears them down. It is thought control—a payoff to those who agree with you, a cutoff for those who don't.

It is right that we should condemn violence. We should be outraged when students seize buildings, attack professors and their fellow students, arm and barricade themselves and burn manuscripts. None of these actions is the least bit consistent either with the meaning of a university or a democracy.

But what do we do *after* we condemn the violence?

That is the real question we must answer.

For four years, since the Watts riots of 1965, we have been trying to answer this question in our cities—without much success.

Today, we must also answer it on our college campuses.

We cannot reform this country or any of its institutions overnight. But we can reform them a lot faster than we have moved in the past.

To do this, we will need the kind of wisdom and foresight for which Yeshiva University is famous.

For example, last month, President Belkin approved a new College Senate that has been described as one of the most ambitious and far-reaching undertakings in the country.

This new body reflects the general student concern for direct involvement in the governing structure of the universities.

But in practice, the College Senate goes far beyond the formulas adopted by other universities.

The Senate will be composed of students, faculty and members of the administration. It will have jurisdiction by a simple majority vote over the following:

First, academic standards, admissions policy, curriculum and requirements for a degree.

Second, the establishment of new majors and new courses.

Third, the determination of policy on standards of scholaristic performance, student attendance, the grading system and academic honors.

Furthermore, the Senate will make policy recommendations on various matters affecting the faculty, including appointments, promotions and remunerations.

Many universities would find the request for such a Senate—let alone its establishment—a powerful threat to their authority.

But Yeshiva is more concerned with education than authority, more devoted to sharing responsibilities than fighting for power.

And that is why Yeshiva was not among the list of universities that were racked with crisis and confrontation this spring.

That is why Yeshiva was able to achieve what other universities could not.

This is an accomplishment of major proportions.

Its true significance lies far beyond the fact that a College Senate has been established.

The true significance of this action is that Yeshiva has shown the power and strength of reason. Yeshiva has shown that the greatest change occurs in a peaceful context when all voices are heard and respected.

That is the lesson the rest of the country—and hundreds of universities—must learn.

If only more of our universities and more institutions in our society could follow the example of Yeshiva.

If only they could view the changes that must come in our society as opportunities to be met and not as enemies to be conquered.

I am proud to be here tonight—to speak once more in support of this great university.

I am proud to speak in behalf of a university that understands what a university should be—a place to educate the young, not control or stifle them.

I am proud to be associated with a university that understands the difference between tradition and dogma, that knows intelligence requires both intellecual capacity and human compassion.

Let us resolve, collectively and individually, to follow the example of this great university—the example it has always set with regard to reason and justice.

BUSING OF SCHOOLCHILDREN

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Rocky Road for Busing," written by Mr. James T. Wooten, and published in the New York Times of Monday, November 3, 1969. The article concerns the difficulties being encountered across the country by schoolchildren who are being used as pawns in the silly game of "busing."

Compulsory busing of children for great distances is being increasingly advocated by activists school superintendents and school districts throughout the country in an attempt to effect their own notions of integration. The article which I have included highlights the difficulties that this engenders and shows that reaction against this practice is growing.

My great fear is that if this sort of nonsense continues, the people will lose faith in their public school system. More and more middle-class parents—black and white—are abandoning the public schools rather than have their children forcibly shuttled about the country. Valid educational goals are being sacrificed and children's lives and welfare are being needlessly endangered.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rocky Road for Busing

(By James T. Wooten)

Atlanta, November 2.—Like an old song or a faded photograph, the school bus, for many American adults, has always been a nostalgic, innocuous reminder of the good, golden days long past.

It lumbers innocently along in second gear, calling up memories of a thousand things—of spitball fights and football games, of lunch in a sack and gum on the seat, of little kids laughing up front and sweethearts holding hands in the back.

But that image is passing quickly.

In these frenetic days, as the nation wrestles with the perplexities of classroom desegregation, the school bus and its role in the integration process is fast becoming a mobile symbol of much that many other Americans believe is wrong in their country.

In Denver and Pittsburgh and Birmingham and Boston and Dayton and Grand Rapids, in Midwestern hamlets, in sprawling urban centers of the North and the South, the school bus has come to represent for thousands of people the stupid, stubborn, clumsy, inept attempt by a heavy-handed bureaucracy to force school integration, a problem they believe only time can solve.

Moreover, with last week's insistence of the Supreme Court on immediate, complete compliance with its 1954 school integration mandate, the furor over the school bus is likely to increase both in scope and intensity in the urban South in coming weeks as busing is chosen as a tool for quick desegregation.

"My kids ain't riding no buses all over the country just to make the damned Supreme Court happy," vowed a disgruntled Georgia parent last week, a sentiment voiced over and over again by Mississippians whose schools will feel the initial impact of the Court's sweeping decision.

"What goes against my grain is my little children riding buses, sometimes in sub-zero weather, to places I've never even seen," complained the Rev. Alan Walbridge, a white Episcopal priest in Pittsburgh who has organized a private school to avoid the city's busing program.

"They might get lost or never come home again," he added.

All across the country, there is considerable antagonism.

In Denver, two school board candidates ran successful campaigns this year on antibusing platforms.

TWO SOCIAL ILLS

In Grand Rapids, many white and Negro parents have objected strenuously to the city's busing program, and one group boasts that its efforts helped elect three new school board members.

In California, according to a newspaper survey, parents of school-age children are "most concerned" about drug abuse among youngsters and the busing of their children to schools out of their residential neighborhoods—two facts of life the parents describe as "social ills."

In Birmingham, Ala., an organization of white parents is raising money to use in a court fight against their city's integration plans, which include the use of busing.

In Dayton, Ohio, boycotts, school strikes and occasional violence have marked that city's efforts to achieve racial balance in its schools by using buses.

Here in Atlanta, Negro parents staged vehement protests against a school closing and the busing of their children to a new, integrated school.

SOME ACCEPTANCE, TOO

There are examples of acceptance as well. In Berkeley, Calif., where the idea of busing to achieve racial balance originated, it is working and working well and there is little if any conflict, local official say.

In Rochester, N.Y., and Verona, N.J., the story is the same. And even in Boston, where Louise Day Hicks received thousands of votes after her anti-busing mayoral campaign in 1967, the busing program has met with wide acceptance and will probably be expanded.

ONE HUNDRED BUSING PLANS

Advocates of busing, such as Neil V. Sullivan, the Massachusetts Commissioner of Education insist that it can work and is, in fact, the best, fastest, safest and most economical way to get children to school.

"If you can provide a good education, people don't mind busing," he said, referring to the success of the plan now in force in Boston. "Transportation does not become the problem. All they [the parents] want at the end of the bus ride is quality education."

Although exact statistics are hard to come by, officials in the United States Office of Education believe there are more than 100 separate busing plans in effect in the country, most of them in urban centers and outside the South.

The promise common to all of those plans is basically simple and emerged as an answer to a question school administrators have been pondering since the 1954 decision:

How can any school be racially balanced when the neighborhood it was designed originally to serve has become or always was racially unbalanced?

One answer, as first devised in the Berkeley school system five years ago, is the dissolution of the time-honored concept of the neighborhood school and the physical movement of students from the residential neighborhood to a school in another neighborhood, thereby achieving substantial classroom integration.

DEVASTATING IMPACT

The impact of that solution is, however, for many parents and students, devastating. There are long rides in the morning and afternoon to and from their new school. There is a loss of identification with the school itself, since it no longer is "the neighborhood school."

"I suspect, also, that many of the angry ones are simply saying, whether they are Negroes or whites, that they do not want their children in a school with children who aren't their own color," a school administrator in Evansville, Ind., said recently.

An official of the United States Department of Health, Education and Welfare agrees. Paul Rilling, chief of the department's Civil Rights Office here in the South, ventured that, in his own region, at least, it is not busing that "heats up" the parents, but rather, integrated education.

In fact, records in Mr. Rilling's office and at the United States Department of Justice here indicate that busing has not been a significant factor in or a substantial part of the South's struggles with classroom desegregation.

PROBLEM FOR NEGROES

"I think it is fair to say that if it has been a problem at all, it has been a problem for Negroes rather than whites," Mr. Rilling said.

In most desegregation plans in the South, there is substantial "one-way desegregation," a plan that moves Negroes from their schools to previously all-white schools and in most cases simply closes the schools that formerly were Negro. Mr. Rilling's agency is prohibited from either suggesting or ordering that busing programs be initiated in any Southern school system to achieve racial parity in schools under its aegis.

Mr. Rilling also finds support from other Southern officials and educators for his view that, even with the Supreme Court order last week, the "busing syndrome" will not become an important factor here in the South.

"It is really an urban problem," he argued. "In the South, where the bulk of the student population is enrolled in smaller systems, most of them rural, there is absolutely nothing new about riding a bus a long distance for a long time to school."

OFFICIAL SUPPORT

Regardless of the size or the intensity of the South's reaction to busing plans, the issue is sturdy enough and substantial enough to remain alive across the country. Parents of every description and officials with a variety of powers and authority will probably continue to oppose both the idea and the fact of the busing.

They have support from high places.

In Williamsburg, Va., for instance, Vice President Agnew, in an attempt to mollify the heated interests of several Southern governors, recently stated his blunt opposition to busing. And in many corners of the country, editorial writers and public officials are constantly referring to a campaign remark by President Nixon in Charlotte, N.C. last year.

"We will not tolerate arbitrary busing," Mr. Nixon said then.

Gov. Lester G. Maddox of Georgia has described busing frequently in vitriolic terms, once calling it "a Communist ruse."

Gov. Albert P. Brewer of Alabama has expressed similar sentiments in less vivid terms, as have his counterparts in Louisiana and Mississippi.

The public officials' distaste for busing is also frequently expressed in Northern States and cities.

And not long ago, George C. Wallace, the Presidential choice of nearly 10-million Americans, twirled a cheap cigar in his fingers and offered his own contribution to the continuing argument.

TRIFLING WITH OUR KIDS

"I'll tell you this," Mr. Wallace growled. "It don't make any difference how many judges they appoint from the South or what their philosophies are, and it don't make any difference how they try to court the South—if they keep on busing our kids from one end of the town to the other, then there's going to be trouble because, I'll tell you this, parents are not going to put up with it. They're just trifling with our kids when they bus them around like that."

And so the debate continues, as steadily and as noisily as old yellow and black vehicle that rolls along the country's streets and highways, alternately swallowing and then disgorging children and making as remarkable a contribution to the nation's bent for controversy as the internal combustion engine's role in the improvement of transportation.

THE TORTURE IN GREECE

Mr. FULBRIGHT. Mr. President, recently, Look magazine published an article entitled "Greece: The Torture Goes On," written by Mr. Christopher S. Wren. In view of our support of the regime in Greece, I think it is appropriate that the article be drawn to the attention of the Senate, which will be called upon to vote for continued military assistance to the present regime.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

GREECE: THE TORTURE GOES ON

(By Christopher S. Wren)

Last June 7, George Papadopoulos, the Greek colonel who runs Western Europe's only new dictatorship since World War II, mused before an Athens news conference that he might agree with the view that the press was a "whore." The self-appointed Prime Minister was referring to Look magazine's disclosure of political torture in Greece (May 27, 1969).

His indignant response was delivered once the offending article, *Greece: Government by Torture,* was safely off the newstands (in Athens, copies were bought up by the junta: "How could we consider ourselves part of a civilized society when we accept the most imaginary and malignant accusations produced by a mentally deranged person . . . and how could we reproduce those accusations for the use of tens of millions of readers throughout the world?" Under the subhead "Feeble

Author," the censored Athens *News* picked up the cue: "Papadopoulos said this article was written by a mentally deranged person." It was later quietly explained the Prime Minister really meant not this writer, only his sources.

Papadopoulos thereupon invited Look to send to Greece "a duly authorized representative with the purpose of investigating the truth. He could be accompanied by the person who supplied the writer with the false accusations. . . ."

The Prime Minister promised that if he were shown torture did take place, he would hang the culprits in Constitution Square. The last such public executions in central Athens, Greeks recall, were carried out by the Nazis during the Occupation. The Prime Minister never bothered to send his invitation to Look. It appeared the next week among the routine Greek Embassy press releases handed out to the Washington press corps. Still, Look accepted.

Since the details had come from torture victims within and outside Greece, Look had no single "person who supplied the writer with the false accusations." It proposed sending James Becket, an American lawyer who has investigated torture charges within Greece for Amnesty International, the worldwide organization concerned with political prisoners. Becket had given some of his documentation to Look. Congressman Don Edwards of California was suggested as an observer. Rep. Edwards, chairman of the U.S. Committee for Democracy in Greece, offered skill as a former FBI agent and current member of the House of Representatives Judiciary Committee.

Following the Prime Minister's invitation, further evidence and offers of assistance came in to Look from Europe. Thirteen prisoners in Averoff prison, Athens, smuggled out a signed statement that they wanted to talk about their torture. A Scandinavian diplomat wrote: "I could furnish you with a number of names of people who have been tortured much worse than those you mention in your article."

A month later, the Greek Prime Minister finally authorized the consul general in New York to inform LOOK that Representative Edwards and Becket, as "participants of movements inspired by prejudice and anti-Greek hysteria" were not welcome in Greece. The article's author was "absolutely unacceptable." As for the Prime Minister's promise to summarily execute anyone guilty of brutality, this, the consul general explained, was merely a "Greek metaphor" used "by the Prime Minister to emphasize the depth of his convictions. . . ."

Yet as long ago as April, 1968, the Greek junta was given *prima facie* evidence that political prisoners had been abused. Anthony Marreco, a British lawyer for Amnesty International, was allowed into three Greek prisons. Afterward, he gave Minister of Interior Stylianos Pattakos the histories of ten prisoners whom he had interviewed and believed were tortured. Pattakos dismissed them as Communists and Marreco's findings as Communist propaganda. Pattakos closed the matter: "The Greek Government has to protect its people against its Communist enemies." Amnesty International is now banned from Greece as "Communist," just as it has been banned from the Soviet Union as "CIA-controlled."

The Greek dictatorship insists that torture claims have been refuted by the International Red Cross and the so-called British Parliamentarians Committee. It was in fact the subsidiary International Committee of the Red Cross that visited Greece. Its initial report dealt with prison-camp conditions, not torture. A second report concluded that the ICRC did not wish to declare whether or not prisoners were tortured. Because the ICRC cannot release its findings without the permission of the host government, no other reports have been published. The ICRC in July, 1968, and again in February, 1969, privately protested to the junta its misrepresentation of the reports.

The Red Cross has secured from the junta some improvement in prison conditions. But its business is mercy, not politics. Restricted to diplomatic channels, it can see only what the government decides to show. In World War II, for instance, a Danish Red Cross team finally allowed into the Theresienstadt concentration camp in June, 1944, found new flowerbeds and freshly painted barracks. To tidy up, the Nazis had shipped 2,780 Jews to Auschwitz.

The British Parliamentarians Committee turns out to be five British Members of Parliament who were junketed with wives to Greece for the 1968 Easter holidays by Maurice Fraser Associates. Fraser, a former gambling-casino promoter, had persuaded the junta to pay his new firm $253,000 a year to handle its public relations in Britain. Two of the MP's did visit the prison camp on the island of Leros, where torture did not occur. The spokesman, Gordon Bagier, MP, scoffed: "Quite frankly, I am getting a bit fed up with the sensationalist reporting to come out of Greece. We found that reported torture had always 'happened to someone else.' "

After a long court fight the following fall, the London *Sunday Times* won the right to publish a secret memorandum from Maurice Fraser to the junta that he had a British MP in his employ. Confronted with it, Gordon Bagier confessed that Fraser was paying him £500 ($1,200) a year.

The junta has grown desperate for good publicity. It reprints in government pamphlets—*The Foreign Press About Greece*—favorable letters to the editor under the masthead of the foreign newspaper that has carried them. The casual reader will take the unlabeled private letter for an official editorial endorsement. The government recently extended round-trip New York-Athens air fare and 24 days of full hospitality to a California radio-TV team of four, in the hopes of some friendly spot reports.

But when Christopher Janus, Jr., a 25-year-old vacationing Peace Corps teacher, visited Greece on August 2, he was detained overnight and deported without explanation to Nairobi. His father, Christopher Janus, a Chicago stockbroker of Greek descent, had written two articles for the Chicago *Sun-Times* after visiting Greece in 1967 and 1968.

Janus, who was decorated by an earlier Greek Government for his work in Greece during the civil war, had simply repeated what a lieutenant colonel in Athens told him last year: "A little torture is necessary to preserve civilization."

The Look article has been translated, mimeographed and circulated inside Greece along with the novels and poetry banned by the regime. But a half-dozen new escapees from Greece separately insist that the beatings in the police stations have been stepped up in an attempt to stem the bombings and other stiffening resistance among the Greek people.

Six weeks after the article appeared, Athens radio felt free to boast: "The U.S. Government recently decided to include Greece among the four countries to which 90 percent of U.S. military aid for 1970 will be distributed."

When 50 American congressmen petitioned the Secretary of State in a July 30 letter for "a clearer sign of U.S. moral and political disapproval of the dictatorship," an Assistant Secretary of State, William B. Macomber, conceded that "we see an autocratic government denying basic civil liberties to the citizens of Greece," but insisted that the junta was meeting Greece's NATO treaty obligations. Calling the NATO argument an excuse for U.S. inaction, Rep. Don Edwards took issue: ". . . the present dictatorship violates the very principles of NATO, the very reason for NATO, the protection of free people through the preservation of governments chosen by the people."

American taxpayers' money still flows to a government that relies on torture to survive. Among the new allegations of brutality is a letter from a woman who wrote Look that her aunt, a middle-aged dressmaker, was arrested and, the niece heard, tortured the week after Papadopoulos issued his angry denial. "She was released after having been kept for 40 days under strict confinement [and] continuous interrogation. Before her release, she signed a declaration saying that she was treated 'very politely and kept under very human conditions of imprisonment.' She had been warned, of course, that in case she is going to say anything to anyone related to her interrogation, she will be rearrested and 'properly' treated." Her name, like dozens of others, has been sent to the Human Rights Commission of the Council of Europe, which has been examining such cases and will announce its conclusions later this fall.

If, in the meantime the Prime Minister is anxious to examine the validity of the pyramiding charges of torture, he has only to honor his pledge of June 7, to let Look into Greece to "investigate the truth" he says he so desperately wants.

THE PESTICIDE PERIL—LXXIV

Mr. NELSON. Mr. President, this week Canada joined the growing list of countries who have placed substantial controls on the use of the pesticide DDT.

According to reports in the New York Times and the Wall Street Journal, the Canadian Government will reduce the use of DDT beginning January 1, 1970, by 90 percent. Prime Minister Pierre Trudeau said that the regulations are being imposed—even though the long-term effects on human life are unknown—because definite and alarming evidence has confirmed the injury and destruction to fish and wildlife from pesticides.

Sweden, Denmark, and Czechoslovakia have already banned this persistent pesticide from use in their countries. In the United States, Arizona and Michigan have banned DDT, and many other States are presently considering similar measures in their legislatures.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 4, 1969]

OTTAWA WILL REDUCE USE OF DDT BY 90 PERCENT NEXT YEAR

OTTAWA, November 3.—Canada announced measures today to reduce the use of the pesticide DDT by 90 per cent next year.

The number of cultivated food plants on which it may be used will be reduced from 62 to 12 beginning Jan. 1. Also, the tolerance levels in various foodstuffs are to be substantially reduced.

Prime Minister Pierre Elliott Trudeau, making the announcement in the House of Commons, said the Government was acting on the basis of studies showing effects of DDT on birds and fish. Long-term effects of the pesticide on human life are still unknown, he said. He emphasized that the Government had no evidence of injury to human beings.

The Prime Minister noted that the Canadian diet contained on an average only one-fifth the maximum daily intake of DDT

(0.7 milligrams) accepted as unsafe by the World Health Organization.

In recent months several Canadian provinces have curbed the use of the pesticide, whose effects have been found harmful in a number of studies in the United States. Ontario announced a general ban on DDT six weeks ago.

Mr. Trudeau today commended the provincial governments for the initiatives they had taken to control the use of DDT, but he said more comprehensive action was needed.

The new regulations, to be enforced through the Food and Drug Administration of the Department of Health, provide that in 1970, DDT will not be registered for control of insects in outdoor areas except under emergency situations.

The Government will reduce the permissible level of DDT in common vegetables and fruits from 7 parts per million to 1 part per million. For apples, pears and celery, the level is to be reduced to 3.5 parts per million.

There will be no change in regulations forbidding any DDT in potatoes, eggs, fish, milk, butter, cheese, ice cream and other dairy products.

In the United States, the Department of Agriculture and a number of state agencies have taken similar steps to reduce the use of DDT.

[From the New York Times, Nov. 4, 1969]

SEVENTEEN IN CONGRESS ASK ACTION

WASHINGTON, November 3.—Seventeen Representatives urged President Nixon today to ban the pesticide DDT except in emergency situations.

They contended, in a letter to Mr. Nixon, that studies had produced evidence that DDT can cause cancer.

Those signing the letter were:

David R. Obey, Democrat of Wisconsin.
Joseph E. Karth, Democrat of Minnesota.
Marvin L. Esch, Republican of Michigan.
Arnold Olsen, Democrat of Montana.
Don Edwards, Democrat of California.
Clarence D. Long, Democrat of Maryland.
Jonathan B. Bingham, Democrat of the Bronx.
William Clay, Democrat of Missouri.
Thomas M. Rees, Democrat of California.
Jerome R. Waldie, Democrat of California.
James Kee, Democrat of West Virginia.
Edward I. Koch, Democrat of Manhattan.
Richard D. McCarthy, Democrat of New York.
Abner J. Mikva, Democrat of Illinois.
Benjamin S. Rosenthal, Democrat of Queens.
James H. Scheuer, Democrat of the Bronx.
Leonard Farbstein, Democrat of Manhattan.

[From the Wall Street Journal, Nov. 4, 1969]

DDT USE RESTRICTED BY CANADA TO REDUCE DANGER TO WILDLIFE—RULES FOR 1970 TO CUT SPRAYING TO 12 CROPS FROM 62, LOWER TOLERABLE AMOUNT IN PRODUCE

OTTAWA.—Canada announced new regulations aimed at reducing the use of DDT in the Dominion by 90%, effective Jan. 1.

Prime Minister Trudeau said in the House of Commons that while there wasn't any clear evidence of injury to humans from buildup of the pesticide, the regulations were being introduced because of environment pollution, especially among fish and birds.

Under the new regulations, DDT won't be registered for insect control on any more than 12 food crops, down from 62 in the current year. And it won't be registered for insect and biting-fly control in outdoor areas except in emergencies.

The acceptable presence for DDT in common vegetables and fruits will be reduced from seven parts per million to one part per million.

The tolerance would remain unchanged for the fat of cattle, hogs and sheep.

The basic ingredient for DDT has been imported from the U.S. Canadian makers are agreed, however, that there are numerous substitutes available.

A spokesman for the Agriculture Department said these substitutes involve "greater occupational hazard and in some cases three to four times the expense" but were worth employing in order to protect wildlife.

ABOLITION OF FORCED LABOR

Mr. PROXMIRE. Mr. President, ever since 1947, the American Federation of Labor has been trying to get the forced labor convention adopted. The record of organized labor with regard to this convention has been excellent. Mr. Andrew J. Biemiller, director of legislation for the AFL-CIO, outlined the arguments in favor of ratification at the hearings held by the Senate Foreign Relations Committee in 1967. Mr. Biemiller's remarks present the case for adoption very concisely:

> There is nothing in the forced labor convention that does not coincide with the fundamental rights guaranteed under our Constitution. There is nothing in this convention that will alter the balance between the jurisdiction of the federal government and the jurisdiction of the states. There is nothing in this convention that is not already covered by federal constitutional protections. Finally, from a legal standpoint, approval of this convention would require no implementing legislation.

Mr. Biemiller goes on to point out that ratification of the convention would not in any way interfere with the criminal sanctions imposed by the National Labor Relations Board for violation of court orders. What is more, the convention would not interfere with sanctions imposed for having participated in illegal strikes or other illegal activities. The point is that ratification of the convention could not possibly interfere with domestic law covering labor disputes or labor relations.

The moral imperatives for immediate action, however, are even greater. Mr. Biemiller makes a very eloquent argument for ratification:

> Until our government ratifies this convention, the United States will continue to abdicate its moral leadership on an issue that goes to the heart of the struggle between democracy and communism. Our inaction refuses to recognize the effect this lack of leadership has on the uncommitted countries of the world just as it refuses to recognize the millions of persons still denied human dignity in the slave-labor camps that continue to exist behind the iron curtain.

Mr. President, there is absolutely no logical justification for continued failure to ratify the convention on forced labor. Not to do so is to continue to deny the very precepts which Americans consider basic. The time for action is now. Let us start moving toward ratification now.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. FULBRIGHT. Mr. President, beyond doubt, Everett McKinley Dirksen was one of the most memorable individuals ever to serve in the Senate.

He was a talented and vigorous leader and an influential Senator. All of us know that he played an important role in some of the most significant legislation passed by this body in recent years. I recall particularly his contribution in securing ratification of the Nuclear Test Ban Treaty in 1963.

His influence was not, of course, limited to the Senate. The Dirksen style was well known throughout the country, and he was highly regarded by millions of Americans.

Everett Dirksen served in Congress for more than 34 years, more than half of that time in the Senate. For 10 years he had the burdensome responsibility of serving as his party's leader in the Senate. During this period, I had numerous occasions to visit with Everett Dirksen, and always found him cordial and responsive in his attitude. While we did not always agree on all important public matters, he never allowed bitterness or ill feeling to enter into the debate or discussion of these differences. He had an unusual gift for friendship, and a unique memory for interesting anecdotes. I always found him to be one of the most entertaining and interesting companions, especially when the day was over, that I have ever known.

The loss to his family, to the Senate, to the people of Illinois, and to the Nation is certainly a great one. He is destined to be long remembered.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. BIBLE. Mr. President, the Senate of the United States has lost one of its most able and influential leaders. Each of us has lost a friend. America has lost a great citizen.

Everett Dirksen was unique. In death, as in life, he defies comparison. Perhaps Daniel Webster was his forensic equal, and perhaps his effectiveness as a Senate minority leader had precedent, but never has there been another who projected the diverse personality characteristics of this remarkable man.

America loved him, not for his stunning eloquence alone, nor for his undisputed skill as a lawmaker. He was loved for his human qualities: humor, warmth, affection—all generously shared by an unfailingly generous human. He was quick to tell a joke on himself, and he could place issues in proper perspective with a few words of gentle humor. It was possible to disagree with Everett Dirksen politically; it was not possible to dislike him personally. He was that kind of man to us, and to the American people.

But we cannot eulogize the man without paying equal tribute to his deeds. As the Washington Post perceptively observed, Everett Dirksen's colorful personality sometimes threatened to overshadow his substantial legislative achievements. Those of us who knew him well, and worked with him over the years, are best qualifiel to pass judgment on those achievements. And I think all of us would agree that he was a great legislator and a great leader. The imprint of his labor will survive us all.

Mr. President, I am proud to have been a contemporary of Everett Dirksen, and I shall always treasure the warmth of his friendship. He earned our respect, our admiration, and a lasting place in the pages of American history.

OBSERVATIONS UPON DEMONSTRATIONS DEMANDING THE IMMEDIATE WITHDRAWAL OF ALL AMERICAN FORCES FROM SOUTH VIETNAM

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD my response to an invitation to participate in demonstrations to be held in Washington on November 13, 14, and 15, 1969, to express the demand that all American forces be immediately withdrawn from South Vietnam.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 4, 1969.

Mr. STEWART MEACHAM,
Co-chairman, New Mobilization Committee to End the War in Vietnam, Washington, D.C.

DEAR MR. MEACHAM: I have received the letters in which you state that you and others associated with you demand that the President withdraw all American forces from South Vietnam immediately, that you and others associated with you are going to stage demonstrations in Washington on November 13, 14, and 15 to express this demand, that you invite me to join in these demonstrations, and that you wish to ascertain whether I am willing to meet with North Carolinians who may participate in them to discuss the South Vietnam matter.

For reasons hereafter stated, I decline the invitation to join in these demonstrations. Let me assure you, however, that I am willing to discuss any public question with any group of North Carolinians at any mutually convenient time.

As the result of the blood, sweat, tears, and prayers of multitudes of brave and patriotic men and women, Americans enjoy freedom under the Constitution, which secures to them the right to dissent from governmental policies and to express their dissent in peaceable demonstrations. This right exists and may be exercised even in circumstances where its exercise is incompatible with the best interests of the nation.

For these reasons, I do not question your constitutional right and that of persons associated with you to engage in peaceable demonstrations to express the demand that the President withdraw all American forces from South Vietnam immediately. Candor compels me to confess, however, that I most seriously question the wisdom of staging demonstrations of this character at this particular time.

As Saint Paul said, "All things are lawful for me, but all things are not expedient."

At this time, the President is engaged in an exceedingly complicated and difficult task. He is seeking to obtain by negotiation with the rulers of North Vietnam a settlement which will end the fighting in South Vietnam and permit the orderly withdrawal of our forces from that unhappy country.

The praise heaped by the rulers of North Vietnam upon similar demonstrations last month makes it obvious that the demonstrations proposed by you and your associates will encourage these rulers to refrain from engaging in any meaningful negotiations looking to the settlement of the conflict in South Vietnam. As a consequence, they will tend to thwart the President in his efforts to achieve a settlement by negotiation, and thus constitute a disservice to the best interests of our nation. Moreover, they will constitute a disservice to the brave men fighting in South Vietnam because they will encourage the rulers of North Vietnam to prolong the war.

Sincerely yours,
SAM J. ERVIN, Jr.

GENERAL GOODPASTER'S COMPELLING ADDRESS TO NATO PARLIAMENTARY CONFERENCE

Mr. MUNDT. Mr. President, several of us who were members of the Senate delegation to the North Atlantic Assembly meeting in Brussels during mid-October have had occasion to speak to our colleagues about our experiences there. Today I shall not take the time of the Senate to give my own individual account of the assembly proceedings and of my activities while attending the annual meeting. What I shall do is to place in the RECORD the remarks made 2 weeks ago to the assembly by General Goodpaster, the Supreme Allied Commander in Europe. It is an address I consider possibly the most important and impressive statement heard by the delegates to the meeting of NATO parliamentarians.

There are those who will say that General Goodpaster's speech does not contain new doctrines or novel thoughts about the future of the Atlantic Alliance. But it seems to me that the Supreme Allied Commander's main tasks go in a different direction. In his speech he rightly says that those responsibilities are chiefly represented by the two elements of stewardship and leadership.

On the first count, I think his remarks solidly establish that General Goodpaster is carefully and wisely conserving and employing the resources made available to him. On the second count, I think the very excellence of his comments incorporates leadership of high quality indeed.

The remarks by General Goodpaster represent a clear and persuasive statement of where the Alliance stands and the direction in which it should travel over the months and years immediately ahead. It is straight from the shoulder and uncomplicated, yet it is clearly the work of a powerful intellect. As such, I believe it should be shared with all Members of the Senate. I ask unanimous consent that General Goodpaster's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. A. J. GOODPASTER

Mr. President, Your Excellencies, Ladies and Gentlemen: It is a great pleasure for me to be here this afternoon and to have this opportunity to address this distinguished gathering of NATO parliamentarians. I do so in my capacity as Supreme Allied Commander, Europe, a position I took over from an outstanding soldier-statesman, General Lemnitzer, on the 1st of July.

Although I have met many of you individually, this is the first time I have had the opportunity to address you as an organization; one so important to the vital affairs of NATO. This being the case, I should like to express my conception of the responsibilities of SACEUR to you. This involves two main elements; one of these is stewardship; the second, leadership.

Within the scope of those responsibilities, I will then proceed to an examination, in the context of NATO, of some of the relationships between the fruits and the costs, of war and of peace.

But first let me say that by stewardship I mean the requirement of taking the forces and resources that are made available by the NATO nations, then welding and organizing them into an effective force to accomplish the security aims that the Alliance has established in common. I am fully aware how important a role is played by each of you and by each of the institutions you represent in relation to that stewardship, for it is by your actions that such forces and resources are made available and it is by your actions that the aims of the Alliance are established.

Secondly, by leadership I mean not only exercising command over Allied Command Europe, but giving recommendations to the nations that point out quite clearly what they individually, and the Alliance as a whole, could and should do to maintain the credibility of our deterrence and the effectiveness of our mutual defense. Here, too, I am fully aware of the importance of your legislatures, for they affect that leadership by their exercise of the power of the purse, and by the view they take of such military recommendations and by the action they take to support them.

I have previously made clear my intent to continue to carry out these duties of stewardship and leadership with the utmost in dedication and professional effort. This great Alliance deserves no less from each of those who serve it.

On numerous occasions in the past few months, discussions of NATO—and especially of the military aspects of the Alliance—have seemed to focus on two specific areas of interest. The first of these is the perception of the Soviet threat; the second is the cost to the Alliance in preparing to meet that threat. I will dwell at some length this afternoon on these two subjects—the threat and the costs.

Many of you here will recall, I am sure, the famed "Iron Curtain" speech made by Winston Churchill in Fulton, Missouri, in 1946, when he declared that "From Stettin on the Baltic to Trieste on the Adriatic an iron curtain has descended across the continent."

But there was another most important statement in that speech, one that Mr. Churchill was to repeat some months later on the floor of the House of Commons. What he said was, "I do not believe that Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines." In short, the Soviet union wanted the fruits of war, without the costs of war.

But if the Soviets have sought the fruits of war without the costs of war, it also seems clear that within our own Alliance there are some who have wanted the fruits of peace without the costs of peace. Let us consider these two points.

First, a consideration of the fruits of war that have been sought or gained by the Soviets.

It is worthwhile to recall the territorialist expansion that featured Soviet policy in the years prior to the founding of NATO. We are too often prone to relegate these still living facts of Soviet domination to some dusty, historical corner; only occasionally to see them in the light of events such as the invasion of Czechoslovakia.

We need to remember that twenty-four million people came under Soviet annexation or administration during the years 1940 to 1945. As Paul-Henri Spaak said before the United Nations, "There is but one great power that emerged from the war having conquered other territories and that power is the USSR."

We need to recall that with the rapid demobilization of the democracies following World War II, but with the Red Army still in force in Eastern Europe, a string of nations fell under communist control—capped, of course, by the first communist coup in Czechoslovakia. By 1948 an additional ninety-two million people had fallen under communist domination.

While we know that such territorial expansion was halted in Europe with the signing of the North Atlantic Treaty in 1949, we must still reflect today on the Soviet intentions to continue that "indefinite expansion of its power and doctrines." We must do so with clear and unblinking realization of the military power that the Soviets dispose.

Too quickly forgotten has been the impressive demonstration of Soviet military might and professional capability shown by the Warsaw Pact invasion of Czechoslovakia. Communist propaganda now charges the Czech leadership prior to the invasion with "weakness, indecision, toleration." There had been no such weakness or indecision on the part of the Soviet leaders—the invasion clearly indicated the capability and the willingness of the Soviet Union to take military action when it thought the future security of its Western border, or the grip of its Communist regime on its people, or possibly simply its domination over its Communist neighbors, to be potentially imperiled.

An *ex post facto* attempt at legalization of the invasion from the communist point of view, contained in Gromyko's "socialist commonwealth" and Brezhnev's doctrine," gives grounds for concern. We must ask whether what they call "military aid to a fraternal country" may lead to further military adventures; and who besides the leaders in the Kremlin know the boundaries of this so-called "commonwealth."

The continued movements and growth of the Soviet fleets in the Mediterranean, the Baltic, the North Atlantic are visable elements of Soviet power which are already having a psychological effect. This presence adds political strength to the position of the Soviet Union among the nations of the North African littoral.

In other parts of the world as well, the fact that Soviet military strength is available, even if not used, opens to them the possibilities of achieving other fruits of war by the mere threat of such power.

That military power must be related to what I have called the costs of war. When I say that the Soviet Pact has shown itself not willing to pay the costs of war, the statement perhaps needs further amplification. The Communist leaders thus far have not been willing to pay what may be called the external costs of war—that is, the price in lives and property destruction that would result from actual open combat. Their pullback of their missiles from Cuba in 1962 perhaps illustrates this most vividly. But that same experience shows how close they had come to military conflict, and what risks to the whole world they were capable of creating.

In contrast to their reluctance to pay the external costs of war—a reluctance which I must say we welcome—they have been quite willing to pay what may be called the internal costs of military power—the increased defense budgets, the high levels of personnel manning, the constant modernization of equipment, and more and more intensive training—despite the heavy burdens on their economy and their people that result.

For example, earlier this year the Secretary of Defense of the United States, Mr. Melvin Laird, pointed out that the Soviets were outspending the United States for strategic weapons systems, both defensively and offensively. For defensive strategic weapons systems, it was estimated that the Soviets spend approximately $4 for every $1 spent by the United States. For offensive strategic weapons system, the increased spending was at a rate of $3 to $2. But a dollar comparison does not tell the entire story. In terms of national priorities, the Russian effort is really much greater, since its gross national product is but one-half of that of the United States.

Secretary Laird went on, "We must understand that the Soviet Union is escalating the arms race and has done it within the last 24 months."

At the same time, all the members of the Warsaw Pact have continued to improve what was already a substantial conventional capability. This modernization of equipment and expanding schedules of exercises and maneuvers increase the Warsaw Pact capability—already dramatically demonstrated in August 1968 during the Czech invasion—for mobilization and attack with little or no warning.

Similarly, the rise of Soviet naval power has been impressive. The Russian fleet now totals almost 1600 vessels; their submarines rapidly approach the 400 mark—and these are essentially new ships equipped with the best of modern technology. It has been estimated, for example, that less than one percent of the ships of the Soviet combat fleet are over twenty years old—such a low figure obviously does not apply to the combat vessels of the NATO navies.

I believe these hard facts illuminate well the contrast I mentioned earlier, between Soviet willingness to pay for the internal costs of military power, and their avoidance for the past twenty years of action in Europe which would have required them to pay the external costs of war.

Why is this so? I submit to you as a principal reason that it is because they have been faced with the deterrent and defensive capabilities of the military commands of the North Atlantic Alliance. It is true, of course, that history does not disclose its alternatives, but the fact remains that the territory of the members of NATO has been secured, has remained free from any physical incursions by the potential enemy.

There is a contrary viewpoint to this idea, one interesting in its challenge. A Soviet professor has recently written, "There was not a single day in those twenty years in which the NATO armies could say that they could successfully defend European territory in a war with the Soviet Union. Consequently, a war was avoided not due to this organization's efforts. Rather, no one made any attempt upon the NATO countries' territories."

Yet in contrast to the bold claim of unconquerable Soviet power inherent in that statement, it is revealing, I believe, that even today the Soviet Union continues to avoid the external costs of war.

Why do they do this? One reason is surely that as they look out toward the West, they not only see these NATO forces in-being which are directly on line today, but know there are rank after rank of other Allied forces and other resources which can be called into action tomorrow. They must consider the potential of all these forces. It is the rank after rank of in-being forces, reinforcements and reserves that makes our deterrent posture credible. Despite the undoubted damage an enemy could inflict, he would know that linked to the direct Allied defenses, in a doctrine based upon a flexible and balanced range of appropriate responses, are weapons of tremendous destructive power ready to be employed against him if required. It is this rank upon rank of forces and weapons that will enable us to make aggressive attack costly and unsuccessful to its initiator, whatever its form and scale. When the question is asked why war has been avoided, this fact I believe gives the strongest clue to the answer.

How likely is the Soviet Union to continue to avoid these external costs in the future? Undoubtedly the answer lies largely in the strength and resolve of our nations and their governments. Deterrence cannot be maintained without the presence of tangible, concrete capabilities.

In-being forces must be capable of reacting immediately to any emergency. To do so, they must be modernly equipped, fully manned, well trained, and properly deployed. Reinforcing forces must be made available immediately to assist Allied units which may be facing an initial assault. Behind them, reserve forces must be the product of a functioning and responsive mobilization system that provides results in weeks, not in months. These units, too, require proper levels of manning, training, and equipment.

To sum up, there is no evidence that the threat to the West has somehow disappeared. If the member nations of Alliance were to be divided from one another; if we were to reduce our military strength unilaterally; if our nations were to open themselves to political and military pressures in situations that would weaken their resolve—then opportunity might be given to the Soviets to gain the fruits of war, without the costs of war. By our determination to remain free and by the steadfastness of our efforts toward this purpose, we can prevent such divisions, stop such reductions, and unite ourselves in the face of such pressures.

Thus prepared, the Atlantic Community will be in position to welcome any valid steps the Soviets show themselves ready to take to remove or reduce the causes of tension and, specifically to reduce the military threat to the security of the Atlantic nations.

We have been talking about war, its prevention and the Communist threat. I should now like to turn to a consideration of the fruits of peace and the costs of peace within our own Alliance.

Let us first consider the gains that have been made over the NATO years.

First, of course, peace itself. This is perhaps best encapsuled by recalling that on the Anniversary of the Signing of the Treaty in April of this year, the French Association for the Atlantic Community took out advertisements in most of the newspapers of France. This ad featured the insert photographs of fifteen young people, one from each nation of the Alliance. The caption was quite simple and to the point, "Ils ont 20 ans, ils ont grandi en *paix.*"

Second, the restoration of confidence among the peoples of Western Europe. I worked with General Eisenhower during the early days of the Alliance and I recall that he wrote at one time that there "was serious question as to the state of public morale" in Europe. Yet, just a year after SHAPE had been founded he was able to write, "As months have passed, confidence has grown throughout the NATO community from the existence of greater and more effective forces and an organization to direct and support them." One could literally sense the rising tide of that feeling of confidence, as contribution grew on contribution, and the Alliance became progressively stronger militarily.

Third, the solidarity that exists among the members of the Alliance. I consider this an objective and an achievement that belong in equal rank with our missions of deterrence and defense. During the past twenty years our nations have risen above the divisions that beset them in the past; they have worked with one another, not against one another. By uniting their collective efforts for the mutual defense they have provided a shield of security that has kept them free and independent, shunning the kinds of conflicts that in the past have pitted them against each other with devastating and destructive result.

Fourth, the increased availability of material goods and the leisure time in which to enjoy them. This has come about through the hard work and imaginative efforts of our peoples and we can all take pride in what has been accomplished. But it must be remembered that this has occurred because there has been no outside interference; because there has been a climate of security, not fear, in our lands.

All these accomplishments of peace, all the freedom that exists, all these achievements have been made because our nations have enjoyed a high level of security against external pressures.

Now, what about the costs of peace?

These have been borne for twenty years. Why has this been so?

Because for the past twenty years there has been no end to the threat of aggression. Whenever it has seemed to lessen, there have always come sharp reminders of the true nature of the threat we face—history recalls the episodes of Poznan, of Hungary, of Czechoslovakia.

These costs are being borne today; why is this so?

Because the threat remains potent today, just as it was when the treaty was originally signed. I have already discussed the military capabilities of the Warsaw Pact and some of the increases in those capabilities. We have seen a readiness to move against weak neighbors, to hold nations in subjection, and there are examples in plenty of continuing attempts at subversion, infiltration, and extension of the Communist hegemony.

Will the costs of peace be borne tomorrow? This is the question that parliaments and congresses, peoples and nations must answer. Deeply involved, as all our countries are, in domestic and social problems, we must nevertheless remind ourselves of the basic problem of a free existence—how much would a nation gain by solving its domestic problems, if it were at the same time to lose its freedom?

Simply stated, if the Alliance is to avoid having to meet the terrible costs of war, then it must pay the much more modest costs for peace. NATO represents an enormous net "plus" to every member nation, when its costs in resources are weighed against its benefits in peace and security. To preserve that net "plus," what is needed is not an attitude of doing less, but one of doing more.

Manning levels of both active and reserve units need to be corrected. Stockage levels need to be built up to the proper standards. The availability of in-being forces should be improved. Conscription periods and consequent refresher training time should be increased. Reception and reinforcement capabilities should be expanded. These are concrete, meaningful, valid steps.

It is not my intention to present a shopping list here—the qualitative and quantitative improvements needed for Allied Command Europe have been presented to the higher military and political authorities of the Alliance through the proper channels. But it is my intention to recommend to you, and through you to the nations you represent, that the necessary steps be taken to ensure that the military capabilities of the Alliance are kept at the level necessary for us to carry out the defense missions assigned. It is perhaps obvious, but always timely, to recall that we of the military commands can only provide the Alliance with that degree of defense that your constituents are willing to pay for.

It has often seemed to me that there is a kind of relativity at work in matters of this kind. In a very literal sense, the measure of our dedication and determination to remain free is what we are willing to give up, or to pay, for this purpose. This is as true of a nation, or a government, as it is of an individual.

I believe my presentation this afternoon can be quite quickly summarized by saying that.

NATO seeks no fruits of war,
But if it is to avoid the costs of war,
If it is to enjoy the fruits of peace,
Then it must pay for the costs of peace.

As long as those costs are paid, the integrated military structure can carry out its missions of deterrence and defense and make its continuing contribution to the solidarity of the Alliance.

Thank you.

OUR ONLY OUT IN VIETNAM

Mr. FULBRIGHT. Mr. President, the Washington Post of November 2 contains an article entitled "Our Only Out in Vietnam," written by Mr. Townsend Hoopes. This is one of the most perceptive and well-written articles that has come to my attention. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Our Only Out in Vietnam

(By Townsend Hoopes)

(Note.—Hoopes served in the Pentagon from January, 1965, to last February, first as Deputy Assistant Secretary of Defense for International Security Affairs and then as Under Secretary of the Air Force. The following is excerpted from the epilogue to his new book "The Limits of Intervention," published by David McKay Co., and is reprinted by arrangement with David McKay Co., Inc. © 1969 by Townsend Hoopes.)

In the final 10 months of the Johnson administration—from April 1, 1968, to Jan. 20, 1969—the Vietnam policy struggle between rival coalitions within the U.S. government continued almost unabated, even though the decisions of March 31, had they been applied by a President who meant what he said, ought to have resolved it in favor of the moderates. As it was, the fact that the American people promptly endorsed the decisions did put new limits on the debate.

To Washington's surprise, North Vietnam responded quickly and affirmatively to President Johnson's new call for negotiations, accepting the half loaf of a partial bombing halt as an adequate basis for preliminary talks while adding the significant caveat that the initial meeting could have only one purpose—to determine how and when the bombing of North Vietnam was to be totally stopped. Because Hanoi's acceptance included the essential element of face-to-face contacts, the administration was hardly in a position to refuse, and so had to take the caveat as well.

But there was immediate evidence of confusion and thinly veiled discord inside the administraton. Secretary of State Dean Rusk and Presdential Assistant Walt Rostow tried to slow down and, if possible, avoid altogether the kind of initial talks proposed by North Vietnam. Rusk, who was in New Zealand attending a closed meeting of SEATO foreign ministers at the time of the President's speech, reportedly told his colleagues that neither the neutralization of Vietnam nor a coalition government was a workable solution. Returning promptly to Washington, he lost no time in making evident his general distaste for the enterprise, emphasizing the limited purpose of the talks and denigrating the possibility of a total bombing halt.

MUSICAL CHAIRS

On April 3, the United States had offered Geneva as the site for initial talks. North Vietnam, in its response, had proposed the Cambodian capital of Phnom Penh. Although the President had repeatedly said he would "meet anywhere, at any time"—most recently in his speech of March 31—the administration quickly refused Hanoi's proposal.

On April 9, the United States proposed Vientiane, Rangoon, Djakarta and New Delhi. On April 11, Hanoi proposed Warsaw, which had been the site of desultory but undisturbed U.S.-Chinese diplomatic exchanges for a number of years. This, too, the Administration refused. When Hanoi reiterated its preference for Warsaw and lobbied in the world press, Washington thereupon trotted out a further counterproposal consisting of an additional 10 cities: Colombo, Tokyo, Kabul, Katmandu, Rawalpindi, Kuala Lumpur, Rome, Brussels, Helsinki and Vienna. On May 3, North Vietnam proposed Paris.

By this time, the matter had become a travesty, with the American and foreign press charging the U.S. government with "bad faith" and "quibbling." The unedifying spectacle of the American President chivying Hanoi on a location for the talks after having told the world several dozen times that he set no conditions on the time and place of negotiations was painful in Defense Secretary Clark Clifford's memory.

He had opposed Phnom Penh on the grounds that it afforded inadequate communications facilities, but he saw no objection to Warsaw and told the President so. When Paris was finally agreed upon, the President took credit for it and lectured Clifford as follows: "You've got to stand up to the Communists and not give in even on minor points; that's how we got Paris. You wanted to give them Warsaw, etc." Clifford got that LBJ speech at least ten times, but declined to respond because the issue seemed to him *de minimus*.

This fight over where to talk was merely the opening skirmish in the renewed conflict between the opposed coalitions within the administration. The President's speech had brought momentary harmony based, it was apparent in retrospect, on the assumption of the hard-liners that Hanoi would give a negative response, thus creating a situation in which all issues dealt with in the reappraisal could be reopened.

Emerging from a Senate committee hearing in mid-April, Rusk said he had seen "no evidence of restraint" by the other side and emphasized that infiltration was continuing "perhaps at an increasing rate." Gen. Maxwell Taylor was soon sending "innumerable memoranda" to the President telling him how serious were the military consequences of the partial bombing halt. Rostow and the Joint Chiefs of Staff were taking a similar line.

In early June, when enemy rockets were falling again on Saigon, Ambassador Ellsworth Bunker urged retaliatory bombing attacks on Hanoi. On the other side, Clifford in Washington and Averell Harriman and Cyrus Vance in Paris pressed hard for a total bombing halt and thus a beginning of substantive talks.

The hard-liners were soon arguing that Hanoi's affirmative response showed that North Vietnam was all but beaten; that its coming to Paris reflected the crushing military defeats administered by American firepower in the post-Tet period. With a little more delay and stonewalling, so the argument ran, and with steady military pressure, the United States could soon have Hanoi over barrel and could thus negotiate on far more favorable terms.

That the renewal of these discredited arguments had any force at all was attributable to the fact that the President himself remained instinctively disposed toward military victory and opposed to compromise. In March, he had been reluctantly persuaded of the need to take dramatic steps toward de-escalation and disengagement by the arguments of Clifford, Dean Acheson and others and by the irresistible pressure of events. In April and May, it was clear that his conversion had been, at most, intellectual but never visceral; his continued susceptibility to hard-line arguments during the spring, summer and fall amounted to serious backsliding from the major implications of the March 31 decisions and produced an official U.S. posture of acute ambivalence.

He understood that domestic political realities would not sustain a policy of renewed escalation of the bombing or any significant reinforcement of U.S. ground troops, but he remained receptive to the idea that the enemy could be worn down by sustained military pressure even within the newly established limits on resources.

The Johnson administration thus never acquired the necessary unity to redefine the U.S. political objective in Vietnam in the context of the post-Tet realities. Until October, when Clifford, Harriman and Vance succeeded in bringing off a total bombing halt, the bombing effort was not really curtailed but only geographically rearranged; statistically, there was an intensification. On the ground, Gen. Creighton Abrams made a number of sensible adjustments, including a greater emphasis on protecting the populated areas and undertaking fewer cavalier sallies to the uninhabited borderlands. But these changes hardly constituted a dramatic new strategy born of the knowledge that search-and-destroy had failed. They reflected primarily the fact that additional forces could no longer be obtained merely by telephoning the White House.

A RELUCTANT HALT

The President told Clifford in the autumn that his primary purpose was now to leave his successor with "the best possible military posture in Vietnam." Clifford argued that, for the sake of the President's ultimate standing before the bar of history, he ought to want something much broader and more positive, namely, to leave his successor "an ongoing, substantive negotiation firmly committed to ending the war and reducing the American involvement in Vietnam."

The President was finally willing to accept a total bombing halt in late October, but in November and December he was still listening to the siren song of those who clung tenaciously to the prospect of resolving the conflict by military pressure. He was listening despite evidence that the enemy's determination to fight seemed unimpaired and that his capacity to regenerate his forces remained significant.

As the Administration left office, therefore, ambivalence remained at the very heart of its Vietnam policy. Were we in Paris to negotiate a political compromise on the clearly accepted premise that military victory was infeasible? Or were we there to stonewall Hanoi in the belief that, given enough time, we could grind out something resembling a military victory in South Vietnam and thus avoid the dangers, and the further affronts to our prestige, that would attend a compromise political settlement? There were no clear answers to these questions.

At this writing (early August, 1969), the answers to these questions are only a little clearer. President Nixon is on record as believing there can be no military solution, but large murky patches remain on the fabric of American policy in Vietnam. Perhaps understandably, Mr. Nixon has insisted on going through the whole painful learning process at first hand; in any event, he has thus far declined to come down firmly on a clear-cut course of action and has maneuvered skillfully, yet with increasing evidence of improvisation, to avoid a fateful choice.

The choice, basically, is between trying yet again to strengthen and salvage the Thieu regime for the sake of a gradual, far from complete but hopefully honorable American disengagement from a war that might, in such circumstances, continue for years to come; and casting that government aside for the sake of a fairly quick, probably unpalatable political settlement which would, however, permit—indeed require—the prompt and complete withdrawal of American forces. The Nixon administration has not yet bitten the bullet; in fact, it seems to be pursuing a deliberately hedged policy of carrot and stick.

The carrot elements are embodied in the formal U.S. proposal of May 14 that the "major portion" of all foreign forces in South Vietnam be withdrawn within 12 months; the remaining "non-South Vietnamese forces" would thereafter retire to base areas, thereby creating a de facto cease-fire and setting the stage for internationally supervised elections. The stick elements are embodied in a supposedly tough alternative aimed at threatening the enemy with the grim prospect of interminable war through a combination of strengthening the South Vietnamese army and withdrawing enough U.S. forces to assure that American public opinion will support the continued participation of the remainder for an indefinite period. This alternative is known as "Vietnamization."

The Nixon administration appears to be experimenting with various combinations of carrot and stick—tabling presumably generous offers in Paris while exerting "maximum military pressure" in South Vietnam in an effort to enlarge the area of Saigon's control before the onset of significant U.S. force withdrawals.

The result thus far is continued stalemate in Vietnam and deepening deadlock in Paris. Such a result should not be surprising, for, unfortunately, this approach confronts the fundamental weakness of the U.S. bargaining position at this stage of the war.

WAITING US OUT

The Nixon offer of mutual withdrawal plus elections may indeed be generous by past standards, but it depends for success on reciprocal action by Hanoi. But Hanoi gives no indication that it feels the need to make significant concessions (like promising to withdraw its forces) in order to achieve large-scale U.S. troop withdrawals or avoid resumption of the bombing against North Vietnam.

This position is no doubt based on Hanoi's quite accurate assessment that, nearly 18 months after Lyndon Johnson's proclaimed de-escalation, American public opinion more than ever favors and expects a liquidation of the U.S. war effort (I would go so far as to say that the American people have just about written off this war). The evidence strongly suggests that Hanoi is not going to reciprocate but intends simply to wait us out.

The alternative of "Vietnamization" suffers from similar frailties, for in truth its viability as a threat to the enemy depends far less on augmented material support for Saigon's army than on the long-term retention of significant U.S. combat power (air and ground). Effective "Vietnamization" would probably pose a genuinely bleak prospect for the enemy notwithstanding his determination to return, if necessary, to a strategy of low-level, protracted guerrilla war.

Here again, however, the political situation in the United States palpably deprives this Nixon alternative of any real credibility. Those who still cling to the hope of vindicating the strategy of victory-through-attrition have of course warmed to the concept of "Vietnamization," but they have assumed it would involve a very gradual and carefully calibrated U.S. withdrawal—say, 50,000 men per year. Such an assumption seems, however, to stand on a gross misreading of domestic political feasibilities, as President Nixon himself has now substantially conceded.

In his press conference of June 19, when asked what he thought of Clark Clifford's proposal to bring home 100,000 troops in 1969 and all of the remaining combat ground forces by the end of 1970, he expressed the "hope" that his administration could beat the Clifford schedule.

The reply, whether deliberate or accidental, sowed consternation in Saigon and among the supporters of "Vietnamization" at home, for it seemed to make the real situation crystal clear to Hanoi. It has produced stiffened North Vietnamese intransigence in Paris and a protected lull on the battlefield—a lull rather openly designed to induce larger and faster U.S. troop withdrawals and thus to deprive Mr. Nixon's "tough" alternative of its credibility.

At this writing, then, the United States remains in a tenuous position; its strategy has not succeeded, but the national leadership has thus far refused to accept either the consequence of failure (which is defeat in some degree) or the need to devise a new strategy for carrying on the war. It is very late in the day—much too late—to try a new and different military strategy. But even if it were not, "Vietnamization" would seem an unpromising horse to bet on.

For, so far as one can tell, such a strategy would involve essentially more of the same: further enlargement of the already too large and cumbersome South Vietnamese army, organized in conventional formations, heavily armed with artillery, equipped with helicopters, supported by large-scale U.S. tactical air power and sent out to vindicate the Westmoreland doctrine. The painful trials and frustrations of Vietnam have, momentarily at least, exhausted the intellectual capital of our military leaders and brought American military doctrine to a conceptual impasse. So we limp along, Micawber-like, hoping for something to turn up in Paris or Saigon.

A RISKY COURSE

Beyond the immediate tactical weaknesses of the Nixon administration's apparent posture, there are, I believe, inherent dangers in a policy of substantial, but less than total, withdrawal from Vietnam. Such a policy was perhaps seriously proposed for the first time by McGeorge Bundy in October, 1968. More recently, Clark Clifford argued for it in the July, 1969, issue of Foreign Affairs.

Bundy argued that a withdrawal down to about 100,000 men was now possible without the need to lose "what has been gained in the strategic sense." Clifford argued that withdrawal of all U.S. combat ground forces by the end of 1970 would "be consistent with continued overall military strength"; indeed, he thought it might confront Hanoi with the painful possibility that Saigon could "with continued but reduced American support, prove able to stand off the Communist forces."

Yet the idea that the United States can resolve its difficulties in Vietnam through the progressive, but still partial, unilateral withdrawal of its forces rests on two crucial assumptions: (1) either Saigon can really supply substitute power equal to that of the departing U.S. forces or (2) the present and future situation in South Vietnam can be managed at a lower level of aggregate Allied power than has been required in the past.

Clifford has no trouble with the second assumption, arguing cogently that present Allied power is excessive if the aim of military victory is excluded. Nevertheless the two assumptions are in a real sense interdependent, and both are inherently fragile. The first requires a dramatic improvement in the South Vietnamese army that we have not, in fact seen over the past seven years; the second requires a belief not only that the North Vietnamese are much weaker than they have been but also that their weakness is now a permanent condition.

Should the U.S. government pursue a course of partial withdrawal in Vietnam while leading the American public to believe all will end well, I am afraid a number of unpleasant shocks, surprises and politically dangerous consequences would arise to confront us. For at best, such a course is a prescription for interminable war; partially disguised by the declining level of U.S. participation, it would in fact require our country to sustain a continuing burden of war casualties and heavy dollar costs that would become explicitly open-ended as we leveled off our forces at 100,000 men or thereabouts.

Sooner or later, and probably sooner, the American people would reawaken to the fact that they were still committed to the endless support of a group of men in Saigon who represented nobody but themselves, preferred war to the risks of a political settlement and could not remain in power for more than a few months without our large-scale presence. These things are predictable because the

Thieu regime is both self-serving and wholly unrepresentative; its strong anticommunist stance (which our support has both nurtured and hardened) bears little or no relation to the vaporous, myth-filled, unideological, village-oriented political sentiments of the vast majority of people who inhabit the noncountry of South Vietnam.

At worst, the course of partial withdrawal would produce a progressive erosion of the military situation in Vietnam, leading downward to a time when we faced the prospect of outright defeat. With U.S. strength reduced to 100,000 men, with no corresponding enemy reduction and with no dramatic improvement in the South Vietnamese government and army, developments could seriously threaten the safety of our smaller forces and thus pose the same hard question we faced in 1965—to escalate or liquidate. Were the United States to face, several months or years from now, the serious prospect of military defeat in Vietnam, I believe that fact would strain our capacity for wise choice beyond the breaking point, and that any decision in such circumstances could only further divide our people and imperil our political process.

There is, unfortunately, an unbreakable interconnection between victory and the avoidance of defeat in the Vietnam situation. You really must have the first in order to ensure the second; or, as others have said, if guerrilla insurgents are not totally defeated, then they win. If victory is not possible, defeat in some degree (and by whatever name you arrange to call it) is not avoidable. A concept of partial unilateral withdrawal that tries to have it both ways—to forswear victory yet avoid defeat—is an inherent contradiction. It won't work.

FOR COMPLETE WITHDRAWAL

Deliberate orderly but complete withdrawal has become, in my judgment, the only practical course open to the United States if we are to restore our foreign policy to coherence, regain our psychological balance, alleviate the deep-seated strife in our society and reorder our national priorities in ways that will win the support of a large majority of our own people. Vietnam is not, of course, the only source of division in America today, but it is the most pervasive issue of our discord, the catalytic agent that stimulates and magnifies all other issues. In particular, there can be no real truce between the generations—no end to the bitterness and alienation of even the large majority of our youth that is neither revolutionary nor irresponsible—until Vietnam is terminated.

A major premise of the Johnson administration's war effort was that a vital U.S. interest was at stake in Vietnam, requiring a total and tireless commitment to cleansing that area of Communist influence. That presumption has now fallen of its own weight—even if one broadens the context to include the argument that an unlimited commitment in Vietnam, though not vital per se, was necessary to safeguard other vital U.S. interests in Asia.

If we can forthrightly acknowledge the basic, unpalatable truth—that our intervention in 1965 was misconceived, that viewed through cold, clear eyes it could not be justified on the grounds that a vital national interest was at stake—then we can bite the bullet in Vietnam. We can acknowledge past failure and the inevitability of some degree of defeat.

We can move to a phased, unilateral and total withdrawal of forces, not as a means of pretending we have discovered a painless way to achieve partial victory or even a settlement consistent with our original objectives but as a means of liquidating an enterprise that is beyond retrieval and a condition that is poisoning the bloodstream of our society; as a means of putting the Thieu government on notice that, after a reasonable period of months, our military forces will no longer be there; as a means of demonstrating beyond words that Saigon must either move decisively to a settlement during the limited time our remaining military presence can provide supplementary leverage or else decide to fight on alone without U.S. troops beside it. The deed once done would, in my judgment, be accepted by American and European opinion and would be adjusted to by Asia without serious repercussions in areas of principal strategic concern to us.

I do not say we should abruptly abandon the South Vietnamese government; I do say we should give it a definitive indication of our intention to be totally gone within a time frame that affords a reasonable period for leaders throughout South Vietnamese society to chart their own course.

Such a U.S. policy would be extremely painful for several strata of South Vietnamese, bringing to the surface the root question of whether they could accommodate to the new political uncertainties or would have to leave the country. But only such a policy could push the Thieu group to a serious contemplation of settlement.

If our course is resolute, the chances are fairly good that the submerged factions in South Vietnam will come to an accommodation or a balance which will be able to avoid domination of a new government by the National Liberation Front. Almost certainly, there will be major changes in the social order producing a different distribution of political, economic and social power. But Vietnamese society, twisted and torn by the colonial era, the French Indochina war, the Diem period and the Great American Infusion, clearly needs reorientation and self-rediscovery. For despite our massive economic assistance and its accompanying rhetoric of revolutionary development and social change, our presence and our actions there have in fact tended to confirm and even to strengthen the old order. But that order cannot be upheld except by external military support.

THE PRESTIGE PROBLEM

A severe loss of U.S. prestige in Asia and throughout the world is frequently cited as the compelling reason why we cannot withdraw unilaterally from Vietnam. It is accordingly of central importance to see this problem in perspective, admitting that Americans face a special difficulty here.

Russia, Germany, Japan, France and Britain have all suffered terrible military failures throughout long and checkered histories; some have barely managed to survive the attendant domestic convulsions. But the United States, alone among the powers of consequence now on the world scene, has never known a major defeat. We should be able to understand that, in the nature of things, we could not expect our record to remain permanently unblemished, especially not when our involvement has pervaded the globe in an era of seething change, instability and violence.

Yet the apparent perfection of the past record is admittedly an obstacle to our taking setbacks in stride. Before World War II, a large body of domestic opinion believed implicity that America was somehow morally superior, and by this fact protected against the terrible disasters that regularly befell less splendid and upright nations. We are, I think, clearer today that such attitudes reflected the immaturity and naivete of a people not yet fully involved in the complexities of the world; we now understand that the life history of any great nation must show over time its fair share of victories and defeats.

Moreover, it is an advantageous truth that mere loss of prestige for a great power is always transient and usually brief. Many times in the past two decades, the Soviet Union has suffered painful rebuffs—in the Greek civil war in 1947; at the Turkish straits the same year; in the Berlin blockade of 1948; in the determined U.S.-U.N. response to the attack on South Korea of 1950, which so badly disrupted Stalin's calculations, and most emphatically in the Cuban missile crisis of 1962. Yet no one would deny that the Soviets quickly recovered from each of these setbacks; no one doubts that they have subsequently projected their foreign policies with undiminished vigor and determination.

PRESIDENTIAL FACE

The point is, the great powers quickly recover from blows to their prestige alone, precisely because of their power. When the world wakes up the next morning, the great power has not quit the scene. It is there, as solid as yesterday, and the world must make new arrangements to cope with it.

As with the Soviet Union, so essentially with the United States. We too have had our share—although a far smaller share—of deflations affecting our prestige since the end of World War II, and they have not affected our fundamental strengths in any way. There was the shooting down of the U–2 over Russia, the besieging of President Eisenhower by Tokyo rioters and the travesty at the Bay of Pigs.

At the time of that last fiasco, President Kennedy gave evidence that he understood the limited requirements of U.S. national prestige and he refused to inflate these by injecting considerations of presidential face. By quickly admitting his own error and by nobly taking on the full burden of responsibility, he enabled the country to see the incident in true proportion and to be steadied by his candor.

I have no trouble in believing that, had he lived, he would have similarly cut off the U.S. involvement in Vietnam—possibly at the time of Gen. Khanh's coup in January, 1964, but in any event well below the astronomical level it finally reached. It was the country's tragedy that Lyndon Johnson tended instinctively to equate the nation's prestige with his own, and that his personal needs were greater than the objective requirements of the nation.

Johnson was at bottom a combination of sentimental patriot and gambler which led him to compound original misjudgments many times over rather than risk the loss of prestige associated with an American "defeat" in Vietnam. Kennedy was too skeptical, too attuned to cold reality (as one admirer said, "too smart an Irish Mick"), not to have foreseen the developing morass. He would, I believe, have overridden the quite predictable military arguments and acted to cut the nation's loss, accepting and absorbing whatever deflation was required in terms of national and presidential prestige and taking such measures as lie within the national power and interest to cushion the consequences in places like Thailand, Korea and Japan.

This is still the road to the recovery of our lost sense of proportion, to the healing of our deep domestic divisions, to the reestablishment of a wise and respected foreign policy.

ALICE IN WONDERLAND ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, in recent months the subject of pretrial preventive detention has received a considerable amount of attention in Congress. In January and February of this year, the Subcommittee on Constitutional Rights conducted 7 days of hearings on the issue. The House Judiciary Committee has conducted 4 days of hearings and has scheduled another one for this week.

Of all the many hundreds of pages of testimony on preventive detention, perhaps the most succinct commentary was made by an individual who died 71 years ago, Mr. Lewis Carroll, the author of "Alice in Wonderland" and "Through the Looking Glass." I believe the Record should reflect his observations on preventive detention; therefore, I ask unanimous consent that an excerpt from "Through the Looking Glass" be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[From Dodgson, Lewis Carroll, book, p. 223, copyright 1931]

"Through the Looking-Glass"

"What sort of things do you remember best?" Alice ventured to ask.

"Oh, things that happened the week after next," the Queen replied in a careless tone. "For instance, now," she went on, sticking a large piece of plaster on her finger as she spoke, "there's the King's Messenger. He's in prison now, being punished: and the trial doesn't even begin till next Wednesday: and of course the crime comes last of all."

"Suppose he never commits the crime?" said Alice.

"That would be all the better, wouldn't it?" the Queen said, as she bound the plaster round her finger with a bit of ribbon.

Alice felt there was no denying that. "Of course it would be all the better," she said: "but it wouldn't be all the better his being punished?"

"You're wrong there, at any rate," said the Queen: "were you ever punished?"

"Only for faults," said Alice.

"And you were all the better for it, I know!" the Queen said triumphantly.

"Yes, but then I had done the things I was punished for," said Alice: "that makes all the difference."

"But if you hadn't done them," the Queen said, "that would have been better still; better, and better, and better!" Her voice went higher with each "better," till it got quite to a squeak at last.

Alice was just beginning to say, "There's a mistake somewhere—," when the Queen began screaming, so loud that she had to leave the sentence unfinished.

THE BEGINNING OF SALT

Mr. SYMINGTON. Mr. President, at times an editorial is written which expresses accurately one's thinking on a particular subject. Such is the case with respect to an editorial entitled "The Beginning of SALT," published in the St. Louis Post-Dispatch.

I ask unanimous consent that the logical and constructive comments contained therein be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Post Dispatch, Oct. 20–26, 1969]

The Beginning of SALT

News that the United States and the Soviet Union will begin Strategic Arms Limitation Talks three weeks hence in Helsinki comes none too soon, and the world will hope that agreements on ending the nuclear arms race can be reached before it is too late. No one knows how long the conferences will continue, but the fact that they are in progress will of itself be a deterrent of sorts.

The Nixon Administration has been pressing for the meetings since early in June, but the Russians have delayed a response. The Soviet invasion of Czechoslovakia in August upset whatever plans may have been in the making, though it was in essence irrelevant. A likely reason for Soviet delay is the Russian quarrel with China. With the recent start of Sino-Soviet talks this may be on the way to a solution, leaving Moscow free to turn its attention to SALT.

In the course of time the conferences ought to cover the whole range of nuclear weaponry—hydrogen bombs and delivery systems, multiwarhead missiles (MIRV) and antimissile defense systems. It goes without saying that the meetings between the two superpowers are as important as men have ever proposed. The survival of the human race may be at stake, and both sides are well aware of what is involved.

CONTROL OF PORNOGRAPHY

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the Record an article entitled, "Growing Public Outrage Over Pornography Stirs Congressional Response," published in the New York Times of Monday, November 3, 1969. It seems to me that the time is long overdue for us to take affirmative action to rid the mails of salacious and pornographic materials and literature, particularly that which is directed to young children. We now have before the Judiciary Committee proposed legislation dealing with this problem which I and a number of other Senators have cosponsored. President Nixon in his October 11, 1969, message on the administration's legislative program has urged us to give high priority to legislation to control pornography. I urge bipartisan action on this most serious matter at the earliest possible moment.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 3, 1969]

Growing Public Outrage Ovfr Pornography Stirs Congressional Response

(By Donald Janson)

Washington.—"The enclosed printed matter makes me speechless and aghast to think it can be circulated through the mail."

The remark, from a doctor in Prospect, Conn., is from one of thousands of letters recently added to the bulging files of Congressional committees considering legislation to curb the country's increasingly aggressive pornographers.

Representative L. H. Fountain, Democrat of North Carolina, testified before a House Judiciary subcommittee last week that he was receiving more mail from outraged constituents on the growth of pornography than on any subject in his 16 years in Congress.

"OUTPOURING OF FILTH"

"People in my district are furious and can't understand why we can't put a stop to this outpouring of filth," he said.

"If this Congress accomplishes nothing else, it should provide relief for the vast majority of our citizens who are demanding help in ridding their homes of this obscenity," said Representative Ed Foreman, Republican of New Mexico, as he waved a copy of the newsprint magazine Screw, with a two-page photograph of a nude man and woman on the centerfold, in front of the committee.

A staff member of a Senate Judiciary subcommittee investigating pornography said that subcommittee members were receiving more protests on pornography than on the Vietnam war.

President Nixon noted in May, in asking Congress for three new laws to stop the flood, that "American homes are being bombarded with the largest volume of sex-oriented mail in history." He reminded Congress two weeks ago that none of his proposals had been passed and urged prompt action. There is little likelihood that he will get it.

Part of the reason is that Congressmen are so eager to testify at subcommittee hearings in person rather than by submitting statements that additional hearings are being scheduled to meet the demand. Since early August, the Congressmen have been among witnesses before two House subcommittees. Their interest is directly related to the spurt in the volume of mail they are receiving from back home.

Five more Congressmen testified last week. They are among 175 who have introduced more than 200 anti-obscenity bills, including the Administration's proposals.

HIGH COURT GUIDELINES

Shaping final legislation from this tangle is not expected until next year, not just because of the stampede to get into the act but also because of the difficult task of meeting tests of constitutionality required by Supreme Court decisions of recent years.

Under Supreme Court rulings, material cannot be banned unless it panders to a "prurient interest in sex," affronts "contemporary community standards" and is "utterly without redeeming social importance."

But about 50 million pieces of lurid material are being mailed annually, including millions of unsolicited advertisements for books and films. New approaches are being sought to keep this third-class mail from reaching homes and offices.

The President, declaring that the Administration had carefully studied "the legal terrain" of the problem, proposed the following curbs:

Prohibiting use of the mails to send to minors "material dealing with a sexual subject in a manner unsuitable for young people."

Barring use of the mails or other interstate facilities for sending advertising intended to appeal to a "prurient interest in sex."

Prohibiting, as an invasion of privacy, use of the mails to send sexually oriented advertising—even if it is not legally obscene—to any who says he does not want it.

Protection specifically for minors has not been tried before on a Federal level. This approach was prompted by a Supreme Court decision last year upholding a New York state law prohibiting the sale to minors of anything the law defined, using a separate standard for children, as obscene for minors.

The effort to bar "prurient" advertising rests on 1942 and 1951 Supreme Court desions that commercial advertising does not have the same constitutional protection as noncommercial speech.

The invasion-of-privacy proposal would complement a law passed in 1967. It allowed anyone who received sex-oriented advertising to cut off the flow by listing his objection with the Post Office.

But the receiver had to initiate action against each publisher of smut who solicited him. The new proposal would let householders bar all such advertising from any source with a single protest in advance of receiving any smut. Advertisers would have to buy a Post Office master list of objectors and keep it current or risk heavy fines and long jail terms.

These measures—the 1967 law and the proposed expansion—were inspired in large part by a 1966 Supreme Court decision against Ralph Ginzberg, holding that, whether or not his magazine Eros was obscene, his manner of advertising it pandered to prurient interests.

Last week, the Supreme Court said it would rule on the constitutionality of the 1967 law. The complementary proposal will probably stand or fall on that ruling. Publishers of erotic wares contend that the first law violates their right of free speech by restricting distribution of ideas.

The other Nixon proposals, if adopted, would also face constitutional challenges.

"The theory that the First Amendment does not protect commercial advertising is a very shaky one," Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, testified before the House Subcommittee on Postal Operations recently.

He urged that Congress wait for its Commission on Obscenity and Pornography, which has been conducting studies since it began operations last year, to report next July on what legislation is needed, how best to meet all constitutional questions, how pornography affects adults and minors and whether it causes antisocial behavior.

But as letters from indignant constituents pour in—usually accompanied by choice examples of eroticism received in the mail—Congressmen and other politicians pay less attention to cautionary advice.

"Where is there any freedom of speech issue in that?" Representative Foreman shouted last week waving his copy of Screw.

Attorney General Louis J. Lefkowitz of New York wrote the subcommittee that he was receiving many letters from parents who "justly complain" that the contents of lurid mail fall into the hands of their children.

The Federal Government should do more to curb the spread of unsolicited smut mail," he declared.

Each of the Congressmen who have testified so far agreed. Most said they did not care whose bill was adopted so long as it would stand the scrutiny of court review.

ELECTION DAY, 1969

Mr. PEARSON. Mr. President, I wish to congratulate the voters of two great States on the results of yesterday's elections.

With Bill Cahill's landslide win in New Jersey, our Republican Party is now in control of the statehouses of all the large, northeastern industrial States. It is essentially in the statehouses where a larger, more comprehensive base must be built for our national Republican Party, and we now number 32 of the 50 in the Republican column.

I am particularly proud of the voters of the Commonwealth of Virginia, where I spent a large part of my early life. With their election of Republican Linwood Holton to be their next Governor, we have certainly seen history in the making. There is no doubt that the two-party system, which has been growing steadily but surely in Virginia since 1952, is now an accomplished fact. Just two short decades ago, it was a difficult and lonely thing to be a Republican in Virginia. What a change a relatively few short years can make. Not only will Virginia have a Republican Governor for the first time since Reconstruction Days come next January; in last year's election five of Virginia's 10 seats in the U.S. House of Representatives went to the Republicans.

My heartiest congratulations to the people of the State of New Jersey and the Commonwealth of Virginia for their choices on election day 1969.

NEW OPTIMISM IN VIETNAM

Mr. McGEE. Mr. President, optimism inside Vietnam has seen a recent revival, as reported in the pages of the Washington Post in recent days by Robert G. Kaiser in his series entitled "The New Optimists." In two installments, Mr. Kaiser reported on the success of today's pacification program, which his sources were more apt to attribute to the weakening position of the Vietcong in South Vietnam and the relative improvement of the Saigon Government's position in the countryside.

The Vietcong's high-water mark was reached in the 1968 Tet offensive, Mr. Kaiser reports, and its influence in the countryside has been declining since. All this is not to say that the war in Vietnam is near to what we would call a successful conclusion or a victory. What Mr. Kaiser's "new optimists" are saying is that things are better and that an independent Saigon Government can prevail with continued U.S. support.

I ask unanimous consent that the second and third installments of Mr. Kaiser's series from the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 30, 1969]

THE NEW OPTIMISTS—II: PACIFICATION, 1969 STYLE, SEEMS TO BE WORKING

(By Robert G. Kaiser)

VINH LONG, SOUTH VIETNAM.—The French tried to "pacify" Vietnam, but they failed. So did Ngo Dinh Diem, and so have the many regimes that succeeded Diem's—all with enormous American aid. One year's progress in pacification has become the next year's disaster so often that the whole idea has an unshakably bad reputation with many Vietnamese. Many have stopped listening to the boasts.

This year's progress has a new set of promoters, a group of new optimists—including many former pessimists—who believe that the Vietcong's revolution in South Vietnam may have been defeated.

The impending defeat of the local Vietcong, which many Americans now claim to foresee, is usually not attributed to the specific successes of current pacification programs. Many believe that the pacification programs have worked this year primarily because the Vietcong have lost the ability (or the will) to fight back.

In the past pacification always failed because the National Liberation Front (or the Vietminh before it) eventually proved stronger than the regime in Saigon. Now the new optimists are predicting—privately, and not for attribution—that the Vietcong will not be able to come back, at least for many years, and never if the government can consolidate its apparent new strength.

American officials have talked about the demise of the Vietcong before. But old hands here say the new optimism differs from its predecessors, if only because its adherents include many who were always pessimists or cynics before. The revival of optimism in the last few months has come after a long period of caution and doubt that followed the 1968 Tet offensive.

The current pacification program is more than a copy of its predecessors. It is simpler and more radical. It has provided the first meaningful decentralization of government functions in the history of independent South Vietnam. And it appears more successful at the moment than any of its predecessors. But it is also clumsy, often self deluding, and often ineffective, according to many of the men trying to make it work in the countryside.

The pacification campaign is aimed at specific goals that seem little more than commonsense objectives. They are to provide security, reduce the Vietcong's military and political strength, stimulate the economy, resetttle war refugees, propagandize the government's cause and establish local government.

The Vietnamese and their American advisors have agreed on a process for achieving these goals. Ideally, the process works like this:

Government troops enter a contested area, establish outposts and force the enemy's military forces out of the area. Then teams of "revolutionary development cadre" (known less dramatically in Vietnamese as Rural Development workers) come into the village. They undertake small public works projects, then a census of the population, conduct a flamboyant if elementary public relations campaign for the government and generally establish what is called the GVN's presence. They are followed or sometimes accompanied by appointed hamlet and village chiefs. (A village in Vietnam is a geographic area of perhaps several square miles composed of, on the average, seven hamlets.)

Once some security has been established, provincial officials and the new local appointees begin to institute the government's basic program. The RD cadre, perhaps helped by American advisers, may try to open a new school. Representatives of the Open Arms (Chieu Hoi) campaign will begin propagandizing for Vietcong to rally to the government side. The "Phoenix" program will begin to gather intelligence and track down Vietcong operatives.

The government may provide financial or material aid to refugees who decide to move back to their old homes in a newly entered area. The government will organize a Peoples' Self Defense Force, give its members rudimentary training and arms. After a few months elections will be organized to choose hamlet and village councils. The elected council is then supposed to select a new village chief to replace the government's appointee.

In many parts of the country, some of these things are happening as planned. Elsewhere, some happen and some don't. Almost everywhere the government's (and their U.S. advisers) performance is erratic, but on balance there is progress.

On the ground, the ideal procedure is tempered by Vietnamese realities. Perhaps the harshest of these is the shortage of talented and honest men to fill a growing number of government posts. At their worst, local officials can be appalling.

CORRUPTION INEVITABLE

A district chief only recently removed from his job, for example, was maintaining 10 ladies in 10 different houses, giving them about $80 a month pin money—financing the whole operation out of government funds.

A certain amount of corruption is both expected and inevitable. Salaries of local officials are not big enough to support a man and his family. But the government is trying to apply—or says it is—new standards to the behavior of its officials. Village and hamlet chiefs are going to a special school to learn both good administration and honesty.

The 7,800 Americans working on pacification are not all suited for the work. Some experienced Americans here bemoan the low caliber of U.S. advisers. "We've got a bunch of police advisers around here that are nothing but small town misfits and failures," said one senior adviser recently. All but a few of the 6,200 soldiers assigned to pacification are in Vietnam on one year tours (which civilians often contend is too short a time to be useful).

Vietnamese realities also mean that programs described in glowing terms at headquarters briefings occasionally can look discouragingly ineffective in the field. Someone looking for weaknesses can find them.

"My PF (popular force) platoons were supposed to go on a joint night operation," a boyish American second lieutenant in the Delta explained to a recent visitor, "but they hadn't moved out, so I went down to the outpost to see why. It turned out that they were drunk—rice wine."

STATISTICS IMPROVE

The regional and popular forces have always been the weak sisters of the Vietnamese armed forces, though American and Vietnamese officials now regard them as crucial to the success of pacification. This year almost all of them have been equipped with M-16 rifles, and their performance has been improving, according to the statistics that inevitably measure all progress here.

A year ago it took, statistically, three PF platoons going on operations every night for a month to make one contact with the enemy. Now, when there are probably fewer enemy soldiers moving about, those same three hypothetical platoons average one contact every three weeks.

More important, officials say, is the growth of these local forces. There are now about 200,000 PF troops (which are supposed to operate defensively around individual villages) and more than 50,000 RF troops (which conduct wider ranging and sometimes offensive operations). More than 50,000 of these have been added this year—at a time when, at the very least, Vietcong local force strength has declined slightly.

Statistically, the Chieu Hoi (open arms program) has been one of the most dramatic successes of the pacification program. This year, the figures show, more than 6,000 former Vietcong have voluntarily rallied to the government side, more than three times as many as in the comparable period last year.

Many Americans in the field are skeptical of these figures. Some of the ralliers are apparently just draft dodgers who know they can get a six month deferment by rallying. Others rally for the cash benefits involved. But again, on balance, the program is obviously depleting the enemy's ranks, though the vast majority of even legitimate ralliers are admittedly low-level personnel.

Another much-touted program is the Peoples' Self Defense Force, now said to have nearly 2.3 million members. "That figure is wildly exaggerated," according to an American responsible for a large part of the field program. This official said a more accurate impression was provided by the number of weapons issued to PSDF members—about in the field said some of the 350,000.

Local elections are another subject of official boasts. Village self-government, a tradition in Vietnam, was suspended by Ngo Dinh Diem, and has now been revived by the Thieu government. Potentially this is a dramatic reform. It has already provided some effective and popular new village governments. But it, too, has weaknesses, as the official statistics on new elections suggest.

For instance, in 102 village elections held in September, 1,001 candidates ran for 733 positions—nearly two thirds of the seats were, in effect, uncontested. The government reports that more than 90 per cent of the registered voters cast ballots. Officials in the field say this often means 15 to 20 per cent of the adult population.

But U.S. and Vietnamese officials insist that all these weaknesses can only make a difference—in the short run at least—if the NLF takes advantage of them. They point out that in the past year the front has failed to make a significant challenge to the continuing extension of government influence into the countryside.

Officials acknowledged that the situation today would be much less favorable for the government if rural security and prosperity depended on the complete success of pacification programs. But the new optimists obviously think they have a successful formula for progress based on a combination of partially effective government programs and feeble resistance from the Vietcong.

The most dramatic progress—and the clearest example of the enemy's inability or unwillingness to defend his old position—has been the steady advance of the government's military and administrative forces into the countryside. Thousands of troops have moved into formerly hostile areas this year, bringing with them at least a measure of security, and in many places true peace.

Commerce is thriving. The roads and waterways of the Delta are crowded with trucks and barges loaded with the countryside's produce and the city's new consumer of goods. The government's village development program, which provides a million piastres for every new elected village government for a project of its own choosing, is a bustling "success"—the money is being spent all over South Vietnam.

It is much too soon to know if this sort of progress can be the basis of a permanent improvement in the situation. Many of the new optimists believe it can be, but there are dissenters. Some say it is not the United States' business to win the people to the Saigon regime, but only to give that regime a fair chance to compete for popular allegiance.

Many Vietnamese politicians tend to discount pacification as a negative achievement. "The people in the countryside feel no increased loyalty to the government yet," according to Nguyen Van Bong, a leader of the Tien (Progressive Movement), probably the most active non-Communist political party in Vietnam. The Vietnamese are generally much more pessimistic than the Americans here, perhaps because they have seen so much "progress" in the past.

WAIT AND SEE

Similarly, some of the Americans with many years experience in Vietnam, are men who speak the language and feel they know people, not yet joining the new optimists. (On the other hand, many of this group are clearly among the optimists.) "Let's wait a few more months," said one skeptic. "I don't think the people's attitude toward the government is appreciably different yet," said another. The government and its officials are "just as corrupt, just as inefficient as they ever were," said a third. The old hands tend to take a longer view of the situation. Some foresee a few years of "pacification" followed by a revival of the Vietcong.

The basic assumption of the current pacification program is that active allegiance to the government is less important than a security that would allow people to lead normal lives and have reasonably good public services. Whether the government can prevail without winning the active allegiance of the masses will probably depend largely on the resilience of the Vietcong. Many of the new optimists believe it is too late for a Vietcong political revival in the foreseeable future.

A more likely challenge to this assumption could come from 100,000 North Vietnamese troops who are in or near South Vietnam. If they are willing to accept heavy losses, those troops could destroy security—at least temporarily—in much of the countryside, especially north of the Delta.

Some of the new optimists are eager to take on the North Vietnamese, but more are nervous about the prospect. The presence of those troops makes it impossible for even the most optimistic ones to talk about "winning the war," even as they speak glowingly about recent progress.

[From the Washington Post, Oct. 31, 1969]

THE NEW OPTIMISTS—III: TET SEEN AS VIETCONG'S PEAK

(By Robert G. Kaiser)

SAIGON.—The National Liberation Front was a model of successful insurgency. Tightly organized, brilliantly led, resourceful and ingenious, the Vietcong first stole the countryside from under the noses of Saigon's many governments and their American allies, then defied them to take it back. Americans in Vietnam took a long time to agree on it, but today such a definition of the Vietcong is a cliche here. Through 1967, many American officials insisted on underestimating their enemy, but the Tet offensive of early 1968 changed that.

If the Tet offensive changed the conventional wisdom about the Vietcong, it also changed—and drastically weakened—the Vietcong itself; that is the new conventional wisdom of today. There is a new optimism among American officials here that is based largely on the increasingly popular theory that the Vietcong are now too weak to prevail in South Vietnam.

This theory has gained wide currency in the American mission here, and it is being reported to Washington. It is probably one of the factors President Nixon is weighing most carefully as he tries to find a way out of Vietnam.

The new optimists in Vietnam are not predicting that the war is about to be won, though they often leave that impression. Rather, they insist that things are going much better now than ever before, and that an independent Saigon government can prevail—with continued U.S. support—because the enemy is losing its strength inside South Vietnam.

Some American officials here, including high-ranking diplomats, believe that the enemy's apparently deteriorating position in the countryside could bring a change in Hanoi's attitude at the Paris peace talks. These officials speculate that the Communists may conclude that they can salvage more by negotiating than by sitting by while the remainder of their local forces are decimated.

But this view is sharply disputed by other officials in Vietnam, especially military officers, who reason that Hanoi would be well advised to remain obstinate while the United States is withdrawing troops under increasing pressure from American public opinion.

In its most popular form, the theory of the Vietcong's demise goes something like this:

The Tet attacks of 1968 cost the Vietcong thousands of their most valuable cadre, including irreplaceable veterans of the 10 to 20 years of revolutionary activity. Thus the boldness and ingenuity that made the Tet offensive possible was largely eliminated in the bloody toll of the offensive itself.

The incredibly determined troops who fought suicidally into the American Embassy compound, the leaders of assaults on the cities throughout the country, the political cadre who came into the open for the first time to lead the "general uprising"—all these were lost.

Since then, the theory continues, the local Vietcong have become progressively weaker. Thousands have "chieu hoied" or rallied to the government side rather than fight on against increasingly adverse odds. Thousands more have been eliminated by the Phoenix program which tracks down, arrests and jails Vietcong cadre.

FRONT IN DISARRAY

The NLF has lost control of most populated areas of the countryside, therefore losing its base for recruiting new personnel. Today the Front's vaunted organization is in disarray or worse; in many areas it is said to be nonexistent, or dependent on a handful of local cadres where once there were hundreds.

To support the theory, officials here generally cite the same bits of evidence: The self-evident fact that Vietcong losses at Tet were enormous, the self-evident fact that the Vietcong now control very few populated areas, the increasing percentage of North Vietnamese troops in nominally Vietcong units, reports from prisoners and ralliers about the desperate straits the Communists are in, and statistics showing how many thousands of the "VCI" (members of the Vietcong infrastructure) have been neutralized, and how dramatically pacification is progressing, almost without opposition.

Hard evidence to contradict the theory is not easily found, though there are a number of seasoned cynics, especially among the Vietnamese who still are unwilling to believe that the Vietcong is in such precarious straits.

SOME AMERICAN VIEWS

One Vietnamese-speaking official believes that the Vietcong have gone underground deliberately, perhaps expressly to induce the sort of optimism that is now flourishing on the allied side. But he has no evidence to support his hypothesis and none of the notorious captured documents confirm it.

There is evidence that the boasts made for the Chieu Hoi and Phoenix programs may be misleading. American officials in the field acknowledge that a substantial number of ralliers are only draft dodgers or insignificant figures looking for a temporary accommodation with the government.

Many of the suspected Vietcong arrested by the Phoenix programs are able to bribe their way out of prison, others get off with prison terms of a few months. Some skeptics think reports of the enemy's hardships can be attributed to ralliers and prisoners who tell Americans and South Vietnamese officials only what they want to hear.

There are pessimists in Vietnam who make these points, but the new optimists make them, too. They are willing to acknowledge possible flaws in their arguments, still insisting that on balance, their optimism is justified.

Typical of these confident optimists is an American official who has been in Vietnam for most of a decade. His early years here were spent as a critic of American policy. Then a pessimist about the outcome of the war, he now exudes optimism, and offers a detailed defense of his new position—but not, please, for quotation.

His might be called the advanced optimists' theory, supported in part or completely by a number of the most knowledgeable Americans here and by many Vietnamese government officials.

Implicit in this optimism is a belief that the conditions which existed in the first half of the 1960s when the NLF built its strength and organized local administrations that "clearly outperformed the government's on every count," as Bernard Fall once wrote—have now virtually disappeared. Vietnamese society has changed radically since 1965, almost entirely in ways that work against the Vietcong, according to the analysis.

CONDITIONS IN 1961

One experienced official gave this example: "When I came into the Delta in 1961, I found that people believed ridiculous lies that the Vietcong told them. Their propaganda was unchallenged." Peasants believed that Saigon had been almost destroyed, that Americans in Diem's palace ran the government and other tales, he said.

But today, thousands of television sets and hundreds of thousands of radios later, the Vietnamese peasantry is no longer so gullible. Ordinary people daily see and hear things that they never dreamed of in the early 1960s. They get a detailed version of national and world events that contradicts Vietcong propaganda.

Since 1965, this analysis continues, the Vietcong have also lost their popular support. In the early days of the insurgency there were real benefits to life under the Vietcong: Land was distributed to farmers, social services that Saigon had never provided were available, reasonably free local elections (suspended by Diem) were held.

NLF SUPPORT ESTIMATED

"I am convinced," says one American who was here at the time, "that in 1964 and 1965, at least 50 per cent of the people actively supported the Vietcong and expected them to win the war."

The same official thinks the number of NLF supporters now is no more than 10 or 15 per cent of the population. He attributes much of the change to the experience of the Tet offensive. Tet is much the most important holiday of the year in Vietnam. Superstitious Vietnamese—of whom there are many—believe that the luck of the whole year will be determined by their luck during Tet. The Vietcong assured that Tet in 1968 was as bad a holiday as it could have been for millions of Vietnamese when it launched nationwide attacks.

In many parts of Vietnam the Tet attacks resulted in Vietcong occupation of territories that had been controlled by Saigon. "Three to six months under VC control," says Col. Duong Hien Nghia, the province chief of Vinhlong, "gave the people a chance to make a comparison between communism and nationalism."

Much of Col. Nghia's province was under Vietcong control for several months after Tet. He is now convinced that the experience convinced many people in Vinhlong to opt for "nationalism," and that this change of the "popular spirit" has made it possible to pacify most of the province.

More practically, it is said, there are no longer any advantages to life under the Vietcong but there are numerous apparent disadvantages. Now that they are on the defensive, the Vietcong must press into service whoever they can find. Their taxes are now extremely high, much higher than the government's. Vietcong areas are subject to military sweeps, air strikes and artillery fire and the NLF's shadow government has disappeared or gone underground, offering few if any benefits to its followers.

Moreover, the optimistic analysis continues, South Vietnam has been transformed from a quiet agrarian economy into a bustling marketplace of consumer goods. Motorbikes, radios, televisions and other appliances have transformed the lives and ambitions of urban Vietnamese and many peasants, too.

One can find television aerials in the deepest corners of the Mekong Delta, even where there is no electricity, and radios can be found in almost any hamlet in Vietnam. Motorbikes have become a way of life in Vietnam. Capitalism has come to the scene of the revolution, and the revolution has suffered—at least temporarily—as a result.

VIETNAM IS CHANGED

This analysis is not easily tested, for its assumptions about what appealed originally to followers of the NLF cannot be proved. But there is no doubt that the war has radically changed Vietnam. There is widespread agreement among the Vietnamese and knowledgeable outsiders here that the Vietcong have largely lost their claim to the affections of their old followers.

The revolution used to be easy and attractive. Now it is rigorous, dangerous and uncomfortable. Many South Vietnamese are apparently no longer interested.

What could reverse the trend and put the Vietcong back in the ascendancy? The new optimists offer few answers to that question.

"If President Thieu were assassinated, that might do it," says one, foreseeing a possible unraveling of the Saigon government that would both encourage the Vietcong and discourage the populace.

Some officials believe the enemy do serious, though perhaps only temporary, damage to the pacification program by targeting its forces against such vulnerable pacification targets such as U.S. local forces in marginally secure areas, new village development programs, and local officials. But many of the optimists believe that purely military action, even an attempt to repeat the Tet offensive, could have only a fleeting effect. "Really, that would only weaken them more," said one.

LIMITS TO OPTIMISM

Nevertheless, a trip around the country reveals that the new optimism has its limits. Despite the widespread feelings that the local Vietcong will soon be beaten, this reporter found no one on several recent trips who would predict when this might happen.

How long will it take to completely pacify Rachkien district in Longan Province, an historic Vietminh and NLF stronghold just south of Saigon? "I hope we will have all C hamlets by the end of next year," replies the district chief, Capt. Vuong Van Hoa. In the rating system of the pacification program (A through E or V for Vietcong-controlled), C means relatively secure, but not fully pacified.

How long would it take to really pacify Rachkien, to bring the hamlets all up at A or B? Capt. Hoa giggled self-consciously and showed the fine gold trimmings of his teeth. But he did not answer. How long? "You know, it is very hard to bring a hamlet up to B . . ."

The new optimism is also limited by what Henry Kissinger has described as "one of the cardinal maxims of guerrilla war: The guerrilla wins if he does not lose . . ."

For the guerrillas to lose in Vietnam, they must acknowledge defeat or be eliminated. None of the officials interviewed for this series of articles anticipate the former or will yet predict the latter.

If the local Vietcong can maintain the barest pretense of a presence in much of the country while North Vietnam's 100,000-odd troops in or near the South continue to attack and kill allied forces, the war will continue. It may well appear in the United States to be relatively unchanged.

Recent intelligence assessments suggests that North Vietnam may be about to increase the number of its troops within striking distance of the South. In recent months, North Vietnamese soldiers have moved into the Mekong Delta for the first time. "They may lose the revolution but still win the war," one American here says.

The frustration of this situation was summarized recently by a senior U.S. official in the pacification program. "If we could just eliminate the Vietcong infrastructure," he said, "then the war would be won." The words were barely out of his mouth when he smiled and shrugged: "But of course, it wouldn't be."

DRAFT REFORM NOW

Mr. DOLE. Mr. President, I urge the Committee on Armed Services to take up President Nixon's draft reform bill this year.

Although the bill passed by the House is only a partial answer to the inequities of the present draft law, it would provide relief for the most obvious shortcomings.

Young men of draft age think of conscription as an institution which they cannot justify and are unable to change. It has a disruptive influence on a crucial period of their lives which can no longer be tolerated.

The President's plan for reform including a youngest-first order of call, limited vulnerability for draft age men and a random selection system is a step in the right direction.

At present, a young man can live from age 19 to 25 uncertain how to plan for the future because of changing Selective Service regulations and their interpretation by local draft boards. The Nixon plan would reduce the anxiety and uncertainty from 7½ years to only 12 months of draft vulnerability whether at age 19 or after college.

Obtaining a student deferment under the Nixon random selection would not allow the student to escape the pool of potential draftees. Upon reaching age 19 or 20, the student would be given his sequence number, deferred until completion of undergraduate education or a year of graduate work, and then his name is returned to the pool.

The Senate Calendar for the remainder of the year is crowded with matters which require attention. Undoubtedly the Committee on Armed Services has much to do before adjournment. However, in view of the serious disenchantment with the present draft system among our young people, we must find the necessary time. If we fail to act we will further exacerbate our relationship with the young and reinforce their opinion that the "establishment" does not respond to their needs.

Yale President Kingman Brewster, Jr., clearly described the damage the draft is doing to the attitude of our youth when he said:

> The deep misgivings about the war, compounded by the immorality of using an inequitable draft to fight it, generates a bitter skepticism of the values which motivate all established authority.

It is my hope that the Senate leadership will not be governed by partisan considerations in deciding on the appropriate action to take on the President's draft reform proposal. Reform of our draft system is too important to let politics control its disposition. The promise of comprehensive reform next year will be of little help to those affected by the draft today or tomorrow.

I strongly urge the Senate to demonstrate the same empathy for our youth that has been demonstrated by the President and the House of Representatives and take expeditious action on draft reform.

THE PRESIDENT'S VIETNAM SPEECH

Mr. GOODELL. Mr. President, President Nixon has once again stated his desire for peace.

I am most disappointed, however, that he has offered no new policy initiatives.

Instead of making a firm decision to disengage, the President's plan will make the pace of troop withdrawals depend upon factors beyond our control. It will keep American forces in Vietnam—and continue American casualties—well into the 1970's.

Our present policies rest on the false assumptions that we can coerce North Vietnam into making concessions; that we can convert the corrupt Thieu regime into an effective government supported by the Vietnamese people; that our vital interests are truly at stake in Vietnam; and that the American people will go on enduring the loss of American lives in this tragic war.

I will continue to press for the enactment of my bill, S. 3000, to require the withdrawal of all American troops from Vietnam by December 1970.

The President's speech will increase support for my bill.

One indication of this growing support is the lead editorial published in the St. Louis Post-Dispatch of Sunday, October 26. The editorial states that should the President fail, as he now has done, to offer any new initiatives, the first order of business of Congress should be to consider and enact S. 3000. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Oct. 26, 1969]

THE GOODELL BILL

In postponing hearings on Vietnam until after President Nixon's address to the nation Nov. 3, Senator Fulbright is leaning over backward to be fair. A spate of rumors, some traceable to the White House, has created the impression that Mr. Nixon means to take some dramatic new step toward ending the war, and he is entitled to a chance to lay it before the country.

Nevertheless, we hope Senator Fulbright is prepared to reschedule his hearings promptly if, as Richard Dudman of our Washington bureau suggests is possible, Mr. Nixon's Nov. 3 speech turns out to be essentially more of the same. Should Mr. Nixon reject any substantial change in American policy, it will be the first order of business for Congress to take up, and we hope to pass, the Goodell bill, cutting off funds for the maintenance of any American armed forces in Vietnam 12 or 15 months hence.

The critical difference between the Goodell bill and present Administration policy is not the setting of a deadline for troop withdrawals. Mr. Nixon has virtually adopted a deadline himself by proclaiming as his goal the withdrawal of some 300,000 combat troops by the end of 1970. But his present policy would leave more than 200,000 troops in Vietnam after that date. The Goodell bill would require that they too be brought home.

Stripping away the doublethink and doubletalk, Mr. Nixon's present policy is not to get out of Vietnam, but to stay there. He aspires to make the occupation politically more tolerable by reducing American casualties on the ground and relying less on draftees. But to accept what could become a permanent obligation to finance, supply and give air support to a "Vietnamized" war is in some ways a morally less defensible strategy than the one we have pursued. Inviting a mercenary South Vietnamese army to do the fighting and the dying, while we contribute dollars, weapons and air power, all for the purpose of sustaining a corrupt Saigon government which the people do not support, would be nothing short of wicked.

The Goodell bill would frustrate these intentions, and in the absence of any different intentions on the part of the President it should be adopted. We cannot agree that the bill would invade the Executive prerogative to conduct foreign policy. Mr. Nixon is not conducting foreign policy in Vietnam, he is conducting a war. Congress has every right, constitutionally and politically, to speak for the people in deciding to end it. If the only function of Congress is to pass a Tonkin Gulf resolution authorizing the President to wage war, and then to supply unlimited funds for waging it at his discretion, the Constitution is dead.

Should Mr. Nixon find it difficult to accept the now unquestionable public demand for a drastic change in Vietnam policy, we commend to him the wise words of President Kingman Brewster Jr. of Yale.

"Let us admit," Mr. Brewster told a moratorium audience in New Haven, "that it is not easy to stop short of victory in a cause for which so many have fallen. Let us say simply that we cannot tolerate the abuse of their memory as a justification for continuation of the killing and the dying at the behest of a corrupt Saigon government which rejects both democracy and peace. Let us admit that it is not easy to abandon the anonymous masses of South Vietnamese who have relied upon us. Let us say simply that their interest as well as ours can no longer be served by the perpetuation of terror and death."

Mr. Nixon has been unable to bring himself, so far, to a resolute termination of the war because he has so far confused self-determination by the South Vietnamese people with imposing on them the Thieu-Ky government. The best guarantee against a "blood bath" after the end of hostilities would be a coalition government which gave the Communists and everybody else an incentive for national reconciliation. This would not be a "defeat" for the U.S. It would mean realization in fact, not just words, of the promise of self-determination.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. McGOVERN. Mr. President, I regret that I was away on official business when the eulogies of our late esteemed colleague, Senator Everett Dirksen, of Illinois, were offered on the Senate floor. I should like to add a few thoughts to what has already been said about this illustrious and remarkable man.

I have always felt that Senator Dirksen's most enduring contributions were his efforts on the Nuclear Test Ban Treaty and civil rights. It is doubtful whether either of these landmark accomplishments in the Senate would have been possible without the leadership and the powerful voice of Senator Dirksen. I especially recall his speech closing the debate on the Nuclear Test Ban Treaty. It was one of the three or four most eloquent and moving statements that it has been my privilege to hear on the Senate floor.

Mr. President, on the day that Senator Dirksen died, I was speaking at Libertyville, Ill., to a large rally sponsored jointly by the Democratic reform commission, of which I am chairman and the Illinois reform effort under the leadership of Adlai Stevenson III. It became my responsibility to announce to this Illinois audience the death of their senior Senator. I shall never forget the hush which fell over that partisan Democratic audience as they thought about our common mortality and those fundamental concerns that cut across political lines.

Mr. President, I salute Senator Dirksen for a long career in public service, marked by good humor, imagination, and devotion to the national interest. My sympathy goes to Mrs. Dirksen and to other members of the Dirksen family.

THE "HUNGER" COMMITTEE'S TENURE

Mr. PERCY. Mr. President, today I joined a majority of Senators and voted to extend the Senate Select Committee on Nutrition and Human Needs for another year. Without this positive action on our part, the "Hunger" Committee's tenure would expire on December 31, 1969, and our task would remain undone.

Previously, I joined with those who felt the time had come to put more stress on legislative action to combat hunger and relatively less stress on the investigative arena. For this reason, I took the position that unless sufficient evidence developed to support the continuance of the committee, it should expire.

I am now convinced that this evidence exists.

On October 7, 1969, Dr. Jean Mayer, the President's Special Assistant for nutrition and health problems, said:

> It would be a catastrophe if the Select Committee went out of business at the end of the year. Both Republicans and Democrats on the Select Committee have been the best friends the poor and the consumers have had in the field of nutrition.

Dr. Mayer also said that the Select Committee would be the proper panel to review the forthcoming recommendations of the White House Conference on Nutrition, which is scheduled for early December.

There are still several problem areas that the committee has not had an opportunity to investigate which would help us to deal better with malnutrition, hunger, and illness in the country. These areas include nutrition and health care, nutrition education, school lunch programs and child nutrition, and the relationship between food programs and income maintenance. Thus, while we have had many fruitful sessions revealing the scope of hunger and the depth of the misery it creates, we still have more work to do.

I hope that our action today indicates the strong support that exists in the Senate for devoting the highest priority toward eliminating hunger in America, both through our legislative and investigative efforts.

SPEECH BY PEACE CORPS DIRECTOR BLATCHFORD

Mr. JAVITS. Mr. President, on September 23, the dynamic new Director of the Peace Corps, Joseph Blatchford, made an important speech before the National Building Trades Council meeting in Atlantic City. The title of Mr. Blatchford's speech was "Willing Hands and Skilled: A Partnership for Peace."

In this speech, Mr. Blatchford broke new ground in Peace Corps thinking and laid out his rationale for broadening Peace Corps recruitment to include significant representation from the ranks of skilled craftsmen and tradesmen—men who have the practical skill and experience in many of the jobs most urgently needed to be performed in the developing nations. I hope his eloquent plea will be heard and responded to by the new audiencies Mr. Blatchford is trying to reach.

I ask unanimous consent that the text of Mr. Blatchford's address be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Willing Hands and Skilled: A Partnership for Peace

It's somewhat symbolic that I'm here today before the National Building Trades Council. Building—who does it and how—is your business. Lately, it's become mine too. And I'm here this morning to discuss with you some blueprints for the future of the Peace Corps that involve you, and require your cooperation.

The building in which I am involved, and for which I want your help, doesn't involve starting from the ground up with bricks and mortar; rather it involves some well-planned additions to a structure whose foundation is strong. I am speaking of the Peace Corps, its role and future, and I come here asking for your advice and your help.

The Peace Corps is at a crucial hour. The work we are in, and in which we firmly believe, we cannot carry forward alone. To keep pace with the needs of those we hope to serve, to sustain what we have started, I come here today to propose a partnership for peace:

I have come to ask you to give the Peace Corps hands outstretched in service, as well as those that have long been extended in friendship.

Now in its eighth year, the Peace Corps remains what it was intended to be: the implementation of the idea that if we are going to live in a better world, it's up to each of us to do something about it. Forty thousand Americans in this decade, most of them young, have responded to that idea with good hearts and willing hands.

The Peace Corps is justly proud of its Volunteers and their achievements. They have been a true expression of the best that is in us. Overcoming barriers of language and culture, Peace Corps Volunteers have at one time provided half of all the secondary school teachers in some countries, and in others they have helped to feed hundreds of thousands of people with donated United States Food for Peace.

They have been instrumental in quadrupling rice productions elsewhere; in saving precious fruit and wheat crops; and in bringing water to arid plains and planting new forests for the next generation.

Because of the tremendous need that exists, however, we must strive to do more.

Two-thirds of mankind live trapped in poverty, and half of the more than 3 billion people on this planet live in perpetual hunger. For these people, deprivation, disease, and illiteracy are not mere facts of life, but a way of life that smothers any hope for things to get better.

Perhaps no one is as aware of this as our own Volunteers in the field. Soon after I was named Director of the Peace Corps, I visited Peace Corps projects in Kenya, Libya, and Iran. Everywhere Volunteers told me of the need to provide more skills to support the work they have been doing.

While I was overseas officials from the governments with which we are working told me the same thing.

I talked with government officials at all levels, from the Shah of Iran to school superintendents in remote areas. Everywhere I encountered praise and appreciation for the Peace Corps and what it has been doing. But everywhere I heard the plea, "Can't you do more?"

The Prime Minister of Iran asked for as many Americans with technical vocation skills as we could provide. He wanted them to work in the private sector, as well as with the government.

The Minister of Agriculture in Kenya needs more experienced people to improve farming. And the Minister of Education in Libya asked for people trained in educational television and in vocational skills.

Everywhere I went the cry was for more mature, well-trained people to fill the development needs of highest priority.

And we have these people in the United States, people who have been the backbone of our own development, but who feel the Peace Corps is just for young people, mostly with non-technical training.

If ever that was true, it is not so now. The Peace Corps is for people who care. And it is obvious you care.

Both in your friendship with the Peace Corps since its inception and in your own efforts, you have shown that the American labor movement looks outward and is infused with a sense of international mission.

Neil Hagerty, your President, is also a former member of the Peace Corps National Advisory Council, and for his time and counsel we are already indebted to you. And my friend Bill Doherty directs the American Institute for Free Labor Development, a volunteer-sending agency of the AFL–CIO.

To recognize this reminds me of something we have in common. American Labor has done more than improve the lot of its own members. You have recognized the international character of your movement and the need of all men to benefit from training and organization.

As you have done, so we in the Peace Corps must add to our own mission. We want to expand Peace Corps recruitment to include union halls as well as university halls, and that can't be done without your help. For the kinds of skills and abilities your unions and your membership represent will be a wonderful complement and invaluable support to the work in which the Peace Corps is already engaged.

First we need your help in the planning and programming of projects for skilled workers overseas. We want your advice in devising programs that challenge the initiatives and abilities of skilled workers who want to pass their special skills on to others.

We need representatives of the Building Trades to go overseas and survey the needs for skilled tradesmen in the countries in which the Peace Corps is involved. We need your help to design programs that will truly enlist the talents of those we recruit—to insure that every job is a good job.

And then we need your support to facilitate that recruitment. The special needs of those we hope to recruit require specific answers to hard questions, and we need your help in the formulation of those answers.

If we try to attract a union member to Peace Corps service, we have to answer the questions he's bound to ask:

"Will I be able to keep my seniority in the union while I'm away?" With your support we can answer that question with a "Yes," and by doing so we can answer the Iranian Prime Minister or the Libyan Minister of Education: "Yes—we can do more—together we can do more!"

If another tradesman asks: "What about my mortgage payments, or car payments, or my son at college?" then with your pledge of support to help him preserve his equity and meet his current needs, we can answer that question with a "Yes" too—and "together, we can do more!"

With your help in answering these questions we believe we can devise programs that will attract the interest, skills, and good will of many of your members. We are convinced that "together, in partnership with you, we can do more!"

And when we have devised programs and recruited personnel, we need help in establishing reasonable long-range and short-term goals, supervising their achievement, and coordinating men and material with the abundant needs that exist.

In short, our purpose is not to take a skilled worker and make him into something else. Our hope is to employ the skills he has developed so expertly in his current job and introduce them where talents and ingenuity like his are unknown, and where they can help to transform a pitiable future into a promising one. That goal merits your help, and it is one for which you have a special responsibility.

The history of the American Labor Movement, in a sense, has set the standard—created the image—from which the free and developing peoples of the world are seeking to learn. The contribution of the American Labor Movement has not only been to its own members, but to the whole nation. Working people are also consuming people, and even those who resisted labor's gains the most strongly have benefited when working men and women, earning decent wages, became themselves the markets for the goods and services they produced.

The economic wonder of an ever-broadening base of opportunity—a mass producing and consuming economy—is what the developing world is seeking to achieve. And ours is the opportunity to help them achieve it.

I am proposing today that we work more closely together. Through consultation with you, we can begin to open the Peace Corps more fully to the talents and services of those you have trained so well.

It's true that the accent of the Peace Corps has been on the young. But the Peace Corps is not just for the young American, nor the older nor the middle-aged American. It is for people in need.

Some of their needs only you can help meet, and in doing so you can help this nation and the world come closer together.

And you can help to make the Peace Corps more truly representative of the varied fabric of American life. When the Peace Corps was founded, one of its goals was to represent this wonderfully diverse land abroad. Your participation can bring that goal closer to achievement, for it will help us to represent abroad the American working man—as well as all the others who have responded to our opportunity for service.

The by-word of this Administration is "Forward, Together," for truly the only way forward is together. And it is in that spirit that I seek your cooperation. You have been a good friend and a close ally of the Peace Corps and its work always; I urge you now to become more fully a partner in its work.

More than a half century ago Woodrow Wilson, who was responsible for the passage of what Samuel Gompers called the "magna carta" of American labor, the Clayton Anti-Trust Act, exhorted his countrymen that "We must believe the things we teach our children." Your cooperation with the Peace Corps is an opportunity to show that you do believe, and are willing partners in the work American sons and daughters have carried forward so well in the eight years of Peace Corps history.

Perhaps the argument I've been trying to make to you today has really been made by someone else in a better way. Last week we concluded the first country directors' conference in the Peace Corps' history. At the concluding session of that meeting called to discuss new directions for a new decade of Peace Corps service, a quiet announcement was made.

Joe Haratani is a trained engineer who has been with the Peace Corps for nearly four years, first as an administrator in Washington and then as our director in Ecuador. But he's always been barred from serving as a volunteer because he had children.

The "new directions" for the Peace Corps removed that barrier for Joe, and at that last session of the conference he announced that he was resigning as director of all Peace Corps activities in Ecuador to become a volunteer in the field. The "new directions" proved to be an eagerly sought opportunity for Joe Haratani.

I wonder, if you help us to open the opportunities, how many like Joe we might find in your ranks.

Thank you.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to inquire of the distinguished majority leader what legislative business he has in mind following the conference report, which is now pending.

Mr. MANSFIELD. Mr. President, in reply to the question raised by the distinguished minority leader, it is anticipated that, following the disposal of the pending conference report, the Senate will turn to the consideration of S. 823, the truth-in-credit information bill. Whether or not we can finish the conference report and this bill tomorrow is an open question; but, if we do not, we will be in on Friday.

It is anticipated that next week the appropriation bill for independent offices and HUD, which was marked up by the subcommittee today, will be ready for consideration. Hopefully, it is expected that would be followed by the public works appropriation bill.

In addition, a food stamp authorization is being held at the desk and will be considered within the next several days.

Mr. SCOTT. Mr. President, will the Senator yield briefly to me in that connection?

Mr. MANSFIELD. I yield.

Mr. SCOTT. In connection with the food stamp authorization, I have discussed that with the distinguished chairman. The distinguished Senator from Louisiana, the chairman of the committee, intends to propose a unanimous-consent request on the action of the two Houses, and I do not plan to object.

Mr. MANSFIELD. That matter will not be brought up this afternoon. It will probably be considered tomorrow at the earliest.

Mr. WILLIAMS of Delaware. Mr. President, which appropriation bill was the Senator mentioning?

Mr. MANSFIELD. Independent offices.

Mr. WILLIAMS of Delaware. When was he planning to bring that bill up?

Mr. MANSFIELD. Not until next week. We will give as much time as possible and as much notice as possible. That is a very big bill.

Mr. WILLIAMS of Delaware. That is my understanding. We will at least see it before it comes up.

Mr. MANSFIELD. Yes. The Senator can be assured that will be the case.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish to make a very brief statement now about the conference report that is to be taken up tomorrow. The conference report involves a bill that was debated here for many weeks. Every item has been thoroughly gone over. We had 99 points of disagreement between the two bills. The conferees met over a period of time from October 6 until November 2. During that time we had 10 sessions of the joint conferees, and four sessions of the Senate conferees; we had separate meetings of many joint committees within the conference committee. We had many staff conferences. The chairman of the two committees had innumerable conferences, as did other members. This matter has been thoroughly gone over.

Substantially it represents the main essentials of the bill passed by the Senate, plus some additional ships, and modifications of amendments. Some floor amendments agreed to in the Senate were not accepted by the conferees.

We will be prepared to present the matter tomorrow and everyone will have an opportunity to express his views. I hope we can move along fairly rapidly. I shall notify those Senators that I know have a special interest.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, has there been a unanimous-consent agreement that this matter will be the pending business tomorrow?

The PRESIDING OFFICER. The matter has been made the pending business.

Mr. STENNIS. Then, it will carry over until tomorrow. I yield the floor.

Mr. JAVITS. Mr. President, I intend to introduce a bill but first I would like to call to the leader's attention that I wish to be heard in connection with the food stamp House-Senate bill.

I gather that a proposal for a unanimous consent agreement is brewing, and I would like to be notified when the matter will be brought up.

Mr. MANSFIELD. There is no unanimous consent request that has been proposed, to my knowledge.

It is hoped it will be possible, as I have indicated, to bring up next week the independent offices appropriation bill as well as the appropriation bill for Public Works, and the continuing resolution on appropriation.

I would point out that if we are successful in those respects, the only appropriation bill awaiting Senate action will be Labor-HEW, which I think will reach the Senate Calender within a matter of days. After that, the appropriation calendar is clear because we are still awaiting five appropriation bills from the House.

Furthermore, it is the hope of the leadership—and this is not definite—that perhaps Wednesday we may be able to take up the Haynsworth nomination. I wish to stress the word "may." I have been like an India rubber ball on this matter, I have been getting so many reports. But the latest and most definite report is that the confirmation proceedings will commence next Wednesday.

S. 3121—INTRODUCTION OF A BILL TO AMEND THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963

Mr. JAVITS. Mr. President, I am pleased to introduce on behalf of myself and the Senator from Colorado (Mr. DOMINICK), who is ranking minority member of the Subcommittee on Health, the administration bill to amend the Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

This bill would extend and improve the provisions relating to the construction and operation of community mental health facilities and of specialized facilities for alcoholics and narcotic addicts, and for other purposes. Cosponsoring the bill with the Senator from Colorado and me, are the Senators from Vermont (Mr. PROUTY) and the Senator from California (Mr. MURPHY).

Mr. President, the only reason I am introducing the bill rather than the Senator from Colorado (Mr. DOMINICK) is that the bill concerns the jurisdiction of two subcommittees, one of which I am the ranking minority member—although I am the ranking member of the full committee—and the other on which the Senator from Colorado is the ranking minority member. He graciously allowed me to introduce the entire bill.

It is my purpose that the bill should be handled insofar as it deals with community mental health facilities, by the Senator from Colorado as the ranking minority member of the Subcommittee on Health.

This bill assures the administration's commitment to the continuation of the community mental health centers program—the concept of providing care to the mentally ill in the community where they live, where they will have the support of their family and their friends and be more quickly restored to a meaningful role in society. The proposed legislation would extend for an additional 3 years the program of grants to the States for the construction of community mental health centers.

In addition, the bill provides support to meet community needs in the prevention and treatment of the critical problems of alcoholism and narcotic addiction. I am pleased that Federal support for preventive and curative services for these two major mental health problems—alcoholism and narcotics addiction—will be an integral part of the network of community mental health centers, a matter of great interest and deep concern to Senator DOMINICK and to me.

The administration bill recognizes the urgent need for even more extended assistance for services to urban and rural poverty areas. All too often these areas designated by the States as those of highest priority, based on an assessment of community need, are not among the first to initiate centers. This is partially due to the difficulty in developing resources to meet the matching requirements because of the low economic status of the community. It has become increasingly clear that those in greatest need of community-based mental health service, the urban and rural poor, have been the least able to effectively organize, plan and raise sufficient funds to compete effectively for Federal grant support. The proposed legislation provides that 20 percent of the grant funds appropriated by Congress shall be reserved for direct project grants by the Secretary to cover up to 90 percent of the cost of community mental health centers which are of special significance by virtue of their meeting the special needs of the disadvantaged for mental health services or by demonstrating new or particularly effective or efficient methods of delivery of mental health services.

In order to provide more coordination and encourage greater efficiency in our health system, the bill would add the requirements that the State plan for construction of community mental health centers must be approved by the State comprehensive health planning agency created under the provisions of section 314(a) of the Public Health Service Act, and that applications for construction grants be reviewed and commented on by the appropriate areawide health planning agency created under the provisions of section 314(b) of the act. These provisions reflect the administration's concern for improved delivery of services—authorized under different programs—through improved planning coordination, so that we have health and related planning on a State, interstate, and local level taken into account.

The bill would extend the period of Federal support of staffing of community mental health centers from the present 4⅓ years, to 8 years for all centers, and to 10 years in the case of those centers providing services for persons in an area designed by the Secretary as an urban or rural poverty area. Staffing grants would support a share of all the costs of operation, staff, and maintenance of the centers, rather than being limited to support of the costs of professional and technical personnel as presently authorized. The present arrangement of supporting a portion of the costs of only professional and technical personnel has proved inadequate. Support of a portion of initial costs of operation, staffing, and maintenance should be provided in order to assure a more reasonable level of financial assistance in the developmental years and bring about substantial administrative simplification.

The bill would also authorize the use of up to 5 percent of the funds appropriated for new staffing grants for support of project grants to assess the need, develop and initiate mental health services in communities designated by the Secretary as urban or rural poverty areas.

Drug abuse and alcoholism programs require strong and continued Federal support. Preferential matching and a longer period of support are necessary. To meet these objectives, the bill would extend for 3 additional years, the program of grants for the construction and staffing of facilities for the prevention and treatment of alcoholism and narcotics addiction. The maximum Federal share of the costs of construction would be increased from 66⅔ percent to 90 percent. Existing Federal support of professional and technical personnel would be expanded to include a portion of the initial costs of operation, staffing, and maintenance. The period of support would be increased from 4⅓ years to 10 years and the maximum level of support would be increased.

A new program of grants for the development of specialized training programs or materials relating to the provision of services for the prevention or treatment of alcoholism and for the evaluation of such programs is added by the bill. This grant program is similar to the program already authorized for the rehabilitation of narcotic addicts.

On behalf of the Senator from Colorado (Mr. DOMINICK), I should like to note for the RECORD that the appropriation authorization requested for 3 years by the administration bill would be for "such sums as may be necessary." Senator DOMINICK's position against authorizations which do not include a money ceiling is and has been well known in both the House and the Senate. Without in any manner reflecting on the merits of the administration bill, Senator DOMINICK wants to put Senators and the Bureau of the Budget on notice that he intends to continue to insist that any bill reported by the Senate Health Subcommittee, or any other committee for that matter, specify a ceiling on authorized costs.

I am confident—and I am certain that Senator DOMINICK and the other cosponsors of the measure share my confidence—that we will have some costs estimates which can be included in the legislation before any action is taken in executive sessions.

I ask unanimous consent that a comparison of proposed community mental health centers amendments—prepared by the Department of Health, Education, and Welfare—be printed in the RECORD.

I believe the administration's detailed legislative proposal will be most valuable to all the members of the Health Subcommittee of the Labor and Public Welfare Committee as we consider community mental health centers legislation in executive session.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the table will be printed in the RECORD.

The bill (S. 3121) to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to extend and improve the provisions relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotic addicts, and for other purposes, introduced by Mr. JAVITS (for himself, Mr. DOMINICK, Mr. PROUTY, and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The table, presented by Mr. JAVITS, is as follows:

COMPARISON OF PROPOSED COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS

Amendment	(S. 2523) Yarborough	(H.R. 13163) Staggers	(H.R. 14086) Rogers	Administration (as of Oct. 23, 1969)
1. Short title	Community Mental Health Centers Amendments of 1969.	Community Mental Health Centers Amendments of 1969.	Community Mental Health Centers Amendments of 1969.	Community Mental Health Centers Amendments of 1969.
2. Extension of basic centers program construction and staffing authority.	For 5 years, through fiscal year 1975 (secs. 101, 204(a)).	For 3 years, through fiscal year 1973 (secs. 101, 204(a)).	For 3 years, through fiscal year 1973 (secs. 101(a), 203(a)).	For 3 years, through fiscal year 1973 (secs. 2(a)(1), 3(c)(2)).
3. Appropriation ceilings authorized for centers construction grants.	Fiscal year 1970, $70,000,000 (present law unchanged); fiscal year 1971, $95,000,000; fiscal year 1972, $115,000,000; fiscal year 1973, $115,000,000; fiscal year 1974, $135,000,000; fiscal year 1975, $135,000,000 (sec. 101(a)).	Fiscal year 1970, $70,000,000 (present law unchanged); fiscal year 1971, $70,000,000; fiscal year 1972, $70,000,000; fiscal year 1973, $70,000,000 (sec. 101(a)).	Fiscal year 1970, $70,000,000 (present law unchanged); fiscal year 1971, $70,000,000; fiscal year 1972, $70,000,000; fiscal year 1973, $70,000,000 (sec. 101(a)).	Such sums as may be necessary (sec. 2(a)(1)).
4. Appropriation ceilings authorized for centers staffing grants.	Fiscal year 1970, $32,000,000 (present law unchanged); fiscal year 1971, $60,000,000; fiscal year 1972, $60,000,000; fiscal year 1973, $80,000,000; fiscal year 1974, $80,000,000; fiscal year 1975, $100,000,000 (sec. 204(a)).	Fiscal year 1970, $26,000,000 (reduces $32,000,000 appropriation in present law); fiscal year 1971, $32,000,000; fiscal year 1972, $40,000,000; fiscal year 1973, $48,000,000 (sec. 204(a)).	Fiscal year 1970, $26,000,000 (reduces $32,000,000 appropriation in present law); fiscal year 1971, $32,000,000; fiscal year 1972, $40,000,000; fiscal year 1973, $48,000,000 (sec. 203(a)).	Such sums as may be necessary (sec. 3(c)(2)).
5. Extension of alcoholism and narcotic addiction construction and staffing authority.	No comparable proposal	For 3 years, through fiscal year 1973 (sec. 102(a)).	For 3 years, through fiscal year 1973 (sec. 102(a)).	For 3 years, through fiscal year 1973 (sec. 4(a)(1)).
6. Appropriation ceilings authorized for construction and staffing of alcoholism and narcotic addiction facilities, and for training and evaluation grants for the narcotic addiction program.	No comparable provision	Fiscal year 1970, $15,000,000 (reduces $25,000,000 appropriation in present law); fiscal year 1971, $20,000,000; fiscal year 1972, $25,000,000; fiscal year 1973, $30,000,000 (sec. 102(a)).	Fiscal year 1970, $15,000,000 (reduces $25,000,000 appropriation in present law); fiscal year 1971, $20,000,000; fiscal year 1972, $25,000,000; fiscal year 1973, $30,000,000 (sec. 102(a)).	Such sums as may be necessary (also includes new training and evaluation grants for alcoholism, see 7 below) (sec. 4(a)(1) and (2)).
7. Training and evaluation grants for alcoholism program authorized.	do.	Yes, similar to present provision for narcotic addicts but no duration or appropriation ceilings specified (sec. 104).	Yes, similar to present provision for narcotic addicts but no duration or appropriation ceilings specified (sec. 104).	Yes, similar to present provision for narcotic addicts (sec. 4(e)).
8. Authorizes construction and staffing and training and evaluation grants for child mental health facilities and services.	do.	Grants authorized for 3 years, through fiscal year 1973, on same basis as those authorized for narcotic addicts, except that a separate appropriation ceiling for training and evaluation grants is specified (sec. 401).	No comparable provision	No comparable provision.
9. Appropriation ceilings authorized for child mental health program.	do.	For construction and staffing grants, fiscal year 1971, $6,000,000; fiscal year 1972, $10,000,000; fiscal year 1973, $15,000,000; for training and evaluation grants, fiscal year 1971, $2,000,000; fiscal year 1972, $4,000,000. fiscal year 1973, $4,000,000, (sec. 401).	do.	Do.
10. (a) Definition of "staffing" broadened to include all centers personnel.	Eliminates restriction of eligible staffing costs in present law to professional and technical personnel only (sec. 205).	No comparable provision, but cf. sec 401., staffing for children's services defined to include salaries, fringe benefits, and travel allowances for professional and technical personnel who administer and evaluate the programs, as well as operate them.	do.	Eliminates restriction of eligible staffing costs in present law to professional and technical personnel only (sec. 3(d)).
10. (b) Similar provision for staffing of alcoholism and narcotic addiction facilities.	No comparable provision	No comparable provision	do.	Yes (secs. 4(c)(1), 4(d)(1), and 4(g)(1) and (2)).
11. All operating and maintenance costs included, in addition to staffing, for centers and alcoholism or narcotic addiction facilities.	do.	do.	do.	Yes (secs. 3(d), 4(c)(1), 4(d) (1) and (2), and 4(g)(1)).
12. (a) Initiation and development grants for delivery of community mental health services authorized.	Yes, but for poverty areas only. Grants limited to 1 year, for 100 percent of the costs or $50,000, whichever is less. Broad citizen participation required. Funds to come from 5 percent of total annual staffing appropriation (secs. 201, 202, and 204(b)).	Yes, same provisions (secs. 201(a)(1), 202, and 204(b)).	Yes, same provisions except: (1) not limited to poverty areas; (2) no specific requirement for community participation as a condition for approval of the grant (sec. 203(b)).	Yes, but the 5 percent is to come from the annual appropriation authorized for new staffing grants only. No specific requirement for community participation as a condition for approval of the grant (sec. 3(e)).
12. (b) Similar provision for alcoholism and narcotic addiction initiation and development grants.	No comparable provision	Yes, but no requirement for broad community participation; no provision for reserving a percentage of total staffing appropriations (sec. 201(a)(2)).	No comparable provision	No comparable provision.
13. (a) Extension of total period of support for each basic center's staffing grant (presently limited to 51 months).	Yes, to 10 years for all staffing grants (sec. 201).	Yes, to 10 years for all staffing grants (sec. 201(a)(1)).	Yes, to 6½ years for all staffing grants (sec. 201(a)(1)).	Yes, to 8 years in nonpoverty areas; to 10 years in poverty areas (sec. 3(a)).
13. (b) Similar provision for alcoholism and narcotic addiction staffing grants.	No comparable provision	Yes (sec. 201(a)(2); similar provision for child mental health staffing grants too (sec. 401).	Yes (sec. 201(a)(2))	Yes, except that all facilities regardless of location, would be supported for 10 years (sec. 4(b)(2)).
14. (a) Extension of initial and maximum (75 percent) Federal support period for basic centers staffing in nonpoverty areas from 15 months to 2 years.	Yes (sec. 201)	Yes (sec. 201(a)(1))	No comparable provision	Yes (sec. 3(a)).
14. (b) Similar provision for alcoholism and narcotic addiction grants.	No comparable proposal	Yes (sec. 201(a)(2)); similar provision for child mental health staffing grants (sec. 401).	do.	Yes, but not at 75 percent matching ratio. All these staffing grants receive preferential matching (90 percent for first 2 years) regardless of area (sec. 4(c)(2)).
15. (a) Preferential matching for basic centers staffing grants located in poverty areas.	Yes, 90 percent for first 2 years; 75 percent for each of next 8 years (sec. 201).	Yes, 90 percent for first 2 years; 75 percent for each of next 8 years (sec. 201(a)(1).	do.	Yes, 90 percent for first 2 years; declining 10 percent each year for the next 8 years (sec. 3(a)).
15. (b) Similar provision for alcoholism and narcotic addiction grants.	No comparable provision	Yes (sec. 201(a)(2)); similar provision for child mental health staffing grants to (sec. 401).	do.	Yes, but not limited to facilities in poverty areas (sec. 4(c)(2)).

COMPARISON OF PROPOSED COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS—Continued

Amendment	(S. 2523) Yarborough	(H.R. 13163) Staggers	(H.R. 14086) Rogers	Administration (as of Oct. 23, 1969)
16. (a) Preferential matching for basic centers construction grants in poverty areas.	Yes, up to 90 percent of costs (sec. 302).	Yes, up to 90 percent of costs (sec. 301(a)).	Yes, up to 90 percent of costs (sec. 301).	Yes, up to 90 percent of costs, payable from a reserved fund amounting to 20 percent of the total appropriation for centers' construction. Preferential matching is also available for construction projects of special significance because they demonstrate newer particularly effective methods of delivery of mental health services (secs. 2(c) and 5(c)).
16. (b) Similar provision for alcoholism and narcotic addiction construction grants.	No comparable provision	Yes, for narcotic addiction grants (sec. 301(b)) and child mental health grants (sec. 401). No comparable provision for alcoholism construction grants.	No comparable provision. However, narcotic addiction grants may be included by reference, since sec. 251(b) of existing law says that the program should be carried out consistently with the basic centers program. There is no equivalent provision for alcoholism construction grants.	Yes, up to 90 percent of costs, but no provision for reserving 20 percent of the total construction appropriation and preferential matching is available for all construction projects regardless of area or special significance (secs. 4(b), (d)(3), and (f)).
17. (a) Increases percentage of State construction allotments available for State plan administration.	Yes, from the lesser of 2 percent or $50,000 to the lesser of 5 percent or $50,000 (sec. 102(b)).	No comparable provision	No comparable provision	Yes, from the lesser of 2 percent or $50,000 to the lesser of 5 percent or $50,000 (sec. 5(e)).
17. (b) Eliminates provision in existing law which would limit use of such funds to administration of the State construction plan only.	Yes, permits use of funds for administration of any State plan under this act (sec. 102(a)) (broadest scope; would cover mental retardation program too).	Yes, permits use of funds for administration of any State plan under title II (sec. 103(a)).	Yes, permits use of funds for administration of any State plan under title II (sec. 103(a)).	No comparable provision.
18. (a) Acquisition of land made a permissible construction cost for basic centers program.	Yes (sec. 301)	No comparable provision	No comparable provision	Yes (sec. 5(b)).
18. (b) Same provision for alcoholism and narcotic addiction facilities too.	No comparable provision	do	do	Do.
19. Repeals present variable Federal share, provisions, thus eliminating 33⅓ percent minimum requirement for centers construction grants and requirement for Federal approval of method used by States to determine variable Federal shares. Substitutes simple requirement of notification to Secretary of maximums established and methods used which cannot be changed until the following fiscal year.	Yes, but unclear whether alcoholism grants are covered too since bill repeals existing law (which covered all title II projects) only for projects approved under pt. C of title I (retardation) of pt. A of title II (basic centers construction). No provision in alcoholism section (as is true for narcotic addiction) that construction grants are to be administered consistently with pt. A (sec. 302).	Yes, but unclear whether alcoholism grants are covered (see comment under Yarborough bill) (sec. 301 (a)).	Yes, but unclear whether alcoholism grants are covered (see comment under Yarborough bill) (sec. 301).	Yes, applies to all projects approved under pt. C of title I or pt. A of title II with respect to the maximum Federal share. (Alcoholism and narcotic addiction programs have special provision, see 16(b), supra) (sec. 5(c)).
20. Inclusion of the Trust Territory of the Pacific Islands in the construction program; authorization to accumulate construction allotments for 3 years.	No comparable provision	No comparable provision	No comparable provi ion	Yes (sec. 2(b)(2)–(5)).
21. Extension of deadline for promulgating annual Federal construction percentages for 1 month, from Aug. 31 to Sept. 30.	Yes (sec. 303)	Yes (sec. 302)	Yes (sec. 302)	Yes (sec. 5(d)).
22. Requires that each State construction plan under pt. A of the Centers Act be approved by the State mental health planning agency and the State comprehensive health planning agency under sec. 314(a) of the PHS Act. Also requires all construction applications to be submitted to the sec. 314(b) areawide planning agency for review and comment within 60 days.	No comparable provision	No comparable provision	No comparable provision	Yes, except that approval by the 314(a) agency for poverty area projects paid from the 20 percent reserved funds (see 16(a), supra) is not required. (sec. 2(c), (*d*), (e)).

Mr. PROUTY. Mr. President, I am pleased to join as a cosponsor of the Community Mental Health Centers Amendments of 1969, introduced by the distinguished Senator from New York (Mr. JAVITS) for the administration.

In 1963 Congress enacted the Community Mental Health Centers Act. We set ambitious goals and stated our firm commitment to develop a broad range of services for promptly diagnosing mental disorders and providing care to the mentally ill in the community where they live.

In the 5 years of its operation, the programs set up under the 1963 act have demonstrated their effectiveness in bringing mental health services to people who previously had no access to such services. Federal funds do not deserve all the credit. They have served as an incentive, but without the increased awareness of dedicated persons at the community level the programs would not have worked.

While awareness of the complex medical health problems and needs has increased rapidly at the community level, the ability of communities to come up with local financial resources has not increased to the same extent, particularly in rural and urban poverty areas.

The administration's bill recognizes this disparity between needs and local resources. It recognizes that a longer period of support is needed for staffing of the community mental health centers and proposes the period of Federal support be extended. At the same time, it broadens the scope of the staffing grants and provides funds to assess community mental health needs.

The measure clearly responds to the needs of poverty areas and rightly sets up a mechanism whereby those communities most in need of mental health services, but least able to afford these services, receive direct project grants to cover up to 90 percent of the cost of the community mental health centers.

While responding to the realities of local resources, the administration's measure also responds to the two major mental health problems which have emerged in recent years—drug abuse and alcoholism. It is obvious that strong Federal support is needed to provide preventive and curative services for drug abusers and alcoholics.

Such strong support is provided in the administration's measure. The maximum Federal share of the costs of construction would be increased from 66⅔ to 90 percent, while Federal funds for operating such programs are expanded and extended in time.

In short, the administration's bill is a responsive, comprehensive proposal reflecting intensive study of existing programs—their successes and failures—as related to present and future needs. I am pleased to be a cosponsor of this measure.

SENATE CONCURRENT RESOLUTION 46—SUBMISSION OF A SENATE CONCURRENT RESOLUTION FOR PRINTING OF SMALL BUSINESS HANDBOOKS

Mr. BIBLE. Mr. President, I submit for appropriate reference a Senate concurrent resolution, requesting the printing of the "Handbook for Small Business, Third Edition, 1969" as a Senate document, and that additional copies be printed for the use of the Senate and House Select Committees on Small Business and other interested Members of Congress.

The legislative branch has always been heavily involved in small business programs of the Federal Government. Historically, the 1953 Small Business Act and the 1958 Small Business Investment and Tax Acts originated in the Senate, and it was not until 1966 that a piece of small business legislation had the formal sponsorship of the executive branch. Because of the dynamism of this area, however, programs are being modified and added each year.

Since these financial and other assistance programs are valuable to large numbers of individual proprietors, farmers, and owners of small corporations, congressional offices receive frequent inquiries about these services. To respond requires considerable effort, inasmuch as programs of particular benefit to small business can now be found in about 2 dozen departments, agencies, and offices. A publication like the Handbook for Small Business, which is comprehensive and contains a good deal of explanatory matter, will assist Members of Congress in replying to these requests in a helpful manner.

I ask unanimous consent that the text of the concurrent resolution be printed at this point in the Record in the interest of all concerned.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 46) was referred to the Committee on Rules and Administration, as follows:

S. Con. Res 46

Resolved by the Senate (the House of Representatives concurring), That a publication of the Senate Select Committee on Small Business entitled "Handbook for Small Business, 3rd Edition, 1969," explaining programs of Federal departments, agencies, offices and commissions of benefit to small business and operating pursuant to various statutes enacted by the Congress, be printed with illustrations as a Senate document; and that there be printed twenty-eight thousand two hundred additional copies of such document, of which twenty-three thousand two hundred copies shall be for the use of the Senate Select Committee on Small Business, and five thousand copies shall be for the use of the House Select Committee on Small Business.

MORE STRINGENT CONTROLS AND PREVENTION OF AIR POLLUTION

Mr. MURPHY. Mr. President, for some time I have been most interested in the environmental situation, the Clean Air Act, water pollution, and in the matter of air, especially because I live in the area which has been subjected to what is now known all over the world as the famous condition termed "smog."

I have long been an advocate of more stringent controls and prevention of air pollution. Through the pioneering efforts of California in the air pollution fight we hope to ultimately secure for all our people the quality of air they demand and deserve. I was pleased last spring when California was granted the right to enforce more stringent standards of air pollution control for motor vehicles as authorized by the Murphy amendment to the Federal Air Quality Act of 1967.

On Monday, October 27, 1969, I was present in Los Angeles as the General Services Administration launched a test of a fleet of natural gas powered cars and trucks. If successful, such a system could lead to elimination of much of the air pollution which plagues our cities as well as reduction in the cost of operating Government motor pool vehicles.

I ask unanimous consent to have printed in the Record a recent article from Time magazine which mentions that the Federal Government is conducting these tests, and I commend the General Services Administration and its Administrator, Robert L. Kunzig, for joining in the efforts established in California in attempting to find a solution to the pressing problem of air pollution.

There being no objection, the article was ordered to be printed in the Record, as follows:

Air Pollution: Toward a Cleaner Car

Most of the smog that shrouds U.S. cities is belched by the internal combustion engine. The surest solution would be to ban all cars from cities—a proposal that actually passed the California state senate in July before it was killed in a house committee. Another is to build fume-free auto engines run by electricity or even nuclear power. But none of this is likely to delight Detroit automakers or the politically potent oil industry. Is there any compromise solution?

Perhaps. Taking a tip from the oil-fields, where pumps are powered by natural gas, the Los Angeles-based Pacific Lighting Service Co. has applied the same principle to auto engines. After yearlong tests of six cars and trucks fueled by natural gas, the company reports a dramatic decrease in air pollution. Because natural gas burns cleanly, the vehicle emitted almost no hydrocarbons. Measuring the emissions with infra-red light, engineers found that carbon monoxide in the exhaust fell from 28 grams per mile with gasoline to 2 with natural gas; nitrous oxides dropped from 4 grams to .5. Already the company has started converting 1,100 other vehicles in its fleet to natural gas. Last month the Federal Government began testing the Pacific Lighting system for possible use on its own 51,000 vehicles.

More Mileage

In switching cars to natural gas, the big advantage is that the internal-combustion engine can be retained. The only requirement is a natural-gas mixer that fits on top of the carburetor and feeds the new fuel to the present combustion chambers. A dashboard control permits the driver to switch from natural gas in polluted areas to regular gasoline on the open road. With natural gas, the company claims, engine oil lasts up to a year, sparkplugs fire for 50,000 miles, and valve jobs are usually unnecessary. Better yet, 100 cu. ft. of natural gas gives about 15% more mileage than a gallon of gasoline and costs about 63% less.

Despite these advantages, Detroit is skeptical. Though General Motors has offered conversion units for the past year, it has sold only a few—mainly to truckers in the South, where natural gas is plentiful. For motorists, the Pacific Lighting system has not solved a key problem; the bulky gas cylinders require most of a car's trunk space. The $300 charge for converting a car to natural gas is also likely to deter all but ardent conservationists. Still, the prospect of greater operating economy could attract fleet owners, start mass production, and eventually lower the conversion charge. If all U.S. vehicles ran on natural gas, its advocates claim, smog could be reduced by as much as 90%.

Mr. MURPHY. Mr. President, for emphasis, I should like to read one excerpt from the article:

Taking a tip from the oilfields, where pumps are powered by natural gas, the Los Angeles-based Pacific Lighting Service Co. has applied the same principle to auto engines. After yearlong tests of six cars and trucks fueled by natural gas, the company reports a dramatic decrease in air pollution. Because natural gas burns cleanly, the vehicles emitted almost no hydrocarbons. Measuring the emissions with infra-red light, engineers found that carbon monoxide in the exhaust fell from 28 grams per mile with gasoline to 2 with natural gas; nitrous oxides dropped from 4 grams to .5. Already the company has started converting 1,100 other vehicles in its fleet to natural gas. Last month the Federal Government began testing the Pacific Lighting system for possible use on its own 51,000 vehicles.

Mr. President, let me point out that this has been used in the Disneyland public park in the trams and all the conveyances there, for a period of a year, with very great success. I am pleased to report that this is, I think, a most important precaution and is a most important problem having to do with air pollution and smog.

ADVICE TO YOUNG AMERICANS ON THEIR FUTURE

Mr. MURPHY. Mr. President, I hold in my hand some excerpts from a talk made by my good friend and highly esteemed religious leader, Rabbi Edgar F. Magnin, to the confirmation class at the Wilshire Boulevard Temple on May 25, 1969, and I ask unanimous consent to have them printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From Rabbi Edgar F. Magnin's Talk to the Confirmation Class at Wilshire Boulevard Temple, May 25, 1969

During the Sunday mornings I have visited with you, I have tried to impress upon you a number of thoughts. I told you, you have a head. Use it lest you lose it. I told you, you have a heart. Don't let it dry up. It's the happy combination of head and heart, reason and faith, pragmatism and sentiment that distinguishes the truly civilized and cultured person from the gross and the vulgar.

We are living in an age of turbulence, rebellion, revolution, hysteria and violence. Some of the rebellion is based upon sincerity and conviction, although the logic may not always be justified, nor the means. But brawn is no substitute for brains nor hysteria for clear, solid thinking. Socrates in ancient Greece and Francis Bacon, the author of Novum Organum, in 1620, emphasized the need for clarity of thought. Bacon pointed out the ease with which fallacies can corrupt the mind and that human nature being what it is, we believe what we want to believe and do what we feel like doing and then justify our acts by alibis and false logic.

Violence and breaking the law in the name of some principle are not the answer to the grave problems that confront our world today.

Some of these problems, racial, economic, political, social and educational, are age-old and deeply rooted in the weaknesses of human nature. There are no hasty answers to many of them. We can make instant coffee but not instant reforms. Ariel and Will Durant point out in their "Lessons of History" that evolution produces better and more lasting results than revolution, which often culminates in a backlash and the very opposite of what its proponents seek to accomplish.

There is no substitute for reason, patience, dialogue and sincerity. Those people today who favor violence in the name of "principles" are doing exactly what Mussolini and Hitler did. They, too, had convictions and neither human rights nor life itself were sacred in their eyes when they met with opposition.

Some of the rebels today are sincere. Some of the criticisms of our laws, educational system, organized religion, political and economic systems are undoubtedly valid. But we must not forget that there is much good in all these institutions also, and that the way to redecorate the house is not to uproot the foundation or pull the whole structure down on our heads as Samson did in the Temple of Dagon.

Some of the criticism is not sincere. It is projected by people who crave excitement and who would fatten their egos in order to reduce their frustrations. Some like to see their pictures in the newspapers or over TV, and it is no compliment to the communications media that they emphasize the evil instead of what is good and substantial because it is more dramatic and attracts more readers and viewers.

Our whole picture of society has become distorted and fragmented because of this false emphasis. We feel as though the whole world is going to perdition, while, actually, there is still much more good in it than evil. The vast majority of people everywhere are decent, law-abiding and friendly. Wars and racial prejudices are not caused by the masses, but by a few misleaders who fatten off the divisiveness and discontent they create.

The world is not perfect and never will be, nor can any organization or institution be perfect since they are composed of human beings.

We must work with what we have and with those who will work with us. They are flesh and blood, and mind and soul, not angels or devils, but people endowed with all the virtues and defects inherent in human nature.

We should not be satisfied with the status quo. There is plenty of room for improvement, and the possibility of achieving it, but beware of accepting empty or shallow generalizations, pretty cliches that spell nothing, fuzzy theories that seem idealistic but can never be realized. Idealism which consists only of words is futile and sometimes hypocritical.

When some of the young generation tell us that we, their elders, are materialistic, that we started wars including Vietnam, I have only one answer. Wars have always been in existence, unfortunately, and we must do everything in our power to try to end them, but neither your parents nor I started any wars. We never owned any slaves or persecuted Negroes. There is no disgrace in having been successful under a system of capitalism which, with all its faults, is far better than Communism which is tyrannical and despotic. Moreover, the capitalistic system has been modified through the years to the effect that the average American is much better off in every way than people in other countries. Our grandparents came here without a dime and worked hard. They didn't form picket lines, scream and yell at fate, or resort to violence. They made it possible for us to live decently and enjoy not only the material blessings but an education. The average person over the world, and I have seen them everywhere, would give his right eye to come to these shores.

Please don't sell America short or look lightly at your blessings. Thank God for them and use them wisely and well. Don't be afraid to be patriotic. Patriotism is not narrow nationalism. One can still love his country and appreciate his American heritage without disregarding the virtues and cultures of others. One can still love his country and be loyal to its finest traditions while working for the welfare of other nations and for universal peace.

You didn't ask to come into this world and neither did I, but we are here and if we can't agree with all the viewpoints of our parents, at least let us not wound them with disrespect and even hatred in some cases.

In the last analysis, they are our only real friends. The generation gap is nothing new. Socrates mentions it. But there can be a difference of opinion without defiance, rudeness and contempt. Your parents aren't fools. They have had experience and if some of them don't follow some of the doctrinaire notions of so-called sociolgical and pedagogical authorities who often contradict each other and even themselves, they at least love you and would make any sacrifice for you, which nobody else in this world will do.

You hear a lot these days about individuality . . . about being yourself . . . "doing your thing."

Well, individualism is all right, providing we are real people and have something special to offer. The criminal is also an individualist. He is very much himself. So is the mental victim in an institution who thinks he is Napoleon. He expresses his individuality to the fullest extent.

Shakespeare was himself but he wrote Hamlet and Othello. Galileo was himself. Rembrandt was himself. Einstein was himself. So were and are a lot of people less famous and unknown, who discovered their latent gifts and developed them for their own good and that of others. To be yourself and produce nothing but cynical complaints; to scorn conformity and convention and then conform to the noncomformists is both inconsistent and silly.

I prefer well-groomed people but if you must let your hair grow long, it's no sin, so long as you keep it clean and have something under the hair that's worthwhile. In the last analysis, it is not the hair but what's inside the head that counts . . . brains, judgment, insight, understanding, love, friendliness, faith, reverence, loyalty and, not least of all, common sense.

You will have to face life. Face it courageously and with the proper combination of realism and romance, idealism and pragmatism. Don't expect too much and you won't be disappointed. Don't expect too little or you will become cynical.

There is no escape from our problems. Alcoholism and drugs are not the answer. We always come back to where we started but more sick and more despondent. we can't run away from ourselves.

Have faith in God, in yourself, your country and humanity. The world has made great progress despite all its faults. If you don't believe this, just pick up any page of history and read it carefully. You will realize then how much has been accomplished for the good of mankind over the centuries and especially the last two or three decades. Try to add to that progress by making some contribution of your own, for everybody possesses some special gift that can be developed.

Progress, like charity, begins at home. If the world is to improve, it will not be by systems, speeches, preachments and theories, but by controlling human nature. Begin with yourself!

PROBLEMS OF EDUCATION

Mr. MURPHY. Mr. President, in my reading, I came across a very important letter that was written by the headmaster of the Hotchkiss School in Connecticut, which has to do with some of the problems facing this country in the area of education.

I thought that the letter stated the case for the educator very well and I ask unanimous consent that the letter, written by the headmaster, A. William Olsen, Jr., be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Remnant (Is. 1:9) Lives, and Is Headmaster of Hotchkiss School

August 1969.

To Hotchkiss Parents: In several short weeks Hotchkiss will reconvene for another school year. I trust it has been a very pleasant summer for you and for your Hotchkiss son. I also hope that he is looking forward to the coming year as much as we are.

During the next few months and years we are planning to make some important changes in the Hotchkiss program that are designed to prepare our youngsters better for the world into which they will be moving. We will be liberalizing certain academic and social areas so that particularly our older boys will be faced with far greater necessity to make choices for themselves. To accomplish these changes constructively and smoothly it is important to understand what we do *not* plan to change, and to accept the ground rules under which we intend to operate.

In recent years much has been written and spoken about education, some of it helpful, much of it not. The result has been an understandable confusion in the minds of many boys and girls about the proper aims and methods of education. Since misunderstanding can breed distrust, it is hardly the ideal atmosphere in which productive learning can take place.

It seemed not inappropriate at the beginning of another school year for me to say a few words about Hotchkiss and about the way it operates. I am motivated by the belief that "to tell it like it is" is the only fair way to prepare the ground for the very important business we all have ahead of us. So, below are a few points I hope you will share with your son before school opens on September 10.

Point One: Hotchkiss is a school and not a college. We have an obligation to act in loco parentis. In performing that parental role we have an obligation to be good parrents—fair, firm, consistent, considerate—but we will not provide the permissive atmosphere of a college campus.

Point Two: Hotchkiss is a faculty-run school. It is run in the interests of the boys, but it is not run by the boys. This is not to imply that we are uninterested in the opinions of our students, nor does it infer a lack of respect for the younger generation. It is rather a recognition of the vast importance of what we are doing. We intend to involve responsible boys in the decision-making process in increasing degrees. The final decisions and the final accountability, however, must rest with the faculty and with me. It should be stressed that any boy who deliberately interferes with the orderly running of the school will be asked to leave.

Point Three: In fulfilling its custodianship the faculty and I have the responsibility to establish the standards by which the school will function. This means standards of behavior as well as standards of academic competence. We expect boys who accept Hotchkiss to accept these standards, whether they agree with them or not. There are those who will call this an infringement of personal freedom. They are correct. Boys who come to Hotchkiss are asked to give up certain freedoms they might have elsewhere. Boarding school is inescapably restrictive. We recognize that what we demand may not

> be congenial to everyone. We cannot be all things to all people. We do, however, recognize an obligation to be true to what we espouse. Anything less would be a betrayal of a trust.
>
> Point Four: The style and tone of a school are just as important as the substance of a school because they are the outward manifestation of inner beliefs. Education is by definition a disciplined process. So is civilization. Neither can exist without the other. When campuses become uncivilized they also become undisciplined and chaotic. By style we mean such matters as language, sportsmanship, basic courtesy to peers and elders, regard for school rules and school principles.
>
> Point Five: We do not believe that the possession or use of tobacco, alcoholic beverages or drugs in any form is appropriate at a school like Hotchkiss. There is much rationalization by those who wish to induce us to depart from this stand, but so far I have heard no arguments that can support the beneficial presence of any of these substances on a school campus. Boys whose actions indicate that they cannot accept our position on these matters will be asked to leave school.
>
> One may reasonably ask why I am writing at such length and in such a vein. I do so for several reasons.
>
> First, I want you to know where we stand. We depend upon support from the homefront. We cannot fairly expect that support if you do not know what we are trying to do.
>
> Second, I hope you will discuss this letter with your son so that he also has a clear understanding of what is discussed here.
>
> Third, and most important, if either you or he has sincere doubts or disapproval of the basic principles outlined you should weigh carefully the wisdom of his being at Hotchkiss.
>
> We are more than willing to work overtime to help any boy of good will who wishes to cooperate with the school and who genuinely wishes to take advantage of the opportunities Hotchkiss has to offer. We cannot help someone who does not believe in the school or who by word or deed clearly indicates that he does not wish to be here. To force your son into a situation which he does not accept will be frustrating and demoralizing for him and for us. Needless to say, we hope that your son will reaffirm his support for Hotchkiss. We would not be here if we did not believe we had a great school. We also believe that we must work hard to keep it strong. That is really what I am saying here. We look forward to building a greater future with your son's help.
>
> I hope we will be seeing you during the course of the school year. In the meantime, my warmest regards.
>
> A. WILLIAM OLSEN, Jr.,
> *Headmaster.*

PRESIDENT NIXON'S DRAFT REFORM BILL

Mr. MURPHY. Mr. President, I urge the Senate to take action now on President Nixon's draft reform bill. I also wish to congratulate President Kingman Brewster of Yale University for calling a spade a spade. United Press International just reported a statement by President Brewster who accused my distinguished colleague, the majority whip, Senator EDWARD KENNEDY, of holding "hostage" President Nixon's draft reform measure. I want to read at this time the story as reported by UPI:

> Yale President Kingman Brewster accused Senator Edward M. Kennedy, D-Mass., today of holding "hostage" President Nixon's draft lottery bill and warned that young men are "not going to appreciate it" if the bill does not pass Congress this year.
>
> Kennedy, who has insisted on broader draft reform in place of simply authorizing a lottery, asked Brewster if he really meant it. Brewster said he certainly did.
>
> "This bright, cynical generation of students is not going to appreciate it if this opportunity for meaningful reform fell by the wayside because of a desire to do more than could realistically be done in this session of Congress," Brewster said.
>
> "In the name of common sense and equity, let us . . . give the President the authority to make the new system work. That means random selection, and that means Senate passage of the (lottery) bill which the House approved last week by a vote of 385 to 13 . . ."

Mr. Brewster is right in his concern over the delay in considering the draft reform which President Nixon on May 13 of this year proposed to the Congress. Mr. Brewster is president of a large university and, as such, is sitting on a tinderbox which could ignite at any moment. One of the smoldering issues among youth today is the uncertainty and inequity of the present draft law.

President Nixon's proposal is designed to make the draft system more equitable and to eliminate as far as possible the uncertainty that the young men of America face. He would do this by limiting the period in which the young man is most vulnerable to 1 year—his 19th—rather than the long 7 years to which he is exposed today.

Senator KENNEDY is preventing action on the draft reform because he favors broader reform and because he feels that the present bill does not go far enough. He has never made clear what he means by the words "broad enough." However, there is some background information that should be made known to the young men of America who in the words of President Brewster "are not going to appreciate it if this opportunity for meaningful reform falls by the wayside because of a desire to do more than could realistically be done in this session of Congress."

The Nation will recall that in 1967 the Congress enacted basically a simple extension of the Selective Service Act. That same year Senator KENNEDY chaired the Senate Labor and Public Welfare Subcommittee on Employment, Manpower, and Poverty which held extensive hearings on the manpower implications of the draft. These hearings which explored fully the issue of draft reform were held in March and April of 1967 and the printed hearings ran 305 pages. In May the Senate considered the draft extension bill. This was more than a month after the Kennedy subcommittee had completed its hearings on the draft. During the Senate floor debate, seven amendments were offered to the bill on subjects ranging from the volunteer army to providing young men with counsel before local draft boards. Although his committee had completed its hearings a full month earlier, Senator KENNEDY did not offer a single amendment. I ask unanimous consent that the list of amendments that were offered that day and their authors be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> AMENDMENTS TO THE SELECTIVE SERVICE ACT
>
> May 11, 1967: Hatfield-Gruening amendment to provide a declaration of congressional policy to end the draft in favor of a voluntary military manpower system whenever a reassessment by Congress revealed this could be done at a cost the Nation could reasonably afford.
>
> May 11, 1967: Hatfield amendment to provide for extension to July 1, 1969 of existing law regarding selective service.
>
> May 11, 1967: Gruening amendment to provide that no one drafted into the Armed Forces be required to perform service in Southeast Asia unless he volunteered for such duty.
>
> May 11, 1967: Young amendment to reduce the length of service for draftees from two years to 18 months.
>
> May 11, 1967: Morse amendment to require national criteria for the classification of persons subject to induction.
>
> May 11, 1967: Morse modified amendment to provide for deferment from induction of any individual who has been accepted for Peace Corps or VISTA service.
>
> May 11, 1967: Morse amendment to provide those subject to the draft the opportunity to be represented by counsel before their local boards.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered.

NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 27, 1967, p. 31617, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KENNEDY. Mr. President, on October 23, 1969, the managers on the part of the Senate and the managers on the part of the House met in conference on the disagreeing votes of the two Houses on the amendment of the House to S. 1857, a bill to authorize appropriations for activities of the National Science Foundation and for other purposes.

The Senate bill had provided for authorization of $487,150,000, plus $3,000,000 to be made available in excess foreign currencies. An additional $10,000,000 has been independently authorized for SNSF's administration of the national sea grant program. The amendment of the House authorized appropriations of $474,305,000, plus $3,000,000 in excess foreign currencies. This represented a decrease from the Senate bill of $12,845,000.

As a result of the conference, the Senate and House conferees agreed to an authorization of appropriations in the amount of $477,605,000 plus $3,000,000 in excess foreign currencies. The bill recommended in the conference report, thus, provides NSF with an authorization of $480,605,000. With the $10,000,000 authorized independently for the national sea grant program, NSF's total authorization for fiscal year 1970 would be $490,605,000, upon enactment of S. 1857. The House approved the conference report on October 30.

As chairman of the Senate conferees, I recommend passage of the report. I should remind the Senate that NSF's total authorization of $490,605,000 for fiscal year 1970 will still be less than the $495,000,000 appropriation which NSF received in fiscal year 1968. This puts the foundation in a considerably worse position than it was 2 years ago, because of the following factors: first, the trend toward more sophisticated and expensive instrumentation; second, overall inflation; third, recently assumed responsibility by NSF for specific research activities formerly supported by other agencies—primarily the Department of Defense—totaling $19 million in fiscal year 1970; and fourth, increasing growth in the Nation's needs for research and education. The total number of doctorate degrees awarded by U.S. universities in 1970, for example, will be 25 percent higher than the number awarded in 1968.

We must, I think, appropriate this full amount authorized, to keep the engines of our scientific and technological enterprise as fully fueled as we can, consistent with our budgetary constraints. I intend to work towards this end, and will do what I can to see that the NSF is fully funded.

But even with the authorization recommended in this bill, the Foundation will be hard pressed to keep pace with the mounting pressures of urgent national demands for research and education in science and engineering. It is clearly in the national interest that NSF does manage, at the very minimum, to keep pace with those demands. The importance of this objective can be more fully seen when the matter is placed in historical perspective.

Before the mid-19th century, national strength was primarily based on a country's commercial capabilities, bolstered by supporting naval and military power. From the mid-19th to the mid-20th centuries, the underlying sources of national strength shifted from commercial capabilities to industrial power. During the Second World War, for example, the United States and its allies overwhelmed their adversaries by marshalling industrial might, despite America's unprepared state at the start of the war.

In the decades since the end of the Second World War, the sources of national strength have substantially shifted again—from the base of industrial power to one of scientific and technological expertise. This striking change can be seen most clearly in our defense programs, which have shifted from the mass production of planes, ships, and tanks to the research, development, and engineering of highly specialized, esoteric defense systems. The same sort of transformation has taken place in the economy at large, as new technological products like the transistor or the computer created whole new science-based industries, while the traditional methods of producing goods increasingly yield to the inroads of automation.

Thus science and technology have come to constitute the cornerstone of national strength to such an extent that progress in these fields now serves as a major mark and measure of international prestige. The space program is a good example. The unfortunate fact that science and technology have not been sufficiently directed toward the pressing social and human problems of the Nation, I should point out, does not in any way limit the potential contributions these fields can make toward resolution of our problems. Indeed, one of our major needs today is to reorder national priorities to assure the fullest and most effective application of our scientific and technical knowledge to social and human problems.

Along with the increasingly crucial role of science in sustaining national strength, it has become necessary for us to place primary reliance on American-developed scientists and the American-developed scientific enterprise, notwithstanding the international character of scientific knowledge. During the Second World War, on the other hand, we were able to draw on decades of European progress in fundamental scientific knowledge. We were even fortunate enough to have the services of many of the leading European scientists, who had fled to America as refugees from tyranny. But in the world of today and tomorrow, we no longer have available this capital surplus of scientific knowledge and professional manpower.

America's future strength and success in coping with our unmet needs and social problems must derive from our own scientific enterprise and expertise. The National Science Foundation is the agency of the Federal Government charged with the responsibility of maintaining the health of that scientific enterprise in research and education. Thus NSF's programs are, in a very real sense, every bit as important to the national security as those of the Defense Department, and every bit as essential to the resolution of our social problems as the programs of HEW.

The compromise amount agreed to by the conferees was arrived at after careful consideration of the specific items in dispute. In summary, these items were:

First, a sum of $2 million to permit the construction of an oceanographic research vessel was restored, as originally requested by the National Science Foundation. This item had been deferred by the House on the basis of long-range scheduling and pending completion of further study. Evidence adduced by the Senate convinced the conferees that conditions do not now warrant delay of the ship construction.

Second, a sum of $300,000 to permit the acquisition of a small research aircraft by the National Center for Atmospheric Research at Boulder, Colo., was restored as originally requested by the National Science Foundation. This plane is to replace a similar aircraft lost in an accident over Lake Superior in 1968. House conferees concurred that it would be more economical to purchase the aircraft than to continue to lease and equip a privately owned one.

Third, a sum of $1 million, part of a $3 million bloc of unobligated appropriations carryover from fiscal year 1969 which the House had deleted, was restored by the conference. House conferees concurred in the view that authorization of this amount would provide the National Science Foundation with at least minimal leeway in program planning for fiscal year 1970, particularly in view of the requests being made on the Foundation by other Government agencies for research assistance.

Fourth, the bill as passed by the House eliminated, again on the basis of deferral, $3,300,000 for the resurfacing of the Arecibo radio telescope. The reason for the deferral was largely a matter of priorities. The House felt that, since the telescope could operate usefully using the present surface, these funds were needed to a greater extent elsewhere. The reason for the deferral did not indicate any disagreement on the part of the House over the desirability of resurfacing.

This matter was the subject of considerable discussion by the committee of conference. The conferees agreed to make it clear that while they accepted the House position, they were strongly in support of the continued activity of the Arecibo facility as planned and of its upgrading. It was emphasized that the proposals of the Foundation in regard to the Arecibo facility should be considered sympathetically in the future.

There was one other major issue in the conference in addition to the amount of the authorization. The House added a "student unrest" provision to the bill, which imposed restraints on students or employees of academic institutions for certain violations of law or institutional regulations. The Senate conferees, while questioning the advisability of such a provision, proposed substituting with appropriate technical changes the eligibility-for-the-student-assistance clause of the Higher Education Amendments of 1968 (Public Law 90–575, sec. 504). The House conferees agreed to this substitution, which would promote uniformity of treatment because it is already in the law with respect to five major Federal programs of higher education.

In conclusion, let me state that I hope the Senate will reflect on the extreme importance of NSF's programs to the Nation's future. I strongly urge enactment of this bill, which, while it will provide the Foundation with a barely adequate level of funding for fiscal year 1970, will help us meet tomorrow's needs with today's actions.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SELECTIVE SERVICE REFORM

Mr. KENNEDY. Mr. President, over the period of the last several weeks and the last several months, I and a number of other Members of this body have considered the recommendations of the President of the United States for draft reform. I have been one of a number of Members of this body who felt it was of the greatest urgency and importance that this country and this body reconsider the Military Selective Service Act, passed in 1967, and, by legislative mandate, eliminate many of the provisions of that act which continue to perpetrate inequity, unfairness, and discrimination in the selection of young people to serve in the Armed Forces of our country.

I have expressed my views on a number of different occasions on the proposal that was recommended by our distinguished President in May of last year, and commended him for courage in proposing a random selection system. This is a controversial item and a controversial recommendation.

I also urged that we should not halt reform with that proposal, but that we should take additional action to eliminate many of the other inequities, all of which can be eliminated by administrative action.

The President has stated on a number of different occasions that he was hopeful Congress would act on his proposal to remove the prohibition against a random selection system placed in the 1967 act, and do so expeditiously. He also gave us assurances that he would take whatever other administrative action would be necessary to make the draft laws fairer and more equitable.

Statements have been made to this body on a number of different times, and I can think most explicitly of one on September 29, when the distinguished chairman of the Armed Services Committee reiterated on the floor of the Senate his statement of August 14 that it would be reasonably possible next year for his committee to hold hearings on the broad subject of selective service.

It has been my position that this was really the way we should have a comprehensive review; that it should be in the Armed Services Committee; that we should permit the Armed Services Committee to have the kind of total review which was necessary; that there would be consideration, for example, of a volunteer army; that the Armed Services Committee would be able to take advantage of the President's all-volunteer army commission, which he has already appointed and which will file its report with the President in the latter part of this year. The Armed Services Committee would be able to give whatever deliberation and consideration it could to that proposal.

It would be able to consider alternative service, which has been proposed by some Members of this body. It could also consider the continuation of occupational deferment; the establishment of national guidelines; the protection which should be given to individuals in the way of guaranteeing them due process in terms of the respective draft boards and appeal boards; the position of the Presidential Appeals Board, to make it perhaps more independent of the Selective Service System itself—a whole host of different kinds of considerations.

I feel strongly it would be best if those adjustments were made by legislative action, but I realize full well that many of them, most of them, practically all of them, can be made by administrative action.

It certainly seems to me that an administration which was interested in that kind of reform of our selective service law could move expeditiously and achieve those reforms without further delay.

Mr. President, as we come closer to the end of the session, we have seen the action taken by the House of Representatives, to permit the President to introduce a random selection system, which I personally feel is the fairest and most equitable way for young people to be selected. Unfortunately, it will not affect the classification of young people, so we will be selecting, in a random way, with a selection process that still has many inadequacies. But nonetheless, it will permit a random selection system, and will provide a fairer and more equitable way, certainly, than that by which the young people are being selected at the present time.

It has always been my position that what is needed is comprehensive review—a comprehensive reconsideration of the whole system. So I shall, Mr. President, introduce early next week an amendment to the House-passed bill, which, in effect, would accelerate the termination date of the Selective Service Act from July 1, 1971, to January 1, 1971. That proposal was made this morning before a Senate subcommittee by a former member of the Marshall Commission, a person who has given great time, effort, and energy to draft reform, the distinguished president of Yale University, Mr. Kingman Brewster. The proposal is something that has been thought about for some period of time by those who have been interested in draft reform. President Brewster spelled it out, I think, in a very precise, concise, thoughtful and persuasive manner.

I hope in the period between now and the early part of next week to have the opportunity to write to my fellow Senators and at least set forth some of the views that Mr. Brewster and others have given on this question, as well as my own, and the reasons that I think this proposal may very well do both what the President would like to do and also what many of those who believe in a comprehensive review would wish to do.

I think if such an amendment were to be considered by the members of the Committee on Armed Services, by the Senate, and by the House committee, what the amendment would finally provide would be that the present Selective Service legislation expire on January 1, 1971. This would necessitate total and comprehensive consideration next year, and those of us who might have differing views in terms of the kind of draft system that should be adopted and incorporated would thus be assured, as I am sure all of us understand, the ability to express ourselves before the Committee on Armed Services and before this body as to our differing viewpoints. This would be so whether we favor a volunteer Army, a career service, or any of the whole host of different kinds of proposals advocated by a number of Members of this body.

Mr. President, with that amendment added to the House bill, I would certainly feel free to support the House measure, and to urge my colleagues to do so.

ADJOURNMENT TO 11 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned until Thursday, November 6, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 1969:

IN THE AIR FORCE

Jackie L. Slaughter, 313381334 FR, for reappointment to the active list of the Regular Air Force, in the grade of captain, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be major

Booth, Robert E., 055262765.
Tolman, Frederick G., 005300056.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be major (dental)

Wymer, William E., 283262200.

To be captain (dental)

Brandt, Robert L., 284346801.
Colburn, James F., 563588403.
Grezesinski, Leo J., 150245162.
Morley, Ronald B., 128289697.

To be first lieutenant (Judge Advocate)

Ramirez, Theodore L., 146328170.

The following distinguished graduates of the Air Force Officer Training School for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Andreski, Thaddeus J., 389443641.
Anthony, Michael P., 530307543.
Bank, Kendall C., 469509962.
Bazan, Nicholas G., 151344945.
Bellman, Donald H., Jr., 220420375

Blythe, Wayne T., 230585375.
Boomhouwer, Jacob, 072408367.
Bushey, Harry M., Jr., 525784869.
Cabaniss, Ronald E., 309480329.
Chandler, Frederick R., Jr., 455709637.
Collie, Allan L., 434643743.
Crudele, Michael, 070407754.
Donn, Jack J., 276443370.
Evanskaas, Jean M., 516487339.
Flint, James D., 233729339.
Gentry, Jay M., 567622275.
Gilligan, James P., 015322317.
Gilligan, Tony R., 269389744.
Goff, James G., 489486470.
Graybeal, Wayne T., 523561133.
Harley, James A., 110368139.
Haverkamp, William C., 089340286.
Heise, Jan A., 298346659.
Hill, Duane E., 500464134.
Holmberg, John L., 475504768.
Hutchinson, Marcus C., 381429586.
Jackson, Jay W., 248741653.
Joseph, Gilbert W., 067361376.
Knouff, Warren I., 093403745.
Lambert, Kerrick B., 539400445.
Leach, Kenneth W., 537388510.
Little, Donald R., 234684597.
Loughridge, Billy C., 446461412.
Lowell, Robert J., 247741546.
McDonald, Woodrow W., Jr., 243628421.
McKeever, William E., 263802272.
Miller, Nicholas P., 186367894.
Murray, Michael P., 277427863.
Murray, Robert L., Sr., 321328568.
Oppliger, Donald R., 486488614.
Patterson, Gail F., 034307338.
Pedersen, Jan N., Jr., 439685085.
Phipps, William R., Jr., 160300804.
Propeck, Timothy J., 566684094.
Ray, David L., 284366358.
Robertson, John R., 546628703.
Rogovy, Frederick D., 288400205.
Russell, Robert A., 529566585.
Schankel, Richard E., 561740004.
Schoon, Steven W., 477487228.
Seekamp, John F., 463704488.
Shaw, Brewster H., Jr., 342441182.
Sopato, Frank, 334322373.
Sternal, Guy J., 470506886.
Thrash, Charles M., 454704797.
Underwood, Dennis D., 508523444.
Vanderlinde, Robert H., 502486221.
Vankeuren, Gerald M., Jr., 559628047.
Waltman, John C., 165321524.
Walztoni, Dennis R., 483547636.
Whiteford, Frederick G., Jr., 563683692.

The following distinguished graduates of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Booth, Kevin E., 041342680.
Livingston, Farrand M., 274384318.
Nieset, James R., 436684843.
Norton, Thomas J., 041346326.
Prochazka, James V., 362447040.
Thompson, William C., Jr., 225543177.

The following distinguished graduates of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Beckmann, Joel W., 468443907.
Birdlebough, Michael W., 341341039.
Cook, James L., 039268055.
Couture, James E., 008302720.
Cowan, John D., 309407916.
Dixon, Byron H., 542469295.
Drennan, Jerry D., 345368876.
Flinn, William E., Jr., 294383433.
Harbour, Linn S., 527563066.
Harper, Robert W., 326364264.
Kirk, Stuart C., 520409057.
Lind, Christopher T., 330360684.
McElroy, Gerald P., 142349337.
Smith, Michael L., 455669690.
Tewhey, John D., 007409761.
Troxclair, Robert R., 439607390.
Vernon, Homer M., Jr., 225567332.

CONFIRMATIONS

Executive nominations confirmed by the Senate, November 5, 1969:

U.S. ATTORNEYS

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years.

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years.

U.S. MARSHALS

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years.

Robert D. Olson, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years.

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years.

Seibert W. Lockman, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years.

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1974.

HOUSE OF REPRESENTATIVES—*Wednesday, November 5, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that doeth the will of God abideth forever.—I John 2: 17.

Eternal Father of our spirits, grant that in the worship of this moment and in the work of this day we may bear witness to the fact that we are Thy children. In our relationship with each other may we be generous in our criticism, just in our judgments, lavish in our praise, and loyal to the best in all of us.

Give us insight into the needs of our generation, inspiration to do something about them, and the confident assurance that Thou art with us, sustaining us, and supporting us, as we endeavor to keep our Nation great in goodness and good in greatness.

Unite us with all who are striving to safeguard our heritage of liberty and to keep our country forever the land of the free, the home of the brave, and the place where dwells justice and peace and good will.

In the spirit of Christ we offer our morning prayer. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 4293) entitled "An act to provide for continuation of authority for regulation of exports," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. WILLIAMS of New Jersey, Mr. MONDALE, Mr. HUGHES, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE to be the conferees on the part of the Senate.

PROVIDING FOR CONSIDERATION OF MILITARY CONSTRUCTION APPROPRIATION BILL FOR 1970

Mr. SIKES. Mr. Speaker, I ask unanimous consent that it may be in order any day next week after Wednesday to consider the military construction appropriation bill for 1970.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR A BETTER NATIONAL SYSTEM OF INSPECTION OF EGGS AND EGG PRODUCTS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I am today joining with the gentleman from Texas (Mr. PURCELL) and the gentleman from Washington (Mr. FOLEY) in introducing a bill to provide for a better national system of inspection of eggs and egg products. The need for such an inspection system has increased rapidly in the last few years. More and more products eaten in the homes today contain egg products which were formerly processed outside of the home.

As late as a generation ago, most of the cakes, pies, and ice cream were made and baked in the home. The housewife cracked her own eggs and could control the handling of the egg all the time it was out of the shell, but today a large portion of the cakes and pies and other bakery goods used are produced commercially from products including dried eggs which were produced in a different plant. Eggs can be a major carrier of salmonellosis and I believe do contribute considerably to this important communicable disease. Even people in hospitals who are trying to recover from some other disease may be subjected to Salmonella infection because such institutions purchase so many food products containing dried eggs.

As a result of some private investigations and other information now available which showed a shocking disregard by a few processors of dried eggs, this bill is in my opinion greatly needed and one of the most important consumer bills that will be introduced in this Congress. It is a natural followup to the meat inspection and poultry inspection bills passed by the last Congress and I hope that it will receive favorable and speedy consideration.

THE LATE HONORABLE FRANK G. CLEMENT

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Tennessee. Mr. Speaker, it is with deep sorrow that I report to the House the untimely death of a distinguished constituent and Tennessean, the Honorable Frank G. Clement. Former Governor Clement, who fought long and hard for improved highway safety, was killed in a tragic automobile accident last night near his home outside Nashville.

Governor Clement served three terms as chief executive of our State, and was, when first elected at age 32, the Nation's youngest Governor. His entire life has been devoted to public service—in the U.S. Army, the FBI, as general counsel of the Tennessee Public Utilities Commission, and then as Governor.

Tennessee has lost a most distinguished and able son; the Nation has lost an avid servant and patriot.

I know that his many friends here in the House join me in expressing deepest sympathy to Mrs. Clement, to his three sons, Robert, Frank, Jr., and James, to his parents, and all the members of his family.

Mr. Speaker, my distinguished colleague, the gentleman from Tennessee (Mr. FULTON), has obtained a special order at the close of legislative business today for those who wish to join in paying tribute to the memory of Governor Clement.

PENTAGON FIRES EXPERT ON C-5 COSTS

(Mr. TUNNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, I saw in the Washington Post today that Ernest Fitzgerald has been fired by the Department of Defense, apparently because as an Air Force efficiency expert he testified before the Senate Joint Economic Subcommittee last year and indicated that there was going to be an overrun of approximately $2 billion on the C-5A aircraft. Shortly after he testified, he was relieved of his responsibilities and was put in charge doing such a tremendously important job as looking into the bowling alleys in Thailand to determine whether or not they were complying with cost efficiency policies.

Mr. Speaker, I cannot believe why the Secretary of Defense, a man who while he was in the Congress indicated that he was very much concerned about the importance of having cost reductions in defense expenditures, would allow Ernest Fitzgerald to be fired. The reasons for the firing were expressed to Fitzgerald by his boss, Assistant Air Force Secretary Spencer J. Schedler. According to the Post report Schedler said:

> We have the cost reduction exercise going, and in order to do our work with a smaller number of people, we are abolishing your job and one other, a secretary's.

It seems to me to be a rather ridiculous situation. Why should a man who testifies to the Congress that we are having incredible cost overruns, be the first fired in a cost-reduction program? If a man employed by the executive branch cannot in honesty testify to Congress any more on cost overruns without losing his job, what sort of oversight power does the Congress have?

It makes a mockery out of the proposition that powers of Government are balanced between the executive and Congress. The new creed apparently is that Congress is entitled to the facts only so long as these facts correspond with what department and agency chiefs believe Congress is entitled to know.

HOBSON, SELF-CONFESSED MARXIST, IS DEFEATED BY THE VOTERS

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute.)

Mr. WAGGONNER. Mr. Speaker, the gentleman who just preceded me in the well, the gentleman from California (Mr. TUNNEY), spoke of having found interesting news items in this morning's newspaper. I, too, read the Washington Post and found some interesting news items myself.

Mr. Speaker, yesterday's elections were a mixed bag, as they say, with some considered good men being elected and some of the judged bad being elected. There was one piece of news that should be encouraging to every American, however, and that is that the self-confessed Marxist, Julius Hobson, was defeated in his attempt to be reelected to the School Board here in Washington. It could not have happened to a more deserving radical.

PUNITIVE REGIONAL RULINGS BY THE SUPREME COURT

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, I was utterly shocked at the latest U.S. Supreme Court ruling ordering immediate desegregation of schools.

This is a matter of the Supreme Court integration timetable, as usual, taking precedence over the education and welfare of our students of all races.

Actually, it should come as no surprise to anyone, since it is in the tradition of the punitive regional rulings practiced by the Supreme Court for the past 20 years.

A CHALLENGE FOR THE AMERICAN PUBLIC

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, a leader in the other body said last week that President Nixon's November 3 speech to the American people on Vietnam would be the most important of his career. That may or may not be so. Surely it was one of the most important. Judging from the elections yesterday, the American people felt that the President was more than equal to the occasion.

The challenge he faced was a tough one. "What will you do to end the war?" was the question which the public was asking. In his address the President spelled out both what he has done and what he will do to bring an end to the fighting. He gave the people the full and candid answer, appealing to their sense of history and to their commonsense.

But President Nixon also did something else in that speech. He turned the tables on the American public. He answered the people's question and then posed, for them, a new one: "What will you do to help end the conflict?" For the speed with which the war will be ended clearly depends on the progress of negotiations, and negotiations, as the President so compellingly demonstrated, depend in large measure on the solidarity of American opinion. The President concluded:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

It was a blunt statement—simple and clear and accurate. "Let us be united for peace," he added.

It was said that President Nixon's speech would be the most important of his career. Well, he faced that test and did not prove wanting. In answering over the next few weeks the challenge which the President put to them, the American people themselves are facing what may be their most important moment.

ELECTION TRENDS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, we have all heard considerable comment recently about special election trends, so perhaps I may be permitted to do some vote analysis of my own today, on the first anniversary of President Nixon's victory in 1968.

It seems plain to me that the great silent majority of Americans who went to the polls yesterday continued and intensified the Republican tide which began to flow in the congressional elections of 1966 and will inevitably lead, I am confident, to further gains in the 92d Congress and in other State and local elections next year.

While a spot poll shown me at the White House this morning showed that 77 percent of the American people rallied behind President Nixon on his Vietnam policy of peace with honor, it is hard to say what effect, if any, this had on yesterday's balloting. What is obvious is that the impressive Republican victories rolled up were not restricted to any local district or to one region of the country. As David Broder, a foremost political observer, observed in this morning's Washington Post:

> Republican candidates have won important victories in two important states, one the most urbanized state of the populous Northeast and the other a former Democratic bastion in the South. Local GOP candidates ran well in Philadelphia, Newark and a number of other major cities.

Republicans will now hold 32 of the 50 State governorships, and I want to congratulate our colleague, Bill Cahill, on his impressive victory in New Jersey. The contest for a vacant Democratic seat in the House is still a cliff hanger. I also congratulate Lin Holton, and the other successful Republicans in Virginia, for their fine showing. It was a great day of victory for the Nixon administration and the Republican Party.

SILENT MAJORITY OPINION INDICATED BY ELECTION RESULTS

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, the result of the elections yesterday I feel is the first concrete evidence we have of the silent majority opinion in this country as regards the President's position on Vietnam.

The night before these elections the President went on television and spoke to the American people and told the story as it was. He did not embellish it. He did not make it sound better than it was nor worse than it was.

I found it interesting last night, as I was watching one of the local television channels here, to notice that the congressional opponents to the President's position in Vietnam were given five separate interviews to give their positions. Following that, there were three Members supporting the President's position, and following that there were two separated dissident groups who were going to demonstrate against our policies in Vietnam. In other words, 7-to-3 against the President was the box score of time that was allotted by this public media on this one television station last night.

It is because the news media of this country and their policy of censorship by virtue of their ability to allot public viewing time that there is confusion as to how the Americans feel about Vietnam. Some of that confusion was cleared up in the elections in Virginia and in New Jersey yesterday. The vast silent majority spoke by the votes they cast and they support the President's policy.

THE POLITICAL SIGNIFICANCE OF YESTERDAY'S ELECTION

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to rise to comment further on what the minority leader just discussed, the political significance of yesterday's elections.

First, all of us on both sides of the aisle can take pride in the overwhelming victory which our colleague, Bill Cahill, won in New Jersey. It is a real tribute to him. He has been an able legislator here and a popular individual. It is quite obvious that his political appeal, which transcends party lines, was reflected in the victory which he won in our State yesterday.

Perhaps we should not have been surprised that it was a landslide victory, because he is a man of experience and character, but I believe the solidity of the vote is a tribute both to the man and to the policies which he will carry out.

Unquestionably, in my own opinion, the visit of President Nixon to our State the week before the election played a role in the decisive nature of the victory of the gentleman from New Jersey (Mr. Cahill). The President recognizes the value of an effective relationship between Washington and the State houses. He recognizes also the leadership qualities of our friend, Congressman Cahill. For that reason he came up to my hometown of Morristown and also to Hackensack and urged his election.

In my opinion this is a day we can all take pride in. In New Jersey we have every reason to rejoice in Bill Cahill's tremendous victory which represents the dawning of more effective government in one of the great industrial States of our Union.

VICTORIES BY GRADUATES OF THE MINORITY OF THE HOUSE JUDICIARY COMMITTEE

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I, too, am happy, as are my colleagues who talked about the remarkable victory of John Lindsay for mayor of the great city of New York, and of Bill Cahill for Governor of the great State of New Jersey. You know, they both are graduates of the House Judiciary Committee as are Senator Hugh Scott, former Senator Kenneth Keating, Gov. Arch Moore, Circuit Court of Appeals Judge George McKennon, U.S. District Court Judge James Battin, and William Miller, 1964 Republican nominee for Vice President.

PRESIDENT NIXON'S PART IN THE REPUBLICAN VICTORIES YESTERDAY

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, it is with great pride that I take to the floor today to discuss the great victories the Republican Party won yesterday not only in the State of New Jersey but also in the State of Virginia.

I am derivative of Virginia stock, having originated somewhat from the small town of Williasmburg, Va., and having been transplanted in essence to New Jersey.

I was interested in what Mr. Holton had to say and what his adversary had to say.

I am also proud to say that for a number of years I have been quite close to Bill Cahill. In fact, he is the gentleman who interested me in coming to the Congress of the United States. His victory is much more sweet to me because it enhances, in my estimation, the remarks made by my colleagues on both sides of the House about the President of the United States, Richard Milhous Nixon.

Members may recall that on October 29, 1969, this year, a few days ago, I, along with other Republicans from this House accompanied the President to Hackensack, N.J., and Morristown, N.J. to stump for Bill Cahill. After the speech was in at all three places by the President some members of the press media, said in essence in many places, apparently hoping that Mr. Cahill and Mr. Holton would not win, that the President had squarely committed himself and his policy to the campaign. They said that if these men, Lin Holton and Bill Cahill did not win then of course his prestige—meaning the President—would be damaged.

I wish the press now would be a little bit more charitable in their remarks and today say, "Yes, today we acknowledge the fact that the tremendous victories won by Mr. Holton, the new Governor of Virginia, and by Bill Cahill of New Jersey, most certainly reflect the image of President Nixon and support his thoughts and everything he is standing for at the present time.

I would think that a statement of that nature would be charitable and that we should say, "Yes," the President is a good man and he committed himself to the American people wholeheartedly and honestly in an effort to create a peaceful attitude in the world. He fought cleanly, fairly, and squarely and did not castigate any party but simply said that he appealed to Democrats, Republicans, and independents on behalf of my good friends, Mr. Holton, and Mr. Cahill.

PRESIDENT NIXON WINS VOTE OF CONFIDENCE

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, President Nixon wins a vote of confidence of 77 percent of Americans on his Vietnam policies. Among those persons who listened to his Vietnam speech Monday night, only 6 percent expressed outright opposition to the President's program for ending the Vietnam war. Seventeen percent of our people are undecided.

In a test of the Nation's first reactions to the speech, a series of questions were put to a total of 501 adults, living in 286 localities, in a nationwide telephone survey conducted Monday evening immediately following the speech.

Approximately seven persons in 10 contacted heard the speech. Among this group, interviewers found a large percentage of Americans who were impressed and reassured by President Nixon's remarks. A minority expressed disappointment that the President did not come up with new ideas to end the war.

The predominant view at this point is that the President is pursuing the only course open to him. The idea of "Vietnamization" of the war has particular appeal to the public.

About half of the people interviewed—49 percent—think President Nixon's proposals are likely to bring about a settlement of the war. Twenty-five percent think they are not likely to do so, and another 26 percent are undecided.

Eight in every 10—77 percent—of those contacted expressed satisfaction with President Nixon's program for troop withdrawal, 13 percent expressed dissatisfaction, while another 10 percent are undecided.

By a 6 to 1 ratio, the persons contacted agree with President Nixon that moratoriums and public demonstrations are harmful to the attainment of peace in Vietnam but most also share the President's belief that people in this country have a right to make their voices heard.

THE PACE IS ALL IMPORTANT

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MacGREGOR. Mr. Speaker, in the light of the President's November 3 speech, it is clear that the question now is not whether America should disengage from the war in Vietnam, but rather how fast, how far, and on what terms.

It is tempting to say that if we are going to get out anyway, we ought to get out now. Indeed, some say precisely that.

But this ignores the whole reason for our being there. It turns its back on the consequences. It would throw away all that we have struggled for through 4 long, grueling years, just at the moment when for the first time our Government does have a careful, consistent, functioning plan to achieve peace with honor while withdrawing American forces.

In carrying out such a plan, the pace of withdrawals is all important. Withdrawing too slowly would risk sinking us back into the quagmire we were in before this year; but withdrawing too rapidly would undercut our allies in South Vietnam and jeopardize the chance to achieve a lasting peace.

This administration, which reversed its predecessor's policies and set the withdrawal plan in motion, is not going to let America fall back into the old quagmire. Accepting that fact, we should also accept the fact that only those in full possession of the information on which the pace of withdrawals has to be based are in a position to set the precise timetable.

Therefore, let us give the new administration a chance to make its plan work. Both constitutionally and as a matter of operational necessity, Mr. Nixon bears the responsibility for these decisions. He has demonstrated that he has a carefully conceived plan. The evidence shows that his plan is working. The troops are coming home. So let us not throw rocks in the path of progress. After all, it is the lives and safety of our troops, and it is the future of peace that is at stake.

THE ELECTIONS OF YESTERDAY

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, on a number of occasions, five to be specific, we have had special elections in this country. I have noticed that the day after the special elections we had a rather vocal group come in and advise this body and the Nation just why the elections went the way they did. In four instances they went Democrat, and on each occasion these advisers stated that it represented a repudiation of President Nixon's programs and policies.

I expected today to listen to that advice again, but we failed to hear it. Last Monday night President Nixon spoke about that great silent majority of this Nation. I was not real sure where that silent majority was. But today when we had no words of advice from these members as to why the elections went the way they did yesterday, I know where part of that silent majority is. It is the majority that is silent right here in this body.

MILITARY WEAPONS PROCUREMENT AND RESEARCH AND DEVELOPMENT AUTHORIZATION, 1970

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 4, 1996, page 10522.)

Mr. RIVERS. Mr. Speaker, this is what happened in the conference on S. 2546, the military weapons procurement and research and development bill.

The bill as presented to the Congress by the President totaled $21,963,660,000. The bill as it passed the House totaled $21,347,860,000. The bill as it passed the Senate totaled $200,001,586,000, including $12,700,000 for construction of facilities at Kwajalein.

The bill as agreed to in conference totals $20,723,202,000, including the facilities at Kwajalein.

The agreement arrived at by the conferees is $624,658,000 less than the bill as it passed the House, $721,616,000 more than the bill as it passed the Senate, and $1.25 billion less than the bill as it was presented to the Congress by the President.

PROCUREMENT

AIRCRAFT

Major items in disagreement in the procurement section of the bill included $86 million for 170 AH–1G Cobra helicopters, on which the Senate receded. A second aircraft in dispute was the A–7E, for which $104 million had been requested by the Navy. On this one, also, the Senate receded. The House will recall the switch made by the Senate involving $374.7 million for A–7D and F–4E aircraft for the Air Force. Under the Senate provision, the Air Force would have received no A–7D close air support aircraft but would have been forced to rely on the F–4E to perform a multiple role, including close air support. Both the Department of the Air Force and the Department of Defense appealed to the House and Senate to restore the funds requested in the budget for the A–7D aircraft. The Senate receded on this issue, also.

Three other Air Force aircraft procurement programs were in dispute in the conference. The House receded on these issues, which included the following: $23 million for A–37B aircraft and spares, $21.5 million for the T–X trainer aircraft, and $40 million for B–52/SRAM modifications.

The Senate bill included a proviso earmarking funds for the F–4 aircraft and denying all funds for the A–7 aircraft requested by the Air Force. The Senate receded on this proviso.

MISSILES

Under the missile procurement section of the authorization bill, the House had deleted $142 million for the TOW antitank missile. This action would have terminated the TOW procurement program. The conferees agreed to restore $100 million of the amount, with an agreement that both the TOW and the Shillelagh would be reevaluated for use as an antitank weapon in both the air and ground modes. The House conferees were of the opinion that the two antitank missiles are similar in performance characteristics and, therefore, reflect unnecessary duplication in our weapons inventory. The House conferees receded from their position eliminating the TOW missile with the greatest reluctance and wish to make it abundantly clear that the House Committee on Armed Services will continue to review the development of this missile with the utmost scrutiny.

The Senate deleted $20.4 million for procurement of the short-range attack missile—SCRAM. The conferees agreed to the restoration of this amount with the insistance that prior to the commitment of any production funds the Air Force should make certain that the development problems on this missile have been satisfactorily resolved.

NAVAL VESSELS

The Senate provided for a shipbuilding program of $52,568,200,000. The House provided for a shipbuilding program of $3,591,500,000.

In recognition of the Navy's dire need to obtain new naval vessels with modern equipment as quickly as possible, the conferees agreed upon a shipbuilding program of $2,973,300,000. This final figure is $608,300,000 less than the amount in the House and $415,000,000 more than the Senate bill.

The shipbuilding program of the Senate was accepted as a base to which was added $415,000,000 for the program containing the Navy's nine highest priority items in the House bill, except for the long leadtime items for the CVAN–70.

The remaining eight approved high priority items are discussed in the statement of the managers on the part of the House.

The House bill also contained a provision requiring the construction of the new type destroyers of the class DD–963 to be built in at least three shipyards. Because of the advanced state of the contracting procedures for this class of destroyers, the conferees agreed to remove this requirement on this class of destroyer at this time. However, the conferees strongly point out the necessity of developing and maintaining the shipbuilding capability for all kinds of combatant and support ships on the east coast, the west coast, and the gulf coast.

TRACKED COMBAT VEHICLES

The House version of this section of the bill was $81.7 million below that of the Senate due to reductions made totaling $52.5 million on the General Sheridan vehicle, a reduction of $25.4 million for the main battle tank, and $3.8 million for the M–60A12E2 tank. In conference, the House agreed to restore $9 million of the amount cut from the General Sheridan program, which would allow the Army to exercise an option under an existing contract to procure an additional quantity of approximately 100 vehicles at the previous price. The conferees also agreed to include $20 million for the main battle tank, which would enable the Army to initiate production if the results of the current evaluation and review by the Department of Defense are favorable. This decision is scheduled to be made in December of this year.

The House receded from its reduction on the M–60 tank to enable the Army to complete its modification program.

In summary, the procurement portion of the bill is $512 million less than the bill as it passed the House and is $326.8 million less than the amount requested by the administration.

RESEARCH AND DEVELOPMENT

In research and development, the conferees agreed on a total of $7,308,742,000, including $12,700,000 for construction of facilities at Kwajalein. The House Members will recall that the Kwajalein facilities were previously approved in our military construction authorization bill.

The amount agreed on is $913,658,000 less than that requested by the Nixon administration and is $112,658,000 less than that previously approved by the House.

The conference agreement reflects a reduction in the defense research and development budget of approximately 11 percent with one exception, the emergency fund, which was reduced 21 percent.

Some of the specific adjustments made in the conference were as follows:

The House receded on $8 million for the heavy lift helicopter, $14.9 million for the main battle tank, $25 million for the S–3A aircraft, $10 million for the undersea long-range missile system, $22.8 million for the advanced surface missile system, $24 million for the free world fighter aircraft, $13 million for the RF–111 aircraft, $1 million for the light intratheater transport aircraft, $16 million for the CONUS air defense interceptor, and $9.7 million for the SRAM.

The aforementioned items reflect reductions in the amount authorized.

On programs reflecting an increase in the R. & D. budget, the House conferees receded on the A–X aircraft, $8 million, and the Kwajalein facilities, $12.7 million.

TITLE III—RESERVE FORCES

Title III of the bill sets the authorized strength for the Reserve components for fiscal year 1970.

Only minor differences existed in this section. The Senate accepted the troop strength figures in the House version and the extension of reporting date for Reserve components, and the House receded on the provision relating to equipment of Reserve components.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, if the gentleman wishes, I will be glad to withhold any questions until later.

Mr. RIVERS. Mr. Speaker, I think unless the gentleman has a question on the general provisions, it might be well to let us go along and we may answer some of his questions as we proceed.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, on the three shipyard requirement, I was not quite clear. That concerns my district. I was quite concerned that the shipbuilding be spread around and not be located at one base. What assurance do we have, if we accept this, as to how that will be spread around?

Mr. RIVERS. We have the assurance it will be national, spread over the country to include the gulf, the East, and the West. That is the reason we put in the requirement for more than two shipyards, but they have gone so far in contracts that we let them do it this year on the DD–963 class destroyers. We will watch it closely to be sure the entire industry participates in the shipbuilding of any category, whether it be destroyers or not.

Mr. ANDERSON of California. Why could that not have remained in? Why could it not have applied to any subsequent construction rather than have it knocked out?

Mr. RIVERS. We think it will be applied. We have several million, in addition to what has been settled by the DOD. I think it will be done that way.

Mr. Speaker, I yield now to the gentleman from Illinois (Mr. ARENDS) such time as he may consume.

Mr. ARENDS. Mr. Speaker, the House, I am sure, recalls the discusion on the $52 million requested for long leadtime items for the C–5A aircraft and the funds included in the House version of the procurement authorization for a new free world fighter. In a letter from the Secretary of Defense dated October 6, 1969, the Secretary stated:

> The Department's position concerning C–5A aircraft in the FY 71 program will be determined during this fall's review of the FY 71 program and budget requirements. In order to preserve the option for an affirmative decision, it is requested that $52 milion be added to the House bill.

This information differed from that earlier received by the committee during its markup of the bill. In addition, the Secretary of Defense submitted a letter strongly endorsing the concept of a free world fighter and requesting the Senate to approve the language and funds contained in the House bill. The conferees agreed to support both of these programs within the total amount authorized for Air Force aircraft procurement in the Senate version of the bill, which was $36.5 million less than the amount contained in the House version. In the case of the free world fighter, the conferees agreed that of the total amount authorized for aircraft procurement, an amount not to exceed $28 million shall be available to initiate the procurement of a fighter aircraft to meet the needs of the free world forces in Southeast Asia and to accelerate the withdrawal of U.S. forces from South Vietnam and Thailand.

The conferees further agreed that the Air Force, prior to the obligation of any funds for this program, should conduct a competition for the aircraft which should be selected on the basis of the threat as evaluated and determined by the Secretary of Defense.

GENERAL PROVISIONS

The House and Senate versions of the bill contain a number of general provisions relating to the activities of the Department of Defense and there were substantial differences that had to be ironed out in conference.

I would like to briefly summarize our actions on these various provisions.

SOUTHEAST ASIA SUPPORT

The House bill, as in past years, contained language authorizing the use of funds in the legislation for support of South Vietnam and other free world forces in South Vietnam and for related purposes. The Senate version of the bill contained a limitation on expenditure of such funds of $2.5 billion, and also contained restrictive language limiting use of funds to support forces in Laos and Thailand to provide supplies, materiel, equipment, facilities, and training.

The conferees agreed upon a compromise version of the provision which contained the limitation of $2.5 billion but eliminated any other restrictive language.

NUCLEAR CARRIER STUDY

The Senate bill contained a provision prohibiting the authorization of funds for a nuclear-powered aircraft carrier until such time as Congress had completed a comprehensive study and investigation of the costs and effectiveness of aircraft carriers, and a review of the considerations that went into the decision to maintain the present number of attack carriers.

The House conferees strenuously opposed this requirement. However, the Senate conferees were adamant in their position and insisted that the authorization of another carrier would endanger the bill on the Senate floor. The House conferees, therefore, receded with an amendment providing that the study of the need for carriers would be conducted jointly by the House and Senate Armed Services Committees. The study is to be completed prior to April 30, 1970.

INDEPENDENT RESEARCH AND DEVELOPMENT

The Senate bill contained language designed to force a 20-percent reduction in the contemplated expenditures for independent research and development, bid and proposal, and other technical effort costs. These are the funds that defense industries use to insure the advance capabilities of their technical efforts.

The conferees spent many, many hours debating the merits of any restriction on this form of defense expenditure. The gentleman from California (Mr. GUBSER) was particularly persuasive in urging the conferees to avoid precipitous action in this area.

The conferences agreed upon revised language providing that funds authorized for independent research and development, bid and proposal, and other technical effort, shall be limited to 93 percent of the funds contemplated to be used for this purpose in the defense procurement and research and development, test and evaluation program for fiscal year 1970.

I want to make it clear that the conferees of both Houses feel that our knowledge in this area is inadequate, and your committee intends to look fully into this matter of independent research and development in reviewing the defense program in the coming year. At that time we will determine whether any further legislative restriction is required. I want it very clearly understood that the language of this year's bill applies only to fiscal 1970 funds and is not to be considered as a precedent for future legislation.

ASSISTANT SECRETARY FOR HEALTH AFFAIRS

The conference report retains the provision in the House version of the bill which provides an Assistant Secretary for Health Affairs for the Department of Defense. It was only after the most strenuous urging of the House conferees that the Senate agreed to this section. The language of the conference report provides for an additional Assistant Secretary of Defense who shall be designated as the Assistant Secretary for Health Affairs.

EXPANDING AUTHORIZATION REQUIREMENT

The House bill contained a provision extending the requirment for authorization prior to appropriation to all vehicles, other weapons in addition to those now required by legislation, and all ammunition.

The House has drafted this additional requirement, which represents a considerable additional workload for the committee, in response for what it felt was the wishes of the House for closer oversight of the procurement functions of the Department of Defense. The Senate conferees pointed out the extended time period required to pass the bill in its present form this year and the considerable additional work that would be required as a result of the House amendment. The conferees therefore agreed upon a substitute provision extending the authorization requirement only to "other weapons." As used in this context, the term "other weapons" includes heavy, medium, and light artillery, antiaircraft artillery, rifles, machineguns, mortars, small arms or weapons, and any crew-fired piece using fixed ammunition.

TROOP STRENGTH CEILING

The House version of the bill provided a ceiling of 3,285,000 on the active duty personnel strength of the Armed Forces after July 1, 1970. The corresponding provision of the Senate bill set a strength limit of 3,461,000 and would have required a corresponding reduction in this total whenever the active duty strength in Vietnam was reduced.

The Senate receded and accepted the House figure.

SALARY LIMITATION FOR EMPLOYEES OF FEDERAL CONTRACT RESEARCH CENTERS

Both the House and Senate versions of the legislation provided a limit of $45,000 per year on the salaries paid to employees of Federal contract research centers.

The House version was limited to salaries paid with Department of Defense funds; the Senate version included salaries paid from any funds. The Senate conferees receded with an amendment limiting the restriction to salaries paid from any Federal funds.

The House version provided that exceptions to this ceiling must be approved by the Secretary of Defense under regulations prescribed by the President; the Senate version required that exceptions must be approved by the President.

The Senate receded.

STUDY OF DEFENSE CONTRACTOR PROFITS

The Senate bill authorized and directed the General Accounting Office to conduct a study of profits by Government contractors. The House amendment contained no similar language.

The House receded from its position with an amendment requiring the Comptroller General to conduct a study on a selective representative basis.

The amendment provides that none of the information obtained by this study shall be disclosed to any person not authorized by the Comptroller General to receive such information, without the consent of the contractor or subcontractor concerned.

I would also like to point out that the provision as finally agreed upon does not give subpena power to the General Accounting Office as would have been provided by the Senate bill. The House conferees felt very strongly that the Congress should retain this power and not provide it to the General Accounting Office on an unrestricted basis since the General Accounting Office is an arm of the legislative branch. Should contractors fail to cooperate with the General Accounting Office in this study, the Committees on Armed Services can provide subpenas as required to assure the access of needed information.

NOTIFICATION ON R. & D. CONTRACTS AT UNIVERSITIES

The House version of the bill contained a provision which required detailed reports from the Department of Defense on research and development contracts with colleges and universities. The information supplied would have included a statement summarizing a record of the college and university concerned in regard to cooperation on all military matters including ROTC and military recruiting on campus. The Senate bill contained no such provision and after extended discussion, the House conferees reluctantly receded in their position.

As spelled out fully in the statement of the managers on the part of the House, however, the House conferees strongly believe the American people are entitled to full information as to the manner in which the defense dollars are spent on R. & D. contracts for universities and on the identify of personnel who might be entrusted with classified security information. This matter will continue to get the most careful scrutiny by this committee and we have served notice to the Department of Defense that detailed information on this entire subject matter will be required when authorization of this kind of expenditure is considered in the future so that the committee can objectively assess the policy governing the award of R. & D. contracts.

TITLE V—GAO QUARTERLY REPORTS

The Senate bill contained a separate title, title V, which would have required quarterly audit reports by the General Accounting Office on major defense contracts. The House conferees strongly felt that this provision would have created an impossible burden and would not have supplied any information not now attainable under present law. The House conferees were able to maintain their position in a conference and the Senate conferees receded.

SUMMARY

I should point out that the conferees accepted the provision in the Senate bill authorizing $12.7 million for military construction of research and development facilities at Kwajalein, which construction was previously approved by the House in the military construction authorization bill, and this additional authorization is reflected in the Senate title of the bill which was accepted by the House conferees.

The bill as presented to the Congress by the President totaled $21,963,660,000. The bill as passed by the Senate totaled $20,001,586,000. The House version of the bill totaled $21,347,860,000.

The bill as agreed to in conference totaled $20,723,202,000.

The final conference figure is $624,658,000 less than the bill as it passed the House, $721,616,000 more than the bill as it passed the Senate.

The final conference figure is $1.25 billion less than the bill presented by the President.

Mr. GROSS. Mr. Speaker, would the distinguished chairman of the Armed Services Committee yield to me for one or two questions?

Mr. RIVERS. Mr. Speaker, I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, in view of the terribly costly, multibillion-dollar fiasco of the TFX, later to be known as the F–111, is there any money in this bill now as a result of the conference for a continuation of this fiasco?

Mr. RIVERS. Only in one configuration. There is about $2 million in this bill for the reconnaissance version of the 111, known as the RF–111, which would amount to about $2 million-plus. The conferees agreed to that.

Mr. GROSS. Is the gentleman saying this is to be the last money for this particular plane?

Mr. RIVERS. Unless this money develops something that we do not know about. We are hopeful that with the expenditure of this money we will get more out of this plane than it looks like we will get.

Mr. GROSS. Unless there is some beneficial effect from the expenditure of this last $2 million, I would hope that the committee next year would provide no money at all for the continuation of what has been one of the most costly aircraft failures in the history of this country. I believe the gentleman will agree with that statement.

Now, one other question with respect to chemical and biological warfare. Does the gentleman feel that the conference in any way hampered the ability of this country in looking to the future with respect to chemical and biological warfare?

Mr. RIVERS. The gentleman from Massachusetts (Mr. Philbin) will handle that part of the bill, and he is going to make an address to the committee on that. He can answer your question.

I yield to the gentleman from Massachusetts.

Mr. PHILBIN. Mr. Speaker, procurement and research and development, test, and evaluation efforts in relation to the area of chemical and biological warfare would be severely restricted under the provision contained in the Senate bill. A provision in the House bill provided less restrictive language.

The House version of the bill contained a floor amendment which modified the restrictions contained in the Senate language.

We are all aware that this subject has received extended discussion in the public press. It also received extended discussion in the conference.

The Senate conferees were adamant that some restrictions had to be provided on C.B. & W. efforts. The House conferees agreed, and insisted that our deterrent capabilities be retained in this area.

Conferees from both Houses agreed that this area of our defense effort requires more detailed study by the Congress in the future.

The conferees agreed on an amended version of the language placing restrictions on the transportation, open-air testing, overseas handling and procurement of offensive delivery systems of lethal chemical agents and any biological agents and requiring semiannual reports on all funds obligated and expended in the entire chemical and biological program. The intent of this revised language is fully spelled out in the statement of the managers on the part of the House, and, therefore, I will not take the time of the House to go into it in detail here. I can assure the House that this area of our Defense Establishment will continue to receive the closest scrutiny.

Now I will be happy to answer the question of my able, distinguished friend from Iowa.

There is nothing in this bill that will in any sense be harmful or injurious to the present capabilities we have in this area. However, the bill does provide for certain safeguards, which I am sure the gentleman understands are needed in this area that have been so well demonstrated by recent events.

I want to assure the gentleman further that this committee intends to keep very careful scrutiny over this entire area of chemical warfare, and we will follow up very carefully what the provisions of this bill require, and what the conferees have agreed upon to be included in the bill.

Mr. GROSS. As a member of the subcommittee of the Committee on Foreign Affairs which held hearings on the transportation of these chemical and biological weapons, I commend the committee and the conference for having set up more stringent controls for transportation, but I do not yield to the sentiment in this country which apparently would outlaw or hamper the ability of the United States to wage chemical and biological warfare if it were attacked by another nation using these weapons. In other words, I simply do not want to see the program hampered insofar as the United States is concerned to the point where we do not have reliable weapons for retaliation in this area. No one in his right mind could want to see chemical or biological warfare but until all other world powers agree to the elimination of these weapons. This country must have them available.

Mr. PHILBIN. I can assure the gentleman from Iowa that that is not the case. We have been very careful in the consideration of this matter. I thank the gentleman for his interest and contribution.

Mr. GROSS. I thank the gentleman.

Mr. RIVERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. Boggs). Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 259]

Ashley
Barrett
Berry
Blackburn
Bolling
Brown, Calif.
Byrne, Pa.
Cahill
Carter
Celler
Clark
Conable
Coughlin
Daddario
Dawson
Derwinski
Diggs
Esch
Fascell
Flynt
Foley
Gallagher
Giaimo
Gray
Green, Pa.
Griffin
Halpern
Hathaway
Hébert
Howard
Jarman
Kirwan
Lowenstein
McClory
Mathias
Monagan
Moorhead
Morton
Mosher
Murphy, N.Y.
Passman
Pepper
Pirnie
Powell
Price, Tex.
Pucinski
Reifel
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Scheuer
Sisk
Smith, Calif.
Steiger, Ariz.
Stokes
Udall
Ullman
Utt
Whalley
Wolff
Wyatt

The SPEAKER pro tempore. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INCREASED AUTHORIZATION FOR FOOD STAMP PROGRAM, 1970

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 934) to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000.

The Clerk read as follows:

H.J. Res. 934

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(a) of the Food Stamp Act of 1964 is amended by striking "$340,000,000" and inserting "$610,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. POAGE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this resolution simply increases the authorization for the food stamp program as it now exists from $340 million in the present authorization and appropriation to $610 million, which is the amount which the Secretary of Agriculture has stated he could efficiently use during the current fiscal year.

This resolution does not change any other part of the basic act. Our Committee on Agriculture has held long hearings on such changes. I hope that it will be possible to bring out a comprehensive bill in regard to Food Stamps and other agriculture matters. If possible we will report such a bill before Christmas. This resolution does not involve the fundamental bill, but this resolution is needed now. The Department of Agriculture says it needs it. The Appropriations Committee is now meeting in conference with the Senate. They need action on this item.

There is general agreement on this resolution. It does not commit anyone to any aspect of the basic program, but it does provide the authority which is presently needed. It was reported by a vote of 25 to 4 by our committee. I think it should be passed without delay.

That is all there is to it, Mr. Speaker.

Mr. BELCHER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Speaker, there is one simple thing before us today—a resolution that will raise the authorized level of food stamp funding from the present $340 million to $610 million.

This resolution is not the administration's food stamp program. In this resolution are just the funds that are urgently needed by the Department of Agriculture so that they can move forward with the present ongoing food stamp program during the remainder of the fiscal year.

The administration has requested comprehensive amendments to improve and expand the present food stamp legislation. The Senate has already passed far-reaching legislation. The House Agriculture Committee has just completed hearings on various food stamp proposals.

But we cannot wait to provide more funds to deal with the problems of hunger and malnutrition. In his May 6 message to Congress, president Nixon stated:

> The moment is at hand to put an end to hunger in America itself . . . It is a moment to act with vigor; it is a moment to be recalled with pride.

Today, let us share this sense of urgency and act with vigor.

I am aware that there are many people who want to make substantive changes in the food stamp program. But, this is neither the time nor the place. The issue that faces us today is the urgent need for passage of this resolution.

In the Agriculture Committee we are working hard to get food stamp legislation ready. We are hopeful that a comprehensive food stamp bill can be reported soon. As the principal sponsor of the administration's proposal, I am working with all my ability to see that the Agriculture Committee understands the urgency of this legislation and acts accordingly.

The resolution before us is similar to one passed by the Senate earlier this year, except that the Senate authorized a total of $750 million. One-third of the fiscal year has already passed and the $610 million authorized by the present resolution will provide an efficient and effective food stamp program during the 8 months that remain. Moreover, the passage of this resolution is necessary to allow the conferees on the agriculture appropriations bill to reach agreement.

The $610 million authorization will allow the Department of Agriculture to expand the food stamp program into areas that desire to participate. Only 2 weeks ago, the Department designated 57 new areas for the food stamp program. These were small counties without any existing program.

However, the Department has requests from many other areas, such as New Yorw City, which presently has a commodity distribution program, that are anxious to begin a food stamp program. A $610 million funding level will allow the Department to designate waiting areas for food stamps now.

The Department will also be able to raise the food stamp allotments that are provided to poor families, so that they will be more nearly adequate for purchasing a nutritionally adequate diet. This can be done within the scope of the existing legislation. The only thing lacking is the funds to act.

The Department of Agriculture indicates that everything that can be done under present legislative authority can be done within a fiscal 1970 appropriation of $610 million. Expenditure of these funds in the last two-thirds of the current fiscal year will gear the food stamp program up to a billion dollar level for fiscal 1971.

The resolution before us is a matter of urgency. Hunger is both a basic and a pressing problem. We cannot delay acting. We must not fail to act.

Mr. FINDLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I shall be glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I would like to express my support for this resolution, and also to raise a question as to how far the funds provided by this resolution will go in meeting the unmet needs of the country.

I mention this because last spring as the result of a study of this matter I discovered to my dismay that more than 400 counties in the United States had neither a food stamp nor a commodity distribution program. This was a matter of local decision, local authorities had not asked to participate in either program. But at the same time I was informed that only about 50 counties were in the backlog of applicants for food stamp authorization.

Can the gentlewoman give me any assurance that the funds provided by this resolution will, by the end of the fiscal year, finance a program for all counties in the country?

The SPEAKER pro tempore. The time of the gentlewoman from Washington has expired.

Mr. BELCHER. Mr. Speaker, I yield 3 additional minutes to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, I thank the gentleman for the additional time.

Again may I repeat what the Secretary of Agriculture has told us: let us make the distinction here, we have 57 counties which USDA has just designated as new areas. There are also many other counties that have already expressed a desire to have the program. How many can come in within the 8 months left in this fiscal year depends on a number of other things, but we believe this money will fund those that are ready to move in the next 8 months.

The gentleman from Illinois raised the question of 400 counties not yet under direct distribution of food stamps. I think we will have to assume that a large preponderance of those may not have yet applied for food stamp programs—there may be local resistance. But we are not talking about funding all of those because that would be trying to figure needed funds for counties that have not even asked to go into the program as yet.

Mr. FINDLEY. If the gentlewoman will yield further, the Secretary of Agriculture did take note of the fact that there were a sizable number of counties that had no family food-aid program. If I recall correctly he indicated that by the end of the fiscal year he hoped that there would be no counties in the United States without a family food aid assistance program, and I just wondered if the gentlewoman could bring us up to date as to facts.

Mrs. MAY. I think the Secretary did say that earlier in the year. But he had hoped to get the funds much sooner than this, and I am sure he would have been able to reach them all if he had had more funds earlier this year. But I am talking of those designated and waiting on the list. They are waiting to be funded, and they are ready to go, there are no legislative obstacles. These counties should all be covered within the next few months, or as soon as the Department has the money.

The SPEAKER pro tempore. The time of the gentlewoman from Washington has again expired.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, this is a take-it-or-leave-it bill, inadequate for today's needs, limited to only 8 months' expenditures, called up under procedures prohibiting amendments or extended debate. But let us take it, and then make sure that hereafter this situation never occurs again on this issue.

We thought we had taken care of this problem here last year, when the House on July 30, 1968, overwhelmingly agreed to a substitute, cosponsored by 129 other Members, which I offered to the committee food stamp bill, and we agreed to a 4-year extension of the Food Stamp Act without any limitations whatsoever on the amounts which Congress could appropriate.

Unfortunately, that resounding victory over the Committee on Agriculture which we scored in the House on July 30, 1968, was snatched away from us in the House-Senate conference committee, where House conferees unsympathetic to our objectives and Senate conferees who apparently could not care what happened to the food stamp program joined in vetoing the House action. The result was the passage on September 25, 1968, of a food stamp bill for the 1969 and 1970 fiscal years only—with appropriations ceilings far below what were needed to meet the nutritional requirements of needy Americans. It was obvious that the 1969 and 1970 fiscal year limitations would permit no sizable expansion or improvement of the food stamp program.

THE NEEDS WERE JUST AS EVIDENT TO US LAST YEAR

So, why was the Senate so surprised this year to find the food stamp program was not feeding every hungry American a full diet? The very same Senators who served on the Committee on Agriculture last year and joined in killing the House-passed open-ended authorization provision have since become champions of the hungry—people who have stayed hungry for the past 16 months because of that action on the food stamp legislation in 1968.

I was not surprised by the actions of the House conferees in that conference. We all knew they opposed what we did here on July 30, 1968. But the crocodile tears shed in the other body this year over the plight of the poor in getting sufficient food cannot wash away the Senate's part in it.

The Senators knew we had to contend over here with a committee having legislative jurisdiction over a program in which it has little real interest and for which it has had no real sympathy. After our House victory, when we desperately needed help from committed Senators, we got none.

To forgive is divine, and I hope that every poor American man, woman or child who has gone without sufficient food these past 16 months, because of cruel limitations in effect on food stamp appropriations, can somehow feel it within his or her heart to forgive those responsible.

The same poverty and hunger which exist today existed in even worse form a year and a half ago. It took no televised investigation to convince the House in 1968 that a vast expansion in the food stamp program was essential.

AN 8-MONTH BILL ONLY

We can, of course ,say to the Senate, "better late than never," but actually, it is much, much later—and will get later still—before the situation can be saved. That is because we are not getting a chance in the House this year to repeat our victory of last year; we are being forced by the parliamentary situation, and by legislative realities, to take this skimpy, 8-month extension as the only device available to us to enable the House-Senate conferees on the agriculture appropriation bill to agree to a figure of more than $340 million for this current fiscal year, which began a long 4 months ago.

Well, there will be other years. But we must not again permit such defeat of the will of the House on a program the House pioneered, in 1959, and which it has strongly supported in every clear test thereafter.

When the conference bill came back to us last year, I said we would have to devise other mechanisms for protecting the food stamp program and not continue to provide annual life-or-death power over it to a committee which has been so openly hostile to it. But the administration changed; the new administration took months to decide whether it wanted to keep or kill the program—and I suspect it still is not sure on that—and there was no purpose to be served in trying to get for the administration authority it did not want and would not use. In the meantime, the Senate was denouncing the Food Stamp Act of 1964 as an incorrigible delinquent needing "reform."

BASIC PROBLEM IN FOOD STAMP PROGRAM IS RECURRING INADEQUACY OF FUNDS

I am not so smug a parent of the food stamp program to close my eyes to its deficiencies or shortcomings. But it is not the Food Stamp Act which is defective—it is one provision of the amended law dealing with ceilings on appropriations. If we can appropriate sufficient funds, the program can be expanded to additional areas and the administrative shortcomings in the program can be corrected—giving participants more stamps at less cost, so that they can, in fact, purchase an adequate diet at a price they can afford.

Secretary Orville Freeman asked for the chance to do that, and the Senate in 1968 turned him down when it vetoed our open-ended authorization. Secretary Clifford Hardin asks for an opportunity now to expand the program. This bill will give it to him for a period of exactly 8 months. And that is all.

Since we cannot amend this bill or replace it with a substitute bill, we must pass it today, and vow that for the 1971 and subsequent fiscal years we will make sure we are allowed to appropriate whatever amounts are necessary to assure every poor American an adequate diet, wherever he lives. To do less would be a travesty on our sense of humanity, for we grow food in this country in such abundance as to cost us billions of dollars a year just to keep it off the market.

I have no enthusiasm for this measure today, but, like a trip to the dentist, it is something you have to do. So I will vote for it.

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, I am glad to rise in support of House Joint Resolution 934 to increase the authorization from $340 million to $610 million.

In doing so, however, I want to make clear that I consider today's action simply an interim measure. It is absolutely essential that this House proceed as soon as possible to enact a comprehensive food stamp bill.

I might add, Mr. Speaker, that I also consider the $610 million figure less than adequate. As you know, the Senate has earlier authorized expenditures of $750 million.

But the important thing about today's resolution is not merely that it increases the authorization for food stamps, but that it enables us to display once again our good faith and determination to move decisively toward passage of comprehensive food stamp legislation.

Just a few weeks ago the other body overwhelmingly adopted the bill S. 2457 by a vote of 78 to 14—the most comprehensive legislation passed by either House in history. Its introduction and support was completely bipartisan.

Speaking of the Senate effort recently in his message to Congress, the President stated:

> The Senate has shown a willingness to join in this commitment and has acted with dispatch. I urge the House to move so as not to prolong any further the day when this ancient curse of malnutrition and hunger is eliminated in this most modern of nations.

Mr. Speaker, there can be no question that there is massive bipartisan support in this body to move swiftly and decisively on this issue.

As you know, the House Agriculture Committee has just completed hearings on food stamp legislation. I believe these hearings have made crystal clear that food stamp legislation cannot be delayed any longer.

It is well known, Mr. Speaker, that some members of our Agriculture Committee hold a different view. They hope to delay the reporting of food stamp legislation until a farm bill is reported out.

The rationale for this tactic appears to be that only by holding food stamp legislation hostage can a farm bill be reported with hope of passage.

I am convinced, Mr. Speaker, that my colleagues will not stand for such a tactic. Indeed, it may well backfire, and be the surest way to prevent passage of any new farm program.

And so, in supporting this resolution today, I am sure I reflect the sentiments of many in this body that the step we take today is merely a first step.

This step must be followed soon by a major stride toward a comprehensive food stamp program that will take us well down the road toward an end to hunger in this, the richest nation on earth.

Mr. POAGE. Mr. Speaker, I have no further requests for time.

Mr. BELCHER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. Zwach).

Mr. ZWACH. Mr. Speaker, the resolution before us presents one issue—whether to increase the 1970 authorization for the food stamp program from its current level of $340 million to $610 million. It is essential that we do so.

Let us recognize that this is an interim measure. As a sponsor of the administration's comprehensive food stamp legislation, I believe that the present program can be greatly improved.

The House Agriculture Committee, of which I am a member has just completed hearings on food stamp legislation. I am working to see that a comprehensive food stamp bill is reported soon.

However, we need the present resolution authorizing a fiscal 1970 expenditure level of $610 million right now. The Senate has already passed a similar resolution authorizing $750 million. A third of the fiscal year has already gone. It is time to act and approve a $610 million authorization level that has been requested by the administration. Until we act the conference committee considering the fiscal 1970 agriculture appropriation will be unable to sufficiently fund this year's food assistance programs.

The additional funds that we authorize will allow the Department of Agriculture to expand the food stamp program into areas that have already requested it. There are 135 such areas in 22 States. These are in addition to the nearly 60 small counties that USDA has designated for the food stamp program in the past 2 weeks.

The additional funds will also allow the Department to make adjustments that are possible within the scope of the present program. They will be able to provide stamp allotments that more nearly reflect the cost of a nutritionally adequate diet.

The Department needs this authorization and it needs it now. It is time to act. Let us do so.

Mr. BELCHER. Mr. Speaker, I have not been one of the enthusiastic supporters of the food stamp plan. However, regardless of whether you are for the food stamp plan or whether you are against it, I think you should vote for this resolution. The Senate passed a measure providing $750 million. What we are doing today is not changing the food stamp plan at all. We are merely giving the House permission to appropriate $610 million instead of $340 million for those who do support the food stamp plan. That is all the money that the Secretary of Agriculture has assured us he could use during the rest of this fiscal year.

For those of you who have opposed the food stamp plan in the past, you are now given the opportunity to vote for $610 million instead of $750 million. So I think it is the best plan for those of us against it or for it to support this resolution, and I sincerely hope that the House will unanimously pass this resolution.

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANNUNZIO. Mr. Speaker, no one who cares about the problems of poor people in this country can be against legislation to increase the ceiling on food stamp appropriations for this fiscal year from $340,000,000 to $610,000,000. It should be higher, but there is no way under the parliamentary situation we can amend this bill to make it higher. Hence, I will vote to suspend the rules and pass House Joint Resolution 934, even though it is a completely inadequate bill.

We have no choice in the matter at this particular time. If this bill had come before us in February or March, or in some reasonable time after the start of the session, we could have insisted on the right to offer amendments and make a better bill out of it. But it is now November—4 months into the fiscal year this bill is intended to cover—and we are just now getting our first opportunity to act on a food stamp authorization bill which should have been enacted prior to July 1.

The appropriation bill for the Department of Agriculture has been held up for months because the House conferees are not permitted to agree to any figure for the food stamp program in excess of the present legal ceiling of $340,000,000. The Senate has voted $750,000,000 for food stamps this year. Everyone agrees $340,000,000 is too low. The new administration says the amount should be $610,000,000. That is what this bill now would permit to be appropriated.

If we reject the bill today because of the procedures being followed in calling it up for House action under suspension of the rules, no one can foresee what will happen. Inevitably there will be a further delay in acting on the appropriation bill. And in the meantime, millions of American families who could be eating better under the food stamp program are being denied that opportunity.

I bitterly resent the manner in which the bill we put through the House last year—under the leadership of the distinguished gentlewoman from Missouri, Mrs. LEONOR SULLIVAN—a bill which I was proud to cosponsor, was "sold out" in conference between the House and Senate. That bill would have taken off all ceilings on food stamp appropriations. Congress could then have appropriated whatever amounts it determined were needed. Instead, we are limited at the present time to the ceiling of $340,000,000, which is completely inadequate.

The new administration waited a long time to decide on its position on the food stamp program, and the House Committee on Agriculture has succeeded in dragging this thing out to more than 10 months. As I said, 4 months of the fiscal year are already gone. Enough, I say. Let us repair the damage to the program, at least to the limited extent this bill permits.

If we pass this bill, and the sum of $610,000,000 is appropriated, the people in Chicago who are participating in the food stamp program—or who want to, and are eligible—will be able to obtain substantially more food stamps, for less money than they are now asked to pay. That is one of the major purposes of this increase in the appropriation authorization. The idea is to permit a family to pay no more than a third of its income and get enough food stamps for an adequate diet. This is much better than the present situation. I am for this improvement. We tried to get it through in the bill we passed here last year. It is truly a shame that the Sullivan-Annunzio bill, sponsored also by 128 other Members of the House, did not become law in 1968.

This bill today permits addition of many new areas to the food stamp program. That, too, is what we would have accomplished in 1968, if the House-passed bill had become law.

This bill is effective for only 8 months. We will have to take up the issue again in the next session. I hope that by then the gentlewoman from Missouri, who has courageously led this fight for so many years, will get the help to which she is entitled from this administration to pass an adequate bill—without ceilings on appropriations.

Mr. MATSUNAGA. Mr. Speaker, I urge support of House Joint Resolution 934, which would increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610 million, which is an increase of $240 million over the appropriation authorization of the Food Stamp Act of 1964.

I believe we all recognize the role the food stamp program has played in providing a more equitable share of our food abundance to low-income families. In my own State of Hawaii, for example, since the food stamp program was inaugurated in April 1966, its benefits have been extended to over 2,000 families. This worthy program has assisted eligible needy families in many other parts of the Nation, and this $610 million authorization will insure its continuance.

In our land of plenty, it is fitting that our Nation's food abundance should be utilized to the maximum extent practicable to safeguard the health and well-being of our Nation's needy, who would face the scourge of malnutrition without the benefits of this program. The almost instant success of the food stamp program goes to prove that it is not only an effective instrument in the war on poverty, but that it is also blessed with the beneficent spirit of America.

I consider this program to be one of the best thus far instituted to provide needy, low-income families with a balanced diet, and I take great pride in the fact that I played a role, however small, in the enactment of the Food Stamp Act of 1964.

The authorization for increased funding of the food stamp program, which we are now considering, would insure the continuing effectiveness of the program in meeting the needs of its intended beneficiaries.

Mr. Speaker, I strongly urge a favorable vote for House Joint Resolution 934. By its adoption we will be waging a real battle in the war on poverty.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the joint resolution (H.J. Res. 934).

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

PROVIDING CERTAIN EQUIPMENT FOR USE IN THE OFFICES OF MEMBERS, OFFICERS, AND COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. WAGGONNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13949) to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes.

The Clerk read as follows:

H.R. 13949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) at the request of any Member, officer, or committee of the House of Representatives, or the Resident Commissioner from Puerto Rico, and with the approval of the Committee on House Administration, but subject to the limitations prescribed by this Act, the Clerk of the House shall furnish electrical and mechanical office equipment for use in the office of that Member, Resident Commissioner, officer, or committee. Office equipment so furnished is limited to equipment of those types and categories which the Committee on House Administration shall prescribe.

(b) Office equipment furnished under this section shall be registered in the office of the Clerk of the House of Representatives and shall remain the property of the House of Representatives.

(c) The cost of office equipment furnished under this section shall be paid from the contingent fund of the House of Representatives.

(d) The Committee on House Administration shall prescribe such regulations as it considers necessary to carry out the purposes of this section. The regulations shall limit, on such basis as the committee considers appropriate, the total value of office equipment, with allowance for equpiment depreciation, which may be in use at any one time in the office of a Member or the Resident Commissioner.

SEC. 2. (a) The joint resolution entitled "Joint resolution to authorize the Clerk of the House of Representatives to furnish certain electrical or mechanical office equipment for the use of Members, officers, and committees of the House of Representatives", approved March 25, 1953 (2 U.S.C. 112a–112d, inclusive), is repealed.

(b) The repeal by subsection (a) of this section of the joint resolution of March 25, 1953, does not deprive any Member, officer, or committee of the House of Representatives, or the Resident Commissioner from Puerto Rico, of entitlement to the continued possession and use of office equipment furnished, under any provision of that joint resolution, to that Member, officer, committee, or the Resident Commissioner from Puerto Rico, and in use on the effective date of this Act. However, the total value (less allowance for depreciation) of that equipment furnished to a Member or the Resident Commissioner under the first section and section 2 of the joint resolution of March 25, 1953, while in use by that Member or the Resident Commissioner on and after the effective date of this Act shall be taken into account for the purpose of determining the total value of equipment in use at any one time in the office of the Member or the Resident Commissioner under the regulations prescribed by the Committee on House Administration under the first section of this Act.

SEC. 3. This Act shall become effective at the beginning of the first calendar month which commences on or after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I do not oppose the bill, but in order that we may have an explanation of it, I demand a second.

The SPEAKER pro tempore. Does the gentleman demand a second?

Mr. SCHWENGEL. I do, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 20 minutes.

Mr. WAGGONNER. Mr. Speaker, I yield myself such time as I may use.

The purpose of H.R. 13949 is as simple as it is short in printed content. The bill itself is intended to repeal all existing legislation in the House of Representatives having to do with the office equipment program for Members in the House of Representatives.

The background of this legislation goes back as far as 1951, when for the first time the House provided an office equipment allowance for Members of the House of Representatives. At that time an allowance of $1,500 per Member was authorized.

It was recognized soon thereafter that $1,500 was totally inadequate. In 1953 the allowance was increased to $2,500 per Member, and it remains at that $2,500 figure today.

However, by legislation on a number of occasions, amendments have been made and it has been provided that additional equipment outside this $2,500 allowance be made available to the Members of the House of Representatives.

The purpose of H.R. 13949 is to revise the office equipment program for Members and committees in order to consolidate all equipment under one monetary allowance, to improve physical control over the equipment, and to permit more flexibility to Members in obtaining the equipment necessary to meet their varying operating needs as follows:

First. It permits adjustment of the monetary allowance to Members by the Committee on House Administration, without further legislation, as the need of Members or the cost of equipment changes.

Second. It provides for improvements in the accountability of equipment furnished under the program by requiring regular inventories and a procedure for handling lost, stolen, or damaged items.

Third. It facilitates the disposal of equipment in a Member's office which is mechanically unsatisfactory or obsolete due to changes in design.

Fourth. It affords new Members more flexibility in setting up their offices by allowing them to dispose of unwanted equipment and acquire equipment that will meet their operating needs.

Fifth. It will allow Members a wider selection of types of equipment which are now limited by law.

Under the existing program a Member who represents a district under 500,000 in population has an allowance of $2,500 plus five electric typewriters furnished without charge against the allowance. A Member who represents a district over 500,000 in population has an allowance of $3,000 plus six electric typewriters furnished without charge against the allowance. One of the electric typewriters may be automatic.

Under the provisions of H.R. 13949 all Members are treated equally on the premise that districts will be of a more uniform size under the redistricting plan now underway. Instead of one portion of the cost of equipment being charged to a Member's equipment allowance and another portion to the Clerk's equipment procurement fund, all equipment costs would be consolidated into a single allowance for the Member, except that one automatic typewriter would continue to be furnished without charge against a Member's equipment allowance. All equipment now charged to a Member, including electric typewriters, would be entered against the allowance. The present 10-percent depreciation schedule would be continued.

The bill will allow the Committee on House Administration flexibility in its administration of the electrical and mechanical office equipment program similar to that which it has in its administration of the House personnel program and other committee functions, and similar to the authority that the House Building Commission has had over furnishings for Members' offices. The committee feels that the authority to adjust the office equipment program to conform to the changing needs of the Members, without the necessity of specific legislation for each relatively minor change will result in a fully effective and satisfactory program for Members with sufficient safeguards to maintain economy and full utilization of modern office equipment.

H.R. 13949 provides that regulations of the Committee on House Administration shall limit the total value of office equipment which may be in use at one time in the office of a Member. In the regulations drafted under this bill the Committee on House Administration has approved a maximum of $5,500 in depreciated value for office equipment in each Member's office. This allowance was determined on the basis of the present allowance—$2,500 or $3,000—plus the current cost of the five or six electric typewriters authorized under the separate section of the present law. These typewriters range in cost from $432 to $635 each. It does not represent an increase in the present overall equipment allowance but consolidates the allowance in one monetary figure. Thus, a Member may use the entire allowance for equipment best suited to his needs.

Mr. Speaker, we are doing something we never have done before. We are going to require, under the rules, strict accounting for this equipment. Under this proposal we do not make provision for equipment for the offices of Members in their districts. We have rules which will not allow the removal of equipment outside the office buildings here in Washington where our main offices are situated.

A physical inventory will be taken at the beginning of the first session of each Congress of the office equipment assigned to the Members, committees and offices of the House.

At the beginning of the second session of each Congress, the Clerk will send lists—in duplicate—to each Member, committee, or office of the House, showing assigned equipment. Each Member, chairman of a committee or top official of an office, will return to the Clerk one copy of the list, certifying that the items are in his offices. If the certification is not received within 30 days the Clerk will conduct a physical inventory of the equipment so charged.

When a Member has been defeated in an election, or otherwise leaves office, the Clerk will conduct an immediate physical inventory of the equipment assigned to that Member's office. If the defeated Member is a committee chairman, the

Clerk will also inventory the equipment assigned to the committee. In any periods during which a vacancy exists in a congressional district, a committee chairmanship or House office, the staff employee in charge of operations in the vacated office is responsible for the assigned equipment.

In the event of the change of the majority in the House, there shall be an immediate physical inventory of the offices affected.

When, through inventory or other means, it is determined that an item of equipment is damaged or lost, the Member or responsible official will be advised to write a letter to the Clerk of the House explaining the circumstances surrounding the loss of the item, or, if damaged, how such damages occurred. Upon receipt of this letter, the Clerk will order an investigation of the occurrence in an effort to locate the missing item or items and ascertain the circumstances surrounding the loss or damage. At the completion of the investigation, the Clerk will send to the Committee on House Administration a copy of the letter, a copy of the investigation report—including an objective statement as to the cause of the loss or damage—and a letter indicating the value of the item at the ime it was discovered missing, or if damaged, the extent of the damage.

If a Member or responsible official admits liability for the lost, stolen, or damaged item, he will be charged the GSA established trade-in value or the depreciated book value, whichever is higher.

The Clerk's decision as to liability shall be final and binding unless, within 30 days the responsible Member or official requests a hearing before the Committee on House Administration.

If the committee determines liability on the part of the Member, or responsible official he will be charged with the GSA established trade-in value or the depreciated book value of the item, whichever is higher. Liability will be determined on the basis of the facts of the case. However, in cases involving the loss or damage of an item while the equipment is outside the assigned office, the Member or responsible official will be determined liable.

If payment of a charge levied against a Member is not made within 30 days of the date of final decision, the office equipment allowance of the Member will be closed until the charge is paid or the missing equipment is produced. If a charge is made against a Member or responsible official leaving the House payroll for any reason, payment will be deducted from his final paycheck.

The equipment will be dropped from the inventory and limitation records when payment is made or when the Member is absolved from liability by the Committee on House Administration.

Mr. Speaker, the bill designed is to meet the changing times and the changing needs of Members' offices. The Members' offices are run in completely different ways and this proposal is to provide some flexibility in meeting the needs of the Members in serving their districts and providing appropriate equipment.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, in line with what the gentleman from Louisiana has just said, will provision, if any, be made to deal with the variance in the population and the needs in the various congressional districts?

Mr. WAGGONNER. Mr. Speaker, in the past we have had a variation to allow for differences in districts over 500,000 in population. I believe it is the feeling of the committee, and I believe of the Congress, as well, that the redistricting demanded by the one-man, one-vote mandate of the Court will mean that after 1970 there will be no need for that variance, because everybody will have been redistricted and there will be no differences.

Mr. SCOTT. Would that be after the 1970 census?

Mr. WAGGONNER. No, sir; it will be immediately when this legislation becomes law.

Mr. SCOTT. Mr. Speaker, taking my own congressional district as an example, there are 600,000 people within the district at the present time although there were only 400,000 according to the 1960 census. As I understand it, should there be a suit to redistrict, it would be based on the 1960 Decennial Census.

Mr. WAGGONNER. That is correct. If there were a suit today to redistrict, prior to the next decennial census, the redistricting would be required on the basis of the 1960 census.

Mr. SCOTT. Then there will be a variance until we start using the 1970 census?

Mr. WAGGONNER. I do not believe the gentleman would have any trouble, because there is a $5,500 allowance he has been enjoying, as every Member does and rightfully should, with a 10-year 10-percent straight line depreciation. I believe that depreciation would provide some flexibility for it. We know of no Member, after reviewing it, who would have to give up equipment for the next census.

Mr. SCOTT. I thank the gentleman.

Mr. SCHWENGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to reiterate what the gentleman said. This bill was passed unanimously by the subcommittee and by the full committee.

I wish to point out further, as the chairman knows so well, this is the result of a lot of study and probing consideration before the committee. I should like to add it is also my belief that if the bill is passed it will increase efficiency and effectiveness of every congressional office. In that sense it could be an economy measure. We would be getting more service out of the equipment we have.

Mr. Speaker, the purpose of H.R. 13949 is to achieve for the House of Representatives a more workable and viable system of providing for the office equipment needs of Members of the House, of committees and officers of the House.

The bill was accordingly designed to make it possible to set up and maintain a mechanical and electrical equipment program which will be current and up to date to meet the demands of the ever-growing needs of Congress. It is intended that the approach taken on this legislation will provide a ready means to reach satisfactory solutions to office equipment problems which in the past have so often proven unduly restrictive and cumbersome. These include problems such as what to do about obsolete and uneconomical equipment, how to provide for the equipping of offices of new Members, and so forth.

Present law pertaining to office equipment allowances represents somewhat of a patchwork approach. Since enacted in 1953 it has been necessary to expand or revise the law every few years to take into account increased needs. The law establishes an overall monetary limit for equipment that may be furnished to Members and a listing of the types of equipment that may be furnished. However, as the workload of Members has expanded over the years, separate provision has been made in the law specifically to authorize the providing of electric typewriters to Members outside of their monetary limitation. This has been expanded several times and under present law the electric typewriter entitlement is five electric typewriters for each Member or six if the population of the district is over 500,000. One of these may be an automatic typewriter.

The bill before the House would provide for consolidating the office equipment under one monetary limitation. This limitation, and other provisions determined necessary to administer the office equipment program, would be set forth in regulations prescribed by the House Administration Committee. Proposed regulations have already been drafted and tentatively approved by the committee.

In those regulations the committee has approved a maximum of $5,500 in depreciated value for office equipment in each Member's office. This figure was calculated to reflect basically the present monetary allowance of $2,500 plus the current cost of the additional electrical typewriters authorized. The automatic typewriter would not be chargeable against this amount.

The major goal of the office equipment program as envisioned by the bill and the regulations of the House Administration Committee would be to develop a system which could best care for and adjust to the changing needs of the Members. This means not only adjusting the overall monetary limit as determined necessary by the committee but also to determine what new equipment might be available and should be allowed and to establish guidelines for efficient handling of the equipment program.

In this regard, the regulations would provide a means to dispose of the equipment which is not economically feasible, is obsolete, or is fully depreciated. It will provide for a wider range of office equipment than currently set forth in the law. It will provide a much improved method of providing new Members with office equipment. It will provide improved procedures for taking inventory of equipment and to handle situations where equipment is damaged or lost. This puts into effect a procedure that makes it good business.

This bill represents a needed step forward toward the establishment of a truly effective and efficient office equipment program for the House of Representatives and I urge its adoption.

Mr. WAGGONNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I thank my friend and colleague from Louisiana for yielding to me.

Let me say that I commend the gentleman from Louisiana (Mr. WAGGONNER) and the members of the Committee on House Administration for this legislation. I think it is a tremendous step forward, at last recognizing the inconsistency of the laws that are on the books at the present time.

However, I am wondering whether or not in doing this you are doing the Members a favor. The reason why I ask that is that from time to time Members know that you may have a need for several pieces of equipment and yet there is no central place that any Member can go to to get more than the allowance given to him. So he has to go and ask several of his colleagues for it. The question I would like to propound to the gentleman from Louisiana is this: Has the Committee on House Administration thought of providing a room or rooms where automatic typewriters in numbers and other automatic equipment might be available for the Members?

Mr. WAGGONNER. In answer to the gentleman's question, let me say that the committee has discussed the feasibility of providing pools of costly equipment on a trial basis. The committee will, if given this authority, move ahead in this area so that Members can have available some equipment outside of their offices on a pool basis, equipment which is too expensive for any one Member to purchase.

Mr. SAYLOR. If that happens, I want to say that it is a real step in the right direction.

I wish to commend the committee on their action.

Mr. WAGGONNER. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from Louisiana that the House suspend the rules and pass the bill H.R. 13949.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BANK HOLDING COMPANIES

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6778, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the substitute committee amendment had been read and was subject to amendment at any point.

Are there any amendments?

AMENDMENT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEVILL: Page 14, strike line 12 through 23 and insert:

"(d) Section 4(c) of the Bank Holding Company Act of 1956 is amended (1) by changing the semicolons at the ends of paragraphs (1) through (8) to periods, (2) by striking '; or' at the end of paragraph (9) and inserting a period in lieu thereof, and (3) by adding the following new paragraphs at the end thereof:

" '(11) shares lawfully owned on January 1, 1965, by any company which becomes a bank holding company by virtue of any amendment made by this Act at the same time as the addition of this paragraph, but only as long as neither the bank holding company concerned nor any subsidiary thereof, after the enactment of this paragraph,

" '(A) commences any activity or acquires any share for which approval by order or regulation is required under this section, or

" '(B) makes or is the subject of any acquisition or other action for which approval is required under section 3 of this Act or section 18(c) of the Federal Deposit Insurance Act.

For the purposes of this section, the acquisition in whole or in part of the business of a going concern by way of an asset acquisition shall be treated as an acquisition of shares.

" '(12) shares held or activities conducted by any company organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest by directly or indirectly facilitating the foreign commerce of the United States.' "

Mr. BEVILL. Mr. Chairman, my amendment to H.R. 6778 offered here today, would change the grandfather clause date in the bill as reported from February 17, 1969, to January 1, 1965.

There are many different ideas of what date to make this bill effective and which date would be most appropriate.

Many of us on the House Banking and Currency Committee would like to have moved the effective date back while the bill was in the committee, but under the parliamentary procedure in the committee, we did not have the opportunity to offer an amendment to move the effective date back.

The undisputed testimony before the House Banking and Currency Committee revealed that many one-bank holding companies have been formed on paper, but are not active and are just merely waiting to see what this Congress is going to do about the one-bank holding company situation.

It seems to me that the basic principle involved is to include within the regulation those companies which offer the greatest potential for abuse. These, by their very nature, are the major companies. The purpose of the Bank Holding Company Act is to separate the business of banking and bank-related activities from nonbanking activities.

The movement to get around this principle and to take advantage of this loophole by the one-bank holding companies began in the year of 1965.

I understand that a total of 239 one-bank holding companies formed on or after January 1, 1965, and are operating 575 nonbanking subsidiaries engaged in no less than 124 different nonbanking activities.

Since 1965, many very large corporations have become one-bank holding companies. On the contrary, there are very few, if any, large corporations which existed as bank holding companies prior to 1965.

This is why the date January 1, 1965, was chosen. If we use a later date, these large companies will obtain the privilege of mixing banking and nonbanking activities to the competitive disadvantage of both bank and nonbank competitors of these one-bank holding companies.

On the other hand, by using the January 1, 1965, cutoff date the many small, traditional one-bank holding companies with little overall economic power, which have operated for many years in small communities, would not be affected.

Also by using the January 1, 1965, cutoff date 125 one-bank holding companies in 19 States operating a general insurance agency which have been formed since January 1, 1965, would be forced to divest their insurance agency activity. It is interesting to note that between 1914 and 1964, a period of 50 years, only 104 one-bank holding companies were engaged in the general insurance agency business. In the last 4 years that number increased by well over 100 percent.

Since H.R. 6778 as reported establishes a congressional policy that the insurance agency business is not compatible with operating banks, it would be desirable, in order to carry out this policy, to put the grandfather date at January 1, 1965, in order to eliminate the movement of holding companies into the insurance agency field in the last few years.

The amendment I have introduced also would prevent a one-bank holding company exempted from the act by the January 1, 1965, date from being taken over by a major bank holding company in order for that major company to use the grandfather exemption of the small-bank holding company. This further limits the benefits of the exemption and would prevent large-bank holding companies from moving into nonbanking areas through the back door.

I urge support for this amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I wholeheartedly support the amendment offered by the gentleman from Alabama (Mr. BEVILL).

Because of my concern for the special privileges that would be obtained by certain corporations due to such a late grandfather clause as February 17, 1969, or June 30, 1968, I stated in my individual views printed along with the report on H.R. 6778 that I would provide all Members of Congress with data concerning the corporations benefiting from that date. The basic findings of this survey, which were printed in the Congressional Record of October 21, 1969, beginning at page 30841, are as follows:

> A total of 239 one bank holding companies formed on or after January 1, 1965, and carrying on one or more nonbanking activities has been identified.
>
> These 239 one bank holding companies operate 575 nonbank subsidiaries engaged in no less than 124 different nonbank activities.
>
> These 239 one bank holding companies are located in 33 States and the District of Columbia. They operate banks in 31 States, having total deposits of over $15 billion.
>
> Among the one bank holding companies whose nonbank activities are exempted from divestiture under the proposed grandfather clause are the largest independent finance company in the United States (assets $3.7 billion); the largest trading stamp company in the United States (assets $422 million); the 114th and 293rd largest industrial companies in the United States (assets $605 million and $667 million, respectively); the 6th largest retailing company in the United States (assets $2.6 billion); and a holding company controlling the 29th largest commercial bank in the United States (deposits $1.5 billion).
>
> The nonbank activities of these recently created one bank holding companies are likewise spread throughout the United States and are carried on in 33 States and the District of Columbia. The total assets of these companies run into the many billions of dollars.

The nonbank activities of these bank holding companies range over the entire spectrum of business activity, but are heavily concentrated in the following areas: Insurance agencies, insurance companies, real estate, various types of credit and finance companies, department stores and retail outlets, and many types of manufacturing concerns.

It is clear from the examination of these detailed data that the basic purpose of this legislation would be substantially defeated by a grandfather clause with a date as late as 1968 or 1969. If we use a date, it should be before any major movement toward the use of the one-bank holding company loophole by the large corporate entities whether centered around bank or nonbank activities.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, as I understand the amendment offered by the gentleman from Alabama, it changes the effective date back to January 1, 1965, and I believe that what the gentleman is saying is that some one-bank holding companies have gone into the insurance business since 1965, and if you do not adopt this amendment then you are really not protecting the independent insurance agents and you are not really protecting the small banks.

Is that correct?

Mr. BEVILL. That is correct, and that is one of the many reasons for this date.

Mr. MONTGOMERY. I thank the gentleman.

AMENDMENT OFFERED BY MR. WYLIE TO THE AMENDMENT OFFERED BY MR. BEVILL

Mr. WYLIE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wylie to the amendment offered by Mr. Bevill: Strike out "January 1, 1965" and insert in lieu thereof "May 9, 1956".

Mr. WYLIE. Mr. Chairman, I have offered an amendment to the amendment offered by the gentleman from Alabama (Mr. Bevill).

The amendment offered by the gentleman from Alabama would change the date of the grandfather clause from February 17, 1969, to January 1, 1965.

When the administration had introduced a so-called one-bank holding company bill, it provided a date of June 30, 1968. The point I am making here is that we become involved in a guessing game as to what is an appropriate date for the grandfather clause, if indeed we have a grandfather clause. My amendment would return the effective date of the amendment to May 9, 1956, which is the date of the enactment of the original bank holding company act of 1956.

If we allow the grandfather clause, as it now exists, to remain in the bill, and I agree with the gentleman from Alabama (Mr. Bevill) in this respect, we cannot have the grandfather clause as provided for in the bill. I think it is indefensible, as I said yesterday. Allowing that grandfather clause to remain in the bill would say that at least 639 one-bank holding companies would be granted exemption to continue certain conglomerate bank holding company activities which we seek to prohibit by this bill.

A return to the January 1, 1965, date is better, but it would still exempt some 400 one-bank holding companies from the provisions of this act.

So, as I say, any day we pick involves us in a guessing game and would benefit some bank holding companies while penalizing others. I think the Bevill amendment to this extent is punitive, in other words.

Any grandfather clause date permits companies existing before that date to continue the very acts which this legislation is supposed to proscribe.

Now I am on sound ground and have good authority for this amendment, I think. Hon. J. L. Robertson, who is Vice Chairman of the Board of Governors of the Federal Reserve System, testified before the Committee on Banking and Currency on April 18, 1969, that, in his opinion, there is no justification for a grandfather clause either legally or from the standpoint of principle and practicality.

The chairman of the committee will recall that Chairman William McChesney Martin agreed in theory with Governor Robertson that all bank holding companies should be covered and forced to divest non-bank-related area interests in accordance with the provisions of this act.

I might add that this is the first time I noted some area of agreement between Chairman Martin and the chairman of our committee, the gentleman from Texas (Mr. Patman). It was on this question of grandfather clause, as the gentleman will recall.

Mr. PATMAN. I am opposed in principle to any grandfather clause. Of course, if we have to have one, I would expect to vote for the most restrictive one because we want to go as far back as we can go. But it is preferable that we do not have any grandfather clause. I agree with the Federal Reserve Board Vice Chairman, Governor Robertson, that it is not good.

Mr. WYLIE. I thank the gentleman.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman.

Mr. STANTON. I think you should clarify for the Committee that we all understood Mr. Robertson's agreement as to the provisions concerning the grandfather clause. But I do not wish to have you leave the House to believe that Chairman Martin was against a grandfather clause.

If the gentleman will yield further, I would recall that before our committee on April 18, he said a majority of Members of the Board preferred a grandfather clause and they took the approach of H.R. 9385, and as the gentleman well knows the grandfather clause in H.R. 9385 is July 30, 1968.

Mr. WYLIE. The clarification then that the gentleman is suggesting is that the Federal Reserve Board did vote that we should not have a grandfather clause.

Mr. STANTON. No, they did not. In fairness to the gentleman, you are the one who brought up the alternatives here, and I am sure the gentleman from Nebraska (Mr. Martin) would agree with me.

Mr. WYLIE. We understood the testimony differently. I think I can find where the Chairman of the Federal Reserve Board suggested that the Federal Reserve Board was opposed in principle to a grandfather clause.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Wylie was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding. I commend the gentleman for his amendment. If there is to be any change in the grandfather clause from that which is presently in the legislation, then I think the only logical, sensible, and equitable thing to do is to place the date back to the time of the enactment of the 1956 Holding Company Act. I do not concur with the gentleman in what he would like to have be the ultimate effect of his amendment, but I would agree that if there is to be any change of the nature of the Bevill amendment, the gentleman's amendment to that amendment is most valid, and I commend the gentleman.

Mr. WYLIE. I thank the gentleman for his comments which I believe are sort of in support of my position. In other words, what you are saying is that we are in a guessing game if we include a grandfather clause, and if we change it from the date of the introduction of the bill by the chairman of the committee from February 17, 1969, we really should go back to the date of the enactment of the Bank Holding Company Act of 1956.

Mr. BROWN of Michigan. I would concur with the gentleman that any time we set a date, the date will be somewhat arbitrary and capricious. The only one that has any justification, in the judgment of this member of the committee, is the date which has been set in the legislation, that is, February 17, 1969. That is the date that the holding companies were put on formal notice that legislation would be offered in Congress to eliminate the one-bank exemption.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the distinguished gentleman from New York.

Mr. CELLER. As I understand it, your amendment would go back some 13 years. Is that correct?

Mr. WYLIE. That is correct. It would be 13 years—1956 to 1969 is 13 years.

Mr. CELLER. That is a rather long time. During that period, Congress having failed to act, it was in a sense an inducement to some of these banking operations to make acquisitions, and now to tell them that acquisitions made 12 years ago, 11 years ago, 10 years ago—legally then—are now illegal, strikes me as utterly immoral because you are disregarding what I would call a moral statute of limitations. We have statutes of limitations in all criminal bills and even some of our civil statutes have what is known as a statute of limitations. To go back 13 years and to brand as immoral, illegal, or even criminal that which was theretofore legal, strikes me as something rather barbarous, especially since it is so long a period of time; namely, 13 years.

I think we ought to have sober judgment on this and be very careful.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. PATMAN, and by unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the chairman of the committee.

Mr. PATMAN. The antitrust cases have no limitation. You go back as far as you want or as the enforcing officer wants to go. Is that not a comparable situation?

Mr. WYLIE. That is correct. There is another answer, and that is that under present law, divestiture may be required and a reasonable time is offered for divestiture. We are not talking about the activities of a bank. We are talking about a bank holding company. We are talking about a one-bank holding company specifically, and it is in this area that certain financial interests saw a loophole where they could expand their operations from banking into operations in commerce.

If we are saying today that the banks and commerce should not be merged, or the activities of banking and commerce should not be merged, we cannot say that just because 639 companies saw an opportunity to do this through a loophole, therefore they should be allowed to continue, that that makes it all right. I think on the other hand we must be consistent and say that if henceforth certain operations of a one-bank holding company are bad, then we ought to allow the Federal Reserve Board to take a look at the activities of those banks or institutions of commerce which took advantage of this loophole, and they should be required to divest.

If it is functionally related to banking—and this will be in the law—then the holding company will not be required to divest.

Mr. CELLER. Mr. Chairman, if the gentleman from Ohio will yield further, the distinguished gentleman from Texas, the chairman of the Banking and Currency Committee, spoke of antitrust violations. Of course, there is no statute of limitations there, but there is no comparison between the acts of some of these holding companies in acquiring small companies, medium-sized companies, or maybe large companies. There is nothing involved that is comparable to antitrust violations. Therefore, I think the comparison is invidious and should not be made.

Mr. REUSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am delighted to join this interesting discussion on "Old Grand Dad." The gentleman from Alabama (Mr. BEVILL) and the gentleman from Ohio (Mr. WYLIE) are both industrious and very responsible members of the House Committee on Banking and Currency. If they are not the most senior members, it is not the fault of the gentleman from Alabama (Mr. BEVILL) or the gentleman from Ohio (Mr. WYLIE), but the fault of the seniority system. I think they have made a real contribution in giving us the background of these grandfather dates.

Mr. Chairman, the one date which seems to me absolutely indefensible is the one which, unfortunately, is in the bill, February 17, 1969. It might as well be the date of Elvis Presley's birthday, as far as having anything to do with bank holding companies is concerned.

If we move that date, as has been suggested by the gentleman from Alabama (Mr. BEVILL) to January 1, 1965, we are going to deny absolution to approximately 239 one-bank holding companies formed in that 4-year period, with a total of $15 billion worth of deposits.

What the Bevill date of January 1, 1965, does in essence is to blanket in, without a grandfather clause, the 239 one-bank holding companies formed since that date, but it would allow to exist roughly 400 one-bank holding companies which were in existence on January 1, 1965. Those 400 one-bank holding companies are, by and large, small companies. Therefore, while the gentleman from Alabama uses a date, he really is thinking in terms of size of deposits and assets.

Turning to the amendment offered by the gentleman from Ohio (Mr. WYLIE), I have to say in my personal judgment that his is the fairest and best of all, because that takes it right back to the year one—1956. Having said that, I am going to vote, and I hope Members will join me, against the Wylie substitute and for the Bevill amendment, for this reason:

I have done a great deal of sampling. I think I sense a majority of Members do want to keep in existence those 400 one-bank small holding companies, which were formed prior to January 1, 1965. Therefore, if we adopt the admittedly superior Wylie amendment as a substitute, I would be afraid we would be unable to carry it.

I will say to the gentleman from Ohio I would hope to be a member of a conference committee on this, and if we can get any support from the other body, I would like to see within that conference the date moved back to 1956.

In any event, I congratulate the gentleman on his understanding and on the light and learning he has given us, but I hope Members will vote not to put a substitute to the Bevill amendment, and then will vote for the Bevill amendment.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Wisconsin.

I agree with the gentleman from Wisconsin. If we lived in the best of all theoretical worlds, maybe there should be no grandfather clause, or maybe a 1956 grandfather clause, but we are not living in the best of all theoretical worlds, and we are living in a practical one. I believe—not about the gentleman from Ohio, but about some of the people who will be voting for his amendment—these people will be voting for the gentleman's amendment in the hope of defeating all amendments, so we will remain with this ridiculous grandfather date that is in the bill.

If we look at the practicalities of the situation, the big break particularly in the size of the companies involved began in 1965. So if we want to be practical legislators, we should support the amendment offered by the gentleman from Alabama (Mr. BEVILL).

Mr. REUSS. I thank the gentleman.

Among those companies which came into being after 1965 were the enormous CIT Financial Corp., Montgomery Ward & Co., General American Transportation Corp., Gamble-Skogmo, Inc., Sterling Precision Corp., Sperry & Hutchinson Co., National Lead Co., and many others.

I believe the gentleman from Pennsylvania summed it up very well. It is because of the traumatic parliamentary history of this bill that we hope on the floor here today the majority will be given an opportunity to express itself.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

The gentleman normally is quite scholarly in his approach to these problems and normally is able to establish a theory or a philosophy or a principle behind the selection of things such as dates.

The committee in selecting the date presently in the bill had a principle behind it; that is, this was the first time that that which is a lawful practice was suggested to be not a proper practice.

Mr. REUSS. If I may interrupt the gentleman there, I do not believe it would be accurate to say that February 16, 1969, was the first time the one-bank holding company giants had any inkling that Congress was going to do something about it. Many Members were fulminating about one-bank holding companies years before that.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. BROWN of Michigan, and by unanimous consent, Mr. REUSS was allowed to proceed for 4 additional minutes.)

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I was about to ask the gentleman if there is a principle, a theory, a philosophy behind the date of January 1, 1965?

Mr. REUSS. Yes. That is an entirely legitimate question.

The January 1, 1965, date was selected after a very careful study of the size and the deposit structure of all the 700-odd existing one-bank holding companies.

While a date is a date, nevertheless this comes close to being a "let the little ones live but let the big ones divest themselves" amendment. Therefore, I believe the amendment of the gentleman from Alabama (Mr. BEVILL) is a sensible date.

Mr. BROWN of Michigan. The gentleman suggested that perhaps February 17, 1969, could be the date of Elvis Presley's birthday. I would only sugest to the gentleman that what he is suggesting could be as well described as being 48 days prior to Elvis Presley's birthday.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I should like to state on my own behalf as a member of the committee who participated in the many, many hours, and after having discussed this with members of the committee, I believe the gentleman in the well is absolutely correct when he says that any date does have an arbitrary value to it. What we really would be more justified in supporting might be a size limitation. In fact, I seriously considered the introducing of an amendment to put a limit on the operation of holding companies by size.

As the gentleman pointed out so well, we do not live in a perfect world. In the realities of the political climate we are in today I am going to support the Wylie amendment. If that fails, in turn I will support the original Bevill amendment.

Mr. REUSS. I thank the gentleman.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I should like to ask the gentleman: Is it not true that in 1956 this body passed a bank holding company bill that did not have the one-bank exemption, and is it not true that in 1965 in the Du Pont Estate legislation this body passed an amendment which included one-bank holding companies, and, therefore, is it not true that from 1956, and repeated in 1965, the handwriting was on the wall and anybody who acted subsequent to that was on notice?

Mr. REUSS. The gentleman is exactly right. Without any disrespect to our distinguished chairman, the gentleman from Texas (Mr. PATMAN) who introduced a bill on February 17, 1969, the fact is that not just the gentleman from Texas (Mr. PATMAN) but the entire majority of the House of Representatives had twice in the decade before that indicated with crystal clarity that it intended to do something about one-bank holding companies.

So really it comes with ill grace for these giants now to come in and say, "Oh, had we but known." Certainly they must read the CONGRESSIONAL RECORD.

I now yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman for yielding to me and thank him for his comments regarding my work on the committee.

I would like to ask a question about the 400 one-bank holding companies that would be exempt under the so-called Bevill amendment. The implication is left that all of these companies would not increase or decrease in size or could not increase or decrease in size. I do not think that the gentleman intended that.

Mr. REUSS. May I interrupt to say I believe the Bevill amendment—and I am sure the gentleman will correct me if I am wrong—does not allow the existing chains under his amendment to get into new lines of activity. They have to go before a regulatory authority.

Mr. WYLIE. In order to acquire new interests, but that does not say that their present interest cannot expand.

Mr. REUSS. That is correct.

Mr. WYLIE. We get back to the question of what is functionally related. It seems to me we have a determination by the Federal Reserve Board at that point as to whether the activities in which the 400 were engaged before that time were or were not in fact functionally related to banking as found in the facts of each case.

Mr. REUSS. I find it very difficult to argue with the gentleman, because logically and analytically he is entirely right. I say that the only reason that I will regretfully not vote for his substitute is that I believe we would have before us then what might prove to be an unviable vehicle.

Mr. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is no doubt that we might consider ourselves fortunate in one regard, which is that many of us who have spent long and hard hours on this bill recognize that this is probably one of the most if not the most important amendment. A great deal of time and effort was spent in this regard. I rise in opposition to this amendment for several reasons, and also the amendment to the amendment.

First—and this is for all of you who received five, 10, 15, or 20 letters or telegrams from the National Association of Insurance—if these agents are in your district, as they are in mine, they are some of my best personal friends. They have written to us requesting this date of June 1, 1965. Why not February 17, 1969, as far as the insurance companies are concerned?

The gentleman from Texas (Mr. PATMAN) did the House a service when he outlined the fact that there are 120 banks—and this was part of the reason for the date of June 1—in which one-bank holding companies operated as insurance agents or insurance agents owned a bank.

Mr. Chairman, I say to you here this afternoon and for those of you who have received those telegrams that of these 120 banks or bank-related businesses 92 are from six States in the Union. They are from the Midwest. There are 26 in Nebraska, 20 in Minnesota, Kansas, Colorado, and South Dakota. If you eliminate those, then you come down to one-bank holding companies in the amount of 28. So that in reality in over 400 districts of the United States, in your district and perhaps in your district also, a one-bank holding company is first of all not involved in the insurance business.

Under this bill we take care of it under the grandfather clause.

Mr. Chairman, point No. 2, and I refer you to the remarks of the gentleman from New York. We know we are asking and we are telling over 400 legitimate businesses in the United States that what they did in 1966 was fine, but now come along in 1969 and say they must divest their businesses.

I say to you that no one in this room knows and realizes the complications, we are causing the 400 or 500 financially related organizations that pay the taxes, that make it possible for this country to be the great country that it is. I say to you that this is morally wrong.

Point No. 3, and I think this should be the criterion to vote down the amendment as well as the substitute amendment.

Reference was made twice, and it was made yesterday, as to how the Banking and Currency Committee considered bank holding legislation in the past. I think it would be fair to say that nobody would deny that in 1956 we grandfathered bank holding companies.

Point No. 2, why pick the date of June 1965 when we considered legislation in 1966, and how did the committee look upon divestiture at that time.

Now, I leave you with this particular thought. In 1966 our committee reported out a bill with reference to investment companies. General Financial was involved because they owned 16 banks. What did our committee say at that time about these 16 banks? This was in 1966, and I quote to you from our committee report:

> As introduced the bill would have required Financial General to dispose of its interest in 16 banks. As reported, the bill would authorize retention of these banks unless the chairman finds within one year of the time that the retention is not in the public interest; at the same time—

This is the committee report—

> we recognize that the acquisitions were lawful when made and there may be hardships involved by requiring divestiture in

every instance. Accordingly, the bill as reported would permit retention except in those cases.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent (at the request of Mr. PATMAN) Mr. STANTON was allowed to proceed for 2 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I shall be glad to yield to the gentleman from Texas.

Mr. PATMAN. I would like just for legislative history—and I believe the gentleman will agree with me on it—but since he had so much to do with the writing of this bill and participated in it so actively and knows so much about it, I would like his opinion with reference to one important aspect of this legislation. If the bank holding company or its subsidiaries injure another person or business by, for example, tying the sale of nonbank services to bank services in violation of the Sherman Act, or in violation of the Clayton Act, particularly section 7, nothing in the Bank Holding Company Act prevents the injured person from bringing action under the antitrust laws to protect himself.

Mr. STANTON. I would say to the gentleman that he is getting technical in the House, but I would say further to the gentleman that that is the understanding and intention of the Committee.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from Ohio.

Mr. ASHLEY. I thank the gentleman for yielding and I want to commend him on his statement. The gentleman reflects the very same views that I hold with respect to this particular bill. I think that the grandfather date that has been established by the committee is a sensible one.

The gentleman would agree with me that the thrust of this legislation is prospective, and by that I mean it was not the intent of the proponents of the legislation to come in and insist that the legislation is necessary in order to cure past evils. The purpose of the legislation—I think the gentleman will agree with me—is to prevent future potential injury to our economy. Is not that the gentleman's understanding?

Mr. STANTON. As usual, the gentleman from Ohio adds a great deal to this particular matter. Mr. Martin has said himself—and I think everyone is in agreement based upon his past record—that he could not tell us one single abuse but that there was a potential abuse.

Mr. ASHLEY. Mr. Chairman, if the gentleman will yield further, the gentleman has discussed, I think very intelligently, the proposition of divestiture which, of course, is pertinent, when we talk about the particular cutoff date. This is a most unusual remedy. There is nothing funny about divestiture. This is pretty mean business.

If, as the gentleman says, the acquisitions were lawful at the time, then the question, it seems to me before the House, is whether or not those acquisitions today are so pernicious that this unusual remedy of divestiture is justified. And I have yet to hear from the proponents of the earlier grandfather or cutoff date that these acquisitions represent this kind of a threat, or are presently so pernicious as to justify this remedy.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. REUSS, and by unanimous consent, Mr. STANTON was allowed to proceed for 3 additional minutes.)

Mr. ASHLEY. I would just like the gentleman's comments, and is not that the thrust of the testimony that was before our committee?

Mr. STANTON. Let us make one thing clear. I think the gentleman from Ohio has just brought this point out. We did not, in this grandfather clause of February 17, say that everything before that is all right, or we were doing something illegitimate, and so forth and so on. This is a very strict status quo grandfather clause.

I do not know about the other Members, but I had people from Pennsylvania and other States saying this is the wrong type of grandfather clause, and give us a grandfather clause that would expand a given business. Nobody is happy with the grandfather clause; it is an attempt to keep the status quo. The majority of the big companies, either bank owned or owned by the one-bank holding companies, are going to divest. But I ask who is going to buy those banks? I will tell you who will buy those banks. Other banks. And you will get more concentration of power in this country than you have ever seen before. It is just those types of companies who are in position to buy the banks, and then you are going to create unforgivable and unforeseen problems if you do not set a recent date.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I would ask the gentleman from Ohio did the committee consider what would happen if they were to divest? What is bound to happen if you do not have this grandfather clause on the dates that have been set?

Have they considered what havoc would be caused if there was such divestiture, and have they contemplated the kind of disorder that would eventually occur? And have they figured out what would happen to the assets, where would they go, what good consideration could be had for those assets? Has all this been canvassed by the committee in contemplation of the removal of the grandfather clause, the date set, by these amendments?

Mr. STANTON. I would say to the gentleman from New York that he asks a very good question. The answer is emphatically that our committee has given no thought, consideration, or study of what this would do if we roll back the grandfather clause 4 years or 15 years—it would be utter chaos.

Mr. CELLER. Was there consideration raised as to the stockholders in the case of these entities that are affected?

Mr. STANTON. Certainly not to my knowledge.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from Wisconsin.

Mr. REUSS. I would ask the gentleman from Ohio this question: I gather that the gentleman's position is that the grandfather date should be February 17, 1969. Is this correct?

Mr. STANTON. I am in favor of this bill in its present form.

Mr. REUSS. Is it not also a fact that the gentleman from Ohio (Mr. STANTON) introduced a one-bank holding company bill some months ago which contained as the grandfather clause date some date back in 1968?

Mr. STANTON. I would say the gentleman is absolutely correct, and if somebody would put in an amendment for that date I would be very happy to support it, because whether it is June or February does not make that much difference.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. In answer to the question put by the gentleman from New York about chaos should any of these companies have to divest themselves of other companies, I want to say that in 1956, 13 companies were required to divest their nonbanking activities from their banking activities as a result of the legislation, the Bank Holding Company Act.

The record shows that not a single one of those companies suffered any financial harm as a result of divestiture. The banking institutions as well as the nonbanking institutions which emerged from these divestitures appear to be in very healthy financial condition today.

Mr. STANTON. I thank the gentlewoman. I am certainly glad that the 13 companies turned out well. If it is the will of the committee to force the divestiture of some 700 companies in this country, I hope that they will all turn out well, too.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman.

Mr. STEPHENS. In reference to the grandfather clause, is it not true that we created a loophole as it has been said, and now we would be making these people divest and if we do not have a grandfather clause it would be taking advantage of something we created which was perfectly legal at the time it was created.

Mr. STANTON. That is absolutely correct. I could not add anything more to what the gentleman has said.

Mr. STEPHENS. I know that in 1956 we required some divestiture and on other occasions we required divestiture. That does not necessarily mean that we did right then when we did require divestiture; does it?

Mr. STANTON. That is correct.

Mr. STEPHENS. I thank the gentleman.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman.

Mr. DEL CLAWSON. Mr. Chairman, in connection with those 13 companies that had to divest under the act the gentlewoman from Missouri referred to, it is my understanding that all of those companies were rather large companies and could handle this kind of situation rather handily, as compared with many of them that are going to be excluded here which would be of small size and it would be a rather serious burden upon them to divest. That is my understanding about those companies at that time. Is the gentleman familiar with that?

Mr. STANTON. I am not too familiar with what the House did back in 1956. I did not know anything about the grandfather clause in those days.

Mr. BLACKBURN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to make a few very brief observations with regard to the whole business of the grandfather clause, moving the date back and requiring divestiture.

I think we all would agree that if any of us went to the doctor in the morning and he advised us that we had a cancerous condition which may have existed for 6 months and possibly for even 5 years, that we would have no reluctance in asking the doctor to remove this growth because we recognize that it is creating a serious hazard to our continued good health.

Mr. Chairman, the reason for this type of legislation is because our country has learned through bitter experience that if we permit an overconcentration of economic power and an overconcentration of business influence in any single institution.

The fact that this legislation has arisen is because it became quite evident to members of the Committee on Banking and Currency and to members of other business interests throughout our whole country that banking institutions were beginning to invade the provinces of businesses which were not properly a part of or an adjunct to banking operations.

As a result of our investigations, we determined that further banking regulations, as applied to bank holding companies, was necessary. If it is necessary for banks in the future, then it is necessary for banks that are engaged in business today. When we use the term "bank," of course, we are referring to them in terms of bank holding companies as we are using the term here today with respect to this legislation.

We are not going to put our banking institutions out of business through enacting either Mr. Wylie's date or the date proposed by the gentleman from Alabama (Mr. Bevill). We are giving them 5 years in which to divest. They were on notice some time ago that this country is not going to permit an overaccumulation of economic power influencing any type of business institution in this country. I have no reluctance in telling 10 or 13 of the biggest financial institutions in this country that they are going to have to suffer some economic inconvenience in order to comply with a law that this Congress considers necessary.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman from Ohio.

Mr. ASHLEY. I thank the gentleman for yielding. In all fairness, when were the one-bank holding companies put on any kind of notice? Describe that notice.

Mr. BLACKBURN. I am not arguing the question of notice. I am arguing the question of the necessity for a law. If this law is necessary today, it is necessary for the banks that created the problem in the first place. If anyone should be inconvenienced, it is those institutions which have created the need for the legislation. Why should we create an exemption for the very ones which created the need for the legislation? That is what I think those who are opposing this legislation are pleading for.

Mr. ASHLEY. If the gentleman will yield further, it is my recollection that the principal witnesses supporting the legislation all testified that the need was a future need, a potential need for the future, that the present situation was not one that is fraught with danger; that the purpose of the legislation is to prevent future economic concentrations.

Now, would not this be the gentleman's recollection, too?

Mr. BLACKBURN. No, I do not construe the word "future" in the same sense that the gentleman from Ohio construes the term "future." To me, what they were saying in effect is that if we allow this trend to continue—they were not talking about the 10 or 13 institutions that were creating the problem—they were saying if the trend itself continued in the banking institutions, we would see the concentration of economic power which we are saying should not exist.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman from Florida.

Mr. GIBBONS. I appreciate the gentleman yielding. The question that worries me, perhaps because I am a purist, is that banks should be in the banking business and nothing else.

Mr. BLACKBURN. I will seek the gentleman's support of an amendment I will propose.

Mr. GIBBONS. Good. Is there anything in the Bevill amendment or in the committee bill that would prevent these 400 institutions from growing and growing and growing and finally becoming economic octopuses themselves?

Mr. BLACKBURN. Oh, yes. These institutions will be limited in future expansions. But, the reason I stated to the gentleman from Wisconsin that I felt a size limitation was a more equitable approach, we want to protect the economies of many small rural areas in our country. We find that many areas have as the whole basis of their economy a one-bank holding company operation. Certainly with the influx of people to our cities that we have today, we have no reason to break up the economic entities in our rural areas. We are trying to enable them to produce at the same time we prevent the big ones from going too far.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. Gibbons, and by unanimous consent, Mr. Blackburn was allowed to proceed for 2 additional minutes.)

Mr. GIBBONS. Mr. Chairman, will the gentleman yield further?

Mr. BLACKBURN. I yield to the gentleman from Florida.

Mr. GIBBONS. In the Bevill amendment is there a dollar limitation, or what kind of limitation is there to keep these institutions from growing?

Mr. BLACKBURN. I am happy to yield to the gentleman from Alabama (Mr. Bevill).

Mr. BEVILL. There is a provision here that prohibits one-bank holding companies, or bank companies from buying into the small one-bank holding companies and going into the nonbanking business. That is the concern here. We keep talking about banks. Actually, we are not trying to protect banks or the one-bank holding company. We are trying to protect the people, because the need has risen as a result of the economic power that is being concentrated by these big companies that have gone into the various nonbanking businesses—owning the bank, also owning a big insurance, a leasing business, and going into all these businesses, creating, in effect, a conglomerate there with the bank that is an unfair advantage to him and a disadvantage to the businessman and the man on the street.

We are talking about what is best for the public and for people and not necessarily about what is best for banks. This particular bill does not affect any banks but it affects the one-bank holding companies.

Mr. GIBBONS. Mr. Chairman, if the gentleman from Georgia will yield further, getting back to my original premise that banks ought to be banks and not anything else and ought to restrict themselves to the banking business altogether, what is there in all this legislation to prevent somebody from coming in and buying a one-bank holding company and expanding the assets and the whole operation and turning it—if it is not a giant today—into what may grow into a giant?

Mr. BLACKBURN. Mr. Chairman, the gentleman from Alabama explained that such a prohibition is contained in his amendment.

Mr. BEVILL. Mr. Chairman, that is prohibited in my amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I think the gentleman from Alabama is making the point that this should be in the law.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. Matsunaga, and by unanimous consent, Mr. Blackburn was allowed to proceed for 1 additional minute.)

Mr. MATSUNAGA. Mr. Chairman, if the gentleman from Georgia will yield, I wish to commend the gentleman in the well for the position he has taken on the Bevill amendment. I too rise in support of the amendment.

Some concern has been expressed about the banks having to divest themselves of certain businesses acquired since the so-called grandfather clause date. What is being sought here is to require banks to divest themselves only of those businesses which are in no way connected with banking; so that the banks will in no way be hurt.

We ought to vote for the Bevill amendment for the further reason that in 1956 when Congress passed the Bank Holding Company Act, the banks were out on notice that Congress would insist upon banks remaining in the banking business. It was subsequent to the passage of that act that many banks expanded into nonbanking areas. It is not unreasonable, therefore, that banks and bank holding companies be required to divest themselves of these nonbanking businesses.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto terminate at 3:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I offer two amendments. One is printed on page 32891 of the CONGRESSIONAL RECORD, and it may be declared to be nongermane. Therefore, I have a substitute amendment which says—and it is on page 32891, and this is a substitute for the Bevill amendment, and winds up with the language in the middle of page 32891, saying:

> The provisions of this law shall not apply to one-bank holding companies with bank assets of less than $30,000,000 and non-bank assets of less than $10,000,000.

This is the amendment I spoke about yesterday, which was spoken of by Chairman William McChesney Martin of the Federal Reserve Board as a practical amendment. He suggested a fixed date, but as an alternative this very fine amendment which I think is an improvement over all before us today. It provides that this law shall not apply to one-bank holding companies with bank assets of less than $30,000,000 and nonbank assets of less than $10,000,000.

This goes to the principle of the matter and does not speak about merely using a certain period of time as a cutoff. It goes over the stumbling blocks of concern all the way through. This is basic, on principle. We can stand on this amendment. It is just good commonsense. I hope we all support it.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I rise in support of the Bevill amendment.

So far as telegrams are concerned, I have heard of telegrams being received from insurance agents. I believe it should be clear that the American Bankers Association lobby has been very active also, with telegrams and letters and phone calls. Let that be on the RECORD, and let the RECORD be clear on that; not that it matters how many telegrams are sent.

As to divestiture, those companies formed after 1965 certainly were aware of the possibility, or the probability, of this legislation being considered and adopted. The gentleman from Hawaii, I believe, made it very clear that the only functions they would have to divest themselves of would be those functions not related to banking.

As a matter of fact, many of these one-bank holding companies have been formed on paper alone. These bank holding companies are waiting the results of this legislation prior to going into complete operation.

I hope the Members will support the Bevill amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio for practical reasons. I believe it is more likely that the amendment of the gentleman from Alabama will be adopted.

I want to assure the gentleman from Ohio that if his amendment is adopted I will support the amendment as amended, because in addition to the date there is something very signficant in the amendment of the gentleman from Alabama. Under the bill as reported by the committee, if a bank holding company is grandfathered in and it holds, for example, a bank and a chain of department stores it can go on buying more and more department stores and continue to expand. This would not be true under the amendment of the gentleman from Alabama.

In addition, there is a possibility under the bill as reported by the committee that a big corporation could buy up the shares of a grandfathered-in holding company and we would have just the kind of evil we are trying to prohibit in this legislation case.

So under either the Wylie amendment to the Bevill amendment or under the Bevill amendment we would be taking care of that situation. I believe that is even more important than the date, though I do believe as a practical matter we will have cured 99 percent of the evils by adopting the amendment of the gentleman from Alabama (Mr. BEVILL).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. STANTON).

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendments. Although not a member of the committee nor an expert on this subject, so many of my constituents have expressed their concern that I do wish to express my support for the rollback of the grandfather clause.

It is my understanding that a stated objective of H.R. 6778 is to prevent subsidiaries of bank holding companies from engaging in the insurance agency business, among other activities.

Thus, it would seem clear that the present grandfather clause prevents this legislation from accomplishing one of its stated objectives. As pointed out in the additional views and during the debate, without rolling back the grandfather clause, we would, in effect, be closing the barn door after the horses are out. We would, in effect, be exempting the very organizations that created the problem of economic concentration which is one of the problems that H.R. 6778 is designed to solve. It is also my understanding that many independent banks which have made no attempt to engage in any of the prescribed activities fully support a rollback of the grandfather clause.

Mr. STANTON. Mr. Chairman, I ask unanimous consent to yield my remaining time to the gentleman from California (Mr. DEL CLAWSON).

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. Mr. Chairman, I thank the gentleman.

I rise in opposition to the amendment and the amendment to the amendment.

I want to read from remarks that were made in the RECORD yesterday to show just the effect this would have upon the small companies if the amendment should be adopted:

> The hundreds of small one-bank holding companies are the heart of the grandfather clause problem.

I think this is important, that we get that picture. Continuing:

> Tax considerations were the principal motivating force in the creation of these small corporations combining other business activities and banking. It is a common form of organization throughout the midwestern States. Over 200 of them—

Over 200 of them—

> have been formed in the past 5 years.
>
> These small one-bank holding companies would be seriously damaged by a rollback in the grandfather clause date, as some have suggested, to January 1, 1965. Many would be forced out of business and for the others the banks probably would have to be merged into other larger banking institutions.
>
> All this would take place at the same time that an even larger number of similarly situated small one-bank holding companies engaging in nonrelated business were permitted to continue because they had acquired their banks prior to a January 1, 1965, grandfather clause date.
>
> For the small one-bank holding companies, the date of the grandfather clause is of critical importance. The small companies can live with the activity and share investment freezes imposed by the grandfather clause as reported by the committee. They were formed, not for growth and expansion purposes, but for tax reasons.

I think it is important that we place this particular amendment in its proper perspective. The small companies will be the ones that will be seriously damaged. Even if we roll it back, there are some 200 small companies involved since the 1965 date.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Bevill amendment without it being amended.

From the remarks of the gentleman from Ohio (Mr. STANTON), I got the impression that this amendment has only the support of the insurance agents of this country. That is not true. I hold in my hand a telegram from the Independent Bankers Association of America, signed by the president of this association, Mr. Bradford Brett, who is also president of the First National Bank of Mexico, Mo., whose association fully endorses the Bevill amendment and asks that the House support this amendment.

I would like to ask the author of this amendment, the gentleman from Alabama (Mr. BEVILL), what support from people across the country does this amendment have?

Mr. BEVILL. The gentleman is correct, there are many people that support this amendment, including the Independent Bankers Association of America.

Let me say this: This bill in its present form will not do what the Congress has in mind doing. It will not do what this House intended when it passed the one-bank holding company bill in 1965, which is when my amendment would become effective. I think it boils down to one of the two amendments that have been offered. I say that my amendment is the most reasonable approach, because, as the chairman of the Committee on the Judiciary pointed out a moment ago, it is not wise to go back some 12 or 13 years.

I urge your support of my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, if all of the people who have indicated that they like my amendment would support it, we would not have to be afraid that it would not pass. This is the only argument I have heard against it from those who would support the Bevill amendment date.

Going back to a statement which the gentleman from Georgia (Mr. BLACKBURN) made and to which the gentleman from Ohio (Mr. ASHLEY) responded, in the testimony of Mr. David Kennedy, the Secretary of the Treasury, stated that H.R. 9385 is needed because it would reasonably but effectively stop the trend toward merging of banking and commerce. This trend, which is now developing, threatens to change the nature of the American free enterprise system.

It would reasonably, but effectively, stop a trend toward the merging of banking and commerce. This trend, just now developing, threatens to change the nature of the American private enterprise. Our economy could shift from one where commercial and financial power is now separated and dispersed into a structure dominated by huge centers of economic and financial power. Each would consist of a corporate conglomerate controlling a large bank, or a multibillion dollar bank controlling a large nonfinancial conglomerate.

I say, as Mr. BLACKBURN said, why do we want to grandfather in the very corporations that created the problem that caused us to be here today and allow them to expand their present activities further?

I urge Members of the House to support my amendment, which would take the date back to the date of the enactment of the original Bank Holding Act of 1956, so that everyone in the business would have the same competitive advantage.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, the issue between the committee version and either the Bevill amendment or the Wylie amendment is a clear one. The committee version would lock the stable only after the horse had been stolen. The other two amendments would make a good-faith effort to go out and recapture the horse.

I think the Wylie amendment is a splendid amendment. I would hope it passes. If there are Members—and I think there are—who feel that going back 13 years is going back a little too far in time, let them support the Bevill amendment. They are both excellent amendments, and I just hope that the parliamentary situation permits what I am convinced is the majority view in this body to prevail.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation—legislation that would prevent one-bank holding companies from becoming menacing complexes of institutional power. The separation of banking activities from other business activities has been demanded by Federal law for more than three decades. The Glass-Steagall Act, passed in 1933, plainly and explicitly called for this kind of separation. And the 1956 Bank Holding Company Act, created to deal with banks that moved into business activities not even remotely or tenuously related to conventional banking, made bank "holding companies" honor this separation.

Yet the act, barring any company that holds more than 25 percent stock in two or more banks from engaging in business activities not directly linked to banking, exempted companies that control only one bank. This provision—a provision that merits the term "loophole"—has allowed thousands of bank holding companies to invade fields of business activities that are usually, and properly, run by business institutions other than banks. This trend is growing more alarming year by year. Since 1966, for example, a great many banks have converted to the status of one-bank holding companies—among them some of the most powerful banks in the country. No legal restrictions—none whatsoever—limit the kinds of activities these banks may engage in under the guise of holding companies.

The bill now before us would establish the restrictions now lacking, bringing one-bank holding companies within the jurisdiction of the 1956 Bank Holding Company Act.

I object, however, to one provision of this bill: the grandfather clause that would allow all one-bank holding companies engaged in nonbanking activities before February 17, 1969, to continue in such activities. I support Congressman WYLIE's proposed amendment to push back the grandfather clause date to May 9, 1956, the date of the enactment of the original Bank Holding Company Act. The 1969 date jeopardizes the very purpose of this bill, allowing at least 639 one-bank holding companies to continue the activities this bill was designed to prohibit. No justification exists for such startling exemptions—not legally, not ethically, not practically. The original 1956 act spared one-bank holding companies because about 115 of them—all small, rural institutions playing a key role in the economic life of their communities—would be stripped of their financial support. The 1956 date sought by Mr. WYLIE would allow these small institutions to continue, but it would prevent huge and powerful institutions from jeopardizing the economy.

I urge the passage of Mr. WYLIE's amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. I thank the Chairman.

Mr. Chairman, the amendment which has been offered by the gentleman from Alabama (Mr. BEVILL) sets the date of the grandfather clause as January 1, 1965. This is the date which has been suggested by the insurance industry itself. Every Member here who has received any correspondence on this matter recognizes the source of that date.

Mr. Chairman, I am sympathetic to the concerns of the insurance industry. But their concerns are prospective concerns rather than concerns that arise out of harm that they have experienced. As a matter of fact, although I have received numerous messages and other contacts from the insurance industry regarding the grandfather clause I have not received a single letter which describes a harm suffered by an agent or agency because of one-bank holding company activity. In fact, even the insurance industry has some in-house disagreement. I would like to quote from a letter which I have received from the National Association of Mutual Insurance Agents in which it is said:

> In light of the situation that has developed, our position is to oppose a "grandfather clause" any later than 1956. Our judgment is that any date which is chosen subsequent to that upon which the Bank Holding Company Act of 1956 was signed into law would be unequitable to someone.

So, certainly, there are some in the insurance industry who support the Wylie amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Patman) to conclude the debate under the time limitation.

Mrs. SULLIVAN. Mr Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentlewoman from Missouri

Mrs. SULLIVAN. Mr. Chairman, I strongly support the amendments offered by the gentleman from Alabama (Mr. Bevill), rolling back the grandfather clause or forgiveness date from February 17, 1969, to January 1, 1965, and the amendment to the amendment, offered by the gentleman from Ohio (Mr. Wylie).

Any 1969 date or any 1968 date is far too late to allow these holding companies to continue to mix banking and nonbanking activities. We should place the date, if there must be any grandfather clause at all, before any major companies entered the bank holding company field.

The question as to whether we are punishing these companies seems to me to be overemphasized in proportion to the actual facts. In 1956, 13 companies were required to divest of their nonbanking activities or their banking activities as a result of the enactment of the Bank Holding Company Act. The record shows that not a single one of these companies suffered any financial harm as the result of divestiture. In fact, the banking institutions as well as the nonbanking institutions, which emerged from these divestitures appear to be in very healthy financial condition.

On the other hand, allowing certain large corporations the advantage of mixing banking and nonbanking activities that their competitors are not permitted, gives these corporations a special privilege to the detriment of the public and their competitors. There is nothing in the provisions of the grandfather clause containing the February 17, 1969, date which prohibits the exempted bank holding companies from expanding to an unlimited degree all nonbank activities they are presently engaged in anywhere in the country.

If it is against the public interest to mix banking and nonbanking activities, then we should not give these large companies a privilege which clearly violates the whole purpose of the Bank Holding Company Act.

Therefore, I strongly support the rollback of the grandfather clause to the earliest possible date.

Mr. PATMAN. Mr. Chairman, much has been said about who is supporting this amendment. I can assure you that they are supported by all small business concerns, regardless of their kind of business all over the Nation. It is supported by independent bankers who represent over one-half the banks in the Nation. It is supported by the insurance agents, the travel agents, the accountants, investment bankers, securities dealers, mutual funds, data processing and many insurance companies.

Mr. Chairman, a question was raised about the Bevill amendment which I feel should be explained. If the Bevill amendment is adopted, then a bank holding company cannot expand its subsidiary activities by additional acquisitions. Nor could one bank or nonbank acquire a grandfathered bank holding company and continue the bank holding company exemptions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

SUBSTITUTE AMENDMENT OFFERED BY MR. BENNETT FOR THE AMENDMENT OFFERED BY MR. BEVILL

Mr. BENNETT. Mr. Chairman, I offer a substitute amendment for the Bevill amendment.

The Clerk read as follows:

Amendment offered by Mr. Bennett as a substitute for the amendment offered by Mr. Bevill: strike lines 12 through 23 and insert:

"d. The Bank Holding Company Act of 1956 is amended by adding at the end of section 2 the following new subsection:

" 'Sec. 4. The provisions of this law shall not apply to one-bank holding companies with bank-assets of less than $30,000,000 and non-bank assets of less than $10,000,000.' "

PARLIAMENTARY INQUIRY

Mr. BLACKBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BLACKBURN. Mr. Chairman, do I understand we are preparing to vote, and if so, what will we be voting upon? I understand there is another amendment now.

The CHAIRMAN. The Chair will state that under the time limitation there is no further time for debate, and the Chair will explain that the amendment offered by the gentleman from Alabama (Mr. Bevill) is before the Committee, the amendment offered by the gentleman from Ohio (Mr. Wylie) to the amendment offered by the gentleman from Alabama (Mr. Bevill) is before the Committee, and the substitute amendment offered by the gentleman from Florida (Mr. Bennett) for the amendment offered by the gentleman from Alabama (Mr. Bevill) is before the Committee.

The first vote will occur on the amendment offered by the gentleman from Ohio (Mr. Wylie) to the amendment offered by the gentleman from Alabama (Mr. Bevill).

Mr. BROWN of Michigan. Mr. Chairman, I raise a point of order on the amendment offered by the gentleman from Florida (Mr. Bennett) in that it is not germane to the bill.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. BROWN of Michigan. Yes, Mr. Chairman; I would like to be heard on my point of order.

Mr. BENNETT. Mr. Chairman, I make a point of order that I think the point of order raised by the gentleman from Michigan is too late, but I think the amendment is germane, anyway.

The CHAIRMAN. The Chair will state that the point of order raised by the gentleman from Michigan is too late. The gentleman from Georgia had arisen for a parliamentary inquiry.

Mr. BROWN of Michigan. Mr. Chairman, if I could be heard on that, as I recall the activity of the House at that time the amendment was offered, it was read, the parliamentary inquiry was made as to what was before the Committee, the Chair explained what was before the Committee at that time, and at that time I made my point of order.

The CHAIRMAN (Mr. Holifield). The Chair will state that the gentleman's point of order comes too late because we have had a parliamentary inquiry in the meantime, and the Chair has responded.

The question is on the amendment offered by the gentleman from Ohio (Mr. Wylie) to the amendment offered by the gentleman from Alabama (Mr. Bevill).

The question was taken; and on a division (demanded by Mr. Reuss), there were—ayes 63, noes 34.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Florida (Mr. Bennett) for the amendment of the gentleman from Alabama (Mr. Bevill), as amended.

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. Bevill), as amended by the gentleman from Ohio (Mr. Wylie).

The question was taken; and on a division (demanded by Mr. Stanton), there were—ayes 79, noes 25.

So the amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Blackburn:

Page 13, line 6, strike "The Board" and all that follows through line 18.

Page 14, add the following after line 23:

"(d) Section 4 of the Bank Holding Company Act of 1956 is amended by adding at the end thereof the following new subsection:

" '(f) The following activities are neither necessary, incidental, nor related to carrying on the business of banking or of managing or controlling banks, and are not in the public interest to be carried on by bank holding companies or subsidiaries thereof:

" '(1) Engaging in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, or of interests in any such securities, whether or not any such interests are redeemable and whether or not the securities to which any such interests relate are in a fund or account or are subject to discretionary sale or purchase, except in the case of—

" '(A) the issuance by any bank of certificates of deposit, passbooks, acceptances, checks, or other evidences of banking liabilities;

" '(B) the issuance by any bank, bank holding company, or subsidiary thereof of stock, bonds, notes, or other evidences of capital loaned to or invested in the bank, company, or subsidiary itself and not in any fund or account for reinvestment; and

" '(C) dealing in and underwriting securities which are by the terms of paragraph 'Seventh' of section 5136 of the Revised Statutes exempted from the limitations and restrictions contained in that paragraph as to dealing in and underwriting investment securities.

" '(2) Providing insurance either as principal or as agent, except

" '(A) where the insurance is limited to insuring the life of a debtor pursuant to or in connection with a specific credit transaction, or providing indemnity for payments coming due on a specific loan or other credit transaction while the debtor is disabled, or

"'(B) in the case of a national bank, to the extent permitted by the eleventh paragraph of section 13 of the Federal Reserve Act, and in the case of any other bank, to the extent permitted under the laws of the jurisdiction under which it is organized and doing business.

"'(3) Engaging in business as a travel agency.

"'(4) Engaging in the business of providing auditing or other professional services in the field of accounting.

"'(5) Engaging in the business of providing data processing services except

"'(A) as an incident to banking services such as the preparation of payrolls, or

"'(B) to the extent necessary to make economical use of equipment primarily acquired and used for the bank holding company or its bank subsidiaries.

"'(6) Engaging in the business of leasing property except under arrangements whereby the lessee is

"'(A) obligated to pay over the term of the lease not less than the entire cost of the property, and

"'(B) entitled to ownership of the property at the end of the term of the lease either for a nominal consideration or for no consideration.'"

Mr. BLACKBURN. Mr. Chairman, we have had a great deal of discussion here today about the need for additional legislation in the field of bank holding company regulations.

What we have just done is advised the Federal Reserve Board, which under the provisions of this bill will be the regulating agency, that certain operations which were not being conducted prior to a certain date by bank holding companies shall henceforth be prohibited by those bank holding companies.

It is my opinion, and I think the testimony before the Committee will bear this out, that one of the reasons we had this great proliferation and expansion by banking institutions in areas which would not be considered functionally related to or necessary adjuncts to banking is because there has been confusion among the members of the banking industry as well as the regulating agency as to exactly what should and what should not be considered banking activities.

What I am proposing in this amendment are specific prohibitions which spell it out for the benefit of those in the banking industry as well as for the benefit of the regulatory agency that certain activities shall not be considered as necessary adjuncts to or as functionally related to banking institutions or banking activities.

Let me very briefly summarize what activities I propose to exclude as a matter of law from banking operations by bank holding companies.

I want to point out that this legislation only applies to those institutions operating under the one-bank holding company operations.

The first is a provision to prevent banks from engaging in general underwriting and issuance of securities or engaging in what we as laymen would consider the securities business.

Second, we would prohibit banks and bank holding companies from engaging in the insurance business, whether as principal or as agent.

Now let us remember, however, if you will read the language of my amendment, that we do not prevent the banks, or other holding company subsidiaries, from writing credit life and health insurance.

For example, if a man wants to get insurance on his life, to insure payment of a loan, the bank can write that insurance. But a bank cannot act as agent in writing general casualty or property insurance unless it qualifies under one of the two specific exceptions. National banks are permitted to do this in communities whose population is under 5,000, and State-chartered banks may do it to the extent permitted by State law.

Third, we provide that a bank cannot engage in the travel agency business.

Fourth, we draw a distinction between accounting and providing bookkeeping services. Accounting is a profession, requiring knowledge and training of a profession, and I do not think it is proper that a bank should be engaged in accounting activities.

Fifth, we provide that the bank can provide data processing services, but only to the extent necessary to supplement the banking activities for their clients, or as necessary to make economically justifiable use of data-processing equipment.

I want to advise the members of the committee that testimony from the bankers themselves was to the effect that they have to buy very expensive data-processing equipment. They found they were unable to make the maximum use of this equipment in their banking activities. Therefore, they used the surplus capacity for other services for their customers.

Now, we do not prevent that in my amendment. To the contrary, we permit it.

Sixth, and finally, the amendment would prevent or prohibit banks from engaging in the business of leasing equipment, except where the lease is essentially a financing of a purchase. For example, if you sign a contract to lease an automobile for a 3-year period, and at the end of that time you will have paid the purchase price of the automobile over the lease life, that will be permitted under my amendment. But so far as banks going out and trying to become No. 1 in the U-drive-it business, that would be prevented under the language of my amendment.

Mr. Chairman, we spent many hours and many weeks discussing this legislation. I think that if we do not give clear guidelines to the banking institutions, if we do not set clear guidelines for the regulating agency itself, the Federal Reserve Board, we will have done ourselves, the banking industry, and the regulating agency a great disservice. What I am proposing to do is to fill the gap and to make it clear, so that the rules of the game will be the same for all banking institutions.

I think my amendment is a fair one, it is a just one, and is based upon the testimony we received in many hours of testimony before our committee.

Mr. PATMAN. Mr. Chairman, I ask for recognition in support of the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PATMAN. Mr. Chairman, I strongly support the amendment offered by the gentleman from Georgia, and I urge its adoption. I do not know of any member of the committee who worked more diligently and honestly and intelligently on this very complicated bill than the gentleman from Georgia (Mr. BLACKBURN), who seemed to have an understanding from the very beginning, and not all Members took the time and devoted the attention to it that Mr. BLACKBURN did, and I feel like what he says is worthy of great consideration.

I strongly support the amendment that he has offered, and I hope that all the people who are interested in it, the small business people, the independent bankers, insurance agents, travel agents, accountants, investment bankers, security dealers and, of course, I mentioned insurance agents, data processing, and many of the greatest insurance companies in this country will support this amendment because it will carry out the will of your constituents, who have asked you to support them.

Mr. Chairman, H.R. 6778, as amended and reported by the committee, prohibits bank holding companies or their nonbank subsidiaries from performing the function of a general insurance agent. On the basis of extensive testimony taken by the committee during 4 weeks of hearings, it was convincingly pointed out by many witnesses that certain other businesses, in addition to insurance agents, are seriously threatened by potential unfair competition from bank holding companies. These businesses, involving hundreds of thousands of independent businessmen throughout the United States include travel agencies, professional accounting firms, data processing companies and equipment leasing companies.

In addition, serious questions were raised by several witnesses during our hearings on H.R. 6778, including leading economists, concerning the tremendous economic power that would be created by the concentration of giant insurance companies and large banks under a single holding company umbrella. The assets of commercial banks and insurance companies comprise most of the assets available for use by all the institutional investors in the United States. Insurance companies and banks combined control roughly $865 billion, or 77.2 percent of the $1.1 trillion of institutional investors in the American economy. Commercial banks alone control $646 billion, or 57.7 percent of this total. Various news media have indicated possible mergers, through the holding company device, of several of the largest commercial banks and largest insurance companies in the country.

One such merger was dropped last winter after the Justice Department brought suit. However, we cannot rely in the long run on such administrative action. We should legislatively prohibit such massive concentrations of economic power. There is no justification for them. By permitting a combination of banks and insurance companies, a tremendous concentration of financial resources would be attained to the detriment of the public interest.

Unfortunately, nothing in H.R. 6778 as reported would prohibit these combinations from taking place within the bank holding company systems.

H.R. 6778 as amended and ordered reported prohibits a bank holding company from acquiring the shares of any company "engaging in the underwriting, public sale, or distribution of mutual funds." This provision of the bill as presently drafted raises two serious questions: First, it prohibits nonbank subsidiaries of bank holding companies from engaging in the sale, underwriting or distribution of mutual funds, but it does not prevent a bank subsidiary of a bank holding company or any other banking institution from carrying on such activities if permitted to do so by the bank supervisory agencies. In fact, the Comptroller of the Currency has already ruled that national banks can engage in what, in effect, are mutual fund operations. Second, the term "mutual fund" is not defined anywhere in Federal law. Technically, what banks have been seeking to do is to sell participations in what are known as commingled agency accounts. This is, in effect, a mutual fund activity.

Therefore, it is questionable whether the amendment adopted in the committee will accomplish the stated purpose of prohibiting banks, as well as bank holding companies, from engaging in this aspect of the securities business. An amendment should be adopted that clearly prohibits both banks and bank holding companies from engaging in mutual fund sales, as was intended in the original Glass-Steagall Act of 1933 which separated the business of banking from all aspects of the securities business.

So the object of this amendment and the purpose of this bill, if enacted into law, is not to prohibit or deter or stop anything the banks are doing. It keeps the banks in the banking business.

Banking is a rather lucrative franchise. There is no reason now why they should step out and have a sort of "boarding house reach" to pick up nonrelated companies. It is not right. It should not be done. Keep the banks in the banking business. Give the small businessman an opportunity to survive and to expand, to exist. That is all we are asking.

I hope that the Members will vote for the Blackburn amendment.

Mr. Chairman, I want to make it clear that when the Congress says that the activities listed in section 4(f) of the Bank Holding Company Act as amended by this bill are neither necessary, incidental, nor related to banking, we mean just that. Therefore, the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation and the courts should take into consideration this statement of legislative policy when considering what is incident to banking under the banking laws.

Mr. REES. Mr. Chairman. I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment not because all parts of the amendment are good or all parts of the amendment are bad. The problem is that the amendment is a laundry list and has just about everything tied into it.

I wish that the gentleman from Georgia had split this up into several amendments.

If Members have this bill I suggest that they turn to page 13. On page 13 it gives the criteria by which the Federal Reserve Board decides whether a function should be under a bank holding company or should not be under a bank holding company. Here are the criteria that the Congress to date has given to the Federal Reserve Board. The function "is functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects."

It says that what the bank holding company can do is functionally related to the business of banking—functionally related to the business of banking and that the benefits to the public outweigh the adverse effects to the public.

This is what the bill says.

Then it puts in two prohibitions. No. 1 is that a bank holding company cannot perform the functions of an insurance agent.

No. 2 is that it cannot engage in the underwriting, public sale or distribution of mutual funds.

I believe the clarifying amendments of Mr. BLACKBURN's amendment in these two areas are good clarifications because of the legal problems we have of definition.

But when we start a laundry list and say, "Let us figure out the areas we do not believe the banks ought to go into," and toss in travel agencies, toss in accounting, toss in bookkeeping services, and talk about data processing and talk about leasing equipment, that is something else. Some of these are in the areas which are functionally related to the business of banking.

The bank is set up as a patsy, and we are saying, "These are the things you cannot do." No matter if the Fed determines that they are functionally related to banking.

We really have not looked at these functions to decide whether banks should be doing them or not.

Let us look at the concept of leasing. Many airlines today obtain airplanes by leasing. When they sign a contract they do want to lease, not purchase, that airplane. They want to lease that airplane for 5 years, and then they want someone else to get rid of it. They do not want a conditional sales contract, which this bill in fact refers to.

The banks deal with this major type of leasing because the banks have financial management ability to go into this major type of leasing.

What about data processing and the use of computers? The Bank of America, in my State of California, spent millions of dollars to develop the whole concept of the use of computers in the business of banking, and now we would say, "Despite the fact that you did this you cannot go into the computer market unless you are using extra time."

What about bookkeeping? For example, if there is a plant which hires 1,000 people, would we tell the bank, "You have all of this data, you have all of the records, but you cannot take care of the payroll of that plant and run the checks out through the use of data processing equipment."

We are saying that a bank cannot perform this function even though the board might be deciding this is functionally related to the business of banking.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I would invite the gentleman to read the bill with a little more care, because that type of activity would be permitted by a bank for one of its customers, preparing payroll checks and that sort of thing.

Mr. REES. There is no definition in there as to specifically what is accounting and what is bookkeeping, what is computer programing and what is not. I think that in technical areas like this, we should have the Federal Reserve Board make the decision, and that decision will be based on whether this function a bank is providing for a customer is functionally related to the business of banking, which you have on page 13 of the bill.

Mr. BLACKBURN. The gentleman agrees with me, does he not, that under this bill we are talking about passing here the Federal Reserve Board will be the regulating agency?

Mr. REES. Yes.

Mr. BLACKBURN. So the Federal Reserve Board, then, under the provisions of my amendment will be the agency to make the determination as to what is properly accounting and what is bookkeeping.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. REES was allowed to proceed for 2 additional minutes.)

Mr. REES. The laundry list is a negative prohibition, saying thou shalt not engage in these functions. That means the Federal Reserve Board cannot even look at the functions and decide whether they are functionally related to the business of banking. I think it is unwise. I think it closes the door to the whole concept of the future of banking and the use of technology.

Mr. BLACKBURN. I just want to state my position here. I submitted this amendment with the view in mind that the Federal Reserve Board under the language of this amendment will have flexibility and banking institutions themselves will have flexibility, but we have to provide as a part of the legislative process and as a part of the process of making the law some broad guidelines for the benefit of the banking institutions and for the regulating agency. Totally to ignore this obligation I think is a disservice.

Mr. REES. When you say that thou shalt not engage in X business, you are certainly not providing much flexibility. No means "no", and the agency will determine just that. I think we ought to draw up broad guidelines and leave it up to the agency itself to decide.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from California.

Mr. TUNNEY. Does the gentleman have any idea what the criteria were in the establishment of the various functions that were included in the laundry list? Why are some functions included and some left out?

Mr. REES. It depends on who came before the committee and gave testimony as to why that specific function should be left out of the negative prohibition.

Mr. TUNNEY. Is that the only reason you can think of?

Mr. REES. I think we do have bona fide cases where businesses are afraid of banks going into nonrelated banking activities, banks do have a very good idea of what the businesses can do and this is dangerous if one's bank is to compete with them. But remember that we put the grandfather clause back to 1956, so we have outlawed all of these nonbanking functions by virtue of our grandfather clause.

Mr. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take my full 5 minutes, because the gentleman from California has so eloquently presented the case against this amendment, but I simply want to remind the committee that this is a one-bank holding company bill that we are putting under the Bank Holding Company Act. It relates to the term "functionally related activities." We have had faith in the Federal Reserve Board in the past and we should have it in the future. Every acquisition approved by the Board has to be included in their yearly report and to say explicitly what every single case is. So I think that Congress has the protection.

Mr. ST GERMAIN. Mr. Chairman, I rise in support of the amendment.

Mr. ST GERMAIN. Mr. Chairman, as a member of the House Committee on Banking and Currency who filed additional views regarding H.R. 6778, a bill on the Bank Holding Company Act of 1956, I wish to speak as clearly and forcefully as possible in support of the Blackburn amendment which is essential to protect the very existence of hundreds of thousands of independent businessmen throughout the United States including travel agencies, professional accounting firms, data processing companies and equipment leasing companies.

I sat through the extensive hearings before our committee on this legislation and became more convinced than ever of the serious threat which these small businessmen are confronted with as a result of their being forced to compete with large and powerful banks and bank holding companies.

I regret that the bill which our committee reported did not take into account the need to protect these small businessmen and I strongly urge my colleagues to join with me in supporting corrective amendments to afford a degree of protection for these businessmen and to assure that the Federal Reserve Board administering the Bank Holding Company Act of 1956 carefully weighs the anticompetitive effects of certain steps taken by bank holding companies and affords travel agents standing to protect themselves in the proceedings before the Federal Reserve Board in connection with efforts by bank holding companies to expand their operations.

In addition, the report of the committee accompanying H.R. 6778, states that this legislation is needed in order to preserve the basic separation of bank and bank related activities from other business activities. This separation has been accomplished by Congress in several pieces of legislation, dating back to the Glass-Steagall Act of 1933 and coming forward to the Bank Holding Company Act of 1956. A guiding principle of the Glass-Steagall Act was the separation of commercial banking from investment banking and divorce of the commercial banking business from the securities business.

Prior to 1962, the Federal Reserve Board administered and controlled the trust activities of commercial banks. In discharging this responsibility, the Federal Reserve Board consistently ruled that banks should not, and could not, operate collective investment funds through the device of pooling individual managing agency accounts. Thus, the Federal Reserve Board supported and implemented what the Board believed to be the congressional intent that commercial banks should not engage in the underwriting, sale, or distribution of shares in a mutual fund.

In 1962, the responsibility of the Federal Reserve Board for administering the trust activities of commercial banks was transferred to the Comptroller of the Currency. Very soon after assuming this responsibility, the Comptroller issued new regulations which purported to authorize commercial banks to market shares in collective investment funds, the bank equivalent of the mutual fund.

These regulations of the Comptroller were challenged in court and the Federal District Court for the District of Columbia decided that the Glass-Steagall Act prohibited commercial banks from engaging in this activity, and that the Comptroller had exceeded his authority in purporting to authorize commercial banks to operate these collective investment funds, that is, mutual funds. The district court's decision was appealed, and just a few months ago, the Court of Appeals for the District of Columbia reversed the lower court's decision, thus upsetting the general view that had prevailed for 30 years that the Glass-Steagall Act did not permit commercial bank entry into the mutual fund business. The Supreme Court is being asked to review the court of appeals decision, but, pending that review, the question of what Congress really meant with respect to whether commercial banks could or could not market mutual fund shares is left unresolved and in a state of confusion.

Clearly, this is a question of congressional policy and a question that Congress, and not the courts, should decide. The amendment which we have before us would help to resolve this confusion by stating clearly that no subsidiary of a bank holding company, whether that subsidiary be a bank itself or another company, may engage in the underwriting, sale, or distribution of shares in a mutual fund.

The majority of the committee that reported the bill have already voted to prohibit a nonbank subsidiary of a bank holding company from "engaging in the underwriting, public sale, or distribution of mutual funds"—section 4(c) (8) (b) of H.R. 6778 as reported by the committee. This amendment would make it clear that this House does not want a bank to undertake an activity which its parent bank holding company may not undertake through the guise of its separate nonbank subsidiary.

Mrs. SULLIVAN. Mr. Chairman, I rise to support the amendment of the gentleman from Georgia (Mr. BLACKBURN).

During our hearings, it seems to me, a convincing case was made to restrict the activities of bank holding companies in certain fields. This is necessary for three reasons. Small service businesses, such as travel agencies, insurance agencies, data processing companies, and equipment leasing companies, which must rely to a large extent on bank credit to compete and grow, should not be subjected to unfair competition from their major source of credit, the banks. Their argument that the very livelihood of hundreds of thousands of small businesses is at stake, is a valid one. This country should protect and foster the opportunities that small, independent, businesses offer the young, ambitious businessmen and women of this country. By permitting large bank-holding companies to dominate these fields by grabbing off the large very profitable customers, these kinds of companies as independent businesses will probably disappear.

As for bank holding companies providing professional accounting services, there is an additional risk to an independent profession which provides objective financial information for the benefit of the public, particularly the investing public. The question is, can a bank holding company subsidiary in the accounting field provide objective financial information if the holding company has a direct interest in the financial health of the same companies through loans, stock investments through the trust department, and other relationships?

The accounting profession should remain independent of all other businesses.

Finally, and perhaps most important of all, banks and insurance companies are the largest sources of credit to American business. The Blackburn amendment would prohibit the combination of commercial banks and insurance companies in order to preserve a large number of competing sources of credit. To fail to prohibit the combination of banks and insurance companies may invite an acceleration of the dangerous trend toward concentration of economic resources we have seen in this country over the last few years.

For the reasons I have stated above, I strongly support the Blackburn amendment.

Mr. PATMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I shall be happy to yield to the gentleman.

Mr. PATMAN. Mr. Chairman, I have asked the distinguished gentlewoman to yield to me at this time for the purpose of ascertaining whether or not we can agree upon some time limitation. We do not want to close off debate. We want every Member to have an opportunity to be heard. However, the major amendment in my opinion has been passed and I believe if we can have a reasonable amount of time we can get through with this bill at a reasonable hour this evening. The leadership is extremely anxious for us to finish it if at all possible.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close not later than 4:20.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BROWN of Michigan. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:25.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair will list the names of those standing.

PARLIAMENTARY INQUIRY

Mr. BROWN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of Michigan. Mr. Chairman, as I understand it the time limitation is 25 minutes and there were only about six standing. However, the Chair has listed the names of about 10.

The CHAIRMAN. The gentleman from Michigan did not object to the unanimous-consent request and, therefore, the time limitation has been set at 4:25. The gentleman's name is on the list. There will be about 2 minutes allocated to each Member standing.

The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the Blackburn amendment and to make some comments on the remarks of my good friend, the gentleman from California (Mr. REES).

There was a question raised about whether leasing was permitted under the Blackburn amendment. I refer the gentleman to subsection 6 of the Blackburn amendment which specifically permits equipment leasing to be carried on by bank holding companies where it is primarily a financing device.

Another question which was raised was with reference to data processing, bookkeeping, payroll payments, and so forth. With reference to those items I call attention to the section of the Blackburn amendment which specifically permits the engagement in providing data processing services where it is consistent with banking services such as the preparation of payrolls and so forth.

So, we have specifically covered these objections which have been raised.

The gentleman from California (Mr. TUNNEY) asked why did we prohibit specific things in certain instances and not in others. The reason for that is that we felt that they were clearly not related to banks but were related to such operations as department stores, carpet factories and so forth which are prohibited because they are clearly not related to banking practices. But where banks have participated in institutions such as insurance companies, as underwriters of mutual funds and the like, or where there was question as to whether they were potentially related or not, this amendment would allow the Congress to decide whether or not they could operate specific types of activities and we should agree or disagree, yes or no. Also, where there are areas about which we are not sure, then we should leave it up to the Federal Reserve Board to make the determination. If a bank wants to get into the insurance business or travel agent business, then we should decide if they should do it or not. That is the purpose of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in support of the amendment. I believe that the gentleman from Pennsylvania (Mr. MOORHEAD), has just expressed my opinions. Certainly I was concerned when I heard the gentleman from California say that it would prohibit banks from engaging in leasing because I am very much aware of the fact that many banks use leasing as a means of financing customers' property. This amendment in no way prohibits that type of activity. It simply requires that if there is a lease it is a lease-purchase type of agreement. It is a means of financing the property. As far as the auditing services, the banks should not be in auditing, but for the banks to perform certain bookkeeping services I cannot see how the amendment would prohibit that.

It is certainly reasonable in all its aspects, and I support it and I urge the other Members to do likewise.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. Mr. Chairman, I rise in support of the amendment, and I call the attention of the Members to the fact that the so-called laundry list has to do with prohibiting specific areas about which we heard testimony in committee.

Mr. Chairman, it seems to me that the Congress of the United States has the responsibility of saying what banking business is, and what these one-bank holding companies can do. This so-called laundry list tests those areas where we have heard testimony, and where the small businessman is particularly vulnerable.

This I think is a proper list, and it is absolutely right that the banks should not be operating in these particular business areas. There may be other areas as time goes on where prohibition might be necessary, but certainly in these areas I believe the proposed prohibitions are necessary if we are going to protect the small businessmen.

Mr. Chairman, I say we have the responsibility of doing it here, and that we ought not to hand off our responsibilities in these areas to a Federal agency downtown. We owe it to the public we represent to make the decision here. I do not believe this is going to make for cumbersomeness insofar as the Congress or the agency involved is concerned.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, before we demagog this bill too much, and before we enjoy too much the rapture of political bliss that we are enjoying, I believe it is well for us to think, Mr. Chairman, upon what we have done and what we are doing.

First of all, we have adopted the amendment offered by the gentleman from Alabama (Mr. BEVILL) which will require the divestiture and destruction of many small one-bank holding companies which have satisfied the Congress on two previous occasions on the public benefit and economic good they contribute to their communities.

I would enjoy seeing the faces and looking at the faces of some of those who were smiling at the time of the adoption of the amendment offered by the gentleman from Alabama (Mr. BEVILL) when they are made to realize the harm they have done in attempting to prove that they are doing political good.

Second, some of the groups of prohibited activities incorporated in the pending amendment have been considered to be proper activities for multibank holding companies ever since the enactment of the Holding Company Act of 1956, and are clearly permitted activities of many banks which are not associated with holding companies.

So, in effect, in this legislation, you are saying the banks so associated with holding companies cannot do some things, but other banks that are not associated with holding companies can do those things, or vice versa.

Certainly this is a totally inequitable provision, and I believe that before we move further on this amendment and other amendments we ought to reflect upon the primary purpose of this legislation. Its primary purpose is to remove the "loophole" of permitting one-bank holding companies to be outside the purview of the 1956 act.

I would like to ask those who are supporting this amendment if they interpret their amendment to mean that the activities and the affiliations of multi-bank holding companies that have occurred up until this date and have been determined to be entirely proper are made illegal by their amendment—I think it means this.

Does this mean that any multi-bank holding company engaged in any of these activities must divorce itself from that activity and divest itself of that company?

I think this amendment goes far beyond the simple application its proponents have expressed here.

Some members may have derived some pleasure by referring to those of us who are attempting to pass responsible legislation when they say: "You can see where the bank interests are."

But, I assure you that I have no interest in a bank and I am in no way associated with the banking community. But I can, also, assure you I at least have an interest in being a responsible legislator.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in support of the objectives of this amendment.

Mr. Chairman, I rise in support of the general objectives of the amendment offered by the gentleman from Georgia (Mr. BLACKBURN). I do so following substantially similar reasons which I stated in my support of the rollback amendments earlier this afternoon.

This amendment which would include prohibitions against the operation of travel agencies and the practices of the accounting profession by bank holding companies seems to me to be in line with the stated purposes of this legislation.

Although some of the objectives to this amendment appear to have merit, it is my conviction that this amendment will in no way curtail the banking business from utilizing to the fullest extent data processing equipment and from rendering to their customers full assistance in connection with financial and banking matters.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii (Mr. MATSUNAGA).

(By unanimous consent, Mr. PATMAN yielded his time to Mr. MATSUNAGA.)

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Georgia (Mr. BLACKBURN).

The amendment before us would specifically exclude any bank holding company or its affiliated bank from engaging, interalia, in the travel agency business and from offering accounting services to the public. The travel agent and the public accountant, as small business entrepreneurs throughout the United States, are being threatened with extinction by the encroachment of large banking corporations upon their respective fields.

Although H.R. 6778 excludes bank holding companies from the insurance field, it at the same time authorizes the entry of any bank holding company into any business which the bank-oriented Federal Reserve Board considers "functionally related" to banking. The reported bill offers no guidelines for the determination of whether or not an activity is "functionally related" to banking. Federal Reserve Board approval for the acquisition of a subsidiary by a bank holding company could conceivably be granted for numerous types of business activities, most of which would be in areas of active small businesses.

Mr. Chairman, it is manifestly unfair and unreasonable to allow an ever-increasing number of these bank holding companies to encroach upon the fields of the travel agent and the public accountant. How can a travel agent, operating as a proprietorship or as a small firm, with limited assets, even begin to compete with a colossal national bank's travel department? The small businessman is unable to compete at the same level as banks which enjoy special advantages, some of which are offered by the Federal Government. More than one-half of the banks in the United States are chartered by the Federal Government. Almost every bank in the United States is insured by the Federal Deposit Insurance Corporation. Check clearances and interbanking relations are conducted under the auspices of the Federal Reserve Board. Indeed, how can the travel agent or the public accountant even begin to compete with bank corporations possessing such special advantages?

It should be pointed out too that when a bank prepares a tax return for a depositor it is not held to the same standard of responsbility as is a public accountant. Under Internal Revenue procedure 68–20, the bank is ineligible to represent the taxpayer in the event that his return is audited by the Internal Revenue Service. Surely, the public would be better served by independent accountants who may represent their clients in such a situation.

A bank has at its disposal extensive lists of clients for the purpose of soliciting business both for its travel department and its accounting department. Banks, with millions of dollars in assets behind them, can afford to take a loss in the performance of either of these services for the purpose of winning over more depositors. In truth, bank holding companies do not compete in these two fields; they present a real threat to the existence of thousands of small independent businessmen in the United States.

Mr. Chairman, there has been no clear demonstration of public need for banks to engage in these nonbanking functions. To permit them to do so would constitute an invitation for the banks to expand into other nonbanking areas. In the past, Congress has written laws specifically to protect small business from encroachment by business corporations of unequal size and unequal strength. In keeping with this historical American concept, let us protect the small travel agent and the public accountant from the banking Goliaths.

Mr. Chairman, I urge the adoption of the Blackburn amendment, to keep bankers in the banking business.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I am going to take only a minute and a half, because I have had several Members ask me the question as to whether or not my amendment would apply to banks only, that is, a bank which is not operating as a part of a bank holding company.

Let me make sure that everyone understands that we are dealing today with legislation which only affects bank holding company operations, and I fear that perhaps those of us on the committee have made some assumptions which were not valid, and that is because we have been dealing with this question so long with respect to the bank holding companies, we think the phrase is understood by everyone in the Congress. Perhaps it is not.

This legislation applies only to those financial operations in which there is a parent company which owns a controlling interest in a bank, and this parent company also owns a controlling interest in other business activities. What we are directing our attention to today is the operation of those institutions in which a parent company owns a controlling interest in a banking institution.

The argument has been made that this legislation does not direct itself to banks only. Well, it does not, because that is not the business before the House today. But I think it is going to be significant in the eyes of the Federal Reserve Board and other regulating agencies what action this committee takes and what this House adopts today with respect to the over-all spectrum of banking regulation. I think the amendment that I have offered—and I repeat myself again—is a proper one. I think it is one within which the agency and the banking institutions themselves can easily adapt to the best interests of the banking institutions as well as the general public.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I would like to ask the gentleman a question about one of the several areas covered by his amendment. I noticed one of the prohibited activities would be the providing of auditing or other professional services in the field of accounting. Would the gentleman mind defining "or other professional services in the field of accounting" because even the National Association of Accountants cannot define that term.

Mr. BLACKBURN. It is like defining what is the practice of the law. We have seen bar associations argue that question vigorously many times among themselves as to what is the practice of the law. What I am saying is the Federal Reserve Board itself can take into account what is the judgment decision on the part of a professional accountant.

I am reminded of what the gentleman from Hawaii (Mr. MATSUNAGA) was telling us just now, and that is that a professional man operating alone is not in a position to compete with a financial institution, such as a bank, a big bank.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment. I do so because it seems to me the issue here is whether the Congress or the appropriate regulatory agency, namely, the Federal Reserve Board, shall define the business of banking. That is to say, those activities that are so closely related to banking as to be a proper incident thereto.

Mr. Chairman, the 1956 Holding Company Act, the multi-holding company act, vested this responsibility with the Federal Reserve Board, and in the 13 years that have intervened, the Federal Reserve Board has discharged its responsibility. It has determined those activities so closely related to banking as to be a proper incident thereto, and based on those decisions, multi-bank holding companies have either been able to make acquisitions or they have not been able to do so.

Now we find ourselves saying, No, the Federal Reserve Board should not have this authority and responsibility. We should take this unto ourselves.

I say this, Mr. Chairman. Fine. Let us just do that. If we want to get into this business of defining an evolving industry, such as banking, we are going to be at this every third week of every month of every year into the foreseeable future. This is the reason, I submit, that the administration and the Federal Reserve and, yes, even our committee said that the Federal Reserve Board and not the Congress should exercise this kind of decisionmaking.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, will the gentleman please tell me what is going to happen to the small one-bank holding companies operating in small villages and towns and rural areas? They are one-bank holding companies, because they are operating, say, a lumber yard, or other service which the community would not have unless the bank was operating that service. What is going to happen in those areas if we pass this amendment prohibiting the banks from providing the accounting service or travel service?

Mr. ASHLEY. It is perfectly clear that the people in those population centers are going to be denied these services.

Mr. WILLIAMS. That is why I oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN).

The question was taken; and on a division (demanded by Mr. STANTON) there were—ayes 50, noes 25.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 12, strike line 22 and all that follows through page 14, line 11, and insert in lieu thereof the following:

"(c) Section 4 of the Bank Holding Company Act of 1956 is amended as follows:

"(1) Section 4(c)(8) is amended to read:

"'(8) shares of any company all the activities which are or after its acquisition are to be authorized under subsection (e) of this section.'

"(2) Section 4 is amended by adding at the end thereof the following new subsection:

"'(e)(1) A bank holding company or any subsidiary thereof may carry on any activity of a financial or fiduciary nature if the Board finds, on the record after opportunity for hearing, that the carrying on of the activity in question by the applicant (in case of an order authorizing the activity on the part of a particular company) or by bank holding companies or their subsidiaries generally (in the case of a regulation authorizing the activity on the part of all companies similarly situated), under the limitations and conditions set forth in the order or regulation, will be functionally related to banking and can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern.

"'(2) In the event of the failure of the Board to act on any application for an order under this subsection within the 90 day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted.

"'(3) The Board shall include in its annual report to the Congress a description and a statement of the reasons for approval of each activity approved by it by order or by regulation under this subsection during the period covered by the report.'"

Mr. MOORHEAD (during the reading). Mr. Chairman, because the rest of this amendment is really repeating the language of the bill as reported, I ask unanimous consent that it be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Chairman, I will not take the 5 minutes, because this amendment which has just been read is really a technical amendment, which is intended to clarify certain matters left unclear in the abbreviated bill reported by the committee.

Fundamentally, the amendment does two things:

First. The 1956 Bank Holding Company Act limited the activities of holding companies to those activities which are of a "financial, fiduciary, or insurance nature." The amendment restores this time honored concept deleting, of course, in view of the Blackburn amendment, the word "insurance."

Second. The bill reported by the committee uses the words "benefits to the public" and "possible adverse effects" without giving any guidance to the Fed as to what Congress meant by these words. The amendment would adopt almost the exact language suggested to the committee by the Federal Reserve Board and would give to the Fed the legislative guidance requested by it.

Mr. Chairman, I urge the adoption of this technical, but nevertheless important amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to my distinguished chairman.

Mr. PATMAN. I thank the gentleman for yielding.

Mr. Chairman, this is one of the most important amendments before us today. I strongly support it.

The purpose of this amendment is to require the Federal Reserve Board to carefully scrutinize the activities of each bank holding company and its subsidiaries. An applicant to the Board under this section must meet all of the following tests. First, an activity must be of a financial or fiduciary nature. Second, it must be functionally related to banking. Even if it is determined that the activity meets these requirements, the Board still must find, after a detailed and careful review, that the benefits to be derived by the public from the holding company or subsidiary engaging in a particular activity clearly outweigh the possible adverse effects of their engaging in activity. In determining if benefits will be produced to the public, the Board will, among other factors, have to determine whether there is a need for the bank holding company or subsidiary to offer the service in the market to be served or whether the service is already adequately available from other sources in the area. Increased competition and gains in efficiency are other important benefits the Board must find likely to develop from its action.

In ascertaining possible adverse effects, the Board must look at the overall economic power of the bank holding company or subsidiary in the market it serves. The Board must also consider whether the proposed activity would tend to decrease overall competition. The Board must also consider whether the lending of funds by a bank holding company subsidiary is or is likely to be explicitly or implicitly couples with the requirement that the borrower do business with another subsidiary of the company, or if there is substantial likelihood that borrowers and potential borrowers would direct their business to such subsidiary in order to curry favor with the lender. Such tie-ins or tendencies toward tie-ins would give unfair competitive advantages to the holding company over competitors. The Board would also have to consider whether the control of nonbanking activities by the bank holding company would place it or its subsidiaries directly or indirectly in competition with those that are normally its customers so as to present a serious potential for conflicts of interest.

Under these standards, the Board must retain a strict control over the activities of bank holding companies and their subsidiaries and would preclude those activities which are not clearly permitted. However, there would be some flexibility where there is a demonstrated public need for the bank holding company or subsidiary engaging in certain activities, provided that they are of a financial or fiduciary nature and functionally related to banking. In this way, the Board may permit bank holding companies in small communities to engage in activities where those services are not available or adequately provided for by alternative sources.

Further, the new section 4(e)(1), by specifically including the competitive factors for Board consideration, is intended to provide any competitor likely to be affected by the bank holding company or its subsidiary engaging in a particular activity, including an activity precluded by section 4(f), to have standing in any Board proceeding to raise the question of the propriety of the bank holding company's or subsidiary's proposed activities. It would also permit challenge of an unfavorable Board order in court. The full protection of the Administrative Procedures Act would be available. This is the only fair way of providing for all concerned to be heard, and of insuring the enforcement of this type of legislation.

Mr. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I enjoy working with my friend from Pennsylvania, but I have to say to him at this time that this is more than just a technical amendment. The gentleman has offered an amendment here, really, which, I am sure, he would agree with me, came from the gentleman who is the assistant to the board of the Federal Reserve Board, Mr. Carden. On May 13, 1969, Mr. Carden wrote to Mr. Gelman proposing such an amendment as the gentleman offered here. However, I say to the gentleman in all honesty we looked at this amendment in H.R. 12130 and, to be honest with you, we checked because, of course, this contained a laundry list of permissive activities by the Federal Reserve Board which, at that time, included travel agencies, and so forth. However, when you take it out of context, it is something else.

For the benefit of the Members of the House, I want to read what the gentleman's amendment says. The gentleman, in his amendment, adds on in addition to our bill. We stop with "produce benefits to the public." His amendment adds "as greater convenience, increased competition, or gains in efficiency," and so forth.

I ask the gentleman a couple of simple questions. First of all, if you have gains in efficiency, are you going to grant a business of this bank if, for one thing, it promotes concentration of power?

Mr. MOORHEAD. If the gentleman will yield, these are the two things we directed the Board to do away with. If they come out saying that the public is better off doing these things, then the scales are tipped the other way. The language, I assure the gentleman, is that which is in the hearings submitted by Mr. Martin, Chairman of the Federal Reserve Board.

Mr. STANTON. As I say, if the gentleman will agree, it is identical language. Then I ask the gentleman again, with respect to the same plan, first of all, you have increased competition. Are you going to grant it despite the fact that you have a conflict of interest? You go right down the line with "undue competition and unsound banking practices," and so forth. I say to the gentleman that it is not sound.

Mr. MOORHEAD. If it is a minor conflict of interest and a major gain in competition, you come out with one situation. If it is a drastically serious conflict of interest, it would come out the other way. You are trying to give the Board here exactly what they asked for.

Mr. STANTON. I say in all sincerity to the gentleman—and I hope the committee will take it into consideration in voting against this amendment—that if you have a laundry list of desirable activities, that is one thing, but without that it is unnecessary language, I believe, and I ask the House to vote against this amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I am happy to yield to the gentleman.

Mr. CELLER. I listened with grave interest to the recital of this matter, and I wonder whether or not it is not an antitrust proposal and whether or not it does not poach upon the jurisdiction of the House Committee on the Judiciary. I could not hear all of the language because of the noise in the Chamber, but I did hear phrases involving anticompetitive effects and anticompetition and words of that nature, which are words that we find in all of the verbiage of the antitrust laws. And I take it that the provision of this amendment is to prevent undue competition and to prevent the ravaging by holding companies of smaller outfits.

For that reason I do hope that this amendment will be defeated. It is a very intricate amendment. It is very involved and very difficult to comprehend as one listens for the first time to its language as was recited here on the floor. It is very broad. I take it that it ties almost completely the hands of the Federal Reserve Board.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment, if adopted, would take away from the Federal Reserve Board almost all of its discretion and would really negate the efficiency of the Board. So it really is an antitrust proposal.

I wonder whether or not the author would be willing to respond to that statement?

Mr. MOORHEAD. Mr. Chairman will the gentleman yield?

Mr. CELLER. Yes, I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Of course, I had no intention of trespassing upon the jurisdiction of the committee which the distinguished gentleman from New York (Mr. CELLER) so ably chairs. I would say to the gentleman that these amendments are amendments to the Bank Holding Company Act. The entire matter of the antitrust provisions are contained in section 11 of that act which are not affected by this amendment. In other words, the whole matter of antitrust is clearly spelled out right in section 11 which provides that no part of this section should be interpreted as repealing or affecting any antitrust laws.

Mr. CELLER. It strikes me, however, that this amendment negates that allegation. We members of the Judiciary Committee are now engaged in an inquiry, wide and deep, concerning companies and concerning acquisitions, concerning large entities, not only concerning banks, but concerning nonbanking operations as well. We have embarked upon an inquiry that goes into what is known as so-called conglomerate corporations, and so forth. We have been engaged for the last 2 months on that score and we are in the process of formulating amendments to the antitrust laws that would involve the very anticompetitive actions that are embraced within this amendment. For that reason I do not think it would be well to pass this amendment without most mature reflection. It is a matter that I think should be left to the Judiciary Committee despite the fact that this amendment is to a bill which primarily concerns banks. The Judiciary Committee in its jurisdiction is not limited to nonbanks. We cover, in common parlance, the waterfront. We cover banks and nonbanks, financial operations and nonfinancial operations, insurance companies and noninsurance companies, those who are in a fiduciary capacity to their stockholders and their agents and those who are not.

Again, I do hope for those reasons that this amendment will not carry. In light of this amendment I would say to the distinguished gentleman from Pennsylvania, the author thereof, that the Judiciary Committee will focus particular attention upon bank holding companies and their operations in order to see whether or not they are competitive, whether they violate the antitrust laws and are a detriment to the weal and the welfare of the country.

Mr. MOORHEAD. Mr. Chairman, I want to be sure the distinguished chairman understands that if my amendment is defeated there will still be language in which antitrust is involved, only the damage or the danger will be that it is too vague.

In other words, if the amendment is defeated the Board is still directed to determine whether the acquisition would produce benefits to the public that outweigh possible adverse effects.

The legislative history would indicate that one of the things would be competition, whether we say it or not. But I believe it is more restrictive and more in keeping with the policy of the gentleman's committee if the amendment is adopted.

Mr. CELLER. I believe you are setting up another entity in addition to the Department of Justice to get after these and prosecute those who may be setting up monopolies——

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. MOORHEAD, and by unanimous consent, Mr. CELLER was allowed to proceed for 2 additional minutes.)

Mr. MOORHEAD. Mr. Chairman, I merely want to say to the distinguished chairman that this exists, if it is bad it exists under the bill as reported by the committee, and my amendment would merely clarify and give congressional direction to the Federal Reserve.

Therefore, Mr. Chairman, I think that the gentleman would, if he would read this language, find that it actually helps the policy that both the gentleman from New York and I would follow, and I would hope that the gentleman would withdraw his opposition.

Mr. CELLER. I would respectfully have to disagree with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 31, noes 28.

So the amendment was agreed to.

AMENDMENT OFFERRED BY MR. ASHLEY

Mr. ASHLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHLEY: Page 12, strike lines 18 through 21 and insert in lieu thereof the following:

"(b) Section 2(a) of the Bank Holding Company Act of 1956 is amended to read as follows:

"'SEC. 2. (a) (1) Except as provided in paragraph (5) of this subsection, "bank holding company" means any company that has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"'(2) Any given person has control.

"'(A) over any company which is a corporation if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, has power to vote 25 percent or more of any class of voting securities of that corporation.

"'(B) over any company which is a corporation or trust if the person controls in any manner the election of a majority of its directors or trustees.

"'(C) over any company if the Board determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of that company.

"'(3) For the purposes of any proceeding under paragraph (2)(C) of this subsection, there is a presumption that any person who directly and indirectly holds with power to vote less than 5 percent of any class of voting securities of a given corporation does not have control of that corporation.

"'(4) In any administrative or judicial proceeding under this Act, other than a proceeding under paragraph (2)(C) of this subsection, a person may not be held to have had control of any given corporation at any given time unless that person, at the time in question, directly and indirectly held with power to vote 5 percent or more of any class of voting securities of the corporation, or had already been found to have control in a proceeding under paragraph (2)(C).

"'(5) No company is a bank holding company by virtue of

"'(A) its ownership or control of shares acquired by it in connection with its underwriting of securities if the shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"'(B) its control of voting rights of shares acquired in the course of a proxy solicitation if the company was formed for the sole purpose of participating in that solicitation.

"'(C) its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition.

"'(D) its ownership or control of any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of its owners, and deposits of public moneys.

"'(E) its ownership or control, if the Board by regulation or order so provides and subject to such conditions as the Board may prescribe, of

"'(i) any bank organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, or

"'(ii) any bank operated within the United States principally for the purpose of conducting or facilitating transactions in foreign commerce

if the Board determines that the resulting exemption would not be substantially at variance with the purposes of this Act and would be in the public interest by directly or indirectly facilitating the foreign commerce of the United States.

"'(6) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company.'

"(c) Section 4(c) of the Bank Holding Company Act of 1956 is amended by adding at the end thereof the following new paragraph:

"'(12) shares held or activities conducted by any company organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest by directly or indirectly facilitating the foreign commerce of the United States.'"

Mr. ASHLEY. Mr. Chairman, this amendment is concerned with the criteria for determining whether or not a company is a bank holding company for purposes of the 1956 act, as amended. The bill before us, H.R. 6778, defines a bank holding company as any company that directly or indirectly owns or controls 25 percent or more of the voting shares of any bank or company that becomes a bank holding company or controls the majority election of the directors of any bank.

Testimony before our committee indicated that in some instances companies might seek to avoid coverage of the act by keeping their stock ownership at less than 25 percent. My amendment simply modifies H.R. 6778 by providing that actual control of any bank, even at less than 25 percent, is sufficient to require the controlling company to register as a bank holding company.

The determination as to whether there is direct or indirect control of the management or policies of a company would rest with the Federal Reserve Board, after notice and opportunity for hearing.

Second, Mr. Chairman, my amendment makes it clear, subject to action by the Federal Reserve Board, that no foreign institution will be a bank holding company by virtue of its ownership or control of any bank the greater part of whose business is conducted outside the United States. The criteria which the Federal Reserve Board would apply in determining exempt status are such that exemption would not be substantially at variance with the purposes of the act and would be in the public interest by facilitating the foreign commerce of the United States.

In addition to banks organized under the laws of a foreign country, my amendment would also expressly exempt American institutions which are principally engaged in the banking business outside the United States but which conduct activities in this country that are merely incidental to their foreign and international activities. For example, American Express Co. operates a wholly owned Connecticut subsidiary that is primarily engaged in the banking business abroad through branches in 17 foreign countries and that is legally prohibited from conducting a general commercial banking business here. It does, however, maintain its headquarters and operates an agency office in New York for the principal purpose of servicing its extraterritorial activities. My amendment would provide that the incidental banking activities of such corporations conducted in this country would not make them holding companies under the act.

Mr. Chairman, all three facets of this amendment have the blessing of the Treasury Department and the Federal Reserve Board. There was virtual committee unanimity with respect to each and they would have been included in the bill before us except for a parliamentary situation that prevented amendments being offered.

Under the circumstances, Mr. Chairman, I would hope that this amendment would be overwhelmingly approved.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. STANTON. Mr. Chairman, the gentleman has distributed copies of his amendment on this side of the aisle and we have no objection to the amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. PATMAN. Mr. Chairman, we are willing to accept the gentleman's amendment on this side.

The amendment offered by the gentleman from Ohio touches on two problems: First, providing an adequate definition of control for purposes of regulating bank holding companies, and second, permitting the Federal Reserve Board to exempt from regulation certain companies largely engaged in banking and other businesses outside the United States.

I support the amendment principally because it plugs a very serious loophole in existing law not dealt with in the bill before us.

Both H.R. 6778, as originally introduced, and H.R. 9385, the administration bill, which was endorsed by the Treasury Department, the Justice Department, and the Federal Reserve Board, would have amended existing law to more realistically define what constitutes control of a banking corporation. Present law defines control as existing when a company controls 25 percent or more of the stock of a bank. It is well known that any large corporation can be controlled with substantially less than 25 percent of its stock. This fact was supported in testimony before your committee on H.R. 6778 and was not challenged by any witness, even those representing the banking industry.

The amendments to the Bank Holding Company Act supported by the administration would have found that control existed when a company had the power to direct the management and policies of a bank. Unfortunately, H.R. 6778, as amended and reported by your committee, does not change present law and, thus, would permit a company to control any number of banks with just under 25 percent of the stock of each bank and still remain completely unregulated as to its nonbanking activities. Failure to amend the Bank Holding Company Act in this regard could have serious adverse effects in effectively administering the Bank Holding Company Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Ashley).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wylie: Page 12, immediately after line 21, insert the following:
>
> "(c) Section 2(b) of the Bank Holding Company Act of 1956 is amended (A) by inserting 'partnership,' immediately after 'corporation,', (B) by striking '(1)', and (C) by striking ', or (2) any partnership'."
>
> And redesignate the succeeding subsections accordingly.

POINT OF ORDER

Mr. REES. Mr. Chairman, I rise to a point of order against the amendment.

The CHAIRMAN. The gentleman from California will state the point of order.

Mr. REES. Mr. Chairman, the amendment is out of order as it is not germane to the bill now before us. The bill before us is in the form of one committee amendment. The committee amendment deals with section 2(a) of the Bank Holding Company Act. It then on line 22 proceeds to jump to section 4(c) of the Bank Holding Act. The amendment offered by the gentleman from Ohio goes to 2(b) and there is no mention in the bill before us of section 2(b) of the Bank Holding Company Act.

The CHAIRMAN. Does the gentleman from Ohio (Mr. Wylie) desire to be heard on the point of order?

Mr. WYLIE. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will be heard.

Mr. WYLIE. Mr. Chairman, the principle is well established that in passing on the germaneness of an amendment, the Chair considers the relationship of the amendment to the bill as modified by the Committee of the Whole at the time the amendment is offered, and not as originally referred to the committee—Cannon's Procedure, page 200.

Mr. Chairman, in the light of this principle, the attention of the Chair is respectfully directed to the present status of the committee amendment, which under the rule is considered as an original bill for the purpose of amendment. The Committee of the Whole has adopted, among others, the Ashley amendment, which completely rewrites the definition of "bank holding company" in the Bank Holding Company Act.

It is obvious that the legal significance of the definition of "bank holding company" depends in turn on the definition of "company." It is equally obvious that a change in the definition of "company" will, to that extent, modify the definition of "bank holding company."

My amendment, Mr. Chairman, amends the definition of "company" so as to include partnerships. I think it is clear, Mr. Chairman, that my amendment thereby modifies the definition of "bank holding company"—indeed, Mr. Chairman, this is its principal purpose. By adopting the Ashley amendment, the Committee of the Whole necessarily made in order any amendment proposing a germane modification of the bill as so amended, in accord with the principle which I stated at the beginning of my remarks. Since my amendment very clearly proposes a germane modification of the bill as now before the Committee of the Whole, the point of order should be overruled.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. BROWN of Michigan. Mr. Chairman, I was seeking to make the same point of order, and I would like to be heard.

The CHAIRMAN. The gentleman will be heard.

Mr. BROWN of Michigan. Mr. Chairman, the fact that a point of order was not raised with respect to the Ashley amendment has no bearing on the determination of the point of order which is presently being raised.

Furthermore, the control factor which occurs on the Ashley amendment by this occurs on 2(a) rather than 2(b), where the percentage involved is in a different subsection of the bill.

Furthermore, at the time the rule was granted on this bill the question was raised as to whether or not a point of order would be waived with respect to this very question. The point of order was not waived by the Rules Committee.

The CHAIRMAN (Mr. Holifield). The Chair is prepared to rule. The fact that there was no point of order raised to the Ashley amendment allowed the Ashley amendment to be considered and adopted by the committee and that changed the tenor of the bill to the extent that the language therein be changed, and the committee amendment now under consideration amends sections 2(a) and 4(c) of the act. These two sections, and the amendment proposed to them, are unrelated. The committee report on the pending bill discloses that the committee amendment does two things: Subjects single bank holding companies to the 1956 act and changes the existing law with respect to what particular nonbanking activities are prohibited to them.

It is a well-established principle of the germaneness rule that where a bill amends existing law in two or more unrelated respects, other amendments to that law may be germane.

With this principle and the provisions of the bill before him in mind, the Chair turns to the amendment offered by the gentleman from Ohio.

Section 2(a) of the Bank Holding Company Act defines what is meant by the term "bank holding company." The committee amendment in the nature of a substitute for the introduced bill amends that term to include single as well as multiple bank holding companies.

Section 2(b) of existing law, in turn, defines the word "company" as it is used in the term "bank holding company" and elsewhere in the act. It is clear that under existing law, the word "company" does not include a partnership. The amendment offered by the gentleman from Ohio proposes to amend section 2(b) of the act to redefine the word "company" to include partnerships.

Since the committee amendment amends two provisions of existing law and opened up for consideration the meaning of the term "bank holding company," it seems to the Chair that words within or dependent upon that term, even if defined elsewhere in the act, are also subject to interpretation and definition.

The Chair holds the amendment germane and overrules the point of order.

Mr. WYLIE. I thank the Chairman.

Mr. Chairman, I rise in support of my amendment which would include partnerships in the definition of a bank holding company. I think we would be naive to assume that parties interested in bank holding company conglomerates will not seize on this exemption to continue their activities. In fact, this device is already being used to circumvent the act by a series of partnerships known as the Parsons Group. This loose organization of limited partnership already controls 16 banks in Michigan, incidentally, one bank in Washington, D.C., Colorado, and two banks in Switzerland, and recently acquired between 33 percent and 42 percent of the outstanding stock of the Union Commerce Bank in Cleveland, Ohio. Mr. Parsons' interests include such nonbanking related ventures as a professional ice hockey team.

Partnerships, especially limited partnerships, when properly organized, take on many of the aspects of the corporate entity such as some insulation from personal liability.

Again, the administration bill recommended that partnerships be included in the act's definition of the word "company." The members of the Federal Reserve Board issued a statement which they said:

> In view of the recent use of the partnership form to bring several banks in Michigan and one in the District of Columbia under common control, the definition of company should be extended to cover partnerships.

I feel that if we do not include partnerships, we have invited a rush to the loophole it thus left and that we would be back here in 2 or 3 years going through this same exercise.

I urge adoption of my amendment which would include partnerships in the definition of a bank holding company.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the chairman of the committee, the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Mr. Chairman, I strongly endorse the amendment offered by the gentleman.

Both H.R. 6778, as originally introduced, and H.R. 9385, the bill supported by the administration, remove the exemption in present law for banks controlled by partnerships. H.R. 6778 as amended and reported by your committee, however, leaves totally intact this exemption.

This is a serious loophole in the law, particularly since limited partnerships as well as general partnerships, are exempted from regulation by the Bank Holding Company Act. The limited partnership is very similar to the corporate form. By continuing to exempt all partnerships from regulation under the Bank Holding Companv Act, another extremely serious defect in the coverage of the law exists which could be used to completely avoid the intent of Congress in regulating bank holding companies. One large chain of banks already exists through control by partnerships. Under the version of H.R. 6778 reported by your committee, partnerships controlling banks could engage in any nonbanking activities that they wished, along with operating their banking businesses in complete disregard of the purpose of the act.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I have a letter from the Department of Commerce in the State of Ohio, the director of banks. The gentleman mentioned some group in Michigan had gone into Ohio. According to this, from the director of banks, it seems one-third of the States in the Union have legislation now against partnerships and the Ohio Legislature was considering it at the time. If Ohio adopts such a measure, then we will not need in Ohio this measure.

Mr. WYLIE. Is that from Mr. Robert Edwards, the State superintendent of banks?

Mr. STANTON. Yes.

Mr. WYLIE. He said he favored Federal legislation, in view of the fact that there was not any partnership law in Ohio now—in a letter to me.

Mr. STANTON. The point I am asking is, if we pass such a bill, why should the Ohio Legislature act on this?

Mr. WYLIE. I cannot answer that. The point I am making is that in the definition of the one-bank holding company, we have talked about one-bank holding company corporations, but we have left one obvious loophole in the form of a partnership arrangement, it seems to me. I will give one example where in the State of Michigan activities which would have been prevented by corporations under the law as we are now amending it would be permitted by a partnership and a group did exactly what we are asking this Congress to prohibit under this one-bank holding company legislation.

Mr. STANTON. If the gentleman will yield further, I will say to him quickly that he spoke about the State of Michigan group in Ohio. Does the gentleman know of any other groups in the United States where this happens?

Mr. WYLIE. No, and I do not think it is important.

Mr. STANTON. It is important. If there are other cases, we should take care of it, but if this is special interest legislation, the States of Michigan and Ohio ought to take care of it.

Mr. WYLIE. It would apply uniformly to all 50 States, of course. What I am saying is if we close the loophole with respect to the one-bank holding companies, then what is to prevent these same interests from forming into a limited partnership or a general partnership and doing the same thing?

Nothing in the present law would prevent it. I refer to the statement from Mr. William McChesney Martin in which he said the Federal Reserve Board by unanimous vote suggested that this loophole should be closed.

SUBSTITUTE AMENDMENT OFFERED BY MR. REES FOR THE AMENDMENT OFFERED BY MR. WYLIE

Mr. REES. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The Clerk read as follows:

Substitute amendment offered by Mr. REES for the amendment offered by Mr. WYLIE: Section 2(b) is amended (1) by inserting "limited partnership in which the value of the interests of the general partners is less than 25 percent of the value of the interests of all the partners," immediately after "means any corporation," and (2) by inserting "in which the value of the interests of the general partners is 25 percent or more of the value of the interests of all the partners" immediately after "any partnership."

Mr. REES. Mr. Chairman, what this language is is the language that received preliminary adoption in the Banking and Currency Committee and was put into what we call the Moorhead bill. Then the Moorhead bill was substituted for by the bill now before us.

This was a partial agreement to take care of the problems of a partnership and whether they should be deemed a one-bank holding company.

The purpose of this amendment is to define what a partnership is. What this amendment says is that a general partnership would be included under the definition of a one-bank holding company, but a limited partnership where the general partner—the general partner is the person who has the liability—has more than 25 percent would be exempted because of the liability factor of the general partner.

The entire situation came up with one banking group in Michigan, the Parsons group, which in its expansion went out and purchased control through the limited partnership arrangement of smaller banks in the State of Michigan. In the process, from what I have seen of their banking operations, they developed a very progressive and a very competitive banking operation and they were able to provide better service for the people in that State.

There is only one company I know now that uses the vehicle of a limited partnership.

There is nothing in the operation of this group that has been considered operating outside the framework of Federal banking agency regulations. They are a series of banking partnerships. I believe they are exercising good judgment in the development of their banking operations.

It is wrong for this House to outlaw a function of banking without any evidence of wrongdoing.

We did not find anything in the testimony before the Banking and Currency Committee to say that this type of project partnership is adverse to the banking industry.

What this amendment does is to clarify it, so that the partnership exemption does not become a huge loophole one could drive a truck through. I believe this substitute amendment tightens the loophole. This is why I offer it.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Ohio.

Mr. STANTON. I realize the gentleman has gotten into a very technical field which many Members of the House cannot follow, with respect to general partnerships and limited partnerships, exceptions, and individuals, and so forth. I would like to say that I support the gentleman's amendment. It was originally discussed in the committee, and I rise in support of it.

Mr. REES. I thank the gentleman.

Mr. BROWN of Michigan. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from California for his amendment to the amendment offered by the gentleman from Ohio. Certainly the legislation we have before us is not aimed at individuals or partnerships. The legislation we have before us is to control the operation of holding companies, especially those that own one bank rather than two or more banks, to which the 1956 legislation applied. When we talk about partnerships we are talking about individuals. Partnerships do not lend themselves to the technique of pyramiding of control.

A corporation may own a part of another corporation which in turn could own part of another corporation until it is possible for the same single corporation at the top of the pyramid to control vast resources. Partnerships cannot be pyramided. They consist of individuals. The corporate managers control the proxy machinery and thereby control the corporation. It is not so in a partnership. A partnership does not have continuous life or continuity of interest. A partnership is terminated by the death of any of its members. In the case of a limited partnership, any general partner may dissolve the partnership at will.

The amendment that the gentleman from California has offered basically recognizes the difference between a general partnership and a limited partnership, as defined in the amendment. To the extent that a partnership reflects all of the indicia of a natural person, then that partnership should have all of the advantages and privileges and freedoms that the individual has. I do not think anyone here would want to pass legislation that says that an individual may possess or own assets only under the restrictive language of the present law. And, if legislation of this kind it is not justified for an individual, then it is certainly not justified for a partnership, because a partnership is merely two natural persons, shall we say, functioning as a natural entity. As such it does not have the privileges, prerogatives, rights, limited liability, and so forth, that a corporation has. Certainly, if anything is to be done in the partnership area as far as eliminating the partnership exemption, it should be done under the language suggested by the gentleman from California (Mr. REES).

Mr. Chairman, I urge that his amendment be adopted.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if the gentleman from California (Mr. REES) would answer a question. I am not sure I understand what percentage the single partner, a general partner, would own under your amendment.

Mr. REES. If the gentleman will yield, under this amendment a general partner would have to own over 25 percent of that limited partnership.

Mr. BLACKBURN. After the acquisition of other assets at any one time?

Mr. REES. At any one time in that specific partnership. We are talking about a series of partnerships. Each acquisition is a new limited partnership.

Mr. BLACKBURN. But you would have to maintain at least one general partner to own at least 25 percent of the partnership?

Mr. REES. Yes.

Mr. BLACKBURN. Would this have the effect of keeping one individual from being able to get too large an aggregation of investments in banks and other activities?

Mr. REES. I think this would limit it. It would effectively limit the general partner as to how many banks he might go into.

Mr. BLACKBURN. The reason I ask the question is because I, frankly, support the amendment which has been offered by the gentleman from Ohio (Mr. WYLIE), and to the extent that your amendment might help facilitate the passage of the Wylie amendment, I would want to accept it. However, I want to be sure I understand it.

In other words, under your amendment you are assuming that no individual is going to have so much money that he could control the destiny of our economy by buying up too many banking activities?

Mr. REES. First, a person would not have the assets to go in and buy a series of large banks or even a very large series of small banks.

Second, as a general partner, he is personally liable to a greater extent than an individual, for example, who is a stockholder in a one-bank holding corporation. He is personally liable as a general partner of the misdeeds of the bank. There is even more incentive placed upon this general partner to make sure that that bank is run in a proper manner.

Mr. BLACKBURN. Let me say that I do support the gentleman's amendment. However, I do confess that I do so with some reservation but because of the fact that a single individual may have a responsibility of 25 percent possible personal loss may give me some comfort. At the same time overly ambitious individuals would not mind over extending themselves. I hope the gentleman has given this some thought prior to the offering of his amendment.

Mr. REES. All of these acquisitions have to be approved by the Federal agencies.

Mr. BLACKBURN. The Federeal Reserve Board?

Mr. REES. These acquisitions and the leverage the purchase would exercise would come under the scrutiny of the Federal Reserve Board.

Mr. BLACKBURN. Mr. Chairman, I yield back the balance of my time.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Would the gentleman from California (Mr. REES) respond to another question?

Mr. REES. Yes.

Mr. WYLIE. Would your amendment allow a general partnership to organize a conglomerate, for instance, through a one-bank operation and be excluded from the provisions of the One Bank Holding Company Act?

Mr. REES. I do not see that effect. Here it is determined that if they own over 25 percent as a general partner, I do not see that operating as a huge conglomerate. I understand the gentleman has several other assets not related to banking, but a hockey team for example. However, it would be very difficult to build this into a huge conglomerate because the general partner does not have the protection that a corporation or say a corporate stockholder would have. As a general partner he is personally liable as that general partner.

Mr. WYLIE. I understand that a general partner is personally liable, but that has not been the fact which has prevented some individuals from engaging in financial enterprises, later causing them to go into bankruptcy or causing other persons to go into bankruptcy with them.

The point I am making here is I want to be sure that we do not provide another possibility for wealthy people to go into the conglomerate business so to speak, through a partnership and from a bank manufacture their own money for other activities beyond their banking business, and again allow for banking conglomerates to form under a general partnership.

The gentleman from California does not believe that that would happen? The gentleman feels that his amendment is such that that type of operation would be prevented?

Mr. REES. I do not foresee it. One of the reasons we put the percentage of ownership of the general partner up to 25 percent is because that is a very substantial amount of ownership. There is also, again, as I mentioned before a liability of the general partnership. I think if they were going into a larger conglomerate there would be other ways to do it.

I would also like to point out that we have the regulations of three different Federal agencies and I think they would look into the original purchase of the bank and also what the practices of the bank might be with relationship to other subsidiaries.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I would suggest this: that when the gentleman asks the question whether or not this will stop a wealthy person from doing this, that or another thing, that we are going into the ridiculous. Any wealthy person can do that, he does not have to go through a partnership, a wealthy person can acquire any kind of property that is big enough to become a conglomerate, and this bill will not touch him at all; there is no legislation that will touch him, because by legislation we still belong to a system where a natural person can acquire pretty much what he wants to, and what activities he wants to, so long as he does not violate the antitrust, anticompetitive or restraint of trade laws.

I do not believe this House wants to get to the point where it is saying to each individual we are going to determine in what you may invest your money, and if you have 25 percent of your money in a bank, or you have a 25-percent ownership of a bank, you therefore cannot get into activities that are not congeneric or that are not bank-related, and that you cannot invest in a manufacturing company, or anything else.

If we continue this present process on the floor that we are today we are going to make a complete jumble of what has been a fairly legitimate and approved system for generations.

Mr. WYLIE. My amendment does not do what the gentleman from Michigan suggests it will; it does not apply to individuals in any respect, it applies only to a partnership, and it would especially apply, I would suggest, in the case of a limited partnership, but for practical purposes there are ways by which an individual can be insulated from personal liability through a partnership. I believe that the partnership amendment which I have offered should be adopted for this reason.

I am not suggesting that certain wealthy individuals should not be allowed to invest in whatever they want to invest, but I do not believe they should be allowed to form into a partnership or limited partnership, which in many respects can have some of the characteristics of a corporation, and for practical purposes be insulated from personal liability.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. BROWN of Michigan, and by unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. WYLIE. I would therefore suggest that since we did not hear the amendment offered by the gentleman from California (Mr. REES) in committee, or hear the arguments in favor of it, and because it is a very complicated amendment, that I would have to oppose it and suggest that my amendment be adopted, because it is a simple amendment, it merely brings the word "partnership" into the definition of the bank holding company law, and there can be no doubt as to what the bank holding company law means.

Mr. BROWN of Michigan. If the gentleman will yield further, much to the contrary, the gentleman's amendment removes partnership as an exception from the bank holding company definition. And if the gentleman would tell me if his amendment is adopted who is exempted from the coverage of the bank holding company legislation other than the natural person. I would love to hear it, because by eliminating the partnership exemption this does cover everybody, not two natural persons who have decided to function as a partnership.

Mr. WYLIE. That is what I intend.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from California (Mr. REES) for the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The question was taken; and on a division (demanded by Mr. BROWN of Michigan), there were —ayes 34, noes 25.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 14, after line 23, add the following:

"(d) Section 11(b) of the Bank Holding Company Act of 1956 is amended (1) by changing 'this Act' the first two times it appears therein to read 'section 3', (2) by inserting, in the second sentence thereof, 'approved under section 3' immediately before 'shall be commenced', and (3) by inserting, in the last sentence thereof, 'approved under section 3' immediately before 'in compliance with this Act'.

"(e) Section 11(c) of the Bank Holding Company Act of 1956 is amended by changing 'pursuant to' to read 'under section 3 of'.

"(f) Section 2 of the Bank Holding Company Act of 1956 is amended by adding at the end thereof the following:

"'(i) The term 'person' includes natural persons, companies, and all other entities cognizable as legal personalities.

"'(j) The term 'thrift institution' means (1) a domestic building and loan or savings and loan association, (2) a cooperative bank without capital stock organized and operated for mutual purposes and without profit, or (3) a mutual savings bank not having capital stock represented by shares.'

"(g) Section 5(b) of the Bank Holding Company Act of 1956 is amended by adding at the end thereof the following new sentence: 'In any proceeding for the issuance of a regulation or order under section 4, the Board shall invite the views of the Attorney General as to the competitive factors involved, and the views of the Comptroller of the Currency and the Federal Deposit Insurance Corporation as to all factors specifically made relevant in section 4 to the proceeding in question.'"

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the amendment and that it be printed in the RECORD and be subject to amendment, of course.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, for the purpose of trying to determine the consumption of time on debate for the balance of the afternoon, may I ask whether or not it is in order for a Member to speak more than once on the same amendment?

The CHAIRMAN. Not on the same amendment. A Member has a right to support the amendment or to oppose an amendment. Later on, if the Chair understands the rules, Members have the right to strike out the necessary number of words.

Mr. COLLIER. I thank the chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

Mr. HALL. Mr. Chairman, reserving the right to object, will this amendment be explained, I will ask the gentleman who placed the request?

Mr. PATMAN. Yes. Will the gentleman yield?

Mr. HALL. Yes.

Mr. PATMAN. I am sure the amendment will be explained by the author, and satisfactorily explained. The amendment will be fully read if the gentleman wants that.

Mr. HALL. I do not object to it being printed and considered as read provided that we do not start limiting the time and provided there is adequate explanation. But as I served notice the other day, I shall not grant unanimous consent for acceptance on both sides of the aisle and incorporation into the bill of amendments without explanation.

Mr. PATMAN. I thank the gentleman.

Mr. HALL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment.

This is a technical amendment requested by the Department of Justice.

The Justice Department was concerned over the possible uncertainty of the applicability of the special antitrust procedure in section 11(b) of the Bank Holding Company Act to bank holding company acquisition of nonbanking organizations under section 4, as well as to bank acquisitions under section 3.

This amendment makes it crystal clear that the Congress intended the special antitrust procedure of section 11(b) to be limited only to section 3 bank acquisitions.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. CELLER. As I understand, the situation is as follows: An antitrust action must be brought within 30 days against an acquisition, merger, or consolidation transaction whereby a holding company is involved, and the acquisition concerns a bank. But where the acquisition does not concern a bank, then there is no limitation and that antitrust action can be brought at any time.

Mr. MOORHEAD. That is the purpose of this amendment. Without this amendment, the situation would not be clear. With this amendment, the law would be as the chairman has stated.

Mr. CELLER. The amendment, therefore, only seeks to clarify the language, and if that is the language, and I believe it is correct, there should be no objection to the amendment.

Mr. MOORHEAD. I thank the gentleman from New York for his support.

In its letter to the chairman and ranking member of the Banking and Currency Committee requesting this amendment the Justice Department pointed out that if the amendment were not adopted "the issue would probably have to be resolved by litigation." In its letter the Justice Department further said:

> Moreover, the Department of Justice opposes any legislation which does not make the point clear, since the thirty-day rule would impose a substantial burden on enforcement efforts when applied to a variety of complex, conglomerate types of transactions. In addition, it may well be that the banking community would not be overly anxious to have the automatic stay provision applied to every type of bank holding company acquisition.

Mr. Chairman, for the foregoing reasons this technical amendment should be adopted.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the distinguished gentleman from Texas, the chairman of the committee.

Mr. PATMAN. Mr. Chairman, it is very important that the application of the antitrust laws to bank holding companies be as clearly understood as possible, both from the point of view of the public interest and from the point of view of the banking industry itself.

Therefore, I strongly endorse the amendment offered by the gentleman from Pennsylvania, to section 11 of the Bank Holding Company Act which makes clear the application of section 11 of the Bank Holding Company Act as it pertains to section 3, bank acquisitions of bank holding companies. This amendment has been recommended by the administration in its original bill, H.R. 9385. It was not included in the bill as amended and reported by the Banking and Currency Committee.

Because of this fact, on September 25, 1969, the administration's outstanding Assistant Attorney General for Antitrust, Mr. Richard W. McLaren, wrote to both Mr. WIDNALL, the ranking minority member of the Banking and Currency Committee, and to myself, urging that an amendment clarifying the application of section 11 to sections 3 and 4 of the Bank Holding Company Act be sought on the House floor.

The feeling is that section 11, with its 30-day limitation on antitrust action by the Justice Department was intended only to apply to section 3, bank acquisition cases, and not to section 4, nonbank acquisition cases. That, I am sure, was the intention of Congress.

It is the fear of the Justice Department, however, while the courts would so find eventually, in the meantime long drawn out litigation would be necessary to establish this fact. It would be far simpler to amend the bill now to make this point clear. I know of no one who objects to the substance of this amendment.

I would also like to submit for the RECORD a copy of Assistant Attorney General McLaren's letter to me on this point:

DEPARTMENT OF JUSTICE,
Washington, D.C., September 25, 1969.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you and to Representative Widnall to express our concern about one, somewhat technical, aspect of the proposed bank holding company legislation (amended H.R. 6778 as amended and reported). This concerns possible uncertainty as to the applicability of the special antitrust procedure in Section 11(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)) to bank holding company acquisitions of non-banking institutions, as contemplated under H.R. 6778 as amended and reported.

Section 11(b) of the Bank Holding Company Act of 1956 (as amended in 1966 by Public Law 89–455) provides for a special procedure applicable to "a proposed acquisition, merger, or consolidation transaction" approved by the Board under the Act. Specifically, it requires the Department of Justice to bring any antitrust suit within thirty days and gives the Department a statutory stay pending the end of litigation. This provision, copied from the Bank Merger Act of 1966 (Public Law 89–356), is clearly intended to apply only to acquisitions involving banks and arose out of Congressional distaste for divestiture in bank merger situations.

Once the Bank Holding Company Act is expanded to permit bank holding companies to acquire nonbanking businesses, it becomes necessary to clarify section 11(b) to make clear that "a proposed acquisition, merger or consolidation transaction" includes only transactions involving bank holding company acquisition of a bank. This was what was intended in the amended section 11 provided for in H.R. 9385. This intent was carried out in defining the term "bank acquisition". Specifically, section 2(8) of the bill amends section 11 of the Act as follows:

(a) By amending the first sentence of subsection (b) to read as follows: "The Board shall immediately notify the Attorney General of any approval by it pursuant to this Act of a proposed acquisition, merger, consolidation, or other transaction by which a bank holding company acquires a bank (hereinafter referred to as a 'bank acquisition'), and such a bank acquisition may not be consummated before the thirtieth calendar day after the date of approval by the Board",

(b) By further amending subsection (b) by striking the words "acquisition, merger, or consolidation transaction" at each place they appear in the second and succeeding sentences, and inserting in lieu thereof the words "bank acquisition",

(c) By adding at the end thereof the following: "(g) The appropriate banking agency shall notify the Attorney General of any application received by it under section 4(c)(8) of this Act."

Failure to include some such provision could lead to considerable uncertainty as to whether the special antitrust procedure of section 11 would be applicable to non-bank acquisitions, and the issue probably would have to be resolved by litigation. Moreover, the Department of Justice opposes any legislation which does not make the point clear, since the thirty-day rule would impose a substantial burden on enforcement efforts when applied to a variety of complex, conglomerate types of transactions. In addition, it may well be that the banking community would not be overly anxious to have the automatic stay provision applied to every type of banking holding company acquisition.

We, of course, have a number of more general reservations about the approach of H.R. 6778, as amended and reported, with respect to standards for non-bank acquisitions and other matters. We would prefer the more specific types of standards contained in H.R. 9835, and supported in my testimony of April 17, 1969.

Sincerely yours,

RICHARD W. MCLAREN,
Assistant Attorney General, Antitrust Division.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 14, line 23, after the period insert: "the provisions of paragraph (11) shall not be applicable to permit one bank holding company with bank assets of more than $30,000,000 and non-bank assets of more than $10,000,000 to avoid the provisions of this Act because of its having engaged in the business activities referred to therein prior to May 9 of 1956."

Mr. BENNETT. Mr. Chairman, the amendment is substantially the same amendment I offered before, but we had only a minute to debate it. I understand it is not controversial. All it does is to say that a concern cannot go into a really large concern and escape the provisions of the law. My amendment is in accordance with the standard which was suggested by the Chairman of the Federal Reserve Board.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Wisconsin.

Mr. REUSS. I commend the gentleman on his amendment. This does strengthen what the committee earlier did. We have now restricted the grant to those in existence in 1956. We think all or practically all of those are small systems, but the gentleman's amendment makes it certain that they have to be. I hope it will be adopted.

Mr. BENNETT. I know of no opposition to the amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. CELLER. Does this mean that the grandfather clause is changed in toto?

Mr. BENNETT. As I understand, there are very few, if any, concerns now that would be under this, but it does affect the grandfather clause. It is the type of grandfather clause that was suggested by the Chairman of the Federal Reserve Board. In other words, it goes to the merits of the question whether you are going to have very large concerns——

Mr. CELLER. It does not change the date?

Mr. BENNETT. Oh, no, it does not change the date; no, sir.

Mr. BROCK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. BROCK. Mr. Chairman, I think the amendment points up the problem we created by an earlier amendment which rolls back the grandfather clause to 1956.

Until last year there were no large companies having one-bank holding companies. The vast movement really began in the latter half of 1968. The committee in rolling back the grandfather clause to 1956, going back prior to the passage of two major bills through the Congress, and the full assurance to every corporation operating under color of law that they could continue to perate under color of law, has now decided to retroactively penalize those corporations. The gentleman from Florida has tried to exempt the small ones. I do not disagree with his effort to exempt the small ones——

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Florida.

Mr. BENNETT. There is no effort to exempt anybody. This is not an exemption. This is a further strengthening of the law. The amendment provides that a company cannot be big and get out from under this law. It does not exempt any small corporation at all.

Mr. BROCK. I thought the smaller corporations were not included.

Mr. BENNETT. No, this tightens the law. This makes it difficult to escape the law.

Mr. BROCK. Will the gentleman reexplain his amendment?

Mr. BENNETT. I will read it again. It states that—

Page 14, line 23, after the period insert: The provisions of paragraph (11) shall not be applicable to permit one bank holding companies with bank assets of more than $30,000,000 and non-bank assets of more than $10,000,000 to avoid the provisions of this Act because of its having engaged in the business activities referred to therein prior to May 9 of 1956.

So it clearly strengthens the law. It does not in any way exempt them.

Mr. BROCK. I understand the gentleman now. The previous amendment exempted those under $30 million.

Mr. BENNETT. The previous amendment I offered also made the law more restrictive and gave a lesser opportunity for people to escape the provisions of this law, just as this does. The amendments were both in the same direction. They were in no way contrary. It is a different sentence, but the thrust of both amendments is identical.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Add the following new subsection at the end:

"(d) So much of section 4(c) of the Bank Holding Company Act of 1956 as precedes the numbered paragraphs thereof is amended (1) by striking 'shall not apply to any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and such prohibitions' and (2) by striking 'other'."

Mr. BENNETT. Mr. Chairman, this is a provision which the House Banking Committee approved in 1955, and it was approved by the House of Representatives in 1956, and it was acted on again favorably by the House by a record vote in 1965.

Mr. Chairman, there are practically no people in this category. It is a very small coverage. But there just is not any conscientious reason to allow a labor union or an agricultural organization or horticultural organization to escape the provisions of this law. It is just horrendous that anybody would think there is any logical sense in exempting these organizations.

My understanding is the agricultural organizations were all in my congressional district. I never favored their not being covered by this law and escaping the provisions of this law. I think they are all dead at the present time. I think it was the Consolidated Naval Stores for which this original provision was written. I do not want this loophole to be available for anybody else to come in under. This amendment is simply something the House of Representatives passed favorably on in 1955 and again in 1965.

As far as I know there is no opposition to it. I never received a letter in opposition to my position on this. I think it would be good to clean up the bill by getting rid of this section now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Bennett).

The amendment was agreed to.

(Mr. FARBSTEIN asked and was given permission to extend his remarks at this point in the Record.)

Mr. FARBSTEIN. Mr. Chairman, the trend toward conglomerate mergers and bigness in the economic sector is a dangerous trend which puts vast economic power in the hands of a few; and puts these power holders beyond the reach of the traditional restraints exercised by economic competition and governmental fiscal policy. The small business is put at a severe disadvantage and traditional governmental methods of reducing inflation are severely crippled. This trend is one of the reasons the Government is finding it difficult to put a halt to spiraling inflation.

The proliferation of one-bank holding companies that include many of the largest banks in the Nation has been one of the major manifestations of this phenomena over the last few years.

As the House Banking Committee has reported the number of one-bank holding companies grew from 117 in 1955 to 550 in 1967 and climbed to 691 by the end of 1968. Over the 18-month period from the beginning of 1968 through June 1969 some 112 banks have formed or announced one-bank holding companies.

And the number and variety of businesses in which these holding companies are engaged boggle the imagination. They include such diverse activities as insurance, radio and television broadcasting, management consulting, ranching, department store operations, lawn mower manufacture, pizza parlor leasing, steel erection and sales, home construction, cable television, title insurance, and mortgage financing. I could go on and on. And it is these functions that can be carried on by a bank affiliate without regulation by the Federal Government, as a result of what is clearly a loophole in the 1956 Bank Holding Company Act. Under that act a holding company was exempt as long as it owned only one bank. This loophole has been increasingly used by banks that wanted to diversify into nonbanking fields.

Until the last few years, this loophole was of no practical significance. One-bank holding companies till then were used mainly by smaller rural or smalltown banks to provide better financial management for businesses essential to a local community, such as an insurance agency or a lumber yard. But now, when the list of banks becoming part of one-bank holding companies reads like a blue book of the top banks of the country, we face a completely different situation, one which, we must all agree, poses a serious threat to our economy, and most particularly to the small businesses of the Nation. With its bank competitor enjoying the backing of multimillion deposits, and financial sagacity, how can a small travel agency compete? What excuse is there for a bank to be affiliated with an insurance agency? Who can believe that it is in the best interest of the country to have a bank operate a mutual fund?

The action of the Congress in considering H.R. 6778 is therefore heartening. It will provide for placing one-bank holding companies under the Federal Reserve System. It will prohibit nonbanking activities of companies that are not "functionally related" to banking.

There are, however, serious weaknesses in the bill which cause me grave concern. First and foremost is the grandfather clause that permits all acquisitions made by one-bank holding companies prior to February 17, 1969, to stand. This is an entirely unwarranted provision. Although February 17 of this year was the date on which the distinguished chairman of the Committee on Banking and Currency, Mr. Patman, introduced the original version of H.R. 6778, it had long been common knowledge in the banking fraternity that legislation to deal with one-bank holding companies would surely be forthcoming. Hundreds of major one-bank holding companies were formed in the period from January 1, 1965, through February 17, 1969, that warrant close regulation and supervision. By adopting this earlier date, the few hundred small traditional one-bank holding companies would be protected while all the major one-bank holding companies that have occurred in the last 4 to 5 years would be brought under the regulation of the Bank Holding Company Act. This amendment is urgently needed.

It is also important to strengthen the definition of what is to constitute control under the Bank Holding Company Act. Present law defines control as existing when a company controls 25 percent or more of the stock of a bank. It is common knowledge that control of a major corporation, including a major bank, can be exercised with far less than a quarter of the stock in one's hand. It would be far better to tighten this to include a provision that would find control to exist when a company has the power to direct the management and policies of a bank. This would be more direct, honest, and forthright. Third, the exemption for banks controlled by partnerships, both limited partnerships and general partnerships, from the Bank Holding Company Act should be removed.

And finally the test of the committee bill requiring activities of bank holding companies to be functionally related to banking is still too vague. It is important to spell out that certain functions are clearly and unmistakably outside the proper function of bank holding companies. These would include specifically the functions of travel agencies, professional accounting firms, data processing companies and equipment leasing companies. I do not mean, however, by stating these particular types of business to exclude others. Simply in the interest of protecting small businesses and encouraging healthy competition, these areas should be categorically outside the province of one-bank holding companies.

Thus it is absolutely clear to me that we must act, and act now, to plug the one-bank holding company loophole in the Bank Holding Company Act of 1956. The committee bill, H.R. 6778, is certainly a step in the right direction. But it surely does not do the job as it needs to be done. Amendments along the lines I have indicated, which are in line with those proposed by Mr. Patman, Mr. Blackburn, Mr. Moorhead, and Mr. Chappell, are needed to do the job. With such amendments, I strongly endorse this bill and urge my colleagues to give it their full support.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I can take just a couple minutes of the Members' time to summarize the action that this body has taken as regards an institution which has been in existence in this country for some years now—the holding company. In 1956 Congress passed holding company legislation and exempted certain of those institutions, specifically those with one bank and no more. The Congress again acted to amend the bank holding company law in 1965 and again exempted those institutions. In 1965 I fought to remove the exemption, but I failed and the Congress again reassured such one-bank companies they were in accordance with the law and the interest of Congress.

Now this Congress would embark upon a course of retroactively applying law for some 13 years. If I can be very honest with you, this bill has become not a bill to regulate bank holding companies, but it has become a ripper, a bill that will create absolute and total chaos with all those institutions that have operated under the full color of the law for at least 13 years.

I do not honestly see how we can in good conscience tell people, business members of our communities, that it was legal to do something in 1960 and 1962, but we are now retroactively making their actions in 1960 and 1962 illegal.

There are more than $140 billion worth of assets involved in this bill that in one way or another will have to be divested from each other. The unscrambling is going to be enormous. The impact upon the market is going to be enormous, if such legislation were to pass and become law. I do not anticipate that happening, because I do not anticipate the other body will accept such extreme language.

I believe Members should very carefully consider the opportunity they have to amend this bill in a more responsible fashion by voting against the amendment, on the separate vote which will be asked, which rolled back the grandfather clause to 1956. The rollback was excessive, and most members of the committee know it, although there was very little discussion of it.

Virtually any student of this issue could have accepted a roll-back of responsible dimensions. A 13 year roll back is not responsible. Now if that amendment is not defeated, then I believe we should recommit this bill to the committee and to insist that the committee act in better judgment and discretion than it has.

I urge the Members, do not be misled by the claims of those who say all these companies should operate under exactly the same standards, when we have allowed separate operations for all these years and encouraged them by our acts in 1956 and 1965. I believe it is very important that we reconsider our action.

There are those in affected industries who made a very strong case, asking that banks not be allowed to dominate their industries, and they are right. I share many of their concerns. Banks should not be in a number of fields, and, for example, I mention specifically the insurance area. But in their zealous attempt to sell their case many proponents of ameliorative legislation have oversold Members who do not know the complexities of this law. The reaction has been excessive and extreme. No spokesman for affected business has advocated the action taken today—most suggested a grandfather date in either 1968 or 1965—not 1956.

If the rollcall vote loses and the amendment continues to be in full force and effect, to roll back the granfather clause to 1956, and if a subsequent motion to recommit fails, then I for one in good conscience cannot support this bill and would oppose it with all my energy.

May I add this further note of caution. We need legislation in this area. Irresponsibility on the part of this House may cause the other body to withhold consideration of this legislation this year. Thus zeal may be rewarded by frustration and inaction. It would be ironic if those who feel most desperately the need for such a bill were to force a stalemate effectively killing it.

Again, I say we need action in this area. Let us achieve it with fairness, intelligence, and reason.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

At the proper time, Mr. Chairman, I wish to be recognized to ask for a record vote on the Bevill amendment as amended by the Wylie amendment.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

I shall be very brief. I only wish to echo that which has been said by my colleague from Tennessee. I believe he has very cogently, convincingly, and forthrightly explained what we have done today and what the impact of that action will be if we permit this legislation to become law in its present form and context.

I, therefore, commend the gentleman for his remarks and assure him that I too intend to oppose passage as I suggest a majority of our colleagues should do.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield to me?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. WIDNALL. Mr. Chairman, the gentleman from Tennessee has aptly stated the reasons that many of us have for not wanting to vote for the bill in its present form. It is my intention, if the Bevill amendment on a record vote is not defeated, to offer a straight motion to recommit and send the bill back to the committee.

Mr. PATMAN. Mr. Chairman, let me indicate the impact of bank holding companies on the insurance agency business in North Carolina. This is just what would happen in one State if bank holding companies stay in the insurance business.

Banks in North Carolina were early and aggressive in taking advantage of the one-bank holding company loophole in the Federal Bank Holding Company Act—BHCA.

One of the principal uses made by these banks of the existing loophole was to expand into the business of selling insurance. Accordingly, when agents throughout the country became concerned about this threat from the banks, an investigation of the problem focused initially on North Carolina.

This is a summary of the results to date of the North Carolina investigation.

SUMMARY AND CONCLUSIONS

The investigation summarized in this memorandum has covered the entire State of North Carolina, and it has produced a reasonably thorough picture of the relationship between bank holding companies and independent insurance agents in that State.

The principal threats to independent agents in North Carolina are Wachovia Bank & Trust Co., North Carolina National Bank, and First Union National Bank. These three banks have aggressively expanded into the insurance agency business through use of the bank holding company form of organization, and all three have been using the coercive power of credit to effect sales of insurance services.

The banking industry in North Carolina is characterized by the concentration of a high percentage of bank power in the State's three largest banks. This concentration of bank power is even more pronounced in various metropolitan areas around the State. This concentration increases the dangers inherent in the banks' unfair use of the coercive power of credit.

Extensive investigation has revealed a number of instances of unfair, and perhaps illegal, use of pressure by the banks. This pressure most often takes the form of tying various bank services to the sale of insurance.

The activities of North Carolina and bank holding companies are not prohibited by the Bank Holding Company Act because the offenders are one-bank holding companies. H.R. 6778, if it becomes a law, will not help independent insurance agents in North Carolina. The major one-bank holding companies in North Carolina were all organized prior to February 17, 1969, the "grandfather clause" date in H.R. 6778.

It is not economically feasible for bank-affiliated insurance agencies in North Carolina to provide better or cheaper insurance services to consumers. In fact, it appears that consumers who are forced to buy insurance services from bank-affiliated insurance agencies will receive inferior and more expensive insurance services.

North Carolina one-bank holding companies have temporarily restrained their aggressive acquisition programs and their use of predatory practices to sell insurance due to the pendency of new Federal legislation and the investigation of their particular activities in North Carolina. They may be expected to return to their aggressive and predatory practices as soon as they are free to do so. The ability of North Carolina independent insurance agents to stay in business and compete will rapidly deteriorate in the absence of saving legislation or successful litigation against North Carolina's one-bank holding companies.

NATURE AND SCOPE OF INVESTIGATION

An intensive investigation in North Carolina during the past year has produced a reasonably thorough picture of the situation there resulting from the expansion of bank holding companies and their subsidiaries into the business of selling insurance.

The investigation has been conducted by lawyers representing the National Association of Insurance Agents, and it has been assisted by a firm of consulting economists. The economists' study is contained in a report, dated August 1, 1969, "The Possible Impact on Competition of Bank Entry into the Insurance Agency Business: North Carolina"—the "Economists' Report".

The investigation has taken account of most of the available written data on the bank, bank holding company and insurance agency businesses in North Carolina from the files of the Independent Insurance Agents of North Carolina, Inc.—IIANC—various agencies of the State of North Carolina, various agencies of the Federal Government, various private sources of data, et cetera.

A large amount of data not available to the public has also been assembled through questionnaires and conferences with officers and many members of IIANC.

In March 1969 a preliminary questionnaire survey was made of 10 selected agencies in North Carolina. When this questionnaire proved to be productive, a questionnaire was distributed to 150 agents throughout the State on July 15, 1969.

The investigation has covered every major city in the State as well as a number of the smaller communities.

A major purpose of these questionnaires and a number of personal interviews was to compile data on the amount and type of business which has been diverted to insurance agency subsidiaries of single bank holding company agencies, and to determine whether the diversion of this business was due to the use of the coercive power of credit. The investigation was also used to determine where problems existed throughout the State and to further identify the principal offenders.

More specifically, the areas of factual investigation included all of the following:

Delineation of the relevant lines of commerce, markets and sections of the State affected by the conduct of bank holding companies and their subsidiaries;

The general economic condition of the banking and insurance industries, and the general growth, merger, and market trends, and the ease of access and entry, in these relevant lines of commerce and markets in North Carolina;

The relationship of bank holding companies and their subsidiaries to competitors in the banking and insurance industries, in terms of respective market shares, potentials, and trends;

The use of superior economic resources by bank holding companies and their subsidiaries, or of their dominance of the relevant market, or of their leverage inherent in the conglomeration of banks and insurance companies and agencies, to effect tying arrangements which may tend to force customers to purchase both banking and insurance services from bank holding companies and their subsidiaries;

The demonstrable extent of injury and damages to independent insurance agents if through the combined pressures of bank holding companies and their subsidiaries these agents are deprived of renewal commissions; and,

The other elements of injury and damages which are being experienced by independent insurance agents as a direct and proximate result of the activities of bank holding companies and their subsidiaries.

THE BANKS INVOLVED

As of June 1969, five North Carolina banks had formed one-bank holding companies, and three more banks had obtained approval to form one-bank holding companies.

Among those banks which have already formed one-bank holding companies, three pose the greatest threat to independent insurance agents—Wachovia Bank & Trust Co., North Carolina National Bank, and First Union National Bank. The extra measure of threat from these three banks is created by their size, growth rates, expansion plans, and so forth.

Wachovia Bank & Trust Co.—Wachovia Bank—is the 37th largest bank and the fourth fastest-growing bank in the country. Wachovia Bank is the largest bank in North Carolina, and it owns an estimated 25 percent of all bank assets in the State. Its deposits exceed $1.3 billion.

Wachovia Bank continues to grow. In 1968 it operated 109 branch offices in 40 North Carolina cities. Supervisory bodies had authorized nine more Wachovia Bank branches. Subsequently, an application has been approved for the merger of the State Bank of Laurinburg, N.C.—with deposits of $12 million—into Wachovia Bank, and this will give Wachovia Bank five additional branch offices. Wachovia Bank has recently proposed plans to merge with Citizens Bank & Trust Co., of Andrews, which had deposits at the end of 1968 of $26 million and ranked 24th in the State in total deposits.

On December 31, 1968, Wachovia Bank reorganized to become a national association and a wholly owned subsidiary of a one-bank holding company, the Wachovia Corp. The insurance department of the bank, Wachovia Insurance Co., is also a wholly owned subsidiary of Wachovia Corp.

Wachovia Insurance is one of the largest insurance companies in the southeastern United States. In the past Wachovia Insurance's growth has apparently been accomplished largely without outside agency acquisitions. Recently, however, the company has undertaken a program of rapid expansion. In its own words, Wachovia Insurance stated recently:

> [Wachovia officers have] been actively engaged in planning and carrying out the expansion of Wachovia Insurance. Plans now call for the establishment of a Wachovia Insurance office in every Wachovia city, and expansion of operations in those cities in which there already is a Wachovia Insurance office. This expansion is being effected by purchase of existing agencies, by merger with existing agencies and by the establishment of offices *de novo. The Wachovia Insurance Approach*, p. 8, July 1, 1968 (prepared by Wachovia Insurance).

Wachovia Insurance has been active in the acquisition of independent insurance agencies consistent with its announced plans. This is, of course, in addition to its previously existing insurance agency activities.

The problem presented by Wachovia Corp. and its subsidiaries is compounded by other financial activities of the corporate group. For example, the trust department of Wachovia Bank controls assets in excess of $1.5 billion, while its bond department ranks 14th in the Nation among the commercial banks underwriting new municipal issues. On September 2, 1969, Wachovia Corp. announced that it had entered preliminary negotiations to acquire the American Credit Corp., Charlotte, N.C. American Credit Corp., which is listed on the New York Stock Exchange, is the 18th largest independent finance company in the Nation—sales and consumer finance—with assets of $378 million, and 326 offices in 15 States. A merger of the two companies would create a financial institution with assets of some $2 billion. This merger, if consummated, would be one of the largest acquisitions involving a one-bank holding company to date. These related financial activities increase the leverage of the corporate group in using the coercive power of credit to effect sales of insurance.

North Carolina National Bank—NCNB—the second largest bank in the State and the 50th largest bank in the country, reorganized into North Carolina National Bank Corp.—NCNB Corp.—a one-bank holding company, on November 4, 1968. With total resources of $1 billion, and deposits of $727 million, NCNB operates 85 offices throughout the State. Like Wachovia Bank, NCNB's rapid growth over the past several years is due primarily to their acquisition of smaller banks. In 1968 NCNB acquired Commercial and Industrial Bank of Fayetteville with deposits of over $12 million. Recently, plans were announced to merge with the State Bank & Trust Co., of Greenville, the 30th largest bank in North Carolina, with deposits of more than $20 million.

NCNB Corp., the holding company, has acquired American Commercial Agency, one of the largest and oldest general insurance agencies in the Carolinas and one of the few publicly owned insurance agencies in the United States. Since this acquisition, NCNB Corp. has been aggressive in expanding its insurance agency operations, and it has made use of the coercive power of credit to effect sales of insurance.

First Union National Bank and Cameron-Brown Co., which had been held in trust for the benefit of the shareholders of the bank, merged into First Union National Bancorp, a one-bank holding company, on May 4, 1968. With assets which recently surpassed $1 billion, First Union is the third largest bank in North Carolina and the 66th largest in the country. First Union commenced operations in 1957 in Charlotte, with deposits of $60 million, and today it has 118 banking offices in 59 North Carolina cities, with total deposits of $827,207,970. Again, this rapid rate of growth is primarily due to a series of mergers with smaller banks. In 1968 alone, First Union acquired four banks—National Bank of Alamance, Commercial State Bank of Laurinburg, First State Bank & Trust Co. of Bessemer City, and the First Citizens National Bank of Elizabeth City—having total deposits of more than $58 million. Plans have recently been announced to acquire Bank of Franklin.

Cameron-Brown Co., the insurance subsidiary of First Union National Bancorp, recently jumped from 14th largest to 12th largest mortgage banking firm in the United States, and it is the largest in the Southeast. It services more than $720 million in mortgages. This company also originates and services real estate loans for institutional investors, and it maintains one of the largest insurance agencies in North Carolina. Cameron-Brown has also made aggressive use of the coercive power of credit to sell insurance.

Other North Carolina banks have formed or propose to form one-bank holding companies. These smaller companies often operate in smaller communities in the State, and they have also been successful in using the coercive power of credit to expand their insurance agency activities. These other banks include the Northwestern Bank, Southern National Bank of North Carolina, Planters' National Bank, First National Bank of Eastern North Carolina, and Southern Bank & Trust Co., Mt. Olive.

CONCENTRATION OF BANK POWER

The concentration of market power in the hands of the three largest banks in

North Carolina is significant on a statewide basis. The concentration of bank power is even more significant in various metropolitan areas around the State.

As of the yearend 1968, the statewide concentration of deposits at the three largest North Carolina banks was as follows:

Bank	Amount (thousands)	Percent of total
Wachovia Bank & Trust Co	$1,327,989	21.0
North Carolina National Bank	1,112,147	17.6
First Union National Bank	827,208	13.1
Total, 3 leading banks	3,267,344	51.7
All (121) commercial banks in North Carolina	6,325,505	100.0

Source: Economists' Report, table 1, p. 6.

Also as of yearend 1968, the statewide concentration of loans outstanding at the three largest North Carolina banks was as follows:

Bank	Amount (thousands)[1]	Percent of total
Wachovia Bank & Trust Co	$884,894	22.8
North Carolina National Bank	699,515	18.0
First Union National Bank	569,732	14.7
Total, 3 leading banks	2,154,141	55.5
All (121) commercial banks in North Carolina	3,881,409	100.0

[1] Loans and discounts including loan reserves.

Source: Economists' Report, table 3, p. 9.

An even greater concentration of deposits exists in the State's standard metropolitan statistical areas—SMSA. As of June 29, 1968, the latest date for which this information is currently available, more than 85 percent of the amount on deposit in three of the State's seven standard areas, and more than 90 percent in the other four areas, were held by the respective areas' four largest banks. The concentration of deposits for specific areas is as follows:

[Percentage of total deposits]

SMSA	No. A Bank in SMSA (1)	No. B Bank in SMSA (2)	No. C Bank in SMSA (3)	No. D Bank in SMSA (4)	Total No. A–No. D (5)
Asheville	47.7	24.0	13.3	10.4	95.4
Charlotte	45.1	20.6	15.3	5.3	86.3
Durham	32.2	28.2	26.2	6.4	93.0
Fayetteville	47.0	15.6	15.0	12.5	90.1
Greensboro-Winston-Salem-High Point	47.0	28.1	11.1	3.6	89.8
Raleigh	32.2	27.7	16.8	8.7	85.4
Wilmington	37.2	30.8	13.8	10.0	91.8

Note: Banks are ranked according to the amount of their total deposits in the SMSA.

Source: Federal Deposit Insurance Corporation, "Summary of Accounts and Deposits in All Commercial Banks," Richmond District, No. 11, pp. 229–231.

Loans outstanding in these SMSA's are correspondingly concentrated.

The operations of the three larger banks in these SMSA's are as follows: Wachovia Bank, NCNB, and First Union have banking offices in the Charlotte, Durham, Greensboro-Winston-Salem-High Point, and Raleigh areas; Wachovia Bank and First Union have offices in the Asheville area; Wachovia Bank and NCNB in the Wilmington area; and NCNB and First Union in the Fayetteville area.

The bank holding companies to date have tended generally to acquire insurance agencies in communities where they have existing branch offices, but their influence in the insurance agency business is continuing to expand because of the rapid rate at which the major banks are opening branches in new areas.

The inherent power of credit is accentuated when there is a high degree of concentration within the banking industry. Bank concentration makes borrowers even more likely to use the bank's insurance agency. In any one locality, the number of alternative sources of funds is limited. The smaller borrowers are less likely to get credit on viable terms in other cities, and the cost of shopping for loans may be prohibitive for small firms. Large borrowers may be able to avoid coercion by local banks because they have access to a national market. Since, however, large loans are presently being rationed on a national basis, all borrowers are equally subject to leverage and the coercive power of credit.

UNFAIR AND ILLEGAL BANK ACTIVITIES

Concentration of bank power is not the only problem in North Carolina. Extensive investigation has revealed a number of particular instances of unfair, and perhaps illegal, use of pressure by the banks. Some of the major objectionable practices may be cited here to illustrate the nature of the problem:

In many instances banks have pressured construction companies to whom they are lending money to also give their insurance business to the banks. The mere suggestion by a bank to one seeking a loan that the bank or a bank-affiliated agency handles insurance is often enough to bring the borrower into line and cause him to refer his insurance business to the bank; but investigation has also uncovered instances in which the bank has flatly informed a construction company which has come to it for a loan that it must give its insurance business to an affiliate of the bank.

The banks have put strong pressures on real estate agents to funnel insurance business to the banks' insurance agencies. The banks have made it known, directly or indirectly, that they will be unable to handle mortgage loans unless they also receive the related insurance business. This has already resulted in a serious lessening of the homeowners insurance business available to independent agents in some areas of North Carolina. The situation is even worse in North Carolina in those cases in which the bank holding company also operates a subsidiary in the real estate business or as a mortgage broker.

Thus, the North Carolina banks are using the bank holding company device to tie in real estate, mortgage, banking, and insurance services. They are using other forms of packages of financial services to gain insurance business. Investigation has developed particularly the use of credit card services and data processing services in this connection. The possible combinations of tied products and financial service packages are something with which North Carolina's independent insurance agents cannot effectively compete.

Finally, some of the banks have been using the insurance policies in their files on various credit transactions to systematically approach the agents' customers when the renewals come due. For example, one bank sends out written notices to the customers of independent agents shortly before the time the renewals come due, asks them to permit the bank "to secure the necessary coverage," and suggests that they simply sign a form and mail it back to the bank giving the bank authority to handle the renewal. One written statement from a customer of an independent agent reports that upon receipt of the bank's renewal form he executed it in the mistaken belief that it merely constituted an acknowledgment that he wished to have his regular agent renew his insurance. The possibilities for schemes to divert renewal business are numerous.

The ultimate conclusion of the consulting economists, based strictly upon their economic analysis, was as follows:

> Preliminary information provides a strong indication that Wachovia, NCNB and First Union have sufficient economic power to tie the extension of credit to the purchase of insurance through a specified agency, and that the prerequisite compulsion to use the "tied" product (insurance) can be demonstrated.

This economic conclusion has been fully supported by the investigation into the actual conduct of the banks. The investigation has revealed that the banks have been extremely active, extremely predatory and increasingly successful in taking over insurance agency business in North Carolina.

Actual proof of some of these supporting facts is hard to secure. In many cases the construction companies, real estate agents and homeowners who have been subjected to bank pressures will not come forth and testify because they are afraid of jeopardizing their opportunities for securing credit in the future. The same pressures which the banks use to take business away from the agents also serve to make potential witnesses unwilling to testify about these activities.

Nevertheless, much information on bank activities in North Carolina has been received on a confidential basis, and it appears absolutely certain from the evidence that the one-bank holding companies are making widespread use of the coercive power of credit to effect sales of insurance.

INJURY TO NORTH CAROLINA CONSUMERS OF INSURANCE SERVICES

The intrusion of North Carolina one-bank holding companies into the business of selling insurance appears, on balance, to be a development which is adversely affecting the interests of North Carolina consumers of insurance services.

It is not economically feasible for the bank-affiliated insurance agencies in North Carolina to provide better or cheaper insurance services to consumers. In fact, it appears that consumers who are forced to buy insurance services from bank-affiliated insurance agencies will receive inferior and more expensive insurance services.

The absence of economies for insurance consumers is demonstrated by an analysis of the insurance industry in North Carolina offering the types of insurance coverage which one-bank holding companies have been active in selling. The largest North Carolina one-bank holding companies have been substantially expanding their interests in the property and casualty insurance agency business.

The property and casualty business in North Carolina is a service industry characterized by very small firms. The typical agency is a partnership or proprietorship with fewer than four employees. It is difficult to estimate the profitability of these agencies because data on invested capital is not readily available. From the best available data, however, it appears that the agency business return on invested capital is moderate. The industry is also highly labor intensive. Capital is required only to finance premiums for approximately 30 days.

The typical insurance agency faces a large number of business rivals, as well as threats to survival resulting from the dynamic nature of the industry. In North Carolina there are more than 1,500 agencies, and in narrower metropolitan markets there can be dozens of competing agencies. Stock company agents compete with agents representing predominantly mutual underwriters. By introducing certain changes to the industry, the direct writers have effected centralization and computerization of many of the functions once performed by independent agents.

The future of the independent agent is, therefore, far from bright; and a report of the Stanford Research Institute, "Planning for the Future of the National Association of Insurance Agents," volume 1, suggests that only large agencies have a chance of prospering in the future.

There seems, consequently, to be little in the pure financial prospects of insurance agencies to attract banks into this field. Few of the skills or personnel of commercial banking are transferable to the insurance agency business. Unless, therefore, the acquisition can effect changes in the agency's market power, there would seem to be little or no inducement for a one-bank holding company to go into the business. It is not an outlet for an appreciable volume of funds since the capital required is minimal and the investment would be unlikely to earn much more than a competitive rate of return.

The interest of one-bank holding companies in insurance agencies can be explained by their anticipation of profits above those normally realized by agencies. Selling costs can be reduced by using bank loan officers as substitutes for agency employees. Income can be increased by extracting special concessions from insurance companies which the bank does not pass on to customers and by placing insurance with captive insurance companies. Market share can be increased by implicit or explicit use of the bank's position as a supplier of credit.

A commercial bank might argue that when it acquires an insurance agency it is simply integrating forward or backward, depending upon whether the agency is more important as a borrower or a lender. Vertical integration is sometimes justified on the ground that it increases efficiency, by saving purchasing or selling expense, by using management more efficiently, or by taking advantage of technological opportunities. In such cases, the climate of competition is improved. In North Carolina, however, in the case of agency acquisitions by banks, there is little to show that competition would be intensified. A reasonable hypothesis is that bank-controlled agencies, relieved of the full force of normal competitive pressure to attract and retain business, will give the customer inferior service.

The prospect of inferior insurance service if given on an impersonal basis by impersonal or nonprofessional agents is developed in the testimony presented by Morton V. V. White on behalf of the National Association of Insurance Agents, Inc., before the House Committee on Banking and Currency. Read the prepared testimony of Morton V. V. White, in the hearings on H.R. 6778 before the House Committee on Banking and Currency, 91st Congress, first session, May 1, 1969.

Essentially, an agent provides an information service in a specialized area, a service that can be duplicated by anyone willing to devote the time to familiarize himself with sources and keep abreast of them. It is possible that mortgage loan officers might become familiar with the terms of various fire and credit life policies and companies in the course of their lending activities, and that installment loan officers would become similarly familiar with terms of casualty policies. As an aid to borrowers, the bank might conceivably provide an advisory service that could then recommend the cheapest policies. But this must be combined with professional standards, which keep the interest of the client paramount, and with competition, which permits the clients to select agents according to their performance. Bank operation of agencies has the potential of jeopardizing both these characteristics that make an independent agency system valuable. It is difficult to discern offsetting benefits to the insured.

Finally, and most important, investigation in North Carolina has uncovered a number of verifiable instances in which bank-affiliated agencies have not given the quality of insurance service provided by the independent agencies. This problem may be expected to intensify if the threats of new Federal legislation and, possibly, litigation against one-bank holding companies in North Carolina are removed.

THE EFFECT OF PROPOSED H.R. 6778

It has become clear that the present administration and Congress intend to close the one-bank holding company loophole in the Bank Holding Company Act. A bill which would accomplish this purpose, H.R. 6778, was reported out of the House Banking and Currency Committee on July 23, 1969. H.R. 6778 is, however, virtually useless insofar as independent insurance agents in North Carolina are concerned.

H.R. 6778 does contain one provision which is helpful to North Carolina agents. The acquisition of nonbanking subsidiaries by bank holding companies must be approved by the Federal Reserve Board, and proposed H.R. 6778 provides, in part, as follows:

> The Board shall not approve the acquisition or retention under this paragraph (8) of shares of any company:
>
> (a) performing the functions of an insurance agent, nor permit the bank holding company itself to act as an insurance agent, except where the insurance provided is limited to insuring the life of a debtor pursuant to or in connection with a specific credit transaction, or providing indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled.

If this provision is enacted into law, it may help somewhat to slow the further expansion of North Carolina one-bank holding companies into the insurance agency business.

The most significant feature of H.R. 6778 for North Carolina agents is the grandfather clause, enabling bank holding companies and their subsidiaries to retain shares lawfully acquired and owned on February 17, 1969. This is the feature of H.R. 6778 which renders the bill virtually useless in North Carolina.

The major banks in North Carolina had all organized one-bank holding companies and acquired insurance agency businesses prior to February 17, 1969. One-bank holding companies were organized by Wachovia Bank on December 31, 1968, by NCNB on November 4, 1968, and by First Union on May 4, 1968.

Thus, these banks may remain in the insurance agency business under the provisions of the grandfather clause, and though they may not expand by the acquisition of the stock of additional agencies, nothing in the BHCA or H.R. 6778 precludes them from future acquisitions of the assets, key personnel, and so forth, of additional agencies.

There are other aspects of H.R. 6778 which may detract from the soundness of this bill, but they are less important than those mentioned above. Accordingly, the National Association of Insurance Agents, in the continued presentation of the position of independent insurance agents before Congress, has limited its immediate legislative priorities to the following:

First. The retention of a definition in the Bank Holding Company Act which limits the insurance agency activities of bank holding companies and their subsidiaries to the writing of credit life and credit health and accident insurance.

Second. The elimination of any grandfather clause whatever from the BHCA amendment, or, at the very minimum, rolling back the date of the grandfather clause as far as possible from the present February 17, 1969, with a suggested date of January 1, 1965.

Third. The establishment of a test for permissible nonbanking activities of bank holding companies and their subsidiaries which takes specific account of antitrust and other competitive factors, and which, therefore, relies less on the discretion of the Federal Reserve Board.

The extensive investigation conducted in North Carolina has established that each of these three legislative priorities is of vital importance to independent insurance agents in North Carolina.

THE OUTLOOK FOR NORTH CAROLINA INSURANCE AGENTS

At the present time the business of independent insurance agents in North Carolina is reasonably healthy and competitive. Aggressive agents have been able to stay in business and grow, and the market is open for new agents to enter the business and succeed. This permits the banks to argue at the present time that their activities do not threaten to destroy competition. The North Carolina investigation shows, however, that the ability of North Carolina independent agents to compete will rapidly deteriorate in the absence of saving legislation or successful litigation.

Some of the present healthy state of the business in North Carolina is accounted for by the fact that the major thrust by North Carolina banks into the business of selling insurance is a relatively recent development. Some of it is also accounted for by the fact that all of the banks are restraining their predatory activities somewhat in the knowledge that the independent insurance agents have been conducting an investigation with a view to possible litigation, and that they may be affected in some way by new bank holding company legislation presently under consideration in Congress.

For example, as a result of the agents' investigation and the pendency of legislation in Congress, Wachovia Insurance has temporarily refrained from acquiring additional independent insurance agencies in accordance with its announced plan. There is no evidence that it has abandoned its announced intention to establish an insurance agency in every city where there is a Wachovia Bank branch, but only that it will delay its acquisition program pending the outcome of either the proposed Federal legislation, or the investigation summarized herein, or both.

If the present threats to the banks are ever lifted, they may be expected once again to accelerate their activities and all agents in all parts of the State will feel the pressure very strongly. It is doubtful that the agents can successfully compete with the banks and, if the present activities are continued or increased, the banks will eliminate the independent agencies in a fairly short period of time.

Mr. Chairman, this material was prepared for me by the National Association of Insurance Agents, Inc., at my request.

Mr. HANLEY. Mr. Chairman, prior to being elected to the House of Representatives I had extensive experience in private business and I believe I can appreciate some of the difficulties which the small businessmen in this country today are confronted with as a result of the mixing of banking and nonbanking activities. H.R. 6778, as reported by the House Committee on Banking and Currency, affords no protection to the hundreds of thousands of small businessmen throughout the country who are engaged in such activities as travel agencies, data processing, insurance agencies, and equipment leasing firms. In fact, the bill as reported by the committee did not have the support of the chairman of the committee or 11 Democratic members of the committee. In addition, four members of the committee expressed reservations about one of the most crucial aspects of the bill; namely, the failure to restrict the nonbanking activities of bank holding companies.

It is my belief that the Congress has never intended that banks be permitted to engage in nonbanking activities. We now have an opportunity to make that policy clear by enacting amendments to H.R. 6778 which would clearly limit bank holding company activities to those activities which are necessary and incidental to banking.

I support such an amendment along with amendments which would provide a realistic grandfather clause for the imposition of Federal regulation over one-bank holding companies and specific provisions to allow persons who claim that they would be adversely affected by the activities of banks and bank holding companies to have standing to challenge these activities in the appropriate administrative agencies and the courts.

Mr. GONZALEZ. Mr. Chairman, one of the major obligations which the Congress of the United States has is to assure that the legislative process is used to give a degree of protection for small businessmen from all forms of unfair competition. It is my personal view that one of the most glaring examples of unfair competition in our economy today is the fact that banks directly and through bank holding companies are allowed to compete unfairly with predominantly small businessmen engaged in the travel agency, data processing, insurance, and accounting fields.

I have felt for some time that the Congress should speak of, clearly and unequivocally, the serious problem of banks engaging in nonbanking activities. One of the better explanations for confirming banks to banking activities and preventing them from competing unfairly with other commercial ventures, is contained in the testimony given by former Federal Reserve Board Chairman Martin when he appeared before the House Committee on Banking and Currency and said:

> The Congress took steps several years ago, in the Banking Act of 1933, to separate banking from nonbanking businesses, a policy that was reinforced by the Bank Holding Company Act of 1956 as to companies that owned two or more banks. . . . In determining whether a bank holding company should be authorized to engage in a particular activity, the prospects of realizing such benefits must be weighed against the risks of perverse consequences that led Congress to separate banking from other businesses. . . . In my judgment, the greatest risk is in concentration of economic power. If a holding company combines with a typical business firm, there is a strong possibility that the bank's credit will be more readily available to the customers of the affiliated business than to customers of other businesses not so affiliated.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 6778, which would confine bank holding companies and their subsidiaries to the banking business or to businesses functionally related to banking and of benefit to the public.

There appears to be almost unanimous feeling that some action needs to be taken by the Congress in this field. From January 1, 1968, through September 30, 1969, 117 banks have formed or announced an intention to form one-bank holding companies holding deposits in excess of $143 billion. This is more than 33 percent of all bank deposits. Unless the legislation we have before us today is enacted, these one-bank holding companies are free to engage not only in banking, but also in any other business activity.

In 1956, Congress in its wisdom recognized the need for regulation of nonbanking activities by banks by enactment of the Bank Holding Company Act, providing the first comprehensive Federal regulation of all corporations holding 25 percent or more of the stock of two or more commercial banks, and requiring that such corporations divest themselves of control of all nonbanking and non-bank-related activities. Since passage of the 1956 act, multiple bank holding companies have been limited in their nonbanking activities to those closely related to banking. However, one-bank holding companies in 1956 numbered only 117, and were relatively small. In 1966, when the number of known one-bank holding companies had increased to more than 550, again, for the most part, relatively small, our colleagues on the House Committee on Banking and Currency felt the need to bring these companies within the provisions of the 1956 act, and attempted to do so in the 1966 amendments. Unfortunately, the Senate insisted that the exemption remain, and the House deferred to the Senate. Beginning last year, we have seen a rapid acceleration in the formation of one-bank holding companies by single banks, including some of the largest in the Nation. Further, many nonbanking corporations, including some of the largest industrial conglomerates, have acquired single banks. Today there are more than 700.

In addition to removing the one-bank holding company exemption from the 1956 act, thus subjecting these companies to Federal regulation, H.R. 6778 provides for improved administration of the 1956 act.

I believe the majority of our colleagues on the committee have wisely determined that the one-bank holding companies, formed in good faith and operating in various fields should not be subject to extreme consequences as a result of this legislation, and have thus determined that the effective date of the legislation should be February 17, 1969, the date the legislation was introduced and such companies were officially put on notice that nonbanking activities were to be restricted. Under provisions of the legislation, they may continue the activities in which they were engaged on that date, but they cannot enter new fields of nonbanking activity nor expand their holdings of shares in nonqualifying businesses. These tight restrictions will force large nonbanking companies to dispose of their banks so as not to be frozen in the nonbanking activities in which they can engage and in their share ownership investment. It seems obvious that they will elect to separate their banking and nonbanking activities as a result of enactment of the legislation. Yet, at the same time, the rights of the small traditional one-bank holding companies in small towns which have for years had other businesses to continue to do so are protected by the effective date of the legislation.

Mr. Chairman, I believe action in this field is urgently needed, and I believe H.R. 6778 represents the best possible result of careful deliberation by the majority of our colleagues in the committee. I therefore urge its adoption.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, pursuant to House Resolution 587, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole?

Mr. PATMAN. Mr. Speaker, I demand a separate vote on the so-called Bevill amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 14, strike line 12 through 23 and insert:

"(d) Section 4(c) of the Bank Holding Company Act of 1956 is amended (1) by changing the semicolons at the ends of paragraphs (1) through (8) to periods, (2) by striking '; or' at the end of paragraph (9) and inserting a period in lieu thereof, and (3) by adding the following new paragraphs at the end thereof:

"'(11) shares lawfully owned on May 9, 1956, by any company which becomes a bank holding company by virtue of any amendment made by this Act at the same time as the addition of this paragraph, but only as long as neither the bank holding company concerned nor any subsidiary thereof, after the enactment of this paragraph,

"'(A) commences any activity or acquires any shares for which approval by order or regulation is required under this section, or

"'(B) makes or is the subject of any acquisition or other action for which approval is required under section 3 of this Act or section 18(c) of the Federal Deposit Insurance Act.

For the purposes of this section, the acquisition in whole or in part of the business of a going concern by way of an asset acquisition shall be treated as an acquisition of shares.'"

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BLACKBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. Mr. Speaker, when we speak of the Bevill amendment, which we are now considering before the House, are we referring to the Bevill amendment as amended by the Wylie amendment adopted in the Committee of the Whole?

The SPEAKER. The answer to that is "Yes."

Mr. BLACKBURN. I thank the Speaker.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. WIDNALL) there were—ayes 70, noes 49.

So the amendment was agreed to.

The SPEAKER. The question is on the amendment adopted by the Committee of the Whole, as amended.

The amendment, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WIDNALL. Mr. Speaker, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WIDNALL moves to recommit the bill H.R. 6778 to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. WIDNALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 245, answered "present" 10, not voting 51, as follows:

[Roll No. 260]

YEAS—125

Adair
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Betts
Bow
Bray
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Burleson, Tex.
Burton, Utah
Bush
Byrnes, Wis.
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clawson, Del
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Davis, Wis.
Denney
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Ford, Gerald R.
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Goldwater
Grover
Hammerschmidt
Hanna
Heckler, Mass.
Hicks
Horton
Hunt
Johnson, Calif.
Johnson, Pa.
King
Kuykendall
Langen
Latta
Lloyd
McCloskey
McDade
McDonald, Mich.
McMillan
MacGregor
May
Mayne
Meskill
Michel
Mills
Minshall
Mize
Mosher
Nelsen
Pettis
Poff
Price, Tex.
Pryor, Ark.
Quie
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robison
Rogers, Colo.
Roth
Roudebush
Sandman
Satterfield
Saylor
Schneebeli
Shipley
Shriver
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Stanton
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tunney
Van Deerlin
Vander Jagt
Vigorito
Wampler
Watson
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Zwach

NAYS—245

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, Ala.
Annunzio
Ashbrook
Baring
Bennett
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Cabell
Caffery
Carey
Chappell
Chisholm
Clark
Cleveland
Conyers
Corman
Cowger
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dellenback
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Fallon
Farbstein
Feighan
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Friedel
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hays
Hechler, W. Va.
Helstoski
Henderson
Holifield
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Landrum
Leggett
Lennon
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClure
McCulloch
McEwen
McFall
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Martin
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mollohan
Montgomery
Moorhead

Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Podell
Pollock
Preyer, N.C.
Price, Ill.
Purcell
Railsback
Randall
Rarick
Reuss
Rivers
Roberts
Rodino
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
St. Onge
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sikes
Slack
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vanik
Waggonner
Waldie
Watkins
Watts
Whalen
White
Whitehurst
Wilson, Charles H.
Wolff
Wright
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

ANSWERED "PRESENT"—10

Clausen, Don H.
Evins, Tenn.
Hull
Jonas
Kleppe
Mailliard
Myers
Pelly
Quillen
Ruppe

NOT VOTING—51

Barrett
Berry
Bolling
Brooks
Broomfield
Brown, Calif.
Byrne, Pa.
Cahill
Camp
Clay
Cunningham
Daddario
Dawson
Dennis
Derwinski
Diggs
Fascell
Flynt
Foreman
Giaimo
Griffin
Halpern
Hastings
Hathaway
Hawkins
Hébert
Hogan
Jarman
Kirwan
Landgrebe
Lipscomb
McClory
McKneally
Mathias
Mizell
Monagan
Morton
Passman
Pirnie
Powell
Pucinski
Reifel
Ruth
Sebelius
Steiger, Ariz.
Steiger, Wis.
Utt
Weicker
Whalley
Wold
Wyatt

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Utt for, with Mr. Daddario against.

Mr. Steiger of Arizona for, with Mr. Byrne of Pennsylvania against.

Mr. Morton for, with Mr. Barrett against.

Mr. Pirnie for, with Mr. Giaimo against.

Mr. McClory for, with Mr. Pucinski against.

Mr. Berry for, with Mr. Monagan against.

Mr. Broomfield for, with Mr. Brooks against.

Until further notice:

Mr. Hébert with Mr. Brown of California.
Mr. Passman with Mr. Mathias.
Mr. Kirwan with Mr. McKneally.
Mr. Flynt with Mr. Mizell.
Mr. Jarman with Mr. Reifel.
Mr. Griffin with Mr. Ruth.
Mr. Hathaway with Mr. Camp.
Mr. Sebelius with Mr. Cahill.
Mr. Dawson with Mr. Fascell.
Mr Hawkins with Mr Diggs.
Mr. Clay with Mr. Powell.
Mr. Cunningham with Mr. Derwinski.
Mr. Foreman with Mr. Weicker.
Mr. Whalley with Mr. Halpern.
Mr. Wold of Wyoming with Mr. Dennis.
Mr. Hastings with Mr. Hogan.
Mr Landgrebe with Mr. Lipscomb.
Mr. Steiger of Wisconsin with Mr. Wyatt.

Messrs. FULTON of Tennessee and FINDLEY changed their votes from "nay" to "yea."

Mr. MORSE changed his vote from "yea" to "nay."

Mr. TEAGUE of California changed his vote from "yea" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 352, nays 24, answered "present" 12, not voting 43, as follows:

[Roll No. 261]

YEAS—352

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cabell
Caffery
Carey
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—24

Andrews, N. Dak.
Ashley
Brock
Brown, Mich.
Celler
Clawson, Del
Findley
Frelinghuysen
Fulton, Tenn.
Goldwater
Johnson, Pa.
Kuykendall
Lloyd
McCloskey
McDonald, Mich.
Michel
Mills
Mize
Smith, Calif.
Smith, N.Y.
Stanton
Widnall
Wiggins
Wilson, Bob

ANSWERED "PRESENT"—12

Clausen, Don H.
Evins, Tenn.
Hanna
Hull
Jonas
Kleppe
Mailliard
Myers
Pelly
Quillen
Ruppe
Teague, Calif.

NOT VOTING—43

Barrett
Berry
Bolling
Brooks
Broomfield
Brown, Calif.
Byrne, Pa.
Cahill
Camp
Clay
Cunningham
Daddario
Dawson
Derwinski
Diggs
Fascell
Flynt
Foreman
Giaimo
Griffin
Halpern
Hathaway
Hawkins
Hébert
Jarman
Kirwan
Landgrebe
Lipscomb
McClory
Mathias
Monagan
Morton
Passman
Pirnie
Powell
Pucinski
Reifel
Steiger, Ariz.
Steiger, Wis.
Utt
Whalley
Wold
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Barrett with Mr. Berry.
Mr. Fascell with Mr. Morton.
Mr. Byrne of Pennsylvania with Mr. Cahill.
Mr. Hébert with Mr. Pirnie.
Mr. Passman with Mr. Reifel.
Mr. Giaimo with Mr. Broomfield.
Mr. Daddario with Mr. Cunningham.
Mr. Pucinski with Mr. Steiger of Wisconsin.
Mr. Monagan with Mr. Mathias.
Mr. Jarman with Mr. Lipscomb.
Mr. Flynt with Mr. Utt.
Mr. Brooks with Mr. Wold.
Mr. Whalley with McClory.
Mr. Landgrebe with Mr. Camp.
Mr. Hathaway with Mr. Derwinski.
Mr. Griffin with Mr. Foreman.
Mr. Steiger of Arizona with Mr. Wyatt.
Mr. Hawkins with Mr. Halpern.
Mr. Brown of California with Mr. Clay.
Mr. Kirwan with Mr. Diggs.
Mr. Dawson with Mr. Powell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL REQUEST WITH RELATION TO ENGROSSMENT OF H.R. 6778

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 6778, the Clerk be directed to omit the last paragraph of the Bevill amendment, and be permitted to correct the designation of sections and parts thereof, cross references, and punctuation in the entire bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR ADJOURNMENT TO 11 O'CLOCK TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask for what purpose is this unusual request made after adjourning at 12:26 on Monday?

Mr. ALBERT. If the gentleman will yield, on Monday, of course, we did not have much business, as the gentleman knows. We only had the Consent Calendar read. We have only one bill left this week.

Mr. HALL. Mr. Speaker, I well know this, and I understand thoroughly the programing and the leadership's prerogatives.

I object to coming in at 11 o'clock tomorrow.

THE PRESIDENT DESERVES THE SUPPORT OF ALL AMERICANS

(**Mr. NICHOLS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, on Monday night, along with the rest of the Nation, I listened with great interest to the President of the United States while he addressed the American people on the subject uppermost in all of our minds—the war in Vietnam.

Although the President has received much support from both sides of the aisle, as well as from the American people, critics have denounced the speech for offering no new solutions or peace initiatives. These critics object to the fact that President Nixon did not announce immediate and total withdrawal of troops or withdrawal according to a preordained time table.

It is true that the President offered no startling cure-all to this most difficult and complex war. If a solution were easy to come by, we would not be faced with the present situation. It seems to me that the question is not whether the proposal is new but whether or not it is workable and will achieve its objective.

I believe that Mr. Nixon was totally candid and accurate in his prediction that total abandonment of South Vietnam would result in a blood-bath that would forever blot our history. I also agree that announcing a set schedule of troop withdrawals, independent of the actions of North Vietnam, would make the Paris talks not only untenable, but indeed, unnecessary.

The President has called on the Nation to support him and our servicemen by presenting a united front to the North Vietnamese. I do not believe that this is a political maneuver to stifle criticism; it is a sincere appeal to be allowed some flexibility in dealing with intransigence on both sides.

If there is to be a political accommodation in Vietnam, it will not come about as a result of virulent debate and dissension here in the United States. It might come about if North Vietnam is convinced that it cannot dominate South Vietnam either by force of arms or by outwaiting a war-weary America. It is ultimately the people of Vietnam who must decide their own destiny—not Congressmen or commentators or street demonstrators. Let that destiny be decided through peaceful negotiation, not mass murder.

The Vietnamese should at least have the chance for a stable and just government. The President's approach offers that chance. It is not a new approach, but it is a valid one. He deserves the support of all Americans.

THE PRESIDENT DESERVES OUR SUPPORT

(**Mr. MIZE** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZE. Mr. Speaker, President Nixon has provided a factual, thoughtful analysis of the Vietnam problem. His statement to the Nation on November 3 was restrained and responsible. His plan, to my mind, is workable and an exceptionally sensible way out of the morass that our over-involvement in the internal affairs of Southeast Asia has become.

The President, without question, has made good-faith efforts for progress on the negotiating front. He reports that these efforts have failed. Should negotiations continue to fail, the President has implemented a program of Vietnamization and American withdrawal that will leave the burden of fighting to those who must fight if freedom is to ever prevail in that far-off place.

The insurgents are logistically supported by Communist China and other adversaries of the United States. Should this support continue, the United States will have a continuing obligation to provide logistic support to the South Vietnamese Government. But the United States has no obligation to provide the brunt of the fighting force to prosecute the war. It was an unwarranted assumption of that burden that led to our present unhappy position. The President, knowing this, has undertaken to correct the error as soon as possible consistent with our overall national interest in the Pacific.

A great nation, like a giant supertanker, does not easily turn around in a very small harbor. The shoals are everywhere—the channel is narrow and cluttered with hidden obstacles. But competent masters can do the job without damage to the ship, calling upon the combined skills, competence, teamwork, and loyalty of their crew. President Nixon is our captain now and he has begun the treacherous and extremely difficult job of maneuvering the ship of state. Without the support, loyalty, and the several skills of his crew—the American people—he will surely not succeed.

If we support him, we will clear the harbor, pass over the reef, and be back in the deep water that our ship was built—over 200 years ago—to sail upon.

GI RAPS ANTIWAR "FREAKS, COWARDS"

(**Mr. TEAGUE** of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following letter to the editor of the Ventura County Star Free Press written by one of my splendid young constituents, Sp4c. John A. Jensen, of Ojai, Calif.

GI RAPS ANTIWAR "FREAKS, COWARDS"

Editor,
The Star-Free Press:

I have just returned from a year's tour in Vietnam. I will have to admit that I am disappointed in my country.

I have noticed a group of individuals wearing black armbands and protesting the Vietnamese conflict. But, what I don't understand is, what are they protesting and what do they have to protest? What do they know about Vietnam? What do they know about a people's struggle against Communist aggression of their homeland? What do they know of the Vietnamese soldier, who knows Charlie has him outgunned, but he goes ahead and dies anyway?

I'll tell you what they know. They know the hollow, cowardly feeling when they get a draft notice. They don't know anything! Except that they are the cowards that are left here while America's finest young men are dying against the universal enemy of every free nation—Communism.

I am on my way back to fight for what I believe in for another year. Should I be shot, I darn sure don't want some long-haired freak wearing a black armband protesting for me!

SP-4 JOHN A. JENSEN.

Ojai, Calif.

"SILENT MAJORITY" SPEAKING OUT ON VIETNAM

(**Mr. KLEPPE** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, at long last, the great "silent majority" in the United States is speaking out on Vietnam. What we are hearing today is not the voice of despair but the voice of a united people in support of President Nixon's dedicated effort to bring this long and agonizing war to an honorable conclusion.

In his Monday evening address, the President said:

> Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

I have joined with 154 of my colleagues in introducing a resolution affirming the support of the House of Representatives for the President in his efforts to negotiate a just peace. And I am sure the number of sponsors will continue to grow.

More importantly, an overwhelming majority of the American people are rallying behind the President's position, as is attested by the flood of favorable messages he is receiving and the public opinion polls which show the Nation is solidly behind him.

The reaction of our native North Vietnamese flag-wavers was as predictably as it is senseless. They view the President's call for an early and honorable peace as a personal affront to them and their beloved spiritual leader, the late Ho Chi Minh. They promise a November 15 War Moratorium Day which will force immediate, unilateral withdrawal of American forces in Vietnam.

At the time of the October 15 moratorium, I said it was my own belief that most of the participants were sincere in their efforts to achieve an early peace. I believe this will be generally true of those who may demonstrate nonviolently on November 15.

I cannot, however, credit many of the leaders and organizers of this movement with such noble intentions. Their purpose is to disrupt, to tear down, to destroy completely the American form of government. They are conscious agents of anarchism and communism. They want revolution and overthrow of our system. And they have nothing but chaos to offer in its stead.

Fortunately, this group is a tiny minority—a tiny but vocal minority. They receive far more attention than they deserve in the news media. Although they speak only for themselves, they seek to give the impression that they speak for the American majority.

I was appalled last evening to watch on television a band of students at one of our great institutions of learning, waving Vietcong flags and chanting their Ho Chi Minh ritual. The sheep who join in such parades could learn something by visiting a packing plant seeing a Judas goat in action.

This is a time for national unity, for full support of the President in his peace efforts. I believe such unity has been achieved. This strengthens the President's hand enormously in his quest for an early and honorable solution of the war in Vietnam. I believe this could be made even more clear to Hanoi if all thinking Americans would give the November 15 moratorium the boycott it so richly deserves.

OEO LEGISLATION

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, since the House Committee on Education and Labor is presently engaged in considering the $2 billion-plus OEO bill, it is appropriate that I call attention to the following letter I read to the committee and personally delivered to our chairman (Mr. PERKINS):

CONGRESS OF THE UITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 4, 1969.

Hon. CARL D. PERKINS,
Chairman, Education and Labor Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you so much for your letter of October 29th agreeing with me that the witnesses wishing to testify before the Committee on the extension of the Office of Economic Opportunity should be heard. I do have several questions, however, about procedure.

You indicated that since the Committee is in the process of marking-up the bill, the witnesses could not be heard before work on the bill is completed. Surely this must be in error. I find it hard to imagine that you, as Committee Chairman, would abrogate the responsibilities of the Committee by hearing important witnesses after the bill has been sent to the full House. What constructive purpose would this serve?

Certainly you would want to have these hearings published and available to the members of the Committee for their consideration before final Committee action on the legislation. Otherwise, I can only see the calling of these witnesses as an exercise in semantics and a disillusioning experience to the witnesses who would surely feel the futility of such an exercise.

While I appreciate your feeling that 75 pages of testimony by the representatives of the Governors have been a valuable contribution to the deliberations of the Committee, careful rechecking of the record shows that over 50 pages is not "testimony" in the sense of Committee participation in the exchange of ideas, but rather a simple reprint of prepared statements and reports.

Mr. William Ford noted that only one state Governor has appeared personally before the Committee to express his views on the operations of OEO. I cannot help but feel that the Committee should eagerly seize any opportunity to hear from more state officials who wish to present their views to the Committee personally, especially since none of the recommendations by the Governors or their representatives has been adopted.

This Committee is asked to consider a two-year extension of the Office of Economic Opportunity with the expenditure of over four billion dollars in public funds. Any program which has drawn as much nationwide criticism as this one has, needs not only a true picture presented to the Congress but the full picture, which can only be obtained by giving state officials our full and undivided attention.

The Governors have asked for a more active role in the operations of the Office of Economic Opportunity. They wish to be able to coordinate the work being done by OEO with the state programs, in hopes of achieving maximum efficiency and effect. They wish to be involved in planning, not just relegated to a position of vetoing a whole program, because no item veto is permitted, when prior consultations on the state level would have insured a program aligned to the state-wide needs and worth of acceptance and support. The Governors have requested that programs funded through institutions of higher education be brought under their veto to prevent circumvention of the intent of the OEO enacting legislation which permits the veto by the Governors in the first place.

As long as these objections exist and are valuable to the future of the whole OEO program, we in Congress cannot afford to ignore any official who wishes to testify. Only by being totally informed can we properly discharge our responsibilities.

I hope to hear from you that witnesses who have indicated their desire to be heard will be scheduled for hearings before the Committee for a full dialogue, prior to final Committee action, so that they may contribute to our deliberations and assist in writing legislation benefiting those for whom this program was designed.

Sincerely,

WILLIAM J. SCHERLE,
Member of Congress, Seventh Iowa District.

SELECTIVE SERVICE SYSTEM REFORMS

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, on October 29, 1969, the House of Representatives overwhelmingly approved H.R. 14001, a bill which when enacted into law, will enable President Nixon to fully implement his proposed reforms in the Selective Service System.

The action taken by the House of Representatives was in direct response to an urgent request from the President of the United States that Congress provide him, at the earliest possible date, with the necessary legislative authority to accomplish these objectives.

You will recall that on May 13, 1969, this matter was initially called to the attention of the Congress of the United States. Subsequently, on October 13, 1969, this matter was initially called to the attention of the Congress of the United States. Subsequently, on October 13, 1969, the President reiterated and reemphasized the urgency which he attached to the early implementation of essential draft reforms.

Despite the heavy legislative schedule of our Committee on Armed Services, action was initiated by the committee to enable the House of Representatives to act quickly and expeditiously on the President's legislative request.

Hearings on the President's legislative proposal revealed that no responsible individual or organization opposed the President's draft reform recommendations.

As a matter of fact, these reforms were strongly advocated and endorsed in the testimony provided the Committee on Armed Services.

Every Member of Congress who appeared before the committee, as well as individual organizations such as the American Legion, the American Veterans Committee, the American Council on Education, and the Association of American Universities strongly supported the provisions of H.R. 14001.

Stated another way, during committee hearings, it became evident that H.R. 14001 and the President's proposed draft reforms represented an almost universally agreed upon change in the draft system, a proposed reform and improvement that all draft critics conceded was necessary. The hearings also revealed that many of these witnesses did advocate other reforms in the draft. However, most significantly, none of these other proposed reforms elicited any similar consensus of agreement.

The President's proposed reforms were therefore quickly endorsed by the Armed Services Committee and received the approval of this body.

Although House Members have demonstrated most clearly their concern with the reform of the draft law by acting expeditiously on the President's proposal, there appears to be little evidence that the Members of the Senate share this conviction.

Despite the fact that the clamor for draft reform has been loudest in the Senate, that body now appears reluctant to act on even the noncontroversial draft reforms recommended by the President.

Some of the more distinguished Members of the other great deliberative body have now indicated that there is insufficient time to act on the President's proposal this year. The majority leader has reportedly said that it "was impossible to achieve a consensus" between those Senators who support the President and others who want more thoroughgoing reforms; and hence, draft reform legislation cannot be considered.

Apparently, despite the pious pontifications that we have heard uttered by Members of the other body on the necessity for draft reform, there will be no action in that body on the subject this year.

I share the dismay of the vast majority of Americans who with the President of the United States feel a sense of urgency regarding the draft reform proposals advanced by him.

I find it inconceivable that the gentlemen in Congress who are most critical of the current draft system find it somehow impossible to direct their legislative energies toward correcting these deficiencies.

I find it incredible that the other body is unable to find the time to respond either affirmatively or negatively to a simple one-line legislative proposal which had been speedily acted upon and passed by the House of Representatives.

Am I to assume that that great deliberative body is so involved in its time-consuming perorations that it has subordinated its constitutional legislative responsibilities to a secondary and minor role?

Why, of course not—that cannot be the problem. Then what is the problem?

Some say that the Senate refuses to act on the President's legislative request because of political considerations. If that is the case, which I trust it is not, I am more perplexed than ever, since I have heretofore been led to believe that the Members of the other body have treated "politics" as a matter exclusively reserved to this side of the Capitol.

In any event, the subject of the draft is too serious and important a problem to be left unanswered by the Senate.

I share the views which have been expressed by the news media throughout the country to the effect that the Congress should act now on the President's proposed draft reforms and then, after it has disposed of this issue, go back to "overall reform considerations and debate the matter to their heart's content."

I agree with the Washington Evening Star when it said that "in this case the Senators should get off their prerogatives and act to remove one of youth's justified complaints against the establishment."

Let us hope that the distinguished majority leader of the Senate will find it possible to have that body be responsive to the needs of the young men of our Nation and pass the President's bill, H.R. 14001, before January 1, 1970.

The Star article follows:

POLITICS AND THE DRAFT

The Senate Democratic leaders should think again about their decision to block the administration's proposal for limited draft reform. They should reconsider—and they should follow the lead of the House which approved the measure 382 to 13.

There is no doubt about the leadership's ability to bottle up the legislation. If Senator Mansfield says it will not move this year, it will not move. There must be a strong temptation to use this simple means to embarrass the administration. But it is a temptation that should be resisted.

The leadership's arguments in favor of procrastination are not very persuasive. The limited measure, which would permit the use of lottery procedure in the draft, was attacked by Senator Kennedy as a fraud on the young because it would not cure all the ills of the present system. Mansfield argued that action is impossible in this session because there is no time to reconcile the struggle between those who favor the administration move and those who want far-reaching reform of the draft laws.

No one in the administration has argued that the plan to pick 19-year-olds first under a lottery system is a cure for all the inequities of the draft. No one has presented the proposed amendment to the present law, which would remove the prohibition against a lottery, as an alternative to further sweeping reform in the next session of Congress.

It is not an either-or situation. The amendment should be passed now so that the most glaring inequities in the present law can be promptly eliminated. Then Congress should start the lengthy and complex debate on over-all reform.

The siren song of easy political gain is always a strong temptation. But in this case the apparent advantage may be wholly illusory. It is quite possible that the young voters-to-be will remember just who it was that blocked the way when a measure of relief was in sight, and will act accordingly.

PROBLEMS CONFRONTING AIR CARRIER INDUSTRY

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, as a member of the House Interstate and Foreign Commerce Committee, I am aware of some of the problems confronting the air carrier industry and its need for some fare increases to meet escalating costs, but the interests of air travelers or consumers should not be downgraded in the exercise. It was heartening to note, therefore, that in a recent address to some top airline representatives, Robert T. Murphy, member of the Civil Aeronautics Board, spoke up for the passenger. Mr. Murphy set forth a cogent "bill of rights" for the air traveler. The Washington Star devoted a special article to this speech on Sunday, October 19.

In the course of his remarks, Mr. Murphy also expressed his concern about the impact of recent fare increases on the average, nonbusinessman traveler in short-haul markets under 400 miles where almost 50 percent of all air travel is conducted. I am glad to know that my fellow Rhode Islander, Bob Murphy, is keeping the welfare of the average man in mind in his approach to the complex regulatory problems confronting the Civil Aeronautics. I congratulate him for this effort.

Without objection, I submit for insertion in the RECORD, Charles Yarbrough's column of Sunday, October 19, entitled "Voice from High Places" as well as the text of Mr. Murphy's speech of October 16:

AIR TRAVELER GETS "BILL OF RIGHTS"

(By Charles Yarbrough)

The commercial airplane has been around a long time, as witness the recent 50th anniversaries of KLM Royal Dutch Airlines and Holland's Fokker Aircraft Co.

But only now has someone come up with a "Bill of Rights" for the people who ride in them.

Civil Aeronautics Board Member Robert T. Murphy had a proper audience when he handed down The Bill last week before a meeting of Washington-headquartered Association of Local Transport Airlines (ALTA).

The regional carriers were holding a full quarterly meeting in Amsterdam to help sell the "Visit U.S.A." program.

Sure to warm the hearts of every air traveler, this is the Murphy Bill of Rights:

1. To travel in safe, modern, comfortable aircraft.
2. To have his reservation honored when he arrives at the airport.
3. To know as soon as possible when his flight is to be canceled, delayed or diverted and to get a straight story when this has to be done.
4. To depart at the scheduled time and arrive on time.
5. To transportation at a reasonable charge.
6. To recovery of his baggage intact when the journey is completed.

"These," Murphy said, "are but a minimum of basic standards which a passenger has a right to expect of the industry.

"I am sure," he added, "others can think of more and perhaps express them more eloquently than this, but I venture to say that fulfillment of this modest 'Bill of Rights' for the airline passenger would eliminate more than 90 percent of all the complaints which are filed by irate travelers with the board."

Earlier, Murphy and C. Langhorne Washburn, director of the Commerce Department's United States Travel Service, launched a Travel Service and ALTA Travel Workshop and Seminar in Amsterdam.

High on the attractions dangled in the presentation was assurance that the foreign visitor to this country will again find the $150-for-21-days fare will be continued on the ALTA systems in this country. For this, Murphy commended the airlines heartily.

He noted his dissent "from the recent adoption of so-called fare formula and urged that the carriers hold the line on any increases in markets under 400 miles."

His view, he emphasized, "was based not on the ground that carriers' costs are not increasing. Certainly they are, and it would be hiding our heads in the sand to think otherwise.

"The board has been made painfully aware of the pressing financial difficulties facing some of the local carriers.

"However, I objected to the further increase in short-haul fares because I am deeply concerned by the potential adverse effects of the fare formula upon the traffic and the revenues of the local carriers.

"While the formula seeks to improve airline revenues generally, it is my great fear that this new increase in short-haul markets on top of a nearly 10 percent fare hike last February plus another imminent increase in the form of a passenger tax for airport and navigational facilities will simply price the local carriers out of many markets.

If it doesn't price the carrier right out of the short-haul markets, at least it will limit the availability of such service principally to the free-wheeling businessman with the elastic expense account.

"I fear," he said, "more and more of your customers will be relegated to the crowded highways or the fast-vanishing rail services, or, perhaps, the long-distance telephone."

Address by the Honorable Robert T. Murphy, Member, Civil Aeronautics Board, Before the Fall Quarterly Regional Meeting, Association of Local Transport Airlines, Amsterdam, the Netherlands, October 16, 1969

Once again I am privileged to address a Quarterly Meeting of the Association of Local Transport Airlines. The occasion for your meeting here in Amsterdam is a special one. I note that this is the second "Visit U.S.A." travel promotion which you have sponsored in cooperation with European governments and their flag airlines and it coincides with the celebration of the 50th Anniversary of two of the most famous industrial institutions in The Netherlands, KLM and Fokker Aircraft Company. The participation of C. Langhorne Washburn, the Director of the U.S. Travel Service, in this meeting further underscores the importance of the occasion to our national interest.

I am fully aware of the great contribution which KLM has made, not only to the Dutch nation, but also to world air transportation generally because of the frequent contacts which I have had with it in connection with air transport negotiations with the United States in which I have served as a representative of the Civil Aeronautics Board. It is a respected, resourceful competitor with an enviable record of achievement.

Founded in October, 1919, KLM inaugurated scheduled international air service in the spring of 1920. Its first scheduled flight brought two journalists from London to Amsterdam and I am told that this particular route is the oldest air connection in the world still operated by the same carrier. Following shortly afterward, KLM introduced service from Amsterdam to Brussels in 1922, Paris in 1923, Copenhagen and Sweden in 1926 and in 1929 introduced regular intercontinental air service between The Netherlands and Jakarta. The journey at that time took 12 days. By 1929 KLM had a fleet of 20 Fokker single-engine and tri-motor aircraft.

Perhaps you of ALTA who, many years later, went through some of the same difficulties of launching new airlines are the ones best able to appreciate what fortitude was required in those early days to establish an airline. KLM's routes now fan out across the world. It stands as a marvelous tribute to the indomitable spirit of the Dutch people. As a negotiator for the United States, I have a particular reason to admire KLM. In all of their operations they are dedicated, as we are, to a system of free competition on the air routes of the world. Like us, they are staunch supporters of the Bermuda capacity principles and, like us, they agree that those principles should govern the conduct of international air service.

Simultaneous with KLM's Golden Anniversary our hosts are also marking the 50th Anniversary of another one of their outstanding industrial enterprises, the Fokker Aircraft Company. From the early days when young Anthony Fokker re-established his company here in Amsterdam through the years when his tri-motor competed in world markets with the Ford tri-motor, the name Fokker has been synonymous with superior aircraft. You gentlemen of ALTA know the company's product well. The first F-27 manufactured under license to Fairchild came into service on the former West Coast Airlines in September, 1958, and at the latest count 81 F-27s and FH-227 aircraft were in service on U.S. local service airlines. We at the Board are not unmindful of the rugged efficiency and effectiveness of these famed aircraft. I therefore join the members of ALTA in saluting KLM and Fokker on this, their Golden Anniversary.

Earlier today, in association with Mr. Washburn, I participated in the launching of a U.S. Travel Service and ALTA Travel Workshop and Seminar on Travel. I took the occasion there to "bend the ear," so to speak, of our Dutch hosts and travel agents in support of travel to the United States. I told them as much as I could about the plan which you introduced several years ago aimed at encouraging foreign visitors to come to the United States. I told them about the "Visit U.S.A." air fares of the local service airlines and explained to them how this unusual travel bargain would enable citizens of The Netherlands and other countries in a short visit to the United States to see a significant part of our country as a price they can afford. I told them that for $150 foreign citizens are entitled under the "Visit U.S.A." fare to unlimited right to travel for a period of 21 days to any number of the over 500 points in the United States served by the local service carriers. I want to tell you tonight that the U.S. Travel Service has advised us of their continuing support for this fare and speaking for myself, at least, the fare continues to be an important aid to our policy of encouraging transport to and within the United States. I was delighted, therefore, to see that on September 12th you filed an agreement extending these tariffs so that all of the local service carriers and Alaska Airlines will continue to offer the "Visit U.S.A." fares for another full year. You are to be commended. These fares are in the national interest of our country and I was pleased to concur in the order approving your agreement just before I left Washington.

Let me turn to some significant current actions directly affecting the local carriers: First, the fare increase; second, the route strengthening program; third, the developing role of the scheduled air taxi or commuter airlines as a partner of the local carriers; and finally, the rate prorate question.

In regard to fare increases, as you know, I dissented from the recent adoption of a so-called fare formula and urged that the carriers hold the line on any increase in markets under 400 miles. I differed likewise as to the amount of the fare increase in markets over 400 miles. My view was based not on the ground that carriers' costs are not increasing. Certainly they are, and it would be hiding our heads in the sand to think otherwise. The Board has been made painfully aware of the pressing financial difficulties facing some of the local carriers. However, I objected to the further increase in short-haul fares because I am deeply concerned by the potential adverse effects of the fare formula upon the traffic and the revenues of the local carriers. While the formula seeks to improve airline revenues generally, it is my great fear that this new increase in short-haul markets on top of a nearly 10 percent fare hike last February plus another imminent increase in the form of a passenger tax for airport and navigational facilities will simply price the local carriers out of many markets. If it doesn't price the carrier right out of the short-haul markets at least it will limit the availability of such service principally to the free-wheeling businessman with the elastic expense account. I fear more and more of your customers will be relegated to the crowded highways or the fast vanishing rail services or, perhaps, the long distance telephone. Such a result is a discrimination against the average American and is at variance with public interest concepts of a truly adequate air transportation system available to all segments of the community at reasonable rates. Moreover, it seems to me that the enforced reduction of certain long-haul fares in markets where the value of service is greatest—an anomaly produced by the application of the so-called formula—deprives trunks of revenues which could be applied to a more equitable division of interline settlements with the local service carriers.

On the matter of route strengthening, the Board's program, as you know, is moving along at a rapid pace. So far, you might say that 1969 looks like a banner year for new route authorizations for the local service carriers. Air West has obtained substantial new authority this year between Salt Lake City and Seattle. Allegheny's route has been amended to grant new authority between Boston, Pittsburgh and Memphis; Frontier has received new, large awards in the Pacific Northwest-Southwest, the Service to Albuquerque and the Gulf States Cases; North Central has received new Denver-Minneapolis authority; Ozark's routes have been extended to Washington, D.C. and New York as well as from St. Louis to Dallas; Piedmont has been granted entry into Chicago; Southern's routes have been realigned and it has been granted nonstop Memphis-New Orleans and Memphis-Chicago authority and Texas International has received broadened authority in the Pacific Northwest-Southwest and Service to Albuquerque Cases.

In addition to these new grants, the Subpart M cases have been rolling along at a rapid rate. Since we introduced this new procedure 21 months ago for expedited handling of applications to remove unnecessary operating restrictions, 42 applications have been docketed. These have resulted, so far, in 17 approvals of the requests. Some 15 have been denied or dismissed and 10 are awaiting disposition.

The Subpart M procedure has lived up to our expectations. Of the applications approved, the proceedings varied in length from three months for the removal of a restriction on Mohawk's Syracuse-Cleveland operations to 14 months for improving Allegheny's authority between Indianapolis and New York. The average processing time—from date of application to date of final Board decision—was a little over seven months which I think is a pretty good record considering the fact that in all but four of the approval cases, a hearing was necessary. I believe this record is a tribute to the diligence of our staff, your counsel and I even suggest it attests to the wisdom of the Board in promulgating Subpart M. You have estimated and the Board has agreed that there will be substantial reductions in subsidy need as a result of the route strengthening and Subpart M proceedings completed this year. These new authorizations promise to have a dramatic favorable effect on the character of your service. This strengthening of your route structure will make it possible for you to spread terminal and ground costs and indirect costs over a much broader and efficient route system which, in turn, should enable you to operate more profitably.

Another significant development on the local airline scene in the past year has been the increasing number of proposals which some of you have filed to substitute air taxi operators on certain low-density routes as a means of cutting expenses and and reducing subsidy requirements. It is of interest to note that in recent years we have authorized some 20 of these substitutions for trunk as well as local service carriers. A number of such applications are still pending. From the information which you have submitted to us it would appear that in most cases the service to these smaller communities can be very much improved as a result of such substitutions. So far, I believe Allegheny has led the way in this area and I am sure that many of you are closely observing this phase of their operation with a view toward determining whether similar service could be of value in various parts of your own systems. I would caution you, however, that not all small communities or low-density routes will lend themselves to this kind of operation. The complete understanding and support of the communities affected are essential to their success. There must be assurance that the substitute service will be performed by a sound, economic, capable substitute carrier operating appropriately attractive, modern aircraft in accordance with the highest standards of safety. The public must have confidence that your long record of competence in the scheduled airline service will stand behind any company acting for and on your behalf.

The last of significant actions taken this year affecting local carriers relates to the rate prorate question. Although I dissented to the Board's recent action in the matter of fare increases, there was one aspect of the Board's order with which I fully concurred. The Board stated in the order that the present division of through fares as between the long-haul and short-haul carriers may be resulting in an inequitable distribution of revenue to the short-haul carrier. The Board therefore directed that the local and trunk carriers include, in discussions previously authorized, the matter of division of fares between them. We said that we favored a division more closely oriented toward actual costs of the respective carriers involved and that there may be considerable merit in the approach proposed by Mohawk Airlines. Under Mohawk's plan, an amount would be apportioned to each party to a through fare equal to the terminal charge in the formula and the remainder of the fare would be apportioned between the parties in accordance with the normal rate prorate. We indicated that in reviewing tariffs to be filed for effectiveness after February 1, 1970, we would give great weight to the implementation of a more satisfactory division of interline revenues that would reflect the cost and value of service considerations inherent in long-haul versus short-haul pricing. Your distinguished General Counsel and Executive Director, General Joseph P. Adams, has a special connection with this subject. I find that in the spring of 1956, while a Member of the Civil Aeronautics Board, he authored a thought-provoking article in the Journal of Air Law and Commerce in which he urged that the local carriers' share of interline revenues be increased in recognition not only of their need for added revenues and the higher cost nature of the local service operations, but also in keeping with their promotional value to the trunklines. It is also worthy of note that as early as 1958 my distinguished colleague, G. Joseph Minetti, in an address to your organization in Honolulu urged the carriers to explore the question of whether a redistribution of interline fares would not benefit the local carriers, the trunklines and the taxpayers alike. Our recent action, therefore, is but a culmination of the thinking expressed by these competent aviation experts and others over the years. I have no preconceived notion as to how the matter should be worked out and I have no magic formulas to advance for apportioning the fares between the locals and the trunks. This I leave to the fertile minds and honest judgment of the carriers.

Let's talk about the passenger for a moment. Our Board, as a public institution must be a tribunal of all the people—the airline passenger as well as the airline service organizations. This year the passenger has been called upon to pay more for his air transportation in terms of fare increases than in any other single 12-month period in recent history. As a member of the public, as an individual consumer, the air traveler should be able to expect certain standards of service in return for his higher cost airline ticket. A representative sampling of some of these considerations emerges as a "Bill of Rights" whose guarantees are either born of logical expectations or evolved through years of collective airline passenger experience. It seems to me that he has the right:

1. To travel in safe, modern, comfortable aircraft.

2. To have his reservation honored when he arrives at the airport.

3. To know as soon as possible when his flight is to be canceled, delayed or diverted and to get a straight story when this has to be done.

4. To depart at the scheduled time and arrive on time.

5. To transportation at a reasonable charge.

6. To recovery of his baggage intact when the journey is completed.

These are but a minimum of basic standards which a passenger has a right to expect of the industry. I am sure others can think of more and perhaps express them more eloquently than this, but I venture to say that fulfillment of this modest "Bill of Rights" for the airline passenger would eliminate more than 90 percent of all the complaints which are filed by irate travelers with the Board.

In conclusion, let me compliment you for your continued support of the "Visit U.S.A." program—a project of national interest which you pioneered in this industry. Let me wish you every success in maximizing the profitability of your operations under the many new route authorizations which the Board has recently conferred upon you. And, finally, let me exhort you to reach new levels of achievement in standards of service to the traveling public.

INSPECTION OF EGGS AND EGG PRODUCTS

(Mr. PURCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PURCELL. Mr. Speaker, I am today introducing legislation to provide for a better national system of inspection of eggs and egg products. Joining me in introducing the bill are the gentleman from Washington (Mr. FOLEY) and the gentleman from Iowa (Mr. SMITH).

Because the subject matter of the bill, inspection of eggs and egg products will perhaps seem novel to some, I wish to take this opportunity to comment on the bill, and the problem to which it is addressed.

The problem of eggs and egg products infected by salmonellosis moving into consumer channels has not received the attention it deserves from industry, State and local governments, or the Federal Government. While not the sole carrier of salmonellosis, infected eggs and egg products contribute in major proportion to what has been called by the National Research Council of the Academy of Sciences one of the most important communicable disease problems in the States today—a disease which, in addition to the fatalities and illnesses that have accompanied its outbreaks, has cost the American economy nearly $300 million annually. The ease of transmission of salmonella sickness has resulted in its characterization as a "potential threat to every resident of the country."

Far too long it has been taken for granted that eggs are automatically what they appear to be, without proper verification: a safe, nutritious food with little danger of contamination through the circumstances and dirty environment that may accompany its production. Additionally, few people today are aware that the shell of an egg is porous, that if eggs are graded and washed at an excessively high temperature, the dirty wash water can actually penetrate through the shell, carrying the attendant impurities and possible disease bacteria into the egg itself.

But the primary danger attendant to processing or selling eggs for final human consumption lies with those eggs which can be classified as "leakers," "checks," "dirties," "loss," or "incubator rejects."

"Leakers" are eggs that have cracks or breaks in the shell membrane to the extent that the egg contents are exposed or exuding. "Checks" are eggs that are broken but retain an intact shell membrane so that the contents are not actually leaking. "Dirties" are eggs that have adhering dirt or foreign material. "Loss" are eggs unfit for human food due to having been smashed or broken—such eggs are still often processed for use in making other human foods by plants known in the trade as "breaking plants." "Incubator rejects" are those eggs which have been subjected to incubation but removed from the hatching operation as being infertile, containing a dead fetus or otherwise unhatchable.

Such eggs are, according to the Department of Agriculture in a December 1968 memorandum, "frequent carriers of salmonella and other bacteria." Salmonellosis is one of the major foodborne illnesses affecting man. This and other pathogenic bacteria are carried on the shell of the dirty egg and can be a source of contamination when the egg is broken. In addition, bacteria can enter the egg through the broken shell or crack in the shell. In the case of a "leaker," salmonella can be readily picked up by the exuding contents.

Few housewives will buy, or even have the opportunity to buy, an egg classified as "loss." However, this does not mean that their families will never consume such an egg. According to the Department of Agriculture—

> Rejects and loss or inedible eggs are unfit for human food and are not generally sold into consumer channels in shell form, but they can move to breaking plants and be incorporated into liquid, frozen, or dried egg products.

Serious massive outbreaks of sickness have been the direct result of a "multiplier" factor inherent in movement of an unsound egg into a food processing operation. In New York a kosher imitation ice cream utilized contaminated frozen egg yolks which were traced to an unpasteurized product manufactured locally in New York City—a company which, according to a report of the National Communicable Disease Center, relied almost exclusively on "checked" eggs. The result: Of approximately 3,300 persons who attended several banquets at which the ice cream was served, an estimated 1,888 persons were victims of an outbreak of febrile gastroenteritis in New York, New Jersey, Connecticut, and Maine. Each outbreak occurred 1 to 3 days after the dessert was served. Fifty-four percent of all people attending the banquets developed diarrhea, abdominal pain or cramps, fever, chills, headache, nausea, and vomiting.

In commenting on this incident, the editor of the compilation of reports on this outbreak had this comment:

> Unpasteurized egg products made from pooled checked eggs are prime vehicles for salmonella contamination. Although the United States Department of Agriculture has recently passed regulations requiring pasteurization of all egg products, these regulations pertain only to interstate products, and the regulation of egg products with exclusively intrastate distribution is dependent on the individual states.

Other outbreaks of salmonella infection in nursing homes, schools, Air Force bases, farm families, or other normal American families have been the direct result of contamination through consumption of unwholesome eggs or egg products. Even a cursory examination of reports prepared by the National Communicable Disease Center's Salmonella Surveillance Program indicates the necessity for meaningful action.

An outbreak of hospital acquired salmonellosis which affected geriatric patients at a Kansas nursing home was traced directly to eggs purchased by the hospital from one of three egg wholesalers in the area. Outbreaks such as this present a dismaying fact about the opportunities for salmonellosis; those institutions such as hospitals and nursing homes which are devoted to preserving health seem particularly susceptible to bad eggs which apparently may have been diverted away from the present voluntary egg inspection programs of Federal and State Governments.

Other incidents of group infection are readily available: In 1966, in the State of Oregon alone, over 90 cases of *Salmonella saint-paul* occurred within three months as a result of consumption of custard and cream-filled bakery products. Egg products supplied to the various bakeries from four different plants in two States were found to check positive for the same strain of salmonella which sickened the victims.

Homemade ice cream made with raw eggs was implicated in cases of group infection and subsequent illnesses in Kansas, North Carolina, and Ohio last year. One of the cases, occurring at Seymour Johnson Air Force Base, indicated such a high density of salmonella in vanilla ice cream made with eggs that it was sufficient to contaminate nearby strawberry ice cream which was previously wholesome, merely through use of common serving utensils. Ice cream was again infected through bad eggs in a 1968 case which caused illness in 13 or 14 guests at a social gathering in Ohio.

Additional cases have included outbreaks in schools, such as occurred in New York in 1967 where an estimated 250 persons, students and teachers, became violently ill as a result of egg salad served at two different meals. Death resulted from drinking egg nog made with salmonella infected eggs in a farm family in Oregon; three welfare recipients were found dead in Washington State in 1965 after they had consumed salmonella tainted dried eggs from the State's surplus food program.

Mr. Speaker, I could spend a great deal more time in detailing these and the many other reports that exist that prove beyond the shadow of a doubt the necessity that we do something about the problem. Last year I saw an estimate which indicated that illness and death due to bad eggs were fully as substantial a threat to the public health as unwholesome fish and fish products. Frankly, I am not convinced the situation may not be worse, when we take into account unreported but estimated sickness that has occurred as the result of the consumption of infected egg products—for example, I am told that in the kosher dessert case which I mentioned, the Public Health Service estimated that the total number ill as a result of salmonella infection may have run as high as 21,000 persons.

There is every reason to believe that even now an epidemic of this magnitude could break out again—inspection procedures and laws have changed little within the last 2 years. There is no requirement for continuous Federal inspection of either egg breaking or processing plants or of shell egg grading operations. Only eight States currently require pasteurization of egg products. While many noninspected plants may have the most modern and up-to-date equipment and facilities, including pasteurizers, the products they produce can contain loss or inedible eggs which are unfit for human food. These noninspected products compete unfavorably with sound, wholesome inspected products.

Due primarily to the cost of the raw material, noninspected products may sell from 2 to 10 cents per pound, or nearly one-third less than inspected products, according to estimates from the Department of Agriculture. It must be acknowledged that in today's marketplace, this represents a potent economic stimulation toward questionable practices. Another economic factor which deters wholesome egg products is the fact that under the present voluntary Federal inspection program, it is the inspected plant itself which must pay for the cost of inspection, presently estimated at approximately $10,000 per year.

Mr. Speaker, we should logically ask what sort of inspection programs are currently in effect which allow outbreaks such as those I have mentioned. Accordingly, let me review for all concerned the present status of State and Federal egg and egg products inspection programs:

SHELL EGGS STATE PROGRAMS

The laws in approximately three-fourths of the States, prohibit the sale of shell eggs to consumers which would be classified as leakers, loss, inedibles, and incubator rejects. About one-half of the States prohibit consumer sales of dirties and "nest-run" or uncandled eggs. Twenty-two of the States prohibit the sale of checks to consumers, except for the tolerances permitted in their grades. Generally, the laws are more lenient on the sale of these eggs to institutions, restaurants, or food manufacturers such as bakeries.

Thirty States use the U.S. Department of Agriculture regulations as a basis for their standards, grades, and weight classes for shell eggs. Ten of these State laws provide for automatic changes in their standards to coincide with any changes which may be made in the USDA standards. The standards for the remaining 20 States are similar in many respects to USDA's, except that they may provide for different or additional grades, varying standards or different weight classifications.

ENFORCEMENT

The States indicated that they use about 676 people for a total of 293 man-years in their shell egg law enforcement work. This ranged from 24 man-years being used in enforcement work in one State to none in another State and involved as many as 52 visits per year at plant and retail level in one State to no visits in one State. Several States indicated that their enforcement work is limited to the retail level, and no inspections were made at the grading plants.

USDA VOLUNTARY GRADING SERVICE

There were 310 applicants using continuous resident grading service during fiscal year 1968, in addition to thousands of fee gradings. This amounted to about 29 percent of the eggs sold off farms being graded or regarded under USDA supervision by State or Federal-State graders. This grading program is carried out by cooperative agreements with 48 States and one national trade association.

EGG PRODUCTS

STATE INSPECTION PROGRAMS

Based on recent information received from the States for fiscal year 1968, there are 706 non-USDA processing operations, including farm operations, that produce egg products. This includes 697 breakers, liquid and frozen, four driers, and five combination breakers and driers. Of these plants 636 are relatively small and produce only 37 million pounds of the more than 800 million pounds of product produced in the United States annually.

Most States do not have specific laws which are applicable to egg products inspection.

No State requires continuous inspection of egg products during all processing operations. Only eight States require that liquid or frozen egg products be pasteurized—absolutely necessary to insure a wholesome product. Only 34 of the States prohibit the breaking of loss, inedible, and incubator rejects for use as human food. Less than half of the States require the denaturing of inedible egg product, and only 11 States require any special labeling of this product.

Five States do not have any type law or regulation concerning egg products at all. All other State egg products inspection programs are conducted under either general food laws or mandatory laws, which may also include a voluntary inspection program.

GENERAL FOOD-TYPE INSPECTION LAWS

Twenty-six States indicated they had approximately 147 non-USDA plants producing about 189,564,600 pounds of product and have general food-type sanitary inspection programs which are authorized by public health laws or general food processing laws. These laws usually pertain to all food processing and food preparation establishments. Pasteurization is required under only two of these general laws. The total number of man-years used in egg products inspection work under general food-type laws is approximately eight.

MANDATORY INSPECTION LAWS

Eighteen States have mandatory egg products laws. They reported having 544 non-USDA plants producing about 106,240,000 pounds of products. Seven of these States have operating and sanitary requirements that are comparable to USDA requirements; however, continuous resident inspection is not required. Only six States which have mandatory laws require pasteurization. The total number of man-years used in egg products inspection work under mandatory State egg products laws is approximately 34.

VOLUNTARY INSPECTION PROGRAMS

Eight States with voluntary egg products programs reported having twenty-four non-USDA plants producing 11,785,000 pounds of product. Three of these States also have mandatory laws, and five have general food-type laws. These States use a total of 21 man-years in administering their programs.

One of these States has continuous resident inspection for plants when producing "inspected" products (pasteurization required). Plants desiring to produce "A" quality products in this State have continuous supervision only during production of such product—pasteurization is not required.

ENFORCEMENT

Thirty-two States indicated they used 421 employees for a total of 42 man-years in their egg products law enforcement work. This ranged from a total of 1 or 2 days a year being devoted to egg products inspection work in a few States to 15 man-years in one State. Fifteen States spend no time on egg products inspection work.

U.S. DEPARTMENT OF AGRICULTURE

There were 98 plants using the USDA continuous voluntary inspection service in fiscal year 1968. These plants produced 537,847,000 pounds of liquid and frozen product, and 50,150,000 pounds of dried product during this period. The U.S. Department of Agriculture inspects about 72 percent of the total U.S. liquid and frozen egg production, and 76 percent of the dried egg production. About 20,039,000 pounds of product were found to be unsatisfactory for use as human food and were denatured to deter its use as human food under this program. The USDA program requires plant approval, specifies operating procedures, requires that all egg products be pasteurized to kill the harmful viable micro-organisms, and provides for the systematic testing of the finished product.

FOOD AND DRUG ADMINISTRATION

The Food and Drug Administration spot checks or makes intermittent inspections of egg products processing plants and products involved in interstate commerce. These checks may include the plant premise, facilities, and operations, and random sampling of products produced in these plants, either on the plant premise or after entry into commerce. The Federal Food, Drug, and Cosmetic Act, as amended, prohibits the introduction into interstate commerce of adulterated, misbranded, or decomposed eggs and egg products which are capable of use as human food, and requires all edible egg products in commerce to be pasteurized. Standards of identity and approved glucose-removing procedures have also been developed for certain egg products. The standards of fill of containers and the labeling requirements of the Fair Packaging and Labeling Act for eggs and egg products are also administered by the Food and Drug Administration.

I think it is readily apparent that the present inspection efforts by both State and Federal Governments are simply not adequate to do the job that should be done. Aside from the fact that only a minimal number of States require pasteurization, a majority of States have no specific laws applicable to egg processing, and no State requires continuous inspection of egg products during all processing operations.

Neither are products sold in interstate commerce so superior. The efforts of the Federal Government in the field have been literally inadequate. No Federal law requires continuous inspection of shell eggs or the production of egg products. The Food and Drug Administration only "spot checks" or makes intermittent inspection of plants in interstate commerce.

All in all, there is little wonder, therefore, in estimates that two bad eggs out of every three escape detection and presumably will eventually be consumed by Americans.

With this chilling situation as background, earlier this year I began working on the bill being introduced today, joined by the gentleman from Iowa (Mr. **Smith**) and the gentleman from Washington (Mr. **Foley**). Both have explored with me the responsibilities of the Federal Government in providing adequate inspection of the food products of the meat and poultry industry as the Congress enacted the Wholesome Meat Act of 1967, and the Poultry Products Inspection Act passed last year, and I am again proud to be associated with them in this effort.

During the course of investigation and drafting that have led to this bill, we have tried to proceed in the most logical fashion to draw a bill that would meet the needs of the American public, and still not economically hamstring industry or the small operator. I think we have succeeded where other legislative efforts which have dealt with this subject in the past few years have failed. In part, this is because we have not hesitated to take the strengths of other bills and fashion our own language to deal with weak areas which have appeared in other legislation.

In the course of investigation, those working on the bill have visited and personally inspected egg grading operations, and talked candidly with those who supervised them, as well as other members of the industry. Additionally, we have continually tried to coordinate our efforts with those working on consumer protection measures elsewhere.

The main features of the bill are:

First, a requirement for continuous Federal inspection for all operations processing eggs for human food. This would replace the voluntary continuous inspection program presently conducted by the Department of Agriculture in 90 plants and would extend coverage to approximately 800 smaller interstate and intrastate plants which presently process 30 percent of all egg products.

Second, the bill establishes a continuous inspection program for certain large "primary" shell egg grading operations, defined as plants which the Secretary of Agriculture determines have equipment with a grading capacity of 2,000 or more cases of eggs each week, if operated 80 hours each week. Smaller egg grading operations are defined as "secondary egg grading plants"—those establishments which have a capacity of less than 2,000 cases of eggs each week. Secondary egg grading operations are required to obtain certification from the Secretary of Agriculture, who is given the responsibility of insuring that the eggs graded under this certification are wholesome. At least quarterly, inspections must be performed by the Department of Agriculture for certification compliance.

I would like to speak further on this provision: It is quite clear from studying the statistics that shell eggs present a tremendous area of concern, and no justifiable reason exists for shell eggs not meeting the same high standards to which Americans feel they are entitled. Although there may be some question as to the exact "cutoff" point for the requirement of continuous inspection of shell eggs, some form of continuous inspection should be directed by the Congress, and not simply left to the discretion of the administration, as some previous efforts have done.

The bill also contains a provision which, in my opinion, is vitally necessary to maintain a logical working relationship between the Federal Government and regulated businesses; this is an amendment to the Small Business Act authorizing loans to small business operations should they suffer substantial economic hardship as a result of having to meet the requirements of this act, or the requirements of the Poultry Products Inspection Act enacted last year by the Congress, or the Wholesome Meat Act of 1967. Both of these acts required some structural changes in some plants and equipment as a result of their more stringent requirements and broadening of Federal standards to include many meat and poultry operations previously unregulated. Enactment of this provision is necessary not only to avoid economic hardship in some instances, but to avoid misdirected efforts to weaken the present law.

Additionally, the bill contains language which would:

SHELL EGGS

Prohibit producers, shell egg plant opertors and other persons from selling or offering for sale or otherwise distributing in interstate, foreign or intrastate commerce any restricted eggs—that is, dirty, check, leaker, incubator reject, loss or inedible—capable of use as human food, except as authorized by regulations of the Secretary of Agriculture, for example, for shipment of "dirties" or "checks" to official USDA egg products processing plants, or as exempted by the Secretary; and

Prohibit persons engaged in any business involving buying or selling eggs or processing egg products or otherwise using eggs in preparing human food products, from using or possessing with intent to use, any restricted eggs in the preparation of human food except as authorized by regulations of the Secretary, or as exempted by the Secretary.

EGG PRODUCTS

The bill would generally require plants processing egg products for interstate, foreign or intrastate commerce to operate under continuous inspection of USDA, except those exempted by the provisions of the bill.

However, bakeries, other food manufacturers, institutions, and restaurants which process egg products only incidental to the preparation of other articles of human food would not be required to have continuous inspection if they use only lots of eggs meeting consumer grades. FDA would be responsible for enforcement of the requirements of the bill at such establishments.

The USDA inspected eggs and egg products would have to comply with the provisions of the bill concerning adulteration, pasteurization, and the labeling and packaging requirements to be prescribed by regulations under the bill.

USDA would administer the egg products inspection provisions on a continuous inspection basis. Under provisions of the Talmadge-Aiken amendment, the Federal Government would cooperate with States in administering such provisions, including financial assistance.

EXEMPTIONS

With appropriate safeguards, the Secretary of Agriculture would be authorized to exempt:

Sale of eggs, and processing and sale of egg products, by poultry producers from their own flocks, and the sale of eggs by a shell egg packer on his own premises, directly to other egg handlers or to household consumers for use by such consumers or members of their households or their nonpaying guests or employees. Operation of this exemption is limited to small producers only.

Sale of lots of eggs which do not contain more restricted eggs than allowed by the tolerance for undergrade eggs specified in the official standards of U.S. Consumer Grades for Shell Eggs.

Egg grading and egg products processing operations—temporarilly—when it is impracticable to inspect them.

PRODUCTS NOT FOR HUMAN FOOD

The bill would treat eggs and egg products as capable of use as human food unless denatured or otherwise identified as required by regulations of the Secretary of Agriculture and prohibit distribution of eggs and egg products not intended for human food unless they are identified as required by such regulations.

RECORDS

The bill would require persons buying or selling eggs or processing egg products or using eggs in preparation of other human food products (as a business) and other specified groups to maintain records concerning the receipt, delivery sale, movement, and distribution of eggs and egg products handled by them and would authorize representatives of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare to examine the records.

IMPORTS

Eggs and egg products imported into the United States would have to meet the same requirements as domestic products under the bill.

ENFORCEMENT

Continuous inspection service would be provided in all official egg products plants and at "primary" shell egg plants.

All "secondary" egg handlers, including shell egg plants, hatcheries, and exempted egg products plants would be under periodic inspection by Federal or State employees.

Restaurants and food manufacturing establishments generally would be under surveillance inspection of the Food and Drug Administration.

The Secretary would be authorized to suspend or terminate exemptions or certification.

Authority would be provided for administrative detention and judicial seizure of eggs and egg products that are in violation of the act, including restricted eggs in the possession of unauthorized persons, when found on any premises.

Criminal penalties are provided for violations.

GENERAL

No State or local jurisdiction could impose labeling, packaging, or ingredient requirements for officially inspected egg products which are in addition to or different from those imposed under the bill, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act.

No State or local jurisdiction could require the use of standards of quality, condition, quantity, or grade, which are in addition to or different from the Federal standards, or require labeling to show the State or other geographical area of production or origin, for shell eggs which are moving or have moved in interstate or foreign commerce.

Reports are directed to be presented to the Congress annually on the subject of the administration of the provisions of the act.

Mr. Speaker, I have gone to some lengths, I realize, to detail the thrust and intent of the bill. There were three basic reasons for this:

First, this treatment of a common food will be new to many, and I want to document the necessity for more regulation as carefully as possible.

Second, there has already been some false or misleading information circulated about the ultimate bill presented here today, and I want to present the exact requirements of the bill for broad dissemination.

And, finally, Mr. Speaker, I want this effort to stimulate healthy discussion of the merits of the provisions of the bill by consumer, industry, and the administration alike.

For these reasons, and because I believe that the bill should represent a commitment of the Congress toward moving for logical regulation of eggs and egg products, I hereby include the bill for printing in the Record at this point:

H.R. 14687

A bill to provide for the inspection of eggs and egg products by the United States Department of Agriculture, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Eggs and Egg Products Inspection Act."

LEGISLATIVE FINDING

Sec. 2. Eggs and egg products are an important source of the Nation's total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged eggs and egg products is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all eggs and egg products which are regulated under this Act are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, as contemplated by this Act, are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of eggs and egg products, restrictions upon the disposition of certain eggs, and uniformity of standards for eggs, and otherwise regulate the grading, processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this Act.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "adulterated" applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(b) The term "capable of use as human food" shall apply to any egg or egg product, unless it is denatured, or otherwise identified, as required by regulations prescribed by the Secretary to deter its use as human food.

(c) The term "commerce" means interstate, foreign, or intrastate commerce.

(d) The term "container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(e) The term "immediate container" means any consumer package; or any other container in which eggs or egg products, not consumer packaged, are packed.

(f) The term "shipping container" means any container used in packaging eggs or egg products packed in an immediate container.

(g) The term "egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

(h) The term "egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(i) The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

(j) The term "check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(k) The term "clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(l) The term "dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(m) The term "incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(n) The term "inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(o) The term "leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(p) The term "loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(q) The term "restricted egg' means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(r) The term "Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

(s) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 State. 1040), and Acts amendatory thereof or supplementary thereto.

(t) The term "inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of this Act.

(u) The term "inspector" means:

(1) any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this Act; or

(2) any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products, under an agreement entered into between the Secretary and the appropriate State or other agency.

(v) The term "misbranded" shall apply to any eggs or egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Secretary under section 7 of this Act.

(w) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(x) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

(y) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that eggs or egg products were inspected in accordance with this Act.

(z) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article under this Act.

(aa) The term "official plant" means any plant, as determined by the Secretary, at which the inspection of the grading of eggs is maintained on a continuous basis or the inspection of the processing of egg products is maintained by the Department of Agriculture under the authority of this Act.

(ab) The term "official standards" means the standards of quality, grades, and weight classes for eggs, in effect upon the effective date of this Act, or as thereafter amended, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.).

(ac) The term "pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by regulations of the Secretary.

(ad) The term "person" means any individual, partnership, corporation, association, or other business unit.

(ae) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(af) The term "plant" means any place of business where eggs are graded or egg products are processed.

(ag) The term "processing" means manufacturing egg products including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packinging egg products.

(ah) The term "grading" means candling, sizing, and packing eggs.

(ai) The term "primary egg grading plant" means any establishment which has, as determined by the Secretary, equipment with a rated capacity of grading 2,000 or more cases of eggs each week if operated eighty hours each week.

(aj) The term "secondary egg grading plant" means any establishment which has, as determined by the Secretary, equipment with a rated capacity of grading less than 2,000 cases of eggs each week if operated eighty hours each week.

(ak) The term "case" means a container with the capacity of holding thirty dozen eggs.

(al) The term "Secretary" means the Secretary of Agriculture or his delegate.

(am) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

(an) The term "United States" means the States.

INSPECTION, REINSPECTION, CONDEMNATION

Sec. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any eggs or egg product which is capable of use as human food and is misbranded or adulterated, the Secretary shall, whenever grading or processing operations are being conducted, cause continuous inspection to be made, in accordance with the regulations promulgated under this Act, of the grading of eggs in each primary egg grading plant and the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 14 of this Act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of paragraph (a)(1) of section 14 of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.

(b) The Secretary, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(c) Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of the business premises, facilities, inventory, operations and records of secondary egg grading plants as in his judgment will reasonably assure continuing compliance with the provisions of this Act and the regulations promulgated under the Act. The Secretary shall cause a minimum of four such inspections annually of each such plant.

(e) On or after the one hundred and eightieth day following the effective date of this act, no person unless otherwise exempt shall grade shell eggs in any secondary egg grading plant under his control unless there is in effect for such plant an annual certificate of registration issued by the Secretary. On or before December 31 of each year following the year in which this Act becomes effective, every person who owns or operates any secondary egg grading plant shall register with the Secretary his name, place of business, egg grading capacity, and the location of all such plants. Every person upon first engaging in the grading of shell eggs in a secondary egg grading plant shall immediately register with the Secretary his name, place of business, egg grading capacity, and the location of all such plants. No certificate shall be issued for any such plant unless the Secretary, on the basis of an inspection made, determines there is satisfactory assurance that the plant is equipped, staffed and managed to comply with the requirements of this act and regulations issued thereunder. If a certificate of registration is denied, the denial is subject to the opportunity for hearing and judicial review as provided in Section 7(b).

(f) The certificate of registration of any secondary egg grading plant may be suspended, after opportunity for hearing, for failure to comply with the requirements of this Act or the regulations issued hereunder. The holder of such suspended certificate may at any time apply for reinstatement, and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this act and the regulations. Any person denied a certificate or whose certificate has been suspended or who has been denied reinstatement or from whom it is proposed to withdraw a certificate, may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objections. The Secretary shall afford an opportunity for a hearing on such objections, and shall expedite such hearing upon request. As soon as practicable, after the hearing, the Secretary shall act upon the objections. Such order shall be based upon a fair evaluation of the entire record at such hearing, and shall contain finding of fact and conclusions on which the Secretary's action was based. Any person adversely affected by the Secretary's action on his objections may obtain judicial review as provided in Section 7(b).

(g) Any person operating a secondary egg grading plant may apply to the Secretary for the plant to be certified as a primary egg grading plant to be operated under continuous inspection and in compliance with the provisions of this Act and regulations promulgated under the Act on primary egg grading plants. Upon receipt of the application the Secretary shall certify the secondary egg grading plant as a primary egg grading plant subject to the provisions of this Act and the regulations governing such plants.

(h) The Secretary shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 10 of this Act, as he deems appropriate to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 8 of this Act, except that the Secretary of Health, Education, and Welfare shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than official plants. Representatives of said Secretaries shall be afforded access to all such places of business for purpose of making the inspections provided for in this Act.

SANITATION, FACILITIES, AND PRACTICES

Sec. 6. (a) Each official plant shall be operated in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the Secretary to effectuate the purposes of this Act, including requirements for segregation and disposition of restricted eggs.

(b) The Secretary shall refuse to render inspection to any official plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

PASTEURIZATION AND LABELING OF EGGS AND EGG PRODUCTS AT OFFICIAL PLANTS

Sec. 7. (a) Egg products inspected at any official plant under the authority of this Act and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the Secretary. Eggs and egg products inspected at any official plant shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the Secretary, the official inspection legend and official plant number, of the plant where the products were graded or processed, and such other information as the Secretary may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(b) No labeling or container shall be used for eggs or egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the Secretary. If the Secretary has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to eggs or egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the labeling or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

Sec. 8. (a)(1) The Secretary shall promulgate such standards and regulations as will prohibit the sale to consumers of eggs classified as incubator rejects, inedible, loss, leakers, dirty or checks, except that dirties, checks and eggs with blood or meat spots may be processed for human food purposes as authorized by regulations of the Secretary.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business in commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(3) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for commerce except that such eggs may be so possessed and used when authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(b)(1) No person shall grade any eggs or process any egg products for commerce at any plant except in compliance with the requirements of this Act.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in commerce any eggs or egg products required to be inspected under this Act unless they have been so inspected and if so required are labeled and packaged in accordance with the requirements of section 7 of this Act.

(3) No operator of any official plant shall fail to comply with any requirements of paragraph (a) of section 6 of this Act or the regulations thereunder.

(4) No operator of any official plant shall allow any eggs or egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(c) No person shall violate any provision of section 9, 10, or 16 of this Act.

(d) No person shall—

(1) manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary;

(2) forge or alter any official device, mark, or certificate;

(3) without authorization from the Secretary, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 7 of this Act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section.

(4) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary;

(7) represent that any article has been inspected or exempted, under this Act, when, in fact, it has, respectively, not been so inspected or exempted;

(8) refuse access, at any reasonable time, to any representative of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare, to any plant or other place of business subject to inspection under any provisions of this Act.

(e) No person, while an official or employee of the United States Government or any State or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this Act concerning any mater which is entitled to protection as a trade secret.

EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

SEC. 9. Inspection shall not be provided under this Act at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any eggs or egg products which are not included for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary.

RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF EGGS AND EGG PRODUCTS AND RELATED INDUSTRIES

SEC. 10. For the purpose of enforcing the provisions of this Act and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the Secretary of Agriculture or the Secretary of Health, Education, and Welfare may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of a duly authorized representative of either of said Secretaries, permit him at reasonable times to have access to and to copy all such records.

PENALTIES

SEC. 11. (a) Any person who commits any offense prohibited by section 8 of this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both such imprisonment and fine, but if such violation involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a) (8) of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than $10,000, or both. When construing or enforcing the provisions of section 8, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 10 of this Act or paragraph (c) of this section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 12. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS AND ADMINISTRATION

SEC. 13. The Secretary shall promulgate such rules and regulations as he deems necessary to carry out the purposes or provisions of this Act, and shall be responsible for the administration and enforcement of this Act except as otherwise provided in paragraph (d) of section 5 of this Act.

EXEMPTIONS

SEC. 14. (a) The Secretary may, by regulation and under such conditions including sanitary standards, practices and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) the sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards of United States consumer grades for shell eggs;

(2) the sale of eggs by any poultry producer from his own flocks directly to another egg handler, or directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(3) the processing of egg products by any poultry producer from eggs of his own flocks' production for sale of such products directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the egg products so processed when handled in accordance with this paragraph;

(4) the sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph; and

(5) for a period of two years after the effective date of this Act, if the Secretary determines that it is impracticable to provide certification or inspection, the processing of egg products and the grading of eggs at any class of plants and the egg products processed and eggs graded at such plants.

(b) No exemption under subparagraphs 2, 3 and 4 shall apply to any person processing egg products or grading eggs in such volume as determined by the Secretary that exceeds the annual egg production of a flock of 10,000 hens.

(c) The Secretary may modify or revoke any regulation granting exemption under this Act whenever he deems such action appropriate to effectuate the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL PLANTS

SEC. 15. The Secretary may restrict the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this Act.

IMPORTS

SEC. 16. (a) No restricted eggs capable of use as human food shall be imported into the United States except as authorized by regulations of the Secretary. No egg products capable of use as human food shall be imported into the United States unless they were processed and are labeled and packaged in accordance with, and otherwise comply with the standards of this Act and regulations issued thereunder applicable to such articles within the United States. All such imported articles shall upon entry into the United States be deemed and treated as domestic articles subject to the other provisions of this Act: *Provided*, That they shall be labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to eggs or egg products purchased outside the United States by any individual for consumption by him and members of his household and his nonpaying guests and employees.

(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary or (2) in the case of articles which are not in compliance solely because of misbranding, such articles are brought into compliance with this Act under supervision of authorized representatives of the Secretary.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

(d) The importation of any article contrary to this section is prohibited.

REFUSAL OF INSPECTION

SEC. 17. The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may refuse to provide or may withdraw inspection service under this Act with respect to any plant if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act, because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any Federal or State court, within the previous ten years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

This section shall not affect in any way other provisions of this Act for refusal of inspection services.

ADMINISTRATIVE DETENTION

SEC. 18. Whenever any eggs or egg products subject to the Act, are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been graded, processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this Act or that they are in any other way in violation of this Act, or whenever any restricted eggs capable of use as human food, are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary, such articles may be detained by such representative for a reasonable period but not to exceed twenty days, pending action under section 19 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such articles and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the Secretary that the articles are eligible to retain such marks.

JUDICIAL SEIZURE PROCEEDINGS

SEC. 19. (a) Any eggs or egg products that are or have been graded, processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation, in violation of this Act, or in any other way are in violation of this Act; and any restricted eggs, capable of use as human food, in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary; shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any United States district court or other proper court as provided in section 20 of this Act within the jurisdiction of which the articles are found. If the articles are condemned they shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the articles shall not be sold contrary to the provision of this Act, the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which they are sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which disposal is made, the court may direct that they be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the articles and they are released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant thereof. The proceedings in such cases shall conform, as nearly as may be, to the supplemental rules for certain admiralty and maritime claims, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

JURISDICTION

SEC. 20. The United States district courts and the District Court of the Virgin Islands are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other cases, arising under this Act, except as provided in section 17 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

APPLICABILITY OF OTHER ACTS

SEC. 21. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 20 of this Act.

RELATION TO OTHER AUTHORITIES

SEC. 22. (a) Requirements within the scope of this Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 10 of this Act, if consistent therewith, with respect to any such plant.

(b) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction may (1) require the use of standards of quality, condition, quantity, weight, size or grade which are in addition to or different than the official standards, or (2) require labeling to show the State or other geographical area of production or origin, or (3) impose any storage or handling requirements found by the Secretary to unduly interfere with the free flow of eggs and egg products in commerce. Labeling, packaging, or ingredient requirements in addition to or different than those made under this Act, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any State or local jurisdiction, with respect to eggs or egg products processed at any official plant in accordance with the requirements under such Acts. However, any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of any of said Federal Acts or any State or local law consistent therewith.

The Secretary may, after notice and opportunity for public hearing, waive application of this section to any State which has adopted or seeks to adopt standards of wholesomeness and sanitation more stringent than applicable Federal standards. Otherwise the provisions of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.

(c) The provisions of this Act shall not affect the applicability of the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act or other Federal laws to eggs, egg products, or other food products or diminish any authority conferred on the Secretary of Health, Education, and Welfare or other Federal officials by such other laws, except that the Secretary of Agriculture shall have exclusive jurisdiction to regulate official plants grading eggs or processing egg products and operations thereof as to all matters within the scope of this Act.

(b) The detainer authority conferred on representatives of the Secretary of Agriculture by section 18 of this Act shall also apply to any authorized representative of the Secretary of Health, Education, and Welfare for the purposes of paragraph (h) of section 5 of this Act, with respect to any eggs or egg products that are outside any official plant grading eggs or processing egg products.

COST OF INSPECTION

Sec. 23. The cost of inspection rendered under the requirements of this Act, and other costs of administration of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act.

FEDERAL ASSISTANCE FOR SMALL BUSINESS CONCERNS

Sec. 24. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (4) a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Eggs and Egg Products Inspection Act, the Wholesome Poultry and Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c)(1) of the Small Business Act is amended by inserting "7(b)(5)," after "7(b)(4),".

ANNUAL REPORTS TO CONGRESSIONAL COMMITTEES

Sec. 25. (a) Not later than March 1 of each year following the enactment of this Act the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to—

(1) the processing, storage, handling, and distribution of eggs and egg products subject to the provisions of this title; the inspection of establishments operated in connection therewith; the effectiveness of the operation of the inspection and grading program, including the effectiveness of the operations of State egg inspection and grading programs; and recommendations for legislation to improve such program; and

(2) the administration of section 16 of this Act (relating to imports) during the immediately preceding calendar year, including but not limited to—

(A) a certification by the Secretary that foreign plants exporting eggs or egg products to the United States have complied with requirements of this Act and regulations issued thereunder;

(B) the names and locations of plants authorized or permitted to export eggs or egg products to the United States;

(C) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (B) hereof and the frequency with which each such plant was inspected by such inspectors;

(D) the number of inspectors that were licensed by each country from which any imports were received and that were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled; and the frequency and effectiveness of such inspections;

(E) the total volume of eggs and egg products which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this title; and

(F) recommendations for legislation to improve such program.

APPROPRIATIONS

Sec. 26. Such sums as are necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

SEPARABILITY OF PROVISIONS

Sec. 27. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DAY

Sec. 28. (a) The provisions of this Act shall take effect six months after enactment.

(b) The voluntary inspection and grading program in effect for eggs and egg products under section 203(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) may continue in effect until the date on which eggs and egg products are required to be inspected and graded under this title.

THE WAR IN VIETNAM AND THE PRESIDENT'S ADDRESS OF NOVEMBER 3

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 60 minutes.

Mr. RYAN. Mr. Speaker, last Friday, October 31, some 45 Members of the House and the Senate in commenting upon the October 15 Vietnam moratorium pointed out that the outpouring of concern over the tragic war in Vietnam by the American public was eloquent, peaceful, and dignified in the highest tradition of the exercise of the constitutional right of assembly and petition for the redress of grievances.

We pointed out that we had supported the President to the extent that he has moved to withdraw our troops from combat in Vietnam; and we said, and I quote:

> We now look forward to the President's statement on November 3 in the hope that it will make a substantial contribution to the early end of American involvement in the war.

Mr. Speaker, we announced that on November 5 we would continue discussion and debate in the Congress on the grave issue of the war in Vietnam as we did on the evening and night of October 14.

Today, following the President's speech of November 3 we are doing so.

On last Monday night millions of Americans watched and listened to the address by the President of the United States which had been anticipated for some 3 weeks. Their anticipation had been heightened by the October 15 Vietnam moratorium and by the announcement 3 full weeks in advance of the coming of the speech—all of which kindled hopes that U.S. participation in the war was finally coming to an end.

Mr. Speaker, the address, to put it mildly, was disappointing. It chartered no new path and envisioned no immediate prospect for peace. It promised only more of past policy. It accepted the premises and assumptions which were stated and restated time and time again during the past 4 years by President Johnson. It sought to portray the millions of concerned Americans as a vocal minority attempting somehow to prevail over reason, as though the policymakers who led the Nation into the quagmire of Vietnam were the source of all reason. In short, regrettably, the speech failed to make a substantial contribution to the early end of American involvement in the war for which we had hoped.

The address disregarded those millions of Americans from all walks of life and all sections of the country, who on October 15 expressed peacefully and with dignity their opposition to our continuing participation in the war.

The speech showed the President's reluctance or else his inability to feel the pulse of American public opinion. In the New York Times the following day on November 4 Tom Wicker wrote:

> If it is true that no President can or should set his policy solely by that he can divine of public opinion . . . it is equally true that no President can make policy successfully in ignorance or disregard of public opinion. Even when he believes he must go counter to popular feeling, how he is to do so, how to make his actions more palatable and his policies more understanding, must be a vital part of his calculations.
>
> Which is all the more reason for Mr. Nixon to listen hard, and for the public to speak up—loud, clear, and often.

What Tom Wicker wrote is all the more reason for President Nixon to listen hard and for the public to speak up loud and clear and often.

However, President Nixon's speech indicated that he had not listened hard, and now it is up to the public to speak up loud, clear, and often until he does listen hard.

The President chose to reiterate old approaches. No new plan was revealed, only a determination to continue the war—by proxy if possible—a war open ended in casualties, in time and in expense.

It is apparent that the administration's plan is to reduce our troop level to about 250,000 at some future time, restrict military operations in order to keep casualties down and hopefully shift the combat burden to the South Vietnamese.

This is the Johnson strategy, intended to be made more palatable and more acceptable by token withdrawals, reduced casualties, and lower draft calls.

The President refused to disclose any timetable for the withdrawals which he said would come as the burden was shifted. This is reminiscent of his words as a candidate in the winter of 1968 when he talked about a secret plan by which he would bring about peace in Vietnam. He has had 10 months in office, and yet even in his speech last Monday night, which had such a deliberate buildup, he failed to outline any new plan.

The President did mention three unpromising grounds which he said would guide future withdrawals of American troops.

First, progress at the Paris peace talks.

I think it should be recognized that there has not been and there cannot be any progress at Paris until the administration accepts the political realities in South Vietnam. As long as the administration refuses even to discuss a future political role for the National Liberation Front or the Vietcong, how does it expect that the talks will be moved off dead center?

Since the opening of the Paris talks 18 months ago there have been almost 17,000 casualties. Can we afford to let them drag on for another 18 months?

The other two criteria by which the pace of withdrawal will be determined are the level of enemy activity and the progress of the Vietnamization program.

By using enemy activity as a measuring stick, the administration is severely limiting it freedom of action. North Vietnamese activity has always fluctuated in cycles.

As far as preparing the South Vietnamese to assume the burden of combat, if we have not been able to achieve Vietnamization of the war in 8 years, how many more years will it take? How much longer will it take for the Vietnamese to be strong enough to defend themselves?

In his May 14 speech, President Nixon said that he had ruled out attempting to impose a purely military solution. If a military victory is not the objective, why should the war be prolonged in order to keep the present Saigon regime in power?

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, I would like to commend my distinguished colleague from New York (Mr. Ryan) and associate myself with his remarks.

Mr. Speaker, for nearly 3 weeks the people of this Nation were prepared by every conceivable public relations device to be a receptive audience to the President's November 3 Vietnam speech.

For some 32 minutes last Monday, President Nixon read a document which can only be noted for its lack of real purpose. No new initiative for peace was explored. No new light was shed on the Nixon plan to end the war. That plan is as nebulous and secret now as it was when it was first alluded to in the course of the campaign over 1 year ago.

President Nixon's only new theme was to take a slightly higher road—comparatively speaking—from the low road on which Vice President Agnew embarked to discredit the growing opposition to the war and to discredit those who give voice to that opposition.

This tandem performance from the White House has but one end—to silence dissent.

This administration wants to impose silence and they want to use that silence as an indication of support. We see this repeated over and over again in the use of the theme of the silent majority.

Herein lies a contradiction that poses a very real moral problem and question of conscience for those who might be moved to heed the administration's plea. If silence is to be interpreted as assent, as a blank-check approval of policies which are, by and large, unknown to the American people, is not speaking out then the responsibility of those who doubt the wisdom of our course, who question any aspect of this war, or who simply oppose this extraordinary, undemocratic and illogical concept that silence should prevail in a free country?

Is it not our responsibility, we, who opposed the war, to speak out more eloquently and more frequently lest our silence now condemn us?

Mr. Speaker, I had the opportunity to speak to students on three campuses in California on the occasion of the October 15 moratorium. I spoke at the Berkeley campus of the University of California, one of the Nation's finest public institutions. I spoke at a combined convocation of St. Mary's College and Holy Names College students on the St. Mary's campus. And I also spoke to the students and faculty at the University of San Francisco.

What I saw and heard there were young men and women who were deeply concerned about their country, about its institutions, about its image as a great and humane Nation, and about their role as citizens in this free society. These were young men and women who seek to preserve the lofty but basic ideals which gave birth to this country.

These were men and women who see the world we live in as evolving and constantly challenging man to live up to these ideals and to expand his horizons so that the light of human freedom and dignity penetrates even the remotest shadows of our planet.

This is a concerned generation. This is a generation which will not sit idly by and watch and remain silent when humanity and conscience cry out against silence.

This is a generation which has learned the lessons of history.

This is a generation which knows that silence allows a people to be systematically destroyed in the ovens of Dachau and Auschwitz.

This is a generation which knows that 100 years of silence kept black Americans in bondage long after the Constitution gave legal standing to their unalienable human rights.

This is a generation which knows that even in a free society, demagogs can inhibit education and free expression, that innuendo and character assassination, so prevalent during the McCarthy era, can do irreparable damage to the good names and well-being of our citizens and that fear and hysteria can grip people who will remain silent.

This generation takes seriously the words of Dante that "the hottest places in hell are reserved for those who, in times of great moral crises, maintain their neutrality."

They will not be neutral.

They will not be silent.

They speak out as a concerned and free people. They exercised their right—their obligation—to peacefully cry out against the crime of silence and the crimes which silence permits.

History cannot record the words of the silent nor can history catalog the deeds of those who watch from the wayside. Neither is mankind served by the complacent and smugly self-satisfied nor is the cause of human dignity and peace advanced by those who are not moved by the suffering of others.

These are the lessons which this concerned generation has learned.

This is the motivation of the young men and women to whom I spoke. I was proud to raise my voice with theirs and to continue to attempt to give expression to their ideals and aspirations, and to their real and abiding faith in this great Nation.

To speak out against the war in Vietnam is an action demanded by conscience, demanded by human decency, demanded by concern for the history and the future of this great Nation.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I commend the gentleman for appearing on a special order and getting the time to speak on this subject.

I wish to join in the colloquy with respect to the Vietnam issue.

It has long been apparent that there is no way within the ambit of reasonable risk to win the war in Vietnam. If this basic point is no longer in doubt, then there are certain arguments and premises which fall of their own weight; yet we are reluctant to recognize their irrelevance.

These arguments and premises are loaded with emotional appeal and innuendo and until they are recognized as moot questions, they stand in the way of concluding the war.

As a Nation, we are a great mixture of idealism and pragmatism. We are not willing to adopt a course merely because it works. We must gloss the theory behind the course of action with the varnish of honor. Thus, there has been much talk about "an honorable peace," that we will end the war on any "honorable" grounds. I shall support here the proposition that the most honorable way to end the war is to end it now or at least promptly, without trying to substitute the ARVIN for the United States.

ARGUMENT FOR DELAY UNTIL HONORABLE PEACE IS ATTAINED

But the argument for delay until "an honorable peace" can be attained insinuates that somehow the honor and respect due to the soldiers who have died in the cause of the United States in Vietnam is in some manner impeached by our recognizing the simple truth that the cause was questionable and the victory unattainable.

Honor does not rest upon such tenuous grounds. In the South, names like Stonewall Jackson and Robert E. Lee stir our blood, but they fought for a cause as questionable and for a victory as unattainable as that in Vietnam. Indeed, honor has been linked with futility from Thermopylae to Balaclava. It is no slur upon the Light Brigade to recognize that their commander was a fool to order a charge into the valley. Fannin's men were no less heroic for fighting in the clearing, under orders, rather than taking to the woods.

The argument for delaying the conclusion of the war in Vietnam until "an honorable peace" can be obtained also insinuates something like this: That honor is lost if we do not place in secure authority a democratic government in Saigon. This argument might bear weight if two things had been the case:

First, had the government in Saigon been a democratic government in the first place; and

Second, had it been invaded by an external force, as was the case in Korea.

But neither tenet existed in Vietnam. And this is precisely why it is impossible to make the present government in Vietnam secure without advancing well along the road to genocide.

The options are not a democratic government on the one hand, an autocratic government on the other, or a free enterprise system on the one hand, a Communist system on the other.

The hard fact is that we cannot place in secure authority a democratic government in South Vietnam because there is not presently a viable organized force which deserves this appellation.

There is a third facet to the argument that withdrawal should be conditioned on "an honorable peace." It is the strongest of the three and has one aspect which is valid. The argument is that we must not let an ally down so as to be responsible for wholesale slaughter. And it is true that no matter how shaky may be our grounds for being in Vietnam—or staying there—the cost in human lives in getting out is a compelling consideration and should be the governing one in determining how we should get out.

But if this is the guide for our timetable, it may not greatly lengthen that timetable. In a year or so the humane aspects of the question would become moot for, in that time, if we may judge the future by the past, more than 100,000 lives would be lost. Even the most savage purge could hardly reach this figure.

Upon the basis of the first 8 months of this year, the loss of life for 1969 for the United States and our allies alone will be, respectively, 10,000 and 15,000. This does not include civilians nor North Vietnamese and the Vietcong. Such losses will hardly be less than three times that of our soldiers and their allies.

You can see, by the considerations I have laid before you, that I am not speaking without the utmost respect for the honor of our dead. I am not speaking without the profoundest and strongest preference for democracy over communism, and I am not speaking without compassion and concern for the lives of those who have been in the cause with us and who would be left behind. But that does not prevent me from insisting that the war must end, the President must recognize the necessity of its ending, and the process of folding up our tents and going home must start now.

ARGUMENT THAT WE MUST WAIT UNTIL WE CAN TURN THE WAR OVER TO SAIGON

The easy way for a politician to avoid recognizing that we must get out and that we must get out without having attained our stated objective is to say that we are going to turn the war over to the South Vietnamese, that we have given them every chance and have secured them in a favorable military position, and that they must now win the war. I do not believe that anyone with the least familiarity with the facts believes this. It is just a comfortable position to take, one that seems palatable to a public which is neither hawkish nor dovish but simply wants out of what it considers a naggingly uncomfortable war.

But to take this position does not get us out of the war. It sets our sights on attaining the impossible. Premier Thieu himself has said that the South Vietnamese cannot go it alone even after 1970.

For 4 years now we have been chasing a pot of gold at one end of the rainbow called "ending armed aggression against South Vietnam." If we kid ourselves that we can simply turn the war over to the Vietnamese, we simply pursue a pot of gold at the other end of the rainbow called "shoring up Saigon to fight off Hanoi."

And I think we are kidding ourselves, for these reasons:

If the most powerful country on earth cannot win this war, how can it win by proxy? The regime in Saigon does not have the moral status, the training, the leadership, nor the incentive to take over the war.

First, it is not, in fact, a democratic government that commands the respect of the people in a great cause.

Tom Buckley, in an article in the New York Times Magazine, October 12, 1969, says:

> Every province and every district is run by an officer. It appears that even the recent elections were dominated by commanders of militia units and security officials.

Truong Dinh Diu, who finished in second place in the presidential election, is a political prisoner in Conson Prison for urging openly and politically negotiation with the Vietcong.

The third place finisher, who was first appointed premier upon American urging, has now been dismissed and has been replaced by Gen. Tran Thien Kheim who has put the military in every position of importance in the country.

If it may not be said that all the general officers under the Saigon Government served with the French during the first Indochina war—and this statement is substantially true—it can be said that none served in the resistance to the French. The army is shot through with privilege and this is shown in its line officers composed of the elite and privileged, largely from Saigon. It does not utilize—perhaps cannot—the great reservoir of unlettered peasant boys who could make good, tough sergeants and lieutenants.

Second, the South Vietnamese army is untrained and weakly motivated. We can give it equipment but cannot immediately give it the training to use this equipment, and we can never give it motivation.

South Vietnam now has about a million men under arms, but the half million Americans have been the cutting edge of the force. All these, plus their allies—about 1.6 million in all—have not been able to flush out and subdue an estimated 100,000 North Vietnamese and another 100,000 Vietcong. How can this be done if the cutting edge is removed?

The South Vietnamese Army is poorly trained, miserably paid, and abominably treated. The desertion rate is from 20 to 25 percent; 350 of these Vietnamese troops are being killed each week, about twice the rate of the Americans.

I believe that by continuing the war until we can prepare the South Vietnamese to take our place we are only delaying an unfavorable military conclusion.

All this cost of the war runs on as we attempt to put ourselves in the best position for getting out of it, and this "best position" is largely a question of saving face, of protecting the image of the President, and of easing ourselves out of a political morass.

Alternatively, I would at least try to obtain a partially favorable diplomatic conclusion. I think this was what Averell Harriman was trying to do when he was relieved of his post as chief American negotiator in Paris. I do not believe we are really trying for this now.

THESE ARGUMENTS ARE MORE THAN OFFSET BY THE COSTS TO AMERICA

In the meanwhile we continue a war which divides our people, brutalizes our minds, confounds our economy, and brings untold tragedy to hundreds of thousands of American families. Let me point out to you why the war does each of these things:

It is hardly necessary in these days of domestic unrest to point out to you how the war divides our people. It is the war that has triggered the throwing over of the traditional forms of political dissent and reform and substituted for them a process which in many cases itself stifles free speech. It is the war and the understandable resistance to its senselessness that make every liberal legislator slog through the morass of a know-nothing backlash to try to attain the slightest domestic reform.

The war brutalizes us. What a horrible thing it is to read that men, acting in the interests of the United States in Vietnam, have been assigned the duty to be both judge and executioner, have taken a man subdued and in their power, drugged him, shot him in the head, and sunk him in the China Sea.

The war confounds our economy. It raises the prime interest rate to 8½ percent, thus preventing hundreds of thousands of young families from buying homes. It raises prices beyond the reach of those on fixed salaries, like old persons, and of those whose salaries do not rise as fast as prices, like teachers and civil servants.

But saddest of all is the untold personal tragedy of the war. Veterans hospitals will be filled for a long time to come with human wreckage, the result of the casualty figures which, for Americans alone, now stand in excess of a quarter million, and then there is the grim figure of the dead—over 45,000 Americans have died in the war.

Now let us look at the other figures for the dead. Our stated purpose for being in Vietnam is to protect the people of South Vietnam from invasion. Presumably, we are there only if that Nation's people are to receive a net benefit from our presence, but the war has caused the death of about 95,000 South Vietnamese.

Consider, also, the terrible loss to that unhappy area of Southeast Asia which, in throwing off a colonial yoke, has fallen into this conflict which is largely a civil war. The loss of life of the North Vietnamese and the Viet Cong now exceeds 550,000 persons, a figure just about equal to the terrible carnage of the American Civil War.

What, precisely, can we accomplish if we win the kind of military victory that leaves a ravished land without a viable government?

The tragic figures do not tell the whole story. They do not tell of broken homes, of ruined businesses, of psychological disturbances and all the sordid side effects of the war, but the annals of these tragedies are written in every Congressman's correspondence file.

The war, too, brings financial ruin and domestic poverty to many families when the head of the family is overseas. Is it not ironic that there are those who call this protest a failure to support our men in uniform when our Government has so poorly supported them as to throw from 20,000 to 50,000 of their families on relief?

This then is how the war divides our people, brutalizes our minds, confounds our economy, and brings untold tragedy to American families.

OUR POSITION UNDER PRESIDENT JOHNSON

All of this made more sense, or at least held together as an arguably tenable position, when President Johnson was insisting that the war could be brought to a favorable military conclusion. Hanoi was at least threatened with terrible cost and possible military destruction if the war was continued. North Vietnam called our hand and stayed in, as did the Vietcong.

Then came the Tet offensive. The Vietnamese dead may be numbered conservatively at 52,000 for that bloody 3 or 4 weeks. Of these, some 6,000 were our allies in the Army of the Republic of Vietnam. And another 8,000, at least, were South Vietnamese civilians. The remainder of the 52,000 are considered to be Vietcong and North Vietnamese, but there is still no way to tell, with any degree of accuracy, how many of these were merely civilians.

In addition, there were about 600,000 people in South Vietnam who were made homeless wanderers as a result of the vicious fighting in the cities and towns.

After the Tet offensive, the pacification movement in the countryside fell apart. In less than a month we had lost 1,500 American lives, and, by the winter of 1968, the weekly fatality rate had surpassed that which occurred in the Korean war. It began to be apparent to the people of the United States that it is nearly impossible to prop up a local government with one hand and wage a widely expanded land war with the other. We began to understand that a nation embracing one-tenth of the population of the non-Communist world may be able to stem a burst of aggressive force across a border, but we cannot police the world.

As the American people began to understand these hard truths, it became less politically hazardous to announce an intention of withdrawing from Vietnam. But it was still deemed expeditious to talk of leaving the war to the South Vietnamese.

Just before he left the White House, President Johnson, on Secretary Clark Clifford's advice, began to accept this position. Richard Nixon, upon his ascendancy to the Presidency, accepted it outright, but Mr. Nixon has not accepted the real concomitants of the hard situation I have outlined.

Once we have accepted the inevitability of moving out our troops over some span of time, there remains no reason to extend this span of time for the purpose of strengthening our hand in negotiations. It is ludicrous to assume for the reasons I have pointed out that Hanoi would take all the punishment she did against a massive and determined effort of the United States to beat her militarily but would not take whatever risks and costs are involved in staying out the transition period while the United States turns the war over to Saigon.

We cannot improve our bargaining position by pretending to Hanoi that we are building up a powerful South Vietnamese force to whom we shall hand over the war. There is now no threat of future risk to Hanoi of anything like the magnitude of the threat which existed under the Johnson administration.

MR. NIXON'S POSITION IS UNTENABLE

Now Mr. Nixon tells us again what we have been told so many times before. We must have patience, that the President has a plan and a schedule of troop withdrawal that cannot be revealed. There are hints that great developments are in the offing, but that if we rock the boat it will destroy the prospects for peace.

Well, one of the speakers today has said that President Nixon has not learned from President Johnson's mistakes. Though I agree with my friend, Bill Ballew, on most things, I disagree with him on this point. Mr. Nixon has learned everything from Mr. Johnson's mistakes—except that they were mistakes.

Secretary of State Rogers opines that this war, like old generals, may just fade away. But it will not do so when American efforts at the front are still as clearly aimed at a military solution and are conducted with unabated vigor. We admit that North Vietnamese infiltration is at a mere trickle and Vietcong activity is at a lull. Yet we press on inflicting as much punishment as possible.

The goal remains but a different kind of military solution: the gradual replacement of American troops by South Vietnamese troops. But at the present rate, withdrawal of our troops would take 6 years and our commitment for munitions and military supplies would presumably continue much longer.

President Nixon announced his plans for troop withdrawals from Vietnam on June 8, 1969. On June 7 there were 537,000 American troops there; on October 4 there were still 509,000 Americans in Vietnam. This means that there was a net reduction of 28,500 American troops in 4 months.

Applying this same rate of change to the entire gross troop level as of June 7, it will take us 75 months or over 6 years to completely disentangle ourselves from the Vietnam nightmare.

This course, to me, is not acceptable. It still entails all the costs I have outlined. A new course must be taken, one that looks toward a coalition government—a settlement of hostilities, not a continuation of them.

There are, I think, pressures on all Vietnamese inclining them toward a negotiated peace. A nation which has been so long torn by war must yearn for peace. The fashioning of an orderly transition from war to peace under a coalition which may be likely to sustain that peace is an incentive for negotiation.

But a negotiated peace is not likely to be obtained when we are attempting to negotiate hard line objectives that we had not been able to obtain by an exercise of military force. We must decide to get out of Vietnam, frankly abandoning the hope of military victory, at the same time attempting to negotiate an orderly transition from war to peace.

Of course, the scope and reach of our goals are within a narrower horizon than we thought existed when we were fighting for a military victory. But this scope can in no wise be widened by stretching out the war. The lower horizons are the result of a lesser commitment of U.S. military participation in Vietnam, a commitment that President Nixon has already made and which cannot—within the realm of reasonable political possibility—be reversed. Our posture in this respect is already crystallized and our moving toward immediate liquidation of our military activity in Vietnam would not substantially affect our bargaining position except, possibly, to remove us from a position of stalemate.

The President is not facing these hard facts. He is trying to blow life into a cause which is sputtering out.

It is as if a runner carrying a torch should drain his own strength by blowing up its flame before handing it over to one too weak to carry it further.

The most honorable course is the most honest course: to begin in earnest to liquidate the war in Vietnam now.

Mr. RYAN. Mr. Speaker, I should also like to point out that the very idea of Vietnamization is in specific contradiction to the statement by the President that he was willing to negotiate on the 10 points which were outlined at Paris by the Vietcong last May. The President said in his letter of July 15, which he revealed he had sent to Ho Chi Minh, that he was willing to discuss specifically the 10-point program of the National Liberation Front.

The response which came back from Ho Chi Minh said clearly that the 10 points of the National Liberation Front were a "logical and reasonable basis for the settlement of the Vietnamese problem."

That letter was dismissed in the President's speech, as showing Hanoi's unwillingness to negotiate, but I suggest that it was dismissed either without a critical analysis of the import of its meaning or else simply in an effort to persuade the American people that a meaningful initiative had been rejected.

Mr. STRATTON. Mr. Speaker, will the gentleman from New York yield to me?

Mr. RYAN. I will shortly, but not at this time.

Mr. STRATTON. But I thought the gentleman wanted a debate on this subject.

Mr. RYAN. If the gentleman will wait his turn, I have agreed to yield first to other colleagues. We have reserved ample time, and I hope the gentleman will remain on the floor and participate in a full-scale debate.

Mr. STRATTON. I thought the gentleman objected to cutting off debate. The gentleman is reciting something that he has written here which he has repeated many times. Is not the gentleman interested in debating the issue instead of just reading his remarks?

Mr. RYAN. In the first place, what I am saying today relates to the speech which was made on November 3 by the President of the United States and, therefore, it is a commentary on the meaning of that speech. I have repeatedly said to the House that we should not be involved in the war in Vietnam and I have opposed the policies of the past administration and this administration, as the gentleman well knows.

If the gentleman will proceed in order, I have promised to yield to the distinguished gentlewoman from Hawaii and others, and at an appropriate point I will be very happy to yield to the gentleman from New York.

Mr. STRATTON. The gentlewoman from Hawaii is going to support the gentleman's position. Does the gentleman not want to hear the other side?

The SPEAKER pro tempore. Does the gentleman from New York (Mr. RYAN) yield to the gentleman from New York?

Mr. RYAN. Mr. Speaker, I decline to yield to the gentleman from New York at this time.

Mr. STRATTON. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

The SPEAKER pro tempore. Does the gentleman from New York yield for a parliamentary inquiry?

Mr. RYAN. Mr. Speaker, I decline to yield at this time.

Mr. Speaker, at this point I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Speaker, I would like to commend the gentleman in the Well, the gentleman from New York (Mr. RYAN) for his distinguished leadership in calling the attention not only of this House, but the attention of the Nation to our very grave concern about the lack of clear enunciation on the part of the President of our policy in Vietnam.

Mr. Speaker, I listened with great care and anticipation to the President's message to the Nation on his plan for peace in Vietnam. Like many who expected to hear the details of his plan I was sorely disappointed. I had hoped that after over 1 year's waiting the country would at last be told what his plan for peace would be.

President Thieu, in October, told his National Assembly that his country was prepared to accept the complete removal of American men by the end of December 1970. I had hoped that President Nixon would reaffirm this statement in his speech of November 3. He pledged withdrawal but without a timetable of hope for the American people. The argument that such a timetable would stifle negotiations in Paris is specious, because withdrawal is itself admitted. If the President had affirmatively stated the plan for withdrawal indeed it would have had the effect of focusing the Paris talks on the essential issues of how to implement the principle of self-determination which the President says is the only goal which is nonnegotiable. Instead, with the veiled threat of more fighting implicit in the unwillingness of the President to announce his plans for troop withdrawal, I believe that we have moved further from the prospects for peace and effective self-determination in South Vietnam.

I take this time today to urge the President to call for a cease-fire, and a withdrawal of all American troops at least by December 1970 subject only to necessary safeguards for the safety of our men. The President has stated that he will not be persuaded by pepole who take to the streets to demonstrate their opposition to his policy. But he asks for the "silent" voices to respond. He is moved by the wires and letters he has received in support of his policy. I would, therefore, urge that all those who believe that this Nation is capable of greater initiatives for peace respond to the President's call, and immediately write him urging a cease-fire and a promise of withdrawal of all troops at least by the end of 1970. Indeed I am convinced that the "silent majority" is for an absolute plan for peace, now.

Mr. RYAN. I thank the gentlewoman from Hawaii very much for her excellent contribution to this debate. I would like to comment briefly on one point she made and that, of course, is the effect of the President's speech on the Saigon regime. The President's speech has made President Thieu of South Vietnam more intransigent than ever. He is less flexible in the wake of the President's speech than he was when he made the remarks the gentlewoman quoted. After the speech, quoting from the statement of President Thieu, he said that President Nixon's speech was "the right policy and one that conforms with our just position."

The chief effect of the President's speech was to make the Saigon government more inflexible. How is there a basis for negotiations if the policy is one of building up the South Vietnamese Army to preserve the present government?

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from New York.

Mr. KOCH. I thank my colleague from New York for yielding. I would like to make a comment on the President's speech. Before I do so, I would also like to comment on what we are facing with respect to the bully boy tactics of Vice President AGNEW and Attorney General Mitchell. I think we are witnessing an attempt to intimidate peaceful protest in this country, and I would like to suggest to those gentlemen and others in the administration that they demean the democratic process when they try to prevent and chill dissent. It is not in the interest of our Government to prevent people from speaking and from protesting in a peaceful way—the way guaranteed under the Constitution.

Sometimes when I hear the Vice President make some of his remarks, which at times border on the irrational, it occurs to me that he is the kind of person who would be capable of making a crank call on the hot line. I think it is an unbearable and insufferable situation and one that ought not to be tolerated.

Now I would like to make a comment with respect to the President's speech.

I am profoundly saddened and disappointed by President Nixon's policy statement on Vietnam this week. I can only conclude that the President and his advisers are tragically out of touch with the American people. At a time when we were most in need of new policy and new hope, President Nixon merely reiterated old assumptions and empty platitudes.

In 1964 the American people elected Lyndon B. Johnson who promised that American men would not fight and die in a war on the Asian mainland. They were deceived. In 1968 the American people elected Richard Nixon because he promised a secret plan to end the Vietnam war so that American men would no longer fight and die on the Asian mainland. Again, the American people have been deceived.

Now the President says he has a "secret timetable" for bringing the troops home. I did not believe him in 1968 when he said that he had a secret plan to end the war, and I cannot believe him now when he says he has a secret timetable for troop withdrawal.

The President now attempts to divide the American people into the "vocal minority" and the "silent majority." In the absence of new policy, the Nixon administration seeks to divide and conquer public opinion with the bully boy rhetoric of the Vice President and the Attorney General. How sad, how grotesque is their assumption that the silent majority can be kept silent by such tactics.

Well, let the American people, vocal minority and silent majority, make one thing clear to the President—they are fed up with broken promises and they are sick with grief and outrage that American lives will continue to be sacrificed in Vietnam.

Our Government has allied itself with a corrupt and repressive regime in Saigon and tied our withdrawal rate to the forbearance of an implacable enemy. This is surely not a policy that offers any hope for an end to the killing. The silent majority knows it, and I do not think they will long tolerate such futility.

The President has told us that "our greatness as a nation has been our capacity to do what had to be done when we knew our course was right." The time has come for all Americans to impress upon the President what has to be done—to call for a cease-fire and accelerate the withdrawal of all American troops from Vietnam.

That is the right course—that must be the President's course. Our greatness as a nation depends on it—more important, the lives of our fighting men depend on it.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, I set forth at length yesterday my reactions to the President's speech on Vietnam.

I have only one thought to add here.

I have a great fear, Mr. Speaker, a fear that I hope is not founded, that the present administration may be consciously trying to so provoke those who disagree with its policies on the Vietnam war so as to instigate an incident during the coming November demonstrations.

I most sincerely hope this is not the case, Mr. Speaker. Yet it is hard to conceive that the harsh language used against dissenters by the Vice President with the consent of the President, as formally acknowledged yesterday by the chairman of the Republican National Committee, can serve any other purpose.

Then, today we learn that the Department of Justice has denied a permit to those who wish to petition their Government to change its policies by conducting a march from the White House to the Capitol down Pennsylvania Avenue. The Department must know well that a denial of the opportunity to express dissent can only aggravate the situation and encourage those who despair of peaceful protest.

I strongly appeal to all those who are involved in the November demonstration not to succumb to this lure or any other administration provocation, for any incidents of violence can only play into the hands of those who seek to discredit the dissenters and the entire peace effort.

Even more strongly, however, I appeal to the administration to stop actions and language that can be construed as designed to provoke emotions and deny the opportunity for dissent to be expressed in an orderly manner. Such statements and actions are of questionable constitutionality and certain lack of wisdom.

If the President really wants, as he has proclaimed, to lower the voice of his administration, it is difficult, indeed, to understand why he condones the Vice President's noisy, boorish, intemperate pronouncements and his Justice Department's restrictive actions.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, listening to the President's speech Monday evening one could not help but be impressed by his honesty and the fact that he believes he is taking the correct path in Vietnam. For these reasons one cannot question the fact that the President believes the so-called silent majority of Americans approve of his methods in the pursuit of peace.

However, I, for one, have serious doubts about the validity of the President's assumption. I fear that the President, like his predecessor, is becoming isolated from public opinion by the complexity of government and the awesome responsibilities of his office.

This situation could be improved if the mood of the Nation was adequately communicated to the President. However, it is clear that there is a recurring communications gap both to and from the President's office and that the President does not fully see the strong public sentiment for a quicker end to the war. This isolation from public opinion was never more dramatically evidenced than in the President's most recent speech.

Certainly, it must be acknowledged, it is always difficult to correctly assess public opinion.

There are so many polls taken and the results vary so greatly that virtually anyone can find a poll to support his position.

There are those who view yesterday's election as a mandate of approval regarding the pursuit for peace. I cannot help but balance yesterday's voting against the clear pattern that emerged this year in the several special congressional elections.

It has been my opinion for some time that anyone who is close to the people can readily see their unhappiness with the situation. Of course, all responsible Americans agree on the desirability of bringing our men back from Vietnam as soon as possible without compromising their safety or American security. What we are questioning is how quickly this can be done. This, in turn, is based on one's assumptions about the meaning of the American involvement.

On the matter of what the public really wants, I must point out what people tell me—

They are not satisfied with token troop withdrawals.

They are not satisfied with a secret peace plan that remains secret while American boys die on a far-off battlefield.

They are not satisfied with the prospect of a protracted withdrawal that saves face but loses lives.

They are not satisfied with a policy that compromises our needs and economic stability to sustain a South Vietnamese regime whose only concern is the perpetuation of its own power.

The dissatisfaction of the Nation was reflected, in part, on moratorium day when students, housewives, businessmen, clergymen, and others who never before participated in a public demonstration turned out by the tens of thousands to urge a prompt end to the war.

But the President still maintains the assumption that approval of his course of action will be forthcoming merely at his request. This makes even more clear the disturbing problem of internal communications within the White House.

While the President has one assumption about public opinion, while many of us here in the Congress have a different assumption, and while the polls are truly inconclusive, there is one way we can settle this issue.

I propose that a national plebiscite be held on this matter. Such a plebiscite is feasible through the use of our modern technology and once taken it would enable all of us to know what the American people really want.

One word of caution. We all know that how a question is worded directly affects the answer received. Thus the question to be asked in a plebiscite must be framed objectively by a commission established for that purpose.

This plebiscite, quite importantly, should include young people between the ages of 18 and 21 along with all individuals qualified to vote in a presidential election.

Finally, Mr. Speaker, I would point out that we are said to be fighting so that the South Vietnamese can enjoy the basic right of self-determination. Let us transpose this high ideal to the homefront and give the American people the right of self-determination as to the course of our involvement in Vietnam; let us have a national plebiscite to find out, once and for all, how very much the American people want this war ended without further delay.

Mr. BUSH. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Texas.

Mr. BUSH. Mr. Speaker, I simply would like to ask my colleague, the gentleman from New York, this question, because there have been some references to the President being isolated from public opinion and a question about the silent majority.

I would agree with our colleague, the gentleman from New York (Mr. WOLFF) as to the fact that there are very different polls, but it seems to me the poll taken by Gallup following the President's speech, which showed 77 percent of the American people approving and 6 percent disapproving, should, at least in the gentleman's mind, raise some doubt as to whether the silent majority is on his side or on the side of the President.

It perhaps is off by 10 or 20 points, but it is an overwhelming percentage, 77 to 6.

Thus I should like to ask either gentleman whether this does not shake him a little bit in his assessment that the President is isolated from public opinion or in his assessment that the President is making assumptions about public opinion which are invalid. It just seems so overwhelming.

I agree with our colleague who spoke before, that there is a difference of opinion on these polls, but I believe we would all agree that the most recent ones—57 percent before this one, and now 77 percent—do not leave too much room for doubt. I wonder where I misinterpret these figures.

Mr. RYAN. As I recall the 57 percent

poll, that was a much more thorough poll than the one to which the gentleman refers after the President's speech, which was a telephonic poll.

As for the one which recorded 57 percent, the American people were recorded 57 percent in favor of a complete withdrawal of U.S. forces from Vietnam by the end of 1970.

Mr. BUSH. May I correct that, sir? My reference was not to that particular poll.

Let us discuss the Gallup poll, the only one taken since the President's speech.

Mr. RYAN. As far as I know, there was no Gallup poll. As I read the press reports, there were a series of telephone calls made by the polling organization.

Mr. BUSH. What would the gentleman call it?

Mr. RYAN. A survey. I would expect, in the wake of a Presidential address, that there would be a response which he could interpret as favorable—a rallying around the President—not necessarily around what he said. It is not a question of whose side the silent majority is on. It is a question of whether the American people are on the side of peace.

Mr. BUSH. Yes.

Mr. RYAN. A question of whether they want this war to end and I believe they do. The question is how to do it. The President's policy does not enhance the prospects for peace.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. I should like to respond to the question as well for a moment.

I refer to the question Mr. Gallup asked, having come from the public opinion field, the communications field. One of the remarks I included was that it depends upon how the question is phrased.

I believe everyone in this Nation supports the President of the United States. I do not know very many people who do not support the President of the United States. It is a question of what it is that they support.

I might quote from the New York Times of November 4, a statement that was made by Mr. Humphrey. Mr. Humphrey said he found the country sick to the teeth over the war. He said he had never been able to sense this feeling while he was Vice President, but "now that I am out among the people I can feel it as I never did before."

I might say, with regard to the question of surveys, 2 weeks before that, in a Harris poll, 66 percent of the people said they want out of Vietnam.

I believe it is misleading to the American people and to the President as well to cite some of the polls that have been taken. That is why I have come out for the idea of a plebiscite, so that the people can speak once and for all.

Mr. BUSH. We have a plebiscite every 2 years. We had one yesterday, of sorts. Certainly I do not believe the gentleman can interpret the one yesterday as being overwhelming support for his position.

This is our system, and I believe the people spoke pretty clearly. There were some places with reasonable doubt. Couple that with the Gallup poll showing overwhelming support for the President.

Mr. WOLFF. Support for what, sir?

Mr. BUSH. Support for the position articulated by the President.

Mr. WOLFF. We all support the President.

Mr. BUSH. Do you support the President's position spelled out in his speech?

Mr. WOLFF. I support the President of the United States, and I will always support the President of the United States. I do not support everything he says; certainly not.

Mr. BUSH. The question was worded about whether you support the speech, the things he said in his speech.

I appreciate the gentleman's yielding.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I am happy to yield to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. I want to talk about a few of the comments of the astute gentleman from Texas briefly, and then come back to the substantive question, which seems to me the more important one in the final analysis. But both questions—what the American people want to do, and what is the right thing to do—are valid and important questions in a democracy. I think we can agree that the answers to these questions may not always be the same. In this particular situation I am convinced that the answers are the same: The majority will of the country is to leave Vietnam as quickly as possible, and that is what we ought to do on the merits.

The gentleman from Texas refers to yesterday's elections as if they refute this contention. Now two Republican Governors were elected. Both hardly mentioned Vietnam. Thousands of voters would be astonished to hear that when they rejected Democrats who had been identified with the past national administration in favor of unusually attractive liberal Republicans who had wooed them with appeals to vote for more progressive policies—to vote for a change—thousands of voters would be amazed to learn that what they really were doing was approving the President's policy in Vietnam, which had gone virtually unremarked during long and thorough campaigns. It does no one any good to misinterpret election results that way. It tends to discredit elections as a way for people to express themselves on various issues when elections are cited to prove that people feel some way about some policy that escaped discussion until after the votes were counted.

Mr. BUSH. Mr. Speaker, will the gentleman yield further on that very point?

Mr. LOWENSTEIN. I am glad to yield further.

Mr. BUSH. I agree with the gentleman on that. The only thing that troubles me is that as congressional election after congressional election has taken place, such as the election that we just recently had in Massachusetts, the whole interpretation by many of our colleagues in this House to them was that this was a repudiation of the President in the prior elections. Now, when the President wins a couple of big ones Statewise you say that it has absolutely nothing to do with it. You cannot have it both ways.

Mr. LOWENSTEIN. In this case we can, because in the Massachusetts election—I speak with some knowledge, I campaigned for our colleague there—one of the chief issues discussed during the campaign was precisely this problem of the war. It was clear to everyone concerned that it affected the outcome of the election substantially.

Mr. HARRINGTON was outspoken and very clear about Vietnam, and defeated a highly esteemed opponent who specifically supported the President's position about Vietnam. No doubt Mr. HARRINGTON's personal appeal and efforts entered into the result—these kinds of factors are always present in elections—but he was elected in a district that had never elected a Democrat before. Of course that election did not establish a national trend, but I believe it is much fairer to find that vote relevant in assessing the national will on Vietnam than to use as tests elections where Vietnam was barely mentioned by either candidate. The election for mayor of New York comes to mind there, as you know, your former colleague was elected after campaigning quite explicitly, not the present policy in Vietnam. He has made clear that he does not regard his election as a triumph for the President's position. So this election had some significance as a test of people's attitudes about the war, even though it was limited to one city, a city you may not regard as necessarily typical of the Nation in all its viewpoints. Nevertheless, voters had the opportunity to speak their minds there, and Mayor Lindsay won despite the fact that he did not have the nomination or support of either major party.

Mr. BUSH. I do not question the gentleman's opinion of what the people of New York thought on that issue, but it is appropriate to point out that had the figures gone the other way, this well would have been full today of people saying that it was a repudiation of the President. Nobody pointed out in the Massachusetts election that Mr. Saltonstall got 47 percent in a district where President Nixon had only gotten 37 percent. So I guess the trend would show that he is coming on strong.

Mr. LOWENSTEIN. Well, the President may be able to wreak political magic more than most, but the notion that his appearance in New Jersey for several hours changed several hundred thousand votes suggests witchcraft more than political magic. And in any event, the congressional election in New Jersey seems to have returned a Democrat despite the President's visit to that State. So, perhaps we could agree that the elections yesterday, because of their nature, provide a very limited basis on which to judge what the people of this country want insofar as the war is concerned.

Your other evidence of support for the President is, I believe, a Gallup telephone poll that showed that people liked the President's speech.

Mr. BUSH. Yes; 77 percent.

Mr. LOWENSTEIN. And you think that connotes support for continued American involvement in the war? President Johnson had about the same percentage of approval for his speeches about the war, as I recall. It did not especially help him in the long run. Americans are notoriously generous in judging Presidential words. They judge Presidential deeds in due course.

Mr. BUSH. There was an undecided vote in that poll. Would the gentleman have joined that?

Mr. LOWENSTEIN. I would rather take a poll—my distinguished colleague from New York referred to it as a "plebiscite" a few minutes ago—on the question of the war, if we are to be guided by polls. Polls about speeches hardly seem central to the issue. I could suggest people who, given half an hour of TV time to talk to the country on behalf of our views on Vietnam, might get an even more favorable rating. Especially if the talk were constructed so as to appeal to the broadest possible number of people by relying on flag and national honor somewhat to the exclusion of substance. The President is very skilled at this kind of thing.

The response to the President's speech reflects respect for the sincerity and competence of his performance, and confusion about what he said so far as policy is concerned. Both those reactions are understandable.

But I did hope we could also discuss this problem on its merits—the rights and wrongs of various proposed policies, as well as their potential popularity. After all, all of us have to run for office and presumably if people do not like the position we take, we will be retired. I was elected in a district that is normally Republican after saying the same things in the campaign that I have said here. That fact might suggest that those who feel as I do are not, in Mr. Agnew's vivid phrase, "impudent snobs," or fringe people representing a vocal minority.

Now, Mr. Speaker, about the merits, I want to read into the Record a statement by 10 of my colleagues and a number of columns and editorials by some of our most perceptive journalists and from some of our most distinguished newspapers:

Statement

Monday night the President picked up a fallen standard, and proclaimed Nixon's War. On a closer look, the war he proposes to continue is dismayingly close to Johnson's War: a commitment to the pursuit in Vietnam of unattainable ends, open-ended in time, cost, and the use of American firepower against Vietnamese.

The fundamental flaw is in the narrowing of the choice to two positions: "precipitate" withdrawal or an indefinite commitment to prop up militarily the present government in Saigon (with the pious hope of transferring the ground war ultimately to the South Vietnamese forces). We do not propose either, and we find the President's Vietnam policy tragically ill-conceived for three principal reasons:

1. Short of destroying the entire country and its people, we cannot eliminate the enemy forces in Vietnam by military means which even President Nixon concedes; "military victory" is no longer the U.S. objective. What the President fails to recognize is that the opposing leadership cannot be coerced by any U.S. strategy into making the kinds of concessions currently demanded.

2. Past U.S. promises to the Vietnamese people are not served by prolonging our inconclusive and highly destructive military activitiy in Vietnam. It must not be prolonged merely on demand of the Saigon government, whose interest in preserving its status and power is served only by continuing the war with American support, not by settling it, and whose capacity to survive on its own must finally be tested, regardless of outcome.

3. The importance to the United States national interest of the future political complexion of South Vietnam does not justify the human, political, and material cost: a war which divides our people, brutalizes our minds, confounds our economy, and brings untold tragedy to hundreds of thousands of American families.

It is for these reasons that we conclude that United States forces in South Vietnam should be systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to (a) provide for the safety of U.S. forces, (b) secure the release of American prisoners of war, (c) assist any Vietnamese desiring asylum, and (d) enable the U.S. to make an orderly disposition of its facilities in South Vietnam.

George Brown, Jr., M.C., Phillip Burton, M.C., John Conyers, Jr., M.C., Bob Eckhardt, M.C., Don Edwards, M.C., Donald M. Fraser, M.C., Robert W. Kastenmeier, M.C., Abner J. Mikva, M.C., Benjamin S. Rosenthal, M.C., William F. Ryan, M.C.

[From the New York Times, Nov. 4, 1969]

Mr. Nixon's "Plan for Peace"

President Nixon disappointed the nation's hope for a reordering of American priorities with a "plan for peace" that looks more like a formula for continued war. He proposed no new American initiative at Paris or in South Vietnam, preferring instead to reiterate the American position in terms reminiscent of those used by President Johnson and Secretary Rusk.

The President in effect committed this nation to defend the present Government of South Vietnam until it can defend itself. This is at best a remote prospect judging by the record of the past fifteen years. It also seems to contradict Mr. Nixon's own Asian doctrine under which, according to the President, the United States would leave with Asian governments the primary responsibility for their own defense.

There is justification for Mr. Nixon's impatience with Hanoi for its intransigence in the Paris talks and in private negotiations that have now been revealed for the first time. However, Mr. Nixon failed to mention even the possibility of such proposals as a ceasefire or a democratization and liberalization of the Saigon Government.

President Nixon has offered a plan for Vietnamizing the war. What is needed is a program for Vietnamizing the peace.

[From the New York Times, Nov. 5, 1969]

Nixon's Mystifying Clarifications

(By James Reston)

On various occasions since the Nixon Administration came into office, its leaders and spokesmen have advised observers to watch what the Administration does rather than what it says. This is not a bad tip for anybody trying to analyze the President's latest speech on Vietnam.

Words are treacherous weapons, which can be used either to clarify or confuse, and this Presidential speech is one of the classic mystifying clarifications of recent years. Taken in by the eye and ear over television, it was a memorable performance—good theater and maybe even good domestic politics, but was it good diplomacy? Did it achieve his objectives? Did it moderate the Vietnam critics and thus persuade the enemy of our unity, or arouse the critics and thus provoke more demonstrations of disunity, and thus play into the hands of the enemy?

One wonders. The speech did not really clarify the President's policy.

At one point, Nixon said that "we have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all United States combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable."

But at another point in the same speech he said he would withdraw not only all American "combat ground forces" but that he would withdraw "all our forces." The difference between all American combat ground forces and "all our forces" is over a quarter of a million men.

GOING OR STAYING?

Meanwhile, again in the same speech, the President said that he was going to carry on the effort to maintain a stable government in South Vietnam. "We are not going to withdraw from that effort," he said. "In my opinion, for us to withdraw from that effort would mean a collapse not only of South Vietnam but Southeast Asia. So we're going to stay."

A few paragraphs later on, he said he had a plan "which will bring the war to an end regardless of what happens on the negotiating front . . . a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all United States ground forces. . . ."

The speech clearly mobilized the opposition to the anti-war faction that wants peace immediately. The President presented some solid arguments here. It is true that quitting the war suddenly would, as the President says, have devastating human and political repercussions, but he tried to identify all his Vietnam critics with the anti-war extremists who want to cut and run, and this is not only unfair but raises a fundamental point about President Nixon and this speech.

This was no ghost-written job. We are told and it is probably true, that he wrote it himself. He was worried about what he calls the "vocal minority" in the universities and the press who have been opposing him, and felt that the "silent majority" was with him—though how he knows he had the majority if it was "silent" is not clear. So he set out to confound his critics and arm his "silent majority" with effective political arguments.

NIXON'S BLUNDER

Like all writers, he was obviously impressed with the logic of his own argument. His sincerity was almost terrifying. He put Spiro Agnew's confrontation language into the binding of a hymn book, and asserted he was different from Lyndon Johnson while sounding just like him.

Nevertheless, his actions are not Johnson's, and this is the point his violent critics have missed. His words are familiar but his actions are really different. Mike Mansfield, the Democratic Senate Majority Leader, got the point.

He noted that while the President said he had a "plan" but didn't disclose it, Vice President Ky of South Vietnam indicated that there was more to the Nixon speech than most Americans would hear. There would be nothing new in the President's speech, General Ky said before it was made; it would be addressed to the American audience, but he added a significant thing. Next year, he said, South Vietnam could replace 180,000 American troops, Presumably Ky knows whereof he speaks, so actions are likely to be more important than words.

The President has a very large audience

with many different constituencies. He needs the "silent majority" to counter what he calls the "vocal minority of critics," but in dealing with his domestic political problem he has created a really dangerous diplomatic problem. For he has committed himself to support the Saigon regime and to respond to the military actions of the enemy and, in the process, he may very well have limited his freedom of action and provoked the antiwar opposition he was trying to silence.

[From the New York Post, Nov. 5, 1969]

The President's Address: Remembrance of Words Past

President Nixon's TV address on Vietnam was another tragic anticlimax. After the three-week build-up preceding the event, the sense of letdown among millions of Americans must be especially acute. Those who ardently or fatalistically accept our continued entrapment in this war heard their ancient arguments grimly reiterated. But those whose doubts have steadily deepened can only find their anxieties reinforced on this somber morning-after.

It was Mr. Nixon's premise throughout that he spoke for a "silent majority" of Americans. But the barren repetitiveness of his rhetoric, so reminiscent of so many utterances delivered by his predecessor, may transform the growing legions of dissent into an articulate majority.

Once again the President presented the country with a transparently false choice—between total, immediate surrender, accompanied by wholesale massacre of innocents, or continued commitment to the corrupt, unrepresentative Thieu regime in Saigon.

At no point did he even concede the existence of a third course—U.S. pressure for the creation of a coalition, neutralist government linked to a clear timetable of American disengagement. He contended that disclosure of such a timetable would strengthen the enemy's will to resist. But the absence of such a declaration can only bolster Thieu's resolve to hang on and obstruct the emergence of a "third force" capable of negotiating peace and averting a blood-bath.

It is hardly coincidental that, a few hours before the pronouncements which the White House said had been cleared with Saigon. Thieu unleased a new assault on "neutralists." He was emboldened to do so by Mr. Nixon's assurances that even our limited withdrawal program is subject to change without notice—and that a reescalation of the war will be considered if the fighting expands.

Such words can only demoralize those non-Communist elements in South Vietnam that would constitute the basis of a coalition and that have begun to speak out in recent days.

Mr. Nixon placed heavy emphasis on his plan to "Vietnamize" the war. It is time to ask when we will begin to demand Vietnamization of the narrow, oppresive Saigon government.

In its major aspects the Presidential address was a reaffirmation of the "domino" theory—the notion that much of Southeast Asia and even Europe might fall into Communist hands unless the line is held in South Vietnam. Even in those terms his position was vulnerable. For if the stakes were truly that high, how could any degree of American withdrawal be warranted? Indeed, any real logic in the holy-war position enunciated by the President would seem to call for a larger American investment.

Perhaps the most troublesome question raised by the speech was what can only be described as a distortion of history. Mr. Nixon righteously read the letter he had addressed to Ho Chi Minh last summer, emphasizing his own desire for peace. He did not read the answer he received just three days before Ho's death; instead he labeled it a wholly negative response and hastily changed the subject.

Was it an empty answer? If so, why did Mr. Nixon choose not to read it but merely include it in the material handed out with his speech?

Examination of the text of Ho's reply will create widespread uneasiness about Mr. Nixon's abrupt dismissal of it. Admittedly there was the usual ritualistic adherence to the "ten-point program" of the NLF. But that was mingled with language that seems almost deliberately vague and flexible about "the right of the population of the South and of the Vietnamese nation to dispose of themselves without foreign influence" and concludes on this curiously unbelligerent note:

"With good will on both sides we might arrive at common efforts with a view to finding the correct solution of the Vietnamese problem."

Was this a brutal brush-off—or a guarded overture inviting further dialogue? Surely the President's performance would have been more impressive if he had not seemed so eager to bury the document.

This shuffling of papers cast a further shadow on a speech whose timing—not only the mid-moratorium season but preelection eve in areas where the President had himself actively campaigned—was so crudely contrived.

Mr. Nixon must have known that this address, containing no real break with past policy, offering no real promise of daylight, could not mute the peace movement. Too much of what he said has been heard too often before. The ovation must be read as an attempt to organize a counteroffensive on the domestic front among those who remain true believers in this deadened war; it explains why Mr. Agnew has been sent forth as a hard-line warrior.

But no matter what the exact arithmetic of alignment, this course can only set the stage for new discord in the country, new disaffection among the young—and many of their elders—and a rising spirit of confrontation.

There can be no semblance of authentic national unity in this setting; there can only be a renewal of the great national debate in tones of increased intensity. Despite this almost provocative rebuff, those who care about peace have a larger responsibility than ever to avoid violent, disruptive adventures. The issues are now clear and fateful again. It can only be the Administration's desperate hope that they will be clouded by mindless rage and diversionary disorder.

[From the Boston (Mass.) Globe, Nov. 5, 1969]

Mr. Nixon's War

After three weeks of mounting speculation and publicity about what he would say, President Richard M. Nixon addressed the nation Monday evening on the war in Vietnam. What he said, in essence, was not much new, although it seemed to mark a turning point, a crossing of the Rubicon, as it were. Given Hanoi's intransigence, it dashed all hopes of an early and orderly U.S. withdrawal from Vietnam, and placed all of the reliance for an end of the war on military strength, whether it is our own or South Vietnam's.

Doubtless the address was favorably received by many, and particularly in the central and western parts of the nation. Surely it contained no crumbs of comfort for opponents of the war. There were no specifics on further U.S. troop withdrawals. He did say that "by Dec. 15, over 60,000 men will have been withdrawn from South Vietnam." But this was accompanied by "not a threat (but) a statement of policy" that his plans are contingent on Hanoi's response.

Mr. Nixon clearly hopes to gain the support of what has been called Middle America for going on with the war. He has described the withdrawal urged by his critics as "precipitate," rather than "orderly." He has urged that we be "united for peace . . . against defeat." Many of his thoughts, if not his words, were reminiscent of President Johnson.

There was, in fact, a note of old-fashioned jingoism and old style Nixon when he declared: "I know it may not be fashionable to speak of patriotism or national destiny these days. But I feel it is appropriate to do so on this occasion." Surely these words were not called for.

President Nixon was appealing to what he called "the great silent majority" and urging unity behind his policy. He could not allow "a minority," he said, to dictate that policy. At the same time he said, as he has done before, that it "would have been a popular and easy course" to order immediate withdrawal of our troops.

Here is, as columnist Mary McGrory has pointed out, an implicit contradiction. Either immediate withdrawal would be popular, or it would not. We believe that it would be both popular and wise, if carried out in an orderly way and with adequate guarantees for the South Vietnamese.

In any event, Mr. Nixon cannot have it both ways.

The President made special point of stating that he "respects the idealism and shares the concern of the young people of this nation who are concerned about the war." But this was only after he had backhanded these same young people with the declaration that only Americans can "defeat or humiliate" the United States. The President's stated respect for the idealism of young protestors would ring truer had he told his countrymen that unwise leaders had gotten them into the most unpopular war in our history, and that he meant to get them out of it.

The President's speech was a kind of lawyer's brief for the defense. But the defense was not convincing. And in making it, he made the war his own.

He merely picked up where Lyndon Johnson left off.

Nixon Declares War on Peace Movement

After hearing Richard Nixon on Vietnam, one is tempted to paraphrase his Vice President: When you've heard one Vietnam speech, you've heard them all.

Lyndon Johnson has left the White House, but his hard line lives on within its walls. The rhetoric was Richard Nixon's, the theories were Johnsonian.

The President has expanded the domino idea, so dear to the Great Society, to include the Western Hemisphere. He spoke of "commitments" in terms that Dean Rusk could applaud. Our national security is still menaced in a miserable, devastated little country half way across the world.

Nixon described our stake in Vietnam in such compelling terms one wonders if he would have the courage even to contemplate turning it over to the South Vietnamese.

That is, nonetheless, what we are doing. The orderly withdrawal the President has in mind is still a deep, dark secret except in Saigon, but his attitude towards the conflict is at least crystal clear.

There is nothing wrong with the war that has split the country except that it was inefficiently fought. Richard Nixon, like his predecessor, is an unreconstructed cold warrior.

A White House aide, as the speeches were handed out to the press said that there had been much advice taken. But the President must have consulted the Joint Chiefs of Staff and hawk senators exclusively. There was not a crumb for the doves.

Instead, there was, in the Johnson manner, a presentation of statistics to show the tire-

> less search for peace—"40 public meetings" in Paris and "11 private meetings."
>
> Another gesture from the past was the unfurling of an exchange of secret letters with Ho Chi Minh. Nixon's reply was far gentler than some Johnson received, but Nixon showed it to display anew the intransigence of Hanoi.
>
> Nonetheless, we shall continue a "flexible" timetable to bring Americans home—provided that Hanoi behaves and Saigon shapes up.
>
> If Hanoi declines to be reasonable and steps up the fighting, all bets are off.
>
> "You can't say he didn't say anything new," said a morose young worker at the Vietnam moratorium, whose October efforts brought on the speech. "He threatened to escalate."
>
> Indeed he said, just as Johnson always did, that he would meet his responsibilities "for the protection of American fighting men."
>
> "I shall not hesitate," he said in the most ominously reminiscent passage, "to take strong and effective measures to deal with that situation."
>
> There was, in short, everything but the "coonskin on the wall."
>
> In all this familiar jargon, there was one implicit contradiction which went unnoticed in the general gloom. The President said at the outset that immediate withdrawal "would have been a popular and easy course."
>
> Yet several pages later, he was saying that he could not allow "a minority" to dictate the policy on the war and appealed to the great silent majority which presumably will support him. Logic has never been a strong point of Presidents who wish to press on in Vietnam.
>
> Nixon has declared war on the peace movement, although he had a few words for the young who have been excoriated by his Vice President as "vultures," "rotten apples" and "impudent snobs." He is counting on Agnew apparently to whip up the rage of the right against the new demonstrations scheduled for Nov. 14.
>
> He is, in short, trying to popularize the most unpopular war in American history, and counting on the coming demonstrations, which could be ugly and violent, to rally support for his unchanged stance.
>
> The fate of the nation cannot be decided in Washington by the world's most powerful leader. He is at the mercy of the dedicated fanatics in Hanoi and the weak and corrupt "allies" in Saigon. He has "Vietnamized the peace" and also Nixonized the war.
>
> His celebrated "plan" is now plain, it is the Johnson plan, which is to say and hope that the other side will realize who its enemy is and fade away. In the meantime, the prospects for peace, either in Vietnam or in the U.S. are fading fast.

In short, our approach is the way to achieve an orderly withdrawal. The President's approach, or approaches, can hardly be construed as "orderly," and it will have to be abandoned if we are ever to have an orderly withdrawal. The President's approach must lead to protracted conflict, or to saying one thing while doing the opposite. Neither of these courses seems especially desirable to me. An "orderly withdrawal," if that is in fact our goal, cannot be contingent on Hanoi's behavior, or on Saigon's. Neither is relevant, and both are booby-traps. We should withdraw on a timetable dictated by our own interests, and those require that the withdrawal be initiated immediately and be total, so far as our military activity in Vietnam and in Laos is concerned. Given those decisions, the timetable and other related problems could be worked out with a minimum of disagreement.

But lacking those decisions the President must understand that the "silent majority" unless he meant that phrase to apply to the large number of Members who support him on these matters in this House but who never show up to explain why—the "silent majority" is not for a protracted war in defense of the Thieu-Ky government. I suspect he knows that or he would have been more frank about the implications of his contingencies for getting out.

Barry Goldwater waited a long time for the "silent majority" that was going to elect him President; he may still be waiting for it, for all I know. We are now seeing a revival of the silent majority doctrine, this time applied to the war. The President will have to learn, as Senator Goldwater did, that silence has not meant consent. I am glad that he now acknowledges the place of public opinion in formulating national policy on the war. We will do our best to show him what that opinion is.

Meanwhile, I hope he will read the remarkly lucid statement by my colleagues, Congressman Brown of California, Congressman Burton of California, Congressman Conyers, Congressman Eckhardt, Congressman Edwards of California, Congressman Fraser, Congressman Kastenmeier, Congressman Mikva, Congressman Rosenthal, and Congressman Ryan.

Mr. SCHEUER. And Congressman Scheuer.

Mr. LOWENSTEIN. And Congressman Scheuer.

More are adding their signatures every minute.

Finally, Mr. Speaker, the President's speech never faced up to the paramount question of this moment of our history: What, in terms of our national security or of our devotion to human freedom, what is at stake in Vietnam that justifies the death of a single additional American, or the expenditure of additional American money? To prop up the Thieu-Ky government for a while longer only to have it fall when we finally do leave?

What I saw during my recent visit to Vietnam makes it impossible to persuade me that that government will ever be able to stand on its own feet, and given that fact it is lunacy to defer its fall at the cost of so many additional lives, theirs and ours. We have propped up unpopular South Vietnamese governments to the tune of more than 300,000 American casualties and more than $100 billion American dollars. If that is not enough to keep them propped up, nothing is. They are not fighting Russians and Chinese, after all. They are fighting North Vietnam, which is less developed economically, whose population is no greater, and which has a government that is supposed to be hated by the people it is alleged to repress. Seven years' support for a government facing that kind of adversary seems quite enough to fulfill President Eisenhower's and President Kennedy's original commitment.

Two more years, or maybe 3 more years—that is to undertake yet another commitment, and before it is undertaken I believe the American people should know the facts and make a decision. No one wants more massacres. When we leave we should see how many people want or need asylum, and we should help organize an international program of assistance for those who would need it. But that will have to be done sooner or later in any case, unless we are prepared to stay on forever.

I thank the gentleman for yielding, and, more than that, for his continuing diligence and valor in the effort to end American involvement in the war.

Mr. RYAN. Mr. Speaker, I thank the gentleman from New York. I think he has stated very well the merits of the problem that confronts us. Let me say that I appreciate his reading the statement which 10 of us issued today. Our statement did point out that the President has tried to limit the options to just two alternatives, a "precipitate withdrawal" or an indefinite commitment to shore up militarily the present Saigon Government, replacing our ground combat troops with South Vietnamese as they are able to take over.

We outlined another plan—a systematic, orderly withdrawal from South Vietnam over such a period of time so as to provide for the safety of American troops, to secure the release of American prisoners of war, and to assist with asylum those Vietnamese who have relied upon us.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I applaud my colleague for his fine statement, and I share his disappointment in the President's speech of last Monday.

Mr. Speaker, last year on this date the American people elected a new President, who supposedly was offering a basically new Vietnam policy.

Sadly, in his speech Monday evening, President Nixon evidenced the same persistence and endurance in carrying out mistaken policies in order to attain our common goal of peace in Vietnam which distinguished his predecessor. Underlying Mr. Nixon's views were the same erroneous assumptions that have brought both Vietnam and the United States years of turmoil, pain, and tragedy. He portrayed the war solely in terms of an international conflict, and thus inferred it can end only when the "foreign aggressor" wants it to end.

The generals who have been running this war under two administrations have been trained in a system which rewards the unexceptionable, and discourages the creative and innovative. They and their colleagues have been trained to think in terms of crushing force, not finesse. It is painfully obvious to me that the lessons of the limitations of brute strength are being ignored by President Nixon and his advisers just as they were by the last administration.

Finally, I believe that the Nixon policy of Vietnamization will not bring any end to the conflict. It can only keep in power a repressive corrupt regime that has repeatedly hamstrung our negotiations in Paris, has adamantly refused to consider broadening its base by extension or coalition, and appears demonstrably unable to command the widespread loyalties of the Vietnam people, North or South.

Again, he warned about the spread of violence around the world if we decide to hasten our withdrawal from Vietnam. This is no different from the Johnson-Rusk "domino theory" which embedded us in the war, which has inhibited our efforts to extricate ourselves, and which most world leaders have rejected as an unfortunate misconception.

All our arms, all our planes, all our advisers will not stop the fighting. And, indeed, our massive intervention in and of itself, has prevented the South Vietnamese from exercising that very self-determination which we proclaim to be the justification for our involvement there. And, now, if President Nixon does not change his policy, the peace we are allegedly seeking we shall never attain.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. MIKVA. Mr. Speaker, this is a discouraging time in the United States. Many Americans hoped that the President's speech would provide those new initiatives for peace, those breakthroughs, that leadership which would lift us out of the Vietnam depression which has chilled the American spirit for so many years. It seems ludicrous that a speaker at this tragic time should have to say that I do not doubt the President's genuine desire for peace. However, the war itself and many of its defenders have cast so many doubts about other people's sincerity, patriotism, and the right to disagree, that much of the debate is about the right to debate or the credentials of the debaters. And so one must recite a litany; I think the President genuinely wants peace; he thinks his path will get us there. There are those who disagree with the President; they also love peace; they also love their country. They think that the best way of showing that love is to voice their opposition and alternative proposals. Those who would rather shed heat than light about such proposals and those who shriek about unity as a synonym for government-ordained orthodoxy, forget that in a democracy we arrive at right decisions only by bespeaking our differences—even about important issues like war and peace.

Yesterday I sat on the floor of the House and heard a great number of the speakers get up and proclaim their agreement with the President's speech and denounced all of the newspaper and television commentators who disagreed with the President's approach. Listening to these denunciations it sounded like there was a mass conspiracy among all the media in this country to do in the President. I think the thrust of the commentaries was rather a disappointment about the speech in terms of what it did not do.

First, it did not reach any of the audience that so desperately needed reaching. The President recognized who many of them are—the young people of this Nation who are concerned about the war. He stated he respected their idealism and that he shared their concern for peace. But then he talked about national destiny and world leadership which can only be construed to mean that our military might continue to be the only weapon in the arsenal of democracy. This will not appeal to the idealism of the younger generation and the President obviously recognized that as he turned again to the silent Americans who do not speak out against war. I hope that the measure of patriotism has not become inverse to the measure of whether or how often one speaks out on the important issues of the day.

The President stated that he knew it was not fashionable to speak of patriotism these days; if that was addressed to the young people of this country he was very wrong. The very heart of their idealism is a love of country, but it is a love of country that is expressed in terms other than the number of divisions under arms, the weapons systems, or the kill rate in some far-off land. They express their patriotism in terms of an America that exports ideas and ideals not guns and bombs; of an America that devotes its resources to making our cities alabaster once again and our plains fruited enough to feed our own hungry and help feed the hungry of the world; of an America that respects the rights of all its citizens with equal vigor—black and white, long-haired and bearded, skilled and unskilled, washed and unwashed; an America that practices that Jeffersonian admonition that, "the care of human life and happiness is the first and only legitimate object of good government."

Many of us hoped that the President would appeal to that patriotism and find the words to help defuse the terrible resentment which exists among so many large elements of our population—especially among the young. But the President did not even nod in the direction of those who are dissatisfied with the pace of his troop withdrawals.

Despite the President's implications to the contrary, those who oppose his present policy of slow and only partial withdrawal—a withdrawal which will not include support troops at all, according to the President's speech—these people are not all shouters and demonstrators, they are not all people who want America to lose the war. Sometimes, Mr. Speaker, I find myself wondering whether the President has not been setting up straw men and knocking them down for so long that he has forgotten that there are real, live people around. No, all those who hoped so sincerely that the President would tell them what he was going to do to bring the boys home more quickly are not all people who want America to lose, or to look bad, or to be weak. Some of us sincerely believe that we cannot gain a thing in the world by staying in South Vietnam for another year, or 2 years, or 5 years.

My second observation on the President's remarks of Monday night is that his talk of Vietnamization has a very familiar ring. President Eisenhower said that we were not going to have Americans fighting other people's wars in faraway lands. And President Kennedy said that it is their war, they are the only ones who can win it, the Vietnamese. And President Johnson, before he was elected in 1964, promised us that we were not going to let American boys fight the Asian boys' war for them. And Robert McNamara in 1967 told us that the boys would be home by Christmas because they were only there to train the Vietnamese to fight their own war. We have a new word—Vietnamization; but we do not have a new policy. President Nixon had a 9-month grace period after he was elected, and he withdrew less than 5 percent of the Americans in South Vietnam. After 11 months he will have withdrawn a little over 10 percent. And Monday night he said that when the Vietnamese are ready to do their own fighting, we may still have up to 300,000 Americans in Vietnam—all the noncombat forces.

What does Vietnamization really mean? There are now close to 1 million South Vietnamese men under arms out of a total population of only 16 million. We have been training the South Vietnamese Armed Forces for over a decade. When will Vietnamization end? The President tells us that the process is going faster than he thought it would—but how fast is that? and how fast did he think it was going to be? How do we know that this new word, "Vietnamization," is not just another part of the Vietnam shell game which we have been playing for 10 years?

And finally, the President's talk showed once again that the policy has not changed. He asked for time and he asked for unity because he said he was trying a new policy. But then he told us why he really cannot force himself to withdraw from Vietnam more quickly. He cannot because it would "promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest"; and he cannot because it "would spark violence wherever our commitments help maintain peace"; and he cannot because it "would not bring peace but more war." And so we continue to play dominoes while this country and the world burn.

The Nixonizing of this war is occurring at a much faster rate than the Vietnamizing of it. We continue to hallow our past mistakes by repeating them. A few new words do not cover the tarnish on policies that have not worked and predictions that have not come true for the last 15 years.

The secret plan for peace is still a secret. The President is more encouraged but he cannot tell us why. He has a plan for ending the war regardless of what happens in Paris but he cannot say what it is. And whatever it is, it may all be sabotaged by the Viet Cong or the North Vietnamese or even by the South Vietnamese generals—all of whom have good and sufficient reasons for engaging in such sabotage.

The crisis in this country is too serious to give either North or South Vietnam a veto power which will preclude us from ending the crisis. Our extrication from the quagmire of Vietnam should be based on factors solely within our control, and neither the hot air of Paris nor the cold water of General Thieu should be allowed to swerve us from the path of withdrawing all American forces from Vietnam as quickly as the safety of our own personnel and our prisoners of war and the protection of those South Vietnamese desirous of asylum will permit. To give the power over the survival of this country to either a fast-talking diplomat from North Vietnam or a slow-training general from South Vietnam is untenable.

Mr. Speaker, millions of Americans silent and nonsilent are terribly tired of this war and frightened of what its continuation means to this country. We believe that the President wants peace but we also believe that unless he speeds up the withdrawals of all American forces from Vietnam and makes the rate of that withdrawal subject only to this country's interest, this country's interest will suffer grievously. We know the President wants peace but wanting it may not be sufficient to the task.

Mr. RYAN. Mr. Speaker, I should like to thank all of my colleagues for their participation in this discussion this evening.

It is clear that the American people—silent as well as vocal—are concerned deeply about the course of our progress in Vietnam.

It is also clear in my judgment that the President must respond to their desire for peace by outlining specific plans and not secret plans which should spell out now to the American people how this war will be brought to an end. It is a fatal error to leave the question of our timetable in the hands of the Government of South Vietnam. As long as we persist in the belief that the present Government is going to be able to govern in South Vietnam and that the National Liberation Front, the Vietcong, or any other elements which have been excluded by those now in power, Thieu and Ky, shall have no role, then what is necessary politically and diplomatically to bring the war to a conclusion will not be done.

In his speech, the President spoke of the effects that "precipitate withdrawal" would have on the world and on this Nation.

However, the President did not speak of the effect American policy in Vietnam has had and will continue to have on our allies.

He did not mention that although South Korea has sent troops, and Australia and New Zealand have sent minimal forces, none of our traditional allies nor the leaders of the free world have chosen to join us in this fight.

Our willingness to support the corrupt, undemocratic regime in Saigon has lost a great deal of respect for the United States in the world.

We have watched as the Saigon regime has jailed those who dissent. We have watched the Saigon regime limit political and religious freedom. We have watched the Saigon government's treatment of opponents—detaining and questioning of suspected "sympathizers," ignoring due process.

And what has been the reaction of our allies to the firebombing in order to bring peace in Vietnam?

What has been the reaction of the rest of the world to the thousands of Vietnamese people who have been killed, maimed, and left homeless?

The President worries about the effect that "precipitate withdrawal" will have in this country. He cites such a withdrawal as a defeat and humiliation for the United States.

But, this is not a war that has been declared by the Congress. This country has been sending men to fight and die in Vietnam in a military action which is not a declared war.

Are we going to continue to pour money and manpower into this war in order to save face? Are we going to continue the same policies in the hope that we can salvage something from the wreckage of the past?

Or are we going to admit that our policy in the past has been wrong?

Surely, our stature in the eyes of the world would greatly improve if we admitted the errors of the past and stopped perpetuating them.

President Nixon also expressed the concern that "precipitate withdrawal" would cause remorse and recrimination in the Nation.

What about the effects the war has had on this country during the past 5 years?

The quality of our education has deteriorated. There is not adequate housing for all our citizens. American men, women, and children live in constant hunger and malnutrition. There are not proper health services and health care for our elderly and poor. Our transportation systems are clogged. Taxes have been raised, and our economy is plagued by spiraling inflation.

In the streets of Watts, Hough, Detroit, Newark, Washington, Baltimore, and Chicago we can see the results of frustration.

On our Nation's campuses, we can see the results of disillusionment.

This has been the price of the war in Vietnam.

How much longer can this rich and powerful Nation continue to divert its money and its manpower to the war?

How much longer can we expend huge sums for the war while diverting money from education, housing, programs for the poor, cancer and heart research, and other essential domestic needs?

In his campaign for the Presidency, President Nixon promised to bring an end to this war. Now, 11 months later, he has told the Nation that only two alternatives were open to him after his inauguration: "precipitate" withdrawal, or a negotiated settlement or Vietnamization of the war.

There were other alternatives. Many Members of Congress urged the beginning of a phased withdrawal.

On March 26, I urged the withdrawal of a large number of troops, at least 100,000, and also urged that troops brought back to the United States not be replaced.

But the President chose not to listen to such pleas.

I think that if the President had initiated a cease-fire and the beginning of a phased withdrawal—starting in March, or June, or even on November 3—most Americans would have been willing to stand behind him.

But the President chose not to set any timetable for withdrawal.

Last year, the dissatisfaction of many Americans over the war was first shown in the New Hampshire primary victory of Eugene McCarthy. Throughout the 1968 Democratic primaries, Senator McCarthy and Senator Robert Kennedy won decisive victories based on their policies on the war.

Many of those who supported Senators Kennedy and McCarthy last year and who opposed the war felt that the new President should be allowed a chance to make some change in American policy.

But they grew tired of waiting. All they saw from the new administration was the tired and unsuccessful policies of the old administration. The words were changed and the accent was a little different, but it was essentially the same policy.

And finally in October, millions demonstrated their desire for peace. The sacrifice of 40,000 lives, 250,000 casualties and the expenditure of over $100 billion has been enough.

The Gallup poll on October 11 measured American opinion on the war. Of those sampled, 57 percent supported the withdrawal of all U.S. troops from Vietnam by 1970, and 58 percent said it was a mistake to have involved American troops in Vietnam at all.

In his speech, the President stressed that these Americans have the right to their opinion, but—

> I would be untrue to my oath of office if I allowed the policy of this Nation to be dictated by the minority who hold that view and who attempt to impose it on the Nation by mounting demonstrations in the street.

Certainly, the President must realize that many Americans feel that the only way their opinion can be expressed is by peaceful demonstration.

The Constitution permits such demonstrations.

The first amendment of the Constitution protects the right of free speech, the right of the people to peaceably assemble, and the right of the people to petition the Government for a redress of grievances.

On October 15, Americans exercised these rights. But the President of the United States said, even before moratorium day, that he would not be affected.

And so millions of Americans feel frustrated.

Millions of conscientious citizens of all ages, all backgrounds, and all professions have been told that their attempt to let their President know how they stand on this issue would only harm the administration's efforts for peace.

How long then should these citizens wait who feel that this tragic, wasteful, undeclared war has drained this country of its resources, its manpower, and its very life.

In 1964, President Johnson said this country would not send American men to fight a war Asian men should fight.

In 1965, American men were sent to fight the war anyhow.

If the Americans do not protest, how many more years will this death and destruction continue?

In November, once again, Americans against the war will speak loud and clear.

They will again participate in activities to express their concern. Their purpose will again be to demonstrate the tide of opinion in this Nation is against continuation of our present policy in Vietnam.

I hope that this time the President will listen.

Mr. EDWARDS of California. Mr. Speaker, I welcomed President Nixon's speech of Monday night.

Its tone, if not its content, was a refreshing change from the recent extreme statements made on the subject of Vietnam. As to content, in at least one respect the President's speech came a year and a week too late. He finally revealed his plan for ending the Vietnam war, but at a time when the voters—so-called silent majority—have no chance to rule on that plan. It would have been fitting and proper if he had made public his plan when the voters were choosing between himself and Mr. Humphrey. I, for one, believe the silent majority would have selected a different President.

However, the President has opened the door to responsible debate on the subject of Vietnam. I would hope that the networks will grant time for a responsible reply to his remarks.

As a critic of the Vietnam war under both Democratic and Republican administrations, and as one who on a nonpartisan basis, has urged a change in the U.S. Vietnam policy, I would like to refute Mr. Nixon's conclusions, and the mistakes which have led to his conclusions.

He seemed to feel, and some observers have said, that this is now "Mr. Nixon's war." I disagree, this is not "Mr. Nixon's war," nor was it President Johnson's or President Kennedy's war. This war is an American folly.

The folly which led us into this war began as far back as President Truman's term of office. The mistakes carry us through the terms of office of Presidents Eisenhower, Kennedy, Johnson, and now President Nixon. All Mr. Nixon has done is to adopt those past mistakes.

The Vietnam war began in 1946, when the French tried to reimpose their colonial rule on that unhappy country. The war has never stopped. We just replaced the French. Our basic mistake, French and American, has been to believe that we can impose a government on the Vietnamese people. We have failed.

Mr. Nixon said the war began when:

> Fifteen years ago North Vietnam with the logistical support of Communist China and the Soviet Union launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution.

He ignored the refusal of the South Vietnamese Government, supported by the U.S. Government, to hold free elections, elections agreed to in the Geneva accords. But even more important, by raising the specter of Communist invasion, the President ignored one other basic fact of the Vietnam war.

Yes, the North Vietnamese and the Vietcong have been supported by the Chinese and the Soviet Union. But the President has ignored the intervention in Vietnam by France and the United States, interventions far more serious and far greater than those of the Chinese and the Soviets. The United States alone has spent more than $100 billion in its intervention, and has sent more than 500,000 men in to combat in Vietnam. We have dropped more than twice as many bombs on Vietnam than we used against Nazi Germany during World War II. Neither the Soviets, nor the Chinese, have intervened directly, nor have they spent such huge sums of money.

Who then is guilty of intervention? Both sides are, but let us recognize our intervention.

President Nixon said:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

I disagree again. We have used more military force than was used against Imperial Japan, except for the atom bomb. We have not won a victory, and we know that as long as we remain in Vietnam the fighting will continue.

Mr. President, the Vietnamese people through more than 23 years of war have made clear their point. They cannot defeat the United States, but they will fight us to the death.

Our key mistake was to believe in a military solution, and to believe our military leaders when they said force could produce that solution. It is worthwhile to recognize the wisdom of President Eisenhower, and then Senator Lyndon Johnson, when the decision was made not to intervene on the side of the French at the time of Dienbienphu. I wish succeeding Democratic, and now a Republican President had been so wise.

The President spoke of atrocities, and there have been atrocities on both sides. Television news recorded one shortly after the President's speech, the stabbing to death of a wounded and unarmed North Vietnamese soldier by South Vietnamese soldiers. It has recorded the napalm bombing of Vietnamese children by American planes. War is an atrocity. Our purpose should be an end to the war, and an end to atrocities, both by the Communists and by the United States. Such an end can only be reached by recognizing and correcting our mistakes.

In 1964 and 1965 we introduced massive land forces into Vietnam. Why? Because the South Vietnamese Government would have fallen, the Vietcong would have won, if our troops, the bodies of our young men, had not been used to shore up that Government.

Was the South Vietnamese Government then a free and democratic government? Is it now? Are we acting to protect a free and democratic government from Communist invasion?

The answer to all of these questions is "No." We are fighting on the side of one tyrannical government against another tyrannical government. We are fighting on the side of the South Vietnamese Government, because it cannot stand against its own people.

By applying simplistic and militaristic answers, we compounded the Vietnam tragedy.

The President announced his plan to end the war, at least in vague terms. We who oppose the war should announce our plan to end it. I cannot speak for all who are in the antiwar movement. But I would like to suggest a plan which I believe is better suited to the realities of Vietnam than the President's proposal.

Nine of my colleagues and I put this plan into the specific wording of a House resolution today. The resolution reads:

> *Be it resolved,* That it is the sense of Congress that United States forces in South Vietnam should be systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to (a) provide for the safety of U.S. forces, (b) secure the release of American prisoners of wars, (c) assist any Vietnamese desiring asylum, and (d) enable the U.S. to make an orderly disposition of its facilities in South Vietnam.

This is a practical plan for peace in Vietnam. It provides for rescue of American prisoners, now in North Vietnamese or Vietcong hands, and it provides for safety for Vietnamese, who fear any possible change in government. Finally, it leaves the determination of the fate of Vietnam in the hands of the Vietnamese.

Our basic mistake was to believe that the fate of South Vietnam can be determined by our intervention. Under this proposal, the fate of Vietnam would be determined by the Vietnamese. For those who might fear that fate, the United States, in line with its traditions, would open its arms and offer sanctuary.

We cannot be the policeman of the world, we cannot impose our standards and beliefs on the standards and beliefs of others. We can be the sanctuary, we can nourish and fan the flames of liberty, we can support those who believe as we do, and we should, but we should not try to club others into our ways.

This then is the great debate of 1969 and 1970.

As I welcomed President Nixon's speech, so do I welcome the expressions and demonstrations of those who believe otherwise. The President has said:

> I would be untrue to my oath of office, if I allowed the policy of this nation to be dictated by the minority who hold that view and who attempt to impose it on the nation by mounting demonstrations in the street.

I believe that a majority of Americans want peace in Vietnam. I do not believe the President's plan will produce that peace. And I believe that Americans, not only through demonstrations, but through the ballot box will make clear their wants and needs.

The 1970 congressional races will be key to where the American people stand. I urge all who think as I do to combine in a great nonpartisan effort to elect congressional candidates who will work for peace.

Let us speak. Let us speak in many ways, through peaceful demonstrations, through letters, through the ballot box. And may the President hear and heed the voices of the vocal majority.

Peace in Vietnam can only come through our actions. It is time we recognized our mistakes, and corrected them. Let us end this war.

Mr. ADDABBO. Mr. Speaker, I must express my disappointment in the President's address to the Nation, Monday evening, on the war in Vietnam.

Let me say that I fully understand and sympathize with the terrible burden of the President in dealing with this issue. While I have differences with his handling of the war and with the pace which he has set in withdrawing U.S. troops from Vietnam, my real quarrel is the manner in which he has further divided the Nation over this issue.

By referring to a silent majority of Americans who support the President's secret plan for ending the war and by lashing out at those who express the view that we should move at a faster pace, the President has merely made his critics more determined to prove who are the real majority.

This was an unfortunate approach to adopt for a President who promised to bring the Nation together. In one address on the most divisive issue in the Nation, he has driven a wedge between Americans. This game of proving who is in the majority is a futile and rather wasteful exercise because both sides of this issue, when joined together in a common desire to disengage from Vietnam as quickly as possible, represent the real majority. To place such emphasis on the timing of the withdrawal can only serve to divide Americans once again on the war issue.

In his address to the Nation, the President offered nothing new and refused to bring us together through statesmanship or leadership. As a result the protests and dissent will increase—the Nation will remain divided—and the policy will in all likelihood continue at the same snail-like pace.

It is unfortunate that the President chose this approach. It has resulted in a challenge to various factions to prove they represent a mythical silent majority or the real majority rather than merely a vocal minority. Finally it was a challenge to factions in Congress as well as the Nation to stay divided and to increase the intensity of discontent and debate. All together these result in only one fact—the President has delayed and postponed another chance for an escalation of the policy of disengagement.

I urge the President to forget about defending his policy but rather to escalate his policy of Vietnamization so that all can applaud his actions.

Mr. BURTON of California. Mr. Speaker, for nearly 3 weeks the people of this Nation were prepared by every conceivable public relations device to be a receptive audience to the President's November 3 Vietnam speech.

For some 32 minutes last Monday, President Nixon read a document which can only be noted for its lack of real purpose. No new initiative for peace was explored. No new light was shed on the Nixon plan to end the war. That plan is as nebulous and secret now as it was when it was first alluded to in the course of the campaign over 1 year ago.

President Nixon's only new theme was to take a slightly higher road—comparatively speaking—from the low road on which Vice President AGNEW embarked to discredit the growing opposition to the war and to discredit those who give voice to that opposition.

This tandem performance from the White House has but one end—to silence dissent.

This administration wants to impose silence and they want to use that silence as an indication of support. We see this repeated over and over again in the use of the theme of the silent majority.

Herein lies a contradiction that poses a very real moral problem for those who might be moved to heed the administration's plea. If silence is to be interpreted as assent, a blank check approval of policies which are, by and large, unknown to the American people, is not speaking out then the responsibility of those who doubt the wisdom of our course, who question any aspect of this war, or who simply oppose this extraordinary, undemocratic and illogical concept that silence should prevail in a free country?

Is it not our responsibility, we, who opposed the war, to speak out more eloquently and more frequently lest our silence now condemn us?

Mr. Speaker, I had the opportunity to speak to students on three campuses in California on the occasion of the October 15 moratorium. I spoke at the Berkeley campus of the University of California, one of the Nation's finest public institutions. I spoke at a combined convocation of St. Mary's College and Holy Name College students on the St. Mary's campus. And I also spoke to the students and faculty at the University of San Francisco.

What I saw and heard there were young men and women who were deeply concerned about their country, about its institutions, about its image as a great and human nation, and about their role as citizens in this free society. These were young men and women who seek to preserve the lofty but basic ideals which gave birth to this country.

These were men and women who see the world we live in as evolving and constantly challenging man to live up to these ideals and to expand his horizons so that the light of human freedom and dignity penetrates even the remotest shadows of our planet.

This is a concerned generation.

This is a generation which will not sit idly by and watch and remain silent when humanity and conscience cry out against silence.

This is a generation which has learned the lessons of history.

This is a generation which knows that silence allows a people to be systematically destroyed in the ovens of Dachau and Auschwitz.

This is a generation which knows that 100 years of silence kept black Americans in bondage longer after the Constitution gave legal standing to their unalienable human rights.

This is a generation which knows that even in a free society, demagogs can inhibit education and free expression, that innuendo and character assassination, so prevalent during the McCarthy era, can do irreparable damage to the good names and well being of our citizens and that fear and hysteria can grip people who will remain silent.

This generation takes seriously the words of Dante that—

> The hottest places in hell are reserved for those who, in times of great moral crises, maintain their neutrality.

They will not be neutral.

They will not be silent.

They speak out as a concerned and free people. They exercised their right—their obligation—to peacefully cry out against the crime of silence and the crimes which silence permits.

History cannot record the words of the silent nor can history catalog the deeds of those who watch from the wayside. Neither is mankind served by the complacent and smugly self-satisfied nor is the cause of human dignity and peace advanced by those who are not moved by the suffering of others.

These are the lessons which this concerned generation has learned.

This is the motivation of the young men and women to whom I spoke. I was proud to raise my voice with theirs and to continue to attempt to give expression to their ideals and aspirations, and to their real and abiding faith in this great Nation.

To speak out against the war in Vietnam is an action demanded by conscience, demanded by human decency, demanded by concern for the history and the future of this great Nation.

Mr. FARBSTEIN. Mr. Speaker, the President's speech last Monday on Vietnam was a disappointment to me. Rather than representing a new departure—a dramatic step forward—it was the same as before. The unfortunate policy of this administration is simply one not of imaginative action.

It is more than symptomatic that the President's speech was strongly embraced by the Thieu-Ky regime; for the position announced by the President in that speech suggests that we are allowing ourselves to be held hostage by that regime, which enjoys little support among its own countrymen.

I believe the prospects for peace would be significantly strengthened if the regime were replaced with one more representative of all segments of the South Vietnamese population. This would also strengthen the dedication of the South Vietnamese fighting man.

I believe the United States should initiate a program of systematic withdrawal on a fixed schedule which would be consistent with the safety of our forces and permit an orderly disposition of our facilities there. This should be coupled with the release of all of our American boys held prisoner by the North Vietnamese. While we are withdrawing, we should take responsibility for assisting Vietnamese desiring to find asylum from oppression.

The President addressed himself to the "silent majority of Americans." But what of those American families made silent by the deaths of their sons? What of the silent wife grieving for her husband?

This war must be brought to a swift end; for if it is not, then all Americans will one day be silent. Yet that silence will be one of grief.

Mr. BROWN of California. Mr. Speaker, I was deeply disappointed in President Nixon's message on Vietnam. Instead of giving the American people some hope for a speedy disengagement from that tragic war, he merely repeated the cliches of the past 15 years as a justification for our continued intervention in that country's civil war.

I think that the President badly misreads the thinking of the American people who have indicated by an overwhelming majority that they feel our involvement in Vietnam is a mistake and that we should disengage as speedily as possible. I think that the President will deeply regret the speech he made last Monday night.

There is little difference in what the President proposes in his speech and what President Johnson tried to accomplish in a long series of futile attempts to "win" in Vietnam. He is ignoring the reason that he won the Presidency—his promises to end the war.

Not only is President Nixon ignoring the wishes of millions of Americans who desire peace in Southeast Asia, but he repudiates, at the same time, the rights of those persons who see nonviolent dissent as their only viable means of trying to bring about a change in our disastrous foreign policy in Vietnam.

Thus, although I view the President's speech with much dismay, I think that it will stimulate renewed efforts to demonstrate that the true objective of the "silent majority" is peace in Vietnam and not a continuation of the killing. Peace will not follow from a course aimed at our continued intervention seeking a military victory—no matter who does the actual fighting, Americans or the South Vietnamese.

Last month I strongly supported and joined with the millions of American citizens who showed their concern over the war during the October 15 moratorium. Next week, many persons will gather for another group of large scale expressions—the November moratorium and the New Mobilization Committee Action—both in Washington and throughout the Nation. I endorse any and all peaceful means of pointing up the desire of millions of Americans who want an honorable and peaceful settlement of this most important and most devastating issue currently before this Nation and the world.

GENERAL LEAVE

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject matter of my special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRESIDENT NIXON'S NOVEMBER 3 SPEECH ON VIETNAM

The **SPEAKER** pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 1 hour.

Mr. FRASER. Mr. Speaker, Monday night the President picked up a fallen standard, and proclaimed Nixon's war. On a closer look, the war he proposes to continue is dismayingly close to Johnson's war: A commitment to the pursuit in Vietnam of unattainable ends, openended in time, cost, and the use of American firepower against Vietnamese.

The cost in U.S. troops deployed and U.S. casualties may, in any one year, be less than the levels of recent years, at least so long as a "lull" persists. Yet why should Hanoi continue to refrain from its own program of "maximum pressure," in the face of the President's policy? On the contrary, every aspect of that policy—the implicit promise of indefinite continuation of U.S. air and logistic support to a narrow-based military regime, the unconditional political support for that regime, the apparently slow and indefinite program of withdrawal even of ground combat troops—all combine to give Hanoi maximum incentive to increase our own casualties to change one or more of those decisions.

Hanoi leadership will have the capability to inflict those casualties, perhaps at a high price to themselves; all past behavior reveals that they will pay that price. What we have to look forward to from this policy is a future like the past, of lulls and "Tets," a cycle of VC inactivity and activity, with no clear limit to the deaths we suffer or inflict. Indeed, there is no hint in the President's speech—with its emphasis on the vital interests that would be risked by extrication and its silence on the values lost by continuation of our involvement—that he recognizes any limit at all to the total price he would be willing to pay in American lives, treasure, and cohesion to avoid or postpone the possible unfavorable consequences of American disengagement.

Nixon's description of the course leading to the unconditional withdrawal of American forces from Vietnam as a "popular and easy course" is spurious. In fact, if the way out of Vietnam had ever been perceived as unequivocally popular, easy, and politically safe over the last 20 years of our involvement, it would surely have recommended itself in one or another crisis as the course to follow. The fact is that now as in the past, getting out is seen as the hard, uncertain, and politically dangerous course compared to the better known and more controllable risks of staying in—that is, of postponing a decision to disengage—"1 more year."

A decision to withdraw totally within, say, 1 year, brings within the horizon of political foresight such possible consequences as Communist takeover, political reprisals, and ensuing recrimination within the United States. Perhaps the only time that an American President could bring himself to accept these risks—when the alternative of continuing and at least postponing any such reckoning looked militarily viable—would be when he could claim to be cutting losses incurred entirely by a predecessor.

The President implies that the advice he received early in his term to close out "Johnson's war" was politically cynical; yet in practical terms, it might have pointed the most promising way out of this war, in the interest of all Americans and most Vietnamese.

The most disheartening and ominous aspect of his speech was the President's willingness to accept the appellation, "Nixon's war." All recent experience suggests that for a President to allow himself to become personally identified with the course of this conflict is to threaten its indefinite prolongation, at least during his administration.

Equally ominous is the notion that peace is to be won, and by us: That it must be America's peace. Although the President does not, in fact, specify America's aims in Vietnam in any detail, his policy appears designed, still, to win an American victory: Not a victory so ambitious as sometimes conceived in the past, but still, terms of peace that would clearly be recognized as defeat by the opposing side. Yet neither his speech nor any other evidence available suggests any basis for believing that the Hanoi leadership and their followers will ever stop fighting in acceptance of those terms.

What will happen, assuming they **do** fight on?

The President's military advisers have always told him that the most to be hoped for in any program of re-equipping and training the Vietnamese armed forces is that they will be able to hold their own against VC forces alone, perhaps with some level of North Vietnamese "fillers"; and even that cannot be achieved until 1972. They have held out no hope that these forces will be able to confront successfully any sizable number of North Vietnamese regular forces at any time in the future, without U.S. air and logistical support. Indeed, at no point in his speech does the President refer to a possibility that the United States would ever be able to withdraw such support entirely. The policy he offers supposes an indefinite commitment of 100,000 to 200,000 U.S. military personnel subject to risk and engaged in killing Vietnamese.

The only clear criticism of past policy within South Vietnam that emerges is the earlier neglect of the equipping and training of Vietnamese forces, a policy that was changed to the present one not under Nixon but in the last 6 months of the preceding administration, coincident with General Abrams' taking command.

"Vietnamization," of course, is a concept that goes back well before the last half year of the Johnson administration. The impending failure of a policy of relying entirely upon the Vietnamese forces—trained and equipped by Americans since 1954—led the JCS to recommend the commitment of American ground troops as early as 1961, although opposing guerrilla forces were miniscule by later standards. The next 3 years saw, instead, a more costly and urgent program of Vietnamization, supplemented by American advisers. Not only were the opposing forces weaker throughout this period than at present, but the military leadership of the Vietnamese armed force was generally better, and the political leadership—up to 1963—for all its fatal flaws, was more nationalistic, respected, and efficient, than any since. Yet, American troops were committed to Vietnam in 1965 when that program, too, was about to collapse.

There is a clear contradiction between the President's description of his "plan" for an "orderly, scheduled timetable" of complete withdrawal of U.S. ground combat forces and his numerous references to three factors on which future "decisions" governing the rate of withdrawal would be conditioned: Progress in Paris, enemy activity in South Vietnam, and improvement in the South Vietnamese forces. If our rate of withdrawal is indeed to be determined by three such factors—over which we have little or no control, and which in the past we have proven unable even to predict realistically—what can be the meaning of references to a timetable?

Some sense might be made of this apparent contradiction if one inferred that the President had arrived at a private, "maximum length," conservative timetable, which might only be speeded up by events. But in that case, why keep it a secret? To announce it, and to assert its political feasibility, would be to increase not to "remove" incentives for the opponent to negotiate an agreement for earlier withdrawal. Why worry about their "moving in" after our forces have withdrawn if our withdrawal is to be predicated upon the ability of the South Vietnamese forces to withstand such a test? Or is it that the President estimates that the rate his advisers have assured him would be militarily safe is so slow and uncertain that to reveal it would lead to immediate political challenge at home and military challenge in Vietnam? In that case—which, unhappily, seems most likely—present secrecy only postpones those challenges.

His solution remains that of his predecessors: to postpone such a development simply by continuing the war, with its cost in Americans and Vietnamese.

The President describes "only two choices open to us if we want to end the war"; a "precipitate" withdrawal of all Americans or a slow, contingent reduction of forces with no definite end. Yet, in fact, virtually all of the proposals recently heard within Congress for bringing our involvement to a definite conclusion lie between the two courses he mentions, since not one of them can justly be said to call for precipitate withdrawal.

Nixon worries, as did his predecessors, about a domestic political "hangover": After immediate relief, "inevitable remorse and decisive recrimination would scar our spirit as a people." That is not the hard, courageous way, as he presents it, but the politically easy way, for the short run: Easier than admitting past mistakes. It is not "the right way."

His solution remains that of his predecessors: To postpone such a development simply by continuing the war, with its cost in Americans and Vietnamese lives.

In his speech, the President discusses the consequences of disengagement in emotional words—"defeat, betrayal, humiliation" that warn of years more war. He implies a sense of U.S. responsibility for political developments in South Vietnam that can be discharged only by indefinite combat engagement. His plan for "winning a just peace" is a plan for continuing U.S. involvement indefinitely, not at all a plan for ending it.

It is a policy that must goad the Hanoi leadership to challenge it by increasing the pressure of United States casualties, to which the President promises to respond by reescalation, against all past evidence—and consistent, reliable intelligence predictions—that this would neither deter nor end such pressure. In short, we have heard a plan not only for continuing the war but for returning it to levels—in firepower, commitment of prestige, destruction inflicted—recently abandoned. It is a plan and a speech we might have heard, without surprise from Johnson, Rusk, or Rostow; indeed, we have, many times.

Johnson's war lives on.

DEATH OF FORMER TENNESSEE GOVERNOR FRANK G. CLEMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 1 hour.

Mr. FULTON of Tennessee. Mr. Speaker, last evening a valued friend of mine—and of the State of Tennessee—and our Nation was killed in a traffic accident only a few miles from his home.

Frank G. Clement, who became the youngest Governor in the history of the State of Tennessee at the age of 32, died at the age of 49.

His untimely death has saddened all who knew him.

A nationally recognized leader within the Democratic Party, Governor Clement was a man of compassion.

He was first elected Governor in 1953, the last Governor to serve a 2-year term. He was reelected and then became the first Governor to serve a 4-year term in Tennessee. In 1962 he was again honored by his State and was again elected to a 4-year term as Governor. In all, Governor Clement served for 10 years as Tennessee's chief executive, more years of service than any other man has given to this office.

His accomplishments, particularly in the fields of education and health, will stand as a tribute to his ability and his concern for his State.

Throughout his life, Governor Clement was a man of outstanding capabilities. At the age of 16, he graduated with honors from high school in his hometown of Dickson, and entered Cumberland University at Lebanon, Tenn. Two years later, he transferred to the Vanderbilt School of Law, and a year before his graduation applied for his State Bar Association examinations. He was the top candidate over 243 other applicants. He then had to wait until his graduation and his 21st birthday to begin the practice of law.

Governor Clement was a man who was most happy in public service. He had much to give, and he gave of his talent and energies without reservations.

He was a good Governor, a dedicated public servant, and a close personal friend. I shall miss him.

Tennessee and our Nation shall also miss him, for at the age of 49 he was still at the peak of his ability to serve, and he had the talent wisdom and the energy to commit himself totally to the people of Tennessee.

His tragic and untimely death has left a void in the political life of our State.

Tennessee mourns his passing, and all of us join in expressing our sympathy to his wife, Lucille; his sons, Bob, Frank, and Gary, and to his outstanding father and mother, and members of his family.

Frank Clement will be remembered. His contributions to Tennessee stand as his memorial.

Mr. EVINS of Tennessee. Mr. Speaker, permit me to join my colleague, the gentleman from Tennessee (Mr. FULTON) and others in paying a brief but sincere tribute to the memory of former Gov. Frank G. Clement who passed away following an automobile accident in Nashville last night.

Certainly I was shocked and saddened to learn of the untimely and tragic passing of Governor Clement. He was an eloquent orator and colorful personality—and his record of public service was outstanding.

He not only served as Governor of the State of Tennessee for three terms but also attained national prominence in Democratic Party affairs, having served as keynote speaker at the Democratic National Convention in 1956.

He was first elected Governor in 1952 at the age of 32 as the Nation's youngest Governor after a vigorous campaign and an appeal for new and youthful leadership for the State. He later served a second 2-year term and following approval of a 4-year term, became the first Governor to serve the longer term. Under State law he could not succeed himself.

Governor Clement was born in 1920 in Dickson, Tenn. and attended Vanderbilt School of Law. He later became an agent for the Federal Bureau of Investigation and subsequently served in the Army, rising to the rank of first lieutenant.

He began his ascent to political prominence at the age of 26 when he effectively represented the Tennessee Railroad and Public Utilities Commission—and also assumed the statewide leadership of the American Legion, serving as State commander; the Young Democratic Clubs, the Red Cross, and the March of Dimes.

He received many honors, including designation as one of the "10 Outstanding Young Men of the United States" by the U.S. Junior Chamber of Commerce. He also served as chairman of the Southern Governor's Conference, chairman of the Southern Regional Education Board, and chairman of the Cordell Hull Foundation for International Education.

Governor Clement served his State well in the field of education, mental health, and in many other areas in which he took a deep interest. He campaigned on a program of progress that included emphasis on improvement of Tennessee's educational system.

Following his service as governor he resumed his law practice in Nashville.

Frank Clement will be greatly missed in Tennessee and I want to extend this expression of my deepest and most sincere sympathy to Mrs. Clement and his fine sons, James Gary, Frank, Jr., and Robert, and other members of his family.

Mr. KUYKENDALL. Mr. Speaker, like any politician who does a good job, Frank Clement was loved by many, hated by many others. He was the last of the oldtime orators, copying the style of William Jennings Bryan and Theodore Roosevelt. He became the Nation's youngest Governor at 32, and the spotlight never left him from that time on.

The size and importance of the monuments a man leaves behind him have always been our way of judging his life.

Frank Clement was not afraid to do the unpopular thing when it had to be done: He called out the National Guard in 1957, not to circumvent the law of the land, but to enforce it, at a time when it would have been expedient to do nothing. He heard the voice of education crying for sustenance, and he answered it with a tax increase that scarred him politically, but has never been repealed. He created a new cabinet post, the State commissioner of mental health, and fought to lift our mental institutions out of their deplorable conditions.

Frank Clement's monuments are the children who attend Tennessee's public schools, and the mentally ill whose dark shadows have been brightened. Though he was only 49, he could have no greater one.

Mr. ANDERSON of Tennessee. Mr. Speaker, the State of Tennessee mourns the passing of a major political leader of this era, former Gov. Frank G. Clement. For my own part, the loss is compounded, for this excellent man was also a close personal friend.

Frank Clement was the leading individual force through more than a half of the last 20 years of Tennessee government. This was an accomplishment based upon the force of a singular personality, and a style and substance of leadership that evoked trust and enthusiasm. Frank Clement built his own truly legendary reputation for political expertise and executive professionalism.

Tennessee is an intensely political State on all levels—rural and urban, State, Federal, local, and most of all personal. Competition is usually fierce and observation is critical. Politics may be the favorite indoor, outdoor, spectator, participatory and betting sport in the State. It was in this milieu that Frank Clement first won the governorship in 1952, then at the age of 32. There has not been a State or Federal election since that time when the position and the person of Frank Clement was other than a vitally important factor. In the farm kitchens, the general stores, on the public squares and in the government offices where political tales are retold late into the night—there will be Frank Clement stories at least until the turn of the century. And had he lived, it is entirely possible that Frank Clement would have been an active and formidable participant in the political competition of November 2000 A.D. For Frank Clement was last week still a young, vigorous man and political enterprise was his life blood.

There is a strange unreality in speaking of Frank Clement in the past tense. It is hard to think of any man who more persuasively personified vibrant, combative, relevant, masculine life—in, of, and for the day that he was living.

There is scarcely a major public issue in the last two decades upon which Frank Clement did not leave his mark, at least in Tennessee. His greatest achievements were in the State's vocational education network, the new system of junior and community colleges, the mental health program, and the highway system. He lent a Governor's weight against the practice of capital punishment. He was a civil rights moderate at a time when leadership of that description was rare.

There is much more that could be said; two battle scarred decades of political accomplishment and personal growth are not easily covered in a few paragraphs. Suffice to say that Tennessee has lost one of its most remarkable 20th century leaders, and its greatest modern orator. We have all learned from him. We shall all miss his influential presence.

Mr. Speaker, my wife and my family join me, as do his many personal friends in this body, in the expression of deep and profound sympathy to Mrs. Clement, to their three fine sons, to his parents, and all the members of his family.

Mr. QUILLEN. Mr. Speaker, I was shocked and saddened to learn of the untimely passing of former Gov. Frank Clement.

He was a great Governor and ingratiated himself into the hearts of the people of Tennessee. He rose to the highest pinnacle of success in his party when he was the keynote speaker at the Democratic National Convention in 1956.

He served the State as Governor for three terms. He was first elected to that office in 1952 and, at the early age of 32, he held the position of being the youngest Governor in the United States.

I served for one term as minority leader in the State House of Representatives in Nashville when Frank Clement was Governor. He never let politics interfere with the progress of Tennessee. He devoted his efforts to better education, better government, and expansion of mental health facilities throughout the State.

My wife joins me in extending our deepest sympathy to his wife, his children, and members of his family.

Mr. BROCK. Mr. Speaker, Frank Clement's untimely loss will be deeply felt by all Tennesseans. He was one of the best-known political figures in our State, and with good reason.

Elected the youngest Governor in the United States in 1952, he served from 1953 to 1959, and again, from 1963 to 1967. Frank Clement, in a relatively short life, achieved a lengthy record of public service and achievement.

He was a sincere, dedicated man with many gifts, and one of Tennessee's most popular Governors. He is a man who will be missed.

Mr. JONES of Tennessee. Mr. Speaker, "How long? O Lord, how long?" asked young Gov. Frank Clement in his keynote address to the Democratic National Convention in 1956. These words brought national attention to focus on Frank Clement, the man who had become the youngest Governor our State of Tennessee ever had. But he was an orator of the old school, perhaps the last our State of Tennessee ever had.

Frank Clement was a brilliant young man. He is the only man I ever knew who worked his way through law school by practicing law. His mind was such as to enable him to pass the Tennessee bar examination after only 1 year of law school. He was a practicing attorney in Nashville as he completed the last 2 years at the Vanderbilt School of Law. Later, he was to serve his beloved Tennessee as Governor for periods totaling 10 years.

On his next birthday, Governor Clement would have been only 50 years old. But an automobile crash last night in Nashville extinguished this man's once brilliant light.

We shall miss Frank Clement, for Tennessee will never again be the same without him. With his death, a great chapter in the history of our State has ended.

Mr. BLANTON. Mr. Speaker, the people of Tennessee are saddened today by reports that our three-time former Governor, Frank G. Clement, was the victim of a tragic automobile accident last evening near his home in Nashville.

Many Members of this Chamber, and of the Senate, knew Frank Clement personally, for his influence spread far beyond the borders of Tennessee.

I served in the Tennessee Legislature in 1964–65, during his last term as Governor. I had always admired his outstanding leadership qualities, but it was during this term that he particularly demonstrated the most memorable trait—that of political courage regardless of the political consequences.

We all knew him to be ambitious. He himself had often spoke of serving in the U.S. Senate, and after his 1956 keynote address for the National Democratic Convention, many people, throughout the Nation, spoke of him as a potential vice-presidential candidate. But Frank Clement never allowed his ambitions to interfere with his convictions.

During his last term as Governor, he did the politically disasterous act of raising taxes. He did not feel that Tennessee could establish the progressive stature that he felt necessary without additional revenue. The action proved unpopular, as he expected, and it shattered his ambition to serve his State in the U.S. Senate.

People will remember Frank Clement for this act of courage. We will remember him for his forscenic talent, for the South has had few speakers who could captivate an audience as Frank Clement could. But I think most of us will also remember this remarkable man for the unprecedented record he established in the 10 years he served as chief executive of our State. The list of his accomplishments, ranging from the first comprehensive mental health plan, to massive roadbuilding and free textbooks for schoolchildren—these will be the monuments for generations of Tennesseans to remember him by.

Mr. Speaker, I join with my colleagues in expressing my deep sorrow of the passing of one of the greatest statesman-Governors our State has ever had.

GENERAL LEAVE TO EXTEND

Mr. FULTON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject matter of my special order today at the conclusion of all other business.

The **SPEAKER** pro tempore. Is there

objection to the request of the gentleman from Tennessee?

There was no objection.

MISJUDGING THE SILENT MAJORITY—OR "TRUST ME, CHARLIE BROWN"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 30 minutes.

Mr. PODELL. Mr. Speaker, the other night our entire Nation sat on the edge of its collective chair, awaiting something new and constructive on Vietnam from President Nixon. America waited in vain. After vast public relations heavings, we got a tired, strained rehash of old platitudes and lush metaphors. In sum, there was not a single new note of substance sounded. Not a single tangible advance toward American extrication was announced. Not a single new approach was mentioned. In effect, President Nixon went to America and in 33 minutes of prime television time in effect said, "trust me." The Nation expected far more than what it got.

After the pancake makeup has been scraped off and the klieg lights go dark, we remain with nothing further to hope for but more of the same. President Nixon blamed the Democrats for the war, told us he had sought peace, thumbed his nose at the peace movement in its entirety, and asked the Nation to trust him indefinitely. What does this mean in concrete terms? That Americans will die and treasure will be poured out in an unbroken stream, without further assurances that meaningful measures are being taken to wind down our involvement. No greater confession of executive bankruptcy has been offered in recent years.

Even as the President spoke, the level of hostilities in Vietnam involving Americans was increasing. Not a word was said about our growing military involvement in Laos, over which we are now flying 12,500 combat missions weekly. No pressure was discernible upon the Thieu-Ky regime to either become more effective or more broadly based. No hint was dropped that could allow us the luxury even for a moment of feeling that new departures were being undertaken to arrive at a rapprochement.

In place of a reiteration of a desire to compromise, we discover high-level intransigence. In effect, President Nixon wrote off the Paris talks up to now and for the immediate future. If Hanoi wishes to remain averse to further compromise, we can be committed to Vietnam at the present level of endeavor for the foreseeable future. I submit then, that the silent majority the President aimed at will find this possibility utterly unacceptable and intolerable.

We have taken all immediate pressure off the Thieu-Ky regime to reform, broaden its base and reflect more of the thinking of Vietnam's non-Communist elements. They now know that President Nixon will back them to the hilt, using the lives of American soldiers to do so. The generally incompetent army of South Vietnam can rest easy now, for the GI will continue to do the lion's share of the dangerous work and the dying.

The President could have begun a steady draining away of nonessential, noncombat units from the American forces there. There are several hundred thousand of these troops, who could be withdrawn without affecting our combat capability. By beginning their withdrawal, we could serve notice upon the South Vietnamese that we are inexorably preparing our final departure, while simultaneously cutting back on the intolerable cost of this conflict.

None of these possibilities were advanced. No hope was held out. A few appealing words were leveled at the young, who will by and large ignore them. Never has a President been so hopelessly out of communication with an entire generation of young people. No credit was given the peace movement, which was ignored and even assailed by many of the implications in the President's speech.

When we boil the entire package down, the residue is small and disheartening. Trust me, is the message. I would sooner believe the weatherman's promise of rain. Trust me and wait, is the message. Until when, Mr. President? Only a few months free of criticism, burbles the message from the White House. How many more months will be asked for after that? Until Armageddon? Until dead men rise and walk? Instead of substance we have form. Instead of progress toward peace we have assurance of more war. Instead of compromise we have intransigence and a plea of "trust me."

Mr. Speaker, we are all more or less familiar with the "Peanuts" comic strip. One of Lucy's cruelest jokes is to encourage Charlie Brown to kick the football, which she always pulls out of the way as he attempts to kick it. Her cry is always, "Trust me, Charlie Brown."

THE SST FIASCO: A NEW NOTE OF SKEPTICISM FROM THE AIRLINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, nine major U.S. airlines—American, Braniff, Continental, Delta, Eastern, Northwest, Pan American, TWA, and United—have contributed risk money to support the SST research and development program. The total—$51 million—is not much as these things go, but it at least showed that somebody, somewhere, liked the SST.

It is not surprising, therefore, that the Federal Aviation Administration turned to these supposedly friendly and committed airlines for comments when, in January of this year, the Nixon administration began a comprehensive review of the SST program. Surely if there were good words to be said about the SST, those airlines that had already shown their faith in the plane could be counted upon to say them.

Imagine the FAA's chagrin, therefore, when the responses started coming in, in late February. What the airlines told the Government, in effect, was: Go ahead and build the SST prototypes if you want, but do not expect any more help from us.

I should say, as an aside, that it was only after much requesting and prodding that the Department of Transportation finally made these letters available to me. I can see now why they wanted to keep them secret.

As a spokesman for airline A put it—DOT blocked out the airline names before making the letters available:

> In light of the somewhat negative aspects bearing upon the SST program as of now and our existing capital commitments, I would be unwilling to recommend to —— Board of Directors the venturing of any additional risk capital beyond the $—— million we have already contributed, in addition to our $—— million deposit for delivery positions.
>
> If our government's assessment of this program indicates that the United States must retain its dominant position in the aircraft manufacturing industry for national reasons, then it is my opinion that the development cost risks must be assumed by the government.

Airline F said much the same thing:

> We would be less than fair if we left any implication that this airline could at this time afford to make any further contributions to the advanced funding of the research and development represented by the prototype program.

One searches in vain for an indication that any one of the nine airlines is willing to drop more money on the SST.

Why this sudden skepticism? The airlines themselves give the answer:

AIRLINE A

First, the operating economics of the presently proposed SST indicate that a substantial fare premium undoubtedly will be required to match the economic performance of the present generation of subsonic jets.

Second, there appears to be serious doubt that the proposed SST can meet existing or proposed airport noise criteria.

Third, the SST undoubtedly will be limited to overwater operation because of the sonic boom problem.

Fourth, the final cost per airplane will undoubtedly fall in the $40–$50 million area representing an enormous risk per single vehicle.

Fifth, important and costly improvements are immediately required to bring both our airways and airports up to a capacity compatible with the current and future traffic demand.

AIRLINE G

Sonic Boom: The indicated over-pressures are of sufficient magnitude to restrict by definition the aircraft's operation to overwater and hence, essentially, intercontinental use. This of course results in an airplane which has little if any use in domestic transcontinental operations.

Community Noise: The current prototype design as well as the planned improvements to be obtained from the advanced technology do not seem to indicate a practical means of reducing external noise to a degree which would achieve compliance with the proposed noise regulations other than by methods which certainly impose unrealistic penalties both in performance and economic values to the airplane.

Size: The 5-abreast 234 passenger prototype airplane design currently proposed by Boeing and validated by the FAA is not an airplane that embraces sufficient weight or space payload to be economically viable at other than substantailly increased fare levels over those which we know today. The unknown changes in our economy between now and the planned availability of a production SST in 1978 or 1979 make the economic factors in this regard even more difficult to assess.

Competitive Aspects: The combined effects of the economic factors coupled with what we believe may be the non-competitive aspects of the small diameter fuselage, as compared to the (by then) publicly accepted wide bodied aircraft such as the 747, L–1011, and the DC–10, pose a real question as to public acceptance of the design despite its obvious speed advantage.

AIRLINE H

We continue to be concerned about many of the technical aspects of the program, including weight and balance, flutter and dynamics, engine inlet design, and airport and community noise.

Experience has indicated that solutions to problems of this type invariably add complexity and weight to an aircraft. Since the design payload-range characteristics already appear marginal, we question whether an economically viable airplane can be produced until these solutions are accurately defined.

AIRLINE I

Present indications are that the SST program will not produce a vehicle as economically viable for airline use as formerly was believed to be the case.

Although all the airlines recommended a go-ahead for the prototype testing program—after all, it isn't going to cost them anything—some of them were critical of the prototype program, and none were willing to recommend a start on production before the completion of prototype testing.

AIRLINE H

We feel that the prototype flight test program as proposed may be inadequate to develop solutions to the major technical problems . . .

We believe that the prototype aircraft program should be conducted in a manner such that there will be no expenditure of funds related to a production program until the prototype aircraft program has met the technical development objectives.

AIRLINE I

The Boeing prototype design is not well suited and should not be planned for production application because of its prospective relatively poor economic characteristics. Final design of the production type aircraft should wait on the results of prototype aircraft development and testing programs.

Another theme running through the airlines' comments is a fear that concentration on the SST will distract the government from what the airlines feel is the No. 1 priority—airport improvement and expansion, reducing congestion in the airways, and improved air traffic control.

AIRLINE A

If our country must make a choice between appropriations for improvements of our airways-airport systems or furthering the development of the SST, then there is no question that airways-airports must be the choice.

The provision of completely adequate airways and airports in this country must take precedence over any other consideration if the vigor of our economy is to be maintained. If there are funds available after the above need is satisfied, then these funds should go toward the orderly development of an SST at whatever rate of progress is possible.

AIRLINE D

We could not in good conscience recommend the allocation of any funds to the SST Program that would delay or interfere in any way with the solution of our airport and airways congestion problems and the modernization of Airways Traffic Control equipment and procedures.

Mr. Speaker, this skepticism on the part of America's airlines should be a warning signal. If the airlines themselves are unwilling to sink any more money into the SST, how can we possibly justify spending more than a billion dollars of the taxpayer's money on this plane? Our free enterprise system has retired to the sidelines, ready to cheer the Federal Government on to ever-greater spending, but unwilling to drop any more of its own money.

It is left to the Government and the average taxpayer to subsidize this supersonic boondoggle. Wealthy business executives and jet setters are to be sent to Paris 3 hours faster—at the taxpayer's expense.

Mr. Speaker, this is the brave new world—socialism for the rich, rugged individualism for everyone else.

I include the full text of the airlines' letters in the RECORD at this point:

AIRLINES' REPORT ON SST

AIRLINE A

FEBRUARY 18, 1969.

Mr. DAVID D. THOMAS,
Acting Administrator,
Federal Aviation Administration,
Washington, D.C.

DEAR DAVE: I have just completed a review of the redesign features as well as the operating economics of the Boeing SST with ———. This review has resulted in some alteration of ——— position relative to the SST development program. You are aware that throughout the initial years of development ——— has taken a positive approach to this new technology and has participated fully with the airlines committee. However, the recent SST review along with an assessment of the environment in which we are currently operating has led us to take a different posture than has been the case to date. The factors influencing this change are:

First, the operating economics of the presently proposed SST indicate that a substantial fare premium undoubtedly will be required to match the economic performance of the present generation of subsonic jets.

Second, there appears to be serious doubt that the proposed SST can meet existing or proposed airport noise criteria.

Third, the SST undoubtedly will be limited to overwater operation because of the sonic boom problem.

Fourth, the final cost per airplane will undoubtedly fall in the $40–$50 million area representing an enormous risk per single vehicle.

Fifth, important and costly improvements are immediately required to bring both our airways and airports up to a capacity compatible with the current and future traffic demand.

There are other factors which weigh against unqualified commitment to the SST development schedule, but the above are the most important ones in my view. In light of the somewhat negative aspects bearing upon the SST program as of now and our existing capital commitments, I would be unwilling to recommend to Board of Directors the venturing of any additional risk capital beyond the $— million we have already contributed, in addition to our $— million deposit for delivery positions.

If our government's assessment of this program indicates that the United States must retain its dominant position in the aircraft manufacturing industry for national reasons, then it is my opinion that the development cost risks must be assumed by the government. Finally, if our country must make a choice between appropriations for improvements of our airways-airport systems or furthering the development of the SST, then there is no question that airways-airports must be the choice.

In summation, the provision of completely adequate airways and airports in this country must take precedence over any other consideration if the vigor of our economy is to be maintained. If there are funds available after the above need is satisfied, then these funds should go toward the orderly development of an SST at whatever rate of progress is possible.

I hope that the above may be helpful to Secretary Volpe in arriving at a sound decision on the future of the program.

Best personal regards.

Sincerely,

——— ———.

AIRLINE B

MARCH 1, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. THOMAS: In reply to your letter dated January 24th, as amended by you to extend the reply date to March 1, 1969, we herein submit our comments on the proposed design and other aspects of the Supersonic Transport Program as it now faces a major governmental decision.

The SST Office of the Federal Aviation Administration, and in particular General Maxwell himself has been most helpful to us in providing information obtained during their analysis and in briefing us on their conclusions with respect to the current proposed design of and potential for the Supersonic Transport.

The current proposed design of the U.S. Supersonic Transport is in our opinion the best which can be obtained on the drawing board. We believe that the years of study to this point have led to a design which cannot be improved in this phase but must go forward to the prototype construction before obtaining additional answers of any real significance. We believe the design is straightforward and honest and certainly represents the best of the current state of the art.

We share with your evaluation team real concern in certain areas. The airport and community noise problem is perhaps the foremost of these. However, we believe that there is time during the construction and testing of a prototype and that that would be the right time to find any available answers to this problem and to design and test suppressive devices of all types. In this regard, we believe that there must be room also for an increase in engine size and thrust to overcome what may well be found as a requirement during testing, i.e., increased thrust to meet under all conditions actual range, payload and weight conditions and, most important, to overcome whatever thrust may be lost due to the introduction of noise-suppressing devices. We believe the concern with regard to the engine inlet can be resolved through construction and testing and through the results of the prototype phase of the program. We also believe that the wing flutter problem is one which is undertsood and can be resolved with, of course, the increase in weight which usually accompanies such a program, thus the requirement to remain somewhat flexible in terms of total gross weight and engine thrust to accompany it. There are other problems, well-known to your evaluation team and including such items as the suitability of the current state of the art in tire manufacture and other hydraulic, electrical and flight control systems on the aircraft. Again, however, we believe that we have gone as far as we can on the drawing board and must, if we are to proceed at all, go forward into the prototype design, construction and flight, using the best United States engineering talent to solve problems as they occur during these phases.

While we are not aerodynamicists, we do believe that it is inherent in a Supersonic Transport Program to consider that certain aspects of aerodynamics cannot be solved except through actually flight of a vehicle as close as possible in size and shape to that which may be the only economic model. Thus it is our suggestion that the prototype be designed and constructed, probably in the "six-abreast" fuselage size, as closely matched as possible to what which we and the FAA have used to develop our economic viability studies. We must then in designing and flying the prototype determine the appropriate engine size and other characteristics which go with an aircraft size whose potential at reasonable load factors is to attract passengers and, again as a potential, achieve without too great a fare surcharge a reasonable rate of return for us.

If we go forward in a prototype phase program with the determination to solve problems as we now see them and to demonstrate the flight characteristics, in a model which can meet airport and community noise criteria and which is designed to carry enough payload for the required range goals, then in our opinion the timing is such that the United States could remain and hold its superiority in the world market for transport aircraft. Looking forward to such a model in the not-too-distant future and knowing that a full-scale prototype testing program is being accomplished prior to a commitment to production, we, at least as one airline, would try to hold out for the U.S. product. Furthermore, if this model is designed to sufficient capacity and range and designed to be economic in its operation, then it should have most of its own market since it will be sufficiently different from anything now proposed by the British, French and Russian interests.

While we see many problems to be solved and at least a medium degree of risk, it is our opinion that if the United States is to have a Supersonic Transport at all we should go forward into Phase III or the prototype phase of the program. A delay would be the wrong decision in our opinion. The program should either go forward or be terminated. We recommend that it go forward. In any other event, we will not know whether our goals can be achieved.

Sincerely,

——— ———.

AIRLINE C

FEBRUARY 27, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Department of Transportation, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: Thank you for the opportunity to comment on the future of the SST program.

There are four elements critical to a successful program:

1. A solution of the sonic boom problem.
2. An acceptable level of airport noise.
3. The ability to operate over reasonable distances non-stop.
4. Seat mile costs reasonably related to costs of subsonic aircraft.

Our first recommendation is that criteria be developed for each of these four elements and made a part of the SST program.

Our second recommendation is that a prototype SST be funded, developed and tested, if reasonable assurance can be given that (a) the prototype will meet the established criteria or (b) will provide research information which will enable the criteria to be met.

Members of our staff are ready to discuss with you the specific criteria that might be appropriate and to assist in any other way you may find helpful.

Sincerely,

——— ———.

AIRLINE D

FEBRUARY 17, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Department of Transportation, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: As a result of our analysis of the data submitted to us by the Boeing Company, and the reports on the technical review of the SST B2707-300 and its prototype by the FAA SST Evaluation Team, we believe that sufficient progress has been made to warrant government approval of the construction and testing of the Boeing SST prototype aircraft.

It is obvious that there are still some serious problems in the areas of community noise and economics. It also appears certain that the operation of the SST will be restricted to subsonic speeds over inhabited areas because of the sonic boom. This will limit utilization and place an arbitrary ceiling on the total market for supersonic aircraft, increasing the unit cost.

In spite of the negative aspects of the SST Program, we believe it is unrealistic to assume that supersonic transports will not be built and flown over the world's airways. We further believe we have the technology and manufacturing capability in this country to produce a superior SST.

Because of the costs involved it must be a government decision as to the priority assigned to the program. We could not in good conscience recommend the allocation of any funds to the SST Program that would delay or interfere in any way with the solution to our airport and airways congestion problems and the modernization of Airway Traffic Control equipment and procedures.

Sincerely,

——— ———.

AIRLINE E

FEBRUARY 26, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Washington, D.C.

DEAR Mr. THOMAS: We have reviewed the technical data describing the proposed redesign of the Boeing Supersonic Transport 2707-300. As you requested in your letter of January 14, 1969, I offer my recommendations.

The development of an economically viable SST is a logical step in the growth of the transportation industry to better serve the needs of the people of the world. I believe the program should continue.

Because the SST is such a big step in the state of the art, we should build a prototype to work out the solutions to the many technical problems facing the designers. The prototype flight testing should precede commencement of the production phase. This would aid us greatly in determining the optimum size and give a much greater possibility of success.

The construction of the first aircraft should begin at the earliest reasonable opportunity consistent with normal times required to complete the preliminaries.

The government should underwrite this project as research and development in the field of large supersonic aircraft which would undoubtedly have great benefit to other programs.

Sincerely,

——— ———.

AIRLINE F

MARCH 1, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: These comments on the U.S. SST program respond to your letter of January 24, 1969.

We appreciate the briefing given our representatives by the FAA team in Washington on February 6. The views of your team have been major factors in the formulation of our own position on our SST program. All must agree with your team that there are risks in undertaking the SST program, as there are risks in any big program involving advances in the state of the art, in the engineering and in the designing of complex technical equipment. We do not believe that these risks would be substantially reduced by further abstract study or academic research.

We have no doubt that viable, civil-commercial supersonic air transportation is inevitable. Our only doubt concerns whether European industry, Russian industry or American industry will lead and when such dominating leadership will be established. The recent flights of the Tupoley 144 and the Concorde underscore this point.

Consequently, in the interest of maintaining leadership of U.S. air transportation and aircraft construction by providing the public with ever-improving, time-saving mobility, and its attendant help to our balance of international trade, we believe that we should get on with the prototype program in order to be reasonably certain of the quality of eventual production models of supersonic aircraft.

As we recognize that this procedure will require enormous additional funding, we would be less than fair if we left any implication that this airline could at this time afford to make any further contributions to the advanced funding of the research and development represented by the prototype program. Our unprecedented contribution of $1 million per aircraft, which we have already been obliged to contribute to this research and development, has for the present exhausted our stockholders capacity to finance research and development of supersonic transportation. We suggest that the position of our foreign competitors in this regard may be different. That competition consists primarily of Government-owned airlines and it is not particularly material whether their Governments finance or subsidize either aircraft development, airline operation or both.

It seems evident that a considerable amount of prototype flying must be completed and evaluated before the state of quantity production. Our analysis of the suggested production aircraft has convinced us of the necessity of proceeding through Phase III to the completion of the prototype flying. Only as a result of such a program can we achieve the substantial overall improvements which are required.

As mentioned in my wire of February 25, there is concern that if the U.S. program is further delayed, there is some possibility that the ultimate market will be reduced through greater availability of Concordes and TU-144's or, more importantly, by giving time for an improved version of either to become available.

Because of the value of time to the travellers of the world and for reasons of national interest, favorable balance of international trade, and maintaining the leadership of U.S. air transportation and aircraft construction, we believe that the SST Prototype program should be continued.

Sincerely yours,

——— ———.

AIRLINE G

FEBRUARY 20, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Department of Transportation, Federal Aviation Administration, Washington, D.C.

DEAR MR. THOMAS: In response to your recent invitation to provide you with airline comments regarding the currently proposed Boeing SST 2707-300 airplane, our evaluation of the design data supplied to us by Boeing and validated by the FAA Supersonic Transport Development Group is as follows:

The prototype design data defines an airplane which we believe is technically adequate for prototype test purposes, and the design should be capable of providing sufficiently accurate test data to permit the manufacturer to proceed with the development of a production airplane providing satisfactory solutions can be found for the following major problems.

Sonic boom

The indicated over-pressures are of sufficient magnitude to restrict by definition the aircraft's operation to overwater and hence, essentially, intercontinental use. This of course results in an airplane which has little if any use in domestic transcontinental operations.

Community noise

The current prototype design as well as the planned improvements to be obtained from the advanced technology do not seem to indicate a practical means of reducing external noise to a degree which would achieve compliance with the proposed noise regulations other than by methods which certainly impose unrealistic penalties both in performance and economic values to the airplane.

Size

The 5-abreast 234 passenger prototype airplane design currently proposed by Boeing and validated by the FAA is not an airplane that embraces sufficient weight or space payload to be economically viable at other than substantially increased fare levels over those which we know today. The unknown changes in our economy between now and the planned availability of a production SST in 1978 or 1979 make the economic factors in this regard even more difficult to assess.

Competitive aspects

The combined effects of the economic factors coupled with what we believe may be the non-competitive aspects of the small diameter fuselage, as compared to the (by then) publicly accepted wide bodied aircraft such as the 747, L-1011, and the DC-10, pose a real question as to public acceptance of the design despite its obvious speed advantage.

We are mindful that each new airplane development program to date has included a fair amount of risk, and we are also aware of the importance of our airline industry maintaining its posture of progress internationally and domestically. Recognizing that the above problem areas cannot be adequately defined or solutions arrived at without a prototype program, we feel that serious consideration should be given to proceeding with the prototype development of the presently proposed SST. From standpoint and for the aircraft to be useful over our present route system, solutions to the outstanding problems must be found which would lead to a production airplane of sufficient size, with reasonable flexible and competitive economic capabilities, and possessing performance and noise characteristics that will insure its use on a generally non-restrictive basis in the time period for which it is to serve.

Sincerely,

——— ———.

AIRLINE H

FEBRUARY 25, 1969.

Mr. D. D. THOMAS,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. THOMAS: We have reviewed the most recent B-2707 design submitted by The Boeing Company for a prototype supersonic transport, as well as the evaluation conducted by your Office of SST Development.

As you know ——— has invested almost $——— million and a vast amount of technical and economic effort in this program. Consequently, we have a vital interest in its success.

However, we continue to be concerned about many of the technical aspects of the program, including weight and balance, flutter and dynamics, engine inlet design, and airport and community noise.

Experience has indicated that solutions to problems of this type invariably add complexity and weight to an aircraft. Since the design payload-range characteristics already appear marginal, we question whether an economically viable airplane can be produced until these solutions are accurately defined.

We believe that some of the current problem areas lend themselves to further analysis, whereas others will require extensive hardware development and a flight testing program. We feel that the prototype flight test program as proposed may be inadequate to develop solutions to the major technical problems.

It is our recommendation, therefore, that:

1. Boeing be directed to complete those analyses which can be meaningfully undertaken prior to a final definition of a prototype aircraft.

2. Upon completion of these analyses, a two-prototype aircraft program be undertaken without a commitment of resources to a production aircraft program.

We believe that the prototype aircraft program should be conducted in a manner such that there will be no expenditure of funds related to a production program until the prototype aircraft program has met the technical development objective. It is our belief that the technical progress accomplished during an adequate prototype program will result in the definition of a production airplane that varies so significantly from the prototypes that any investments in such areas as production tooling, passenger interior accommodations and food service installations would be wasted.

Rather than delaying the ultimate certification date of the production airplanes, we believe that the program defined above will not only result in a better product, but is likely to gain rather than lose time and, most certainly, conserve development funds.

We appreciate the opportunity to comment on this important program and look forward to its development at an aggressive and realistic pace.

Sincerely,

——— ———.

AIRLINE I

FEBRUARY 28, 1969.

Mr. DAVID D. THOMAS,
Federal Aviation Administration,
Washington, D.C.
Subject: Supersonic transport program.

DEAR MR. THOMAS: I am pleased to present ——— views on the proposed Boeing SST design and certain other SST program aspects in response to your letter request of January 24, 1969.

Present indications are that the SST program will not produce a vehicle as economically viable for airline use as formerly was believed to be the case. Nevertheless, in view of the efforts of other nations in the SST field, ——— remains convinced that national interest considerations, relating to the balance of payments and the competitive position of our aeronautics manufacturing industry, would be served by development and production of U.S. SST's at an early date. Accordingly, we urge continuation of the U.S. SST program in an uninterrupted and aggressive manner.

It is ——— considered opinion that the U.S. supersonic transport program has reached a stage from which further progress can best be achieved by the construction of experimental prototype aircraft. We recommend that development, construction, and testing of the Boeing experimental prototype aircraft be authorized and that this program be expedited. It is by this means that needed state of the art advances in such significant areas as structure, propulsion, aerodynamics, and systems design and development can be achieved most reliably and quickly. Further, prototype aircraft development and testing will hasten the day when definition and production of certificated aircraft can be reliably undertaken on an acceptable risk basis.

——— recommends that the design of the prototype vehicles be defined by Boeing to achieve maximum state of the art advances in the stated areas and additionally to minimize the time required to achieve economically viable and operationally practical production aircraft. Specifically, in response to General Maxwell's question, whatever prototype fuselage size will best fit these two broad objectives should be selected. Development of the prototype should attempt to achieve payload range improvements, better noise attenuation features, and reduction in approach, landing, and takeoff speeds.

The Boeing protoype design is believed to be well suited for experimental and developmental purposes. However, it is not well suited and should not be planned for production application because of its prospective relatively poor economic characteristics. Final design of the production type aircraft should wait on the results of prototype aircraft development and testing programs.

Thus, summarily, recommends the uninterrupted continuation of the U. S. supersonic transport development program to achieve early construction of experimental prototype aircraft so as to advance the state of the art and provide the basis for the early development of fully viable production supersonic transport aircraft.

Recommendations reflect not only the results of careful and detailed technical analyses of the proposed Boeing designs, but also a high degree of technical judgment as to what may be attainable through prototype development efforts, all combined with business judgment as to general aircraft characteristics that must be produced if the program is ultimately to succeed in the international marketing arena. It is important that the production U. S. SST have superior economic viability compared not only to the Concorde as we know it today and the Russian TU 144 as we surmise it, but to prospective second generation design of these aircraft as well, for they surely will exist by the time the production U. S. SST is available in fleet quantities. The most expeditious and soundest way to undertake to meet this challenge is to proceed at once on an expedited basis with the development of experimental prototype aircraft.

I am appreciative of this opportunity to comment. We commend the FAA for its management of the supersonic transport development program. No program which involves state of the art developments such as this one is without troublesome times and great problems. The FAA's reorientation of the program last year is most commendable. A sounder basis for moving forward has resulted.

Summary report of its technical findings is available on request.

Sincerely,

——— ———.

THE AMERICAN ASSEMBLY REPORTS ON "THE STATES AND THE URBAN CRISIS"

(Mr. REUSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. REUSS. Mr. Speaker, the 36th American Assembly was held at Arden House, Harriman, N.Y., on October 30 to November 2, 1969.

The participants in the conference on "The States and the Urban Crisis," 85 in all, came from all sections of the Nation, and represented different pursuits and viewpoints. The participants are listed, as follows:

Thomas Ashley, Representative from Ohio, Congress of the United States.

Roy W. Bahl, International Monetary Fund, Washington, D.C.

Francis M. Barnes, Senior Vice President, Crown Zellerbach Corp., San Francisco.

Joseph W. Barr, Jr., Secretary of Community Affairs, State of Pennsylvania.

Raymond Bateman, Majority Leader, New Jersey Senate.

John E. Bebout, Professor of Urban Studies, University of Texas (Arlington).

Mrs. Bruce B. Benson, President, League of Women Voters of the U.S., Washington, D.C.

Thad L. Beyle, Professor of Political Science, University of North Carolina.

Albert Blumenthal, Deputy Minority Leader, Assembly of the State of New York.

Arthur Bolton, Arthur Bolton Associates, Sacramento.

Courtney C. Brown, Editor, Journal of World Business, New York.

Willie L. Brown, Jr., Assistant Minority Leader, Assembly, California Legislature.

Alan K. Campbell, Dean, Maxwell School of Public Affairs, Syracuse University.

Jack M. Campbell, President, Federation of Rocky Mountain States, Denver.

Mrs. John A. Campbell, Director, Education Fund, League of Women Voters of the U.S., Washington, D.C.

Lisle C. Carter, Jr., Vice President, Cornell University.

William N. Cassella, Jr., Executive Director, National Municipal League, New York.

Hale Champion, Vice President, University of Minnesota.

William G. Colman, Executive Director, Advisory Commission on Intergovernmental Relations, Washington, D.C.

Brevard Crihfield, Executive Director, The Council of State Governments, Secretary, National Governors Conference, Lexington, Kentucky.

Talbot D'Alemberte, Member from Miami House of Representatives, State of Florida.

John M. DeGrove, Dean, Florida Atlantic University.

James B. Dwyer, Harriman Scholar, Columbia University.

Christopher Edley, The Ford Foundation, New York.

Eli Evans, Carnegie Corporation of New York.

William R. Ewald, Jr., Development Consultant, Washington, D.C.

John Fischer, Editor, *Harper's Magazine*, New York.

Picot B. Floyd, City Manager, Savannah.

Robert D. Fulton, Fulton, Frerichs & Nutting, Waterloo, Iowa.

John W. Gallivan, Publisher, *The Salt Lake Tribune*, Utah.

Benjamin A. Gilman, Member from Middletown, Assembly of the State of New York.

Frank P. Grad, Director, Legislative Drafting Research Fund, Columbia University.

Thomas J. Graves, U.S. Bureau of the Budget, Washington, D.C.

John J. Gunther, Executive Director, U.S. Conference of Mayors, Washington, D.C.

Donald Haider, Harriman Scholar, Columbia University.

Allan Harvey, President, DASOL Corporation, New York.

Theodore L. Hazlett, President, The A. W. Mellon Educational and Charitable Trust, Pittsburgh.

Donald G. Herzberg, Executive Director, The Eagleton Institute of Politics, Rutgers University.

Jonathan B. Howes, Director, Urban Policy Center, Urban America, Inc., Washington, D.C.

Warren C. Hyer, Jr., Harriman Scholar, Columbia University.

Jay Janis, The Janis Corporation, Miami.

Verne Johnson, Vice President, General Mills, Inc., Minneapolis.

Leroy Jones, Commissioner of Community Affairs, State of Connecticut, Hartford.

Ross Jones, Vice President, The Johns Hopkins University.

Amos A. Jordan, Colonel, USA, Head, Department of Social Sciences, U.S. Military Academy, West Point.

John P. Keith, President, Regional Plan Association, New York.

John N. Kolesar, Deputy Commissioner, Department of Community Affairs, State of New Jersey, Trenton.

Charles F. Kurfess, Speaker, Ohio House of Representatives.

V. F. Lechner, President, American Sterilizer Company, Erie, Pennsylvania.

Warren T. Lindquist, Rockefeller Family & Associates, New York.

Edward Logue, President, New York State Urban Development Corp., New York City.

Jeanne R. Lowe, Consultant on Urban Affairs, *Saturday Review*, New York.

Edward Marcus, Majority Leader, Senate of the State of Connecticut, New Haven.

Larry Margolis, Executive Director, Citizens Conference on State Legislatures, Kansas City.

Neal Maxwell, Executive Vice President, University of Utah.

David A. Meeker, Executive Secretary to the Mayor, St. Louis.

Ian Menzies, Managing Editor, *The Globe*, Boston.

Frederic Mosher, Carnegie Corporation of New York.

Rt. Rev. George M. Murray, Bishop of Alabama, Protestant Episcopal Church, Birmingham.

Selma J. Mushkin, The Urban Institute, Washington, D.C.

Arthur Naftalin, Professor of Public Affairs, University of Minnesota.

Alfred C. Neal, President, Committee for Economic Development, New York.

Mrs. Maurice Pate, Organization Director & Consultant in Higher Education & Community Affairs, New York.

Joseph A. Pechman, Director of Economic Studies, The Brookings Institution, Washington, D.C.

John Pincus, *Rand Corporation*, Santa Monica.

Frederick Pope, Jr., Pullman, Comley, Bradley & Reeves, Bridgeport.

James Reichley, *Fortune*, New York.

Henry S. Reuss, Representative from Wisconsin, Congress of the United States.

Herrick S. Roth, President, Colorado Labor Council, AFL–CIO, Denver.

Terry Sanford, Sanford, Cannon, Adams & McCullough, Raleigh, North Carolina.

Donna E. Shalala, Asst. Professor of Social Science, Syracuse University.

Paul F. Sharp, President, Drake University.

Horace E. Sheldon, Director, Governmental Affairs Office, Ford Motor Company, Dearborn.

Don Shoemaker, Editor, *The Miami Herald*.

Robert Singleton, Afro-American Studies Center, University of California, Los Angeles.

Claude Sitton, Editorial Director, *The Raleigh Times*, North Carolina.

Philip C. Sorensen, Executive Director, Cummins Engine Foundation, Columbus, Indiana.

Robert F. Steadman, Committee for Economic Development, Washington, D.C.

Stanley S. Surrey, Professor of Law, Harvard University.

Jack Tarver, President, The Atlanta Newspapers, Inc., Georgia.

Karsten J. Vieg, Assistant Executive Director, Citizens Conference on State Legislatures, Kansas City

Jack B. Weinstein, Judge, United States District Court, Brooklyn.

Lowdon Wingo, Director, Urban Studies Program Resources for the Future, Inc., Washington, D.C.

William D. Workman, Jr., Editor, *The State*, Columbia, South Carolina.

Paul N. Ylvisaker, Commissioner of Community Affairs, State of New Jersey.

At the close of their discussions, the participants reviewed, as a group, the following statement. While the statement represents general agreement, it should not be assumed that every participant subscribes to every recommendation.

The statement referred to follows:

FINAL REPORT OF THE 36TH AMERICAN ASSEMBLY

America is in the midst of an urban crisis demonstrating the inadequacy and incompetence of basic public policies, programs and institutions and presenting a crisis of confidence.

These failures affect every public service—education, housing, welfare, health and hospitals, transportation, pollution control, the administration of criminal justice, and a host of others—producing daily deterioration in the quality of life. Although most visible in the large cities that deterioration spreads to suburbia, exurbia and beyond. Frustration rises as government fails to respond.

The gap between city and suburb increases with the continuing redistribution of population and economic activity. Even within suburbia are pockets of poverty and decline. Suburban crime rates and welfare case loads, although below city rates, are growing rapidly. City and suburban dwellers also share traffic jams, pollution of air and rivers, and anxiety over the quality and cost of public education and health care.

As report follows report, as program follows program, as tax hike follows tax hike, the citizen becomes every day more doubtful about the ability of his institutions to respond—and indeed to govern at all. The political atmosphere grows less tolerant. Confidence declines. Some leaders become shrill and frightened. Somebody must be to blame, but who? The black, the blue collar worker, the self-satisfied suburbanite, the college student? Many allege local government to be hamstrung, the federal government in retreat, the state government in default.

Why haven't states done more? What would make it possible for them to fulfill their responsibilities—responsibilities which are critical to the solution of our urban problems? Removal of constitutional restrictions, awakening of political responsiveness, restructuring of state and local government, and changes in the federal-state-local fiscal system are among the principal recommendations.

However, in calling for the exercise of a full range of state authority and responsibility in the field of urban affairs, three significant limitations upon the states must be recognized: (a) the demands arising from military and foreign policy obligations which are too frequently placed ahead of domestic change in the national agenda; (b) adoption and perpetuation of costly and low-priority federal, state and local programs which grossly misallocate fiscal resources; and (c) the absence of a national urbanization policy, thereby injecting inhibition and hesitancy into state policy formulation. In full recognition of these limitations, however, the need for state action is urgent: it is the view of the Assembly that unless the role of the state governments is substantially reformed within the next decade in the terms specified in this report, the states as effective political entities will cease to exist.

REMOVING CONSTITUTIONAL OBSTACLES

The reapportionment decisions of the Supreme Court removed one major political roadblock to the modernization of state government which usually requires overhaul of the state constitution. In the wake of reapportionment, state after state has attempted a variety of constitutional changes.

Although most state constitutions need revision, the claim of constitutional blocks to action is more often an excuse than evidence of a genuine inability to act. Therefore, instead of emphasizing total constitutional revision, first attention should go to removing specific constitutional obstacles to state action. Conversely, if the will to act is not there, no constitutional prescription can create it.

The state constitution should provide that all powers not reserved to or pre-empted by the state be available to local governments. This concept of shared powers means that local governments are free to act on any problem unless definitive state action is taken.

DIFFUSION OF GOVERNMENT POWERS

The Governmental fragmentation of nearly every metropolitan region makes it difficult for individual governmental units to respond to many of today's urban problems. The need for area-wide units of general or multifunctional jurisdiction is increasingly recognized.

Simultaneously, residents of many city neighborhoods fight for some kind of local control, while citizens of small suburban enclaves cling tenaciously to their present autonomy.

These contrary needs—centralization and decentralization—and the force of their expression have caused most states to abdicate their responsibility for maintaining an effective system of local government. Meeting this responsibility is urgent and inescapable.

Necessary local government modernization must recognize the metropolitan facts of life—that there are many powers that have to be exercised and many activities which must be performed on an area-wide basis. This requirement must be met in a way which will not eliminate or dilute local community participation in the decision process. Indeed, such involvement must be enhanced, particularly in the large cities where it has been weak or lacking.

There are many approaches to local government restructuring. The specific historic, geographic and cultural situation of each state and metropolitan area must be taken into account. The desirable course may be consolidation, or federation, or completely new forms of local government.

State government must also be vitalized. Legislatures must be provided the opportunity, the flexibility and the resources needed to act effectively and promptly on complex problems. This includes at a minimum annual sessions of the legislature, salaries commensurate with a full-time legislature, and adequate staff and housekeeping support. Governors must be given the power to manage and direct the executive branch, and to provide policy leadership. Departments of urban or community affairs should be established, civil service requirements should reflect the need for more urban skills in the state service.

Talent will not enter state and local public service in sufficient numbers unless encouraged to do so by decisive action of leaders now in power. Universities should open programs in state and local government service. Current civil service and other bars to attracting, maintaining and promoting talent should be removed. State and local government should be prepared to compete, financially and otherwise, with the private sector and the federal government to get this talent. If not, most of the high goals we encourage elsewhere in this document will never be achieved.

STATE AND FEDERAL RESPONSIBILITIES

Much more, however, is needed than either the removal of state constitutional impediments, or the restructuring of state and local government. Both the state and federal governments must assume new responsibilities. Specifically, they must recognize the extraordinary anticipated impact of population and technology and address themselves to the development of relevant long-range priorities, policies and programs.

No activity of government is in a worse state of neglect and disrepute than our welfare system. To improve the system and make it equitable requires federal assumption of full financial responsibility for welfare with the goal of eliminating hunger and dependency in the world's most affluent nation.

Inequity also characterizes the provision of public education. Equal educational opportunity must be guaranteed to all children. This requires unequal allocation of fiscal resources and state assumption, with federal aid, of all financial responsibility for quality public education.

States must assume a responsibility to provide decent housing, in collaboration with the private sector, the federal government and local governments. To achieve this objective, states should enact statewide building codes, exercise their power to control land use directly where necessary, and set comprehensive standards for all other land use controls within which local governments must operate. States also need to consider a variety of new approaches to urban development and redevelopment, including a program of new balanced communities, and the use of development corporations and state housing agencies.

States must assume more responsibility and exercise leadership for assuring the provision of other social services—health, day care, family planning services and manpower training—guaranteeing at least minimum standards of service throughout the state. In exercising this responsibility local governments and their constituent neighborhoods must be involved both in policy decisions and the administration of services.

The states have primary responsibility for protection of persons and property. They and their agents, the local governments, are expected to maintain security and order. Yet, the administration of criminal justice is poorly managed in many of its aspects—police, prosecution, courts, and correction. States must undertake thorough analysis of prevailing conditions and install essential reforms to avoid the collapse of urban society.

The states have failed to wage a meaningful attack on racism, despite the constitutional rights of their citizens. Unless more forceful immediate steps are taken by states to foster and further the rights of non-white citizens, the states will not be able to deal effectively with social economic and physical problems. Such steps must include legislative and administrative action to make equal opportunity available in employment, housing and education.

In the discharge of these increased responsibilities organs of general government should be utilized in preference to specialized functional agencies. However, the gravity of the present crisis requires the establishment of flexible procedures and organizational arrangements to enhance the responsiveness of state and local government.

FISCAL REFORM

Meeting the urban crisis will require more resources and the reallocation of current resources. There is also need for a distribution of the tax burden on the basis of the ability to pay. The present state-local tax system places too much stress on property and sales taxes and takes too little advantage of the fairest of all taxes. The graduated income tax.

Most states need to reform their tax structures. To set the political background, there should be an analysis of the traditional and unreal arguments against reform, such as the assertion that interstate tax competition determines industrial location. Systems of state and federal aid must also be reformed.

States which do not have a graduated income tax should adopt one. Those which now have inadequate and non-graduated personal income taxes should move to strengthen them. If they have a sales tax, they should allow a limited tax credit for it against the state income tax, or a refund payment. Further, any sales tax should include a tax on services. States should also take necessary steps to insure equitable administration of the property tax, including professionalization of the assessment process. Property taxes focused on improvements rather than land should be adopted.

Improving state and local taxes will not eliminate the need for federal and state grants-in-aid. State aid formulas must be revised to relate to local needs and local tax burdens: general support grants to urban jurisdictions should also be provided under similar guidelines.

Congress should enact a revenue sharing plan with state and local governments, including: (a) allocations related to state and local tax effort; (b) a mandatory "pass-through" to local governments above a minimum population, based on current state-local divisions of fiscal responsibility; (c) demonstration of state intention and ability to deal with local governmental and urban problems.

In general, categorical aid programs—both federal and state—should be consolidated into broad functional grants with general guidelines and program accountability instead of detailed prescriptions. Aid programs should be established and administered so as to encourage the structural modernization of both state and local government.

In recent years, federal categorical aid has tended increasingly to bypass the state and go directly to local governments largely because the states have failed to assume their proper urban responsibilities. If states are to be held accountable for local affairs, they must exercise the option to involve themselves in urban policy and programs by substantial financial participation in the required funding.

Federal funds should be channeled through the state when the state provides adequate administrative machinery and a substantial portion of the non-federal share of required funds. If the state is unable or desires not to participate on this basis, funds for that program in the state should flow directly to the local governments involved.

Notwithstanding this recommendation, the federal government must retain ultimate responsibility for the program effectiveness of the funds provided.

Part of the crisis of confidence is the legislating of urban programs without adequate and long-range funding. To adopt programs with great promise only to have them fail because of underfunding is to raise false expectations and bring disillusionment.

Congress should help to minimize interstate tax competition by the levy of moderate surtaxes on corporate incomes, cigarettes and alcoholic beverages, rebating the yields to those states which enact at least comparable levies. This would extend the principle established in the federal state-inheritance tax pattern.

It is particularly irresponsible to reduce federal revenues at a time when urban needs are so urgent.

POLITICAL FEASIBILITY

Whether the states will respond to the urban challenge is a political question. But a positive answer will not be produced by exhortation.

In combination, the proposed constitutional, structural, fiscal and program changes will make a major contribution to the solution of America's urban ills.

Most citizens are dissatisfied, yet that dissatisfaction by itself does not produce a demand for the changes advocated here. The demand will emerge from a massive effort at public education, broadened political participation, a new set of programs, new coalitions and political courage.

All possible vehicles of public information and education should be used and improved. Existing and new media should report the urban scene in its full dimensions, supplementing spot news coverage of crisis with regular in-depth analysis of background and emerging forces. Hopeful developments should be reported with as much attention as confrontations or riots.

Where radio and television stations fail to carry out their local public service obligations, communities should challenge their FCC licensing. Radio stations and community television have a unique contribution to make; they can focus on "consumer demands" for better urban services and a quality environment. Political leaders should capitalize on their pivotal ability to direct public concern to necessary steps for urban improvement.

At the same time, meaningful participation in the political process by as many people as possible must be encouraged. Legal, administrative and political hindrances to such participation must be removed. Election laws should facilitate, not discourage, broad participation. Universal automatic registration should be established as soon as possible.

Young people must be brought into the system and provided every possible opportunity to exert their influence for change. Their idealism, imagination, and energy must be utilized in solving public problems. The age of emancipation should be lowered to 18. Maximum participation by all citizens in party activities should be encouraged.

Combined with a broadened electorate and a massive public information effort must be programs which bring to all people the advantages of a metropolitan society: expanded job opportunities, a wide range of residential choices, leisure time alternatives from spectator to participant activities, cultural and educational opportunities possessing a variety, quantity and quality available in no other kind of society.

Programs to realize this metropolitan potential are required. These programs should include health protection, consumer safeguards, environmental controls, improvements in all social services, promotion of the arts, and the encouragement of wide-spread participation in the policy-making and administrative processes. Essential is an improvement in all delivery systems, a set of improvements based not on abstract standards, but on the needs of the individual citizen.

The resources in all institutions of higher education should be utilized in analyzing and developing proposals for coping with urban problems. Universities and colleges in the states should redesign educational offerings to make them more directly relevant to current concerns.

But for some of the most urgent issues—especially education, housing, man-power programs and race relations—the present prospect for building effective constituencies appears remote. If such constituencies cannot be created, however, increased civil disaffection and metropolitan apartheid appear inevitable.

Therefore, it is particularly urgent for our elected leadership to design combinations of programs that will create a constituency from fragmented and supposedly antagonistic groups. Combined approaches to metropolitan needs may create the required constituencies. For example:

Creation of new communities can rally building industry and labor; business and manufacturers seeking new location; land owners and local public officials seeking new development and tax base; middle and low-income families in need of housing and residents desiring improved public services.

Protection and upgrading of the environment—physical and esthetic—can bring together those concerned with conservation, resource supply, a healthful environment, recreation, and urban design.

For many, the challenge of undertaking in the years ahead new kinds of metropolitan development on a scale comparable to the adventure of outer space may offer unbounded opportunity for new combinations of political support. For others, the threat of catastrophe arising from unchecked and unguided growth, the potential destruction of our metropolitan economic and physical environment and the perils of continuing social and racial division may be the necessary coalescing force for a new and effective effort.

New political combinations may also arise from political confrontation. Non-violent confrontation politics should be regarded as creative and in the American tradition, not to be deplored. That black and white, young and old, rich and poor, suburban and city dweller quarrel and debate is fine.

Public information, widespread political participation, new programs, and new coalitions can make possible everything advocated here. Finally, however, there must be public office holders and other political leaders willing to take political risk.

For the astute politician, understanding the urban crisis will provide opportunities as well as risks. Society will be served by his assumption of these opportunities and risks.

Such risks may involve bolting party lines, suffering temporary, maybe even permanent loss of public favor, engaging in partisan and bipartisan activities. Willingness to take risks must extend to business, civic, community, educational, labor and religious leaders.

For urban Americans, the vast majority of our population, a strengthened and responsive state government will bring new confidence and new hope.

MOUNTING AN ATTACK ON THE "CAREER CRIMINAL"—WE NEED A NATIONAL CRIME DETERRENT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the hue and cry over crime in the United States has reached the crescendo stage. We hear daily from our constituents who plead with us to "do something." Hundreds of bills have been introduced in the Congress and the State legislatures designed to curb crime in one respect or another. I recently introduced H.R. 14426—a proposal which I believe will go a long way toward solving one of the most pressing crime problems we face—what to do about the convicted felon released from prison to continue a "career in crime."

Who is the career criminal? The 1968 edition of the FBI's "Uniform Crime Reports" gives us part of the description—it is a very disturbing picture indicating why the public is losing confidence in the Nation's judicial system. I want to emphasize some of the pertinent and frightening statistics from that report which reveal the seriousness of the problem:

Eighty-two percent of a sample of offenders arrested in 1967–68 had a prior arrest, 70 percent had a prior conviction, and 46 percent had been imprisoned on a prior sentence.

Sixty-seven percent of the burglars, 71 percent of the auto thieves, 60 percent of the robbers had been arrested in two or more States during criminal careers ranging from 7 to 9 years.

A followup on 18,333 offenders released to the streets in 1963 revealed that 63 percent had been rearrested on a new charge by the end of 1968.

Two-thirds of the police killers previously convicted had been granted leniency in the form of parole or probation, and almost three out of 10 were on parole or probation when they killed a police officer.

The obvious question prompted by these statistics is "why are criminals allowed back on the streets?" I cannot, nor will I attempt to, satisfy my constituents with milk-toast legalisms. I will not wail platitudes about the "disadvantaged," or "basic environmental conditioning," or the "deleterious aspects of repressive social control," as some are wont to do. The question asked demands more than the standard sociological double talk—it demands plain reasoning. I know I shall be accused of "oversimplifying," but the main reason for the statistics comes as a result of the judiciary's criminal-coddling psychology. Day in and day out criminals are exploiting leniency to prey on innocent citizens. Too much foolish sentimentalism on the part of judges, probation officers and others has created a national uneasiness about our ability to hold the serious crime wave in this country.

There are several avenues open in reaching a solution as long as we recognize that we cannot wipe out the criminal-coddling psychology with one act of Congress. One idea was advanced by the President in the form of "preventive detention," for previously convicted felons on new charges. This approach deserves careful consideration but everyone is aware of the tremendous constitutional problems involved. Whatever the merits of that proposal, were it to be enacted into law, its effect on the "career criminal" would be a long time in coming due in part to the court cases which would result to test "constitutionality." Commenting on the President's plan, one of the country's leading newspapers stated recently:

> The ideal solution would be speedier justice—no delay in bringing a case to trial. This reform, requiring updated court procedures, and more judges and courts, is slow in coming.

No one can argue with the statement but it does have a ring of the coddling psychology I mentioned previously. Certainly, justice should be speedy, but justice should also be firm and punishment should be effective.

If a person is found guilty of a violent crime, then let us make sure he goes to prison. If a person is found guilty of a violent crime, and is sentenced to prison, then let us be sure we keep him in prison.

Last year, during a wave of emotionalism, the Congress passed the Gun Control Act. Supporters of that bill sincerely believed that by beginning a program eventually leading to the confiscation of all guns in the United States, the crime wave would be abated. We have learned otherwise. It is abundantly clear today, after only a few months of its creation, even to those who suffer with the gun control syndrome, that the act does not serve to keep dangerous weapons from the hands of criminals and incompetents as its proponents claimed. The Gun Control Act of 1968 is not a deterrent to crime. It never could have been. In fact, the thrust of the act is the exact opposite to the goal of crime deterrence—the Nation's sportsmen and gun collectors are seen as the villain—not the criminal.

During the debate on the gun control bill, an amendment was added which was intended to "get at" the criminal who used a gun in the commission of a crime punishable under Federal law. The Poff amendment is laudable; however, the amendment should never have been incorporated in a gun registration measure. The issue became embroiled in the emotionalism of gun control and the effectiveness of the section dealing with punishment was seriously diminished. As a result, a number of bills have been introduced in this Congress to remedy what was done in haste in the last Congress.

The Poff amendment was accepted because we believe crime can be controlled if there is a proper deterrent force to the criminal. One can find a parallel situation in the maintenance of our national defenses. We have a nuclear deterrent; our potential enemies are well aware of its potential effectiveness and we never allow them to forget such awesomeness. Knowing the "price" that would have to be paid to launch an attack on our Nation deters the aggressor. If we are to deter crime, we should let those criminals and would-be criminals know exactly the "price" they would pay should they transgress the laws of the land. In my opinion, this is what can and will be achieved with a bill respecting the use of firearms by criminals.

Mr. Speaker, I believe my bill will create a crime deterrent in much the same way and with the same kind of effectiveness as our nuclear deterrent protects the Nation from all-out war. The bill is based on the concept which was misattached to the Gun Control Act. This year, we should be able to consider such a bill in a rational manner.

This is not my first bill on this subject during the present session. I have refined a bill I previously introduced, H.R. 13545, in order to take advantage of further research on the subject and in order to strengthen even more the penalty provisions relating to crimes committed where a firearm is involved. Unlike that measure, the new proposal would describe and define the punishable Federal crimes. Descriptions are added as a separate and distinct section of title 18 of the United States Code. During the debate last year, a Justice Department official was quoted as saying that a definition was a "better approach" than the "general" approach agreed upon finally and which appeared in the Gun Control Act.

This section selectively applies greater penalties to those crimes in which firearms are most extensively used and in which if firearms were not used, the crimes would be much more difficult to execute. These are the crimes in which the life of the victim is most in danger. All of the serious crimes of a violent nature are included: murder; voluntary manslaughter; assassination, kidnapping, and assaulting of a President; killing of certain officers and employees of the United States; rape; kidnapping; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; robbery; burglary; theft; racketeering; extortion; and arson. My bill would not repeal the provisions of the present Federal law, nor would it diminish their effectiveness.

It would, however, provide an additional mandatory sentence as punishment for any person who uses or carries a firearm during the commission of a Federal crime as described in the first section of the bill. The mandatory term would be from 1 to 10 years. Such prison sentence could not run concurrently with the imposition of a sentence imposed for the commission of the felony itself. In the case of a second or subsequent conviction under this bill, the sentence likewise would be mandatory. The term would be 25 years. Again, after the imposition of the sentence, it could not run concurrently with the penalty imposed for the commission of the felony itself.

I would like to add, Mr. Speaker, that I am well aware of the disagreement over the deterrence value of mandatory sentencing and the comments made by the President's Commission on Law Enforcement and the Administration of Justice, and the President's Commission on Crime in the District of Columbia. However, I believe we have gone far enough down the trail of judicial permissiveness and it is now time that the true intent of Congress regarding criminals, particularly repeaters, be made known to the Federal bench.

The public is fed up with the constant incidence of violent gun crime by the parole violator, the person free on bond and/or the recidivist. There is only one way to begin to halt the wave of violent crimes committed with firearms, and that is by building a national crime deterrent. We could call it the "nuclear bomb" against crime. I will be the first to admit that a Federal nuclear crime bomb has a limited value if the States do not act. However, it is my hope that by our example at the Federal level and in the District of Columbia, the States will see the wisdom of constructing their own crime bombs to stop the criminal element in our society.

The FBI's statistical report on the "career criminal" indicates that the Nation is caught up in a frightening trend. We must get the recidivist off the streets. I am convinced that if the public is assured that the Congress is serious about locking up the criminal repeater, they will join in the battle at the State level. As it stands now, just about every morning John Q. Public reads in his local newspaper about another crime committed by a person out on bail or previously convicted, and he throws up his hands and says "What's the use?" One can hardly blame him—but there is a way to change this attitude.

Mr. Speaker, my bill is designed to be the first building block in the construction of a national crime deterrent.

MEDIOCRITY ENTHRONED: THE RESULT OF EDUCATIONAL "MASSIFICATION"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a recent editorial, the Wall Street Journal captured the heart of a problem that haunts the American scene—educated know-nothingness. With justification the Journal points out that in building a massive educational system we are reducing the level of educational excellence. Campus disorders, the breakdown in respect for law, and the spirit of permissiveness which prevails at many of the Nation's centers of higher education, are all the natural result of an egalitarianism which says that any person is intellectually and naturally equipped to benefit from a college education.

That this notion is false is patently obvious to any discriminating observer. Nevertheless, the sacroscant "education lobby" has so mesmerized the public that to express opposition to further reduction of educational standards is viewed as being subversive. The continued "massification" of education will produce a generation of mediocre graduates. The Nation cannot afford such a generation.

The article follows:

MEDIOCRITY ENTHRONED

In all the soul-searching about campus unrest, one of the most important causes is among the least regarded: There are simply too many people in college with no aptitude for, or interest in the academic life.

It is a point we and a few others have tried to make, and now it is made with exceptional clarity by University of Michigan Professor John W. Aldridge in a long essay in Harper's. Mr. Aldridge is a distinguished literary critic and novelist, and his comments are particularly pertinent in a time of considerable agitation for the idea of free college education for all. Even now, it is assumed that everyone has the right to go to college.

As Mr. Aldridge writes, "This is, after all, the first student generation to be admitted to the universities on the principle that higher education is a right that should be available to all, and at the same time a necessity for anyone who hopes to achieve some measure of success in middle-class society.

"The result is that for the first time in our history the universities have had to accept large masses of students who may have proper credentials from the secondary schools —because those schools have themselves been obliged to lower their standards to accommodate the mediocre majority—but who possess neither the cultural interest nor the intellectual incentive to benefit from higher education.

"Such students, when confronted with complex ideas or stringent academic requirements, tend to sink into a protective lethargy or to become resentful because demands are being made on them which they are not equipped to meet and have no particular desire to meet. . . . Hence, their natural impulse is to try to compensate for their failure of ability or interest by involving themselves in some extracurricular activity which happens today to be political activism."

So they bring to college their intellectual vacuums, but even more crucial, Professor Aldridge thinks, their immense boredom. They had not a taste of the bitter challenge of the Depression; they were 20 years too late for World War II, which in retrospect and in comparison with Vietnam seems like a noble crusade.

Through campus activism, then, "life can become once again a frontier and a battlefield. The bland abstractedness of university life is canceled by violence and melodrama, and those who cannot function effectively on the frontier of ideas are brought back into touch with a reality they can understand."

None of this is to deny that the activists and their sympathizers are still a minority. Nor to deny that students have certain legitimate grievances against the huge, often impersonal universities. But an objective observer must grant that justice of the charge that much of the uproar at the colleges has been mindless, destructive, nasty and vicious.

How did the nation come to this notion that a college education is everyone's right?

In part, we suppose, it stems from the old American dream, stretching back into the last century. The father, often an immigrant and poor, would work as hard as he could to ensure a better life for his sons and daughters, and increasingly this seemed to require a college degree. To that extent, it was a wholly commendable aspiration.

That college degree has to be a requirement in academic and professional careers, but the business community too has more and more made it a requirement for significant advancement. It is unfortunate and shortsighted, but it is demonstrably what has been happening.

Not the least part of the explanation, however, is the preachment of egalitarianism derived from the liberal creed that has been in political and academic ascendancy for 35 years or so. In this view, it is not enough that everyone should have equal economic opportunity and equality before the law; everyone should in addition be made as equal as possible in terms of material well-being and social standing. It is a gross distortion of the meaning of the American system.

If we as a people really want to cure campus convulsions—and other disruptive tendencies in the society—we had better rethink that phony philosophy. A place to start is to decide to maintain standards of excellence throughout the whole scholastic system, which necessarily means that college is not for everyone.

Otherwise, this rampant egalitarianism, this enthronement of the mediocre and the parasite, could in time damage or destroy not only the university but other institutions as well.

STERLING TUCKER DESERVES THANKS

(Mr. NELSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NELSEN. Mr. Speaker, many of us here in the Congress have been very pleased to note the thoughtful comments made by Mr. Sterling Tucker, vice chairman of the District of Columbia City Council, in a recent address at the 19th Street Baptist Church. Excerpts of that speech appeared in the Washington Daily News on October 30.

Mr. Tucker's firm position on the subject of crime is most responsible. As ranking Republican on the House District Committee, I would like to thank him publicly for his sound contribution toward making Washington, D.C., a model city for all its citizens and for the Nation. I include excerpts of the Tucker speech at this point in my remarks:

CRIME AND THE BLACK MAN: THE FAILURE TO SPEAK OUT—SOME THOUGHTS ON THE DANGERS OF SILENCE

(NOTE.—Why has the black leadership in the District of Columbia failed to speak out against crime? And what is the price of that failure—however understandable—in terms of human degradation? At what point do silence and sympathy encourage assumptions both harmful and false? Sterling Tucker, vice chairman of the City Council, answered these questions in a talk last Sunday at the 19th-st. Baptist Church.)

(By Sterling Tucker)

Crime in our city, increasing at a bewildering rate, casts a shadow over our lives.

You may not have been robbed yourself, held up in a dark alley or your purse snatched as you walked down the street; you may not yourself have felt a gun in your back or found your home broken into, belongings stolen you'd saved to buy . . . but you are nonetheless a victim.

A victim of the fear that is perhaps the highest cost of crime. The fear that catches you when you simply hear footsteps behind you on a dark street. Or when you see someone waiting up there ahead in an alley. Or when you keep wondering if you double-locked your door.

Many are the irreparable injuries of crime to the victim and to the offender himself—but one of the very worst is what it is doing to the way we live with each other.

And certainly we experience it to the full here in Washington. Our city ranks among the highest in crime in the nation. Not only is it higher than most cities but it is growing faster: our rate of crime increase is triple the national average. Statistics for the first six months of this year showed robberies in the District were up 46 per cent, rape up 50 per cent, over last year.

WHO GETS INVOLVED?

We know the majority of the perpetrators come from the social levels of the poor and the disadvantaged. The rich white boys in the suburbs are stealing cars too, more and more in fact, but for an over-all daily record of larceny, burglary and assault they don't match our brothers in the ghetto.

Similarly, we know who the victims generally are. They are not the voices who cry the loudest in this country for law and order; they are not the ones buying the police dogs and the burglar alarms for their suburban fortresses. No, the victims are, far and away, the poor and the black.

Statistics from the President's 1967 Commission on Law Enforcement reveal the shocking fact that if your income is under $3,000 your chances of being robbed are five times higher than if your income is over $10,000; your chance of being raped four time as high, of suffering burglary almost double.

They also reveal that if you are black, the odds that you'll be robbed are more than triple those if you were white, the odds you'll know burglary and car theft are almost double. So if you're poor and black in this beautiful land of ours, you begin to know what crime really means.

A POIGNANT STATISTIC

We also know what is at the root cause of the crime. The President's Commission report included what was to me a very poignant statistic. A survey was conducted to determine how American citizens rated the seriousness of national problems. All income levels, both black and white, rated race relations at the top of the list, and all rated crime as the number two problem; except for one category—the category that was the poor black; they put as number two problem, above crime, the problem of education.

So those, by far the most victimized, knew what the seed cause is.

We know and we agree that in the last analysis at the root of the crime are the desperate conditions of the ghetto; the inadequate, overcrowded, ill-equipped schools; the unbearable, dilapidated overcrowded housing; the unemployment; the broken families; all the vicious forces that push the poor urban black outside of society. And it is no wonder then, say the sociologists and the reformers, no wonder then that he acts as if he were outside that society, acts out that alienation in crime.

But while I am disturbed about the rampant wave of crime, and while I am deeply disturbed about the conditions that perpetuate the ghetto and foster crime, there is something else here that also disturbs me.

What disturbs me is the failure of black leadership to speak out against crime itself.

I do not hear their voices raised against the robbery and burglary and rape that is perpetrated on our people, against the gun-toting that turns our streets into alleys of fear. The statistics rise, but they maintain an aloof silence. And it disturbs me because their silence most damages the black community itself.

Now, it is easy to understand why there has been this silence. We black leaders have been directing our attention to society's crimes against our people—and quite rightly so—to the tragic injustices of our system, to the attitudes and vicious practices of a Fascist white majority that have kept our people so long in poverty and despair.

When it comes to crime, we have focussed on police tactics: we have told the story of police brutality and bigotry and documented it, of how the ghetto-dweller feels the need not for protection by the police but from the police. We have brought this out into the open and forced changes and the first steps toward community control.

This is good; what is not so good is that in fighting these practices our attention has been diverted from crime itself.

Now my point is that the time has come when black leaders must speak out against crime as well as against the police. We must lay equal stress on the crimes of the people against society as on the crimes of society against the people. My point is that not to do so distorts the picture and lays an intolerable burden on the black man himself.

For this silence encourages certain assumptions that are degrading and dangerous. It tends to encourage the assumption, for example, that crime is only a function of poverty and injustice. It tends to justify the crime rate in terms of the cost of living. Bleeding hearts, both black and white, say in so many words, "You steal because you're poor. You're not responsible for your poverty, therefore you are not really responsible for your crime."

Now this attitude is highly injurious, not only to society but most particularly to the recipient of all this commiseration and sympathy, the black man himself. It is degrading, it is harmful, and it is false.

It is false because those who steal are not those who are trying to make ends meet. Those who steal are not those who are trying to meet the monthly rent bill and the gas bill and all the other bills, and trying to feed their children and clothe them. Those who are doing that, those who really are fighting the cost of living, are not the ones who steal.

Take the working mother who is up before dawn to get out to the suburbs to do another woman's housework, and returns after a hard day's work to cook for her own children and then stay up late into the night doing her own housework and washing and ironing their clothes. If you want to know about poverty, about the grueling daily effort to make ends meet, ask her—not the hold-up artist.

And it is degrading to her, to her efforts and to her courage and dignity, to condone the assumption that poverty justifies crime. As statistics show, she more likely than not is the victim.

Therefore we must not let the injustices of society, as cruel as they are, muffle our alarm over crime. We must speak out. The burden of being black in this society is bad enough. The burden of being poor is bad enough. What we certainly do not need is the additional burden of being told, "You steal because you're poor." What we do not need is to condone and tacitly support the assumption that we are not morally responsible.

We do not need this erosion of our dignity. We must not let society hang this on us as well.

SENATOR MURPHY: "A WISE AND FRUGAL GOVERNMENT"

(Mr. NELSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NELSEN. Mr. Speaker, Senator George L. Murphy of California has taken a leading role in the Congress in efforts to eliminate political improprieties in the conduct of public business. As a fellow member of the Commission on Political Activity of Government Personnel, I have been delighted to work with him for the establishment of a Federal civil service merit system free of political arm-twisting and partisan manipulation.

Senator Murphy has discussed one of the legislative steps that should be taken toward this objective in an article which appears in the September issue of the Los Angeles Bar Bulletin. He outlines the case for prohibiting political activity or campaigning by members of major Federal regulatory agencies and the Civil Service Commission. As cosponsor of such legislation in the House of Representatives, I request unanimous consent to include the Murphy article in full at this point in my remarks:

"A Wise and Frugal Government"

(By the Honorable George L. Murphy, U.S. Senator from California [1])

"A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government and this is necessary to close the circle of our felicities."—Thomas Jefferson.

On March 4, 1801, in his first Inaugural Address this nation's third President warned a young country about the danger of overregulation—and, by inference, he cautioned that government employees be guarded from exercising undue political influence.

History has a way of alerting us to dangers of the present.

The regulatory process and the regulatory agencies are an important part of our government. Their influence is expanding as government extends its power into new areas of our life.

Decisions rendered, regulations promulgated and actions taken impinge on the daily life of every American. A decision to buy a television set, ride on a train or a plane, buy or sell common stock, make a telephone call, borrow or lend money, hire or fire an employee—all these and many more activities are affected to some degree by the actions of the regulatory agencies of the government.

Shortly after assuming office in 1961, former President John F. Kennedy said of the regulatory agencies.

"The responsibilities with which they have been entrusted permeate every sphere and almost every activity of our national life. Whether it be transportation, communications, the development of our natural resources, the handling of labor-management relationships, the elimination of unfair trade practices, or the flow of capital investment—to take only a few examples—these agencies and their performance have a profound effect upon the direction and pace of our economic growth."

Under Title V, Section 7324 of the United States Code, federal employees of executive agencies are prohibited from (a) using official authority or influence for the purpose of interfering with or affecting the result of an election or (b) taking an active part in political management or in political campaigns. Subsection (d)(3) of this Section provides an exception from the taking of an active part in political management or in political campaigns prohibition for those appointed by the President with the advice and consent of the Senate.

Alert to these dangers, I have introduced a bill to eliminate this exemption and extend prohibitions on political activity to the heads of the Federal Government's major regulatory agencies and the Civil Service Commission.

It would extend existing laws' prohibitions on political activity to the Atomic Energy Commission, the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Federal Home Loan Bank Board, the National Labor Relations Board, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission and the Securities and Exchange Commission.

Also, my bill would amend Section 7323 of Title V of the United States Code, which prohibits political contributions. The section provides that an "employee in an executive agency . . . may not request or receive from, or give to, an employee, a member of Congress, or an officer of a uniformed service a thing of value for political purposes." As is the case under Section 7324, there is an exemption from this prohibition for one appointed by the President with the advice and consent of the Senate. My bill would eliminate the exemption for the major regulatory agencies previously mentioned and the Civil Service Commission. There is a comparable criminal provision in Section 602 of Title XVIII of the United States Code and there are no exceptions; however, this criminal provision covers only soliciting or receiving things of value, and it does not apply to *giving*. Therefore, it would be possible for a member of the regulatory agencies or a Civil Service Commissioner to *give* a political contribution to a member of Congress.

Hence, there is a need for extending the prohibition on *giving* to the heads of regulatory agencies and the Civil Service Commission, and by removing the exemption of Section 7323 for these agencies, my bill does just that.

Upon re-examination of these exceptions from the political activity restrictions for persons appointed by the President with the consent of the Senate, I believe it is clear that the exemption for heads of regulatory agencies does not meet the rationale and purpose of the exemption. The exemption was put in the Act in recognition that certain individuals who are in top policy-making positions and who are required to answer for the Administration must of necessity be allowed to identify with and support the Administration in power. But it is clear to me that the heads of regulatory agencies, to whom my amendment would extend the prohibition or political activity restriction, are not in political positions. These individuals have tremendous power. They exercise quasi-judicial powers. They are not supposed to be answerable to the Administration in power. They are not responsible for the formulation and execution of Administration policy. Their task is to carry out the policy pursuant to the various statutes enacted by the Congress. In administering these laws, they decide cases and issues that have a tremendous influence on the lives of each of our citizens. Certainly, when one considers the great social and economic impact of decisions made by the regulatory agencies, the general public has every reason to demand political neutrality in the exercise of their duty.

While I would be the first to admit that there has been overall little abuse in this area, nevertheless, one can recall the adverse publicity and reaction that resulted during the last Congress when the former head of the Civil Service Commission participated in party fund-raising activities. In my judgment, it was particularly unwise and unfortunate for the Chairman of the federal agency responsible for the administering of federal laws designed to prevent pernicious political activity of public employees to actively inject himself into partisan activities. The Civil Service Commission is charged with the responsibility of administering federal laws deemed necessary to maintain an impartial and efficient civil service.

My bill would extend the political restrictions to the major regulatory agencies, including the Civil Service Commission. The bill further provides that where the Civil Service Commissioner is involved in a violation, the Justice Department will act as the enforcement agency.

Also, my bill would amend Section 7323 of Title V so as to cure a present defect. This section, originally enacted in 1876, requires the removal of an employee violating its provisions, but it does not give a particular agency enforcement responsibility. My bill would assign enforcement responsibility to the Civil Service Commission. Finally, my bill would amend the penalty provision of Section 7323 of Title V of the United States Code to provide a range of penalties, instead of the sole penalty of dismissal as provided in Section 7325 of Title V of the United States Code.

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[1] Senator Murphy was born in New Haven, Connecticut and attended the Pauling School and Yale University. After an esteemed career in motion pictures, he was elected a United States Senator from California on November 3, 1964. Senator Murphy has served on the Senate Committee on Labor and Public Welfare and the Senate Committee on Public Works. The 91st Congress saw Senator Murphy appointed to the Armed Services Committee and to the Senate's Special Committee on Aging.

CONSUMER CLASS ACTION ACT

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, I introduced on Wednesday, October 29, the bill H.R. 14585, a bill to provide for consumer civil class actions in Federal courts in cases of fraudulent or deceptive practices condemned by the Federal Trade Commission Act and in cases in violation of consumers' rights condemned by State law. This bill, and its companion bill in the Senate by Senator Tydings, S. 3092, are the most comprehensive consumer class protection bills yet introduced in Congress. Fifty Members of the House, from both sides of the aisle, have signed the House bill and its later companion bill. Their names, and the 10 other Members who will go on a subsequent bill, are appended. The bill's purpose and an explanation of its provisions are summarized as follows:

First, the policy behind the bill;

Second, the need for such legislation;

Third, the history of this bill;

Fourth, Mrs. Knauer's approach;

Fifth, section-by-section analysis;

Sixth, comparison with President's approach;

Seventh, fault of governmental action as condition precedent;

Eighth, necessity of using State substantive law as base; and

Ninth, Presidential proposals not lethal to purpose if an adjunct.

THE POLICY BEHIND THE BILL

Some of the features of these bills are not altogether new. Senator Tydings and I introduced bills slightly varying in text but having similar import in the spring of this year. The original Tydings and Eckhardt bills were numbered, respectively, S. 1980 and H.R. 11656. They provided for consumer class actions in Federal courts in cases of violations of consumers' rights condemned by State law. They thus afforded the liberal machinery of Federal Rule 23 for joinder of all persons in like situations involving deception, fraud, or other illegal overreaching of consumers.

I introduced H.R. 11656 on May 26, 1969, and I appeared at the hearing on the Senate bill on July 28, 1969, to support the provisions common to both bills. The President in his message of October 30, 1969, has supported the concept of consumer class suits, and his statement of the rights involved broadly and accurately defines them:

> The buyer has the right to accurate information on which to make his free choice.
>
> The buyer has the right to expect that his health and safety is taken into account by those who seek his patronage.
>
> The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served.

I agree that the buyer has all of these rights. But I would say further that, if he has these rights, he should be entitled to protect these rights in a court by instituting his own suit, whether or not an official of Government or an agency has first cleared the way through governmental action. In addition, the judicial machinery must be adequate to afford relief even to the consumer whose claim is too small for it to be practical for him to bring his suit alone.

No machinery of government that falls short of supplying such judicial protection of individually asserted rights is adequate to accomplish these objectives. Our bill, H.R. 14585, on the House side, and Senator TYDINGS' bill, S. 3092, in the other body, are adequate to accomplish these objectives.

THE NEED FOR SUCH LEGISLATION

It almost goes without saying that I am most pleased to see the President place great emphasis in his consumers' message on class suits by consumers in Federal courts, and he has enunciated, in almost the same words as in our bill, the need for such class actions. Quoting the message:

> Present federal law gives private citizens no standing to sue for fraudulent or deceptive practices and State laws are often not adequate to their problems. Even if private citizens could sue, the damage suffered by any one consumer would not ordinarily be great enough to warrant costly, individual litigation. One would probably not go through a lengthy court proceeding, for example, merely to recover the cost of a household appliance.

H.R. 11656, the bill originally introduced by myself and nine others, made a finding by Congress to this effect, stating:

> Congress finds that an adequate process for class action is essential to effective consumer protection, because class actions usually involve sums too small to justify individual litigation. By consolidating numerous claims of consumers injured in substantially the same manner, actions may be economically brought and sound judicial administration is promoted.

Therefore, I think all authors of the original bill in the House (H.R. 11656) and of the bill that was introduced last Wednesday (H.R. 14585) would find no fault with the statement of the problem in the President's consumer message and would find it most salutary that this issue is thus put in the forefront of legislative concern.

THE HISTORY OF THIS BILL

It will help to understand the provisions of H.R. 14585 to briefly recite its history.

The legislation introduced by Senator TYDINGS, myself and my coauthors last spring was designed to provide consumers with an effective means, the class action, for fighting practices sometimes perpetrated against consumers in the nature of fraud, deception, overreaching, and vending such shoddy merchandise as to breach an implied warranty that the merchandise is suitable for its apparent use.

In July, the Senate Subcommittee on Improvements in Judicial Machinery, of which Senator TYDINGS is chairman, held hearings to consider the merits of this legislation. I testified at those hearings. Other witnesses included Ralph Nader, the "consumer watchdog," and Bess Myerson Grant, commissioner of the department of consumer affairs for the city of New York.

MRS. KNAUER'S APPROACH

One witness, Mrs. Virginia Knauer, Special Assistance to the President for Consumer Affairs, presented an interesting, divergent approach to consumer protection. In her testimony she suggested legislation to permit consumer class action suits for the broad range of practices defined as "unfair or deceptive" under the decisions interpreting the Federal Trade Commission Act. Although her proposal was somewhat different from the legislation that we had introduced, Mrs. Knauer joined the other witnesses in approving the underlying philosophy of our bills.

Since the hearings, we have had the opportunity to study the testimony of Mrs. Knauer closely and to discuss her suggestions in depth with representatives from her office. We have concluded that the proposal is a valuable one, one that complements the legislation that we introduced in the spring. Therefore, Senator TYDINGS and I drafted the bills, S. 3092, and H.R. 14585, embracing therein the two concepts. A brief description of the bills follows:

SECTION-BY-SECTION ANALYSIS

Section 1 includes the enacting clause and the title of the bill, "Consumer Class Action Act."

Section 2 amends the Federal Trade Commission Act to provide that consumers who have been damaged by unfair or deceptive practices in commerce are entitled to bring civil suits in the form of class actions. Under present law the Federal Trade Commission Act provides only for the processing of cases against persons engaged in unfair or deceptive practices by the Commission itself.

Section 3 makes congressional declarations and establishes national policy. The policy adopted here is based upon the following need: State laws have gone a fair way to devise substantive provisions for consumer protection. And the State courts have hewed out, by common law process and statutory interpretation, a considerable body of consumer law. But the processes of the State courts do not afford effective means of permitting many persons who have bought from different agents of a given defendant, or from the same agent in different transactions, an opportunity to lump their claims together so as to have a large enough damage claim to finance the suit; the court costs involved, the lawyers' fees, and such notices as must be printed. Therefore, the bill establishes Federal policy that this machinery shall be available through use of the Federal courts and their liberal procedure for joining many persons in class actions.

Section 4 contains the gravamen of the bill. It makes an "act in defraud of consumers which affects commerce" an unlawful act which will give rise to a civil action triable in the district courts of the United States. Such suits may be tried without regard to the amount in controversy. An "act in defraud of consumers" is defined as including two distinct things:

An unfair or deceptive act or practice as the Federal Trade Commission Act condemns in section 5(a)(1); and

An act which gives rise to a civil action by a consumer or consumers under State statutory or decisional law for the benefit of consumers.

Such a suit in Federal court would apply the law of the States in exactly the same manner that the Federal courts apply such law in a diversity of citizenship cases. Thus, the court in any suit is dealing with a definite body of law in a manner in which it is accustomed to deal with such law. There is nothing unfamiliar in the act which would make it difficult for the court to proceed according to customary practices. For instance, the conflict-of-law law which ordinarily applies in diversity cases would establish the law applicable to any body of facts before the court.

It is very important, however, that these substantive offenses, initially spelled out in State law, be considered as Federal offenses triable in a Federal court and that the basis for jurisdiction be without respect to amount in controversy.

Of course, suits in Federal court on diversity of citizenship can presently be tried on the basis of State substantive law, just as suits under this act would be tried—with one exception: There is no requisite of jurisdiction based on jurisdictional amount in this act. This is important because in *Snyder* v. *Harris*, 89 S. Ct. 1053 (1969), it was held that claims of the individuals in the class action cannot be aggregated toward the $10,000 minimum.

As is well known, cases come into the Federal court through two doors:

First, diversity of citizenship with a $10,000 jurisdictional amount; and

Second, Federal question jurisdiction.

In the latter type of case the jurisdictional requisite may apply but the statute involved itself may waive it. That is what is done here.

Section 4 also provides that consumers may sue for attorneys' fees based on the value of the attorneys' services to the class, and such fees may be awarded from money damages or financial penalties which the defendant owes to members of the class who cannot be located after due diligence. The court shall award these attorneys' fees in an amount not exceeding 10 percent of the total judgment unless failure to award a greater amount would be manifestly unjust and not commensurate with the efforts of counsel.

COMPARISON WITH PRESIDENT'S APPROACH

It is well to compare the provisions of this bill with the substantive recommendations of the President and to anticipate possible accommodations of policy as enunciated in that message to the framework of this bill. This is, of course, difficult in that no specific legislation had yet been formulated by the White House up until the time of this writing, though we have been in recent contact with staff attorneys of the Special Assistant to the President for Consumer Affairs and the attorney in the Justice Department assigned to the matter. In this regard, Mr. Nader is correct in criticizing the President's consumer message as "filled with a program for future studies, future recommendations, and no present action."

But the framework of legislation recommended in the President's consumer report could be implemented by legislation in section 4 of H.R. 14585. There, the first type of "act in defraud of consumers" is defined as "an unfair or deceptive act or practice which is unlawful within the meaning of section 5(a) (1) of the Federal Trade Commission Act." We would invite the use of this as a legislative vehicle to provide private citizen's rights to bring action in a Federal court to recover damages as a result of the several specific fraudulent or deceptive activities which we understand the Justice Department to be framing. In this section of the bill it may be conceded, arguendo, that there is merit to the President's rationale expressed in the consumer message:

> The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient *specificity* to give the necessary advance notice to businessmen of the activities to be considered illegal.

I would put the argument a little differently: That there is a need to confine new substantive Federal law in a specific area in order that there not be two separate tracks on which somewhat different substantive law of fraud and deception shall run—a State and a Federal track somewhat paralleling each other. Our bill is very carefully framed to track the existing law of fraud and deceit and other similar practices of overreaching so that the choice of a forum will not determine the substantive rule applicable to the case. The choice of the forum would only affect the availability of procedural, judicial machinery, that of the class action under Federal Rule 23.

I think I can say for my colleagues that we would welcome the aid of the Justice Department in framing language relating to what might be called the "A" portion of the definition of "an act in defraud of consumers." That provision deals with unfair deceptive practices under the Federal Trade Commission Act: a substantive law of unfair and deceptive practice which is "Federal" in its origin.

FAULT OF GOVERNMENTAL ACTION AS CONDITION PRECEDENT

But the proposal described in the President's message, standing alone, would give consumers the right to bring action in Federal court to recover damages only "upon the successful termination of a Government suit under the new consumer protection law." This is far more restrictive than the provisions in H.R. 14585, which would permit consumers to seek redress forthwith, whether or not they could convince an agent of the Federal Government to proceed with the action. If the slow processes of governmental agencies must intervene between the time the consumer is defrauded and the time he may go to court using effective class action procedures to redress the wrong, many thousands of consumers will be blocked from effective relief, and the agency—not the injured party—would determine which consumers are to be given full and effective protection and which are not.

NECESSITY OF USING STATE SUBSTANTIVE LAW AS BASE

If the relief which is of Federal substantive origin—"A"—is to be so restricted, it becomes absolutely essential to retain the sweep of the—"B"—section permitting a direct class action for "an act in defraud of consumers" which arises under State law. This provides that consumers may sue in Federal court on consumer claims arising under State statutory or decisional law for the benefit of consumers. Only if this is retained will the act be truly a broad, consumer class action law.

The Knauer concept as restricted in the President's approach would afford small aid to consumers and would funnel them through a bureaucratic process which would be burdensome, unfair, and dilatory. Such was not the case originally and is not the case in the bill as now worded in the "A" section.

Such a restrictive class action process, standing alone, would have all the evils exemplified in the Holland Furnace Co. case. *In Re: Holland Furnace Co.*, 341 F. 2d 548. In that case, the Holland Furnace Co. agreed to a Federal Trade Commission consent order against certain misleading advertising claims in 1936. Although complaints against the company continued, a second proceeding was not initiated by the Federal Trade Commission until 1954. Four years later a cease-and-desist order was issued prohibiting Holland from engaging in the deceptive practice. Holland ignored the court decree enforcing the cease-and-desist order and was finally fined for contempt of court in 1965, nearly 30 years after consumers began to be injured by the deceptive practice.

If the Nixon proposal, standing alone, were to become law, a similar process could intervene between the time of injury to the consumer and the time the bureaucratic and governmentally initiated process had been completed. As we see from the Holland Furnace case, such processes can delay justice for 30 years. Such Jarndyce against Jarndyce justice is certainly not adequate to the problems of our times.

PRESIDENTIAL PROPOSALS NOT LETHAL TO PURPOSE IF AN ADJUNCT

But there is some merit in providing a governmentally initiated process as an adjunct to a total consumer protection process dealing with acts in defraud of consumers as set forth in "A" and "B" together. It helps to spell out a total Federal policy, gives added weight to the Federal concern and the Federal nature of the act. If restricted as the President suggests in quite specifically defined areas of fraud, it avoids overlapping with State substantive law and, as the Presidential message says, it gives "notice to businessmen of the activities to be considered illegal" as spelled out in substantive Federal law. Of course, all persons may be presumed to know what is now illegal under State substantive law. However the Federal substantive law is formulated, it is absolutely essential that State substantive law be retained and incorporated in such a way that the consumer is permitted to initiate his own claim for relief under it without awaiting action by Government.

The Presidential proposals are not lethal to the purpose of broad consumer protection if it is an adjunct to that part of the definition of an "act in defraud of consumers" which is based on State substantive law. Standing alone as the exclusive Federal basis for general civil actions in the consumer field it would kill the hope of broad consumer protection

CONCLUSION

In conclusion, H.R. 14585 affords, we think, an extremely practical and effective way of establishing a strong body of consumer law. It acts pragmatically under existing law, permitting a common law approach to remedying and curbing overreaching in the marketplace. It does not attempt to anticipate in exquisite detail every fraud or act of overreaching which might give rise to a consumer class action. But since it adopts State law as Federal law, it gains all of the specificity of existing statutory and common law applicable to the facts: The businessman has notice of what activities are to be considered illegal in exactly the same manner that he has such notice in a case which is in Federal court on the basis of diversity of citizenship.

It is the sponsors' hope that this bill will afford an opportunity, on a nonpartisan basis, for Congress to give the consumer what he has long needed—a fair break in his day-to-day dealings in the marketplace. It is not only the consumer that needs the assurance of the fairness of the marketplace but also the vast majority of merchants who do deal fairly. The good reputation of the marketplace is essential to a healthy free competitive economy.

A list of the sponsors follows:

XUM

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NIXON SAYS "THANKS"

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, tomorrow I will offer an amendment when the Foreign Affairs Committee takes up the resolution—House Resolution 612—on Vietnam policy.

I am glad to be one of 100 cosponsors of the resolution introduced yesterday. I am also a chief sponsor of an earlier resolution—House Resolution 564—dealing with troop withdrawals. My amendment will have the effect of combining the language of the two resolutions.

The more recent resolution scheduled for consideration in an executive session of the committee tomorrow, expresses broad support for the President's efforts to negotiate with Hanoi. It is fine as far as it goes, but it does not deal with the most fundamental question of Vietnam policy as advanced by the President. That question has to do with troop withdrawals. It is entirely appropriate under its constitutional responsibilities for the House to take this opportunity to express support for troop reductions already effected and for the plan for complete withdrawal the President has announced.

I am pleased to say I just received yesterday a written expression of thanks from President Nixon regarding my troop withdrawal resolution. Here is the text of the President's letter to me:

> DEAR PAUL: I would like to express my thanks to you for your role in the introduction of the House Resolution concerning my scheduling of troop withdrawals from Vietnam. This legislative action is greatly appreciated.
>
> Also, please convey my sincere appreciation to the students of Quincy College for their petition in support of my efforts to bring the hostilities in Vietnam to an honorable conclusion. This undertaking on the part of the students is most heart-warming and their sincere statement is most meaningful.
>
> With warm regard,
> Sincerely,
>
> RICHARD NIXON.
>
> THE WHITE HOUSE.

At a White House dinner last night the President repeated to me the expression of appreciation he had put in the letter.

As revised by my proposed amendment here is how House Resolution 564 would read:

[Proposed amendment printed in italic]

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, *expresses its sense that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in our national interest,* approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results, to allow the issues in controvery to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia, *and supports the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date.*

As a means of demonstrating the broad bipartisan support, I am listing here, classified by States, the cosponsors of House Resolution 564 and resolutions of identical language. Here is the precise wording of the resolution followed by the names of the cosponsors:

H. RES. 647

Resolved, That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

COSPONSORS

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Wyoming: John Wold-R.

REA GENERATION AND TRANSMISSION LOANS

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I have called upon the Administrator of the Rural Electrification Administration, Mr. Hamil, to conduct an intensive review of large generation and transmission loans made by the previous REA Administrator. A most unhealthy situation has developed regarding certain of those loans which involve millions of dollars in taxpayers' funds.

Accounts in the press indicate that Clark Mollenhoff, Special Assistant to the President, also intends to investigate this situation. I am most happy that he is, for the more light that can be shed on the operations of this agency, the better. Once one of the most popular programs ever passed by the Congress, REA in recent years has been enmeshed in controversy. Now a series of articles in the Chicago Tribune indicates that these disputes are continuing, despite the best efforts of the present Administrator to clean things up.

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* Principal sponsors.

*Principal sponsors.

The Chicago Tribune's investigative reporter, Ronald Koziol, has exposed the current situation surrounding several REA generation and transmission loans—loans, incidentally, that were questioned in the Appropriations Committee and on this very floor while they were under consideration by REA, and before funds were released by the previous REA Administrator, Norman Clapp.

Among the loans cited in the Tribune articles are:

The Hoosier loans for $100 million with about $72 million already released. This generating plant and transmission system has been built but is standing idle because of a decision by the State supreme court that Hoosier has never obtained a certificate from the Public Service Commission of Indiana to operate the facilities. This idle plant, which should not have been built in the first place, probably will cost the taxpayers between $10,000 and $11,000 a day in delinquent interest as long as it stands idle. Even when the litigation is resolved, cooperative consumers will have to foot the bill for this unwise uneconomic plant.

The most ridiculous feature of this loan, however, is that the Government is financing facilities that will cost $100 million to duplicate facilities which cost $25 million and are already being used to serve the same customers.

The Louisiana loan. This $56 million loan has been the subject of Appropriations Committee discussions, congressional debate, and litigation for the past several years. As hearings before the Appropriations Committee have demonstrated, this loan will result in higher cost power for farmers and other cooperative consumers in Louisiana if the system is built as approved by REA. This loan has placed the Federal Government in the embarrassing position of spending taxpayer dollars which, if the plant is built, could increase electric rates of rural people.

The Basin loan. This is the largest single loan in REA history: $97 million, and was made October 25, 1968, just prior to the election. It was made despite the fact that the record before the Appropriations Committee showed that facilities previously constructed by Basin from a $36 million REA loan made in 1962 have more than adequate capacity to serve its customers for years into the future.

As a matter of fact, Basin already has incurred a loss of $2,500,000 for the first 3 years of operations with this plant. This large loss accrued although no payments on principal have yet been made by REA on this loan. The recent $97 million loan is nothing more than throwing good money after bad, and there should be no advances of funds to Basin until the entire situation has been fully investigated and reappraised. This loan was not designed to help REA borrowers, but to promote the scheme of Federal power zealots who want to control the power supply for the whole region.

The Big Rivers loan. This generating and transmission cooperative, already federally financed to the tune of $72 million received $27,400,000 more in REA funds just 5 days before the new administration took office in January. This loan—and others—almost exhausted REA's loan authorization for fiscal year 1969, and caused the Appropriations Committees of Congress to urge the new Administrator to give priority to distribution loans in administering available funds.

The Chicago Tribune articles state further that Mr. Clapp now has been put on retainers by some of these big borrowers to conduct a survey for them. I would submit that the problems which Mr. Clapp would survey are already evident—the ones he created for them. For example, how closely are large generation and transmission loans related to economic facts and actual needs? Why were so many loans made at the tag end of the last administration? Is there a connection between some of these large loans and Mr. Clapp's present activities? Why were funds advanced to Indiana Statewide—Hoosier—to construct facilities before consent of the State authority having jurisdiction was obtained, as required by the Rural Electrification Act?

Personally, I cannot answer these questions, and I do not think they will be answered until there is a thorough investigation of the whole gamut of REA operations.

The red ink from these unwise and uneconomic loans must somehow be blotted up by the present Administrator, Mr. Hamil. I sympathize with him as he grapples with this task, just as I sympathize with the cooperative consumers who are finding their program jeopardized by the questions raised by these and other REA loans.

Mr. Hamil improved REA policy by revoking the criterion under which many of these questionable loans were made, and has returned to the cost and availability of power to the cooperative consumer as the basic factor in determining the justification for generation and transmission loans.

The facts surrounding these cases have cast a new pall of suspicion over the whole REA program. It is time to call a moratorium on advances for these generation and transmission loans until they have been thoroughly restudied.

Surely, too, there should be a special review of REA loans made in the closing days of the previous administration in order that the type of long and involved litigation involving earlier loans might be avoided. If court cases could be avoided, the taxpayers and cooperative consumers would be saved millions of dollars.

But most important, the continuing difficulty in which this program is enmeshed dictates that there should be no further expansion of REA until the Congress has probed the actions of this agency. Only then will we be able to frame the laws necessary to correct its transgressions or to reformulate the program and the agency so that national interest will be served. As it stands, REA is destined to become increasingly controversial, for at a time when other businesses must pay 7 and 8 percent for funds, REA borrowers pay but 2 percent.

At a time when taxpayers must shoulder a tax on taxes, REA cooperative borrowers contribute not a cent to Federal income tax revenues.

At a time when the Federal Government is striving to channel resources into programs of the highest priority, REA and certain borrowers face litigation over wasteful loans that duplicate existing, more economic facilities and services offered by others. Some of these loans, as I have stated, even threaten cooperative consumers with higher cost power.

If REA is ever to escape the seething controversies in which it has been embroiled in recent years, it must realistically justify its actions and its reasons for being.

When the money markets are charging 8-percent interest, REA 2-percent loans must be justified not just 100 percent, but 400 percent. They must be above question in their benefits to cooperative consumers and in meeting the objectives of this program as established by the Congress.

The propriety of the loans, the procedures under which they are granted, the personnel administering the program must be unimpeachable. Any lingering questions or doubts serve only to perpetuate controversy and to expose the program to charges of wastefulness, boondoggling, or worse, and threaten its very existence.

I include the following material:

[From the Chicago (Ill.) Tribune, Oct. 30, 1969]

INDIANA PUBLIC POWERPLANT LIES IDLE AS COSTS PYRAMID

(By Ronald Koziol)

American taxpayers have financed a 71.8 million-dollar electric generating plant which has stood idle for five months on the banks of the White river near Petersburg, Ind., 260 miles south of Chicago.

The government loan for the project, which eventually will total $100,430,000, has been termed a "boondoggle" and a duplication of existing power facilities by critics of the Rural Electrification administration.

OVER 965 MILES OF LINES

All of the money was lent during the Kennedy and Johnson administration by former REA Director Norman M. Clapp.

The reason why the plant hasn't generated one watt of its 233,000 watt capability over 965 miles of already constructed transmission lines is because of legal action brought against the government and rural electric cooperative members, who obtained the loan, by private utilities in Indiana.

The utilities have been supplying electricity at bulk rates to the cooperatives, which pay no federal income taxes. The cooperatives then distribute the power to their members.

UNITED STATES MEETS PAYROLL

As the court battles continued, the government was forced to assume legal title to the generating plant last Dec. 28, and has had to meet a payroll for 78 employes and operating costs totaling $300,000 a month.

Add to this amount the delinquent interest payments on the loan thru the end of this month which have soared to $942,000. By Dec. 31, REA officials acknowledge that the delinquent interest payments will reach $1,262,000.

FEDERATION OF 16 CO-OPS

The government has also had to take over payments of $23,000 a month under a power pool contract which calls for stand-by electricity from the Southeast Power administration, another government agency. Through Monday, REA officials had paid a total of $230,000 on this contract.

One REA official, who asked not to be identified, said, "This is really something when we have to pay for stand-by power when the plant isn't even producing initial power."

Interest that is now accruing will be part of the total obligation of Hoosier Cooperative Energy, Inc., a federation of 16 electrical cooperatives in southern Indiana which obtained the original loan, according to David Hamil, present administrator of the REA.

"That's assuming when and if Hoosier Energy can take legal title to the facilities," said Hamil. "And it won't be a cash payment on that day because I doubt if Hoosier could raise the money."

LOSSES STILL MOUNTING

He added that some kind of agreement would have to be worked out with the REA so Hoosier could repay the delinquent interest charges. The first payment on the principal of the loan is due next April.

"That plant was geared to begin operations on June 1 and the loan was based on the plant operating after that date," said an REA official. "Every day that it stands idle it's money that cannot be recouped."

The loan was made at the standard REA interest rate of 2 per cent to be repaid over a maximum period of 35 years. Although interest rates have climbed steadily since the REA established the rate in 1935, efforts to raise it have met with continuous defeat in Congress.

Rep. William G. Bray [R., Ind.] told the Tribune:

"I don't know how much longer the American public will tolerate this. The government has to pay up to 7 per cent on the money it borrows so the REA can loan it out at 2 per cent interest."

ILLINOISAN A CRITIC

Even more outspoken about the REA loan to build generation facilities has been Rep. Robert Michel (R., Ill.), a member of the House subcommittee on appropriations. He criticized the loan to Hoosier saying that "the plant was not needed."

Michel also noted that there was nothing in the record to establish that the lending of government funds would make cheaper power available to the borrower, as Hoosier Energy has contended.

The Peoria congressman was also critical of Clapp's action in releasing REA funds for the Hoosier project in June, 1965 while litigation was still pending. He contends that the matter should have been resolved in the courts before the money was lent.

TELLS CONGRESS DISAPPROVAL

A further source of agitation to Michel was the approval of another REA loan for $11,150,000 to Hoosier in late 1956 to permit it to connect its system with those of cooperatives in Illinois and Kentucky. Michel contended that the second loan was made "contrary to earlier congressional directions."

Despite opposition from some members of Congress and the pending litigation, the REA approved still another loan for Hoosier on Oct. 21, 1968, in the amount of $29,055,000. Money released by the government to date for the Indiana project amounts to 71.8 million dollars, out of the total approved loans of $100,430,000.

LINK TO SECOND AGENCY

Shortly after the first REA loan was approved in June, 1961, Hoosier Energy applied to the Indiana Public Service commission for approval to construct and operate the plant. All five of the state's private power companies petitioned the commission to disapprove the application.

In April, 1962, Hoosier withdrew its application and received REA approval to transfer its loan to Indiana State-wide Rural Electric co-operative, and Hoosier Energy remained a division of State-wide. This was done because State-wide held the necessary Indiana state certificates to operate and generate electricity.

The private utilities again filed suit, claiming State-wide had not used the certificate since 1935 and that it had "expired because of non-use."

The matter finally reached the Indiana Supreme court where last Dec. 10, the court reversed Appellate and Circuit court decisions and ruled State-wide's authority to operate generating facilities had lapsed and that a new certificate would have to be obtained.

On March 25, the United States District court issued an injunction preventing the government from operating the generating plant. This injunction was overturned by the Circuit court of Appeals on Sept. 18.

CASE IN HIGHEST COURT

Attorneys for the private utilities then petitioned the United States Supreme court to hear the case. A decision is not expected for another four to six weeks.

Because of court battles, Hoosier Energy has had to assess its 92,600 electric users a total of $453,740 so far this year. Of this amount, $300,000 has been spent on legal fees, $55,000 on public relations, and the remainder on office expenses, according to government records.

Hoosier Energy officials have contended that the member co-operatives would realize significant savings in wholesale power costs if they operated their own power facilities.

REA Director Reveals Power Loan Was Denied at First

(By Ronald Koziol)

David A. Hamil, director of the Rural Electrification Administration who formerly headed the same agency from 1956 to 1961, disclosed yesterday that in 1958 he refused to allow a 60-million-dollar federal loan to finance construction of a power generating plant near Petersburg, Ind.

It was the first public disclosure by an REA official that the loan, which now totals $100,430,000, was originally rejected.

APPROVED BY DEMOCRAT

Hamil left his post on Feb. 3, 1961, and four months later, the Democratic-appointed REA director, Norman M. Clapp, approved the loan to build the power plant on the banks of the White river, 260 miles south of Chicago.

Taxpayers have financed construction of the 71.8-million-dollar plant which has been blocked from operating for the last five months because of court litigation instituted by private power companies. The government has had to bear the brunt of delinquent interest payments on the loan which will total $1,262,000 by the end of the year.

Because of the suits filed by private utility, the REA has been forced to assume title to the plant and other facilities. This is the first time in the 39-year history of the REA that it has had to take over the ownership of a power plant.

HAMIL SEEKS SOLUTION

Since the plant has been unable to operate, the REA companies in the area have been forced to continue buying much of their power at wholesale from the very utilities that have blocked the plant's opening.

At least one congressman, Rep. Robert Michel [R., Ill.] has also criticized the loan, contending the the plant was not needed because there was no shortage of power in southern Indiana.

Hamil has been trying to resolve the Indiana problem since he was appointed again to the REA post by President Nixon in January. According to Hamil, the application for the loan to Hoosier Energy Cooperative, Inc., a federation of 16 electrical cooperatives in Indiana, was first received by his office in 1957 and thoroughly reviewed at that time.

"Our studies did not indicate any savings to the rural users if the cooperatives were allowed to generate their own power," said Hamil. "I also suggested that that time that Hoosier Energy explore the possibilities of constructing a generator in conjunction with private utilities."

He continued: "I believe that this idea was a more reasonable plan than loaning millions of dollars to duplicate existing power facilities."

Hamil contends that when rural electric cooperatives and privately owned companies join forces to work together, they can eventually come up with more economical energy for customers in their areas and save taxpayers money.

NEGOTIATIONS UNDERWAY

I have been encouraging both private utilities and rural electric cooperatives to join in power planning and eliminate high competitive double construction of facilities where one unit would handle it all," he said.

Hamil said he is presently negotiating with Hoosier and the private investor utilities in an effort to put the Petersburg plant "into the mainstream of the midwestern power industry."

He hinted strongly, the efforts are being made to resolve the Petersburg situation out of the courts so that the government can eventually recoup all of the loan money and accumulated interest.

Ex-Top REA Man Hired by 3 Co-ops

(By Ronald Koziol)

The former director of the Rural Electrification administration has been retained by at least three electric co-operatives to which he approved loans of millions of dollars in federal funds, a Tribune investigation has disclosed.

He is Norman M. Clapp, who served as REA administrator from March 3, 1961 to last Feb. 3. During that time, Clapp approved loans totaling 1.3 million dollars for rural electric co-operatives to construct their own power plants.

HALT FUTURE LOANS

Present REA Director David A. Hamil has ordered a halt to all loans for power plant construction because of mounting legal problems resulting from two such loans in Indiana and Louisiana.

In the Indiana case, taxpayers have financed construction of a 71.8-million-dollar plant in Petersburg which has been blocked from operating for the last five months because of the court litigation instituted by private power companies.

The government has had to bear the brunt of delinquent interest payments on the loan which will total $1,262,000 by the end of the year.

Rep. Robert Michel (R., Ill.), critic of the large loans has contended that the government financed power plants have duplicated already existing electric facilities.

HIRED TO MAKE SURVEY

Managers of three rural electric co-operatives, which were recipients of large federal loans from Clapp during the Kennedy and Johnson administrations, told The Tribune that Clapp has been hired by them "to perform a survey."

James L. Grahl, manager of the Basin Electric Power Co-operative in Bismarck, N.D., said he was contacted by Clapp last spring with a proposal to make a study of "the attitudes toward REA generation loan programs."

"It was decided that we would accept the proposal and we hired him at his price of $3,000 for the survey," said Grahl. "To date, we have not received the survey or his bill."

During Clapp's administration of the REA, Basin received the largest single loan in REA history—97 million dollars for construction of a power plant in Stanton, N.D. The loan was approved by Clapp on Oct. 25, 1968. The co-operative received an earlier loan on May 10, 1962 for $36,600,000.

ALREADY PAID $3,000

Another recipient of several large loans was the Big Rivers Rural Electric Co-operative corporation in Owensboro, Ky.

W. W. Rumans, Big Rivers manager, said that Clapp has already been paid $3,000 for the survey, which he called "an in-depth study of problems that face rural electric co-operatives and future financing from a managerial standpoint."

Rumans praised Clapp as "probably the most knowledgable person in the country when it comes to rural electric co-operatives and well-suited to conduct the survey."

Big Rivers, which is composed of three Kentucky electric co-operatives, did not come into existence until June, 1961. Slightly more than a year later, its first REA loan for 18 million dollars was approved by Clapp for construction of a power plant along Kentucky's Green river. Another loan for $53,990,000 was approved on Dec. 30, 1965.

KENTUCKY DEMOCRAT CHIEF

Five days before President Nixon took office on Jan. 20, Clapp authorized a third loan of $27,400,000 to Big Rivers.

J. W. Miller, manager of one of the three co-operatives which make up Big Rivers and a Big Rivers director, is Democratic state chairman for Kentucky.

Miller said that he understood Clapp was hired to "evaluate our place in the utility industry, public relations, and other matters." He added, "We also thought he was the best qualified because of his background with the REA."

According to Miller, "about five or six" other co-operatives thruout the country have agreed to help finance the Clapp survey.

John J. Madgett, manager of the Dairyland Power co-operative in La Crosse, Wis., said that his group also has signed up for the survey.

During Clapp's administration, Dairyland Power received loans totaling more than 74 million dollars to build generating facilities.

JOHNSON CITY LOAN

During the last two weeks of the Johnson administration, Clapp approved loans to rural co-operatives totaling more than 81 million dollars. Included in the loans was one made on Jan. 17 for $5,200,000 to the Pedernales Electric Co-operative, Inc., of Johnson City, Tex.

REA officials in Washington said that Mr. Johnson helped organize the co-operative several years ago. It serves as the source of power for the former President's ranch near Johnson City.

Loans by Ex-Boss of REA Face Probe

(By Ronald Koziol)

Rep. Robert Michel (R., Ill.) said yesterday that he will seek a full investigation into federal loans totaling millions of dollars which were made by Norman M. Clapp, former director of the Rural Electrification administration.

The Peoria congressman, who is a member of the House subcommittee on appropriations, said the inquiry will be sought in the wake of Tribune disclosures yesterday which told of Clapp being retained to conduct a survey for three electric cooperatives to which he approved large government loans.

BACKS EARLIER SUSPICIONS

Clapp served as REA administrator from March 13, 1961, till last Feb. 3.

"The Tribune's disclosures certainly suggest that earlier suspicions I had regarding certain loans were well founded," Michel said. "It also lends credence to the fact that there might have been something other than good judgment used in making the loans.

"While there is no federal statute against an ex-federal employe accepting employment with the cooperatives, it makes for a very unhealthy situation.

FACILITIES DUPLICATED

"If the facts are true, I believe that a careful review of all federal loans made in the closing days of Clapp's administration should be undertaken. There could very well have been some kind of an understanding between certain parties, and if this is found to be the case, then past loan decisions should be altered or reversed."

Michel, a frequent critic of the large loans, has argued in the past that government-financed power plants have duplicated already-existing electrical facilities.

Michel said he will confer this week with David Hamil, present director of the REA, and congressional colleagues about the matter.

"There is no reason why the American taxpayers should have to take the rap for some of these loan decisions, especially the loan made to the Hoosier Energy cooperative in Indiana," said Michel.

LITIGATION STALLS OPERATION

He was referring to a 71.8 million dollar power plant in Petersburg, Ind., which has been blocked from operating for the last five months because of court litigation instituted by private power companies.

The government has had to assume ownership of the facility and has had to bear the brunt of delinquent interest payments on the loan which will total $1,262,000 by the end of this year.

It was disclosed yesterday by The Tribune that Clapp had been hired by rural electric cooperatives in North Dakota, Kentucky, and Wisconsin to conduct a survey of the "attitudes toward REA generation loan programs."

One of the cooperatives, the Big Rivers Rural Electric Cooperative, Inc., of Owensboro, Ky., said it had already paid Clapp $3,000 as its share of the survey. Big Rivers has been recipient of more than 98 million dollars in REA loans since it came into existence in June, 1961.

GOT LARGEST LOAN

The Basin Electric Power Cooperative in Bismark, N.D., which also agreed to the Clapp survey, received the largest single loan in REA history—97 million dollars on Oct. 25, 1968, for construction of a power plant in Stanton, N.D.

A third cooperative, Dairyland Power of La Crosse, Wis., received loans totaling more than 74 million dollars to build generating facilities during Clapp's administration.

An official of Big Rivers told The Tribune that it was his understanding that "five or six" electric cooperatives thruout the country were participating in the Clapp survey.

Nixon Aide To Probe Deals on REA Loans Made by Ex-Director

(By Ronald Koziol)

A special assistant to President Nixon will probe the issuing of government loans totaling millions of dollars which were approved by the former director of the Rural Electrification administration, it was disclosed yesterday.

The investigation will be conducted by Clark Mollenhoff, President Nixon's deputy counsel. It is the second inquiry announced since The Tribune disclosed Sunday that Norman M. Clapp, former REA administrator, was being retained to conduct a survey for three rural electric co-operatives to which he approved large government loans.

MICHEL ASKS PROBE

Rep. Robert Michel (R., Ill.), a member of the House subcommittee on appropriations, said he will seek a full investigation into all aspects of the federal loans. He said the disclosures "certainly raised suspicions—many of which I have had for a long time—about certain REA loans."

Molenhoff, a former Pulitzer prize winning reporter who made a reputation as an investigator of corruption in government, is now a trouble-shooter for the President.

1.3 BILLION IN LOANS

"I'm interested in going into this matter thoroly," Mollenhoff said. "There are certain things here which could involve congressional action but I will have to look into some of these loans first."

During Clapp's administration, from March 3, 1961, to last Feb. 3, he approved loans totaling 1.3 billion dollars for rural electric co-operatives to construct their own power plants.

David A. Hamil, present REA director, has ordered a halt to all loans for power plant construction because of mounting legal problems resulting from two such loans in Indiana and Louisiana.

Michel noted that "altho Clapp may not have run afoul of any federal laws in doing work for the co-operatives, it underscores my concern for many of the loans."

OK'S KENTUCKY LOAN

According to the Peoria congressman, he will ask for a review of loans by REA officials.

"I'm particularly interested in loans approved by Clapp in the closing days of the Johnson administration," he added.

During the last two weeks of the Johnson administration, Clapp approved loans of more than 81 million dollars to rural electric co-operatives.

Included in these loans was one for 27.4 million dollars to the Big Rivers Rural Electric Co-operative in Henderson, Ky., to construct a power plant. Big Rivers, which includes among its directors J. W. Miller, Democratic state chairman for Kentucky, is one of the three co-operatives that have hired Clapp at a fee of $3,000 for the survey.

The Tribune Exposé of REA Loans

The federal government now has to pay interest rates as high as 8 per cent on money which it borrows. Nevertheless, on orders of Congress, the government makes loans at 2 per cent to build rural electric facilities, some of which duplicate taxpaying private facilities. The loans are made thru a federal agency, the Rural Electrification administration [REA].

The taxpayers therefore have an interest in recent disclosures by The Tribune concerning loans approved by Norman M. Clapp, director of the REA from March 13, 1961, until last Feb. 3. Mr. Clapp has not been forced to go on relief since he lost his job. He has a new business conducting "surveys" for electric cooperatives to which he approved loans.

There is no law against a former federal official accepting employment from the cooperatives he has aided but Rep. Robert Michel [R., Ill.] thinks the practice makes for a very "unhealthy" situation. He has proposed a congressional investigation, including a review of all loans made in the closing days of Mr. Clapp's administration.

During the last two weeks of former President Lyndon Johnson's administration the REA made loans totaling more than 81 million dollars. One of the loans was $5,200,000 to the Pedernales Electric Co-operative, Inc., of Johnson City, Tex., which provides power for the former President's ranch.

Another loan amounting to 71.8 million dollars was made earlier to build an electric generating plant on the White river near Petersburg, Ind. This plant has stood idle for five months because private utilities have brought suit against the REA and rural electric cooperatives, charging that the plant duplicates existing power facilities.

Before Mr. Clapp took charge of the REA, a request for a loan to build the Petersburg plant was denied by David A. Hamil, then the director of the REA. Mr. Hamil left the job when the Kennedy administration began, and was succeeded by Mr. Clapp. Four months later the loan was approved.

Mr. Hamil has now returned to the directorship of the REA, having been appointed by President Nixon in January. He believes that rural electric cooperatives and privately owned power companies should work together to avoid duplication of power plants and transmission lines.

Congress should investigate all the loans made in the Clapp regime. New legislation may be necessary to prevent political fixing of loans to build unnecessary power facilities.

Rep. Michel calls the situation "unhealthy." We call it sickening.

Congress of the United States,
House of Representatives,
Washington, D.C., November 5, 1969.

Mr. David A. Hamil,
Administrator, Rural Electrification Administration, Department of Agriculture, Washington, D.C.

Dear Dave: I am enclosing copies of five articles and an editorial which appeared in the past week in the Chicago Tribune under the byline of Ron Koziol.

I am sure you are aware of the position I have taken through the years on our Agriculture Sub-Committee on Appropriations wherein I have raised serious questions with respect to the bigger, more significant loans for generation and transmission. Without belaboring the point, I want to call your particular attention to the third article in the series which mentions the three rural electric cooperatives that have apparently hired your predecessor, Norman Clapp, "to perform a survey". There apparently is some understanding that a $3,000 fee is an appropriate figure from the three specific cooperatives mentioned and heaven only knows how many other cooperatives might be tapped in the future for a similar fee to perform this so-called "survey".

It raises my suspicions as to the grounds on which the loans to these cooperatives were approved in the first place. I think it is within your prerogative as the new Administrator of REA to cause a review to be made of those more significant generation and transmission loans that were approved by your predecessor to determine whether or not the best interests of the taxpayers are being served.

I raised the question a number of times in our hearings about the possibility of court cases and litigation tying up these facilities for an extended period of time with a resultant loss to the Government, but my warnings to Mr. Clapp went unheeded and I would hope under your Administration more caution would be exercised and that we be assured that this situation will not be repeated.

Frankly, I should like to see an appropriate Committee of the Congress delve into this matter, but must say in all candor that I wouldn't be very optimistic of the chances of getting the kind of investigation that ought to be made. However, I would think you have the power and authority to make this kind of review and would appreciate having some kind of response from you, so that I might best know how to pursue the matter further. The disclosures as publicly aired in these articles are disturbing to the taxpayers of this country, and we have a responsibility to follow through to see that the situation is corrected and remedied.

Sincerely yours,
Robert H. Michel,
Member of Congress.

RESULTS OF CONGRESSMAN STRATTON'S 1969 CONGRESSIONAL QUESTIONNAIRE REFLECT STRONG SUPPORT FOR PRESIDENT NIXON'S POSITION ON VIETNAM

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, each year I make a practice of circulating a questionnaire to the people of my 35th congressional district in upstate New York. And each year I place in the Record the results of that questionnaire.

Today in the circumstances in which we find ourselves these results are of special interest, I believe.

This questionnaire, went out at the end of August to each of the 138,000 homes in our district. More than 15,000 replies have now come back, and the answers have been tabulated. Here is a capsule summary of the results, which were first released to the press on October 19, well before the President's November 3 address on Vietnam.

Whatever other polls may show, the people of our 250-mile-long, upstate New York district:

Approve of President Nixon's handling of his job by better than 3 to 1—though he carried our district last year by only 56.4 percent.

Support a cautious Nixon-type withdrawal from Vietnam over a set timetable, Goodell-type withdrawal by almost 2 to 1.

Oppose major defense cuts unless Russia reciprocates, by almost 4 to 1.

Support cuts in the space program in favor of domestic aids by almost 3 to 1.

Approve denying Federal funds to rioting student by 12 to 1—largest margin of any question.

Lean slightly against the ABM, but 27.8 percent undecided—largest undecided figure for any question.

Favor a 5 percent surtax extension.

Oppose the proposed Nixon welfare changes.

Support by wide margins all of the following: Direct election of the President, wage and price controls if needed, ban on radio and TV cigarette advertising, safety standards for farm tractors, Federal controls over thermal pollution and a ban on pornography in the mails.

Here are the exact questions and the percentage results:

Questions	Percent	Undecided (percent)
1. Gradual withdrawal of U.S troops from Vietnam has begun. How fast should it proceed:		
(a) Geared to ability of South Vietnamese to defend themselves, so country is not left helpless; or	61.9	6.0
(b) On a preset schedule, whether South Vietnam can fully defeno itself or not?	32.1	
2. Which approach to the space program do you favor:		
(a) Continue exploration at present pace, with an evantual landing on Mars?	24.7	3.4
(b) Cut back on space exploration and use funds for urgent domestic programs?	71.9	
3. Which presidential election reform do you prefer:		
(a) Direct popular election?	76.3	3.9
(b) Retaining present electoral votes, but eliminating such "loopholes" as throwing election into the House when no candidate gets a majority?	19.8	
4. As regards defense spending, which course do you favor:		
(a) Make sharp cuts in our own defense spending regardless of what Russia does?	19.2	4.5
(b) Maintain strong defenses until some enforceable arms limitation agreement can be worked out?	76.3	

	In percent		
	Yes	No	Undecided
DO YOU FAVOR—			
5. The thin ABM deployment recommended by President Nixon?	34.6	37.6	27.8
6. Now that the House has passed a broad tax reform and tax cut bill, would you support, as an anti-inflation measure extension of the surtax to January 1970 a 10 percent, and at 5 percent until June?	50.8	35.0	14.2
7. Imposing wage and price controls, if present measures fail to halt inflation?	70.3	20.5	9.2
8. President Nixon's new welfare program, guaranteeing families a $1,200 income floor, and doubling both Federal welfare costs and total recipients? [1]	32.7	47.8	19.5
9. Enforcement of existing Federal law cutting off aid to students guilty of disruptive campus riots?	90.2	7.6	2.2
10. Federal legislation to prevent thermal pollution of small lakes by nuclear powerplants?	88.5	4.3	7.2
11. Federal safety standards for farm tractors?	61.2	20.2	18.6
12. An end to cigarette advertising on radio and TV?	67.1	22.4	10.5
13. Federal legislation to halt current flood of pornography through the mails?	84.1	10.1	5.8
14. Generally, do you approve of the way President Nixon has been handling his job?	64.0	19.6	16.4

[1] Actually the proposed floor was $1,600.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Blanton, for attending the funeral of ex-Governor Frank G. Clement, of Tennessee.

Mr. Jones of Tennessee, for attending the funeral of former Gov. Frank Clement of Tennessee.

Mr. Fulton of Tennessee, for November 6, on account of death of Gov. Frank G. Clement.

Mr. Byrne of Pennsylvania (at the request of Mr. Dent), for November 5, account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 60 minutes on Thursday, November 13.

Mr. ROUDEBUSH, for 60 minutes, on Thursday, November 13.

Mr. FULTON of Tennessee, for 1 hour, today.

Mr. PODELL, for 30 minutes, today.

Mr. OTTINGER, for 15 minutes, today.

(The following Members (at the request of Mr. MIKVA) to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. GIAIMO, for 60 minutes, on November 6.

Mr. FARBSTEIN, for 20 minutes, on November 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN in two instances and to include extraneous matter.

Mr. MATSUNAGA immediately preceding the passage of House Joint Resolution 934.

Mr. BOLAND in two instances and to include extraneous matter.

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. GUBSER.

Mr. FREY.

Mr. THOMPSON of Georgia.

Mr. FOREMAN in two instances.

Mr. SHRIVER in two instances.

Mr. WYMAN in two instances.

Mr. TAFT.

Mr. DEL CLAWSON.

Mr. FISH.

Mr. REID of New York.

Mr. UTT.

Mr. SCHWENGEL.

Mr. BUSH in two instances.

Mr. BLACKBURN.

Mr. MILLER of Ohio in two instances.

Mr. SCOTT.

Mr. PELLY.

Mr. WHITEHURST in two instances.

Mr. HOGAN in two instances.

Mr. LUKENS.

Mr. MORSE.

Mr. CHAMBERLAIN.

Mr. PRICE of Texas in two instances.

(The following Members (at the request of Mr. MIKVA) and to include extraneous matter:)

Mr. MATSUNAGA in two instances.

Mr. DINGELL in two instances.

Mr. WALDIE in four instances.

Mr. COHELAN in two instances.

Mr. ANDERSON of California.

Mr. RARICK in three instances.

Mr. ADDABBO in two instances.

Mr. HUNGATE in two instances.

Mr. NICHOLS.

Mr. HAMILTON.

Mr. GONZALEZ in two instances.

Mr. CAREY.

Mr. FRASER.

Mr. EVINS of Tennessee in two instances.

Mr. TIERNAN.

Mr. BARING.

Mr. HANNA in three instances.

Mr. OLSEN in two instances.

Mr. CELLER.

Mrs. SULLIVAN.

Mr. GREEN of Pennsylvania in two instances.

Mr. HAGAN in two instances.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, November 6, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1313. A letter from the Comptroller General of the United States, transmitting a report of a review of the basis for determining need for construction of messhalls in the Department of Defense; to the Committee on Government Operations.

1314. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 331 of title 28, United States Code, to authorize the Judicial Conference of the United States to promulgate rules and standards governing the conduct of U.S. judges; to the Committee on the Judiciary.

1315. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1316. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1317. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 14672. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 14673. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 14674. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 14675. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. EDMONDSON:

H.R. 14676. A bill to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON (for himself, Mr. ALBERT, Mr. BELCHER, Mr. CAMP, Mr. JARMAN, and Mr. STEED):

H.R. 14677. A bill to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ (for himself, Mr. MAILLIARD, Mr. DINGELL, Mr. PELLY, Mr. CLARK, Mr. GROVER, Mr. LENNON, Mr. KEITH, Mr. DOWNING, Mr. POLLOCK, Mr. BYRNE of Pennsylvania, Mr. GOODLING, Mr. ROGERS of Florida, Mr. BRAY, Mr. STUBBLEFIELD, Mr. ST. ONGE, Mr. HATHAWAY, Mr. JONES of North Carolina, Mr. LEGGETT, Mr. FEIGHAN, Mr. ANNUNZIO, Mr. LONG of Louisiana, Mr. BIAGGI, and Mr. SCHADEBERG):

H.R. 14678. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON:

H.R. 14679. A bill to establish in the Executive Office of the President an independent agency to be known as the Office of Executive Management; to the Committee on Government Operations.

By Mr. HAYS:

H.R. 14680. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HICKS:

H.R. 14681. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. LANGEN:

H.R. 14682. A bill to create a commission to study the passenger-carrying railroads of the United States and to impose a temporary moratorium on the discontinuance of any passenger service by rail; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Louisiana:

H.R. 14683. A bill to designate as the John H. Overton lock and dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 14684. A bill for the relief of the State of Hawaii; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. SPRINGER):

H.R. 14685. A bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 14686. A bill to amend section 408 of the Higher Education Act of 1965, relating to programs to identify qualified low-income students and assist them toward a successful completion of a higher education program, to permit reductions in non-Federal matching in certain cases; to the Committee on Education and Labor.

By Mr. PURCELL (for himself, Mr. Foley, and Mr. Smith of Iowa):

H.R. 14687. A bill to provide for the inspection of eggs and egg products by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of Georgia:

H.R. 14688. A bill to redesignate the position of hearing examiner as administrative trial judge; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. Brown of California, Mr. Cohelan, Mr. Corman, Mr. Edwards of California, Mr. Hanna, Mr. Johnson of California, Mr. Leggett, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Sisk, Mr. Tunney, Mr. Van Deerlin, and Mr. Charles H. Wilson):

H.R. 14689. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 14690. A bill to amend chapter 55 of title 10 of the United States Code to provide contract medical care for the dependent parents of members of the uniformed services on active duty for a period of more than 30 days; to the Committee on Armed Services.

By Mr. BRINKLEY:

H.R. 14691. A bill relating to the use of Federal funds to force busing of students, abolishment of schools, or attendance of students at particular schools; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 14692. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 14693. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 14694. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. GONZALEZ:

H.R. 14695. A bill to establish a development bank to aid in financing low- and moderate-income housing, employment opportunities for unemployed and low-income citizens, and public facilities in certain urban and rural areas; to the Committee on Banking and Currency.

By Mr. GUBSER:

H.R. 14696. A bill to amend title 10, United States Code, to limit, and to provide more effective control with respect to, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 14697. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:

H.R. 14698. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. PEPPER:

H.R. 14699. A bill to amend title 38, United States Code, to provide that the first remarriage of the widow of a veteran shall not bar the furnishing of certain benefits under such title to her but result in the reduction of such benefits by 50 percent; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Florida (for himself and Mr. Keith):

H.R. 14700. A bill to amend the National Sea Grant College and Program Act of 1966 in order to authorize coastal zone laboratory programs, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 14701. A bill to amend section 10 of the Federal Water Pollution Control Act to remove certain limitations on suits to secure abatement of pollution; to the Committee on Public Works.

By Mr. WINN:

H.R. 14702. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. CHAPPELL:

H.J. Res. 979. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. LUKENS (for himself, Mr. Adair, Mr. Albert, Mr. Anderson of Illinois, Mr. Arends, Mr. Ashbrook, Mr. Berry, Mr. Bevill, Mr. Biaggi, Mr. Blackburn, Mr. Buchanan, Mr. Bush, Mr. Cabell, Mr. Carter, Mr. Cederberg, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Cleveland, Mr. Córdova, Mr. Cunningham, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Dorn, and Mr. Dowdy):

H. Con. Res. 436. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

By Mr. LUKENS (for himself, Mr. Esch, Mr. Eshleman, Mr. Fallon, Mr. Fish, Mr. Fisher, Mr. Flowers, Mr. Gerald R. Ford, Mr. Foreman, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mr. Gibbons, Mr. Goldwater, Mr. Goodling, Mr. Gray, Mr. Griffin, Mr. Haley, Mr. Hastings, Mr. Hicks, Mr. Hogan, Mr. Horton, Mr. Hosmer, Mr. Hunt, and Mr. Kuykendall):

H. Con. Res. 437. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

By Mr. LUKENS (for himself, Mr. Lujan, Mr. Mann, Mr. Mills, Mr. Mizell, Mr. Montgomery, Mr. Myers, Mr. Pettis, Mr. Pickle, Mr. Price of Texas, Mr. Roberts, Mr. Roudebush, Mr. Saylor, Mr. Scott, Mr. Steiger of Arizona, Mr. Stratton, Mr. Stubblefield, Mr. Teague of Texas, Mr. Thompson of Georgia, Mr. Thomson of Wisconsin, Mr. Waggonner, Mr. Wampler, Mr. Watson, Mr. Winn, and Mr. Wold):

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

By Mr. LUKENS (for himself, Mr. Wright, and Mr. Wylie):

H. Con Res. 439. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H. Con. Res. 440. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H. Res. 645. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. DON H. CLAUSEN (for himself and Mr. McClure):

H. Res. 646. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Corbett, Mr. Devine, Mr. Dickinson, Mrs. Heckler of Massachusetts, Mr. McCulloch, Mr. Watkins, and Mr. Pettis):

H. Res. 647. Resolution relating to withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. HASTINGS:

H. Res. 648. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H. Res. 649. Resolution to provide funds for the further expenses for the studies, investigations, and inquiries authorized by House Resolution 192; to the Committee on House Administration.

By Mr. MURPHY of Illinois (for himself, Mr. Hagan, Mr. Hébert, Mr. Matsunaga, Mr. Clark, and Mr. Hogan):

H. Res. 650. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H. Res. 651. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mrs. REID of Illinois (for herself, Mr. Clancy, Mr. Watkins, and Mr. Caffery):

H. Res. 652. Resolution toward peace with justice in Vietnam; Committee on Foreign Affairs.

By Mr. STEIGER of Wisconsin:

H. Res. 653. Resolution toward peace with justice in Vietnam; Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Res. 654. Resolution toward peace with justice in Vietnam; Committee on Foreign Affairs.

By Mr. WHITEHURST:

H. Res. 655. Resolution toward peace with justice in Vietnam; Committee on Foreign Affairs.

By Mr. WINN:

H. Res. 656. Resolution toward peace with justice in Vietnam; Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CEDERBERG:

H.R. 14703. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer; Committee on the Judiciary.

By Mr. GUDE:

H.R. 14704. A bill for the relief of Andrea J. Moreno; Committee on the Judiciary.

EXTENSIONS OF REMARKS

BOLIVIA REVERES PEACE CORPS AIDE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, November 5, 1969

Mr. JAVITS. Mr. President, I ask unanimous consent that an article published in the New York Times of October 8, 1969, entitled "Bolivia Reveres Peace Corps Aide," be printed in the Record.

The article concerns an outstanding Peace Corps volunteer from upstate New York, Mrs. Sandra L. Smith, who died of a brain injury at a tragically young age, but whose memory is revered among the downtrodden Indians of Bolivia whom she served so nobly.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bolivia Reveres Peace Corps Aide—New Yorker, Dead at 22, Is Hailed as a Revolutionary

La Paz, Bolivia.—Mrs. Sandra L. Smith, a Peace Corps volunteer who died of a brain injury, is revered here as a true revolutionary who tried to redeem Bolivia's downtrodden Indians.

Mrs. Smith, a 22-year-old from upstate New York, ran a one-room school where children were learning to read and write. She also helped their mothers by giving them advice on cooking and sanitation. She was married to a fellow volunteer and childhood sweetheart.

While congressmen in nearby Chile accused the Peace Corps of serving as a front for the Central Intelligence Agency, the newspaper El Diario of La Paz said in an editorial:

"Although you did not wish it to be, your life is a slap in the face to all the paper revolutionaries who sing odes to the 'campesinos' from their plush homes and comfortable desks."

One of 200 volunteers assigned to Bolivia, Mrs. Smith had been living and working in the El Alto slum near the city's mountaintop airport for a year. Her husband, Frederic W. Smith, 23, taught masonry at a nearby trade school and worked with his wife in teaching their neighbors rudimentary sanitation.

Both were brought up in upstate New York where they attended Clarence High School; both were graduated from the University of Rochester.

"I liked Sandra very much," says 6-year-old Joe Limache, one of the ragged children who attends the tiny school where Mrs. Smith taught. "I hope they name the school after her."

The school, in the middle of a dirt-floor adobe compound, is about 12-feet wide and 26-feet long. The furniture consists of scrap lumber and bricks. But for the 27 children who study there the school is much better than what their parents had as children.

"There were no schools when I was young," says Amelia de Churates, whose two children attend the school where Mrs. Smith taught. "My girls are learning many things."

Like most of the other mothers in El Alto, Mrs. de Churates is an Indian peasant whose main language is the Aymara dialect. For her children's education she pays a peso a week. That is only about a nickel in American money, but it is a sizable amount for the desperately poor campesinos of the highlands. The money was used to pay for supplies and for the salary of a young girl from the interior who helped Mrs. Smith with the younger children.

"She was constantly thinking of the school and how to improve it," says Rosa Pelaez, Mrs. Smith's 24-year-old assistant. Barely literate herself, she is now trying to run the school alone, while waiting for the Peace Corps to decide whether a new volunteer will be sent into the project.

Gino Baumann, the Peace Corps director for Bolivia, says that the school probably will be continued and in the meantime is helping El Alto residents fulfill the hope that the school will be named after Mrs. Sandra L. Smith.

"She was an angel; we could hardly believe it when we heard she had died," says Juan Mamani, a mechanic.

When the 22-year-old teacher's coffin was flown out of La Paz for burial in Rexford, many of the neighbors trudged to the airport with small gifts for her husband. This was an unusual tribute for people who are generally taciturn and withdrawn.

"You were truly working for the liberation of the Indian peasant," said an editorial in a La Paz newspaper, "because you taught him to read and that is where his true redemption will come from. And you did not ask for votes and you didn't bring arms for them to kill brother Bolivians, and you did not ask them for support in future political campaigns."

WHY SKIES ARE TROUBLED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SHRIVER. Mr. Speaker, a recent article in Parade magazine written by Mr. Jack Anderson on "The Growing Menace of the Private Plane," has evoked national controversy because it was aimed at making a scapegoat of general aviation for the Nation's serious airport and airways problems.

Under the leave to extend my remarks in the Record, I include the following editorial from the Topeka, Kans., Daily Capital which provides an effective rebuttal to the biased report by Mr. Anderson. The editorial follows:

Why Skies Are Troubled

Jack Anderson, protege and successor to the late Drew Pearson, as a Washington columnist, has turned his scattergun typewriter on aviation in "The Growing Menace of the Private Plane." It appeared in Parade Magazine, circulated by Sunday newspapers including The Capital-Journal.

Anderson called private planes "instant death," blames today's air traffic congestion on skylarking, half trained private pilots (often drunk, he implies), and chastises the Federal Aviation Administration "for allowing small private planes to cut into the commercial flight patterns and to use the facilities of our great jetports."

Anderson ignored FAA's classification for "private aircraft" which includes everything from Hugh Hefner's tri-jet Boeing 727 to a biplane farm duster. Big headaches at high density airports today are created by airliners, not general aviation aircraft, this freely noted by the FAA and private groups.

New York's John F. Kennedy International Airport can accept 80 planes per hour under ideal instrument conditions, 62 under normal conditions. Acceptance rate drops to 40 in really bad weather. Yet something more than 80 airline flights are scheduled to leave JFK between 5:30 and 6:30 p.m., a peak traffic hour.

Two dozen flights are scheduled to depart in one five-minute period. There's no way they can.

The jam is caused by airline insistence on saturation scheduling at peak travel hours, and many of those jetliners are flying nearly empty. It is in many cases simply a bid by an airline for a bigger slice of business from a major market like New York, Newark, Los Angeles, Washington National or Chicago's O'Hare.

A congressman recently suggested a tax on empty seats to force airlines to reduce saturation scheduling. Nothing has been done.

Anderson blames "pilots preoccupied with training lessons" for many midair collisions, citing a September accident near Indianapolis which killed 82 aboard an airliner and a student pilot "with only 38 hours in the air." He charged the student rammed the airliner over the Indianapolis airport while making a practice pass at the runway.

Frank Kingston Smith, president of National Aviation Trades Assn., notes the airliner went over an outlying small airport (Shelbyville) at 3,000 feet, passed under the student's plane at 2,900 feet and cut the small plane in half with the tail.

The scene was 20 miles from the Indianapolis airport. Smith said the small plane was in front of the airliner for at least 40 seconds. This was the fault of the student pilot in his 120 mph airplane?

Air travel is the fastest-growing segment of the transportation industry. Its growth has caused many problems—in safety aloft, in passenger handling with outmoded terminals, even in providing trafficways and parking lots adequate for the flow of travelers. Each demands a solution. Dozens of boards, agencies and groups are devoting their best efforts to them.

It is difficult to see how an attempt to make general aviation a scapegoat for airline problems will help either group.

TWO SIDES OF THE CAPITAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WALDIE. Mr. Speaker, the evening of October 14 was the occasion of a most extraordinary, and in my opinion, notable, occurrence in this House. At that time the Members of this great body debated the most important issue of our time in a dignified and restrained manner.

This debate was observed by hundreds of young persons whose behavior was impeccable and whose manners were above reproach.

At the same time, Mr. Speaker, the Governor of my own State was addressing a gathering at a hotel in this city. His remarks were directed at these young persons and addressed the subject being discussed in this House.

An article by Michael Green of the

McClatchy newspapers of California caught the spirit of these two occasions and I think his article is worthy of notice by the Members of Congress.

The article follows:

Two Sides of Capital

(By Michael Green)

WASHINGTON.—On Moratorium eve, while the kids were beginning to gather on the lighted Capitol steps, the administration forces were arriving in gleaming limousines at the Washington Hilton across town.

The affair was a swank dinner for 500 in the hotel's main ballroom to celebrate the 79th birthday of the late Gen. Eisenhower and kick off a fund-raising drive for tiny Eisenhower College in Seneca Falls, N.Y.

President and Mrs. Richard Nixon were chauffeured up Connecticut Avenue from the White House. But the star attraction was Gov. Ronald Reagan, who had come to attack American youth, Vietnam Moratorium Day, college morals and a rich menu of other evils.

Unlike those schools Reagan deplores, Eisenhower College, according to brochures laid beside the watercress, is dedicated to a spartan emphasis on patriotism and character.

The only students in this crowd were David and Julie Eisenhower of Amherst and Smith, respectively. The White House acknowledged they decided to come home from their anti-war campuses during the moratorium to avoid any possible "embarrassment." In the shelter of the White House, they could remain as "unaffected" by it as Nixon himself.

INVOLVEMENT

Their youthful counterparts, gathered about 1,000 strong across town, preferred involvement. Sitting in orderly camaraderie on the Capitol steps, they waited out the long parliamentary wrangle inside over whether the House would stay in session all night to debate the war. They huddled slightly for warmth in the fine, crisp October evening under a crimson moon and, talking, singing, joking, they seemed happy in the company of each other and in their cause.

They were among the young American teen-agers not yet taken for the Vietnam war. Their limbs were whole; their bodies unpunctured, their heads untorn, their cheeks unscarred. One could not help being moved by that fact and by wanting to spare and conserve them.

An old man looking at them might have found it possible to see the poignant contrast between these healthy young and the senseless war which awaits them. And he might have wished them well and thought of the lines: "Do not go gentle into that good night. . . ."

FORCES

As the young protestors sang, the administration forces across town plodded through Tomato DuBarry filled with Cauliflower Gratine. The audience included 14 generals, five admirals, assorted colonels and commanders, one secretary of defense and Billy Graham. Bob Hope was on hand to entertain the troops.

The President's hands were in seclusion behind a bowl of orange flowers so he could applaud or not applaud Gov. Reagan's more extreme statements in private, as he so desired.

Rome fell apart, historian Reagan warned darkly, when "young men began to avoid military service and wore their hair long like women and wore effeminate clothes so that it became difficult to tell the sexes apart. . . ."

Other historians have suggested Rome may have collapsed when it became overextended, in any event, Reagan perhaps should have gone to the other gathering. The boys and girls on the Capitol steps did not seem inordinately confused about each other, nor about the meaning of their moratorium.

They remained to sing and flash their two-fingered peace sign even after administration forces succeeded in silencing war critics in the House who wanted a debate by adjourning instead.

Gov. Reagan, at that moment, was telling his crowd over an after-dinner demitasse that the protestors' moratorium was aptly named, "For there will be a moratorium on free discussion," he. charged.

Between the Washington Hilton and the Capitol, it is a lonely taxi ride at night. The weary Negro driver, a quiet American, was working his 20th hour that day. He had little faith in the politicians and generals sipping cream of almond soup in the hotel ballroom or in the power of the young on the Capitol steps to ever change them.

"I'm 41 years old," he said dully, eyes on the road. "They took me in World War II. I was in three years. They give me a certificate when I got out tellin' how much they appreciated it. That's the last good word they got for a black man.

"Now they took my two sons. They're in Vietnam. Haven't heard from one in two months. I don't know if he's alive or dead. Don't make any difference to me who gets elected. If you're black, they only wants you for a war."

He pulled slowly up to the youngsters sitting and singing on the Capitol steps. His dull eyes did not fall on them. He methodically made change. Then he drove off into the night.

TRIBUTE TO KENNETH SPRANKLE, CHIEF CLERK AND STAFF DIRECTOR, COMMITTEE ON APPROPRIATIONS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. LANGEN. Mr. Speaker, I, too, wish to take this opportunity to express deep appreciation and gratitude for the years of service to the Committee on Appropriations by Mr. Ken Sprankle. His loyalty and dedicated service, plus his deep understanding and wide experience as a member of the committee staff, made him a valuable asset to me and to the other members of the committee on both sides of the political aisle.

After 40 years of service to the Federal Government, Ken is still a young man and I am grateful to him for consenting to remain with us on special assignment until the conclusion of our committee business this year.

Ken is well known by most Members of Congress, whether they are members of the Committee on Appropriations or not. His knowledge of the procedures of the committee and the operation of the Federal Government is unequaled. I have sought his advice and his background of information on countless occasions. His record of service and contribution to the Congress throughout the 14 years he has served in his present position ranks him among the best qualified public servants on the Hill.

I do not like to see him leave our committee staff. I will miss his steady, conscientious work, and his calm, precise attitude toward his job. I will wish him many happy years ahead and best of luck in whatever new venture he decides to pursue.

CRIME IN THE NATION'S CAPITAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HOGAN. Mr. Speaker, the District of Columbia, the Nation's Capital, is fast becoming known as thoroughly crime-ridden, if not the crime capital of the country. This morning, on one of the major television network programs, the Today show, attention was called to this unfavorable aspect of the reputation of the District of Columbia.

As a Member of Congress whose congressional district is adjacent to the District of Columbia and who has many constituents who work in the District of Columbia, I am deeply concerned about this problem of increased crime in the District of Columbia.

Not only are the number of crimes increasing, but the number of violent and aggravated crimes against persons are increasing at an alarming rate in what appears to be a rate disproportionate to that in other cities of similar size.

Neither is the Capitol Hill area spared from serious crime. Recently a Senator was the victim of an attempted robbery in his apartment building. Yesterday in the early morning hours two buildings within 10 blocks of the Capitol were bombed with substantial damage to those buildings and neighboring homes. Fortunately, no one was injured.

Narcotics use in the District of Columbia is on the rise and Police Chief Wilson recently testified before the House District Committee, of which I am a member, that narcotics users are increasingly turning to violent crimes; that is, robbery, and so forth, to feed their habits. Department of Justice officials testified that the failure of the Bail Reform Act in permitting narcotics users to be placed back in the streets after their arrest on one or more charges, is aggravating rather than correcting the crime situation in the city.

The chief judge of the U.S. district court in a recent statement informs us further that there are a large number of defendants failing to appear for trial resulting in a large number of fugitive warrants being issued. A large number of these fugitives are reported to have been released under the Bail Reform Act, enacted about 3 years ago, which in its present form is apparently and simply not working.

I intend addressing myself to the problems of crime in the District of Columbia over the next few weeks by pointing out items which I believe will be enlightening on this subject to all of the Members of the Congress.

The first of these items is the crime index for the District of Columbia for September 1969, which is reprinted below:

CRIME INDEX FOR SEPTEMBER 1969

On October 23, 1969, the Office of the Chief of Police released the reported Crime Index statistics for the Month of September, 1969. The September statistics show a decrease of 5.4% compared with August 1969. These same figures compared with September 1968 show a 37.2% increase.

The following classifications of crime show decreases over August: Aggravated Assault, down 40 or a 12.1% decrease; Burglary, down 214 or a 9.7% decrease; and Auto Theft, down 35 or a 3.0% decrease.

Mayor Washington kicked off the Burglary Prevention Program on October 16, 1969. Police Department Officials are very hopeful that the 9.7% decrease in September burglaries will seem insignificant when the Prevention Program begins to show the desired result. Burglary is one area where the citizen can help the police prevent crime.

Robbery is still an increasing problem. Eight hundred and twenty-one or 63.9% of the 1,285 robberies were armed robberies. The 821 armed robberies constitute an increase of 14.9% over August which had 714 armed robberies. However, preliminary October data does show a slight decrease in armed robberies.

GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT CRIME INDEX OFFENSES SEPTEMBER 1969

Classification	September		Change		Cumulative through September 1969		Percent change	12 months ending September 1968	12 months ending September 1969	Percent change
	1968	1969	Amount	Percent	Fiscal year 1969	Fiscal year 1970				
Criminal homicide	9	29	+20	(1)	40	76	+90.00	177	269	+51.98
Rape	29	33	+4	(1)	83	109	+31.33	224	336	+50.00
Robbery	705	1,285	+580	+82.27	2,142	3,560	+66.20	7,301	11,645	+59.50
Aggravated assault	265	291	+26	+8.93	826	962	+16.46	3,058	3,474	+13.60
Burglary	1,505	1,990	+485	+32.23	4,521	6,260	+38.46	17,431	20,968	+20.29
Larceny ($50 and over)	796	1,110	+314	+39.45	2,365	3,391	+43.38	7,800	10,718	+37.41
Auto theft	955	1,114	+159	+16.65	3,341	3,442	+3.02	10,805	11,252	+4.14
Total	4,264	5,852	+1,588	+37.24	13,318	17,800	+33.65	46,796	58,662	+25.36

(1) Base too small to compute percent change.

CRIME INDEX, GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT, SEPTEMBER 1969

[Crime index offenses as related to percentages of total]

	Number	Percent
Homicide	29	0.50
Rape	33	.56
Robbery	1,285	21.96
Aggravated assault	291	4.97
Total, crimes against persons	1,638	27.99
Burglary	1,990	34.00
Larceny $50 and over	1,110	18.97
Motor vehicle theft	1,114	19.04
Total, property crimes	4,214	72.11
Total, reported crimes	5,852	100.00

DIVERSIFICATION—THE NEW ROAD TO WORLD COMPETITION

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. UTT. Mr. Speaker, I would like to include the following speech by Mr. H. S. Geneen, president and chairman of International Telephone and Telegraph Corp., before the American Bar Association in New York on October 23. Mr. Geneen is one of the leading industrialists in the country today and represents a new breed of businessmen who are helping to create more jobs and employment opportunities in America and I take great pleasure in sharing his remarks with my colleagues:

DIVERSIFICATION—THE NEW ROAD TO WORLD COMPETITION

LADIES AND GENTLEMEN: It is a distinct honor to address your organization this morning and I felt that in preparing my remarks, I should make some study of the legal profession.

I was intrigued to find you have many different products and markets, just as we do in business, and that you have departments and managers who are charged with running them. For example: you have departments in taxes, in corporate law, in antitrust, municipal bonds, SEC, and several others. These departments share, I believe, a common overhead, some general partners, and I presume this carries with it some access to help when needed; and perhaps it also carries a stability in the sense that when the tax cases are low, which will be a rare day, something else going on in the office can keep the lights burning. In fact, it is surprising, but in a very natural way your law offices appear to have fallen into a pattern that is a good model for a conglomerate company.

So, perhaps I should begin again and say: "Good Morning, Fellow Conglomerates."

There was, however, one bit of information I was sorry to derive from my study. From all the factors I can see, some of which we will talk about this morning, I have a feeling *your* rate of growth in the future will hopelessly transcend any we can expect in business.

Your program is a timely and worthy one, and with the aid of this study I hope my contribution will help to place some of the facts in focus.

There are four business points which, in my opinion, are of particular importance in reference to conglomerates.

First is the word *conglomerate*, a widely but loosely-used word. I think we are really talking about diversification and diversified companies, but there are many kinds of diversified companies, or conglomerates. There are old, respectable conglomerates. There are new conglomerates. There are different degrees of product and market diversification. Most significant, there are differences in management forms and methods. Some differ in emphasis on operations versus, let's say, security promotion. In making acquisitions, some use straight equity securities; others use warrants, debentures, installment payments, and deferred pricing. There are friendly mergers. There are hostile tenders and proxy fights. There are examples of retained managements, and there are replaced managements. There are resulting efficient companies, and there are resulting relatively inefficient companies.

All of these differences are indistinguishably merged into the generic term conglomerate as it is now being widely used.

The important fact, however, is that each company is a widely different company and they cannot be thought of meaningfully as a class.

My second point concerns the word *competition*. Most individuals in responsible positions in business are competitive. If they were not, they would go into other enterprises where their performance could not be tested and measured daily or periodically.

Businessmen live in a daily competitive climate. More important, businessmen need competition. I have often said that if we had no competitors, we would invent some, because this is what keeps it interesting, and this is how we measure relative performance. Conglomerates have almost a greater interface with the competitive areas than any traditional company. My second point, therefore, is simple: business itself is instinctively and naturally competitive, and conglomerate businesses are particularly so.

My third point is to emphasize the importance of business *growth, innovation*, and *change*. Businessmen like to grow, not only for strength in adverse economic conditions, but in profitability. Growth in efficiency and in profitability is the only thing that really counts in the competitive struggle; and this, in turn, particularly in the long-term, requires business innovation and change. Change is essential in any company that expects to survive in this world of increasingly changing technology, and rapidly changing markets. Your own community wants to grow. The state and the nation also want to grow, and so does the world. The wish and intention of business to grow and innovate and change is a natural one and not, as some people tend to view it, a motive that is suspect; and, conglomerates are probably the best business form we have yet devised to meet this thrust of change.

My fourth point is that business competition, growth, innovation, and change *must be fostered and helped*—not stifled in a welter of words, laws, and theories that serve no purpose other than to stagnate competition and maintain the status quo.

This is also a national necessity.

The source of economic growth under our private enterprise system is business. In fact, the entire support of our society, including that of the government, rests solely on business. While all of us have seen elevator operators, doctors, nurses, subway motormen, longshoremen, factory workers (practically anyone you can name) on strike, we have yet to see business on strike. Somehow, business has to develop continually the inventiveness and resilience to shoulder these increasing burdens, including the mistakes of government, while at the same time being constantly under attack for their own. Therefore, my contention is that business needs intelligent and sympathetic support in growing and changing to meet these burdens—for all our interests; *and the conglomerate is one of the most efficient and effective forms we have de-*

veloped for this purpose, and likewise deserves support.

For these reasons I suggest that the various theories and thoughts you will hear throughout this conference be tested against this simple format: *that each conglomerate company is widely different, that each is essentially a very competitive company, that each needs to grow and change, and most important, that it is in our national interest that they do so*

Let me emphasize some other points of distinction between conglomerate companies and the importance of the trends they represent.

Diversified or conglomerate companies, in my opinion, divide first in one essential area.

This point of division is whether they operate more as a holding company or more as a coherent operating company; whether they provide within the parent company, in effect, a broad group of central management skills, applicable not only to the over-all corporate areas such as financing, legal, and stockholder relations, but also to the marketing and operating areas of the company.

For example, ITT operates on the basis of a coherent operating company with a substantial central operating management. In fact, we have some 2,000 industrial and operational specialists in our central management group. We have developed this expert group in order to improve our competitiveness and our efficiencies, and to support our operating companies into improved operation in those fields, either new or old, which we have entered. It is the existence of such a management group that makes possible our entry through acquisition into new fields, and to be able to contribute innovation and new levels of competition to the companies that have joined us.

A simple measurement of this increased efficiency is found in the productivity of employees. The sales per employee of these companies that have joined us have increased 10 to 15% a year—against a national average of about 4% for all manufacturing companies, or about three times as fast as the national average.

Now what about the effects on management and the social implications of these trends on our nation's industrial capability?

Let us refer first to an independent and perceptive outside appraisal.

Some years ago, when I was with a steel company, I used to do the college recruiting for my division, but, I found it was very hard to interest better-performance students in the steel business. While it is one of our fundamental industries, they didn't feel it was modern. They didn't feel it was going to be in the forefront of change.

In our own business today, however, I find just the opposite feelings about our company. We seem to attract good people because they like the challenge of growth and the wide career opportunities it provides. But most important, they sense the willingness to *re-think and to step-up to change.* They realize that our approach provides an opportunity for creative competition, and people like the opportunity to compete on such an on-going basis.

Some of the real social truths of the conglomerate trend are perhaps more sharply apparent to our critical younger generation of businessmen, and some of the social contributions of this trend thus emerge. For example:

1. The outstanding characteristic of our life today is change, and the increasing rapidity of change. Diversified companies such as ITT are an increasing form of business organization that has naturally developed in response to change. This trend provides a valuable asset to our society in that it is structured to provide continuity of management, of investment, and of employment—while still meeting these dramatic changes in technology, markets, management concepts, and the sociological ethics of the nation.

2. Diversified companies of the ITT type form a new type of business meritocray. They provide a much greater opportunity for individuals to secure recognition for their own contributions and to rise in the organization, on merit, irrespective of age and family connections or other barriers that were often associated with traditional businesses—this because the internal competitive structure of the company places greater need on individual merit. One social byproduct is that these managers themselves have proven to be more responsive to the new aims to make business more responsive to our broad social goals.

3. Finally, diversified companies such as ITT, by continually meeting the changing markets' needs as the primary basis of selecting their areas of business activity, maximize the efficient use of the scarce resources of the economy. By being forced to respond to the competitive pressures of offering to the consuming public what it seeks, in order to grow, companies such as ITT add to the abundance of our living standards.

While these values may be well enough accepted, the process of such corporate change itself may at times include some very unsympathetic facets; and one of these, in the public mind, is identified as *raiding*.

The "pros" and "cons" of the legal methods used, and the moral justification of hostile tenders to awaken sleepy managements to benefit the shareholders, have been well aired in the press.

But, there are many other ways to acquire companies. Acquisition policies are again not the same for all diversified or conglomerate companies.

Let me suggest instead an additional picture for your thinking: the management and business value of non-hostile tenders which, by far, represent most mergers. For example, with the central management capabilities we have assembled, we can and do provide a receptive and constructive base for merger—a base that will pay off in increased efficiency for *both parties.* That is our constructive contribution. For instance, consider these facts:

1. We can afford to price fairly and to exchange our own equity stocks with the shareholders of an incoming company; and, we can afford to pay because we can improve the efficiencies of the incoming company to make our valuation worthwhile to both sets of shareholders.

2. We can offer an assurance of continued growth in an innovative climate, leading to new products and new fields through our informed management support of such a company.

3. We can offer a concerned, helpful, and invigorating management atmosphere in which the new management members can grow. Opportunities for advancement are created within such an environment; and, most important—since these mergers are arrived at with the concurrence of management and stockholders—there is a mutual accord on improved objectives from the very start.

It is significant that many of the allegations leveled against conglomerates are simply not applicable to this type of diversified or conglomerate company. We have not had to make hostile tenders, and we have had no disagreements on values by the Boards and the stockholders of such companies.

These methods, these trends, and these changes of such conglomerates as I have described are, I contend, therefore *pro-competitive, pro-growth,* and *pro-U.S. enterprise.*

But now let us look at some of the problems. I find three issues here regarding conglomerates:

1. Accounting questions.
2. Antitrust values.
3. Social or philosophical areas.

I will deal very briefly with accounting, since there are other speakers on the program who will discuss this topic. The only point I want to cover is earnings disclosure. Earnings trends are increasingly being disclosed in greater detail for both old and new diversified companies, within rules set by the SEC. I am sure you are aware, however, that too fractionated a disclosure on a quarterly basis, reflecting the effects of seasonal and other trends, can be as misleading as nondisclosure. Simply stated, we and all corporations, I believe—old or new—stand ready to disclose on bases that are fully informative and not misleading.

This brings me then to the first of these last issues, the area of *antitrust*—and a businessman's views of it.

As I understand it, the most important aspect here is the concentration of markets within—I repeat—within an industry. This is the real issue of antitrust law and the Clayton Act.

It is precisely for this reason that horizontal and vertical mergers have virtually ceased. And, it is also for this reason that only the so-called diversified or conglomerate mergers remain to business as a method of seeking more effective forms of management efficiency and growth, which could be translated into stockholder values *without concentration of markets within an industry.*

I have already pointed out that there are many kinds of conglomerates—some attuned to operating and product efficiency, and some more attuned to financial promotion. I will limit my remarks to our own kind, namely those dedicated to operating and product efficiency.

Under this acquisition approach, there is no increased concentration within an industry. In fact, nothing has changed within the industry at all, except that a new force of management efficiency and innovation in operation will be released within that industry. This is decisively pro-competitive.

Because they are currently spoken of, let me enumerate and deal with some other alleged theories of concern and point out a few of the offsetting pluses.

The first of these is *concentration of power.*

This is not, as I understand it, the subject of the Clayton Act. But it is put forth as a sinister national trend which one infers justifies any extension of any law, including the Clayton Act, in order to stop this presumed trend. These words, *presumed trend,* are important.

The support offered is by carefully selected but unfortunately misleading statistics. According to released FTC figures, the assets in the hands of "200 major manufacturing companies" appear to have increased between 1948 and 1967 from 48.1% to 58.7% of total manufacturing assets.

Based on this, we are invited to draw the conclusions concerning the dire consequences of this *presumed trend* and its rate of growth.

But one could well ask, why 1948 as the base year? Perhaps because it is one of the lowest points in the cycle of available information. But for example, if one goes back to 1932, one will get a different trend. The concentration in the top 140 companies since 1932 was not different in 1963—31 years later. In fact, this trend of asset concentration actually declined from the early 30's to the late 40's, i.e., 16 years of downtrend—rose in the early 60's, fell again slightly in the middle 60's, and in the last two years rose further.

The conclusion of many economists is that neither in the statistics themselves nor in any other data are there any indications of a long-term trend to be expected in the future.

No distinction is made in these statistics between a company like ITT (ranked number 11) which does $4 billion annually in business *with over 40% of its overseas and*

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spread thinly over some 35 industries, and, for example, Western Electric (ranked number 12) that also does $4 billion but *entirely in the United States and all concentrated in one industry;* yet, both are treated *alike* in these statistics. For that matter, no distinction is made between manufacturing as contrasted to service activities or the geographic source of income, and the relation of these to the so-called manufacturing assets. In the case of ITT, the FTC statistics commit an error of almost one for one by including ITT's worldwide manufacturing and service activities in this sort of exercise.

One must question, therefore, the accuracy of the meaning of these figures when one considers the rapid growth of services and overseas activities of all American companies in recent years.

Most important, not mentioned is the fact that the *implication itself does not follow from the statistics,* since the list of 100 largest companies keep changing. It is a mathematical certainty that there will always be 100 largest companies, but it is interesting that they are not the same companies from period to period. This only indicates the conclusive effects of competition and change. In fact, less than one-third of the top 100 companies that were in this category in 1909, which is as far back as we can go, are still in it. What happened to the golden names in the other two-thirds? What happened to the traction companies? What happened to the gas companies? And, what happened to the railroads? The emergence of the aviation and electronics industries would be *part* of the answer, but I think the basic answer is the failure of the managements of these companies to grow and change along with the economy, in other words—the effect of competition.

Again not mentioned, and in line with my earlier comment, is the fact that these 200 largest companies are far from being partners in any anti-competitive conspiracy, but are instead highly and increasingly competitive.

Also not mentioned is the fact that of the 200 top companies listed in 1968, only about eight could be regarded as new conglomerates.

A further omission is the simple fact that of those 200 largest companies and their growth in assets from 1948 to 1967, which is portrayed as part of this trend, 19% of the increase in such assets can be ascribed to all large mergers by the 200 largest companies (horizontal, vertical, or conglomerate). Consequently, at least 81% of that increase in assets was the result of non-merger growth, and all by the traditional horizontal companies. Practically nothing significant in that increase in assets is attributable to diversification mergers by the new conglomerate companies.

Ignored also is the most important fact that about 85% of the assets of the top 100 companies in 1968 are accounted for by companies in the fields of chemicals, oil, primary metals, fabricated metals, machinery, electrical equipment, and automobiles and aircraft. These are highly capital-intensive manufacturing operations, so perhaps all this really tells us is something of the increasing capital costs of heavy goods industries, of offshore drilling and foreign oil investment, and of the growth of automobiles and airplanes.

I believe one could properly ask now what this talk about increasing concentration has to do with conglomerates, or ITT, or diversification mergers? The answer is clear—almost nothing; and this is what the Stigler Report, written for the Administration, also says.

But contrast these statements now with what ITT does have, which is a management cooperative; if you will, a group of smaller companies, of many companies, each competing in its own industry and each sharing in and supporting the cost of a skilled central management it could not afford alone. This is the effect of the conglomerate approach. It is certainly pro-competitive; and it is certainly far different to be in 35 industries with individual companies competing with this support as the 11th largest company than, for example, the $4 billion Western Electric dominating one industry. The same point can be made for many conglomerates, old or new. I submit this is a useful view point for your conference.

A second rationale, upon which the current antitrust attacks on certain acquisitions by conglomerates are based, is the size of the acquiring company. Because it is large in aggregate, it is argued that it will be able to entrench or enhance the market position of the acquired company, either by the use of its purchasing power to leverage sales it wouldn't have otherwise received (reciprocity), or by making the acquired company a more efficient, effective competitor through the use of the acquiring company's resources. It is also feared that the large company will use those same resources to subsidize predatory, below-cost pricing to the injury of competition. Let us consider each of these in turn.

First is reciprocity. In today's many-faceted companies like ITT, the use of reciprocity is, from a practical point of view, impossible.

ITT has 200 reporting profit centers. The executive in charge of each of these profit centers is responsible for the profit and loss of his operation. His career, his rewards, his reputation, and those of the management reporting to him are based entirely on the performance of his own profit center. The business of that center is to make money. The manager of that center has absolutely no incentive to seek anything but the best price, the most reliable delivery, the best service and the best quality in the goods and services he purchases. He couldn't care less about trying to help the sales activities of some other profit center. His only concern is whether his own purchases will do the best possible job. If they don't, his own profit center may not survive in the competitive struggle. Inasmuch as he has no incentive to purchase on anything but the best terms in the open market, he would refuse to do anything else. If he were ordered to do so by central management, then all of our techniques of responsibility and accountability for performance would be completely destroyed. In the final analysis, we would destroy ourselves.

Reciprocity, therefore, is impractical and, impossible within an ITT complex. Furthermore, a real examination of the supposed advantages of reciprocal arrangements, balanced against the obvious economic disadvantages, must produce an overwhelmingly negative assessment in any efficient management structure.

Yet, in the face of these facts, it was interesting to note the testimony of Professor Willard F. Mueller, government witness in recent cases challenging conglomerate acquisitions, in which he expressed the personal opinion (without reservation) that any competent, intelligent, and prudent management *will attempt* to use reciprocity. I mention this only to give an indication of the extremes that can be reached from the application of theoretical concepts to business operations.

While I cannot speak for other companies, I am satisfied that most of the talk about the usefulness of reciprocity does not come from competent managers bent upon competitive success.

In fact, I believe further that any presumed gains from reciprocity are probably entirely an illusion that disappears on real examination.

Companies like ITT with separate, well-managed profit center operations are one of the strongest, most militant barriers against the possibilities of the growth of reciprocity and should be regarded as such.

Another worry of antitrust policymaking is the so-called entrenchment of an existing leading position. At the outset, it is important to distinguish between better competition and unfair competition. The consumer is entitled to the best that competition can offer to him. This is the basis of the businessman's approach to the efficient operation of his company. There is no basis to ask that the low man on the totem pole, in either investment or initiative, set the criteria on the competitive effort to be performed—the fruits of which belong to the consumer.

Some of the famous cases of the past, generally referred to as exhibiting a type of "populist" philosophy, seem to have developed this line of thinking. There were periods in which states and governments considered state import taxes and other types of taxes a means of preventing, for example, the growth of the chain store because it represented unfair competition to the local grocer. The point is, however, it did not represent unfair competition, it represented better competition, and better in the sense that it offered more for less. But the proponents of these theories would have preferred a type of hidden subsidy, and the cost of this would have been paid by the consumer.

Almost anything that can be said about one company being more competitive than another can be looked at two ways: It can be said this is better competition, or it can be said this company is so good it is driving the others out of business and therefore should be slowed down because its efficiency is becoming a barrier to entry. Well, gentlemen, there are no barriers to entry if the customer is available to everyone; and, in all the fields in which ITT has made acquisitions, the customer is available to all competition. To deny this competition access to the market would be a misuse of the antitrust laws.

It is interesting in this day and age that new companies of substantial size have developed in areas such as electronics and, in fact, there is ample room for better competition from small and large companies.

The problems of so-called *loss leaders* and *predatory pricing* are not typical practices of diversified companies. I can assure you that, as businessmen, we at ITT do not like to lose money, and we do not intentionally price below our cost. Indeed, the managers in charge of our individual profit centers work hard to reduce their costs when they see that their competitors are in a position to sell at lower prices over the long term. I believe the kind of thinking which holds that big diversified companies can and will engage in predatory pricing, subsidizing one profit center with the earnings of another, is all theory, and no fact. While the businessman who lost a sale on price would like to think his competition was indulging in sales below cost, *I have found that in reality the rival's lower price means he is more competitive, and that his costs are actually lower.*

In the second area, there are two supposed social or philosophical evils left to deal with. The first is the area of social change.

It is argued that conglomerate companies or other acquisitive-minded companies destroy communities, that in some manner they destroy *the American Way of Life.*

The Justice Department in recent days has issued statements emphasizing that this is the evil they are working to eliminate. You will recall the charge of emasculating the community by moving the decision power of a company elsewhere—the changing of the community to what I think was called a "branch store community."

Well, I can't speak for progress, only try to help it, but let me say that a great many of the New England mills that shut down did so because of something that happened *within that town*—and not away in some other city. It was because their management

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fell behind the times, and while people speak with concern about the number one man in the town who becomes a number "x" man in a larger company, they don't ever mention the hierarchy of the sons of forebearers who succeeded to the presidency when they weren't at all that competent and, in turn, ran the mill into the ground. I can think of a community in New Hampshire that I am familiar with—a town that lived off the plant in the town. Successions of bad management, mostly oriented to the original family, resulted in driving everyone with management competence out of the company and drove the mill under and the town with it. Maybe a little "branch office" community, which today would be competitive and thriving, would not have been so bad, at that. But to be fair, is that what the antitrust laws are supposed to prevent? No, they are not. Constructive competition by companies like ITT, with good managements and with branches that *do* grow, is supposed to take care of that—if you'll let them. No one else can. But even the headquarters of the companies involved are moreover domiciled all over the United States where you, as lawyers, serve them—and not in any one city or one area.

In the social area we have included a second one frequently encountered. For want of a better name, I have called it "Shoemaker, stick to your last." The same theory holds that a baker's son must be a baker. However, I am sure we all agree the world has long grown beyond these outmoded concepts. But there persists an emotional feeling that somehow people or diversified companies are unable to operate in more than one field of business. Overlooked is the fact that such a company has many individual specialists and experienced managers in many fields, and that the very untraditional outlook such a company brings to an industry is key to innovation and new progress.

Well-run diversified companies do not represent a threat to the economy in that they will crumple with adverse business conditions; in fact, their diversity will have a stabilizing effect on their performance and continued employment. Agreed, it requires a different kind of management to operate in diverse fields. This is essentially an emotional reaction that does not apply to any well-run company, diversified or otherwise, but nevertheless persists as a vaguely worded concern related to conglomerate companies. It has little substance.

I would like to close on a positive note in recognition of a reality which affects us all—those in this room, those in offices around the country, and those working in our country's assembly lines.

American know-how is no longer unique. This is being written bluntly in our ever-mounting balance of payments deficits.

Detroit's massive production lines are now matched across the world.

The efficiency of world competitors is increasing, usually to the detriment of traditional U.S. manufacturing industries.

In Asia, we see the Japanese auto industry with labor rates one-quarter those of Detroit rapidly approaching a technological level comparable to our own. We see their products in the United States in increasing use. This is a trend. We must now meet the challenges implicit in a world awakened to all of the factors in the economic struggle.

It is more than a coincidence that the two losing nations of the last world war, Germany and Japan, today lead in economic enterprise and in growth of world trade. It is more than a coincidence that the governments of both these countries work very closely in support of their businessmen—a lesson they learned during the period of adversity, following the war, in which they rose to their present competitive strengths.

We can win that competitive struggle tomorrow as we did yesterday, but we must not be hampered with artificial strictures against diversification or size. We must not be hampered by yesterday's myths in concentrating on today's needs.

I contend that every year in American industry we can improve productivity better than the past average of $2\frac{1}{2}$ and 3% per annum. But is even this enough? We must recognize that American salaries and wages are increasing at twice and three times that rate.

We businessmen, almost alone, must fill this gap! The "gap's" other names are inflation, balance of payments, taxes, and social unrest.

We can fill this gap if we continue to stimulate the competitive drive.

But we need the support, not the hindrance, of the government to do this.

Let us remember that "bad cases make bad law," and that precedents which *might* be economic milestones in the country's future economic progress can easily become, under uninformed theoretical populist attacks on business, economic *millstones* on our nation's economic progress for decades ahead.

We must apply experience and realism to the proper understanding of our economic and business trends. We must remember it is competition and efficiency that we seek. And we must not lose sight of the fact that competition presupposes losers in the marketplace as well as winners. That is the enterprise system.

Above all, let us not use the antitrust laws to protect the status-quo and prevent competition; and we must permit those, who are willing to take the initiative, and to pay the price to be able to compete, to do so!

Finally, let ITT increase its efficiency. Let every American corporation increase its efficiency. And, before it is too late, let us continue to be able to battle within the world competitive arena. The nation's business and its consumers will all be the winners.

VETERANS DAY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. NICHOLS. Mr. Speaker, over the weekend it was my privilege to speak on the campus of Jacksonville State University, which is the third largest university in my State of Alabama, and is the fastest growing in our university system.

The occasion was the district meeting of the Alabama law enforcement program, and Sam Gurley, president of the Jacksonville State University student body gave the welcoming remarks to this fine group of law enforcement officers. In his remarks he read an official proclamation just released by the Jacksonville Student Government Association, which I believe is most timely and which sets out, in plain everyday language the official student position on matters related to observance of Veterans Day.

Mr. Speaker, in a day and age of protest, both on campuses and in the streets, I am extremely proud of the students at Jacksonville State University in their support of our servicemen throughout America and in their dedicated efforts to build, promote, and preserve a free and strong nation.

The proclamation follows:

On next Tuesday the American people are asked to pause in their routine pursuits to do honor to those who have fought, suffered, and died to build, promote, and preserve this great nation we call America.

When viewed in perspective and in relation to other nations of the world, the obvious fact emerges that ours is the most fortunate land that a Divine Providence has ever endowed.

We are rich in material abundance, in human spirit, and in human kindness. Since World War II we have poured out in excess of 50 billion dollars to help those nations less fortunate than we. We have contributed much toward the freedom and dignity of man wherever he lived.

And it must not be forgotten that our youth of today has opportunities to attain the good life that no other generation in history ever had. Educational opportunities await those who would take advantage of them. Avenues of service to mankind are broad and inviting, and all who will may come to the fountains that offer meaning, purpose, and excitement in the human sojourn on this earth.

As students take leave from their studies at Jacksonville State University in observance of Veterans Day, they are requested to think in grateful appreciation of those who have served this nation on and off the battlefield and have bequeathed to our generation the best possible circumstances in which to live and move and rear our families.

Let us have praise rather than condemnation for our country which is the last best hope for mankind.

Student Government Association.

RICHMOND, IND., NEWSPAPER OUTLINES PROBLEMS AND FRUSTRATIONS IN BROOKVILLE RESERVOIR DELAYS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following excellent series of articles by Mr. Max Knight, of the Richmond, Ind., Palladium-Item.

Mr. Knight has given to his readers an excellent summary of the problems and frustrations faced by Hoosiers who live in the area of the Brookville Reservoir. The completion of the reservoir has been delayed several times in recent years, despite repeated appeals to the Bureau of the Budget and the U.S. Army Corps of Engineers.

As Mr. Knight points out in his articles, these delays have created economic hardships which are turning this area of southeastern Indiana into a federally created disaster area.

The articles read as follows:

[From the Richmond (Ind.) Palladium-Item & Sun-Telegram, Oct. 13, 1969]

FEDERAL BUDGET PLANNERS STYMIE WORK ON BROOKVILLE FLOOD CONTROL PROJECT

(By Max Knight)

The future of the Brookville Reservoir is clouded.

Delay on top of delay has brought the $27-million project to a halt and a meeting with the Bureau of Budget in Washington last week failed to bring much optimism.

The bureau turned thumbs down on the appeal of the Whitewater Valley Flood Control Association as well as on Sen. Vance Hartke and Representatives David Dennis and Lee Hamilton.

Thomas O'Connor, president of the flood control group, said the Bureau of Budgets would not consider the project on a continuous contract although the highway that bypasses the reservoir area still is under construction.

A control tower and outlet works already have been finished, at a cost running into the millions of dollars.

TO KEEP PRESSING

O'Connor said that although the project seems to be facing a long delay, his association will continue to do all possible to get it moving again.

With bitterness in his voice, O'Connor had this to say:

"If within the last few years an act of God would have caused as much damage as has been caused by the federal government by its delay, emergency funds would have been available from the federal government or immediately seek to alleviate the damage the federal government has caused in Franklin County.

"The federal government last year caused a loss of tax revenue in Franklin County of $150,000. There will be a continuing loss of about $30,000 per year or more each year from lost tax revenue. A similar amount will be lost in the Union County area.

"Our association still is in favor of flood control but we are not in favor of the damage by flood control delay."

O'Connor said the flood control association will continue efforts to advise the President and Bureau of Budgets they are shortsighted in holding up a partially completed project.

But there is no plan how to achieve this at the moment.

They plan to await congressional action of the fiscal 1970 budget and hope that after approved, the President will see fit to aid the Franklin and Union County economy by releasing funds already available.

They will seek aid of Gov. Whitcomb and after other facts are gathered, will ask Whitcomb to personally visit President Nixon in Washington, D.C., for the purpose of "better presenting our case."

Without launching a formal campaign, O'Connor is asking those who have written to write again or those writing for the first time to do so, reflecting injustice of the situation so Nixon will be personally informed of the situation.

There already has been $10 million spent in land purchase and construction. There is available but not released $3.8 million. This was authorized by the Congress in fiscal 1969 but not released by either President, Johnson or Nixon.

The State of Indiana has supplied the Army Corps of Engineers with $500,000 as payment toward continuing construction of the reservoir under a state contract to provide 22 per cent of total reservoir construction costs. The state has available $2,060,000, which may be supplied to the corps but they have to apply for it.

This means, as the corps says, it can only use $1.4 million in fiscal 1970, the payment from the state would more than exceed the amount of expenditures for this year. As it is estimated that the dam and spillway construction will be let for approximately $18,800,000, then this state payment, which can be applied for by the federal government, would pay approximately two-tenths of the total construction cost for the next two years.

"Thus it is our opinion," said O'Connor, "that the federal government could request the money from Indiana and not use any federal funds during fiscal 1970 and part of 1971. Obligations of the federal government would be needed to complete the remainder of contract.

"This would result in the federal government paying $8.8 million over the next three years after 1971," said O'Connor.

[From the Richmond (Ind.) Palladium-Item and Star Sun-Telegram, Oct. 14, 1969]

AFTER 9 YEARS OF HAGGLING BROOKVILLE DAM STILL FAR AWAY—II

(By Max Knight)

On May 26, 1960, the House of Representatives passed a bill which included approval of $10,000 to be used for appraisal and surveying the area north of Brookville for a flood control dam.

Nine years later, and some $10 million more spent, Brookville seems almost as far away from having that dam as it did in 1960.

Finding support for the huge 22-mile-long reservoir was not easy. In meeting after meeting, generally held in a school gymnasium at Brookville, Fairfield or Liberty, citizens of the valley fought against the proposed reservoir.

The main bone of contention was its size. Residents of the valley argued that smaller retention sites would do the same job at a lot less cost and would not take the valuable bottomland of the East Fork of the Whitewater River.

From the very beginning, Thomas J. O'Connor, a Brookville attorney, spearheaded the drive for a reservoir. He solicited the help of Sens. Homer Capehart, Vance Hartke and Birch Bayh and Reps. Earl Hogan, Earl Wilson, Lee Hamilton, Ralph Harvey, Richard Roudebush and David Dennis during the next nine years.

On Aug. 2, 1962, the Army Corps of Engineers approved the reservoir construction. Its estimate of total cost was $24,400,000.

On Nov. 23, 1963, the House of Representatives approved the first funds for the reservoir, $200,000. The Senate approved it Dec. 5.

As proposed, the dam was to be situated on the East Fork about six-tenths of a mile north of the bridge over Indiana 101 at Brookville.

The proposed dam would back up water in minimum pool that would cover 3,810 acres. In maximum pool the reservoir would cover 7,700 acres.

The small town of Fairfield was to be inundated by water, as was Quakertown and part of Dunlapsville. Two historic covered bridges, one at Fairfield and one at Dunlapsville, would be destroyed.

By July 5, 1964, additional money had been appropriated in Washington for construction of the reservoir and it appeared nothing would stop the forward progress of the huge dam.

On Oct. 1, 1964, Brookville held a celebration parade, honoring those officials locally and in government circles who had been instrumental in getting the reservoir started.

On Nov. 1, 1965, Robert D. Walker of Selma, Ala., was selected as a resident engineer for the construction of the reservoir. He still holds the same position although work long since has stopped on all but a new highway that bypasses the reservoir area.

On March 6, 1963, Col. James Lewis of the Louisville office of the Army Corps of Engineers said, "It will take three years for planning the reservoir and appropriation of money through Congress. It then will take four years to finish the work. Therefore by 1970, water should be flowing into the reservoir."

Col. Lewis no longer is in charge of the Brookville operation.

On Jan. 9, 1964, Col. Thomas Roper said construction of the Brookville Reservoir would require about five years after completion of preconstruction planning. He announced the total cost of the reservoir was estimated at $27,000,000. This is a figure that is $2,600,000 above the one announced in 1962.

Then on Feb. 12, 1965, he told an audience at Brookville, "The Army Corps of Engineers intends to have a contract let for construction of the reservoir by the first of June.

"We have been so ordered by Congress and that is exactly what we intend to do."

Col Roper no longer is in charge of the Brookville operation.

On Aug. 6, 1965, Secretary of the Army Stanley R. Resor signed a contract at Washington, D.C., for construction of the Brookville Reservoir. It was announced the cost would be $27,700,000. This figure is $700,000 higher than seven months earlier.

The R. E. Dailey Co. of Detroit, Mich., received the initial contract as low bidder on construction of the outlet works at $1,843,967.04, on Oct. 27, 1965.

It appeared the long-awaited reservoir finally would be under way.

[From the Richmond (Ind.) Palladium-Item & Sun-Telegram, Oct. 15, 1969]

CONTROL TOWER STANDS ALONE TO MARK ACCOMPLISHMENTS ON BROOKVILLE RESERVOIR—III

(EDITOR'S NOTE.—An announcement from the Army Corps of Engineers Tuesday postponed the Brookville Reservoir construction another six months. The new date for completion is now December 1973.)

(By Max Knight)

BROOKVILLE.—A date for completion of the Brookville Reservoir remains in doubt.

Delays have thrown the federal project two years behind schedule and a recent decision by the Bureau of Budget has all but halted near future work on the 22-mile long lake.

Thomas O'Connor, president of the Whitewater Valley Flood Control Association, said Franklin County has been hard hit due to the federal government halting the reservoir construction.

He estimates Franklin County has lost $150,000 in tax revenue thus far and that the average per year will range from $30,000 to $35,000.

CONTROL TOWER READY

A control works and outlet tower has been finished and new Indiana 101 is nearing completion. But the Bureau of Budget ruled the reservoir was not under continuing contract, thereby being uneligible to receive federal funds.

Only 25 per cent of the original $3 billion set up for federal projects is being released by the government after President Nixon asked for the reduction in spending.

So the reservoir is at a standstill until these funds are released.

Ground was broken for the reservoir in official ceremonies Dec. 11, 1965.

With work progressing, the flood control committee expected little trouble in securing needed funds as the reservoir took shape. This was especially true when on Jan. 23, 1966, President Lyndon Johnson included $3.2 million for construction of the Brookville Reservoir in his total $45.4 million for Indiana's flood control, navigation and surveying projects.

It was approved by the Congress and, according to O'Connor, still is lying dormant due to the failure of President Johnson to release the $3.2 million while he was in office or President Richard Nixon to do so since he took over.

STATE HAS FUND, TOO

On July 19, 1966, the State of Indiana allocated $750,000 for its share of the Brookville Reservoir project. Thus the state met its obligations while the federal government started lagging behind.

XUM

On Oct. 12, 1966, it appeared the federal government was done dragging its feet when a $4.1 billion public works appropriation bill was approved, among which was $3,200,000 for the Brookville Reservoir.

Officials at Louisville's Army Corps of Engineers' office said the contract for the dam would come as soon as the outlet tower was completed. This was expected to come in November 1967.

Then the delays began.

SET NINE DATES

On nine different occasions, a date for advertising for contracts to construct the huge dam was announced. But each time, just before the date arrived, a new date would be named and the work delayed.

Bids were let for construction of 9.1 miles of new highway that would bypass the reservoir area, starting at German Road in Union County and running to Brookville.

The contract for this section of Indiana 101 was to be completed by May 20, 1969. It is not completed as yet and motorists are required to detour through Connersville on Indiana 44 and Indiana 1 to Brookville.

Total cost of this bid was $1,995,098.38 and went to the L. H. Terry Co. of Louisville.

[From the Richmond (Ind.) Palladium-Item and Sun-Telegram, Oct. 16, 1969]

How To Get Brookville Project Moving Once Again Is Problem

(By Max Knight)

With construction of the Brookville Reservoir delayed six months due to a cutback of federal funds, the Whitewater Valley Flood Control Association can only call on local letters and congressional help in trying to get the project moving again.

Thomas O'Connor, president of the Whitewater Valley Flood Control Association, is urging residents of the area to write President Nixon, protesting the halting of the $27 million project.

He says Franklin and Union Counties have been hurt by the halt in reservoir construction, due to the amount of land that has been purchased by the government in the lake area.

This land cannot be taxed, although being farmed on a lease basis, due to it being federal property.

GOVERNMENT RENTS FIELDS

The federal government leases the fields back to the farmers of the valley. The price generally is figured on 8 per cent of the price per acre paid for the ground. In other words, a farm selling for $400 per acre would lease back at $32 per acre. This is considered high by most valley farmers.

Congressman Lee H. Hamilton said Wednesday that he will continue to question the Army Corps of Engineers' priorities in announcing the deferral of the reservoir project.

The latest announcement of the engineers is the dam's completion will be delayed until December 1973. Since there have been nine postponements in the past, any new date set by the Army is looked on with suspicion by the flood control committee members.

The outlet tower and outlet works have been completed at the dam site and a new highway, Indiana 101, is under construction from German Road in Union County to Brookville, bypassing the lake area.

SOME VANDALISM FOUND

There has been a minimum of vandalism at the outlet tower site but it has occurred and is a danger for as long as the tower sits idle, said O'Connor.

The entire area around the outlet works has grown high in weeds and gives the appearance of a project abandoned 20 years ago. Only the clean cut of the river next to the tower gives evidence that recent work has been done there.

When O'Connor, his committee heads and members of Congress testified at the hearing of the Bureau of Budget in Washington, their appeal was turned down for two reasons.

"One," said O'Connor, "the bureau said only those projects with contracts now under way could be continued.

"We tried to tell the bureau that the highway that bypasses the reservoir is not completed and therefore the over-all project is still under way. Their answer was no, with no reason.

"Second," he continued, "the bureau said that only those contracts would be allowed which would incur damage to work already in place. We pointed out that vandalism has started at the outlet site but again we were given a no answer, also without a reason."

When the dam will be built remains anyone's guess.

O'Connor is planning to ask Indiana Gov. Ed Whitcomb to make a personal trip to Washington to appeal to President Nixon for continuance of the contract. Whether this will be done or whether it does any good is speculative.

"The federal government has turned Franklin and Union Counties into disaster areas," said O'Connor. "Something must be done."

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICIES

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. TAFT. Mr. Speaker, President Nixon wins a vote of confidence of 77 percent of Americans on his Vietnam policies. Among those persons who listened to his Vietnam speech Monday night, only 6 percent expressed outright opposition to the President's program for ending the Vietnam war. But another 17 percent are undecided.

While the initial reaction to the President's program was highly favorable, I believe the course of public opinion in the coming weeks will depend largely on the actual rate of withdrawal of U.S. troops from Vietnam.

In a professional public opinion—Gallup—test of the Nation's first reactions to the speech, a series of questions were put to a total of 501 adults, living in 286 localities, in a nationwide telephone survey conducted Monday evening immediately following the speech.

Approximately seven persons in 10 contacted heard the speech. Among this group, interviewers found a large percentage of Americans who were impressed and reassured by President Nixon's remarks, but at the same time, a sizable minority who expressed disappointment that the President did not come up with new ideas to end the war.

The predominant view at this point is that the President is pursuing the only course open to him. The idea of "Vietnamization" of the war has particular appeal to the public.

About half of the people interviewed—49 percent—think President Nixon's proposals are likely to bring about a settlement of the war but 25 percent think they are not likely to do so, and another 26 percent are undecided.

Eight in every 10—77 percent—of those contacted expressed satisfaction with President Nixon's program for troop withdrawal, 13 percent expressed dissatisfaction, while another 10 percent are undecided.

By a 6-to-1 ratio, the persons contacted agree with President Nixon that moratoriums and public demonstrations are harmful to the attainment of peace in Vietnam but most also share the President's belief that people in this country have a right to make their voices heard.

MEMBERS OF FEDERAL TRADE COMMISSION AFFIRM COMPETENCY OF FTC STAFF ATTORNEYS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. EVINS of Tennessee. Mr. Speaker, a number of the present Commissioners of the Federal Trade Commission and former Chairmen and members have recently attested to the competence and capability of the senior staff attorneys at FTC.

In a recent letter to Mr. Bernard G. Segal, president of the American Bar Association; Mr. John N. Wheelock, Executive Director of the Federal Trade Commission, lists a series of statements from Commissioners which praise and commend the ability and the work of the legal staff of the Federal Trade Commission. These Commissioners include Commissioner Everette MacIntyre, former FTC Chairman Edward F. Howrey, former FTC Chairman Earl W. Kintner, former FTC Commissioner Albert A. Carretta, former FTC Commissioner and former Congressman Robert T. Secrest, and former FTC Commissioner and former Governor of South Dakota Sigurd Anderson.

Because of the interest of my colleagues and the American people in this most important matter, I herewith place the letter to Mr. Segal from Mr. Wheelock in the RECORD.

The letter follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., October 30, 1969.

BERNARD G. SEGAL, Esq.,
President, American Bar Association,
Philadelphia, Pa.

DEAR MR. SEGAL: This is in reference to the Report of the ABA Commission to study the Federal Trade Commission dated September 15, 1969.

This letter is in the nature of an appeal in equity to the Board of Governors of the Association in regard to the statements in the Report relative to the competency of the supervisory legal staff of the Federal Trade Commission, particularly, in the light of the comments on such Report by the communication media.

On page 33 of the Report, it is stated that "a majority of the present FTC Commissioners advised us that some Bureau and Division Chiefs are incompetent. We believe that this is attributable in part to the policy pursued in the last six or eight years of promoting almost exclusively from within the agency." On page 34 of the Report, under the subhead "Conclusions" it is stated "it is our impression that there are too many instances of incompetency in the agency, particularly in senior staff positions."

Mr. Miles W. Kirkpatrick, Chairman of the ABA Commission indicated in his testimony on October 9, 1969, before a Special Subcommittee of the Select Committee on Small Business of the U.S. House of Representatives, that the ABA Commission had no vehicle or opportunity for reaching a determination as to any individual staff members who might be incompetent. I understand from his testimony that the basis for the "impressions" in the Conclusion in the ABA Report as to the question of competency was the general statements made to members of the ABA Commission by three incumbent FTC Commissioners. Apparently, no survey regarding this question was made of the members of the Antitrust Section of the Bar Association and no inquiry was made of any other source.

Neither Chairman Dixon of FTC nor FTC Commissioner MacIntyre was quoted on this very significant question. The basic fact is then that the entire supervisory legal staff of the Federal Trade Commission is under the cloud of a vague charge of incompetency which they had no opportunity to answer. This is particularly questionable because the communication media in commenting on the Report treated the statements in the Report's Conclusions as a finding by the ABA Commission of general incompetency on the supervisory staff level of the Commission. The obvious result has been that grievous harm and injury has been done to the professional reputation of the dedicated, able senior attorneys at the Federal Trade Commission who have devoted so many years in the public interest to the protection of the American competitive enterprise system and the consuming public.

I suggest that when considering the professional reputation of Members of the Bar that the American Bar Association has a particular duty to be fair and equitable whether the attorneys are in the Government service or in private practice. In his testimony before the Congressional Subcommittee, Professor Robert Pitofsky, the ABA Commission Counsel, stated that the ABA Commission was pressed for time. I understand the deadline under which the Commission was operating. I believe that in all probability Members of the ABA Commission were surprised by, and regret, the interpretations by the communication media of their Report in regard to the competency of the FTC staff. Opinions as to the competency of lawyers are at best subjective. I suggest that if any public pronouncement of "impressions" is to be made in such matters that the inquiry forming the basis therefor should be as broad as practical.

In the light of the above and in fairness to the FTC staff, I have requested the opinions of former FTC Commissioners engaged in the practice of law and also the opinion of incumbent Commissioner MacIntyre as to the competency of the FTC senior staff members. I have not asked Chairman Dixon to comment for the obvious reason that he selected these staff members for their present positions. Of course he had confidence in their ability and integrity. In making these appointments, Chairman Dixon honored the career service of the Federal Government. The policy of promotion from within on the basis of merit is followed generally by Government agencies and by such private corporations as American Telephone and Telegraph Company, Standard Oil of New Jersey, DuPont, etc. The ability to obtain highly qualified young professionals would be greatly curtailed unless a general policy of promotion from within were followed.

I am authorized by incumbent Commissioner Everette MacIntyre and the former FTC Commissioners listed below to quote them as stated below as to the competency of the supervisory staff attorneys at FTC.

Commissioner Everette MacIntyre has had a long and distinguished career at the Commission. He states as follows:

"First, I should say that views I have on this subject have been formed on the basis of approximately 40 years of association with the observation of the conduct and performance of supervisors of the legal staff of the Federal Trade Commission. During that period of time I have not only had the privilege of that association and observation, but also considerable association and observation of the conduct and performance of supervisors of legal staffs in the antitrust division of the United States Department of Justice (based upon my service of approximately 20 years as liaison officer between the Federal Trade Commission and the antitrust division of the Justice Department) and supervisors of the legal staffs associated with or employed in the offices of a large number of the leading law firms in this country. My opportunity for association and observation of the latter came as a result of my handling a number of large antitrust cases for the Federal Government when lawyers of these large law firms were representing parties against whom the Federal Government was proceeding.

My career and experience have presented me with the high privilege of association with many fine lawyers and gentlemen in the Government and members of the private bar. In general the supervisors of the legal staff of the Federal Trade Commission have ranked high among that number. They have and do constitute a group of highly competent, dedicated, and high principled lawyers. I do not mean to imply by that that there have not been exceptions, but in general what I say applies to the group as a whole. The record of achievements in courts throughout this land supports my view of their competence."

Former FTC Chairman Edward F. Howrey stated as follows:

"Many of these lawyers have been well known to me since the time I served as Chairman of the Commission during the first three years of the Eisenhower Administration. Some of them I have known much longer inasmuch as I first started practising before the Commission in the early 1930s. In my view, and I speak with personal knowledge because I have often been on the losing end of FTC negotiation and litigation, most of the senior lawyers on the staff are of exceptional ability. Take the Bureau of Restraint of Trade, for example—the Director, the Assistant Director and the chiefs of the various divisions are all industrious men of professional competency and integrity. They are equal to or superior to most lawyers I have dealt with in government service or in private practice for that matter. In addition, I have found the present Executive Director and General Counsel to be men of the highest quality and professional competency. While I have not regularly practiced before other bureaus of the Commission, I think the same thing can be said of most of their supervisory staff members."

Former FTC Chairman Earl W. Kintner stated as follows:

"In some respects in my judgment the Commission is weak at the senior supervisory level. I think the greatest problem they have had down there is that the staff has not received the guidance of a unified commission at the top and this has discouraged some of these senior people from doing the job as they would like to do it, and I might add that it has been a monumental discouragement to the rank and file of the staff. I told the American Bar Association Commission, with whom I spent a good part of the afternoon, that I thought that on the whole there was no more able legal staff in government except perhaps in the Department of Justice than at the Federal Trade Commission, generally speaking. And I feel that some of the finest expertise in the agency resides in some of these older lawyers that may be the target here. And to that extent, if they were the target, the report was not quite fair."

I am authorized to state that former Commissioner Lowell B. Mason is of the opinion that the senior staff attorneys at FTC are able, dedicated and competent.

Former FTC Commissioner Albert A. Carretta stated:

"Much of my law practice since the end of my term of office as a Federal Trade Commissioner has involved the Commission and the laws administered by it. Consequently, I have been brought into frequent contact with all of the current Division Chiefs. While a few of these supervisory attorneys are strangers to me in that I had no personal contact with them when I was a Commissioner, I am happy to say that those with whom I have dealt recently in behalf of clients have all demonstrated to me that they are efficient and competent."

Former FTC Commissioner and former Congressman Robert T. Secrest stated:

"I served as a member of the Federal Trade Commission from September 1954 to September 1961.

I was well acquainted with practically every attorney on the Commission staff during that period, both in Washington, D.C. and all the branch offices.

As a group they were able, dedicated, and worked, both in time and effort, beyond what might reasonably be expected of them in their desire to protect the public interest. It was always a marvel to me how such a small staff could accomplish so much."

Former FTC Commissioner and former Governor of South Dakota Sigurd Anderson stated:

"It was my privilege to serve as a Commissioner of the Federal Trade Commission from September 12, 1955, to March 2, 1964. During that time I had ample opportunity to observe the work of the members of the staff of the Federal Trade Commission with special reference to the work of the supervisory personnel. I am of the opinion that some of the finest attorneys and attorney administrators, as well as economist administrators, were employed at the Federal Trade Commission. Not only were they persons of competency insofar as scholarship and legal acumen was concerned but in addition they were dedicated persons, dedicated to the work of the Federal Trade Commission and dedicated to the public interest. I am of the opinion that the Federal Trade Commission has personnel, supervisory and otherwise, who were on par with personnel in other agency of the government. And, may I say that I was afforded ample opportunity to observe commission counsel engaged in 'legal combat' with some of the finest lawyers in the United States, and commission counsel as a rule gave an excellent account of themselves."

To summarize, the views of the eleven incumbent and former FTC Commissioners regarding the competency of senior staff lawyers are available. Two incumbent Commissioners and six former Commissioners (8 of 11) are of the opinion that these lawyers generally are able and dedicated and as a whole constitute one of the best and most competent senior legal staffs in Government. Only three of the eleven Commissioners questioned the competency of "some" of these attorneys. Please compare this data with the "impressions" stated in the ABA Commission Report and the resulting coverage by the communication media which was so damaging and unfair to the Federal Trade Commission staff.

I do not question the good faith of the three incumbent Commissioners expressing their views or that of the ABA Commission in reporting such views. I do strongly suggest, however, that in commenting on the professional competency of lawyers any statement issued by the American Bar Association or any agency thereof should have a full and complete basis in fact. I point out also that this Report was publicly issued without any warning or notice to the FTC staff attorneys. Deadlines apparently prevented full and fair consideration of this matter by the ABA Commission.

I respectfully request that this letter be filed of record together with the ABA Commission Report and that the Board of Governors take affirmative action to clarify and correct the misunderstanding as to the competency of the supervisory legal staff of FTC resulting from the ABA Commission Report and the coverage thereof by the Communication media.

I understand that the ABA Commission report was sent to the President of the United States. I am, therefore, sending a copy of this letter to the President.

Sincerely yours,

JOHN N. WHEELOCK,
Executive Director.

CHAVEZ GOES TO WASHINGTON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WALDIE. Mr. Speaker, the recent visit of Cesar Chavez to Washington was highlighted by his address before a large audience at the National Cathedral.

Mr. Chavez, in his efforts to organize California agricultural workers, has encountered the stiff opposition of the growers and this confrontation has set the stage for a bitter and unfortunate struggle and the controversial nationwide boycott on table grapes.

A most interesting look at this confrontation, and Mr. Chavez' visit was contained in a recent article by Michael Green, staff reporter of the McClatchy newspapers of California.

I would like to bring this article to the attention of the Congress because of its insight and timeliness.

The article follows:

[From the Fresno (Calif.) Bee, Oct. 31, 1969]

GRAVES GOES TO WASHINGTON

(By Michael Green)

WASHINGTON.—For a farm worker of Mexican descent, it is a long way from Delano, Calif., to Washington National Cathedral's towering pulpit, the altitude of which is so great that visiting clerics sometimes complain only half in jest of dizziness and a tendency to nosebleed.

A week before he died half a country away on the grubby cement balcony of a neon-lit motel with thoughts of the hymn "Precious Lord" still lingering in his mind, Martin Luther King Jr. addressed one of the largest crowds ever assembled in the cathedral.

It had been, for him and for the country, a long way from Montgomery, Ala. It was, for all, to be a longer trip still after Memphis.

When Cesar Chavez mounted the same pulpit before a capacity crowd during his recent trip to Washington, he did so as a professed disciple of the nonviolence which had been preached by King and there was nothing in his manner or in what he said or did to mar the adherence.

The manner of the two men could scarcely be more different. King was the master of emotion and oratory. Cesar enters the souls of his followers more quietly, without special notice or fanfare, simply by being who and what he is.

GALLED

California growers were understandably galled when he was allowed to occupy the renowned pulpit, just as King's foes were when he spoke. Their own powers are limited to more temporal bodies—county courts, agricultural commissioners, sheriff's officers and local jailhouses.

They yearn to harvest some of the spiritual authority and religious recognition which so far have gone to the farm workers' cause. Despite having hired the expensive public relations firm of Whitaker & Baxter of San Francisco to act as intermediary, they have yet to secure an indulgence from the national religious community.

Cesar labored quietly through his talk, plucking one set of arguments and then the next, like a grape picker methodically working the fields, one row after another, who does not expect to stop until the sun has set.

He was concerned, he said, about pesticide residues remaining on table grapes sold in supermarkets and pesticide poisoning of farm workers in the fields. Sen. George Murphy, R-Calif., who once described migrants as happy people who simply like to travel, work part-time and fish the rest of the year, denounced pesticide talk as a mere "scare tactic."

SCARED

Among those scared are scientists, biologists, officials of several states considering total bans on the chemical, and the National Cancer Institute, which discovered in a five-year study that DDT caused cancer in mice.

The Food and Drug Administration, however, is not alarmed. It admits it is not sure what the long-range effects on humans may be of pesticide residues on food. Not being sure, FDA does not want to do anything hasty that might adversely affect the chemical manufacturers who have contributed so much to the country's agricultural economy and the world's ecology.

To counter Cesar's antipesticide campaign, the growers sent their own "truth squad" to follow him around Washington in the form of dashing young Kern County, Calif., grower John S. Giumarra Jr., a man as cultivated as his fields, a sort of Douglas Fairbanks of the agricultural jet set who acts as if he just discovered talkies.

Giumarra, alas, did not reach the dizzying heights of National Cathedral's pulpit during this trip but he did hold a press conference on the 13th floor of a building downtown, an apparently unlucky choice in that most reporters were busy a mile away at the time covering Cesar's testimony before a Senate subcommittee.

When Giumarra caught up with the hearings the next day to offer his own testimony, Cesar remained in the audience to listen, dressed in neatly pressed work trousers and a clean flannel shirt.

The impeccably tailored and bevested Giumarra, who helps preside over a 5,000-acre agricultural empire which grosses $12 million annually, dramatically informed the subcommittee Cesar Chavez is trying "to grab control of the nation's food production."

PESTICIDE

Cesar, however, has not even been able to grab hold of Kern County agricultural records showing what kind of pesticides Giumarra uses on his table grapes. The growers piously believe such records are forbidden fruit and have shyly covered them with the legal fig leaf of a locally-obtained court injunction.

Giumarra believes the growers themselves share some of the fault for not having gotten their "story" across to the American public. His testimony may have indicated one reason why. Even he realizes the growers have much public relations work still to be done.

The hearings ended, the two men headed back West, Cesar to his movement's little office in Delano with the picture of Martin Luther King Jr. hanging on the wall, and Giumarra to further cultivate his fields.

U.S. MERCHANT MARINE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. TIERNAN. Mr. Speaker, on October 23, 1969, President Nixon issued his merchant marine message to Congress. I commend the President for the proposals he has set forth, but I do not believe that his message is comprehensive enough to meet this challenge.

It is interesting to note that Mr. Nixon's proposals are basically the same as ones that I advocated back in November of 1968. The President's message calls for declining subsidies, efficiency incentives, and the package concept of awarding contracts. These are all proposals which I called for last year.

The U.S. merchant marine needs to have these and other measures implemented if we hope to revitalize our commercial fisheries. Mr. Nixon has addressed himself to the problem at hand, but apparently fails to grasp the magnitude and urgency of the crisis.

For the past 10 years we have talked about the merchant marine crisis and commissioned studies of the problems. President Nixon now calls for yet another Commission to review the status of the American shipbuilding industry, its problems, and its progress toward meeting the challenge we have set forth. I cannot agree the problems are evident and progress can only be made when these problems have been dealt with effectively.

Since 1968 I have urged the Congress and President to meet these problems head on—not with Commissions and task force reports, but with forthright action. The vastness of our ocean frontiers requires a comprehensive and multifaceted program that will make use of our maritime resources. I am determined to see Congress act to get us moving on the high seas once again.

Our present shipbuilding program is geared to shipping conditions which existed a third of a century ago. President Nixon's proposals for subsidy are only one facet in the broad-based approach which is necessary. The United States ranks fifth in world shipping and eleventh in world shipbuilding. This is unacceptable.

It is my view that neither the Department of Commerce nor any other Cabinet-level department is structured properly to solve the specific problems of the maritime industry today. There are a host of other maritime administrators in the executive branch, each making decisions, not on the basis of the needs of our merchant marine, but rather on the basis of their constituencies.

The Department of Agriculture makes maritime decisions in the area of the shipment of agricultural surplus products to the needy nations of the world. The Department of State makes maritime decisions in terms of our relationships with other nations. The Department of Defense makes maritime decisions in terms of our military sealift. The Department of the Interior makes maritime decisions with respect to oil imports. The Agency for International Development makes maritime decisions that deal with our shipments of foreign aid. The result is that with so many maritime administrators, we do not really have a maritime administration at all.

At this time I repeat my call for the creation of a Cabinet-level Department of Maritime Affairs which would coordinate and consolidate our diverse maritime efforts and activities. Only a Cabinet-level department would be able to combine the responsibility and authority necessary to correct the mistakes of the past.

In addition, I believe that the Federal Government should actively and energetically support the following projects:

An increase in subsidies for fishing boat construction, especially for the building of smaller coastal vessels;

Continued efforts to reach a satisfactory international agreement which would prevent the depletion by foreign fishermen of our offshore fishing grounds;

Increased funds for Government guarantees of mortgages and loans on new vessels;

An increase in funds for the construction of plants for the production of fish protein concentrate;

Aid for research directed toward the modernization of both fishing vessels and techniques;

Encouragement of the promising field of aquaculture; that is, the artificial cultivation of fish and shellfish; and

A substantial increase in sea-grant funds to those universities making their major ocean research effort in the field of organic extractibles such as fish.

America has all of the necessary ingredients to build a strong and prosperous fleet—the technology, the craftsmanship, the facilities, the manpower, and the commerce. All that is lacking is the will, the inspiration, and the direction. I believe that the adoption of my program would provide this necessary leadership.

PRESIDENT'S SPEECH ON VIETNAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FREY. Mr. Speaker, President Nixon's statement on the status of the war in Vietnam was one of the most forthright I have ever heard. All the cards were laid on the table for everyone to see.

Anyone who now says we are not on a new course in Vietnam is ignoring the obvious facts. Of course we would all like to know the exact timetable for withdrawal of U.S. troops—but under the circumstances as outlined by the President, we should understand why this information cannot be made public.

I sincerely hope all our citizens will respond to the President's plea for a united America. All of us want peace. All of us want to end this war as quickly as possible, but not by forsaking what has made America great. We have a plan to follow. Now let us meet our obligation to the thousands of young Americans in Vietnam who have, and still are, meeting theirs.

LEGAL AID SERVICES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ANDERSON of California. Mr. Speaker, the independence, effectiveness, and even the existence of many important legal aid and legal service programs are under fire. Senate adoption of an amendment to S. 3016 relative to the veto power of Governors over any legal service programs assisted by the Office of Economic Opportunity, is extremely disturbing. Legal aid officers across the country are raising their concern, and rightfully so, that enactment of the amendment will strip them of their ability to handle controversial cases. Howard M. Van Elgort, executive director of the Legal Aid Foundation of Long Beach, expressed his concern to me in a recent letter. Included in his communication was a press release from Maynard J. Toll, president of the National Legal Aid of Defender Association—NLADA—which summarizes some of the nationwide concern.

I am in opposition to the Senate's action and will oppose the inclusion of the amendment if and when it comes to a vote before the House.

So that my colleagues may be informed of NLADA concern, Mr. Toll's release follows:

Legal Aid Foundation of Long Beach,
Long Beach, Calif., October 22, 1969.

Re Economic Opportunity Amendments of 1969.

Hon. Glenn M. Anderson,
Washington, D.C.

Dear Congressman Anderson: I am deeply concerned over the passage of Senator Murphy's amendments to S. 3016 relative to the veto power of governors over legal services programs. This amendment, if it becomes law, particularly without the safeguard of an over-ride, will seriously affect the independence, effectiveness, and even the existence of many important legal aid and legal services programs.

Enclosed is a copy of a press release from Maynard Toll, President of the National Legal Aid and Defender Association, which contains the concerns and position of the legal aid movement and the organized bar.

I strongly urge your opposition to the Senate's action in approving Senator Murphy's amendment.

Very truly yours,
Howard M. Van Elgort,
Executive Director.

National Legal Aid and Defender Association

Maynard J. Toll, president of the National Legal Aid and Defender Association (NLADA), issued the following statement today:

On Oct. 14 the Senate passed an amendment proposed by Senator George Murphy (R.–Calif.) to the effect that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment has also been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will remain in any final bill agreed upon by the Senate and the House of Representatives. Through threatened use of this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.

NLADA has strongly supported, to date, the Legal Services Program of OEO because its administrators have insisted that these programs for the poor provide the fullest range of services. This approach has demonstrated its practical idealism as evidenced by the response of the poverty community to these programs. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic handout meant to deceive but not to help effectively.

, Throughout its 58-year history, NLADA has fought steadfastly for the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. To give the poor only certain "needed" or "desirable" services makes the "poor fellow", to use Senator Murphy's words, a second-rate citizen in legal negotiations and our halls of justice. In addition, the morale of the 2,000 new lawyers now working in these programs would suffer tremendously if their independence of action on behalf of the poor were curtailed and restricted. These advocates are now subject only to the ethical standards of the profession. All professional associations—NLADA, The American Bar Association, American Trial Lawyers Association, and the National Bar Association—have supported this program because it has assured this full independence to the lawyers and a total responsiveness to the needs of the poverty community.

Although I can speak only personally, I know that I voice the united feeling of our entire civil membership—500 offices and 2,500 individual lawyers for the poor—when I express strong opposition to the action of the Senate on Oct. 14 in approving Senator Murphy's amendment to S. 3016, the Economic Opportunity Amendments of 1969.

NLADA, with headquarters at the American Bar Center in Chicago, is the national coordinating and standard-setting body of local legal aid and defender organizations. Last year, these offices provided legal advice and representation for more than 1½ million poor people.

SAVE POINT REYES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. COHELAN. Mr. Speaker, the fight to save Point Reyes continues unabated. It has consumed much of my time, but I am constantly uplifted and encouraged by support for this effort from various sources. I commend to the attention of my colleagues at this time the following supportive statements.

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Subdividers Are Threatening Last Areas of Unspoiled Land

(By Marquis Childs)

San Francisco.—The lure of California is one of the most remarkable phenomena of our time. Like a great magnet it pulls people—young, old, a vanguard of hippies, ecapees, opters out—from the rest of the country to this slope on the Pacific shore.

Even for the Chamber of Commerce boosters this is almost too much of a good thing. Like the frantic movement of the lemmings to the seashore, with an instinctual drive that sends them finally to their destruction, there will soon be standing room only if the present rate of growth continues.

Nothing could illustrate this better than the controversy over the Point Reyes national seashore. A beautiful, still relatively untouched peninsula about an hour from San Francisco, Point Reyes is one of the few spots on the coast that has not fallen to the developers and the sub-dividers. With the parks in the metropolitan bay area hideously overcrowded, Point Reyes is a natural outlet for city dwellers in search of quiet and unspoiled beauty.

But the sub-dividers are on the doorstep and pressing hard. Less than half the land for Point Reyes has been acquired by the federal government since the project was authorized in 1962. With each passing year land values have sharply increased. And now the White House is saying through the Bureau of the Budget that a freeze is imperative through 1973 to hold down spending and hold inflation.

Other parks and seashores staked out by Congress to save a part of vanishing America before it is all paved with concrete are also threatened by the double-squeeze of inflation and economy. Besides Point Reyes, Cape Cod in Massachusetts, Assateague Island in Maryland and Padre Island in Texas are in half-completed state, threatened by the land speculators who stand to gain from federal delay.

The Nixon administration has been generous with rhetoric. Secretary of Interior Walter Hickel, in a speech to the National Park and Recreation Association in Chicago, proposed a $6.3 billion development program for urban parks.

Point Reyes precisely fits this description. But Hickel in the same speech included an escape hatch that negated much of the fine rhetoric. "Present fiscal restraints" would very likely make it impossible to ask Congress for any funds to make the grandiose dream a reality. The Hickel speech coincided with a letter from Budget Director Robert Mayo to House Interior Chairman Wayne Aspinall warning that under "present constraints" land purchase for parks and recreation areas would not be completed until mid-1973.

The conservationists are going into battle over Point Reyes, and nowhere is the breed more aggressive and determined than in California. Aspinall is moving to get added funds out of Congress. So, that untouched shore may still be saved.

But the economizers have the final say. Congress can propose but the Bureau of the Budget disposes by freezing extra money that may be voted. As the people push accelerates, the standing-room-only sign covers more and more of a once-free land.

[From the San Francisco Examiner, Oct. 26, 1969]

Point Reyes Move

Congressman Jeffrey Cohelan of Oakland has moved in timely fashion to help rescue Point Reyes from its increasingly desperate plight; the growing threat of losing acreage crucial to its fulfillment as a national seashore.

Seven years after President Kennedy signed the bill establishing the seashore, less than half the necessary land has been acquired. Although funds are available from the Land and Water Conservation Fund, the national administration appears determined not to spend all the available money.

Cohelan's approach is to forbid the government from making any offshore oil lease agreements until the conservation funds are released.

While we emphatically are in sympathy with the administration's money saving program, we believe with equal firmness in the release of these earmarked monies to preserve the priceless seashore from commercial development. The present owners cannot be expected to pay taxes on it indefinitely while awaiting for government purchase.

Point Reyes is and always has been a bipartisan cause. We hope all Californians in House and Senate will unite to save it for present and future generations.

Save Our Seashore Week

Whereas, Point Reyes National Seashore is a priceless natural and recreational resource; and

Whereas, it is presently in imminent danger of being subdivided and sold on the open market; and

Whereas, the entire Bay Area is in dire need of additional areas; and

Whereas, the Bay Area depends heavily on visitors who come to vacation in the Bay Area from all the other forty-nine states, as well as many foreign countries around the world; and

Whereas, this Board of Supervisors of Alameda County did adopt a resolution to support and endorse the heretofore declared policy of the Marin County Board of Supervisors to save Point Reyes National Seashore;

Now, therefore, be it resolved that this Board of Supervisors does hereby proclaim the week of October 26, 1969–November 1, 1969, as "Save our Seashore Week" in Alameda County, and that this resolution be given wide publicity and forwarded to Senators Murphy and Cranston; Congressmen Miller, Cohelan and Edwards; the Secretary of the Interior and the President of the United States.

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Supervisors, Alameda County, Calif., October 16, 1969.

Attest:

By: P. Brouillette.
Jack K. Pool,
Clerk of the Board of Supervisors.

A VOTE FOR HOLTON WAS A VOTE FOR NIXON

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WHITEHURST. Mr. Speaker, on November 4, 1969, two-party government became a reality in the State of Virginia. After almost a century of rule by the Democrat Party, the voters of Virginia have declared their preference for a Republican. The man who brought this about is Linwood Holton. Lin Holton campaigned hard; he addressed himself to the issues; he gained the confidence of the people. The result was a resounding victory for the Republican Party at the polls.

It is significant that some of the Democrats in Virginia made the Nixon administration one of the issues of the campaign. It is also significant that the President himself spoke on behalf of Linwood Holton. I have in my office a copy of a flyer put out by the opposition that states "A vote for Holton is a vote for Nixon." The purpose of this flyer, of course, was not to encourage votes for Holton. Thus, in a sense, this is not only a victory for Linwood Holton and the Republican Party, but it is a vindication for the policies of the President on behalf of the State of Virginia.

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICY

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BARING. Mr. Speaker, I have taken a position on the Vietnam war which I urge every Member of Congress to adhere to. The day after the President's address to the Nation, November 3, 1969, I released these comments to the Nevada news media and several other nationally known members of the American press.

I am in accord with the U.S. policy of withdrawal from the Vietnam war and President Nixon's address to the Nation, which I term, a strong rededication and reamplification of the earlier announced policy by the administration to end U.S. participation in the Vietnam war. This war is a stinking mess. The administration plan now is the only path I see for America to follow because the Vietnam war is now a no-win war. It could have been won and could have been won earlier if the bombing halts against North Vietnam had not been curtailed and then completely halted.

There also is no time for dissension among the people of this country; it is time we all back the President and hope for a quick, peaceful, and safe settlement of hostilities. It is extremely doubtful there ever will be any progress at the Paris peace talks.

Why should we negotiate with the Communists? The enemy knows that by their refusing to negotiate, the internal turmoil in America will continue. There is dissension here at home by those who would give in to the Communists at every turn. It is time we close ranks and stand together united behind the U.S. policy to honorably extricate our forces from Vietnam.

Mr. Speaker, in the same release I have urged every Nevada citizen to participate in the November 11 Veterans Day ceremonies in support of the U.S. fighting men today and honor all veterans of former U.S. military engagements.

Also, I wish to include in the Record the following telegram from the Edgar Walters family of Reno who were the first to contact me with their comments on the President's address to the Nation. I have also written to the President notifying him of my support of the new Vietnam policy.

The telegram follows:

RENO, NEV.,
November 4, 1969.

Representative WALTER S. BARING,
Washington, D.C.:

We wholeheartedly support the Nixon Vietnam policy. Ten silent Americans from Pat Nixon's own Nevada.

THE EDGAR WALTERS family.

RIGHT PATH ON VIETNAM

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FOREMAN. Mr. Speaker, our President has delivered to the citizens of this Nation honest and sincere remarks requesting unity in our stand in Vietnam. Grim though it may be, he told it straight forwardly "like it is."

I believe that the great silent majority do support the President in his search for an honorable peace in Vietnam and reject the terrible consequences of a precipitate unilateral withdrawal. The President deserves our support because his plans make sense. He is correct in that, "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

Mr. Speaker, the Washington Daily News, a Scripps-Howard newspaper has printed an excellent editorial pointing out the soundness of the Nixon administration policy. The editorial follows:

[From the Washington Daily News, Nov. 4, 1969]

RIGHT PATH ON VIETNAM

President Nixon, in his speech on Vietnam last night, resisted heavy pressure and once again made the right decision by rejecting "defeat"—a precipitate withdrawal of U.S. troops from South Vietnam.

He has decided that we must carry on, at the cost of more casualties, to give the South Vietnamese a fighting chance of staving off a Communist takeover. With the North Vietnamese showing no sign of willingness to end the war on acceptable terms, Mr. Nixon had no honorable alternative.

His opponents, in Hanoi and in the peace movement in this country, will call his decision stubborn and worse. History, in its own time, will say who was right.

The President is convinced that the pull-out-now chorus is a "vocal minority." He appealed to the "great silent majority" of Americans to support him, and he deserves such support because his arguments make sense.

He reasoned that an immediate withdrawal would be "a disaster" because the Communists would "repeat the massacres" of the past. A "collapse of confidence" in America would follow, promoting Communist "recklessness" and new violence in the Middle East, Berlin, and Latin America.

"Ultimately," the President pointed out, "this would cost more lives. It would not bring peace but more war."

By disclosing all the secret probes, contacts, and offers he had tried, Mr. Nixon made a strong case that North Vietnam is not interested in a negotiated peace, but a U.S.-Saigon surrender.

From the speech we learn that Mr. Nixon means to withdraw U.S. ground combat troops gradually and to keep air, artillery, and supply forces in Vietnam for some time to back up our allies.

There will be casualties among these units, and Hanoi can increase our cost in men whenever it is willing to pay the price. But it, too, must weigh the risks: the President now publicly warned that he will take "strong and effective measures" if increased enemy action jeopardizes our remaining forces.

In sum, Mr. Nixon has determined that the fast, easy way out of Vietnam would be the most costly in the long run, that the "right way" is to fight on until the South Vietnamese can defend themselves.

"As President," he reminded the country, "I hold the responsibility for choosing the best path to that goal (of a just and lasting peace) and then for leading our nation along it."

Constitutionally, he is more correct than the demonstrators in the street who dispute him. We believe he had no attractive paths and took the only right one.

REDESIGNATION OF THE POSITION OF HEARING EXAMINER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, I have this date introduced a bill that I feel is excellent for lawyers—one of the salient purposes of which is to redesignate the position of hearing examiner to administrative trial judge.

In proposing a long-delayed change in the title of "hearing examiners," I would like to emphasize, in the first instance, the essential purpose to be accomplished by such title change, insofar as it affects the status of hearing examiners in all of the regulatory agencies of the U.S. Government. In this regard, my proposal is designed: First, to improve public understanding and acceptance of the Federal administrative process; second, to encourage those from the private sector of the bar, as well as those from the Federal service, who possess the necessary qualifications to meet the acid test of becoming a hearing examiner, to demonstrate their fitness by complying with the necessary standards prescribed therefor by the Office of Hearing Examiners of the Civil Service Commission; third, to assure continuance of the high caliber of persons presiding at administrative trial hearings; fourth, to enhance the stature of private practice before the Federal administrative agencies; and fifth, to lessen the burden on the agencies, as well as the courts.

In the beginning, it is necessary to fully understand the background surrounding the hearing examiner process. When it created specialized administrative agencies to deal swiftly and expertly with complex legal problems, Congress vested substantial responsibility in hearing examiners to make initial determinations of fact and law on the trial level. Although Federal regulatory and administrative statutes and decisions of the Supreme Court show that the office of hearing examiner is a judicial one, or certainly a quasi-judicial one, suitable respect for which is necessary in the performance of the office, the choice of the title "hearing examiner," in the opinion of many knowledgeable experts, in which I thoroughly concur, has proved to be unfortunate and ineffective indeed.

The title of hearing examiner is not one which the general public or even members of the bar customarily associate with the performance of judicial functions. As a matter of fact, in some State and Federal agencies, examiners are not judicial or quasi-judicial officers. In some instances, they are legal technicians, and, in others, they are essentially agency clerks. For years, efforts have been made to find a more appropriate title, in order to encourage the understanding, respect, and cooperation of counsel, parties, and witnesses in the implementation of Congress' purpose. Accordingly, a title was sought to more faithfully, cogently and persuasively suggest the intended character of the office as one occupied by an experienced, seasoned and mature attorney who has been entrusted by law with the judicial responsibility of making an impartial and informed determination of the issues before him, in a manner and with the title befitting a judge.

As early as 1955, the Hoover Commission's Task Force on Legal Service and Procedure recognized the judicial role of the hearing examiner. A review thereof—pages 195–197, 267—discloses that it recommended a new title, "with the status of administrative trial judges" and that they preside in "formal adjudicatory and rulemaking" proceedings with authority to "conform as closely as practicable to that of district judges," and with "the degree of independence of judgment which is expected of judges." Examination of the record has established that neither the Hoover Commission's recommended new title, "hearing commissioner," nor its recommendation of an administrative court, was approved at that time by Congress.

In 1963, the Civil Service Commission considered whether it should adopt the title of hearing commissioner for the hearing examiner. This title was believed to conflict with such top-ranking Government officials as ICC and FCC Commissioners, with the result that the suggestion was dropped. Three years later, in 1966, a bill was introduced in Congress to change the title to "administrative judge." The bill was routinely referred to the Committee on Revision of the Laws of the Judicial Conference of the United States for approval or disapproval. In the absence of supporting data at that time, documenting the necessity for the title change, and apparently because the U.S. district judge who assigns cases and performs certain administrative or business functions of the court is sometimes called an "administrative judge," the committee voted its disapproval, which was affirmed by the Judicial Conference. As a result of this situation, the question of an appropriate title change heretofore has been on the agenda of the new Administrative Conference of the United States, to determine whether it should recommend a title change to the agencies and the Civil Service Commission.

Recognizing the importance and responsibility of the position of hearing

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examiners, and the stature of the hearing examiner corps since the passage of the 1946 Administrative Procedure Act, the Civil Service Commission has raised the classification grade of most hearing examiners to grade 16, with congressional approval, as one of the new "super grades," but this increased grade has not been applied across-the-board in respect of all Government agencies that utilize the expert services of highly qualified hearing examiners. I refer, particularly, to the outstanding corps of hearing examiners assigned to the Bureau of Hearings and Appeals of the Social Security Administration, Department of Health, Education, and Welfare, which has at least three times the number of hearing examiners as any other Federal agency in the entire governmental establishment.

At this point, however, let me inform my colleagues in the House that at hearings before the Personnel Committee of the Administrative Conference of the United States in April 1969, it is my understanding that Mr. Justice Tom Clark, a former member of the Supreme Court of the United States, since retired; Mr. Earl Kintner, former General Counsel, and thereafter chairman of the Federal Trade Commission, as well as representatives of the American Bar Association, strongly urged that the proposal to change the title of "hearing examiner" to that of "administrative trial judge" be adopted. I strongly support the recommendations made by these distinguished individuals, and that of the American Bar Association, that the title of "hearing examiner," in fact, be changed to "administrative trial judge," at the earliest practicable date.

Since the beginning, there has been a consensus of opinion that the title "hearing examiner" is both confusing, inappropriate, and inadequate, and that the time for a change has been long overdue. It has been shown that the change in title would help those currently holding the office of hearing examiner in the performance of their duties; and that it would similarly benefit the Federal Government, and the various regulatory agencies therein, as well as increasing the stature of practice before those agencies—all without any cost to the Federal Government. My own research and investigation have as yet established no valid arguments in opposition to the proposed title change.

For the purpose of the record, I would like to emphasize the ways in which the Federal administrative process has suffered as a result of what is now generally recognized to be a misnomer through the use of the words "hearing examiner." I am convinced that largely because of the title of "examiner," many eminently qualified attorneys in the United States, who otherwise might be interested in serving in a judicial or quasi-judicial role have been unwilling to apply for these positions, which would require them to meet the rigid standards of the Civil Service Commission. Incidentally, I subscribe to those high standards, and do not feel that they should be mitigated or lessened, simply to interest the best qualified candidates who would be able to qualify for the distinguished position currently known as hearing examiner.

It is well known that prominent practitioners are available for appointment to the bench as U.S. district court judges. Attorneys are often willing to make a considerable sacrifice in their earnings in order to accept such a recognition of their eminence in the legal profession. However, few private attorneys, who practice before one or more of the administrative agencies, and who have attained considerable esteem and prestige in their law practices, would be willing to leave that position in the profession and serve in this judicial or quasi-judicial role, if they knew that they would be regarded on and off the bench as an examiner. Thus, the title itself tends to deprive the Government of the services of the very attorneys who would command the highest respect of the private bar.

Although Federal administrative agencies have used the title of "examiner" for several years, the public as a rule still does not understand the distinction between a "hearing examiner" in his judicial role, and many other varieties of examiners who have administrative, investigative, or clerical functions. Such misunderstanding frequently interferes with the efforts to impress witnesses with the seriousness of the proceeding and the necessity for them to respect their oath and to tell the truth. The nonjudicial title sometimes causes doubt as to the stature and authority of the person occupying a position invested with judicial authority, and leads to a lack of respect at the hearing level. In fact, some litigants regard or confuse the examiner as another representative of the prosecuting wing of the agency concerned—making it difficult for them to understand that he will make an independent and impartial determination, based solely on the facts and the law, and not on some predilection of the agency. Indeed, the hearing examiner often is deprived of the use of idle State and Federal courtrooms, having to use inadequate facilities as conference rooms, Civil Service Commission examining rooms, hotel rooms, rooms in the YMCA, and the like. To fulfill the important role of the Federal administrative agency under such adverse conditions is difficult.

An immediate, feasible step toward a solution of many of these problems is to recognize the high stature, and to raise the prestige, of the hearing examiner's position, within the entire framework of the hearing examiner corps in the United States. This readily can be done by acknowledging his judicial role—as a judge in administrative trials or hearings—and assigning to him the appropriate title of administrative trial judge.

The change in title would accomplish greater utilization of available court rooms, or hearing rooms, and would add appreciably to the dignity of the administrative trial or hearing, and assist in maintaining the judicial atmosphere and decorum which are so vital in the proper administration of justice. Because of the added respect for the proceeding on the bench, or within respectable and dignified surroundings, the administrative proceeding could be expedited.

Perhaps, one of the greatest improvements in the administrative process would result from the wider attraction of attorneys from the private sector of the bar, of the highest caliber. Because of the advancing age of the present hearing examiner corps, I am advised that over one-half of the hearing examiners can be expected to retire in a relatively short period of time, leaving a very large number of vacancies to be filled. With fully qualified lawyers currently in the Federal service, together with fully qualified private practitioners, both of whom could apply in sufficient number, the Federal agencies would be able to obtain those best qualified to serve the Federal Government in a position of great trust and responsibility.

Because of the descriptive words limiting their function to administrative trials, the title known and designated as "administrative trial judge" would not be confused with the U.S. district judge, or a judge in any other Federal constitutional court; or a judge in the Tax Court of the United States, which is an independent executive agency; or the Judge Advocate General, who is the chief legal officer in the armed services.

I am not the first to recognize this crying need to aid the hearing examiner corps, which plays such an important role in the everyday life of our country, if we properly recognize, as we should, the significant work of the regulatory agencies in the Federal civilian establishment. In the CONGRESSIONAL RECORD, volume 114, part 22, pages 28323 and 28324, the Members of the House will observe that the distinguished Senator from Texas (Mr. TOWER) introduced S. 4080, which would designate hearing examiners in administrative agencies as administrative trial judges.

In the June 1968 issue of the American Bar Association Journal—page 557—there appeared a guest editorial entitled, "Let's Reexamine Regulation, in which the following statement was made:

> The most immediate and apparent problems are the emotional bias of investigators and examiners and the immunity that too often may be extended to political campaign contributors.

In the September 1968, issue of the same journal, at page 836, President Welch invited attention to the ambiguity caused by the use of the word "examiners" and stated that:

> "Hearing Examiners" who constitute the membership of Federal Trial Examiners Conference, often are referred to by the shorthand title "examiners". For this reason, we take vigorous exception to the sweeping and unsupported charge of bias leveled in your guest editorial. Hearing Examiners employed by the Federal Government are appointed and serve under the Administrative Procedure Act, a statute fostered and long supported by the American Bar Association. One of the principal aims of that Act was to assure the proper independence of Hearing Examiners in decision-making. This has been accomplished, and the federal hearing examiners have carried out their duties with impartiality for over twenty years.
>
> It is entirely possible that the guest editor did not mean to include federal hearing examiners in his criticism. After all, we who conduct hearings and thereafter issue initial decisions are by no means the only persons referred to as "examiners". That term is used with reference to many other categories of endeavor, particularly in the investigatory

> field. The result is confusion. We are saddled with a title, Hearing Examiner, which fails to distinguish properly our true function from those of many others referred to as "examiners." Indeed some of us have been mistaken for doctors bent upon examining a person's hearing. Thus, it may well be that your guest editorial is simply another example pointing to the necessity for a clear-cut and unambiguous title for federal hearing examiners who, in a way analogous to the function of a trial judge, handle the initial phase in the administrative law process.
>
> May we have your support to accomplish the needed change in our title?

In my remarks thus far, I have alluded generally to the dilemma with which all hearing examiners in the Federal Government have been faced for a long period of time, but I wish to lay emphasis upon the hearing examiner corps of the Department of Health, Education, and Welfare, who serve as hearing examiners in the Bureau of Hearings and Appeals of the Social Security Administration—as GS–15 hearing examiners. I feel that this grade is wholly inadequate when judged by the manifold duties and responsibilities of such a vast number of hearing examiners in the Bureau of Hearings and Appeals, particularly. Can it be said that their work is of a lesser degree; their qualifications less exacting? My own, very careful investigation of the work which these hearing examiners perform, and have performed over many years, has convinced me beyond peradventure that they are entitled to the same degree of consideration as hearing examiners in the GS–16 agencies of the Federal Government. It is my considered opinion that greater recognition should be given to the hearing examiners in the Social Security Administration, who occupy such an important role in our society. Let me cite an example to demonstrate the sincerity and persuasiveness of the point I am attempting to make. A hearing examiner who has a public utility case before him, usually is faced with skilled lawyers, economists, and engineers on both sides for guidance. If the parties do not like the hearing examiner's decision, they can appeal to the Commission and to the courts. If a utility should lose, it can find ways to accommodate itself, without being injured too much. However, in social security cases, and in considering eligibility, a claimant cannot afford a first-rate lawyer, in the average case, and except for an appeals council review, which can be accomplished through a claimant's request or by the appeals council on its own motion, it is extremely difficult for the average claimant to be able to afford the cost involved in the litigation process. For this reason, it becomes apparent that the decision of the hearing examiner represents a very important and significant one to the individual, and, indeed, is a strategic decision for the hearing examiner to make to insure human fairness with respect to society. As we move forward, therefore, the role of the hearing examiners in the Social Security Administration, in its Bureau of Hearings and Appeals, should not be kept at the GS–15 level, by reason of the very important role in which they serve our society.

I am a strong believer in the thought that the hearing examiners assigned to the Social Security Administration are extremely close to the heartbeat of America, in that they hear cases and witness claimants who are sick and infirm, and who are far removed from the corporate life of our country. The considerations of administrative expertise, integrity of and respect for the administrative process, the making of a complete and satisfactory record for appeals council review, or judicial review, are special qualities that hearing examiners in the Bureau of Hearings and Appeals of the Social Security Administration must possess. In addition thereto, these hearing examiners occupy the difficult role of sitting "with three hats on," which is the most difficult task to ask of any lawyer or judge: First, as attorney for the claimant, if he does not have a lawyer; second, as attorney for the Social Security Trust Fund; and third, as a judge who must decide the issue or issues before him. This is a herculean task of no small proportion, and those hearing examiners in the Bureau of Hearings and Appeals who perform this triple assignment in nearly every case, should receive proper recognition therefor by their Government and be graded as a GS–16 hearing examiner.

Accordingly, after this bill is adopted, I suggest that the Social Security Administration take steps by regulation to establish within the Bureau of Hearings and Appeals of the Social Security Administration a system of three separate types of administrative trial judges headed by chief regional judicial officers, and to establish a special jurisdiction for such chief regional judicial officers. Essentially, as my bill more specifically enunciates, I strongly recommend that the language of appropriate statutes contained in title V of the United States Code be amended by striking out the phrase "hearing examiners" wherever it appears, and inserting in lieu thereof, the words "administrative trial judges"; and that whenever reference is made in any act of Congress—other than this act—regulation, document or record of the United States to the position of hearing examiner or trial examiner, such reference shall be held to be a reference to the position of administrative trial judge.

The three categories of administrative trial judges within the Bureau of Hearings and Appeals of the Social Security Administration of the Department of Health, Education, and Welfare would be: First, administrative trial judges; second, chief administrative trial judges; and third, chief regional judicial officers. The Bureau of Hearings and Appeals of the Social Security Administration has many offices across this broad land in order to better serve the public interest. From Maine to California, and from California to Florida, the hearing examiners of this great agency serve their country, and serve it well. The statistics readily available to every Member of the House from the Commissioner of Social Security will attest to the great volume of the business at hand performed by these hearing examiners. Research on my own part has also disclosed a considerable amount of traveling which these hearing examiners are required to perform on a monthly basis, together with the valuable services rendered by a corps of hearing assistants, who accompany hearing examiners in the performance of their official functions. In each of the field offices of the Bureau of Hearings and Appeals, a hearing examiner, in addition to his normal duties which coincide with those of his colleagues, must administer the Bureau's office concerned. Rightfully, he should enjoy an added emolument from this office, by reason of his additional duties and responsibilities, which currently is not the case. His position calls for special identification—not only by his colleagues and office staff—but also by the public at large. It is for this reason I urge that following passage of this bill, regulations be adopted to designate the "hearing examiner" in charge of each field office of the Bureau of Hearings and Appeals, as "chief administrative trial judge."

At the regional level of the Bureau of Hearings and Appeals, the hearing examiner in charge should at all times be a member of the bar in good standing, who has qualified on the roles of the Civil Service Commission as a hearing examiner, and with prior experience therein. My investigation has revealed that in the several regions of the country the presiding regional representative of the Bureau of Hearings and Appeals has jurisdiction over many States of the Union. For example, in my own region—known as the Atlanta region—this jurisdiction extends to the States of Georgia, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, Kentucky, and Florida, under the reorganization plan enunciated by the President of the United States in the form of an Executive order. Indeed, this is a vast regional area to supervise, and proper recognition, therefore, should be accorded the hearing examiner, who serves in this important capacity. Currently, the regional head of these offices bears the caption of regional hearings representative. This title is demeaning to one who is invested with the manifold responsibilities imposed upon him by the Bureau of Hearings and Appeals. I say "demeaning" not only in title, but also in grade classification. Accordingly, the title of regional hearings representative should be changed by regulation to more closely and intimately reflect the true nature of the duties of this important office. I strongly recommend that the title of regional hearings representative be changed to that of "chief regional judicial officer." I make the further recommendation that the position of chief regional judicial officer shall be classified under the general schedule of civil service positions—section 5104 of title V, United States Code—and be made one grade above the grade of chief administrative trial judge; and the position of chief administrative trial judge also shall be classified under such schedule as one grade above the position of administrative trial judge.

I invite my colleagues—and I do this with simple candor and humility—to examine the Social Security Act, including its many amendments over the years, and scrutinize that act to determine the vast scope involved in administering the various provisions of the Social Security Act, and of the nature of hearings conducted by hearing examiners of that agency; and I do this so that my colleagues can evaluate and come to a determination as to whether a hearing examiner in the Bureau of Hearings and Appeals should enjoy a grade classification of GS–16, or remain at the GS–15 level. I also urge close scrutiny in order to appreciate fully not only the volume of cases which appear before hearing examiners of the Bureau of Hearings and Appeals, but also the manifold types of cases that such hearing examiners must be prepared to hear and decide. They are voluminous in number; complicated to a very great extent; and cover the gamut of the vast social security programs. The cases to which I refer more specifically relate to old-age survivors; cases involving the rights of individuals' hospital insurance benefits or supplementary medical insurance benefits under title XVIII of the Social Security Act; cases involving nursing homes or other providers of services to certification; and to many provisions available to the public under the broad health insurance programs administered by the Social Security Administration, and which are heard by its hearing examiners.

You will note that I have not as yet mentioned the very large number of cases which my investigation reveals constitute approximately 75 percent of the work of hearing examiners, both in relation to conducting hearings involving a plethora of disability claims, that are filed in vast numbers across this broad land, and which requires expeditious action on the part of hearing examiners in those cases which reach the hearing examiner level; and once assigned to a hearing examiner, it is my understanding that every possible effort must be made to dispose of such hearings within a period of 90 days. These are not easy tasks, and I feel that my colleagues in the House all too often, through inadvertence, fail to recognize the great burdens which are imposed on hearing examiners assigned to the Bureau of Hearings and Appeals of the Social Security Administration. Frequently, their office staffs are inadequate to cope with the problems at hand, in the light of current caseloads, and minimum decisional requirements of at least 10 cases released each month, and particularly in the disability field, to which each of us ought to pay stricter attention—not only in the public interest—but also in the interest of the outstanding hearing examiners, who suffer this burden and serve their country in the Bureau of Hearings and Appeals.

Finally, I should like to emphasize that the hearing examiners of this agency bear the responsibility for conducting hearings involving the rights of school districts and their constituents under title VI of the Civil Rights Act. In fact, my own investigation has further revealed that the hearing examiners in the Bureau of Hearings and Appeals actually conduct hearings in about 85 percent of the cases affecting the civil rights of any person. Certainly, this cannot be considered any less important to the individual or facility or institution or the public than those cases handled by hearing examiners in the utility commissions, and should be so recognized by the House of Representatives.

I wish to emphasize, therefore, that the position of chief regional judicial officer of the Bureau of Hearings and Appeals should be classified as one grade above the position of chief administrative trial judge, and he should be invested—by reason of his prior experience as a hearing examiner—with duties additional to that of being simply an administrator, and thus waste his broad talents. It is bottomed in simple reason and rationale, therefore, that a chief regional judicial officer may at any time prior to the assignment of a matter to an administrative trial judge, or a final disposition of a claim before him, relieve the administrative trial judge from jurisdiction over the claim, and conduct the administrative hearing himself; and this should be done in the judgment of the chief regional judicial officer, when the public interest is particularly involved, and the peculiar circumstances of the case warrants his assumption of such jurisdiction; and where the claim relates to old-age survivors cases; disability cases; entitlement to hospital insurance benefits or supplementary medical insurance benefits under title XVIII of the Social Security Act; any or all aspects of the broad health insurance programs administered by the Social Security Administration, or the civil rights of any person.

The provisions of the bill I have introduced in the House shall not affect the tenure of any person holding the position of hearing examiner or trial examiner on the date of the enactment of this bill.

Mr. Speaker, under suspension of the rules, I have saved until the very end of my remarks, the broad-reaching and superior article which appeared in the Wall Street Journal on September 16, 1969, so that the same can be made part of the Congressional Record, and constitute an integral part of my statement relating to the role of the hearing examiner in the Federal Government. The very caption of the article serves to underscore the remarks which I have intended to convey today, as follows:

> *Decision Makers.* Hearing Examiners Play Key Role in Operation of Regulatory Agencies.

Of particular significance is the following language which appeared in the Wall Street Journal under the aforesaid date:

> An examiner's job is similar in many ways to that of a trial judge. (In fact, examiners want their name changed to administrative trial judge because too many people think a hearing examiner is someone who doctors ears.) He presides over court-like hearings, complete with harried stenotypists, bickering lawyers and nervous witnesses. He makes rulings—called initial or recommended decisions—that are subject to review by the agency's governing body.
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> Regulatory experts generally agree the hearing examiner plays a crucial role in Government regulation of industry. He gets first crack at a case, for one thing; his decision on, say, motions to introduce evidence may largely determine the shape of the factual record the agency later reviews. His analysis and conclusions are increasingly relied on by agency members inundated by growing caseloads. And in most cases, the examiner's decision becomes the final verdict.
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> What makes examiners unique in the Government's regulatory system is their independence. The law makes examiners subject to an agency's administrative directions, but they aren't dependent on it for decisions about pay, promotion or removal; those are handled by the Civil Service Commission. The aim is to insulate the examiner from undue pressure that might affect his decision.
>
> It isn't easy to get an examiner's job. To qualify for appointment requires membership in the bar and seven years of legal training, including two years in administrative law. An applicant also must survive a five-hour test of his ability to write an examiner's decision, plus an exhaustive oral interview. Only a tenth of all who apply end up on the lists of eligibles; even fewer are actually appointed.

In view of the strong confirmation of my own personal views, as clearly appear underscored by the Wall Street Journal, which I invite every Member of the House to read I am firmly of the opinion that the time has come to change the title of "hearing examiner" to that of "administrative trial judge"; and that in the Social Security Administration, particularly, where so many hearing examiners are affected—since they outnumber any other agency by at least three to one—that we in the legislative branch of the Government definitely owe these civil servants, as well as the public at large, an obligation to do what is just, fair, and proper in the circumstances. This is a matter of singular importance, it seems to me, not only to the entire hearing examiner corps within the framework of the U.S. Government, but particularly to the hearing examiners assigned to the Bureau of Hearings and Appeals of the Social Security Administration. The day has come when they should receive greater recognition by their Government for the exemplary nature of their services in the public interest. I trust that my colleagues on both sides of the aisle will join with me, Mr. Speaker, in not allowing this all important matter to "fester" any longer than may be necessary to accomplish the overall desired result, insofar as it affects all hearing examiners.

We have kept the hearing examiners waiting entirely too long for proper and remedial action to effectuate a title change commensurate with the dignity of the office they hold. Reminding ourselves of an old adage from Shakespeare, we should now say to the entire corps of hearing examiners across America:

"To err is human;
To forgive is divine."

Acknowledgment of that error on our part can best be accomplished by forthright action on the part of Congress to carry out the provisions of my bill; and in doing so, it is my personal opinion that we shall have truly performed a genuine public service, including full recognition of what we most assuredly owe to the distinguished members of the bar who serve as hearing examiners. I strongly urge your full cooperation in seeing that the provisions of my bill ultimately are enacted into law, as they should be, without further procrastination or delay.

I include the following article:

[From the Wall Street Journal, Sept. 16, 1969]

Hearing Examiners Play Key Role in Operations of Regulatory Agencies—Rulings Usually Become Final Verdicts; Some Don't Balk at Breaking New Ground—Angering the Broadcasters

(By Wayne E. Green)

WASHINGTON.—Officials at the Federal Communications Commission groaned a few days ago when they learned what Thomas H. Donahue had done.

At a time when the FCC is sensitive to industry charges that it's putting broadcast licenses up for grabs to new applicants, Mr. Donahue, an FCC hearing examiner, calmly recommended that the agency strip RKO General Inc. of its license to operate a Los Angeles television station. He said the license should go to Fidelity Television Inc., a competing applicant, although neither Fidelity nor RKO General "is any bargain" as a broadcaster.

"I'll bet the commissioners recoiled when they read that," says an FCC staff official, adding that "those examiners run wild sometimes."

As one of some 600 hearing or trial examiners who hear cases and make preliminary decisions for 22 Federal agencies, the silver-haired Mr. Donahue isn't unaccustomed to such comments. But examiners have had to get used to more of them lately because they're handling bigger cases, with knottier problems, and a few maverick examiners like Mr. Donahue seem determined to speak their minds even when it ruffles someone's feelings.

At the Interstate Commerce Commission, for example, ICC Examiner John S. Messer has kicked up a hot controversy by telling the ICC it should force railroads to improve their passenger service; the agency decided this month it didn't have the authority. And the Civil Aeronautics Board found itself the target of thousands of irate letter-writers after CAB Examiner Arthur Present recommended abolishing the popular airline youth-fare discounts; the board refused to go along.

LOSING ANONYMITY

As a result of such cases, the examiner—long anonymous despite his influence in big economic decisions—is growing less anonymous. He is drawing some of the attention heretofore focused on an agency's governing board or commission. He's "more and more the embodiment of whatever justice there is in the system," says John T. Miller Jr., a Washington lawyer practicing before Federal regulatory agencies. "He's becoming the face of the Government."

An examiner's job is similar in many ways to that of a trial judge. (In fact, examiners want their name changed to administrative trial judge because too many people think a hearing examiner is someone who doctors ears.) He presides over court-like hearings, complete with harried stenotypists, bickering lawyers and nervous witnesses. He makes rulings—called initial or recommended decisions—that are subject to review by the agency's governing body.

Regulatory experts generally agree the hearing examiner plays a crucial role in Government regulation of industry. He gets first crack at a case, for one thing; his decision on say, motions to introduce evidence may largely determine the shape of the factual record the agency later reviews. His analysis and conclusions are increasingly relied on by agency members inundated by growing caseloads. And in most cases, the examiner's decision becomes the final verdict.

NUMBERS GROW

What's more, the corps of hearing examiners has been gradually expanding in number and scope. There are now three times more hearing examiners than there were just after World War II, and they deal with about one-third more kinds of cases, says John W. Macy Jr., former Civil Service Commission chairman.

What makes examiners unique in the Government's regulatory system is their independence. The law makes examiners subject to an agency's administrative direction, but they aren't dependent on it for decisions about pay, promotion or removal; those are handled by the Civil Service Commission. The aim is to insulate the examiner from undue pressure that might affect his decision.

Some examiners bluntly assert their independence, as Mr. Donahue did in the case of RKO General, a subsidiary of General Tire & Rubber Co. That decision defied broadcasters who contend that recent FCC decisions have had the effect of subjecting their licenses to claim-jumpers. It also came at a time when the FCC is trying to soft-pedal those decisions, fearful of a bill introduced by Democratic Sen. John Pastore of Rhode Island that would make it tougher for a new applicant to compete for a license at renewal time.

ICC Examiner Messer discomfited both his agency and the rail industry in a case involving charges that the Southern Pacific Co. had deliberately let passenger service deteriorate. The ICC has been under Congressional pressure to do something about the rapid decline of passenger trains, and the Southern Pacific case raised the basic issue of the commission's jurisdiction to investigate and rule on the adequacy of rail passenger service.

SETTING STANDARDS

To the ICC's chagrin, Mr. Messer not only concluded the ICC has the authority but said the agency should set minimum standards for such things as comfort and cleanliness in dining and sleeping cars and for speed. "The time has come when the commission can no longer act like a county coroner," Mr. Messer admonished. "The urgent need is for preventive medicine." Not surprisingly, his decision was appealed to the ICC, which ruled that it would need new legislation before taking such action.

While Mr. Messer's ruling apparently was popular with the public that's not always true of independent-minded decisions. Consider CAB Examiner Present's ruling on complaints by several bus companies against youth-fare discounts offered by 24 U.S. airlines. Mr. Present, himself the father of two teen-agers eligible for the discounts, recommended that such fares be abolished because they're "unjustly discriminatory" against older passengers who must pay full fares.

Following that decision, the CAB was bombarded with more than 10,000 protesting letters, telegrams and petitions from campuses across the country. One Western Michigan University student even threatened to organize a national student boycott against airlines if the CAB upheld the decision. In late August, the CAB decided such fares aren't discriminatory, though it ordered rehearing of the case on other grounds.

Some regulatory experts believe these independent decisions tend to strain relations between examiners and their agency. They create "an unspoken hostility," as one examiner puts it. Commission members like ICC Chairman Virginia Mae Brown dispute that assertion, however. Mrs. Brown says it "gives us a sense of direction when an examiner tries something new."

There's disagreement among examiners over how far their independence should extend. Does it entitle them to break with past agency policy? The ICC's Mr. Messer says he won't "blindly ignore" ICC precedent, but there are times when "I'll make my own findings in spite of it."

However, there are dozens of examiners who feel adherence to precedent is the only practical course. Says Stanley N. Ohlbaum, an examiner at the National Labor Relations Board: "I can disagree with the board, but I know I'll be reversed." Adds FCC Examiner Herbert Sharfman: "You have to be an organization man in a sense, I guess."

FEW RULINGS OVERTURNED

There are few precise figures on how often agencies reverse their examiners. But statistics for 1964–66, supplied to the Civil Service Commission by four agencies employing 80% of all Federal hearing examiners, indicate the agencies overturned (in whole or part) only a small percentage of the decisions: 6% at the CAB, 20% at the ICC and NLRB and 4% at the Social Security Administration. (The Social Security examiners rule on claims for disability benefits.) Some outside observers suggest that the relatively small number of reversals may mean that some examiners reach only those decisions least likely to be overruled.

Quite apart from the possibility of reversal, there are other pressures to examiners. When ICC Examiner Robert Murphy recommended approval of the so-called Northern Lines Rail merger a few years ago, he found both his decision and himself attacked by the Justice Department and several state governments. In asking the ICC for a rehearing, they charged he was "biased and prejudiced" in favor of the merging roads.

The ICC eventually cleared Mr. Murphy in a detailed order that rejected the allegations as "baseless and reckless." Last January the ICC had to defend another examiner, W. Wallace Wilhite, who was criticized for allegedly traveling and dining with railroad officials during hearings on the Chicago, Burlington & Quincy Railroad's request to drop two passenger trains.

COURT RULING

Prodded by Democratic Sen. Gale McGee of Wyoming, the ICC investigated the complaints and cleared Mr. Wilhite of any wrongdoing. But in appealing to a Federal court the ICC's decision to grant the Chicago-Burlington request, several parties contended that the commission should have held hearings on the complaints against the examiner. However, the court upheld the ICC's action without finding fault with the examiner's conduct.

The charges illustrate a perennial problem for examiners who must travel outside Washington to hold hearings: How much contact, outside the hearing room, should examiners have with parties to the case?

Some examiners, like recently retired James Cunningham of the FCC, often refuse even to stay in the same hotel with participants in proceedings before them. But others will sometimes dine with lawyers for both sides. The potential danger is the appearance of collusion that may result. "You and I may know this is okay," said an ICC attorney, "but what about some poor guy in a town that's losing its last passenger train? He sees them socializing and it upsets him—and justifiably so."

There are other problems for the traveling examiner, too, such as finding a suitable hearing room. Some hearings are held in hotel rooms, fire stations, boiler rooms or basements. The NLRB's Mr. Ohlbaum recalls a Social Security hearing he conducted in a jail because a prisoner there was the sole witness.

Since some hearings move from town to town on a tight schedule, another problem is the long-winded witness. Sometimes a witness can't be stopped, as the ICC's Mr. Messer learned several years ago. When he had to cut short a woman's testimony in a passenger train case, she went to the local radio station, bought 30 minutes of air time and had her say the next morning while he was eating breakfast.

BECOMING AN EXAMINER

It isn't easy to get an examiner's job. To qualify for appointment requires membership in the bar and seven years of legal training, including two years in administrative law. An applicant also must survive a five-hour test of his ability to write an examiner's decision, plus an exhaustive oral interview. Only a tenth of all who apply end up on the lists of eligibles; even fewer are actually appointed.

When an agency has a vacancy, it notifies the Civil Service Commission, which usually furnishes three names for consideration. The commission normally selects the three people who scored highest on the qualifying tests. However, certain agencies can reject anyone who doesn't have specialized knowledge of their field; the aim is to eliminate a lengthy training period.

But the procedure has drawn sharp criticism, mainly from the American Bar Association's administrative law section. It complains that many agencies encourage their own employes to apply for an examiner's job, then pick only those employes who become eligible.

The critics say this creates "inbreeding" in an agency and discourages high-caliber lawyers in private practice from applying. We don't question the quality of the men," says Mr. Miller, the Washington attorney, "but it's this loading of the dice that puts the agency lawyers on top."

The ABA group says that in 1967 some 80% of those on the highest-rated eligibility register came from Federal, state or local government, and most of those from Federal service. The Civil Service Commission counters that 70 out of 150 examiners appointed between 1964 and 1968 came either from state or local agencies or from private practice.

Those who do become examiners have a relatively well-paying job, with current salaries ranging from $15,812 to $31,724 annually. And while an examiner doesn't quite have the security of a lifetime appointment, he can be removed only for "good cause," and such dismissals are rare.

REACHING A DECISION

An examiner's job varies with the agency that employs him. But the examiner's basic function is the same in almost all agencies: Build a factual record and make a decision supported by legal reasoning.

To get some idea of what this involves, trace the steps in Mr. Messer's decision on the Southern Pacific passenger train case. When the ICC examiner was assigned that case in September 1967, work already was waiting. Stacked in Mr. Messer's office was a three-foot pile of legal pleading filed by five states that were complaining about the train's service. Close by was a similar stack of letters from worried citizens who felt the Southern Pacific wanted to drop the train, the last rail passenger service between New Orleans and the West Coast.

Mr. Messer spent most of the next few days and nights digesting the pleadings so he would be ready for the hearings. At the same time, he was outlining his thoughts on the critical issue of the ICC's jurisdiction in the case. That part of his final opinion was "roughly" written even before the hearings started, he says.

The hearings opened in New Orleans on Nov. 27, then moved to Houston, El Paso, Tucson and finally Los Angeles. Southern Pacific kept two attorneys traveling from city to city, opposed by attorneys from each state.

The hearings lasted a few days in each city except Los Angeles, where Southern Pacific spent most of three weeks rebutting the charges against it. The states had argued their case first, bringing in dozens of irate train passengers to testify against the quality of the service. To squeeze in all who wanted to testify—as many as 40 witnesses in one day—the hearings sometimes began at 8 a.m. and finished at 10 p.m.

There were 370 witnesses in all, and the hearings lasted eight weeks, finishing on Jan. 10, 1968. It took another three months for the lawyers to file their final briefs. Meanwhile, Mr. Messer was perusing 3,958 pages of transcript and 172 exhibits, and he was beginning to write an opinion. Before finishing, Mr. Messer put together 19 different drafts "using scissors, Scotch tape and rewriting." His final opinion, 50 pages long, was announced on April 23, some eight months after the case began.

SOCIAL SECURITY EARNINGS LIMIT

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BLACKBURN. Mr. Speaker, presently, the House Ways and Means Committee is holding hearings regarding revision of the social security law. Earlier in this session of Congress, I introduced a bill which would completely remove the present $1,680 income limitation on those people receiving social security benefits. I feel very strongly that if a man during his working years continually pays into social security, he should have the right to receive his benefits. If he wishes to continue to work after he reaches 65, in effect he has paid for his insurance policy and thus should be allowed to receive the benefits. I am glad to see that President Nixon in his message to the Congress asked that the income limitation be increased to $1,860 per year.

For the information of my colleagues, I am inserting into the RECORD a copy of an editorial which appeared in the Home News of New Brunswick, N.J., regarding my bill:

SOCIAL SECURITY EARNINGS LIMIT

Rep. Ben Blackburn has a bill in the House of Representatives which would remove the ceiling on the amount Social Security recipients may earn without losing all or part of their benefits.

The restrictions on the amount of earnings permitted to a Social Security recipient without diminution of his benefits have their origin in the dark days of the recession, when jobs were scarce and it was felt that the elderly, on Social Security, should not take jobs away from those seeking jobs. One has only to peruse the Help Wanted ads in The Home News to see that this situation no longer prevails.

Rep. Blackburn points out that the restrictions upon earnings have no relation whatever to the recipient's economic well being. No limit, for instance, is placed upon the amount of income a retired person may receive from tax exempt bonds without affecting his Social Security benefits.

The well-to-do, even the wealthy, get full Social Security benefits even though their investment income may run into large figures. Clearly, equity calls for adoption of the Blackburn bill and the ending of an ancient hardship wrought upon the elderly who have both the health and the desire to hold gainful employment. Their work is good for themselves and for the economy at large.

RETIREMENT OF PETER LEKTRICH

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ABERNETHY. Mr. Speaker, it was with mixed emotions that I learned of the anticipated retirement of one of our able and most popular Capitol Hill employees, Peter Lektrich. I say "with mixed emotions," meaning I am happy that our friend Pete will soon be enjoying the wonderful days of pleasant and restful retirement, and sad that he is departing our midst, a departure that will leave a tremendous void on Capitol Hill.

We are fortunate to have many able and popular employees on the Hill, the services of whom are absolutely essential to keep this vital spot in the management of our Nation vibrant and moving. As among all groups of employees, there are some whose services are only average, others good, and others excellent. Some render their service willingly and pleasantly; others do not. Pete Lektrich has always been numbered among the best, among the excellent, among the superior. He has done his job thoroughly and with much cheer.

A happy person, Pete Lektrich has been an inspiration to us all. He mixes well among those he serves and meets. He is one of tremendous courage. He listens with interest. He likes to converse, to laugh, to assist, to encourage, to suggest, and to receive suggestions. He has a magnetic personality. He has the ability to bring people close to him and leave them feeling at ease, comfortable, and happy in his presence. He is a man of impeccable character, of scrupulous dealings, of courteous manners and of an humble spirit. He is always smiling and pleasant. He is the friend of all, the enemy of none.

For many years now there has been a group which meets every morning at the breakfast hour in the Longworth Cafeteria. This is an occasion, in the early hours of the day, when we endeavor to put aside the responsibilities and burdens that go with service on the Hill and allow ourselves to enjoy a moment of relaxation and good fellowship. Pete is among this group. He never misses. He enters into the spirit of things with interest and gusto. When the breakfast hour is over, he then moves toward his office where he performs his services, under the Clerk of the House, as chief of the records and registration branch. These duties he has performed efficiently, impartially, and in a nonpartisan manner.

A native of the great State of Pennsylvania, Peter Lektrich entered the service of the Government here in Washington back in 1938. After serving in various agencies, he transferred to the Hill in 1949, where he has since served in various positions of trust and responsibility.

From a personal angle, Mr. Speaker, his presence on this Hill and his friendship have meant much to me. He will be sorely missed by many but I feel sure he will be missed most by those of us who have met with him at the breakfast hour, morning after morning in the Longworth Cafeteria.

In conclusion, I would like to express my appreciation for his friendship and to wish for him many, many long happy years of restful retirement.

PRESIDENT NIXON SPEAKS FRANKLY ON VIETNAM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WYMAN. Mr. Speaker, it is a common failing of politicians to become long winded. When verbosity is compounded with involved rhetoric a natural reaction is rejection.

The Vietnam situation is complicated. It is not simple. The President performed a distinct public service in spelling it out in a way that the people could understand. In response they have indicated substantial public support for the position our President has taken.

In this connection a recent column by Mr. David Lawrence is worth attention. President Nixon deserves the united support of the American people without regard to partisan politics as he seeks to disengage our fighting men in an honorable and responsible manner.

The article follows:

Nixon Lays Vietnam Facts on Line

(By David Lawrence)

President Nixon, in his appeal for support from the "great silent majority" of Americans, put together for the first time in a cogent and convincing manner the chronological facts which explain why there is no peace in Vietnam today.

Nixon realizes that people generally have not been well informed and that efforts have been made to influence them by agitators, activists and politicians who have been trying to undermine the confidence of the American people in his administration.

But the speech emphasized something even more important—namely, that the war has been prolonged by the very groups and elements in the United States which, while calling for an immediate end of the war, have by their demonstrations been encouraging the enemy to believe that it need make no concessions because it will win in the end anyway.

The President, however, in unequivocal language declared that there will be no "precipitate withdrawal of all American forces from Vietnam." This, he said, would be "a disaster not only for South Vietnam but for the United States and for the cause of peace." He added that such a step "would inevitably allow the Communists to repeat the massacres which followed their takeover in the North (of Vietnam) 15 years before," when they "murdered more than 50,000 people and hundreds of thousands more died in slave-labor camps."

The President predicted that a sudden collapse of support by the United States in South Vietnam would bring "a bloody reign of terror" and atrocities, particularly for the million and a half Catholic refugees who fled to the South Vietnam when the Communists obtained control of North Vietnam.

But even more significant, as the President pointed out, "this first defeat in our nation's history would result in a collapse of confidence in American leadership, not only in Asia but throughout the world." The President went even further. He said:

"Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest."

Nixon added that this might spark violence wherever our commitments have been helping to maintain peace—in the Middle East and Berlin and eventually in the Western Hemisphere. Thus, a "precipitate withdrawal" would ultimately cost more lives, the President said unhesitatingly, and would not bring peace—only more war.

The narration of the efforts by Nixon to find a settlement, including an exchange of letters with Ho Chi Minh, and of the refusal of the North Vietnamese to cooperate in any way in the making of peace was the first time an American president had laid the whole story on the line. There was no response to our attempts to enlist from the Moscow government "assistance in getting meaningful negotiations started," so it can be assumed that the Soviets as well as the Red Chinese will go on stirring up trouble in the world—something that could lead to a big war.

Nixon emphasized that the "primary responsibility" for fighting the war in Vietnam will be placed upon the South Vietnamese, but that the United States will continue to supply equipment and training facilities. The President explained why, above all, he will not announce a "timetable" for his program. To do so, he continued, would permit the enemy just to wait until the date of complete withdrawal, without making any concessions in the meantime.

There have been some criticisms of the President's strategy in announcing the date of his speech three weeks in advance, but his object unquestionably was to mobilize through widespread publicity a big audience for his talk. The scheduling had nothing to do with the fact that on the next day voters were going to the polls in various state and local elections. For the Vietnam issue is not readily related to whether one candidate or another should be elected mayor or governor.

In the House of Representatives, 50 Republicans and 50 Democrats are sponsoring a bipartisan resolution which would proclaim the support of Congress for the President's policy in Vietnam. Such a resolution, if passed, would be helpful to the whole cause of peace. But most important would be a realization by the antiwar "demonstrators" that they are not helping to bring peace and are merely prolonging the war as they give encouragement to the Communist side.

WHAT RAPID WITHDRAWAL COULD MEAN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HOGAN. Mr. Speaker, as a result of President Nixon's November 3 speech, the various news media have this week been filled with pro and con reactions and analyses of the impact of the President's message on America's future.

I would like to call to the attention of my colleagues a very thought-provoking and cogent WMAL editorial, broadcast on October 27, 1969, which offers support for the President's statements regarding the slaughter of South Vietnamese officials in Communist terror attacks. A thorough reading and comprehension of the meaning of these statistics on civilian deaths in Vietnam illustrates most precisely why the President has chosen the policy of gradual withdrawal and Vietnamization of the war, rather than precipitate unilateral withdrawal.

What Rapid Withdrawal Could Mean

Administration officials warn daily that a bloodbath could follow if we withdraw from South Vietnam so rapidly that the South Vietnamese cannot defend themselves. We fear that very few Americans know what these Administration officials mean. They mean this:

Between the beginning of 1957 and the end of August this year, 25,243 South Vietnamese civilians were killed in communist terror attacks. These are not civilians killed during the battlefield action. They were victims of political assassination, reprisals against villages or were killed because they had skills useful to the Saigon government.

The population of South Vietnam is 1/20th that of the United States. If we suffered the same rate of deaths from terror attack, we would have lost a half-million mayors, councilmen, health workers, teachers—people—in less than 12 years.

The Administration fears that if the South Vietnam Government collapsed, the bloodbath would be much worse. This is why our withdrawal must be gradual—to avoid a bloodbath that would leave an indelible stain on our national conscience.

SOVIET SPACE STRIKE PLANNED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. RARICK. Mr. Speaker, once again the peaceniks raise the cry that all would be well with the world if only the United States would totally disarm.

We have seen attacks on the entirely defensive ABM, on the imperative MIRV, on CBW, and on everything connected with our Armed Forces.

Most Americans do not believe that throwing away your weapons and demonstrating your helplessness is the best method of protecting yourself against an armed assailant.

Since our Communist enemy has repeatedly promised to both hang us and bury us, I commend to the attention of our colleagues Holmes Alexander's excellent analysis of the Soviet space program and include it in my remarks:

Strong Warnings About That Soviet Space Platform

(By Holmes Alexander)

Much as I prefer to write my own prose, the Soviet military thrust into outer space is best documented by warriors and scientists. Concerned readers would be serving national interests by sending these clips to Defense Secretary Melvin Laird, who needs popular backing against the peace-mongers.

Premier Khrushchev declared that the "space ships" of Gagarin and Tipov could carry nuclear weapons to "any point on the globe."—1961.

"The Soviet Union is forced to accept the necessity of studying military operations utilizing out-space means."—*Red Star*, March 1962.

The use of outer space vehicles to strengthen Soviet defenses "is considered essential in Soviet military strategy."—

Marshal Sokolovosky's book, *Military Strategy*, 1962.

Rockets can be launched from satellites "at any desirable time and at any point of the satellites' trajectory, on command from earth."—Marshal Biryuzov, head of USSR General Staff by Moscow Radio, February 1963.

"The Russians . . . persistently maintained that their nuclear research programme was devoted to peaceful purposes right up to the moment when it produced weapons."—*The Economist* (London) 1961.

The current (1963) Cosmos series of Soviet heavy satellites is to be a program of directly militarily oriented space development.—F. J. Krieger, U.S. authority on USSR space programs, a prediction of 1963.

Orbital or sub-orbital aircraft, with a variable-wing design, riding the head of ballistic missiles, capable of hypersonic speed (greater than six times the speed of sound) and able to circle the earth several times, predicted by Soviet research.—Statement by Mikoyan, famed Soviet aircraft designer, 1963.

"The not too-distant future (from 1963) offers the prospect of giant, Soviet space stations in near-earth and then in more distant orbits. . . . The offensive and defensive weapons available to such vehicles may be nuclear or perhaps of the radiation type (i.e., 'death rays') capable of destroying select targets instantaneously and from great distances."—Dr. Robert A. Kilmarx, U.S. Defense Department, 1963.

"Dear Mr. Alexander: I regret that I have not been able to find more recent published articles of mine on the Soviet space program. McNamara stood me down on public releases for some time. . . . [The Soviets] flag their intent, and we refuse to believe."—Personal letter from Dr. Kilmarx, dated Oct. 17, 1969.

The Air Force Research and Development chief warned the House Space Committee (1963) that the Soviet Union could conceivably orbit a nuclear warhead without the United States knowing it.—News source, 1963.

The Soviets have made a prior legal case for space warfare, regardless of treaties. "During 1962 the first indications appeared that Soviet space law was developing into an instrument to support the shift of offensive from the political into the military realm."—Robert Crane in the *American Journal of International Law*. (1963)

"It by no means follows that it is forbidden to use this space for striking, through it or with its aid, a retaliatory blow at the aggressor in the course of legitimate self-defense."—By the executive secretary, Space Law Commission, Soviet Academy of Sciences, August 1962.

Despite all this documentary evidence, and much more, the official attitude in Washington is to play down last month's launching of the Russian platform-construction vehicles, Soyuz 6, 7 and 8. But the warnings against a Pearl Harbor-type space-strike have been coming to us for several years.

"We must watch our own and the Soviets' space programs carefully. . . . For it is here [in space] that one of us, probably, will find the key to strategic superiority of the 1970s."—Gen. W. F. McKee, Air Force, vice chief-of-staff, 1963.

Dr. Theodore B. Taylor, a leading authority on military nuclear technology, was till 1962 a top designer of Project Orion, a nuclear-powered space-cruiser which probably would have made us the supreme power of the century.

Just as this Nuclear Space Propulsion Project (its official designation) became "doable," in Dr. Taylor's word, it was cancelled. Construction was halted. The work-staff of scientists and engineers was disbanded. Theirs not to reason why. But the cancellation was a concession by President Kennedy and Defense Secretary McNamara to Premier Khrushchev in order to get the Nuclear Test Ban Treaty and further disarmament pacts agreed to by Russia.

Now comes the recent launching of Soyuz 6, 7 and 8. These craft are the hod-carriers for the building of a Soviet space platform, an enemy flanking movement which ought to give goose-flesh to Americans. It doesn't because most officials here in Washington dismiss Soyuz jerry-built gadgetry for innocent little purposes like looking for fish and forest fires.

Dr. Ted Taylor, however, is one among several non-government savants who're willing to talk about the military potentials of this orbiting Red vantage-position.

"It allows the Soviet crew," he says, "to see half the world at a glance. It is not just surveillance by photography. The manned platform would allow the highly trained crew members to detect any earth-activity that puts off a 'signature.' This includes missile locations, missile testing and radar systems. The more that a space platform can be manned, the better its performance will be."

Taylor went on to discuss the military capability of a space platform manned by experienced technicians. These observers can follow the flight of their own country's missiles. They can exert "terminal fire control" over these nuclear-loaded artillery shells. That is, the Communist crew on the space command post can steer the Red missiles "to the target within an accuracy of 10 or 20 feet." The ABM Safeguard sites which we are currently constructing would not only be pin-pointed as to location, but their radars could be "jammed" from the Soviet space vessel.

I had been told by the U.S. military and space agencies that the Soviet platform would be too "vulnerable" for military utility. But I got a different estimate from Dr. Taylor. He agreed that such an enemy platform could be shot down either by nukes, or by nonnuclear explosions in space, provided we could draw a bead on it.

But the platform could be rendered invisible by decoys which, although traceable from earth, are "indistinguishable weight-wise" from the desired target.

It is well to note here that while U.S. legislators and street mobs are yammering for warfare-into-welfare "priorities," the Soviet Union takes the opposite route. The Soviet gross national product has fallen in recent years because investment funds and scarce materials have been channeled into military-space requirements.

Writing in Current History as long ago as October 1963, Dr. Robert Kilmarx of the Defense Department pointed out that Russian space-weapons are chosen "to include political values. . . . The Soviets are primarily interested in providing a 'back-drop' of military power to support a forward political policy. . . ."

The Russians' space platform is, if nothing else, a powerful blackmail instrument. They can afford it. We can hardly afford not to counter it.

WHERE THE BLAME FOR DRAFT REFORM DELAY RESTS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FISH. Mr. Speaker, the House of Representatives has passed the draft reform proposal of President Nixon. It is a simple measure which cures one of the glaring inequities of the present draft law. It allows a lottery selection of draftees limited to 19-year-olds and those whose deferments have ended. This is fair and just as it will end the present uncertainty faced by young men who today have a draft eligibility hanging over their head for 7 years.

Many have spoken in favor of this reform for months. Now it is within reach.

I am one who favors far more comprehensive draft reform. I recognize this bill as a step in the right direction, and an immediately attainable goal. Efforts to rewrite the entire law on the floor of either House of Congress would only endanger the chance of any reform.

Delay in making this basic change because of the desire for further reforms fails to recognize the corrosive effects in our society of the continuance of the present law.

It is unfair to our youth to delay a cure that can be implemented now. The desire for more comprehensive reform is no reason for doing nothing.

I am a sponsor of House Resolution 239 which endorses President Nixon's efforts through the Department of Defense to begin preparation for an all voluntary military force.

The Gates Commission appointed by the President will report later this year on the feasibility of a volunteer army. We should have the benefit of this report and full committee hearings on all aspects of reform before we act further.

It is distressing to me that the other body of this Congress controlled by the Democratic party has decided to postpone consideration of the House-passed bill until next year. It should be made abundantly clear that this unconscionable delay is entirely the fault of the Democratic leadership in the other body. If they wish to play politics with this vital issue, at the expense of our youth, let the record show that the blame and the resulting increased disaffection of our youth rests entirely at their door.

KEN SPRANKLE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ROONEY of New York. Mr. Speaker, the announcement earlier by the distinguished chairman of the House Committee on Appropriations (Mr. MAHON) that Kenneth Sprankle was retiring as chief clerk and staff director of our committee caught me rather by surprise, for it is hard to imagine the Committee on Appropriations without Ken.

Ken Sprankle has spent 40 years in the Federal service, all of which, save 3 years, were here in the House of Representatives. He has been a staff member of the Committee on Appropriations for almost 23 years and for the last 14 he has been staff director. What an amazing career. I have spent most of the years that I have been a Member of the House of Representatives as a member of the House Committee on Appropriations and so I have come to know Ken intimately. Over those years I have come to greatly admire Ken's capability and willingness to help committee members and staff. He is the epitome of the man whom every chairman would like to have as his staff director and it is a mark of his great ability that so many distinguished chairmen have turned to him for assistance and guidance.

Appropriations Committee work is difficult at best; yet Ken was never overawed by either its tediousness or importance. I am sure that every member of the committee and of this body joins me in wishing Ken the best of everything as he starts upon a retirement richly deserved.

JAMES G. BLAINE

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. McCARTHY. Mr. Speaker, New York State lost one of its most distinguished citizens Monday with the death of James G. Blaine. He was the grandson and namesake of one of your illustrious predecessors, Speaker James G. Blaine, who also served as a Member of the other body from Maine, Secretary of State and Republican candidate for President in 1884. I might note that it was the candidate from my home city of Buffalo, Grover Cleveland, who won that election.

James G. Blaine, the grandson, was active in many New York charities and compiled a remarkable record in the field of banking.

Mr. Blaine is survived by two sons including Charles G. Blaine, one of Buffalo's leading attorneys and most loyal and enthusiastic Democrats.

Mr. Speaker, I insert the text of an obituary that appeared in the New York Times of Tuesday, November 4, at this point in the RECORD:

JAMES G. BLAINE, BANKER, DEAD; ACTIVE IN MANY CHARITIES HERE

James G. Blaine, former president, chairman and chief executive officer of the Marine Midland Trust Company of New York, now the Marine Midland Grace Trust Company, died yesterday at his home in Stuart, Fla. He was 81 years old.

Mr. Blaine, who retired at the end of 1955, continued as a director and honorary chairman of the bank's board.

He was born in New York, Jan. 10, 1888, the son of Mary Nevins Blaine and James G. Blaine Jr. He was a grandson of James G. Blaine, Republican candidate for President in 1884, Speaker of the House of Representatives, Senator from Maine and twice Secretary of State.

Throughout his banking career, Mr. Blaine was active in many New York City charities. He led the movement among Catholics, Jews and Protestants in 1938 to form the Greater New York Fund, becoming its first president.

1911 HARVARD GRADUATE

Mr. Blaine attended the Pomfret School and graduated in 1911 from Harvard College, where he was a member of the Porcellian Club.

He lived in Providence, R.I., from 1911 to 1917. He was a member of the Providence Common Council. In World War I he was director of the department of development of the American Red Cross in Washington.

In 1919 he became vice president of the Liberty National Bank of New York, which later was merged with the New York Trust Company. In 1927, at the age of 39, he was elected president of the Fidelity Trust Company, which later joined the Marine Midland chain and changed its name to the Marine Midland Trust Company.

Mr. Blaine became president of Marine Midland in 1930 and chairman in 1955. When he retired from banking, he was elected honorary chairman of the board of the Federation of Protestant Welfare Agencies, which he had served as president for many years.

IN MANY CHARITY POSTS

He had also been an officer, director or trustee of the Arthritis and Rheumatism Foundation, Brooklyn Bureau of Charities, Citizens Family Welfare Committee, Neurological Institute, Red Cross War Fund, Roosevelt Hospital, Salvation Army and Sailors Snug Harbor.

He was decorated by Generalissimo Chiang Kai-shek for his chairmanship of two drives for United China Relief.

Mr. Blaine served in Mayor Fiorello H. La Guardia's War Cabinet in 1943 as the first chairman of Civilian Defense of Greater New York.

From 1948 to 1950 he served as first of mission to Belgium and Luxembourg for the Marshall Plan, with the rank of Minister.

He had served as president of the Chamber of Commerce of the State of New York, the Netherlands Chamber of Commerce, and the Hundred Years Association of the City of New York, and as treasurer of the American Italy Society and the Museum of the City of New York.

HELPED FINANCE REPUBLICANS

Long an active Republican, Mr. Blaine was eastern treasurer of the Republican National Committee from 1920 to 1924, and treasurer of the Republican Senatorial Committee in 1928. He was treasurer of the United Republican Finance Committee for Metropolitan New York for several years.

He held honorary doctorates from Washington and Jefferson College, of which he was a trustee, and New York University.

Mr. Blaine was a member of the Harvard Fund Council and of the admissions committee of the Harvard Club of New York. He was a former president of the Bankers Club of New York and a former senior warden of St. Mary's Episcopal Church in Stuart.

Mr. Blaine's first wife was the former Marion Dow of Boston. This marriage ended in divorce in 1936. Later that year Mr. Blaine married Countess Irina Woronzow-Daschkow of Russia, who survives him. Surviving also are two sons by his first marriage, Richard G. of New York and Charles G. of Buffalo, and six grandchildren.

MILWAUKEE JOURNAL CALLS SST DECISION ABSURD, SAYS ADMINISTRATION HAS A LOT OF EXPLAINING TO DO

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. REUSS. Mr. Speaker, the Milwaukee Journal, in a November 3, 1969 editorial, points out the absurdity of the administration decision to go full speed ahead on the SST, and says that, by trying to conceal the devastating Cabinet-level critique of the SST, "the Administration seems caught in an astounding bit of subterfuge."

The Journal says the administration has "a lot of explaining to do." The text of the editorial follows:

SST NEEDS EXPLAINING

President Nixon's decision to go ahead with development of the proposed supersonic transport plane appears even more absurd now, in light of the fact that a special cabinet task force had recommended otherwise.

Thanks to the probing of Rep. Reuss, the task force report is now revealed. It concludes that the SST could produce serious balance of payments problems, unacceptable noise levels and environmental pollution. Moreover, the report said it would contribute relatively little to employment, technological advancement or United States international prestige.

This devastating analysis clearly was in the president's possession. It makes his decision all the more incredible. Worse, by trying to conceal the report from the public, the administration seems caught in an astounding bit of subterfuge.

The administration has a lot of explaining to do. And congress should insist that it does, before approving one additional cent for the SST.

ROGERS INTRODUCES COASTAL ZONE LABORATORIES PROGRAM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ROGERS of Florida. Mr. Speaker, for more than a decade now, American industry has bent its efforts to advancement in the area of marine science and oceanography. Before then, indeed for hundreds of years, our citizens have found the living near our coastal shores desirable and as a result, the majority of our major cities are in what is known as coastal zones.

The Federal Government's involvement in a concerted marine adventure, however, was late coming. We did, however, realize the great benefits which were to be gathered from our marine environment. Meager steps were taken and eventually more than 20 agencies were involved in some area of oceanography or marine science.

Then, 3 years ago we took the first step through legislation and created the national sea-grant college program to stimulate interest, provide a source of manpower in this area, and to create programs which would give us expertise in oceanography.

This program has been heralded as one of the most successful the Government has ever participated in. Interest from the academic and industrial sector has been overwhelming. The meager funding has been the only point which has not fulfilled the visions of those who first became involved with it.

I had the pleasure of cosponsoring the Sea Grant College Act with the Honorable CLAIBORNE PELL in the Senate. It was the first step.

We were not sure, at that time, what should be the subsequent step. So the Congress commissioned a study which we felt would give us direction, which would offer suggestions as to where this Nation should go and how best we should proceed.

The Commission on Marine Science, Engineering, and Resources gave us that blueprint, after a 2-year study. The recommendations were most comprehensive.

Mr. Speaker, the report, and indeed the Members of the Congress who have championed the development of our marine resources, agree that we should bring all aspects of oceanography into a single unit.

Unfortunately, the administration has chosen to delay in moving for the accomplishment of a single agency concept for our marine activities.

So we must build the foundation which we started with the passage of the sea-grant college program to encourage additional work in oceanography.

For that reason, I, along with my colleague, the Honorable HASTINGS KEITH, am today introducing legislation to create a coastal zone laboratories program to supplement the sea-grant college program. Senator PELL and Senator WARREN MAGNUSON are introducing similar bills in the Senate today.

This program would be administered by the sea-grant college program to provide a coordinated effort in extending our knowledge of the coastal area. The Sea Grant College Act already has touched on the many aspects of our coastal environment. This legislation is intended to help us better utilize our coastal areas, weighing the commerce, conservation, recreation and population needs of the population.

The programs for research which we have envisioned will help us and the generations to come to realize the greatest benefits from these coastal zones.

CONFERENCE ON FEDERAL PROGRAMS HELD IN LOWELL, MASS.

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. MORSE. Mr. Speaker, with the full cooperation of many top governmental officials I sponsored a conference on Federal programs in the Fifth Congressional District on November 1, at Lowell Technological Institute in Lowell, Mass.

The conference was planned to provide an opportunity for interested elected and appointed officials from the cities and towns in the district I am privileged to represent to discuss Federal programs which were of particular interest to them.

Mr. Ralph J. Jacobs, a staff reporter for the Lowell Sun, has written a thorough account of the conference and included in his article the names of those dedicated governmental officials who gave their time to make the conference such a success. Their participation and the specialized knowledge at their disposal emphasizes the increasing importance of the new federalism which requires full participation at the regional and State levels.

The great increase in recent years in governmental size and programs has resulted in a slowdown of available and vital information on what programs are available. This conference on Federal programs was designed to eliminate the rhetoric and the guesswork that local officials often experience and provide practical answers to their questions. Because of the success of the program I commend this report to the attention of my colleagues.

Federal Official Claims Merrimack Could Be Cleaned Up in Year's Time

(By Ralph J. Jacobs)

LOWELL.—The banks of the Merrimack and the Merrimack itself "could be ready for recreational purposes within a year after implementation of and full compliance with anti-pollution measures," says Lester Sutton, chief for federal construction grants for the northeast portion of the United States.

Sutton, an official with the Water Pollution Control Division of the Department of Interior, was one of 22 state and federal officials who came to Lowell yesterday for what is believed to be a first-ever seminar-type workshop with elected and appointed city and town officials.

The experts, in such diversified areas as housing and urban development, health, education and welfare, labor, transportation, law enforcement and community affairs, faced more than 150 officials, representing the board of selectmen, planning boards, education, health officials, law enforcement officers and others from Lowell and at least 17 other Greater-Lowell communities.

The workshop, a brainchild of U.S. Rep. F. Bradford Morse and co-sponsored by George O'Meara and the Northern Middlesex Area Planning Commission was conducted at Cumnock Hall at Lowell Tech, and with the exception of the time factor and the fact that most of the officials "barely skimmed the surface," was apparently so well received that the congressman, immediately following, announced his decision that the workshop "will be an annual affair."

Congressman Morse's "systems analysis" proposal to abate pollution in the Merrimack River came under attack during the first of three sessions on pollution. The speaker was Thomas McMahon, director of the Massachusetts Water Resources Commission who said he was naturally interested in it "but I am not sure that from a cost standpoint it would be worth it." He told his listeners that Morse's program would have to be evaluated after a study was done.

It was at this point that Sutton was asked the amount of time that it would take for the Merrimack river to be ready for recreational purposes. The query was made by State Sen. James Ruark of Haverhill. As if to clarify his own response that it would take about a year for the Merrimack, Sutton told the group that because of the sludge, the Nashua River would take a much longer period of time.

During the session on Pollution Control, the officials said they are hopeful that most industries in the state will avail themselves of the possibility of joint participation with communities on anti-pollution projects.

Like the Water Pollution conference, experts on each of the other four topics: Housing and Urban Development; Health, Education and Welfare; Transportation and Law Enforcement, had just about enough time to provide the basics.

Some observers noted that in the HEW session there was too little time for even some of the essentials. HEW, established in 1963, involves 250 separate programs. Max W. Rote Jr., of the Regional Program Coordination Office, told the city and town officials that HEW has 100,000 employees. There appeared to be just time during the session for Rote to introduce seven officials who provided a short summation of what services their departments perform and the kind of help, financial and otherwise that the cities and towns can acquire. Following their presentation, Rote allowed each of the speakers to be questioned individually by the audience.

The other HEW spokesmen were Gerald F. Reading of Lowell, a specialist in mental health services; Charles C. Gentile, asst. regional commissioner of social and rehabilitation services; Frank Realin, public health advisor; William B. Lewis, regional manpower administrator, Department of Labor; Ethel Elipoulos, also of Lowell and manager of the regional office of Social Security and Thomas J. O'Hare, asst. director, urban and community education programs of the Office of Education.

HUD spokesmen had about the same problem on the time factor. During its three sessions, the six speakers dispensed much information on such subjects as long term loans for the construction of needed public facilities. The HUD speakers were Carl Byers, a civil engineer, Metropolitan Division; Edward Cachini, director of workable programs; Anthony Esposito, area coordinator for renewal assistance; Alfred Funai, urban plans advisor for the Model Cities program; Sheldon Gilbert, urban planning and William Koen, production coordinator for housing assistance.

Most of the time and questions during the Planning and Management session appeared to be geared to the tasks and responsibilities of the new Massachusetts Department of Community Affairs. The department, created last year by the state Legislature, was also celebrating its first birthday yesterday. Speaking for the department was the deputy commissioner, Donald Barr, who spoke at length about what he termed "the new federalism," of the urban renewal projects, funding and the need for more comprehensive planning. Others who spoke at the Planning and Management sessions were Robert Blake, director of technical assistance, HUD, and Arthur Doyle, regional director of the state Department of Commerce.

Christopher Knapton, special assistant to former Massachusetts Governor John Volpe, and who is also a former town finance committee chariman in Norton was one of six speakers on the joint Transportation and Law Enforcement panel. Knapton told of a Congressional bill that will be proposed for highways and for public transportation which he said will cost $10 billion over the next 10 years. He noted the comparison between that bill and the present budget of $175 million which he said was "peanuts."

Other panel members in that workshop were Fred Downs, area engineer of the Federal Highways Administration; Sumner Hoffman, of the Mass. Dept. of Public Works; Robert Tierney, highway design engineer, DPW; Sheldon Krantz, executive director of the Committee on Law Enforoement and Joseph R. Rossetti, of the Department of Justice.

Lunch, contracted for with a caterer, was served following the seminar after which Congressman Morse and George O'Meara expressed their appreciation to the state and federal officials,who gave up a free Saturday to come to Lowell. They also thanked the many city and town officials, both elected and appointive, who attended the session.

INTELLECTUAL DISHONESTY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SCOTT. Mr. Speaker, the October 22 issue of the Potomac News, a weekly newspaper published in Prince William County, Va., contained an editorial entitled "Intellectual Dishonesty" dealing with demonstrators for peace in Vietnam.

Of course, the Nation wants peace and I believe the vast majority of the people in the country have confidence in the efforts being made by the President to obtain peace. The statement by some, however, although very noisy, contributes nothing to the solution of this problem and could well remind one of the noise of crickets in a field who are loud and bothersome but whose noise far outshadows their significance.

The editorial is a thoughtful one which is inserted in full and is commended for the consideration of my colleagues:

INTELLECTUAL DISHONESTY

As Moratorium scenes dim from our television screens, we fear for America.

In the name of peace, our country is being dragged down.

We saw an occasional "peace" marcher carry a flag of North Vietnam, our battlefield enemy, and fellow marchers hardly batted an eyelash. This was not an act of peace, but an act of traitorism. We saw Mrs. Martin Luther King exhort the President to bring the boys home—and hang the commitment against aggression which took them to South Vietnam. We saw Sen. Eugene McCarthy who only last year was making light of the Soviet invasion of Czechoslovakia, suggest to the President that maybe there wouldn't be anything wrong with presiding over this country's first lost war.

We see, sorry to say, a segment of the nation's press, with the Washington Post as one of the grossest examples, encourage the deprecations against this country through skillful manipulations of the written word and what is reported. Eager to romanticize the so-called "revolutionists," reporters chronicle without question the mouthings of bearded wonders behind the peace movement. The reporters fail to ask these people a few questions they should ask. Such as why they don't exert some of their pressure on Hanoi to make a sincere stab at negotiating in Paris. Or how they feel about the hundreds of civilians massacred by the Reds in Hue, and why they don't wring their hands about that. Or why they don't issue manifestoes against the systematic assassination of village leaders in South Vietnam. Or why they don't exhort the various Communist regimes to allow their own people to demonstrate against their government's Vietnam, conscription or armament policies.

Or how they propose to protect the lives and freedoms of the people of South Vietnam once we did pull out.

Certainly it is proper to debate whether our troops should or should not be in Vietnam. Certainly it is proper to weigh fighting the war to win, or fighting the war as a holding action.

But the sheer one-sided character of the outpouring of those who apparently regard themselves as the sole champions of peace has had its effect in hog-tieing the country's choices.

The bombing of North Vietnam, for instance, might have brought peace. But it was rendered ineffective by the pressures which led the U.S. to abstain from bombing certain areas to protect the civilian population and foreign ships. If one U.S. bomb accidently strayed and hit a civilian home, out came the demonstrators' black coffins. There was no condemnation of North Vietnam's cynical use of these areas of civilian asylum for military regrouping.

Even the use of tear-gas to flush out the enemy, instead of flame throwers or bullets, brought condemnation upon this country.

This continued one-sided outpouring can be described only as intellectual dishonesty. It has served only to tear down America in the eyes of the world, and more and more, has eroded the resolved of its own people. It has left virtually unscathed and even revered—a North Vietnamese regime which, if the tables were turned, would ruthlessly slaughter those who would conduct a "moratorium" against government policy.

Peace is a noble desire. There is nothing more tragic than seeing human beings willfully destroyed, or possessions deliberately put to flame. But history has also tragically shown that you cannot have peace just for the wanting. You can wish for peace just as hard as you can, but if another country or ruler has aggressive designs, then the question is no longer one you alone can decide—unless you stay strong enough and show enough resolve to deter the aggressor. We are in South Vietnam. But so are the North Vietnamese. The demonstrators tell us to pull out. Let them make their exhortations just as forcefully to Hanoi.

Those in the peace movement who are sincere could achieve a lot more intellectual legitimacy—as well as better results—by aiming their pressure at all the combatants. Our heartfelt hopes of success would go with them in this endeavor.

And if they really want to fight for long-range peace, and do not intend to promote one ideology over another, they could turn their pressure to the United Nations to seek the creation of a strong international peace-keeping force. To our way of thinking, that may be the world's only hope of salvation from the scourge of war.

AMENDMENT TO CRIME CONTROL BILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WALDIE. Mr. Speaker, today I am introducing a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide $750 million for the law-enforcement assistance program for the 1971 fiscal year.

The Law Enforcement Assistance Administration was established to increase the effectiveness and the fairness of law enforcement and criminal justice and in order for these tremendous and worthy objectives to be reached, Mr. Speaker, we must be willing to pay the price.

If we are talking about really improving the quality and the effectiveness of law enforcement and justice then we are talking about a very expensive program. In my opinion the $750 million proposed in this bill is but a start—but we must start.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Reno Evening Gazette, in the State of Nevada. The editorial follows:

MOTORISTS LOSE

The Nevada Highway Department claims supertrucks are safe on many state routes.

In extensive 1968 road tests, the monsters rolled the length and breadth of the state. Their effects on road safety were carefully checked, and the findings indicate that longer and heavier trucks pose no particular hazard, the department reports.

But those findings certainly don't jibe with the position of the dependable American Automobile Association.

Its concern is not only how often cars and trucks collide, but what happens when they do.

Its statistics show that when such a collision does take place, the result is likely to be disastrous for the occupants of the car.

The death rate of car-truck accidents increases in ratio to the size of the truck. A study showed a fatality rate of .3 per 100 persons where the truck was a pickup; of 7.1 per 100 when a tractor-trailer was involved, and of 13.3 per 100 in the case of tractors towing two trailers.

Moreover, when a car and a heavy truck collide, chances are almost 100 per cent that if anyone is killed, it will be someone in the car.

Accidents involving trucks and cars or cars passing trucks are not uncommon in Nevada as is, and despite the highway department's findings, the presence of supertrucks will surely add to the toll, however modestly.

It stands to reason that more time is required to pass a truck train measuring 35 feet longer than the old maximum of 70 feet. On two-lane roads, where these trucks now are operating, that time margin can't help but diminish the safety factor somewhat.

There aren't many supertrucks on the state routes, yet, and for the most part, these routes are lightly travelled. But the state is growing rapidly, traffic is increasing, and the industry will undoubtedly add more supertrucks as time goes on.

The sum of these points spells a serious blow to the welfare of the motorist.

His woes began with the 1967 and 1969 legislatures, which legalized the monsters subject to special licensing.

Federal regulations do not allow the oversized trucks on the interstate freeway, but they are rolling on several state routes.

This action was taken despite the defeat in U.S. Congress last year of a bill that would have legalized supertrucks nationwide. An almost identical bill has been introduced during the current session, but it too seems destined to be beaten down by the outcry from press and public.

Meanwhile, states are free to legislate pretty much as they please where intrastate traffic is concerned. Few other states have seen fit to legalize the big trucks. The trucking industry has shown no hardship, such as peculiar cargo, that merits special consideration.

Legislative action amounts to an accommodation of the industry at considerable cost to the motoring public.

The Automobile Association recommends that motorists write to their representatives in Congress to make their views known. While they are at it, they might write to their state representatives urging that supertrucks be taken off the road.

PROJECT ALERT

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SIKES. Mr. Speaker, one of the most poignant problems which has been brought to my attention is contained in a letter to me from Mr. John Appleyard, executive secretary of Project Alert in Pensacola, Fla. It poses a most realistic question: "How can a group like Project Alert help to effectively tell a story of our national purposes? Can we somehow get the administration to come forward with some concrete statements on national purposes?" The young people of our country must be told the facts about America and the virtues of patriotism. They need something to believe in and unless those of us who believe in America give it to them, they will continue to be influenced by the propaganda which is now being fed in unbroken doses to the people of our country.

It is time to deliberate on the right answers to Mr. Appleyard's questions. I hope there are many who not only see the answers but who are ready to do something to make them available to the young people of our country who need answers so sorely.

Mr. Appleyard's letter follows:

PROJECT ALERT,
Pensacola, Fla., October 21, 1969.

Hon. ROBERT L. SIKES,
House of Representatives,
Washington, D.C.

DEAR BOB: I know that over the years you have been generally conversant with the work done here in Pensacola by Project Alert. Our programs, dealing with information on the goals of international communism, and more recently in the development of patriotic themes, have been relatively well received and effective.

However, in a meeting this morning, our group, which incidentally includes Ted Nickinson, Charlie Schuster, Charles Overman, Bill Fleming, Pat Groner and Vince Whibbs—and others—felt that we needed to touch base with you and ask your guidance.

The turmoil in which our country finds itself is, we believe, partly a product of a lack of general understanding of national purposes. Criticism of the Viet Nam war is typical of this; and the general attitudes which young people reflect are, as our questioning shows, the result of a general failure of our country's leaders to come back to basic concepts in telling the story of where we are and where we are going. For example, our generation takes it for granted that these young people know and understand the causes for Korea, for the Berlin Wall and the underlying problem in Southeast Asia. Yet conversations with these young people show that this is not true at all. They are the victims of the age-old propaganda technique of hearing one story long enough and thus coming to believe it as fact.

Our question thus goes something like this: how can a group like ours help to effectively tell a story of our national purposes? Can we somehow get the administration to come forward with some concrete statements on national purposes? There are organizations such as ours in many parts of the country anxious to help in utilizing a national philosophy effectively, but we do need help. Our work in developing films, radio shows, etc. on patriotic themes can be rejuvenated if our national leaders will find an effective way of aligning the two-centuries-old patriotic themes with the future goals of our society.

This may seem like a rather nebulous thing, but it is pretty obvious that young people need something to believe in, but instead are being handed through many media material that disappoints rather than encourages beliefs. We know how interested you are in this field of work, and we are hopeful that you might initiate some guidance for us.

Best regards,

JOHN APPLEYARD,
Executive Secretary.

CHEMICAL BIOLOGICAL WARFARE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. LUKENS. Mr. Speaker, there has been much discussion recently over the dangers of chemical biological warfare—CBW. Certainly there should be discussion of the CBW program and the inherent dangers. However, discussion should be factual and not sensational. An unfortunate example of how critics of the CBW program have resorted to sensationalism and distortion of facts is documented in a news release by Mr. Charles J. Conrad, speaker pro tempore of the California Assembly.

His account of the Russian's disposal of chemical warfare material would be of interest to my colleagues, particularly those who have criticized the U.S. disposal of chemical materials. This is not to imply that our program is above reproach.

Just recently, I supported an amendment to the military procurement bill that would impose safeguards on CBW warfare. The amendment requires the Department of Defense to make semiannual reports on the CBW program and tighten up the shipping and storage of such weapons.

However, Mr. Conrad shows a tactic was used by critics of CBW to influence the Senate vote on CBW programs. This kind of distortion of facts and emotionalism is an affront to the public. In such a critical and potentially dangerous field, the public is entitled to know the facts, not exaggerations. Mr. Conrad has done a public service by exposing such inaccurate reporting on CBW. The time has come for honest factual debate.

Mr. Speaker, I insert a news release from Mr. Conrad's office and two newspaper articles in the RECORD at this time:

THE RUSSIANS DID IT—AND WHERE WAS EVERYBODY

(News release from Speaker pro tempore Charles J. Conrad, of the California Assembly)

Assemblyman Charles J. Conrad, Speaker pro Tempore of the California Assembly today charged that a scare story was released from Copenhagen on the day before the United States Senate voted strong restrictions on the testing and transporting of chemical and biological weapons. Conrad said the article was an attempt to influence the Senate vote, and called for a Congressional investigation of this type of propaganda.

The story which Conrad termed "sensationalized and inaccurate" claimed that lethal mustard gas leaked from a British underwater wartime dump had injured six fishermen, and brought panic to the vacation resorts in Southern Sweden and in the Danish Island of Bornholm. The article said holidaymakers had deserted the beaches and that thousands of tons of fish were being boycotted.

"The fact is," said Conrad, "the munitions were captured German chemical warfare materials of World War II which were dumped, not by the British, but by the *Russians*. When the British news media called attention to the fact that the *Russians* were the guilty party the story was immediately dropped.

"Where was New York Congressman Richard D. McCarthy and his colleagues who have been denouncing the United States Chemical Warfare Service for so many months? Where was the group of international experts who prepared a report on chemical and biological warfare for the United Nations General Assembly at the request of Secretary-General U-Thant? Where was the Polish delegate at Geneva, Antoni Czarkowski, who attacked the United States for what he called 'recent mishaps' with chemical munitions? Where were the Japanese who demonstrated against the United States maintaining chemical warfare material on Okinawa?

"Why is it that not one voice, national or international, has been raised in criticism when the *Russians* are guilty of criminal negligence by disposing of dangerous chemicals in water shallow enough to constitute a hazard?

"Our disposal operations, which Congressman McCarthy raised such a hue and cry about, were to have been made in 7,200 feet of water. The British have followed similar precautions their disposal being a considerable distance from Bornholm.

"Evidence that this exaggerated story was released to influence a vote in the United States Senate is seen in the fact that it has long been known that quantities of mustard gas were dumped by the Russians in 1947. Incidents of fishermen being burned by mustard have been *reported routinely* in the press for *many years*, since some fishermen, although well aware of the danger, are willing to take the risk in order to get a good catch.

"Far from being deserted Bornholm has enjoyed one of its best tourist seasons, and the fish market, as far as Denmark is concerned, has not been affected.

"No real hazard to bathers is considered to exist unless for some reason a leaky bomb were dropped by fishermen in the bathing area. There has been no reported incident of anyone becoming ill or contaminated as a result of eating or handling fish in the area.

"This is just one more example of the need for honest and factual debate on the subject of chemical and biological warfare.

"I strongly urge that the Congress of the United States conduct an investigation to ascertain who was behind the release of such a story at that particular time, and why the subject was hushed up. I also call upon the United Nations General Assembly to condemn the Soviet Union for creating a hazard to human life as well as damage to a rich fishing ground," said Conrad.

[From the San Francisco Chronicle, Aug. 11, 1969]

GERMAN WAR GAS INJURES FISHERMEN

COPENHAGEN.—Lethal mustard gas, leaking from an underwater wartime dump in the Baltic, has injured six fishermen and brought panic to vacation resorts in southern Sweden and in the Danish island of Bornholm.

Holiday makers have deserted the beaches.

The gas, part of 20,000 tons of German chemical warfare material dumped in the sea on British orders 24 years ago, has apparently escaped from rusting containers. Danish authorities fear a large area of the Baltic may become contaminated.

Thousands of tons of fish suspected of contamination were boycotted following the arrival in a Bornholm hospital of six members of the crew of a Danish trawler with various mustard gas burns. Two of the crew are in a serious condition after handling contaminated nets and fish and have now been flown to Copenhagen's central hospital for skin transplants.

The trawler's crew did not reach a hospital until 14 hours after they first came into contact with the gas. It is a brown oily fluid and a tiny drop causes serious and possible lethal burns.

In all, more than 300,000 bombs and canisters containing deadly chemicals, including the German nerve gas Tabun (known as madness gas), are still lying on the seabed of Bornholm and the Swedish coastline.

Scandinavian trawlermen have been ordered to avoid the area, which is normally a rich fishing ground, and they have already lodged claims for compensation with their governments for loss of earnings.

In an effort to coordinate preventive measures. The West German, Danish and Swedish governments have set up an anti-poison gas committee which will try to establish how far the seabed contamination has extended and how great is the danger to the mainland.

[From the Los Angeles Times, Aug. 14, 1969]

REGULATING CHEMICAL WEAPONS

Issue: The Senate has voted tough restrictions on gas and biological agents. But should Congress stop with this measure?

In 1945 British military authorities disposed of 20,000 tons of captured German chemical warfare material by dumping it in sealed containers into the Baltic Sea. Last weekend lethal mustard gas, escaping from the cache, injured six fishermen and spread alarm through southern Sweden.

News of the frightening mishap came one day before the U.S. Senate voted unanimously to impose, for the first time, strong restrictions on the testing and transport of chemical and biological weapons. The two events were coincidental. But both underscored the dangers inherent in the production and disposal of exotic weapons of mass destruction.

The Senate's 91–0 vote followed a series of occurrences which dramatized the extent and deadliness of the U.S. chemical and biological weapons arsenals.

The most notable was last March, when 6,000 sheep were killed in Utah following open-air testing at an Army site of a deadly chemical agent. Shortly after came news that the Army intended to ship surplus nerve gas across the country for disposal in the Atlantic Ocean.

Most recently there was an incident on Okinawa when a deadly gas container leaked, leading to the hospitalization of 24 Americans and new strains in U.S.-Japanese relations.

In the wake of these events the Senate has acted to tighten controls over the manufacture and movement of chemical and biological weapons.

Open-air testing, for example, could only be carried out if the surgeon general determined that public health would not be threatened. Any transportation of lethal agents would also require the surgeon general's approval, as well as advance notification to Congress. And from now on all funds spent on these weapons would require specific congressional approval.

The Senate's action is the first serious effort by Congress to regulate a $350 million-a-year military program that for years has been virtually without congressional oversight. The House should approve the Senate vote.

But Congress should not stop there. It should look fully into the question of whether the large CBW research, production and testing program is justified.

The United States possesses huge stockpiles of lethal chemical and biological agents, so amply that costly and dangerous disposals of surpluses are now necessary. In an age of assured nuclear retaliation, the justification for such an arsenal seems dubious at best.

SWEDEN UNDERSTANDS DIRECT ACTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. RARICK. Mr. Speaker, on several occasions I have directed remarks to the activities of Sweden and particularly to the conduct of its new Prime Minister, Olof Palme.

I am happy to learn that this situation seems to be improving because of dialog between American labor and its Swedish counterpart.

Even though our national policy permits American business to trade with the enemy the American people are not fooled.

I commend Victor Riesel's commentary on this subject and include it as part of my remarks:

U.S. LABOR STANDS FIRM—SWEDEN RETREATS ON VIET CONG LOAN IN FACE OF BOYCOTT THREAT

(By Victor Riesel)

NEW YORK.—There have been days not too long ago when, were it not for the forceful Swedish police, an American could get a rock in the head if he appeared to be on official business in the pleasant neighborhood of the U.S. Embassy in Stockholm. The New Left there, which now includes powerful forces in the government, just abhors anything American.

This New Left has been encouraged by the new Socialist prime minister, Olof Palme. He has attacked the U.S. in scores of speeches. He has inveighed against the American government's effort to ease the burdens of our black communities. He has aggressively praised the National Liberation Front and hailed it while its military arm, the Viet Cong, has battled U.S. troops in South Viet Nam.

He has encouraged an economic delegation from Hanoi and urged other Nordic nations to help the North Vietnamese.

Prime Minister Palme has asserted that he "absolutely" prefers the Hanoi dictatorship to Saigon. And he conferred with the present foreign minister, Torsten Nilsson, before the latter pledged $40 million worth of aid to North Viet Nam and said in effect that aid to South Viet Nam would have to wait until the war is over.

All this has developed over the past few years, though the U.S. is Sweden's heaviest shipping services customer; and its biggest purchaser of small cars, some of which are assembled in Canada and undersell ours; and the U.S. Export-Import Bank has extended $50 million in credits to the Scandinavian Airlines System which is partially owned by Sweden.

Yet, when this column reported from the AFL–CIO convention that influential American labor leaders threatened to urge a boycott of Swedish goods—and U.S. Maritime union leaders contemplated boycotting Swedish ships—Sweden, its press, its government, and its labor movement became considerably agitated.

I received word that the government and the Swedish Trade Union Confederation (LO) would like to send a delegation to the U.S. to talk with me and the labor leaders who could invoke the boycott.

I recalled that in Stockholm the headquarters building of the LO is called "the Little Kremlin"—not because it is pro-Communist, which it isn't, but because it controls the Swedish government. There the ruling Social Democratic party is far more a labor party than even the Labour party led by Prime Minister Harold Wilson.

Since the Swedish delegation would be led by the genial Arne Geijer, the LO president, who also is head of the Parliament's Foreign Affairs Committee, I enthusiastically agreed to a dialogue with him and his group. We met.

President Geijer said that America in general and the labor men here in particular were the victims of bad communications. Foreign Minister Nilsson, who has since talked with Secretary of State William Rogers, had not said that Sweden would give Hanoi $40 million now. He had meant after all the fighting is over. There might, of course, be some humanitarian aid sent to Hanoi, but not for reconstruction. Mr. Geijer promised to send "clarification" and said he would confer with Joe Curran, president of the National Maritime Union, Teddy Gleason, president of the International Longshoremen's Association (ILA) and AFL–CIO President George Meany.

Came the clarification. There is no indication in Mr. Nilsson's statements that he meant the Swedish millions not to go to America's military enemy until after all fighting stops. There is some talk about being misquoted and Mr. Nilsson's inadvertently omitting a sentence from his speech which would indicate aid would go to Saigon as well.

There is no direct transcript of his speech. Such a transcript should be available. There is a tape. It should be played to a group of international newsmen.

Furthermore, even the clarification says that the Swedish monies and its transmission are not "clearly defined." There will be money quickly for medicines and hospitals. No one can argue with this—except to ask why not humanitarianism for South Viet Nam as well? Is it because Prime Minister Palme loathes it so much?

Among the products which this money will buy, according to the clarification, is paper for school books—which of course will embitter young minds against the U.S. for decades. There is talk of supplying fertilizer—which means chemicals and can be diverted, etc.

Well, during Mr. Geijer's stay here he got some reciprocal clarification. He went up to visit Teddy Gleason on Tuesday, October 14. Mr. Gleason, now an AFL–CIO vice president, said that no one here wanted to interfere in Swedish affairs. The peppery ILA president added that no American should tell Sweden what to do. But in turn no Swedish official can tell any American what to do.

Mr. Gleason added that if Americans want to boycott Swedish goods, it is their privilege, just as Swedish labor runs global boycotts of its own.

Furthermore, Mr. Gleason's posture is that if Stockholm takes part of the profits it makes in the U.S. and sends it to Hanoi, there will be selective boycotts. Swedish ships containing the Volvos and Saabs can be picketed. This would paralyze them on the Atlantic and Gulf Coasts.

Teddy Gleason's colleague, ILA Executive Vice President Johnny Bowers, put it bluntly:

XUM

"They trade with the enemy and still can get our dollars. This is a disgrace. I have been getting many calls on whether our dock workers will handle Swedish cruise ships. We said 'yes' as long as those $40 million don't go to our enemy."

It should be noted by the Swedish government that Mr. Bowers' word is as solid as steel. In March 1966, when he learned that ships of foreign lines were supplying North Viet Nam, he struck ship after ship of the lines which put into New York—Cunard, the French line, the Norwegian line, right on down. He held them until their top officials came down to the docks and pledged that no craft of their fleet ever would serve Ho Chi Minh.

They've kept their word. The Swedish government and merchant princes in that kingdom can count on Johnny Bowers and others in America keeping their word.

Unlike Prime Minister Palme, they hate dictatorships—Communist or any other brand.

There will be job action if Sweden breaks the word its emissaries have been giving here. As Mao would say—they believe that a friend of my enemy is my enemy. That little red book can work two ways.

EXTREMISM IN BIRTH CONTROL SCORED

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BUSH. Mr. Speaker, the following article that appeared in the New York Times on November 2 points to a problem of great concern to me. As chairman of the Republican Task Force on Earth Resources and Population I am very much aware of the various degrees of concern espoused by the population and environmental fraternities.

What Mr. Straus has said about the extremists harming the whole birth control movement is not very encouraging. I certainly hope that this is not correct. Our task force has held extensive hearings on the subject and has conducted extensive research on the subject. We feel that our resources will provide us with enough food and medicine to prevent starvation and pestilence in this century but we also recognize that at some number world population must stop growing. If we are to accomplish a population growth rate where births do not outnumber deaths we are going to have to be active—very, very active in the 1970's so that by the turn of the century we will have already applied the brakes.

Providing family planning services to our 5.3 million poor or near poor women is only a small portion of the answer to solving this urgent problem. This is the area of greatest need and of immediate concern because of the poverty and health aspects but by no means will it solve the problems of deteriorating environment and depleting resources.

What we need in the next decade is some new thinking about our prevailing attitudes toward marriage and children. How we address ourselves to this problem is going to take an honest national debate and an education of the consequences that our children and grandchildren will face if we continue this current growth rate.

I am confident that once the facts are well understood the young people of the world, particularly here in America, will voluntarily contain the size of their families and have fewer children than is currently prevelant.

The article follows:

EXTREMISM IN BIRTH DEBATE SCORED

(By Bayard Webster)

The former chairman of the board of Planned Parenthood-World Population has charged that extremists in the dispute over how to slow the world's population growth were harming the whole birth control movement.

Donald B. Straus, who is also president of the American Arbitration Association, said that aligned on one side are those who advocate compulsory birth control, "the doom-sayers—those who say that famine and pestilence are just around the corner."

But, he contended, the militant members of the opposing camp—those who advocate family planning and call the other side "agents of genocide"—are just as bad. Mr. Straus spoke last week at the annual convention of the National Council of Women in the U.S.

CAUSE HELD DAMAGED

The polarization of attitudes has damaged the entire cause, Mr. Straus said. "What we want," he said, "is to quietly close the gap, to educate and make available all the facilities and facts to those five million indigent women who have no access to advice or information about birth control."

Remarking on population control in the United States, as well as in the underdeveloped countries, Mr. Straus said: "We should remember that every child born in the U.S. will use eight times as much of our natural resources as a child born in an underdeveloped country."

Mr. Straus's remarks were addressed to the final session of the three-day meeting of the council, held at the Carnegie Endowment Center.

Also addressing the session, which was devoted to a discussion of population pressures an environmental problems, was Marya Mannes, a critic of both male and female mores.

"I am suggesting," she said, "that the next civil right—for both men and women—be the right to use our bodies and conscience without being told how to use them by the church or state. This means, of course, that in the case of men, there will be no more conscription, and in the case of women, the repeal of all abortion laws."

A "CLASSIC EXAMPLE"

What was described as a major weakness in the over-all conservation movement was noted by Glenn L. Paulsen, an air pollution expert and a member of the Department of Environment Biomedicine at Rockefeller University. He told more than 200 council members at the meeting that inadequate research lay at the root of many failures of the conservation effort.

"A classic example of this," he said, "is the fact that there are 250,000 cases of lead poisoning yearly in urban areas. This is a case of an earlier technology whose consequences were completely unknown. No one thought to test the paint for toxicity," he explained.

Mr. Paulsen said that a similar lack of research was hampering efforts in almost every environmental field—air, noise and water pollution and environmental pressures of all kinds. "The trouble is that we have insufficient knowledge," he said.

Sydney Howe, head of the Conservation Foundation, also addressed the Council of Women.

Mr. Howe is chairman of an ad hoc committee of conservationists that is seeking to determine the feasibility of establishing a nationwide conservation legal organization.

"We need to use the law more effectively to achieve a clean environment," he said, "something that every man should have a legal right to," he said.

The Council of Women announced that it had adopted two resolutions. One called for outright repeal of the abortion law. The other called for lowering the voting age to 18.

PORNOGRAPHY PUSH AIMS AT FRONT DOOR

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the U.S. Supreme Court on October 27, 1969, announced that it would review a decision of a Federal district court in California denying numerous mail order smut peddlers injunctive relief to prohibit the Postmaster General of the United States from enforcing provisions of Public Law 90–206. This law, which became effective last year and which I joined in sponsoring in the House, was specifically designed to follow guidelines laid out by the Supreme Court in previous obscenity cases, particularly in Ginzburg against U.S. in 1966. It simply provides postal patrons the means, if they so request, to stop the repeated flow to their homes of unsolicited mail, matter which in their judgment they consider to be obscene. The State Journal of Lansing, Mich., in a timely and thoughtful editorial on Thursday, October 30, 1969, discusses this problem and concludes with the hope that the Supreme Court will uphold this new protection. I fully share that concern and commend the editorial to the attention of my colleagues. The Supreme Court has ruled that obscenity is not protected by the freedoms of speech and press. Thousands of Americans resent the use of the U.S. mails to help promote such filth. Their right to be secure from such material should not be denied. The editorial follows:

[From the Lansing (Mich.) State Journal, Oct. 30, 1969]

PORNOGRAPHY PUSH AIMS AT FRONT DOOR

The arrogance of pornography peddlers apparently has few limitations. Having made breakthroughs in many areas regarding the right to push their product publicly, they now seek to invade the home.

In 1967, after a rising tide of public complaints, Congress passed a law giving families the right to force any firm to discontinue mailing unsolicited materials to their homes which the recipients considered to be obscene or of a pandering nature.

This law does not deny the right of others to receive such materials if they want them but it does permit individuals to stop those things they find objectionable. The statute, in particular, gives parents at least a small weapon to prevent minors from receiving unsolicited junk through the mails.

This is not an unreasonable law. But several companies have now gone to the U.S. Supreme Court claiming the legislation denies them free speech and due process.

It was further contended that since the firms do not keep alphabetical mailing lists, it costs them about $5.00 to delete an individual name. One might ask who asked them to put the name on their lists in the first place? And what about the time and inconvenience to the individual who must go to the Post Office to file a formal complaint after he has received such unsolicited mail?

There is little doubt that the materials causing the tide of complaints registered with the Post Office result from purchased mailing lists. The senders, for example, mail out the stuff without knowledge in many instances of who they are sending it to. The recipients may be 35-year-old men or women, or they may be nine or 10-year-old elementary school children.

Postal officials have confirmed that such materials have been sent to children.

Arguments may rage from here to eternity about what is obscene and what is not and perhaps the courts will never deliver a formal definition.

But we believe most Americans, particularly parents, would endorse one opinion expressed by U.S. Supreme Court Justice Potter Stewart on the question of "hard core pornography."

He said: "I shall not today attempt to further define the kinds of material I understand to be embraced within that shorthand description (hard core pornography); and perhaps I could never succeed in intelligibly doing so. But, I know it when I see it."

We think most parents "know it when they see it," particularly when it comes unsolicited through the mail addressed to children of elementary and junior high school age.

Perhaps there's another legal question which should be answered by the high court, the right of individuals to protection from those who abuse the use of mailing lists.

Youngsters frequently send in to various companies for items they see in catalogues. In so doing the child's name may very well end up on a mailing list for what amounts to pornographic materials.

This, in fact, has been happening.

There are laws of every type in this nation to protect children from being mistreated or exploited.

We would hope that the Supreme Court will keep this law on the books and give parents at least a small measure of protection from having this junk pushed into their homes.

HOUSING CREDIT GAP IN RURAL AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. PRICE of Texas. Mr. Speaker, H.R. 13827, which has been reported by the Committee on Banking and Currency to this House, contains in title IV a vital provision which will extend the rural housing loan program of the Farmers Home Administration until October 1970.

The companion bill from the other body, S. 2864, includes a provision which would extend the program until October 1973. I would hope that the eventual result of the deliberations of the Congress on this point will be closer to the 4-year extension.

I want to emphasize in the strongest possible terms that this action is absolutely essential to help carry out the goal that we in the Congress reaffirmed last year when we passed the Housing and Urban Development Act of 1968.

That goal calls for a decent home for every American family at the earliest possible time.

Yet, rural America with only 30 percent of the Nation's population has half of its substandard housing. The problem is acute for hundreds of thousands of families which still exist in inadequate housing, some with primitive plumbing and utilities.

Through its rural housing program, the Farmers Home Administration has been making substantial inroads on this problem, and it is vital that this activity not only be continued but accelerated.

Our former colleague in this House, James V. Smith of Oklahoma, who now serves as Administrator of the Farmers Home Administration, discussed this subject recently in testimony before a committee of the other body. He made these important points:

> There is a well-defined credit gap in rural areas. Consequently, the flow of housing credit to the countryside is often inadequate, sporadic and sometimes non-existent. Small town bankers and other lenders are just unable to tie up their limited lending resources in long-term housing credit. Furthermore, rural facilities for tapping the credit resources of larger institutions in big cities are inadequate.

Mr. Speaker, Administrator Smith has made an excellent case for passage of the measure extending the rural housing program. Construction of homes in the countryside and in towns of not more than 5,500 population must continue to be a high-priority item until the problem of substandard rural housing is finally overcome.

The committee report on H.R. 13287 makes clear the committee's commitment to "expanding the capacity of the Farmers Home Administration since it is the only vehicle which has consistently supplied mortgage credit in rural areas and, under the present circumstances, it is the only vehicle which can be expected to do so in the future."

Other provisions of the bill are also of major significance to the agency's ability to carry out its mission. It would remove the $100 million ceiling on the amount of unsold insured mortgages that can be held by the Secretary of Agriculture. This ceiling limits the size of the program unnecessarily.

Another provision would authorize the Secretary to sell insured notes in blocks, as well as individually, thus substantially simplifying the transactions and making the notes more attractive to investors.

Also, the bill would merge the insured and direct loan accounts and allow the agency to make conditional commitments so that builders can engage in volume construction pending sale of homes to individual families and thus save on construction costs.

Finally, the 5,500 limitation on population in areas Farmers Home Administration serves would be repealed. The agency would be responsible for defining rural areas consistent with the law, and greater flexibility is certainly desirable.

In short, Mr. Speaker, the rural housing provisions of H.R. 13827 represent a substantial step forward toward meeting our goal of a decent home for every American family. I urge prompt passage of the bill.

MOTHER OBJECTS TO USE OF DECEASED SON'S NAME

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. RHODES. Mr. Speaker, hundreds of thousands of Americans have sacrificed their lives for the freedom of peoples in distant lands. Oftentimes these people have not shared the same culture, the same religion, the same race, or even the same language with their defenders. They did share a common ideal: The right to choose whether or not they wanted to live their lives in tyranny.

Today in Vietnam—whatever our opinion concerning the political ramifications of that venture—tens of thousands of Americans have sacrificed their lives for this same principle.

No doubt some of these brave men would not be offended if they knew that their names had been associated with the various moratoria. I am convinced, however, that the majority of these soldiers would be sickened and disgusted to have their supreme sacrifice flaunted in such a manner as we have witnessed in recent weeks.

For this reason, I think it highly inappropriate that many so-called peace groups have seen fit to use the names of American boys who have died in Vietnam in such a manner as to imply that they would endorse the political objectives of such groups. It is doubly inappropriate when the wives and parents of these men object to the use of their names in such a fashion.

Mrs. Faye Staley of Phoenix, Ariz., is a mother who resents the use of her deceased son's name in a way in which she knows he would not approve. Accordingly, she has mounted a campaign that would allow Arizonans who do not wish their sons' and husbands' names to be used in a way to undercut the American road to peace to make that fact known. I am hopeful that the "peace" groups who engage in this practice will appreciate the fact that these wives and mothers and fathers have borne a heavy burden. I hope that they will respect the wishes of these familities and not contribute further to their anguish.

Relatives in States besides Arizona may wish to take similar action. With this thought in mind, I would like to direct the attention of my colleagues to Mrs. Staley's campaign:

PHOENIX, ARIZ.,
November 3, 1969.

HON. JOHN J. RHODES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RHODES: We have launched a campaign as of October 19, 1969 to have all servicemen's names removed from any lists to be read, burned or used in any way by the "Vietnam Moratorium" groups in

Arizona unless they have specific permission from the "nearest of kin" to do so.

It has been our considerate opinion for some time that these men who so valiantly gave their lives for this country would not want their supreme sacrifice treated in such a shameful manner and from letters we are receiving this is the case.

We have had some difficulty obtaining correct addresses of nearest relatives, however, we are receiving a tremendous response to those names we have sent out so far. Of the first mailing of October 23d, we have already received 95 signed statements, 24 letters and 1 note to the first 130 names sent out. Not one negative reply to date. We plan to present all names to Governor Williams by November 13th, requesting him to use his authority as governor to ask that all servicemen's names be removed from any moratorium lists here in Arizona. We believe this would be an effective way for every state in the union, on an individual state basis, to effectively counteract this devisive Vietnam Moratorium movement.

Anything you can do to support us by suggesting similar action to other states from your office will be greatly appreciated. Also, we would be grateful for a letter from you as a citizen of Arizona backing our cause here in this state.

Very truly yours,

Mrs. Faye Staley.

PHOENIX, ARIZ.,
October 19, 1969.

To Whom It May Concern:

As you may know, a list of 380 names was read automatically the night of October 15, 1969 at a gathering of Protestors at Arizona State University. These names, given a moment of time, were the names of our beloved sons, husbands and fathers.

My son, who was a graduate of ASU, was a man who dearly loved our country and enjoyed the freedoms our form of government afforded him and these freedoms he would not want altered nor would he want his name used to promote a cause so alien to everything he held dear. I know my son, and I believe your son also, would not like to have his sacrifice treated so lightly.

If you feel as I do, would you please sign the enclosed statement and we will do everything possible to prevent their names being used, burned, or otherwise desecrated in any public demonstrations planned for the future.

Very truly yours,

Mrs. Faye Staley.

STATEMENT

This is to indicate that we do not want our son's or husband's names read, put on a list that is to be burned, connected with surrender in Vietnam, or used in any way to undercut our American position at the peace table. He gave his life as a supreme sacrifice for the Freedom of all people in this world. We know he would not want his name used in this manner.

PRESIDENT'S SPEECH ON VIETNAM

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DEL CLAWSON. Mr. Speaker, the President gave the Nation in the brief period of one-half hour as honest and comprehensive an accounting of the background of our involvement in Vietnam and the course he is pursuing to bring the conflict to an honorable conclusion as could have been provided. It was not an address to inflame emotions nor to set Americans against each other. It should, however, appeal to the ideals which in my opinion the majority of Americans still hold valid, a simple sense of fairplay. Do we elect a man to the highest office in the land, entrust to him the awesome responsibility of Commander in Chief of our Armed Forces, allow him to shoulder the weight of decisions affecting the future of all mankind, and then force him to deal with the enemy without our support? I think not.

The President has set the facts before the American people in straightforward fashion with the expectation that when they have been told what measures he has already taken, the available alternatives and what he proposes, they will want to choose the more arduous route of honor and responsibility. I think they will, and am happy to pledge my support by cosponsoring the resolution endorsing his efforts.

LONG LIFE OF SERVICE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Topeka, Kans., Daily Capital, which is an appropriate memorial tribute to the late Edward H. Rees, of Emporia, Kans., who was my predecessor in Congress and who represented, with distinction, the Kansas Fourth Congressional District for 24 years. Mr. Rees passed away in Emporia on October 25, 1969. The editorial follows:

LONG LIFE OF SERVICE

Ed Rees was a quiet, kindly man—conservative by nature—who so ably represented what was then Kansas' 4th congressional district that a whole generation of voters grew up with little thought of voting for anyone else for Congress.

Before his retirement nine years ago, voters of the district sent him to Washington for 24 years. Priorly he had been a member of the Kansas Senate and House. Service to his district, state and nation were keys to his long political career—that and his knowledge of the area he represented, partly gained at Emporia's Citizens National Bank where he climbed the ladder of success to attain the title of executive vice president.

He was Emporia Welsh, a member of the rural Sardis Congregational Church which was started by the Welsh. This gave him a strong link to the community, one which strengthened the longer he held public office.

Rees numbered his friends by the thousands, among them some of the most influential in Kansas and the nation. It was Emporia's William Allen White who first encouraged him to enter politics. It was the leaders of both major political parties—as well as his constituents—who expressed sorrow when he decided to step down from Congress after so many years.

During his later years, both in Congress and as a private citizen, his snow white hair and eyebrows, his rudy and pleasant Welsh countenance were recognized wherever he went. He was a gentleman of the old school.

As chairman of the House Post Office and Civil Service Committee for 13 years, he was instrumental in guiding legislation pertaining to those fields of government. Possibly forgotten by many is the fact that he authored the legislation which changed Armistice Day to Veterans Day across the nation.

Death claimed Ed Rees last week at age 83. His was a career of service for which Kansans are grateful.

THE REPUBLICAN VICTORY IN NEW JERSEY

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mrs. DWYER. Mr. Speaker, on the basis of present returns, it appears that the election yesterday of our distinguished colleague from New Jersey (Mr. CAHILL) as Governor of that great State was the biggest gubernatorial victory in modern New Jersey political history.

The fact that Mr. CAHILL's victory was won against one of the most popular former Governors of New Jersey and took place in a State which is widely recognized as one of the most sensitive "swing" States in the country makes his victory even more impressive in personal terms and even more significant in a political sense.

BILL CAHILL's tremendous victory was a personal tribute to a man who possesses warmth of personality, commitment to public service, deep human understanding, and a fighting, "never-say-die" approach to political campaigning. He is a winner, and New Jersey voters have crowned him as their leader for the next 4 years.

But this great victory, I believe, has implications of consequence both to the Republican Party and the country. Among many other things, BILL CAHILL's triumph means the following:

It means that the Governor of every major industrial State in the United States is now a Republican, a far cry from the myth that the Republican Party has no appeal for working people.

It means that the heavily populated, economically critical Northeastern States can be as happy a hunting ground for Republicans as any other part of the country—so long as Republican candidates demonstrate an awareness of their problems and a commitment to deal with them effectively.

It means that a Republican candidate, with a constructive and progressive record in public life, can be enormously attractive to the voters, especially in States with large numbers of independents.

It means that New Jersey, a "bellwether" State, responded favorably to the strong endorsement given to Mr. CAHILL by President Nixon, a Republican President who is striving mightily to solve the social and economic problems that plague our biggest urban States.

It means that on the central issue of

our time, the war in Vietnam, the people of New Jersey—to whom that war is an especially sensitive issue—are convinced their President is doing everything possible to end the war.

Finally, it means that the people of New Jersey, like their fellow citizens elsewhere, are concerned primarily with the issues of a campaign, not just the personalities, for in this Cahill-Meyner campaign it was Bill Cahill who offered constructive change in place of contentment with the status quo; it was Bill Cahill who recognized New Jersey's desire for new and fresh leadership; it was Bill Cahill who put his finger on the failures and promised something better; it was Bill Cahill who proposed detailed plans for improving education, building an effective mass transportation system, and strengthening law enforcement; and it was Bill Cahill who communicated to our young people the conviction of a man determined not just to be a Governor but to do something with the authority of that office.

For all these reasons, therefore, Tuesday, November 4, was a great day not only for Republicans but for the people of New Jersey and of the United States. Bill Cahill can do the job and as he approaches his new office I know that he carries with him the friendship and the generous interest in his success of all his colleagues here.

ELECTORAL REFORM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BOLAND. Mr. Speaker, the Senate is lagging far behind the House in electoral reform. We in the House have passed—and passed by an overwhelming majority—legislation calling for outright abolition of the electoral college in favor of direct popular election. This proposed constitutional amendment, substantively identical to one I introduced the first day of this Congress, would put genuine equity into presidential elections and clear away the threat of a constitutional crisis every 4 years. Yet, the Senate—the body that conventionally takes the lead in issues involving the Constitution—has yet to consider electoral reform.

The Senate Judiciary Committee, in fact, has announced it will postpone action on electoral reform until next year. It is plain—indeed, conspicuous—that such a delay would jeopardize the already slim chance that the States will have enough time to ratify an electoral reform amendment before the 1972 presidential election. This election may be as harrowingly close as any in this country's history, ranking with those of 1960 or 1968. George Wallace may again be a candidate in 1972—and, again, he may threaten to barter away electoral votes in an effort to wrest away concessions from other candidates.

The time for action on electoral reform is now—not next year or the one after that.

An antiquated and unjust institution that has threatened to deny the will of this country's voters for nearly 200 years, the electoral college must be abolished before it endangers another presidential election.

Direct popular election—a method that is simple, that is straightforward, that is just—is the means of achieving the abolition I have just cited.

I urge the Senate Judiciary Committee to reconsider its decision to delay further in this critically important issue.

Mr. Speaker, the Boston Herald Traveler today published an editorial outlining the alarming significance of the Judiciary Committee's decision. I include the editorial in the Record at this point:

[From the Boston Herald Traveler, Nov. 5, 1969]

DELAY IMPERILS ELECTORAL REFORM

Since the timing of an amendment to substitute direct popular election for the Electoral College is almost as important as its approval by Congress, the decision of the Senate Judiciary Committee to postpone action on the amendment approved by the House until early 1970 is troubling and disheartening.

Congress plainly understands that electoral reform faces an electoral deadline before 1972. If the system is to be changed to avoid the possibility of electoral crisis or electoral mischief-making, the states must be given sufficient time to ratify the amendment and to rewrite their state laws and election regulations accordingly.

The direct election amendment passed by the House of Representatives in September stipulates that the necessary three-fourths of the states must ratify the electoral reform plan before Jan. 21, 1971, if it is to become effective before the presidential election in 1972.

Senate sponsors of electoral reform, realizing that the deadline adopted by the House will crowd precariously on the schedules of state legislatures, have hoped to extend the deadline for ratification until sometime in the spring of 1971. But even so small a change by the Senate would entail the bill's being referred again to the House for concurrence—a parliamentary procedure that might expose the amendment to still further obstruction.

The best chance—perhaps the only chance—to get the amendment ratified and operative before the next presidential election is to persuade the Senate Judiciary Committee to process the amendment expeditiously.

Given the magnitude of electoral reform, the endorsement and support of President Nixon, and the possibility of third (or even fourth) party movements in 1972, the entire Senate ought to assume the responsibility of allaying electoral anxiety by pressing for fast and firm action by a committee of its own creation.

It is still not too late, but each week of delay puts the plan for direct election of the President by the people one week closer to defeat.

PROUD TO BE AMERICANS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ROGERS of Florida. Mr. Speaker, in this day and age, we see and hear too often in the news dissatisfaction expressed with our Nation, and efforts by malcontents to disrupt our democratic form of government. I would like to submit in rebuttal, portions of a letter I have just received from Mr. A. E. Naya, of West Palm Beach, Fla., who eloquently expresses his and his wife's feelings on becoming citizens of the country they were not privileged to be born in:

I mentioned in my letter "our goal is to become American citizens like our children are."

My dear Congressman, at last that day has arrived. On November 7, 1969, my wife and I will become American citizens. We are very proud of it. As a matter of fact, it will be the happiest day of our lives. I can easily compare it with the birth of our children at the time we became parents. Now, we are becoming part of this big, free and wonderful country, like our children are. Now we have a flag and a hymn, and more important a constitution.

Our constitution gives us the vote . . .

Our kind regards and everlasting gratitude from a family of proud Americans.

CORPORATE GIANTS MOVE TO THE FARM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. UDALL. Mr. Speaker, dynamic changes are taking place in American agriculture. We in Congress will be discussing these changes this year and next as we wrestle with development of a new national farm program.

One of the most significant movements is that of large corporations into agriculture, some of them for perhaps the first time. Changes taking place in Arizona were recently pinpointed by the Arizona Farmer-Ranchman in its issue of October 18, 1969. I want to commend this perceptive article to the Members of the House:

CORPORATION FARMING—WHY?

Something is happening to American agriculture that is bound to have profound effects on the future of our country, and probably not for the better.

That is corporation farming, widely diversified as to both products and localities.

The USDA has issued reassuring reports to point out that the farmland acquired by powerful corporations, previously in different and unrelated fields, is only a small fraction of the total. That is true, but still a trend is definitely indicated and the evidence may be stronger in Arizona than elsewhere.

The latest example of this trend is the take-over of Bud Antle, Inc., by the Dow Chemical Co. It involves 14,000 acres, largely in Pinal and Pima Counties but with other blocks extending into California as far as Salinas.

It is easy to say that Antle became overextended on money borrowed from Dow, and that Dow had to assume control or take chances in an involved bankruptcy proceeding. That theory does not look so reasonable when closely examined. Certainly Antle did expand to an extent that would have been overexpansion for him, but it is unlikely that Dow would have bankrolled him in that program. More likely it was all planned in advance, with the take-over to follow when enough acreage had been acquired. Dow had decided to get into agriculture, and did so through Antle.

Purex, until a year or so ago a manufacturer exclusively of bleaches and other laundry products, has bought two of the largest independent grower-shippers of

Arizona vegetables, one of them also interested in citrus. These acquisitions are only two of seven, the others being in California and Colorado and well dispersed as to growing seasons and maturity dates.

Sterling Precision Corp. of New York, a maker of industrial equipment, has bought 84,000 acres between Red Rock and Tucson, and is rapidly adding to its 5,000 cultivated acres. For all that anyone in Arizona knows, Sterling may be in other agricultural ventures in other states.

United Fruit Co., which has heretofore confined its agricultural operations to bananas and other tropical fruits in Latin America, is growing lettuce and other vegetables in Paradise Valley northeast of Scottsdale. United has never made any public announcement that it is getting into the domestic produce business, but it has done so here and probably is so engaged elsewhere.

There is reason to suspect that the real purchasers of Whitewing Ranch, north of Dateland, and several other large properties that have recently changed hands, are actually wealthy corporations with no previous interest in agriculture.

Why these investments in an industry that is in deep trouble on so many fronts, seldom earns large profits, and almost never nets returns comparable to those of manufacturing?

One theory is that the investors are hedging against inflation, in the expectation that land is a commodity which will always be in demand and will constantly rise in value as population increases.

That may be part of it. But another explanation is that financiers and economists have reached the conclusion that agriculture as we have known it is on its way out. They believe that the individual farmer, even the man with thousands of acres but all in one district, must inevitably succumb to the pressures of a changing economy. He must forever buy on a seller's market and accept what his crops will bring in the open market (plus, at the moment, what he can draw in government support payments).

Those payments will cease one of these days, the forecasters think. Crop marketing will become more haphazard than ever. Prices of machinery and everything else the farmer buys will continue their upward spiral. Unionization of farm labor must come and the farmer will be helpless against the likes of Cesar Chavez.

Corporation farming, it is reasoned, is the only answer. A company that grows many crops in many districts, with harvests disbursed through the year, can balance losses here against gains there. It can buy in wholesale lots, for all its units, at the lowest prices its purchasing agents can arrange. It can exercise enough muscle to deal with the unions if mechanization does not entirely displace hand and stoop labor.

The Antle venture and others of similar nature, according to this hypothesis, are only pilot projects and small in comparison with those to come.

This is a frightening prospect. Every rural American will hope that it will never come to pass, and every American of every station should feel the same. It is regrettable, however, that the evidence of the above theory's validity is not less convincing.

A TRIBUTE TO BJARNE J. SIGURDSEN, CLERK TO THE OFFICIAL REPORTERS OF DEBATES

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. OLSEN. Mr. Speaker, I would like to join my colleagues and extend my personal best wishes to Johnny Sigurdsen on his retirement after 32 years of devoted Government service. His service to this House and to the Nation has been deeply appreciated by those of us who have had the pleasure of his company. I have known Johnny not only as a diligent and loyal public servant but also as a warm personal friend. His presence on the Hill will be sorely missed, I am sure, by the entire membership. I wish him many happy years of retirement and personal fulfillment.

FCC CHAIRMAN JOHNSON HONORED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the RECORD a release from the National Citizens Committee for Broadcasting announcing a well-deserved honor to Commissioner Nicholas Johnson, of the Federal Communications Commission.

As one of Commissioner Johnson's friends and admirers, I am most happy to join his many other friends and admirers in noting this well deserved recognition of a distinguished American.

The release follows:

FCC'S NICHOLAS JOHNSON TO BE HONORED BY NCCB NOVEMBER 6

Federal Communications Commissioner Nicholas Johnson, whom some broadcasters seek to have "impeached," will be honored by the National Citizens Committee for Broadcasting (NCCB) for his championing of citizens rights in broadcast matters and deliver a major address at a luncheon at the St. Regis Hotel in New York City on Thursday, November 6.

NCCB Chairman Thomas P. F. Hoving, with the NCCB Board of Trustees, will preside at the luncheon. Charles Benton, President of Films, Inc., who was responsible for a two-year $200,000 Benton Foundation grant this past spring toward the Committee's work, also will address the luncheon.

Ben Kubasik, NCCB Executive Director, said the luncheon is being held to express support for Commissioner Johnson's steadfast and courageous stand in the public interest at a time when there is a rising tide of criticism against Commissioner Johnson and his philosophy from the commercial broadcasting industry and from some members of Congress.

At the same time, Mr. Kubasik revealed that more than 4,000 citizens have contributed to the support of the NCCB's work. Those 4,000 persons will be joined by thousands more people as they learn that the NCCB exists for them as a legally oriented organization dedicated to protecting citizens rights in broadcasting before the FCC and, if necessary, the courts," Mr. Kubasik said.

In commenting on the broadcast establishment's response to a dedicated and singular public servant, Mr. Kubasik said that "the tempo of both the open and covert attacks against Commissioner Johnson increases daily. These volleys come in the form of unjust and hysterical broadsides directed against him by Broadcasting Magazine, calls for "impeachment" by state associations of broadcasters, and further harassment and ridicule by the National Association of Broadcasters. Five state associations of broadcasters have petitioned the FCC, Congress and the President to 'impeach' Commissioner Johnson on the grounds that he does not represent the public interest. The NCCB disagrees, and believes that Commissioner Johnson is the best man for the job."

Mr. Kubasik termed Broadcasting Magazine the bible and the associations the chief tools of the commercial broadcasters' lobby. He noted that Boston College Law School Dean Robert Drinan recently characterized the broadcast lobby as "the most powerful in history—more intensive, more persuasive than the veterans or the bar or medicine." "The NCCB agrees with Dean Drinan's judgment," Mr. Kubasik said.

"It is easy to see why the broadcasters are opposed to Commissioner Johnson," Mr. Kubasik continued, "but there also are members of Congress who are inexplicably antagonistic to him and what he stands for. As the public's servants, these elected officials should be applauding the courageous stands taken by Commissioner Johnson on behalf of responsible broadcast service for the people of this country."

The luncheon will be attended by not only the NCCB's Board of Trustees and members but by interested private citizens actively supporting the Committee's work, foundation leaders, and national organization heads. The luncheon is planned as a forerunner to a National Strategy Conference on Citizens Rights in Broadcasting to be held at the New York Hilton on March 30, 1970.

In an invitation currently being mailed out by Mr. Hoving, Commissioner Johnson is quoted as saying, "to the extent that I have a constituency, it is made up of 200,000,000 Americans, those who do not have the millions of dollars for the highest priced representatives in Washington . . . I think that the broadcasting industry ought to be heard from (but) I don't think that (the broadcasters) ought to be the only voice that is heard. There are many other interests in our society besides those of broadcasters who are bent on making the greatest possible profit from their private use of this public property and these voices are also entitled to be heard.

Mr. Kubasik said, "To the extent that the NCCB has a constituency, we believe that they are the same 200,000,000 citizens as Mr. Johnson's."

ARAB TERRORISTS MENACE TO ALL MIDDLE EAST

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. CELLER. Mr. Speaker, the remarkable silence of the pro-West democracies in the face of the Lebanese crisis is scarcely understandable. The terrorist forces of El Fatah are factually not only encouraged but supported by Syria. Again factually, an independent and separate Lebanon is anathema to Syria's political ambition to embrace and absorb Lebanon. Lebanon, too, stands in her way as she seeks the annihilation of Israel. Note, too, that Syria released the two terrorists who hijacked the TWA plane to Damascus while she continues to hold two Israeli citizens, two citizens innocent of any defiance of law, international or domestic. Yes, this is the Syria only recently elected to membership on the Security Council of the United Nations, fomenting war and destruction in the area which she supposedly represents in an organization presumably dedicated to the maintenance of peace.

I have warned before that those countries who are permitting the Arab terrorists to continue in their acts of death and destruction against Israel are creating a monster which in turn will devour them. Let Syria question whether, if she permits the Lebanese Government to be tyrannized by El Fatah, will she not find herself in her turn on El Fatah's list of those to be destroyed. Let Iraq and Egypt ask themselves the same question.

There are other governments in history who sought to use lawless power believing that it could stay in control of a growing beast. Witness the Junkers who thought they could use and control Hitler. We watch in silence the destruction of moderate Jordan and watch in silence the destruction of moderate Lebanon and expect perhaps Israel to watch in silence as she becomes exposed to enemy fire from every direction.

It is at least understandable that the Soviet Union backs the Arab terrorist. Turmoil in the Middle East suits her not-so-cozy plan for a firm hold in that area of the world which is the gateway to three continents.

How red must the danger signal be before protective instincts are aroused to act?

The United Nations has proved to be both futile and cowardly in its treatment of the Middle East disturbances. The pro-Western democracies like England, France, and the United States, albeit belatedly, must clearly denounce the terrorist activities as a threat to world peace and must use such diplomatic leverage that will curb the growing power of guerrilla lawlessness.

ROLL UP YOUR SLEEVES FOR A DECADE OF CHANGE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BUSH. Mr. Speaker, yesterday at the 40th annual meeting of the Independent Petroleum Association of America in Houston, Tex., Mr. Andrew W. Tarkington, vice chairman, Continental Oil Co., challenged the oil and gas industry to take an honest look at itself and gear itself for the future.

Mr. Tarkington pointed out that the industry had too long assumed a mask of complacency confident that along with the increased demand for energy went public understanding of the need for exploration incentives. This fall the mask has been brutally shattered and Mr. Tarkington correctly stresses the importance of new action programs for the industry to increase public understanding and to increase business participation in solving the domestic problems of our society.

Mr. Tarkington stated:

With more business in government, rather than less, such action would lead to the day when "we will bring ourselves closer to the government so often denounced as 'them' . . . Our government has never been 'them', it is still 'we'."

Mr. Speaker, I insert Mr. Tarkington's speech in the RECORD at this point:

ROLL UP YOUR SLEEVES FOR A DECADE OF CHANGE

(By A. W. Tarkington)

Chairman Carrol (Bennett), my fellow inmates of the political doghouse. It's a great pleasure to salute IPAA on your 40th birthday. It's a warm personal pleasure to have been associated with you for over half that time. But if the treatment we are getting in Washington is their idea of a birthday party, I'd be happy to return to my own teens and start over.

Regardless of these political reversals, I do think that the 1960's which we will soon close out have formed a remarkable decade—in American history and the history of mankind.

They were also the years that shattered the mask of complacency which we in the energy industry have worn with some comfort for 20 years. By energy producers, I am not restricting myself to petroleum producers—but we figure prominently in such an assessment.

For example, a few politicians, some academic types, and some energy producers, too, have been unwilling to recognize that unless exploration is stepped up there is a very real possibility of national shortages. But now—as in the case of gas production—they admit it's happening.

For example, so much of our work requires highly skilled and experienced technicians that we could not imagine hiring large numbers of unemployables and training them. But now it's happening.

For example, with the staggering and ever-growing costs of finding mineral sources, we felt no one would seriously try to undercut the tax incentives that contribute to the continuing search for new discoveries. But, now it's happening.

For example, with the Mid-East in frequent economic and political turmoil, could anyone seriously suggest that we abandon our import quotas in favor of foreign oil and allow the nation's security to become dependent on those interruptible sources? But, now it's happening.

The irony of these aspects of the 1960's is that they all occurred in a decade when energy helped to boost man into space, and made it possible for him to walk on the moon.

The energy story is still spelled O–I–L and G–A–S. From all we know right now, for the next couple of decades the story is going to be spelled the same way. The roles we will play within that story will not be the same. The economics of business will change. The economics of exploration, production and marketing of oil will change. We all know that even if we don't talk much about it. And, the change will apply to independent producers as well as majors. But regardless of the changes, nothing can detract from the service to the nation that has been provided by the industry and by the independents—be it past, present or future service.

All of us in IPAA should be interested to know that the people in the "think tanks" are now predicting that by the year 2000 we may have foolproof methods of locating oil reserves. If so, they will have been a long time in coming.

The important thing is that you don't regulate or govern our industry by rules that might—or might not—apply 30 years from now. And as I look over the legislative bills that could do nothing but curb incentive in our industry, I think that is just what some lawmakers would like to do.

Dave True understands the need to apply sensible laws to our exploratory problems. Certainly his testimony in Washington said he did. I *know* that those of us at Continental know the importance of incentives for exploratory wells. If Washington is concerned about progressive development of our domestic resources, then the leadership must act positively to encourage that exploration—not undercut it.

With those considerations in mind I want to take this opportunity to salute IPAA for the hard thinking and the harder work that have gone into presenting the oil story in the Congress and in the communities of this nation. The thing we can least afford is to lose the incentive to search, the incentive to find and the incentive to produce more energy. The stand we took against Senator Proxmire's "sliding-scale" tactic on percentage depletion was, in my opinion, a vote of confidence both for America in 1969 and for this industry's ability to produce the energy we need in the 1970's. Your stand was right because the proposal itself came at the wrong time, for the wrong reasons, and against the wrong industry.

I do not say that we should always expect to speak with a single voice. Such a posture would not always be consistent with the best interests of the independent, nor would it necessarily be in keeping with our best national interests.

I believe the time has come for an honest look at ourselves and our place in society. Out of that should come an action program to recapture the excitement and the confidence of our publics. And, let's put the emphasis on *action* more than program. Until two or three years ago, opinion surveys showed strong public confidence in our ability to meet the demands for energy. The studies showed approval for the way we ran our business. Now the trend is in the wrong direction. Public confidence in our industry has eroded. As business managers, you and I should have foreseen the possibility of such erosion. But perhaps we were too comfortable in that mask of complacency. We saw ourselves as energy suppliers while the public's view was restricted to what they saw at the service station.

Little wonder, then, that when—for various reasons—we were bombarded with adverse publicity, the public simply didn't know enough about *our* role in *their* lives to say "No, this isn't true." We had done too little homework to retain their confidence. The education job was too big to do in a few months—too big to achieve even in one session of Congress. To me, the lesson is this: that unlike coffee, there is no such thing as *instant* public confidence—no such thing as *instant* education of our publics.

We cannot afford to repeat the confidence-slide of the last three years. But the only way to avoid a repetition is to be able to see three years *ahead*. We must identify the forces that are moving for and against us. If we had rolled up our sleeves earlier we would have already done this job.

What we have been through is more than a decade of achievement; it has been a decade for reckoning. We reassessed our social responsibilities and took vital steps toward new and more aggressive solutions. We took inventory of our wealth and our shortages. We questioned our values and our goals. In short, we laid the foundation for the 1970's, which is The Decade of Change.

While you may argue that every decade is a decade of change, this one will be, I think, special. Let's take a brief look at what is just ahead. We have heard of a generation of rising expectations. One aspect of this is surely rising consumption. Just after World War II Americans consumed 60 percent of the world's goods. Today that has shrunk to 30 percent. In the 1970's there will be a sky-

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rocketing consumption by other nations. In short, while we may presently have an edge on affluence, we have no monopoly.

By the end of the coming decade we will have about 3½ million more people in the working force, but we will also have about 16 million more non-workers—people either over 65 or too young to work. In other words, we will have one new tax payer for every five new dependents.

These developments are bound to affect the qualities as well as the quantities of our lives.

They mean that there will have to be more schools and more state aid for schools.

They mean more hospitals and nursing homes to care for the aged.

They mean more park and recreation areas. Not necessarily great wide open places far outside the cities, but lots of smaller areas near the city to which middle-income families can escape for afternoons and weekends.

They mean more money for pollution abatement and conservation of the wild land we have left.

And all these developments mean a soaring need for energy. They mean new markets and new opportunities—many of them in areas that today use relatively little energy. We don't yet know how dramatic those foreign needs will be. We do know that in this country alone, we will need to produce as much energy in the next two decades as we have produced in the past 70 years. Or, to put it another way, all the energy produced in the world prior to 1900 would not supply the needs of our next 12 months.

Consider the demands that will be made on the conventional uses of energy: More people—more affluence—more activity. What will happen to the 70% of our fellow Americans who have never flown and to the 55% who don't take a vacation each year? Consider, as well, those same groups of non-fliers and non-vacationers throughout the world. Travel will become much more the order of the day.

And what about the technological developments that require more energy for new uses. Recently I was looking over a list of 100 technical innovations that two of our best known futurologists say will come about in the next 30 years. Out of the 100, energy was the foundation of 87. It doesn't require much insight to predict that if we have individual flying platforms we will have a new use of energy. And what demands for energy will be placed upon us because of interplanetary travel?

Isn't it ironic then that while the public demands more fuel, more energy, more pollution control equipment, more job training programs, while we are called on to go to the money market for vast sums for exploration, Congressional critics cry that our earnings for the industry are too high?

Still more ironic is the charge that our earnings are too high when our actual rate of return on investment has been consistently below comparable rates of return for other industries. And with the mounting costs of drilling, of deeper wells, of labor, of pollution abatement—it becomes all the more important to at least maintain, and hopefully to improve, that rate of return.

Capital requirements within the industry have assumed vast new proportions and that trend will continue. Therefore, in our business, never has it been more urgent that we maintain the confidence of the entire investing public. Without that confidence we will simply lack the means to do the job. And if that should happen, there will be two groups of losers: a vital industry and—even more important—the consumer public.

Now let's look at the good news—or at least the better news.

I think we are making progress in Washington with the energy story. Much remains to be done, but I believe we can do it—if we continue to talk facts and good sense. Our trade associations have a tremendous job to do. But we as individuals have an even bigger job to accomplish. Still ahead is the Senate vote on the tax bill which carries the Senate Finance Committee's recommendation of 23% depletion. Beyond that is the debate that will take place on an entire tax reform compromise bill. Finally, the President himself will have to weigh the bill before him for signature or veto. I believe that history will prove that our strong defense of the 27½ figure for percentage depletion was justified. In fact, I predict that before long some of us will be called again before Congress—this time to testify on how best to restore and increase the incentives to produce the energy this nation must have.

What is important is the way we gear ourselves for the future: how clearly we tell the story of our work, our successes and our handicaps in continuing to meet America's energy demands. It is a time to roll up our sleeves. A time not just to fight but to build. A time to restore public understanding and support for our role in everybody's life.

Our biggest job will be to take a hard look at the goals of our society and be sure that we are constantly—day-by-day—associating our business with those developments and those goals.

Let's look at the coming decade with all its changes.

First, the age of the consumer—which is just putting down its roots—will hold an even firmer position in public importance.

Second, unless inflation is curtailed, its force will be reflected in our pricing policies.

Third, safety in production methods of all extractive industries will grow in significance.

Fourth, the voices for environmental protection will be louder and stronger than ever.

Fifth, there will be even more forces at work to dovetail industrial progress with solutions to our major social problems.

These form only the barest skeleton of futurism for our industry, but they offer some important considerations for the type of positive program that we must undertake. We must be *for* the consumer, *for* sensible prices, for safety, *for* environmental protection, and *for* solution to social problems. To favor such programs means, quite simply, that we must know the new rules of the *new* game. The new game involves government, it involves the community, it involves our future managers, it involves the independent, and it involves increased costs.

Our most important problem is not percentage depletion; it is not oil imports; it is not pollution abatement—however vital those problems are. Our foremost problem is to redevelop our base of understanding and informed support. But to achieve that goal, we must follow through with a positive program. We must audit our public relations and public affairs activities. We must be sure our advertising tells the right story. We must develop our base on the university campus with both students and professors. We must develop it with the housewife and at every strata of people. We must develop it with the media people and with consumer groups. We must develop it with the political precinct leader and in the halls of Congress.

As a recent example of the positive programs we can develop, let me recall the programs that so many oil companies are developing to get service station dealerships into the hands of more members of minority groups. A similar move is being made by the automobile manufacturing industry to provide dealerships to minority business men. All of these require extraordinary financing and training. But it's happening.

It is of the highest importance that we both create such programs and that we communicate our activities to our publics. Only through such communications will we overcome the charge of not being responsive to society's more important goals. If the student on the university campus knows the business offers him a meaningful way to serve his fellow human beings, we will have made a great stride in recruitment. We are going to have to spend more of our personal time with students and with professors.

I want to emphasize this group because in a very few years a much larger proportion of the power structure will be concentrated on the campus. Young people are becoming a larger part of our population. They will be increasingly important through their ballots regardless of their lack of contact with the business world. That contact must come from us.

It seems to me that the first step of any program of involvement in our socio-political environment begins by opening the doors of communication. For example, a public survey not so long ago showed that only 9 people in a hundred ever write a letter to their Congressman or Senator.

Faced with the vital issues all around us—and as before, I am not limiting this to oil issues—we must all speak to our representatives more often and with more conviction. The battle for the urgently needed incentives is not over. In reality it is just reaching a crucial stage and now as never before we must inform all Americans of this industry and this nation's needs. What we do say must be made positive. It is incumbent upon us to particularize our recommendations and our solutions. We must not accept even the status quo without an inquiry into its propriety in The Decade of Change.

We must accept and understand that what we did yesterday is not necessarily right for tomorrow. In short, today's problems are not as important as those of tomorrow. Without that realization—without that vision, there is no end—and can be no end—to this defensive posture that characterizes our industry today. If we are forward-looking, we will have the right to expect forward-looking treatment from the institutions of society and government. We will bring ourselves closer to the government so often denounced as "them." For surely we are willing and anxious to evaluate today and every day our policies and the needs of the society in which we operate. Our government has never been "them." It is still "we."

With that in mind let's evaluate the opportunities open to each of us in actual participation in government. Even to the point of seeking and accepting appointive or elective office! Even with notable exceptions to the rule that business people don't go to the trouble of getting themselves elected or appointed to office, I think our goals will be more important in the 1970's than they have been in the past. It is not alone a question of our own participation in elective or appointive office, but rather we should be structuring a corporate attitude which will encourage the up-coming generation of managers to understand that a few years of holding public positions is part of their ladder of advancement in business.

I do not see how we can say that there is a job waiting for the manager who enters the Army to fight for his country and at the same time leave any doubt in the mind of the person who is willing to spend a couple years fighting for the kind of progress that this country can only achieve through enlightened laws and regulations.

Our commitment must be one of total involvement. And that involvement is more than doing our job of finding and producing the energy that is so essential to our futures. We must work more closely with our institutions of government and of learning. We must be more visible in our communities' efforts to solve the social problems. We must recapture the waning confidence of our publics—including the essential support of the investing public. I know we can achieve that goal of confidence and once we have done so our publics will be more understanding of the incentives that are so vital to our industry.

Leadership always challenges our experience, our abilities and our imaginations. We are moving into a decade when those challenges will be sharper than ever before. Our words will neither save nor destroy our industry and our national future. But our actions will.

Let's you and I make that commitment to recapture the public confidence in the energy business. If we do, history will record the 1970's as the decade we indeed looked ahead—the decade we *spoke* a great deal and *did* a great deal more.

STATE DIRECTOR OUTLINES CIVIL DEFENSE NEEDS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. EDMONDSON. Mr. Speaker, the Oklahoma congressional delegation recently met with members of the Oklahoma State Committee on Interstate Cooperation, here in Washington, to discuss legislation which directly affects Oklahoma.

One of the main purposes of the meeting was to hear reports which were prepared by each State department and agency recommending changes and improvements in existing Federal programs.

Mr. Don Guier, Oklahoma's director of civil defense, has provided me with a copy of his report to the Oklahoma State Committee. I believe Mr. Guier's very thoughtful analysis of this Nation's need for an effective civil defense program, and his recommendations for improving our current facilities and training programs, are deserving of the attention and careful consideration of my colleagues. I include portions of Mr. Guier's report in the RECORD, as follows:

RECOMMENDATIONS

1. It is recommended that the federal civil defense budget be increased to a level adequate to sustain programs already established, and to permit federal matching of local funds for all approved civil defense programs. At present, less than ten cents of each hundred dollars the federal government budgets for defense is allocated to civil defense. Yet no other defense program offers as great a potential return in actual life-saving. Special emphasis should be placed on the state-federal cooperative efforts.

Civil defense is recognized as a joint responsibility of the federal, state and local governments by both federal and state laws. Local ordinances and local appropriations have been passed in compliance with federal and state statutes on the assumption that the responsibility would be shared. The State of Oklahoma has provided appropriations and model statutes at the behest of federal officials, and each succeeding state legislature has appropriated the requested amounts to provide the state share of funding, with gratifying expressions of support for a sound civil defense program in Oklahoma.

In contrast to this support by state and local governments (steadily increasing over the years in Oklahoma and in many other states), the federal appropriations for civil defense have been declining with each annual budget. One result has been curtailment of existing and planned programs at the state and local level. Another is a growing concern on the part of local officials as to the sincerity of the federal appeal for civil defense effort. The programs affected are of great value to Oklahoma in non-war emergencies, and could be of vital importance to our survival, as individuals and as a state, in the event of a nuclear attack on the United States.

The declining federal civil defense appropriations (fiscal year totals and those accounts relating specifically to *state and local* civil defense) are shown in Attachment 1. Effects of this decline on specific programs and communities in Oklahoma are set forth in Attachment 2.

2. Voluntary coordination of federally funded programs for emergency services is being carried out in Oklahoma, to avert duplication of effort, of expenditures, and of facilities. This type of coordination should be required by act of Congress. The Civil Defense Act (Public Law 920, as amended), the Highway Safety Act of 1966 (Public Law 564), and the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 351) all contain provisions for emergency facilities purchased in part or wholly with federal funds, by state and local agencies. The potential for waste should be removed.

3. Congress should pass the $2.5 million experimental shelter incentive program requested in the FY 1970 civil defense appropriations bill. This program would provide, on an experimental basis, funds to partially cover the extra cost of adding fallout shelter to new construction projects in places where existing buildings cannot shelter all the people. Experience in federal and state government construction (discussed in Recommendation 4 below) proves that such shelter modifications are economical and practical; it only remains to be proved that private sector builders will incorporate such modification if offered partial subsidy.

4. Oklahoma statutes require that all new state government construction include maximum protection against radioactive fallout when feasible at reasonable cost. Federal law makes the same requirement for certain federal buildings, but there is no such provision for

(a) buildings, such as postoffices, erected solely for lease to the federal government, or for

(b) buildings erected under the various federal grant programs (e.g., Hill-Burton Act hospitals, public housing, etc.)

This oversight should be corrected by an act of Congress.

BASIC CIVIL DEFENSE POLICIES

During the years following World War II, two strategic and technological developments created a need for a civil defense program which would include the entire United States. The first was the development of nuclear and thermonuclear weapons by the U.S.S.R., an empire whose government was avowedly hostile to this country. The second was development of ballistic missiles able to deliver these weapons over great ranges, or from vessels on or beneath the surface of the world's oceans.

Every community in America lies within reach of these weapons systems, although most are still not likely targets of war. A blue ribbon presidential commission headed by H. Rowan Gaither, and a privately financed study financed by the Rockefeller Brothers Fund, made in-depth surveys of the changed defense situation, reporting in 1957 to President Eisenhower and to the public, respectively. Both recommended many changes which were undertaken over a period of years. But both also recommended a long-range and elaborate civil defense program, which was considered too costly.

In 1961, President Kennedy transferred the civil defense responsibility from the Executive Office to the Pentagon. A policy of concentrating available resources on development of a nation-wide system of fallout shelters was adopted, and remains the basic civil defense policy today. This policy is a recognition that radioactive fallout constitutes the greatest single potential danger to life in a nuclear war.

An attack on the United States, if ever undertaken, would be made with nuclear explosives, delivered with maximum surprise. A nuclear explosion near the earth's surface at any point in, or in upwind areas adjacent to, the United States would produce radioactive particles. When deposited downwind of the explosion by wind or rain, these particles (known as radioactive fallout) constitute a hazard to all life not sheltered against radioactivity. Duration of the radioactive life of this fallout is limited. But extended exposure to the radioactivity means certain death.

COMMUNITY SHELTER AND WARNING

To provide maximum protection of individual lives and of the basic organizations of society, a program of community shelters and warning, with emergency operating centers for federal, federal region, state, district and local governments was undertaken, beginning in 1962. Oklahoma has been one of the leading states in developing this system.

Community Shelter Plans have been completed in 41 of Oklahoma's 77 counties (33 have been printed, 31 already distributed to the public). Nine more are in early stages of development. These plans utilize existing buildings to provide shelter against radioactive fallout.

PUBLIC SUPPORT OF CIVIL DEFENSE

Over 300,000 Oklahomans have volunteered for, and received, extensive training for emergency duties.

A total of 350 political subdivisions in Oklahoma have officially appointed local civil defense directors, and 199 local governments submit comprehensive program papers and semiannual progress reports on their civil defense programs.

There are 120 Oklahoma communities with civil defense emergency warning systems. These systems have been credited with saving many lives in tornadoes or other natural disasters.

Emergency Operations Centers exist at the State Capitol and at many local points. In all, 139 city and county EOC's have been built or are being built in this state alone. Of these, 52 were built or converted specifically for use in emergency operations of government. A heavy deficit of such facilities remains, and the program is hampered by curtailment of federal funding.

Continuity of government and emergency resource management are provided by state law in Oklahoma.

From these indications of public support, it is evident that support of a sound civil defense program in Congress would be endorsed by the electorate.

MULTIPLE-PURPOSE USE

The facilities provided for civil defense, and the organization to meet emergencies, are of great value to all levels of government in non-war or non-nuclear emergencies. Fallout shelters may not be suitable refuges from tornadoes or floods (but may be and in many cases are so used). But the warning and communications facilities, the emergency operations centers, and the control systems are frequently used to cope with local emergencies. The trend, in Oklahoma and nationwide, is to develop greater capability to utilize civil defense in the day-to-day life of the country and community.

The opportunity to present the views of the Civil Defense Agency on federal legislation is appreciated.

FEDERAL CIVIL DEFENSE APPROPRIATIONS

(In millions of dollars)

	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970[1]
Total	101.4	86.1	60.9	64.2
State and local matching funds:				
Personnel and administrative	17.4	18.5	19.1	19.1
E.O.C.'s warning and communications	10.9	9.0	3.8	3.8
Training and education	12.7	13.2	6.1	4.2
Shelter survey and planning	22.2	10.9	5.5	6.7

[1] House action—Senate has not acted.

EFFECTS OF FEDERAL BUDGET REDUCTIONS ON OKLAHOMA CIVIL DEFENSE PROGRAMS

Reduced federal financial support of civil defense has already affected Oklahoma civil defense programs. The trend to further reductions of federal participation continues to hamper these state and local efforts.

PERSONNEL AND ADMINISTRATIVE

Federal appropriations to match local funds for the Personnel and Administrative expenses programs have not kept pace with the growth of local participation. As a result, local programs are being refused matching funds, or discouraged from proceeding with planned development, in Cleveland County, and in the cities of Guymon, Elk City, Stigler, and Broken Arrow.

Federal Matching Funds, Personnel and Administrative, Oklahoma:

Total:	
Fiscal year 1967	$218, 094
Fiscal year 1968	244, 500
Fiscal year 1969	244, 328
Fiscal year 1970	[1] 244, 328

[1] Estimate.

WARNING, COMMUNICATION, AND EOC'S

Federal funds to match local funds for purchase of warning equipment, emergency communications equipment, construction of emergency operating centers and other emergency hardware items are being discouraged by state and federal officials due to lack of federal matching funds. Numerous communities have been denied federal participation in these projects after many years of planning, preparation and appropriation of local funds. Federal participation was anticipated in every instance.

Cities and counties where Warning is being refused or discouraged because of lack of federal participation: McAlester, being delayed; Enid, being delayed.

Cities and counties where Communications are being refused or discouraged because of lack of federal participation: Oklahoma City, refused; Claremore/Rogers County, being delayed; Clinton, being discouraged; Altus, discouraged; McAlester, delaying; Seminole, discouraged; Watonga, discouraged, Cushing, delayed; Midwest City, delayed.

Cities and counties where Emergency Operating Centers have been discouraged or refused because of lack of sufficient funds: Miami City, being discouraged; Norman City, being refused; Cleveland County Court House, being discouraged; Cushing City, refused; Midwest City, refused; Seminole City, being discouraged; Chickasha City, being discouraged; Tulsa, being delayed; Enid, being delayed; McAlester, being delayed.

Federal Matching Funds, Warning, Communications, Emergency Operations Centers, and emergency hardware, Oklahoma:

Total:	
Fiscal year 1967	$286, 085
Fiscal year 1968	154, 321
Fiscal year 1969	51, 286
Fiscal year 1970	[1] 35, 000

[1] Estimate.

TRAINING AND EDUCATION

Rural Civil Defense:

The Rural Civil Defense program which was conducted through the Extension Division of Oklahoma State University was cancelled at the beginning of fiscal year 1969.

Federal Funds for Rural Civil Defense, Oklahoma:

Total:	
Fiscal year 1967	$18, 000
Fiscal year 1968	9, 000
Fiscal year 1969	None
Fiscal year 1970	None

Skills Training, University Contract:

The skills training program, conducted on a state-wide basis by the University of Oklahoma, has been drastically reduced and is facing further curtailment.

Federal funds, University of Oklahoma Contract:

Total:	
Fiscal year 1967	$78, 000
Fiscal year 1968	90, 000
Fiscal year 1969	90, 000
Fiscal year 1970	67, 500

Civil Defense Adult Education:

The Civil Defense Adult Education program coordinated by the State Department of Education and conducted by the schools in Oklahoma, was reduced to token representation and will be cancelled or further curtailed shortly.

Federal Funds for Civil Defense Adult Education, Oklahoma:

Total:	
Fiscal year 1967	$122, 656
Fiscal year 1968	117, 000
Fiscal year 1969	75, 000
Fiscal year 1970	39, 771

Medical Self-Help:

The Medical Self-Help Training program operated by the State Department of Health has been eliminated. Up until FY 1969, federal funds were made available to Oklahoma State Health Department for purpose of promoting and carrying out an active Civil Defense Medical Self-Help training throughout the state, but due to the withdrawal of these funds, this program has been curtailed. Further, the federal funds for placement, maintenance and upgrading of Packaged Disaster Hospitals has been curtailed. During FY 1970 no funds are available for this program in Oklahoma. Oklahoma has 26 of these hospitals strategically placed throughout the state for emergency use. Each hospital is valued in excess of $45,000.00. The majority of these hospitals were scheduled for upgrading during FY 1969 and 1970, but this has been delayed or canceled due to lack of federal funds. Future of these hospitals is now questionable.

COMMUNITY SHELTER PLANS AND SURVEYS

It is doubtful that federal funds for preparing Community Shelter Plans for our larger communities will be approved for Oklahoma during this fiscal year. Requests from the Mayors of Oklahoma City, Lawton and Stillwater for these plans have been received and we still cannot provide any assistance. In addition, both Payne County and Canadian County are under consideration for funded CSP and will probably be delayed for lack of Federal funds. Funds to conduct shelter surveys of these areas are not available.

Funded CSP's (Major Cities):

Fiscal year 1968	$92,000
Fiscal year 1969	55,000
Fiscal year 1970	0

A federal Contract, which provides funds for the State Civil Defense Agency to survey the counties for fallout shelter facilities and to prepare CSP's for them, will terminate in May due to lack of funds and we will have to discontinue this vital part of our program. 18 counties will remain unfinished. Under this plan, each citizen of the community would be allocated emergency shelter space, with detailed instructions for finding and using this space for survival during a nuclear emergency.

Community Shelter Program, federal funds by Contract Periods, Oklahoma:

1966–67	$17,950
1967–68	101,157
1968	10,499
1969	93,758
1970	[1] 36,181

[1] Expires April 30, 1970.

WHAT CAN BE DONE ABOUT MAGAZINE SALES ABUSES?

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, in determining what can or should be done about widespread deception and fraud in the sale of magazine subscriptions, it is necessary to look at the subscription sales industry's past and present problems and ponder the question—"Are subscription sales agencies worth saving?"

Many individuals who have devoted a decade or two of their lives to selling magazine subscriptions have indirectly raised this same question by expressing a degree of doubt that subscription selling could possibly prove to be a profitable long-term venture if sales practices are totally cleaned up.

An opinion I have heard from many of these indicates it is virtually impossible to convince a consumer to buy $150 or $200 worth of magazines by telling him frankly he is about to obligate himself to a purchase of such magnitude. I have personally invited a number of representatives of the subscription sales industry and the publishers to prove me wrong by using one of my office telephones to make a sales solicitation. Not one has accepted my challenge.

In any event, when the average consumer is faced with the fact he is about to sign a contract obligating him to pay $150 or $200 for five or six magazines, that consumer is going to start thinking about the other things he could buy with that same sum of money—a new television set, a washer, a dryer, a dishwasher, even a freezer or refrigerator.

And when he does, chances are good he will refuse to sign the contract.

Thus, if subscription sales agencies are to sell subscription contracts of that magnitude, the average consumer must be misled in some manner—either by convincing him he is getting the magazines free or at bargain rates while paying only incidental charges for postage or wrapping or editing costs, or by misrepresenting the contract to be something other than what it really is.

Only a few years ago, the average contract for multiple, long-term subscriptions was about $48, spread over a 2-year period at $2 per month. Today, $150 and $180 contracts, requiring 30 payments of $5 or $6 per month, respectively, are commonplace. Some contracts, covering as many as eight or nine individual magazines plus assorted premiums or bonus gifts, run to $400 or $500. Sales agencies faced by extremely stiff competition have responded by becoming greedy and pushing contract packages so large they simply cannot be sold readily without resorting to trickery.

An example of the degree of competition can be found in statistics recently reported to me by Central Registry of Magazine Subscription Solicitors, the publisher-run and financed agency set up to police magazine sales practices. According to Central Registry, some 86,000,000 telephone solicitations are made annually to promote magazine sales. Since some 66,000,000 American households have telephones, every family in the Nation is likly to receive one or more magazine sales pitches by phone each year. But because many households have unlisted phones, chances are good the consumer whose phone is listed may receive two or more magazine sales pitches a year.

The degree of saturation is astounding. Precisely because the American consumer encounters magazine salesmen so frequently, either on his telephone or at his front door, many consumers have learned "the hard way" not to fall for the "unbelievable bargains" many of them claim were made "especially for you."

But to answer my own question about the merits of trying to save the subscription sales industry from impaling itself hopelessly on its own barbed spiels, I will do so in three steps:

First, I am not at all certain that much good can be said for the wandering crews of cash magazine salesmen which blanket the Nation year-in and year-out. The illicit tactics of these sellers stagger the imagination. As one member of a cash crew explained:

> We collected the paper boy's money at one house and sold magazines at the next.

By their own unscrupulous methods, cash sales crews have brought down upon themselves the wrath of every legitimate door-to-door sales industry, including some other types of magazine sales organizations. Unless the Federal Trade Commission can devise adequate and effective controls over cash sales organizations, then perhaps consideration should be given to total discontinuance of this type of magazine selling by the publishers themselves, to preserve the integrity of their publications.

Second, I am definitely convinced that a variation of the cash subscription sales method known as the two-payment system should be prohibited, and I will convey this suggestion to the FTC. Under the two-payment plan, the first or downpayment on the subscription cost is paid at the time of the sale directly to the salesman, who generally represents this initial sum as payment in full. Only after the consumer reads what he often is lead to believe is his receipt does he learn that he must mail a second payment to the sales company or publisher before his subscription actually is entered. There is no justification to permit this type of subscription selling to continue, in view of the widespread misrepresentation of subscription costs which results.

In any event, I believe the Federal Trade Commission must take steps to halt the practice by cash and two-payment sales organizations to secure subscription orders by claiming to be students competing for scholarships, trips to foreign countries, and so forth. This contestant sales approach is a type of sympathy selling in which the salesman preys on the conscience of the consumer to buy magazines to help the salesman win points toward his scholarship or trip. Frequently, the sympathy is intensified by utilizing a civil rights pitch employing minority group members as sales personnel. Sales by intimidation often result from this method.

Third, only the PDS—paid during service—subscription sales organizations have something to offer consumers which really merits preserving—that is, long-term financing of multiple, long-term magazine subscriptions. Yet this one really attractive sales feature the PDS organizations have to offer—relatively low cost, long-term financing—is the very feature most PDS agencies fail to exploit. Instead, most rely on consumer deception or fraud to secure a signature on a contract.

If PDS selling is to survive, however, it must be cleaned up, it must be strictly controlled, and it must make a distinction between greed and business enterprise. It is the greed which has plunged PDS selling to its present state of gutteral activity. It seems obvious the industry cannot go on regulating itself because several decades of consumer deception proved self-regulation a joke. I believe the policing can best be done either by the Federal Trade Commission or a proposed Department of Consumer Affairs, provided either agency is given the tools to provide effective enforcement.

One vitally necessary tool is the authority to secure temporary injunctions to halt immediately those practices a Federal regulatory agency believes to be deceptive or fraudulent. We can no longer tolerate delays of 4, 5, or 6 years before known deceptive practices can be halted. The Deceptive Practices Act will provide this injunctive authority and I intend to co-sponsor this measure in the House.

Also, I intend to introduce in the House with slight revision a bill which has been introduced in the Senate by Senator PHILIP HART, of Michigan. This bill, commonly known as the Fairness in Franchising Act can put an end to some of the bad features of magazine franchising. It will require the parent organization to serve 90 days notice of intent to discontinue a particular franchise, and clarify the franchisee's rights to contest such discontinuation. To this proposal I plan to add a section prohibiting the parent organization from "dismissing, reassigning, delegating or disavowing" its responsibility for use of fair and lawful business practices, "if in fact the franchisor or its agents or employees exert influences over the conduct of franchise operations which encourage the use of deceptive or unlawful business practices."

In addition, in the very near future, I will introduce in the House a revised version of the Door-to-Door Sales Act which passed the Senate in the 90th Congress but failed to win consideration in the House. This measure is authored by Senator WARREN MAGNUSON, of Washington, and contains several provisions which can provide protection against certain deceptive practices commonly used in subscription selling. A key feature is the establishment of a 72-hour "cooling off period" during which time the consumer may cancel a contract for goods or services sold door-to-door. The bill requires that this right to cancel be printed clearly on the sales contract.

I am going to ask the magazine publishers themselves to take several steps to reduce the likelihood that consumers can be misled when buying magazine subscriptions. If voluntary action is not achieved, I will introduce legislation to accomplish these objectives. Specifically, they are:

To clearly identify on each address label the exact month and year when a subscription will expire. This will allow the consumer to determine by glancing at a current issue of any magazine he receives exactly when his subscription will expire. Also, he will be able to determine if a new subscription has been entered for the proper length of time.

To imprint clearly on any mail solocitation of subscription renewals the exact month and year the subscriber's current subscription is due to expire. This will enable the consumer to judge whether he should respond to the renewal offer. Also, he will be able to determine exactly how long his subscription will run if he decides to renew.

By clearly printing the month and year of expiration on the magazine address label the consumer will be equipped to detect if subscriptions purchased from salesmen have not been entered for the period of time shown on his contract. This will help to halt an abuse of contract manipulation which is widespread in the PDS subscription sales industry—although some magazines already provide this information on their address labels, others use a code which cannot be read by the average consumer.

Still another step which I have considered to halt subscription sales abuses involves the establishment of a Federal system of licensing for sales agencies engaged in interstate commerce. I have some serious reservations about licensing, however, and am not pursuing this idea at the moment. Similarly, while I have serious reservations about licensing of door-to-door salesmen at the local level, a local solicitor licensing law often is a community's only available defense against unscrupulous sellers. Further, it is the only means by which a local community can determine whether persons invading the community as members of traveling sales crews have serious criminal records.

Like many other business activities, there also is a problem in subscription selling associated with the use of sweepstakes, contests, and games of various types. The Federal Trade Commission's Bureau of Industry Guidance is looking into the problems posed by these games in an effort to find methods to control abuses. I have referred to the Bureau, information about games used in magazine subscription sales with the hope that abuses involving these games can be considered during the course of the study.

PROOF OF THE "VIETNAMIZATION" PUDDING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FRASER. Mr. Speaker, an interesting article on "Vietnamization" appeared on the editorial page of today's the Wall Street Journal. It is written by Robert Keatley and I include it in the RECORD at this point:

PROOF OF THE "VIETNAMIZATION" PUDDING

(By Robert Keatley)

WASHINGTON.—The performances fit a predictable pattern.

Briskly, the intelligent and highly regarded military man enters the briefing room. Slide projectors and microphones await him. Assembled in neat rows are members of the Pentagon press corps, plus a detachment of military public relations men there to monitor his words.

The briefer gives a rundown on some phase of the Vietnam war, liberally illustrated with those slides and charts senior staff officers use so well, then fields questions. Throughout, he emphasizes the success of "Vietnamization"—the Nixon program for turning over responsibility to Saigon's armed forces and civilian government.

His news is mainly good. The Communist enemy is being bashed about, pacification is going well, the South Vietnamese are showing unprecedented will and ability, all of which allows visiting Americans—for the first time—to work themselves out of jobs and go home. "Of course, some problems remain," the speaker invariably cautions, briefly ticking off common complaints about poor leadership, lack of technical skills, limited aggressiveness. But the picture is basically upbeat, and portrays an ally who is bettering his nefarious ways and learning how to take over duties with far fewer Americans there to help him. All in all, a vindication of the policy of Vietnamization.

Newspapers, please copy.

SOME MARKED CHANGES

Overall, the briefings are neither wrong nor unwelcome. A recent return visit to South Vietnam found marked changes from a year earlier—security has improved, enemy initiatives are diminished, the government does perform better and control more. It is even possible to find officials, such as the energetic province chief of Dinh Tuong, who talk of "now or never" and say Saigon should and must begin to stand alone.

Further, it may be unfair to expect the Pentagon—in doing its bit to sell Vietnamization to a skeptical populace—to do much more than offer a flood of facts about the military's mission and make responsible officials available to field questions. If the Nixon line remains unclear to the people, the fault may be partly their own, or that of the media—not entirely of those in charge.

Yet there is something disturbing about these briefings. Briefings, by definition, offer highly selective truths, and no official who values his career will choose facts that indicate his program is misguided, overrated or a failure. He doesn't necessarily lie; he simply chooses his truths with discretion.

Selective information inputs aren't limited to press briefings, of course. A President—whether Kennedy, Johnson or Nixon—hears similar accounts of how things go in Vietnam, and must base his decisions on them. President Nixon is getting optimism from the Vietnamization front these days, and this obviously was an important factor in his Monday night speech.

He nearly wrote off the Paris peace talks as a way out of the Asian morass, and said continued success in upgrading Saigon's efforts offer the best exit for Americans. "As a result, our timetable for withdrawal is more optimistic now than when we made our first estimates in June," he told the nation.

But doubts persist, if only from force of habit, and they leave most of us, whose knowledge of Vietnam may be limited to a briefing here or a visit there, somewhat confused about what to believe. A recent Pentagon session with Brigadier General John Barnes, much-praised former commander of the Army's 173rd Airborne Brigade, illustrates the point.

General Barnes' 7,000-man unit is based in mountainous Binh Dinh Province on the coast north of Saigon. An astute analyst with advisory duty in this central region before gaining his command, General Barnes decided that rampaging around the jungles after elusive North Vietnamese troops was no longer the right ballgame, if it ever was. "Treat them like tigers," he explained at the briefing. "If they're holed up in the hills they can't hurt you, and you shouldn't waste your energy chasing them."

Instead, the general put his men to work on an intensive pacification program in Binh Dinh's four northernmost districts, which had been largely Communist-controlled since 1945. He assigned small units to provide village security in active partnership with local militia forces ("co-located," in Pentagon jargon). The main GI task was training South Vietnamese to do the job unaided. Along with this went assorted social and economic programs to make the Saigon government (GVN) more responsive to local needs, more effective and more respectable in peasants' eyes.

The goal: To revive a society that has suffered greatly from war. "We're trying to restore their lives," the general explains. Further, he believes the unique program is working well—nothing similar has been tried previously on such a scale. The general says it will permit the 173rd to leave Binh Dinh by year-end if all goes well, leaving behind a viable local government and security force.

This briefing was cited by Defense Secretary Laird as describing Vietnamization at its best. But, as with so much of this complex struggle, the story has other elements as well—ones not covered in the pressroom session.

RISING LOCAL TENSIONS

Thus, another responsible American official recently visited this Binh Dinh area and returned appalled by rising tensions between U.S. soldiers and villagers. Troopers of the 173rd, he reports, run low on local currency before payday comes, and thus lack cash for buying pot and prostitutes on the local market. Their recourse is direct—they hold up the three-wheeled Lambrettas that ply Vietnamese roads as buses and cargo carriers, and take what they can get. Presumably this highway robbery involves only a few of the 7,000 men of the 173rd, but it happens often enough to have aroused widespread resentment against GIs among local people, the official reports.

Furthermore, American harassment of ordinary Vietnamese is increasing, according to several sources it sometimes takes the form of rather casual cruelty.

One Vietnam analyst, who has spent much of the past four years studying village life there, was in Binh Dinh recently revisiting hamlets just south of the 173rd's operating area. Watching an American Army truck roll through a small town one day, he saw a soldier in back deliberately toss a heavy sandbag through the windshield of a passing Lambretta. A week before, in the same village, a sandbag was dumped onto a Lambretta-load of lumber; a board flew up and put a nail in the driver's eye. Stories abound about American troops beating up old men, deliberately running cyclists off the roads, and otherwise harassing citizens for no special reason.

Such incidents used to be rare, but no longer. American soldiers complain bitterly about the "gooks" and "slopes" around them, and treat local people with contempt. Not entirely is that without reason. So many they meet are pimps, prostitutes, black marketeers and others out to enrich themselves—these people would be hard to like anywhere, least of all in a setting as foreign as South Vietnam.

The Vietnamese return this little-disguised dislike in full measure. Many villagers resent Yanks as crude oafs who bring only war and other trouble (not that they want the Vietcong around either), while intellectuals resent Americans for not being suave Frenchmen. By all accounts, such harsh feelings are intensifying on both sides.

Thus how can we really know what men of the 173rd, or any other U.S. unit, are really accomplishing with their pacification programs? Subtract the random robbery or beating from the newly constructed schoolhouse, and what is the result?

Such questions could be irrelevant if, in fact, the advisory effort is creating a viable GVN. Perhaps a serious government will remain after troublemaking Americans go home, and today's extensive friction will leave no lasting adverse impact. In that sense, at least, the problem could be grave but not serious.

There's no doubt that most American energy is finally being channeled into upgrading GVN abilities, General Barnes, for one, stressed to officials he met that "we're not coming back. This is your chance to make it, or fail." He claims success: Many local civil servants began to take their jobs seriously (one medical worker ventured off the main roads for the first time since 1954), and he detected popular appreciation of such changes. "A new spirit," the general calls it.

But is it? Until GVN officials begin worrying more about the populace and less about

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enriching themselves, nothing lasting will result, many Americans insist—and they don't think any such change has occurred very widely.

General Barnes, somewhat diplomatically denies all knowledge of serious corruption in Binh Dinh. But one province chief there was recently fired for corruption, and by all accounts was guilty as charged. However, some informed reports say his real sin was not stealing Saigon's money but refusing to kick back enough to the Vietnamese general who bosses the highlands region. One account has it that the ousted official lost his job for refusing to let this general's wife peddle rice in Vietcong country. In effect, she wanted to sell food to her husband's enemies. (Many corrupt officials let their wives handle the dirty work.)

The story may be false—so many are—but apparently it is believed by many in Binh Dinh. Thus, to some degree, it offsets GVN good works aimed at achieving acceptability as does a companion belief that the new province chief's main qualification is complete willingness to kick back without qualm whatever his boss desires.

But how important is this? Authorities agree that the present highlands general is a vast improvement over the warlord he succeeded. And the present Minh Dinh Province chief, no matter what funds he diverts, is also hardworking and active. Perhaps Vietnamese corruption, though it exceeds the Asian norm, is no bar to stability, or to a government that does deal seriously with local problems.

AN ORDAINED "SUCCESS"?

So not even the combination of GI malice and GVN venality necessarily foredooms Mr. Nixon's Vietnamization policy. It could work smoothly. Some believe its "success" was ensured the day it was decided upon; Washington, wanting to justify its politically required troop withdrawals, isn't about to let unpleasant facts interfere with the preordained result. On the other hand, the whole program eventually may prove irrelevant to Vietnamese needs—its goals are mainly set by Americans—or it may simply fold when U.S. dollars stop flowing.

But canned briefings here will probably never tell precisely how things are going, and shouldn't be expected to. Both government officials in private and the press in public must rely on such appraisals. Yet General Barnes is probably right in his conclusion: "We really won't know what we've accomplished until we leave them on their own."

AMERICANS SHOULD NOT BE DETAINED WITHOUT DUE PROCESS OF LAW

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. PELLY. Mr. Speaker, there is grave concern in America today over the Internal Security Act of 1950 which legitimizes the detention of Americans without due process of law.

It remains a fact in our land that the President can declare an emergency and the people can be placed in detention camps without trial, in contravention of our constitutional guarantees.

Recently there was passed a memorial of the County Council of King County, Wash., regarding the matter, and under unanimous permission, I insert this memorial at this point in the RECORD:

MEMORIAL

To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled,

We, your Memorialists, the County Council of the County of King, State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, Title II (the "Emergency Detention Act") of the Internal Security Act of 1950 provides that the President can declare an emergency, and people can be placed in detention camps without trial, "if there is reasonable ground to believe that such a person will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage," and

Whereas, in 1942, 109,650 Americans of Japanese ancestry were removed to detention camps, some of their property and personal belongings were lost as a result of this action, and their loyalty to this nation's government was challenged without protection under law through trial; and

Whereas, in 1942, American citizens of German and Italian ancestry were not subjected to similar injustices and humiliations; and

Whereas, minority citizens recently have become concerned that those circumstances might be re-enacted, and that camps established under the McCarran Act might be re-established; Now therefore

We strongly urge that the Congress of the United States repeal Title II of the Internal Security Act of 1950, which section of the legislation is inimical to a democracy, and which legitimatizes the detention of Americans without due process of law.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the United States Congress from the State of Washington.

Passed this 27th day of October, 1969.

THE TEXT OF THE PRESIDENT'S PRAYER BREAKFAST

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. DEL CLAWSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include the proceedings of the congressional prayer breakfast at the White House in which I was honored to participate. The President so well recognizes the importance of prayer in the home that he has set the example for the Nation by starting the day with prayer in his home, the White House. The transcript of the White House observance of the National Day of Prayer, October 22, follows:

PRAYER BREAKFAST

The PRESIDENT. This morning we begin the National Day of Prayer. As I was determining what would be the most appropriate appearance for the President on this occasion—as you know, this is an annual occasion through the proclamation of the President of the United States—it occurred to me that it would give me an opportunity to participate again with many of my old friends and many who came to the Congress and Senate years after I left it from the House and Senate prayer groups. So today we have the Wednesday group, the Thursday group and the Friday group. And now and then I see some of you here on Sunday.

I particularly want to say that I am most grateful for the fact that over these months that I have been here that you have invited me to come down to the prayer group. I was not, perhaps, as regular an attendant as I might have been, or should have been, when I was in the House and Senate.

I was a member of both groups, and I found it particularly helpful and particularly inspiring to meet with my colleagues and take that bit of time off on either Wednesday, as it was in the House, or Thursday, as it was in the Senate in those days, for the purpose of an inspirational meeting.

This morning we thought that all of you would like to have participation from both the House and the Senate.

We are going to have for our invocation, a Californian. That is only a coincidence. It just happens that he was selected by his colleagues as being one who could best participate—Del Clawson of California.

Congressman DEL CLAWSON. Reverently and humbly we pause this morning, our Father in Heaven, and reflect upon those things that have made and preserved this Nation. As we meditate here together we give thanks for those men who were willing to place upon Thine altar their lives, their fortunes and their sacred honor and we ask Thy blessing and Divine Guidance to be with us because we ask the question, can we do less than they in order to preserve their heritage that we enjoy?

We give thanks also for the men who serve today in leadership capacities. Let Thy helping hand rest upon Thy servant Richard Nixon and during the loneliness of decisionmaking, let the guidance and inspiration that is necessary from Thee, give him sustenance and solace, recognizing that as long as he looks to Thee in faith and understanding, that inspiration will be his and he will know and understand when the decisions are right and proper for this Nation and the world.

For all of us who serve in public capacities, let Thy spirit dwell with us and abide with us that we might recognize that righteousness exalteth a Nation and only through the use of both spiritual and eternal values and principles that are so basic in our lives can we permeate not only the people of our own Nation, but the people of the world with Thy word.

We are also grateful for the many blessings that we enjoy from Thy hand in a material way. We ask for a continuance of them as we deserve them. And for the bounties that we have enjoyed this morning, the goodness of Thy grace, we give Thee thanks.

Help us to use the strength we have derived therefrom in the service of our fellowmen, recognizing that when we are in their service we are in Thy service, for we ask it in Jesus' name. Amen.

The PRESIDENT. For the Scripture reading we turn to the Senate side and to an old friend. I have served with him in the Senate, when I was presiding over the Senate and prior to that time, Wallace Bennett.

Senator WALLACE BENNETT. In making my selection last night, instead of selecting a block of Scripture, I have chosen six scattered verses from the Book of Proverbs, six variations on a theme. The theme has already been stated by Congressman Clawson.

My first verse was: "Righteousness exalteth a Nation, but sin is a reproach to any people." "The way of the wicked is an abomination to the Lord, but he loveth him that followeth after righteousness." "The righteous shall never be removed, but the wicked shall not inhabit the earth." "The Lord will not suffer the righteous to famine, but he casteth away the substance of the wicked." "The fear of the wicked, it shall come upon him, but the desire of the righteous shall be granted." "He that followeth after righteousness and mercy findeth life, righteousness and honor."

The President. Before we turn to Billy Graham, who will be here to bring us our message this morning, the script calls for some remarks by the President of the United States, by your host.

I have been trying to think of what would be appropriate. Last night we had a great State Dinner with the Shah of Iran, as is often the case in this room, and today we have a very different kind of a meeting, and yet it has very great meaning to all in this room.

This is truly an ecumenical meeting. There are Catholics and Protestants here, and among the Protestants, all the various groups or most of them are represented, the very large groups like the Baptists, the Presbyterians, the Methodists are in this room, and some of the smaller ones like the Mormons—the medium-sized. The Mormons grow, I find.

I imagine I am the only Quaker in the room. No, there is one other. Well, the Quakers have a tradition of worshiping in silence. I suppose that is why so few of them ever got to the Senate.

But, nevertheless, it seemed to me that I could bring you two thoughts before Billy Graham speaks to you that would be very appropriate this morning.

Over that fireplace when Franklin Roosevelt was President, an inscription was carved into that marble. Those of you who are close enough can read it. I think it is a very memorable inscription, particularly because of historical significance.

As you know, George Washington never lived in this house. The first President to live in it, and he lived in it even before it was completed, was John Adams. When John Adams, just prior to the completion of his term in office—his only term—returned to Washington, he was thinking of the future of this house and all who might live in it, and I am sure he even with his great faith, as all had faith in the future of the Republic, would not have been able to predict what would have happened now to the strength of America and how strong we are, this great nation.

But he wrote a prayer, a prayer about the Presidency, this house and what it means. I think it is well that it is inscribed there and perhaps it might be well to read it now.

It says: "I pray Heaven to bestow the best of blessings on this house and on all that shall hereafter inhabit it. May none but honest and wise men ever rule under this roof."

Now, as we look over our Presidents through the past 190 years, I think most of us would agree they were honest men, and history will perhaps have a considerable debate as to whether all of them were wise men, or at least as to the extent of their wisdom.

But no matter how honest or how wise they were, I think all of us realize that at times of great challenge to our nation, whether during the bitter war between the States or whether during the other military challenges or economic challenges which this nation has faced, particularly in this century, we know that during those periods there had to be something more than honesty and more than wisdom in the leadership of this country, whether it was in the President of the United States or in the Members of the House and the Senate.

There had to be, we believe, some call to destiny. I would prefer to say there had to be that spiritual quality which we can feel in this room this morning as we meet with this group of Senators and Congressmen who recognize the spiritual heritage of America, how important it is, that there are times that we need help beyond ourselves, beyond what any man can give us in order to make the right decision for the nation.

Now among the Quakers—not all—but among the Quakers at least as my mother and my grandmother on my mother's side knew them, there was a different tradition. The Quakers worshiped in silence. Well, the modern-day Quakers, most of them have Ministers just as do Methodists, the Baptists and the rest, but even they always turn to silence now and then as the medium where each in his own way could think of his relationship to the problems around him and to the spiritual relationship he had with his Maker.

I am not going to suggest this morning that we worship in the manner of the Quakers, because those silent meetings my mother used to take me to would last for an hour, an hour when all would gather in the meeting house and would sit without a word being spoken during the whole period.

I do think this morning, though, that before Billy Graham speaks to us, that it would be appropriate if all of us, for a few moments, would sit in silence. I would not try to suggest what we would think about, except to say that at such a time we can think of our nation and we can think of those who try to defend it abroad. We can think of its tragedies and we can also think of what we can do to make life better for those who will follow us in this house and in the Halls of Congress.

But most of all, we can think of our own relationship to our colleagues, our own responsibilities, whether they not only have the ingredients of honesty and wisdom, but whether sometimes they have that extra ingredient of a spiritual quality, a spiritual quality which history tells me every President who has ruled in this house has turned to or has exemplified when very difficult decisions were before him.

So if we could have that moment of silence in the manner of the Quakers now, and then Billy Graham will speak to us.

(A moment of silence was observed.)

Dr. Billy Graham. Mr. President and Members of Congress.

I think it is very fitting on this Day of Prayer that has been proclaimed by the President that we gather here in this house with all its history and all that it means to all of us as Americans. And certainly the President has turned the house, at least partially, into a sanctuary. And this is fitting, too, because we have historical precedents for it in periods of crisis in this country.

I remember hearing the story of a lady from Southern Texas, a Southern Baptist, who went to England, and she went to church on Sunday morning at Westminister, and here were the people in all their robes and all the dignity and all the ceremony, and she didn't think she would hear anything that would remind her of her Southern Baptist heritage, but when the clergyman got up, after all the kneeling and standing and the liturgy, he began to preach from the Bible.

Well, that quite amazed her and he said a few things which she agreed with and she said, "Amen, Brother." This, of course, shook the audience and the Minister almost lost his train of thought, and he said something else she agreed with, and she said, "Preach it, Brother."

Finally, an usher came and tapped her on the shoulder and said, "Lady, you can't do that in here." She said, "But I have got religion." He said, "But you didn't get it here."

It has now become possible that you can get religion in the White House, and as a matter of fact, last night a man who works here told me about his own spiritual experience in the last few months while working here at the White House under two Presidents who believe in God and who worshiped God.

In thinking about what I wanted to say this morning, there was a statement that John Foster Dulles said that I would like to read, because I think it is appropriate here this morning.

He said: "All else avails us little. The lack cannot be compensated for by politicians, however able; by diplomats, however astute; or by scientists, however inventive; or by bombs, however powerful. Our greatest need is to regain confidence in our spiritual heritage."

I believe one of the purposes of our gathering together today is to regain confidence in our spiritual heritage which has always been the warp and woof of this country.

In "A Tale of Two Cities," Charles Dickens is trying to describe in that historical novel the French Revolution, and he begins the novel in the year 1775, and he begins with the paradoxical statement that it was at once the best and the worst of times.

In this manner he tried to express the fact that at times of unrest, when major human issues are beginning to take shape and momentous happenings seem to loom in the future, men react in confusion, some believing that great good is being achieved and others that great evil is inevitable and each holding to their views fervently.

We are living today, as all of us know, in a period of great stress and great strain. "Life" Magazine has been running in the last two issues, articles on revolution. In the current issue of "Life" Magazine it says this: "It is plain that we are living in profoundly revolutionary times. There is anger. There is a growing mood of violence. There are organized revolutionaries on campuses and in ghettoes. They have turned campuses into devastated battle grounds. They have engaged police in bloody battles in the city streets."

Jesus once said that there would come a time when men's hearts would fail them because of fear, and he said that there would come upon the earth distress of nations with perplexity, and that word "distress" means pressed from all sides, and the word "perplexity" means no way out.

I read the Congressional Record every day—not all of it, but I skip through it, and get some of my speeches from it, and sometimes I wish I could contribute to it, but I sometimes have a feeling that some of you feel that there may be no way out, that perhaps we are now facing problems that seemingly are insoluble.

I believe there is a way out. You see, Jesus said that there would come a time at "X" point in history when the whole world would have this feeling.

Albert Camus said, "There is no exit from the human dilemma." Jean Paul Sarte wrote a book entitled, "No Exit." Sir Winston Churchill said, "Our problems are beyond us."

Have our problems reached the point of such pressure that there is no way out? I think that we have faced four periods in American history when this was true, and we took the same route out of our problems each time.

I think you have to go to Valley Forge and have them explain to you what happened there that winter when George Washington had our troops there, the thousands who deserted, the thousands that died, the few thousands of ragged men suffering from malnutrition that were left.

You have that picture of George Washington on his knees in prayer and then you are told something that I have not read in many books, that little prayer groups among those men took place all over that area in which they were praying that God would help them.

I believe out of that turning to God came the solution to the problem in the Revolutionary War, and ultimate victory. So that when General Eisenhower went there once and looked over that place, he said, "This is where they got it for us."

Then, the second time in American history, I think, was the Constitutional Convention, which seemed as though the whole thing was going to break apart, and we were going to go back and fall into thirteen separate nations.

Benjamin Franklin reminded them of the nation being founded by men who believed in God, and that group of men, going to prayer, and out of that prayer meeting, coming our Constitution.

The third time was in the Civil War. There have been many books written on the religion of Abraham Lincoln. Lincoln never joined a church. But Lincoln was probably the most religious of all the Presidents.

Carl Sandburg one day said, when asked why Lincoln stands out so in American history, it was because Lincoln quoted from the Bible more and had a deeper spiritual conviction, probably than any other of our Presidents.

I think this is true. He didn't have any famous ancestors or famous descendants. He stands like a mountain in a desert.

What was that quality that Lincoln had? In the middle of the Civil War he wrote something that I would like to read. He wrote, in his own handwriting what he thought about the will of God in the middle of a terrible crisis that had torn this country apart.

Here is what Lincoln wrote: "The will of God prevails. In great contests, each party claims to act in accordance with the will of God. Both may be and one must be wrong. God cannot be for and against the same thing at the same time. In the present Civil War it is quite possible that God's purpose is something different from the purpose of either party and yet the human instrumentalities working just as they do are of the best adaptation to effect His purpose.

"I am almost ready to say this is probably true, that God wills this contest and wills that it shall not end yet. By his mere quiet power on the minds of the now contestants, he could have either saved or destroyed the Union without a human contest. Yet, the contest began, and having begun, he could give the final victory to either side any day. Yet, the contest proceeds."

One can see in the life of Lincoln the terrible agony that he was constantly faced with and how time after time he turned to God, calling the Cabinet to prayer, kneeling in prayer with a woman who came to visit him, a Quaker woman, by the way.

And then in the South, Jackson and Lee. One day General Lee was asked, "Do you think the South is going to win?" He said, "I don't know. My prayer is not for victory, my prayer is the will of God be done." General Lee and Abraham Lincoln battling each other over issues that they firmly believed, but both looking beyond themselves to, as the President has reminded us, a spiritual quality, to a supernatural power, to lead us at this hour.

I wonder if the fourth crisis is not the present crisis. I wonder if the time hasn't come for us to look even beyond the Congress and beyond the Executive and beyond the Judicial to the supernatural power of God that I believe has intervened in American history before. I wonder if this may not be the avenue of our salvation at a time of great confusion and frustration and crisis.

A psychiatrist friend of mine says that there are three simple rules to determine whether or not a person has good mental health. I think these three rules can be applied to a nation.

First, a person must be able to give and receive love to be mentally healthy. Give and receive love. And the one dominating feature of the true Christian is love. Jesus said, "By this shall all men know that ye are my disciples in that ye have love one for another." Now His disciples disagreed with each other. There was dissent in His little group, but it was done in a spirit of love.

One of the great needs we have in America today is love. I had a group of black clergymen call on me the other day. They come from an area that has been torn apart. They said, "Mr. Graham, unless we have love come back into our community, we are in for hell in our little area."

And they said, "The only thing that is going to do it is if God intervenes and gives us love for each other." We got on our knees and prayed and I wish you could have heard those black men call upon God to baptize their community with love.

The generation gap, the racial crisis, the labor-management, where are we going to get this capacity to love each other that brings about healing? I think it comes from God and I think it comes in answer to prayer and meeting the conditions that God has laid down for spiritual renewal.

Our President has said, "Ours is a crisis of spirit." The great problem in America today in my knowledge is a spiritual problem. It is a spiritual problem and until we face it and attack it from that point of view, I think we are in for more trouble.

The second thing, my psychiatrist friend says is, a person must have a good opinion of himself to be mentally healthy. I think, personally, that we are tearing each other down too much and tearing the country down too much.

There are so many wonderful qualities about this country and even among these young people. I have spent a lot of time at universities and colleges and I have talked to a lot of these young people, and their's is really a spiritual search.

We just held a crusade in California and we averaged about 40,000 to 50,000 people a night at Los Angeles and 70 percent of those people were under 25 years of age.

There was a fellow with a long beard and long hair and granny glasses, who got on a plane and came down from Berkeley. He saw me on the Woody Allen Show, and he said, "You know, I believe that guy has got something. I want to hear what he has got."

When I gave the invitation to receive Christ, he came forward and made his commitment. A clergyman in Berkeley, where he went back to, said the fellow has now decided that he wants to be a clergyman.

When I gave the appeal there for people to come, 2,000 or 3,000 a night came. I made it hard and tough. I told them what it cost to follow Christ. I find that these young people accept a challenge if it is hard enough. If you tell it like it is, right from the Bible, about how hard it is to love, how hard it is to live, they respond, and what we see among our young people today is a spiritual search, and we have thrown them stones when they have been looking for bread. That is why the young people in Paris and Berlin and in America have been lashing out at what they call soulless materialism.

Sargent Shriver invited me last summer over to Paris to talk to a group of these students who had been engaging in the demonstrations in Paris. He said, "I want to find out what kind of a dialogue you could have with them."

I accepted his challenge. We had several hours in his home with these students and when it was over and we walked out to the car he said, "Billy, did you detect what I detected?"

I said, "What do you mean?" He said, "Billy, their problem is a religious problem." I said, "Exactly. This is exactly their problem. They are searching for something to believe in."

If we allow a vacuum to develop among our young people in this country, we are in trouble, just as Germany was 35 years ago.

Even among the young people there is something good about what is happening, if we will meet the real basic problem that they are facing.

Then the third thing my psychiatrist friend said, he said, "A person must have a goal, a purpose in life, to be mentally healthy." A goal and a purpose. That is what these young people are looking for, also, purpose and meaning in life. Where did I come from? Why am I here? Where am I going? What is life all about?

Last night at the table in this room I got engaged in conversation with two or three people and one of them asked me that question. She said, "I don't have any idea what life is all about." She said, "I was hoping I could get to sit beside somebody and engage in this kind of conversation."

Life does have a purpose. America has a purpose. Bring all of your poor to our shores, the alienated, the troubled, the despairing. America has a purpose and a goal, I believe, in the sovereignty of God to fulfill a destiny. Everywhere I go in the world, traveling around the world, they are not looking for our gadgets and our technology so much as they are looking for that spiritual quality that makes up this country and that is what the Shah referred to last night in his remarks.

I talked to Mrs. Golda Meir the other day and I don't think she would mind me quoting her. She said, "America must not lose its spiritual strength."

This is the thing they are looking for in us, our moral and spiritual strength. Where are we going to get it? I think the greatest need in America at this moment is a spiritual renewal. How do you get a spiritual renewal? What do you have to do?

It is all summed up in one verse from II Chronicles "If My people which are called by My name shall humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from Heaven and will forgive their sin and heal their land."

Humility, prayer, turning to God by faith, repentance of our sins which are many, God says, I will speak. I will heal your land, and that is an irrevocable law from Almighty God.

I submit to you men today, it could happen again in American history. Unless we turn that turn as George Washington and Lincoln did in their hours of crisis, I must confess to you that I fear for the future of this country.

Daniel Webster once said, "Everything that makes a man a good Christian makes him a good citizen." And Josephat, the great King of Judah, said this: "Neither know we what to do, but our eyes are upon Thee."

Now I want to close with that, and I want to read it again: "Neither know we what to do"—you and I don't know the answer to all the problems of today, but—"our eyes are upon Thee."

If we will get our eyes on God—and I believe the men in this room can help direct the nation's eyes to God—the American flag is going to continue to wave over the land of the free and the home of the brave for generations to come.

Yes, we are in a crisis. Let's do what other men have done, let's turn to God. You men are helping lead the way by meeting in prayer. One of the most encouraging things that has happened in our generation has been the prayer group in the House and Senate. It is something we can tell people about, to say that people in Washington are praying. God bless you and thank you.

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Shall we stand? Our Father and our God, we pray that at this hour, like Josephat, when we don't know the answers to all of our problems, that we will put our eyes upon Thee and look to Thee for answers that are beyond ourselves.

We pray again for the President of the United States that Thou wouldst give him special wisdom, and to the Members of the Congress, that Thou wouldst lead and direct them, and may we in this country see this year a spiritual renewal that will sweep our nation like a prairie fire from coast to coast.

For we ask it in the name of Jesus Christ, our Lord, Amen.

HEREDITARY ASPECTS OF OUR NATIONAL HUMAN QUALITY PROBLEMS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. GUBSER. Mr. Speaker, on two separate occasions I inserted material in the CONGRESSIONAL RECORD relating to the efforts of Dr. William Shockley of Stanford University to promote the undertaking by the National Academy of Sciences of a scientific study of the hereditary aspects of our national human quality problems.

I did not take a position regarding the questions raised by Dr. Shockley, but did urge that the National Academy of Sciences should investigate his point of view as a logical pursuit of truth. It was my understanding that what appeared to be a subject meriting scientific investigation may have been quashed for fear the results would be socially embarrassing.

Dr. Joshua Lederberg, chairman of the department of genetics at Stanford University School of Medicine and also a winner of the Nobel Prize, took notice of my extensions of remarks and has sent me the full text of the National Academy's statement. He has suggested that it would contribute to the objectivity of the record if the full, actual text of the Academy committee's recommendations were presented. The statement, which was prepared with the assistance of several geneticists—James F. Crow, Wisconsin; James V. Neel, Michigan; and Curt Stern, University of California, Berkeley—follows:

The Academy has been urged to take strong measures to reduce the present uncertainty about the relative importance of heredity and environment as causes of human social problems and as causes of racial differences in behavioral traits. It is asked to promote actively the seeking of answers to such questions as: To what extent are urban slums the result of poor heredity? Is the genetic quality of the human population being seriously eroded by economic and medical advances that have dramatically decreased the death rate, and by differential birth rates in various social, economic, and educational groups? Are genetic factors responsible for a significant part of racial differences in educational and economic achievements? Could a eugenic program materially reduce our major social problems? By concentrating on environmental approaches, is society neglecting promising genetic possibilities?

The question has been raised as to whether research in these areas is being carried out as vigorously and intelligently as it should be.

Do anthropologists and geneticists have an environmentalist bias that discourages research into the hereditary bases of individual and racial differences in intelligence and ability to adapt to our society? Is this research being seriously impeded by investigators' fears that the results might be unfavorable to some ethnic minorities?

How urgent is it that such questions be answered?

We certainly need to know more about human genetics; as to the desirability of further research there can be no serious question. Researchers in experimental and human genetics have brought deep insights concerning ourselves and our past. The detailed understanding of the molecular basis of heredity is one of the intellectual triumphs of the twentieth century. New genetic knowledge is already bringing practical benefits in the understanding, prevention, and treatment of genetic diseases. We can expect continued rapid progress in this area.

With complex traits like intelligence the generalities are understood, but the specifics are not. There is general agreement that both hereditary and environmental factors are influential; but there are strong disagreements as to their relative magnitudes—which is another way of saying that the evidence is not conclusive. Furthermore, it is not obvious that really substantial increases in this knowledge will come soon, even if the amount of research were greatly increased. The problem of disentangling hereditary and environmental factors for complex intellectual and emotional traits where many genes may participate, where measurements are often not reproducible, where it is not certain what is being measured, and where subtle environmental factors are involved is extremely difficult. It is unrealistic to expect much progress unless new methods appear.

Even greater difficulties are encountered in any attempt to assess the relative role of heredity and environment in determining racial differences in intellectual and emotional traits. Despite the great number of tests that have been performed on Negro and white populations, it is still not clear whether any differences found are primarily genetic or environmental. For example, there is no scientific basis for a statement that there are or that there are not substantial hereditary differences in intelligence between Negro and white populations. In the absence of some now-unforeseen way of equalizing all aspects of the environment, answers to this question can hardly be more than reasonable guesses. Such guesses can easily be biased, consciously or unconsciously, by political and social views.

It is indeed possible that some studies have not been carried out for fear that the results might not be acceptable to some groups. Many researchers prefer to work in noncontroversial areas where public feelings are not involved and where they can work undisturbed. There is, however, a more valid reason that might keep scientists from working in such areas as the separation of hereditary and environmental contributions to complex human behavioral traits and to racial differences in these traits. This is the conviction that none of the current methods can produce unambiguous results. To shy away from seeking the truth is one thing; to refrain from collecting still more data that would be of uncertain meaning but would invite misuse is another.

Yet, it is not proper to say that we know nothing about the inheritance of complex traits, or that the consequences of a genetic program are not at all predictable. Animal experiments have shown that almost any trait can be changed by selection. The immensely successful history of animal and plant breeding, for a long time based on no more complicated principle than that "like begets like," shows this. A selection program to increase human intelligence (or whatever is measured by various kinds of "intelligence" tests) would almost certainly be successful in some measure. The same is probably true for other behavioral traits. The *rate* of increase would be somewhat unpredictable, but there is little doubt that there would be progress.

On the other hand, it is contrary to all evidence that social problems such as poverty, slums, school dropouts, and crime are *entirely* genetic. There is surely a substantial and perhaps overriding environmental and social component. Therefore, society need not wait for future heredity-environment research in order to attempt environmental improvements, nor will it do so. We can be sure that no amount of genetic research will demonstrate the futility of *all* attempts at environmental improvements. It should be emphasized that the existence of even a strong hereditary component in any condition, individual or social, does not imply that the condition cannot be cured or ameliorated.

There are two aspects of eugenics that, although not entirely different, are sufficiently distinct to be considered separately. They are:

1) *The reduction of the incidence of known inherited diseases.* This involves the discovery by medical, chemical, or cytological techniques of persons with a high risk of having children with gross abnormalities, or with severe physical or mental disease. A great deal of human misery, both of parents and of children, can be prevented through genetic counseling. The decisions can be made by the individuals involved; social decisions are ordinarily not needed.

2) *Attempts to alter the population genetically for intellectual and emotional traits that vary continuously, or to reverse possibly undesirable effects of differential fertility.* To bring about any substantial change in the next generation would require a large change in reproductive patterns. To do this by education, by persuasion, by economic incentives, or by stronger measures would require social decisions that are not lightly made.

It is clear that for many important and complex traits the population could be changed by either genetic or environmental means. They are not mutually exclusive; more likely they are mutually reinforcing.

Heredity-environment uncertainty is not the main reason for avoiding drastic selection measures. The major impediment to eugenic action is not genetic ignorance but rather Society's uncertainty about its aims and about the acceptability of the means for attaining them. Even if it were known beyond doubt that the heritability of social maladjustment is very high, would we choose to remedy the situation by eugenic means?

For one thing, our society still severely restricts even the voluntary individual application of some available techniques. Birth control is only gradually becoming legally accepted, especially among the unmarried, long after it has become widely practiced among well-to-do and educated people. Therapeutic abortion is very safe when done under proper medical conditions, but is forced underground or to other countries, with the consequence that it is available safely only to the privileged. Artificial insemination, although widely practiced, is in such a questionable legal position that no accurate records, even of its frequency, are available. Any program of genetic improvement, even

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if entirely voluntary, would be seriously impeded by inability to make full use of techniques now known.

Moreover, regardless of the acceptability of the methods and regardless of the success of research in disentangling the role of heredity and environment in complex social traits, society is far from ready to interfere to any significant extent with the reproductive preferences of this generation in order to change the gene pool of the next. On the other hand environmental measures have wide and immediate social acceptability.

Genetic changes are measured in generations. Whatever genetic deterioration is occurring as a result of decreased natural selection or by differential birth rates is slow relative to many environmental changes, particularly those associated with technological innovations. Likewise, genetic improvement by any eugenic program that is likely to be accepted in the near future by our society would also be slow.

For these reasons, we question the *social* urgency of a greatly enhanced program to measure the heritability of complex intellectual and emotional factors. This is not to say that such work should not be done. But we would not, for example, urge that work in other parts of genetics be reduced in order to supply trained personnel to study this area more intensively.

Likewise, we question the social urgency of a crash program to measure genetic differences in intellectual and emotional traits between racial groups. In the first place, if the traits are at all complex, the results of such research are almost certain to be inconclusive. In the second place, it is not clear that major social decisions depend on such information; we would hope that persons would be considered as individuals and not as members of groups.

On the other hand, no promising new approach to answering these questions should be discouraged. While existing methods offer little hope for unambiguous answers, there is always the possibility that new insights will come from an unexpected direction. The history of scientific discovery suggests that the best strategy would be the support of basic research from which such insights may arise.

I am also pleased to include an article written by Dr. Lederberg entitled "Race and Intelligence." It concerns the assertions of Prof. Arthur R. Jensen of the University of California, Berkeley, that racial differences in academic achievement are based on genetic differences in intelligence. Dr. Lederberg's article follows:

RACE AND INTELLIGENCE

(By Joshua Lederberg)

Professor Arthur R. Jensen, of the University of California, Berkeley, has provoked wide controversy by his assertion that racial differences in academic achievement are based on genetic differences in intelligence. This controversy has, in part, arisen from what I believe to be a misinterpretation of Dr. Jensen's assertions, often from a failure of popular commentators to heed the cautions that Dr. Jensen himself has attached to some of his speculations. In particular, he has himself remarked that "High heritability by itself does not necessarily imply that the characteristic is immutable. Under greatly changed environmental conditions, the heritability may have some other value, or it may remain the same while the mean of the population changes."

This remark is however counterbalanced by the contradictory stress that Jensen has placed on the futility of compensatory education, and on the utility of the I.Q. as a measure of biological competence. This leaves some uncertainty about whether Dr. Jensen subscribes to "Jensenism," a popular exposition of his writings, such as appeared in an article by Lee Edson in the New York Times Magazine for August 31, 1969.

My criticisms, which follow, are directed to "Jensenism."

QUESTIONS RAISED

Out of many complex and intertwined questions raised by Jensenism, I extract two for separate discussion: 1) is the difference in average "intelligence" scores between races mainly hereditary? and 2) if so, what if any pragmatic meaning would this have?

The arguments that Jensen has assembled for hereditary factors in the variation of intelligence within populations of white Englishmen and Americans have been discussed and accepted by geneticists for at least 40 years. The novelty of Jensen's discussion is mainly that he is a psychologist, and most educators and psychologists have rejected or been unaware of genetic research on human behavior. In this, they were not altogether unwise, for our methods of genetic research in this field are so feeble that it is misleading to report these results under a photomicrograph of chromosomes. This could only have been intended to convey a flavor of experimental rigor which human behavioral genetics is a long way from approaching. For precisely that reason I must commend that part of Jensen's exposition that encourages further research, although I see much less hope for useful answers from these statistical studies than is offered by laboratory experiments on brain development and function.

Jensen himself pointed out that conclusions about the heritability of intelligence, from adoptions and separated twins within a white culture, could not fairly be transferred to the variation between races. That racial groups might have hereditary differences in intelligence is a perfectly plausible speculation. But until the manifest environmental factors are correctly controlled or assessed, any assertion about whose genes score highest is pure prejudice.

Dr. Jensen would not, I believe, disagree with these remarks; but he then adds that he has found consistently poorer performance of black compared to white groups whose "socio-economic conditions were controlled" so as to assure comparable environments. This control is crucial to Jensen's approach to these studies. In the end, however, it can only reflect a subjective judgment about which socio-economic (not to mention cultural) factors are most important for intellectual development. Can anyone measure the total impact of being black in a white-dominated world? Can we say that environmental influences have been controlled, in the face of the knowledge that the trends of infant mortality and birthweight among blacks, although constantly improving, lag so far behind whites?

EFFECT ON EDUCATION

The second point is even more important, for Mr. Edson implies that "no amount of compensatory education will improve this ability (to reason abstractly) since it is mainly inherited." This fatalism is a vicious extrapolation of "Jensenism" whose thrust is contradicted by every finding of modern biological research on how the genes influence development. If hypothetical racial genes did impair intelligence, they could operate like diabetes or hereditary goiter which are remediable by diet and hormone treatment.

I would agree that effective educational regimes are doomed to fail if they deny the possibility of biological as well as cultural differences among children. I do not agree that we know much about racial-genetic components of those differences.

TESTIMONY BY CONGRESSWOMAN SULLIVAN ON LEGISLATION DEALING WITH THE MAILING OF OBSCENE MATTER TO MINORS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mrs. SULLIVAN. Mr. Speaker, for many years the Congress has struggled with a desperately important problem we still have not been able to solve, despite the passage of numerous bills which were intended to strike at the heart of the issue. I am referring to the use of the mails by "merchants of filth" to send pornographic material to minor children. Former Congresswoman Kathryn E. Granahan, of Philadelphia, later the Treasurer of the United States, conducted extensive hearings on this issue while chairman of a subcommittee of the House Committee on Post Office and Civil Service, which carefully documented the manner in which children answering magazine advertisements for model airplanes or other innocent hobby items, or toys, often found themselves on the pornographers' mailing lists, receiving from them advertising material which their parents found to be unbelievably shocking and destructive.

As I recall, those hearings were in the late 1950's and early 1960's, and we have tried repeatedly since then to erect barriers to this flood of printed poison. I remember testifying in 1958 before a subcommittee of the House Judiciary Committee under the chairmanship of the late Representative Francis E. Walter, of Pennsylvania, pleading for legislation which would be constitutional and also effective in solving the problem. In recent years, we have enacted laws enabling householders to require the removal of their names and the names of all persons in their homes from mailing lists used to send them objectionable material. But the stuff still oozes into countless homes seemingly without a letup.

Today, Mr. Speaker, I presented to Subcommittee No. 3 of the House Judiciary Committee, under the chairmanship of the Honorable ROBERT W. KASTENMEIER, of Wisconsin, a further plea for legislative relief from this scourge. Many bills have been introduced in this Congress, including a bill of mine, H.R. 6050, spelling out, in what is believed to be sufficiently specific and precise detail, the kind of material which may not legally be sent to a minor child, or sent unsolicited to a person having a minor child residing with him in the same household. I am not a lawyer and certainly am not a legal expert on the constitutional limitations of legislation in this field, so I am calling upon our Judiciary Committee to develop from among any of the bills before it a legislative vehicle which will accomplish this goal.

Because of the widespread concern among the Members of Congress, and the parents of this country, over this serious problem, I submit for inclusion at this point my testimony submitted this morning to the Kastenmeier subcommittee, as follows:

Statement by Congresswoman Leonor K. Sullivan, Democrat, of St. Louis, Mo., Before Subcommittee No. 3 of the House Committee on the Judiciary of the Congress of the United States on the Sullivan Bill, H.R. 6050, and Other Legislation Dealing With the Mailing of Obscene Matter to Minors, November 5, 1969

Of all the areas in which Congress legislates, this is one of the most difficult and frustrating. The harder we try to remove from the mails, or deny to children, commercialized obscenity, the more this material seems to proliferate. If there is going to be an effective answer to this moral dilemma, it will have to be defined and refined in this Committee of the House of Representatives, which alone has the legislative authority and the Constitutional expertise to give our law enforcement agencies the legal tools they need to protect the children of this country from the merchants of filth.

I am not an expert in Constitutional law. I know what the First Amendment provides, and I know how it has been stretched and tortured in interpretation to justify and permit the sale and distribution of the most depraved kind of smut and pornography.

Unless a parent actually sees some of this salacious garbage, made available to children so readily on a commercial basis, most people tend to think the public protests against pornography are exaggerated and overdrawn. But once one of the advertising brochures from the pornography factories comes into the home and a parent has an opportunity to look it over—to see what was sent to a son or daughter in elementary or junior high school, for instance—the reaction is angry and immediate from that parent: "This material is criminal, and sending it to my child is the act of a depraved person!" And the parents demand that we do something about it.

Every Member of Congress had material of this kind forwarded to him or to her by parents who are aghast at the shocking stuff their children have received in the mail, or the advertisements they have received which are often as bad or worse. The Members of Congress are counting on this Committee of the House to succeed where it so far has failed; and, that is, to draft legislation which will preserve the rights of the American people under the First Amendment to free expression of opinion while at the same time outlawing the sale and distribution through the mails to children of materials which even the most tolerant and permissive parent would never permit the child to have if the parent knew about it.

In a determined effort to provide a legislative foundation on which such a law could be drawn, many of us have joined in introducing a bill which we have been assured is precise and explicit enough to be technically adequate, and which could be effective, if enacted and enforced. My bill on this subject is H.R. 6050. It is one of many similar measures. If the bill is technically deficient in any respect, please change it, amend it, perfect it. But, we plead with you, do not destroy the range and scope of this legislation. We know now that simple technical amendments to present law will not close the flood gates to this deluge of filth. Before our youth drowns in this slime, please give us a defense we can use against these mind-poisoning materials invading the homes of America, aimed at young children by the filth factories now prospering because of inadequate Federal authority to act against them.

INSTALLATION ADDRESS OF DR. EDWARD C. MERRILL, JR., AT GALLAUDET COLLEGE, OCTOBER 23, 1969

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. CAREY. Mr. Speaker, on Thursday, October 23, 1969, on the occasion of his installation as the fourth president in Gallaudet College's century-long history, Dr. Edward Clifton Merrill, Jr., most eloquently responded to the challenges set forth in expectation for the future of the college under his leadership.

President Merrill comes to his post from that of dean of the college of education at the University of Tennessee, Knoxville. He was selected after a nationwide search by a Gallaudet College Board of Directors committee, in cooperation with a faculty committee. His was the unanimous choice of both committees from a large list of qualified people.

Because of the unique interest of the Congress in Gallaudet College, the world's only liberal arts college for the deaf, I include the full text of his address at this point in the Record.

Mrs. Kennedy, Members of Congress, Representatives of other Nations, Miss Switzer, Dr. Miller, Members of the Board of Directors, Gallaudet College Alumni, Dean Detmold, Faculty and Staff, Students, and Friends of the College:

Everyone benefits when I use the language of signs. My hearing friends benefit because I know relatively few signs, and therefore cannot talk very long. My deaf friends benefit because I tend to confuse even those few signs I do know, thus producing a sort of silent illiteracy; hence if my remarks today do not yield any information, they may at least afford some amusement.

I wish to express my deepest gratitude for your presence here today. It is a tribute—not to me—but to Gallaudet College, to the service it has rendered to its students and to its nation.

Since 1864, Gallaudet has educated deaf students; since 1891, it has sent teachers of the deaf to every state of the Union, into the provinces of Canada, and into many foreign nations. As I assume formal responsibility for this legacy from the past, it seems to me appropriate to discuss what that service should be in the future.

Gallaudet College has a unique purpose, one it does not share with any other institution in the world: the purpose of providing a higher, liberal arts education to the deaf.

But in addition, Gallaudet shares with colleges and universities throughout the United States and much of the world another set of responsibilities. They can be discussed separately, but they cannot be *performed* separately—for, I believe, unless Gallaudet fully accepts the mingled agony and ecstasy which characterize all of higher education today, it cannot discharge its responsibilities to its special sector of higher education.

I should like to respond to the challenge set forth by Mr. Sullivan by discussing those responsibilities and my aspirations for Gallaudet under four headings. I suspect that those aspirations will sound commonplace in the few words I will use to describe them. Yet I think you will agree that they are important—so I will rely on your insight, your interest in Gallaudet, and your good nature to supply a balance and a detail that these ideas might receive from another speaker.

My *first* aspiration is that Gallaudet serve *all* the deaf citizens of America—first the College's students, of course, but not only its students. We must continue and expand research on Kendall Green in the hope that Gallaudet can achieve breakthroughs in hearing, in language development, in easing social adjustment for the deaf. The College must keep pace with industrial and technological advance on behalf of its constituency—exploring new career fields and doing its best to ensure that deaf candidates are not rejected for employment, nor deaf workers for promotion, because of outdated, inaccurate assumptions. Gallaudet must initiate new programs of adult education, reaching out to those whom age or previous lack of opportunity have excluded from the pleasure and the profit of continued learning.

The College must, in sum, serve not only as educator *of* the deaf, but as a partner *with* them—asking quietly when possible, and loudly when necessary, for the services that hearing people take for granted.

Second, I hope that continuing self-analysis and educational development will become characteristics of Gallaudet. Every educator says that these days we all feel it necessary to genuflect in the direction of change.

Yet I have special reason to say these things about Gallaudet. The students on this single campus range in age from two years to the early twenties; the instructional program extends in scope from pre-school to postgraduate; thanks to Congress, our alumni and our friends, our faculty-student ratio is low; thanks to the same people, we have been able to explore new educational technology and begin revising curriculum in light of the latest learning theory.

All these factors give Gallaudet a genuinely unique opportunity to experiment in education; to individualize instruction; to test hunches and hopes and gamble on long-shots that other institutions lack the resources to try; and perhaps most important, to develop a teaching, learning and *living* environment that reflects a new integration, one going beyond considerations of race or geography or family income: the integration of learners from infancy to young adulthood in one community, in place of the segregation-by-age that education typically imposes.

We will take advantage of our opportunity to experiment so that—with the help of students, faculty, and staff—Gallaudet will be outstanding for its successes, not only in education of the deaf, but in education . . . period.

Third, I hope to create at Gallaudet an environment in which every person—faculty and student alike—can find his own identity, be a person in his own right, become a distinct and independent individual. Engaging with life, coming to grips with it, doing something greater than a man thinks he can do—these are not luxuries, the prerogatives of a fortunate few, but absolute necessities for every life that truly deserves the adjective *human*.

And yet, I believe, this extra dimension of human potential is frequently ignored or stifled in the educative process. Our educational programs are more directed toward shaping the individual than releasing him, more toward fitting him into society than toward encouraging the development of individual difference so that society can build on all the varied strengths that its members have to offer.

One can carry this criticism to an unjustified extreme: for all its faults our nation daily tolerates and assimilates behavior which, in other nations, would be immediately suppressed or socially ostracized. But as our nation grows in population, as communications and urbanization heighten the density of our mass society, we need more than ever before to guarantee the rights of the individual.

With my colleagues here, I hope to demonstrate how a college campus can not only create community, but can also foster individuality.

And that point bears on my last: my intention of working with all members of the College community to create a model of responsible, representative government in higher education.

Dr. Brewster of Yale University recently expressed the opinion that students do not want—nor do they have time—to participate fully in representative government within higher education. Inasmuch as most Americans do not vote except in presidential elections, Dr. Brewster may be right.

Whether right or wrong, however, the observation strikes me as tragic. If students are expected to participate effectively in government after their college days, they must begin learning how in college or before.

The American university is a peculiar institution. It is extremely autocratic, reserving real power to a comparative few. Yet, paradoxically, it has managed to serve a democratic society reasonably well.

Nevertheless, the time is clearly upon us to seek a new balance between the authority that orderly education requires, and the broad participation that education for a democratic society should reflect. With the help of the entire College community—and I stress the word *entire*—I hope that we can evolve an internal government more consistent with the basic tenets of a democratic society. I hope that all of us in the College can learn to analyze possibilities, to debate alternatives, to share in decisions—and then to accept gracefully the consequences of those decisions, good and bad.

This will not be an easy process. It will involve a certain amount of anguish, a considerable amount of self-imposed humility, and undoubtedly some occasional anger. Yet I am convinced that it is necessary not only for Gallaudet, but American colleges and universities, to undergo the strenuous process of decentralizing education's internal government.

The reason was well put by John Stuart Mill in his treatise on liberty. "A State which dwarfs its men," he wrote, "in order that they may be more docile instruments in its hands *even for beneficial purposes*, will find that with small men no great thing can readily be accomplished."

It seems to me time to apply this statement about the State to higher education. The United States has great things to accomplish, and we cannot do them with a nation of small people. College, clearly, is a place to help our young grow tall—and Gallaudet will do its best to give them rain and light and room.

Dr. Muth, Mr. Sullivan, I trust that these aspirations bear upon the challenges which you have presented to me. I accept the responsibilities of this office and shall work diligently to serve the College—and through it to serve, also, my country.

SURVIVAL U: PROSPECTUS FOR A REALLY RELEVANT UNIVERSITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an admirable article on the environment, education, and the wisest approach to our environment in preparing our young people to live in this world.

This article gives the basis for wise and necessary reform not only in our approach to our environment, but also in educating and equipping our young people to preserve their environment in the difficult years of heavy population pressure and intense technological development, all of which will adversely affect the environment in one way or another.

I hope my colleagues will find this thoughtful commentary useful.

SURVIVAL U: PROSPECTUS FOR A REALLY RELEVANT UNIVERSITY

(By John Fischer)

"It gets pretty depressing to watch what is going on in the world and realize that your education is not equipping you to do anything about it."—From a letter by a University of California senior.

She is not a radical, and has never taken part in any demonstration. She will graduate with honors, and profound disillusionment. From listening to her—and a good many likeminded students at California and East Coast campuses—I think I am beginning to understand what they mean when they say that a liberal-arts education isn't relevant.

They mean it is incoherent. It doesn't cohere. It consists of bits and pieces which don't stick together, and have no common purpose. One of our leading Negro educators, Arthur Lewis of Princeton, recently summed it up better than I can. America is the only country, he said, where youngsters are required "to fritter away their precious years in meaningless peregrination from subject to subject . . . spending twelve weeks getting some tidbits of religion, twelve weeks learning French, twelve weeks seeing whether the history professor is stimulating, twelve weeks seeking entertainment from the economics professor, twelve weeks confirming that one is not going to be able to master calculus."

These fragments are meaningless because they are not organized around any central purpose, or vision of the world. The typical liberal-arts college has no clearly defined goals. It merely offers a smorgasbord of courses, in hopes that if a student nibbles at a few dishes from the humanities table, plus a snack of science, and a garnish of art or anthropology, he may emerge as "a cultivated man"—whatever that means. Except for a few surviving church schools, no university even pretends to have a unifying philosophy. Individual teachers may have personal ideologies—but since they are likely to range, on any given campus, from Marxism to worship of the scientific method to exaltation of the irrational (*à la* Norman O. Brown), they don't cohere either. They often leave a student convinced at the end of four years that any given idea is probably about as valid as any other—and that none of them has much relationship to the others, or to the decisions he is going to have to make the day after graduation.

Education was not always like that. The earliest European universities had a precise purpose: to train an elite for the service of the Church. Everything they taught was focused to that end. Thomas Aquinas had spelled it all out: what subjects had to be mastered, how each connected with every other, and what meaning they had for man and God.

Later, for a span of several centuries, Oxford and Cambridge had an equally clear function: to train administrators to run an empire. So too did Harvard and Yale at the time they were founded; their job was to produce the clergymen, lawyers, and doctors that a new country needed. In each case, the curriculum was rigidly prescribed. A student learned what he needed, to prepare himself to be a competent priest, district officer, or surgeon. He had no doubts about the relevance of his courses—and no time to fret about expanding his consciousness or currying his sensual awareness.

This is still true of our professional schools. I have yet to hear an engineering or medical student complain that his education is meaningless. Only in the liberal-arts colleges—which boast that "we are not trade schools"—do the youngsters get that feeling that they are drowning in a cloud of feathers.

For a long while some of our less complacent academics have been trying to restore coherence to American education. When Robert Hutchins was at Chicago, he tried to use the Great Books to build a comprehensible framework for the main ideas of civilized man. His experiment is still being carried on, with some modifications, at St. John's—but it has not proved irresistibly contagious. Sure, the thoughts of Plato and Machiavelli are still pertinent, so far as they go—but somehow they don't seem quite enough armor for a world beset with splitting atoms, urban guerrillas, nineteen varieties of psychotherapists, amplified guitars, napalm, computers, astronauts, and an atmosphere polluted simultaneously with auto exhaust and TV commercials.

Another strategy for linking together the bits-and-pieces has been attempted at Harvard and at a number of other universities. They require their students to take at least two years of survey courses, known variously as core studies, general education, or world civilization. These too have been something less than triumphantly successful. Most faculty members don't like to teach them, regarding them as superficial and synthetic. (And right they are, since no survey course that I know of has a strong unifying concept to give it focus.) Moreover, the senior professors shun such courses in favor of their own narrow specialities. Consequently, the core studies which are meant to place all human experience—well, at least the brightest nuggets—into One Big Picture uusally end up in the perfunctory hands of resentful junior teachers. Naturally the undergraduates don't take them seriously either.

Any successful reform of American education, I am now convinced, will have to be far more revolutionary than anything yet attempted. At a minimum, it should be:

1. Founded on a single guiding concept—an idea capable of knotting together all strands of study, thus giving them both coherence and visible purpose.

2. Capable of equipping young people to do something about "what is going on in the world"—notably the things which bother them most, including war, injustice, racial conflict, and the quality of life.

Maybe it isn't possible. Perhaps knowledge is proliferating so fast, and in so many directions, that it can never again be ordered into a coherent whole, so that molecular biology, Robert Lowell's poetry, and highway engineering will seem relevant to each other and to the lives of ordinary people. Quite possibly the knowledge explosion, as Peter F. Drucker has called it, dooms us to scholarship which grows steadily more specialized, fragmented, and incomprehensible.

The Soviet experience is hardly encouraging. Russian education is built on what is meant to be a unifying ideology: Marxism-Leninism. In theory, it provides an organizing principle for all scholarly activity—whether history, literature, genetics, or military science. Its purpose is explicit: to train a Communist elite for the greater power and glory of the Soviet state, just as the medieval universities trained a priesthood to serve the Church.

Yet according to all accounts that I have seen, it doesn't work very well. Soviet intellectuals apparently are almost as restless and unhappy as our own. Increasing numbers of them are finding Marxism-Leninism too simplistic, too narrowly doctrinaire, too oppressive; the bravest are risking prison in order to pursue their own heretical visions of reality.

Is it conceivable, then, that we might hit upon another idea which could serve as the organizing principle for many fields of scholarly inquiry; which is relevant to the urgent needs of our time; and which would not, on the other hand, impose an ideological strait jacket, as both ecclesiastical and Marxist education attempted to do?

Just possibly it could be done. For the last two or three years I have been probing around among professors, college administrators, and students—and so far I have come up with only one idea which might fit the specifications. It is simply the idea of survival.

For the first time in history, the future of the human race is now in serious question. This fact is hard to believe, or even think about—yet it is the message which a growing number of scientists are trying, almost frantically, to get across to us. Listen, for example, to Professor Richard A. Falk of Princeton and of the Center for Advanced Study in the Behavioral Sciences:

> *The planet and mankind are in grave danger of irreversible catastrophe. . . . Man may be skeptical about following the flight of the dodo into extinction, but the evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other areas. . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the twentieth century.*

Similar warnings could be quoted from a long list of other social scientists, biologists, and physicists, among them such distinguished thinkers as Rene Dubos, Buckminster Fuller, Loren Eiseley, George Wald, and Barry Commoner. They are not hopeless. Most of them believe that we still have a chance to bring our weapons, our population growth, and the destruction of our environment under control before it is too late. But the time is short, and so far there is no evidence that enough people are taking them seriously.

That would be the prime aim of the experimental university. I'm suggesting here: to look seriously at the interlinking threats to human existence, and to learn what we can do to fight them off.

Let's call it Survival U. It will not be a multiversity, offering courses in every conceivable fields. Its motto—emblazoned on a life jacket rampant—will be: "What must we do to be saved?" If a course does not help to answer that question, it will not be taught here. Students interested in musicology, junk sculpture, the Theater of the Absurd, and the literary *dicta* of Leslie Fiedler can go somewhere else.

Neither will our professors be detached, dispassionate scholars. To get hired, each will have to demonstrate an emotional commitment to our cause. Moreover, he will be expected to be a moralist; for this generation of students, like no other in my lifetime, is hungering and thirsting after righteousness. What it wants is a moral system it can believe in—and that is what our university will try to provide. In every class it will preach the primordial ethic of survival.

The biology department, for example, will point out that it is sinful for anybody to have more than two children. It has long since become glaringly evident that unless the earth's cancerous growth of population can be halted, all other problems—poverty, war, racial strife, uninhabitable cities, and the rest—are beyond solution. So the department naturally will teach all known methods of birth control, and much of its research will be aimed at perfecting cheaper and better ones.

Its second lesson in biological morality will be: "Nobody has a right to poison the environment we live in." This maxim will be illustrated by a list of public enemies. At the top will stand the politicians, scientists, and military men—of whatever country—who make and deploy atomic weapons; for if these are ever used, even in so-called defensive systems like the ABM, the atmosphere will be so contaminated with strontium 90 and other radioactive isotopes that human survival seems most unlikely. Also on the list will be anybody who makes or tests chemical and biological weapons—or who even attempts to get rid of obsolete nerve gas, as our Army recently proposed, by dumping the stuff in the sea.

Only slightly less wicked, our biology profs will indicate, is the farmer who drenches his land with DDT. Such insecticides remain virulent indefinitely, and as they wash into the streams and oceans they poison fish, waterfowl, and eventually the people who eat them. Worse yet—as John Hay noted in his recently published *In Defense of Nature*—"The original small, diluted concentrations of these chemicals tend to build up in a food chain so as to end in a concentration that may be thousands of times as strong." It is rapidly spreading throughout the globe. DDT already has been found in the tissues of Eskimos and of Antarctic penguins, so it seems probable that similar deposits are gradually building up in your body and mine. The minimum fatal dosage is still unknown.

Before he finishes this course, a student may begin to feel twinges of conscience himself. Is his motorcycle exhaust adding carbon monoxide to the smog we breathe? Is his sewage polluting the nearest river? If so, he will be reminded of two proverbs. From Jesus: "Let him who is without sin among you cast the first stone." From Pogo: "We have met the enemy and he is us."

In like fashion, our engineering students will learn not only how to build dams and highways, but where *not* to build them. Unless they understand that it is immoral to flood the Grand Canyon or destroy the Everglades with a jetport, they will never pass the final exam. Indeed, our engineering graduates will be trained to ask a key question about every contract offered them: "What will be its effect on human life?" That obviously will lead to other questions which every engineer ought to comprehend as thoroughly as his slide rule. Is this new highway really necessary? Would it be wiser to use the money for mass transit—or to decongest traffic by building a new city somewhere else? Is an offshore oil well really a good idea, in view of what happened to Santa Barbara?

Our engineering faculty also will specialize in training men for a new growth industry: garbage disposal. Americans already are spending $4.5 billion a year to collect and get rid of the garbage which we produce more profusely than any other people (more than five pounds a day for each of us). But unless we are resigned to stifling in our own trash, we are going to have to come up with at least an additional $835 million a year.[1] Any industry with a growth rate of 18 per cent offers obvious attractions to a bright young man—and if he can figure out a new way to get rid of our offal, his fortune will be unlimited.

Because the old ways no longer work. Every big city in the United States is running out of dumping grounds. Burning won't do either, since the air is dangerously polluted already—and in any case, 75 per cent of the incinerators in use are inadequate. For some 150 years Californians happily piled their garbage into San Francisco Bay, but they can't much longer. Dump-and-fill operations already have reduced it to half its original size, and in a few more decades it would be possible to walk dry-shod from Oakland to the Embarcadero. Consequently San Francisco is now planning to ship garbage 375 miles to the yet-uncluttered deserts of Lassen County by special train—known locally as "The Twentieth Stenchery Limited" and "The Excess Express." The city may actually get away with this scheme, since hardly anybody lives in Lassen County except Indians, and who cares about them? But what is the answer for the metropolis that doesn't have an unspoiled desert handy?

A few ingenious notions are cropping up here and there. The Japanese are experimenting with a machine which compacts garbage, under great heat and pressure, into building blocks. A New York businessman is thinking of building a garbage mountain somewhere up-state, and equipping it with ski runs to amortize the cost. An aluminum company plans to collect and reprocess used aluminum cans—which, unlike the old-fashioned tin can, will not rust away. Our engineering department will try to Think Big along these lines. That way lies not only new careers, but salvation.

Survival U's Department of Earth Sciences will be headed—if we are lucky—by Dr. Charles F. Park, Jr., now professor of geology and mineral engineering at Stanford. He knows as well as anybody how fast mankind is using up the world's supply of raw materials. In a paper written for the American Geographical Society he punctured one of America's most engaging (and pernicious) myths: our belief that an ever-expanding economy can keep living standards rising indefinitely.

It won't happen; because, as Dr. Park demonstrates, the tonnage of metal in the earth's crust won't last indefinitely. Already we are running short of silver, mercury, tin, and cobalt—all in growing demand by the high-technology industries. Even the commoner metals may soon be in short supply. The United States alone is consuming one ton of iron and eighteen pounds of copper every year, for each of its inhabitants. Poorer countries, struggling to industrialize, hope to raise their consumption of these two key materials to something like that level. If they should succeed—and if the globe's population doubles in the next forty years, as it will at present growth rates—then the world will have to produce, somehow, *twelve times* as much iron and copper every year as it does now. Dr. Parks sees little hope that such production levels can ever be reached, much less sustained indefinitely. The same thing, of course—doubled in spades—goes for other raw materials; timber, oil, natural gas, and water, to note only a few.

Survival U, therefore, will prepare its students to consume less. This does not necessarily mean an immediate drop in living standards—perhaps only a change in the yardstick by which we measure them. Conceivably Americans might be happier with fewer automobiles, neon signs, beer cans, supersonic jets, barbecue grills, and similar metallic fluff. But happy or not, our students had better learn how to live The Simpler Life, because that it what most of them are likely to have before they reach middle age.

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[1] According to Richard D. Vaughn, chief of the Solid Wastes Program of HEW, in his recent horror story entitled "1968 Survey of Community Solid Waste Practices."

To help them understand how very precious resources really are, our mathematics department will teach a new kind of bookkeeping: social accounting. It will train people to analyze budgets—both government and corporate—with an eye not merely to immediate dollar costs, but to the long-range costs to society.

By conventional bookkeeping methods, for example, the coal companies strip-mining away the hillsides of Kentucky and West Virginia show a handsome profit. Their ledgers, however, show only a fraction of the true cost of their operations. They take no account of destroyed land which can never bear another crop; of rivers poisoned by mud and seeping acid from the spoil banks; of floods which sweep over farms and towns downstream, because the ravaged slopes can no longer hold the rainfall. Although these costs are not borne by the mining firms, they are nevertheless real. They fall mostly on the taxpayers, who have to pay for disaster relief, flood-control levees, and the resettlement of Appalachian farm families forced off the land. As soon as our students (the taxpayers of tomorrow) learn to read a social balance sheet, they obviously will throw the strip miners into bankruptcy.

Another case study will analyze the proposal of the Inhuman Real Estate Corporation to build a fifty-story skyscraper in the most congested area of midtown Manhattan. If 90 per cent of the office space can be rented at $12 per square foot, it looks like a sound investment, according to antique accounting methods. To uncover the true facts, however, our students will investigate the cost of moving 12,000 additional workers in and out of midtown during rush hours. The first (and least) item is $8 million worth of new city buses. When they are crammed into the already clogged avenues, the daily loss of man-hours in traffic jams may run to a couple of million more. The fumes from their diesel engines will cause an estimated 9 per cent increase in New York's incidence of emphysema and lung cancer; this requires the construction of three new hospitals. To supply them, plus the new building with water—already perilously short in the city—a new reservoir has to be built on the headwaters of the Delaware River, 140 miles away. Some of the dairy farmers pushed out of the drowned valley will move promptly into the Bronx and go on relief. The subtraction of their milk output from the city's supply leads to a price increase of two cents a quart. For a Harlem mother with seven hungry children, that is the last straw. She summons her neighbors to join her in riot, seven blocks go up in flames, and the Mayor demands higher taxes to hire more police. . . .

Instead of a sound investment, Inhuman Towers now looks like criminal folly, which would be forbidden by any sensible government. Our students will keep that in mind when they walk across campus to their government class.

Its main goal will be to discover why our institutions have done so badly in their efforts (as Dr. Falk put it) "to manage the affairs of mankind in the twentieth century." This will be a compulsory course for all freshmen, taught by professors who are capable of looking critically at every political artifact, from the Constitution to the local county council. They will start by pointing out that we are living in a state of near-anarchy, because we have no government capable of dealing effectively with public problems.

Instead we have a hodgepodge of 80,000 local governments—villages, townships, counties, cities, port authorities, sewer districts, and special purpose agencies. Their authority is so limited, and their jurisdictions so confused and overlapping, that most of them are virtually impotent. The states, which in theory could put this mess into some sort of order, usually have shown little interest and less competence. When Washington is called to help out—as it increasingly has been for the last thirty-five years—it often has proved ham-handed and entangled in its own archaic bureaucracy. The end result is that nobody in authority has been able to take care of the country's mounting needs. Our welfare rolls keeps growing, our air and water get dirtier, housing gets scarcer, airports jam up, road traffic clots, railways fall apart, prices rise, ghettos burn, schools turn out more illiterates every year, and a war nobody wants drags on and on. Small wonder that so many young people are losing confidence in American institutions. In their present state, they don't deserve much confidence.

The advanced students of government at Survival U will try to find out whether these institutions can be renewed and rebuilt. They will take a hard look at the few places—Jacksonville, Minnesota, Nashville, Appalachia—which are creating new forms of government. Will these work any better, and if so, how can they be duplicated elsewhere? Can the states be brought to life, or should we start thinking about an entirely different kind of arrangement? Ten regional prefectures, perhaps, to replace the fifty states? Or should we take seriously Norman Mailer's suggestion for a new kind of city-state to govern our great metropolises? (He merely called for New York City to secede from its state; but that isn't radical enough. To be truly governable, the new Republic of New York City ought to include chunks of New Jersey and Connecticut as well.) Alternatively, can we find some way to break up Megalopolis, and spread our population into smaller and more livable communities throughout the continent? Why should we keep 70 per cent of our people crowded into less than 2 per cent of our land area, anyway?

Looking beyond our borders, our students will be encouraged to ask even harder questions. Are nation-states actually feasible, now that they have power to destroy each other in a single afternoon? Can we agree on something else to take their place, before the balance of terror becomes unstable? What price would most people be willing to pay for a more durable kind of human organization—more taxes, giving up national flags, perhaps the sacrifice of some of our hard-won liberties?

All these courses (and everything else taught at Survival U) are really branches of a single science. Human ecology is one of the youngest disciplines, and probably the most important. It is the study of the relationship between man and his environment, both natural and technological. It teaches us to understand the consequences of our actions—how sulfur-laden fuel oil burned in England produces an acid rain that damages the forests of Scandinavia, why a well-meant farm subsidy can force millions of Negro tenants off the land and lead to Watts and Hough. A graduate who comprehends ecology will know how to look at "what is going on in the world," and he will be equipped to do something about it. Whether he ends up as a city planner, a politician, an enlightened engineer, a teacher, or a reporter, he will have had a relevant education. All of its parts will hang together in a coherent whole.

And if we can get enough such graduates, man and his environment may survive a while longer, against all the odds.

TROUBLE FOR THE PRESIDENT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HANNA. Mr. Speaker, on about a dozen previous occasions during this session I have taken the floor to report my views on the impending housing crisis and the ill-conceived anti-inflation policies being followed by the administration.

My statements were designed to demonstrate:

We are not meeting the housing needs of the people.

The present anti-inflation policies of the administration are crushing the housing and home finance industry, making this segment further unable to meet the demands of an expanding market.

Unemployment is rising more rapidly among unskilled, nonwhite young males—exactly the group who can least afford to be without job prospects.

The administration is concentrating its anti-inflation weaponry in the wrong direction.

Inflation is on the rise, contrary to present policies and optimistic statements.

To add to this dialog, I am having three very current articles reprinted. All three articles review, in detail, the issues mentioned above. All three support the argument I have made. Perhaps these articles will demonstrate the rising chorus of concern I predicted earlier. When the Wall Street Journal, the National Real Estate Board's publication, and the Economist magazine, indicate the difficulties of the President's policies, then I submit he is in serious trouble.

I commend these three articles to the attention of my colleagues. I am certain they will be of interest.

The material referred to follows:

[From the Wall Street Journal]

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

When if ever the present bout with inflation subsides, the biggest item on the American economic agenda will be housing. There are not many real shortages in this country. The land overflows with consumer wares of all kinds—from TV sets to sport cars. But housing is another matter. There is not enough of it. The supply has not kept up with the population. The imbalance grows worse yearly. Remedying it is going to be a tough nut because the cost of new housing, and land to put it on, threatens to get beyond the reach of buyers.

Home building hit its high tide in 1950, when some 1.9 million housing units were started. Nearly 20 years have passed since then. And in all that time yearly starts rarely got much above 1.5 million—were more often below that level. They stood at 1.5 million last year. But the population, meanwhile, has expanded by a third—more than 50 million people. And nonhousing production (industrial output) has more than doubled.

For a long time, the disparity between proliferating people and new places to put them was not sharply evident. Then, in the last half of this decade, the cumulative impact has suddenly grown painfully obvious.

The figures below trace vacancy rates in rental housing for the country as a whole.

Year:	*Vacant Percent*
1960	7.2
1961	8.0
1962	7.7
1963	7.2
1964	7.3
1965	7.7
1966	7.5
1967	6.6
1968	5.5
1969	5.0

The drop since 1965 from 7.7% to 5% is drastic. And these figures, being national averages, don't reflect the severity of the squeeze in some regions. In the Northeast, for example, the rental vacancy rate has slumped below 3%.

Spotlighting the crisis is a soaring marriage rate. The "war babies" of a quarter century ago swarm to the altars in multiplying thousands—while homebuilding plugs along at the outdated pace of yesteryear. The table below shows marriages yearly in this decade. The 1969 total is for the 12 months ended this past July.

Year:	*Marriages*
1960	1,523,000
1961	1,548,000
1962	1,577,000
1963	1,654,000
1964	1,725,000
1965	1,800,000
1966	1,857,000
1967	1,913,000
1968	2,059,000
1969	2,117,000

Nor is the steep climb in marriages about to end. More of it is ahead. By 1980, it is estimated, some 2.5 million couples will be taking the vows yearly.

The crunch is already reflected in runaway prices on homes new and old. These prices are not just another part of the general inflation. They reflect the inflation plus a particularly tight situation in housing—plus other special price-boosting factors. The figures below represent nationwide median selling prices on new houses covered by conventional mortgages in the last half-decade. The 1969 figures are for the first quarter.

Year:	*Price*
1965	$22,700
1966	24,400
1967	26,000
1968	28,500
1969	29,900

The leap in these prices may to an unmeasurable degree reflect bigger and better houses. Nonetheless, they do trace a jump of some 31% in less than four years. The consumer price index, generally followed as the yardstick of inflation, has climbed little more than half that much—or about 17%.

The 31% increase in the price of the house since 1965 is more than three times the 9% increase in the cost of consumer durables that go into the house.

Official worry over this situation is acute. It was reflected as far back as a year ago when Congress passed a law setting forth a home building goal of a whopping 26 million housing units in ten years. That would be 2.6 million a year, or not far from twice as many as the country has been building.

But setting such a goal is one thing, and reaching it may be quite another. It isn't just a matter of providing the new shelter. It must be provided at a price people can pay. And the price is the rub. Construction (and land) costs are out of hand today. It takes some doing to see how they are going to be harnessed.

The cost of land to put a house on is a massive roadblock to building. There's plenty of open land in the country, of course. But the abundance is not near the urban job centers where people must live if they want to work. At the start of this decade, in 1960, the median price of a land site for a new house covered by an FHA mortgage was $2,404. The latest tally puts it at $3,882. That's a jump of over 60%. And the trend continues apace.

The high price of construction labor has been widely publicized. Construction workers have by far the highest hourly wage rates of any major labor group in the country. And these rates still mount briskly. For the second quarter of this year the Labor Department reported average wage scales of union building trades showing "the largest increase since reporting of the quarterly data began in 1948." And late last week, in reporting a yearly wage-plus-fringe-benefit increase of 8.1% as the median of all major labor contracts negotiated in 1969 through September, Labor Department spokesmen noted that the median for the construction industry alone was about half-again as steep—or 12.5%.

The cost of mortgage money, every bit as vital to home building as lumber and nails, doesn't have to be reported here. Mortgage interest rates now well above 8% were under 6% at mid-decade. They may come down some day, but nobody knows when. And there are few who will bet that they will come down very much any time soon.

The high cost of mortgage money, like the scarcity of mortgage money, is a corollary of the Government's tight-credit battle with inflation And thus, ironically, the program feeds the monster it fights—by an inflationary curtailment of supply in an area where supply grows critically short.

Political Anachronism

Evidence is mounting daily that Realtors are not only becoming mystified but unexpectedly disenchanted with the Administration as a result of the intransigent position taken by the Treasury toward income-tax treatment of real estate investment.

A Republican administration historically has been oriented toward encouraging private investment and business activity that results in opportunities for employment and exchange of goods and services, thereby providing a basis for federal taxation as the transfer of money takes place. This Administration seems not to understand that principle. At least, not as it applies to real estate.

In its approach to taxation of the results of investment in real estate, the Administration would encourage—through tax policy—long-term holding of real estate investments, i.e., non-transfer of ownership! Anyone with a modicum of experience in development and management of real estate knows that blight and deterioration are the signs of static ownership—the absentee owner, the undistributed estate, the land trust, the tax-free institutional grantee—whether it is church, university, or foundation.

It is the transfer of property that creates business, that results in development, that encourages rehabilitation. Owners who are "locked-in," whether economically or for family or sentimental reasons, often do not develop property to its ultimate use. It takes a sale or an exchange—or even a lease—to create business. A new owner has a vision for improvement, for enlargement, or development. He may erect a new facade, repaint or rehabilitate the interior, refurnish it, convert from industrial or commercial—or vice versa. He may tear it down and erect a new building—or clear it for parking. Change in ownership invariably creates business in response to the buyer's vision—or plans—or whims. That business results in taxes paid to the federal government.

The longer that real property is held in the same ownership, the more likely that inflation will have created a profit—in paper dollars—and the less incentive there will be—for tax reasons—to sell. It is a condition that exists in many an historic landed estate. This is the situation that prevails in many of the "older" countries where the real estate economy is decadent and casts a heavy pall over the entire economy. It would appear that the present Administration, whether by virtue of misunderstanding or lack of experience—certainly not by virtue of stupidity—is moving in the same direction.

Changes in the federal tax laws are being sought—purportedly—for two principal reasons: (1) to create more equity by eliminating "loopholes" by means of which some people can escape paying a fair share of the cost of government, and (2) to create a fiscal policy that is badly needed to help fight the fires of inflation.

The Association supports both policies. We advanced a solution for tax avoidance including the closing of an alleged "loophole" for real estate investment. But too many of the Administration-supported proposals would kill any incentive to real estate investment and development while encouraging public and consumer spending and speculation. There is a strong Wall Street flavor to the policies that seem to be gaining dominance, unfortunately, for the health of the country—and of the Administration.

Eugene P. Conser.

[From the Economist, Oct. 25, 1969]

He Sat Still Too Long

The historians are quite possibly going to say that the pattern of Richard Nixon's presidency was set in his first nine months in office; and if they do, their judgment will be plain. They will commend Mr. Nixon for deciding that the main aim of his presidency should be to quieten America, but they will say that he failed because he thought the best way to do it was to be a quietist president. The two main problems that faced him last January, the Vietnam war and the American economy, seem to be slipping out of his control for the same basic reason. He has sat quiet too long; he has let events shape themselves; his lines of communication, both downward, into his own Administration and outward to the American people, have not been made to work properly.

Mr. Nixon's conduct in the next few months may belie this judgment. Certainly it is too early to say that this is what a majority of Americans think of him: the opinion polls continue to register the fact that most of his countrymen regard him as an acceptable leader if not exactly the apple of their eye. But the inner community of Americans among whom Mr. Nixon has to work—the politicians, the mass communications people, the businessmen and the intellectuals on the fringe of political life—are increasingly critical. Since he has hardly tried to appeal to his own America, the one that elected him a year ago, his standing with the electorate at large today is just not solid enough to withstand this erosion.

AMERICA'S FALTERING ECONOMY

At home, an early hope was that President Nixon's Administration would serve as a tranquilizer, which the United States urgently needed to take after its near-nervous breakdown in 1967 and 1968. Probably Mr. Nixon can claim to have partly performed that function. The demonstrations against the Vietnam war (and over the Negroes and university tension) would have been more febrile if a President Humphrey had been in the White House—and if Mr. Humphrey had appeared to be promising left-wing things in his speeches, while actually having to implement right-wing policies. But the main touchstone of any government's domestic achievement is its economic policy. Here Mr. Nixon won a honeymoon because the men he appointed could talk modern economics very competently. Unfortunately, they have not so far put them into effect.

During Mr. Johnson's last year the American economy was still growing at an admittedly excessive 5 per cent a year, while inflation had risen to an annual rate of 4 per cent. Now, under Mr. Nixon, the growth rate is down to 2 per cent, and inflation up to about 5½ per cent. Moreover, there are worrying signs that something still more like a recession could be on the way: industrial production has fallen for two months in succession, unemployment has jumped to 4 per cent of the labour force, and there was an unwanted rise in inventories in the last quarter. Under the rules of the fundamentalist economics that some Republicans still believe in, it should have been impossible for this simultaneous slowing of growth and quickening of inflation to happen, or at any rate to go on for so long. It is going on because, although America is no longer suffering from a demand-pull inflation (a fact that the American Treasury and the Federal Reserve seem to have failed to note), it is suffering from a cost-push inflation. Some of the blame for this quickening of cost push should be laid at the door of the Nixon Administration, whose jettisoning of the Kennedy-Johnson guidelines on prices and wages has encouraged American industry to assume that there is an open season for hurrying forward price increases in 1969.

In 1970, an unusual number of labour contracts will be due for renewal, and the labour unions will be seeking large wage increases to compensate for these price increases. Some believers in fundamentalist economics say that it will therefore be important for America to keep credit particularly tight, so that industries cannot afford to grant these wage increases or at least will find great difficulty in selling their products if they do. If this policy really were sternly pursued, then America could drop into both strikes and a recession. But it seems much more probable that this middling-conservative Administration, with a middling-conservative Federal Reserve under Dr. Arthur Burns, will follow the sort of middling-conservative policy that Britain suffered in so much of the decade down to devaluation in November, 1967. Under this, a weak government allows bigger wage increases than it ought to; then it gets scared about them and holds down total demand just sufficiently to ensure that those wage increases are spread over a pretty stagnant total volume of output, thus pushing up unit costs by even more.

The danger before the United States under a Nixon Administration is of a dip for the next three or seven years into the familiar British stop-go syndrome: whose characteristics are a very low growth (perhaps (only 1½ to 2½ per cent per annum), plus a worrying rate of continuing inflation, plus a pretty dreadful balance of payments position, although also probably a smaller rise in unemployment than most prophets of doom-through-stagnation have foretold.

Plainly the worst thing for everyone would be a real American recession, which would quickly spread serious economic difficulties all round the world. Beside that, an American relapse into British-style stop-go would be a much lesser catastrophe: the poor American balance of payments associated with it would probably actually allow Britain to run a better balance of payments. Nevertheless, it really is not to anybody's advantage that the greatest and strongest of the free nations should put itself in an economic hobble in this way. Both in the international and domestic field the attractively progressive ideas sponsored by Dr. Paul McCracken and others at the Council of Economic Advisers do not seem to be getting through into policy.

Some say that this is because the only economist Mr. Nixon listens to is the more conservative, though equally numerate, Dr. Burns, who has written so many of the President's public relations statements and other messages, and has talked to the President about economic policy only in his spare time. Actually, a bigger trouble has been that fiscal policy can be enacted in America only after long delay (if then), so that the effect it has on policy works after even longer delay still. The real weapon of short-term economic management in the United States is monetary policy, which is in the hands of the committee system of the Federal Reserve. Like any committee system, this has a habit of reacting according to the moods of the moment, rather than according to the needs of the moment; so that it is quite capable of directing future policy to try to check the inflation of the past year instead of to avert the threat of recession next year.

That is why many economists welcome this week's announcement that Dr. Burns will take over as chairman of the Federal Reserve Board on February 1st. The welcomers include economists like Professor Milton Friedman who, despite his conservative image, fears that the Federal Reserve's present policy will lead to a recession next year. But it may be that the task of chairing the Federal Reserve now could best be undertaken either by a very determined despot or a very skilled diplomat; it is doubtful if Dr. Burns—an opinionated but scholarly man, inclined to bury himself in whatever papers are coming over his desk—really is enough of either of these things to put a whole committee machinery into reverse. Moreover Dr. Burns is not the sort of adviser who is likely to imprint on Mr. Nixon the concept that now most needs the presidential seal of approval. This concept is that America should determine to get back to 4 per cent annual growth, and should put more of the weight of its anti-inflationary policy on to countering the forces of cost push; it should stop thinking that it is doing anything apposite in battling on against the now faded forces of a once excessive demand pull.

THE VIETNAM COLLAPSE

And what is coming to look increasingly like Mr. Nixon's impending failure on his other main front, the Vietnam war, springs from much the same sort of cause. The economy is going wrong because of a mistaken analysis of the real cause of the trouble. The attempt to avoid a total defeat in Vietnam may be going wrong because of a mistaken analysis of American opinion. Mr. Nixon thought that he could repair the collapse of American morale that happened last year, by offering to end the war through an impartially supervised election and by reducing the American part in the fighting. It was a reasonable hope, so long as it was possible to believe that the damage to American self-confidence was reparable. It had seemed to be so, despite all that had happened since the Tet offensive and the New Hampshire primary last year. The lesson of the past week may be that it is not.

The demonstrations that took place on Moratorium day added little or nothing to the estimates of the relative number of Americans who support and oppose Mr. Nixon on the war. The total of those taking part—a million by most calculations, almost certainly not more than a million and a half—was only a fraction of the 30-odd per cent who had already registered their dissent through the opinion polls. The first reaction to the demonstrations, to judge from the Sindlinger poll taken just afterwards, may even have pushed a few per cent back to Mr. Nixon's side. But the real impact of Moratorium day was a negative one. It showed that Mr. Nixon has failed to do what he needed to do, which was to contain and then reduce the volume of dissent. The line between passive and active opposition to the war—between voting against it when the pollster comes to your door, and going out on to the streets against it—has been crossed by a larger number of respectable unrevolutionary Americans than ever before. This is a fact that has to be absorbed. It has certainly been absorbed by the people who run America's newspapers and television; many of them, perhaps most, have come to the conclusion that Mr. Nixon's attempt to match the rate of American withdrawal to the requirements of the battlefield has now been kicked from under him.

Mr. Nixon may well say that his policy has not been given a proper chance. He has proposed that the war should be put to the test of an election in Vietnam held under conditions which, to anyone of a democratic turn of mind, seem about as fair as could reasonably be hoped for. The North Vietnamese and Vietcong have rejected it, doubtless because they know they would not win such an election. Mr. Nixon has taken out part of the American army, and given new tactical instructions to the rest, and has thereby cut the number of American casualties. He can claim that the defeat the communists suffered in their great offensive last year has brought about a major change in Vietnam itself; about 90 per cent of South Vietnam's population are now said to be living in more or less secure areas, and the claim has been tested by reporters who have gone out and travelled through these areas. If he had time, Mr. Nixon has a policy that would work. But it is now very likely that he is not going to be given the time because the Americans—or enough of them—are no longer interested in the slow changes in statistics. They are no longer interested in a fair election for Vietnam, or a compromise settlement that has to be fought for. They have relegated Vietnam in their minds to the obscurity which, in Mr. J. K. Galbraith's phrase, it deserves. They just want to get it over with.

It is not, of course, the whole story. It is just possible that Mr. Nixon has more room for manoeuvre than most people have assumed. The savaging the communists took last year, and the bombing they are still taking now, may mean that that 90 per cent of more-or-less security can be maintained even if Mr. Nixon announces in the speech he plans to make on November 3rd that he is pulling a lot more troops out. The new fighting orders that Mr. Laird has been issuing might be fudged into something that men nowhere near the war would call a "ceasefire." That might take some of the steam out of the second round of demonstrations planned for mid-November. But on present evidence it is unlikely to go that way.

There now seems to be very little connection between what happens in Vietnam and what the American opponents of the war do. Each successive change of position by the Administration is swallowed whole; each inevitable bloodiness in what remains of the continuing war is seized upon as a reason for demanding another change of position. The enemy negotiators in Paris naturally see even less need to change their terms. If that is still the pattern next month, it is possible to guess what Mr. Nixon may then tell himself. He may tell himself that his duty to the unity of the United States takes priority over his responsibilities in Asia. He will say that, anyway, the consequences of a defeat in Vietnam may be limited by what has happened in east Asia since the Americans went into Vietnam: the rescuing of Indonesia, the new edge to the Russian-Chinese quarrel, North Vietnam's need to repair its battered economy. He will reflect that the United States is the first country that has ever tried to fight a televised war

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under the rules of democracy—free reporting, opinion polls, the lot—and that, if the result has been the unsurprising discovery that people loathe the war, that is something that all democracies will have to chew over in the future. He may know that he is giving too much away to the North Vietnamese too easily; that there will be a day of reckoning that is greater than any local defeat in Asia. But he may still decide that he has no choice but to wind up the war.

It has always been clear that the ultimate decision on this war should come from the American people. The decision need not be expressed in an election, or in a referendum formally addressed to the question of the war. It can come from what the man who has to run the United States judges to be the irreducible hostility of an unignorable opposition: unignorable not only in terms of peace in the streets, or his own prospects of re-election, but in terms of the stability of American society. It is the health of democracies, in the long run, that this is the principle they are based on. It is their weakness that they sometimes take great decisions without recognising the consequences that are likely to flow from what they are doing. This may be what is happening now in America. The consequences for western Europe, let alone eastern and southern Asia, of an American capitulation to a brave and ingenious but unrepresentative minority of South Vietnamese, sustained by soldiers from North Vietnam, are only just starting to be examined. Next month, with Mr. Nixon's appeal on November 3rd and the opposition's response ten days later, may settle the matter one way or the other. It may mark the moment when the other noncommunist countries will have to start making new dispositions to deal with a new situation: a world in which the United States has come to look smaller, more distant, more fragile, no longer a place you can comfortably lean on.

The Incomes Rout

(Note.—The usual surrenders on incomes policy have had the usual results. Mr. Jenkins has had to maintain his import and travel restrictions, and surreptitiously tighten his squeeze. There will be worse to come.)

Well, it's happened again. A main economic question for 1969 had been whether all the recent high, glad hopes of burgeoning British economic recovery would once more be destroyed by cowardice in allowing uncontainable wage inflation in the public sector of the economy. That was the story of last year when the fruits of Mr. Jenkins's brave near-£1,000 million a year tax increases in April, 1968, were thrown away in a fatal interview in early July, 1968, when two cabinet ministers told British Rail not to be so beastly as to lay off workers whose jobs had been made unperformable by their own trade unions' go-slow. British Rail went away to sign its big wage increase at Penzance, and from that moment Britain's costs and ills spiralled.

Now, with deadly similarity, the same sort of invidious example has been set this month. A fortnight ago the strike of London dustmen attracted considerable public sympathy. Unfortunately, the capitulation to it has also attracted immediate public imitation. Within a week a sizable proportion of the nation's coal miners had interpreted the dustmen's large rise as a sign that they too could get a bonanza settlement of their own wage claim if they came out on strike. They had interpreted it aright. Although coal is in the same apparently unpromising situation as British Rail last year—a nationalised industry in substantial deficit, with large parts of it kept open as a social welfare operation, so that any hard-headed employer ought on commercial grounds to welcome their closure by strikes or any other means—Lord Robens immediately agreed to an addition of at least £20 million to his annual wage bill. This represented everything that the trade union had thought of asking for in terms of higher wages, leaving unsatisfied only a small part of their claim about shorter hours.

To what should have been nobody's surprise, the immediate response of the miners was to extend their strike; they are now proclaiming as a major point of principle that surface workers should be allowed to count towards their overtime entitlement every part of their 40-hour working week during which they are actually eating meals. Lord Robens will find that henceforth strikes become much more common in the coal mines; that is always the experience of employers who weakly give way. The Government, which is supposed to exercise ultimate control over the purses of the public authorities who pay dustmen and miners, has not uttered a word of protest at these blows at its incomes policy. Indeed, it tacitly encouraged Lord Robens to settle at any price.

In the period ahead, all public authorities will now run away up the inflationary spiral. The big question is whether private industry will follow suit, as it did after Penzance. The consequences last time cannot be too frequently retabulated. From Penzance on, the rest of British industry also assumed that incomes restraint had been abandoned, and capitulation became for every negotiator the written order of the day. Between the beginning of that third quarter of 1968 and the first quarter of 1969, the nation's per annum wages and salary bill soared by over £1,000 million. That was why Mr. Jenkins had to introduce another crisis budget in November, 1968, and why for most of this year he has had to hold down consumption (and push up unemployment) as the rises in prices springing from the previous wage surrenders have worked their way up through to the shops. The rise in unemployment in this period of financial squeeze would have gone on for longer but for the extraordinary good luck of an expansion in world trade at about twice the rate which the Treasury itself had expected in late 1968. Few people are expecting a similar expansion of world trade in 1970; and all through this year it has been a matter of living on tenterhooks lest the same story of public sector surrender to wage inflation should come round again.

There is, possibly, just one hopeful factor compared with last year. In 1968 the Government was trying to exert its general economic squeeze through fiscal policy. The disincentive to the imitative grant of higher wages by private industry was supposed to be the general slackness of markets, and the fear that heavily taxed consumers would not be able to buy any products whose prices rose. It did not work because, after Penzance, industry immediately assumed that every other worker was going to get higher wages, and thus more buying power, so that the real squeeze on markets was over. In 1969, by contrast, the Government's squeeze is being applied through the money supply. Any private employer who followed Lord Robens's example in raising his weekly wage bill by between 6 and 10 per cent would have to draw between 6 and 10 per cent more money out of the bank on next week's payday. In present circumstances, a private employer might not be able to do this.

Nevertheless, the Government cannot be sure that the inflationary consequences of its own weakness will not spread. That is why Mr. Jenkins has decided this week to remain in open breach of his commitments to the IMF, the OECD, the Efta, the British Parliament and the British public by keeping the maximum permitted travel allowance for British tourists down at £50 a year and by extending the import deposit scheme (at the slightly reduced rate of 40 per cent) for another 12 months. The travel allowance is a discriminatory quota restriction on a particular form of rather desirable invisible imports; it has created contempt for the law, and for British tourists abroad; it is contrary to the written rules of both IMF and OECD; when the restriction was imposed, it was stated to be a very temporary measure. The import deposit scheme, although less objectionable in principle, was introduced for one year only. Parliament and British and foreign businessmen were given implicitly to understand that it would be removed this December unless the progress of Britain's balance of payments was unexpectedly bad. If the progress of Britain's balance of payments has recently been unexpectedly bad, this is not what once seems to remember the Prime Minister and the Chancellor saying to their party conference at Brighton.

The continuation of the import deposit scheme will also intensify the credit squeeze during the first quarter of next year. Hitherto industry had been assuming that the brutal drain on liquidity to be expected in that quarter of peak tax-gathering would be partly offset by the release of import deposit money. Now it is not going to be offset, and a wave of closures of small firms in the first half of next year, with a consequent increase in unemployment, becomes more probable. It may be that this strengthening of the squeeze has been made very necessary by the past fortnight's collapse of incomes policy. But Mr. Jenkins did not refer to the dustmen and coal miners when announcing the measures; and Labour MPs actually cheered him, apparently believing that he was keeping back a load of nice presents until nearer to general election time. The self-deception of British politicians, in the face of the umpteenth government betrayal of incomes policy in umpteen years, surpasses belief. One would have thought that no MP had sat through a showing of this old, said, bad, familiar film ever before.

What may be called the short- to medium-term prospect for the British economy must be grievously hurt by the wage inflation now set alight. Since the short- to medium-term political prospect will be greatly affected by this, all sorts of questions are now raised—including some new ones about the most likely date of the next general election. But the important long-term question is what can be done to restore some meaning to incomes policy. The first point to make is one that a future Conservative government, such as is now more likely to be created by the crisis that will eventually follow this week's surrenders, may note with some pleasure.

The tendency for incomes policy to collapse first in the public sector—not just in 1968 and 1969, but back to the Guillebaud inflation of 1960 and beyond—does illustrate the particular weakness put upon the British economy by the fact that the public sector is so large. Ordinary monetary and fiscal policy does not work as a sufficiently restraining force because nationalised industries and local authorities have the capability of pushing up wages in blithe disregard of it. They have special borrowing privileges in a money squeeze, and special fund-raising opportunities in a market squeeze; local authorities can recoup the cost of an excessive award to dustmen by putting up local rates (they cannot be deterred by any depression of market demand) and nationalised industries have special monopoly advantages in being able to put up their prices (or if the monopoly advantages should prove smaller than they thought—as if the coming rise in coal prices loses still more of the market to other fuels—then these industries fall back on more subventions from the taxpayer). One inescapable conclusion is that any future government, Tory or Labour, really must steel itself to standing up to strikes in the public sector. It must give specific instructions to employers in this sector that their total wage bills must not be allowed to rise in any year by more than a given incomes policy norm. Another conclusion is that Britain needs to move towards having a smaller public sector. A case for some denationalisations is being steadily made out by these repeated incomes policy disasters. If dustbin collection in Britain had been hired out on tender by local authorities to different private contractors across the country, then this month's monolithic wage inflation for all dustmen would have been averted, and Britain's customary economic crisis would have been at least somewhat delayed in 1970.

The other question is how wage inflation can be prevented from spreading. It may be that the next few months' experience will happily show that a money squeeze works better than a fiscal squeeze iu effecting this. But this should also be a function for the Prices and Incomes Board. There has been a rumour that next week's Queen's Speech might announce the demise of the Prices and Incomes Board, and the division of its prices side to the Monopolies Commission and its incomes side to Mr. George Woodcock's Commission on Industrial Relations. Fortunately, the rumour seems very unlikely to be true. It is more probable that the Monopolies Commission will in practice be merged into the PIB (even if some other name is used, see page 68), and that the Queen's Speech will say that an option will be kept open for a possible merger of the CIR with this enlarged body later. The explanation of this last option would be the recognition by everybody, except by its creators among the authors of the Donovan report, that the CIR has no work to do; but it probably cannot quite be shrunk into an unimportant subdepartment of any new joint PIB-cum-Monopolies Commission while Mr. George Woodcock is still there.

While this enlargement of the PIB might have some miner advantages—for example, it will be more difficult for a Tory Government to kill the PIB if the Monopolies Commission is also embedded into it—it would not overcome the PIB's present great disadvantage. It has become steadily clearer that it was a major misfortune when responsibility for making references to the PIB passed, at the time of Mrs. Castle's enthronement, from the old and dead Department of Economic Affairs to Mrs. Castle's Department of Employment and Productivity. Mrs. Castle's DEP is really only the old Ministry of Labour with a title coloured purple; basically, the civil service within it is still more interested in appeasement than incomes policy. It is a dreadful failure of economic management that the past fortnight's mess about dustmen and coal miners was not referred to the PIB which has been having to concern itself instead with the processing of films.

The proper next step for incomes policy would be to transfer control of the enlarged PIB-cum-Monopolies-Commission to the Treasury. After all, it is the lack of an incomes policy which is giving the Treasury most of its least pleasant work, year in and year out. As Mr. Jenkins made his announcement about import deposits and travel allowances this week, he should have had cause to remember that.

NATIONAL GALLERY SHOWS "CIVILISATION" A NO-COST SELL-OUT?

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, in order that the U.S. Congress and the American people know of an excellent film series at the National Gallery, these days, I am inserting in the Congressional Record the article from the Washington Post issue Tuesday, November 4, 1969, as follows:

"Civilisation" and the Rush Is On

(By Phil Casey)

The National Gallery of Art, which apparently figured it had a nice, quiet cultural festival on its hands, was wrong as it could be.

About 10,000 extra persons showed up and wanted to sit down in the gallery's 303-seat auditorium Sunday night to watch showings of the first program in a 13-part series of films and narration called "Civilisation."

J. Carter Brown, director of the National Gallery, noting immediately that he had a popular hit on his hands, decreed there shall be frequent showings of each of the films daily and Sunday, so that some of the thousands who want to see the series can see it.

Brown, who is getting the series free from the BBC, wishes that TV, either educational or network, would buy the series and show it to all of the people who apparently are eager to see it.

He has no control over that, but he can show the films as frequently as possible, and he is doing that, ever since he came face to face with what happened Sunday night.

"Civilisation" is a series of 13 one-hour films narrated by Sir Kenneth Clark and made originally for British TV. The plan had been to show the series only on Sundays and Saturdays, but Brown has given up that dream and he's glad civilization is such a hit.

This week, through Friday, the first program will be shown daily at 10:30 a.m., and 2:30 a.m. Then, on Saturday, the program will be shown at 10:30 a.m. 12:30 p.m. and 2:30 p.m.

On Sunday, programs two and three in the 13-part series will be shown together. Each show consists of two one-hour films. The shows begin at 12:30 p.m., 5:30 p.m. and 7:30 p.m.

These programs will be shown through the following week: at 10:30 a.m. and 2:30 p.m., Monday through Friday, and at 10:30 a.m., 12:30 p.m. and 2:30 p.m. on Saturday, Nov. 15.

The gallery will advertise a schedule of all programs and showings from now on. There is no charge. Free numbered tickets will be available in the gallery each day for the shows that day.

Last Sunday was an astounding day at the gallery. Normally, for a Sunday at this time of year, about 8,000 persons are counted visiting the gallery. On this occasion there were 22,000 persons, and Brown has a deep impression that about half of them wanted to go to the movie.

GLASS TARIFF SITUATION OUTLINED BY REISER

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. EDMONDSON. Mr. Speaker, the U.S. Tariff Commission currently is reviewing our tariff rates on glass products, including flat glass which is one of the major products of Okmulgee County in my district.

One of those who appeared during public hearings on the glass tariffs was Mr. Ralph Reiser, international president of the United Glass and Ceramic Workers of North America, AFL–CIO, CLC.

Mr. Reiser's statement before the Commission is an excellent presentation of the serious problems growing percentages of imports are causing the domestic industry, and of the need for continued tariff protection. I would like to have this statement made a part of the Record at this point:

Statement of Ralph Reiser, International President, United Glass and Ceramic Workers of North America, AFL–CIO, CLC

Mr. Chairman. My name is Ralph Reiser, I am International President of the United Glass and Ceramic Workers of North America, AFL–CIO, CLC. Let me begin by reading, rather than merely entering for the record, the position of Organized Labor as stated in recent conventions of the AFL–CIO. In the 1967 Convention the AFL–CIO stated and I quote from the Resolution on International Trade.

"Organized labor has consistently supported U.S. reciprocal trade policies in the national interest since 1934. AFL–CIO support for expanded trade has been based on the expectation that such expansion would contribute to the growth of employment and improvement of living standards at home and abroad.

"As conditions change, United States policies and their implementation must keep up with the times. In 1934, the Reciprocal Trade Agreements Act was passed during a depression, which was aggravated by world protectionism. In 1947, the General Agreement on Tariffs and Trade was signed amidst post-World War II devastated national economies in most parts of the world. In 1962, the Trade Expansion Act was passed with great expectations that have not been fully realized in the five years that followed.

"The AFL-CIO conditioned its support for the Trade Expansion Act on the promise that American workers and firms, adversely affected by imports, would be safeguarded and/or assisted. As a result of the Tariff Commission's rigid interpretation of that law, all petitions for trade adjustment assistance have been rejected. The AFL–CIO reaffirms its conviction that a workable and effective adjustment assistance program is essential as one solution for some trade-related problems.

"Moreover, in 1967, with the successful conclusion of the Kennedy Round trade negotiations, the AFL–CIO finds it necessary to call attention to additional problems that have developed.

"While the Kennedy Round was underway, many problems which created difficulties for American firms and groups of workers were not solved. Other nations have created or maintained barriers to trade, despite achievement of competitive prowess in world markets. Major trading nations have established quotas, border taxes, variable levies and buy-national policies. These have adversely affected some U.S. industries which could otherwise have become more competitive in world markets. Sheltered by these artificial barriers, which have created an unfair competitive situation to the detriment of some U.S. industries, foreign producers have frequently built up over-capacity, which has encouraged them to seek expanded outlets in the United States. These developments have had a disruptive effect on some American production and employment." Last week in Atlantic City, The AFL–CIO, in Convention stated and I quote from a similar Resolution.

"Organized labor's consistent support of U.S. reciprocal trade policies and the expansion of world trade has been based on the goal of increasing employment and improving living standards at home and abroad.

XUM

"Changes in world economic conditions require changes in U.S. trade policies. The Reciprocal Trade Agreements Act was adopted in 1934, during a depression which was aggravated by world-wide protectionism. The General Agreement on Tariffs and Trade of 1947 was signed amidst war-devastated national economies in most parts of the world. The Trade Expansion Act was passed in 1962 with great expectations that have not been fulfilled and with the promise of adequate adjustment assistance for adversely affected workers and firms that has not been kept.

"In 1967, the AFL–CIO called on the Administration and the Congress to reassess and revise the nation's trade policies, in the light of substantial changes in international investment, production, economic aid and trade. But these policies have not been updated. In 1969, the continuing deterioration of the U.S. position in world trade requires new national policies.

"The overall U.S. position in foreign trade has deteriorated, while world trade has expanded substantially. In manufactured goods, U.S. exports have declined from 27.7 percent of world exports to foreign markets in 1958 to about 23 percent of much greater world exports in 1968. U.S. exports have been rising slowly, while imports, particularly of manufactured and processed goods, have been rising rapidly. The result has been a narrowing surplus of exports over imports—down to $800 million in 1968—and no improvement is predicted for 1969.

"Temporary factors, such as the rapid growth of the U.S. economy from 1965 to 1968 and the more rapid rise in the price level since 1965, can explain only part of this deterioration. Basic causes of the change involve new factors that came to the fore in the 1960s and pose more serious problems for the 1970s.

"By the 1960s regional trading blocs and the revived economies of previously war-shattered nations were creating new trading conditions for the U.S.

"During the past twenty-five years most countries moved to manage their national economies—with direct and indirect aids for exports and bars to imports that have affected the U.S. trading position.

"The skyrocketing investments of U.S. companies in foreign operations—combined with licensing arrangements and patent agreements—have transferred American technology and know-how to plants throughout the world. As a result, the U.S. productivity lead had been narrowed or eliminated in numerous industries. Much of the foreign operations of U.S. firms, in plants, with American technology, that pay workers as little as 15 cents an hour, substitutes for U.S. production—exporting American jobs and displacing U.S. produced goods in American and world markets.

"The rapid growth of U.S.-based international companies has been substantially changing the composition, as well as the size of U.S. exports, imports and the trade balance. These companies can juggle exports, imports, prices, profits and dividends from one subsidiary to another, across national boundaries, for the private advantage of the firm. In 1969, a large share of U.S. exports and imports are intra-corporate transactions, within the structure of U.S. based international companies.

"Moreover, while U.S. trade, investment and aid policies have fostered expanded world trade and the rapid development of foreign production, many other nations' policies have failed to move in a similar direction, at a pace that would help equalize the healthy improvement of living standards among nations.

In addition, emphasis on expanded trade in many industrial and developing nations has failed to take into consideration the need to expand consumer markets and to improve domestic economic and social conditions. At the same time, the vast American market, with its high living standards, is a prime attraction to the export of foreign firms and foreign subsidiaries of American companies.

"The combination of these conditions has resulted in soaring increases of imports of a wide and spreading variety of products and components in recent years—disrupting markets, with adverse impacts on workers, communities and smaller companies.

"Old concepts and labels of "free trade" and "protectionism" have become outdated in this world of managed national economies, international technology, the skyrocketing rise of U.S. foreign investment and the growth of multi-national companies.

"AFL–CIO support for the orderly expansion of trade does not include the promotion of private greed at public expense or the undercutting of U.S. wages and labor standards. Our support for expanded trade involves the expansion of employment at home and among our trading partners. Our objective is to actively promote improved living standards and working conditions here and abroad."

I cite these excerpts from these Resolutions to refute the common assumption that Organized Labor is for International Trade period.

The support that labor gave GATT was based on the promises made in both Senate and House Hearings that workers who lost their jobs would be provided for in both training and compensation to make the transition to other industries or jobs.

Mr. Robert L. McNeill, as Deputy Assistant Secretary for Trade Policy, Department of Commerce, admitted this fact when he appeared before the House Subcommittee on Foreign Economic Policy on August 17, 1966, and stated as follows:

"We believe that the double test of the Trade Expansion Act to establish eligibility for assistance is far too severe. It requires that any dislocation result in major part from a tariff concession, and second, that the injury must in major part, be a result of imports. That is indeed a very difficult and severe test that has been impossible to meet since 1962 when the act was legislated by the Congress."

This promise has not been kept. For the Commission to render a decision that would result in workers losing their jobs seems inconceivable when it has been demonstrated time and again that trade and adjustment relief is more theoretical than real.

The flat glass industry pays wages which are among the highest paid by industries in the United States. In 1967, the average hourly earnings for production workers in the flat glass industry reached a level of $3.66 an hour, excluding fringe benefits, or 30% above the average hourly wage earnings for all manufacturing industries.

This high wage characteristic of the flat glass industry is of significance because the industry's plants are predominantly located in the poverty-stricken areas of the United States. Of a total of 23 flat glass plants in operation during 1967, 13 located either in the Appalachian poverty belt or in areas which have been designated by the U.S. Department of Labor as areas of substantial unemployment.

In considering the question of the extension of escape clause tariff rates to imports of sheet glass, Vice Chairman Sutton of the U.S. Tariff Commission stated that the duties must be maintained—"at least until the effect of the partial restoration of rates already effective can be ascertained and until economic conditions in these communities have materially improved." Despite its potential for creating and maintaining high-paying jobs, employment in the U.S. flat glass industry has continued to decline in the wake of previously stated events.

As of March 1968, total employment in the U.S. flat glass industry was 30,500 compared with 32,300 in March 1967 and 32,800 in March 1966. The high point in the industry's employment was reached in March 1959 at 36,700 workers, according to BLS data.

Officials of the U.S. Department of Commerce, the Small Business Administration, and the U.S. Department of Labor have visited flat glass factories in Fresno, California; Shreveport, Louisiana; Henryetta and Okmulgee, Oklahoma; and Charleston and Clarksburg, West Virginia. The stated purpose of these visits was to enable the Government representative as part of a task force appointed by President Johnson "to search for alternate employment and to take other steps which will work out long-term solutions to the problems created by job dislocation."

At each plant, the Government representatives met with representatives of labor and management, and in some instances with other leaders in the communities in which the plants are located. Without exception, the labor, management, and civic representatives conveyed the determination of the affected members of each community to keep the flat glass plants in existence because of their importance to the economic life of their communities and because of the practical impossibility of retraining the highly paid flat glass workers for comparably remunerative employment in their communities.

The size of the work force and the payrolls represented by these flat glass plants were shown to be of such importance to the business, commercial, and cultural life of these communities that their elimination through deliberate tariff action by the United States was totally unacceptable to the workers and to the community leaders, as well as to management of the plants. The loss of employment in the communities in which flat glass plants are located as a result of the continuing gross imbalance in U.S. foreign trade in flat glass can be measured. By relating the plant shipments of flat glass to total employment in the flat glass industry, it is possible to derive a general indication of the amount of employment associated with each thousand square feet of plant shipments of flat glass. When this factor is applied to the square foot equivalent of flat glass moving in foreign trade, an approximation of the United States employment counterpart of these imports and exports may be derived.

On this basis, in 1967 the net balance of employment attributable to United States foreign trade in flat glass was a deficit of 7,268 jobs. The employment equivalent of imports exceeded the employment equivalent of exports by that amount.

At the prevailing average wage, this loss of 7,268 jobs in 1967 as a result of the deficit in U.S. foreign trade in flat glass represented a loss of payroll for the communities in which the industry's plants are located of $56 million. Despite the total awareness of the loss of jobs resulting from GATT not one of these workers have received aid provided for in these various schemes.

We Glass Workers do not seek handouts or subsidies. We cite this woefull tale of betrayal of the workers in the flat glass industry to remind you in your deliberations that the only chance we Glass Workers have is time, time to adjust, time for our plans to materialize.

We haven't given up or pushed the panic button while consistent across the board reduction in U.S. import duties tears down more than we can build up during the same time period.

We need time for plans such as:

DOMESTIC

1. To cooperate in the installation and the change of methods of production in the various plants where we hold bargaining rights.
2. Utilize the Stone, Glass & Clay Co-

ordinating Committee to seek the inclusion of an international fair labor standards provision in all international agreements, by securing relief and subsidies, wages and training for members who become victims of GATT and lose their jobs.

3. Participate in and advance our activities in the Industrial Union Department of the AFL–CIO, such as coordinated bargaining, computer data, organizing and other programs to meet the flood of expected imports.

FOREIGN

1. Participate in and advance Glass, Ceramic and Chemical Committees of ICF so as to raise wages of workers producing products for the United States, Canada and other desirable markets.

2. Participate in and advance the work of ILO that sets up the working conditions that most countries abide by. Pressing for an international fair labor standards provisions.

These plans are not just pie in the sky. With new methods of production we Glass Workers have upped our production to 182.8 on the Federal Reserve score card. (1957–59=100)

Because of the international flow of flat glass technology and licensing arrangements, the U.S. producers cannot offset the competitive leverage achieved by foreign producers from low cost labor inputs—from one-third the U.S. wage rate in European countries to one-twentieth of our wage rate in Asian countries.

The competitive advantage arising from low wage foreign labor, has thrown open the U.S. flat glass market not only to wholesale usurpation of market growth by foreign producers but also the continual erosion of the U.S. producers' share of the remaining domestic demand for flat glass products.

In light of the industry's inability to either close the existent and growing competitive wage gap or to participate in any meaningful fashion in foreign markets due to the effective preclusion of U.S. products through a myriad of tariff and nontariff barriers. We have virtually left no stone unturned in other areas, in an effort to secure some semblance of an equitable market for flat glass.

We have joined with our fellow Glass Workers throughout the world in the I.C.F. (The International Federation of Chemical Workers). These Glass Workers do not appreciate the low pay they receive for producing glass sold in the United States. We have set up machinery to coordinate collective bargaining to meet the integrated global policies of these multi-national corporations.

This is not a term merely denoting domestically-oriented enterprises with international operations, but truly world-oriented corporations.

These are genuinely global in their perspective; their management makes fundamental decisions on marketing production, research, investment and industrial relations and wage policies in terms of alternatives existing anywhere else in the world.

Operating from manufacturing bases in at least a dozen countries they allocate capital, manpower and other resources globally. Their domestic and foreign operations are intrinsically integrated. It is not uncommon for these large corporations to earn up to 50 and 60 percent of their profits from foreign operations.

The report of the Monopolies Commission of the United Kingdom on The Supply of Flat Glass presents the following information on the operation of the Pilkington flat glass monopoly in the United Kingdom; the Compagnie de Saint-Gobain (St. Gobain) and the Glaverbel/Boussois/Delong which form a flat glass cartel in Europe; and the Asahi Glass Co., Ltd., Nippon Sheet Glass Co., Ltd., and Central Glass Co., Limited, three companies which make up a flat glass cartel in Japan.

The Japanese cartel is precluded from gaining major access to the market of the United Kingdom or Western Europe. The European cartel is restrained by agreement from penetrating the U.K. market above export quotas which are established by agreement between Pilkington and the European cartel. Only the United States market is freely open, and the benefit of the open-door policy which has been created by our Government is extended to foreign monopolistic aggregations which are able to charge any price they choose to progressively take over the United States market.

As stated in the report of the U.K. Monopolies Commission on flat glass, under a draft agreement between Pilkington and the producers of France, Belgium and Germany, "broad quotas are laid down on a square footage basis for the total sheet exports of each national group, and the parties agree to observe common prices and conditions of sale in world export markets, each party's domestic market only being excepted. Although the agreement was never signed, we are told by Pilkington that its provisions have been loosely observed."

The effectiveness of this agreement for its beneficiaries is shown by the fact that, as reported by the Monopolies Commission, "In 1966 about nine per cent by value, and about eight per cent in terms of quantity, of the United Kingdom demand was met by imported glass."

The roughly equal shares of the United Kingdom market supplied by imports, whether expressed in value or in quantity, as indicated by the above quotation, are in marked contrast to the situation previously discussed in the United States in which very low unit values for foreign products yield a much lower market penetration ratio by value than by quantity. The implication is clear that as a result of the working arrangement between Pilkington and the European cartels, prices are maintained at levels acceptable to the European and United Kingdom groups, and the actual volume of imports permitted into England is correspondingly controlled.

In addition to the cartel arrangement mentioned for sheet glass, the Monopolies Commission reported that the four principal overseas suppliers of float and plate glass are the Western European producers which charge identical delivered prices and have identical conditions of sale. Further, the Commission reported that the share of the Western European glass makers of the market in the United Kingdom has been much reduced, and those producers "like Pilkington itself, may be willing on occasion to dispose of surplus production by selling it abroad at a low margin of profit."

The result of Pilkington's monopoly position and the cartel agreement between the Western European flat glass producers and Pilkington is to reduce competition within the home market of each producer from other members of the cartels while leading to a concert of pricing and export actions on their part in disposing of their surplus production in the open markets of the world, the principal one of which is the United States.

Because of past governmental action, public attention has been focused primarily upon the plight of the domestic sheet glass industry. In this respect, it should be noted that U.S. consumption in dollar terms of the remaining basic flat glass products (plate, float, cast and rolled) is even larger than that of sheet glass. Imports of these other basic flat glass products have also increased to a critical level.

We support the industry's petition to extend the remaining modified Escape Clause Tariff Rates on sheet glass originally proclaimed by President Kennedy in 1962.

Further, we pray that you will find that sheet glass, plate and float glass, cast and rolled glass, and tempered glass are, as a result, in major part of concessions granted under trade agreements being imported into this country in such increased quantities as to cause, or threaten to cause, serious injury to the domestic flat glass.

In conclusion—

The ever increasing rate of foreign participation in our domestic market can not, and should not, be allowed to continue to the inevitable result that the U.S. Glass Industry—beleaguered by low wage, off-shore production—would transfer productive capabilities abroad—to compete in our own market place—at the expense of our jobs.

Management can and may export their capital—the workers have no option—only trade adjustment assistance—versus poverty. What's the score—Poverty 32 Trade Assistance 0.

OPPOSITION TO THE VIETNAM MORATORIUM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. PRICE of Texas. Mr. Speaker, in recent weeks, the voices of protest over the course of the war in Vietnam have reached a pitch that threatens to overpower, by sheer volume, the less strident voices of those Americans who believe that we have a vested interest in fighting the enemies of freedom, and that a historic battle against the forces of tyranny is being waged in the jungles of Southeast Asia.

I believe, and I know my views are shared by millions of Americans across the land, that our cause in Vietnam is just, and goals are worthy.

I know full well that our national and individual sacrifices have been great ones. As a Korean war veteran, I also know the cost of freedom is high for its defenders, and the price of freedom is high for those who, like the South Vietnamese, desire it.

As a compelling reminder of the cost of freedom, and the feelings of many of those whose sons have sacrificed their lives to bring it to the valiant people of South Vietnam, I place in the Record the statement of a father whose son was killed on the field of battle. His statement is a forceful reply to those individuals who are trying to undermine our national efforts by their support of government of the streets and of the alleys:

[Taken from Wichita Falls Record News, Oct. 17, 1969]

Use of Son's Name Blasted by Parents of War Victim

Las Vegas, Nev.—"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hypocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died".

Thompson's son, Gregory, was an 18-year-old Army PFC who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the day after Moratorium Day, mirrored the other side of America's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protesters," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave. . . .

"It is we the parents who said goodbye to him when he went away to fight—not the peace agitators. It is we the parents who wrote long, anxious letters to him during his three months of almost continuous combat—not the agitators. . . . My son was killed while fighting for his country. America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him"

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